From:	Perry Nickerson
To:	Oregon Department of Aviation
Subject:	Written Comment Submission - Aurora Master Plan - Aurora Airport Improvement Association (AAIA)
Date:	Tuesday, November 3, 2026 8:16:49 AM
Attachments:	AAIA Comments (Kellington Law Group) - KUAO Master Plan - 11032026.pdf AAIA Written Comment KUAO Master Plan - 11032026.pdf

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Dear Oregon Department of Aviation,

On behalf of the Aurora Airport Improvement Association (AAIA), I am submitting the two attached documents as written public comment on the Aurora State Airport (KUAO) Draft Final Airport Master Plan and Airport Layout Plan:

1. AAIA Comments (Kellington Law Group) - KUAO Master Plan - 11032026
2. AAIA Written Comment KUAO Master Plan - 11032026

Please include both documents in the public record for the State Aviation Board's review ahead of the December 3, 2026 public hearing, and reply to confirm that you have received both.

Thank you for the opportunity to comment.

Best,
Perry Nickerson
President, AAIA
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November 3, 2026

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

Re: Aurora Airport Improvement Association's Objections to the Draft Final Aurora State Airport Master Plan and Proposed State Agency Coordination Findings

Dear Oregon Department of Aviation and Members of the Oregon Aviation Board:

This letter is written on behalf of the Aurora Airport Improvement Association ("AAIA"), whose members include aviation businesses, aircraft owners, and other stakeholders with substantial investments in the continued operation and development of Aurora State Airport ("Airport" or "UAO"). Please include this letter in the record of the above matter.

AAIA submits these objections to the proposed Aurora State Airport Master Plan ("Master Plan") and the proposed State Agency Coordination Findings ("SAC Findings") under ORS 197.180 and OAR 738-130-0055.

AAIA supports a Master Plan that genuinely advances the safety, capacity, operational capabilities, and economic vitality of Aurora State Airport. It supports the FAA-justified 497-foot northward extension of Runway 17/35. AAIA does not agree that every existing deviation from a geometric design standard presents a material safety hazard, or that the only lawful means of addressing the western Runway Object Free Area (ROFA) is the costly relocation of Hubbard Highway. The record contains airport planning expert Aron Faegre's unrebutted, quantified, site-specific engineering risk assessment demonstrating that an FAA Modification of Standards (MOS) can provide an acceptable level of safety without relocating Hubbard Highway. ODAV has failed to meaningfully evaluate that evidence or the substantially less costly and disruptive MOS alternative. That omission violates the affirmative planning obligations imposed by Statewide Planning Goal 2, which requires an adequate factual basis and evaluation of alternative courses of action, and undermines the findings ODAV must adopt under ORS 197.180(1) and OAR 738-130-0055(4)–(6). ODAV cannot lawfully characterize a $50.45 million highway relocation as necessary for safety without addressing the engineering evidence demonstrating otherwise, evaluating the FAA's expressly authorized MOS procedure, and explaining why the available alternative cannot adequately address the identified safety concern.

The proposed Master Plan and State Agency Coordination Findings fail in several respects. ODAV postpones even the preliminary work for an FAA-justified runway improvement; treats an approximately $50.45 million highway relocation as an indispensable prerequisite to needed

runway work and extension without adequately evaluating an expressly authorized, substantially less disruptive ROFA alternative; fails to adequately include privately owned through-the-fence aviation facilities in its principal facility-needs planning; fails to reconcile the Master Plan and ALP with Marion County's adopted airport plans and subsequent approvals; and discounts substantial record evidence concerning the Airport's statewide emergency-response and economic functions. These deficiencies in the legal and factual foundation for the proposed master plan must be resolved.

AAIA therefore objects to adoption of the Master Plan and SAC Findings. The Board must independently assess the entire record and adopt an evidence-based development program consistent with its statutory responsibilities, including ORS 836.640 through ORS 836.642. It cannot simply accept ODAV's legally unsupported premises that federal law forecloses consideration of a ROFA Modification of Standards during master planning or that the State's responsibility to plan for Aurora's aviation development is limited to property owned and managed by ODAV. The Legislature has imposed independent planning duties on ODAV and the Board.

I. ODAV must discharge its affirmative statutory duty to develop and promote aviation, not merely identify obstacles to doing so.

Oregon's aviation statutes impose affirmative planning and development responsibilities upon the State Aviation Board and ODAV. ORS 835.015 directs the Board, with ODAV's advice, to incorporate a plan for the development of airports and aviation generally into its program, and to cooperate with public and private parties in developing aviation activities. ORS 835.035(3) requires the Board to exercise its authority in furtherance of the public interest and safety and to develop and promote aviation. ORS 835.040 requires Board rules and regulations to remain in conformity, as nearly as may be, with governing federal aviation legislation and standards. These duties must inform the Board's choice of a preferred alternative and its treatment of private aviation development.

Remarkably, the proposed Master Plan and SAC Findings do not meaningfully acknowledge or apply these fundamental statutory responsibilities. Chapter 2, page 2-48, merely lists ORS Chapter 835 among the laws governing Oregon aviation, without identifying or analyzing the affirmative duties imposed by ORS 835.015, ORS 835.035(3), and ORS 835.040. Nor do the proposed SAC Findings examine those duties or explain how they informed ODAV's selection of the preferred alternative. The omission is particularly significant because the Master Plan expressly recognizes, at Chapter 1, page 1-2, that its recommendations represent the airport sponsor's own development policies and do not necessarily reflect the views of the FAA. ODAV thus acknowledges that the master plan's development program is its own policy choice, yet fails to evaluate that choice against the Oregon statutes that govern the exercise of its planning authority.

The consequences are evident in the proposed master plan: an FAA-justified runway extension is subordinated to an approximately $50 million highway relocation unsupported by a demonstrated safety necessity, and privately owned aviation facilities are largely excluded from

meaningful development planning notwithstanding the Legislature's express direction to promote through-the-fence aviation development at Aurora.

The Board cannot fulfill its independent statutory responsibilities by simply adopting a program responsive to FAA design preferences while failing to determine whether that program actually advances the aviation safety, development, and economic objectives the Oregon Legislature has directed it to serve.

Furthermore, ORS 836.600 establishes Oregon's policy of encouraging and supporting the continued operation and vitality of its airports, including commercial and recreational aviation. OAR 660-013-0010 implements that policy. These requirements demand a development program directed to demonstrated aviation needs, not the elevation of geometric conformity over a needed runway safety improvement.

Disappointingly, the Master Plan fundamentally misplaces the State's aviation safety priorities. For more than a decade, Aurora State Airport has needed a runway extension to address the operational and safety limitations of its existing runway. The FAA has expressly determined that the 497-foot extension is justified. Yet the Master Plan relegates that necessary safety improvement to a distant and uncertain future, effectively conditioning its implementation on the expenditure of approximately $50 million to unnecessarily relocate Hubbard Highway. That extraordinary expenditure is not justified by any demonstrated safety need.

To the contrary, Aron Faegre's unrebutted, site-specific expert risk assessment establishes that the existing runway configuration presents an exceedingly low risk and supports a Modification of Standards (MOS) that would provide an acceptable level of safety without relocating the highway. The applicable ROFA dimensional standard is expressly eligible for modification under the FAA's own regulations and guidance. Relocating Hubbard Highway is therefore not an unavoidable safety requirement; it is an extraordinarily expensive exercise in achieving geometric conformity with a design standard that the FAA expressly permits to be modified. Respectfully, the proposed Master Plan elevates formal compliance with a modifiable design standard over an actual, long-recognized aviation safety need. By making an unnecessary $50 million highway relocation the effective prerequisite to a justified runway extension, ODAV subordinates meaningful safety improvements to a largely ceremonial exercise in design conformity, contrary to its statutory obligations to protect public safety and promote the development of aviation under ORS 835.015 and ORS 835.035(3), and to foster through-the-fence aviation development at Aurora under ORS 836.642.

A federal agency's technical advice does not alter those statutory responsibilities that the Oregon legislature has imposed on ODAV, especially where the federal agency advice imposes a categorical restriction that the published federal rules governing that advice, <u>do not contain.</u> ODAV remains the airport sponsor, and the FAA's Airport Master Plans guidance identifies the airport sponsor as the entity whose development policy is reflected in the plan. FAA AC 150/5070-6B, paragraph 205.a.

ODAV and the Aviation Board have independent statutory responsibilities to determine the Airport's development and safety needs and to adopt a plan that advances those needs consistent with state and federal law. Their role is not to serve as scriveners for FAA staff preferences, particularly where those preferences are neither compelled by federal law nor supported by a demonstrated safety need. The Board must exercise its own judgment, critically evaluate the FAA's recommendations against the governing legal standards and available evidence, and determine whether the proposed improvements actually advance the Airport's safety, operational capacity, and long-term development.

In this regard, neither the proposed Master Plan nor the SAC Findings meaningfully addresses the Legislature's express directive that ODAV encourage and support private through-the-fence aviation development at Aurora State Airport. The proposed SAC Findings do not even cite ORS 836.642, much less evaluate whether the preferred alternative advances the statute's express objectives of creating family-wage jobs, expanding the local tax base, preserving existing aviation investments, and fostering private aviation development. The Master Plan acknowledges the existence of through-the-fence operations and counts the aircraft and activity they generate, yet expressly limits its principal facility-needs planning to property under ODAV's direct ownership and management.

ODAV has thus undertaken a master planning process for the very airport the Legislature specifically designated for private aviation development without applying the statute that governs and promotes that development. The omission is reflected in a preferred alternative that largely excludes privately owned aviation facilities from future development planning and instead designates approximately 152 acres of private aeronautical property for potential State acquisition. The Board cannot discharge its statutory responsibilities by acknowledging the economic benefits of private aviation activity while failing to plan for the continued private investment and development the Legislature expressly directed ODAV to encourage.

ODAV has improperly ignored in its findings and in the proposed master plan, that the legislature singled out the Aurora State Airport for participation in a statutory program intended to foster private aviation-related economic development. ORS 836.642(1) directs ODAV to establish a through-the-fence pilot program to promote economic development through family-wage jobs, expansion of local tax bases, and increased financial support for airports. ORS 836.642(2)(a) expressly requires that the program operate at Aurora State Airport. The program emphasizes public-private partnerships, innovative aviation technologies, competitive aviation services, and the continued development of customary aviation activities.

ORS 836.642(3) further directs ODAV to adopt standards and guidelines that, among other objectives:

- Coordinate through-the-fence facilities and their site plans with airport boundaries and master planning;
- Preserve investments at participating airports and the level of service they provide;

- Ensure equitable treatment of airport tenants and users;
- Advance orderly economic development through customary aviation-related activities;
- Maintain airport safety and emergency-response capabilities; and
- Support conformity with approved airport master plans.

ORS 836.640 establishes definitions applicable to this statutory program, including the relationship between airport boundaries and privately owned properties served by direct aircraft access.

LUBA's July 29, 2026 decision affirmed Marion County's comprehensive plan amendment expanding the Aurora State Airport boundary to include privately owned property adjacent to the airport, which Marion County decision the County asked the Board to reflect in its master plan and which decision the proposed master plan and findings, ignore. Id. at 79. LUBA's decision also confirms that privately owned aviation facilities are part of the public-use-airport framework: "the regulatory scheme allows privately owned land and private operations within the boundaries of a public use airport as airport uses." Schaefer v. Marion County, LUBA Nos. 2025-085/086/087 and 2026-001/002 (July 29, 2026), slip op at 36. ODAV must account for the County-approved boundary in the Master Plan and ALP.[1]

These statutory responsibilities cannot be reconciled with ODAV's apparent assumption that its master planning obligations extend only to facilities under its direct ownership and management. The Legislature expressly directed ODAV to promote private through-the-fence aviation development at Aurora and to coordinate that development with the Airport Master Plan. ORS 836.642(1)–(3). ODAV cannot disregard that directive by excluding privately owned aviation facilities from meaningful facility-needs planning while counting the aircraft and operations those facilities support. Nor may ODAV treat FAA staff preferences as substitutes for its own statutory planning responsibilities. In both respects, ODAV has improperly narrowed its responsibilities under Oregon law: treating a modifiable federal design standard as mandatory while treating the Legislature's express mandate to plan for private aviation development as optional. The Board must reject both premises and exercise the independent judgment required by its statutory charge to develop and promote aviation throughout Oregon.

The Court of Appeals described the existing airport boundary as including "state-owned airport property and, in addition some privately owned property" (620-21); describes that boundary as encompassing what is now the "public use airport", states that is the "airport boundary" where airport uses are allowed to occur (p 622-23), states that the boundary "establishes the size of the

[1]Opponents of the Aurora State Airport have appealed LUBA's decision affirming Marion County's airport boundary expansion to the Oregon Court of Appeals. The pendency of that appeal does not relieve ODAV or the Aviation Board of their statutory obligations to coordinate with Marion County and account for the County's adopted comprehensive plan and land use decisions in the Airport Master Plan. Nor may the continued opposition to airport development serve as a justification for disregarding Marion County's duly adopted planning decisions or deferring the Board's independent responsibilities under ORS 197.180(1) and OAR 738-130-0055(6).

airport" (p. 627), states that such airport boundary may be expanded to support airport uses (p. 627-628), and that such airport boundary expansion is necessary for through-the-fence and other airport uses to occur, and observing that the legislature required ODAV to recognize a through-the-fence operation's submitted site plan, incorporate it "into the airport boundary and coordinate the through the fence operation with the other aspects of the master plan" (p. 634).

The court also explained that that process "—is for the purpose of allowing the real property on which through the fence operations are located to be incorporated into the airport boundary and coordinated with the other aspects of the airport master plan" (p. 635).

Under that statutory framework for private through the fence operations at the Aurora Airport, the court concluded "it remains clear that an increase in the size of a public use airport like Aurora State occurs when the local government, in compliance with OAR chapter 660, division 13, adopts a map showing an expanded airport boundary. (p. 638). (Emphasis supplied.) Marion County subsequently approved a boundary expansion that LUBA affirmed, and the County raised that approval in its comments on the proposed Master Plan. The County has approved an amendment to its Comprehensive Plan that expands the Aurora Airport boundary and the through the fence operator has submitted that approved site plan to ODAV under ORS 836.642(3)(b) and corresponding ODAV rules adopted to implement that adoption. As the County explains in its comments, ODAV may not ignore those facts in its master plan and the proposed version and draft findings mistakenly ignore those facts.

The proposed SAC Findings themselves recognize the Airport's exceptional economic importance. At page 10, the findings identify Aurora as a Category II Urban General Aviation Airport, report approximately 2,672 jobs associated with Airport operations, and recognize more than $22 million in annual sales attributable to general aviation visitors. The findings further recognize that Aurora supports more employment than any other Oregon airport except Portland International Airport. The proposed master plan jeopardizes, rather than advances those interests.

Accordingly, AAIA specifically objects to ODAV's failure to make the choices required of it as the State's aviation advocate: identify the Airport's actual needs; evaluate technically supported, lawful means of meeting them; preserve operationally essential private investment; prioritize improvements that expand capability; provide an attainable capital program and show the airport boundary as the Court of Appeals required. The Board should require affirmative findings addressing each responsibility before it adopts any final plan and its ultimately adopted plan must be consistent with these requirements.

II. Deferring the FAA-justified runway extension while prioritizing an unsupported $50 million ROFA solution fails to implement ODAV's statutory aviation mission.

AAIA supports extending Runway 17/35 by 497 feet to provide a total runway length of 5,500 feet. The extension will improve the Airport's ability to accommodate existing and anticipated aircraft operations and will provide important operational and safety benefits.

The FAA's April 6, 2026 conditional Airport Layout Plan ("ALP") approval letter expressly states:

> "Runway extension to 5,500' (497' to the north) is justified, inclusive of taxiways."

This federal finding confirms that additional usable runway length is justified by actual aviation needs; the aviation need for the extension is not speculative. The Board's master plan must then respond to that need with a meaningful implementation program, and errs in relegating that needed project to the end of an uncertain capital schedule.

Yet proposed master plan Chapter 7, pages 7-3 through 7-4, places the 497-foot runway extension, its environmental review, and its design outside the initial five-year capital program. Table 7-1 estimates approximately $23.697 million for the runway/taxiway extension's environmental review, design, and construction combined. It instead and inexplicably places approximately $50.453 million in environmental, acquisition, design, and construction costs for relocating Hubbard Highway in the program ahead of the needed runway extension and ahead of all of the runway extension's associated preconstruction work. The resulting sequencing improperly gives an expensive road project priority over work needed to realize an already-justified aviation improvement.

The premise that Hubbard Highway must first be moved to eliminate every western ROFA dimensional deviation is wrong as demonstrated in the detailed technical evidence already in the record. Aron Faegre's August 29, 2024, risk assessment supports a site-specific ROFA MOS and identifies incremental measures that could improve the existing condition without an approximately $50 million road relocation whose necessity has not been established. The ROFA is an FAA design standard, but it is also a category expressly eligible for a modification of standards. ODAV's proposed master plan has not shown why the MOS pathway is unavailable or unacceptable at Aurora, or why highway relocation is the only reasonable course. As a result, ODAV's unexplained planning choice does not result from an unavoidable legal command and respectfully, fails to discharge ODAV and OAB's state mandated aviation supporting mandate.

The capital program should instead advance the runway extension promptly and evaluate, in parallel, all feasible means of addressing genuinely material safety needs. At a minimum, ODAV should:

1. Commence the runway extension's environmental review, engineering, funding development, and land use coordination in the initial five-year period rather than categorically deferring those tasks;

2. Submit and support a formal site-specific ROFA MOS request addressing the existing western condition, or disclose the formal decision denying such a request and the safety evidence supporting that decision;

3. Evaluate an MOS and incremental fence/other improvements against the highway relocation on comparable safety, operational, land acquisition, environmental, funding, and schedule assumptions;

4. Explain the relationship between near-term runway rehabilitation and later reconstruction/extension, including whether the proposed work duplicates expenditure or delays the justified extension; and

5. Set milestones and realistic sources of funds for runway extension design, approvals, and construction, without treating compliance work for other airfield features as a reason to postpone all preparatory work.

Plainly, the FAA's April 6, 2026, conditional ALP approval is not construction funding or an environmental approval. But that is not an excuse for delay. NEPA review, land use approvals, design, and funding applications take time; ODAV should begin them promptly. The FAA's desire to address existing design deficiencies likewise does not establish that it is legally impossible to pursue a ROFA MOS, incremental mitigations, or concurrent extension planning. ODAV may not convert disputed assumptions into absolute prerequisites and then rely on the resulting self-imposed delay to evade its aviation-development mission.

Proposed master plan Chapter 7 expressly contemplates that projects left unbuilt at the end of the twenty-year planning period may simply be reevaluated at a later date. That is not an adequate plan for this justified aviation improvement that is needed now for safety. The Board must either explain with substantial, project-specific evidence why the documented MOS alternative is insufficient and why delaying the runway work is necessary, or revise the master plan and its CIP to advance the runway as a short term priority project and a less disruptive approach to the ROFA. Without that analysis, the proposed findings that the Master Plan complies with law, including Goals 2, 9, and 12 are unsupported.

III. The Master Plan Fails to Preserve, Integrate, and Plan for the Privately Owned Aviation Facilities That Make Aurora a Statewide Asset.

AAIA previously objected to alternatives that would have required acquiring or demolishing substantial existing private aircraft hangars to accommodate a parallel taxilane and vehicle service road. ODAV properly removed the proposed full-length parallel taxilane and associated hangar demolition from the preferred alternative (Master Plan ch. 5, pp. 5-36–5-37). However, the retained east-side apron acquisition remains objectionable because it threatens the functional use of existing hangars, as explained below.

The proposed Master Plan fails to adequately identify, preserve, and plan for the land and facilities necessary to accommodate existing and future privately owned aviation development. The Master Plan itself establishes the need for such planning. Chapter 4 identifies approximately 971,100 square feet of existing hangar space and acknowledges that existing hangars are operating at or near capacity. Chapters 2 through 4 recognize substantial corporate and business aviation activity, aircraft maintenance, flight training, fixed-base operators, and other specialized aviation services. These uses depend upon adequate hangars, aircraft parking, apron space, maneuvering areas, and supporting facilities. The Master Plan acknowledges the demand for these facilities but fails to adequately plan for their preservation and expansion.

Instead, the preferred alternative concentrates its specifically depicted new hangar development on limited ODAV-owned landside property while designating approximately 152 acres of adjacent privately owned aeronautical property as an aeronautical reserve for possible future acquisition by ODAV from willing sellers. The proposed State Agency Coordination Findings ("SAC Findings"), at pages 6–7 and 24, expressly acknowledge that this designation is intended solely to preserve potential eligibility for FAA acquisition funding and that no particular improvements are planned on the reserved land.

ODAV's ownership-based approach to master planning is fundamentally incompatible with the Legislature's express direction for Aurora State Airport. ORS 836.642 requires ODAV to encourage and coordinate through-the-fence aviation development, not merely acknowledge privately owned facilities when calculating demand for State-owned runways and taxiways. ODAV cannot count private aircraft and aviation activity to justify public improvements, then exclude the privately owned facilities that accommodate those operations from meaningful development planning. The statutory obligation follows the Airport's aviation needs, not the boundaries of State ownership. ODAV's contrary approach improperly excludes the vast majority of Aurora's existing aircraft storage capacity from the very planning process intended to ensure the Airport's continued operation and growth.

The Legislature expressly directed ODAV to encourage private investment, preserve existing investment, and promote through-the-fence development at Aurora under ORS 836.642. Instead, ODAV designates nearly the entire privately developed side of the Airport for possible State acquisition, creating uncertainty for the very development the Legislature directed it to support. ODAV identifies no improvement requiring State ownership, no development program for the reserved properties, and no present acquisition plan or commitment. The designation merely preserves the possibility of FAA funding should an owner later wish to sell.

FAA funding eligibility is a possible means of implementing an airport development plan; it is not an independent justification for replacing the Legislature’s private-development objectives with a speculative State acquisition reserve. ORS 835.015 and ORS 835.035(3) impose affirmative aviation-development responsibilities, and ORS 836.642(1), ORS 836.642(2)(a), and ORS 836.642(3)(b) specifically direct ODAV to encourage Aurora’s through-the-fence development and coordinate private facility site plans with airport master planning. ODAV has demonstrated no airport-development benefit from subordinating those duties to hypothetical acquisition funding.

The proposed Master Plan's treatment of existing private aviation facilities confirms that ODAV has failed to give effect to these statutory requirements. Chapter 3, page 3-3, expressly limits its principal facility-needs analysis to existing and future facilities under ODAV's direct ownership and management, counting through-the-fence aircraft activity for runway, taxiway, and related facility demand without correspondingly planning for the private facilities supporting those operations. Chapter 2, page 2-44, likewise limits its landside development analysis principally to ODAV-owned facilities and eleven through-the-fence access points, treating privately owned aviation facilities largely as contextual information.

That approach disregards the fact that private aviation development is not incidental to Aurora State Airport; it is the foundation of its existing aviation capacity. According to the Master Plan's January 2022 inventory, 231 of the Airport's 281 based aircraft, including 33 of its 36 based jets, are located on privately owned through-the-fence property. ODAV relies upon these aircraft to establish the Airport's operational demand and justify its facilities yet largely excludes the properties and businesses accommodating them from meaningful development planning. That is neither a rational assessment of the Airport's needs nor consistent with the Legislature's express through-the-fence development policy.

The proposed ALP compounds this deficiency. ALP Sheet 3, Note 5, labels affected private property "LAND SUITABLE FOR AIRPORT RELATED DEVELOPMENT," omitting the 1976 County-adopted Master Plan's express recognition that this land is suitable for airport-related development "UNDER PRIVATE OWNERSHIP." The proposed ALP simultaneously identifies portions of the same privately owned aviation land as a reserve for potential State acquisition (Sheet 3, Note 2; Exhibit A, Sheet 13). The omission materially changes the planning emphasis from affirmatively accommodating private aviation development to preserving the possibility of State acquisition. ODAV provides no lawful explanation for that departure from Marion County's adopted plan or the Legislature's direction to promote private aviation investment. It is axiomatic that ODAV's master plan must be consistent with the Marion County comprehensive plan. The proposed master plan is not consistent as required.

ORS 836.642(3)(b) requires standards and guidelines for submission, review, approval, and revision of through-the-fence facility site plans so that affected property may be incorporated into the airport boundary and coordinated with the Master Plan. A through the fence facility site plan has been submitted to ODAV for the TLM property and this must be accounted for in the master plan. OAR 738-014-0040(1) and OAR 738-014-0050(2) implement the coordination of those facility plans with airport planning and local land use approvals. Therefore, ODAV must account for existing and County-approved private aviation facilities as well as the facility stie plan submitted to ODAV, as integral components of the Airport's development program, not merely as properties that might someday become eligible for publicly funded acquisition.

A. The Master Plan Must Reflect Marion County's Approved Airport Boundary Expansion, Regardless of Whether Future Airport Development Is Publicly or Privately Owned.

The Airport's legally established boundary must encompass the lands identified for existing and planned airport development, regardless of ownership. OAR 660-013-0040(1)(a)–(b) requires airport-boundary planning to account for existing and planned runways, taxiways, aircraft storage, maintenance, sales, and repair facilities, together with areas needed for existing and planned airport operations. OAR 660-013-0040(4) and OAR 660-013-0040(5) further require aeronautical facility-needs projections and planning for airport expansion supported by economic and use forecasts.

In *Schaefer v. Marion County,* 318 Or App 617, 625–28, 634–38, 509 P3d 718 (2022), the Court of Appeals explained that the airport boundary establishes the geographic extent of the public-

use airport and that expansion of the boundary must occur through the applicable local land use planning process. ORS 836.616(2) authorizes customary aviation uses within airport boundaries established under LCDC rules. Property ownership does not determine the extent of those boundaries. In fact, as the Court of Appeals recognized, the Aurora State Airport boundary now includes both publicly and privately owned land. ODAV's ownership of land does not make land part of the Airport and does not authorize airport development outside the legally established boundary. Development outside the boundary must independently satisfy applicable land use requirements, including statewide planning goal exceptions where required. Within an established airport boundary, the airport uses authorized by ORS 836.616(2) and the applicable airport-planning rules may proceed without having to obtain complex land use approvals like Goal exceptions. *See Schaefer v. Marion County*, 318 Or App 617, 634–38 (2022).

Marion County has now undertaken the prescribed land use process and approved an expansion of the Aurora State Airport boundary in Case CU/CPA 24-038. LUBA expressly affirmed that comprehensive plan amendment in its July 29, 2026 decision.[2] *Schaefer v. Marion County*, LUBA Nos. 2025-085/086/087 and 2026-001/002 (July 29, 2026), slip op at 29–34, 77–79. LUBA confirmed that the Airport Planning Rule permits Marion County to approve an airport-boundary expansion requested by a private party, subject to ODAV's subsequent approvals, and that the County's exercise of its land use authority did not violate the applicable coordination requirements. LUBA further affirmed the statutory recognition of privately owned aviation facilities within a public-use airport boundary. *Id*. at 35–38.

ODAV's omission of Marion County's approved airport-boundary expansion affects both private operators and ODAV itself: future State acquisition does not authorize airport uses outside the legally established boundary. The Master Plan and ALP must depict the County-approved expansion and coordinate the lands contemplated for future airport development, whether publicly or privately owned. *See* ORS 197.180(1); OAR 738-130-0055(6); *Schaefer,* 318 Or App at 625–28, 634–38.

B. Requested Revisions

AAIA requests that ODAV revise the Master Plan and ALP to:

Accurately identify existing privately owned hangars, aviation businesses, aircraft parking, maneuvering areas, access routes, and other operationally necessary facilities;

Identify and plan for lands needed for additional hangars, aircraft storage, maintenance, repair, training, fixed-base operations, and other customary aviation uses regardless of whether in public or private ownership;

Affirmatively preserve and accommodate privately financed aviation development rather than designating existing private aeronautical property for potential State acquisition;

[2] LUBA remanded the conditional use permit (CUP) decision on a technicality – which was to tell Marion County to change the effective date of the CUP approval.

Depict Marion County Comprehensive Plan's approved airport-boundary expansion as the County requested, and include all areas contemplated for existing and future airport development in that boundary, regardless of public or private ownership, consistent with *Schaefer v. Marion County*, 318 Or App 617, 625–28, 634–38 (2022), and OAR 660-013-0040;

Evaluate and explain the effects of any proposed acquisition, building removal, relocation, or alteration of access and apron areas on existing aviation businesses and services; and

Demonstrate that the proposed development configuration provides sufficient landside capacity to accommodate existing operations and reasonably foreseeable aviation needs.

IV. Existing hangar aprons and aircraft maneuvering space must be preserved.

The Preferred Alternative identifies a roughly 35-foot-wide north–south strip of privately operated ramp east of Taxiway A for priority State acquisition. The impact cannot be measured by counting hangar buildings that remain standing. Hangars are functioning aviation facilities only if aircraft can safely enter and leave them, turn, maneuver, stage, and park on the adjoining apron. The apron in front of a hangar is part of the operational space needed to use that hangar, not surplus land available for removal without consequence.

Aircraft wingspans, turning radii, tug movements, clearances from adjacent parked aircraft, emergency access, and safe separation from taxiing aircraft determine the effective operating envelope of each hangar. A 35-foot longitudinal reduction may eliminate aircraft parking positions, prevent a larger aircraft from turning into its hangar, obstruct hangar-door access, or require aircraft to maneuver within another operator's area. Those consequences can occur even when the hangar building and its doors are untouched. The Master Plan contains no hangar-by-hangar swept-path analysis, apron dimension inventory, parking-capacity comparison, or operational demonstration that the remaining space will serve existing aircraft.

A hangar cannot serve the aircraft it was designed to accommodate without sufficient adjoining apron space. ODAV must demonstrate that aircraft can park, be towed, start engines, enter and exit, and taxi without encroaching upon adjacent property or violating applicable object-free-area standards, including any FAA-approved ROFA modification. The analysis must show hangar-door widths, aircraft design groups, existing and proposed apron depths, object-free-area boundaries, and lost tiedown or staging positions for each affected operator.

The affected apron supports Life Flight Network, Aerometal International, Pacific Aircraft Services, Van's Aircraft, Wilson Construction, and other businesses identified in AAIA's October 30 written comments. Life Flight's September 2, 2026 letter states that its operational concerns have not been fully resolved. Removing or restricting the apron can directly impair emergency medical dispatch, maintenance movements, aircraft staging, and business operations. ODAV must identify which parking positions, access routes, aircraft types, and operational movements would be lost or constrained and address the economic and emergency-service consequences.

The east-side ROFA is already approximately 93 percent of the required 400-foot half-width within existing property lines, according to AAIA's written comments.The Master Plan expressly states that Taxiway A and Taxiways A1–A5 satisfy applicable Taxiway Object Free Area (TOFA) dimensional and obstacle-clearance standards (Master Plan, p. 4-21). Nevertheless, ODAV proposes to acquire an approximately 35-foot-wide strip of existing privately owned aircraft apron east of Taxiway A because parked aircraft within that strip would violate the Runway Object Free Area (ROFA) clearance requirements. The proposed acquisition therefore addresses a ROFA condition, not a TOFA deficiency. The ROFA standard is expressly eligible for an FAA Modification of Standards (MOS), which ODAV has failed to meaningfully evaluate as an alternative to acquiring and eliminating operationally necessary private apron space.

FAA Order 5300.1G provides a procedure for a separate, site-specific east-side ROFA MOS that could preserve working apron capacity without fee acquisition. ODAV has not shown that eliminating operationally necessary apron space is safer or more reasonable than pursuing a documented east-side ROFA MOS. The master plan must evaluate the eastern ROFA MOS as an alternative to acquiring approximately 35 feet of existing privately owned apron east of Taxiway A. Statewide Planning Goal 2 expressly requires land use plans to include an adequate factual basis and an "evaluation of alternative courses of action," taking into consideration social, economic, energy, and environmental needs. OAR 660-015-0000(2). ORS 197.180(1)(a) requires ODAV to comply with the statewide planning goals in carrying out its land use planning responsibilities, and OAR 738-130-0055(4)–(6) requires findings demonstrating that compliance before the Aviation Board adopts the Master Plan. ODAV cannot satisfy those requirements by selecting an alternative that eliminates essential aircraft parking and maneuvering space without evaluating a legally authorized alternative capable of preserving those facilities while maintaining an acceptable level of safety.

FAA AC 150/5070-6B, §§ 903–905, independently establishes the applicable federal master-planning methodology for evaluating alternatives. Section 904 identifies operational capacity, the ability to accommodate required aircraft parking positions, efficient aircraft movements, environmental impacts, and fiscal consequences as relevant evaluation factors. Section 905 calls for documenting the reasons supporting selection of the preferred alternative. These considerations are especially consequential where the proposed acquisition threatens the operational viability of existing hangars and aviation businesses. The master plan itself identifies an OFA MOS analysis as a facility requirement and expressly states that the analysis will be completed in Chapter 5. (Master Plan, p. 4-18.) ODAV has not completed the promised analysis and instead proposes acquisition of operationally necessary private aviation property.

The proposed acquisition also implicates Statewide Planning Goal 12, which requires a safe, convenient, and economic transportation system and directs transportation planning to minimize adverse economic impacts and costs. OAR 660-015-0000(12). ORS 835.015 and ORS 835.035(3) impose affirmative responsibilities to develop and promote aviation, and ORS 836.642(3)(e) expressly requires standards and guidelines that preserve investments in participating airports and the level of service they provide. These requirements compel a meaningful assessment of the consequences of removing working apron space from existing aviation facilities and of alternatives that preserve their continued operation.

ODAV must therefore compare the proposed acquisition and resulting loss of aircraft parking and maneuvering capacity against a separate east-side ROFA MOS and other feasible alternatives, including an appropriately tailored easement preserving permitted taxiing and holding operations. The evaluation must address the actual aircraft using the affected aprons, the risk associated with aircraft parked within the eastern ROFA, the parking and maneuvering capacity lost under each alternative, the effects on existing hangars and businesses, and the comparative costs and safety benefits. FAA AC 150/5300-13B, § 3.12.1, expressly permits taxiing and holding aircraft within the ROFA, and FAA Order 5300.1G provides a procedure for approving site-specific ROFA modifications. Faegre's August 29, 2024 report demonstrates the applicability of FAA-sponsored risk-assessment methodologies to Aurora's particular circumstances. His numerical analysis addresses the western highway and perimeter fence; the eastern apron requires an assessment of the risks associated with parked aircraft. The same report also showed that the taxiway itself, with aircraft sitting on it, would have a minimal risk of being hit by aircraft using the runway object free area.

ODAV's failure to evaluate these alternatives leaves the proposed acquisition without the factual and comparative analysis necessary to establish compliance with Goal 2, Goal 12, and the State's statutory aviation-development responsibilities. The Board must undertake that required analysis and supported findings before adopting a master plan that would eliminate or materially impair existing privately owned aviation facilities.

An easement is an additional alternative to fee acquisition that must be considered. FAA AC 150/5300-13B, Change 1, § 3.12.1(3)(b), requires the unmodified ROFA to remain clear of parked aircraft and vehicles; § 3.12.1(4)(a) expressly permits taxiing and holding aircraft within it. The standard addresses aircraft parking of any duration, not merely 'permanent' parking or objects that are 'fixed.' ODAV must evaluate an enforceable safety or avigation easement that retains private ownership, prohibits aircraft parking within the affected strip, and preserves permissible taxiing and holding, subject to FAA acceptance. ODAV must evaluate a separate east-side ROFA Modification of Standards (MOS) that preserves the existing aircraft parking, staging, maneuvering, and access areas essential to the operation of privately owned hangars. ODAV must also evaluate whether an appropriately tailored easement or operational agreement could address the identified ROFA concerns while preserving private ownership and the functional use of the existing aprons. Any proposed alternative must preserve the aircraft access, parking, staging, and maneuvering space necessary for the continued operation of the affected hangars. ODAV cannot justify acquiring or restricting this essential aviation property without demonstrating, through a site-specific safety and operational analysis, why the available less disruptive alternatives would be inadequate. By selecting acquisition without evaluating those alternatives and their effects on existing aviation operations, ODAV violates Statewide Planning Goal 2's requirements for an adequate factual basis and evaluation of alternative courses of action, and fails to establish the statewide-goal compliance required by ORS 197.180(1)(a) and OAR 738-130-0055(4)–(6) before the Aviation Board may adopt the Master Plan.

AAIA requests deletion or deferral of the priority acquisition east of Taxiway A, preservation of functional aircraft access and parking in front of existing hangars, formal FAA consideration of

a separate east-side ROFA MOS and a tailored easement alternative, and a property-specific operational impact analysis before any acquisition or alteration is included in the adopted ALP.

V. Marion County coordination and the County-approved airport boundary.

Marion County's comments requested that ODAV reconcile the draft Master Plan with its airport-boundary planning decisions:

> "For example, the current draft does not appear to ensure that land identified as suitable for airport related development in the new master plan is shown consistent with the 1976 master plan adopted by the county as well as the county's recent approval of airport uses in Conditional Use/Comprehensive Plan Amendment Case 24-038."

The County further stated that continued coordination would be required to address these concerns. The findings and proposed master plan improperly ignore this important coordination issue. It is beyond dispute that the master plan is a state agency action that must be consistent with the County comprehensive plan. The County comprehensive plan was amended to increase the airport boundary, with the full support of ODAV. LUBA affirmed that amendment While opponents appealed that affirmance to the Court of Appeals, that does not change the fact that the County's comprehensive plan amendment increasing the boundary is effective. ORS 197.625(3). The proposed master plan is, respectfully, inconsistent with that County Comprehensive Plan amendment and is therefore invalid.

The 1976 Aurora State Airport Master Plan, including its airport layout plan, was adopted into the Marion County Comprehensive Plan. The 1976 plan identifies privately owned property suitable for aviation development, including property marked as acceptable for airport-related development under private ownership.

Moreover, Marion County approved airport-related development in Case CU/CPA 24-038 involving TLM Holdings, LLC, including a proposal to amend the Airport's land use boundary for approximately 16.54 acres at 22515 Airport Road NE. The County subsequently revisited its approval, withdrew Ordinance No. 1485 in January 2026, and adopted a replacement approval, Ordinance No. 1487, in February 2026.

LUBA also held that a local government may approve an airport boundary expansion conditioned on ODAV review and approval before development occurs. *Id*. at 30–34. ODAV retains its separate aviation review authority, but that authority is not a basis to disregard the County's adopted plan amendment. LUBA noted that the County used an economic and use forecast analysis from ODAV's own draft 2023 Master Plan, which the County reviewed and approved under OAR 660-013-0040(9). Id. at 33. Those circumstances make the draft SAC Findings' failure to reconcile, and the proposed master plan's failure to acknowledge, the County decision, particularly indefensible.

LUBA additionally quoted and upheld the County's recognition of the 1976 Master Plan's private-development designation. The County found that the subject property is "in an area that

the 1976 Aurora Airport Master Plan designates as acceptable for airport related development under private ownership" and interpreted its acknowledged plan as contemplating development "under private ownership with airport related uses." *Id.* at 82. ODAV's omission of the express private-ownership designation and failure to map the County-approved expansion therefore cannot be dismissed as an unresolved hypothetical proposal. The County's actual planning decision and its interpretation of the acknowledged 1976 Plan are directly relevant to the compatibility finding that the Board must adopt under ORS 197.180(1)(b) and OAR 738-130-0055(6).

The legal significance of the County's approval has now been confirmed in *Schaefer v. Marion County*, LUBA Nos. 2025-085/086/087 and 2026-001/002 (July 29, 2026) (slip op at 29–34, 36, 79). LUBA rejected every challenge to the County's post-acknowledgment comprehensive plan amendment expanding the airport boundary. LUBA stated: "The Airport Planning Rule does not prohibit a private party from applying for an airport boundary expansion or prohibit the county from expanding the airport boundary in the county's comprehensive plan, prior to and subject to ODAV review and approval." *Id*. at 33. LUBA further held that "the regulatory scheme allows privately owned land and private operations within the boundaries of a public use airport as airport uses." Id. at 36. The decision expressly concludes: "we reject all challenges to the comprehensive plan amendment expanding the airport boundary and affirm that portion of the decision." *Id.* at 79.[3]

ODAV and the Board must reconcile the following:

1. The 1976 County-adopted Airport Master Plan and its designation of existing and future airport-development areas;

2. The expanded Aurora airport-boundary now adopted into Marion County's comprehensive plan and use approvals granted by the County with ODAV's full support, in Case CU/CPA 24-038; and

ODAV's obligation to recognize and incorporate Marion County's approved airport-boundary expansion is not merely a matter of reconciling competing planning documents. It is essential to establishing a legally sound framework for the Airport's continued development. As the Court of Appeals explained in *Schaefer v. Marion County*, 318 Or App 617, 625–28, 634–38, 509 P3d 718 (2022), the airport boundary determines the geographic extent of the public-use airport and provides the legal foundation for authorizing airport uses under Oregon's airport-planning statutes and rules. Marion County has now approved the necessary boundary expansion, and LUBA has affirmed that decision. ODAV's failure to reflect that expansion in the Master Plan and ALP perpetuates an unnecessary inconsistency between State and County planning documents, creates avoidable uncertainty for public and private aviation development, and

[3] *Schaefer v. Marion County*, LUBA Nos. 2025-085/086/087 and 2026-001/002 (July 29, 2026), slip op at 79, 83–86. LUBA remanded solely to correct the conditional use permit's effective date under MCC 17.119.180 and MCC 17.119.190; it rejected all challenges to, and affirmed, the comprehensive plan amendment expanding the Aurora State Airport boundary. The conditional use permit effective-date remand did not disturb the plan-amendment ruling.

invites continued litigation over issues the County has already addressed through the legally prescribed process.

Incorporating the approved boundary will provide the coordinated planning framework necessary for future airport development, reduce opportunities for repetitive legal challenges, and allow ODAV and private aviation businesses to direct their resources toward improving the Airport rather than repeatedly litigating the legal status of land intended for aviation uses.

VI. The SAC Findings misstate Marion County's objections and fail to establish compatibility.

ORS 197.180(1) requires state-agency programs affecting land use to comply with applicable statewide goals and implementing rules and to remain compatible with acknowledged comprehensive plans and land use regulations.

OAR 738-130-0055 establishes ODAV's state agency coordination process for airport master plans. OAR 738-130-0055(6) requires the Aviation Board, when adopting a final facility plan, to adopt findings of compatibility with affected local comprehensive plans and findings of compliance with applicable statewide planning goals.

At page 23, the proposed findings state:

> "None of these jurisdictions identified a statewide goal or comprehensive plan conflict with the components of the UAO Master Plan that will impact their respective jurisdictions."

The Board must establish compatibility with the Marion County Comprehensive Plan including its expanded airport boundary, when adopting the final facility plan. ORS 197.180(1); OAR 738-130-0055(6). Promises of future permits or consultation do not resolve existing discrepancies between the proposed ALP and Marion County's adopted airport boundary and development designations.

Nor does a later FAA conditional ALP signature cure an inadequate state land use decision. The April 6, 2026 letter expressly states that FAA approval is conditioned on acceptance under local land use laws and does not include environmental approval or assure federal funding. The Board must make the compatibility and goal-compliance findings required by Oregon law on the record before it, now.

VII. The prior appellate decisions govern the accuracy and compatibility of the proposed ALP.

In *Schaefer v. Oregon Aviation Board*, 312 Or App 316, 495 P3d 1267 (2021), the Oregon Court of Appeals reversed and remanded the prior determination concerning the Aurora Airport Master Plan.

First, the actual Master Plan and ALP govern what development is proposed. The Court rejected reliance on post hoc explanations that certain improvements shown on the ALP would not necessarily be constructed. The Court emphasized that the ALP is an authoritative representation of the improvements proposed by the Master Plan. *Id.* at 328-31.

Second, compatibility findings must independently address the relevant local comprehensive plans and statewide planning goals. The Court rejected the suggestion that the absence of an identified conflict by Marion County relieved the Board of its obligation to adopt the required findings. *Id.* at 326-27.

VIII. Update aviation forecasts and demonstrate adequate hangar capacity.

The Master Plan relies on 2021–2041 forecasts, leaving approximately fifteen years of that forecast horizon when the Board considers adoption in December 2026. The findings must evaluate intervening activity and whether the remaining projections adequately capture the planning period.

This is particularly important because the Airport's aviation needs are not limited to the number of aircraft presently based at the Airport. The Master Plan acknowledges increased demand in certain aircraft categories, including business jets and helicopters, and a substantially increased share of operations involving larger aircraft.

AAIA objects to the use of a 2021–2041 forecast at the end of 2026 without evaluating intervening operations and the resulting reduction in the effective planning horizon. Those changes affect the MOS risk assessment, future hangar size and location, and the need to advance the FAA-justified runway extension.

That evaluation should expressly account for corporate aviation, specialized aircraft maintenance, flight training, emergency response, and emerging aviation technologies, including vertical takeoff and landing aircraft.

IX. Distinguish ROFA, RSA and other safety standards and evaluate the FAA MOS alternative.

AAIA strongly supports genuine safety improvements supported by the Airport's operations and site-specific evidence. It does not accept the unsupported premise that every geometric deviation from a current FAA design standard establishes an unacceptable safety hazard or requires immediate, full-scale reconstruction. In particular, the ROFA and RSA serve different functions and are governed by different federal modification rules. AAIA supports resolving actual RSA surface, grading, drainage, and load-bearing deficiencies in an appropriate manner. AAIA rejects ODAV's treatment of the western ROFA as an unmodifiable condition compelling Highway 551 relocation and the eastern ROFA as compelling the loss of working apron space serving existing hangars.

The FAA expressly recognizes that application of design standards may require site-specific adjustments. FAA Order 5300.1G, paragraph 8.a(1), addresses proposed deviations during

review of airport design and siting standards, and Appendix A specifically identifies 'Runway Object Free Area (ROFA)' as a design category for which the FAA regional office may approve an MOS. The separate RSA rule is different: FAA Order 5300.1G, paragraph 7.e, does not permit an MOS for RSA dimensions, although it recognizes a possible MOS for RSA grading where existing conditions make a cost-beneficial solution infeasible. *See also* FAA AC 150/5300-13B, paragraphs 2.8-2.8.3; 14 CFR 152.11(b). A generalized claim that 'FAA standards' bar an MOS for the western ROFA is therefore legally wrong. The same MOS authority permits ODAV to seek a separately supported modification for the eastern apron ROFA condition. Failing to evaluate those alternatives and their effects on existing aviation operations, ODAV violates Statewide Planning Goal 2's requirements for an adequate factual basis and evaluation of alternative courses of action, and fails to establish the statewide-goal compliance required by ORS 197.180(1)(a) and OAR 738-130-0055(4)–(6) before the Aviation Board may adopt the Master Plan.

The record includes Aron Faegre, AIA, PE's August 29, 2024, report, 'Aurora State Airport (UAO) Proposed Modification of Runway Object Free Area (ROFA) Design Standards,' also submitted in the 2024 Master Plan public record. Applying the FAA-funded Airport Cooperative Research Program Report No. 51 methodology and a forecast of approximately 90,231 annual operations (including 862 operations in the higher aircraft categories he analyzed), Faegre evaluated aircraft excursion risk at the existing western perimeter fence, 312 feet from the runway centerline. His model estimated one potentially relevant landing-roll occurrence in approximately 277 years (or 369 years with his described fence-object adjustment), and a takeoff-roll occurrence in approximately 1,008 years. The report supports the conclusion that the existing condition can provide an acceptable level of safety under a ROFA MOS.

Faegre also compared the model's landing-roll risk for a runway-to-taxiway separation that meets FAA standards (approximately one occurrence in 246 years) and identified an incremental option to move the airport fence toward the existing Highway 551 shoulder, potentially increasing the western clearance from 312 feet to approximately 368 feet. His evaluation estimated that the latter alternative could further reduce the relevant modeled risk. The report explains that B-II runways are subject to a 500-foot total ROFA width while C-II and substantially larger categories ordinarily use the same 800-foot standard. Those design distinctions, the Airport's actual fleet, and the availability of MOS approvals at other airports are directly material to the choice of an appropriate solution for Aurora.

ODAV’s failure to meaningfully evaluate the Faegre report violates the State’s mandatory land use planning requirements. Statewide Planning Goal 2 expressly requires land use plans to include an adequate factual basis and an “evaluation of alternative courses of action.” OAR 660-015-0000(2). ORS 197.180(1)(a) requires ODAV to comply with applicable statewide planning goals when carrying out programs affecting land use, and OAR 738-130-0055(4)–(6) requires ODAV and the Aviation Board to prepare, evaluate, and adopt findings establishing goal compliance when adopting the Airport Master Plan.

Faegre’s August 29, 2024 engineering analysis directly challenges the premise that relocating Hubbard Highway is necessary to achieve an acceptable level of safety. His analysis quantifies

the existing risk, evaluates incremental mitigation measures, and supports use of the FAA's expressly authorized MOS procedure. ODAV has identified no substantive engineering deficiency in that analysis and no formal FAA determination rejecting an MOS on its merits. The Master Plan nevertheless selects an approximately $50.45 million highway relocation without meaningfully evaluating the documented, substantially less costly alternative. The Board cannot satisfy Goal 2 by declaring highway relocation necessary while disregarding the very expert evidence demonstrating that an acceptable level of safety can be achieved without it.

The Board must evaluate Faegre's analysis on its merits, identify any methodological deficiencies, seek formal FAA consideration of the proposed MOS, and explain with supporting evidence why the alternative would not provide acceptable safety before treating highway relocation as an indispensable prerequisite to the FAA-justified runway extension.

More serious is the incorrect claim at Chapter 5, page 5-37, stating that the FAA was 'unable to issue a MOS as part of the ALP approval.' ODAV submitted a MOS Any suggestion—made by FAA personnel in February 2025 or repeated by ODAV—that federal law categorically forbids consideration or approval of an MOS during master planning is incorrect. 14 CFR 152.11(b) authorizes case-specific modification; FAA Order 5300.1G, paragraph 8.a(1), contemplates applications during review of airport design and siting standards; FAA AC 150/5070-6B, paragraphs 202.c, 205.a(2), and 1008.a, expressly contemplate explaining design modifications in master plans and ALPs; and Order 5300.1G, paragraph 12.b, requires an approved MOS to be documented on the ALP.

An MOS requires a separate FAA approval action and is not granted automatically by approving an ALP, but nothing in these provisions creates the claimed blanket timing prohibition. Design MOS approvals generally expire within five years absent renewed approval (Order 5300.1G, paragraph 8.f); that expiration provision also does not bar early consideration. FAA discretion to deny a particular request on its merits cannot be recast as a lack of authority to consider it.

In fact, the proposed Master Plan's dismissal of the MOS alternative is particularly indefensible because ODAV's own 2012 Airport Layout Plan signed by the FAA and the State of Oregon, *expressly identified an MOS as the proposed means of addressing the same west-side ROFA deficiency without relocating Hubbard Highway*.

ODAV confirmed this fact during the current master planning process, acknowledging in its October 15, 2024 Planning Advisory Committee presentation that the 2012 ALP provided for requesting an MOS.

The 2012 planning record likewise expressly stated that Hubbard Highway would remain in place and that ODAV would seek FAA approval of a ROFA modification, which the airport's planning consultant then understood was likely to be granted.

It is entirely possible that this MOS was actually submitted and approved. FAA does not publish approved MOS' and ODAV has not provided any information about what it did in response to this express statement on the 2012 Master Plan ALP.

But the point that is clear from the record is that ODAV previously recognized an MOS as an appropriate planning solution to this very condition. ODAV's present proposal to abandon that approach and instead prioritize an approximately $50.45 million highway relocation requires a reasoned explanation grounded in actual safety evidence and applicable FAA standards—not an unsupported and legally incorrect assertion that an MOS cannot be considered during master planning.

The proposed SAC Findings compound this error. At page 16 they characterize the highway realignment as 'necessitate[d]' by FAA standards, treating an evidentiary dispute as a resolved legal mandate. The Board must identify any formal MOS request and FAA determination, including the governing standards and safety findings. In the absence of such a determination, the SAC Findings cannot treat an MOS as categorically unavailable or highway relocation as legally compelled.

The Master Plan also proposes vegetation/turf islands to address through-the-fence direct access, but offers no property-specific demonstration that the proposed measures are the least disruptive feasible solution. ODAV must evaluate established access rights, aircraft maneuvering needs, and FAA-supported alternatives before altering functioning aviation facilities. For septic drainfields, the FAA's April 6, 2026 letter itself allows removal or compliance with applicable standards; the proposed plan must preserve that alternative and distinguish surface performance from mere presence in a mapped area.

X. Protect Aurora's emergency-response and economic capabilities.

The Aurora Airport Improvement Association's Aurora Airport Resiliency Plan (updated August 30, 2024), submitted into the Master Plan record as Exhibit I, documents the Airport's substantial existing emergency-response capabilities, including heavy-lift helicopter operations, emergency air medical transport, specialized electrical-grid restoration, aircraft maintenance, fueling capacity, and privately financed hangar and support facilities.

The study also identifies specific resiliency deficiencies, including the absence of emergency backup power for runway lighting, the Runway 17 localizer, and other essential facilities.

The importance of these capabilities is independently recognized by Marion County in its adopted findings approving the Aurora Airport boundary expansion in Case CU/CPA 24-038.

Addressing Statewide Planning Goal 7, the County expressly found that additional rotorcraft and fixed-wing aviation development would enhance the Airport's and County's emergency-response capabilities and resiliency following a natural disaster.

The County also accepted expert geotechnical evidence demonstrating the property's relatively low seismic risk. ODAV itself has recognized the importance of Oregon airports to disaster response in its report to the Legislature, The Day After.

The proposed Master Plan therefore cannot reasonably treat Aurora's documented emergency-response capabilities as incidental to its development priorities. Deferring the FAA-justified

runway extension and failing to evaluate identified resiliency improvements, while assigning approximately $50.45 million to highway relocation without a meaningful comparison of the available MOS alternative, disregards substantial evidence concerning the Airport's public-safety functions and the County's express recognition of those functions.

XI. Additional objections: EMAS, helicopter operations, and pavement capacity.

AAIA's January 21, 2025 Master Plan submission expressly proposed Engineered Materials Arresting Systems (EMAS) at the north and south ends of Runway 17/35 as an FAA-recognized alternative for achieving runway safety objectives while preserving existing, privately financed aviation infrastructure. FAA AC 150/5220-22B recognizes that a properly designed standard EMAS provides safety protection equivalent to a full-dimensional Runway Safety Area (RSA) where physical constraints make conventional compliance impracticable. FAA AC 150/5300-13B, § 3.10.2.3, likewise recognizes EMAS as an acceptable alternative where standard RSA dimensions cannot practicably be obtained.

The FAA's April 6, 2026 conditional ALP approval permits existing septic drainfields to be removed from the RSA or otherwise brought into compliance with applicable FAA standards. The proposed Master Plan acknowledges this alternative, yet its cost estimates assume removal of the existing drainfields solely at private owners' expense without evaluating whether EMAS, together with appropriate grading, load-bearing improvements, or other measures, would provide the required safety protection while preserving the existing DEQ-approved wastewater systems. Those systems support established aviation businesses and provide important operational resilience, particularly following a major earthquake when municipal wastewater infrastructure may be disrupted.

The Master Plan must evaluate EMAS and other feasible RSA compliance measures and include their estimated costs in the Capital Improvement Program as airport safety improvements eligible for consideration of public funding, private funding, or a combination of both—not simply assign the entire financial burden to private aviation property owners. The Legislature expressly directed ODAV under ORS 836.640 through ORS 836.642 to encourage and support through-the-fence aviation development, preserve existing aviation investment, and coordinate private aviation facilities with airport planning. Those responsibilities require ODAV to consider appropriate public and private funding arrangements for improvements necessary to maintain the safety and continued operation of the Airport's privately owned aviation infrastructure. ODAV cannot satisfy its statutory mandate by treating improvements benefiting and preserving the Airport's private aviation operations solely as private expenses, particularly when those improvements address airport-wide safety requirements. The Master Plan must evaluate the engineering feasibility, safety performance, costs, funding alternatives, and property impacts of EMAS and associated RSA improvements before selecting drainfield removal as the assumed outcome.

The Master Plan excludes Columbia Helicopters and Helicopter Transport Services from its principal airport activity and facility-needs evaluation because their helipads are privately owned. Yet these operators use the Aurora tower-controlled airspace, maintain fixed-wing

aviation operations, employ hundreds of people, and provide nationally significant heavy-lift wildfire and disaster-response capability. The proposed master plan improperly excludes more than 20 helicopters and approximately 1,200 annual operations identified in AAIA's written comments. ODAV must account for their activity, aviation infrastructure, economic contribution, and emergency-response function, and evaluate appropriate recognition of their facilities in the airport planning and boundary framework.

The proposed Master Plan's continued reliance on outdated runway pavement weight limits violates the requirement that State land use planning decisions rest upon an adequate factual basis. Statewide Planning Goal 2, OAR 660-015-0000(2); ORS 197.180(1)(a).

The proposed Master Plan continues to report runway weight limits of 30,000 pounds single-wheel and 45,000 pounds dual-wheel, notwithstanding ODAV's own 2019 GRI pavement engineering evaluation recommending PCN 40/F/C/X/T, corresponding to gross aircraft weights of 102,000 and 143,000 pounds, respectively. The Master Plan acknowledges that evaluation but carries a different PCN of 35/F/C/X/T on the ALP and retains the substantially lower weight limits in its facility requirements without adequately explaining the discrepancy.

The Plan's discussion of deteriorating pavement conditions also fails to account for the 2025 runway mill-and-overlay rehabilitation.

ODAV cannot fulfill its statutory responsibility to develop and promote aviation under ORS 835.015 and ORS 835.035(3) by adopting a Master Plan that materially understates the Airport's existing operational capabilities without reconciling the contrary engineering evidence the agency itself commissioned.

The understatement directly affects assessments of aircraft accommodation, operational demand, facility requirements, and future development priorities. FAA AC 150/5335-5D now governs the standardized ACR–PCR method for reporting pavement strength and provides for corresponding updates to the FAA Airport Master Record. ODAV must reconcile the 2019 GRI findings, the 2025 rehabilitation, and the current FAA pavement-strength reporting standards; determine and substantiate the runway's actual current load-bearing capacity; and correct the ALP, facility requirements, and FAA Form 5010 as appropriate.

The Aviation Board cannot adopt supported findings under Goal 2 or rationally plan for the Airport's future development while relying on materially outdated capacity figures that contradict the agency's own engineering record without a reasoned technical explanation.

XII. The proposed SAC Findings fail to establish compliance with statewide planning goals.

Statewide Planning Goal 2

Statewide Planning Goal 2 imposes an affirmative obligation to coordinate land use planning decisions with affected governmental units. Goal 2 expressly provides:

> "Each plan and related implementation measure shall be coordinated with the plans of affected governmental units."

Goal 2 requires coordination of each plan and implementing measure with affected governmental units, supported by an adequate factual basis and alternatives analysis. ORS 197.015(5) defines coordination in terms of governmental needs being considered and accommodated as much as possible. Marion County's express compatibility objections and the subsequently affirmed airport-boundary amendment require an actual response, not an assertion that no conflict was identified.

LUBA and the Court of Appeals have consistently held that Goal 2 coordination requires an exchange of information and reasonable efforts to accommodate the legitimate interests of affected governmental agencies. An adopting government must respond in its findings to legitimate concerns sufficiently identified by affected jurisdictions. Coordination cannot be established through notice and an opportunity to comment alone where the adopting government fails to address substantive concerns raised in response.

AAIA notes that the City of Aurora's present objections must also be evaluated against its own participation in and acceptance of the planning framework established by the 1976 Aurora State Airport Master Plan. The 1976 Master Plan expressly reports that the Airport had been accepted in the City's Draft Land Use Plan and documents formal coordination with the City, including presentation of the final draft Master Plan to the Aurora City Council and public on April 6, 1976. 1976 Aurora State Airport Master Plan, pp. 64–65. The 1976 Airport Layout Plan and Development Staging Plan expressly identify lands east of the State-owned runway as suitable for future airport-related development, including the designation "THIS AREA ACCEPTABLE FOR AIRPORT RELATED DEVELOPMENT UNDER PRIVATE OWNERSHIP." *Id.*, pp. 32, 55; Exhibit 5 (1976 ALP). The 1976 Master Plan, including its ALP, was subsequently incorporated into Marion County's comprehensive plan and acknowledged by LCDC. *Schaefer v. Oregon Aviation Board*, 312 Or App 316, 335 n 17, 495 P3d 1267 (2021); *Schaefer v. Marion County*, 318 Or App 617, 509 P3d 718 (2022). Airport development on privately owned property adjacent to the State's runway is therefore not a newly proposed or unanticipated land use. It is a development pattern expressly contemplated in the longstanding, acknowledged airport-planning framework developed through coordination that included the City of Aurora.

The City's October 6, 2025 comments nevertheless characterize airport development on adjacent EFU-zoned property as inherently incompatible with rural land uses and assert that airport expansion should instead await annexation, extension of municipal services, and incorporation into Aurora's urban growth boundary. City of Aurora Response, pp. 1–2. position fails to account for the existing, acknowledged airport-planning framework or the express designation of private property for airport-related development in the 1976 Master Plan. The City cannot establish a conflict with Marion County's acknowledged comprehensive plan merely by advocating a different future governance arrangement for the Airport. The City also ignores that Marion County has exercised its land use authority to approve the airport-boundary expansion in Case CU/CPA 24-038, and LUBA expressly affirmed that comprehensive plan amendment on July 29, 2026. The City's preference for eventual annexation does not displace the County's

existing planning authority, invalidate the acknowledged 1976 Airport Master Plan, or excuse ODAV from coordinating its Master Plan with the County's approved airport boundary.

ODAV must apply the governing state land use framework and give effect to the County's planning decisions, rather than allow Aurora's proposed future annexation of the Airport to become an impediment to the private aviation development contemplated by the acknowledged plan and expressly encouraged under ORS 836.642.

These obligations apply with particular force to ODAV's proposed adoption of the Aurora State Airport Master Plan. ORS 197.180(1) requires state agencies undertaking programs affecting land use to comply with applicable statewide planning goals and act compatibly with acknowledged comprehensive plans and land use regulations. OAR 738-130-0055(6) specifically requires the Oregon Aviation Board, when adopting a final airport facility plan, to adopt findings establishing compatibility with affected local comprehensive plans and compliance with applicable statewide planning goals.

LUBA's July 29, 2026 decision confirms that the very comprehensive-plan amendment raised in Marion County's September 2025 comments was properly approved under Oregon's Airport Planning Rule. *Schaefer v. Marion County*, LUBA Nos. 2025-085/086/087 and 2026-001/002 (July 29, 2026), slip op at 33–34, 79. LUBA rejected the claim that the County lacked authority to expand the airport boundary before ODAV's separate approval, and expressly affirmed the plan amendment. Id. at 33, 79. The Board consequently must analyze an actual County-adopted airport-boundary expansion, not characterize that boundary as a speculative future use or treat a County-approved private aviation site principally as property available for State acquisition. The SAC Findings' statement that no affected jurisdiction identified a conflict cannot be reconciled with the County's stated objection and the subsequent adjudication.

Independently, ODAV's failure to meaningfully evaluate the Faegre MOS alternative before selecting the approximately $50.45 million highway relocation violates Goal 2's requirement for an adequate factual basis and evaluation of alternative courses of action, as explained in Section IX above.

Statewide Planning Goal 7

The proposed Master Plan and SAC Findings fail to demonstrate compliance with Statewide Planning Goal 7 because ODAV has failed to meaningfully evaluate, preserve, and plan for Aurora State Airport's documented emergency-response and disaster-resiliency capabilities, including those expressly recognized in Marion County's adopted land use findings.

Statewide Planning Goal 7, OAR 660-015-0000(7), establishes the statewide objective:

> "To protect people and property from natural hazards."

Goal 7 expressly identifies earthquakes and related hazards and wildfires among the natural hazards subject to its planning requirements. Its coordination provision, Goal 7(D)(1), further directs:

> "In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies."

ORS 197.180(1)(a) independently requires state agencies carrying out programs affecting land use to comply with applicable statewide planning goals, and ORS 197.180(1)(b) requires compatibility with acknowledged local comprehensive plans and land use regulations. OAR 738-130-0055(6) requires the Aviation Board to adopt findings of compliance with applicable statewide planning goals and compatibility with affected local comprehensive plans when it adopts the final airport facility plan.

Aurora State Airport is an existing and critically important emergency-response asset whose operational capabilities are directly relevant to Oregon's ability to respond to the natural hazards identified in Goal 7. The Aurora Airport Resiliency Plan (updated August 30, 2024), submitted into the Master Plan record, documents the Airport's substantial emergency-response infrastructure, including nationally significant heavy-lift helicopter operations, emergency air medical transport, specialized electrical-grid restoration capabilities, aviation maintenance, fueling facilities, and privately financed hangars and supporting infrastructure. These existing operations provide essential capabilities for wildfire suppression, emergency medical transport, disaster logistics, and infrastructure restoration following a Cascadia Subduction Zone earthquake.

The Resiliency Plan also identifies specific operational vulnerabilities that could compromise those functions following a major disaster, including the absence of emergency backup power for runway and taxiway lighting, the Runway 17 localizer, and other essential facilities. It identifies opportunities to improve emergency electrical capacity for hangars and fueling operations and to preserve aviation infrastructure capable of remaining operational following a major seismic event.

Marion County has independently and affirmatively recognized these emergency-response and resiliency functions in its adopted land use findings. In approving the Aurora Airport boundary expansion under Case CU/CPA 24-038, the County expressly found, in addressing Goal 7, that:

> "approval of the applications will enhance the Airport's and County's emergency response capabilities and resiliency in the event of a natural disaster."

The County further relied upon geotechnical evidence concerning the property's relative seismic stability and recognized the importance of additional fixed-wing and rotorcraft facilities to emergency response. Marion County's findings establish that expanded aviation facilities serve an identified public-safety and disaster-response purpose, rather than merely accommodating additional private commercial activity. LUBA subsequently affirmed the County's comprehensive plan amendment expanding the airport boundary. *Schaefer v. Marion County*, LUBA Nos. 2025-085/086/087 and 2026-001/002 (July 29, 2026), slip op at 33–34, 79.

ODAV's proposed Master Plan fails to adequately reconcile these County-recognized resiliency objectives with its own facility planning and capital priorities. The Plan excludes Columbia Helicopters and Helicopter Transport Services from its principal aviation activity and facility-needs analysis despite their significant wildfire suppression and disaster-response capabilities. It largely excludes privately owned aviation facilities from meaningful development planning despite their essential role in supporting emergency aviation operations. It proposes acquisition of operationally necessary apron space used by businesses including Life Flight Network without adequately evaluating the resulting effects on emergency medical aviation capacity. It also fails to meaningfully evaluate the emergency-power deficiencies and other operational vulnerabilities identified in AAIA's Resiliency Plan.

The capital program compounds these deficiencies. The Master Plan postpones preliminary work for the FAA-justified 497-foot runway extension, an improvement that would enhance the Airport's operational capabilities, while prioritizing an approximately $50.45 million relocation of Hubbard Highway. Aron Faegre's unrebutted, site-specific engineering assessment supports an FAA Modification of Standards that could provide an acceptable level of safety without relocating the highway. ODAV has not meaningfully evaluated that alternative or explained why the proposed highway relocation warrants priority over improvements addressing demonstrated aviation and emergency-response needs.

These omissions are particularly consequential because Goal 7 concerns protection of people and property from natural hazards, not simply compliance with airport geometric design standards. The Airport's ability to accommodate heavy-lift firefighting aircraft, emergency medical transport, post-earthquake logistics, and infrastructure restoration is directly relevant to the State's natural-hazard response capabilities. A Master Plan that compromises or fails to account for those existing assets, disregards documented operational vulnerabilities, and postpones improvements that would strengthen emergency-response capacity cannot establish Goal 7 compliance merely through generalized statements about aviation safety.

ODAV is required to undertake the coordination and goal-compliance analysis imposed by Oregon law and to provide a reasoned explanation of how its selected development program accounts for the natural-hazard planning concerns reflected in Marion County's adopted decisions and the substantial evidence in the Master Plan record. The proposed SAC Findings fail to demonstrate that ODAV has undertaken that analysis.

Accordingly, AAIA objects that the proposed Master Plan and SAC Findings fail to establish compliance with Statewide Planning Goal 7, ORS 197.180(1), and OAR 738-130-0055(6). Before adoption, the Board must evaluate the Airport's documented emergency-response and disaster-resiliency functions; address Marion County's affirmative findings concerning those functions; assess the effects of proposed facility acquisitions, alterations, and development restrictions upon existing emergency aviation capabilities; evaluate identified emergency-power and operational vulnerabilities; and explain how its capital priorities preserve and improve the Airport's ability to respond to earthquakes, wildfires, and other natural disasters. The Board must adopt findings demonstrating that the Master Plan has meaningfully addressed those matters and satisfies its applicable Goal 7 coordination obligations.

Statewide Planning Goals 9, 11, and 12: separate compliance findings are required.

Goal 9 — Economic Development. Goal 9 directs planning "[t]o provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." Its operative policy requires plans and policies to contribute to a stable and healthy regional economy and to consider the current economic base and areas suitable for increased economic activity.

The Legislature has reinforced these statewide economic-development objectives with an express statutory policy favoring the preservation, expansion, and economic vitality of Oregon's airports. ORS 836.600 declares that, in recognition of airports' importance to Oregon's economy, public safety, and recreation, the State's policy is to "encourage and support the continued operation and vitality of Oregon's airports," expressly extending that support to commercial and recreational airport uses. ORS 836.608(1) declares airport vitality a matter of state concern. To give effect to this policy, ORS 836.625(1) expressly provides that the ordinary limitations on uses of EFU-zoned land under ORS 215.213 and ORS 215.283 do not apply to the provisions of ORS 836.600 through ORS 836.630 regarding airport uses. ORS 836.630(2) directs that implementing rules be no more restrictive than necessary to effectuate the State's airport policy, and ORS 836.630(3) expressly commands that the statutory provisions and implementing rules "shall be liberally construed to further the policy established in ORS 836.600." The Legislature thus established a deliberate policy of facilitating airport uses and development, removing otherwise applicable agricultural zoning restrictions within the statutory airport-use framework, and directing that the governing provisions be construed to advance, rather than unnecessarily obstruct, airport vitality.

The Legislature went further at Aurora State Airport. ORS 836.642(1) expressly directs ODAV to encourage through-the-fence aviation development to create family-wage jobs, expand local tax bases, and increase financial support for airports. ORS 836.642(2)(a) specifically requires that program to operate at Aurora. ORS 836.642(3)(b), ORS 836.642(3)(e), ORS 836.642(3)(h), and ORS 836.642(3)(i) require standards and guidelines for integrating privately owned aviation facilities into airport master planning, preserving existing investment, advancing aviation-related economic development, and encouraging orderly economic growth within airport boundaries. These are affirmative legislative directions governing ODAV's responsibilities at Aurora, not merely generalized expressions of support for aviation.

The proposed Master Plan fails to give effect to these economic-development mandates. The Plan itself acknowledges 2,672 jobs and nearly $510 million in annual economic output, 231 of 281 based aircraft located on privately owned through-the-fence properties, and an existing shortage of hangar capacity. Yet the preferred alternative proposes acquiring operationally necessary apron space serving existing businesses; designates extensive, developed private aviation property as a reserve for speculative future State acquisition; and largely excludes privately owned facilities from its principal landside facility-needs analysis. The result is a development program that threatens existing aviation investment and constrains future private expansion at the very airport the Legislature specifically directed ODAV to support through private aviation development.

Compounding these deficiencies, the proposed Master Plan fails to reflect Marion County's approved expansion of the Airport's land use boundary, thereby obstructing the coordinated planning framework necessary to accommodate additional airport-related economic activity on privately owned land. The failure is especially consequential under ORS 836.642(3)(b), which expressly contemplates the incorporation and coordination of through-the-fence facility site plans with the airport boundary and master planning. Marion County has undertaken the necessary land use process to expand the Airport boundary, and LUBA has affirmed that comprehensive plan amendment. ODAV's failure to recognize that expansion frustrates the very economic-development program the Legislature established for Aurora and perpetuates unnecessary barriers to private aviation investment and growth.

OAR 660-009-0010(1) expressly provides that Division 9 does not require or restrict planning for industrial and other employment uses outside of urban growth boundaries. The Airport's rural location therefore provides no justification for disregarding the economic-development opportunities that Goal 9 and Oregon's aviation statutes expressly seek to advance. The applicable airport-planning framework, including OAR chapter 660, division 13, and ORS 836.600 through ORS 836.642, affirmatively supports the continued development of customary aviation uses at Aurora.

ODAV's proposed Master Plan reverses the Legislature's stated priorities. Instead of implementing Oregon's express policy of encouraging airport vitality, preserving private aviation investment, removing unnecessary barriers to authorized airport uses, and fostering economic development, ODAV proposes a plan that diminishes existing aviation capacity, discourages private investment, and fails to provide the land use planning framework necessary for expansion. These failures directly undermine Goal 9's economic-development objectives and the express legislative policies of ORS 836.600 through ORS 836.642. The proposed SAC Findings therefore fail to establish Goal 9 compliance or demonstrate that ODAV has discharged its independent statutory obligation to promote the Airport's economic vitality and continued development.

Goal 11 — Public Facilities and Services. Statewide Planning Goal 11 directs planning "[t]o plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." OAR 660-015-0000(11). OAR 660-011-0005(7)(d)(F) expressly identifies "[a]irport facilities as identified in the current airport master plans" as transportation public facilities.

The Airport Planning Rule further requires planning for the types and levels of public facilities and services necessary to support existing and planned airport development. OAR 660-013-0040(5)(c), OAR 660-013-0040(7).

ODAV must plan for the public facilities and services necessary to support existing and future airport development throughout Marion County's approved expanded airport boundary, including privately owned through-the-fence aviation facilities.

Marion County has approved the expansion of the Aurora State Airport boundary with ODAV's full support, and LUBA expressly affirmed the comprehensive plan amendment in its July 29, 2026 decision.

The proposed Master Plan's failure to reflect the expanded boundary improperly excludes approved private aviation development from comprehensive airport facilities planning and defeats the coordinated provision of infrastructure necessary to accommodate that development.

Goal 11 requires a coherent facilities program that accounts for the entire Airport as established through the applicable land use planning process, preserves essential existing infrastructure, accommodates anticipated aviation development, evaluates available alternatives, and directs expenditures toward demonstrated aviation needs. The proposed Master Plan fails to satisfy those requirements.

Goal 12 — Transportation. Statewide Planning Goal 12 directs Oregon's land use planning "[t]o provide and encourage a safe, convenient and economic transportation system." OAR 660-015-0000(12). OAR 660-012-0000(1) implements that objective through coordinated transportation planning to meet statewide, regional, and local transportation needs. Oregon's Airport Planning Rule, OAR chapter 660, division 13, specifically implements Goal 12 for airports. OAR 660-013-0010; OAR 660-013-0160(3). These requirements obligate ODAV to plan for a safe, functional, and economically efficient aviation transportation system that accommodates the Airport's existing and reasonably foreseeable needs, including the privately owned facilities and through-the-fence operations that provide most of Aurora's existing aviation capacity.

The proposed SAC Findings fundamentally misapply the governing airport-planning framework.

The findings rely upon OAR 660-012-0065(3)(n), which expressly recognizes expansions or alterations of public-use airports that do not permit service to a larger class of airplanes as consistent with Statewide Planning Goals 3, 4, 11, and 14. The Oregon Court of Appeals specifically interpreted that provision in S*chaefer v. Marion County*, 318 Or App 617, 625–28, 634–38, 509 P3d 718 (2022), holding that an expansion of a public-use airport occurs through the local government's adoption of an expanded airport-boundary map under OAR chapter 660, division 13. The Court explained that the airport boundary establishes the geographic extent of the public-use airport and that the prescribed airport-boundary planning process is necessary to bring additional land within the statutory framework authorizing airport uses.

Marion County has completed precisely the process the Court of Appeals required. The County approved a comprehensive plan amendment expanding the Aurora State Airport boundary in Case CU/CPA 24-038, and LUBA expressly affirmed that amendment on July 29, 2026. S*chaefer v. Marion County*, LUBA Nos. 2025-085/086/087 and 2026-001/002 (July 29, 2026), slip op at 29–34, 79. LUBA further confirmed that the airport-planning framework authorizes privately owned aviation facilities and through-the-fence operations within a public-use airport boundary. *Id*. at 35–38. That plan amendment is effective. ORS 197.625(3).

ODAV cannot invoke the legal benefits of the airport-expansion rule while refusing to recognize the County-approved airport boundary through which that rule operates. The proposed Master Plan and ALP must reflect Marion County's approved expansion and plan for the existing and future airport uses within that boundary, regardless of whether the development is publicly or privately owned. OAR 660-013-0040(1)(a)–(b) requires airport-boundary planning to account for existing and planned runways, taxiways, aircraft storage, maintenance, sales, and repair facilities, and areas needed for existing and planned airport operations. ODAV's failure to include the County-approved expansion perpetuates a conflict between the State's proposed aviation development program and the legally established local airport-planning framework. It also frustrates the coordinated development of the private aviation facilities expressly contemplated by ORS 836.616(2) and ORS 836.642.

The failure is especially troubling under Goal 12 because ODAV's proposed Master Plan does not merely omit future private development; it threatens the functionality of existing aviation transportation facilities. The preferred alternative proposes acquiring approximately 35 feet of operationally necessary apron space east of Taxiway A without demonstrating that existing hangars will retain adequate aircraft parking, turning, maneuvering, and taxi access. It designates approximately 152 acres of privately owned aeronautical property as a reserve for possible future State acquisition while failing to meaningfully plan for continued private development within those areas. These proposals threaten existing aircraft capacity and impose unnecessary obstacles to future aviation operations at an Airport where 231 of 281 based aircraft, including 33 of 36 based jets, are located on privately owned through-the-fence properties.

The proposed Capital Improvement Program further contradicts Goal 12's express requirement for a safe and economic transportation system. ODAV postpones the FAA-justified 497-foot runway extension, an improvement needed for years to address actual operational and safety limitations, while prioritizing an approximately $50.45 million relocation of Hubbard Highway to achieve geometric compliance with a Runway Object Free Area standard expressly eligible for an FAA Modification of Standards (MOS). Aron Faegre's unrebutted, site-specific engineering analysis supports an acceptable level of safety through an MOS without relocating the highway. ODAV has failed to meaningfully evaluate that alternative or demonstrate that the extraordinary cost and disruption of highway relocation produce corresponding safety benefits. A transportation plan that defers a demonstrated needed aviation safety improvement in favor of a vastly more expensive project unsupported by an established safety necessity, fails to advance the safe and economic transportation system required by Goal 12.

The Master Plan's treatment of existing aviation capacity compounds these deficiencies. Its exclusion of Columbia Helicopters and Helicopter Transport Services from the principal activity and facility-needs analysis disregards significant aviation operations and critical wildfire and disaster-response transportation capabilities. Its reliance upon outdated runway pavement weight limits, despite the higher capacity identified in ODAV's own engineering study, understates the Airport's existing ability to accommodate aircraft. Its proposed acquisition of active apron space threatens the utility of existing hangars and businesses without a demonstrated operational replacement. Together, these deficiencies distort the assessment of existing transportation

capacity, future demand, and the improvements necessary to maintain a safe, convenient, and economically functional Airport.

OAR 660-013-0160(3) expressly provides that compliance with the Airport Planning Rule satisfies Goal 12 and the Transportation Planning Rule provisions related to airport planning. In its July 29, 2026 decision, LUBA applied that provision in affirming Marion County's airport-boundary expansion. *Schaefer v. Marion County*, slip op at 66–68. The County's compliance with Oregon's airport-planning requirements reinforces ODAV's obligation to recognize the approved boundary and coordinate its own development program with the County's acknowledged planning framework. ORS 197.180(1) and OAR 738-130-0055(6) independently require the Aviation Board to establish that the Master Plan complies with applicable statewide planning goals and is compatible with acknowledged comprehensive plans. *Schaefer v. Oregon Aviation Board*, 312 Or App 316, 326–31, 495 P3d 1267 (2021).

The proposed Master Plan and SAC Findings fail to establish Goal 12 compliance. ODAV has failed to incorporate Marion County's approved airport-boundary expansion; failed to adequately plan for the private aviation facilities and development authorized within that boundary; proposed eliminating operationally necessary apron capacity; understated existing aviation capabilities; and prioritized an approximately $50.45 million highway relocation over a justified runway safety improvement without meaningfully evaluating the FAA-authorized MOS alternative. These failures undermine the statutory objective of a safe, convenient, and economic transportation system and the Legislature's specific direction to promote Aurora's continued aviation development under ORS 836.600 through ORS 836.642. The Board must revise the Master Plan and ALP to reflect the County-approved airport boundary, preserve existing aviation capacity, accommodate future public and private airport development, and adopt an evidence-based capital program that prioritizes actual aviation safety and transportation needs.

XIII. Requested action.

For the foregoing reasons, AAIA requests that the Oregon Aviation Board decline to adopt the proposed Master Plan and SAC Findings until ODAV has corrected the material legal and factual deficiencies identified in these comments. In particular, the Board should require the following changes:

1. Evaluate and formally pursue separate ROFA MOS alternatives for the western highway and eastern apron. Address Mr. Faegre's August 29, 2024, west-side study; develop a separate eastern-apron aircraft-parking risk analysis; seek FAA consideration of each MOS under 14 CFR 152.11(b) and FAA Order 5300.1G; disclose any formal approval or denial; and compare the western MOS with highway relocation and the eastern MOS with apron acquisition and tailored easements. Explain the departure from the MOS approach identified in ODAV's 2012 ALP and planning record.

2. Prioritize the runway extension. Move runway-extension environmental review, design, funding strategy, and land use coordination into the short-term capital program; coordinate

construction with actual FAA safety determinations; and state measurable implementation milestones.

3. Separate distinct safety requirements. Do not conflate nonmodifiable RSA dimensions or grading issues with a potentially modifiable ROFA; evaluate actual drainfield load-bearing and grading alternatives and tailored access controls before assuming removals or disruptions are required. Evaluate EMAS and associated RSA improvements, include their costs in the Capital Improvement Program, and assess public, private, and combined funding alternatives.

4. Recognize and plan for private hangar development. Accurately identify existing and planned privately owned aviation facilities and lands suitable for future hangars, maintenance, training, and related operations, including the continued right to pursue development under private ownership where permitted by law. Include adequate aircraft apron depth, turning, staging, parking, and safe access for existing hangars; remove or defer the proposed priority acquisition east of Taxiway A pending a property-specific operational analysis and formal consideration of a separate east-side ROFA MOS. Evaluate an FAA-acceptable easement that preserves private ownership and permitted taxiing and holding while restricting all aircraft parking in the affected strip, and determine whether that restriction would itself deprive adjoining hangars of essential working apron space.

5. Correct the ALP and acquisition designations; recognize the airport boundary as it has been amended and placed in the Marion County Comprehensive Plan; recognize the acknowledged County plan identifies private property adjacent to the airport as "suitable for airport related development under private ownership. Reconcile the Sheet 3 suitability note and Exhibit A acquisition/reserve classifications with the 1976 County-adopted and acknowledged 'UNDER PRIVATE OWNERSHIP'[4] comprehensive plan designation, existing County zoning, and current land use approvals, including Case CU/CPA 24-038 which amended the County Comprehensive Plan to adopt a new Aurora Airport boundary. Concerning the latter, accurately depict Marion County's adopted airport-boundary expansion in the Master Plan and ALP.

6. Coordinate through-the-fence development. Apply ORS 836.642(3)(b) and OAR 738-014-0040 and 738-014-0050 to approved and proposed private facility site plans, and show how those properties are integrated with airport boundaries, access, and master planning. Address the County approved private through the fence facility site plans that have been submitted to ODAV for approval and ensure that airport-facility planning covers the public *and* private lands within the County-approved airport boundary.

7. Revise the SAC Findings. Accurately identify and then respond to Marion County's express concerns; address the evidence contradicting the asserted necessity of highway

[4] It would be acceptable to say '... under private *or public* ownership.' What is unacceptable is ignoring the responsibility to reflect the acknowledged plan's designation of the adjoining private property as suitable to airport related development under private ownership.

relocation; and provide genuinely supported findings under ORS 197.180(1), OAR 738-130-0055(6), and Goals 2, 7, 9, 11, and 12.

8. Correctly reflect Marion County's approved airport land use boundary in the Master Plan and ALP. Comply with *Schaefer v. Oregon Aviation Board*, 312 Or App 316 (2021), and *Schaefer v. Marion County*, 318 Or App 617, 625–28, 634–38 (2022), by accurately depicting Marion County's approved expansion of the Airport's land use boundary (that ODAV wholly supported) in the Master Plan and ALP. As the Court of Appeals established, the locally adopted airport boundary provides the legal framework for authorizing airport-related development. The Master Plan and ALP must recognize that expanded boundary and include all properties contemplated for existing and future airport development, regardless of whether they are privately owned or designated for potential acquisition by ODAV. State ownership does not substitute for inclusion within the legally established airport land use boundary, and the one thing to be learned from the various Court of Appeals decisions is that ODAV cannot plan for future airport uses on these properties while failing to reflect the Marion County approved boundary expansion necessary to authorize those uses.

9. Update the operational and resiliency analysis. Reevaluate 2021-2041 forecasts with current aircraft activity; assess facility needs through an appropriate planning horizon; and include emergency power, response, maintenance, and disaster logistics needs identified in the AAIA resiliency evidence. Include the activity and facility needs of Columbia Helicopters and Helicopter Transport Services, assess impacts on Life Flight and other emergency aviation operators, and evaluate the Goal 7 disaster-response findings and vulnerabilities.

10. Establish a financially defensible capital program. Explain the full comparative cost, environmental and land acquisition consequences, timetable, and financing implications of each ROFA option; account for the lost opportunity to accelerate the runway extension; and adopt an achievable phased plan. Recognize and correct the pavement-classification and weight-capacity information: ODAV's 2019 GRI engineering evaluation recommended PCN 40/F/C/X/T, corresponding to gross aircraft weights of 102,000 pounds for single-wheel gear and 143,000 pounds for dual-wheel gear, respectively. Resolve the conflicting PCN 35/F/C/X/T and obsolete weight ratings; reconcile the GRI findings with the 2025 runway rehabilitation and current FAA ACR–PCR reporting requirements; and correct the facility requirements, ALP, and FAA Form 5010 accordingly.

11. Complete coordination with Marion County and issue corrected findings before adoption. Consult Marion County and affected aviation property owners on the actual approved development maps and land-use approvals; provide the Board and public with revised findings addressing all material contrary evidence and legal authorities. Address the County's airport-boundary amendment and the ORS 836.616(2) airport uses that are required to be allowed within that boundary including those ORS 836.616(2) airport uses that the County approved within the boundary.

AAIA incorporates by reference its prior Master Plan submissions, including its December 23, 2024 comments (Appendix 11C, Bates Nos. A11C2687-A11C2693); Aron Faegre, AIA, PE, Aurora State Airport Proposed Modification of Runway Object Free Area (ROFA) Design Standards (Aug. 29, 2024), previously entered in the record; and AAIA's Aurora Airport Resiliency Plan (updated Aug. 30, 2024). AAIA requests that these technical materials be considered and specifically addressed in the final findings.

The proposed master plan rests on two legally unsupportable premises: that FAA design preferences foreclose consideration of a lawful ROFA Modification of Standards, and that ODAV's responsibility to plan for the Airport's development extends principally if not exclusively to property the State owns.

The first premise improperly postpones an FAA-justified runway safety improvement in favor of an approximately $50 million highway relocation that AAIA's unrebutted expert evidence demonstrates is unnecessary to achieve an acceptable level of safety.

The second disregards the Legislature's express mandate to promote and coordinate privately owned through-the-fence aviation development at Aurora, where private facilities accommodate the overwhelming majority of based aircraft.

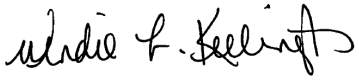
Together, these errors produce a proposed master plan that prioritizes unnecessary expenditures and speculative public acquisitions while failing to adequately preserve and advance the Airport's existing and future aviation capabilities as the legislature instructed. The Aviation Board must exercise its independent statutory judgment and adopt a master plan based on the Airport's actual needs and governing law, not on asserted federal requirements that the law does not impose or an artificially restricted view of the Airport that the Legislature has expressly rejected.

AAIA also requests that the Board require production of any FAA MOS request, Airports GIS entry, safety-risk-management analysis, approval or denial, and related correspondence concerning the western ROFA and the eastern apron ROFA. The record must identify whether either MOS has actually been formally considered and approved or rejected, as opposed to ODAV relying upon an erroneous assertion that approval was categorically unavailable during the Master Plan process.

AAIA requests that these objections be included in the official record of the adoption of the final master plan considered by the Aviation Board, and that the proposed master plan be adjusted to

reflect AAIA's concerns.

Very truly yours,



Wendie L. Kellington

WLK:wlk
CC: Clients

AURORA AIRPORT IMPROVEMENT ASSOCIATION

14497 Keil Road | Aurora, Oregon 97002

November 3, 2026

Kenji Sugahara, Director
Members of the Oregon State Aviation Board
Oregon Department of Aviation
3040 25th Street SE
Salem, OR 97302

Re: Public Comment on the Aurora State Airport (UAO) Draft Final Airport Master Plan and Airport Layout Plan, for Inclusion in the Board's Review

Dear Director Sugahara and Members of the Board:

The Aurora Airport Improvement Association (AAIA) represents the property owners, businesses, and aviation users who have built Aurora State Airport into one of Oregon's most productive general aviation airports. We submit these comments on the Draft Final Airport Master Plan and Airport Layout Plan (ALP) for the Board's consideration before its December 3, 2026 adoption hearing, and ask that they be entered into the record. Before adoption, the Plan needs significant revisions to keep the airport functional and resilient.

AAIA supports the Master Plan's core safety objectives, including the 497-foot north runway extension to 5,500 feet that the FAA found justified in its April 6, 2026 conditional approval of the ALP. Our concern is how the Plan proposes to get there. In several places it relies on costly, unfunded, or disruptive solutions when practical, FAA-recognized alternatives are available and were presented in detail during the planning process. We ask ODAV to make the following changes:

1. Use the FAA Modification of Standards (MOS) process to resolve Runway Object Free Area (ROFA) deficiencies, for both Highway 551 and the ramp east of Taxiway A, consistent with the MOS approach in the 2012 FAA- and ODAV-approved Airport Layout Plan.
2. Protect private investment and reaffirm the State's commitment to through-the-fence operations.
3. Include FAA-approved Engineered Materials Arresting Systems (EMAS) to address Runway Safety Area (RSA) needs.
4. Recognize Columbia Helicopters and Helicopter Transport Services and plan for their continued operations.
5. Correct the runway's understated load capacity.
6. Commit to continued collaboration with airport stakeholders after adoption.

1. Use Modification of Standards to Resolve ROFA Deficiencies

The Draft Plan treats the realignment of Highway 551 (Hubbard Highway) and the acquisition of approximately 25 acres of private land within the ROFA and Taxiway Object Free Area (TOFA) as fixed plan elements. It does not evaluate an MOS alternative, even though Chapter 4 set a Facility Requirement that the ROFA be "evaluated further and coordinated with FAA in the scoped OFA MOS

Analysis as part of Chapter 5" (p. 4-18). Chapter 5 contains no such analysis. It states only that the FAA has indicated an MOS is "temporary, project-specific, and not a permanent solution" and that the FAA is "unable to issue a MOS as part of the ALP approval" (p. 5-37).

We agree that an MOS is interim and project-specific. That is exactly why it fits here: it can be tied to a specific project, such as the runway extension, and paired with a documented path to full compliance. FAA guidance supports this. FAA Advisory Circular (AC) 150/5300-13B, Section 2.8, allows the FAA to approve modifications to design standards case by case where they provide an acceptable level of safety. The ROFA is not among the standards excluded from the MOS process under Section 2.8.2. Section 2.4 states that the FAA expects airports to correct non-standard conditions "whether in one or multiple phases," and Section 2.8.1 describes an MOS as an interim measure under which compliance "may occur incrementally over time." AC 150/5070-6B, Section 202.c, directs that the ALP narrative document the rationale for "modifications to FAA Airport Design Standards." The 2012 ALP, signed by both ODAV and the FAA, identified an MOS as the solution for this same west-side ROFA condition. If the FAA's position is that an MOS is unavailable at Aurora, ODAV should obtain that position in writing, with its basis, and include it in the record.

AAIA is not asking the State to accept the existing condition indefinitely. We are asking for an iterative path to compliance, documented in the ALP and supported by a formal MOS application, instead of a single, all-or-nothing solution that may never be funded.

Highway 551 and the airport perimeter fence

- **The current plan is costly and unfunded.** The Plan's own Capital Improvement Plan estimates the highway realignment at approximately $50.5 million for environmental review, property acquisition, design, and construction (Table 7-1, p. 7-4). The State has not identified its roughly $5 million share. FAA funding for the remaining $45 million is unlikely: Aurora's base federal entitlement is $150,000 per year (p. 7-5), so the project would depend almost entirely on competitive discretionary grants.
- **A practical alternative exists.** Keeping the highway in place and moving the fence (both State-owned assets, which ODAV and ODOT can address by agreement) brings the airport to approximately 98% ROFA compliance along the full length of the runway. It is not a perfect solution, but it significantly lowers risk, saves tens of millions of dollars, and avoids impacts to neighbors and private property owners west of Highway 551.
- **The risk is quantifiable and low.** The risk analysis AAIA submitted into the record, prepared under the FAA-funded methodology of ACRP Report 51, predicts one wingtip-to-object occurrence every 277 years with the fence in its current location and every 426 years with the fence relocated. The FAA classifies events less frequent than once per 100 years as "extremely improbable." For comparison, the same method predicts one occurrence every 246 years for the standard 300-foot runway-to-taxiway separation the FAA accepts for C-II runways.
- **The runway extension should not wait on the highway.** The Plan places the highway realignment in Phase 1 and the runway extension in Phase 2, and notes the FAA's position that "any runway extensions would require the ROFA and RSA to be in compliance with FAA standards" (p. 5-37). As drafted, a needed and long-anticipated safety project is held hostage to an unfunded $50 million highway relocation.

> **AAIA requests:** ODAV should pursue an MOS for the west-side ROFA, adopt fence relocation as the interim compliance step, show the phased sequence and MOS in the ALP narrative and non-standard conditions table, and separate the runway extension from the Highway 551 realignment.

Ramp space east of Taxiway A

- **The priority acquisition would remove critical ramp space.** The Preferred Alternative designates a roughly 35-foot-wide north-south strip of ramp east of Taxiway A for State acquisition. Removing it from aircraft parking would be devastating to the job-producing businesses that rely on it daily, including Life Flight Network, Aerometal International, Pacific Aircraft Services, Van's Aircraft, Wilson Construction, and many others. Life Flight's own September 2, 2026 letter to the Board states that its concerns about the Plan's effect on its operations "have not yet been fully resolved."
- **The east side is already close to standard.** With the existing property lines, Aurora meets about 93% of the 400-foot ROFA half-width on the east side of the runway.
- **The standard was built for much larger aircraft.** The FAA requires the same 400-foot ROFA half-width, measured from runway centerline, for Category C and D runways, whether the runway serves mid-size business jets like Aurora's or airliners like the Boeing 737. Applying airline-scale clearances to Aurora's traffic makes full compliance costly and impractical.

> **AAIA requests:** ODAV should apply an MOS to the east-side ROFA, remove or defer the priority acquisition east of Taxiway A, and work with the FAA on a risk-based solution for Aurora's non-standard configuration rather than land acquisition that would harm critical operations at the airport.

2. Protect Private Investment at Aurora

Aurora is Oregon's clearest example of what public-private partnership at an airport can produce. Over the last 25 years, private investors have developed the land around the State-owned property, directly creating more than 1,000 active jobs at the airport and thousands more through secondary investment in surrounding communities. The Plan itself cites 2,672 direct, indirect, and induced jobs and nearly $510 million in annual output (p. 2-6), and reports that 231 of the airport's 281 based aircraft, 82%, are stored on private through-the-fence property (Table 2-5, p. 2-10). Marion County tax records show approximately $245 million in private facility investment, generating more than $2 million a year in property taxes for local schools, police, fire, and county services.

- **State law calls for promoting this model.** ORS 836.642 directs ODAV to run a through-the-fence pilot program to promote economic development, and names Aurora State Airport as a pilot site. The Plan cites ORS 836.600 to 836.630 but does not mention this mandate. The Master Plan should advance it, not plan around it.
- **The "Reserve" covers nearly all of the private side of the airport.** The Plan designates roughly 150 acres of adjacent aeronautical property as an "aeronautical reserve, to be acquired from willing sellers" (p. 5-2). Figure 5-33 (p. 5-41) shows that this reserve takes in essentially all of the developed private hangar and apron property east of the runway. The Plan states the depiction "is not a plan or a commitment for acquisition" (p. 5-36), but designating the entire private side for potential State purchase signals a long-term intent to bring it under State control. Investors and lenders will read it that way, whatever the timeline.

- **The designation will constrict growth.** Pursuing those purchases will discourage future investment and the redevelopment of older properties and structures, constricting the airport's growth.

> **AAIA requests:** ODAV should remove the designation of developed private through-the-fence properties for State acquisition, and state in the Plan that the State embraces private ownership adjacent to the airport as a driver of economic development and jobs, consistent with ORS 836.642.

3. Include EMAS to Address Runway Safety Area Needs

The FAA's April 6, 2026 conditional approval requires that the drain fields be "removed from RSA or otherwise meet FAA standards." The Draft Plan states that the drain fields "will be improved to meet FAA surface gradient and load bearing standards, or removed if they cannot meet standards" (p. 5-2), but its cost estimates carry only removal, assigned to private owners as "Septic Drainfield Removal By Others" (Tables 5-1 to 5-3). The Plan does not discuss or consider EMAS, even though EMAS is an FAA-recognized option and AAIA presented it in detail during the planning process, including in our January 21, 2025 Master Plan requests and accompanying ALP drawing.

- **EMAS keeps the drain fields.** EMAS installed at the north and south ends of the runway achieves RSA safety compliance without disturbing the existing drain fields, which serve the airport's privately built, DEQ-approved sewer systems and remain functional after an earthquake when municipal systems may not.
- **EMAS is FAA-supported.** The FAA recommends considering EMAS where pre-existing conditions such as land limits or highways make a standard RSA impractical. Under AC 150/5220-22B, "a standard EMAS provides a level of safety that is equivalent to a full RSA." EMAS is installed with FAA approval and funding at many airports facing RSA constraints like Aurora's.
- **EMAS is consistent with the FAA's own condition.** The FAA's letter allows the drain fields to be removed from the RSA *or* brought up to FAA standards. EMAS is a direct path to the second option.

> **AAIA requests:** ODAV should evaluate and include FAA-approved EMAS at each end of Runway 17-35 in the Master Plan and ALP as the means of meeting RSA standards.

4. Recognize Columbia Helicopters and Helicopter Transport Services

The Draft Plan mentions Columbia Helicopters and Helicopter Transport Services (HTS) only to exclude them. It describes their facilities as "privately-owned helipads that are fully independent from Aurora State Airport operations and facilities" that "will not be included in the airport master plan evaluations" (p. 2-44). It removes their more than 20 helicopters from the based-aircraft count and roughly 1,200 annual operations from the activity baseline (pp. 2-11, 3-11, 3-16). Otherwise, they appear only in a noise-abatement goal (p. 4-9). Treating two of the world's largest heavy-lift helicopter operators, which together account for roughly 70% of the global heavy-lift fleet and are headquartered at Aurora, as unrelated to the airport is a significant omission and should be corrected.

- **Integral to the airport, not independent of it.** Both companies operate substantial aviation infrastructure adjacent to the airport and depend on proximity to Aurora's fixed-wing facilities. Both also own and operate fixed-wing aircraft, and all of their aircraft fly within Aurora's tower-controlled airspace. The Plan itself acknowledges that the Aurora tower handles their traffic (p. 3-16).

- **Major employers.** Together they provide hundreds of jobs and are essential to the economic health of the airport, neighboring communities, Marion County, and the State.
- **National firefighting assets.** Aurora hosts one of the largest concentrations of Type 1 heavy-lift helicopters in the United States. HTS is the largest supplier of Type 1 fire suppression helicopters to the U.S. Forest Service, and both fleets are relied on for wildfire response in Oregon, across the country, and internationally.
- **Cascadia earthquake response.** Aurora sits near the I-5 Boone Bridge, which has been identified as seismically vulnerable. That location, combined with the heavy-lift fleet, makes the airport a vital node in any Cascadia Subduction Zone earthquake response.

> **AAIA requests:** The Master Plan should accurately describe these operators' role at Aurora, including their fixed-wing activity, economic contribution, and emergency-response function, and include planning support for their continued operations by showing their facilities within an airport boundary based on State of Oregon standards, even if not FAA standards.

5. Correct the Understated Runway Load Capacity

The Draft Plan relies on runway weight limits of 30,000 pounds single-wheel and 45,000 pounds dual-wheel, and its Facility Requirement is to "maintain current weight bearing capacity" (p. 4-16). The ALP Airport Data Sheet carries the same figures with a PCN of 35/F/C/X/T. Those figures predate a 2019 engineering study commissioned by ODAV and have no current technical basis.

- **The engineering rating is roughly three times higher.** GRI's 2019 Pavement Classification Number (PCN) Evaluation of Runway 17-35 tested the full runway and recommended PCN 40/F/C/X/T, which corresponds to gross weights of 102,000 pounds single-wheel and 143,000 pounds dual-wheel. The Plan reports these weights (p. 2-38) but does not adopt them.
- **The FAA record was never updated.** GRI's recommendation was not carried onto the FAA Airport Master Record (Form 5010), which still lists the old values and no PCN.
- **The Plan misdescribes what a PCN means.** The Plan characterizes the GRI result as showing that "individual operations" could "theoretically be accommodated," and states that "PCN is a measure only of whether individual operations may cause pavement failure" (p. 2-38). Under the FAA's reporting method, a pavement "can support, without weight restrictions, an aircraft which has an ACN value equal to or less than the pavement's PCN value" (AC 150/5335-5). GRI's rating was based on a 20-year traffic forecast that included jets with a 92,500-pound maximum takeoff weight, a class of aircraft already operating at Aurora today.
- **The Plan predates the runway rehabilitation.** The Plan describes the runway as last overlaid in 2005 and nearing the end of its design life, and cites surface distresses as a limit on larger aircraft (pp. 2-38, 4-16). The runway's 2025 mill and overlay is the repair GRI itself recommended for those distresses, so the pavement's capacity should be at least as high as the 2019 rating.

> **AAIA requests:** The Master Plan should adopt the PCN established by the GRI evaluation, and ODAV should update Form 5010 with the FAA to match.

6. Continued Collaboration After Adoption

In addition to the changes requested above, AAIA urges ODAV to commit to working directly with airport users, business owners, and property owners after adoption to resolve the Master Plan's remaining issues through reasonable, evidence-based solutions. Solutions developed together will protect the people who work at Aurora, create new job opportunities for Oregonians, and preserve the private investment that built the airport. A cooperative approach sustains the operations Oregon relies on for firefighting and emergency response and strengthens Aurora's role as a driver of economic growth for the State.

AAIA and its technical advisors are ready to meet with ODAV staff, its consultants, and the FAA Seattle Airports District Office to work through the MOS application, the EMAS evaluation, and the pavement rating. We appreciate the Department's work on this Plan and the opportunity to comment.

Respectfully submitted,



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