

## ORDINANCE NO. 2207

### AN ORDINANCE AMENDING BEND CODE TITLE 1 BY ADDING PROVISIONS RELATING TO LEASING OF AIRPORT PROPERTY AND BY ADDING A NEW CHAPTER 3.05 BEND MUNICIPAL AIRPORT

#### Findings:

- A. The City of Bend owns and operates the Bend Municipal Airport. The Bend Municipal Airport includes both areas accessible for public aviation purposes (runway, taxiways, set back areas) and areas that are leased or available for lease to private entities for aviation related purposes.
- B. Because areas at the airport are intended to be leased for private development, there is no need to have hearings to determine whether the land to be leased is "surplus" to the City's needs. The City needs to be responsive to potential airport lessees.
- C. It is appropriate to authorize the City Manager to negotiate, agree to and execute most leases of property at the airport.

Based on these findings, the City of Bend ordains as follows:

Section 1 Bend Code Section 1.30.020C is amended to read as follows:

C. The City Manager may transfer or create an easement, leasehold or other interest in real property if the value of the interest transferred is less than \$25,000 and the City Manager determines that the transfer is not contrary to the public interest. For leases, the value of the interest transferred shall be measured by the amount of rent due over the first five years of the lease. Leases of airport property are not subject to the dollar limits of this subsection.

Section 2 Bend Code Section 1.30.020 is amended by adding a new Subsection E to read as follows:

E. The City Manager may enter into, extend or agree to an amendment of any lease at the Bend Municipal Airport if the rent to be charged is consistent with the rates established pursuant to the periodic appraisal used to set lease rates at the airport and the lease does not contain special arrangements that would otherwise require Council approval.

Section 3 Bend Code Section 1.50.020 is amended by adding a new Subsection E to read as follows:

E. Airport Property. Any portion of the property at the Bend Municipal Airport not needed for runway, taxiway, and airport operations. Airport Property includes all portions of the airport designated for private development in the Bend Airport Master Plan.

Section 4 Bend Code Chapter 1.50 is amended by adding a new Section 1.50.097 to read as follows.

**1.50.097 Lease of Airport Property**

Airport property may be leased by the City. Lease rates shall be based on the appraisal of airport property lease values that the City obtains every fifth year, but variations may be allowed based on specifics of a particular lease. Because Airport Property is intended to be leased, the City is not required to declare Airport Property surplus before leasing it. The City may, but is not required to, issue a request for proposals in connection with the lease of airport property. Leasing authority is established in Section 1.30.020.


Section 5 The Bend Code is amended by adding a new Chapter 3.05 Bend Municipal Airport, to read as shown in the attached Exhibit A.

Section 6 All other provisions of the Bend Code, including the existing portions of Bend Code Section 1.30.020 and 1.50.020, remain unchanged and in effect.

First Reading Date: September 4, 2013  
Second Reading Date: September 18, 2013  
Adopted by roll call vote on September 18, 2013

YES: Mayor Clinton  
Councilor Jodie Barram  
Councilor Victor Chudowsky  
Councilor Scott Ramsay  
Councilor Sally Russell

NO: none

  
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Jim Clinton, Mayor

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

Approved as to form:

  
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City Attorney's Office

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## EXHIBIT A

### **Chapter 3.05      Bend Municipal Airport**

#### **3.05.010      Purpose and Scope**

The City of Bend owns the Bend Municipal Airport. The purpose of this chapter is to provide guidance and standards for the development of the Airport. The Airport is currently outside the city limits. The City has authority as the owner of the facility and as the operator of an airport receiving Federal Aviation Authority to adopt the provisions of this chapter.

#### **3.05.020      Use of Airport**

The primary purpose of the Airport is to facilitate aviation-related activities. The Airport has runways and taxiways available for public use, as well as various aids to navigation. The Airport also contains parking, driveway and landscaping. Apart from the areas needed for runways, taxiways, aids to navigation, and parking, driving and landscaping areas and setback areas, the rest of the Airport is intended to be leased for aviation-related purposes. Leases may either be ground leases of areas on which the tenant will erect structures or leases of developed areas.

#### **3.05.030      Leases of Airport Property**

Because Airport property other than runways, taxiways, aids to navigation, parking, driving and landscaping areas and surrounding setbacks exists to allow development of hangars and other aviation-related facilities and uses, the City may lease any portion of the airport not needed for direct aviation use without declaring the property surplus. Any leases shall comply with Chapters 1.30 and 1.50 of this code.

#### **3.05.040      Airport Planning**

The City is required by federal regulations to adopt an airport master plan as the owner and operator of the Airport. Airport master plans shall be adopted by Council. Airport master plans are intended to provide guidelines for growth and development of the Airport. Airport master plans may be submitted to Deschutes County for approval as a planning document. Airport Master Plans are conceptual and shall not be used to preclude any airport tenant from legal use of the tenant's leased space.

#### **3.05.050      Competition**

Consistent with federal regulations, the City encourages competition among private providers of services at the Bend Municipal Airport and shall not take action to discourage or restrict competition.