



Cities Seek Legislature’s Help to Resolve 10-Year-Long Conflict with Aviation Agency over Aurora State Airport

Proposed 2021 Legislation HB 2497 Creates Transparent Public Process for Oregon Department of Aviation Agency Communications and Coordination with Local Governments and Communities on Aurora State Airport Master Planning

Over the past decade the Oregon Department of Aviation (ODA) has demonstrated an uncooperative attitude with local governments in management of the Aurora State Airport. The City Councils of Aurora and Wilsonville seek legislative intervention to improve this state agency’s relationships and planning coordination with local communities directly impacted by the agency’s actions at the Aurora State Airport.

The Cities of Aurora and Wilsonville—the closest communities to the airport within two miles—contend that ODA circumvented Oregon public-process and land-use laws regarding the controversial *2012 Aurora State Airport Master Plan*. Ever since 2010, when the members of an advisory committee called-out questionable agency practices during the faulty Aurora State Airport master-planning process, ODA has been virtually unresponsive to concerns repeatedly raised by local communities.

Sponsored by Rep. Courtney Neron (HD-26) at the request of the Aurora and Wilsonville City Councils, proposed 2021 House Bill 2497 advances four primary objectives focused on an inclusive, transparent decision-making process that complies with Oregon land-use and public-process laws:

- 1. Creates a Public Forum for Intergovernmental Communications and Planning:** Specifies the formation of an inclusive intergovernmental agreement (IGA) between the state Department of Aviation and the local governments of Clackamas and Marion Counties and the Cities of Aurora and Wilsonville that provides a forum to facilitate communications and collaborative planning for land-use, transportation, environmental, infrastructure and related issues of concern regarding operations of the Aurora State Airport. A 2010 Department of Aviation IGA at the start of the master planning process utilizes a “gerrymandered map” of the 10,000-foot airport impact area to exclude the adjacent local governments of Clackamas County and Wilsonville; see pages 2-3.
- 2. Updates the Aurora State Airport Master Plan:** Provides for the updating of the Aurora State Airport Master Plan that complies with Federal Aviation Administration (FAA) regulations, Oregon land-use laws, and public-engagement procedures to provide for transparent decision-making process and easy-to-follow guidance for agency implementation.
- 3. Requires Environmental Pollution Review:** Authorizes much-needed environmental assessments of current airport pollution levels, including storm/surface water, ground water, air and noise, that provide a scientific baseline of information.
- 4. Calls for Municipal Annexation:** Creates a planning timeframe for the annexation of the Aurora State Airport into the City of Aurora for municipal governance and the provision of urban infrastructure services to support growing operations at the Airport.

House Bill 2497, pending before the Joint Committee on Transportation, is a “process bill,” rather than “result bill”: that is, the bill sets up a process for an IGA to address Aurora State Airport issues and updating the Aurora State Airport Master Plan without dictating what the specific results of these processes will be. The bill provides a road-map forward for creating a transparent, open process that can engage all stakeholders and the public to resolve the numerous ongoing controversies over ODA’s operations and planning for the Aurora State Airport.

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To date, *the only local open public forum* on ODA's efforts to expand the Aurora State Airport with a runway extension was held by the Wilsonville City Council in November 2018 that drew 200 attendees. ODA held a belated hearing on the *2012 Master Plan* in September 2018 in Sunriver.

The situation with ODA became so tenuous even for state legislators that in October 2018 the legislature commissioned PSU Oregon Solutions to research and produce the *Aurora State Airport Assessment Report, December 2018*. This credible, third-party analysis of ODA documented a host of agency management troubles, improper influence and poor public engagement and communications problems.

Issues of significant public concern regarding airport operations and proposed expansion have been brought to ODA's attention for a decade without a meaningful response or opportunity to discuss. Public concerns focus on negative externalization of airport impacts on local communities without planning for mitigation.

Specific issues of concern include intensified Airport-related auto traffic congestion on limited rural roads, lack of on-site Airport sewage/wastewater processing facilities, speculative real-estate land-use cost pressures detrimental to agricultural operations, and aviation-related noise and greenhouse-gas carbon and lead-emissions pollution. ODA refuses to address these issues.

Despite the consistent local concerns and repeated requests for clear information sharing and coordinated planning efforts, agency leaders will soon enter the second decade of doggedly pursuing their own plans without involving their most highly affected closest neighbors in constructive resolution. A change is needed in the agency, and appears that it must be legislatively mandated.

Aviation State Agency Has Troubled History, Repeatedly Demonstrates Inability to Work Cooperatively with Local Governments

To prepare for expansion of the Aurora State Airport prior to starting the master-planning process, ODA developed and signed in 2010 an "Intergovernmental Agreement on the Coordination of Growth Management and Transportation Issues" that excluded the adjacent jurisdictions of Clackamas County and Wilsonville, which sought for years to collaborate on planning with ODA, Marion County and Aurora.

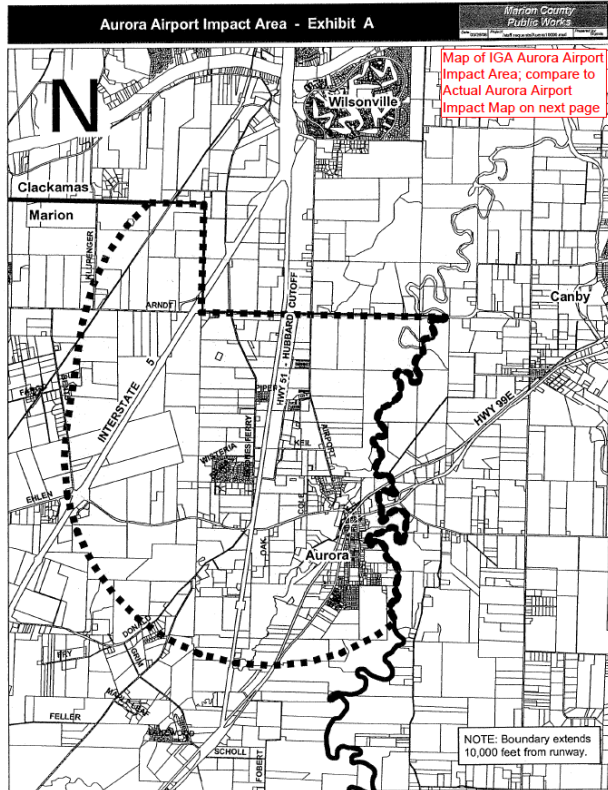
The ODA IGA used a "gerrymandered" 10,000-foot "Aurora Airport Impact Area" Map that arbitrarily excludes nearby residents within the 10,000-foot impact area who live in Clackamas County and Wilsonville. The City of Aurora found over time that ODA did not follow-through on IGA commitments to communicate and coordinate on Airport planning, and recognizes that an inclusive public process for airport master planning is preferable to a process that excludes important stakeholders from participating in long-term coordinated planning.

During the multi-years master-planning process for the Aurora State Airport, public and private members of the Policy Advisory Committee became so alarmed at ODA's manipulation of the process that they expressed a set of concerns in 2010 to the Oregon Aviation Board and FAA.

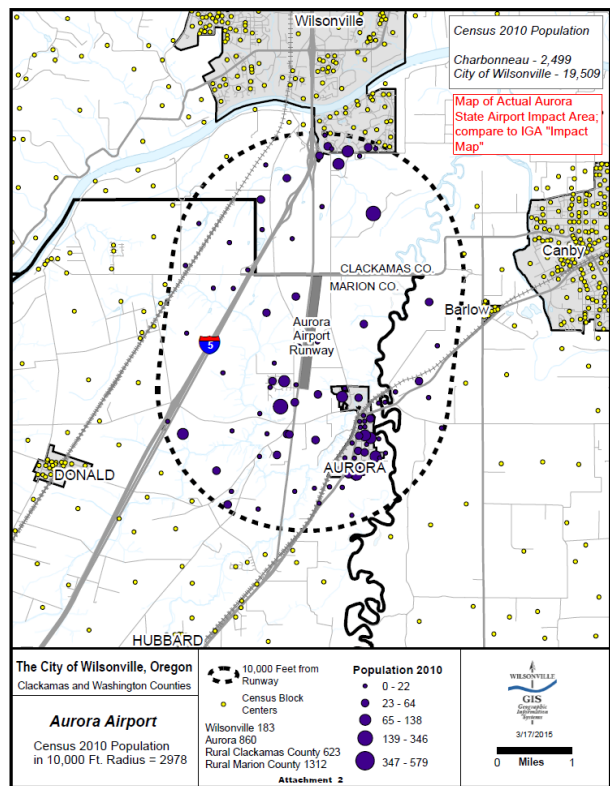
"As local-government and community-organization members of the Planning Advisory Committee (PAC) to the Aurora State Airport Master Plan, we have grave concerns that our participation in the process is not intended to be meaningful. We see serious deficiencies in how the process is being conducted...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





ODA IGA showing “gerrymandered” Aurora State Airport Impact Area Map designed to exclude Clackamas County and Wilsonville.



Actual 10,000-foot Aurora State Airport Impact Area showing 2010 Census block populations of both impacted counties and cities.

In 2019 ODA belatedly adopted “Findings of Compatibility and Compliance,” as required by Oregon land-use laws for the adoption of an Aurora State Airport Master Plan that was allegedly adopted in October 2011 by the Oregon Aviation Board with no Findings of Compatibility and Compliance. In response, Aurora, Wilsonville, 1000 Friends of Oregon and Friends of French Prairie filed an appeal with the Land Use Board of Appeals (LUBA) in November 2019. Because there was a question of whether LUBA had jurisdiction over that decision, cases were also filed in the Circuit Court but put on hold pending the LUBA decision.

After more than a year of costly briefings, LUBA finally determined on December 16, 2020, that it did not have jurisdiction because the ODA action in October of 2019 was not a land-use decision. LUBA’s ruling has been appealed to the Court of Appeals and the parties are also now beginning to pursue remedies in Circuit Court. Hence, legislative intervention is sorely needed to re-direct and improve ODA’s agency-transparency and relationships with impacted local communities that simultaneously can end the need for protracted and expensive litigation for the State and local communities.

Significant Public Concerns and Detrimental Impacts on Local Communities Ignored by State Aviation Department at Aurora State Airport

Important issues of public concern are not being discussed or planned for by ODA and state agencies such as ODOT in a coordinated fashion with impacted local governments pertaining to increased urban-level activities without municipal governance occurring at the Aurora State Airport, which is located in Oregon’s best farmland of French Prairie.

Core issues of important public concern not addressed by ODA Aurora State Airport Master Plan include:

- **Unfunded surface-transportation impacts and increased traffic congestion:** Roads in the vicinity of the Aurora State Airport are generally older, unimproved farm-to-market roads that lack shoulders and

sidewalks and have dangerously deep side ditches. Developers at the airport pay a fraction of system development charges and related fees to improve local roads to accommodate more traffic compared to businesses in cities. Increased activity at the Airport creates more traffic that is not being planned for or mitigated in a coordinated fashion with local governments and other state agencies such as ODOT. ODOT has estimated that total costs to improve surface transportation facilities just south of the Willamette River, including the I-5 Boone Bridge traffic bottleneck area, exceeds \$500 million.

- **Dangerous, inequitable lack of alternative transportation options:** The Aurora State Airport is not served by any public-transit provider due to absence of a standard employer-paid payroll transit tax. Local roads around the Airport lack bike lanes or sidewalks, which creates a highly unsafe situation for pedestrians and cyclists, as well as placing further auto traffic pressure on already crowded roads.

- **Unfair competition to adjacent local jurisdictions with state subsidy:** Businesses in the neighboring cities of Aurora, Canby, Donald, Hubbard, Woodburn and Wilsonville pay systems development charges and other taxes/fees that underwrite the costs of public infrastructure—such as roads, sidewalks, water, wastewater, stormwater, public transit service, etc.—that is lacking at the Aurora State Airport. By avoiding basic, core infrastructure costs of conducting commerce, the ODA’s Aurora State Airport acts in effect as a inequitable public subsidy by the State for select businesses whose costs are externalized.

- **Significant community environmental concerns** include groundwater and surface-stormwater water pollution, air and noise pollution from airport-related operations. Toxic aviation gas fumes and lead deposits on area properties is a serious concern raised by neighbors of the Aurora State Airport, including the neighboring communities of Aurora and the Charbonneau District of Wilsonville.

- **Potential harm to the important agriculture economic cluster** brought about by increased real-estate land-speculation that raises the cost to buy or rent farmland. Increased traffic without funded mitigations further increases the difficulty of conducting farming operations efficiently and safely. Over 600 jobs in agriculture and food-processing of the Aurora-Tualatin-Wilsonville economy are directly dependent on farming operations in French Prairie near the Aurora State Airport — EFU lands rated top-quality ‘foundational’ by the Oregon Department of Agriculture.

- **Oregon land-use law calls for urban-level activities to occur in cities**, which provide municipal governance and supporting public infrastructure—and *not* in unincorporated county lands. ODA’s push to conduct increased urban-level activities by expanding the Aurora State Airport without municipal governance and supporting public infrastructure is contrary to the intent and objectives of Oregon land-use law.

- **Efforts to expand the Aurora State Airport contradict Oregon Climate Action Goals** by advocating for increased aviation activity that generates substantial GHG carbon and lead emissions that contribute to global warming and environmental concerns.

- **Aurora State Airport Rated Low Priority in Oregon Resilience Plan, Inoperable After Earthquake:** The Aurora State Airport is listed at the lowest-level of Tier 3 airports in the Oregon Resilience Plan. Oregon Department of Geology and Mineral Industries (DOGAMI) reports show that the Airport is located in an area subject to major potential damage in a projected 9.0 Cascadia Subduction Zone Earthquake “Rated High for Ground Shake Amplification and Amplification Susceptibility” and “Rated Moderate to High for Liquefaction Susceptibility.” As a result of an earthquake, the Airport runway is likely broken apart and inoperable, not allowing aircraft to take off or land; a more likely scenario of the Airport is to accommodate vertical take-off and landing of heavy-lift helicopters with locally-based Columbia Helicopters and Helicopter Transport Services, neither of which require a runway extension to operate.

Online References

- [Oregon Legislative Information System \(OLIS\): HB 2497, “Relating to the Aurora State Airport,” 2021](#)
- [PSU Oregon Solutions, Aurora State Airport Assessment Report, Dec. 2018](#)
- [Wilsonville Mayor Letter to Legislators to Correct Record of Sept. 26 E-Board Meeting and Provide Information on Long-Running Public Controversy over Aurora State Airport Expansion, Oct. 2018](#)
- [ODA 2012 Aurora State Airport Master Plan](#)