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BEFORE THE LAND USE BOARD OF APPEALS
FOR THE STATE OF OREGON

FRIENDS OF FRENCH PRAIRIE and
BENJAMIN D. WILLIAMS,

Petitioners, and

CITY OF WILSONVILLE,

Intervenor-Petitioner

v.

OREGON DEPARTMENT OF AVIATION
and OREGON AVIATION BOARD,

Respondents, and

AURORA AIRPORT IMPROVEMENT
ASSOCIATION, BRUCE BENNETT,
WILSON CONSTRUCTION COMPANY,
INC. and ANTHONY ALAN HELBLING

Intervenors-Respondent.

LUBA No. 2019-083

CITY OF AURORA'S MOTION FOR AMICUS PARTICIPATION

Counsel appear on the following page.

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19 Attorney for Intervenor-Petitioner

I. INTRODUCTION

20 The City of Aurora (the “City”) is nearly adjacent to the Aurora State
21 Airport and its surrounding private aviation land, and is an affected
22 governmental unit which participates in land use planning for the airport
23 consistent with Goal 2. Its policy is that the airport should annex into the City
24 prior to further expansion of onto adjacent resource lands.

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II. INTEREST OF THE CITY OF AURORA

This appeal regards the 2012 Aurora State Airport Master Plan (the “Master Plan”), which describes the continuing growth of urban aviation uses. The Master Plan includes both existing urban uses on exception land and future expansion of those uses by conversion of additional resource land outside the City that is not subject to an exception. The Master Plan and the City’s prior written comments both describe annexation into the City. (Appendix 1-4).

The Master Plan notes the lack of sewer service is a constraint. (Appendix 1). The need for public water and sewer services has increased proportionally with the continued growth of the airport.

As the future provider of municipal governance and services, the City has a vital interest in the Master Plan, and in ensuring that the proposed expansion of the urban development is preceded by annexation into the City. The City does not support continued expansion of the urban aviation uses described in the Master Plan via additional exceptions to Goal 14. *1000 Friends v. Jackson County*, 292 Or App 173, 184-185 (2018).

In particular, the City would benefit by knowing its authority, or lack thereof, to rely on the Master Plan. OAR 660-030-0085(1).

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III. LUBA’S REVIEW WILL BE SIGNIFICANTLY AIDED BY THE PARTICIPATION OF THE CITY

Among other development projects, the Master Plan describes conversion of 16 acres of agricultural land for airport uses. (Appendix 5). A consolidated land use application for goals exceptions for that development is pending in a

1 separate process. The City's active involvement in that process and long
2 history and knowledge of the Master Plan provide a unique perspective on the
3 land use context that will aid LUBA in deciding the questions presented by this
4 appeal.

5 IV. CONCLUSION

6 As an affected governmental unit, the City is an active participant in land
7 use planning for the airport, and respectfully requests that the Board approve
8 this motion for amicus participation.

9 Dated this 30th day of September, 2019.

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11 By: S. Kendrick
12 Sara Kendrick, OSB #164169
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1 **CERTIFICATE OF FILING AND SERVICE**

2 I hereby certify that on the date shown below, I filed the original and 4
3 copies of the foregoing CITY OF AURORA’S MOTION FOR AMICUS
4 PARTICIPATION by first class mail, postage prepaid, on:

5 Oregon Land Use Board of Appeals
6 775 Summer Street NE, Suite 330
7 Salem OR 97301-1283

8 I further hereby certify that on the date shown below, I served a true and
9 correct copy of the foregoing Petition for Review by first class mail, postage
10 prepaid, on:

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Attorney for Intervenor-Respondent

21
22 DATED: September 30, 2019.

23 

24 Sara Kendrick, OSB #164169

For example, the lack of sewer service is a major constraint for having a restaurant at the Airport. While ODA recognizes the complexities of Oregon's land use system and potential need for upgrades to City of Aurora utilities prior to annexation, ODA is generally supportive of annexation of the Airport by the City of Aurora due to the economic growth potential for the Airport if it were connected to City services.

Airport neighbors are also concerned about noise and other possible Airport impacts that could degrade the rural character, quality of life, and natural environment of the area.

Calm Wind Runway Change

When winds are calm, pilots are advised to use Runway 35 (northerly traffic flow) to reduce noise impact on surrounding areas. However, the favored instrument approach is to Runway 17 (southerly traffic flow), which results in conflicting traffic patterns and safety concerns. Several Airport users support designating Runway 17 as the calm wind runway, as it once was. Noise impact would move with the traffic, a concern for Airport neighbors. Residents from the Charbonneau area report the calm wind runway has never lessened their noise exposure, so reverting the calm wind runway is not a major concern.

Precision Instrument Approach

Business aviators especially would like to see the Airport's instrument approach capability upgraded from nonprecision to precision. A precision approach would allow them to land in lower visibility conditions. A precision approach could change the size of some FAA-required safety clearances, particularly at runway ends, which might affect Airport neighbors.

Helicopter Operations

Aurora State Airport has a large number of based and transient helicopter operations. Helicopters operating close to small fixed wing aircraft can be a concern, because of the potential damage to the fixed wing airplanes from rotorwash. Currently, most helicopters takeoff and land on tenant or private property. An area available to the public for the takeoff, landing, and parking of helicopters on ODA land may be needed. Airport users and businesses are likely not to agree on a location or need for a new public helicopter area.

Other Airport Improvements

Suggestions for Airport improvements have been made through the Airport user survey and interviews. These suggestions include internal road improvements, a run-up area for Runway 17, improved runway lighting, a restaurant, and radar/approach control coverage in the area. These improvements are not contentious, and will be analyzed later in the planning process, along with improvements resulting from the analysis of Airport capacity vs. demand, FAA design standards, TSA guidance, and industry standards. The PAC, Airport users, and others will have the opportunity to review the full range of Airport improvements that ODA considers in this Master Plan Update.



City of Aurora

FOUNDED 1856
"National Historic Site"

April 15, 2011

Mitch Swecker, Interim Director
Oregon Department of Aviation
3040 25th Street SE
Salem, OR 97302

Dear Mr. Swecker:

The City of Aurora, Marion County, and Oregon Department of Aviation (ODA) have identified the Aurora State Airport and lands surrounding the Aurora State Airport as an area of special interest and planning area of mutual concern. In 2008, Marion County, ODA, and the City of Aurora signed an Intergovernmental Agreement (IGA) acknowledging the need for coordination in managing growth of this area while encouraging and supporting the continued operation and vitality of the Aurora State Airport.

The City has been pleased to work alongside the Oregon Department of Aviation and Marion County in the continuation of efforts to encourage economic vitality of the airport while managing the impacts of growth upon surrounding communities. We have been satisfied with ODA's effort to involve our community in the planning process and appreciate the efforts to meet with community members. With this in mind, we would appreciate your consideration of the following comments/concerns in response to the DRAFT Chapter Five Airport Development Alternatives-Preferred Alternative.

- The City of Aurora cannot support the Preferred Alternative to designate the Aurora State Airport as an ARC C-II. The increased Runway Object Free Area (ROFA) and (RPZ) would have direct negative consequences upon the stated interest and intent of the City of

Appendix 2

Aurora and local land owners to work toward annexation of the Airport and lands located between the Airport and Aurora Urban Growth Boundary.

- Any expansion of the capacity of the airport, whether this includes strengthening the runway, extending the runway length, or an airport reclassification, is premature when the infrastructure to serve current demands upon the Aurora State Airport are yet unmet.
- Reclassification to CII and reducing the visibility minimums of runway 35 to $\frac{3}{4}$ mile or greater will expand the RPZ to the south beyond the airport boundary which has similar impacts to an expansion of the runway to the south and the City feels that the impacts of either of these options is not acceptable.
- The Preferred Alternative does not appropriately address or mitigate the fact that a revision to the Airport Reference Code from B-II to C-II would have a significantly higher noise impact on the City of Aurora and its surrounding communities. Indeed, even the No Build Alternative would result in growth at the Airport within its current boundary and increased noise upon surrounding communities. Expansion of the runway to the south, or reclassification to C-II and reducing visibility minimums of runway 35 to $\frac{3}{4}$ mile or greater, will expand the RPZ to the south beyond the current airport boundary and will clearly impact a higher number of residences and future development opportunities.
- If the airport is reclassified and the runway strengthened, justification for larger planes landing at the airport is provided which in turn could provide additional supporting data for a runway extension. The city feels that any changes to the airport classification, runway length, and/or strength should only be considered after the current transportation and water and sewer infrastructure needs are satisfied.

The City of Aurora is supportive of the ODA's efforts in the Master Planning process and is sensitive to the important economic impacts that the Aurora State Airport has upon surrounding communities. We are concerned that the annexation of the Airport into the City of Aurora, as previously discussed, is not included under any of the weighed Alternatives.

Thank you for your time and consideration.

Regards,

A handwritten signature in black ink, appearing to be 'JM', written over the word 'Regards,'.

James Meirow, Mayor

Cc: Sarah Lucas, WH Pacific
Rainse Anderson, WH Pacific
Sandra Larsen, Oregon Department of Aviation

The remaining demand will likely be met by private property owners and developers. Development of the Southend Airpark is shown on all build alternatives, based on the current site plan provided to the consulting team. However, actual development of Southend Airpark is dependent upon market demand, and is subject to change as needed. Including Southend Airpark, there are approximately 26 acres of privately-held developable land.

Combining nine acres of undeveloped State-owned property and 26 acres of undeveloped private property currently zoned for airport use, there is a shortfall of approximately 5 acres needed for airport-related development over the next 20 years. In all of the build alternatives, adjacent property is shown to be suitable for airport-related development. This area incorporates approximately 16 acres. This land, now used as a church camp, is not currently zoned Public in the Marion County Zoning Code; however, its location is immediately adjacent to existing airport development and the new Helicopter Transport Services (HTS) development.

Following is a discussion relative to each alternative.

No Build Alternative

Exhibit 5A illustrates the No Build Alternative. By showing the consequences of not developing the Airport, ODA – along with the FAA, PAC and public – can assess the advantages and disadvantages of the development alternatives.

As shown in Chapter 3, *Aeronautical Activity Forecast*, the Airport is expected to experience increased demand. If no development were to occur, the Airport would not be able to support forecasted aeronautical uses and demands. PAPIs, a cargo apron, helicopter parking, vehicle transportation scheme and additional hangars would not be built on State-owned property. The safety enhancements of an ATCT and a building for the Fire District to house emergency response vehicles would not occur. As such, the No Build Alternative would not optimize the Airport's potential.

While the No Build alternative is essentially a do-nothing option, it does not mean that there would be no financial impact to the Airport. Most prominently, there would still be a cost associated with maintaining the current pavements and facilities.

Development of private property, adjacent to the Airport and zoned Public, would be permitted – consistent with local and State regulations.

Build Alternative 1

Build Alternative 1 includes a 600-foot runway extension to the north. Instrument approach capability does not change (not lower than 1 sm visibility minima). Exhibit 5B illustrates this alternative. The change to the Airport's footprint would be a slightly larger area for easement acquisition to control building height west of the runway extension, in addition to identifying 16 acres of adjacent land suitable for airport-related development. The Runway 35 RPZ extends south of Keil Road and an aviation easement would be sought; however, this is no different from the existing condition.

Airfield. Airfield developments for Alternative 1 are outlined below.