



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

5/19/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 009-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, June 01, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Peter Russell, Deschutes County
Jon Jinings, DLCD Community Services Specialist
Bob Cortright, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

MAY 12 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Deschutes County**

Local file number: **PA-09-2**

Date of Adoption: **May 5, 2010**

Date Mailed: **May 11, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/21/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: Trans Sys Plan map amendment

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

PA-09-2 added 19th Street, a future rural arterial, to the Deschutes County TSP map. The approximately six-mile alignment goes between Redmond and Deschutes Junction, abutting the east side of the Burlington Northern and Santa Fe (BNSF) Railway tracks. While more than 80 percent of the alignment crosses Bureau of Land Management (BLM) land, approximately one-mile is on non-federal land zoned Exclusive Farm Use (EFU) and required a reasons exception to Statewide Planning Goal 3, Agriculture. Ordinance 2010-007, which had its second reading on May 5, 2010, approved and implemented PA-09-2; the ordinance also includes the findings and comprehensive plan language for the Goal 3 reasons exception.

Does the Adoption differ from proposal? Please select one

During the public hearing process, the portion of the alignment across the Department of State Land (DSL) land was shifted slightly southward at DSL's request to be closer to the southern boundary of the DSL property.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **See above**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
X	X	X	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 009-09 (17897) [16128]

45-days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Bureau of Land Management, Department of State Lands

Local Contact: **Peter Russell**

Phone: (541) 383-6718 Extension:

Address: **117 NW Lafayette**

Fax Number: **541-385-1764**

City: **Bend**

Zip: **97701**

E-mail Address: **peterr@co.deschutes.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on **light green paper if available**.
3. **Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:**
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).



Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

May 11, 2010

Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Dear Sir/Madam,

I have enclosed the required materials related to the Deschutes County Board of County Commissioners approval of PA-09-2/Ordinance 2010-007, which amends the Transportation System Plan (TSP) map by adding a line showing 19th Street and takes a goal exception for approximately one mile of non-federal land; the remaining five miles of 19th Street are on Bureau of Land Management (BLM) land. This future Rural Arterial will extend south from the existing 19th Street in the City of Redmond to Deschutes Junction while staying to the immediate east of the Burlington Northern Santa Fe Railway tracks.

The road's alignment arose out of the BLM's Upper Deschutes Resource Management Plan (UDRMP), which included participation by the state and local governments, including Department of Land Conservation and Development (DLCD), the Oregon Department of Transportation (ODOT), and Department of State Lands (DSL).

The County had previously mailed its 45-day notice to DLCD in late October prior to the first evidentiary hearing in mid-December before the Deschutes County Planning Commission (PC).

The PC held a noticed public hearing on Dec. 17, 2009, which was continued until Jan. 14, 2010. The PC closed the oral record at that time and the written record closed on Jan. 21, 2010. The PC made its recommendation to the Deschutes County Board of County Commissioners (BOCC) on Jan. 28, 2010.

The BOCC held a noticed public hearing on Feb. 22, 2010; the oral record closed that same night and the written record closed on March 12, 2010. The BOCC deliberated on April 19, 2010, at which time they held a first reading of Ordinance 2010-007, which amends the TSP to add 19th Street and provides a reasons exception to Statewide Planning Goal 3, Agriculture. The second reading and signing was on May 5, 2010; the ordinance takes effect on Aug. 3, 2010, unless appealed.

Please feel free to contact me if you have any questions. Thank you.

Peter Russell
Senior Transportation Planner

Quality Services Performed with Pride

REVIEWED
Je
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code *
Title 23.64 and 23.120 Amending the Transportation *
System Plan Map to Add 19th Street, a Future Rural *
Arterial, between Redmond and Deschutes Junction *
While Excepting Land from Statewide Planning Goal *
3. *

ORDINANCE NO. 2010-007

WHEREAS, the Deschutes County Road Department proposed a "reasons" exception to Goal 3 and a Plan Amendment to Deschutes County Code ("DCC") Chapter 23.120, Goal Exception Statement, to amend the Deschutes County Transportation Systems Plan Map to allow for the construction of 19th Street from the southern edge of the City of Redmond to Deschutes Junction as a Future Rural Arterial on land zoned for Exclusive Farm Use ("EFU"); and

WHEREAS, after notice was give in accordance with applicable law, public hearings were held on Dec. 17, 2009, and January 14, 2010, before the Deschutes County Planning Commission ("Commission") and on January, 28, 2010, the Commission unanimously supported an extension of 19th Street to Deschutes Junction conceptually, both within and without the 1/2-mile wide corridor identified in federal Upper Deschutes Resource Management Plan ("UDRMP"), but unanimously recommended denial of the specific alignment proposed in PA-09-2; and

WHEREAS, the Board of County Commissioners ("Board") conducted a duly noticed public hearing on February 22, 2010, and approved the proposed plan amendment for the subject properties on April 19, 2010; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. ADDING. DCC Section 23.120.270, 19th Street between City of Redmond and Deschutes Junction, is added as in Exhibit "A" to except from Goal 3 that certain property described in Exhibit "B", with both exhibits attached and incorporated by reference herein.


Section 2. AMENDMENT. DCC Title 23, The Transportation Plan Map, is amended to add certain property described in Exhibit "B" and depicted on the map set forth as Exhibit "C," attached and incorporated by reference herein, as a Future Rural Arterial.

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Section 3. FINDINGS. The Board adopts as its findings in support of this decision, the Decision of the Board of County Commissioners, attached as Exhibit "D" and incorporated by reference herein.

Dated this 5th of May, 2010

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, Chair


ALAN UNGER, Vice Chair

ATTEST:

Recording Secretary

 - NO-VOTE
TAMMY BANEY, Commissioner

Date of 1st Reading: 19th day of April, 2010.

Date of 2nd Reading: 5th day of May, 2010.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy Baney	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 3rd day of August, 2010.

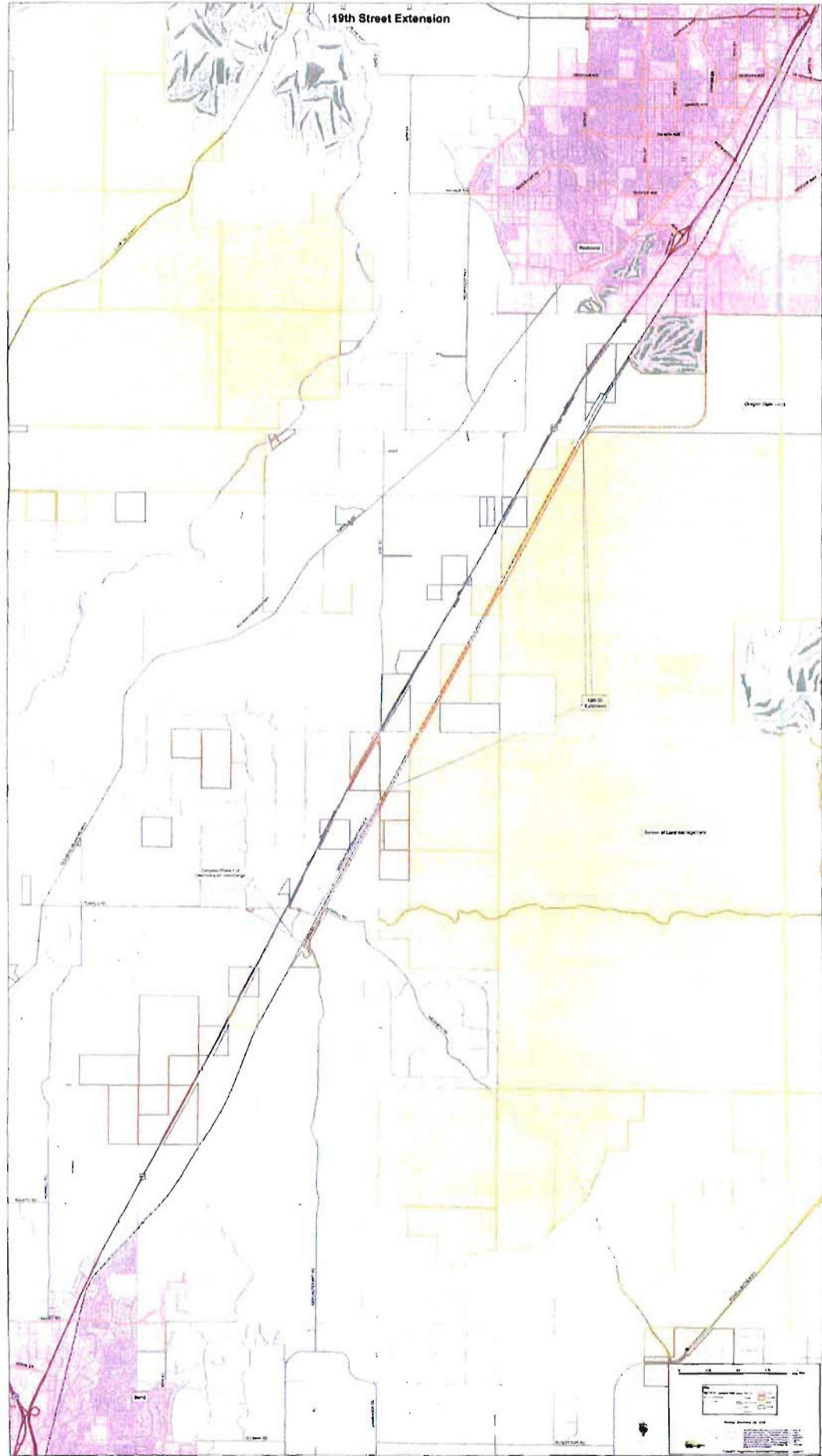
23.120.270. 19th Street between City of Redmond and Deschutes Junction.

In conjunction with approval of PA-09-02, an exception to Statewide Planning Goal 3, Agricultural Lands, was taken to include a portion of a certain property zoned Exclusive Farm Use Tumalo/Redmond/Bend Subzone (EFU-TRB). Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit "D" to Ordinance 2010-007, and which findings are incorporated herein by reference.
(Ord. 2010-007 §1, 2010)

**Description of Certain Properties Receiving a “Reasons Exception”
to Statewide Planning Goal 3 under PA-09-2**

A 100 foot wide right-of-way beginning at the intersection of SW 19th Street and SW Elkhorn Avenue at the southwest corner of Section 28, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, then south approximately 0.85 miles, then west approximately 0.8 miles to a point approximately 100 feet east of the BNSF Railroad tracks, then southwesterly, parallel with the BNSF Railroad tracks approximately 4.9 miles to the intersection of Morrill Road and 19th Street near the center of Section 26, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon.

Exhibit C Ord. 2010-007



**FINDINGS AND DECISION OF THE
DESCHUTES COUNTY BOARD OF COUNTY COMMISSIONERS**

FILE NUMBER: PA-09-2

**APPLICANT/
OWNER:** Deschutes County Road Department
c/o Tom Blust
61150 SE 27th Street
Bend, OR 97701

REQUEST: The applicant is requesting a Plan Amendment to amend the Deschutes County Transportation System Plan (TSP) map to add 19th Street, a future rural county arterial, between the City of Redmond and Deschutes Junction. The alignment does require an exception to Statewide Planning Goal 3, Agriculture.

STAFF CONTACT: Peter Russell, Senior Transportation Planner

I. APPLICABLE STANDARDS & CRITERIA:

- A.** Statewide Planning Goals 1, 2, 3, 11, and 12
- B.** Oregon Administrative Rules (OAR)
 - 1. OAR 660-004, Interpretation of Goal 2 Exceptions Process
 - 2. OAR 660-012, Transportation Planning
- C.** Title 22, Deschutes County Code Procedures Ordinance
 - 1. Chapter 22.28, Land Use Action Decisions
- D.** Title 23, Deschutes County Comprehensive Plan
 - 1. Chapter 23.60, Transportation
 - a. Section 23.60.10
 - 2. Chapter 23.64, Transportation System Plan
 - a. Section 23.64.020
 - b. Section 23.64.030
 - c. Section 23.64.040
 - 3. Chapter 23.88, Agriculture
 - 4. Chapter 23.120, Goal Exception Statement

II. PROPOSED FINDINGS OF FACT

- A. Existing Zoning and Comprehensive Plan Designations:** The Deschutes County Comprehensive Plan Map designates the area as Exclusive Farm Use (EFU). The area is predominantly Alfalfa Subzone (EFU-AL). About midway between Redmond and Deschutes Junction the corridor for 19th Street clips the southeast edge of a parcel designated EFU-Tumalo/Redmond/Bend (EFU-TRB). At the southern terminus the alignment crosses five parcels just north of Deschutes Junction that are zoned EFU-TRB.

- B. Location:** The subject properties are located between Redmond and Deschutes Junction to the immediate east of the Burlington Northern Santa Fe Railway (BNSF) tracks. The properties are identified on Deschutes County Assessor's Maps from north to south as #15-13-000000-130; 16-13-000000-200; 16-13-000000-100; 16-12-12-000-1200; 16-12-13-0000-101; 16-12-13-0000-602; 16-12-13-0000-503; 16-12-13-0000-601; 16-12-24-0000-100; 16-12-24-0000-200; 16-12-24-0000-300; 16-12-23-0000-304; 16-12-23-0000-600; 16-12-26A-000-401; and 16-12-26A-000-300. The proposed alignment lies within a ½-mile wide corridor previously identified in the Upper Deschutes Management Plan (UPRMP). The precise location of this two-lane rural arterial within that corridor would be finalized prior to construction.
- C. Site Description:** The corridor is bounded to the north by the City of Redmond, the west by the BNSF property, and the south by Deschutes Market Road. On the east, the land is primarily Bureau of Land Management (BLM) with a mix of a few private properties and land owned by Deschutes County. **(Exhibit 1)**. The terrain is primarily flat with some modest elevation changes just south of Redmond.
- D. Surrounding Uses:** The proposed 19th Street site is flanked on the west by a pre-existing transportation corridor, the BNSF tracks, and to the west of the tracks is U.S. 97. The bulk of the remaining land to the east of the proposed 19th Street is under BLM jurisdiction. Although zoned EFU, the land under BLM oversight is not used for agriculture, but instead is utilized for wildlife habitat, recreation, and slightly farther east the EFU land is the Biak Training Center for the infantry and armor of the Oregon National Guard. The EFU land just north of Deschutes Junction is primarily juniper trees with a few pockets of irrigated agriculture. **(Exhibit 2)**.
- D. Procedure and Background:** The location of the future 19th Street, a north-south road paralleling US 97 but east of the BNSF, has been the subject of planning at the federal and the local level. The right of way corridor for a future 19th Street was identified in the environmental work that culminated in the federal "Upper Deschutes Resource Management Plan (UDRMP)." The September 2005 record of decision (ROD) for the UDRMP identified a ½-mile wide transportation corridor across BLM holdings between Redmond and Deschutes Junction. Specifically, the 19th Street corridor appears on UDRMP Map 2 "Transportation and Utilities." **(Exhibit 3)**. The UDRMP on page 135 under the heading of Transportation and Utilities states Objective TU – 1: "Provide new or modified rights of way for transportation corridors...to meet expected demands and minimize environmental impacts." On page 139 of the UDRMP, Objective TU-5, Allocation #2, states "[D]esignate a transportation corridor approximately a ½-mile wide and extending from approximately the end of 19th Street in Redmond to Deschutes Market Road. This includes a corridor connection to Quarry Avenue that will allow for a future Federal Highway interchange." **(Exhibit 4)**.

The 1998 Deschutes County Transportation System Plan (TSP) in Policy #20 states "[W]henver practical, access to state highways shall be provided via frontage roads, alternative local roads, or other means, rather than direct access to the highway." While not as explicit on 19th Street as the UDRMP above, the

policy indicates the strategic desire to have a system of parallel local roads as an option to the state highway system. 19th Street would be an alternative local road to U.S. 97. The future Quarry Road interchange appears on Page 155 at Figure 5.2.F2, "ODOT Projected Interchange Locations." **(Exhibit 5).**

The Redmond TSP was updated in June 2008. On page 5-2 the TSP identifies the extension of 19th Street to Deschutes Junction as a critical alternate link between Bend and Redmond. The alignment is also depicted on the adopted Redmond TSP map at Figure 9-1, "Functional Classifications." **(Exhibit 6).**

Finally, in 2007 the federal government awarded \$500,000 to the Deschutes County Road Department to do the final fieldwork for the environmental clearance for 19th Street. The Road Department has contracted with BLM to do this work. As part of the release of these funds, the Federal Highway Administration (FHWA) requested that Deschutes County amend its TSP map to specifically include 19th Street.

The Deschutes County Planning Commission (PC) held a public hearings on December 17, 2009, and January 14, 2010, and deliberated on January 28, 2010. The PC voted 6-0 to support a linkage between Redmond and Deschutes Junction, but voted 6-0 to recommend the Board deny PA-09-2. The PC cited the following concerns, which were also raised by the general public: increased traffic, 19th Street becoming a de facto truck route, whether widening U.S. 97 to six lanes would have less adverse affect than building 19th Street, loss of agricultural land, and that the alignment would prevent future economic development.

E. Proposal: The Board is approving a Plan Amendment to amend the Deschutes County Transportation System Plan (TSP) Map to add 19th Street, a roughly six-mile long Rural Arterial, between Redmond and Deschutes Junction. The proposed 19th Street would provide a north-south alternative to US 97 and serve as a rural-scale grid street between Bend and Redmond by connecting to Deschutes Market Road.

Additionally, the Board approves an exception to Goal 3 for those properties zoned EFU across which the new corridor will be located. The proposed 19th Street needs to be on those EFU lands east of the BNSF to 1) be consistent with the transportation corridor identified in the UDRMP; 2) align with the pre-existing City of Redmond 19th Street; 3) provide an option for the traveling public to use a county road to access the Redmond Airport, the county fairgrounds, and east Redmond; and 4) align with the Deschutes Junction Phase II interchange. The proposed 19th Street will draw traffic that otherwise would use the US 97/Yew Avenue interchange, which is already experiencing operational challenges. Finally, the proposed 19th Street offers an alternate way to route traffic between Bend and Redmond should either a train derailment close Yew Avenue or a crash close U.S. 97, for example

III. CONCLUSIONS OF LAW

A. Applicable Statewide Planning Goals

1. Goal 1: Citizen Involvement

Oregon Statewide Planning Goal 1 seeks "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

FINDING: The salient federal and local planning documents all had public comment periods and/or public hearings. The location of the proposed 19th Street underwent considerable vetting in the development of the UDRMP. The Deschutes County and Redmond TSPs also went through local adoption processes that included multiple public hearings before each jurisdiction's respective planning commission and decision-making body. The Deschutes County Planning Commission held a public hearing on Dec. 17, 2009 and Jan. 14, 2010, and the Deschutes County Board of County Commissioners held public hearing on Feb. 22, 2010, closing the oral record at the conclusion of the 2/22 public hearing and closing the written record at 5 p.m., March 12, 2010. Mailed notices were also sent to affected property owners and the Oregon Department of Land Conservation and Development ("DLCD") and a published public notice. The public has had ample opportunity to provide oral and written public comment.

The Board finds Goal 1 is met.

2. Goal 2: Land Use Planning

Oregon Statewide Planning Goal 2 seeks "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

FINDING: In accordance with Goal 2, the applicant submitted this application to the county to amend the county's TSP map. The applicant provided sufficient information about previous planning efforts and this current land use. Along with the discussion below, that information assures an adequate factual base for the county to make an informed decision regarding amending the TSP map to add 19th Street.

The Board finds Goal 2 is met.

3. Goal 3: Agricultural Lands;

Oregon Statewide Planning Goal 3 seeks "To preserve and maintain agricultural lands."

FINDING: Approximately 83% of the length of the proposed 19th Street lies on BLM land; federal land is not governed by state or local land use requirements. The remaining 17%, however, crosses private property in several places. As 19th Street is not yet on identified right of way maps, the BNSF right of way is used as a proxy for locational descriptions.

The first non-federal property is 151300000130 (Division of State Lands [DSL] property), an approximately 942.6-acre parcel that directly abuts south Redmond. This former BLM land was conveyed to the State of Oregon to make up for the shortfall of lands that were due to Oregon during the 1859 establishment of statehood. These former BLM lands are transferred to the state to benefit the common school fund. DSL intends for this land to come into the Redmond UGB primarily for industrial uses. Of the DSL property, 913.4 acres lies east of BNSF.

The second non-federal property is 161300000200, a 6.7-acre parcel owned by Bill Lee of which only 1.1 acres lies east of the BNSF and in close proximity to the southern boundary of the DSL property.

Another piece of non-federal land is at 1612130000101, the Halligan Ranch, which is roughly midway between south Redmond and Deschutes Junction. All of the 72.3 acres of the Halligan Ranch are east of the BNSF.

The Joann Jeans property is at 1612130000503 and is 41.8 acres in size, but only 0.7 acres is east of BNSF.

The remaining non-federal parcels are the six at the far southern end, 1612240000200 (Central Oregon Irrigation District) is 62.2 acres with 19.9 east of BNSF; 1612240000300 (Deschutes County) a 38.6-acre parcel with 37.3 east of BNSF; 1612230000304 (Martha Sundreth and Elizabeth White), a 2.5-acre parcel completely east of BNSF; 1612230000600 (Leo and Judy Parsons) a 21-acre parcel completely east of BNSF; 161226A000401 (a second Leo and Judy Parsons property) whose entire 36.1 acres is east of BNSF; and 161226A000300 (Jack Holt and Adelheid Ulrike), a 30.6-acre parcel east of BNSF.

All of the above state and privately-owned described parcels are zoned EFU and, thus, would require an exception to Goal 3. The Board finds Goal 3 can be met through the exceptions process as provided below.

4. Goal 4: Forest Lands

Oregon Statewide Planning Goal 4 seeks "To conserve forest lands by..."

FINDING: The land is not zoned for forestry uses; therefore, Goal 4 does not apply.

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

Oregon Statewide Planning Goal 5 seeks "To protect natural resources and conserve scenic and historic areas and open spaces."

FINDING: Goal 5 resources are listed in the county's acknowledged Comprehensive Plan. Staff reviewed the county's Goal 5 resource inventory and found no identified cultural or historic Goal 5 resources within the corridor. Utilizing the selected corridor as proposed would have no significant adverse impact on the amount of open space or scenic views available. The BLM is conducting fieldwork for archaeological, cultural,

historical resources and threatened or endangered species within the corridor. The BLM identified a ½-mile wide corridor and the proposed 19th street will be within that corridor. The county's minimum right of way standard for an arterial is 100 feet. Therefore, there will be ample room to move the road to mitigate any impacts in the unlikely event a Goal 5 resource or other cultural or natural resource is discovered during the federal environmental work.

There is an Open Space and Conservation (OS&C) designation for the State of Oregon rectangular parcel (15-13-32-0000-400) that lies approximately a quarter-mile south of Redmond. However, this parcel is already bisected by U.S. 97 as well as the BNSF tracks. 19th Street would cross the far southeast corner of the parcel. DCC 18.48.020(D) and (E) list outright permitted uses in the OS&C zone. Class I, II, and III road or street projects are all outright permitted uses. (A preliminary assessment indicates when it comes time to construct 19th Street, this would be a Class I road project as described at DCC 18.04.030 and thus will require a land use permit.) Finally, the proposed 19th Street may not actually cross this site pending further design work. The above information is provided as a contingency.

Impacts on related resources:

Mineral and aggregate resources: The corridor has not been zoned for mineral or aggregate resources.

Energy sources: There are no known energy resources in the corridor such as natural gas, oil, coal or geothermal heat.

Fish and wildlife habitat: The expansion site has no fish or wetland habitat. Preliminary environmental work in the UDRMP has not identified any threatened or endangered species.

Ecologically and scientifically significant natural areas, including desert areas: Nothing about the selected corridor separates it from surrounding areas as ecologically or scientifically significant.

Outstanding scenic views: Nothing about the selected corridor indicates it has a significantly better view than other sites in the vicinity. As no bridges or overpasses are planned, no views from the east to the west will be degraded.

Water areas, wetlands, watersheds, and groundwater resources: There are no wetlands or watersheds within the subject site.

Wilderness areas: The site does not meet the definition of "wilderness areas" as described within the Oregon State Goals and Guidelines.

Historic areas, sites, structures and objects: The expansion site has no structures listed on the National Register of Historic Places. No structures or places of historical significance have been determined to exist on or near the property selected.

Cultural areas: The site has no known cultural resources.

FINDING: Based on the above discussion, Goal 5 has been met.

6. Goal 6: Air, Water, and Land Resources Quality

Oregon Statewide Planning Goal 6 seeks "To maintain and improve the quality of the air, water and land resources of the state."

FINDING: Adding the line on the TSP for map for 19th Street will not affect air, water, or land resources. The Board finds this criteria does not apply.

7. Goal 7: Areas Subject to Natural Hazards

Oregon Statewide Planning Goal 7 seeks "To protect people and property from natural hazards."

FINDING: There are no natural hazards in this area; the Board finds this criteria does not apply.

8. Goal 8: Recreational Needs

Oregon Statewide Planning Goal 8 seeks "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

FINDING: The proposed 19th Street predominantly lies on federal lands controlled by BLM. This agency allows recreational activities upon its land. A previous Deschutes County land use decision (CU-00-118, Condition of Approval #31) required the Pronghorn destination resort to build a permanent secondary access road that will connect to 19th Street after building out 50 percent of the residential units.

The Board finds this criterion has been met.

9. Economic Development

Oregon Statewide Planning Goal 9 seeks "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

FINDING: 19th Street will provide a parallel alternative to US 97 between Deschutes Junction and Redmond. If the DSL property develops, the site can use 19th Street as a transportation corridor to support its economic development. 19th Street will also offer another routing choice for agricultural products produced on EFU land to reach nearby urban markets.

The Board finds this criterion has been met.

10. Housing

Oregon Statewide Planning Goal 10 attempts "To provide for the housing needs of citizens of the state."

FINDING: This criteria is not applicable because the County is not required to comply with this goal since it does not have urban areas within its jurisdiction.

11. Public Facilities and Services

Oregon Statewide Planning Goal 11 endeavors "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

FINDING: Goal 11, Public Facilities and Services, calls for a "timely, orderly and efficient arrangement of public facilities and services..." The proposed 19th Street would provide a north-south alternative to US 97 and serve as a rural-scale grid street between Bend and Redmond by connecting to Deschutes Market Road.

This would be a higher-speed, two-lane road through agriculturally zoned land with access only provided to parcels that would be otherwise landlocked. Such an access management strategy would be consistent with Goal 11 Guideline A.2, "public facilities...for rural areas should be provided at levels appropriate for rural use only and should not support urban uses."

The Board finds this criterion has been met.

12. Goal 12: Transportation

Oregon Statewide Planning Goal 12 seeks "To provide and encourage a safe, convenient and economic transportation system."

FINDING: OAR 660-012 implements Oregon Statewide Planning Goal 12. This administrative rule requires the county to prepare and adopt a Transportation System Plan (TSP) as part of its comprehensive plan. The Deschutes County TSP was adopted on August 26, 1998. The proposal's compliance with OAR 660-012 is discussed extensively below. Further operational analysis is provided below.

The Board finds this criterion has been met.

13. Goal 13: Energy Conservation

Oregon Statewide Planning Goal 13 seeks "to conserve energy."

FINDING: The road will accommodate bicyclists and buses and will only have stops at either end with the rest of the facility being free flow.

The Board finds this criterion is either inapplicable or has been met.

14. Goal 14: Urbanization

Oregon Statewide Planning Goal 14 attempts “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

FINDING: The land use is to amend the TSP to add 19th Street, a rural arterial crossing rural lands. The facility will be outside of an Urban Growth Boundary. The extension of 19th Street does appear on the Redmond TSP, even though the road would be outside of the City's jurisdiction.

The Board finds this criteria does not apply or has been met.

15. Goal 15: Willamette River Greenway

Oregon Statewide Planning Goal 15 strives “to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

FINDING: This goal is not applicable as the site does not abut the Willamette River.

16. Goal 16: Estuarine Resources

Oregon Statewide Planning Goal seeks “To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

FINDING: The proposed alignment does not cross any estuaries, so this criterion does not apply.

17. Goal 17: Coastal Shorelands

Oregon Statewide Planning Goal 17 attempts “To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

FINDING: The proposed alignment is in the High Desert; the Board finds this criterion does not apply.

18. Goal 18: Beaches and Dunes

Oregon Statewide Planning Goal 18 desires "To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and

To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

FINDING: The proposed alignment is several hundred miles inland; the Board finds this criterion does not apply.

19. Goal 19: Ocean Resources

Oregon Statewide Planning Goal 19 attempts "To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

FINDING: The only ocean this alignment crosses is one of sagebrush; the Board finds this criterion does not apply.

B. Oregon Administrative Rules (OARs)

1. Section 660-004-0010, Application of the Goal 2 Exception Process to Certain Goals.

(1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exception process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land within or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:

(a) Goal 3 "Agricultural Lands," however, an exception to Goal 3 "Agricultural Lands" is not required for any of the farm or non-farm uses permitted in an exclusive farm use (EFU) zone under ORS Chapter 215 and OAR 660 Division 33, "Agricultural Lands";

FINDING: The applicant is seeking an approval of an exception to Goal 3 to amend the TSP map to add a Rural Arterial, which is a public facility, on land zoned EFU. There is currently no funding to construct the road, but adding the road to the map will enable the county to successfully pursue state and federal funding for construction as those entities require a facility to be on a TSP map. The proposed road use is not a use listed as allowed on agriculture land under ORS 215.283 or by OAR Division 33, "Agricultural Lands," ORS 215.283(3) allows a road such as this proposed extension of 19th street,

however, if an exception to Goal 3 and any other applicable goal is approved.

2. Section 660-004-0015, Inclusion as Part of the Plan

(1) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons which demonstrates that the standards for an exception have been met. The applicable standards are those in Goal 2, Part II(c), OAR 660-004-0020(2), and 660-004-022. The reasons and facts shall be supported by substantial evidence that the standard has been met.

FINDING: The amendments to the county's comprehensive plan provisions in Deschutes County Code ("DCC") 23.120 includes a reference to Ordinance 2010-007 which incorporates this findings document. The standards of Goal 2, Part II(c) are addressed above and OAR 660-004-0020(2) and 660-004-0022 are addressed below.

Therefore, the Board finds this requirement is met.

3. Section 660-004-0018, Planning and Zoning for the Exception Areas

(1) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule.

FINDING: This section of the administrative rule applies to the adoption of plan and zone use designations. It does not apply to goal exceptions for roads. Those exceptions do not require a change of plan or zone designations.

As stated above, however, a road is allowed in the EFU zone with approval of a goal exception. In doing so, this administrative rule requires a decision as to which type of exception is applicable – "physically developed," "irrevocably committed" or a "reasons" exception – and has different requirements for each.

(3) Uses, density, and public facilities and services not meeting section (2) of this rule may be approved only under provisions for a reasons exception as outlined in section (4) of the rule and OAR 660-004-0020 through 660-004-0022.

This exception does not qualify for a "physically developed" or "irrevocably committed" exception subsection 2 of this rule. Therefore, this exception is a "reasons" exception.

4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception;

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required;

(c) When a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022 was previously adopted, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, which ever is more stringent.

The approval of PA-09-2 and Ordinance 2007-2010 adds 19th Street to the TSP map. The land use designations for the affected properties under local zoning will remain unchanged.

4. Section 660-004-0020, Goal 2, Part II(c), Exception Requirements

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

FINDING: This section reiterates the procedural requirements of OAR 660-004-0015.

2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) Reasons justify why the state policy embodied in the applicable goals should not apply: The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;

FINDING: The state policy embodied in Goal 3 is that agricultural lands should be protected from non-agricultural development. A certain level of non-agricultural development, as specified in ORS 215.283, is allowed. Road projects, other than the creation of new roadways, are allowed without the approval of a goal exception. When a

new road is proposed, an exception must be approved.

The western edge of the road's right of way will abut the BNSF right of way, so no non-agricultural development would occur on that side. The UDRMP for the Bend-Redmond area sets a goal and a vision to restore and maintain the ecosystem's health and diversity. Specifically, the Land Use Goal on page 24 of the ROD specifies "[P]reserve and protect public lands in their natural condition, and assure they provide, where appropriate, food and habitat for fish, wildlife and domestic animals, and land for outdoor recreation and other uses." Therefore, it is unlikely any development will occur on the federal land. The zoning on the state and privately held lands is EFU, which by definition is an agricultural zone. That zoning will not change with the construction of this road.

Additionally, the road will not interfere with the agricultural uses on the state and privately owned lands as the property consumed by the road will be minimal.

ORS 92.090 (2) requires that streets and roads "conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern." The location for the 19th Street right-of-way and eventual construction will align at the north end with the pre-existing 19th Street already constructed within the City of Redmond. The approval of the goal exception is essential to allow the applicant to conform to the platted location of the City of Redmond's 19th Street.

(b) Areas which do not require a new exception cannot reasonably accommodate the use;

FINDING: The road must be located on EFU land in order to align with the existing 19th Street within the City of Redmond. One of the purposes of the proposed 19th Street is to provide a non-highway connection between Deschutes Junction and the City of Redmond and to remove traffic from the US 97/Yew Avenue interchange.

To accomplish that latter objective, the road must be east of US 97. Given the pre-existing zoning and comprehensive plan designations, it is impossible to locate a parallel local route to US 97 east of the BNSF on anything but EFU land. Any location east of US 97 would require a goal exception. The county's 19th Street must be east of the BNSF tracks to provide the traveling public with an alternative to the overtaxed U.S. 97/Yew Avenue interchange, which lies to the west of the BNSF.

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

FINDING: There are no other alternative areas for the use that will result in the alignment of the proposed southern extension of 19th Street with the existing 19th Street in Redmond and the Deschutes Market Interchange, Phase II. Additionally, all lands from the BNSF east to the Crook County line are zoned EFU. The exception is for the non-federal parcels identified above. No goal exception to the state planning goals is needed for the land under federal jurisdiction.

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

FINDING: There are two alternative locations to the proposed alignment for 19th Street (Exhibits 7 and 8). Option 1 would be east of the BNSF and move the southern terminus farther east. Option 2 would be west of the BNSF and east of US 97 until about Pleasant Ridge Road, then would cross back to the east side of the BNSF for the southern terminus. Both options, however, would also require a goal exception as all the affected lands between US 97 and the BNSF tracks are zoned EFU, with the exception of three properties that are OS&C. Thus there is no alternate location that does not require a goal exception.

Additionally, the intent of Deschutes Junction Interchange Phase II is to connect to the future 19th Street. The construction of this second phase, which is predicated on 19th being east of the BNSF, has been completed. This design was approved by Deschutes County in CU-08-42 and the location of 19th Street/Deschutes Market Road intersection, specifically, was upheld in A-08-13. To make a logical north-south connection and provide for an orderly development of transportation facilities, 19th Street must be east of the BNSF.

Setting aside the fact all other sites also require a goal exception, if 19th Street were west of the BNSF and east of 97 there would need to be two crossings of the BNSF, likely along the Department of State Lands (DSL) property and again just north of the Deschutes Junction interchange to get back east of the tracks. The Rail Division of the ODOT is under a federal directive to not allow any new at-grade railroad crossings and to reduce existing at-grade railroad crossings by 25%.

A 19th Street connection on the west side of Highway 97 would require two grade separation to cross the BNSF tracks. Any grade-separated structure would cost millions of dollars and, as stated above, two crossings would be needed. Finally, it would be extremely difficult from a geometric design perspective to have a structure connect to the City of Redmond's 19th Street then cross above the BNSF and get back down to grade while turning south to parallel 97 and then have a second structure cross back over the BNSF to tie into Deschutes Junction Interchange Phase II. The cost of needless structures would be an unfair burden that would be borne by the public.

Finally, the purpose of 19th Street is to provide a parallel local north/south alternative route to the state highway. To accomplish this goal, the route needs to be an appropriate distance east of the existing highway. Given the four lanes of US 97 are posted for 55 mph and it is anticipated the proposed two lanes of 19th Street will be traveled at a lower speed, if 19th Street were between US 97 and the BNSF tracks, drivers would simply opt for US 97 and its higher speeds and better passing opportunities. By locating 19th Street east of the BNSF, some drivers may opt to continue on 19th Street to travel between NE Bend and Redmond.

(i) Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?

FINDING: The proposed road cannot be reasonably accommodated on non-resource land as nearly all of the land between US 97 east to the Crook County line is zoned EFU. The proposed 19th Street needs to be east of the BNSF to 1) be consistent with the transportation corridor identified in the UDRMP; 2) align with the existing City of Redmond 19th Street; 3) provide an option for the traveling public to use a county road to access the Redmond Airport, the county fairgrounds, and east Redmond; and 4) align with the Deschutes Junction Phase II interchange. The proposed 19th Street will draw traffic needing to access the Redmond Airport, that otherwise would use the US 97/Yew Avenue interchange, which is already experiencing operational challenges. Finally, the proposed 19th Street offers an alternate way to route traffic between Bend and Redmond should either a train derailment close Yew Avenue or a crash close U.S. 97, for example.

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

FINDING: There are no irrevocably committed lands in the area.

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

FINDING: No, the purpose of the goal exception is to amend the county TSP to add a rural arterial. If the road were constructed inside an Urban Growth Boundary (UGB) it would not provide an alternate parallel route between Redmond and Bend.

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

FINDING: The proposed use is a public facility. This criterion, therefore, either does not apply or is met.

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

FINDING: As explained above, all other routes would also require a goal exception given the EFU zoning of the land between US 97 and the Deschutes/Crook border.

(a) **The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;**

FINDING: Regarding alternatives, it is helpful to recognize the proposed 19th Street corridor has three fixed anchor points: 1) the southern terminus of the existing 19th Street in Redmond; 2) the northern and southern endpoints of the transportation corridor identified in the UDRMP; and 3) the overcrossing from the second phase of the Deschutes Junction interchange.

The current proposal has the benefit of requiring the least amount of EFU land. The alignment immediately abuts the eastern edge of the BNSF right of way, which already cuts through EFU land and means the disruption to agricultural practices would be minimized as when compared to an alignment that bisected the various EFU lands. In the latter case, agricultural vehicles would have to cross a rural, high-speed arterial. The current alignment also minimizes the conflicts with training exercises on the Biak training grounds.

The transportation corridor identified in the UDRMP is in an adopted federal planning document for federal lands. Any alternative that deviates from this identified corridor would require amending the UDRMP. Given the years the federal, state, and county spent selecting a corridor that preserved transportation and utility corridors while minimizing disruption to the natural environment it is highly doubtful there is a superior alignment for 19th Street.

Given the transportation corridor in the UDRMP is set, the only area the alignment could vary would be for the six tax lots from Deschutes Junction north (161226A000300, 161226A000401, 1612230000600, 1612230000304, 1612240000300, and 1612240000200). Swinging the alignment to the east would disrupt existing rural residences and the Boonesborough rural subdivision. Such a realignment would cause additional energy consumption due to out of direction travel and consume even more EFU land due to the realignment.

(b) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

FINDING: The future 19th Street, being located along the boundary of the EFU property, is not incompatible with adjacent uses in the EFU zone. The history of "farm to market roads" indicates a road is necessary for agricultural uses. The 100-foot wide swath of the future 19th Street will be located abutting the existing railroad right of way. The few properties pursuing agriculture have already made allowances for conducting farm and ranch operations in the vicinity of BNSF, a transportation facility. The current land use application is only to gain a goal exception and amend the TSP map to include the 19th Street alignment. The county will need to apply for a conditional use permit (CUP) to construct 19th Street and can identify specific mitigations at that time. Additionally, the 100 feet of right of way will leave sufficient land for each of the EFU zone properties to continue to conduct the uses allowed on agricultural land.

The road could provide improved access to the affected properties and by extension access to markets.

(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map or their location otherwise described, and keyed to the appropriate findings.

FINDING: This affected area is comprised of 1513000000130 just south of Redmond; 1612120001200 and 1612130000503, which are about midway between south Redmond and Deschutes Junction; and the six tax lots extending northward from Deschutes Junction, 161226A000300, 161226A000401, 1612230000600, 1612230000304, 1612240000300, and 1612240000200. While this proposal involves multiple lots, it does not involve more than one area for which the reasons exception must be sought.

(4) For the expansion of an unincorporated community defined under OAR 660.022-0010, or for an urban unincorporated community pursuant to OAR 660022-0040(2), the exception requirements of subsections (2)(b), (c) and (d) of this rule are modified to also

include the following:

FINDING: This part of the rule does not apply as the applicant is not proposing the expansion of an unincorporated community or an urban unincorporated community.

5. Section 660-004-0022, Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

A. OAR 660-004-0022, Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or OAR 660, Division 014, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either

FINDING: The proper extension and alignment of 19th Street proposed by the applicant is needed to build the street network envisioned by the City of Redmond, Deschutes County, and the federal government. The road is planned as a rural arterial.

Goal 11, Public Facilities and Services, calls for a "timely, orderly and efficient arrangement of public facilities and services..." The proposed 19th Street would provide a north-south alternative to US 97 and serve as a rural-scale grid street between Bend and Redmond by connecting to Deschutes Market Road.

This would be a higher-speed, two-lane road through agriculturally zoned land with access only provided to parcels that would be otherwise landlocked. Such an access management strategy would be consistent with Goal 11 Guideline A.2, "public facilities...for rural areas should be provided at levels appropriate for rural use only and should not support urban uses."

Goal 12, Transportation, seeks to "provide and encourage a safe, convenient and economic transportation system."

Goal 12 Guideline A.1 calls for area-wide transportation plans be revised in coordination with local governments. This application is consistent with that direction.

Guideline A.2 calls for using existing rights of way. While not an existing right of way, the 1/2-mile-wide transportation corridor identified in the UDRMP follows the intent and spirit of that guideline by locating 19th in a place set aside expressly for transportation purposes.

Guideline A.3 seeks to restrain roads from being placed on Class I or II soils unless no feasible alternative exists. The lands 19th street would use are not Class I or II soils.

Guideline A.4 states major transportation facilities should avoid dividing existing economic farm units if possible. The alignment abuts BNSF right to way which results in achieving that purpose.

Guideline A.5 relates to modal choice and density. While 19th crosses large EFU parcels, the road could be used by buses to provide a mass transit link between Northeast Bend and southeast Redmond as well as the rural subdivisions near Deschutes Junction.

Guideline A.6 suggests plans should consider the carrying capacity of the natural world. The road will not have any adverse affect upon the air, land, and water in the area. The road will not have any stoplights, so cars will not be discharging pollution from idling in traffic or accelerating from a light, instead they will be constantly at-speed which is when pollution emissions are the lowest. The BLM land is not in agricultural production so carrying capacity will not be significantly affected. There is no standing or flowing water on the route, save for a canal near the southern terminus; the road will have no adverse affect upon the canal.

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

FINDING: The proposed road right of way is not dependent upon a resource. Thus, this provision is not applicable to the proposed exception.

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

FINDING: The road use proposed is a rural arterial. This road must be located as planned in order to achieve an orderly and efficient road system that offers a parallel local alternative to US 97. The location is pre-determined by 1) southern terminus of existing 19th Street in City of Redmond; 2) the identified transportation and utility corridor in the UDRMP; and 3) alignment of Deschutes Junction Interchange, Phase II as set forth in CU-08-42 and A-08-13. The alignment of 19th Street is a critical element to developing a functional network of streets to ensure the proper flow of traffic within a rural segment between Bend and Redmond. There is no non-exception site that can accomplish these objectives given the stated geographic constraints.

6. Section 660-012-0060, Plan and Land Use Regulation Amendments

(1) Where an amendments to a functional plan, acknowledged comprehensive plan, or a land use regulation which significantly affect an existing or planned transportation facility, the local

government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. 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);

FINDING: The proposal will amend the map to create a rural arterial, the southern extension of 19th Street from Redmond to Deschutes Junction. Creation, however, is different from changing an existing or planned transportation facility.

As for the streets to which this arterial will be connected, the proposed amendment will not change the functional classification of 19th Street in Redmond. Nor will the amendment change the functional classification of Deschutes Market Road.

(b) Change standards implementing a functional classification system;

FINDING: No changes are proposed to the standards that implement the functional classification system for Deschutes County roads.

(c) As measured at the end of the planning period identified in the adopted transportation system plan;

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

FINDING: The Deschutes County Code at 23.60(D) Table 1, "Road Functional Classification," indicates an arterial is intended to link "...the most important intra-county travel corridors." DCC 23.64.030(1)(b)(4) requires the county "shall consider roadway function, classification, and capacity as criteria for plan map amendments and zone changes to assure the proposed land uses do not exceed the planned capacity of the transportation system." DCC 17.48.210(B) states "The creation of access onto arterials and collectors is prohibited unless there is no other possible means of accessing the parcel." Therefore county operational policies and access management spacing policies will ensure travel and access will be consistent with the road's rural arterial designation over the 20-year planning horizon of the TSP.

(B) Reduce the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

FINDING: The county at DCC 17.16.115(H)(1)(a) defines minimum acceptable Level of Service (LOS) for a new facility is LOS C. For a two-lane rural road under county

jurisdiction, LOS C is defined as being between 3,401 and 5,700 average daily traffic (ADT) volumes, according to DCC 23.64.080, Table 5.2.T2 "Maximum Average Daily Traffic Allowed for Various Levels of Service." In 2030 the proposed 19th Street is expected to have 1,100 daily vehicles, according to a traffic forecast from ODOT's Transportation Planning Analysis Unit (TPAU). TPAU is creating the transportation model for the ongoing update of the Deschutes County TSP.

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the

identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

FINDING: Deschutes County sets performance standard of LOS C for new facilities and LOS D for existing roads in DCC 17.16.115(H)(1)(a). Table 2.2.T3 in the TSP ties LOS standards to average daily traffic (ADT). LOS C is between 3,401 and 5,700 ADT and LOS D is between 5,701 to 9,600. These service standards by daily traffic volume also appear in DCC 23.64.080. According to ODOT's modeling unit, in 2030 19th Street is expected to carry 1,100 ADT. Thus, the map amendment has no significant effect.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the

Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements

identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

FINDING: The county used ODOT staff to forecast the 2030 traffic volumes on 19th Street and worked with ODOT, City of Redmond, and BLM staff to site 19th Street's alignment during the UDRMP process. The county assumed only the presence of the Deschutes Junction Interchange, Phase II; the funded project is under construction and slated for fall 2009 completion. ODOT classifies US 97 as a Statewide Highway and thus it is not an interstate.

7. Section 660-012-0065, Transportation Improvements on Rural Lands

FINDING: OAR 660-012-0065 prescribes rules that apply to transportation improvements on rural lands that do not require goal exceptions. The county reviewed the language of 660-012-0065(3)(b) which describes transportation improvements allowed either outright or conditionally by ORS 215.213 and 215.283 or OAR Chapter 660, Division 6 (Forest Lands). Additionally, staff reviewed the language at 660-012-0065(3)(g) for new access roads and collectors. Staff reviewed, as well, the language for local travel facilities as described at 660-012-0065(3)(o). The proposed 19th Street,

an arterial that will provide a link between Northeast Bend and southern Redmond, does not meet the definition of an allowed use under 660-012-065. The county must demonstrate the need for Goal 3 exception for a transportation improvement on rural land as set forth by 660-012-0070.

8. OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land

FINDING: This section of the administrative rule prescribes the rules that apply when a goal exception is required in order to plan and construct a transportation system improvement, which in this instance is 19th Street.

(1) Transportation facilities and improvements which do not meet the requirements of OAR 660-012-0065 require an exception to be sited on rural lands.

FINDING: The proposed road alignment requires an exception to be sited on rural lands. It does not fit neatly into any of the exemptions provided by OAR 660-012-0065.

(2) When an exception to Goals 3, 4, 11, or 14 is required to locate a transportation improvement on rural lands, the exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this division. The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 14 shall not apply. Exceptions adopted pursuant to this division shall be deemed to fulfill the requirements for goal exceptions required under ORS 197.732(1)(c) and Goal 2.

FINDING: Compliance with ORS 197.732(1)(c) is addressed later in this application. Compliance with Goal 2 and the Goal 2 rules and this division have been addressed earlier in this application.

(3) An exception shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement:
a) The general location shall be specified as a corridor within which the proposed facility or improvement is to be located, including the outer limits of the proposed location. Specific sites or areas within the corridor may be excluded from the exception to avoid or lessen likely adverse impacts. Where detailed design level information is available, the exception may be specified as a specific alignment;

(b) The size, design and capacity of the proposed facility or improvement shall be described generally, but in sufficient detail to allow a general understanding of the likely impacts of the proposed facility or improvement and to justify the amount of land for the proposed transportation facility. Measures limiting the size, design or capacity may be specified in the description of the proposed use in order to simplify the analysis of the effects of the proposed use;

(c) The adopted exception shall include a process and standards to guide selection of the precise design and location within the

corridor and consistent with the general description of the proposed facility or improvement. For example, where a general location or corridor crosses a river, the exception would specify that a bridge crossing would be built but would defer to project development decisions about precise location and design of the bridge within the selected corridor subject to requirements to minimize impacts on riparian vegetation, habitat values, etc.;

(d) Land use regulations implementing the exception may include standards for specific mitigation measures to offset unavoidable environmental, economic, social or energy impacts of the proposed facility or improvement or to assure compatibility with adjacent uses.

FINDING: The Board finds there is sufficient reason to grant exception in order to amend the Deschutes County TSP map to add 19th Street, a future rural arterial with two travel lanes. The need for 19th Street is twofold. First, this future county rural arterial is intended to offload traffic from US 97, which 19th Street parallels. Complementing the reduction in US 97 traffic, 19th Street will lead to Airport Way, which is east of the congested Yew Avenue/US 97 interchange, and thus trips on 19th Street will not travel through the Yew Avenue interchange. Second, 19th Street would offer a potential detour should an incident close US 97.

The design of 19th Street will ensure the facility is multimodal, meaning it will accommodate vehicles besides passenger cars and trucks. The county requires a minimum of 3'- to 5'-shoulders on its arterials, so there will be adequate accommodations for cyclists. Also, Cascades East Transit or other shuttle services, particularly those with beginning and ending points at either the Redmond Airport or the industrial lands in east Redmond, could utilize 19th Street.

The function is a rural arterial as set forth in DCC 23.60.010(D)(2)(a)(1-3) . That portion of the county code includes goals to link cities and larger towns, provide service to transportation corridors with trips lengths greater than those provided by collectors, and that rural arterials be routes with "relatively high overall travel speeds, with minimum interference to through movement."

The general location was decided by the UDRMP, a collaborative planning process between the federal, state, and local governments. The northern end ties into an existing City of Redmond street and the southern terminus is set by the Deschutes Junction Interchange Phase II design. The precise location will be decided during project development and will minimize disruptions to existing agricultural practices. The construction of 19th Street will require a conditional use permit from the county and thus offer another opportunity for public comment and mitigation to any potential adverse impacts to agriculture or the physical environment.

(4) To address Goal 2, Part II(c)(1) the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Further, the exception shall demonstrate that there is a transportation need identified consistent with the requirements of OAR 660-012-0030 which cannot reasonably be accommodated through one or a combination of the following measures not

requiring an exception:

- (a) Alternative modes of transportation;**
- (b) Traffic management measures; and**
- (c) Improvements to existing transportation facilities.**

FINDING: The future 19th Street is consistent with 660-012-0030 in that both the Oregon Transportation Plan (OTP) and the Oregon Highway Plan (OHP) stress the need for parallel, local alternatives to offer a viable route to the state highway system. ODOT is in the beginning efforts to conduct a refinement plan for Redmond Re-Route, Phase II, which is an extension of the newly realigned US 97 south from its current southern terminus. The agency has stated US 97 will be at 90% of capacity south of OR 126 by 2030. The refinement's draft scope of work at key issue #7 on page 3 states, "The Bureau of Land Management's Upper Deschutes Resource Management Plan (UDRMP, EIS) objectives, conditions, and standards need to be addressed." The state has therefore recognized the need for 19th Street.

In terms of alternative forms of transportation, the most recent volume data (2008) on US 97 indicates the volumes are too high for buses or bicycles to make a dent in the daily flow. The Redmond Automatic Traffic Recorder, 09-020, is 1.40 miles south of Yew and recorded an average daily traffic (ADT) of 28,000 vehicles. The ADT 0.10 miles south of Quarry Avenue was 25,800 and 0.10 miles south of Deschutes Market Road was 25,500. Although there is a rail line adjacent to US 97, the BNSF only offers freight service at this time and has not expressed any desire to begin passenger rail service in the Madras-La Pine corridor.

Traffic management measures to improve operations on US 97 could include a raised median, frontage roads connecting grade-separated interchanges, and parallel local alternative routes such as 19th Street. Yet, given US 97 between Deschutes Junction and Yew Avenue is a rural segment with few driveways, such access management strategies as consolidating or closing direct approaches and installing raised medians would improve safety, but not add much capacity. This is because the plurality of the US 97 traffic traveling between Bend and Redmond comes from those two cities, not the rural lands between these places.

Adding travel lanes to existing US 97 would also result in travel lanes being constructed on resource land given the extensive EFU zoning between Bend and Redmond. Yet, from a livability standpoint, a six-lane cross-section is not desirable.

Improving South Canal Boulevard/Old Bend-Redmond Highway would not divert from the Yew Avenue/US 97 interchange traffic bound for the Redmond Airport or industrial lands in eastern Redmond. This is because South Canal/Old Bend-Redmond lies to the west of the interchange, requiring eastbound traffic would have to pass through Yew/97 interchange, whereas 19th Street connects to Airport Way to the east of both the Yew Avenue/97 interchange and the BNSF tracks. Therefore, the chosen location for this new road is the only viable option.

(5) To address Goal 2, Part II(c)(2) the exception shall demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility. The exception

shall set forth the facts and assumptions used as the basis for determining why the use requires a location on resource land subject to Goals 3 or 4.

FINDING: The Board has demonstrated, regarding the Goal 2 exceptions rules, that non-exception locations cannot reasonably accommodate the proposed transportation improvement. The proposed road cannot be reasonably accommodated on non-resource land as nearly all of the land between US 97 east to the Crook County line is zoned EFU. The proposed 19th Street needs to be east of the BNSF to 1) be consistent with the transportation corridor identified in the UDRMP; 2) align with the pre-existing City of Redmond 19th Street; 3) provide an option for the traveling public to use a county road to access the Redmond Airport, the county fairgrounds, and east Redmond; and 4) align with the Deschutes Junction Phase II interchange.

(6) To determine the reasonableness of alternatives to an exception under sections (4) and (5) of this rule, cost, operational feasibility, economic dislocation and other relevant factors shall be addressed. The thresholds chosen to judge whether an alternative method or location cannot reasonably accommodate the proposed transportation need or facility must be justified in the exception.

(a) In addressing sections (4) and (5) of this rule, the exception shall identify and address alternative methods and locations that are potentially reasonable to accommodate the identified transportation need.

(b) Detailed evaluation of such alternatives is not required when an alternative does not meet an identified threshold.

(c) Detailed evaluation of specific alternative methods or locations identified by parties during the local exceptions proceedings is not required unless the parties can specifically describe with supporting facts why such methods or locations can more reasonably accommodate the identified transportation need, taking into consideration the identified thresholds.

FINDING:

Cost

The goal exception is needed for the non-federal parcels already identified. The current construction estimate for 19th Street is \$6.2 million. Three other options provide a construction cost comparison; all estimates were prepared by George Kolb, County Engineer.

Option 1 (the previously referenced Exhibit 7): This \$7.44 million alignment was kept completely on BLM land. This estimate does not include the additional right of way needed for 19th Street or the realignment and reconstruction of Morrill Road.

The road would hug the eastern boundaries of those lots, then swing southeast at about the 36-acre Parsons property (161226A000401) to reach Morrill Road while staying east of two EFU parcels of approximately 20 acres each owned by Randall and Christina

Reid (1612000012300 and 1612000012301). From there the alignment would have to tie into Morrill Road, which is an unpaved legacy road. The costs to a) build such a realignment from the south end of the UDRMP corridor to Morrill to a county rural arterial standard, then b) rebuilding to Morrill to current county rural arterial standard for the segment from 19th Street intersection west to Deschutes Junction and then c) redesigning and rebuilding the Deschutes Junction/19th Street so that the connection comes from the east instead of the previously approved north, would be significantly more than the proposed alignment and cost prohibitive.

Option 2 (the previously referenced Exhibit 8): This \$10.56 million alignment would lie between US 97 and the BNSF tracks. At the southwest edge of the DSL property a bridge would take 19th over the BNSF tracks. A second bridge would bring 19th Street back to the east of the BNSF tracks at approximately 1612240000200 to connect 19th Street to Deschutes Junction, Phase II interchange.

There are additional costs besides the added distance to construct. To keep 19th Street on federal land, which would not need an exception to state planning goals, the UDRMP would have to be amended. This would entail significant staff time for natural and cultural resource inventories to establish a new transportation and utility corridor. As the requesting agency, the financial burden would fall to the county.

Economic Dislocation

As these are all large parcels, there would be minimal disruption to agricultural practices. No homes would be relocated by the 100-foot-wide alignment.

Operational Feasibility

The proposed goal exception is the only option that creates an alignment that corresponds to the existing 19th Street in Redmond, the transportation corridor already preserved by the UDRMP, and the Deschutes Junction Phase II interchange. Any other alignment would require severe reversing curves between the southern end of the UDRMP and Deschutes Junction, which would be contrary to the best engineering practices and county road standards.

Safety

The proposed road alignment and location is the safest for the numerous reasons discussed earlier.

(7) To address Goal 2, Part II(c)(3), the exception shall:

(a) Compare the economic, social, environmental and energy consequences of the proposed location and other alternative locations requiring exceptions. The exception shall describe the characteristics of each alternative location considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the location for the proposed transportation facility or improvement, and the typical positive and negative consequences resulting from the transportation facility or improvement at the proposed location with measures designed to reduce adverse impacts;

FINDING: The alternative locations and why they are not appropriate is discussed

above. However, in case the reviewing body disagrees with the applicant's assessment, the following findings are provided.

Any alternative to the west of the tracks and east of US 97 would require additional bridges over the BNSF tracks to reach both the southern terminus of the existing 19th Street in Redmond and the northern terminus of Deschutes Junction Phase II interchange improvements. Additionally, an alignment west of the railroad and east of US 97 would not be consistent with the Deschutes Junction Phase II interchange site plan as approved in CU-08-42 and A-08-13.

Any alternative east of the transportation corridor identified in the UDRMP would require amending the UDRMP to identify a new transportation corridor. It can be assumed that the UDRMP EIS has already identified and selected the transportation corridor with the least, if any, environmental, economic, social, or energy adverse impacts.

Finally, the alignment identified in the UDRMP is the shortest alignment possible between existing 19th Street in Redmond and Deschutes Junction. A longer alignment would result in increased energy consumption to build and the resulting out of direction travel by users would also result in increased energy consumption.

(b) Determine whether the net adverse impacts associated with the proposed exception site are significantly more adverse than the net impacts from other locations which would also require an exception. A proposed exception location would fail to meet this requirement only if the affected local government concludes that the impacts associated with it are significantly more adverse than the other identified exception sites. The exception shall include the reasons why the consequences of the needed transportation facility or improvement at the proposed exception location are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed location. Where the proposed goal exception location is on resource lands subject to Goals 3 or 4, the exception shall include the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base; and

FINDING: While there will be a loss of irrigated EFU land at the south end, there is no alternative that does not require building on irrigated EFU land. Air photo analysis was used to identify irrigated agriculture. On the properties between the BNSF and US 97 the lands are irrigated EFU in the vicinity of Deschutes Junction. For the alternative to go farther east of the transportation corridor identified in the UDRMP, there are irrigated EFU lands as well. Additionally, if 19th were swung southeast of its currently proposed alignment it would ultimately intersect Morrill Road, which is classified as a local road. Morrill Road would have to be reclassified as a rural arterial and then reconstructed to meet the county's standard for that classification.

To upgrade Morrill Road to handle 19th Street traffic wishing to go west to Deschutes

Junction, the existing right of way would have to be widened by at least 40' to meet Deschutes County standards for a rural arterial. The lands along the affected segment of Morrill are also irrigated EFU.

In summary, any other alternative would also consume as much or more irrigated EFU lands, have higher construction costs, and impose out of direction travel on users. The proposed 19th Street has the least amount of adverse effects among all alternatives requiring a goal exception.

(c) The evaluation of the consequences of general locations or corridors need not be site-specific, but may be generalized consistent with the requirements of section (3) of this rule. Detailed evaluation of specific alternative locations identified by parties during the local exceptions proceeding is not required unless such locations are specifically described with facts to support the assertion that the locations have significantly fewer net adverse economic, social, environmental and energy impacts than the proposed exception location.

FINDING: No alternative locations that would require a goal exception achieve the goals of 1) consistency with the transportation corridor identified in the UDRMP; 2) are consistent with the Deschutes Junction Interchange Phase II site plan approved in CU-08-42 and A-08-13; 3) provide a parallel route to US 97 that would relieve the Yew/97 interchange; and 4) would be an efficient geometric design that would meet Deschutes County design standards and minimize costs; and 5) would be a shorter route and thus impact a lesser amount of EFU land.

(8) To address Goal 2, Part II(c)(4), the exception shall:

(a) Describe the adverse effects that the proposed transportation improvement is likely to have on the surrounding rural lands and land uses, including increased traffic and pressure for non-farm or highway oriented development on areas made more accessible by the transportation improvement;

FINDING: As explained above, the exception will not have an adverse effect on surrounding rural lands and land uses. The land adjoining the exception area is used for agricultural use and this road alignment will still allow for a viable use of those private land for agricultural uses. The land in federal ownership has been identified in the UDRMP for preservation of natural resources and this road will not interfere with that preservation purpose.

As part of the county's ongoing update of the comprehensive plan, the county is drafting a subarea plan for Deschutes Junction. The area residents and property owners on the east side of US 97 have stated they desire to preserve the rural environment and oppose any commercial development.

The 19th Street alignment has the BNSF on the western border of the road's right of way. No development pressure can occur there as there is no physical room to develop.

Adding the route to the map will not directly result in any increased traffic.

(b) Demonstrate how the proposed transportation improvement is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses; and

FINDING: Roughly 83% of this planned rural arterial will be located in a half-mile wide corridor explicitly reserved in the UDRMP as a transportation and utility corridor. A rural arterial only needs a minimum of 100 feet of right of way. Placing a 100-foot swath within a half-mile wide corridor would give more than ample room to allow for any minor realignments to ensure compatibility or reduce adverse affects to adjacent land uses. Lastly, the proposed 19th Street will abut the BNSF railroad, an existing transportation facility.

(c) Adopt as part of the exception, facility design and land use measures which minimize accessibility of rural lands from the proposed transportation facility or improvement and support continued rural use of surrounding lands.

FINDING: The Deschutes County Code at 23.64.030(1)(b)(4) requires the county "shall consider roadway function, classification, and capacity as criteria for plan map amendments and zone changes to assure the proposed land uses do not exceed the planned capacity of the transportation system." DCC 17.48.210(B) states "The creation of access onto arterials and collectors is prohibited unless there is no other possible means of accessing the parcel." Therefore, county operational policies and access management spacing policies will ensure travel and access will be consistent with the road's rural arterial designation. The county road approach permit process will minimize accessibility to adjacent rural lands from the proposed transportation facility and will support the continued rural use of the adjacent rural land owned by the applicant.

3. Conformance with Oregon Revised Statutes

ORS 197.732 Goal exceptions; criteria; rules; review.

FINDING: OAR Chapter 660, Division 4 implements this statute. Therefore, the above responses to the criteria in that OAR demonstrate compliance with the statute.

FINDING: The Board finds the above provides and adequate factual basis to comply with approving an exception to Statewide Planning Goal 3 (Agriculture) and compliance with the TPR.

C. Title 22, Deschutes County Procedures Ordinance

22.12.010. Hearing Required.

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by

state law

FINDING: The Deschutes County Planning Commission held public hearings on PA-09-2, which would add 19th Street to the TSP map, on Dec. 17, 2009, and Jan.14, 2010. The Board of County Commissioners held a public hearing on Feb 22, 2010. Both hearings were held in the Barnes and Sawyer Room, Deschutes Services Center, 117 NW Lafayette, Bend, OR.

22.12.020. Notice.

A. Published Notice.

1. **Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.**
2. **The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.**

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

C. Individual Notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

D. Media Notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was published in The Bulletin, a general circulation newspaper serving Central Oregon. The notice described the land use and provided a file number, location, time, and date of the public hearing before the Deschutes County Planning Commission. Individual notices were sent to affected property owners as well as Central Oregon media. The hearing was also posted on the website of the Deschutes County Planning Commission in a timely manner. Notice was also published in The Bulletin prior to the public hearing before the Board of County Commissioners. Notice of the County Commissioners' public hearing was also posted on the Board's website in a timely manner.

22.12.030. Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of Commissioners or the Planning Commission.

FINDING: The application was submitted by the Deschutes County Road Department as part of the county's update of the TSP.

22.12.040. Hearings Body.

- A. The following shall serve as hearings or review body for legislative changes in this order:**
- 1. The Planning Commission.**
 - 2. The Board of County Commissioners.**
- B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.**

FINDING: The land use was heard before the Deschutes County Planning Commission on December 17, 2009 and January 14, 2010, at 5:30 p.m. A public hearing was held February 22, 2010, before the Board of County Commissioners.

22.12.050. Final Decision.

All legislative changes shall be adopted by ordinance.

FINDING: These findings are in support of Ordinance 2010-007, therefore, this criteria is met.

D. Title 23, Deschutes County Comprehensive Plan

**1. Conformance with Chapter 23.60, Transportation
23.60.010(A) Introduction**

The purpose of DCC 23.60 is to develop a transportation system that meets the needs of Deschutes County residents while also considering regional and state needs at the same time. This plan addresses a balanced transportation system that includes automobile, bicycle, rail, transit, air, pedestrian and pipelines. It reflects existing land use plans, policies and regulations that affect the transportation system.

FINDING: A goal exception for 19th Street is consistent with the intent to balance regional and state needs. A future rural arterial between Redmond and Deschutes Junction could serve the transportation needs of both local residents and through travelers. Local residents could use 19th as a “back way” to Redmond, which would reduce traffic on US 97. The future 19th Street would provide another route for cyclists and could be used by transit as well.

23.60.010(D) Road System Configuration

Functional classification describes how the public road system should operate. Roads are grouped by their similar characteristics in providing mobility and/or land access. Within the county there are six rural road classifications and nine urban classifications. An explanation of the various road classifications used in Deschutes County is found in Table 1. There are three designated urban areas within the county where the urban standards generally apply, with the rest of the county using the rural standards. Table 2.2.T1 in the Transportation chapter of the Resource Element, provides a mileage and maintenance responsibility breakdown of the various county road classifications.

FINDING: The requested land use action is to amend the TSP map to add 19th Street, a future rural arterial. A rural arterial, according to Table 1 "Road Functional Classification" accomplishes the following:

- Links cities, larger towns and other major traffic generators, providing interregional and inter-county services; and
- Spaced at distances so that all developed lands are with reasonable distance of an arterial highway; and
- Provide services to corridors with trip length and travel density greater than that predominately served by rural collector or local systems
- Serves the more important intra-county travel corridors
- Movement of goods and services
- Includes Federal Forest Highways

The proposed 19th Street will link Bend and Redmond. The northern terminus connects to the existing City of Redmond's 19th Street. The 19th/Airport Way intersection is approximately a ¼-mile east of the US 97/Yew Avenue interchange. At the southern terminus, 19th Street connects to the Deschutes Junction Interchange Phase II. Thus 19th Street is spaced at a reasonable distance to an arterial highway, in this case US 97. The proposed 19th Street will provide an alternative route to motorists traveling between the two largest cities in Central Oregon. The north-south route between Bend and Redmond is an important intra-county corridor as can be seen by the presence of Old Bend-Redmond Highway and US 97.

2. Chapter 23.64, Transportation System Plan

Section 23.64.020, Coordination and implementation of the TSP

Based on the requirements of the Transportation Planning Rule (TPR), Deschutes County has established an ongoing procedure to periodically analyze, prepare, and plan for the transportation needs of Deschutes County residents and visitors. The following goals and policies are intended to implement the Deschutes County Transportation System Plan, and thereby meet the requirements of the TPR.

23.64.020(1)(b)

Have an ongoing transportation planning process and maintain a transportation plan that meets the needs of the county and its residents. The transportation plan and facilities of Deschutes County shall be coordinated with the plans and facilities of incorporated cities within Deschutes County, adjacent counties, and the State of Oregon.

FINDING: Road Department and Planning staff have identified the need for a parallel local route to meet the transportation needs of Deschutes County residents. The City of Redmond TSP plans for the future presence of 19th Street and the City of Bend has also expressed a desire for an improved Deschutes Market Road/19th Street corridor to accommodate travel between northeast Bend and Redmond. Additionally, the State of Oregon through its transportation agency, ODOT, and state plans such as the Oregon Transportation Plan and the Oregon Highway Plan, has stressed the need for local roads to provide relief to traffic on state facilities.

23.64.030, Arterial and collector roads

23.64.030(1) County road network. The findings in the TSP conclude that the county road network currently in place, except for several specific segments, should be adequate to the county needs over the next twenty years. Given the rural nature of Deschutes County and the fact that the majority of new development will take place on existing lots with existing access, few additional roads are anticipated. New road corridors to isolated subdivisions and new roads linking urban and rural areas are the main exceptions...

FINDING: The future rural arterial of 19th Street will be an arterial that provides alternate access between south Redmond and rural areas between Redmond and the Deschutes Junction neighborhood and, thus, links urban and rural areas of the county.

23.64.030(1)(b)(2) Deschutes County shall not add any miles of new road to the system unless the following issues are satisfied:

- a. The need for the road can be clearly demonstrated;
- b. The County can financially absorb the additional maintenance requirements;
- c. The condition of the road proposed for acceptance into the County system must meet County road standards;
- d. An accrued benefit can be shown to the County's economic growth; and
- e. An overall increase in efficiency in the County road network can be demonstrated

FINDING: The need for 19th Street is to provide an alternate route to US 97. The TSP at 23.64.030(1)(a) has a goal to "[E]stablish a transportation system, supportive of a geographically distributed and diversified industrial base, while also providing a safe, efficient network for residential mobility and tourism." The future 19th Street will support the industrial development of DSL property to the south of Redmond, enable residents to more easily travel between northeast Bend and southern Redmond, and will provide access to the Deschutes County Fairgrounds and the Redmond Airport. Regarding the latter two, one is a tourism destination and the other provides a tourism gateway to Central Oregon.

BOCC Resolution 2009-118 recognizes the county will consider the long-term financial aspects before accepting new roads into the county's system. However, BOCC 2009-118, Section 4 states "[T]hat the Board may establish roads that are functionally classified as Arterials or Collectors." 19th Street would be an arterial.

The current land use is to amend a TSP map and approve an exception to Goal 3. Subsequent to approving this land use, the county will need to apply for a conditional use permit (CUP) to build 19th Street. DCC 17.36, Design Standards, and 17.48, Design and Construction Standards, will apply to 19th Street when it is built. These chapters ensure the road will be constructed to county standards.

The accrued benefit to the county's economic growth is supporting continued agricultural practices, provide a potential secondary access to DSL land should it be rezoned for industrial use and provide a non-highway link between the later phases of the City of Bend's Juniper Ridge project and Redmond. The final benefit is providing an alternate

route to U.S. 97, thereby avoiding the congestion of the Yew Avenue interchange and any attendant delays to the movement of goods and services.

Finally, 19th Street will fill a gap in the county's rural-scale grid system. Currently, only Old Bend-Redmond/South Canal Boulevard provides a parallel alternate route to US 97 between Deschutes Junction and Redmond. By providing a complementary route on the east side of US 97, the future 19th Street will make the county's road network more efficient.

23.64.040, Access Management

23.64.040(1)(a) Establish an access management system adequate to protect the quality and function of the arterial and collector system.

FINDING: DCC 17.48.020 and its Table A sets the design specifications for county roads. DCC 17.48.090 sets access management spacing standards and DCC 17.48.210(B) discusses prohibiting new accesses onto arterials and collectors unless there is other way to access the parcel. Thus the county has in place ordinances to ensure the quality and function of the future 19th Street.

23.64.040(2)(c) Wherever practical, access to state highways shall be provided via frontage roads, alternative local roads or other means, rather than direct access to the highway.

FINDING: The future 19th Street would provide an alternative local road to US 97 between Deschutes Junction and Redmond as well as northeast Bend and Redmond.

3. Conformance with Chapter 23.88, Comprehensive Plan, Agriculture

Section 23.88.010. Agricultural Lands.

The protection of farmland is a public policy goal of the federal government (USDA, Secretary's Memo #1828, Revised, Oct. 30, 1978), most states in the United States and many other countries. In Oregon, the 1975 Planning Goals, as amended, set statewide standards which must be met by local governments. For farmlands, ORS 215 and 197 and OAR 660, Division 5 set forth the criteria for compliance. The principal concept is that standards in the EFU zones must provide protection for the continuation of commercial-scale agriculture in the County, including farm operations, marketing outlets and the agricultural support system.

FINDING: This portion of the comprehensive plan is silent on transportation issues; however, a road is a conditionally allowed use on EFU land, provided the county approves an exception to Goal 3, Agriculture. Section 23.88.010 does identify access to markets as a critical component to continued agricultural vitality.

4. Conformance with Chapter 23.120, Goal Exception Statement

23.120.010. Introduction.

The purpose of this document is to identify the lands where Deschutes County shall request the Oregon Land Conservation and Development

Commission grant an exception to meeting the requirements of either Planning Goal 3 (Agricultural Lands) or Goal 4 (Forest Land). Further, this statement shall also explain the findings and reasoning which justifies such an exception be granted.

FINDING: The Board finds PA-09-2 complies with the Deschutes County Comprehensive Plan. The contents of this Exhibit D shall become part of an attachment to a Board decision documenting the rationale behind the decision to approve an exception to Goal 3, Agriculture, for adding the 19th Street alignment to the Deschutes County TSP map.

Conclusion

For the above reasons, the Board approves PA-09-02 to add the future 19th Street to the Deschutes County TSP map and passes Ordinance 2010-007. Actual construction will require a CUP and further public hearings so the public can advise and comment upon the design of the road.



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