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April 5, 2022

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RE: Question of Legal Validity of 2012 Master Plan

My comments are about the propriety and legality of the data presented in the Draft chapters. Chapter 3 is titled **Aviation Activity Forecasts**, and beginning on page 8 is a section titled **Recent Events Summary**. No mention is made of the 2021 Final Judgment by the Oregon Court of Appeals, later ratified by the Oregon Supreme Court, that the 2012 Aurora Airport Master Plan is invalid because it was never legally approved or adopted by the Oregon Aviation Board, and it was never adopted into the Marion County Comprehensive plan. Certainly, this qualifies as a “recent event!” This matters because the Forecast chapter and the data therein are built on data from the **2019 Aurora State Airport Constrained Operations Runway Justification Study** and the unapproved **2012 Aurora State Airport Master Plan**.

The Constrained Operations study references the 2012 master plan 99 times and includes such statements as “intended to supplement the 2012 AMP document,” and “the current 2012 Airport Master Plan should be consulted for specific plans related to airport development and protection,” and finally, *The primary purpose of the forecast update associated with the Aurora State Airport Constrained Operations Runway Justification Study is to evaluate the forecasts of aviation activity (2010-2030) contained in the 2012 Aurora State Airport Master Plan (AMP), which supported the planned runway extension depicted on the 2012 Airport Layout Plan (ALP).*

On top of that, the Draft Chapters for the current master planning processes are not only based on the Constrained Operations Study, but directly refer back to the 2012 Master Plan and include 18 references to it. This linkage and dependency is confirmed in the **Previous Airport Planning** section of Chapter 3 that states *The 2012 Aurora State Airport Master Plan Update provides the most recent FAA-approved airport layout plan (ALP) drawing for the Airport. The 2019 Constrained Operations Runway Justification Study provided updated aviation activity forecasts and airside facility requirements assessment related to the critical aircraft.*

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The Court of Appeals ruling on the 2012 Master Plan raises real legal questions about the Forecast chapter in as much as the data is built on the Constrained Operations study which in turn is dependent on the unapproved 2012 master plan. Last week's Court of Appeals ruling on a private development next to the Aurora Airport makes clear that expanding the Aurora Airport must comply with Oregon's land use laws and requires it being adopted into the Marion County comprehensive plan, something that hasn't happened since 1976.

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