

City of Wilsonville NEWS RELEASE

For Immediate Release

Dec. 14, 2021

CONTACT: Mark Ottenad, Public/Government Affairs Director
City of Wilsonville
503-570-1505; ottenad@ci.wilsonville.or.us



Mayors Seek Governor’s Intervention to Correct Aviation Department and Aurora State Airport Master Planning Deficiencies

WILSONVILLE, Ore. — The week after the Oregon Supreme Court upheld a ruling in a case brought by the Cities of Aurora and Wilsonville that found the Department of Aviation violated the state’s land-use system when approving a 2011-12 Aurora State Airport master plan with a longer runway, the communities’ mayors now seek the Governor’s intervention in the new 2021-22 master plan.

Writing on Dec. 13, 2021, as ‘Mayors of the Aurora State Airport Area Communities,’ Aurora Mayor Brian Asher and Wilsonville Mayor Julie Fitzgerald requested that Governor Kate Brown intervene in the Aviation department’s Aurora State Airport master planning process that commenced in November. The mayors list issues of public concern that include:

- the Department of Aviation’s predisposition favoring airport runway extension that enables increased sales of leaded aviation-fuel gas and is directly contrary to the Governor’s Executive Order on Climate Action,
- an advisory committee stacked with a majority of interests financially benefiting by taxpayer-funded airport expansion,
- exclusion of key state agencies—Departments of Agriculture and Environmental Quality—that work respectively with local-area farms and protecting public health and the environment,
- a sloppy, biased airport master-planning public process that fails to provide meaningful community engagement, and
- promoting false information about the seismic resilience of the Aurora State Airport, which is listed at the lowest-level of Tier 3 airports in the Oregon Resilience Plan and located in an area subject to major potential damage in a projected 9.0 Cascadia Subduction Zone Earthquake, including being rated high for ground shake amplification

and amplification susceptibility and rated moderate to high for liquefaction susceptibility.

Noting that “we have never seen a state agency act with such disregard to the concerns of the local communities, and appropriate and fair public process,” the mayors request that the Governor’s Office intervene immediately “to provide for an unbiased process that produces trustworthy results.”

The mayors’ Dec. 13, 2021, letter follows a Dec. 9, 2021, ruling by the Oregon Supreme Court that upheld a June 16, 2021, decision by the Court of Appeals, which declared that the Department of Aviation misapplied state land-use laws in approving the contentious 2011-12 Aurora State Airport Master Plan. The Court of Appeals reversed and remanded a December 2020 Land Use Board of Appeals (LUBA) decision on the master plan, finding that LUBA erred in excluding the prior critical 2011-12 master plan work from the record; in erroneously finding that the master plan did not propose airport development on Exclusive Farm Use (EFU) land; and also erroneously finding that any proposed new uses at the Aurora Airport are considered rural uses for land-use purposes.

The Cities of Aurora and Wilsonville, 1000 Friends of Oregon, Friends of French Prairie and Aurora Planning Commission Chair Joseph Schaefer filed an appeal with the court in March 2021 regarding a LUBA decision that dismissed their appeal challenging the legality of the 2011-12 master plan. LUBA ruled in December 2020 that it did not have jurisdiction to hear the appeal as land-use decisions of the Department of Aviation’s adoption of ‘findings of compatibility’ and approval of the 2011-12 Master Plan.

The 10-year-long controversy over the 2011-12 Aurora State Airport Master Plan originated with a confusing, convoluted process over several years, resulting in an invalid master plan that ignored Oregon public-process and land-use laws. Rather than seek to work with the impacted local communities adjacent to the airport, the Department of Aviation pressed forward with airport expansion efforts contrary to state law.

Aurora Mayor Brian Asher said, “LUBA caused this round-trip journey by claiming it lacked jurisdiction. But the speed and clarity of the Supreme Court decision are an unmistakable message that the old way of doing things no longer works.” Mayor Asher noted that the actions of the Department of Aviation at the Aurora State Airport are finally being judged through a land-use lens.

Wilsonville Mayor Julie Fitzgerald said, “The Oregon Supreme Court ruling validates the City of Wilsonville’s long-stated concerns that the controversial 2011-12 Aurora State Airport Master Plan does not comply with state land-use laws. This ruling should mandate that the state aviation agency pilot for a pending new 2021-22 Aurora State Airport master plan update a transparent, fair and equitable public process in accordance with Oregon public-process and land-use laws. Unfortunately, the Department of Aviation just doesn’t get it—how to conduct a fair process

with meaningful public engagement—and we now seek the Governor’s intervention in master planning process running amuck again.”

Attached to news release is Letter from Mayors of the Aurora State Airport Area Communities – Aurora and Wilsonville – to The Honorable Kate Brown, Governor of Oregon, RE: Issues of Public Concern with Oregon Department of Aviation’s Aurora State Airport Master Planning Process, Dec. 13, 2021.

To see the Supreme Court’s list of denied petitions for review in *Schaefer v. Oregon Aviation Board*, see:

<https://www.courts.oregon.gov/news/Lists/ArticleNews/Attachments/1587/3b02f5a371a6294c9f1a2aaaf1aa7349-12-10-21%20Conference%20Media%20Release%20Final.pdf>

To read the Court of Appeals’ opinion, *Schaefer v. Oregon Aviation Board*, 312 Or App 316 (2021), see:

[https://cdm17027.contentdm.oclc.org/digital/search/collection/p17027coll3%21p17027coll5%21p17027coll6/searchterm/A175219/field/all/mode/all/conn/all/order/date/ad/desc.](https://cdm17027.contentdm.oclc.org/digital/search/collection/p17027coll3%21p17027coll5%21p17027coll6/searchterm/A175219/field/all/mode/all/conn/all/order/date/ad/desc)

###