



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

STAFF REPORT

FILE NUMBER: 247-16-000016-PA

APPLICANT: Erik King, City Manager
City of Bend
P.O. Box 431
Bend, OR 97709

AGENT: Jon Skidmore, Assistant City Manager
City of Bend
P.O. Box 431
Bend, OR 97709

REQUEST: Approval of a plan amendment to rescind the 2002 Bend Airport Master Plan (BAMP) and only adopt from the 2013 BAMP Chapter 7 and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours), and amend the text in the Deschutes County Comprehensive Plan in Section 3.4 and the County Transportation System Plan (TSP) in Sections 2.1, 2.2, 4.3, and 5.6.

STAFF CONTACT: Peter Russell, Senior Transportation Planner

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures

Title 23, Deschutes County Comprehensive Plan
Deschutes County Transportation System Plan

Oregon Revised Statute 836, Airports and Landing Fields
Oregon Administrative Rule 660-012, Transportation Planning Rule
Oregon Administrative Rule, 660-013, Airport Planning
Oregon Aviation Plan
Statewide Planning Goals

II. **BASIC FINDINGS:**

- A. Location:** The Bend Municipal Airport is located at 63210 Powell Butte Highway and the subject properties are further identified as Assessor's Map 17-13-17, Tax Lot 200 and 17-13-20, Tax Lot 401.
- B. Zoning and Plan Designation:** The subject property is zoned Airport Development (A-D) with the following districts: Airfield Operations District (AOD), Aviation Support District (ASD), and Aviation-Related Industrial District (ARID). The Deschutes County Comprehensive Plan designates the land as A-D.
- C. Site description:** The approximately 420 acres lie roughly east and south of Powell Butte Highway, west of McGrath Road, and north of Nelson Road. A smaller rectangular portion of the Bend Airport extends north of Powell Butte Highway.
- D. Surrounding Zoning and land uses:** To the north are large swaths of Exclusive Farm Use (EFU), mostly in public ownership, to the east is a mix of EFU and Multiple Use Agriculture (MUA-10), including a residential area known as Cimarron City. To the south lies more EFU and MUA-10 and to the west is almost evenly split between EFU and MUA-10. The most densely populated lands around the airport are to the immediate west and east.
- E. Proposed Plan Amendment:** The City of Bend proposes the County rescind the 2002 BAMP and replace it by only adopting Chapter 7 and Sheets 2 (Airport Data Sheet), Sheet 3 (Airport Layout Plan or ALP), and Sheet 11 (Noise Contours) from the 2013 Bend Airport Master Plan (BAMP). While the entire BAMP is attached to the application as **Exhibit C**, the remainder of the BAMP is not adopted by the County, but is only provided as a reference document containing information documenting current and future conditions at the Bend Municipal Airport. Staff has utilized the entire BAMP when preparing these findings.

Plan and/or policy language to be deleted is indicated by ~~striketrough~~ while new language is underlined. The application intends to update references in the Deschutes County Transportation System Plan (TSP) (**Exhibit A**) and the Deschutes County Comprehensive Plan (**Exhibit B**) from the then-current 2002 BAMP to the 2013 BAMP. The plan amendment also adds text about the intent and purpose of the BAMP, but does not change any existing TSP policies or goals. The BAMP is a guiding document, rather than a set of approval criteria for uses allowed outright or conditionally in Deschutes County Code (DCC) 18.76, Airport Development (A-D).

- F. Background:** The City of Bend has owned the land for the airport since 1942. The size of the airport has increased from its original 120 acres to the current approximately 420 acres. The Federal Aviation Administration (FAA) requires airports to periodically update their master plans to define current, short-term and long-term needs. The City did its first comprehensive airport master plan in 1979. The airport master plan has been updated in 1994 and again in 2002. Growth in population in the area, as well as a dramatic increase in airport operations, has led to this most recent update of the BAMP. The latest BAMP is the result of several years of technical analysis regarding potential usage by type and volume of aircraft, projected takeoffs and landings, operational and infrastructure needs, and outreach to airport users and businesses as well as public involvement with near-by residents.

While the City owns the Bend Municipal Airport, the land on which the airport lies is under the land use and zoning authority of Deschutes County. Therefore, when the Bend City Council adopted in October 2013 the latest BAMP approved by the FAA, the City needed to amend the Deschutes County Comprehensive Plan and the Deschutes County Transportation System Plan (TSP), which were last updated in 2010 and 2012, respectively. This quasi-judicial plan amendment rescinds the 2002 BAMP replacing it only with Chapter 7 and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours) from the 2013 BAMP and updates the relevant references and policies in the Comprehensive Plan and the TSP.

The quasi-judicial plan amendment does not authorize any new uses at the Bend Airport, nor does it change any locations of where existing uses now occur on the airport. Additionally, any new uses at the airport, new locations for existing uses at the airport, zone changes, or any runway extensions would require additional land use applications to be submitted to the County for review. Adoption of Chapter 7 of the 2013 BAMP does not imply future County approval of subsequent land use actions.

- G. Land Use History:** The following deals with the macrohistory of planning for the entire airport itself, rather than an exhaustive listing of the numerous site plans of specific uses. The Bend Municipal Airport predates Oregon's statewide land use program. The 1979 Bend Airport Master Plan recognized all 340 acres of airport lands had a Comprehensive Plan designation of Agriculture and were zoned Exclusive Farm Use (EFU). The 1979 BAMP proposed two zones for the airport, Airport Development (A-D) for land use and Airport Area Overlay to ensure safe operations. Under the EFU zoning any uses proposed at the airport were reviewed as conditional uses.

BOCC Ord. 80-221 created the A-D zone which designated the outright and conditionally permitted uses and established various height limits and setbacks.

BOCC Ord. 80-222 granted an Exception to Goal 3 (Agriculture) for the airport as the identified land was either physically developed with hangars, runways, taxiways, etc., or was irrevocably committed to airport uses such as approach surfaces and buffering areas for both safety and noise compatibility, or the area was identified in the 1979 BAMP for future expansion. Additionally, the City received the land from the federal government with the provision that the land would be used for an airport.

BOCC Ord. 82-031 adopted a zoning map to rezone from EFU to A-D, repealing Ord. PL-15. Between 1983 and 1984 the City purchased 20 acres (S1/2 of SW1/4 of NW1/4 of Section 17 of 17S R13E) and then 60 acres of NW1/4 of NW1/4 and N1/2 of SW1/4 of NW1/4 of Section 17 of 17S R13E).

In 1994 the City of Bend updated the BAMP, which staff believes the County followed as a guiding document in land use decisions, although the City never formally applied to the County for an adoption of the 1994 BAMP. The 1994 BAMP in Chapter 5 dealt with land uses at the airport and discussed several zoning districts which later would be proposed in the 2002 BAMP.

BOCC Ord. 2000-017 updated the Deschutes County Comprehensive Plan and created Title 23 of the Deschutes County Development Code (DCC). The Bend Airport is dealt with at DCC 23.44 which reiterated the Goal 3 Exception, but referenced 354 acres. Staff is unclear if this is typographical area or represents additional lands receiving the

Goal 3 Exception; staff has researched the issue but has not found any definitive answer.

BOCC Ord. 2002-005 simply renumbered the Transportation element of the Comprehensive Plan to DCC 23.20.40(F); Airports to 23.64.200 and Goal Exceptions to 23.120.

The 2002 BAMP on Page 80 reintroduced the airport districts within the A-D zone of Airfield Operations (A); Aviation Support (AS); and Aviation Related Industrial (AI).

BOCC Ord. 2003-035 amended the Comprehensive Plan text to incorporate references to the "1994 Bend Airport Master Plan as amended in 2002." The text restated the County uses the 1994 BAMP as amended in 2002 as the guiding document when processing land use applications and added language that improvements to the Bend Municipal Airport will occur in three phases over the next 20 years. The ordinance implemented PA-03-3 and TA-03-4.

BOCC Ord. 2003-036, which was done in conjunction with Ord. 2003-035, amended the text of DCC 18.76, the Airport Development (A-D) zone to create 18.76.070, Airfield Operations District (AOD); 18.76.080 Aviation Support District (ASD); and 18.76.090 Aviation-Related Industrial District (ARID). The ordinance also mapped the A-D zone and the three new districts.

BOCC Ord. 2014-026 corrected a procedural defect in Ord. 2003-036 in the adoption of the maps for the A-D zone and the AO, AS, and ARID districts and remedied a cartographic error regarding the northern end of the A-D zone. The cartographic error occurred when the County transitioned from paper to electronic maps, resulting in the northern boundary of the A-D zone being inadvertently pushed to the south. The ordinance implemented file 247-14-000156-ZC.

- H. Notice:** On February 16, 2016, an initial Notice of Application and a Notice of Public Hearing were mailed both to public agencies and property owners within 750 feet of the property. The notices identified the affected property, and summarized the application. While both DCC 22.24.030(A)(1)(b)(2) and 22.24.030(A)(2) require notice for properties within 250 feet, the County used the 750-foot requirement of DCC 22.24.030(1)(A)(b)(3) for two reasons. First, even though Bend Airport received an Exception to Goal 3 (Agriculture), the land was originally zoned EFU, a farm zone, which uses a 750-foot notice requirement. Second, there has been much community interest in the Bend Airport and the EFU and MUA-10 parcels in the area are fairly large, so 750 feet would reach more property owners than 250 feet. Finally, staff utilized the list of property owners compiled by the City's planning consultant during the public outreach for the 2013 BAMP. A request for comment as well as notice of the March 29 public hearing were sent on February 29, 2016, to the approximately 360 property owners appearing on the consultant's list. The applicant submitted a Land Use Sign Affidavit indicating two land use signs were posted on March 2, 2016.

These initial notices did not highlight the proposed rescission of the 2002 BAMP. The County then sent on March 21 second notices of the application and of an April 12 public hearing. The second notices specified the removal of the 2002 BAMP and replacing it with Chapter 7 and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours) only; the second notices also retained the previous language about amending the Comprehensive Plan and the TSP. The March 29 hearing will be continued to

April 12. The second notices were sent to the same properties and agencies used in the February 16 and 29 notices.

- I. Public Agency Comments:** The above notices were sent to Bend Fire Department, Bureau of Land Management (BLM) Central Oregon Irrigation District (COID), Bend Planning Department, Department of Land Conservation and Development (DLCD), Deschutes County Road Department, Oregon Department of Transportation, and Oregon Department of Aviation.

COID responded it did not appear to be affected by the land use action and identified a B Lateral canal with 30-foot right of way and ditch rider road with 20-foot-right-of-way on the property as well as stating 17-13-20 TL 200 has a 2.5-acre pond water right.

- J. Public Comments:** The above notices were sent to property owners as already described on February 16 and 29. As of this writing staff has received no written comments. If there are changes prior to the April 12 hearing, staff will update this section.

III. CONCLUSIONARY FINDINGS:

A. Title 23, Deschutes County Comprehensive Plan

Chapter 3, Rural Growth Management, Section 3.4, Rural Economy

Goal 1 Maintain a stable and sustainable rural economy, compatible with rural lifestyles and a healthy environment.

Policy 3.4.3 *Support a regional approach to economic development in concert with Economic Development for Central Oregon or similar organizations.*

FINDING: As stated on Pages 8-9 of Chapter 3 of the 2013 BAMP, Economic Development for Central Oregon (EDCO) has focused on several areas to promote economic diversity in the tri-county area as well as attracting investments and jobs. One of the identified economic areas is the Bend Municipal Airport. By adopting the ALP from the FAA-approved and City-adopted BAMP the airport will have a guiding document for future economic development.

Policy 3.4.6 *Support and participate in master planning for airports in Deschutes County.*

FINDING: County staff participated on the Technical Advisory Committee (TAC) for the BAMP. The adoption of the BAMP would support master planning for this airport.

B. Title 23, Deschutes County Transportation System Plan

Coordination and Implementation

Goal 1 Achieve an efficient, safe, convenient and economically viable transportation and communication system. This system includes roads, rail lines, public transit, air, pipeline, pedestrian and bicycle facilities. The Deschutes County transportation system shall be designed to serve the existing and projected needs of the unincorporated communities and rural

areas within the County. The system shall provide connections between different modes of transportation to reduce reliance on any one mode.

FINDING: The ALP from the 2013 BAMP will ensure the Bend Municipal Airport remains an economically viable entity. The approach surfaces and separation of fixed wing and rotary wing operations will enhance the operational safety at the field. The ALP will ensure the economic development at the Bend Municipal Airport. The BAMP states the airport's service area is within 30 minutes driving time of the airport. As shown on Figure 2-8 of the 2013 BAMP this means not only urban residents of Bend, but also those who live in the unincorporated communities of Alfalfa and Tumalo as well as rural residents can easily utilize the Bend Municipal Airport. The split of local (68 percent) to itinerant (32 percent) flights as the BAMP states on Page 29 in Chapter 4 (Aviation Forecasts) would bear out the Bend Municipal Airport is serving the needs of the County.

Airport Plan

Goal 16 **Protect the function and economic vitality of the existing public-use airports, while ensuring public safety and compatibility between the airport uses and surrounding land uses for public use airports and for private airports with three or more based aircraft.**

Policy 16.2(h) *Specifically designate any proposed airport facility relocations or expansions within County jurisdiction on an airport master plan or airport layout plan, as amended, and establish the appropriate airport zoning designation to assure a compatible association of airport growth with surrounding urban or rural development.*

FINDING: The County adopted the 2002 BAMP in its entirety. This land use would rescind the 2002 BAMP and replace it by adopting only Chapter 7 and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours) of the 2013 BAMP. The 2013 BAMP, although at City request is not being proposed for adoption in its entirety, does include future expansion of uses at the airport in Chapter 9, especially sheets 3 (ALP), which is being proposed for adoption; 4 (West Terminal Plan); 5 (East Terminal Plan); and 12 (On-Airport Land Use Plan). The 2013 BAMP plan also includes approach surfaces (Sheets 7-10) maps, although those sheets are not being proposed for adoption. Chapter 7 of the 2013 BAMP and the ALP, aka Sheet 3, and the Noise Contours, aka Sheet 11, will ensure the continued compatibility between the Bend Municipal Airport and surrounding rural development.

Policy 16.2(k) *Participate in and encourage County adoption of airport master plans for all public use airports and at least an airport layout plan for the remaining State-recognized airfields in Deschutes County.*

FINDING: County staff participated in the Technical Advisory Committee (TAC) for the BAMP and attended several public meetings and workshops. City Planning and Airport staff briefed the Board at several work sessions on the BAMP process. The County has previously adopted master plans for the Bend Municipal Airport in 1979 and 2002.

C. Oregon Revised Statute 836, Airports and Landing Fields

836.600 Policy. *In recognition of the importance of the network of airports to the economy of the state and the safety and recreation of its citizens, the policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's*

airports. Such encouragement and support extends to all commercial and recreational uses and activities described in ORS 836.616 (2). [1995 c.285 §2]

FINDING: Chapter 7 and Sheet 3 (Airport Layout Plan) of the 2013 BAMP allow the continued use of the airport, aiding the economic development of the site. The Bend Airport is a critical component in the system of public airports in Oregon. Staff believes the Chapter 7 and Sheets 2, 3, and 11 of the 2013 BAMP comply with the statute.

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 on December 31, 1994, is a matter of state concern.

FINDING: The Bend Municipal Airport has been recognized by the Oregon Department of Aviation since this date. The field is classified as a Category II Urban General Aviation Airport. Such an airport's primary users are business related and service a large geographic area or they experience high levels of general aviation. Typically, these experience 30,000 or more annual operations of which at least 500 are business related.

(3)(a) A local government shall not impose limitations on the continued operation of uses described in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section. A local government shall allow for the growth of uses described in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section. A local government shall not impose additional limitations on a use approved by the local government prior to January 1, 1997, for an airport described in subsection (2) of this section. Notwithstanding subsection (4) of this section, the construction of additional hangars or tie-downs by the owner of an airport described in subsection (2) of this section, basing additional aircraft and increases in flight activity shall be permitted at an airport described in subsection (2) of this section.

(b) A local government may authorize the establishment of a new use described in ORS 836.616 (2) at an airport described in subsection (2) of this section following a public hearing on the use. The hearing shall be for the purpose of establishing compliance with adopted clear and objective standards relating to the compatibility and adequacy of public facilities and services as provided under subsection (5) of this section. Standards and requirements as adopted by the local government shall further the policy of ORS 836.600 to the maximum extent practicable.

FINDING: Neither the County nor the 2013 BAMP's Chapter 7 are imposing any limitations on the continued operations in ORS 836.616(2). The uses are allowed under the current A-D in DCC 18.76 and will continue. Neither the County nor the BAMP itself are authorizing any new uses at the Bend Airport. Staff believes the plan amendments and Chapter 7 and Sheets 2, 3, and 11 of the 2013 BAMP comply with the statute.

(4) Growth of an existing use on an airport as described in subsection (3)(a) of this section that requires a building permit shall be allowed as an administrative decision without public hearing unless the growth:

(a) Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

(c) Exceeds the standards of ORS 215.296 (1) if the airport is adjacent to land zoned for exclusive farm use.

FINDING: While the application may result in growth at the Bend Municipal Airport, existing transportation facilities are adequate to accommodate the growth. Based on vacancies of current buildings at the Bend Municipal Airport and the amount of undeveloped land in the A-D zone and its subdistricts, growth can be accommodated on-site. Thus, there will be no significant changes to existing uses or surrounding lands. As the A-D zone is not physically expanding or introducing any new uses, staff believes farm uses and practices on adjacent EFU lands will remain unaffected.

(5) A local government shall authorize a new use described in subsection (3)(b) of this section provided the use:

(a) Is or will be supported by adequate types and levels of public facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) Does not seriously interfere with existing land uses in areas surrounding the airport; and

(c) The local government reviews the use under the standards described in ORS 215.296 if the airport is adjacent to land zoned for exclusive farm use.

(6) An applicant for a new use under subsection (5) of this section may demonstrate that the standards for approval will be satisfied through the imposition of conditions. Any conditions imposed shall be clear and objective.

(7) A local government may adopt standards and requirements for the establishment of new airports, the expansion of existing airports and the regulation of uses and activities at airports serving as the base for two or fewer aircraft on December 31, 1994, as shown in the records of the Department of Transportation. The standards and requirements shall comply with applicable statewide land use planning laws.

FINDING: The plan amendments are not introducing any new uses at the Bend Municipal Airport. Land use at the airport is controlled by DCC 18.76, which is not affected by this application.

(8) The Land Conservation and Development Commission shall adopt rules regulating the height of structures to protect approach corridors at airports described in subsection (2) of this section and at publicly owned airports that are the base for two or fewer aircraft. [1997 c.859 §3]

Note: 836.608, 836.612 and 836.623 were added to and made a part of 836.600 to 836.630 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

FINDING: After the promulgation of rules by LCDC/DLCD related to height restrictions around airports, the County adopted DCC 18.80, the Airport Safety (AS) overlay zone. Chapter 7 of the 2013 BAMP does not rescind those overlay zones nor do the plan amendments, so staff believes the land use application is consistent with the statute.

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. Airports subject to the rules shall include:

(a) Publicly owned airports registered, licensed or otherwise recognized by the Department of Transportation on or before December 31, 1994, that in 1994 were the base for three or more aircraft; and

(b) Privately owned public-use airports specifically identified in administrative rules of the Oregon Department of Aviation that:

(A) Provide important links in air traffic in this state;

(B) Provide essential safety or emergency services; or

(C) Are of economic importance to the county where the airport is located.

(2)(a) Local governments shall amend their comprehensive plan and land use regulations as required under subsection (1) of this section not later than the first periodic review, as described in ORS 197.628 to 197.651, conducted after the date of the adoption of a list of airports by the Oregon Department of Aviation under subsection (3) of this section.

(b) A state agency or other person may provide funding to a local government to accomplish the planning requirements of this section earlier than otherwise required under this subsection.

(3) The Oregon Department of Aviation by rule shall adopt a list of airports described in subsection (1) of this section. The rules shall be reviewed and updated periodically to add or remove airports from the list. An airport may be removed from the list only upon request of the airport owner or upon closure of the airport for a period of more than three years. [1995 c.285 §4; 1997 c.859 §2]

FINDING: The County has amended its Comprehensive Plan and development code to be consistent with the above rules by creating the A-D Comprehensive Plan designation as well as the A-D zone and its subdistricts in DCC 18.76 and the protective restrictions of the A-S zone in DCC 18.80. The plan amendments and the 2013 BAMP leaves these unchanged; staff believes the plan amendments and Chapter 7 and Sheets 2, 3 and 11 are consistent with the statute.

836.612 Approval or expansion of land use activities subject to prior court decisions. Nothing in ORS 836.608 or 836.616 is intended to allow the approval or expansion of a land use activity inside the boundaries of an airport if the activity has been limited or prohibited by the decision of a court of competent jurisdiction rendered prior to August 13, 1997. [1997 c.859 §6]

FINDING: The 2013 BAMP is not approving or expanding any land use activity within the airport. Staff is unaware of any court decision pertaining to land use activities at the Bend Municipal Airport rendered prior to August 13, 1997.

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 (1) and airports described in ORS 836.608 (2).*

(2) *Within airport boundaries established pursuant to commission rules, local government land use regulations shall authorize the following uses and activities:*

(a) *Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities and other activities incidental to the normal operation of an airport;*

(b) *Emergency medical flight services;*

(c) *Law enforcement and firefighting activities;*

(d) *Flight instruction;*

(e) *Aircraft service, maintenance and training;*

(f) *Crop dusting and other agricultural activities;*

(g) *Air passenger and air freight services at levels consistent with the classification and needs identified in the State Aviation System Plan;*

(h) *Aircraft rental;*

(i) *Aircraft sales and sale of aviation equipment and supplies; and*

(j) *Aviation recreational and sporting activities.*

(3) *All land uses and activities permitted within airport boundaries, other than the uses and activities established under subsection (2) of this section, shall comply with applicable land use laws and regulations. A local government may authorize commercial, industrial and other uses in addition to those listed in subsection (2) of this section within an airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide land use planning goals and commission rules and where the uses do not create a safety hazard or limit approved airport uses.*

(4) *The provisions of this section do not apply to airports with an existing or approved control tower on June 5, 1995. [1997 c.859 §5 (enacted in lieu of 836.615)]*

FINDING: The 2013 BAMP's Chapter 7 and the ALP do not authorize any new land uses at the field. The currently allowed uses permitted outright or conditionally under DCC 18.76 are consistent with this statute, staff believes.

D. OAR 660, Division 12, Transportation Planning

OAR 660-012-0060 Plan and Land Use Regulation Amendments

(1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3),*

(9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) *Change standards implementing a functional classification system; or*
- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

FINDING: The City of Bend in its application asserted the proposed plan amendment did not trigger the Transportation Planning Rule (TPR.) Upon receipt of the City's materials, DLCD contacted County staff and expressed concern that in the agency's view the TPR was triggered and Section 060 needed to be addressed. Staff presents the following in answer to DLCD's request.

The 2013 BAMP ALP will not change the functional classification of any County road. The 2013 BAMP will not change any performance or mobility standards for County roads or State highways. The 2013 BAMP will not change any existing uses at the airport nor add any uses allowed either conditionally or outright at the airport.

The 2013 BAMP ALP does show a new local road connecting from the northeast side of the airport to McGrath Road, an existing collector, but this new connection will be approximately 600 feet south of the Powell Butte/McGrath Road intersection. DCC 17.48.090 sets an access spacing standard of 300 feet between connections to a collector and the local road shown on BAMP meets this standard. The road must also cross Deschutes County Property at 17-13-17, Tax Lot 100 so the County will control the location of where the local road intersects McGrath Road. The County would not permit a connection that violates the County's own access management spacing standard.

Given no land uses are proposed as part of the BAMP ALP and the zoning on the property remains the same, no traffic degradation occurs. The 2012 Deschutes County TSP shows roundabouts as mitigations at Powell Butte Highway/Butler Market Road and Powell Butte Highway/US 20; no other County intersections by the property (Powell Butte Highway/Nelson Road; Powell Butte Highway/McGrath Road; Nelson Road/Gibson Air Park Road) are forecast to fail in the 2030 horizon year. Thus there is adequate transportation facilities, either existing or planned, to serve the proposed plan amendment.

Therefore, the 2013 BAMP ALP has no significant effect based on OAR 660-012-060 and staff believes the TPR has been met.

E. OAR, 660, Division 13 Airport Planning

OAR 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.

FINDING: Staff believes approval of the plan amendments and the 2013 BAMP's Chapter 7 and ALP will ensure the continued economic vitality of the Bend Municipal Airport. The identification of imaginary surfaces in DCC 18.80 will continue to ensure only compatible land uses occur in proximity to the field and reduce the risk of aircraft operations. The City of Bend and Deschutes County have long recognized the economic importance of the Bend Municipal Airport both as an economic engine in and of itself and the access the field provides to Central Oregon.

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.

(2) A city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division, shall adopt comprehensive plan and land use regulations for airports consistent with the requirements of this division and ORS 836.600 through 836.630. Local comprehensive plan and land use

regulation requirements shall be coordinated with acknowledged transportation system plans for the city, county, and Metropolitan Planning Organization (MPO) required by OAR 660, division 12. Local comprehensive plan and land use regulation requirements shall be consistent with adopted elements of the state ASP and shall be coordinated with affected state and federal agencies, local governments, airport sponsors, and special districts. If a state ASP has not yet been adopted, the city or county shall coordinate the preparation of the local comprehensive plan and land use regulation requirements with ODA. Local comprehensive plan and land use regulation requirements shall encourage and support the continued operation and vitality of airports consistent with the requirements of ORS 836.600 through 836.630.

FINDING: Deschutes County has planning and land use authority over the Bend Municipal Airport. The County has previously adopted comprehensive plan designation and land use regulations consistent with ORS 836.600 through 836.630 and OAR 660-013. This land use application would amend the County's comprehensive plan, but the 2013 BAMP would still be consistent with ORS 836 and OAR 660-013. The 2013 BAMP has been produced in coordination with the City of Bend and Deschutes County and is consistent with the State's Airport System Plan (ASP). Additional coordination on the amendment occurred with the Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA). The field is outside the boundaries of the Bend Metropolitan Organization (BMPO). The plan amendments to the Comprehensive Plan and the TSP as well as Chapter 7 of 2013 BAMP and its ALP will ensure the continuing successful operation and vitality of the Bend Municipal Airport by establishing a 20-year plan for land use activities, airport improvements, and buffered areas, staff believes.

OAR 660-013-0040, Aviation Facility Planning Requirements

A local government shall adopt comprehensive plan and land use regulation requirements for each state or local aviation facility subject to the requirements of ORS 836.610(1). Planning requirements for airports identified in ORS 836.610(1) shall include:

(1) A map, adopted by the local government, showing the location of the airport boundary. The airport boundary shall include the following areas, but does not necessarily include all land within the airport ownership:

(a) Existing and planned runways, taxiways, aircraft storage (excluding aircraft storage accessory to residential airpark type development), maintenance, sales, and repair facilities;

(b) Areas needed for existing and planned airport operations; and

(c) Areas at non-towered airports needed for existing and planned airport uses that:

(A) Require a location on or adjacent to the airport property;

(B) Are compatible with existing and planned land uses surrounding the airport; and

(C) Are otherwise consistent with provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(d) "Compatible," as used in this rule, is not intended as an absolute term meaning no interference or adverse impacts of any type with surrounding land uses.

FINDING: The 2013 BAMP displays these elements on various figures throughout the document, but especially in Chapter 7 (Airport Development Alternatives) and Chapter 9 (Airport Layout Plan). In particular in Chapter 9 please refer to Airport Data (Sheet 2 of 13), Bend Airport Layout Plan (Sheet 3 of 13), Airport Airspace Plan (FAR Part 77) (Sheet 6 of 13), and Off-Airport Land Use Plan With 2030 Noise Contours (Sheet 11 of 13). The latter two maps in particular indicate compatibility with surrounding areas. The ALP shows the location of the airport and existing and planned runways, taxiways, hangars and ramp spaces, and Fixed Base Operator (FBO) facilities. The ALP also displays the areas needed for planned airport operations.

One additional area needed for planned airport operations is the area to the north of Runway 16, which would be needed for a future extension of the runway and parallel taxiways. Staff is unclear whether a Goal 3 Exception would be needed for this given the airport had received a previous Goal 3 Exception in 1980 for airport operations. The area for that 1980 Goal 3 Exception appears to extend well to the north of the planned northern extension of Runway 16 and its parallel taxiways. While the northern extension of Runway 16 will require a relocation of the Powell Butte Highway, staff believes a Goal 3 Exception would not be needed for the highway's relocation based on the language in the TPR at 660-012-065(3)(d).

(2) A map or description of the location of existing and planned runways, taxiways, aprons, tiedown areas, and navigational aids;

FINDING: The ALP, aka Sheet 3, displays the existing and planned runways, taxiways, aprons, tiedown areas, and navigational aids.

(3) A map or description of the general location of existing and planned buildings and facilities;

FINDING: The ALP shows the general location of existing and planned buildings.

(4) A projection of aeronautical facility and service needs;

FINDING: Chapter 7 includes a projection of aeronautical and service needs, documents various alternatives, and arrives at ALP. The ALP accommodates projected aeronautical and service needs.

(5) Provisions for airport uses not currently located at the airport or expansion of existing airport uses:

(a) Based on the projected needs for such uses over the planning period;

(b) Based on economic and use forecasts supported by market data;

(c) When such uses can be supported by adequate types and levels of public facilities and services and transportation facilities or systems authorized by applicable statewide planning goals;

(d) When such uses can be sited in a manner that does not create a hazard for aircraft operations; and

(e) When the uses can be sited in a manner that is:

(A) Compatible with existing and planned land uses surrounding the airport; and

(B) Consistent with applicable provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

FINDING: Chapter 7 of the 2013 BAMP documents the data, assumptions, and projected operations and service needs at the Bend Municipal Airport. This includes uses which may not be currently located at the airport or current uses which may be expanded. The ALP, aka Sheet 3 of the 2013 BAMP, addresses where these uses would be located on the Bend Municipal Airport to not create a hazard for aircraft operations. The uses would be compatible with existing and planned airport uses. No new uses are being proposed for DCC 18.76. The imaginary surfaces set forth in DCC 18.80 are designed to provide for safe airport operations and compatibility with surrounding land uses. Once an aircraft leaves the field, however, its movements are not under the jurisdiction of Deschutes County or the City of Bend or the State of Oregon. Because of that, the City of Bend avers the intent of OAR 660-013-040(5)(e) is to assess compatibility on the airport itself and not compatibility with surrounding lands. Staff looks to the hearings officer to determine if that is a correct interpretation or not.

(6) When compatibility issues arise, the decision maker shall take reasonable steps to eliminate or minimize the incompatibility through location, design, or conditions. A decision on compatibility pursuant to this rule shall further the policy in ORS 836.600.

FINDING: The Bend Municipal Airport was established in 1942. The rural subdivision Cimarron City abuts the airport on the east and was first established in 1968 with a first addition in 1970. Staff believes with the establishment of the A-D zone in 1980 and an Airport Height Combining (AH) zone in 1991, that the County as the local decision maker took reasonable steps to create buffer areas of sufficient size to minimize incompatibility issues. If there are compatibility issues, they occur with airborne operations which are outside the jurisdiction of Deschutes County. The State of Oregon in ORS 836.600 sets a policy to encourage and protect airports. The City of Bend states the airport uses authorized by the plan amendments take priority in any issue of compatibility. Staff looks to the hearings officer to determine if that is a correct interpretation or not.

(7) A description of the types and levels of public facilities and services necessary to support development located at or planned for the airport including transportation facilities and services. Provision of public facilities and services and transportation facilities or systems shall be consistent with applicable state and local planning requirements.

FINDING: The ALP shows present and planned internal and external roadways. The 2013 BAMP in Chapter 2 (Existing Conditions) inventories and discusses the supporting infrastructure, including water and sewer facilities.

(8) Maps delineating the location of safety zones, compatibility zones, and existing noise impact boundaries that are identified pursuant to OAR 340, Division 35.

FINDING: The City of Bend states this provision is not applicable to the current plan amendment, but will be applicable to the zoning code and map amendments that City plans to apply for should this plan amendment be approved. Staff would point out the County has already adopted safety zones with the previous adoption of the DCC 18.80 Airport Safety Combining Zone and the 1979 and 2002 BAMPs. Staff looks to the hearings officer to determine the proper interpretation.

(9) Local government shall request the airport sponsor to provide the economic and use forecast information required by this rule. The economic and use forecast information submitted by the sponsor shall be subject to local government review, modification and approval as part of the planning process outlined in this rule. Where the sponsor declines to provide such information, the local government may limit the airport boundary to areas currently devoted to airport uses described in OAR 660-013-0100.

FINDING: The City of Bend is the airport sponsor and has provided forecast information in the 2013 BAMP which staff believes contains all of these elements, especially Chapter 4 (Aviation Activity Forecasts).

OAR 660-013-0050 through 660-013-0150

FINDING: Staff and applicant believe these regulations are applicable to implementing regulations, not to plan amendments, and therefore are not applicable to this application for amendments to the County's Comprehensive Plan and TSP.

660-013-0160 Applicability

This division applies as follows:

(1) Local government plans and land use regulations shall be updated to conform to this division at periodic review, except for provisions of chapter 859, OR Laws 1997 that became effective on passage. Prior to the adoption of the list of airports required by ORS 836.610(3), a local government shall be required to include a periodic review work task to comply with this division. However, the periodic review work task shall not begin prior to the Oregon Department of Aviation's adoption of the list of airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.

(2) Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local

governments with responsibility for areas of the airport subject to the requirements of this division.

(3) Compliance with the requirements of this division shall be deemed to satisfy the requirements of Statewide Planning Goal 12 (Transportation) and OAR 660, division 12 related Airport Planning.

(4) Uses authorized by this division shall comply with all applicable requirements of other laws.

(5) Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the requirements of the new regulation or designation are the same as the requirements they replace.

FINDING: These amendments are being accomplished by plan amendments authorized by OAR 660-013-0160(2). Staff believes the amendments comply with all applicable provisions of OAR 660-013, OAR 660-012, Statewide Planning Goal 12, and County requirements.

F. Oregon Aviation Plan

The 2007 Oregon Aviation Plan covers all airports in the state. The OAP focuses predominantly on airfield operations and compatibility with surrounding land uses with minimal detail paid to land uses.

FINDING: The OAP in Table 5-19 (Summary of 2007 OAP Recommendations) lists the items to be addressed at the Bend Municipal Airport. The items are almost all operational, not land use. These identified deficiencies (increase runway width from 75 feet to 100 feet; rehabilitate runway pavement; upgrade Runway 16 approach to a precision approach; install medium intensity taxiway lighting; install apron lighting; construct hangars; install perimeter fencing for both security and wildlife control; construct designated cargo apron) have either already been addressed since 2007 or are a planned improvement as indicated on the ALP, aka Sheet 3. The only deficiency which could be construed as land use is the construction of hangars, which the County has historically done thorough site plan review, ORS 836.616(2) notwithstanding. Hangars are an outright permitted use in DCC 18.76.070 through 090. Staff believes the proposed plan amendments are consistent with the 2007 OAP.

G. Statewide Planning Goals

The parameters for evaluating these specific amendments are based on an adequate factual base and supportive evidence demonstrating consistency with Statewide Planning Goals. The following findings demonstrate the quasi-judicial plan amendment with applicable statewide planning goals.

Goal 1, Citizen Involvement

FINDING: Prior to submittal of these plan amendments, the City of Bend and its consultants held numerous public meetings and workshops on the 2013 BAMP. The Bend City Council approved the BAMP after conducting a public hearing. The City's application is being processed by the County in a manner which will include a noticed public hearing before a

hearings officer. In the absence of an appeal or a review initiated by the Board, DCC 22.28.030 requires the Board to adopt the hearings officer's decision since the Bend Municipal Airport is designated and zoned A-D. Staff believes this goal has been met.

Goal 2, Land Use Planning

FINDING: The amendments to County's Comprehensive Plan and TSP are being adopted through a land use planning process set by DCC Title 22. The decision will be based on the applicable goals, statutes, administrative rules, and County codes as well as consistency with the County's Comprehensive Plan and TSP. The decisions also have to be consistent with federal planning requirements applicable to airports which receive federal funding. The FAA has approved the BAMP and its ALP. The Bend City Council, as the City is the owner and operator of the field, has also approved the BAMP, including the ALP. The resulting BAMP and these plan amendments will provide guidelines for future land use decisions by the County. Staff believes this goal has been met.

Goal 3, Agricultural Lands

FINDING: The area zoned A-D received a Goal 3 Exception in 1980, therefore Goal 3 does not apply. The BAMP does show an extension of Runway 16 to the north, but that runway extension is not funded at this time and will require a subsequent land use application. Staff believes this goal does not apply or has been met.

Goal 4, Forest Land

FINDING:The proposed amendments do not affect any Forest-zoned lands; staff believes Goal 4 does not apply.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

FINDING: The proposed amendments do not affect any inventoried Goal 5 natural resources, scenic or historic areas or open spaces. Staff believes this goal has been met.

Goal 6, Air, Water and Land Resources Quality

FINDING: Goal 6 is primarily concerned with the preservation of air, land, and water resources from pollution. The Comprehensive Plan and TSP amendments will not affect such resources as the Bend Municipal Airport is already served by water and sewer. Furthermore, no development or land use changes are being proposed that impact air, water and land resource qualities. Staff believes this goal has been met.

Goal 7, Natural Hazards

FINDING: The predominant natural hazards in Deschutes County are floods, wildfire, snow, and wind. The hangars and buildings at the Bend Municipal Airport conform to the state's Uniform Building Code which ensures protection against wind and snowloads. The field also has numerous tiedowns to secure aircraft. Additionally, there are dozens of fire hydrants on site with the 2013 BAMP inventory listing 26 fire hydrants on the west side and 28 more on the east side. Staff believes this goal has been met.

Goal 8, Recreational Needs

FINDING: The Bend Municipal Airport meets the goal as recreational flying, meaning both the act of flying itself or using aircraft to reach recreational destinations, occurs on-site daily. According to Table 2-1 (Current Aviation Activity Bend Municipal Airport (BDN)) there are 213 aircraft based at the field and in 2010 there were an estimated 97,928 aircraft operations. The field also supports gliders and provides an opportunity for skydiving, although currently no skydiving operations occur. The general aviation aircraft used in recreation are manufactured, maintained, and repaired at the Airport. Staff believes this goal has been met.

Goal 9, Economic Development

FINDING: The amendments will allow the Bend Municipal Airport to continue to provide a variety of economic activities. These include aircraft manufacturing, aircraft repair and maintenance, aircraft leasing and chartering, flight schools, fuel sales, and other aviation-related activities. Staff believes this goal has been met.

Goal 10, Housing

FINDING: The Bend Municipal Airport is outside of the Bend UGB and is not proposed to be included as part of the City's current Urban Growth Boundary (UGB) proposal. DCC 18.76 does not allow residential uses either conditionally or outright at the Bend Municipal Airport. Additionally, the field is subject to federal grant restrictions which do not permit residential uses at the airport. Staff believes this goal therefore does not apply.

Goal 11, Public Facilities

FINDING: The Bend Municipal Airport is already served by water and sewer. Staff believes this goal has been met.

Goal 12, Transportation

FINDING: The Bend Municipal Airport is part of the County's multi-modal transportation system. Airport master plans such as the 2013 BAMP continue to make public and private airports safe, economical, and convenient. DCC 18.76 lists all the uses permitted outright or conditionally at the airport and the Comprehensive Plan and TSP amendments do not change those uses or add to them. The findings regarding compliance with the TPR demonstrate the plan amendments have no significant effect on the transportation network. Staff believes this goal has been met.

Goal 13, Energy Conservation

FINDING: The Bend Municipal Airport has been established in its location since 1942. Relocating the airport would not be feasible and even if it were, the amount of energy used to rebuild the airport in a new location would be substantial. Gary Judd, the airport manager, reports the Bend Municipal Airport allows the use of solar panels on-site, the airport has an active recycling program, and new projects will use energy-saving light-emitting diodes (LED) wherever possible. Staff believes this goal has been met.

Goal 14, Urbanization

FINDING: The Bend Municipal Airport sits on exception land and is a built and committed use. The airport lies approximately 2.5 miles to the east of the current UGB. The airport provides an orderly and efficient transition between urban and rural lands. The proposed amendments lack any prohibition against including the Bend Municipal Airport in a future UGB; however, staff believes such an outcome to be highly unlikely. Staff believes the amendments are not inconsistent with this goal.

Goals 15 through 19

FINDING: These are not applicable to any amendments to the County's Comprehensive Plan because the County has none of those types of lands.

CONCLUSION: Staff believes the proposed amendments to the Deschutes County Comprehensive Plan, the County TSP, and the adoption of Chapter 7, Sheets 2, 3, and 11 of the BAMP are consistent with all applicable state statutes and rules as well as County plans. Staff looks to the hearing's officer for interpretation regarding the findings for consistency with OAR 660-013-0040 at (5), (6) and (8). Staff believes these plan amendments will allow the Bend Municipal Airport to continue to be a productive part of the County's multi-modal transportation system as well as a critical economic contributor to Central Oregon.

Dated this 22nd day of March, 2016

Mailed this 22nd day of March, 2016