

# EXHIBIT J

## Chapter 836 — Airports and Landing Fields

2017 EDITION

### AIRPORTS AND LANDING FIELDS

#### AVIATION

#### 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 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; 2016 c.35 §1]

**836.642 Program for through the fence operations; rules.** (1) The Oregon Department of Aviation shall establish a pilot program at up to six 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 Oregon Business 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

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(b) Not more than five 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 Oregon Business 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 Oregon Business 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. [2005 c.820 §3; 2009 c.398 §2]