

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1207 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

TELEPHONE (503) 248-0808
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EMAIL KleinmanJL@aol.com

September 10, 2019

Via Messenger

Land Use Board of Appeals
775 Summer Street NE, Suite 330
Salem, OR 97301-1283

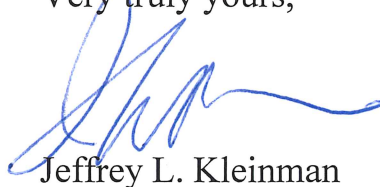
**Re: Friends of French Prairie, et al. v. Oregon Department of
Aviation, et al.
LUBA No.**

Dear Land Use Board of Appeals:

Enclosed please find original and two copies of Notice of Intent to Appeal in the above matter, together with a check in the sum of \$400 for the filing fee and deposit for costs.

Thank you for your courtesies.

Very truly yours,



Jeffrey L. Kleinman

JLK:cme

Enclosures

cc: Lucinda Jackson, Esq.
Oregon Department of Aviation
Oregon Aviation Board
client

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

FRIENDS OF FRENCH PRAIRIE and
and BENJAMIN D. WILLIAMS,

Petitioners,

v.

OREGON DEPARTMENT OF
AVIATION and OREGON AVIATION
BOARD,

Respondents.

LUBA No. 2019-_____

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that petitioners Friends of French Prairie and Benjamin D. Williams intend to appeal that certain land use decision or limited land use decision of respondents entitled: Letter to Jeffrey Kleinman from Betty Stansbury, Director, Oregon Department of Transportation, re Aurora State Airport Master Plan, dated August 21, 2019. Copies of said letter and the relevant correspondence which preceded it are attached hereto as Exhibit A.

II.

Petitioners are represented by:

Jeffrey L. Kleinman
Attorney at Law
1207 SW Sixth Avenue
Portland, Oregon 97204
Telephone: 503-248-0808
Email: KleinmanJL@aol.com

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1 III.

2 Respondents Oregon Department of Aviation and Oregon Aviation Board
3 have as their mailing address and telephone number:

4 3040 25th St. SE
5 Salem, OR 97302
6 Telephone: 503-378-4880

7 and have as their legal counsel:

8 Lucinda D. Jackson
9 Senior Assistant Attorney General
10 Government Services Section I General Counsel Division
11 Oregon Department of Justice
12 1162 Court St NE
13 Salem, OR 97301
14 Telephone: 503-947-4530
15 Email: lucinda.d.jackson@doj.state.or.us

16 IV.

17 The applicants for the challenged decision are the respondents identified
18 above, and have the mailing address, telephone number, and legal counsel set out
19 above.

20 Other persons mailed written notice of the land use decision by the Oregon
21 Department of Aviation and Oregon Aviation Board, as indicated by their records
22 in this matter, include:

23 (None.)

24 **NOTICE:**

25 Anyone designated in paragraph IV of this Notice who desires to participate
26 as a party in this case before the Land Use Board of Appeals must file with the
Board a Motion to Intervene in this proceeding as required by OAR 661-010-
0050.

27 DATED: September 10, 2019.


Jeffrey L. Kleinman, OSB #743726
Attorney for Petitioners



Oregon

Kate Brown, Governor

Oregon Department of Aviation

3040 25th Street SE
Salem, OR 97302-1125

Office: 503-378-4880

Fax: 503-373-1688

RECEIVED

AUG 26 2019



August 21, 2019

Jeffrey Kleinman
Attorney at Law
1207 SW Sixth Avenue
Portland, OR 97204

**JEFFREY L. KLEINMAN
ATTORNEY AT LAW**

Re: Aurora State Airport Master Plan

Dear Mr. Kleinman:

We have completed a review of our historical file on the 2012 Aurora State Airport Master Plan Update (Master Plan) and found some discrepancies in the information I previously provided you in my April 24, 2019, letter. Please consider this letter a clarification and correction of that information.

In your first two questions, you asked if the Master Plan had been submitted to the Oregon Aviation Board (OAB) and whether the OAB had adopted the Master Plan. The Master Plan was submitted to the OAB at several of its meetings in 2011. On October 27, 2011, the OAB approved the Master Plan for submittal to the Federal Aviation Administration. Subsequent to this, the FAA approved the Airport Layout Plan (ALP) on October 12, 2012. The Master Plan was revised to incorporate changes suggested by the FAA and the ALP. It was printed in final form December 2012.

You also asked what the status of the Department's (ODA) state agency coordination (SAC) efforts were with respect to the master plan. ODA is currently in the process of gathering information on the compatibility of the Master Plan with applicable land use plans and statewide planning goals. ODA will present findings of compatibility to the OAB at its October 31, 2019, meeting. Since this meeting is being held in Sunriver, ODA has chosen to hold a meeting in Salem to receive comment from the public. This meeting is on September 24 from 3:00-5:00 p.m. I have enclosed a copy of the notice.

Sincerely,

Betty Stansbury, AAE
Director

*Oregon Department of Aviation's mission is to provide infrastructure, financial resources,
and expertise to ensure a safe and efficient air transportation system*

EXHIBIT A

NOTICE OF PUBLIC MEETING
Aurora State Airport Master Plan

RECEIVED

AUG 26 2019

JEFFREY L. KLEINMAN
ATTORNEY AT LAW

The Oregon Department of Aviation (ODA) is in the process of gathering information on the compatibility of the Federal Aviation Administration approved 2012 Aurora State Airport Master Plan Update with applicable land use plans and statewide planning goals. The Department will prepare findings of compatibility and present the Master Plan and these findings to the Oregon Aviation Board on October 31, 2019, for adoption. This meeting will be held in Sunriver.

To provide opportunity for public input on this, the Department will hold a public meeting on September 24, 2019, from 3-5pm at the Salem Airport – Terminal Building: 2990 25th St SE, Salem, OR 97302. The Department will only consider comments on the issue of compatibility with applicable land use plans and statewide land use goals. Each person, who wishes to speak, will be limited to 2 minutes. The Department strongly encourages that comments also be submitted in writing.

All members of the public, Department of Land Conservation and Development, affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and other interested parties in the development or amendment of the Master Plan are invited to participate.

Copies of the 2012 Aurora State Airport Master Plan Update are available for public review at the Oregon Department of Aviation, 3040 25th St SE, Salem OR 97302; North Marion Community Library, 21553 Liberty St NE, Aurora, OR 97002; online at the Department's website: Oregon.gov/aviation.

Aviation Board Meeting

The Aviation Board is scheduled to hold a public hearing and consider adoption of the Master Plan at the October 31, 2019 Oregon Aviation Board meeting to be held at the Sunriver Resort – Abbot Room, 17600 Center Drive, Sunriver, OR 97707. The meeting is scheduled to start at 10 am. Last day for public comments will be: **October 4, 2019**. Comments received after this date may be considered and will be given to the Board prior to the meeting as part of the public record. Please submit 15 copies if comments are submitted in person on the date of the hearing.

Written comments can be emailed to the Department prior to the October 4, 2019 deadline. Email: aurora@aviation.state.or.us or via USPS: Oregon Dept. of Aviation, ATTN: Aurora Master Plan, 3040 25th St SE, Salem, OR 97302

For additional information, please see Department Website:

Website: Oregon.gov/aviation
503-378-4880 – phone
503-373-1688 – fax
Email: aurora@aviation.state.or.us

Accessible Meeting Information

This meeting location is accessible. Special accommodations are available upon advance request. Please contact Mary Buell at 503-378-2217 or Mary.Buell@aviation.state.or.us) at least 48 hours prior to the event to discuss specific needs.



Oregon

Kate Brown, Governor

Oregon Department of Aviation

3040 25th Street SE
Salem, OR 97302-1125
Office: 503-378-4880
Fax: 503-373-1688



APR 29 2019

JEFFREY L. KLEINMAN
ATTORNEY AT LAW

April 24, 2019

Jeffrey Kleinman
Attorney at Law
1207 SW Sixth Avenue
Portland, OR

Re: your January 28, 2019 Letter

Dear Mr. Kleinman:

I apologize for the delay in responding to your January 28th letter. I became Director on February 4th, 2019, and delayed responding to your letter until I could better understand the history and issues related to the Aurora Airport. I understand that our Assistant Attorney General, Lucinda Jackson, has been in contact with you regarding your public records request, and that you have submitted a revised scope of what documents you would like to receive.

The following are answers to the questions in your January 28th letter:

1) Has a draft master plan been submitted to the State Aviation Board for adoption?

No. The last Aurora Airport Master Plan was completed in December 2012 but it has not been submitted to the board for adoption.

2) Has the Board in fact adopted or approved a master plan for Aurora Airport? If so, when?

When the 1976-1995 Aurora Airport Master Plan was developed, there was no independent department of aviation in Oregon. Instead, the plan was prepared by the Aeronautics Division of the Oregon Department of Transportation and was subject to approval requirements of the Oregon Transportation Commission. The Aeronautics Division became the Oregon Department of Aviation in 1999. ORS 835.100. The State Aviation Board was also created at that time. ORS 835.102. The board has not yet adopted a master plan for Aurora.

3) If no master plan has been submitted to the Board, what is its current status?

The board adopted ODA's State Agency Coordination (SAC) program in 2017. This has been sent to the Department of Land Conservation and Development for review and certification by the Land Conservation and Development Commission. Adoption of the 2012 Aurora State Master Plan is on hold until this process is complete.

*Oregon Department of Aviation's mission is to provide infrastructure, financial resources,
and expertise to ensure a safe and efficient air transportation system*

4) What is the status of the Department's state agency coordination efforts with respect to the master plan? Have these been carried out? If not, how and when will they be carried out and completed?

See the answer to #3.

5) What citizen involvement efforts have been undertaken with respect to the master plan? What further citizen involvement efforts are planned or being planned?

When the 2012 Aurora Airport Master Plan was prepared, ODA established a Planning Advisory Committee (PAC), representing Airport users and neighbors, which participated in the planning process. In addition to six PAC meetings, public involvement in the master plan update included a website that disseminated information and gathered comments and questions, and ODA held five open houses for the general public.

Once ODA's SAC program is certified, ODA will comply with any applicable requirements in the SAC program when adopting the airport master plan.

I hope this answers your questions. If not, please feel free to continue to contact Lucinda Jackson for further information as well as for the public records request. Thanks again for your patience as I learn the history and issues surrounding the Aurora Airport.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. Stansbury", with a long horizontal flourish extending to the right.

Betty Stansbury, AAE
Director

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1207 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

TELEPHONE (503) 248-0808
FAX (503) 228-4529
EMAIL KleinmanJL@aol.com

January 28, 2019

Certified Mail–Return Receipt Requested

Martha Meeker, Interim Director
Betty Stansbury, Incoming Director
Oregon Department of Aviation
3040 25th St. SE
Salem, OR 97302-1125

Re: Aurora Airport Master Plan

Dear Ms. Meeker and Ms. Stansbury:

I am writing to inquire as to the status of the Aurora Airport Master Plan (the “master plan”). The master plan has been discussed for a number of years, but where it now stands is unclear to most of us outside the agency. I would specifically like to know the following:

- Has a draft master plan been submitted to the State Aviation Board for adoption?
- Has the Board in fact adopted or approved a master plan for the Aurora Airport? If so, when?
- If no master plan has been submitted to the Board, what is its current status?
- What is the status of the Department’s state agency coordination efforts with respect to the master plan? Have these been carried out? If not, how and when will they be carried out and completed?
- What citizen involvement efforts have been undertaken with respect to the master plan? What further citizen involvement efforts are planned or being planned?

Martha Meeker, Interim Director
Betty Stansbury, Incoming Director
January 28, 2019
page two

Thank you for your attention to this inquiry. I look forward to your prompt response.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey L. Kleinman', with a long horizontal flourish extending to the right.

Jeffrey L. Kleinman

JK:cme

1 CERTIFICATE OF FILING

2 I hereby certify that on September 10, 2019, I filed the original of this
3 NOTICE OF INTENT TO APPEAL, together with two copies, with the Land Use
4 Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, via
5 messenger.

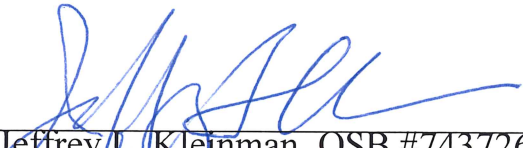
6 DATED: September 10, 2019.

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8 
9 Jeffrey L. Kleinman, OSB #743726
10 Attorney for Petitioners

11 CERTIFICATE OF SERVICE

12 I hereby certify the on September 10, 2019, I served a true and correct copy
13 of the NOTICE OF INTENT TO APPEAL on all persons listed in paragraphs III
14 and IV of the Notice pursuant to OAR 661-010-0015(2) by first class mail.

15 DATED: September 10, 2019.

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17 
18 Jeffrey L. Kleinman, OSB #743726
19 Attorney for Petitioners
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