

Chapter 23.120. GOAL EXCEPTION STATEMENT

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23.120.010. Introduction.

The purpose of this document is to identify the lands where Deschutes County shall request the Oregon Land Conservation and Development Commission grant an exception to meeting the requirements of either Planning Goal 3 (Agricultural Lands) or Goal 4 (Forest Land). Further, this statement shall also explain the findings and reasoning which justifies such an exception be granted.

During the preparation of the Deschutes County Comprehensive Plan it became apparent that many of the rural areas in the County had already received substantial development. These lands have largely been sold and become committed to no-resource lands while recognizing that development which exists, and establishing a more efficient development pattern.

Because of the rural development there have been created Rural Service Centers to provide necessary public (i.e., schools) and private services to the rural population. These Service Centers reduce transportation requirements and serve as a focus for social and some economic activities. Deschutes County has chosen to emphasize the Rural Service Centers as the appropriate location for the services and facilities needed by the rural residents and to encourage most additional rural residences to be constructed in the Rural Service Centers. This development of the Service Centers

would then permit some limited rural living opportunities, while insuring they occur in areas of existing development at higher densities, compatible with the rural environment and consistent with future transportation and utility networks. To accommodate the Rural Service Centers some of the less productive resource lands are being committed to non-resource uses. The commercial areas are those lands already developed or committed to commercial use, while the residential areas are relatively small surrounding areas where some development has already occurred.

The other areas being used for non-resource uses are those lands included within the urban growth boundaries. Each of the three urban areas has identified an urban growth boundary (UGB). Inside the UGB the ultimate use of the land is to be of an urban nature. Each urban area plan contains the findings and reasoning which justifies the lands contained within the UGB; therefore, this statement will not address resource lands, which are included in the urban areas.

The flexibility which the exceptions process permits will allow Deschutes County to accommodate the existing and future needs of the County's ever-growing population, while serving as a base upon which the County can construct its plans for the protection of the resource lands which are so important to the local economy and environment.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 80-203, 1980; PL-20, 1979)

23.120.020. Methodology.

To determine where an exception to the State goals is required it was first necessary to obtain adequate data as to the location of the lands with agricultural and timber capabilities. The Resource Element of the Deschutes County Comprehensive Plan contains maps, which reflect the information that was gathered, and serves as much of the basis by which the County has determined which lands have agricultural and/or forest capabilities.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; PL-20, 1979)

23.120.030. Agricultural Lands.

One of the most hotly debated issues in the preparation of the Deschutes County Plan was agricultural lands. Considerable testimony and evidence was submitted which indicated that the County is a relatively marginal agricultural producer. Other information pointed to the livestock capability of the area and the stability of agricultural production locally.

Complicating the issue further was (and is) a lack of detailed soils information, which would have permitted the identification of lands with agricultural capability Classes I-VI. The General Soil Map that was available for the County-wide area did not reflect the character of the soils locally. Much of the soil in the western and southern areas of the County is derived from pumice and ash that has been deposited in depressions in the underlying basalt. The result is pockets of soil with adequate rooting depth intermixed with some very low productivity areas. The result is certain areas, such as Lower Bridge, Terrebonne, Cloverdale, Alfalfa, Tumalo and Redmond, have a mixture of cropland, rangeland and non-productive land. Other areas do not have the cropland and may find the rangeland varying in its ability to support livestock.

An example of the difficulty in using the General Soils Map is the Deskamp Association, which has the best agricultural capabilities in the County. Of that association six percent of the soils have "good" irrigation capability (the rating system uses excellent, good, fair, poor and very poor). "Fair" soils constituted 89 percent of the soils and the rest are poor or very poor. Yet a look at the topsoil capabilities of the soil indicate 50 percent is "good", "fair" is 12 percent, while "poor" is 38 percent. A look at the U.S. Soil Conservation Service (SCS) data indicated the Deschutes Soils are generally Class VI but can be classed as II and III when irrigated, while Deskamp Soils are Classes

III and IV when irrigated and otherwise Class VI. Some other less productive soils also are part of this association. What this seems to indicate is that even in the “best” County soils the agricultural capability is limited, there is considerable mixing with poor soils and that without irrigation water the land is only suitable for livestock. Obviously, what was needed was more detailed soils mapping.

The local SCS office was able to furnish the County Planning Department with detailed soils mapping and agricultural capability maps for only that portion of the County near Terrebonne, Redmond, Bend and Tumalo, this small area constituting only a portion of the known agricultural lands. To supplement the soils information the County obtained high altitude infrared photography of the county, which clearly revealed the irrigated lands. To determine the rangeland areas the County Assessor’s records were surveyed to obtain all lands on farm tax deferral. Because the County had an active deferral program it was determined that combining the soils, irrigated lands and farm deferral information would produce a reasonable representation of all the private agricultural lands in the County. Public lands in agricultural areas were assumed to be agricultural for purposes of zoning while public lands in forested areas were assumed to be timber areas, unless some other use was known to exist on a particular site.

Using the preceding information and assumptions, the County was finally able to determine the local agricultural lands in an objective and empirical manner.
(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; PL-20, 1979)

23.120.040. Forest Lands.

The identification of lands with timber producing capabilities was not characterized by as much controversy. Working with the Oregon Department of Forestry, the County Planning staff utilized a document entitled, *A Technique for Mapping Forest Land by Site Productivity Using Soil Survey Information*. The techniques supplied by this document, coupled with the experience of local ODOF foresters, permitted the drafting of the Timber Productivity Map, which can be found on Page 86 of the Comprehensive Plan’s Resource Element. Utilizing this map, it was possible to determine the lands with commercial timber potential (High-state Class 4 through Moderate-site Class 6). It was immediately apparent that the La Pine and Black Butte areas, which have received significant recreational and rural development, were going to be in conflict with the requirements of the Forest Lands goal. However, before taking any formal action, it was necessary to determine the extent of the lands already developed, and what remained to be utilized for timber.
(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; PL-20, 1979)

23.120.050. Exceptions Analysis.

To determine which lands are already committed to development, aerial photography at a scale of 2”=1 mile was obtained and used as a base map. Areas of concern not covered by the aerial photography were few and in these instances other maps were obtained.

A. La Pine:

First the public lands were identified. Since these areas are to be zoned for timber, they were excluded from consideration. Next private agricultural and timberlands were identified and marked for an appropriate zone complying with the State goals. Thirdly, all lands upon which a house had been constructed were identified. And, finally, all lands, which had been subdivided or partitioned into parcels less than 10 acres in size, were added to the map. The result was a series of overlays indicating which areas are substantially committed to residential development, committed to timber or agriculture, and uncommitted. In the La Pine area these categories amount to the following:

Residential Committed 13,083 acres
 Resource Committed 18,232 acres
 Uncommitted 4,825 acres
 (Amended by Ord. 80-203)

B. Redmond:

The major concern in the northern portions of the County was compatibility with the Agricultural Lands Goal. Again, on the aerial photo base map, the private and public lands were identified. The public lands were marked for agricultural (or other resource) use. Lands which met the agricultural definition (SCS Class I-VI soils), or where detailed soils information was unavailable, identification as having obtained Farm Tax Deferral in the five years preceding the Plan or fund under irrigation as shown on the County's Irrigated Lands Map) were determined. Then the houses, which had been constructed, and the lands which had been subdivided were added. From the resulting map, it was possible to determine those areas where substantial development had taken place, and, therefore, to be identified as committed lands. In areas where agricultural continued to be the predominant use, the development was seen as not committing the area to further division and the area was to be zoned as an agricultural district.

In addition to the agricultural and forest lands, there is a 56-acre parcel containing aggregate deposits, which is being accepted in the Tumalo area. This parcel is surrounded on three sides by existing residential development, which would be incompatible with mining the resource, particularly when alternative aggregate sites exist.

The Redmond map reflects the following figures:

Residential Committed 18,579 acres
 Resource Committed 69,348 acres
 Uncommitted 14,780 acres

C. Bend:

The process followed in the Bend area was the same as that for the Redmond area and the results were very similar, although even more residential development has occurred because of proximity to the City of Bend.

Residential Committed 9,894 acres
 Resource Committed 46,718 acres
 Uncommitted 7,815 acres

In addition to the preceding, 95,227 acres east of Horse Ridge are being designated for Exclusive Farm Use. The remainder of the private lands in the County are either in private forest lands being protected for timber production or within one of the three urban growth boundaries. Near the Bend Urban Growth Boundary an additional 360-acre area originally identified as Surface Mining Reserve has been changed to agricultural because of testimony indicating incompatibility with surrounding development. There also existed testimony that other sites were available which would not be so offensive.

The Bend Municipal Airport lies approximately two miles east of the Bend Urban Growth Boundary, at the intersection of Butler Market Road and the Powell Butte Highway. Originally established in 1942, this public transportation facility is an important part of the County's transportation and economic planning. An airport master plan has been prepared by the City and the land use elements accepted by Deschutes County. This master plan provides adequate demonstration of the need for such a facility and that its present location is the only viable site available. Further, sufficient planning has occurred to insure the environmental, economic,

social and energy consequences are acceptable and compatible with adjacent uses. Therefore, this area of 354 acres shall be excepted from compliance with State Land Use Planning Goal 3. (Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 80-203, 1980; PL-20, 1979)

23.120.060. Exception Area Plan.

It is apparent that Deschutes County has had significant rural development in the past. From the perspective of the State Land Use Goals, perhaps this rural growth is unfortunate; however, it is an existing reality. The County's efforts shall be aimed at recognizing those areas that are omitted and servicing them in the most efficient and equitable manner possible. On the other hand, there are also policies in several sections of the Comprehensive Plan (particularly the Rural Development - DCC 23.24.010; Agriculture – DCC 23.88.010; Forest Lands – DCC 23.92.010; and Public Facilities – DCC 23.56.010. - sections) which seek to prevent further losses of resource lands. Each of the three areas is dealt with separately and a program drafted to fit that area's particular needs. The major differences in the programs largely result from whether they involve agriculture or forest land.

A. La Pine:

The subdivisions in La Pine are characterized by small lots (one acre or less) and to a great extent have already been sold. Some have been purchased for retirement, others for speculation and some for an immediate permanent residence. In those areas where subdivision, construction and existing rural services have largely committed the land to residential use (see La Pine map), Deschutes County proposes to zone the area for rural residential, rather than forest lands. The rural residential zone would permit the construction of homes, but the new 10-acre minimum lot size would prevent further significant division. These areas would then satisfy the need for residential and lower cost rural lots in the County. Other County actions to encourage clustering, foster adequate public facilities and prevent development in hazardous or resource areas, would insure the growth of the area is consistent with appropriate economic, social environmental and energy considerations (see the Rural Development chapter - DCC 23.24.010 - of the Comprehensive Plan).

Resource areas would be committed to resource use, as would be the uncommitted lands. The encouragement of small forest land management for the smaller acreage timber lands that can be found between the residential and larger ownership timber areas shall be a County policy. In this way the small timber owners are compatible with each adjoining use, while buffering the residential and timber areas from each other.

B. Redmond:

On the committed lands, the county will establish a Multiple Use Agricultural (MUA) Zone which will encourage the use of these lands as agricultural, although as a "hobby farm" or non-commercial level which requires a subsidy of the agricultural operation by employment elsewhere. Here again the county seeks to supply the need for rural living opportunities and the need to subsidize more marginal farm land by non-agricultural employment to maintain the area's farm production (see Agricultural - DCC 23.88.010 - of the Comprehensive Plan). But equally important is the recognition that the development and services exist already and must be dealt with. County policies shall seek to encourage clustering of housing and to otherwise improve the efficiency of supplying services to these existing areas while preventing substantial increases in the rural population. Better review of proposed development is also established with the new plan and ordinances to assure the long-range economic, social, environmental and energy effects are acceptable.

The MUA areas also serve to provide a buffer between residential and agricultural lands, while permitting some people to enjoy a rural lifestyle. More stringent enforcement of the goal would save little agricultural land and would not make farming more viable than will the proposed course of action. A stricter policy would certainly adversely affect a large segment of

the population and raise serious questions in regard to the County's ability to satisfy State Land Use Goal 10 (housing), which requires the County to provide a variety of housing opportunities to meet the needs of the area's population.

C. Bend:

The conditions in the area covered by the Bend map are the same as those in the Redmond area. Actions proposed for the Bend area are the same as the Redmond area.

D. Rural Service Centers:

Rural Service Centers are a special situation. Originally established to provide needed public and commercial services to rural areas, thereby increasing public services while receiving transportation costs, these Centers have had mixed results. Some have been very useful in providing necessary facilities, while others have been used to foster sprawl.

One of the purposes of the new County Comprehensive Plan is to identify which of the existing Rural Service Centers should be continued and where new ones shall be established. The plan identifies nine RSCs and leaves the possibility of another in the future as an option if needed. The nine identified are Alfalfa, Brothers, Hampton, La Pine, Millican, Terrebonne, Tumalo, Whistlestop and Wickiup Junction. Of these, only Brothers, Hampton and Millican are not on the three aerial photo base maps. All the others, except Alfalfa, are within the areas identified as having significant existing development and are designated as already committed to development.

Alfalfa is a special case in that existing development consists of a small store, a public school and a few nearby farm and non-farm residences. The land identified for the Center is that containing the store and lands owned by the Central Oregon Irrigation District and Alfalfa Water Users Association. The expectation is that these lands will be needed for facilities necessary to the continued existence of Alfalfa, which may include some limited commercial use and residencies (at a five-acre density three houses would be permitted). No other sites exist for the location of the Center and the land is not presently creating agricultural products. The proposed development would certainly be compatible with existing and proposed uses and consistent with the County's long-range environmental, economic, social and energy policies.

Brothers, Hampton and Millican are small communities along Highway 20, in the eastern portion of the county. Each community has small existing commercial and residential areas. These uses serve important functions for the residents of the area and transients through the area. Without these Centers local residents would have a long (sometimes impossible) drive into Bend for gasoline, groceries, etc. The areas identified in the plan are those already in existence. Once again, the County is simply recognizing that which exists. The Centers are also important public service and social activity focal points. No alternative sites are available or desirable, and their anticipated environmental, social, economic and energy consequences are seen as beneficial.

E. Total Area:

The total area to be excepted from the State Land Use Planning Goals is 41,556 acres. These lands are those residentially developed, committed to development or needed for Rural Service Centers. Once again, the County's purpose here is to recognize that which exists, while attempting to foster an efficient and equitable plan for the County's growth. (Amended by Ord. 80-203)

F. Concluding Remarks:

This exceptions statement is not meant to be an elaborate document. Deschutes County is not proposing large new areas for rural development. The primary concern is simply to acknowledge the development which exists, and to seek reasonable ways to deal with those committed lands. Many areas which have some development, but not enough to justify identification as committed lands, have been placed in resource zones which will permit non-resource uses only by conditional use on non-productive sites. Only those areas with significant amounts of development have been identified and the County has developed those

policies to promote greater efficiency in the growth of those areas. In light of County policies encouraging other alternatives (i.e., Rural Service Centers and urban plans) when combined with increasing service and energy costs, it is anticipated actual development will not actually use all the excepted areas. To obtain approval of any future rural development will be more difficult than in the past, and shall be compatible with County needs and State planning goals. (Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 80-203, 1980; PL-20, 1979)

23.120.070. Bend Municipal Airport Exceptions Statement.

A. Introduction

The Bend Airport is fundamental to the City and County transportation network. The Bend Airport Master Plan, as approved by the Federal Aviation Administration, sets forth the basic policies relating to the Bend Airport. These policies are on equal footing with other policies within the Deschutes County Comprehensive Plan, and are to be used by the decision makers as they interpret the plan and weigh various alternatives. Based on the long-standing existence of the Bend airport, an exception for the Airport is not required by Goal 2. However, it is recognized through growth that the impact of the Airport may grow beyond the present commitment for airport uses. In order to insure an orderly land balanced process relating to the Airport and overall planning on adjacent properties, an exception for this property from Agricultural Goal No. 3 may be beneficial.

During an earlier attempt to take an exception from Agricultural Goal 3 for certain properties, the Land Use Board of Appeals ruled that insufficient findings of compatibility were made with respect to adjacent properties.

B. Background

The Airport was established during World War II as an Army Air Corps training center. After the war, the facility was deeded to the City as a municipal airport so long as it was used for airport purposes. Since 1942, use of the Airport has grown from two planes to approximately 120 planes presently. The Airport currently owned by the City encompasses 340 acres. There is one main paved runway and two dirt runways. On the west side of the existing paved runway, adjacent to Powell Butte Highway, there are hangars, a fixed base operator, parking, tie downs, and navigational aids. Those areas not physically developed upon the airport property are used as buffers to absorb noise from aircraft landings and other such contingencies. Lands adjacent to the Airport are presently zoned for agricultural uses (Multiple Use Agriculture, ten-acre minimum; Exclusive Farm Use, twenty-acre minimum; and Exclusive Farm Use, forty-acre minimum). The Airport is served by Powell Butte Highway, a State Highway, and Butler Market Road, a County arterial. Both of these roads have adequate capacity for the Airport's existing and expected traffic. The City has installed a well to furnish domestic water and sewage is disposed of through an improved subsurface system. Private and public facilities are adequate or can be expanded to meet the Airport's existing and expected growth.

C. The Bend Airport Exception

The exceptions process is set forth in Goal 2, Part II, quoted below:

When, during the application of the State-wide goals to plans, it appears that it is not possible to apply the appropriate goal to specific properties or situations, then each proposed exception to a goal shall be set forth during the plan preparation phases and also specifically noted in the notices of public hearing. The notices of hearing shall summarize the issues in an understandable and meaningful manner. If the exception to the goal is adopted, then the compelling reasons for that conclusion shall be completely set forth in the plan and shall include:

1. Why these or other uses should be provided for;
2. What alternative locations within the area could be used for the proposed uses;

3. What are the long term environmental, economic, social and energy consequences to the locality, the region or the State from not applying the goal or permitting the alternative use;
4. A finding that the proposed use will be compatible with other adjacent uses.

The Airport is an integral part of the transportation system that meets the public need for a general aviation facility. It does not compete with Redmond's Airport, and complements this facility.

The Airport is an existing use. The Airport property is completely used for airport and airport-related uses.

The City of Bend had independently planned for the Bend Airport through a Bend Airport Master Plan under the direction of the Federal Aviation Administration and approved by them.

The Airport is an integral part of the community's economic system, allows for the improvement and diversification of those economic factors relating directly to the community that it serves. Since the economic status of the Bend area is directly affected by the Airport, and since Goal 9 provides that the provision for diversity and improvement of economy shall be preserved, Goal 9 requires that the Bend Airport be protected to the highest degree, or an exception to that Goal need be taken.

The public facilities available to the Airport are adequate for the existing and proposed future planned growth.

Preparation of the Airport Plan and the Deschutes County Comprehensive Plan involved advisory committees and public hearings that meet the requirements of Goals 1 and 2. The Airport Technical Advisory Committee included residents from the Airport area.

The City received the Airport property from the Federal Government with the condition that the property be used only as public airport.

Goal 12, Guideline 2, provides as follows:

Transportation systems, to the fullest extent possible, should be planned to utilize existing facilities and rights-of-way within the State provided that such use is not inconsistent with the environmental, energy, land use, economic or social policies of the State.

The City is utilizing an existing facility to meet the increasing need for air travel in the Bend area. This is a prudent policy and one that recognizes the City's, Deschutes County's, the State of Oregon's, and Federal Government's expenditures at this location for the last 38 years. The Airport Master Plan considered the environmental and social impacts, and further expansion using ADAP funds require environmental assessments before monies can be expended.

The LCDC Exceptions Policy Paper dated May 23, 1979, states under Number 14:

An exception to the Agricultural Lands Goal is not required if the proposed land use decision involves one of the farm or non-farm uses permitted in an EFU zone under ORS 215.203-213. An exception to the Forest Lands Goal is not required if the proposed land use decision is consistent with Forest Uses as defined in Goal 4.

For other proposed land use decisions, an exception is not required for Goals 3 and 4 if findings can be made that the land is:

Physically developed or built upon, or, irrevocably committed to non-farm or non-forest uses in urban or rural area. (emphasis added)

This facility exists physically developed upon the land and all of the Airport property is irrevocably committed to airport uses in conjunction with its role as a transportation facility in the area. This commitment is further established by the contractual relationship between the City of Bend, Oregon, and the Federal Government under the Federal ADAP program. The site is totally used in that the current area has three runways, assorted buildings, and as much buffer land as financially feasible to absorb noise impacts on and around the Airport property. Current Ldn noise contours are compatible with all land use upon the Airport property and adjacent properties.

The Airport is a needed transportation facility, as has been shown in the existing Airport Master Plan, testimony, the relationship with the City's economy, and all past County planning with respect to this Airport and area.

D. Exceptions Criteria

1. Why should these other uses be provided for?

- a. The Airport was acquired by the City from the Federal Government and the condition of transfer was the use of the land as an airport facility.
- b. The City has agreed in its contract with the Federal Aviation Administration for ADAP funds to continue the Airport for the next 20 years.
- c. The report, *AIRPORT COMPATIBILITY PLANNING*, by the Oregon Department of Transportation, indicates that areas subject to substantial (Ldn 75+) noise impact "should be acquired by the airport owner and incorporated in the airport development zone." Areas with 65+ Ldn should be restricted. The Airport Plan shows the majority of lands within the 65 Ldn, in the Year 2000 forecast, within the Airport property. This is a reasonable step by the City to create a buffer and insure compatibility between the Airport and its neighbors.
- d. The Bend Airport Master Plan outlines the current City ownership at the Bend Airport. It depicts the existing areas in use and they are:
 - i. The existing hangar, FBO, tie downs, parking and roads along Powell Butte Highway.
 - ii. The existing paved runway 16-34 and taxiway.
 - iii. The two dirt runways 11-29 and 2-20.
 - iv. The site buffer to the surrounding properties.
 - v. Clear zones at the ends of each runway.
 - vi. Required building free areas off the centerline of each runway.
 - vii. The areas planned for expansion as shown on the Master Plan.
- e. While some lands are not currently developed as shown on the Airport maps, they are committed to airport usage as buffer areas and areas to contain noise levels.
- f. The County has adopted an AH Airport Height Combining Zone based on the recommendation of the Master Plan for obstruction zoning. Since the only EFU lands impacted by reduced heights in the AH zone comprise only portions of the individual ownerships, its impact is negligible. The properties affected have lands outside the AH zone where restricted activities can be located. Other lands have been granted an exception to be zoned MUA, a rural zone that was found to be compatible with the Airport and its development.
- g. The noise corridor zoning recommended by the Master Plan has been adequately handled by the existing County zoning which established MUA-10, EFU-20 and EFU-40 zoning that have a low density. These zones do not restrict agricultural activities.
- h. One of the clear zones shown on the Master Plan has been acquired by the City. Acquisition of clear zone for the proposed crosswind runway will take place as needed in the future. Once acquired by the City, no conflicts will exist or be allowed to occur.
- i. The approach safety zone recommends controls that would preclude uses attracting large numbers of people or concentrations of housing. It also recommends that uses or activities that might attract birds should be discouraged, i.e., solid waste sites, sewer lagoons or ponds. This is a restriction that would limit pond locations in some areas zoned EFU. However, a review of the zoning maps and aerial photos reveal that none of the EFU parcels would be totally restricted and area would be available for additional ponds if needed. It also appears that these limitations would not restrict the normal agricultural practices as far as irrigation is concerned. Restrictions on ponds were required by the State Aeronautics Division and Federal Aviation Administration.

- j. The airport usage is needed by the Bend area. The City and County are required by Goal 12 to provide for all modes of transportation. The Airport Master Plan indicates that 50 percent of the based aircraft come from outside the City Limits, some from as far away as Sunriver and Redmond. Thus, the Airport is meeting the needs of the whole County, not just the urban area. The Airport can thus be described as a key facility that meets the needs of the rural and urban resident, and, due to its peculiar operating characteristics, is most compatible in a rural setting.
 - k. The Bend Municipal Airport is a public facility which is an integral part of the National Airport system administered by the FAA and the State Airport System administered by the State Aeronautics Division. It is the seventh busiest airport in the State. It is an essential part of the County's transportation system.
 - l. The use of aircraft for business purposes is increasing, and there is very little aircraft for "joy riding." The Bend Airport's importance to the area's economy will continue to increase as the use of aircraft increases.
 - m. The anticipated noise impact caused by the growth of the Bend Municipal Airport has committed the Airport for airport uses. Few residential homes and homesites exist on lands contiguous to the Bend Municipal Airport.
 - n. The Ldn 65 noise contour does not exceed accepted noise limits for agricultural uses on adjoining properties. The Airport property provides a significant buffer to noise impact of the Bend Municipal Airport on adjacent agricultural lands.
2. What alternative locations within the area could be used for the proposed uses?
 - a. The property under consideration is an existing facility, in which the public has expended \$600,000 in improvements to meet the existing general aviation needs.
 - b. The City is committed to maintaining the Airport as mentioned above, due to financial and environmental difficulties associated with any new location.
 - c. Restrictions on Airport growth may impair the Bend area's ability to attract new industry, thwarting the City's and the County's economic policies to diversify employment opportunities.
 - d. The Bend Municipal Airport was established in 1942 on land covered by sagebrush. Since its inception, it has never been used for agricultural purposes, and the City of Bend does not ever intend to use it for agricultural purposes. All of the 340 acres comprising the Airport are used for airport purposes. In addition to the land occupied by runways, taxiways, hangars, buildings and the like, the "open space" at the Airport has been and continues to be used as a buffer to absorb Airport noises, as unobstructed space in which aircraft can maneuver for landings and takeoffs and to provide a safety area for aircraft that may have problems in taking off or landing.
 - e. To provide for timely and orderly growth and development in Airport Development (A-D) Zone, appropriately providing for compatible uses and restricting incompatible uses is necessary for Airport lands and lands to eventually be encompassed within the high noise level areas to insure ongoing airport uses without conflict.
 - f. The Ldn 65 noise contour does not exceed acceptable noise limits for agricultural uses.
 - g. Adequate public facilities exist to serve the Airport property.
 - h. The Year 2000 Ldn 65 forecast identifies minimal noise impact on adjacent agricultural lands.
 - i. The Bend Airport Master Plan has been approved by the Federal Aviation Administration.
 3. A finding that the proposed uses will be compatible with other adjacent uses.
 - a. The rural hobby farms and agricultural uses are compatible with the Airport, and its planned expansion. Other uses are identified in the Bend Airport Master Plan as being compatible with airports. When conditions change, or need established for other uses,

they may be permitted by the exception process. The Airport is compatible with the surrounding uses because the City has:

- i. Provided buffer land as part of the Airport site that contains or will contain the majority of the expected noise impacts;
 - ii. The Airport Plan includes plans for the City to acquire areas expected to be impacted by Ldn 70 noise levels;
 - iii. The Airport Plan has limited the growth of the facility even though demand forecasts indicate a greater need; and
 - iv. The County Comprehensive Plan provides that expansion of the 65 Ldn contour will permit additional airport development zoning to assure compatibility and greater acceptance of the growth of the neighbors.
- b. The County in grant/adopting exceptions for the areas zoned MUA-10 has found that these areas are compatible with the Airport and its development, as required by the exceptions procedure of Goal 2.
 - c. The expected increase in activity will not adversely impact any of the existing agricultural uses as shown in the report, AIRPORT COMPATIBILITY PLANNING, by the Oregon Department of Transportation.
 - d. The existing uses were surveyed within the Airport Overlay Zone area and no commercial poultry, rabbit or mink producers were found to exist. Marvin Young, Deschutes County Extension Agent, indicates that the history of agriculture in Deschutes County suggest there is little likelihood for commercial poultry or mink operations to locate in the County now, due to climatic factors, suitable supplies and market.
 - e. Agricultural uses employed on property around airports are compatible with the Airport use. Prior to the hearings on rezoning the Airport which began after November 1, 1979, the City of Bend had not received any indication that the expanding usage of its airport was creating any problem for adjacent agricultural uses. During the hearings, very little evidence of any conflict between the Airport and adjacent uses was produced. Airports throughout the State and nation commonly have adjacent agricultural uses which include commercial crop, livestock, and poultry operations (both chickens and turkeys). There was no evidence that anything other than livestock and forage crops had ever been or would ever be raised on lands adjacent to the Bend Airport. The present level of activity of the Bend Airport does not interfere unreasonably with adjacent agricultural uses and there is no reason to believe that the increased activity forecast for the Airport will create a problem.
 - f. Noise impact from the Bend Municipal Airport is compatible with agricultural uses on those lands that are designated agricultural adjacent to the Airport property.

E. Findings For Commitment

1. The Bend Municipal Airport was established in 1942, as a public facility on 340 acres covered by sagebrush. It has never been used for agricultural purposes. Since 1942, it has been developed to a general aviation facility which is part of the National and State airport system, with approximately 125 based aircraft, and is the seventh busiest airport in the State. Over the years, the Federal Aviation Administration and State Aeronautics Division have provided over \$631,000 for improvements to the Airport. The investment by the City of Bend in the Airport is substantial. The evidence supports increasingly substantial public investment by the Year 2000. All public agencies involved with the Airport and the users of the Airport have relied on its existence and capability to meet the general aviation requirements of the area and continue to do so.
2. The Bend Municipal Airport could not be relocated to any other site. The FAA and State Aeronautics Division have regarded and planned the Bend Municipal Airport as the general aviation facility for Deschutes County (to complement the air carrier facility at the

Redmond Airport). The City of Bend has committed itself to make the Bend Municipal Airport available to fulfill this function for the next twenty years in consideration of the funding provided by the FAA and the State Aeronautics Division.

3. All of the 340 acres comprising the Airport are used for airport purposes. In addition to the land occupied by runways, taxiways, hangars, buildings and the like, the "open space" at the Airport has been and continues to be used as a buffer to absorb airport noises, as unobstructed space in which aircraft can maneuver for landings and takeoffs and to provide a safety zone for aircraft that may have problems.
4. No testimony or evidence was introduced at the hearing to show that less than the 340 acres comprising the Airport property was committed for airport uses.

F. Conclusion

The Bend Municipal Airport is a necessary facility for Deschutes County. The Airport's ability to expand must be provided for if the needs of the County's residents are to be met and compliance with State Land Use Goals obtained. However, recognition must be given to the impact on nearby residents. The predominant adjoining land use to the Bend Airport is agricultural. Agricultural uses are compatible with airport uses within the expected noise contour levels. It is expected that the Bend Municipal Airport will expand. The Bend Municipal Airport Master Plan and Deschutes County Comprehensive Plan have adequately addressed these concerns. Encroachment from incompatible uses has been provided for, while a future need to take exceptions for additional lands as noise levels increase on the Airport has been recognized in the Plan policies. At such time as impacts from noise have increased, land available for exception will be based not only upon the noise impacts, but the public need for airport development zoning on the properties. A reasonable balance has been achieved and the County must now proceed to take exception to Agricultural Goal 3 for the Airport ownership to allow necessary and expected usage of the Airport property.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 80-222, 1980; Ord. 80-203, 1980)

23.120.080. La Pine UUC Boundary.

In conjunction with approval of PA 9-7 and ZC 97-4, a plan amendment and zone change for an area of land zoned exclusive farm use and physically developed with the Mid State Electric Co-op, Inc. Facility, exceptions to Statewide Planning Goal 3, Agricultural Land, Goal 11, Public Facilities and Services and Goal 14, Urbanization was taken. The goal exceptions allowed the subject land to be included in the La Pine UUC boundary and be planned and zoned for commercial use. Findings to support the goal exceptions for this land are set forth in Exhibit "C" to Ordinance 98-001, incorporated herein by reference.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 98-001, 1998)

23.120.090. Spring River Rural Service Center.

A reasons exception was taken from Goal 14 to allow for the establishment of the Spring River Rural Service Center on residential-designated lands for which an exception had already been taken from Goals 3 and 4. The rural service center was approved because the Board of County Commissioners found that it would primarily serve the needs of the residents of nearby subdivisions, such as Deschutes River Recreational Homesites. Findings to support the reasons exception to Goal 14 were made in Paragraph 7 of the Board of County Commissioners' decision (attached to Ordinances 90-009 and 90-010) and those findings are incorporated by reference herein. Findings to support the reasons exception accompanying Ordinances 96-022 were made on Pages 12 - 18 of the Hearings Officer's findings supporting that decision and those findings are incorporated herein by reference.

To ensure that uses in the rural service center would be limited in a manner to comply with Goal 14 exception, a limited use combining zone was imposed, by which the allowed uses were limited to a

list of specific uses. Those uses are listed in the Rural Development Chapter (DCC 23.24.010) of this comprehensive plan in conjunction with a description of the Spring River Rural Service Center and also in the zoning ordinance. Additional uses were added to the Zone by Ordinances 96-022 and 96-045. Findings to support the reasons exception accompanying Ordinance 96-045 were made on pages 12-18 of the Hearings Officer's findings supporting that decision and those findings are incorporated herein by reference.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 96-045, 1996; Ord. 96-022, 1996; Ord. 90-010, 1990; Ord. 90-009, 1990)

23.120.100. Burgess Road and Highway 97.

In conjunction with approval of CU-94-44, for the construction of a road improvement project at the intersection of Burgess Road with Highway 97, an exception to Statewide Planning Goal 4, Forest Lands, was taken to allow for the subject road improvement on forest land. Reasons justifying why the state policy embodied in Goal 4 should not apply in this situation are as set forth in Exhibit C to Ordinance 97-060, which findings are incorporated herein by reference. (1997)

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 97-060, 1997)

23.120.110. Rural Industrial Zone.

In conjunction with approval of PA-08-6, ZC-08-6 for that certain property described in Exhibit "C" and depicted in Exhibit "D" attached to Ordinance 2009-007 and incorporated by reference herein, an "irrevocably committed" exception to Statewide Planning Goal 3, Agricultural Lands, and a reasons exception to Goal 14 was taken to allow for the subject comprehensive plan and zone change on agricultural land. The plan amendment and zone change will allow Rural Industrial plan and zoning designation with a Limited Use Combining Zone for the specific use of storage, crushing, processing, sale and distribution of minerals. Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit "E" to Ordinance 2009-007, which findings are incorporated herein.

(Ord. 2009-007 §2; Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 98-081, 1998)

23.120.120. Prineville Railway.

In conjunction with approval of PA 97-9/ZC 97-5, an exception to Statewide Planning Goal 3, Agricultural Lands, was taken to allow for the subject comprehensive plan and zone change on agricultural land. The plan amendment and zone change will accommodate the relocation of the Redmond Railway Depot to the subject property and the use of this site for an historic structure to be utilized in conjunction with the Crooked River Dinner train operation. Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit "D" to ordinance 98-017, which findings are incorporated herein by reference.

(Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 98-017, 1998)

23.120.130. Resort Communities.

In conjunction with approval of PA-98-5 and TA-98-9, an exception to Statewide Planning Goal 4, Forest Lands, was taken for the Black Butte Ranch and The Inn of the Seventh Mountain / Widgi Creek resort communities. These exceptions were taken at the same time that both resorts were designated "Resort Communities" under the State rules for unincorporated communities, OAR 660-022.

A "reasons" exception was taken for Black Butte Ranch (the Ranch) to justify the addition of 80 acres of land to the resort community boundary. A "physically developed" exception was taken for

The Inn of the Seventh Mountain/Widgi Creek (the Inn/Widgi) in recognition that this resort is for all practical purposes fully developed.

The 80-acre addition to the Ranch is zoned as a Surface Mining /Limited Use Combining District (38 acres) and a Utility /Limited Use Combining District (44 acres). The uses allowed are limited to those indicated in the County Zoning Ordinance, DCC 18. Any additional uses will only be allowed if an additional plan amendment (including exceptions findings) and text amendment are approved that justify such uses.

The findings to support these exceptions are set forth in Exhibit “H” to Ordinance No. 2001-047. These findings are incorporated herein by reference. The uses allowed in these communities are set forth in Exhibit “B” to Ordinance No. 2001-048.

(Ord. 2001-047 §3, 2001)

23.120.140. Barclay Meadows Business Park.

In conjunction with approval of PA-99-4/ZC-99-1, a “reasons” exception to Statewide Planning Goal 3, Agricultural Lands, was taken to include certain property within the City of Sisters Urban Growth Boundary (UGB). Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit “C” to Ordinance 2003-010, which findings are incorporated herein by reference.

(Ord. 2003-011 §1, 2003)

23.120.150. Sisters School District #6.

In conjunction with approval of PA-99-5/ZC-99-3, a “reasons” exception to Statewide Planning Goal 3, Agricultural Lands, was taken to include certain property within the City of Sisters Urban Growth Boundary (UGB). Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit “C” to Ordinance 2003-013, which findings are incorporated herein by reference.

(Ord. 2003-011 §1, 2003)

23.120.160. Sisters Organization of Activities and Recreation and Sisters School District #6.

In conjunction with approval of PA-01-4/ZC-01-4, a “reasons” exception to Statewide Planning Goal 4, Forest Lands, was taken to include certain property within the City of Sisters Urban Growth Boundary (UGB). Reasons justifying why the state policy embodied in Goal 4 should not apply in this situation are set forth in Exhibit “C” to Ordinance 2003-016, which findings are incorporated herein by reference.

(Ord. 2003-017 § 1, 2003)

23.120.170. Oregon Water Wonderland Unit 2 Sewer District.

In conjunction with the Board’s approval of County file nos. PA-02-5/ZC-02-3, as amended by PA-09-4, a “reasons” exception to Statewide Planning Goals 4, Forest Lands, and 11, Public Facilities & Services, was taken for certain property. The plan amendment changed the plan designation to Rural Residential Exception Area and the zone change changed the zoning to Rural Residential with a Limited Use Combining Zone to allow only the uses approved through the Board’s decision on PA-02-5/ZC-02-3, as amended by PA-09-4,. Reasons justifying why the state policies embodied in Goals 4 and 11 should not apply in this situation are set forth in Exhibit “C” to Ordinance 2003-012, as amended by Ordinance 2010-015, which findings are incorporated herein by reference.

(Ord. 2010-015 §1, 2010; Ord. 2003-015 §1, 2003)

23.120.180. 2004 City of Bend Urban Growth Boundary Amendment (Juniper Ridge).

In conjunction with approval of PA-04-2, for the amendment of the City of Bend urban growth boundary to include 513 acres of land for industrial purposes, an exception to Statewide Planning Goal 3, Agriculture, was taken to allow for the subject amendment of the city's urban growth boundary. Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are as set forth in Exhibit D to Ordinance 2004-017, which findings are incorporated herein by reference. (2004)

(Ord. 2004-017 §2, 2004; Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 97-060, 1997)

23.120.190. Joyce Coats Revocable Trust Johnson Road and Tumalo Reservoir Road Properties.

In conjunction with approval of PA-04-4/ZC-04-2, an "irrevocably committed" exception to Statewide Planning Goal 3, Agricultural Lands was taken to allow for the rezoning of Surface Mine Sites 306 and 307 from Surface Mining (SM) to Multiple Use Agriculture (MUA10) and change of comprehensive plan designation from Surface Mine (SM) to Rural Residential Exception Area (RREA). Additionally, the County determined that Surface Mine Site 306 is non-resource land. Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit "E" to Ordinance 2005-031, which findings are incorporated herein.

(Ord. 2005-031, §1, 2005)

23.120.200. Watson/Generations Development Inc.

In conjunction with approval of CU-04-97/RC-05-2, an exception to Statewide Planning Goal 3, Agricultural Lands, was taken to include a portion of a certain property zoned Exclusive Farm Use Tumalo/Redmond/Bend Subzone (EFU-TRB). Reason, justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit "B" to Ordinance 2005-015, which findings are incorporated herein by reference.

(Ord. 2005-015 §1, 2005)

23.120.210. Oregon Department of Transportation.

In conjunction with approval of CU-04-113, an exception to Statewide Planning Goal 3, Agricultural Lands, was taken to include a portion of a certain property zoned Exclusive Farm Use Tumalo/Redmond/Bend Subzone (EFU-TRB). Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit "B" to Ordinance 2005-019, which findings are incorporated herein by reference.

(Ord. 2005-019 §1, 2005)

23.120.220. Conklin / Eady Property.

In conjunction with approval of PA05-3, an exception to Statewide Planning Goal 3, Agricultural Lands, was taken to include a portion of a certain property zoned Exclusive Farm Use Sisters-Cloverdale (EFU-S/C). Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit "C" to Ordinance 2005-035, which findings are incorporated herein by reference.

(Ord. 2005-035 §1, 2005)

23.120.230. City of Sisters Property.

In conjunction with approval of PA05-3, an exception to Statewide Planning Goal 4, Forests Lands, was taken to include a portion of a certain property zoned Forest 1 (F1). Reasons justifying why the

state policy embodied in Goal 4 should not apply in this situation are set forth in Exhibit “C” to Ordinance 2005-037, which findings are incorporated herein by reference.
(Ord. 2005-037 §1, 2005)

23.120.240. McKenzie Meadows Property.

In conjunction with approval of PA05-3, an exception to Statewide Planning Goal 4, Forests Lands, was taken to include a portion of a certain property zoned Forest 2 (F2). Reasons justifying why the state policy embodied in Goal 4 should not apply in this situation are set forth in Exhibit “C” to Ordinance 2005-039, which findings are incorporated herein by reference.
(Ord. 2005-039 §1, 2005)

23.120.250. Bend Metro Park and Recreation District Properties.

In conjunction with approval of PA-05-8/ZC-05-3, a “reasons” exception to Statewide Planning Goal 3, Agricultural Lands was taken to include a portion of certain property zoned Exclusive Farm Use Tumalo/Redmond/Bend Subzone (EFU-TRB). Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit “D” to Ordinance 2006-025, which findings are incorporated herein by reference.
(Ord. 2006-025 §1, 2006)

23.120.260. Harris and Nancy Kimble Property and Portion of CLR, Inc. Property, A.K.A., the Klippel Pit Property.

In conjunction with approval of PA-07-2/ZC-07-2, an “irrevocably committed” exception to Statewide Planning Goal 3, Agricultural Lands was taken to allow for the rezoning of all of Surface Mine Site 294 from Surface Mining (SM) to Rural Residential (RR-10). The interim plan designation of Surface Mine (SM) was removed from the comprehensive plan map. The underlying plan designations were Agriculture and Rural Residential Exceptions Area (RREA). The vast majority of Surface Mine Site 294 was designated RREA. The plan designation of the part of the property designated Agriculture was changed so that it would match the plan designation of the majority of the subject property and surrounding development in the Klippel Road goal exception area. Additionally, the County determined that a part of the area with an underlying plan designation of Agriculture is non-resource land. Reasons justifying why the state policy embodied in Goal 3 should not apply in this situation are set forth in Exhibit “D” to Ordinance 2008-001, which findings are incorporated herein
(Ord. 2008-001 §1, 2008)