



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, JUNE 13, 2024

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

(541) 388-6575 | 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.

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/061324PC>

Passcode: 091419

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: 861 0494 3956 and Passcode: 091419. Written comments can also be provided for the public comment section to planningcommission@deschutes.org by 5:00 p.m. on June 13. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - May 23

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Public Hearing: Mini-Storage in the MUA-10 Zone Adjacent to Hwy 20 (*Nicole Mardell, Senior Planner*)
2. Preparation for Public Hearing: Mini-Storage in MUA-10 Zone Adjacent to Hwy 97 (*Nicole Mardell, Senior Planner*)

V. PLANNING COMMISSION AND STAFF COMMENTS

VI. 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.



MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: June 6, 2024

SUBJECT: Public Hearing: Mini-Storage in MUA-10 Zone Adjacent to Hwy 20

The Planning Commission will conduct a public hearing to gather testimony on this proposal on June 13, 2024, at 5:30 pm in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend or 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 20 (file no. 247-24-000044-TA).

All record materials and information on how to participate in the hearing can be found on the project website: www.deschutes.org/Hwy20Storage

I. BACKGROUND

In January 2024, the applicant Eastside Bend LLC applied for a legislative amendment related to mini-storage in the Multiple Use Agricultural – 10 Acre Minimum (MUA-10) zone. 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 35 acres in size (multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section);
- Adjacent to U.S. Hwy 20; 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 such as 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 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 has identified three properties on the east side of Bend's UGB that would be eligible for the amendments based on the siting criteria provided by the applicant (Attachment C), although the criteria could allow for additional properties to be eligible if properties are consolidated or reconfigured, rezoned to MUA-10, or if the UGB were to expand.

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*".¹ 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 as attachment D.

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.
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.

¹ 18.04 Definitions

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 May 23, 2024². Commissioners requested the applicant address the following questions during their public hearing presentation:

- Is the applicant interested in adding an additional criterion to the proposal requiring granting of trail easements for planned trails or parks, as requested by Bend Parks and Recreation Department?
- Why did the applicant pursue a text amendment instead of rezoning property to RI or RC in which mini-storage is already conditionally permitted?

² <https://www.deschutes.org/bc-pc/page/planning-commission-48>

- 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 20, 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 20 / neighboring properties be mitigated?

Staff has shared these questions with the applicant team, and they will address them during the public hearing.

V. AGENCY AND PUBLIC COMMENTS

As of the date of this memo, two agency comments have been received. ODOT did not provide comments on the text amendment, but recommended the applicant coordinate with ODOT on access if the proposal moves forward to a specific development project. Bend Parks and Recreation requested an additional criterion be added to require the granting of easements for mapped park and trail projects on properties eligible for the proposed amendments.

One public comment was received expressing concern that the use is urban in nature and will draw customers from within the adjacent City of Bend UGB, potentially fouling statewide land use Goals 2 – Land Use Planning and 14 – Urbanization.

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. 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 U.S. Highway 20; and
 - a-c. A minimum of 10 acres in size and not to exceed 35 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

MUA Zone Text Amendment for Mini-Storage Uses

Deschutes County, Oregon

A Land Use Application For: Legislative Text Amendment to the Deschutes County Code

Applicant:

Eastside Bend LLC

721 South Brea Canyon Road, Suite 7
Diamond Bar, California 91789

Prepared by:



963 SW Simpson Avenue; Suite 200
Bend, Oregon 97702

Submitted: January 23, 2024
Revised: April 11, 2024

DOWL #2481.16033.01

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Table of Contents

1.0 Introduction 4

2.0 Project Summary 5
 PROJECT DESCRIPTION..... 5

3.0 Proposed Revisions to Deschutes County Code 6
18.32.030 CONDITIONAL USES PERMITTED..... 6

4.0 Compliance with the Deschutes County Code 8
TITLE 18 COUNTY ZONING 8
TITLE 22 DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE..... 10

5.0 Compliance with the Deschutes County Comprehensive Plan... 13
CHAPTER 1: COMPREHENSIVE PLANNING 13
CHAPTER 3: RURAL GROWTH..... 13
CHAPTER 4: URBAN GROWTH MANAGEMENT 14

6.0 Compliance with the Oregon Statewide Planning Goals 15
GOAL 1: CITIZEN INVOLVEMENT 15
GOAL 2: LAND USE PLANNING 15
GOAL 3: AGRICULTURAL LANDS 15
GOAL 4: FOREST LANDS 15
GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES..... 16
GOAL 6: AIR, WATER AND LAND RESOURCE QUALITY..... 16
GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS 16
GOAL 8: RECREATIONAL NEEDS 17
GOAL 9: ECONOMIC DEVELOPMENT 17
GOAL 10: HOUSING 17
GOAL 11: PUBLIC FACILITIES AND SERVICES..... 17
GOAL 12: TRANSPORTATION 17
GOAL 13: ENERGY CONSERVATION..... 18
GOAL 14: URBANIZATION 18

7.0 Conclusion..... 19

Exhibits

- A. Application Form
- B. Goal 5 ESEE Analysis

1.0 Introduction

- Applicant & Owner:** **Eastside Bend LLC**
721 South Brea Canyon Road, Suite 7
Diamond Bar, California 91789
- Planner:** **DOWL**
309 SW 6th Avenue; Suite 700
Portland, OR 97204
Contact: Matthew Robinson
Phone: 971.229.8318
Email: mrobinson@dowl.com
- Legal Counsel:** **Francis Hansen & Martin**
1148 NW Hill Street
Bend, OR 97703
Contact: Michael McGean
Phone: 541.389.5010
Email: michael@francishansen.com
- Zoning:** Text Amendment to Conditionally Permitted Uses
in the Multiple Use Agriculture (MUA) Zone

2.0 Project Summary

Project Description

Eastside Bend LLC (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 35 acres in size;
- Adjacent to U.S Hwy 20; and
- Within 2,500 feet of an urban growth boundary (UGB).

The allowance of mini-storage supports the County's rural residents by providing opportunities to store personal property, including equipment, recreational vehicles, and boats. Further, other Deschutes County (County) zones already allow mini-storage, such as the Rural Industrial (R-I) zone, which is another zone intended to serve rural communities. The proposed text amendment will limit mini-storage to parcels in the MUA zone that are in close proximity to existing UGBs and adjacent to U.S. Hwy 20, thereby promoting an orderly and efficient transition from rural to urban land uses. Finally, by subjecting mini-storage uses to the conditional use process, it can be ensured that these facilities are designed and developed to be compatible with the rural character of the County while simultaneously providing economic benefit to the community.

Given the proposed mini-storage use would be allowed on parcels adjacent to U.S. Hwy 20, 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), which includes U.S. Hwy 20. 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. Per Table 5.5.1 within Section 5.5 of Comprehensive Plan, Goal 5 Inventory for Open Spaces, Scenic Views and Sites, all land within one-quarter mile of the centerline of U.S. Hwy 20 is subject to the LM zone and is an inventoried Goal 5 resource. Given this proposed text amendment requires a post-acknowledgement plan amendment (PAPA), which could have the effect of allowing a new use (mini-storage) that could be conflicting with a Goal 5 resource, the applicant has prepared an Environmental, Social, Economic and Energy (ESEE) analysis that evaluates the tradeoffs with fully prohibiting, limiting, or allowing the conflicting use. The applicant's Goal 5 ESEE analysis is included as Exhibit B with this application in support of the proposed text amendment.

An application form signed by the applicant is included as Exhibit A with this application. This document serves as the applicant's burden of proof, and demonstrates compliance and consistency with applicable provisions of the DCC, goals and policies of the Deschutes County Comprehensive Plan, as well as the Statewide Planning Goals. The appropriate filing fee will be provided upon this application's submittal.

3.0 Proposed Revisions to Deschutes County Code

The following revisions to the DCC are proposed. New text is indicated in **bold and underlined type**. No text is proposed to be deleted.

* * *

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.
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- 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.
- AD. A new manufactured home/recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(8)(G) that:
1. Is on property adjacent to an existing manufactured home/recreational vehicle park;
 2. Is adjacent to the City of Bend Urban Growth Boundary; and
 3. Has 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 telecommunication 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:**
1. **Within 2,500 feet of an urban growth boundary;**
 2. **Adjacent to U.S. Highway 20; and**
 3. **A minimum of 10 acres in size and not to exceed 35 acres in size. Multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section.**

4.0 Compliance with the Deschutes County Code

Applicable provisions of the DCC are set forth below with findings demonstrating consistency of the proposed text amendment with these provisions.

Title 18 County Zoning

Chapter 18.32 Multiple Use Agricultural Zone; MUA

18.32.010 Purpose

The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.

Response: Stated plainly, the intent of the MUA zone is to preserve the rural character of Deschutes County while still permitting development that is consistent with that character and within the capacity of the land. The MUA zone is not a resource zone but is considered exception land, which is intended to allow for other types of uses rather than just resource-oriented uses (such as agricultural operations or timber harvesting)¹. This is exemplified through the number of non-resource related uses permitted within the MUA zone per DCC 18.32.020 and 18.32.030, including:

- Public and semipublic uses (such as libraries or governmental administration buildings, for example);
- Private and public schools;
- Kennels and/or veterinary clinics; and
- Religious institutions.

These uses are not resource related, but are still integral to rural communities and the livability of Deschutes County's rural areas, and have been shown to be able to be constructed within MUA zoned lands in a manner that is consistent with and complimentary to the desired rural character of the County. Similarly, mini-storage is needed for rural residents who do not have options to meet storage needs within their own properties, or cannot afford to construct their own on-site storage shed/building. The allowance of mini-storage supports rural residents by providing opportunities to store personal property, including equipment, recreational vehicles, and watercraft, for example. Creating greater opportunities for mini-storage facilities can also support Deschutes County's numerous recreational amenities given their ability to accommodate recreational equipment for use at these amenities. Outdoor recreation is an essential component of Deschutes County's economy and livability, and the proposal allows a recreation-supportive use that is compatible with the County's rural character.

Additionally, mini-storage would only be allowed as a conditional use, subject to the conditional use review procedure per DCC 18.128 and the mini-storage specific standards

¹ See *Moody v. Deschutes County*, 220 Or LUBA, 3 n.1 (1992).
<https://www.oregon.gov/luba/Docs/Opinions/1992/01-92/91169.pdf>

per DCC 18.128.300, which provides the review authority additional discretion in their review to apply conditions of approval on a mini-storage use that is sensitive to specific site conditions and adjacent development patterns. Given this use would also be limited to parcels adjacent to U.S. Hwy 20, it would also be subject to the LM zone per DCC 18.84, including the use limitations per DCC 18.84.050, design review standards per DCC 18.84.080, and setback requirements per DCC 18.84.090, all of which help ensure compatibility between site design and the scenic viewsheds and natural landscapes the LM zone is intending to preserve. Together, the conditional use and LM zone standards, in conjunction with the County's site plan review process per DCC 18.124, ensure that any mini-storage facilities can be developed in a manner that is consciousness of the carrying capacity of the land, any on-site natural and scenic resources, as well as adjacent development patterns and land uses.

For these reasons, the proposed mini-storage use is consistent with the purpose statement of the MUA zone above.

Chapter 18.136 Amendments

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: The applicant is proposing a legislative text amendment to DCC 18.32.030, Conditional Uses Permitted, in order to allow mini-storage as a conditional use in the MUA zone. The applicant is not proposing a quasi-judicial map amendment, as the proposed text amendment will not alter the County's zoning or comprehensive plan map(s). Because a legislative amendment is proposed, the provisions per DCC 22.12 are applicable, and hearings before the Deschutes County Planning Commission and Board of County Commissioners are required. A signed application form is included with this application as Exhibit A and the appropriate filing fee will be provided upon submittal of this application.

18.136.020 Rezoning Standards

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

Response: The applicant is proposing a legislative text amendment to DCC 18.32.030, Conditional Uses Permitted, in order to allow mini-storage as a conditional use in the MUA zone. The applicant is not proposing a quasi-judicial map amendment, as the proposed text amendment will not alter the County's zoning map. The provisions of this section are not applicable.

18.136.030 Resolution of Intent To Rezone [...]

Response: The applicant is proposing a legislative text amendment to DCC 18.32.030, Conditional Uses Permitted, in order to allow mini-storage as a conditional use in the MUA zone. The applicant is not proposing a quasi-judicial map amendment, as the proposed text amendment will not alter the County's zoning map. The provisions of this section are not applicable.

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: If approved, the adopted text amendment will be filed with the Deschutes County Clerk as required.

Chapter 18.140 Administrative Provisions

18.140.070 Filing Fees

An application required by DCC Title 18 shall be accompanied by a filing fee in the amount set by order of the Board of County Commissioners.

Response: An application form signed by the applicant is included with this application as Exhibit A. The appropriate filing fee will be provided with the submittal of this application.

Title 22 Deschutes County Development Procedures Ordinance

Chapter 22.08 General Provisions

22.08.005 Pre-Application Conference

A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use ordinances, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning ordinance or land division ordinance and to identify issues likely to arise in processing an application. The applicable zoning ordinance may require that a preapplication conference be held for particular types of applications.

Response: DCC 18.136 does not identify that a pre-application conference is required prior to submittal of text amendment applications and the applicant did not hold a pre-application conference.

22.08.010 Application Requirements

B. Applications for development or land use actions shall:

- 1. Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;***

Response: The proposed legislative text amendment is not specific to any single property as development is not proposed. An application form signed by the applicant is included with this application as Exhibit A.

- 2. Be completed on a form prescribed by the Planning Director;***

Response: An application form provided by the Deschutes County Community Development Department, and signed by the applicant, is included with this application as Exhibit A.

- 3. Include supporting information required by the zoning ordinance and that information necessary to demonstrate compliance with applicable criteria; and***

Response: This document serves as the applicant's burden of proof and demonstrates that the applicable regulations and policies governing the approvability of this request are met. An application form signed by the applicant is included with this application as Exhibit A, as required by this ordinance.

- 4. Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners.***

Response: The appropriate filing fee will be provided upon submittal of this application.

5. ***Include an affidavit attesting to the fact that the notice has been posted on the property in accordance with DCC 22.24.030(B).***

Response: The proposed legislative text amendment is subject to and will follow the public notice requirements of DCC 22.12.020. Per DCC 22.12.020(B), posted notice may be required at the planning director's discretion.

C. *The following applications are not subject to the ownership requirement set forth in DCC 22.08.010(B)(1):*

1. ***Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application; or***
2. ***Applications for development proposals sited on lands owned by the state or the federal government.***

Response: This application is not being submitted by or on behalf of a public entity or public utility and no development is proposed on lands owned by the state or federal government.

D. *A deposit for hearings officers' fees may be requested at any time 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.*

Response: Per DCC 22.12.040 this legislative text amendment is subject to hearings before the Deschutes County Planning Commission and Board of County Commissioners. As a hearing before a hearings officer is not required, this provision is not applicable.

Chapter 22.12 Legislative Procedures

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 legislative text amendment will be reviewed by both the Planning Commission and Board of County Commissioners as required by this provision.

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.***

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

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.

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

Response: The proposed legislative text amendment will be noticed as required by the provisions of this section. Posted notice and individual notice will be provided if determined to be necessary by 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 per paragraph C above is not required for this application. Because this is an application for a legislative text amendment, not an action to amend an existing comprehensive plan or any element thereof, or adopt a new comprehensive plan, Oregon Revised Statutes (ORS) 215.203 (Measure 56 notice) is not applicable (see ORS 215.203(3)). Therefore, no property will have to be rezoned in order to comply with the proposed amendment to DCC 18.32.030 if any adopting ordinance is approved.

22.12.030 Initiative 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: An application form signed by the applicant is included with this application as Exhibit A. The appropriate filing fee will be provided upon this application's submittal.

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.***

Response: The proposed legislative text amendment will be reviewed by both the Planning Commission and Board of County Commissioners as required by this provision.

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: This legislative text amendment is being initiated by an individual, not the Board of County Commissioners. This provision is not applicable.

22.12.050 Final Decision

All legislative changes shall be adopted by ordinance.

Response: If approved, the proposed legislative text amendment will be adopted by ordinance as required.

5.0 Compliance with the Deschutes County Comprehensive Plan

The goals and policies of the Deschutes County Comprehensive Plan that are applicable to the proposed text amendment are listed below with applicant findings demonstrating the proposal's consistency with these goals and policies.

Chapter 1: Comprehensive Planning

Section 1.3 Land Use Planning Policies

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

Policy 1.3.3: Involve the public when amending County Code.

Response: The proposed legislative text amendment will comply with the provisions of DCC 22.12, which requires public notice of the proposal and hearings before the Deschutes County Planning Commission and Board of County Commissioners. Public hearings and notice will provide opportunities for members of the public to engage with the review bodies and provide input and testimony on the proposed text amendment in support of this goal and policy.

Chapter 3: Rural Growth

Section 3.4 Rural Economic Policies

Goal 1: Maintain a stable rural economy, compatible with rural lifestyles and a health 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 legislative text amendment is consistent with the County's intent to review land use regulations and identify legal and appropriate rural economic development opportunities. The applicant's proposal provides a new rural economic development opportunity within specific and targeted areas of the MUA zone. By requiring approval of a conditional use permit for the proposed mini-storage use, it can be ensured that the integrity of the rural character and natural environment is maintained. As the mini-storage use is considered commercial development that will require on-site parking, site plan review is also required per DCC 18.124.030(B)(3), which will further ensure that proposed mini-storage facilities are designed and constructed in a manner that's compatible with adjacent development patterns and uses.

As identified in Section 3.0 of this narrative, the proposed amendment restricts the development of mini-storage facilities to parcels that are a minimum of 10 acres in size, adjacent to U.S. Hwy 20, and in close proximity to existing UGBs. These proposed parameters will also help maintain the integrity of the rural character and natural environment within the MUA zone in support of this goal and policy.

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 facilities as a conditional use in limited areas of the MUA zone will support new and existing recreational and tourism areas, such as the Prineville Reservoir and the Deschutes National Forest, by providing facilities for the storage of recreational equipment, including boats and recreational vehicles. By providing dedicated storage

facilities, the proposed text amendment supports this policy by reducing the visual impacts of vehicles and equipment parked and stored in residential or public spaces and limiting the possibility that toxic fluids from these vehicles and equipment could inadvertently leak into the natural environment.

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

Response: The proposed legislative text amendment supports this policy by allowing a new local-serving commercial mini-storage use in higher-density rural communities when also in close proximity to established UGBs and U.S. Hwy 20.

Section 3.5 Natural Hazard Policies

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

Response: Allowing mini-storage facilities in rural areas that are in close proximity to existing UGBs and adjacent to U.S. Hwy 20 supports this goal by providing opportunities for the public to store their property in safe and secure facilities that are inherently less likely to be affected by natural hazards due to their proximity to urban-level services provided within established and nearby UGBs. In addition, having mini-storage facilities in close proximity to U.S. Hwy 20 will offer residents a means to quickly gather critical necessities that might be needed in response to natural hazards.

Section 3.6 Public Facilities and Services Policies

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

Policy 3.6.8: Coordinate with rural service districts and providers to ensure new development is reviewed with consideration of service districts and providers needs and capabilities.

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

Response: The proposed legislative text amendment is consistent with these policies because mini-storage facilities would be subject to the conditional use criteria of DCC 18.128 as well as the site plan review standards of DCC 18.124, which will ensure that public facilities, including utilities and transportation facilities, can be adequately provided to the facility and that any disproportionate impacts are adequately mitigated.

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: The proposed legislative text amendment would allow mini-storage facilities as a conditional use in limited areas of the MUA zone that must be within 2,500 feet of an established UGB. Geographic proximity to UGBs will contribute to the orderly and efficient transition between urban and rural lands, and their resulting development patterns, because storage facilities can be used for the storage of personal property (such as boats and recreational vehicles), which will promote rural recreation while limiting the non-farm commercial use of rural lands (such as for the storage of such equipment).

6.0 Compliance with the Oregon Statewide Planning Goals

The applicable Statewide Planning Goals are set forth below with findings demonstrating the proposal's consistency with each Goal. Goals 15 through 19 are not applicable to the proposed text amendment.

Goal 1: Citizen Involvement

To ensure opportunities for citizens to be involved in the development of public policies and all phases of the planning process.

Response: The proposed legislative text amendment will comply with the provisions of DCC 22.12, which requires public notice of the proposal and hearings before the Deschutes County Planning Commission and Board of County Commissioners. Public hearings and notice will provide opportunities for members of the public to engage with the review bodies and provide input and testimony on the proposed text amendment consistent with Goal 1.

Goal 2: Land Use Planning

To maintain a transparent land use planning process in which decisions are based on factual information and reviewed in accordance with implementing ordinances.

Response: Applicable provisions of the DCC, goals and policies of the Deschutes County Comprehensive Plan, and the Statewide Planning Goals are addressed throughout this narrative, demonstrating consistency of the proposed mini-storage use with the purpose of the MUA zone. This proposal will be reviewed by both the Deschutes County Planning Commission and the Board of County Commissions, ensuring a transparent land use planning process with ample opportunities for public comment and input in support of Goal 2.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Response: This application is for a legislative text amendment to the DCC. As such, it is not proposing to rezone agricultural lands or otherwise impact the County's supply of land available for agricultural purposes. Further, the MUA zone is not an exclusive farm use zone, it is considered exception land, which is intended to allow for other types of uses than just agricultural ones². Rather, the purpose of the MUA zone per DCC 18.32.010 is to "preserve the rural character of various areas of the County while permitting development consistent with that character..." As demonstrated through this narrative, by allowing mini-storage facilities as a conditional use, it can be ensured that the rural character of the MUA zone and the County at large is maintained. 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: This application is for a legislative text amendment to the DCC within the MUA zone. It is not proposing to rezone or alter the County's supply of forest resource lands. Goal 4 is met.

² See *Moody v. Deschutes County*, 220 Or LUBA, 3 n.1 (1992).
<https://www.oregon.gov/luba/Docs/Opinions/1992/01-92/91169.pdf>

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 proposed new mini-storage use would be allowed on certain parcels adjacent to U.S. Hwy 20, which would be subject to the LM zone, which applies to all areas within one-fourth mile of the centerline of roads identified as landscape management corridors in the County's 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. Per Table 5.5.1 within Section 5.5 of Comprehensive Plan, Goal 5 Inventory for Open Spaces, Scenic Views and Sites, all land within one-quarter mile of the centerline of U.S. Hwy 20 is subject to the LM zone and is an inventoried Goal 5 resource.

Because the proposed text amendment to DCC 18.32 requires a PAPA, which would have the effect of allowing a new use (mini-storage) that could be conflicting with a Goal 5 resource within the County's acknowledged Goal 5 inventory, Oregon Administrative Rule (OAR) 660-023-0250 requires an ESEE analysis for the proposed mini-storage use. The applicant has prepared a Goal 5 ESEE analysis in support of the proposed text amendment, which is included with this application as Exhibit B. The following is excerpted from the Goal 5 ESEE analysis' conclusion:

"This analysis concludes that limiting the conflicting use would result in the most positive consequences of the three decision scenarios. A decision to limit the new mini-storage use would avoid many of the negative consequences attributed to either allowing or prohibiting the conflicting use. The LM zone's application of use limitations per DCC 18.84.050, design review standards per DCC 18.84.080, and setback requirements per DCC 18.84.090 all help ensure compatibility between site design and the scenic viewsheds and natural landscapes the LM zone is intending to preserve. Further, the mini-storage use would 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, which provides the review authority additional discretion in their review to apply conditions of approval on a mini-storage use that is sensitive to specific site conditions and adjacent development patterns. For the reasons concluded through this ESEE analysis, limiting the conflicting use is recommended for the proposed zoning text amendment."

For the reasons concluded within the ESEE analysis, the applicant has demonstrated that the proposed mini-storage use can be allowed in a limited manner, subject to the development standards and provisions of the LM zone within DCC 18.84. Goal 5 is met.

Goal 6: Air, Water and Land Resource Quality**To maintain and improve the quality of air, land, and water resources consistent with state and federal regulations.**

Response: This application is for a legislative text amendment to the DCC within the MUA zone and impacts to air, water and land resource quality are not proposed. Goal 6 is met.

Goal 7: Areas Subject to Natural Disasters and Hazards**To protect people and property from natural hazards.**

Response: Allowing mini-storage facilities in rural areas that are in close proximity to existing UGBs and adjacent to U.S. Hwy 20 supports Goal 7 by providing opportunities for the public to

store their property in safe and secure facilities that are inherently less likely to be affected by natural hazards due to their proximity to urban-level services. In addition, having mini-storage facilities in close proximity to U.S. Hwy 20 will offer residents a means to quickly gather critical necessities that might be needed in response to natural hazards.

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: Allowing mini-storage facilities as a conditional use in limited areas of the MUA zone will support new and existing recreational areas, such as the Prineville Reservoir and the Deschutes National Forest, by providing facilities for the storage of recreational equipment, including boats and recreational vehicles, in support of Goal 8.

Goal 9: Economic Development

To inventory commercial and industrial lands, identify future demand, and plan for ways to meet that demand.

Response: The proposed legislative text amendment supports Goal 9 because it will have the effect of allowing new and varied economic activity within the MUA zone that will allow the general public additional economic and business opportunities.

Goal 10: Housing

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

Response: This application is for a legislative next amendment to the DCC within the MUA zone and will have no impact on the County or state's ability to provide for the housing needs of the state's citizens.

Goal 11: Public Facilities and Services

To plan, develop, and maintain public facilities and services that serve the needs of the community in an orderly and efficient manner.

Response: This application is for a legislative text amendment to the DCC within the MUA zone and will have no direct impact on public facilities or services. However, by permitting mini-storage facilities only through a conditional use permit process and also requiring site plan review, it can be ensured that adequate public facilities and services are available to serve future mini-storage facilities, and that any disproportionate impacts are adequately mitigated. Goal 11 is met.

Goal 12: Transportation

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

Response: This application is for a legislative text amendment to the DCC within the MUA zone and will have no direct impact on the County or state transportation system. However, by permitting mini-storage facilities through a conditional use permit process and subject to site plan review standards, it can be ensured that adequate transportation connections to mini-storage sites are provided and that any disproportionate impacts to the transportation system are adequately mitigated. Further, by limiting mini-storage facilities in the MUA zone to parcels that are in close proximity to UGBs and adjacent to U.S. Hwy 20, the proposal ensures that these facilities are provided convenient access to the County's residents. Goal 12 is met.

Goal 13: Energy Conservation**To conserve energy.**

Response: This application is for a legislative amendment to the DCC within the MUA zone and will have no direct impact on energy conservation efforts. By subjecting mini-storage uses to the conditional use process, it can be ensured that these facilities are developed and designed with best practices, including energy efficient design standards. Goal 13 is met.

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 is intended to regulate the conversion of rural lands to urban-level uses in order to help ensure efficient use of land and livable communities. The proposed legislative text amendment is not proposing to amend any UGBs within the County or otherwise convert rural lands to urban uses. The proposal would allow mini-storage as a conditional use and, as a narrowly defined use, would limit the proliferation of such uses in a manner that would conflict with Goal 14.

Further, the allowance of mini-storage supports rural residents by providing opportunities to store personal property, including equipment, recreational vehicles, and boats. In addition, other County zones already allow mini-storage, such as the R-I zone, another zone intended to serve rural communities, which tends to indicate that it is at least a compatible use in an urban to rural transition zone. The proposed text amendment will limit the potential location of mini-storage to parcels in the MUA zone that are in close proximity to existing UGBs and adjacent to U.S. Hwy 20, thereby limiting the potential for “leapfrog” development and ensuring that any new mini-storage uses will occur in close proximity to the UGB from which any future expansion would occur. Further, by subjecting mini-storage uses to the conditional use process, it can be ensured that these facilities are developed and designed to be compatible with the rural character of the County.

The question whether a given use is urban or rural depends on the factors identified in *Shaffer v. Jackson County*, 17 Or LUBA 922 (1989)³. Those factors include whether the use (1) employs a small number of workers; (2) is significantly dependent on a site-specific resource and there is a practical necessity to site the use near the resource; (3) is a type of use typically located in rural areas; and (4) does not require public facilities or services.

The first factor here would be met because the proposed mini-storage facility would employ a very small number of workers—with at most one or two single regular on-site employees during limited hours of operation.

The second factor is satisfied by the site-specific dependency on U.S. Hwy 20 East and the rural and recreational resources east of Bend. As the site will naturally attract and provide storage for boats, RVs, off-road vehicles and other recreational equipment there is a practical necessity to site the storage facility in the particular area where Bend transitions to those larger rural areas with many residents. By contrast, this is not a mini-storage use that is proposed to be located directly between two nearby cities with evidence of

³ <https://www.oregon.gov/luba/Docs/Opinions/1989/07-89/89015.pdf>

operational characteristics demonstrating the facility was serving primarily urban residents, as in *Friends of Yamhill County v. Yamhill Co.*, 49 Or LUBA 529, 538 (2005)⁴.

The third factor would also appear to be satisfied, as mini-storage facilities tend to be located in both rural and urban areas alike, and are indeed conditionally permitted uses in the Rural Industrial (RI) zone as discussed above. See DCC 18.100.020(M). The nature of the proposed use is not inherently “urban” in the sense that rural users have the need for self-storage, as discussed above generally with respect to the purposes of the MUA zone.

Finally, the fourth factor is satisfied, because the use is not reliant upon and does not require the extension of public facilities or services like water or sewer.

These factors are not conclusive or determinative, but are considered together. *Columbia Riverkeeper v. Columbia County*, 70 Or. LUBA 171, 211 (2014)⁵. When these factors are considered together, they do not suggest that the proposed use is any more “urban” in character rather than “rural.”

Under these circumstances, Goal 14 is met.

7.0 Conclusion

As evidenced through this narrative and associated documents, the applicant’s proposed text amendment to the Deschutes County Code is consistent with the applicable local and state policies and regulations governing the allowance of this request. Therefore, the applicant respectfully requests Deschutes County approval of this application.

⁴ <https://www.oregon.gov/luba/Docs/Opinions/2005/06-05/05057.pdf>

⁵ <https://www.oregon.gov/luba/Docs/Opinions/2014/08-14/14017.pdf>

MUA ZONE TEXT AMENDMENT FOR MINI-STORAGE USES

Deschutes County, Oregon

Environmental, Social, Economic and Energy (ESEE) Analysis

Prepared for:

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Prepared by:



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Submitted: April 11, 2024

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TABLE OF CONTENTS

1.0 INTRODUCTION..... 5

1.1 OVERVIEW OF REQUEST & PROJECT DESCRIPTION 5

1.2 DESCRIPTION OF THE CONFLICTING USE 5

2.0 ESEE ANALYSIS..... 6

2.1 ESEE ANALYSIS REQUIREMENTS..... 6

2.2 EXISTING LOCAL PROTECTIONS..... 7

2.3 ESEE ANALYSIS AREA DESCRIPTION 7

3.0 SITE SPECIFIC ESEE ANALYSIS 9

3.1 ECONOMIC CONSEQUENCES 9

3.2 SOCIAL CONSEQUENCES 11

3.3 ENVIRONMENTAL CONSEQUENCES 12

3.4 ENERGY CONSEQUENCES..... 12

3.5 CONCLUSION..... 13

LIST OF FIGURES

Figure 1: Affected Parcels (ESEE Analysis Area) 8

ACRONYMS & ABBREVIATIONS

COID	Central Oregon Irrigation District
County	Deschutes County
DCC	Deschutes County Code
DLCD	Oregon Department of Land Conservation and Development
DOWL	DOWL, LLC
ESEE	Economic, Social, Environmental and Energy
GIS	Geographic Information System
HWY 20	U.S. Highway 20 (Central Oregon Highway)
LCDC	Land Conservation and Development Commission
LM	Landscape Management Combining Zone
LUBA	Oregon Land Use Board of Appeals
MUA	Multiple Use Agricultural Zone
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
PAPA	Post-Acknowledgement Plan Amendment
ROW	Right-of-Way
RV	Recreational Vehicle
SF	Square Feet
UGB	Urban Growth Boundary

1.0 INTRODUCTION

1.1 Overview of Request & Project Description

Eastside Bend LLC (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 35 acres in size;
- Adjacent to U.S Hwy 20; and
- Within 2,500 feet of an urban growth boundary (UGB).

Given the proposed use would be allowed on certain parcels adjacent to U.S. Hwy 20, 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. Per Table 5.5.1 within Section 5.5 of Comprehensive Plan, Goal 5 Inventory for Open Spaces, Scenic Views and Sites, all land within one-quarter mile of the centerline of U.S. Hwy 20 is subject to the LM zone and is an inventoried Goal 5 resource.

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 U.S. Hwy 20), 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), public and private schools, or veterinary clinics, demonstrating that the proposed mini-storage use is not a departure from the size and scale of development already allowed within the MUA and LM zones¹.

1.2 Description of the Conflicting Use

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 U.S. Hwy 20.

Goal 5 Administrative Rule OAR 660-023-0010 defines "conflicting use" as follows:

¹ Per DCC 18.84.030, uses permitted in the underlying zone are also permitted in the LM zone.

(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 proposed mini-storage use within the MUA zone for certain parcels situated along U.S. Hwy 20. Due to the location of the LM zone along U.S. Hwy 20, which is intended to “maintain and enhance scenic vistas and natural landscapes as screen from designated roads, rivers, or streams”, 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 Analysis Requirements

This ESEE analysis is based on a proposed new mini-storage use within the MUA zone for certain parcels adjacent to U.S. Hwy 20, 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.

An ESEE analysis evaluates the trade-offs associated with different levels of resource protection. As required by the Goal 5 Rule, the evaluation process identifies the consequences of *allowing, limiting, or prohibiting* conflicting uses in areas containing significant resources, including scenic views. Pursuant to the Goal 5 Rule, OAR 660-023-0040, the ESEE analysis 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 20 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 (also referred to as the “affected parcels” within this document), which have been identified using geographic information systems (GIS), and are described in more detail in

Section 2.3 of this document. An ESEE consequences analysis for the impact area is provided in Section 3.0 of this document. As described in Section 2.2 below, Deschutes County already maintains a program for achieving Goal 5 specific to the scenic views and natural landscapes viewed from U.S. Hwy 20, which are an inventoried Goal 5 resource within Deschutes County and are protected through the establishment of the LM zone.

2.2 Existing Local Protections

As previously discussed, the proposed new mini-storage use within the MUA zone would be allowed on certain parcels adjacent to U.S. Hwy 20, which would be subject to the County's LM zone, which is intended to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic viewsheds and natural landscapes as seen from designated roads, rivers, or streams (including U.S. Hwy 20). 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. Notably, the LM zone limits building heights to 30-feet, which largely ensures scenic viewsheds can be preserved when viewed from a designated road (such as U.S. Hwy 20). 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), public and private schools, or veterinary clinics, demonstrating that the proposed mini-storage use is not a departure from the size and scale of development already allowed within the MUA and LM zones. 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 U.S. Hwy 20.

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. The County's conditional use process provides the review authority with ample discretion in their review of a proposed use to ensure that it remains compatible with adjacent development and uses through consideration of site, design and operating characteristics of the proposed use, adequacy of transportation access to the development site, and the natural and physical characteristics of the site.

Lastly, any development within the MUA zone would also be subject to the MUA zone development standards per DCC 18.32, unless superseded by the LM zone or through a condition of approval applied through the conditional use review process. Any development proposed that includes buildings, parking or site grading would also be subject to the County's site plan review process per DCC 18.124.

2.3 ESEE Analysis Area Description

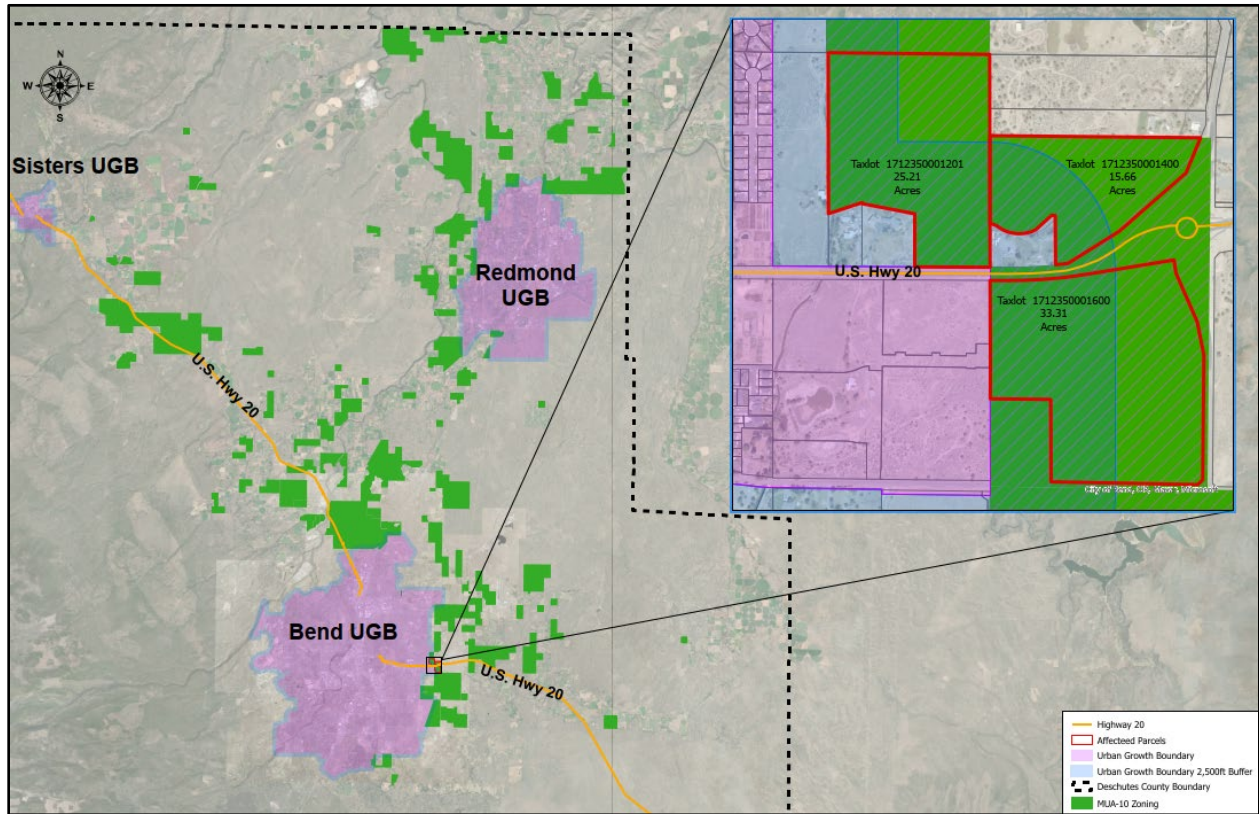
As described in Section 1.1, the new proposed mini-storage use would only be allowed on parcels that meet the following requirements:

- Zoned MUA;
- At least 10 acres in size and no greater than 35 acres in size;
- Adjacent to U.S Hwy 20; and
- Within 2,500 feet of an urban growth boundary (UGB).

Through a GIS analysis of Deschutes County's zoning and tax lot data, it was determined that the proposed mini-storage use would only affect three parcels, all generally located between Hamby Road/Ward Road

on the east and the Bend UGB on the west. These parcels are identified as tax lots 1712350001201, 1712350001600 and 1712350001400 and are shown on Figure 1 below. U.S. Hwy 20 only traverses through two UGBs, Bend and Sisters, and there are no MUA-zoned lands adjacent to the Sisters UGB. While there are ample MUA-zoned lands immediately north of the Bend UGB along U.S. Hwy 20 (Bend-Sisters Highway), there are no parcels that also meet the acreage size requirements and minimum distance from the UGB to qualify for the proposed new mini-storage use. For the purpose of this ESEE analysis and the consideration of a new conflicting use, the ESEE analysis impact area is limited to the portions of tax lots 1712350001201, 1712350001600 and 1712350001400 within the LM zone and their associated natural landscapes and scenic views.

Figure 1: Affected Parcels (ESEE Analysis Area)



2.3.1. Existing Conditions

The three affected parcels are located just east of the Bend UGB. This location is optimal for the storage of boats, RVs and recreational equipment as it is along the travel route to vast public lands and lakes to the east providing recreational opportunities, as well as the eastern route around the City to connect to North Hwy 97. This location provides the opportunity for local residents to store large recreational vehicles and equipment along two major transportation corridors to recreational opportunities, thereby decreasing vehicle miles traveled and carbon emissions.

The three affected parcels are all zoned MUA on the County’s zoning map. Adjacent zoning designations include Urbanizable Area Reserve (UAR10) to the west, Exclusive Farm Use – Tumalo/Redmond/Bend Subzone (EFUTRB) to the south and east, land within the Bend UGB (but outside Bend city-limits) zoned Standard Density Residential (RS) to the south and west, and additional MUA zoned land to the south.

All three affected parcels are currently vacant and relatively flat, with elevations varying by approximately 10 feet across each parcel. A Central Oregon Irrigation District (COID) canal lateral crosses tax lots 1712350001400 and 1712350001201 generally flowing east to west. Vegetation within each parcel is relatively sparse, consisting of vegetation typical of Central Oregon such as sagebrush, bitterbrush and

scattered juniper trees. Vegetation along each parcel's frontage with U.S. Hwy 20 is mostly limited to scrub and taller grasses. An overhead power and communication line runs along the frontage of tax lot 1712350001600 on the south side of U.S. Hwy 20.

Views from U.S Hwy 20 to the north are limited as terrain begins to gently slope upward, but Cline Butte is occasionally visible on clear days. Additionally, the recent construction of a roundabout at U.S. Hwy 20's intersection with Hamby Road and Ward Road, and the resulting grade changes, have further reduced views across tax lot 1712350001400 to the north when travelling on the highway. Views from U.S. Hwy 20 to the south are more prominent, with Paulina Peak partially visible, with the aforementioned overhead power and communication lines partially obscuring this viewshed. Views from U.S. Hwy 20 heading westbound (toward Bend) include the high Cascades, including Mount Bachelor and South Sister. Views from U.S. Hwy 20 heading eastbound (toward Burns) are limited, largely due to the new roundabout. Immediately adjacent rural residential development (on tax lots 1712350001205, 1712350001100 and 1712350001401) obscure views from U.S. Hwy 20 to the north depending on the vantage point.

2.3.2. Site Alterations

Specific site alterations on the three subject parcels are not proposed at this time. This ESEE analysis is limited to evaluating a new proposed use (mini-storage) that could be conflicting with scenic viewsheds and natural landscapes viewed from U.S. Hwy 20. As discussed in Section 2.2, if the new mini-storage use text amendment is approved, any new development eventually proposed would be subject to the County's land use review process and numerous development regulations intended to ensure compatibility with scenic views and natural landscapes through the implementation and application of the LM zone to new development on parcels subject to the LM zone.

3.0 SITE SPECIFIC ESEE ANALYSIS

An ESEE analysis describes the economic, social, environmental, and energy consequences of allowing, limiting, or prohibiting a possible conflicting use with an inventoried Goal 5 resource. For the purpose of this ESEE analysis, the conflicting use is the new proposed mini-storage use within the MUA zone for certain parcels along U.S. Hwy 20, which would be subject to the County's LM zone, which is intended to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic viewsheds and natural landscapes as seen from designated roads, rivers or streams (including U.S. Hwy 20). For the purpose of this analysis, "allow", "limit", and "prohibit" are defined as follows:

Allow Conflicting Uses: "Allowing" the conflicting use means that Deschutes County is not applying additional protections to Significant Goal 5 scenic resources beyond baseline protection provided by other, non-Goal-5 local, state, and/or federal requirements.

Limit Conflicting Uses: "Limiting" conflicting uses strikes a balance between completely developing Significant Goal 5 resources and completely protecting them. This alternative involves developing lands in ways that minimize negative environmental and economic tradeoffs, supporting the development goals embodied in local and regional land use plans, and protecting the most important Goal 5 Significant scenic resources. 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). Limiting the conflicting use, in this case, would mean applying the standards and regulations of the LM zone to the new mini-storage use.

Prohibiting Conflicting Uses: "Prohibiting" conflicting uses would prevent development actions that conflict with, or degrade, Significant Goal 5 resources. This scenario emphasizes resource protection. Protection measures would exceed baseline protections provided by other local, state, and/or federal requirements.

3.1 Economic Consequences

The following describes the economic consequences for each of the three protection scenarios.

3.1.1. Prohibiting Conflicting Use (Full Protection)

The consequences of prohibiting the conflicting use would be mixed. The consequences for the scenic views and existing natural landscapes could be positive if the affected parcels were not otherwise developed under available permitted or conditionally permitted use development allowances within the MUA zone. The visual quality of the ESEE analysis area could be maintained, potentially maximizing preservation of each parcel's visual qualities. As noted in the County's original ESEE analysis for scenic resources (Ordinance 92-052), "*maintaining or enhancing visual quality makes the county a more attractive place to visit, thereby attracting more visitors and inducing people to stay longer*". It should be noted that the vegetation on the affected parcels within the LM zone is already limited as discussed in Section 2.3.1, and viewsheds to the north and south are minimal and already reduced through adjacent rural residential development and overhead utilities along the highway's south frontage. Views to the west toward the high Cascades would not be impacted by development of the affected parcels.

The economic consequences related to prohibiting the mini-storage use would be negative. A new use and development opportunity would not be permissible, limiting the creation of additional job opportunities, and positive economic activity would not be generated through mini-storage development. 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.

3.1.2. Limit Conflicting Use (Limited Protection)

Limiting the conflicting use through the application of the LM zone, thereby helping to ensure any future development on the affected parcels is subject to the use and development regulations of the LM zone per DCC18.84, such as height limitations, would allow the conflicting use to occur in a manner that is sensitive to the scenic viewsheds and natural landscapes. Limiting the use while still allowing development to occur would have generally positive economic consequences. A new use and development opportunity would be allowed, which could create additional job opportunities for the County's residents and generate positive economic activity. The creation of new mini-storage uses would provide a necessary service in closer proximity to rural residents and limit the need to drive into Bend for a similar storage need.

Similarly, limiting the conflicting use in a manner that is sensitive to scenic views and natural landscapes helps to maintain the visual quality of Deschutes County, ensuring that Deschutes County is an attractive place to visit, and as noted in the County's 1992 ESEE analysis, enticing more visitors which can generate positive economic activity in the County. As discussed in Section 2.2, the LM zone's application of use limitations per DCC 18.84.050, design review standards per DCC 18.84.080, and setback requirements per DCC 18.84.090 all help ensure compatibility between site design and the scenic viewsheds and natural landscapes the LM zone is intending to preserve. Notably, the LM zone limits building heights to 30-feet, which largely ensures scenic viewsheds can be preserved when viewed from a designated road (such as U.S. Hwy 20). Further, the mini-storage use would 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, which provides the review authority additional discretion in their review to apply conditions of approval on a mini-storage use that is sensitive to specific site conditions and adjacent development patterns.

3.1.3. Allow Conflicting Use (No Protection)

The consequence of allowing the conflicting use without any protections would be mixed. The consequences for the affected parcel's natural landscapes and the viewsheds from U.S. Hwy 20 would be negative. Future mini-storage use development, without limitations, could significantly impact viewsheds and remove all existing natural vegetation, which would diminish the affected parcel's visual quality and could reduce the County's attractiveness to new business interests and tourists. The economic consequences related to allowing the new mini-storage use would be positive, given one of the affected parcels could develop without concern for scenic viewsheds or existing natural landscapes, helping to ensure the economic benefits stated above in Section 3.1.2, including potential job creation and positive economic activity.

3.2 Social Consequences

The following describes the social consequences for each of the three protection scenarios.

3.2.1. Prohibiting Conflicting Use (Full Protection)

The consequences of prohibiting the conflicting use would be mixed. The consequences for the scenic views and natural landscapes could be positive if the affected parcels were not otherwise developed under available permitted or conditionally permitted use development allowances within the MUA zone. The visual quality of the affected parcels could be maintained and natural landscapes could be preserved. As discussed in the County's 1992 ESEE analysis, maintaining the County's visual quality enhances the livability of Deschutes County. As Deschutes County continues to urbanize, primarily through growth within the Bend and Redmond UGBs, maintaining scenic quality in the County's rural areas will remain important. However, as mentioned, the vegetation on the affected parcels within the LM zone is already limited, and viewsheds to the north and south are minimal and already reduced through existing rural residential development and overhead utilities. Views to the west toward the high Cascades would not be impacted by development of the affected parcels.

The social consequences related to prohibiting the mini-storage use would be negative. An additional employment opportunity would not be created and additional storage opportunities for County residents would not be possible. Deschutes County is a destination for outdoor recreation, with many County residents, as well as visitors, utilizing the extensive public lands and waterways for sport and leisure. Many County residents rely on storage facilities to store recreational equipment, vehicles and watercraft, and prohibiting the mini-storage use would limit options for mini-storage facilities outside of UGBs, requiring rural residents to drive further to meet this need, which could limit the County's livability potential.

3.2.2. Limit Conflicting Use (Limited Protection)

Limiting the conflicting use through the application of the LM zone, thereby helping to ensure any future development on the affected parcels is subject to the use and development regulations of the LM zone per DCC 18.84, would allow the conflicting use to occur in a manner that is sensitive to the scenic viewsheds and natural landscapes. Limiting the use while still allowing development to occur would have generally positive social consequences. A new use and development opportunity would be allowed, creating additional employment and storage opportunities for the County's residents. Given the importance of outdoor recreation to the social fabric of Deschutes County, providing opportunities for residents to store recreational equipment, vehicles and watercraft for personal use in locations in the County more proximal to the outdoor recreation uses would be beneficial to the County's livability. Further, providing mini-storage uses in closer proximity to rural residents limits the need to drive further into UGBs for this service, allowing rural residents to spend more time on other pursuits, which could further increase livability for residents.

Limiting the conflicting use in a manner that is sensitive to scenic views and natural landscapes will also help preserve and maintain the visual quality of Deschutes County, further enhancing the County's livability. As mentioned in Section 3.2.1, maintaining the County's visual quality in rural areas will remain important as the County continues to urbanize and grow within UGBs. The use limitations and development standards applied through the LM zone, such as a maximum building height of 30-feet, can help to ensure that any future development for mini-storage uses on the affected parcels is done in a manner that is considerate of scenic viewsheds and natural landscapes, and the conditional use review procedure provides the review authority with additional discretion that can ensure compatibility with specific site conditions and adjacent development patterns.

3.2.3. Allow Conflicting Use (No Protection)

The consequences of allowing the conflicting use without any protections would be mixed. The consequences for the affected parcel's natural landscapes and the viewsheds from U.S. Hwy 20 would be negative. Future mini-storage development, without limitations, could completely block viewsheds and remove all existing natural vegetation, which would diminish the affected parcel's visual quality, thereby reducing Deschutes County's overall scenic and visual quality. The consequences related to allowing the new mini-storage use would be positive, as stated above in Section 3.2.2, including potential job creation

and additional opportunities for storage in support of Deschutes County's recreational opportunities, which is integral aspect of the County's livability.

3.3 Environmental Consequences

The following describes the environmental consequences for each of the three protection scenarios.

3.3.1. Prohibiting Conflicting Use (Full Protection)

The consequences of prohibiting the conflicting use would be mixed. The consequences for the scenic views and existing natural landscapes could be positive if the affected parcels were not otherwise developed under available permitted or conditionally permitted use development allowances within the MUA zone. Existing landscapes and natural vegetation could be maintained, including existing trees and underbrush, which may provide habitat qualities. Existing vegetation also helps prevent erosion. The scenic qualities of the affected parcels could also be maintained, although scenic qualities do not necessarily provide environmental benefit. As mentioned, existing vegetation within the affected parcels is already limited, and adjacent rural residential development, as well as U.S. Hwy 20 itself, may limit the functional values of any habitat areas within the affected parcels.

The environmental consequences related to prohibiting the mini-storage use could be negative due to the fact that the proposed text amendment would allow the development of mini-storage facilities in closer proximity to rural residents. This proximity to rural residential areas could reduce drive times, thereby reducing carbon emissions for local business and residents who wish to utilize these facilities, given they would not have to drive to a UGB to meet this need.

3.3.2. Limit Conflicting Use (Limited Protection)

Limiting the conflicting use through the application of the LM zone, thereby helping to ensure any future development on the affected parcels is subject to the use and development regulations of the LM zone per DCC18.84, would allow the conflicting use to occur in a manner that is sensitive to the subject parcel's existing natural vegetation and any habitat qualities this vegetation provides. In addition, a new use and development opportunity would be allowed. The creation of additional mini-storage facilities in closer proximity to rural residents, as well as public lands that offer recreational amenities, could reduce drive times and carbon emissions as rural residents would no longer have to drive to a UGB to utilize these services. The LM zone use limitations and development standards would apply, helping to ensure compatibility between site design and scenic viewsheds and natural landscapes that the LM zone is intending to preserve, as discussed in Section 3.1.2. Notably, the LM zone limits building heights to 30-feet, which largely ensures scenic viewsheds can be preserved when viewed from a designated road (such as U.S. Hwy 20). Therefore, limiting the conflicting use would generally have positive environmental consequences.

3.3.3. Allow Conflicting Use (No Protection)

The consequences of allowing the conflicting use without any protections would be mixed. The consequences for the affected parcel's natural landscapes and the viewsheds from U.S. Hwy 20 would be negative. Without limitations, future mini-storage development could completely remove existing natural vegetation, and harm any habitat qualities this vegetation provides. The environmental consequences related to allowing the new mini-storage uses would be positive for the reasons stated in Section 3.3.2, including reduced drive times and carbon emissions as nearby rural residents would no longer have to drive to a UGB to access mini-storage facilities.

3.4 Energy Consequences

The following describes the energy consequences for reach of the three protection scenarios.

3.4.1. Prohibiting Conflicting Use (Full Protection)

The consequences of prohibiting the conflicting use would be mixed. The consequences related to the scenic views and existing natural landscapes could be positive if the affected parcels were not otherwise

developed under available permitted or conditionally permitted use development allowances within the MUA zone. The visual qualities of the affected parcels could be maintained, potentially maximizing preservation of each parcel's visual quality. This means that nearby County residents, including those within the Bend UGB, could enjoy these viewsheds without having to drive further for similar views, increasing energy use. It should be noted that the vegetation on the affected parcels within the LM zone is already limited as discussed in Section 2.3.1, and viewsheds to the north and south are minimal and already reduced through adjacent rural residential development and overhead utilities. Views to the west toward the high Cascades would not be impacted by development of the affected parcels.

The energy consequences related to prohibiting the mini-storage use would be negative. Additional opportunities for the development of mini-storage facilities in closer proximity to rural residents could not occur. The opportunity for these facilities 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.

3.4.2. Limit Conflicting Use (Limited Protection)

Limiting the conflicting use through the application of the LM zone, thereby helping to ensure any future development on the affected parcels is subject to the use and development regulations of the LM zone per DCC18.84, would allow the conflicting use to occur in a manner that is sensitive to the subject parcel's existing natural vegetation and scenic viewsheds as viewed from U.S. Hwy 20, meaning nearby County residents can continue to enjoy the visual qualities provided by the affected parcels without having to drive further for similar views. The creation of additional mini-storage facilities in closer proximity to rural residents could reduce drive times and energy usage as rural residents would no longer have to drive to a UGB to utilize these services. The LM zone use limitations and development standards would apply, helping to ensure compatibility between site design and scenic viewsheds and natural landscapes that the LM zone is intending to preserve, as discussed in Section 3.1.2. Notably, the LM zone limits building heights to 30-feet, which largely ensures scenic viewsheds can be preserved when viewed from a designated road (such as U.S. Hwy 20). Therefore, limiting the conflicting use would generally have positive energy consequences.

3.4.3. Allow Conflicting Use (No Protection)

The consequences of allowing the conflicting use without any protections would be mixed. The consequences for the affected parcel's natural landscapes and the viewsheds from U.S. Hwy 20 would be negative. Without limitations, future mini-storage development could completely remove existing natural vegetation and block viewsheds, minimizing the visual qualities of the affected parcels, meaning nearby residents would have to drive further for similar views. The energy consequences related to allowing the mini-storage uses would be positive for the reasons stated in Section 3.4.2, including reduced energy consumption as nearby rural residents would no longer have to drive to a UGB to access mini-storage facilities.

3.5 Conclusion

The applicant's proposal provides an analysis of the relative trade-offs between the County's protection of scenic views and natural landscapes and the proposed legislative amendment to the DCC that would designate mini-storage uses, including watercraft and RV storage, as a conditionally allowed use within the MUA zone for certain parcels adjacent to U.S. Hwy 20. The addition of mini-storage as a conditionally allowed use within the MUA zone provides an additional opportunity for job creation, positive economic development and an additional service for nearby residents that would limit the need to drive into a UGB to access this service.

Prohibiting the conflicting use would preserve the affected parcel's natural landscapes and viewsheds but would not allow a new use that could generate a number of benefits for rural residents as identified throughout Section 3.0 of this analysis. This would result in multiple negative consequences as follows:

- No positive economic growth benefit or job creation from the construction of potential new mini-storage facilities.

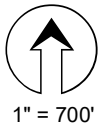
- Drive times and energy consumption for rural residents could not be reduced and these residents would need to continue to drive into a UGB to access this service.
- Additional mini-storage facilities that can accommodate recreational equipment, vehicles, watercraft and RVs would not be permissible in the MUA zone, and an opportunity to support Deschutes County's extensive outdoor recreational amenities, which is integral to the County's social fabric, could not occur.

Limiting the conflicting use through the application of the LM zone, thereby helping to ensure any future development on the affected parcels is subject to the use and development regulations of the LM zone per DCC18.84, such as a maximum building height of 30-feet, would allow the conflicting use to occur in a manner that is sensitive to the scenic viewsheds and natural landscapes. Through a decision to limit the new mini-storage use, the following could be achieved:

- Scenic viewsheds and natural landscapes within the affected parcels could be largely preserved through existing DCC regulations applied through the LM zone, ensuring these views can continue to be enjoyed by Deschutes County residents and visitors alike in support of the County's livability.
- Positive economic growth benefits could occur from the potential of new mini-storage facilities that cater primarily to rural residents.
- Additional job opportunities could be created.
- Drive times, energy consumption and carbon emissions could be reduced through the development of mini-storage facilities that are in closer proximity to nearby rural residents.
- Additional mini-storage facilities that can accommodate recreational equipment, vehicles, watercraft and RVs could be constructed in support of Deschutes County's numerous recreational amenities. Further, the affected parcel's location along U.S. Hwy 20, a key travel route to vast public lands and lakes to the east, provides an opportunity for local residents to store recreational equipment along a major transportation corridor to these recreational amenities, which could also reduce vehicle miles travelled and carob emissions.

Allowing the conflicting uses with no protection could allow new mini-storage uses within the affected parcels, with most of the results listed above, but would have the greatest impact to the scenic viewsheds and natural landscapes since no development standards or other regulations, such as those applied through the LM zone, would be enforced.

This analysis concludes that limiting the conflicting use would result in the most positive consequences of the three decision scenarios. A decision to limit the new mini-storage use would avoid many of the negative consequences attributed to either allowing or prohibiting the conflicting use. The LM zone's application of use limitations per DCC 18.84.050, design review standards per DCC 18.84.080, and setback requirements per DCC 18.84.090 all help ensure compatibility between site design and the scenic viewsheds and natural landscapes the LM zone is intending to preserve. Further, the mini-storage use would 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, which provides the review authority additional discretion in their review to apply conditions of approval on a mini-storage use that is sensitive to specific site conditions and adjacent development patterns. For the reasons concluded through this ESEE analysis, limiting the conflicting use is recommended for the proposed zoning text amendment.

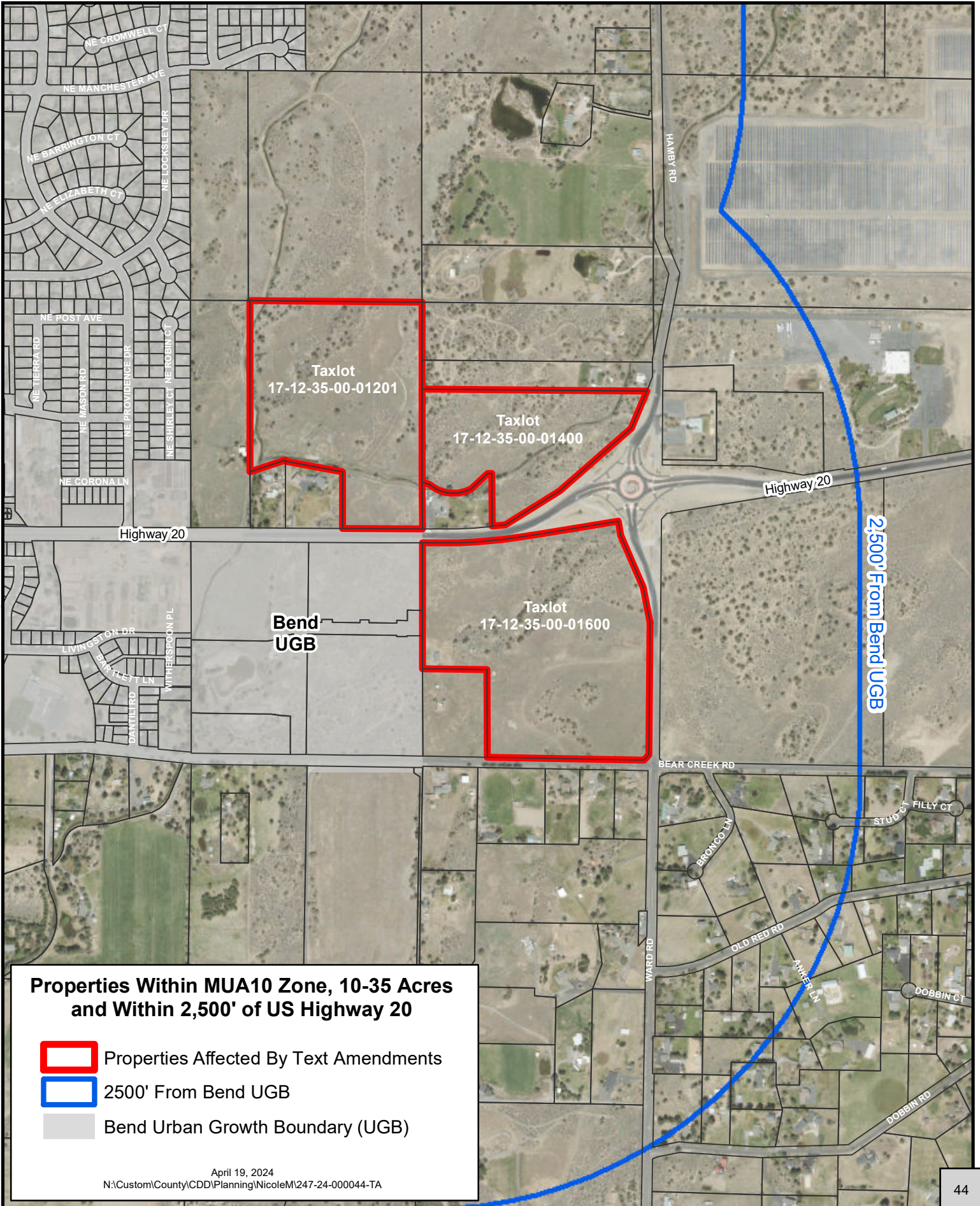


247-24-000044-TA

Item #IV.1.



Highway 20 Mini-Storage Text Amendments



Attachment D – 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

...

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.

...

Sunriver Urban Unincorporated Community Zone

18.108.110 Sunriver Unincorporated Community - Business Park; BP District

...

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

...

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.

...



MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: June 6, 2024

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

Staff will present proposed text amendments to the Planning Commission on June 13, 2024, in preparation for a June 27, 2024, public hearing concerning applicant-initiated legislative amendments 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. Staff has received one agency comment to date from the City of Redmond. The City 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 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.

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”.¹ 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.

¹ 18.04 Definitions

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.
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. NEXT STEPS

The Planning Commission will ultimately provide a recommendation to the Board of County Commissioners on the proposed amendments. The Commission could choose to approve the amendments as drafted, revise the amendments to include additional siting criteria or conditions to mitigate the use, or deny the amendments.

A public hearing with the Planning Commission is scheduled for June 27, 2024.

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

ZONE MAP AMENDMENT: _____ FEE: _____	PLAN MAP AMENDMENT: _____ FEE: _____	TEXT AMENDMENT: <u>X</u> FEE: \$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 5th 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.
- 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
1420 5th 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.
- 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 5th 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.
- 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~~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.

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

- 1. The Planning Commission.*
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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

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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.

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

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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.

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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.

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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.

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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.

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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).

Summary report:	
Litera Compare for Word 11.6.0.100 Document comparison done on 11/20/2023 4:06:50 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://PDX-MIDDLE/pdx/37503665/5	
Modified DMS: iw://PDX-MIDDLE/pdx/37503665/6	
Changes:	
<u>Add</u>	6
Delete	6
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	12



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.

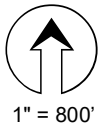
Environmental consequences based upon the proposal are marginal. As already stated, mini-storage is already a permitted use on nearby lands that maintain the RI zoning designation. Moreover, protections contained in the Site Plan Review criteria limit changes to topography and maintain specific vegetation 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.



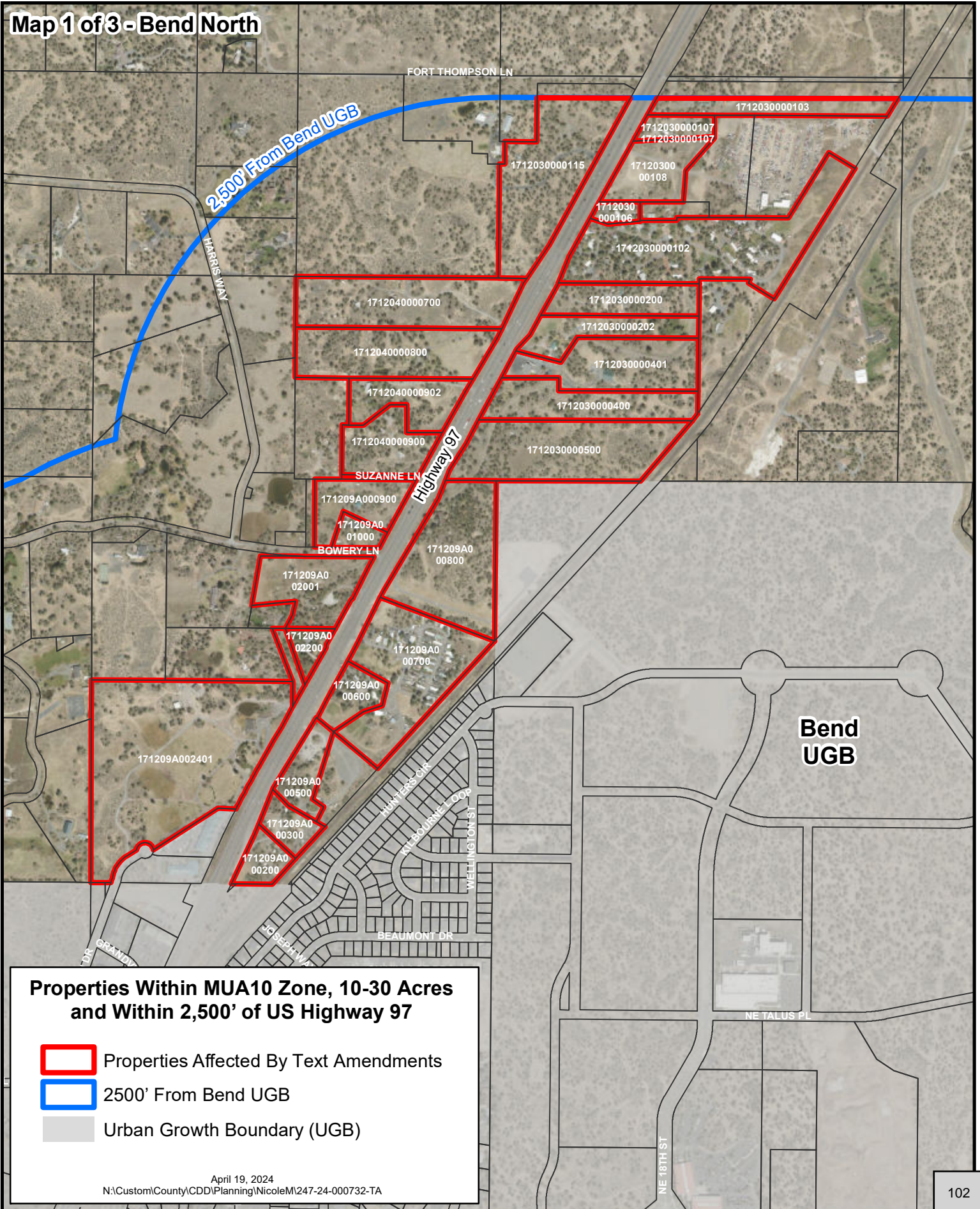
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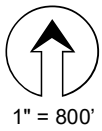
Item #IV.2.



Highway 97 Mini-Storage Text Amendments

Map 1 of 3 - Bend North





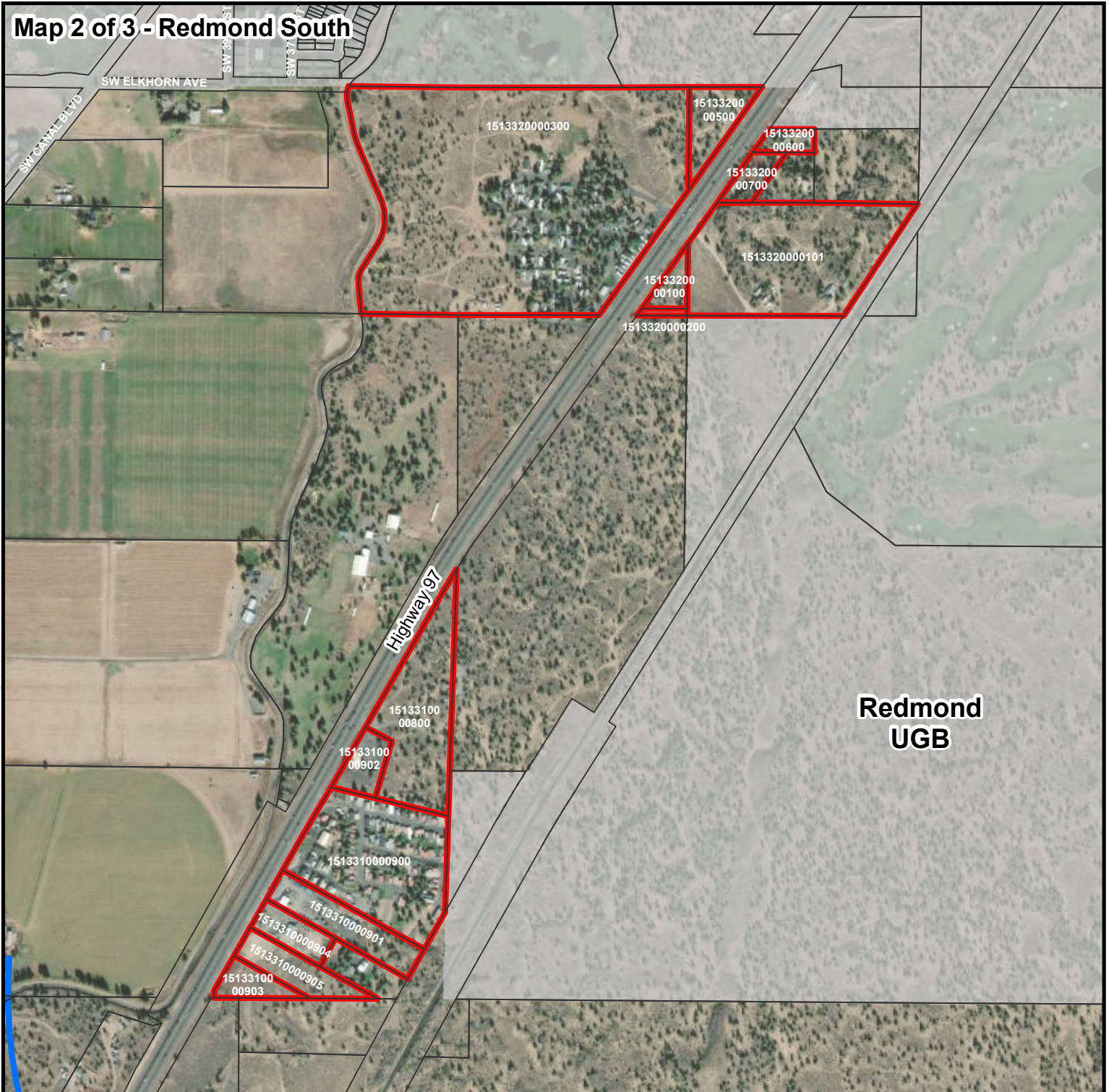
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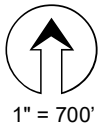
Highway 97 Mini-Storage Text Amendments

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)



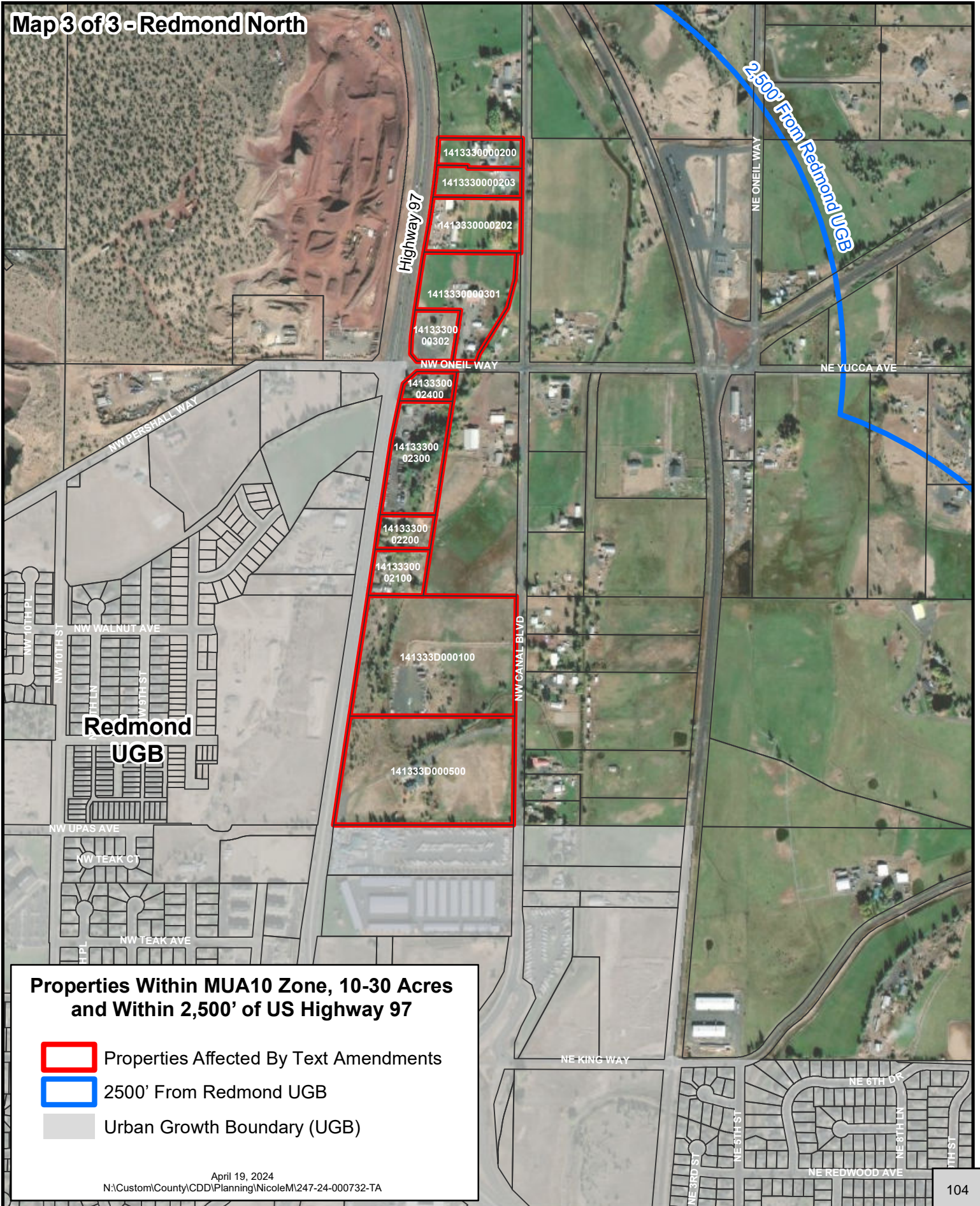
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Highway 97 Mini-Storage Text Amendments

Map 3 of 3 - Redmond North





1" = 700'

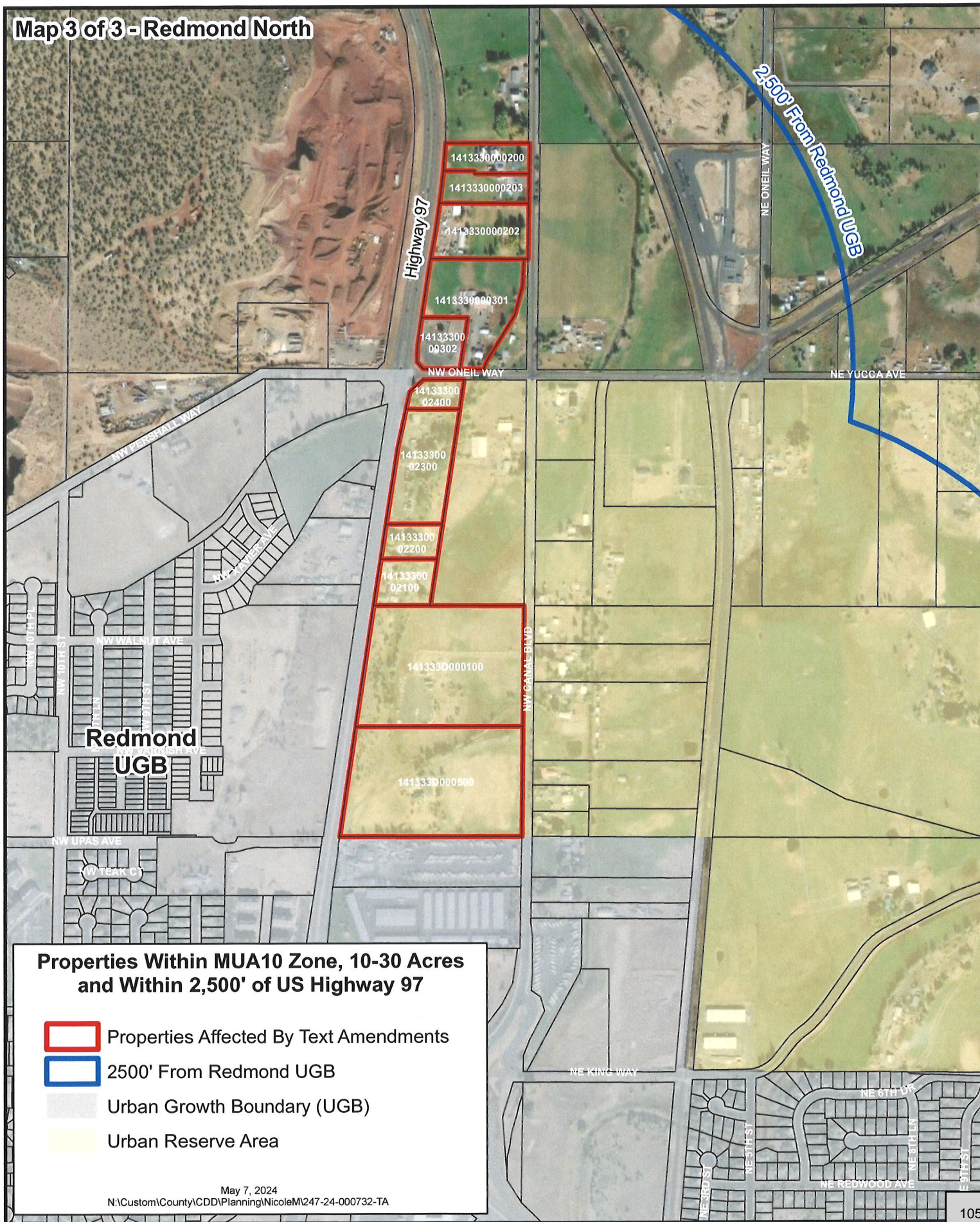
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Highway 97 Mini-Storage Text Amendments

Item #IV.2.



Map 3 of 3 - Redmond North



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

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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:

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M. Mini-storage facility.

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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.

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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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