

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 <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 the storage of RVs, tractors, and other equipment, which provides a helpful transition between the urban and rural environment. It is not an expansion of urban uses on rural lands. 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 the 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. 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. Additionally, the use is not needed for rural properties as the acreage is typically sufficient for the storage of personal items and equipment.</p> <p><u>Supportive comments</u> note the proposed use would be a safe and convenient storage option, reducing residential clutter on properties without impacting views.</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>
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 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 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>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>

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
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. 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. To date, ODOT’s only response to the analysis is that highway access permits would be required if the text amendment was adopted.</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>B. If the Board finds this requirement is met, then proceed to the next item in this decision matrix.</p> <p>C. If the Board finds this requirement is not met, deny the proposed application.</p>
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 for the eligible properties affected by the new use. 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. 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 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>

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
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 “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 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>
6	Does the application comply with Oregon Statewide Planning Goal 14?	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><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. The applicant proposed an additional criteria to exclude properties in urban reserve areas to address concerns regarding impacts to urbanization. The applicant also noted during the hearing that they were open to a new coordination criteria to proactively coordinate with cities as part of the land use process, if the text amendment were to move forward.</p> <p>The applicant finds the <i>Shaffer</i> test from <i>Shaffer v. Jackson County</i> is met and the use is rural. Additionally, the <i>Friends of Yamhill County vs. Yamhill County</i> does not apply to this case, as the facts are quite different.</p> <p><u>Oppositional comments</u> assert 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 therefore urban in nature. :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. (continued on next page)</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, then recommend the Board deny the application.</p> <p>C. Amend proposal to include additional criteria requiring prior notice and invitation to a pre-application meeting be sent to adjacent cities as part of the County land use proceedings.</p>

			<p><u>The City of Bend</u> provided comments into the record noting they would be appreciative of additional criteria related to coordination, as noted below and did not have any concerns regarding the text amendment.</p> <ul style="list-style-type: none"> • Require notice of application be sent to adjacent city for mini-storage developments under this section • Require a pre-application meeting prior to application submittal, including an invite to the adjacent city. <p><u>The City of Redmond</u> provided comments into the record noting they do not have jurisdiction on projects outside of the Redmond Urban Growth Boundary and Urban Reserve Area, therefore they do not think additional coordination criteria are necessary, nor would they likely participate.</p>	
--	--	--	---	--