



## COMMUNITY DEVELOPMENT

### DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, JUNE 27, 2024

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St - Bend

(541) 388-6575 | [www.deschutes.org](http://www.deschutes.org)

## AGENDA

### MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://bit.ly/dcpczoom>

**Passcode:** 764609

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 824 8646 7893 and Passcode: 764609. Written comments can also be provided for the public comment section to [planningcommission@deschutes.org](mailto:planningcommission@deschutes.org) by 5:00 p.m. on June 27. They will be entered into the record.

### I. CALL TO ORDER

### II. PUBLIC COMMENT

### III. ACTION ITEMS

- [1.](#) Public Hearing: Mini-Storage in the MUA-10 Zone Adjacent to Hwy 97 (*Nicole Mardell, Senior Planner*)

### IV. PLANNING COMMISSION AND STAFF COMMENTS

### V. ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.

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## MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Nicole Mardell, AICP, Senior Planner  
Will Groves, Planning Manager

**DATE:** June 20, 2024

**SUBJECT:** Public Hearing: Mini-Storage in MUA-10 Zone Adjacent to Hwy 97

The Planning Commission will conduct a public hearing to gather testimony on this proposal on June 27, 2024, at 5:30 pm in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend and virtually via zoom. The proposal is an applicant-initiated text amendment to allow mini-storage as a conditional use on certain MUA-10 properties adjacent to State Highway 97 (file no. 247-23-000732-TA).

All record materials can be found on the project website: <http://www.deschutes.org/Hwy97Storage>.

Staff notes that there is a similar, but separate proposal related to mini-storage along Highway 20 (247-24-000044-TA) submitted by Eastside Bend LLC that is currently under review. The applications are not related.

### I. BACKGROUND

In October 2023, the applicant Schwabe, Williamson, and Wyatt, applied for a legislative amendment related to mini-storage in the Multiple Use Agricultural – 10 Acre Minimum (MUA-10) zone. The applicant submittal revised application materials in November 2023 and May 2024. The proposed amendments would add self-storage as a conditional use in the zone, if the following siting criteria are met:

- The property is at least 10 acres in size and no greater than 30 acres in size
  - (multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section);
- Adjacent to State Highway 97; and
- Within 2,500 feet of an urban growth boundary (UGB).

In addition to these siting criteria, the applicant is proposing mini-storage as a conditional

use in the zone, which includes additional requirements including standards for landscaping and outdoor lighting. These conditions are discussed in greater detail below.

## II. PROPOSAL

Staff has provided the applicant's proposed amendments to DCC Sections 18.32 in Attachment A. The applicant provided several iterations of the proposal, ultimately leading to the proposal to allow mini-storage as a conditional use and subject to the standards noted above. The applicant has provided findings (included as Attachment B) which summarize the amendments and provides analysis of the Statewide Planning Goals, applicable policies of the Deschutes County Comprehensive Plan, and relevant state law.

Staff estimates the following properties would be eligible for the use based on the siting criteria provided by the applicant. Staff notes that one of the criteria allows for multiple contiguous properties to be combined to meet the acreage requirements in the siting criteria, which could potentially allow for additional properties to be eligible. Additionally, additional properties could become eligible if they were rezoned to MUA-10 or if a UGB were to expand.

- 26 properties north of the City of Bend's UGB
- 13 properties south of the City of Redmond's UGB
- 11 properties north of the City of Redmond's UGB

These properties are also highlighted on the maps in Attachment C.

## III. MINI-STORAGE IN OTHER ZONES

Mini-storage is defined in the Deschutes County Code as "*commercial development of multiple storage units for rental to the public*".<sup>1</sup> The table below summarizes the existing zones in which the use is allowed and related siting standards or requirements. The specific code requirements are included in detail as attachment E.

Zone	Standards / Requirements
Terrebonne Commercial (TeC)	Conditional use, limited to buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, vehicles, or products.
Terrebonne Commercial - Rural (TeCR)	Conditional use, limited to buildings not exceeding 10,000 square feet of floor space. Additional compatibility, traffic, and parking requirements.
Tumalo Industrial (Tul)	Allowed subject to site plan review, not to exceed 40,000 square feet of floor area. 50-foot setback from residential properties. Maximum 45-foot height adjacent to residential properties. Design and compatibility criteria.

<sup>1</sup> 18.04 Definitions

Sunriver Business Park (SUBP)	Conditional use, limited to buildings not exceeding 20,000 square feet of floor area. Additional limitations related to traffic and screening. Additional setbacks required when adjacent to residential uses.
Rural Commercial (RC)	Conditional use, limited to 2,500 square feet in Spring River, 35,000 square feet in other RC zoned areas. Additional setbacks required when adjacent to farm and forest land.
Rural Industrial (RI)	Conditional use, limited to 7,500 square feet. Requirements related to traffic, parking, ingress/egress, screening, hours of operation. Additional setbacks required when adjacent to residential uses.

With the exception of the Tumalo Industrial zone, mini-storage is generally allowed through a conditional use permit in Deschutes County. Although each zone applies specific standards, the following are required for all mini-storage facilities allowed conditionally.

**Deschutes County Code – Title 18 County Zoning**  
**Chapter 18.128 Conditional Use**

*18.128.300 Mini-Storage Facility*

- A. *Each individual space for rent or sale shall be less than 1,000 square feet.*
- B. *Mini-storage shall be limited to dead storage. Outside storage shall be limited to boats, recreational vehicles and similar vehicles placed within designated spaces on an all-weather surfaced area which is surrounded by a sight-obscuring fence at least six feet in height.*
- C. *Yards shall be permanently landscaped.*
- D. *Yard dimensions adjacent to residential zones shall be the same as required yards within the residential zone.*
- E. *Parking shall be provided for office space associated with the mini-storage facility at one (1) space for every 300 square feet of office space. A minimum of two (2) parking spaces shall be provided for all mini-storage facilities regardless of office size.*
- F. *All structures shall be fenced and visually screened.*
- G. *Traffic lanes shall be 12 feet wide with an additional 10-foot parking lane, except where the traffic lane does not serve the storage units. All areas provided for vehicle access, parking and movement shall be improved to minimum public road standards.*
- H. *A residence for a caretaker or 24-hour on-site manager is permitted.*
- I. *There shall be only one access from each adjacent street.*
- J. *Outside lighting, including shading to prevent glare on adjacent properties, may be required for safety and security purposes.*

The criteria above are focused on ingress, egress, characteristics of the use, and screening. General standards pertaining to conditional uses also require the proposal to demonstrate that the site is suitable for the proposed use and compatible with existing and projected uses on surrounding properties.

#### IV. PLANNING COMMISSION WORK SESSION

The Planning Commission held a work session on June 13, 2024<sup>2</sup>. Commissioners requested the applicant address the following questions during their public hearing presentation:

- Why did the applicant pursue a text amendment instead of rezoning property to RI or RC in which mini-storage is already conditionally permitted?
- How many properties on the eligibility map are owned by the applicant?
- What is the vacancy rate for existing mini-storage in Deschutes County? Could the applicant provide some statistics or market data discussing the need for additional units in Deschutes County or near City of Bend?
- What is the maximum build out scenario for mini-storage under these criteria? Maximum number of units or dead storage (RVs/Boats/etc.) that could be placed on the eligible properties?
- Could the applicant clarify how the use is rural in nature when unincorporated community districts have more extensive criteria to regulate the use as part of Goal 14 compliance? E.g. square footage limitations, additional setbacks from residential properties, traffic and parking requirements.
- Why were the specific criteria chosen – the parcel sizes, location along Hwy 97, and the proximity to the UGB? Why not expand the criteria to include other properties?
- Does the applicant have any concerns with limiting access to one street as part of this process as currently required by 18.128.300(I) or any desire to expand scope to revise any of the existing conditional use criteria for mini-storage?
- How do other jurisdictions regulate mini-storage in residential zones?
- How will visual impacts from Highway 97 / neighboring properties be mitigated?

Staff has shared these questions with the applicant team, and they will address them during the public hearing. The commission also requested the number of existing mini-storage developments in the rural county and the number of associated caretaker residences. Staff is analyzing that information and will provide it during the public hearing.

#### V. AGENCY AND PUBLIC COMMENT

Staff has received two agency comments to date. The City of Redmond expressed concern regarding properties that may be eligible for the proposed text amendment that are in the Redmond Urban Reserve Area (RURA) as shown in Attachment D. This area is intended to be

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<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-49>

an urban holding zone and identifies priority lands for future urban growth boundary expansions. The City of Redmond has requested that the applicant provide additional analysis noting how the amendment compiles with the City and County's Joint Management Agreement for these lands, or simply remove them from eligibility in the proposed amendment. The applicant will provide more information on this item during the public hearing.

Oregon Department of Transportation (ODOT) provided comments requesting the applicant address the Transportation Planning Rule in their Goal 12 findings. The agency also requested the applicant provide a trip generation estimate for the proposed use.

No public comments have been received to date.

## **VI. NEXT STEPS**

At the conclusion of the public hearing, the Planning Commission may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain;
- Close the hearing and set a date for deliberations; or
- Close the hearing and commence deliberations.

Attachments:

- A. Proposed Text Amendments – DCC Chapters 18.32
- B. Proposed Findings
- C. Eligible Property Map
- D. Redmond Urban Reserve Area Property Map
- E. Code Excerpts – Existing Requirements for Mini-Storage in Specific Zones

## Attachment 1: Proposed Text Amendments

### Chapter 18.32 Multiple Use Agricultural Zone; MUA-10

#### 18.32.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. A disposal site which includes a land disposal site for which they Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- R. Time share unit or the creation thereof.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.



- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- W. Religious institutions or assemblies, subject to DCC 18.124 and 18.128.080.
- X. Private or public schools, including all buildings essential to the operation of such a school.
- Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- AB. Horse events, including associated structures, not allowed as a permitted use in this zone.
- AC. Manufactured home park or recreational vehicle park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL 15 in 1979 and being operated as of June 12, 1996, as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.
- AE. A new manufactured home/recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(8)(g) that:
- a. Is on property adjacent to an existing manufactured home/recreational vehicle park;
  - b. Is adjacent to the City of Bend Urban Growth Boundary; and
  - c. Has no more than 10 dwelling units.
- AE. The full or partial conversion from a manufactured home park or recreational vehicle park described in DCC 18.32.030 (CC) to a manufactured home park or recreational vehicle park on the same parcel, as configured on June 12 1996.
- AF. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- AG. Guest lodge.
- AH. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- AI. Mini-storage facilities, including watercraft, and RV storage. Mini-storage facilities are allowed on parcels that are:
- a. Within 2,500 feet of an urban growth boundary;
  - b. Adjacent to State Highway 97; and
  - a-c. A minimum of 10 acres in size and not to exceed 30 acres in size. Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [80-206](#) §3 on 10/13/1980*

*Amended by Ord. [83-033](#) §2 on 6/15/1983*

*Amended by Ord. [86-018](#) §7 on 6/30/1986*

*Amended by Ord. [90-014](#) §§27 and 35 on 7/12/1990*

*Amended by Ord. [91-002](#) §7 on 2/6/1991*

Amended by Ord. [91-005](#) §§19 and 20 on 3/4/1991  
Amended by Ord. [91-020](#) §1 on 5/29/1991  
Amended by Ord. [91-038](#) §1 on 9/30/1991  
Amended by Ord. [92-055](#) §2 on 8/17/1992  
Amended by Ord. [93-043](#) §§4A and B on 8/25/1993  
Amended by Ord. [94-008](#) §11 on 6/8/1994  
Amended by Ord. [94-053](#) §2 on 12/7/1994  
Amended by Ord. [96-038](#) §1 on 6/12/1996  
Amended by Ord. [97-017](#) §2 on 3/12/1997  
Amended by Ord. [97-029](#) §2 on 5/14/1997  
Amended by Ord. [97-063](#) §3 on 11/12/1997  
Amended by Ord. [2001-016](#) §2 on 3/28/2001  
Amended by Ord. [2001-039](#) §2 on 12/12/2001  
Amended by Ord. [2004-002](#) §4 on 4/28/2004  
Amended by Ord. [2009-018](#) §1 on 11/5/2009  
Amended by Ord. [2015-002](#) §1 on 7/8/2015  
Amended by Ord. [2016-015](#) §3 on 7/1/2016  
Amended by Ord. [2020-001](#) §4 on 4/21/2020  
Amended by Ord. [2021-004](#) §2 on 5/27/2021  
Amended by Ord. [2021-013](#) §5 on 4/5/2022  
Amended by Ord. [2023-001](#) §4 on 5/30/2023



# Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

## PLAN/ZONE/TEXT AMENDMENT

<b>ZONE MAP AMENDMENT:</b> _____	<b>PLAN MAP AMENDMENT:</b> _____	<b>TEXT AMENDMENT:</b> <u>X</u>
<b>FEE:</b>	<b>FEE:</b>	<b>FEE:</b> \$7,659.00

Applicant's Name (print): Schwabe, Williamson & Wyatt (c/o Keenan Ordon-Bakalian) Phone: (503 ) 796-2470

Mailing Address: 360 SW Bond Street, Suite 500 City/State/Zip: Bend, Oregon 97702

Property Owner's Name (if different): \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Property Description: Township n/a Range n/a Section n/a Tax Lot n/a

Lot of Record? (state reason): \_\_\_\_\_

Current Zoning: n/a Proposed Zoning: n/a

Current Plan Designation: n/a Proposed Designation: n/a

Applicable State Goals: Goals 1-14 Exception Proposed? \_\_\_\_\_ Yes X No

Size of Affected Area: n/a Acres

### INSTRUCTIONS FOR COMPLETING THIS APPLICATION:

1. Complete this application form including the appropriate signatures. If color exhibits are submitted, black and white copies with captions or shading delineating the color areas shall also be provided.
2. Include a detailed statement describing the proposal and how it meets all requirements of the appropriate State rules and statutes, and County codes and Comprehensive Plan policies. Text amendment applications must include the proposed language and the basis for the change.
3. If multiple properties are involved in this application, then identify each property on a separate page and follow with the property owners' signatures.
4. Submit the correct application fee.
5. Submit a copy of the current deed(s) for the property(ies).

### A PRE-APPLICATION APPOINTMENT IS REQUIRED FOR ALL AMENDMENTS

Applicant's Signature:  Date: 10/18/2023

Property Owner's Signature (if different)\*: n/a Date: n/a

Agent's Name (if applicable): \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**\*If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached. By signing this application, the applicant understands and agrees that Deschutes County may require a deposit for hearings officers' fees prior to the application being deemed complete; and if the application is heard by a hearings officer, the applicant will be responsible for the actual costs of the hearings officer.**

**APPLICANT'S WRITTEN NARRATIVE  
TEXT AMENDMENT TO MULTIPLE USE AGRICULTURE ZONE**

**APPLICANT:** Schwabe, Williamson & Wyatt  
360 SW Bond St #500  
Bend, OR 97702

**ATTORNEY:** Kenneth Katzaroff  
Keenan Ordon-Bakalian  
Schwabe, Williamson & Wyatt  
1420 5<sup>th</sup> Ave, Suite 3400  
Seattle, WA 98101  
Phone: 206-405-1985  
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E-Mail: [Kordon-bakalian@schwabe.com](mailto:Kordon-bakalian@schwabe.com)

**SUBJECT PROPERTY:** Multiple Use Agriculture Zone

**ZONING:** Multiple Use Agriculture – MUA

**REQUEST:** Make certain amendments to Deschutes County's MUA Zone to allow self-storage in limited circumstances.

**I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

Deschutes County Code

Title 18, County Zoning  
Title 22, Deschutes County Development Procedures Ordinance  
Title 23, Deschutes County Comprehensive Plan

OAR 660, Division 15, the Statewide Planning Goals

**II. BASIC FINDINGS**

The applicant proposes the following legislative amendment to the text of Deschutes County Code (“DCC”) Title 18, Chapter 18.32, Multiple Use Agriculture Zone (“MUA”). The proposed change would permit mini-storage in limited portions of MUA-designated land within Deschutes County. The amendments would not remove text from the code, and would add the following text, indicated in **bold**:

**18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.

- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
1. Fewer than 10 riders;
  2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  3. More than 25 riders, no more than two times per year on nonconsecutive days.
- Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- K. Mini-storage facilities, including watercraft, and RV storage, subject to site plan review as provided in DCC 18.124. Mini-storage facilities are allowed on parcels that are:**
- 1. Within 2,500 feet of an urban growth boundary;**
  - 2. Adjacent to a state highway; and**
  - 3. A minimum of 10 acres in size and not to exceed 30 acres in size.**
- Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.**

### III. APPLICANT'S RESPONSE TO APPLICABLE STANDARDS AND CRITERIA:

Applicable approval criteria are listed below in italics. Applicant's responses follow.

#### A. COMPLIANCE WITH DCC TITLE 18 COUNTY ZONING

##### **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.*

**RESPONSE:** This is an application for a legislative text amendment to DCC Title 18, Chapter 18.32, MUA Zone. This is not an application for a quasi-judicial map amendment, as this text amendment will not alter the County's zoning map if it is approved. This application is subject to the standards and criteria set forth in DCC 22.12. DCC 22.12.010 and .040 require a public hearing before the Deschutes County Planning Commission (the "**Planning Commission**") and then the Board of County Commissioners for all legislative changes. DCC 22.12.020 sets forth the basic notice requirements for the hearings.

##### **18.136.040 Record of Amendments**

*All amendments to the text or map of DCC Title 18 shall be filed with the County Clerk.*

**RESPONSE:** Upon adoption, the proposed amendment will be filed with the County Clerk.

#### B. COMPLIANCE WITH DCC TITLE 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE

##### **DCC Chapter 22.12 Legislative Procedures**

##### Section 22.12.010 Hearing Required

*No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.*

**RESPONSE:** The proposed amendments will be reviewed by both the Planning Commission and Board of County Commissioners, and will include public hearings.

##### Section 22.12.020 Notice

##### *A. Published Notice.*

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.*

2. *The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.*

**RESPONSE:** This criterion will be met with notice to be published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' public hearing.

- B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.*

**RESPONSE:** Notice will be posted if determined to be necessary by the Planning Director.

- C. Individual Notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.*

**RESPONSE:** Individual notice will be sent at the discretion of the Planning Director. It is the applicant's position that because the proposed legislative text amendment does not apply to any specific property, individual notice is not required for this application. ORS 215.203 ("Measure 56 notice") is not applicable because this is an application for a legislative text amendment, not an action to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan. See ORS 215.203(3). As such, no property will have to be rezoned in order to comply with the amendment to DCC 18.32.020 if any adopting ordinance is approved.

- D. Media Notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.*

**RESPONSE:** Notice of proposed legislative changes will be published in Deschutes County newspapers.

#### Section 22.12.030 INITIATION OF LEGISLATIVE CHANGES

*A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of Commissioners or the Planning Commission.*

**RESPONSE:** Application fees will be paid upon filing of the application.

#### Section 22.12.040 HEARINGS BODY

- A. The following shall serve as hearings or review body for legislative changes in this order:*

- 1. The Planning Commission.*
- 2. The Board of County Commissioners.*

*B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.*

**RESPONSE:** The proposed legislative changes will be reviewed by both the Planning Commission and Board of County Commissioners.

Section 22.12.050 FINAL DECISION

*All legislative changes shall be adopted by ordinance.*

**RESPONSE:** The proposed legislative changes will be adopted by ordinance.

**D. DCC TITLE 23 DESCHUTES COUNTY COMPREHENSIVE PLAN**

The following provisions of Deschutes County's amended comprehensive plan set out goals or text that may be relevant to the County's review of this application. Other provisions of the plan do not apply.

Chapter 3: Rural Growth, Section 3.4: Rural Economy Policies

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

Policy 3.4.1: Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

a. Review land use regulations to identify legal and appropriate rural economic development opportunities.

**RESPONSE:** The proposed amendment is consistent with the County's mandate to review land use regulations to identify legal and appropriate economic development opportunities. This amendment provides a new rural economic development opportunity within specific areas of the MUA zone while maintaining the integrity of the rural character and natural environment by requiring site plan review and expressly limiting where in the MUA zone mini-storage facilities can be located.

The proposed amendment restricts the development of mini-storage facilities to parcels that are a minimum of 10 acres in size, and in close proximity to existing urban growth boundaries and state highways. The proposed restrictions on the location of mini-storage development in the MUA zone will maintain the integrity of the rural character and natural environment within the MUA zone.

Policy 3.4.2: Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.



**RESPONSE:** Allowing mini-storage development in certain areas of the MUA zone will support new and existing recreational and tourist initiatives in the area. Secure storage subject to site plan review is consistent with maintaining the integrity of the natural environment because it (1) reduces the visual impact of vehicles parked in residential or public spaces; and (2) serves to protect vehicles from the elements and reduces left-behind waste.

Policy 3.4.7: Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities.

**RESPONSE:** Approval of the subject application will allow for a new local-servicing commercial use (mini-storage) in higher-density rural communities located in close proximity to established urban growth boundaries and adjacent state highways.

Chapter 3: Rural Growth, Section 3.5: Natural Hazard Policies

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

**RESPONSE:** Allowing mini-storage in rural areas adjacent existing urban growth boundaries will further the County’s goal of protecting Deschutes County citizens’ property and the economy at large. Mini-storage facilities will provide rural residents the opportunity to protect the physical and economic integrity of their property.

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.*

**RESPONSE:** Mini-storage in MUA zone will be restricted to locations within 2,500 feet of an established urban growth boundary. Geographic proximity to urban growth boundaries will contribute to the orderly and efficient transition between urban and rural lands because storage facilities for recreational vehicles will promote rural recreation while limiting the non-farm commercial use of rural lands.

**E. STATEWIDE PLANNING GOALS AND GUIDELINES**

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.*

**RESPONSE:** The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments will be provided through notice of public hearings in the “Bend Bulletin” newspaper. The public hearing on this application will provide the opportunity for any resident to participate in the land use process. Goal 1 is met.

## Goal 2: Land Use Planning

*Part I – Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**RESPONSE:** Goals policies, and processes related to this application are included in the Deschutes County Comprehensive Plan, Title 23, and Deschutes County Code, Title 18 and Title 22. Compliance with these processes, policies, and regulations are documented within the subject application. Goal 2 is met.

## Goal 3: Agricultural Lands

*To preserve and maintain agricultural lands.*

**RESPONSE:** No lands will be rezoned as part of this application, furthering the purpose of Goal 3. MUA is not an exclusive farm use zone. Instead, the purpose of MUA zoned land is to “preserve the rural character of various areas of the county while permitting development consistent with that character ...” MUA zones allow for land that is “so committed to other types of uses that an exception to Statewide Planning Goal 3 (Agricultural Lands) was taken to allow other types of uses of such land.” *Moody v. Deschutes County*, 22 Or LUBA, 3 n.1 (1992). Goal 3 is met.

## 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.*

**RESPONSE:** The amendments do not propose to rezone or alter forest lands. Goal 4 is met.

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

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

**RESPONSE:** The amendments do not propose to change open spaces, scenic or historic areas, or natural resources. Goal 5 is met.

## Goal 6: Air, Water and Land Resources Quality

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

**RESPONSE:** The proposed text amendment will not impact the quality of the air, water, or land resources. Goal 6 is met.

Goal 7: Areas Subject to Natural Disasters and Hazards

*To protect people and property from natural hazards.*

**RESPONSE:** To the extent that lands in the MUA zone are in areas subject to natural disasters and hazards, the subject application will serve to mitigate the risk of harm from such disasters on the property of Deschutes County citizens. Providing for mini-storage in select areas of the MUA zone will provide rural residents with the opportunity to store and protect their property from natural hazards. Goal 7 is met.

Goal 8: Recreational Needs

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

**RESPONSE:** To the extent that Goal 8 is applicable to the subject application, providing for mini-storage on certain lands in the MUA zone will allow Deschutes County citizens and visitors to store recreational vehicles and other equipment, providing for ready access to state recreation sites within the County. Goal 8 is met.

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.*

**RESPONSE:** The proposed text amendment complies with Goal 9 because it will permit a new and varied economic activity within the MUA zone that will allow Oregon citizens an additional opportunity for prosperity.

Goal 10: Housing

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

**RESPONSE:** The subject application does not propose to change to housing. Goal 10 is met, to the extent it is applicable.

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.*

**RESPONSE:** The proposed text amendment will have no adverse effect on the provision of public facilities and services. Goal 11 is met.

### Goal 12: Transportation

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

**RESPONSE:** The proposed amendment will not impact transportation facilities within the County. To the extent this Goal is applicable, the subject application proposes to site mini-storage facilities adjacent state highways, providing for convenient access to mini-storage facilities in the rural area. Goal 12 is met.

### Goal 13: Energy Conservation

*To conserve energy.*

**RESPONSE:** The proposed amendment will have a *de minimis* effect on the provision of public facilities and services. To the extent Goal 13 is applicable, new mini-storage facilities developed in the MUA zone will be designed and constructed with best practices for the modern-day construction industry, including energy efficient design standards.

### Goal 14: Urbanization

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**RESPONSE:** Goal 14 concerns the provision of urban and rural land uses to ensure efficient use of land and livable communities. The proposed amendment does not amend an urban growth boundary, and mini-storage is permitted as a conditional use in the Rural-Industrial (“**R-I**”) zones. Like the MUA zone, the R-I zone serves rural communities. Storage is not exclusively an “urban use” and storage that targets recreational vehicles and equipment contributes to rural recreational opportunities. The subject application proposes to limit mini-storage to lands in the MUA zone that are located in close proximity to existing urban growth boundaries and adjacent state highways, thereby promoting an orderly and efficient transition from rural to urban land use. Goal 14 is met.

### Goals 15-19

**RESPONSE:** Goals 15 through 19 do not apply (Goal 15 Willamette River Greenway; Goal 16 Estuarine Resources; Goal 17 Coastal Shorelands; Goal 18 Beaches and Dunes; and Goal 19 Ocean Resources).



November 20, 2023

**Keenan Ordon-Bakalian**

Admitted in Oregon and Washington  
D: 503-796-2470  
kordon-bakalian@schwabe.com

VIA E-MAIL

Jacob Ripper  
Principal Planner  
Deschutes County  
117 NW Lafayette Avenue  
Bend, OR 97703

RE: ***Revision to Text Amendment Application No. 247-23-000732-TA***  
Our File No.: 136093-280105

Dear Jacob:

Our office is the applicant for the above-referenced Text Amendment Application (the “**Application**”). Submitted under the cover of this letter is an updated project narrative for the subject application, with a revision that narrows the scope of potential locations for mini-storage facilities in the MUA zone from “[a]djacent to a state highway” to “[a]djacent to State Highway 97.” The purpose of this change is to ensure an orderly and efficient transition from rural to urban land use, and to provide a new, local-serving commercial use in an area characterized by higher-density rural communities.

An updated project narrative reflecting this change is attached hereto as **Exhibit A**. For convenience, we have also provided a redline version of the project narrative that depicts the changes made between the original project narrative, and the revised project narrative. *See attached, Exhibit B*. We respectfully request that Deschutes County include the revised project narrative in the record for the application.

Thank you for your continued work on this application, and please do not hesitate to contact me with any questions.

Very truly yours,

Keenan Ordon-Bakalian  
Attorney

KOB  
Attachment

CC: Kenneth Katzaroff, Schwabe, Williamson & Wyatt  
Peter Gutowsky, Deschutes County

**APPLICANT’S WRITTEN NARRATIVE  
TEXT AMENDMENT TO MULTIPLE USE AGRICULTURE ZONE**

**APPLICANT:** Schwabe, Williamson & Wyatt  
360 SW Bond St #500  
Bend, OR 97702

**ATTORNEY:** Kenneth Katzaroff  
Keenan Ordon-Bakalian  
Schwabe, Williamson & Wyatt  
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**SUBJECT PROPERTY:** Multiple Use Agriculture Zone

**ZONING:** Multiple Use Agriculture – MUA

**REQUEST:** Make certain amendments to Deschutes County’s MUA Zone to allow self-storage in limited circumstances.

**I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

Deschutes County Code

Title 18, County Zoning  
Title 22, Deschutes County Development Procedures Ordinance  
Title 23, Deschutes County Comprehensive Plan

OAR 660, Division 15, the Statewide Planning Goals

**II. BASIC FINDINGS**

The applicant proposes the following legislative amendment to the text of Deschutes County Code (“DCC”) Title 18, Chapter 18.32, Multiple Use Agriculture Zone (“MUA”). The proposed change would permit mini-storage in limited portions of MUA-designated land within Deschutes County. The amendments would not remove text from the code, and would add the following text, indicated in **bold**:

**18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.

- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- K. **Mini-storage facilities, including watercraft, and RV storage, subject to site plan review as provided in DCC 18.124. Mini-storage facilities are allowed on parcels that are:**
  - 1. **Within 2,500 feet of an urban growth boundary;**
  - 2. **Adjacent to State Highway 97; and**
  - 3. **A minimum of 10 acres in size and not to exceed 30 acres in size.****Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.**

**III. APPLICANT'S RESPONSE TO APPLICABLE STANDARDS AND CRITERIA:**

Applicable approval criteria are listed below in italics. Applicant's responses follow.

**A. COMPLIANCE WITH DCC TITLE 18 COUNTY ZONING**

**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.*

**RESPONSE:** This is an application for a legislative text amendment to DCC Title 18, Chapter 18.32, MUA Zone. This is not an application for a quasi-judicial map amendment, as this text amendment will not alter the County's zoning map if it is approved. This application is subject to the standards and criteria set forth in DCC 22.12. DCC 22.12.010 and .040 require a public hearing before the Deschutes County Planning Commission (the "**Planning Commission**") and then the Board of County Commissioners for all legislative changes. DCC 22.12.020 sets forth the basic notice requirements for the hearings.

**18.136.040 Record of Amendments**

*All amendments to the text or map of DCC Title 18 shall be filed with the County Clerk.*

**RESPONSE:** Upon adoption, the proposed amendment will be filed with the County Clerk.

**B. COMPLIANCE WITH DCC TITLE 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE**

**DCC Chapter 22.12 Legislative Procedures**

Section 22.12.010 Hearing Required

*No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.*

**RESPONSE:** The proposed amendments will be reviewed by both the Planning Commission and Board of County Commissioners, and will include public hearings.

Section 22.12.020 Notice

*A. Published Notice.*

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.*



2. *The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.*

**RESPONSE:** This criterion will be met with notice to be published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' public hearing.

- B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.*

**RESPONSE:** Notice will be posted if determined to be necessary by the Planning Director.

- C. Individual Notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.*

**RESPONSE:** Individual notice will be sent at the discretion of the Planning Director. It is the applicant's position that because the proposed legislative text amendment does not apply to any specific property, individual notice is not required for this application. ORS 215.203 ("Measure 56 notice") is not applicable because this is an application for a legislative text amendment, not an action to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan. See ORS 215.203(3). As such, no property will have to be rezoned in order to comply with the amendment to DCC 18.32.020 if any adopting ordinance is approved.

- D. Media Notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.*

**RESPONSE:** Notice of proposed legislative changes will be published in Deschutes County newspapers.

#### Section 22.12.030 INITIATION OF LEGISLATIVE CHANGES

*A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of Commissioners or the Planning Commission.*

**RESPONSE:** Application fees will be paid upon filing of the application.

#### Section 22.12.040 HEARINGS BODY

*A. The following shall serve as hearings or review body for legislative changes in this order:*

- 1. The Planning Commission.*
- 2. The Board of County Commissioners.*

*B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.*

**RESPONSE:** The proposed legislative changes will be reviewed by both the Planning Commission and Board of County Commissioners.

Section 22.12.050 FINAL DECISION

*All legislative changes shall be adopted by ordinance.*

**RESPONSE:** The proposed legislative changes will be adopted by ordinance.

**D. DCC TITLE 23 DESCHUTES COUNTY COMPREHENSIVE PLAN**

The following provisions of Deschutes County’s amended comprehensive plan set out goals or text that may be relevant to the County’s review of this application. Other provisions of the plan do not apply.

Chapter 3: Rural Growth, Section 3.4: Rural Economy Policies

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

Policy 3.4.1: Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

- a. Review land use regulations to identify legal and appropriate rural economic development opportunities.

**RESPONSE:** The proposed amendment is consistent with the County’s mandate to review land use regulations to identify legal and appropriate economic development opportunities. This amendment provides a new rural economic development opportunity within specific areas of the MUA zone while maintaining the integrity of the rural character and natural environment by requiring site plan review and expressly limiting where in the MUA zone mini-storage facilities can be located.

The proposed amendment restricts the development of mini-storage facilities to parcels that are a minimum of 10 acres in size, and in close proximity to existing urban growth boundaries and State Highway 97. The proposed restrictions on the location of mini-storage development in the MUA zone will maintain the integrity of the rural character and natural environment within the MUA zone.

Policy 3.4.2: Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.

**RESPONSE:** Allowing mini-storage development in certain areas of the MUA zone will support new and existing recreational and tourist initiatives in the area. Secure storage subject to site plan review is consistent with maintaining the integrity of the natural environment because it (1) reduces the visual impact of vehicles parked in residential or public spaces; and (2) serves to protect vehicles from the elements and reduces left-behind waste.

Policy 3.4.7: Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities.

**RESPONSE:** Approval of the subject application will allow for a new local-servicing commercial use (mini-storage) in higher-density rural communities located in close proximity to established urban growth boundaries and adjacent State Highway 97.

Chapter 3: Rural Growth, Section 3.5: Natural Hazard Policies

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

**RESPONSE:** Allowing mini-storage in rural areas adjacent existing urban growth boundaries will further the County’s goal of protecting Deschutes County citizens’ property and the economy at large. Mini-storage facilities will provide rural residents the opportunity to protect the physical and economic integrity of their property.

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.*

**RESPONSE:** Mini-storage in MUA zone will be restricted to locations within 2,500 feet of an established urban growth boundary. Geographic proximity to urban growth boundaries will contribute to the orderly and efficient transition between urban and rural lands because storage facilities for recreational vehicles will promote rural recreation while limiting the non-farm commercial use of rural lands.

**E. STATEWIDE PLANNING GOALS AND GUIDELINES**

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.*

**RESPONSE:** The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments will be provided through notice of public hearings in the “Bend Bulletin” newspaper. The public hearing on this application will provide the opportunity for any resident to participate in the land use process. Goal 1 is met.

Goal 2: Land Use Planning

*Part I – Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**RESPONSE:** Goals policies, and processes related to this application are included in the Deschutes County Comprehensive Plan, Title 23, and Deschutes County Code, Title 18 and Title 22. Compliance with these processes, policies, and regulations are documented within the subject application. Goal 2 is met.

Goal 3: Agricultural Lands

*To preserve and maintain agricultural lands.*

**RESPONSE:** No lands will be rezoned as part of this application, furthering the purpose of Goal 3. MUA is not an exclusive farm use zone. Instead, the purpose of MUA zoned land is to “preserve the rural character of various areas of the county while permitting development consistent with that character ...” MUA zones allow for land that is “so committed to other types of uses that an exception to Statewide Planning Goal 3 (Agricultural Lands) was taken to allow other types of uses of such land.” *Moody v. Deschutes County*, 22 Or LUBA, 3 n.1 (1992). Goal 3 is met.

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.*

**RESPONSE:** The amendments do not propose to rezone or alter forest lands. Goal 4 is met.

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

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

**RESPONSE:** The amendments do not propose to change open spaces, scenic or historic areas, or natural resources. Goal 5 is met.

Goal 6: Air, Water and Land Resources Quality

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

**RESPONSE:** The proposed text amendment will not impact the quality of the air, water, or land resources. Goal 6 is met.

Goal 7: Areas Subject to Natural Disasters and Hazards

*To protect people and property from natural hazards.*

**RESPONSE:** To the extent that lands in the MUA zone are in areas subject to natural disasters and hazards, the subject application will serve to mitigate the risk of harm from such disasters on the property of Deschutes County citizens. Providing for mini-storage in select areas of the MUA zone will provide rural residents with the opportunity to store and protect their property from natural hazards. Goal 7 is met.

Goal 8: Recreational Needs

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

**RESPONSE:** To the extent that Goal 8 is applicable to the subject application, providing for mini-storage on certain lands in the MUA zone will allow Deschutes County citizens and visitors to store recreational vehicles and other equipment, providing for ready access to state recreation sites within the County. Goal 8 is met.

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.*

**RESPONSE:** The proposed text amendment complies with Goal 9 because it will permit a new and varied economic activity within the MUA zone that will allow Oregon citizens an additional opportunity for prosperity.

Goal 10: Housing

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

**RESPONSE:** The subject application does not propose to change to housing. Goal 10 is met, to the extent it is applicable.

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.*

**RESPONSE:** The proposed text amendment will have no adverse effect on the provision of public facilities and services. Goal 11 is met.

Goal 12: Transportation

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

**RESPONSE:** The proposed amendment will not impact transportation facilities within the County. To the extent this Goal is applicable, the subject application proposes to site mini-storage facilities adjacent State Highway 97, providing for convenient access to mini-storage facilities in the rural area. Goal 12 is met.

Goal 13: Energy Conservation

*To conserve energy.*

**RESPONSE:** The proposed amendment will have a *de minimis* effect on the provision of public facilities and services. To the extent Goal 13 is applicable, new mini-storage facilities developed in the MUA zone will be designed and constructed with best practices for the modern-day construction industry, including energy efficient design standards.

Goal 14: Urbanization

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**RESPONSE:** Goal 14 concerns the provision of urban and rural land uses to ensure efficient use of land and livable communities. The proposed amendment does not amend an urban growth boundary, and mini-storage is permitted as a conditional use in the Rural-Industrial (“**R-I**”) zones. Like the MUA zone, the R-I zone serves rural communities. Storage is not exclusively an “urban use” and storage that targets recreational vehicles and equipment contributes to rural recreational opportunities. The subject application proposes to limit mini-storage to lands in the MUA zone that are located in close proximity to existing urban growth boundaries and adjacent State Highway 97, thereby promoting an orderly and efficient transition from rural to urban land use. Goal 14 is met.

Goals 15-19

**RESPONSE:** Goals 15 through 19 do not apply (Goal 15 Willamette River Greenway; Goal 16 Estuarine Resources; Goal 17 Coastal Shorelands; Goal 18 Beaches and Dunes; and Goal 19 Ocean Resources).

**APPLICANT'S WRITTEN NARRATIVE  
TEXT AMENDMENT TO MULTIPLE USE AGRICULTURE ZONE**

**APPLICANT:** Schwabe, Williamson & Wyatt  
360 SW Bond St #500  
Bend, OR 97702

**ATTORNEY:** Kenneth Katzaroff  
Keenan Ordon-Bakalian  
Schwabe, Williamson & Wyatt  
1420 5<sup>th</sup> Ave, Suite 3400  
Seattle, WA 98101  
Phone: 206-405-1985  
E-Mail: KKatzaroff@SCHWABE.com  
E-Mail: Kordon-bakalian@schwabe.com

**SUBJECT PROPERTY:** Multiple Use Agriculture Zone

**ZONING:** Multiple Use Agriculture – MUA

**REQUEST:** Make certain amendments to Deschutes County's MUA Zone to allow self-storage in limited circumstances.

**I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

Deschutes County Code

Title 18, County Zoning  
Title 22, Deschutes County Development Procedures Ordinance  
Title 23, Deschutes County Comprehensive Plan

OAR 660, Division 15, the Statewide Planning Goals

**II. BASIC FINDINGS**

The applicant proposes the following legislative amendment to the text of Deschutes County Code (“DCC”) Title 18, Chapter 18.32, Multiple Use Agriculture Zone (“MUA”). The proposed change would permit mini-storage in limited portions of MUA-designated land within Deschutes County. The amendments would not remove text from the code, and would add the following text, indicated in **bold**:

**18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

A. Agricultural uses as defined in DCC Title 18.

- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
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- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
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  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- K. **Mini-storage facilities, including watercraft, and RV storage, subject to site plan review as provided in DCC 18.124. Mini-storage facilities are allowed on parcels that are:**
  - 1. **Within 2,500 feet of an urban growth boundary;**
  - 2. **Adjacent to ~~a state highway~~State Highway 97; and**



3. **A minimum of 10 acres in size and not to exceed 30 acres in size. Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.**

**III. APPLICANT’S RESPONSE TO APPLICABLE STANDARDS AND CRITERIA:**

Applicable approval criteria are listed below in italics. Applicant’s responses follow.

**A. COMPLIANCE WITH DCC TITLE 18 COUNTY ZONING**

**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.*

**RESPONSE:** This is an application for a legislative text amendment to DCC Title 18, Chapter 18.32, MUA Zone. This is not an application for a quasi-judicial map amendment, as this text amendment will not alter the County’s zoning map if it is approved. This application is subject to the standards and criteria set forth in DCC 22.12. DCC 22.12.010 and .040 require a public hearing before the Deschutes County Planning Commission (the “**Planning Commission**”) and then the Board of County Commissioners for all legislative changes. DCC 22.12.020 sets forth the basic notice requirements for the hearings.

**18.136.040 Record of Amendments**

*All amendments to the text or map of DCC Title 18 shall be filed with the County Clerk.*

**RESPONSE:** Upon adoption, the proposed amendment will be filed with the County Clerk.

**B. COMPLIANCE WITH DCC TITLE 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE**

**DCC Chapter 22.12 Legislative Procedures**

Section 22.12.010 Hearing Required

*No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.*

**RESPONSE:** The proposed amendments will be reviewed by both the Planning Commission and Board of County Commissioners, and will include public hearings.

Section 22.12.020 Notice

*A. Published Notice.*

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.*
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.*

**RESPONSE:** This criterion will be met with notice to be published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' public hearing.

*B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.*

**RESPONSE:** Notice will be posted if determined to be necessary by the Planning Director.

*C. Individual Notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.*

**RESPONSE:** Individual notice will be sent at the discretion of the Planning Director. It is the applicant's position that because the proposed legislative text amendment does not apply to any specific property, individual notice is not required for this application. ORS 215.203 ("Measure 56 notice") is not applicable because this is an application for a legislative text amendment, not an action to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan. See ORS 215.203(3). As such, no property will have to be rezoned in order to comply with the amendment to DCC 18.32.020 if any adopting ordinance is approved.

*D. Media Notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.*

**RESPONSE:** Notice of proposed legislative changes will be published in Deschutes County newspapers.

Section 22.12.030 INITIATION OF LEGISLATIVE CHANGES

*A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of Commissioners or the Planning Commission.*

**RESPONSE:** Application fees will be paid upon filing of the application.

Section 22.12.040 HEARINGS BODY

*A. The following shall serve as hearings or review body for legislative changes in this order:*

- 1. The Planning Commission.*
- 2. The Board of County Commissioners.*

*B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.*

**RESPONSE:** The proposed legislative changes will be reviewed by both the Planning Commission and Board of County Commissioners.

Section 22.12.050 FINAL DECISION

*All legislative changes shall be adopted by ordinance.*

**RESPONSE:** The proposed legislative changes will be adopted by ordinance.

**D. DCC TITLE 23 DESCHUTES COUNTY COMPREHENSIVE PLAN**

The following provisions of Deschutes County's amended comprehensive plan set out goals or text that may be relevant to the County's review of this application. Other provisions of the plan do not apply.

Chapter 3: Rural Growth, Section 3.4: Rural Economy Policies

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

Policy 3.4.1: Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

- a. Review land use regulations to identify legal and appropriate rural economic development opportunities.

**RESPONSE:** The proposed amendment is consistent with the County's mandate to review land use regulations to identify legal and appropriate economic development opportunities. This amendment provides a new rural economic development opportunity within specific areas of the MUA zone while maintaining the integrity of the rural character and natural environment by

requiring site plan review and expressly limiting where in the MUA zone mini-storage facilities can be located.

The proposed amendment restricts the development of mini-storage facilities to parcels that are a minimum of 10 acres in size, and in close proximity to existing urban growth boundaries and ~~state highways~~[State Highway 97](#). The proposed restrictions on the location of mini-storage development in the MUA zone will maintain the integrity of the rural character and natural environment within the MUA zone.

Policy 3.4.2: Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.

**RESPONSE:** Allowing mini-storage development in certain areas of the MUA zone will support new and existing recreational and tourist initiatives in the area. Secure storage subject to site plan review is consistent with maintaining the integrity of the natural environment because it (1) reduces the visual impact of vehicles parked in residential or public spaces; and (2) serves to protect vehicles from the elements and reduces left-behind waste.

Policy 3.4.7: Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities.

**RESPONSE:** Approval of the subject application will allow for a new local-servicing commercial use (mini-storage) in higher-density rural communities located in close proximity to established urban growth boundaries and adjacent ~~state highways~~[State Highway 97](#).

#### Chapter 3: Rural Growth, Section 3.5: Natural Hazard Policies

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

**RESPONSE:** Allowing mini-storage in rural areas adjacent existing urban growth boundaries will further the County's goal of protecting Deschutes County citizens' property and the economy at large. Mini-storage facilities will provide rural residents the opportunity to protect the physical and economic integrity of their property.

#### 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.*

**RESPONSE:** Mini-storage in MUA zone will be restricted to locations within 2,500 feet of an established urban growth boundary. Geographic proximity to urban growth boundaries will contribute to the orderly and efficient transition between urban and rural lands because storage facilities for recreational vehicles will promote rural recreation while limiting the non-farm commercial use of rural lands.

## **E. STATEWIDE PLANNING GOALS AND GUIDELINES**

### **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.*

**RESPONSE:** The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments will be provided through notice of public hearings in the “Bend Bulletin” newspaper. The public hearing on this application will provide the opportunity for any resident to participate in the land use process. Goal 1 is met.

### **Goal 2: Land Use Planning**

*Part I – Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**RESPONSE:** Goals policies, and processes related to this application are included in the Deschutes County Comprehensive Plan, Title 23, and Deschutes County Code, Title 18 and Title 22. Compliance with these processes, policies, and regulations are documented within the subject application. Goal 2 is met.

### **Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

**RESPONSE:** No lands will be rezoned as part of this application, furthering the purpose of Goal 3. MUA is not an exclusive farm use zone. Instead, the purpose of MUA zoned land is to “preserve the rural character of various areas of the county while permitting development consistent with that character ...” MUA zones allow for land that is “so committed to other types of uses that an exception to Statewide Planning Goal 3 (Agricultural Lands) was taken to allow other types of uses of such land.” *Moody v. Deschutes County*, 22 Or LUBA, 3 n.1 (1992). Goal 3 is met.

### **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.*

**RESPONSE:** The amendments do not propose to rezone or alter forest lands. Goal 4 is met.

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

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

**RESPONSE:** The amendments do not propose to change open spaces, scenic or historic areas, or natural resources. Goal 5 is met.

Goal 6: Air, Water and Land Resources Quality

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

**RESPONSE:** The proposed text amendment will not impact the quality of the air, water, or land resources. Goal 6 is met.

Goal 7: Areas Subject to Natural Disasters and Hazards

*To protect people and property from natural hazards.*

**RESPONSE:** To the extent that lands in the MUA zone are in areas subject to natural disasters and hazards, the subject application will serve to mitigate the risk of harm from such disasters on the property of Deschutes County citizens. Providing for mini-storage in select areas of the MUA zone will provide rural residents with the opportunity to store and protect their property from natural hazards. Goal 7 is met.

Goal 8: Recreational Needs

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

**RESPONSE:** To the extent that Goal 8 is applicable to the subject application, providing for mini-storage on certain lands in the MUA zone will allow Deschutes County citizens and visitors to store recreational vehicles and other equipment, providing for ready access to state recreation sites within the County. Goal 8 is met.

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.*

**RESPONSE:** The proposed text amendment complies with Goal 9 because it will permit a new and varied economic activity within the MUA zone that will allow Oregon citizens an additional opportunity for prosperity.

Goal 10: Housing

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

**RESPONSE:** The subject application does not propose to change to housing. Goal 10 is met, to the extent it is applicable.

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.*

**RESPONSE:** The proposed text amendment will have no adverse effect on the provision of public facilities and services. Goal 11 is met.

Goal 12: Transportation

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

**RESPONSE:** The proposed amendment will not impact transportation facilities within the County. To the extent this Goal is applicable, the subject application proposes to site mini-storage facilities adjacent ~~state highways~~ [State Highway 97](#), providing for convenient access to mini-storage facilities in the rural area. Goal 12 is met.

Goal 13: Energy Conservation

*To conserve energy.*

**RESPONSE:** The proposed amendment will have a *de minimis* effect on the provision of public facilities and services. To the extent Goal 13 is applicable, new mini-storage facilities developed in the MUA zone will be designed and constructed with best practices for the modern-day construction industry, including energy efficient design standards.

Goal 14: Urbanization

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**RESPONSE:** Goal 14 concerns the provision of urban and rural land uses to ensure efficient use of land and livable communities. The proposed amendment does not amend an urban growth boundary, and mini-storage is permitted as a conditional use in the Rural-Industrial (“**R-I**”) zones. Like the MUA zone, the R-I zone serves rural communities. Storage is not exclusively an “urban use” and storage that targets recreational vehicles and equipment contributes to rural recreational opportunities. The subject application proposes to limit mini-storage to lands in the MUA zone that are located in close proximity to existing urban growth boundaries and adjacent

~~state highways~~ [State Highway 97](#), thereby promoting an orderly and efficient transition from rural to urban land use. Goal 14 is met.

Goals 15-19

**RESPONSE:** Goals 15 through 19 do not apply (Goal 15 Willamette River Greenway; Goal 16 Estuarine Resources; Goal 17 Coastal Shorelands; Goal 18 Beaches and Dunes; and Goal 19 Ocean Resources).



<b>Summary report:</b>	
<b>Litera Compare for Word 11.6.0.100 Document comparison done on 11/20/2023 4:06:50 PM</b>	
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<b>Intelligent Table Comparison:</b> Active	
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<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>12</b>



May 2, 2024

**Kenneth Katzaroff**  
Admitted in Washington and  
Oregon  
D: 206-405-1985  
C: 206-755-2011  
KKatzaroff@SCHWABE.com

Nicole Mardell  
Senior Planner  
Deschutes County Planning Department  
Community Development Building  
117 NW Lafayette Avenue  
Bend, OR 97703

RE: Text Amendment  
Our File No.: 136093-280105

Dear Nicole:

As you know, our firm is the applicant (“Applicant”) in application No. 247-23-000732-TA. This letter provides additional information and requests that a hearing be scheduled to consider the matter.

1. Conditional Use of Self Storage, including Boat and RV Storage

Applicant’s proposal originally requested that the proposed uses be permitted outright, subject only to site plan review. Through conversations with planning staff, Applicant requests that the proposed uses instead be conditional uses, subject to site plan review and DCC 18.128.300.

2. ESEE Analysis

Applicant has prepared an ESEE Analysis which is attached as Exhibit A to this letter.

3. Conclusion

Applicant is happy to provide any additional information as may be reasonably requested. Applicant also respectfully requests that a hearing be scheduled to consider the application.

Nicole Mardell  
May 2, 2024

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.

  
Kenneth Katzaroff

JKKA:aks

## ESEE Analysis for Text Amendment

### 1.1 Scope of Proposal

The Applicant is proposing a legislative amendment to Title 18, Chapter 18.32 (Multiple Use Agricultural Zone; MUA) of the Deschutes County Code (DCC) that would designate mini-storage uses, including watercraft and RV storage, as a conditionally allowed use within the Multiple Use Agricultural Zone (MUA). The proposed text amendment would have the effect of allowing mini-storage on parcels that are:

- Zoned MUA;
- At least 10 acres in size and no greater than 30 acres in size. Multiple contiguous parcels may be considered in the aggregate to meet this requirement.
- Adjacent to State Highway 97 (“Hwy 97”); and
- Within 2,500 feet of an urban growth boundary (UGB).

Given the proposed use would be allowed on certain parcels adjacent to Hwy 97, the use would be subject to DCC 18.84, Landscape Management Combining Zone (LM), which applies to all areas within one-fourth mile of the centerline of roads identified as landscape management corridors in the Deschutes County Comprehensive Plan (Comprehensive Plan). Per DCC 18.84.010, the purpose of the LM zone is to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers, or streams.

Because the proposed legislative amendment to DCC 18.32 requires a post-acknowledgement plan amendment (PAPA), which would have the effect of allowing a new use (mini-storage) that could be conflicting with a Goal 5 resource on the County’s acknowledged Goal 5 inventory (scenic views from Hwy 97), Oregon Administrative Rule (OAR) 660-023-0250 requires an Environmental, Social, Economic and Energy (ESEE) analysis for the proposed mini-storage use.

In 1992, Deschutes County prepared an ESEE analysis for scenic resources, including for scenic viewsheds and natural landscapes, and implemented the LM zone, which is intended to limit “conflicting uses” while still allowing development to occur (Ordinance 92-052). While more specific regulations of the LM zone are discussed in Section 2.2 of this document, it is important to note that the LM zone provides a maximum building height of 30-feet to help preserve scenic viewsheds from the highway. Additionally, many of the allowed uses within the MUA zone per DCC 18.32.020 and 18.32.030 are of a similar size and scale as a mini-storage facility, such as public/semipublic uses (such as libraries or governmental administrative buildings), and public and private schools, or veterinary clinics, all of which have significant parking facilities or collections of buildings to effectuate the use. This is demonstrative that the proposed mini-storage use is not a significant change in the size and scale of development already allowed within the MUA and LM zones. Importantly, the LM zone does not generally limit uses, it

effectively provides a set of design-review criteria that ensure compliance with protecting the scenic views. *See e.g.*, DCC Chapter 18.84.

Moreover, as it relates to Hwy 97 specifically, substantial portions of that scenic roadway have already been zoned or re-zoned to a Rural Industrial or “RI zone”, which permits mini-storage facilities. *See* DCC Chapter 18.100.020.M. This implicitly means that such uses have already been reviewed and found as compliant with the LM zone on Hwy 97.

## 1.2 Identification of Conflicting Uses

The Oregon Department of Land Conservation and Development (DLCD) administers Statewide Planning Goal 5 Administrative Rule (OAR) 660-023-000, which states that the purpose of Goal 5 is “...to conserve and protect significant Goal 5 natural resources.”

Goal 5 Administrative Rule OAR 660-0023-0230(1) identifies Goal 5 scenic views and sites as lands “that are valued for their aesthetic appearance”. The Goal 5 ESEE analysis describes the economic, social, environmental, and energy consequences of allowing, limiting, or prohibiting a new use that could conflict with the previously documented and protected scenic views from Hwy 97.

Under the ESEE process, an identification of “conflicting uses” must be made and a program to achieve the goal of protecting Goal 5 resources must be created if conflicting uses are substantially identified. Goal 5 Administrative Rule OAR 660-023-0010 defines “conflicting use” as follows:

(b) “Conflicting use” is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.

Goal 5 Administrative Rule (OAR 660-023-0040) describes how conflicting uses are identified:

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)

(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses, with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).

For this ESEE analysis, the conflicting use is the newly proposed mini-storage use within the MUA zone for certain parcels situated along Hwy 97 and close to a UGB as limited through the proposed text amendment. However, the LM zone in these areas is intended to “maintain and enhance scenic vistas and natural landscapes as screen from designated roads, rivers, or streams” and the new mini-storage use could conflict with this Goal 5 resource and an ESEE analysis is required.

## **2.0 ESEE ANALYSIS**

### **2.1 ESEE Process**

This ESEE analysis is based on a proposed new mini-storage use within the MUA zone for certain parcels nearby UGBs and adjacent to Hwy 97, which could be conflicting with scenic viewsheds and natural landscapes viewed from the highway, which are an inventoried Goal 5 resource within the Deschutes County Comprehensive Plan. The County’s LM zone per DCC 18.84 is intended to allow development within the LM zone in a way that is compatible with preserving these views and existing landscapes. To that end, the LM zone has adopted certain design review criteria. However, an analysis must still occur.

An ESEE process identifies the consequences of allowing, limiting, or prohibiting conflicting uses in areas containing significant resources, including scenic views. OAR 660-023-0040 requires the following steps:

1. Identify the conflicting uses;
2. Determine the impact area;
3. Analyze the ESEE consequences of the conflicting use; and
4. Develop a program to achieve Goal 5

For the purpose of this ESEE analysis, the conflicting use is the proposed mini-storage use within the MUA zone for certain parcels adjacent to Hwy 97 that are subject to the LM zone, as discussed in Section 1.1. The impact area for this ESEE analysis consists of the parcels the proposed text amendment would affect, which is highly limited based upon the size of parcel requirement and the proximity to a UGB. Deschutes County already maintains a program for achieving Goal 5 specific to the scenic views and natural landscapes viewed from Hwy 97, which are an inventoried Goal 5 resource within Deschutes County and are protected through the establishment of the LM zone., which imposes certain design review criteria.

### **2.2 Existing Protections and Program to Achieve the Goal**

The proposed new mini-storage use within the MUA zone would be allowed on certain parcels adjacent to Hwy 97, which would be subject to the County's LM zone, which as is relevant here, is intended to maintain scenic view. The LM zone was established as a result of an ESEE analysis prepared by Deschutes County in 1992 for scenic resources, including for scenic viewsheds and natural landscapes (Ordinance 92-052). The LM zone is intended to limit conflicting uses while still allowing development to occur.

Within the LM zone, uses permitted in the underlying zone (either outright or conditionally) are permitted within the LM zone, subject to use limitations per DCC 18.84.050, design review standards per DCC 18.84.080, and setback requirements per DCC 18.84.090. These standards and requirements are intended to allow development to occur while ensuring compatibility and preservation of scenic vistas and natural landscapes viewed from the highway in compliance with Goal 5. For example, the LM zone limits building heights to 30-feet, which ensures scenic viewsheds can be preserved when viewed from a designated road.

The LM zone also gives the review authority discretion to require certain improvements or modifications to protect views through site design, such as supplemental landscaping for screening, as well as specification of certain building materials and colors, depending on the development proposed and the location of the development site. This discretion further ensures compatibility with scenic vistas and natural landscapes viewed from the protected resource.

The proposed new mini-storage use would also only be allowed conditionally, subject to the conditional use review procedure per DCC 18.128 and the mini-storage specific standards per DCC 18.128.300, and site plan review (DCC Chapter 18.124) which has additional screening and safety requirements, including preserving existing topography (which provides additional protection to the view shed). Together, the County's conditional use and site plan criteria provide ample protection and regulatory authority to impose additional protections to the scenic Goal 5 view shed that are over and above those already contained in the LM zone.

### **2.3 ESEE Analysis**

As described in Section 1.1, the new proposed mini-storage use would only be allowed on parcels that meet the following requirements:

- Zoned MUA;
- At least 10 acres in size and no greater than 30 acres in size. Multiple contiguous parcels may be considered in the aggregate to meet this requirement.
- Adjacent to State Highway 97 ("Hwy 97"); and
- Within 2,500 feet of an urban growth boundary (UGB).

For the purposes of this ESEE, we have assumed that all MUA zoned properties that are adjacent to Hwy 97 and within 2,500 feet of a UGB meet are included.

### **Allowing Conflicting Uses, Prohibiting Conflicting Uses, or Limiting Conflicting Uses:**

Overall, allowing the conflicting uses as identified as mini-storage in the MUA zone and on property meeting the above criteria would have a marginal impact on the LM zone scenic view corridors and Goal 5 resource. This is due to a number of different reasons.

First, the area corridor and properties that would be subject to the conflicting use are limited to those near the Bend and Redmond UGB. Moreover, along this corridor, several properties already permit the proposed mini-storage use because they are zone Rural Industrial, which permits such use and was found not to be conflicting in such a way as to prohibit that use in the same scenic view corridor related to the Goal 5 protected resource.

Second, Applicant believes that the protected scenic view area has already been highly degraded. This is because the view corridor has been significantly altered since the Goal 5 resource was adopted, including by having substantial increases in the size and scope of Hwy 97 and the increased development adjacent to the corridor, including development both within and outside of the relevant UGBs. This development has diminished clear views of the mountains and other open space areas and instead now provides views of structures, shopping malls, rural industrial development, and other rural development. The introduction of mini-storage uses will provide no significant change.

In contrast, prohibiting the conflicting use would have an overall negative economic consequence. This is because prohibiting use would limit the economic use that the property could be made on the property and thereby impacts that potential tax valuation that could be received by the County, among other issues.

Prohibiting the use could mean fewer storage opportunities for the Deschutes County community, and rural residents in close proximity to the affected parcels would have to travel further to other mini-storage facilities located within UGBs, such as Bend. Full protection would also completely limit vegetation removal, minimizing development potential of a parcel and/or increasing costs to develop, leading to design requirements such as longer driveways or access roads in order to access areas of a development site beyond the LM zone.

To the extent limiting the conflicting use has social consequences, they would be negative. Mini-storage facilities present an opportunity for employment as well as for nearby residents to store items, such as boats and RVs, that are used for recreation. Many residents of property do not have or maintain proper storage facilities for such equipment and vehicles, which limits social interaction and vibrancy.

Environmental consequences based upon the proposal are marginal. As already stated, mini-storage is already a permitted use on nearby lands that maintain the RI zoning designation. Moreover, protections contained in the Site Plan Review criteria limit changes to topography and maintain specific vegetation requirements, all of which must be managed and maintained. This could provide a benefit. Moreover, having storage facilities located closer to rural residents could reduce trips to and from other storage facilities that may already be maintained within UGBs, or on the RI zoned lands.

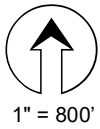
Energy consequences are expected to be limited. There are existing power facilities nearby which either serve existing MUA uses or could be used for the mini-storage use. Moreover, the



opportunity for mini-storage to be constructed in closer proximity to rural residential areas could reduce drive times, thereby reducing energy consumption necessary for local businesses and nearby residents who wish to utilize these facilities, given they would not have to drive to a UGB to meet this end.

## **2.4 Conclusion**

There is limited, if any, benefit to further limiting the conflicting use of mini-storage within the LM zone to those protections already provided by the conditional use and site plan criteria. This is particularly true on the Hwy 97 period given that several parcels in this corridor are zoned Rural Industrial, which already permits the conflicting use.



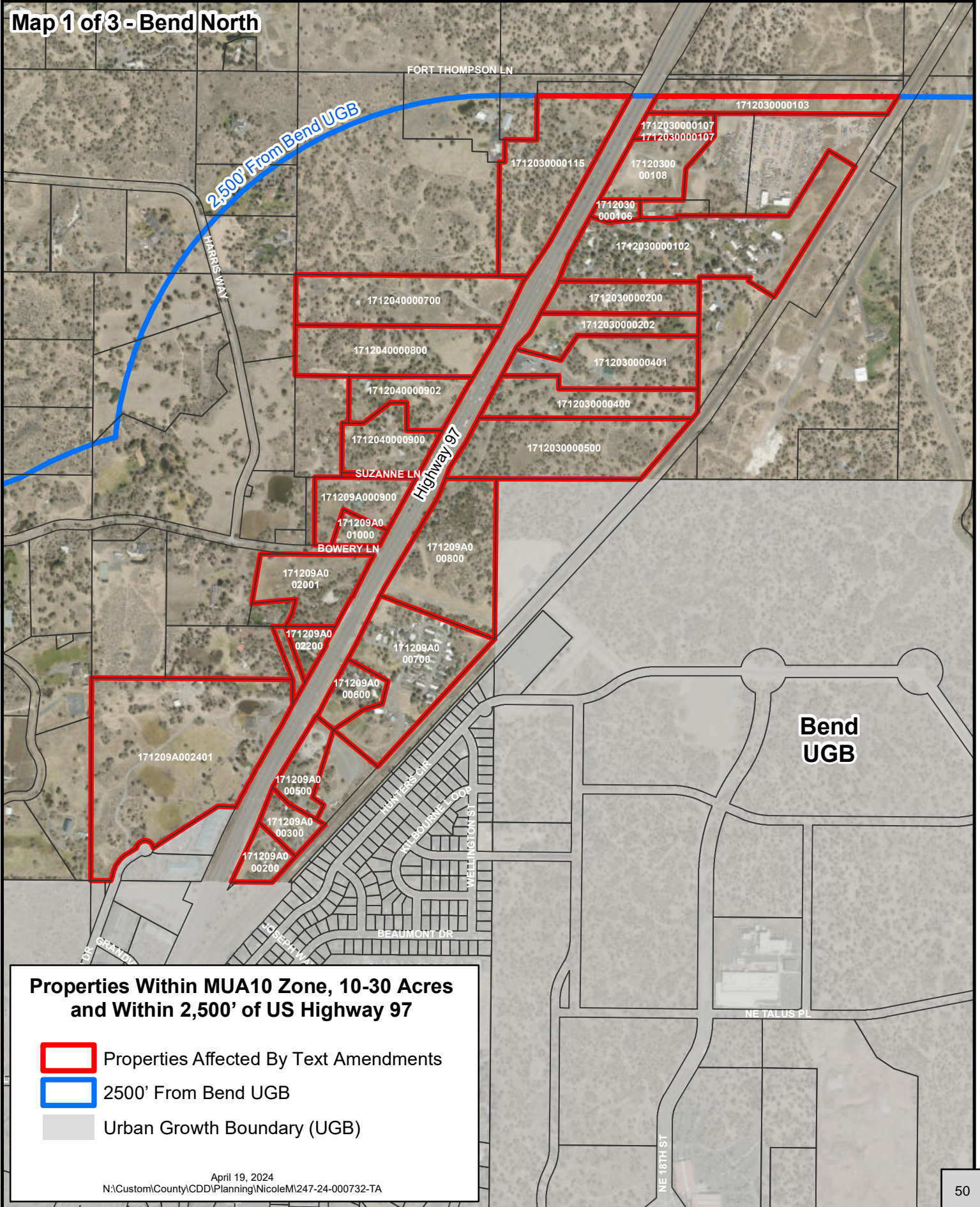
# 247-23-000732-TA

Item #III.1.



## Highway 97 Mini-Storage Text Amendments

### Map 1 of 3 - Bend North







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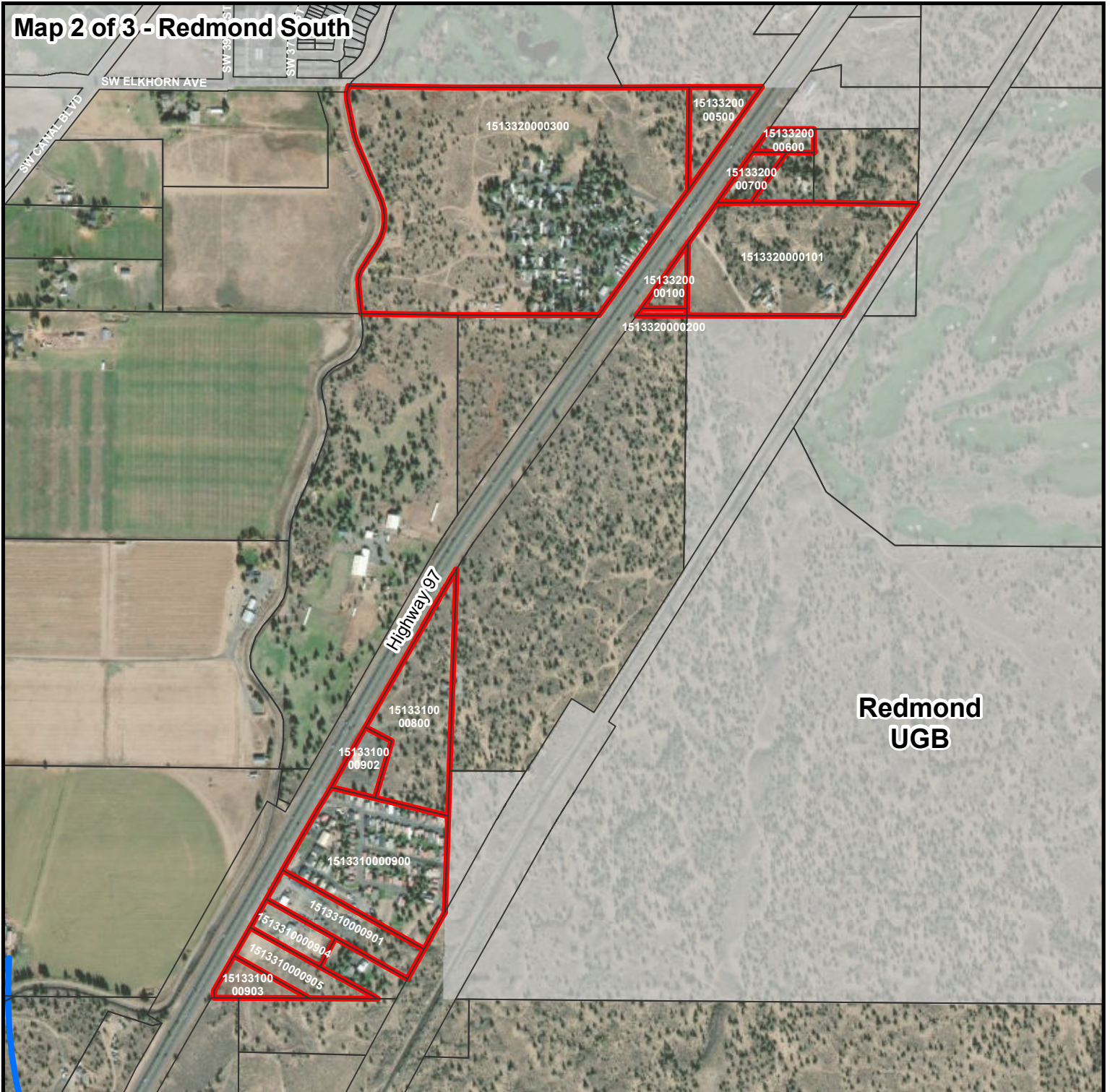
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Item #III.1.



## Highway 97 Mini-Storage Text Amendments

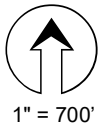
### Map 2 of 3 - Redmond South



#### Properties Within MUA10 Zone, 10-30 Acres and Within 2,500' of US Highway 97

- Properties Affected By Text Amendments
- 2500' From Redmond UGB
- Urban Growth Boundary (UGB)





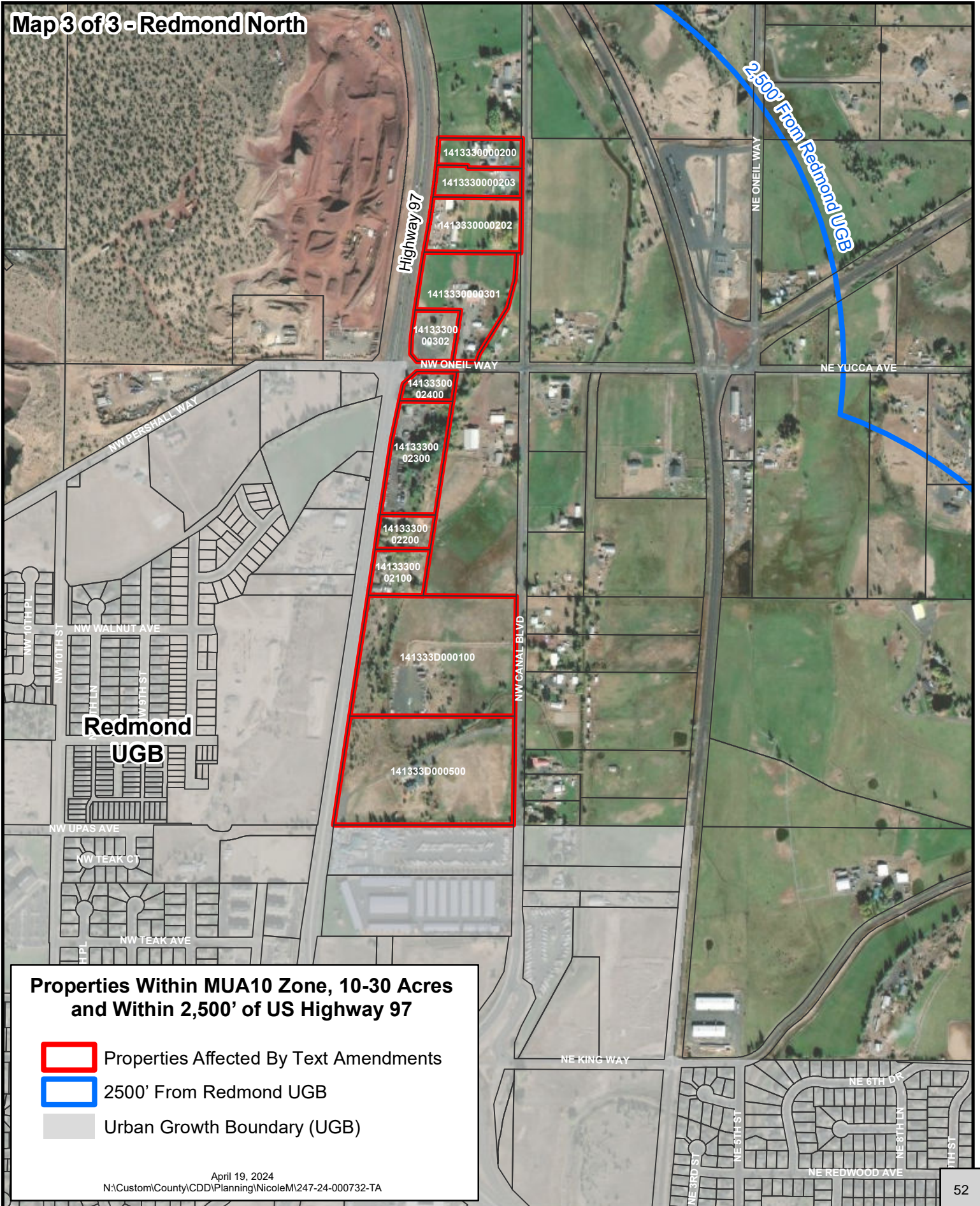
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Item #III.1.



## Highway 97 Mini-Storage Text Amendments

### Map 3 of 3 - Redmond North





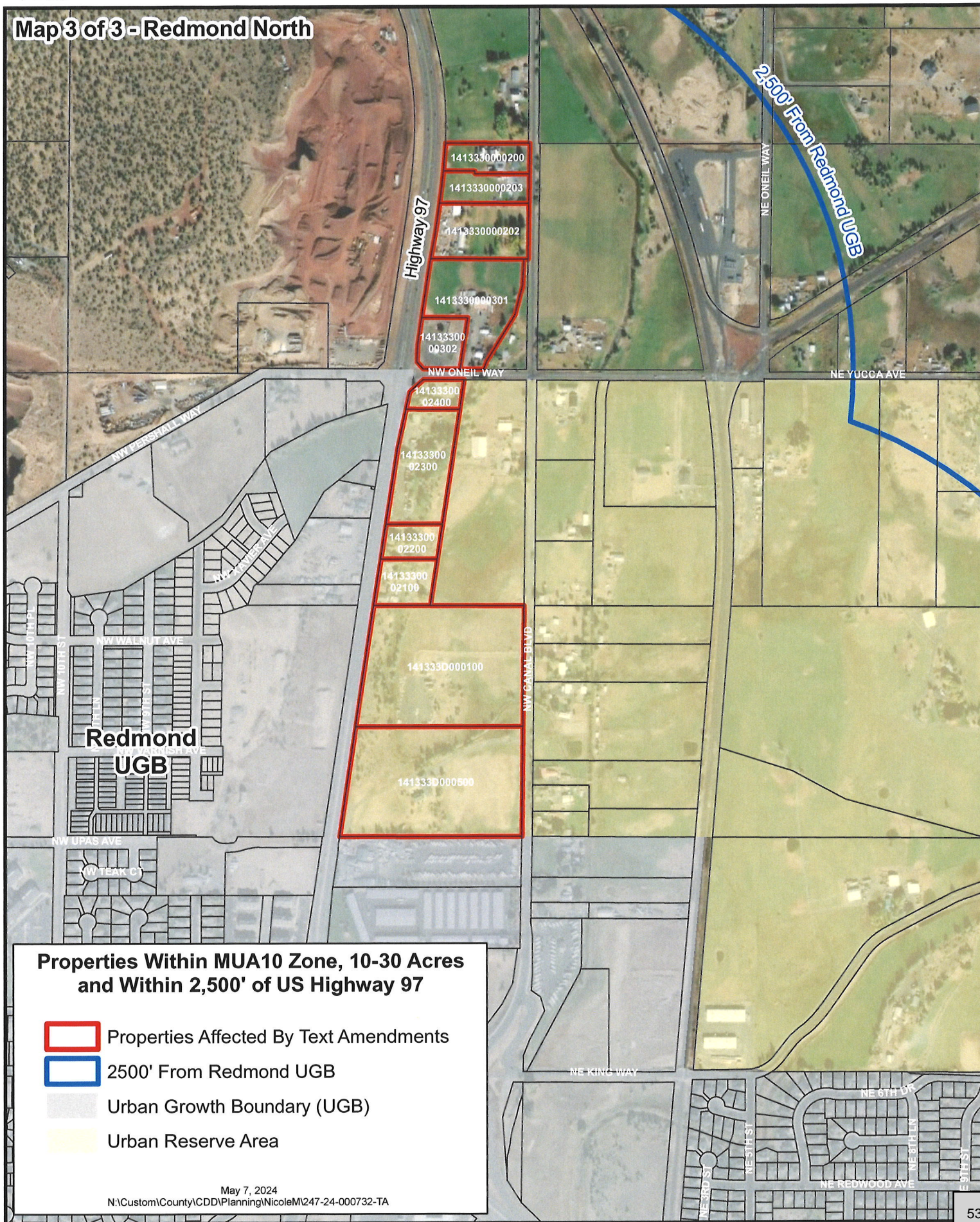


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# 247-23-000732-TA

## Highway 97 Mini-Storage Text Amendments

### Map 3 of 3 - Redmond North



May 7, 2024

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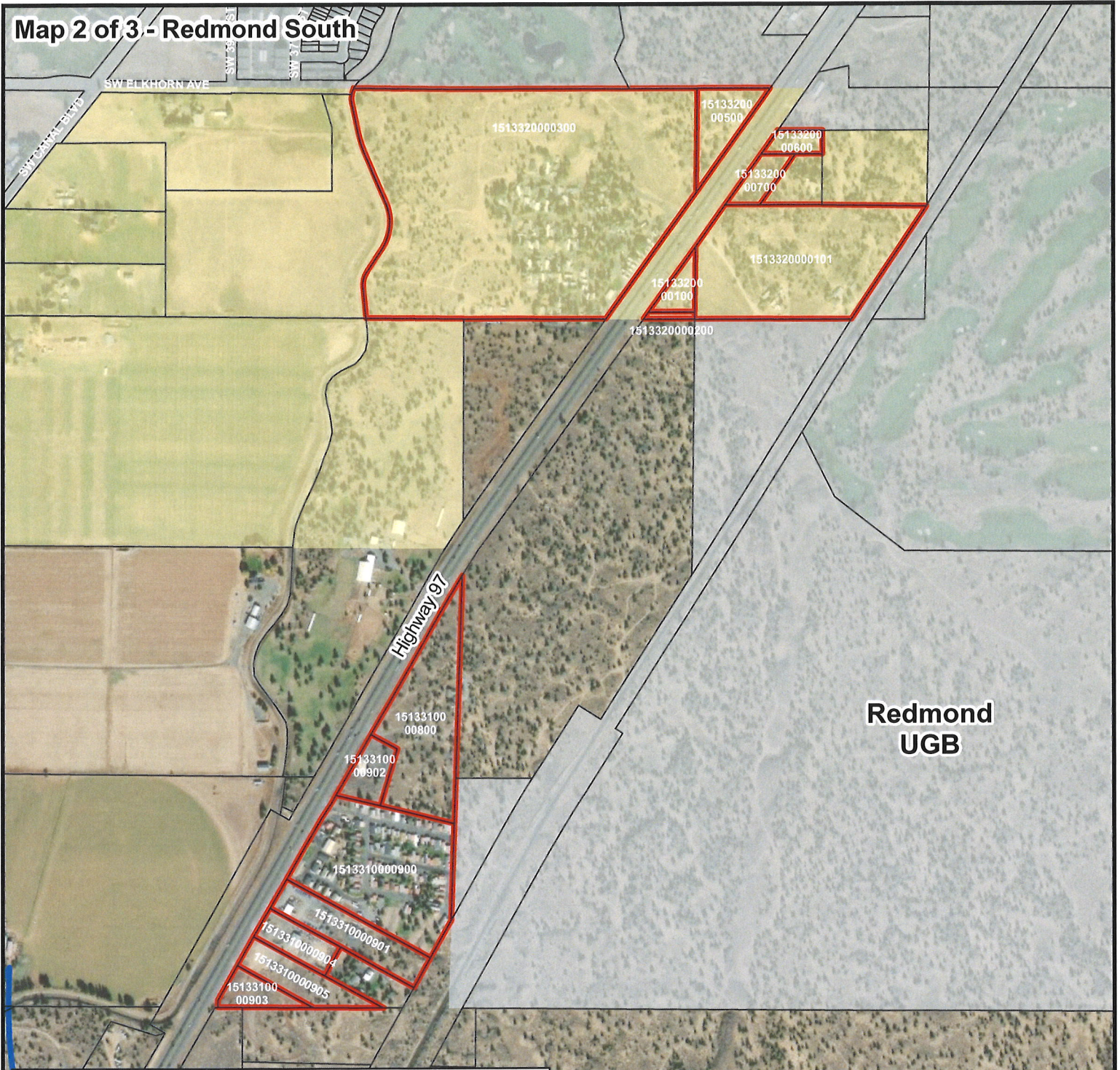
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## Highway 97 Mini-Storage Text Amendments

Item #III.1.



### Map 2 of 3 - Redmond South



#### Properties Within MUA10 Zone, 10-30 Acres and Within 2,500' of US Highway 97

- Properties Affected By Text Amendments
- 2500' From Redmond UGB
- Urban Growth Boundary (UGB)
- Urban Reserve Area

May 7, 2024

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## Attachment E – Code Excerpts for Mini-Storage Criteria in Specific Zones

### Terrebonne – Rural Community Zones

#### **18.66.040 Commercial (TeC) District**

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

...

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

...

12. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:

- a. Manufacturing and production.
- b. Wholesale sales.
- c. Mini-storage.

...

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).

1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.

E. Requirements for Large Scale Uses.

...

2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.

F. Design Standards.

Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.

1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.

#### H. Dimensional Standards.

Lot Coverage. No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.

#### I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3). The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
2. Side Yard. No requirement, subject to DCC 18.66.040(I)(4).
3. Rear Yard. No specific requirements, subject to DCC 18.66.040(I)(4).
4. Exceptions to Yard Standards.
  - a. Lot line adjacent to a residential district. Any new structure requiring a building permit sited on a lot adjacent to a residential district shall be set back a minimum of 15 feet from the common property line. The required yard shall be increased by one foot for each foot by which the building height exceeds 20 feet.
  - b. Lot line adjacent to an EFU zone. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.



### 18.66.050 Commercial-Rural (TeCR) District

The Terrebonne Commercial-Rural District allows a mix of commercial and industrial uses common to a farming community.

...

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

...

8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
  - a. Manufacturing or production.
  - b. Wholesale sales.
  - c. Mini-storage.
  - d. Truck terminal.
  - e. Farm or contractor equipment storage, sales, service or repair.
  - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022- (3)(a).

...

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).

1. Sewer and Water Requirements.
  - a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
  - b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
2. Compatibility.
  - a. Any use on a lot adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot.
  - b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel adjacent to or across a local or collector road from a lot or parcel in a residential district.
  - c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction.
  - d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.
3. Traffic and Parking.
  - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.

- b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.
    - c. Site design shall not require backing of traffic onto a public or private road right-of-way.
  - 4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
    - a. An increased setback requirement.
    - b. Additional off-street parking and loading facilities.
    - c. Limitations on signs, lighting, hours of operation and points of ingress and egress.
    - d. Additional landscaped buffering and screening improvements.
- ...
- G. Lot Requirements. No lot shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
- H. Dimensional Standards.
  - 1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
  - 2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage or off-street parking and loading areas.
- I. Yard Standards.
  - 1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3)(b).  
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
  - 2. Side Yard. No requirement, subject to DCC 18.66.050(I)(4).
  - 3. Rear Yard. No specific requirement, subject to DCC 18.66.050(I)(4).
  - 4. Exceptions to Yard Standards.
    - a. Lot line adjacent to a residential zone. For all new structures requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
    - b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

## Tumalo Rural Community Zones

### 18.67.060 Industrial (Tul) District

The purpose of the Industrial District is to allow a limited range of industrial uses to serve the community and the surrounding area.

...

B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings not to exceed 40,000 square feet of floor area, subject to the applicable provisions of DCC 18.67, 18.116, and 18.124.

...

10. Mini-storage facility.

...

12. Any industrial use proposing to occupy more than 40,000 square feet of floor area in a building or buildings is subject to the provisions of DCC 18.67.060(C) and (D).

...

D. Use limitations. The following limitations and standards shall apply to all permitted uses:

1. A new industrial use may occupy more than 40,000 square feet of floor area in a building or buildings provided an analysis set forth in the comprehensive plan demonstrates and land use regulations ensure:

a. The use will primarily employ a work force from the community and surrounding rural area and will not rely upon a work force served by uses within urban growth boundaries. The determination of the work force of the community shall consider the total industrial employment in the community and surrounding rural area and be coordinated with employment projections for nearby urban growth boundaries; and

b. It is not practical to contain the proposed use within 40,000 square feet of the floor area.

2. For the purposes of DCC 18.67.060, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.

E. Dimensional standards. In the Industrial Zone, the following dimensional standards shall apply:

1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.060 relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body, to maintain air, water and land resource quality and to protect adjoining and area land uses.

2. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 25 feet unless a greater setback is required for compliance with Comprehensive Plan policies.

3. The minimum setback between a structure and a property line adjoining a residential lot or use in a platted subdivision or residential zone shall be 50 feet.

4. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.

5. The maximum building height shall be 45 feet on any lot adjacent to a residential use or lot in a platted subdivision or residential zone.
  6. The minimum lot frontage shall be 50 feet.
  7. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- F. Industrial Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.
- G. Design and use criteria. In the consideration of an application for a new industrial use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a proposed use, the Planning Director or Hearings Body shall find that:
1. The new use is in compliance with the Comprehensive Plan.
  2. The new use is in compliance with the intent and provisions of DCC Title 18.
  3. That any adverse social, economical, physical or environmental impacts are minimized.
- H. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:
1. An increase in required setbacks.
  2. Additional off-street parking and loading facilities.
  3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
  4. Additional landscaping, screening and other improvements.
  5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.
- I. For purposes of this chapter, a new industrial use does not include industrial uses in existence on the date of Ord. 2005-16. Unless expanded or altered, industrial uses in existence on the date of adoption of the TUI District are not subject to the requirements of 18.67.060(B) or 18.67.060(C).

## Rural Commercial Zone

### 18.74.010 Rural Commercial Zone Purpose

The purpose of this chapter is to establish standards and review procedures for development in the Rural Commercial Zone. The Rural Commercial (RC) zone provisions implement the comprehensive plan policies for rural commercial development and associated uses outside of unincorporated communities and urban growth boundaries.

### 18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store

...

D. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:

...

3. Mini-storage facilities limited to 35,000 square feet in size.

...

### 18.74.025 Uses Permitted; Spring River

...

B. Conditional Uses.

1. Use Limitations. Each use in section (B) shall not exceed 2,500 square feet of building floor space on a single lot, whether the use is contained within a single or multiple buildings.
2. Buildings Limitations. Each use in section (B) shall not exceed 2,500 square feet of building floor space on a single lot.
3. The applicable provisions of this chapter, along with DC 18.116.124 and 18.128, apply to the following uses and their accessory uses:

...

- c. Mini-storage units

...

C. Definitions. For the purposes of DCC 18. 74.120, the following definitions shall apply:

...

4. Mini-storage units: Self service mini-storage units of various sizes from 5' x 10' up to 12' x 24'.

...

### 18.74.027 Uses Permitted; Pine Forest And Rosland

...

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:

...

3. Mini-storage facilities limited to 35,000 square feet in size.

...

### 18.74.030 Development Standards

A. Yard Standards.

1. Front Yard. The front yard shall be a minimum of 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of 10 feet, except a lot or parcel with a side yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.

3. Rear Yard. The minimum rear yard shall be 20 feet, except a lot or parcel with a rear yard adjacent to land zoned exclusive farm use or forest use shall have a minimum rear yard of 50 feet.
- B. Existing Residential and Commercial Lots. On-site sewage disposal. For existing lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to approval of a site plan or conditional use permit.
- C. New Lot Requirements
  1. Residential Uses.
    - a. The minimum lot size is one (1) acre.
    - b. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
  2. Commercial and Public Uses.
    - a. The minimum lot size for a commercial use served by an on-site septic system and individual well or community water system shall be the size necessary to accommodate the use.
    - b. Each lot shall have a minimum width of 150 feet.
    - c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
- D. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- F. Lot Coverage.
  1. Lot coverage for dwellings and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area.
  2. Lot coverage for buildings used primarily for commercial and industrial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
  3. Primary and accessory buildings to be used for purposes other than residential, commercial or industrial shall not cover more than 30 percent of the total lot or parcel.
- G. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under DCC 18.120.040.
- H. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.
- I. Outdoor Lighting. All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.
- J. Signs. All signs shall be constructed in accordance with DCC 15.08, Sign

## Rural Industrial Zone

### 18.100 Rural Industrial Zone

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#### 18.100.020 Conditional Uses

The following uses may be allowed subject to DCC 18.128:

...

M. Mini-storage facility.

...

#### 18.100.030 Use Limitations

In an R-I Zone, the following limitations and standards shall apply to all permitted and conditional uses:

- A. Properties subject to a limited use combining zone shall be limited to those uses and conditions specified in the limited use combining zone.
- B. No use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across a street from a residential dwelling, a lot in a platted subdivision or a residential zone.
- C. No use shall be permitted that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector or other improved street or road designed to serve the industrial use which does not pass through or adjacent to residential lots in a platted subdivision or a residential zone.
- D. Any use on a lot adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
- E. All parking demand created by any use permitted by DCC 18.100.010 or 18.100.020 shall be accommodated on the applicant's premises entirely off-street.
- F. No use permitted by DCC 18.100.010 or 18.100.020 shall require the backing of traffic onto a public or private street or road right of way.
- G. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.100.010 or 18.100.020 per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
- H. All uses permitted by DCC 18.100.010 or 18.100.020 shall be screened from adjoining residential uses by a sight-obscuring fence.
- I. No use shall be permitted to operate for business between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone except as is consistent with DCC 8.08.
- J. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential use or lot.
- K. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.
- L. Residential and industrial uses shall be served by on-site wells or public water systems.

#### **18.100.040 Dimensional Standards**

In an R-I Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.100.050.
- B. No conditional use permitted by DCC 18.100.020 that is located within 600 feet of a residential use, lot in a platted subdivision or a residential zone shall exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
- C. The minimum setback between a structure and a street or road shall be 50 feet.
- D. The minimum setback between a structure and a property line adjoining a residential lot or use shall be 50 feet.
- E. The minimum rear or side yard setback shall be 25 feet unless a greater setback is required by DCC 18.100.070(A).
- F. The maximum building height for any structure shall be 30 feet on any lot adjacent to or across a street from a residential use or lot and 45 feet on any other lot.
- G. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- H. Maximum industrial use floor area.
  - 1. The maximum size of a building is 7,500 square feet of floor space. The maximum square footage in a building or buildings for a single allowable use, as defined in DCC 18.100.020 and 18.100.030, on an individual lot or parcel shall not exceed 7,500 square feet. There is no building size limit for uses that are for the primary processing of raw materials produced in rural areas.
  - 2. A lawfully established use that existed on or before 02/25/03 may be expanded to occupy a maximum of 10,000 square feet of floor area or an additional 25 percent of the floor area currently occupied by the existing use whichever is greater.

#### **18.100.050 Off-Street Parking And Loading**

Off-street parking and loading shall be provided subject to the provisions of DCC 18.100.070 and DCC 18.116.

#### **18.100.060 Site Design**

All uses except farm, forest and residential uses are subject to the provisions of DCC 18.124, Site Plan Review.

#### **18.100.070 Additional Requirements**

As a condition of approval of any use proposed within an R-I Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities.
- C. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
- D. Additional landscaping, screening and other improvements.

#### **18.100.080 Solar Setback**

The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

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Sunriver Urban Unincorporated Community Zone

18.108.110 Sunriver Unincorporated Community - Business Park; BP District

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

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7. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
- a. Warehouses and distribution uses in a building or buildings exceeding 10,000 square feet of floor area.
  - b. Distillery and beer/ale brewing facility, including wholesale sales thereof.
  - c. Self/mini storage.
  - d. Trucking company dispatch/terminal.
  - e. Solid waste/garbage operator, not including solid waste disposal or other forms of solid waste storage or transfer station.

C. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.108.110(A) or (B):

1. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across the street from a lot in a residential district.
2. Storage, loading and parking areas shall be screened from residential zones.
3. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across the street from a residential lot.

...

E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height.

F. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. Each lot shall have a minimum depth of 100 feet.
4. Front Yard. The front yard shall be a minimum of 25 feet.
5. Side Yard. No side yard required, except when adjoining a lot in an RS or RM District and then the required side yard shall be 50 feet. No side yards are required on the side of a building adjoining a railroad right of way.
6. Rear Yard. No rear yard required, except when adjoining a lot in an RS or RM District and then the rear yard shall be 50 feet. No rear yard is required on the side of a building adjoining a railroad right of way.
7. Lot Coverage. The maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.

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