



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: 10/31/2014  
Jurisdiction: Deschutes County  
Local file no.: 247-14-000156-ZC  
DLCD file no.: 009-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/28/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 009-14 {22364}  
Received: 10/28/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Deschutes County

Local file no.: **247-14-000156-ZC**

Date of adoption: 10/27/14

Date sent: 10/28/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 7/11/14

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

N/A

Local contact (name and title): Peter Russell, Senior Transportation Planner

Phone: 541-383-6718

E-mail: Peter.Russell@deschutes.org

Street address: 117 NW Lafayette Ave

City: Bend

Zip: 97701-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary



REVIEWED  
*sl*  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, the Deschutes County Zoning Map to Add the Zoning Districts for the Bend Airport and Declaring an Emergency. \*  
\*  
\*  
\*  
ORDINANCE NO. 2014-026

WHEREAS, the City of Bend filed an application to amend Title 18, the Deschutes County Zoning Map, to add Bend Airport zoning districts; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on August 28, 2014, before the Deschutes County Planning Commission and, on that date the Planning Commission recommended approval of the zone change; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on October 27, 2014, before the Board of County Commissioners (“Board”); and

WHEREAS, the Board considered this matter and concluded the public will benefit from AO, AS, and ARID uses being mapped as was originally intended in 2003; now, therefore,

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

Section 1. AMENDMENT. DCC Title 18, Zoning Map, is amended to add the zone designations for certain property described in Exhibit “A” and depicted on the map set forth as Exhibit “B”, with both exhibits attached and incorporated by reference herein.

Section 2. FINDINGS. The Board adopts as its findings in support of this decision Exhibit “C”, attached and incorporated by reference herein.

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Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 27<sup>th</sup> of October, 2014

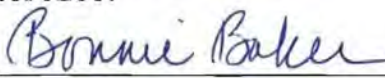
BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

  
TAMMY BANEY, Chair

  
ANTHONY DEBONE, Vice Chair

  
ALAN UNGER, Commissioner

ATTEST:

  
Recording Secretary

Date of 1<sup>st</sup> Reading: 27<sup>th</sup> day of Oct., 2014.

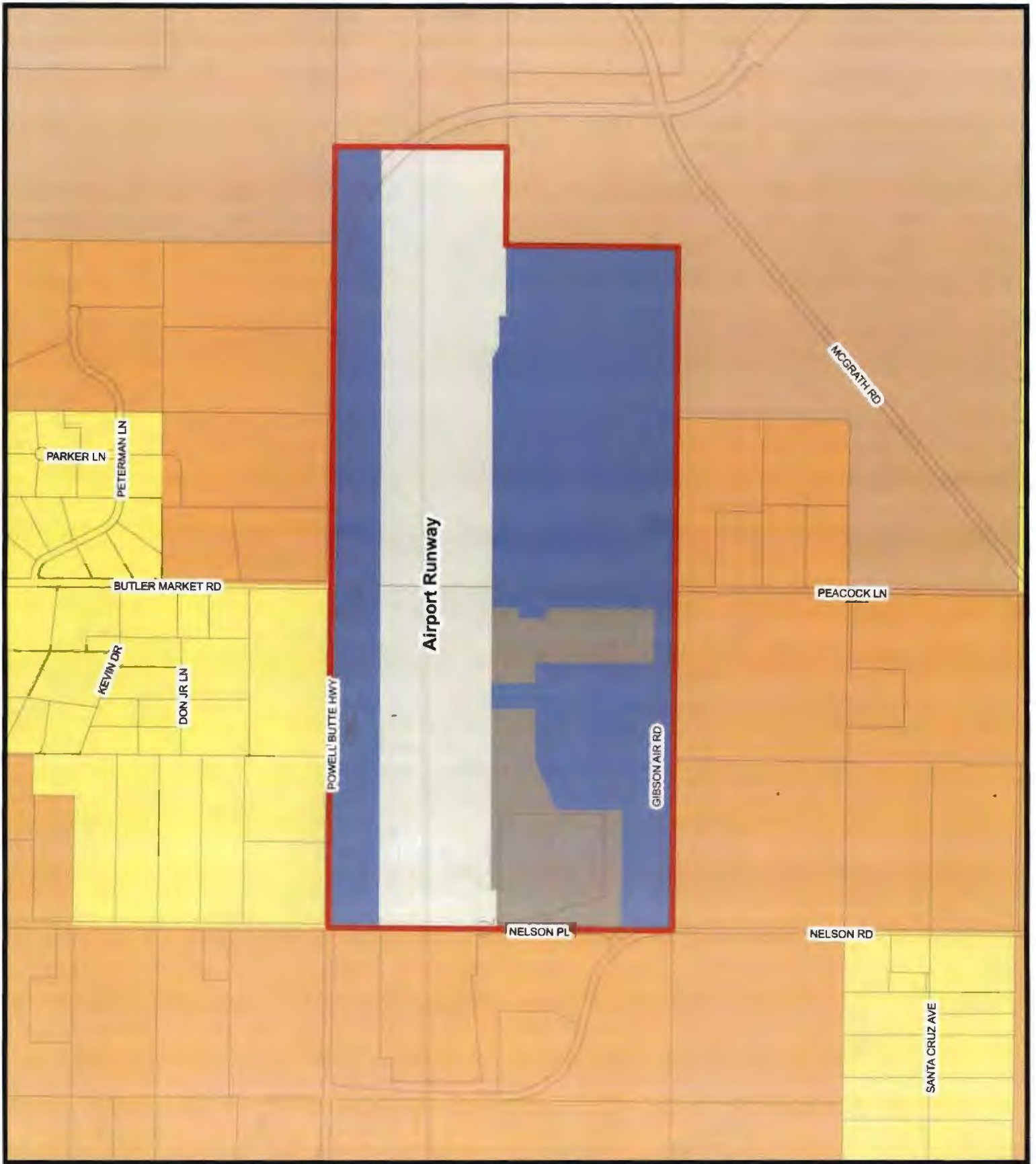
Date of 2<sup>nd</sup> Reading: 27<sup>th</sup> day of Oct., 2014.

Commissioner	Record of Adoption Vote			
	Yes	No	Abstained	Excused
Anthony DeBone	<input checked="" type="checkbox"/>			
Alan Unger	<input checked="" type="checkbox"/>			
Tammy Baney	<input checked="" type="checkbox"/>			

Effective date: 27<sup>th</sup> day of Oct., 2014.

## **EXHIBIT A**

The south half of the southwest quarter of the northwest quarter of Section 17, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon;  
The southwest quarter of Section 17, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon; and  
The northwest quarter of Section 20, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon.



- Airport Development Boundary
  - AOD - Airfield Operations District
  - ARID - Aviation Related Industrial District
  - ASD - Aviation Support District
- County Zoning**
- EFUAL - Alfalfa Subzone
  - EFUTRB - Tumalo/Redmond/Bend Subzone
  - MUA10 - Multiple Use Agricultural

## ZONING MAP

City of Bend

Exhibit "B"  
to Ordinance 2014-026



October 17, 2014

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

*Tammy Bailey*  
Tammy Bailey, Chair

*Anthony DeBone*  
Anthony DeBone, Vice Chair

*Alan Unger*  
Alan Unger, Commissioner

*Bonnie Baker*  
ATTEST: Recording Secretary

Dated this 27 day of October, 2014  
Effective Date: October 27, 2014



## Findings of the Board of County Commissioners

**FILE NUMBER:** File 247-14-000156-ZC

**APPLICANT:** City of Bend  
710 NW Wall St.  
Bend, OR 97701

**PROPERTY OWNERS:** City of Bend

**REQUEST:** Rezone to amend zoning map for Bend Municipal Airport to identify boundaries of Airfield Operations (AO), Aviation Support (AS), and Airport-Related Industrial District (ARID) in Chapter 18.76

**STAFF CONTACT:** Peter Russell, Senior Transportation Planner

### I. APPLICABLE CRITERIA:

Title 18, Deschutes County Zoning

Title 22, Deschutes County Development Procedures Ordinance

Title 23, Deschutes County Comprehensive Plan

Deschutes County Transportation System Plan (Section 3.7 of Comprehensive Plan)

Statewide Planning Goals

Transportation Planning Rule (Oregon Administrative Rule 660-012)

Airport Planning Rule (Oregon Administrative Rule 660-013)

### II. BASIC FINDINGS:

**A. PROPOSAL:** The applicant requests adoption of a zoning map for the Bend Municipal Airport to reflect the zones listed in Deschutes County Code (DCC) 18.76 (Airport-Development), specifically 18.76.070 through 18.76.090. The zones and the map were thought to have been originally adopted by the County in Board of County Commissioner (BOCC) Ord. 2003-036. A procedural defect was discovered in March 2014 which revealed while the text for the Airfield Operations (AO), Aviation Support (AS), and Airport Related Industrial District (ARID) zones was properly adopted, the zoning map was not. This proposal corrects the procedural error and re-establishes the spatial boundaries of the AO, AS, and ARID zones.

### B. **Land Use History**

The Bend Municipal Airport was established in 1942, approximately three decades prior to the Statewide planning system. With the rise of the Oregon planning program, the Bend Airport was located on lands zone for agriculture under the County Comprehensive Plan and Exclusive Farm Use (EFU) under the County's zoning code.



In 1980 the County received an exception from Goal 3 (Agriculture) for the Bend Airport which was implemented by BOCC Ord. 80-222 and a zoning map for the Bend Airport's 340 acres was adopted in 1982 via BOCC Ord. 82-031. The zoning map was consistent with the 1979 Bend Airport Master Plan (BAMP).

The BAMP was updated by the City in 1994 and again in 2002. In 2003 the County adopted the 2002 BAMP and revised the uses allowed at the airport under 18.76 (Airport Development) zone to add Airport Operations (AO), Aviation Support (AS), and Airport Related Industrial District (ARID) to be consistent with the 2002 BAMP and updated the zoning maps. These were accomplished via BOCC Ords. 2003-035 and 2003-036. The remainder of the A-D zone was for non-aviation uses.

In March 2014, City and County staff discovered a scrivener's error for the A-D zone and a procedural defect in the 2003 adoption of the zoning maps for 18.76. The scrivener's error occurred during the County's transition from paper to electronic maps. A digitizing error inadvertently moved the northern boundary of the A-D zone to the south.

In the 2003 adoption of the new text for 18.76, the previous AD zone was repealed in its entirety and replaced with new language and maps. The aviation uses fell under the AO, AS, and ARID zones. The new AD zoning map was an attachment to the staff report rather than being a specifically adopted exhibit. The result was the proposed AD zoning map was not officially adopted. Without the AO, AS, and ARID uses being mapped, development allowed outright or conditionally under those zones cannot be approved. The only uses now allowed at the Bend Airport are those listed under the AD zone, which ironically includes no aviation uses.

The City filed a land use application, File 247-14-000156-ZC, on June 4, 2014, to correct the scrivener's error and the procedural defect of AD zoning map. The file is incorporated by reference.

### **III. CONCLUSIONARY FINDINGS:**

#### **A. CHAPTER 18.136, AMENDMENTS**

##### **1. Section 18.136.010.**

###### ***18.136.010. Amendments.***

***DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.***

**FINDING:** This is a map change only. The City is the property owner for the Bend Airport and submitted the required forms. This application is for a legislative map amendment and is being processed under the procedures of DCC Title 22. The Board finds this criterion is met.

##### **2. 18.136.020. Rezoning Standards.**

***The applicant for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property. Factors to be demonstrated by the applicant are:***

***A. That the change conforms with the Comprehensive Plan, and the change is consistent with the plan's introductory statement and goals.***

***B. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.***

***C. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:***

***1. The availability and efficiency of providing necessary public services and facilities.***

***2. The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.***

***D. That there has been a change in circumstances since the property was last zoned, or a mistake was made in the zoning of the property in question.***

**FINDING:** The application is being processed as a legislative amendment as, while the City of Bend is the single property owner, there are multiple tax lots involved (17-13-17, TL 200; 17-13-20, TL 200 and 202). The application corrects a mapping error made in 2003 and discovered in March 2014. That 2003 zoning map was intended to implement the 2002 Bend Airport Master Plan's land use component that was found at that time to comply with the Deschutes County Comprehensive Plan and the Statewide Planning Goals. Neither BOCC Ord. 2003-035, which amended the County's Comprehensive Plan, nor BOCC Ord. 2003-036, which amended the text for Deschutes County Code (DCC) 18.76, Airport Development (AD) and amended the relevant maps for 18.76 was appealed. The City's land use application, File 247-14-000156-ZC, merely corrects the mapping error and procedural defect described above. No new uses are being proposed to 18.76 nor are allowed uses being proposed for new locations at the Bend Airport under the City's land use application or Ord. 2014-026 other than what was intended with the 2003 amendments. Thus, the findings made in 2003 for 18.136.020 (A) through (C) remain in effect and correcting a zoning mistake is specifically allowed under 18.136.020(D). Additionally, the findings below in Section III.C demonstrate how this map amendment complies with and implements the Comprehensive Plan. The Board finds these criteria have been met.

## **B. CHAPTER 22.12, LEGISLATIVE PROCEDURES**

### **1. Section 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 Planning Commission held a public hearing on Aug. 28, 2014. A public hearing was held before the Board of County Commissioners on Oct. 27, 2014. The Board finds this criterion has been met.

### **2. Section 22.12.020, Notice**

## **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.**

**FINDING:** Notice with the required information was published in The Bulletin on Oct. 12, 2014. The Board finds this criterion has been met.

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

**FINDING:** The applicant posted a Notification of Land Use on the site and notice was posted on the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend. The Board finds this criterion has been met.

### **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.**

**FINDING:** Given the land use in question is a legislative amendment, but all property is owned by the City of Bend, no individual notices were sent. The Board finds this criterion has been met.

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

**FINDING:** Notice was provided to the County public information official for wider media distribution. The Board finds this criterion has been met.

## **3. Section 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 County Commissioners.**

**FINDING:** The application was initiated by the City of Bend; the Board of County Commissioners waived half the fees on May 9, 2014; the City paid the other half upon land use submittal. The Board finds this criterion has been met.

## **4. Section 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.**

**FINDING:** The Planning Commission held a public hearing on Aug. 28, 2014 and the BOCC held a public hearing on Oct. 27, 2014.. The Board finds this criterion has been met.

***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 application was not initiated by the BOCC; therefore, the Board finds this criterion does not apply. The Board does note the Planning Commission public hearing preceded the BOCC public hearing.

5. Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** 247-14-000156-ZC will be implemented by BOCC Ord. 2014-026; the Board finds this criterion has been met.

6. Section 22.12.060 Corrections

***The County's comprehensive plan and zoning ordinances, subdivision ordinance, and development procedures ordinance may be corrected by order of the Board of Commissioners to cure editorial and clerical errors.***

**FINDING:** Although errors were made relating to the zoning map for the Bend Municipal Airport, they are not editorial or clerical in nature, so the City is submitting an application for adoption of a zoning map by ordinance. The Board finds this criterion has been met.

**C. DESCHUTES COUNTY COMPREHENSIVE PLAN**

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

**Goal 1, Support the orderly, efficient and cost-effective siting of rural public facilities and services.**

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

**FINDING:** The Bend Airport Master Plan provides the guidance for directing growth at the airport. The AO, AS, and ARID zone are described in the Bend Airport Master Plan and in DCC 18.76.070 through 090. Re-establishing the mapped boundaries of the AO, AS, and ARID zones will support orderly development at the Bend Airport and is consistent with the Bend Airport Master Plan.

This map is being adopted to implement the Comprehensive Plan. Specifically, the Airport Master Plan, part of the TSP and, therefore, part of the Comprehensive Plan, describes three zoning districts at the Bend Airport. The text of Chapter 18.76 already implements the Comprehensive Plan, but a map needs to be adopted to show where the three zoning districts exist. The proposed map showing the three zoning districts follows the boundaries of the On-Airport Land Use Plan in the Bend Airport Master Plan. The three subzones correspond to the Bend Airport Master Plan designations. The zoning map is consistent with and implements the proposed zone classifications adopted by Chapter 18.76.

The zoning map will serve the public health, safety and welfare by spatially defining the zones called for in the Airport Master Plan and Chapter 18.76. The mapped zones and their permitted uses will allow development of the necessary public services and facilities at the Bend Airport. These uses are being sited at an existing airport in an existing exception area, thereby limiting the impacts on surrounding land use consistent with the comprehensive plan.

Finally, the proposed maps correct a procedural error when the County first adopted the AO, AS, and ARID zones in 2003 as part of a text and map amendment to DCC 18.76. For a decade the County has administered these zones in the belief the zoning map had been properly adopted. The mistake discovered in March 2014 was that while the text for the three zones was properly adopted, the map was not. The current application simply re-establishes the zoning map for the AO, AS, and ARID zones.

The Board finds these criteria are met.

2. Deschutes County Transportation System Plan

**Goal 4, Arterial and Collector Road Plan, Establish a transportation system, supportive of a geographically distributed and diversified economic base, while also providing a safe, efficient network for residential mobility and tourism.**

**Policy 4.4, Deschutes County shall consider roadway function, classification, and capacity as criteria for plan map amendments and zone changes. This shall assure that proposed land uses do not exceed the planned capacity of the transportation system.**

**FINDING:** The Deschutes County Transportation System Plan (TSP), located in Section 3.7 of the Comprehensive Plan, was updated in 2012. The update predated the discovery of the AO, AS, and ARID mapping error; therefore, the transportation-land use model assumed the Bend Airport would generate trips in 2030 consistent with those three zones. The TSP identified the need for mitigation at the Butler Market/Powell Butte Highway, Neff-Alfalfa Market/Powell Butte Highway, and Powell Butte Highway/US 20 intersections. The TSP identifies roundabouts at these locations, which will ensure these three intersections, which are in the vicinity of the Bend Airport, will meet the mobility standards for County roads and State highways. Therefore, the proposed remapping will not exceed the planned capacity of the transportation system. The Board finds this criterion is met.

3. Deschutes County Transportation System Plan (con't)

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

**FINDING:** Adopting the map will protect the function and economic viability of the Bend Municipal Airport by clarifying where the zoning districts are located so the appropriate code provisions can be applied. The Board finds this criterion has been met.

**Policy 16.1. Deschutes County shall protect public-use airports through the development of airport land use regulations. Efforts shall be made to regulate the land uses in designated areas surrounding the Redmond,**

**Bend, Sunriver and Sisters (Eagle Air) airports based upon adopted airport master plans or evidence of each airports specific level of risk and usage. The purpose of these regulations shall be to prevent the installation of airspace obstructions, additional airport hazards, and ensure the safety of the public and guide compatible land use. For the safety of those on the ground, only limited uses shall be allowed in specific noise impacted and crash hazard areas that have been identified for each specific airport.**

**Continuing the protection of the privately owned, private-use airports, with three or more based aircraft, is also accomplished by the AS overlay zone. AS also protects the function and economic vitality of privately owned, private-use airports with two or fewer based aircraft. Each airport's specific level of risk and usage shall be used to guide the continued safe aeronautical access to and from these airports considering the type of aircraft approved to use the airfield.**

**FINDING:** The County had developed airport land use regulations and codified them at DCC 18.76, Airport-Development (A-D). The land use regulations specific to the three zones are found at 18.76.070 for AO; 18.76.080 for AS; and 18.76.090 for ARID. The proposed map will be consistent with the most recent edition of the Bend Airport Master Plan. Additionally, the Bend Airport is protected by DCC 18.80, Airport Safety (AS) Combining Zone, which regulates the types of land uses allowed adjacent to the airport as well as height limits. The Board finds this criterion is met.

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

**FINDING:** The Bend Airport Master Plan and its Airport Layout Plan (ALP) contain multiple drawings to graphically depict recommendations for airport layout, land use, and possible disposition of obstructions located within various imaginary surfaces. Drawing 6, On-Airport Land Use Plan, depicts the recommended use of airport property. Those uses in turn appear in DCC 18.76 and the map amendment defines the spatial boundaries of those uses. The Board finds this criterion is met.

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

**FINDING:** The Oregon Department of Aviation defines the Bend Airport as a public use airport, Category II, Urban General Aviation. The Oregon Aviation Plan describes airports in this category as "...support all general aviation aircraft and accommodate corporate aviation activity, including business jets, helicopters, and other general aviation activity. These airports' primary users are business related and service a large geographic region or they experience high levels of general aviation activity."

County staff was heavily involved in both the 2002 update of the Bend Airport Master Plan, which resulted in the 2003 creation and adoption of the AO, AS, and ARID zones, and the 2012 update.

The Bend Airport Master Plan includes an Airport Layout Plan. The proposed zoning map is consistent with Drawing 6 – On-Airport Land Use Plan. The proposed zoning map uses the same boundaries as the plan map and provides zoning consistent with the plan designation. The On-Airport Land Use Plan depicts the recommended uses of airport property associated with the ALP. Four primary use categories are defined.

- A – Airfield Operations
- AS – Aviation Support
- AI – Aviation-Related Industrial
- OS – Open Space

The area surrounding the runway and taxiway is designated **airfield operations (A)**. This area is defined by the required clearances and setbacks associated with the runway, runway approaches, parallel taxiway, and parallel taxiway reserve.

The west side of the airport is designated **aviation support (AS)**. AS areas accommodate the full range of aviation-related land uses including hangars and other aviation-related buildings, aircraft parking, fueling areas, etc. The northern half of the east side of the airport is also designated AS. A portion of this area is planned for aviation-related development within the current 20-year planning period and a portion is reserved for long-term aviation use. Additional AS areas are identified along the east edge of the airport boundary.

**Aviation-Related Industrial (AI)** areas are located on the east side of the airport. Future AI development areas are identified immediately north of Lancair and south of the future east side hangar development.

The distribution of airport land uses reflects the mixture of facilities and activities that currently exist or are planned for the airport. The primary purpose of the airport is to accommodate aviation-related needs. The updated Bend Airport Master Plan and associated drawings illustrate that the long-term aviation needs of the airport are addressed with the added protection of ARID zoning to accommodate a wide range of unforeseen development needs.

The proposed zoning map implements Drawing 6 by mapping the zoning districts that were adopted in Chapter 18.76 to implement the Airfield Operations (A), Aviation Support (AS) and Aviation-Related Industrial (AI) plan designations shown on the On-Airport Land Use Plan. The plan designation – zone district designation correlations are:

**Table 1 Designations in Bend Airport Master Plan and Deschutes County Title 18.76**

<b>Airport Layout Plan Designation</b>	<b>Zone District Designation</b>
Airfield Operations (A)	Airport Operations District (AOD)
Aviation Support (AS)	Aviation Support District (ASD)
Aviation-Related Industrial (AI)	Aviation-Related Industrial District (ARID)

Each zoning district on the proposed zoning map has the same boundaries as the corresponding plan designation as shown on the On-Airport Land Use Plan.

The Board finds this criterion is met.

**C. STATEWIDE PLANNING GOALS**



1. Goal 1, Citizen Involvement

**FINDING:** The text amendment included an Aug. 14, 2014, workshop and an Aug. 28, 2014, public hearing before the Deschutes County Planning Commission (PC). A workshop and a public hearing will be held before the Board of County Commissioners (BOCC). The Board finds this criterion is met.

2. Goal 2, Land Use Planning

**FINDING:** Staff determined the proposed amendment satisfies the intent of the goal to assure an adequate factual base in accordance with the County's Comprehensive Plan Rural Growth Management Chapter. The Board finds this criterion is met.

3. Goal 3, Agricultural Lands

**FINDING:** The rezone is not affecting any lands now zoned for Agricultural uses and the property was given a Goal 3 exception in 1980 under Ord. 80-222; the Board finds this criterion is either met or not applicable.

4. Goal 4, Forest Lands

**FINDING:** The rezone is only affecting lands zoned A-D; the Board finds this criterion does not apply.

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

**FINDING:** A review of the Comprehensive Plan's inventory of Goal 5 resources showed no Goal 5 resources are located at the Bend Airport. The Board finds this criterion does not apply.

6. Goal 6, Air, Water and Land Resource Quality

**FINDING:** Existing County rules and policies will protect these resources. The Board finds this criterion is met.

7. Goal 7, Natural Hazards

**FINDING:** There are no natural hazards at Bend Airport; the Board finds this criterion does not apply.

8. Goal 8, Recreational Needs

**FINDING:** The Bend Airport is not a recreational destination per se. The map amendment proposal corrects a mapping error and re-establishes the spatial boundaries of the AO, AS, and ARID zones to allow aviation uses to again be permitted at the Bend Airport. Flying is a recreational endeavor for many people while others fly into Bend to then recreate in Central Oregon. The Board finds this criterion is met.

9. Goal 9, Economic Development

**FINDING:** Under the current A-D zone, which is the sole zone now in effect at the Bend Airport, the only allowed uses are the following:

The outright permitted uses under DCC 18.76.030 are:

- Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230
- Class III road or street project
- Operation, maintenance, and piping of existing irrigation system operated by an Irrigation district except as provided by in DCC 18.120.050
- Farm use as defined in DCC Title 18

The conditional uses under DCC 18.76.040 are:

- Farm accessory building and uses, except residential uses
- Utility facility necessary for public service, except landfills
- Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and/or DCC 18.128.270

None of the uses allowed under DCC 18.76.030 or 18.76.040 are primary drivers of economic development. Instead, they are allowed uses that are accessory or supplemental to existing activities.

By contrast to the A-D zone, the AO, AS, and ARID zones will promote economic development directly at the Bend Airport and indirectly throughout Central Oregon for those businesses whose products or services are aviation related or are delivered by air (see Table 2). The allowed AO, AS, and ARID uses with an economic development component are fuel storage and sales and emergency repair; restaurant, which may include a bar or cocktail lounge as an accessory use; and airport or aviation-related businesses that benefit from an on-airport location.

The re-mapping of the AO, AS, and ARID zones will provide adequate opportunities for a variety of economic activities vital to the prosperity to the residents of Bend and Central Oregon. Without the remapping, none of these activities can occur currently at the Bend Airport. The Board finds this criterion has been met.

**Table 2 Economic Activities Allowed at Bend Airport**

Land Use	A-D (18.76.030-040)	AO (18.76.070)	AS (18.76.080)	ARID (18.76.090)
Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230	Outright	Outright	Outright	Outright
Class III road or street project	Outright	Outright	Outright	Outright
Operation, maintenance, and piping of existing irrigation system operated by an Irrigation district except as provided by in DCC 18.120.050	Outright	Outright	Outright	Outright
Farm use as defined in DCC Title 18	Outright	Outright	Outright	Outright
Farm accessory building and uses,	Conditional	Conditional	Conditional	Conditional

except residential uses				
Utility facility necessary for public service, except landfills	Conditional	Conditional	Conditional	Conditional
Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and/or DCC 18.128.270	Conditional	Conditional	Conditional	Conditional
Runway, taxiway, service road, fuel storage and sales and emergency repair	Not Allowed	Outright	Outright	Outright
Facilities approved or mandated by the FAA or Oregon State Aeronautics Division specifically supporting airport operations	Not Allowed	Outright	Outright	Outright
Related uses which are customarily appurtenant to airports, including but not limited to, hangars, tie-down areas and parking facilities	Not Allowed	Not Allowed	Outright	Outright
Restaurant, which may include a bar or cocktail lounge as an accessory use. One restaurant per airport. Restaurant, including any accessory use, to be 2,500 square feet or less in size	Not Allowed	Not Allowed	Conditional	Not Allowed
Airport or aviation-related businesses that benefit from an on-airport location	Not Allowed	Not Allowed	Conditional	Outright*

\*Commercial or industrial businesses only

10. Goal 10, Housing

**FINDING:** There is no housing at the Bend Airport; the Board finds this criterion is inapplicable.

11. Goal 11, Public Facilities and Services

**FINDING:** Existing County rules and policies will protect these resources. The Board finds this criterion is met

12. Goal 12, Transportation

**FINDING:** The Board addresses Goal 12 at length under Section D, but finds the map amendment complies with the Transportation Planning Rule and thus satisfies this criterion.

13. Goal 13, Energy Conservation

**FINDING:** The Board finds this goal is not applicable.

14. Goal 14, Urbanization

**FINDING:** The Bend Airport is outside of the City's Urban Growth Boundary and lies far to the east of any possible expansion of the UGB. The Board finds this criterion does not apply.

15. Goals 15-19

**FINDING:** The Board finds these goals are inapplicable as they deal with different geographic areas on the west side of the Cascade Range.

**D. TRANSPORTATION PLANNING RULE (OAR 660-012)**

Plan and Land Use Regulation Amendments 660-012-0060

**(1) If an amendment to a functional plan, an acknowledged plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

**(a) Change the functional classification system; or**

**FINDING:** The zones that will now be part of the zoning map were found in 2003 to be compatible with the functional classification of the adjacent roads abutting or affected by the Bend Airport. The new zones will not allow any new uses at the airport that were not intended to be allowed in the 2003 approval and those uses were found at the time to not change the functional classification of the surrounding roads and intersections. Therefore, the new zones will not result in any new land uses that will increase traffic volumes or types of traffic for any of the roads or intersections adjacent or near the Bend Airport. The Finding under sub-section (c)(A) is incorporated by reference here. The Board finds this criterion has been met.

**(b) Change standards implementing functional classification system: or**

**FINDING:** The proposed map amendment does not include any proposed changes to the mobility standards for County roads or State highways. Nor will the proposed rezoning result in any land uses that will result in increased traffic volumes or types of traffic. The findings under sub-section (a) above and under sub-section (c)(A) are incorporated by reference here. The Board finds this criterion has been met.

**(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in adopted TSP...**

**(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

**FINDING:** The types and amount of vehicle travel will remain unchanged as the map amendment will merely re-establish the zoning boundaries; the allowed uses approved more than a decade ago remain. The direct access points from Powell Butte Highway and Gibson Air Road to the Bend Airport will remain the same post-amendment as pre-amendment. Powell Butte Highway will continue to function as a Rural Arterial and Gibson Airpark will remain a local road. The County's facility management and access management policies will remain the same. This zoning map change merely implements what was intended to be implemented in 2003. None of the zones that will be added to the zoning map have permitted uses that were not intended to be permitted as a result of the 2003 comprehensive plan and zoning text amendments. The Board finds this criterion is met.

**(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**

**FINDING:** The 2012 TSP included the Bend Airport in its projections for future traffic out to 2030. The model assumed the AO, AS, and ARID zones were in effect. The only deficiencies found near the Bend Airport were the intersections of Powell Butte Highway/Butler Market Road and Powell Butte Highway/Alfalfa Market-Neff roads. These two intersections did not meet the County's performance standard without future improvements. As a result the TSP at Table 5.3.T1 (County Road and Highway Projects) includes planned roundabouts at these intersections, which enable them to meet the County's performance standard. The roundabouts are identified as high priorities, meaning construction within five years. The County's adopted Capital Improvement Project (CIP) list includes a roundabout at Powell Butte Highway/Neff-Alfalfa Market roads in 2015-16. A roundabout is also planned for at US 20/Hamby-Ward roads. With these funded and planned improvements the intersections will meet the County's and State's performance standards. The Board finds this criterion is met.

**(C) Degrade the performance of an existing or planned transportation that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**FINDING:** All of the previous findings regarding the Transportation Planning Rule apply to this criterion as well and, therefore, are incorporated herein. For the same reasons previously stated, all the intersections in the vicinity of the Bend Airport are projected to meet the County's or State's performance standards with planned improvements. The map amendment will not cause any of these intersections to fail as the traffic from the AO, AS, and ARID zones was included in the 2030 traffic projections and analysis. The Board finds this criterion is not applicable.

**E. AIRPORT PLANNING RULE (OAR 660-013)**

Purpose and Policy 660-013-0010

**(1) This division implements ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation). The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.**

**(2) Ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located. This division recognizes the interdependence between transportation systems and the communities on which they depend.**

**FINDING:** As discussed in the Goal 9 findings, under the current situation the only zone in effect at the Bend Airport is the A-D zone, which has uses that offer little to no economic development. The map amendment will restore the AO, AS, and ARID zones, which as Table 2 above shows, offer many uses that are either economic development themselves or support economic development. Re-mapping the AO, AS, and ARID zones will result in the continued

economic vitality of the Bend Airport and by extension the City of Bend, which owns the property, as well as indirectly benefitting other cities in Central Oregon. The Board finds this criterion is met.

Definitions 660-013-0020

**For purposes of this division, the definitions in ORS Chapter 197 apply unless the context requires otherwise. In addition, the following definitions apply:**

**(1) "Airport" means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.**

**(2) "Aircraft" means helicopters and airplanes, but not hot air balloons or ultralights.**

**(3) "Airport Uses" means those uses described in OAR 660-013-0100.**

**(4) "Non Towered Airport" means an airport without an existing or approved control tower on June 5, 1995.**

**(5) "Public Assembly Uses" means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, worship, shopping, business, entertainment, amusement, sporting events, or similar activities, excluding airshows. Public Assembly Uses does not include places where people congregate for short periods of time such as parking lots and bus stops or uses approved by the FAA in an adopted airport master plan.**

**(6) "Sponsor" means the owner, manager, other person, or entity designated to represent the interests of an airport.**

**FINDING:** The Bend Airport is a non-towered airport used by fixed and rotary wing aircraft. The land uses in the Bend Airport Master Plan and DCC 18.76 are consistent with OAR 660-013-100 and OAR 660-013-0110. The map amendment application was submitted by the City of Bend, which is the entity that owns the Bend Airport. The Board finds this criterion has been met.

Preparation and Coordination of Aviation Plans 660-013-0030

**(1) The Oregon Department of Aviation (ODA) shall prepare and adopt a state Aviation System Plan (state ASP) in accordance with ORS Chapters 835 and 836 and the State Agency Coordination Program approved under ORS 197.180...**

**(2) A city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division,**

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

**FINDING:** The map amendment is consistent with the Deschutes County Comprehensive Plan as described in the findings above. The County has also adopted an Airport Safety Combining Zone at DCC 18.80, which ensures land use at and adjacent to the Bend Airport do not adversely affect the safety of the airport and surrounding areas. The 2012 TSP Update also includes Policy 16.1 and 16.2k to support development at the Bend Airport. The Board finds this criterion has been met.

Aviation Facility Planning Requirements 660-013-0040

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

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

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

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

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

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

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

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



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

**FINDING:** Deschutes County first adopted an airport zoning map in Ord. 82-03, which was consistent with the 1979 Bend Airport Master Plan. In 2003, the County adopted an updated Bend Airport zoning map via Ord. 2003-036 as well as revised text for DCC 18.76. In March 2014 the County discovered a procedural defect which meant the 2003 zoning map was not adopted. The re-zone will correct that error and again set the spatial boundaries of the AO, AS, and ARID zones. The Board finds these criteria have been met.

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

**FINDING:** The map amendment, in concert with the text at DCC 18.76, describes the location of these features as does the 2012 Bend Airport Master Plan. The Board finds this criterion is met.

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

**FINDING:** The map amendment is limited to displaying where land uses can occur; a zoning map does not include the location of buildings or facilities. The Board finds this criterion is not applicable.

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

**FINDING:** The map amendment only depicts where the various zoning districts are located, but those district uses are based on the projected needs from the Bend Airport Master Plan and its various updates. The Board finds this criterion is met.

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

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

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

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

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

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

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

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

**FINDING:** The map amendment only depicts where the various zoning districts are located, but those district uses are based on the projected needs from the Bend Airport Master Plan and its various updates. The map is for on-airport uses only as listed in DCC 18.76; additionally, DCC 18.80 ensures off-airport uses do not present a hazard to airport operations. The Board finds these criteria are met.

**(6) When compatibility issues arise, the decision maker shall take reasonable steps to eliminate or minimize the incompatibility through location, design, or conditions...**

**FINDING:** Staff finds this criterion does not apply.

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

**FINDING:** The adequate provision of transportation facilities were addressed in the findings on the TPR. The Board finds this criterion has been met.

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

**FINDING:** The map amendment identifies only the zones within and is only for land uses allowed at the Bend Airport. No map amendments are proposed for the surrounding safety, compatibility or noise impact areas. The rezoning map is consistent with the 2002 Bend Airport Master Plan's land use component. The Board finds this criterion does not apply. (Safety zones and their related imaginary surfaces are addressed in DCC 18.80.)

**(9) Local government shall request the airport sponsor to provide the economic and use forecast information required by this rule...**

**FINDING:** This criterion appears to be applicable at the time of adoption of a comprehensive plan amendment. The map current request for a zoning map amendment is for land uses currently allowed at the Bend Airport by the County Code. The Board finds this criterion does not apply to the current application for the amendment to the County zoning map.

Implementation of Local Airport Planning 660-013-0050

**A local government with planning responsibility for one or more airports or areas within safety zones or compatibility zones described in this division or subject to requirements identified in ORS 836.608 shall adopt land use regulations to carry out the requirements of this division, or applicable requirements of ORS 836.608, consistent with the applicable elements of the adopted state ASP and applicable statewide planning requirements.**

**FINDING:** The County has adopted land use regulations in DCC 18.76 and airport safety regulations in DCC 18.80. The Board finds this criterion has been met.

Local Government Safety Zones for Imaginary Surfaces 660-013-0070

**Local Government Safety Zones for Imaginary Surfaces**

**(1) A local government shall adopt an Airport Safety Overlay Zone to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating airport imaginary surfaces...**

**FINDING:** The County has adopted safety regulations in DCC 18.80. The Board finds this criterion has been met.

Local Government Land Use Compatibility Requirements for Public Use Airports 660-013-0080

**(1) A local government shall adopt airport compatibility requirements for each public use airport identified in ORS 836.610(1). The requirements shall...**

**FINDING:** The map amendment is for on-airport uses only. In 2003, these uses were previously found to be compatible with the criteria. The map does not change the uses and merely depicts where those uses will be located on the airport property. The Board finds this criterion has been met.

Airport Uses at Non-Towered Airports 660-013-0100

**Local government shall adopt land use regulations for areas within the airport boundary of non-towered airports identified in ORS 836.610(1) that authorize the following uses and activities:**

**(1) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed-base operator facilities, a residence for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing, and other uses, except as provided in this rule, are not customary and usual aviation-related activities and may only be authorized pursuant to OAR 660-013-0110.**

**(2) Emergency Medical Flight Services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. "Emergency Medical Flight Services" does not include hospitals, medical offices, medical labs, medical equipment sales, and similar uses.**

**(3) Law Enforcement and Firefighting Activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement and land management agencies engaged in law enforcement or firefighting activities. These activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.**

**(4) Flight Instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. "Flight Instruction" does not include schools for flight attendants, ticket agents, or similar personnel.**

**(5) Aircraft Service, Maintenance and Training, including activities, facilities, and accessory structures provided to teach aircraft service and maintenance skills, maintain, service and repair aircraft and aircraft components, but not including activities, structures, and facilities for the manufacturing of aircraft for sale to the public or the manufacturing of aircraft related products for sale to the public. "Aircraft Service, Maintenance and Training" includes the construction of aircraft and aircraft components for personal use. The assembly of aircraft and aircraft components is allowed as part of servicing, maintaining, or repairing aircraft and aircraft components.**

**(6) Aircraft Rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.**

**(7) Aircraft Sales and the sale of aeronautic equipment and supplies, including activities, facilities, and accessory structures for the storage, display, demonstration and sale of aircraft and aeronautic equipment and supplies to the public.**

**(8) Aeronautic Recreational and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic Recreation and Sporting Activities on airport property shall be subject to approval of the airport sponsor. Aeronautic recreation and sporting activities include but are not limited to: fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter**

**flights; flights carrying parachutists; and parachute drops onto an airport. As used in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.**

**(9) Crop Dusting Activities, including activities, facilities and structures accessory to crop dusting operations. These include, but are not limited to: aerial application of chemicals, seed, fertilizer, pesticide, defoliant and other activities and chemicals used in a commercial agricultural, forestry or rangeland management setting.**

**(10) Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.**

**(11) Air passenger and air freight services and facilities at public use airports at levels consistent with the classification and needs identified in the state ASP.**

**FINDING:** The Bend Airport is a non-towered airport and the uses allowed in the AD, AO, AS, and ARID zones are listed above in Table 2. The uses identified in Table 2 are consistent with the uses specified in OAR 660-013-0100. The Board finds these criteria are met.

Other Uses Within the Airport Boundary 660-013-0110

**Notwithstanding the provisions of OAR 660-013-0100, a local government may authorize commercial, industrial, manufacturing and other uses in addition to those listed in OAR 660-013-0100 within the airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide planning goals and LCDC administrative rules and where the uses do not create a safety hazard or otherwise limit approved airport uses.**

**FINDING:** The additional commercial, industrial, and manufacturing and other uses were approved at the Bend Airport under PA-03-3 and TA-03-4 which were implemented by Ord. Nos. 2003-035 and 2003-036. The findings for these previous land use applications and ordinances demonstrated the consistency with the County's comprehensive plan, Statewide planning goals, and LCDC administrative rules. The Board finds this criterion has been met.

Safe Harbors 660-013-0140

**A "safe harbor" is a course of action that satisfies certain requirements of this division. Local governments may follow safe harbor requirements rather than addressing certain requirements in these rules. The following are considered to be "safe harbors":**

**(1) Portions of existing acknowledged comprehensive plans, land use regulations, Airport Master Plans and Airport Layout Plans adopted or otherwise approved by the local government as mandatory standards or requirements shall be considered adequate to meet requirements of these rules for the subject areas of rule requirements addressed by such plans and elements, unless such provisions are contrary to provisions of ORS 836.600 through 836.630. To the extent these documents do not contain specific provisions related to requirements of this division, the documents can not be considered as a safe harbor. The adequacy of existing provisions shall be evaluated based on the specificity of the documents and relationship to requirements of these rules;**

**(2) This division does not require elimination of existing or allowed airport related uses authorized by an acknowledged comprehensive plan and land use regulations; and**

**(3) Notwithstanding the safe harbor provisions of this rule, land use regulations applicable to non-towered airports shall authorize airport uses required by this division.**

**FINDING:** A public hearing process was followed in 2003 to adopt the 2002 Bend Airport Master Plan into DCC 18.76. The text was properly adopted, but the map was not due to a procedural defect. A reasonable argument could be made that readopting the map to again set the spatial boundaries of the AO, AS, and ARID zones is consistent with the intent of the Safe Harbor provision. The Board finds these criteria have been met..

Planning Requirements for Small Airports 660-013-0155

**(1) Airports described in ORS 836.608(2) shall be subject to the planning and zoning requirements described in ORS 836.608(2) through (6) and (8)...**

**FINDING:** The Bend Airport does not fit the definition of airport described in ORS 836.603(2), which pertains to private airports or private airports used by the public. The Board finds this criterion does not apply as Bend is a publically owned airport.

Applicability 660-013-0160

**This division applies as follows:**

**(1) Local government plans and land use regulations shall be updated to conform to this division at periodic review, except for provisions of chapter 859, OR Laws 1997 that became effective on passage. Prior to the adoption of the list of airports required by ORS**

**836.610(3), a local government shall be required to include a periodic review work task to comply with this division. However, the periodic review work task shall not begin prior to the Oregon Department of Aviation's adoption of the list of airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.**

**FINDING:** Counties are not subject to periodic review. Therefore, the Board finds this criterion is not applicable.

**(2) Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local governments with responsibility for areas of the airport subject to the requirements of this division.**

**FINDING:** This is not a plan amendment but is being coordinated between the City and the County because the City is the applicant. Therefore, the Board finds this criterion is met.

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

**FINDING:** Although this criterion eliminates the need to adopt findings regarding Goal 12 and the applicable OARs, findings regarding those are provided above by the Board.

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

**FINDING:** The Board finds the above narrative demonstrates how the application complies with all applicable requirements of other laws.

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

**FINDING:** The City of Bend created the Bend Airport Master Plan in 1979 and updated it in 1994, 2002, and 2012. The City has coordinated with Deschutes County to create regulations and policies in County planning documents to protect the Bend Airport which sits on County-zoned land. The map amendment, first approved in 2003, is consistent with the County's comprehensive plan and TSP. As the current map amendment merely corrects a procedural



defect from 2003, the map of the AO, AS, and ARID zones is the same. The Board finds these criteria are met.

**IV. CONCLUSION:** The Board finds the 2002 Bend Airport Master Plan Update and the related land use regulations and zoning map went through a public hearing process under PA-03-3 and TA-03-4, which culminated in the adoption of the 2002 Update via Ord. Nos. 2003-035 and 2003-036. The County administered the AO, AS, and ARID zones for more than a decade when a procedural defect regarding the adoption of the map for the AO, AS, and ARID zones was discovered, rendering them null and void. The net result is no aviation uses are now permitted at the Bend Airport. Both the City of Bend and Deschutes County have identified development at the Bend Airport as a critical economic development strategy. The map amendment does not introduce any new uses at the airport nor does it change the locations of where allowed uses can occur. The map amendment merely corrects a procedural error and re-establishes the spatial boundaries of the AO, AS, and ARID zones in their 2003 areas.