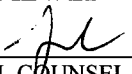
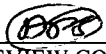



REVIEWED

 LEGAL COUNSEL

REVIEWED

 CODE REVIEW COMMITTEE

DESCHUTES COUNTY OFFICIAL RECORDS CJ 2003-1384
 NANCY BLANKENSHIP, COUNTY CLERK
 COMMISSIONERS' JOURNAL 11/06/2003 02:25:40 PM



2003-1384

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, the Deschutes *
 County Zoning Ordinance, of the Deschutes County *
 Code, to Repeal and Replace the Airport *
 Development Zone, Chapter 18.76, and Prescribing *
 an Effective Date of January 1, 2004. *

ORDINANCE NO. 2003-036

WHEREAS, the 1994 Bend Municipal Airport Master Plan, as amended in 2002, recommends that only airport-related industrial uses and those uses that benefit from an on-airport location be allowed at the Bend Municipal Airport; and

WHEREAS, the City of Bend made an application to Deschutes County to amend the text of the County's Airport Development (AD) zone, DCC Chapter 18.76, to reflect uses and requirements associated with the adoption of the 1994 Bend Municipal Airport Master Plan, as amended in 2002, through Ordinance 2003-035; and

WHEREAS, the Deschutes County Planning Commission considered this matter after a duly-noticed public hearing on August 14, 2003 and forwarded changes to the Airport Section of the Comprehensive Plan to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on October 22, 2003 and concluded that the public will benefit from changes to the Comprehensive Plan by the adoption of the 1994 Bend Municipal Airport Master Plan, as amended in 2002; now, therefore,

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

Section 1. REPEAL. Deschutes County Zoning Ordinance 18.76., Airport Development Zone, is hereby repealed in its entirety.

Section 2. ADOPTION. The provisions of chapter 18.76, Airport Development Zone of the Deschutes County Zoning Ordinance, as described in Exhibit "A," attached hereto and by this reference incorporated herein are hereby adopted.

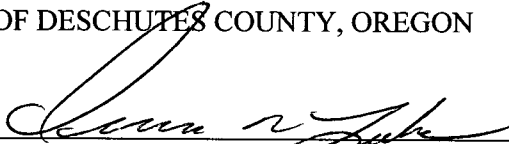
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Section 3. FINDINGS. The Board of County Commissioners adopts as its findings in support of the amendment set forth herein the Staff Report prepared for the October 22, 2003 Board of County Commissioners public hearing, dated October 15, 2003 and attached hereto as Exhibit "B," and by this reference incorporated herein.

Section 4. EFFECTIVE DATE. This ordinance takes effect on January 1, 2004.

DATED this 5th day of November, 2003.

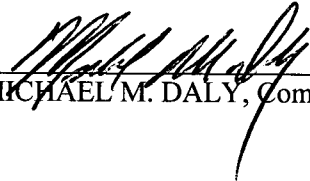
BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, Chair

- absent -
TOM DEWOLF, Commissioner

ATTEST:


Recording Secretary


MICHAEL M. DALY, Commissioner

1st and
Date of 2nd Reading: 5th day of November, 2003.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom DeWolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: This ordinance takes effect on January 1, 2004.


Attest: 
Recording Secretary

EXHIBIT "A"

**Chapter 18.76. AIRPORT
DEVELOPMENT ZONE
- A-D**

18.76.010. Purpose.

18.76.020. Standards in all Districts.

18.76.030. Uses permitted outright.

18.76.040. Conditional uses.

18.76.050. Use limitations.

18.76.060. Dimensional standards.

**18.76.070. Airfield Operations District
(AOD).**

18.76.080. Aviation Support District (ASD).

**18.76.090. Aviation-Related Industrial
District (ARID).**

18.76.100. Design and use criteria.

18.76.110. Additional requirements.

18.76.010. Purpose.

The purpose of the Airport Development (AD) Zone is to allow for development compatible with ongoing airport use consistent with the Deschutes County Year 2000 Comprehensive Plan and the 1994 Bend Airport Master Plan (as amended by a 2002 supplement), while providing for public review of proposed development likely to have significant impact on surrounding lands. The AD Zone is composed of three separate zoning districts, each with its own set of allowed uses and distinct regulations, as further set forth in DCC 18.76. (Ord. 2003-036 § 2, 2003; Ord. 91-020 § 1, 1991)

18.76.020. Standards in all Districts.

- A. Approval Required. Any use in an AOD, ASD, or ARID District shall be subject to DCC 18.124.
- B. Solar Setbacks. The setback from the north lot line shall meet the solar setback requirements of DCC 18.116.180.
- C. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.

D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the parking provisions of DCC 18.116.

E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.

F. Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be subject to DCC 18.120.050 and/or DCC 18.128.270.

G. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.

(Ord. 2003-036 § 2, 2003)

18.76.030. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright in all of the Airport Districts:

- A. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- B. Class III road or street project.
- C. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- D. Farm use as defined in DCC Title 18. (Ord. 2003-036 § 2, 2003; Ord. 2001-039 § 10, 2001; Ord. 2001-016 § 2, 2001; Ord. 93-043 § 11, 1993; Ord. 91-020 § 1, 1991)

18.76.040. Conditional Uses.

The following uses may be allowed in all of the Airport Districts subject to DCC 18.128.

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

EXHIBIT "A"

(Ord. 2003-036 § 2, 2003; Ord. 2001-039 § 10, 2001; Ord. 2001-016 § 2, 2001; Ord. 91-038 § 1, 1991)

18.76.050. Use Limitations.

The following limitations and standards shall apply to all permitted uses in the Airport Districts:

- A. The height of any plant growth or structure or part of a structure such as chimneys, towers, antennas, power lines, etc., shall not exceed 35 feet.
- B. In approach zones beyond the clear zone areas, no meeting place designed to accommodate more than 25 persons for public or private purposes shall be permitted.
- C. All parking demand created by any use permitted by DCC 18.76 shall be accommodated on the subject premises entirely off-street.
- D. No use permitted by DCC 18.76 shall require the backing of traffic onto a public or private street or road right of way.
- E. No power lines shall be located in clear zones.
- F. No use shall be allowed which is likely to attract a large quantity of birds, particularly birds which normally fly at high altitudes.

(Ord. 2003-036 § 2, 2003; Ord. 91-020 § 1, 1991)

18.76.060. Dimensional Standards.

The following dimensional standards shall apply in the Airport Districts:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.76 relative to setback requirements, off-street parking and loading requirements, lot coverage limitations or as deemed necessary by the Planning Director or Hearings Body to maintain air, land and water resource quality, protect adjoining and area land uses, and to ensure resource carrying capacities are not exceeded.
- B. An airport related use or structure located adjacent to or across the street from an

existing residential use or platted residential lot shall not exceed 70 percent lot coverage and shall require off-street parking and loading areas.

- C. The minimum setback between any structure and an arterial right of way shall be 100 feet. The minimum setback between any structure and a collector right of way shall be 50 feet. The minimum setbacks between any structure and all local streets shall be 20 feet.
- D. The minimum setback between any structure and a property line adjoining a residential use or lot shall be 50 feet.
- E. The minimum lot frontage shall be 50 feet.
- F. The minimum side setback between any structure and a property line shall be three feet, and the minimum total of both side setbacks shall be 12 feet.
- G. The minimum rear setback between any structure and a rear property line shall be 50 feet.

(Ord. 2003-036 § 2, 2003; Ord. 94-008 § 24, 1994; Ord. 91-020 § 1, 1991)

18.76.070. Airfield Operations District (AOD).

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - 1. Runway, taxiway, service road, fuel storage and sales and emergency repair.
 - 2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division specifically supporting airport operations.

(Ord. 2003-036 § 2, 2003)

18.76.080. Aviation Support District (ASD).

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - 1. Runway, taxiway, service road, fuel storage and sales and emergency repair.
 - 2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.

EXHIBIT "A"

3. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:

1. Restaurant, which may include a bar or cocktail lounge as an accessory use. One restaurant per airport. Restaurant, including any accessory use, to be 2,500 square feet or less in size.
2. Airport or aviation-related industrial businesses that benefit from an on-airport location.

(Ord. 2003-036 § 2, 2003)

18.76.090. Aviation-Related Industrial District (ARID).

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. Runway, taxiway, service road, fuel storage and sales and emergency repair.
2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
3. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
4. Airport or aviation-related commercial or industrial businesses that benefit from an on-airport location.

(Ord. 2003-036 § 2, 2003)

18.76.100. Design and use criteria.

The following dimensional standards shall apply in the Airport Districts:

The Planning Director or Hearings Body shall take into account the impact of any proposed conditional use within the AD Zone on nearby residential and commercial uses, and on the capacity of transportation and other public facilities and services. In approving a proposed conditional use, the Planning Director or Hearings Body shall find that:

- A. The proposed use is in compliance with the Comprehensive Plan, including the 1994 Bend Airport Master Plan as amended (supplemented) in 2002.
- B. The proposed use is in compliance with the intent and provisions of DCC Title 18.
- C. Any adverse social, economical, physical or environmental impacts are minimized.
- D. The proposed use is not sensitive to noise of the character anticipated by the current and expected noise level contours of the airport.
- E. The proposed use is compatible with adjacent agricultural and residential uses.
- F. There are sufficient public facilities and services to support the proposed use.
- G. The location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.
- H. The use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

(Ord. 2003-036 § 2, 2003; Ord. 91-020 § 1, 1991)

18.76.110. Additional requirements.

As a condition of approval for any conditional use proposed within the A-D Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities and building standards.
- C. Limitations on signs or lighting, hours of operation, points of ingress and egress and building heights.

EXHIBIT "A"

- D. Additional landscaping, screening and other improvements.
- E. Glare-resistant materials in construction or other methods likely to reduce operating hazards.
- F. Other conditions considered necessary to achieve compliance and policies of the Comprehensive Plan.

(Ord. 2003-036 § 2, 2003; Ord. 91-020 § 1, 1991; Ord. 80-221 § 1, 1980)

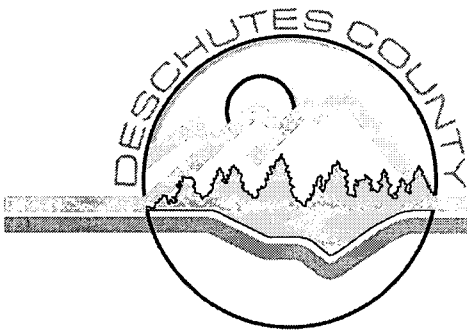


EXHIBIT "B"

Community Development Department

Planning Division Building Safety Division Environmental Health Division

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

DESCHUTES COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING STAFF REPORT

OCTOBER 22, 2003

FILE NUMBERS: PA-03-3, TA-03-4

LOCATION: Deschutes County Commissioners Hearing Room
1130 NW Harriman Street, Bend, Oregon 97701

APPLICANT: City of Bend
Attn.: Andy Lindsey
710 NW Wall Street
Bend, Oregon 97701

AGENT: Karen Swirsky
David Evans & Assoc.
709 NW Wall Street
Suite 102
Bend, Oregon 97701

PROPOSAL: A Plan Amendment to adopt the 1994 Bend Municipal Airport Master Plan as amended in 2002 into the County's Comprehensive Plan, Title 23, and a Text Amendment to the Airport Development (AD) zone, Chapter 18.76, to reflect uses and requirements associated and identified in the master plan.

STAFF CONTACTS: Steve Jorgensen, Senior Transportation Planner
Catharine Tilton White, Associate Planner

I. APPLICABLE CRITERIA:

Title 18, Zoning Ordinance

Chapter 18.76, Airport Development (AD) Zone
Chapter 18.136, Amendments

Title 23, Deschutes County Comprehensive Plan

Chapter 23.64.200, Airports

Title 22, Deschutes County Development Procedures Ordinance

EXHIBIT "B"

II. **BASIC FINDINGS:**

A. **PROPOSAL**

The City of Bend has made an application to Deschutes County to adopt the 1994 Bend Municipal Airport Master Plan as amended in 2002 into the County Comprehensive Plan Title 23, Chapter 23.64.200, Airports. In addition, the City is requesting a Text Amendment to the County's Airport Development (AD) zone, Chapter 18.76, to reflect uses and requirements associated and identified in the master plan. A brief history of the airport's evolution and the specifics of the proposal are provided below.

B. **BACKGROUND – BEND MUNICIPAL AIRPORT**

1979 Master Plan

The development of the Bend Airport dates to 1942 when land previously used for farm use was deeded to the City to establish a municipally owned and operated landing strip. The site was used for pilot training during World War II and subsequently developed with a general aviation airport in the 50's and 60's. The first comprehensive airport master plan was completed in 1979. At that time, general aviation was flourishing nationally, and the plan forecasted significant growth in activity at the Bend Airport. Facility recommendations in that plan included lengthening the runway and parallel taxiway, the possible need for a crosswind runway, and various support facilities. The facility improvements made at the airport since the completion of the 1979 master plan include:

- Extending the runway from 3,750' to 5,005' (in two separate projects)
- Extending the parallel taxiway
- Construction of frontage road
- Taxi lane, apron area and tie-down expansions
- Addition of hangar space
- Installation of taxiway reflectors, runway end identifier lights and a rotating beacon

1994 Master Plan Update

The Airport Master Plan was updated by the City of Bend in 1994. The study for this update included detailed analyses that were presented to an Airport Advisory Committee. The process also included several public meetings and a public hearing before the Bend City Council in 1994.

Key findings of the 1994 Master Plan Update:

- Aircraft operations were forecasted to increase from 25,000 in 1993 to 50,000 in 2013. Even with a doubling of activity over the 20-year planning period, the airfield system (runway and taxiway) were projected to accommodate the anticipated demand.
- Aircraft based at the Bend Municipal Airport were forecasted to increase from 100 in 1993 to 165 in 2013. The study found that airport has adequate tie-down areas to

EXHIBIT "B"

meet the forecasted demand but would have to add hangar space for covered aircraft storage.

Major recommendations of the 1994 Master Plan Update:

- Construct a 500' runway/taxiway extension to the south. This extension would also require the relocation of Nelson Road and the acquisition of 42 acres of property. The Update concluded that the extension would not be justified for at least ten years (2004) and would require a federal Environment Assessment (EA) of all impacts before the project could proceed.
- In conjunction with major airfield pavement repair/rehabilitation or as part of the runway extension project, the airfield pavement surfaces' weight bearing capacity should be increased to a minimum of 30,000 pounds (single-wheel).
- Installation of an Automated Surface Observing System (ASOS) to provide current local weather information for pilots.
- Improved approach and landing aids for runway end #34.
- Additional T-hangars to accommodate significant unmet demand.
- Various related airport improvements such as maintaining and/or rebuilding pavement, increasing airfield security, and extending utilities.
- A proposed Airport Overlay Zone for adoption by Deschutes County to protect the airport from encroachment by incompatible land uses. The County adopted a revised Airport Safety Overlay (AS) Zone in 2001.

Ultimately, the FAA approved, and the City adopted, the 1994 update of the 1979 Bend Airport Master Plan. However, the Master Plan was not brought to the County for adoption in 1994. Prior to submitting the 1994 Master Plan to the County, the City wanted to determine whether or not to retain the current runway extension and road realignment on the plan. Additionally, the State legislature changed several airport regulations during the last few legislative sessions. As a result, the City and County have worked together to ensure the plan submitted by the City is current and consistent with State and County requirements.

2002 Amendment to 1994 Airport Master Plan

In 1999, the FAA issued an Airport Improvement Program (AIP) grant to the City of Bend to conduct an Environmental Assessment (EA) for the proposed 500' southerly runway extension identified in the 1994 Master Plan, and complete an update to the Airport Layout Plan (ALP). The FAA requested that the runway extension EA and ALP update also address the realignment of Nelson Road outside of the Runway Protection Zone (the road realignment is necessary in part to comply with FAA airport safety guidelines). The City established a nine-member ad-hoc advisory committee to deal with EA and Airport Layout Plan (ALP) update issues.

EXHIBIT "B"

In 2000, the City updated the ALP and re-validated the assumptions used for the 500' southerly runway extension. The ALP identified the key improvements that should be made at the airport, such as the runway extension, the realignment of Nelson Road, future taxiways, additional access locations, types of development, future hangars and/or other desired development sites, set backs, and other considerations.

The City held a public hearing on the updated ALP in June 2001. At the Hearing, testimony about the runway extension caused the preferred runway alternative to be changed from the 500' southern extension recommended by the Ad-hoc Committee to a three-phased project (see Attachment C):

- Phase I: Environmental Assessment to realign Nelson Road.
- Phase II: Shifting of the runway 110' to the east and the extension of the runway 200' south.
- Phase III: Extension of the runway 300' to the north and the realignment of a portion of Powell Butte Highway. The northern extension of the runway will ultimately require a Goal Exception to rezone land from Exclusive Farm Use (EFU) to Airport Development (AD).

The City Council held a public hearing and subsequently approved the final version of the updated Master Plan in December 2002.

C. PROCEDURAL HISTORY:

Deschutes County Planning Commission

On **July 10, 2003**, the Planning Commission held a *work session* on the subject plan and text Amendment proposals. The Commissioners had a few comments and questions regarding the proposal, including:

- A question about the Airport Safety (AS) Combining zone overlay once the new runway is built. Staff explained the construction of the new runway will require a zone change as the runway will shift 110 feet to the east and thus, will shift the existing AS zone 110 feet to the east—adding a few properties to the zone coverage and removing a few properties from the AS zone. However, the applicant, while initially contemplating processing the zone change with the subject plan amendment, has decided to postpone the zone change application until they are ready to construct the runway improvements—which could be a couple of years.
- A question regarding whether the proposed new runway will allow a larger class of airplanes. Staff explained the proposed new runway will be designed to meet the existing aircraft currently based at the airport. The longer runway (which adds a total of 500 feet to the existing runway length) will buy more safety for the aircraft.

EXHIBIT "B"

- A couple of other questions were asked, such as the water source at the airport, which is a well; removing the on-site pond; and an inquiry about the Aviation Related Industrial District area north of the pond, which may require relocation of the interior roadway (but no goal exception since the road is in the AD zone).

In addition, the Deschutes County Planning Division mailed notice of the August 14, 2003, public hearing to all property owners within 250 feet of the Bend Municipal Airport. The Public Hearing notice was also published in the Bend Bulletin on July 23, 2003 and staff posted the notice of public hearing in three locations in Bend. No public comments were received.

Notice of the public hearing was also mailed to various agencies, including the FAA, the Oregon Department of Aviation, the Central Oregon Irrigation District, Department of Environmental Quality, and the County Road Department. The Planning Division did not receive any agency comments.

On **August 14, 2003**, the Planning Commission held a *public hearing* on the subject plan and text Amendment proposals. One person offered testimony to the Commission. Mr. Dave Morales, representing Gibson Airpark, LLC, spoke regarding the proposed plan and his desire to have the Master Plan land use district(s) cover their property to the south of the airport. They own the 80-acre property containing the proposed Nelson Road realignment, and feel that the remaining 37-40 acres that will be "orphaned" by the new road should be included in the Master Plan. Staff responded that the land is all currently zoned EFU and would be difficult to rezone in the near term for airport uses when so many acres of land are still vacant in the AD Zone. Staff suggested that the Master Plan is the property of the City of Bend, and that it would be most appropriate for the Gibson Airpark group to work with the City to eventually modify the Master Plan to include their property, then once adopted by the City, the County could eventually update the County Code to reflect the new changes. The Commissioners had a few comments and questions regarding the plan, notably:

- A question regarding the fill and removal of the pond located just north of the Lancair facility. The pond was identified in the Plan to be removed at some unidentified future date. Karen Swirsky explained that their (DEA) recent analysis of the pond and canal lateral feeding were basically the end of an irrigation system, and were determined to not be "Waters of the United States". This means that the procedure to process fill and removal permits to eventually remove the pond is a somewhat easier process, and will not likely involve the Army Corps of Engineers. County land use permits will be required as well as likely oversight by the Division of State Lands (DSL) and possibly the Oregon Department of Fish and Wildlife (ODFW).

The Planning Commission then closed the public hearing, had a short discussion on procedures, then voted to approve the County Code amendments as modified by staff, and forward them on to the Board of County Commissioners.

Board of County Commissioners

EXHIBIT "B"

On **August 25, 2003**, the Board of County Commissioners held a *work session* on the subject plan and text Amendment proposals. The Commissioners had a few comments and questions regarding the proposal, including:

- Will the existing runway be abandoned? Yes, the runway is being abandoned and a new one constructed to provide the necessary clearance between the runway and taxiway as per FAA requirements.
- Why have there been few if any public comments received on this application when it was so controversial when the City adopted the Plan? The City did an extensive public outreach effort when they adopted the plan, and eventually modified the Plan based on public input. Those modifications appear to have eased most of the airport neighbor's concerns.
- What kind of businesses will be allowed at the airport? The Airport Development (AD) Zone is being modified to bring it in to conformance with the draft Master Plan. In doing so, the variety of allowed industrial uses under the current zoning will no longer be allowed. Only uses that are aviation-related of those that would benefit from an on-airport location would be allowed. Most new industrial uses will still require a County conditional use permit and site plan review.
- Will adopting this Master Plan allow a larger class of aircraft to use the airport? No. The Master Plan used a Cessna Citation II (small business jet) as its "design" aircraft. One of these aircraft is currently based at the Bend Airport. The runway extension and realignment of Nelson Road identified in the Plan is primarily intended to increase runway safety for aircraft currently using the airport.

The Deschutes County Planning Division mailed notice of the October 22, 2003, public hearing to all property owners within 250 feet of the Bend Municipal Airport and Dave Morales representing Gibson Airpark. The Public Hearing notice was also published in the Bend Bulletin on October 12, 2003 and staff posted the notice of public hearing in three locations in Bend and the applicant posted the public hearing notice at the Bend Municipal Airport. As of the date of this Staff Report, the Planning Division has received no public comments.

Notice of the public hearing was also mailed to various agencies, including the FAA, the Oregon Department of Aviation, the Central Oregon Irrigation District, Department of Environmental Quality, and the County Road Department. The Planning Division did not receive any agency comments.

D. DISCUSSION

The City of Bend is requesting a Plan Amendment to adopt the 1994 Bend Municipal Airport Master Plan (as amended in 2002) into the County's Comprehensive Plan, Title 23, Chapter 23.64.200, Airports. In addition, the City is requesting a Text Amendment to the County's Airport Development (AD) zone, Chapter 18.76, to reflect uses and requirements associated and identified in the master plan. [For a copy of the master plan, please refer to the August 25,

FILE: PA-03-3, TA-03-4
Page 6 of 8

EXHIBIT "B"

2003, Work Session packet.] The Plan Amendment and Text Amendment are attached as Attachments A and B. Staff has also attached maps showing the airport's 20-year phasing plan (Attachment C) and the proposed airport districts located within the boundaries of the airport reflecting uses identified in the master plan (Attachment D).

For airports within the County's jurisdiction, such as the Bend Municipal Airport, the Comprehensive Plan requires the designation of airport facility relocations or expansions on an airport master plan or layout plan. As a result, the City prepared a master plan for the Bend Municipal Airport that involved extensive public review, which they are now requesting the County to adopt into the County's Comprehensive Plan. Once adopted, the City will be able to secure funding and ultimately implement the planned phases as described in the plan.

Implementing the phased development plans will require further land use review, such as a Conditional Use permit to realign Nelson Road in the EFU zone and a zone change to the Airport Safety (AS) combining zone with the construction of the new runway. In addition, adoption of the Master Plan and revisions to the AD zone will result in permitting new uses that further airport operations and deleting existing uses that are not aviation-related. The applicant identified at the Planning Commission's July 10, 2003 work session that none of the existing uses at the airport would become nonconforming uses if the proposed changes to the AD zone are adopted. To provide the City even more flexibility in much of the Aviation Support District (ASD), staff added language (item #5) under the allowed conditional uses for the AS District, to allow industrial uses that would benefit from an on-airport location. In addition to allowing more flexibility, this also assures that none of the existing uses at the airport will be made non-conforming by adoption of the new Code amendments. Further, staff notes that since the City owns the property and controls any leases it issues for the use of its property, which must be consistent with the master plan, if adopted.

Specific amendments include:

Plan Amendment: If adopted, the text of the Comprehensive Plan, Title 23, Chapter 64.200, Airports, will be revised to reflect the adoption of the 1994 Bend Municipal Airport Master Plan as amended in 2002. In addition, staff corrected errors and updated information contained in this section of the airport chapter. See Attachment A.

Text Amendment: If adopted, the text of the Airport Development (AD) zone (18.76) will be amended to reflect uses and requirements associated and identified in the master plan. This entails permitting new uses that further airport operations and deleting uses that do not derive a direct benefit from an on-airport location or are not aviation-related. Of note is the establishment of four separate zoning districts within the AD zone: Airfield Operations District (AOD), Aviation Support District (ASD), Aviation-Related Industrial District (ARID). Each of these districts has its own set of allowed uses and regulations. See Attachment B for proposed text changes and Attachment D for the map showing the draft Airport Districts.

IV. RECOMMENDATION:

Staff recommends the Board of County Commissioners take the following action:

FILE: PA-03-3, TA-03-4
Page 7 of 8

EXHIBIT "B"

1. **Conduct a public hearing** on the proposed Plan Amendment and Text Amendment.
2. **Consider testimony** received on the proposed amendments.
3. **Adopt** the 1994 Bend Municipal Airport Master Plan as amended in 2002 into the County's Comprehensive Plan, Title 23 and amend DCC 23.64.200 to reflect the adoption of the master plan as provided in Exhibit A (Ordinance 2003-035).
4. **Repeal and replace** DCC 18.76, Airport Development (AD) Zone with Exhibit B (Ordinance 2003-036).
5. **Adopt** the proposed ordinances, 2003-035 and 2003-036, with revisions based on issues raised or changes proposed through public testimony. Both ordinances propose a prescribed effective date of January 1, 2004 as requested by the applicant to ensure federal funding.

Respectfully submitted,

Steve Jorgensen, Senior Transportation Planner

Catharine Tilton White, Associate Planner

Exhibits

- A) Ordinance 2003-035: Draft Comprehensive Plan Amendment (Title 23)
- B) Ordinance 2003-036: Draft Zoning Code Amendment (Chapter 18.76)—Includes chapter to be repealed.
- C) Bend Municipal Airport, 20-year Airport Layout Plan showing phased development plans
- D) Draft Airport District Map
- E) Bend Airport Development Air Photograph
- F) Plan Amendment Application
- G) Text Amendment Application
- H) Gibson Airpark, LLC Letter to the Record

Dated this 15th day of October, 2003

FILE: PA-03-3, TA-03-4
Page 8 of 8