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**Fw: Communication re: Aurora Airport Master Plan Adoption and Compatibility Process**

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**From** Brandy Steffen <brandy.steffen@jla.us.com>

**Date** Tue 2025-03-04 2:22 PM

**To** Ashley Balsom <ashley.balsom@jla.us.com>; Jen Winslow <Jen.winslow@jla.us.com>

 2 attachments (16 MB)

p17027coll5\_29140.pdf; Friends of French Prairie v. Dept of Aviation.pdf;

**BRANDY STEFFEN | JLA PUBLIC INVOLVEMENT**

Partner + Senior Program Manager

[brandy.steffen@jla.us.com](mailto:brandy.steffen@jla.us.com) » [Schedule a 30 minute meeting](#)

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**From:** BEACH Anthony <Anthony.BEACH@odav.oregon.gov>

**Sent:** Wednesday, February 26, 2025 11:09 AM

**To:** Brandy Steffen <brandy.steffen@jla.us.com>; Samantha Peterson <SPeterson@CenturyWest.com>

**Cc:** THOMAS Alex R <Alex.R.THOMAS@odav.oregon.gov>

**Subject:** FW: Communication re: Aurora Airport Master Plan Adoption and Compatibility Process

Good morning, please include in the public record.

Thank you,

**Tony Beach**

**OREGON DEPARTMENT OF AVIATION**

STATE AIRPORTS MANAGER

**OFFICE** 503-378-2523 **CELL** 503-302-5455

M-F 7:30am – 4pm

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**From:** Posegate Stacy C <[Stacy.C.Posegate@doj.oregon.gov](mailto:Stacy.C.Posegate@doj.oregon.gov)>

**Sent:** Tuesday, February 25, 2025 12:05:19 PM

**To:** Ben Williams <[fofp99@gmail.com](mailto:fofp99@gmail.com)>

**Cc:** SUGAHARA Kenji <[Kenji.SUGAHARA@odav.oregon.gov](mailto:Kenji.SUGAHARA@odav.oregon.gov)>; Cathryn.E.Stephens@ci.eugene.or.us <[cathryn.e.stephens@ci.eugene.or.us](mailto:cathryn.e.stephens@ci.eugene.or.us)>; Anderson Becki L <[Becki.L.Anderson@doj.oregon.gov](mailto:Becki.L.Anderson@doj.oregon.gov)>; Scruggs Rebecca <[rebecca.scruggs@doj.oregon.gov](mailto:rebecca.scruggs@doj.oregon.gov)>

**Subject:** RE: FW: Communication re: Aurora Airport Master Plan Adoption and Compatibility Process

Mr. Williams,

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Thank you for your quick response.

Again, I direct you to Dir. Sugahara's response to your question regarding the process for issuing a final decision adopting the master plan and a final decision on the state agency coordination requirements. To the extent you have in fact asked a question, that question has been answered to the best of the agency's ability. To repeat, ODAV and the Board will follow state law with respect to the adoption of the master plan and the adoption of the state agency coordination findings. If you have further questions or comments regarding the Board's adoption of the state agency coordination findings, that decision will be made as part of a regularly scheduled and noticed Board meeting. Until that agenda item has been set, any questions or comments as to process or the substance of a future state agency coordination decision are premature. Please refer to ODAV's website for a listing of future meetings and agenda items.

You are incorrect as to your interpretation of the meaning and effect of the multiple judicial decisions, including the Supreme Court's denial of a petition for review, relating to the Board's 2019 State Agency Coordination findings. And, I assume from your email below that you will continue to misrepresent the express wording of these decisions. While I would prefer that you refrain from doing so, at this point and as we explained to LUBA in our request to remand the matter back to the Board, this issue is now moot and no longer relevant to the current master planning process.

I am also unclear as to why it is necessary to include the Governor's office, DLCD, Marion County, or any organization on these emails and have removed them again from this discussion. Please feel free to forward my response if you feel that is necessary to include them.

**Stacy C. Posegate**

Sr. Asst. Atty General | Transportation and Infrastructure | General Counsel Division  
971-718-7950

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**From:** Ben Williams <[fofp99@gmail.com](mailto:fofp99@gmail.com)>

**Sent:** Sunday, February 23, 2025 1:43 PM

**To:** Posegate Stacy C <[Stacy.C.Posegate@doj.oregon.gov](mailto:Stacy.C.Posegate@doj.oregon.gov)>

**Cc:** SUGAHARA Kenji <[Kenji.SUGAHARA@odav.oregon.gov](mailto:Kenji.SUGAHARA@odav.oregon.gov)>; Cathryn.E.Stephens@ci.eugene.or.us; Anderson Becki L <[Becki.L.Anderson@doj.oregon.gov](mailto:Becki.L.Anderson@doj.oregon.gov)>; Scruggs Rebecca <[rebecca.scruggs@doj.oregon.gov](mailto:rebecca.scruggs@doj.oregon.gov)>; WARNER Chris \* GOV <[Chris.Warner@oregon.gov](mailto:Chris.Warner@oregon.gov)>; House Timothy <[timothy.a.house@faa.gov](mailto:timothy.a.house@faa.gov)>; Doyle, Peter (FAA) <[peter.doyle@faa.gov](mailto:peter.doyle@faa.gov)>; WYTOSKI Beth \* GOV <[Beth.Wytoski@oregon.gov](mailto:Beth.Wytoski@oregon.gov)>; AHRENS Melissa \* DLCD <[Melissa.Ahrens@dlcd.oregon.gov](mailto:Melissa.Ahrens@dlcd.oregon.gov)>; Austin Barnes <[abarnes@co.marion.or.us](mailto:abarnes@co.marion.or.us)>; Guile-Hinman, Amanda <[guile@ci.wilsonville.or.us](mailto:guile@ci.wilsonville.or.us)>; Mary Kyle McCurdy <[mkm@friends.org](mailto:mkm@friends.org)>; Joseph Schaefer ([jschaefer@ci.aurora.or.us](mailto:jschaefer@ci.aurora.or.us)) <[jschaefer@ci.aurora.or.us](mailto:jschaefer@ci.aurora.or.us)>

**Subject:** Re: FW: Communication re: Aurora Airport Master Plan Adoption and Compatibility Process

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**\*CAUTION EXTERNAL EMAIL\***

Stacey;

Thank you for your email responding to the questions I sent to Director Sugahara and Tim House of the FAA. This correspondence is also attached in PDF.

First, let me point out that while you assumed I was making some kind of definitive statement about Oregon law relative to the approval and adoption to the current Aurora Airport master plan, in fact I asked a question of both gentlemen about approval and adoption and compliance with Oregon land use laws. A question which you did not answer.

Second, specific to your assertion that I have been making misleading and incorrect statements concerning the Court of Appeals findings about adoption and approval of the 2012 Master Plan, you qualify it by stating that “none of the three tribunals...have issued **any order or judgment** finding that the 2012 Master Plan was, or was not, adopted.” That lawyerly language admits the 2012 Master Plan may not have been adopted, and deflects from the historical reality because, as you know, the substantive rulings from the Oregon Court of Appeals are in the form of opinions, not orders or judgments. And LUBA’s second order never addressed the Court of Appeals’ instruction to reconsider whether the Master Plan complies with the Agricultural Lands policies of the comprehensive plan. Your clients and LUBA skated around that instruction, and no final determination of compliance was ever made by either LUBA or the Aviation Board.

The Court of Appeals found that the Aviation Board failed to approve and adopt the 2012 Aurora Airport master plan. Your appeal of that decision to the Oregon Supreme Court argued that “The Aviation Board and ODA adopted the 2012 Aurora Airport Master Plan in 2011” but that court refused to even consider the argument. I know it was never adopted not just because I attended every Aviation Board meeting in 2011 and 2012, but because in 2019 ODAV confirmed that fact in writing —see attached.

That in turn led to the failed attempt by the Aviation Board in October of 2019 to retroactively approve the 2012 master plan eight years after the fact!

Notwithstanding those personal observations, you referenced the LUBA and Court of Appeals rulings, from which you ignore these salient quotations (all of which I do have in my files!), so allow me to share.

### **1. The 2012 Master Plan was not properly approved and adopted.**

*...it is impossible to tell from the 2012 Master Plan what material was added and what was removed after 2011. LUBA erred in concluding that the 2012 Master Plan includes the 2011 Master Plan... **the board never formally approved or adopted the 2012 Master Plan after October 27, 2011.***

Court of Appeals, June 16, 2021, No. 419, Pages 325 & 320.

### **2. The master plan was never determined to comply with Marion County’s Comprehensive Plan.**

*the Master Plan proposes airport development on EFU land. **That conclusion requires us to remand to LUBA for reconsideration of its determination that the Master Plan complies with the Agricultural Lands policies of the M CCP.***

Court of Appeals, June 16, 2021, No. 419, Page 331.

### **3. The 2012 Master Plan does not exist without the 2019 OAB decision.**

*We also reject private respondents’ contention that the events of 2019 are the only “proceedings before the final decision maker” at issue here. OAR 661-010-0025(1)(b). The board made its 2019 findings in an effort to comply with OAR 738-130-0055(6), which provides that “[t]he Aviation Board shall adopt findings of [land-use] compatibility \* \* \* when it adopts the final facility plan.” (Emphasis added.) **Under that rule, the board’s adoption of a final facility plan and its land-use compatibility findings are two parts of the same proceeding.** That remains the case here, notwithstanding the delay between the adoption of the Master Plan and the findings of land-use compatibility.*

#### 4. The 2012 Master Plan is "ineffective".

*The petitions for judicial review sought review of an October 31, 2019, decision (the 2019 Order) of the Oregon Aviation Board (OAB) under ORS 183.484, which provides for judicial review of orders in other than contested cases...In its opinion remanding the 2019 Order, LUBA, consistent with its precedent, concluded that "after remand, the challenged decision is ineffective."*

Court of Appeals Opinion; March 6, 2024 [Nonprecedential Memo Op: 331 Or App 438 (2024), Page 441.

I trust that you and your client will reset your interpretation of the referenced rulings and additionally elect to cease the revisionist history in terms of what did and did not happen in the period from 2011 through 2024 as concerns the compliance of the master plan with the Marion County comprehensive plan as well as the approval and adoption of the so-called 2012 Aurora Airport Master Plan.

It is also worth noting to you that the so-called 2012 Aurora Airport Master Plan is posted on the Aurora Airport web site as the "Current Master Plan," which is rather difficult to understand on the face of it, given all of the above!

Sincerely



Ben Williams, President

Friends of French Prairie

On Fri, Feb 21, 2025 at 4:59 PM Posegate Stacy C <[Stacy.C.Posegate@doj.oregon.gov](mailto:Stacy.C.Posegate@doj.oregon.gov)> wrote:

Dear Mr. Williams,

Director Sugahara forwarded your emails to me to assist in providing a response. As the Director stated, your emails will be made part of the Aurora Master Plan decision record to preserve your statements and to ensure that any member of the public will have access to all of the comments and testimony provided as part of the planning process.

As to your comment below, it appears that you are not asking a question. But, instead stating your interpretation of ODAV and the Board's legal obligations with respect to the process for making a final land use decision, including the final adoption of a master plan and the issuance of the state agency coordination findings supporting that plan. As Dir. Sugahara responded to you below, the Board and ODAV will follow the appropriate process for taking these final actions. I invite you to review ORS 197.180, ORS 836.025, OAR 660, division 30 and OAR 738, division 130 if you have any further questions about the laws that apply to the Board and ODAV's land use planning authority and duties.

I would also like to take this opportunity to correct you on a statement that you made during the last PAC meeting and that you continue to make publicly that the Court of Appeals held that the 2012 Master Plan was never adopted. That is not correct and none of the three tribunals (LUBA, the Court of Appeals or the Marion County Circuit Court) have issued any order or judgment finding that the 2012 Master Plan was, or was not, adopted. I have attached for your convenience the final judgments by the Court of Appeals in 2021 when it was asked to review LUBA's affirmation of the Board's 2019 State Agency Coordination Findings, and the 2023 Judgment affirming the Marion County Circuit

Court's dismissal of the petitions for judicial review of the 2019 SAC Findings. As I believe you are aware, the Court of Appeals in its 2012 decision found that it was unable to determine whether LUBA's decision was correct because the record before LUBA was not complete. On that basis, it remanded the matter back to LUBA. LUBA in turn remanded the matter back to the Board, at its request. The effect of this remand, as stated in the 2023 attached judgment, was to render the **2019 SAC Decision** ineffective. No decision was entered or made as to the validity of the 2012 Master Plan. I ask that you please review your files which should include the briefing, orders and judgments in the LUBA matter, the circuit court matter and the two court of appeals cases and refrain from misstating the ultimate holdings in these cases.

I hope that this email addresses your comments below and any additional questions you may regarding the 2012

**Stacy C. Posegate**

Sr. Asst. Atty General | Transportation and Infrastructure | General Counsel Division  
971-718-7950  
GG1296-22

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**From:** Ben Williams <[fofp99@gmail.com](mailto:fofp99@gmail.com)>

**Date:** Friday, February 21, 2025 at 11:02 AM

**To:** SUGAHARA Kenji <[Kenji.SUGAHARA@odav.oregon.gov](mailto:Kenji.SUGAHARA@odav.oregon.gov)>

**Cc:** STEPHENS Cathryn E <[CStephens@eugene-or.gov](mailto:CStephens@eugene-or.gov)>, House Timothy <[Timothy.A.House@faa.gov](mailto:Timothy.A.House@faa.gov)>, Doyle, Peter (FAA) <[peter.doyle@faa.gov](mailto:peter.doyle@faa.gov)>, WARNER Chris \* GOV <[Chris.WARNER@oregon.gov](mailto:Chris.WARNER@oregon.gov)>, WYTOSKI Beth \* GOV <[Beth.Wytoski@oregon.gov](mailto:Beth.Wytoski@oregon.gov)>, AHRENS Melissa \* DLCD <[Melissa.Ahrens@dlcd.oregon.gov](mailto:Melissa.Ahrens@dlcd.oregon.gov)>, Austin Barnes <[abarnes@co.marion.or.us](mailto:abarnes@co.marion.or.us)>, Guile-Hinman, Amanda <[guile@ci.wilsonville.or.us](mailto:guile@ci.wilsonville.or.us)>, Joseph Schaefer ([jschaefer@ci.aurora.or.us](mailto:jschaefer@ci.aurora.or.us)) <[jschaefer@ci.aurora.or.us](mailto:jschaefer@ci.aurora.or.us)>, [mk@friends.org](mailto:mk@friends.org) <[mk@friends.org](mailto:mk@friends.org)>

**Subject:** Re: Communication re: Aurora Airport Master Plan Adoption and Compatibility Process

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Kenji;

Thank you for the prompt response to my last email concerning the approval and adoption process for the Aurora Airport Master Plan. However, the response that my letter will be added to the record does not actually address the inquiry. To clarify, the question I asked is whether ODAV will confirm that the Oregon Aviation Board will adopt the master plan with land use findings pursuant to OAR 738-130-0055(6), and any appeals of that adoption will be completed, prior to ODAV or the OAB signing the Airport Layout Plan and prior to confirming to the FAA that the master plan is consistent with local land use and zoning pursuant to grant assurance number 6.

Please answer yes or no, and include the answer in the record.

Further, to Mr. House:

Will the FAA confirm that it will not sign the Airport Layout Plan or conclude that grant assurance number 6 is satisfied until the Oregon Aviation Board has adopted the master plan with land use findings pursuant to OAR 738-130-0055(6) and successfully resolved any appeals thereof under Oregon law?

Please answer yes or no, and include the answer in the record.

Sincerely

Ben Williams

Friends of French Prairie

On Tue, Feb 18, 2025 at 8:43 AM SUGAHARA Kenji <[Kenji.SUGAHARA@odav.oregon.gov](mailto:Kenji.SUGAHARA@odav.oregon.gov)> wrote:

Mr. Williams,

Thank you very much. Your letter will be added to the ongoing master plan record and both the Department and the Board intend that any final decision made with respect to the master plan, including state agency coordination findings supporting that plan, will be made in accordance with the applicable state and federal law.

Sincerely,

**KENJI SUGAHARA**  
OREGON DEPARTMENT OF AVIATION  
DIRECTOR



OFFICE 503-378-2340

EMAIL [kenji.sugahara@odav.oregon.gov](mailto:kenji.sugahara@odav.oregon.gov)

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**From:** Ben Williams <[fofp99@gmail.com](mailto:fofp99@gmail.com)>

**Sent:** Monday, February 17, 2025 11:04 AM

**To:** STEPHENS Cathryn E <[CStephens@eugene-or.gov](mailto:CStephens@eugene-or.gov)>; SUGAHARA Kenji <[Kenji.SUGAHARA@odav.oregon.gov](mailto:Kenji.SUGAHARA@odav.oregon.gov)>

**Cc:** House Timothy <[Timothy.A.House@faa.gov](mailto:Timothy.A.House@faa.gov)>; Doyle, Peter (FAA) <[peter.doyle@faa.gov](mailto:peter.doyle@faa.gov)>; WARNER Chris \* GOV <[Chris.WARNER@oregon.gov](mailto:Chris.WARNER@oregon.gov)>; WYTOSKI Beth \* GOV <[Beth.Wytoski@oregon.gov](mailto:Beth.Wytoski@oregon.gov)>; AHRENS Melissa \* DLCD <[Melissa.Ahrens@dlcd.oregon.gov](mailto:Melissa.Ahrens@dlcd.oregon.gov)>; Austin Barnes <[abarnes@co.marion.or.us](mailto:abarnes@co.marion.or.us)>; Guile-Hinman, Amanda <[guile@ci.wilsonville.or.us](mailto:guile@ci.wilsonville.or.us)>; Joseph Schaefer (<[jschaefer@ci.aurora.or.us](mailto:jschaefer@ci.aurora.or.us)>); <[jschaefer@ci.aurora.or.us](mailto:jschaefer@ci.aurora.or.us)>; <[mk@friends.org](mailto:mk@friends.org)>

**Subject:** Communication re: Aurora Airport Master Plan Adoption and Compatibility Process

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Chair Stephens and Director Sugahara;

Please see the attached letter regarding the approval and adoption process for the Aurora Airport Master Plan in addition to the process for compliance with local comprehensive plans and statewide planning goals.

The intent is to clarify confusion resulting from what the PAC and Aviation Board have been told versus the statutory requirements that apply.

Sincerely

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Ben Williams  
Friends of French Prairie  
[fofp99@gmail.com](mailto:fofp99@gmail.com)

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Ben Williams  
Friends of French Prairie  
[fofp99@gmail.com](mailto:fofp99@gmail.com)

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Ben Williams  
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