



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/29/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 003-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, November 13, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Kevin Harrison, Deschutes County
Jon Jinings, DLCD Community Services Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
OCT 24 2013
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: Deschutes County

Local file number: PA-13-3 / ZC-13-3

Date of Adoption: 10/21/13

Date Mailed: 10/22/13

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend Deschutes County Comprehensive Plan map to include property inside City of Sisters' UGB; amend plan designation from Rural Residential Exception Area to Urban Area Reserve; amend zone map designation from Rural Residential (RR-10) to Urban Area Reserve (UAR-10)

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: Rural Residential

to: Urban Area Reserve

Zone Map Changed from: Rural Residential

to: Urban Area Reserve

Location: 15820 Barclay Drive, Sisters

Acres Involved: 34.3 acres

Specify Density: Previous: 10 ac./du.

New: 10 ac./du.

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Sisters; Oregon Aviation; FAA

Local Contact: Kevin Harrison

Phone: (541) 385-1401 Extension:

Address: P.O. Box 6005

Fax Number: 541-385-1764

City: Bend

Zip: 97701

E-mail Address: Kevin.harrison@deschutes.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County
Code Title 23, the Deschutes County Comprehensive
Plan, to amend the Urban Growth Boundary for the
City of Sisters, and to Change the Plan Designation
on Certain Property from Rural Residential
Exception Area to Urban Area Reserve and Declaring
an Emergency.

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ORDINANCE NO. 2013-016

WHEREAS, Sisters Runway, Inc. and Sisters Airport Property, LLC applied for a Comprehensive Plan Amendment to Deschutes County Code ("DCC") Title 23, to amend the Urban Growth Boundary for the City of Sisters, and to change the plan designation from Rural Residential Exception Area to Urban Area Reserve; and

WHEREAS, after a duly noticed public hearing, on August 27, 2013, the Deschutes County Hearings Officer approved the comprehensive plan map amendments; and

WHEREAS, because no appeal was filed, the Board of County Commissioners ("Board") did not initiate review of the application and the decision does not require an exception to the goals or concern lands designated for forest or agricultural use, pursuant to DCC 22.28.030(B), the Board must approve the comprehensive plan change to include the subject property inside the Urban Growth Boundary for the City of Sisters and to change the plan designation; and

WHEREAS, the City of Sisters desires to annex the property this calendar year in order to allow the Airport to take advantage of time-sensitive development opportunities; now, therefore,

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

Section 1. AMENDMENT. DCC Title 23, Deschutes County Comprehensive Plan Map, is amended to change the Urban Growth Boundary for the City of Sisters to include certain property described in Exhibit "A" and depicted on the map set forth in Exhibit "B", with both exhibits attached and incorporated by reference herein, and to change the plan designation for the referenced property from Rural Residential Exception Area to Urban Area Reserve.

Section 2. AMENDMENT. DCC Title 23, Deschutes County Comprehensive Plan is amended to read as described in Exhibit "C", attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strike through~~.

Section 3. FINDINGS. The Board adopts as its findings in support of this decision, the Decision of the Hearings Officer, attached as Exhibit "D" and incorporated by reference herein.

Section 4. AMENDMENT. Deschutes County Comprehensive Plan, Chapter 5, Supplemental Sections, is amended to read as described in Exhibit "E," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike through~~.

Section 5. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 21st of October, 2013

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Alan Unger
ALAN UNGER, Chair

Tammy Baney
TAMMY BANEY, Vice Chair

Anthony DeBone
ANTHONY DEBONE, Commissioner

ATTEST:

Bonnie Baker
Recording Secretary

Date of 1st Reading: 21st day of October, 2013.

Date of 2nd Reading: 21st day of October, 2013.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Alan Unger	✓	—	—	—
Tammy Baney	✓	—	—	—
Anthony DeBone	✓	—	—	—

Effective date: 21st day of October, 2013.

LEGAL DESCRIPTION

CURRENT TAX LOT 15-10-4A, 1100

A Strip of land 250 feet in width located in the Northeast One-Quarter (NE 1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10) East, Willamette Meridian, Deschutes County, Oregon, lying 125 feet on each side of the following described centerline.

Commencing from the North One-Quarter corner of said Section 4, thence South 89°49' East 41.10 feet; and South 00°43' West 1171.05 feet; and South 02°40' West 678.10 feet to the TRUE POINT OF BEGINNING of said centerline; thence along said centerline North 41°26' East 2500 feet, more or less, to a point on the North line of said Section 4; intercepted by the side lines of said strip being the Northeasterly boundary of said strip and that portion of the East line of Wilt Road intercepted by said side lines of said strip being the Southwesterly boundary of said strip.

TOGETHER WITH a tract of land located in the Northeast One-Quarter (NE 1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10) East, Willamette Meridian, Deschutes County, Oregon, said tract being more particularly described as follows:

Commencing at a point on the North-South centerline of said Section 4, said point being South 00°05'01" East 2102.13 feet when measured along said line from the North One-Quarter corner of said Section 4, thence North 89°54'59" East 30.00 feet, said point further being a point of intersection of the East right-of-way line of Wilt Road (Camp Polk Road) and the North right-of-way line of Barclay Drive; thence along the said East right-of-way line North 00°38'05" East 100.61 feet to a point of intersect with the Southeasterly right-of-way line of the Northeast-Southwest runway of the Sisters Airport; thence leaving said East right-of-way line of Wilt Road and along said Southeasterly runway right-of-way line North 41°56'00" East 1097.08 feet to a point of intersection with the South right-of-way line of the East-West runway of the Sisters Airport, said point being the TRUE POINT OF BEGINNING; thence continuing along said Northeast-Southwest runway right-of-way line North 41°56'36" East 386.33 feet to a point of intersection with the North right-of-way line of the said East-West runway right-of-way line; thence leaving said Northeast-Southwest runway right-of-way line and along said North runway right-of-way line North 82°16'03" East 33.98 feet; thence leaving said North right-of-way line South 00°43'54" West 252.75 feet to a point on the aforementioned South right-of-way line of the East-West runway; thence along said South runway right-of-way line South 82°16'03" West 291.32 feet to the TRUE POINT OF BEGINNING.

~~LEGAL DESCRIPTION~~

CURRENT TAX LOT 15-10-4A, 800

A tract of land located in the Northeast One-Quarter (NE 1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10) East, Willamette Meridian, Deschutes County, Oregon, said tract being more particularly described as follows:

Commencing at a point on the North-South centerline of said Section 4, said point being South 00°05'01" East 2102.13 feet when measured along said line from the North One-Quarter corner of said Section 4, thence North 89°54'59" East 30.00 feet to the TRUE POINT OF BEGINNING, said point further being a point of intersection of the East right-of-way line of Wilt Road (Camp Polk Road) and the North right-of-way line of Barclay Drive; thence along the said East right-of-way line North 00°38'05" East 100.61 feet to a point of intersect with the Southeasterly right-of-way line of the Northeast-Southwest runway of the Sisters Airport; thence leaving said East right-of-way line of Wilt Road and along said Southeasterly runway right-of-way line North 41°56'00" East 1097.08 feet to a point of intersection with the South right-of-way line of the East-West runway of the Sisters Airport; thence leaving said Northeast-Southwest runway right-of-way line and along said South runway right-of-way line North 82°16'03" East 291.32 feet; thence leaving said South right-of-way line South 00°43'54" West 148.71 feet; thence South 00°40'50" West 552.94 feet to a point on the Northerly right-of-way line of aforementioned Barclay Drive; thence along said Northerly right-of-way line along an arc of a 1856.28 foot radius curve to the right 1005.18 feet, the chord of bears South 75°07'18" West 992.95 feet; and North 89°21'55" West 54.80 feet to the TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION

CURRENT TAX LOT 14-10-33D, 1300

THE LAND WHICH LIES WITHIN 125 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED RUNWAY CENTERLINE AND LYING WITHIN SECTION 33, TOWNSHIP 14 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON. THE NORTHEAST-SOUTHWEST RUNWAY CENTERLINE DESCRIPTION: BEGINNING AT A POINT IN THE CENTERLINE OF WILT ROAD (A COUNTY ROAD), SAID POINT BEING 41.10 FEET SOUTH 89°49' EAST, 1171.05 FEET SOUTH 00°43' WEST AND 678.10 FEET SOUTH 02°40' WEST FROM THE QUARTER CORNER IN THE NORTH LINE OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON; THENCE NORTH 41°26' EAST 3664.00 FEET TO AN IRON ROD SET AT THE POINT OF TERMINATION ON THE NORTHEAST END OF THE SAID NORTHEAST-SOUTHWEST RUNWAY.

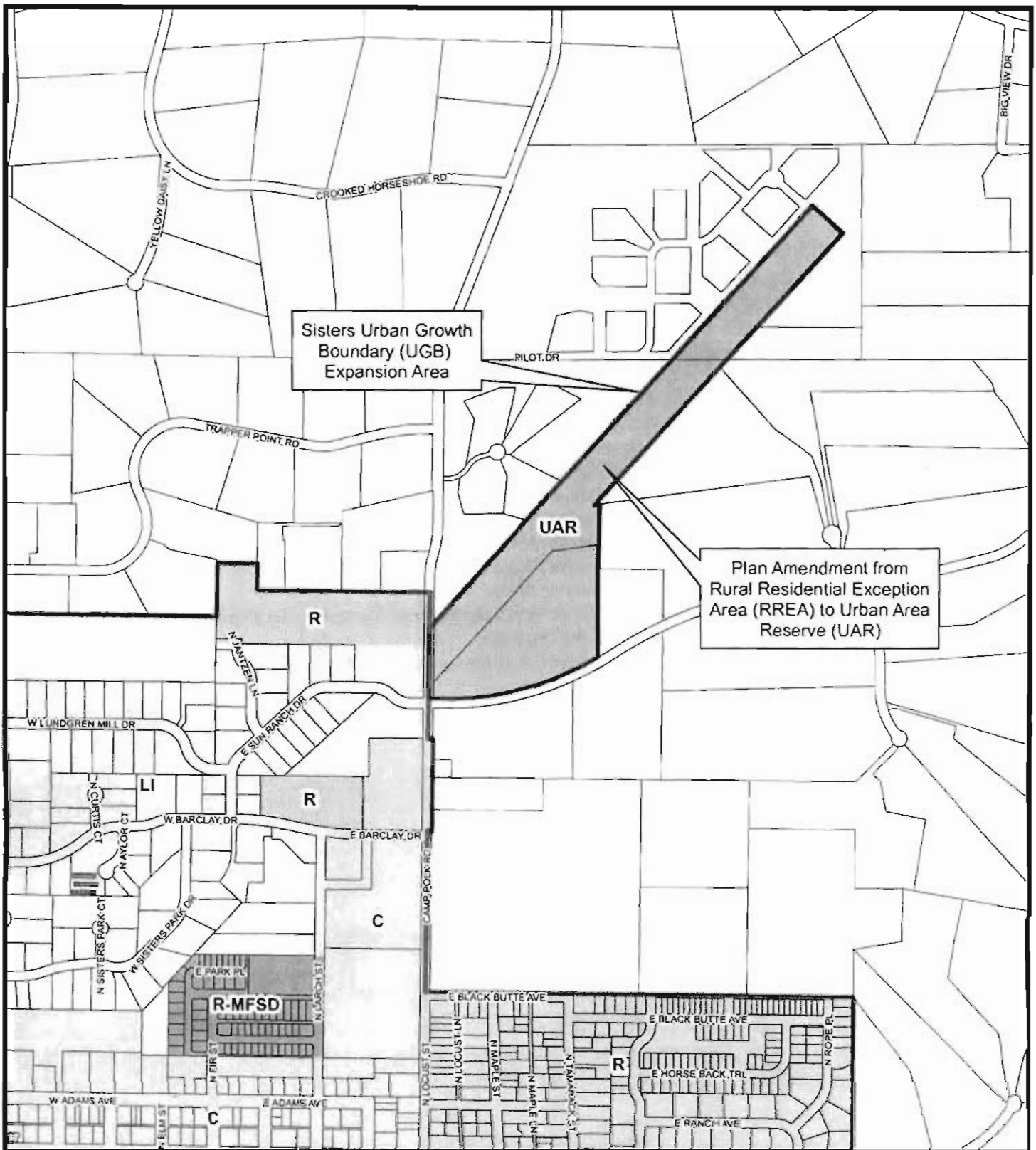
EXCEPTING THEREFROM THAT PORTION OF THE SISTERS AIRPORT LYING EASTERLY OF THE RUNWAY CENTERLINE AND EXTENDING 200 FEET IN THE NORTHEASTERLY DIRECTION FROM THE POINT AT WHICH THE RUNWAY ENTERS INTO SECTION 33, TOWNSHIP 14 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

LEGAL DESCRIPTION

EASTERLY 30 FEET OF CAMP POLK ROAD ADJACENT TO THE SISTERS AIRPORT

A tract of land located in the Southwest One-Quarter of the Northeast One-Quarter (SW 1/4 NE 1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10) East, Willamette Meridian, Deschutes County, Oregon, said tract being more particularly described as follows:

Commencing at the North One-Quarter corner of said Section 4, thence along the North-South Center section line of said Section 4 South 00°05'01" East 1622.20 feet to the TRUE POINT OF BEGINNING; thence North 89°54'59" East 30.00 feet to a point being the intersection of the East right-of-way line of Camp Polk Road and the Northwesterly right-of-way line of the Northeast-Southwest runway of the Sisters Airport; thence leaving said Northwesterly right-of-way line and along said East right-of-way line South 00°05'01" East 479.68 feet to a point being the intersection of the East right-of-way line of Camp Polk Road and the Northerly right-of-way line of Barclay Drive; thence leaving both said right-of-way lines South 89°54'59" West 30.00 feet to a point on the aforementioned North-South Center section line of said Section 4; thence along said North-South Center section line North 00°05'01" West 479.68 feet to the TRUE POINT OF BEGINNING.



PROPOSED COMPREHENSIVE PLAN MAP

Sisters Runway Inc., & Sisters Airport Property, LLC

Exhibit "B"
to Ordinance 2013-016

Legend

- Proposed UGB Expansion Area
- Proposed Zone Change from RREA to UAR

Sisters Comprehensive Plan

- C - Commercial
- LI - Light Industrial
- R - Residential
- R-MFSD - Multi-Family Residential
- UAR - Urban Area Reserve



BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Alan Ungar, Chair

Tony DeBore, Commissioner

Sammy Barney, Commissioner

ATTEST: Recording Secretary

Dated this _____ day of October, 2013
Effective Date: _____ 2013

Chapter 23.01 COMPREHENSIVE PLAN

23.01.010. Introduction.

- A. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2011-003 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-005, are incorporated by reference herein.
- D. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-012, are incorporated by reference herein.
- E. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-016, are incorporated by reference herein.
- F. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-002, are incorporated by reference herein.
- G. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-007, are incorporated by reference herein.
- H. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-009, are incorporated by reference herein.
- I. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-012.
- J. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-016.

(Ord. 2013-016 §2, 2013; Ord. 2013-012 §2, 2013; Ord. 2013-009 §2, 2013; Ord. 2013-007 §1, 2013; Ord. 2013-002 §1, 2013; Ord. 2013-001 §1, 2013; Ord. 2012-016 §1, 2012; Ord. 2012-012 §1, 2012; Ord. 2012-005 §1, 2012; Ord. 2011-027 §1 through 12, 2011; Ord. 2011-017 repealed; Ord. 2011-003 §3, 2011)

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/compplan>)

DECISION OF THE DESCHUTES COUNTY HEARINGS OFFICER

FILE NUMBERS: PA-13-3/ZC-13-3

APPLICANT/OWNER: Sisters Runway, Inc. and Sisters Airport Property, LLC
15820 Barclay Drive
Sisters, OR 97759

REQUEST: The applicant is requesting approval of a comprehensive plan amendment to expand the City of Sisters' Urban Growth Boundary to include a 34.3-acre property containing the Sisters Eagle Airport and to change the plan map designation from Rural Residential Exception Area to Urban Reserve. The proposal also includes a zone map amendment from Rural Residential (RR-10) to Urban Area Reserve (UAR-10).

HEARING DATE: August 27, 2013

RECORD CLOSED: August 27, 2013

STAFF CONTACT: Kevin Harrison, Principal Planner

I. APPLICABLE STANDARDS & CRITERIA:

- A. Statewide Planning Goals
- B. Oregon Revised Statutes (ORS)
 - 1. ORS 197.298, Priority of land to be included within urban growth boundary
- C. Oregon Administrative Rules (OAR)
 - 1. OAR 660-004, Interpretation of Goal 2 Exceptions Process
 - 2. OAR 660-012, Transportation Planning
 - 3. OAR 660-024, Urban Growth Boundaries
- D. Title 18, Deschutes County Zoning Ordinance
 - 1. Chapter 18.60, Rural Residential (RR-10) Zone
 - 2. Chapter 18.136, Amendments
- E. Title 21, Sisters Urban Growth Area Zoning Ordinance
 - 1. Chapter 21.16, Urban Area Reserve (UAR-10) Zone
 - 2. Chapter 21.40, Amendments
- F. Title 22, Deschutes County Procedures Ordinance
 - 1. Chapter 22.28, Land Use Action Decisions

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- G. Title 23, Deschutes County Comprehensive Plan - 2011
 - 1. Chapter 4, Urban Growth Management
 - a. Section 4.2, Urbanization Policies
 - H. Sisters Urban Area Comprehensive Plan
 - 1. Part V, Comprehensive Plan Goals and Policies
 - I. 1998 Joint Management Agreement between the City of Sisters and Deschutes County (incorporated herein by reference)

II. **FINDINGS OF FACT:**

- A. **LOCATION:** The subject property is located at 15820 Barclay Drive, Sisters, and is identified on Deschutes County Assessor's Map 15-10-4A as tax lots 800 and 1100 and on Map 14-10-33D as tax lot 1300. The property is bordered by Barclay Drive on the south and Camp Polk Road on the west.
- B. **LOT OF RECORD:** The property has been recognized as a legal lot-of-record based on the land use history and the issuance of development permits (See: S 74-1064 and B 75-217, along with Applicant's Exhibit E).
- C. **SITE DESCRIPTION:** The 34.3-acre property is generally level and contains the Sisters Eagle Airport runway, house/office, four hangars and several outbuildings. The property also contains the offices of ENERGYneering Solutions Inc. (ESI), a design and build engineering business. The property is fenced and vegetated with grass and scattered pines in the northern portion of the property. Access to the property is from Barclay Drive.
- D. **SURROUNDING USES:** To the north of the runway are Hawksflight Air Park and Eagle Air Estates subdivisions, developed for residential use. To the south and east are scattered rural residences and Barclay Meadows subdivision. Light industrial development, within the city limits of Sisters, is found to the west, across Camp Polk Road. Camp Polk Road runs north/south along the western edge of the subject property and forms the boundary between the City of Sisters and rural Deschutes County.
- E. **PROCEDURAL AND LAND USE HISTORY:** The Sisters Eagle Airport has been present on the site for at least sixty (60) years (See: Applicant's Exhibit E). The property has received the following land use permits:
 - SP-74-33: Site plan approval for a 7,400 square foot hangar/shop.
 - SP-75-4: Site plan approval for a hangar.
 - AD-91-2: A determination that a remodel of the building authorized under SP-74-33 did not constitute an alteration of a nonconforming use. This decision also documents the nonconforming use of the property for a construction-related business.
 - LL-92-110: A property line adjustment which reduced tax lot 800 from 14.37 acres to 13.03 acres.

NCU-12-4/SP-12-16: Approval of an alteration and expansion of a nonconforming use (construction business) for the purpose of placing a modular office building for employees of ENERGYneering Solutions Inc.

Land use actions adjacent to the Sisters Urban Growth Boundary in the Urban Area Reserve are governed by a joint management agreement adopted by the City of Sisters and Deschutes County on November 12, 1998 (See: Applicant's Exhibit P). This document calls for cooperation between the City of Sisters and Deschutes County in planning for the UAR-10 zone. Deschutes County and the City of Sisters share responsibility for processing urban growth boundary expansions. Quasi-judicial applications are reviewed by a hearings officer for the county, and by the planning commission for the city. Then both the County Commissioners and City Council will hold public hearings and adopt implementing ordinances to enact the UGB expansion. If approved and adopted, the amendment must be transmitted to the Oregon Department of Land Conservation and Development for acknowledgement of compliance with applicable state land use laws.

The applicant submitted the following applications to the City of Sisters on May 13, 2013: 1) an annexation application, 2) a master plan application, 3) a partition and lot line adjustment and 4) a text amendment and comprehensive plan amendment. Additionally, the citizens of Sisters passed a ballot measure in the November 2012 General Election (See: Measure 9-87) authorizing the annexation of the subject property. The Planning Division mailed notice of this application and public hearing to all property owners within 250 feet of the subject property. The Planning Division published notice of the application and public hearing in the *Bend Bulletin* on July 7, 2013. Additionally, the applicant posted a Notice of Land Use Action sign on the property on July 11, 2013. No comments were received.

The application was reviewed in a public hearing by the City of Sisters Planning Commission on July 31, 2013 and approved unanimously. The application was then reviewed by the City Council on August 8, 2013, and again approved unanimously.

On August 27, 2013, a public hearing was held on the application before the Deschutes County Hearings Officer. There was no opposition testimony. The applicant agreed with the findings and conclusions of the Staff Report. There was no request to leave the written record open, and the applicant waived the right to a final comment. The record closed August 27, 2013 at the close of the hearing.

- G. PROPOSAL:** The applicant is requesting a Plan Amendment to amend the Deschutes County Comprehensive Plan to expand the City of Sisters' Urban Growth Boundary and to change the plan map designation from Rural Residential Exception Area to Urban Reserve. The proposal also includes a zone map amendment to change the zoning on the property from Rural Residential (RR-10) to Urban Area Reserve (UAR-10). The 34-3-acre expansion site would bring the Sisters Eagle Airport inside the UGB and allow the city to zone the property for airport use.

No development is proposed as part of these applications. The application materials and supporting documents are incorporated herein by this reference.

H. AGENCY COMMENTS: The Planning Division mailed notice to several public agencies and received the following comments.

1. Deschutes County Road Department: No comments.
2. Sisters Fire Department: No comments submitted.
3. City of Sisters Planning Department: No comments submitted.
4. Oregon Department of Aviation: The following comments have been submitted:

This letter is in response to Deschutes County's notice of application for Sisters Runway, Inc. and Sisters Airport Property LLC, located north of the City of Sisters, specifically at 15820 Barclay Drive, Sisters on Deschutes County Assessor's Map 15-10-4A tax lots 800 and 1100 and 14-10-33D tax lot 1300. After a preliminary review of the proposed application the Oregon Department of Aviation (ODA) has the following comments:

ODA supports the applicant's request for an amendment to the Deschutes County Comprehensive plan map to include Sisters Eagle Airport with the City of Sisters' Urban Growth Boundary and change the plan map designation from Rural Residential Exception Area to Urban Reserve, which will amend the zoning map for the subject properties from RR-10 to UAR-10.

5. County Transportation Planner: *I have reviewed the transmittal materials for PA-13-3/ZC-13-3 to bring Sisters Eagle Air Park into the Sisters Urban Growth Boundary (UGB) and change the zoning from Rural Residential 10-acre minimum (RR-10) to Urban Area Reserve (UAR-10). The property is at 15820 Barclay Drive, aka 15-10-04A, TL 800. No transportation system development charges (SDC) are required.*

The Sisters airport is a previously established, non-conforming land use in the County's RR-10 zone. The applicant has provided traffic analysis that indicates the plan amendment will not rise to the significance test of the Transportation Planning Rule (TPR) at Oregon Administrative Rule (OAR) 660-012-0060. I agree with that conclusion. The similar density requirements set forth in RR-10 and UAR-10 combined with the imaginary surfaces of the Airport Safety Combining Zone (AS) means there is no substantive difference between the potential trip generation rates of RR-10 and UAR-10. I would recommend the City of Sisters require traffic analysis for consistency with the TPR when the City's land use process is begun to apply the City's airport zoning to the property.

As the proposed land use will not result in more trips being generated from the site under County zoning, no additional roadway capacity will be consumed, and thus under BOCC Resolution 2013-020 no transportation SDCs are required.

6. Department of Land Conservation and Development: No comments submitted.

III. CONCLUSIONS OF LAW

A. Statewide Planning Goals

1. Goal 1: Citizen Involvement

Oregon Statewide Planning Goal 1 seeks “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

FINDING: During this UGB expansion process, public notice was provided by both the city and county to affected agencies and property owners in the surrounding area. As noted above, county staff both mailed and published notice of the proposal and public hearing. The city and county held separate public hearings before city planning commission and county hearings officer, respectively, and separate hearings before the City Council. Goal 1 is met by the process herein described.

2. Goal 2: Land Use Planning

Oregon Statewide Planning Goal 2 seeks “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

FINDING: In accordance with Goal 2, the applicant submitted an application to both the city and county to expand the Sisters’ UGB. The applicant provided sufficient information to assure an adequate factual base to enable both jurisdictions to make an informed decision regarding the expansion. Goal 2 is met by the process herein described.

3. Goal 3: Agricultural Lands; Goal 4: Forest Lands

Oregon Statewide Planning Goal 3 seeks “To preserve and maintain agricultural lands.”

Oregon Statewide Planning Goal 4 seeks “To conserve forest lands by...”

FINDING: The property to be included in the UGB expansion is not identified as either agricultural or forest lands on the Deschutes County Comprehensive Plan map. The

subject property is identified as Rural Residential Exception Area under the county comprehensive plan. Goals 3 and 4 do not apply.

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

Oregon Statewide Planning Goal 5 seeks “To protect natural resources and conserve scenic and historic areas and open spaces.”

FINDING: Goal 5 resources are listed in the county’s acknowledged Comprehensive Plan. There are no identified Goal 5 resources on the site. Utilizing the site as proposed will have no significant adverse impact on the amount of open space or scenic views available. Goal 5 is met.

Impacts on Goal 5 resources:

Mineral and aggregate resources: The expansion site is not zoned for mineral and aggregate use and does not contain any identified significant mineral or aggregate resources.

Energy sources: There are no known energy resources on the site such as natural gas, oil, coal or geothermal heat.

Fish and wildlife habitat: The expansion site has no designated fish or wildlife habitat. There are no identified threatened or endangered species present at the site.

Ecologically and scientifically significant natural areas, including desert areas: There are no identified ecologically or scientifically significant areas present on the site.

Outstanding scenic views: Nothing about the site indicates it has a significantly better view than other sites in the vicinity.

Water areas, wetlands, watersheds, and groundwater resources: There are no wetlands or watersheds within the subject site. There are no identified groundwater resources present at the site.

Wilderness areas: The site does not meet the definition of “wilderness areas” as described within the Oregon State Goals and Guidelines.

Historic areas, sites, structures and objects: The site has no structures listed on the National Register of Historic Places. No structures or places of historical significance have been determined to exist on or near the property.

Cultural areas: The site has no known cultural resources.

5. **Goal 6: Air, Water and Land Resources Quality**

Oregon Statewide Planning Goal 6 seeks “To maintain and improve the quality of the air, water, and land resources of the state.”

FINDING: The applicant is not proposing an exception to Goal 6. Maintaining or improving the quality of the community’s air, water and land resources would be assured through enforcement of state and local regulations. Expansion of the UGB would allow connection to city sewer service, thereby protecting water resources as development occurs. No state or federal regulations are threatened to be or will be violated by the proposal. Goal 6 is met.

6. **Goal 7: Areas Subject to Natural Disasters and Hazards**

Oregon Statewide Planning Goal 7 seeks “To protect people and property from natural disasters and hazards”

FINDING: There are no areas within the site that are subject to flooding or landslide activity. The wildfire hazard for the site is the same as other properties in this geographic area. Development of the site might reduce the potential for wildfires by providing adequate water to meet the fire flow requirements for the Sisters Fire Department.

7. **Goal 8: Recreational Needs; Goal 10: Housing**

Oregon Statewide Planning Goal 8 seeks “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

Oregon Statewide Planning Goal 10 seeks “To provide for the housing needs of citizens of the state.”

FINDING: The size, existing development and specific need addressed by the proposed UGB expansion, do not implicate Goals 8 and 10.

8. **Goal 9: Economic Development**

Oregon Statewide Planning Goal 9 seeks “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

FINDING: Staff found, and the Hearings Officer agrees, that expanding the UGB will allow the city to annex the airport and apply an appropriate airport zone to the property. By doing so, the airport will no longer be a nonconforming use and will be able to develop with airport-related and airport-dependent businesses, increasing the vitality of the airport and providing economic opportunities to local residents. The proposed amendment is consistent with Goal 9.

9. **Goal 11: Public Facilities and Services**

Oregon Statewide Planning Goal 11 seeks “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

FINDING: There is an existing 12 inch water main within Sun Ranch Subdivision, adjacent to the west, across Camp Polk Road. There is a 10-inch sewer main located in Camp Polk Road, approximately 850 feet south of the property. The applicant includes in its burden of proof a sewer and water analysis performed by Sun Country Engineering & Surveying, Inc. which concludes that water and sewer services are available and adequate for the use (See: Applicant’s Exhibit K). The property is bounded on the west by Camp Polk Road, a designated collector, and on the south by Barclay Drive, a designated local road. All necessary public facilities to serve the property are located at or near the property boundaries. Goal 11 is met.

10. **Goal 12: Transportation**

Oregon Statewide Planning Goal 12 seeks “To provide and encourage a safe, convenient and economic transportation system.”

FINDING: OAR 660-012 implements Oregon Statewide Planning Goal 12. This administrative rule requires the city to prepare and adopt a Transportation System Plan (TSP) as part of its comprehensive plan. The City of Sisters 2010 Transportation System Plan was adopted January 2010. The applicant submitted a Traffic Impact Study (See: Applicant’s Exhibit G), which compared existing uses to uses proposed under the ultimate airport zoning district that would be applied by the city. It did not take into account the change to the UAR-10 zone because that zone would only apply for a very short period of time. The study found up to 38 additional weekday p.m. peak hour trips would be generated from the site. Performance at the Locust/Barclay intersection currently remains at approximately level of service “B”. Long-term level of service at this intersection is forecast to remain adequate through the 2030 planning period, and the single-lane roundabout shown in the City’s TSP would provide significant reserve capacity.

Staff found, and the Hearings Officer agrees, that no additional infrastructure or change to the City’s adopted TSP will be required by these amendments, and that all transportation facilities will continue to operate in accordance with their intended classifications and functions.

Furthermore, OAR 660-024-0020(d) exempts properties such as this site from the Transportation Planning Rule (TPR) of OAR 660-012-0060. Exempt properties include those that are zoned as urbanizable land and that do not allow more trips than development allowed under prior zoning. The site is zoned RR-10 and will be re-zoned

UAR-10. Since the existing and future zoning will maintain the same density, and new development is limited by the existing use of, and development on, the property, as well as by the imaginary surfaces associated with the airport, no additional trips will be created by the amendment. Goal 12 and the Transportation Planning Rule are met.

11. Goal 13: Energy Conservation

Oregon Statewide Planning Goal 13 seeks “To conserve energy.”

FINDING: To the extent that this goal is applicable, the amendment is energy-neutral because the airport already exists and the amendment would not result in any new uses other than those that are airport-related or airport-dependent.

12. Goal 14: Urbanization (amended effective April 28, 2005)

Oregon Statewide Planning Goal 14 seeks “To provide for orderly and efficient transition from rural to urban use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

- 1. Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and**
- 2. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).**

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

FINDING: The city adopted coordinated population projections via County Ordinance 2004-012 (See: Applicant’s Exhibit Q). Based on these projections, the city identified the need to accommodate an urban population and provide opportunities for employment for 3,747 residents by 2025. The applicant suggested that expanding the UGB to include the airport is consistent with Goal 9, Economic Development, because, once annexed, the city will be able to apply appropriate airport zoning which will allow and encourage development at the airport that will generate employment by creating space for certain

kinds of new businesses and by creating better transportation facilities to serve existing businesses.

Staff found that this amendment addresses a property that is already developed. According to the applicant's burden of proof, the subject property has been primarily used as an airport for at least the past sixty (60) years. The property is zoned RR-10, which makes Sisters Eagle Airport a non-conforming use of the property. A non-conforming use can be continued or maintained, but cannot be altered or expanded without a determination that the alteration or expansion will have no greater adverse impact on the neighborhood (See: DCC 18.120.010(E)). This means that a non-conforming use is strictly controlled and limited in its development. Approving the UGB amendment allows the city and county to accurately reflect the actual use of the property, and to allow the airport to reach its full potential as a transportation facility and economic asset. The City supports this objective, as demonstrated by its willingness to annex the property and to rezone it to an airport zone.

Staff agreed with the applicant that, with appropriate zoning, the airport can be improved to provide expanded opportunities for emergency operations, including firefighting, and Life Flights. Basic amenities for pilots, citizens and emergency personnel could be provided, such as restrooms and pilot's lounge. Once annexed, airport-dependent and airport-related businesses could be located at the airport, providing more living wage jobs to members of the community.

The Hearings Officer finds that the applicant has shown a demonstrated need for employment opportunities and public facilities on the subject property which warrants a change in the UGB.

These criteria also require demonstration that the need for the airport cannot reasonably be accommodated on land already within the UGB. The applicant states that the application meets this requirement because an airport requires a large land area for the actual ground development, as well as the protected space in the imaginary surfaces associated with the airport (See: Applicant's Exhibit D). The airport requires approximately three-quarters of a mile of flat, open space with restricted development due to the protected imaginary surfaces. The airport runway is 3,500 feet long and the Runway Protection Zone (an imaginary surface) extends out 200 feet from the ends of the runway, for a total of 3,900 feet. The applicant identified potential sites within the UGB, zoned UAR or UAR-10, that were eliminated for consideration because:

- The UAR Zone does not permit airports (See: SDC Chapter 2.9)
- The UAR-zoned land along McKinney Butte Road is the location of several churches which are incompatible with airport use because they are places of public assembly (See OAR 660-013-0080).
- The UAR-10 zoned land located north of the City's wastewater treatment plant is incompatible with airport use (See: OAR 660-013-0080).
- The UAR-10 zoned land located along McKinney Ranch Road has recently been rezoned to Multi-Family Residential (MFR).

Based on the substantial evidence in the record, the Hearings Officer concludes there is no adequate or suitable land within the UGB which can meet the locational and development criteria for an airport

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

FINDING: This criterion requires an evaluation of alternative boundary locations consistent with ORS 197.298. This discussion is detailed below.

1. Efficient accommodation of identified land needs;

FINDING: The purpose of the proposed UGB expansion is to provide suitable zoning and services for an existing airport. The subject property, because of its size, on-site development and location adjacent to the UGB, would have access to required urban infrastructure including roads, water and sewer service. Additionally, it is located adjacent to light industrial and business park development, uses compatible with, and, perhaps, benefitting from, upgraded airport facilities. For these reasons the amendment is an efficient accommodation of identified land needs.

2. Orderly and economic provision of public facilities and services;

FINDING: As discussed above, urban infrastructure and public facilities and services are available to the subject property, including city water and sewer service. The subject property has frontage on Camp Polk Road, a designated collector, and access onto Barclay Drive, a designated local road. The property is currently within the boundaries of the Sisters/Camp Sherman Rural Fire Protection District. Upon annexation it will be served by the Sisters Fire Department.

With respect to traffic impacts, the density will not change with the amendment and trip generation will not increase so the TPR is not triggered. Traffic impacts associated with the airport would be evaluated by the city in its zone change process following annexation.

3. Comparative environmental, energy, economic and social consequences;

FINDING: The environmental, economic, social and energy consequences resulting from the expansion of proposed amendment are summarized as follows.

Environmental: There are no identified Goal 5 resources present on the site. The site does not contain any significant natural features such as wetlands, waterways or rimrock.

There are no identified natural hazards present at the site, other than wildfire, which would be present to the same extent in and around Sisters. The property is already developed but inclusion within the UGB will allow the airport to utilize the municipal sewer system, rather than relying on an on-site sewage disposal system. Use of the municipal sewer system should reduce the risk of adverse environmental consequences associated with sewage disposal.

Energy: The subject property is not known to contain energy resources such as known deposits of oil and natural gas, or geothermal resources. The site is adjacent to public roads which are adequate for the use.

Economic: Consistent with the findings above, expanding the UGB and annexing the airport to the city provides a distinct economic advantage because the airport provides greater transportation access to the city, promoting economic development within the city. Once the airport is a permitted use it is anticipated that construction of additional hangars and a business park will commence, which will provide additional jobs. The airport currently houses a growing engineering firm which provides living wage jobs for members of the community.

Social: The Statewide Planning Goals define Social Consequences as follows:

- *The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.*

One tangible effect could be increased traffic in this particular location as development occurs. Increased usage of the airport by planes could also result in more noise from aircraft. Another tangible effect would be improvements made at the airport such as new facilities, hangars and landscaping. Intangible effects could include a greater sense of pride in an improved airport, an improved sense of economic well-being and a closer identification between the citizens of Sisters and the airport once it is annexed into the city.

Staff found, and the Hearings Officer agrees, that the comparative environmental, energy, economic and social consequences of this proposal have been considered.

4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

FINDING: The site is not located near agricultural or forest zones. The site is bordered on the north, south and east by land zoned RR-10 and developed for rural residential use. It is bordered on the west side by Camp Polk Road and land within the existing UGB. As discussed above, the subject property is already developed as an airport and has been in existence for at least 60 years. For these reasons, the proposed UGB expansion and airport use will not adversely impact farm and forest land outside the UGB.

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

FINDING: As noted in foregoing findings, the expansion site can be efficiently served by all needed public facilities and services.

Unincorporated Communities

FINDING: The expansion site is not located within an unincorporated community. This criterion does not apply.

Single-Family Dwellings in Exception Areas

FINDING: No single-family dwellings are proposed. This criterion does not apply.

Rural Industrial Development

FINDING: No industrial development is proposed. This criterion does not apply.

13. **Goal 15: Willamette River Greenway; Goal 16: Estuarine Resources; Goal 17: Coastal Shorelands; Goal 18: Beaches and Dunes; Goal 19: Ocean Resources**

FINDING: These Goals are not applicable.

B. Oregon Revised Statutes, 197.298

Priority of land to be included within urban growth boundary. (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

- (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.**
- (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.**

FINDING: As noted in foregoing findings, Goal 14 requires the proposed expansion to be consistent with ORS 197.298. The subject property is designated as Rural Residential Exception Area in the Deschutes County Comprehensive Plan; these lands were not designated as such via ORS 195.145. The City of Sisters does not have any 'first priority' lands available for the proposed need-specific UGB expansion. The subject property is considered an exception area, is adjacent to an urban growth boundary and, consequently, is categorized as 'second priority' land, which is the highest priority land available.

C. Oregon Administrative Rules (OAR)

1. Section 660-004-0010, Application of the Goal 2 Exception Process to Certain Goals.

- C. When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals.**

FINDING: As noted above, the county has applied Goal 14 as amended April 28, 2005. Since the applicant does not seek any goal exception, a goal exception is not required for the proposed UGB expansion.

2. Section 660-012-0060, Plan and Land Use Regulation Amendments.

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - (b) Change standards implementing a functional classification system; or**
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:**
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

FINDING: The Hearings Officer finds that the provisions of OAR 660-024-0020(1)(d) exempt the proposal from the requirements of the TPR because the proposed zoning designation, UAR-10, will not generate more vehicle trips than those allowed under the current zoning classification, RR-10. Furthermore, the analysis discussed above shows that the amendment does not significantly affect an existing or planned transportation facility.

3. Section 660-024-0000, Purpose and Applicability.

- (1) The rules in this division clarify procedures and requirements of Goal 14 regarding local government adoption or amendment of an urban growth boundary (UGB).

- ...
- (3) The rules in this division are effective April 5, 2007, except as follows:
 - (a) A local government may choose to apply this division prior to April 5, 2007;
 - (b) A local government may choose to not apply this division to a plan amendment concerning the evaluation or amendment of a UGB, regardless of the date of that amendment, if the local government initiated the evaluation or amendment of the UGB prior to April 5, 2007;

FINDING: These rules became effective April 5, 2007. The proposed plan amendment was submitted to Deschutes County on June 28, 2013. Therefore, these rules apply.

4. Section 660-024-0020, Adoption or Amendment of a UGB

- (1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:
 - (a) The exceptions process in Goal 2 and OAR 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

FINDING: The applicant is not seeking any goal exception.

- (b) Goals 3 and 4 are not applicable;

FINDING: Goals 3 and 4 are not applicable.

- (c) Goal 5 and related rules under OAR 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

FINDING: As noted in foregoing findings, there are no Goal 5 resources impacted by the proposed expansion.

- (d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

FINDING: As noted in foregoing findings, the 34.3-acre expansion site is currently designated Rural Residential Exception Area and is zoned RR-10. Under the proposed

amendments the property will be designated Urban Area Reserve and zoned UAR-10, a zoning district that constitutes urbanizable land and that does not allow development that would generate more vehicle trips than development allowed by the RR-10 zone. For these reasons, OAR 660-012-0060 need not be applied to this UGB amendment.

- (e) **Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;**

FINDING: The proposed expansion area is not within the Willamette River Greenway Boundary and, therefore, Goal 15 is not applicable.

- (f) **Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;**

FINDING: The proposed expansion area is not within a coastal shorelands boundary and, therefore, Goals 16 to 18 are not applicable.

- (g) **Goal 19 is not applicable to a UGB amendment.**

FINDING: Goal 19 is not applicable.

- (2) **The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.**

FINDING: The applicant submitted several maps which show the property to be added (See: Applicant's Exhibits B and N). The maps provide sufficient information to determine the precise UGB location. This criterion has been met.

5. Section 660-024-0030, Population Forecasts

- (1) **Counties must adopt and maintain a coordinated 20-year population forecast for the county and for each urban area within the county consistent with statutory requirements for such forecasts under ORS 195.025 and 195.036. Cities must adopt a 20-year population forecast for the urban area consistent with the coordinated county forecast, except that a metropolitan service district must adopt and maintain a 20-year population forecast for the area within its jurisdiction. In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.**

FINDING: The county adopted a coordinated population forecast through 2025 on September 8, 2004 (See: Ordinance No. 2004-12). The city adopted the same forecast.

6. Section 660-024-0040, Land Need

- (1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.**

FINDING: This rule contemplates legislative UGB amendments, however Subsection (3) of this section allows for need-specific UGB expansions (see below).

- (2) If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period must commence either:**
 - (a) On the date initially scheduled for final adoption of the amendment specified by the local government in the initial notice of the amendment required by OAR 660-018-0020; or**
 - (b) If more recent than the date determined in subsection (a), at the beginning of the 20-year period specified in the coordinated population forecast for the urban area adopted by the city and county pursuant to OAR 660-024-0030, unless ORS 197.296 requires a different date for local governments subject to that statute.**

FINDING: In a Hearings Officer decision for a quasi-judicial plan amendment to expand the City of Bend UGB for a school site (PA-07-5), the Hearings Officer found that this criterion did not apply because the applicant's proposal was not being requested as part of periodic review work program. The city and county coordinated population forecast is discussed above.

- (3) A local government may review and amend the UGB in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need).**

FINDING: The applicant seeks to amend the UGB for a specific land need. No other needs are under review with this application.

- (4) **The determination of 20-year residential land needs for an urban area must be consistent with the adopted 20-year coordinated population forecast for the urban area, and with the requirements for determining housing needs in Goal 10, OAR 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.**

FINDING: The proposed expansion is not for residential land needs. This criterion does not apply.

- (5) **Except for a metropolitan service district described in ORS 197.015(14), the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses consistent with OAR 660-009-0025. Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth.**

FINDING: While the proposed UGB expansion will help meet employment land needs, the primary purpose of the proposed expansion is to rezone the Airport to an airport zone which will allow the Airport to make improvements and operate as a permitted use. Because the proposed UGB amendment is not for the primary purpose of meeting employment land needs this criterion is not applicable.

- (6) **The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with ORS 195.110 and 197.296 for local governments specified in those statutes.**

FINDING: Consistency with Goals 11 and 12 are addressed in foregoing findings. ORS 197.712 and 197.768 require an analysis of general public facilities such as sewer and water to be included in the Comprehensive Plans of cities and counties. Both the City of Sisters and the Deschutes County Plans include the required analysis.

7. Section 660-024-0050, Land Inventory and Response to Deficiency

- (1) **When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate**

development capacity to accommodate 20-year needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to that statute. For employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015(3).

FINDING: As noted above, the only need being evaluated by this specific UGB expansion application is the need for appropriate zoning and infrastructure to allow the existing airport to develop to its full potential. As discussed above, alternative sites for the airport within the existing UGB have been adequately examined.

- (6) When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation, or may maintain the land as urbanizable land either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development until the land is rezoned for the planned urban uses. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.

FINDING: As noted in foregoing findings, the proposed expansion area is currently zoned RR-10, and has a plan designation of Rural Residential Exception Area. The proposed plan designation is Urban Reserve, and the proposed zone designation is UAR-10, which is consistent with the proposed plan designation.

8. Section 660-024-0060, Boundary Location Alternatives Analysis

- (1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:
 - (a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under 660-024-0050.

FINDING: The proposed expansion area is designated as exception land, Rural Residential Exception Area. As noted in foregoing findings, although this land is

classified as 'second priority,' it is the highest priority land available for consideration when expanding the City of Sisters' UGB.

- (b) **If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.**

FINDING: As discussed previously, there are no 'first priority' lands available.

- (2) **Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during periodic review or other legislative review of the UGB, a local government may approve an application under ORS 197.610 to 197.625 for a UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.**

FINDING: This subsection authorizes the city and county to expand the Sisters' UGB to address a specific need with a specific piece of property. The amendment is not designed to satisfy a 20-year land need.

- (3) **The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.**

FINDING: The boundary location factors of Goal 14 are addressed in foregoing findings.

- (4) **In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.**

FINDING: The subject property abuts the UGB and has the most potential to satisfy the need for an airport because the land has already been developed as an airport. Because the subject property meets the size and development requirements it is preferable to all the other sites reviewed. The property is the highest priority land available under ORS 197.298. It is close to existing municipal public services such as water, sewer and transportation, all of which have been shown to have adequate capacity to accommodate the Airport. The subject property is already developed and permitted by the ODA.

- (5) **If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for**

an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

FINDING: Previous findings discussed the specific characteristics used to evaluate a number of alternative sites for the identified need.

- (6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.**

FINDING: The submitted burden of proof describes and maps all of the alternative sites (See: Applicant's Exhibit D).

- (7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.**

FINDING: Water, sewer, and transportation facilities were addressed above when evaluating Goal 14 Boundary Location Factor 2.

- (8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:**
 - (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;**
 - (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and**

FINDING: As noted above, the application materials include an analysis of the city's ability to provide water and sewer service to the property for the desired use (See: Applicant's Exhibit K). The applicant's analysis concludes that city water and sewer service is available and adequate to serve the property. Since no development is being

proposed at this time, there would be no immediate effects on storm water runoff. Once the property is annexed, and new development is proposed, then the city would review the effects of development on storm water runoff pursuant to the city's adopted ordinances. As discussed previously, no TPR analysis is required because the proposed zone change will not result in additional trip generation. The applicant submitted a Traffic Impact Study (See: Applicant's Exhibit G), however that study compared the current zoning with the new airport zone that would be applied to the property upon annexation.

- (c) **The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.**

FINDING: As described above, the applicant provided a traffic impact study that compared trip generation under current zoning with the new airport zone the city would apply upon annexation. Significantly, the study concluded:

"No additional infrastructure or changes to the City's adopted plans would be required to support the rezone; all roadway facilities surrounding the airport will continue to operate in accordance with their intended classification and function. Adoption of the airport into City limits would require minor changes to the Transportation System Plan narrative text that could be provided as part of the City's periodic updates".

As described previously, the County Transportation Planner commented that the proposed zone change to UAR-10 will not result in any additional trip generation because the UAR-10 zone has the same density as the RR-10 zone, and the imaginary surfaces associated with the airport limit new development. For these reasons there is no need for roadway improvements at this stage. Once the property has been annexed and the City applies a new airport zone to the property, then the City can evaluate the need for transportation improvements.

D. Title 18, Deschutes County Zoning Ordinance

1. Chapter 18.136, Amendments.

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

FINDING: The applicant has requested a quasi-judicial map amendment and has filed the application on forms provided by the Planning Division. The request was reviewed under the terms of DCC Title 22. This criterion is satisfied.

A. Section 18.136.020, Rezoning Standards.

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

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

FINDING: As described below, the change conforms with the Comprehensive Plan and is consistent with the plan's introductory statement and goals.

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

FINDING: Again, as described below, the change in classification is consistent with the purpose and intent of the UAR-10 zone classification.

- 3. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:**
 - i. The availability and efficiency of providing necessary public services and facilities.**

FINDING: The property has adequate access to Barclay Drive, a local road, and thereby to Camp Polk Road, a collector. The applicant's analysis shows that city water and sewer services are available and adequate for the use. Police and fire services are also available upon annexation. This criterion is satisfied.

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

FINDING: Since the airport is an established use, it predates much of the development on surrounding lands, so that additional impacts should be few. Findings to address relevant goals and policies contained within the Comprehensive Plan are contained elsewhere in this decision.

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

FINDING: Findings to address this criterion are found below and incorporated herein by reference.

E. Title 22, Deschutes County Development Procedures Ordinance

1. Chapter 22.28.030, Land Use Action Decisions

Decision on plan amendments and zone changes.

- B. In considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the Hearings Officer has authority to make a decision, the Board of County Commissioners shall, in the absence of an appeal or review initiated by the Board, adopt the Hearings Officer's decision. No argument or further testimony will be taken by the Board.

FINDING: A public hearing with the County Hearings Officer was held on August 27, 2013. A public meeting before the Board could be scheduled subsequent to the Hearings Officer decision. Since this application does not involve a goal exception or lands designated for farm or forest use, the Hearings Officer has the authority to make the decision. In the absence of an appeal or review initiated by the Board, the Board may adopt the Hearings Officer's decision without taking argument or further testimony.

F. Title 23, the Deschutes County Comprehensive Plan-2011

1. Chapter 4. Urban Growth Management.

A. Section 4.2. Urbanization Policies.

1. Goal 1. Coordinate with cities, special districts and stakeholders to support urban growth boundaries and urban reserve areas that provide an orderly and efficient transition between urban and rural lands.
2. Policy 4.2.1. Participate in the process initiated by cities in Deschutes County to create and/or amend their urban growth boundaries.

FINDING: The process for review of this application provided the County the opportunity to coordinate with the City of Sisters and participate in the process of amending the city's UGB. Affected agencies and departments have been notified of the application and notice has been given to the public. Findings to address the orderly and

efficient transition between urban and rural lands are found elsewhere in this report and are incorporated herein by reference.

G. PL-16, The Sisters Urban Area Comprehensive Plan

1. Part VI, Implementation Programs and Policies

Comprehensive Plan Review Adoption, Amendments

- ***** Any changes should be consistent with the goals, objectives, policies and statements of intent of the plan or these guidelines should first be changed or amended to reflect the new policies. This should be true of both changes resulting from periodic Planning Commission review and from individual petitions. Hearings of plan amendments shall follow the amendment procedures set forth in the ordinance adopting the Plan. (Plan, page 108)**

FINDING: The applicant contends that the Sisters Comprehensive Plan Goals and Policies generally apply to actions undertaken by the City and not by the County, therefore they are not mandatory approval criteria for the County's decision on proposed quasi-judicial plan amendments to expand the Sisters' UGB to include Sisters Airport. The applicant also states that the Plan Goals and Policies closely mirror the Statewide Planning Goals which are mandatory approval criteria and are addressed within this report.

The Hearings Officer generally agrees with these statements but notes that in the Hearings Officer's decision to expand the Sisters' UGB to provide land for a fire training facility (See: PA-08-2/ZC-08-8), the Hearings Officer found that whether a plan policy constitutes a mandatory approval criterion...*"depends not only on the language of the policy but also on the function the plan assigns to the policy"*. For this reason, the following plan policies are addressed.

Public Facilities and Services Element (page 65)

- *******
- **Policies**
- *******
- 4. **Urban expansion above the city's water service level shall be prohibited unless the city distribution system is improved.**

FINDINGS: The applicant has provided an analysis of the impact of the proposal on the city's water system, which is incorporated herein by reference. That analysis (Applicant's Exhibit K) concludes that extension of an existing 12 inch water line to the property will provide more than adequate fire and domestic flows to the site.

Economic Element (page 75)

• * * *

Policies

• * * *

6. **Zoning for the various land uses shall be done in a timely manner to assure proper balance or economic growth and residential development and the provision of public facilities and services.**

FINDINGS: As discussed elsewhere, the subject property has good transportation access, is adjacent to the city's UGB and industrial development, can be served by city water and sewer and would allow for the full utilization of the airport as another component of the city's overall economic development.

H. Title 21, Sisters Urban Area Zoning Ordinance

1. Chapter 21.04, Introductory Provisions

A. Section 21.04.020, Purpose.

1. **DCC Title 21 has been designed to be consistent with the goals, policies, elements, and statements of intent of the Sisters Urban Area Comprehensive Plan, the officially adopted comprehensive plan for the City of Sisters and its surrounding urbanizing area. The general purpose of DCC Title 21 is to provide for one principal means for implementation of the Sisters Urban Area Comprehensive Plan.**
2. **DCC Title 21 is designed to classify, designate and regulate the use of land within the Sisters Urban Growth Boundary outside the City of Sisters City Limits. To achieve this purpose, DCC Title 21 divides the Sisters Unincorporated Urban Area into appropriate zoning districts as set forth in the policies and elements of the Sisters Urban Area Comprehensive Plan.**
3. **The further purpose of DCC Title 21 policies and elements of the Sisters Area Comprehensive Plan, is to encourage the most appropriate use of land; to conserve and preserve natural resources and the quality that is unique to Sisters, including open space for light, air, fire prevention, and for sanitary purposes; to prevent undue or uncharacteristic concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities such as transportation, water, sewage, schools, parks and other public requirements; to promote the public health, safety, general welfare and to protect and enhance the visual quality of the Sisters area.**

FINDING: The application is consistent with the purpose of Title 21 because the applicant seeks to expand the UGB to include the airport which will encourage the most appropriate use of the land. Annexing the property and rezoning the property to an airport zoning district will allow the airport to further develop to better serve the city and the surrounding area.

2. **Chapter 21.16, Urban Area Reserve Zone- UAR10.**

A. **Section 21.16.010, Purpose**

To serve as a holding category and to provide opportunity for tax differentials as urban growth takes place elsewhere in the planning area, and to be preserved as long as possible as useful open space until needed for orderly growth.

FINDING: Changing the zoning of the Airport is compliant with the purpose of the UAR-10 Zone because rezoning the Airport to UAR-10 will serve as a holding category while the City and County process their respective land use applications. Once the County agrees to release the property to the City and the City agrees to accept it, the City will annex the property and then rezone it to an Airport Zone. It is appropriate for the subject property to be rezoned as UAR-10 to serve as a holding category during the land use process until annexation.

3. **Chapter 21.40, Amendments**

A. **Section 21.40.010, Amendments**

DCC Title 21 may be amended by changing the boundaries of districts, or by changing any other provisions thereof as set forth in DCC 21.40. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.

FINDING: As described previously, the applicant has applied for a quasi-judicial map amendment on forms provided by the Planning Department and the application is being reviewed under the applicable provisions of DCC Title 22. This criterion is satisfied.

B. **Section 21.40.020, Standards for Zone Change**

The burden of proof is upon the applicant. The applicant shall in all cases establish:

- i. **Conformance with the Comprehensive Plan.**
- ii. **Conformance with all applicable statutes.**

- iii. **Conformance with statewide planning goals whenever they are determined to be applicable.**
- iv. **That there is a public need for a change of the kind in question.**
- v. **That the need will be best served by changing the classification of the particular piece of property in question as compared with other available property.**
- vi. **That there is proof of a change in circumstance or a mistake in the original zoning.**
- vii. **That annexation to the City of Sisters will accompany the zone change.**

FINDING: Findings to address compliance with the Comprehensive Plan, applicable statutes and statewide planning goals are contained within this decision and are incorporated herein by reference. With these findings, the Hearings Officer finds that items (i), (ii) and (iii) are satisfied.

With respect to items (iv) and (v), there is a public need for this change because as the closest public airport to the City, the airport plays an important role in providing emergency and recreational access for the citizens of Sisters. The public has expressed their approval and desire to annex the airport during the November 2012 general election.

The public need will be best served by annexing the particular piece of property as compared with other property because the existing Airport has already been developed and received approval by the ODA and the community. Changing the classification will allow the community to recuperate the benefits of their existing investment and avoid the need to develop an additional airport, thereby preserving nearby undeveloped land.

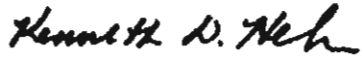
With respect to item (vi), the applicant believes that the RR-10 zone was placed on the property in error. As detailed elsewhere in this report, the airport was developed at least 60 years ago, before the County had any zoning ordinance. The property was zoned RR-10 in 1979 under PL-15, which rendered the property a lawful non-conforming use. However, staff notes that, in 1979, there was no zoning district that could be applied to the subject property that would authorize or recognize the airport use. So, the County did not have the ability to apply an airport-related zoning district to the property. For these reasons, changes in circumstances have occurred since 1979 which warrant the proposed amendment.

The City of Sisters has grown to the north and east over this time period such that the City is now contiguous to the subject property. The City now has a municipal sewer system that has service lines proximate to the property and the capacity to serve the property. Industrial development has occurred adjacent to the subject property, within the city limits, compatible with airport use. For these reasons, item (vi) is satisfied.

Because the voters of Sisters have approved a ballot measure to annex the subject property, item (vii) is met.

IV. CONCLUSION AND RECOMMENDATION:

Based on the record and the Findings of Fact and Conclusions of Law set forth above, I find that the proposal complies with the applicable Statewide Planning Goals, Oregon Revised Statutes, Oregon Administrative Rules, the Sisters Urban Area Comprehensive Plan, and the Deschutes County Zoning Ordinance and Comprehensive Plan.



Kenneth D. Helm, Hearings Officer

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

Dated this 10th day of September, 2013.

Mailed this 10th day of September, 2013

Section 5.12 Legislative History

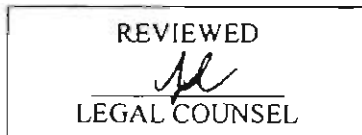
Background

This section contains the legislative history of this Comprehensive Plan.

Table 5.11.1 Comprehensive Plan Ordinance History

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2011-003	8-10-11/11-9-11	All, except Transportation, Tumaño and Terrebonne Community Plans, Deschutes Junction, Destination Resorts and ordinances adopted in 2011	Comprehensive Plan update
2011-027	10-31-11/11-9-11	2.5, 2.6, 3.4, 3.10, 3.5, 4.6, 5.3, 5.8, 5.11, 23.40A, 23.40B, 23.40.065, 23.01.010	Housekeeping amendments to ensure a smooth transition to the updated Plan
2012-005	8-20-12/11-19-12	23.60, 23.64 (repealed), 3.7 (revised), Appendix C (added)	Updated Transportation System Plan
2012-012	8-20-12/8-20-12	4.1, 4.2	La Pine Urban Growth Boundary
2012-016	12-3-12/3-4-13	3.9	Housekeeping amendments to Destination Resort Chapter
2013-002	1-7-13/1-7-13	4.2	Central Oregon Regional Large-lot Employment Land Need Analysis
2013-009	2-6-13/5-8-13	1.3	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2013-012	5-8-13/8-6-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2013-007	5-29-13/8-27-13	3.10, 3.11	Newberry Country: A Plan for Southern Deschutes County

<u>2013-016</u>	TBD	<u>23.01.010</u>	Comprehensive Plan Map Amendment, including certain property within the City of Sisters' Urban Growth Boundary
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For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County
Code Title 21, the Sisters Urban Area Zoning
Ordinance, to Change the Zone Designation on
Certain Property from Rural Residential to Urban
Area Reserve and Declaring an Emergency.

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ORDINANCE NO. 2013-017

WHEREAS, Sisters Runway, Inc. and Sisters Airport Property, LLC applied for a Zone Map Amendment to Deschutes County Code ("DCC") Title 21, to amend the zone map designation for certain property; and

WHEREAS, after a duly noticed public hearing, on August 27, 2013, the Deschutes County Hearings Officer approved the zone map amendment; and

WHEREAS, because no appeal was filed, the Board of County Commissioners ("Board") did not initiate review of the application and the decision does not require an exception to the goals or concern lands designated for forest or agricultural use, pursuant to DCC 22.28.030(B), the Board must approve the zone map change the zone designation from Rural Residential (RR-10) to Urban Area Reserve (UAR-10); and

WHEREAS, the City of Sisters desires to annex the property this calendar year in order to allow the Airport to take advantage of time-sensitive development opportunities; now, therefore,

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

Section 1. AMENDMENT. DCC Title 21, the Sisters Urban Area Zoning Map, is amended to change the zone designation of certain property described in Exhibit "A" and depicted on the map set forth in Exhibit "B", with both exhibits attached and incorporated by reference herein, from Rural Residential (RR-10) to Urban Area Reserve (UAR-10).

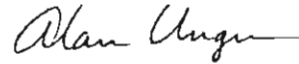
Section 2. FINDINGS. The Board adopts as its findings in support of this decision, the Decision of the Hearings Officer, attached as Exhibit "D" of Ordinance 2013-016 and incorporated by reference herein.

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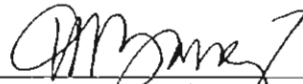
Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance takes effect on its passage.

Dated this 21st of October, 2013

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

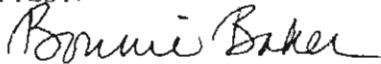


ALAN UNGER, Chair

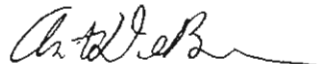


TAMMY BANEY, Vice Chair

ATTEST:



Recording Secretary



ANTHONY DEBONE, Commissioner

Date of 1st Reading: 21st day of October, 2013.

Date of 2nd Reading: 21st day of October, 2013.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Alan Unger	✓	—	—	—
Tammy Baney	✓	—	—	—
Anthony DeBone	✓	—	—	—

Effective date: 21st day of October, 2013.

LEGAL DESCRIPTION

CURRENT TAX LOT 15-10-4A, 1100

A Strip of land 250 feet in width located in the Northeast One-Quarter (NE 1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10) East, Willamette Meridian, Deschutes County, Oregon, lying 125 feet on each side of the following described centerline.

Commencing from the North One-Quarter corner of said Section 4, thence South 89°49' East 41.10 feet; and South 00°43' West 1171.05 feet; and South 02°40' West 678.10 feet to the TRUE POINT OF BEGINNING of said centerline; thence along said centerline North 41°26' East 2500 feet, more or less, to a point on the North line of said Section 4; intercepted by the side lines of said strip being the Northeasterly boundary of said strip and that portion of the East line of Wilt Road intercepted by said side lines of said strip being the Southwesterly boundary of said strip.

TOGETHER WITH a tract of land located in the Northeast One-Quarter (NE 1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10) East, Willamette Meridian, Deschutes County, Oregon, said tract being more particularly described as follows:

Commencing at a point on the North-South centerline of said Section 4, said point being South 00°05'01" East 2102.13 feet when measured along said line from the North One-Quarter corner of said Section 4, thence North 89°54'59" East 30.00 feet, said point further being a point of intersection of the East right-of-way line of Wilt Road (Camp Polk Road) and the North right-of-way line of Barclay Drive; thence along the said East right-of-way line North 00°38'05" East 100.61 feet to a point of intersect with the Southeasterly right-of-way line of the Northeast-Southwest runway of the Sisters Airport; thence leaving said East right-of-way line of Wilt Road and along said Southeasterly runway right-of-way line North 41°56'00" East 1097.08 feet to a point of intersection with the South right-of-way line of the East-West runway of the Sisters Airport, said point being the TRUE POINT OF BEGINNING; thence continuing along said Northeast-Southwest runway right-of-way line North 41°56'36" East 386.33 feet to a point of intersection with the North right-of-way line of the said East-West runway right-of-way line; thence leaving said Northeast-Southwest runway right-of-way line and along said North runway right-of-way line North 82°16'03" East 33.98 feet; thence leaving said North right-of-way line South 00°43'54" West 252.75 feet to a point on the aforementioned South right-of-way line of the East-West runway; thence along said South runway right-of-way line South 82°16'03" West 291.32 feet to the TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION

CURRENT TAX LOT 15-10-4A, 800

A tract of land located in the Northeast One-Quarter (NE 1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10) East, Willamette Meridian, Deschutes County, Oregon, said tract being more particularly described as follows:

Commencing at a point on the North-South centerline of said Section 4, said point being South 00°05'01" East 2102.13 feet when measured along said line from the North One-Quarter corner of said Section 4, thence North 89°54'59" East 30.00 feet to the TRUE POINT OF BEGINNING, said point further being a point of intersection of the East right-of-way line of Wilt Road (Camp Polk Road) and the North right-of-way line of Barclay Drive; thence along the said East right-of-way line North 00°38'05" East 100.61 feet to a point of intersect with the Southeasterly right-of-way line of the Northeast-Southwest runway of the Sisters Airport; thence leaving said East right-of-way line of Wilt Road and along said Southeasterly runway right-of-way line North 41°56'00" East 1097.08 feet to a point of intersection with the South right-of-way line of the East-West runway of the Sisters Airport; thence leaving said Northeast-Southwest runway right-of-way line and along said South runway right-of-way line North 82°16'03" East 291.32 feet; thence leaving said South right-of-way line South 00°43'54" West 148.71 feet; thence South 00°40'50" West 552.94 feet to a point on the Northerly right-of-way line of aforementioned Barclay Drive; thence along said Northerly right-of-way line along an arc of a 1856.28 foot radius curve to the right 1005.18 feet, the chord of bears South 75°07'18" West 992.95 feet; and North 89°21'55" West 54.80 feet to the TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION

CURRENT TAX LOT 14-10-33D, 1300

THE LAND WHICH LIES WITHIN 125 FEET OF EACH SIDE OF THE FOLLOWING DESCRIBED RUNWAY CENTERLINE AND LYING WITHIN SECTION 33, TOWNSHIP 14 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON. THE NORTHEAST-SOUTHWEST RUNWAY CENTERLINE DESCRIPTION: BEGINNING AT A POINT IN THE CENTERLINE OF WILT ROAD (A COUNTY ROAD), SAID POINT BEING 41.10 FEET SOUTH 89°49' EAST, 1171.05 FEET SOUTH 00°43' WEST AND 678.10 FEET SOUTH 02°40' WEST FROM THE QUARTER CORNER IN THE NORTH LINE OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON; THENCE NORTH 41°26' EAST 3664.00 FEET TO AN IRON ROD SET AT THE POINT OF TERMINATION ON THE NORTHEAST END OF THE SAID NORTHEAST-SOUTHWEST RUNWAY.

EXCEPTING THEREFROM THAT PORTION OF THE SISTERS AIRPORT LYING EASTERLY OF THE RUNWAY CENTERLINE AND EXTENDING 200 FEET IN THE NORTHEASTERLY DIRECTION FROM THE POINT AT WHICH THE RUNWAY ENTERS INTO SECTION 33, TOWNSHIP 14 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

LEGAL DESCRIPTION

EASTERLY 30 FEET OF CAMP POLK ROAD ADJACENT TO THE SISTERS AIRPORT

A tract of land located in the Southwest One-Quarter of the Northeast One-Quarter (SW 1/4 NE 1/4) of Section Four (4), Township Fifteen (15) South, Range Ten (10) East, Willamette Meridian, Deschutes County, Oregon, said tract being more particularly described as follows:

Commencing at the North One-Quarter corner of said Section 4, thence along the North-South Center section line of said Section 4 South 00°05'01" East 1622.20 feet to the TRUE POINT OF BEGINNING; thence North 89°54'59" East 30.00 feet to a point being the intersection of the East right-of-way line of Camp Polk Road and the Northwestern right-of-way line of the Northeast-Southwest runway of the Sisters Airport; thence leaving said Northwestern right-of-way line and along said East right-of-way line South 00°05'01" East 479.68 feet to a point being the intersection of the East right-of-way line of Camp Polk Road and the Northern right-of-way line of Barclay Drive; thence leaving both said right-of-way lines South 89°54'59" West 30.00 feet to a point on the aforementioned North-South Center section line of said Section 4; thence along said North-South Center section line North 00°05'01" West 479.68 feet to the TRUE POINT OF BEGINNING.

ZONING MAP

Sisters Runway Inc., & Sisters Airport Property, LLC

Exhibit "B"
to Ordinance 2013-017



Figure 1 is a horizontal bar chart showing the percentage of respondents for each age group (0-19, 20-29, 30-39, 40-49, 50-59, 60-69, 70-79, 80+) across five categories: Total, Male, Female, Male, and Female. The x-axis represents percentage from 0 to 120. The bars are stacked horizontally, with the 'Total' bar on the left and the 'Male' and 'Female' bars on the right. The legend indicates that the bars represent the percentage of respondents for each age group.

September 24, 2013

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Alan Unger, Chair

Tony DeBene, Commissioner

Tammy Baney, Commissioner

ATTEST Recording Secretary

Dated this _____ day of October, 2013
Effective Date: _____, 201


Legend

 Proposed UGB Expansion Area

Sisters Zoning

DC • Downtown Commercial

TC - Tounsi Commercial

 U-Light Industrial

NEBP • North Sisters Business Park

MFR - Multi-Family Residential

R - Residentia

SRR - Sun Ranch Residential

UAR10 - Urban Area Reserve 10 Acre Minimum

neopost[®]

10/23/2013

US POSTAGE

FIRST-CLASS MAIL

\$01.72⁹



ZIP 97701
341L122026T

Deschutes County Community Development Department

117 NW LAFAYETTE AVENUE
BEND, OREGON 97701-1925
(541) 388-6575

Plan Amendment Specialist
Dept. of Land Conserv. & Developmnt.
635 Capitol St., N.E., Suite 150
Salem, OR 97301-2540

