



MEMORANDUM

TO: Deschutes County Board of Commissioners (“Board”)
FROM: Nicole Mardell, AICP, Senior Planner
DATE: August 28, 2024
SUBJECT: Public Hearing: Mini-Storage in MUA-10 Zone Adjacent to Hwy 20

The Board will conduct a public hearing to gather testimony on this proposal during the Board’s regularly scheduled meeting on August 28, 2024, in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend or virtually via zoom. The proposal is an applicant-initiated legislative amendment. The applicant seeks to allow mini-storage as a conditional use on certain MUA-10 properties adjacent to U.S. Highway 20 (file no. 247-24-000044-TA). There is a separate applicant-initiated text amendment to allow mini-storage along Highway 97, which is not associated with this application.

All record materials can be found on the project website: www.deschutes.org/Hwy20Storage.

I. PROPOSAL

In January 2024, Eastside Bend LLC applied for a legislative amendment related to mini-storage in the Multiple Use Agricultural – 10 Acre Minimum (MUA-10) zone. Attached to this memo are the applicant’s proposed amendments (Attachment A), proposed findings (Attachment B), and a map of eligible properties (Attachment C). The applicant proposes to add mini-storage as a conditional use in the zone, if the following siting criteria are met:

- The property is at least 10 acres and no greater than 35 acres (multiple contiguous parcels may be considered in the aggregate to meet the requirements of this section);
- Adjacent to U.S. Highway 20; and
- Within 2,500 feet of an urban growth boundary (UGB).

In addition to these locational criteria, future applications would also need to comply with requirements for 18.128 Conditional Uses, including the general compatibility standards (18.128.015) and specific requirements for mini-storage uses (18.128.300) related to screening, parking, and landscaping (Attachment D). The Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) was sent on April 18, 2024.

II. BACKGROUND

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.

Zone	Standards / Requirements
Unincorporated Communities	
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. Additional requirements for large scale use if over 4,000 square feet.
Terrebonne 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.
Other Zones	
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 Terrebonne Industrial zone, mini-storage is generally allowed through a conditional use permit in Deschutes County and contains zone-specific criteria in addition to the general criteria.

III. SUMMARY OF TESTIMONY

Notice of the public hearing was sent to agencies on May 8, 2024 and posted in the Bend Bulletin on May 29 and again on August 14, 2024.. Comments from the following agencies were received:

¹ 18.04 Definitions

- Bend Parks and Recreation District: recommended an additional criterion be added to require easements for mapped park and trail projects as part of mini-storage development.
- Oregon Department of Transportation (ODOT): noted that access would need to be addressed at the time of individual property development, if the amendment moved forward. Requested additional transportation analysis and trip generation rates for mini-storage facilities.
- Bend Fire & Rescue: responded to a Commission question regarding existing conditional use standards for access related to mini-storage facilities.

Two public comments were received. Each expressed concern regarding the proposal and compliance with Goal 14, limiting urban uses on rural land. Central Oregon Landwatch raised additional concerns regarding compliance with Comprehensive Plan goals and policies, Statewide Planning Goal 5, and compatibility with the zone’s purpose statement.

The applicant provided additional information during the open record period following the hearing, including a transportation analysis and findings related to issues raised in public comment.

Two comments were submitted after the record had closed and were not considered by the Planning Commission, and are now available in the record for Board consideration. One public comment expressed general opposition to the proposal due to a lack of need and impact on scenic views. An additional agency comment was received from the County’s Senior Transportation Planner and provided context on additional transportation analysis needed prior to development, if the amendment were to move forward.

IV. PLANNING COMMISSION REVIEW

Staff presented information on the proposed amendments at a Planning Commission work session on May 23, 2024². The Planning Commission held a public hearing on June 13³ and left the written record open until June 20 at 4:00 p.m. The Planning Commission held deliberations on July 25⁴, ultimately recommending denial of the proposal with three (3) Commissioners voting to deny and two (2) Commissioners voting to approve the proposal.

Commissioners in opposition to the proposal expressed the following concerns:

- There is not a compelling reason that rural residents need additional storage for personal belongings or equipment, as they already have larger lot sizes.
- Development in close proximity to the urban growth boundary (UGB) would encourage use by city residents and could contribute to sprawl or leapfrog development.
- The proposal is not consistent with the purpose of the MUA-10 zone, which promotes residential uses and preservation of open space.
- The proposal would negatively impact the scenic resource along Highway 20.

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

³ <https://www.deschutes.org/bc-pc/page/planning-commission-49>

⁴ <https://www.deschutes.org/bc-pc/page/planning-commission-55>

Commissioners in support of the proposal expressed the following benefits of the proposal:

- Minor traffic and visual impacts as noted in the application materials.
- Provides a transition between urban development in the UGB and rural development
- There is ambiguity in case law on this topic, but the use is already allowed in other rural zones.
- Would serve the community as not many zones allow for mini-storage and supply is low.

A similar application, related to mini-storage along Highway 97, received a recommendation of approval by the Planning Commission at their August 8, 2024 meeting with a vote of 4-0. The Planning Commission requested that staff note this decision to the Board, as the members in attendance at each meeting varied.

V. NEXT STEPS

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

Attachments:

- A. Proposed Text Amendments
- B. Proposed Finding
- C. Eligible Property Map
- D. Conditional Use Standards