



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

11/25/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Scappoose Plan Amendment
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, December 10, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Brian Varricchione, City of Scappoose
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-13 (20006)
[17682]
Received: 11/19/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Scappoose

Local file no.: **DCTA2-13**

Date of adoption: 11/18/13 Date sent: 11/19/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

 Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/17/13 NoIs the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Mini-storage facilities would require a conditional use permit rather than being a permitted use. Facility size is limited to three acres. ~~No mini-storage is allowed if adjoining sites or properties have mini-storage facilities.~~

Local contact (name and title): Brian Varricchione, City Planner

Phone: 503-543-7184 E-mail: brianvarricchione@ci.scappoose.or.us

Street address: 33568 E. Columbia Ave. City: Scappoose Zip: 97056-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from _____ to _____ . _____ acres. A goal exception was required for this change.Change from _____ to _____ . _____ acres. A goal exception was required for this change.Change from _____ to _____ . _____ acres. A goal exception was required for this change.Change from _____ to _____ . _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____ . _____

 The subject property is entirely within an urban growth boundary The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Scappoose Municipal Code Section 17.70.040.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

CITY OF SCAPPOOSE

33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056
(503) 543-7146
FAX: (503) 543-7182

NOTICE OF LAND USE DECISION

Date: November 19, 2013
To: Applicant and interested persons
From: Brian Varricchione, City Planner, (503) 543-7184
Subject: Development Code Text Amendment DCTA2-13

The City of Scappoose has reviewed Development Code Text Amendment DCTA2-13 and has approved the application with modifications. On November 18, 2013, the City Council adopted Ordinance 829 approving the application. Copies of the ordinance are available for review upon request.

The Scappoose Planning Commission held a public hearing on October 24, 2013 and recommended that the City Council approve the application with modifications. The City Council held a public hearing on November 4, 2013. The first reading of the ordinance took place on November 4, 2013, with the second reading on November 18, 2013. The Council adopted the findings contained in the staff report dated October 31, 2013.

All notices required by Scappoose Municipal Code Chapter 17.160 have been met for this application, and the application was considered in regard to applicable criteria found in the Oregon Statewide Planning Goals, the Scappoose Comprehensive Plan, and Chapter 17.160 (Procedures for Decision Making--Legislative) of the Municipal Code.

The approval of DCTA2-13 by the Scappoose City Council is final. This decision may be appealed by filing a Notice of Intent to Appeal with the state Land Use Board of Appeals within 21 days of the date the decision became final as described by OAR 661-010-0010(3).

Pursuant to Section 29 of the City of Scappoose Charter of 2010, this Ordinance shall become effective on the thirtieth (30th) calendar day after its enactment if there are no appeals.

General Information

Request: Approval of an amendment to the Development Code to include self-service mini-storage facilities as Permitted Uses in the Light Industrial zoning district.

Applicant: Rosedale Development LLC

Procedural Information

About this Decision. This land use decision is not a permit for development. Permits may be required prior to any future work. Contact the City at (503) 543-7184 for information about permits.

The application for this land use review was submitted on intake September 10, 2013, and was determined to be complete on September 17, 2013.

Land Use applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was reviewed against the Development Code in effect on September 10, 2013.

The file and all evidence on this case is available for your review by appointment. Please call (503) 543-7184 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find the City of Scappoose Municipal Code online at <http://www.ci.scappoose.or.us/>.



Brian Varricchione, City Planner

Mailed 11/19/13

ORDINANCE NO. 829

AN ORDINANCE RELATING TO LAND USE AND AMENDING THE SCAPPOOSE MUNICIPAL CODE CHAPTER 17.70 (LI LIGHT INDUSTRIAL)

WHEREAS, Rosedale Development LLC submitted an application requesting that the City amend Scappoose Municipal Code Chapter 17.70 to add mini-storage facilities as permitted uses in the Light Industrial zone; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, the Planning Commission held a hearing on the application on October 24, 2013 and the City Council held a hearing on the application on November 4, 2013; and

WHEREAS, to preserve land for employment uses in the Light Industrial zone the City is imposing size limitations on mini-storage facilities and requiring conditional use permits; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Title 17 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

Section 2. In support of this ordinance, the City Council adopts the recommendation of the Scappoose Planning Commission and the findings of fact in the Staff Report dated October 31, 2013, attached hereto as Exhibit B.

PASSED AND ADOPTED by the City Council this 18th day of November, 2013, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First Reading: November 4, 2013

Second Reading: November 18, 2013

Attest: 

Susan M. Reeves, MMC, City Recorder

**Exhibit A of Ordinance No. 829
Amendment to Scappoose Municipal Code Chapter 17.70**

(Language to be omitted is ~~struck through~~, proposed language additions are double underlined)

**Chapter 17.70
LI LIGHT INDUSTRIAL**

Sections:

- 17.70.010 Purpose.
- 17.70.030 Permitted uses.
- 17.70.040 Conditional uses.
- 17.70.050 Dimensional requirements.

17.70.010 Purpose. The purpose of the light industrial zone is to:

- A. Provide appropriate locations for industrial use including light manufacturing and related activities with few, if any, nuisance characteristics such as noise, glare and smoke;
- B. To permit manufacturing, processing, assembling, packaging or treatment of produce or products from previously prepared materials; and
- C. To provide a wide variety of sites with good highway or rail access.

17.70.030 Permitted uses. In the light industrial zone, activities are subject to site development review, Chapter 17.120, Site Development Review. Only the following uses and their accessory uses are permitted outright:

- A. Agricultural sales and services including uses customarily carried on outdoors except slaughterhouses, tanneries or rendering plants;
- B. Animal sales and service including auctions, kennels and veterinary;
- C. Automobile and equipment sales, service and repair (new and used);
- D. Bakeries;
- E. Building maintenance services;
- F. Building materials sales and service;
- G. Caretaker dwelling;
- H. Construction sales and services;
- I. Home occupation (Type I) subject to Chapter 17.142, Home Occupations;
- J. Laundry services;
- K. Research services;
- L. Retail facilities on sites greater than one hundred thousand square feet;
- M. Manufacturing of finished products;
- N. Manufacturing of components for use in finished products;
- O. Packaging of previously processed materials;
- P. Participation sports and recreation: indoor and outdoors;
- Q. Processing and packing of food products;
- R. Processing of previously processed materials for use in components or finished products;
- S. Processing of materials for use in any construction or building trades;
- T. Public support facilities;

- U. Parking facilities;
- V. Public safety services;
- W. Transportation terminals and storage yards, provided that a five-foot landscaped perimeter setback surrounds all outdoor parking, all storage areas are buffered and screened in accordance with Chapter 17.100, Landscaping, Screening and Fencing, and all repair work is performed indoors;
- X. Vehicle fuel/convenience sales;
- Y. Wholesale, storage and distribution;
- Z. Any permitted use on a temporary basis subject to Scappoose Municipal Code 17.128, Temporary Commercial and Industrial Uses;
- AA. Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 17.93.

17.70.040 Conditional uses. The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 17.130, Conditional Use, other relevant sections of this title and any conditions imposed by the planning commission:

- A. Eating and drinking establishments;
- B. Commercial amusement facilities including bowling alleys, video arcades, and movie theaters other than adult motion picture theaters;
- C. Home occupations (Type II) subject to Chapter 17.142, Home Occupations;
- D. Recycle stations, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property, all operations are conducted entirely within buildings, and all building setbacks shall be a minimum of thirty feet from any property line;
- E. Major impact utilities, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and screening surrounds property;
- F. Wireless communication facilities, subject to the provisions of Chapter 17.93;:-
- G. Mini-storage with or without a caretaker dwelling, provided that the facility size is three acres or less and that no adjoining sites or properties have mini-storage facilities.

17.70.050 Dimensional requirements. A. Unless otherwise specified, the minimum setback requirements are as follows:

1. The front yard setback shall be a minimum of twenty feet;
 2. On corner lots the minimum setback for the side facing the street shall be five feet;
 3. On through lots, the front and rear setback shall be a minimum of twenty feet;
 4. No additional side or rear yard setback shall be required except fifty feet shall be required where abutting a residential zoning district and the planning commission may reduce this required yard setback by fifty percent pursuant to Chapter 17.100, Landscaping, Screening and Fencing.
- B. No building shall exceed fifty feet in height. Within one hundred feet of a residential zone, no building shall exceed thirty-five feet in height.
 - C. All outside storage areas require buffering and screening as defined in Chapter 17.100, Landscaping, Screening and Fencing.
 - D. Additional requirements shall include any applicable section of this title.

Exhibit B of Ordinance No. 829

DCTA2-13

October 31, 2013

Application to allow mini storage in the Light Industrial zone

CITY OF SCAPPOOSE STAFF REPORT

Request: Approval of an amendment to the Development Code to include self-service mini-storage facilities as Permitted Uses in the Light Industrial zoning district.

Applicant: Rosedale Development LLC

ATTACHMENTS

1. Applicant's narrative
2. Correspondence from Department of Land Conservation & Development

INTRODUCTION

Mini-storage operations are facilities where customers have direct access to individual storage units with separate entrances. As discussed in the applicant's narrative (**Attachment 1**), local developers have proposed that the City amend the Development Code to allow mini-storage facilities as permitted uses in the Light Industrial (LI) zone. Currently, mini-storage is a conditional use in the General Commercial (C) zone and a permitted use in the Expanded Commercial (EC) zone. Therefore, the use is not allowed in the LI zone due to Section 17.43.040 of the Development Code, which states that "the planning commission shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted use or a conditional use."

ANALYSIS

EXTENT OF LIGHT INDUSTRIAL ZONING

Within city limits, there are 5 areas that currently are zoned LI:

1. Near the northwest corner of Highway 30 and Scappoose-Vernonia Highway;
2. Near SE Elm Street and SE Santosh Street east of Highway 30 and the railroad tracks;
3. Near the southeast corner of Highway 30 and NE Crown Zellerbach Road;
4. East of NE West Lane Road north of NE Wagner Court; and
5. East of NE Honeyman Road north of NE West Lane Road (this fifth site is the Scappoose RV park run by Columbia County).

A map illustrating the location of the areas zoned LI is included as Figure 1.¹ The parcels in these areas have a combined area of approximately 27 acres.

¹ Some light industrial uses are also allowed in the Public Use Airport zone. The Airport Business Park overlay zone created by Ordinance 816 in 2011 would conditionally allow mini-storage facilities near the airport, however, this ordinance is currently at the Court of Appeals.

Application to allow mini storage in the Light Industrial zone

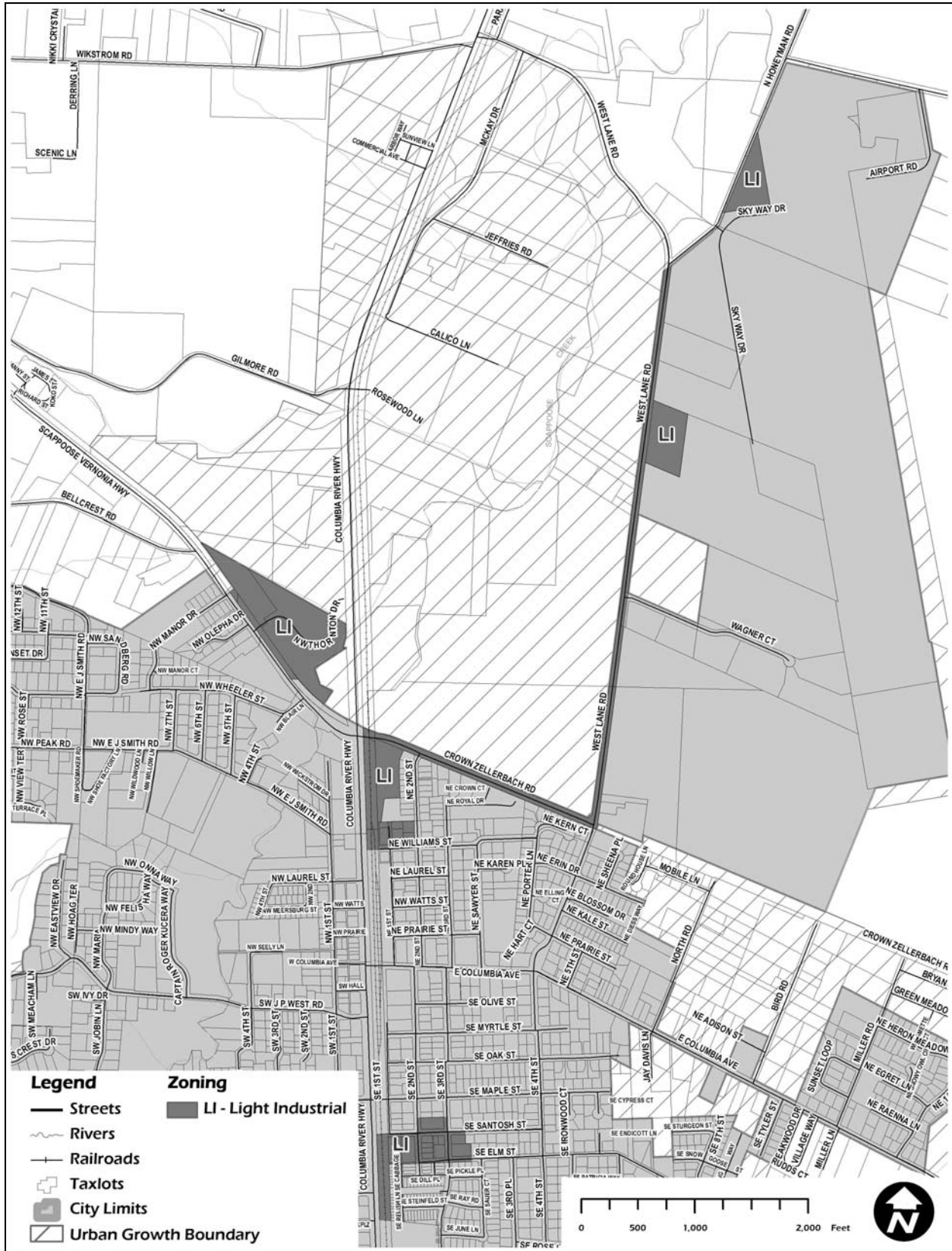


Figure 1: City of Scappoose Light Industrial zone

*Application to allow mini storage in the Light Industrial zone***PURPOSE OF THE LIGHT INDUSTRIAL ZONE**

As stated in Section 17.70.010 of the Development Code, the purpose of the Light Industrial zone is threefold:

- A. Provide appropriate locations for industrial use including light manufacturing and related activities with few, if any, nuisance characteristics such as noise, glare and smoke;
- B. To permit manufacturing, processing, assembling, packaging or treatment of produce or products from previously prepared materials; and
- C. To provide a wide variety of sites with good highway or rail access.

The LI zone accommodates a variety of permitted and conditional uses, including two storage-related uses as listed below.

17.70.030 Permitted uses. In the light industrial zone, activities are subject to site development review, Chapter 17.120, Site Development Review. Only the following uses and their accessory uses are permitted outright:

[...]

W. Transportation terminals and storage yards, provided that a five-foot landscaped perimeter setback surrounds all outdoor parking, all storage areas are buffered and screened in accordance with Chapter 17.100, Landscaping, Screening and Fencing, and all repair work is performed indoors;

[...]

Y. Wholesale, storage and distribution;

Mini-storage facilities are not currently permitted uses or conditional uses in the LI zone.

CHARACTER OF MINI-STORAGE FACILITIES

As noted in the introduction, mini-storage facilities generally allow customers to access rented storage units via separate entrances. Some facilities may be open all hours while others restrict the hours that customers may enter and exit. Off-site impacts may include vehicular traffic plus noise and light spillover onto neighboring properties. The architectural character of mini-storage facilities is similar to other industrial uses, which is to say they often do not hold visual appeal. These facilities generate relatively low activity compared to other commercial/industrial uses and may not be suitable in a downtown area since they do not encourage pedestrians.

EXISTING MINI-STORAGE FACILITIES NEAR SCAPPOOSE

Staff is aware of several mini-storage facilities in and near Scappoose. Within city limits there are two mini storage facilities in the Expanded Commercial zone (a 0.9-acre facility on SW Fir Lane and a 0.8-acre facility on SW Old Portland Road) plus a 0.2-acre facility in the Light Industrial zone (on the corner of SE 3rd Street & SE Santosh Street). Within the urban growth boundary there is a 1.7-acre facility on NE West Lane, a 1.3-acre facility on Highway 30, and a 3.8-acre facility on Highway 30.

COMPARISON WITH OTHER COMMUNITIES & TGM MODEL CODE

Staff has performed an informal poll of the zoning regulations for several Oregon communities (Albany, Lincoln City, Milton-Freewater, Pendleton, Springfield, St. Helens, Stayton, & Mid-Willamette Council of Governments). Mini-storage facilities are typically allowed in the industrial zones of these other communities as permitted or conditional uses. Some of these communities restrict the size of mini-storage facilities (for example, the storage facilities could be no larger than 3 acres). Planners from these cities stated that the facilities can create “dead

Application to allow mini storage in the Light Industrial zone

zones” with limited human activity. In their opinions this situation was more acceptable in an industrial area than in the commercial core so that mini-storage did not waste valuable commercial land. Some communities have sites with a combination of uses that include storage and employment-generating uses as well as storage facilities on small or odd-shaped lots. Other cities’ staffs observed that mini-storage holds similarities to large-scale warehousing and storage facilities, and that these facilities may be the highest and best use of the land for a period of time until circumstances change to encourage further intensification.

The applicant reviewed zoning regulations from several cities (see **Attachment 1**), observing that self-storage was generally allowed in the light industrial zones of these cities. The applicant also included an excerpt from the 2012 *Model Development Code for Small Cities* published by the State of Oregon’s Transportation and Growth Management (TGM) program. This publication lists self-service storage facilities as permitted uses within the suggested Light Industry and General Industry zones.

AGENCY COMMENTS & PUBLIC NOTICE

The City Manager, Building Official, City Engineer, and the Oregon Department of Land Conservation and Development (DLCD) have been provided the opportunity to review copies of this application. The City Engineer made the following observations:

From a public facility standpoint (water, wastewater, storm water and transportation) this is not a concern with regard to capacity or quality.

- The water demand would likely be less than other light industrial uses.
- The wastewater flow would likely be less than other light industrial uses.
- The storm water flow would likely be the same or slightly higher. It is common that ministorage facilities cover most of the lot with either buildings or pavement. However, this would not detrimentally affect the public storm water system as detention would be required.
- The traffic generated by a mini-storage is generally less than other light industrial uses.

DLCD staff supported support staff’s recommendation (below) to list mini-storage as a conditional use. See **Attachment 2**.

Notice of the proposed amendment to the Development Code was mailed to all property owners within the Light Industrial zone on September 24, 2013 and was published in the newspaper on October 11, October 18, and November 1, 2013. Staff has received no written comments from the public regarding this application as of the date of this report.

RECOMMENDATION

The applicant requests that the City list mini-storage as permitted uses in the Light Industrial zone. Staff is partially supportive and partially hesitant about the request. Mini-storage facilities don’t generate many jobs per acre so permitting their use in the LI zone would use up land that might better be preserved for development that would increase employment in the community. On the other hand, considering the impact of these facilities, it would probably be better to steer them away from valuable commercial areas and toward industrial areas where they would be more compatible with neighboring uses. It is likely that mini-storage could make use of challenging sites that are not suitable for manufacturing/typical light industrial uses (for instance, sites with odd shapes, poor transportation access, or minimal public utilities).

Application to allow mini storage in the Light Industrial zone

Staff does not anticipate that a small number of mini-storage facilities would conflict with the stated purposes of the Light Industrial zone, provided that the facilities do not begin to dominate the use of available land. If this legislative amendment is approved by the City Council, then property owners in the LI zone could develop sites with mini-storage facilities. This could maximize the value of vacant or underutilized property but may preclude other more valuable land uses, at least on a provisional basis.

Based on the applicable statutes, rules, comprehensive plan provisions and implementing ordinances, staff and the Planning Commission recommend adoption of the proposed amendment by the City Council, with some specific modifications. Rather than permit mini-storage facilities outright in the Light Industrial zone, the Planning Commission recommends that a conditional use permit be required. The conditional use permit process would allow the affected neighborhood to participate in the land use review for specific facilities and to comment on land use applications. The Planning Commission also recommends that the size of the storage facilities themselves be limited to no more than 3 acres.

FINDINGS OF FACT

1. Rosedale Development LLC has submitted an application requesting that the City amend the Development Code to include self-service mini-storage facilities in the list of Permitted Uses in the Light Industrial zoning district.
2. A review of the zoning regulations of other communities and the 2012 *Model Development Code for Small Cities* published by the State of Oregon's Transportation and Growth Management program demonstrates that it is common practice for cities to allow mini-storage facilities in industrial areas.
3. Amending the Development Code to allow mini-storage facilities in the Light Industrial zone would provide property owners increased options for development.
4. Placing limitations on the size and requiring conditional use permits for mini-storage facilities would help preserve large sites for employment-generating industrial operations.
5. The following Statewide Planning Goals have been considered by the City of Scappoose in the formation of the language contained within this request:

Goal 1: Citizen Involvement

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

This application complies with the citizen involvement processes included in the City's acknowledged Comprehensive Plan and Development Code, which is consistent with Statewide Planning Goal 1. The Planning Commission and City Council hold public hearings on the proposal prior to adopting any amendments to the Scappoose Municipal Code. Notice of the proposal and hearings was published in the local newspaper on October 11, October

Application to allow mini storage in the Light Industrial zone

18, and November 1, 2013. The City also follows the procedures required by ORS 227.186 (Ballot Measure 56) for notification of the owners of property proposed to be directly affected by the changes. For this application the changes do not limit or prohibit land uses previously allowed in the affected zone so no mailed notice was required under this statute; however, to promote public participation, staff mailed notice to all owners of land in the Light Industrial zone on September 24, 2013.

Citizens may submit written or verbal testimony regarding the proposed amendments to communicate their input into the Development Code amendment review conducted by the City. For this application, the Planning Commission's hearing date is October 24, 2013, while the City Council's hearing date is November 4, 2013. This process complies with the Goal.

Goal 2: Land Use Planning

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding:

The proposal to amend the Development Code is consistent with the City's regulations regarding legislative land use decisions. Legislative decisions require a Planning Commission recommendation to the City Council, which then makes a decision based on stated findings. The Planning Commission and City Council hearings are open to the public.

The procedural requirements for the proposed Development Code amendment involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to allow mini-storage facilities in the Light Industrial zone. Notice of the proposed amendment has been provided to the Oregon Department of Land Conservation and Development (DLCD) as required. DLCD has submitted comments attached as **Attachment 2**. The City's decision is based on findings of fact. This action complies with Goal 2.

Economic Development (Goal 9)

Objective: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding:

The City Council adopted an Economic Opportunities Analysis (EOA) in 2011 to determine the City's economic goals, policies, and land needs concerning commercial and industrial development. This analysis indicated that the City would need to expand the urban growth boundary (UGB) by approximately 378 acres to accommodate the 20-year employment land need. While the ordinance that adopted the EOA and the UGB amendment is under appeal, best practice would be to preserve existing industrial land for employment purposes to the extent possible. The attached ordinance language would allow mini-storage facilities in the Light Industrial zone only to the extent that they fall under certain size limits and are subject

Application to allow mini storage in the Light Industrial zone

to conditional use permit approval criteria. With these controls, it is not anticipated that a handful of mini-storage facilities in the LI zone would appreciably increase the industrial land demand over a 20-year period. Furthermore, for those cases where a mini-storage facility may occupy a portion of a site while leaving the remainder undeveloped, the undeveloped portion would continue to be part of the city's available inventory of industrial land.

The proposed Development Code amendment would offer additional location options for operators of mini-storage facilities, which could lead to development of underutilized sites, consistent with Goal 9.

Statewide Planning Goals 3-8 and 10-19 are not applicable to this application.

6. The following Goals and Policies from the Scappoose Comprehensive Plan have been considered by the City of Scappoose in the formation of the language contained within this proposal:

GENERAL GOALS OF THE CITY OF SCAPPOOSE FOR LAND USES

3) *A suitable balance between competing land use should be established so that, insofar as possible, the complete range of social, economic, cultural, and aesthetic needs of the community are met.*

19) *Citizen participation will continue to be an important element of the City's land use planning process. Besides public hearings held by the Planning Commission and City Council, the City shall utilize the local newspaper and radio station to keep populace informed of land use issues. The City shall also publish quarterly a summary of past and future activities.*

Finding:

Allowing the option for mini-storage facilities in the Light Industrial zone expands the range of land uses that can meet the community's needs. Restricting the size and requiring conditional use permits preserves the majority of industrial land for employment uses.

Notice of the proposed amendment to the Development Code has been published in the local newspaper to inform citizens of the opportunity to participate in the review and decision-making process. The applicable GENERAL GOAL OF THE CITY OF SCAPPOOSE FOR LAND USES is satisfied.

GOAL FOR THE INDUSTRIAL LAND USE DESIGNATION

It is the goal of the City of Scappoose to:

1) *Provide a place for industrial activities where their requirements can be met, and where their environmental effects will have a minimal impact upon the community.*

POLICIES FOR THE INDUSTRIAL LAND USE DESIGNATION

Application to allow mini storage in the Light Industrial zone

It is the policy of the City of Scappoose to:

- 1) Provide suitable areas for industrial expansion, utilizing for such purposes relatively large, flat areas that are separated by buffers from the City's residential districts.*
- 3) Locate industrial areas so they have a convenient relationship to the community's transportation system, without generating heavy traffic through residential districts; additionally, the clustering of industrial activities will allow carpooling by employees.*
- 4) Screen, setback or buffer the boundaries of industry, particularly unsightly areas which can be viewed from arterials or from residential areas.*
- 5) Apply this designation where industrial concerns have become established and where vacant industrial sites have been set aside for this purpose.*
- 6) Protect the stability and functional aspects of industrial areas by protecting them from incompatible uses.*

Finding:

Allowing mini-storage facilities in the Light Industrial zone would provide additional places for industrial-compatible uses with relatively minor impacts on the neighborhood. Restricting the size of facilities and requiring conditional use permits would help to ensure that not all the land in the LI zone is used by storage facilities and that land remains available for uses more consistent with light manufacturing and related activities.

The applicable GOAL FOR THE INDUSTRIAL LAND USE DESIGNATION and the POLICIES FOR THE INDUSTRIAL LAND USE DESIGNATION are satisfied.

GOAL FOR ECONOMICS

It is the goal of the City of Scappoose to:

- 1) Maintain conditions favorable for a growing, healthy, stable, and diversified business and industrial climate.*
- 2) Establish greater local control over the density of local economic development.*

POLICIES FOR ECONOMICS

It is the policy of the City of Scappoose to:

- 1) Make sufficient land available for the anticipated expansion of commercial and industrial activities.*
- 2) Encourage the preservation, improvement and renewal of the existing business district of the City so that it will be allowed to play a role as a center of economic and civic activity for the entire community.*

*Application to allow mini storage in the Light Industrial zone***Finding:**

The City's relatively small population (6,685 people) would lead to a correspondingly small demand for mini-storage facilities compared to larger population centers; at some point, the market would become saturated. Limiting the size of facilities and requiring conditional use permits would ensure that mini-storage facilities do not consume all available industrial land within the City. The remaining industrial land would be available for other permitted and conditional uses as specified in the City's zoning regulations.

Siting mini-storage facilities in the Light Industrial zone could complement the existing uses and divert their development away from commercial areas. This diversion would preserve land in commercial areas for development with more vibrant, pedestrian-friendly land uses in the downtown and nearby commercial sites.

The applicable GOAL FOR ECONOMICS and the POLICIES FOR ECONOMICS are satisfied.

7. The following sections of Title 17 of the Scappoose Municipal Code (Scappoose Development Code) Plan have been considered by the City of Scappoose in the formation of the language contained within this proposal:

Chapter 17.70 LI LIGHT INDUSTRIAL

17.70.010 Purpose. *The purpose of the light industrial zone is to:*

- A. Provide appropriate locations for industrial use including light manufacturing and related activities with few, if any, nuisance characteristics such as noise, glare and smoke;*
- B. To permit manufacturing, processing, assembling, packaging or treatment of produce or products from previously prepared materials; and*
- C. To provide a wide variety of sites with good highway or rail access.*

Finding:

The purpose of the Light Industrial zone is fairly broad. Mini-storage facilities would qualify as a "related activity" envisioned by item 'A' above. Limiting mini-storage facility size and requiring conditional use permits helps maintain the land base for the primary purpose of light manufacturing. Section 17.70.010 is satisfied.

Chapter 17.160 PROCEDURES FOR DECISION MAKING—LEGISLATIVE

17.160.120 The standards for the decision. *A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:*

- 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*
- 2. Any federal or state statutes or rules found applicable;*
- 3. The applicable comprehensive plan policies and map; and*
- 4. The applicable provisions of the implementing ordinances.*

Application to allow mini storage in the Light Industrial zone

B. Consideration may also be given to:

Proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

Finding:

The Planning Commission's recommendations and the City Council's decisions are based on applicable statewide planning goals and guidelines, state statutes and rules, Comprehensive Plan policies, and provisions of the Scappoose Municipal Code, as detailed in the findings. The City has publicized the proposed amendments and held hearings in accordance with applicable laws. The City is amending the Development Code to allow mini-storage facilities in the Light Industrial zone. Section 17.160.120 is satisfied.



Rosedale Development LLC
Development · Investment · Construction
Est. 2001

9.4.2013

Brian Varricchione, City Planner
City of Scappoose
33568 East Columbia Avenue
Scappoose, Oregon 97056

Dear Brian:

Attached is my application to the City of Scappoose requesting an amendment to the city's development code to allow for the construction of self-storage facilities within the city's Light Industrial zoning designation.

My partners, clients and I are aware and sympathetic to the lack of large employment generating industrial property currently zoned within the city's limits. However we sincerely feel that the amendment, as proposed, will help better align our ordinance with current state land use model development codes, the ordinances of comparable communities, local market demand/dynamics and most importantly to our own city's comprehensive plan.

The State of Oregon's Department of Land Conservation and Development issues a "Model Development Code for Small Cities." As you know, this model code is used as a general set of land use guidelines for small Oregon municipalities. In this Model Development Code the State of Oregon recommends self-storage facilities be listed as a permitted use in a general industrial district. It recommends either a permitted use or conditional use in communities that employ a Light Industrial district. We feel that the State of Oregon's recommendation helps to support our request for amendment to the city's current development code. I have attached the relevant portions of LCDC's model codes as Exhibit A.

I researched 10 cities with populations closest to the city of Scappoose that had online access to their land use ordinances. The list included Molalla, Lincoln City, Sutherlin, Stayton, Hood River, Milton-Freewater, Umatilla, Seaside, Brookings and Sheridan. All recommend a self-storage land use within industrial zones with the exception of Hood River (Hood River does not list Self-Storage as a land use in any zoning district), Milton-Freewater (Milton-Freewater's only industrial zone is Industrial Manufacturing), and Umatilla (also does not list storage units in any zone).

A review of the current City of Scappoose Comprehensive Plan will show that an intended/anticipated use of industrial lands inside the Scappoose city limits was self-storage. Within the chapter on Urban Growth Boundary Goals and Policies and specifically in relation to current available industrial lands as well as those outside city limits but slated to become LI zoned following annexation reads the following:

[...]

The airport section of the urban growth boundary contains 414 acres available for industrial land use. This area is intended to be used for employment generating uses which require larger lot sizes.

Between Scappoose Creek and West Lane Road are approximately 47 acres identified as industrial in the Plan and containing primarily buildable land. The existing uses consist of buildings to support agriculture uses and residential dwellings.

East of West Lane Road and North of the Crown Z Logging Road are approximately 367 acres identified as industrial in the Plan and containing the Scappoose Industrial Airpark and pre-existing agricultural uses. A few residential dwellings are also found within this area.

The purpose of including the airport within the urban growth boundary was to provide employment generating industrial developments for the community. Some of the anticipated uses in the area east of West Lane Road would be the manufacturing, compounding, processing, and packaging of various goods and materials, distribution center for parcel delivery, machine shops, wholesale distributing and storage, and airport support services. This listing provides examples of anticipated uses and is not exhaustive.

Some of the anticipated uses in the area west of West lane Road would include the above uses with the addition of other “quasi-industrial uses”. Some proposed uses of this are include recreational vehicle parks and mini-storage.

Uses that are land intensive but generate little or no employment opportunities for the community are not targeted for the long term plans to develop an industrial park near the airport. The City included the airport within the urban growth boundary to develop an industrial area that will provide employment opportunities for Columbia County and the City of Scappoose. (Ord 581, 1992)

[...]

We respectfully suggest that this language strongly supports our request for amendment as proposed, however, after discussing the West Lane boundary noted within the comprehensive plan it is my opinion that maintaining the proposed boundary would be difficult.

At the time that this current portion of the Scappoose Comprehensive Plan was drafted the parties responsible for guiding future industrial/economic growth within our city proposed and maintained a very clear division of uses for those industrial lands east and west of West Lane Road. Those industrial uses located east of West Lane road are intended for primarily employment generating industry that require, and can utilize, the larger available sites while those sites west of West Lane Road should be

anticipated as being more “quasi-industrial”. Today, it is my opinion, that this more flexible use of industrial lands will allow the smaller, more fractured available sites currently within the city to be developed efficiently as they are not all currently suitable for the more land intensive employment generating uses. We suggest that those prospective employment generating industrial uses are better represented by the Scappoose Airpark Industrial master plans.

It should be noted that the City of Scappoose Urban Growth Boundary Amendment (Ordinance No. 816) does propose the allowance of self-storage facilities within the Scappoose Airpark Expansion area though only on lands designated as part of the regional Airport Business Park designation. Our recommendation to allow this use on LI zoned lands within the city maintains the integrity of the land-use planning that has been completed within that UGB expansion. It also helps level the playing field between properties currently zoned or planned for Industrial zoning and the future properties slated for annexation in the predominantly industrial Scappoose Airpark Expansion area.

In closing, my partners and I respectfully request that our proposed application to allow self-storage facilities within the Scappoose Light Industrial zone be approved and the LI ordinance be amended to include the following:

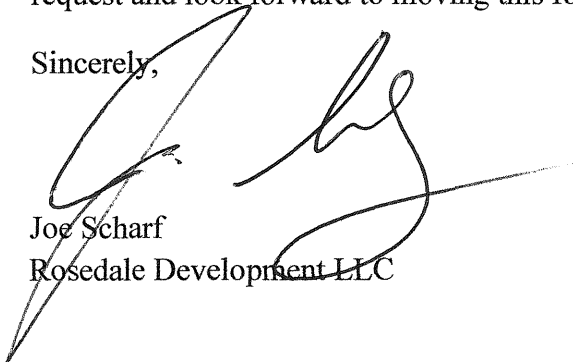
...

BB. Self-Service / Mini Storage with or without caretaker dwelling.

...

We feel that the use not only meets the requirements of the City of Scappoose’s comprehensive plan but also the spirit in which the guiding principles of both our community and neighboring communities as well as those that our state land use agencies have drafted and adopted. I appreciate your review of our request and look forward to moving this forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Scharf', is written over a printed name and company name.

Joe Scharf
Rosedale Development LLC

2.1 – Establishment of Zoning Districts | Classification of Zoning Districts

community service uses.

3. *The Residential-Commercial (RC) district permits residential uses similar to those permitted in the [RM / RH] district. The RC district also allows, subject to special use standards, some commercial and employment uses.*

B. Commercial Districts ([D / MS,] GC). Commercial zoning districts accommodate a mix of commercial services, retail, and civic uses, with *[existing residences permitted to continue, and] new residential uses permitted in the upper stories of some buildings.* Two commercial zoning districts, one for *[Downtown/Main Street]* and one for General Commercial areas, provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities. The two commercial districts allow many of the same uses, except that different development and design standards apply to specific types of development based on the physical context *[, desired urban form]* and pedestrian-orientation of each district *[or subarea]*. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

C. Industrial Districts ([LI / ME], GI). Industrial zoning districts accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for *[Light Industry / Mixed-Employment]* and one for General Industry, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses. The General Industry district additionally provides suitable locations for intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution or other activities. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

User's Guide: The Public Facilities and Parks and Open Space districts are optional because not every city will need them. Public uses generally can fit into other zones. Though some public agencies prefer special zoning, particularly for larger holdings where residential or commercial zoning is not appropriate. The benefit of using subsection 'D' is that it can streamline the permit process for projects serving the public interest. A potential disadvantage is where the public agency-owner wants to sell the property and its value is less than it would be with residential or commercial zoning. An alternative approach is to create a PF "overlay" zone that accomplishes the same purpose, and where an overlay is applied, a property would retain its base zoning.

[D. Public Facilities and Parks and Open Space Districts (PF, P-OS). See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. *The Public Facilities (PF) district provides a zoning option for public and semi-public uses, including but not limited to schools, government offices, fire stations, police stations, libraries, public works yards, reservoirs, and other public facilities [, consistent with adopted public facility master plans].*
2. *The Parks and Open Space (P-OS) district provides for the use, protection, preservation, conservation, and enhancement of parks, natural areas, and similar areas in a manner that meets community needs for a wide range of passive or active recreational uses (, consistent with adopted park or open space master plans).]*

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
C. Commercial Uses (continued)⁵											
<i>[Computer Server Hotel/Data Center]</i> These uses can be mistaken for Office uses, though they typically employ few people and have large electrical demands.	N	N	[P/ CU]	[P/ CU]	P	P	P	[N]	[N]		
Customer Call Center	N	N	[P/ CU]	P	P	P	N	[N]	[N]		
Drive-Through Service This use should be discouraged in RC and D/MS zones.	N	N	[CU+S]	[N/CU+S]	S	S	S	[S]	[S]		Sec 2.3.050
<i>[Golf Course, including driving range, and with pro shop and/or clubhouse/restaurant]</i>	[N]	[N]	[N]	[N]	[CU]	[N]	[N]	[CU]	[N]		
<i>[Golf Course without pro shop and clubhouse/restaurant]</i>	[N]	[N]	[N]	[N]	[CU]	[N]	[N]	[CU]	[CU]		
Hotels, Motels and Similar Overnight Accommodations	N	N	[P/CU]	P	P	N	N	[N]	[N]		
Kennel (See also, “Veterinary Clinic”)	N	N	N	[CU/N]	CU	CU	N	[CU]	[N]		
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	[N/CU]	[N/ CU]	CU	P	P	[N]	[N]		
Medical Clinic, Outpatient	N	N	[CU/P]	[CU/ P]	P	[CU/ P]	N	[CU/P]	[N]		
Offices	N	N	[CU/P]	P	P	P	[CU/ P]	[CU/P]	[N/ CU]		
<i>[Recreational Vehicle Park]</i>	N	N	[N/CU]	N	[N/ CU]	N	N	[N/CU]	[N/ CU]		
Self-Service Storage, Commercial	N	N	[N/CU]	[N/ CU]	[CU/ P]	P	P	[N]	[N]		
Veterinary Clinic	N	N	[N/CU]	[CU]	P	P	[CU]	[N/CU]	[N]		

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

Community Services Division

Portland Metro Regional Solutions Center

1600 SW Fourth Ave., Suite 109

Portland, Oregon 97201

503.725.2182

anne.debbaut@state.or.us

www.oregon.gov/LCD

October 21, 2013



Brian Varricchione, City Planner
City of Scappoose, Community Development Center
52610 NE 1st Street
Scappoose, OR 97056

SENT VIA E-MAIL

Re: Proposed Development Code amendment to add mini-storage as a permitted use within the Light Industrial zone; DLCD File No. PAPA 002-13; City File DCTA2-13

Dear Brian,

Thank you for the opportunity to comment on the proposed Development Code Amendment to add mini-storage as a permitted use within the Light Industrial zone. Please enter these comments into the record for this plan amendment and the proceedings of the October 24, 2013 Planning Commission hearing.

Industrial land and good employment land are valuable and in scarce supply. At a minimum, we recommend that self storage be a conditional use in any generalized employment zone and support the staff recommendation to add mini-storage as a conditional use rather than as an outright permitted use within the Light Industrial zone. We also encourage the city to consider creating a more detailed set of zone designations where self storage could be allowed outright on small, oddly shaped, or otherwise less desirable industrial sites.

Please let me know if I can provide any further information or assistance.

Best Regards,

Anne Debbaut | Metro Regional Representative

cc: Jon Hanken, City of Scappoose, City Manager (email)
Tom Hogue, Rob Hallyburton, DLCD (email)
DLCD Staff Files (email)