

# March 6, 2025 State Aviation Work Session- Transcript

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1h 7m 58s

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● **MORRIS Alexis** started transcription

SE **STEPHENS Cathryn E** 0:10

No, not hearing you.

I saw you started the recording this. If you give me a thumbs up, we'll just launch into it. OK? Great.

All right.

Well, welcome everyone.

This is a work session for the board with the agency staff. Attendees from the public are welcome to observe the chat function as well as the attendee. Cameras and microphones will be turned off if you would like to submit public comment, please do that through the OD.

A V website for the April 3rd.

2025 board meeting and with that, I'll turn it back to Alexis for the roll call.

 **MORRIS Alexis** 0:49

OK. Can you hear me now?

SE **STEPHENS Cathryn E** 0:51

Yes.

JB **Jim Knight - Board** 0:52


Yes.

 **MORRIS Alexis** 0:52


OK.

Bill gropp.


**GB** **Graupp, Bill (DI SW EDA CAL DS PM DFM)** 0:55  
Here.

 **MORRIS Alexis** 0:56  
Jim knight.  
Sarah Lucas.

 **LUCAS Sarah M (Avi Board)** 1:01  
Present.

 **MORRIS Alexis** 1:02  
Steve Nagi.  
Not currently in, so we'll see, Brian Prang.

**BP** **Brian Prange** 1:13  
Present.

 **MORRIS Alexis** 1:14  
OK. And then looks also like Jeff Pricher has not joined us yet either.  
And Catherine Stevens. OK. And we do have a quorum.

**SE** **STEPHENS Cathryn E** 1:28  
Great. OK.  
Thank you so much and I will turn this over to Tony for discussion presentation then probably AQ and a around the state airports through the fence rule and policy evaluation. Tony.

**JB** **Jim Knight - Board** 1:33  
Thank you.

**BA** **BEACH Anthony** 1:45  
Yeah. Thank you.  
Good morning, Madam Chair members of the board.  
I I did put together a presentation and I will try to run through it as quick as I can.

We also sent out last week a packet with a staff report and and then a few attachments that were included that are great reference or resource materials on through the fence.

At the federal and national level, and they include even references to some of our own airports.

So I think they'll be great resources.

Just really quick.

In February, so last month in our regular board meeting, I shared an update that we had a handful of through the fence applications. But in reviewing those we we don't have.

Excuse me.

Any rule making or policy on how?

How we would implement those outside of the pilot program, we have one airport, the Aurora State airport that's in the pilot program for commercial industrial through the fence and again outside of that, we don't have any any rules in administrative rule or policy explaining how we would IMP.

That we have a history of implementing through the fence and and providing access agreements at several of our airports. And again, I'm just going to give a quick introduction on that.

I'm going to share my screen.

And can you all see that title screen? OK, great.

So in the staff report I I gave a background and and a quick explanation of the issue and then objectives for this meeting.

I don't expect that we're going to have answers to all of our questions in this meeting. Like Kenji said, this is the first of many conversations that we're going to have.

So I will just kick it off.

So just today, this presentation's just going to go over a quick overview of through the fence at our state airports.

What this process is the scope for it?

The objectives for this meeting and out of this process and then just a quick overview of some of the benefits and issues with through the fence and then the guidance and input that we're seeking from the board.

To help form this public process as we go forward and then what those next steps look like?

So just really quick, the highlighted airports are the airports that we have through the fence access agreements at currently. Again Aurora is included through statute in the pilot program for commercial industrial through the fence operations.

The others are not.

And we have active agreements at these airports and we have requests for additional agreements at these and other airports as well.

Oh, this is just a copy and paste from our May 2023 presentation to in our May 2023 board meeting on leasing and through the fence.

It just explains what through the fence is, what our access agreements do, and then how we have a table here that show the rates and fees that that we charge for through the fence access.

This is just a quick breakdown of the total access agreements that we have and at which airports and for what uses and that's going to come up a little bit later on the different types of uses for access agreements.

And again, introduction for this process. This is just the start of what will probably be a fairly lengthy public outreach and rule making process.

And we have through the fence applications, but again no framework for policy outside of the pilot program on how and if they should be implemented or not.

And again, as I shared in the February board meeting, we have a moratorium on through the fence pending the outcome of this rule making and policy update.

So for this meeting and for this process, we are looking at state operated airports outside of the pilot program only this process is not intended to create rules for non state airports or state operated airports in Oregon.

And the objectives are we're seeking answers and feedback to questions on that.

We're in the staff report and again, we do not expect answers today. But you know we are looking for.

Board input here and any feedback we can get will help form the and shape the the focus of the public discussion that will follow.

Moving on to benefits, these are well explained in the ACRP guidebook.

This was attachment B and the the packet that was sent out last week, and these benefits are also well known among the the users through the fence here in Oregon and the the private property owners near state airports. And we expect that we will continue to to hear.

Support for through the fence.

From those and other users here in Oregon, as we have our public outreach.

Issues are also well explained in the attachment a the FAA order 5196 B and and in the ACRP guide book on through the Fence Attachment B as well.

And then I do have some in practice examples that go a little bit more hands on than what's provided in those attachments, and I can run through those.

Now I am trying to run through this presentation fairly quickly.

Happy to come back to any examples or.

Provide more information as as the discussion continues, so just in practice some of the things we've seen first hand with through the fence at our airports.

When you don't have an actual fence, the distinction of public versus private land is is not always apparent, and it can be really difficult actually.

So the public when when using a public use airport may not be aware of of the fact that they, you know, might be either instructed by air traffic control in this instance or or may just be taxing and and want to turn around in a in a certain.

They might be entering into private property.

They may not have permission to access.

So that level of confusion is is a factor within the fence.

It's also not having a fence makes it challenging.

To control access in wildlife at airports where again there there may be very little space to put a fence or or may not be possible at all.

This was a photo I shared back in the September work session on VPD rule making at Aurora.

And again, this dashed line, the single dash line is our property line and then just a matter of feet next to it is the movement line where our our movement area begins.

This is the abandoned state airport.

And again, the distinction of public versus private land is is not apparent.

I am not going to throw questions out to you all, but but I'm guessing you can't quite tell where it is.

And I'm not sure if these photos help.

Or this one for this one.

But the property line is about a foot on this side of the hanger.

All the way back along these these rows of hangers, that's where our property line is located.

So again, just.

Not trying to say necessarily good or bad, but it presents some unique challenges.

The way that through the fence has been implemented in the past and.

And but in that case it the through the fence connects to a taxi lane or an apron. This is the Pinehurst state airport where we have direct access to the runway.

We have about four different access points to the runway from private property.

Presents 5 challenges.

There's confusion and some issues of maintenance responsibilities of private use facilities on state property, because even with through the fence, it still requires private improvement on again public land on on state land. And then again here at the Pacific City State airport, direct access showing two of these.

Direct access points to the runway on the South end.

Other through the fence access is is not direct to the the runway, but connects to the apron.

And you know, I mentioned before that through the fence is has a long history of being implemented in Oregon.

So much so that that there's an expectation that through the fence would be granted.

At most rainy state or portion, Oregon.

This is photos from a listing of a large property West of the independence state airport, where they they marketed the property without any coordination or communication with odav for the ability to develop through the fence.

And they went as far as to show show conceptual designs for through the fence layout and again, direct access to the runway.

And as well as just aircraft use, this was a photo directly from their listing as well.

The recent master plan for independence shows that entire property being acquired by the state for on state use.

The the east side of the airport, which is on the top end of the screen.

It is nearly fully developed.

I think we have one spot where there's where we're planning for a hangar to be constructed on the North East end of our property that doesn't currently exist and outside of property acquisition on the South end and two hangar locations on the east side shown in this pre.

Alternative, all of the aeronautical development in the master plan is shown on that West side.

Where that that private property is.

So what we're seeing in real time is the property values increasing and development occurring that that is making it more challenging for the state to acquire property

adjacent to the airport.

This is the Joseph airport.

This is I mentioned in February that we had received an application for through the fence access at Joseph and this is what they submitted to us, showing a wide reciprocal easement for properties east of the airport and and again in our recent master plan for Joseph, we're showing.

Aviation Development reserve on that east side.

As well.

And then lastly, without policy or rules on how we implement through the fence it it has been implemented somewhat inconsistently. We have not had good framework for how we grant or deny through the fence access access agreements.

This is the Cottage Grove State Airport and here on the midpoint of the airfield, we have one residence with a hanger with through the fence access.

And and then just a couple properties S we have the frame of a. What is a fairly large hangar, but we have a a similar private property that has attempted to to obtain through the fence access for the Cottage Grove Airport. But.

I don't know all the details, but that was denied and and all I am aware of when when I joined the department is that we we denied them a request or their request for through the fence access.

So I'm not aware of all the details, but again I don't exactly know what objective criteria was used to to not grant that person through the fence.

Let's see other things.

So talking about direct access to the runway.

You know what?

What kind of setbacks going back to that pioneerist example with with development right next to the runway, you know, these are just some of the issues that that we're looking with without having that framework or rules or policy. Umm.

So that's that brings us to the guidance and input that we're seeking.

And and those questions were laid out in the staff report and and when we raise this question or when we brought the moratorium to the board last month, the question was asked by the board. Well, I think should we?

You know that the first question we should be asking is, should we even do this? And this really is what sparked this conversation that I think we need to have a little more discussion with the board before we convene the Rulemaking Advisory Committee and have a public process.

And just having a little bit more guidance on what that process should be looking to accomplish.

And so that also includes should we consider access at some airports over others?

Should some be exempt from through the fence access?

Should we consider only granting certain types of through the fence access agreements?

Again, I showed that the different types of uses that we have, and they're also explained in the ACRP report.

And then and just that last example of Cottage Grove, what basis should we consider in granting or denying access agreements? And then how can we how can we implement through the fence if we're going to continue granting through the fence, how can we do that and protect the?

Long term interest of the airports and and prevent some of the challenges that I just ran over ran through with.

Our in practice example.

So next steps.

That is, that's it on my end for this presentation right now. But I really do look forward to a good discussion from the board and if you're able to provide any input or guidance here, we look forward to a robust public.

Discussion as we work through this rule making process.



**MORRIS Alexis** 16:49

I just wanted to just one really quick thing. I just wanted to say for the record that Steve and Jeff have joined us now.



**STEPHENS Cathryn E** 16:49

Alright.

OK.

Great. Thank you, Alexis and Tony. Thank you for that overview and I appreciate all of the staff time that went into providing that report as well.

And there are some good resources attached there so.

Hopefully folks had a chance to prove some of those, so we'll just launch into questions here.

And I, like Tony said, this is kind of our preliminary discussion around this.

So all questions are good questions and then?



Eventually, we'll need to give staff some direction on, you know, forming the rule making committee, and that those kinds of things.

So Jim, did you have a question?

**JB** **Jim Knight - Board** 17:40

Yeah, Tony.

Tony, really good job.

I appreciate all of that information.

It was a lot to go through, but it was really very helpful.

Could you?

You went through a lot of information this way real fast, so questions in my mind popped up at many of those slides.

Could we could get you go back to the process slide which was towards the beginning of your presentations like the 3rd or 4th slide, I think.

**BA** **BEACH Anthony** 17:59

Yeah.

Yeah.

Share my screen one more time.

I'll do it more than one more time.

I will share it again, sorry.

**JB** **Jim Knight - Board** 18:22

Second vote no, it's it's, it's when you begin. You had a different slide on the introduction in the process.

**BA** **BEACH Anthony** 18:22

Is this the slide that you were you were asking about?

OK.

Believe that was here.

**JB** **Jim Knight - Board** 18:34

There you go.

OK.

This is helpful.

Talk about a complicated issues that we have to wade through.

This is this is really significant and I'm confident that we can do this and I'm, you know, I think that it's very difficult for me to want to begin to enter into rule making process if we really haven't heard all of the voices that are necessary for us.

To give us guidance before we give begin rulemaking.

So from my perspective, I sure would like us to be clear what this process will be.

But what are the steps and when will they happen?

So I I I would like to see a little more clarity step by step of what the process will be so.

**BA** **BEACH Anthony** 19:26

Thank you.

I can definitely provide clarification there. So this meeting and this discussion we were hoping to get some guidance from the board on on kind of the temperature of of what we would be looking to implement with through the fence. Just generally the rule making, establishing the rule making.

**JB** **Jim Knight - Board** 19:27

Yeah.

**BA** **BEACH Anthony** 19:48

Advisory committee and having that process.

There will be public meetings will get that public input from different airport users and through the fence users throughout Oregon and we, you know, will include board members in that rule making process as well.

And then then we would bring back the draft rule for the board's review and for for adoption.

**JB** **Jim Knight - Board** 20:17

So do you anticipate there being, you know, a workshop meeting in in the very early beginning of this process that includes public comment?

And when, when would that begin?

To when when do you see that be occurring?

**BA** **BEACH Anthony** 20:37

Depending on the the feedback that we get from you all we were going to either establish a rule making Advisory committee which would be public meetings. We would get that public comment and we would issue a public notice when especially when we have the draft rule making ready for filing, then that goes out for its own public. Comment period and and there's a public notice that goes with that so. But then each step to get there to get to the draft rule making or what that rule would look like, that's where I envision a robust public process that those rules would be based on and and again, including the board's feedback here.

**JB** **Jim Knight - Board** 21:24

So one more question and I'll let others speak too. But so you're thinking that public process is a part of the rule making process where in my mind it would seem to be a good thing to have initial public input before the rulemaking process begins.

**BA** **BEACH Anthony** 21:34

Absolutely.  
Right. I I think we're seeing the same thing.

**JB** **Jim Knight - Board** 21:46

What?

**BA** **BEACH Anthony** 21:47

So the there would be public input and we would use that to develop. The draft rules that then would be considered in the rule making Advisory Committee, which would be published through the the public filing the public notice.

**JB** **Jim Knight - Board** 22:05

I'm sorry, Tony, could you say that one more time please?

**BA** **BEACH Anthony** 22:09

Yeah. So we're we're looking to include the board and the public in in establishing a draft rule. That draft rule then goes through the public notice, which has its own.

**JB** **Jim Knight - Board** 22:16  
OK.

**BA** **BEACH Anthony** 22:22  
Public.

Again, the notice and then a rulemaking process and then that that public process and those draft rules come back to the board for.

The board's vote on adopting the rules or not?

**JB** **Jim Knight - Board** 22:40

Last questions, would there be a timeline that you could create of when these things would occur?

**BA** **BEACH Anthony** 22:46

Yeah. So at the very end, we were looking at at least it's probably gonna be at least. A 12 month process and again I I'm expecting a robust.

Public process and it will take multiple iterations of of meetings and back and forth before we can even develop the draft rules.

**JB** **Jim Knight - Board** 23:07

All right.

Thank you for allowing these questions.

**SE** **STEPHENS Cathryn E** 23:11

And I would just say Jim also.

In through the website, folks can submit comment and also at board meetings.

There's public comment opportunities.

So it's not just for during the rulemaking process, but also during.

**JB** **Jim Knight - Board** 23:28

Sure.

**SE** **STEPHENS Cathryn E** 23:29

Our board meetings as the opportunity for people to.  
Provide comments or suggestions, that kind of thing.

**JB** **Jim Knight - Board** 23:35

OK.

Thank you, chair.

**SE** **STEPHENS Cathryn E** 23:39

Maybe you're up next.

**NS** **Nagy, Stephen** 23:43

Thanks Tony.

Good report and good background.

The question I have is.

The.

Rule in 738 Division 15 the access permit 10055 effective August whatever it was,  
2001.

**BA** **BEACH Anthony** 24:04

Right.

**NS** **Nagy, Stephen** 24:05

Do you know the background for the impetus for that being inserted into the rule?

Do we know the intent of why that was there?

**BA** **BEACH Anthony** 24:12

I.

**NS** **Nagy, Stephen** 24:15

Because that's pretty clear about access permits, and it'd be interesting to kind of  
understand the intent for that if we are thinking about changing.

**BA** **BEACH Anthony** 24:20

Right.

**NS Nagy, Stephen** 24:27

This.

You know to allow because correct me if I'm wrong, but the pilot program came along after that.

So the pilot program basically allowed even though there is this section of your your administrative rules, the pilot program carve that out for very specifically for those pilot airports.

But this is still in effect.

This is your guidance.

**BA BEACH Anthony** 24:53

Yeah, this is a current administrative rule and and to answer your question, I I don't know the background I'd have to go through all the archives, but I haven't looked at those yet on on what that discussion was for establishing this rule and and barring through the F.

At any airports where it's not established already.

But this is this is the only rule that we do have on through the fence outside of the the pilot program.

**NS Nagy, Stephen** 25:26

Right. And I I I guess I would say it would be very helpful if you could or if some on the team or or if DOJ or whomever you would use could find out the background for the change for this administrative rule, how it and why it came?

About.

That way I think be helpful for guiding us in our discussion.

Doesn't have.

Doesn't mean that that has to be the be all and end all for it, but I think it'd be very helpful to understand.

How and why that came about and why? What that was intent is pretty close, and it's or it's pretty obvious in its intention to protect airports until the the state airports until the property is leased up.

But I like a little more background I think.

**BA BEACH Anthony** 26:15

Yeah. Thank you, definitely.  
We'll get more background here.

**SE** **STEPHENS Cathryn E** 26:17  
Let's get it raise your hands.

**BA** **BEACH Anthony** 26:21  
Umm.

**SE** **STEPHENS Cathryn E** 26:22  
Go ahead, Tony.  
I just saw Stacy raise her hand, so I think she might have an answer for it.

**BA** **BEACH Anthony** 26:26  
OK.  
Go ahead, Stacy.

**PC** **Posegate Stacy C** 26:29  
Thank you, chair Stevens.  
I don't have a full answer, but the one thing that I want to point out and I'm happy to look at that question for you. But the one thing I want to point out is the date of when this was adopted, 2002. So this was.  
Adopted before aviation was even carved out of Department of Transportation and in its own agency.  
Created and so I think that that might have more to do with anything.  
Then, but again, I'm happy to look at it.  
That would require looking into O dot records and I do have to tell you I don't know how much.  
How many?  
How much of records are actually gonna have 'cause? You have to look at when you're doing a role. When you're doing this type of role analysis, you have to look at the record that was before.  
At that point, it would have been the Oregon Transportation Commission when they adopted it.  
So again, happy to look at it.

I just want to be prepared for that.

And there's a possibility that it just might be a holdover from when the agency was carved out into its own, its own independent agency.

**NS Nagy, Stephen** 27:31

Yeah, I appreciate that. But it looks like very 'cause very specifically listed 2001 date and effective this date. And so as if there was some impetus for changing it, not just when it was carved out, you know, the agency was anyway, yeah, I think may not.

**SE STEPHENS Cathryn E** 27:31

OK. Thanks.

**BA BEACH Anthony** 27:38

Mm hmm.

**NS Nagy, Stephen** 27:49

Find it, but it might be helpful to understand.

OK.

**BA BEACH Anthony** 27:53

Yeah. Thank you.

We'll definitely take a look and I did wanna add to that some of the the issues that I described and and 1:00.

Several of them are at airports where we already have through the fence, so this oar does not address that where if it already has through the fence, you know, we it's possible that we would still look at granting through the fence. And so again, I think some of.

That, that policy or framework could could help address some of the issues we're looking at too.

**SE STEPHENS Cathryn E** 28:26

Right, Jeff Pritchard.

I see you have your hand up.

**JS Jeff Pricher - SRFD** 28:37



Sorry, I was having a microphone problem.

I just want to tag on to what?

Board member Nagy was was talking about.

I'm also a big believer in trying to understand what the history of some of these decisions are and.

I I also appreciate that getting into the archives can be challenging, but as we move forward with this public process, I think it's important that not just for the poor Members, but for the public, we we we learn from how things.

Or how and why things were done in the past 'cause if we miss that, we might not make the right decision moving forward.

So is it possible chair Stevens to have any of that that information be added to a place on the?

Right where the public and the board can access it. And in addition to that, you know, Mr. Beach did a a a really good job putting that presentation together.

Is there a way to make that available as well so that if anybody is curious about what happened in this discussion today?

In addition to seeing the agenda item, they they can see the topics that were covered. I think. I think that'll be beneficial for everybody.

And then, you know, dovetailing on what Mr. Knight said, you know, we need to make sure that we're very transparent and and deliberate about our dates. And if we need more time than 12 months, I don't think we should force ourselves to 12 months, especially if we have.

Dialogue with our our local communities or other airports around the state.

You know this, this is kind of a big deal and I know it's it's, it's, it's personal for some. And when we look at.

You know our our our goals for the the Board and for Oregon Department of Aviation in General Economic Development is one of those.

So, you know, making sure we get this right is is really important.

So thank you, chair Stevens.

**BA** **BEACH Anthony** 30:48

Thank you and sorry if I could just address that comment.

Anything we do have on that, that.

Rule making for the August 15th, 2001 date.

Anything we have would be public record and we'll have to share it and get it posted

out there for the public and the boards benefit.  
Oh, Catherine. Now we can't hear you.

**SE** **STEPHENS Cathryn E** 31:17  
Other is hands. Oh really?

**BA** **BEACH Anthony** 31:18  
Oh, there you are.

**SE** **STEPHENS Cathryn E** 31:19  
I'm having connectivity issues so.

**BA** **BEACH Anthony** 31:22  
You're back.

**SE** **STEPHENS Cathryn E** 31:23  
You can hear me now though.

**BA** **BEACH Anthony** 31:25  
Yep.

**SE** **STEPHENS Cathryn E** 31:26  
OK.  
I'm very good.  
All right. I see Jim has to stand up again.

**JB** **Jim Knight - Board** 31:30  
So, Tony, what? What do you tell people now as this is a two-part question is how many different airports you see, you've got six different requests right now. Are they at multiple airports?

**BA** **BEACH Anthony** 31:43  
Yeah.

**JB** **Jim Knight - Board** 31:44

State owned, obviously state owned airports and So what do you tell folks now when they're at approach and say here's what we'd like to do?

How do how do you I see you.

I see.

The dilemma is you have no rules really to go by, but there's a legitimate request.

So how do you handle those requests?

**BA** **BEACH Anthony** 32:03

So right now we're communicating that just as we shared in last month's board meeting that we have a temporary moratorium on through the fence until we can establish these rules.

**JB** **Jim Knight - Board** 32:17

OK.

Thank you.

 **LUCAS Sarah M (Avi Board)** 32:23

Yes, thank you, chair Stevens.

I guess I just wanted to bring up some things to think about when we're going through this process that's related to through the fence, but not specifically. And that's our leasing process. I think some of the frustrations that some of the our our tenants or potential tenants have.

Had is that they're on a wait list, but there are maybe #3 and you know defining through this how long somebody has on the wait list. If they are the number one to build.

But they're not doing anything to then go through the list to help develop the on airport properties, and then also the definition of what does it mean for the state to be fully developed? The independence and Joseph examples that we had, what we currently own is pretty well.

Built out with maybe you know one or two locations left to lease, but we've identified future property for acquisition. So the definition of.

Fully developed. Does that include properties identified in the master plan?

So I just think that's just something that we should be thinking of during the role making process.

That's again more towards the planning and leasing, but would impact through the fence issues.

**SE** **STEPHENS Cathryn E** 33:39

Thank you, Sarah.

I'm gonna keep watching hands up, but I will ask Tony, you know, for for me, I think a lot of this is it comes down to fundamentals, right.

It should be consistency with our airport master plans, safety and security.

And so I think you know, as you pointed out and at least one of the slides, you know marketing that was being done, you know, to promote a potential through the fence opportunity that was in complete, you know opposite of what the master plan was showing for that.

Airport and I think that's really so.

It's it's a kind of a tandem thing that we need. We need to through the fence policy, but we also need to make sure that that policy is consistent with the master plans for each of these airports.

And then.

Safety wise, I think this is really why the FAA frowns on through the fence.

In general it is, you know, these accesses that are not controlled and and I know that's been part of the issue at Aurora with all of our vehicle.

Incursion incidents.

So I don't know if you can elaborate on that at all about the the impacts that you know threw the fence at Aurora has had around safety.

**BA** **BEACH Anthony** 35:08

Yeah.

The so we we shared the and we should have the recording for that September work session on specific to DP DS and Rulemaking for Aurora, there was a a really robust discussion and presentation there. But I as a quick recap, I'm just trying to go back to that.

Slide.

The so through the fence.

Has facilitated a lot of aeronautical development on private property.

And in some ways it's it's the victim of its own success.

It it has grown so much that the airport has really grown. The use has really grown.

It's been successful.

It's just a matter of question of, of implementation and and was it done right and and so in this case, again, I mentioned the private our our property line is this yellow dashed line and then just a matter of feet.

Is our controlled access or our movement area?

And there are some challenges with controlling access.

Our documents, our access agreements, in my opinion, are fairly robust.

We do have good access agreements.

I included a template in the attachment as well. I believe it was attachment E and and it does talk about responsibilities for the property owners to control the access point.

And to exercise control and prevent the unauthorized use of the access point.

But just inherently, you know, with anything we do, there's challenges and and I think we can learn from them and we can we can improve.

But right now, so you know, great comments here about.

About meeting the FAA, our federal obligations and then great question or comments about addressing safety challenges, security, access control, they're all things that we'll be looking at throughout this process. Looking at our current access agreements, what what can we change?

How can we improve?

And then I did wanna go back so.

This is Bandon and and I I didn't have time to include this graphic, but we have through the fence here and this is also the case at Aurora as well, where it's sort of becoming through the fence on top of through the fence, you know all the front.

To the airport is is either developed or already has through the fence, but then maybe the property behind it wants to add through the fence, and in this case our master plan shows an airport Rd. going through here and this would be the main airport access with we.

Would do some property acquisition.

We would build our our new airport Rd. over here.

Well, just last year.

We had somebody came to us and met with us, said they've already acquired some of this property with the anticipation of just being granted through the fence, but our master plan shows that as being our property acquisition and and again vehicle access. So it it does make for.

Some challenges, I think adding some clarification, having some some framework for

us to explain when or when we won't.

Grant through the fence will help not only us be more effective with through the fence but, but also prevent people from unfortunately getting in positions where you know they're making financial decisions and and maybe it's not gonna work the way they were hoping.

**SE** **STEPHENS Cathryn E** 38:53

Yeah. Thank you for that, Tony.  
Brian pringer.

**BP** **Brian Prange** 39:00

Thank you, chair.

I have, I think we'll eventually get to the should question.

But right now, the independence example is really interesting.

So you have.

And so there's a question for you, Tony.

You have shown that it was for sale.

You've also shown that it is part of our development plan and I think I heard that we're essentially maybe depending on the definition, fully developed, so.

**BA** **BEACH Anthony** 39:22

Right.

**BP** **Brian Prange** 39:36

My and you. Then you said that it's hard for the state to to actually acquire that property because of value and and whatnot.

So I'm curious, was that ever a real consideration within the agency right now to buy it?

Because everything's lined up where that should be the case, and if the state can't, then.

And not not allowing the the through the fence is.

Then then nothing happens.

So I'm just kind of curious about the decision process when that came up for sale.

How does the agency decide its priorities and ability to acquire?

**BA** **BEACH Anthony** 40:19

Right, yeah.

So that comes through the master plan, which was recently completed.

And we, because the airport is so developed.

It was on the CIP for in the master plan for the property acquisition, but then when it was listed for sale, we put it on on our CIP. We we tried to work with the FA to get funding. We were estimating about the two and a half million.

Dollars that this was a screenshot of of the listing.

And we were working to to acquire it.

But then they were they were also showing this potential for private development, which attracted.

You know people who are interested in in developing to to turn a higher profit, but that's based on on the issuance of the future through the fence agreement, which was not what we were intending to do because we were working toward acquiring the property.

So it just complicated it, but the we believe the property did sell just last summer.

**BP** **Brian Prange** 41:29

Thank you.

**SE** **STEPHENS Cathryn E** 41:34

All right.

Thank you.

Any other questions?

Jim.

**JB** **Jim Knight - Board** 41:46

So let's can we talk about the FA as position? Tony is, as I read through.

The attachment of the FAA, you know, instructions in their position really on the issues that need to be addressed and through the fence agreements.

Is it?

What is? I don't have the sense, honestly, that the FAA is against through the fence, but they are very clear and wisely so from my perspective about the issues that we must address.

Through a.

Through the fence agreement. And so what's your thoughts?

What's your sense from the FAA of whether or not they are opposed to through the fence or?

Their ambivalent about it, as long as we follow their guidelines.

How do you see that?

BA

**BEACH Anthony** 42:40

There, the FBI is position on through the fence, I think has evolved a little bit back and forth.

Over time, it's changed.

They I wasn't around.

In in aviation.

Back when, when I believe they had a a stricter opposition to through the fence.

But you know the the best guidance we can go off of right now is directly from the FAA anyway is is attachment a that FA Order 5190.6 B.

And and no, they don't prohibit through the fence altogether.

There are some cases where they they don't allow through the fence at certain type of airports or there are certain uses that the FAA.

Basically characterizes as being against an airport.

Sponsors grant assurances or their federal obligations, and specifically they they mention residential through the fence and compatible land uses for for airports, so that you know they do have a a fairly strong position there.

Oregon is not unique in having commercial through the fence.

There are other airports throughout the country where where there is fairly significant through the fence, even you know on par with Aurora.

But generally.

And and I'm, you know Catherine mentioned the the FA earlier as well.

And so I'll let, I'll let you all kind of give your opinions here, but but generally the FA, while they can't prohibit through the fence, I I don't believe they're they're very supportive. And then just to add on that our our discussions with the FAA directly while they.

Haven't said, you know, we're in violation of any of our federal obligations.

They they definitely have have had their concerns and we're continuing to work with them to address that.



**SE** **STEPHENS Cathryn E** 44:41

Tongue it might be helpful if for the request that you currently have that have are now you know, subject to the moratorium if you could.  
Kind of let us know what those look like, which airports.  
What are the requests?  
Just a general overview.

**JB** **Jim Knight - Board** 44:59

Good idea.

**BA** **BEACH Anthony** 45:01

Yeah, I can provide more information on on each.  
Individually in in a future meeting.  
Just really quick if I can.  
Scroll through.  
So we already mentioned Joseph and this was an exhibit that again was included in that through the fence application from just last year.  
So so that is one.  
And that's my understanding is that it's multiple properties.  
There are multiple people who are interested in through the fence at Joseph, and that's why they're showing the wide reciprocal easement.  
Is as part of their request.  
Even beyond, you know, just the boundaries of this particular property, for for the applicant.  
And then.  
Trying to find, I think it's further back.  
At Pacific City, we do have a handful through the fence that are one I believe is new and one or two that are renewals of expired through the fence agreements.  
And then again, I mentioned the Bandon one.  
That where they recently purchased a property.

**SE** **STEPHENS Cathryn E** 46:31

And what's been the timeline on those requests since it's been over the last year longer than that?

**BA** **BEACH Anthony** 46:40

The Pacific city.

Are beyond a year.

The rest are within the last year.

**SE** **STEPHENS Cathryn E** 46:49

OK. And is that are you seeing just more requests like hadn't seen some in a while and now we're seeing more or I'm just trying to gauge kind of where the activity is coming from?

**BA** **BEACH Anthony** 47:04

I.

I really couldn't say how it compares prior to the last couple of years, but.

I couldn't say if it's like an uptick or if it's just consistent, but it's it seems fairly steady.

**SE** **STEPHENS Cathryn E** 47:21

Thank you.

Alright, other questions.

**JB** **Jim Knight - Board** 47:35

Yeah. Tony, do you have any economic impact data or information regarding what happens when through the fence development occurs at an airport and how does it economically impact that that community?

Is this a good thing overall for the Community to have or?

**BA** **BEACH Anthony** 47:54

Mm hmm.

**JB** **Jim Knight - Board** 47:59

Or do we have any information at all that could kind of guide us as my suspicion and it's just a suspicion, is that when there is more development next to the airport and the development included through the fence access and putting aside the challenges that occur at that?

Point, but it would seem to me that this is a good thing for us to work hard towards

finding ways to make this work.

If the supposition is correct, is that it has a very positive effect on the community of which that these airports exist.

So I I'm guessing you don't have a lot, but is it? Is it feasible to get information?

So they say, you know, in cases where we've allowed through the fence development, it has a very positive effect, not only on or negative on the community, but how it also does, how does it affect the pocketbook for the, for the Department of Aviation, we could use the.

**BA** **BEACH Anthony** 48:59

Frank.

**JB** **Jim Knight - Board** 49:00

Money, certainly.

But I you know, I don't have a sense of is this a good thing economically for us or not?

**BA** **BEACH Anthony** 49:09

Right, right. We do collect some fees on through the fence. So on access and one thing in the the FA Order, 5190.6 B, the FA talks about the need to capture at a minimum the A commensurate amount for on airport development.

**JB** **Jim Knight - Board** 49:34

Yeah.

**BA** **BEACH Anthony** 49:35

So yes, the you know, it does generate revenue for for aviation or for the department.

And there are benefits. As I mentioned earlier in the presentation. And they're also well explained in the ACRP.

There are reasons that that people really like through the fence and.

And so we.

So we're aware of those benefits and and we have to answer your question on economic impact, we we have part of our organization plan economic impact sections on a couple of our airport specifically Aurora and and a handful of others.

I don't know if it's if it breaks out in in great detail, how much of that is from through the fence versus on airport development.

But generally yes.

You know there there's reasons people prefer to develop on their own private property.

They they don't have to.

They feel they don't have to, you know, worry about their private improvements being taken over by the airport sponsor, as is typical where where they have reversion and they're willing to invest a little more in, in their improvements because it's on their own property and and they it.

Attractive for a lot of people.

So and I talking about that pilot program on through the fence, you know that my understanding is that was the focus of that creating that pilot program to to stoke economic development.

And industrial and commercial aeronautical uses, which I again was I believe very effective as I mentioned earlier.

**SE** **STEPHENS Cathryn E** 51:25

Tony, you mentioned that.

You know the FAA orders saying that that through the fence fee should be commensurate with whatever the revenue to an airport would be if it wasn't on airport development. So of the through the fence agreements that we have currently, are we capturing that full amount that we would?

Have otherwise captured if those developments were on airport property.

**BA** **BEACH Anthony** 51:55

It's a really good question.

So the FAA looks at a couple examples with.

Whether it's tied on fees versus just hangar storage and on tight on fees, yeah, our our tight on fees are not very high and and they're fairly similar to.

To the the rates that I showed earlier.

Here on on this slide with the the minimum guarantee, whether it's the monthly charge per aircraft or based on category of airport. So so yes in that regard, I do. If we're looking at hanger storage then depending on how many aircraft are in the hangar, depending on you.

Know if the size of.

Some of these these access agreements cover.

Significant amount of hanger coverage or hanger storage space and what that equivalent for. You know, what could be dozens of aircraft?

Worth of hanger storage. You know that that's a little more Gray.

What? You know I've shared before is that we have been working to update our our land lease rents, our rates that had not been escalated and in some cases over 12 years and and we're caught up we we have caught those up.

We have applied and worked through the last year. All of the.

CPI escalations and and through this process I imagine and we'll take a look at closely looking at how the through the fence rates compare.

**SE** **STEPHENS Cathryn E** 53:44

Yeah. OK.

Thank you.

I'm I'm sure that some further analysis is needed, and now that we're just starting kind of to the review of this through the fence policy now, Brian.

**BP** **Brian Prange** 53:56

Thank you.

Speaking to kind of maybe the economic development question.

The airport that we operate at has kind of this. This question is always on our mind.

We we have some through the fence.

There's other people that want them.

It's a public private partnership, not a state owned airport, so it's all on our local level and there's there's a lot of the public private tension and I just want to speak to that from kind of a voice of a rural airport.

When when I look at the examples provided by you, Tony, I see Aurora as as a a wild exception, not something to make rule making around just because of the constraints and the way that has grown is.

Very unique.

Where a lot more of I think the intent of through the fence would be a controlled access point and then how do you how how does the state benefit from that and how does the the private entity benefit from that in your template lease?

Exhibit The the fee structure is almost not even worth the administrative expense. As

I look at it, you know most of the aircraft I operate would be \$15.00 a month and. It seems like there's an opportunity to change that and at our level we've thought about different ways to connect that through the fence agreement to more like a land leases.

What's the square footage of a access point?

What? You know what has been built there improving it.

There's, there's a lot of other ways that we can do it, but.

I.

My kind of opinion and default position is if the state isn't in a position to do it, or in our case of our public agency, isn't in a position to build hangers, satisfy the the commercial demand, they they very much been in an impediment of our economic develop.

Of our area and that's that's that tension that we have locally that has been as a user and operator very frustrating and.

I think my ask to the board is really consider a path forward word of how do we do it as opposed to really considering the the idea that the state of Oregon does not do it. That and I could go into more of that stuff, but that's what I wanted to present.

**BA** **BEACH Anthony** 56:42

Yeah. Thank you for your comments, Brian. And and because we have the pilot program which does cover Aurora, this this process really is focused at all of the other airports. Now some of that could affect how through the fence is implemented at Aurora. But it's it's really not.

**BP** **Brian Prange** 56:56

Mm hmm.

**BA** **BEACH Anthony** 57:04

Focused on looking at that pilot program.

Specifically so.

So we are looking a lot of our rural airports. You know I mentioned a few of our current applications are for Pacific City.

Very small airport.

And and then again Pinehurst which I have here on.

On the screen so it is again primarily looking at the other 27 out of our 28 airports

that that we operate and I do appreciate your comments on you know some of the frustrations and and fees and everything.

**BP** **Brian Prange** 57:34

Yeah.

**BA** **BEACH Anthony** 57:42

That's where going back to the questions from the staff report.

One question is do or do not? The other questions are how and and that's where I think there's a huge opportunity for improvement.

I'm I don't have any preconceived ideas.

The outcome of this this process, but I do look forward to, you know, continuing discussions with the board and the public on if we're going to do it, how can we address some of these issues.

And and make it done better.

**BP** **Brian Prange** 58:11

It it seems like a tiered approach could be beneficial because I I don't think it's in the state's interest to be highly developing an airport like you have photo example here.

So leveraging private funds to maintain that health of aviation in that area, but.

That comes with a minimum standards of access and whatnot, and as as the airport gets into something like Aurora, which is very established and has all these access issues and you know, like you said, wildlife and and the movement areas, that is a much different looking more const.

Through the fence agreement process.

Than something that's more rural, less risk and and I think that that's balanced against the priorities of the state and the the fiscal use of of your budget.

To to develop and I'm not sure where.

Something like independence lands in that it just sold.

So the likelihood of that coming up for sale again is minimal or at least maybe not, maybe, but these are, these are the the tensions that I'm thinking about.

**BA** **BEACH Anthony** 59:32

Right, so minimum standards are a great example of one way that we can look at, again answering those questions of of how and and then are we going to have

different levels of expectations or or standards or procedures for different different airports that we have for sure.

**SE STEPHENS Cathryn E** 59:57

Alright, great questions.

I think we probably have a lot more to consider in in all of this, but I think this has been a very good overview and start of the discussion.

I'm just kind of pausing to see if anyone else has a raised hand.

I know this is kind of a a lot to contemplate.

And then.

Great. Tony, do you wanna just kind of walk us through what our next steps will be then again?

**BA BEACH Anthony** 1:00:29

Yeah. So what I'm hearing from the board is that there are.

I've been taking notes as we've been going through, and so we we definitely have more questions.

Where we have some things we can provide clarification and we'll we'll be getting that information, bringing that to the board in a future meeting.

And but I'm also hearing that there are benefits and and we recognize that and and there's.

You know reasons that we may still look at at continuing through the fence and so we.

But maybe we can just improve how it's done or or ways to look out applying them differently for different airports so.

Next steps we'll provide the the clarification and information requested. We'll bring that to a future board meeting and.

And then I think that's gonna be just off the top of my head here.

That's probably the best step that we can do. And then from that discussion and after you all have had a little more time to kind of contemplate everything that we discussed here.

I I would really be looking for some.

I'm I'm guessing getting the rule making advisory committee together and and putting together some draft rules based on this feedback that we've had today and and then in future meetings as well.



**SE STEPHENS Cathryn E** 1:02:08

Yep, that's. That sounds like a good plan, forward, Tony.

I would just say you know what, it might be helpful in addition to the other things that you noted to bring back to the board.

It would be helpful to kind of have a distilled, you know, info sheet that references, you know, order 5190.

The ACRP recommendations and then kind of our current snapshot of the Oregon administrative rules that maybe don't aren't providing all of the clarity we need at this point.

But it would be helpful instead of, you know, trying to shift back and forth all of these, some of them rather large documents to just kind of distill it down for us so that we have a starting point again from for our next discussion.

**BA BEACH Anthony** 1:02:53

Great.

Definitely.

Yep.

**BP Brian Prange** 1:03:06

Tony, another suggestion for staff is you might want to consider a risk analysis type approach to some of the how you would evaluate applications also.

**SE STEPHENS Cathryn E** 1:03:23

Jim, you had another question comment.

**BA BEACH Anthony** 1:03:23

Hey.

**JB Jim Knight - Board** 1:03:25

Yeah, Tony, I just want to reiterate.

I think it would be very helpful for all of us and and the public is that as soon as possible is that we get together a timeline that's publicly available that shows us what these next steps are and when they occur.

So I know we talked about that before, but don't want that to slip, slip through the cracks.

**BA** **BEACH Anthony** 1:03:42

Mm hmm.

Yeah. No, I I appreciate that.

And you know in this presentation and on the slide I'm showing now, we were anticipating.

About 12 months. It, as you mentioned earlier, it is going to be an evolving process and we more than anything want want robust process and public input as well as the board's input.

So. So it's not, you know, I'm not looking at just rushing something through in 12 months necessarily. If we need more time, we'll take more time.

**JB** **Jim Knight - Board** 1:04:09

Yeah.

**BA** **BEACH Anthony** 1:04:16

It will be an evolving process, so I I don't have a very set schedule, but I I plan to bring next steps to you in the next board meeting.

**JB** **Jim Knight - Board** 1:04:26

Great.

Thank you very much, Tony.

Are you sure you want to go through this?

**BA** **BEACH Anthony** 1:04:33

It's doing my job.

**SE** **STEPHENS Cathryn E** 1:04:34

Six, six months are asking for for this right for this consideration and we're just trying to be as thoughtful as we can and and some smart policy decisions around how we go about addressing the requests. And I would just encourage, you know, anyone from the public.

**JB** **Jim Knight - Board** 1:04:35

Yeah.

**SE** **STEPHENS Cathryn E** 1:04:56

To submit comments, because that would be helpful to us to hear from folks from the Community and that will of course be a part of the rule making process as well. But I think folks have some initial thoughts for the board that would be helpful.

**JB** **Jim Knight - Board** 1:05:12

And Tony, I want you to know you're not alone in all of this. You know, speaking for myself, I'm, I'm willing to help with anything that I can.

And so don't.

Don't hesitate to reach out if you've got questions or if there's a task that needs to be accomplished that you need some help you know need some input from.

I would think most of our board members feel the same way.

Is that we really we really want you to feel supported as well.

**BA** **BEACH Anthony** 1:05:40

That and and know you all are included in this too, so.

**JB** **Jim Knight - Board** 1:05:45

Yeah.

**BA** **BEACH Anthony** 1:05:46

We're certainly gonna have more involvement with the board and then keeping you all updated and and up to speed along the way.

So thank you for that support and and and yeah, just getting ask Catherine and and you said getting responsive to to the needs of our Oregonians and our pilots here throughout the state, hoping that we'll have a a better process for through the fence at the the end.

Of this. So thank you.

**JB** **Jim Knight - Board** 1:06:16

Good job.

**SE** **STEPHENS Cathryn E** 1:06:19

Alright, thank you Kenji.

Any anything you'd like to say before we close out this work session?

**SK** **SUGAHARA Kenji** 1:06:27

No, not really.

I mean, this is a great discussion and just hearing the the opinions of everybody like Brian, you brought up some great ideas.

Jim, you as well, Sarah.

Jeff, everybody.

It's it's great. And like I said before, it's the beginning of the conversation, right?

And it's and there's. I think what's going to be important is we we do two things. We have clarity, consistency and and and and a fair process, right.

We want to hear from everybody, not just the the two defenses, not just the economic development folks, but also communities involved.

Swell. Because when it comes down to it, we live in a community, so we want to make sure that we're we're instituting policies that make sense, right?

So I I think more than anything, I'm really stoked it's it's going to be a hard conversation, but that's OK because when you have hard conversations, you come out with better, better solutions.

So I'm really excited for this and I'm looking forward to working with everybody.

And making sure we come out with something that works for everybody.

So thanks.

**JB** **Jim Knight - Board** 1:07:28

Thank you, Alexis. Good job today.

**SE** **STEPHENS Cathryn E** 1:07:33

All right. Thanks so much everybody.


Nice to see everybody. Our next board meeting.

Will be next month and I have Aurora right?

Or not Aurora. Sorry. Astoria, right?

**BA** **BEACH Anthony** 1:07:45  
Yep.

**JB** **Jim Knight - Board** 1:07:45  
Yep looking.

 **MORRIS Alexis** 1:07:47  
Yes, on April 3rd.

**SE** **STEPHENS Cathryn E** 1:07:47  
All right, looking forward to that.

**JB** **Jim Knight - Board** 1:07:49  
Yeah, looking for.

**SE** **STEPHENS Cathryn E** 1:07:49  
Very good.  
Alright, thanks so much. We will adjourn.

● **MORRIS Alexis** stopped transcription