



# ***Marion County*** **OREGON**

## **PUBLIC WORKS**

**BOARD OF COMMISSIONERS**  
Sam Brentano  
Patti Milne  
Janet Carlson

### **MEMORANDUM**

**INTERIM DIRECTOR**  
Alan Haley

**TO:** Marion County Board of Commissioners

**ADMINISTRATION**

**FROM:** Public Works/Planning – Brandon Reich, Senior Planner

**BUILDING INSPECTION**

**SUBJECT:** Amendments to the Marion County Comprehensive Plan – Aurora Airport Water Extension (Legislative Amendment 13-1)

**EMERGENCY MANAGEMENT**

**ENGINEERING**

**DATE:** January 10, 2014

**ENVIRONMENTAL SERVICES**

### **BACKGROUND**

**OPERATIONS**

**PARKS**

Property owners at the Aurora State Airport and the City of Aurora have expressed interest in the city providing water to the airport. While state law does not restrict the extension of water from a city to a rural area for industrial, commercial or public uses, the Marion County Comprehensive Plan Rural Service Policies, Special District Policy #7 only allows the extension of water in circumstances where a demonstrated health hazard exists.

**PLANNING**

**SURVEY**

On December 11, 2013, the Marion County Board of Commissioners approved a resolution initiating the county's consideration of amendments to the Marion County Comprehensive Plan Rural Service Policies, Special District Policy #7 to consider developing an exception for the airport to the requirement that water be extended only in circumstances where a demonstrated health hazard exists. The Board scheduled a public hearing for January 22, 2014 and directed staff to consider whether there are unique circumstances at the airport that would necessitate it being provided water aside from a demonstrated health hazard.

### **FACTS**

The subject properties are designated Public in the Marion County Comprehensive Plan and are correspondingly zoned Public in Marion County Code Chapter 17.171. The purpose of the Public designation and zone is to provide regulations governing the development of land appropriate for specific public and semi-public uses.

The airport facility was constructed in 1943 to provide an emergency alternate field for carrier aircraft. It has been in operation as an airport, and zoned Public, since that time. Since before 1968, additional land east of the runway and north of Keil Road has also been zoned Public and closely associated with the airport. Between 1968 and 1981, properties to the south of Arndt Road and east of the runway were rezoned to Public and developed with airport uses. In 1981, the airport facility, and surrounding airport related uses in the Public zone, were acknowledged as exceptions in the Marion County Comprehensive Plan.

The 1976 Airport Master Plan was adopted by Marion County as part of its comprehensive plan. The adoption included a committed exception area to Statewide Planning Goal 3 of approximately 250 acres at the Aurora State Airport. In 1994, an exception for an additional 1.86 acres was taken and acknowledged to add land to the southwest of the airport. The County's Airport Overlay Zone, Marion County Code Chapter 17.177 has been applied to both the 1981 exception area and the area added in 1994.

In 2001, the Marion County Board of Commissioners formed a water control district at the airport for the purposes of providing water for fire protection for properties at the airport.

In 2003, the county adopted a legislative amendment to the Marion County Rural Zoning Ordinance to comply with Goal 14 requirements for rural exception areas. An exception to Goal 14 for size of use was approved for airport related uses at the Aurora State Airport due to its being developed with a use that is urban in nature and requiring urban styled development to support the existing uses. Later in 2003, a goal exception was taken to allow certain properties at the south end of the airport to share a septic facility due to development limitations.

In 2010, a 27 acre parcel east of the airport runway was rezoned from Exclusive Farm Use to Public for a helicopter business.

## **COMMENTS**

No comments were received at the time this staff report was prepared.

## **ANALYSIS**

### **Oregon Administrative Rules**

Oregon Administrative Rule 660-011-0065 limits the extension of water service to rural lands when such extension would:

- (a) *Allow an increase in a base density in a residential zone due to the availability of service from a water system;*
- (b) *Allow a higher density for residential development served by a water system than would be authorized without such service; or*

- (c) *Allow an increase in the allowable density of residential development due to the presence, establishment, or extension of a water system.*

At the Aurora Airport, no land is zoned for residential development and no residential development is proposed. Therefore, the requirements of this rule will be satisfied if water is extended from the City of Aurora to the airport for the purpose of providing water for industrial, commercial and public uses.

In addition, the Public zone, which applies to the airport and surrounding properties, contains development standards which limit the density at which the airport can develop. The zone requires that no main building occupy more than 30 percent of the lot area of the parcel. This is to provide adequate room on the property to install rural facilities, such as septic and stormwater systems, and to accommodate the needs for parking, driveways and taxiways. At the airport, the nature of development limits the density at which the airport can develop. The presence of large hangars to accommodate airplanes and wide taxiways running throughout parcels functionally limits the amount of development that can occur at the airport.

The airport does not have a public sewer system; individual properties rely on septic systems or holding tanks. Since the airport properties still rely on a rural level of septic service, the development at the airport is limited to a rural level of development. Likewise, Oregon Administrative Rule 660-011-0060 restricts the extension of sewer service from a city to rural land to only those circumstances where a health hazard exists.

Amending Marion County Comprehensive Plan Rural Service Policies, Special District Policy #7 to allow the provision of water from the City of Aurora to the Aurora Airport is consistent with the requirements in the applicable administrative rule.

### **Marion County Comprehensive Plan**

The Marion County Comprehensive Plan Rural Development Section contains policies related to the proposal:

#### **General Policies**

2. *It is the intent of Marion County to maintain the rural character of the areas outside of urban growth boundaries by only allowing those uses that do not increase the potential for urban services.*
3. *Only those facilities and services that are necessary to accommodate planned rural land uses should be provided unless it can be shown that the proposed service will not encourage development inconsistent with maintaining the rural density and character of the area.*
4. *The sizing of public or private service facilities shall be based on maintaining the rural character of the area. Systems that cannot be cost effective without exceeding the rural densities specified in this Plan shall not be approved. The County shall coordinate with private utilities to ensure that rural development can be serviced efficiently.*

As discussed above in the review of the applicable administrative rule, the extension of water will not cause the airport to be able to grow at urban densities: aside from the provision of water, the lack of a public sewer and inherent development limitations at the airport will maintain the rural character of the land to which the Public zone applies. The water provided to the airport will be to serve uses already allowed in the Public zone, which is a rural zone that has previously been acknowledged to comply with Goal 14.

Aurora Airport, as the only public airport in rural Marion County, constitutes a unique resource to the county and cities in the county and neighboring regions. The level of development at the airport, while still rural, and the limitation on developable land because of the size requirement for airplane operations, occasionally necessitates facilities be provided to the airport and surrounding properties that constitute a higher level of service than other rural facilities. In fact, in 1992, the Land Use Board of Appeals (LUBA) referred to the Aurora State Airport as an “urban public facility” *Murray et al. v. Marion County*, 23 Or LUBA 268 (1992). There exists a shared septic facility at the airport and a fire suppression district, both of which were necessary because of the unique nature of development at the airport, but neither of which has urbanized the airport or changed its character from one of rural in nature.

While the provision of water to the airport will provide it with a necessary public facility scaled to the level of service necessary at the airport and the level of development the Public zone allows, it will not urbanize the airport. Further, since the uses proposed to be served at the airport are in the existing Public zone, there is no evidence that the provision of water would allow new uses at the airport that would then require urban facilities. Other private facilities, such as electrical and natural gas service, will continue to be available to the airport to serve the uses in densities allowed by the existing Public zone.

Additionally, in 2001, the Board of Commissioners formed a water district at the airport for the purpose of fire suppression. It was recognized then that the airport, due to the density of the development and the unique mixture of commercial and industrial airport uses, needed water at the airport to address its public safety needs. As development levels change at the airport, the provision of water from the city to the airport could meet the airport’s changing demands for fire suppression. This will allow the airport to continue to meet its public safety needs by having adequate water available for fire suppression.

Further, while it can be difficult to site a new well at the airport because of development limitations, there are also concerns that some existing wells may not meet current Environmental Protection Agency standards for potable water. Property owners, business owners, employees, business clients and airport users need to have safe, potable water for drinking and washing purposes. While it might be possible to wait until a health hazard is declared at the airport, it is not necessary in this instance, because state law does not limit the provision of water for industrial, commercial or public uses.

The provision of water from the City of Aurora to the airport is consistent with the applicable general policies in the Plan Rural Development Section of the Marion County Comprehensive Plan.

## **Rural Industrial Policy**

2. *Rural industries should be compatible with existing development and farm or forest uses in the vicinity, should not involve a large number of employees, should not require heavy truck traffic through residential areas or on unimproved roads, and should not have the potential to exceed the environmental capacity of the site or require urban services.*

Since its inception, the Aurora Airport has demonstrated it is compatible with the rural farm land around it. In fact, airport uses tend to be more compatible with farm land than with residential land or some types of commercial and industrial land. Even as the airport has grown, it has demonstrated that the number of employees on site do not exceed the capacity of the land to support them and the roads serving the airport are improved. There is no evidence that the airport is exceeding the environmental capacity of the site.

As described above, the airport was previously recognized as an “urban public facility.” At times in the past, the airport has necessitated additional levels of facilities that exceed a primarily rural level of service. Now, due to inherent development limitations of the parcels at the airport, the need to address changing demands on a fire suppression system, and the contamination of some wells at the airport, the provision of water from the City of Aurora is necessary. While the airport would not require the urban service of water, provision of water from the city addresses the needs of the airport while not urbanizing the airport. The provision of water will not change the uses currently allowed at the airport, or the densities of uses allowed in the existing Public zone; therefore, the provision of water will not make the airport incompatible with surrounding farm uses and will not cause the airport to exceed the environmental capacity of the site or require urban services, as discussed above under the consideration of the General Policies.

## **Special District Policy**

Special District Policy #7 which is more restrictive than the applicable Oregon Administrative Rule, limits the extension of water to a rural area only in those instances where an identified health hazard exists:

*The creation or expansion of any water district as well as the extension of water services to lands outside an existing service district’s boundaries, unincorporated communities’ boundaries, urban growth boundaries or city limits shall be discouraged unless the area to be served has demonstrated persistent health hazard problems confirmed by the County Health Department and the State Department of Environmental Quality and needs for which no other practical and reasonable alternative is available. Cost may be a factor in determining whether an alternative is practical and reasonable, however, cost shall not be the only factor or even the primary factor. Any extension shall require the approval of the Marion County Board of Commissioners.*

As described above, the provision of water from the City of Aurora to the airport will not urbanize the airport, but will recognize the unique needs of the airport and level of service anticipated by uses currently allowed in the Public zone and will allow the airport to respond to changing needs for fire suppression as it relates to public safety. While there is not currently a demonstrated persistent health

hazard at the airport, the provision of water would address potential public health and safety concerns at the airport, related both to contaminated well water and fire suppression needs. An exception to the language in Policy #7 recognizing the unique circumstances at the Aurora Airport, would allow the City of Aurora, airport property owners, the Airport Water Control District and Marion County to work together to address public health and safety concerns at the airport.

### **Statewide Land Use Planning Goals**

The proposal is consistent with Statewide Planning Goal 1—Citizen Involvement, which provides for citizen involvement in the planning process. Notice was published in the Statesman Journal on December 27, 2013. The notice was also mailed to cities in Marion County and interested persons. A public hearing was scheduled at a publically noticed meeting and will be held before the Board of Commissioners where concerned citizens will have the opportunity to provide comment on the proposal.

The proposal is consistent with Goal 2—Land Use Planning since the proposal is consistent with the County’s acknowledged comprehensive plan, as described above.

Goals 3—Agricultural Lands, 4—Forest Lands and 5—Open Spaces, Scenic and Historic Areas, and Natural Resources are not applicable to this proposal.

Because the airport and related uses already exist, and the proposal seeks to maintain development at the existing level of uses and sizes, there is no evidence that the proposal will impact air, water or land resource quality over any impacts of the existing airport. Development within the Public zone is subject to standards that address and seek to minimize adverse impacts to surrounding uses and resources. The proposal is consistent with Goal 6—Air, Water and Land Resources Quality.

The airport is not in an area subject to natural disasters; the proposal is consistent with Goal 7—Areas Subject to Natural Disasters and Hazards.

Goal 8—Recreational Needs is not applicable to this proposal.

The proposal is consistent with Goal 9—Economic Development. The subject properties are needed to provide a significant amount of commercial, industrial, and public employment at the airport and in the surrounding community. The presence of safe, potable water will sustain the economic viability of the airport. The continued vitality of the airport, a unique economic resource to Marion County and the surrounding area, is critically important to the local economy.

Goal 10—Housing is not applicable to this proposal.

The proposal is consistent with Goal 11—Public Facilities. As discussed above, the extension of water from the city to the airport is not prohibited by state law because it would supply water for commercial, industrial and public uses, not for residential uses. Also, the extension of water will not urbanize the airport, but will provide water at levels anticipated by the Public zoning that is applied to the airport and surrounding properties.

The proposal is consistent with Goal 12—Transportation because the airport is necessary to serve the aviation needs of users at the airport and surrounding communities. In addition, the airport is either bordered by, or in close proximity to, major road facilities: Interstate Highway 5, Hubbard Cutoff Road, Highway 99E, Arndt Road, Keil Road, and Airport Road, all of which provide the traveling public access to and from the airport for both persons and freight.

Goal 13—Energy Conservation is not applicable to this proposal.

The proposal is consistent with Goal 14—Urbanization because the proposal does not urbanize rural land, but recognizing the nature of development limitations at the airport, it provides a water facility that is consistent with the types and levels of uses allowed in the Public zone, which is a rural zone that has previously been acknowledged to comply with Goal 14.

Goals 15—Willamette River Greenway, 16—Estuarine Resources, 17—Coastal Shorelands, 18—Beaches and Dunes and 19—Ocean Resources do not apply to this proposal.

The proposal is in compliance with applicable Statewide Planning Goals.

## **RECOMMENDATION**

Staff recommends the amendment to Marion County Comprehensive Plan Rural Service Policies, Special District Policy #7 be adopted as proposed:

The creation or expansion of any water district as well as the extension of water services to lands outside an existing service district's boundaries, unincorporated communities' boundaries, urban growth boundaries or city limits shall be discouraged unless the area to be served has demonstrated persistent health hazard problems confirmed by the County Health Department and the State Department of Environmental Quality and needs for which no other practical and reasonable alternative is available. Cost may be a factor in determining whether an alternative is practical and reasonable, however, cost shall not be the only factor or even the primary factor. Any extension shall require the approval of the Marion County Board of Commissioners. **Notwithstanding the above, water service may be extended to properties in a Public zone at and surrounding the Aurora Airport. Such an extension does not require the approval of the Marion County Board of Commissioners.**

## **ATTACHMENT**

Map of properties in a Public zone at and surrounding the Aurora Airport