

Resolution 2009-01

Access by Residential Airpark Aircraft to Federally-Supported, Public-Use Airports Owned/Operated by the State of Oregon

Oregon Aviation Board

RECITALS:

WHEREAS the Federal Aviation Administration provides funding for Airport Improvement Projects for fifty-seven (57) public-use airports throughout the State of Oregon, of which the State of Oregon, through the Oregon Department of Aviation, owns and/or operates twelve (12) public-use airports, and

WHEREAS the Federal Aviation Administration has defined residential airparks as an incompatible land-use activity within the planning/operating radius of federally-supported airports, and

WHEREAS the Federal Aviation Administration Airports Seattle District Office (ADO) has directed airport sponsors for these airports to not permit through-the-fence access for any residential or residential airpark access, and

WHEREAS the Federal Aviation Administration Northwest Mountain Region Manager has directed that access by existing and future residential airpark aircraft is to be extinguished, either immediately, or as access agreements are renewed, and

WHEREAS the Federal Aviation Administration Northwest Mountain Region Manager recognizes that certain access agreements have been granted access with the explicit knowledge by FAA management, and

WHEREAS existing certain access agreements may not be extinguishable due to a variety of legal considerations, and

WHEREAS certain existing access agreements preserve the State of Oregon's control and authority for access, safety, access, revenues, operations, maintenance, inspections, operating standards, commercial aeronautical activities, and improvements on state-owned/operated airports, and

WHEREAS, in compliance with Oregon Administrative Rule 738-010-0025, the State of Oregon has maintained parity in its fee structure for residential airpark access comparable to the land-lease rate established by Oregon Administrative Rules 738-010-0040 and 0045, and

WHEREAS the State of Oregon retains approval authority over residential airpark Covenants, Conditions, and Restrictions (CC&Rs) which require presence of hangars and aircraft, prohibitions on use of taxiways and lots, prohibition on animals, commercial operations, and storage on non-aircraft items, requirements for occupancy, control and change procedures for points of access at the discretion of the Department of Aviation, and permanent forfeiture of all rights by airpark homeowners to protect aviation/industrial noise resulting from operations at airports, and

WHEREAS the Independence State Airport (7S5) is the only state-owned/operated airport with residential airpark access, and no additional land or access points exist at this date for further development or access by residential airpark aircraft, and

WHEREAS the State of Oregon has complied with all FAA regulatory publications and advisory circulars related to residential airpark aircraft access, and

WHEREAS the Federal Aviation Administration Seattle Airports District Office (ADO) has reviewed and commented on all residential airpark homeowner's association through-the-fence/access agreements and found them to be in compliance with all applicable FAA regulatory publications and advisory circulars,

WHEREAS the Federal Aviation Administration, in finding the Oregon Department of Aviation in substantial compliance with FAA regulatory publications and advisory circulars, will continue to provide, as funded under federal law, grant funding under existing programs as programmed and appropriate for state-owned/operated airports.

NOW, THEREFORE, the State Aviation Board hereby resolves the following:

1. Subject to the adoption of a national FAA policy related to access by residential airpark users, no new or additional through-the-fence access by residential airpark lots be allowed on state-owned/operated public-use airports.
2. The Oregon Department of Aviation will obtain review and comment from the Seattle Airports District Office for any and all proposed amendments to existing access agreements prior to enacting those changes.
3. The Oregon Department of Aviation will, in compliance with Oregon statutes governing re-setting land-lease rents, conduct rule-making to re-set the access fee for residential airpark aircraft to ensure parity between on-airport and off-airport charges for aircraft based at that airport.

Executed this 11th day of the month of August 2009, I hereby affirm that the Oregon Aviation Board, by majority vote, enacted this Resolution 2009-01.



Mark Gardiner
Chair, Oregon Aviation Board