



**Testimony by City of Wilsonville Mayor Tim Knapp Opposing HB 4092:
*Unnecessary Legislation Circumvents State Land-Use Public Process, Sets
Poor Precedent for Legislative Special-Interest Supersiting ‘Carve-Out’***

Scheduled for public hearing on February 9, 2018, before
the House Committee on Transportation Policy

Chair McLain and Members of the Committee:

On behalf of the City of Wilsonville City Council, I am testifying in opposition to HB 4092. The City Council believes that the proposed legislation is unnecessary and inappropriate in the short legislative session and sets a poor public-policy precedent that encourages legislative preemption of local decision-making processes.

The proposed legislation circumvents standard Oregon land-use and public-process laws. HB 4092 creates a special interest “carve-out” to extend the runway at only one eligible airport — the Aurora State Airport (“Airport”). The Airport is located less than two miles from Wilsonville in a rural Exclusive Farm Use (EFU) zone of Oregon’s most productive agricultural lands of French Prairie and the North Willamette Valley.

Wilsonville has concerns about both the process and unmitigated impacts of HB 4092. Specific issues with poor public process of the proposed legislation include the following:

- **Unnecessary:** The parties supporting the proposed legislation have indicated that they seek to avoid the land-use public-involvement process. The parties indicate that the Goal Exception process codified in law is cumbersome and a waste of time and money. State law was explicitly designed by the legislature to allow parties an express path forward for taking Goal Exceptions. The parties should work through that established system prior to seeking legislative remedies.
- **Inappropriate:** Given that the proposed legislation raises important public-policy issues pertaining to Oregon’s Statewide Planning Goals for public process and EFU land-uses, consideration of such legislation is not appropriate during the short 35-day February 2018 legislative session.
- **Poor Public-Policy Precedent:** The proposed legislation sets a precedent for anyone who seeks a Goal Exception to go to the legislature for special land-use dispensation in order to avoid the public process that the legislature has established. Consideration and passage of such legislation would erode the state’s established process and encourage other parties who seek special treatment to go directly to the legislature rather than work through the Goal Exception process, effectively nullifying that process.

Both Clackamas County and the City of Wilsonville have sought for the past 10 years to engage constructively with others on development proposals that directly impact the County


and City. However, the County and City's requests to participate directly in land-use, transportation, and planning matters pertaining to the Airport have been rejected, as illustrated in the attached "Intergovernmental Agreement on the Coordination of Growth Management and Transportation Issues Between [sic] City of Aurora, Marion County and the Oregon Department of Aviation," of June 2010 pertaining to the "Aurora Airport Impact Area."

Important issues of public concern that are not being discussed in a coordinated fashion pertaining to increased urban-level activities without municipal governance occurring at the Aurora State Airport that is located in rural unincorporated lands include:

- **Surface transportation impacts:** The roads in the vicinity of the Airport are generally older unimproved farm-to-market roads that lack shoulders and sidewalks. For a matter of perspective, during the Portland Metro urban/rural reserves process in 2009, the Oregon Department of Transportation alerted officials that the estimated costs to improve surface transportation facilities just south of Wilsonville and the Willamette River, including heavily congested I-5/Hwy 551/Boone Bridge area, would exceed \$500 million.
- **Lack of alternative transportation options:** The Airport is not served by any public-transit provider and local roads lack bike lanes or sidewalks, which places further pressure on limited surface transportation facilities.
- **Unfair competition to adjacent jurisdictions:** Businesses in the neighboring cities of Aurora, Canby, Donald, Hubbard, Salem/Keizer, Woodburn and Wilsonville pay systems development charges and other taxes/fees that underwrite the costs of public infrastructure that is lacking at the Airport. By avoiding these infrastructure costs of conducting commerce, the Airport is effectively acting as a public subsidy for select businesses.
- **Environmental concerns** include groundwater and surface water pollution. Toxic aviation gas fumes and deposits on area properties is a serious concern raised by neighbors to the Airport, including the Charbonneau community.
- **Potential harm to the important agriculture economic cluster** brought about by increased land-speculation and difficulty in conducting farming operations.

As a key regional employment base with over 21,000 jobs that produce an annual private-sector payroll of \$1.1 billion, the City of Wilsonville understands and appreciates how coordinated planning can benefit economic development objectives. Public process is an important component of gaining community understanding that produces viable long-term solutions. The City of Wilsonville respectfully urges a DO NOT PASS vote on HB 4092. Attached are documents supporting the city's testimony. Thank you for your consideration.

Sincerely,


Tim Knapp, Mayor
City of Wilsonville

Testimony by Wilsonville Mayor Tim Knapp in Opposition to HB 4092

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Airport improvements benefits few

By Ben Williams

WilsonvilleSpokesman

Wednesday, January 31, 2018

<https://pamplinmedia.com/wsp/135-opinion/385539-273681-airport-improvements-benefits-few>

Wilsonville wrote 'a letter of concern' about Rep. Lewis' bill because it was consciously excluded from the development process

This response is addressed to some of the assertions quoted in Corey Buchanan's article

'A Letter of Concern' in the Jan. 16 Wilsonville Spokesman about the rationale for Rep. Rick Lewis' super-siting bill for the Aurora Airport and the so-called benefits to be enjoyed from airport expansion.

First, of note, the Lewis bill is written such that it only applies to one State airport, and that is Aurora! That should raise suspicions to start with because super-siting legislation is antithetical to a good land use system.

Second, its aim pure and simple is to do an end run on current state land use law and allow taking EFU ag (agriculture) land as an outright use for airport expansion. Why? The developer's argument is so the airport can enlarge to handle the largest corporate jets! But at present, of about 450 based aircraft, only 24 are jets. The proponents argue the problem that needs to be solved is "constrained operations," namely the occasional inability on hot days for jets to take off with a full load of passengers and fuel. That happens rarely, but they contend we should spend millions of dollars to expand the airport for these few events because this enhances the "critical" state aviation system, prepares us for emergency management, etc.

Rather, it is because it will enable a few developers to make millions! Why shouldn't we do this? Well, for starters there's the absence of adequate roads and bridges to handle traffic, and sewer and water for urban services, and transportation systems to handle more people and the loss of ag land around the airport.

Then there's the longer term consequences we should be mindful of, and there happens to be a cautionary tale in southern California. Last month after years of fighting to control and reduce the negative impact of Santa Monica Airport having become a corporate jet airport, the City shortened the runway to control the size of jets using it, and is now moving ahead with closing the airport.

[<http://www.latimes.com/local/lanow/la-me-santa-monica-airport-20170128-story.html>]

Wilsonville wrote "a letter of concern" about Rep. Lewis' bill because it was consciously excluded from the development process at the Aurora Airport in 2010 via a joint inter-governmental agreement between the Department of Aviation and Marion County—even though the majority of flights land and take off over Wilsonville and Clackamas County. Rep. Lewis wasn't around when that happened, and he's chosen to be very selective in the facts he's using to justify the legislation he is proposing. The thing at Aurora that's really constrained is the airport, and it shouldn't be expanded to turn it into a corporate jet airport to benefit the very few at the expense of the many!

Ben Williams is president of Friends of French Prairie

Legislation to extend airport runway raises questions

By Corey Buchanan

WoodburnIndependent

Thursday, January 25, 2018

<https://pamplinmedia.com/wbi/152-news/385020-274118-legislation-to-extend-airport-runway-raises-questions->

City of Wilsonville expresses uneasiness about Aurora Airport legislation and the potential traffic impacts it might bring

A bill allowing an extension of the Aurora State Airport runway is anticipated to be put forth by House District 18 Rep. Rick Lewis (R-Silverton) during February's short legislative session.

However, local governments and land-use leaders have expressed concern, stating that the concept circumvents standard Oregon land-use and public process laws.

Lewis posits that the Aurora State Airport, which is the largest state-owned airport in Oregon and employs 1,200 people, needs additional investment in order to "maintain aviation safety and commercial viability" and that the current runway is "inadequate and unsafe."

The current runway is 5,004 feet and, according to the Aurora Airport Improvement Association, the airport is the state's third busiest and ranks 31st in terms of runway length. This plan has been in the works since the 1976 Aurora Airport Master Plan proposed increasing the runway length to 6,000 feet — which is also the proposed length in the updated master plan.

The concept bill proposes to extend the airport's boundaries, add or expand airport taxi areas and add new or expand facilities for aviation related equipment.

The city of Wilsonville was expected to deliver a draft letter this month to Senate President Peter Courtney (D-Salem) and House Speaker Tina Kotek (D-Portland) expressing concern about the bill. The letter stated the proposed bill would set a precedent that parties who "seek special treatment" should go directly to the legislature rather than go through the goal exception process in order to pass legislation.

Lewis said he wasn't sure exactly what legislative steps the bill would be avoiding but that he assumes the process would include public hearings.

Ben Williams, of Friends of French Prairie, said he was not happy when he caught wind of the bill's legislative concept.

"If the public was fully informed about A, what has happened, and B, the scope of the consequences, you can bet that the majority would be opposed to it because of the consequences and the precedent," he said.

Lewis, however, said that an extensive public process took place during the crafting of the Aurora Airport Master Plan, which was updated in 2013, and he would rather not use more state money and prolong the project's implementation.

He added that additional public hearings will take place if the legislative concept becomes a bill and is assigned to a committee.

"Had the state not done a recent master plan update and this bill hadn't had public hearings, there would need to be more of a public process involved but that's all been done," Lewis said.

According to the Aurora Airport Master Plan, the current runway of 5,004 feet accommodates all small aircrafts with fewer than 10 passenger seats but larger aircraft require a longer runway. Also, the runway's shorter length constrains about 500 flights a year and forces them to "eliminate fuel and cargo to take off and land," according to the Aurora Airport Improvement Association.

The airport extension could allow corporate jets to take off at the airport. According to the master plan, the extension would cost over \$3 million.

Lewis is not sure why Wilsonville has raised concerns.

"As far as Wilsonville, I don't know (why) because they stand to benefit if larger corporate jets are able to land there," he said. "Corporate jets are less noisy. I would think people would look for lodging, restaurants in Wilsonville, so I'm not really sure what their issues are."

Before the bill had been released, Wilsonville Chamber of Commerce CEO Kevin Ferrasci O'Malley said the WACC would likely support it.

"The Aurora Airport is a member in good standing of the Wilsonville Chamber of Commerce," the chamber wrote in a statement. "Our stated WACC vision is to create and promote economic vitality for business in the south metro region. Historically, the WACC has fully supported efforts to help the Aurora airport realize its potential. It's a powerful local generator of economic development and jobs to Wilsonville and the surrounding local area."

O'Malley says talks of massive changes regarding the airport are overblown.

"There are comments being made about it becoming an Orange County Airport by simply having a runway safety zone," he said. "That's not happening. It's fear mongering. This is allowing the small business aircrafts that are landing and taking off to do so more efficiently. That's what it's about."

Aurora Airport Improvement Association board member Tony Helbing said the airport currently provides ample economic benefits to surrounding communities and the extension will increase the positive impact. Helbing also said businesses are more likely to use the Aurora Airport if a safer runway is implemented.

"It's important to know that as we want this runway extension, it has to do with our choice to be in business and that business we choose to do here has big ripple impacts into the surrounding community," Helbing said.

Williams said he believes the benefits of the expansion are more limited.

"At the end of the day, the beneficiaries are developers who can have a larger airport, larger jets, sell more fuel and more hangars," Williams said. "A few people are going to make a lot of money and there will be a few employment jobs working at aircraft hangars or pumping fuel but that doesn't translate to a lot of benefits for say Wilsonville or the city of Aurora. Most of the economic benefit goes to a small number of businesses and developers."

The Wilsonville letter also addresses concerns regarding "a lack of transportation options in the area," "unfair competition to adjacent jurisdictions," "environmental concerns" and "potential harm to the important agriculture economic cluster brought about by increased land-speculation and difficulty in conducting farming operations."

Additionally, the letter posits that the proposed legislation is too large and significant to be deliberated at the "short" 35-day February session, which will begin Feb. 5.

Local residents are encouraged to attend a public information meeting, led by Friends of French Prairie, at 6:30 p.m. Thursday, Jan. 25, at the Aurora American Legion Hall, as well as a town hall meeting at the Aurora Fire Station at 6:30 p.m. Tuesday, Jan. 30.

A LETTER OF CONCERN

Corey Buchanan, Wilsonville Spokesman

WilsonvilleSpokesman

Tuesday, January 16, 2018

<https://portlandtribune.com/wsp/134-news/384055-272627-a-letter-of-concern>

City of Wilsonville expresses uneasiness about Aurora Airport legislation and the potential traffic impacts it might bring

Potentially in unison with Clackamas County, the City of Wilsonville is expected to deliver a draft letter this month to Oregon Senate President Peter Courtney (D-Salem) and House Speaker Tina Kotek (D-Portland) expressing concern about a bill — which could be introduced in the Oregon State Legislature's February "short" session — that would "circumvent standard Oregon land-use and public process laws to allow a special interest to 'carve-out' to extend the runway at the Aurora State Airport," according to a draft of the letter obtained by the Spokesman.

The City of Wilsonville approved the letter Jan. 4 and sent it to the Clackamas County Board of Commissioners — which will then review the letter and determine whether to sign on. The letter could be revised before it's sent to state legislators.

Wilsonville City Council discussed the concept bill at length during a meeting Dec. 18.

"I have met with several different entities and communicated the opinion that we think it's not appropriate to have a legislative action to make an end run around Oregon land use process that would normally allow stakeholders to be part of the decision process but that's exactly what this legislation proposes," Knapp said at the meeting.

Multiple city councilors expressed concern that an airport extension could lead to increased traffic in the Wilsonville area.

"On a basic level I think back to our community survey that we do every year. The big theme from that is people are concerned about traffic. So that's all of the people that live in Wilsonville and come into work in Wilsonville, commute in, commute out. I think that has to be carefully considered, what this issue might do," Councilor Kristin Akervall said.

The legislative concept, which was put forth by Rep. Rick Lewis (R-Silverton), posits that the Aurora Airport, which is the largest state-owned airport in Oregon and employs 1,200 people, needs additional investment in order to "maintain aviation safety and commercial viability" and that the current runway is "inadequate and unsafe."

The current runway is 5,004 feet and, according to the Aurora Airport Improvement Association, the airport is the state's third busiest and ranks 31st in terms of runway length. This plan has been in the works since the 1976 Aurora Airport Master Plan proposed increasing the runway length to 6,000 feet — which is also the proposed length in the updated master plan.

The concept bill proposes to extend the airport's boundaries, add or expand airport taxi areas and add new or expand facilities for aviation related equipment.

The letter from the City of Wilsonville says the proposed bill would set a precedent that parties who "seek special treatment" should go directly to the legislature rather than go through the goal exception process in order to pass legislation.

Lewis said he wasn't sure exactly what legislative steps the bill would be avoiding but that he assumes the process would include public hearings.

Ben Williams of Friends of French Prairie was not happy when he caught wind of the bill's legislative concept when he spoke with the Spokesman in December.

"If the public was fully informed about A, what has happened, and B, the scope of the consequences, you can bet that the majority would be opposed to it because of the consequences and the precedent," he said.

Lewis, however, says that an extensive public process took place during the crafting of the Aurora Airport Master Plan, which was updated in 2013, and would rather not use more state money and prolong the project's implementation.

He added that additional public hearings will take place if the legislative concept becomes a bill and is assigned to a committee.

"Had the state not done a recent master plan update and this bill hadn't had public hearings, there would need to be more of a public process involved but that's all been done," Lewis said.

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Before the bill had been released, Wilsonville Chamber of Commerce CEO Kevin Ferrasci O'Malley said the WACC would likely support it.

"The Aurora Airport is a member in good standing of the Wilsonville Chamber of Commerce. Our stated WACC vision is to create and promote economic vitality for business in the south metro region," the chamber wrote in a statement. "Historically, the WACC has fully supported efforts to help the Aurora airport realize its potential. It's a powerful local generator of economic development and jobs to Wilsonville and the surrounding local area."

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Aurora Airport Improvement Association board member Tony Helbing, says the airport currently provides ample economic benefits to surrounding communities and the extension will increase the positive impact. Helbing also says businesses are more likely to use the Aurora Airport if a safer runway is implemented.

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hangars," Williams said. "A few people are going to make a lot of money and there will be a few employment jobs working at aircraft hangars or pumping fuel but that doesn't translate to a lot of benefits for say Wilsonville or the city of Aurora. Most of the economic benefit goes to a small number of businesses and developers."

The Wilsonville letter also addresses concerns regarding "a lack of transportation options in the area," "unfair competition to adjacent jurisdictions," "environmental concerns" and "potential harm to the important agriculture economic cluster brought about by increased land-speculation and difficulty in conducting farming operations."

Additionally, the letter posits that the proposed legislation is too large and significant to be deliberated at the "short" 35-day February session, which will begin Feb. 5.

Different agency handles leasing of airports' land

By Alan Gustafson

Statesman Journal

December 20, 2010

The Oregon Department of Aviation turned over management control of current and future property leases at nearly 30 state-owned airports after questionable leasing practices came to light last year, documents obtained by the Statesman Journal show.

In May, the aviation department struck an interagency agreement that handed off airport leasing duties to the state Department of Administrative Services.

The agreement said the leasing section of the DAS facilities division "shall negotiate, manage and control all existing and future leases on behalf of the Oregon Department of Aviation."

The move came in the wake of turmoil that rocked the aviation agency in 2008 and 2009. State aviation director Dan Clem stepped down in October 2009 after a dispute with a subordinate who accused Clem of awarding an improper lease to a developer at the Aurora State Airport in north Marion County.

In the aftermath of Clem's exit, Federal Aviation Administration regulators examined the controversial lease and determined that it violated federal policies. The FAA directed the state to take corrective action.

In a new letter to the federal agency, the current leader of the aviation department highlighted the outsourcing of the airport leasing program as a notable improvement.

"Outsourcing leasing operations to DAS is a critical step in ensuring that ODA's leasing program is sustainable and managed with integrity," Doug Hedlund, interim aviation director, wrote in a Dec. 6 letter to the FAA.

Under DAS oversight, Hedlund wrote, "lease-management duties that were once centralized within the office of the Director of Aviation are now allocated among a discrete set of DAS property-management professionals."

He extolled the results, saying that "the negotiation, review and enforcement of leases is transparent, standardized and methodical."



Statesman Journal file

The Oregon Department of Aviation turned over management control of current and future property leases at nearly 30 state-owned airports, including Aurora State Airport shown here, after questionable leasing practices came to light last year, documents obtained by the Statesman Journal show.

The aviation department is responsible for operations and maintenance of 28 state-owned airports, and it inspects and licenses about 100 public airports and 300 private airports.

Hedlund's recent letter to the FAA came partly in response to federal scrutiny of leasing practices at the Aurora airport, focused on a 2008 lease Clem awarded to TLM Holdings and managing member Ted Millar.

The 25-year-lease plus a possible five-year extension, was signed by Clem and Millar on Aug. 8, 2008.

The lease did not require monthly or yearly payments by the businessman for parking space totaling 31,359 square feet. Rather, it called for TLM Holdings to make an in-kind payment of \$78,000, consisting of paving work.

After a review of the lease, the FAA determined in August that it violated federal policies by benefiting the businessman at the expense of the airport.

At the same time, the FAA also slammed state financial management of the Aurora airport, Oregon's third-busiest airport. The FAA described ODA management of the airport as "deficient at best."

Federal regulators directed the state to craft an action plan spelling out improvements in financial management and leasing practices — steps deemed necessary to continue the flow of \$150,000 per year in federal funding for the airport.

In this month's response letter to the FAA, Hedlund said the ODA, as requested by federal regulators, is in the midst of reviewing all leases at the Aurora State Airport.

Meanwhile, he said, the Oregon aviation board "fundamentally disagrees with the FAA determination" concerning the controversial lease Clem awarded to the developer.

Contrary to the FAA's assertion that the deal provided no value to the airport, Hedlund wrote that "there is intrinsic value to airport development in improving aircraft movement areas.

"Additionally, paving of these areas has provided for additional aircraft parking. This additional aircraft parking and enhanced safety will serve to encourage owners and pilots of business aircraft to frequent the airport to meet services and space demand necessary for the (airport's) economic self-sufficiency."

Although Oregon aviation officials and federal regulators remain at odds about the much-debated lease, Hedlund stressed that "it is in the best interest of the Department to work in partnership with FAA" to develop workable solutions for other concerns cited by the feds.

In touting revamped management of airport leases, Hedlund described DAS as well-suited for the job. He noted that DAS also manages the state's real property acquisition and disposal program and has "a robust system of internal controls in place to execute, monitor, and enforce the terms and conditions of leases under its control."

The aviation department also has benefited from transferring leasing responsibilities to DAS, Hedlund said.

The "benefit to ODA is truly significant in that it frees up other ODA resources to meet our budget requirements and pursue the agency's other mission-critical objectives — namely developing statewide aviation policy, implementing airport planning rules and policies, and

FAA criticizes Clem's oversight of Aurora airport

By Alan Gustafson

Statesman Journal



Thomas Patterson | Statesman Journal file
The FAA called financial management of the Aurora State Airport "deficient at best."

August 25, 2010

Federal regulators say an aircraft parking lease awarded by former state aviation director Dan Clem violated federal policies by benefiting a businessman at the expense of the Aurora State Airport.

The Federal Aviation Administration also says that state financial management of the busy airport is "deficient at best."

The feds recently gave the state 30 days to submit a plan of correction, action required to continue the flow of \$150,000 per year in federal funding for the airport.

Federal scrutiny of leasing practices at the state-owned airport in north Marion County focused on a 2008 lease Clem awarded to TLM Holdings and its managing member, Ted Millar.

The 25-year lease, plus a possible five-year extension, granted TLM aircraft parking space totaling 31,359 square feet. It called for TLM to make an in-kind payment of \$78,000, consisting of paving work.

The deal was signed by Clem and Millar on Aug. 8, 2008.

FAA regulators determined that the lease violated a federal policy that requires airport rates and charges to be set in a way that is transparent, reasonable and fair, according to an Aug. 6 letter sent to the state by Dave Roberts, a civil engineer and project manager for the agency's Northwest Mountain Region in Renton, Wash.

"ODA in its response was unable to provide any documentation on how the \$78,000 in-kind payment was determined or calculated relative to the land value," it says. "It appears that ODA does not have a transparent, reasonable, consistent methodology for setting rates and is therefore acting contrary to the Rates and Charges Policy."

Aviation regulators also determined that the paving work benefited the businessman but not the airport, violating the FAA's Revenue Use Policy.

"ODA stated that the leased property was to be exclusively used by TLM," Roberts stated in the letter. "Therefore, at the end of the lease term there is no value received by the airport for the use of the property."

"If TLM had provided investment in other airport property that is open to all users and not just TLM, that investment could be credited as in-kind services ... absent any payment for the leased property, the payment of \$78,000 for paving the leased property appears contrary to FAA's Revenue Use Policy."

The Statesman Journal obtained the FAA letter through a public records request filed with the Oregon Department of Aviation.

Clem defends lease

Contacted Tuesday, Clem said he disagreed with the federal findings. As he has done in the past, Clem defended his awarding of the lease to TLM.

"It was to the benefit of the airport, not to any one person," he said. "If you visit the airport today, you'll see that the space is being used. It was needed."

Aurora State Airport is one of 28 state-owned airports overseen by the aviation department. Located near Interstate 5 about midway between Salem and Portland, it ranks as the third busiest airport in the state (behind Portland International and Hillsboro airports).

Clem said TLM's paving work will provide long-term benefits for the airport.

"That airport is scheduled for an air control tower and potentially even more traffic," he said. "I would argue that at the end of the lease, they have more tarmac and space for aircraft to move around in, off of the runway and taxiways."

Questions about the lease Clem awarded to Millar were first raised by a former state airports manager, William Pruitt, who claimed he was wrongly fired by Clem, in part because he objected to the lease.

Clem chose Pruitt to be second-in-command at the aviation department in June 2008. He fired him about three months later after they locked horns about the disputed lease and other issues.

Pruitt sued the state and the aviation department in August 2009, claiming that he was wrongly fired by Clem after he blew the whistle.

A \$650,000 state settlement of the suit emerged Oct. 19 — the same day Clem stepped down as aviation chief, citing his desire to consider a possible run for political office beyond his seat on the Salem City Council.

The state settlement with Pruitt collapsed after officials discovered that he had filed for bankruptcy shortly before the deal was struck.

Pruitt had no legal authority to accept the settlement after filing for bankruptcy, according to state officials and the bankruptcy trustee.

A new settlement of Pruitt's whistleblower claims now is pending but it is being challenged by Pruitt.

The tentative settlement calls for the state to pay \$300,000 to the bankruptcy estate as a full settlement of Pruitt's whistleblowing claims, said Tony Green, spokesman for the Oregon Attorney General's Office.

If the settlement receives court approval, the money would be the subject of creditor claims

against Pruitt, Green said.

Pruitt's objections to the proposed settlement are scheduled to be heard by a federal bankruptcy court judge on Aug. 31.

Feds criticize state oversight

The FAA criticized the Oregon aviation department's overall fiscal management of the Aurora airport, following a review of leases, lease applications and other documents, according to Roberts' letter.

"It is clear from this information that ODA's control of the airport finances and leasing practices are deficient at best," he wrote.

To continue receiving federal funding for the airport, state aviation officials must provide the FAA with an action plan to correct deficiencies cited by the federal review, Roberts said.

Among the specific changes sought by federal regulators:

- Lease rates at the Aurora airport should be corrected and reflect a transparent and reasonable methodology.
- The lease application process needs to be revamped.
- State aviation officials need to provide the FAA with a full accounting of airport revenues and expenses.
- The state needs to prepare a strategy to make the airport as self-sufficient as possible.

The FAA set a 30-day deadline for the state to turn in a plan of correction, with the clock starting on Aug. 6.

Doug Hedlund, interim head of the ODA since February, said Tuesday that the agency will meet the federal deadline.

"We will have something submitted, but it's not ready at this time," he said.

agustafs@StatesmanJournal.com or (503) 399-6709

enforcing laws that improve aviation operations throughout the state," he wrote.

agustafs@StatesmanJournal.com or (503) 399-6709

Roberts Letter, Dec. 6, 2010

FAA investigates Clem's airport lease deal

Former aviation director decries state's 'sham' inquiry

November 6, 2009

<http://www.statesmanjournal.com/apps/pbcs.dll/article?AID=2009911060335>

By Alan Gustafson
Statesman Journal

The Federal Aviation Administration is launching its own review of the controversial lease that former aviation director Dan Clem awarded to a developer at the Aurora State Airport.

The inquiry centers on whether the lease complied with federal grant conditions for airports that receive FAA funding for improvements, said Dave Roberts, the project manager for the Northwest Mountain Region of the FAA in Renton, Wash.

Roberts said Thursday that it would take about two months to complete the review.

The FAA inquiry comes on the heels of Clem's Oct. 19 resignation as state aviation director.

It unfolds as Clem is firing back at state officials who have asserted that the Aurora lease deal violated state rules.

In a Wednesday interview, Clem defended his handling of the lease and said the state's critique of it was flawed.

Clem also blasted the Oregon Department of Justice, saying that it conducted "a sham" investigation before the state reached an out-of-court settlement to a lawsuit filed by a former aviation employee who alleged that Clem wrongly fired him.

Clem chose William Robert Pruitt to be second-in-command at the aviation department in June 2008. He fired him about three months later after they clashed about the Aurora airport lease and other issues.

Pruitt sued the state and the aviation department in August, asking for \$500,000 in compensatory damages, plus lost wages.

According to the suit, Pruitt told Clem that the lease was below fair market value and that Pruitt "could not be a party to it."

A \$650,000 settlement emerged Oct. 19 — the same day Clem stepped down as aviation chief, citing his desire to consider a possible run for political office beyond his current seat on the Salem City Council.

The settlement now is in legal limbo. Last week, the state stopped payment after the Justice Department learned that Pruitt — out of work for more than a year — filed for bankruptcy Sept. 30.

By law, Pruitt had no legal authority to accept the financial settlement once he filed for bankruptcy protection, attorneys said.

A bankruptcy estate trustee now is asking the state to redo the \$650,000 settlement. If that happens, the payment would become incorporated into Pruitt's bankruptcy case and listed as a financial asset.

Dispute about land value

Meanwhile, Clem went on the offensive this week, strongly criticizing the state's initial decision to settle with Pruitt. He described it as a "cut-and-run" strategy and the "easy way out."

"I essentially believe they weren't doing their job," he said. "It's easier to settle than to do the (investigative) work."

Tony Green, a spokesman for the Department of Justice, responded to Clem's criticism in an e-mail to the Statesman Journal: "The Department of Justice conducted a thorough investigation. There is no basis for asserting otherwise."

Clem continues to stand behind the lease deal that put him at odds with Pruitt and, ultimately, the state.

At issue is a 2008 lease Clem awarded to TLM Holdings and its managing member, Ted Millar, for aircraft parking at the Aurora airport.

Millar is a developer, a pilot and an entrepreneur who operates an airpark at the Aurora airport, which is near Interstate 5 about midway between Salem and Portland.

The 25-year lease, plus a possible five-year extension, granted Southend Airpark parking space totaling 31,359 square feet.

It called for TLM Holdings to make an in-kind payment of \$78,000, consisting of paving work.

Lonn Hoklin, a spokesman for the state Department of Administrative Services, said the actual lease rate came to about 9 cents per square foot per year, well below the 25 cents per foot rate recommended by an independent appraiser.

In addition, he said, there was no written application for the lease.

Summing up the state's rationale for settling Pruitt's suit, Hoklin said in a recent interview: "The allegations were determined to be essentially verifiable, and the state felt that it was in its best interest at that point to go ahead and settle."

Clem described Hoklin's analysis of the lease deal as "incomplete and inaccurate." Among Clem's assertions:

-The lease application for the aircraft parking space sought by TLM Holdings was handled informally, primarily through e-mail exchanges between TLM officials and state aviation officials, including Clem.

Clem said "it didn't make sense to be bureaucratic and awkward" about the application process.

-In-kind payments for land leases are common practice at the Aurora airport and other state-managed airports.

-Contrary to Hoklin's assertion, the lease rate for TLM Holdings wasn't out of line with recommendations made by the independent appraiser.

Clem said the appraiser's report specified that the fair market value rate — 25 cents per square foot, per year — applied to useable airport land. But the appraiser also reported that rates for airport land deemed surplus, or not fit for development, could be determined on "a case-by-case basis."

That's an important distinction, Clem said, because the land leased to TLM Holdings for aircraft parking "was never used or would ever be useable for airport benefit or expansion" because it's adjacent to a newly constructed taxiway.

Applying the case-by-case criteria for surplus land, Clem said the annual rate of 9 cents per square foot was appropriate and prudent.

Federal funding at issue

The FAA's review of the lease will determine whether it violated grant assurances attached to federal funding for airport improvements, Roberts said Thursday.

"Our methods and what we're looking for are not the same as the state of Oregon," he said. "We're not necessarily going to end up with the same decision as them."

Since 1977, the Aurora airport has received more than \$10 million in federal funding for projects, such as runway paving, beacon towers, lights and, most recently, the new taxiway.

Federal grant assurances, in part, require that lease rates be equitable, reasonable and fair for comparable properties at a given airport. In keeping with that, Roberts said he intends to compare other ground leases at the Aurora airport to the one awarded to TLM Holdings.

Fair market value won't be a factor in his review, Roberts said.

"Many times, aviation leases are below fair market value, but they have to be fair with the other people in the airport," he said. "That's what we're looking at."

Even if violations of federal grant provisions are found, the FAA won't take hard-nosed action, Roberts said.

"We have no authority to throw anybody in jail or anything like that," he said. "If it is found to be a violation, we will work with them to rectify the violation and make sure that they don't do it again."

agustafs@StatesmanJournal.com or (503) 399-6709

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Venerable Aurora Property Sells

<https://auroraoregon.com/category/beyond-the-reef/>

County records confirm a property sale earlier this year of venerable and valuable Aurora, Oregon acreage. Formerly owned by local charity Beyond the Reef Theological Center, the property is located just east of the Aurora State Airport at 22515 Airport Road NE, Aurora, Oregon.



A public records search indicates the sale involved two adjacent lots of 11.42 acres and 5.12 acres, closing in May, 2015. The selling price was \$2,150,000 with the purchaser named as TLM Holdings, LLC. Ted Millar is named as a manager. Public records also indicate Ted Millar is involved with locally owned Southend Air Park and Westwood Development.

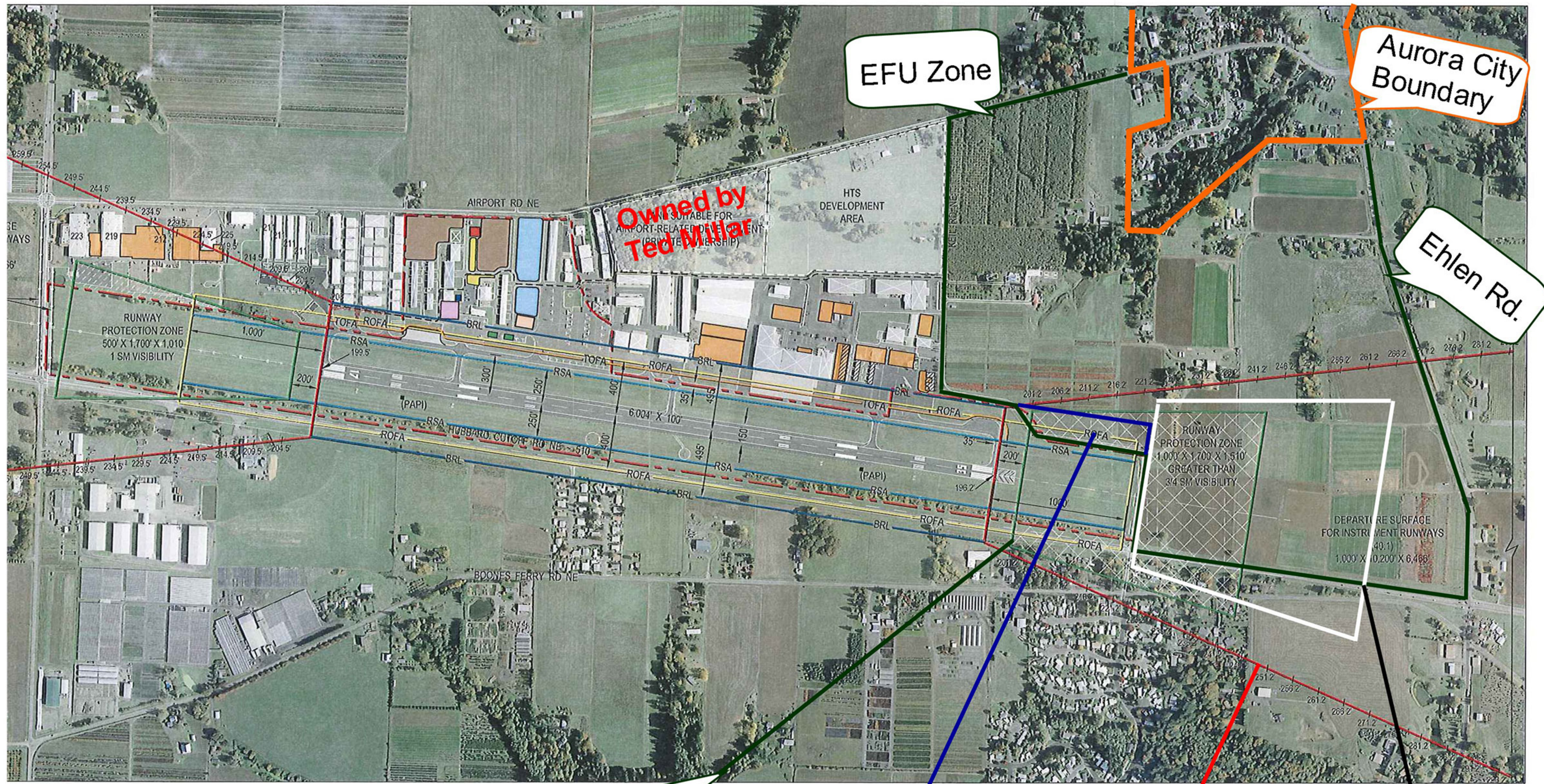


Approximate Property Location in Red

State corporation documents show the earliest registry date for the organization named Beyond the Reef Theological Center as February, 1977. Since that date, their Aurora location was used as a meeting place for the faith-based organization, which included housing and a worship center, Missionary Memorial Church.

Online information about Beyond the Reef Theological Center underscores their calling as a non-profit organization based in Aurora, Oregon, with a mission for ministry to Micronesians who live in the Pacific Northwest and on Pacific islands half a world away.

No readily available future plans for the property appear to have yet been publicly disclosed.



Legend

	Property Line		Aurora Rural Fire Protection District
	Future Property Line		Future Apron Area
	BRL 35' Building Restriction Line		Cargo Apron
	RSA Runway Safety Area		Vehicular Parking
	ROFA Runway Object Free Area		Hangar Development
	TOFA Taxiway Object Free Area		Fuel Station
	Service Road		Helicopter Parking
	Existing Buildings		Precision Approach Path Indicator (PAPI)
	Future Buildings		Existing Building Removal
	Future Paved		Existing Building Hts
	Air Traffic Control Tower (ATCT)		Septic Drain Field

Current Runway Protection Zone

EFU Proposed for Taxiway lengthening

Departure Surface for Instrument Runways (10,200 feet long)

44 acres EFU for new RPZ

Acquiring EFU land for taxiway extension (to match runway extension) widens the airport to the east. Implementing 1,000 foot runway extension requires purchase of EFU land to move the Runway Protection Zone (and DSIR) to south of the new runway terminus.

Aurora State Airport

Aurora, OR

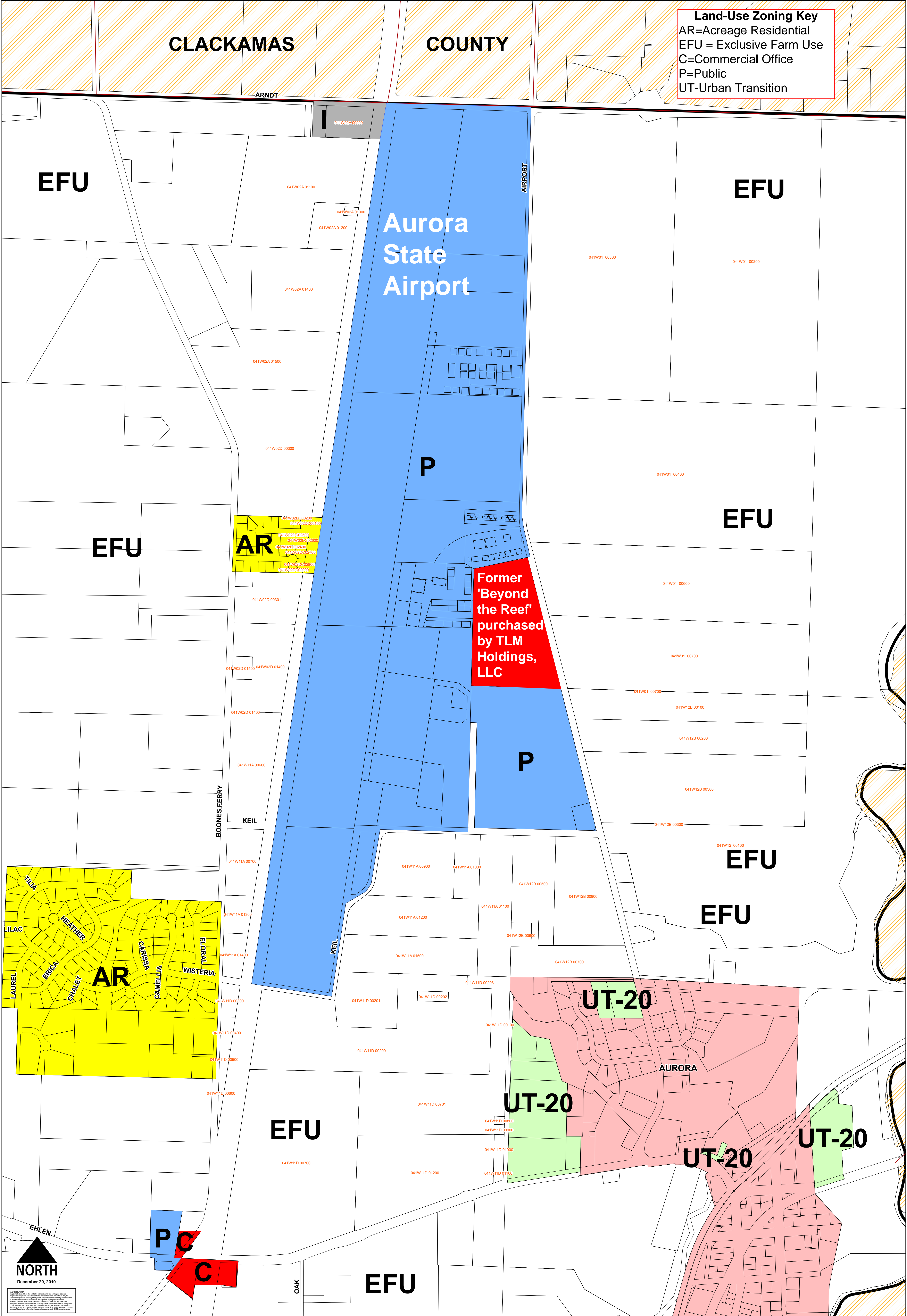
Exhibit 5J Preferred Alternative

Aurora Airport and Vicinity - Revised

CLACKAMAS

COUNTY

Land-Use Zoning Key
AR=Acreage Residential
EFU = Exclusive Farm Use
C=Commercial Office
P=Public
UT-Urban Transition



Legislative Concept for **Land-Use/Pubic-Process “Carve-Out” in State Law for Aurora State Airport Runway Extension**, presented on Nov. 15, 2017, by Wendie Kellington of Kellington Law Group and Ted Millar of TLM Holdings, LLC.

- **Goal** – facilitate a runway extension at the Aurora Airport without a protracted and expensive (both public and private resources) land use process.
- **Reason** – Aurora Airport is the largest of the state owned airports. It was constructed in 1943 by the state Highway Department. It already exists and other uses have largely developed around it. Aurora has been the subject of significant public and private investment including a control tower and aviation infrastructure. It requires additional investment to maintain aviation safety and commercial viability, given the changing demands of aviation. The current runway length is inadequate and unsafe. Currently commercial traffic must eliminate fuel and cargo to take off and land at Aurora, because the runway is too short for modern day aircraft.
Aurora is a large economic hub for the region, for Oregon and within the National Airspace System (NAS). It one of the 3,400 existing and proposed airports that are federally deemed to be “significant to national air transportation” and are part of the National Plan of Integrated Airport Systems (NPIAS). Aurora is categorized as a Level 2 airport, which means it is approaching its capacity limits.
State and regional commercial traffic rely on Aurora Airport to receive and send goods and services all over the country to keep the region and state’s economic engine healthy. It supports a significant number of family wage jobs, both on and off the airport. To maintain its economic viability and safety, the airport requires a runway extension to the south to safely accommodate the rapidly changing world of commercial aviation.
- **Proposal** –
Amend ORS 215.283(1)¹ to **add** as a permitted use of EFU zoned land:
 - (a) An extension of an existing runway at an airport owned by the State of Oregon that has at least 350 based aircraft, as reflected on the Federal Aviation Administration National Based Aircraft Inventory Program 5010-1 database.
 - (b) The term “extension of an existing runway” shall include the extension of the boundaries of an above described airport, new or expanded aircraft taxi areas and new or expanded facilities for aviation related equipment that support the extension authorized in ORS 215.283(____).

Amend ORS 836.610 to **add**:

Notwithstanding ORS 836.610(1), ORS 197.251 amendments to local government comprehensive plans and land use regulations concerning, or local government decisions approving, an extension of an existing runway authorized by ORS 215.283(--), as the term “existing runway” is defined by ORS 215.283 (____), shall not be deemed to require

¹ ORS 215.283 applies to EFU zoned land in non-marginal lands counties. There is no need to add these provisions to ORS 215.213 – which are parallel provisions to ORS 215.283 that apply only to “marginal lands” counties. There are two marginal lands counties – Lane County and Washington County. Aurora airport is located in Marion County. Aurora is not in a “marginal lands” county.

Legislative Concept for **Land-Use/Public-Process “Carve-Out” in State Law for Aurora State Airport Runway Extension**, presented on Nov. 15, 2017, by Wendie Kellington of Kellington Law Group and Ted Millar of TLM Holdings, LLC.

an exception to any statewide planning goal or to require a demonstration of compliance with any statewide planning goal.

AND **Add** probably to ORS 836.610:

Amendments to a county comprehensive plan or land use regulation concerning an extension of an existing runway authorized by ORS 215.283(____), shall not be subject to the post-acknowledgment procedures provided in ORS 197.610-651.



City of
WILSONVILLE
in OREGON

February 5, 2008

Honorable Lynn Peterson, Chair
Honorable Martha Schrader, Commissioner
Honorable Bill Kennemer, Commissioner
Board of County Commissioners
Clackamas County
2051 Kaen Road
Oregon City, OR 97045

29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

**City of Wilsonville Letter Requesting
Clackamas County to Participate in
Intergovernmental Agreement on the
Coordination of Growth Management
and Transportation Issues pertaining
to the "Aurora Airport Impact Area."**

**RE: Intergovernmental Agreement on the Coordination of Growth Management and
Transportation Issues between the City of Aurora, Marion County, Clackamas County and
the Oregon Department of Aviation, October 2007 ("Aurora Airport IGA")**

Dear Chair and Commissioners:

The City of Wilsonville has a vested interest in the development and operation of the Aurora State Airport, which is managed by the Oregon Department of Aviation, and seeks to be an active participant in any kind of intergovernmental agreement pertaining to the airport.

The Aurora State Airport is located approximately 1.5 miles south of the southern boundary of the city, placing the city in the "airport secondary impact area" that is "located between 5,000 and 10,000 feet from an airport runway," Airport Land Use Compatibility Guidebook, Appendix D, 0.20, Model Public Use Airport Safety and Compatibility Overlay Zone for Public Use Airports, Oregon Department of Aviation.

Wilsonville residents, especially those who reside south of the Willamette River in the Charbonneau district, have long been concerned about the noise, pollution, increased traffic and possibility of increased conflicts with the uses at the Aurora Airport. Because the airport's runway is oriented north-south, Wilsonville is impacted considerably by air traffic. Residents in this area report fights that 1) are inordinately low and 2) increasingly involve twin engine aircraft. The prospect of a tower at the airport and increased day and nighttime operation of aircraft using instrument approach procedures only underscores the safety and compatibility concerns of city residents. On the other side of the coin, the Charbonneau district is the largest urban area impacted by airport operations. To the extent airport operations lead to a proposal to limit structures as "hazards to air navigation," Wilsonville and its residents would be clearly impacted.

The City of Wilsonville is also affected by potential development at the airport. As reflected by the city's activities with respect to Metro UGB expansions south of the Willamette River, and its effort to spearhead a Regional Interest Area agreement for this area among the IGA signatories and others, the city's interest in the compatibility and adequacy of public facilities and services in the airport area is demonstrable and unquestioned.

Marion County, the City of Aurora and the Oregon Department of Aviation are circulating the above-referenced Aurora Airport Intergovernmental Agreement (IGA), which defines the jurisdictions that will cooperate in the development of future master plans and other issues pertaining to interagency cooperation of the Airport. The City of Wilsonville has been excluded from development of the IGA and is not currently a signatory of the IGA. Because of the impacts on our City, Wilsonville formally requests active participation in all areas of planning for the Aurora Airport and would like to be a signer on the Aurora Airport IGA. Being a signatory of the IGA ensures that our residents are well represented in the consideration of development plans of this neighboring airport.



"Serving The Community With Pride"

The proposed IGA contains a map, Exhibit A, entitled "Aurora Airport – North Marion Clackamas County Impact Area, that we believe is in error. The map purports to show that the airport "boundary extends 10,000 feet from runway"; however, the City of Wilsonville's Geographic Information Systems shows that the southern portion of Wilsonville, the Charbonneau district, lies within the 10,000-foot radius as correctly measured from the edge of the runway; please see enclosed map showing the correct 10,000-foot radius..

The IGA concerns coordination of growth management and transportation related development processes and decisions in "and around the Impact Area for the benefit of...affected adjacent landowners...and other interested parties." In light of the foregoing, Wilsonville city residents and its government are affected persons and entities, if not outright stakeholders.

Given the direct impacts of airport planning and operation on city interests, exclusion of the City of Wilsonville from the Aurora Airport IGA would appear to be contrary to Oregon's Statewide Planning Goals & Guidelines, Goal 2: Land Use Planning, OAR 660-015-0000(2), regarding coordination of comprehensive plans. As an affected governmental unit, Wilsonville is merely asking that it be involved in the coordination of plans and implementing measures associated with growth management and transportation planning relative to the airport and environs. In this connection, the City of Wilsonville would point out a provision in the IGA that may be of concern to other local governments. Section V. *Land Use Development and Coordination within the Impact Area*, subsection D, requires that participating local governments "shall amend their individual Comprehensive Plans to reflect the incorporation of the 2007 Aurora State Airport Master Plan Update." This provision appears to dictate particular planning legislation in conflict with Section V. A. language that the IGA have no effect on zoning and regulatory authority. This section aside, the City of Wilsonville would like to be a party to the agreement so that, consistent with Goal 2, its legitimate interests be considered when land use planning for the airport area proceeds.

The Aurora Airport is not located in Clackamas County. However, with respect to the IGA and airport planning, Clackamas County would appear to have (and therefore appreciate) interests much like the city. In this regard, the county has the authority and responsibility to coordinate planning activity affecting interested governments. Accordingly, the Wilsonville City Council respectfully requests that no Intergovernmental Agreement concerning the Aurora Airport be signed by Clackamas County without the City of Wilsonville included as a signer, and that the County requests that Wilsonville be a full participant in all discussions concerning the future of the Aurora Airport and the lands surrounding it.

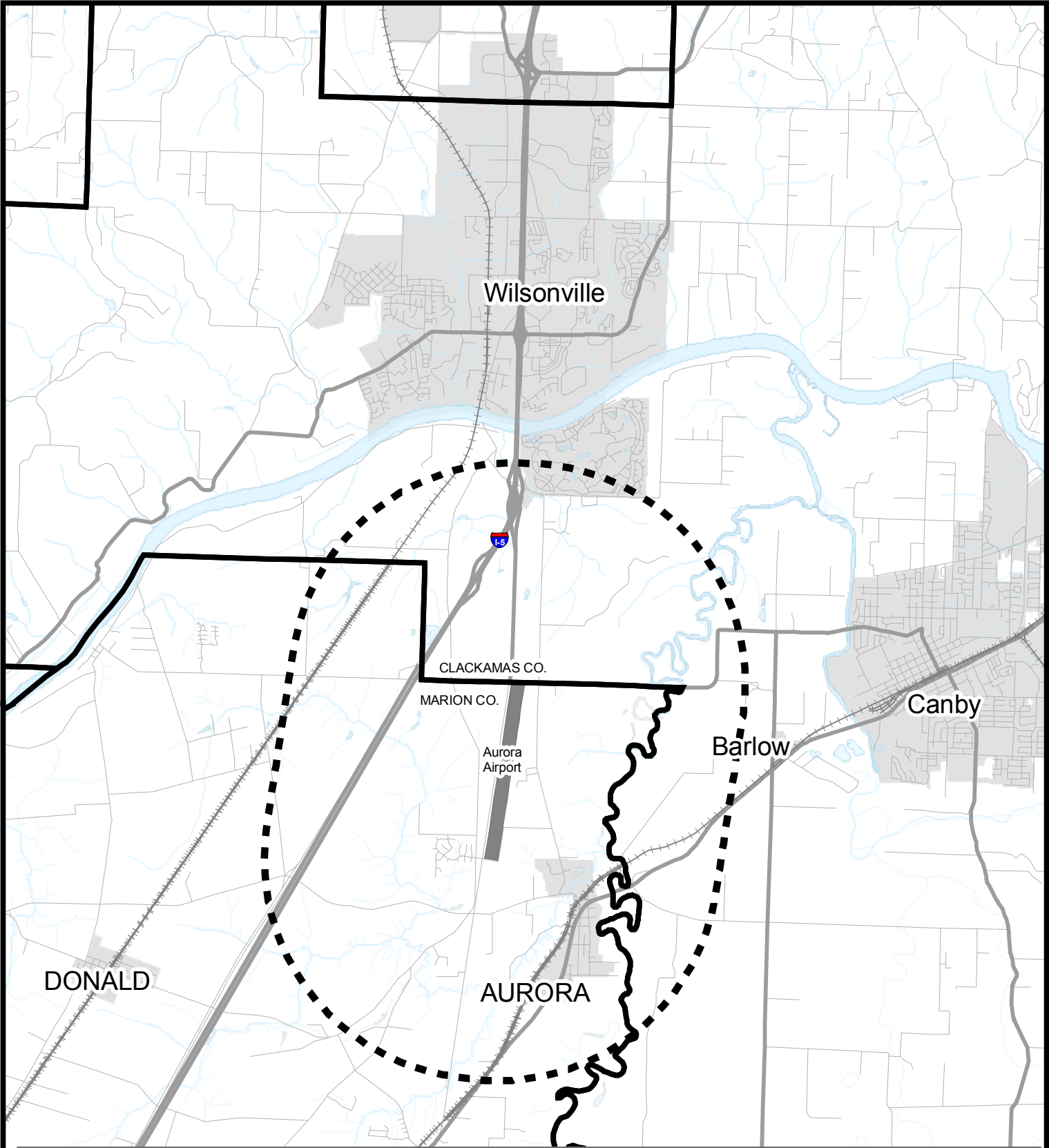
We thank you for your efforts to include us in this important intergovernmental agreement.

Sincerely,



Charlotte Lehan, Mayor

cc: Mayor, City of Aurora
Chair, Board of Commissioners, Marion County
Daniel Clem, Executive Director, Oregon Department of Aviation



Aurora Airport Region



10,000 Foot Radius





Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

SUNNYBROOK SERVICE CENTER

9101 SE SUNNYBROOK BLVD. | CLACKAMAS, OR 97015

February 28, 2008

Suzanne Dufner
Mid-Willamette Valley Council of Governments
105 High St. SE
Salem, OR 97301-3667

SUBJ: Aurora Airport Intergovernmental Agreement

Dear Ms. Dufner,

Clackamas County Letter to Marion County
Requesting to Participate in and Amend
Intergovernmental Agreement on the
Coordination of Growth Management and
Transportation Issues pertaining to the
"Aurora Airport Impact Area" to include
county and Wilsonville. Proposed amended
draft IGA attached that includes all parties.

I am writing to inform you our Board of Commissioners discussed the subject agreement. The Board commends the participants for establishing an agreement to cooperatively coordinate development associated with the Aurora Airport. Clackamas County has been in compliance with the airport planning rule for many years and is prepared to help others, too, satisfy the provisions for coordinating development near airports.


The Board carefully considered the subject agreement and expressed concern it does not include all jurisdictions affected by the operational impacts of the Aurora airport. At issue is the airport's impact to the city of Wilsonville. It is clear the impact area described in the agreement affects Wilsonville; however, the City is not included as a signatory to the agreement. The Board of Commissioners believes it is important to include all affected jurisdictions in a single agreement.

Staff from the city of Wilsonville has advised the Board the city is comfortable with the substantive language in the current agreement. The only changes in the agreement would be those necessary to recognize Wilsonville as a party.

For your convenience, I have prepared a draft of an amended agreement that includes Wilsonville. Please be advised this draft is based upon the agreement that was approved by the Aurora Airport Policy Advisory Committee (PAC) in 2004. Consequently, this draft does not include provisions added after the conclusion of the Committee's work.

I am copying this letter, including both draft and final copies of the agreement, to the other parties to the agreement. The Board of County Commissioners is willing to execute this agreement as soon as possible. In the event you have questions or wish to further discuss this matter, please feel free to contact me at (503) 353-4508 or e-mail at johnbor@co.clackamas.or.us.

Cordially,


John Borge, Principal Planner
Planning Division

c. Mantay, County Administrator
Mayor, City of Aurora
Ottenad, City of Wilsonville
Sasaki, Marion County
Cummings, Oregon Department of Aviation

Note: Proposed deletions are shown as struck; original language is shown in bold underlined font.

Clackamas County proposed amended draft IGA attached that includes all local-government parties.

**INTERGOVERNMENTAL AGREEMENT ON
THE COORDINATION OF
GROWTH MANAGEMENT AND TRANSPORTATION ISSUES
BETWEEN
CITY OF AURORA, CITY OF WILSONVILLE,
MARION COUNTY, CLACKAMAS COUNTY,
AND THE OREGON DEPARTMENT OF AVIATION**

This Agreement is entered into by and between the City of Aurora ("Aurora"), City of Wilsonville ("Wilsonville"), Marion County ("Marion County"), Clackamas County ("Clackamas County"), and the Oregon Department of Aviation ("ODA"), pursuant to ORS 190.003 to 190.110, which allows units of government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform.

RECITALS

WHEREAS, the Aurora Airport, Wilsonville, North Marion and South Clackamas County Impact Area ("Impact Area") – Exhibit A is expected to experience substantial population and employment growth by the year 2050; and

WHEREAS, anticipated growth within the Impact Area will affect land areas within the jurisdictional boundaries of the ~~City of Aurora~~, Wilsonville, Marion County, Clackamas County and the State of Oregon Department of Aviation; and

WHEREAS, ~~the Aurora~~, Wilsonville, Marion County, Clackamas County and the ODA wish to coordinate growth management and transportation related development processes and decisions within the Impact Area to ensure an appropriate opportunity is given for affected parties to review and address anticipated impacts; and

WHEREAS, to achieve this coordination, ~~the City~~, Aurora, Wilsonville, Marion County, Clackamas County and the ODA are interested in identifying the Impact Area and establishing a process for coordination and cooperation; and

WHEREAS, Statewide Planning Goal 2 - Land Use Planning, requires that local government comprehensive plans and implementing measures be

coordinated with the plans of affected governmental units and that local government, state and federal agency and special district plans and actions, relating to land use, be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, OAR 660, Division 12 requires coordination of state, regional and local transportation system plans establishing a coordinated network of transportation facilities to serve state, regional and local transportation needs; and

WHEREAS, ORS Chapter 836 and OAR 660, Division 13 requires planning and coordination of local, state and federal agencies to encourage and support the continued operation and vitality of Oregon's airports and recognizes the interdependence between transportation systems and the communities on which they depend.

NOW, THEREFORE, the City Aurora, Wilsonville, Marion County, Clackamas County, and ODA agree as follows:

AGREEMENT

I. Purpose

The parties agree that they are mutually interested in and will work together to:

- A. Establish and amend, as necessary, the Aurora Airport, North Marion and South Clackamas County Impact Area ("Impact Area") as identified on Exhibit "A" attached to this Agreement.
- B. Identify and resolve issues and concerns related to transportation and growth management in and around the Impact Area for the benefit of the parties as well as affected adjacent landowners, airport users, and other interested parties.
- C. Coordinate on growth management and transportation development-decisions within the Impact Area.
- D. Encourage and support the continued operation and vitality of the Aurora Airport and recognize the interdependence between air and ground transportation systems within the Impact Area and the communities on which they depend.
- E. Provide notice and an opportunity to comment on land and transportation developments within the Impact Area which may reasonably affect the parties.

II. Definitions

“Aurora Airport” means that area of land located at what is commonly known as the Aurora Airport that is designed, used or intended for use for the landing and take-off of aircraft, and any public or privately owned appurtenant areas and structures, including open space, used for airport buildings or other airport facilities or rights-of-way or which is located on lands located within the Marion County Public Zone.

“Impact Area” means the Aurora Airport, the Aurora Airpark, and those portions of North Marion County and South Clackamas County the development of which impacts the parties to this Agreement and existing residents and businesses within each party’s jurisdiction, as shown on the Aurora Airport – North Marion and South Clackamas County Impact Area Map, attached as Exhibit A.

III. Amendment of Aurora Airport Impact Area Boundaries

- A. Impact Area boundaries may be amended by Marion County in cooperation with the City, Aurora, Wilsonville, Clackamas County and/or the ODA.
- B. When amending boundaries, Marion County shall give notice to and work in cooperation and coordination with the City Aurora, Wilsonville, Clackamas County and the ODA, and shall consider the following factors:
 1. Existing and future land development;
 2. Existing and future local and state transportation corridors;
 3. Existing and future Aurora Airport usage and flight patterns; and
 4. Each affected jurisdictions’ Comprehensive Plan boundaries and related goals and policies.

IV. Comprehensive Planning within the Impact Area

- A. Existing Comprehensive Plan designations and zoning, as presently designated by each party to lands within its jurisdiction, shall apply to all lands within the Impact Area.
- B. Any party formally considering a Comprehensive Plan Amendment for lands within Impact Area boundaries shall provide for notice and

opportunity for comment to the other parties to this Agreement in a manner provided in Article VI below.

- C. Special plans and studies undertaken that involve lands within the Impact Area such as infrastructure, environmental, or economic planning shall be coordinated amongst the parties.

V. Land Use Development and Coordination within the Impact Area

- A. This Agreement shall have no effect on the current local and statutory zoning and regulatory authority of each jurisdiction within the Impact Area boundaries, nor any existing intergovernmental agreements between the parties.
- B. The City Aurora, Wilsonville, Marion County and Clackamas County respectively agree to provide all the other parties to this Agreement, including ODA, with notice and an opportunity to comment, in the same manner as currently required for affected property owners by their respective development codes for land use applications within the Impact Area. The parties shall provide each other with requested data, maps, and other information in hard copy or digital form in a timely manner.
- C. ODA shall provide the other parties with notice and opportunity to comment for all Airport Master Plan amendments, new access agreements (through-the-fence agreements), and for proposed development or infrastructure improvements, relative to the Aurora Airport.
- D. The parties shall discuss and work cooperatively to determine whether specific uses which would otherwise be permitted within existing exception areas under County zoning should be prohibited or restricted within the Impact Area to implement the purposes of this Agreement. The parties shall also consider amending the goals and policies contained in their Comprehensive Plans and implementing ordinances to comply with this Agreement.

VI. Notice and Coordination Responsibilities

- A. The City, Aurora, Wilsonville, Marion County and Clackamas County each shall provide the other parties, including ODA, with notice and an opportunity to comment prior to the first scheduled public hearing, in the same manner provided to property owners in their applicable

codes, for all of their respective legislative plan amendments, zone changes, or new land use regulations and amendments affecting property within the Impact Area.

- B. The City, **Aurora, Wilsonville**, Marion County and Clackamas County each shall provide the other parties, including ODA, with notice and an opportunity to comment prior to all of their respective administrative or public hearing actions, in the same manner provided to property owners in their applicable codes, for any quasi-judicial development applications (including, but not limited to, plan and zoning code amendments, conditional use permits and design review) within the Impact Area.
- C. ODA shall provide reasonable notice and opportunity to comment to the City, **Aurora, Wilsonville**, Marion County and Clackamas County for all Airport Master Plan amendments, new access agreements (through-the-fence agreements), and for its proposed development or infrastructure improvements, relative to the Aurora Airport.
- D. In order to fulfill the cooperative planning provisions of this Agreement, the City, **Aurora, Wilsonville**, Marion County, Clackamas County, and ODA shall provide each other with all requested reasonable data, maps, and other information in hard copy or digital form in a timely manner.

VII. Amendments to this Agreement

This Agreement may be amended in writing by the agreement of all parties and may be reviewed by the parties at any time.

VIII. Termination

This Agreement may be terminated by any party as to the rights and responsibilities of that party within 60 days written notice to the other parties. Termination of the rights and responsibilities of one or more parties does not affect the rights and responsibilities of the remaining parties as to each other.

IX. Reservation of Rights and Authorities

This Agreement is intended only to achieve the purposes set forth in Section I of the Agreement and is not intended to create any right or responsibility which is legally enforceable by any person or entity against any Party and creates no rights in third parties or the right to judicial review regarding the acts or omissions of any Party. Each Party reserves all rights or authorities now or hereafter existing and nothing in this

Agreement waives or forecloses the exercise of any such rights or authorities.

X. Severability

If any section, clause or phrase of this Agreement is invalidated by any court of competent jurisdiction, any and all remaining parts of the Agreement shall be severed from the invalid parts and shall remain in full force and effect.

XI. Effective Date

This Agreement is effective on the date it is fully executed.

IN WITNESS THEREOF, the respective parties have caused this Agreement to be executed by their authorized officer or representative on their behalf:

CITY OF AURORA

Charles Donald
Mayor, City of Aurora

ATTEST:

By: _____
Laurie Boyce, City Recorder

CITY OF WILSONVILLE

Charlotte Lehan
Mayor, City of Wilsonville

ATTEST:

By: _____
_____, City Recorder

OREGON DEPARTMENT OF AVIATION

Daniel Clem, Executive Director

CLACKAMAS COUNTY

Lynn Peterson, Chair
Clackamas County Board of Commissioners

ATTEST:

By: _____
Recording Secretary

MARION COUNTY

Chairperson, Marion County
Board of Commissioners

ATTEST:

By: _____
Recording Secretary

DRAFT



Clackamas County Letter Requesting to Participate in Intergovernmental Agreement on the Coordination of Growth Management and Transportation Issues pertaining to the "Aurora Airport Impact Area."

Lynn Peterson
Chair
Commissioners
Bob Austin
Jim Bernard
Charlotte Lehan
Ann Lininger

BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

November 3, 2009

Mr. Gregg Del Ponte
Acting Administrator
Oregon Department of Aviation
3040 25th SE
Salem, OR 97302-1125

Honorable Jim Meirow, Mayor
City of Aurora
21420 Main Street
Aurora, OR 97002

Honorable Patti Milne, Commissioner
Marion County Commission
Courthouse Square
555 Court Street N.E.
P.O. Box 14500
Salem, OR 97309-5036

Dear Director Del Ponte, Commissioner Milne and Mayor Meirow:

Consistent with our discussion concerning the Aurora Airport over the last several years, we are formally requesting that Clackamas County be added to the Aurora Airport Intergovernmental agreement as currently written.

With the commencement of the Aurora Airport Master Plan, the timing is good to have all of the local governments adjacent to the Aurora Airport at the table to discuss issues related to the Aurora State Airport planning and development.

We appreciate your favorable consideration of our request to join the Aurora Airport Intergovernmental agreement.

Sincerely,

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Lynn Peterson, Chair
On Behalf of the Clackamas County Board of Commissioners

LAP/sp/kjb



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

November 20, 2009

Mr. Gregg Del Ponte, Acting Administrator
Oregon Department of Aviation
3040 25th SE
Salem, OR 97302-1125

Honorable Patti Milne, Commissioner
Marion County Commission
P.O. Box 14500
Salem, OR 97309-5036

Honorable Jim Meirow, Mayor
City of Aurora
21420 Main Street
Aurora, OR 97002

City of Wilsonville Letter Requesting to Participate in Intergovernmental Agreement on the Coordination of Growth Management and Transportation Issues pertaining to the "Aurora Airport Impact Area."

RE: Request to Join Aurora Airport Intergovernmental Agreement

Dear Director Del Ponte, Commissioner Milne and Mayor Meirow:

Consistent with our discussions concerning the Aurora Airport over the last several years, we are formally requesting that the City of Wilsonville be added as a partner jurisdiction along with Clackamas County to the April 2008 "Intergovernmental Agreement on the Coordination of Growth Management and Transportation Issues" pertaining to the Aurora Airport area ("Aurora Airport Intergovernmental Agreement").

With the commencement of the Aurora Airport Master Plan process, the timing is good to have all of the local governments adjacent to the Aurora Airport at the table to discuss issues related to the Aurora State Airport planning and development.

We appreciate your favorable consideration of our request to join the Aurora Airport Intergovernmental Agreement. Thank you for your time and consideration.

Sincerely,

Tim Knapp
Mayor

cc: Honorable Lynn Peterson, Commission Chair, Clackamas County





Marion County
OREGON

*Rec'd
6/22/10
/KLL*

"Intergovernmental Agreement on the Coordination of Growth Management and Transportation Issues Between [sic] City of Aurora, Marion County and the Oregon Department of Aviation," of June 2010 pertaining to the "Aurora Airport Impact Area" that Omits Clackamas County and City of Wilsonville.

(503) 588-5212
(503) 588-5237 - FAX

BOARD OF COMMISSIONERS

Janet Carlson
Sam Brentano
Patti Milne

CHIEF ADMINISTRATIVE OFFICER

John Lattimer

June 21, 2010

Commissioner Lynn Peterson
Clackamas County
Board of Commissioners, Chair
2051 Kaen Road
Oregon City, Oregon 97045

✓ Mayor Tim Knapp
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, Oregon 97070

Dear Lynn and *Tim*

On behalf of Marion County, the Oregon Department of Aviation and the City of Aurora, I would like to present to you an updated, revised, and signed Intergovernmental Agreement regarding communications relating to the Aurora State Airport.

Over the past couple of years we have built strong working relationships that have allowed us to successfully face challenging issues that are of mutual interest to each of our individual jurisdictions. Maintaining open channels of communication will be critical as we continue to work together and face new challenges.

This revised agreement requires the signing jurisdictions to communicate with Wilsonville and Clackamas County about land use actions that affect the airport or are impacted by the airport.

As we all know, the state will begin the master plan process for the Aurora Airport with the first PAC meeting on July 22, at 6:00 p.m. in Charbonneau. We would like to invite you attend a meeting with Marion County, the City of Aurora and the Department of Aviation prior to that meeting. Please let me know your availability and we will schedule the meeting.

Please do not hesitate to contact me if you have any questions or suggestions.

Sincerely,

Patti Milne
Patti Milne
Commissioner

cc: James Meirow, City of Aurora
Doug Hedlund, Oregon Department of Aviation

**INTERGOVERNMENTAL AGREEMENT ON
THE COORDINATION OF
GROWTH MANAGEMENT AND TRANSPORTATION ISSUES
BETWEEN
CITY OF AURORA, MARION COUNTY,
AND THE OREGON DEPARTMENT OF AVIATION**

IGA omits Clackamas County and City of Wilsonville as parties to agreement.

This Agreement is entered into by and between the City of Aurora ("Aurora"), Marion County ("Marion County"), and the Oregon Department of Aviation ("ODA"), pursuant to ORS 190.003 to 190.110, which allows units of government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform.

RECITALS

WHEREAS, the Aurora Airport Impact Area ("Impact Area") – Exhibit A is expected to experience substantial population and employment growth by the year 2050; and

WHEREAS, anticipated growth within the Impact Area will affect land areas within the jurisdictional boundaries of the City of Aurora, Marion County, and the State of Oregon Department of Aviation; and

WHEREAS, Aurora, Marion County, and the ODA wish to coordinate growth management and transportation related development processes and decisions within the Impact Area to ensure an appropriate opportunity is given for affected parties to review and address anticipated impacts; and

WHEREAS, to achieve this coordination, Aurora, Marion County, and the ODA are interested in identifying the Impact Area and establishing a process for coordination and cooperation; and

WHEREAS, Statewide Planning Goal 2 - Land Use Planning, requires that local government comprehensive plans and implementing measures be coordinated with the plans of affected governmental units and that local government, state and federal agency and special district plans and actions, relating to land use, be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, OAR 660, Division 12 requires coordination of state, regional and local transportation system plans establishing a coordinated network of transportation facilities to serve state, regional and local transportation needs; and

WHEREAS, ORS Chapter 836 and OAR 660, Division 13 requires planning and coordination of local, state and federal agencies to encourage and support the

continued operation and vitality of Oregon's airports and recognizes the interdependence between transportation systems and the communities on which they depend.

NOW, THEREFORE, Aurora, Marion County, and ODA agree as follows:

AGREEMENT

I. Purpose

The parties agree that they are mutually interested in and will work together to:

- A. Establish and amend, as necessary, the Aurora Airport Impact Area ("Impact Area") as identified on Exhibit "A" attached to this Agreement.
- B. Identify and resolve issues and concerns related to transportation and growth management in and around the Impact Area for the benefit of the parties as well as affected adjacent landowners, airport users, and other interested parties.
- C. Coordinate on growth management and transportation development decisions within the Impact Area.
- D. Encourage and support the continued operation and vitality of the Aurora Airport and recognize the interdependence between air and ground transportation systems within the Impact Area and the communities on which they depend.
- E. Provide notice and an opportunity to comment on land and transportation developments within the Impact Area which may reasonably affect the parties.
- F. Nothing in this Agreement shall be construed to require the parties to exercise jurisdiction beyond that which is required by state law.

II. Definitions

"Aurora Airport" means that area of land located at what is commonly known as the Aurora Airport that is designed, used or intended for use for the landing and take-off of aircraft, and any public or privately owned appurtenant areas and structures, including open space, used for airport buildings or other airport facilities or rights-of-way or which is located on lands located within the Marion County Public Zone.

"Impact Area" means the Aurora Airport, the Aurora Airpark, and those portions of North Marion County the development of which impacts the parties to this Agreement

and existing residents and businesses within each party's jurisdiction, as shown on the Aurora Airport Impact Area Map, attached as Exhibit A.

III. Amendment of Aurora Airport Impact Area Boundaries

- A. Impact Area boundaries may be amended by Marion County upon its own initiative or upon the written request of Aurora and/or the ODA.
- B. When amending boundaries, Marion County shall give notice to and work in cooperation and coordination with Aurora and the ODA, and shall consider the following factors:
 - 1. Existing and future land development;
 - 2. Existing and future local and state transportation corridors;
 - 3. Existing and future Aurora Airport usage and flight patterns; and
 - 4. Each affected jurisdictions' Comprehensive Plan boundaries and related goals and policies.

IV. Comprehensive Planning within the Impact Area

- A. Existing Comprehensive Plan designations and zoning, as currently designated by each party to lands within its jurisdiction, shall continue to apply to those lands within the Impact Area.
- B. Any party formally considering a Comprehensive Plan Amendment for lands within Impact Area boundaries shall provide for notice and opportunity for comment to the other parties to this Agreement in a manner provided in Article VI below.
- C. Special plans and studies undertaken that involve lands within the Impact Area such as infrastructure, environmental, or economic planning shall be shared amongst the parties.

V. Land Use Development and Coordination within the Impact Area

- A. This Agreement shall have no effect on the current local and statutory zoning and regulatory authority of each jurisdiction within the Impact Area boundaries, nor any existing intergovernmental agreements between the parties.
- B. Aurora and Marion County respectively agree to provide ODA, Wilsonville, and Clackamas County, with notice and an opportunity to comment, in the same manner as currently required for affected property owners by their

respective development codes for land use applications within the Impact Area. The parties shall provide each other with requested data, maps, and other information in hard copy or digital form in a timely manner.

- C. ODA shall provide Aurora, Wilsonville, Clackamas County, and Marion County with notice and opportunity to comment for all Airport Master Plan amendments, new access agreements (through-the-fence agreements), and for proposed development or infrastructure improvements, relative to the Aurora Airport.
- D. The parties shall discuss and work cooperatively to determine whether specific uses which would otherwise be permitted within existing exception areas under County zoning should be prohibited or restricted within the Impact Area to implement the purposes of this Agreement.

VI. Notice and Coordination Responsibilities

- A. Aurora and Marion County each shall provide ODA, Wilsonville, and Clackamas County with notice and an opportunity to comment prior to the first scheduled public hearing, in the same manner provided to property owners in their applicable codes, for all of their respective legislative plan amendments, zone changes, or new land use regulations and amendments affecting property within the Impact Area.
- B. Aurora and Marion County each shall provide ODA, Wilsonville, and Clackamas County with notice and an opportunity to comment prior to all of their respective administrative or public hearing actions, in the same manner provided to property owners in their applicable codes, for any quasi-judicial development applications (including, but not limited to, plan and zoning code amendments, conditional use permits and design review) within the Impact Area.
- C. ODA shall provide reasonable notice and opportunity to comment to Aurora, Wilsonville, Clackamas County, and Marion County for all Airport Master Plan amendments, new access agreements (through-the-fence agreements), and for its proposed development or infrastructure improvements, relative to the Aurora Airport.
- D. In order to fulfill the cooperative planning provisions of this Agreement, Aurora, Marion County, and ODA shall provide each other with all requested reasonable data, maps, and other information in hard copy or digital form in a timely manner.

VII. Amendments to this Agreement

This Agreement may be amended in writing by the agreement of all parties and may be reviewed by the parties at any time.

VIII. Termination

This Agreement may be terminated by any party as to the rights and responsibilities of that party within 60 days written notice to the other parties. Termination of the rights and responsibilities of one or more parties does not affect the rights and responsibilities of the remaining parties as to each other.

IX. Reservation of Rights and Authorities

This Agreement is intended only to achieve the purposes set forth in Section I of the Agreement and is not intended to create any right or responsibility which is legally enforceable by any person or entity against any Party and creates no rights in third parties or the right to judicial review regarding the acts or omissions of any Party. Each Party reserves all rights or authorities now or hereafter existing and nothing in this Agreement waives or forecloses the exercise of any such rights or authorities.

X. Severability

If any section, clause or phrase of this Agreement is invalidated by any court of competent jurisdiction, any and all remaining parts of the Agreement shall be severed from the invalid parts and shall remain in full force and effect.

XI. Effective Date

This Agreement is effective on the date it is fully executed.

IN WITNESS THEREOF, the respective parties have caused this Agreement to be executed by their authorized officer or representative on their behalf:

CITY OF AURORA



James Meirow
Mayor, City of Aurora

6/8/10
Date

ATTEST:

By: _____
City Recorder

MARION COUNTY

Janet Carlson
Janet Carlson
Chair, Board of Commissioners

6/7/10
Date

ATTEST:

By: _____
Recording Secretary

Approved as to form:

Alonah Roy 06/07/10
Legal Counsel

APPROVED AS TO FORM:

Peggy Mitchell 6/7/10
Marion County Contracts Date

OREGON DEPARTMENT OF AVIATION

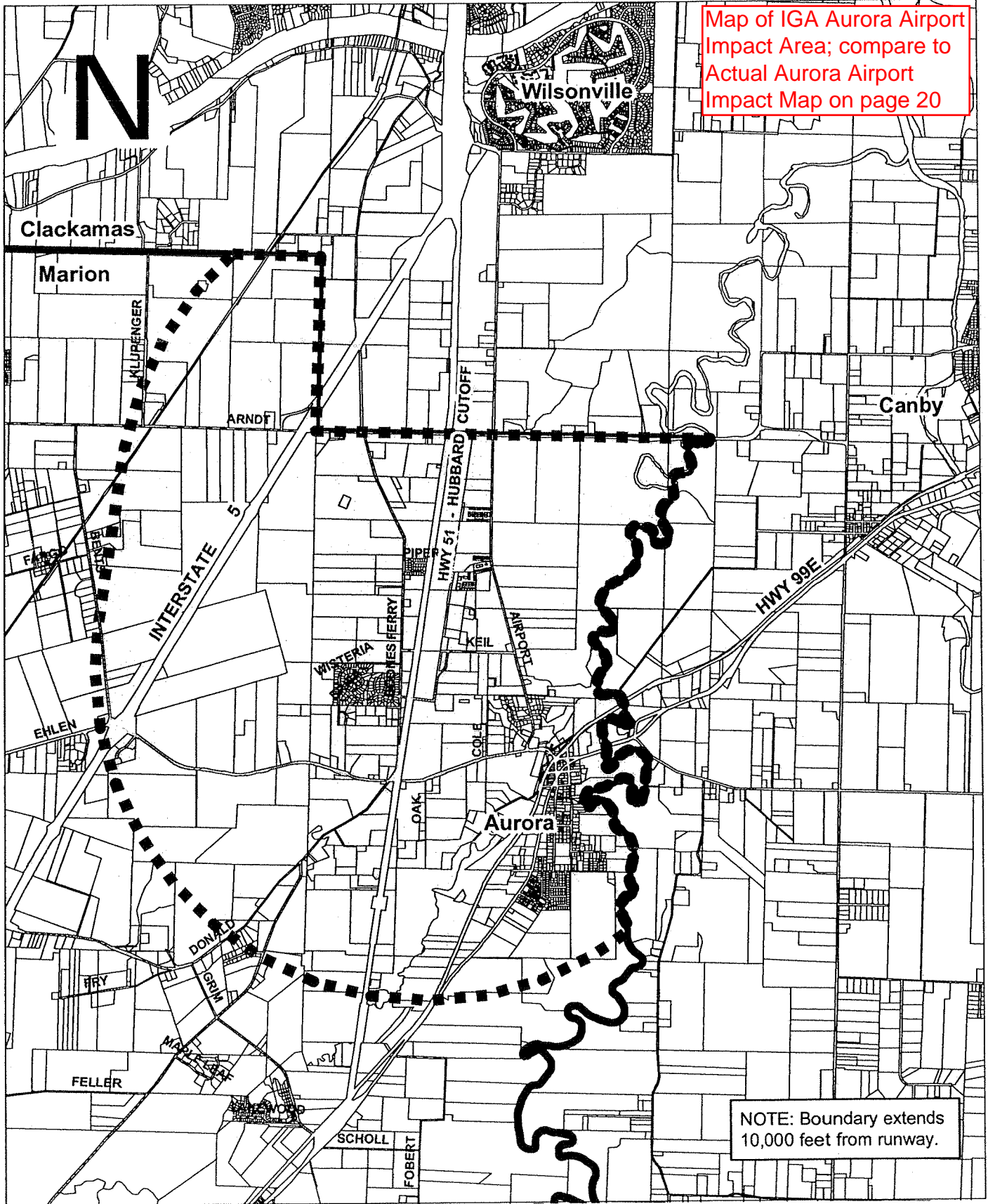
Doug Hedlund
Doug Hedlund
Director, Oregon Department of Aviation

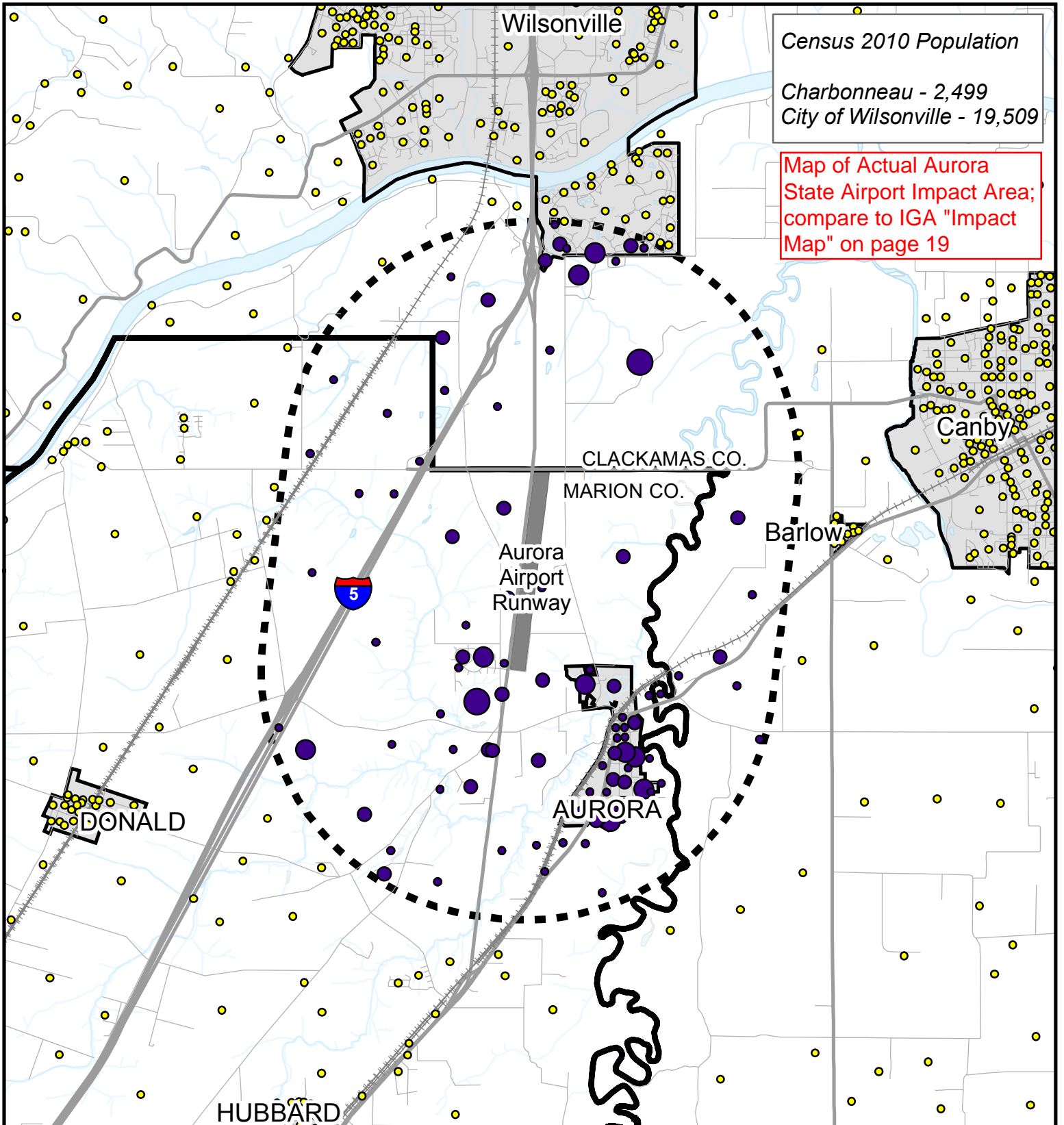
6/8/10
Date

Aurora Airport Impact Area - Exhibit A

Marion County
Public Works

Date: 03/20/08 Project: /as/ff request/Aurora 10000.mxd Prepared by: Gumbie





Census 2010 Population
 Charbonneau - 2,499
 City of Wilsonville - 19,509

Map of Actual Aurora State Airport Impact Area; compare to IGA "Impact Map" on page 19

The City of Wilsonville, Oregon
 Clackamas and Washington Counties

Aurora Airport

Census 2010 Population
 in 10,000 Ft. Radius = 2978

10,000 Feet from Runway

Census Block Centers

Wilsonville 183
 Aurora 860
 Rural Clackamas County 623
 Rural Marion County 1312

Population 2010

- 0 - 22
- 23 - 64
- 65 - 138
- 139 - 346
- 347 - 579



3/17/2015



**Members of the Planning Advisory Committee
to the Aurora State Airport Master Plan**

Charbonneau Country Club • City of Wilsonville • Clackamas County
Deer Creek Estates • Friends of Marion County

Mark Gardiner, Chair
State Aviation Board
Oregon Department of Aviation
3040 25th St. SE
Salem, OR 97302-1125

September 14, 2010

Members of the Planning Advisory Committee to the
Aurora State Airport Master Plan—Charbonneau Country
Club, City of Wilsonville, Clackamas County, Deer Creek
Estates and Friends of Marion County—letter to Oregon

**RE: Request for meeting to discuss Aurora State Airport master planning
process and role of the Planning Advisory Committee**

State Aviation Board, RE Request for meeting to discuss
master planning process and role of committee.

Dear Mr. Gardiner:

As local-government and community-organization members of the Planning Advisory Committee (PAC) to the Aurora State Airport Master Plan, we have grave concerns that our participation in the process is not intended to be meaningful. We see serious deficiencies in how the process is being conducted by the consultant, W.H. Pacific, and we seek to resolve these issues of concern.

In a nutshell, we are very concerned that the Aurora Airport master planning process is being rushed on a condensed schedule—reduced by one-third from the original timeline—without adequate discussion of issues at the PAC level in order to satisfy preconceived outcomes of a few special interests that may be detrimental to the greater public good. It seems fairly clear that the consultant intends to march steadily through construction of ‘chapters’ of the master plan, according to a predetermined timetable, regardless of whether or not there has been adequate discussion at the PAC of the issues. This is not the meaningful public-input practice that the Federal Aviation Administration (FAA) recommends for stakeholders in the master-planning process.

The FAA is quite clear, as outlined in the document ‘Airport Master Plans,’ AC 150/5070-6A, that **stakeholders must have an early opportunity to meaningfully comment before major decisions are made.** Stakeholders in the master-planning process have been asked to enunciate their individual goals, but there has been no discussion on how to integrate these into establishing the ‘strategic role’ and the ‘study goals’ as outlined by the FAA. ODA and consultant W.H. Pacific have specifically rejected the establishment of a ‘vision’ for the Airport as a starting point, something several members of the PAC requested at the outset of the process.

We observe from the conduct of ODA that installation of an air traffic control tower is being actively pursued prior to development of the new master plan and without consultation with the PAC. The fact that ODA is acquiring funds to build a control tower in the absence of any cost estimate and without first conducting planning demonstrates a serious lapse in judgment. ODA has indicated that concurrent to the master plan update, the agency has contracted for an air traffic control tower siting study; again an issue that the PAC should discuss has been arbitrarily removed the planning process.

Further, it seems clear that the role of the PAC has been deliberately marginalized. The forecast of future activity at the airport has apparently been compiled and is about to be sent to the FAA for

approval without any advance discussion with the PAC. It is notable that there is no accurate information available on current activity levels, since there are no records of landings and take-offs. Any methodology used to generate undocumented current activity numbers to use as a starting point for future usage projections surely should require very close scrutiny. But the PAC has not been given that opportunity for review and discussion.

Despite the absence of any discussion of the 'strategic role' and 'study goals' and any review of the activity forecast with the PAC, the process developed by the consultant, under the direction of ODA, appears to be one of justifying the preconceived idea that runway expansion and strengthening is required at Aurora Airport. The Scope of Work, dated June 19, 2009, states on page 3 that consultant "W.H. Pacific will prepare a letter on behalf of ODA to request statements [presumably from large jet operators] to *help justify* an extension" of the runway (emphasis added). This would seem to clearly demonstrate an intent that undermines any pretense of a meaningful process.

We are not aware of any impact analysis based on a forecast of future activity that was developed. In short, this appears to leave the simplistic assumption that if the demand can be somehow justified, then it must be supplied, no matter the impacts. Common sense tells us that increasing the size and types of airplanes, and the increase in the frequency of their use, will have impacts. Going from a general aviation airport with mostly small, propeller-and-piston-engine light-airplane and smaller jets under 45,000 pounds to an airport catering to larger, heavier turbine-engine jet aircraft calls for a serious, reasoned analysis of impacts.

The Aurora State Airport is located in the French Prairie area of "foundation farmland," which the Oregon Department of Agriculture indicates contains Oregon's highest-quality agricultural soils, and has been able to co-exist with its neighbors as a small-aircraft airport. However, the airport is within a mile of the Portland Metro Urban Growth Boundary and dense residential development to the north. There are serious traffic-congestion problems on roads around the airport and on nearby Interstate 5 at the Boone Bridge "bottleneck" over the Willamette River. As the FAA document 'Airport Master Plans' makes clear, the regional setting of the airport must be examined "because the impact of airport planning decisions can extend well beyond the airport property line." What will be the impacts of this greater development at the airport be on noise, pollution, the surrounding farm lands, off-site surface transportation facilities including the interstate highway, and nearby residential areas? What, if any, mitigation should occur?

While the PAC's role has been marginalized, ODA plans to select interviewees outside of the PAC and master-planning process who will be asked to give their views on at least one of the major master-planning issues. The Scope of Work, page 8, states that "up to 20 people [will be interviewed] regarding future activity at the airport." That is a critical task. Who are these people and how has ODA directed the consultant to choose them? What meaningful process is there for the PAC in this regard? Again, there has been no discussion by the consultant with the PAC on this matter.

The Scope of Work, page 5, lists the main areas under which data will be collected. Under Item E, Environmental Inventory, there is no mention of collecting data on noise and traffic impacts on nearby communities and on their transportation infrastructure, key aspects listed by the FAA on page 123 with the title 'Environmental Overview for Master Plan Purposes,' FAA AC 150/5070-6B. Nor

is there any discussion in the Scope of Work of National Environmental Policy Act (NEPA) requirements and whether or not an Environmental Impact Statement (EIS) is required. The Scope of Work states that noise contours will be developed, but only to show existing conditions and those five years into the future. As the activity forecasts will be generated for five years, 10 years and 20 years into the future, the noise contours should be developed for the same time periods.

We are very concerned that the Aurora Airport master planning process is being rushed through on a condensed schedule without adequate discussion of the issues at the Planning Advisory Committee level in order to satisfy the preconceived outcomes of a few special interests. This is not the meaningful, due process input the FAA intended in their Master Plan process.

We respectfully request that a meeting be arranged at the earliest opportunity for the undersigned with you, the Acting Director of ODA, the consultant, and appropriate representatives of the FAA to discuss these concerns. Furthermore, we request that this letter be memorialized as a part of the record of the Aurora Airport Master Plan update. Too many issues of previous inside dealings connected with ODA's handling of matters at the Aurora Airport have recently come to light, and it is important that now, under new management direction, ODA not be a part of a process that lacks meaningful input, good planning, and transparency.

We thank you for your time and consideration.

Respectfully submitted by the undersigned members of the Planning Advisory Committee to the Aurora State Airport Master Plan.



Tony Holt, Chair, Civic Affairs Committee
Charbonneau Country Club



Jim Bernard, Commissioner
Clackamas County Board of Commissioners



Steve Hurst, Councilor
City of Wilsonville City Council



Rick Kosta, President
Deer Creek Estates Homeowners' Association



Roger Kaye, President
Friends of Marion County



Lynn Peterson
Chair

Commissioners
Bob Austin
Jim Bernard
Charlotte Lehan
Ann Lininger

BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

September 20, 2010

Carol Suomi, Manager
Federal Aviation Administration, U.S. Department of Transportation
Seattle Airports District Office, Northwest Mountain Region
1601 Lind Avenue, S.W., Suite 250
Renton, WA 98057-3356

Clackamas County Letter
to FAA and Oregon Dept.
of Aviation, RE Aurora
Airport Master Plan
issues of concern

Doug Hedlund, Interim Director
Oregon Department of Aviation
3040 25th St. SE
Salem, OR 97302-1125

Re: Aurora Airport Master Plan

Dear Ms. Suomi and Mr. Hedlund:

Clackamas County is writing to support the request of members of the Aurora Airport Planning Advisory Committee (PAC) for a meeting to address the process and timing of the Aurora Airport Master Plan. The PAC process has been shortened from over a year to just a few months. This does not provide adequate time for meaningful participation by the PAC and other affected stakeholders.

In addition to the concerns raised by other PAC participants and stakeholders, Clackamas County is particularly concerned about the impact of airport development on surface transportation facilities. A 2009 traffic impact analysis prepared for a recent industrial expansion at the airport noted that the intersection of OR 551 and Ehlen Road does not meet volume/capacity standards. In addition, the Airport Road/Ehlen Road intersection currently operates at Level of Service "F."

The addition of airport-generated traffic will also impact the connections between Ehlen Road and Highway 99E in Aurora, and Arndt Road to the north of the airport, which were not studied in the 2009 TIA. We were surprised to learn that these intersections were not even studied in the recent expansion. These roads provide important connections between the City of Canby and its industrial area, and Interstate 5.

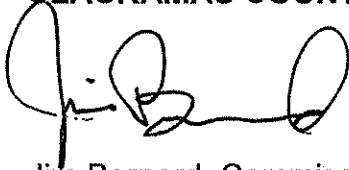
We believe that Statewide Planning Goals 2 and 12, along with ORS 197.180 and the Airport Planning Rule, require the ODA to address surface transportation impacts and other issues of "adequate public facilities" in conjunction with any revision to the Aurora Airport Master Plan. To date, we have seen no indication that these issues are being considered.

Clackamas County also shares the concern expressed by PAC members that the scope of work for the master plan consultant includes obtaining letters "to help justify an extension." As part of Task 1- Identify Issues and Establish Goals, it creates an appearance that the preferred outcome is predetermined.

We believe that a meeting between concerned PAC members, the ODA Director and FAA representatives should be arranged as soon as possible, and that funding for the proposed control tower should be suspended until the master plan is complete, and surface transportation issues are resolved.

Sincerely,

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

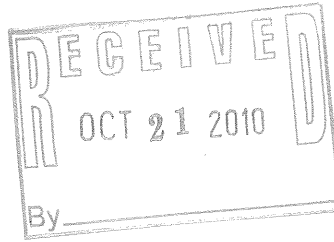
A handwritten signature in black ink, appearing to read "Jim Bernard". The signature is fluid and cursive, with a large initial "J" and "B".

Jim Bernard, Commissioner
Aurora Airport PAC Member
On Behalf of the Clackamas County Board of Commissioners

DC/LB/mjc



U.S. Department
of Transportation
**Federal Aviation
Administration**



Seattle Airports District Office
1601 Lind Avenue, S. W., Ste 250
Renton, Washington 98057-4056

October 15, 2010

**FAA letter to Clackamas
County Letter, RE Aurora
Airport Master Plan
issues of concern**

Mr. Jim Bernard, Commissioner
Clackamas County
Public Services Building
2051 Kaen Road
Oregon City, OR 97045

Dear Commissioner Bernard:

We received your letter of September 20th in which you expressed concern that the Aurora State Airport Master Planning effort has been shortened and that the current process is not allowing meaningful participation by the Planning Advisory Committee (PAC) members. A conversation with the Sponsor along with review of the current Master Plan schedule shows six PAC meetings and five public Open Houses over the course of ten months. This would normally provide adequate time for PAC/public study of the information collected by the consultants.

With respect to the potential impact on surface transportation facilities and their inclusion in the Master Planning process, this would be studied after the Airport's Master Plan is completed. A Master Plan funded with Federal Aviation Administration (FAA) dollars is a document focused solely on the Airport. Impacts of any airport-related project on the surrounding area(s) are studied as part of an environmental analysis.

Prior to the expenditure of Airport Improvement Program (AIP) funds for any improvements at the Airport, the FAA requires written proof that the threshold of operations triggering the need for the improvement has been met. Furthermore, for a major capital improvement such as a runway extension, the Airport must demonstrate that current operators are constrained by the existing runway length and that fuel, cargo, and/or passengers must be forfeited in order to safely use the runway. That is why we say that any extension must first be justified.

As for the appearance of a predetermined outcome to the study of a runway extension as contained in the Scope of Work, I think it's beneficial to review the terms "*to help justify an extension*" in the context of the entire paragraph. The Consultant has stated:

“Since the last Airport Master Plan Update, there has been significant growth at the Airport. At this time, a runway extension may be justified. WHP will assist ODA in identifying potential operators who may be willing to write letters that include: type of aircraft, tail numbers, typical stage length and maximum stage length, and the number of operations on average that need the runway extension. If the individual is not operating at the Airport now, the individual must make a statement that they intend on operating there. WHP will prepare a letter on behalf of ODA to request statements *to help justify an extension* and send the letter to up to 75 aircraft owners that might use the Airport or use it more if the runway were longer.”

It is standard practice to solicit documentation from current and future potential users of an airport supported by documentation as to where they intend to operate, how often, and with what type of aircraft, etc., in an effort to determine their requirements for planning purposes.

The FAA has made AIP funding available to ODA for purposes of studying the optimal location of an air traffic control tower on the Aurora State Airport. The need for an air traffic control tower is based on existing operations, mix of aircraft, and air traffic control movements. This study is scheduled to commence in 2011. It made sense to us to include this location study as part of the overall Master Planning process and the results are necessary for completing an updated Airport Layout Plan.

Thank you for your concern. We hope this addresses the issues you raised and alleviates the need to meet in person. If you have any other questions, please contact Bruce Fisher at 425.227.2649 or me at: 425.227.2657.

Sincerely,



Carol A. Suomi
Manager, Seattle Airport District Office

Cc: Mr. Mitch Swecker, Oregon Dept of Aviation
Mr. Rainse Anderson, WH Pacific



Oregon

Theodore R. Kulongoski, Governor



Oregon Department of Aviation

3040 - 25th Street SE v Salem, OR 97302-1125

Phone: (503) 378-4880, ext. 223

Toll Free: (800) 874-0102

FAX : (503) 373-1688

November 2, 2010

Oregon Aviation Dept. letter to Charbonneau Country Club, City of Wilsonville, Clackamas County, Deer Creek Estates and Friends of Marion County, RE Request for meeting to discuss master planning process and role of committee.

Commissioner Jim Bernard
Clackamas County Board of Commissioners
Public Service Building
2051 Kaen Road
Oregon City, OR 97045

Tony Holt
Civic Affairs Committee
Charbonneau Country Club
7670 SW Village Greens Circle
Wilsonville, OR 97070

Councilor Steve Hurst
City of Wilsonville City Council
28585 SW Cascade Loop
Wilsonville, OR 97070

Rick Kosta, President
Deer Creek Estates Homeowners' Association
22073 Floral Avenue NE
Aurora, Oregon 97002

Roger Kaye, President
Friends of Marion County
P.O. Box 3274
Salem, OR 97302

RE: Aurora State Airport Master Plan

Dear Planning Advisory Committee Members:

Thank you for your service as members of the Aurora State Airport Master Plan Planning Advisory Committee (PAC). This letter is in response to your collectively signed letter dated September 14, 2010 to Mark Gardiner, State Aviation Board Chair. The purpose of the PAC is to act in an advisory capacity to the Oregon Department of Aviation (ODA) and Oregon Aviation Board. ODA will carefully consider all PAC comments and suggestions throughout this process. As you are all aware, the PAC consists of 19 members who represent a cross-section of the community including airport users, airport neighbors and local governmental jurisdictions. Inasmuch, it is imperative that you utilize the PAC meetings to share your concerns with your fellow PAC members in order to allow the other members the opportunity to comment.

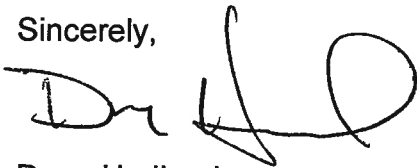
While ODA postponed the master planning process earlier in the year, the total timeframe and amount of PAC/public meetings remains unchanged. A copy of the updated schedule has been included in your Master Plan binder. The project scope has been designed to obtain maximum PAC and public input with public meetings, media advertisement, and a project website.

The Master Plan is 95% funded by the Federal Aviation Administration (FAA). As such ODA is required to meet all federal obligations concerned with airport master planning. The FAA has been an active partner with ODA in developing the scope for this process. ODA believes that the department is in full compliance with FAA standards and intends to remain so. Furthermore, ODA fully intends to meet all required state and local planning and permitting requirements pertaining to the planning process, including surface transportation requirements.

The proposed Air Traffic Control Tower (ATCT) has been on the Airport Layout Plan since 1976. ODA and the FAA believe that construction of this tower is necessary to address current safety issues. FAA has approved ODA's participation in the Federal Contract Air Traffic Control Tower program based on a safety benefit cost ratio analysis. Local governmental entities and the public will have numerous opportunities to comment regarding the ATCT as ODA conducts an Environmental Assessment in 2011.

As already mentioned, ODA will carefully consider your input as the Master Plan is developed. The department appreciates your continued involvement with creation of an updated Master Plan and we look forward to hearing your future comments during the open forum PAC meetings.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Hedlund". The signature is stylized with a large, looped "D" and a long, sweeping horizontal stroke at the end.

Doug Hedlund
Interim Director

cc: Aurora State Airport Master Plan Advisory Committee Members



Clackamas County Letter to Oregon
Aviation Board, RE Comments on
Aurora Airport preferred alternative

OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD OREGON CITY, OR 97045

April 21, 2011

Mr. Mark Gardiner, Chair and Members
Oregon Aviation Board
C/O Oregon Department of Aviation
3040 25th St. SE Salem, OR
97302-1125

Via Electronic Mail

Stephen L. Madkour
County Counsel

David W. Anderson
Kimberley Ybarra-Cole
Kathleen Rastetter
Scot A. Sideras
Chris Story
Scott C. Clecko
D. Daniel Chandler
Assistants

Comments on Aurora Airport Preferred Alternative

Dear Chair Gardiner and Board Members:

This letter is to synthesize a few Clackamas County staff technical comments on the Master Plan for the Aurora Airport, and the selection of a preferred alternative.

Like all state agencies, the ODA is required to comply with the Statewide Planning Goals as well as local comprehensive plans and land use regulations "with respect to programs affecting land use." ORS 197.180(1) Most state agencies have adopted "state agency coordination programs that detail how the agency complies with land use laws. The ODA does not have an acknowledged SAC program. Therefore ODA decisions, including adoption of the master plan, are directly subject to the statewide planning goals.

Statewide Planning Goal issues for the Aurora Airport Master Plan:

- Goal 2 – Coordination. Requires that the ODA coordinate with, consider and respond to concerns of other governments.
- Goal 3 – Farm Land. Requires ODA to consider and make findings on issues relate to farm land preservation, and conflicts with farm uses.
- Goal 11 – Public Facilities. Requires ODA to address orderly provision of public facilities, and generally prohibits urban level utilities on rural lands.
- Goal 12 – Transportation. Requires the ODA to consider issues related to a safe and efficient transportation system.
- Goal 14 – Urbanization. Generally prohibits urban level development outside of Urban Growth Boundaries.

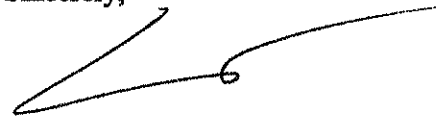
We hope these planning goal issues, as well as their implementing regulations can be addressed in the final decision on the airport. In our view, the structure of the Airport

Planning Rule is such that those impacts should be addressed now, rather than in the context of later land use planning amendments.

Without diminishing the importance of other issues, we are concerned about surface transportation impacts from additional development and use of the airport, including local roads, interchanges and the I-5 corridor. As previous traffic studies have shown, a number of roads in the vicinity of the airport are near or over-capacity. For example, the 2009 traffic analysis for HTS (selected parts of which are appended to Chapter 5) indicated that a number of area intersections failed to meet level of service or volume/capacity ratio standards. Moreover, that did not address transportation facilities in Clackamas County. The HTS study showed that the 40% of the trips from that facility were distributed to Clackamas County. It might be understandable that Marion County did not address transportation issues north of the county line, but we hope that a state agency would, particularly in light of the assertion at public hearings regarding how much of the new development and airport capacity would use facilities in Clackamas County.

Thank you for the opportunity to submit these technical comments.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Daniel Chandler". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

D. Daniel Chandler
Senior Assistant County Counsel.



Oregon
Department
of Agriculture



Department of Land Conservation and Development

Joint State Agencies' Letter Indicating
Costs of Transportation Improvements

April 6, 2009

Metro Reserves Steering Committee
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Fellow Reserves Steering Committee Members:

On behalf of the Oregon Departments of Agriculture, Forestry, Transportation, Economic and Community Development, Fish and Wildlife, and Land Conservation and Development we are submitting the following preliminary comments on the counties' initial identification of candidate urban and rural reserve areas. As you know, the state agencies have been meeting regularly for the past several months to coordinate our work on this important effort. The other state agencies participating in the Steering Committee may have verbal comments on the candidate areas, and not all agencies have had time to prepare written remarks.

The agencies also have met with each county to review the county's work on candidate areas. We appreciate the time and effort of county staff in working with us to provide information about how preliminary decisions are being made. We look forward to continuing to work with each county, and with Metro staff and the Core 4 as this process progresses.

General Comments

Metro and the counties generally have not excluded lands as candidate urban or rural reserves at this point in the process if there is a significant likelihood that the lands may be suitable for either category. As a result, there do not appear to be any major issues with the preliminary decisions on candidate areas. At the same time, however, the inclusiveness of this first round will put significant time pressure on the reserves process as it moves forward to the next stages.

Metro has just released an executive summary of its fifty-year range forecast for population and employment for the seven-county statistical area. It also has just released its preliminary urban growth report for residential lands, and expects to soon release a preliminary report on employment lands. OAR 660-027-0040 requires Metro to specify the number of years that urban reserves provide a land supply for, based on the land supply necessary for urban population and employment growth in the Metro area. To get to a final decision, therefore, Metro will need to analyze the housing and employment land needs that result from its projections. It also will need to analyze the extent to which these needs will be met within the Metro urban growth boundary by redevelopment and infill (as well as what proportion of growth will occur outside of the Metro area). At this point in time, it is not clear how these decisions will be made in the reserves process (as opposed to the process for the urban growth report). The next round of decisions regarding how much land to designate as urban reserves will need to include this aspect of planning for the region's future.

Transportation

The Oregon Department of Transportation (ODOT) has some suggestions for evaluating the candidate urban reserve areas for compliance with urban reserve factors (3) and (4). ODOT has applied the proposed method to do an initial draft assessment of the capability of state highways to accommodate additional urban growth, and has assessed the relative cost of overcoming existing deficiencies in the state highway system and of bringing rural highways up to urban standards.

Ideally, Metro would do transportation modeling to analyze the performance of existing state highways and county and city transportation facilities, both within the existing UGB and outside the UGB in the urban reserve study areas, assuming urban-level development in the reserve study areas. Metro has indicated they will not be doing any transportation modeling for the reserves exercise. Metro and the reserves transportation working group have already performed an analysis of the feasibility and relative cost of developing a complete urban transportation system in the various candidate urban reserve areas, but this analysis did not consider the capacity of existing rural facilities, nor the impact of additional growth on facilities within the current UGB.

To substitute for transportation modeling, ODOT is proposing a simplified method to first identify which facilities, both outside and inside the current UGB, are already experiencing and/or are forecast to experience capacity, safety, and/or geometric problems without any additional growth. Second, ODOT would identify order of magnitude relative costs and feasibility of overcoming those existing problems. Presumably, if a transportation facility is already forecast to have capacity deficiencies, then plan amendments allowing additional urban growth relying on that facility would not be able to meet the Oregon Highway Plan mobility standards without significant mitigation and thus cost.

The assumption should be that transportation needs will be met in a manner consistent with RTP Policy. That means that deficiencies would not necessarily be met by widening existing state highways, but rather by developing a complete local and regional multi-modal circulation system in accordance with the RTP Regional Streets and Throughways System Concept, Regional Transit System Concept, Regional Freight System Concept, Regional Bicycle and Pedestrian System Concept, and Regional System Design Concept.

Specifically, that means all major arterials (state and local) should be assumed to be four lanes plus turn lanes, and should be upgraded to include regional transit, sidewalks, and bikelanes. The arterial and local street network should meet the RTP connectivity or spacing standards. All freeways should be improved to six lanes. Moreover, any existing expressway designations would be extended into the new urban reserve areas, and all expressways should be improved with grade-separated interchanges.

The table attached as Appendix A shows ODOT's initial assessment. It is organized by highway since there was no way to organize it by urban reserve study area. Cost estimates are based on ODOT engineers' judgment, but could be refined based on the unit cost approach Metro used for the initial transportation suitability analysis.

→ The analysis shows that the highways least suitable to accommodate additional trips and most expensive to improve, are I-205, especially the segment from I-5 to the Sunrise/Or 212/OR 224, and I-5, especially the segment from Or 217 to south of the Willamette River. US 26 West is constrained by severe congestion at the tunnel and the limited opportunities and huge costs to improve that segment, in addition to the costs of likely needed highway widening and reconstruction of a number of interchanges and overpasses. TV highway is already at 5 lanes, access management has proven to be difficult to implement, and opportunities to build a local network to reduce reliance on the highway are limited due to the presence of the railroad in close proximity. OR 213 and OR 212 are both forecast to fail to meet mobility standards even when widened to 5-lanes, and topography and the presence of natural resources limit opportunities to build a complete local transportation network. US 26 West has some potential to accommodate additional growth. However, areas around US 26 were not identified as either Urban or Rural Reserve Study Areas. ODOT recommends that they be included as both Urban and Rural Reserve study areas to allow for further analysis. ←

It is critical that the cost and feasibility of bringing state highways up to urban standards be considered as one factor in the urban reserves suitability analysis. It is well known from the development of the Federal RTP that ODOT does not have sufficient funds to maintain mobility and design standards on state highways within the current UGB. Therefore, once urban reserves are designated, it is critical that as part of concept planning, funding strategies are identified to pay for those needed improvements.

ODOT welcomes an opportunity to work with Metro and with each of the counties to review and refine this assessment, and to identify next steps.

29	from SW 209 th to SW 229 th , south of Hillsboro	Yes; Large area but small section of Hwy	Low 2005 and 2035 FC RTP shows existing and future capacity deficiencies, but TV Hwy is already at 5 lanes and access management is difficult to implement. Need adequate storage distance at railroad crossings; there are constraints to widening or adding railroad crossings; may need to depress RR to grade-separate.	Low
29	from WCL of Hillsboro to WCL of Cornelius	Yes; Medium, but small section of Hwy	Medium . Constrained by railroad tracks on south side, and difficult to widen or add railroad crossings; see previous section.	Low
29	south of Pacific Avenue to Yamhill County Line	Yes, Small	Medium – Existing capacity problem at the Pacific/Quince intersection; access management has been difficult to implement.	Low
140	SCL of Hillsboro to Yamhill County Line	Yes; Large	Medium - Several safety projects on this highway to realign curves to improve roadway geometry, widen shoulders, and add left turn channelization have been constructed in recent years. A few more safety projects of a similar type are needed. 2035 FC RTP shows capacity deficiencies even without Urban Reserves.	Medium
142	from SW 170 th to SW 196 th /Marlin Dr	Yes; Large area but small section of Hwy	Medium . Existing capacity problems with 3 lane section; planned for 5 lane section but no funding has been identified.	Low
1W, 91	from SCL of Sherwood to Yamhill County Line	Yes; Small	Low – FC 2035 RTP identified capacity problems. Improvements identified in I-5/99W study and Newberg – Dundee project, if constructed, will affect performance. Tualatin-Sherwood Rd, Edy Rd and Sunset Blvd intersections need to be improved to address existing capacity constraints.	Low
1	inside UGB and from Wilsonville SCL to Marion County line	No	Very Low - FC 2035 RTP identified severe capacity problems on I-5 within and south of existing UGB and at Wilsonville Interchanges. Congestion is especially high in the segment between I-217 and I-205. Widening of I-5 including Boones Bridge will be very expensive.	Huge <div style="border: 1px solid red; padding: 2px; display: inline-block;">"Huge" = over \$500 million; see next page</div>
1E, 81	from Canemah to Canby	Yes, Small	Medium – Clackamas County Rural TSP identified geometric deficiencies. Presence of railroad and bluffs constrain ability to make improvements. Oregon City tunnel presents a pinchpoint. Capacity constraints in Canby due to railroad and existing development patterns.	Low