

April 17, 2023

To: Senate Committee on Rules

Senator Kate Lieber, Chair

Senator Tim Knopp, Vice-Chair

Senators Bill Hansell, James Manning, Jr., Elizabeth Steiner

900 Court Street NE, Room 453

Salem, OR, 97301

Re: Confirmation of Kenji Sugahara as Director of Department of Aviation

We write to raise concerns that we hope you will address in the upcoming confirmation hearing of Kenji Sugahara for the position of Director of the Oregon Department of Aviation (ODAV). Our principal questions: why won't this state agency comply with Oregon land use law and why won't they work with the local communities to mitigate impacts?

It should be noted that ODAV is overseen by the State Aviation Board, about whom the Board's web page says members "are appointed by the Governor, and represent aviation and community interests from the public and private sectors statewide."

You are likely aware that the Aurora Airport is one of ODAV's 33 state airports, but one which has been embroiled in years of legal disputes that followed a terrible 2012 master planning process led by ODAV. That master planning process was so poor and contested that in 2018 the Legislature's Emergency Board commissioned an assessment by Oregon Solutions. Among the findings were sixteen substantive issues that included a broken public process, questionable interagency coordination, Dept. of Aviation capacity, lack of trust, poor public communication, and questions about who benefits by ODAV decisions. [See attached summary. The Oregon Solutions report can be downloaded [here](#).]

The experience of the last decade, substantiated by the Oregon Solutions Assessment Report, is that neither the Aviation Board nor ODAV represent both aviation AND community interests. Rather, both are focused on promoting and expanding aviation at the expense of community interests, ignoring impacts on quality of life and protection of farm land—pursuing an agenda that is shaped by the private interests at the Aurora Airport.

This can be found not only in the lack of public transparency even under threat of legal action, but in the string of legal losses before the Land Use Board of Appeals, the Oregon Court of Appeals and the Oregon Supreme Court demonstrating that ODAV has willfully broken land use law for the purposes of expanding the Aurora State Airport.

Both ODAV and the Aviation Board have resisted meeting with impacted communities and local interest groups for over a decade, and have stridently supported legal defenses which have not only failed but have we estimate have cost Oregon taxpayers in excess of \$300,000! As simple a request as meeting with the Mayors of Wilsonville and Aurora have been rebuffed! At the same time, support and direction from the commercial interests at Aurora have not only been accepted but followed—contrary to advice from the Department of Justice.

We now learn that ODAV has requested \$250K from the General Fund in the coming biennium for legal expenses. We can only assume this is principally to pay for legal expense associated with the 2012 Aurora Airport master plan and anticipated legal challenge to the current master plan process. That implies a decision to legally fight opposition to expansion at Aurora rather than complying with Oregon land use laws and working cooperatively with local communities.

We believe it is time for a break with the past behavior patterns, and for a move to an approach that balances aviation and community interests and is not driven but profit motives.

That new approach can and should begin with the appointment of the next Director at ODAV.

Sincerely

A handwritten signature in blue ink that reads "Benjamin D. Williams". The signature is written in a cursive style and is positioned above a light blue rectangular stamp.

Ben Williams, President

AURORA, OR; January 18, 2019

Oregon Solutions Assessment Report identifies *sixteen Substantive Issues* concerning the Aurora State Airport

On Dec. 12, 2018, [Oregon Solutions](#) (College of Urban and Public Affairs at Portland State University) delivered to the Legislative Emergency Board a requested Assessment Report regarding the Aurora State Airport. The legislative request was made in response to the significant opposition presented to the Emergency Board on Sept. 24 when the Department of Aviation requested of the legislature “retroactive permission” to apply to the FAA for \$37 million in funds to expand the Aurora Airport. This permission to apply for FAA funds is in conflict with the current Master Plan for the Aurora State Airport, (about which there is significant concern that it was not legally adopted) which describes a future 1,000 foot runway extension estimated to cost \$7.1 million.

Oregon Solutions was engaged to conduct an “impartial assessment” including:

- A civil and accurate dialog by conducting an assessment of local governments, community members, and key stakeholders of the airport
- Frame the key issues of the diverse stakeholders around the expansion
- Identify information and process needs

The resulting document, *Aurora State Airport Assessment Report* (December, 2018) was a comprehensive assessment by an objective and well reputed third-party organization.

In the Findings section of the Assessment Report, Oregon Solutions identified sixteen **Substantive Issues**:

- **Cost of the Aurora State Airport Runway Extension:** the escalation from \$7.3M in the 2012 Master Plan to the \$37M in the FAA application with lack of clarity as to what the money buys. [page 15]
- **Safety:** improving aviation safety has become the major stated justification, but the safety problems are self-created due to basing corporate jets at Aurora that are beyond the airport’s design specifications. [page 15]

- **Noise:** the airport has a noise abatement procedure, but it is voluntary and frequently violated and the noise problems for Aurora, Charbonneau and Wilsonville promise to worsen not improve. [page 16]
- **Surface Traffic (Motor Vehicle):** essentially no traffic impact assessments have been done and few surface road improvements, and ODOT has opposed airport expansion due to traffic impacts on the I-5 Boone Bridge which is already beyond capacity and causing serious congestion in Wilsonville. [page 16]
- **Land Use:** Annexation/Zoning/County Comprehensive Plan
 - Annexation: the airport's sewer and water problems likely cannot be solved without annexation by City of Aurora which the airport opposes.
 - Farmland / EFU: airport expansion will have significant impact on surrounding EFU farmland in terms of 1) property purchased for the expansion, and 2) development pressure on surrounding farmland.
 - Marion Co. Land Use Decision: the 2012 Master Plan with runway extension was not "adopted" by Marion County, but was "acknowledged" in terms of the County comprehensive plan. [page 17]
- **Public Process:** a "broken public process" compounded by "lack of clarity about the distinction between the function and purpose of an airport master plan that is under the guidance of the FAA and ODA, versus land use impacts that are under the jurisdiction of local governments and the State of Oregon." [page 18]
- **Interagency Coordination:** significant questions exist about the validity of ODA's state agency coordinating agreements (carried forward from ODOT) until creation and approval of their own SACs. [page 19]
- **Constrained Operations:** a critical data point to secure FAA funding and one subject to manipulation by the consultant doing the study and ODA granting waivers to oversized aircraft. [page 19]
- **Air Pollution:** No assessment of air pollution impact due to expansion have been conducted. [page 20]
- **Airport as an Emergency Operation Location:** though the expansion continues to be sold in terms of emergency response, the State's geology maps show the southern half of the existing airport subject to liquefaction in the event of a major earthquake, and thus its unavailability for emergency or disaster response. [page 20]
- **Employment:** the range of job growth based on airport expansion is extremely large (1,200 to 4,000 jobs) and no assessment has been done of local and regional impacts (infrastructure, traffic, etc.). [page 20]
- **Dept. of Aviation Capacity:** significant questions have been raised about the Dept. capacity and capability to carry out its mission with its staffing levels and lack of permanent leadership. [page 20]
- **Trust:** the identified broken public process and appearance of expansion for the benefit of the few at the expense of the many have resulted in a significant lack of trust. [page 21]

- **Communications:** Public communication is widely seen as being characterized by a lack of clarity regarding the process, purpose and outcomes and characterized by communication and coordination gaps between and among decision making agencies and jurisdictions. [page 21]
- **Who Benefits:** Significant concern exists about who benefits including which business interests and jurisdictions, and at what expense does expansion occur, especially in terms of the state's goal to preserve farm land. [page 22]
- **Community Solidarity:** A significant level of community solidarity exists in spite of the challenges and frustrations, but taking advantage of this will require constructive deliberation to inform future decisions. [page 22]

The Assessment Report also includes specific **Process Recommendations** including:

- **Information, Facts and Procedural Requirements:** These include the provision of third-party experts, review of land use rules and conducting a seismic review. [page 23]
- **Communications and Engagement:** important identified communications requirements include meaningful public engagement, resources, clarifying facts and fair information sharing. [page 23]
- **Noise abatement:** significant differences exist regarding effectiveness of the current noise abatement program and opportunities for improvement exist. [page 24]
- **Long Term Vision:** Lack of clarity about a long-term vision has contributed to the conflict and is compounded by the absence of how the Aurora Airport fits into the regional aviation system. [page 25]

We encourage all parties interested in the Aurora State Airport, regardless of position on expansion, to read this report in its entirety and consider the implications of the number of significant issues which this outside, third-party assessment identified.

The *Oregon Solutions Aurora State Airport Assessment Report* can be downloaded in PDF [here](#).