

February 25, 2025

VIA EMAIL ONLY

Tony Beach
State Airports Manager
Oregon Department of Aviation
3040 25th Street SE
Salem, OR 97302
Email: Anthony.beach@odav.oregon.gov

Cathryn Stephens
Oregon Aviation Board
Oregon Department of Aviation
3040 25th Street SE
Salem, OR 97302
Email: mail.aviation@odav.oregon.gov

Re: Draft Airport Layout Plan Sketch

Dear Mr. Beach and Ms. Stephens:

Thank you for hosting the Public Advisory Committee meetings for the new Aurora State Airport Master Plan. We represent Smith Aurora, LLC which owns tax lots 1400 and 1500 on the west side of Highway 551, which are zoned Exclusive Farm Use. On these and adjacent tax lots, large greenhouses and open fields grow food crops and flowering plants for distribution throughout the Pacific Northwest. Smith is a family business which has made significant capital investments in the farm and employs 180 workers. The Master Plan would diminish Smith's ability to adequately supply its customers. Therefore, Smith does not support the current draft Airport Layout Plan in the proposed Master Plan.

The draft Airport Layout Plan sketch illustrates that a broad strip of property will be taken from Smith's property for the relocation of the highway. It is important for ODAV to understand the adverse impacts to Smith's farm operations which would result from that taking to the property, which means there is no room left for essential truck operations and the septic drain fields. Specifically, the taking will eliminate much of the truck maneuvering area and hamstringing the shipping operations, and thereby increase operational costs and reduce farm income after the project is complete. It also would eliminate half of the parking for full size tractor trailers. The taking will displace the large septic field which abuts the current right-of-way. Relocation of those two uses onto other areas of the property is problematic due to the location of the existing greenhouses. Finally, the taking will displace existing fields along the southern highway frontage where crops currently grow. Those relocations will reduce the areas available for growing crops with a corresponding reduction in farm income.

ODAV should anticipate a considerable cost to cure these problems, and thus substantial severance damages for the taking. In an earlier meeting, ODAV's consultant David Miller stated that the cost estimates for acquiring property were derived using the assessor's market value. But the assessor does not measure severance damages. Thus far we have not seen any indication that severance damages for any impacted property are included in the Capital Improvement Plan cost estimate for the highway relocation (or in the costs of other property acquisitions shown on the draft plans). That financial omission must be corrected before the plan is submitted to the FAA or the Oregon Aviation Board if those decision makers are to have a realistic cost estimate. And legally speaking, adoption of

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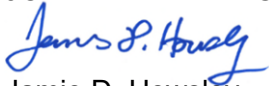
the plan by the Oregon Aviation Board must address the statewide planning goals and thus, under Goal 2, be supported by an adequate factual base. See OAR 660-015-0000(2). If ODAV simply disregards this testimony and the testimony of others regarding the severance damages to their properties, then any decision adopting the plan will lack substantial evidence to support it. *Columbia Pacific v. City of Portland*, 289 Or App 739, 757, 412 P3d 258, rev den, 363 Or 390 (2018).

Many participants in the PAC meetings have noted the very large public cost for moving the highway, especially in relation to the comparatively short runway extension and the small number of benefitted airport users. The alternative airports including Salem, McMinnville, and Hillsboro are located in cities and already have longer runways and ample areas for additional hangars, without adversely impacting Smith's farm operations. ODAV and OAB should recognize that the region has nearby alternatives for the planes that need longer runways. Under Oregon land use law, ODAV cannot expand its urban airport onto land zoned for Exclusive Farm Use when nearby airports have ample aviation facilities for the private jets that the runway extension and highway relocation are intended to serve. See OAR 660-004-0020(2)(b) ("Areas that do not require a new exception cannot reasonably accommodate the use.").

Thank you for your attention to this matter.

Sincerely,

JORDAN RAMIS PC



Jamie D. Howsley

Admitted in Oregon and Washington

cc: Peter Rempp, Smith Gardens, Inc.
Mayor Sean O'Neil, oneil@wilsonvilleoregon.gov
Mayor Brian Asher, mayor@ci.aurora.or.us
Kenji Sugahara, ODAV, kenji.sugahara@odav.oregon.gov
Melissa Ahrens, DLCD, melissa.ahrens@dlcd.oregon.gov
Brenda Bateman, DLCD, dlcd.director@dlcd.oregon.gov
Gordon Howard, DLCD, gordon.howard@dlcd.oregon.gov
Dan Rayfield, Attorney General, AttorneyGeneral@doj.oregon.gov
Chris Warner, Governor's Office, Chris.Warner@oregon.gov