

## BOCC DECISION MATRIX

Eastside Bend – Hwy 20 Mini-Storage Text Amendment Land Use File No. 247-24-000044-TA				
	Issue Area	Applicable Approval Criterion	Applicant, Public Comment, and Planning Commission Responses	Decision Point
1	<p>Is the proposed Text Amendment compatible with the purpose of the Multiple Use Agricultural (MUA-10) Zone?</p>	<p>18.32.010 Purpose <i>The purposes of the Multiple Use Agricultural 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 be compatible with the zone. Schools, kennels, libraries, and religious institutions are allowed in the zone and have similar operating characteristics. The zone is not a resource zone and does not have protections for agricultural uses. Mini-storage is needed for rural residents who do not have adequate area or cannot afford to construct storage sheds or buildings. The conditional use process allows the reviewer to require additional site-specific conditions to mitigate impacts, such as additional screening, setbacks, or limitations on operating hours. The County’s Landscape Management (LM) zone adds another layer of visual impact requirements.</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 the visual impacts of RV or mini-storage units.</p> <p><u>The Planning Commission</u> voted 3-2 that the proposal was consistent with the purpose of the MUA-10 Zone. Those in favor noted the use was low impact in terms of transportation trips and could be a transitional use. Others noted that the use was too commercial/industrial for a rural residential zone.</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 Board 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 Board 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 Board finds this requirement is not met, deny the proposed application..</p>

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2	Does the application comply with the goals and policies of the County's Comprehensive Plan?	See the 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 particular, the conditional use and the proposed siting criteria provide reasonable parameters on eligible properties and limit impacts on rural character and natural environment. The mini-storage use can provide economic and recreational benefits, as rural property owners will have additional opportunities to store personal recreation equipment. The applicant noted oppositional comments have not provided adequate information on why the proposal isn't compliant with Comprehensive Plan policies.</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 the 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><u>The Planning Commission</u> voted 3-2 that the proposal does not comply with the goals and policies of the County's Comprehensive Plan. Commissioners spoke to the limited scope of the proposed amendment and noted it would create leapfrog-style development and that there wasn't a compelling "need" for the amendments. Other Commissioners noted some ambiguity about this type of use, although the use could provide limited economic development opportunities.</p> <p><i>Note: the Planning Commission did not review further items as this requirement was not met.</i></p>	<p>Is this requirement met?</p> <p>A. If the Board finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>B. If the Board finds this requirement is not met, deny the proposed application.</p>
3	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 as part of the open record period. The analysis found the amendment would not have a significant impact on the transportation system, as mini-storage facilities generate fewer trips than other uses allowed in the zone.</p> <p><u>Oppositional comments</u> previously expressed concern that this requirement was not met as the applicant had not provided sufficient information in the record. The applicant provided a Transportation Rule Analysis with a trip generation estimate. Oppositional comments did not note any further objections.</p>	<p>Is this requirement met?</p> <p>A. If the Board finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>B. If the Board finds this requirement is not met, deny the proposed 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 and the conditional use criteria as well as existing requirements of the LM zone (design standards, setback requirements, use limitations) are sufficient to protect the scenic resource. The impact area is sufficient as the proposal has specific siting criteria that limit the location of facilities along the scenic corridor. Oppositional comments have not provided specific feedback on how the goal 5 requirements are not met.</p> <p><u>Oppositional comments</u> assert that mini-storage was not contemplated as a use when the County’s Landscape Management (LM) zone was created and does not address adequate protection for the use in the zone. The applicant’s ESEE contains errors and does not provide adequate nor convincing analysis. 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.</p>	<p>Is this requirement met?</p> <p>A. If the Board finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>B. If the Board finds this requirement is not met, deny the proposed application.</p>
5	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 this goal is met, as the application complies with applicable provisions of the Deschutes County Code, Comprehensive Plan, and other Statewide Planning Goals. The proposal is being reviewed through a legislative process that is transparent and provides ample opportunities for public comment.</p> <p>The applicant responds to concerns that the application should be processed through a quasi-judicial text amendment by noting that <i>Strawberry Hill</i> and <i>Thomas v. City of Veneta</i> do not apply here. Instead, <i>Dean v. City of Oakland</i> found that a proposal affecting an entire zone is more likely to be a legislative action instead of a quasi-judicial one.</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. The applicant also noted they are planning to develop storage facilities within the City of Bend on urban lands. 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>The proposal only impacts three properties and should instead be processed through a quasi-judicial process as noted in <i>Strawberry Hill 4 Wheelers v. Bd. Of Comm’rs</i> and <i>Thomas v. City of Veneta</i>.</p>	<p>Is this requirement met?</p> <p>A. If the Board finds this requirement is met, then recommend the Board approve the application.</p> <p>B. If the Board finds this requirement is not met, deny the proposed application.</p>

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6	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 amendment seeks to provide storage opportunities for rural community members, which is allowed in other zones such as the Rural Industrial (RI) zone. The conditional use requirements and proximity to urban growth boundaries (UGBs) will promote reasonable development and not limit future UGB expansion onto these lands. The applicant finds that the proposal meets the <i>Shaffer</i> to determine if a use is rural.</p> <p>Additionally, the <i>Friends of Yamhill County vs. Yamhill County</i> case law does not apply to this case, as the facts are quite different.</p> <p><u>Oppositional comments</u> assert the use will primarily draw clients from cities and that the heightened intensity of the use requires goal exceptions to Statewide Land Use Goals 14. Comments cite case law from <i>Yamhill County</i>, which determined a rezoning to allow mini storage between UGBs violated Goal 14. Additionally, the <i>Shaffer</i> test is not met, and the use is determined to be urban in nature.</p> <p>Last, the uses allowed in the MUA-10 zone are limited to the uses for which a goal exception was originally taken. MUA-10 properties are subject to an exception to Goal 3 and/or Goal 4. The goal exceptions were taken when the property was originally designated as rural residential. As the mini-storage use was not contemplated when the original exception was taken, the use was not properly reviewed. As such an additional goal exception process is necessary.</p>	<p>Is this requirement met?</p> <p>A. If the Board finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>B. If the Board finds this requirement is not met, deny the proposed application.</p>