

HEARINGS OFFICER RECOMMENDATION

FILE NUMBER(S): 247-23-000543-PA, 544-ZC¹

HEARING: August 8, 2024, 1:00 p.m.
Videoconference and Barnes & Sawyer Rooms
Deschutes Services Center
1300 NW Wall Street
Bend, OR 97708

**SUBJECT PROPERTY/
OWNER:** Mailing Name: DESCHUTES COUNTY
("the "Owner")
Map and Tax Lot: 1513000000103
Account: 150551
Situs Address: 1805 E HWY 126, REDMOND, OR 97756

APPLICANT: Central Oregon Intergovernmental Council (COIC)
Scott Aycock
1250 NE Bear Creek Road
Bend, OR 97701

**APPLICANT'S
CONSULTANT:** Winterbrook Planning
Jesse Winterowd
610 SW Alder Street, Suite 810
Portland, OR 97205

REQUEST: The applicant requested approval of a Comprehensive Plan Amendment to change the designation of a portion the subject property, approximately 228 acres, from Agricultural ("AG") to Redmond Urban Growth Area ("RUGA") and a corresponding Urban Growth Boundary ("UGB") expansion. The applicant also requested a corresponding Zone Change to rezone the subject property from Exclusive Farm Use ("EFU") to Urban Holding ("UH-10").

The purpose of these applications is to allow for the development of the Central Oregon Ready, Responsive, Resilient ("CORE3") facility. The CORE3 facility will address a need for both a centralized public safety

¹ The applicant submitted a concurrent request to the City of Redmond. The associated file numbers for the City of Redmond are; Text Amendment (711-23-000146-PLNG), UGB Expansion (711-23-000147-PLN), Zone Change (711-23-000149-PLNG), Annexation (711-23-000150-PLNG), and Master Development Plan (711-23-000148-PLNG).

training facility and a coordination center for emergency response operations.

STAFF PLANNER: Haleigh King, Associate Planner
Haleigh.king@deschutes.org, 541-383-6710

RECORD: Record items can be viewed and downloaded from:
www.deschutes.org/CORE3

I. APPLICABLE CRITERIA

Deschutes County Code (“DCC”)

- Title 18, Deschutes County Zoning Ordinance
 - Chapter 18.16, Exclusive Farm Use Zones (EFU)
 - Chapter 18.56, Surface Mining Impact Area Combining Zone (SMIA)
 - Chapter 18.80, Airport Safety Combining Zone (AS)
 - Chapter 18.84, Landscape Management Combining Zone (LM)
 - Chapter 18.136. Amendments
- Title 20, Redmond Urban Reserve Area
 - Chapter 20.36. Amendments
- Title 22, Deschutes County Development Procedures Ordinance

Deschutes County and City of Redmond Joint Management Agreement (DC Doc No. 2007-110)

Deschutes County Comprehensive Plan

- Chapter 1, Comprehensive Planning
- Chapter 2, Resource Management
- Chapter 3, Rural Growth Management
- Chapter 4, Urban Growth Management
- Chapter 5, Supplemental Sections
- Division 15, Statewide Planning Goals and Guidelines
- Division 33, Agricultural Land
- Appendix C, Transportation System Plan

Oregon Administrative Rules (“OAR”), Chapter 660

Oregon Revised Statutes (“ORS”)

- ORS 197.298, Priority of Land to be Included within Urban Growth Boundary

II. PRELIMINARY FINDINGS

A public hearing was scheduled for March 19, 2024. Prior to the occurrence of the proposed March 19, 2024 hearing the applicant submitted a request to continue that hearing to a date uncertain. The hearing was ultimately continued to August 8, 2024 (“Continued Hearing”). At the Continued Hearing only representatives of Deschutes County (the “County”) and the applicant were present. The Hearings Officer asked for testimony from the County, applicant, applicant’s representatives,

those in support of the applicant's requests, those neutral to and those in opposition to the Applicant's requests. Haleigh King (County Planning Staff Representative), Shelby Knight (applicant representative) and Jesse Winterowd (applicant representative) testified at the Continued Hearing. No person testified at the Continued Hearing in opposition to the Applicant's requests. Applicant, during Continued Hearing testimony, stated applicant had no "opposition" to any part or section of the Staff Report.

The Hearings Officer reviewed all documents submitted into the evidentiary record. Included in the Hearings Officer's review was a document submitted by Aaron and Elizabeth Faherty ("Faherty"). Staff referenced the Faherty record submission (Staff Report, page 11). Applicant, during Continued Hearing testimony responded to the issues raised in the Faherty record submission.

Staff, in the Staff Report, requested the Hearings Officer to address and/or consider specific issues. The following list includes a brief summary and Staff Report page reference for the issues raised by Staff:

| | |
|--|---------------|
| Rezoning Standards, DCC 18.136.020 A. | Page 14 |
| Purpose consistent with proposed zoning | Pages 15 & 16 |
| Impacts surrounding land use DCC 18.136.020 C.2 | Pages 17 & 18 |
| Change or mistake in circumstances DCC 18.136.020 D. | Page 18 |
| ID & retain accurately designated ag land Comp Plan 2.2.13 | Pages 22 & 23 |
| Transportation requirements OAR 660-024, div 24(1)(d) | Pages 30 – 32 |

As noted above, the Hearings Officer independently reviewed each of the issues raised by Staff as set forth above. The Hearings Officer addressed each of the specific Staff issues in the relevant findings below. The Hearings Officer finds that the Staff findings for all relevant approval criteria are, subject to the findings for the specific issues raised by Staff, based upon substantial evidence and analysis leading to supportable factual and legal conclusions. The Hearings Officer, therefore, finds that it is reasonable and appropriate that the Hearings Officer incorporate Staff findings. Where the Hearings Officer agrees with staff findings the Hearings Officer incorporates the Staff findings as the Hearings Officer findings in this case.

III. BASIC FINDINGS

LOT OF RECORD: The Hearings Officer finds that the following basic findings, as proposed by Staff, are supported by substantial evidence and properly interpreted relevant law.

The subject property tax lot 103 is a lot of record as it is recorded as Parcel 2 of Partition Plat 2023-28 (County File No. 247-23-000002-MP). However, per DCC 22.04.040, Verifying Lots of Record, lot of record verification is only required for certain permits:

- B. *Permits Requiring Verification.*
 - 1. *Unless an exception applies pursuant to subsection (B)(2) below, verifying a lot or parcel pursuant to subsection (C) shall be required prior to the issuance of the following permits:*

- a. *Any land use permit for a unit of land in the Exclusive Farm Use Zones (DCC Chapter 18.16), Forest Use Zone – F1 (DCC Chapter 18.36), or Forest Use Zone – F2 (DCC Chapter 18.40);*
- b. *Any permit for a lot or parcel that includes wetlands as shown on the Statewide Wetlands Inventory;*
- c. *Any permit for a lot or parcel subject to wildlife habitat special assessment;*
- d. *In all zones, a land use permit relocating property lines that reduces in size a lot or parcel;*
- e. *In all zones, a land use, structural, or non-emergency on-site sewage disposal system permit if the lot or parcel is smaller than the minimum area required in the applicable zone;*

In the *Powell/Ramsey* (PA-14-2, ZC-14-2) decision, the Hearings Officer held to a prior zone change decision (*Belveron* ZC-08-04; page 3) that a property's lot of record status was not required to be verified as part of a plan amendment and zone change application. Rather, the applicant would be required to receive lot of record verification prior to any development on the subject property. Therefore, this criterion does not apply.

SITE DESCRIPTION: The Hearings Officer finds that the following basic findings, as proposed by Staff, are supported by substantial evidence and properly interpreted relevant law.

The subject property, in its current configuration, is approximately 1,637 acres in size², with portions of the west and south located within the city limits and urban growth boundary (UGB) of the City of Redmond as shown in **Figure 1**. The property was tentatively approved for a three parcel Partition via County File No. 247-23-000545-MP which would create three parcels, consisting of the following;

- Parcel 1: Parcel 1 will be ± 300 acres in size and is currently located entirely outside Redmond's city limits and the Urban Growth Boundary.
- Parcel 2: Parcel 2 will consist of the remaining acres (±1,300 acres) and will have portions located both within the City of Redmond and Deschutes County.
- Parcel 3: Parcel 3 will be ±70 acres and is located entirely within Redmond's city limits and the UGB. The applicant has submitted a concurrent Partition to City of Redmond for review (711-23-000145-PLNG)

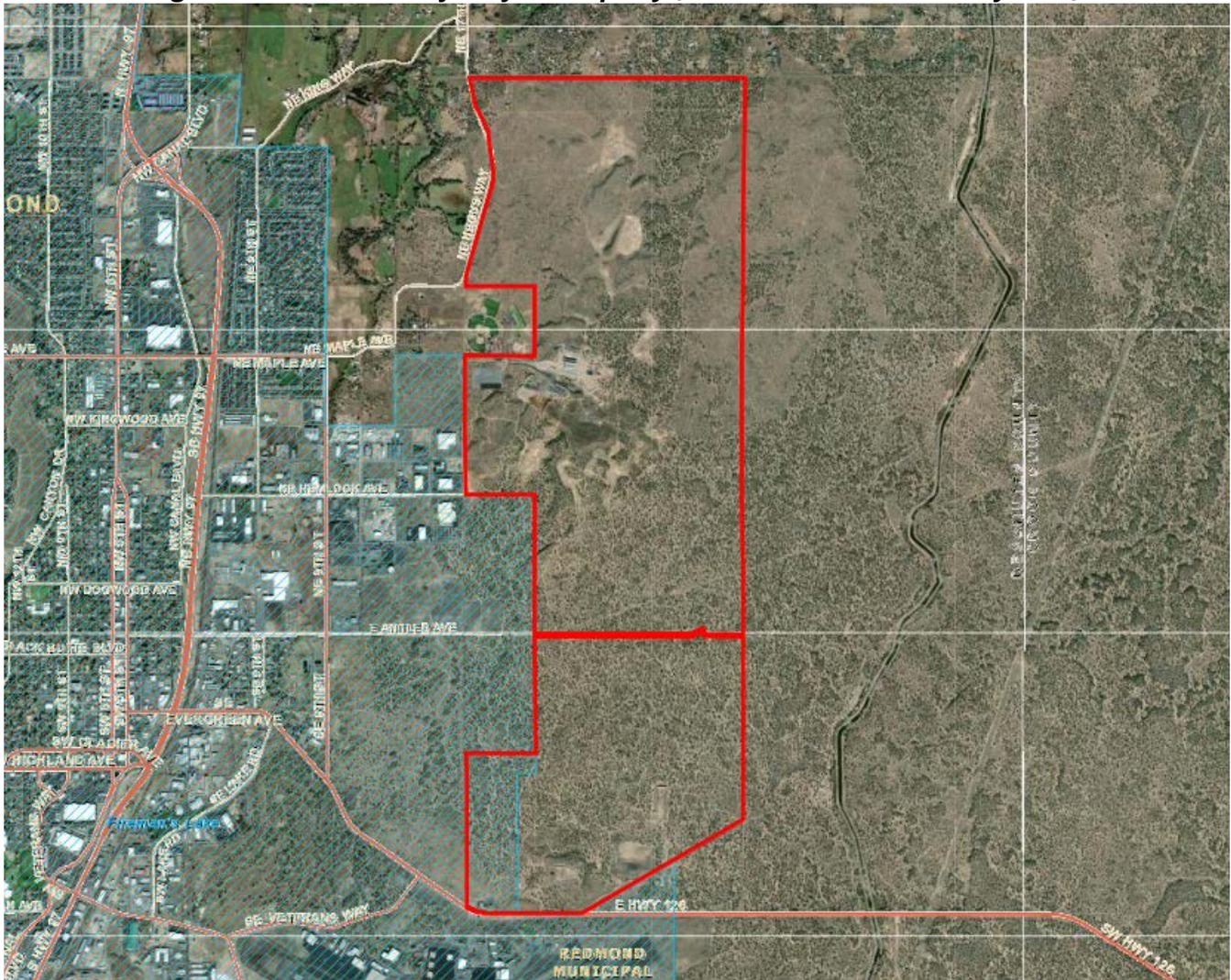
The final plat has not yet been recorded for the above referenced partition. The site has varying terrain and is vegetated with juniper trees and native shrubs and grasses. The property is not farmed, has no apparent history of farming, and is not irrigated. According to the Flood Insurance Rate Map (FIRM) for Deschutes County and the National Wetlands Inventory (NWI), respectively, the subject property is not located in the 100-year flood plain nor does it contain mapped wetlands.

The subject property includes approximately 320 acres of land zoned Surface Mining ("SM") and occupied by Site No. 482 on the County's Surface Mining Mineral and Aggregate Inventory. This portion is developed with the Negus Transfer Station and Recycle Center.

² According to Partition Plat No. 2023-28, Parcel 2.

The subject property includes frontage along E Highway 126 to the south and NE Upas Avenue to the north. To the west, the subject property also has frontage along several roads including NE 17th Street, NE Kingwood Avenue, NE Maple Avenue, and NE Negus Way. The E Antler Avenue unimproved right of way bisects the property.

Figure 1 – Aerial View of Subject Property (Source: Deschutes County DIAL)



PROPOSAL: Staff, in the Staff Report, provided the following comments which the Hearings Officer finds accurately reflects the proposal in this case:

The applicant requests approval of a Comprehensive Plan Amendment to change the designation of a portion the subject property, approximately 228 acres, from Agricultural (AG) to Redmond Urban Growth Area (RUGA) and a corresponding Urban Growth Boundary (UGB) expansion. The applicant also requests a corresponding Zone Change to rezone the subject property from Exclusive Farm Use (EFU) to Urban Holding (UH-10).

The City of Redmond is the review agency for the following applications which are related to the overall development proposal but not evaluated as part of this staff report:

- 711-23-000146-PLNG – Comprehensive Plan Text Amendment to incorporate the need for the CORE23 facility and specific site requirements.
- 711-23-000147-PLNG – Urban Growth Boundary Expansion
- 711-23-000150-PLNG – Annexation of the 228-acre property
- 711-23-000149-PLNG – Zone Map Amendment to change the zoning from UH10 to Public Facilities (PF)
- 711-23-000148-PLNG – Master Development Plan

SOILS: Staff, in the Staff Report, provided the following comments which the Hearings Officer finds accurately reflects the proposal in this case:

According to the Natural Resources Conservation Service (NRCS) maps of the subject property, there are three mapped soil units.

35B, Deschutes-Stukel complex, dry 0-8 percent slopes. This soil unit is comprised of 50 percent Deschutes soil and similar inclusions, 35 percent Stukel soil and similar inclusions, and 15 percent contrasting inclusions. The Deschutes soil is well drained with moderately rapid permeability and an available water capacity of about 4 inches. The Stukel soil is well drained, with moderately rapid permeability and an available water capacity of about two inches. The contrasting inclusions consist of Redmond soils in swales, soils that have a loamy sand surface layer, and rock outcroppings. Major uses for this soil type include livestock grazing and irrigated cropland.

104A, Redmond sandy loam, 0-3 percent slopes. This soil unit is comprised of 85 percent Redmond soil and similar inclusions and 15 percent contrasting inclusions. The soil is well drained with moderate permeability and an available water capacity of about 4 inches. The contrasting inclusions consist of Buckbert, Deschutes and Houstake soils in swales, along with Stukel soils on ridges. The major use for this soil type is irrigated crop land and livestock grazing.

142B, Stukel-Rock outcrop - Deschutes complex, dry 0-8 percent slopes. This soil unit is comprised of 20 percent Deschutes soil and similar inclusions, 35 percent Stukel soil, 30 percent rock outcrop, and similar inclusions, and 15 percent contrasting inclusions. The Deschutes soil is well drained with moderately rapid permeability and an available water capacity of about 4 inches. The Stukel soil is well drained, with moderately rapid permeability and an available water capacity of about two inches. The contrasting inclusions consist of Redmond and Houstake soils in swales. Major uses for this soil type include livestock grazing.

SURROUNDING LAND USES: Staff, in the Staff Report, provided the following comments which the Hearings Officer finds accurately reflects the proposal in this case:

The surrounding land uses and zoning are described below.

West - To the west are lands located within the Redmond city limits and UGB. A portion of this area, on the north side of Highway 126 and directly west of the future CORE3 development, contains the Oasis Village transitional housing project and is planned for other commercial and industrial uses.

North and East - To the north is the Lake Park Estates subdivision that is zoned MUA-10 and developed with dwellings. Other uses include a radio transmission tower, natural gas pipeline, and a high voltage power line. The property to the east is zoned EFU, undeveloped, and owned by the Bureau of Land Management (BLM).

South - To the south is the Redmond Municipal Airport – Roberts Field, which is within the Redmond city limits and UGB. Hwy 126 also abuts the subject property along its southern boundary.

Southwest - To the southwest is 250 acres of vacant land owned by the Central Oregon Irrigation District (COID) and located within the Redmond city limits and UGB.

Staff also highlights those uses found on the county-owned lands located to the north and east to include the Negus Transfer Station, Redmond Area Park Recreation District sport fields, radio transmission tower, natural gas pipeline, high voltage power line, and the Antler Avenue unimproved right-of-way. Otherwise, the area is undeveloped and has relatively level topography with rock outcroppings and native vegetation. Further east are public lands managed by the Bureau of Land Management (BLM).

LAND USE HISTORY: Staff, in the Staff Report, provided the following comments which the Hearings Officer finds accurately reflects the proposal in this case:

The following is the land use history for that portion of the property located outside of the Redmond UGB and city limits:

- CU-81-89: Conditional Use permit for a ballpark in the EFU Zone.
- V-81-29: Variance to allow advertising signs at ballpark. There was no decision for this request.
- SP-84-41: Site Plan review for auto recycling storage yard in the M-2 Zone. This request was withdrawn.
- SP-86-51: Site Plan review for log storage and whole log chipping in the M-1 Zone.
- CU-91-137: Conditional Use permit for a caretaker's residence at the Redmond Rod and Gun Club.
- CU-92-165/SP-92-130: Alteration of a Nonconforming Use to change the Negus landfill to a transfer station and recycling center. This request was denied.
- CU-92- 214/SP-92-170/TU-92-64: Conditional Use permit and Site Plan review to change the Negus landfill to a transfer station and recycling center. This request was approved.
- CU-93-31: Conditional Use permit for a caretaker's residence at the Redmond Rod and Gun Club.

- LL-01-07: Property line adjustment.
- CU-07-13: Conditional Use permit improve and relocate Redmond Rod and Gun Club facilities.
- 247-19-000648-PA/649-ZC: Comprehensive Plan Amendment, UGB Amendment, Zone Change to expand the UGB of the City of Redmond and rezone a portion of the property to light and heavy Industrial (M-1 and M-2).
- 247-21-000440-PA: Comprehensive Plan Amendment to change 40 acres of property from Agriculture to Redmond Urban Growth Area to accommodate the future Skyline Village Affordable Housing site.
- 247-21-000865-MP: Minor partition to create two (2) parcels that include property located both inside and outside the city limits and urban growth boundary of the City of Redmond.
- 247-23-000002-MP: Minor partition to create two (2) parcels that include property located both inside and outside the city limits and urban growth boundary of the City of Redmond.
- 247-23-000545-MP: Minor partition to create three (3) parcels that include property located both inside and outside the city limits and urban growth boundary of the City of Redmond.

PUBLIC AGENCY COMMENTS: The Planning Division mailed notice of application on July 7, 2023, to several public agencies and received the following comments:

Deschutes County Senior Transportation Planner, Tarik Rawlings

I have reviewed the transmittal materials for file 247-23-000543-PA, 544-ZC, 545-MP for a Plan Amendment, Zone Change, corresponding Urban Growth Boundary (UGB) Expansion, and Minor Partition for development of the Central Oregon Ready, Responsive, Resilient (CORE3) public safety facility on 1,671.44 acres to the northeast of the City of Redmond at 2525 E HWY 126, Redmond, OR 97756 aka County Assessor's Map 15-13-00, Tax Lot 103. The proposal would divide the subject property into three (3) parcels. Parcel 1 is proposed to contain the CORE3 facility, be included into the expanded Redmond UGB, and will be approximately 300 acres in size. Parcel 2 will remain within Deschutes County and will be approximately 1,300 acres in size. Parcel 3 is currently within the Redmond UGB, will remain in the Redmond UGB, and will be 71 acres in size. The subject property currently has Deschutes County Comprehensive Plan designations of Agricultural (AG) and Surface Mining (SM) and has County zoning within the Exclusive Farm Use (EFUAL) Zone, Surface Mining (SM) Zone, Airport Safety (AS) Combining Zone, Surface Mining Impact Area (SMIA) Combining Zone and the Redmond Urban Reserve Area (RURA). Portions of the subject property are also within the City of Redmond's Exclusive Farm Use (EFUAL) Zone, Limited Service Commercial (C4) Zone, Light Industrial (M1), and Heavy Industrial (M2) Zones. The proposal would annex Parcel 1 and change the zoning designation from EFUAL to County Urban Holding (UH-10). The City of Redmond will concurrently review a Zone Change request to change the zoning designation from UH-10 to the City Public Facility (PF) Zone and an annexation into the city limits.

The subject property will be brought into the City of Redmond as a result of the proposal. There currently is no specific proposal to develop the land while in County jurisdiction, and the Applicant's transportation consultant has prepared an assessment

dated February 22, 2023 reviewing the potential trip generation of the property and planned improvements to affected City facilities. The provided traffic analysis is based on City code as the development is not permissible within the EFU Zoning District. There were no adverse effects outlined in the assessment. County staff will defer to the City of Redmond and ODOT regarding review of the traffic study based on the impending UGB expansion and annexation. Because the Parcel 1 CORE3 site is accessed from State Highway 126 and City roadways, County staff will defer to the City and ODOT regarding any access permitting issues. It is unclear to County staff whether the subject property has an approved access approach from ODOT regarding Highway 126. Staff notes that DCC 17.48.210(B) could apply if the access remains outside of the proposed Redmond UGB and City Limits. If a potential access approach to Highway 126 is now within the Redmond UGB or City Limits, or will be included in the Redmond UGB or City Limits as a result of the subject proposal, then DCC 17.48.210(B) would not apply.

Under the Joint Area Management Agreement between City of Redmond and Deschutes County (included as Appendix G.2 of the submitted application materials), jurisdictional transfer of roads and road rights of way are accomplished as part of annexation. The site is currently served by: Hwy 126, a state highway under the jurisdiction of Oregon Department of Transportation (ODOT) and functionally classified as a principal arterial to the south; NE 17th Street and NE Kingwood Avenue roads within the City of Redmond's jurisdiction and functionally classified as City local roads to the west; NE Maple Avenue a public road not maintained by Deschutes County otherwise known as a Local Access Road (LAR) and functionally classified as a local to the west; NE Negus Way a public road maintained by Deschutes County and functionally classified as a Rural Collector to the northwest; and NE Upas Avenue a public road not maintained by Deschutes County otherwise known as a Local Access Road (LAR) and functionally classified as a local to the north. Adequacy of current and future transportation facilities will be reviewed per the Redmond development code as the land is proposed to develop.

Parcel 2 resulting from the proposed Minor Partition (as identified in the submitted application materials) will continue to be within County zoning and jurisdiction. Deschutes County Code (DCC) at 18.116.310(C)(3)(a) states no traffic analysis is required for any use that will generate less than 50 new weekday trips. Partitions do not generate any trips and, therefore, the proposed Minor Partition land use will not meet the minimum threshold for additional traffic analysis. Where Parcel 2 takes access from either NE Negus Way or NE Upas Avenue, the applicant will need to either provide a copy of an approved driveway permit from Deschutes County or be required to obtain one as a condition of approval to meet the access permit requirements of DCC 17.48.210(A) for the proposed parcels.

The entirety of proposed Parcel 1 (the CORE3 location) and the majority of proposed Parcels 2 and 3 are within the Airport Safety (AS) Combining Zone associated with the Redmond Municipal Airport. Staff finds that a standard review of the AS standards outlined in DCC 18.80.044 Table 1 would recognize the proposal as an Institutional land use category, provided that the proposed use does not include "overnight accommodations, such as hotels, motels, hospitals and dormitories...". Staff is unclear whether the proposal includes

dormitories. Despite the provisions of DCC 18.80, staff will ultimately defer to the Oregon Department of Aviation (ODA) regarding the proposals compatibility with airport operations and infrastructure.

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$5,603 per p.m. peak hour trip. Given a partition does not generate any trips, no roadway capacity is consumed as that term is commonly understood. Additionally, the proposed CORE3 use will be within the expanded Redmond UGB and City Limits and the City will apply their own SDCs rather than the County. Therefore, County SDCs are not triggered by the proposal.

If you have any questions, please let me know.

Deschutes County Road Department – Cody Smith

I have reviewed the application materials for the above-referenced file number, proposing a zone change, UGB expansion, and three-parcel partition for Tax Lot 151300000103 associated with the CORE3 facility project. The subject property abuts the following public road rights of ways under the jurisdiction of Deschutes County:

The roads listed above would all abut Proposed Parcel 2, which is not proposed for further development at this time. Pursuant to DCC 17.22.030, the Road Department has considered the need for improvement of the above-listed public roads as part of this proposed development and has determined that road improvement is unnecessary as it will provide negligible benefit to the transportation system in proportion to the development's impact on the roads.

The proposed partition would constitute series partitioning pursuant to DCC 17.08. Road Department staff find that the existing County road system can accommodate the increase in trips generated by the new parcels.

Staff note that development of areas brought within the Redmond UGB will be subject to the Joint Management Agreement for the Redmond Unincorporated Urban Growth Area (CJ 2007-444).

Deschutes County Road Department requests that approval of the proposed land uses be subject to the following conditions:

Prior to final plat approval by Road Department:

- The surveyor preparing the plat shall, on behalf of the applicant, submit information showing the location of the existing roads in relationship to the rights of way to Deschutes County Road Department. This information can be submitted on a worksheet and does not necessarily have to be on the final plat. All existing road facilities and new road improvements are to be located within legally established or dedicated rights of way. In no case shall a road improvement be located outside of a dedicated road right of way. If research reveals that inadequate right of way exists or that the existing roadway

is outside of the legally established or dedicated right of way, additional right of way will be dedicated as directed by Deschutes County Road Department to meet the applicable requirements of DCC Title 17 or other County road standards. This condition is pursuant to DCC 17.24.060(E),(F), and (G) and 17.24.070(E)(8).

- All easements of record or existing rights of way shall be noted on the final partition plat pursuant to DCC 17.24.060(E),(F), and (H).
- Applicant shall submit plat to Road Department for approval pursuant to DCC 17.24.060(R)(2), 100, 110, and 140.

Central Oregon Irrigation District – Spencer Stauffer

Please be advised that Central Oregon Irrigation District (COID) has reviewed the request for approval of a Comprehensive Plan Amendment to change the designation of the subject property from Agricultural (AG) to Redmond Urban Growth Area (RUGA) and a corresponding Urban Growth Boundary (UGB) expansion. The applicant also requests a corresponding Zone Change to rezone the subject property from Exclusive Farm Use (EFU) to Urban Holding (UH-10). The applicant has also submitted a concurrent Minor Partition (File No. 247-23-000545-MP) to divide a ±1,637-acre property into three (3) parcels. One parcel will create a ±300-acre parcel for the CORE3 site, one will remain within the Redmond Urban Reserve Area and Deschutes County, and the third will remain within the Redmond UGB. The purpose of these applications is to allow for the development of the Central Oregon Ready, Responsive, Resilient (CORE3) facility. The CORE3 facility will address a need for both a centralized public safety training facility and a coordination center for emergency response operations. (dated July 7, 2023). COID has no facilities or water rights on the subject property (TAXLOT: 1513000000103).

Oregon Department of Aviation – Brandon Pike

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on file number(s): 247-23-000543-PA, 544-ZC, 545-MP.

ODAV has reviewed the proposals and prepared the following comment(s):

1. In accordance with FAR Part 77.9 and OAR 738-070-0060, future development at this site will likely be required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing separate notices to both the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.
2. The height of any new structures, trees, and other planted vegetation should not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.

3. Any proposed external lights should be designed as to not interfere with aircraft or airport operations.

Jevra Brown, Department of State Lands

FYI, there are no Statewide Wetlands Inventory mapped features on TL 15S 13E 00 #103 (entire). See attached "DeschutesCoRedmond.pdf."

The following agencies did not respond to the notice: Deschutes County Assessor, Deschutes County Onsite Wastewater Division, Bureau of Land Management, Deputy State Fire Marshal, Deschutes County Property Management, Oregon Department of Transportation, Oregon Department of Agriculture, Redmond Airport, Redmond Fire & Rescue, Redmond Public Works, Redmond City Planning, County Property Address Coordinator, Department of Environmental Quality, Watermaster – District 11, Department of Land Conservation and Development.

PUBLIC COMMENTS: The Planning Division mailed notice of the application to all property owners within 750 feet of the subject property on July 7, 2023. The applicant also complied with the posted notice requirements of Section 22.24.030(B) of Title 22. The applicant submitted a Land Use Action Sign Affidavit indicating the applicant posted notice of the land use action on July 12, 2023. Staff received one public comment copied below which is included in the application record.

Aaron and Elizabeth Faherty

As property owners near the proposed land use application File Numbers: 247-23-000543-PA, 544-ZC, 545-MP. We do not approve of this application. While the proposed land use application to change the boundary for CORE3 site does seem like an appropriate location, we are fearful that changing the boundary from farm use to Urban growth Boundary will expand Urban development for the city of Redmond. Many of the water wells in Lake Park Estates and surrounding Agricultural land have already experienced a drought on their water wells. We fear this current land use application, if approved, will increase the risk of surrounding water wells going dry. For this reason we do not approve of the current land use application.

The Hearings Officer takes note that applicant's proposal, if approved by the County and City of Redmond, will connect to the City of Redmond water and sewer systems. The Hearings Officer finds that Faherty's water concerns are sincere and generally appropriate that in this case water wells in the vicinity of the subject property will not be negatively impacted because of water and sewer service provision by the City of Redmond (as opposed to private wells and septic systems).

NOTICE REQUIREMENT: The applicant complied with the posted notice requirements of Section 22.23.030(B) of Deschutes County Code (DCC) Title 22. The applicant submitted a Land Use Action Sign Affidavit, dated July 12, 2023, indicating the applicant posted notice of the land use action on the property on that same date. On February 1, 2024, the Planning Division mailed a Notice of Public Hearing to agencies and all property owners within 750 feet of the subject property for a public hearing to be held on March 19, 2024. A Notice of Public Hearing was published in the Bend Bulletin

on Sunday, February 4, 2024. Notice of the first County evidentiary hearing was submitted to the Department of Land Conservation and Development on February 12, 2024.

At the applicant's request, the March 19, 2024 hearing was continued to a date and time uncertain. Subsequently, a Notice of Public Hearing was mailed on July 18, 2024 for the continued hearing to be held on August 8, 2024. A Notice of Public Hearing was published in the Bend Bulletin on July 19, 2024.

REVIEW PERIOD: According to Deschutes County Code 22.20.040(D), the review of the proposed quasi-judicial Plan Amendment and Zone Change application is not subject to the 150-day review period.

III. FINDINGS & CONCLUSIONS

In order to approve the comprehensive plan amendment and zone change request, the proposal must comply with the criteria found in statutes, statewide planning goals and guidelines and their implementing administrative rules, County comprehensive plan, and land use procedures ordinance. Each of these approval criteria is addressed in the findings below.

Title 18 of the Deschutes County Code, County Zoning

CHAPTER 18.24. REDMOND URBAN RESERVE AREA COMBINING ZONE

Section 18.24.10. Purposes.

The Redmond Urban Reserve Area (RURA) Combining Zone implements the Deschutes County Comprehensive Plan for those areas designated as urban reserve. The RURA Combining Zone maintains lands for rural uses in accordance with state law, but in a manner that ensures a range of opportunities for the orderly, economic, and efficient provision of urban serves when these lands are included in the Redmond Urban Growth Boundary.

Section 18.24.070. Limitations for Future Urban Development

The following limitations shall apply to uses allowed by DCC 18.24.020 and 18.24.030. Zone changes and plan amendments involving land within the RURA Combining Zone and Multiple Use Agricultural, Surface Mining, or Rural Residential zoning districts that propose more intensive uses, including higher residential density, than currently allowed are prohibited.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

A portion of the subject property to be included within the Urban Growth Boundary falls within the RURA Combining Zone. As proposed, the RURA Zone will be removed from the subject property in conjunction with this application request and therefore will no longer apply upon approval of the subject applications and incorporation within the City of Redmond. In this case,

the RURA is not in combination of the Multiple Use Agricultural or Rural Residential zoning districts. The application does not affect land within the Surface Mine (SM) zone.

The Hearings Officer finds the Applicant's statement and Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

CHAPTER 18.52. SURFACE MINING ZONE

FINDING: The overall subject property includes approximately 319 acres of land identified as Surface Mine Site No. 482 on the County's Surface Mining Mineral and Aggregate Inventory and is further identified as the Negus Transfer Station and Recycle Center. The subject property does not include the SM-zoned region of the subject property.

Chapter 18.56, Surface Mining Impact Area Combining Zone (SMIA)

Staff, in the Staff Report, provided the following findings/comments:

The subject property is located within the SMIA Zone in association with mine site(s)no. 482. However, the portion subject to this amendment does not include the associated SMIA designation and therefore, the existing SMIA designation will not be affected by this amendment.

The Hearings Officer finds the Applicant's statement and Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Chapter 18.80, Airport Safety Combining Zone (AS)

Section 18.80.020. Application of Provisions.

The provisions of DCC 18.80.020 shall only apply to unincorporated areas located under airport imaginary surfaces and zones, including approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces and runway protection zones. While DCC 18.80 identifies dimensions for the entire imaginary surface and zone, parts of the surfaces and/or zones do not apply within the Redmond, Bend or Sisters Urban Growth Boundaries. The Redmond Airport is owned and operated by the City of Redmond, and located wholly within the Redmond City Limits...

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Hearings Officer finds the Applicant's statement and Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

The subject property is entirely within the County Airport Safety Combining Zone (AS) associated with the Redmond Airport (Robert's Field). City of Redmond has land use regulations that also protect the Redmond Airport. This transition from County-zoned lands to Redmond UGB-zoned

lands, as proposed, will remove the existing County AS Combining Zone from the subject property. Transportation and airport policies are discussed below in more detail.

The proposal is not subject to the County AS Zone review as no development is proposed at this time.

The Hearings Officer finds the Applicant's statement and Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Section 18.80.026. Notice of Land Use and Permit Applications.

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. [ORS 836.623(1); OAR 738-100-010; ORS 215.416(6); ORS 227.175(6)]

For the Redmond, Bend, Sunriver, and Sisters airports:

- A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway:***
- B. Notice of land use and limited land use applications shall be provided within the following timelines.***
 - 1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.***
 - 2. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.***
 - 3. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.***
 - 4. Notices required under DCC 18.80.026(B)(1-3) need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:***
 - a. Would only allow structures of less than 35 feet in height;***
 - b. Involves property located entirely outside the approach surface;***
 - c. Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and***
 - d. Does not involve wetland mitigation, enhancement, restoration or creation.***

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Planning Division mailed notice of the proposed land use application and scheduled public hearing at the same time that written notice of such applications was provided to property owners entitled to such notice. Notice was mailed to Oregon Department of Aviation and Redmond Airport. Comments from the Oregon Department of Aviation are included above in the staff report and in the application record. No comments were received from the Redmond Airport.

The Hearings Officer finds the Applicant's statement and Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Chapter 18.136, Amendments

Section 18.136.010, 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: Staff, in the Staff Report, provided the following findings/comments:

The applicant on behalf of the property owner has requested a quasi-judicial plan amendment and filed the applications for a plan amendment and zone change. The applicant has filed the required land use application forms for the proposal. The application will be reviewed utilizing the applicable procedures contained in Title 22 of the Deschutes County Code.

The Hearings Officer finds the Applicant's statement and Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

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 by the applicant are:

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

FINDING: Staff, in the Staff Report, provided the following findings/comments:

In previous Hearings Officer's decisions, comprehensive plan goals and policies do not constitute mandatory approval criteria for quasi-judicial zone changes. Instead, the goals and policies are implemented through the zoning ordinance, and thus if the proposed zone change is consistent with the applicable provisions of the zoning ordinance it also will be consistent with the plan. Nevertheless, the provisions of Deschutes County's comprehensive plan below are the relevant provisions of the plan that should be considered in reviewing applications to change the zoning

of EFU to a plan designation of RUGA and Zoning of UH10. Relevant sections of the Deschutes County Comprehensive Plan is reviewed below within this Staff Report. In previous comprehensive plan and zone change recommendations³ to the Board of County Commissioners, Hearings Officers have found that the introductory statement of the Comprehensive Plan is aspirational in nature and not necessarily approval criteria.

The Hearings Officer agrees with the Staff conclusion that this section is aspirational in nature and not approval criteria.

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

FINDING: Staff, in the Staff Report, provided the following findings/comments:

In response to subsection (B) of this policy, the applicant's burden of proof provides the following:

The proposed map amendments will change the comprehensive plan designation from Agriculture to Redmond Urban Growth Area and the zoning from county Exclusive Farm Use (EFU) to county Urban Holding – 10 (UH-10). The purpose statement of the UH-10 zone is:

DCC 20.12.010 Purpose

The following regulations shall apply in areas designated Urban Holding Zone (UH-10) on the Deschutes County Title 20 Zoning map. This zone is intended to be used to retain large undeveloped or underdeveloped land areas for future urban development. The UH-10 zone is a holding zone and is considered agricultural or rural residential and it will allow agricultural uses to continue operation until such time as urbanization takes place after annexation.

As described, the County UH-10 zone is a holding zone. Lands within this zone are intended to be master planned, annexed and rezoned into the City of Redmond. Part 3 of this application package contains an MDP for the subject site. Part 4 contains a request for rezoning and annexing the subject property. This application narrative (Part 5) contains a request to the county for dual map amendments for the subject site to be rezoned from EFU to UH-10 to allow for the site to then be rezoned PF. The subject site will not be urbanizable until the entirety of this application package is approved by both city and county hearings bodies.

The purpose of the UH10 Zone is described in DCC 20.12.010, which is addressed above in the applicant's response. Staff finds the proposed Zone Change will allow orderly development consistent with the Redmond Comprehensive Plan by retaining the subject property as undeveloped land until it is annexed, at which time Redmond Comprehensive

³ Powell/Ramsey decision (PA-14-2, ZC-14-2) and Landholdings Decision (247-16-000317-ZC, 318-PA).

Plan and Zoning designations will be applied. The provisions of the UH10 zone are intended to preserve land for future urban development. Staff finds the UH10 Zone is an appropriate zoning designation for the subject property, based on the planned annexation.

Staff finds the Applicant has demonstrated the change in classification is consistent with the purpose and intent of the UH10 Zone, and asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit.

The Hearings Officer finds the Applicant's statement and Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion. The Hearings Officer finds it is unnecessary to amend or add to Staff's quoted findings.

C. *That changing the zoning will presently serve the public health, safety and welfare considering the following factors:*

1. *The availability and efficiency of providing necessary public services and facilities.*

FINDING: Staff, in the Staff Report, provided the following findings/comments:

Although there are no plans to develop the property in its current state, the above criterion specifically asks if the proposed zone change will *presently* serve public health, safety, and welfare. The applicant provided the following response in the submitted burden of proof statement:

Statewide Planning Goals 11 and 12 guide the orderly, economic, and efficient provision of public utilities and services. Responses to these goals are contained in Appendix J: Statewide Planning Goal Analysis. Supplemental information supporting the availability and future efficiency of public facilities and transportation systems are contained in Appendix D. Public Facility Plan and Appendix E. Transportation Studies (TGR – TPR).

Appendix D. Public Facilities Plan shows that the site can be served by a proposed public water line and a proposed public sanitary sewer line. Potable water service will be provided by extending the existing 16" public water main from the south side of Highway OR126 at SE Ochoco Way approximately 1,200 LF easterly to future SE 21st Avenue. From there, the public water main will be extended northerly in SE 21st Avenue approximately 550 LF to the project access road. The CORE3 site will be served by a single potable water service and a single fire service. All on-site domestic and fire water will be private and isolated from the public water main system.

Wastewater (sanitary sewer) service will be provided by connecting to the existing 12" public sanitary sewer main along the south of Highway OR126. The project connection will require crossing OR126 and extending a public sewer main northerly approximately 600 LF in future SE 21st Avenue to the project access road.

The CORE 3 site will be served by a single sanitary service. All on-site sanitary sewer will be private and gravity served where possible. Due to project topography, lower lying areas will be served by a private lift station/force main system.

All stormwater will be contained on-site. Stormwater will be collected and dispersed on-site via swales, underground injection control (UIC) devices such as drywells, or a combination of both methods.

A certified engineer has determined that the 16' water line and the 12" sanitary sewer line would be adequate to serve the project, discussed in Appendix D.2.

Appendix E analyses the zone change from Deschutes County EFU to city PF. The zoning from EFU to PF will have a more significant change than zoning from EFU to UH-10, and therefore encompasses any transportation impacts from rezoning EFU to UH-10.

No issues have been identified in the record regarding service provision to the subject property. The Redmond UGB is currently adjacent to the west side of the subject property. Staff finds the proximity to the Redmond UGB will allow for efficient provision of public services upon annexation. In addition, master planning projects upon annexation will ensure adequate land is provided for public facilities. As noted by the applicant, coordination has begun with public utility providers to ensure necessary public facilities and services can be provided.

Staff reiterates that prior to development of the properties, the applicant would be required to comply with the applicable requirements of the Deschutes County Code or the Redmond Development Code. Development on the site is planned to occur after annexation under the planned Redmond zoning designation. Regardless, through these development review processes, assurance of adequate public services and facilities will be verified. Staff finds this provision is met.

The Hearings Officer finds the above applicant statement and staff findings address the Faherty email comments. The Hearings Officer finds Faherty's concern related to the ongoing viability of wells in the subject property vicinity is a legitimate general concern but the provision of water and wastewater services by the City of Redmond eliminates the risk to wells raised by Faherty. The Hearings Officer finds the Applicant's statement and Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

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

FINDING: Staff, in the Staff Report, provided the following findings/comments:

In response to this criterion, the applicant's burden of proof provides the following:

Consistency with the Redmond Comprehensive Plan is demonstrated in section 2.3. Further, Redmond requires a MDP for the proposed rezone and annexation into the city

limits. MDP's must be consistent with Redmond's Great Neighborhood Principles. These principles ensure compatibility with surrounding land uses, urban and rural.

The proposed Zone Change from EFU to UH will not generate additional development or impacts to surrounding properties. The UH Zone will function as a holding zone to preserve the subject property in its current configuration until it is brought into the City of Redmond, and new urban zoning designations are assigned. If any development occurs while the property remains within Deschutes County zoning, all necessary land use permits will need to be obtained and compatibility with surrounding uses will be evaluated.

The Applicant provided specific findings for each relevant Comprehensive Plan goal and policy, which are addressed below. Staff finds the Applicant has demonstrated the impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan, and asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit.

The Hearings Officer finds the Applicant's Burden of Proof discussion of this criterion and Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion. The Hearings Officer finds it is unnecessary to amend or add to Staff's quoted findings.

D. 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: Staff, in the Staff Report, provided the following findings/comments:

The Applicant proposes to rezone the properties from EFU to UH and re-designate the properties from Agriculture to RUGA. The Applicant provided the following response in the submitted burden of proof statement:

Regional emergency management agencies have been discussing the concept of the CORE3 facility for well over ten years. Organizing efforts culminated in a June 2018 report prepared by the University of Oregon's Partnership for Disaster Resilience that found a strong need for an emergency services center for regional agencies in Central Oregon (See Appendix I.3. Central Plan in October 2020 that assessed current training facilities and programming needs, conducted a financial assessment for the project, developed a list of site layout considerations, and identified the City of Redmond as the optimal location for this facility (See Appendix I.1. Strategic Business Plan).

RCP policy 11-1-7 establishes the need for the CORE3 facility in Redmond. This documented need—paired with the fact that no suitable site could be identified within the existing UGB—has created a change in circumstances that justified the UGB expansion contained in Part 2 of the application package. The UGB expansion, in turn, has created another change of circumstances that warrants the rezoning and annexation of the subject site, consistent with Part 3. MDP. The proposed Deschutes County comprehensive plan and zoning map

amendments from UH-10 to PF are necessary in order to develop the CORE3 facility, a facility spurred through regional planning and codified in the RCP.

It is unclear to staff why the subject property was initially zoned EFU. Staff is unaware of any evidence such as soil classification, availability of irrigation, or historic farming, which explains its current zoning. It does not appear the property has ever been farmed, likely owing to its lack of water and proximity to urban uses. Staff agrees with the applicant's findings that there have been several particularly relevant changes in circumstances that warrant a zone change. Staff finds the applicant has demonstrated compliance with this criterion, but asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit.

The Hearings Officer finds the Applicant's Burden of Proof discussion of this criterion and Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion. The Hearings Officer finds it is unnecessary to amend or add to Staff's quoted findings.

Title 20, Redmond Urban Reserve Area Ordinance

CHAPTER 20.36. AMENDMENTS

Section 20.36.010. Authorization to Initiate Amendments.

- A. *An amendment to the text of DCC Title 20 or a legislative amendment to a zoning or plan map may be initiated by either the City, the Board, Planning Commission or an Owner.***
- B. *Quasi-judicial plan map amendments shall be initiated by an Owner.***
- C. *An Owner shall initiate a request for an amendment by filing an application with the Director.***

FINDING: The applicant is requesting a quasi-judicial UGB reconfiguration together with a Deschutes County Comprehensive Plan amendment and zone change. The proposal has been initiated by the owner, Deschutes County, by filing concurrent applications with the City of Redmond and Deschutes County.

Section 20.36.020. Zone-Comprehensive Plan Amendments.

The Hearings Body shall hold a public hearing on a quasi-judicial zone change or Comprehensive Plan amendment in accordance with the provisions of the Joint Management Agreement.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The applicant submitted a copy of the Joint Management Agreement between the City of Redmond and Deschutes County (DC Document No. 2007-110). The initial public hearings will be held before a County Hearings Officer and the Redmond Urban Area Planning Commission (RUAPC) for their respective applications. The RUAPC held a public hearing on April 24, 2024 that

was continued to May 1, 2024 where they recommended approval of the application to the Redmond City Council. The Redmond City Council held a public hearing on July 23, 2024 and approved the application package before the City. The Deschutes County Board of Commissioners is the final local review body for the applications before the County. Staff finds this is consistent with all provisions of the Joint Management Agreement.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Section 20.36.030. Criteria for Map Amendments.

For all zoning or Comprehensive Plan map amendments, the applicant shall show the proposed change:

- A. Conforms with the applicable state statutes;***
- B. Conforms with the applicable state wide planning goals and Oregon Administrative Rules (OAR) whenever they are determined to be applicable;***
- C. Conforms with the City Comprehensive Plan.***

FINDING: Staff, in the Staff Report, provided the following findings/comments:

As detailed throughout this report, staff finds the proposal before the County for the UGB reconfiguration, plan amendment, and zone change conforms to the applicable state statutes, state wide planning goals, and Oregon Administrative Rules. Conformance with the Redmond Comprehensive Plan will be reviewed as part of the city process.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Section 20.36.040. Legislative Amendment Procedure.

Except as set forth herein, legislative zone, plan or map changes shall be heard pursuant to the procedures set forth in the Joint Management Agreement.

FINDING: The applicant is requesting for a quasi-judicial plan and map amendment. Although this criterion is not applicable, staff anticipates that the application before Deschutes County will be processed in accordance with the procedures of the Joint Management Agreement between the City of Redmond and Deschutes County.

Section 20.36.050. Limitations on Reapplications.

- A. No application of a owner for an amendment to the text of DCC Title 20, to the City Comprehensive Plan map or to the Title 20 zoning map shall be considered by the Hearings Body within a six month period immediately following a previous denial application.***
- B. If, in the opinion of the Hearings Body, however, new evidence or a change of circumstances warrant it, the Hearings Body may permit a new application.***

FINDING: The applicant does not expect reapplication will be necessary. In the event, however, that reapplication becomes necessary, the applicant understands that these provisions will apply.

Deschutes County Comprehensive Plan

CHAPTER 1 COMPREHENSIVE PLANNING

Section 1.3, Land Use Planning

Goal 1. Maintain an open and public land use process in which decisions are based on the objective evaluation of facts.

Goal 2. Promote regional cooperation and partnerships on planning issues.

***Policy 1.3.11 Participate in and, where appropriate, coordinate regional planning efforts.
a. Provide affected agencies, including irrigation districts, an opportunity to comment and coordinate on land use policies or actions that would impact their jurisdictions.***

FINDING: Staff, in the Staff Report, provided the following findings/comments::

The Applicant provided the following response in the submitted burden of proof statement:

This proposal has come together through a high level of coordination between COIC, the City of Redmond, Deschutes County, and state and federal agencies. Agencies involved include the Department of Public Safety Standards and Training (DPSST), State Fire Marshal, State Police, and Oregon Emergency Management; Governor Brown’s Regional Solutions; the US Forest Service; local public safety agencies; and others.

All land use entitlements contained in this proposed application package have required inter-governmental coordination – including the City of Redmond and Deschutes County – to provide an appropriate site for development of a needed regional public facility. And, as evidenced in this application narrative, the proposal will be processed with proper public noticing and hearings before the Deschutes County’s Board of County Commissioners. As adopted in DLCD acknowledged documents, the land use processes and review criteria applicable to this application proposal are in conformance with statewide planning Goals 1 and 2.

The subject application is being evaluated based on an objective review of compliance with Statewide Planning Goals, Deschutes County Comprehensive Plan policies, and Oregon Administrative Rules. A public hearing will be held before a Hearings Officer on August 8, 2024, and members of the public can attend and testify at that hearing. Pursuant to DCC 22.28.030, the Board of County Commissioners will take final action on the application after a recommendation from the Hearings Officer. This Comprehensive Plan Amendment and Zone

Change application will be evaluated through an open process that allows for public input and follows Deschutes County's Procedures Ordinance.

The City of Redmond has undertaken parallel planning efforts to amend their Comprehensive Plan, Zoning Map, develop a Concept Plan for the subject property, and annex the subject property and facilitate a master planning process. The RUAPC held a public hearing on April 24, 2024 that was continued to May 1, 2024 where they recommended approval of the application to the Redmond City Council. The Redmond City Council held a public hearing on July 23, 2024 and approved the application package before the City. These City-led efforts allow for greater public involvement in the planning and development of the subject property, even though they are not directed specifically at the subject Comprehensive Plan Amendment and Zone Change application.

Staff finds that within each of the steps described above, there is an open and public process that is based on an objective evaluation of facts. Further, these multi-step planning processes are interrelated and require regional coordination, and staff finds they demonstrate cooperation and partnership between the County, City, and State agencies. This criterion will be met.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Chapter 2. Resource Management

Section 2.2, Agricultural Lands Policies

Goal 1. Preserve and maintain agricultural lands and the agricultural industry.

Policy 2.2.1 Retain agricultural lands through Exclusive Farm Use zoning

Policy 2.2.3 Allow comprehensive plan and zoning map amendments for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.

Policy 2.2.4 Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The subject site is currently zoned EFU and designated as Redmond Urban Reserve Area. The proposal in this narrative (Part 5) is to move from EFU to UH-10, and Ag to RUUGA, concurrent with the proposed UGB expansion contained in Part 2. Statewide Planning Goals 3&4 and their implementing comprehensive plan goals and policies are not applicable to UGB

amendments and concurrent zone changes; however, it is interesting to note that DEQ has also determined that the site is not appropriate for any agricultural use (see Appendix G.5).

The proposed plan and zone map amendments follow requirements of state statutes, OARs, and the DCCP. See section 2.1 for compliance with ORS's. See section 2.2 for compliance with applicable OARs. Reference this section for compliance with other portions of the DCCP.

This plan policy provides direction to Deschutes County to develop new policies to provide clarity when EFU parcels can be converted to other designations. The applicant is pursuing a subsequent application process through the City of Redmond to annex, rezone, and master plan the property for public facility development, pursuant to OAR 660-024-0040.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Policy 2.2.5 Uses allowed in Exclusive Farm Use zones shall comply with State Statute and Oregon Administrative Rule.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The proposal will rezone the subject site from EFU to UH-10. No development or uses are proposed prior to this rezoning. No development or uses are proposed while zoned UH-10. A sequential zone change application (contained in Part 4) will rezone the property from UH-10 to PF, consistent with the MDP. At that point, the property will have urban zoning and will be able to develop urban uses and at urban intensities. Therefore, ORSs and OARs guiding uses on EFU lands do not apply to this development proposal.

Staff finds this policy is not applicable to the application at hand. The applicant is pursuing a subsequent application process through the City of Redmond to annex, rezone, and master plan the property for public facility development, pursuant to OAR 660-024-0040.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Policy 2.2.13 Identify and retain accurately designated agricultural lands

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Although the subject site is currently zoned EFU and designated Ag in the comprehensive plan, it is designated with the Redmond URA combining zone and therefore first priority for

inclusion into the Redmond UGB when a UGB expansion is necessary to accommodate an identified land need.

To designate Redmond URAs, the city conducted an extensive analysis that required identifying UGB expansion alternatives considering agricultural land capabilities, among other factors. The subject site has been designated Redmond URA through these state-approved and acknowledged analyses.

This application package proposes a UGB expansion. A site selection analysis (Appendix F) contains evidence to support this expansion onto the subject site. Through this analysis and findings contained in application narrative Part 2, the subject site will be redesignated RUUGA and rezoned UH-10. Redesignation and rezoning allow the site to be annexed and developed.

The findings related to (1) designating the land as Redmond Urban Growth Area and then to (2) UGB inclusion and rezoning provide evidence to show that the subject site is best suited for future urban development and not retained as designated agricultural land.

Staff is unaware of any evidence such as soil classification, availability of irrigation, or historic farming, which explains the current zoning of the subject property. It does not appear the property has ever been farmed, likely owing to its lack of water and proximity to urban uses. Staff finds the applicant has demonstrated compliance with this policy, but asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit.

The Hearings Officer finds the Applicant's Burden of Proof discussion of this criterion and Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion. The Hearings Officer finds it is unnecessary to amend or add to Staff's quoted findings.

Section 2.5, Water Resources Policies

Goal 6. Coordinate land use and water policies.

Policy 2.5.24 Ensure water impacts are reviewed and, if necessary, addressed for significant land uses or developments.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The proposed zone change and annexation will not change any applicable Goal 6 policies or measures that relate to water resource quality. Actual development of the CORE3 facility will require subsequent development reviews and compliance with Redmond land use and water policies. Development will require coordination with and approvals from Redmond

public works, and state and federal entities. If any water impacts are identified, these will be addressed during the development application process.

Staff agrees that any potential negative water impacts of future development will be identified and mitigated during the development review process for the site. Staff adds that one component of the site selection process for the CORE3 site included consideration of proximity to water and wastewater infrastructure.

The Hearings Officer finds the Staff's findings and Applicant's quoted statement above are based upon substantial evidence and correct interpretation of the language of the criterion.

Section 2.8 Energy Policies

FINDING: The Applicant provides responses pertaining to these three goals in their response to Statewide Planning Goal 13, Energy Conservation, below.

Section 2.9 Environmental Quality

Goal 1. Maintain and improve the quality of the air, water and land.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

There are some proposed elements and activities that may impact air quality if not for mitigation. As described in section 2.2.4 in response to Statewide Planning Goal 6, the siting, design, and operation programming of these elements were targeted to reduce any potential air impacts and to mitigated impacts unable to be addressed through the design process.

Further, developing the CORE3 facility will require additional reviews and approvals from federal, state, and local offices regulating air, water, and land quality. Development will require any impacts to be identified and mitigated.

The proposed zoning designation, UH-10, is intended to serve as a holding zone while the property remains undeveloped. The County will not be the review agency for development on this property. The applicant provides responses pertaining to these two goals in their response to Statewide Planning Goal 6, Air, Water, and Land Resources Quality, below.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Goal 2. Promote sustainable building practices that minimize the impacts on the natural environment.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

A master development plan is included in this application package (Part 3) that requires the CORE3 facility to meet applicable City of Redmond Great Neighborhood Principles. Among those principles are "green design." As a resiliency facility for emergency services, the buildings for the CORE3 campus will be held to a high standard of efficiency and performance to ensure the optimal use of resources and support emergency operations. Occupied buildings will be designed to meet the State's goals with LEED Silver equivalency, and SEED (20% above current energy code).

The applications under County review do not include development of the site. The proposed zoning designation, UA, is intended to serve as a holding zone while the property remains undeveloped. The Applicant is not required to provide detailed information on future building practices and building materials as part of this application. Future site development will be reviewed by the City of Redmond. Therefore, staff finds this goal is not applicable.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Section 2.10 Surface Mining

Goal 1 *Protect and utilize mineral and aggregate resources while minimizing adverse impacts of extraction, processing and transporting the resource.*

Policy 2.10.1 *Goal 5 mining inventories, ESEEs and programs are retained and not repealed.*

Policy 2.10.3 *Balance protection of mineral and aggregate resources with conflicting resources and uses*

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Negus Landfill is located north of the proposed subject site (see Figure 2 following this response). The 300-acre subject site will not contain the inventoried natural resource (Deschutes County Surface Mining Mineral and Aggregate Inventory #482). The proposed area of the dual map amendments (the subject site) does not contain any county Statewide Planning Goal 5 resources or any potential City of Redmond Statewide Planning Goal 5 resources.

Staff agrees with the applicant's response and notes that no land currently zoned or designated Surface Mine is proposed to be changed as part of this application request. Further, the Goal 5 resource is protected by the SMIA Zone which extends beyond the SM zoned site. However, this application does not remove the SMIA Zone or any existing Goal 5 protections that may apply to surrounding land.

Based on the information, staff finds the proposed amendment is consistent with this policy and will not interfere with the neighboring Goal 5 resource.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

CHAPTER 3 RURAL GROWTH MANAGEMENT

Section 3.3 Rural Housing

Goals and Policies

Goal 1 Maintain the rural character and safety of housing in unincorporated Deschutes County.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The proposed UGB amendment results in approximately 228 acres that will be added to the Redmond UGB. Staff finds the proposed amendment will not adversely impact the rural character and safety of housing in the unincorporated Deschutes County, as the property is not planned to be used for housing. Therefore, the proposal complies with the rural housing Goal 1.

The Hearings Officer finds the Staff's comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal.

Goal 2 Support agencies and non-profits that provide affordable housing.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The policies identified under Goal 2 are not applicable to this application.

The Hearings Officer finds the Staff's comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal.

Section 3.4 Rural Economy

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

Policy 3.4.4 Support regional educational facilities and workforce training programs.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

As discussed in the Introduction to Land Use Applications, Redmond and the region currently lack both a centralized public safety training facility and a coordination center for emergency response operations. The CORE3 facility will provide support to rural emergency services, thereby stabilizing current and future rural economies. The proposed map amendments will allow the development of the CORE3 facility inside the Redmond City Limits. Locating this facility inside an existing urban area will help maintain the rural economy while being compatible with the County's rural lifestyle and supporting a healthy environment. The classrooms and practical learning spaces of the proposed CORE3 facility will serve regional rural economic needs while concentrating development within urban areas.

Staff agrees with the applicant's response. Further, the development review process required by the City of Redmond will ensure the mitigation of any impacts to the rural economic uses that could occur on neighboring properties, including an appropriate urban-rural interface, building height restrictions, screening, landscaping, and open space requirements.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section.

Section 3.5 Natural Hazards

Goal 1 Protect people, property, infrastructure, the economy and the environment from natural hazards.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The CORE3 facility is a centralized public safety training facility and coordination center for emergency response operations. The CORE3 facility will act as the State Resiliency Center during a Cascadia subduction event. The proposed map amendments will allow for siting the CORE3 facility in Redmond. This is consistent with – and directly implements – Statewide Planning Goal 7 requirements and this DCCP policy because the CORE3 facility will provide local, regional, and state emergency response capacity to respond to natural disasters and hazards.

Potential natural hazards on the subject property include wildfire and winter storm risks, as is typical throughout Central Oregon. There are no mapped flood or volcano hazards. However, staff finds the goals and policies of this section are not directly relevant to this proposal. Nonetheless, as the applicant states, the CORE3 facility will act as the State Resiliency Center during a Cascadia subduction event and provide critical emergency services on a local, regional, and statewide scale.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

Policy 3.5.3 Coordinate with emergency service providers when new development is proposed.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Input on the proposal has been received by emergency service providers. Coordination has occurred during the conceptual stages and the creation of the MDP contained in Part 3 of the application package. Further communication will continue with providers as future development applications are necessary to permit the CORE3 facility on the subject site.

Staff notes that the County review of the plan amendment and zone change does not include site development. However, as stated by the applicant, the development of the CORE3 facility has been a multi-year and multi-agency coordination effort. Furthermore, local emergency service providers were provided notice of the application. Staff finds this policy is met.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of this goal/section/policy.

Policy 3.5.6 Critical facilities (schools, churches, hospitals and other facilities as defined by the Federal Emergency Management Agency) should be located outside high risk natural hazard areas, where possible.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The CORE3 facility will be a regional coordination and state resiliency center during the event of major natural disasters. As such, the CORE3 facility should be located outside of any high risk natural hazard areas.

The subject site is outside of any flood areas, and it does not contain any steep slopes nor wetlands. The subject site is shown within the Deschutes County Wildfire Zone2. This zone requires the use of specialty building codes, per DCC 15.04.085 and DCC 15.04.010(A).

Actual development of the CORE3 facility will occur within the City of Redmond's jurisdiction and will require subsequent land use reviews and compliance with Statewide Goal 7, including wildfire mitigation measures, where applicable.

Staff notes that the County review of the plan amendment and zone change does not include site development. There are no mapped flood or volcano hazards. Additional hazards include wildfire and winter storm risks, which are identified in the County's Comprehensive Plan. Staff finds that the goals and policies of this section not applicable or relevant to this proposal.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of this goal/section/policy.

Section 3.6 Public Facilities and Services Policies

Goal 1 Support the orderly, efficient and cost-effective siting of rural public facilities and services.

Policy 3.6.9 New development shall address impacts on existing facilities and plans through the land use entitlement process.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The policies identified under Goal 1 are not applicable to this application. Nonetheless, the Applicant provided the following response in the submitted burden of proof statement:

Statewide Planning Goals 11 and 12 guide the orderly, economic, and efficient provision of public utilities and services. Responses to these goals are contained in Appendix J: Statewide Planning Goal Analysis. Supplemental information supporting the availability and future efficiency of public facilities and transportation systems are contained in Appendix D. Public Facility Plan and Appendix E. Transportation Studies (TGR – TPR).

Staff acknowledges that the intention of the subject applications is to support orderly, efficient and cost-effective siting of urban public facilities and services. However, development of the actual CORE3 facility will occur under the authority of the City of Redmond.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

Policy 3.6.7 Before disposing of County-owned property review whether the land is appropriate for needed public projects such as schools, health clinics, fire stations or senior centers.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The subject site is currently owned by Deschutes County. The proposed map amendments are necessary to permit the CORE3 facility, a needed regional public facility project. Although the county will not own the CORE3 facility, the facility will fulfill a demonstrated local and regional public facility land need.

Staff agrees with the applicant's response.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the criterion.

Section 3.7 Transportation

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

...

Goal 3 The transportation plan and facilities of Deschutes County shall be coordinated with the plans and facilities of incorporated cities within Deschutes County, adjacent counties and the State of Oregon.

FINDING: The Applicant provided the following response in the submitted burden of proof statement:

The subject site abuts E. HWY 126. Development of the site requires coordination with ODOT, City, and County officials (see Appendix E. Transportation Studies (TGR – TPR)). COIC is coordinating the proposed UGB expansion, map amendments, and Master Plan with the City of Redmond, Deschutes County, and ODOT. The CORE3 facility is a unique public training facility that requires restricted public access. Because of this, no through transportation connections are planned through the site. However, internal transportation design will not prevent city or county transportation connections that would negatively impact the efficiency of existing or future transportation networks. Further findings detailing compliance with Statewide Planning Goal 12 are found in Appendix J: Statewide Planning Goal Analysis.

Staff notes that the Transportation planning program has been summarized and incorporated into the Deschutes County Transportation System Plan ("TSP"), which was adopted by Ordinance 2012-005 and is contained with Appendix C of the County Comprehensive Plan. The applicable goals and policies of the TSP are addressed below under Appendix C.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of this goal/section/policy.

Policy 3.1 Deschutes County shall notify ODOT concerning:

- a. All land use proposals or actions that would create access onto a state highway or add >100 ADT to any County road intersection with a state highway;**
- b. Any proposed land use or development within 500 feet of a state highway or public use airport within the County; and**
- c. Require ODOT road approach permits.**

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The subject site is adjacent to E. HWY 126. Appendix E. Transportation Studies (TGR – TPR) will be reviewed by ODOT, as required by the RDC.

The development of the subject site will ultimately be reviewed by the City of Redmond. However, Staff notes the Oregon Department of Transportation was provided notice of the County application. Therefore, this policy is met.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

CHAPTER 4 URBAN GROWTH MANAGEMENT

Section 4.2 Urbanization Policies

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.

Policy 4.2.1 Participate in the processes initiated by cities in Deschutes County to create and/or amend their urban growth boundaries.

Policy 4.2.2 Promote and coordinate the use of urban reserve areas.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Part 2. UGB Amendment in this application package contains findings to support UGB expansion onto the subject site. The subject site is currently in the Redmond URA, but the series of applications within this larger proposal incorporate the subject site into the RUUGA and then into the City of Redmond.

This application process has involved coordination with both the City of Redmond and Deschutes County, and the application will need to be heard by both city and county hearings bodies. The proposed UGB expansion onto the subject site is an orderly, economic, and efficient transition between urban and rural lands, as demonstrated in Appendix D. Public Facility Plan and Appendix E. Transportation Studies (TGR – TPR).

Staff concurs with the Applicant's analysis and finds they have demonstrated coordination between Deschutes County, the City of Redmond, and special districts. The CORE3 facility is the result of a regional effort led by the Central Oregon Intergovernmental Council (COIC) who facilitates regional coordination amongst local, state, and federal agencies.

While the future development of the CORE3 project site will be reviewed by the City of Redmond, staff finds the coordination during that process is relevant in addressing this criterion.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

Goal 2. Coordinate with cities, special districts and stakeholders on urban growth area zoning for lands inside urban growth boundaries but outside city boundaries.

Goal 3. Coordinate with cities, special districts and stakeholders on policies and zoning for lands outside urban growth boundaries but inside urban reserve areas.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The proposed zoning designation, UH-10, will serve as a holding zone while the subject property is inside the Redmond UGB but outside city boundaries, until annexation. The above goals will not be applicable to the subject property if the application is approved. The proposal seeks to bring the subject property into the Redmond UGB as well as annex the property into the City of Redmond. Goals 2 and 3 are not applicable to properties within city boundaries.

The Hearings Officer finds the Staff's findings/comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

**OREGON ADMINISTRATIVE RULES CHAPTER 660
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT**

OAR 660-024, Division 24, Urban Growth Boundaries

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:

FINDING: Staff, in the Staff Report, provided the following findings/comments:

All statewide goals and related administrative rules are applicable with the proposed UGB amendment, except as noted below. Based on the findings below, no exception is provided to this requirement.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy. The Hearings Officer adopts the above-quoted Staff findings.

a) The exceptions process in Goal 2 and OAR chapter 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: Staff, in the Staff Report, provided the following findings/comments:

These provisions are not applicable to this application since this proposal is not seeking a goal exception.

The Hearings Officer finds the Staff's findings quoted above and correctly interpret the language of the goal/section/policy.

b) Goals 3 and 4 are not applicable.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

Goals 3 and 4 are not applicable.

The Hearings Officer finds the Staff's findings quoted above and correctly interpret the language of the goal/section/policy.

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

FINDING: Staff, in the Staff Report, provided the following findings/comments:

Goal 5 resources are listed in the acknowledged Comprehensive Plan. There is an identified Goal 5 resource on the subject property but the portion of the property subject to the amendment does not include the inventoried Goal 5 resource.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

(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: Staff, in the Staff Report, provided the following findings/comments:

The applicant has applied for a concurrent review with the City of Redmond. Pending the outcome of this UGB amendment application, the applicant plans to rezone the property to Public Facilities (PF) within the City of Redmond Zoning Code. Therefore, these requirements do not apply.

However, staff asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit.

However, if the Transportation Planning Rule applies, the applicant has provided the following response:

As documented in Appendix E. Transportation Studies (TGR – TPR), rezoning the subject site from EFU to UH-10 to allow the development of the CORE3 facility will not adversely impact the existing transportation system.

Transportation Planning Rule Conclusions: The “reasonable worst-case scenario” for the *full* build out of the MDP (all Phases) is estimated to be 600 daily trips and 65 weekday peak-hour trips. As described, Phase 1 will produce only 150 daily trips and 16 peak-hour trips. This trip generation is not significant, per Policy 1F.5 of the Oregon Highway Plan (OHP). The OHP reads “Any proposed amendment that does not increase the average daily trips by more than 400 is not considered significant”. Therefore, Phase 1 of the MDP will not produce a significant impact on the transportation system.

However, the full buildout of the CORE3 facility could constitute a significant effect. When future phases of the MDP are proposed, additional analyses per the TPR and RDC may be required. At this stage, only Phase 1 impact evaluation and mitigation measures in the form of a trip-cap are proposed.

Staff notes that the UH10 interim zone is a holding zone prior to the planned annexation of the subject property. Uses allowed in the UH10 Zone are of a similar nature to that of the EFU Zone.

However, Staff asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit.

The Hearings Officer finds the Applicant’s Burden of Proof discussion of this criterion and Staff’s findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy. The Hearings Officer finds it is unnecessary to amend or add to Staff’s quoted findings.

- (e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;***
- (f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;***
- (g) Goal 19 is not applicable to a UGB amendment.***

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The above three provisions are not applicable to the proposal. The subject property is not within the Willamette River Greenway Boundary or within a coastal shorelands boundary, and the proposal is a UGB amendment.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy. The Hearings Officer adopts the above-quoted Staff findings.

(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: Staff, in the Staff Report, provided the following findings/comments:

The proposed UGB and amendments to the UGB are shown on the city and county plan and zone maps at a scale sufficient to determine the precise UGB location. The location does not presently align with lot or parcel lines, in this case, and so the inclusion area will be defined with a metes and bounds legal description, until such time as it aligns with lot or parcel lines.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

Section 660-024-0040, Land Need

(1) The UGB must be based on the appropriate 20-year population forecast for the urban area as determined under Rules in OAR 660, div 32, 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. Local governments in Crook, Deschutes or Jefferson Counties may determine the need for Regional Large-Lot Industrial Land by following the provisions of OAR 660-024-0045 for areas subject to that rule.

(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: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

And OAR 660-024-0040(3) allows cities to review and amend their UGB based on only one category of land, like public facilities.

To satisfy this demonstrated land need, lands inside the existing Redmond UGB and lands adjacent to the Redmond UGB were evaluated. The following sections show the process of evaluation, following the UGB Rule and ORSs.

Staff concurs and finds that the provisions of OAR 660-024-0065, as noted below, were followed to determine this land need.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

Section OAR 660-024-0050 Land Inventory and Response to Deficiency

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. [...]

FINDING: Staff findings for this section (including footnote 4) are set forth below:

The Applicant provided the following response in the submitted burden of proof statement:

Cities must first look at lands within their UGBs to satisfy an identified need before considering a UGB expansion. Winterbrook evaluated lands inside the current UGB based on the land's ability to meet defined site characteristics in RCP policy 11-1-7. No sites within the UGB will meet CORE3 facility site requirements (OAR 660-024-0050[1]). Therefore, the CORE3 facility cannot be reasonably accommodated within the current UGB, and the City of Redmond must amend its UGB (OAR 660-024-0050[4]).

Sites inside the UGB were first identified based on their total vacant acreage. In the case of tax lots that fell partially within and partially outside of the UGB, only the portions of tax lots that fell inside the UGB were considered. Contiguous tax lots under the same ownership were considered a single site.

Winterbrook identified five sites over 300 acres, shown in Figure 3. Winterbrook used a combination of aerial imagery, assessor data, and information from the 2019 Redmond Economic Opportunities Analysis to confirm vacancy or current use of the sites. Four sites within the UGB have established land uses and are not available for development of the CORE3 facility:

- 1) Juniper Golf Course (Tax lot 151332-00-01000)
- 2) Deschutes County Fair & Expo Center (Tax lot 151328-00-00100)

- 3) Redmond Municipal Airport (Tax lots 151322-00-00100, 151300-00-01500, and other contiguous parcels under City of Redmond ownership)⁴
- 4) Two tax lots under Central Oregon Irrigation District ownership (Tax lots 151315-00-00101 and 151315-00-00102) Because these four sites are either developed or committed – and therefore not vacant and available for the CORE3 facility site – they were removed from consideration.

Applicant's Figure 3 300-Acre Sites within UGB (Appendix F)



After removing these four sites from consideration, one site remains. This site is shown on Figures 3 and 4 as “Large Lot Industrial” – its designation in RCP. Although

⁴ While the airport does hold buildings of similar use to the CORE3 facility (the Redmond Air Center, for instance, is a training and resources hub for wildland firefighting owned by the U.S. Forest Service), the airport already has its own Master Plan, and not enough vacant or uncommitted land remains on the site to support the 300 acres required for CORE3.

this vacant site is large enough to accommodate the CORE3 facility, the site does not meet the locational requirements identified in RCP policy 11-1-7. The Large Lot Industrial site is farther than one-quarter miles away from the Redmond Municipal Airport. Further, this site is a planned part of the Central Oregon Large Lot Industrial Land program (OAR 660-024-0045) and is unable to be developed for the CORE3 facility per RDC 8.0186 and OAR 660-024-0045(9) and (10). Therefore, this site is removed from consideration, and there are no remaining sites within the UGB that meet CORE3 facility siting requirements.

Applicant's Figure 4 300-Acre Sites within UGB (Appendix F)



Figure 4 Proximal Evaluation of Large Lot Industrial Site

With no vacant and suitable land within the existing UGB to satisfy demonstrated public facility land needs, the City of Redmond must amend their UGB to accommodate the land need, per OAR 660-024-0050(4):

(4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024- 0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary

locations consistent with Goal 14 and applicable rules at OAR 660-024-0060 or 660-024-0065 and 660-024-0067.

Based on the applicant's response to the site selection process with regards to the UGB, staff finds these provisions are met.

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

Section OAR 660-024-0065 Establishment of Study Area to Evaluate Land for Inclusion in the UGB

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(4), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a "study area" established pursuant to this rule. To establish the study area, the city must first identify a "preliminary study area" which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city's acknowledged urban reserve, if any;

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(B) For cities with a UGB population equal to or greater than 10,000: one mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

FINDING: Staff, in the Staff Report (including footnotes 5 & 6), provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

As previously explained, OAR 660-024-0065 guides the establishment of a preliminary study area and the refinement of that study area based on the narrow evaluation of the study area, per OAR 660-024-0065(3) and ORS 197A.320(6). The preliminary study area shall include:

The initial preliminary study area includes:

1) Redmond's four URAs;

2) All tax lots within one mile of the existing Redmond UGB; and

3) All exception areas⁵ within one and one-half mile from the existing Redmond UGB.

⁵ For this analysis, lands with the following zoning designations were used to determine status as exception area: Rural Residential, Rural Industrial, Multiple Use Agricultural, Surface Mining and Open Space.

Cities can exclude certain lands from the preliminary study area, per OAR 660-024-0065[4]⁶. Generally, the exclusions include lands that are impracticable to serve with public facilities, lands with significant natural hazards, lands with natural resources or other protections, or land that is owned by the federal government and managed for rural purposes. Lands owned and managed by the Federal Bureau of Land Management (BLM) were therefore removed from consideration in the preliminary study area.

After exclusions per OAR 660-024-0065[4], figure 5 shows the preliminary study area. The total acreage of this preliminary study area is over 9,700 acres—over 30 times the amount of land needed to accommodate the 300-acre CORE3 facility. This complies with OAR 660-024-0065[5].

The Hearings Officer finds the Staff's findings quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

(5) After excluding land from the preliminary study area under section (4), the city must adjust the area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed for the deficiency determined under OAR 660-024-0050(4) or, if applicable, twice the particular land need described in section (3). Such adjustment shall be made by expanding the distance specified under the applicable section (1) or (2) and applying section (4) to the expanded area.

FINDING: Staff findings and comments, including photographs/figures, for this section are set forth below:

⁶ 4) The city may exclude land from the preliminary study area if it determines that: (a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land; (b) The land is subject to significant development hazards, due to a risk of: (A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph; (B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM); (C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446; (c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection: (A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as: (i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered; (ii) Core habitat for Greater Sage Grouse; or (iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas; (B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program; (C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources; (D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan; (E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan; (F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1; (G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2; (d) The land is owned by the federal government and managed primarily for rural uses.

Applicant's Figure 5 Preliminary Study Area (Appendix F)

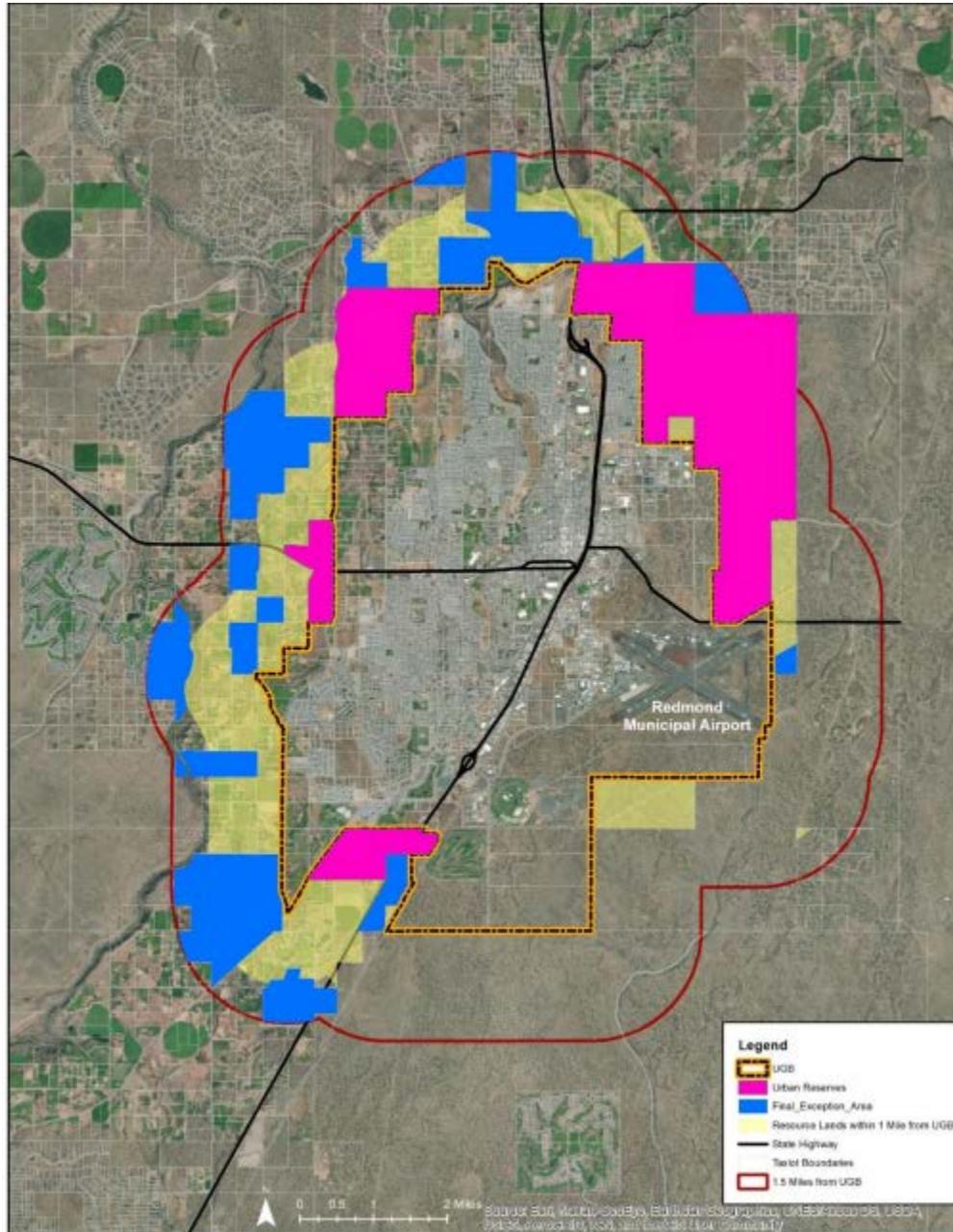


Figure 5 Preliminary Study Area

As with the UGB lands evaluation, lands within this preliminary study area were evaluated based on their ability to satisfy the CORE3 facility's site and locational needs.

- 1) At least 300 contiguous acres of vacant land;
- 2) Within one-quarter mile of the Redmond Municipal Airport; and
- 3) Within one-quarter mile of a state highway.

Winterbrook identified four vacant sites in the preliminary study area over 300 acres. These sites are shown on Figure 6.

Applicant's Figure 6 Preliminary Study Area (Appendix F)

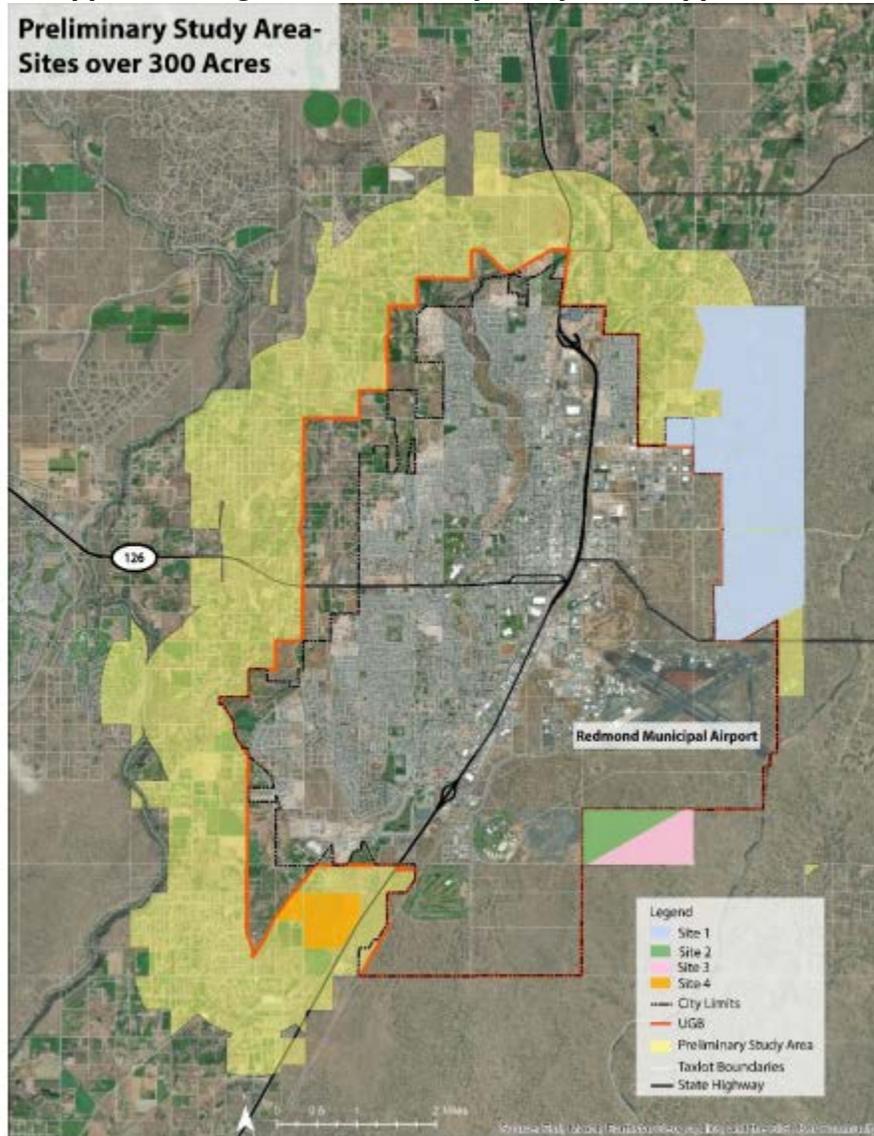


Figure 6 Sites Over 300 Acres in the Preliminary Study Area

Of these four sites, only Site 1 is within both one-quarter miles of the Redmond Municipal Airport and within one-quarter miles of a state highway. Sites 2, 3, and 4 are not within this proximity; they were excluded from the preliminary study area. All four sites are shown in context with one-quarter mile buffers in Figure 7.

Applicant's Figure 7 Preliminary Study Area (Appendix F)

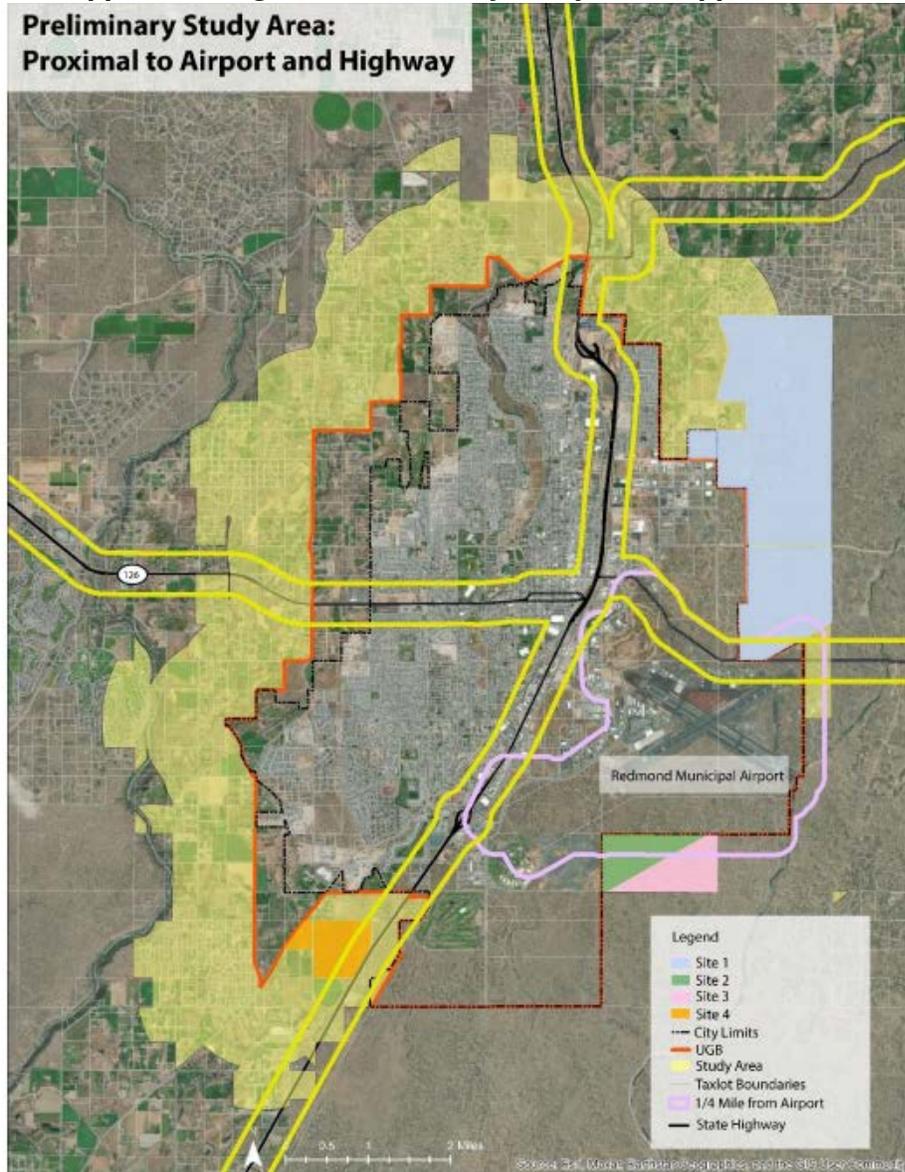


Figure 7 Sites Over 300 Acres and Near Redmond Airport in Preliminary Study Area

Site #1 (tax lot 151300-00-00103) is the only site within the preliminary study area to meet CORE3's site and locational needs: at least 300-acres of contiguous vacant land within on-quarter miles of both the Redmond Municipal Airport and a state highway.

Site 1 is within the eastern Redmond URA. The site is owned by Deschutes County and contains roughly 1,800 acres. Only 300-acres are needed for the entirety of the CORE3 facility. The preferred location of Phase 1 and the Future Phase CORE3 facility is shown on figure 8, and contains 228 acres. This preferred location meets all three site and locational needs of the CORE3 facility and is considered the final study area.

Applicant's Figure 8 Final Study Area (Appendix F)

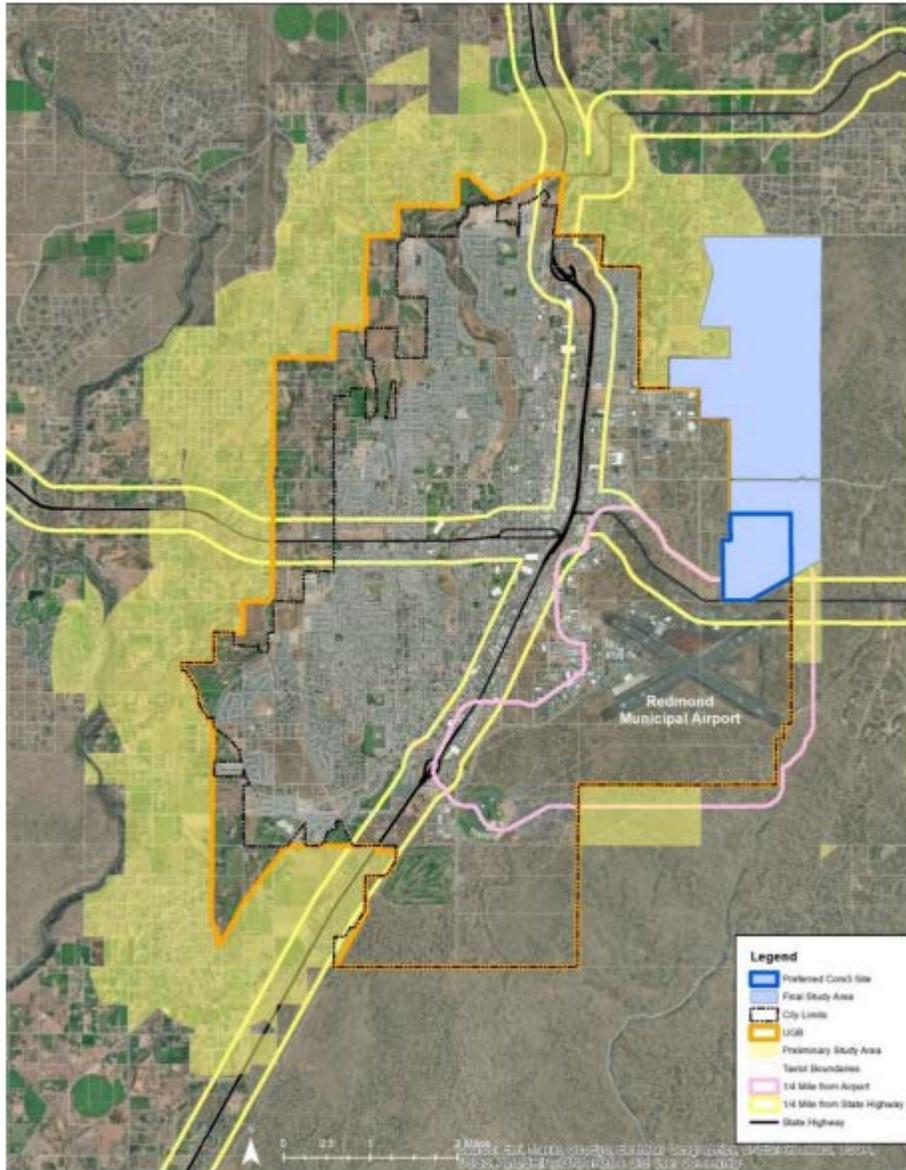


Figure 8 Final Study Area

Based on the applicant's response to the site selection process with regards to the UGB, staff finds these provisions are met.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

(3) When the primary purpose for expansion of the UGB is to accommodate a particular industrial use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics, and the site characteristics may be found in only a small number of locations, the preliminary study area may be limited to those locations

within the distance described in section (1) or (2), whichever is appropriate, that have or could be improved to provide the required site characteristics. For purposes of this section:

(a) The definition of “site characteristics” in OAR 660-009-0005(11) applies for purposes of identifying a particular industrial use.

(b) A “public facility” may include a facility necessary for public sewer, water, storm water, transportation, parks, schools, or fire protection. Site characteristics may include but are not limited to size, topography and proximity.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

UGBs may be amended in consideration of one category of land need without a simultaneous review of other categories, and local governments can identify specific site requirements for public facilities for purposes of UGB expansion. RCP policy 11-1-7 demonstrates (1) public facility land need and (2) defines necessary site and locational characteristics. RCP policy 11-1-7 reads:

To implement the Central Oregon Emergency Services Center Viability Assessment and the related Strategic Business Plan, the City has determined a need for a suitable site for the Central Oregon Ready, Responsive, Resilient (CORE3) regional public facility as a new community element. The CORE3 facility requires the following site and locational characteristics:

- *300 contiguous acres of suitable vacant land;*
- *Within one-quarter mile of the Redmond Municipal Airport; and*
- *Direct access to a state highway without the need to travel through designated residential or commercial areas.*

Any land brought into the Urban Growth Boundary to meet public services and facilities site needs identified through this policy shall be limited to Public Safety, Emergency Services, Training and Coordination Facilities.

The UGB may be amended in consideration of this demonstrated public facility need without simultaneous review of other land use categories, and the analysis can use the specific site requirements outlined in this policy for the purposes of UGB expansion. The first phases of the Core3 facility will require 228 acres.

ORS 197A.320(6) also allows a narrow study area establishment:

(6) When the primary purpose for expansion of the urban growth boundary is to accommodate a particular industry use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics and the site characteristics may be found in only a small number of locations, the city may limit the study area to land that has, or could be improved to provide, the required

site characteristics. Lands included within an urban growth boundary for a particular industrial use, or a particular public facility, must remain planned and zoned for the intended use:

Winterbrook relied on RCP policy 11-1-7 to define the narrow study area. The policy provides three site and locational needs for the CORE3 facility. The subject site must be:

- 1) At least 300 contiguous acres of vacant land;
- 2) Within one-quarter mile of the Redmond Municipal Airport; and
- 3) Within one-quarter mile of a state highway.

Winterbrook interpreted the RCP policy section "Direct access to a state highway without the need to travel through designated residential or commercial areas" to mean within one-quarter mile of a state highway. This proximal boundary limits the likelihood of access conflicts through residential or commercial areas, which is the intention of the RCP policy section. While a 300 acre need for a CORE3 facility was identified, the Master Development Plan included in this application package plans for only 228 acres for Phase 1 and the Future Phase. Therefore, the site selection analysis will include sites that can accommodate 300 acres, but for the purposes of this UGB expansion request, only 228 acres will be considered to be brought into the UGB.

Using the above site and locational characteristics, lands inside the existing UGB were first evaluated to see if they could satisfy the demonstrated public facility land need.

Staff finds the applicant's site selection analysis and methodology appropriately followed OAR 660-024-0065(3) to establish a narrow study area specific to a public facility need.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/section/policy.

Section 660-024-0067 Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities

(2) Priority of Land for inclusion in a UGB:

(a) First Priority is urban reserve, exception land, and nonresource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:

(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;

(B) Land that is subject to an acknowledged exception under ORS 197.732; and

(C) Land that is nonresource land.

(b) Second Priority is marginal land: land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

(c) Third Priority is forest or farm land that is not predominantly high-value farm land: land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensive plan and that is not predominantly high-value farmland as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.

(d) Fourth Priority is agricultural land that is predominantly high-value farmland: land within the that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

[...]

(5) With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is "suitable" to satisfy a need deficiency identified in OAR 660-024-0050(4) unless it demonstrates that the land cannot satisfy the specified need based on one or more of the conditions described in subsections (a) through (g) of this section:

Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified employment need; as follows: [...]

(e) With respect to a particular industrial use or particular public facility use described in OAR 660-024-0065(3), the land does not have, and cannot be improved to provide, one or more of the required specific site characteristics. [...]

(8) The city must apply the boundary location in coordination with service providers and state agencies, including the Oregon Department of Transportation (ODOT) with respect to Factor 2 regarding impacts on the state transportation system, and the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) with respect to Factor 3 regarding environmental consequences. "Coordination" includes timely notice to agencies and service providers and consideration of any recommended evaluation methodologies.

ORS 197.298 priority:

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 of Metro 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 [...]

ORS 197A.320 priority:

197A.320 Priority of land to be included within urban growth boundaries outside Metro; rules. (2)(c)(A):

(c) When evaluating the priority of land for inclusion under paragraph (b) of this subsection:

(A) The city shall evaluate the land within the study area that is designated as an urban reserve under ORS 195.145 in an acknowledged comprehensive plan, land that is subject to an acknowledged exception under ORS 197.732 or land that is nonresource land and select as much of the land as necessary to satisfy the need for land using criteria established by the commission and criteria in an acknowledged comprehensive plan and land use regulations.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Per OAR 60-024-0067(2)(a), land within the URA is first priority for UGB inclusion. The study area contains one site that is entirely within the URA, as shown on Figure 8. The subject area within tax lot 151300-00-00103 is vacant and meets identified site needs. It is therefore suitable (OAR 660- 024-0067[5]).

OAR 660-24-0067(8) requires that cities apply the boundary location factors of Goal 146 in coordination with service providers and state agencies.

- Efficiency and compatibility in compliance with Goal 14 boundary location factors 1 and 2 are demonstrated by Appendix D. Public Facility Plan and Appendix E. Transportation Studies (TGR – TPR).
- To address locational factor 3, adopted Deschutes County Goal 5 inventories, the State’s wetland database⁷, and the RCP were consulted. There are no identified Goal 5 resources – or potential Goal 5 resources – on the southern portion of the subject site, the proposed area for UGB inclusion. (See figure 5).
- Finally, the proposed CORE3 facility has been designed with consideration of adjacent agricultural land. Application Part 3. MDP details the urban-rural buffers to ensure compatibility, consistent with the Great Neighborhood Principles. The proposed UGB expansion area will only accommodate the CORE3 facility. No other urban uses will be permitted. Therefore, the MDP for CORE3 addresses any urban uses within the proposed UGB expansion area, and therefore any potential urban-rural conflicts.

There are no other suitable sites which require the four boundary location factors to be weighed against one another on alternative sites.

In evaluation, a city must consider all urban reserves in the study area and select for inclusion “as much of the land as necessary to satisfy the need for land.” (ORS 197A.320[2][c][A] and OAR 660-024-0067[1][a]8). RCP policy 11-1-7 has defined the land need for the CORE3 facility as 300-acres, and the locational requirements as near the Redmond Municipal Airport and near a state highway. Phase 1 and the Future Phase depicted in the Master Development Plan included requires 228 acres. The southern portion of Site #1 is nearest to the Redmond Municipal Airport and E. HWY 126. Therefore, 228 acres of the southern portion of Site #1 should be included in the UGB to satisfy the demonstrated public facility land need for this phase of the CORE3 facility. While tax lot 151300-00-00103 contains roughly 1800 acres, 76.5 of which are already within the Redmond UGB, this portion of the site is already planned for and committed to The Oasis Village shelters. Additionally, the programmatic elements depicted in the Master Development Plan require site contiguity, the western portion of tax lot 151300-00-00103 has a public road running along the edge of the current Urban Growth Boundary, a public road running through the CORE3 facility would present security and access issues.

Staff agrees with the applicant’s analysis and notes that 228 acres are proposed to be included in the UGB to satisfy the demonstrated public facility land need for the CORE3 facility. Further, the 228-acre project site is located in the Redmond URA – the first priority for inclusion into UGBs as guided by the applicable OAR’s and ORS’s.

The Hearings Officer finds the Staff’s findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Section 660.024.0070. UGB Adjustments.

DIVISION 15, STATEWIDE PLANNING GOALS (OAR 660-015)

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Goal 1 calls for the opportunity for the public to be involved in all phases of the planning process and is applicable to all proposed amendments. The City of Redmond and Deschutes County have adopted and acknowledged procedures within the RDC that are consistent with Goal 1. The proposal will be processed with proper public noticing and hearings before the Redmond Urban Area Planning Commission – the city’s formal citizen advisory committee –

and the Redmond City Council for the City of Redmond applications. For Deschutes County applications, the proposal will be processed with proper public noticing and hearings before Deschutes County's Board of County Commissioners. By meeting applicable city and county notice requirements, the application will be in conformity with Goal 1.

During the plan amendment and zone change process, public notice of the proposal was provided to affected agencies and property owners in the surrounding area. Planning staff mailed and published notice of the proposal and public hearing. The County will hold a public hearing before the County Hearings Officer. The City of Redmond will hold a public hearing before the Redmond Planning Commission. Goal 1 will be met.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 2: Land Use Planning

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: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Goal 2 generally requires consideration of alternatives, coordination with affected units of government, and that comprehensive plan policies be implemented by local land use regulations. Goal 2 applies to all proposed amendments. This proposal has come together through a high level of coordination between the Central Oregon Intergovernmental Council (COIC), the City of Redmond, Deschutes County, and state and federal agencies. Agencies involved include the Department of Public Safety Standards and Training (DPSST), State Fire Marshal, State Police, and Oregon Emergency Management; Governor Brown's Regional Solutions; the US Forest Service; local public safety agencies and Districts; and others. A Steering Team completed a Strategic Business Plan in 2020 that developed, among other things, site layout considerations and facility needs for the site.

Goal 2 requires jurisdictions to establish a factually-based planning process for all land use decisions. This planning process includes the creation of a comprehensive plan and other supporting planning documents that inventory a city's built and natural environments, providing a basis for policy goals and implementation measures.

The proposed comprehensive text amendment will establish an identified need for a regional public facility use with specific required characteristics. The amendment is crafted to enable evaluation and potential urban growth consistent with the RCP and public facility infrastructure, and it is consistent with RCP policies as demonstrated in Section 3.3 of Part 1. Comprehensive Plan Text Amendment.

The proposed UGB amendment will designate the expansion area for public facility use. UGB expansions are regulated by ORS 197, as implemented by OAR 660-024; therefore, the proposed UGB expansion process and requirements supersede conceptual planning contained in the Eastside Framework Plan. Through adoption of the proposed UGB amendment, the RCP designation of Public Facilities will be the controlling land use designation for the proposed expansion area. The RCP designation of the site for public facilities is relevant to the MDP application in Part 3, and subsequent annexation applications in Parts 4 and 5.

City of Redmond policy mandates that the land added to the UGB will remain with an Urban Holding Area (UH-10) zoning designation until time of annexation. The annexation applications for both the city and Deschutes County (Parts 4 and 5) are part of this application package and will rezone the land as Public Facilities (PF) upon city annexation.

In 2007, the City of Redmond and Deschutes County signed a joint management agreement, an intergovernmental agreement to establish the process for eventual plan and map amendments in the Redmond URA. The agreement states that the "City will accept and process all legislative and quasi-judicial applications, including County initiated ones, for comprehensive plan, plan map, zoning map and zoning regulations text amendments." (See JMA section 4(D) in Appendix G.2).

City of Redmond policy mandates that the land added to the UGB will remain with an Urban Holding Area (UH-10) zoning designation until time of annexation. This application narrative requests annexation into the City of Redmond concurrent with the requested zone change from UH-10 to PF. The requested zone change is consistent with the MDP contained in Part 3 of the application package, and the justification for UGB expansion to meet public facility land need contained in Part 2 of the application package. The requested land use actions are consistent with the DCCP, DCC, and JMA.

The proposed amendments are consistent with Goal 2.

In accordance with Goal 2, the applicant has submitted an application to the County and the City of Redmond for the UGB expansion, plan amendment, and zone change. Staff finds the proposed plan amendment and zone change satisfies this goal because the proposal has been reviewed in accordance with the County's acknowledged planning review process.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

FINDING: Staff findings and comments for this section are set forth below:

The Applicant provided the following response in the submitted burden of proof statement:

Goals 3 and 4 are not applicable to lands within UGBs or to UGB amendments, per OAR 660-024-0020(1)(b) "Adoption or Amendment of a UGB".

Staff agrees with the applicant's response.

Further, staff recognizes this application is unique as the property was identified through a regional needs assessment. The applicant analyzed alternatives previously in this application to preserve and maintain agricultural lands to the greatest extent possible. Staff finds the applicant provided sufficient analysis that this property is not viable agricultural land.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Goals 3 and 4 are not applicable to lands within UGBs or to UGB amendments, per OAR 660-024-0020(1)(b) "Adoption or Amendment of a UGB".

Staff agrees with the applicant's response. Further, the subject property does not include forest land.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The area of the proposed annexation and zone change does not include any inventoried or potential Goal 5 resources. Actual development of the CORE3 facility will require subsequent land use reviews and compliance with Goals 5, if and where applicable. Portions of Tax lot 151300-00-00103 contain an inventoried Deschutes County Goal 5 resource: the Negus Landfill. This resource is listed as #482 on Table 5.8.1 within the Deschutes County Comprehensive Plan. Although a portion of the tax lot containing the subject site is an inventoried Goal 5 resource, the proposed UGB expansion area onto the subject site is south of the Negus Landfill and will not include this resource. Moreover, there are no other potential Goal 5 resources on the subject site that could be incorporated into the City of Redmond Goal 5 inventories. Goal 5 is met.

Staff agrees with the applicant. The subject property does not include any Goal 5 resources that would be impacted by this proposal.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

The Redmond Comprehensive Plan text amendment (Part 1) does not affect any Goal 6 policies. The proposed map amendments will not change any applicable Goal 6 policies or measures that relate to air or water resource quality. However, the CORE3 facility will include burn buildings and a wildfire training area that could have impacts on air quality. To reduce impacts from these facilities on surrounding lands, element siting, design and operational program has been developed to best meet state and federal air quality standards.

The State of Oregon Department of Public Safety Standards and Training has adopted the 2019 Edition of the National Fire Protection Association's 1001 Standard for Fire Fighter Professional Qualifications. The Class A Burn Building and Class B Drill Tower (see Appendix C. MDP) are essential training components to provide a safe, secure and consistent training environment to fulfill certification requirements for fire behavior, search and rescue, ventilation, water supply, hose management, fire control, fire streams, sprinkler control, scene safety, and the practical use of self-contained breathing apparatus.

The Class A and Class B Burn Buildings are currently programmed for approximately 510 training hours annually. Of those training hours, Class A live burn training, using combustible materials such as hay and wood, will represent a small fraction of the total training hours annually. Class A live burn training operations are expected to occur a few times a month

with the actual burns lasting less than hour. Class B fire training operations utilize propane fueled fire training props and theatrical smoke that is engineered to dissipate quickly.

As part of the CORE3 facility operation plan, live burn training operations must meet environmental parameters such as wind speed and direction to promote the rapid dissipation of smoke. The Class A and Class B training structures are strategically located on the site to take advantage of prevailing wind patterns to optimize the dissipation of smoke from populated areas.

The Recycling Pond component of the plan helps to capture and store water used in the fire training exercises in the tactical village and holds it for reuse in future exercises. Utilizing the pond to recycle water used in onsite trainings preserves water resources by reducing the overall water used.

The CORE3 development contains a gun range/firearms training area that is planned to be an open-air enclosed and fully-baffled gun range with sound mitigation measures integrated into the design. The no-blue sky configuration is to be designed so errant rounds cannot escape the perimeters of the range.

The fuel island component of the site is envisioned as a minimum of (1) 12,000-gallon gas fuel tank and (1) 12,000-gallon diesel fuel tank with two pumps to fuel training vehicles used on site. The fuel stations will be designed with appropriate spill control and mitigation measures and will meet or exceed local, state, and federal regulations.

Construction of the CORE3 facility will require additional local, state, and federal reviews to ensure that all potential air, land, and water quality impacts are mitigated through element siting, structure designs, and operational program development, thereby complying with Goal 6.

As discussed previously, the subject property includes the Redmond Rod and Gun Club, a former shooting range used by the Deschutes County Sheriff, and an unpermitted disposal area. Development of the CORE3 facility is planned to occur under the authority of the City of Redmond. Nonetheless, the applicant has included a site remediation plan, dated May 4, 2020, prepared by the environmental consulting firm, APEX (Applicant's Appendix G.4). The remediation plan was reviewed by the Department of Environmental Quality (Applicant's Appendix G.5, dated July 2020) and includes alternatives for remediation actions. Moreover, the remediation plan for the property will ensure clean-up of the property will be completed in conjunction with development and will meet all DEQ requirements.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 7: Areas Subject to Natural Hazards

To protect people and property from natural hazards.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Goal 7 requires local governments to adopt natural hazard inventories, policies, and implementing measures. RCP policies 7-3-1 and 7-3-2 require the City to “plan and prepare” for the Cascadia earthquake and to “support plans and programs to expedite the restoration of critical services following a natural hazard event”. There are three DCCP policies that implement Goal 7 and support the development of the CORE3 facility: Section 3.5 Goal 1, Policy 3.5.6, and Policy 3.5.9. Part 5 addresses each policy in detail in Section 3.1 of Part 5 Deschutes County Plan Map and Zone Change.

The CORE3 facility is a centralized public safety training facility and coordination center for emergency response operations. The CORE3 facility will act as the State Resiliency Center during a Cascadia subduction event. The proposed UGB amendment will allow for siting the CORE3 facility in Redmond. This is consistent with – and directly implements – Goal 7 requirements, RCP policies, and Deschutes County Natural Hazard Mitigation Plan Action Item #9. This is because the CORE3 facility will provide local, regional, and state emergency response capacity to respond to natural disasters and hazards.

Further, the subject site is outside of any flood areas. It does not contain steep slopes (slopes over 15% are a development constraint and considered unsuitable for employment uses in the Redmond Economic Opportunity Analysis, an adopted and acknowledged document). And the subject site does not contain any wetlands nor does Deschutes County regulate wetland areas. Wetland areas and steep slopes in relation to the subject site are shown in Figure 2.

The subject site is shown within the Deschutes County Wildfire Zone2. This zone requires the use of specialty building codes, per DCC 15.04.085 and DCC 15.04.010(A).

Actual development of the CORE3 facility will occur within the City of Redmond’s jurisdiction and will require subsequent land use reviews and compliance with Statewide Goal 7, including wildfire mitigation measures, where applicable. Thus, the proposed amendments comply with Goal 7.

Staff finds wildfire risk is the primary natural disaster concern on the subject property. There are no mapped flood hazards or steep slopes on the subject property. As stated, development of the CORE3 facility will be reviewed by the City of Redmond. However, staff notes the master development plan proposes improved transportation access which can provide benefits if a natural disaster were to occur and the subject property needed to be evacuated or accessed by emergency service providers. The planned annexation will also allow it to be served by urban service providers.

The Hearings Officer finds the Staff’s findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, here appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Goal 8 is not applicable to the proposed amendments because there are no potential park or recreational facilities on the subject site (as identified in the Redmond Parks Master Plan and Deschutes County Comprehensive Plan), and no park or recreational facilities are proposed. The proposed development is a unique public facility use that will not be a major employment center or residential center that would create an excess of potential park users that would strain existing recreational resources. While the site will contain open buffer areas and vegetation, for safety and security reasons the site will not be open to the general public for recreation. The proposed Comprehensive Plan text amendment has no impact on compliance with Goal 8.

Staff concurs with the applicant and finds this goal is not applicable because the proposed plan amendment and zone change do not reduce or eliminate any opportunities for recreational facilities either on the subject property or in the area.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 9: Economic Development

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, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

A 156-acre portion of the subject site was originally inventoried as industrial land in the 2019 Redmond EOA. Since then, the subject site has been removed from the UGB and redesignated as county agricultural land (see reference document City of Redmond UGB Adjustment, Redmond Ordinance No. 2020-01). A separate 156-acre portion of URA was included and zoned the same industrial designations as the subject site was previously. Because of this land swap, the subject site is currently non-contributing to the City of Redmond's employment lands inventory. The subject site is currently designated as agricultural land within the Redmond URA for future urbanization. The site is currently non-contributing to Deschutes County economic activities.

The subject site is proposed to be designated as public facility land with PF zoning. The CORE3 facility *itself* will not be a major employment center. However, establishment of the site will have some positive impact on the local economy because development and use of the facility will increase economic activity within the City of Redmond. The facility will serve as a training center for personnel from regional and state agencies, increasing visitors to Redmond and consumer spending at local commercial establishments. The proposed map amendments are compliant with Goal 9.

The proposed Comprehensive Plan text amendment has no impact on compliance with Goal 9.

Staff concurs and finds Goal 9 is met. The approval of this application will not adversely impact economic activities of the state or local area.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Goal 10 is not applicable to the proposed amendments because the site does not contain residential land and no housing is proposed.

Staff concurs and finds the application does not reduce or eliminate any opportunities for housing on the subject property or in the area. This goal is not applicable.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 11: Public Facilities and Services

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: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Goal 11 requires communities to consider the provision of public facilities and services in their planning and development decisions, this goal is applicable to all proposed amendments.

The CORE3 facility is critical to the provision of local and regional public safety and emergency response services. For more details on programmatic elements of the CORE3 facility, see Introduction to Land Use Applications and Part 3. MDP.

The proposed UGB amendment, comprehensive plan and zoning map amendments – and the ultimate construction of the CORE3 facility – will allow the City of Redmond, Deschutes County and the greater region to efficiently serve current and future residents’ public safety needs, consistent with Goal 11.

Goal 11 and Goal 14 require that public facilities and services planned in urbanizable areas be adequate to serve planned development. Part 3 Master Development Plan and Appendix D. Public Facilities Plan demonstrate how the proposed provision of public facilities and services to serve the CORE3 facility will be orderly, economic, and efficient.

Appendix D. Public Facilities Plan shows that the site can be served by a proposed public water line and a proposed public sanitary sewer line. Potable water service will be provided by extending the existing 16” public water main from the south side of Highway OR126 at SE Ochoco Way approximately 1,200 LF easterly to future SE 21st Avenue. From there, the public water main will be extended northerly in SE 21st Avenue approximately 550 LF to the project access road. The CORE3 site will be served by a single potable water service and a single fire service. All on-site domestic and fire water will be private and isolated from the public water main system.

Wastewater (sanitary sewer) service will be provided by connecting to the existing 12” public sanitary sewer main along the south of Highway OR126. The project connection will require crossing OR126 and extending a public sewer main northerly approximately 600 LF in future SE 21st Avenue to the project access road.

The CORE 3 site will be served by a single sanitary service. All on-site sanitary sewer will be private and gravity served where possible. Due to project topography, lower lying areas will be served by a private lift station/force main system.

All stormwater will be contained on-site. Stormwater will be collected and dispersed on-site via swales, underground injection control (UIC) devices such as drywells, or a combination of both methods.

A certified engineer has determined that the 16’ water line and the 12” sanitary sewer line would be adequate to serve the project, discussed in Appendix D.2.

Review of the CORE3 facility development will be facilitated by the City of Redmond upon annexation. Nonetheless, the applicant states that the proposed CORE3 facility can be adequately served by public facilities. Staff finds the proposal is consistent with Goal 11.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

This goal applies to all proposed map amendments. The proposed text amendment in Part 1 itself does not affect the TSP or change any plan designation or zoning within the UGB. Therefore, the adoption of the proposed comprehensive plan text amendment will not impact the city's ability to plan for and provide an efficient transportation system.

OAR Chapter 660 Division 12 – the Transportation Planning Rule (TPR) – is the implementing rule for Goal 12. Although compliance with OAR 660-012-0060 (which requires that zone and map amendments consider the impact on the transportation system from the proposed change) does not necessarily apply to UGB amendments per OAR 660-024-0020[1][d]3, they do apply to the zoning map changes from city UH-10 to city PF. See application Part 4. Redmond Zone Change & Annexation.

In order to reach compliance with OAR 660-012-0060, the proposed zone and map amendment from UH-10 to PF must consider the impact on the transportation system from the proposed change. Applicants must demonstrate that there will be no significant effect on the transportation system. If rezoning would alter the total trips or functional classifications of roads and streets, then feasible transportation mitigation strategies are required.

This goal is implemented through OAR 660-012, commonly known as the Transportation Planning Rule (TPR), which is addressed in a previous finding.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 13: Energy Conservation

To conserve energy.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

Goal 13 directs jurisdictions to evaluate land use planning proposals with consideration of efficient use of land and energy and applies to all the proposed applications. By consolidating training facilities for over 20 regional organizations and agencies, the CORE3 facility will improve energy efficiency by reducing vehicle trips and vehicle miles traveled from the current condition where training facilities are dispersed between multiple sites. In the event of a major natural hazard event, the CORE3 facility's relative location adjacent to the airport and E. HWY 126 will shorten regional emergency response travel. Overall, the proposed UGB amendment will further the objectives of Goal 13, allowing for conservation of energy by reducing excessive travel linked largely to fossil fuel consumption.

Due to the emergency functionality needed during power outages and natural disasters, it is in the project's best interest to utilize efficient building systems in order to minimize the size and costs of back-up systems. This will allow this facility to function off-grid, as well as reduce on-going operational costs. And as a resiliency facility for emergency services, the buildings for the CORE3 campus will be held to a high standard of efficiency and performance to ensure the optimal use of resources and support emergency operations. Occupied buildings will be designed to meet the State's goals with LEED Silver equivalency, and SEED (20% above current energy code).

Staff concurs with the Applicant's response and finds this Goal is met.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

Goal 14: Urbanization

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.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

The Applicant provided the following response in the submitted burden of proof statement:

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, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast; 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.

Goal 14 and its implementing rule OAR 660-024 guide cities to plan for the efficient accommodation of all urban uses, such as public facilities. This goal is applicable to all of the proposed actions. The proposed plan amendment incorporates the identified a regional need for a centralized public safety training facility and coordination center for emergency response operations in the City of Redmond. By codifying this identified need through the adoption of this policy, the City can plan to accommodate this need within its UGB.

Part 2. UGB Amendment and Appendix F. Site Selection Analysis and Division 24 findings evaluate land sufficiency of the UGB to accommodate the identified need, consistent with OAR 660-024 requirements.

As described in detail in Part 2. UGB Amendment of this application package, this land must be brought into the UGB and annexed into the city to meet a regional need for a consolidated emergency response training facility. OAR Chapter 660 Division 14 guides the implementation of Goal 14 as it applies to annexation and urban development on previously rural lands. Because the UGB was expanded onto the subject site to satisfy a demonstrated public facility land need, the subject site must be annexed into the Redmond city limits and rezoned PF, consistent with OAR 660-024-0050:

(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 and the requirements of section (7) of this rule, if applicable. 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 until the land is rezoned for the planned urban uses, 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. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.

(7) Lands included within a UGB pursuant to OAR 660-024-0065(3) to provide for a particular industrial use, or a particular public facility, must be planned and zoned for the intended use and must remain planned and zoned for that use unless the city removes the land from the UGB.

The requested Deschutes County zone change from EFU to UH-10 and comprehensive map change from Ag to RUGA is consistent with the UGB expansion justification to include the

land for a demonstrated public facilities land need. The requested applications directly support the requirements of the UGB Rule, and therefore the requirements of Goal 14. Once brought into the UGB, the CORE3 facility is proposed to be designated in the RCP as Public Facility and zoned City Public Facility (PF), consistent with the UGB expansion justification to include land for a demonstrated public facilities land need. Application Part 4. Redmond Zone Change & Annexation provides the rationale for rezoning the site from county UH-10 to the PF zone, consistent with the proposed Master Development Plan (see Part 3. MDP).

The requested applications directly support the requirements of the UGB Rule, and therefore the requirements of Goal 14.

Staff concurs with the Applicant's response and notes that consistency with Goal 14 and its implementing rules OAR Chapter 660, Division 24, ORS 197.298, and 197A.320, emphasizes two central questions: is there enough land within the UGB to accommodate future population growth over 20 years, and if not, which land is suitable to bring within the existing UGB. These factors were evaluated in the Applicant's Appendix F where they demonstrated compliance with the applicable OARs and ORS. These criteria and associated findings are also included above in the staff report. Staff finds that, as the applicant has demonstrated therein, there is sufficient evidence to demonstrate that the proposal is consistent with all of them.

For these reasons, the proposal is consistent with Statewide Planning Goal 14.

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

FINDING: Staff, in the Staff Report, provided the following findings/comments:

These Goals are not applicable because the proposed amendment and zone change area is not within the Willamette Greenway, and does not possess any estuarine areas, coastal shorelands, beaches and dunes, or ocean resources.

The Hearings Officer finds the Staff's findings and comments quoted above are based upon substantial evidence and correct interpretation of the language of the goal/criterion/policy.

IV. CONCLUSION AND RECOMMENDATION:

Staff provided the following conclusion language:

Staff finds that the applicant has met the burden of proof necessary to justify the request to change the Plan Designation of the subject property from Agriculture to Redmond Urban Growth Area, to change the zoning of the subject property from Exclusive Farm Use (EFU) to Urban Holding (UH10), and to expand the Urban Growth Boundary through effectively demonstrating compliance with the applicable criteria of DCC Title 18 (Deschutes County Zoning Ordinance), DCC Title 20 (Redmond Urban Area Zoning Ordinance), the Deschutes County Comprehensive Plan, and applicable sections of OAR and ORS.

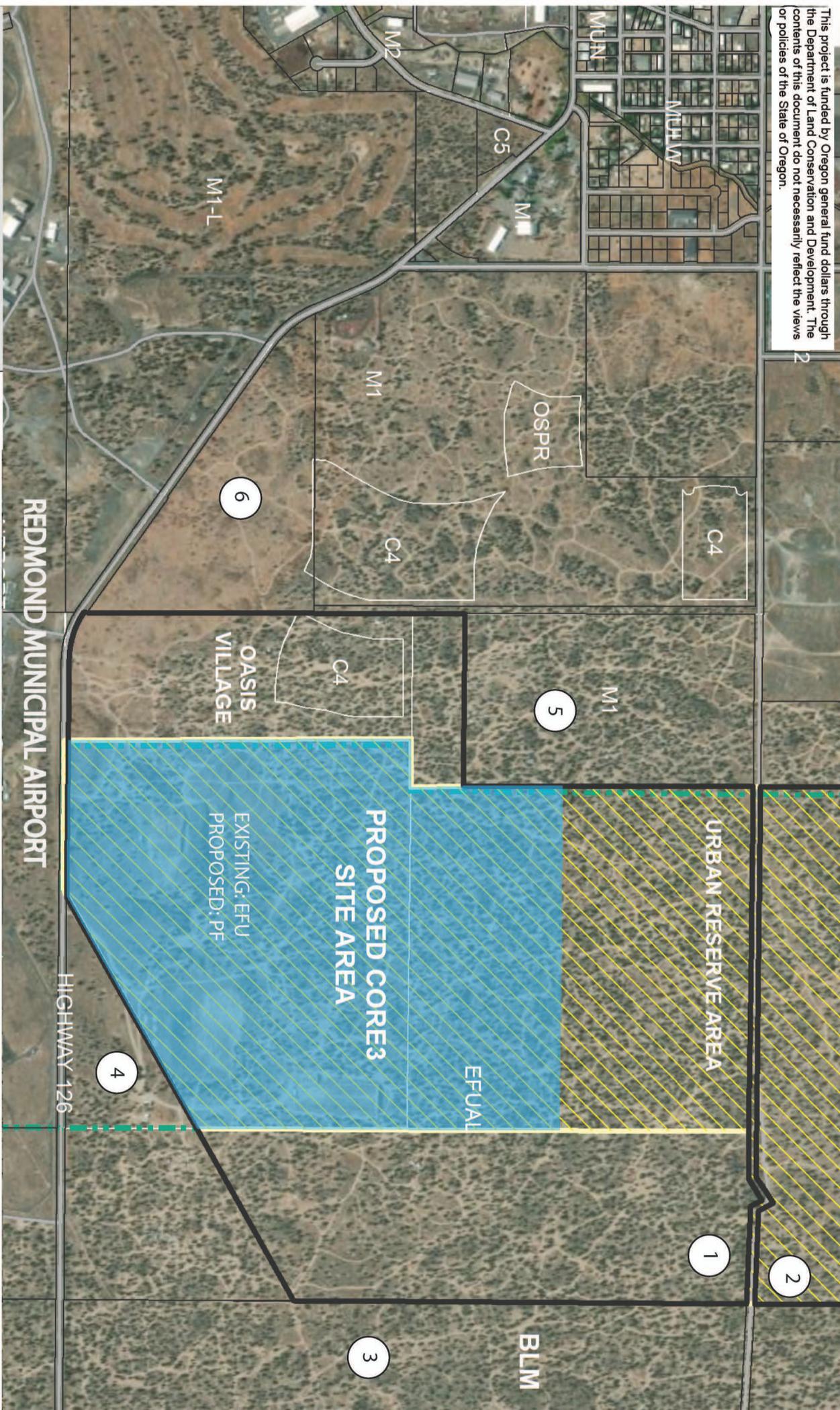
The Hearings Officer concurs with Staff's above-quoted conclusions. The Hearings Officer recommends approval of a Comprehensive Plan Amendment to change the designation of a portion the subject property, approximately 228 acres, from Agricultural ("AG") to Redmond Urban Growth Area ("RUGA") and a corresponding Urban Growth Boundary ("UGB") expansion and also a corresponding Zone Change to rezone the subject property from Exclusive Farm Use ("EFU") to Urban Holding ("UH-10").

DATE: August 30, 2024



Gregory J. Frank
Deschutes County Hearings Officer

Attachment(s): Project Site Map



VICINITY AND ZONING MAP

- EXISTING ZONING BOUNDARY
- PROPOSED SITE AREA
- URBAN RESERVE AREA
- URBAN RESERVE BOUNDARY
- TAX LOT LINES
- REDMOND CITY LIMITS



| owner | agent | inCareof | address | cityStZip | type | cdd id | email |
|------------------------------|---------------|-----------------|--------------------------------|--------------------|----------|-------------------|---|
| COIC | | Scott Aycock | 1250 NE Bear Creek Road | Bend, OR 97701 | Hoff Rec | 23-543-PA, 544-ZC | scotta@Coic.org; sknight@coic.org; staylor@coic.org |
| Winterbrook Planning | | Jesse Winterowd | 610 SW Alder Street, Suite 810 | Portland, OR 97205 | Hoff Rec | 23-543-PA, 544-ZC | jesse@winterbrookplanning.com |
| DESCHUTES CO. PROPERTY MGMT. | Ryan Dunning | | ELECTRONIC | | Hoff Rec | 23-543-PA, 544-ZC | Ryan.Dunning@deschutes.org; kirstie.bollinger@deschutes.org |
| SERA Design | Becky Epstein | | ELECTRONIC | | Hoff Rec | 23-543-PA, 544-ZC | beckye@seradesign.com |
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