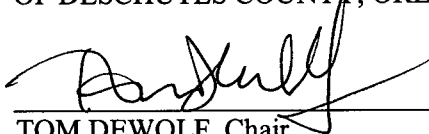
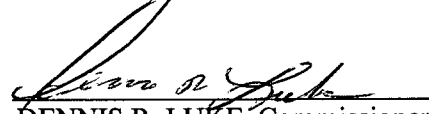


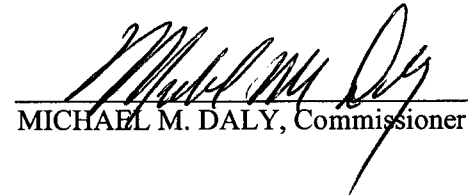
Section 2. FINDINGS. The Board adopts the Staff Report for File No PA-02-7, attached hereto as Exhibit "B," and incorporated herein by this reference, as its findings in support of this Ordinance.

DATED this 11th day of December, 2002.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


TOM DEWOLF, Chair


DENNIS R. LUKE, Commissioner


MICHAEL M. DALY, Commissioner

Date of 1st Reading: 27th day of November, 2002.

Date of 2nd Reading: 11th day of December, 2002.

Record of Adoption Vote

| Commissioner | Yes | No | Abstained | Excused |
|-----------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Tom DeWolf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dennis R. Luke | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Michael M. Daly | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Effective date: 11th day of March 2002. 2003

ATTEST:


Recording Secretary

Chapter 23.40 UNINCORPORATED COMMUNITIES

23.40.070. Maps.

23.40.070. Rural Industrial.

23.40.080. Maps.

23.40.070. Rural Industrial.

The Rural Industrial plan designation is applicable to industrial lands located outside unincorporated communities and urban growth boundaries.

The purpose of the Rural Industrial designation is to recognize existing industrial uses in rural areas of the county and to allow the appropriate development of additional industrial uses that are consistent with the rural character, facilities and services.

A. Periodic Review

In order to comply with state rules for Periodic Review (OAR 660-025), Deschutes county has reviewed and updated the county comprehensive plan and land use regulations for the rural industrial sites of: Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction. OAR 660-022, the State Unincorporated Communities Rule, defines the types of unincorporated communities and specifies that industrial uses be limited to buildings containing no more than 10,000 square feet of floor space. Rural industrial uses outside of unincorporated communities must be less intense than those allowed within an incorporated community.

B. Rural Industrial Designated Area Descriptions

The Redmond Military site consists of tax lot 1513000000116 and is 35.42 acres, bounded by the Redmond Urban Growth Boundary to the west and Exclusive Farm Use lands surrounding the remainder of the property.

The Deschutes Junction site consists of the following tax lots: 161226CO00102 (15.61 acres), bounded by 161226C000111 (6.23 acres) and 161226C000301 (6.12 acres). These tax lots

are bounded by Deschutes Market Road to the north and east and Highway 97 to the west, tax lot 161226CO00106 is bounded by Deschutes Market Road to the north, and other rural industrial lands to the east, south and west. Tax lot 161226C000107 is bounded by Deschutes Market Road to the north, EFU land to the west, and other rural industrial lands to the east and south.

Bend Auto Recyclers consists of tax lot 1712030000111 and is 13.41 acres, bounded by Highway 97 to the west, and Multiple Use Agricultural lands—tolands to east, north and south.

Wickiup Junction consists of tax lot 2110360000104 and is 12.67 acres, bounded by Rosland Road on the southwest with forest lands surrounding the remainder of the property.

C. Policies

1. To assure that urban uses are not permitted on rural industrial lands, land use regulations in the Rural Industrial zones shall ensure that the uses allowed are less intensive than those allowed for incorporated communities in OAR 660, Division 22 or any successor.
2. Limited Use Combining zones shall be applied to the Redmond Military (Tax lot 1513000000116), Deschutes Junction (Tax lot 161226C000301), and Wickiup Junction (Tax lot 2110360000104) to ensure that permitted uses are compatible with surrounding farm and forest lands.
3. Land use regulations shall ensure that new uses authorized within the Rural Industrial sites do not adversely affect agricultural and forest uses in the surrounding areas.
4. New industrial uses shall be limited in size to a maximum floor area of 7,500 square feet per use within a building, except for the primary processing or raw materials produced in rural areas, for which there is no floor area per use limitation.

EXHIBIT A”

5. A lawfully established use that existed on or before February 2, 2003, not otherwise allowed in a Rural Industrial zone, may continue to exist subject to the county's nonconforming use regulations
6. A lawfully established use that existed on or before February 2, 2003 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.
7. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.
8. Residential and industrial uses shall be served by on-site wells or public water systems.
9. Community sewer systems shall not be allowed in Rural Industrial zones.

(Ord. 2002-126, § 1, 2002)

23.40.080. Maps.

(Ord. 2002-026, § 1, 2002; Ord. 2002-018, § X, 2002; Ord. 2002-001 § 4, 2002; Ord. 20001-047 § 2, 2001; Ord. 2000-017 § 1, 2000)

(Note: **** denotes insertion of current text)

EXHIBIT "B"

STAFF REPORT

**RURAL INDUSTRIAL SITES:
REDMOND MILITARY, DESCHUTES JUNCTION, BEND AUTO RECYCLERS AND WICKIUP JUNCTION**

**FILE NUMBERS
AND ORDINANCE
NUMBERS:**

PA-02-126 and TA-02-127

Ordinance 2002-126 amending the Rural Development Section of the Growth Management chapter of the Deschutes County Comprehensive Plan to add Findings and Polices for the unincorporated Rural Industrial sites: Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction.

Ordinance 2002-127 amending Title 18 of the Deschutes County Code, to amend Chapter 18.100, Rural Industrial sites.

**DESCHUTES
BOARD OF COUNTY
COMMISSIONER'S
HEARING DATE:**

November 13, 2002

APPLICANT:

Deschutes County

PLANNING STAFF:

Christy Morgan, Assistant Planner

REQUEST:

The County proposes to amend the Deschutes County Comprehensive Plan and zoning code for the unincorporated Rural Industrial sites: Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction.

SUMMARY:

This Staff Report provides findings to support new descriptive text and development policies in the Deschutes County Comprehensive Plan specific to the rural industrial areas of the Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction, as well as an explanation of changes to Title 18 of the County Code, the Deschutes County Zoning Ordinance, to implement the comprehensive plan policies. Findings are also provided for comprehensive plan and zoning amendments to comply with the findings of the Curry County Supreme Court Decision, which limits urban uses outside of urban growth boundaries or unincorporated communities.

PROPOSED AMENDMENTS TO TITLE 23, DESCHUTES COUNTY COMPREHENSIVE PLAN

Chapter 23.40, Unincorporated Communities of the Deschutes County Comprehensive Plan has been amended and the amendments are attached as Exhibit "A" to Ordinance No. 2002-126.

PROPOSED AMENDMENTS TO TITLE 18, DESCHUTES COUNTY ZONING ORDINANCE

Chapter 18.100, Rural Industrial Zone of the Deschutes County Zoning Ordinance has been amended and is attached as Exhibit "A" to Ordinance No. 2002-127.

EXHIBIT "B"

Chapters 23.40.070 and 18.100 have been amended to assure that the land use regulations for the rural industrial sites (Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction) comply with the Curry County Supreme Court Decision and Statewide Planning Goal 14 (urbanization).

BACKGROUND

Under the provisions of OAR 660-025 (Periodic Review), local governments are required to periodically review their comprehensive plan and land use regulations to assure that they remain in compliance with the statewide planning goals and that adequate provision for needed housing, employment, transportation, and public facilities and services is assured. Periodic Review is a cooperative process between the state, local governments, and other interested persons.

Deschutes County Periodic Review Task 14 states:

Based on the inventory completed in Task, comply with OAR 660-22-022 or Goal 14 and Curry County Supreme Court Decision for Alfalfa, Brothers, Hampton, Millican, Deschutes Junction, Deschutes River Woods Store, Whistle Stop, Wild Hunt, Spring River, areas zoned Rural Industrial (RI), Black Butte Ranch, and Inn of the 7th Mountain.

Each of the four areas (the Redmond Military, Bend Auto Recyclers, Deschutes Junction and Wickiup Junction) are identified in the comprehensive plan and the zoning map as Rural Industrial and are therefore subject to Periodic Review Task 14.

The existing Rural Industrial zone was established in 1979. The 1979 Comprehensive Plan and zoning regulations designate the Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction as Rural Industrial. However, the existing Rural Industrial zoning does not ensure that the areas remain rural; rather, it encourages the rapid development of these sites to become "urbanized" and "full-service incorporated cities". In order to comply with Periodic Review Task 14, Statewide Goal 14, and the *1000 Friends of Oregon v. LCDC, 301 Or 477, 724 P2d 268 (1986)* (Curry County Supreme Court Decision), the Rural Industrial zone will be amended to allow fewer uses and smaller industrial structures than are currently allowed under the existing Rural Industrial zoning.

The Curry County Supreme Court Decision found that urban uses are not permitted outside of urban growth boundaries unless an exception to Statewide Goal 14 (Urbanization) is taken. Subsequent to the Curry County Supreme Court Decision, the Land Conservation and Development Commission adopted administrative rules for unincorporated communities (OAR 660-22). These rules established building size limitations for commercial and industrial uses in unincorporated communities. Deschutes County is not taking an exception to Goal 14 for the Rural Industrial sites. Instead, by adopting Ordinances 2002-126 and 2002-127, Deschutes County will have comprehensive plan policies and zoning standards for four Rural Industrial sites that comply with Goal 14 and the Curry County Supreme Court Decision. These policies and zoning regulations assure that the allowed uses will be rural in scale and type and less intensive than uses permitted in unincorporated communities. Therefore, the uses will be consistent with Goal 14.

The Deschutes County Planning Commission held a public hearing on October 24, 2002. The staff report reflects the findings and recommendations of the Planning Commission to the Board of County Commissioners. The Board of County Commissioners will hold a public hearing on November 13, 2002, to take testimony on the full package of amendments recommended by the Planning Commission.

STAFF FINDINGS REGARDING TITLE 23, DESCHUTES COUNTY COMPREHENSIVE PLAN POLICIES

The Deschutes County Comprehensive Plan currently designates the rural areas of the Redmond Military parcel in

Staff Report – File No. PA-02-126 and TA-02-127

EXHIBIT "B"

Redmond, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction as Rural Industrial sites. The proposed amendment will designate these areas as "Rural Industrial" and adopt plan policies and zoning regulations to keep them rural.

The recommended comprehensive plan policies for the "Rural Industrial" designation are found in Exhibit "A" of Ordinance 2002-125 and are as follows:

1. To assure that urban uses are not permitted on rural industrial lands, land use regulations in the Rural Industrial zones shall ensure that the uses allowed are less intensive than those allowed for incorporated communities in OAR 660, Division 22 or any successor.
2. Limited Use Combining zones shall be applied to the Redmond Military (Tax lot 1513000000116), Deschutes Junction (Tax lot 161226C000301), and Wickiup Junction (Tax lot 2110360000104) to ensure that permitted uses are compatible with surrounding farm and forest lands.
3. Land use regulations shall ensure that new uses authorized within the Rural Industrial sites do not adversely affect agricultural and forest uses in the surrounding areas.
4. New industrial uses shall be limited in size to a maximum floor area of 7,500 square feet per use within a building, except for the primary processing or raw materials produced in rural areas, for which there is no floor area per use limitation.
5. A lawfully established use that existed on or before February 2, 2003, not otherwise allowed in a Rural Industrial zone, may continue to exist subject to the county's nonconforming use regulations
6. A lawfully established use that existed on or before February 2, 2003 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.
7. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.
8. Residential and industrial uses shall be served by on-site wells or public water systems.
9. Community sewer systems shall not be allowed in Rural Industrial zones.

STAFF FINDINGS REGARDING COMPLIANCE WITH STATEWIDE PLANNING GOAL 14 AND THE CURRY COUNTY SUPREME COURT DECISION

The Rural Industrial sites of the Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction are comprised of lands that lie outside of an urban growth boundary and none of them are incorporated as a city. Each of the sites is currently zoned Rural Industrial and will continue to be zoned Rural Industrial. Of the four areas, two have limited use combining zones for the entire site. A third area, Deschutes Junction, has 5 separate tax lots with a Limited Use Combining zone in one of the tax lots. Following is a summary of the sites:

1. **Redmond Military:** Located at 2899 E. Hwy 126, Tax lot 1513000000116 (35.42 acres), owned by the State of Oregon Military. A zone change from Exclusive Farm Use (EFU-40) to Rural Industrial with a Limited Use Combining Zone and a Plan Amendment were adopted by Ordinances 88-034 (plan amendment) and 88-035 (zone amendment). A "reasons" exception to Goal 3 was taken in order to approve the zone change, and the limited use combining zone was applied to limit uses to those addressed in the exceptions statement.

The following facilities were requested and built as part of the exception: a 16,000 square foot maintenance shop and a 25 meter baffled firing range for small arms weapons on the subject parcel. A 17,500 square foot barracks is still in the planning stages. These facilities compliment the existing Central Oregon Unit Training Equipment Site (COUTES) to the west and the training

EXHIBIT "B"

area to the south and east. The COUTES facility has been in operation since 1974, and the Oregon National guard has used this area for military purposes since 1974.

The current Limited Use Combining zone will remain in effect, along with the amended Rural Industrial zoning.

2. **Deschutes Junction:** This Rural Industrial area consists of 5 tax lots and three separate businesses, with a Limited Use Combining zone on one of the tax lots. The total zone consists of 36.13 acres.
 - A. **Cascade Pumice** – Located at 64993 Deschutes Market Road, tax lots 161226C000102 (15.61 acres), 161226C000111 (6.23 acres) and 161226C000301 (6.12 acres). Although the Limited Use Combining zone only applies to tax lot 301, the uses occurring on all of these tax lots are the same as those allowed by the Limited Use Combining zone which restricts uses to "only the storage, crushing, processing, sale and distribution of pumice."
 - B. **Willamette Graystone** – Located at 64985 Deschutes Market Road, tax lot 161226C000106 (4.21 acres). Uses include the manufacture of block (concrete masonry) and block-related products. Brick, stone, fireplace accessories and related products are also bought and sold on these premises. The business is open to contractors and the public.
 - C. **United Pipe** – Located at 64995 Deschutes Market Road, tax lot 161226C000107 (3.96 acres). Uses on this parcel include the storage and inventory of waterworks, heating and air conditioning supplies, as well as equipment located on site to make deliveries of supplies to vendors that are located off-site.
3. **Bend Auto Recyclers:** 13.41 acres, located at 64154 N. Hwy 97, tax lots 1712030000111 and 1712030000112. This site has been used as an auto salvage yard since 1980 and has been zoned Rural Industrial since that time. There is not a limited use combining zone for this site.
4. **Wickiup Junction – (this site is currently owned by Vic Russell Construction)** – Located at 17160 Rosland Road, tax lot 2110360000104 (12.67 acres). In 1989, a zone change from Surface Mining to Rural Industrial with a Limited Use Combining zone, and a Plan amendment from Forest to Rural Industrial were adopted by Ordinances 89-024 (plan amendment) and 89-025 (zone amendment). The Limited Use Combining zone limits uses to:
 - A. Wholesale distribution outlet, including warehousing but excluding open outside storage.
 - B. Lumber manufacturing and wood processing except pulp and paper manufacturing.
 - C. Contractor's or building materials business and other construction related business, including plumbing, electrical, roof, siding, etc., providing such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by site obscuring fence.

The Rural Industrial boundaries for the Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction were determined using the following map sources:

1. 1992 Deschutes County Comprehensive Plan map – digitized parcel base map.
2. 1979 Deschutes County Zoning map.

The proposed comprehensive plan map shows the boundaries of the Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction at a scale that identifies individual parcel boundaries. All are designated "Rural Industrial" on the Deschutes County Comprehensive Plan Map and no changes are proposed. The zoning maps identify each site as "Rural Industrial" with no changes proposed.

The boundaries for each of these four areas reflect parcel-based GIS mapping.

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The acreage for each of the four Rural Industrial sites is reflected on the following table with no changes proposed from the existing boundaries.

| COMMUNITY | COMPREHENSIVE PLAN ACRES | | ZONING ACRES | |
|----------------------------|--------------------------|------------|--------------|------------|
| | Existing | Proposed | Existing | Proposed |
| Redmond Military | 35.42 | N/C | 35.42 | N/C |
| Deschutes Junction | 36.13 | N/C | 36.13 | N/C |
| Bend Auto Recyclers | 13.41 | N/C | 13.41 | N/C |
| Wickiup Junction | 12.67 | N/C | 12.67 | N/C |

None of the land included within the Rural Industrial boundaries for the Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction is designated for farm or forest uses.

The proposed plan policies and zoning regulations limit new industrial uses to those that are rural in nature, are intended to serve the surrounding rural area, or that are less intensive than those allowed in urban areas or unincorporated communities regulated by OAR 660-022. The purpose of the plan policies and zoning regulations is insure that the uses permitted on these sites comply with Statewide Planning Goal 14 and are not urban uses. This is principally accomplished by limiting the size of buildings. OAR 660-022 limits industrial uses within an unincorporated community to 10,000 square feet of floor space. Since these rural industrial sites are located outside of an unincorporated community and an urban growth boundary, the allowable uses must be less intense in nature than those allowed within an incorporated community or an urban growth boundary. The Land Use Conservation and Development Commission (LCDC) has determined that a building size of 7,500 square feet for industrial uses ensures less intense industrial uses than those allowed within a unincorporated community.

Therefore, policies and zoning regulations limit new industrial uses to a maximum floor area of 7,500 square feet per use within a building except for the primary processing of raw materials produced in rural areas, for which there will be no floor area per use limitation. Lawful uses existing on or before the effective date of this amendment, not otherwise allowed in a rural industrial zone, will be allowed to continue to exist subject to the county's nonconforming use regulations. Lawfully established uses that existed on or before the effective date of this amendment 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. Department of Land Conservation and Development Department (DLCD) staff has confirmed that LCDC found that limiting expansion of existing lawfully established uses up to 10,000 square feet or no more than 25 percent is consistent with Goal 14 for rural uses outside of unincorporated communities.

The proposed Plan policies and zoning regulations ensure that new uses authorized within the Rural Industrial sites of the Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction do not adversely affect agricultural and forest uses in the surrounding areas by limiting allowable uses to those compatible with surrounding land uses as well as requiring appropriate yard setbacks from adjoining properties.

A community sewer system does not currently exist or serve any of the Rural Industrial sites and they are not an allowed use under the proposed zoning. Permitted residential and industrial uses will be served by DEQ approved on-site sewage disposal systems and on-site wells or public water systems.

The surrounding land use for each of the rural industrial sites is agriculture and forest. A limited use combining zone is in effect for the Redmond Military site, Cascade Pumice (tax lot 161226C000301 at Deschutes Junction), and Wickiup Junction to limit uses to those that are compatible with surrounding EFU or Forest lands. The limited use combining zones were adopted as part of the exceptions to Goals 3 or 4 for these sites. The proposed comprehensive plan states that new uses authorized within these rural industrial sites will not adversely affect

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agricultural or forest uses in the surrounding areas. Additionally, the Deschutes County Right to Farm Ordinance (Title 9.12) serves to further ensure adequate protection of the surrounding farm uses. This ordinance states, in part, that "Farm and forest uses sometimes offend, annoy, interfere with or otherwise affect others located on or near farm and forest lands...(however)...Deschutes County has concluded (in conformance with ORS Chapter 30) that persons located on or near farm and forest lands must accept resource uses and management practices".

The County land use regulations for conditional uses and site plan approval require new development proposals to include facts documenting that the function, capacity and level of service of the affected transportation facility are adequate to serve the proposed use. The Military site is served by Highway 26; Deschutes Junction is served by Highway 97 and Deschutes Market Road; Bend Auto Recyclers is served by Highway 97; and Wickiup Junction-Vic Russell Construction is serviced by Rosland Road. All of these Roads are arterials as identified on the County Transportation Plan. There will be no significant impact on any of the roads as these areas will remain rural in nature with very low growth expected. The Oregon Department of Transportation is the service provider for Highway 97, and the Deschutes County Road Department is the service provider for the remaining roads.

Water for all of these Rural Industrial areas comes from domestic wells and Avion Water Service as follows:

Cascade Pumice: Uses a private well for human consumption and Avion water for irrigation and dust control.

United Pipe: Uses Avion for human consumption and a private well for irrigation.

Willamette Graystone: Uses a private well for human consumption and dust control.

None of the Rural Industrial areas is in a groundwater-limited area. There is no history of failing wells and there is an adequate water supply. The conformance with state and federal water quality regulations is also implemented through provisions in the Deschutes County Code, Title 15.

CITIZEN INVOLVEMENT:

The Rural Industrial comprehensive plan policies and zoning ordinance are the product of meetings and phone calls with individual property owners and surrounding property owners, in addition to a work session with the Deschutes County Planning Commission.

Subsequent to the Planning Commission work session, notice of a public hearing before the Planning Commission was sent to property owners within the Rural Industrial boundary, as well as surrounding property owners that might be affected by or interested in the outcome of this project. The notices included the County Web Page address as well as a staff contact phone number. Interested individuals were invited to get more information and be involved in the process. Parties to the public hearing before the Planning Commission were provided additional notice of the public hearing before the Board of County Commissioners on November 13, 2002.

Agencies informed about project work for the Rural Industrial sites of the Redmond Military, Deschutes Junction, Bend Auto Recyclers and Wickiup Junction include: Bureau of Land Management; Forest Service, State of Oregon; Department of Transportation, Department of Land Conservation and Development, Watermaster - District 11, Department of Forestry; County Sheriff and Road Department.

All future amendments to the plan designations and policies or zoning for these Rural Industrial sites must be made in accordance with the procedures in Deschutes County Code, Title 22 and applicable provisions of the Oregon Administration Rules and state statute(s).

We, the below signed, are authorized by our respective organizations and the laws of the State of Oregon to enter into this Agreement and make this certification on behalf of our respective organizations. We do so freely, and in good faith, and fully acknowledge all conditions, assurances and warranties contained within and referenced by this Agreement.

CENTRAL OREGON INTERGOVERNMENTAL COUNCIL

By _____
Tom Moore, Executive Director

Date _____

DESCHUTES COUNTY

Date: _____

BOARD OF COUNTY COMMISSIONERS



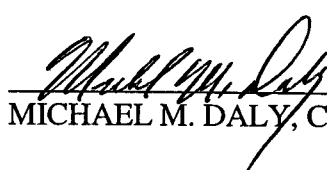
TOM DEWOLF, CHAIR



DENNIS R. LUKE, COMMISSIONER

ATTEST:

Recording Secretary



MICHAEL M. DALY, COMMISSIONER

- Attachment A – Scope of Work
- Attachment B – Notice to Proceed
- Attachment C – Estimate of Task Costs