



Deschutes County Board of Commissioners  
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## **AGENDA REQUEST & STAFF REPORT**

**For Board Business Meeting of August 10, 2016**

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**DATE:** August 1, 2016

**FROM:** Peter Russell                      CDD                      Phone 383-6718

**TITLE OF AGENDA ITEM:**

Consideration of signature and second reading by title only of both BOCC Ordinance 2016-010 (An Ordinance Amending Deschutes County Code Title 23, the Deschutes County Comprehensive Plan, to Rescind the 2002 Bend Airport Master Plan and Replace It Only with Chapter 7 and Sheets 2, 3, and 11 from the 2013 Bend Airport Master Plan) and BOCC Ordinance 2016-011 (An Ordinance Amending Deschutes County Code Title 23, the Deschutes County Comprehensive Plan and the Deschutes County Transportation System Plan to Include References to the 2013 Bend Airport Master Plan).

**PUBLIC HEARING ON THIS DATE?** NO

**BACKGROUND AND POLICY IMPLICATIONS:**

The City of Bend, following Federal Aviation Administration (FAA) approval and City Council approval by resolution of the 2013 Bend Airport Master Plan (BAMP), submitted land use application 247-16-000016-PA to rescind the 2002 BAMP and replace it with elements of the 2013 BAMP. Specifically, only Chapter 7 (Airport Development Alternatives) and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours).

Public hearings were held March 29 and April 12 with the bulk of the testimony centered on issues not regulated under the BAMP or by the City, County, or State. Specifically, the testimony mainly focused on types of aircraft using the field and where those aircraft fly. Both are regulated by the FAA, which pre-empts local jurisdictions. The hearings officer approved 247-16-000016-PA on June 17<sup>th</sup> and no parties appealed nor did the Board call the decision up for review. Under Deschutes County Code (DCC) 22.28.030(B) the Board cannot hear further testimony or evidence and must adopt the hearings officer's decision.

The Board held a first reading by title only on July 27, 2016.

**FISCAL IMPLICATIONS:**

None

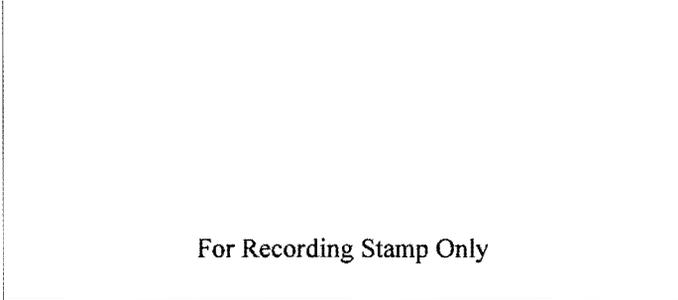
**RECOMMENDATION & ACTION REQUESTED:**

Accept the Ordinances 2016-010 and 2016-011 as submitted, conduct second reading by title only, and sign the ordinances.

1/12/16

**ATTENDANCE:** Peter Russell, Senior Transportation Planner

**DISTRIBUTION OF DOCUMENTS:**  
Peter Russell, Community Development Department



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County \*  
Code Title 23, the Deschutes County Comprehensive \*  
Plan, to Rescind the 2002 Bend Airport Master Plan \*  
and Replace It Only with Chapter 7 and Sheets 2, 3,  
and 11 from the 2013 Bend Airport Master Plan

ORDINANCE NO. 2016-010

WHEREAS, the City of Bend applied for a Comprehensive Plan Amendment to Deschutes County Code (“DCC”) Title 23, to rescind the 2002 Bend Airport Master Plan, hereafter referred to as the “BAMP”, and replace it only with Chapter 7 (Airport Development Alternatives) and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours) from the 2013 BAMP; and

WHEREAS, the Board of County Commissioners (hereafter “Board”) adopted the 2002 BAMP into the Deschutes County Comprehensive Plan via Ordinance 2003-035; and

WHEREAS, the City of Bend, the owner-operator of the Bend Municipal Airport, at the Bend City Council meeting of October 2, 2013, adopted the 2013 BAMP by resolution; and

WHEREAS, after duly noticed hearings, on March 29 and April 12, 2016, the Deschutes County Hearings Officer approved the comprehensive plan amendment; and

WHEREAS, because no appeal was filed, the Board did not initiate review of the application and the decision does not require an exception to the goals or concern lands designated for forest or agricultural use, pursuant to DCC 22.28.030(B), the Board must approve the comprehensive plan amendment;

NOW, THEREFORE,

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

Section 1. AMENDMENT. DCC Title 23, Deschutes County Comprehensive Plan is amended to (a) rescind the 2002 BAMP in its entirety, and (b) include Chapter 7 and Sheets 2, 3, and 11 of the 2013 BAMP as shown in Exhibit “A.”

Section 2. FINDINGS. The Board adopts as its findings in support of this decision, the June 17, 2016 Decision of the Hearings Officer attached hereto as Exhibit “B” and incorporated by reference herein.

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Dated this \_\_\_\_\_ of \_\_\_\_\_, 2016

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ALAN UNGER, Chair

\_\_\_\_\_  
TAMMY BANEY, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
ANTHONY DeBONE, Commissioner

Date of 1<sup>st</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2016.

Date of 2<sup>nd</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2016.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Alan Unger	___	___	___	___
Tammy Baney	___	___	___	___
Anthony DeBone	___	___	___	___

Effective date: \_\_\_\_ day of \_\_\_\_\_, 2016.

## Chapter 7 - Airport Development Alternatives

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### Introduction

The evaluation of future development options represents a critical step in the airport master planning process. The primary goal is to define a path for future development that provides an efficient use of resources and is capable of accommodating the forecast demand and facility needs defined in the master plan. As noted in the facility requirements evaluation, current and long term planning for Bend Municipal Airport is based on maintaining and improving the airport's ability to serve a wide range of general aviation and business aviation aircraft.

All proposed facility improvements are consistent with applicable FAA airport design standards and FAR Part 77 airspace planning standards. Airplane Design Group II (ADG II) standards are recommended for all facilities used regularly by the design aircraft (medium business jet) such as the runway, major taxiways and aircraft parking apron. Facilities used exclusively by small aircraft, such as airplane tiedowns and T-hangar taxilanes are based on ADG I design standards (small single engine or multi-engine aircraft). All proposed improvements are compatible with protecting the Airport's existing non-precision instrument approach capabilities.

An important part of the master plan update process is the evaluation of previous master plan recommendations and actual facility development that subsequently occurred. Major improvements completed in the last ten years include a new runway, east parallel taxiway and privately-funded hangar area development on the east side of Runway 16/34. During this period

the City leased several large tracts of airport land on the east side of the runway to support landside development. In recent years however, poor economic conditions have slowed private investment and much of the leased area remains undeveloped. The existing Aero Facilities hangar complex has a large number of hangar sites available for development.

For the purposes of evaluating the Airport's long term landside facility improvements, the development options will focus on the land areas that are not currently committed through long-term lease or option. This approach is recommended since the timing and configuration of new facility development in the leased areas will be determined by the lease holder, rather than airport management. It is recognized that a portion of future hangar demand will be met through the inventory of hangar sites currently available and potentially through future development of leased lands. However, since it is difficult to predict what portion of future demand will be accommodated in the leased areas, it is appropriate to evaluate development options for the areas currently available for development by the Airport. This approach ensures that planning will be in place for airport management to effectively respond to a wide range of facility needs as they occur.

## Evaluation Process

Creating preliminary alternatives represents the first step in a multi-step process that leads to the selection of a preferred alternative. The preliminary alternatives will be evaluated to identify general preferences for both individual items and the overall concepts being presented. The process will allow the widest range of ideas to be considered and the most effective facility development concept to be defined. From this evaluation process, elements of a preferred alternative will emerge that can best accommodate all required facility improvements. The Consultant will integrate these items into a draft preferred alternative that will be reviewed and refined as the City proceeds through the process of selecting a final preferred development alternative for Bend Municipal Airport. Throughout this process, public input and coordination with the FAA will help shape the preferred alternative.

Once the preferred alternative is selected by the City, a detailed capital improvement program will be created that identifies and prioritizes specific projects that can be implemented. The elements of the preferred alternative will be integrated into the updated airport layout plan (ALP) drawings that will be used to guide future improvements at the airport.

**A description of the Preferred Alternative is provided at the end of this chapter. Figure 7-11 depicts the preferred alternative.**

## No-Action Alternative

In addition to proactive options that are designed to respond to future facility needs, a “no-action” option also exists, in which the City may choose to maintain existing facilities and capabilities without investing in facility upgrades or expansion to address future demand. The existing airfield configuration would remain unchanged from its present configuration and the airport would essentially be operated in a “maintenance-only” mode.

The primary result of this alternative would be the inability of the airport to accommodate forecast aviation demand beyond current facility capabilities. Future aviation activity would eventually be constrained by the capacity, safety and operational limits of the existing airport facilities.

The no-action alternative concept establishes a baseline from which the action alternatives can be developed and compared. The purpose and need for the action alternatives is defined by the findings of the forecasts and facilities requirements analyses. Forecast aviation activity and the factors associated with increased activity (potential for congestion, safety, etc.) are the underlying rationale for making facility improvements. Market factors (demand) effectively determine the level and pace of private investment (hangar construction, business relocation to the airport, etc.) at an airport. Public investment in facilities is driven by safety, capacity and the need to operate an airport on a financially sustainable basis.

Based on the factors noted above, the no-action alternative is inconsistent with the management and development policies of the City of Bend and its long-established commitment to provide a safe and efficient public air transportation facility that is socially, environmentally, and economically sustainable.

## **Preliminary Development Alternatives**

The primary facility needs identified in the facility requirements analysis include runway length, aircraft parking and aircraft hangars. Other items such as fencing, lighting improvements, minor roadway extensions, vehicle parking and pavement maintenance do not typically require an alternatives analysis and will be incorporated into the preferred development alternative. The preliminary alternatives have been organized into three groups to address these broad needs and other related needs:

- **Airside (Runway/Taxiway) Development Options**
- **West Terminal Apron Reconfiguration Options**
- **East Landside Development Options**

The helicopter landing area siting analysis presented in Chapter Six identified three potential sites on the east side of the airport for locating a new helicopter landing area and helicopter parking/hangars. These sites have been incorporated into the East Landside Development

Options. The helicopter facilities are being planned to provide an independent landing area that can operate simultaneously with Runway 16/34. The helicopter facilities also include a taxiway connection to the runway-taxiway system to facilitate aircraft movement between the facilities.

The preliminary development alternatives are described below with graphic depictions (**Figures 7-1 through 7-10**) provided to illustrate the key elements of each alternative. The preliminary alternatives are intended to facilitate a discussion and evaluation about the best path to meet the facility needs of the airport.

## **Runway/Taxiway (Airside) Options**

The main component of the airside development options is a 1,060-foot extension of Runway 16/34 that would increase the current runway length of 5,200 feet to 6,260 feet. As noted in the Facility Requirements analysis, 6,260 feet was identified in the FAA's runway length model as the length required at Bend Municipal Airport to accommodate 75 percent of the large general aviation airplane fleet at a 60 percent useful load (see Chapter Five for detailed runway length evaluation).

The FAA divides the general aviation large airplane fleet (aircraft weighing less than 60,000 pounds) into two groups (75 percent and 100 percent of the fleet) based on aircraft performance characteristics. The 75 percent segment includes a variety of small and medium business jets including several models similar the design aircraft (Citation Bravo, Excel, Encore); the Cessna Sovereign; Bombardier Challenger 300; Falcon 10, 20, 50; IAI/Jet Commander 1123, 1124; Learjet 20, 30 series, 45; and Hawker 400, 600. The 100 percent segment includes these aircraft and a variety of large business jets such as the Cessna Citation X; Learjet 50 and 60 series; Gulfstream 350 to 650 models; Falcon 900; and Challenger Global Express. These aircraft are designed for high speed, extended range flights and have runway length requirements comparable to narrow body transport airliners.

**Based on FAA criteria, the 75 percent of the fleet at 60 percent useful load segment is most consistent with current and forecast activity for Bend Municipal Airport.** The FAA model defines runway length requirements for use in airport planning that reflect the variety of aircraft and operational configuration within the specific segment of the fleet. Individual aircraft requirements will vary, particularly with heavier operating weights and higher temperatures. However, the FAA recommends planning based on the needs of the family of design aircraft rather one specific aircraft to avoid making facility improvements based on the needs of a single aircraft at an airport.

As noted in the facility requirements chapter, the FAA requires justification for all FAA-funded runway extensions. Typically, documentation of a minimum 500 annual itinerant operations by aircraft that are constrained by the existing runway length is required to meet the FAA's "substantial use" threshold for funding. Local pilots operating turbine aircraft on Runway 16/34

report weight-limited or time of day restricted takeoffs during warmer months; the airport's fixed base operator (FBO) indicates that several business jet operators use Roberts Field in Redmond during the summer months due to limited runway length at Bend Municipal Airport. The existing level of operational constraints combined with the number of locally based and transient business jet operations generated by aircraft within the design aircraft family suggests that the demand for longer runway currently exists and will increase in the future based on the updated aviation activity forecasts.

It is noted that Bend's relatively high airfield elevation (3,460 feet above mean sea level) requires a significantly longer runway than is needed for airports at lower elevations. For example, under the same conditions and aircraft use assumptions, the runway length required at Eugene, Salem, North Bend, Aurora, and Hillsboro ranges from 5,300 feet to 5,360 feet, compared to 6,260 feet in Bend.

### **Airside Option A (North Runway Extension)**

**Airside Option A** (see **Figure 7-1**) locates a 1,060-foot runway/taxiway extension at the north end of Runway 16/34. The runway extension extends north of the Powell Butte Highway on airport property. This option requires relocation/realignment of the Powell Butte Highway beyond the future runway end to clear the Runway 16 approach surface and the protected areas beyond the end of the runway (runway safety area, object free area, etc.).

The conceptual realignment of the highway depicted in Option A extends approximately 1.2 miles before reconnecting with the existing highway, east of McGrath Road. The actual alignment of the highway will depend on property acquisition and highway design requirements. A new McGrath Road-Powell Butte Highway intersection would be created approximately 1/3-mile northwest of the existing intersection. The section of existing Powell Butte Highway located between the east airport property line and the beginning of the new roadway alignment on the west side of the runway would be closed to accommodate the runway extension. The highway realignment accommodates vehicles without penetrating the 34:1 nonprecision instrument approach surface for the future Runway 16. The roadway is located entirely outside the future runway protection zone (RPZ) for Runway 16, which is recommended by FAA for safety.

The north runway and parallel taxiway extension does not require property acquisition although the section of the highway that extends beyond the northeast corner of the airport would require right-of-way acquisition.

The realignment of the highway also provides an opportunity to extend the existing west landside area beyond the current north end of the runway to significantly increase the Airport's current hangar and aviation related development capacity.

Further evaluation of land use, environmental conditions and property ownership will be performed if this development concept is selected for further consideration.

### **Airside Option B (South Runway Extension)**

**Airside Option B** (see **Figure 7-2**) locates the 1,060-foot runway/taxiway extension at the south end of Runway 16/34, north of Nelson Road. A conceptual realignment of Nelson Road approximately 1,500 feet south of its existing connection with the Powell Butte Highway is depicted to illustrate the clearing requirements for runway and its protected areas. Option B requires realignment of Nelson Road to clear a 34:1 non precision instrument approach surface for the future Runway 34. The actual roadway alignment will depend on property acquisition, the configuration of individual land parcels, and highway design requirements. Airside Option B would require acquisition of property (approximately 17 acres) to accommodate the runway/taxiway extension, the Runway 34 RPZ and the right of way for the roadway.

Further evaluation of land use, environmental conditions and property ownership will be performed if this development concept is selected for further consideration.

### **Airside Option C (Split South/North Runway Extension)**

**Airside Option C** (see **Figure 7-3**) divides the 1,060-foot runway/taxiway extension into two 530-foot extensions at both ends of Runway 16/34. Although dividing runway extensions into smaller separate segments is generally not ideal based on the increased costs typically associated with two construction areas, the option provides additional flexibility which could reduce construction costs at the north end of the runway where terrain variation is a factor. Option C does not require realignment of Nelson Road to clear a 34:1 non precision instrument approach surface for the future Runway 34. However, control of the future Runway Protection Zone (RPZ) for Runway 34 would be required either through acquisition of a navigation (air) easement or purchase of the land. The south extension of the runway and parallel taxiways will require approximately 9 acres of property acquisition to accommodate the east parallel taxiway and the lateral taxiway clearances. Option C maintains the proposed realignment of the Powell Butte Highway from Option A to provide a clear approach, clearance from the RPZ and additional west side hangar development at the north end of airport property.

Further evaluation of land use, environmental conditions and property ownership will be performed if this development concept is selected for further consideration.

**INSERT FIGURES**

Figure 7-1

Figure 7-2

Figure 7-3

## West Apron Reconfiguration Options

As noted in the facility requirements analysis, several needs were identified related to the existing west terminal area to be addressed in the evaluation of alternatives:

- Apron Taxilane Clearances (non-standard clearances to parked aircraft, fueling, etc.)
- Small Aircraft Parking (configuration and capacity)
- Business Aircraft Parking (configuration and capacity)
- Helicopter Parking (dedicated parking for helicopter)
- Aircraft Fueling Area (clearance from apron taxilanes, apron congestion, expansion)
- Expanded Vehicle Parking
- Restrooms (to replace portable toilets)

Based on the forecasts of aviation demand and projected aircraft parking and hangar demands, it is recognized that the west landside area has limited capacity available to meet these needs. In addition, the relocation of the west parallel taxiway and reconfiguration of the west apron to meet FAA taxilane clearance design standards will reduce existing capacity. These factors will eventually require additional landside capacity to be developed on the east side of the runway. The focus of the west apron options is to reconfigure the apron to maximize its efficiency for business and general aviation activity while recognizing the limits of the site and minimizing impacts on existing buildings. The apron reconfiguration extends from the aviation fuel storage/dispensing area to the taxilane located at the south end of the apron.

It is noted that in conjunction with the planned relocation of the west parallel taxiway and expansion of helicopter parking, approximately 25 additional aircraft tiedowns are being planned in the area north of the aircraft fueling station and near the north end of the runway/west parallel taxiway to offset a reduction in small airplane tiedown capacity on the west apron.

Options for replacing portable toilets with permanent restroom facilities in the hangar area will be evaluated including use of corner units in city-owned T-hangars north and south of the west apron.

### West Apron Reconfiguration Option A

**West Apron Reconfiguration Option A** (see **Figure 7-4**) reconfigures the existing apron to address large and small fixed wing aircraft parking. This option assumes that existing helicopter parking would be relocated to the east side of the airfield in conjunction with the development of a dedicated helicopter landing area.

### Taxilanes/Taxiways

A north-south taxilane (ADG II) is established along the rear section of the apron to provide access to large aircraft parking areas and all terminal area facilities. An unobstructed 115-foot ADG II taxilane object free area is provided through the apron with three ADG II taxilane connections to the relocated west parallel taxiway. ADG I taxilanes are provided between small airplane tiedown rows.

### Aircraft Parking

Four business aircraft (ADG II) drive-through parking positions are located on the east side of the main apron taxilane, directly in front of the fixed base operator (FBO)/terminal building. The business aircraft parking positions are accessible directly from the parallel taxiway or from the apron taxilane. Three multi-engine aircraft drive-through parking positions are located near the north end of the apron. These positions would typically accommodate multi-engine piston and turboprop aircraft and smaller business jets (ADG I and smaller ADG II aircraft). The apron reconfiguration includes five rows of small airplane tiedowns in the south section of the apron (35 north/south facing tiedowns). These tiedowns are intended to serve locally based and itinerant aircraft. As currently depicted, the south tiedown rows have taxilane connections to the parallel taxiway to improve aircraft movement and flow.

Option A provides 4 business aircraft drive-through parking positions, 3 multi-engine parking positions, and 35 small airplane tiedowns on the west apron.

### Aircraft Fueling Area

The existing aircraft fuel storage and dispensing area is expanded to increase the size of the bulk storage area and the number of aircraft that can be accommodated. Developing common use bulk fuel storage areas on the west and east side of the airfield is recommended to contain potential fuel spills and fire hazard.

### **West Apron Reconfiguration Option B**

**West Apron Reconfiguration Option A** (see **Figure 7-5**) also reconfigures the existing apron to address large and small fixed wing aircraft parking and existing helicopter parking would be relocated to the east side of the airfield in conjunction with the development of a dedicated helicopter landing area.

### Taxilanes/Taxiways

A north-south taxilane (ADG II) is established along the rear section of the apron to provide access to large aircraft parking areas and all terminal area facilities. An unobstructed 115-foot ADG II taxilane object free area is provided through the apron with four ADG II taxilane connections to the relocated west parallel taxiway. The alignment of the ADG II taxilane differs

slightly from Option A to accommodate two rows of north/south facing aircraft parking near the north end of the apron. ADG I taxilanes are provided between small airplane tiedown rows and parking positions.

### **Aircraft Parking**

Three business aircraft (ADG II) drive-through parking positions are located on the east side of the main apron taxilane, directly in front of the fixed base operator (FBO)/terminal building. The business aircraft parking positions are accessible directly from the parallel taxiway or from the apron taxilane. Two multi-engine aircraft drive-through parking positions are located near the north end of the apron. These positions would accommodate multi-engine piston and turboprop aircraft and smaller business jets (ADG I). The apron reconfiguration includes two rows of small airplane tiedowns in the south section of the apron. The outer row (nearest the parallel taxiway) is configured with approximately 21 east/west facing tiedowns. The back row of tiedowns is configured with approximately 11 east facing tiedowns. The rear tiedown row is limited by the taxilane that extends along the back of the apron. These tiedowns are intended to serve locally based and itinerant aircraft.

Option B provides 3 business aircraft drive-through parking positions, 2 multi-engine parking positions, and 36 small airplane tiedowns within the west apron area.

### **Aircraft Fueling Area**

No change from Option A.

### **West Apron Reconfiguration Option C**

**West Apron Reconfiguration Option C** (see **Figure 7-6**) reconfigures the existing apron to address large and small fixed wing aircraft parking and maintains limited helicopter parking on the west apron.

### **Taxilanes/Taxiways**

The north-south apron taxilane (ADG II) depicted in Option B is unchanged in Option C. However, Option C includes changes in ADG I taxilane configurations based on different aircraft and helicopter parking configurations.

### **Aircraft Parking**

The fixed wing aircraft parking in the northern section of the apron depicted in Option B is unchanged in Option C. However, Option C provides two rows of north/south facing tiedowns (14 positions) south of the business aircraft parking, and approximately 12 small helicopter parking positions at the south end of the apron. The primary limitation with this option is a reduction in the number of small airplane tiedowns on the west apron, which will require additional tiedown capacity to be provided elsewhere on the airport.

Option C provides 3 business aircraft drive-through parking positions, 2 multi-engine parking positions, 19 small airplane tiedowns and 12 helicopter parking positions within the west apron area.

**Aircraft Fueling Area**

No change from Option A.

Insert Figures  
Figure 7-4

Figure 7-5

Figure 7-6

## Air Traffic Control Tower Site Options

An air traffic control tower feasibility study conducted for Bend Municipal Airport in 2008 identified three potential locations for siting a new air traffic control tower. The study identified two potential sites on the east side of Runway 16/34 and one site on the west side of the runway. The east sites are located in areas that are currently undeveloped; the west site is located on the west apron. **Figure 7-7** depicts the proposed locations for the control tower.

The study evaluated the ability to obtain a clear visual line of sight from each of the tower sites. The primary factors in evaluating line of sight are the height of the air traffic control tower cab and the height of objects located within the line of sight established between the tower and the runway-taxiway system. Higher elevation towers are typically required at larger airports requiring longer sight distances or when additional vertical clearance is required to clear taller buildings within the line of sight.

Based on current FAA security requirements for control towers, a secure compound with controlled public access is required. Locating the tower on the west apron would require extending vehicle access to the site from the existing west frontage road and modification of existing aircraft taxiway access on the apron. Figure 7-7 provides a conceptual site configuration detail for this area. If the west apron tower site was determined to be the preferred site, the tower compound and access roadway would need to be incorporated into the west apron reconfiguration options. An alternative approach would be to consider constructing a control tower along the back of the apron by redeveloping an existing hangar site. If a site on the east side of the airport is selected, the facility would need to be integrated into new facility development plans.

An updated control tower siting analysis may be required to reflect potential new development in the northeast corner of the airport, a future runway extension and a new helicopter landing area. As noted above, the overall distances involved and the height of buildings (hangars) located between the control tower sites and the aircraft operational areas are primary factors in determining the height of the tower.

Figure 7-7

## East Landside Development Options

As noted earlier, the remaining available capacity of the west landside area is limited and is nearing full build-out. Although developing some additional capacity on the west side of the runway is possible in conjunction with the potential runway extension options or infill (redevelopment), the existing developable area is very limited. For this reason, the majority of future landside facility demands will need to be accommodated on the east side of the airfield:

- Small Aircraft Parking
- Business Aircraft Parking
- Fixed Base Operator Lease Area
- Aircraft Hangars (storage and commercial)
- Helicopter Parking and Landing Pads
- Aircraft Fueling Storage and Dispensing Area
- Vehicle Parking and Access

The Airport's east landside development area provides substantial unused capacity and sufficient acreage to accommodate long-term forecast demand. However, as noted at the beginning of this chapter, three large areas of land on the east side of airport have been leased for future private development of aviation facilities (see **Figure 7-8**). The leases significantly reduce the amount of "uncommitted" development area for new facility development. While the leased areas have the ability to accommodate a substantial portion of future landside demand, the Airport does not specifically control how or when new facilities will be constructed. For this reason, the Airport's long term development strategy needs to include the use of the remaining land areas for aircraft parking, helicopter landing area facilities, vehicle parking, access roads, and specific hangar demand that is not met within the private development areas. In the event that either of the two undeveloped leased areas revert back to the airport without being fully developed, they should be integrated into the preferred development alternative configuration selected for the east landside area.

Figure 7-8 (aviation lease boundaries - east side of airport)

## **East Landside Development Option A**

**East Landside Development Option A** (see **Figure 7-9**) uses the north and south sections of available land to accommodate future fixed-wing and helicopter facilities. Extensions of surface access and utilities would be required to serve these areas.

### **South Section**

Option A locates new fixed wing facilities in the south section between the existing Aero Facilities hangar complex and the undeveloped leased parcel north of the Cessna lease.

The conceptual development includes an aircraft parking apron with 6 business aircraft drive-through parking positions and 26 small airplane tiedowns. The area includes an FBO lease area capable of accommodating a general aviation terminal, commercial hangars, and common use aircraft fueling areas. A vehicle parking area is located adjacent to the FBO and hangar facilities. A commercial hangar area is located along the access road, south of the Epic/LT hangar. These hangars are similar in size to the commercial hangars located near the north end of the west landside area.

### **North Section**

The north section of the development area accommodates future helicopter facilities, including two landing pads, access taxiways, helicopter parking and hangar facilities (see Chapter Six for helicopter facility details). This area would accommodate either of the two northern helicopter pad locations identified in the helicopter landing area siting evaluation with the helicopter landside facilities located to the east or west of the landing pads. The helicopter facilities would have a separate taxiway connection to the east parallel taxiway to facilitate taxiing of wheel-equipped helicopters and for hover taxiing of other helicopters.

Space for a second FBO and aircraft parking apron is provided adjacent to the helicopter facilities to accommodate fixed wing aircraft parking. Five hangar rows are located south of the helicopter facilities with taxiway access provided along the southern edge of the development area. As currently depicted there are five T-hangars (approximately 50 aircraft capacity), although the rows could also accommodate rectangular multi-unit hangars or individual hangars.

The AWOS (airport weather station) 500-foot radius clear area limits development of structures and aircraft parking in the north section.

Figure 7-9 (east landside option A)

## **East Landside Development Option B**

**East Landside Development Option B** (see **Figure 7-10**) also uses the north and south sections of available land to accommodate future fixed-wing and helicopter facilities. Extensions of surface access and utilities would be required to serve these areas.

### **South Section**

Option B locates new helicopter facilities in the south section between the existing Aero Facilities hangar complex and the undeveloped leased parcel north of the Cessna lease. The helicopter landing pads and landside facilities are similar to Option A, and includes two landing pads, access taxiways, helicopter parking and hangar facilities (see Chapter Six for helicopter facility details). This area would accommodate the southern helicopter pad location identified in the helicopter landing area siting evaluation with the helicopter landside facilities located between the landing pads and the east parallel taxiway. The helicopter facilities would have a taxiway connection to the east parallel taxiway to facilitate taxiing of wheel equipped helicopters and for hover taxiing of other helicopters.

### **North Section**

The conceptual development includes an aircraft parking apron with 7 business aircraft drive-through parking positions and approximately 80 small airplane tiedowns. The area includes an FBO lease area capable of accommodating a general aviation terminal, commercial hangars, and common use aircraft fueling areas. Vehicle parking is located adjacent to the FBO and hangar facilities. A commercial hangar area is located along the access road serving the area. These hangars are similar in size to the commercial hangars located near the north end of the west landside area.

Four hangar rows are located along the taxiway that would extend from the east parallel taxiway to the FBO area and aircraft parking apron. As currently depicted there are four T-hangars (approximately 20 aircraft capacity), although the rows could also accommodate rectangular multi-unit hangars or individual hangars.

The AWOS (airport weather station) 500-foot radius clear area limits development of structures and aircraft parking in the north section. All proposed landside development is located beyond the clear area.

Figure 7-10 (east landside option B)

Figure 7-11 (preferred alternatives)

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## **Preferred Development Alternative**

The preliminary development alternatives, presented earlier in the chapter, were designed to accommodate the forecast aviation demand and the corresponding facility requirements for Bend Municipal Airport described in Chapters 4 and 5 for the twenty year planning period (2011-2030).

The draft development alternatives and helicopter landing area siting study chapters were presented to the Master Plan Technical Advisory Committee (TAC) and the general public at TAC meetings held in June and August, 2011. The draft documents were also submitted to FAA for review and comment. Based on input provided by the TAC, FAA, public, and city staff the elements of the preferred alternative were formed. The Consultant made a presentation to a joint study session of the Bend City Council and the Deschutes County Board of County Commissioners on September 7, 2011.

The elements of the preferred alternative have been incorporated into the draft Airport Layout Plan (ALP) and Capital Improvement Program to allow further review and refinement. **Figure 7-11**, presented at the end of the chapter, depicts the overall airfield configuration and the elements of the preferred alternative. Below is a short summary of key items:

### **Runway 16/34**

Based on the operational requirements of the design aircraft, three options were presented to increase the length of Runway 16/34 from 5,200 feet to 6,250 feet. The proposed increase in runway length is needed to accommodate current and forecast business aircraft activity at the airport. Options included a north extension, south extension, and a combination of two shorter north and south extensions.

Through the review of the preliminary alternatives, a consensus emerged that the north runway extension option was preferred despite requiring a realignment of Powell Butte Highway north of the airport and constructing two crossings of a Trans-Canada natural gas transmission line for the realigned runway. Although the cost of these project elements are significant, it was reasoned that expanding the airfield northward, away from the more populated areas between Bend and the airport, provided significant land use compatibility benefits. The north runway extension and its protected areas can be accommodated on existing airport property, although right of way acquisition for the realigned highway will be required. The agricultural lands in the north runway extension area are not irrigated and therefore have a lower value than irrigated agricultural lands to the south. A major consideration in the evaluation was land use, particularly the very low density of land use to the north compared to the south. It is anticipated that the conceptual realignment for the Powell Butte Highway depicted in the preferred alternative will be refined based on design and right of way considerations.

The realignment of Powell Butte Highway along the airport's western and northern property boundaries also provides an opportunity for limited new hangar development space on the west side of the runway. The natural gas pipeline right-of-way and the instrument approach and departure surfaces extending north of the runway limit development, however, none of the airport property located north of the existing highway alignment is currently accessible for aircraft-related use.

## **Parallel Taxiways**

The west parallel taxiway (Alpha) is planned for relocation and widening in 2012 to meet FAA design standards. The new taxiway will be shifted approximately 15 feet west of its current location (300 feet west of runway centerline) and constructed at a width of 35 feet. The interface between the new parallel taxiway and the adjacent main apron will be modified as part of the project.

The east and west parallel taxiways will also be extended in conjunction with the future north runway extension.

## **Main Apron (West Landside Area)**

The relocation of the west parallel taxiway noted above requires a reconfiguration of the west apron to accommodate the relocated aircraft parking line (required setback from the taxiway). The helicopter parking area will be shifted slightly westward to accommodate the new parallel taxiway and expanded to 12 positions. The existing row of 16 small airplane tiedowns located west of the helicopter parking area and 7 tiedown positions along the outer edge of the apron will be eliminated and replaced with 27 new small airplane tiedowns north of the aircraft fuel area and further north, near the northwest aircraft hangar area. The current aircraft parking capacity on the main apron is 60 fixed wing aircraft and 8 small helicopters. The 2012 project will result in 64 fixed wing parking positions and 12 small helicopter parking positions.

Beyond, 2012, the future configuration of the west apron incorporates a row of drive-through parking positions for business aircraft near the general aviation terminal and reconfiguration of small aircraft tiedown rows. It is anticipated that the reconfiguration will coincide with apron rehabilitation/reconstruction and would involve strengthening of apron and taxilane pavements used by large aircraft. As currently proposed, the future configuration of the west apron provides 74 small airplane tiedowns and space for approximately 4 to 6 business aircraft. All reconfigured taxilanes on the west apron will meet FAA design standards.

The long term configuration assumes that the existing helicopter parking will be relocated to the east side of the airport, adjacent to a new helicopter landing area and fixed base operator (FBO) development area. However, in the event that the helicopter parking is not relocated, additional space for new fixed wing parking apron is provided on the east side of the runway.

## **Aircraft Fueling**

An expansion reserve is proposed for the aircraft fueling area near the north end of the west apron. The reserve would allow for additional aircraft fueling positions to be located to the east

or north of the existing tanks with additional fuel pumps. Additional fuel tanks could also be accommodated north of the existing tanks.

A bulk aviation fuel storage area is identified on the east side of the airfield to support future east landside activity. The area is intended to provide a common storage area which can be accessed by airport fuel vendors operating fuel trucks.

### **Helicopter Landing Area and Landside Facilities**

Based on the evaluation of proposed helicopter landing area sites on the east side of the runway, the site located nearest the runway (700 feet east of runway centerline) at the north end of airport property was selected as the most feasible. The proposed site near mid-runway was considered less desirable due to the relatively close proximity of airport buildings to north and south; the second northern site, located near the east airport property line was not favored over concerns about shifting the helicopter traffic pattern further east, over identified noise-sensitive off-airport areas. The proposed location shows one landing pad on the airport and a second landing pad located 600 feet north, on property currently owned by Deschutes County. If the county property is not acquired, the second pad could be constructed on the south of initial pad. It is anticipated that the helicopter pads will provide a designated operational area for flight training that can be effectively managed between the airport, flight operators and air traffic control if a tower is established.

A helicopter parking apron and landside lease area is located east of the landing pads. The parking apron and landing pads are connected to the east parallel taxiway with a series of taxiways that will accommodate helicopter ground taxiing and hover-taxiing. The conceptual parking configuration includes 18 small helicopter parking spaces and 4 medium/large helicopter parking spaces that can be constructed in phases based on demand.

### **East Landside Area**

Proposed landside improvements on the east side of the airport include an aircraft parking apron, commercial lease area (fixed base operators, aircraft maintenance, etc.), an aircraft fueling and fuel storage area, vehicle parking, access road extensions, and lease space for T-hangars and conventional hangars. The area is also identified as a potential site for locating a new air traffic control tower.

The primary development area is located immediately south of the existing Aero Facilities hangar complex and immediately north of a large leased area, north of the Cessna site. The proposed configuration provides 6 business aircraft drive-through positions and 26 small airplane tiedowns; additional space is provided for passenger loading/unloading in front of the FBO buildings. The development provides lease area for 5 or 6 medium/large conventional hangars that are accessed by a taxiway that extends through the south end of the apron from

the east parallel taxiway. The proposed landside development capacity could effectively be doubled by mirroring the development in the leased area immediately to the south.

A future development area for T-hangars or small conventional hangars is located in the northeast section of the airport. Four T-hangars (15/16-units each) are currently depicted with dedicated taxilane access to the east parallel taxiway. However, groupings of smaller (6/8-unit) T-hangars or conventional hangars, and additional hangar rows can also be accommodated depending on market demand.

Aircraft apron and hangar reserves are identified north of the Aero Facilities complex (south and east of AWOS clear area). An apron reserve is identified immediately west of the proposed T-hangar area to provide convenient runway-taxiway access for aircraft parking, similar to the proposed apron located on the south side of Aero Facilities.

### **Property Acquisition**

During the evaluation of airport needs, two separate land areas were identified as having potential for airport use. A large parcel of property owned by Deschutes County is located immediately adjacent to the northeast corner of the airport. The portion of the parcel bordered by Powell Butte Highway and McGrath Road is located directly adjacent to proposed east landside facilities and a northeast airport access roadway connection to McGrath Road.

A second area of potential property acquisition is located immediately adjacent to the south end of the airport. It is anticipated that the privately-owned property (2 parcels) may become available for sale. The property is located north of Nelson Road and adjacent to the south airport property line. The property currently accommodates a residence and several out buildings. If added to the airport, a portion of the property could accommodate aviation related development. In its current agricultural zoning, the property can accommodate limited residential use, which is not compatible with airport operations due to its close proximity to the south end of Runway 16/34. Previous efforts to change the zoning to allow airport related uses have not been supported by the City of Bend due to concerns about potential conflicts with FAA through-the-fence policies.

The proposed realignment of the Powell Butte Highway will require acquisition of right-of-way for the section of roadway that would extend east of the airport. The property consists of undeveloped range land in federal Bureau of Land Management (BLM) ownership.

## DECISION OF THE DESCHUTES COUNTY HEARINGS OFFICER

**FILE NUMBER:** 247-16-000016-PA

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

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

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

**HEARING DATE:** April 12, 2016

**RECORD CLOSED:** May 10, 2016

### **I. STANDARDS AND APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures

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

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

### **II. FINDINGS OF FACT:**

**A. Location:** The Bend Municipal Airport is located at 63210 Powell Butte Highway and the subject properties are further identified as Assessor's Map 17-13-17, Tax Lot 200 and 17-13-20, Tax Lot 401.

**B. Zoning and Plan Designation:** The subject property is zoned Airport Development (A-D) with the following districts: Airfield Operations District (AOD), Aviation Support

District (ASD), and Aviation-Related Industrial District (ARID). The Deschutes County Comprehensive Plan designates the land as A-D.

- C. **Site Description:** The approximately 420 acres lie roughly east and south of Powell Butte Highway, west of McGrath Road, and north of Nelson Road. A smaller rectangular portion of the Bend Airport extends north of Powell Butte Highway.
- D. **Surrounding Zoning and Land Uses:** To the north are large swaths of Exclusive Farm Use (EFU), mostly in public ownership, to the east is a mix of EFU and Multiple Use Agriculture (MUA-10), including a residential area known as Cimarron City. To the south lies more EFU and MUA-10 and to the west is almost evenly split between EFU and MUA-10. The most densely populated lands around the airport are to the immediate west and east.
- E. **Proposed Plan Amendment:** The City of Bend proposes the County rescind the 2002 BAMP and replace it by only adopting Chapter 7 and Sheets 2 (Airport Data Sheet), Sheet 3 (Airport Layout Plan or ALP), and Sheet 11 (Noise Contours) from the 2013 Bend Airport Master Plan (BAMP). While the entire BAMP is attached to the application as **Exhibit C**, the remainder of the BAMP is not adopted by the County, but is only provided as a reference document containing information documenting current and future conditions at the Bend Municipal Airport. Staff utilized the entire BAMP when preparing these findings.

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

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

While the City owns the Bend Municipal Airport, the land on which the airport lies is under the land use and zoning authority of Deschutes County. Therefore, when the Bend

City Council adopted in October 2013 the latest BAMP approved by the FAA, the City needed to amend the Deschutes County Comprehensive Plan and the Deschutes County Transportation System Plan (TSP), which were last updated in 2010 and 2012, respectively. This quasi-judicial plan amendment rescinds the 2002 BAMP replacing it only with Chapter 7 and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours) from the 2013 BAMP and updates the relevant references and policies in the Comprehensive Plan and the TSP.

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

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

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

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

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

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

BOCC Ord. 2000-017 updated the Deschutes County Comprehensive Plan and created Title 23 of the Deschutes County Development Code (DCC). The Bend Airport is dealt with at DCC 23.44 which reiterated the Goal 3 Exception, but referenced 354 acres. Staff researched the issue but has not found any definitive answer.

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

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

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

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

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

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

appearing on the consultant's list. The applicant submitted a Land Use Sign Affidavit indicating two land use signs were posted on March 2, 2016.

These initial notices did not highlight the proposed rescission of the 2002 BAMP. The County then sent on March 21 second notices of the application and of an April 12 public hearing. The second notices specified the removal of the 2002 BAMP and replacing it with Chapter 7 and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours) only; the second notices also retained the previous language about amending the Comprehensive Plan and the TSP. The March 29 hearing was continued to April 12. The second notices were sent to the same properties and agencies used in the February 16 and 29 notices.

A public hearing was held on April 12, 2016. The Hearings Officer provided the statements required by ORS 197.763. There were no *ex parte* contacts to report, and no party challenged the Hearings Officer's fitness to conduct the hearing.

Staff provided a PowerPoint presentation that summarized the application.

The applicant's attorney Gary Firestone provided background on the Bend Airport Master Plan revisions. He explained that the current application only addressed requested Comprehensive Plan amendments. He also noted that the Federal Aviation Administration had approved the plan. The proposed amendments to the County Comprehensive Plan would deal with the land use aspects of the BAMP. He also explained compliance with OAR 660-013-0040 which in part requires a determination of compatibility with surrounding uses. He stated that OAR 660-013-0040(5 & 6) allowed for a change in the configuration or location of existing aircraft operations. Although the location of the helicopter area and extended runway changed the use configuration, they are not "new or expanded" uses that trigger compatibility analysis. He pointed to the BAMP chosen alternative for those uses that minimized their impacts. He also explained that the FAA requires a noise contour analysis which was done in May 2015 and accepted.

Several parties testified in opposition to the application. Those arguments fall into the following categories:

- Helicopter operations at the airport have increased in recent years. The noise from those operations is disturbing and unnecessarily close to surrounding properties.
- Nearby residents did not want National Guard helicopters use to increase due to noise and vibration.
- The noise study done for the application was a computer model only and a physical study needs to be done for accuracy. The study does not account for prevailing winds.

- Relocation of the helicopter area and changes in the access roads do not minimize impacts on surrounding properties.
- The airport is incompatible with a rural residential area. Agricultural uses are also impacted in violation of ORS 215.296.
- The reconfiguration of roads around the airport does not comply with the Transportation Planning Rule due to new vehicle trips.

Tom Maddox provided testimony that followed written testimony submitted into the record. His testimony included many of the points identified above. He fundamentally argued that the full BAMP must be amended into the Comprehensive Plan and that only including parts of the BAMP would be misleading. He also argued that the proposed amendment violates Statewide Planning Goals 2, 5, and 12.

Staff responded on the transportation issues. The County's Transportation System Plan already addresses the changes to Nelson Road. The nearby roads are well within their level-of-service standards, even considering future changes to the airport.

The applicant responded to some of the opponents' comments. On the issue of National Guard activities, the airport and City must allow operations due to federal funding obligations. The City does not have control over those operations. The same is true of night time operations. As for the access roads to the airport, those changes were mandated by the City's obligation to plan for future growth of the airport for FAA compliance. As for the impacts of all aircraft in the air, Mr. Firestone explained that as soon as any aircraft leaves the ground, the City has absolutely no control over operations or their related impacts.

At the end of the hearing the Hearings Officer considered requests to leave the record open. The Hearings Officer set an open record schedule as follows: 1) argument and evidence from any party could be submitted until April 26, 2016 at 5:00 p.m., 2) responsive testimony and evidence allowed until May, 3, 2016 at 5:00 p.m., and 3) the applicant's final argument was due May 10, 2016 by 5:00 p.m. All parties complied with these deadlines. The applicant filed responsive argument on May 3, 2016, and the record closed May 10, 2016.

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

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

### III. CONCLUSIONS OF LAW:

#### HEARINGS OFFICER OVERVIEW:

As explained above, this application seeks amendments to County's TSP and Comprehensive Plan to the extent necessary to recognize and coordinate with the BAMP. Staff noted, and the Hearings Officer emphasizes, that adoption of the proposed amendments does not authorize new uses or change the location of existing uses at the airport.

The majority of the public comments, summarized above, do not relate to how the proposed amendments comply with the Statewide Planning Goals and the County's criteria for plan amendments, but rather with existing operations at the airport. Those operations are largely controlled by the City's agreements with and compliance with FAA standards. The activities that participants object to relate primarily to in-air operations for which neither the City nor the County possesses authority to change. Furthermore, the updated BAMP, including land use choices made therein, is a City planning document that has already been reviewed and approved by the Bend City Council and the FAA, and nothing in this record indicates that those decisions were appealed. Thus, the types of in-air operations and configuration of the airport as it stands today are outside the scope of the County's review and the Hearings Officer's authority to change.

Although the Hearings Officer is sympathetic to the neighbors' complaints about noise, vibration and hours of aircraft operation, those concerns are not legally relevant to review of the proposed TSP and Comprehensive Plan amendments. The amendments do not approve any specific land use actions or uses on the ground – that will require separate and future development applications. For these reasons, the Hearings Officer adopts the Staff findings and conclusions as set forth below. The applicant provided two documents which adequately respond to all the public comments: an April 22, 2016 letter with attachments, and a May 3, 2016 letter. Those letters, along with the balance of the record, provide sufficient argument and substantial evidence to respond to the testimony and written public comments received prior to and during the public hearing. Staff also provided a May 2, 2016, memorandum that correctly addresses the concerns raised around Nelson Road.

The only remaining argument is that of Mr. Maddux who argues that it is error to only adopt portions of the 2013 BAMP into the County planning documents. He argues that not adopting the full BAMP will not give the County a full picture for guidance and planning of the airport for the future. The Hearings Officer agrees with Mr. Maddux in principle, but that does not legally undermine the applicant's (and County Staff's) approach of only adopting the relevant land use components of the BAMP into the relevant planning documents. In this the applicant is correct that the full BAMP is included in the approval record of this application, and will be relevant in resolving the application of specific provisions of the TSP and Comprehensive Plan if questions arise in the future. The Hearings Officer finds no legal error in the City's approach.

**A. Title 23, Deschutes County Comprehensive Plan**

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

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

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

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

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

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

**B. Title 23, Deschutes County Transportation System Plan**

Coordination and Implementation

**Goal 1 Achieve an efficient, safe, convenient and economically viable transportation and communication system. This system includes roads, rail lines, public transit, air, pipeline, pedestrian and bicycle facilities. The Deschutes County transportation system shall be designed to serve the existing and projected needs of the unincorporated communities and rural areas within the County. The system shall provide connections between different modes of transportation to reduce reliance on any one mode.**

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

Airport Plan

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

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

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

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

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

**C.      Oregon Revised Statute 836, Airports and Landing Fields**

**836.600 Policy.** *In recognition of the importance of the network of airports to the economy of the state and the safety and recreation of its citizens, the policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. Such encouragement and support extends to all commercial and recreational uses and activities described in ORS 836.616 (2). [1995 c.285 §2]*

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

**836.608 Airport operation as matter of state concern; local planning documents to recognize airport location; limitations on use; expansion of facility.**

*(1) The continued operation and vitality of airports registered, licensed or otherwise recognized by the Department of Transportation on December 31, 1994, is a matter of state concern.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**836.610 Local government land use plans and regulations to accommodate airport zones and uses; funding; rules.** (1) *Local governments shall amend their comprehensive plan and land use regulations consistent with the rules for airports adopted by the Land Conservation and Development Commission under ORS 836.616 and 836.619. Airports subject to the rules shall include:*

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

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

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

*(B) Provide essential safety or emergency services; or*

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

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

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

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

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

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

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

**836.616 Rules for airport uses and activities.** *(1) Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules for uses and activities allowed within the boundaries of airports identified in ORS 836.610 (1) and airports described in ORS 836.608 (2).*

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

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

*(b) Emergency medical flight services;*

*(c) Law enforcement and firefighting activities;*

*(d) Flight instruction;*

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

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

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

*(h) Aircraft rental;*

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

*(j) Aviation recreational and sporting activities.*

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

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

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

**D. OAR 660, Division 12, Transportation Planning**

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

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

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

**FINDING:** The City of Bend in its application asserted the proposed plan amendment did not trigger the Transportation Planning Rule (TPR.) Upon receipt of the City's materials, DLCDC contacted County staff and expressed concern that in the agency's view the TPR was triggered

and Section 060 needed to be addressed. Staff presented the following in answer to DLCD's request.

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

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

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

Therefore, the 2013 BAMP ALP has no significant effect based on OAR 660-012-060. The TPR is met.

#### **E. OAR, 660, Division 13 Airport Planning**

##### ***OAR 660-013-0010 Purpose and Policy***

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

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

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

***OAR 660-013-0030, Preparation and Coordination of Aviation Plans***

*(1) The Oregon Department of Aviation (ODA) shall prepare and adopt a state Aviation System Plan (state ASP) in accordance with ORS Chapters 835 and 836 and the State Agency Coordination Program approved under ORS 197.180. ODA shall coordinate the preparation, adoption, and amendment of land use planning elements of the state ASP with local governments and airport sponsors. The purpose of the state ASP is to provide state policy guidance and a framework for planning and operation of a convenient and economic system of airports, and for land use planning to reduce risks to aircraft operations and nearby land uses. The state ASP shall encourage and support the continued operation and vitality of Oregon's airports.*

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

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

***OAR 660-013-0040, Aviation Facility Planning Requirements***

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

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

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

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

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

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

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

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

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

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

One additional area needed for planned airport operations is the area to the north of Runway 16, which would be needed for a future extension of the runway and parallel taxiways. Staff noted that it is unclear whether a Goal 3 Exception would be needed for this given the airport had

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FINDING:** Chapter 7 of the 2013 BAMP documents the data, assumptions, and projected operations and service needs at the Bend Municipal Airport. This includes uses which may not be currently located at the airport or current uses which may be expanded. The ALP, aka Sheet 3 of the 2013 BAMP, addresses where these uses could be located on the Bend Municipal Airport to not create a hazard for aircraft operations. The uses will be compatible with existing and planned airport uses. No new uses are being proposed for DCC 18.76. The imaginary surfaces set forth in DCC 18.80 are designed to provide for safe airport operations and compatibility with surrounding land uses. Once an aircraft leaves the field, however, its movements are not under the jurisdiction of Deschutes County or the City of Bend or the State of Oregon.

The record shows that nearby residents are experiencing noise and vibration impacts from aircraft operations. The Hearings Officer understands that such noise reduces the level of quiet enjoyment of property that neighbors desire. However, the “compatibility” standard as used in the rule does not forbid noise or guarantee that no impacts from an airport may occur. The definition is as follows: *“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.* Typically, this type of definition has been interpreted to mean that adverse impacts can be allowed so long as the underlying zoned use can continue. Here, the record shows that although helicopter noise is present for more than incidental periods of time, the underlying agricultural and rural residential uses can continue. Thus, the proposal meets the compatibility standard set forth in OAR 660-013-0040.

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

**FINDING:** The Bend Municipal Airport was established in 1942. The rural subdivision Cimarron City abuts the airport on the east and was first established in 1968 with a first addition in 1970. Staff found, and the Hearings Officer agrees, that the establishment of the A-D zone in 1980 and an Airport Height Combining (AH) zone in 1991, that the County as the local decision maker took reasonable steps to create buffer areas of sufficient size to minimize incompatibility issues. If there are compatibility issues, they occur with airborne operations which are outside the jurisdiction of Deschutes County. The State of Oregon in ORS 836.600 sets a policy to encourage and protect airports. The record shows that the BAMP and the proposed TSP and Comprehensive Plan amendments are flexible enough to allow for this section of the rule to work as intended.

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

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

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

**FINDING:** This provision is not applicable to the current plan amendment, but will be applicable to the zoning code and map amendments the City may apply for in the future. The County has already adopted safety zones with the previous adoption of the DCC 18.80 Airport Safety Combining Zone and the 1979 and 2002 BAMPs.

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

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

#### ***OAR 660-013-0050 through 660-013-0150***

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

#### ***660-013-0160 Applicability***

*This division applies as follows:*

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

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

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

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

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

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

#### **F. Oregon Aviation Plan**

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

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

#### **G. Statewide Planning Goals**

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

### **Goal 1, Citizen Involvement**

**FINDING:** Prior to submittal of these plan amendments, the City of Bend and its consultants held numerous public meetings and workshops on the 2013 BAMP. The Bend City Council approved the BAMP after conducting a public hearing. The City's application is being processed by the County in a manner which included a noticed public hearing before a hearings officer. In the absence of an appeal or a review initiated by the Board, DCC 22.28.030 requires the Board to adopt the hearings officer's decision since the Bend Municipal Airport is designated and zoned A-D. This goal is met.

### **Goal 2, Land Use Planning**

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

### **Goal 3, Agricultural Lands**

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

### **Goal 4, Forest Land**

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

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

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

### **Goal 6, Air, Water and Land Resources Quality**

**FINDING:** Goal 6 is primarily concerned with the preservation of air, land, and water resources from pollution. The Comprehensive Plan and TSP amendments will not affect such resources as the Bend Municipal Airport is already served by water and sewer. Furthermore, no development

or land use changes are being proposed that impact air, water and land resource qualities. This goal has been met.

### **Goal 7, Natural Hazards**

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

### **Goal 8, Recreational Needs**

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

### **Goal 9, Economic Development**

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

### **Goal 10, Housing**

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

### **Goal 11, Public Facilities**

**FINDING:** The Bend Municipal Airport is already served by water and sewer. This goal has been met.

### **Goal 12, Transportation**

**FINDING:** The Bend Municipal Airport is part of the County's multi-modal transportation system. Airport master plans such as the 2013 BAMP continue to make public and private

airports safe, economical, and convenient. DCC 18.76 lists all the uses permitted outright or conditionally at the airport and the Comprehensive Plan and TSP amendments do not change those uses or add to them. The findings regarding compliance with the TPR demonstrate the plan amendments have no significant effect on the transportation network. This goal has been met.

### **Goal 13, Energy Conservation**

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

### **Goal 14, Urbanization**

**FINDING:** The Bend Municipal Airport sits on exception land and is a built and committed use. The airport lies approximately 2.5 miles to the east of the current UGB. The airport provides an orderly and efficient transition between urban and rural lands.

### **Goals 15 through 19**

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

**DECISION:** The proposed amendments to the Deschutes County Comprehensive Plan, the County TSP, and the adoption of Chapter 7, Sheets 2, 3, and 11 of the BAMP are consistent with all applicable state statutes, rules, the Statewide Planning Goals, and County plans.



Kenneth D. Helm, Hearings Officer

Dated this 17<sup>th</sup> day of June, 2016

Mailed this 17<sup>th</sup> day of June, 2016

**A DECISION BY THE HEARINGS OFFICER BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE OF MAILING, UNLESS APPEALED BY A PARTY OF INTEREST.**



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005

Phone: (541) 388-6575 Fax: (541) 385-1764

<http://www.deschutes.org/cd>

### NOTICE OF HEARINGS OFFICER'S DECISION

The Deschutes County Hearings Officer has approved the land use application(s) described below:

**FILE NUMBER:** 247-16-000016-PA

**LOCATION:** The subject property has an assigned address of 63210 Powell Butte Highway; and is identified on the County Assessor's Map as 17-13-17, Tax Lot 200 and as 17-13-20, Tax Lot 401.

**OWNER:** City of Bend

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

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

**STAFF CONTACT:** Peter Russell, Senior Transportation Planner, (541) 383-6718

**APPLICABLE CRITERIA:** The Planning Division reviewed this application for compliance against criteria contained in the Deschutes County Comprehensive Plan in Title 23 of the Deschutes County Code (DCC); the Deschutes County TSP; Oregon Revised Statute (ORS) 836, Airport and Landing Fields; Oregon Administrative Rule (OAR) 660-012, Transportation Planning Rule (TPR); OAR 660-013, Airport Planning; Oregon Aviation Plan; applicable Statewide Planning Goals; and the procedural requirements of Title 22 of the DCC.

**DECISION:** The hearings officer finds that the application meets the applicable criteria and approves the plan amendment.

**This decision becomes final twelve (12) days after the date mailed**, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue.

Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

**NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**

Dated this 17<sup>th</sup> day of June, 2016

Mailed this 17<sup>th</sup> day of June, 2016



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005

Phone: (541) 388-6575 Fax: (541) 385-1764

<http://www.deschutes.org/cd>

### CERTIFICATE OF MAILING

**FILE NUMBER:** 247-16-000016-PA

**DOCUMENTS MAILED:** Hearings Officer's Decision  
(City of Bend only)  
Notice of Decision

**MAP/TAX LOT NUMBERS:** 17-13-17, Tax Lot 200  
17-13-20, Tax Lot 401

I certify that on the 17<sup>th</sup> day of June, 2016, the attached notice(s)/report(s), dated June 17, 2016, was/were mailed by first class mail, postage prepaid, to the person(s) and address(es) set forth below/on the attached list.

Dated this 17<sup>th</sup> day of June, 2016.

### COMMUNITY DEVELOPMENT DEPARTMENT

By: Sher Buckner

Gary Firestone City of Bend 710 Wall St. Bend, OR 97701	Tom Maddox 22670 Peacock Lane Bend, OR 97701
Pamela J. Kelly 22640 Peacock Lane Bend, OR 97701	Stephanie Carmichael 63215 Cimarron Drive Bend, OR 97701
Michael Anderson 22840 Longhorn Court Bend, OR 97701	Dennis and Jerri Wellbourn 22825 McGrath Road Bend, OR 97701
David SwiDrak 22916 McGrath Road Bend, OR 97701	Ronelle Dietsch 63460 Greg Court Bend, OR 97701

Jeff and Lorraine Stogsdill 62570 Powell Butte Highway Bend, OR 97701	Martha and Skip Yates 62800 Powell Butte Highway Bend, OR 97701
Dean Gallino 23061 Tumbleweed Drive Bend, OR 97701	Sherry Liberty 22960 Yucca Court Bend, OR 97701
Patricia McKinney 22980 Manzanita Court Bend, OR 97701	Pam Fox 23190 Tumbleweed Drive Bend, OR 97701
Adam Derr 63363 Chaparrel Drive Bend, OR 97701	