Public Comment After Review Period (9/15/25 - 10/26/26)

APPENDIX 11F - PUBLIC COMMENT AFTER PUBLIC COMMENT PERIOD

Public Comment Log and Bates-Stamped Page Index

Public comments received after the Draft Final Airport Master Plan review period are included in this document.

COMMENTS AFTER REVIEW PERIOD

Last Name	First Name	Date of Comment	Received Through	Subject Line	Stamped Page Number
Kellington	Wendie	09/15/2025	Email	Aurora PAC - Draft Final Airport Master Plan posted to Website	**A11F0003–A11F0009**
Marion County		09/19/2025	Email	Marion County Public Works (3 parts)	**A11F0010–A11F0170**
Robinson	David	10/06/2025	Email	From: City of Aurora City Attorney	**A11F0171–A11F0172**
Sugahara	Kenji	12/02/2025	Email	Thank you - Follow-up Presentation Slidedeck and Joint Letter from Mayors	**A11F0173–A11F0178**
Williams	Ben	02/24/2026	Website	Public comment	**A11F0179–A11F0183**
Wytoski	Beth	03/10/2026	Email	ODAV Town Hall Discussion Topics (9 March)	**A11F0184–A11F0189**
Pauly	Dan	10/13/2025	Email	City of Wilsonville Comments on 2025 Aurora Airport Master Plan	**A11F0190–A11F0196**
Chambers	Scott	10/25/2026	Email	Comments in advance of the Aviation Board hearing re: Adoption of the Aurora State Airport Master Plan	**A11F0197–A11F0228**
Williams	Ben	10/26/2026	Email	Comments on State Agency Coordination Findings for the Adoption of the Aurora State Airport Master Plan	**A11F0229–A11F0300**

From: Samantha Peterson
To: Rachel Montagne
Subject: FW: Aurora PAC - Draft Final Airport Master Plan posted to website
Date: Thursday, September 18, 2025 11:24:06 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
image011.png
image012.png
image013.png
image014.png
image015.png
image016.png
image017.png
image018.png

Can you add for our public involvement folder

I would probably add another sub-folder for comments received since Agency Review.

From: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>
Sent: Wednesday, September 17, 2025 1:20 PM
To: Samantha Peterson <SPeterson@CenturyWest.com>; THOMAS Alex R <Alex.R.THOMAS@odav.oregon.gov>
Subject: FW: Aurora PAC - Draft Final Airport Master Plan posted to website

FYI

From: BEACH Anthony
Sent: Wednesday, September 17, 2025 12:48 PM
To: Wendie Kellington <wk@klgpc.com>; Brandy Steffen <brandy.steffen@jla.us.com>; SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>
Cc: Tony Helbling - Wilson Construction Company (helbling@wilsonconst.com) <helbling@wilsonconst.com>; Ted Millar <tmillar@wwpmi.com>; Aron Faegre (faegre@earthlink.net) <faegre@earthlink.net>
Subject: RE: Aurora PAC - Draft Final Airport Master Plan posted to website

Hi Wendie,

No it has not yet been adopted. We will publish notice for the final adoption, which will include the public record and findings of compatibility.

Tony Beach
OREGON DEPARTMENT OF AVIATION
STATE AIRPORTS MANAGER
OFFICE 503-378-2523 **CELL** 503-302-5455
M-F 7:30am – 4pm

From: Wendie Kellington <wk@klgpc.com>
Sent: Wednesday, September 17, 2025 12:41 PM
To: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>; Brandy Steffen <brandy.steffen@jla.us.com>; SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>
Cc: Tony Helbling - Wilson Construction Company (helbling@wilsonconst.com) <helbling@wilsonconst.com>; Ted Millar <tmillar@wwpmi.com>; Aron Faegre (faegre@earthlink.net) <faegre@earthlink.net>
Subject: RE: Aurora PAC - Draft Final Airport Master Plan posted to website

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Tony,

That is disappointing. Has the master plan been finally adopted? And are there findings supporting its adoption? I missed those if so. Please advise. Moreover, this is to reiterate this firm's and TLM Holdings LLC's request for timely notice of the final adoption of the Aurora State Airport Master plan to include its findings of land use compliance and consistency. Thank you. Regards, Wendie

---

From: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>
Sent: Wednesday, September 17, 2025 12:33 PM
To: Wendie Kellington <wk@klgpc.com>; Brandy Steffen <brandy.steffen@jla.us.com>; SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>
Cc: Tony Helbling - Wilson Construction Company (helbling@wilsonconst.com) <helbling@wilsonconst.com>; Ted Millar <tmillar@wwpmi.com>; Aron Faegre (faegre@earthlink.net) <faegre@earthlink.net>
Subject: RE: Aurora PAC - Draft Final Airport Master Plan posted to website

Hi Wendie,

We accommodated your request from April 11th to include a comment about surrounding property being suitable for airport related development on the Airport Layout Plan. We disagree that this new master plan must be consistent with previous master plans. We also disagree that the master plan is in conflict with zoning, and that anything we could add will make or change zoning.

It is unfortunately too late to make changes to the master plan, but we appreciate the input from you, the public, and the PAC to help shape the plan in its final form.

Thank you,

Tony Beach
OREGON DEPARTMENT OF AVIATION
STATE AIRPORTS MANAGER
OFFICE 503-378-2523 **CELL** 503-302-5455
M-F 7:30am – 4pm

From: Wendie Kellington <wk@klgpc.com>
Sent: Monday, September 15, 2025 12:58 PM
To: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>; Brandy Steffen <brandy.steffen@jla.us.com>; SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>
Cc: Tony Helbling - Wilson Construction Company (helbling@wilsonconst.com) <helbling@wilsonconst.com>; Ted Millar <tmillar@wwpmi.com>; Aron Faegre (faegre@earthlink.net) <faegre@earthlink.net>
Subject: RE: Aurora PAC - Draft Final Airport Master Plan posted to website

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Tony, Kenji and Brandy,

With all due respect, the fact that ODAV does not want to make conform the designation of the TLM property on this master plan in a manner that is consistent with the 1976 plan, demonstrates that the failure to do so is an important omission. If it were no big deal, then it would be no big deal to restore these provisions from the acknowledged 1976 master plan. If ODAV learned anything from the various Schaefer inspired lawsuits, it is that this 2025 master plan must be consistent with the acknowledged 1976 master plan. And the 1976 master plan shows on all ALP drawings including terminal plan and others the TLM property is suitable for airport related development in private ownership and suggests plan policies designed to carry forward that designation. This draft 2025 master plan while showing on the ALP the TLM property as suitable for airport related development (which we assume means whether in public or private ownership), carries forward none of the other designations that the TLM property is suitable for airport related development in private ownership and the 2025 plan should be adjusted to ensure it is in conformity with the 1976 master plan that is acknowledged to comply with all land use rules. Please be sure this response is included in the master plan record. The 1976 acknowledged KUAO master plan in the county comprehensive plan states the following:

The 1976 Acknowledged Airport Plan

AIRPORT PLANS

CONCEPT	29
AIRPORT LAYOUT PLAN	30
APPROACHES, OBSTRUCTIONS, EASEMENTS	31
TERMINAL AREA PLAN	34
SURFACE ACCESS	36
ENVIRONMENTAL CONSIDERATIONS	38
LAND USE PLAN AND RECOMMENDED ZONING	40

KELLINGTON LAW GROUP, PC

Airport Layout Plan



KELLINGTON LAW GROUP, PC

Terminal Area Plan

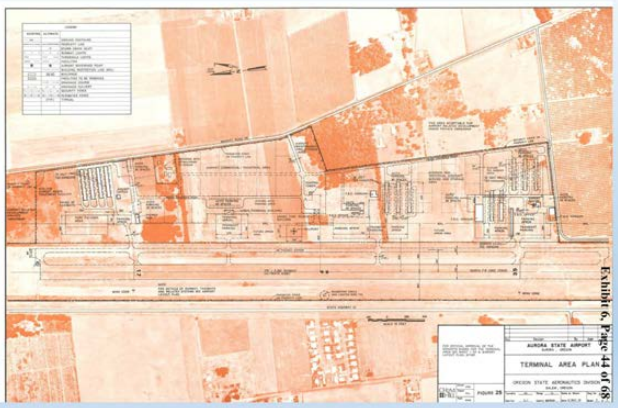
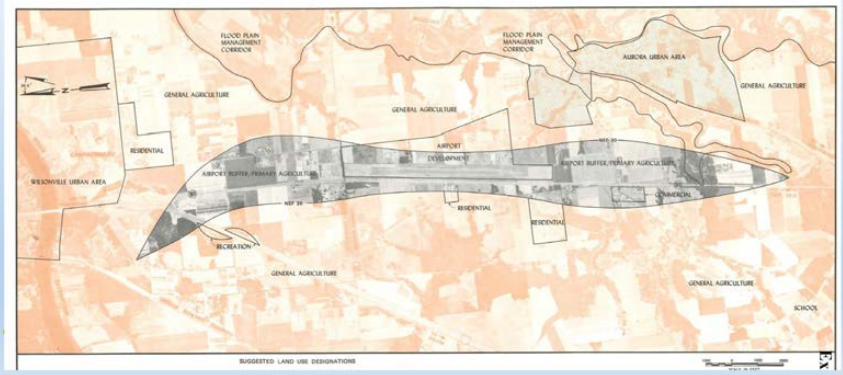
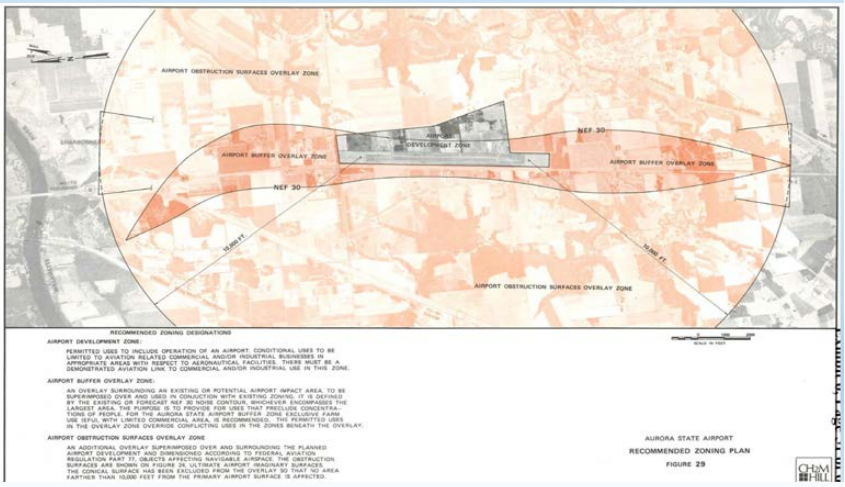


Exhibit 6, Page 44 of 68

Subject property is acknowledged as in the "Airport Development" Zone (Exhibit 6, p 50)





The Designation of the Subject Property as "Airport Development"

SUGGESTED LAND USE DESIGNATIONS

AIRPORT DEVELOPMENT:

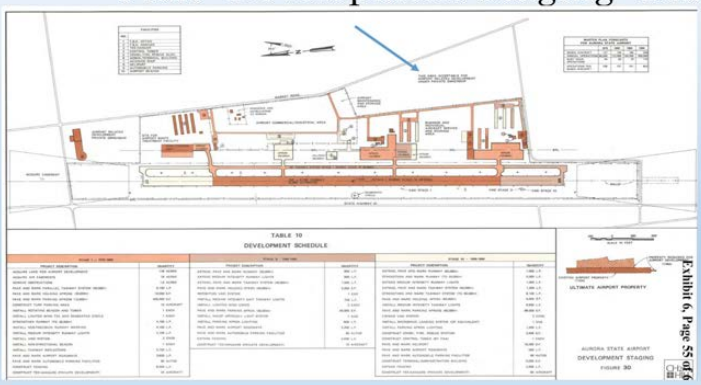
ND BUSINESS SERVICE — INCLUDES THE ACTUAL FACILITIES OF THE AIRPORT SUCH AS, THE RUNWAY, TAXIWAYS, PARKING APRONS, HANGARS, ADMINISTRATION AND OPERATION BUILDINGS, CLEAR ZONES, ETC. AVIATION RELATED INDUSTRIAL AND COMMERCIAL BUSINESSES ALSO ALLOWED IN APPROPRIATE AREAS.

EAS, INCLUDING PROPER OPEN

Airport Development designation is consistent with EFU zoning applied to property before being developed with airport uses

KELLINGTON LAW GROUP, PC

1976 Acknowledged Airport Master Plan "Development Staging" Plan



"This Area Acceptable for Airport Related Development in Private Ownership"

Exhibit 6, Page 55 of 56

EFU zoning is acknowledged in the 1976 MP as a type of holding zone for the subject property

The airport Master Plan has been submitted to Marion County and Clackamas County for guidance in adopting new zoning in agreement with the airport. Figure 29, recommends a zoning plan and three new zones. The first zone is an Airport Development Zone, described on Figure 29. This zone is presently mostly PA, Public Amusement, for the airport and RA, Residential Agricultural, which is propsed for change to F-20, Farm-20 acres or EFU, Exclusive Farm Use.

KELLINGTON LAW GROUP, PC

(Same letter sent (with variations as to dates, etc., and omitting last paragraph, page 2,) to Clackamas County and Mayors of Wilsonville and Aurora.)

STATE OF OREGON
AERONAUTICS DIVISION

3040 25th STREET S.E. • SALEM, OREGON • 97310 • Phone 378-48

OBERT W. STRAUB
GOVERNOR

PAUL E. BURCH
Aeronautics Administrator

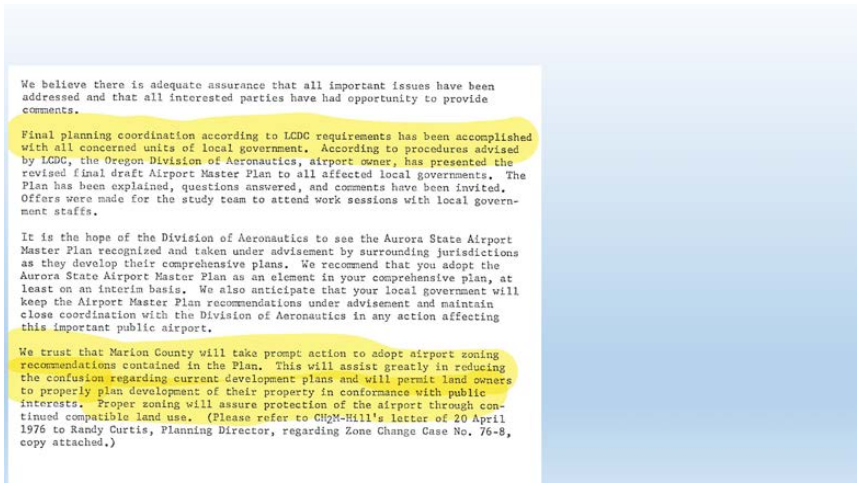
May 20, 1976

Marion County Board of Commissioners
Marion County Courthouse
Salem, OR 97301

Gentlemen:

Aurora State Airport Master Plan,
Coordination with Local Governments

In continuation of our coordination with local governments on this project, this letter is to inform you that the Aurora State Airport Master Plan will be published shortly. Elected officials and their planning staffs of the jurisdictions involved, as well as local citizens, have received information from the Airport Master Plan including discussion of impacts on areas surrounding the airport. The plan presents recommendations as to how local governments may use the Airport Master Plan to their advantage in local planning.

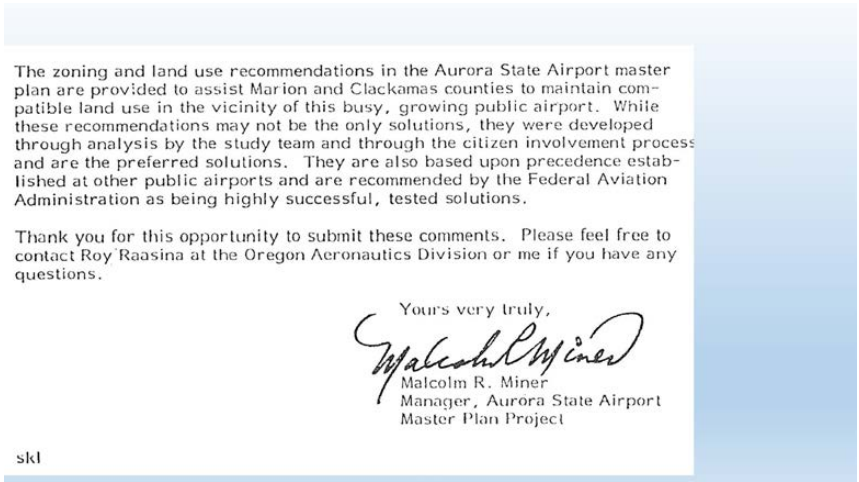


We believe there is adequate assurance that all important issues have been addressed and that all interested parties have had opportunity to provide comments.

Final planning coordination according to LCDC requirements has been accomplished with all concerned units of local government. According to procedures advised by LCDC, the Oregon Division of Aeronautics, airport owner, has presented the revised final draft Airport Master Plan to all affected local governments. The Plan has been explained, questions answered, and comments have been invited. Offers were made for the study team to attend work sessions with local government staffs.

It is the hope of the Division of Aeronautics to see the Aurora State Airport Master Plan recognized and taken under advisement by surrounding jurisdictions as they develop their comprehensive plans. We recommend that you adopt the Aurora State Airport Master Plan as an element in your comprehensive plan, at least on an interim basis. We also anticipate that your local government will keep the Airport Master Plan recommendations under advisement and maintain close coordination with the Division of Aeronautics in any action affecting this important public airport.

We trust that Marion County will take prompt action to adopt airport zoning recommendations contained in the Plan. This will assist greatly in reducing the confusion regarding current development plans and will permit land owners to properly plan development of their property in conformance with public interests. Proper zoning will assure protection of the airport through continued compatible land use. (Please refer to CH2M-Hill's letter of 20 April 1976 to Randy Curtis, Planning Director, regarding Zone Change Case No. 76-8, copy attached.)



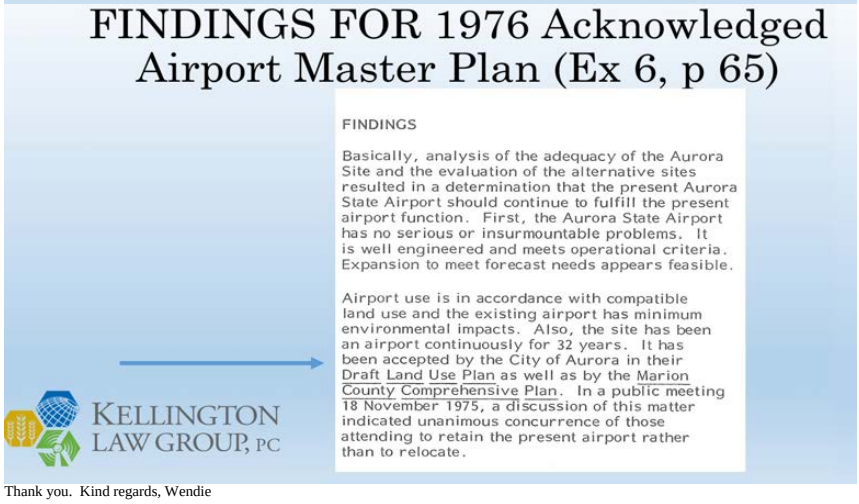
The zoning and land use recommendations in the Aurora State Airport master plan are provided to assist Marion and Clackamas counties to maintain compatible land use in the vicinity of this busy, growing public airport. While these recommendations may not be the only solutions, they were developed through analysis by the study team and through the citizen involvement process and are the preferred solutions. They are also based upon precedence established at other public airports and are recommended by the Federal Aviation Administration as being highly successful, tested solutions.

Thank you for this opportunity to submit these comments. Please feel free to contact Roy Raasina at the Oregon Aeronautics Division or me if you have any questions.

Yours very truly,

Malcolm R. Miner
Manager, Aurora State Airport
Master Plan Project

skl



FINDINGS FOR 1976 Acknowledged Airport Master Plan (Ex 6, p 65)

FINDINGS

Basically, analysis of the adequacy of the Aurora Site and the evaluation of the alternative sites resulted in a determination that the present Aurora State Airport should continue to fulfill the present airport function. First, the Aurora State Airport has no serious or insurmountable problems. It is well engineered and meets operational criteria. Expansion to meet forecast needs appears feasible.

Airport use is in accordance with compatible land use and the existing airport has minimum environmental impacts. Also, the site has been an airport continuously for 32 years. It has been accepted by the City of Aurora in their Draft Land Use Plan as well as by the Marion County Comprehensive Plan. In a public meeting 18 November 1975, a discussion of this matter indicated unanimous concurrence of those attending to retain the present airport rather than to relocate.

KELLINGTON LAW GROUP, PC

Thank you. Kind regards, Wendie

From: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>
Sent: Friday, September 5, 2025 2:54 PM
To: Wendie Kellington <wk@klgpc.com>; Brandy Steffen <brandy.steffen@jla.us.com>; SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>
Cc: Tony Helbling - Wilson Construction Company (helbling@wilsonconst.com) <helbling@wilsonconst.com>; Ted Millar <tmillar@wwpmi.com>; Aron Faegre (faegre@earthlink.net) <faegre@earthlink.net>
Subject: RE: Aurora PAC - Draft Final Airport Master Plan posted to website

Hi Wendie,

Thank you for your comments and input throughout this process. We did make changes based on your previous comments, and we do not see the need for further edits as there is no conflict in the ALP set with Marion County's zoning, or changes to the zoning that the ALP set would make.

Thanks again,

Tony Beach
OREGON DEPARTMENT OF AVIATION
STATE AIRPORTS MANAGER
OFFICE 503-378-2523 **CELL** 503-302-5455
M-F 7:30am – 4pm

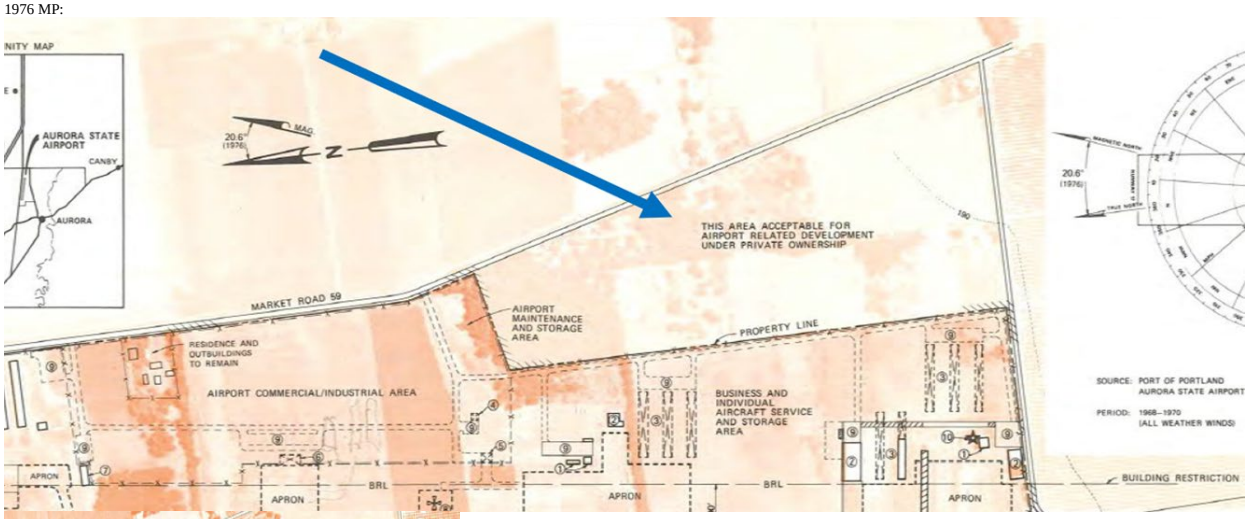
From: Wendie Kellington <wk@klgpc.com>
Sent: Thursday, September 4, 2025 6:22 AM
To: Brandy Steffen <brandy.steffen@jla.us.com>; BEACH Anthony <Anthony.BEACH@odav.oregon.gov>; SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>
Cc: Tony Helbling - Wilson Construction Company (helbling@wilsonconst.com) <helbling@wilsonconst.com>; Ted Millar <tmillar@wwpmi.com>; Aron Faegre (faegre@earthlink.net) <faegre@earthlink.net>
Subject: FW: Aurora PAC - Draft Final Airport Master Plan posted to website
Importance: High

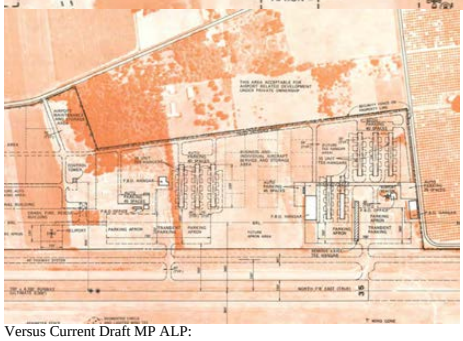
This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Brandy, Tony, Kenji,

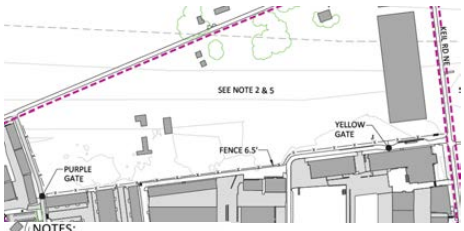
Regarding the KUAO master plan draft referenced below. TLM Holdings LLC and its managing member, Ted Millar, PAC members and significant KUAO stakeholders, point out what we hope is a mistake on the below KUAO master plan draft and ask that you correct it immediately. While Draft KUAO MP ALP Sheet 3 of 17 shows TLM's property with "Notes 2 and 5" which is both the willing seller language and designation of "Land Suitable for Airport Related Development", ALP Sheet 4 of 17 – the Terminal Area Plan - does not do that. Rather, the "Terminal Area Plan" incorrectly shows TLM's property with only a "Note 2" with the willing seller language. The designation of "Land Suitable for Airport Related Development" is missing – **putting the master plan significantly and directly at odds with the Marion County acknowledged comprehensive plan** which designates the subject TLM property as "this area acceptable for for airport related development under private ownership" on BOTH the ALP and the Terminal Area Plan. Please confirm whether this is a mistake and that you will make this required correction. Thank you:

1976 MP:



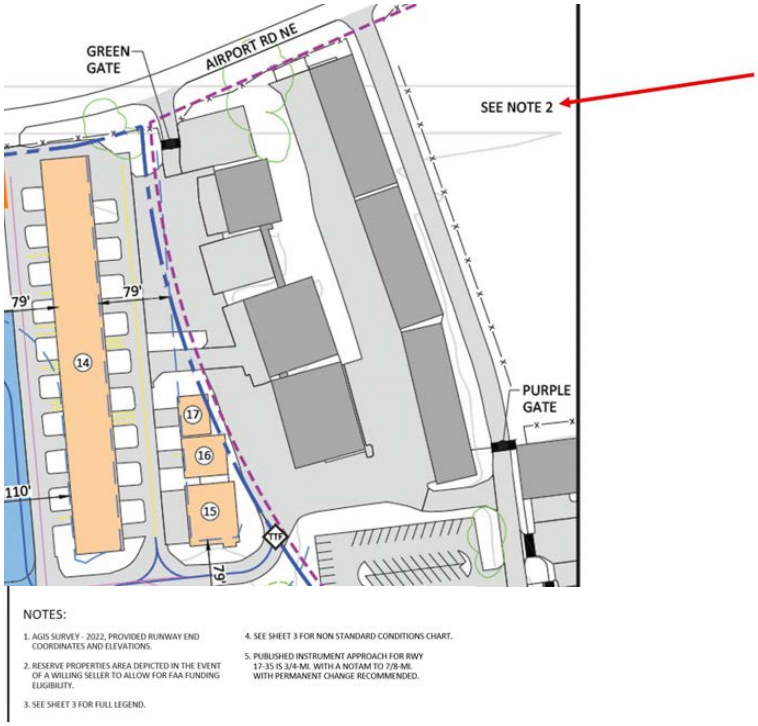


Versus Current Draft MP ALP:





And current MP Terminal Area Plan:



Regards, Wendie Kellington

KELLINGTON LAW GROUP
Wendie L. Kellington | Attorney at Law.
MAILING ADDRESS:
P.O. Box 2209
Lake Oswego, OR 97035
PHYSICAL ADDRESS
4500 Kruse Way, #340
Lake Oswego Or 97035
(503) 636-0069 office
(503) 636-0102 fax
wk@klgpc.com
www.wkellington.com

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From: Brandy Steffen <brandy.steffen@jla.us.com>
Sent: Tuesday, September 02, 2025 4:30 PM
Cc: BEACH Anthony <Anthony.BEACH@oday.oregon.gov>
Subject: Aurora PAC - Draft Final Airport Master Plan posted to website

Good day PAC members,

We appreciate those of you that reviewed and commented on the draft final Airport Master Plan report. The Planning Team and ODAV have reviewed these comments and:

- have made one addition to the Airport Layout Plan sheet adding "Note 5; the other input received has been acknowledged or addressed during the planning process."
- included all PAC and public input received during the draft final review period in Appendix 11 – Public Records.

The updated draft final Airport Master Plan report and appendices are included on the Project Website: https://publicproject.net/auroraairport#. As part of the planning process, ODAV has begun their coordination with the cities and counties who have land use jurisdiction for the airport and its protected airspace.

Thank you,
BRANDY STEFFEN | JLA PUBLIC INVOLVEMENT

Partner + Senior Program Manager

County Commissioners
Danielle Bethell, Chair
Colm Willis
Kevin Cameron

Chief Administrative Officer
Jan Fritz

Marion County
OREGON

Director
Brian Nicholas, PE

Deputy Director
Dennis Mansfield

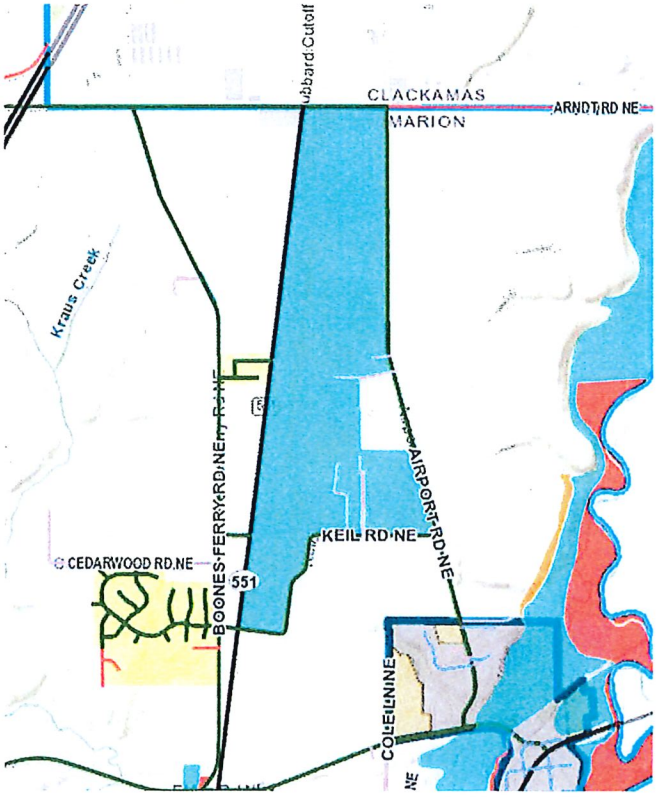
MARION COUNTY PUBLIC WORKS

September 19, 2025

Brandon Pike, Aviation Planner
Oregon Department of Aviation
3040 25th St SE
Salem OR 97302

Dear Mr. Pike:

Thank you for the opportunity to review the Aurora Airport Final Draft Airport Master Plan. These comments are intended to provide feedback on the likely permitting requirements for items contained in the plan. Additionally, the plan is comprehensive and could be implemented in stages. I recommend you meet with Marion County Planning to discuss specific activities and developments to determine exactly what land use approvals are required to implement the plan.



Airports and airport-related commercial and industrial uses are a conditional use in the Public Zone in Marion County Code 17.171.030. New uses, changes of existing uses, new structures, and new airport components in the Public Zone require conditional use approval from the county.

If airport uses or airport structures are proposed to be placed on land currently zoned Exclusive Farm Use, it will be necessary to obtain a zone change to Public, and then conditional use approval, before uses or structures can be established. Some uses may also be able to be established as a utility facility necessary for public service through an administrative review application.

The zoning at the airport showing the Public zone in blue, the Exclusive Farm Use zone in white, and the Acreage Residential zone in yellow is provided with these comments.

Roadway realignments, for both Highway 551 and Keil Road, which cause structures to be removed, require conditional use approval. If structures are not removed and new lots are not created, no county land use approval is required.

Conditional use approval requires demonstrating that applicable criteria are satisfied as well as property development standards are met by the proposal, including, but not limited to, sewage disposal and traffic analysis.

The County is in the process of revising both the Marion County Engineering Standards and Rural Transportation System Plan (TSP). While copies of the existing standards and TSP are provided with this letter, the airport development will be subject to the most current standards and policies adopted by the County at the times of application and development.

Regarding submission of the master plan to the county, the Department has three options:

- Oregon Department of Aviation may choose not to submit the master plan for county consideration of approval and instead apply for consideration of conditional use approvals for individual items or groups of items contained within the plan.
- The Department may choose to submit the master plan for consideration of conditional use approval if, with submission of the master plan, a conditional use application is made that addresses applicable criteria.
- The Department may choose to submit the master plan for consideration of incorporation into the county's comprehensive plan if, with submission of the master plan, a comprehensive plan amendment application is made that addresses applicable criteria in statute, administrative rule, statewide planning goals, and the Marion County Comprehensive Plan and a conditional use application is made that addresses applicable criteria for the conditional use.

The master plan also includes language that the county would adopt new zoning at the airport and a new overlay zone, consistent with requirements in ORS 836.610. Subsection (2) of that statute provides that planning work be performed when funding is made available. I will discuss the request and the applicable statute with the Marion County Board of Commissioners when the master plan is submitted to the county.

Additionally, there may also be issues that arise as part of the process when a master plan is submitted to the county. For example, the current draft does not appear to ensure that land identified as suitable for airport related development in the new master plan is shown consistent with the 1976 master plan adopted by the county as well as the county's recent approval of airport uses in Conditional Use/Comprehensive Plan Amendment Case 24-038. Issues like this will require continued coordination to address these concerns as they arise.

Regarding compatibility of the draft master plan with the Marion County Comprehensive Plan, consistent with the requirements for coordination provided in OAR 738-0130-0055, findings are not present in the

master plan that would allow the county to determine its compatibility. To demonstrate compatibility with the Marion County Comprehensive Plan, the draft airport master plan must demonstrate compliance with applicable statutes in ORS 215 and 836 and administrative rules 660-004, 660-011, 660-012, 660-013, Statewide Planning Land Use Goals, the Marion County Comprehensive Plan, Rural Transportation System Plan, and Chapters 112, 115, 119, 123, 126, 136, 171 and 177 of the Marion County Zoning Code, among other criteria depending on the final draft proposal for development contained in the master plan.

While some of these rules and laws are referenced in the draft master plan, no discussion of how the plan would satisfy applicable criteria is contained in the plan and no findings are presented in the draft master plan, so it is not possible to determine compatibility with the information available at this time.

A summary of the criteria which would apply to the state's request is attached to this letter with copies of the applicable county zoning code chapters and other documents containing relevant criteria. The summary is provided as a courtesy and the county reserves the right to review any other applicable criteria as additional information becomes available. There may also be specific criteria and policies within the Oregon Aviation Plan which we can discuss at any future meetings.

ODAV should be sure to coordinate with ODOT about criteria and other requirements regarding the Hubbard Highway realignment.

Additionally, a determination of compatibility consistent with the Marion County Comprehensive Plan and land use goals must be made by the Marion County Board of Commissioners through a legislative amendment. The determination is necessary if the compatibility determination were to give county approval for the master plan, or portions of the master plan, since a master plan is a component of the Marion County Comprehensive Plan. Alternatively, ODAV can obtain approval for many individual items contained within the plan through the conditional use or administrative review process.

Please reach out to me or Austin Barnes, Principal Planner, at 503-588-5038, if you wish to discuss these comments. We also welcome the opportunity to meet with you to discuss additional details about the plan and next steps in both the state and county process.

Thank you,

Brandon Reich

Brandon Reich
Planning Director

Summary of Criteria

Incorporate master plan into Marion County Comprehensive Plan

- ORS 836, particularly 836.608, 836.610, 836.616, 836.619, 836.623, 836.642
- OAR 660-011 if any public facilities such as water service, septic disposal, stormwater are part of the master plan for the airport
- OAR 660-012, particularly, -0020, -0025, -0030, -0035, -0045, -0050, -0060, -0065, -0070
- OAR 660-013, particularly -0030, -0040, -0050, -0070, -0080, -0110, -0140, -0160
- Statewide Planning Goals
- Marion County Comprehensive Plan Environmental Quality and Natural Resources Element, Noise Policies, Policies:

  1. Residential uses or other noise-sensitive uses proposed in the vicinity of Highway 99, Highway 22, Interstate 5, the Woodburn Drag Strip and public airports shall be reviewed to determine if the residents will be adversely affected by these noise sources. The County should seek comment from DEQ when resolving noise conflicts.

  3. All developments that are noise sources shall comply with applicable DEQ standards. When new major highways, airports, racing facilities and commercial and industrial developments are proposed, the County shall consult with DEQ to ensure that applicable sound regulations are satisfied.

  4. When siting noise-sensitive land uses near the sources identified in Policy No. 1 above, the objective should be to provide some outdoor living area with a daytime dBa of 55 or less and indoor sleeping areas with a nighttime dBa of 45 or less.

  5. Setbacks, building orientation, soundproof construction, barriers and other feasible means shall be considered in attempting to mitigate noise impacts.

- Marion County Comprehensive Plan Rural Development Element General Policies:

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

  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.

  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.

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.

- Marion County Comprehensive Plan Transportation Element, Transportation System Management Policies:

  7. Land use changes that could result in increased development levels and thus higher traffic levels will be assessed for their impact to current and future traffic volume and flow, and these impacts must be appropriately mitigated (as determined by the Public Works Director in accordance with applicable standards and practices) in order for the development to be allowed.

  8. An access management plan has been developed for a portion of the Wilsonville-Hubbard Highway near Arndt Road. That plan is hereby incorporated into this plan, and is included as Appendix F of the RTSP, on file at the Marion County Planning office. (Note: Other access management plans have also been adopted for other specific areas).

- Marion County Comprehensive Plan Transportation Element, Air, Rail, Water, Energy and Pipeline Transportation Policies:

  1. Airports and airstrips shall be located in areas that are safe for air operations and should be compatible with surrounding uses.

  2. The County should review and take appropriate actions to adopt State master plans for public airports in Marion County.

  3. The County will adopt appropriate provisions (including plans, ordinances and intergovernmental agreements) to protect the public airports from incompatible structures and uses. These provisions will be consistent with Federal Aviation Administration guidelines.

  4. The County will discourage noise-sensitive uses from locating in close proximity to public airports.

- Marion County Comprehensive Plan Transportation Element, Development and Access Policies:

2. Transportation facilities should be developed and maintained in such a manner as to minimize negative impact to valuable soil, timber, water, scenic, or cultural resources.

3. The County will consider and strive to minimize the negative impacts to surrounding land uses and communities in the selection and implementation of transportation projects.

4. Development proposals and changes in land use designations shall conform to any subarea management plans created or adopted by Marion County.

7. To prevent exceeding the function and capacity of any component of the transportation system, the County will consider roadway functional classification, capacity and current conditions as primary criteria for proposed changes in land use designations and proposed land use developments. In addition, present and anticipated safety issues shall also be significant criteria.

8. The County shall review land use actions, development proposals and large transportation projects in the region for impacts to the transportation system and facilities. If the impacts are deemed significant by the County and cannot be mitigated to the County's satisfaction, the action shall be denied or modified until the impacts are acceptable. The County shall also consider the impact these actions have on affected communities and urban areas.

- Marion County Comprehensive Plan Transportation Element, Right-of-Way Policies:

  1. To the extent possible, the County will utilize existing facilities and rights-of-way as the foundation for those intra- and inter-County facilities needed to accommodate anticipated growth and facilitate movement.

  2. New transportation facilities of all types should use existing rights-of-way to the extent possible to minimize disruption to existing land use.

  4. The County will not abandon or vacate public rights-of-way unless it has been determined beyond reasonable question that it is in the best interest of the general public to not ever have the right-of-way available to the general public for use as a roadway, bicycle/pedestrian path, or any other use.

- Marion County Plan Economic Element, Goals:

  a. Provision of increased employment opportunities for all residents of the County;

b. Maintenance of a strong agricultural economy;

c. Preservation of appropriate areas for timber production;

d. Diversification of the economic base of communities, and expansion of seasonal employment opportunities to year-round status wherever possible;

e. Provision of sufficient areas for future industrial land use;

f. Development of a transportation system for the safe and efficient movement of persons and goods for present needs;

g. Coordination of planning and development of public facilities;

h. Development of a strong tourist economy in appropriate areas;

i. Achievement of a natural resource use pattern which provides for tomorrow's needs, today's needs and the protection of the environment.

- Marion County Transportation System Plan:
  - Goals 2, 5, 7 and 8
  - Access Management Policies 7 and 8
  - Air, Rail, Water, Energy, and Pipeline Transportation Policies 1, 2, 3, and 4
  - Development and Access Policies 9 and 17
- Marion County Engineering Standards
  - At the time of development meet adopted Marion County Engineering Standards as applicable including, but not limited to, stormwater detention, right of way dedication, traffic impact mitigation, and public road improvements.

Criteria for approval for items or components of the plan, consistent with Marion County Comprehensive Plan, Implementation Element

Extend runway

- Conditional Use in Public Zone criteria:
  - MCC 17.171
  - MCC 17.177
  - MCC 17.119
  - Traffic Impact Analysis as required by the adopted Marion County Engineering Standards or Transportation System Plan.
- Marion County Engineering Standards

- A permit shall be obtained to address stormwater runoff from additionally created impervious surfaces. The design shall meet adopted Marion County Engineering Standards.

Realign Hubbard Highway

- In the Exclusive Farm Use zone:
  - If no buildings are displaced and no new parcels are created, it is permitted outright.
  - If buildings are displaced and no new parcels are created, it is a conditional use:
    - Criteria:
      - MCC 17.136.050(J)(2)
      - MCC 17.136.060(A).
      - OAR 660-033-0130
      - MCC17.112
      - MCC 17.177
      - MCC 17.119
      - Traffic Impact Analysis as required by the adopted Marion County Engineering Standards or Transportation System Plan.
      - Marion County Engineering Standards
        - A permit shall be obtained for the improvements to the intersections of Hubbard Highway with Keil Road and Arndt Road. The design shall meet adopted Marion County Engineering Standards.
        - Dedicate or obtain additional public right of way as necessary for the design.
  - If new parcels are created:
    - Criteria:
      - ORS 215.283(3)
      - OAR 660-004 goal exception
- In the Acreage Residential zone:
  - MCC 17.126.010 (B) permits relocation within the existing right of way.
  - Expansion of a right of way requires demonstration of conformance with Marion County Comprehensive Plan
    - Criteria:

- ORS 836, particularly 836.608, 836.610, 836.616, 836.619, 836.623, 836.642
- OAR 660-011 if any public facilities such as water service, septic disposal, stormwater are part of the master plan for the airport
- OAR 660-012, particularly, -0020, -0025, -0030, -0035, -0045, -0050, -0060, -0065, -0070
- OAR 660-013, particularly -0030, -0040, -0050, -0070, -0080, -0110, -0140, -0160
- Statewide Planning Goals
- Marion County Comprehensive Plan Environmental Quality and Natural Resources Element, Noise Policies, Policies:

    1. *Residential uses or other noise-sensitive uses proposed in the vicinity of Highway 99, Highway 22, Interstate 5, the Woodburn Drag Strip and public airports shall be reviewed to determine if the residents will be adversely affected by these noise sources. The County should seek comment from DEQ when resolving noise conflicts.*

    3. *All developments that are noise sources shall comply with applicable DEQ standards. When new major highways, airports, racing facilities and commercial and industrial developments are proposed, the County shall consult with DEQ to ensure that applicable sound regulations are satisfied.*

    4. *When siting noise-sensitive land uses near the sources identified in Policy No. 1 above, the objective should be to provide some outdoor living area with a daytime dBa of 55 or less and indoor sleeping areas with a nighttime dBa of 45 or less.*

    5. *Setbacks, building orientation, soundproof construction, barriers and other feasible means shall be considered in attempting to mitigate noise impacts.*

- Marion County Comprehensive Plan Transportation Element, Transportation System Management Policies:

    5. *In some cases, the requirements of another jurisdiction (such as the Oregon Department of Transportation) with roadways*

adjacent to a County road may be more restrictive than these requirements. When this is the case, the more restrictive requirement will be applied. This situation can occur at locations such as freeway interchanges.

7. *Land use changes that could result in increased development levels and thus higher traffic levels will be assessed for their impact to current and future traffic volume and flow, and these impacts must be appropriately mitigated (as determined by the Public Works Director in accordance with applicable standards and practices) in order for the development to be allowed.*

8. *An access management plan has been developed for a portion of the Wilsonville-Hubbard Highway near Arndt Road. That plan is hereby incorporated into this plan, and is included as Appendix F of the RTSP, on file at the Marion County Planning office. (Note: Other access management plans have also been adopted for other specific areas).*

- Marion County Comprehensive Plan Transportation Element, Development and Access Policies:

  2. *Transportation facilities should be developed and maintained in such a manner as to minimize negative impact to valuable soil, timber, water, scenic, or cultural resources.*

  3. *The County will consider and strive to minimize the negative impacts to surrounding land uses and communities in the selection and implementation of transportation projects.*

  4. *Development proposals and changes in land use designations shall conform to any subarea management plans created or adopted by Marion County.*

  7. *To prevent exceeding the function and capacity of any component of the transportation system, the County will consider roadway functional classification, capacity and current conditions as primary criteria for proposed changes in land use designations and proposed land use*

developments. In addition, present and anticipated safety issues shall also be significant criteria.

8. *The County shall review land use actions, development proposals and large transportation projects in the region for impacts to the transportation system and facilities. If the impacts are deemed significant by the County and cannot be mitigated to the County's satisfaction, the action shall be denied or modified until the impacts are acceptable. The County shall also consider the impact these actions have on affected communities and urban areas.*

- Marion County Comprehensive Plan Transportation Element, Right-of-Way Policies:

1. *To the extent possible, the County will utilize existing facilities and rights-of-way as the foundation for those intra- and inter-County facilities needed to accommodate anticipated growth and facilitate movement.*

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

4. *The County will not abandon or vacate public rights-of-way unless it has been determined beyond reasonable question that it is in the best interest of the general public to not ever have the right-of-way available to the general public for use as a roadway, bicycle/pedestrian path, or any other use.*

- Marion County Transportation System Plan:
  - Goals 5, 7 and 8
  - Access Management Policies 1, 2, 4, 5, and 6
  - Development and Access Policies 9, 17, 22, and 25
  - Right of Way Policies 1, 2, 3, 4, 5, and 6
- Traffic Impact Analysis as required by the adopted Marion County Engineering Standards or Transportation System Plan.
- Marion County Engineering Standards
  - A permit shall be obtained for the improvements to the intersections of Hubbard Highway with Keil Road and

Arndt Road. The design shall meet adopted Marion County Engineering Standards.
    - Dedicate or obtain additional public right of way as necessary for the design.

Realign Keil Road

- If no buildings are displaced and no new parcels are created, it is permitted outright.
- If buildings are displaced and no new parcels are created, it is a conditional use:
    - Criteria:
        - MCC 17.136.050(J)(1)
        - MCC 17.136.060(A)
        - MCC 17.177
        - MCC 17.119
        - OAR 660-033-0130
        - MCC 17.112
        - Traffic Impact Analysis as required by the adopted Marion County Engineering Standards or Transportation System Plan.
        - Marion County Engineering Standards
            - Dedicate or obtain public right of way necessary for the re-alignment. Obtain County concurrence for
            - A permit shall be obtained for the construction of the re-aligned portion of Keil Road. The design shall meet adopted Marion County Engineering Standards
- If new parcels are created:
    - Criteria:
        - ORS 215.283(3)
        - OAR 660-004 goal exception

Navigation aids and airport related components or structures in an Exclusive Farm Use Zone

- Either apply for an administrative review for a utility facility necessary for public service in EFU zone:
    - Criteria
        - MCC 17.136.040(I)

        - MCC 17.115
- Or Comprehensive Plan/Zone Change from Exclusive Farm Use to Public:
    - Criteria:
        - MCC 17.123
        - ORS 836, particularly 836.608, 836.610, 836.616, 836.619, 836.623, 836.642
        - OAR 660-011 if any public facilities such as water service, septic disposal, stormwater are part of the master plan for the airport
        - OAR 660-012, particularly, -0020, -0025, -0030, -0035, -0045, -0050, -0060, -0065, -0070
        - OAR 660-013, particularly -0030, -0040, -0050, -0070, -0080, -0110, -0140, -0160
        - Statewide Planning Goals
        - OAR 660-004 goal exception
        - Statewide Planning Goals
        - Marion County Comprehensive Plan Environmental Quality and Natural Resources Element, Noise Policies, Policies:

            1. Residential uses or other noise-sensitive uses proposed in the vicinity of Highway 99, Highway 22, Interstate 5, the Woodburn Drag Strip and public airports shall be reviewed to determine if the residents will be adversely affected by these noise sources. The County should seek comment from DEQ when resolving noise conflicts.

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

  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.

  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.

  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.

- Marion County Comprehensive Plan Transportation Element, Transportation System Management Policies:

  5. In some cases, the requirements of another jurisdiction (such as the Oregon Department of Transportation) with roadways adjacent to a County road may be more restrictive than these requirements. When this is the case, the more restrictive requirement will be applied. This situation can occur at locations such as freeway interchanges.

  7. Land use changes that could result in increased development levels and thus higher traffic levels will be assessed for their impact to current and future traffic volume and flow, and these impacts must be appropriately mitigated (as determined by the Public Works Director in accordance with applicable standards and practices) in order for the development to be allowed.

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on file at the Marion County Planning office. (Note: Other access management plans have also been adopted for other specific areas).

- Marion County Comprehensive Plan Transportation Element, Air, Rail, Water, Energy and Pipeline Transportation Policies:

  1. Airports and airstrips shall be located in areas that are safe for air operations and should be compatible with surrounding uses.

  2. The County should review and take appropriate actions to adopt State master plans for public airports in Marion County.

  3. The County will adopt appropriate provisions (including plans, ordinances and intergovernmental agreements) to protect the public airports from incompatible structures and uses. These provisions will be consistent with Federal Aviation Administration guidelines.

  4. The County will discourage noise-sensitive uses from locating in close proximity to public airports.

- Marion County Comprehensive Plan Transportation Element, Development and Access Policies:

  2. Transportation facilities should be developed and maintained in such a manner as to minimize negative impact to valuable soil, timber, water, scenic, or cultural resources.

  3. The County will consider and strive to minimize the negative impacts to surrounding land uses and communities in the selection and implementation of transportation projects.

  4. Development proposals and changes in land use designations shall conform to any subarea management plans created or adopted by Marion County.

  7. To prevent exceeding the function and capacity of any component of the transportation system, the County will consider roadway functional classification, capacity and current conditions as primary criteria for proposed changes in land use designations and proposed land use developments. In addition, present and anticipated safety issues shall also be significant criteria.

  8. The County shall review land use actions, development proposals and large transportation projects in the region for impacts to the

transportation system and facilities. If the impacts are deemed significant by the County and cannot be mitigated to the County's satisfaction, the action shall be denied or modified until the impacts are acceptable. The County shall also consider the impact these actions have on affected communities and urban areas.

- Marion County Comprehensive Plan Transportation Element, Right-of-Way Policies:

  1. To the extent possible, the County will utilize existing facilities and rights-of-way as the foundation for those intra- and inter-County facilities needed to accommodate anticipated growth and facilitate movement.

  2. New transportation facilities of all types should use existing rights-of-way to the extent possible to minimize disruption to existing land use.

  4. The County will not abandon or vacate public rights-of-way unless it has been determined beyond reasonable question that it is in the best interest of the general public to not ever have the right-of-way available to the general public for use as a roadway, bicycle/pedestrian path, or any other use.

- Marion County Plan Economic Element, Goals:

  a. Provision of increased employment opportunities for all residents of the County;

  b. Maintenance of a strong agricultural economy;

  c. Preservation of appropriate areas for timber production;

  d. Diversification of the economic base of communities, and expansion of seasonal employment opportunities to year-round status wherever possible;

  e. Provision of sufficient areas for future industrial land use;

  f. Development of a transportation system for the safe and efficient movement of persons and goods for present needs;

  g. Coordination of planning and development of public facilities;

  h. Development of a strong tourist economy in appropriate areas;

i. Achievement of a natural resource use pattern which provides for tomorrow's needs, today's needs and the protection of the environment.

- Marion County Transportation System Plan:
  - Goals 2, 5, 7 and 8
  - Access Management Policies 7 and 8
  - Air, Rail, Water, Energy, and Pipeline Transportation Policies 1, 2, 3, and 4
  - Development and Access Policies 9 and 17
- Also Conditional Use in Public Zone criteria:
  - MCC 17.171
  - MCC 17.177
  - MCC 17.119
  - Traffic Impact Analysis as required by the adopted Marion County Engineering Standards or Transportation System Plan
  - Marion County Engineering Standards
    - A permit shall be obtained to address stormwater runoff from additionally created impervious surfaces. The design shall meet adopted Marion County Engineering Standards.

Planning does not regulate:

- Rehabilitate pavement, relocate taxiway, runway and taxiway pavement maintenance, internal road improvements, flight apron
- Obstruction removal
- Avigation Easements

CHAPTER 4: GOALS AND OBJECTIVES

During the development of the initial Rural Transportation System Plan (RTSP) in 1998, a mission statement and a set of goals and objectives were developed. They were based on public input and provided a starting point and framework for the transportation planning process. These goals and objectives have been slightly updated in this 2005 update to better reflect the current issues affecting our transportation system in Marion County. These goals and objectives will continue to be revisited as part of future updates to reflect new changes in the transportation planning process, issues shaping that process, and the impacts of growth on development and maintenance of the countywide transportation system.

4.1 MISSION STATEMENT

Develop a balanced, safe, multi-modal transportation system to accommodate planned growth, facilitate economic development, recognize fiscal reality, and maintain a high standard of livability and safety.

4.2 GOALS AND OBJECTIVES

Goal 1: Improve Transportation System Safety

Objective 1.1: Improve system safety for and between all modes of transportation.

Objective 1.2: Dedicate adequate resources to ensure that the transportation system is properly maintained and preserved.

Goal 2: Provide an Accessible, Efficient and Practical Transportation System Appropriate to Both Urban and Rural Areas Throughout the County

Objective 2.1: Improve mobility and access options to transportation facilities throughout Marion County for transportation system users.

Objective 2.2: Facilitate goods movement into and out of the area; increase freight (truck, rail, air and water) mobility and inter-modal transfer.

Objective 2.3: Facilitate shipping of goods by the most efficient and least-impacting means possible.

Objective 2.4: Address changing characteristics of trucking, aviation, agriculture and rail industries.

Objective 2.5: Facilitate system connections as needed to improve efficiency and access.

Goal 3: Provide Sufficient Transportation Capacity

Objective 3.1: Address existing priorities and projected growth.

Objective 3.2: Adequately provide for the transportation needs of residents, businesses, customers, and visitors.

Objective 3.3: Encourage and support actions that reduce demand on the transportation system.

Objective 3.4: Encourage and support actions that maximize the value and efficiency of the existing system.

Goal 4: Recognize Fiscal Reality

Objective 4.1: Facilitate best usage of available financial resources.

Objective 4.2: Be ready to use additional resources efficiently if they become available, and be able to show what benefit results from those resources.

Objective 4.3: Facilitate procurement of grant funding.

Objective 4.4: Recognize that, due to financial limitations, **not** all goals and objectives will be met to the ideal extent.

Goal 5: Work in Partnership with Communities to Address Community Needs and Values

Objective 5.1: Minimize adverse impact of the transportation system on quality of life in communities.

Objective 5.2: Facilitate regional through movement of goods and services while minimizing conflict between through movement and livability in central city areas.

Objective 5.3: Minimize adverse impact of the transportation system on quality of life and environment in rural areas.

Objective 5.4: Foster cooperation between the County and cities to address a wide variety of transportation issues.

Goal 6: Promote Alternative Modes of Transportation

Objective 6.1: Facilitate provision of opportunities for a variety of transportation options.

Objective 6.2: Reduce dependence on any one mode of transportation.

Objective 6.3: Facilitate and support improved connections between different modes.

Objective 6.4: Support land use planning strategies that facilitate efficient transportation system use and development.

Goal 7: Consider Land Use and Transportation Relationships

Objective 7.1: Integrate land use planning and transportation planning to manage and plan the transportation system.

Objective 7.2: Minimize detrimental effects of transportation improvements on rural land uses.

Objective 7.3: Ensure an environmentally responsible/ environmentally sound transportation system that minimizes adverse impacts on air and water.

Objective 7.4: Ensure transportation-related activities comply with clean air and water requirements and fish and wildlife habitat management regulations.

Objective 7.5: Protect established land uses including prime farmland, forestland, and other natural resources.

Goal 8: Address Transportation Policy Issues and Intergovernmental Coordination

Objective 8.1: Improve coordination with all affected jurisdictions to meet future transportation needs.

Objective 8.2: Facilitate development of coordinated transportation design standards.

Objective 8.3: Emphasize facilitation, rather than restriction/ regulation, of business.

Objective 8.4: Ensure cost-effective investment in transportation. Improvements should be fiscally responsible, economically efficient and realistic.

Objective 8.5: Comply with applicable Transportation Planning Rule requirements for rural transportation system planning.

Objective 8.6: Maintain an ongoing public involvement process.

Goal 9: Provide a Useful Plan Document

Objective 9.1: Accurately reflect the existing and future transportation systems, issues, and needs of Marion County.

Objective 9.2: Identify methods for funding recommended actions.

Objective 9.3: Provide clear planning direction.

Objective 9.4: Maintain and update a list of issues for further study.

Objective 9.5: Extend usable life of existing facilities; provide a maintenance element.

Objective 9.6: Provide for a periodic review and update of the Plan that allows for improvements to be made as circumstances change regarding transportation issues throughout the County.

CHAPTER 10: POLICIES

This section includes the policies being continued or implemented by this Rural Transportation System Plan (RTSP) in order to best maintain the existing transportation system and make the most effective use of limited resources for providing new facilities on the transportation system. Each of these policies is hereby adopted at the time that this Rural Transportation System Plan (RTSP) is adopted by the Marion County Board of Commissioners. Policies are grouped into four categories:

1. Transportation System Management (TSM) Policies
2. Roadway Maintenance and Preservation
3. Transportation Policies
4. Future Evaluation of Transportation Issues

10.1 Transportation System Management (TSM) Policies

Transportation System Management (TSM) strategies attempt to maximize the capacity, safety, and efficiency of the existing transportation system by implementing traffic control improvements, access management strategies, and land use controls. The idea of Transportation System Management is to make minor improvements at strategic locations to make better use of the already major investment in the road system.

10.1.1 TSM Projects

In many instances, the operation and safety of a roadway can be improved by installing a signal or stop sign, or by adding turn lanes at busy intersections, rather than much more expensive widening and new construction projects. Several of the projects identified in the 20-year plan (recommended in Chapters 8 and 9) are classified as TSM projects because they would improve the efficiency of the transportation system by getting vehicles through 'bottlenecks' (specific locations, such as intersections, that currently limit the flow of vehicles) where a relatively small improvement can reap large benefits.

Policy 1: The County will continue to pursue TSM improvements whenever feasible to improve the roadway system before looking at building new facilities.

10.1.2 Intelligent Transportation Systems (ITS)

Intelligent Transportation Systems (ITS) are loosely defined as the use of modern technology to improve the function of the transportation system. This covers a wide range of projects, techniques, and ideas, some of which are already being used in the County. Examples include variable message signs that warn or guide drivers, and cameras that show road, weather, and traffic conditions on the Internet. Many other ITS concepts have the potential for substantial public benefit.

Policy 1: Marion County supports the development and installation of Intelligent Transportation System concepts benefiting residents and the traveling public.

10.1.3 Access Management

Access Management is another Transportation System Management (TSM) strategy, and it is particularly effective in improving the safety and efficiency of County roadways. Access Management attempts to minimize the conflicts between access to and from developed land and movement of traffic along the roadway. This is achieved by requiring a minimum distance between access points (driveways, streets, and access roads). Currently, it is the County's policy to provide access onto County roads in a manner and location that will protect the public safety. In general, the County attempts to hold the number of access points onto a roadway to the minimum necessary to provide adequate access to a particular parcel or group of parcels. The location and/or determination of accesses is a roadway network issue (not a land use issue), and decisions are made based on engineering review and study, and appropriate policies. (Note: see Marion County's Driveway Ordinance (#651, or subsequent document) for other requirements for driveways.)

Studies have repeatedly shown that roadways with fewer access points generally experience fewer accidents and better overall traffic flow. These studies have shown that the relative safety of travel on a roadway is inversely proportional to the number of accesses (and thus potential collision points) occurring within the stopping sight distance of a driver on the roadway. The County will continue to take measures to ensure that accesses are properly designed and constructed, and are located in order to maximize the safety and efficiency of the roadway, while maintaining an acceptable level of access. For these reasons, the County adopts these Access Spacing Standards.

Access Spacing Standards

As discussed in section 5.1.1 (Functional Classification), roadways are grouped into categories based on the character of service they are intended to provide as part of the overall transportation system. Arterials are the most important in providing vehicle capacity for through traffic. They require access to be tightly controlled in order to protect efficiency and safety along these roads. Local roads carry less traffic and therefore access requirements are less stringent. Accesses to arterials must be spaced farther apart than accesses to local roads, and more detail will be required to assure proper design of the access to these arterials. Marion County hereby adopts standards for the spacing of accesses. Recognizing that many driveways currently exist that do not meet these standards, these spacing requirements are typically applied:

1) When a new access is constructed,
2) When an existing access is substantially modified,
3) When the use of an existing access changes, or
4) As part of a construction project to improve the roadway.

Policy 1: Marion County adopts the following spacing requirements, shown in **Table 10-1**, for new or modified accesses to County roadways. These spacing standards are measured from centerline to centerline of the respective accesses and/or adjacent roadways (see Policy 4 for variance criteria and Policies 5 and 6 for cases in which longer spacings may be required).

Table 10-1
Spacing Requirements for Accesses

FUNCTIONAL CLASS	ACCESS SPACING REQUIREMENTS
Arterials[1]	500' from any intersection with a state highway, arterial or major collector. 400' from any other intersection (including a private access).
Major Collectors	400' from any intersection with an arterial or state highway 300' from any other intersection (including a private access).
Minor Collectors	300' from any intersection with an arterial or state highway. 150' from any other intersection (including a private access).
Local Roads	200' from any intersection with an arterial or state highway. 100' from any intersection with a major collector, minor collector, or local road. 50' from any intersection with a private access.

These standards are measured from the centerline of the driveway to the centerline of the adjacent facility.

Access Spacing Standards for Unincorporated Communities and County Roads in Cities That Have Not Adopted Access Spacing Standards

Several of the unincorporated communities in Marion County function similar to a small city. There are also cities that have not adopted their own access spacing standards. It is important for Marion County to ensure the function of County Roads through these areas by balancing the needs of through traffic with the need for access to local properties. Recognizing this, the County has adopted different standards for roadways within these cities and unincorporated communities.

[1] Unless a separate adopted access management standard exists that is more stringent than these standards. This is currently the case along Cordon Road.

Policy 2: Marion County adopts the following spacing requirements standards, listed in **Table 10-2**, for accesses to: 1) roadways within the boundary of an officially recognized unincorporated community and; 2) County-maintained roadways within the Urban Growth Boundary (UGB) of a city with no adopted access spacing standards (see Policy 4 for variance criteria and Policies 5 and 6 for cases in which longer spacings may be required).

Table 10-2
Spacing Requirements for New Accesses in Unincorporated Communities and County Roads in cities with no Access Spacing Standards

FUNCTIONAL CLASS	ACCESS SPACING REQUIREMENTS
Major Arterials	500' from any intersection with a state highway, arterial or major collector. 400' from any other intersection (including a private access).
Arterials	400' from any intersection with a state highway, arterial or major collector. 300' from any other intersection (including a private access).
Major Collectors	300' from any intersection with an arterial or state highway 150' from any other intersection (including a private access).
Collectors (If the City only has one Collector Class)	250' from any intersection with an arterial or state highway. 125' from any other intersection (including a private access).
Minor Collectors	200' from any intersection with an arterial or state highway. 100' from any other intersection (including a private access).
Local Roads	150' from any intersection with an arterial or state highway. 75' from any intersection with a major or minor collector 50' from any intersection with a local road or private access.

These standards are measured from the centerline of the driveway to the centerline of the adjacent facility. Within the Urban Growth Boundary of a city, the functional class of the roadway is designated in that city's Transportation System Plan or other plan adopted by the city. If the city has not adopted functional classifications, the County will determine what the classification would be.

Policy 3: For County Roads within the Urban Growth Boundary of a city that has adopted access spacing requirements (in their Transportation System Plan or other official document) the County will use their adopted spacing standards, unless in the County's judgment they would not be appropriate (see Policy 4 for variance criteria and Policies 5 and 6 for cases in which longer spacings may be required).

Policy 4: **Variance Criteria:** Variances may be granted at the authority of the Public Works Director in the following cases:

a) The property has no reasonable alternate access and the driveway spacing is the maximum that can be safely and reasonably achieved,
b) Adherence to the spacing standard would create safety or traffic operations problems,
c) The driveway provides a joint approach that serves two or more properties and results in a net reduction of approaches to the roadway, or
d) In the judgment of the Public Works Director, it would be impossible or unsafe to meet these standards and the proposed access configuration provides the best available option in terms of safety, traffic flow, environmental impacts, and access to the property.

Policy 5: In some cases, the requirements of another jurisdiction (such as the Oregon Department of Transportation) with roadways adjacent to a county road may be more restrictive than these requirements. When this is the case, the more restrictive requirement will be applied. This situation can occur at locations such as freeway interchanges.

Policy 6: In some situations longer distances between accesses may be required due to site-specific traffic concerns. In these cases Public Works will require longer spacing and/or set the appropriate location based on engineering analysis. An example would be if traffic queuing at an intersection would block the driveway during the peak hour of the design life of the project, staff may require the driveway to be located farther away from the intersection.

Other Access Management Practices

In addition to implementing access spacing requirements, the County will also look at consolidating existing accesses on County arterials and collectors in situations where entry to developed lands can still be adequately provided after consolidating access points. This action is intended to improve the operation and safety of the roadway.

One arterial where access management plays a significant role in facilitating free flow of traffic around the Salem metropolitan area is Cordon Road. To assure that we maintain its capacity and safety, the Board of Commissioners has approved requirements to limit and control further access to Cordon Road. These restrictions are consistent with and implement the land use and transportation policies of the Marion County Transportation System Plan, the Salem-Keizer Area Transportation Study Regional Transportation System Plan, and the Salem Transportation System Plan.

Land use controls are used to ensure that new development enabled by zoning changes does not adversely affect transportation facilities. In some instances, allowing a change in the land use, especially from agricultural to non-agricultural use (such as commercial or residential), also results in an unacceptable increase in traffic.

Policy 7: Land use changes that could result in increased development levels and thus higher traffic levels will be assessed for their impact to current and future traffic volume and flow, and these impacts must be appropriately mitigated (as determined by the Public Works Director in accordance with applicable standards and practices) in order for the development to be allowed.

Policy 8: An access management plan has been developed for a portion of the Wilsonville-Hubbard Hwy near Arndt Road. That plan is hereby incorporated into this plan, and is included as **Appendix F**. (Note: other access management plans have also been adopted for other specific areas).

The latest version of the Marion County Engineering Standards (or subsequent document) includes requirements on width of access, structural section, surface type, grade, and other design parameters. These standards may be acquired from the Marion County Public Works Department.

10.2 ROADWAY MAINTENANCE AND PRESERVATION

Roadway maintenance and preservation makes up an important component of the RTSP. Without proper maintenance, a roadway system would not provide the level of safety and efficiency required by its users. The terms "maintenance" and "preservation" encompass a variety of tasks and programs including pavement management, signs and pavement markings, vegetation management, gravel road maintenance, shoulder and roadside maintenance, hazard abatement, bridge and structure maintenance, construction zone management, drainage issues, and emergency response. The County's maintenance policies are focused on the use of preventive maintenance and resurfacing to extend the life of roadway facilities.

With regard to maintenance objectives in general, **Figure 10-1** represents a road maintenance priority matrix for use in daily decision-making. It is intended to be an additional resource to County personnel, as well as a method of conveying to the public how the County prioritizes various kinds of issues.

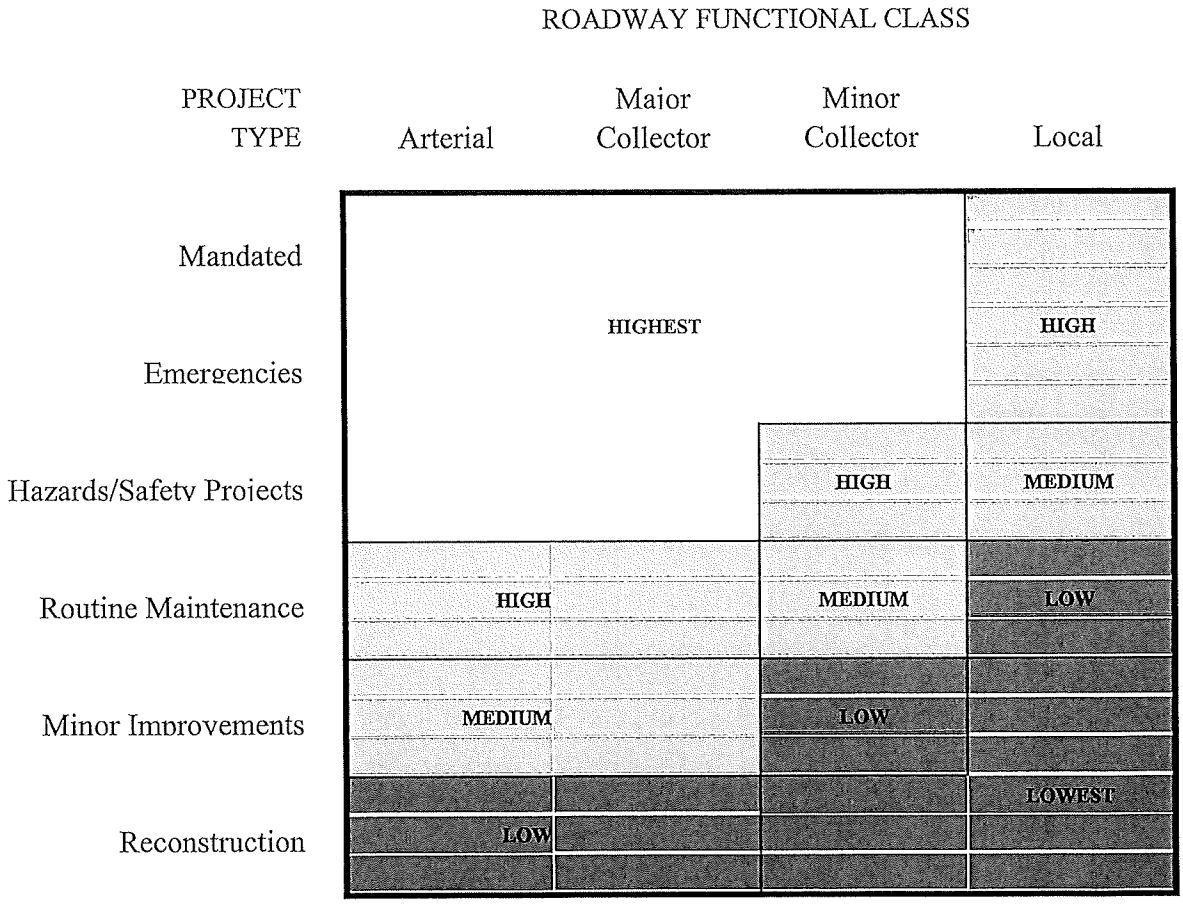

Figure 10-1
Roadway Maintenance Priority Matrix

In accordance with the federal Clean Water Act and Endangered Species Act, Marion County has adopted Best Management Practices that guide many of its roadway maintenance and preservation operations. These federal regulations, and new regulations such as Total Maximum Daily Loads, will change the way roadways are designed, constructed, and maintained. The Best Management Practices adopted under these regulations will impact some fundamental maintenance activities such as pipeline cleaning, ditch cleaning, catch basin cleaning, stream maintenance, mowing, brushing, spraying, ditch erosion, and snow and ice control. This section details maintenance policies, practices, and programs that will be used to ensure that roadways are properly maintained in the future.

10.2.1 Pavement Management

Overall Pavement Management includes several different aspects, typically in the following order: 1) review using a pavement management program; 2) resurfacing, which includes repaving, hot patching, chip sealing, slurry sealing, and crack sealing; 3) road restoration; 4) road reconstruction; and 5) localized repair and surface sweeping.

Pavement Management Program

Marion County currently uses the Metropolitan Transportation Commission (MTC) Pavement Management Program (PMP) to evaluate pavement condition and determine maintenance and resurfacing needs. The purpose of this system is to identify pavement deterioration in the early stages so that the preventive maintenance and/or resurfacing can be applied, rather than waiting until a full reconstruction is necessary. The program also assists in setting priorities for maintenance and resurfacing and determining the most economically feasible time for these treatments. This program has proven itself as a valuable tool in prioritizing resurfacing needs for the County.

Resurfacing

The County uses several surface treatments that are intended to extend the useful life of paved surfaces, add new texture to old surfaces, and seal the surface to prevent contamination or water from damaging the subgrade. The most extensive and costly in this category is total resurfacing of a road using asphaltic concrete, which generally includes shoulder upgrades and new striping. Hot patching, on the other hand, is resurfacing on a more localized scale, which may or may not involve extensive shoulder work or restriping. This is often done as a temporary measure to keep the surface useable until a more comprehensive resurfacing is appropriate.

Surface treatments like chip sealing and slurry seals are beneficial in that the treatments renew the exposed surface, seal the underlying base, and extend the life of the pavement from five to seven years. Crack sealing, on the other hand, is done solely to keep water from leaching into the base and damaging its integrity.

Road Restoration

Sometimes pavement needs to be cut or removed in order to work on utilities in the right-of-way. The entity that cuts or removes the pavement is then responsible for restoring it to an appropriate condition (as defined by Public Works). This restoration work is typically done by a contractor or utility company.

Road Reconstruction

Road reconstruction is the most expensive and comprehensive method of creating a new road surface. It involves removal of the existing surface, extensive work to the road base, and placement of an entirely new surface. We attempt to avoid this type of refinishing if at all possible, due to its cost, by ongoing preventative maintenance. Unanticipated growth in traffic volumes and truck traffic, and poor road base construction, have been the leading causes of reconstruction projects.

Localized Repair and Surface Sweeping

Localized repairs are performed on a continual basis and include cleaning and filling of potholes using either hot or cold mix, and digging out failing sections of pavement or subgrade and replacing them. The primary purpose is to provide a safe road surface and prevent damage from accelerating. Surface sweeping is used to maintain safe, clear driving surfaces and bikeways.

The County has established a regular and consistent maintenance and preservation program to protect the road system into the future. Under our program it was determined that pavement should be resurfaced on a regular cycle to maximize the life of the roadways and ensure that the infrastructure will last. The cycle determined to be the most feasible and cost-effective for the County is a 20-year cycle. This requires that an average of 50 miles be resurfaced every year. The resources allocated for the pavement management and resurfacing program are discussed further in Section 11 - Financing Plan. Policies that relate to pavement and surface management include:

Policy 1: Provide an acceptable level of surface maintenance (which may vary by class or type of roadway) on all County roadway facilities, including paved travel lanes and shoulders, and bicycle and pedestrian facilities.

Policy 2: Use routine and preventive maintenance, when appropriate, to extend the serviceability of the pavement and to prevent it from dropping below the "good" condition under the Pavement Management Program.

Policy 3: Maintain an inventory of pavement condition for all County-maintained paved roads.

Policy 4: Use an appropriate Pavement Management Program (such as the currently used Metropolitan Transportation Commission (MTC) Pavement Management Program) to identify pavement distress and resurfacing needs.

Policy 5: Allocate necessary resources to allow for resurfacing County paved roads on a 20-year cycle as funding allows.

Policy 6: Actively ensure that designated bicycle and pedestrian facilities, and other heavily used paved shoulders, are clean and free of debris.

Policy 7:
a) Require any entity working in the right-of-way to leave the roadway in the same or better condition (pavement condition index (PCI), roadway clear of debris, ditches functioning properly, clear zones, etc.) than they found it throughout all phases of construction.
b) Not allow any new pavement surface to be cut within five years of its construction except in emergencies or other exceptions at the discretion of the Public Works Director.
c) If a County Road or other facility is damaged or impacted, the County will work to recover repair costs from those responsible for the damage or impact.

10.2.2 Signs and Pavement Markings

Maintaining signs and traffic control markings is one of the most critical maintenance functions on the County roadways. The guidance provided to users of the road system, regardless of mode of travel, determines to a great degree how the network will function. Signing and striping has become the means for communicating regulations, right-of-way, warnings, directions to destinations, travel and emergency information, and other information. Marion County has many specific policies and guidelines regarding signing and marking along its roadways (refer to the appropriate policy for specific situations). See also Marion County's road naming ordinance (#1183) for naming requirements for roads. General policies related to signing and pavement markings include:

Policy 1: Maintain signs and pavement markings at an acceptable level to ensure a safe and efficient roadway system, without unnecessary cluttering of signs.

Policy 2: Maintain an inventory of all signing and pavement markings on County roads and roads within County rights-of-way.

Policy 3: Maintain signing and striping within the parameters of the Manual of Uniform Traffic Control Devices (MUTCD), Oregon MUTCD Supplemental Regulations, Oregon Department of Transportation Guidelines, and other accepted transportation engineering documents unless altered by appropriate County departmental policy and/or County engineering review.

10.2.3 Vegetation Management

Vegetation control is an ongoing task in the Willamette Valley. Given the high soil fertility and constant moisture, vegetation grows rapidly and can be very thick. This type of growth requires constant attention to manage and plays an important part in routine maintenance operations (so that vegetation does not obscure driver visibility or cause other problems). Policies that address management of vegetation include:

Policy 1: Maintain roadways and immediate clear zones free of encroaching vegetation so that legal (statutory or permitted) vehicles can travel safely and roadside hazards are minimized.

Policy 2: Actively ensure that vegetation along County roadways does not obscure views of roadway signage, structures, or intersecting accesses.

Policy 3: Actively ensure that vegetation along County roadways does not create sight distance obstructions at roadway intersections.

Policy 4: Use an integrated vegetation management system (mowing, brushing, spraying, tree removal, private maintenance, etc.) to control vegetation along roadways.

10.2.4 Gravel Road Maintenance

The 197 miles of rural gravel County roads comprise a significant component of maintenance work that we perform. Grading along these roads occurs in fall, winter and spring months when moisture levels are most favorable. The County also uses a dust-control agent to both help control "washboarding" on steep gravel roads and reduce dust adjacent to citizens' residences at their request and cost. Gravel road maintenance is relatively inexpensive compared to the cost to maintain the same road if it were paved.

Many requests to pave roads are received each year. In the past, the County had paved some gravel roads through a local improvement district that provided for a cost-sharing agreement with local residents. Due to limited County funding, this program has been discontinued. Citizens can pave their road by submitting plans for the project that meet County standards, obtaining appropriate permits, and paying their contractor for the improvements.

Policies with regard to gravel roads include:

Policy 1: Provide an acceptable level of surface maintenance on County gravel roadways to maintain reasonable passage and general safety.

Policy 2: Provide options (as appropriate and as budget constraints allow) for paving or stabilizing gravel roads.

10.2.5 Shoulder and Roadside Maintenance

Shoulder and roadside maintenance consists of removing vegetation and reshaping shoulders, adding support to fill banks, removal of roadside objects, bank work, mowing, herbicide spraying, brush-cutting, and many other activities. In general, shoulders in the rural areas are provided to preserve the actual travel surface of the roadway and to allow for emergency maneuvers and occasional emergency parking. Drainage ditches, narrow rights-of-way, and other geographic conditions mean that many rural roads have no or minimal shoulders. Because of these conditions it is unlikely that shoulders will be added to most of these roads. It is important, though, to maintain existing shoulders in as good a condition as resources allow.

In addition, maintaining a clear zone along the roadway is necessary for safety. It requires the removal of obstructions through brushing, bank removal, tree removal, relocating utility poles and boxes, killing grass on gravel shoulders, picking up dumped garbage, etc. Some of these tasks are controversial as they can impact landscaping, environmentally sensitive areas, and possibly even property values. However, clear zones add to the safety of individuals using the roadway, which is a primary goal for the County.

Policies include:

Policy 1: Provide safe and useable shoulders and clear zones on County roads, to the extent possible, with priority given to arterials and collectors.

Policy 2: Maintain shoulders and ditches along County roadways to provide adequate drainage and protect the investment in the roadway system.

Policy 3: Conduct a roadside spraying program that is sensitive to environmental concerns.

Policy 4: Utilize alternatives to roadside spraying when possible and appropriate.

Policy 5: Conduct maintenance activities with due consideration to potential impacts on adjacent land.

Policy 6: The County may require relocation of roadside features (such as ditches, poles, equipment, etc.) to improve shoulders, clear zones, and other functional aspects of the roadway.

10.2.6 Hazard Abatement

Many things can constitute a hazard along a roadway. The County receives complaints about trees, mailbox structures, signs, boulders, landscaping, utility structures, bridge abutments, parked vehicles, dumped hazardous materials, and other obstacles. County crews notice many additional items while in the process of doing maintenance, construction, or other fieldwork. Many of the obstructions can eventually be abated, but some, like roadside trees in wooded areas or utility poles that cannot be relocated outside of the right-of-way, cannot reasonably be eliminated. Given the County's limited resources, hazard removals must be carefully evaluated and prioritized, with the most serious hazards warranting the most attention. The County will continue to work with property owners to mitigate hazards when their landscaping creates a problem. Policies to guide the County in addressing these issues include:

Policy 1: Establish a 10-foot clear zone adjacent to roadways along all public rights-of-way through actively pursuing removal of obstacles on or encroaching upon the roadway that present a hazard to motorists and other users of the system in a timely manner and in accordance with departmental policies.

Policy 2: Prioritize complaints based on the degree of the hazard and the exposure to the public as indicated by the road classification, traffic volume, and speed of traffic.

Policy 3: Actively pursue the removal of hazardous substances in County road rights-of-way.

Policy 4: Remove large deceased animals from the right-of-way if they create a traffic hazard.

Policy 5: Routinely review accidents to identify and abate conditions as appropriate and feasible to reduce the recurrence of similar accidents

10.2.7 Bridge and Structure Maintenance

Marion County maintains over 140 bridges and hundreds of other structures such as culverts and guardrail. They all require routine maintenance to slow aging and deterioration that will inevitably occur. Many of these structures are old and outdated for the traffic using them today. Bridge replacement is extremely expensive and typically cannot be funded with County resources alone. Federal funds have been, and are anticipated to be, the primary means of replacing structures that are approaching irreparable, if not failure, conditions. Maintenance of structures should focus on extending the useable life as much as possible. Policies that address these structures include:

Policy 1: Maintain bridges and structures to promote safety and maximize useful life.

Policy 2: Conduct structural evaluations on a regular basis (current cycle is every two years).

Policy 3: Maintain an inventory of all structures including design ratings, operational ratings, and inspection records.

10.2.8 Construction Zone Management

Work zones present a unique and important issue for all modes of travel and for road workers. Safety is the primary concern, but confusion and disruption are also significant issues. To address these concerns, the following policies exist:

Policy 1: Require all contractors and work crews, public or private, adhere to all signing and safety regulations prescribed for construction and work zones affecting the public's use of the right-of-way.

Policy 2: Require all construction zones on County roadways adhere to appropriate signing locations, spacing, and placement only during actual work periods.

Policy 3: Permits are required for any work done in a County right of way by any entity other than the County Public Works Department.

Policy 4: Recognizing that closure of busy roads (even closure of lanes on or work adjacent to a busy road) can have significant detrimental impacts on the community by impeding traffic flow, the Public Works Director has authority to determine requirements for maintenance of traffic flow through work zones. This may include prohibiting closure or traffic impedance, requiring a certain travel width or number of lanes be kept open, limiting the closure or impedance to a specified length of time, or only allowing the closure or impedance during specific times of day or of the year, among other potential measures.

10.2.9 Drainage Issues

Elimination of water from roadways is crucial to the safety and longevity of the road surface. Roadside ditches receive most of this water and either channel it to waterways or hold it until it seeps into the ground. The large amount of rain (over 40 inches average annual precipitation) in the Willamette Valley sometimes fills the ditches and creates minor flooding problems. The Willamette Valley basin is also susceptible to large scale flooding as was experienced in February 1996. Routine maintenance such as unplugging blocked culverts, replacing broken tiles, adding catch basins, removing debris at bridges, and cleaning ditches is necessary for a system to function at its capacity and handle the storm water. Failure of the system in extreme weather conditions can lead to washed-away sections of road, excessive flooding, and closed strategic corridors. Given the unavoidable nature of flooding potential, it is critical to maintain an aggressive maintenance program. However, the County is limited in that it cannot expend public funds to improve or maintain drainage on private property. Marion County and the State of Oregon have several policies relating to drainage issues (including stormwater detention, effects on neighboring property, environmental protection, and many other issues); refer to the appropriate policy for more specific information. The following policies assist the County in its attempts to prevent drainage problems from damaging the roadway system:

Policy 1: Give priority to drainage problems that jeopardize the safety of the traveling public or the integrity of the road system.

Policy 2: Conduct routine and cyclical maintenance of roadside ditches and drainage structures to sustain an acceptable level of roadway drainage.

Policy 3: Discourage the installation of drainage pipe along roadside property frontage and in any ditch that would need a culvert 30-inches or larger diameter.

Policy 4: When developers construct a significant amount of impermeable surface area, require that the developer provide appropriate stormwater detention.

10.2.10 Emergency Response

A variety of weather conditions and catastrophic events like earthquakes require an appropriate measure of emergency response. Limited snowfall, typical rainfall amounts, and minor windstorms are expected in this region and can be handled per normal maintenance operations. Large or repeated snowstorms, large amounts of rainfall, large landslides, strong windstorms, tornadoes, earthquakes, dam failures, forest fires, and any number of other events could present a challenge to the County. Besides damage and casualty issues, which are addressed in other forums, the transportation network becomes especially critical in times of crisis. The following policies are general guidelines for the County's approach to address emergency situations with regard to the transportation system:

Policy 1: Preserve roadway safety through mobility on the strategic corridors (identified in section 7) to minimize loss of life or injury.

Policy 2: Coordinate with and assist other agencies in response to emergencies whenever possible and feasible.

Policy 3: Evaluate non-emergency repairs of damage created by severe weather and other emergency events to determine the cost-effectiveness and appropriate prioritization with existing transportation needs.

Policy 4: When inclement weather, natural disasters, emergencies, and other situations arise, Marion County will keep working as resources and conditions allow to keep the roads open, safe, and passable. First priority will typically be given to strategic routes, then other roads by functional class and as appropriate for the situation.

10.3 TRANSPORTATION POLICIES

In developing this transportation system plan, the County analyzed information and set priorities for the future function and operation of the transportation system. These priorities include maintenance and operation of the existing system, capital improvements for enhancing safety and level-of-service of the transportation system, integrating land-use decisions with transportation considerations, and balancing transportation needs with community and environmental needs. These priorities are implemented through policies designed to help guide the decision-making process related to transportation facilities. This section details those policies that the County will use in the planning and development of these facilities. Some policies establish priorities for the County in terms of allocating resources to various projects and activities, while others call for consideration of the effects of transportation facilities on valuable farm lands and other environmentally sensitive areas. The policies are also intended to ensure that a variety of travel modes are considered in the planning and development of a transportation system, and transportation choices are provided to the traveling public.

The policies in this section are the outcome of significant public involvement and review by interested groups. Many policies come directly from or are a revision of existing policies in the 1981 Marion County Comprehensive Plan. The policies in this section are intended to replace the existing transportation policies from that plan, and ordinances will be drafted subsequent to adoption to effect these changes. These new and revised policies are expected to ensure the County transportation system will satisfy the needs of residents and other users for the next 20 years. For organizational purposes, the policies are divided into seven categories: 1) Transportation System Planning Policies; 2) Resource Allocation Policies; 3) Bicycle, Pedestrian, and Public Transportation Policies; 4) Air, Water, Rail, Energy, and Pipeline Transportation Policies; 5) Development and Access Policies; 6) Right of Way Policies; and 7) Urban Growth Management Framework Coordination Policies.

10.3.1 Transportation System Planning Policies

Transportation system planning policies serve as general guidelines for achieving a safe and efficient transportation system. These policies address transportation priorities for the County and address desired operational characteristics. The policies also provide vision for planning the future transportation system.

Policy 1: The general priorities for Marion County, with regard to the County Road System, are in order of importance:

1) Preservation and maintenance of the existing road system.
2) Safety improvements and enhancements.
3) Capacity enhancements and growth-related projects.

Policy 2: The County will evaluate all investments in the transportation system for cost-effectiveness, fiscal responsibility, economic efficiencies, and practicality.

Policy 3: The County will re-evaluate, update, and adopt design standards and various policies that enhance safety, capacity, and efficient life of the transportation network.

Policy 4: a) The County will work with each community to consider the goals and visions of that community in developing and maintaining the transportation system. This will include coordination of the County's transportation plans with their transportation plans. Deviation from a community's desire may occur when addressing issues involving safety, significant added expense, modernization projects, liability, and providing services that are in the best interests of the public.

b) Within the Urban Growth Boundary of an incorporated city, Marion County Public Works will apply roadway design standards and criteria in the Transportation System Plan (TSP) adopted by that city except in cases where, in the engineering judgment of the Marion County Public Works Department, it would not be appropriate to do so. In the absence of adopted standards or a TSP by a city, Marion County Public Works will use its own engineering standards and/or judgment to determine the appropriate planning direction or standard to apply.

Policy 5: Levels-of-Service considered acceptable in rural areas include:

1) LOS D or better with a volume/capacity ratio (v/c) of 0.85 or better for signalized, all-way stop, and roundabout intersections.
2) LOS E or better with a volume/capacity ratio (v/c) of 0.90 or better for other unsignalized intersections.
3) LOS D or better with a volume/capacity ratio (v/c) of 0.60 or better for road segments.

Policy 6: The County will pursue and implement Transportation Demand Management (TDM) and Transportation System Management (TSM) strategies whenever feasible as an alternative to building new transportation facilities (see sections 8.7 and 10.1 for descriptions of these strategies).

Policy 7: To the extent possible, the County envisions a modified grid transportation system in the rural areas (as allowed by geography and demanded by use) that allows all users reasonable access to higher-function roads, minimizes out-of-direction travel, delivers reasonable travel times, and in many cases, allows circumferential flows around the many incorporated areas within Marion County.

Policy 8: The County recognizes the role of State Highways and County Arterials as the backbone of the transportation network. These roads are critical for everyday transportation and serve as critical lifelines in emergency situations. The County will support efforts to enhance and maintain the function of these roads through land use policies, access management strategies, and roadway improvements.

Policy 9: The County recognizes that it may be appropriate to consider transfer of jurisdiction between State highways and County roads in order to ensure that State highways function as regional routes and County roads function as more localized routes. However, the County will not accept any roads into the County system that do not meet County standards.

Policy 10: To encourage tourism, the County supports the concept of Scenic Routes, Tour Routes, and Scenic Byways, and will consider enhancements that preserve or provide scenic or historic values to the transportation system.

Policy 11: The County recognizes the importance of facilitating freight movement. With this in mind, the strategic routes designated in Figure 7-1 are also hereby designated freight routes. Effort will be made to facilitate freight movement on freight routes.

Policy 12: Effort will be made to reduce conflicts between mobility of freight and livability of communities along these routes.

10.3.2 Resource Allocation Policies

Resource allocation policies provide guidelines for how funds will be spent on transportation related activities. These policies are intended to provide appropriate allocation of resources to address transportation priorities and necessities.

Policy 1: Marion County will not spend Public Works funds on activities outside of public right-of-way. Work on privately maintained roadways or for private entities may be possible under Private Work Orders.

Policy 2: County funds expended on Local Access Roads shall be in accordance with ORS 368.031 and shall be documented and justified in a consistent manner. County resources shall not be dedicated to other activities on these roads unless covered by a Private Work Order.

Policy 3: If a County Road or other facility is damaged or impacted, the County will work to recover repair costs from those responsible for the damage or impact.

Policy 4: The County may use its discretion in selecting projects out of the suggested order of priority, if deemed this is in the best interest of the overall transportation system and general public for reasons including safety, time-sensitive availability of additional funds, improved coordination of work, or improved efficiencies.

Policy 5: The County will encourage joint projects with the private sector, affected user groups, or individual citizens, if it improves or allows a project on a County roadway to proceed that might otherwise not be accomplished. This participation may be in the form of material and resource contributions, local

improvement districts, right-of-way dedications, or other funding sources such as user fees.

Policy 6: The County will comply with ORS 366.514 requiring one percent of the funds it receives from the State Highway Fund to be expended on bicycle and pedestrian facilities.

10.3.3 Bicycle, Pedestrian, and Public Transportation Policies

Bicycle, pedestrian, and public transportation is an important component of the transportation system plan. These policies are intended to ensure that these modes will be considered in the planning and development of transportation facilities, and to help make these modes more viable options for the traveling public.

Policy 1: The County will consider the impact County transportation projects have on cycling and pedestrian activities.

Policy 2: All new Arterials and Major Collectors will be constructed with paved shoulders.

Policy 3: The County will consider the needs of those individuals who are transportation-disadvantaged or disabled when planning or reviewing transportation improvements.

Policy 4: The County will encourage and facilitate the ability of transit providers such as the Salem Area Transit District and Chemeketa Area Regional Transportation System (CARTS) to provide services to areas outside of designated urban growth boundaries.

Policy 5: To the extent feasible, the County will facilitate the development of Park-and-Ride/Pool lots at strategic locations throughout the County, in coordination with transit providers where appropriate.

Policy 6: The County supports efforts to develop off-street multi-use paths or trails (which typically will be used by bicyclists and pedestrians) where appropriate. These paths or trails will be especially encouraged where they connect trip generators and attractors (such as cities and parks) and where they take advantage of existing scenery (such as along scenic rivers) and available resources (such as powerlines, old rail lines, along rivers, and in existing right-of-way or easements).

Policy 7: In order to promote bicycle and pedestrian travel within the cities of Marion County, and recognizing that fast-moving, high-volume, and heavy vehicular traffic is detrimental to the 'walkability' and 'bikeability' of a city, the County generally supports efforts to divert regional traffic from flowing through the 'downtown' of a city. This may be through simple measures such

as signing and traffic control, moderate measures such as improvement of existing roadways, or more complex measures such as the provision of new roadways or bypasses. The County is especially supportive of such efforts when the affected city is a major proponent of these measures.

10.3.4 Air, Rail, Water, Energy, and Pipeline Transportation Policies

These policies address air, rail, water, energy, and pipeline transportation in the County. These modes are an important part of the existing and future transportation network in terms of moving freight, passengers, services, and information in the County.

Policy 1: Airports and airstrips shall be located in areas that are safe for air operations and should be compatible with surrounding uses.

Policy 2: The County should review and take appropriate actions to adopt State master plans for public airports in Marion County.

Policy 3: The County will adopt appropriate provisions (including plans, ordinances, and inter-governmental agreements) to protect the public airports from incompatible structures and uses. These provisions will be consistent with Federal Aviation Administration guidelines.

Policy 4: The County will discourage noise sensitive uses from locating in close proximity to public airports.

Policy 5: The County will encourage the establishment of cost-effective passenger and commuter rail service in the Willamette Valley.

Policy 6: The County generally supports development of new or expanded freight rail service that would improve the efficiency of freight movement, as long as its impacts can be appropriately addressed.

Policy 7: The County supports efforts to evaluate, maintain, or develop the capability of the Willamette River as a navigable waterway and recreational area.

Policy 8: The County will encourage the continued use of underground pipelines and telecommunication lines that minimize the need for surface shipping and that are compatible with established land uses.

Policy 9: The County encourages cooperation between energy and utility companies for the more efficient provision of energy and utilities.

Policy 10: The County encourages (and often requires) joint use of trenches by different utilities where it would be safe and practical to do so.

Policy 11: The County generally supports measures that conserve the amount of energy resources used for transportation in and through the County.

10.3.5 Development and Access Policies

Development and access policies provide guidelines for linking transportation and land use in an attempt to provide suitable transportation facilities while protecting and preserving the agricultural and rural nature of the County. The policies also outline right-of-way and roadway improvement requirements for new developments in the County.

These policies are particularly important because private developers, often through the subdivision process, are constructing most new Local roads and many of the projects that widen or enhance Arterials and Collectors.

Policy 1: Additional interchanges (access points) on Interstate 5 from the northern County line to the Chemawa Interchange, and from the Sunnyside Interchange to the southern County line will be discouraged (except for near Woodburn - see chapter 8), unless it can be shown through a comprehensive study and supported by the County that a new interchange is appropriate for regional access to the Interstate system.

Policy 2: Transportation facilities should be developed and maintained in such a manner as to minimize negative impact to valuable soil, timber, water, scenic, or cultural resources.

Policy 3: The County will consider and strive to minimize the negative impacts to surrounding land uses and communities in selection and implementation of transportation projects.

Policy 4: Development proposals and changes in land use designations shall conform to any sub-area management plans created or adopted by Marion County.

Policy 5: The County will discourage sign proliferation in rural areas, including billboard and sign advertising.

Policy 6: Rural residential development adjacent to or near major roadways should be designed to minimize adverse effects of traffic noise, traffic volume, and other transportation-related impacts.

Policy 7: To prevent exceeding the function and capacity of any component of the transportation system, the County will consider roadway functional classification, capacity, and current conditions as primary criteria for proposed changes in land use designations and proposed land use developments. In addition, present and anticipated safety issues shall also be significant criteria.

Policy 8: The County shall review land use actions, development proposals, and large transportation projects in the region for impacts to the transportation system and facilities. If the impacts are deemed significant by the County and cannot be mitigated to the County's satisfaction, the action shall be denied or modified until the impacts are acceptable. The County shall also consider the impact these have to affected communities and urban areas.

Policy 9: Access to developments must be from roadways with appropriate Functional Classifications and improved to appropriate standards. **Table 10-3** shows the maximum trip generation for new or expanded developments based on the Functional Classification and character of the roadway from which it gains access:

Table 10-3
Maximum trip generation of developments by Functional Classification of Roadway

FUNCTIONAL CLASSIFICATION	TRIPS PER DAY	TRIPS PER EVENT
Local (with gravel surface)	200	400
Local (with paved surface)	750	2,000
Minor Collector	1,500	5,000
Major Collector	3,000	8,000
Arterial	No Limit by this Policy	No Limit by this Policy

The 'trips per event' column is only to be used for developments (such as ampitheaters and stadiums) intended to draw large numbers of spectators for certain events (occurring less than 20 times per year), but much lower volumes of traffic otherwise. All other developments shall use the 'trips per day' column to assess the suitability of a road to provide access. For developments with multiple access routes, each route will be assessed based on the number of trips (in the estimation of the Public Works Department) expected to use that route. For developments anticipated to generate a significant number of truck trips, these numbers will be adjusted to reflect the increased impact of the truck traffic on the transportation system.

Proposed developments larger than the thresholds in **Table 10-3** may be allowed if the Public Works Director can determine that the development's transportation system impacts will be mitigated to satisfactory levels and the developer improves the affected roadway(s) to appropriate standards as determined by the Public Works Director.

The Public Works Director has authority to require a developer to improve a roadway to meet standards if the Functional Classification of the roadway is appropriate for the size of the development, but the existing roadway does not meet an appropriate standard level.

Policy 10: a) The number of access points on arterial and major collector roadways shall be kept to a minimum to reduce the interruption to traffic flow and to promote safety. All new or expanded-use accesses must meet the access management standards of this plan (see section 10.1.3).
b) If a property is partitioned, all platted parcels of that property should use one common access to the road system.
c) Loop driveways are discouraged

Policy 11:a) Direct access to arterials from adjacent parcels should not be allowed if alternative access is available or can be made available.
b) If a parcel has access options onto more than one roadway, the access should be derived from the road with the lower functional class, and, if of the same functional class, the road with the lower traffic volume and fewer potential conflicts.
c) Likewise, where property abuts both a County or public use road and a State highway, the preferred access will be onto the County or public use road (unless the roads' functional classifications would indicate otherwise).

Policy 12: All new or modified accesses to an arterial shall be paved to a mimimum width of 20 feet for a typical vehicle length (or longer if necessary) from the edge of the roadway to control drainage and prevent rock and other debris from accumulating on the Arterial.

Policy 13: a) To minimize and eliminate hazards along public roadways, the County shall review and approve all proposed driveways and accesses (including all measurable access modifications and significant increases in use of an access) to County roads; and to local access roads as resources allow.
b) Accesses shall be located at the safest site possible, and shall meet the stopping sight distance requirements specified in Marion County's design standards. Actions required to obtain these stopping sight distances shall be required as a condition of approval of the access permit.
c) Accesses should be consolidated, whenever feasible, to minimize the number of access points.

Policy 14: Driveways, internal circulation areas, and parking areas shall be designed so that traffic will not back onto arterials or major collectors, or any other facility where such conditions would create a hazard.

Policy 15: Where there are several adjacent parcels with narrow frontages, or where sight distance is inadequate, a frontage road or combined driveway may be required.

Policy 16: Access to new State and large County parks should be provided by roads of minor collector or higher functional classification.

Policy 17: a) Appropriate notice of comment periods or public hearings shall be mailed to ODOT for any property requesting access to a State highway and any land use change or development within 500 feet of a State highway, or 1320 feet of an interchange.
b) The Oregon Department of Aviation shall be notified of any development within 500 feet of a public use airport.

Policy 18: If land to be subdivided, rezoned, or partitioned will cause the termination of a roadway or borders a roadway right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac or to increase the half (or halves) of right-of-way bordering this land to one-half of the standard width.

Policy 19: a) New private roadways (those on private property and maintained with private funds) shall not be approved as access to more than four parcels except in Planned Unit Developments.
b) When private roadways are approved as part of a subdivision or planned development, the roadways shall be constructed and completed to County standards prior to the recording of the plat. The developer shall certify in writing that the roadways were constructed to County standards.
c) The maintenance of privately owned roads is neither the responsibility nor liability of the County.
d) The property owner shall provide a recorded road maintenance agreement for all new development accessing private roads, prior to plat approval.

Policy 20: Building permits for new home sites on vacant parcels shall not be approved on previously established private roads serving four or more dwellings unless no other means of providing access to the property is available and appropriate land-use approvals are obtained. When these approvals are granted, the applicants shall be required to sign and record an agreement to participate in any future road improvement agreements and/or maintenance agreements.

Policy 21: No new local access roads (as defined in ORS 368.001) shall be created in Marion County.

Policy 22: New public streets and public street improvements shall be developed to County adopted standards, and the development will not be issued occupancy permits or final inspection until these streets have been constructed and the Public Works Department has accepted their design and construction.

Policy 23: On a Local Access Road with four or more existing parcels (not counting parcels with frontage on County roadways), no new parcels shall be created that would have access to the road unless the road is improved to County standards.

Policy 24: On a Local Access Road with fewer than four legally created parcels (not counting parcels with frontage on County roadways), new parcels may be allowed access to the road as long as the total number of parcels receiving access does not exceed four.

Policy 25: All new developments shall be reviewed to ensure that they have an adequate stormwater system. Specific requirements can be found in Marion County's Engineering Standards (or subsequent document).

Policy 26: Large developments are discouraged on dead-end or no-outlet roads.

10.3.6 Right Of Way Policies

There is a significant amount of public right-of-way in Marion County. Much of it is occupied by roads, while some remains undeveloped. Policies with respect to use of this right-of-way include:

Policy 1: To the extent possible, the County will utilize existing facilities and rights-of-way as the foundation for those intra- and inter-county facilities needed to accommodate anticipated growth and facilitate movement.

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.

Policy 3: The development of unopened, dedicated public rights-of-way will be reviewed by the County for consistency with land use and other policies. When opening of the road is appropriate, a permit will be required, and adequate roadway development standards shall be met.

Policy 4: The County will not abandon or vacate public rights-of-way unless it has been determined beyond reasonable question that it is in the best interest of the general public to not ever have the right-of-way available to the general public for use as a roadway, bicycle/pedestrian path, or any other use.

Policy 5: The County will restrict use of public rights-of-way (such as through posted restrictions or gates), roadways and structures to a user, or group of users, only if it is deemed appropriate for purposes of safety, roadway preservation, or other engineering reasons.

Policy 6: A Special Setback of 30 feet from the existing roadway centerline exists for all County roads unless a larger Special Setback is designated through another policy.

10.3.7 Urban Growth Management Framework Coordination Policies

The following policies are part of the adopted Urban Growth Management Framework that is part of the urbanization element of the Marion County Comprehensive Plan.

Policy 1: Marion County shall jointly plan with communities to meet the transportation needs in the future.

Policy 2: Communities should implement street connectivity standards.

Policy 3: Coordinate the enhancement or addition of transit connections within and between cities.

Policy 4: Allow for a complementary mix of land uses and transportation systems.

Policy 5: Encourage coordination of traffic calming methods.

Policy 6: Improve key freight routes.

Policy 7: City plans should improve the walking and biking environment

See the Urban Growth Management Framework and the Urbanization Element of the Marion County Comprehensive Plan for the Coordination Guidelines that provide detailed implementation of these policies.

10.4 FUTURE EVALUATION OF TRANSPORTATION ISSUES

Transportation issues and potential projects will arise on a continuous basis. To provide stability for the plan, it is helpful to have a procedure in place to develop, evaluate, and prioritize these issues. For purposes of this plan, the following guidelines will be used to update the plan, the future volume projections, and the associated project lists as new information becomes available:

New issues or suggested improvements will be reviewed by Marion County Public Works staff to determine if the project is feasible or even possible to pursue. Since the review process is somewhat subjective, several key issues will be used to determine the feasibility of each project. These issues include: whether the project is legal to pursue; whether the project addresses or corrects the problem identified at that location; whether the project conforms to generally accepted engineering principles; whether physical, environmental, or engineering limitations prevent the project from being constructed; how much benefit would come from the project relative to how much the project would cost; whether the project is 'in line' with the County's future plans for that area; and other issues that will help to determine the feasibility of pursuing the project.

Issues that are deemed feasible and appropriate for further investigation will be evaluated and prioritized using the project prioritization matrix system described in Section 8.1. The assigned numerical value and the resulting location of the project in the prioritized list of improvements will determine the likelihood of that project being addressed within the 20-year planning period.

Section 11, the **Financing Plan,** contains a list of the projects planned within the 20-year time frame of this plan. This list is much shorter than the list of recommended projects in Section 8 due to funding limitations. Projects considered to be beneficial enough to be pursued in the 20-year period warrant additional evaluation and planning level cost estimation. These projects receive additional analysis to determine their relative benefit, cost-effectiveness, and availability of funding for the project, and are then prioritized using the project prioritization matrix. The highest-rated projects have then been organized into five-year time frames based on our estimate of their desirability and when they are likely to get done with available funding.

Projects listed as Recommended Projects in Section 8 but not as funded projects in Section 11 are next in line to be added to the 20-year project list as additional funds become available, or as projects currently on the 20-year list are completed. These Recommended Projects are hereby authorized by this plan, and are good candidates to pursue with grant funding and/or other sources of revenue as they become available.

A *20-Year List of Recommended Improvements* will be maintained by the Marion County Department of Public Works.

MARION COUNTY

DEPARTMENT OF PUBLIC WORKS

ENGINEERING STANDARDS

The Marion County Board of Commissioners
Adopted These Standards on

April 11, 1990

These standards prepared by and under
the auspices of the staff of the
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I. INTRODUCTION

These are the Public Works Engineering Standards of Marion County. They establish the general criteria and detailed standards used for work both within public right-of-ways and dedicated easements of the county. They shall govern:

A. The design of roads, streets, and appurtenances in unincorporated areas within county right-of-ways and roadways in incorporated cities under county jurisdiction.

B. The design of drainage facilities, including those associated with public right-of-ways, roads, paved driveways, and parking and loading areas on private property.

C. The use of public right-of-ways and drainage easements for other purposes and facilities to insure that such other uses do not adversely affect the integrity, use and maintenance of the roadway and drainage facilities.

D. Where improvements to public roadways and drainage facilities are required under the authority of the Marion County Zoning Ordinance and the Marion County Subdivision and Partitioning Ordinance, such improvements shall conform to these standards.

Interpretation and enforcement of these standards shall be the responsibility of the Marion County Department of Public Works.

These standards shall apply to new and reconstructed facilities. Funds will not be available in the foreseeable future to bring all existing facilities up to these standards.

These standards are intended as a working document to provide a common understanding for design affecting Marion County roads and public right-of-ways. As such, they will be revised and updated periodically.

II. DEFINITIONS

ADT - Average Daily Traffic. The total number of vehicles traveling in both directions in a 24-hour period.

Arterial - A roadway intended to carry large volumes of traffic (1000 ADT or more outside of an Urban Growth Boundary [UGB]) and connect major traffic generators, cities, recreational areas, and major segments of transportation networks. High capacity is achieved through allowing higher speed, limited access, wider roadway and movement preference at intersections with lesser standard roadways.

Collector - A roadway intended to carry intermediate volumes of traffic (500-1500 ADT outside of a UGB) and collect and distribute traffic from local streets to arterials, state highways or small population centers.

County Road - A public road under the jurisdiction of the county that has been designated as a county road through an order by the Board of Commissioners pursuant to ORS 368. This designation causes the roadway to be maintained by the county.

Ditch - A man-made excavation dug in the earth used to convey drainage or irrigation water.

Drainage Facilities - The physical element used to convey, absorb or store runoff such as pipes or channels, dry wells, and detention or retention ponds.

Easement - Right to use property owned by another for specific or general purposes.

Engineer - A registered professional civil engineer licensed by the state of Oregon.

Highway - A major roadway having the connotation of being owned and maintained by the state of Oregon.

Local Road or Street - A roadway serving short distance, intra-neighborhood and residential needs. They are characterized by minimal access limitations, lowest traffic movement preference at intersections with collectors and arterials, and minimum widths. These factors lead to minimum traffic carrying capacity, but provide maximum access to adjacent property.

Local Access Road (NCR) - A public road that is not a county road, as defined herein, and is also not a state or federal highway or road. The roadway is maintained by the abutting property owners rather than by a public agency.

Mini-Subdivision - A small or irregular shaped parcel within an urban growth boundary which cannot be developed in accordance with standard subdivision regulations, usually less than 5 acres in area and served by a cul-de-sac street.

Predevelopment - A site with natural vegetation on native soil.

Private Road - A road which is on private property and which is maintained with private funds.

Public Road - A road which is within a public right-of-way. It may be maintained by either private or public funds (state, city, or county).

Public Right-of-way (R/W) - A right-of-way on which legal right of passage has been given to the public and is under county, state or federal jurisdiction.

Right-of-way - A legal right of passage over a piece of land, generally established by either an easement or ownership.

Road - A roadway having the connotation of serving rural areas.

Roadway - The general term used to describe the strip of land, structures, surfacing, and shoulders over which motorized vehicles travel. Included under this term are roads, streets and highways.

Rural - Those county areas which do not meet the definition of urban areas below.

Storm Water Runoff System - A means to control storm water through natural or man-made elements by conveyance, absorption or storage.

Street – A roadway having the connotation of serving urban or city needs

Turnpike – The most common road in the county road system characterized by graveled shoulders, open roadside drainage ditches and lack of curbs. See Standard Drawing Number 3.

Urban - Those areas within an adopted urban growth boundary (UGB) or having urban characteristics, such as lot sizes smaller than one acre.

Utilities - Any water, gas, sanitary or storm sewer, electrical, telephone, drainageway, wire, or television communication service and all persons, companies, or governmental agencies supplying the same.

III. CONSTRUCTION PLANS

A. GENERAL

Complete plans for all proposed improvements within or impacting public right-of-ways and county easements shall be submitted to the Department of Public Works for approval. Such plans shall be prepared under the supervision of and stamped by a Registered Civil Engineer. Construction of any improvements shall not begin prior to plan approval and issuance of a construction permit.

B. PREPARATION

Construction plans shall be prepared in accordance with the following requirements:

1. Plans shall have a vicinity map showing surrounding streets, including existing and proposed streets.

2. Plans shall have a north arrow, generally pointing to the top or right side of the plans.

3. Elevations shall be based on the current U.S.G.S. datum.

4. Stationing shall run from left to right of plan and profile.

5. Stationing shall commence (usually 0+00) at the south or west end of project and end at the north or east end of project.

6. Plan and profile generally shall be drawn at a scale of 1 inch equals 50 feet horizontal and 1 inch equals 5 feet vertical.

7. Profiles shall show existing ground along proposed centerline and right-of-way lines.

8. Where cut or fill slopes extend outside of the right-of-way, slope easements are required. Easements shall extend one foot outside of the toe of slope and be shown on plans. Street slope arrows shall be pointed down hill.

9. At all vertical curves, plans shall show curve length, stations and elevations or PIVC's, BVC's, and EVC's.

10. On all horizontal curves and curb returns, plan shall show length of curve, radius, deflection angle and stations of P.C.'s, and P.T.'s. Curb returns shall have elevations shown at P.C.'s and P.T.'s.

11. Wheelchair/bicycle ramps are required at each curb return at all intersections. Catch basins shall be located to avoid coinciding with ramps or shall use Type "B" grate.

12. Boundaries of the involved drainage basins, with topographic features and drainage facilities, shall be shown. See Section V, B, 1 for further details.

13. Roadside ditches shall be shown on plan view.

14. Pipe diameter, material and class of pipe shall be indicated on profile.

15. Plans shall show slopes (Ft./Ft.) and inverts on all pipes and channels.

16. Plans shall show typical section of all street sections and/or channel improvements.

17. Plans shall show all existing and proposed utility locations. New utilities in public right-of-ways must comply with the locations shown on Standard Drawings Numbers 2, 3, and 4.

18. Where feasible, general notes shall be consolidated on a single page. Repetition of general notes or inclusion of standard plans requires redundant review and affords unnecessary opportunities for oversight.

19. All traffic control and street signs shall be shown on plans. Cost of signs and installation shall be the responsibility of the developer, but signs may be installed through a work order by county forces on a time available basis.

C. SUBMITTAL

Construction plans and calculations for the proposed improvements shall be submitted as follows:

1. In accordance with Marion County Ordinance No. 671, the first submittal shall be accompanied by a completed Plan Check form and the required fees.

2. The first submittal shall consist of two sets of prints of sewer, water, road and drainage plans, profiles, and detail sheets and one set of drainage area plans and drainage calculations. The Department of Public Works will review the first submittal and indicate the required revisions.

3. The engineer shall revise the plans as required and make a final submittal which shall consist of three sets of prints of sewer, water, road and drainage plans, profiles, and detail sheets. Upon the approval by the

Director of Public Works, written notice will be given to the engineer with a copy to the developer.

4. Revisions: Any design changes made after final approval shall be approved by the Department of Public Works prior to construction.

5. In accordance with Marion County Ordinance No. 671, prior to beginning construction, a Construction Permit shall be obtained from the Department of Public Works and the required fees shall be paid.

D. PRECONSTRUCTION CONFERENCE

At the discretion of the Director of Public Works, a preconstruction conference may be required. The conference shall include representatives of the following groups:

1. Developer

2. Contractor

3. Marion County Department of Public Works

4. Utilities

5. Other groups involved in the project

E. AS-BUILT SUBMITTAL

As a condition of facility acceptance, the county requires the developer's engineer to inspect construction of the project and furnish a complete set of mylar drawings upon completion. Such drawings shall be marked "As-Built" and describe any and all revisions or additions to the approved plans. On the first page of these drawings, the developer's engineer shall make the following statement and affix his stamp adjacent thereto:
"I hereby affix my seal to certify that these improvements have been inspected and constructed in conformance with these plans as approved by the Public Works Director and the general specifications adopted by the Marion County Department of Public Works."

IV. ROADWAY DESIGN STANDARDS

The roads which are to be constructed within public right-of-ways shall be designed to conform to the following standards. Such standards for a particular road will be in accordance with the most current road classification plan as adopted by the county.

A. GENERAL

All roads which lie within an adopted UGB of an incorporated city shall comply with Table 1, "Urban Geometric Design Standards" and Table 3, "Cul-de-sac Standards."

All roads which are outside any UGB shall comply with Table 2, "Rural Geometric Design Standards" and Table 3, "Cul-de-sac Standards," except adjacent to a UGB where the traffic volumes and use indicate the need for extending the urban type roads. Such extension will be in accordance with the county's adopted road classification plan.

B. MININUM STREET GRADES

To provide adequate drainage, minimum slopes along streets and roads shall be as following:

Tangent sections and horizontal curves	
Type A monolithic curb and gutter	0.2%
Type C curb and roadside ditches	0.4%
Around cul-de-sacs and corners at intersections (Including both curbs and ditches)	0.6%

C. CURB AND PAVEMENT RADII AT 90-DEGREE INTERSECTIONS

To allow sufficient pavement for turning at intersections, the following radii shall be provided:

Type of Intersection	Radius
Curbed local to local and local to collector	20'
Curbed collector to collector	30'
Curbed collector to arterial	35'*
Curbed arterial to arterial	50'*
Turnpike local to local, and local to collector	30'
Turnpike collector to collector	40'
Turnpike collector to arterial	

TABLE 1
URBAN GEOMETRIC DESIGN STANDARDS

Road Classification	Traffic Volume (ADT)	Minimum Right-Of-Way Width	Minimum Pavement Width	Concrete Sidewalk [4]	Bike Lanes	Parking	Design Speed (mph)	Minimum Horizontal Radius [1]	Maximum Superelevation (ft/ft)	Maximum Grade (%) [6]
Basic Arterial [9]	10000-18000	84'	60'	Both Sides	Yes	Prohibited	35	420'	.04	5
Phased Development Arterial [9]	5000-10000	84'	34'	Both Sides	Yes	Prohibited	35	420'	.04	5
Minor Arterial [9]	6000-10000	68'	34'	Both Sides	Yes	Prohibited	35	420'	.04	6
Limited Arterial	3000-6000	68'	38' [8]	Both Sides	No [8]	Yes	30	300'	.04	6
High Volume Arterial [9]	15000-30000	Up to 108'	4 to 5 lanes up to 80' including median	Both Sides	Yes	Prohibited	45	730'	.04	6
Beltline [9]	30000-48000	Up to 132'	4 to 6 lanes up to 104' including median	Both Sides	Yes	Prohibited	55	1035'	.06	6
Basic Collector	3000-6000	68'	34'	Both Sides	Yes [7]	Prohibited [7]	35	420'	.04	6
Limited Collector	2000-3000	64'	38'	Both Sides	No	Yes	35	420'	.04	6
Industrial/ Commercial	0-4000	60'	34'	Both Sides	No	Prohibited	25	320' [3]	Normal Crown	6
Residential	0-2000	60'	34'	Both Sides	No	Yes	25	320' [3]	Normal Crown	12 [2,5]
Cul-de-sac = 500 (residential)		50'	34'	Both Sides	No	Yes	25	320' [3]	Normal Crown	12 [2,5]
Residential Mini-Subdivision, Cul-de-sac		30'	22'	4' One Side	No	Prohibited	25	320' [3]	Normal Crown	12 [2,5]

1. For minimum radius shown, maximum superelevation must be used. In all cases, radius is centerline radius. For greater than shown, see Section IV, E.
2. Grades of up to 15% may be approved. They should be less than 500 feet in length and located a distance of 200 feet or more from an intersection with a major street or an intersection requiring a stop.
3. Smaller radii will be allowed for 90-degree turns for looped streets and cul-de-sacs when legs are shorted than 400'.
4. 5' wide except where otherwise indicated. Along all residential streets, except cul-de-sacs, sidewalks shall be adjacent to the property lines.
5. Maximum slope from center of cul-de-sac to back of sac shall not exceed 8%.
6. At intersections, the maximum longitudinal slope of all non-through streets shall be 8% for at least 50' from the edge of the intersecting pavement.
7. In some cases, bike lanes may be eliminated and parking allowed on one side.
8. In some cases, the pavement may be wider and bike lanes provided.
9. Salem-Keizer urban area only.

Per Std. dwgs. #12 & 13
Turnpike arterial to arterial
Per Std. dwgs. #12 & 13

* Subject to revisions based on truck volumes, turning volumes and geometry of intersection.

D. SIDE SLOPES ON ROADWAY SECTION

Slopes along and adjacent to the roadway shall be as specified on the standard drawings. In general, they are to be no steeper than:

Cut Slopes	1-1/2 to 1
Fill Slopes	2 to 1

Flatter slopes are preferred and may be required by the Department of Public Works if soils are unstable.

Side slopes exceeding 5 feet in height shall be stabilized by grass sod, seeding, and/or riprap.

E. HORIZONTAL CURVES

In accordance with the minimum design speeds and maximum super-elevations as shown in Tables 1 and 2, the minimum horizontal curve radii are determined by the following formula:

$$R = \frac{V^2}{15\,(e+f)}$$

Where:
R = minimum horizontal centerline radius (ft)
V = design speed (mph)
e = super-elevation, negative on the outside of normal crown and reverse crown (ft/ft)
f = side friction factor

For V = 20 to 30 mph, f = 0.16; for V > 30 mph, f shall be reduced 0.005 for each 5 mph increase in V.

Where a radius greater than the minimum is selected, the super-elevation shall be reduced in accordance with the method in A Policy on Geometric Design of Highway and Streets, 1984, AASHTO.

F. SIGHT DISTANCE

In the design of roads and access onto them, the designer shall provide for

TABLE 2

RURAL GEOMETRIC DESIGN STANDARDS

Road Classification	Traffic Volume (ADT)	Minimum Right-Of-Way Width	Minimum Pavement Width	Gravel Shoulders [5]	Parking	Terrain Cross Slope	Design Speed (mph)	Minimum Horizontal Radius [1]	Maximum Superelevation (ft/ft)	Maximum Grade (%) [6]
Arterial	1000-10000	66'	28'	2' both sides	None Provided	S < 5 5 = S =15 S = 15	55 45 35	1035' 660' 380'	.06 .06 .06	6 8 10
Collector	500-1500	60'	22'	5' both sides	None Provided	S < 5 5 = S =15 S = 15	55 45 35	1035' 660' 380'	.06 .06 .06	6 8 10
Local (Through Road)	0-500	60'	22' [6]	5' both sides	On Shoulder	S < 5 5 = S =15 S = 15	50 40 30	925' 560' 300'	.04 .04 .04	7 9 12
Local (Subdivision of Cul-de-sac = 1320')	0-500	60'	22' [6]	5' both sides	On Shoulder	S < 5 5 = S =15 S = 15	30 25 20	460' 320' 205'	Normal Crown Normal Crown Normal Crown	8 [3] 10 [3] 12 [2,3]
Cul-de-sac = 1320'	0-500	60' (50' if = 500' long)	22' [6] (20' if = 500' long)	5' both sides	On Shoulder	S < 5 5 = S =15 S = 15	25 20 20	320' 205' 205'	Normal Crown Normal Crown Normal Crown	8 [3] 10 [3] 12 [2,3]

1. For minimum radius shown, maximum superelevation must be used. In all cases, radius is centerline radius. For greater than shown, see Section IV, E.
2. Grades of up to 15% may be approved. They shall be located a distance of 200 feet or more from an intersection with a major street or an intersection requiring a stop.
3. Maximum slope from center of cul-de-sac to back of sac shall not exceed 8%.
4. At intersections, the maximum longitudinal slope of all non-through streets shall be 8% for at least 50' from the edge of the intersecting pavement.
5. Roads that are designed as bike routes shall have paved shoulders.
6. For paving of existing gravel roads, the minimum pavement width may be 20'.

adequate sight distance to ensure public safety.

1. Vertical Curves

To provide adequate stopping sight distance, the minimum lengths of vertical curves shall be as computed from the following formula but in no case shall the lengths be less than 50 feet:

L = KA
Where:
L = length of vertical curve (ft)
K = constant for design, see Table 4
A = algebraic difference in grade (%)

When the algebraic difference in grade is less than 1 percent, a vertical curve will not be required.

2. Horizontal Curves

Horizontal curves shall have long enough curve radii to provide the minimum stopping sight distances, when measured across the inside of the curves, as specified in Table 4. Where there are sign obstructions such as cut slopes, retaining walls, structures, etc. radii longer than the minimums specified in Tables 1 and 2 may be required.

3. Intersections

Intersections shall be located so as to provide the sight distances specified in Table 4. Where conditions do not allow using the Preferred Intersection Sight Distances, the absolute minimum criteria for locating road access is the Minimum Stopping Sight Distance. Access will not be allowed where there is less than the minimum stopping sight distance available for the prevailing speed on the through roadway.

At intersections, the sight distance along the roadway shall be measured from a driver's eye, 3.50 feet above the pavement, to the top of a vehicle, 3.5 feet above the pavement. The driver's eye is at a point on the intersecting roadway which is located as follows:

Type of Road	Location of Driver's Eye*
Curbed	18' preferred and 15' minimum behind face of curb
Turnpike	18' preferred and 15' minimum behind near edge of pavement

TABLE 3

CUL-DE-SAC STANDARDS

Road Classification	Right-of-way Radius		Curb/Pavement Radius		Sidewalk/ Shoulder	Parking
	Turnaround	Entering Turnaround	Turnaround	Entering Turnaround		
Urban	45'	30'	38' [1]	35' [1]	5' sidewalk all around	Yes
Rural	45'	30'	32' [2]	30' [2]	3' gravel shoulder	None Provided
Mini-Subdivision (Prohibited in rural areas)	35'	20'	30' [1]	20' [1]	4' sidewalk one side	Prohibited
Industrial/Commercial	52'	30'	45' [3]	35' [3]	5' sidewalk all around	Prohibited

1. Curb required
2. Turnpike
3. Curb required in urban areas

Note: Maximum slope from center of cul-de-sac to back of sac shall not exceed 8%.

* In a situation where the specified location of the driver's eye is unsafe or is not adequate to provide the required stopping sight distance, the location shall be determined by the Director of Public Works.

4. Effect of Grade

The minimum stopping sight distances specified in Table 4 are for level ground. Where the grade is not level, the minimum stopping sight distance shall be determined by the following formula:

$$SSD = 3.68\ V + \frac{V^2}{30\ (f+g)}$$

Where:
SSD = minimum stopping sight distance (ft)
V = design or driving speed (mph)
g = grade + for upgrade and - for downgrade
f = coefficient of friction for wet pavement from Table 4.

G. STRUCTURAL STANDARDS

1. All construction work and materials shall be in accordance with the current Oregon State Highway Division (OSHD) "Standard Specifications For Highway Construction," except where otherwise specified.

2. Pavement and Aggregate Base thicknesses shall be in accordance with Table 5. At the option of the design engineer or where the Marion County Director of Public Works determines that unusual soil conditions or high volumes of truck traffic exist, pavement and aggregate thicknesses shall be determined in accordance with the current OSHD "Flexible Pavement Design Procedure."

3. Full-depth asphalt and portland cement concrete pavements are allowable. Designs must be approved by the Marion County Director of Public Works.

H. DRIVEWAY ACCESS

Driveway access onto county roads shall be located in a safe manner and conform to following requirements:

1. Permits

Prior to establishing a new driveway, reconstructing or widening an existing driveway or changing its use, a permit shall be obtained from the

TABLE 4

SIGHT DISTANCE AND VERTICAL CURVE STANDARDS

			K Values		F Values
Design Speed	Preferred Intersection Sight Distance	Minimum Stopping Sight Distance	Crest Curve	Sag	Friction Coefficient
20	200	125	10	20	.39
25	250	150	20	30	.37
30	300	200	30	40	.35
35	350	250	50	50	.33
40	400	325	80	70	.32
45	450	400	120	90	.31
50	500	475	160	110	.30
55	550	550	220	130	.29

1. On level grades. Where grades are not level, stopping sight distances shall be computed per Section IV, F., 4., Effect of Grade.

2. For Wet Pavement

TABLE 5

PAVEMENT AND AGGREGATE STRUCTURAL THICKNESS

Street/Road Classification	Crushed Base Equivalent	Asphalt Concrete	Aggregate Leveling Course (¾"-0) [3]	Aggregate Base Course (1-½"-0) [3]	Curb Exposure
Rural					
Local (Through Road and Cul-de-sac)	14"	2-½"	1-½"	7-½"	None
Collector	17-½"	2-½"	1-½"	11"	None
Arterial	23-½"	4"	1-½"	14"	None
Urban					
Residential Cul-de-sac less than 500'	11"	2-½"	1-½"	4-½"	6"
Residential Local	14"	2-½"	1-½"	7-½"	6"
Collector -					
Basic	18-½"	2-½"	1-½"	12"	7"
Limited	16-½"	2-½"	1-½"	10"	7"
Arterial	21-½"	2-½"	1-½"	15"	7"

1. As Defined in OSHD, "Flexible Pavement Design Procedure."

2. In Accordance with OSHD, "Standard Specifications For Highway Construction," except that asphalt content shall not be less than 6%. Mix design must be approved by Marion County Director of Public Works.

3. 1"-0 aggregate may be substituted. Thickness shall equal total thickness for Base.

Director of Public Works.

2. Surfacing

a. All commercial and industrial driveways shall be paved to standards set by the Director of Public Works on a site specific basis so as to support the anticipated traffic.

b. Residential driveways shall have a minimum surface of 6 inches of 1"-0 crushed rock. Where they are to be paved, the minimum surface shall be 2 inches of asphalt concrete over 6 inches of 1'-0 crushed rock.

3. Location and Number

It is the county's policy to provide access onto county roads in a manner and location that will protect the public safety. In general, the number of access points onto a roadway shall be held to the minimum necessary to provide adequate access to a particular parcel of property.

The location and number of driveways shall be as follows:

a. No access shall be allowed where there is less then the Minimum Stopping Sight Distance as specified in Table 4. The sight distance shall be measured in the same manner as for intersections except that the driver's eye shall be located a preferred 15 feet and a minimum of 10 feet behind the face of the curb or the near edge of pavement.

b. Driveway access shall intersect a county road at or as near a 90-degree angle as is practical. In no case shall it be less than 45 degrees.

c. Where there are several adjacent parcels with narrow frontage or where sight distance is inadequate, a frontage road or combined driveway may be required.

d. Within a UGB, a maximum of one double driveway or a looped driveway with a 90-degree intersection to the roadway shall be allowed per single family dwelling on a collector or arterial.

e. Within a UGB, no more than 40 percent of the roadway frontage of a lot shall be devoted to driveways.

f. Where property is located at the intersection of an arterial or collector and a local street, the preferred access shall be on the local street.

g. On a corner lot, no portion of any driveway shall be allowed within the curb return or pavement flare of the intersection. On collector or arterial streets it shall be a minimum of 30 feet from the end of the curb return or, if there is no curb, from the end of the pavement flare.

h. Along curbed streets, no portion of any driveway, including taper, flare, transition, apron, etc., shall be allowed within 3 feet of an intersecting property line unless it is an approved joint use driveway.

4. Widths

Within the limits listed in Table 6, the specific driveway widths and flares shall be determined according to anticipated traffic volumes, types of vehicles and widths of the connecting roadways.

5. Slopes

Slopes of driveways within the public right-of-way shall be no greater than 12 percent. On turnpike roads, driveways shall slope down from the edge of the county road pavement at a grade of at least 3 percent. This slope shall be continued the full distance to the ditch line or a distance of 10 feet from the edge of pavement, whichever is greater.

6. Drainage Requirements

Within public right-of-ways, where there are no curbs, there shall be culverts placed under driveways to provide for drainage as needed. The location, type and size of the culvert shall be specified by the Director of Public Works. See Section V, A, 3, a for types of pipe that may be allowed.

I. PRIVATELY MAINTAINED ROADS WITHIN PUBLIC RIGHT-OF-WAY

The maintenance of roads within public right-of-ways will remain the responsibility of the adjacent property owners until such time as the road has been paved to county standards and accepted as a county road by the Board of Commissioners.

1. Opening of an Unopened Public Right-Of-Way

An existing public right-of-way may be opened and a road constructed thereon with the written approval of the Director of Public Works. The roadway shall be constructed in accordance with the Roadway Improvement Standards listed below and Standard Drawing Number 5.

TABLE 6

DRIVEWAY DIMENSIONS

	Urban			Rural	
	Width [1]	Transition Width	Flare Width	Width [1]	Flare Radius
Residential	12'-24'	3'	None	20'-24'	10'-20'
Commercial					
One way, One lane	14'-16'	3'	3'	20'	10'-20'
Two way, Two lanes	28'-32'	3'	3'	20'-30'	20'-35'
Two way, Three lanes	36'-40'	3'	3'	36'-40'	20'-35'

1. Driveway width (not including transition flare): 1) Measured at right-of-way line on curbed streets; 2) Measured at ditch line, or if no ditch, at a distance of 10' from edge of pavement on turnpike roads.

2. The allowable dimensions will be determined by the Director of Public Works on a site-specific basis. Only in unusual situations will one-way driveways be allowed.

3. Curb returns will be allowed for driveways that carry at least 1000 vehicles per day or 50 trucks per day.

Private parties wishing to open a public right-of-way shall apply for a permit and submit plans for review and approval by the Department of Public Works prior to doing any work. The private parties shall bear all costs for the improvements.

2. Roadway Improvement Standards

Improvement to an existing or proposed privately maintained public roadway shall have, as a minimum, a gravel surface with adequate drainage and may be paved if desired or required by county ordinance. The minimum roadway improvements shall be as follows:

Number of Dwellings Served	Gravel Surface Width	Minimum 1"-0 Crushed Rock Depth
One	10'	6"
Two or More	16'	8"

3. Right-of-Way Requirements

Before a private improvement of a public right-of-way will be permitted, the right-of-way must be wide enough to contain the proposed road surface, the cut and fill slopes and the necessary drainage facilities. Dedication of additional right-of-way may be required prior to the issuance of a permit. The minimum right-of-way widths shall be as follows:

Street Classification	Minimum Right-of-way Width
New Local	60'
New Cul-de-sac =< 500'	50'
Existing unopened	20'*

* Adequate only for a 10-foot wide road surface. For a 16-foot wide road surface to serve 2 or more dwellings, a 30-foot right- of-way is required.

J. STOP SIGN WARRANTS

The purpose of stop signs is to enhance safety, improve traffic flow, and control the right-of-way assignment at intersections.

1. Stop signs may be used on the minor leg of intersections which meet any one of the following warrants:

a. On an approach to an arterial or collector.

b. Above average chance of conflict as determined by the following point system. Total of (1) through (4) shall equal 18 or greater to warrant a stop sign.

(1) Volume

(a) Major Street: One point for every 50* vehicles per day (VPD) (maximum 10 points). *75 for area within UGB.

Minor Street: One point for every 30 VPD over 100 VPD (maximum 5 points).

OR

(b) Major Street: One point for every 10 vehicles per hour (VPH) (maximum 10 points).

Minor Street: One point for every 10 VPH during same peak hour (maximum 5 points).

(2) Accidents

Five points are assigned for each accident susceptible to correction by stop signs during a one-year interval.

(3) Visibility

Where the critical approach speed to the intersection is less than 20 mph, one point shall be assigned for each mph under 20 mph (maximum 10 points).

(4) Unusual Conditions

Where unusual conditions exist, such as a school, fire station, playground, steep hill, etc., points are assigned on the basis of engineering judgment (maximum 3 points).

2. Multi-way stop signs may be used at the intersection of two through highways or at intersections which meet any one of the following warrants:

a. Volume [both (1) and (2) must be met]:

(1) Total vehicular volume entering the intersection from all

approaches must average et least 500 (350)* VPH for any 8 hours of an average day.

(2) The combined vehicular and pedestrian volumes entering from the minor street must average at least 200 (140)* per hour for the same 8 hours.

* Major street approach speed greater than 40 mph.

b. Accidents:

When 5 of more reported accidents of a type susceptible to correction by a multi-way stop installation occur during a 12-month interval in the previous 5 years.

c. Where a traffic signal is warranted and is urgently needed, the multi-way stop is an interim measure while arrangements for a signal installation are being made.

d. Limited Sight Distance:

Where sight distance is limited due to physical improvements (other than landscaping, fencing, or roadside vegetation) a multi-way stop may be warranted as an interim measure until such time as the obstruction can be removed in an acceptable manner. A multi-way stop may be placed after an engineering investigation has determined:

(1) the vision from a stopped minor leg, as measured according to the Marion County Engineering Standards, is less than the minimum stopping sight distance required for the posted or prevailing speed on the major leg, and

(2) the ADT on the minor leg exceeds 50, and

(3) the major leg is not an arterial in the adopted classification system of Marion County.

3. Other Factors to Consider When Investigating the Need for a Stop Sign:

a. Vision Hazards - Do any vision hazards exist and can they feasibly be removed?

b. Accident Patterns - Are there any unusual patterns and can they be remedied by other means?

c. Accident Potential - Is there any identifiable accident potential and

is it peculiar to this intersection?

d. Condition of Intersection - Angle of intersection, geometry of approaches, surrounding topography, pavement markings, signing, general visibility.

e. Any miscellaneous factors of importance – Traffic flows, schools in vicinity, particular traffic components

K. STREET LIGHTS

The following criteria shall be followed by the Marion County Department of Public Works in its determination of where street lights supported by road funds will be installed.

1. Street lights shall be placed as follows on arterials having traffic volume exceeding 10,000 ADT:

   a. At intersections with collector streets.

   b. At major alignment changes.

   c. At a maximum spacing of 1000 feet and at minimum spacings of 200 feet for lights in the 20,000-40,000 luminaire range and 400 feet for lights providing greater than 40,000 luminaire output.

2. Street lights shall be placed on arterials with traffic volumes of 10,000 ADT or less and on collectors at specific locations where an unusually high hazard to motorists is identified by the Director of Public Works.

3. Street lighting shall not be provided within any city corporate limit or within residential, commercial, or industrial developments.

4. Statutory restrictions on use of county road funds preclude expenditure for lighting when not directly required for motor vehicle safety.

L. GUIDE SIGNS

The Director of Public Works may issue permits to place guide signs within the right-of-way of any public road upon the written request of any person(s) or organization under the following conditions:

1. General Guide Signs:

   a. Permitted signs will be guide signs from the following list:

Parks, game preserves, campgrounds, museums, public buildings or installations (city, county, state, or federal), public golf courses, athletic fields, stadiums, auditoriums, public swimming pools, exposition grounds, historical land marks, homes, or sites, churches, group care homes, schools public and private, domestic or waste water treatment plants, solid waste collection or processing sites, recycle collection centers, transportation facilities such as airports, bus terminals, railroad stations.

b. Criteria for approving other uses:

(1) The facility serves the general public.

(2) Consideration shall be given to the difficulty in locating the facility from the arterial road network without the signs.

(3) Consideration shall be given to the degree the facility is a traffic attractor.

(4) Consideration shall be given to the usefulness of a permanent sign and how often the facility is in use.

c. The sign text will be limited to:

(1) Name of facility or feature.

(2) Distance to the facility or feature.

(3) Arrow point indicating direction to facility or feature.

d. All signs and sign placements will be done by Marion County. All costs related to the permit issuance, inspection, and installation, will be borne by the applicant on a "Private Work Order" basis.

e. All physical characteristics of the sign, namely size, material, shape and color will by determined by the Director, guided by the "Manual on Uniform Traffic Control Devices" as published by the Federal Highway Administration and adopted by the Oregon Department of Transportation. All completed signs must have the approval of the Director prior to installation.

f. The sign will be located within 1 mile of the facility or feature unless circumstances should dictate otherwise. In all cases, the Director will designate the sign location.

g. The number of signs allowed for each facility or feature will be limited to two (2). Up to four (4) signs may be approved by the

Director under extraordinary circumstances.

h. The sign may be removed at any time, by the Director, if justified by conditions such as traffic safety, road improvements, etc., warrant such action, or if permit requirements are not met or maintained.

i. A maintenance and removal agreement clause will be a part of each permit issued. If the existing sign becomes unusable for any reason such as vandalism or traffic accident, the applicant will be required to bear the cost of replacing the sign if they choose to have the sign replaced.

j. The decisions regarding sign placement, number, and wording are determined by the Board of Commissioners to be of a technical, administrative nature and for that reason the Board delegates that to the Director of Public Works. The decision of the Director of Public Works is a final decision subject to review under ORS 203.113.

2. Business Guide Signs:

a. Definitions

As used in these rules, the following definitions shall apply unless the context indicates otherwise:

(1) "Business Guide Sign" means a sign panel with the name of a qualified tourist oriented business, service or activity, qualified historical feature or qualified cultural feature together with directional information erected in advance of or at intersections on the county road system.

(2) "Direction information" means the name of the business, service or activity, qualified historical feature or qualified cultural feature and other necessary information to direct the motoring public.

(3) "Qualified Tourist Oriented Business" means any legal cultural, historical, recreational, educational or entertaining activity or a unique or unusual commercial or non-profit activity the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(4) "Qualified Cultural Feature" means a museum approved by the Engineer after consulting with the Oregon Historical

Society and the Oregon Museum Association.

(5) "Qualified Historical Feature" means a district or a property currently listed in the National Register of Historical places or designated as nationally significant by the United States Department of the Interior.

(6) "Main traveled way" means through traffic lanes of said systems exclusive of frontage roads, auxiliary lanes and ramps.

(7) "Owner" means a holder of fee title, or lessee.

(8) "Responsible operator" means a person or entity other than an owner who operates a qualified tourist oriented business and who has authority to enter into an agreement relative to matters covered by these regulations.

(9) "Engineer" means the Marion County Engineer.

(10) "Applicant" means a person applying for a permit for a business guide sign.

b. Location

(1) Business guide signs are intended for use in rural areas outside of Urban Growth Boundaries.

(2) Business guide signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other traffic control devices within the highway right-of-way.

(3) Business guide signs shall not be installed until a thorough investigation by the Engineer determines that no conflict will exist with other official traffic control devices, or any unsafe condition created.

c. Criteria for Eligibility

(1) Each qualified tourist oriented business identified on a business guide sign shall have given written assurance to the Marion County Department of Public Works of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, or national origin, and shall not be in breach of that assurance.

(2) The business qualified as a tourist oriented business must be located within 9 miles of the intersection where the tourist oriented directional signs are proposed to be installed. The distance will be measured as vehicle distance from the center point of the intersection to the nearest point of the intersection of the driveway of the business and a public highway.

(3) Except for undeveloped cultural and historical features, a qualified tourist oriented business shall have:

(a) Restroom facilities and drinking water available.

(b) Continuous operation at least 6 hours per day, 5 days a week, during its normal business season.

(c) Licensing where required.

(d) Adequate parking accommodations.

(4) Qualified undeveloped cultural and historical features shall include:

(a) Adequate parking accommodations.

(b) An informational device to provide public knowledge of the feature.

d. Composition

(1) Business guide signs shall have a blue reflectorized background with a white reflectorized border and message. The intersection sign shall not exceed 18 inches in height and 36 inches in length and shall have not more than two lines of legend including a separate direction arrow and the distance to the facility to the nearest one-quarter mile. The content of the legend shall be limited to the identification of the business and shall not include promotional advertising as determined by the Engineer. Advance business guide signs shall be the same as the intersection business guide sign except that in lieu of the directional arrow and mileage the sign shall include the directional work information "AHEAD" or "NEXT LEFT" or "NEXT RIGHT" as may be required. Messages, symbols and trademarks which resemble any official traffic control devices are prohibited.

(2) All directional arrows, letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

(3) The Engineer must approve the materials, design and workmanship before the signs are placed.

(4) The Department of Public Works will place all signs in county right-of- way.

e. Special Requirements

(1) Location

(a) Business guide signs are to be located at intersections. Advance business guide signs are optional but cannot be used unless the qualifying business also has a panel at the intersection. Wherever possible, advance business guide signs are to be located at least 300 feet in advance of the intersection from which the qualified tourist oriented business is available.

(b) The spacing between sign panels and between signs and other traffic control devices shall be determined on the basis of an engineering study. Sign panels shall not be displayed for any business if it is visible and identifiable from the traveled way the last 300 feet from the intersection.

(2) Composition

(a) A maximum of three tourist oriented business signs may be displayed at each location. A maximum of three locations may be utilized in an intersection.

f. General Provisions

Upon selection and approval of an intersection for an installation of a business guide sign and upon approval of proper application for a permit from one or more qualified tourist oriented businesses at or conveniently accessible from the intersection, a single business guide sign for each qualified tourist oriented business shall be erected at the intersection in each direction of travel.

g. Application and Eligibility

(1) If applications are received for any one intersection for more than the allowable number of signs, the order of priority shall be based on the date of receipt of a properly completed application.

(2) The owner or responsible operator of a business must file an application for installation of its tourist oriented directional sign on a form specified by Marion County and agree to pay the work order costs involved.

(3) Any grant of a new or renewed application shall entitle the applicant to the continuance of its business guide sign for as long as requirements of these regulations are met.

(4) The signs may be removed for any of the following reasons:

(a) If the qualified tourist oriented business fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services, so as to justify a finding by Marion County Public Works that the business is not in substantial compliance with these regulations.

(b) If the qualified tourist oriented business fails during its normal business season to open for business for more than 7 consecutive days or for more than 10 days cumulatively, during any 1 month period, unless Marion County Public Works finds that closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances.

(c) If it fails to comply with Section IV, L, 2, c, (1) except in isolated instances without the knowledge of the owner, responsible operator or manager of the business, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur.

(d) If Marion County Public Works Department elects to discontinue the program, in which case sign fees paid within the previous year will be refunded.

(5) If due to fire, accident or similar cause, a qualified tourist oriented business becomes inoperable for an extended period of time, exceeding 7 days but not more than 90

days, its business guide sign shall be temporarily removed, but the business shall not lose its priority, nor be required to reapply prior to the normal time for a renewal application. Further extension may be granted on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the business guide sign and require a new application.

(6) Notwithstanding the fact that a tourist oriented business meets all of the other eligibility requirements of these regulations, an application may be denied if it is determined after investigation by the Engineer that adequate direction to the business cannot be given by a reasonable number of allowable business guide signs.

h. Fees and Maintenance

The fee for placement, administration, and if desired, fabrication, will be billed on a work order basis. Maintenance costs such as a replacement of a vandalized or missing sign shall also be borne by the applicant on a work order basis.

i. Temporary Removal and Reinstallation Fees

After the initial installation of any business guide sign, a fee on a work order basis shall be charged for:

(1) Temporary removal because of temporary or seasonal closure of the qualified tourist oriented business.

(2) Reinstallation of any tourist oriented directional sign pursuant to Section IV, L, 2, g, (4) of this rule.

M. ROADWAY DELINEATION

1. Engineering Study

Before any new delineation is installed, an engineering study shall be performed. The engineering study shall include a review of accident rates, day and night lighting conditions, pavement and shoulder widths, roadside vegetation, horizontal and vertical roadway alignment, existing and recommended vehicle speeds, traffic volumes, adjacent land use, weather, and other pertinent items. This engineering study should always include on-site evaluation.

2. Consistency of Installation of Delineation

a. Delineation shall be installed in a consistent manner both along a given section of road and, to the extent economically practicable, throughout the entire road system. For example, if a curve of a particular radius is marked with delineators on a road, similar curves should be similarly marked on that road. It should, however, be recognized that curves that appear similar on a map or construction drawing may have entirely different appearances in their individual surroundings.

b. Both for the purpose of consistency and to avoid diminishing effectiveness due to overuse, delineation shall be installed in accordance with the following hierarchy:

(1) Painted yellow centerline

(2) Painted white "fog" lines

(3) Turn and curve warning signs, with or without advisory speed plates

(4) Raised reflective pavement markers

(5) Delineators (reflectors mounted on posts)

(6) Large arrow signs

(7) Chevron alignment signs

Items (1), (2), (4), and (5) may be used on both tangents and horizontal curves whereas Items (3), (6), and (7) may be used only on horizontal curves.

Items (1), (2), and (4) cannot be installed on gravel roads.

3. The selection of delineation to be installed at a particular location shall be based on the hierarchy listed above, the results of an engineering study and the following warrants:

a. Painted yellow centerlines and painted white "fog" lines constitute the standard delineation for paved roads and other types of delineation shall supplement rather than replace these painted lines.

b. Turn and Curve Warning Signs and Advisory Speed Plates

(1) The turn sign is intended for use where an engineering

study shows that the recommended speed on a turn is 30 mph or less and is equal to or less than the legal speed limit

(2) The curve sign is intended for use where an engineering study shows that the recommended speed on a turn is greater than 30 mph and is equal to or less than the legal speed limit.

(3) The advisory speed plate is intended to supplement the turn and curve signs to give additional warning. It shall not be used alone. It shall show the maximum speed recommended by an engineering study.

c. Raised Reflective Pavement Markers

(1) Raised reflective pavement markers shall be installed on all roads classified as arterials or collectors. On local roads, pavement markers shall be installed only in special situations where justified by an engineering study.

(2) Pavement markers shall be spaced as follows:

(a) Rural areas: 80 feet apart on tangents and 40 feet apart on curves

(b) Urban areas: 40 feet apart on tangents and curves

(3) Where pavement markers are to be installed only on a curve, markers shall also be installed on the approach tangents for a distance of 400 feet in each direction from the curve. On these tangents, the marker spacing shall be the standard 80 feet.

(4) Pavement markers shall not be installed in areas where snow removal operations are expected to be necessary as frequently as once every other year. In the absence of site-specific records, markers shall not be installed at elevations greater than 800 feet above mean sea level.

d. Delineators (Reflectors Mounted on Posts)

(1) Delineators shall be installed in accordance with Table 7:

(a) Delineators should be installed only on curves with a central angle of 20 degrees or greater.

TABLE 7

DELINEATOR WARRANTS

Traffic Volume (ADT)	Road Classification	Install Delineators
0-500	Local	Only in special cases where justified by an engineering study
500-1000	Collector	On curves sharper than 12 degrees
1000 or more	Arterial	On curves sharper than 6 degrees

(b) Delineators may be installed on curves when raised reflective pavement markers alone have been found to be inadequate. Such situations may occur where a crest vertical curve blocks the driver's view of the pavement markers within the safe stopping sight distance or where the need for additional advance warning is demonstrated by the occurrence of accidents.

(c) Delineators shall not be installed within any urban growth boundary.

(2) Delineators on horizontal curves shall be spaced in accordance with Table 8:

(a) For curves falling between the values listed, use the spacing given for the next sharper curve.

(b) To clear driveways, crossroads, etc., or for required adjustments at ramps and at intersections, either vary placement of that delineator up to 1/8 of spacing shown, or if that will not work, eliminate that delineator.

(c) On curves with central angles greater than 40 degrees, installation of delineators should be terminated at the location where deflection reaches 40 degrees.

(3) Judgment should be exercised in the installation of delineators on substandard roadway sections, particularly where ditches are narrow and where delineators would hamper

(4) Delineators should not be located in an actively farmed area unless they can be placed far enough off the pavement to avoid being hit by farm machinery and in areas that avoid conflict with agricultural operations.

(5) Delineators should be installed on both sides of horizontal curves with white reflective sheeting or reflectors installed on the side of the delineator visible to the driver's right.

(6) The use of large arrow signs or chevron signs should be considered on all curves sharper than 30 degrees.

e. Large Arrow Sign

TABLE 8

DELINEATOR SPACING ON HORIZONTAL CURVES

		Spacing in Advance of Curve (ft.)	
Degree of Curve	Spacing on Curve (ft.)	First Space	Second Space
6	120	200	350
7-8	100	180	300
9-10	90	160	270
11-12	80	140	240
13-18	70	130	210
19-25	60	110	180
26-up	50	100	150

A large arrow sign is intended to be used to give notice of a sharp change in roadway alignment. It should be used to mark curves that have a high accident experience where raised reflective pavement markers or delineators do not provide adequate warning to motorists. The large arrow sign shall be erected on the outside of the curve in line with and at right angles to approaching traffic. It should be visible for at least 500 feet.

f. Chevron Alignment Sign

The chevron alignment sign may be used as an alternate or supplement to delineators and the large arrow sign. The chevron alignment sign is intended to be used to give notice of a sharp change in roadway alignment and to provide additional emphasis and guidance for vehicle operators. Chevron alignment signs are normally installed in groups of three or more with spacing such that drivers always have two in view as they proceed around the curve. Chevron alignment signs are installed on the outside of a curve at right angles to approaching traffic and the first two should be visible for at least 500 feet.

N. BRIDGES

All vehicular bridges shall be designed to carry at least HS 25 vehicle loading, plus impact.

Structural and geometric design of bridges, including width, shall be in accordance with the current standards in use by ODOT. These include, but are not limited to, Standard Specifications for Highway Bridges (AASHTO). Minimum bridge width shall normally be equal to the total width of the travel lanes plus the shoulders but in no case shall be less than 28 feet.

V. DRAINAGE STANDARDS

These standards shall apply to all drainage facilities which impact a public right-of-way or easement dedicated to Marion County and within all off-street parking and loading areas as required by the Marion County Zoning Ordinance.

All storm water runoff shall be conveyed to a public storm sewer, or natural drainage channel, having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and private property. In the case of private development, the developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

A. DESIGN

1. Calculations

Design calculations shall be submitted for all drainage facilities, and shall be completed on Marion County standard forms or an approved facsimile.

Peak design discharges shall be computed using the rational formula, Q=CiA, only for basins under 1,000 acres. For larger basins, gauged flows or Soil Conservation Service or other approved methods shall be used.

a. Design Storm

The intensity-duration frequency is based on the type area through which the facility (pipe or ditch) passes and the size of the drainage facility. The adopted criteria are listed in Table 9.

b. Rainfall Intensity-Duration Curve

The rainfall intensity-duration curve for Marion County is shown on Standard Drawing No. 27.

c. Runoff Coefficients

The recommended coefficients of runoff (C) are listed in Table 10.

d. Time of Concentration

For land in a pre-development condition, the minimum time of concentration from the most remote point in the basin to the first defined channel (e.g. gutter, ditch or pipe) shall be 10 minutes. (Pre-development is defined in Section II.) Longer times using the

TABLE 9

DESIGN STORM FREQUENCY

Area	Frequency
Residential Area	5-year storm
Commercial and high value districts	10-year storm
Trunk lines (24" pipe and larger)	25-year storm
Minor creeks and drainage ways (not shown as a flood plain on the Flood Insurance Rate Map (Firm)	50-year storm
Major Creek (shown as a flood plain on the FIRM)	100-year storm

TABLE 10

RUNOFF COEFFICIENTS

Soil Cover	Flat Terrain s<2%	Rolling Terrain 2%<s<10%	Steep Terrain s>10%
Relatively high permeability (lawns, pasture, woods)	0.20	0.25	0.30
Moderate impermeability			
1) Single-family residential in urban areas, except corner lots with duplex potential	0.40	0.45	0.50
2) Gravel parking lots	0.50	0.55	0.60
3) Mobile home parks	0.60	0.65	0.70
4) Multi-family residential, zero-lot-line single-family residential and potential duplex lots in Single-family residential	0.70	0.75	0.80
High impermeability (roofs and paved areas)	0.90	0.90	0.90

Soil Conservation Service (SCS) method or other approved methods shall be used where appropriate.

For developed residential and commercial/industrial property, the maximum time of concentration from the most remote point in the development to the closest inlet shall be 10 minutes, unless calculations by an acceptable method show the time to be longer.

2. Detention Facilities

a. Where Required

Peak storm water runoff shall be controlled by detention facilities for all subdivisions, all commercial and industrial developments and all parking lots with a total developed acreage of 0.5 acres or more and all other developments where the county engineer determines control is needed to prevent flooding or damage downstream. This requirement may be waived if the applicant can show that it is not effective for the basin as a whole.

b. Allowable Runoff Rate (Outflow)

Peak runoff rate shall be limited to that which would occur in a 5-year frequency storm with predevelopment conditions (C=0.2). Pre-development is defined in Section II.

c. Required Storage Capacity

Detention facilities shall have storage capacities to detain the difference between a 5-year frequency storm with pre-development conditions and a 10-year frequency storm with development conditions.

d. Design

(1) The design shall be done in accordance with the Oregon Department of Transportation Publication 78-4, "Procedure Manual, Application of Detention Storage for Limiting Runoff", or other methods approved by the Director of Public Works.

(2) The orifice size and the hydraulic head shall be adjusted to produce the allowable outflow.

(3) To prevent excessive plugging, the minimum orifice diameter shall be 1-1/2 inches.

(4) Detention facilities shall be designed to protect public and private

property.

(a) Freeboard

At maximum storage, the water surface elevation shall be a minimum of 0.5 feet below the top of the structure (curb, bank, berm, etc.) designed to contain the water.

(b) Overflow System

The detention facility shall have an overflow system with the capacity to pass a 50-year frequency storm. The overflow shall discharge into a public storm drain facility or the natural drainage course for the drainage basin where the development is located.

(5) Simplified design for sites between 0.5 acres and 5 acres.

For developments in this size range, the detention facility may be designed in accordance with Standard Drawing No. 30. This method is based on the following conditions:

(a) The sites are small enough so that there is an insignificant difference between the times of concentration for the different site sizes. For calculating the allowable runoff rate, a uniform time of concentration of 10 minutes is applicable and, as a result, the allowable runoff rate is 0.2 cfs per acre.

(b) The sites, when developed, will have surfaces that are almost entirely impermeable (buildings, pavement, etc.). For a site not conforming to this condition, the required storage capacity can be reduced by doing a detailed analysis instead of following the standard drawing.

3. Pipes

a. Concrete pipe shall be used, except for temporary or unusual conditions, with a minimum diameter of 10 inches and a minimum cover of 12 inches. Based on the cover and anticipated loading, the required type ASTM C-76 (reinforced) or ASTM C-14(non-reinforced) and class of pipe shall be specified. Within county right-of-ways, under all public roadway areas, the pipe shall have rubber gasket joints. When the pipe has less that 12 inches of cover, Ductle Iron, Class 52 shall be installed. High-density polyethylene pipe with a corrugated exterior and a smooth interior (Advanced Design Systems, Inc., N-12 or equivalent), ASTM F-405 and F-667 or AASHTO M-252 and M-294, may be used for driveway culverts, provided a minimum cover of 18 inches can be placed and still

keep the surface of the driveway (at the ditch line) lower than the surface of the county road, in accordance with Standard Drawing No. 11J.

b. Pipes shall be designed for free flow (i.e., not under head).

c. Allowance for energy loss due to turns, structures, pipe size change, etc., shall be considered in the design of the storm drainage facilities.

d. Mannings "n" valve shall be 0.013 for concrete pipe.

e. Minimum velocity shall be 3.0 fps at peak design flow. Minimum velocity of 2.5 fps will be allowed if the developer provides a construction bond, or similar assurance, for the cost of relaying the pipe if it is laid flatter than 80% of the design grade between structures or pipe ends.

f. Pipe slopes greater than 20% shall have concrete encasement or anchor walls at 21-foot spacing, and shall be reviewed by the Director of Public Works for impact or excessive velocity and the need for energy dissipators.

g. Storm sewer and other utility lines should not meander across the road right-of-way, creating conflicts with existing and future utilities and preempting orderly future installation. With a few exceptions, underground utilities should parallel the roadway centerline and be placed per Standard Drawings Nos. 2, 3, and 4.

h. When fill or trench depths exceed 10 feet, design calculations for pipe loading and strength shall be submitted.

i. Pipe bedding and trench backfill shall conform to Standard Drawing No. 25.

j. Storm sewers crossing private property shall have minimum easement widths of 10 feet. Deep storm sewers, large pipe or unstable soil situations will require wider easements.

4. Storm Drain Manholes, Junction Boxes and Cleanouts

a. Manholes shall be required at:

(1) All changes in horizontal or vertical alignment. Minor horizontal curvature in pipe less than 15 degrees may be allowed, (without manholes or cleanouts), depending on pipe size, street alignment, degree of curvature and reason. Maximum joint deflection shall be per manufacturer's recommendation.

(2) All connections.

(3) All changes in pipe size.

(4) At a spacing no greater than 500 feet.

b. Standard catch basins, junction boxes, or cleanouts may be used in place of manholes for pipe no larger than 18 inches and with a depth less than 4.0 feet.

c. In place of manholes, on new main line and lateral construction, catch basing laterals of 30 feet or less in length and 10 inches in diameter may connect to the main line with a shop fabricated 90 degree "T", provided the connection is located not more than 100 feet from a manhole or cleanout on the main line and the main line is 15 inches or larger in diameter.

d. In place of manholes or cleanouts, laterals draining private property may be connected directly to the main line, provided the lateral diameter is 8 inches or less and is no more than one half the diameter of the main line. The hole in the main line shall be made with a drill designed for cutting concrete. The connection shall be properly grouted to provide a strong, leak-proof point. The lateral shall not project inside the main line.

5. Inlets and Catch Basins

Inlets and catch basins shall be required at:

a. All low spots, whether on public or private property, and shall be connected to a storm drainage facility.

b. A maximum gutter flow length of 500 feet.

6. Drywells and French Drains

Drywells and French drains shall not be allowed as the exclusive method for draining public right-of-ways but may be used for developments on private property for paved driveways, parking and loading areas, subject to the following conditions:

a. There are no public storm drain facilities, available within a reasonable distance of the development.

b. A soils test shall be provided to show that there is adequate permeability.

c. The system shall be engineered to insure that adequate capacity is available.

d. Provisions shall be made for grease and fines removal.

e. The site shall be graded so that it does not drain onto a public right-of-way in the event that the drywell or French drain fails.

f. The design shall be approved by the Department of Public Works.

7. Open Channels

a. All existing streams and ditches and other open channels requiring a pipe diameter greater than 36 inches shall remain open channel except at road crossing.

b. Where possible, ditches shall be located along or adjacent to lot lines. Within the UGB, creation of new open channels will not be allowed, unless it is to relocate an existing open channel.

c. For reasons of maintenance and safety, bank slopes generally shall be 4:1 or flatter but may be a maximum of 2:1 with Department of Public Works approval.

d. The maximum allowable design velocity shall be 7 fps.

e. The minimum allowable design velocity shall be 2 fps. The installation of a concrete lined low-flow channel may be required to achieve minimum velocity.

f. The normal maximum depth for an open ditch shall be 4 feet outside of road rights-of-way and 2 feet adjacent to the roadways.

g. Channels crossing private property shall have a minimum easement width equal to the channel width at the top plus 10 feet along one side of the channel.

B. PLANS

1. All plans shall include a map outlining the drainage basin boundaries for which a storm water runoff system is being designed and those adjacent basins which may be affected. This drainage basin map shall show the existing and proposed drainage swale, stream or body of water. The scale of this map may vary from 1" equals 200' to 1" equals 2,000' depending on the size of the drainage basins.

2. All crossings and potential conflicts between storm sewers and other underground utilities shall be shown on the profile.

3. Means of preventing erosion along new channels, ditches and at pipe outfalls, are required and shall be shown on the plans.

4. Pipe sizes, types, classes and bedding shall be specified on the plan.

5. Pipe bedding and trench backfill shall be specified on plans and shall be per Standard Drawing No. 25.

VI. USE OF COUNTY RIGHT-OF-WAY BY OTHERS

Written permission to work in or modify a county right-of-way or easement, including the construction of driveway accesses, must be obtained from the Director of Public Works or his representative prior to actual commencement of said work. Such work must restore the road structure to its present physical characteristics, including any additional work or materials necessary to compensate for weaknesses caused by disturbing the structural integrity of the roadway. Standard Drawing No. 25 shows backfill requirements for excavation work undertaken in the right-of-way.

The location of utilities or other facilities in the right-of-way shall be as shown on Standard Drawing Nos. 2, 3, and 4, or as authorized by the Director of Public Works.

Underground utility crossing shall in general be installed by boring, jacking, or tunneling, rather than excavating or ditching. Unless there are special circumstances approved by the Director of Public Works, (e.g., rock subgrade), open cuts for utilities in paved roads shall not be permitted for:

1. Conduits 4 inches and smaller in diameter.

2. Roads classified as arterials.

3. Roads overlayed within the last 3 years.

Where the Director of Public Works has approved an open cut, the pavement shall be saw cut and the crossing shall be perpendicular to the centerline of the road.

VII CHECK LIST FOR SUBDIVISION REVIEW

On the following pages appear check lists to be used in the various stages of subdivision review listed below:

A. Preliminary Plat

B. Engineering Plans

C. Final Plat (hard copy)

Chapter 17.112

FUTURE RIGHT-OF-WAY LINES Revised 3/19

Sections:

17.112.010 Establishment, alterations, or elimination of future right-of-way lines.
17.112.020 Special street setbacks. Revised 3/19

Prior legislation: Ordinance 329.

17.112.010 Establishment, alterations, or elimination of future right-of-way lines.
The governing body may establish, vary, modify, alter or eliminate any future right-of-way line for any reason or purpose after proceedings as provided for administrative reviews as outlined in MCC 17.110.680. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003. RZ Ord. § 112.010.]

17.112.020 Special street setbacks. Revised 3/19
A. The special setbacks in this section are based upon the functional classification of streets as described in the Marion County Rural Transportation System Plan outside urban growth boundaries. The purpose of these special setbacks is to permit the eventual expansion or improvement of streets and roads in order to safely accommodate vehicular or pedestrian traffic. The special setback shall be measured from the centerline of the street right-of-way.

B. Except as provided herein structures, including but not limited to utilities, retaining walls, fences and curbing and paved surfaces shall not be located within the special setbacks specified in subsection (F) of this section. Any portion of a structure lawfully established within a special street setback prior to adoption of this title shall be considered a nonconforming structure. Other yard areas and setbacks specified adjacent to streets shall be in addition to the special setbacks required by this section. These setback distances shall be measured at right angles to the centerline of the established right-of-way. Parking requirements shall be met outside of the special setback area.

C. The planning director may approve placement of signs or light standards, and temporary structures, or paved surfaces within the special setback area upon determination that the county department of public works or Division of State Highways, if applicable, has no objections, and provided the property owner signs a written agreement that the owner or his heirs or assigns will, within 45 days after being notified by the county, remove all portions of the structures or signs, light standards, parking or temporary structures within the special setback. The agreement shall provide that if the owner fails to remove the listed items the county or state may do so at the expense of the owner and the expense shall be a lien against the land and may be collected or foreclosed in the same manner as liens entered in the county lien docket. The agreement shall be recorded by the owner in the applicable deed records. Notice requiring removal shall be given when the responsible public agency is planning a project or identifies an actual need to improve the street in front of the owner's property or the department of public works determines that the structure is a threat to the public health, safety or welfare. The agreement shall also provide that the owners shall not be entitled to any damages or compensation for the removing of any structure or loss of parking spaces approved under this provision but this stipulation shall not deny the owner the right to compensation for any land or any structures existing prior to the adoption of this title, taken for a roadway-related project.

D. The planning director may also approve temporary structures within the street yard required in the applicable zone, exclusive of the vision clearance area, subject to the requirements in subsection (C) of this section.

E. Required yard areas adjacent to a street shall be measured from the setback lines as set forth in this section.

F. Special Setback Requirements.

1. The special setback requirements shall be based on the functional classification in the Rural Transportation System Plan with the exception of those road segments listed under subsection (F)(2) of this section.

a. State highway: 50 feet.

b. Principal arterial: 50 feet.

c. Arterial: 50 feet.

d. Major collector: 40 feet.

All other facilities shall have a special setback of 30 feet as identified in the Rural Transportation System Plan (Section 10.3.6).

2. The following streets or roads shall have a centerline setback as specified:

a. *Repealed by Ord. 1397.*

b. Cordon Road adjacent to the urban growth boundary of Salem and up to Hazelgreen Road: 60 feet.

c. North Fork Road from Oregon 22 to Gates Hill Road: 50 feet.

d. State Street from Howell Prairie Road to Cascade Highway: 40 feet.

e. Sunnyview Road from Howell Prairie Road to Cascade Highway: 40 feet.

f. Macleay Road from 65th Avenue to Howell Prairie Road: 40 feet.

g. Riverside Road from River Road to Sidney Road: 40 feet.

h. Sidney Road from Riverside Road to Buena Vista Road: 40 feet.

i. Buena Vista Road from Sidney Road to Buena Vista Ferry: 40 feet. [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003. RZ Ord. § 112.020.]

Chapter 17.115

DETERMINATIONS AND ADMINISTRATIVE REVIEWS

Sections:

17.115.010 Authorization.
17.115.020 Definition.
17.115.030 Requests for a determination.
17.115.040 Review procedure.
17.115.050 Standards for making determinations.
17.115.060 Scope of determinations.
17.115.070 Conditions under previous ordinance.
17.115.080 Modification or withdrawal of determinations and administrative reviews.
17.115.090 Expiration and extensions.
17.115.100 Effect of determinations on zoning ordinance amendments.
17.115.110 Administrative review.

17.115.010 Authorization.
The director is authorized to issue determinations or administrative reviews regarding conformance of existing or proposed uses on a particular lot or parcel within the requirements of this title, including determinations or administrative reviews relating to nonconforming uses as provided in Chapter 17.110 MCC, subject to the requirements of this chapter. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.020 Definition.
A determination includes, but is not limited to, written information provided by the director regarding the application of this title to a specific lot or parcel such as an indication of conformance with applicable provisions of this title. In official correspondence or on a state agency permit, building permit, mobile home siting permit, occupancy permit, or similar document. (See Chapter 17.110 MCC for procedures for clarifying the applicability of this title under general circumstances). Oral information is not a determination and cannot be considered the basis for any act in violation of this title.

An administrative review is a written determination that requires an interpretation or the exercise of factual, policy, or legal judgment, and is considered a land use decision and is issued as a land use permit. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.030 Requests for a determination.
The following procedures shall apply to requests for written determinations not associated with a building permit, mobile home siting permit, occupancy permit or similar action.

A. Any interested person may request a written determination.

B. The request shall identify the name, address and phone number of the applicant, and the owner and address of the property.

C. Requests shall include a copy of the latest property transfer document.

D. The request shall also include a written explanation of the specific issues to be determined. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.040 Review procedure.
A. The director shall review requests for determinations. For requests submitted under MCC 17.115.030 written findings shall be prepared indicating whether or not the use meets the criteria in MCC 17.115.050. The written determination shall identify the expiration date and procedure for obtaining an extension as provided in MCC 17.115.090.

B. The written determination shall be provided to the applicant and to any persons who request a copy.

C. The director may charge a fee set by order of the board for a written determination. The director shall keep a file of all written determinations.

D. The director shall not be responsible for verifying the accuracy or completeness of information provided by the applicant. The validity and effectiveness of determinations is limited to the facts presented by the applicant. No liability is assumed for erroneous or incomplete information in the request. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.050 Standards for making determinations.
A determination of conformance with this title shall be made if the director finds compliance with the requirements of the applicable zone or overlay zone, the regulations pertaining to nonconforming uses in Chapter 17.114 MCC, the general development regulations in Chapters 17.112, 17.113, 17.118, 17.120, 17.121, 17.126 through 17.172, and 17.191 MCC, and the definitional limits in Chapter 17.110 MCC. In addition, the director shall not make a determination of conformance with this title unless the provisions of this chapter have been met. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.060 Scope of determinations.
A. For requests submitted pursuant to MCC 17.115.030 or 17.115.110 the director shall determine from available records whether the subject lot or parcel and existing uses were established in conformance with applicable county regulations.

B. If a determination cannot be made without interpretation or the exercise of factual, policy or legal judgment the director shall deny the request. When a determination with regard to a proposed use, structure, or the legality of a parcel cannot be made without interpretation or the exercise of factual, policy or legal judgment, the proposed use, structure, or the legality of a parcel may be reviewed as an administrative review subject to submittal of an application as provided in MCC 17.115.110. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.070 Conditions under previous ordinance.
A. If under previous ordinances conditions were imposed as part of a zone change or a resolution of intent to rezone that have not been met, or require continuing compliance, any determination or administrative review for the subject property shall identify the conditions and note that they remain in effect.

B. If a conditional use permit was granted under previous ordinances and the conditions imposed have not been met, or require continuing compliance, a determination for the subject property shall identify the conditions and note that they remain in effect. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.080 Modification or withdrawal of determinations and administrative reviews.
Written determinations or administrative reviews may be modified or withdrawn prior to establishment of a use or occupancy of a structure if new information is received that demonstrates that the determination or administrative review was in error. Those provided with a copy of the original determination or administrative review shall be provided a copy of the modified determination, or administrative review or notice of the withdrawal. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.090 Expiration and extensions.
A determination remains effective for one year; provided, that determinations made as part of a permit issuance shall remain effective as long as the permit remains effective. An administrative review runs with the land, unless a specific expiration date is identified in the decision or the decision is revoked. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.100 Effect of determinations on zoning ordinance amendments.
When a structure or use has been modified or established in reliance on a written determination or administrative review and the applicable land use regulations change, the structure or use shall be subject to the provisions of Chapter 17.114 MCC, Nonconforming Buildings and Uses. [Ord. 1313 § 4 (Exh. A), 2011.]

17.115.110 Administrative review.
When a determination about a proposed use, structure or the legality of a parcel cannot be made without interpretation or the exercise of factual, policy or legal judgment, the proposed use, structure, or the legality of a lot or parcel may be reviewed as an administrative review subject to submittal of an application as provided in MCC

17.119.020 and 17.119.025. The administrative review procedures, as provided below, shall be followed in making these decisions.

A. The decision shall be made on the basis of the comprehensive plan and applicable standards and criteria in this title. The director or designee may attach any conditions of approval deemed necessary to ensure conformance of the use, structure, lot or parcel or to the standards or criteria. Administrative review applications may be filed and shall be signed as required in MCC 17.119.020 and 17.119.025. Notwithstanding any other provisions of this title, the director or designee may forward any land use permit or application to the planning commission or hearings officer for a public hearing and initial decision.

B. Notice of a decision shall be sent to the applicant, the owner(s) of the subject property, the co-tenants if the subject property is owned by tenants in common, and all property owners within the notification area prescribed by MCC 17.110.408 or as required by state law or administrative rule.

C. The applicant or any person aggrieved or affected by the decision may file a request for a hearing to the planning division within 15 days of the date the decision was rendered.

D. The applicant may file a request for reconsideration without a hearing to the planning division within 15 days of the date the decision was rendered. The request must be in writing and received in the planning division office prior to the decision being final, and should explain wherein the decision is factually or legally incorrect, or state new facts material to the decision that were not available to the director, or propose modifications that will better conform the proposal to the requirements of the ordinance. The request for reconsideration shall include a signed 30-day extension of the 150-day time limit in ORS 215.427.

Applicants shall be limited to one request for reconsideration per application. The director shall reconsider the matter and provide notice to the applicant requesting reconsideration and as required in subsection (B) of this section.

The board may call up any action of the director, planning commission or hearings officer in granting or denying administrative reviews. This action of the board shall be taken at the meeting at which notice of the decision is presented. When the board takes such action, the director's, planning commission's or hearings officer's records pertaining to the administrative review in question shall be submitted to the board by the director or hearings officer. The call up shall stay all proceedings in the same manner as the filing of a notice of appeal.

E. When reconsideration has been requested, the decision is stayed until final action is taken.

F. On request for a hearing, the hearings officer shall hold a hearing on the matter in accordance with Chapter 17.111 MCC.

G. MCC 17.122.070 through 17.122.130 shall apply to any appeals from the decision of the hearings officer. [Ord. 1313 § 4 (Exh. A), 2011.]

Chapter 17.119

CONDITIONAL USES Revised 7/23

Sections:

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17.119.010 General concept.
A conditional use is an activity which is basically similar to other uses permitted in the zone, but due to some of the characteristics of the conditional use, which are not entirely compatible with the zone, such use could not otherwise be permitted in the zone. Review of the proposed conditional use by the director, planning commission or hearings officer will ensure that the use will be in consonance with the purpose and intent of the zone. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 516 § 2, 1978. RZ Ord. § 119.010.]

17.119.020 Application. Revised 7/23
An application for a conditional use may be filed by the following only:

A. The owner of the property that is the subject of the application;

B. The purchaser of the property that is subject to the application when a duly executed written contract or earnest-money agreement, or copy thereof, is submitted with the application;

C. A lessee in possession of the property subject to the application who submits written consent of the owner to make the application;

D. The appropriate local government or state agency when the application is for a public works project;

E. A governmental body that has initiated condemnation proceedings on the property that is subject to the application, but has not yet gained title; or

F. A co-tenant if the property that is the subject of the application is owned by tenants in common.

G. A public agency or utility, or an entity authorized by a public agency or utility, if the public agency or utility holds an easement or other right that entitles the applicant to conduct the proposed use on the subject property without the approval of the property owner.

The application for a proposed conditional use, or to enlarge, expand, or alter a conditional use, shall be on a form provided by the planning division and shall contain such information as the director, planning commission or hearings officer feels is necessary to fully assess the effect of the conditional use on the surrounding area. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 516 § 2, 1978. RZ Ord. § 119.020.]

17.119.025 Required signatures. Revised 7/23
A. Applications shall include the following signatures:

1. Signatures of all owners of the subject property;

2. The signatures of the purchasers of the property under a duly executed, recorded, written contract of sale or earnest-money agreement;

3. The signatures of the lessee in possession of the property with the written consent of all the owners; or

4. The signatures of the agents of those identified in MCC 17.119.020(A), (B), or (C) when authorized in writing by those with the interests described in MCC 17.119.020(B) or (C), and all the owners of the property;

5. For an application filed by an entity authorized by a public agency or utility pursuant to MCC 17.119.020(G), the signature of an authorized agent of a public agency or utility holding an easement or other right that entitles the applicant to conduct the proposed use on the subject property without the approval of the property owners; or

6. The signature of co-tenants owning at least a one-half undivided interest in the property, when the property is owned by tenants in common; provided, that the signing co-tenant provides current addresses for all co-tenants who have not signed the application so the planning division can give them notice of the decision.

B. Prima Facie Proof of Ownership. When any person signs as the owner of property or as an officer of a public or private corporation owning the property, or as an attorney in fact or agent of any owner, or when any person states that he or she is buying the property under contract, the director, planning commission, hearings officer and the board may accept these statements to be true, unless the contrary be proved, and except where otherwise in this title more definite and complete proof is required. Nothing herein shall prevent the director, planning commission, hearings officer or board from demanding proof that the signer is the owner, officer, attorney in fact, or agent. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002. RZ Ord. § 119.025.]

17.119.030 Power to hear and decide conditional uses.
The planning commission, hearings officer, or board on its own motion may hear and decide only those applications for conditional uses, their expansion or alteration, that are listed in this title. The planning commission, hearings officer or board shall decide whether or not the conditional use may be placed in a zone and may impose the conditions listed below, subject to the restrictions and provisions of this title. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 619 § 3, 1982; Ord. 516 § 2, 1978. RZ Ord. § 119.030.]

17.119.040 Hearings.
The planning commission or hearings officer shall hold a public hearing on the proposed conditional use as prescribed in MCC 17.119.150. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 516 § 2, 1978. RZ Ord. § 119.040.]

17.119.050 Conditional use and concurrent variances.
Variances may be processed concurrently and in conjunction with a conditional use application and when so processed will not require an additional public hearing. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 516 § 2, 1978. RZ Ord. § 119.050.]

17.119.060 Conditions.
The director, planning commission or hearings officer may prescribe restrictions or limitations for the proposed conditional use but may not reduce any requirement or standard specified by this title as a condition to the use. Any reduction or change of the requirements of this title must be considered as varying this title and must be requested

and viewed as such. The director, planning commission or hearings officer shall impose conditions only after it has determined that such conditions are necessary for the public health, safety or general welfare, or to protect persons working or residing in the area, or the protection of property or improvements in the area. The director, planning commission or hearings officer may prescribe such conditions it deems necessary to fulfill the purpose and intent of this title. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 516 § 2, 1978. RZ Ord. § 119.060.]

17.119.070 Findings of the director, planning commission or hearings officer.
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;

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

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. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 516 § 2, 1978. RZ Ord. § 119.070.]

17.119.080 Variance procedure applicable to conditional uses.
Repealed by Ord. 1397. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 516 § 2, 1978. RZ Ord. § 119.080.]

17.119.100 Director review.
The provisions of MCC 17.119.030 and 17.119.040 and all other provisions of this title notwithstanding, the director shall have the power to decide applications for all conditional uses listed in this title and impose conditions consistent with MCC 17.119.060 and 17.119.070. The director shall also have the power to forward an application to the hearings officer or planning commission for the initial decision. In such case, the reviewing body shall conduct a public hearing on the application pursuant to MCC 17.119.150.

The director may, any time prior to the decision being final, reconsider the decision and issue a new or modified decision. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 602 § 6, 1981; Ord. 555 § 2, 1979; Ord. 516 § 2, 1978. RZ Ord. § 119.100.]

17.119.110 Decision review.
The director shall decide whether to approve or deny the conditional use based on the Marion County Comprehensive Plan and applicable criteria in this title. The decision should be made and notice thereof sent within 30 days of an application being determined to be complete. This administrative decision shall be final unless an appeal is taken as provided below. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 555 § 2, 1979; Ord. 516 § 2, 1978. RZ Ord. § 119.110.]

17.119.120 Information from affected agencies.
Upon receipt of an application under MCC 17.119.100, a summary of the application shall be distributed to the public works department, assessor's office, building inspector, other affected agencies and the recognized area advisory committee with a request for comments or suggestions regarding those features that come within the scope of their activities. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 555 § 2, 1979; Ord. 516 § 2, 1978. RZ Ord. § 119.120.]

17.119.130 Notification of decision.
Notice of the decision and information on the appeal process shall be sent to the applicant, the owner(s) of the subject property, the co-tenants of the subject property if the property is owned by tenants in common, affected agencies and members of the recognized area advisory committee requesting information, others requesting notification, and all landowners within the required notification area. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 555 § 2, 1979; Ord. 516 § 2, 1978. RZ Ord. § 119.130.]

17.119.140 Appeal.
After the director's final action on the application, interested persons may appeal the decision no later than 15 days after the decision is mailed. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 555 § 2, 1979; Ord. 516 § 2, 1978. RZ Ord. § 119.140.]

17.119.150 Public hearing and decision on appeals.
If the director's decision is appealed, the hearings officer or planning commission shall conduct a public hearing in accordance with Chapter 17.111 MCC. Notice of an appeal of the director's decision shall be mailed to the applicant, those requesting notice of a hearing and all landowners within the required notification area at least 20 days prior to the hearing date. The notice shall be consistent with the requirements in ORS 197.763(3). Failure to receive such notice by mail shall not affect the validity of the proceedings. The public hearing before the hearings officer or planning commission shall be de novo. [Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1047 § 4, 1996; Ord. 555 § 2, 1979; Ord. 516 § 2, 1978. RZ Ord. § 119.150.]

17.119.160 Appeal to the board.
A. An appeal may be taken to the board by any person, firm, or corporation, or by an officer, department, board or commission of any public corporation or political subdivision of the state of Oregon, aggrieved or affected by the decision of the planning commission or hearings officer on an application for a conditional use. An appeal must be filed with the county clerk within 15 days from the date of mailing of notice of the decision of the planning commission or hearings officer.

The appeal shall be filed in duplicate and one copy thereof shall be forwarded immediately by the clerk to the board. The appeal shall state wherein the planning commission or hearings officer failed to conform to the provisions of this title.

B. When an appeal is filed it shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until the determination of such appeal by the board.

C. The board shall review the action of the planning commission or hearings officer and may refer the matter back to the planning commission or hearings officer for further consideration, in which case the planning commission or hearings officer shall conduct such further investigation if it is deemed advisable and report its findings to the board. The board may summarily, after considering the application and appeal and finding that the facts therein stated do not warrant any further hearings, affirm the action of the planning commission or hearings officer and deny the appeal. If the board is of the opinion that the facts in the case warrant further action, the board shall give notice of the time and place of such hearing in the same manner as set forth in MCC 17.111.030. After the hearing, the board may reverse or affirm or may impose such conditions as the facts warrant and may grant a conditional use, and its decision or determination shall be final. Any hearing may be continued to a time and day certain or as otherwise provided for by re-noticing the hearing.

D. If the board exercises its authority, pursuant to MCC 17.110.765, to make the initial determination on a land use application, the decision of the board is final and appealable only to the Oregon Land Use Board of Appeals. [Ord. 1397 § 4 (Exh. B), 2019.]

17.119.170 Call up to the board.
The board may call up any action of the director, planning commission or hearings officer in granting or denying a conditional use. Such action of the board shall be taken at the meeting where notice of the decision is presented. When the board takes such action the director's, planning commission's or hearings officer's records pertaining to the conditional use in question shall be submitted to the board by the director or hearings officer and such call up shall stay all proceedings in the same manner as the filing of a notice of appeal. [Ord. 1397 § 4 (Exh. B), 2019.]

17.119.180 Effective date of conditional use.
Conditional uses granted by the director, planning commission or hearings officer under the provisions of this title shall not be effective until 15 days after the mailing of the notice of decision; provided, however, in case call up of the proceedings has been requested by the board or an appeal has been taken as herein provided, the conditional use shall not be effective until the planning commission, hearings officer or board has acted on the call up or appeal. [Ord. 1397 § 4 (Exh. B), 2019.]

17.119.190 Conditional use right must be exercised to be effective.
Conditional uses granted under this title shall be effective only when the exercise of the right granted thereunder shall be commenced within two years from the effective date of that conditional use, unless a longer period be specified or thereafter allowed by the director, planning commission, hearings officer, or board. In case the right has not been exercised, or extension obtained, the conditional use shall be void. A written request for an extension of time filed with the director prior to the expiration of the conditional use shall extend the running of the conditional use period until the director, planning commission, hearings officer or board has acted on the request. [Ord. 1397 § 4 (Exh. B), 2019.]

17.119.200 Cessation of conditional use.
Discontinuance of the exercise of any right heretofore or hereafter authorized by any conditional use for a continuous period of one year shall be deemed an abandonment of such conditional use, and the property affected thereby shall be subject to all the provisions and regulations of this title applicable to the district or zone in which such property is located at the time of such abandonment. [Ord. 1397 § 4 (Exh. B), 2019.]

17.119.210 Transfer of conditional use.
Unless otherwise provided in the decision granting the conditional use permit, conditional use permits shall run with the land. [Ord. 1397 § 4 (Exh. B), 2019.]

17.119.220 Resubmission of conditional use application.
No application which has been denied wholly or in part by the director, planning commission, hearings officer or by the board shall be resubmitted for a period of one year from such denial, unless consent for resubmission be given by the director, two-thirds of the members of the planning commission, the hearings officer or the board. [Ord. 1397 § 4 (Exh. B), 2019.]

Chapter 17.123

ZONE CHANGE PROCEDURE

Sections:

17.123.010 Amendments.
17.123.020 Initiation of a zone change.
17.123.030 Hearing before the planning commission or hearings officer.
17.123.040 Hearing before the board.
17.123.050 Final action by the board.
17.123.060 Criteria.
17.123.070 Conditional zoning.
17.123.080 Acknowledgment of resolution of intent to rezone.

17.123.010 Amendments.

A zone change is a reclassification of any lot, parcel, or area from one zone or district to another. Such change shall be by an ordinance exacted by the board after proceedings have been accomplished in accordance with this title. [Ord. 1271 § 5, 2008; Ord. 1168 § 5, 2002; Ord. 619 § 3, 1982; Ord. 516 § 2, 1978. RZ Ord. § 123.010.]

17.123.020 Initiation of a zone change.

A. The board may initiate a zone change only as provided below:

1. The board may initiate a zone change proposed for some governmental, educational, religious, or philanthropic purpose; or

2. The board may initiate a zone change that is legislative when a majority of all property owners in the area proposed to be changed have signed a notarized statement requesting initiation of the zone change. Under this provision, the applicants shall make application consistent with MCC 17.119.020 and 17.119.025 and pay the appropriate fee.

3. When the board initiates a zone change, it shall do so by resolution. The resolution may be referred to the planning commission, hearings officer, or planning director.

4. The board may exercise its authority to initially determine the zone change, pursuant to the provisions of MCC 17.110.765. If the board so elects, it shall hold a public hearing pursuant to Chapter 17.111 MCC. If the board refers the zone change to the planning commission or hearings officer, the planning commission or hearings officer shall hold a public hearing and make a recommendation to the board, which may in its discretion hold a public hearing on the change.

B. The planning commission or hearings officer may initiate a zone change only as provided below:

1. The planning commission or hearings officer may initiate a zone change that is in the public interest and will be of general benefit;

2. When the proceedings are initiated by the planning commission or hearings officer, the director shall fix a date for hearing before the planning commission or hearings officer and give notice of the hearing as provided in Chapter 17.111 MCC.

3. After the hearing, the planning commission or hearings officer shall refer its recommendation to the board.

C. A quasi-judicial zone change may be initiated by a property owner(s) consistent with the application requirements of MCC 17.119.020 and 17.119.025. [Ord. 1271 § 5, 2008; Ord. 1168 § 5, 2002; Ord. 619 § 3, 1982; Ord. 516 § 2, 1978. RZ Ord. § 123.020.]

17.123.030 Hearing before the planning commission or hearings officer.
Except in those cases where the board summons the application for initial determination pursuant to MCC 17.110.765, the planning commission or hearings officer shall hold a public hearing as prescribed in Chapter 17.111 MCC on the application for zone change. After concluding its hearings, the planning commission or hearings officer shall prepare a report setting forth a summary of facts and conditions involved in the reclassification and submit the same together with its recommendation to the board and to the petitioner. [Ord. 1271 § 5, 2008; Ord. 1168 § 5, 2002; Ord. 619 § 3, 1982; Ord. 516 § 2, 1978. RZ Ord. § 123.030.]

17.123.040 Hearing before the board.
The board shall hold a public hearing on any application for which the board has summoned for initial determination pursuant to MCC 17.110.765. In all other cases, the board may in its discretion hold a public hearing on the application. All public hearings shall be held pursuant to Chapter 17.111 MCC. [Ord. 1271 § 5, 2008; Ord. 1168 § 5, 2002; Ord. 619 § 3, 1982; Ord. 516 § 2, 1978. RZ Ord. § 123.040.]

17.123.050 Final action by the board.
Any zone change or reclassification of property shall be by ordinance which shall be passed by the board. Any denial of a proposed zone change shall be by order. Whenever any premises are reclassified as to zone, or a new zone established, or boundary lines of a zone changed, the official zoning map shall be changed as provided in MCC 17.110.660. [Ord. 1271 § 5, 2008; Ord. 1168 § 5, 2002; Ord. 516 § 2, 1978. RZ Ord. § 123.050.]

17.123.060 Criteria.
Approval of a zone change application or initiated zone change 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

B. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area; and

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

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

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. [Ord. 1271 § 5, 2008; Ord. 1168 § 5, 2002. RZ Ord. § 123.060.]

17.123.070 Conditional zoning.
A. Purpose and Criteria. A zone change allowing more intensive use of property may be conditioned to require provisions for buffering or provision of off-site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that the use of the property will be intensified and that the conditions:

1. Are reasonably related to development allowed in the proposed zone or to the specific development proposed on the subject property;

2. Will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties; and

3. Are based upon policies or standards in the Comprehensive Plan or other standards adopted by the board of commissioners or by state and federal agencies.

B. Scope of Conditions. Conditions that could be imposed and satisfy the criteria in subsection (A) of this section include, but are not limited to:

1. Granting a right-of-way for public roads, including easements, etc.;

2. Improvement of private or public roads, including bike paths, curbs, and sidewalks;

3. Provision of storm drainage facilities;

4. Extension of public sewer and water service, including over-sizing to permit development on other lands;

5. Provision of fire suppression facilities and equipment;

6. Provision of transit and traffic control facilities;

7. Special building setbacks, orientation, landscaping, fencing, berming, and retention of natural vegetation;

8. Special locations for truck loading, parking, access routes, or any outdoor activity that could impact adjacent property;

9. Administrative review of development plans to ensure that conditions of approval have been satisfied; and

10. Financial contributions to public agencies to offset increased costs for providing services or facilities related to the intensification of the use of the property.

C. The following limits and requirements apply to conditions imposed pursuant to this section:

1. Conditions shall be stated with specificity; shall be reasonably related to the public health, safety, and welfare; and shall be designed to reasonably effectuate their intended purpose.

2. Conditions that would have the effect of limiting use of the subject property to one particular owner, tenant, or business shall not be imposed, except as authorized under a limited use overlay zone. Conditions shall not be so restrictive that they may not reasonably be complied with by other occupants who might devote the property to the same or a substantially similar use.

3. If the dedication of street right-of-way or street improvements are required, provision of dedication, improvements or funding shall be deferred until a building permit or final inspection is required.

D. Enforcement. Unless otherwise specified, conditions relate to the development of the property and are not enforceable until development is imminent. No building permit shall be issued on property subject to conditional zoning without a determination that all conditions are satisfied. Compliance is a continuing requirement applicable to subsequent building permits unless the use of the land has been changed and the director finds that the conditions no longer apply. Extensions of time for compliance with conditions may be granted by the director, hearings officer, planning commission, or board of commissioners upon a finding that no negative impacts on the public or nearby landowners will occur and there are extraordinary circumstances justifying the extension. [Ord. 1271 § 5, 2008; Ord. 1168 § 5, 2002; Ord. 637 § 3, 1982. RZ Ord. § 123.070.]

17.123.080 Acknowledgment of resolution of intent to rezone.
The county shall acknowledge and allow for the completion of any zone change for which a valid resolution of intent to rezone exists, pursuant to the requirements of the resolution. [Ord. 1271 § 5, 2008; Ord. 1168 § 5, 2002. RZ Ord. § 123.080.]

Chapter 17.126

PERMITTED USES GENERALLY Revised 7/23

Sections:

17.126.010 Uses permitted in all zones.
17.126.020 Permitted secondary and accessory structures and uses. Revised 7/23
17.126.030 Permitted temporary uses.
17.126.040 Recreational vehicle spaces.
17.126.050 Co-location of additional antennas.

17.126.010 Uses permitted in all zones.

The following uses, facilities and activities, whether primary, accessory, secondary or temporary, are permitted in all zones subject to compliance with the requirements in Chapters 17.110, 17.112, 17.113, 17.114, 17.116, 17.117, 17.118, 17.120, 17.121, 17.176, 17.177, 17.178, 17.179, and 17.191 MCC, except when specifically prohibited or when a conditional use is required in the applicable primary or overlay zones:

A. Public rights-of-way and easements existing at the time of adoption of this title, including public streets, roads and utilities located therein, except as provided in SA, EFU, FT and TC zones.

B. Except in SA, EFU, FT and TC zones, expansion and realignment of existing rights-of-way and easements, including improvement and construction of streets, roads and utilities in conformance with the applicable comprehensive plan and the standards of the department of public works. Street rights-of-way shall not be expanded to a greater width than twice the special setback in Chapter 17.112 MCC unless the expansion is necessary to include cut-and-fill slopes and turn lanes at intersections.

C. Except in SA, EFU, FT and TC zones, establishment of new public rights-of-way and easements, including construction of streets, roads and utilities in conformance with the applicable comprehensive plan, the standards of the department of public works, and Chapter 17.172 MCC, Subdivision and Partition Requirements. Street rights-of-way shall not be greater in width than twice the special setback in Chapter 17.112 MCC unless the greater width is necessary to include cut-and-fill slopes and turn lanes at intersections.

D. Railroad tracks and related structures and facilities located within existing rights-of-way controlled by railroad companies. Also, except in SA, EFU, FT and TC zones, expansion and realignment of railroad rights-of-way. Railroad rights-of-way shall not be greater in width than necessary to accommodate rail supporting structure and drainage facilities.

E. Use of nongeothermal groundwater, natural or manmade waterways and impoundments, and related structures and facilities for supply associated with permitted uses.

F. Creation, restoration, or enhancement of wetlands as defined in ORS 197.015(17).

G. Condominium buildings. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 950 § 4, 1993. RZ Ord. § 126.010.]

17.126.020 Permitted secondary and accessory structures and uses. Revised 7/23

The following secondary and accessory uses and structures shall be permitted on a lot or parcel with a primary use and are subject to the limitations and requirements in Chapters 17.110, 17.112, 17.113, 17.114, 17.116, 17.117, 17.118, 17.120 and 17.121 MCC, and the requirements in any applicable overlay zone:

A. The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling unit or mobile home:

1. Decks and patios (open, covered, or enclosed);

2. Storage building for: firewood, equipment used in conjunction with dwelling and yard maintenance, personal property (except vehicles) not in conjunction with any commercial or industrial business other than a home occupation;

3. Vegetable gardens, orchards and crop cultivation for personal use, including greenhouses. No sale of produce is permitted;

4. Sauna;

5. Hobby shop;

6. Shelter for pets;

7. Fallout shelters;

8. Swimming pools and hot tubs;

9. Guest facilities not in a primary dwelling unit, provided:

a. Only one guest facility is allowed per contiguous property ownership; and

b. Total combined maximum floor area shall not exceed 600 square feet, including all levels and basement floor areas; and

c. No stove top, range, or conventional oven is allowed; and

d. All water, sewer, electricity and natural gas services for the guest facility shall be extended from the primary dwelling services; no separate meters for the guest facility shall be allowed; and

e. The guest facility shall be located within 100 feet of the primary use dwelling on the same property, measured from the closest portion of each structure; and

f. The guest facility shall use the same septic system as the primary use dwelling, except when a separate system is required by the building inspection division due to site constraints, or failure of the existing system, or where the size or condition of the existing system precludes its use, additional drain lines may be added to an existing system, when appropriate; and

g. The guest facility shall not be occupied as a dwelling unit; and

h. The guest facility shall not have an address; and

i. A declaratory statement shall be recorded requiring compliance with the standards in this subsection;

10. Rooming or boarding of up to two persons in a dwelling unit;

11. Pets, provided a conditional use permit is required in the RS and AR zones if there are more than 10 mammals over four months old. No birds or furbearing animals, other than pets, and no livestock, or poultry, are permitted in RS zones;

12. Beekeeping as outlined in MCC Title 6 (Animals);

13. One recreational vehicle space subject to the requirements in MCC 17.126.040;

14. One additional kitchen in a single-family dwelling, subject to the filing of a declaratory statement;

15. Offering to sell five or less vehicles owned by the occupants of the dwelling unit in any calendar year;

16. Garages and carports for covered vehicle parking;

17. Child foster home;

18. Residential home* (see MCC 17.110.190(C));

19. Sleeping quarters for domestic employees of the resident of the dwelling unit or mobile home;

20. Bed and breakfast establishments in AR zones, provided they do not include more than four lodging rooms and may employ no more than two persons ("person" includes volunteers, nonresident employees, partners or any other person);

21. Ham radio facilities;

22. In EFU, SA, FT and TC zones, a home office, provided:

a. The home office shall be carried on solely by the resident or residents of a dwelling on the subject property as an accessory use. No other persons shall be employed by the business.

b. The home office shall be continuously conducted in such a manner as not to create any public or private nuisance, including, but not limited to, offensive noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference. In a residential zone noise associated with the home office shall not violate Department of Environmental Quality or Chapter 8.45 MCC, Noise.

c. No sign or display on the premises is allowed that will indicate the presence of the home office.

d. The home office shall be conducted entirely within the dwelling or attached garage. There shall be no outside storage or display of materials, equipment, or merchandise used in, or produced in connection with, the home office.

e. No structural alterations shall be made to the dwelling or garage that would be inconsistent with future use of the building exclusively as a dwelling.

f. No visits by suppliers shall occur.

g. No customers or clients shall visit the property in the course of doing business.

B. Fences are a permitted accessory or secondary use in all zones subject to the requirements in Chapter 17.117 MCC.

C. Transit stop shelters and school bus stop shelters are a permitted secondary use in all zones. Shelters shall not be located within a required vision clearance area.

D. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone, provided:

1. The vehicles are owned by the occupant of the lot or domestic employees of the occupant; and

2. Vehicles parked outdoors in a residential zone may be parked in a space within the front yard meeting the requirements for required parking in Chapter 17.118 MCC; or, they may be parked elsewhere on the lot where accessory buildings are permitted, provided the parking area is screened by a six-foot-high sight-obscuring fence, wall or hedge if the vehicle is parked within 100 feet of another lot in a residential zone. On a lot in the RS zone not more than three vehicles shall be parked within required yards adjacent to streets; and

3. Vehicles parked on a lot or parcel shall be for the personal use of the occupants of the dwelling and the personal use of employees of an approved conditional use home occupation.

a. One vehicle used in conjunction with a home occupation and one vehicle used in other employment may be parked on the lot;

b. In the RS zone any vehicle that is rated at more than one ton capacity shall be parked in an enclosed structure.

E. Portable classrooms and dormitories for students are a permitted accessory use in conjunction with elementary and secondary schools (as defined in Chapter 17.110 MCC).

F. Except in SA, EFU, FT and TC zones, a parsonage in conjunction with a religious organization.

G. Parking of vehicles in a structure or outdoors is a permitted accessory or secondary use in the CC, C, IUC, ID and I zones, provided:

1. The vehicles are owned by the occupant of the lot;

2. If vehicles are stored outdoors, the parking area shall be an all-weather surface, and be enclosed by a six-foot-high sight-obscuring fence, wall, hedge or berm; and

3. If vehicles are parked outdoors, the vehicles shall be operational, and used in conjunction with the primary use of the lot. If more than five vehicles are parked outdoors on the lot the parking area shall be screened by a six-foot-high sight-obscuring fence, wall or hedge if located within 100 feet of a lot in a residential zone and from streets.

H. Drop stations are permitted in CC, C, IUC, and I zones.

I. Retail sales or offices in a building in conjunction with a use in an industrial zone, provided:

1. The floor area of the retail sales or offices shall not be more than 30 percent of the floor area of the industrial use;

2. The development requirements are met for the accessory use as if it was a primary use; and

3. The accessory use shall be located on the same lot as the primary use and the building shall be owned or leased by the industrial business owner.

J. Except in SA, EFU, FT and TC zones, accessory and secondary uses not otherwise permitted may be allowed as a conditional use, provided the use is consistent with the definition of accessory or secondary and is compatible with the purpose of the zone and land uses on adjacent lots.

K. Private energy generating facilities (such as wind turbines, solar power panels, fuel cells, and hydropower facilities) are permitted in all zones as an accessory use, provided:

1. Generates energy using means such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "farm use" and ORS 215.283(1)(r) in the exclusive farm use zone;

2. Is intended to offset part of the customer-generator's requirements for energy;

3. Will operate in parallel with a utility's existing transmission and distribution facilities;

4. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;

5. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

L. In addition to the use permitted in subsection (K) of this section, a solar photovoltaic energy system or solar thermal energy system is permitted on residential and commercial structures, provided:

1. The installation of the system will not increase the footprint of the structure or peak height of the portion of the roof on which the system is installed; and

2. The system will be mounted so that the plane of the system is parallel to the slope of the roof; and

3. Installations on historic buildings or landmarks, on buildings in a historic district, on conversation landmarks, or on buildings located in an area designated as a significant scenic resource shall be constructed of material designated as either anti-reflective or less than 11 percent reflective. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1408 § 4 (Exh. A), 2019; Ord. 1397 § 4 (Exh. B), 2019; Ord. 1369 § 4 (Exh. B), 2016; Ord. 1326 § 4 (Exh. A), 2012; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1204 § 4, 2004; Ord. 1191 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 950 § 4, 1993. RZ Ord. § 126.020.]

17.126.030 Permitted temporary uses.

The following temporary uses shall be permitted subject to the following limitations and requirements and the requirements in applicable overlay zones:

A. Storage of a mobile home on a lot for not more than one year, unless extensions are granted, where the mobile home is or has been a permitted use and the mobile home is offered for sale. The mobile home shall not be used for sleeping, eating or restroom purposes.

B. Garage sales and yard sales in any zone in conjunction with a dwelling, and auctions in commercial and industrial zones, provided there are not more than three sales in a calendar year with each sale not to exceed three consecutive days. All display of merchandise to remain on private property.

C. Except as provided for in MCC 17.178.050(F), one recreational vehicle space on a lot or parcel without a dwelling in the AR, SA, FT and TC zones subject to the requirements in MCC 17.126.040, except subsections (B) and (C). In addition, the space shall:

1. Not be occupied for more than 120 days in any calendar year; and

2. Satisfy all development standards and requirements applied to a non-resource-related dwelling in the applicable zone.

D. A real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for sale or lots or dwelling units that remain available for sale to the public.

E. Temporary uses that do not meet the limitations identified in this section and other temporary uses not addressed herein may be approved as a conditional use as provided in Chapter 17.119 MCC subject to meeting the following criteria:

1. The temporary use is compatible with the purpose of the zone and adjacent land uses.

2. The temporary use will have adequate public services to maintain the public health and safety.

3. The operator of the temporary use has signed an agreement with the planning division regarding termination of the use consistent with the time limitations established in the conditions of approval.

F. Mobile asphalt batching plant provided:

1. The use is for a single paving project and the use will not exceed 90 days; and

2. The use will not involve permanent installations or structures, will not leave any residue on the property, involves no change in the land or buildings and makes no permanent impact on the surrounding area. [Ord. 1369 § 4 (Exh. B), 2016; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 950 § 4, 1993. RZ Ord. § 126.030.]

17.126.040 Recreational vehicle spaces.
Recreational vehicle spaces shall meet the following use and development standards. Long-term storage of a recreational vehicle must comply with the requirements for accessory uses and structures.

A. The space shall have an all-weather surface and be drained to prevent standing water.

B. The space shall not be located closer than 10 feet to any other spaces, any building, dwelling, mobile home, street or roadway boundary and not closer than 10 feet to any property line.

C. If the space is occupied by an occupied recreational vehicle for more than 120 days in any calendar year, the space shall be located in a mobile home park or recreational vehicle park.

D. The space shall not be located in any required off-street parking space or required yard areas.

E. Unless located in a recreational vehicle park no permanent electrical or gas connections are permitted.

F. Unless located in a recreational vehicle park the space shall not be rented or leased for consideration. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 950 § 4, 1993. RZ Ord. § 126.040.]

17.126.050 Co-location of additional antennas.
The co-location of additional antennas and the addition of cabinets and other facility equipment to an existing wireless communication facility is permitted in the EFU, SA, TC, FT, I, ID and P zones, provided:

A. The existing tower previously received land use approval or is permitted outright; and

B. The additional antennas do not increase the height of the tower beyond the approved height; and

C. The co-location is consistent with conditions of approval applied to the existing facility. [Ord. 1326 § 4 (Exh. A), 2012.]

Chapter 17.128

AR (ACREAGE RESIDENTIAL) ZONE Revised 1/17 Revised 3/19

Sections:

17.128.010 Purpose.
17.128.020 Permitted uses. Revised 1/17 Revised 3/19
17.128.030 Conditional uses. Revised 3/19
17.128.040 Conditional use review criteria.
17.128.045 Commercial activities in conjunction with farm use.
17.128.050 Special siting standards for dwellings near resource zones.
17.128.060 Development standards.
17.128.070 Minimum lot size and density.

17.128.010 Purpose.
The purpose and intent of the acreage residential zone is to provide appropriate regulations governing the division and development of lands designated rural residential in the Marion County Comprehensive Plan. Acreage residential zones are areas that are suitable for development of acreage homesites. Such areas are necessary to meet the housing needs of a segment of the population desiring the advantages of a rural homesite. It is the intent that residential sites be provided with adequate water supply and wastewater disposal without exceeding the environmental and public service capability of the area or compromising the rural character of the area. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.010.]

17.128.020 Permitted uses. Revised 1/17 Revised 3/19
Within an AR (acreage residential) zone no building, structure or premises shall be used or arranged except for the following purposes:

A. Single-family dwelling.

B. Farm use, including the sale of produce that is raised on the premises, but not including a medical marijuana processor (see MCC 17.110.376), medical marijuana producer (see MCC 17.110.378), or a medical marijuana dispensary (see MCC 17.110.374).

C. Planned developments.

D. Playgrounds and parks operated by governmental agencies.

E. Public and private utility facilities and public buildings such as fire stations, sheriff and police substations.

F. Creation, restoration, or enhancement of wetlands as defined in ORS Chapter 197.

G. Limited home occupations (see limited use, MCC 17.125.100).

H. Wireless communication facilities, attached subject to MCC 17.125.110 and pursuant to MCC 17.115.110.

I. Religious organizations and expansions of existing religious organizations where the religious organization or the expanded religious organization will be less than 20,000 square feet in total area.

J. Replacement of a lawfully established dwelling, subject to the special siting standards in MCC 17.128.050(B), when the dwelling:

1. Is a manufactured dwelling, mobile home, or manufactured home, the replaced dwelling shall be removed or demolished within 90 days of the occupancy of the replacement dwelling.

2. Is a site-built dwelling, the replaced dwelling shall be removed, demolished or converted to an allowable nonresidential use within 90 days of the occupancy of the replacement dwelling.

3. A dwelling constructed between 1850 and 1945 on a parcel at least two acres in size outside of any area designated as an urban reserve may remain on the parcel as an accessory dwelling unit if replaced by a new single-family dwelling on the parcel subject to the following conditions:

a. The property owner shall obtain all required permits from Marion County building inspection to convert the existing residence to an accessory dwelling unit upon completion of the new single-family dwelling, including permits for sanitation and wastewater disposal and treatment.

b. The land containing the accessory dwelling cannot be divided from the land containing the new single-family dwelling.

c. The accessory dwelling unit cannot be renovated or remodeled so that the square footage of the accessory dwelling unit is more than 120 percent of the historic home's square footage at the time construction of the new single-family dwelling commenced.

d. The accessory dwelling cannot be rebuilt if the structure is lost to fire.

e. The property owner shall record a declaratory statement acknowledging compliance with the conditions in subsections (J)(3)(b), (c) and (d) of this section. [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1326 § 4 (Exh. A), 2012; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.020.]

17.128.030 Conditional uses. Revised 3/19
The following uses may be permitted subject to obtaining a conditional use permit:

A. Kennels.

B. Temporary use of a mobile home or recreational vehicle during certain hardship conditions, subject to MCC 17.120.040.

C. Day nursery.

D. Commercial uses in conjunction with farm use subject to MCC 17.128.045.

E. Religious organizations and expansions not qualifying under MCC 17.128.020(I), and related conference and residence facilities.

F. Schools, elementary and secondary (as defined in Chapter 17.110 MCC).

G. Conditional home occupation (other than those home occupations listed in MCC 17.125.100) (see specific conditional uses, MCC 17.120.075).

H. Wireless communications facilities (see specific conditional uses, MCC 17.120.080). [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.030.]

17.128.040 Conditional use review criteria.
The following criteria apply to all conditional uses in the AR zone:

A. The conditional use as described by the applicant will be in harmony with the purpose and intent of the zone.

B. The use will not increase traffic beyond the capacity of existing roads.

C. Adequate fire protection and other rural services are, or will be, available when the use is established.

D. The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.

E. Any noise associated with the use will not have a significant adverse impact on nearby land uses.

F. The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.040.]

17.128.045 Commercial activities in conjunction with farm use.
A. The commercial activity must be primarily a customer or supplier of farm uses.

B. The commercial activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.

C. The agricultural and commercial activities must occur together in the local community to satisfy the statute.

D. The products and services provided must be essential to the practice of agriculture. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002. RZ Ord. § 128.045.]

17.128.050 Special siting standards for dwellings near resource zones.
A. Any new dwelling in an AR zone shall be required to maintain a special setback from any parcel in the EFU, SA, FT, or TC zones. A 100-foot setback is the standard adjacent to farm use and 200 feet is the standard adjacent to forest uses. These setbacks may be reduced if it is determined, concurrently with any land use application or as provided in Chapter 17.116 MCC, that a lesser setback will meet the following review criteria for alternative home sites:

1. The location of the home site will have the least impact on nearby or adjoining forest or agricultural lands.

2. The location of the home site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.

3. The amount of agricultural and forestlands used to site access roads, service corridors, the dwelling and structures is minimized.

4. The risks associated with wildfire are minimized.

B. The owner of a proposed dwelling to be located within 500 feet of the EFU, SA, FT, or TC zones shall be required to concur in the filing of the declaratory statement prescribed in the respective resource zone.

C. The owner of a proposed dwelling located on a parcel adjacent to the FT or TC zone shall, as a condition of approval, be required to provide for fire hazard management in accordance with Chapter 3 of "Fire Safety Considerations for Developments in Forested Areas, 1978" and any revisions thereto.

D. The special setback in subsection (A) of this section shall not be applied in a manner that prohibits dwellings approved pursuant to ORS 195.300 through 195.336 nor should the special setback in subsection (A) of this section prohibit a claimant's application for homesites under ORS 195.300 through 195.336. [Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.050.]

17.128.060 Development standards.
The following standards apply to development in an AR zone:

A. Maximum Height.

1. Dwellings: 35 feet.

2. Farm-related structures on farm parcels: none.

3. Nonresidential and non-farm structures: 35 feet unless they are in conjunction with conditional uses allowed in MCC 17.128.030, and a greater height is requested and approved as part of the conditional use permit.

B. Minimum Setbacks. Except as required in MCC 17.128.050(A), the following setback requirements shall be implemented for all new structures other than residential accessory structures (see Chapter 17.117 MCC), farm-exempt buildings, signs and fences:

1. Rear Yard. A minimum of 20 feet.

2. Side Yard. A minimum of 10 feet, except for lots or parcels of one-half acre or smaller created prior to January 1, 1994, in which case the side yard setback shall be five feet. In the case of a corner lot any side yard adjacent to a street shall be not less than 20 feet.

3. Front Yard. A minimum of 20 feet. When by ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply (See Chapter 17.112 MCC). [Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.060.]

17.128.070 Minimum lot size and density.

The minimum lot size for subdivisions and partitioning is two acres. When a numerical suffix has been applied to the AR zone, the minimum lot size shall conform to the numerical designation. The minimum lot size shall also apply to planned developments. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.070.]

Chapter 17.136

EFU (EXCLUSIVE FARM USE) ZONE

Sections:

17.136.010 Purpose.
17.136.020 Permitted uses.
17.136.030 Dwellings permitted subject to standards.
17.136.040 Uses permitted subject to standards.
17.136.050 Conditional uses.
17.136.060 Conditional use review criteria.
17.136.070 Non-farm dwelling requirements.
17.136.080 Existing dwellings and other structures.
17.136.090 Minimum parcel size, divisions of land, and property line adjustments.
17.136.100 Development requirements.
17.136.110 Contiguous ownership.
17.136.120 Permit expiration dates.
17.136.130 Consideration of soil classification changes for non-farm dwellings.
17.136.140 Definition of terms used in this chapter.

17.136.010 Purpose.

The purpose of the EFU (exclusive farm use) zone is to provide areas for continued practice of commercial agriculture. It is intended to be applied in those areas composed of tracts that are predominantly high-value farm soils as defined in OAR 660-033-0020(8). These areas are generally well suited for large-scale farming. It is also applied to small inclusions of tracts composed predominantly of non-high-value farm soils to avoid potential conflicts between commercial farming activities and the wider range of non-farm uses otherwise allowed on non-high-value farmland. Moreover, to provide the needed protection within cohesive areas it is sometimes necessary to include incidental land unsuitable for farming and some pre-existing residential acreage.

To encourage large-scale farm operations the EFU zone consolidates contiguous lands in the same ownership when required by a land use decision. It is not the intent in the EFU zone to create, through land divisions, small-scale farms. There are sufficient small parcels in the zone to accommodate those small-scale farm operations that require high-value farm soils. Subdivisions and planned developments are not consistent with the purpose of this zone and are prohibited.

To minimize impacts from potentially conflicting uses it is necessary to apply to non-farm uses the criteria and standards in OAR 660-033-0130 and in some cases more restrictive criteria are applied to ensure that adverse impacts are not created.

The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

The EFU zone is intended to be a farm zone consistent with OAR 660, Division 033 and ORS 215.283. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1369 § 4 (Exh. B), 2016; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.010.]

17.136.020 Permitted uses.

Within an EFU zone no building, structure or premises shall be used, arranged or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses:

A. Farm uses (see farm use definition, MCC 17.110.223), provided a medical marijuana producer as defined in MCC 17.110.378 shall have visible grow lights turned off between the hours 7:00 p.m. and 7:00 a.m. and all activity shall take place indoors.

B. The propagation or harvesting of a forest product.

C. Buildings, other than dwellings, customarily provided in conjunction with farm use.

D. Alteration, restoration, or replacement of a lawfully established dwelling with filing of the declaratory statement in MCC 17.136.100(C), when the dwelling:

1. Is assessed in the current county assessor's records as a site-built dwelling or manufactured home.

2. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

a. Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

b. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

3. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted to a nonresidential use.

4. Replacement dwellings may be sited on any part of the same lot or parcel. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, SA (special agriculture) or FT (farm/timber), the applicant shall execute and record in the deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this section regarding replacement of dwellings have changed to allow the siting of another dwelling.

5. Replacement under this section includes a dwelling replaced pursuant to MCC 17.136.080(C) when a fire report is provided at the time building permits are applied for.

6. Accessory farm dwellings destroyed by a wildfire identified in an executive order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, may be replaced. The temporary use of modular structures, manufactured housing, fabric structures, tents and similar accommodations is allowed until replacement under this subsection occurs.

E. Operations for the exploration for geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and customary production equipment for an individual well adjacent the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732.

F. Operations for the exploration for minerals as defined by ORS 517.750.

G. Widening of roads including public road and highway projects as follows:

1. Climbing and passing lanes within the street right-of-way existing as of July 1, 1987.

2. Reconstruction or modification of public streets, including the placement of utility facilities overhead and in the subsurface of public roads and highways along public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new parcels result.

3. Temporary public street detours that will be abandoned and restored to original condition or use at such time as no longer needed.

4. Minor betterment of existing public street related facilities such as maintenance yards, weigh stations and rest areas, within rights-of-way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation and maintenance of public streets.

H. Creation of, restoration of, or enhancement of wetlands.

I. On-site filming and activities accessory to filming, as defined in MCC 17.136.140(A), if the activity would involve no more than 45 days on any site within a one-year period.

J. Composting operations and facilities limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

K. Single agri-tourism or other commercial event, excluding events that promote the sale of marijuana products or extracts, subject to MCC 17.125.130. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1369 § 4 (Exh. B), 2016; Ord. 1330 § 4 (Exh. A), 2013; Ord. 1326 § 4 (Exh. A), 2012; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.020.]

17.136.030 Dwellings permitted subject to standards.
The following dwellings may be established in the EFU zone with filing of the declaratory statement in MCC 17.136.100(C), subject to approval by the director, based on satisfaction of the standards and criteria listed for each type of dwelling pursuant to the procedures in Chapter 17.115 MCC.

A. Primary Farm Dwellings. A single-family dwelling customarily provided in conjunction with farm use. The dwelling will be considered customarily provided in conjunction with farm use when:

1. It is located on high-value farmland as defined in MCC 17.136.140(D) and satisfies the following standards:

a. There is no dwelling on the subject farm operation on lands zoned EFU, SA or FT other than seasonal farm worker housing. The term "farm operation" means all lots or parcels of land in the same ownership that are used by the farm operator for farm use;

b. The farm operator earned on the subject tract in the last two years, three of the last five years, or the average of the best three of the last five years at least $80,000 in gross annual income from the sale of farm products, not including marijuana. In determining gross annual income from the sale of farm products, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted;

c. The subject tract is currently employed for the farm use that produced the income required in subsection (A)(1)(b) of this section;

d. The proposed dwelling will be occupied by a person or persons who produced the commodities which generated the income in subsection (A)(1)(b) of this section; or

2. It is not located on high-value farmland as defined in MCC 17.136.140(D) and satisfies the following standards:

a. There is no other dwelling on the subject farm operation on lands zoned EFU, SA or FT other than seasonal farm worker housing. The term "farm operation" means all lots or parcels of land in the same ownership that are used by the farm operator for farm use;

b. The farm operator earned on the subject tract in the last two years, three of the last five years, or the average of the best three of the last five years at least $40,000 in gross annual income from the sale of the farm products, not including marijuana. In determining gross income, the cost of purchased livestock shall

be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted;

c. The subject tract is currently employed for the farm use that produced the income required in subsection (A)(2)(b) of this section;

d. The dwelling will be occupied by a person or persons who produced the commodities which generated the income required in subsection (A)(2)(b) of this section; or

3. It is not located on high-value farmland, as defined in MCC 17.136.140(D), and satisfies the following standards:

a. There is no other dwelling on the subject farm operation on lands zoned EFU, SA or FT other than seasonal farm worker housing. The term "farm operation" means all lots or parcels of land in the same ownership that are used by the farm operator for farm use;

b. The parcel on which the dwelling will be located is at least 160 acres;

c. The subject tract is currently employed for farm use, as defined in ORS 215.203, other than marijuana production;

d. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale;

4. It is in conjunction with a commercial dairy farm as defined in this chapter and if:

a. The subject tract will be employed as a commercial dairy as defined; and

b. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and

c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract; and

d. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm activities necessary to the operation of the commercial dairy farm; and

e. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

f. The Oregon Department of Agriculture has approved the following:

i. A permit for a confined animal feeding operation under ORS 468B.050 and 468B.200 through 468B.230; and

ii. A producer license for the sale of dairy products under ORS 621.072;

5. The applicant had previously operated a commercial farm use and if:

a. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by subsection (A)(1) or (2) of this section, whichever is applicable.

b. The subject lot or parcel on which the dwelling will be located is:

i. Currently employed for the farm use, as defined in this title, that produced in the last two years or three of the last five years, or the average of the best three of the last five years, the gross farm income required by subsection (A)(1) or (2) of this section, whichever is applicable; and

ii. At least the size of the applicable minimum lot size in this chapter; and:

(A) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract; and

(B) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in subsection (A)(2)(b) of this section;

(C) In determining the gross income required by subsections (A)(5)(a) and (b) of this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract, and only gross income from land owned, not leased or rented, shall be counted;

6. All of the property in a tract used for the purposes of establishing a farm dwelling shall be held, sold and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions, and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions is located executes and records a release of the covenants, conditions and restrictions, consistent with OAR 660-006-0027.

B. Secondary Farm Dwellings. Secondary (accessory) dwellings customarily provided in conjunction with farm use. The dwelling will be considered customarily provided in conjunction with farm use when:

1. The primary dwelling and the proposed dwelling will each be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm uses, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator.

2. There is no other dwelling on lands in the EFU, SA or FT zone owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm and could reasonably be used as an additional farm dwelling.

3. The proposed dwelling will be located:

a. On the same lot or parcel as the primary farm dwelling; or

b. On the same contiguous ownership as the primary dwelling, and the lot or parcel on which the proposed dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the same ownership; or

c. On a lot or parcel on which the primary farm dwelling is not located, when the secondary farm dwelling is limited to only a manufactured dwelling with a deed restriction filed with the county clerk. The deed restriction shall require the additional dwelling to be removed when the lot or parcel is conveyed to another party. Occupancy of the additional farm dwelling shall continually comply with subsection (B)(1) of this section; or

d. On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable State Building Code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The county shall require all accessory farm

dwellings approved under this subsection to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in subsection (B)(4) of this section, whichever is applicable.

4. The primary dwelling to which the proposed dwelling would be accessory satisfies the following criteria:

a. On land not identified as high-value farmland, the primary farm dwelling is located on land that is currently employed for farm use and the farm operator earned at least $40,000 gross annual income from the sale of farm products, not including marijuana, in the last two years, three of the last five years, or the average of the best three of the last five years; or

b. On land identified as high-value farmland, the primary farm dwelling is located on land that is currently employed for farm use and the farm operator earned at least $80,000 in gross annual income from the sale of farm products, not including marijuana, in the last two years, three of the last five years, or the average of the best three of the last five years;

c. The primary dwelling is located on a commercial dairy farm as defined in this chapter; and

i. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

ii. The Oregon Department of Agriculture has approved a permit for a confined animal feeding operation under ORS 468B.050 and 468B.200 through 468B.230; and

iii. The Oregon Department of Agriculture has approved a producer license for the sale of dairy products under ORS 621.072;

d. In determining the gross income in subsections (B)(4)(a) and (b) of this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

5. The dwelling will be consistent with the fish and wildlife habitat policies of the Comprehensive Plan if located in a designated big game habitat area.

6. A deed restriction filed with the county clerk requiring removal of the home or removal, demolition or conversion to a nonresidential use if other residential structures are used, when the occupancy or use no longer complies with the criteria or standards under which the manufactured home was originally approved.

C. A secondary single-family dwelling on real property used for farm use subject to the following standards:

1. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse, which means grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, step-sibling, niece, nephew or first cousin of either, if the farm operator does or will require the assistance of the relative in the management of the farm use.

2. The farm operator shall continue to play the predominant role in management and use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing.

3. A deed restriction is filed with the county clerk requiring removal of the dwelling when the occupancy or use no longer complies with the criteria or standards under which the dwelling was originally approved.

4. For purposes of this subsection, a commercial farm operation is one that meets the income requirements for a primary farm dwelling identified in subsection (A)(1)(b) of this section.

5. All of the property in a tract used for the purposes of establishing a farm dwelling shall be held, sold and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions, and restrictions can be removed only at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions is located executes and records a release of the covenants, conditions and restrictions, consistent with OAR 660-006-0027.

D. Dwelling Alteration and Replacement. Alteration, restoration, or replacement of a lawfully established dwelling with filing of the declaratory statement in MCC 17.136.100(C), other than as permitted in MCC 17.136.020(D), when:

1. The dwelling to be altered, restored or replaced has or formerly had:

a. Intact exterior walls and roof structure;

b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

c. Interior wiring for interior lights; and

d. A heating system; and

2. In addition to the provisions of subsection (D)(1) of this section, the dwelling to be replaced meets one of the following conditions:

a. If the dwelling was removed, destroyed or demolished:

i. The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and

ii. Any removal, destruction, or demolition occurred on or after January 1, 1973.

b. If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes; or

c. A dwelling not described in subsection (D)(2)(a) or (b) of this section was assessed as a dwelling for the purposes of ad valorem taxation:

i. For the previous five property tax years; or

ii. From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010;

3. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

a. Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

b. If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location;

4. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted;

5. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, Chapter 462, Section 2 and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling;

6. A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling;

7. The replacement dwelling must be sited on the same lot or parcel consistent with the following:

a. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and

b. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

E. Lot-of-Record Dwellings. A single-family dwelling subject to the following standards and criteria:

1. The lot or parcel on which the dwelling will be sited was lawfully created and acquired and owned continuously by the present owner:

a. Since prior to January 1, 1985; or

b. By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

c. "Owner," as the term is used in this subsection only, includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the owner or business entity owned by any one or a combination of these family members.

2. The tract on which the dwelling will be sited does not include a dwelling.

3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract.

4. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.

5. The request is not prohibited by, and complies with, the Comprehensive Plan and other provisions of this title, including but not limited to floodplain, greenway, and big game habitat area restrictions.

6. The proposed dwelling will not:

a. Exceed the facilities and service capabilities of the area.

b. Create conditions or circumstances contrary to the purpose of the special agriculture zone.

7. A lot-of-record dwelling approval may be transferred one time only by a person who has qualified under this section to any other person after the effective date of the land use decision.

8. The county assessor shall be notified that the county intends to allow the dwelling.

9. The lot or parcel on which the dwelling will be sited is not high-value farmland as defined in MCC 17.136.140(D); or

10. The lot or parcel on which the dwelling will be sited is high-value farmland as defined in MCC 17.136.140(D)(2) or (3) and:

a. Is 21 acres or less in size;

b. The tract on which the dwelling is to be sited is not a flag lot and is:

i. Bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on them on January 1, 1993; or

ii. Bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. No more than two of the four dwellings may be within an urban growth boundary;

c. The tract on which the dwelling is to be sited is a flag lot and is:

i. Bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The board, or its designee, must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.

ii. "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

iii. "Geographic center of the flag lot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot; or

11. The lot or parcel on which the dwelling is to be sited is high-value farmland as defined in MCC 17.136.140(D)(1) and:

a. The hearings officer determines that:

i. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of extraordinary circumstances inherent in the land or its physical setting include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with

adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use; and

ii. The use will not force a significant change in or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm or forest use; and

iii. The dwelling will not materially alter the stability of the overall land use pattern in the area. To address this standard, the following information shall be provided:

(A) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm operations or practices that distinguish it from other adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, and why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;

(B) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved under this subsection (E) and MCC 17.136.050(A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision;

(C) Determine whether approval of the proposed non-farm/lot-of-record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

b. The county shall provide notice of the application for a dwelling allowed under this subsection to the Oregon Department of Agriculture. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1369 § 4 (Exh. B), 2016; Ord. 1326 § 4 (Exh. A), 2012; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.030.]

17.136.040 Uses permitted subject to standards.

The following uses may be permitted in the EFU zone subject to approval of the request by the planning director, based on satisfaction of the standards and criteria specified for each use, pursuant to Chapter 17.115 MCC:

A. Farm Stand. Farm stand subject to the following standards:

1. The structures shall be designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the state of Oregon, including processed food items, and the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand; and

2. Annual sales of the incidental items and fees from promotional activity, sales of farm crops produced outside the state of Oregon, and sales of prepared food items together cannot make up more than 25 percent of the total annual sales of the farm stand; and

3. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment;

4. As used in this section, "processed food items" means farm crops and livestock that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, such as jams, syrups, apple cider, and similar animal products, but not prepared food items;

5. As used in this section, "prepared food items" means food products that are prepared for immediate consumption, such as pies, shortcake, milk shakes, smoothies, and baked goods;

6. Adequate off-street parking shall be provided and all vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways;

7. No farm stand building or parking is permitted within the right-of-way;

8. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips;

9. Approval is required from the county public works department regarding adequate egress and access including compliance with vision clearance standards. All egress and access points shall be clearly marked;

10. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways;

11. Signs are permitted consistent with Chapter 17.191 MCC;

12. All required permits shall be obtained from the Marion County health department or the Department of Agriculture, as required;

13. When requested by the planning director, the farm stand operator/landowner shall submit a statement demonstrating how the farm stand complies with this policy, certified by the landowner's/operator's accountant or attorney as being accurate and complete;

14. A farm stand may not be used for the sale of marijuana products or to promote the sale of marijuana products or extracts.

B. Winery. A winery subject to the standards in MCC 17.125.030 or 17.125.035.

C. Religious Organizations and Cemeteries. Religious organizations and cemeteries in conjunction with religious organizations subject to the following:

1. New religious organizations and cemeteries in conjunction with religious organizations:

a. May not be established on high-value farmland.

b. New religious organizations and cemeteries in conjunction with religious organizations, not on high-value farmland, may be established. All new religious organizations and cemeteries in conjunction with religious organizations within three miles of an urban growth boundary shall meet the following standards:

i. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved, unless an exception is approved pursuant to OAR Chapter 660, Division 004.

ii. Any new enclosed structure or group of enclosed structures subject to this subsection shall be situated no less than one-half mile from other enclosed structures approved under OAR 660-33-130(2) on the same tract.

iii. For the purposes of this subsection, "tract" means a tract as defined in MCC 17.136.140(F) in existence on May 5, 2010.

2. Existing Religious Organizations and Cemeteries in Conjunction with Religious Organizations.

a. Existing religious organizations and cemeteries in conjunction with religious organizations may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.

b. Existing enclosed structures within three miles of an urban growth boundary may not be expanded beyond the limits in subsections (C)(1)(b)(i) through (iii) of this section.

D. Public and Private Schools. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, subject to the following:

1. New schools primarily for the residents of the rural area in which the school is located:

a. New schools may not be established on high-value farmland.

b. New schools not on high-value farmland may be established. Any new school within three miles of an urban growth boundary shall meet the following standards:

i. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved, unless an exception is approved pursuant to OAR Chapter 660, Division 004.

ii. Any new enclosed structure or group of enclosed structures subject to this section shall be situated no less than one-half mile from other enclosed structures approved under OAR 660-33-130(2) on the same tract.

iii. For the purposes of this subsection, "tract" means a tract as defined in MCC 17.136.140(F) in existence on May 5, 2010.

c. New schools must be determined to be consistent with the provisions contained in MCC 17.136.060(A)(1).

2. Existing Schools Primarily for the Residents of the Rural Area in Which the School Is Located.

a. Existing schools on high-value farmland may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.

b. Existing schools not on high-value farmland may be maintained, enhanced, or expanded consistent with the provisions contained in MCC 17.136.060(A)(1).

c. Existing enclosed structures within three miles of an urban growth boundary may not be expanded beyond the limits in subsections (D)(1)(b)(i) through (iii) of this section.

3. Existing schools that are not primarily for residents of the rural area in which the school is located may be expanded on the tax lot on which the use was established or on a contiguous tax lot owned by the applicant on January 1, 2009; however, existing enclosed structures within three miles of an urban growth boundary may not be expanded beyond the limits in subsections (D)(1)(b)(i) through (iii) of this section.

E. Filming Activities. On-site filming and activities accessory to filming, and defined in MCC 17.136.140(A), if the activity:

1. Involves filming or activities accessory to filming for more than 45 days; or

2. Involves erection of sets that would remain in place longer than any 45-day period;

3. The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use.

F. Facilities for Processing Farm Crops. A facility for processing of farm crops, an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038, or the production of biofuel as defined in ORS 315.141, subject to the following:

1. A processing area of less than 10,000 square feet shall be established. The processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits siting of the processing facility.

2. Uses less than 2,500 square feet for its processing area shall be allowed notwithstanding any applicable siting standard. However, applicable standards and criteria pertaining to floodplains, geologic hazards, airport safety and fire siting standards shall apply.

3. Division of a lot or parcel that separates a processing facility from the farm operation on which it is located shall not be approved.

4. A medical marijuana processor as defined in MCC 17.110.376 shall:

a. Be conducted entirely indoors; and

b. Emit no light visible to adjacent neighboring property owners or the public; and

c. Ensure odors are not detectable on adjacent neighboring properties.

5. As used in this section, the following definitions apply:

a. "Facility for the processing of farm products" means a facility for:

i. Processing farm crops, including the production of biofuel as defined in ORS 315.141, if at least one-quarter of the farm crops come from the farm operation containing the facility; or

ii. Slaughtering, processing or selling poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2).

b. "Processing area" means the floor area of a building dedicated to farm product processing. "Processing area" does not include the floor area designated for preparation, storage or other farm use.

G. Model Aircraft. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary, subject to the following:

1. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use.

2. The site shall not include an aggregate surface or hard area surface unless the surface pre-existed the use.

3. As used in this section "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.

4. An owner of property used for the purpose authorized in this subsection may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities.

H. *Repealed by Ord. 1397.*

I. Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A facility is "necessary" if it must be situated in the EFU zone in order for the service to be provided. An applicant must demonstrate that reasonable alternatives have been considered and that the facility must be sited in an EFU zone due to one or more of the following factors as found in OAR 660-033-0130(16):

1. Technical and engineering feasibility;

2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

3. Lack of available urban and nonresource lands;

4. Availability of existing right-of-way;

5. Public health and safety; and

6. Other requirements of state and federal agencies.

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

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

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

d. In addition to the provisions above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

e. The provisions of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

f. If the criteria contained in this subsection (I) for siting a utility facility on land zoned for exclusive farm use are met for a utility facility that is a transmission line, the utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult. The requirement to consult under this section is in addition to and not in lieu of any other legally required consultation process. For the purposes of this subsection:

i. "Consult" means to make an effort to contact for purpose of notifying the record owner of the opportunity to meet.

ii. "Transmission line" means a linear utility facility by which a utility provider transfers the utility product in bulk from a point of origin or generation, or between transfer stations, to the point at which the utility product is transferred to distribution lines for delivery to end users.

7. An associated transmission line shall be considered necessary for public service solely based on the criteria below:

a. "Associated transmission line" means a new transmission line constructed to connect an energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

b. An associated transmission line is necessary for public service if it is demonstrated to meet either subsection (I)(7)(b)(i) or (ii) of this section:

i. An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(A) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(B) The associated transmission line is co-located with an existing transmission line;

(C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(D) The associated transmission line is located within an existing right-of-way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

ii. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to subsections (I)(7)(b)(iii) and (iv) of this section, two or more of the following criteria:

(A) Technical and engineering feasibility;

(B) The associated transmission line is locationally dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land, to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right-of-way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(D) Public health and safety; or

(E) Other requirements of state or federal agencies.

iii. As pertains to subsection (I)(7)(b)(ii) of this section, the applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

iv. The governing body of a county or its designee may consider costs associated with any of the factors listed in subsection (I)(7)(b)(ii) of this section, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

J. Parking of not more than seven log trucks on a tract when the use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

2. Significantly increase the cost of accepted farm or forest practices on surrounding land devoted to farm or forest use.

K. Fire service facilities providing rural fire protection services.

L. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and features, associated with a district as defined in ORS 540.505.

M. Utility Facility Service Lines. Utility facility service lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

1. A public right-of-way;

2. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or

3. The property to be served by the utility.

N. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids, or the on-site treatment of septage prior to the land application for biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. For the purposes of this section, on-site treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

O. Dog training classes or testing trials conducted outdoors or in agricultural buildings existing on June 4, 2012, subject to the following:

1. The number of dogs in each training class shall not exceed 10.

2. There shall be no more than six training classes per day.

3. The number of dogs participating in the testing trials shall not exceed 60.

4. There shall be no more than four testing trials per calendar year.

P. Cider Business. A cider business is subject to the standards in MCC 17.125.140.

Q. Farm Brewery. A farm brewery is subject to the standards in MCC 17.125.150. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1397 § 4 (Exh. B), 2019; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1369 § 4 (Exh. B), 2016; Ord. 1330 § 4 (Exh. A), 2013; Ord. 1326 § 4 (Exh. A), 2012; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.040.]

17.136.050 Conditional uses.
The following uses may be permitted in an EFU zone subject to obtaining a conditional use permit and satisfying the criteria in MCC 17.136.060(A), and any additional criteria, requirements, and standards specified for the use:

A. Single-family dwelling or manufactured home not in conjunction with farm use, subject to the criteria and standards in MCC 17.136.060(B), 17.136.070 and 17.136.100.

B. Temporary residence for hardship purposes subject to the requirements of MCC 17.120.040 with filing of the declaratory statement in MCC 17.136.100(C).

C. Portable or temporary facility for primary processing of forest products subject to MCC 17.136.060(E).

D. The following commercial uses:

1. Home occupations, including bed and breakfast inns, subject to the criteria in MCC 17.136.060(C) with filing of the declaratory statement in MCC 17.136.100(C).

2. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under MCC 17.136.040(F), and subject to MCC 17.136.060(D), but including a winery not permitted under MCC 17.136.040(B), but not including a medical marijuana processor as defined in MCC 17.110.376, subject to MCC 17.136.060(D).

3. Expansion of a lawfully established dog kennel with filing of the declaratory statement in MCC 17.136.100(C).

4. Room and board arrangements for a maximum of five unrelated persons in existing dwellings with filing of the declaratory statement in MCC 17.136.100(C).

5. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission.

6. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

7. Composting Facilities.

a. Existing composting operations and facilities that do not meet MCC 17.136.020(J) may be maintained, enhanced, or expanded on the same tract subject to meeting the performance and permitting requirements of the Department of Environmental Quality (DEQ) under OAR 340-093-0050 and 340-096-0060, subject to compost facility operators preparing, implementing and maintaining a site-specific odor minimization plan that:

i. Meets the requirements of OAR 340-096-0150;

ii. Identifies the distance of the proposed operation to the nearest residential zone;

iii. Includes a complaint response protocol;

iv. Is submitted to the DEQ with the required permit application; and

v. May be subject to annual review by the county to determine if any revisions are necessary.

b. New composting operations and facilities that do not meet MCC 17.136.020(J) may be established on land not defined as high-value farmland subject to the following:

i. Meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060; and

ii. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility; and

iii. On-site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle;

iv. Compost facility operators must prepare, implement and maintain a site-specific odor minimization plan that:

(A) Meets the requirements of OAR 340-096-0150;

(B) Identifies the distance of the proposed operation to the nearest residential zone;

(C) Includes a complaint response protocol;

(D) Is submitted to the DEQ with the required permit application; and

(E) May be subject to annual review by the county to determine if any revisions are necessary.

8. Operations for the extraction and bottling of water, except in the sensitive groundwater overlay zone.

9. Agri-tourism events and activities excluding events that promote the use or sale of marijuana products or extracts, subject to the requirements in MCC 17.120.090.

10. Dog training classes or testing trials not permitted under MCC 17.136.040(O).

E. The following mining and processing activities:

1. Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 and MCC 17.120.410 through 17.120.480.

2. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298 and MCC 17.120.410 through 17.120.480.

3. Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement subject to MCC 17.120.410 through 17.120.480 and 17.136.060(H)(1).

4. Processing of other mineral resources and other subsurface resources subject to MCC 17.120.410 through 17.120.480.

F. The following utility uses:

1. Commercial utility facilities for the purpose of generating power, other than wind power generation or photovoltaic solar power generation, for public sale, subject to MCC 17.136.060(F).

2. Wind power generation facilities subject to MCC 17.120.100.

3. *Repealed by Ord. 1387.*

4. Transmission towers over 200 feet in height.

G. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in ORS 215.283(2)(g).

H. The following recreation uses subject to MCC 17.136.060(I):

1. Expansion of a lawfully established private park, playground, hunting and fishing preserve or campground subject to MCC 17.136.060(G) with filing of the declaratory statement in MCC 17.136.100(C).

2. Expansion of a lawfully established community center, operated primarily by and for residents of the local rural community, where the land and facilities are owned and operated by a governmental agency or nonprofit community organization with filing of the declaratory statement in MCC 17.136.100(C).

3. Public parks, open spaces, and playgrounds including only those uses specified under OAR 660-034-035 or 660-034-0040, whichever is applicable, and consistent with ORS 195.120 and with filing of the declaratory statement in MCC 17.136.100(C).

4. Expansion of a lawfully established golf course on the same tract consistent with definitions in MCC 17.136.140(C), and with filing of the declaratory statement in MCC 17.136.100(C).

5. Living history museum subject to MCC 17.136.060(H)(2), and with filing of the declaratory statement in MCC 17.136.100(C).

I. Expansion of a lawfully established solid waste disposal site together with facilities and buildings for its operation (see specific conditional uses, MCC 17.120.310 through 17.120.380).

J. The following transportation uses:

1. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.

2. Reconstruction or modification of public streets involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

3. Improvement of public street related facilities, such as maintenance yards, weigh stations and rest areas where additional property or right-of-way is required but not resulting in the creation of new land parcels.

4. Roads, highways, and other transportation facilities and improvements not otherwise allowed in this chapter, when an exception to statewide Goal 3 and any other applicable statewide planning goal with which the facility or improvement does not comply, and subject to OAR Chapter 660, Division 12.

K. A replacement dwelling to be used in conjunction with farm use with filing of the declaratory statement in MCC 17.136.100(C), if the existing dwelling is listed in the Comprehensive Plan inventory and the National Register of Historic Places as historic property as defined in ORS 358.480.

L. Residential home or adult foster home, as defined in ORS 197.660 and MCC 17.110.477, in an existing dwelling and with filing of the declaratory statement in MCC 17.136.100(C).

M. A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135 as provided for in ORS 215.283(2).

N. Expansion of existing schools not for kindergarten through grade 12 established on or before January 1, 2009, on the same tract wholly within a farm zone subject to MCC 17.136.060(I). [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1387 § 4 (Exh. A), 2018; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1369 § 4 (Exh. B), 2016; Ord. 1330 § 4 (Exh. A), 2013; Ord. 1326 § 4 (Exh. A), 2012; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.050.]

17.136.060 Conditional use review criteria.
The uses identified in MCC 17.136.050 shall satisfy criteria in the applicable subsections below:

A. The following criteria apply to all conditional uses in the EFU zone:

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

2. Adequate fire protection and other rural services are, or will be, available when the use is established.

3. The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.

4. Any noise associated with the use will not have a significant adverse impact on nearby land uses.

5. The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.

B. Non-Farm Dwellings. The following additional criteria apply to non-farm dwelling requests:

1. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. Soils classifications shall be those of the Soil Conservation Service in its most recent publication, unless evidence is submitted as required in MCC 17.136.130.

2. The dwelling will be sited on a lot or parcel that does not currently contain a dwelling and was created before January 1, 1993. The boundary of the lot or parcel cannot be changed after November 4, 1993, in any way that enables the lot or parcel to meet the criteria for non-farm dwelling.

3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making this determination the cumulative impact of possible new non-farm dwellings on other lots or parcel in the area similarly situated shall be considered. To address this standard, the following information shall be provided:

a. Identify a study area for the cumulative impact analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

b. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under MCC 17.136.050(A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision;

c. Determine whether approval of the proposed non-farm dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, or lease farmland, or acquire waste rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

C. Home Occupations.

1. Notwithstanding MCC 17.110.270 and 17.120.075, home occupations, including the parking of vehicles in conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria:

a. A home occupation or bed and breakfast inn shall be operated by a resident of the dwelling on the property on which the business is located. Including residents, no more than five full-time or part-time persons shall work in the home occupation ("person" includes volunteer, nonresident employee, partner or any other person).

b. It shall be operated substantially in:

i. The dwelling; or

ii. Other buildings normally associated with uses permitted in the zone in which the property is located.

c. It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

d. A home occupation shall not be authorized in structures accessory to resource use on high-value farmland.

e. A sign shall meet the standards in Chapter 17.191 MCC.

f. The property, dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.

g. Retail and wholesale sales that do not involve customers coming to the property, such as internet, telephone or mail order off-site sales, and incidental sales related to the home occupation services being provided are allowed. No other sales are permitted as, or in conjunction with, a home occupation.

2. Notwithstanding MCC 17.110.270 and 17.120.075, an event business hosting weddings, family reunions, class reunions, company picnics, memorials, and similar gatherings may be established as a home occupation subject to the following criteria:

a. Farm Assessment. All or a portion of the subject property where the event business will operate shall be subject to special assessment for farm use.

b. Owner. The property owner of the property upon which the event business is located shall be the operator of the event business and shall reside full-time in the dwelling on the property.

c. Employees. The property owner shall employ on the site no more than five full-time or part-time persons per ORS 215.448(1)(b).

d. Number of Events. A maximum of 18 events per calendar year may be held on the property.

e. Frequency. No more than three events a week shall occur from May 1st to September 30th and one event a week from October 1st to April 30th.

f. Duration. No event shall exceed three consecutive days including setup and take down.

g. Hours of Operation. No event shall take place before the hour of 7:00 a.m. or after the hour of 10:00 p.m. Setup and takedown shall occur as well between the hours of 7:00 a.m. and 10:00 p.m.

h. Guests. The property owner shall ensure that the maximum occupancy approved by the Marion County building official and local fire district is not exceeded in structures on the property at any time. A lower limit may be imposed based on the number of employees able to provide services to the guests. The applicant shall demonstrate how the employees of the business are able to provide services to all the guests at the event. All events shall be conducted in such a way as to comply with conditions of approval placed on the event business operation.

i. Structures. The event business shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted in the zone in which the property is located. New structures shall obtain a building permit for the use. Existing structures shall obtain a change of use from building inspection. In either case, system development charges applied for the additional traffic impacts anticipated shall be paid prior to building permit issuance. Any changes to a structure shall not render the structure a building not normally associated with uses permitted in the zone

j. Tents. Tents may be used in conjunction with the event business. Tents shall be considered outdoor areas for the purposes of this code.

k. Outdoor Area. For events which take place both indoors and outdoors, at least 80 percent of the area of the property dedicated to the event business shall be indoors and at most 20 percent of the area of the property dedicated to the event business may be outdoors, exclusive of parking.

l. Parking. A parking and traffic circulation plan shall be provided demonstrating adequate parking being provided on site to accommodate all traffic associated with the event business subject to the following:

i. No parking in rights-of-way or roadway easements shall be permitted.

ii. Parking may be provided on a different parcel subject to evidence of an agreement with that property for the use.

iii. Adequate internal circulation shall be provided to ensure that traffic does not cause a significant adverse impact to local roadways.

iv. The parking and traffic circulation plan shall also provide for fire and emergency ingress and egress.

v. Events that take place between October 1st and April 30th shall have parking provided with an all-weather surface consisting of gravel, asphalt, or concrete.

vi. Events that take place between May 1st and September 30th shall either have parking provided with an all-weather surface consisting of gravel, asphalt, or concrete or provided by an earthen or organic surface maintained to minimize fire hazards.

vii. The property owner shall obtain all necessary permits for access and egress, as well as provide a traffic control plan if required by Marion County public works.

viii. The use will not require new driveway access to the street unless approved by public works director. The property owner shall obtain all necessary driveway access permits from the roadway authority to bring the new or existing access into conformance with county standards.

m. Minimum Setbacks. New structures and outdoor areas associated with the event business, including generators and other ancillary uses, but not including parking, shall be set back a minimum of 50 feet from public rights-of-way and adjoining parcels with an existing residence within 50 feet of the site of the event business or approved for a residence within 50 feet of the site of the event business, or zoned acreage residential.

n. Fencing. Property lines adjacent to a property with an existing residence within 50 feet of the site of the event business or approved for a residence within 50 feet of the site of the event business, or zoned acreage residential shall be provided with a solid fence, wall, or hedge. A 15-foot-wide vegetative buffer consisting of trees, which will attain at least eight feet in height within five years, and shrubs, which will provide a complete visual sight buffer within five years, may be substituted for the fence, wall, or hedge.

o. Lighting. Parking lots shall have lighting capable of providing adequate illumination for security and safety. All light sources shall be constructed, down shielded and used so as not to illuminate directly on or create glare visible from adjacent properties or public rights-of-way.

p. Noise. The event business shall comply with Chapter 8.45 MCC related to noise except that no amplified sound or use of a generator shall occur outside of a building before the hour of 7:00 a.m. or after the hour of 10:00 p.m.

q. Signs. In addition to the signs permitted in Chapter 17.191 MCC:

i. One unlighted sign not exceeding 32 square feet related to the event business may be placed on a fence or structure subject to the height, setback, and illumination standards in Chapter 17.191 MCC.

ii. Three unlighted temporary signs not exceeding 32 square feet each may be placed on the property or nearby properties subject to the height, setback, and illumination standards in Chapter 17.191 MCC.

iii. Any temporary sign shall be removed no more than 24 hours after an event.

r. Water Source. If a well is used in conjunction with the business, the property owner shall consult with Marion County health and human services to determine if compliance with a state public water system is required. Any identified public water systems must comply with drinking water quality standards as administered by the Oregon Health Authority Drinking Water Services. The property owner also shall obtain any necessary permits from the Oregon Department of Water Resources. Evidence that required permits were obtained shall be provided to Marion County planning.

s. On-Site Wastewater. The property owner shall obtain all necessary permits for on-site wastewater disposal. In the event that portable restroom facilities, including hand-sanitizing or hand-washing stations, are used, these shall be screened from adjacent lots and rights-of-way by sight-obscuring fences or plantings and be located a minimum of 50 feet from the property lines of all adjoining properties.

t. Kitchen. Any kitchen shall obtain necessary permits from Marion County building inspection and from Marion County health and human services. Evidence that required permits were obtained shall be provided to Marion County planning.

u. Alcohol. If alcohol is served, the property owner shall obtain all necessary permits, or ensure that all necessary permits have been obtained from the Oregon Liquor and Cannabis Commission.

v. Other Uses. The event business shall not unreasonably interfere with other uses permitted in the zone in which the property is located. The property owner shall provide evidence that all contracts include the requirement that the customer has signed and agreed to the following statement:

This event business is situated in or near a farm or forest zone or area in Marion County, Oregon, where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, property owners, and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws that ordinarily and necessarily produce noise, dust, smoke and other impacts. I do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of using this venue. I acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices, signatories will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937.

w. Dispatch of Employees. The property, dwelling, or other buildings shall not be used for assembly or dispatch of employees to other locations.

x. Sales. Retail and wholesale sales that do not involve customers coming to the property, such as internet, telephone, or mail order off-site sales, and incidental sales related to the home occupation services being provided are allowed. No other sales are permitted as, or in conjunction with, a home occupation.

y. Alteration of Property. No other alteration of land shall occur other than that approved in conjunction with an approval for an event business subject to the following:

i. On days when events are not occurring, the property shall not take on characteristics of an event business, aside from structures and parking areas approved as part of this permit.

ii. When events are not taking place, any equipment, furniture, or other items related to the event business shall be stored indoors.

z. Transfer of Property. Any approval is only for the property owner at the time of application. If the property is subsequently sold or transferred to another person or entity, the new property owner must indicate review and acceptance of the conditions of the land use approval prior to operating the business.

aa. Annual Submittal. Event business approvals must be renewed every year subject to the property owner providing the following information:

i. Evidence of the annual renewal of permits required by other agencies and departments.

ii. A log of events held the prior calendar year.

iii. Any revisions to the site plan or parking and traffic circulation plan or both. Such revisions may be subject to review and approval by the planning director and public works director for consistency with the home occupation event business approval.

iv. Evidence that the property continues to be subject to special assessment for farm use.

D. Commercial Activities in Conjunction with Farm Use.

1. The commercial activity must be primarily a customer or supplier of farm uses.

2. The commercial activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.

3. The agricultural and commercial activities must occur together in the local community.

4. The products and services provided must be essential to the practice of agriculture.

E. Forest Products Processing Facility. A portable or temporary facility for the primary processing of forest products is subject to the following criteria and limitations:

1. The use shall not seriously interfere with accepted farming practices.

2. The use shall be compatible with farm uses described in ORS 215.203(2).

3. The use may be approved for a maximum one-year period, which is renewable.

4. The primary processing of forest products, as used in this section, means the use of a chipper, stud mill, or other similar facility for initial treatment of a forest product in order to enable its shipment to market. "Forest products," as used in this section, means timber grown upon a tract where the primary processing facility is located.

F. Power Generation Facility. A power generation facility shall not preclude more than:

1. Twelve acres from use as a commercial agricultural enterprise on high-value farmland unless an exception is taken pursuant to OAR Chapter 660, Division 004.

2. Twenty acres from use as a commercial agricultural enterprise on farmland that is not high-value unless an exception is taken pursuant to ORS 197.732 and OAR Chapter 660, Division 004.

G. Private Parks and Campgrounds. Private parks, playgrounds, hunting and fishing preserves, and campground expansions shall meet the following criteria:

1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 004.

2. It shall be devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

3. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

4. A camping site shall only be occupied by a tent, travel trailer or recreational vehicle. Private campgrounds may provide yurts for overnight camping subject to the following:

a. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include yurts;

b. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

5. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites.

6. It shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

7. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

H. Other Uses.

1. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

2. Living history museum related to resource-based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one-quarter mile of an urban growth boundary.

As used in this subsection:

a. "Living history museum" means a facility designed to depict and interpret the everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and

b. "Local historical society" means the local historical society recognized by the county board of commissioners and organized under ORS Chapter 65.

I. The following criteria apply to those uses identified in MCC 17.136.050:

1. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved within three miles of an urban growth boundary unless an exception is approved pursuant to OAR Chapter 660, Division 004.

2. Any new enclosed structure or group of enclosed structures subject to this section shall be situated no less than one-half mile from other enclosed structures approved under OAR 660-33-130(2) on the same tract. For the purposes of this subsection, "tract" means a tract as defined in MCC 17.136.140(F) in existence on May 5, 2010.

3. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, but existing enclosed structures within three miles of an urban growth boundary may not be expanded

beyond the limits of this subsection. [Ord. 1456 § 4 (Exh. B), 2023; Ord. 1447 § 4 (Exh. B), 2022; Ord. 1330 § 4 (Exh. A), 2013; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.060.]

17.136.070 Non-farm dwelling requirements.
The following regulations shall apply to non-farm dwellings:

A. Special Setbacks.

1. Dwellings. A special dwelling setback of 200 feet from any abutting parcel in farm use or timber production is required.

2. Accessory Buildings. A special setback of 100 feet is required for buildings accessory to a dwelling from any abutting parcel in farm use or timber production.

3. Adjustments. The special setbacks in subsections (A)(1) and (2) of this section may be reduced if it is determined, concurrently with any land use application or as provided in Chapter 17.116 MCC, that a lesser setback will meet the following review criteria for alternative sites:

a. The site will have the least impact on nearby or adjoining forest or agricultural lands.

b. The site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.

c. The amount of agricultural and forestlands used to site access roads, service corridors, the dwelling and structures is minimized.

d. The risks associated with wildfire are minimized.

4. The special setback in subsection (A)(1) of this section shall not be applied in a manner that prohibits dwellings approved pursuant to ORS 195.300 through 195.336 nor should the special setback in subsection (A)(1) of this section prohibit a claimant's application for homesites under ORS 195.300 through 195.336.

B. Fire Hazard Reduction. As a condition of approval for any non-farm dwelling located closer than 200 feet to timber, the owner shall be required to maintain a primary and secondary fuel-free break area in accordance with the provision in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry.

C. Prior to issuance of any residential building permit for an approved non-farm dwelling under MCC 17.136.050(A), evidence shall be provided that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that the additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308A.113 or 308A.724 or 321.359(1)(b), 321.842(1)(A) and 321.716. A parcel that has been disqualified under this section shall not requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel. [Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.070.]

17.136.080 Existing dwellings and other structures.
For the purpose of regulating dwellings and structures at the time the EFU zone is applied, the following regulations shall apply:

A. Legally established dwellings existing when the EFU zone is applied shall be considered in conformance with the EFU zone and may be repaired, altered, enlarged or replaced pursuant to MCC 17.136.020(D) or 17.136.030(D).

B. Legally established structures accessory to a dwelling, farm or forest use, or other authorized use existing when the EFU zone is applied shall be considered in conformance with the EFU zone and may be repaired, altered, or enlarged unless conditions applied to the use require that changes to the structure be reviewed.

C. Notwithstanding MCC 17.114.070, if a legally established non-resource use exists in the EFU zone and is unintentionally destroyed by fire, other casualty or natural disaster, the use may be reestablished to its previous nature and extent, but the reestablishment shall satisfy other building codes, ordinance and permit requirements. Efforts to reestablish the use shall commence within one year of destruction of the use or structure. [Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.080.]

17.136.090 Minimum parcel size, divisions of land, and property line adjustments.
The following regulations apply when property line adjustments and partitioning of land within an EFU zone subject to the provisions of Chapter 17.172 MCC are proposed:

A. Minimum Parcel Size for Newly Created Parcels.

1. Farm Parcels. The minimal parcel size for new farm parcels shall be calculated as follows:

a. All parcels wholly or in part within 500 feet of the subject parcel shall be identified.

b. The average (mean) size of all parcels larger than 40 acres identified in subsection (A)(1)(a) of this section shall be determined.

c. The acreage size calculated in subsection (A)(1)(b) of this section, rounded to the nearest 10 acres, is the minimum parcel size unless such parcel size is less than 80 acres, in which case the minimum parcel size is 80 acres.

2. Non-Farm Parcels. A new non-farm parcel created pursuant to subsection (B) of this section shall only be as large as necessary to accommodate the use and any buffer area needed to ensure compatibility with adjacent farm uses.

B. Requirements for Creation of New Non-Farm Parcels.

1. A new non-farm parcel may be created for uses listed in MCC 17.136.040(C) and (K) and MCC 17.136.050, except the residential uses in MCC 17.136.050(A) and (B) or a home occupation.

2. The criteria in MCC 17.136.060 applicable to the use shall apply to the parcel.

3. A non-farm parcel shall not be approved before the non-farm use is approved.

4. A division of land for non-farm use shall not be approved unless any additional tax imposed for the change has been paid, or payment of any tax imposed is made a condition of approval.

5. A division of land may be permitted to create a parcel with an existing dwelling to be used:

a. As a residential home as described in ORS 197.660(2) only if the dwelling has been approved under MCC 17.136.050(L).

b. For a historic property that meets the definition in ORS 358.480 and is listed on the National Register of Historic Places.

c. Parcels created under this section must meet the following criteria:

i. The new parcel containing the dwelling must be a minimum of one acre in size.

ii. The proposal shall not involve a unit of land containing a farm-relative dwelling previously authorized under the Marion County Code or previous ordinance.

iii. The new parcel shall not be larger than the minimum size necessary for the use, taking into consideration septic system, septic repair area, water source, the dwelling, and accessory buildings.

iv. The new parcel shall be adequately sized so that the existing dwelling meets the special setbacks from parcels in farm and forest use as described in MCC 17.136.070 if it was able to meet the special setbacks previously.

6. If the land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels subject to the following criteria:

a. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

b. A parcel created pursuant to this subsection that does not contain a dwelling:

i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

ii. May not be considered in approving or denying an application for siting any other dwelling;

iii. May not be considered in approving a redesignation or rezoning of forest lands or farmlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

c. May not be smaller than 25 acres unless the purpose of the land division is:

i. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

ii. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

7. A division of land smaller than the minimum lot or parcel size described in subsections (A) and (B) of this section may be approved to establish a religious organization including cemeteries in conjunction with the religious organization if they meet the following requirements:

a. The religious organization has been approved under MCC 17.136.040(C);

b. The newly created lot or parcel is not larger than five acres; and

c. The remaining lot or parcel, not including the religious organization, meets the minimum lot or parcel size described in subsections (A) and (B) of this section either by itself or after it is consolidated with another lot or parcel.

8. A portion of a lot or parcel that has been included within an urban growth boundary and redesignated for urban uses under the applicable acknowledged comprehensive plan may be divided off from the portion of the lot or parcel that remains outside the urban growth boundary and zoned for resource use even if the resource use portion is smaller than the minimum lot or parcel size established under ORS 215.780, subject to the following:

a. The partition must occur along the urban growth boundary; and

b. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use;

c. If the parcel does not contain a dwelling, the parcel:

i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

ii. May not be considered in approving or denying an application for siting any other dwelling; and

iii. May not be considered in approving a redesignation or rezoning of forestlands under the acknowledged comprehensive plan and land use regulations, except for a redesignation or rezoning to allow a public park, open space or other natural resource use.

9. Land that is divided under this section for utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, may not later be rezoned by the county for retail, commercial, industrial or other non-resource use, except as provided under the statewide land use planning goals or under ORS 197.732.

C. Property Line Adjustments.

1. When one or more lots or parcels subject to a proposed property line adjustment are larger than the minimum parcel size pursuant to subsection (A)(1) of this section, the same number of lots or parcels shall be as large or larger than the minimum parcel size after the adjustment. When all lots or parcels subject to the proposed adjustment are as large or larger than the minimum parcel size, no lot or parcel shall be reduced below the applicable minimum parcel size. If all lots or parcels are smaller than the minimum parcel size before the property line adjustment, the minimum parcel size pursuant to this section does not apply to those lots or parcels.

2. If the minimum parcel size in subsection (A)(1) of this section is larger than 80 acres, and a lot or parcel subject to property line adjustment is smaller than the minimum parcel size but larger than 80 acres, the lot or parcel shall not be reduced in size through property line adjustment to less than 80 acres.

3. Any property line adjustment shall result in a configuration of lots or parcels that are at least as suitable for commercial agriculture as were the parcels prior to the adjustment.

4. A property line adjustment may not be used to:

a. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

b. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

c. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard; or

d. Adjust a property line that resulted from a subdivision or partition authorized by a Measure 49 waiver so that any lawfully established unit of land affected by the property line adjustment is larger than the size granted by the waiver.

5. Any property line adjustment that results in an existing dwelling being located on a different parcel shall not be subject to the standards in MCC 17.136.030(A) so long as the adjustment:

a. Does not increase any adverse impacts on the continued practice of commercial agriculture on the resulting parcels;

b. Does not increase the potential number of dwellings on the resulting parcels; and

c. Does not allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1369 § 4 (Exh. B), 2016; Ord. 1330 § 4 (Exh. A), 2013;

Ord. 1326 § 4 (Exh. A), 2012; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.090.]

17.136.100 Development requirements.
The following standards apply to development in an EFU zone:

A. Maximum Height.

1. Dwellings: 35 feet.

2. Farm-related structures on farm parcels: none.

3. Nonresidential and non-farm structures: 35 feet unless they are in conjunction with conditional uses allowed in MCC 17.136.050, and a greater height is requested and approved as part of the conditional use permit.

B. Minimum Setbacks. Except as required in MCC 17.136.070(A), the following setback requirements shall be implemented for all new structures other than farm-exempt buildings, signs and fences:

1. Rear Yard. A minimum of 20 feet.

2. Side Yard. A minimum of 20 feet, except for lots or parcels of one-half acre or smaller created prior to January 1, 1994, in which case the side yard setback shall be five feet.

3. Front Yard. A minimum of 20 feet. When by ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply (see Chapter 17.112 MCC).

C. Declaratory Statement. For all dwellings, and other uses deemed appropriate, the property owner shall be required to sign and allow the entering of the following declaratory statement into the chain of title of the lot(s) or parcel(s):

> The property herein described is situated in or near a farm or forest zone or area in Marion County, Oregon, where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, property owners and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws that ordinarily and necessarily produce noise, dust, smoke and other impacts. The grantors, including their heirs, assigns and lessees do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling, structure or use in this area, and acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices, grantors will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937.

[Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.100.]

17.136.110 Contiguous ownership.
A. After June 29, 1994, it shall be a condition of approval that a new deed be recorded consolidating all contiguous lands in the same ownership when such contiguous lots or parcels are included in the application and must be considered in order for the application to meet the applicable criteria and standards. Consolidation shall be accomplished prior to exercising the rights granted in the land use decision and obtaining building permits, or concurrent with filing of a partitioning plat or property line adjustment survey.

B. Where a land use action prior to June 29, 1994, required that contiguous lots or parcels be considered a single lot or parcel, they shall continue to be considered a single lot or parcel for land use purposes. [Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.110.]

17.136.120 Permit expiration dates.
A. Notwithstanding other provisions of this title, a discretionary decision, except for a land division, approving a proposed development in the EFU zone expires two years from the date of the final decision if the development action is not initiated and all required conditions are met in that period. The director may grant an extension period of up to 12 months if:

1. An applicant makes a written request for an extension of the development approval period.

2. The request is submitted to the county prior to expiration of the approval period.

3. The applicant states the reasons that prevented the applicant from beginning or continuing development within the approval period.

4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

B. Approval of an extension granted under this section is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

C. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.

D. If a permit is approved for a proposed residential development in the EFU zone, the permit shall be valid for four years. For the purposes of this subsection, "residential development" only includes the dwellings provided for under MCC 17.136.020(D), 17.136.030(D) and 17.136.050(A).

E. The first extension of a permit consistent with subsection (D) of this section and with subsections (A)(1) through (4) of this section and where applicable criteria for the decision have not changed shall be valid for two years.

F. Up to five additional extensions of the permit consistent with subsection (D) of this section and with subsections (A)(1) through (4) of this section and where applicable criteria for the decision have not changed shall be valid for one year each. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.120.]

17.136.130 Consideration of soil classification changes for non-farm dwellings.
For purposes of approving an application for a dwelling not in conjunction with farm use under MCC 17.136.050(A), the soil class, soil rating, or other soil designation of a specific lot or parcel may be changed if the property owner submits a soil assessment prepared by a professional soil classifier that has been reviewed and approved by the Department of Land Conservation and Development as meeting the requirements in OAR 660-033-0045. [Ord. 1369 § 4 (Exh. B), 2016; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.130.]

17.136.140 Definition of terms used in this chapter.
The following terms apply to this chapter and have no relevance to the same terms used in other chapters of this title unless specifically stated:

A. Filming Activities. On-site filming and activities accessory to on-site filming include filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming. Production of advertisements, documentaries, feature films, television services and other film production that rely on the rural qualities of an EFU zone in more than an incidental way. It does not include facilities for marketing, editing and other such activities that are allowed only as a home occupation or construction of new structures that require a building permit.

B. "Commercial dairy farm" means a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by MCC 17.136.030(A)(1) or (2).

C. "Golf course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial

hazards. A "golf course" means a nine- or 18-hole regulation golf course, or golf tournament, consistent with the following:

1. A regulation 18-hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.

2. A regulation nine-hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.

3. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course and conforms to the following:

a. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include parking, maintenance buildings, cart storage and repair, practice range or driving range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, and a practice or beginners course.

b. Accessory uses to a golf course do not include sporting facilities unrelated to golf such as tennis courts, swimming pools, or weight rooms, wholesale or retail operations oriented to the non-golfing public, or housing.

c. A use is accessory to a golf course only when limited in size and orientation to serve the needs of persons and their guests who patronize the golf course to golf.

d. Commercial activities such as food and beverage service and pro shop are accessory to a golf course only when located in the clubhouse.

e. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designated for or include structures for banquets, public gatherings or public entertainment.

D. "High-value farmland" means a tract composed predominantly of:

1. Soils rated Class I or II, prime, or unique, either irrigated or not irrigated;

2. The following Class III soils: Chehalem (CeC), Concord (Co), Hullt (HuD), Jory (JoD), Nekia (NeC, NeD, NkC), Salkum (SkD), Silverton (SuD), and Woodburn (WuD);

3. The following Class IV soils: Bashaw (Ba), Camas (Ca), Courtney (Cu), Dayton (Da), and Jory (JoE).

E. Seasonal Farm Worker. Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash and other related activities.

F. Tract. One or more contiguous lots or parcels under the same ownership. [Ord. 1326 § 4 (Exh. A), 2012; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.140.]

Chapter 17.171

P (PUBLIC) ZONE Revised 7/23

Sections:

17.171.010 Purpose.
17.171.020 Uses.
17.171.030 Conditional uses. Revised 7/23
17.171.040 Scale of commercial uses.
17.171.050 Prohibited and lawfully established existing uses.
17.171.060 Property development standards.

17.171.010 Purpose.

The purpose and intent of the P (public) 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. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the P zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. It is not intended that a property zoned public for one type of use be allowed to change without demonstrating that the proposed conditional use will be compatible with adjacent uses and the property is better suited to the proposed use than alternative locations. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 579 § 5, 1980. RZ Ord. § 171.010.]

17.171.020 Uses.

Within any P (public) zone, no building, structure or premises shall be used, arranged, or designed to be used, erected, structurally altered or enlarged except for the following purposes:

A. Farm use, but not including a medical marijuana processor (see MCC 17.110.376), medical marijuana producer (see MCC 17.110.378), or a medical marijuana dispensary (see MCC 17.110.374);

B. Forest use;

C. Dwellings (including mobile homes) and other structures customarily provided in conjunction with farm or forest use subject to the criteria in MCC 17.139.030;

D. Utility facilities necessary for public service except public power generation;

E. Wireless communications facilities, including attached, subject to the following development standards:

1. Notwithstanding other height limitations in this title omni-directional (whip) antennas not exceeding 20 feet in height and directional/parabolic antennas not exceeding seven feet in diameter or width and 15 feet in height may be attached to or located on existing structures;

2. Antennas and associated equipment shall be surfaced in a nonreflective color to match the structure on which they are located. An equipment enclosure may be set back from the edge of a roof by a distance at least equal to its height in lieu of screening;

3. Equipment enclosures shall be located within the building on which they are located wherever possible; otherwise, equipment enclosures shall be fenced by a six-foot-high fence, wall or hedge;

4. Antennas shall not be illuminated except as required by the Oregon State Aeronautics Division or the Federal Aviation Administration;

5. A wireless communications facility, attached, and equipment enclosure shall be removed by the facility owner or property owner within six months of the date it ceases to be operational;

6. Notwithstanding other height limitations in this code all lattice, monopole, guyed or other freestanding support structures shall be limited to a total height, including antennas, of 150 feet above natural grade;

F. *Repealed by Ord. 1397*;

G. Fire and emergency services stations and police substations; training facilities, administrative offices and living quarters for fire, emergency, and police services are permitted in conjunction with these uses, not to exceed 20 full-time persons and 200 day-use visitors. [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 579 § 5, 1980. RZ Ord. § 171.020.]

17.171.030 Conditional uses. Revised 7/23
When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in a P zone:

A. Airport and airport-related commercial and industrial uses;

B. Public ball park, exposition, fairground, museum, stock show and related commercial uses subject to MCC 17.171.040;

C. Cemeteries, crematoriums and mausoleums;

D. Dwelling for the caretaker or watchman; housing for the staff required for an approved conditional use;

E. Golf courses, public parks and playgrounds, recreational resorts and retreats, related camping and related commercial uses subject to MCC 17.171.040;

F. Religious organizations and related conference and residence facilities;

G. Schools, elementary and secondary (as defined in Chapter 17.110 MCC);

H. Military training facilities and armory;

I. Public instructions for detention or correction;

J. Residential facilities, institutions and schools for the handicapped or mentally retarded;

K. Public service buildings, structures and uses (e.g., field offices, outdoor storage of equipment, reservoir, water tower, pump station, sewage treatment plant, solid waste disposal site, power generation), except fire, police and emergency service stations;

L. Fire and emergency services stations and police substations; training facilities, administrative offices and living quarters for fire, emergency, and police services exceeding 20 full-time persons and 200 day-use visitors;

M. In the community of Brooks-Hopmere, educational institutions as defined in MCC 17.110.210 and including those in SIC 822. [Ord. 1454 § 4 (Exh. B), 2023; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004; Ord. 1139 § 5, 2001; Ord. 1131 § 5, 2000; Ord. 1118 § 5, 2000; Ord. 1055 § 4, 1997; Ord. 974 § 4, 1994; Ord. 925 § 6, 1992; Ord. 579 § 5, 1980. RZ Ord. § 171.030.]

17.171.040 Scale of commercial uses.
A. New commercial uses in conjunction with public uses may be established up to a maximum of 3,500 square feet of floor area.

B. Lawfully established commercial uses existing as of the date of adoption of the ordinance codified in this title may be expanded up to 3,500 square feet of floor area, or an additional 25 percent of the floor area that existed as of the date of adoption of the ordinance codified in this title, whichever is greater.

C. Airport-related uses located at the Aurora Airport are not subject to the size limitations in subsections (A) and (B) of this section.

D. Except as established in subsection (B) of this section, for a commercial use to exceed the square foot limitations requires taking an exception to Goal 14. Such exception shall be processed as an amendment to the Marion County Comprehensive Plan. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.040.]

17.171.050 Prohibited and lawfully established existing uses.
A. The following uses are prohibited:

1. Uses of structures and land not specifically permitted in the public zone.

2. New residential dwellings, except when accessory to a primary use. However, a dwelling that legally existed at the time of adoption of the ordinance codified in this title shall not be a nonconforming use, and may be remodeled, expanded, or replaced.

B. Lawfully established commercial and industrial uses that existed prior to zoning or established through the applicable land use process on or before the date of the ordinance codified in this title, not otherwise listed in the zone, are allowed outright and shall not be classified as nonconforming uses.

C. All other lawfully established, existing uses and structures not specifically permitted in the public zone shall be considered nonconforming uses subject to the provisions of Chapter 17.114 MCC. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.050.]

17.171.060 Property development standards.
A. Height. No building or structure in a P zone shall exceed six stories or 70 feet; provided, that buildings or structures shall be set back from every street and lot line one foot for each foot of height of the building in excess of 35 feet in addition to all other yard and setback requirements herein specified.

B. Front Yard. Front yard shall be a minimum of 20 feet. No parking shall be permitted within the minimum front yard area.

C. Side Yards. Where the side of a lot in a P zone abuts upon the side of a lot in any R zone, there shall be a minimum side yard of 10 feet. Otherwise there shall be no minimum side yard setback. Where the side of a lot abuts upon a street there shall be a minimum side yard of 20 feet wherein no parking shall be permitted.

D. Rear Yard. In a P zone there shall be a rear yard that shall have a minimum depth of 30 feet.

E. Lot Area and Coverage. The minimum requirements in P zones for dwellings shall be one acre except 6,000 square feet inside an unincorporated community boundary where public sewer and water service is provided. No main building, including dwellings, shall occupy more than 30 percent of the lot area.

F. Open Storage.

1. All yard areas, exclusive of those required to be landscaped as provided in subsection (G) of this section, may be used for materials and equipment storage areas related to a use permitted in the P zone, provided such area is screened so it cannot be seen from public roads, or from dwellings on property in other zones.

2. The surface of open storage areas, including automobile and truck parking areas shall be paved or graveled and maintained at all times in a dust-free condition.

G. Landscaping. The area within 20 feet of a street shall be landscaped. As a condition of approval for a conditional use, additional landscaping may be required if necessary to make the use compatible with the area.

H. Performance Standards. No land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality.

I. Sewage Disposal. Demonstrate that the development will not exceed the existing carrying capacity of the local sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.

J. Traffic Analysis. Demonstrate that the development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis, approved by the Marion County department of public works, may be required prior to building permit approval. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1191 § 4, 2004. RZ Ord. § 171.060.]

Chapter 17.177

AIRPORT OVERLAY ZONE

Sections:

17.177.010 Purpose.
17.177.020 Definitions.
17.177.030 Airport districts.
17.177.040 Procedure.
17.177.050 Nonconforming uses.
17.177.060 Marking and lighting.
17.177.070 Variances.

17.177.010 Purpose.

The airport overlay zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at public airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern. This section is intended to comply with Federal Aviation Agency Regulation FAR-77 and all other applicable federal and state laws regulating hazards to air navigation. [Ord. 602 § 5, 1981. RZ Ord. § 177.010.]

17.177.020 Definitions.

A. "Airport" means a public airport as defined in MCC 17.110.040.

B. "Airport elevation" means the highest point of an airport's usable landing area measured in feet from mean sea level. This elevation above mean sea level shall be shown on the official zoning map.

C. "Airport surfaces" means the specific dimensions, slopes and elevations of the airport surfaces shall be delineated on the official zoning map.

1. "Primary surface" means the surface of the runway and adjacent land on each side of the runway centerline and 200 feet beyond the ends of the runway. The length of this surface is determined by using the existing runway length or the runway length identified in an adopted state airport master plan, if longer. The width is the same as the end of the approach surface that is closest to the runway.

2. Approach Surface. This surface begins at the end of the primary surface. From its initial width, that is the same as the width of the primary surface, it extends upward and outward on both sides of the projected centerline of the runway with a specified slope and terminates where it intersects the horizontal surface.

3. "Horizontal surface" is a horizontal plane which surrounds the airport 150 feet above the airport elevation. The interior portion of this surface terminates where it intersects with the transitional and approach surfaces. Its outer edge terminates where it intersects with the conical surface.

4. "Transitional surface" means an imaginary plane that extends upward and outward from the sides of the primary surface and approach surface to the horizontal surface.

5. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

D. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

E. "Height" is the highest point of any structure as further defined in MCC 17.110.260. The official zone map identifies the maximum height permitted for any obstruction calculated from the airport elevation as defined in subsection (B) of this section and from mean sea level.

F. "Obstruction" is any structure, tree or other object, including a mobile object, which extends above airport surfaces as defined in subsection (C) of this section.

G. "Runway" is a defined area on the airport prepared for landing and takeoff of aircraft along its length.

H. "Tree" means any natural vegetation. [Ord. 602 § 5, 1981. RZ Ord. § 177.020.]

17.177.030 Airport districts.
In order to carry out the provisions of this airport overlay zone, three airport development districts are provided within the airport overlay zone. These three districts are shown on the official zoning map showing the height limits adopted at the time the airport overlay zone is applied.

A. Airport Development District. This district consists of those lands, waters and airspace area at or below the primary, transitional and approach surfaces described in MCC 17.177.020(C).

1. Use Limitations. Any use, accessory use, buildings and structures otherwise allowed in the underlying zone shall be permitted provided the following requirements are satisfied:

a. No obstruction or object shall be permitted if it extends above the transitional and approach surfaces as defined in MCC 17.177.020(C).

b. Roadways, parking areas and storage yards shall be located in such a manner that vehicle lights will not result in glare in the eyes of the pilots, or in any other way impair visibility in the vicinity of the runway approach.

c. Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.

d. No game preserve or game reservation shall be permitted if the animals or birds have the potential to become a hazard to air navigation.

e. No structure or use intended for public assembly shall be allowed except by a conditional use permit.

B. Horizontal Surface District. This district consists of the land, water and airspace underneath the horizontal surface as described in MCC 17.177.020(C).

1. Use Limitations. Any use, accessory use, building and structure allowed in the underlying zone shall be permitted provided the following requirements are satisfied:

a. No obstruction shall penetrate the horizontal surface as defined in MCC 17.177.020(C).

b. Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.

C. Conical Surface District. This district consists of the land, water and airspace underneath the conical surface as described in MCC 17.177.020(C).

1. Use Limitations. Any use and accessory uses, buildings and structures allowed in the underlying zone shall be permitted; provided, that no obstruction penetrates the conical surface as defined in MCC 17.177.020(C). [Ord. 602 § 5, 1981. RZ Ord. § 177.030.]

17.177.040 Procedure.
A. An applicant seeking a building permit involving any use or structure regulated by the airport overlay zone shall provide the following information in addition to any other information required in the permit application:

1. Property boundary lines as they relate to the airport approach and the end of the runway;

2. Location and height of all existing and proposed buildings, structures, utility lines and roads.

B. Proposed buildings or structures shall be approved by the building inspector if it is determined that they will not extend above the airport surfaces as defined in MCC 17.177.020(C).

C. An applicant seeking rezoning, a conditional use permit or a variance involving any use, building or structure regulated by the underlying zone or the airport overlay zone shall be reviewed in accordance with the applicable procedure in this title. During this review process, the State Aeronautics Division shall be notified of the proposal and any public hearing, be given an opportunity to comment and be notified of the decision. [Ord. 602 § 5, 1981. RZ Ord. § 177.040.]

17.177.050 Nonconforming uses.
The regulations prescribed by the airport overlay zone shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this title, or otherwise interfere with the continuance of the nonconforming use except as provided in MCC 17.110.405. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, otherwise permitted, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this title. [Ord. 602 § 5, 1981. RZ Ord. § 177.050.]

17.177.060 Marking and lighting.
The owner of any existing nonconforming structure or tree shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Oregon Department of Transportation to indicate to the operators of aircraft the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner. [Ord. 602 § 5, 1981. RZ Ord. § 177.060.]

17.177.070 Variances.
The provisions of this overlay zone may be varied subject to the procedures and criteria for considering variances set forth in Chapter 17.122 MCC. Variances may be allowed where it is found that the proposal will not create a hazard to air navigation, and will be in accordance with the spirit and intent of this overlay zone. [Ord. 602 § 5, 1981. RZ Ord. § 177.070.]

Oregon Department of Aviation
ATTN: Brandon Pike
3040 25TH STREET SE
SALEM, OR 97302

City of Aurora, OR
21420 Main St NE
Aurora, OR 97002

October 6, 2025

Thank you for inviting comments from the City of Aurora on the draft Aurora State Airport Master Plan. The City has reviewed Chapter 6 and other elements of the draft plan, and unfortunately concludes that the draft plan is not compatible with the City's acknowledged comprehensive plan.

The city's acknowledged comprehensive plan has several provisions regarding the airport.

> "The City will work closely with Marion County, the Oregon Department of Aviation, and the Oregon Department of Land Conservation and Development to evaluate and balance the net value (cost/benefit) of the industrial and commercial potential of the Aurora Airport and surrounding lands. The City will strive to minimize potential land use conflicts within the mutual planning area in an effort to maximize the livability of the community, including evaluation of a potential urban growth boundary (UGB) expansion to incorporate the Aurora Airport."

The City has begun the preliminary steps of a UGB expansion to incorporate the Aurora State Airport into the City consistent with this policy. The airport expansion shown on the airport layout plan is not compatible with this policy, because expansion onto agricultural land zoned EFU creates land use conflicts between the urban airport and adjacent rural uses, including conflicts resulting from what Marion County described as "deficiencies in rural services." The correct method of resolving these conflicts is for the urban uses to be annexed into the City, so that urban public services and governance can be provided.

> "The City's policy is that any airport expansion beyond the 1994 boundary established by ORS 836.605(2) should be preceded by annexation and connection to city water and sewer services."

This policy is consistent with LUBA's conclusion that the airport is an urban public facility. *Murray v. Marion County*, 23 Or LUBA 268, 283 (1992). Consistent with Goals 11, 12, and 14, such facilities should be located within urban growth boundaries. The draft airport layout plan

illustrates airport expansion onto agricultural land to the east, south and west of the existing airport, without any mention of annexation or any apparent provision of urban public services such as potable water or sanitary sewer. The City notes that existing septic drainfields are identified for relocation without identifying any replacement drainfields or connection to the City's sewer system, which demonstrates inadequate sanitary sewer service. Therefore, the draft master plan is not compatible with the City's acknowledged comprehensive plan.

This is not a new problem. The draft 2012 Aurora State Airport explained that land surrounding the airport is high-value farmland which is zoned Exclusive Farm Use.

> "Airport development on EFU land is restricted, and it is difficult to rezone EFU land to other classifications, such as Public. Changing zoning would require an exception to Oregon Planning Goal 3."

And LUBA previously ruled that Goal 11 and 14 exceptions are also required. *Murray v. Marion County, supra*. These exceptions are of course comprehensive plan amendments. For the airport expansion to occur prior to annexation, the county comprehensive plan must be amended. The need for an amendment demonstrates the draft master plan is not compatible with the acknowledged county comprehensive plan.

Adoption of an airport master plan is an agency action and program which affects land use within the meaning of ORS 197.180(1). Therefore, the plan must be in compliance with the statewide planning goals, and the OAR 660 rules implementing the goals and rules implementing ORS chapter 197.180. The plan must also be compatible with the acknowledged comprehensive plans and land use regulations of Aurora and Marion County. Again, the need for goal exceptions and a plan amendment proves that the draft plan fails to satisfy these requirements.

Thank you for your consideration of these comments, and we look forward to coordinating with you to resolve these compatibility issues.

Sincerely,

David James Robinson

David Robinson
City Attorney, Aurora
OSB #094887

From: Samantha Peterson
To: Rachel Montagne
Subject: FW: Thank you - Follow-up Presentation Slidedeck and Joint Letter from Mayors
Date: Tuesday, December 2, 2025 8:56:48 AM
Attachments: Outlook-0o5x0zb0.png
Outlook-bd2rjw04.png
Outlook-yz4ix3gi.png

Can you add this to our draft final public involvement folder so we can get it included in our next updated appendix?

From: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>
Sent: Tuesday, December 2, 2025 8:45 AM
To: Samantha Peterson <SPeterson@CenturyWest.com>; Brandy Steffen <brandy.steffen@jla.us.com>
Cc: THOMAS Alex R <Alex.R.THOMAS@odav.oregon.gov>
Subject: FW: Thank you - Follow-up Presentation Slidedeck and Joint Letter from Mayors

Good morning, please include in the record.

Thank you,

Tony Beach
OREGON DEPARTMENT OF AVIATION
STATE AIRPORTS MANAGER
OFFICE 503-378-2523 **CELL** 503-302-5455
M-F 7:30am – 4pm

From: SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>
Sent: Wednesday, November 26, 2025 2:35 PM
To: Ben Williams <fofp99@gmail.com>; PORTER Vince * GOV <Vince.Porter@oregon.gov>; BEACH Anthony <Anthony.BEACH@odav.oregon.gov>; THOMAS Alex R <Alex.R.THOMAS@odav.oregon.gov>; Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>
Cc: STEPHENS Cathryn E <CStephens@eugene-or.gov>; Sam Diaz <sam@friends.org>
Subject: Re: Thank you - Follow-up Presentation Slidedeck and Joint Letter from Mayors

Mr. Williams,

Thank you for your email. It will be included in the record.

KENJI SUGAHARA
OREGON DEPARTMENT OF AVIATION
OFFICE 503-378-2340

DIRECTOR

EMAIL kenji.sugahara@odav.oregon.gov

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Ben Williams <fofp99@gmail.com>
Sent: Wednesday, November 26, 2025 2:20 PM
To: PORTER Vince * GOV <Vince.Porter@oregon.gov>
Cc: STEPHENS Cathryn E <CStephens@eugene-or.gov>; SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>; Sam Diaz <sam@friends.org>
Subject: Fwd: Thank you - Follow-up Presentation Slidedeck and Joint Letter from Mayors

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Vince;

Good morning. It's been since mid-July when I sent my last communication to you following the Zoom call we had concerning the troublesome process for the new master plan for the Aurora State Airport.

This message is prompted by receipt of the notification email with the agenda for the December 4 Aviation Board meeting which has no agenda item for the Aurora State Airport Master Plan. This December meeting has been planned for months as the one at which the document plan and its land use findings would be presented for approval and adoption. At the last OAB meeting, Tony Beach, State Airports Manager, announced that it would not be presented on Dec. 4, but at some future and yet to be determined meeting.

The arrival of today's OAB meeting and agenda confirms that fact and raises the

question of why the master plan has been pulled. It is undoubtedly because in the past four to six weeks ODAV have received “comments of compatibility” from the four affected local governments. With varying levels of detail all four state that the master plan is not compatible with their acknowledged comprehensive plans.

At the September 5, 2024 OAB meeting, when the Preferred Alternative to expand the airport and lengthen the runway with a price tag of $184 million was presented to OAB, Board member Jim Knight commented, “What a conundrum!?”

To learn at this stage a full year later that the master plan is not compatible with all relevant comprehensive plans makes the situation a doubly painful conundrum.



As I am fairly certain you may not be aware of this situation and the turn of events, and particularly the non-compatibility matter, I am attaching the

comments from the four jurisdictions, as well as a one-page flyer prepared by Friends of French Prairie that we believe captures the moment.

Sincerely

Ben Williams
Friends of French Prairie
503.568.5670

---------- Forwarded message ---------
From: **Ben Williams** <fofp99@gmail.com>
Date: Wed, Jul 16, 2025 at 11:00 AM
Subject: Re: Thank you - Follow-up Presentation Slidedeck and Joint Letter from Mayors
To: PORTER Vince * GOV <vince.porter@oregon.gov>
Cc: Sam Diaz <sam@friends.org>, MCCURDY Mary Kyle <mkm@friends.org>

Vince;

Thank you for making the time last week for our briefing on the Aurora Airport. On review I found two numerical typographical errors, as follows:

On Slide 3, the bullet about acquiring EFU land should be:

- Acquiring 55 acres of EFU land

On Slide 9, the bullet about property acquisition should be:

- Expansion onto 62 acres of EFU land in three separate areas outside the airport boundary

Also, on Slide 10 a bullet says:

- ODAV and DOJ declined to confirm the 2019 “Adoption of Final Master Plans” flowchart was still in effect

Attached is that ODAV flowchart document for master plan approval, which ODAV and OAB refuses thru their DOJ attorney to confirm still governs.

Again, thanks for your attention to this matter.

Sincerely

Ben Williams

Friends of French Prairie

On Thu, Jul 10, 2025 at 2:36 PM PORTER Vince * GOV <vince.porter@oregon.gov> wrote:

> Thanks Sam. I will forward to Kelly. I may have her follow up with more details.
>
> Vince Porter (he/him)
> Deputy Chief of Staff for Public Administration
> Office of Governor Tina Kotek
> Scheduler – Jennifer.j.andrew@oregon.gov
> Mobile – (503) 551-1651
>
> ---
>
> **From:** Sam Diaz <sam@friends.org>
> **Sent:** Thursday, July 10, 2025 11:03 AM
> **To:** PORTER Vince * GOV <vince.porter@oregon.gov>
> **Cc:** MCCURDY Mary Kyle <mkm@friends.org>; Ben Williams <fofp99@gmail.com>
> **Subject:** Thank you - Follow-up Presentation Slidedeck and Joint Letter from Mayors
>
> Good morning Vince,
>
> Thanks again for taking the time to meet with Mary Kyle, Ben, and me on this important issue. The local elected officials, Friends of French Prairie, 1000 Friends of Oregon, and hundreds of Oregonians living in this area have all opposed the current approach for years. With the growing, alarming deficit in our transportation network (and in other portfolios), it seems prudent and timely to pause, modify, and continue the airport operations at the current level and capacity.
>
> Please find attached the slidedeck as well as the joint letter from the Mayors of Wilsonville and Aurora.
>
> Please forward to Kelly. We're happy to field any questions.
>
> Thanks again.
>
> Sincerely,
> Sam Diaz
> Executive Director

1000 Friends of Oregon
Pronouns: he/him

Office: (503) 497-1000 x125
Direct: (503) 694-3892



Support a beautiful, bountiful Oregon for generations to come…*join us today*!

--
Ben Williams
Friends of French Prairie
fofp99@gmail.com

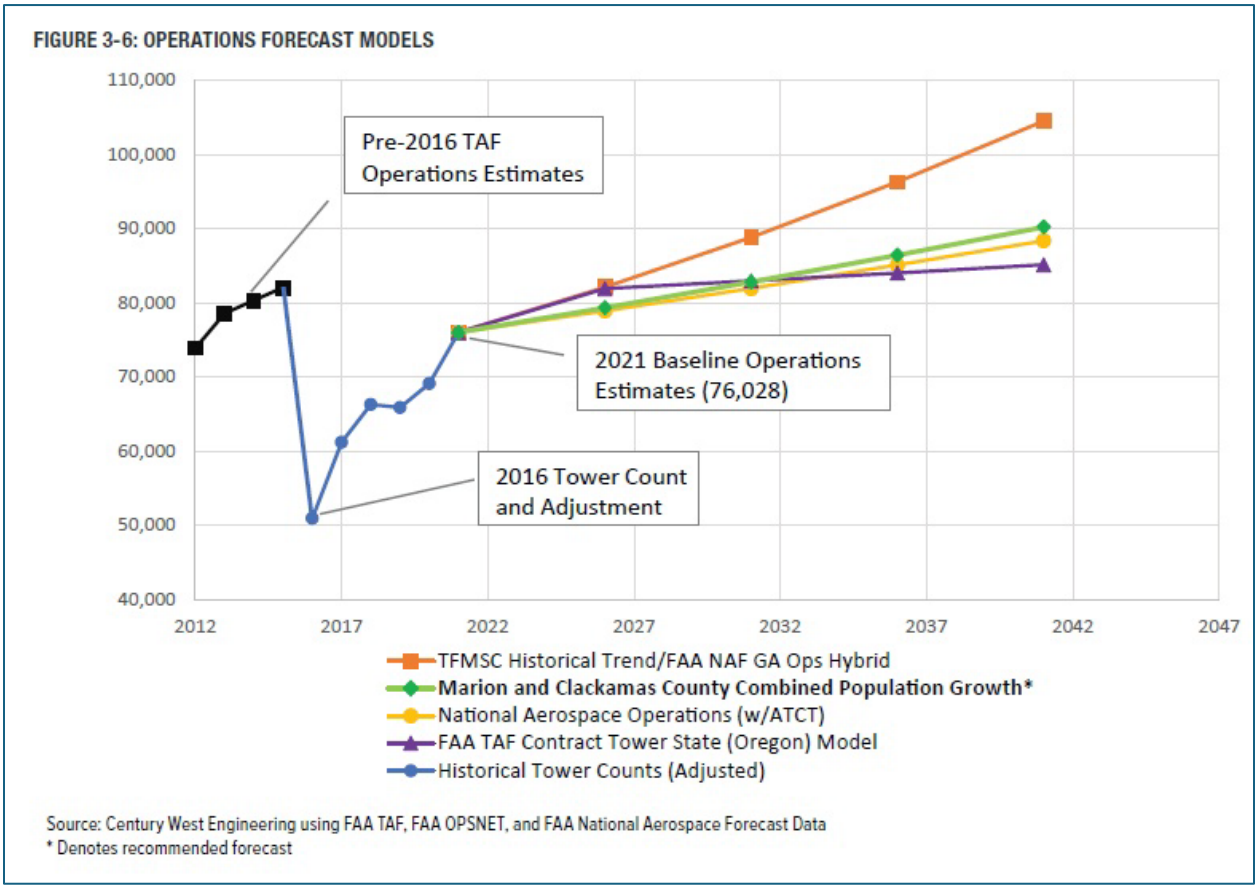
--
Ben Williams
Friends of French Prairie
fofp99@gmail.com

Name	Ben Williams
Group/Organization	Friends of French Prairie
Address	Donald, OR 97002
Email	fofp99@gmail.com
Phone	(503) 568-5670
Public Comment Topic	Aurora Airport Master Plan
Public Comment	You'll know from the State Airport Manager's report at your last Board meeting that work continues on the Draft Aurora Airport Master Plan with the intent to being it before you for approval and adoption this year. Given the comments of land use non-compatibility from the impacted two counties and two cities, that presumably is where most of the work is taking place. My comments to you are not about land use, but rather Total Operations, one of the three factors used to justify airport expansion and runway extension. We're now in 2026 and have three years of FAA data on ACTUAL operations to compare with FORECASTED operations. Chair Stephens will know that as the PAC process was delayed for more than two years, many of us pointed out that settling on actual data from 2016 thru 2021 was inadequate as actual total operations numbers for 2022, and then 2023, and then 2024, and now 2025 became available. Extrapolating the forecast Total Operations for those years result in 77,046 for 2022 contrasted with actual of 64,651; 77,298 for 2023 contrasted with actual of 63,015; 77,550 for 2024 contrasted with actual of 66,242; and 77,802 for 2025 contrasted with actual of 61,646. Put another way, that is a shortfall against forecast of 16.1% for 2022, 18.5% for 2023, 14.6% for 2024 and 20.8% for 2025 ODAV and their consultant claimed incorporating subsequent years would corrupt their data set, but the actual numbers now evidence a willful blindness to the reality on the ground in order to achieve a pre-determined outcome of expansion.
Please attach public comment and any supporting materials here:	https://www.formstack.com/admin/download/file/19124679539
Would you like to subscribe to emails about the State Aviation Board?	No

AURORA AIRPORT TOTAL OPERATIONS AND FORECASTS RETROSPECTIVE ASSESSMENT

In Chapter 3 of the Draft Aurora Airport Master Plan, Total Operations are treated along with Based Aircrafts, including the presentation of historical data and then forecasted growth.

Notwithstanding a great deal of criticism from Process Advisory Committee (PAC) members about the model selected, the Draft Aurora Airport Master Plan contains this graph illustrating forecast growth in Total Operations.



The selected model was the Marion and Clackamas County Combined Population Growth, showing a steady annual increase in Total Operations from 76,02 in 2021 to 90,000 in 2040. Many members of the PAC argued that the chosen model should have been FAA TAF Contract Tower State (Oregon) Model, one that used actual FAA data adjusted for Oregon instead of population growth. The FAA TAF Oregon model projected a rise to about 82,000 Operations and then rather modest increases to about 84,000 Total Operations by 2040.

Prepared by Friends of French Prairie; February 2026

The Aurora Airport Master Plan process was delayed long enough that rather than concluding in 2023, it did not conclude until the end of 2025. The Total Operations data that was used in the master plan spanned 2016 to 2021.

TABLE 2-9: ANNUAL OPERATIONS FLEET MIX (HISTORICAL)

	2016	2017	2018	2019	2020	2021
Itinerant						
Air Taxi	2,194	2,319	2,121	1,670	1,129	2,006
General Aviation	32,174	33,502	35,665	33,638	31,621	36,390
Military	265	199	277	107	38	79
Subtotal	**34,633**	**36,020**	**38,063**	**35,415**	**32,788**	**38,475**
Local						
General Aviation	16,191	25,075	28,011	30,453	36,333	37,488
Military	139	129	245	34	19	65
Subtotal	**16,330**	**25,204**	**28,256**	**30,487**	**36,352**	**37,553**
Total	**50,963**	**61,223**	**66,320**	**65,902**	**69,140**	**76,028**

Source: Century West Engineering developed using FAA TFMSC Data

Despite concerns raised by the PAC as the master plan process was delayed about not using actual operations from current years (2022, then 2023, then 2024, etc.) ODAV and their consultant refused, claiming changing the data after the fact would corrupt the underlying data model.

Of note, there is another FAA database of Operations, called ATADS (Air Traffic Activity Data System) that is publicly available. Coincidentally, data from the successive years shows a continual downward trend in Total Operations, not the increased forecast.

The forecast horizon in the master plan was twenty years out to 2040, so reducing the forecast window down to five years helps put the data in perspective. To do so the forecast growth for the period can be averaged and distributed over those years, as follows:

Source	Year	Forecast
Master Plan	2020	65,949
Master Plan	2021	72,549
ATADS	2022	77,046
ATADS	2023	77,298
ATADS	2024	77,550
ATADS	2025 Adj	77,802

What become visible then is about a 7% forecasted increase in Total Operations for 2022 over 2021, and then relative flattening going forward across 2023, 2024 and 2025.

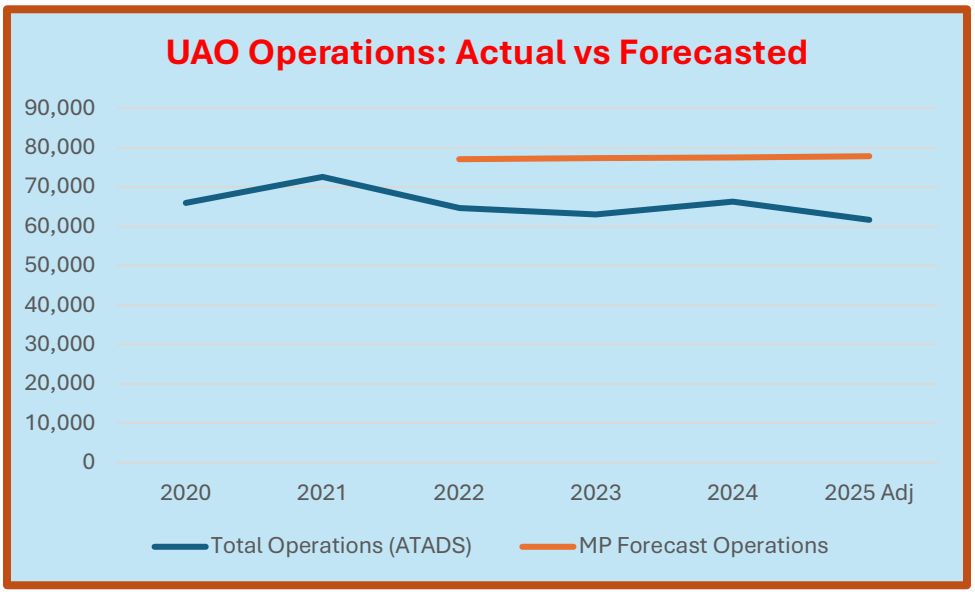
Prepared by Friends of French Prairie; February 2026

When we look at the actual Total Operations from ATADS, though, what we see actually occurred is far short of what was forecast:

ATADS airport data		
Master Plan	2020	65,949
Master Plan	2021	72,549
ATADS	2022	64,651
ATADS	2023	63,015
ATADS	2024	66,242
ATADS	2025 Adj	61,646

[Note: Aug & Sep 2026 operations were dramatically reduced by runway closure for repaving. In order to provide objectivity, Aug & Sep 2024 Operations numbers were substituted.]

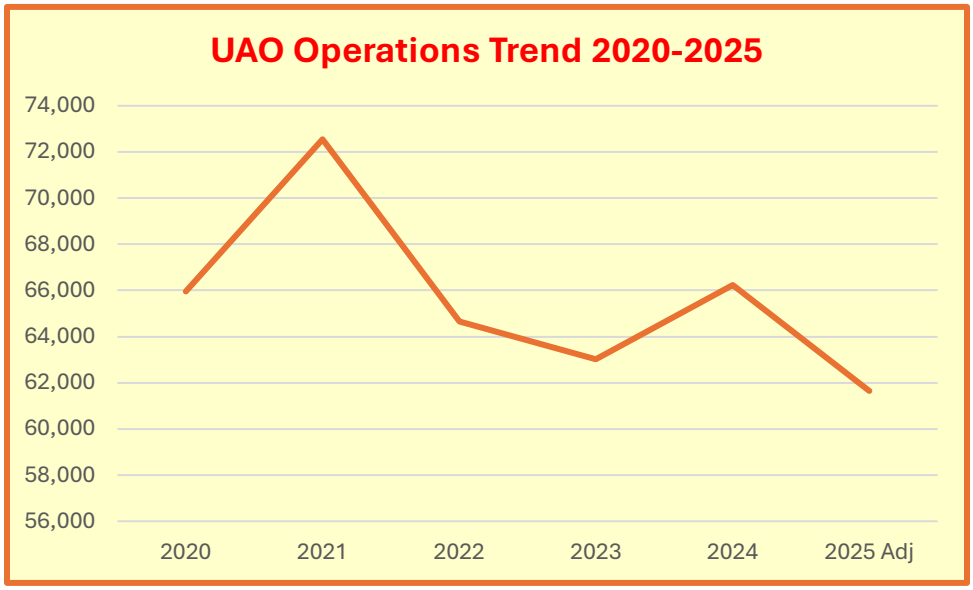
Now when we compare the forecasted Total Operations for those years with the actual Total Operations, we see:



In other words, what actually occurred in terms of Total Operations was a dramatic shortfall compared to forecast. This is important, because one of the justifications of expansion of an airport is based on forecast increases in Total Operations, as well as Based Aircraft.

Prepared by Friends of French Prairie; February 2026

The graph above is for six years using an X Axis scale of 0 to 90,000. When the scale is adjusted so that the year-on-year Total Operations numbers are presented with a scale of 56,000 to 74,000, what is even more apparent than the shortfall to forecast is the overall year-on-year decrease in operations:



What is very apparent is a one-year post-pandemic increase from 2020 to 2021, and then an on-going year-on-year decrease that continues to the present.

When the actual operations data for the years 2022 through 2025 is assessed in terms of shortfall to forecast, it is equally striking:

Forecast	Actual	% of Goal	Shortfall
77,046	64,651	83.9%	16.1%
77,298	63,015	81.5%	18.5%
77,550	66,242	85.4%	14.6%
77,802	61,646	79.2%	20.8%

ODAV and its consultant refused to consider or use more current years of Total Operations data as the master plan process was delayed, claiming that it would corrupt the data range. A retrospective assessment, though, clearly shows that Total Operations at Aurora State Airport are already failing to achieve forecasted levels and do not justify airport expansion.

Prepared by Friends of French Prairie; February 2026

Outlook

FW: ODAV Town Hall Discussion Topics (9 March)

From Samantha Peterson <SPeterson@CenturyWest.com>
Date Tue 3/10/2026 10:01 AM
To W. Matt Rogers <WRogers@CenturyWest.com>; Rachel Montagne <RMontagne@CenturyWest.com>; David Miller <dmiller@CenturyWest.com>; Mark Steele <MSteele@CenturyWest.com>

Rachel,

Can you add this to our public record appendix for the Aurora State AMP.

Thanks,
Samantha

From: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>
Sent: Tuesday, March 10, 2026 9:09 AM
To: Samantha Peterson <SPeterson@CenturyWest.com>
Cc: THOMAS Alex R <Alex.R.THOMAS@odav.oregon.gov>
Subject: FW: ODAV Town Hall Discussion Topics (9 March)

Good morning, please include in the public record for UAO.

Thanks!

Tony Beach
OREGON DEPARTMENT OF AVIATION
STATE AIRPORTS MANAGER
OFFICE 503-378-2523 **CELL** 503-302-5455
M-F 7:30am – 4pm

From: BEACH Anthony
Sent: Tuesday, March 10, 2026 8:14 AM
To: WYTOSKI Beth * GOV <Beth.Wytoski@oregon.gov>
Subject: RE: ODAV Town Hall Discussion Topics (9 March)

Good morning Beth,

Thank you again for your help bringing everyone together yesterday, I think it was a productive conversation. Though all of the information we shared yesterday has been provided before, I do feel the townhall format was helpful for adding clarification and getting to the root of several issues.

I've pasted the questions with my notes below, please let me know if you have any questions or would like to discuss anything!

a. First, we want to thank the Governor's Office and AAIA for their work in bringing this group together, and for the opportunity to answer questions about UAO and the master plan
b. We understand there has been a lot of change at UAO. Several challenging issues have required ODAV to make very difficult decisions, but ODAV is working towards the best possible outcome for the airport and its users.
c. We appreciate the feedback we've received, and we want to work with all airport users to improve the airport and make sure it will serve its national role and local communities well into the future.
    a. Safety and meeting federal obligations are critical.
    b. We want to collaborate with all of you to seize funding opportunities and balance meeting airport needs as well as airport user needs.

1. **Internal Circulation Road:** Can ODAV please give an update on any planned changes to State land at the airport that might aid in building a fully connected internal circulation road across both State and private land?

- I will be asking for funds next month to relocate the purple gate on Stenbock way
    - This relocation is the final component needed for the future private portion to connect
- Previewed ask in last week's board meeting (March 2026 Work Session)
- The portion of roadway on state property depicted in the 2012 master plan is mostly taxilanes, which cannot be marked as roadways
- Pavement on state property already exists, no other changes are needed.

2. **Runway Extension**: The runway extension called for in the Master Plan is the highest priority item for enhancing safety at KUAO, and has been a documented necessity in every Master Plan since 1976. The latest Master Plan again confirms that a runway extension should be made, but the plans for doing so are so far out in the future that many within the KUAO community are concerned that it will never happen. Can ODAV please help to address these concerns?

- We understand the concern and need for the runway extension
- The non-standard conditions identified in chapter 4 of the draft new master plan are the greatest safety issues at UAO
- ODAV has made several attempts to extend the runway with MOS
- **FAA is requiring a path to meet standards in the master plan**
    - **Will not grant MOS in a master plan**
    - **MOS are project specific, and not permanent**
- **ODAV will submit for MOS to construct the runway extension once the master plan is adopted**
    - **However, the FAA has held a strong position that the airport will need to meet standards before the runway extension will be AIP eligible (use FAA funds)**
    - **The conversation has been made more challenging with UAO under the magnifying glass due to V/PDs (Bolstering FAA's position on need to address safety issues first).**
- Construction may occur sooner if other funding is available
    - Private, legislature, etc.
    - Cost will be significant

3. **Modifications of Standards:** How can ODAV and KUAO stakeholders collaborate on applying for variances or Modifications of Standards (MoS) for the Runway Object Free Area (ROFA)? Precedent for such allowances exists in Key West, FL, Rutland, VT, and San Jose, CA, proving that the FAA can consider pre-existing conditions when granting allowances. The Mater Plan's current solutions—namely relocating Highway 551—would represent enormous financial and environmental costs, and in some cases may be deleterious to the well-being and longevity of the business community located at the airport as well as those surrounding the airport.

- **Bold text above**
- Generally each airport's circumstances are different, ODAV can't speak to other airport's conditions
- FAA is pushing for uniformity across all regions, leading to stricter requirements to meeting standards.
- We understand the standards compliance projects are lengthy and costly projects that you didn't ask for
  - ODAV will submit a MOS once the master plan is adopted
  - ODAV's matching portion is 10%, and the FAA has interest in funding these projects
- ODAV's goal is to plan for the best and most sustainable future for UAO and the businesses and employees that depend on it.
- Relocating HWY 551 will improve safety for users of the airport and for the public

4. **Airport Boundary:** The airport boundary depicted on the current Master Plan does not include all the land that every previous Master Plan since 1976 has identified as suitable for airport-related development. While the FAA does not require this specific designation, the Oregon land use system and state courts recognize the boundary as a significant factor. Per ORS 836.642, the importance of the airport as a cohesive whole should be recognized, regardless of whether specific parcels are publicly or privately owned. Does ODAV intend to adjust the Airport Boundary to include property running to Airport Road NE?

- The draft new master plan considered and shows TTF/airport related development in all chapters, including on the ALP.
  - See figure 2-13, 2-16, forecast, based aircraft, narratives throughout
- ALP sheet is the official document
  - Other sheets part of the ALP set are supporting documents
  - ALP sheet is the only one that gets signed
- Because it is a federal obligation to keep the ALP current, it cannot show on-airport level of detail on TTF property that ODAV does not control.
  - Anything shown on the ALP requires additional environmental and planning review and approval from FAA for any changes or development, which would limit several key benefits of TTF.

5. **Public Comment / Further Master Plan Changes**: How has ODAV considered all the public commentary from KUAO stakeholders (land / hangar owners, business owners / operators) into the latest iteration of the Master Plan? Additionally, what are the remaining opportunities for continued collaboration on further refinement or changes to the Master Plan at this point in time?

- ODAV has considered all public commentary from airport users/stakeholders
  - ODAV has reviewed and considered all of the input received from the PAC and the public, which is included in the public record.
  - PAC and public input has directly affected the master plan from minor narrative corrections to shaping preliminary alternatives and selecting the preferred alternative.
    - This is especially evidenced by the removal of a parallel taxilane and vehicle service road from the Preferred Alternative
- The Master Plan is still a draft.
  - The PAC process has concluded
  - ODAV is working with the FAA and local planning jurisdictions on compatibility of their local comp. plans.
  - The master plan may receive any required technical edits, but no substantive changes or additional public input are anticipated
  - The public record will be updated and the final draft will be brought to the board for a vote on adoption

We didn't have time for these additional questions, here are our responses:

1. **Wylee/Bennet Property Acquisition**: Can ODAV further explain the proposed plan to acquire a portion of Wylee's property and the Bennet property? This acquisition would include about half of Wylee's drain field. Is it possible that the drain field could still be used by Wylee under ODAV ownership?
    - The Refined Proposed Alternative shows property acquisition for priority, and for reserve.
        - The priority areas are needed to address non-standard conditions identified in Chapters 2 and 4.
        - Reserve areas are shown to utilize federal funding and acquire the properties from willing sellers, in order to keep them in aeronautical use.
    - ROFA (priority) property acquisition is shown on the CIP in the master plan
        - Reserve property acquisition may occur depending on availability of funds.

1. **Lighting**: When will KUAO have a high intensity lighting system, and when will RWY 35 have an approach lighting system?
    - High Intensity Runway Lighting (HIRL) is not anticipated in the 20-year planning period for the draft new master plan. The "Future" condition for runway lighting is the same as existing, Medium Intensity Runway Lighting (MIRL).
    - HIRL is a component of a higher category of instrument approach systems. The approach system and lighting are typically FAA installed/owned equipment.
        - There have been no discussions with the FAA to install a higher category approach system or lighting
2. **RNAV 17 LPV Approach**: When will the necessary trees be cut down so aircraft can use the RNAV 17 LPV approach?
    - After NEPA was completed last year, ODAV received authorization it needed to proceed from the Board in November 25.
    - ODAV is continuing to work on easement acquisition which is a requirement for the FAA to fund obstruction removal.
    - The Easement Acquisition will be a lengthy and difficult process, but a necessary one to prevent future obstructions and allow ODAV to remove them quickly if they do arise.
    - As soon as easements are in place, ODAV will remove obstructions as quickly as possible.

I didn't get to the Building Restriction Line question which came up from Erik Anderson after the meeting. I'll email him separately. Our response is:

- The Building Restriction Line (BRL) sets a minimum distance from the runway for a theoretical building height of 35 feet. The BRL has nothing to do with property acquisition or the removal of any existing structures. The BRL is intended to aid in enforcing FAR Part 77, which protects navigable use airspace at airports. Though ODAV doesn't control activities, construction, or alterations on private property, our Through-The-Fence Access Agreements do require adherence to FAR Part 77 and prohibit obstructions in the airspace.

Thanks again, please let me know if you have any questions or something you'd like to follow up on 😊

Tony Beach
OREGON DEPARTMENT OF AVIATION
STATE AIRPORTS MANAGER
OFFICE 503-378-2523 **CELL** 503-302-5455
M-F 7:30am – 4pm

From: WYTOSKI Beth * GOV <beth.wytoski@oregon.gov>
Sent: Monday, March 2, 2026 10:21 AM
To: SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>; BEACH Anthony <Anthony.BEACH@odav.oregon.gov>
Cc: CHAPUT Arthur * BIZ <arthur.chaput@biz.oregon.gov>
Subject: FW: ODAV Town Hall Discussion Topics (9 March)

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Here are the topics/questions proposed by stakeholders. It sounds like we are expecting 20-30 attendee.

> **Internal Circulation Road:** Can ODAV please give an update on any planned changes to State land at the airport that might aid in building a fully connected internal circulation road across both State and private land?
>
> **Runway Extension**: The runway extension called for in the Master Plan is the highest priority item for enhancing safety at KUAO, and has been a documented necessity in every Master Plan since 1976. The latest Master Plan again confirms that a runway extension should be made, but the plans for doing so are so far out in the future that many within the KUAO community are concerned that it will never happen. Can ODAV please help to address these concerns?
>
> **Modifications of Standards:** How can ODAV and KUAO stakeholders collaborate on applying for variances or Modifications of Standards (MoS) for the Runway Object Free Area (ROFA)? Precedent for such allowances exists in Key West, FL, Rutland, VT, and San Jose, CA, proving that the FAA can consider pre-existing conditions when granting allowances. The Mater Plan's current solutions—namely relocating Highway 551—would represent enormous financial and environmental costs, and in some cases may be deleterious to the well-being and longevity of the business community located at the airport as well as those surrounding the airport.
>
> **Airport Boundary:** The airport boundary depicted on the current Master Plan does not include all the land that every previous Master Plan since 1976 has identified as suitable for airport-related development. While the FAA does not require this specific designation, the Oregon land use system and state courts recognize the boundary as a significant factor. Per ORS 836.642, the importance of the airport as a cohesive whole should be recognized, regardless of whether specific parcels are publicly or privately owned. Does ODAV intend to adjust the Airport Boundary to include property running to Airport Road NE?
>
> **Public Comment / Further Master Plan Changes**: How has ODAV considered all the public commentary from KUAO stakeholders (land / hangar owners, business owners / operators) into the latest iteration of the Master Plan? Additionally, what are the remaining opportunities for continued collaboration on further refinement or changes to the Master Plan at this point in time?

Other topics, which I feel are lower priority but still of interest include:

1. **Wylee/Bennet Property Acquisition**: Can ODAV further explain the proposed plan to acquire a portion of Wylee's property and the Bennet property? This acquisition would include about half of Wylee's drain field. Is it possible that the drain field could still be used by Wylee under ODAV ownership?

2. **Lighting**: When will KUAO have a high intensity lighting system, and when will RWY 35 have an approach lighting system?
3. **RNAV 17 LPV Approach**: When will the necessary trees be cut down so aircraft can use the RNAV 17 LPV approach?

And also confirming the location:
Columbia Aviation Association
14323 Stenbock Way NE #9407, Aurora, OR

Following the Q & A, the AAIA leadership is also providing a tour of Life Flight, HTS, and Aerometal, which I will be attending. Please let me know if you have any remaining questions, concerns, or even uncertainties. I am available much of today for a call if we need to talk through anything.

Beth Wytoski (She/Her)
Mid-Valley Regional Solutions Coordinator
Office of Governor Tina Kotek
Phone: 503-689-4104

Rachel Montagne

From: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>
Sent: Tuesday, October 14, 2025 3:57 PM
To: Samantha Peterson
Subject: FW: City of Wilsonville Comments on 2025 Aurora Airport Master Plan
Attachments: City of Wilsonville Comment Letter October 13 2025 Final.pdf

FYI,

Tony Beach
OREGON DEPARTMENT OF AVIATION
STATE AIRPORTS MANAGER
OFFICE 503-378-2523 **CELL** 503-302-5455
M-F 7:30am – 4pm

From: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Sent: Monday, October 13, 2025 12:17 PM
To: THOMAS Alex R <Alex.R.THOMAS@odav.oregon.gov>; BEACH Anthony <Anthony.BEACH@odav.oregon.gov>; SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>; Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>
Subject: FW: City of Wilsonville Comments on 2025 Aurora Airport Master Plan

All,

See the City of Wilsonville's comments for UAO.

BRANDON PIKE
OREGON DEPARTMENT OF AVIATION (ODAV)
AVIATION PLANNER

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Pavement (PEP/PMP): Pavement@ODAV.Oregon.Gov
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From: Daniel Pauly <pauly@wilsonvilleoregon.gov>
Sent: Monday, October 13, 2025 12:04 PM
To: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Cc: Miranda Bateschell <bateschell@wilsonvilleoregon.gov>; Everett Wild <ewild@wilsonvilleoregon.gov>; Jeanna Troha <troha@wilsonvilleoregon.gov>; Amanda Guile-Hinman <guile@wilsonvilleoregon.gov>
Subject: City of Wilsonville Comments on 2025 Aurora Airport Master Plan

You don't often get email from pauly@wilsonvilleoregon.gov. Learn why this is important

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Dear Mr. Pike,

Please find attached the City of Wilsonville's formal comment letter regarding the 2025 Aurora Airport Master Plan. The City appreciates the opportunity to provide input and respectfully requests that the Oregon Aviation Board consider the concerns outlined in the letter.

Should you have any questions or require further clarification, please feel free to contact me directly.

Sincerely,

Dan Pauly, AICP
Planning Manager
City of Wilsonville

503.570.1536
pauly@wilsonvilleoregon.gov
www.wilsonvilleoregon.gov
Facebook.com/CityofWilsonville

29799 SW Town Center Loop East, Wilsonville, OR 97070

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law

October 13, 2025

via email to brandon.pike@odav.oregon.gov

Oregon Aviation Board
c/o Department of Aviation
Brandon Pike
Airport Planner
3040 25th Street SE
Salem, OR 97302

RE: City of Wilsonville Comments on 2025 Aurora Airport Master Plan

Dear Commissioners:

The City of Wilsonville (herein referred to as "the City") appreciates the opportunity to comment regarding the proposed Aurora State Airport Master Plan "Airport Master Plan." The Aurora State Airport is part of Area of Special Concern O of the City's Comprehensive Plan–an acknowledged land use regulation under Oregon law that would be impacted by the proposed Airport Master Plan. Area of Special Concern O states:

> "This Area is focused on the Aurora State Airport and adjacent properties. Aurora State Airport is a Category II, Urban General Aviation Airport operated by Oregon Department of Aviation and located approximately 1.6 miles south of Wilsonville city limits. The Airport is within Marion County, but it extends northward to the shared boundary with Clackamas County. Arndt Road serves as the northern boundary, Boones Ferry Road NE is the western boundary, and Area O extends south and east to include the Aurora State Airport and adjacent parcels. The boundary of Area O encompasses the Aurora State Airport property, adjacent properties with through-the-fence access, and adjacent rural properties that form a buffer around developed areas near the Airport.
>
> The City of Wilsonville and Aurora State Airport are separated by a portion of a larger agricultural district known as the French Prairie. Although the Airport is outside of the City of Wilsonville's boundaries, the runway at the Aurora State Airport is oriented in a north-south direction and aircraft taking off and landing fly over Wilsonville bringing noise and air pollution. Existing environmental and infrastructure issues at and in the vicinity of the Aurora State Airport have the potential to negatively impact the City of Wilsonville. These issues could worsen due to development and intensification of use in Area O. The Interstate 5 Freeway, State Route 551, and other major roadways in the vicinity connect

to the transportation system within the City of Wilsonville. Sewage treatment via septic systems for large industrial scale development and stormwater runoff in and around the airport can negatively impact the Willamette River watershed, in turn effecting water quality, natural habitat, and recreational opportunities for the surrounding communities. The existing federal and state framework of regulations, policies, and guidance specific to airport compatibility planning focuses primarily on protecting airports and aviation operations from intrusion of incompatible uses, rather than limiting or mitigating the impacts of aviation on nearby communities. These aviation policies include limiting physical hazards to air navigation in the area surrounding the Aurora Airport, but do not address potential impacts of existing operations and potential growth to public and private infrastructure and services, natural and environmental systems, and local residents. The designation of Area O provides policy direction for the City when reviewing proposed development and participating in planning efforts in the Area. Area-specific objectives both recognize the Aurora Airport's role in the state transportation system and local economy and identify the impacts to Wilsonville of airport expansion and intensification of use in Area O.

The City has identified a range of potential impacts from aviation operations at Aurora State Airport and development on the airport property and surrounding lands, including:

- Noise and air pollution from flight patterns over Wilsonville, particularly in residential areas, that negatively impact quality of life.
- Water pollution in the vicinity of, and to, the Willamette River, which the City of Wilsonville relies on as its primary source of water. The Willamette River is also an important environmental and recreational resource for the region and is designated and protected as part of the Willamette River Greenway by Statewide Planning Goal 15.
- Loss of high-quality farmland. The fertile agricultural land of French Prairie has been designated by the United States Department of Agriculture (USDA) as "Prime Farmland" due to having the best combination of high-quality soils, growing season, and moisture supply. These high-quality agricultural lands surround the Aurora State Airport and "through the fence" properties (adjacent lands which gain access to the Airport and operate aviation services and businesses) and are designated Rural Reserve, by Clackamas County and zoned Exclusive Farm Use (EFU) by Marion County, consistent with existing policies adopted by the State of Oregon and Metro region. The City acknowledges and supports the Airport's contribution to various sectors of the local economy, and also recognizes agricultural activity in French Prairie is exceptional and contributes substantially to the State's and Wilsonville's economy. French Prairie is a distinctive place in Oregon and some businesses locate in the City to have close proximity and access to these farm goods. Preservation of high-quality farmland in the French Prairie and its designation as a Rural Reserve continues to be a City priority.
- Negative impacts to the development of industrial and employment land in Wilsonville. The Metro Urban Growth Management Functional Plan designates several locations within the Wilsonville Urban Growth Boundary as Regionally Significant Industrial Areas, Industrial Areas, or other Employment Lands. The City

of Wilsonville and other public agencies have adopted standards to preserve these areas for the purpose of meeting regional employment need and set aside resources to provide infrastructure supporting their development. Potential development of industrial or other employment uses in "through-the-fence" areas or other parcels adjacent to the Airport, conflicts with regional and state policy in directing industrial growth towards designated employment lands within urban areas, including Wilsonville.

- Surface transportation access and adequate levels of service, or in the case of ODOT facilities adequate volume to capacity (v/c) ratios, in the City of Wilsonville, Area O, and routes connecting across the French Prairie. The Aurora State Airport is a component of the State's transportation system and provides economic benefits to Wilsonville residents and businesses by providing nearby access to general aviation and helicopter facilities. Surface transportation facilities, including I-5, Highway 551, Arndt Road, Airport Road, and Boones Ferry Road all connect to and impact the effective function of the transportation system in Wilsonville, and provide access between Wilsonville and French Prairie, the Aurora Airport, and Willamette Valley to the south. These transportation routes are designed to cross rural areas and could be negatively impacted by increased development intensity on rural land in the vicinity of the Airport.
- Resiliency and capacity for emergency response. The Airport provides an operational base for emergency service providers and could support the resilience of the region in the event of a natural disaster or other emergency. Changes to the configuration of the Airport, type of operations housed there, or development and intensification of use in Area O, could lead to impacts that may diminish the overall benefits provided by the Airport.

Objectives

1) Engage as an Affected Jurisdiction in Aurora State Airport master planning or other processes to review future development plans and policy for the Airport and through-the-fence properties. Advocate for operational and development policies for the Airport that include adequate provision of infrastructure, protection of environmental systems, and noise control measures.
2) Evaluate and respond to proposals for changes to the type and intensity of aviation activities at the Aurora State Airport to minimize noise and pollution impacts to residents, businesses, and environmental or public resources in the Wilsonville Urban Growth Boundary.
3) Maintain ongoing coordination with applicable agencies and organizations, including Oregon Department of Aviation, Oregon Department of Environmental Quality, Airport operators and aviation stakeholders to reduce the impacts of aviation on noise-sensitive areas like residential districts and environmental resource areas such as the Willamette River. Support a Federal Aviation Regulation Part 150 study to develop Noise Exposure Maps defining the existing and future noise exposure boundaries surrounding the Airport.
4) Evaluate and respond to public and private development and infrastructure projects in Area O to ensure that rural development patterns and agricultural activities are

protected, supporting regional food security, the agricultural economy, and protection of environmental resources, consistent with policies adopted by the State of Oregon, Metro Region Rural Reserves, and County Exclusive Farm Use zoning.

5) Ensure that development within Area O maintains rural development patterns and includes appropriate, concurrent upgrades to public and private infrastructure and services to prevent negative impacts to the water, sewer, stormwater, and transportation systems serving Wilsonville and surrounding areas.
6) Advocate to maintain the general aviation designation and existing services at Aurora State Airport, as an air transportation resource supporting Wilsonville-based businesses, as a hub in emergency management plans, and as an operational base for emergency service providers. Evaluate and respond to development proposals proposing to increase development intensity in Area O that could hinder safe, convenient, and efficient access to the Airport.

The concerns outlined in this language are not meaningfully addressed in the draft Airport Master Plan.

The City's other primary comment is that the **Airport Master Plan** lacks sufficient clarity regarding its legal and regulatory character—specifically, whether it constitutes only a **"business master plan"** developed by an entrepreneurial state agency or also a **"land use master plan"** through which a state agency is making land use decisions or directing affected local governments subject to Oregon's acknowledged land use framework. This distinction is critical, because, as stated in the notice email from August 29, under ORS 836.610(1) and OAR 660-013-0040, local governments are required to adopt comprehensive plan amendments and land use updates for airport facilities. These updates must also be found consistent with statewide planning goals, acknowledged land use regulations, and other applicable rules and statutes.

A business-oriented master plan, while potentially useful for internal agency operations or economic development, does not inherently satisfy Oregon's land use laws. The current draft of the Airport Master Plan fails to demonstrate how local jurisdictions—such as the City of Wilsonville, the City of Aurora, Clackamas County, or Marion County—are expected to make the necessary land use findings or adopt regulatory updates without a clear demonstration of compliance with applicable land use statutes and administrative rules.

As an example of the lack of attention to applicable law, there is the absence of analysis or findings demonstrating how the proposed State action aligns with the requirements of the **Climate-Friendly and Equitable Communities (CFEC) program**, adopted pursuant to **Governor Kate Brown's Executive Order 20-04**. This program, administered by DLCD and ODOT, requires State agencies and local governments to implement land use and transportation planning reforms that reduce greenhouse gas emissions, including demonstrating **no net increase in vehicle miles traveled (VMT) per capita**. The Airport Master Plan does not provide sufficient information to enable local governments to make findings of compliance with CFEC rules, particularly with respect to impacts on surface transportation systems and location of land uses, to not increase VMT per capita.

These land use concerns must be thoroughly addressed to determine whether the business-oriented Airport Master Plan is legally feasible under Oregon's land use framework. The current draft appears to prioritize the future operational and economic needs of the airport, while failing to adequately address the land use regulations that are integral to Oregon's comprehensive planning system. As an example, designating adjacent land as appropriate for through-the-fence uses without addressing reduction of protected farmland and how locating industrial uses on these lands will impact VMT per capita. This omission is particularly problematic given that land use planning is not optional—it is a mandatory component of any development proposal subject to Oregon's acknowledged land use laws.

The approach taken in the draft Master Plan is analogous to a private enterprise preparing to expand its physical footprint without first confirming whether such expansion is permissible under applicable zoning regulations. Such a process would be considered procedurally deficient and legally indefensible. Accordingly, the Airport Master Plan must be revised to incorporate a clear and comprehensive analysis of land use compliance before it can be considered for adoption or implementation.

Respectfully submitted,

Daniel Pauly,
Planning Manager

cc: Miranda Bateschell, Planning Director
Amanda Guile-Hinman, City Attorney
Everett Wild, Public Relations Manager
Jeanna Troha, Assistant City Manager and Acting Community Development Manager

October 25, 2026

To: Oregon Aviation Board

Re: Comments in advance of the Aviation Board hearing re: Adoption of the Aurora State Airport Master Plan

I submit these comments regarding the draft Aurora State Airport Master Plan as a life-long aviator with over 47 years of experience across international commercial operations, corporate aviation, flight instruction, and operations as a contract tactical pilot in Afghanistan. Having flown into KUAO regularly for 40 years, I offer deep operational insight into this specific airspace and infrastructure. My background in high-stakes environments gives me a definitive understanding of operational safety under high-density, low-margin airport parameters, taxiway and apron clearance constraints, and the systemic safety hazards that manifest when clear zones are structurally compressed.

Historically, KUAO has operated safely and efficiently under its intended FAA design standard as a B-II General Aviation airport. However, the current master planning process displays a systemic bias toward expansion, relying on forecasted demand metrics that appear to selectively exclude historical operations data and ignore taxiway and apron safety constraints.

As an Airline Transport Pilot, I urge the Board to postpone or deny the adoption of the current Master Plan based on the following critical deficiencies:

1. Statistically Unsupported Aviation Demand Forecasts and ARC Design Shift
The proposed runway extension and subsequent shift in the Airport Reference Code (ARC) to accommodate larger aircraft are operationally unjustified. The forecasted demand metrics utilized in the draft plan do not reconcile with the actual, observed traffic mix that utilizes KUAO on a regular basis. Upgrading the airport's design category based on speculative or transient operations data overstates the true operational need. I formally request that the Board withhold adoption until a comprehensive, transparent audit of the underlying design-hour fleet mix and specific tracking metrics is conducted to verify whether the baseline requirements for a design standard shift have actually been met by a true resident design fleet. Moving State Highway 551 to facilitate this expansion represents a substantial capital expenditure lacking a safety-based cost-benefit justification or clear public utility.

2. Compromised Wingtip Clearance and Apron Maneuvering Margins
The draft layout plan introduces acute ground safety risks by structurally reducing established aircraft apron dimensions. Specifically, the proposed alignment requires acquiring approximately 35 feet of active apron space utilized for staging emergency response and medical transit aircraft. Restricting this specialized footprint compromises mandatory FAA Object Free Area (OFA) safety margins. Forcing high-frequency, rapid-deployment airframes to navigate diminished ground

clearances increases the metric for wingtip strikes, constricts safe taxi pathways, and intensifies prop-wash/rotor-blast hazards during concurrent emergency launches.

3. Absence of Internal Circulating Road and Surface Incident Mitigation

As ODAV has acknowledged and presented to the Aviation Board, ODAV reported in December of 2025 that they had received a letter from the FAA in October (2025) stating that there had been an increasing trend in recent years at UAO; that V/PDs pose a "serious safety hazard;" that UAO is #1 in the region for V/PDs, and that there is need for a Corrective Action Plan to ultimately stop V/PDs. Anthony Beach went on to share that KUAO is #2 in the nation behind Chicago O'Hare Airport! Yet, during the same year the master plan saw the removal of a proposed internal circulation road, opting instead for signage and an educational program. This decision once again will increase aeronautical risks given the focus on accepting larger corporate jets and compromise safety.

4.. Aeronautical Risks Introduced by Highway and Roadway Realignment

The plan to realign State Highway 551 and Keil Road to facilitate a physical runway extension has been framed locally as a land-use dispute, but from an aviator's perspective, it represents an immediate airspace and approach risk. Forcing significant traffic infrastructure closer to the runway thresholds fundamentally alters the risk profile within the Runway Protection Zones (RPZs). The Board has a regulatory obligation to ensure absolute compatibility between airport development and surrounding physical corridors. The current findings fail to prove that shifting these high-density roadways will not introduce new transitional surface obstructions or interfere with future approach lighting system configurations.

To protect the operational safety, economic viability, and regulatory compliance of KUAO, I request that the State Aviation Board table the vote to adopt the Master Plan and State Agency Coordination findings until an independent, safety-first audit of the underlying traffic data and apron safety margins is conducted.

Respectfully submitted,

Scott K. Chambers

Airline Transport Pilot (ATP)
Email: scottkchambers@gmail.com
Phone: 503-781-0547

Attachments: KUAO.20261002.. ATADS monthly RS Analysis 2015-AUG2026 (4p)

ODAV PowerPoint: 2025-12 Airports Presentation_307090319

FORECAST AND ACTUAL OPERATIONS SUMMARY -_KUAO MASTER PLAN

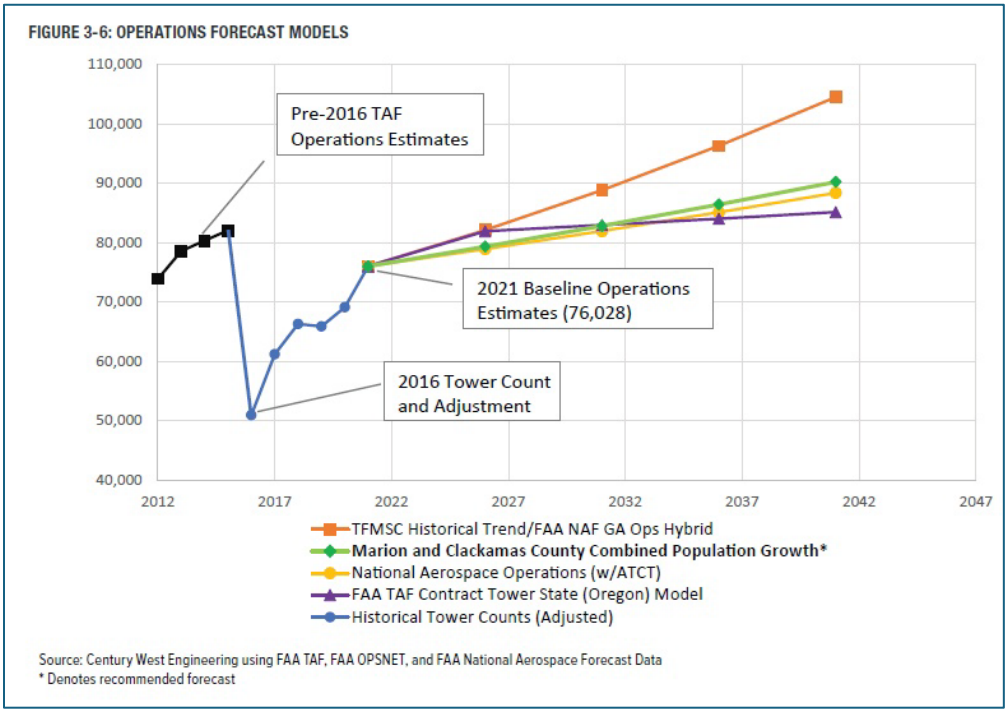
In Chapter 3 of the Draft Aurora Airport Master Plan, Total Operations are treated along with Based Aircrafts, including the presentation of historical data and then forecasted growth. Based aircraft are forecasted to continue year-on-year growth over the entire planning period from 281 to 350.

TABLE 3-14: FORECAST BASED AIRCRAFT FLEET MIX

	CAGR	2021	2026	2031	2036	2041
Single Engine*	0.9%	216	229	240	250	259
Multi Engine Piston	0.0%	6	6	6	6	6
Turbo Prop	1.1%	13	14	15	15	16
Jet	2.3%	36	40	45	50	56
Helicopter	1.4%	10	11	11	12	13
Total Based Aircraft	1.1%	281	300	317	333	350

Source: Century West Engineering
*Includes Experimental/LSA

A year-on-year increase in based aircraft would logically correlate with year-on-year increases in Total Operations. Notwithstanding a great deal of criticism from Planning Advisory Committee (PAC) members about the model selected, the Draft Aurora Airport Master Plan contains this graph illustrating forecast growth in Total Operations.



The selected model was the Marion and Clackamas County Combined Population Growth, showing a steady annual increase in Total Operations from 76,02 in 2021 to 90,000 in 2040. Many members of the PAC argued that the chosen model should have been FAA TAF Contract Tower

State (Oregon) Model, one that used actual FAA data adjusted for Oregon instead of population growth. The FAA TAF Oregon model projected a rise to about 82,000 Operations and then rather modest increases to about 84,000 Total Operations by 2040.

The Aurora Airport Master Plan process was delayed long enough that rather than concluding in 2023, it did not conclude until the end of 2025 and the final Draft Aurora Airport Master Plan released by ODAV and Century West in February of 2026. **The historical Total Operations data that was used in the master plan spanned 2016 to 2021.**

TABLE 2-9: ANNUAL OPERATIONS FLEET MIX (HISTORICAL)

	2016	2017	2018	2019	2020	2021
Itinerant						
Air Taxi	2,194	2,319	2,121	1,670	1,129	2,006
General Aviation	32,174	33,502	35,665	33,638	31,621	36,390
Military	265	199	277	107	38	79
Subtotal	**34,633**	**36,020**	**38,063**	**35,415**	**32,788**	**38,475**
Local						
General Aviation	16,191	25,075	28,011	30,453	36,333	37,488
Military	139	129	245	34	19	65
Subtotal	**16,330**	**25,204**	**28,256**	**30,487**	**36,352**	**37,553**
Total	**50,963**	**61,223**	**66,320**	**65,902**	**69,140**	**76,028**

Source: Century West Engineering developed using FAA TFMSC Data

Refusal to use more current Operations Data

Despite concerns raised by the PAC as the master plan process was delayed about not using actual operations from current years (2022, then 2023, then 2024, etc.) ODAV and their consultant refused, claiming changing the data after the fact would corrupt the underlying data model.

Of note, there is another FAA database of Operations, called ATADS (Air Traffic Activity Data System) that is publicly available. We have been downloading the ATADS data to track actual operations at Aurora, as laid out in the attached ***KUAO ATADS Analysis with 12-month Running Sums*** document.

As of the scheduled date for the Oregon Aviation Board to approve the master plan on December 3, 2026 there are now four full years (2021 thru 2024) and year to date 2026 **actual operations data available**. Given the scope of the expansion contemplated in the master plan, the $184 million projected cost, and the small numbers of aircraft owners and operators who will benefit, this data must be considered.

The forecast horizon in the master plan was twenty years out to 2040, so reducing the forecast window down to five years helps put the data in perspective. To do so the forecast growth of operations for the period can be averaged and distributed over those years, as follows:

Source	Year	Forecast
Master Plan	2020	65,949
Master Plan	2021	72,549
ATADS	2022	77,046
ATADS	2023	77,298
ATADS	2024	77,550
ATADS	2025	77,802

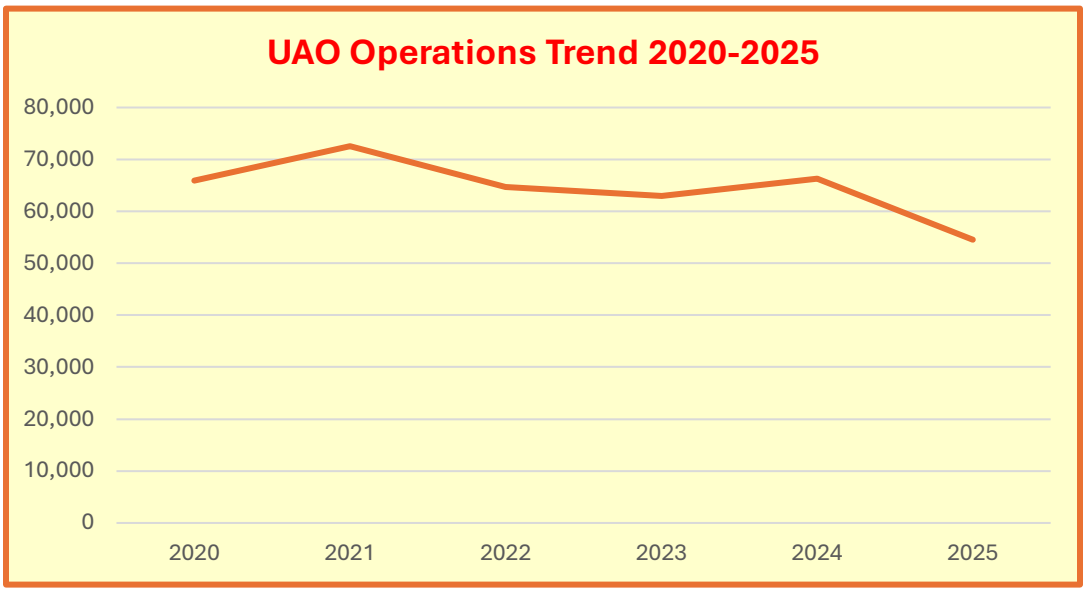
What become visible then is about a 7% forecasted increase in Total Operations for 2022 over 2021, and then relative flattening going forward across 2023, 2024 and 2025.

When actual Total Operations from ATADS database (attached), is considered, what we see actually occurred across the years 2022 through 2025 is far short of what was forecast:

KUAO Ops Data		
Master Plan	2020	65,949
Master Plan	2021	72,549
ATADS	2022	64,651
ATADS	2023	63,015
ATADS	2024	66,242
ATADS	2025	54,543
ATADS	2026 YTD	55,590

[Note: Aug & Sep 2025 operations were dramatically reduced by runway closure for repaving. ATADS actual for 2025 = 50,806. To adjust for the runway closure in Aug & Sept of 2025, Aug & Sept Operations from 2024 were used for 2025.]

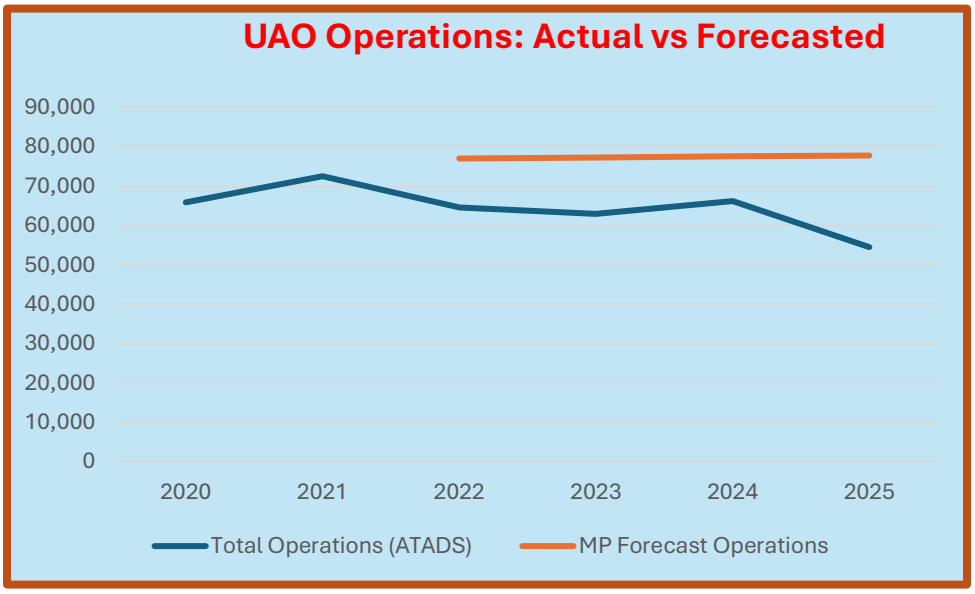
This is a dramatic shortfall in Total Operations for an airport making the case in its master plan for expansion. Graphically, the shortfall looks like this:



The shortfall in year-on-year Total Operations is compounded by how that shortfall compares to what was forecast in the master plan:

KUAO Ops Data			Forecast	Shortfall
Master Plan	2020	65,949		
Master Plan	2021	72,549		
ATADS	2022	64,651	77,046	16.1%
ATADS	2023	63,015	77,298	18.5%
ATADS	2024	66,242	77,550	14.6%
ATADS	2025	54,543	77,802	20.8%
ATADS	2026 YTD	55,590		

The data range selected at the outset of the master plan process happened to reflect a post-COVID bounce back, and enabled a forecast of continued growth. ODAV and its consultant refused to consider or use more current years of actual Total Operations data as the master plan process was delayed, claiming that it would corrupt the data range. Doing so meant that **future forecasts were based on incorrect historical data, and the failure to use more current annual operations data as the master planning process continued enabled false forecasts with continued year-on-year growth that has proven wrong, with dramatic forecast shortfalls!**



The reality is that forecast growth in based aircraft should correlate with increased operations. It does not. Not only have Total Operations shown a year-on-year decline for 2022 through 2025, the annual Total Operations are woefully short of what was forecast, and that forecast in growth of based aircraft and operations over the master plan's planning period is the basis for most of the airport expansion.

We can now see that the decision by ODAV and its consultant to refuse to consider or use more current years of Total Operations data as the master plan process was delayed, claiming that it would corrupt the data range, is a fatal flaw in the master plan.

A retrospective assessment clearly shows that Total Operations at Aurora State Airport are already failing to achieve forecasted levels and do not justify airport expansion.

KUAO ATADS Analysis, with 12-month Running Sums (Page 1)

		Itinerant Ops					Local Ops			TOTAL OPS	12-month Running Sums:							AC+AT Ops per day	Local Ops per day	GA Ops per AC+AT Op	*LCL yr2yr chg*	*ITIN yr2yr chg*	comm /day	GA /day	LCL / day	TOTAL /day
		AC	AT	GA	MI	Total	GA	MI	Local		AC+AT	*yr2yr chg*	GA ITIN	LCL	TOTAL	%LCL										
UAO	NOV-2015	14	129	2,156	17	2,316	1,296	32	1,328	3,644																
UAO	DEC-2015	1	106	979	3	1,089	466	6	472	1,561																
UAO	JAN-2016	0	143	1,853	13	2,009	1,018	0	1,018	3,027																
UAO	FEB-2016	0	106	2,429	13	2,548	1,202	0	1,202	3,750																
UAO	MAR-2016	0	142	2,382	29	2,553	1,012	74	1,086	3,639																
UAO	APR-2016	0	190	2,895	18	3,103	1,242	6	1,248	4,351																
UAO	MAY-2016	0	213	3,142	14	3,369	1,484	14	1,498	4,867																
UAO	JUN-2016	0	183	3,183	32	3,398	1,140	10	1,150	4,548																
UAO	JUL-2016	0	220	3,229	28	3,477	1,303	6	1,309	4,786																
UAO	AUG-2016	0	180	3,589	44	3,813	1,477	2	1,479	5,292																
UAO	SEP-2016	0	205	3,027	19	3,251	1,576	0	1,576	4,827																
UAO	OCT-2016	0	160	2,015	12	2,187	1,106	4	1,110	3,297																
UAO	NOV-2016	0	153	2,156	15	2,324	1,586	0	1,586	3,910	2,002		30,879	14,734	47,855	31%	NOV-2016	5	40	23			5	125	40	131
UAO	DEC-2016	0	145	1,009	9	1,163	907	13	920	2,083	2,040		30,909	15,182	48,377	31%	DEC-2016	6	42	23			6	126	42	133
UAO	JAN-2017	0	157	1,691	4	1,852	954	10	964	2,816	2,054		30,747	15,128	48,166	31%	JAN-2017	6	41	22			6	125	41	132
UAO	FEB-2017	0	121	1,301	4	1,426	668	0	668	2,094	2,069		29,619	14,594	46,510	31%	FEB-2017	6	40	21			6	121	40	127
UAO	MAR-2017	1	130	1,856	10	1,997	1,090	0	1,090	3,087	2,058		29,093	14,598	45,958	32%	MAR-2017	6	40	21			6	120	40	126
UAO	APR-2017	0	198	2,340	9	2,547	1,325	0	1,325	3,872	2,066		28,538	14,675	45,479	32%	APR-2017	6	40	21			6	118	40	125
UAO	MAY-2017	0	186	3,482	40	3,708	2,593	28	2,621	6,329	2,039		28,878	15,798	46,941	34%	MAY-2017	6	43	22			6	122	43	129
UAO	JUN-2017	0	198	3,396	15	3,609	2,700	0	2,700	6,309	2,054		29,091	17,348	48,702	36%	JUN-2017	6	48	23			6	127	48	133
UAO	JUL-2017	0	212	4,057	24	4,293	3,500	22	3,522	7,815	2,046		29,919	19,561	51,731	38%	JUL-2017	6	54	24			6	135	54	142
UAO	AUG-2017	0	239	3,928	8	4,175	2,962	8	2,970	7,145	2,105		30,258	21,052	53,584	39%	AUG-2017	6	58	24			6	140	58	147
UAO	SEP-2017	0	188	3,317	35	3,540	2,674	28	2,702	6,242	2,088		30,548	22,178	54,999	40%	SEP-2017	6	61	25			6	144	61	151
UAO	OCT-2017	0	158	2,865	11	3,034	2,014	6	2,020	5,054	2,086		31,398	23,088	56,756	41%	OCT-2017	6	63	26			6	149	63	155
UAO	NOV-2017	0	210	1,844	7	2,061	1,245	18	1,263	3,324	2,143	7%	31,086	22,765	56,170	41%	NOV-2017	6	62	25	55%	1%	6	147	62	154
UAO	DEC-2017	0	166	2,214	19	2,399	1,666	0	1,666	4,065	2,164	6%	32,291	23,511	58,152	40%	DEC-2017	6	64	26	55%	4%	6	153	64	159
UAO	JAN-2018	0	150	2,138	12	2,300	1,552	32	1,584	3,884	2,157	5%	32,738	24,131	59,220	41%	JAN-2018	6	66	26	60%	6%	6	155	66	162
UAO	FEB-2018	0	161	2,098	2	2,261	1,618	8	1,626	3,887	2,197	6%	33,535	25,089	61,013	41%	FEB-2018	6	69	27	72%	13%	6	160	69	167
UAO	MAR-2018	0	216	2,750	13	2,979	1,892	142	2,034	5,013	2,282	11%	34,429	26,033	62,939	41%	MAR-2018	6	71	26	78%	18%	6	165	71	172
UAO	APR-2018	0	137	2,742	9	2,888	1,973	2	1,975	4,863	2,221	8%	34,831	26,683	63,930	42%	APR-2018	6	73	28	82%	21%	6	168	73	175
UAO	MAY-2018	0	171	3,537	20	3,728	2,484	10	2,494	6,222	2,206	8%	34,886	26,556	63,823	42%	MAY-2018	6	73	28	68%	20%	6	168	73	175
UAO	JUN-2018	0	179	3,731	9	3,919	2,644	0	2,644	6,563	2,187	6%	35,221	26,500	64,077	41%	JUN-2018	6	73	28	53%	20%	6	168	73	176
UAO	JUL-2018	0	165	3,660	131	3,956	2,860	5	2,865	6,821	2,140	5%	34,824	25,843	63,083	41%	JUL-2018	6	71	28	32%	16%	6	166	71	173
UAO	AUG-2018	0	220	3,558	11	3,789	3,004	12	3,016	6,805	2,121	1%	34,454	25,889	62,743	41%	AUG-2018	6	71	28	23%	13%	6	165	71	172
UAO	SEP-2018	0	179	3,437	26	3,642	3,154	6	3,160	6,802	2,112	1%	34,574	26,347	63,303	42%	SEP-2018	6	72	29	19%	13%	6	166	72	173
UAO	OCT-2018	0	144	2,801	11	2,956	2,308	2	2,310	5,266	2,098	1%	34,510	26,637	63,515	42%	OCT-2018	6	73	29	15%	10%	6	167	73	174
UAO	NOV-2018	0	144	2,311	9	2,464	1,640	4	1,644	4,108	2,032	-5%	34,977	27,018	64,299	42%	NOV-2018	6	74	31	19%	12%	6	169	74	176
UAO	DEC-2018	0	123	1,752	6	1,881	1,072	6	1,078	2,959	1,989	-8%	34,515	26,430	63,193	42%	DEC-2018	5	72	31	12%	6%	5	166	72	173
UAO	JAN-2019	0	139	2,190	5	2,334	1,699	4	1,703	4,037	1,978	-8%	34,567	26,549	63,346	42%	JAN-2019	5	73	31	10%	5%	5	167	73	174
UAO	FEB-2019	1	96	1,229	7	1,333	1,040	0	1,040	2,373	1,914	-13%	33,698	25,963	61,832	42%	FEB-2019	5	71	31	3%	0%	5	163	71	169
UAO	MAR-2019	1	125	2,695	2	2,823	1,911	2	1,913	4,736	1,824	-20%	33,643	25,842	61,555	42%	MAR-2019	5	71	33	-1%	-3%	5	163	71	169
UAO	APR-2019	0	138	3	3	2,503	1,904	0	1,904	4,412	1,804	-19%	33,289	25,771	61,104	42%	APR-2019	5	71	33	-3%	-5%	5	162	71	167

KUAO ATADS Analysis, with 12-month Running Sums (Page 2)

		Itinerant Ops					Local Ops			TOTAL OPS	12-month Running Sums:							AC+AT Ops per day	Local Ops per day	GA Ops per AC+AT Op	*LCL yr2yr chg*	*ITIN yr2yr chg*	comm /day	GA /day	LCL / day	TOTAL /day
		AC	AT	GA	MI	Total	GA	MI	Local		AC+AT	*yr2yr chg*	GA ITIN	LCL	TOTAL	%LCL										
UAO	MAY-2019	0	133	3,118	25	3,276	3,031	4	3,035	6,311	1,766	-20%	32,870	26,312	61,193	43%	MAY-2019	5	72	34	-1%	-6%	5	162	72	168
UAO	JUN-2019	0	176	3,337	4	3,517	2,854	0	2,854	6,371	1,763	-19%	32,476	26,522	61,001	43%	JUN-2019	5	73	33	0%	-8%	5	162	73	167
UAO	JUL-2019	0	196	3,386	2	3,584	3,597	0	3,597	7,181	1,794	-16%	32,202	27,254	61,361	44%	JUL-2019	5	75	33	5%	-8%	5	163	75	168
UAO	AUG-2019	0	188	3,803	21	4,012	3,683	5	3,688	7,700	1,762	-17%	32,447	27,926	62,256	45%	AUG-2019	5	77	34	8%	-7%	5	165	77	171
UAO	SEP-2019	0	127	2,878	14	3,019	2,653	1	2,654	5,673	1,710	-19%	31,888	27,420	61,127	45%	SEP-2019	5	75	35	4%	-9%	5	162	75	167
UAO	OCT-2019	0	138	3,276	8	3,422	2,752	8	2,760	6,182	1,704	-19%	32,363	27,870	62,043	45%	OCT-2019	5	76	35	5%	-7%	5	165	76	170
UAO	NOV-2019	0	70	2,619	4	2,693	1,915	8	1,923	4,616	1,630	-20%	32,671	28,149	62,551	45%	NOV-2019	4	77	37	4%	-8%	4	167	77	171
UAO	DEC-2019	0	62	1,664	5	1,731	1,527	0	1,527	3,258	1,569	-21%	32,583	28,598	62,850	46%	DEC-2019	4	78	39	8%	-7%	4	168	78	172
UAO	JAN-2020	0	50	1,653	3	1,706	1,648	0	1,648	3,354	1,480	-25%	32,046	28,543	62,167	46%	JAN-2020	4	78	41	8%	-9%	4	166	78	170
UAO	FEB-2020	0	53	2,548	4	2,605	2,479	4	2,483	5,088	1,436	-25%	33,365	29,986	64,882	46%	FEB-2020	4	82	44	15%	-3%	4	173	82	178
UAO	MAR-2020	0	125	2,028	2	2,155	2,268	0	2,268	4,423	1,435	-21%	32,698	30,341	64,569	47%	MAR-2020	4	83	44	17%	-4%	4	173	83	177
UAO	APR-2020	0	46	2,052	1	2,099	2,073	0	2,073	4,172	1,364	-24%	32,362	30,510	64,329	47%	APR-2020	4	84	46	18%	-4%	4	172	84	176
UAO	MAY-2020	0	77	2,713	1	2,791	3,332	1	3,333	6,124	1,308	-26%	31,957	30,808	64,142	48%	MAY-2020	4	84	48	17%	-4%	4	172	84	176
UAO	JUN-2020	0	86	2,730	2	2,818	3,398	1	3,399	6,217	1,218	-31%	31,350	31,353	63,988	49%	JUN-2020	3	86	51	18%	-5%	3	172	86	175
UAO	JUL-2020	0	155	3,837	8	4,000	3,855	10	3,865	7,865	1,177	-34%	31,801	31,621	64,672	49%	JUL-2020	3	87	54	16%	-3%	3	174	87	177
UAO	AUG-2020	0	133	3,721	1	3,855	3,642	0	3,642	7,497	1,122	-36%	31,719	31,575	64,469	49%	AUG-2020	3	87	56	13%	-4%	3	173	87	177
UAO	SEP-2020	0	67	2,377	9	2,453	2,501	0	2,501	4,954	1,062	-38%	31,218	31,422	63,750	49%	SEP-2020	3	86	59	15%	-4%	3	172	86	175
UAO	OCT-2020	0	86	3,328	1	3,415	4,154	0	4,154	7,569	1,010	-41%	31,270	32,816	65,137	50%	OCT-2020	3	90	63	18%	-5%	3	176	90	178
UAO	NOV-2020	0	122	1,665	2	1,789	2,166	2	2,168	3,957	1,062	-35%	30,316	33,061	64,478	51%	NOV-2020	3	91	60	17%	-9%	3	174	91	177
UAO	DEC-2020	0	61	2,028	2	2,091	2,638	0	2,638	4,729	1,061	-32%	30,680	34,172	65,949	52%	DEC-2020	3	94	61	19%	-7%	3	178	94	181
UAO	JAN-2021	0	96	2,107	4	2,207	2,651	4	2,655	4,862	1,107	-25%	31,134	35,179	67,457	52%	JAN-2021	3	96	60	23%	-4%	3	182	96	185
UAO	FEB-2021	0	59	1,758	3	1,820	1,882	4	1,886	3,706	1,113	-22%	30,344	34,582	66,075	52%	FEB-2021	3	95	58	15%	-10%	3	178	95	181
UAO	MAR-2021	0	134	3,142	12	3,288	3,419	0	3,419	6,707	1,122	-22%	31,458	35,733	68,359	52%	MAR-2021	3	98	60	18%	-5%	3	184	98	187
UAO	APR-2021	0	128	3,379	2	3,509	3,095	26	3,121	6,630	1,204	-12%	32,785	36,781	70,817	52%	APR-2021	3	101	58	21%	1%	3	190	101	194
UAO	MAY-2021	0	177	3,364	1	3,542	4,301	0	4,301	7,843	1,304	0%	33,436	37,749	72,536	52%	MAY-2021	4	103	55	23%	4%	4	195	103	199
UAO	JUN-2021	0	248	3,621	19	3,888	3,756	8	3,764	7,652	1,466	20%	34,327	38,114	73,971	52%	JUN-2021	4	104	49	22%	10%	4	198	104	203
UAO	JUL-2021	0	189	4,102	4	4,295	4,033	0	4,033	8,328	1,500	27%	34,592	38,282	74,434	51%	JUL-2021	4	105	49	21%	9%	4	200	105	204
UAO	AUG-2021	0	220	4,016	4	4,240	3,762	0	3,762	8,002	1,587	41%	34,887	38,402	74,939	51%	AUG-2021	4	105	46	22%	11%	4	201	105	205
UAO	SEP-2021	0	207	3,393	8	3,608	3,198	3	3,201	6,809	1,727	63%	35,903	39,102	76,794	51%	SEP-2021	5	107	43	24%	17%	5	205	107	210
UAO	OCT-2021	0	148	2,781	9	2,938	2,272	8	2,280	5,218	1,789	77%	35,356	37,228	74,443	50%	OCT-2021	5	102	41	13%	15%	5	199	102	204
UAO	NOV-2021	0	132	2,093	6	2,231	1,754	0	1,754	3,985	1,799	69%	35,784	36,814	74,471	49%	NOV-2021	5	101	40	11%	20%	5	199	101	204
UAO	DEC-2021	0	147	1,552	2	1,701	1,098	8	1,106	2,807	1,885	78%	35,308	35,282	72,549	49%	DEC-2021	5	97	37	3%	17%	5	193	97	199
UAO	JAN-2022	0	150	2,315	2	2,467	1,460	10	1,470	3,937	1,939	75%	35,516	34,097	71,624	48%	JAN-2022	5	93	36	-3%	16%	5	191	93	196
UAO	FEB-2022	0	122	2,307	13	2,442	1,428	12	1,440	3,882	2,002	80%	36,065	33,651	71,800	47%	FEB-2022	5	92	35	-3%	21%	5	191	92	197
UAO	MAR-2022	4	229	2,766	5	3,004	2,289	6	2,295	5,299	2,101	87%	35,689	32,527	70,392	46%	MAR-2022	6	89	32	-9%	16%	6	187	89	193
UAO	APR-2022	0	161	2,295	14	2,470	1,884	4	1,888	4,358	2,134	77%	34,605	31,294	68,120	46%	APR-2022	6	86	31	-15%	8%	6	180	86	187
UAO	MAY-2022	0	202	3,045	7	3,254	2,616	4	2,620	5,874	2,159	66%	34,286	29,613	66,151	45%	MAY-2022	6	81	30	-22%	5%	6	175	81	181
UAO	JUN-2022	0	178	3,633	4	3,815	2,948	0	2,948	6,763	2,089	42%	34,298	28,797	65,262	44%	JUN-2022	6	79	30	-24%	2%	6	173	79	179
UAO	JUL-2022	0	241	3,717	38	3,996	2,900	2	2,902	6,898	2,141	43%	33,913	27,666	63,832	43%	JUL-2022	6	76	29	-28%	0%	6	169	76	175
UAO	AUG-2022	0	361	4,204	10	4,575	3,968	0	3,968	8,543	2,282	44%	34,101	27,872	64,373	43%	AUG-2022	6	76	27	-27%	0%	6	170	76	176
UAO	SEP-2022	0	200	3,573	9	3,782	2,800	0	2,800	6,582	2,275	32%	34,281	27,471	64,146	43%	SEP-2022	6	75	27	-30%	-3%	6	169	75	176
UAO	OCT-2022	0	131	3,873	4	4,008	3,179	61	3,184	7,242	2,308	29%	34,373	27,375	64,170	43%	OCT-2022	6	75	27	-26%	-1%	6	169	75	176

KUAO ATADS Analysis, with 12-month Running Sums (Page 3)

		Itinerant Ops					Local Ops			TOTAL OPS	12-month Running Sums:							AC+AT Ops per day	Local Ops per day	GA Ops per AC+AT Op	*LCL yr2yr chg*	*ITIN yr2yr chg*	comm /day	GA /day	LCL / day	TOTAL /day
		AC	AT	GA	MI	Total	GA	MI	Local		AC+AT	*yr2yr chg*	GA ITIN	LCL	TOTAL	%LCL										
UAO	NOV-2022	0	171	2,290	5	2,466	1,798	4	1,802	4,268	2,347	30%	34,570	27,423	64,453	43%	NOV-2022	6	75	26	-26%	-2%	6	170	75	177
UAO	DEC-2022	0	154	1,661	0	1,815	1,190	0	1,190	3,005	2,354	25%	34,679	27,507	64,651	43%	DEC-2022	6	75	26	-22%	0%	6	170	75	177
UAO	JAN-2023	0	180	1,911	3	2,094	1,574	0	1,574	3,668	2,384	23%	34,275	27,611	64,382	43%	JAN-2023	7	76	26	-19%	-2%	7	169	76	176
UAO	FEB-2023	0	159	1,854	4	2,017	1,276	0	1,276	3,293	2,421	21%	33,822	27,447	63,793	43%	FEB-2023	7	75	25	-18%	-5%	7	168	75	175
UAO	MAR-2023	0	175	2,212	7	2,394	1,698	4	1,702	4,096	2,363	12%	33,268	26,854	62,590	43%	MAR-2023	6	74	25	-17%	-6%	6	165	74	171
UAO	APR-2023	0	177	2,509	29	2,715	1,714	4	1,718	4,433	2,379	11%	33,482	26,684	62,665	43%	APR-2023	7	73	25	-15%	-2%	7	165	73	172
UAO	MAY-2023	0	261	3,500	55	3,816	2,757	10	2,767	6,583	2,438	13%	33,937	26,831	63,374	42%	MAY-2023	7	74	25	-9%	0%	7	166	74	174
UAO	JUN-2023	0	239	3,253	7	3,499	2,752	0	2,752	6,251	2,499	20%	33,557	26,635	62,862	42%	JUN-2023	7	73	24	-8%	-1%	7	165	73	172
UAO	JUL-2023	0	277	3,556	22	3,855	3,704	0	3,704	7,559	2,535	18%	33,396	27,437	63,523	43%	JUL-2023	7	75	24	-1%	0%	7	167	75	174
UAO	AUG-2023	0	262	3,447	12	3,721	3,734	0	3,734	7,455	2,436	7%	32,639	27,203	62,435	44%	AUG-2023	7	75	25	-2%	-3%	7	164	75	171
UAO	SEP-2023	0	209	3,053	4	3,266	3,524	0	3,524	6,790	2,445	7%	32,119	27,927	62,643	45%	SEP-2023	7	77	25	2%	-5%	7	164	77	172
UAO	OCT-2023	0	226	2,739	9	2,974	2,564	16	2,580	5,554	2,490	8%	31,985	28,323	62,955	45%	OCT-2023	7	78	24	3%	-6%	7	165	78	172
UAO	NOV-2023	0	162	2,133	5	2,300	2,248	0	2,248	4,548	2,481	6%	31,828	28,769	63,235	45%	NOV-2023	7	79	24	5%	-7%	7	166	79	173
UAO	DEC-2023	0	120	1,412	5	1,537	1,242	6	1,248	2,785	2,447	4%	31,579	28,827	63,015	46%	DEC-2023	7	79	25	5%	-8%	7	165	79	173
UAO	JAN-2024	0	135	1,213	13	1,361	1,210	4	1,214	2,575	2,402	1%	30,881	28,467	61,922	46%	JAN-2024	7	78	25	3%	-9%	7	162	78	170
UAO	FEB-2024	0	154	2,093	0	2,247	2,072	0	2,072	4,319	2,397	-1%	31,120	29,263	62,948	46%	FEB-2024	7	80	25	7%	-7%	7	165	80	172
UAO	MAR-2024	0	174	2,644	6	2,824	2,112	6	2,118	4,942	2,396	1%	31,552	29,679	63,794	47%	MAR-2024	7	81	26	11%	-5%	7	168	81	175
UAO	APR-2024	0	178	2,877	23	3,078	2,526	18	2,544	5,622	2,397	1%	31,920	30,505	64,983	47%	APR-2024	7	84	26	14%	-4%	7	171	84	178
UAO	MAY-2024	0	174	3,516	6	3,696	3,938	12	3,950	7,646	2,310	-5%	31,936	31,688	66,046	48%	MAY-2024	6	87	28	18%	-6%	6	174	87	181
UAO	JUN-2024	0	196	3,355	13	3,564	3,636	18	3,654	7,218	2,267	-9%	32,038	32,590	67,013	49%	JUN-2024	6	89	29	22%	-5%	6	177	89	184
UAO	JUL-2024	0	192	2,910	9	3,111	3,874	2	3,876	6,987	2,182	-14%	31,392	32,762	66,441	49%	JUL-2024	6	90	29	19%	-7%	6	176	90	182
UAO	AUG-2024	0	185	3,508	18	3,711	4,808	0	4,808	8,519	2,105	-14%	31,453	33,836	67,505	50%	AUG-2024	6	93	31	24%	-4%	6	179	93	185
UAO	SEP-2024	0	192	3,177	23	3,392	3,936	2	3,938	7,330	2,088	-15%	31,577	34,250	68,045	50%	SEP-2024	6	94	32	23%	-3%	6	180	94	186
UAO	OCT-2024	0	145	2,205	9	2,359	2,504	4	2,508	4,867	2,007	-19%	31,043	34,178	67,358	51%	OCT-2024	5	94	32	21%	-4%	5	178	94	185
UAO	NOV-2024	0	124	1,598	0	1,722	1,838	0	1,838	3,560	1,969	-21%	30,508	33,768	66,370	51%	NOV-2024	5	93	33	17%	-5%	5	176	93	182
UAO	DEC-2024	0	114	1,269	22	1,405	1,252	0	1,252	2,657	1,963	-20%	30,365	33,772	66,242	51%	DEC-2024	5	93	33	17%	-5%	5	176	93	181
UAO	JAN-2025	0	123	2,053	4	2,180	1,632	2	1,634	3,814	1,951	-19%	31,205	34,192	67,481	51%	JAN-2025	5	94	34	20%	0%	5	179	94	185
UAO	FEB-2025	0	111	1,462	9	1,582	1,612	0	1,612	3,194	1,908	-20%	30,574	33,732	66,356	51%	FEB-2025	5	92	34	15%	-3%	5	176	92	182
UAO	MAR-2025	0	206	2,056	6	2,268	1,789	4	1,793	4,061	1,940	-19%	29,986	33,407	65,475	51%	MAR-2025	5	92	33	13%	-6%	5	174	92	179
UAO	APR-2025	0	149	3,045	6	3,200	3,170	0	3,170	6,370	1,911	-20%	30,154	34,033	66,223	51%	APR-2025	5	93	34	12%	-7%	5	176	93	181
UAO	MAY-2025	0	173	2,930	2	3,105	2,487	0	2,487	5,592	1,910	-17%	29,568	32,570	64,169	51%	MAY-2025	5	89	33	3%	-8%	5	170	89	176
UAO	JUN-2025	0	179	3,037	17	3,233	2,516	4	2,520	5,753	1,893	-16%	29,250	31,436	62,704	50%	JUN-2025	5	86	32	-4%	-9%	5	166	86	172
UAO	JUL-2025	0	185	3,448	16	3,649	3,056	2	3,058	6,707	1,886	-14%	29,788	30,618	62,424	49%	JUL-2025	5	84	32	-7%	-6%	5	165	84	171
UAO	AUG-2025	0	173	1,882	9	2,064	1,116	12	1,128	3,192	1,874	-11%	28,162	26,938	57,097	47%	AUG-2025	5	74	29	-20%	-10%	5	151	74	156
UAO	SEP-2025	0	118	863	3	984	833	0	833	1,817	1,800	-14%	25,848	23,833	51,584	46%	SEP-2025	5	65	28	-30%	-18%	5	136	65	141
UAO	OCT-2025	0	125	2,093	0	2,218	1,914	0	1,914	4,132	1,780	-11%	25,736	23,239	50,849	46%	OCT-2025	5	64	28	-32%	-17%	5	134	64	139
UAO	NOV-2025	0	172	1,765	3	1,940	1,590	0	1,590	3,530	1,828	-7%	25,903	22,991	50,819	45%	NOV-2025	5	63	27	-32%	-15%	5	134	63	139
UAO	DEC-2025	0	162	1,348	0	1,510	1,134	0	1,134	2,644	1,876	-4%	25,982	22,873	50,806	45%	DEC-2025	5	63	26	-32%	-14%	5	134	63	139
UAO	JAN-2026	0	146	2,036	8	2,190	1,818	0	1,818	4,008	1,899	-3%	25,965	23,057	51,000	45%	JAN-2026	5	63	26	-33%	-16%	5	134	63	140
UAO	FEB-2026	0	105	1,693	5	1,803	1,727	0	1,727	3,530	1,893	-1%	26,196	23,172	51,336	45%	FEB-2026	5	63	26	-31%	-14%	5	135	63	141
UAO	MAR-2026	0	164	2,273	0	2,437	2,329	0	2,329	4,766	1,851	-5%	26,413	23,708	52,041	46%	MAR-2026	5	65	27	-29%	-12%	5	137	65	143
UAO	APR-2026	0	101	1,791	1	1,893	2,409	0	2,409	4,302	1,892	-1%	26,069	22,938	50,963	45%	APR-2026	5	63	26	-33%	-13%	5	134	63	140

KUAO ATADS Analysis, with 12-month Running Sums (Page 4)

		Itinerant Ops					Local Ops			TOTAL OPS	12-month Running Sums:															
		AC	AT	GA	MI	Total	GA	MI	Local		AC+AT	yr2yr chg	GA ITIN	LCL	TOTAL	%LCL		AC+AT Ops per day	Local Ops per day	GA Ops per AC+AT Op	LCL yr2yr chg	ITIN yr2yr chg	comm /day	GA /day	LCL / day	TOTAL /day
UAO	MAY-2026	0	198	2,531	10	2,739	2,536	0	2,536	5,275	1,917	0%	25,670	22,987	50,646	45%	MAY-2026	5	63	25	-29%	-12%	5	133	63	139
UAO	JUN-2026	0	248	3,159	16	3,423	3,214	14	3,228	6,651	1,986	5%	25,792	23,695	51,544	46%	JUN-2026	5	65	25	-25%	-11%	5	136	65	141
UAO	JUL-2026	0	243	3,927	3	4,173	3,954	2	3,956	8,129	2,044	8%	26,271	24,593	52,966	46%	JUL-2026	6	67	25	-20%	-11%	6	139	67	145
UAO	AUG-2026	0	209	3,370	41	3,620	2,576	20	2,596	6,216	2,080	11%	27,759	26,061	55,990	47%	AUG-2026	6	71	26	-3%	-1%	6	147	71	153
	Averages (2016 thru AUG 2026) →										*1,935*		*31,846*	*28,150*	***62,065***	*45%*		*5*	*77*	*33*			5	164	77	**170**
	Averages during 2018 (pre-COVID, reference year) →										*2,145*		*34,458*	*26,096*	***62,968***	*43%*		*6*	*71*	*28*						
	AUG 2026 vs. 2018 Averages →										-3%		-19%	0%	-11%											

DATA SOURCE: FAA's ATADS database, containing the official daily operations (ops) as compiled by ATC personnel at the Aurora Airport Federal contract Control Tower. Raw data is compiled above, grouped under 'Itinerant Ops', 'Local Ops', 'TOTAL OPS'.

REFERENCE YEAR: The Aurora control tower opened in late 2015. Commonly, it takes at least a year for local pilots to develop a trust of the new controllers. In this analysis, 2018 is used as a reference year, because it reflects tower ops levelling off after two full years of steady growth.

COMMERCIAL OPS: FAA uses two commercial categories: 'AC' and 'AT'. 'AC' stands for 'air carrier' and is dominated by large scheduled passenger jets, but none operate at Aurora. 'AT' stands for 'air taxi' and is dominated by high-cost charter passenger ops, where one or a few passengers fly point-to-point on small prop planes, small jets, or sometimes very large charter jets. In recent years, some flight schools have begun flying using air-taxi callsigns, which will then be tallied within the Air Taxi totals.

COVID IMPACTS: The vast majority of U.S. GA airports show the same pattern of COVID-related operational impacts: a sudden decline in early 2020, followed by a strong rebound in 2021, but an eventual return to pre-COVID levels after a couple years of filling pent-up charter flight demand.

SMALL-PLANE GA AIRPORT: Aurora Airport continues to primarily serve GA single-engine planes. When the tower opened in late 2016, there were ~23 GA operations per commercial operation; for reference year 2018, there were 28 GA ops/commercial op; as of August 2026, there are 26 GA ops per commercial operation.

KEY TRENDS: Comparing the 12-month running-sum totals in August 2026 to the reference year (2018) shows:

* Commercial (AC & AT) operations have declined by 1%, from 2018 to the August 2026 running-sum annual total.
* Military ops at Aurora Airport are essentially zero, and likely mostly training-related (e.g., miltary helicopter pilots using Aurora as a training destination).
* GA Itinerant ops are essentially all ops minus GA local and minus commercial ops. Most of these flights are personal/recreational flying by owners and/or club members. This metric remained relatively flat through 2024, but has dropped in recent years: August 2026 is 19% below the average for all years.
* By far, the strongest component of 'traffic' at Aurora Airport has been small planes (mostly single-prop) flying round-and-round in the 'local pattern'; August 2026 annual running-sum total matches the 2018 average.
* The steadiest traffic component during the AUG-OCT 2025 on/off runway closures was AT commercial. This suggests that a large component of the AT count is helicopters (eg., Lifeflight) that do not need to use the runway surface. To better understand Aurora operations, it would be helpful to get data from FAA, such as the full listing of each flight callsign and aircraft type for all all flights from January 202y through August 20265; ATADS shows there were 3,379 AT ops in this 20-month window, an average of 5.5 AT ops/day.



Airports Update

December 4th, 2025

Anthony Beach

Welcome Christian!

- Airport Programs Specialist
  - Started October 2025
- Served in the U.S. Army in Aviation Operations
- Career in law enforcement, airlines, and Veteran Affairs
- Good dude
- Programs
  - Airport Safety Training
  - Airport Rulemaking
  - Volunteer Coordination
  - Noise Outreach

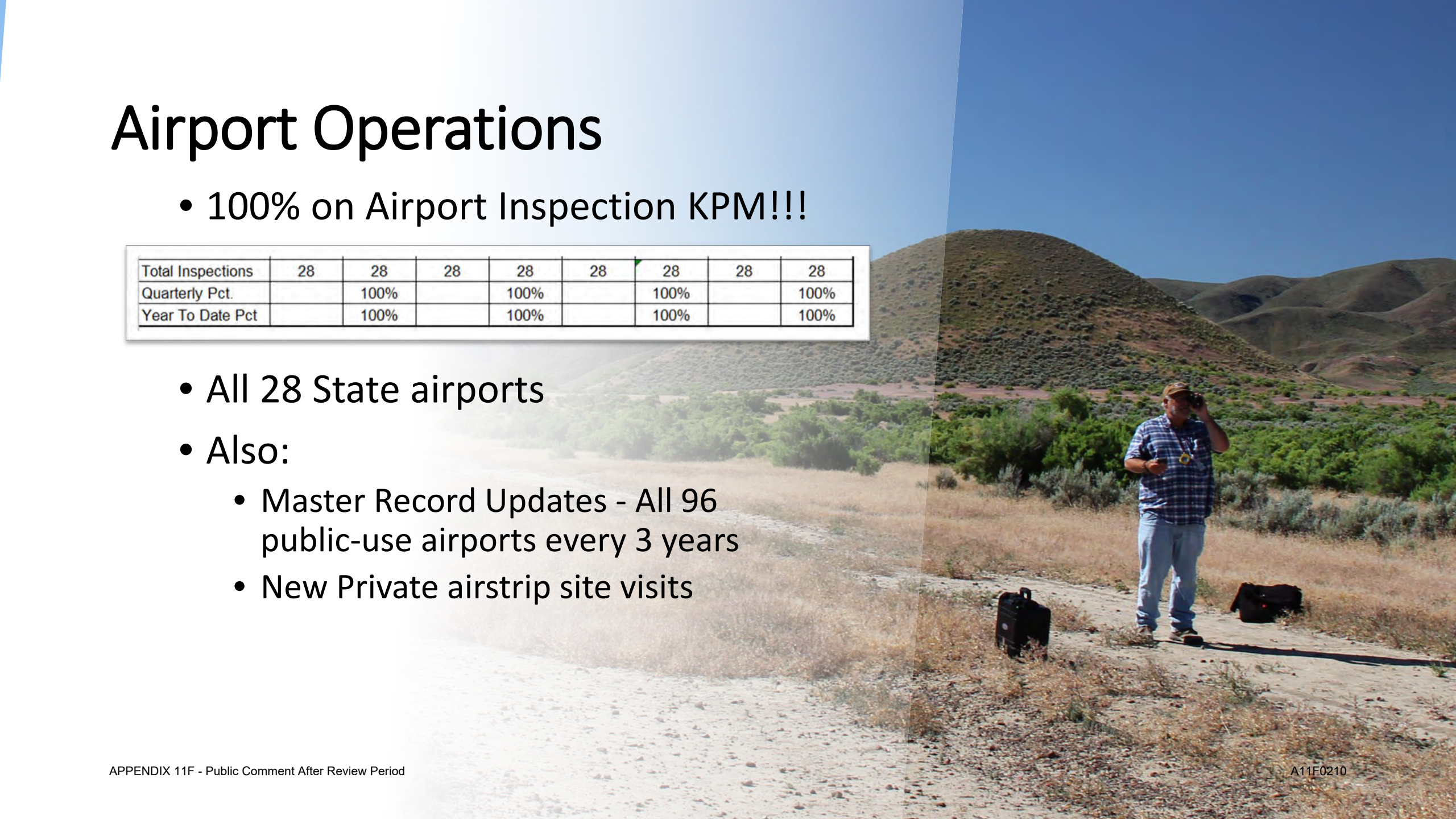


Airport Operations

- 100% on Airport Inspection KPM!!!

Total Inspections	28	28	28	28	28	28	28	28
Quarterly Pct.		100%		100%		100%		100%
Year To Date Pct		100%		100%		100%		100%

- All 28 State airports
- Also:
  - Master Record Updates - All 96 public-use airports every 3 years
  - New Private airstrip site visits



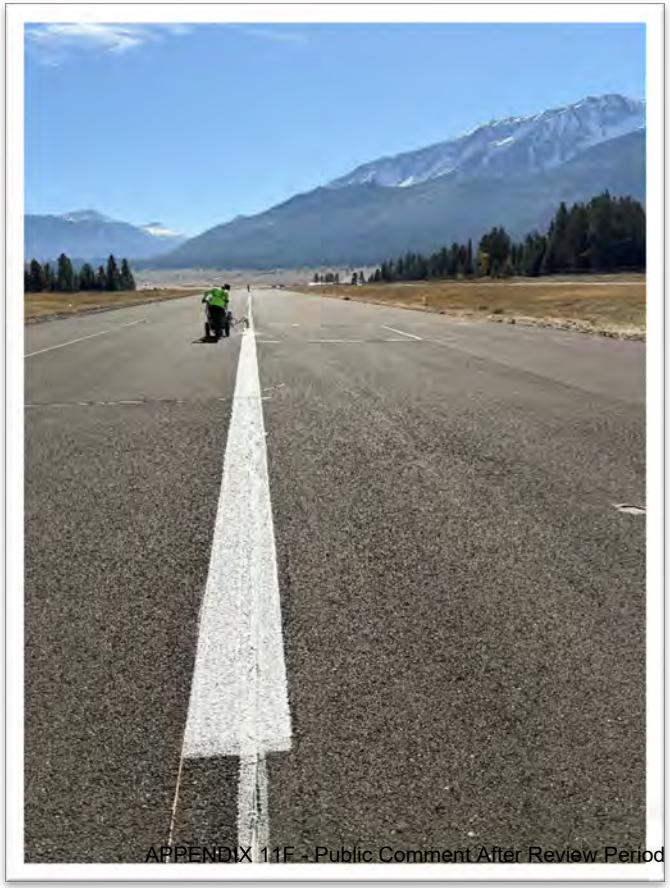
Airport Operations Truck

- New hybrid, will save fuel consumption and emissions
- Double the efficiency of the outgoing truck
- Driven ~25% all-electric



Airport Maintenance

- Airfield Markings Refresh

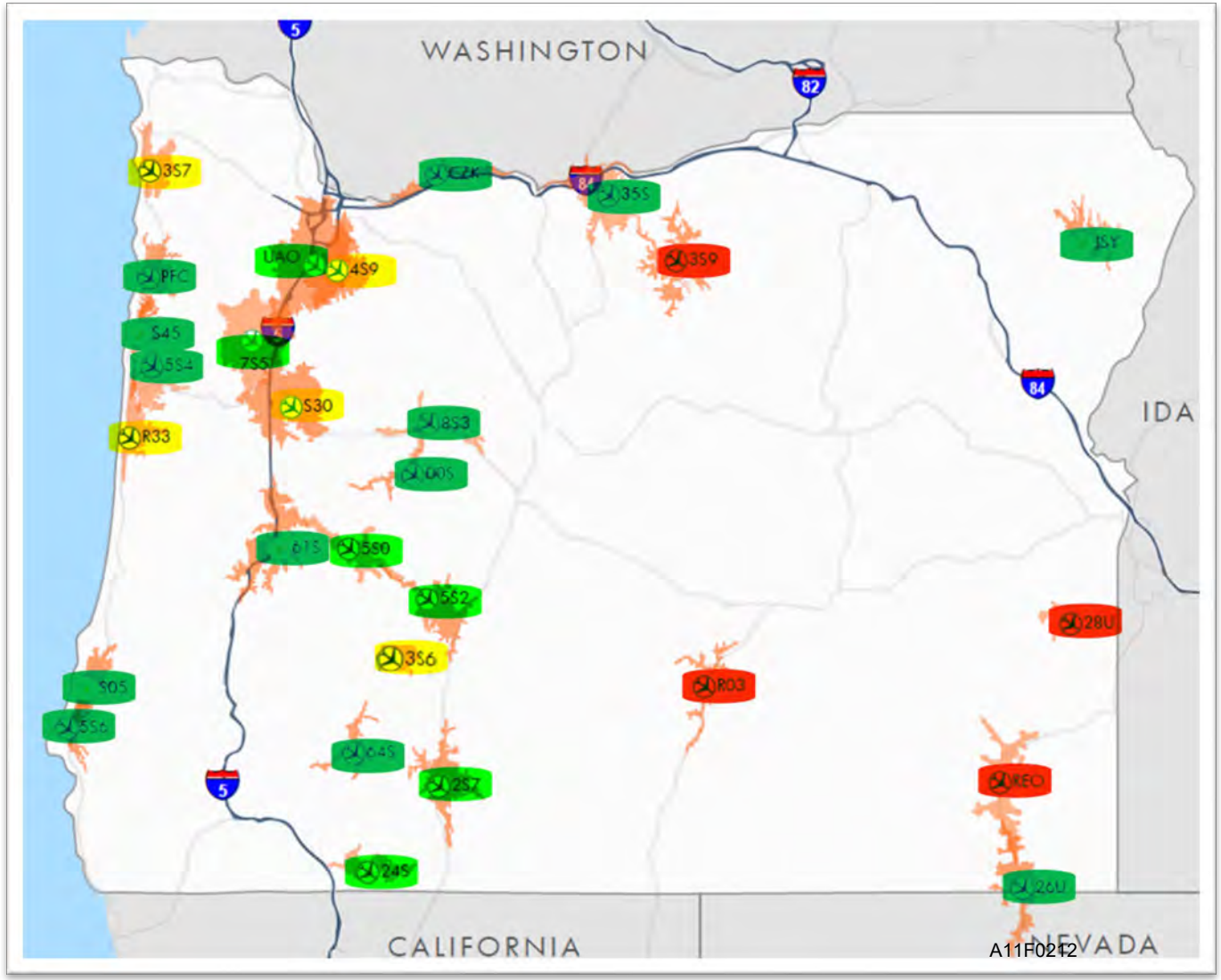


2022 Completed
- Cascade Locks
- Pacific City

2023 Completed
- Cottage Grove
- Lebanon
- Mulino
- Nehalem Bay
- Toketee
- Toledo (Project/Full)
- Wakonda

2024 Completed
- Aurora (Project/Full)
- Chiloquin
- Crescent Lake
- Independence
- Oakridge
- Pinehurst

2025 Completed
- Bandon (Project/Full)
- Cape Blanco (Project/Full)
- Cascade Locks
- Cottage Grove (Project/Full)
- Independence (Project)
- Joseph
- McDermitt (Project/Full)
- McKenzie Bridge
- Pacific City
- Prospect (Project)
- Santiam Junction
- Siletz Bay (Project/Full)
- Toledo
- Wasco



Airport Maintenance

- Deferred Maintenance









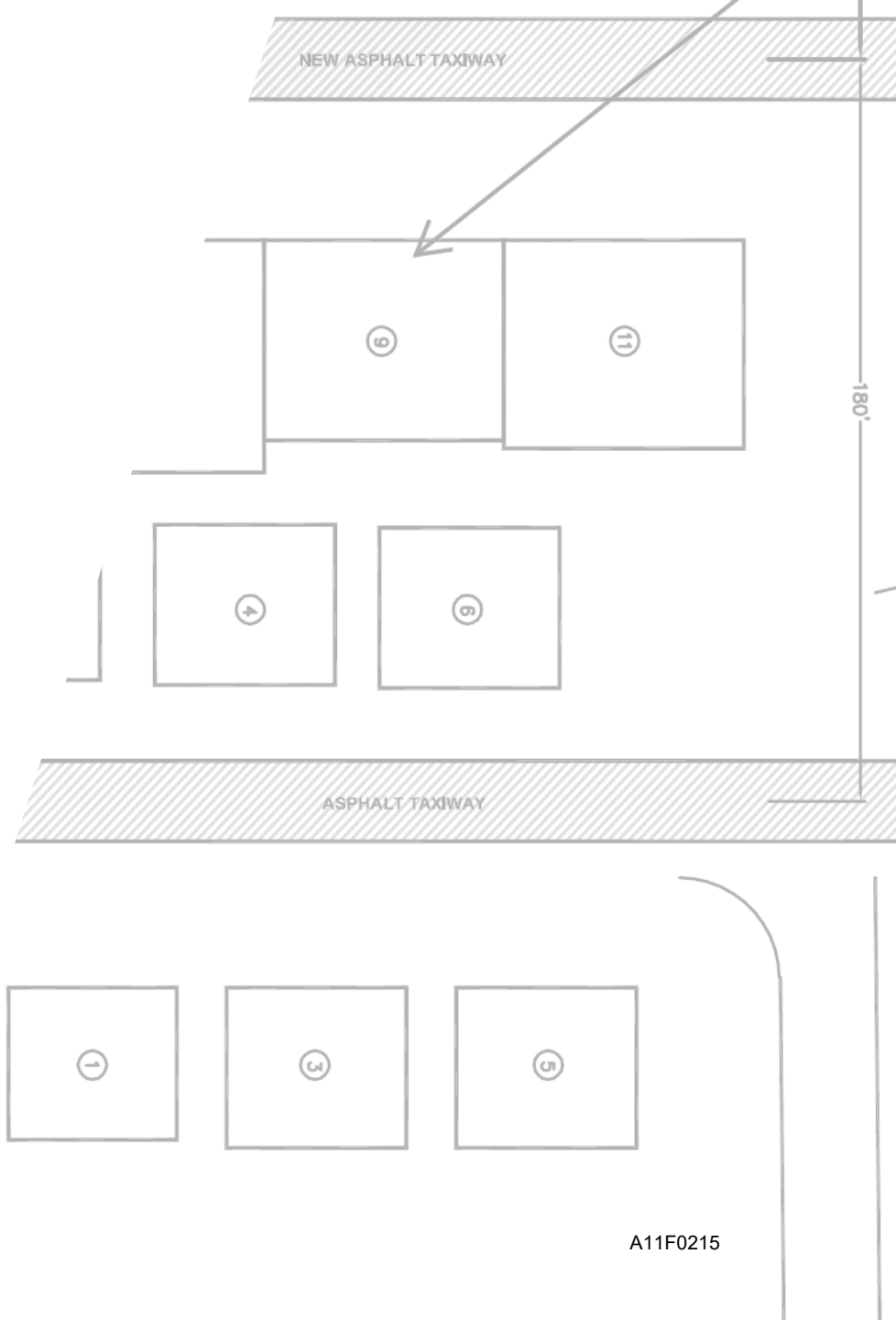
Airport Maintenance

- Obstruction Removal Ongoing
  - Cascade Locks
  - Mulino
  - Lebanon
  - Oakridge
  - Prospect
  - Bandon
  - Siletz Bay
  - And more…



Leasing and Contracts

- Leasing position filled in 2022
  - Caught up on 10+ years of CPI - Since 2012
    - Up-to-date each month for ~300 leases
  - Over 30 leases in holdover addressed 2022-2023
    - One lease terminated last month for refusal to enter new agreement
  - One lease terminated last month for default of the agreement and failure to remedy default



Project Updates

- Aurora Airport Master Plan
  - Continuing State Agency Coordination Program and Comprehensive Plan review
  - No date set for Board action
    - We'll share meeting date and location as soon as it's available
- Construction Projects Completed in 2025
  - Cape Blanco Runway Rehabilitation
  - Prospect Runway and Apron Reconstruction
  - Aurora Runway Rehabilitation
  - Siletz Bay Runway Rehabilitation and Electrical Improvements
  - Cottage Grove Apron Reconstruction
  - Surface Seal – Bandon, Cottage Grove, Independence, McDermitt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APPENDIX 11F - Public Comment After Review Period


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15

Upcoming Project Updates - 2026

- Mulino Hangar Construction and Waterline Improvements
- Oakridge Runway Reconstruction
- Obstruction Removal
  - Working on appraisals and easement acquisition for:
    - Aurora
    - Chiloquin
    - Joseph
    - Mulino
- Surface Seal and Markings
  - Chiloquin
  - Condon
  - Joseph
  - Lebanon
  - Mulino
- Condon Master Plan
- Joseph AWOS
- Independence PAPIs

Receive Project Updates

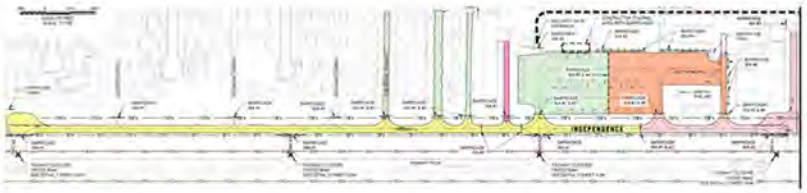
OREGON
Department of Aviation

Having trouble viewing this email? View it as a Web page.

SHARE

he Independence State Airport Taxiway, Taxilane, and Apron Surface Seal Project will begin September 2nd, 2025.

his project will include crack seal, asphalt patch repair, surface seal, and new pavement markings on the taxiway, taxilanes, nd apron.



tarting September 2nd, The taxiway, taxilanes, and apron will be closed in 5 different work areas over 17 days. the unway will remain open throughout most of the project, but may be closed for 2 days. All surfaces will reopen as soon as work in those respective areas is completed. Additional outreach will be sent as updates become available.

!) When the runway is closed, fixed wing aircraft will not be able to arrive or depart at Independence until the runway reopens. When the runway is open during construction, back-taxi may be required depending on taxiway closures. Limited portions of the apron and taxilanes may be available for parking or access to hangars.

!!) Please check NOTAMs for closure times and the most current airport surface closures. Helicopters may arrive or depart directly to/from open areas of the airport. As always, please remain outside of, and avoid low flight over closed work areas.

hank you for your patience while we maintain the Independence State Airport

Reminder - The Aurora State Airport (UAO) runway rehabilitation project will begin **August 18th.**

Update - The closure time, which will be the morning of the 18th, will be in the NOTAM and shared the week prior. Please do not wait until the final hour to relocate your aircraft as there could be a rush and this project will begin on time.

The Project:

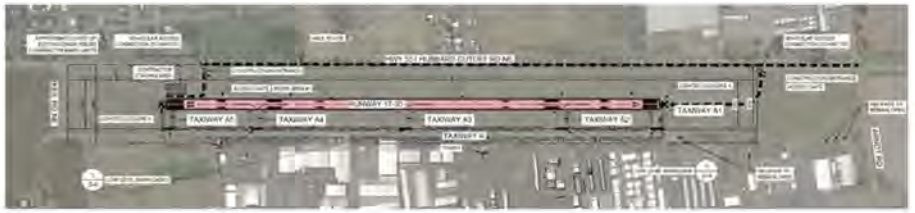
This project will fully repave the runway to repair extensive cracking and surface delamination, as well as correct non-standard grading of the crown.

The Schedule:

Starting August 18th, the runway will close for approximately 30 days for paving. During the runway closure, any fixed wing aircraft on the ground at UAO will not be able to depart until the runway reopens.

After the initial runway closure for paving, the runway will reopen for 30 days to cure, followed by a secondary runway closure of 7 days for grooving and final markings application.

The runway will be closed for a total of 37 days between August 18th and October 31st. As always, paving and paint work is weather dependent, reopening and closure dates for final marking application are subject to change.



Important Operating Information:

(!) For the most current information on field conditions and surface closures, please check the latest NOTAMs.

(!!) Helicopters may arrive or depart directly to/from open areas of the airport. As always, please remain outside of, and avoid low flight over closed work areas.

(!!!) Throughout this project, the Air Traffic Control Tower will remain open and controlled Class D airspace will be in effect during normal operating hours.

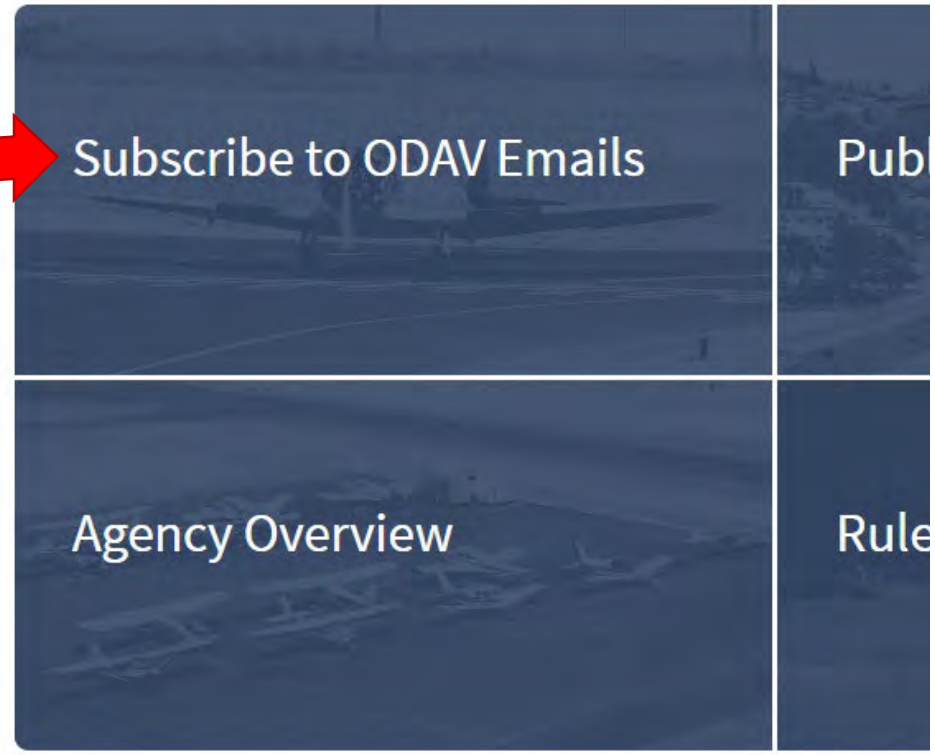
(!!!!) Parallel Taxiway Alpha will remain open for aircraft ground movements under Air Traffic Control as usual. Please remain off the taxiway and outside of the controlled Movement Area except for authorized uses with ATC clearance.

(!!!!!) No surfaces will be available for fixed wing arrivals or departures at UAO during the runway closure. Once the runway closes, fixed wing aircraft will not be able to fly in or out of UAO until the runway reopens.

ODAV remains committed to maintaining a safe operating environment. We understand any runway closure affects airport users and surrounding communities. Thank you for your patience while we maintain UAO to ensure it will continue to serve as a vital transportation facility.

Outreach and Communication

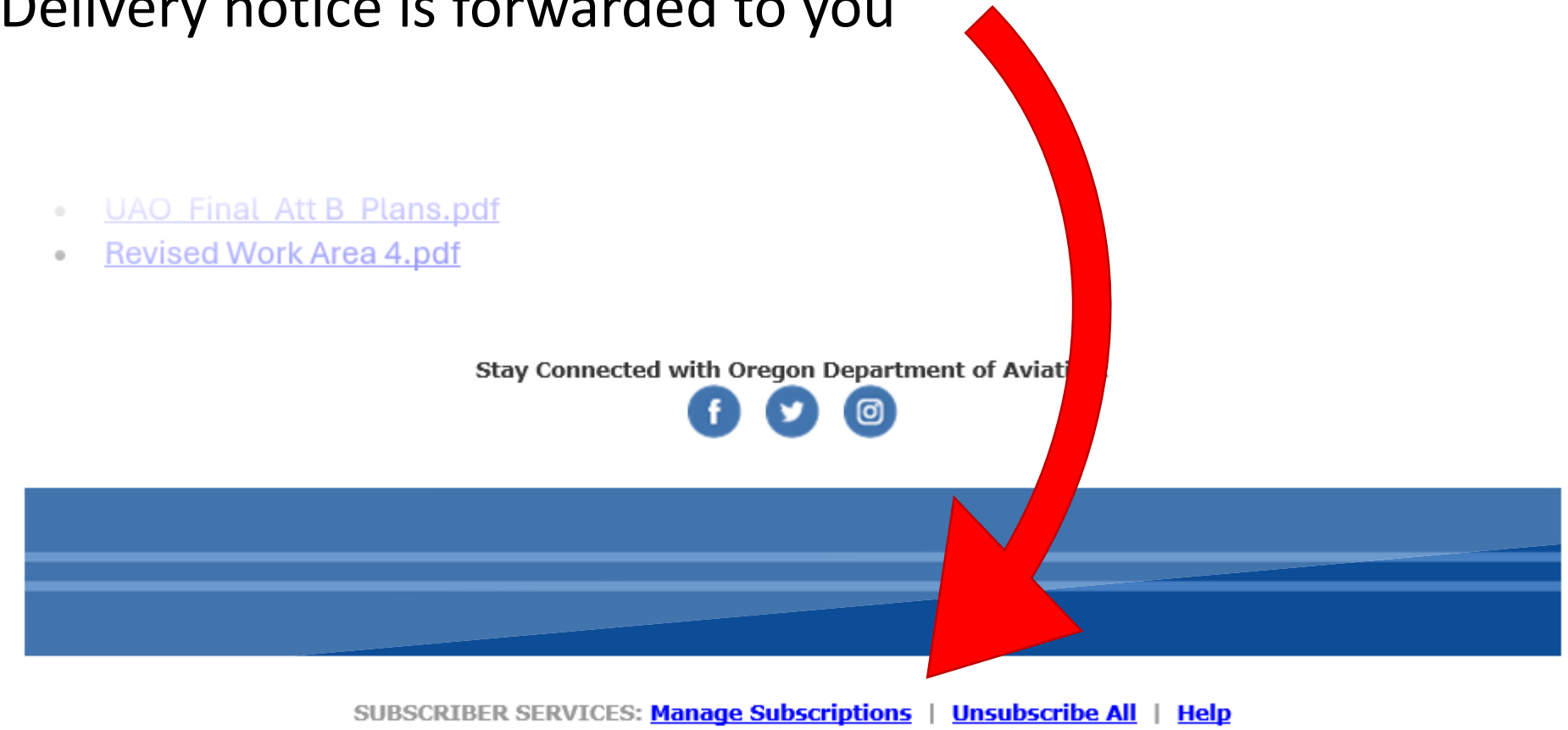
- State Airport outreach and communication provided with GovDelivery
- Subscribe to State Airport Contact groups and more using the link on our homepage: Oregon.gov/aviation



Stay Connected with Oregon Department of Aviation:

Outreach and Communication

- Another option is to click “Manage Subscriptions” if a GovDelivery notice is forwarded to you



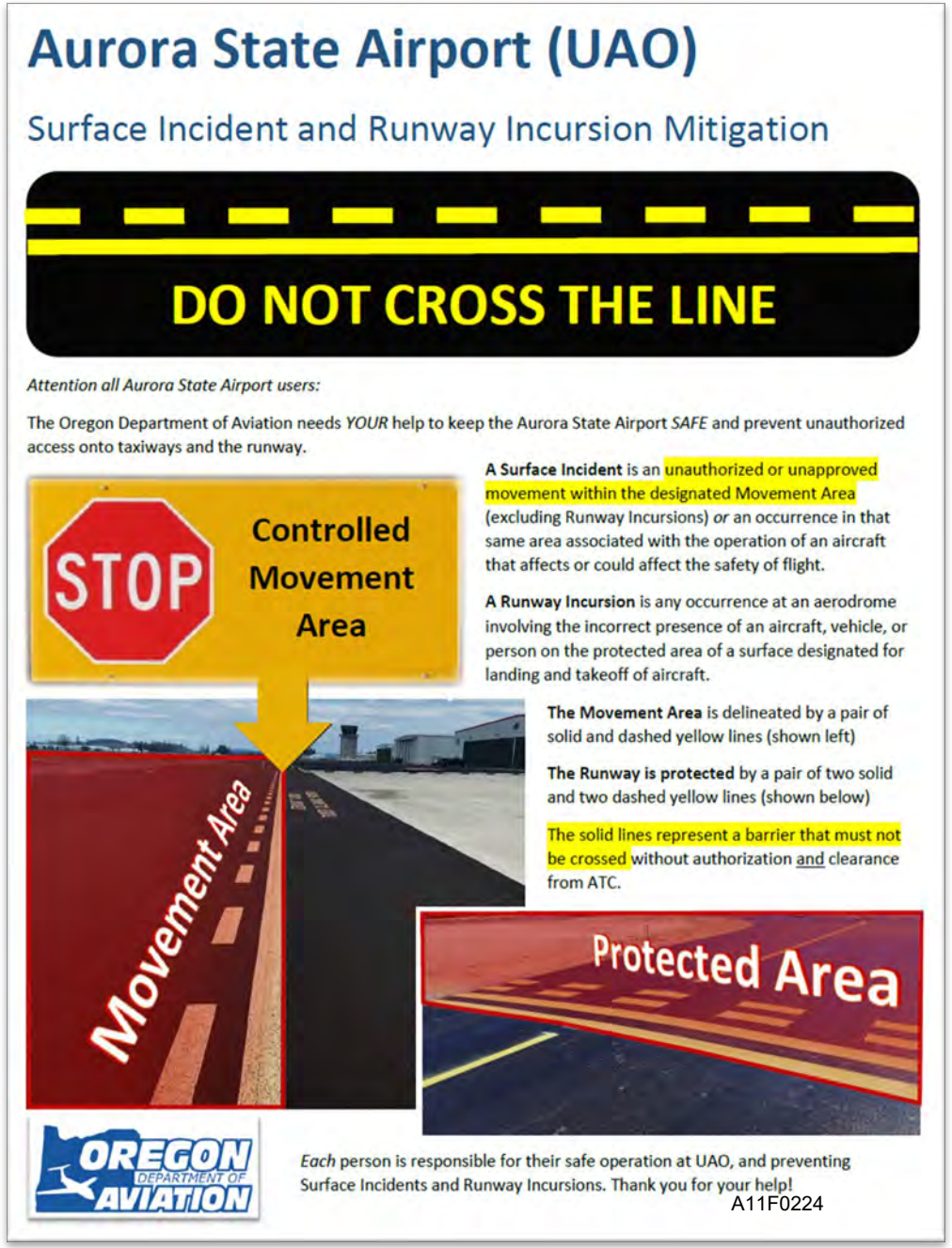
Surface Incident Mitigation - Update



- 5 Vehicle/Pedestrian Deviations (V/PDs) and 0 Runway Incursions since last update (8/7/2025)
- Issue of V/PDs discussed in-depth in September 2024 Work Session
- Received letter from FAA in October identifying:
  - Increasing trend in recent years at UAO
  - V/PDs pose a serious safety hazard
  - UAO is #1 in the region for V/PDs
  - Need for Corrective Action Plan, ultimately stop V/PDs

Surface Incident Mitigation

- Aurora Airport User and Visitor Safety Training posted online
- ODAV's Corrective Action Plan
  - Implement Movement-Area Driver's Training
  - Complete rulemaking on violations and civil penalties for V/PDs
  - Access control and way-finding improvements
  - Complete design standards and safety projects identified in new master plan, once adopted



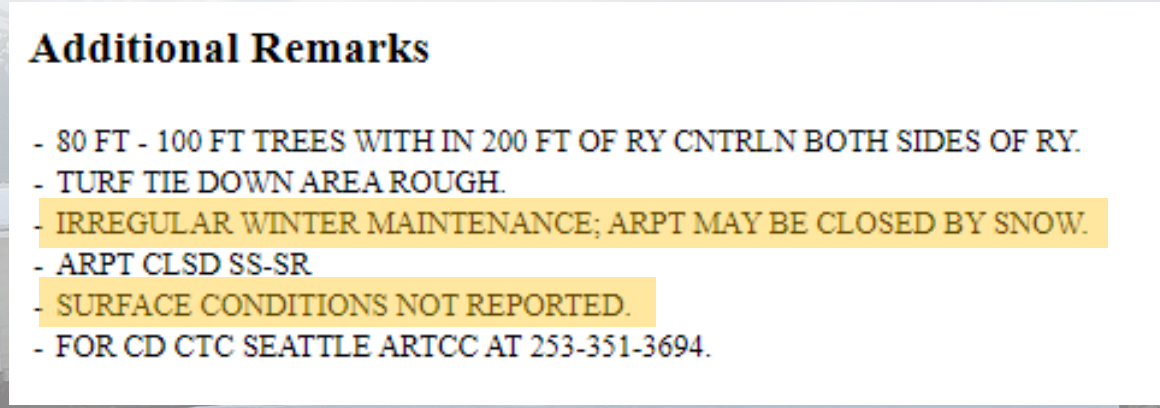
Seasonal Airports Closing Nov. 1 – May 1.

- Crescent Lake
- McKenzie Bridge
- Santiam Junction
- Toketee



Winter Conditions

- Surface Conditions Not Reported
  - Most state airports
- FICON NOTAMs issued when Operations observe reportable conditions
- Plowing is extremely limited
- No deice available
- Pilot updates welcome
- Check NOTAMs for latest conditions
- Call operations staff for updates



Based Aircraft Update

- FAA provides Congress a 5-year estimate of AIP eligible development every 2 years
- Airports must keep based aircraft updated
- Deadline is 12/19/2025
- Please send based aircraft at a state airport to: Anthony.beach@odav.Oregon.gov

Federal Aviation Administration
6.0.6.7

National Based Aircraft Inventory Program

For each aircraft to be counted, please include:

1. The aircraft registration (N) numbers
2. The airport identifier for which they are located
3. Any additional information such as
    1. the make and model of the aircraft
    2. the hangar it is stored in
    3. any explanation for recent purchases or sales are helpful for airports that duplicate reporting of the same aircraft.



Based Aircraft Inventory for NPIAS airports.

Stay Connected with Oregon Department of Aviation:


Questions?

Friends of
French Prairie

Friends of French Prairie
is an Oregon non-profit corporation

PO Box 403 | Donald, Oregon 97020 | www.friendsoffrenchprairie.org

October 25, 2026

To: Oregon Aviation Board

Re: Comments on State Agency Coordination Findings for the Adoption of the Aurora State Airport Master Plan

Friends of French Prairie had a representative on the Planning Advisory Committee (PAC) and attended every PAC meeting.

Our comments are supported by two attachments. The first is the Joint Mayor's Letter of December 31, 2021 submitted by the Mayors of Aurora and Wilsonville.

Additionally, Friends of French Prairie engaged a civil engineering firm (Windsor Engineers) and commissioned them to conduct an assessment of the Draft Aurora State Airport Master Plan and write an Engineering Review.

The Windsor Engineers Engineering Review (dated May 4, 2026) is the basis for many of the written comments made in the following Findings document in red font.

The Engineering Review (hereinafter WEER) is submitted as the second attachment to these comments.

Sincerely



Ben Williams, President

Attachments: First Joint Mayors Letter_12-13-21

2026-05-04_Windsor Engineers_Aurora Airport Master Plan Eng. Review_FINAL

State Agency Coordination
Findings for the Adoption of the
Aurora State Airport Master Plan
(ORS 197.180 and OAR 738-130-0055)

Pursuant to Oregon Revised Statute ("ORS") 197.180 and Oregon Administrative Rules "OAR"), chapter 738, division 130, the Oregon Aviation Board ("Board") and the Department of Aviation ("Department) are required to carry out their respective planning duties, powers and responsibilities with respect to a program affecting land use in a manner that complies with the statewide land use planning goals and that is compatible with the acknowledged comprehensive plans and land use regulations of local agencies affected by the land use program. These findings are intended to demonstrate that the Department and the Board have satisfied these requirements as part of the Board's adoption of the Aurora State Airport Master Plan ("UAO Master Plan").

BACKGROUND

A. Description of the UAO Master Plan

The UAO Master Plan was the result of a four-year-long master planning process to address the Aurora State Airport's ("UAO") safety and operational needs for the next 20 years. The UAO Master Plan provides specific guidance to maintain a safe and efficient airport that is economically, environmentally, and socially sustainable.[1] Chapter 1 of the UAO Master Plan sets out a summary of the extensive public process that was followed for the development of the plan. This included a Planning Advisory Committee (PAC), surveys and public comments, and 14 public meetings.

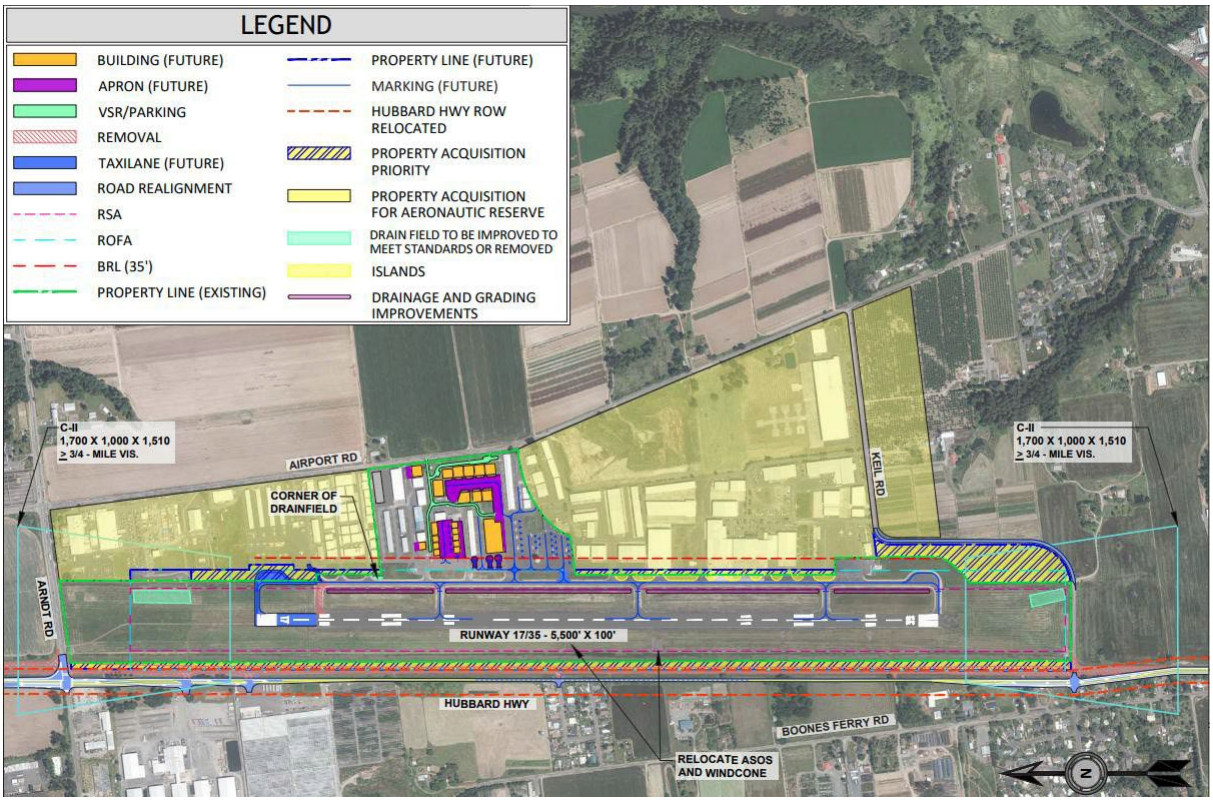
Following this process, the Department selected a preferred alternative, which is described in detail in Chapter 5 of the UAO Master Plan. The Airport Layout Plan that forms the basis of the preferred alternative is illustrated in Chapter 6. Chapters 5 and 6 together set out the Department's preferred plan for future public improvement projects for the UAO property and adjacent areas.

As shown in Chapter 5, figure 5-1: Preferred Alternative, the UAO Master Plan proposes a variety of on-the-ground improvements, generally summarized as follows:

- Realign Highway 551 (Hubbard Highway) approximately 80 feet west to clear the existing Runway Object Free Area (ROFA)
- Improvements to the Runway Safety Area (RSA) to mitigate the drainage ditch along Taxiway A, and the septic drainfield located near the south end of the runway
-

[1] The UAO Master Plan is incorporated into these findings by reference and available at the Department's website at: https://www.oregon.gov/aviation/Aurora-Master-Plan/Pages/default.aspx

- Realign Keil Road east, outside of the ROFA



- Extend Runway 17-35, RSA, ROFA, and Taxiway A 497 feet to the north
- Relocate the ASOS, segmented circle, and the wind cone outside of the ROFA and RSA
- Potential property acquisition within the ROFA and Taxiway Object Free Areas (TOFA) (25 acres) if the property becomes available for sale
- New and improved facilities in the ODAV-owned landside areas to include the main apron area, existing and future hangar areas, apron tiedowns and future helicopter parking positions, vehicle parking and access roads, airport fencing and gates.

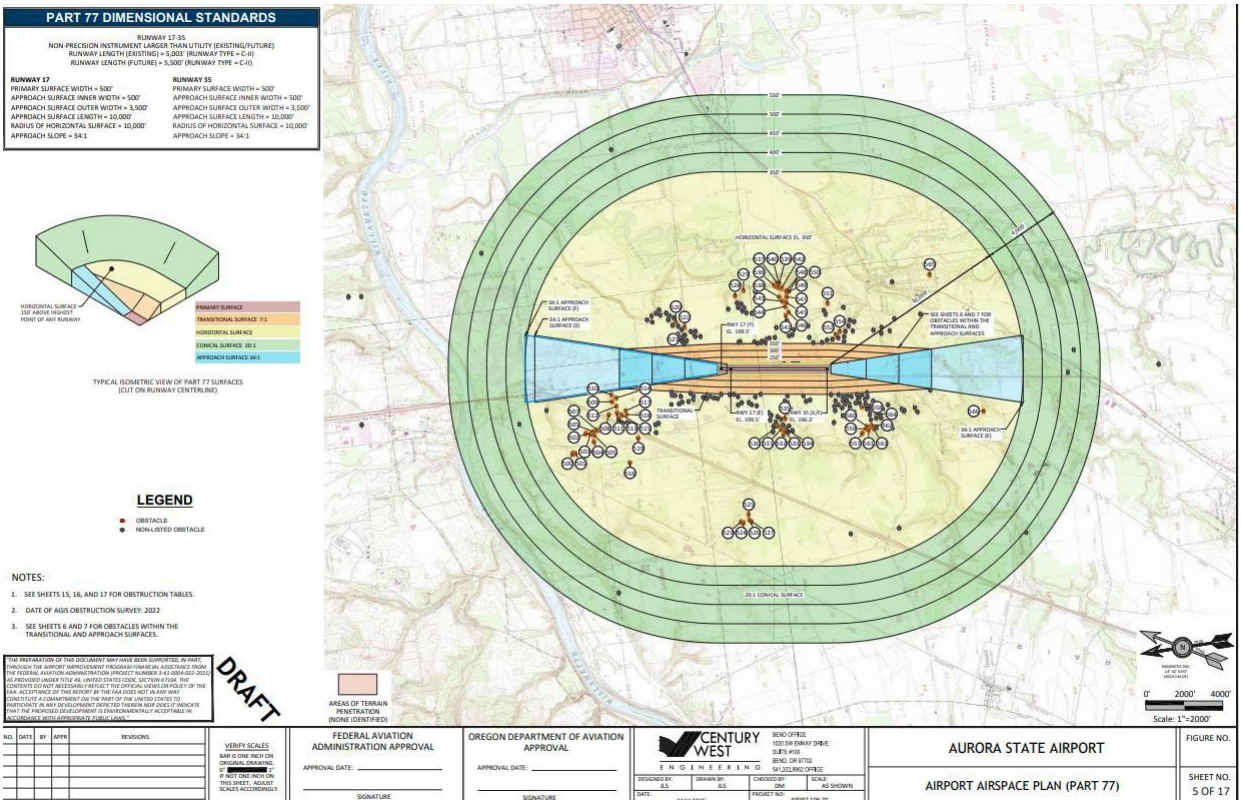
All of the future physical improvements will occur within the Marion County planning jurisdiction. However, as a result of a proposed project to modify the runway, there will also be a change to the current airport imaginary surfaces as shown in the image below. As established in 14 CFR 77.19, the civil airport imaginary surfaces ("Part 77 surfaces" or "imaginary surfaces") are a Federal Aviation Administration ("FAA") safety requirement to ensure that the airspace is free of obstructions so that aircraft may take off and land safely.

As seen in the figure below, the Part 77 surfaces extend in a conical shape from the runway into the airspace over the cities of Aurora, Barlow and Wilsonville, and Clackamas County and Marion County.[2] The surfaces include: primary surface,

[2] A map of Part 77 surfaces set forth in the UAO Master Plan, Chapter 6, sheet 5.

transitional surface, horizontal surface, conical surface, and approach surface, established in accordance with 14 CFR 77.19 and OAR 738-070-0120.

COMMENT: The defined Part 77 surfaces extending over the cities of Aurora, Barlow and Wilsonville, and Clackamas and Marion Counties confirm that these jurisdiction are affected local jurisdictions per Goal 2



B. Laws and Rules Relevant to These Findings

Pursuant to ORS 197.180, the Board adopted a state agency coordination ("SAC") program, OAR, chapter 738, division 130, setting out the process for complying with state law and ensuring that the Department in its land use planning activities coordinates with an affected local jurisdiction. OAR 738-130-0055 specifically addresses the coordination requirements that apply to the Board's adoption of a master plan. As these rules have not been certified by the Land Conservation and Development Commission ("LCDC"), ORS 197.180(10) requires the Board make findings when adopting a new plan as to compliance with the statewide land use goals and compatibility with the acknowledged comprehensive plans of the local governments. These findings are intended to address the Board's planning duties under ORS

197.180(10) and OAR 738-130-0055.

Whether or not an aviation facility master plan is compatible with a local jurisdiction's acknowledged comprehensive plan and land use regulations, includes a consideration of whether the local government has satisfied its aviation planning requirements under ORS 836.610 and OAR chapter 660, division 013 ("Aviation Planning Rule"). Under these laws, a local government is required to adopt comprehensive plan and land use regulation requirements that promote "a convenient system of airports in the state for land use planning to reduce risks of aircraft operations and nearby land uses" (OAR 660-013-0010). The Aviation Planning Rule mandates a local jurisdiction to adopt plan language and land use regulations that establish an airport boundary and current and future aviation related uses within that boundary (OAR 660-013-0040, OAR 660-013-0100).

Local jurisdictions are further required to adopt an Airport Safety Overlay Zone prohibiting structures, trees and other vegetation from penetrating airport imaginary surfaces pursuant to OAR 660-013-0070. The local jurisdiction must also limit conflicting uses surrounding the airport, including residential development and other uses relating to noise, visibility, outdoor lighting, signal transmissions, water impoundment and landfill uses under OAR 660-013-0080. And, local governments are required to update their plans and rules at periodic review under OAR 660-013-0160. Significantly, if there are issues of compatibility, the "decision maker" is required to take reasonable steps to eliminate or minimize the compatibility through location, design or conditions under OAR 660-013-0040(6).

Pursuant to these rules, the Department has developed the Airport Land Use Compatibility Guidebook ("Guidebook").[3] The Guidebook provides a comprehensive guide for local jurisdictions in their adoption of comprehensive plans and land use regulations, including sample local codes, ordinances, and plan language. The Guidebook serves to assist in efforts to implement State land use laws relating to aviation and required federal laws regarding the safety and operation of aircraft in the airspace. A local jurisdiction which adopts the provided language is deemed by the Department to comply with its planning requirements for public airports under OAR chapter 660, division 013. Accordingly, whether or not a master plan, including the UAO Master Plan, is compatible with a local jurisdiction's comprehensive plan depends on whether the local jurisdiction has adopted a comprehensive plan and land use regulations that comply with OAR chapter 660, division 013.

FINDINGS

A. ORS 197.180

1. *ORS 197.180(1): Except as provided in ORS 197.277 or subsection (2) of this section or unless expressly exempted by another statute from any of the requirements*[3] The Airport Land Use Compatibility Guidebook is available at: https://www.oregon.gov/aviation/airports/planning-and-programs/Documents/Land%20Use%20Compatibility%20Guidebook/Full_Version_ODA_Airport_Land_Use_Compatibility_Guidebook.pdf

of this section, state agencies shall carry out their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use: (a) In compliance with the goals, rules implementing the goals and rules implementing this section; and (b) In a manner compatible with acknowledged comprehensive plans and land use regulations.

Finding: The Board and the Department are required to exercise their planning duties, powers and responsibilities with respect to the adoption of the UAO Master Plan because the adoption and implementation of a master land use plan is a program affecting land use.

Comment: The overall finding [of the Windsor Engineers assessment] is that the Aurora Airport Draft Master Plan (2025) does not meet the criteria for Oregon's Land Use Planning documents. It neglects to adequately identify, evaluate or improve on:

- Overall planning requirements
- Water use and needs
- Wastewater (septic) use and needs
- Transportation – outside the fence – upgrades and impacts
- Stormwater and drainage impacts
- Community safety impacts

The Master Plan is required by ORS 197.180(1) to meet the same requirements as any developer or development would. (WEER, Page 4)

The Aurora AMP states (in the **Introduction**, Goals 4 and 5) that the Plan will evaluate facilities and conformance with applicable local, state, and FAA standards and identify *facility improvements*. This identification is minimal, and the evaluation is missing, and upgrades are not included within the document. (WEER, Page 5)

2. *ORS 197.180(1)(a) the UAO Master Plan shall be adopted in compliance with the statewide land use planning goals, rules implementing the goals and rules implementing ORS 197.180.*

Finding: The Board and the Department make the following findings regarding compliance with the goals:

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

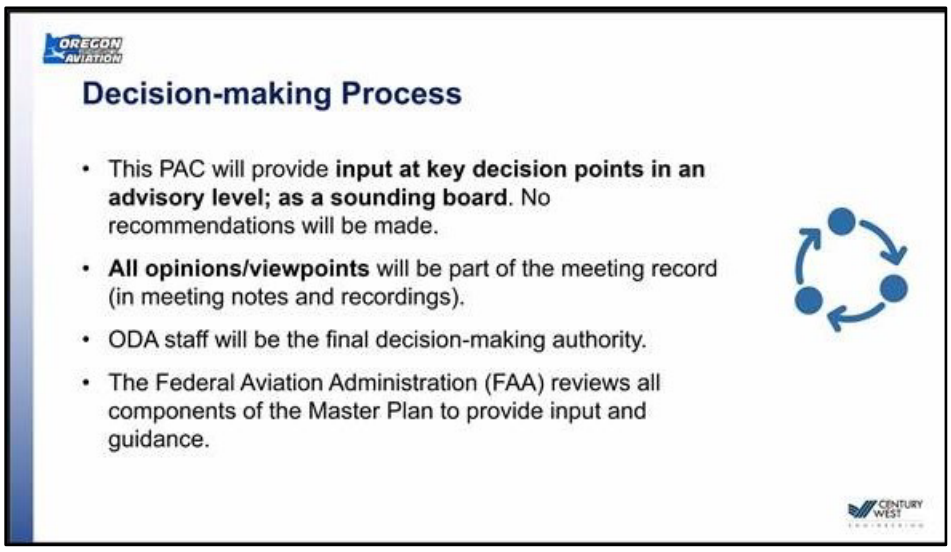
Finding: As discussed above, throughout the airport master planning process, the Department has made citizen involvement a major priority. Between November 2021 and February 2025, ODAV conducted 14 public meetings to address the components of the master plan and discuss concerns and solutions brought up by Planning Advisory Committee (PAC) members and members of the public. This included nine PAC meetings, three PAC work sessions, and two open houses, where ODAV staff and consultants discussed the plan in greater detail with members of the public and PAC members. Most of these meetings were held virtually, beginning during the COVID-19 pandemic when virtual meetings were the only viable option for public meetings. To guide the master planning process, ODAV also conducted a survey with airport users

and stakeholders.

PAC members, government partners, and other interested parties were encouraged to provide testimony both during public meetings and at various points throughout the planning efforts by providing written comments. Appendix 11 of the UAO Master Plan includes a record of the public involvement summary, PAC meeting materials, and public comments.

The Board finds the UAO Master Plan satisfies the requirements of Goal 1.

Comment: The Planning Advisory Committee role was presented at its first meeting on November 16, 2021 as:



Creating an “advisory committee” that is told they will not be providing recommendations (i.e. not giving advice), but only be a “sounding board,” is contrary to the Goal 1 intent of citizen involvement to “be involved in the planning process” and relegated non-aviation members of the PAC to observers with no input.

PAC membership was lop-sided toward Aurora Airport and aviation interests, PAC meetings were held via Zoom and initially access was so restrictive that non-PAC members could not join the calls to listen or comment. Oral and written comments were documented but not public or opposition comments were given meaningful consideration by ODAV or its consultant, Century West. No public meetings were held locally, or in Salem. The situation was so bad that it prompted the first of three Joint Mayor’s Letters from the respective mayors of Wilsonville and Aurora to the Governor’s office protesting methodology and requesting intervention and corrective action. (Letter attached). The letter’s central complaint was:

> *The Department of Aviation's tightly controlled master planning process fails to meet the test for meaningful public engagement. The Zoom meeting format used by the Department of Aviation does not list or show all participants in the meeting and provide clear labeling of names and*

affiliations. It is unclear to the public who is attending the meetings and who or what entity that participants represent. At the November 16, 2021, PAC meeting, it was difficult to ascertain from many of the name labels who was attending in what role. Names and affiliations of all PAC members and staff/consultants should be clearly evident.

Additionally, some PAC members were allowed to have two representatives participate in the meeting, while some PAC members were ignored and not allowed to participate in the meeting. These elements indicate a failure of meaningful public process.

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*.

Finding: Goal 2 requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. In developing the plan and selecting the preferred alternative, the Department engaged in significant coordination efforts over multiple years with officials from nearby cities and counties, representatives from other State agencies—including the Department of Transportation (ODOT) and Department of Land Conservation and Development (DLCD)—and other local leaders and business owners. Chapter 5 of the master plan covers the alternatives which were considered. Using input from the FAA, the public, and local officials and stakeholders, the Department selected a preferred alternative which would best serve the airport, its users, and the surrounding community.

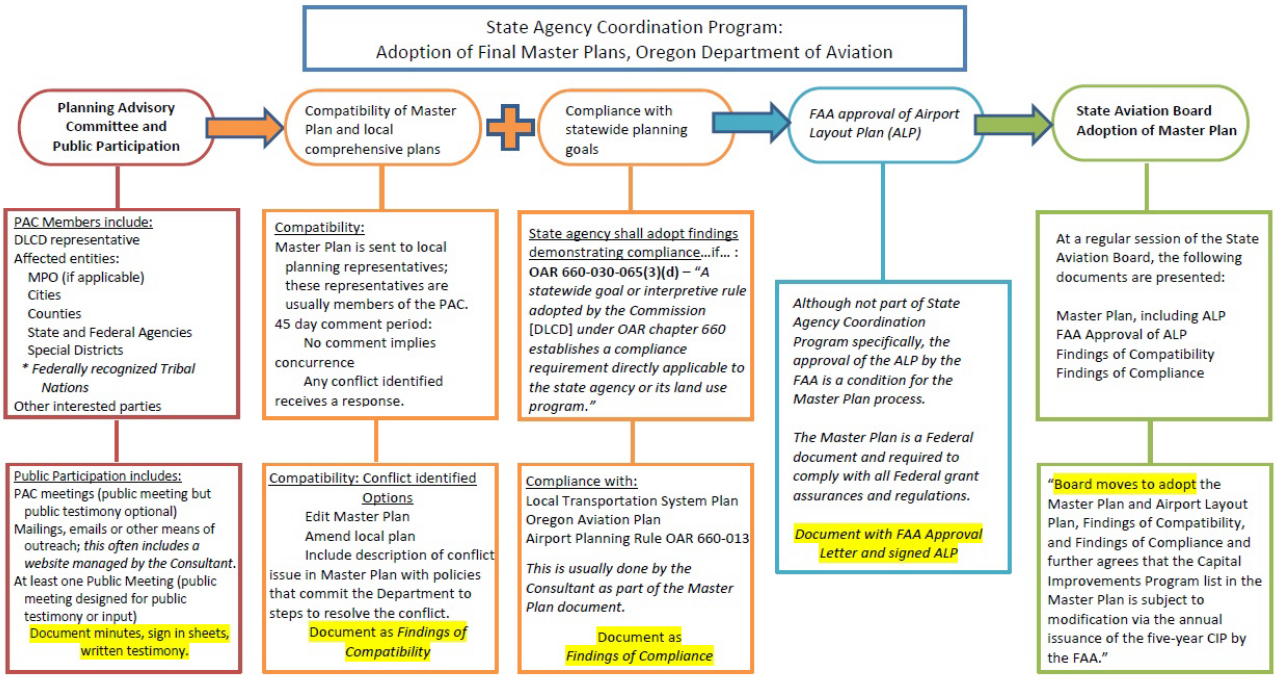
In addition, the Department has adopted its state agency coordination rules to ensure that the Department's planning actions comply with statewide planning goals and are compatible with acknowledged comprehensive plans. The Department has followed the coordination process established in these state agency coordination requirements, which requires the Department to coordinate with affected jurisdictions in its adoption of the master plan. The Department presented these findings to demonstrate that Goal 2 coordination obligations have been satisfied in the adoption of the UAO Master Plan. To ensure the continued opportunity for public participation, affected persons and interested parties, including affected jurisdictions, were given an opportunity to provide testimony and evidence when the UAO Master Plan was presented to the Board for adoption in an open public meeting. At such time, the Board further consider the testimony and evidence provided, along with the draft findings of compatibility and compliance, in accordance with OAR 738-130-0055(6).

The Board finds the UAO Master Plan satisfies the requirements of Goal 2.

Comment: Goal 2 - There is no discussion or evidence within the Aurora AMP that any review or compliance with local government plans has occurred. As part of the Class B

airport permit process (OAR 660-031-0010), assurances of compliance with Statewide Planning Goals and compatibility are required; again, there is no discussion of compliance.(Page 6)

Contrary to the Findings stated above, ODAV did not coordinate with affected jurisdictions (Marion and Clackamas counties, cities of Aurora and Wilsonville) during the master planning process, as required and illustrated in its own guidance document:



https://www.oregon.gov/aviation/AVB/Documents/2019/08_01/RA/1.%20Flowchart_Coordination%20Procedures%20for%20Adopting%20Final%20Master%20Plans.pdf

Of note: having PAC members from the affected cities and counties on the PAC is not the same as identifying and resolving land use compatibility conflicts as the master plan process proceeded.

Further compounding ODAV's methodology, following the formal delivery of the Draft Master Plan to the affected jurisdictions and requesting comments in September of 2025, all four jurisdictions responded in greater or lesser detail about land use compatibility conflicts. No formal correspondence or meetings to address and resolve those identified conflicts took place during the intervening year before ODAV announced its scheduled Findings of Compatibility Hearing for December 3, 2026. In other words, ODAV failed to complete coordination required by OAR 738-130-0055(3), because it did not respond to comments of incompatibility provided by Marion and Clackamas counties and the Cities of Aurora and Wilsonville.

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

Finding: Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use (EFU) zones consistent with ORS 215.203.

The UAO property is located within Marion County, on lands zoned P (Public). Most of the surrounding land are rural lands, zoned EFU except for small portions zoned Acreage Residential (AR). As shown on the preferred design for the ALP, the only on-the-ground improvements envisioned for Marion County EFU and AR land are a proposed realignment of Keil Road and Wilsonville-Hubbard Highway (Oregon Route 551). The realignment on EFU property is deemed consistent with Goal 3, 4, 11 and 14 pursuant to OAR 660-012-0065(3)(b) and (n). All other proposed capital projects in the UAO Master Plan, including the construction of the proposed runway extension, will be constructed within the existing airport boundary on land zoned public, where such uses are allowed.

COMMENT: Because, as the Court of Appeals ruled [*Schaefer v. Oregon Aviation Board, 312 Or App 316 (2021)]*, the 2012 Master Plan was never approved and adopted by the OAB, the Aurora State Airport (in terms of Oregon law) is still a B-II airport. Therefore OAR 660-012-0065(3)(n) does not apply because the Draft Master Plan permits service to a larger class of aircraft.

The ALP also includes "reserved lands" that may be suitable for future airport development on EFU lands east of the current airport boundary if and when they can be acquired.[4] The sole reason for identifying this property for future airport development is to allow ODAV to pursue FAA funding if and when these properties ever become available. There are no specific plans for any improvement, and any future improvement may be limited to uses permitted within the EFU zone. For any airport-related development that may be needed in the future and that is not permitted within the EFU zone, ODAV has the option to either initiate a process to expand the airport boundary pursuant to OAR chapter 660, division 013 and/or pursue any required land use approvals, including any exceptions, if necessary, if and when these properties become available.

The third element of the plan that will extend into lands zoned EFU is the runway protection zone (RPZ) for Runway 17, which is within the Part 77 surfaces and safety areas. The RPZ is not a land use zone, but, instead, an area identified by the FAA and the State of Oregon with the function of enhancing the protection of people and property on the ground. This may be achieved through airport sponsor control over RPZs, as well as coordination with land use authorities. Such control includes keeping the RPZ clear of incompatible objects and activities. The dimensions of the RPZ are determined by the runway category and approach type, and extend outward from the runway, regardless of ownership of the underlying land. The RPZ does not include proposed uses that conflict with EFU zoned property. The Board finds the proposed location of the RPZ to be compatible with the existing and allowed land uses.

The Board concludes the UAO Master Plan preserves and maintains agricultural land and complies with Goal 3.

COMMENT: Goal 3 of the Oregon Statewide Planning Goals requires the counties to 'preserve and maintain' farmlands; there is no discussion related to any effort to address this, except to have zoning changed.

According to Chapter 5 (of the AMP), the south Runway Extension Option has been eliminated; however, the Master Plan still shows expansion onto EFU land for expansion of the Runway Safety Area. The Master Plan also shows expansion onto EFU land east and south of the existing airport for landside activities, described as Aviation Reserve. Any area of the RPZ which is purchased by ODAV and/or developed with security fencing converts the land to the urban airport use. The EFU zone does not allow a public use airport as a permitted or conditional use,
The Master Plan also shows the Hwy 551 right-of-way moving west onto EFU land. All of these "improvements" result in "damages" to the local prime farmland. This impact should be coordinated with the appropriate public agencies for the change of use. (WEER, page 8)

AMP shows expansion onto approximately 62 acres of EFU land, not in conformance with Goal 3. The 2012 Master Plan stated that such expansion onto EFU land may not be feasible and would require a Goal 3 exception. This AMP should address that topic. (WEER, page 9)

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.*

Finding: Goal 4 protects working forest land around the state, preserving it for commercial forestry while recognizing its value for fish and wildlife habitat, recreation, and protection of air and water quality. The UAO is located in the northern portion of the Willamette Valley, south of the Portland Metro area. The airport and its immediate environs do not include forest lands, as defined by Goal 4.

The Board finds the UAO Master Plan does not impact state forest lands and therefore complies with Goal 4.

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

[4] See UAO Master Plan, Chapter 6 (Airport Layout Plan), Sheet 3, Notes 2 and 5.

Finding: Goal 5 identifies 12 resources to be inventoried within a community: riparian corridors, wetlands, wildlife habitat, federal Wild and Scenic Rivers, Oregon Scenic Waterways, groundwater resources, approved Oregon recreation trails; natural areas, wilderness areas, mineral and aggregate resources, energy sources, and cultural areas. These include six resource categories which rely on state or federal inventories: wild and scenic rivers, state scenic waterways, groundwater resources, Oregon recreation trails, Sage Grouse habitat, and wilderness areas. Additionally, there are three relevant categories that require local inventories: historic resources, open space, and scenic views and sites.

The UAO does not include any known protected areas or resources identified in Goal 5. The UAO property contains several human-made drainage swales with non-hydric soil wetlands. According to Oregon Department of State Lands Rule 141-085-0515 (Removal-Fill Jurisdiction by Type of Water), these swales with wetland hydrology, vegetation, and soils are not considered waters of the state because they are artificially created for the purposes of stormwater detention and/or treatment.

As is appropriate within the context of developing an airport project pursuant to a master plan, the Department will complete the necessary environmental reviews, such as an Environmental Impact Statement (EIS), as part of the design and construction of the capital projects identified within the master plan. This will ensure any protected areas or resources within the boundaries of the master plan are adequately identified and taken into consideration before development, allowing for coordination with the appropriate federal, state, or local bodies, including the State Historic Preservation Office (SHPO).

The Board finds the UAO Master Plan complies with Goal 5.

COMMENT: The Aurora State Airport is defined as an urban airport and is clearly an urban-density land use, as evidenced by approximately 1 million square feet of hangar space and the nature of the aircraft that use it. Rather than being treated as a subject in the master plan, stormwater and surface water and accompanying water quality and wastewater needs are relegated to the appendices rather than included within the document. (WEER, page 10). The master plan does not clearly address potential onsite sources of hazardous or deleterious materials and the fact that there is no runoff detention system. The current site is largely flat. It is located adjacent to runoff tributary areas, primarily the Pudding River to the east. Current conditions are the use of “roadway” ditches to send runoff to area culverts. The overall area is bounded by the Pudding River (~0.85 miles east), the Molalla River (~3 miles northeast), and Mill Creek (~0.75 miles southeast). All of these watercourses are downstream of the airport's stormwater discharge and are classified as sensitive habitat for salmonids. (WEER, page 18)

FAA AC 150/5070-6B (Airport Master Plans) indicates the master plan should include utilities in the inventory and planning effort, including: A utilities inventory that includes the “major elements” serving airport demand for water (and sanitary sewer) and also includes stormwater drainage. (WEER, page 11)

The AMP describes the area waterways as contaminated (AMP Chapter 2) but provides no discussion for airport responsibility or efforts for onsite treatment or control. The airport is

immediately adjacent to the Pudding River tributary area – basin (AMP Figure 2-8) and a 303(d) listed sub-watershed. It would be negligent for development in this area not to address the downstream impacts. (WEER, page 21)

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

Finding: Any improvements made under the proposed master plan will be expected to satisfy applicable state and federal environmental laws and standards. These include Oregon Department of Environmental Quality (DEQ) rules governing air, water, and noise quality (OAR 340), the Oregon Wetland Removal/Fill Act (ORS 196), along with federal standards, such as NEPA and the Clean Air and Clean Water acts.

Additional adherence with Goal 6 will be ensured at the stage of construction of capital facility projects. ODAV will continue to work closely with its agency partners, including DEQ and the U.S. Army Corps of Engineers, to identify any necessary permits or approvals prior to construction.

Additionally, adherence with this goal will be ensured during the normal course of airport operations. Aircraft operating within UAO airspace are subject to air quality standards such as 40 CFR Part 87 (Control of Air Pollution from Aircraft and Aircraft Engines), 40 CFR Part 1030 (Control of Greenhouse Gas Emissions from Engines Installed on Airplanes), and 40 CFR Part 1031 (Control of Air Pollution from Aircraft Engines). Solid waste and sewage generated by the facility will continue to be managed in accordance with the provisions of Marion County's health and safety ordinance (Marion County Code (MCC), Title 8).

The Board finds the UAO Master Plan complies with Goal 6.

COMMENT: Goal 6 - This goal requires local comprehensive plans and the implementation of measures to be consistent with state and federal regulations on matters such as groundwater pollution. This should be discussed within the septic (sewer) and stormwater sections; there is no discussion of potential pollution or steps to protect the area. (WEER, page 7), and there is no identification or discussion of Goal 6 in the master plan! The master plan also makes no mention of lead pollution from aviation gas, nor sulfur pollution from jet fuel.
The AMP includes an Environmental Overview performed by ESA in 2021 (Appendix 3). The document states that: "*The purpose of this Environmental Overview is to describe the environmental conditions of the Airport and identify any known or potential environmental conditions or issues that could be affected by proposed development at the Airport."* It further states that a desktop analysis was performed of the following: Air Quality; Biological Resources; Department of Transportation Act, Section 4(f); Hazardous Materials, Solid Waste, and Pollution Prevention; Natural Resources and Energy Supply; Visual Effects; Water Resources. The review only addresses 'inside the fence' issues and does not address any of the larger environmental issues or impacts of the area. *From the Airport property, overflow culverts direct stormwater to unnamed tributaries to Deer Creek. From Deer Creek, stormwater runoff flows to*

Senecal Creek, to Mill Creek, to the Pudding River, the Molalla River, and the Willamette River, where critical habitat is designated." (WEER, page 18)

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

Finding: Goal 7 specifies floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires as hazards for local governments to consider when developing comprehensive plans. Local governments may identify and plan for other natural hazards, as well.

UAO property lies inside a FEMA Zone X, which is considered an area of minimal flood risk. UAO falls outside the 500-year floodplain, while the closest 100-year floodplain is located approximately 0.55 miles east of the Airport, along Mill Creek and the Pudding River. Marion County Code Chapter ("MCC") 17.178 establishes the County's Floodplain Overlay Zone; UAO does not fall with the floodplain overlay zone.

According to the Statewide Landslide Information Database for Oregon (SLIDO), UAO property (including existing inventory and lands proposed for acquisition) does not include areas of known landslides. The 2013 *Oregon Resilience Plan* identifies UAO as a Tier 3 airport, meaning it would provide economic and commercial restoration after a Cascadia seismic event, as opposed to Tier 1 or 2 airports, which are anticipated to accommodate initial access, response, and recovery efforts for the state. The same plan notes that, in a scenario involving a magnitude 9.0 earthquake in the region, liquefaction of the soil would likely occur in a moderate to high manner on UAO property, leading to potential ground failure. According to MCC Chapter 17.182, current and proposed airport property do not fall within the Geologically Hazardous Areas Overlay Zone of Marion County.

As identified within the *Existing Conditions* chapter of the Draft UAO Master Plan (chapter 2, pg. 23), a Water Control District has been formed at UAO to provide water for fire protection for properties at UAO. Two wells are located on UAO property, in addition to a pumphouse and underground water storage tanks that provide water to fire hydrants across the UAO property.

No other hazards in the vicinity of UAO are identified within Marion County's Code. The Board finds the proposed master plan adequately takes natural hazards into consideration, addressing both the requirements of Goal 7 and the natural hazard planning undertaken at the local level. Accordingly, the UAO Master Plan complies with Goal 7.

COMMENT: Stormwater management at the Aurora Airport is minimally discussed and realistically not included in the AMP. The current site is largely flat. It is located adjacent to runoff tributary areas, primarily the Pudding River to the east. Current conditions are the use of "roadway" ditches to send runoff to area culverts. The overall area is bounded by the Pudding River (~0.85 miles east), the Molalla River (~3 miles

northeast), and Mill Creek (~0.75 miles southeast). All of these watercourses are downstream of the airport's stormwater discharge and are classified as sensitive habitat for salmonids.(WEER, page 18)
Specific to the *Existing Conditions* chapter of the master plan: “Overall, while the AMP acknowledges the existence of the water/fire protection system and identifies arsenic exceedance with a general mitigation concept, the AMP does not clearly document: (a) system condition and capacity, (b) current status and quality of existing water supply, (c) commitments and implementation steps for arsenic mitigation (or alternative supply options), or (d) fire suppression storage/flow adequacy and operating assumptions.(WEER, page 11)

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.*

Finding: Goal 8 requires local governments to plan for the recreation needs of their residents and visitors, including developed recreation facilities and destination resorts. The runway extension would allow UAO to meet FAA safety standards and improve resident and visitor access to the area via the airport, including providing additional access to nearby recreational facilities.

The Board finds the UAO Master Plan meets the requirements of Goal 8.

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.*

Finding: Goal 9 states that comprehensive plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development. As an integral piece of the regional transportation network, UAO provides myriad economic opportunities for the local community in alignment with Goal 9. The UAO Master Plan would strengthen the airport’s ability to serve the local community’s economic interests.

The Oregon Aviation Plan (OAP) version 6.0 classifies UAO as a Category II – Urban General Aviation Airport. Per the OAP, Category II airports support all general aviation aircraft and accommodate corporate aviation activity, including piston and turbine engine aircraft, business jets, helicopters, gliders, and other general aviation activity. The most demanding user requirements are business-related. With an estimated total of 2,672 direct and indirect employees supported by UAO (as of 2019), UAO is responsible for more employment than any airport in the state, excluding Portland International (PDX).

Additionally, UAO is estimated to account for over $22 million in annual sales from general aviation visitors (per Oregon Aviation Plan v6.0, Mead and Hunt, EDR Group, Jviation, IMPLAN econometric package).

OAR 660-009-0005 identifies airports as one of the locational or market factors that may affect where a particular type of industrial or other employment use will locate. Proximity to airports can also be a factor for identifying prime industrial land, under the same rule. Adopting the UAO Master Plan allows the local communities to continue to tap into the significant economic investments that have been made into the Airport and the businesses which rely on its continued operation.

Goal 9 states that *plans directed toward diversification and improvement of the economy of the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources*. Nothing within the applicable comprehensive plans indicates the UAO Master Plan would exceed the carrying capacity of the resources of the subject area.

The Board finds the UAO Master Plan complies with the requirements of Goal 9.

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

Finding: The UAO Master Plan is a facility plan for a public-use airport, and not intended nor required to provide housing for citizens of the state. The UAO property is also not inside a UGB nor identified for future residential development by Marion County. Importantly, housing needs may not be a component of an airport master plan pursuant to state and federal guidance for airports which discourage residential development in conjunction with public-use airports (per FAA AC 150/5190-4B (Airport Land Use Compatibility Planning) and OAR 660-013-0080). Nothing in the proposed master plan conflicts with Goal 10's mandate to local governments to provide for the housing needs of their citizens through their usual methods, including buildable lands inventories, government-assisted housing, and housing ordinances which factor in inevitable fluctuations in housing stock.

The Board finds the UAO Master Plan complies with Goal 10.

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*.

Finding: UAO is served by existing public facilities, with septic systems, well water and utility providers Portland General Electric (PGE) and NW Natural providing electricity and natural gas, respectively. Services which are generally only present within city limits, such as sewer and public water, are not available on UAO property. If UAO or the surrounding properties are ever brought into a UGB or city limits, connections to those services will take place at the appropriate time during the course of development, per the standards of the subject jurisdiction(s).

The Board finds the proposed master plan meets the requirements of Goal 11.

COMMENT: There is no description of Goal 11 in the master plan.
The airport is in a rural area. The Master Plan does not address the requirements of Goals 2 and 11 that public facilities and services, including potable water, firefighting water, sanitary sewer, stormwater, and surface transportation, be appropriate for rural uses only. Yet the airport is clearly an urban-density land use, as evidenced by approximately 1 million square feet of hangar space and lacks public sanitary sewer, public stormwater management and public potable water services. (WEER, page 9)
While the State identifies that the AMP is not a 'county land use plan or a transportation plan', it nevertheless is a "facility" plan subject to ORS 197.180(1) and Goal 11. The following Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) are requirements for planning documents, and consequently, discussion is expected to be included in this document: OAR 125-110 Land Use Coordination Rules; OAR 660-031 Land Conservation and Development-State Permit Compliance; ORS 197.180 Comprehensive Land Use Planning-State agency planning responsibilities OAR 125-110 Land Use Coordination; OAR 660-031. (WEER, page 6)
The master plan should address the Goal 11 requirements and each specific public utility and/or service required for an urban airport. (WEER, page 9).

Goal 12: Transportation – *To provide and encourage a safe, convenient and economic transportation system*.

Finding: Goal 12 requires transportation system plans to consider all modes of transportation, including air. It is implemented through the Transportation Planning Rule (TPR) (OAR chapter 660, division 12). OAR 660-012-0020(2)(e) requires that, for airports, "the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations". Goal 12 is also implemented through OAR chapter 660, division 13 (the "Airport Planning Rule"), which provides that the "policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports" (OAR 660-013-0010). Division 13 is "intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses." *Id*.

The purpose of adopting a new master plan for UAO is to ensure that the public airport continues to provide and encourage a safe, convenient and economical means of transportation for the commercial and other private users of this airport. The elements of the UAO Master Plan and as described in the introduction to these findings are specifically intended to ensure that the UAO facilities meet safety requirements established by FAA.

Goal 12 with respect to aviation planning is also specifically addressed through local planning efforts which establish zoning for the airport and adjacent areas, intending to protect airport users and adjacent communities from conflicting uses. For example, OAR 660-012-0045(2)(c) requires a jurisdiction to implement measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation. OAR 660-012-0045(2)(f) requires jurisdictions to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT, including for applications within airport noise

corridors and imaginary surfaces that affect airport operations. Additionally, under the Land Use Requirements rule (OAR 660-012-0330), local governments are required to adopt land use compatibility requirements stipulated by the Airport Planning Rule. For those affected jurisdictions that do not already have these requirements in place, the Department will continue to coordinate with local jurisdictions to assist them in complying with the TPR and the Airport Planning Rule as part of any local adoption process and as part of the planning process for future projects implementing the UAO Master Plan, as described in these findings.

The Board finds the UAO Master Plan complies with Goal 12.

COMMENT: The Aurora draft AMP states, “The study will also address elements of local planning (land use, transportation, environmental, economic development, etc.)” on the first page in the Purpose and Need section. This information is minimal at best and largely missing from the AMP document, and should affect the planning, development, and operation of the Airport moving forward. While the Aurora AMP is an airport planning document rather than an engineering document, planning should be conducted for both the airport properties and the overall impact on adjacent neighbors. (WEER, page 5)
The master plan fails to address road designation, has removed an internal vehicle service road, ignores traffic impacts on Airport Road and City of Aurora, and contains no traffic mitigation components consistent with the proposed airport expansion.

Goal 13: Energy Conservation – *To conserve energy.*

Finding: Goal 13 stipulates that land and uses developed on land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The UAO Master Plan involves continued investment into an existing resource, maximizing energy efficiency when compared to redeveloping this use elsewhere in the state. UAO is subject to the energy standards in place at the federal level for public-use airports and aircraft, including fuel efficiency standards for certain aircraft, such as those adopted under 89 Fed. Reg. 12634 (Vol. 89, No. 33, Feb. 16, 2024).

The Board finds the proposed master plan does not conflict with Goal 13’s mandate to conserve energy.

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.*

Finding: UAO’s proximity to existing urbanized areas, including Aurora, Wilsonville, and the greater Portland metro area, provides many of the elements that Goal 14 identifies as important for orderly and efficient development patterns between urban and rural

lands. Under the *Implementation* guidelines of Goal 14, major transportation facilities (including air) and their improvements are factors to account for when considering urban expansion or restriction of development in rural areas. The Airport provides employment opportunities for the nearby urbanized areas, while maintaining a buffer of low-density and/or rural development in accordance with the land use compatibility guidance of the FAA and the State of Oregon—FAA AC 150/5190-4B (Airport Land Use Compatibility Planning) and OAR 660-013-0080, specifically.

None of the development contemplated by the UAO Master Plan will require a change to Marion County's existing plan or zoning designations. The airport's existing comprehensive plan and zoning designations (*Public and Semi-Public Facilities*, and *Public*, respectively) demonstrate compliance with Goal 14. For any airport-related development that may be needed in the future and that is not permitted within those areas identified in the UAO Master Plan for future expansion on rural lands, the Department has the option to either initiate a process to expand the airport boundary pursuant to OAR chapter 660, division 013 and/or pursue any required land use approvals, including any exceptions, if necessary, if and when these properties become available. For any elements of the plan which require zone changes or goal exceptions, for example, Staff will seek the appropriate land use approvals at that time.

The Board finds the UAO Master Plan meets the requirements of Goal 14.

COMMENT: The Aurora State Airport is designated as an urban airport, and the airport is clearly an urban-density land use, as evidenced by approximately 1 million square feet of hangar space. There is no discussion related to urban services. The airport is an urban land use that lacks the customary urban public facilities and services such as sanitary sewer, storm sewer, and potable water.
The master plan contemplates expansion onto approximately 63 acres of EFU land and three or four acres or RR land. Goal 14 does not allow the expansion of, or urban development, on rural land. Further, Goal 14 requires the accommodation of urban employment inside urban growth boundaries but the Aurora Airport is outside the UGB of the city of Aurora.

Goals 15-19: Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Finding: Because the properties of the Aurora State Airport do not include lands subject to goals 15 through 19, the Board finds the proposed master plan does not conflict with these goals.

3. *ORS 197.180(1)(b): the UAO Master Plan shall be compatible with acknowledged comprehensive plans and land use regulations.*

Finding: Chapter 4 of the UAO Master Plan addresses facility goals and requirements relating to all elements of the plan, which it breaks down into regional, airside, landside and administrative requirements. As stated in the UAO Master Plan, once a master plan

is adopted, pursuant to OAR 660-013-0030(2), Marion County, Clackamas County, City of Aurora, City of Barlow and City of Wilsonville will all require comprehensive plan updates to remain compliant with state land use laws as each of these jurisdictions are located within the Part 77 airspace. ORS 836.610 requires local jurisdictions to adopt comprehensive plans and land use regulations that protect and encourage airport uses as described in the background section. A local jurisdiction must ensure that their comprehensive plan and land use regulations include the requirements set forth in the Airport Planning Rule, including OAR 660-013-0040 ("Aviation Facility Planning Requirements"), 0070 ("Local Government Safety Zones for Imaginary Surfaces"), and 0080 ("Local Government Land Use Compatibility Requirements for Public Use Airports").

With respect to the airspace, OAR 660-013-0070 requires these local governments to adopt Airport Safety Overlay Zones to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating airport imaginary surfaces. While UAO is an existing airport, the proposed runway extension will result in an extension of the Part 77 airspace which, under state law, must be protected through zoning under OAR 660-013-0070. ODAV has provided through its Land Use Compatibility Guidebook a process that these jurisdictions may follow to adopt the required zoning. ODAV will provide any additional support, as needed.

For land use development, Marion County is the jurisdiction specifically responsible for development on and surrounding the Airport and has acknowledged this requirement in comprehensive plan Policy #2 of the Air, Rail, Water, Energy and Pipeline Transportation Policies. ODAV will pursue an additional zoning classification with Marion County to include an airport-specific base zone for public use airports.

The specific requirements for each of the jurisdictions that will require plan updates, following the adoption of the UAO Master Plan, is identified as a "facility requirement" in the UAO Master Plan (page 4-9) and discussed more fully below.

COMMENT: As noted above in the comments on Goal 2, neither ODAV nor its consultant followed its own guidance document during the master planning process to consult with affected jurisdictions when land use non-compatibility issues were identified with the aim or resolving the conflicts. The assertion that "Marion County, Clackamas County, City of Aurora, City of Barlow and City of Wilsonville will all require comprehensive plan updates to remain compliant with state land use laws" essentially defines the ODAV position as forcing the affected jurisdictions to change their adopted comprehensive plans to adopt the master plan, when, in fact, the master plan must comply with local government land use regulations when it is adopted. ORS 197.180(1).
ODAV does not have the authority to adopt its preferred master plan and then force local governments to change their adopted comprehensive plans and set aside their previously identified land use non-compatibility conflicts. ODAV should be required to follow its own

guidance document, and petition local government to make the desired amendments to their land use regulations. As the body authorized to approve and adopt the master plan, the Aviation Board must recognize that the approach contemplated is the exact opposite of what is intended in statute.

a. Marion County Acknowledged Comprehensive Plan

Finding: The scope of the UAO Master Plan is entirely within Marion County for on-the-ground future projects. Therefore, the uses proposed in the UAO Master Plan must be compatible with Marion County's comprehensive plan and land use regulations under ORS 197.180.

The Marion County Comprehensive Plan includes the following policies and goals, zoning and implementing ordinances relating to airport facility planning:

- Airport Overlay Zones: MCC Chapters 16.21 (Urban Zoning – Airport Overlay Zone) and 17.177 (Rural Zoning – Airport Overlay Zone)
- Base Zoning: MCC 17.171.030 establishes airport and airport-related commercial and industrial uses are allowed as conditional uses in the P (Public) zone[5]

[5] As noted previously, lands falling within the airport boundary established for UAO in the County's Comprehensive Plan through the 1976 Aurora State Airport Master Plan are zoned P.

- Noise Impact Areas:
    - MCC 17.110.392 establishes noise impact areas within Ldn 65 contour lines based on the projected use at the end of the airport master planning period around public airports.
    - MCC 17.110.834 provides that a proposed residence or place of public assembly in a noise impact area shall be referred to DEQ to comment on the impact and how the proposal may be modified to maintain acceptable noise levels, and that adequate mitigation of noise impacts will be required in those cases.
    - MCC II. Goals and Policies, pg. 58: The County will discourage noise-sensitive uses from locating in close proximity to public airports.
    - MCC II. Goals and Policies, pg. 103: "The Airport Overlay zone further limits development in the airport area and provides a good base from which to implement setbacks and buffering. The Aurora Airport Master Plan, previously reviewed by DEQ, defines a 1995 NEF 20 contour line that will be used by the County to define the noise impact area around the airport" (pg. 103).
- Chapter 10 of the 2005 Rural Transportation System Plan (RTSP) identifies policies to continue and/or implement in the future. Policies related to airport master planning include:
    - Policy 1: Airports and airstrips shall be located in areas that are safe for air operations and should be compatible with surrounding uses.
    - Policy 2: The County should review and take appropriate actions to adopt State master plans for public airports in Marion County.
    - Policy 3: The County will adopt appropriate provisions (including plans, ordinances, and inter-governmental agreements) to protect the public airports from incompatible structures and uses. These provisions will be consistent with Federal Aviation Administration guidelines.
    - Policy 4: The County will discourage noise sensitive uses from locating in close proximity to public airports.

As discussed in these findings, all proposed uses of the UAO Master Plan that fall within the UAO Airport Boundary, as established with the adoption of the 1976 Airport Master Plan, are uses and activities that are authorized under the relevant portions of the Marion County Comprehensive Plan. Pursuant to MCC 17.171.030, airport and airport-related commercial and industrial uses are allowed as conditional uses in the P (Public) zone. ODAV will pursue the appropriate land use approvals necessary when implementing the plan on a project-by-project basis.

For the surrounding lands, MCC Chapter 17.177 establishes standards and regulations of Marion County's Airport Overlay Zone, which exists "to minimize potential dangers from, and conflicts with, the use of aircraft at public airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone", which, in this case, is EFU for most of the land adjacent to the airport boundary and in the surrounding area. EFU-zoned lands are subject to the restrictions set forth in ORS 215, OAR Chapter 660 Division 033, and MCC Chapter 17.136 which already prohibit the types of uses that conflict with the use of aircraft at airports. MCC 17.177.010

continues: “If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern. This section is intended to comply with FAA Regulation FAR-77 and all other applicable federal and state laws regulating hazards to air navigation.” *Id.*

The realignment of Hubbard Highway and Keil Road as currently proposed is outside of the P zone, extending into property zoned EFU and AR. The proposed realignment is compatible with Marion County’s comprehensive plan as it furthers the stated goals in MCC Chapter 17.177. The single purpose for the proposed realignment is to meet FAA safety standards which necessitate the realignment of these roadways to an area outside the runway object free area (ROFA) to protect the safety of airport and other users. In addition, MCC 17.136.050(J) specifically permits the proposed realignment with approval of a conditional use permit. And, MCC 17.126.010 permits outright the proposed realignment within the AR zone.

With respect to noise, per MCC 17.110.392 and MCC Goals & Policies II, the County has established noise contour lines of DNL 65 dB as noise impact areas—"based on the projected use at the end of an airport master planning period.” The UAO Master Plan establishes contour lines that the County may use to update their noise standards and policies, if applicable. The UAO Master Plan is compatible with Marion County Comprehensive Plan requirements relating to noise impact areas as the 2041 noise contours, shown on Sheet 12 of the UAO Master Plan, delineate DNL of 65 dB or above, and will allow the County to plan for future development in the airport environs while considering potential noise impacts. Further, Marion County’s Noise Policy and MCC 17.110.834 establish thresholds for how to mitigate noise impacts from the airport when siting noise-sensitive uses in the area, which may be pursued at the project phase of any airport improvements that are based on UAO Master Plan.

With respect to the 2005 Rural Transportation System Plan (RTSP), the RTSP is Marion County’s long-range plan for its transportation system, as required under the Transportation Planning Rule.[6] Table 5-18 identifies public and private airports and heliports in the county, including UAO. The RTSP commits to promoting air travel within the county (chapter 2, pg. 3), and states an intention to adopt the UAO Master Plan upon being reviewed by County staff for compatibility with land use and zoning requirements (chapter 2, pg. 7).[7]

[6] Marion County Comprehensive Plan, Goals and Policies, Transportation Element, provides as follows: “For rural areas outside urban growth boundaries, the Marion County Rural Transportation System Plan (RTSP) serves as the framework for transportation planning. The RTSP is the County’s 20-year plan to provide mobility, address safety needs, accommodate planned growth, facilitate economic development, and maintain a high standard of livability for County residents. The findings, recommendations and policies contained in this Transportation Element come directly from the RTSP. While every effort has been made to ensure this element matches the RTSP, in the event of any differences, the RTSP would govern.”

[7] As of September 2026, the County is in the process of updating the RTSP. The Department will continue to review the proposed updates to Marion County’s RTSP to ensure compatibility

Finally, and pursuant to OAR 660-013-0160, Marion County is required to update its comprehensive plan and land use regulations related to airport planning and periodic review. ODAV intends to apply to Marion County to adopt the UAO Master Plan and make any necessary regulatory amendments to its plan or regulations.

Based on the foregoing, the UAO Master Plan is compatible in its entirety with the Marion County acknowledged comprehensive plan and land use regulations. In the future when ODAV implements projects pursuant to this UAO Master Plan, ODAV will follow its coordination requirements under OAR 738-130-0065 or OAR 738-130-0075, and OAR 660-013-0040(6) which establishes a process for resolving any conflicts at the project implementation phase.

b. Clackamas County Acknowledged Comprehensive Plan

Finding: Clackamas County ZDO Section 713 establishes the public use airport and safety overlay zone. Section 713.02 states, "The boundaries of this special use district are coterminous with airport boundaries as described in Oregon Administrative Rules (OAR) 660-013-0040. The boundaries of safety overlay zones radiate from points at the ends of the airport's primary surface as described in OAR 660-013-0070(1)(a) and Exhibits 1 and 4 that accompany that rule."[8]

As a result of the proposed runway extension, the relocated RPZ will extend partially into Clackamas County. This area contains portions of two tax lots (31W35 01890 and 31W35 02102), along with public rights-of-way. Both tax lots are zoned EFU (Exclusive Farm Use) and are not inside any city's urban growth boundary. ZDO Section 401 identifies the zoning standards of the EFU zone. The current use of both tax lots is farm use. As shown in Table 3-4 of the *Airport Land Use Compatibility Guidebook*, farm or agricultural uses (except livestock) are classified as compatible uses inside the RPZ.

Under the *Airport Policies (5.X)* of the Clackamas County TSP, the County commits to coordinating with Marion County, the City of Wilsonville, ODAV, and other affected agencies to develop and implement the UAO Master Plan. Policy 5.X.4 commits to cooperation with the Oregon Department of Environmental Quality, ODAV and FAA to minimize conflicts between airports and uses of surrounding lands. Finally, the TSP commits to applying a Public-Use Airport and Safety overlay zoning district to public-use airports within the County, consistent with ORS 836.600 through 836.630. ZDO Section 713, as outlined above, establishes a public use airport and safety overlay zone. The County has already recognized the need to update its zoning maps to reflect the

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with the proposed UAO Master Plan and will amend these draft findings as necessary if the RTSP is adopted prior to adoption of the UAO Master Plan.

[8] A copy of the exhibits referenced in Clackamas County's airport overlay zone and within the Airport Planning Rule is available here: https://www.oregon.gov/aviation/Aurora-Master-Plan/Pages/default.aspx

adjusted RPZ at such time that the runway is extended.[9] One additional legislative option that ODAV and the County could explore would be to add specific restrictions on livestock in ZDO Section 713 as applied to the RPZ, to adhere to the guidelines of Table 3-4 of the *Airport Land Use Compatibility Guidebook*.

Clackamas County staff note that, per Policy 5.X.5, new airports, airport expansions, or expansions of airport boundaries, except those limited to use by ultra-lights and helicopters, are required to have a runway at least 1,800 feet long and control at least enough property at the end of each runway through ownership, aviation easement, or long-term lease to protect their approach surfaces until the approach surfaces are 50 feet above the terrain. The policy also requires the runway to be located so as to achieve at least a 20-foot clearance of the approach surface over a county, city or public road. The proposed runway configuration calls for a length of 5,500 feet, with Department-owned land approximately 1,480 feet beyond the north end of the runway, and 1,000 feet beyond the south end of the runway, with public roads located beyond both ends. The UAO Master Plan, as outlined within the On Airport Land Use Plan, identifies existing and future avigation easements which extend over lands within the runway protection zones. Coupled with the existing airport land under the Department's ownership, the UAO Master Plan meets or exceeds the clearance minimums of Policy 5.X.5.

Clackamas County ZDO 713.03(E) establishes airport noise impact boundaries for areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn. As noted above, Clackamas County recognizes the need to update their noise impact boundaries as a result of the runway extension proposed in the UAO Master Plan. Once that is complete, any project completed pursuant to the UAO Master Plan will be compatible with the Clackamas County Comprehensive plan. ODAV will coordinate with Clackamas County to update their plan prior to the construction of a project pursuant to the Master Plan.

c. City of Aurora Acknowledged Comprehensive Plan

Finding: The City of Aurora has adopted in its plan and land use regulations an airport overlay zone prohibiting the construction or growth of obstacles within the horizontal surface (150 feet above the established airport elevation) in its Zoning Ordinances (Aurora Municipal Code 16.24.010), consistent with its aviation planning requirements in OAR 660-013-0070.

[9] See Oct. 19, 2025, email from Jennifer Hughes, Clackamas County Planning Director Re: Request to Review Aurora State Airport Draft Final AMP, available at the Department's Website at https://www.oregon.gov/aviation/Aurora-Master-Plan/Pages/default.aspx

As identified within the City's Zoning Designations map, the Airport Airspace Plan (AMP chapter 6, sheet 5 of 17) and Figure 2-9 of the proposed master plan, and Aurora Municipal Code section 16.24.010, the entirety of the city falls underneath the horizontal surface of UAO. The overlay zone identifies uses which are deemed incompatible with the requirements of 14 CFR Part 77 (Aurora Municipal Code 16.24.070). The code is proactive, in that it contains language related to the approach surface, in the event that future annexation brings city limits underneath the approach surface.

While noting that no airports exist within the study area, the City of Aurora's 2009 TSP contains airport-related considerations. Goal 7 of the TSP states: *Improve coordination among the City of Aurora, Marion County, the Aurora State Airport, and ODOT.* Under the Air, Rail, Water, and Pipeline Element, section, the City commits to continue working with the Aurora State Airport and ODAV "to help maintain and improve roadway access to and from the airport" (chapter 3, pg. 20).

The proposed airport imaginary surfaces in the UAO Master Plan are entirely within the existing Aurora airport overlay zone, therefore, this component is compatible with Aurora's acknowledged comprehensive plan and land use regulations.

With respect to noise impacts, the City of Aurora Comprehensive Plan is not at issue as the city falls outside the noise contours established with the proposed airport master plan (see AMP chapter 6, sheet 12 of 17: Off Airport Land Use Plan with 2041 Noise Contours). Accordingly, ODAV is not required to show compatibility relating to noise restrictions for locations within the City of Aurora.

d. City of Wilsonville Acknowledged Comprehensive Plan

Findings: The City of Wilsonville's code of ordinances does not contain an airport overlay zone, though the TSP contains a brief section on airport-related considerations. Specifically, it states that the City does not have jurisdictional control nor responsibility for managing the Aurora State Airport, and notes the potentially conflicting interests of impacts from the airport (including noise) and reliance of local economic interests on the airport (Wilsonville Transportation System Plan 2013, chapter 4, pg. 16). Policy 21 of the plan (chapter 2, pg. 7) is to: "Recognize the Aurora State Airport as a component of the state's transportation system and an economic asset to Wilsonville, while advocating that any expansion of the airport consider potential impacts (e.g., noise, pollution, and safety) to Wilsonville neighborhoods, area roadways, I-5 interchanges, agricultural operations, and the environment."

To help facilitate compatibility between the airport and the City of Wilsonville, and as addressed within the airspace protection findings herein, ODAV staff notes that an

airport overlay zone (or equivalent) should be incorporated into the City's zoning code, per the requirements of OAR 660-013-0070 (Local Government Safety Zones for Imaginary Surfaces).

As part of the implementation of this master plan, ODAV will assist local jurisdictions, including Wilsonville, to update their zoning ordinances in accordance with the requirements of OAR 660-013-0070 (Local Government Safety Zones for Imaginary Surfaces). This would entail adopting ordinances to ensure new or altered tall structures, such as communication towers or trees, do not penetrate airport imaginary surfaces. ODAV's Model Public Use Airport Safety and Compatibility Overlay Zone for Public Use Airports with Instrument Approaches[10] provides a framework for jurisdictions to enshrine airspace protections in their code which meets the requirements of the Airport Planning Rule. This coordination will promote enhanced compatibility between UAO and the City of Wilsonville.

e. City of Barlow and Metro

The City of Barlow and Metro either do not have a comprehensive plan (in Metro's case) or have not adopted airport overlay zones (both Metro and City of Barlow). The Barlow Comprehensive Plan calls for assistance and encouragement on a case-by-case basis of aviation services in areas suitable for airport development, including efforts by the Department (pg. 38). No other airport-related provisions are included in Barlow's Comprehensive plan. Similarly, Metro's 2023 Regional Transportation Plan (RTP) contains no considerations or standards which would apply to UAO. ODAV endeavors to work alongside our partners at these organizations to bring their code into compliance with state rules requiring airport safety zones within a local government's zoning code (per OAR 660-013-0070).

Additionally, neither Barlow nor Metro provided a response during the 45-day comment period. Pursuant to OAR 738-130-0055(2), if no reply is received from an affected city, county or metropolitan planning organization within 45 days of the Department's request for a compatibility determination, the Department shall deem that the draft plan is compatible with that jurisdiction's acknowledged comprehensive plan.

[10] ODAV's Model Public Use Airport Safety and Compatibility Overlay Zone for Public Use Airports with Instrument Approaches is available in Appendix D of the Airport Land Use Compatibility

Guidebook, available here: https://www.oregon.gov/aviation/airports/planning-and-programs/Documents/Land%20Use%20Compatibility%20Guidebook/Full_Version_ODA_Airport_Land_Use_Compatibility_Guidebook.pdf

The Board finds that there are no conflicts between the UAO Master Plan and the comprehensive planning of the City of Barlow and Metro.

Conclusion

The Board finds no element of the UAO Master Plan which would conflict with the existing airport overlay zones of the affected jurisdictions. Any future conflicts or changes which arise due to development or airport activity will be handled through the appropriate method, such as airspace evaluations, mitigation of hazards through marking and/or lighting, or going through the appropriate land use processes and compliance with any applicable conditions of approval to ensure airport development occurs in accordance with local code.

B. OAR Chapter 738, Division 130 State Agency Coordination Program

The following section contains findings related specifically to the State Agency Coordination Program.

1. OAR 738-130

The purpose of this division is to establish procedures to implement the Department's state aviation program to assure that the Department carries out a program that significantly affects land use, including the adoption of a transportation facility plan in compliance with statewide land use goals and in a manner compatible with acknowledged comprehensive plans

Finding: Agency must make findings under OAR Chapter 138 because the UAO Master Plan is a transportation facility plan.

2. OAR 738-130-0055

Coordination procedures for adopting final master plans.

Finding: The Board and the Department are required to follow the procedures set forth in OAR 738-0130-0055 because the UAO Master Plan is a master plan.

3. OAR 738-130-0055(1)

Except in the case of minor amendments, the Department shall involve DLCD and affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and other interested parties in the development or amendment of a facility plan. This involvement may take the form of mailings, meetings or other means that the Department

determines are appropriate for the circumstances. The Department shall hold at least one public meeting on the plan prior to adoption.

Finding: According to OAR 738-130-0015(1), affected cities and counties are those that have comprehensive planning authority over a site or area which is directly impacted by a proposed Board or Department action. OAR 738-130-0015(2) states that affected state and federal agencies are those identified in the Department's state agency coordination program. In the case of a new master plan for the UAO, this includes Metro, City of Aurora, City of Barlow, City of Wilsonville, Clackamas County, Marion County, along with DLCD.

As addressed in these findings, Section A, *Goal 1*, the Department undertook a significant effort to involve the organizations, agencies, and other interested parties in the development of the UAO Master Plan, in the form of public meetings and work sessions, mailings, surveys, and opportunities for public comment. Included within the planning advisory committee (PAC) for the UAO Master Plan were representatives from DLCD, and the affected MPO, cities, and counties. ODAV encouraged participation and solicited feedback from these organizations, as catalogued in the meeting materials.[11]

The Board finds the proposed airport master plan adheres to the adoption procedures identified within OAR 738-130-0055(1).

4. OAR 738-130-0055(2)

The Department shall provide a draft of the proposed facility plan to planning representatives of all affected cities, counties and metropolitan planning organization and shall request that they identify any specific plan requirements which apply, any general plan requirements which apply and whether the draft facility plan is compatible with the acknowledged comprehensive plan. If no reply is received from an affected city, county or metropolitan planning organization within 45 days of the Department's request for a compatibility determination, the Department shall deem that the draft plan is compatible with that jurisdiction's acknowledged comprehensive plan. The Department may extend the reply time if requested to do so by an affected city, county or metropolitan planning organization.

Finding: As stated above, there are a total of six jurisdictions or MPOs with comprehensive planning authority over areas underneath the airspace of Aurora State Airport: Aurora, Barlow, Clackamas County, Marion County, Wilsonville, and Metro. A draft of the proposed airport master plan was provided to the affected jurisdictions and organizations on Aug. 29, 2025. Within 45 days of the request, responses were received from City of Aurora, City of Wilsonville, Clackamas County, and Marion County. Their comments and the Department's responses are set out in the findings below.

No responses were received from City of Barlow or Metro. Pursuant to OAR 738-130-0055(2), the Department shall deem that the draft plan is compatible with those jurisdictions' acknowledged comprehensive plans. While Metro does not have a comprehensive plan like the other jurisdictions identified in this section, it is included in this discussion since the SAC rule identifies metropolitan planning organizations as

[11] See UAO Master Plan, Chapter 1, pg. 1-4. See also records of meetings, available on the project website: https://www.oregon.gov/aviation/Aurora-Master-Plan/Pages/default.aspx

agencies which shall be involved in efforts to adopt a final airport master plan. Because no response was received from the City of Barlow nor Metro, the Board finds the UAO Master Plan to be compatible with the comprehensive planning of those jurisdictions.

5. OAR 738-130-0055(3)

(3) If any statewide goal or comprehensive plan conflicts are identified, the Department shall meet with the local government planning representatives to discuss ways to resolve the conflicts. These may include:

(a) Changing the draft facility plan to eliminate the conflicts;

(b) Working with the local governments to amend the local comprehensive plans to eliminate the conflicts; or

(c) Identifying the conflicts in the draft facility plan and including policies that commit the Department to resolving the conflicts prior to the conclusion of the transportation planning program for the affected portions of the transportation facility.

Finding: In response to the Department's request to affected jurisdictions that they review the UAO Master Plan and identify any conflicts, the Department received comments from City of Aurora, City of Wilsonville, Clackamas County, and Marion County.[12] None of these jurisdictions identified a statewide goal or comprehensive plan conflict with the components of the UAO Master Plan that will impact their respective jurisdictions.

A summary of the comments received from affected jurisdictions and the Department's responses are as follows:

> **Marion County:** The Marion County Public Works Department provided comments in a letter dated September 19, 2025. The County explained generally that its public zone, which contains the majority of the plan elements in the UAO Master Plan allows any airport and airport related uses as conditional uses. The County also explained that within its EFU zone, a road realignment is permissible as an outright permitted use or, if structures are removed or a new parcel is created, that would also be permissible with a conditional use permit.
>
> In direct response to the Department's request that the County review the plan to assess whether it is compatible with the County's comprehensive plan, the County instead stated that it could not make this assessment without a final County Commission review as part of a formal application by the Department. The County proposed three options to the Department as pathway to a final Commission determination, including an application to the County to adopt the UAO Master Plan into the County's planning documents, or, alternatively, that the Department apply for conditional use approvals if and when those are required. If the Department chooses the latter option, the County points out this may present issues or concerns with the 1976 Aurora Airport Master Plan which is currently

[12] Responses received from affected jurisdictions can be found here: https://www.oregon.gov/aviation/Aurora-Master-Plan/Pages/default.aspx

part of the County's comprehensive planning documents. Finally, the County further responded that, notwithstanding its statement that only the Commission could determine compatibility, the County was unable to assess compatibility in any event because the UAO Master Plan as presented to them did not contain findings that it complies with local and state land use laws.

Response: The Department staff met with Marion County representatives on Oct. 14, 2025, to discuss these comments and has drafted these findings to address the County's comment that it may not make an initial determination of compatibility absent specific findings in the UAO Master Plan documents. As discussed in these findings, the UAO Master Plan is compatible with the MCC sections and Comprehensive Plan goals relating to aviation use specifically. In addition, the Department will seek the appropriate land use approvals, as identified within these findings, such as conditional use permits for realignment of rights-of-way.

For those areas identified in the UAO Master Plan for future airport expansion on lands currently zoned EFU, no specific development is contemplated. Designation of these areas is solely to reserve the right to access FAA funds in the future. Any efforts to develop those areas in the future would require an expansion of the airport boundary pursuant to OAR chapter 660, division 13, or possibly through Marion County's land use planning process to change the plan and zoning designations of those parcels, which the Department will pursue, if necessary.

Notwithstanding the Department's efforts to coordinate with Marion County, compliance with OAR 738-0130-0055(2) requires only that the Department submit its proposed master plan to the County for its review of the plan to assess whether or not it is compatible. Subsection (3) then requires the agencies to coordinate if conflicts are identified. The County in its comments confirmed that the applicable zoning allows for airport and airport related uses, even if conditionally. The County further confirmed that the realignment of the road could be allowed outright or conditionally. It did not identify any conflicts that would require additional coordination. In addition, the County's comments relating to a need for specific findings and a final decision by its Commission are appropriate to the Department's future application to the County to adopt the UAO Master Plan as part of a future TSP update or, a conditional use application if the Department chooses to take that path—which the Department may endeavor to do when a UAO Master Plan is adopted by the Board.

However, and by contrast, the Department's request of Marion County's review under its coordination requirements prior to the Board's adoption is a request for a preliminary review to assess whether the proposed plan will conflict with Marion County's comprehensive planning documents. The Department developed draft findings based on these coordination requirements to present to the Board as part of its decision to adopt the UAO Master Plan. Following adoption, the Department will present Marion County with more specific findings demonstrating why the adopted plan is compatible with Marion County's comprehensive planning documents. However, as Marion County has not identified a conflict at

this time and has confirmed that the uses proposed in the UAO Master Plan are permitted, even if conditionally, the Department has satisfied its coordination requirements under OAR 738-015-0055(2) and (3).

Clackamas County: Clackamas County Department of Transportation and Development provided general feedback regarding the UAO Master Plan. This included considerations for a County provision which requires a minimum 20-foot clearance of the approach surface over a county, city, or public road; road design considerations, responsibilities for maintenance; and State land use rules which apply to EFU-zoned land subject to road improvements.

Response: The considerations identified by the County were anticipated by the Department and will be included in the planning and implementation of the master plan. ODAV will coordinate with Clackamas County to amend the local comprehensive plan to reflect the new Part 77 boundaries resulting from the proposed runway extension.

City of Aurora: The City of Aurora stated in its comments to the Department that the draft plan is not compatible with the City's acknowledged comprehensive plan. The City stated that any airport expansion beyond the 1994 boundary established by ORS 836.605(2) should be preceded by annexation and connection to city water and sewer services. They assert that statewide planning goals 11, 12, and 14 stipulate that facilities such as UAO should be located within urban growth boundaries, and expansion of the airport onto nearby agricultural land conflicts with these goals. The City states that, for the airport expansion to occur prior to annexation, Marion County's comprehensive plan must be amended and, therefore, proves incompatibility between the proposed master plan and the County's comprehensive plan.

Response: The City of Aurora falls under the horizontal surface of UAO; while Aurora meets the definition of an *affected city* under OAR 738-130-0055, the city limits and urban growth boundary do not abut airport property. Any future jurisdiction by City of Aurora over airport property or the surrounding airport-related developments is speculative. No changes to the portion of the airspace extending over Aurora are proposed by the plan, and, thus, no direct impact to Aurora is expected. The City of Aurora did not identify any concerns directly related to existing airspace over their jurisdiction.

In response to the City of Aurora's claim that the UAO Master Plan does not comply statewide planning goals 11, 12, and 14, see findings above under discussion of compliance with ORS 197.180.

City of Wilsonville: The City of Wilsonville indicated a variety of concerns with the UAO Master Plan, including noise and air pollution, water pollution affecting drinking water, loss of high-quality farmland, negative impacts to the City's own development of industrial and employment lands, surface transportation access

and maintaining adequate levels of service, and reduced capacity for emergency response. They also state there is an absence of findings in the UAO Master Plan related to the Climate-Friendly and Equitable Communities (CFEC) program, and that the Department has not demonstrated whether the plan is a "business master plan" or a "land use master plan".

Response: The Department intends for the UAO Master Plan to be reviewed as a land use master plan.

Similar to the City of Aurora, the City of Wilsonville, while meeting the definition of an affected city, falls under the conical and approach surfaces of UAO. Other than a change to the location of these surfaces as a result of the proposed runway extension, no other direct impacts are expected. Wilsonville's comments do not identify a conflict with the airspace extension. As stated above, the Department would expect affected jurisdictions to adopt comprehensive plan and land use regulations consistent with OAR 660-013-0040, which would include codifying the new Part 77 boundaries resulting from the runway extension.

6. OAR 738-130-0055(4)

The Department shall evaluate and write draft findings of compatibility with acknowledged comprehensive plans of affected cities and counties, findings of compliance with any statewide planning goals which specifically apply as determined by OAR 660-030-0065(3)(d), and findings of compliance with all provisions of other statewide planning goals that can be clearly defined if the comprehensive plan of an affected city or county contains no conditions specifically applicable or any general provisions, purposes or objectives that would be substantially affected by the facility plan.

Response: The Board's findings above under Section A addressing compatibility and compliance requirements under ORS 197.180 are incorporated into this finding by reference. The Board further refers to and incorporates the Area Land Use/Zoning discussion within the UAO Master Plan, which identifies how land use requirements will be addressed as projects are developed and implemented. Based on these findings, the Board finds that this coordination requirement is met.

7. OAR 738-130-0055(5)

The Department shall present to the Aviation Board the draft plan, findings of compatibility with the acknowledged comprehensive plans of affecting cities and counties and findings of compliance with applicable statewide planning goals.

Finding: In accordance with OAR 738-130-0055(5), the Department presented UAO Master Plan and these findings to the Board at its regularly scheduled and duly noticed public meeting on December 3, 2026.

8. OAR 738-130-0055(6)

The Aviation Board shall adopt findings of compatibility with the acknowledged comprehensive plans of affected cities and counties and findings of compliance with applicable statewide planning goals when it adopts the final facility plan.

Finding: The Board, as part of its adoption of the UAO Master Plan, hereby adopts these findings as presented herein, determining the UAO Master Plan to be in compliance with the acknowledged comprehensive plans of affected cities and counties and with applicable statewide planning goals.

9. OAR 738-130-0055(7)

The Department shall provide copies of the adopted final facility plan and findings to DLCD, to affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and to others who request to receive a copy.

Finding: In accordance with OAR 738-130-0055(7), the Department will provide copies of the adopted plan and findings to the necessary agencies and others who request a copy.

SOURCES

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WINDSOR ENGINEERS

FRIENDS OF FRENCH PRAIRIE

Aurora Airport Master Plan Engineering Review

MAY 4, 2026



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Prepared for
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CERTIFICATION

CERTIFICATE OF THE ENGINEER

Title: FRIENDS OF FRENCH PRAIRIE

Project: Aurora Airport Master Plan Engineering Review

This Technical Information Report (TIR) has been prepared under my supervision and meets the standard of care for similar documents. The TIR includes the review of information per the references below.

Windsor Engineers LLC



Expires 12/31/2026

Reviewed By: Travis Tormanen, PE

Developed By: Charles McDonald PE

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1.0 EXECUTIVE SUMMARY

The Aurora State Airport is owned and managed by the Oregon Department of Aviation (ODAV). The mission of the ODAV is to *…enable and advocate for a safe and efficient aviation system ….* The ODAV is developing a Master plan update for the airport. However, the update has focused primarily on efficiency and economic growth, with limited attention to safety and engineering improvements, which should be a focal area.

The Aurora airport has been designated (2019) as a Category II – General Aviation Airport. This airport designation applies to jet aircraft. It appears that the airport master plan focuses only on aircraft type, primarily jets rather than other components that should be in a planning document. Interestingly, other site improvements are necessary to support jet aircraft, and yet the recommended improvements are not included in the final recommendations.

The overall finding is that the Aurora Airport Draft Master Plan (2025) does not meet the criteria for Oregon's Land Use Planning documents. It neglects to adequately identify, evaluate or improve on:

- Overall planning requirements
- Water use and needs
- Wastewater (septic) use and needs
- Transportation – outside the fence – upgrades and impacts
- Stormwater and drainage impacts
- Community safety impacts

The Master Plan is required by ORS 197.180(1) to meet the same requirements as any developer or development would.

2.0 MASTER PLANNING

The U.S. Federal Aviation Administration (FAA) requires master planning documents and reviews/updates every 10-20 years. While master planning documents are voluminous, there are different document requirements for meeting specific agency requirements (e.g., land use vs. airport upgrades) than for other master planning documents. While airport master plans differ significantly from land use master plans, there are still specific components that are required by the overall approving agency (State of Oregon), that apply to this document and are a requirement for improvements.

The Airport Master Plan (AMP) document was prepared in accordance with Advisory Circular (AC) 150/5070-6B of the FAA. The FAA advisory circular provides extensive flexibility in preparation; however, "The scope of each master plan must be tailored to the individual airport under evaluation." The Aurora draft AMP states, "The study will also address elements of local planning (land use, transportation, environmental, economic development, etc.)" on the first page in the Purpose and Need section. This information is minimal at best and largely missing from the AMP document, and should affect the planning, development, and operation of the Airport moving forward. While the Aurora AMP is an airport planning document rather than an engineering document, planning should be conducted for both the airport properties and the overall impact on adjacent neighbors. In addition, as a federally funded (FAA) document, it should include compliance with planning requirements for affected local governments, including Marion and Clackamas Counties and the Cities of Aurora and Wilsonville under Grant Assurance No. 6. In review of the Aurora AMP, the majority of these requirements are not discussed, and improvements and betterments that would impact the surrounding community are left undefined and unaddressed.

Draft Master Plan Document

The Aurora AMP states (in the **Introduction**, Goals 4 and 5) that the Plan will evaluate facilities and conformance with applicable local, state, and FAA standards and identify *facility improvements*. This identification is minimal, and the evaluation is missing, and upgrades are not included within the document.

FAA Planning Requirements (AC 150/5075-6B)

The FAA AC 150/5070-6B), the planning circular for creating a Master Plan, specifically states that the Plan should include the following objectives (***Section 104 – Function***):

4) Establish a realistic schedule for the implementation of the development proposed in the plan, particularly the short-term capital improvement program.

5) Propose an achievable financial plan to support the implementation schedule.

6) Provide sufficient project definition and detail for subsequent environmental evaluations that may be required before the project is approved.

7) Present a plan that adequately addresses the issues and satisfies local, state, and Federal regulations.

The underlined items (6 and 7) appear to be minimally discussed and unplanned for in this document.

Oregon Land Use Planning requirements

While the State identifies that the AMP is not a 'county land use plan or a transportation plan', it nevertheless is a "facility" plan subject to ORS 197.180(1) and Goal 11.

The following Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) are requirements for planning documents, and consequently, discussion is expected to be included in this document:

OAR 125-110 Land Use Coordination Rules

OAR 660-031 Land Conservation and Development-State Permit Compliance

ORS 197.180 Comprehensive Land Use Planning-State agency planning responsibilities

OAR 125-110 Land Use Coordination, discusses statewide coordination rules. Section 0001 describes requirements for project approval. Subsection 1(e) specifically states that *approval of projects is required related to land use criteria.*

Subsection (2) states:

In order to approve or undertake a project under a program listed in subsections (1)(a)–(e) of this rule, the Department shall find that the project complies with the Statewide Planning Goals and is compatible with acknowledged city and county comprehensive plans and land use regulations. To make its goal compliance and plan compatibility findings, the Department shall comply with sections (2)–(6) of this rule and shall also adhere to the procedures in the Department's state agency coordination program which is hereby adopted by reference.

Nothing in the AMP indicates any coordination with these land-use coordination rules or compliance with land-use requirements.

OAR 660-031 discusses compliance with local government plans.

The purpose of this rule is to clarify state agency responsibilities to apply the Statewide Planning Goals and acknowledged Comprehensive Plans during permit reviews (ORS 197.180(1) through (7)). The rule

establishes procedures and standards which require consideration of Goals and Acknowledged Plans prior to approval of state permits. The rule establishes a process for state agencies to rely on a local determination of compliance with the State Planning Goals and the Acknowledged Comprehensive Plan when issuing certain permits. The rule also requires that affected state agencies develop and submit to LCDC procedures for consistency review.

There is no discussion or evidence within the Aurora AMP that any review or compliance with local government plans has occurred. As part of the Class B airport permit process (OAR 660-031-0010), assurances of compliance with Statewide Planning Goals and compatibility are required; again, there is no discussion of compliance.

ORS 197.173 and .180 discuss responsibilities and coordination with agencies. There is no discussion or evidence that this has been performed in the creation of this document.

OAR 660-015 – Statewide Goals and Guidelines

Goal 2 - Land Use planning mandates that local government coordinate and achieve statewide goals. It also discusses the need for coordination with agency plans. There is no discussion of planning goals in the Aurora AMP document, and Marion County may need to update its existing plan to comply with state requirements for agency coordination.

Goal 6 - This goal requires local comprehensive plans and the implementation of measures to be consistent with state and federal regulations on matters such as groundwater pollution. This should be discussed within the septic (sewer) and stormwater sections; there is no discussion of potential pollution or steps to protect the area.

Goal 11, Public Facilities and Services, addresses civil engineering requirements for land-use planning.

Goal 11 states - "*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. Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served.* Public facilities and services for rural areas should be provided at levels appropriate for rural use only and should not support urban uses."

There is no discussion related to urban services. The airport is an urban land use that lacks the customary urban public facilities and services such as sanitary sewer, storm sewer, and potable water.

Local Jurisdictions

Marion County zones the airport and adjacent private airport-related properties as Public (P). Surrounding properties to the east and south of the airport are zoned Exclusive Farm Use (EFU). Properties to the west of the airport, across Hwy 551, are zoned exclusive EFU and Acreage Residential (AR). The Airport is located outside of the Aurora Urban Growth Boundary (UGB). Land use actions

related to the airport property and its immediate surroundings are under the jurisdiction of Marion County.

The Master Plan and Airport Layout Plan show expansion of the airport into the EFU and AR zones. Public airports are not listed as permitted uses or conditional uses in those zones.

2.1 Airport Specific items/Impacts

Century West Engineering (Bend, Oregon) provided the recent draft AMP document (2025) for the State in conjunction with the FAA requirements. However, there appears to be minimal review and issue addressing relative to the adequate public facilities and services required by Goal 11.

Appendix 9 discusses Noise contours. The Aurora city code establishes day-night average sound levels with LDN values at 55. The FAA considers levels of 65 A-weighted decibels (dBa) or higher unsuitable for residential housing. It is unclear whether this level (55) is reachable, but there is limited discussion in the AMP addressing this requirement. The noise level contours towards Aurora are expected to expand (Appendix 9-Figure 5), resulting in possible violation of the city code. The figures and tables (Appendix 9) do not even address the 55 LDN level. This factor should be further evaluated and addressed in this document. The Marion County Comprehensive Plan mentions noise concerns at the Aurora airport, including "*In addition, special regulations in the Zoning Ordinances require that noise impacts be considered before approving new uses within the 1995 NEF 30 area shown on the Aurora Airport Master Plan*." There is no evidence that the State has incorporated any data regarding this county plan.

2.2 Farmlands

The Farmland Protection Policy Act (FPPA) was enacted under the Agriculture and Food Act of 1981 to minimize the impact of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses. According to the FPPA, farmland is classified as either "prime farmland, unique farmland, or farmland of statewide or local importance." There are no farmlands located on ODAV-owned Airport property; however, some of the private lands adjacent to the Airport are zoned EFU, as are Residential, Commercial, and publicly owned rights-of-way.

Goal 3 of the Oregon Statewide Planning Goals requires the counties to 'preserve and maintain' farmlands; there is no discussion related to any effort to address this, except to have zoning changed.

According to Chapter 5 (of the AMP), the south Runway Extension Option has been eliminated; however, the Master Plan still shows expansion onto EFU land for expansion of the Runway Safety Area. The Master Plan also shows expansion onto EFU land east and south of the existing airport for landside activities, described as Aviation Reserve. The Master Plan also shows the Hwy 551 right-of-way moving west onto EFU land. All of these "improvements" result in "damages" to the local prime farmland. This impact should be coordinated with the appropriate public agencies for the change of use.

2.3 Recommendations

The airport is in a rural area. The Master Plan does not address the requirements of Goals 2 and 11 that public facilities and services, including potable water, firefighting water, sanitary sewer, stormwater, and surface transportation, be appropriate for rural uses only. Yet the airport is clearly an urban-density land use, as evidenced by approximately 1 million square feet of hangar space.

Table 1: Zoning Items of Concern - Recommendations

Description	Status	Recommendation
Land-use master planning: comparison and inclusion.	No description of Goal 2 in the AMP	The AMP needs to address
Noise levels created by airport use.	No Discussion	Develop a plan to evaluate current levels and establish future land-use levels; address noise violations caused by aircraft outside designated flight paths and training impacts.
Farmland impacts	AMP shows expansion onto approximately 62 acres of EFU land, not in conformance with Goal 3.	The 2012 Master Plan stated that such expansion onto EFU land may not be feasible and would require a Goal 3 exception. This AMP should address that topic.
Land use master planning – groundwater impacts	No identification or discussion of Goal 6 in the AMP	Discuss regulations on groundwater pollution.
Land use master planning-public utility discussion	No description of Goal 11 in the AMP	The AMP should address Goal 11 requirements and each specific public utility and/or service required for an urban airport.
Maintaining a 200’ ODOT right-of-way (ROW) width for Hubbard Highway.	Plan to maintain a 200’ corridor.	Reduce corridor to 100’ with additional right of way if needed at projected major intersections.
Noise impact potential	Unaddressed	Further discussion of levels and how they will be addressed with future expansion.

3.0 WATER – DRINKING, FIRE SUPPRESSION, STORAGE

3.1 AMP Summary – Water Utility

Water at airports is not a primary need but is nevertheless critical for normal operations, fire suppression, and support of standard business operations. It seems odd that utility information and details concerning water (water, stormwater-surface water – water quality) and wastewater needs are relegated to the appendices rather than included within the document. This focus minimizes discussion in Chapter 2 – Existing Conditions (limited to a single page) of the AMP and seems to conveniently circumvent state planning regulations.

In 2002, with assistance from Marion County, the Aurora Airport Water Control District was formed to provide non-potable water for fire protection for the Airport and adjacent privately owned lands near ODAV property. The District installed a 247,800-gallon fire suppression water storage system to support the Aurora Fire District. The system includes two wells on Airport property, a pump house, underground storage tanks, underground distribution piping, fire hydrants, and multiple fire-sprinkler connections serving on-airport facilities.

The overall plan lacks clarity on the provision of potable water uses within the airport. There is no discussion at all about potable water to the site. This needs to be evaluated, including signage for all non-potable uses for personnel safety.

Emergency response is provided by the Marion County Sheriff's Department and the Aurora Fire District (fire suppression, rescue, emergency medical service, and hazardous materials response). The nearest fire station is located in the City of Aurora, less than two miles from the Airport. Based on typical fire apparatus pumping rates of 1,000–1,500 gallons per minute (gpm), a full 247,800-gallon storage tank could support pumping for approximately three to four hours (order-of-magnitude estimate).

Several environmental and water-quality considerations warrant further documentation in the AMP. Previous water testing has identified arsenic above EPA maximum contaminant levels in wells on and surrounding the Airport property. Earlier planning efforts (2014, Aron Faegre & Associates) reportedly found three of six wells exceeding recommended arsenic levels. They recommended connecting to the City of Aurora water system (which has arsenic treatment in place). The Water Control District also requested Marion County's support (2013) regarding arsenic impacts and firefighting supply volumes; these items are not clearly addressed in the AMP. While the AMP references recommended pump and filtration mitigation, it does not clearly state whether these measures are proposed or how they would be implemented. Conveniently, there is no current water testing data to review regarding arsenic or overall water quality.

The AMP's Environmental Science Associates (ESA) Environmental Overview (2021) identifies adjacent regulatory and environmental considerations (including nearby RCRA/hazardous waste facilities and National Pollutant Discharge Elimination System (NPDES)-related stormwater monitoring) but does not

clearly address potential onsite sources of hazardous or deleterious materials relevant to water and firefighting operations, including per and poly-fluoroalkyl substances (PFAS)/foam (FFF/F3 transition) and arsenic. In addition, the National Wetlands Inventory maps a wetland adjacent to the Airport's northeastern corner; this feature is described as a concrete water retention pool maintained by Columbia Helicopters and has been discussed as a possible backup firefighting water source, but its role and availability remain unconfirmed.

Overall, while the AMP acknowledges the existence of the water/fire protection system and identifies arsenic exceedance with a general mitigation concept, the AMP does not clearly document: (a) system condition and capacity, (b) current status and quality of existing water supply, (c) commitments and implementation steps for arsenic mitigation (or alternative supply options), or (d) fire suppression storage/flow adequacy and operating assumptions.

3.2 FAA Master Plan Requirements – Water Utility

FAA AC 150/5070-6B (Airport Master Plans) indicates the master plan should include utilities in the inventory and planning effort, including:

- A utilities inventory that includes the "major elements" serving airport demand for water (and sanitary sewer) and also includes stormwater drainage.
- Where necessary, historical consumption data to help quantify and project future utility loads.
- Evaluation of future utility needs, and verification that existing utility system capacity is adequate at the airport boundary (i.e., not just a narrative description, but an evaluated/verified system).
- Consideration of backup water for emergencies as part of the utility planning discussion.

(Note: FAA AC 150/5070-6B is master planning guidance; Part 139 ARFF requirements apply only where the airport is certificated under Part 139.)

3.3 Recommendations – Water Utility

The following recommendations are suggested to bring the water utility section of the Aurora Master Plan into compliance with FAA standards.

- Part 139 safety benchmark: FAA discusses safety/rescue/firefighting for Part 139 airports. While Aurora is not a Part 139 airport, Windsor recommends that water measures to comply with Part 139 be evaluated.
- Arsenic: Water testing revealed arsenic above EPA maximum contaminant levels (MCLs) on and surrounding airport property. Windsor notes that arsenic discussion is minimal in the AMP, and while pump/filtration mitigation was recommended, there is no clear discussion that these

measures are proposed in the AMP. In addition, there are no current records or discussions of the current condition.

- Operational/resilience planning: Windsor notes the need to evaluate supply and volume (including coordination/contracting with local agencies such as the City of Aurora) and to verify adequacy for both drinking water and fire suppression storage/flow.
- With no real breakdown on uses within the airport facility, it is difficult to evaluate flow needs. Well capacities should be tabulated, system capacity should be tabulated, and water quality should be evaluated.

Table 2: Water Items of Concern - Recommendations

Description	Status	Recommendation
Water need, quality, and capacity are not addressed; there is no discussion of the condition of the system	Undescribed	• Further review and description of the existing system. Provide an overview map. • Provide evaluation of need and contract with local agency for supply and volume or backup supply. • Provide a projection of future water use within the service area • Determine adequacy of emergency backup water • Testing of current wells and determination of current arsenic levels. • Elaborate on the provision of potable water supply to the airport site.
Firefighting (water supply interface)	Aurora Airport Water Control District	• Add additional information; show evidence or a memo of understanding or contract with the City of Aurora. • Compute storage, piping, hydrant, and pumping sizing and determine if existing volumes and flow are adequate. • Describe the number and location of hydrants.

Description	Status	Recommendation
		• Provide contact information for fire protection service, repairs, and the owner.
Fluorine Free Foam firefighting (water quality/environmental interface)	Unknown	• Determine and discuss the use of an F3 system and the resulting impact on water needs.
Deleterious materials (PFAS, arsenic) (water quality / compliance interface)	Undescribed	• Provide description and compliance with State requirements for PFAS and arsenic.
Capital Improvement Plan	Undescribed	• Provide suggested CIP projects as related to the water system. Not required per FAA, but highly recommended by Windsor

4.0 SEPTIC SYSTEMS – WASTEWATER MANAGEMENT

The existing airport is 'served' by multiple septic tanks and drainfields. It seems odd that utility information and details concerning water (water, stormwater-surface water – water quality) and wastewater needs are relegated to the appendices rather than included within the document. This focus minimizes discussion in Chapter 2 – Existing Conditions (limited to a single page) of the AMP and seems to conveniently circumvent state planning regulations. Septic service does not equal sanitary sewer service, and there are ongoing issues with the septic drainfield's capacity.

It is our understanding that Marion County has denied past requests for upgrades to the current drainfields (2014, 2019). In addition, it is noted that the airport is pumping and hauling septage from many of the existing tanks indicating at best a system (or systems) that is under designed and at worst a system (or systems) that has failed.

Sanitary sewer 'service' is provided by individual and shared drain field/septic tank systems. There are reported to be six individual drain fields located on ODAV-owned property, with three proposed for the south end of the runway safety area (RSA) near the existing one used by the South End Airpark. The drain fields are shared for both aviation-related uses on both private and publicly owned land. Existing drainfields are discussed for removal due to their proximity to the airfield and concerns about loading. Interestingly, there is no discussion of upgrading the installations for adequate treatment capability or capacity.

4.1 Existing Site

Chapter 5 states - *Septic drain fields located inside the existing and future RSA will be improved to meet FAA surface gradient and load-bearing standards, or removed if they cannot meet those standards. There are multiple drainfields called out as non-standard conditions and according to Chapter 5 (Page 5-19) are not acceptable in their current location.*

Two existing septic drain fields located in the existing and future Runway Object Free Area (ROFAs) are to either be improved to meet FAA surface gradient and weight-bearing standards or removed. These installations should be evaluated for effectiveness and treatment, and removed/relocated if necessary. The AMP discusses location within the ROFA; it contains no discussion of relocation or even land suitability for this treatment methodology. Consequently, there is no clear discussion about how existing drainfields will be located, designed and function, especially when the existing drainfields operate in a failure mode.

4.2 Soils

The soil is mapped as "Am" – Amity silt loam - with 0-3% slopes by the USDA Natural Resources Conservation Service (NRCS). This soil type is described as hydric and considered 'somewhat poorly drained' with a depth to water table of only 6-18 inches. Past inspections show 'distinct redoximorphic

features within 8 inches of the ground surface, indicating high groundwater and saturation likely from a high seasonal water table. The report prepared by the Environmental Science Associates (ESA) states that onsite wastewater treatment (septic systems) is not feasible on this site. In addition, there is concern that the existing septic tanks and systems are not functioning properly, necessitating regular pumping of the onsite tanks.

Goal 6 of the Oregon Statewide Planning Goals addresses pollution. This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Table 3: Wastewater and Septic System Items of Concern - Recommendations

Description	Status	Recommendation
The current system seems to be in a failure condition.	Generally described as pumping.	Further review and description of the existing system.
Site conditions are unfavorable for septic systems.	Described in the AMP Appendix 3	Further describe the existing system, including ground–soil conditions. Provide evaluation of need and contract with the local agency (City of Aurora) for discharge and transfer to a sewer system.
Legal ability to serve with the sanitary sewer.	Undescribed	Work with the County (and City) to update the airport overlay code to allow for tightline sanitary sewer service outside of urban areas.
Aurora Airport Water Control District's role	Undescribed	Describe the District's role, responsibility, etc.

5.0 ACCESSIBILITY - ROADWAYS

The Airport is located between Interstate 5 and State Highway 99E. Interstate 5, which is an essential north-south commerce link for the western United States, runs west of the Airport, providing access to the Portland metro area. 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 access to airport businesses from Highway 551 and Airport Road. State Highway 99E, accessible via Ehlen Road off Highway 551 and Airport Road, provides access to the nearby communities of Canby and Oregon City.

5.1 External Accessibility

While Aurora State Airport is not located within the Aurora UGB, its proximity to the City of Aurora but its impact on residents warranted its inclusion in the plan. The following excerpt from the City's plan outlines recommendations regarding the Airport. "…*For planning purposes, the City needs to continue to work with the Aurora State Airport and ODAV to help maintain and improve roadway access to and from the airport, as well as understand and address the effects of increased traffic flow on Airport and Ehlen Roads caused by airport growth. The increased growth will likely impact operations at intersections under the jurisdiction of the City, County, and ODOT. Mitigation for these impacts may be required in the future to ensure safety and efficient traffic operations."*

Marion County has jurisdiction over the non-state roads in the area. The overall external roadway appears to lack any review or discussion of improvements.

Most of the highways are two-lane, with minimal shoulders (2'-4' wide) and scratch (1'-2' deep) ditches. Left-turn lanes are in place, but minimal widening is available, even though the flat topography would otherwise allow for more. Arndt Road and Keil Road are extremely narrow. Some of the roadways have a level of service D (Arndt Road), with an intersection rating below D.

Highway 551, while an improved arterial, has a narrow shoulder and has experienced several documented accidents.

5.2 Internal accessibility

There is currently no dedicated vehicle service road within the airport. Access for support and delivery vehicles is largely via taxiways. Because of the lack of service roads within the airport, there is a high rate of vehicle-pedestrian deviations (V/PDs). The taxiway is on the east side of the single runway.

According to Chapter 5, a vehicle service road will be established; However, this has been removed from the preferred alternative with continued review and development moving forward. Given the frequency of V/PDs, removing this appears to be shortsighted.

5.3 Other

There is a discussion about using Aurora Airport as an emergency medical flight facility. This could result in additional impact on adjacent highways. Review of this should be performed with the County, State, and City.

Table 4: Transportation Items of Concern - Recommendations

Description	Status	Recommendation
Address road designations	Undescribed	Establish roadway designations with Marion County to determine ROW widths – Marion County reduced some classifications in the past.
Reinstate on-site vehicle service road.	Removed	Add a dedicated vehicle service road on site for safety.
Hubbard Road ROW	Undescribed	Work with ODOT to reduce ROW width for less impact on adjacent properties.

6.0 STORMWATER, RUNOFF

Stormwater is minimally discussed and realistically not included in the AMP. It seems odd that utility information and details concerning water (water, stormwater-surface water – water quality) and wastewater needs are relegated to the appendices rather than included within the document. This focus minimizes discussion in Chapter 2 – Existing Conditions (limited to a single page) of the AMP and seems to conveniently circumvent state planning regulations.

The current site is largely flat. It is located adjacent to runoff tributary areas, primarily the Pudding River to the east. Current conditions are the use of "roadway" ditches to send runoff to area culverts. The overall area is bounded by the Pudding River (~0.85 miles east), the Molalla River (~3 miles northeast), and Mill Creek (~0.75 miles southeast). All of these watercourses are downstream of the airport's stormwater discharge and are classified as sensitive habitat for salmonids.

The AMP includes an Environmental Overview performed by ESA in 2021 (Appendix 3). The document states that:

"*The purpose of this Environmental Overview is to describe the environmental conditions of the Airport and identify any known or potential environmental conditions or issues that could be affected by proposed development at the Airport."* It further states that a desktop analysis was performed of the following:

- Air Quality.
- Biological Resources (including fish, wildlife, and plants).
- Department of Transportation Act, Section 4(f).
- Hazardous Materials, Solid Waste, and Pollution Prevention.
- Natural Resources and Energy Supply.
- Visual Effects.
- Water Resources (including wetlands, floodplains, surface waters, water quality, stormwater, groundwater, and wild and scenic rivers).

The review only addresses 'inside the fence' issues and does not address any of the larger environmental issues or impacts of the area. They clearly state: "*Stormwater runoff from the Airport property flows into the Chinook and steelhead critical habitat areas as well as the Chinook and coho Effective Fish Habitat (EFH) areas. From the Airport property, overflow culverts direct stormwater to unnamed tributaries to Deer Creek. From Deer Creek, stormwater runoff flows to Senecal Creek, to Mill Creek, to the Pudding River, the Molalla River, and the Willamette River, where critical habitat is designated."*

6.1 Current uses and flow

The Airport's stormwater system is made up of a network of edge drains, culverts, and surface drainage features that generally flow to the east, west, and south sides of the Airport. Most of the stormwater runoff originating on ODAV-owned property and airfield facilities, like the runway, taxiway, and apron, flows to the west side of the Airport.

Two wetland delineations have been completed on portions of the Aurora State Airport Property. In 2003, WHPacific delineated several non-jurisdictional wetlands on the Airport property (2003). The delineated non-jurisdictional wetlands on Airport property are man-made drainage swales located in historic uplands with non-hydric soils. According to Oregon Department of State Lands (ODSL) Rule 141-085-0515 Removal-Fill Jurisdiction by Type of Water, these swales with wetland hydrology, vegetation, and soils are not considered waters of the state because they are artificially created for stormwater detention and/or treatment. These delineated non-jurisdictional wetlands all occurred within drainage swales on the eastern side of the runway. Since the original wetland delineation conducted by WHPacific, the locations of the paved taxiways and the swales delineated in that report have changed. The remaining swales identified in the two previous delineations were observed during the field reconnaissance. They were functioning as water retention facilities, with three culverts leading off Airport property to drain excess water during high-water events. In addition to the swales delineated on the east side of the runway, swales on the west side of the runway were also observed functioning as water retention facilities and may be non-jurisdictional wetlands. The delineated swales remain after the movement of the paved taxiway.

The National Wetlands Inventory maps a wetland adjacent to the Airport's northeastern corner; this feature is described as a concrete water retention pool maintained by Columbia Helicopters and has been discussed as a possible backup firefighting water source, but its role and availability remain unconfirmed.

Three culverts on Airport property conduct water off the Aurora State Airport boundaries. One culvert is near the northern extent of the runway, and two culverts are located at the southern boundary of the Airport property.

- The northern culvert connects the swales on both sides of the runway and is piped approximately 1,700 feet under the runway and Hwy 551 (also called Hubbard Cutoff Road NE) (see Figure 1). From there, water is discharged into an approximate 0.05-acre vegetated swale from which it then is piped under Boones Ferry Road and discharges into an unnamed tributary to Deer Creek. Deer Creek flows into Senecal Creek, which confluences with Mill Creek, which flows into the Pudding River that then confluences with the Molalla River before it is discharged into the Willamette River.

- The two southern culverts connect the southernmost swale on Airport property to a swale that continues south and west of Airport property. Satellite imagery and LiDAR data indicate that the off-site swale wraps around the northern and eastern edges of the agricultural field south of the Airport until it reaches a culvert that passes under Hubbard Cutoff Road NE and Boones Ferry Road NE, and through a residential area until it is discharged into an unnamed tributary to Deer Creek approximately one-mile south of where the northern culvert discharges to.

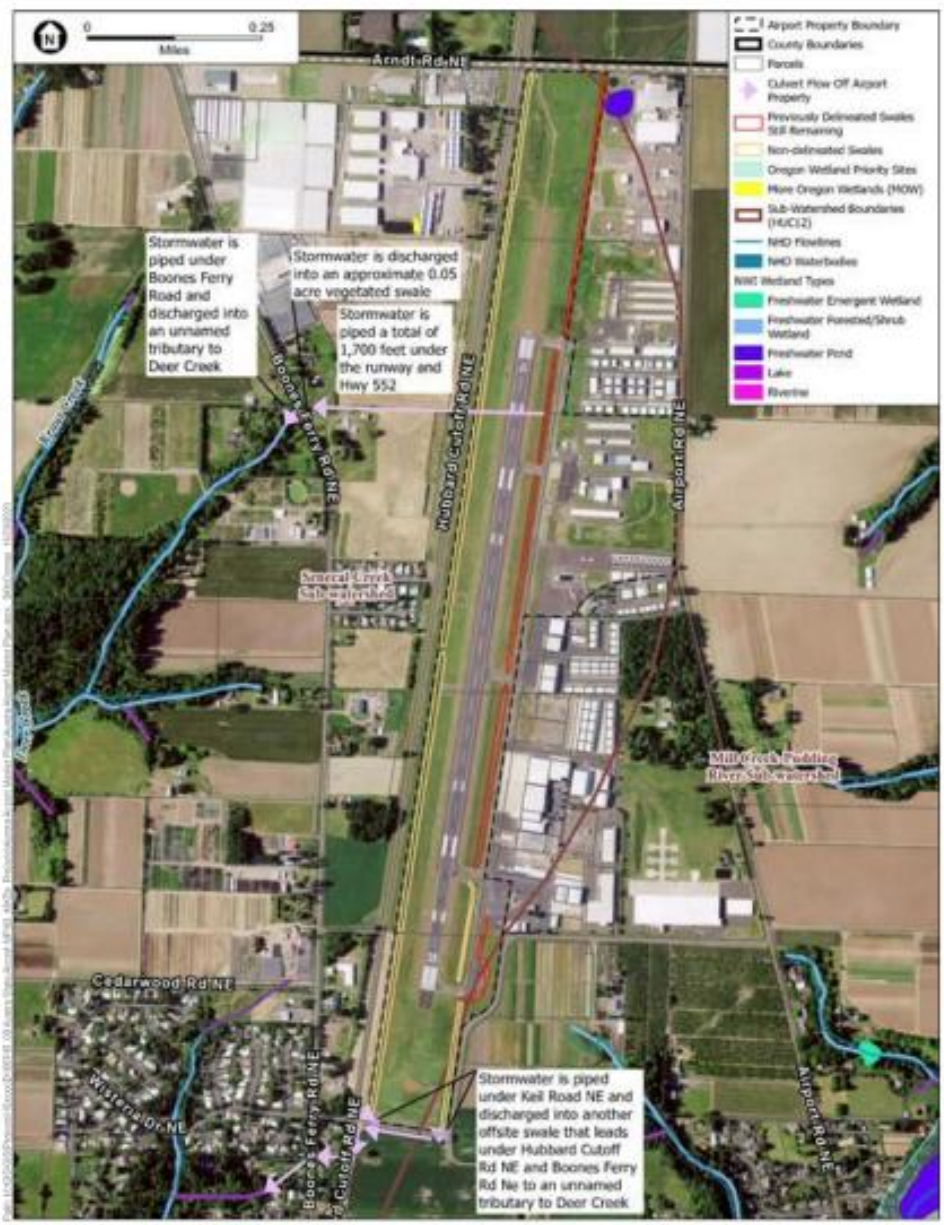

Figure 1: Airport Site

SOURCE: Century West Engineers Aurora State Airport Master Plan, Appendix 2 – Figure 1 - Basemap: (ESRI 2018); NWI: (USFWS 2021d); NHD: (USGS 2021); Oregon Wetland Priority Sites: (Oregon Spatial Data Library 2019); MOW: (Oregon Spatial Data Library 2019); Swales: Environmental Science Associates D201600745.05 Figure 1 Water Resources

The existing soils, as discussed in the septic section (Section 6), are largely hydric and poorly drained. This is why the existing swales and ditches are acting more like detention facilities than as treatment and discharge facilities.

The AMP describes the area waterways as contaminated (AMP Chapter 2) but provides no discussion for airport responsibility or efforts for onsite treatment or control. The airport is immediately adjacent to the Pudding River tributary area – basin (AMP Figure 2-8) and a 303(d) listed sub-watershed. It would be negligent for development in this area not to address the downstream impacts.

6.2 Other

With the potential use of deicing chemicals, fueling, and uncontained fuel storage, there is concern that runoff could be untreated.

The AMP includes (in Appendix 3) an Environmental Overview performed by ESA in 2021. Related concerns include the RCRA, the EPA hazardous waste treatment, storage, and disposal facility (adjacent), and the current status of the NPDES permits for site stormwater monitoring and discharge in the surrounding areas (1200Z stormwater permit). These items are discussed, but no description of concern or substantive action is included in the plan. No data is provided regarding compliance with or noncompliance with state discharge requirements.

Table 5: Stormwater Items of Concern - Recommendations

Description	Status	Recommendation
Water runoff is not discussed; there is no spill control plan described	Undescribed	Further review and description of the existing system, downstream impact, and sizing are necessary.
Chemicals	Undescribed	Provide a discussion of spill controls, runoff, and treatment onsite.
Deleterious materials	Undescribed	Provide a description and compliance with State requirements for PFAS and arsenic. Tie in discussion with potential septic system overflows.
Treatment facilities	Undescribed	Development a plan for treatment, control and discharge of runoff.
Overall stormwater plan	Undescribed	Develop an overall plan to identify and direct runoff, provide treatment and controls.
Fluorine Free Foam firefighting (water quality / environmental interface)	Unknown	Determine and discuss the use of an F3 system and the resulting impact on water need.

7.0 OTHER - GENERAL

7.1 Safety

The safety of the general public and the community seems largely absent from this document. This seems odd and quite concerning. It would seem that safety would be paramount and addressed by the state as a high priority. While safety is not listed as one of Oregon's Planning Goals, it would seem to be part of each AMP, as well as the overall development goal requirements, and should be thoroughly and thoughtfully included in any planning updates. Although Aurora is not a Part 139 airport, which relieves it of some aviation safety requirements, it seems that the State, as the licensed owner–operator, is remiss in failing to address or minimize safety measures at this facility.

The FAA discusses safety, rescue, and firefighting requirements for Part 139 airports. While Aurora is not classified as a Part 139 airport, fire protection and life-safety measures should be evaluated against Part 139 benchmarks to confirm adequacy for current and planned airport development. In addition, FAA guidance and related safety circulars (including the 150/5200 series) address firefighting considerations, and the FAA has required a transition to fluorine-free foam (F3) beginning in 2024, which is intended to reduce or eliminate PFAS in the environment. Again, Aurora is not a Part 139 airport, but Oregon water-quality requirements should take precedence over the convenience of noncompliance with state and federal guidelines. Oregon is implementing Federal EPA MCLs for five specific PFAS compounds and a hazard index for others. Public water systems were required to participate in the Fifth Unregulated Contaminant Monitoring Rule (UCMR5) between 2023 and 2025. In addition, Senate Bill 91 (2025) prohibits the use of PFAS-containing foam for training and for fire suppression.

With fueling services including 30,000 gallons of storage (12,000 gallons of aviation gas and 20,000 gallons of jet A) and annual fuel 'flowage' of over 1 million gallons/year, it seems like fire suppression should be a higher priority than the airport or AMP discusses. It appears that there are no containment structures in place at the current storage tanks.

Table 6: Safety Items of Concern - Recommendations

Description	Status	Recommendation
Fire Protection	Undescribed	• Further review and description of the existing program; required or responsible improvements. • Provide evaluation of need and contract with local agencies for backup support.

Mayors of the Aurora State Airport Area Communities

Aurora **Wilsonville**

December 13, 2021

The Honorable Kate Brown, Governor of Oregon
c/o Staff of the Office of the Governor — *Submitted via email to:*
Gina Zejdlik, Chief of Staff — *gina.zejdlik@oregon.gov*
Amira Streeter, Policy Advisor–Climate, Energy and Transportation — *amira.streeter@oregon.gov*
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Jody Christensen, Mid Valley Regional Solutions Coordinator — *jody.christensen@oregon.gov*

RE: Issues of Public Concern with Oregon Department of Aviation's Aurora State Airport Master Planning Process

Dear Governor Brown:

We write to you as the elected leaders of the communities located in closest proximity to the Aurora State Airport to express our profound disappointment at the Oregon Department of Aviation's biased handling of the Aurora State Airport Master Planning process. Our communities bear the brunt of impacts of the airport's operations, and yet the Aviation Department appears to be discounting our concerns and is primarily responsive to vested financial interests at the airport.

This observation is true in general, as Department of Aviation staff and board members indicate meeting constantly with private-sector airport interests, while rarely meeting with local community members, city councilors and staff. Multiple communications from officials at the Cities of Aurora and Wilsonville to the Aviation Department over the past several years are generally ignored and not responded to.

The Cities of Aurora and Wilsonville, along with other Planning Advisory Committee (PAC) members to the Department of Aviation's Aurora State Airport Master Planning process such as 1000 Friends of Oregon and Friends of French Prairie, seek to raise significant issues of public concern. This federally funded master plan has gotten off to a rocky start in a manner that demonstrates the Department's apparent bias and inability at providing fair public processes that meet Oregon's standards for meaningful public engagement.

We are concerned that the Department of Aviation is again making similar mistakes as it did with the 2011 or 2012 Aurora State Airport Master Plan process that both the Oregon Supreme Court and the Oregon Court of Appeals found in 2021 violated Oregon land-use and public-process laws. We request that the Governor's Office demonstrate decisive leadership that provides confidence to local-government officials that federal and state planning processes are

conducted in a legal and ethical manner above reproach, which at this time appears questionable.

A primary concern pertains to the extremely lopsided membership composition of the Planning Advisory Committee (PAC). The Department of Aviation has stacked the Planning Advisory Committee with self-dealing financial interests at the Airport that benefit from taxpayer-funded Airport operations and capital improvements. A review of the PAC membership demonstrates that well over half of the PAC membership is comprised of entities with direct pecuniary interest in furthering airport expansion at taxpayer expense.

The same pro-airport expansion entities are represented multiple times on the PAC. Two associations placed on the PAC are composed of a majority of Airport financial interests:

- The attorney for the Aurora Airport Improvement Association represented at the June 3, 2021, Oregon Aviation Board meeting that most of the businesses at the Aurora State Airport belonged to the Aurora Airport Improvement Association.
- In a similar manner, most of the same airport entities are also members of Positive Aurora Airport Management association, a local airport operations management group.

By all appearances, the process and committee composition has the appearance of a "tick the box" exercise in public involvement. This leaves us to conclude that the outcome is predetermined and that the inevitable result will lead to airport expansion regardless of the impacts on safety, the environment and surrounding infrastructure.

Another key problem is that the Department of Aviation has omitted two key state agencies as PAC members: Department of Agriculture and Department of Environmental Quality (DEQ). The Aurora State Airport is located in the heart of the Oregon's best "foundation farmland" of French Prairie, which hosts some of Oregon's foremost traded-sector ag producers, nurseries and food processors. Real-estate speculation and uncontrolled urban-level development—as are occurring at the Aurora State Airport area—are harmful to this prime ag-sector economic cluster. By excluding the Department of Agriculture from the public process, the Department of Aviation continues a trend of excluding parties that may provide valuable information or may question the Aviation agency's objectives.

We read in the media that the US Environmental Protection Agency (EPA) indicates that 750 Oregon sites could expose residents to 'forever chemicals' of per- and poly-fluorinated substances or PFAS, where growing evidence points to their adverse health effects, including some cancers. In Oregon, the state Department of Environmental Quality (DEQ) is testing locations including the Aurora State Airport for known or suspected PFAS use. Again, the Department of Aviation's exclusion of DEQ demonstrates an on-going pattern of discriminatory conduct.

We understand that the Governor's Office Executive Order 20-04 on Climate Action "Directing State Agencies to Take Actions to Reduce and Regulate Greenhouse Gas Emissions" (GHG)

directs DEQ to develop strategies that "Cap and Reduce Greenhouse Gas Emissions." We are concerned that representatives of the Governor's Office appointed to the Oregon Aviation Board and Department of Aviation staff simultaneously are advocating for major expansion of the Aurora State Airport that results in substantial increases in aviation-gas fossil-fuel consumption and GHG emissions, contrary to the Executive Order on Climate Action.

One of the major reasons stated by aviation interests for Aurora State Airport runway extension is to increase the sale of aviation fuel so that a larger class of aircraft may takeoff from the airport with full tanks of gas. We note that the tax on aviation fuel is the primary source of operational revenue for the Department of Aviation. Thus, the Department of Aviation has a direct pecuniary interest in advocating for increased aviation-gas fuel sales that would accompany expansion of the Aurora State Airport, seemingly in direct conflict with the Governor's Executive Order on Climate Action.

Additionally, DEQ data appears to indicate that the NMPDES (National Pollution Discharge Elimination System) permit for the Department of Aviation's Aurora State Airport discharge into Mill Creek-Pudding River watershed expired June 30, 2017. We understand that area residents have expressed concerns for surface-water, ground-water and well-water quality due to prospective airport run-off pollutants, unregulated septic systems and potential ground water pollution. Cumulatively, these all appear to be good reasons from the Department of Aviation's perspective to exclude DEQ from Airport planning efforts.

The Department of Aviation's tightly controlled master planning process fails to meet the test for meaningful public engagement. The Zoom meeting format used by the Department of Aviation does not list or show all participants in the meeting and provide clear labeling of names and affiliations. It is unclear to the public who is attending the meetings and who or what entity that participants represent. At the November 16, 2021, PAC meeting, it was difficult to ascertain from many of the name labels who was attending in what role. Names and affiliations of all PAC members and staff/consultants should be clearly evident.

Additionally, some PAC members were allowed to have two representatives participate in the meeting, while some PAC members were ignored and not allowed to participate in the meeting. These elements indicate a failure of meaningful public process.

The facilitators for the PAC meeting used a series of unscientific "polls" to gauge participants' thoughts or perspectives; however, it was unclear who was participating — was it PAC members, Aviation staff and consultants, and/or the public? Moreover, the facilitators interpreted the results of the poll that may or may not be an accurate reflection of the participants involved.

The Department of Aviation states that "As the airport sponsor, ODA staff will be the final decision-making authority. They will decide what is included in the Master Plan." Setting aside the fact that this pronouncement at the start of a "public involvement" process sends a message that is contrary to Oregon's Statewide Planning Goal Number 1, we believe this is false

information; only the appointed body *(i.e.,* the Oregon Aviation Board) can legally approve a master plan. The failure of the Aviation Board to adopt the 2011 or 2012 Aurora State Airport Master Plan was a centerpiece for the Oregon Supreme Court's affirmation of the Court of Appeal's decision against the Department of Aviation for failure to comply with Oregon law.

During the November 16, 2021, PAC meeting, aviation consultants indicated that they would consider nearby external "outside the fence" proposed urban-level developments in the Airport master-planning process — implying that such proposed developments would favor Airport expansion. However, the consultants gave no indication of reviewing such information in light of Oregon's EFU land-use laws, nor the potential reality of such proposed developments ever actually occurring. Additionally, consultants gave no indication of considering the "negative" aspects of proposed developments outside the Airport, such as increased surface-transportation impacts/traffic congestion and potential mitigation, increased land-speculation harming the ag industry, and increased pollution and environmental impacts.

The Department of Aviation has allowed and promoted the dissemination of false information about the seismic resilience of the Aurora State Airport. At the October 6, 2021, Oregon Aviation Board planning session and at the November 16, 2021, PAC meeting, misinformation about the seismic conditions of the Aurora State Airport area was provided without rebuttal. At the October meeting, the Aviation Board had considerable discussion on resilience, and the importance of selling the resilience concept to the public and government officials as a component of building support for state and federal funds for the Aurora State Airport expansion. Aviation Board Chair Meeker indicated a desire to improve "lines of communication" between the Governor's Office and airport businesses to promote resilience.

Contrary to statements that depict the Aurora State Airport as a crucial facility for the projected 9.0 Cascadia Subduction Zone Earthquake, the Aurora State Airport is listed at the lowest-level of Tier 3 airports in the Oregon Resilience Plan. The Tier designations "indicate the priorities for making future investments." In other words, the Department of Aviation is effectively targeting one of the lowest priority airports to prepare for recovery in the Oregon Resilience Plan for potentially one the largest airport capital improvement projects ever planned by the state.

With respect to the airport's ability to withstand a Cascadia Subduction Zone Earthquake, reports by the Oregon Department of Geology and Mineral Industries (DOGAMI) show that the Aurora State Airport is located in an area subject to major potential damage in a projected 9.0 Cascadia Subduction Zone Earthquake. The "Mid/Southern Willamette Valley Geologic Hazards, Earthquake and Landslide Hazard Maps, and Future Earthquake Damage Estimates," DOGAMI publication IMS-24, shows that the Aurora State Airport specifically is located in an area:

- Rated High for Ground Shake Amplification
- Rated High for Amplification Susceptibility
- Rated Moderate to High for Liquefaction Susceptibility

The same deep, fine soils that make the French Prairie area such exemplary foundation farmland also mean these soils are subject to amplification and liquefaction. As a result of such an earthquake, the airport runway would likely be unserviceable for a long period of time (6-12 months) post-earthquake. Rather than allow aircraft to take off or land due to an inoperable runway, the most likely role of the Aurora State Airport will be to accommodate vertical take-off and landing of heavy-lift helicopters with locally-based Columbia Helicopters and Helicopter Transport Services, neither of which require a runway extension to operate.

In all of our years of government service, we have never seen a state agency act with such disregard to the concerns of the local communities, and appropriate and fair public process. We request your intervention now to provide for an unbiased process that produces trust-worthy results. We believe that if the Department of Aviation were to comply with—rather than seek to evade—the letter and spirit of Oregon's land-use and public-process laws, judicial intervention to set a course correction would not be a necessary remedy that must be pursued by local governments and concerned citizens.

Again, we appreciate your time and consideration of these important issues, and we look forward to your response. Thank you.

Sincerely,

Brian Asher, Mayor
City of Aurora

Julie Fitzgerald, Mayor
City of Wilsonville

Enc:
- Letter from Cities of Aurora and Wilsonville to Sen. Lee Beyer and Rep. Susan McLain, Co-Chairs Joint Committee on Transportation, RE Request for Public Hearing on HB 2497 – Proposed Legislation to Create Transparent Public Process for State Aviation Department Agency Communications and Coordination with Local Governments and Communities on Aurora State Airport Issues of Concern, March 11, 2021
- Aurora State Airport in Relation to The Oregon Resilience Plan and DOGAMI Earthquake Susceptibility Maps – 2019

cc: Oregon Aviation Board
Senator Ron Wyden
Senator Jeff Merkley
Congressman Kurt Schrader
Congresswoman Suzanne Bonamici
House Speaker Tina Kotek
Senate President Peter Courtney
Representative Susan McLain (HD 29)
Representative Courtney Neron (HD 26)
Representative Christine Drazan (HD 39)
Senator Bill Kennemer (SD 20)
Metro Council President Lynn Peterson
Metro Councilor Garrett Rosenthal
Clackamas County Board of County Commissioners
Marion County Board of County Commissioners
FAA Mountain Region staff
Heather Fernuik, Director
Chris Schaffer, Planning & Programming Manager
Warren Ferrell (Acting) Manager, Seattle Airports District Office