



DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION

103 STATE OFFICE BUILDING

SALEM, OREGON 97310

TELEPHONE: (503) 378-4620

September 18, 1973

Mr. Paul E. Burket
Aeronautics Administrator
Aeronautics Division
Department of Transportation
3040 25th Street SE
Salem, Oregon 97310

Re: Sunset Airstrip, Roth Development, Inc.

Dear Mr. Burket

You have given this office a copy of the objections dated August 2, 1973, pertaining to the Sunset Airstrip order and have requested our comments.

Roth has requested that the limitation of 50 aircraft be restricted or made appurtenant to each lot. This is not a matter of concern to the Aeronautics Division. Aeronautics is concerned primarily with safety in connection with the operation of the airstrip in the proximity of other airports. Whether the aircraft operating out of Sunset are all owned by one lot owner or distributed to each lot is a matter solely within the concern of Roth Development.

The condition under 4(g) is a matter within the expertise of Aeronautics. It would appear that all takeoffs and landings being controlled by the Hillsboro Tower would cover the matter, but we leave this determination to Aeronautics.

We believe some of the objections to condition No. 5 are contrary to the application and the evidence presented in support of the additional use of the airstrip. This is a matter that Aeronautics can check through the transcript, but we recollect that Roth already has similar provisions in the deeds to the lots that have already been sold. There is no legal prohibition for complying with such use in each new deed containing conditions and providing for suspension of use if violated. Such conditions are most certainly consistent with the idea that each lot owner has the privilege of using the airstrip as long

REC'D AERONAUTICS

SEP-19 1973

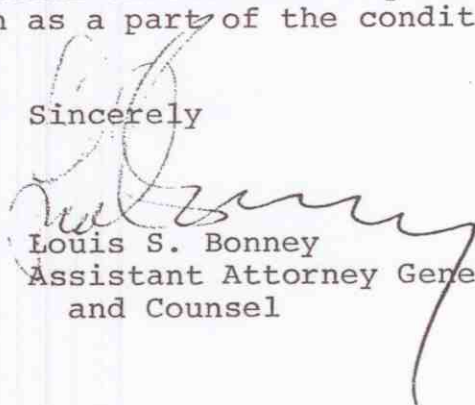
Mr. Paul E. Burket
September 18, 1973
Page 2

as he complies with the regulations. Whether or not there is a homeowner's association does not matter. The developer is selling the lots with the privilege of using the airstrip. The proposed conditions and covenants in the deeds should be enforced by the developer, as well as other homeowners.

The sentence making each member of the Homeowners' Association absolutely responsible for another member's conduct may not be proper and probably should be eliminated. Also, whether or not Aeronautics should spell out specific penalties for enforcement by Roth or the Association, such as six-months' suspension for the first violation and permanent suspension for two violations within two years, should be reconsidered and possibly eliminated.

The last paragraph of Ericsson's letter is possibly true, but it does not eliminate the additional enforcement required of the developer or the Association as a part of the conditions to operate the airstrip.

Sincerely



Louis S. Bonney
Assistant Attorney General
and Counsel

kk

VERNE DUSENBERY
JEROME S. BISCHOFF
WILLIAM C. MARTIN
DAVID P. TEMPLETON
RICHARD L. BIGGS
LLOYD B. ERICSSON
FREDERICK T. SMITH
ROBERT E. GLASGOW
STEVEN H. HUGHES
JOHN L. LANGSLET

DUSENBERY, MARTIN, BISCHOFF & TEMPLETON
ATTORNEYS AT LAW
1107 STANDARD PLAZA
PORTLAND, OREGON 97204
TELEPHONE 224-3113

OUR CABLE ADDRESS
"DUSLAW"
PORTLAND, OREGON

August 2, 1973

Mr. Paul Burkett
State Board of Aeronautics
Salem Municipal Airport
Salem, Oregon

Re: Roth Development Inc.

Dear Mr. Burkett:

Roth Development Inc. has asked me to respond to your letter of July 20. We have questions about the separately numbered paragraphs set forth herein.

1. It was our understanding that the aircraft limitation was to be phrased in terms of the number of aircraft operating easements appurtenant to lots within the development rather than aircraft per se. We believe paragraph 1 should be revised to read:

"No more than 50 airport access easements, each appurtenant to lots within the Air Acres subdivisions, may be issued."

4(g). We believe 4(g) should be amended by adding, after "Federal Aviation Administration" the following language:

"Unless the FAA shall have issued an appropriate ATC IFR clearance for a takeoff under instrument conditions for a vectored approach."

The possibility of a vectored approach does not now exist, but further expansion could result in radar coverage of that area.

5. Roth Development Inc. has not consented to become a policeman nor to the establishment of a Homeowners' Association which does not presently exist. We do not believe any part of paragraph 5 is an appropriate or legal restriction. Not only

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Mr. Paul Burkett
August 2, 1973

does Roth Development not have the power to control operations other than by actions for trespass or violation of the terms and conditions of the existing agreements, there is no provision which would allow Roth Development to revoke the appurtenant easement. There is no conceivable way that each of the potentially 50 people could be held responsible for the conduct of one of their number. We must respectfully reject this provision.

I would observe that conduct of all pilots is subject to the provisions of FAR Part 91. It would be my opinion that operations in violation of the currently existing restrictive covenants and letter of agreement with the tower would constitute a violation of one or more provisions of FAR Part 91. Under the circumstances existing at Sunset Air Strip, it seems that the Hillsboro Control Tower is the agency most likely to first become aware of any violations which fits well with the federal scheme of enforcing proper operating practices through the GADO.

The balance of the letter of July 20 appears to be acceptable.

Sincerely,



Lloyd B. Ericsson

LBE:kam

cc: Mr. Merrill Roth

July 20, 1973

CERTIFIED MAIL

Roth Development, Inc.
1600 NE 25 Street
Hillsboro, OR 97123

Gentlemen:

Pursuant to an order by the Oregon State Board of Aeronautics dated June 29, 1973, the following amendment is made to Airport License 16, for the Sunset Airstrip, North Plains, Oregon, and becomes a part of that license.

1. No more than fifty (50) aircraft, belonging to owners/residents of property adjacent to Sunset Airstrip, may be based at Sunset Airstrip. Terms and conditions under which these additional twenty-five permanently-based aircraft may operate from the Sunset Airstrip are subject to periodic review and revision by the Oregon State Board of Aeronautics.
2. In the event it becomes necessary for the operation of Portland/Hillsboro Airport, Roth Development, Inc. agrees to grant to the Port of Portland, without charge, airspace easements over the runway and taxiways at Sunset Airstrip.
3. The Sunset Airstrip shall be constructed and maintained to meet at least the minimum airport standards established by the Board of Aeronautics.
4. Ingress and egress to the airport will be conducted in accordance with procedures coordinated with the Chief, Hillsboro Airport Air Traffic Control Tower and the Oregon State Board of Aeronautics. These procedures will include, but are not restricted to:
 - a. Arrival paths
 - b. Departure paths
 - c. Traffic pattern
 - d. Communication requirement
 - e. Communication procedures
 - f. Air Traffic Control instructions
 - g. No take-off or landing will be accomplished at the Sunset Airstrip when weather conditions at the Sunset Airstrip, or being reported by the Hillsboro Air Traffic Control Facility, are less than required for operation under the Visual Flight Rules of the Federal Aviation Administration.

July 20, 1973

5. Roth Development, Inc., or any successor in interest thereto shall include in their deed covenants, the following provisions:

"All members of the Homeowners Association, members of their family, heirs, successors and assigns, who operate an aircraft from Sunset Airstrip agree to abide by the rules and regulations and special conditions for the operation of aircraft from the Sunset Airstrip, as established by the Federal Aviation Administration and the Oregon State Board of Aeronautics. Upon substantial evidence of a violation by a member of the Homeowners Association of the aforementioned rules and regulations and conditions, the Homeowners Association shall suspend the offending member's right to use said airstrip for a period of six months. Upon a second violation by the same member within a two-year period, the right of that member to use the airstrip, as an easement pertinent to his property, shall be permanently revoked and shall revert to the Homeowners Association without cost to the Homeowners Association and without compensation to the offending member. Each member of the Homeowners Association is absolutely responsible for the conduct of all who use his individual airstrip right. Should it become necessary to enforce this covenant in a court of law or equity, the Homeowners Association shall be entitled to their reasonable attorneys' fees, costs and disbursements, in addition to other damages arising out of the same action or suit."

6. At each end of the runway, there shall be established and maintained a sign directing pilots who are about to take off to contact the Hillsboro Traffic Control Facility for traffic advisory information.

7. Any substantial failure by licensee or his assigns to comply with conditions of the license as stated herein, or of the letter of agreement with the Hillsboro Traffic Control Tower, shall constitute cause for the Board of Aeronautics to institute revocation procedures for the airport license under the provisions of ORS 492.220.

The previous amendment is cancelled effective June 29, 1973.

Sincerely,

PAUL E. BURKET
Aeronautics Administrator

PEB:RWM:ps

OREGON STATE BOARD OF AERONAUTICS
SALEM MUNICIPAL AIRPORT
3040 - 25th STREET S. E.
SALEM, OREGON 97310

May 18, 1973

Mr. William B. Duncan
Carson and Duncan, Attorneys
126 N. E. 3rd Avenue
Hillsboro, Oregon 97123

Re: Sunset Airport

Dear Mr. Duncan:

This letter is in response to your proposed draft of May 8, 1973, and reflects changes which resulted, in part, from our joint meeting the same date.

This constitutes a second draft of the subject material and it is believed that the conditions stipulated below will fulfill the requirements of the instructions issued by the Board of Aeronautics to the undersigned at the Board meeting on April 26, 1973:

Pilots using the Sunset Airstrip shall contact Hillsboro Tower prior to take-off from Sunset Airstrip, for traffic advisory information, or prior to entry of the Hillsboro Airport traffic area on arrival. Pilots shall maintain two-way radio communications guard with Hillsboro Tower while in the Hillsboro Airport traffic area.

No take-off or landing will be accomplished from the Sunset airstrip when weather conditions at the Sunset Airstrip, or being reported by the Hillsboro Airtraffic control facility, are less than that required for operation under the Visual Flight Rules of the Federal Aviation Administration.

The Sunset Airstrip Aircraes Homeowners Association, or any successor in interest to A. R. John General Contractors, Inc., shall include, in their bylaws and in their deed covenants, the following provisions:

"All members of the Homeowners Association, members of their family, heirs, successors and assigns, who operate an aircraft from Sunset Airstrip agree to abide by the rules and regulations and special conditions for the operation of aircraft from the Sunset Airstrip, as established by the Federal Aviation Administration and the Oregon

State Board of Aeronautics. Upon substantial evidence of a violation by a member of the Homeowners Association of the aforementioned rules and regulations and conditions, the Homeowners Association shall suspend the offending member's right to use said airstrip for a period of six months. Upon a second violation by the same member within a two-year period, the right of that member to use the airstrip, as an easement pertinent to his property, shall be permanently revoked and shall revert to the Homeowners Association without cost to the Homeowners Association and without compensation to the offending member. Each member of the Homeowners Association is absolutely responsible for the conduct of all who use his individual airstrip right. Should it become necessary to enforce this covenant in a court of law or equity, the Homeowners Association shall be entitled to their reasonable attorneys' fees, costs and disbursements, in addition to other damages arising out of the same action or suit."

At each end of the runway, there shall be established and maintained a sign directing pilots who are about to take off to contact the Hillsboro Traffic Control Facility for traffic advisory information.

Terms and conditions under which these additional twenty-five permanently based aircraft may operate from the Sunset Airstrip are subject to periodic review and revision by the Oregon State Board of Aeronautics.

It is to be understood that these conditions are subject to final approval and acceptance by the Board. Subsequent to their approval of these conditions, they will probably take action, either disapproving or approving the request of Roth Development dated March 20, 1973, in which they asked for authorization for an additional twenty-five based aircraft. If the request is granted, the license for Sunset Airport, held by Roth Development, Inc., will be amended to reflect these revised conditions.

With respect to the reference in "Sunset Airstrip Airscrews Homeowners Association," please advise if this organization has been officially recorded yet and also if there will be any effort to amend existing covenants contained in deeds issued by Roth Development, Inc., to incorporate the provisions being proposed by A. R. John, General Contractors, Inc.?

We appreciate your cooperation and look forward to your further comments on these matters.

Sincerely,

PAUL E. BURKET
Aeronautics Administrator

PEB:cal

cc: Mr. Dan Miliucci, A. R. John Development, Inc.
Mr. Louis Bonney, Assistant Attorney General

Construction

R. DIXON SPEAS ASSOCIATES, INC.

Aviation Consultants

1100 GLENDON AVENUE, LOS ANGELES, CALIFORNIA 90024
TELEPHONE 213 479-3991

16 May 1973

Port of Portland
Box 3529
Portland, Oregon 97208

Attention: Robert Finley

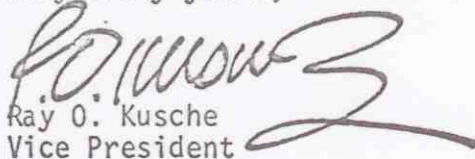
Subject: Preliminary Draft
Phase I - Portland/Hillsboro Airport Master Plan Study

Dear Bob:

In accordance with our contract and schedule, at this time we should be undertaking joint discussions regarding the role of the Portland-Hillsboro Airport. Accordingly, we have prepared a preliminary draft of Chapters IV and V of our report, which are attached for your review and comment.

This material should be considered as a working paper, and following discussions with the Port's staff and the FAA in Seattle we will prepare the final text including necessary graphics.

Very truly yours,


Ray O. Kusche
Vice President

An examination of weather conditions at the Portland International Airport shows that the proposed runway configuration will be usable 99.2 percent of the time during all weather conditions and 99.7 percent of the time for IFR "straight in" conditions (ceiling 200' to 1,000', visibility 1/2 mile to 3 miles). This by far exceeds FAA planning criteria for runway coverage, and verifies the adequacy of Portland International to meet the commercial aviation demands.

Future SMSA General Aviation Growth

The historical and forecasted SMSA growth in General Aviation activities indicates the need for expanded general aviation facilities. Although little growth has occurred at Portland-Hillsboro, the SMSA general aviation statistics have been growing at a steady annual rate of 7.3 percent. New based aircraft have, therefore, been locating at facilities other than Portland-Hillsboro.

The reasons for these trends are two-fold. First, the aircraft storage capacity at Portland-Hillsboro has been limited during this period and has not allowed growth to freely occur. Currently there are only 100 tie-down spaces and 74 T-hangar stalls available at the airport. Fixed base operators feel additional facilities are required since they now have waiting lists of aircraft owners desiring both tie-downs and T-hangar storage. In an area such as Portland many aircraft owners prefer to keep their aircraft stored in an enclosed area and will choose an airport based on the availability of hangar storage facilities.

Secondly, the growth of general aviation aircraft in the SMSA region has been characterized by the development of many small private airports. A total of 15 of these type facilities now exist out of a combined 36 airports in the region. The development of these airports may be attributed to inadequate existing facilities and the public's desire to maintain private airports. The continued proliferation of this type of airport development, however, should be generally discouraged because of its diluting effect on the quality of existing airport facilities. The large number of small airports makes development of high quality facilities difficult to justify or finance. In addition, overlapping airspace requirements of these airports creates hazards to aircraft and jeopardizes safe operations within the system.

The future general aviation growth within the SMSA should therefore be directed towards developing fewer airports to insure that the quality of the airport facilities are maintained and improved. It should be noted that this is one of the stated goals of the 1971 Portland Regional Aviation System Plan. Such a policy is in the best interests of the regional aviation system and further substantiates the need for development of the Portland-Hillsboro Airport.

Portland-Hillsboro Commercial Aviation Potential

The potential of future commercial aviation activities at Portland-Hillsboro is limited by the fact that the Portland International Airport Master Plan has demonstrated that sufficient and adequate air carrier facilities will be available through development of the existing air carrier airport. Hence the development of air carrier runways and

associated facilities at Portland-Hillsboro cannot be justified based on the inadequacy of Portland International or the need for additional air carrier runway capacity during the twenty-year planning period.

The need for supplemental passenger service at Portland-Hillsboro is also difficult to justify due to the relatively small population base within the airport's immediate market area and its proximity to Portland International. The current driving time between the two airports is approximately 30 minutes and severely constrains the market potential of a supplemental carrier since many potential passengers would find it easier to drive to or from the larger airport. Therefore, scheduled commuter flights do not appear likely during the short and intermediate planning periods. Continued growth of air taxi and charter flights, however, will occur and adequate facilities should be provided for this type of activity.

Conclusion

Because of the growing general aviation demand within the Portland SMSA area and the adequacy of planned commercial aviation facilities, the Portland-Hillsboro Airport twenty-year Master Plan should be designed to accommodate all aspects of general aviation but should not develop an air carrier capability. General aviation development should be adequate to relieve the larger general aviation aircraft of the type currently in use at Portland International.

An airport of this type should be planned to accommodate aircraft up to 60,000 pounds on a frequent basis as well as occasional heavier aircraft. The airport will be of the Basic Transport category and should be equipped with instrumentation sufficient to provide first quality relief for Portland International under all types of weather conditions.

The airport should be developed with adequate parking and storage facilities for executive jet type aircraft and should provide sufficient industrial expansion areas for aviation-related industrial development.

PORTLAND-HILLSBORO AIRPORT FORECASTS

The forecasts developed for the Portland-Hillsboro Airport adopt a conservative approach and assume the airport will continue to capture its historical percentage of the SMSA general aviation activity. In addition, it is assumed that half of the Portland International surplus aircraft will choose Portland-Hillsboro as their base of operations. The remainder of the aircraft seeking a reliever will locate at other airports in the area. An optimistic approach might assume an increasing capture rate for Portland-Hillsboro due to development of improved aircraft storage facilities and airport navigation aids.

Based Aircraft Forecasts

The figures presented in Exhibit represent the based aircraft projections for Portland-Hillsboro Airport. To develop the unconstrained forecasts a constant capture rate of 18.3 percent has been assumed for

Portland-Hillsboro and 11.3 percent for Portland International.

Since Portland International plans to accommodate a total of 215 based general aviation aircraft, however, the aircraft projected in excess of this figure are assumed to seek reliever facilities. Thus, the constrained forecast projects an ultimate of 215 aircraft for Portland International and assumes half of the surplus aircraft will shift to Portland-Hillsboro.

EXHIBIT
BASED AIRCRAFT PROJECTIONS

Year	Unconstrained Forecast		Constrained Forecast	
	Portland-Hillsboro	Portland International	Portland-Hillsboro	Portland International
1975	231	142	231	142
1980	285	176	285	176
1985	373	231	381	215
1990	465	287	501	215
1993	518	320	571	215

Source: Speas Analysis

Aircraft Operations Forecast

The projections of aircraft operations have been developed through an analysis of operations per based aircraft which have occurred in the past at Portland-Hillsboro. Exhibit shows these ratios for the years 1967 through 1971.

EXHIBIT

PORTLAND-HILLSBORO OPERATIONS PER BASED AIRCRAFT

Year	Based Aircraft	Operations	Operations Per Based Aircraft
1967	165	101,784	617
1968	210	96,957	462
1969	210	103,763	494
1970	153	88,726	580
1971	153	80,787	527
1973	195	NA	NA
			Average = 536 oper/aircraft

Source: Economic Impact Analysis Portland-Hillsboro Airport, 1971.

These figures have fluctuated over the past five years and contrary to total U.S. statistics have exhibited no positive growth trend. Consequently, an average of 536 operations per aircraft has been assumed in projecting the number of future aircraft movements at Portland-Hillsboro. This again is a conservative approach since national forecasts indicate approximately a 1 percent annual growth rate will occur in operations per aircraft.¹ Also, the effects of a Flight Service Station and General Aviation District Office at the airport will tend to increase the movements per based aircraft relationship and make the following forecasts conservative.

¹

The Magnitude and Economic Impact of General Aviation, 1968-1980, GAMA, 1970.

Exhibit presents the projected aircraft movements and the proportionate split of local, itinerant and instrument operations. Local operations have traditionally accounted for 45 percent of the total activity. This figure was verified by a recent two-week control tower survey and has been used to project future operations. The tower survey also determined that approximately 99 percent of local operations are the result of "touch-and-go" activities. Instrument operations have grown at an annual rate of 15.4 percent over the past four years and are projected to grow at a rate of 10 percent over the twenty-year planning period.

EXHIBIT

PORTLAND-HILLSBORO AIRCRAFT OPERATIONS FORECAST

Year	Based Aircraft	Operations Per Aircraft	Total Annual Operations	Local Operations	Itinerant Operations	Instrument Operations
1975	230	536	123,280	55,476	67,804	4,095
1980	280	536	150,080	67,536	82,544	6,596
1985	380	536	203,680	91,656	112,024	10,622
1990	500	536	268,000	120,600	147,400	17,108
1993	570	536	305,520	137,484	168,036	22,768

Source: Speas Analysis

Aircraft Mix Forecasts

Historical statistics also indicate approximately 20 percent of the total aircraft fleet are multi-engine aircraft and the remainder are single-engine. Exhibit shows the forecasted mix based on these statistics.

EXHIBIT

PORTLAND-HILLSBORO PROJECTED AIRCRAFT MIX

Year	Single-Engine Based Aircraft	Multi-Engine Based Aircraft
1975	184	46
1980	224	56
1985	304	76
1990	406	100
1993	456	114

Source: Speas Analysis

Peaking Factors

Exhibit illustrates the peak month and peak day projected activities as well as the busy hour forecasts. Peak month activities have occurred in July of each year and historically account for 12 percent of the annual operations. The peak day has remained a constant 5 percent of the peak month. Busy hour projections represent the average of two consecutive peak hours and were assumed to be equal to 7 percent of the annual activity.

EXHIBIT

PORTLAND-HILLSBORO PROJECTED PEAK ACTIVITIES

Year	Peak Month	Peak Day	Busy Hour
1975	14,794	740	88
1980	18,010	901	108
1985	24,442	1,222	146
1990	32,160	1,608	192
1993	36,662	1,833	220

Source: Speas Analysis

EXHIBIT
SUMMARY OF FORECASTS FOR
PORTLAND-HILLSBORO AIRPORT

	Base 1971	Forecast Year				
		1975	1980	1985	1990	1993
<u>Based Aircraft</u>						
Single-Engine	122	184	224	304	400	456
Multi-Engine	31	46	56	76	100	114
Total	153	230	280	380	500	570
<u>Movements (including itinerant aircraft)</u>						
Local	39,499	55,476	67,536	91,656	120,600	137,484
Itinerant	41,288	67,804	82,544	112,024	147,400	168,036
Total	80,787	123,280	150,080	203,680	268,000	305,200
Instrument	2,797	4,095	6,596	10,622	17,108	22,768
<u>Peak Activity Estimates</u>						
Peak Month	9,698	14,794	18,010	24,442	32,160	36,662
Peak Day	485	740	901	1,222	1,608	1,833
Busy Hour	--	88	108	146	192	220

Source: Speas Analysis

FORECASTING CONSIDERATIONS

NEGATIVE IMPACTS

1. Continued Proliferation of small airports (could create zero growth at PHA)
 - prevents PHA growth
 - dilutes airport system capability
 - creates airspace conflicts
 - requires policy decision
2. Development of other reliever airports (could limit PHA growth)
 - includes possible existing or new sites
3. Population movements away from Hillsboro (unknown negative effect)
 - if demand centers move east of CBD, PHA may be in wrong location to effectively serve as reliever
4. Lack of PHA airport development (could keep number of based aircraft constant at about 150)
 - failure to provide additional parking/hangar facilities would constrain growth

POSITIVE IMPACTS

1. Limitation of Vancouver Airport to General Utility status (estimated increase of 20 based aircraft in 1990)
 - aircraft seeking Basic Transport facilities must use either PIA or PHA
2. Development of FAA facilities on airport (estimated increased requirement of 20 transient parking spaces)
 - FSS will increase transient aircraft activity
 - GADO pilot testing will increase activity
3. Development of airport related industry (unknown increase could be substantial)
 - industrial aviation related activities on and off airport will stimulate activity
4. Increased training activities (unknown increase)
 - University flight training may develop
5. Development of commercial aviation related activities (unknown increase)
 - restaurant/lounge
 - airport related hotel/motel complex - "Airtel"
 - condominium/recreation complex (i.e., golf, tennis, etc.)
6. Development of public activity center (unknown increase)
 - expansion of Fairground facilities/activities
 - increased armory activity

CARSON AND DUNCAN

ATTORNEYS

126 N.E. THIRD AVENUE
HILLSBORO, OREGON 97123

TELEPHONE
(503) 648-8987

LUCIAN J. CARSON
WILLIAM BRADLEY DUNCAN

May 8, 1973

*add findings & conclusions **

Mr. Paul Burket, Administrator
Oregon State Board of Aeronautics
Salem Municipal Airport
Salem, OR 97301

RE: Sunset Airstrip

Dear Mr. Burket:

The following is a proposed draft in response to the directive of your board on April 26, 1973:

Pursuant to ORS 492.170, to and including ORS 492.240, the Oregon State Board of Aeronautics does hereby approve and authorize an additional twenty-five aircraft to be based at the Sunset Airstrip. These ~~additional based~~ aircraft are in addition to the currently authorized twenty-five based aircraft. The use and enjoyment of the Sunset Airstrip by *owners of* these additional twenty-five aircraft *is subject to the same terms and conditions, under which the original twenty-five aircraft are permitted to use the Sunset Airstrip.* *as amended herein* *advisory*

* (1) Pilots using the Sunset Airstrip shall contact Hillsboro tower prior to take-off from Sunset Airstrip, or prior to entry of the Hillsboro Airport traffic area on arrival, Pilots shall maintain two-way radio communications guard with Hillsboro tower while in the Hillsboro Airport traffic area. *FOR TRAFFIC ADVISORY INFORMATION*

No take-off or landing will be accomplished from the Sunset Airstrip when weather conditions at the Sunset Airstrip, or ~~the Hillsboro Airport~~ *BEING* are reported by the Hillsboro Airtraffic control facility, ~~to be~~ *ARE* less than that required for operation under the Visual Flight Rules of the Federal Aviation Administration.

The Sunset Airstrip Airaeres Homeowners Association, or any successor in interest to A.R. John General Contractors, Inc., shall include in their bylaws and in their deed covenants the following provisions:

"All members of the Homeowners Association, members of their family, heirs, successors and assigns, who operate an aircraft from Sunset Airstrip agree to abide by the rules and regulations and special conditions for the operation of aircraft from the Sunset Airstrip, as established by the Federal Aviation Administration and the Oregon State Board of Aeronautics. Upon substantial evidence of a violation by a member of the Homeowners Association of the aforementioned rules and regulations and conditions, the Homeowners Association shall suspend the offending member's right to use said airstrip for a period of six months. Upon a second violation by the same member within a two year period the right of that member to use the airstrip, as a easement pertinent to his property, shall be permanently revoked and shall revert to the Homeowners Association without cost to the Homeowners Association and without compensation to the offending member. Each member of the Homeowners Association is absolutely responsible for the conduct of all who use his individual airstrip right, including, but not limited to, tenants, and visitors of members or their tenants. Should it become necessary to enforce this covenant in a court of law or equity, for the Homeowners Association shall be entitled to their reasonable attorneys' fees, costs and disbursements, in addition to other damages arising out of the same action or suit."

At each end of the runway there shall be established and maintained a sign directing pilots who are about to take off to contact the Hillsboro Traffic Control Facility.

Terms and conditions under which these additional twenty-five permanently based aircraft may operate from the Sunset Airstrip are subject to periodic review and revision by the Oregon State Board of Aeronautics.

The above represents the proposal of A.R. John General Contractors, Inc. with regard to an additional twenty-five permanently based aircraft at the Sunset Airstrip. Please advise if you believe they should be revised or supplemented.

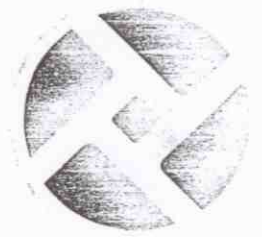
Thank you for your courtesies in this matter.

Very truly yours,


William Bradley Duncan

WBD:cas

April 24, 1973



Port of Portland

Box 3529 Portland, Oregon 972

503/233-8331

TWX: 910-464-6151 FAX: FI

Mr. William Bradley Duncan
Carson and Duncan, Attorneys
126 N. E. Third Avenue
Hillsboro, Oregon 97123

SUNSET AIRSTRIP, NORTH PLAINS, OREGON

The Port of Portland is forwarding a certified copy of the agenda concerning approval of Recommendation to Oregon State Board of Aeronautics - Sunset Airstrip as approved at the regular Commission meeting held on April 11, 1973. This certified copy contains the resolution adopted by the Port Commission as well as comments in relation to this item.

As pointed out in the agenda item, the Port is proceeding with Phase I of the Portland-Hillsboro Airport Master Plan. This phase is designed to inventory existing information and develop a demand/capacity analysis of facilities required for the future. Phase II is designed to consider alternate configurations of PHA. The comments as made by Port staff during presentation of this item referred to the PHA Master Planning Study.

There is also enclosed for your convenience criteria as set forth in the Federal Aviation Regulations, Part 77 for Precision Instrumented Runways.

I trust this answers your questions.

A handwritten signature in dark ink, appearing to read "E. Westerdahl II". The signature is written in a cursive, somewhat stylized font.

Edward G. Westerdahl II
Executive Director

Enclosures

cc: Paul Burket, OSBA

REC'D OSBA
APR 25 1973

APPROVAL OF RECOMMENDATION TO OREGON STATE BOARD OF AERONAUTICS -
SUNSET AIRSTRIP

The general aviation manager presented the following background information.

Roth Development Inc. has asked for concurrence from the Port of Portland to increase the number of families using their Sunset Airstrip from 25 to 50.

In 1968 after a controversial aeronautical study by the FAA and Oregon State Board of Aeronautics, Roth was granted an airport license by OSBA to build Sunset Airstrip approximately 4 miles northwest of Portland Hillsboro Airport and located on the extended centerline of runway 12-30, with the following conditions:

- FAA 1. Use of airstrip is restricted to the personal use of the owner/residents.
- FAA & OSBA 2. Ingress and egress to the airport are to be conducted in accordance with procedures coordinated with the PHA Tower Chief, including but not restricted to:
 - a. Arrival paths
 - b. Departure paths
 - c. Traffic patterns
 - d. Communication requirements
 - e. Communication procedures
 - f. Air traffic control instructions
- OSBA 3. No more than 25 families with aircraft shall have easements for the use of the airstrip at any one time.
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- OSBA 5. The Sunset Airstrip shall be constructed to meet at least minimum airport standards established by OSBA.
- OSBA 6. Any change in the character of the use as proposed by Roth Development, Inc. must be approved by OSBA. OSBA's requirements do not supersede requirements of other governmental agencies. The overall approval was effective September 8, 1968.

The Federal Aviation Administration has appropriated funds to install an instrument landing system on Runway 12-30 PHA. Phase II of the PHA Master Plan provides for a detailed study of the runway configurations to ensure the correct wind alignments in conjunction with the usage of the planned ILS. The request of Roth Development Inc. cannot properly be evaluated until after completion of the PHA Master Plan Study.

The executive director's recommendation was as follows.

RESOLVED, That approval is given to recommend to the Oregon State Board of Aeronautics that it defer action on the request to modify the Sunset Airstrip license until after completion of the PHA Master Plan Study.

Commissioner Wilson asked whether the flight control for the Sunset Airstrip was from PHA and whether this type of airport required authorization of the Oregon State Board of Aeronautics and what that Board's policy was in promoting such airports.

The manager of general aviation replied that the control was from PHA and that such airports required authorization not only from the OSBA but also approval from the Federal Government. The policy of the OSBA was to make its decision following the Port's recommendation.

Mr. Burket of the OSBA advised that the Board hadn't encouraged but did not discourage such development. By statute it was required to promote general aviation and license such operations annually.

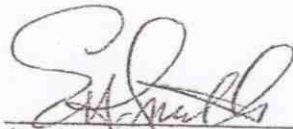
The president acknowledged a request from Mr. Cushing representing A.R. John Company, the developer of the property, to make a statement for his client.

Mr. Cushing stated that A.R. John Company had the approval of Washington County and that the OSBA would approve the project if the Port so recommended today. They were very desirous to have this approval at the next meeting of the OSBA which was scheduled for April 27. He remarked that only 25 planes were now authorized and these planes operated only under VFR conditions.

President Fulton thanked Mr. Cushing for his statement.

Commissioner Kell moved that the executive director's recommendation be approved. The motion was seconded by Commissioner Gadsby and unanimously approved by voice vote.

I, E.H. Smith, do hereby certify that I am the assistant secretary of the Port of Portland Commission and that the foregoing is a true and correct extract copied from the minutes of the regular Commission Meeting held on April 11, 1973

A handwritten signature in cursive script, appearing to read 'E.H. Smith', written over a horizontal line.

Assistant Secretary

FEDERAL AVIATION REGULATIONS



Department of Transportation
Federal Aviation Administration—Washington, D.C.

VOLUME XI

TRANSMITTAL 8

This transmittal attaches new and revised pages for Part 77.

The amendment number and effective date of the new material, which is marked by black brackets, are carried at the bottom of each page. Preamble pages and rearranged pages having no new material carry the transmittal number only.

Part 77—Objects Affecting Navigable Airspace

This transmittal incorporates Amendment 77-9, Standards for Determining Obstructions to Air Navigation, effective May 16, 1971, in Federal Aviation Regulation Part 77.

Page Control Chart for Part 77

Remove Pages	Dated	Insert Pages	Dated
V and VI	-----	V VI	5/16/71 -----
P-13	-----	P-13 thru P-16	Trans. 8
1 thru 8	-----	1 thru 8	5/16/71
13 thru 26	-----	13 thru 23	5/16/71



APR 24 1973

Mr. Dano J. Miliucci, President
A. R. John, General Contractors, Inc.
529 Southeast Ivon Street
Portland, Oregon 97202

Dear Mr. Miliucci:

This refers to your letter dated April 17, 1973 concerning the Sunset Airstrip.

On August 29, 1968 the Federal Aviation Administration issued a Determination of No Objection to the establishment of the Sunset Airport with the following provisos:

1. Use of the airport is restricted to personal use of the owners/residents.
2. Ingress and egress to the airport are conducted in accordance with procedures coordinated with the Chief, Hillsboro Airport Traffic Control Tower.

Nothing in the FAA determination limited the number of aircraft that could be based at the airport. Accordingly, no further FAA approval is required due to a change in the number of based aircraft.

However, any alteration to the landing strip or change of status of the airport from personal use would require notice to the agency.

The proposed extension to Runway 12/30 and installation of the ILS at the Portland-Hillsboro Airport were approved by the FAA on May 21, 1969. However, these proposals were given full consideration in our Determination issued August 29, 1968 concerning Sunset Airport.

Sincerely,

A handwritten signature in cursive script that reads "Frank Stoops".

FRANK STOOPS
Airspace Specialist



United States Department of the Interior

BONNEVILLE POWER ADMINISTRATION
P.O. Box 3621, PORTLAND, OREGON 97208

April 24, 1973

In reply refer to: EL-12

Mr. Dano J. Miliucci, President
A. R. John General Contractors, Inc.
529 Southeast Ivon Street
Portland, Oregon 97202

Dear Mr. Miliucci:

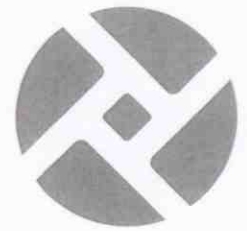
This letter is in answer to your April 16 telephone conversation with Mr. E. H. Gehrig of our Branch of Transmission Design and your letter to Mr. T. Kornelis dated April 19. You discussed the pending installation of Instrument Landing System equipment at Hillsboro Airport and asked us to provide you with an estimated cost to remove two of our overhead 115-kV lines and install them underground from N.W. Sewell Road to Jackson Road, a distance of about one mile.

We have identified the two lines with which you are concerned as our Keeler-Forest Grove No. 2 and Keeler-Tillamook No. 1 115-kV single circuit wood pole transmission lines. The line sections between Sewell Road and Jackson Road include 8 spans on each line from Structures 4/2 to 5/2.

Our preliminary estimate of cost to remove 8 spans of these two lines and replace them with underground cable of equivalent capacity is \$800,000 -- \$1,000,000, including terminal equipment where underground cable connects to the overhead line. This estimate must be considered preliminary only as time does not permit us to make a more detailed analysis of the project.

Sincerely,

Everett E. Johnson
Acting Chief
Branch of Land



April 19, 1973

Port of Portland

Box 3529 Portland, Oregon 97208

503/233-8331

TWX: 910-464-6151

FAX: FDH

Mr. Robert Veatch, Chairman
Oregon State Board of Aeronautics
3040 25th Street S. E.
Salem, Oregon 97310

SUNSET AIRSTRIP - NORTH PLAINS, OREGON

During the monthly OSBA meeting held on March 30, 1973, the owners of the Sunset Airstrip requested a modification of the conditions of their airport license to allow an increase from 25 to 50 aircraft using the facility.

The OSBA Commission delayed any action until after the Port Commission's recommendation could be made known.

The Port Commission, at their April 11 meeting, approved a recommendation to delay a modification of the Sunset Airstrip license until after completion of the Portland-Hillsboro Airport Master Planning Study.

A copy of the adopted agenda item is attached for your convenience.

Edward G. Westerdahl II
Executive Director

COPIES TO BOARD

APR 23 1973

Attachment

cc: Don Maluchi, A. R. Johns Company

REC'D ASST
APR 23 1973

REC'D ASST
APR 23 1973

offices also in Tokyo,
New York, Chicago, Washington, D.C.

OSBA EXHIBIT "F"

APPROVAL OF RECOMMENDATION TO OREGON STATE BOARD OF AERONAUTICS -
SUNSET AIRSTRIP

The general aviation manager presented the following background information.

Roth Development Inc. has asked for concurrence from the Port of Portland to increase the number of families using their Sunset Airstrip from 25 to 50.

In 1968 after a controversial aeronautical study by the FAA and Oregon State Board of Aeronautics, Roth was granted an airport license by OSBA to build Sunset Airstrip approximately 4 miles northwest of Portland Hillsboro Airport and located on the extended centerline of runway 12-30, with the following conditions:

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 - b. Departure paths
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- OSBA 5. The Sunset Airstrip shall be constructed to meet at least minimum airport standards established by OSBA.
- OSBA 6. Any change in the character of the use as proposed by Roth Development, Inc. must be approved by OSBA. OSBA's requirements do not supersede requirements of other governmental agencies. The overall approval was effective September 8, 1968.

The Federal Aviation Administration has appropriated funds to install an instrument landing system on Runway 12-30 PHA. Phase II of the PHA Master Plan provides for a detailed study of the runway configurations to ensure the correct wind alignments in conjunction with the usage of the planned ILS. The request of Roth Development Inc. cannot properly be evaluated until after completion of the PHA Master Plan Study.

REC'D OSBA
APR 28 1973

The executive director's recommendation was as follows.

RESOLVED, That approval is given to recommend to the Oregon State Board of Aeronautics that it defer action on the request to modify the Sunset Airstrip license until after completion of the PHA Master Plan Study.

Commissioner Wilson asked whether the flight control for the Sunset Airstrip was from PHA and whether this type of airport required authorization of the Oregon State Board of Aeronautics and what that Board's policy was in promoting such airports.

The manager of general aviation replied that the control was from PHA and that such airports required authorization not only from the OSBA but also approval from the Federal Government. The policy of the OSBA was to make its decision following the Port's recommendation.

Mr. Burket of the OSBA advised that the Board hadn't encouraged but did not discourage such development. By statute it was required to promote general aviation and license such operations annually.

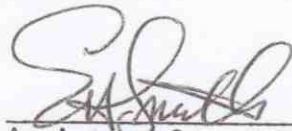
The president acknowledged a request from Mr. Cushing representing A.R. John Company, the developer of the property, to make a statement for his client.

Mr. Cushing stated that A.R. John Company had the approval of Washington County and that the OSBA would approve the project if the Port so recommended today. They were very desirous to have this approval at the next meeting of the OSBA which was scheduled for April 27. He remarked that only 25 planes were now authorized and these planes operated only under VFR conditions.

President Fulton thanked Mr. Cushing for his statement.

Commissioner Kell moved that the executive director's recommendation be approved. The motion was seconded by Commissioner Gadsby and unanimously approved by voice vote.

I, E.H. Smith, do hereby certify that I am the assistant secretary of the Port of Portland Commission and that the foregoing is a true and correct extract copied from the minutes of the regular Commission Meeting held on April 11, 1973



Assistant Secretary

HILLSBORO TOWER AND ROTH DEVELOPMENT, INC.

Revised
4-22-73
10-13

LETTER OF AGREEMENT

EFFECTIVE August 16, 1970

SUBJ: SUNSET AIRPORT PROCEDURES

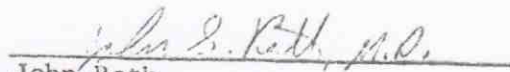
1. PURPOSE. This agreement establishes special procedures for pilots using Sunset Airport and coordination required with Hillsboro Tower.
2. SCOPE. Sunset Airport was found acceptable from an airspace use standpoint as a personal-use airport for exclusive use of the owners/residents of property adjoining the Sunset Airport. The Sunset Airport is not open to the public or other pilots. These procedures apply to all owner/resident pilots operating aircraft to or from the Sunset Airport.
3. RESPONSIBILITY.
 - a. Roth Development, Inc., will provide owners/residents of property adjoining Sunset Airport copies of this agreement.
 - b. Roth Development will secure the signature of each present and future owner/resident on a copy of Attachment B to this Letter of Agreement, certifying that the owner/resident has read, understood and will comply with the procedures contained herein. These attachments will be forwarded to Chief, Hillsboro Tower.
 - c. Hillsboro Tower shall be responsible for providing traffic advisory information regarding known traffic within the Hillsboro Airport traffic area to pilots operating to and from Sunset Airport.
4. PROCEDURES.
 - a. Pilots of aircraft using the Sunset Airport shall conform to the arrival and departure paths shown on Attachment A unless otherwise approved by Hillsboro Tower. Pilots operating from or to Sunset Airport shall be particularly alert to observe aircraft using Hillsboro Airport.

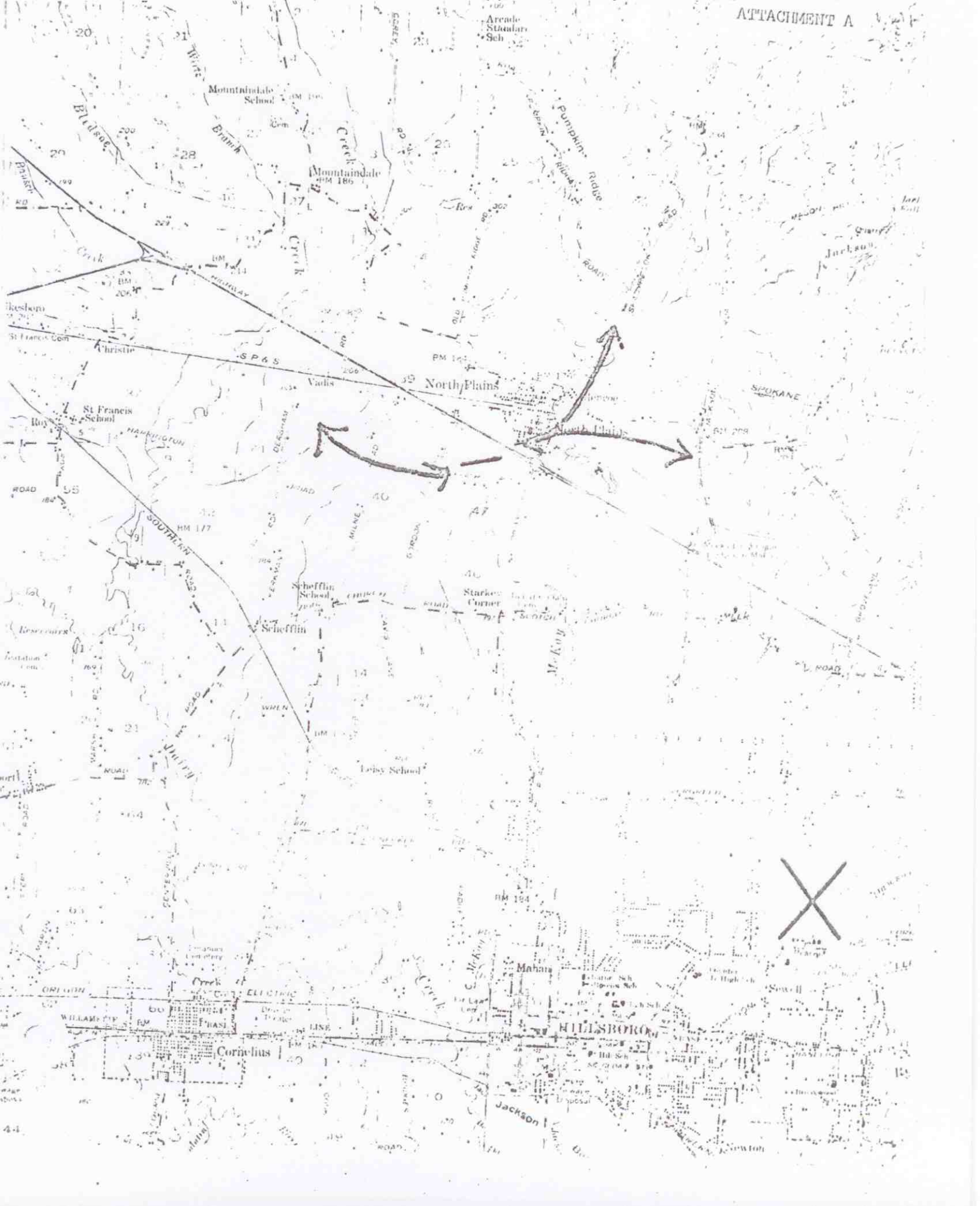
b. Pilots using the Sunset Airport shall contact Hillsboro Tower prior to take off from the Sunset Airport, or prior to entry of the Hillsboro Airport traffic area on arrival. Pilots shall maintain two-way radio communications guard with Hillsboro Tower while in the Hillsboro Airport traffic area.

c. Hillsboro Tower shall provide to pilots using the Sunset Airport pertinent traffic advisory information on other known aircraft within the Hillsboro Airport traffic area. Hillsboro Tower personnel cannot see the Sunset Airport runway, therefore, they shall not be responsible for controlling landings or takeoffs, or use of the runway at Sunset Airport.

This doesn't preclude compliance with # b. ABOVE


Raymond C. Hollemon
Chief, Hillsboro Tower
Federal Aviation Administration


John Roth
Roth Development, Inc.



I HEREBY CERTIFY THAT I HAVE READ, UNDERSTAND, AND WILL COMPLY WITH THE
CONDITIONS OF THIS LETTER OF AGREEMENT DATED _____
COVERING OPERATIONS AT THE SUNSET AIRPORT, NORTH PLAINS, OREGON.

SIGNATURE: _____

ADDRESS: _____

AIRCRAFT NUMBER: _____

TYPE OF AIRCRAFT: _____

DATE OF SIGNATURE: _____



April 19, 1973

Port of Portland

Box 3529 Portland, Oregon 97201
503/233-8331
TWX: 910-464-6151 FAX: FDI

Mr. Robert Veatch, Chairman
Oregon State Board of Aeronautics
3040 25th Street S. E.
Salem, Oregon 97310

SUNSET AIRSTRIP - NORTH PLAINS, OREGON

During the monthly OSBA meeting held on March 30, 1973, the owners of the Sunset Airstrip requested a modification of the conditions of their airport license to allow an increase from 25 to 50 aircraft using the facility.

The OSBA Commission delayed any action until after the Port Commission's recommendation could be made known.

The Port Commission, at their April 11 meeting, approved a recommendation to delay a modification of the Sunset Airstrip license until after completion of the Portland-Hillsboro Airport Master Planning Study.

A copy of the adopted agenda item is attached for your convenience.

Edward G. Westerdahl II
Executive Director

AGENDA ITEM # 7 4/26/73

Attachment

cc: Don Maluchi, A. R. Johns Company

REC'D
APR 23

REC'D
APR 23

APPROVAL OF RECOMMENDATION TO OREGON STATE BOARD OF AERONAUTICS -
SUNSET AIRSTRIP

The general aviation manager presented the following background information.

Roth Development Inc. has asked for concurrence from the Port of Portland to increase the number of families using their Sunset Airstrip from 25 to 50.

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REC'D OSBA

APR 23 1973

The executive director's recommendation was as follows.

RESOLVED, That approval is given to recommend to the Oregon State Board of Aeronautics that it defer action on the request to modify the Sunset Airstrip license until after completion of the PHA Master Plan Study.

Commissioner Wilson asked whether the flight control for the Sunset Airstrip was from PHA and whether this type of airport required authorization of the Oregon State Board of Aeronautics and what that Board's policy was in promoting such airports.

The manager of general aviation replied that the control was from PHA and that such airports required authorization not only from the OSBA but also approval from the Federal Government. The policy of the OSBA was to make its decision following the Port's recommendation.

Mr. Burket of the OSBA advised that the Board hadn't encouraged but did not discourage such development. By statute it was required to promote general aviation and license such operations annually.

The president acknowledged a request from Mr. Cushing representing A.R. John Company, the developer of the property, to make a statement for his client.

Mr. Cushing stated that A.R. John Company had the approval of Washington County and that the OSBA would approve the project if the Port so recommended today. They were very desirous to have this approval at the next meeting of the OSBA which was scheduled for April 27. He remarked that only 25 planes were now authorized and these planes operated only under VFR conditions.

President Fulton thanked Mr. Cushing for his statement.

Commissioner Kell moved that the executive director's recommendation be approved. The motion was seconded by Commissioner Gadsby and unanimously approved by voice vote.

I, E.H. Smith, do hereby certify that I am the assistant secretary of the Port of Portland Commission and that the foregoing is a true and correct extract copied from the minutes of the regular Commission Meeting held on April 11, 1973


Assistant Secretary

CARSON AND DUNCAN
ATTORNEYS

LUCIAN J. CARSON
WILLIAM BRADLEY DUNCAN

126 N.W. THIRD AVENUE
HILLSBORO, OREGON 97123

TELEPHONE
(503) 638-8007

April 16, 1973

Mr. Edward G. Westerdahl
Executive Director
Port of Portland
700 NE Multnomah
Portland, OR

	Action	Info
Commission		
Executive Director		X
Attorney		
Asst. Dir.		
Asst. Dir. (Legal)		
Asst. Dir. (Admin.)		X
Asst. Dir. (Finance)		
Asst. Dir. (Operations)		
Asst. Dir. (Public Information)		
RW FINLEY	X	
No of Copies	3	

re: Sunset Airstrip; A.R. John General Contractors, Inc.

Dear Mr. Westerdahl:

As you know A.R. John and Roth Development are seeking an increase in the number of based aircraft at the Sunset Airstrip. Twenty-five aircraft are currently authorized and we are seeking an additional twenty-five. The request for an additional twenty-five based aircraft was presented to the State Board of Aeronautics on March 30, 1973. At that time a representative from your office, Mr. Church, stated that the Port of Portland would be able to make a recommendation with regard to the conflict, if any, that the additional twenty-five might impose upon the air traffic patterns of Hillsboro Airport.

We believe, that before the State Board of Aeronautics can give any credence to your recommendation and input with regard to the proposed expansion, there must be a factual basis to your recommendation and input. Before the next meeting of the State Board of Aeronautics, April 27, 1973, and preferably within 5 days from the date of this letter, I want to know the factual basis for your recommendation of deferral to the State Board of Aeronautics. We will assume that your response to this request will contain all of the facts which underlie your recommendation for deferral.

At the meeting of the Board of Directors for the Port of Portland, on Wednesday, April 11, 1973, you said, to your Board, the following:

"If the airport is not expanded, the recommendation may be in the affirmative. Under existing conditions, if this were an action statement, rather than a deferral statement, the recommendation would be to deny the request."

"Staff feels far more comfortable with a recommendation on deferral so that we can responsibly say something***"

I want to know the "existing conditions", to which you referred,

Mr. Edward G. Westerdahl
April 16, 1973
Page 2

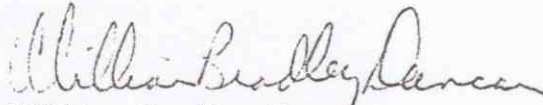
that would have provided the factual basis for a recommendation against the expansion.

In presenting this matter to your Board, Mr. Finely stated the ILS system would require a fifty to one glide slope. I want to know where he got this specification for an ILS glide slope. I also want to know if there is any reasonable probability that the fifty to one glide slope will apply to the Hillsboro ILS, as that ILS may cross the Sunset Airstrip.

The fair cash market value of the lots which adjoin the airstrip will be substantially impaired if this requested increase is not approved. Further, A.R. John General Contractors, Inc., will suffer direct, ascertainable and substantial damages if development of the site is further delayed.

May we hear from you?

Very truly yours,


William Bradley Duncan

WBD:cas

April 5, 1973

Gentlemen:

This item concerns the increased usage of Sunset Airstrip from 25 to 50 aircraft.

In 1968 after opposition from the Port, the FAA and Oregon State Board of Aeronautics approved the air space usage and granted an airport license to Roth Development Co. to construct a turf runway airport in North Plains, Oregon, 21,000 feet off the planned extended end of R/W 12/30.* At the time, OSBA granted the license with the condition "No more than 25 families with aircraft would have easements for the use of the airstrip at any one time". The strip has not grown to 25 families as planned, however 16 families with eight or nine aircraft now use this facility.

~~*(USE BIG CHART)~~

Port staff is concerned about future expanded usage of Sunset Airstrip because it lies on the planned extended centerline of R/W 12/30. * Phase II of the Portland-Hillsboro Airport Master Plan Study presently underway will verify the present alignment of the runways in conjunction with the installation of an instrument landing system on R/W 12/30. The federal government has appropriated funds in 1974 for this system.

*(USE THE 50:1 & 40:1 CHART)

When the ILS is installed, the criteria for the approach slope plane will be 50:1 out 10,000 feet and 40:1 approach slope out another 40,000 feet.* *(USE 50:1 CHART)
As you can see, the Sunset Airstrip falls within the first 11,000 feet of the 40:1; at that point the floor of the 40:1 approach slope plane is 447' AGL and the ceiling of the Sunset Airstrip traffic pattern is 500 feet or 53' overlap. Staff is also concerned about

*(USE CROSS SECTION)

the number of airports located in the PHA control zone. At the present time there are seven airports located in the zone with two more planned. Within a 5 to 6 mile radius there are eleven; with the two more planned it could be 13.

(USE BIG
CHART)

X The Master Plan Study now underway will address each of the problems and make professional recommendations as to a solution, taking all factors into consideration. The request of Roth Development cannot properly be evaluated until after completion of the PHA Master Plan Study. Therefore Staff recommends approval of the executive director's recommendation.

CARSON AND DUNCAN
ATTORNEYS

Hand Del. 4/13/73

LUCIAN J. CARSON
WILLIAM BRADLEY DUNCAN

120 N.E. THIRD AVENUE
HILLSBORO, OREGON 97123

TELEPHONE
(503) 648-8087

April 2, 1973

Mr. Robert W. Finley
Manager, General Aviation
Port of Portland
Box 3529
Portland, OR 97208

	Action	Info
Commission		
Executive Director		
Attorney		
Asst./Exec. Dir.		
Asst./Exec. Dir.-Legal		
Aviation		X
Development Services		
Finance/Administration		
Marketing		
Public Information		
<i>Rob Finley</i>	X	
<i>a. Beutner</i>		X
No of Copies		3

re: Expansion of Sunset Air Strip at North Plains, Oregon

Dear Mr. Finley:

Roth Development Corporation holds approval from the Oregon State Board of Aeronautics for operation of a private use airport known as the Sunset Airstrip. The original approval by the Board limited the number of based airplanes to 25.

On behalf of Roth Development Corporation and A.R. John Corporation application was made to the State Board of Aeronautics at its meeting of March 30, 1973 to increase the number of based aircraft by '25. The decision of the Board was continued until a report is available by the Port of Portland with regard to the impact of this increase upon existing and probable developments of the Hillsboro Airport.

Mr. Church, from the Port of Portland, was at that meeting and stated that you would be able to prepare this report by the next meeting of the State Board of Aeronautics. Please contact me with regard to any further information you may desire.

Very truly yours,



William Bradley Duncan

WBD:cas

ATTEN # 5 31 23

DUSENBERY, MARTIN, BISCHOFF & TEMPLETON

VERNE DUSENBERY
JEROME S. BISCHOFF
WILLIAM C. MARTIN
DAVID P. TEMPLETON
RICHARD L. BIGGS
LLOYD B. ERICSSON
FREDERICK T. SMITH
ROBERT E. GLASGOW
STEVEN H. HUGHES
JOHN L. LANGSLET

ATTORNEYS AT LAW
1107 STANDARD PLAZA
PORTLAND, OREGON 97204
TELEPHONE 224-3113

OUR CABLE ADDRESS
"DUSLAW"
PORTLAND, OREGON

March 20, 1973

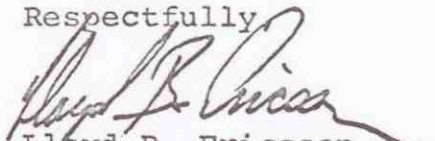
PRIORITY INFORMATION

Mr. Paul Burket
Oregon State Board of Aeronautics
3040-25th Street, SE
Salem, Oregon 97310

Dear Mr. Burket:

Roth Development holds approval from the Oregon State Board of Aeronautics for operation of a private use airport known as the Sunset Airstrip. The original approval by the Board limited the number of based airplanes to 25. With the operating experience of the number of years the airport has been in existence, and the resulting minimal traffic count, it is our opinion that an increase in the authorized number of based airplanes would not produce any traffic level to the extent of creating a significant conflict with Hillsboro or any other aeronautical operations. Accordingly, we respectfully request the Board to hear our presentation at the next meeting of the Oregon State Board of Aeronautics concerning this request. I understand Mr. Bill Duncan of Hillsboro who represents the lot developer has already telephoned Ralph McGinnes about the possibility and learned that the next possible Board meeting would be on March 30. If the matter can be placed on the agenda for that date, please notify us immediately and let us know also where and at what time the Board meeting will then be held.

Respectfully


Lloyd B. Ericsson

LBE/vas

cc Mr. Bill Duncan
Roth Development, Inc.

REC'D OSBA
MAR 29 1973

March 20, 1973

E. G. Westerdahl II

SUNSET AIRSTRIP, ROTH DEVELOPMENT, INC., NORTH PLAINS, OREGON

Roth Development, Inc. is a corporation controlled by two Hillsboro brothers, Dr. John G. Roth and Merrill R. "Rod" Roth who is a Washington County Commissioner and home developer. This week the Port received a telephone call from Roth Development, Inc. asking for our concurrence to increase the number of families using their Sunset Airstrip from 25 to 100.

In 1967 the Roth Development applied to the FAA for permission to establish an airport 8,500 feet northwest of Runway 12-30 and 300 feet east of the extended centerline (shown in blue on the attached drawing). The FAA disclosed that operations at this proposed airport would adversely affect the safe and efficient utilization of airspace by aircraft executing prescribed and proposed instrument and VFR procedures to and from the Portland-Hillsboro Airport. The airport was never built and the plans were abandoned.

Later in 1967 Roth Development again applied to the FAA for and was granted permission to build Sunset Airstrip approximately 4 miles northwest of PHA and located on the extended centerline of Runway 12-30. This airport has one 3,000' x 200' turf runway aligned 060°/240° Mag., 200 AMSL with both ends of the strip having a 1,000-foot displaced threshold because of obstructions. (Shown in green on the attached map.)

The FAA and OSBA granted the owners permission to establish the airport with the following conditions:

1. Use of airstrip is restricted to the personal use of the owner/residents.
2. Ingress and egress to the airport are to be conducted in accordance with procedures coordinated with the PHA Tower Chief, including but not restricted to:

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- a. Arrival paths
 - b. Departure paths
 - c. Traffic patterns
 - d. Communication requirements
 - e. Communication procedures
 - f. Air traffic control instructions
3. No more than 25 families with aircraft shall have easements for the use of the airstrip at any one time.
 4. In the event it becomes necessary for the operation of PHA, Roth Development, Inc. agrees to grant to the Port of Portland, without charge, airspace easements over the runway and taxiways at Sunset Airstrip.
 5. The Sunset Airstrip shall be constructed to meet at least minimum airport standards established by OSBA.
 6. Any change in the character of the use as proposed by Roth Development, Inc. must be approved by OSBA. OSBA's requirements do not supersede requirements of other governmental agencies. The overall approval was effective September 8, 1968.

The Port pointed out to FAA that their decision to establish the Sunset Airstrip will cause a very real and serious problem at PHA, such as the feasibility of an instrument approach passing over a non-controlled airport. The Port also asked FAA for a clarification as to whose responsibility it will be to ensure the conditions as set forth are carried out and what recourse is open if the users of the Sunset Airstrip choose to ignore these conditions. The FAA stated in their November 4, 1968 letter that it will be the responsibility of Dr. John G. Roth to ensure that the conditions as stipulated by FAA are followed.

The recommended Port's position as to further development of the Sunset Airstrip should be in opposition because as Runway 12-30 is extended and the FAA installs an Instrument Landing System (ILS), recently funded by Congress, the 50:1 clear zone would run out with an elevation of 207 feet AGL (Above Ground Level) and the 40:1 criteria beyond that would show a clearance of only 447 feet AGL just south and adjacent to the Sunset Airstrip. If the users of the future ILS system chose to not use the 50:1 and 40:1 criteria and instead use a standard $2\frac{1}{2}^{\circ}$ to 3° descent (300 feet/mile), the altitude over Sunset Airstrip would be approximately 900 feet AMSL (Mean Sea Level) and 700 feet AGL.

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If during the PHA Master Plan it is determined that PHA has potential as a commercial reliever for PIA, it is questionable whether the airlines would use PHA under those conditions.

The other item that should be considered is the insurance aspects for users of Sunset Airstrip. Under the above mentioned criteria, insurance premiums for users of the Sunset Airstrip would be very high with the possibility that the insurance companies may deny insurance to the users.

At any rate, the Port should delay any consideration to modify the Sunset Airstrip until after the PHA Master Plan is completed.


I. J. Church

Attachments

cc: R. W. Finley
R. Kusche, R. Dixon Speas

Request your concurrence.
This will probably get to
Gov. and of course reports
Tri-County.



HILLSBORO TOWER AND ROTHS DEVELOPMENT, INC.

LETTER OF AGREEMENT

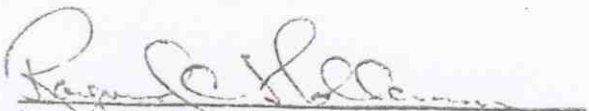
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EFFECTIVE August 15, 1970

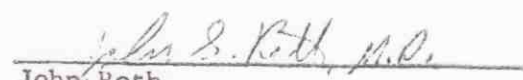
SUBJ: SUNSET AIRPORT PROCEDURES

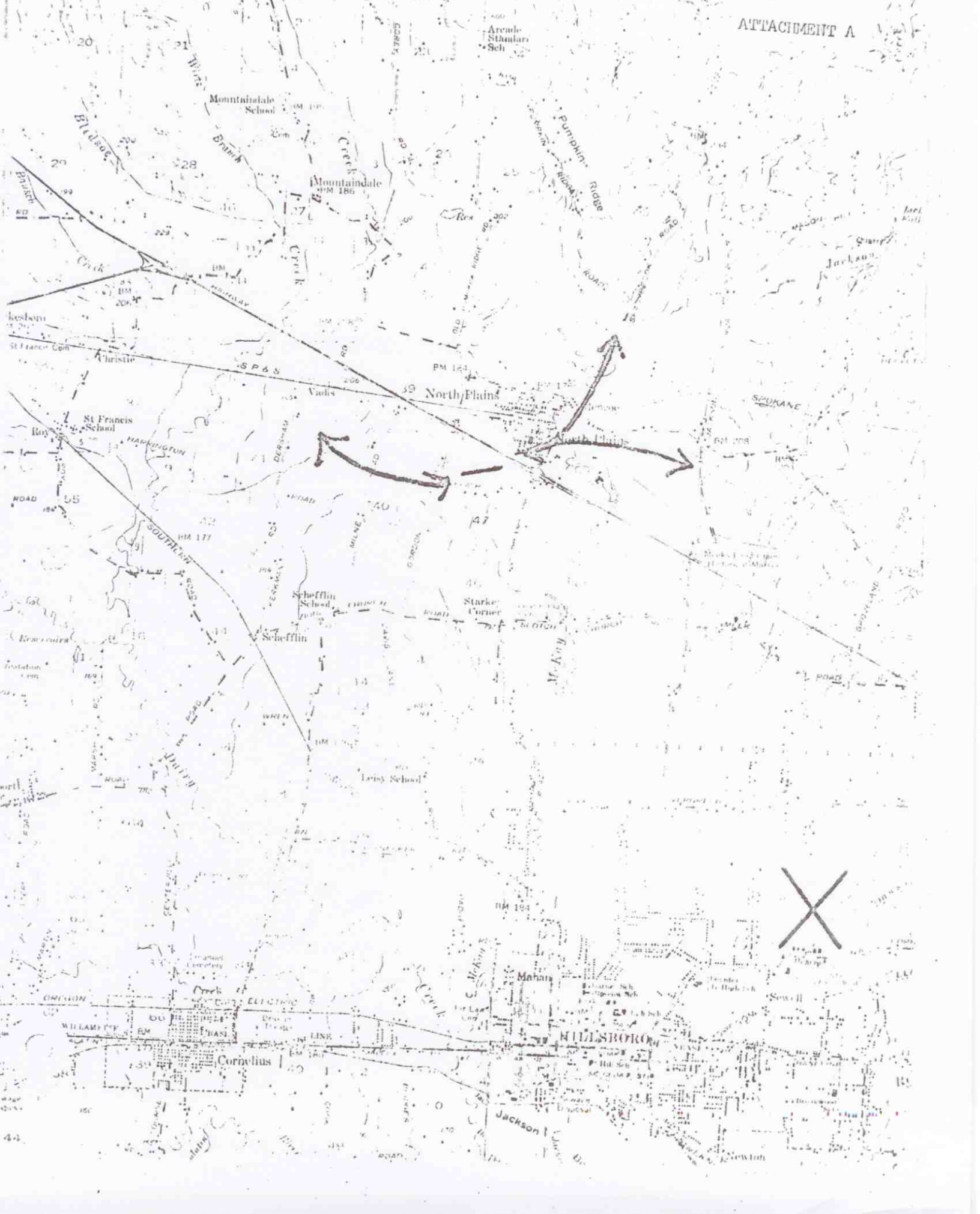
1. PURPOSE. This agreement establishes special procedures for pilots using Sunset Airport and coordination required with Hillsboro Tower.
2. SCOPE. Sunset Airport was found acceptable from an airspace use standpoint as a personal-use airport for exclusive use of the owners/residents of property adjoining the Sunset Airport. The Sunset Airport is not open to the public or other pilots. These procedures apply to all owner/resident pilots operating aircraft to or from the Sunset Airport.
3. RESPONSIBILITY.
 - a. Roths Development, Inc., will provide owners/residents of property adjoining Sunset Airport copies of this agreement.
 - b. Roths Development will secure the signature of each present and future owner/resident on a copy of Attachment B to this Letter of Agreement, certifying that the owner/resident has read, understood and will comply with the procedures contained herein. These attachments will be forwarded to Chief, Hillsboro Tower.
 - c. Hillsboro Tower shall be responsible for providing traffic advisory information regarding known traffic within the Hillsboro Airport traffic area to pilots operating to and from Sunset Airport.
4. PROCEDURES.
 - a. Pilots of aircraft using the Sunset Airport shall conform to the arrival and departure paths shown on Attachment A unless otherwise approved by Hillsboro Tower. Pilots operating from or to Sunset Airport shall be particularly alert to observe aircraft using Hillsboro Airport.

- b. Pilots using the Sunset Airport shall contact Hillsboro Tower prior to take off from the Sunset Airport, or prior to entry of the Hillsboro Airport traffic area on arrival. Pilots shall maintain two-way radio communications guard with Hillsboro Tower while in the Hillsboro Airport traffic area.
- c. Hillsboro Tower shall provide to pilots using the Sunset Airport pertinent traffic advisory information on other known aircraft within the Hillsboro Airport traffic area. Hillsboro Tower personnel cannot see the Sunset Airport runway, therefore, they shall not be responsible for controlling landings or takeoffs, or use of the runway at Sunset Airport.

This doesn't preclude compliance with # b. ABOVE


Raymond C. Hollemon
Chief, Hillsboro Tower
Federal Aviation Administration


John Roth
Roth Development, Inc.



I HEREBY CERTIFY THAT I HAVE READ, UNDERSTAND, AND WILL COMPLY WITH THE
CONDITIONS OF THIS LETTER OF AGREEMENT DATED _____
COVERING OPERATIONS AT THE SUNSET AIRPORT, NORTH PLAINS, OREGON.

SIGNATURE: _____

ADDRESS: _____

AIRCRAFT NUMBER: _____

TYPE OF AIRCRAFT: _____

DATE OF SIGNATURE: _____