

Oregon Department of Aviation (ODA)



***“SUPPORTING OUR
COMMUNITIES BY
PRESERVING AND
ENHANCING AVIATION”***

Sisters Eagle Airport



Sisters Eagle Airport





Sisters Eagle Airport Issues

- Request from Sisters Airport Management to add Sisters Airport to Appendix M under ORS 836.608 in Oct 2015
 - Requires Public Hearing
- Airport accepted two CONNECTOREGON Grants
- Airport runway extension onto Private property (HOA)
- Homeowners Association (Eagle Air Estates) TTF access since 1989
 - Requires 65% open space (extension puts HOA in violation)
 - Wetlands present
 - Liability for private property runway extension
- Airport Owner desires expansion of airport boundary for econ development
 - Airport annexed by City in 2014
 - Surrounded by Deschutes County land
 - Homeowners around airport concerned about noise/quality of life
- Sky Diving created friction – terminated by airport, city and county



Sisters Eagle Airport DOJ issue

THROUGH THE FENCE OPERATIONS

836.640 Definitions for ORS 836.640 and 836.642. As used in this section and ORS 836.642:

- (1) “Airport boundary” includes the combined public and private properties that are permitted to have direct access to the airport runway by aircraft.**

- (2) “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).**

- (3) “Pilot site” means a rural airport identified to participate in the pilot program pursuant to ORS 836.642.**

- (4) “Rural airport” means an airport described in ORS 836.610 (1) that:**
 - ~~—(a) Does not have a permanent air traffic control tower; and~~
 - (b) Principally serves a city or metropolitan statistical area with a population of 500,000 or fewer.**

- (5) “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. [2005 c.820 §2; 2009 c.11 §100; 2009 c.398 §1]**



Customary and Usual Aviation Activities

- a) **Airport Uses Allowed at Non-Towered Airports**
- b) **Customary Aviation Related Activities, i.e., takeoffs, landings, aircraft hangars, FBO's, etc., and aviation activities incidental to normal airport operations.**
- c) **Emergency Medical Flight Services**
- d) **Law Enforcement and Firefighting Activities**
- e) **Flight Instruction and related facilities**
- f) **Aircraft Service, Maintenance and Training, but not including facilities for manufacture of aircraft or related products for sale to the public.**
- g) **Aircraft Rental and Sales.**
- h) **Aeronautic Recreational Activities including fly-ins, glider flights, ballooning, etc.; with certain limitations and subject to approval of airport sponsor.**
- i) **Crop Dusting, Agricultural and Forestry Activities**
- j) **Air Passenger and Air Freight services and facilities at public use airports.**



Aviation Statutory Authority

- 836.025 Establishment of airports and air navigation facilities by department. (1) The Oregon Department of Aviation may, **on behalf of and in the name of the state**, out of moneys made available for such purposes, plan, establish, construct, enlarge, improve, maintain, equip, operate, **regulate, protect and police airports** and air navigation facilities, either within or without the state, including the construction, installation, equipment, maintenance and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers.
- (2) For such purposes **the department may**, by purchase, gift, devise, lease, condemnation or otherwise, acquire property, real or personal, or any interest therein, including easements **in airport hazards** or land outside the boundaries of an airport or airport site, **as are necessary to permit safe and efficient operation of the airports** or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards, or **to prevent the establishment of airport hazards**. In like manner the department may acquire existing airports and air navigation facilities; provided it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality.
- 836.608 **Airport operation as matter of state concern**; local planning documents to recognize airport location; limitations on use; expansion of facility. (1) **The continued operation and vitality of airports registered, licensed or otherwise recognized by the Department of Transportation- Aviation on December 31, 1994, is a matter of state concern.**



Aviation Statutory Authority continued

836.610 Local government land use plans and regulations to accommodate airport zones and uses; funding; rules. (1) **Local governments shall amend their comprehensive plan and land use regulations consistent with the rules for airports adopted by the Land Conservation and Development Commission under ORS 836.616 and 836.619.**

836.616 Rules for airport uses and activities. (1) **Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules for uses and activities allowed within the boundaries of airports identified in ORS 836.610**

836.619 State compatibility and safety standards for land uses near airports; rules. **Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules establishing compatibility and safety standards for uses of land near airports identified in ORS 836.610**

See Table 3-4 from OAR 660, Airport Planning Rule

OAR 660-013-0030 Preparation and Coordination of Aviation Plans

(1) The Oregon Department of Aviation (ODA) shall prepare and adopt a state Aviation System Plan (state ASP) in accordance with ORS Chapters 835 and 836 and the State Agency Coordination Program approved under ORS 197.180. **ODA shall coordinate the preparation, adoption, and amendment of land use planning elements of the state ASP with local governments and airport sponsors.** The purpose of the state ASP is to **provide state policy guidance** and a framework for planning and operation of a convenient and economic system of airports, and **for land use planning to reduce risks to aircraft operations and nearby land uses.** The state ASP shall encourage and support the continued operation and vitality of Oregon's airports.



Authority on tall structures

836.530 Rules and standards; orders; appeals. (1) In addition to any other rulemaking authority, the **Director of the Oregon Department of Aviation may adopt rules:**

- (a) **To define physical hazards to air navigation** and determine whether specific types or classes of objects or structures constitute hazards. Rules defining physical hazards and determining whether specific types or classes of objects or structures constitute hazards may be adopted only after a fact-finding process and must be supported by substantial evidence.
 - (b) **Establishing standards for lighting or marking objects and structures that constitute hazards to air navigation.**
 - (c) **Establishing standards for mitigating physical hazards to air navigation by altering the height or location of objects and structures.**
 - (d) **Establishing standards for mitigating hazards to air navigation by altering approach surface standards or installing navigational aids.**
- (2) In accordance with the rules adopted under this section, the **director shall do the following:**
- (a) **Determine whether specific objects or structures constitute a hazard to air navigation.**
 - (b) **Determine responsibility for installation and maintenance of lighting or marking and for alteration of the height or location of specific objects or structures that constitute hazards to air navigation.**
 - (c) **Issue orders** to require that specific objects or structures determined to be hazards to air navigation be marked or lighted in accordance with rules adopted under this section.
 - (d) **Make recommendations to the Federal Aviation Administration** to require that airports alter approach surface standards or install navigational aids for the purpose of mitigating hazards to air navigation.
- (3) **Rules and standards adopted under this section are limited to and may not be more restrictive than current federal norms,** including but not limited to, regulations and circulars, pertaining to objects affecting navigable airspace.
- (4) **Any person or entity required to comply with an order issued under this section may contest the order as provided under ORS chapter 183**



Airport Planning Rule

660-013-0010

Purpose and Policy

- (1) This division implements ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation). **The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports.** These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.
- (2) Ensuring the vitality and continued operation of Oregon's system of airports is **linked to the vitality of the local economy where the airports are located.** This division recognizes the interdependence between transportation systems and the communities on which they depend.

- OAR 660-013-0040
 - Aviation Facility Planning Requirements
 - Airport Layout Plan
 - Includes existing & planned facilities
 - Noise impact boundaries
 - Compatible land use
- OAR 660-013-0070
 - Local Gov't Safety Overlay Zones for Imaginary Surfaces



(Public/Private-Public that meet 3 criteria)

- OAR 660-013-0100
 - Airport Uses Allowed at Non-Towered Airports
 - a) Customary Aviation Related Activities, i.e., takeoffs, landings, aircraft hangars, FBO's, etc., and aviation activities incidental to normal airport operations.
 - b) Emergency Medical Flight Services
 - c) Law Enforcement and Firefighting Activities
 - d) Flight Instruction and related facilities
 - e) Aircraft Service, Maintenance and Training, but not including facilities for manufacture of aircraft or related products for sale to the public.
 - f) Aircraft Rental and Sales.
 - g) Aeronautic Recreational Activities including fly-ins, glider flights, ballooning, etc.; with certain limitations and subject to approval of airport sponsor.
 - h) Crop Dusting, Agricultural and Forestry Activities
 - i) Air Passenger and Air Freight services and facilities at public use airports.



Airport Planning Rule

The Airport Planning Rule was established under ORS 836 & OAR 660-013 as a means of protecting the future use and growth of Oregon's airports. This was accomplished through the establishment of rules mandated upon local jurisdictions to provide for the protection of airport imaginary surfaces, aviation related uses, airport growth, and incompatible land uses. The Rule established **5 separate airport categories** with category specific protections:

1. Publicly - owned / Public use / 3+ aircraft – Exhibit 1
2. Privately - owned / Public use - meet specific criteria >trans links/safety/economic - Exhibit 1
3. Privately - owned / Private use - 3+ aircraft – Exhibit 2
4. Publicly - owned / Public use - less than 3 aircraft – Exhibit 3
5. Privately - owned / Public use – Did not meet criteria for >trans links/safety/economic – Exhibit 2

Non Protected

Privately - owned / Private use – less than 3 aircraft - Airports not specifically listed in numbers 1 through 5 above are not offered any protections.



(Private/Private-Public that did not meet 3 criteria)

- OAR 660-013-0155
 - Planning Requirements for Small Airports
 - Recognize Airport Location in Planning Documents
 - Not Impose Limitations on 660-13-0100 uses that existed during 1996 or that was approved by local govt prior to 1/1/1997.
 - Allow new 660-013-0100 (customary and usual) uses subject to criteria.
 - Adopt Rules regulating height of structures to protect approach corridors.

Appendix L

**Publicly Owned Public Use Airports
Registered, Licensed or Otherwise Recognized
by the Department of Transportation
on or Before December 31, 1994
with Three or More Based Aircraft**

Airport	County	City
Albany Municipal	Linn	Albany
Arlington Municipal	Gilliam	Arlington
Ashland Municipal-Sumner Parker Field	Jackson	Ashland
Astoria Regional	Clatsop	Astoria/Warrenton
Aurora State	Marion/Clackamas	Aurora
Baker City Municipal	Baker	Baker City
Bandon State	Coos	Bandon
Bend Municipal	Deschutes	Bend
Brookings	Curry	Brookings
Burns Municipal	Harney	Burns
Chiloquin State	Klamath	Chiloquin
Christmas Valley	Lake	Christmas Valley
Columbia Gorge Regional/ The Dalles Municipal	Wasco	The Dalles
Condon State/Pauling Field	Gilliam	Condon
Corvallis Municipal	Benton	Corvallis
Cottage Grove State	Lane	Cottage Grove
Creswell Hobby Field	Lane	Creswell
Enterprise Municipal	Wallowa	Enterprise
Eugene Mahlon Sweet Field	Lane	Eugene
Florence Municipal	Lane	Florence
Gold Beach Municipal	Curry	Gold Beach
Grant County Regional/ Ogilvie Field	Grant	John Day
Grants Pass	Josephine	Grants Pass
Hermiston Municipal	Umatilla	Hermiston
Hillsboro (Portland)	Washington	Hillsboro
Illinois Valley	Josephine	Cave Junction
Independence State	Polk	Independence
Joseph State	Wallowa	Joseph
Ken Jernstedt Airfield	Hood River	Hood River
Klamath Falls	Klamath	Klamath
La Grande/Union County	Union	La Grande
Lake Billy Chinook ¹	Jefferson	Culver
Lake County	Lake	Lakeview
Lakeside State	Coos	Lakeside
Lebanon State	Linn	Lebanon
Lexington	Morrow	Lexington
Madras City/County	Jefferson	Madras
Malin	Klamath	Malin
McDermitt State	Malheur/Humboldt, Nev.	McDermitt
McMinnville Municipal	Yamhill	McMinnville
Medford-Rogue Valley International	Jackson	Medford

(Public/Public w/ 3+)

Exhibit 1

Airport	County	City
Miller Memorial	Malheur	Vale
Mulino (Portland)	Clackamas	Mulino
Myrtle Creek Municipal	Douglas	Myrtle Creek
Newport Municipal	Lincoln	Newport
North Bend Municipal	Coos	North Bend/Coos Bay
Oakridge State	Lane	Oakridge
Ontario Municipal	Malheur	Ontario
Pacific City State	Tillamook	Pacific City
Eastern Oregon Regional- Pendleton	Umatilla	Pendleton
Portland International	Multnomah	Portland
Prineville	Crook	Prineville
Redmond Municipal/ Roberts Field	Deschutes	Redmond
Roseburg Regional	Douglas	Roseburg
Salem McNary Field	Marion	Salem
Scappoose Industrial Airpark	Columbia	Scappoose
Seaside Municipal	Clatsop	Seaside/Gearhardt
Siletz Bay State	Lincoln	Gleneden
Tillamook	Tillamook	Tillamook
Troutdale (Portland)	Multnomah	Troutdale/Fairview
Vernonia Airfield	Columbia	Vernonia
Wasco State	Sherman	Wasco

Airport names have been revised to reflect changes that may have occurred since December 31, 1994.

¹Is now privately owned

Publicly-Owned, Public Use Airports with 3 or more based a/c as of 12/31/94



Privately Owned, Public Use Airports That Meet 3 Criteria:

- > Provide Links in Air Traffic in the State,
- > Provide Essential Safety or Emergency Services,
- > Are of Economic Importance to the County.

Exhibit 1

Appendix M Privately Owned Public Use Airports That: Provide Links in Air Traffic in the State, Provide Essential Safety or Emergency Services, or Are of Economic Importance to the County Where the Airport is Located		
Airport	County	City
Chehalem Airpark	Yamhill	Newberg
County Squire Airpark	Clackamas	Sandy
Davis	Linn	Gates
George Felt	Douglas	Roseburg
Lenhardt Airpark	Clackamas	Hubbard
Sandy River	Clackamas	Sandy
Sportsman Airpark	Yahmill	Newberg
Starks Twin Oaks Airpark	Washington	Hillsboro
Sunriver	Deschutes	Sunriver
Valley View	Clackamas	Estacada

Airport names have been revised to reflect changes that may have occurred since December 31, 1994.

(Private/Private-Public that did not meet 3 criteria)

DIM	ITEM	DIMENSIONAL STANDARDS IN FEET
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	200
B	APPROACH SURFACE WIDTH AT THE END	450
C	APPROACH SURFACE LENGTH	2500
D	APPROACH SLOPE	20:1



Publicly-Owned, Public Use Airports with less than 3 based
a/c as of 12/31/94



Exhibit 3

(Public with less than 3 based aircraft)

Exhibit 3

Appendix O		
Publicly Owned Public Use Airports		
Registered, Licensed or Otherwise Recognized		
by the Department of Transportation		
on or Before December 31, 1994		
with Less Than Three Based Aircraft		
Airport	County	City
Alkali Lake State	Lake	Alkali Lake
Beaver Marsh	Klamath	Beaver Marsh
Boardman	Morrow	Boardman
Burns Junction (BLM)	Malheur	Burns Junction
Cape Blanco State	Curry	Denmark
Cascade Locks State	Hood River	Cascade Locks
Crescent Lake State	Klamath	Crescent Lake
Juntura (BLM) ¹	Malheur	Juntura
McKenzie Bridge State	Lane	McKenzie Bridge
Memaloose (USFS)	Wallowa	Imnaha
Monument	Grant	Monument
Nehalem Bay State	Tillamook	Manzanita
Owyhee Reservoir State	Malheur	Owyhee Reservoir
Paisley	Lake	Paisley
Pinehurst State	Jackson	Pinehurst
Portland Heliport	Multnomah	Portland
Powers State	Coos	Powers
Prospect State	Jackson	Prospect
Red's Horse Ranch ¹	Wallowa	Cove
Rome State	Malheur	Rome
Santiam Junction State	Linn	Santiam Junction
Silver Lake USFS Strip	Lake	Silver Lake
Toketee State	Douglas	Clearwater
Toledo State	Lincoln	Toledo
Wakonda Beach State	Lincoln	Waldport

Airport names have been revised to reflect changes that may have occurred since December 31, 1994.

¹No longer public use airport



For further Information...



Visit our Website At:

<http://www.oregon.gov/Aviation/index.shtml>