

# Enrolled Senate Bill 680

Sponsored by Senator JOHNSON

CHAPTER .....

AN ACT

Relating to through the fence operations at rural airports.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Sections 2 and 3 of this 2005 Act are added to and made a part of ORS chapter 836.

**SECTION 2.** As used in this section and section 3 of this 2005 Act:

(1) "Customary and usual aviation-related activity" includes activities described in ORS 836.616 (2) and includes activities that a local government may authorize pursuant to ORS 836.616 (3).

(2) "Pilot site" means a rural airport identified to participate in the pilot program pursuant to section 3 of this 2005 Act.

(3) "Rural airport" means an airport described in ORS 836.610 (1) that principally serves a city or standard metropolitan statistical area with a population of 75,000 or fewer.

(4) "Through the fence operation" means a customary and usual aviation-related activity that:

(a) Is conducted by a commercial or industrial user of property within an airport boundary; and

(b) Relies, for business purposes, on the ability to taxi aircraft directly from the property employed for the commercial or industrial use to an airport runway.

**SECTION 3.** (1) The Oregon Department of Aviation shall establish a pilot program at up to three rural airports to encourage development of through the fence operations designed to promote economic development by creating family wage jobs, by increasing local tax bases and by increasing financial support for rural airports. To the extent practicable, the airport sponsor of a pilot site shall use public-private partnerships that incorporate:

(a) Innovative and creative technologies for increasing airport usability and safety;

(b) Innovative and creative performance of aviation services to make the services more competitive and useful for the public;

(c) Development of the pilot site as a setting for customary and usual aviation-related activities to develop and thrive, in concert with the goals of the Economic and Community Development Department; and

(d) Shared responsibility for:

(A) Establishing and meeting the fiscal needs of the pilot site;

(B) Maintaining safety of operations; and

(C) Maintaining positive community relations and compatibility with existing uses.

(2) The pilot program shall operate at:

- (a) The Aurora State Airport; and
  - (b) Not more than two additional rural airports that volunteer to participate and are selected by the Oregon Department of Aviation with the concurrence of the county in which each rural airport is located.
- (3) The Oregon Department of Aviation, by rule, shall provide standards and guidelines for through the fence operations that:
- (a) Ensure that the operations provide financial support to the pilot sites in compliance with Federal Aviation Administration regulations;
  - (b) Require submission, review, approval and, as appropriate, revision of a facility site plan for each through the fence operation so that the real property covered by the site plan can be incorporated into the airport boundary and coordinated with the other aspects of the airport master plan;
  - (c) Ensure that the operations are conducted according to a written contract between the commercial or industrial user of property within the airport boundary and the airport sponsor;
  - (d) Ensure that pilot sites continue to operate in a safe manner and to fulfill their roles in Oregon's emergency response system;
  - (e) Preserve investments in pilot sites and the level of service provided by pilot sites;
  - (f) Facilitate orderly management of pilot sites;
  - (g) Provide equitable and uniform treatment of airport tenants and users at pilot sites;
  - (h) Advance economic development through qualified customary and usual aviation-related activities within the airport boundaries of pilot sites;
  - (i) Encourage well-ordered economic development within the airport boundaries of the pilot sites;
  - (j) Facilitate and foster good relations with the communities surrounding the pilot sites;
  - (k) Enable conformity with approved airport master plans;
  - (L) Make pilot sites available for public use on reasonable terms; and
  - (m) Assist pilot sites in developing financial self-sufficiency through the use of innovative funding and economic development programs.
- (4) The Department of Land Conservation and Development, the county and a city, if any, within whose jurisdiction a pilot site is located shall coordinate with the Oregon Department of Aviation to ensure that the applicable comprehensive plans and land use regulations, including airport zoning classifications pursuant to ORS 836.600 to 836.630, facilitate through the fence operations and support the development or expansion of the pilot site consistent with applicable statewide land use planning requirements.
- (5) The Economic and Community Development Department shall assist the pilot sites to:
- (a) Identify, qualify for and apply for funding from appropriate grant and loan programs; and
  - (b) Develop innovative short-term and long-term funding opportunities.
- (6) To the extent practicable, the airport sponsors shall utilize innovative airport infrastructure and operations funding to support the pilot sites including, but not limited to:
- (a) Airport districts as provided in ORS chapter 838;
  - (b) Economic development programs administered by the Economic and Community Development Department;
  - (c) Tax increment financing to provide funding for airport-related infrastructure;
  - (d) United States Department of Agriculture Rural Development grants or low-interest loans; and
  - (e) Programs, including funding for short line railroads under ORS 367.067, designed to facilitate development of intermodal transportation projects.

**SECTION 4. (1) The Oregon Department of Aviation shall adopt rules to establish the pilot program required by section 3 of this 2005 Act within six months after the effective date of this 2005 Act.**

**(2) The Department of Land Conservation and Development, the county and a city, if any, within whose jurisdiction a pilot site is located shall coordinate with the Oregon Department of Aviation to implement the pilot program and to assist in the development of comprehensive plans and land use regulations in accordance with ORS 836.610 (1) that ensure that land use planning requirements facilitate implementation of the pilot program required by section 3 of this 2005 Act.**

**(3) Notwithstanding ORS 836.610 (2)(a), a county, in cooperation with a city within whose jurisdiction a pilot site is located, shall, if a pilot site is located within the county, amend its comprehensive plan and land use regulations as required in ORS 836.610 and sections 2 and 3 of this 2005 Act within one year after the Oregon Department of Aviation adopts the rules required by subsection (1) of this section.**

**Passed by Senate July 30, 2005**

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Secretary of Senate

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President of Senate

**Passed by House August 2, 2005**

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Speaker of House

**Received by Governor:**

.....M.,....., 2005

**Approved:**

.....M.,....., 2005

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Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2005

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Secretary of State