



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

### **For Board Business Meeting of July 27, 2016**

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**DATE:** July 6, 2016

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

**TITLE OF AGENDA ITEM:**

Consideration of signature and first 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.

**FISCAL IMPLICATIONS:**

None

**RECOMMENDATION & ACTION REQUESTED:**

Accept the Ordinances 2016-010 and 2016-011 as submitted, conduct first reading by title only, and schedule a second reading on a date no sooner than two weeks.

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

**DISTRIBUTION OF DOCUMENTS:**

Peter Russell, Community Development Department

Who should get an original or a copy? Does the document go back to the department for further processing? Include the full address if it needs to be mailed to someone outside the County, or the appropriate e-mail address if it can be sent electronically.



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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### MEMORANDUM

**DATE:** July 27,, 2016

**TO:** Board of County Commissioners

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

**RE:** Consideration of adopting implementing ordinances for 2013 Bend Airport Master Plan (File 247-16-000016-PA)

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Before the Board are Ordinance 2016-010, which rescinds the 2002 Bend Airport Master Plan (BAMP) from the Deschutes County Comprehensive Plan and replaces it with only Chapter 7 and Sheets, 2, 3, and 11 from the 2013 BAMP, and Ordinance 2016-011, which amends the Deschutes County Comprehensive Plan to include references to the 2013 BAMP. These ordinances implement the hearings officer's approval of File 247-16-000016-PA.

The 2013 BAMP does not allow new uses to occur at the Bend Municipal Airport nor does it allow existing uses to occur in new locations.

### BACKGROUND

The City of Bend owns and operates the Bend Municipal Airport. Both the Federal Aviation Administration (FAA) and the Oregon Department of Aviation compel airports to update their master plans. The City of Bend spent several years working with stakeholder groups, ranging from airport users, businesses located at the airport, and nearby residents, to update the 2002 BAMP. The update was based on current and predicted operations at the airport. The FAA approved the 2013 BAMP and the Bend City Council adopted it by resolution in October 2013.

The City of Bend submitted a land use application, File 247-16-000016-PA, to the County which would rescind the 2002 BAMP; replace it only with Chapter 7 (Airport Development Alternatives) and Sheets 2 (Airport Data), 3 (Airport Layout Plan), and 11 (Noise Contours); and amend the Deschutes County Comprehensive Plan and Transportation System Plan (TSP) to include references to the 2013 BAMP. Specifically, the Comprehensive Plan would be amended at Section 3.4 (Rural Economy) while the TSP would be amended at Sections 2.1 (Inventory and Background), 2.2 Existing Transportation System and Current Needs), 4.3 (Transportation Issues Identified in the TSP Update Process), and 5.6 (Airport Plan).

## **PUBLIC HEARINGS AND HEARING OFFICER'S DECISION**

Public hearings were held March 29 and April 12, 2016. Roughly 20 people attended in opposition. The main concerns are listed below in no order of priority:

- Increased noise from airport operations, particularly helicopters
- National Guard helicopters using the airport as these are noisier than civilian helicopters and produce more vibrations
- Noise study for the application was a computer model and not an actual physical study; the model may not account for prevailing winds
- The airport is incompatible with the adjacent rural residential areas
- The airport use violates Exclusive Farm Use and ORS 215.296
- The application did not address traffic, changes to circulation, or the Transportation Planning Rule (TPR)
- The City should have submitted the entire BAMP for approval

The hearings officer found the aircraft operations and type of aircraft were beyond the purview of local jurisdictions as they were under FAA control. The hearings officer also found the noise methodology was acceptable. The hearings officer found as no new uses were being allowed nor existing uses in new locations, the TPR had been satisfactorily addressed. Finally, the hearings officer found no requirement in County code requires the full BAMP be submitted for adoption by the County, but pointed out the City did submit the full BAMP as a supporting exhibit.

The hearings officer approved File 247-16-000016-PA on June 17, 2016, with notice of the decision mailed to all parties with standing. No party appealed the decision and the Board did not call up the decision, either. Under Deschutes County Code (DCC) 22.28.030(B) the Board cannot hear further testimony or evidence and must accept the hearings officer's decision.

## **STAFF RECOMMENDATION**

Accept Ordinances 2016-010 and 2016-011 as submitted; conduct a first reading by title only, and schedule a second reading in no sooner than two weeks.