

BOCC DECISION MATRIX

Schwabe – Hwy 97 Mini-Storage Text Amendment Land Use File No. 247-23-000732-TA

	Issue Area	Applicable Approval Criterion	Applicant and Oppositional Responses	Decision Point
1	Is the proposed Text Amendment compatible with the purpose of the Multiple Use Agricultural (MUA-10) Zone?	<p>18.32.010 Purpose</p> <p><i>The purposes of the Multiple Use Agricultural (MUA-10) 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.</i></p>	<p><u>The Applicant</u> asserts that the use would allow for storage of RVs, tractors, and other equipment, which provides a helpful transition between the urban and rural environment. More intensive commercial and industrial uses – such as crushing or processing of minerals, landfill sites, bed and breakfasts, public parks, campgrounds, and churches are already allowed in the zone. Gravel can be utilized as an all-weather surface, which will limit paving and visibility impacts of mini-storage development.</p> <p><u>Oppositional comments</u> assert the amendments conflict with the proposed uses of the zone as storage facilities are out of place with the “rural character” of the zone due to its large and industrial nature. No other commercial or industrial uses of this intensity are allowed in the zone. The use does not support rural lifestyles in the way other permitted and conditional uses in the zone do. Horse stables, vet clinics, campgrounds, schools, and churches are more compatible with the rural nature of the area. The use is incompatible with agricultural operations due to its operating characteristics and would deplete open space due to visual impacts of RV or mini-storage units. Additionally, the use is not needed for rural properties as the acreage is typically sufficient for storage of personal items and equipment. Rather it’s more likely urban residents will utilize the storage if approved and the use could be accommodated by existing industrial land inside Urban Growth Boundaries (UGBs).</p> <p><u>Staff</u> notes that consistency with the purpose statement is not a “criterion” for approval or denial of this application. However, the Planning Commission is being asked to evaluate if the use, as proposed, will be appropriate and compatible with other uses in the zone.</p>	<p>Is this proposed use consistent with the purpose statement?</p> <p>A. If the PC finds the proposal is compatible with the purpose of the Multiple Use Agricultural (MUA-10) Zone, then proceed to the next item in this decision matrix.</p> <p>B. If the PC finds this is not met, then recommend the Board deny the application.</p>
2	Does the application comply with goals and policies of the County’s Comprehensive Plan?	See applicant’s amended burden of proof and public comments.	<p><u>The Applicant</u> asserts the proposal complies with all applicable Comprehensive Plan goals and policies. In responding to the oppositional comments, the applicant notes there are other uses in the zone that are commercial or industrial in nature, so the proposal is not in conflict with Chapter 1. The proposal is not in conflict with Chapter 3, as the use promotes economic initiatives, and the code allows for new uses to be added to the zone. In fact, the zone has been updated many times since its creation to update uses and development standards. The conditional use criteria allow for housing and caretaking on the same site, which is consistent with the home business model cited in the policies. Lastly, urban growth management goals in Chapter 4 are supported, as the updated proposal carves out urban reserve areas (URAs) and is allowed in other rural areas of the county.</p> <p><u>Oppositional comments</u> assert the proposal does not comply with applicable goals and policies. The proposal is not compatible with the intent of the Comprehensive Plan designation of Rural Residential Exception Area, and does not comply with economic development, rural growth, or urban growth management policies. Detailed discussion of this topic can be found in the public comments.</p>	<p>Is this requirement met?</p> <p>A. If the PC finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>B. If the PC finds this requirement is not met, then recommend the Board deny the application.</p>

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3	Does the application comply with Oregon Statewide Planning Goal 14?	<p>Statewide Land Use Goal 14: <i>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.</i></p>	<p><u>The Applicant</u> asserts the mini-storage use will not convert rural lands to urban uses. The conditional use requirements and proximity to UGBs will promote reasonable development and not limit future UGB expansion onto these lands. During the hearing process, the applicant noted that they are proposing to add an additional criterion to exclude URAs from eligibility. This reduces potential conflicts with future urbanization. Additionally, the <i>Friends of Yamhill County vs. Yamhill County</i> case law is not an “apples to apples” comparison and does not apply to this case, as the facts are quite different. LUBA weighed in on items to specific elements of Yamhill County code – including a lack of definition for mini-storage units, the rezoning proposal, proximity to two UGBs and size limitations in the County code. Mini-storage is already permitted in rural zones in Deschutes County, which was not the case in Yamhill County.</p> <p><u>Oppositional comments</u> assert the heightened intensity of the use requires goal exceptions to Statewide Land Use Goals 14.</p> <p>Case law from <i>Yamhill County</i> determined that a rezoning to allow expansion of a mini-storage facility on rural residential zoned land adjacent to two urban growth boundaries violated Goal 14. The County approved an operation that was 39,000 square feet in size, under the 40,000 square-foot limit cited in OAR 660-022-0030(11). The 40,000 square foot limitation was applied to unincorporated communities, to ensure that uses in those areas were less intensive than in cities. By approving an operation under that size in a rural residential area, the use was intended to be shown as rural scale development. LUBA disagreed with the approval and denied the application as the small difference in size led LUBA to believe the use was still urban in nature.</p> <p>LUBA also noted that the proximity to two urban growth boundaries could lead a reasonable person to suspect city resident would utilize the facilities. As the proposal is to allow facilities adjacent to UGBs and does not include any sideboards on the size of the operation, the use should be determined to be urban in nature. Therefore, a Goal 14 exception application should be required to allow an urban use on rural land.</p>	<p>Is this requirement met?</p> <p>A. If the PC finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>B. If the PC finds this requirement is not met, then recommend the Board deny the application.</p>

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4	Does the application comply with Oregon Statewide Planning Goal 5?	Statewide Land Use Goal 5: <i>To protect natural resources and conserve scenic and historic areas and open spaces.</i>	<p><u>The Applicant</u> asserts the submitted ESEE provides adequate analysis. The impacts of the new use were analyzed to those affected by the new use. The applicant asserts the scenic corridor has already been degraded over time and the addition of the mini-storage use will not cause additional significant degradation. The question of degradation, applicability of the LM zone, and how it protects the scenic view, was already decided by the Board of County Commissioners in reviewing a rezoning application from Exclusive Farm Use to Rural Industrial (RI). The conditional use and site plan review process, in combination with the requirements of the Landscape Management zone, will sufficiently protect the resource.</p> <p><u>Oppositional comments</u> assert the applicant’s ESEE contains errors and does not provide adequate analysis of the economic, social, environmental, and energy consequences of allowing, limiting, or prohibiting the use.</p> <p>The ESEE does not adequately protect the resource as it utilizes the same mitigation measures as used for rural residences, although mini-storage facilities are more intensive in scale. Comments also suggest the impact area analyzed is deficient, as the impacts of the mini-storage facilities will degrade the value of the resource to the traveling public along the entire corridor.</p>	<p>Is this requirement met?</p> <p>A. If the PC finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>B. If the PC finds this requirement is not met, then recommend the Board deny the application.</p>
5	Does the application comply with Oregon Statewide Planning Goal 12?	Statewide Land Use Goal 12: <i>To provide and encourage a safe, convenient and economic transportation system.</i>	<p><u>The Applicant</u> addressed concerns from ODOT and public comments by providing transportation analysis. The analysis found the amendment would not have a significant impact on the transportation system, as mini-storage facilities generate less trips than other uses allowed in the zone. To date, ODOT’s only response to the analysis is that highway access permits would be required if the text amendment were adopted.</p> <p><u>Oppositional comments</u> assert the proposal does not comply with Statewide Planning Goal 12, and the Transportation Planning Rule, as the new use would significantly affect transportation facilities.</p>	<p>Is this requirement met?</p> <p>C. If the PC finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>A. If the PC finds this requirement is not met, then recommend the Board deny the application.</p>

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6	Does the application comply with Oregon Statewide Planning Goal 2?	State Land Use Goal 2: <i>To maintain a transparent land use planning process in which decisions are based on factual information and reviewed in accordance with implementing ordinances.</i>	<p><u>The Applicant</u> asserts that “need” is not a requirement or applicable criteria of the County Code or Oregon Law. The applicant believes there is strong market demand, which is why the text amendment was proposed. The zone contains existing commercial and industrial uses, and the County already allows the use in other rural zones.</p> <p><u>Oppositional comments</u> assert this goal is not met as the applicant has not provided a factual base or demonstrated need for the amendments. Rural properties in the MUA-10 zone are subject to 10-minimum acre lot sizes, which would provide adequate space on individual lots for storage of possessions including RVs or outside storage. There isn’t sufficient evidence in the record to determine if there is demand for the use in these particular areas compared to cities. Additionally, commercial and industrial uses of this scale were intentionally not permitted when the zone was created.</p>	<p>Is this requirement met?</p> <p>A. If the PC finds this requirement is met, then recommend the Board approve the application.</p> <p>B. If the PC finds this requirement is not met, then recommend the Board deny the application.</p>