

HB 2497-1
(LC 1639)
1/19/21 (RLM/ps)

Requested by Representative NERON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2497**

1 Delete lines 5 through 10 of the printed bill and insert:

2 “Whereas the most recent Aurora State Airport Master Plan process has
3 been characterized by intergovernmental and citizen disputes since the last
4 update starting in or around 2009; and

5 “Whereas the most current version of the master plan being relied upon
6 by the department, referred to by the department as the ‘2012 Aurora State
7 Airport Master Plan,’ is the subject of litigation brought by multiple parties;
8 and

9 “Whereas the Federal Aviation Administration has mandated an update
10 to the master plan before any additional construction on the airport will be
11 approved or funded by the administration; and

12 “Whereas a better alternative to litigation will encourage more cooper-
13 ation and a transparent public process between the Oregon Department of
14 Aviation and impacted local governments, other impacted state agencies,
15 conservation organizations and the general public; now, therefore,”.

16 Delete lines 12 through 29 and insert:

17 **“SECTION 1. A public body, as defined in ORS 174.109, may not**
18 **make a land use decision that would allow an expansion of the run-**
19 **way, fencing or other facilities of the Aurora State Airport unless the**
20 **expansion is consistent with a master plan developed pursuant to and**
21 **consistent with the requirements of an intergovernmental agreement**

1 entered into by the Oregon Department of Aviation, Clackamas
2 County, Marion County, the City of Aurora and the City of Wilsonville
3 that:

4 “(1) Ensures the participation of each local government that is a
5 party to the agreement with respect to land use planning and
6 decision-making regarding any expansion of the airport;

7 “(2) Requires the department to adopt and regularly update a mas-
8 ter plan for the airport consistent with the requirements of this sec-
9 tion and Federal Aviation Administration regulations;

10 “(3) Describes the process used by the department to adopt and
11 update the master plan. The process for approval of the plan must
12 include requirements that:

13 “(a) The plan be in writing and signed by all members of the State
14 Aviation Board;

15 “(b) The plan incorporate written findings demonstrating how the
16 plan complies with statewide land use planning goals, ORS 197.180 and
17 the implementing rules;

18 “(c) The department first hold a public hearing on the proposed
19 plan:

20 “(A) At a location no greater than three miles from the airport;

21 “(B) For which the department has provided a notice no less than
22 60 days prior to the hearing that:

23 “(i) Is published in one or more newspapers with general circulation
24 in Marion and Clackamas Counties;

25 “(ii) Is delivered by first class or electronic mail to any person who
26 has requested notice;

27 “(iii) Provides the time, date and location of the hearing; and

28 “(iv) States how the public may access copies, including electron-
29 ically, of the plan, the proposed findings, the airport layout plan ap-
30 proved by the Federal Aviation Administration, any staff reports and

1 the applicable substantive approval criteria for the plan; and

2 “(C) At which the department accepts evidence and oral testimony
3 during the hearing and evidence and written testimony before, during
4 and, upon the request of any party, for at least 30 days following the
5 hearing;

6 “(d) The adoption of the master plan occur no less than 30 days and
7 no more than 60 days following the close of written public testimony
8 under paragraph (c) of this subsection;

9 “(e) Within three days of the plan’s approval, copies of a decision
10 to adopt the plan, including a notice of right of appeal, be delivered
11 by first class mail or electronic mail to any person who participated
12 in the proceedings or who requests notice of the decision; and

13 “(f) The approval of the master plan does not become final and take
14 effect until the date of delivery of the notice under paragraph (e) of
15 this subsection.

16 “(4) Requires that the appropriate environmental studies be con-
17 ducted, including alternative methods for mitigating noise, air, land
18 and water pollution attributable to aviation operation and develop-
19 ment, prior to any expansion or change in operations by the airport;
20 and

21 “(5) Includes a plan and time frame for the City of Aurora to annex
22 the airport, including the lands facilitating through the fence oper-
23 ations as defined in ORS 836.640.

24 “SECTION 2. The Land Conservation and Development Commission
25 shall require the Oregon Department of Aviation to submit to the
26 Department of Land Conservation and Development a program for
27 coordination under ORS 197.180 with respect to the Aurora State Air-
28 port prior to the next update or adoption of an airport master plan as
29 described in section 1 (3) of this 2021 Act. This program for coordi-
30 nation may not rely on any rules or program for coordination adopted

1 by the Department of Transportation.

2 “SECTION 3. Sections 1 and 2 of this 2021 Act are repealed on Jan-
3 uary 2, 2035.”.

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