



# Community

## Independence Airpark Homeowners Association

By Ron Singh, President

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The topic for this edition is our **Residential Through the Fence Agreement (RTTF)**. Unlike all the other airparks in Oregon, the Independence Airpark is unique because it does not have a runway!

In 1974, James Preuit and Thomas Combest (the original developers) decided to design a subdivision where the homes had space for hangars and taxiways that lead to the adjacent State airport. The benefits of getting access to the airport would be huge - a State maintained paved runway, parallel taxiway, runway lights, aviation fuel, additional tie-downs and hangars, and a fixed base operator that could provide aircraft maintenance and flight training. Some of these features did not exist at the time, but were envisioned for the future.

This, of course, meant that the airpark needed legal and perpetual access to the airport and its runway. Preuit and Combest worked with the Oregon Department of Transportation, Aeronautics Division to develop a RTTF and with the signing of the agreement on June 13th, 1974 the airpark was born.

Well, things were much simpler in those days, for example, the airport was designed and built in 22 months for a total cost of \$59,192 including the land. Unfortunately, then came 9/11, and with it significantly increased security and restricted access to most airports. Luckily, we have a sleepy little airport that terrorists don't have much interest in and Homeland Security and the Federal Aviation Administration (FAA) have mostly left us alone... or have they? We are now under much greater scrutiny and regulation. We can forget the concept of an agreement in "perpetuity", the luxury of open (fence-less) access to the airport property, and simple relaxed rules.

Over time, the FAA has developed stringent regulations for RTTF access and because the Oregon Department of Aviation (ODAV) receives federal funding, they must include those rules in their access agreement with us. If we violate the conditions of our RTTF, the agreement could be terminated. It is incumbent on each of us to read, understand, and abide by those stipulations. Non-compliance by a single individual, coupled with a lack of enforcement by IAHA, could jeopardize the access we all value and enjoy. **The greatest asset of our airpark is the Through the Fence Agreement** and we all must give our greatest effort to protect it.

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With that background and understanding of the value of the RTTF to the airpark, let's get into some details:

## The Agreement

The North Park HOA has their own RTTF Agreement

The agreement is between ODAV and IAHA. Our agreement is a Residential Through the Fence agreement, which is very different from a Commercial Through the Fence agreement.

Our airpark is not part of the airport. It is simply a residential community with hangars and taxiways that lead to the adjacent airport. The RTTF provides IAHA members ingress/egress rights, for their aircraft and its occupants, to the Independence State Airport at very specific locations.

## Fees and Expiration

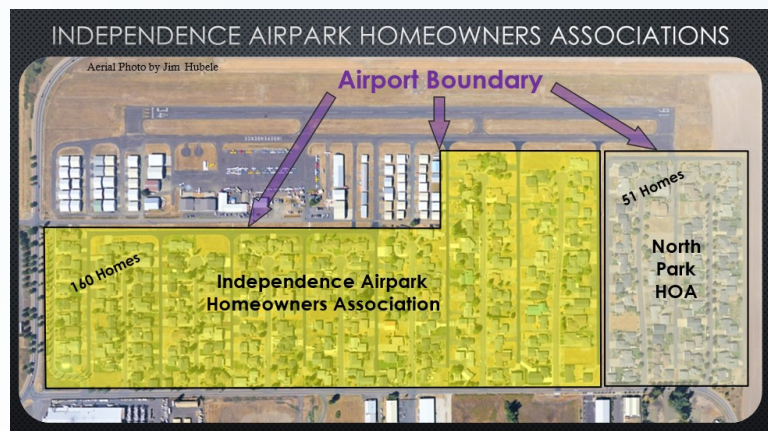
Each property owner within the airpark pays an annual fee of \$210 per lot. This is based on aircraft tiedown fees at ODAV airports and could increase as tiedown fees increase. Property owners pay this fee to IAHA (along with their HOA dues) and IAHA forwards the funds to ODAV (less 10% for handling and on-time payment).

The RTTF agreement expires on 12 June 2034 and will need to be re-negotiated in its entirety. Our record of compliance or non-compliance with the RTTF regulations will weigh heavily on our ability to renew, and on any new terms of agreement.

## Conditions

The agreement places strict conditions on all property owners for continued access to the airport. There must be:

- ◆ No commercial aeronautical services conducted by property owners or 3<sup>rd</sup> parties within the airpark. This includes maintaining, repairing, or selling aircraft or aviation fuel.  
*Property owners retain the right to construct, rebuild, or maintain aircraft provided this activity is noncommercial.*
- ◆ No flight instruction conducted without the express written consent of ODAV.
- ◆ Control of all points of ingress/egress to prevent use by others.
- ◆ No automobiles, bicycles, trucks, motorcycles, or other power driven vehicles, pedestrians, or animals allowed on the airport public use area.



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- ◆ No storage of non-aviation related personal property on airport property except in areas allowed and designated by ODAV.
- ◆ No construction of structures, buildings, or facilities that violate the airport imaginary surfaces.
- ◆ No hazardous substance stored, disposed of, or released within the airport property.
- ◆ Compliance with all Federal, State, and local laws, ordinances, and rules and regulations.

The agreement stipulates that IAHA shall enforce the terms of the agreement to the extent it is able according to the enforcement provisions of it's CC&Rs and Bylaws.

Most of these conditions are based on FAA regulations imposed on federally funded airports.

If IAHA tries, but is unable to obtain compliance by a property owner, ODAV has the authority to block access of that property owner to the abutting IAHA taxiway. This results in the loss of access rights of the individual property owner and not the entire community. However, if IAHA does nothing to remedy the violation, it constitutes a default and may result in the agreement being terminated and the loss of access rights for ALL property owners!

The IAHA Covenants, Conditions and Restrictions (CC&Rs) require property owners to comply with the RTTF Agreement.

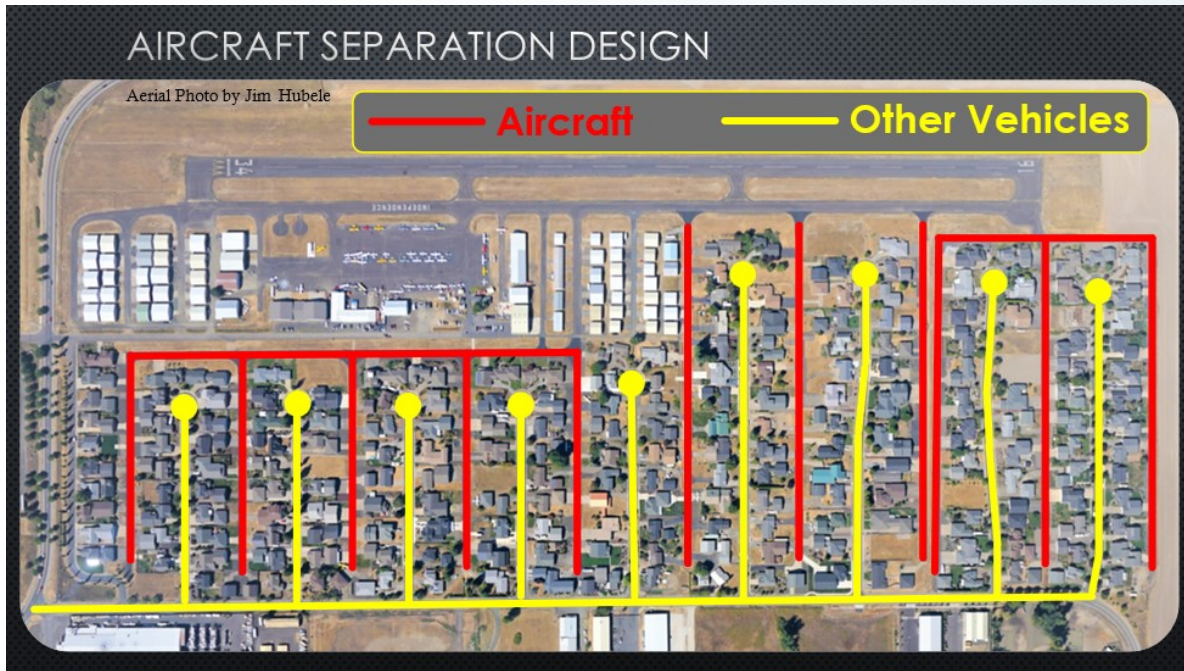
## Default/Termination

Any one of the following events could cause a default and possible termination of the agreement:

- ◆ IAHA failure to pay access fee.
- ◆ IAHA or property owners failure to comply with the terms of the agreement.
- ◆ IAHA bankruptcy.
- ◆ IAHA abandons use of property.
- ◆ IAHA or property owners failure to comply with applicable State and Federal laws.

Nobody likes living under strict and overbearing rules, however most people would find the conditions listed above quite reasonable. Keep in mind, without access to the airport we would not be an "Airpark"... and many of us would not be living here. These are **not new rules of a new board**, it is simply IAHA's responsibility to convey this information to you and to make every effort to protect our access to the airport.

*Thank You* to the airpark founders who persevered to bring the concept of this airpark to fruition, and to the long term residents whose compliance with the RTTF rules have kept our access open.



The RTTF agreement provides Independence Airpark property owners access to the airport only through the 6 access points (shown below). Only aircraft and it's occupants are allowed to enter the airport through these access points. Any other entry (people, pets, vehicles, etc.) through these points violate the agreement and could cause the termination of our access agreement.

