

AAIA

Aurora Airport Improvement Association
144797 Keil Rd NE - Aurora, Oregon 97002

To: Members of the Joint Committee on Transportation
From: J.L. Wilson
Date: January 25, 2021
RE: OPPOSE House Bill 2497

HB 2497 has fatal flaws from the very start, including the preamble, which states: *“Whereas the Aurora Airport Master Plan is presently the subject of appeals brought by three parties to the Land Use Board of Appeals.”*

This is incorrect. LUBA dismissed those appeals on December 16th.

House Bill 2497 seeks to implement legislatively what the proponents failed to do through litigation and appeal of the Oregon Department of Aviation’s (ODA) findings in support of the 2012 Aurora State Airport Master Plan.

In fact, in each claim made by airport opponents, LUBA sided with the Oregon Department of Aviation (ODA) and AAIA.

Here are the LUBA findings:

1. **Public process was followed** during the Master Plan process as City of Wilsonville, City of Aurora and Clackamas County were all members of the ODA’s Public Advisory Committee, which met multiple times in 2010 and 2011. (Page 8)
2. **Only Marion County is an “Affected City or County.”** LUBA found that ODA was not obligated under state law to demonstrate that the Master Plan was consistent with the City of Aurora, City of Wilsonville or Clackamas County. The Master Plan only need comply with land use regulations of Marion County. (Page 27)
3. **Aurora Airport Master Plan, including the runway extension, is compatible with the Marion County Comprehensive Plan.** *“We conclude above that the 2012 Airport Plan is compatible with the M CCP*

and that, therefore, the Aviation Board was not required to separately demonstrate compliance with the goals.” (Page 33)

4. **The Master Plan (and runway extension) will not lead to larger planes utilizing airport.** *“We agree with respondents that for the reasons explained in the response briefs, the improvements contemplated by the 2012 Airport Plan do not permit service to a larger class of airplanes.” (Page 27)*

5. **The Master Plan does not need to comply with other land use plans.** *“Respondents respond, and we agree, that the adopted SAC definition of “affected city or county” at OAR 738-130-0005(15) and OAR 731-015-0005(2) means that the Aviation Board was not required to establish compatibility with the acknowledged plans of Aurora, Wilsonville and Clackamas County.” (Page 29)*

House Bill 2497 seeks to override the LUBA findings by compelling an intergovernmental agreement (IGA) between government entities that would encompass **“land use planning and decision making regarding the expansion of the airport”** (HB 2497 Sec 1 (1)).

Marion County and the City of Aurora already have an Intergovernmental Agreement, which provides that Marion County has exclusive jurisdiction for land use actions and decisions outside of the City of Aurora’s urban growth boundary.

LUBA expressed the problem with HB 2497 best when it sided with ODA and AAIA in saying:

“...as a practical matter, it would put ODA in an exceedingly difficult position if it was required to establish compatibility with the comprehensive plans of the other jurisdictions in addition to Marion County, because it is at least possible that the comprehensive plans of those other jurisdictions may not be compatible with each other.” (Page 29-30)

In essence, HB 2497 appears to be an attempt to force the ODA and Marion County to replace its existing IGA with a new agreement with for the sole purpose of opposing a runway extension or any further development of property within the airport footprint.

LUBA already ruled against the merits of this argument. The legislature must not violate the goals and policies of the Oregon land use system to further the interests of a disgruntled litigant.

HB 2497 seeks to legislate what the proponents failed to do through litigation.

Please do not advance HB 2497.

For more information:

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