



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/05/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 015-07

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, December 23, 2008

This amendment was submitted to DLCDD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCDD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Kristin Maze, Deschutes County
Doug White, DLCDD Community Services Specialist

<paa> YA

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Deschutes County Local file number: TA-06-9
Date of Adoption: 2-11-08 Date Mailed: 12-2-08
Date original Notice of Proposed Amendment was mailed to DLCD: 8-16-07

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

Amendment to Deschutes County Code Title 18 to include mini-storage facilities in the Rural Commercial zone in the Deschutes River Woods, Deschutes Junction, Pine Forest and Rosaland areas and clarify the lot coverage requirements.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 14, 2, 9

Was and Exception Adopted? YES NO

DLCD File No.: 015-07 (16349)

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

Local Contact: Kristen Maze Phone: 541 383-6701 Extension: _____
Address: 117 NW Lafayette City: Bend Zip: 97701
Fax Number: 5113 E-mail Address: kristenm@co.deschutes.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** Go to: <http://webserver.lcd.state.or.us/upload2/uploadForm1.php>
Enter the number of files to be uploaded and then browse to locate files and when all files are found, press submit and your files will be sent to DLCD. At least **one** hard copy must be sent by mail or delivered in person. If you would like help with electronic submittals, please call Mara Ulloa at (503) 373-0050 extension 238.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code Title 18, Conditional Use, Mini-Storage Facilities, and Adding Mini-Storage Facilities to the Rural Commercial Zone and Declaring an Emergency with an Effective Date of March 1, 2008.

*
* ORDINANCE NO. 2008-008
*
*

WHEREAS, Deschutes County Community Development Department staff initiated changes to Deschutes County Code ("DCC") to include mini-storage facilities in the Rural Commercial zone in the Deschutes River Woods, Deschutes Junction and Pine Forest and Rosland areas, and clarify the lot coverage requirements; and

WHEREAS, Deschutes County Community Development Department staff also initiated changes to the parking requirements in DCC Section 18.128.300 Mini-Storage Facilities conditional use; and

WHEREAS the Planning Commission considered this matter after a public hearing on December 17, 2007, and forwarded amendments to the zoning regulations for Mini-Storage Facilities and Rural Commercial zone to the Board of County Commissioners ("Board"); and

WHEREAS the Board considered this matter after a public hearing on January 28, 2007 and concluded that the public will benefit from changes to the land use regulations for mini-storage in the Rural Commercial zone; now, therefore,

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

Section 1. AMENDMENT. DCC 18.74 Rural Commercial Zone is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. DCC 18.128.300, Conditional Use, Mini-Storage Facilities is amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

///

Section 8. FINDINGS. The Board adopts as its findings in support of this amendment the Decision of the Board of County Commissioners, in attached Exhibit "C" and incorporated by reference herein.

Section 9. EMERGENCY. This Ordinance being necessary for the public peace, health and safety, an emergency is declared to exist, and the Ordinance takes effect on March 1, 2008.

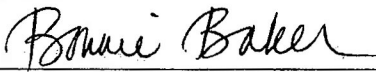
Dated this 11th of February 2008


BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, CHAIR

- absent -
TAMMY (BANEY) MELTON, VICE CHAIR

ATTEST:


Recording Secretary


MICHAEL M. DALY, COMMISSIONER

Date of 1st Reading: 28th day of January, 2008.

Date of 2nd Reading: 11th day of February, 2008.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy (Baney) Melton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 1st day of March, 2008.

ATTEST:

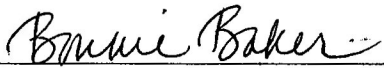

Recording Secretary

EXHIBIT "A"

Chapter 18.74. Rural Commercial Zone

18.74.010. Purpose.

18.74.020. Uses permitted – Deschutes Junction and Deschutes River Woods Store.

18.74.025. Uses permitted – Spring River.

18.74.027. Uses permitted – Pine Forest and Rosland.

18.74.030. Development standards.

18.74.010. 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.

(Ord. 2003-080 § 1, 2003, Ord. 2002-019 § 2, 2002)

18.74.020. Uses Permitted in Deschutes Junction and Deschutes River Woods Store.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:
1. Single-family dwelling.
 2. Manufactured home subject to DCC 18.116.070.
 3. Two-family dwelling.
 4. Type I Home Occupation, subject to DCC 18.116.280.
 5. Agricultural uses.
 6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
 7. Class III road or street project.
 8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.128:
1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
 - a. Restaurant, café or delicatessen.
 - b. Grocery store.
 - c. Tavern.
 - d. Retail sporting goods and guide services.
 - e. Barber and beauty shop.
 - f. General store.
 - g. Video store.
 - h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.
 2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
 3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
 - a. Retail sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel.
 - d. Veterinary clinic.

EXHIBIT "A"

- e. Automobile service station and repair garage, towing service, fuel storage and sales.
 - f. Public or semi-public use.
 - g. Residential use in the same building as a use permitted by this chapter.
 - h. Park or playground.
4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- 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:
1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
 - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Child care center.
 - e. Church.
 - f. School.
 2. Recreational vehicle park
 3. Mini-storage facilities limited to 35,000 square feet in size.
- (Ord. 2008-008 § 1, 2008; Ord. 2004-002 § 20, 2004; Ord. 2002-019 § 2, 2002)

18.74.025. Uses ~~allowed~~ Permitted in Spring River Rural Commercial/Limited Use Combining Zone.

- A. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
 - a. Fishing supplies and equipment.
 - b. Snowmobiling accessories.
 - c. Marine accessories.
 - d. General store.
 - e. Hardware store.
 - f. Convenience store with gas pumps.
 - g. Fast food restaurant, cafe, or coffee shop.
 - h. Recreational rental equipment store.
 - i. Excavation business.
 - j. Landscaping business/service.
 - k. Health care service.
 - l. Beauty shop.
 - m. Video store.
 - o. Post office.
 - p. Party supply.
 - q. Equipment sales and rental.
 - r. Appliance store.
 - s. Bank.
 - t. Exterminator.
 - u. Private mailing and packaging store.
 - v. Bakery.

EXHIBIT "A"

2. Expansion of a nonconforming use listed in section A(1)(a-v), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
 3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
 - a. Pet and livestock supply.
 - b. Farm machinery sales and repair.
 4. Expansion of a nonconforming use listed in section A(3)(a-b), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 3,500 square feet of floor space or 25 percent of the size of the building as of said date, whichever is greater.
- B. 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:
1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
 - a. Full service gas station with automobile repair services.
 - b. Welding shop.
 - c. Mini-storage units
 2. Expansion of a nonconforming use listed in section B(1)(a-c), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. Definitions. For the purposes of DCC 18. 764.120, the following definitions shall apply:
1. Landscaping business/service: Includes designing landscapes, site grading and preparation, placing boulders, planting trees and shrubbery, installing sod, installing irrigation systems and equipment, installing fencing, and landscape maintenance, but does not include on-site cultivation of plants or plant materials or any on-site retail sales.
 2. Health care service: A business providing the diagnosis, treatment and care of physical and/or mental disease, injury and/or disability, but not including a hospital facility or a nursing home as defined in DCC 18.04.
 3. Beauty Shop: A full service beauty salon which would include haircuts, permanents, washes, nails, etc., and the retail sales of incidental beauty supplies typical of any beauty salon.
 4. Mini-storage units: Self service mini-storage units of various sizes from 5' x 10' up to 12' x 24'.
 5. Video store: The sale and rental of videotapes, compact disc movies and audio books.
 6. Laundry and dry cleaners: Dry cleaners, shirt laundry and laundromat with self-service washers and dryers along with the sale of detergents, bleaches, etc.
 7. Post office: United States Postal Service office including mail pick-up and distribution.
 8. Party supply: The sale and rental of party supplies such as balloons, streamers, costumes, dishes, linens and silverware.
 9. Equipment sales and rental: The rental of construction, home repair and maintenance equipment such as ladders, mowers, saws, gardening supplies, etc., and the sales of related equipment.
 10. Appliance store: The sale and service of household appliances such as televisions, ranges, refrigerators, etc.
 11. Bank: Full service consumer bank for checking, savings, loans, safety deposit boxes, etc.
 12. Exterminator: Exterminator of insects and other pests such as rodents, spiders, etc.
 13. Private mailing and packaging store: Private mail boxes and packaging services, which would include the holding and distribution of mail, packing, mailing supplies, FEDEX and UPS pick-up, and FAX and copy machine availability.
 14. Bakery: The manufacture and sale of bread, donuts and pastries.
 15. Pet and livestock supplies: The sale of pet supplies such as dog and cat food, collars, grooming needs, shelters and some large animal supplies such as hay, feeds and grains.

EXHIBIT "A"

(Ord. 2008-008 § 1, 2008; Ord. 2006-008 § 7, 2006; Ord. 2002-019 § 2, 2002; Ord. 97-015 § 1, 1997; Ord. 96-046 § 1, 1996; Ord. 96-023 § 1, 1996)

Section 18.74.027. Uses ~~allowed~~ Permitted in Pine Forest and Rosland Rural Commercial Zones.

- A. Uses Permitted Outright. Any use listed as a use permitted outright by DCC 18.74.020(A).
- B. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
1. A building or buildings each not exceeding 2,500 square feet of floor space to be used by any combination of the following uses that serve the surrounding rural area or the travel needs of persons passing through the area:
 - a. Eating and drinking establishments.
 - b. Retail store, office and service establishments.
 2. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 2,500 square feet or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
 3. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
 - a. Sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel or veterinary clinic.
 - d. Automobile service station, repair garage, towing service, fuel storage and fuel sales.
 - e. Public or semi-public use.
 - f. Residential use in the same building as a use permitted in this chapter.
 - g. Park or playground.
 4. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 3,500 square feet each or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
- 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:
1. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any of the following uses:
 - a. Home occupation as defined in DCC 18.04.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Child care center.
 - e. Church.
 - f. School.
 2. Recreational vehicle park.
 3. Mini-storage facilities limited to 35,000 square feet in size.
- (Ord. 2008- 008 § 1, 2008, Ord. 2007-007 § 1, 2007; Ord. 2003-080, § 1, 2003)

18.74.030. Development standards.

- A. Yard Standards.
1. Front Yard. The front yard shall be 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.

EXHIBIT "A"

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 side 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.
 - c. ~~Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.~~
 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. ~~Except where otherwise noted, the p~~Primary and accessory buildings to be used for purposes other than residential, commercial or industrial ~~located on any lot or parcel~~ 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.

EXHIBIT "A"

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, Signs.
(Ord. 2008-008 § 1, 2008, Ord. 2007-007 § 1, 2007; Ord. 2006-008 § 7, 2006; Ord. 2003-080 § 1, 2003, Ord. 2002-019 § 2, 2002)

18.74.050. Maps.

(Ord. 2007-007 § 2, 2007)

(Ord. 2003-080 § 1, 2003)

(Ord. 2002-019 § 2, 2002)

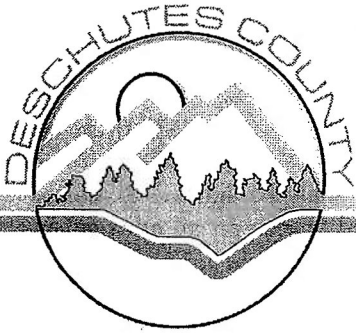


EXHIBIT "C"

Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

STAFF REPORT

DATE: January 28, 2007
TO: Deschutes County Board of County Commissioners
FROM: Kristen Maze, Associate Planner
Community Development Department
SUBJECT: Work Session for Mini Storage Facilities, TA-06-9

PURPOSE

The Deschutes County Board of County Commissioners will hold a public hearing for the proposed Mini Storage Facilities in Rural Commercial text amendment. This is a County initiated text amendment that modifies Deschutes County Code Title 18, Section 18.74, Rural Commercial to allow mini-storage up to 35,000 square feet in the Deschutes River Woods Store, Deschutes Junction, Pine Forest and Rosland area and Section 18.128.300, Mini-Storage Facility, modifying parking requirements for mini-storage facilities to reflect the current parking standards for office use and clarifies the lot coverage requirements.

BACKGROUND

Prior to the Oregon Legislature adopting OAR 660-022 (Unincorporated Communities) in 1994, Deschutes County had numerous Rural Service Centers. The purposes of OAR 660-022 were to establish policies and definitions for Unincorporated Communities. During Periodic Review and after public hearings, Deschutes County rezoned various properties as Unincorporated Communities (UC) and placed them in Rural Commercial (RC) and Rural Industrial (RI) zones. During the rezone process not all permitted or conditional uses that had been allowed in the Rural Service Center zone were included to the new UC and RC and RI zones.

The attached table shows the status of mini-storage as a permitted or conditional use in the four types of UC and RC and RI zones. Currently, with the exception of Spring River which allows a maximum 2,500 square foot mini-storage facility, mini-storage facilities in the Rural Service Center and the RC zones are not recognized as a permitted or conditional use.

In October 2006 with assistance of Doug White Oregon Department of Land Conservation and Development (DLCD), and Deschutes River Woods Store owner, Dave Jordan, staff initiated a proposed amendment to allow mini-storage facilities on all properties within the RC zone and to expand the current maximum building size limit to allow for such use. This amendment was

EXHIBIT "B"

18.128.300. Mini-Storage Facility.

- A. Each individual space for rent or sale shall be less than 1000 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. ~~One parking space for each 25 storage spaces shall be located at the project office for use by customers.~~ 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.

(Ord 2008-008 § 2, 2008; Ord. 2001-025 §1, 2001; Ord. 95-075 §1, 1995; Ord. 91-038 §3, 1991)

presented to the Planning Commission in a work session on October 12, 2006. The Planning Commission asked for more information about including mini-storage facilities in RC zones in the County and expanding the current maximum building size based on a market study formula for self-storage units by the Self Storage Association (ODE-SSA).

PLANNING COMMISSION RECOMMENDATION

On October 11, 2007, staff presented several options to the Planning Commission at a work session. At the public hearing on December 17, 2007 the Planning Commission recommended approval of the following proposal that would meet the intent of Goal 14, state law, and the Deschutes River Woods Store owner:

- Allow mini-storage facilities in the Rural Commercial zone with a maximum square footage not to exceed 35,000 square feet; and
- Revise the parking requirement in the mini-storage facilities conditional use standards to provide parking based on the square footage of the office space associated with the mini-storage; allow one space for every 300 square feet of mini-storage office.
- Clarify the lot coverage requirements in the Rural Commercial zone.

In addition to the proposal, the Planning Commission recommended a change to section 18.128.300 (E) to include a minimum of two (2) parking spaces be provided for all mini-storage facilities regardless of office size.

PROPOSAL ANALYSIS

1. This amendment is driven by one known property owner who would like to construct a mini-storage facility in the RC zone (Deschutes River Woods Store) outside an Unincorporated Community. This zone currently permits commercial buildings with a maximum size of 3,500 square feet but does not allow mini-storage facilities.
2. Deschutes River Woods Store is not located in an Unincorporated Community (See Mini-Storage Status Table). State Statute and Statewide Goal 14 require that rural uses outside Unincorporated Communities be less intensive than uses inside Unincorporated Communities.
3. Deschutes County Code currently only allows mini-storage as a conditional use in the Urban Unincorporated Community of Sunriver, and the Rural Communities of Tumalo and Terrebonne. The maximum square footage based on state statute is as follows:
 - Sunriver -20,000 sq. ft.,
 - Tumalo – 40,000 sq. ft.,
 - Terrebonne – 10, 000 sq. ft.

Spring River, located in a RC zone, permits mini-storage with a maximum 2,500 square feet.

4. Deschutes County defines Commercial use and Industrial use is as follows:
 - “Commercial use” means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals or wholesale distribution centers.

- “Industrial use” means the use of land primarily for the manufacture, processing, storage or wholesale distribution of products, goods or materials. It does not include commercial uses.

Currently, the County permits mini-storage facilities in both industrial and commercial zones. Mini-storage facilities fall under both definitions because they include a small office to facilitate the sale of storage space, and include the storage of goods on site. Based on their appearance and traffic patterns, mini-storage facilities warrant an industrial use zoning but are also considered an acceptable commercial use because they provide a service to a community.

5. OAR 660-022-0030 permits industrial uses up to 40,000 square feet in the Unincorporated Communities. The DLCDC may acknowledge a use in the RC zone that is less intensive than uses allowed in Unincorporated Communities because the less intensive use will be consistent with Goal 14 since it can be demonstrated that the use is intended to serve the community and surrounding rural area.
6. Based on the Unincorporated Community of Tumalo’s Rural Industrial maximum square footage of 40,000 the Rural Commercial zone that is applied to Deschutes River Woods Store and Deschutes Junction, which are outside the UC adequately meets the intent of both Goal 14 and OAR 660-022. The building intensive use of a mini-storage facility resembles an industrial use, although this facility provides a community service similar to a commercial use.
7. The proposed text amendment recommended for approval by the Planning Commission includes :
 - Allowing Mini-storage up to 35,000 square feet with a conditional use permit in the Rural Commercial zones for Deschutes River Wood Store, Deschutes Junction, and Pine Forest and Rosland areas.
 - Changing the parking requirements in Section 18.128.300 (E) to be associated with the mini-storage office space that would require one (1) space for every 300 square feet of office space, and a minimum of two (2) parking spaces for all mini-storage facilities regardless of office space.
8. Additional amendment to the Rural Commercial Code (DCC 18.74) would include:
 - permitting lot coverage for residential purposes to not exceed 25 percent of the total lot area, and
 - lot coverage for buildings used primarily of commercial and industrial purposes will be determined by requirements for sewage disposal, landscaping, parking and yard setbacks and other elements under site plan review (See Attached Proposed Text Amendment Language Section 18.74.030 (F)).
9. This proposal represents an approach that will address the Deschutes River Woods Store owner’s intent while meeting requirements of state law, Goal 14, and Deschutes County Code. Comp Plan

NOTIFICATION

Notice of the proposed text amendment was sent to all property owners within the Rural Commercial zone in accordance with Title 22 Section 22.12.202(A).

FINDINGS:

Review Criteria

The proposed amendment revises Deschutes County Code Title 18 to permit mini-storage facility use consistent with Goal 14 and OAR 660-022-0030 (4). Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative zoning text amendment. Therefore, the county must determine that the proposed Title 18 text amendments are consistent with state statute, the Statewide Planning Goals and the County's Comprehensive Plan. The parameters for evaluating these text amendments are based on whether there are adequate factual findings that demonstrate this consistency.

STATEWIDE PLANNING GOALS:

Goal 1 – Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Goal 1 is satisfied through the County text amendment process that includes a Planning Commission work session, followed by a Planning Commission public hearing, completed with County Board of Commissioners work session and public hearing.

Goal 2 – Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Deschutes County has established a process and policy framework to assure that decisions rendered by the County on land use applications have an adequate factual basis. No exceptions to the Statewide Planning Goals are requested with this application. No goal exceptions are necessary because the areas where this use will be allowed are already zoned for rural commercial uses, the proposed additional use in the Rural Commercial zone is a commercial use and the standards for the proposed additional use are less intensive than for the same use in an urban unincorporated community. Therefore, the addition of mini-storage facilities to the Rural Commercial zone is consistent with the goals. The staff report and accompanying materials contain the necessary facts for adoption of the proposed Text Amendments.

Goal 3 – Agricultural Lands. To preserve and maintain agricultural lands.

Finding: This Statewide Planning Goal is not applicable to since the zones have all been granted exceptions to Goal 3.

Goal 4 – Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: This Statewide Planning Goal is not applicable since the zones have all been granted exceptions to Goal 4.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: There are no Goal 5 Resources identified on the properties that would be affected by this Text Amendment.

Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Finding: The proposed Text Amendments will have no effect upon the air, water and land resources quality in Deschutes County because the areas where these facilities will be allow are already zoned for commercial uses. The facilities would likely reduce the distance that people will have to travel to secure a storage facility for their personal property because the property owner and their tenants in the surrounding rural neighborhoods are the likely users of the facility. Water needs will be minimal because this facility will have only one on-site office facility.

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

Finding: The proposed Text Amendments will have no effect on areas subject to natural hazards because, other than the normal fire dangers attributable to any property, no natural hazards have been identified for the Rural Commercial zones.

Goal 8: Recreation 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.

Finding: This is not a destination resort or recreational facility; therefore this Statewide Planning Goal is not applicable to this Text Amendment.

Goal 9: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: This Text Amendment will provide for the ability of the affected property owners to implement a Commercial/Industrial use in the Rural Commercial Zone. Further, this proposed Text Amendment increases the size of mini-storage facilities that can be permitted in the Rural Commercial Zone. Therefore, there will be job opportunities created through the planning, construction and operation of such facilities.

Goal 10: Housing. To provide for the housing needs of citizens of the state.

Finding: This Statewide Planning Goal is not applicable to this Text Amendment because this is not a housing use.

Goal 11: Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The affected properties are outside of Urban Growth Boundaries and will not be served through extensions of urban services unless they already exist; therefore Statewide Planning Goal is not applicable to this Text Amendment.

Goal 12: Transportation. To provide and encourage a safe, convenient and economic transportation system.

Finding: The proposed Text Amendments will have no effect on the transportation system because there are no new roads being proposed with these amendments. Specific proposals within the affected zoning district in the future may require transportation analyses as part of the application process.

Goal 13: Energy Conservation. To conserve energy.

Finding: The proposed amendments will aid in energy conservation because the property owners and their tenants in the surrounding rural neighborhoods are the likely users of the facility, thereby reducing the amount of energy consumed to transport personal property to the storage facilities.

Goal 14: 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.

Finding: The county must address Goal 14 because the goal provides the necessary parameters for determining whether the proposed text amendment is consistent with the county's comprehensive plan and because the Goal provides the guidelines as to what types of commercial facilities might be allowed in rural areas. One of the requirements is to show how the size of the proposed Mini-Storage Facilities will remain compliant with Goal 14 and not provide a use that would be better suited for an urban area. The size of the mini storage within the affected zone does not constitute an "urban level of development." The proposed text amendment will allow less intensive building that limits the size of the self-storage so it is consistent with both Goal 14 and OAR 660-022-0030(4) since it is intended to serve the community and surrounding rural area.

Statewide Planning Goals 15 – 19 are related to resources not located in Central Oregon and, therefore are goals that do not apply to Deschutes County

DESCHUTES COUNTY COMPREHENSIVE PLAN:

Based on the Comprehensive Plan Rural Development policy which states "All development in Deschutes County shall comply with all applicable state and federal rules, regulations and standards" the proposed amendment will have no affect on Deschutes County Comprehensive Plan goals and policies. It is consistent with the goal to develop less intensive commercial uses outside the Unincorporated Communities in conformance with OAR 660-022.

RECOMMENDED ACTION:

Staff recommends that the Board of County Commissioners:

1. Open the public hearing and listen to testimony,
2. Provide staff direction for changes to the proposed Rural Commercial zone and Mini-Storage Facility text amendment, and
3. Approve the proposed amendment.

Attachments

1. Mini-storage Status Table
2. Ordinance 2008-008
3. DCC 18.128.300 Text Changes
4. DCC 18.74 Text Changes