



MEMORANDUM

TO: Deschutes County Board of Commissioners (“Board”)
FROM: Nicole Mardell, AICP, Senior Planner
DATE: September 18, 2024
SUBJECT: Public Hearing: Mini-Storage in MUA-10 Zone Adjacent to Hwy 97

The Board will conduct a public hearing to gather testimony on this proposal during the Board’s regularly scheduled meeting on September 25, 2024, in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend and 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 97 (file no. 247-23-000732-TA). There is a separate applicant-initiated text amendment to allow mini-storage along Highway 20, which is not associated with this application.

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

I. PROPOSAL

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. 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 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;
- Within 2,500 feet of an urban growth boundary (UGB); and
- The property is not within an urban reserve area¹.

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

¹ The applicant amended their proposal to include this criterion during the Planning Commission review process.

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”.² 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.

² 18.04 Definitions

III. SUMMARY OF TESTIMONY

Notice of the public hearing was sent to agencies on May 28, 2024 and posted in the Bend Bulletin on June 10 and again on September 11, 2024. Comments from the following agencies were received:

- 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.
- City of Redmond: sought clarification regarding properties that may be eligible for the proposed text amendment that are in the Redmond Urban Reserve Area (RURA). This area is intended to be an urban holding zone and identifies priority lands for future urban growth boundary expansions.

One member of the public provided oral testimony during the hearing, expressing concern regarding the proposal and expressed concerns regarding compliance with Goal 14, limiting urban uses on rural land.

Two written comments were received. 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. An additional comment expressed opposition due to aesthetics of storage facilities and lack of need for facilities in rural areas.

During the hearing, the applicant clarified they are amending the proposal to exclude property in urban reserve areas from eligibility. The applicant provided additional information during the open record period following the hearing, including a transportation analysis and additional findings related to issues raised in public comment

An additional agency comment was received following the Planning Commission process 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 June 13, 2024³. The Planning Commission had scheduled a public hearing on June 27⁴ although the hearing was continued to July 11⁵ due to a lack of quorum. Following public testimony, the Commission closed the oral portion of the hearing and left the record open until July 18 at 4:00 p.m.

The Planning Commission held deliberations on August 8⁶, ultimately voting 4-0 to approve the amendments, with the additional criteria to exclude urban reserve area properties from eligibility.

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

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

⁴ <https://www.deschutes.org/bc-pc/page/planning-commission-52>

⁵ <https://www.deschutes.org/bc-pc/page/planning-commission-53>

⁶ <https://www.deschutes.org/bc-pc/page/planning-commission-54>

- Minor traffic and visual impacts as noted in the application materials, less intensive than existing conditional uses, not many employees or vehicle trips.
- Provides a transition between urban development in the UGB and rural development, could be redeveloped in the future.
- Conditional use process provides for additional input from residents.
- There is ambiguity in case law on this topic, but the use is already allowed in other rural zones.

A similar application, related to mini-storage along Highway 20, received a recommendation of denial by the Planning Commission at their July 25, 2024, meeting with a vote of 3-2. 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 Findings
- C. Eligible Property Map
- D. Conditional Use Standards