

Land Use Board of Appeals dismisses Aurora Airport case

Wilsonville Spokesman
Corey Buchanan; December 16, 2020

The land use body says it doesn't have jurisdiction over the mater; Wilsonville to consider other options

The Oregon Land Use Board of Appeals (LUBA) dismissed a case brought forward by the cities of Wilsonville and Aurora and other entities against the Oregon Department of Aviation and Oregon Aviation Board regarding the validity of the most recent update of the Aurora Airport Master Plan.

The body, which resolves land use disputes, said in a Dec. 16 ruling that it did not have jurisdiction over the decision in question: the OAB's 2019 adoption of findings of compatibility and compliance in support of a state agency coordinating program that essentially validated the 2012 master plan update. The Wilsonville government has long objected to how the 2012 master plan update was conducted, has been concerned about noise, traffic impacts and a potential runway extension project that could lead to more flights at the airport and wants to be more involved in airport planning.

The LUBA ruling will likely be released Thursday morning but the Spokesman obtained a copy Wednesday evening.

"We conclude above that the 2012 Airport Plan is compatible with the MCCP (Marion County Comprehensive plan) and that, therefore, the Aviation Board was not required to separately demonstrate compliance with the goals. We also conclude above that the 2019 Findings are not a significant impacts land use decision," the ruling read.

LUBA stated that requiring the ODA to be in compliance with both the county's comprehensive plan and state goals simultaneously would "make little sense."

"Requiring a separate determination of compliance with both the comprehensive plan and the goals would create an uncoordinated regulatory scheme that could apply different standards to identical issues," the LUBA ruling read.

Wilsonville Attorney Barbara Jacobson said LUBA made a procedural decision and did not rule on the merits of the cases presented. However, she disagreed with the ruling that the plan was in compliance with the Marion County Comprehensive Plan, stating that the plan was changed after it was approved by the county.

Wilsonville City Council now has two options for moving forward: It could either appeal the decision to the Oregon Court of Appeals or open a separate appeal it already filed — but put on hold — at the Clackamas County Circuit Court.

She also said that the Federal Aviation Administration recently told the ODA that it needed to complete a new master plan update before moving forward with the runway extension project. The city's goal in contesting airport planning has been to get the ODA to restart master planning efforts.

"To me that's the end game," she said.

The Spokesman hasn't confirmed Jacobson's claim about the FAA but a recent ODA press release seems to validate it.

"The FAA is working with the sponsor to develop a scope of work for a Master Plan Update, which would include reviewing the need for the run-up area and runway extension; if these projects are considered justified and foreseeable, they would be subject to review under the National Environmental Policy Act," the release stated.

Bruce Bennett, who was an intervener in the case and is president of Aurora Aviation, said LUBA's decision was a relief.

"It's a relief to see the end of delays in improving the airport. It's unfortunate the city spent so much money largely because of misinformation," he said.