

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 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 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. 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 limitation 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 visual impacts of RV or mini-storage units.</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 particular, the conditional use and the proposed siting criteria provide reasonable parameters on eligible properties and limit impacts to 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 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 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. Case law notes the <i>Shaffer</i> test can be used to determine if a use is urban and rural. The applicant finds the use would employ a small number of workers, is dependent on the rural and recreational resources found east of Bend’s UGB, does not require public facilities such as water or sewer, and is a use already allowed in other rural zones. 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. The case involved a rezoning application which included “demonstrable need” criteria, was proposed between two UGBs, and already had clients of the nearby cities using those facilities.</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 and the conditional use criteria as well as existing requirements of 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 which limit the location of facilities along the scenic corridor.</p> <p><u>Oppositional comments</u> assert the applicant’s ESEE contains errors and does not provide adequate 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 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 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 less trips than other uses allowed in the zone.</p> <p><u>Oppositional comments</u> assert the proposal does not comply with Statewide Planning Goal 12, and the Transportation Planning Rule, as the applicant had not provided transportation analysis in their original submittal.</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 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><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>