



Marion County
OREGON

ZONE CHANGE/COMPREHENSIVE PLAN CHANGE APPLICATION

Applications submitted by mail will not be accepted

Fee: Please check the appropriate box:

- | | |
|--|--|
| <input type="checkbox"/> Zone Change - \$1880+\$30/acre
<input type="checkbox"/> Comprehensive Plan Change - \$3755+\$60/acre
<input checked="" type="checkbox"/> Zone Change/Comprehensive Plan Change - \$3755+\$60/acre | <input type="checkbox"/> Mineral Aggregate Site - \$5300 base fee +
\$25/acre – 0-100 acres
\$75/acre – 101-200 acres
\$100/acre – 201-399 acres
\$150/acre – 400+ acres |
|--|--|

PROPERTY OWNER(S): US Leaseco Inc.	ADDRESS, CITY, STATE, AND ZIP: 5806 SW Plumley Street Corvallis, OR 97333
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Mark D. Shipman, Saalfeld Griggs PC	ADDRESS, CITY, STATE, ZIP PC Box 470, Salem, OR 97308
DAYTIME PHONE (if staff has questions about this application): (503) 399-1070	E-MAIL: mshipman@sglaw.com
CONTRACT AND/OR MORTGAGE HOLDERS (if any):	ADDRESS, CITY, STATE, AND ZIP
ADDRESS OF SUBJECT PROPERTY: Northwest corner of the intersection of Keil Road NE and Airport Road NE near Aurora in Marion County	SIZE OF SUBJECT PROPERTY: 27.48 acres
THE PROPERTY OWNERS REQUEST TO CHANGE THE ZONE FROM (current zone) <u>Exclusive Farm Use (EFU)</u> TO (proposed zone) <u>Public</u> AND/OR CHANGE THE COMPREHENSIVE PLAN DESIGNATION FROM <u>Primary Agriculture (PA)</u> TO <u>Public</u> (attach additional sheet if necessary)	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? () YES (x) NO IF YES, WHICH RAILROAD: _____	

FOR OFFICE USE ONLY:			
Township <u>04</u>	Range <u>1W</u>	Section <u>11A, 12B</u>	Application elements submitted:
Tax lot number(s) <u>100, 400</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>EFU</u> Comp Plan: <u>Primary Ag</u>			<input checked="" type="checkbox"/> 2 Site plans showing existing/proposed zoning
Zone map number: <u>3</u> <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural			<input checked="" type="checkbox"/> Applicant statement
<input type="checkbox"/> TPA/header <u>B</u>			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number: <u>22-CP/09-05</u>			<input checked="" type="checkbox"/> Filing fee <u>not paid</u> <u>5/15/19</u>
Signs given (min. agg. only):			Application accepted by: <u>AB</u>
Date determined complete:			Date: <u>3-26-09</u>



Marion County
OREGON

CONDITIONAL USE APPLICATION

Applications submitted by mail will not be accepted

Fee: Please check the appropriate box:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Conditional Use - \$1250 | <input type="checkbox"/> Wireless Communication Facility - \$3130 |
| <input type="checkbox"/> Conditional Use Hardship - \$375 | <input type="checkbox"/> Home Occupation - \$640 |
| <input type="checkbox"/> Conditional Use Hardship Change of Occupant - \$100 | <input type="checkbox"/> Amend Conditions/Permit - \$500 |
| <input type="checkbox"/> Non-Farm Dwelling \$1880 | <input type="checkbox"/> Aggregate Site (non Goal 5) - \$2500+\$65/acre |
| <input type="checkbox"/> UT Zone Replacement Dwelling - \$375 | |

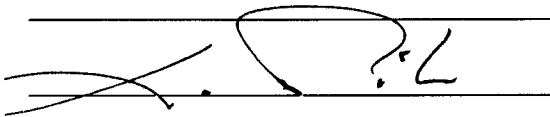
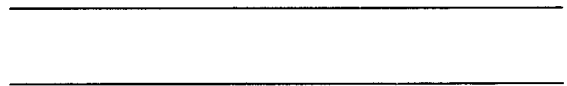
PROPERTY OWNER(S): US Leaseco Inc.	ADDRESS, CITY, STATE, AND ZIP: 5806 SW Plumley Street Corvallis, OR 97333
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Mark D. Shipman, Saalfeld Griggs PC	ADDRESS, CITY, STATE, ZIP PO Box 470 Salem, OR 97308
DAYTIME PHONE (if staff has questions about this application): (503) 399-1070	E-MAIL (if any): mshipman@sglaw.com
CONTRACT AND/OR MORTGAGE HOLDERS (if any):	ADDRESS, CITY, STATE, AND ZIP
ADDRESS OF SUBJECT PROPERTY: Northwest corner of the intersection of Keil Road NE and Airport Road NE near Aurora in Marion County	SIZE OF SUBJECT PROPERTY: 27.48 acres
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (attach additional sheet if necessary): <u>obtain a conditional use permit to operate an airport related use on the Subject Property. (Please see attached</u> <u>written statement for detailed information)</u>	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? () YES (x) NO IF YES, WHICH RAILROAD: _____	

FOR OFFICE USE ONLY:			
Township	Range	Section	Application elements submitted:
Tax lot number(s)			<input type="checkbox"/> Title transfer instrument
Zone:			<input type="checkbox"/> Site plan
Zone map number:			<input type="checkbox"/> Applicant statement
<input type="checkbox"/> TPA/header			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number:			<input type="checkbox"/> Filing fee
<input type="checkbox"/> Urban <input type="checkbox"/> Rural			<input type="checkbox"/> Physician's Certificate (if applicable)
Signs given:			<input type="checkbox"/> Home Occupation Supplemental (if applicable)
Date determined complete:			Application accepted by:
			Date:

THE APPLICANT(S) SHALL CERTIFY THAT:

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

SIGNATURE of each owner of the subject property.

A handwritten signature in black ink, appearing to be 'J. L.', is written over a horizontal line. The signature is stylized with a large loop and a cross.Two parallel horizontal lines, intended for a second signature, are shown on the right side of the page.

DATED this _____ day of _____, 20

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

APPLICANT:

Helicopter Transport
Services, LLC
5806 S.W. Plumley St.
Corvallis, OR 97333

OWNER:

US Leaseco Inc.
5806 SW Plumley Street
Corvallis, OR 97333

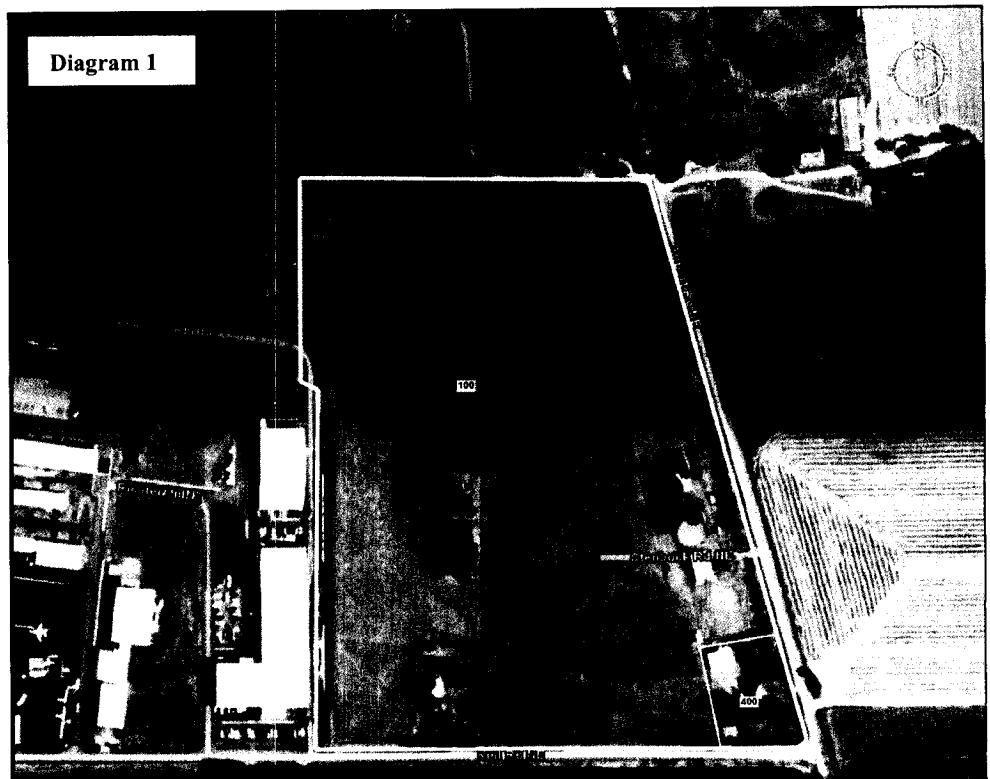
APPLICANT'S REPRESENTATIVE:

Mark D. Shipman
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308
(503) 399-1070

SUBJECT PROPERTY INFORMATION:

The subject property is located at the northwest corner of the intersection of Keil Road NE and Airport Road NE near the City of Aurora in Marion County (herein the "***Subject Property***" or "***Property***"), and consists of Tax Lot 400 of Tax Assessor's Map T4S R1W Section 12B and Tax Lot 100 of Tax Assessor's Map T4S R1W Section 11A and containing a total of 27.48 acres. See ***Exhibit "A"*** attached hereto.

The Subject Property is designated Primary Agriculture (PA) on the Marion County Comprehensive Plan (MCCP) and zoned Exclusive Farm Use (EFU) on the Marion County Zoning Map. In addition, the Subject Property is within the Horizontal Surface District of the Aurora State Airport (the "***Airport***"), with its attendant use and developmental restrictions. There are no sensitive groundwater areas, floodplain hazards, geologic hazards, or identified wetlands located on or near the Subject Property.



Each tax lot contains an existing dwelling, well, septic system and accessory structures. Keil Road NE and Airport Road NE run along the south and east side of the Subject Property and provide access to the tax lots. Yellowgate Lane, an access road to the Aurora Airport, runs along and within the western boundary of the property.

The owner of the Subject Property is US Leaseco Inc., a Delaware corporation, as evidenced by the

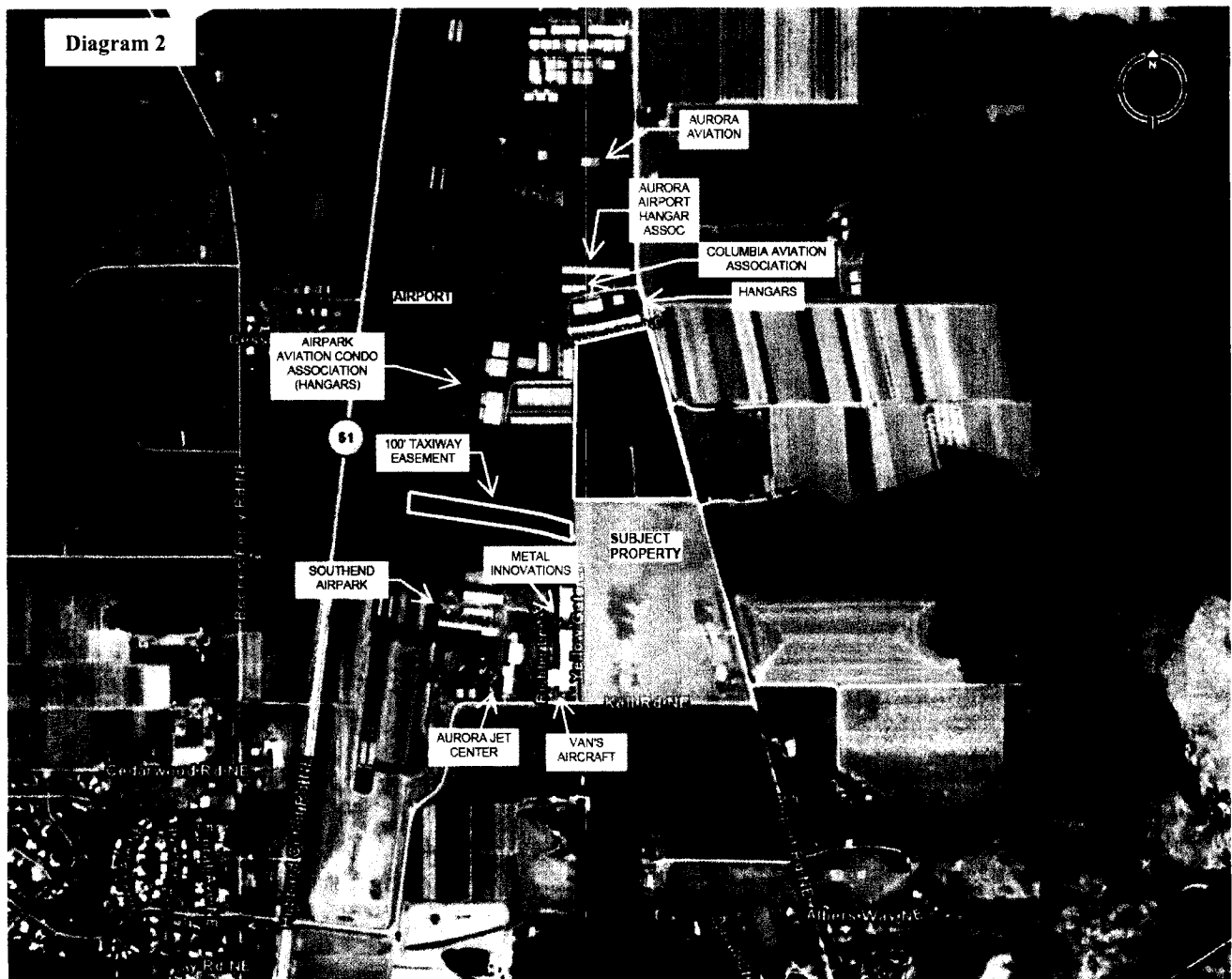
Warranty Deeds attached hereto as **Exhibit "B,"** recorded in Marion County Records at Reel 2969, Page 285 and Reel 2969, Page 286. The tax lots of the Subject Property are considered legal parcels for land use purposes.

SURROUNDING PROPERTY INFORMATION:

Surrounding properties to the Subject Property are zoned, designated, and used as follows (see also **Diagram 2** below):

TABLE 1

PROPERTY	ZONING	Designation	USES
North	EFU	PA	Religious Retreat Facility
South	EFU	PA	Agriculture
East	EFU	PA	Agriculture
West	P	Public & Semi-Public	Aurora Airport



BACKGROUND AND PROPOSAL:

Applicant operates an aerial charter service. The company's operations encompass a broad range of

aerial service needs worldwide which includes mining, oil exploration, utility, construction, heavy lift, and firefighting. Applicant's company operates 80 helicopters in the United States, Canada, Australia, Peru, Ecuador and Argentina. The helicopter fleet includes Bell 206B, L, L-3, L-4 series, Eurocopter AS 350 B2 series, which are light, Type III helicopters; Bell 204, 205, 212, and Sikorsky S58T's, which are medium, Type II helicopters; and Bell 214ST, S-61N, Sikorsky CH 53D, and Sikorsky CH54 B sky cranes, which are heavy, Type I helicopters.

Applicant is in the process of moving its Oregon operation currently in Corvallis into one facility in Oregon. Applicant considers Oregon, and in particular the Aurora State Airport, to be an ideal location for the location of its facilities. The Aurora airport location has a number of advantages not replicated anywhere in the State. The Aurora airport is the location of a key vendor that is the only one of its kind in the world. The Aurora airport is also the location of one key competitor, and another competitor is in the same region. Proximity to these competitors is important for the Applicant's business strategy.

Proximity of the Airport to the aerial forest fire fighting portion of the business, along with a close proximity to other urban centers is also important. Regionally, the Property is located approximately 25 miles south of Portland, 25 miles north of Salem, and 90 miles north of Eugene. The Aurora State Airport is one of three Oregon airports that are eligible to participate in the "Through the Fence" program. See ORS 836.642, attached as **Exhibit "I."** "Through the fence" agreements provide access onto the airfield for off-airport businesses or individuals who utilize the airport infrastructure but do not lease space at the airport or contribute financially to support the airport through ground leases or operational leases like those operations located within the boundaries of the airport.

Applicant plans to construct a 126,000 square foot state of the art facility which will encompass a hanger, component overhaul shop, engine overhaul shop, spare parts inventory facility and management office space. Applicant seeks an exception from Statewide Planning Goal 14 to site an urban use on rural land. Applicant also seeks an exception to Statewide Planning Goal 3 by amending the Comprehensive Plan designation from Primary Agriculture (PA) to Public (P) and the zoning from Exclusive Farm Use (EFU) to Public (P) on the Subject Property. Finally, because airport related operations are conditional uses in the P zone, Applicant also requests a conditional use permit to operate an airport related use on the site. The final site plan of the proposed parcels and Applicant's proposed use of the Exception Area is attached hereto as **Exhibit "C."**

PREVIOUS ACTIONS:

The Subject Property has been involved in multiple prior land use actions. See ZC/CPC 91-2, LLA 97-29, CU 03-18, CPC 03-04, and ZC/CPC 07-08. For purposes of this application, CUP 03-18 is most relevant. In order to facilitate the anticipated expansion of the Aurora State Airport, a road was constructed along the western border of the Subject Property to connect the southwest portion of the Aurora State Airport to Keil Road and to provide for separation between vehicle traffic and aircraft activity. This road was approved by way of conditional use permit on August 22, 2003 and was named Yellow Gate Lane NE. A copy of this decision is attached as **Exhibit "D."**

Most recently, a request was filed to change the zoning and comprehensive plan designation on the Subject Property. See ZC/CPC 07-08. While this previous application requested the same zoning and comprehensive plan changes as are requested in this application, unlike this Applicant's submittal, the prior application did not propose a specific user, and did not have a particular site plan available for review. While the requests in both applications are similar in nature, the content differs in that additional criteria are addressed below and different justifications exist which would justify approval of this Applicant's particular request.

APPLICANT'S PROPOSED FINDINGS:

I. EXCEPTION TO STATEWIDE PLANNING GOAL 14

The essential purpose of Goal 14 is to separate and transition the types of uses that are appropriate on urban and rural lands respectively. See OAR 660-015-0000(14), attached as ***Exhibit "S."*** Certain small scale urban-type developments may occasionally be allowed on rural land, but larger scale developments that propose urban uses on rural lands require that an exception be taken to Goal 14. In the absence of an exception, the Land Conservation and Development Commission (LCDC) has acknowledged rural zoning ordinances which allow maximum size limits of 3,500 square feet for commercial uses and 35,000 square feet for industrial uses on agricultural lands without needing an exception to Goal 14. For proposed developments that exceed these floor area limits, Marion County requires an exception be taken to Goal 14.

There are three types of exceptions to Statewide Goals that may be granted. The first type of exception is that the property itself is "physically developed" and not available for resource use. The second exception is based on the concept that the land surrounding the subject property is developed to such an extent that the land is "irrevocably committed" to uses other than resource use. The third type of exception, often called a "reasons exception," requires a demonstrated reasonable need for the proposed use or activity. Applicant believes there are reasons that exist which, when taken together, justify allowing this particular urban use to be located on rural land. Applicant therefore submits this application for a reasons exception.

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

The Subject Property is rural land by definition, since it is located outside the City of Aurora's urban growth boundary (UGB). Applicant's proposal is for urban uses. Therefore, an exception to Goal 14 is necessary. Applicant anticipates that its facility will total approximately 126,000 square feet. This facility will be adjacent to the commercial and industrial uses that already exist at the Aurora State Airport. OAR 660-014-0040 sets forth the criteria for taking an exception to Goal 14:

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

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

Proposed Finding: At the nearest point, the City of Aurora's acknowledged UGB is located approximately 1500 feet from the southeast corner of the Aurora State Airport. See **Exhibit "M."** The Subject Property is situated adjacent to the Airport, and approximately 1300 feet from the UGB. As such, the Subject Property is classified as undeveloped rural land. The Airport, which is situated immediately west of the Subject Property, is not undeveloped rural land, as it has been developed with the airport's urban uses.

According to the Oregon Department of Aviation, the Aurora State Airport has evolved over the years into the busiest state-owned airport and the fifth overall busiest airport in the state. See Oregon Department of Aviation 2007 System Master Plan- Aurora State Individual Airport Report, Page 18. Today, the airport continues this growth. The significant economic contribution the airport already makes to the region is discussed more fully below. The Aurora State Airport does not presently have the capacity to meet the demand that increased usage has caused. This deficiency is caused by the limited amount of land currently at the Airport that has the appropriate zoning designation to allow for airport development.

The eventual need to expand has been documented as far back as at least 1976. The 1976 Aurora Airport Master Plan was incorporated into the Marion County Comprehensive Plan, of which it remains a part today. In short, the 1976 version of the Airport Master Plan, attached as **Exhibit "G"** hereto and incorporated herein by this reference, forecasted a significant increase in general aviation traffic. See page 48. In order to deal with this increase, which has in fact occurred as predicted, the plan recommended the acquisition of additional surrounding land. Specifically, the master plan noted that "Space for airport expansion is impacted on three sides by highways, relatively difficult to relocate, and on the fourth side by privately owned and controlled property... Expansion will be into the space east of present airport property." See page 67. Attached as **Exhibit "H"** is a copy of the Land Use Plan drawing incorporated into that master plan. On the Subject Property, the plan notes that "THIS AREA IS ACCEPTABLE FOR AIRPORT-RELATED DEVELOPMENT UNDER PRIVATE OWNERSHIP." This note has appeared on other site plans through the years. See **Exhibit "W."** One recommendation to implement this plan prescribed acquiring 113 acres of land on the east side of the airport. See page 67. The plan went on to note that "Without this space for airport development it will be impossible to implement a complete and productive airport development program." See page 67.

The need exists now more than ever to expand the airport facility to accommodate both historical and anticipated growth. The Subject Property has been identified, at least as far back as 1976 in the Airport Master Plan, as the most appropriate location for purposes for expansion. Applicant's use will provide additional land and support services that the Airport will use to help encourage and facilitate the growth potential at the Airport facility. Numerous documents including the MCCP through the Aurora State Airport Master Plan and the October 2000 update to the Aurora State Airport Master Plan (attached as **Exhibit "N"**- never finally adopted by County), state the need for additional acquisition of land at the Airport. Adding to the sensibility of expansion in this location is the fact that the Aurora State Airport has been selected by the Oregon Legislature as the first pilot site to participate in its "Through the Fence" program (see ORS 836.642, attached as **Exhibit "I"**) which specifically promotes the economic development of rural airports by granting private adjacent landowners certain accommodations to access airport facilities. The stated purpose of ORS 836.642 is to "encourage development of through the fence operations designed to promote economic development by creating family wage jobs, by increasing local tax bases and by increasing financial support for rural airports." While other economic considerations are discussed more fully below, the Aurora State Airport has the potential to be an even more significant economic contributor than it is now.

As suggested previously, the Subject Property is situated in a perfect location for the Applicant's business. The proximity of the Airport to the aerial forest fire fighting portion of the business, along

with a close proximity to other urban centers provide additional reasons why the Aurora State Airport provides an ideal location for Applicant's business. Furthermore, the Subject Property was available for outright ownership. The long-term financial and control advantages of ownership rule out leasing land for Applicant's operations as an option. A significant economic advantage regarding the Subject Property is that the Applicant already owns the land. Finding lands adjacent to airports to purchase in this state is difficult enough, not to mention lands which are adjacent to airports which have as much to offer Applicant as the Aurora State Airport does. Finally, Applicant would be considered a fixed based operator at the Airport. The October 2000 update to the Aurora State Airport Master Plan, describes these operators as needing "easily identified and available public access, visibility from public roads, and good airfield access, and should be easily locatable by itinerant traffic landing at the airport." See page 4-15. The Subject Property meets all of these criteria, as it has frontage and public access off of Airport Road NE, Keil Road NE, and Yellow Gate Lane; as it has good airfield access with an easement which allows direct access to Airport facilities; and as it can be easily locatable by itinerant traffic landing at the Airport since it is within the horizontal surface district of the Airport.

Securing Applicant's company at this location would be a tremendous benefit for not only the Airport, but the city, county, and state as well. From an economic perspective, Applicant's business brings great potential to the region and to the state. The Applicant reached \$80 million in sales in 2007. The rate of growth has been steady, and is estimated to reach \$110 million in sales by 2010. Currently, Applicant subcontracts approximately \$5 million to local Oregon companies and estimates that the number should increase to \$8 million within the first year after consolidation of the operation is complete at the Airport. The consolidation of the company at the Airport would mean that there will be an immediate need for approximately 85 additional jobs in the region, with average salaries ranging from \$50,000 to \$60,000 per year. The Applicant projects the need to add approximately 20 additional positions per year, with an anticipated workforce of 160 employees in place by the end of the 5th year.

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

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

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

Proposed Finding: As mentioned above, the Aurora UGB is located approximately 1300 feet from the Subject Property. See **Exhibit "M."** The land between the existing UGB and the Subject Property is resource land, currently in farm production. The City of Aurora originally proposed that the airport be included in the UGB when it was going through acknowledgement; however, this was not approved by LCDC and the UGB was reduced to the present area. It continues to be unreasonable to extend the UGB this distance due to the amount of intervening resource land.

Likewise, attempting to locate this use in a rural center, or rural community would be unreasonable. For one, there are no rural centers or communities in Marion County which lie adjacent to an airport. The proposed use depends on access to adjacent airport facilities. The business cannot be located away from any airport. Furthermore, proximity to the Aurora State Airport specifically is particularly important. This specific site offers several unique amenities that cannot be duplicated by any city, rural community, or airport in the State. The Aurora airport is the location of the supplier, repair service provider, and engineer of the Applicant's specially designed tail rotor blades, Metal Innovations, Inc.

Metal Innovations, Inc. is the only company in the world that supplies this product and service for the Applicant. This is not only important for operations efficiency, but also for reducing energy and transportation costs associated with shuttling parts to and from Metal Innovations, Inc.

In addition, there are significant strategic advantages in being located near the Applicant's two competitors: Columbia Helicopters, Inc. is located within the Aurora Airport, and Evergreen Helicopters, Inc. is located at the McMinnville Airport. Included in those advantages is proximity to the human resource pool of specially trained mechanics that has the expertise necessary to perform the service and repairs needed at the Applicant's proposed facility. The center of that pool is in the Aurora area because of the presence of the Applicant's two competitors.

The "Through the Fence" access, in connection with the private airport access easement owned by the Applicant, will allow Applicant the ability to directly access the Airport and runway. Accordingly, this location affords the most economic, energy and environmentally efficient operation possible.

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

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

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

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

Proposed Finding: Applicant is requesting to take an Statewide Planning Goal exception to the Subject Property. The structure that Applicant would require for its proposed use is in excess of 120,000 square feet. This space is needed to store and repair large equipment indoors. Additional land is needed for outdoor storage, parking and access areas, allowance of future expansion (of either the Applicant or the airport), and assurance that well and septic facilities can appropriately handle the requirements of the development. Approximately 85 employees are initially anticipated to be located on the Subject Property.

According to the Oregon Department of Aviation, the Aurora State Airport has evolved over the years into the busiest state-owned airport and the fifth overall busiest airport in the state. See Oregon Department of Aviation 2007 System Master Plan- Aurora State Individual Airport Report, Page 18. According to the update to the Aurora State Airport Master Plan, dated October 2000, (2000 Plan) a

recommendation is made to provide increased space for increased fixed base operators (FBO's), which provide goods and services which complement the airport and its users. The 2000 Plan recommends that, "To provide sufficient land for new FBO's, 8 to 10 acres will be needed." In addition to the land needed to support the anticipated need for new FBO's, the 2000 Plan predicts that there will be an increased need for hangars to accommodate 62 additional based aircraft, which will require an additional 6.1-7.3 acres of land, to adequately serve the 318 total based aircraft anticipated to be located at the airport in the future. In sum, the 2000 Plan update predicts that by 2017, approximately 14.1-17.3 acres of additional land (for both FBO's and hanger space) will be needed to accommodate forecasted growth of the airport aside from Applicant's intended use. The 2000 Plan also reports that the surrounding area has a good supply of available adjacent land for future development, and points out that the development pattern for the airport has always been on adjacent private land.

The 2000 Plan update is now nearly 10 years old and only made projections through year 2017. This update has never been formally adopted by Marion County. The County has not adopted any revision to the master plan since the 1976 version of the Aurora State Airport master plan was incorporated into the Comprehensive Plan. In February 2008, the Oregon Department of Aviation adopted the Oregon Aviation Plan 2007, (OAP 2007). See **Exhibit "L."** This document is intended to guide the management and growth of all Oregon airports over the next 25 years. The aviation activities and future projections in this study were updated. OAP 2007 represents the most current analysis of the activities taking place at the Airport today. The report specifically identified that hangared aircraft storage was one area in which the Airport was deficient. The data in OAP 2007 reveals that the 2000 update to the Aurora State Master Plan did not fully anticipate the growth that would occur at the airport. OAP 2007 reports that, as of 2005, there were 387 based aircraft at the airport. This is already 69 more aircraft than the 2000 Plan update anticipated would be located at the airport in 2017. By 2025, OAP 2007 forecasts that 498 based aircraft could potentially be located on site at the airport. Using this 2025 estimate, in light of demand already significantly exceeding the 2000 Plan estimates, airport needs easily exceed the 27.5 total acres that are the subject of this application, let alone the acreage to be available for FBO's and hangars after establishment of Applicant's proposed facility.

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

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

Proposed Finding: The uses on the Property will be similar to those uses that currently exist on the adjacent Airport property. Applicant's consultant has concluded, based on preliminary investigations, that an onsite well and septic system will be feasible to handle the required demands of the proposed use. See **Exhibit "Q."** The Applicant's engineer, Aron Faegre, AIA, PE, is finalizing reports to demonstrate this capacity, and such reports will soon be provided to the County. Stormwater will be detained onsite and a stormwater plan will be prepared by Mr. Faegre to ensure compliance with applicable regulations. There are no anticipated limitations to the air, water, energy and land resources at or available to the proposed site. There are no adverse impacts on the carrying capacity of the environmental resources, as the area historically has no ground water issues, and no other known issues relating to a lack of capacity for sewer and water for airport users. There are no identified areas for fish or wildlife habitat, and no wetlands or streams are present on the property. There are no conflicts or limitations as to onsite resources which would serve the Property.

Likewise, urban development on the Subject Property will not adversely affect the resources of the surrounding area. Using the Subject Property for airport related uses is an appropriate use of this land, given its adjacency to other airport development, it being buffered from agricultural activity by roads, and the Airport's need to expand. Most of the activity associated with Applicant's business will be conducted onsite, or on the adjacent Airport properties. As previously mentioned, the location of the Airport is desirable to Applicant, especially since it regularly uses the Portland International Airport (PDX) for equipment deliveries, and to dispatch personnel. A move from the Corvallis facility to the Aurora State Airport would save the Applicant approximately 2.5 hours and 130 miles per round trip to and from PDX. For these reasons, Applicant's proposal should actually have a positive effect on the environment, energy and land resources of the surrounding area.

The entire western border of the Subject Property is adjacent to the currently developed airport. The proposed uses on the Property are similar in nature to those that have existed at the airport for many years. Those uses have coexisted with the adjacent resource uses in the area, and there is no reason to believe that this would not continue after development of the property. Furthermore, this development will have a more significant buffer to the east of the property than was provided by Yellow Gate Lane to the previous easternmost airport development, as Airport Road NE is improved as a major collector. The property is also buffered from agricultural uses to the south by Keil Road NE.

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

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

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

Proposed Finding: The development of this proposed use will have no impact on the ability of existing cities and service districts to provide services. All water and septic requirements of this proposed use will be handled onsite, and will not require the extension of any public services. The proposed use is anticipated to generate 878 automobile trips per day, 123 of those being PM peak hour trips. See **Exhibit "R,"** (traffic numbers quoted herein reflect the trip generation from a 126,000 square foot facility, as opposed to the 110,000 square foot facility first assumed in the TPR analysis letter to the County dated march 17, 2009 from Applicant's traffic engineer, Brent Ahrend, of Group MacKenzie; Applicant's traffic engineer provided the revised trips number for this application and is working closely with the County to scope and complete a Traffic Impact Analysis (TIA). The Applicant's traffic engineer preliminarily concludes that the existing and anticipated level of trips will be accommodated by the existing capacity of the road system. The October 2000 update to the Airport Master Plan concurs with this conclusion. The 2000 update states:

Surface access to all parts of the airport is good. The airport businesses have access from Arndt Road, Airport Road and Keil Road. Access to Interstate 5 is a short drive on the Wilsonville-Hubbard Highway. Interstate 5 can also be accessed via Ehlen Road. Aurora State Airport, like most general aviation airports, does not generate a significant number of auto or truck trips per day. The existing and anticipated level of trips can easily be accommodated by the existing road system.

See page 4-22. In addition, any improvements that may be necessary will be identified by the Applicant's traffic engineer in collaboration with the County on the forthcoming TIA.

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

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

Proposed Finding: The airport has existed surrounded by resource land and uses since 1943. See 1976 Aurora Airport Master Plan, page 13. During that time, there has been no evidence that the airport has reduced the potential for continued resource management of land surrounding the airport. This expansion of the airport will not change the interaction with the surrounding properties, and as demonstrated in this application, the proposed use is compatible with nearby agricultural resource lands. Furthermore, the airport overlay zone places additional limits on potential development of the Property, thus reducing the possibility that the property owner could establish a use that would be extremely incompatible with surrounding properties. Lastly, Airport Road NE and Keil Road NE provide a buffer between the agricultural uses and proposed urban uses on this site. Airport Road NE, which is developed as a major collector, will actually provide a greater buffer between airport development and agricultural uses than Yellow Gate Lane currently provides. This criterion is satisfied.

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

Proposed Finding: The primary services needed for this proposed use are water and sewer, both of which will be provided onsite. Water for fire protection will come from the onsite well, fire suppression service will be provided by the existing Aurora Rural Fire Protection District, and law enforcement, to the extent necessary, will be provided by the Marion County Sheriff. As discussed above, these services are presently available to the properties in the area and can be efficiently provided to the Subject Property. This criterion is satisfied.

(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

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

(4) Counties are not required to justify an exception to Goal 14 in order to authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size

and type, in exception areas that were planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

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

II. EXCEPTION TO STATEWIDE PLANNING GOAL 3

The mechanism for not applying Statewide Planning Goal 3 is also through the goal exception process. This process requires specific findings justifying why lands are not available for resource use. Applicant requests an exception because there are reasons in this instance to allow airport uses on the resource ground. Airport uses are considered to be urban, rather than rural uses. Typically, when taking a reasons exception to a goal, the approval criteria in OAR 660-004-0020(2) apply. However, LUBA has held that if the proposed reasons exception involves urban uses, then OAR 660-014-0040 applies. See *DLCD v. Umatilla County*, 39 Or LUBA 715 (2001), attached as **Exhibit "T."** Also see, *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007), attached as **Exhibit "U"** ("Because the provisions OAR 660-004 govern the exception process as it applies to statewide planning goals 'except as provided for' in OAR 660-014, it is reasonably clear that the Land Conservation and Development Commission intends that a reasons exception for proposed urban development be evaluated under OAR 660-014, not OAR 660-004.")

The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) *"Reasons justify why the state policy embodied in the applicable goals should not apply":*

Proposed Finding: Because the Applicant's proposal involves urban development, OAR 660-014 provides the applicable approval criteria. Applicant has already demonstrated compliance with OAR 660-014 above, in the context of its request for an exception to Statewide Goal 14. Since the same approval criteria apply to this request for an exception to Statewide Goal 3, the Applicant incorporates the facts and justifications recited above to demonstrate compliance with this requirement.

(b) *"Areas which do not require a new exception cannot reasonably accommodate the use":*

Proposed Finding: The Property adjacent to the Aurora State Airport has been specifically selected for this development by the Applicant because it features a unique combination of attributes not found on any other property in the region. Being situated adjacent to an airport is vital to Applicant's business. This fact alone eliminates a majority of the potential property in the applicable vicinity, and the County as a whole. In addition to benefitting from the use of an adjacent airport, Applicant also provides services that are a direct benefit to other businesses already located at airports. This concentration of potential users and customers cannot be found except at an airport facility. It is most efficient from both the aviation supplier and customer's perspective to have these services located nearby each other and adjacent to an airport. More importantly, the Applicant requires proximate access to airport facilities for the dispatch of its fleet of helicopters as well as the helicopters' return for maintenance and repair.

Proximity to the Aurora State Airport specifically is particularly important. This specific site offers several unique amenities that cannot be duplicated by any city, rural community, or airport in the State. The Aurora airport is the location of the supplier, repair service provider, and engineer of the Applicant's specially designed tail rotor blades, Metal Innovations, Inc. Metal Innovations, Inc. is the only company in the world that supplies this product and service for the Applicant. This is not only

important for operations efficiency, but also for reducing energy and transportation costs associated with shuttling parts to and from Metal Innovations, Inc.

In addition, there are significant strategic advantages in being located near the Applicant's two competitors: Columbia Helicopters, Inc. is located within the Aurora Airport, and Evergreen Helicopters, Inc. is located at the McMinnville Airport. Included in those advantages is proximity to the human resource pool of specially trained mechanics that has the expertise necessary to perform the service and repairs needed at the Applicant's proposed facility. The center of that pool is in the Aurora area because of the presence of the Applicant's two competitors.

A further compelling reason the Subject Property was specifically selected by Applicant is because there is an airport access road that abuts the Subject Property's western border. Applicant also owns a 100 foot easement across the south end of the airport specifically granted for purposes of gaining access to taxiways and the runway. Because a "Through the Fence" program has been established at this airport, Applicant will be eligible to use this easement in conjunction with the ability to access the airport facilities. The "Through the Fence" program, in its newly enacted form, is only available at three Oregon airports at this time. Along with the Aurora State Airport, the Scappoose Industrial Airpark and the Baker City Municipal Airport are eligible to participate in this program. However, only the Aurora State Airport can meet the Applicant's needs: It is the only airport in the State with the strategic and efficiency advantages of proximity to its specialty rotor blade vendor and its competitors, it is proximately located to the Portland International Airport (key for transportation of parts and employees), and it has the "Through the Fence" capability.

The largest concentration of industrial land is typically found within city limits, in urban environments. This is the land that would be immediately ready to accept Applicant's use, and would not require any exceptions. However, the proposed uses on the Property are not compatible inside city limits in a traditional urban setting, as there are certain noise and safety concerns which are typical for an airport environment, but which may not be compatible with certain residential, commercial, and even some industrial developments.

The requirements of this particular use require a location in close proximity to the airport. The Subject Property, given the reasons noted above, is ideal for this use. The airport is currently surrounded by resource lands and there are no appropriately zoned areas available adjacent to the airport which are not developed or are being developed which can reasonably accommodate aviation-related activity. There are no areas which do not require an exception that could reasonably accommodate the use. For the reasons stated, there is no other airport that can meet Applicant's needs. However, even assuming otherwise, any other lands for purchase adjacent to public-use airports in Marion County, or the State of Oregon for that matter, would likely require the same exception with is required in this application. This criterion is satisfied.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

Proposed Finding: Because of the reasons articulated in the previous proposed finding, the location of this project adjacent to the airport is an essential component of the proposed development. As mentioned above, all of the possible alternative sites adjacent to airports, which would be suitable for siting an aviation-related activity, are also zoned EFU in the vicinity. Therefore, there are no adverse impacts that can be said to be significantly more adverse that would typically result from the same proposal being located in other areas requiring a Goal exception. Attempting to site the proposed

project on any other piece of land would likely have even more significant adverse consequences. The only other tract of land adjacent to the airport that is not already in airport use is the tract of land directly adjacent to the north of the proposed use. This property however, is not vacant. It is actively used as a religious retreat facility. See **Exhibit "Z"**. However, the retreat property would likewise require an exception, would actually have no buffer from agricultural land to the south, and is financially infeasible since the Applicant already owns the property subject to this application. In addition, in order to develop the retreat property, besides the costly relocation of the religious retreat and removal of the associated structures, a large amount of the timber that is currently on the land would likely have to be removed. This is a significant environmental consequence that would not be necessary were the development located directly to the south on the Subject Property.

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

Like most non-passenger, airport related development, the proposed use will not cause a significant increase in the amount of automobile traffic; the impact being certainly no more adverse than if this use were sited on another property requiring a goal exception. On the contrary, the surrounding roads will likely be adequate to accommodate the increase in vehicle trips caused by the proposed development. As the 2000 Airport Master Plan Update concludes, the existing roads are adequate to handle the increase in the proposed development. Being located adjacent to a major collector and in close proximity to major transportation and shipping routes, such as Interstate 5 and Oregon Highway 51, is a benefit that is not available on other rural land that would be suitable for this use. The property is also benefitted by the existing easement created specifically to provide direct access to the airport from this site without burdening public roads. In addition, the applicable airport overlay zone limits certain development standards applicable to the Property. This will help ensure that the potential for larger, heavy traffic producing development on the Property remains less than could be achieved from the same proposal being located on other lands requiring a Goal exception.

The proximity to the Aurora Airport, and various urban centers, is another reason why this Property was purchased by Applicant. As discussed above, Applicant currently travels from the Corvallis Municipal Airport to the Portland International Airport for last minute shipments and personnel dispatches. The move to Aurora will cut this transportation distance and time significantly, by approximately 130 miles and 2.5 hours each round trip to and from PDX. Such reduction in distance reduces energy consumption and environmental impacts significantly, as well as the operations costs to the Applicant. Also, there are times when Applicant needs to move its helicopters and other equipment to the field at a moment's notice, such as for fire fighting support. In these cases, being located adjacent to the Airport, with the ability to directly access the facilities is an important advantage.

Economically, the expansion of the airport is positive for the City of Aurora, Marion County, and the State of Oregon. In the City of Aurora's comprehensive plan, attached as **"Exhibit J,"** the City's adopted assumptions forecast an 86% increase in population over the planning period (2000-2020). See City of Aurora Comprehensive Plan Update 2001, Pages 12 and 22. According to the Portland State University Population Research Center, as of July 1, 2007 Marion County was estimated to contain

311,070 residents in 2005, up 9.2 percent from the 284,834 residents the census data recorded in 2000. See "**Exhibit K**." This region is currently growing at nearly the same pace as the state as a whole, which experienced 9.5 percent growth over that same period according to the same data. The City acknowledges that the vicinity around the airport has the potential for significant economic/commercial development. See City of Aurora Comprehensive Plan, Pages 22 and 59. Increased development will have a positive economic impact upon the city. See City of Aurora Comprehensive Plan, Page 22. Applicant's generation of new jobs will also have a secondary effect of increased patronage of local businesses. *Id.* ODA 2007 analyzed the economic impact that the airport had on regional economy. In 2005, 2,403 jobs were directly related to both on and off airport related impacts, providing \$52,347,000 in local wages. See Oregon Aviation Plan 2007, Appendix E, Page 6, attached as "**Exhibit L**". The sum of on-airport economic activities, off-airport spending by visitors who arrive by air, and spin-off impacts led to local business sales of \$134,827,000. *Id.* This impact is proportionate to the impact that public-use airports have on the state as a whole. Oregon ODA public-use airports, including airport tenants, directly employ 7,000 people for aviation related activities and expend \$259,000,000 in wages. See Oregon Aviation Plan 2007, Aurora State- Individual Airport Report, Page 32. These employees and tenants earned an average annual salary of \$36,000 per year for aviation activities and \$35,000 per worker, when including non-aviation jobs. *Id.*

OAR 660-013-0010 sets forth the policy of the State of Oregon regarding airport planning. "The State is to encourage and support the continued operation and vitality of Oregon's airports... Ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located." See **Exhibit "V"**. Expansion of the airport to include Applicant's business would be positive for the continued overall growth and vitality of Oregon's aviation system, and a tremendous advantage for the region to secure a productive and viable business. As discussed above, Applicant is a multimillion dollar producer. More significant to the region than Applicant's overall sales is the additional quality jobs that Applicant could provide. The consolidation of the company in Aurora would mean that there will be an immediate need for 85 additional jobs in the region, with average salaries ranging from \$50,000 to \$60,000 per year. The Applicant forecasts steady growth, with a projected need of approximately 160 employees by the 5th year.

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

For the reasons listed above, Applicant's proposed use will have significantly positive, long-term environmental, economic, social and energy consequences resulting from the use at the proposed site as compared to other areas which would also require a goal exception, especially given the history of similar uses on adjacent properties. Applicant's relocation will have significant, positive energy and environmental consequences by reducing fuel and traffic use from its Corvallis site, and it will provide tremendous economic benefits to the State and region through relocation of its business to the Aurora Airport. This criterion is satisfied.

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

Proposed Finding: As previously mentioned, the vicinity in which the Subject Property is located is dominated by the Airport. The Airport has been in existence since 1943 and has remained compatible with the adjacent resource uses in the area over this period. Applicant's proposed use, which would

effectively expand the airport and include uses already existing adjacent to resource uses, will be bordered to the west by the preexisting airport development, to the south by Kiel Road NE, and to the east by Airport Road NE. To the north is a rural religious retreat, which also borders the existing airport operations. The proposed primary operations of the use will be located on the southern portion of the parcel which should minimize any interference between the proposed use and the retreat to the north. Similarly, the farming activity to the south, across Kiel Road NE has not been negatively impacted by the current airport development. A slight expansion of currently existing uses should not render the airport uses otherwise incompatible with farming to the south. Likewise, there is little chance that the grass seed and hay operations to the east across Airport Road NE would be negatively affected. The Subject Property is currently in resource use and has never been affected by the adjacent airport uses across Yellow Gate Lane. There has been and there is currently no affect on agricultural activity on the Subject Property from the existing airport uses. Similarly, the Applicant's extension of airport uses farther east onto the Subject Property will not have a negative effect, especially now with a larger buffer in Airport Road.

Regarding the activity that will take place on the Property, all helicopter repairs will be done indoors. Helicopters will be "tugged" to the runway. As proposed, Applicant's use is relatively low impact for an industrial proposal. Even so, the applicable airport overlay zone provides additional restrictions on development on the Property. The site plan provided shows that most development will be concentrated on the southern portion of the parcel, closest to the current airport development. The northern portion of the parcel, which is adjacent to the religious retreat, will remain in agricultural use until such time as it may be needed for additional hangar space for the Airport or expansion of the Applicant's use.

Statewide Planning Goals

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

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

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

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

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

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

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

Proposed Finding: The subject Exception Area is not in a forest zone. This goal is not applicable.

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

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

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

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

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

Proposed Finding: The Exception Area is not within an identified floodplain or geologic hazard area. This goal is not applicable.

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

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

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

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

The direct economic benefit to the region is significant. The Applicant reached \$80 million in sales in 2007. The rate of growth has been steady every year and Applicant estimates to reach \$110 million in sales by 2010. Currently, Applicant subcontracts approximately \$5 million to local Oregon companies and estimates that the number should increase to \$8 million within the first year after consolidation of the operation is complete at Aurora. The consolidation of the company in Aurora would mean that there will be an immediate need for 85 additional jobs in the region, with average salaries ranging from \$50,000 to \$60,000 per year. The Applicant projects anticipated growth to require approximately 160 employees by the end of the 5th year. All of these jobs would be related to a use which promotes the health, welfare, and prosperity of Oregon's citizens as the Applicant uses its equipment for many purposes including forest firefighting and building construction.

The incidental economic benefits are also important to note as increased development will have a positive economic impact upon the City of Aurora. Applicant's generation of new jobs will also have

the secondary effect of increased patronage of local businesses. For example, ODA 2007 analyzed the economic impact that the airport had on regional economy. In 2005, 2,403 jobs were directly related to both on and off airport related impacts, providing \$52,347,000 in local wages. See Oregon Aviation Plan 2007, Appendix E, Page 6, attached as "**Exhibit L**". The sum of on-airport economic activities, off-airport spending by visitors who arrive by air, and spin-off impacts led to local business sales of \$134,827,000. *Id.* This impact is proportionate to the impact that public-use airports have on the state as a whole. Oregon ODA public-use airports, including airport tenants, directly employ 7,000 people for aviation related activities and expend \$259,000,000 in wages. See Oregon Aviation Plan 2007, Aurora State- Individual Airport Report, Page 32. These employees and tenants earned an average annual salary of \$36,000 per year for aviation activities and \$35,000 per worker, when including non-aviation jobs. *Id.* The significant economic benefits that Applicant would bring would not only benefit the region by providing above average wage jobs and utilizing regional goods and services, but the State as a whole by helping to promote the airport transportation system.

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

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

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

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

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

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

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

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

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

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

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

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

Proposed Finding: The proposed Exception Area abuts Keil Road along the property's southern border to the north and Airport Road along the property's eastern border, which are identified as a local and Major Collector Street respectively on the Rural Transportation System Plan (RTSP). As the Applicant's traffic engineer's TPR analysis concludes, this application for comprehensive plan amendment, zone change, and reasons exception will have no significant impact on the transportation facilities. See **Exhibit "R."** Applicant's engineer is currently collaborating with the County engineer to prepare a more detailed traffic study which will specifically analyze the impacts resulting from the conditional use permit for the proposed development. Therefore, the proposed plan amendment, zone change, and reasons exception will not change the functional classification of the roadway, change standards implementing the functional classification system, allow levels of land uses that result in levels of travel or access inconsistent with a Major Arterial and Collector streets, or reduce performance standards of the roadways. Thus, the proposal will not have a "significantly impact" on the surrounding transportation system. This Goal is satisfied.

Goal 13 Energy Conservation: To conserve energy.

Proposed Finding: The proposed use is an aerial charter service, and it will not significantly impact energy consumption. In fact, the relocation and consolidation of its operations at the proposed site will actually decrease the company's overall energy consumption. For example, the move of one of Applicant's facilities from the Corvallis Municipal Airport to the Aurora State Airport reduces the round trip distance to the Portland International Airport, frequently used by Applicant, by 75%. This directly translates to conserved fuel and energy costs as well as reduced impact to State and local transportation systems. By choosing to relocate to the Aurora State Airport, Applicant has chosen to consolidate its operations in one location, which should decrease the energy consumption related to coordinating its operations and transporting materials, equipment, and personnel from one location to another around the country. This proposal further accomplishes this goal given its plan to relocate adjacent to an airport which allows "Through the Fence" access rather than on property located away from an airport. This allows Applicant to directly "tug" its helicopters over a private easement directly to the airfield. There would be increased energy costs, as well as burden on infrastructure, if Applicant were to move to a location that did not have the benefit of direct airport access. Applicant's proposal accomplishes this Statewide Goal.

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

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

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

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

III. COMPREHENSIVE PLAN AMENDMENT

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

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

Proposed Finding: Applicant has requested an exception to the Agricultural Lands Statewide Planning Goal. Although the Subject Property is farmland, it is not conducive to larger scale commercial agricultural production. The Subject Property is approximately 27.5 acres in size. The State of Oregon has established 80 acres as a minimum parcel threshold for new parcels in agricultural lands, which means that the Subject Property is severely substandard from what the State would consider the minimum for a suitable new agricultural parcel. In addition, the airport development is located directly adjacent to the property, so there is no room to expand the agricultural operations to the west. Similarly, the property is bordered on the south and east sides by roads, which would prohibit any further expansion beyond what currently exists. Given the size and location limitations, the Subject Property is not ideal for large scale commercial agricultural production.

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

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

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

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

Proposed Finding: Rural service facilities are those services and facilities necessary to provide basic support systems for rural development. No new facilities are required by this application. As previously addressed, water, septic, and stormwater needs will be contained or met on site. It is anticipated that the existing transportation system can handle the traffic increase with the addition of any improvements deemed necessary by the Applicant's traffic engineer in collaboration with the County through the conditional use permit application.

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

Proposed Finding: The proposed comprehensive plan amendment and proposed sue do not increase the potential for urban services at this location. The Subject Property has adequate capacity and resources to service Applicant's water and sewer needs. The Subject Property is located immediately adjacent to other similar uses that are not connected to urban services at this time, thus further demonstrating that this use may exist exclusive of urban services. The proposed use will not be a stand alone urban use, since it will be an extension of uses already a part of the existing airport facility, which has co-existed with and preserved the rural character of the area. It will comply with this policy. While the City of Aurora UGB is located approximately 1300 feet from the Subject Property, there are currently no known plans to extend urban services out to the Site, or to the adjacent airport property, and this application will not necessitate doing so.

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

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

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

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

Air, Rail, Water, Energy, and Pipeline Transportation Policy #1: Airports and airstrips shall be located in areas that are safe for air operations and should be compatible with surrounding uses.

Proposed Finding: The Aurora State Airport has continually operated in this area since 1943. See 1976 Aurora Airport Master Plan, page 13. All air operations will be within the existing state-owned airport area, which has proven over the years to be safe and acceptable for such operations, even helicopter operations. Marion County has established an airport overlay zone, which applies to the Subject Property, which restricts development in the area to that which is compatible with the safe and efficient operation of the airport facilities. The surrounding uses are primarily agricultural. The Aurora Airport is a lower density urban use, which does not utilize urban services. This has helped the airport maintain compatibility with the surrounding uses over the years.

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

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

Proposed Finding: No new transportation facilities are needed for this application. The proposed use will use only existing rights of way that are already improved. Any transportation facility improvements that may be needed to accommodate the proposed use will be determined by the traffic engineer's TIA for the conditional use permit application.

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

Proposed Finding: Securing Applicant's company at this location would significantly advance this Goal and be a tremendous benefit for not only the airport, but the city, county, and state as well. The direct benefit from the consolidation of the company in Aurora would mean that there will be an immediate need for 85 additional jobs in the region, with average salaries ranging from \$50,000 to \$60,000 per year. The Applicant projects an anticipated growth to approximately 160 employees by the 5th year. Currently, Applicant subcontracts approximately \$5 million to local Oregon companies and estimates that the number should increase to \$8 million within the first year after consolidation of the operation is complete at Aurora. With the Applicant reaching \$80 million in sales in 2007, and still experiencing a steady rate of growth, Applicant estimates that its sales will reach \$110 million by 2010. Not only does this increase the direct employment of more people, but it also increases the amount spent by the company back into the local economy on subcontracts and other goods and services, which incidentally increases other employment opportunities as well.

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

Proposed Finding: The proposed development of this parcel will have a nominal effect on the overall agricultural economy. The size of the Subject Property is substandard in the EFU zone compared to the state-mandated 80 acre minimum parcel size. While the Subject Property currently is in a minimal state of agricultural production, taking this land out of production does not jeopardize the strong agricultural economy that Marion County enjoys. While it is obvious that the loss of any agricultural land has an incremental effect on the overall strength of the agricultural economy, the loss of this particular property, which can be converted to a higher use to contribute to a healthier overall economy, is nominal in comparison to other farmland more suited to producing substantial economic gains.

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

Proposed Finding: The substantial economic benefits of the Applicant's business have already been

highlighted above. The users at the Aurora State Airport provide numerous jobs to the Aurora community. Applicant will provide the amount of additional jobs listed above. These are year-round jobs that the County currently does not have. Conversion of the Subject Property from marginal agricultural uses to airport-related uses helps provide additional diversity to an economy heavily dependant upon agricultural production.

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

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

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

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

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

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

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

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

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

Proposed Finding: The Subject Property is not part of a natural resource pattern particularly well suited for resource use. The parcel size is significantly substandard compared to the state mandated minimums for new parcels in resource zones and is a stand-alone agricultural property. Changing the comprehensive plan and zoning designation will not take a significant piece of resource land out of

production. As mentioned above, Applicant's engineer has preliminarily concluded that the proposed uses will not adversely affect the environmental carrying capacity of the site.

IV. ZONE CHANGE CRITERIA

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

Approval of a zone change application shall include findings that the change meets the following criteria:

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

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

The Marion County Comprehensive Plan does not provide much description and policy related to the "Public" land use classification. In the rural development section of the MCCP, the text notes that public uses are necessary. In agricultural areas, these uses shall be reviewed by the conditional use process to ensure compatibility. See **Exhibit "Y."** The MCCP balances the need for public uses, such as airports and airport uses, with the need to preserve resources. To accomplish this, the MCCP encourages a case-by-case analysis of public zoning and uses on publically zoned land. Applicant has gone to great lengths to demonstrate the compatibility that this use will have with surrounding agricultural lands. An application for a conditional use permit is being submitted concurrently with this application. This application process ensures that this case can be examined on its individual merits as to the compatibility the proposed location and intended use will have with surrounding properties.

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

Proposed Finding: The Aurora State Airport is the dominant feature in this vicinity. The Subject Property is located immediately adjacent to the east of existing airport uses located on airport property. The airport is already developed at urban densities. The Subject Property is bordered on 3 sides by roadways, both public and private. The northernmost portion of the airport is already bounded on the east side by Airport Road NE, which is a major collector in the RTSP. The proposed change would establish Airport Road as the easternmost boundary of the airport uses, and provide a more adequate buffer from the agricultural uses further to the east of Airport Road NE. Furthermore, Keil Road NE would effectively extend the southern boundary of where some airport related users are situated. Both Airport Road NE and Keil Road NE are effective buffers to ensure compatibility between the higher density uses at the airport and the adjacent agricultural lands. The proposed change would use these same buffers in the same way as the existing developments have done for years at this location. As mentioned above, there is a documented need for expansion at this location to address service

deficiencies.

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

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

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

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

Proposed Finding: It is essential for this use to be located on lands adjacent to or within an airport. Also, Applicant's use depends on the ability to quickly dispatch its equipment and personnel into the field, either directly from this airport or to/from PDX, which requires relative proximity to I-5 and as short a distance as possible to PDX. This specific site offers several unique amenities that cannot be duplicated by any city, rural community, or airport in the State. The Aurora airport is the location of the supplier, repair service provider, and engineer of the Applicant's specially designed tail rotor blades: Metal Innovations, Inc. Metal Innovations, Inc. is the only company in the world that supplies this product and service for the Applicant. This is not only important for operations efficiency, but also for reducing energy and transportation costs associated with shuttling parts to and from Metal Innovations, Inc.

In addition, there are significant strategic advantages in being located near the Applicant's two competitors: Columbia Helicopters, Inc. is located within the Aurora Airport, and Evergreen Helicopters, Inc. is located at the McMinnville Airport. Included in those advantages is proximity to the human resource pool of specially trained mechanics that has the expertise necessary to perform the service and repairs needed at the Applicant's proposed facility. The center of that pool is in the Aurora area because of the presence of the Applicant's two competitors.

Applicant may also be able to take advantage of the "Through the Fence" program offered at the airport. This would allow Applicant direct access to the airport facilities from the Subject Property. No other airport in Marion County is currently authorized under the "Through the Fence" legislation to offer this program.

Lastly, the Applicant has the financial advantage that it owns the Subject Property already. There is no other property in the county, or for that matter the State, that provides all these necessities and benefits. Other airport users will benefit from the repair services that Applicant can offer.

Because of the size and weight of the equipment that Applicant uses in its business, it would be a great burden on both the County's and State's road infrastructure, as well as the Applicant's operating costs, to locate any distance away from an airport. Transportation to and from airport property for purposes of dispatching or repairs could cause excessive wear and tear on the roadways. Additionally, transportation of this equipment could cause delays to the users of the road system by impeding the flow of traffic due to slow moving transports. The costs and energy necessary to move the equipment from a remote location to airport property would be a burden to Applicant. Finally, the storage and uses that are proposed are most compatible when surrounded by other airport uses. Industrial uses are the only other uses that would be somewhat compatible with Applicant's proposed use. Even if another, suitable property were to exist somewhere in the county, to isolate this use from other airport uses, and to instead site it around other industrial users would negate the obvious benefits of allowing this use to be sited adjacent to an airport, not to mention consuming valuable industrial land, which could be more effectively utilized by another, non-airport user.

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

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

V. CONDITIONAL USE CRITERIA

This section of Applicants' statement addresses the criteria required by the Marion County Rural Zoning Ordinance for a conditional use permit for airport related commercial and industrial uses on property zoned Public ("P") and explains Applicants' compliance with each requirement. A conditional use for airport related commercial and industrial uses is authorized in P zoned property pursuant to MCRZO 171.030(A) subject to specific criteria.

The findings below address the initial findings required by the Planning Division prior to granting any conditional use (MCRZO 119.070) and Applicants' proposed findings. Applicant has listed the following approval criteria in italics followed by Applicant's proposed finding:

§ 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;*

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

- (b) *that such conditional use, as described by the Applicants, will be in harmony with the purpose and intent of the zone.*

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

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

- (c) *that any condition proposed is necessary for the public health, safety, or welfare, or to protect the health or safety of people working or residing in the area, or for the protection of property or improvements in the neighborhood.*

Proposed Finding: While it is not known at this time what conditions may be imposed on the proposed use, the Applicants anticipate that the conditions imposed will be reasonably related to and proportionate to the impacts of the operation of airport related uses and necessary for public health, safety, and welfare. A site plan of Applicant's proposed improvements is enclosed with this application. As far as traffic, some information as to the traffic impacts is contained in **Exhibit R**, and Applicant's traffic engineer is coordinating with the County's engineer to prepare a full Traffic Impact Analysis. Water, sewer, and stormwater will be respectively obtained, treated, and detained onsite. It is anticipated that detailed plans will be reviewed for compliance with applicable regulations as a condition of building permit issuance.

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

§ 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.*
- (D) *Except as established in (B), 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.*

Proposed Finding: The proposed development, if deemed commercial, will exceed the maximum 3,500 square feet of floor area. Above, Applicant has set forth the justification necessary to receive an exception to Goal 14, which exception application is being processed as an amendment to the Marion County Comprehensive Plan.

CONCLUSION

The Applicant has shown compliance with all applicable regulations which would permit an exception to both Statewide Planning Goals 3 and 14 to allow the requested changes to the Marion County

Comprehensive Plan and zoning district. Applicant has also shown that all aspects of this request are in conformance with the applicable goals and policies of the Statewide Planning Goals, the Marion County Comprehensive Plan, and the Marion County Rural Zoning Ordinance. Finally, Applicant has demonstrated compliance with the applicable conditional use criteria to allow airport related commercial and industrial uses in the Public zone. As such, the Applicant respectfully requests that the proposed requests be APPROVED with standard conditions of approval.

Exhibit List

- A. Tax Map
- B. Deeds/Assessor Records
- C. Site Plan
- D. CUP 03-18 Decision
- E. *Reserved*
- F. *Reserved*
- G. Aurora State Airport Master Plan (1976)
- H. Land Use Plan Drawing
- I. ORS 836.642
- J. City of Aurora Comprehensive Plan: Pages 12, 22, and 59
- K. 2007 Oregon Population Report- Portland State Population Resource Center
- L. ODA 2007 Aviation Plan (OAP 2007): Aurora State- Individual Airport Report and Appendix E, Page 6
- M. Proximity/Zoning Map
- N. Aurora State Airport Master Plan Update, October 2000: Chapter 4
- O. Map showing distance between Aurora State Airport and Fargo Interchange
- P. Map showing distance between Aurora State Airport and Butteville
- Q. Onsite Wastewater Feasibility Report
- R. Transportation Planning Rule (TPR) Analysis
- S. OAR 660-015-0000(14)
- T. *DLCD v. Umatilla*
- U. *VinCEP v. Yamhill*
- V. OAR 660-013-0010
- W. Aurora Airport Layout Plan
- X. Marion County Rural Transportation Systems Plan- Relevant Materials
- Y. Marion County Comprehensive Plan- Relevant Materials
- Z. Religious Retreat Property Records