

Overview

1. In 2007, SB680 was approved by the Oregon State Legislature and became ORS 864-642. It clearly stated Aurora State Airport (KUAO) as well as five other rural airport are to participate in the effort. The spirit of the legislation called for government agencies to look outside of the box to allow surrounding communities to provide sewer, water, fire & police protection without having to annex into those cities.
 - a. In reliance ORS 864-642, according to the Marion County tax records, over \$250 Million dollars' worth of buildings have been built at KUAO by private enterprise.
 - b. KUAO pays over \$1,750,000 in property taxes into the General Fund supporting schools, libraries, over 1/3 of the Aurora Fire district budget etc. according to the Marion County tax records.
 - c. According to ODAV's "Oregon Aviation Plan", the multiplier effect to the surrounding cities and communities is approximately \$2.50 Billion per year.
 - d. KUAO now has over 1500 living wage jobs in addition to supporting most of the major employer businesses in Clackamas & Marion Counties.
2. The FAA designated KUAO to be one of 83 non-commercial service airports in the nation that has Major Significance to the National Transportation System.
 - a. KUAO is the airport base for numerous companies that provide emergency services, firefighting, police & drug enforcement etc. such as Life Flight, Columbia Helicopters, Helicopter Transport, Wilson Construction, Winco Power Line Services, Clackamas County Sheriff's Dept., Portland Police, FBI, Civil Air Patrol, Angel Flight and many more.
 - b. KUAO is further recognized as important in the State's Emergency Management Plan in the event of a major disaster.
3. The 2012 Airport Master Plan Update (2021 MPU) was approved by the Oregon Department of Aviation and by the FAA in 2012. It was law & not challengeable.
4. The Control Tower was approved & constructed in 2014 based on the 2012 MPU. It was successfully built with full Non-Partisan support by Governor Kitzhaber, Senator Wyden, Senator Merkley, Senator Bob Smith, Senator Schrader and others.
5. Former ODAV Director, Betty Stansbury decided to have the 2012 MPU re-approved. The airport users begged her not to do so as it would open the new approval to legal challenges, but she did it anyway, triggering several costly major lawsuits to the State of Oregon because of Betty Stansbury's action.
6. The airport opposition groups with the assistance of City of Wilsonville, & City of Aurora nearly immediately filed an appeal of the 2012 MPU re-approval.
7. ODAV's State Airports Manager, Tony Beach (Betty Stansbury's protégé) is now continuing to NOT support the safety & economic viability of the airport with the development of a completely new "preferred alternative" in the master plan proposal (Exhibit 1), in such a manner, airport users are severely limited in their ability to participate in the discussion. Some members of the Public Advisory Committee (PAC) were disallowed to speak about their proposed solution after being told, the only time they would be allowed to speak was during a PAC meeting for the new Master Plan development.
8. Major employers at the Airport have been strong participants as part of the "Advanced Manufacturing Industry Cluster – Aviation" called out in the Oregon Business Plan. Their work efforts are actively coordinated with Business Oregon.

9. Nearly all these businesses have branch offices in Idaho, Nevada & Washington and if ODAV kills their opportunities to expand & operate safely at KUAO, surrounding states would be happy to offer them tax & incentive subsidies to move to these states. We should not let that happen!!!
- 10. ODAV (Betty Stansbury and Tony Beach) Caused this Problem!! ODAV (Now Director Kenji Sugahara and Tony Beach) needs to correct it!! Not Make it Worse!!**

December 5, 2024

**A brief prepared by
Aurora Airport Improvement Association
for
Oregon Aviation Board
The Great State of Oregon**

“Oregon Department of Aviation’s Aurora State Airport Master Plan Preferred Alternative includes an unacceptable phasing program that withholds the urgently needed runway extension while destroying the drain-fields necessary to serve the septic needs of over \$250 million in private aeronautic investment. This alternative makes the airport less safe and needlessly diminishes significant private investment that created nearly 1500 jobs. These were investments at the Aurora Airport made in good faith pursuant to State of Oregon legislation.”

Aurora State Airport is located at the north end of Marion County, between the towns of Aurora and Wilsonville, parallel to State Highway 551. Adjacent to the airport is private property established as “through the fence” operations per ORS 836.640 and ORS 836.642. Pursuant to the promise of those state statutes, significant private monies have been invested into national and international aviation businesses situated at the airport. These businesses are responsible for nearly 1,500 family-wage paying jobs. The economic impact of the airport is measured at over a half billion dollars annually by the Oregon Aviation Plan Airport Summary, published by the Oregon Department of Aviation (ODAV) several years ago. The airport’s economic impact is even greater now.

The Federal Aviation Administration (FAA) provides funding to airports that have formalized plans for future improvements and safety upgrades. These plans look ahead 20 years based on current operations and future forecasts. The formal term for these plans is an airport “Master Plan” (MP), part of which is the future “Airport Layout Plan” (ALP). Typically, these plans are “Updated” (Plan Updates or MPUs) every 10 years. The MP and Plan Updates to include the ALP are approved by the FAA and are the roadmaps to where and how airports develop adequately and safely over the planning horizon. ODAV is creating a new MP in lieu of conducting update to the MP they already have for the airport.

THE NEEDED RUNWAY EXTENSION WAS ALWAYS A PART OF AURORA AIRPORT
MASTER PLANS. IT CANNOT BE ABANDONED NOW WHEN THE NEED IS MOST
URGENT

The first MP was approved in 1976, showing the airport was determined to be of substantial value to the State’s and the region’s transportation and economic infrastructure. The 1976 MP called for a 6,000 linear foot runway and a tower to control air traffic. Subsequent MPUs and ALPs all called for a 6,000 linear foot runway and tower. The runway is now 5,003 linear feet, still nearly 1,000 feet too short for the aircraft that now use the airport.¹ The tower was recently completed in 2014. But the runway extension languishes.² As the airport and private properties have developed over the years in accordance with FAA standards and ORS 836.642 “Program for through the fence operations”, private industry has invested heavily and worked closely, or at least have attempted to do so, with ODAV.

¹ This is not about making the runway longer to attract new aircraft. This is exclusively about making the runway long enough to safely handle the aircraft that already use the airport. This fact is not disputed but is often lost in the din.

² ODAV’s prior director unwisely and inexplicably allowed airport opponents to challenge the 2012 mast plan some eight (8) years after it was finally approved by both the state and the FAA and after significant public and private investments were made on the strength of it. City of Aurora and other perennial airport opponents took full advantage of that opportunity and objected to pretty much everything about the master plan to include the planned 1,000 linear foot runway extension to the south citing that some of that land was zoned “EFU.” The court remanded, but to the great frustration of the aviation stakeholders, ODAV refused to respond to that remand, preferring to start over.

ODAV FALSE CLAIMS DRIVING UNACCEPTABLE AIRPORT DEVELOPMENT FOR NEXT 20 YEARS

ODAV is now claiming that the FAA will not allow the runway to be lengthened unless and until the distance between the runway and Highway 551 is increased by 32 feet, a herculean, hundred-plus millions of dollars, task.³ ODAV makes this claim even though aviation crews and passenger safety has demanded that the runway be lengthened for more than 10 years, and its lengthening was approved in the 2012 MP and its ALP. ODAV blames the FAA, asserting that the FAA now refuses to accept any “Modifications of Standard” for certain airport features that do not perfectly comply with FAA design standards and the FAA is saying Aurora must be brought into perfect compliance with said standards right now or the FAA will put the airport into a “maintenance only,” mode, whatever that means. What this means is that unless the state and federal government come up with the \$100+ million to move Hwy 551 (money that no one claims exists), the runway is condemned to be substandard for the aircraft that use it for the foreseeable future – an unacceptable result. But ODAV’s premise is wrong and ignores what the FAA actually requires – the FAA requires no immediate compliance with every design standard – but rather current assurances of safety for existing conditions and a pathway to eventual compliance to be achieved when it is feasible. As you will see from attached Exhibit 2, Letter to FAA Regional Director Garrison, the situation is so untenable that the aviation stakeholders have asked FAA to clarify that ODAV has misinterpreted FAA’s requirements.

The truth is that FAA **routinely** approves such Modifications of Standards for existing conditions that cannot practically be changed (like moving highways) for airports all over the United States, on findings that the airport will be safe regardless of a lack of perfect compliance. Here, as you can see from the attached risk report (Exhibit 3), FAA’s safety standard is met (not more than a single adverse “event” every 100 years) without holding the runway extension hostage to spending the gargantuan sums of money to increase the distance between the highway and the runway 32’ (i.e. without perfect design standard compliance). Highlights from the Exhibit 3 risk analysis for the existing proximity between the runway and Hwy 551:

- (A) The landing risk is “one incident in every 16.7 trillion landings, the time between occurrences is calculated as 16 trillion landings divided by 45,115 landing operations per year which equates to one incident every 369,000 years.”
- (B) The landing roll risk is “one incident in every 12.5 million landings, the rate of occurrence is calculated as 12.5 million landings divided by 45,115 landings per year which equates to one incident every 277 years” at worst or more likely “one incident in every 16.7 million landings, the rate of occurrence is calculated as 16.7 million landings divided by 45,115 landings per year which equates to one incident every 369 years.”
- (C) The takeoff roll phase, the risk is “one incident in every 45.5 million takeoffs, the rate of occurrence is calculated as 45.5 million takeoffs divided by 45,115 takeoffs per year which equates to one incident every 1,008 years.”

³ ODAV says the distance between the runway and Hwy 551 must be much greater, but there can be no dispute that just 32 feet that is needed for the runway to meet the FAA design standard. No one knows why ODAV claims that such greater distance is required. ODAV isn’t saying.

(D) The landing roll phase risk to taxiway is “one incident in every 11.1 million landings, the rate of occurrence is calculated as 11.1 million landings divided by 45,115 landings per year which equates to one incident every 246 years.”

What the FAA is almost certainly telling ODAV, is what it tells everyone - that the MP has to contemplate merely a “pathway to compliance”. In other words, FAA needs only to see that ODAV plans to address design standards over the life of the MP - if there is funding to do so. The FAA cannot assert that it will not allow the runway to be lengthened unless and until the distance between the runway and Highway 551 is increased by 32 feet, because FAA has rules for exactly this situation that allow modifications on showing that safety is maintained. And it routinely grants the same. Thus, what ODAV’s MP should be showing is a modification of standards (based on Exhibit 3 or a document like it) allowing the runway to be lengthened now - as an “interim” measure - with the MP promising that by the end of the MP planning period of 20 years, that Hwy 551 will be moved the 32 feet west, within the existing ODOT right-of-way to achieve perfect design standard compliance, if funding is available to do so. This is not hard.

ODAV also falsely asserts that the FAA is demanding that the north and south drain-fields that support two of the airport’s major collective septic systems must be moved, but ODAV has not identified locations where either can be feasibly moved. Here again, FAA rules do not require this extreme that ODAV insists upon, but rather the FAA requires simply the drain-fields meet certain soil compaction standards, which, with modest improvement, the drain-fields can meet. The only evidence in ODAV’s record is that the drain-fields can be improved to meet FAA rules. ODAV asserts, without providing any support for their claim, that they think otherwise. But one thing is clear: the FAA does not demand that the drain-fields be moved at all, rather only that they meet compaction requirements. This is ODAV’s harmful demand, and ODAV’s alone.⁴

Therefore, ODAV’s MP “preferred alternative” includes a phasing plan that no runway extension can occur until and unless Highway 551 is moved west and that demands removal of the critically necessary septic drain fields, to nowhere are based upon wholly false premises that ODAV refuses to correct. ODAV is refusing to apply for Modification of Standard, when that is normative and what every other airport in ODAV’s situation would and does do – with success. As such, ODAV is needlessly, if not negligently, pursuing a Master Plan that will severely damage the airport and the significant private investment in it.

ODAV IS IGNORING ITS LEGISLATIVE COMMAND

Per the recommendation of the Oregon Economic Development Department, the Oregon legislature specifically adopted ORS 836.640 and ORS 836.642 (Exhibit 4 attached) to make Aurora Airport and a handful of other sites economic powerhouses for their region. These statutes

⁴ The aviation stakeholders suspect that ODAV is trying to push the aviation stakeholders to annex to the City of Aurora. The City of Aurora’s current mayor publicly stated he wants to annex the airport to get its tax base. Previous mayors are on record expressing desires to shut the airport down and the city has litigated against the airport ceaselessly. If it is indeed ODAV’s secret plan to get the airport annexed into the City of Aurora, then ODAV must disclose that and have a transparent discussion on the topic. Hidden agendas help no one and public agencies are not supposed to harbor them.

are the “Through the Fence Operations” program and require ODAV “to encourage through the fence operations designed to promote economic development by creating family wage jobs, by increasing local tax bases and by increasing financial support” for such airports through “public-private partnerships.” “Through the fence operations” are defined as the usual and customary aeronautical activities by a “commercial or industrial user” in the “airport boundary.”

ODAV is ignoring this command in the development of this new MP and ALP. Instead, it undermining the investments made in good faith by private industry on the strength of the statutes, in the following ways:

1. Demanding removal of the septic drain-fields that the through the fence operations rely upon (with no identified feasible alternative locations) on the wholly false claim that FAA demands such.
2. Refusing to submit a well-documented risk assessment provided by “through the fence” stakeholders that is Exhibit 3 (or an assessment ODAV thinks is better) to support an “interim” modification of standard to enable the runway to be extended now and the highway moved later when there is funding to do so.
3. Identifying the privately owned through the fence areas established by the above statutes, as land not honored for its aeronautical investment and economic development success, but rather as land ODAV will buy up, if funding becomes available to do so.
4. Refusing to expand the airport boundary to include and thus support all of the previous MP identified through the fence properties.⁵

ODAV PRESENTED ALTERNATIVES THAT CAUSED NEEDLESS ANGST, THEN SELECTED A DIFFERENT ONE

ODAV presented startling alternatives to its Master Plan Public Advisory Committee (PAC) on 7/31/24. During the presentation, ODAV and its consultants stated the alternatives were all premised on the (false) claim the FAA said no runway extension could occur unless the Highway 551 Runway Object Free Area (ROFA) design standard was first met.

This incorrect premise drove all ODAV's binary 7/31 alternatives that needlessly pitted aeronautical interests against homeowners and nonaeronautical businesses – one alternative moving Highway 551 west significantly more than is needed to meet the FAA’s design standard, and in so doing wiping out homes and businesses or moving the runway (and air traffic control tower) east, wiping out the private aeronautical investment at the airport and a truly awful alternative that blended the worst of both. Yet, to meet the 32 feet of increased distance between the runway and Highway 551, all that was needed is 32 feet and that can all be taken from the existing right-of-way – no homes or businesses needed to be wiped out at all. And, all of ODAV’s

⁵ Per the above statutes, aeronautical through the fence operations can only occur within the airport’s “boundary.” The airport’s “boundary” is a term of art that simply identifies all areas master planning identifies as suitable for aeronautical activity. All Aurora Airport MPs have identified particular areas adjacent to the airport as suitable for airport related uses. Yet, ODAV STILL has not expanded the boundary to include all of those properties and so far is apparently not planning to do so in the current iteration of the MP.

“alternatives” wiped out the septic drain-fields that enable private investment to exist. And all of the alternatives included an unwise internal airport access road paralleling the active taxiway and runway, when it is elementary airport planning that such is to be avoided as a matter of safety. Yet even though the 2012 MP approved an internal airport access road (that is already partially built) that is internal to the airport and does not run the risk of unintended internal traffic - like an Amazon driver in the driving rain, inadvertently finding their way onto the active taxiway or runway, ODAV with no explanation, ignored that reasonable and prudent option. The preferred alternative now puts the internal access road in a new location, perilously close to the runway and next to the active taxiway.

Finding themselves, the “adult in the room”, the airport's aeronautical stakeholders presented an airport MP alternative that extended the runway to the north in the short term to serve the decades-plus long need for improved existing aircraft safe operations. The stakeholder’s alternative provided a fully documented Modification of Standard study (Exhibit 3) demonstrating unequivocally that Modification of Standard requirements were met through careful risk analysis, to support the runway lengthening. It also contemplated HWY 551 be moved 32 ft to the west after the runway extension happens, and later in the MP planning period and within the acquired ODOT right of way (taking no homes/businesses), if funding is available. It contemplates the drainfield simply be improved to FAA standards and remain in place. And restored the 2012 internal access road so that there were no risks of incursions.

To date, ODAV has ignored this alternative and worse, would not allow discussion of the proposed alternative during the October 15, 2024 Public Advisory Committee meeting.

What ODAV did was to decide that a modified Alternative 1A be identified as the preferred alternative (Exhibit 1). This alternative was the best of the three truly terrible alternatives ODAV floated. This one moves Hwy 551 west – but well more than the 32 feet that is needed, puts the internal circulation road along side the active taxiway and runway, removes the septic drain fields to nowhere, fails to expand the airport boundary and still shows ODAV buying up, tearing down front privately owned front row hangars, only to rebuild new hangars that would be leased out by the State. Additionally, the ODAV shows intent to purchase privately owned properties now devoted to aeronautical uses. Newly part of this alternative as of October 16, 2024, is that the critically needed runway extension is planned to languish and is only “phased in” when Hwy 551 is moved. ODAV can do better. And in its history, it has done better.

THE ASK

We need your help. ODAV has lost its way. We ask that the Oregon Aviation Board to recognize the damaging effect presented by this plan to private investment made in good faith in accordance with the State statute. Please confer with the Governor’s Office to convene the key players – Governor’s Office, FAA, ODAV, ODOT, airport stakeholders, nearby Cities, Marion and Clackamas County, and interest groups – for an open discussion of the future of the airport. If people simply have a way to talk to each other, we think many of these problems can be avoided.

If that is not doable, we ask that ODAV be directed to support its preferred alternative 1A with the following very modest and normative changes:

- Phase in the runway extension at least 500 feet to the north **as an immediate action** regardless of the 32' of imperfect ROFA compliance and, to prove up on safety doing so, submit the Exhibit 3 Modification to Standards to FAA to support it. The FAA will approve it. Call this step an interim measure, subject to moving Highway 551 in the longer term, when funds are available (next bullet).
- Plan to move Highway 551, 32 feet west (and also move the airport's perimeter fence proportionately west), outside the ROFA but within ODOT right-of-way by the end of the planning period if funding is available.
- The septic system drain-fields be brought to FAA standard and remain in place.
- Remove the Vehicle Service Road from the plan and replace it with the Internal Circulation Road as approved in the 2012 Master Plan Update.
- Remove the parallel taxi-lane from the ball, negating (and removing) the need for the indicated taking of the front row hangars.
- The airport boundary is adjusted to include the property that all airport Master Plans have shown as suitable for airport development.