



City Of Scio, Oregon



ZONING ORDINANCE OF THE CITY OF SCIO, OREGON

ORDINANCE NO. 561

Updated July 2018

As Amended by Ordinance No. 573, 578, 593, 594, 595, and 609

TITLE: An ordinance establishing zoning regulations for the City of Scio, providing for the administration, enforcement and amendment thereof, providing for a penalty for violation thereof, repealing ordinance No. 466, and declaring an emergency.

Table of Contents		
Article / Section No.	Article/Section Title	Page Number
Article 1	Introductory Provisions	5-10
Section 1.010	Title	5
Section 1.020	Purpose	5
Section 1.030	Definitions	5-10
Article 2	Basic Provisions	11-12
Section 2.010	Compliance with Ordinance Provisions	11
Section 2.020	Classification of Zones	11
Section 2.030	Zoning Map	12
Section 2.040	Zone Boundaries	12
Section 2.050	Zoning of Annexed Areas	12
Article 3	Use Zones	13-25
	Single Family Residential Zone (R-1)	13-14
Section 3.010	Uses Permitted Outright	13
Section 3.020	Conditional Uses	13
Section 3.030	Lot Size	13-14
Section 3.040	Setback Requirements	14
Section 3.050	Height of Buildings	14
Section 3.060	Lot Coverage	14
Section 3.070	Basis for Determining Standards in a Base Flood Area	14
	Multiple-Family Residential Zone (R-2)	15-16
Section 3.110	Uses Permitted Outright	15
Section 3.120	Conditional Uses	15
Section 3.130	Lot Size	15-16
Section 3.140	Setback Requirements	16
Section 3.150	Height of Buildings	16
Section 3.160	Lot Coverage	16
	Commercial Zone	17-19
Section 3.210	Uses Permitted Outright	17-18
Section 3.220	Uses Permitted Subject to Site Plan Review	18
Section 3.220	Conditional Uses Permitted	18-19
Section 3.230	Setback Requirements	19
Section 3.240	Lot Coverage	19

Section 3.250	Drainage Plan	19
Section 3.260	Parking	19
	Light Industrial Zone	20-23
Section 3.310	Uses Permitted Outright	20-21
Section 3.320	Conditional Uses	21
Section 3.325	Prohibited Uses	21
Section 3.330	Height	21
Section 3.340	Setback Requirements	21-22
Section 3.350	Lot Coverage	22
Section 3.360	Open Storage Yards	22
Section 3.370	Building and Landscaping Maintenance	22
Section 3.381	Odors	22
Section 3.382	Insects and Rodents	22
Section 3.383	Sewage	22
Section 3.384	Vibration	23
Section 3.385	Heat and Glare	23
Section 3.386	Vehicle Access	23
Section 3.387	Department of Environmental Quality Standards	23
Section 3.388	Department of Environmental Quality Approval	23
Section 3.389	Drainage Plan	23
	Public Zone (P)	24-25
Section 3.410	Applicability	24
Section 3.420	Use Regulations	24
Section 3.430	Conditional Uses Permitted	24
Section 3.440	Lot Size and Width	24
Section 3.450	Height Requirements	24
Section 3.460	Yard Requirements	25
Article 4	Wetland Protection Area	26-33
Section 4.010	Title	26
Section 4.020	Wetland Protection Areas-Wetland Review Applicability	26
Section 4.030	Wetland Protection Area, Purpose	26-27
Section 4.040	Wetland Protection Area, Definitions	27-28
Section 4.050	Prohibited Activities within Wetland Protection Areas	28-29
Section 4.060	Exempted Activities within Wetland Protection Areas	29-30
Section 4.070	Allowed Activities within Wetland Protection Areas	30
Section 4.080	Wetland Review-Submittal Requirements	30-31
Section 4.090	Approval Criteria	31
Section 4.100	Decision process, Approval period, Extensions	31-32
Section 4.110	Variances	32
Section 4.120	Notification and Coordination with State Agencies	32-33
Section 4.130	Unauthorized Alterations and Enforcement	33
Section 4.140	Economic, Social, Environment, Energy (ESEE) Provisions	33
Article 5	Supplementary Provisions	34-52
Section 5.110	Exterior Lighting	34
Section 5.120	Solar Access	34
Section 5.130	Flow Through Foundations	34
Section 5.200	Off-Street Parking and Loading	34
Section 5.210	Off-Street Parking	34-36
Section 5.220	Off-Street Loading	36
Section 5.230	General Provisions – Off-Street Parking and Loading	36-38
Section 5.300	General Provisions Regarding Accessory Uses	38
Section 5.310	Repealed	38
Section 5.320	Projections From Buildings	38-39

Section 5.330	General Exception to Lot Size Requirements	39
Section 5.340	Exceptions to Yard Requirements	39
Section 5.350	General Exception to Building Height Limitations	39
Section 5.360	Access	39
Section 5.370	Vision Clearance	39
Section 5.400	Home Occupations	40
Section 5.500	Historic Resource Alteration and Demolition Review	40-43
Section 5.600	Sign Standards	43
Section 5.610	Purpose of Sign Standards	43
Section 5.620	Definitions	43-46
Section 5.630	Administration and Enforcement	46-47
Section 5.640	Signs Exempted or Prohibited	47-48
Section 5.650	Sign Districts	49-51
Section 5.660	Sign Construction and Maintenance	51-52
Section 5.670	Removal of Signs in Violation	52
Article 6	Dwelling Requirements	53-63
Section 6.100	Manufactured Home Requirements	53-55
Section 6.200	Multi-Family Dwelling and Residential Dwelling Complex Requirements	55
Section 6.210	Procedure for Review and Action – Multi-Family Dwelling and Residential Dwelling Complex Review	55
Section 6.220	Standards Applicable to Multi-Family Dwellings and Residential Dwelling Complexes	55-57
Section 6.230	Expansion or Alteration of Multi-Family or Residential Dwelling Complexes	58
Section 6.300	Manufactured Home Park Requirements	58
Section 6.310	Plans to be Submitted for Manufactured Home Parks	58
Section 6.320	Site Requirements	58
Section 6.325	Density and Dimensional Standards for Manufactured Home Parks and Spaces	59
Section 6.330	Manufactured Home Park Improvement Requirements	59-60
Section 6.340	Manufactured Home Space Requirements	60-61
Section 6.350	Standard for Manufactured Homes in a Manufactured Home Park	61
Section 6.360	Expansion or Alteration of Manufactured Dwelling Parks	61
Section 6.370	Manufactured Dwelling Park Hearing Process	61
Section 6.400	Manufactured Dwelling Hardship Requirements	62
Section 6.410	Criteria for Review of Hardship Manufactured Dwellings	62
Section 6.420	Application for Hardship Manufactured Dwelling	62
Section 6.430	Notice and Hearing for Hardship Manufactured Dwelling	62
Section 6.440	Conditions of Approval for Granting a Hardship Manufactured Dwelling	62
Section 6.450	Annual Renewal of Hardship Manufactured Dwelling Permit	63
Article 7	Nonconforming Uses and Structures	64-65
Section 7.000	Continuation of Nonconforming Use or Structure	64
Section 7.010	Nonconforming Structure	64
Section 7.020	Discontinuance of a Nonconforming Use	64
Section 7.030	Change of a Nonconforming Use	64
Section 7.040	Destruction of a Nonconforming Use	64
Section 7.050	Completion of Structure	64
Section 7.060	Repairs and Maintenance	65
Article 8	Conditional Uses	66-75
Section 8.000	Purpose of Conditional Use Permits	66
Section 8.010	Authorization to Grant or Deny Conditional Uses	66
Section 8.020	Application for a Conditional use	66
Section 8.030	Notice and Hearing on a Conditional Use	66
Section 8.040	Recess of the Hearing by the Commission	66
Section 8.050	Notification of Decision	67
Section 8.060	Criteria for Approving or Denying a Conditional Use Permit	67

Section 8.070	Conditions of Approval for a Conditional Use Permit	67
Section 8.080	Standards Governing Conditional Uses	68-75
Section 8.090	Time Limit	75
Article 9	Variances	76-77
Section 9.000	Purpose	76
Section 9.010	Authorization to Grant or Deny Variances	76
Section 9.020	Application for a Variance	76
Section 9.030	Notice and Hearing on a Variance	76
Section 9.040	Notice of Decision	76
Section 9.050	Criteria for Approval or Denial of a Variance	76-77
Section 9.060	Time Limit	77
Article 10	Amendments	78-79
Section 10.000	Authorization to Initiate Amendments	78
Section 10.010	Application for an Amendment to the Zoning Ordinance	78
Section 10.020	Public Hearings on Zoning Amendment Request	78
Section 10.030	Records of Amendments	79
Article 11	Site Plan Review	80-82
Section 11.010	Application	80-81
Section 11.020	Hearing and Action on a Site Plan Application	81
Section 11.030	Criteria for Review of a Site Plan	81-82
Section 11.040	Conditions	82
Section 11.050	Time Limit on Approved Site Plan	82
Article 12	Administrative Provisions	83-92
Section 12.000	Administration and Enforcement	83
Section 12.010	Authorization of Similar Uses	83
Section 12.020	Decision Authority	83-84
Section 12.030	Decision Process	84-85
Section 12.040	Appeal	85
Section 12.050	Petitions, Applications, Appeals, and Fees	85-87
Section 12.060	Notice of Public Hearing	87-88
Section 12.070	Explanation in Mailed Notice to Affected Property Owners	89
Section 12.080	Hearing Procedures	89-90
Section 12.090	Consolidation of Procedures	90
Section 12.100	Time Period for Decision Making	90-91
Section 12.110	Public Works Standards	91
Section 12.120	Interpretation	91
Section 12.130	Severability	91
Section 12.140	Permits and Certificates of Occupancy	91-92
Section 12.150	Penalty	92
Section 12.160	Repeal	92
Section 12.170	Emergency	92
Article 13	Public Facilities	93-116
Section 13.010	Purpose and Applicability	93
Section 13.020	Transportation Standards	94-109
Section 13.030	Public Use Areas and Parks	110
Section 13.040	Sanitary Sewer and Water Service Improvements	111
Section 13.050	Storm Drainage and Surface Water Management Facilities	111-113
Section 13.060	Utilities	113-114
Section 13.070	Easements	114
Section 13.080	Construction	114
Section 13.090	Facility Installation	114-115
Section 13.100	Performance Guarantee and Warranty	115-116

The City of Scio does ordain as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010	Title
Section 1.020	Purpose
Section 1.030	Definitions

Section 1.010. Title. This ordinance shall be known as the "Zoning Ordinance of the City of Scio, Oregon."

Section 1.020. Purpose. The several purposes of this ordinance are: to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to conserve energy; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, and transportation; and in general to promote public health, safety, convenience, and the general welfare.

Section 1.030. Definitions. As used in this ordinance, the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

1. Accessory Structure or Use. A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use. A home occupation is an accessory use.
2. Alley. A street which affords a secondary means of access to property.
3. Boarding, Lodging, or Rooming House. A building where lodging with or without meals is provided for compensation for not less than five nor more than ten guests.
4. Building. A structure erected for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
5. Campground. A plot of ground upon which two or more spaces are located, established or maintained for occupancy by tents, or tent vehicles.
6. City. The City of Scio, Oregon.
7. Commission. The Scio City Planning Commission.
8. Day Care Facility. A facility that provides day care to children, including a day nursery, nursery school group or similar unit operating under any name, but not including: (a) a facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day; (b) a facility providing care that is primarily supervised training in a specified subject, including but not limited to dancing, drama, music or religion; (c) a facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; (d) a facility operated by a school district, political subdivision of this state or a governmental agency; or (e) a residential facility licensed under ORS 443.400 to 443.445.

9. Dwelling Unit, Multiple-family. A building containing three or more dwelling units.
10. Dwelling Unit, Single-family. A detached building containing one dwelling unit.
11. Dwelling Unit, Two-family. A building containing two dwelling units.
12. Dwelling Unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility.
13. Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related living together in a dwelling unit.
14. Family Day Care Provider. A day care provider who regularly provides day care in the family living quarters of the provider's home to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.
15. Fence, Sight Obscuring. A wall or planting arranged in such a way as to obstruct vision.
16. Floor Area. The area included in surrounding walls of a building or portion thereof, exclusive of vent shafts and courts.
17. Grade (Ground Level). The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
18. Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
19. Home Occupation. A lawful activity commonly carried on within a dwelling that is in conformity with the provisions of this ordinance
20. Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
21. Lot. A parcel or tract of land.
22. Lot Area. The total area of a lot within the lot boundary lines exclusive of streets, easements of access to other property, and the long narrow strip of land used for access to a flag lot.
23. Lot, Corner. A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.
24. Lot Coverage. The portion of a lot that may be covered by a building.
25. Lot, Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
26. Lot, Flag. A lot which is connected to a street by a narrow strip of land which is used as access to the major portion of the lot.
27. Lot, Interior. A lot other than a corner lot.

28. Lot Line. The property line bounding a lot.
29. Lot Line, Front. The property line separating the lot from the street; in the case of a corner lot, the shortest property line along a street.
30. Lot Line, Rear. A property line which is opposite and most distant from the front lot line, and in the case of irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
31. Lot Line, Side. Any property line not a front or a rear lot line.
32. Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines.
33. Manufactured Dwelling. A manufactured dwelling is either a mobile home or a manufactured home.
34. Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. A manufactured home is a home built on or after June 15, 1976 to the standards and requirements of the National Home Construction and Safety Standards Act of 1974, as those standards are or may be amended. Manufactured home does not mean any unit identified as a recreation vehicle either by the manufacturer, as defined in this ordinance, or as defined by state law or Oregon Administrative Rule.
35. Manufactured Home Park. A lot upon which two (2) or more manufactured homes occupied for living or sleeping purposes are located, regardless of whether a charge is made for such accommodation.
36. Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
37. Nonconforming Structure, Lot or Use. A nonconforming structure or lot is a lawful existing structure or lot at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located. A nonconforming use is a use that lawfully occupied a building or land at the time this ordinance becomes effective, and which does not conform with the use regulations of the zone in which it is located.
38. Parking Space. An enclosed or unenclosed surfaced area of not less than 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile.
39. Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

40. Recreational Vehicle (RV) Park. A plot of land upon which two or more recreational vehicle spaces are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes. Areas for tent camping may be included as a part of a Recreational Vehicle (RV) Park.
41. Recreational Vehicle (RV). A unit, with or without motive power, which is designated for human occupancy, and is used temporarily for recreational or emergency purposes. Types of recreational vehicles include the following:
- a. Camping Trailer. A vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use, and has a floor area of less than 400 square feet, excluding built-in equipment such as wardrobes, closets, kitchen fixtures and bath or toilet rooms.
 - b. Motor Home. A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or a chassis cab or van which is an integral part of the complete vehicle.
 - c. Park Trailer. A vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices, and a gross trailer area not exceeding 400 square feet when in the set-up mode.
 - d. Travel Trailer. A vehicular unit which has a roof, floor and sides and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 400 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
 - e. Truck Camper. A portable unit that has a roof, floor and sides and is designed to be loaded on and off the bed of a truck or pick-up truck, and has a floor area of less than 400 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
42. Recreational Vehicle (RV) Space. That portion of a recreational vehicle park that is reserved for the location of recreational vehicle, tent, tent vehicle, or camping vehicle
43. Residential Dwelling Complex. Any residential development other than (1) construction of one single-family dwelling, one two-family dwelling, or one multi-family dwelling on an individual lot, or (2) a subdivision or partition designed and intended for single-family dwellings. A residential dwelling complex includes any development with two or more dwelling units in two or more buildings which encompasses a lot or lots with an area which exceeds 8,000 square feet.

44. Residential Facility. A facility licensed under ORS 443.400 to 443.455 for six (6) or more physically disabled, socially dependent, developmentally disabled, or mentally, emotionally or behaviorally disturbed individuals or elderly individuals and including a residential care facility, residential training facility, and residential treatment facility, as these are defined in ORS 443.400.
45. Residential Home. A residence for five or fewer unrelated physically disabled, socially dependent, or elderly individuals and for staff members.
46. Screening. See Fence, Sight obscuring.
47. Setback. The physical distance between the street right-of-way line or lot line and any portion of a building or structure.
48. Sign. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered a sign.
49. Street. The entire width between the right-of-way lines of a public or private way for vehicular and pedestrian traffic.
50. Structural Alteration. Any change to the supporting members of a building including foundation, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.
51. Structure. Something constructed or built and having a fixed base on, or fixed connection to the ground or another structure.
52. Use. The purpose for which land or a structure is designed, arranged, or intended or for which it is occupied or maintained.
53. Vision Clearance Area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at the intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.
54. Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
55. Yard, Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the main building.
56. Yard, Rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.
57. Yard, Side. A yard between the front and rear yards measured horizontally and at right angles to the side lot line from the side lot lines to the nearest point of the building. In the case of a corner lot, the side yard bordering the street shall extend from the front yard to the rear yard lot line.

58. Zoning/Building Official. One or more individuals designated by the City Council of the City of Scio, with the duties and authority to enforce the provisions of this Ordinance, the City of Land Division Ordinance, and other ordinances and regulations as specifically determined by the City Council.

ARTICLE 2. BASIC PROVISIONS

Section 2.010	Compliance with Ordinance Provisions
Section 2.020	Classification of Zones
Section 2.030	Zoning Map
Section 2.040	Zone Boundaries
Section 2.050	Zoning of Annexed Areas

Section 2.010. Compliance with Ordinance Provisions.

- A. Actions initiated under this Ordinance shall be consistent with the adopted Comprehensive Plan of the City of Scio and with applicable state and federal laws as these plans, laws and regulations may now or hereafter provide. No parcel of land or structure may be used for, or in conjunction with, an activity that violates any state or federal law.
- B. Since the City of Scio has a Comprehensive Plan and implementing ordinances that have been acknowledged by the State of Oregon as being in compliance with statewide planning goals, any action taken in conformance with this Ordinance shall be deemed also in compliance with statewide planning goals and the Scio Comprehensive Plan. Unless stated otherwise in this Ordinance, specific findings demonstrating compliance with the Comprehensive Plan are not required for land use application approval. However this provision shall not relieve the proponent of the burden of responding to allegations that the development action requested is inconsistent with one or more Comprehensive Plan policies.
- C. No building shall be erected, enlarged or structurally altered, nor shall any land or building be used for any purpose other than is permitted in the zone in which said building or land is located
- D. No lot shall be so reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this ordinance nor shall the density of population be increased in a manner except in conformity with the area regulations herein established.
- E. No yard or other open space provided around any building in compliance with these regulations shall be considered as any part of a yard or open space for any other building, nor shall any yard or open space of adjacent property be considered as providing a yard or open space required for a building.

(Ordinance 595 § 2014)

Section 2.020. Classification of Zones. For the purpose of this ordinance, the city is divided into zones designated as follows:

<u>Zone</u>	<u>Abbreviated Designation</u>
Single-Family Residential	R-1
Multiple-Family Residential	R-2
Commercial	C-1
Light Industrial	LI
Public	P

Section 2.030. Zoning Map.

- A. The location and boundaries of the zones designated in Section 2.020 are hereby established as shown on the map entitled "Zoning Map of the City of Scio, Oregon". The effective date of zoning is the date shown on the zoning map. The map shall be signed by the City Recorder. The map shall hereafter be referred to as the zoning map.
- B. The signed copy of the zoning map shall be maintained without change on file in the office of the Recorder and is hereby made a part of this ordinance.
- C. Copies of the zoning map and text shall be made accessible to the public at City Hall and shall be sold at cost.

Section 2.040. Zone Boundaries. Unless otherwise specified, zone boundaries are property lines, the center line of street and alleys rights-of-way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, the entire parcel shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries. However, if the boundary adjustment is for a distance greater than 20 feet, the procedure for a zone change shall be followed and the action to be taken by the City shall follow the zoning amendment procedure and criteria as set forth in Article 10 of this Ordinance.

Section 2.050. Zoning of Annexed Areas. All areas annexed to the City shall be zoned within a city zoning district that is in harmony with the existing comprehensive plan description. (Ordinance 593 § (2), 2013)

ARTICLE 3. USE ZONES

SINGLE-FAMILY RESIDENTIAL ZONE (R-1)

Section 3.010	Uses Permitted Outright
Section 3.020	Conditional Uses
Section 3.030	Lot Size
Section 3.040	Setback Requirements
Section 3.050	Height of Buildings
Section 3.060	Lot Coverage
Section 3.070	Basis for Determining Standards in a Base Flood Area

Section 3.010. Uses Permitted Outright. In a R-1 Zone, the following uses and their accessory uses are permitted outright:

- A. Single - family dwelling unit. Only one dwelling unit shall be placed on a lot.
- B. Manufactured home, subject to the provisions of Section 6.100. Only one dwelling unit shall be placed on a lot, except under the provisions for Hardship Mobile Homes as provided for in Sections 6.400-6.450 of this ordinance.
- C. Home occupation subject to the provisions of Section 5.400 of this ordinance.
- D. Residential home.
- E. Family day care provider.

Section 3.020. Conditional Uses. In an R-1 Zone, the following uses and their accessory uses are allowed conditionally when authorized in accordance with the requirements of Section 8.000 to 8.999:

- A. Church or religious institution.
- B. A public park, playground or recreation building.
- C. Utility facilities for the treatment, storage or transmission of water, sewage disposal, storm sewers, electricity, telephone, cable, or similar use.
- D. Pre-school, nursery school, day nursery, kindergarten, day care facility, or similar facility.
- E. Hospital, health care facility, nursing home, convalescent home, or residential facility.

(Ordinance 578 § (4), 2010)

Section 3.030. Lot Size. In an R-1 Zone, the minimum lot size shall be as follows:

- A. The minimum lot area shall be 8,000 square feet, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot area shall be 10,000 square feet.
- B. The minimum lot width at the front building line shall be 60 feet, except if the use is located in a Base Flood Area as defined on the Flood Insurance

Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot width at the front building line shall be 80 feet.

Section 3.040. Setback Requirements. Except as provided in Sections 5.300, 5.330, and 5.340, in an R-1 Zone, the yards shall be as follows:

- A. The front yard shall be a minimum of 20 feet. However, the front yard or street side yard setback to the front of a garage shall be a minimum of twenty-five (25) feet.
- B. The side yard shall be a minimum of five (5) feet and both side yards together shall total a minimum of 13 feet, except that in the case of a corner lot, the side yard abutting a street shall be a minimum of 15 feet.
- C. The rear yard shall be a minimum of 20 feet.
- D. All setbacks shall be measured from property lines and shall not encroach upon the public right-of-way.

(Ordinance 593 § (3), 2013)

Section 3.050. Height of Buildings. In an R-1 Zone, no building shall exceed a height of 35 feet measured from grade. No accessory building to a mobile home shall exceed the height of the mobile home or 12 feet, whichever is less.

Section 3.060. Lot Coverage. In an R-1 Zone, buildings shall not occupy more than 45 percent of the lot area, except if the buildings are located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, they shall not occupy more than 35 percent of the lot area.

Section 3.070. Basis for Determining Standards in a Base Flood Area.

- A. When a lot is partially within a Base Flood Area and partially outside of that Base Flood Area, and when the lot has an area of less than 20,000 square feet, the entire lot shall be considered to be within the Base Flood Area if 50 per cent or more of the lot is within the Base Flood Area.
- B. If less than 50 per cent of the lot with less than 20,000 square feet of area is within the Base Flood Area, the entire lot shall be considered to be outside of the Base Flood Area.
- C. Standards for lots with more than 20,000 square feet of area shall be based on a determination of the actual location of the building site(s) within the Base Flood Area.
- D. The Base Flood Area determinations specified in this section shall apply to lot area, lot width, and lot coverage standards.

MULTIPLE-FAMILY RESIDENTIAL ZONE (R-2)

Section 3.110	Uses Permitted Outright
Section 3.120	Conditional Uses
Section 3.130	Lot Size
Section 3.140	Setback Requirements
Section 3.150	Height of Buildings
Section 3.160	Lot Coverage

Section 3.110. Uses Permitted Outright. In an R-2 Zone, the following uses and their accessory uses are permitted outright:

- A. Multi-family dwelling unit, subject to the provisions of Section 6.200 to 6.230.
- B. Residential Dwelling Complex, subject to the provisions of Sections 6.200 to 6.230.
- C. Two-family dwelling unit.
- D. Single-family dwelling unit.
- E. Manufactured home, subject to the provisions of Section 6.100.
- F. Home occupation, subject to the provisions of Section 5.400 of this ordinance.
- G. Boarding, lodging or rooming house.
- H. Family day care provider.
- I. Residential facility for 6-15 individuals.

Section 3.120. Conditional Uses. In an R-2 Zone the following uses and their accessory uses are allowed conditionally when authorized in accordance with the requirements of Section 8.000 to 8.999:

- A. Church or religious institution.
- B. A public park, playground, or recreation building.
- C. Utility facilities for the treatment, storage, or transmission of water, sewage disposal, storm sewers, electricity, telephone, cable, or similar use.
- D. Hospital, health care facility, nursing home, convalescent home, assisted living facilities or residential facility for 16 or more persons.
- E. Pre-school, nursery school, day nursery, kindergarten, day care facility, or similar facility.
- F. Manufactured home park, subject to the provisions of Section 6.300 to 6.363. Manufactured home parks are exempt from the conditional use criteria listed under Section 8.060 of this ordinance.
- G. Recreational vehicle park or campground.

(Ordinance 578 § (5), 2010)

Section 3.130. Lot Size. In an R-2 zone the minimum lot size shall be as follows:

- A. The minimum lot area shall be 8,000 square feet, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot area shall be 10,000 square feet.
- B. The minimum lot width at the front building line shall be 80 feet.
- C. The minimum lot area for a single-family dwelling or a two-family dwelling shall be 8,000 square feet, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot area shall be 10,000 square feet.
- D. The minimum lot area for a multiple-family dwelling with three or more dwelling units shall be 3,000 square feet per dwelling unit, except if the use is located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City of Scio and in the Flood Hazard Ordinance of the City of Scio, the minimum lot area shall be 5,000 square feet per dwelling unit.
- E. The provisions of Section 3.070, Basis for Determining Standards in a Base Flood Area, shall also apply to the minimum lot area and density standards for the R-2 zone, in Section 3.150.

Section 3.140. Setback Requirements. Except as provided in Sections 5.010 and 5.060, in an R-2 zone the yards shall be as follows:

- A. The front yard shall be a minimum of twenty (20) feet. However, the front yard or street side yard setback to the front of a garage shall be a minimum of twenty-five (25) feet.
- B. The side yard shall be a minimum of five (5) feet and both side yards together shall total a minimum of thirteen (13) feet, except that in the case of a corner lot, the side yard abutting a street shall be a minimum of fifteen (15) feet.
- C. The rear yard shall be a minimum of twenty (20) feet.
- D. All setbacks shall be measured from property lines and shall not encroach upon the public right-of-way.
- E. When more than one building containing dwelling units is located on one lot, the distance between buildings shall be a minimum of sixteen (16) feet.

Section 3.150. Height of Buildings. In an R-2 zone no building shall exceed a height of 35 feet measured from the grade.

Section 3.160. Lot Coverage. In an R-2 zone all buildings shall not cover more than 35% of the lot area. (Ordinance 593 § (4), 2013)

COMMERCIAL ZONE (C-1)

Section 3.210	Uses Permitted Outright
Section 3.220	Uses Permitted Subject to Site Plan Review
Section 3.220	Conditional Uses Permitted
Section 3.230	Setback Requirements
Section 3.240	Lot Coverage
Section 3.250	Drainage Plan
Section 3.260	Parking

Section 3.210. Uses Permitted Outright. In a C-1 Zone, the following uses and their accessory uses are permitted outright.

- A. A commercial enterprise, with a total building square footage of less than 25,000 square feet, which may be classified as belonging to one of the following use groups:
 - 1. Retail store or shop, such as food store, drug store, variety store, apparel store, hardware store, or furniture store.
 - 2. Automobile, boat, truck or trailer sales, service, storage, rental, or repair establishment provided all repair activity shall be conducted entirely within an enclosed building.
 - 3. Personal or business service establishment, such as commercial amusement enterprise, barber shop, beauty shop, clothes cleaning establishment, laundromat, art or music studio, tailor shop or locksmith.
 - 4. Repair shop for the type of goods offered for sale in a retail trade establishment permitted in a C-1 zone such as shoe repair shop, small appliance shop, television or electronic equipment repair shop, or watch repair shop.
 - 5. Business, professional, medical or similar office building.
 - 6. Financial institution such as bank.
 - 7. Newspaper office or print shop.
 - 8. Parking lot or garage.
- B. The following residential uses:
 - 1. Multi-family dwelling unit, subject to the provisions of Section 6.200 to 6.230
 - 2. Residential Dwelling Complex, subject to the provisions of Sections 6.200 to 6.230.
 - 3. Two-family dwelling unit.
 - 4. Single-family dwelling unit.
 - 5. Manufactured home, subject to the provisions of Section 6.100.
 - 6. Home occupation, subject to the provisions of Section 5.400 of this ordinance.

7. Family day care provider.
 8. Residential facility for 6-15 individuals.
 9. Manufactured home park, subject to the provisions of Section 6.300 to 6.363
- C. Residential uses shall be subject to the density, setback, and other development standards of the R-2 Zone.
- D. The Zoning/Building Official shall determine whether a specific use is appropriate to the particular use group permitted in the C-1 zone. The Zoning/Building Official shall either approve or disapprove the use, or refer the proposed use to the Planning Commission for a decision.

(Ordinance 578 § (6), 2010)

Section 3.215. Uses Permitted Subject to Site Plan Review. In a C-1 Zone, the following uses and their accessory uses are subject to a Site Plan Review in accordance with the requirements of Sections 11.000 to 11.999.

- A. A commercial enterprise, which may be classified as belonging to one of the following groups:
1. Any outright permitted use in the C-1 where the total building square footage is 25, 000 square feet or larger.
 2. Boarding, lodging, or room house, motel or hotel.
 3. Eating or drinking establishment such as restaurant, tavern or cocktail lounge.
 4. Veterinary clinic or animal hospital.
 5. Transportation and communication facilities.
- B. Community building, place of public assembly, club, lodge or fraternal organization.
- C. Church
- D. Governmental structure or land use including but not limited to a public park, playground, recreation building.
- E. Hospital, nursing home, convalescent home, assisted living facilities, or residential care facility or 16 or more persons.
- F. Pre-school, nursery school, day nursery, kindergarten, day care facility, or similar facility.

(Ordinance 578 § (6), 2010; Ordinance 593 § (6), 2013)

Section 3.220. Conditional Uses Permitted. In a C-1 zone the following uses are allowed conditionally when authorized in accordance with the requirements of Sections 8.000 to 8.999.

- A. A public utility facility such as a sewage treatment plant, a water reservoir or treatment plant, an electrical substation, or a pumping station.
- B. Wireless telecommunication facilities.

C. Recreational vehicle park or campground.

(Ordinance 578 § (6), 2010)

Section 3.230. Setback Requirements. Except as provided in Sections 5.300, 5.330, and 5.340 in a C-1 zone the yards shall be as follows:

- A. The side yard shall be a minimum of ten (10) feet where abutting a residential zone.
- B. The rear yard shall be a minimum of twenty (20) feet where abutting a residential zone.

Section 3.240. Lot Coverage. In a C-1 zone buildings shall not occupy more than eighty per cent (80%) of the lot area.

Section 3.250. Drainage Plan. In a C-1 zone, all non-residential uses will supply a drainage plan at the time the building permit application is submitted, either for the initial permit for new construction on the property, or for subsequent expansion or alteration of a new or existing use. The drainage plan shall be approved by the City Engineer prior to final approval of the building permit.

Section 3.260. Parking. In a C-1 zone, the Planning Commission may waive or reduce off-street parking requirements for properties located on N. Main Street (Thomas Creek north to NW 2nd Avenue). (Ordinance 593 § (7), 2013)

LIGHT INDUSTRIAL ZONE (LI)

Section 3.310	Uses Permitted Outright
Section 3.320	Conditional Uses
Section 3.325	Prohibited Uses
Section 3.330	Height
Section 3.340	Setback Requirements
Section 3.350	Lot Coverage
Section 3.360	Open Storage Yards
Section 3.370	Building and Landscaping Maintenance
Section 3.381	Odors
Section 3.382	Insects and Rodents
Section 3.383	Sewage
Section 3.384	Vibration
Section 3.385	Heat and Glare
Section 3.386	Vehicle Access
Section 3.387	Department of Environmental Quality Standards
Section 3.388	Department of Environmental Quality Approval
Section 3.389	Drainage Plan

Section 3.310. Uses Permitted Outright. In an LI zone the following uses and their accessory uses are permitted outright.

- A. Antique store, second hand store.
- B. Automobile, boat, truck, trailer or motorcycle sales, service, storage, rental, or repair establishment.
- C. Contractors office and storage facility, business office of the firm or operation that is located on site.
- D. Feed and seed store, plant nursery, greenhouse.
- E. Heavy equipment, implement or machinery sales, service, or rental.
- F. Lumber and/or building materials sales and storage.
- G. Tire sales and repair shop.
- H. Animal hospital and/or clinic, pet boarding facility, veterinarian office.
- I. Trade or vocational school.
- I. A dwelling in conjunction with a permitted use for the owner or caretaker, whenever the on-site residence of such person is necessitated by the use.
- K. A dwelling for a caretaker, for purposes of providing security to adjacent industrial uses, if the property is at least 2.5 acres in size and the property owner of the caretaker residence has a written agreement with the adjacent industrial property owner.
- L. Public utility lines and facilities, except for those public facilities listed as a conditional use.
- M. Governmental structure or use of land, except for public utility facility listed as a conditional use.
- N. A use involving manufacture, research, repair, assembly, processing, fabricating, wholesaling, storage, or transportation, except for those uses

that are prohibited in the LI Zone as listed in Section 3.325. The Zoning/Building Official shall determine whether a specific use is appropriate to this classification and is permitted in the LI Zone. The Zoning/Building Official shall either approve or disapprove the use, or refer the proposed use to the Planning Commission for a decision.

(Ordinance 573 § (1), 2009; Ordinance 593 § (9), 2013)

Section 3.320. Conditional Uses. In an LI Zone, the following uses and their accessory uses are allowed conditionally, when authorized in accordance with the requirements of Sections 8.000 to 8.999.

- A. Public utility facility such as a sewage treatment plant, an electrical substation, or a water reservoir or treatment plant.
- B. Wireless telecommunications facilities.

Section 3.325. Prohibited Uses. In an LI zone, the following uses and their accessory uses are prohibited in the LI Zone.

- A. Cement, lime or similar products manufacture.
- B. Explosives storage or manufacture.
- C. Petroleum products manufacture or refining.
- D. Smelting or refining of metallic ore.
- E. Extraction and/or processing of rock, sand, gravel, or similar material.
- F. Solid waste disposal facility.
- G. Auto wrecking yard or junk yard.
- H. Other uses similar to the above. The Zoning/Building Official shall determine whether a specific use shall be permitted or prohibited in the LI zone, based on its similarity to other uses permitted or prohibited in the zone. The Zoning/Building Official shall either: approve or disapprove the proposed use or refer the proposed use to the Planning Commission for a decision.

(Ordinance 593 § (10), 2013)

Section 3.330. Height. In an LI Zone, no building or structure shall exceed forty-five (45) feet.

Section 3.340. Setback Requirements. In an LI zone the yards shall be as follows.

- A. Rear and Side Yards.
 - 1. There shall be a rear and side yard on every lot in an LI Zone with a minimum depth of ten (10) feet.
 - 2. When the lot in the LI zone is adjacent to a Residential Zone, the minimum side and rear yard depth shall be 20 feet.
 - 3. The minimum rear and side yard depth shall be increased one foot for each additional foot of building height above ten (10) feet.
 - 4. Any rear or side yard adjacent to a street shall have a minimum depth of twenty (20) feet.

- B. Front Yard. There shall be a front yard on every lot in an LI zone with a minimum depth of five (5) feet of landscaping along the front property line. Signs shall comply with the sign requirements listed in this Ordinance.

Section 3.350. Lot Coverage. No building shall cover more than fifty percent (50%) of the total lot area.

Section 3.360. Open Storage Yards. All yard areas, exclusive of those required to be landscaped, may be used for the purposes permitted in the LI zone, provided such yard areas are enclosed with an ornamental, sight-obscuring fence, wall, or a hedge planted at four (4) feet in height and capable of attaining a height to sufficiently screen the open area from any street or highway or from any residential area within two (2) years.

- A. No material or equipment shall be placed within such a storage yard or area if it projects above such fence, wall, or hedge, or if it is visible from any street or highway or from any residential zone.
- B. The surface of such area shall be paved or graveled and maintained at all times in a dust-free condition.
- C. Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as not to shine on or reflect into abutting properties, streets or into the sky above.

Section 3.370. Building and Landscaping Maintenance. In order to increase the compatibility and amenities between the uses of the LI zone and any abutting residential districts, the following provisions shall be observed.

- A. All required yard areas and all other yards not used for open storage as provided in Section 3.340 or paved parking and loading areas, shall be kept in a neat and clean condition and established and maintained in a manner to provide a park-like character to the property. Such landscaped yards, hedges and sight-obscuring planting shall be continuously maintained, free of all weeds, dead and dying plants.
- B. All structures, buildings, fences and walls shall be maintained in a neat, clean and attractive condition.

Section 3.381. Odors. The emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.

Section 3.382. Insects and Rodents. All materials including wastes which are edible or attractive to rodents or insects shall be stored outdoors only in closed containers and all grounds shall be maintained in a manner which will not attract or aid the propagation of rodents or insects or create a health hazard.

Section 3.383. Sewage. Prior to operation, adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the City of Scio, County Health Department and State Department of Environmental Quality.

Section 3.384. Vibration. No vibration other than that caused by motor vehicles on adjacent roads shall be permitted which is discernible without instruments at or beyond the property line.

Section 3.385. Heat and Glare. Operations producing heat or glare shall be conducted entirely within an enclosed building and shall not be discernible at or beyond the property line.

Section 3.386. Vehicle Access. Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Multiple use of driveways shall be encouraged in order to limit the number of vehicular access points to the street system. All access roads and driveways shall be surfaced with all-weather asphalt, concrete or comparable all-weather permanent material surfacing.

Section 3.387. Department of Environmental Quality Standards. All uses in an LI zone shall comply with standards adopted by the Department of Environmental Quality for air, land, water and noise.

Section 3.388. Department of Environmental Quality Approval. All uses in an LI zone which require a permit from the Department of Environmental Quality shall have said permit or written approval from the DEQ prior to the start of operations. A copy of the DEQ permit or written approval shall be placed on file at the Scio City Hall.

Section 3.389. Drainage Plan. All uses in an LI zone will supply a drainage plan at the time the building permit application is submitted, either for the initial permit for new construction on the property, or for subsequent expansion or alteration of a new or existing use. The drainage plan shall be approved by the City Engineer prior to final approval of the building permit.

PUBLIC ZONE (P)

Section 3.410	Applicability
Section 3.420	Use Regulations
Section 3.430	Conditional Uses Permitted
Section 3.440	Lot Size and Width
Section 3.450	Height Requirements
Section 3.460	Yard Requirements

Section 3.410. Applicability. In a Public (P) Zone, the following regulations shall apply.

Section 3.420. Use Regulations. In a Public (P) Zone, the following uses and their accessory uses are permitted outright subject to a Site Plan Review in accordance with the requirements of Sections 11.000 to 11.999.

- A. Governmental structure or land use including but not limited to a library, museum, general government office, civic organization or community building.
- B. School: child care facility, primary, elementary, junior high or senior high school or similar facility.
- C. Fire station or police station;
- D. Parks and recreational buildings and facilities.
- E. Public parking lot;
- F. Other publicly operated use similar to the above listed areas;
- G. A collocated wireless communication facility (WCF) shall be considered a permitted use on all existing, legally established, transmission towers subject to the standards listed in Section 8.080. No additional conditional permit is required.

No building, structure or land shall be used, and no buildings shall be hereafter erected, enlarged or structurally altered except for uses which are operated by a public agency or not-for-profit organization. (Ordinance 593 § (11), 2013)

Section 3.430. Conditional Uses Permitted. In a P zone, the following uses may be permitted subject to provisions of Section 8.000 to 8.999:

- A. Public utility buildings and structures for water, sewer or other city operated utility;
- B. Private utility buildings and structures for electric, natural gas, cable TV, telecommunications or similar users, including a tower or ancillary wireless communication facilities.
- C. Hospital or medical facility.

Section 3.440. Lot Size And Width. There shall be no minimum lot size or width in a P zone.

Section 3.450. Height Requirements. In a P Zone, no building or structure shall exceed sixty (60) feet in height, except as provided for in Article 8 of this Ordinance.

Section 3.460. Yard Requirements. Where a lot in a P Zone abuts a lot in a residential zone, there shall be side and rear yards of not less than ten(10) or twenty (20) feet. In other cases, a yard for a public building in the P zone shall not be required. (Ordinance 578 § (7), 2010)

ARTICLE 4. WETLAND PROTECTION AREA

(Ordinance 594 § 2014)

Section 4.010	Title
Section 4.020	Wetland Protection Areas-Wetland Review Applicability
Section 4.030	Wetland Protection Area, Purpose
Section 4.040	Wetland Protection Area, Definitions
Section 4.050	Prohibited Activities within Wetland Protection Areas
Section 4.060	Exempted Activities within Wetland Protection Areas
Section 4.070	Allowed Activities within Wetland Protection Areas
Section 4.080	Wetland Review-Submittal Requirements
Section 4.090	Approval Criteria
Section 4.100	Decision process, Approval period, Extensions
Section 4.110	Variances
Section 4.120	Notification and Coordination with State Agencies
Section 4.130	Unauthorized Alterations and Enforcement
Section 4.140	Economic, Social, Environment, Energy (ESEE) Provisions

Section 4.010. Title. This ordinance shall be known as the “Wetland Protection Ordinance” of the City of Scio, Oregon.

Section 4.020. Wetland Protection Areas-Wetland Review Applicability

- A. This ordinance is applicable to all wetlands within the City of Scio, whether on the Local Wetland Inventory (LWI) map or not.
- B. Wetland Review, as defined by this code, is applicable to development on parcels containing any wetland protection area(s); or where any portion of the proposed development is within 20 feet of wetland protection area(s) on adjacent parcels as shown on the LWI map.
Note: The 20 foot measurement is not a buffer or setback. It is an allowance for LWI map inaccuracy when the expense of a precise delineation may not be warranted. Also note that compliance with state and federal wetland regulations for all wetlands, mapped or unmapped, remains the legal responsibility of the landowner.
- C. Unless otherwise stated, the City of Scio shall apply the provisions of Sections 4.020 through 4.140 in conjunction and concurrently with the requirements of any other development permit being sought by an applicant. If no other permit is being sought the City Manager or designee shall serve as the approving authority.

Section 4.030. Wetland Protection Area, Purpose

The purposes of establishing a wetland protection area are:

- A. To implement the goals and policies of the City of Scio Comprehensive Plan;
- B. To protect the City of Scio's wetland areas, thereby protecting the hydrologic and ecologic functions these areas provide for the community;
- C. To protect water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;

- D. To protect fish and wildlife habitat;
- E. To protect the amenity values and educational opportunities of the City of Scio's wetlands as community assets;
- F. To improve and promote coordination among local, state, and federal agencies regarding development activities in and near wetlands.

Section 4.040. Wetland Protection Area, Definitions

The following definitions shall apply to Sections I through XIV:

Economic, Social, Environmental, Energy (ESEE) Analysis – Analysis required of local governments when protection measures for Locally Significant Wetlands are developed to address the unique economic, social, environmental, and energy considerations within their community. ESEE “consequences” are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. [See OAR 660-023-0040 for more detail on ESEE Decision Process.]

Delineation – A determination of wetland presence that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods. A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas wetland boundaries identified on a local wetland inventory boundary are approximated with an accuracy target of 5 meters (approximately 16.5 feet) [See OAR 141-90-005 et seq. for specifications for wetland delineation reports.]

Determination – Means a decision of the presence or absence of wetlands. A determination made in the office using existing available information including maps and aerial photography is an “offsite” determination and is considered advisory only. An “onsite” determination involves site-specific data collection consistent with the 1987 US Army Corps of Engineers Wetlands Delineation Manual and Regional Supplements.

Locally Significant Wetland - Wetlands are determined to be Locally Significant Wetlands based on Oregon Administrative Rules for Identifying Significant Wetlands (OAR 141-86-300 through 141-86- 350). If the assessed wetland unit provides “diverse” wildlife habitat, “intact” fish habitat, “intact” water quality function, or “intact” hydrologic control function, then the wetland is locally significant. Locally Significant Wetlands are identified on the City of Scio Local Wetland Inventory as such. Locally Significant Wetlands also constitute the Wetland Protection Area (unless otherwise indicated in this ordinance).

Local Wetlands Inventory (LWI) - Maps and report adopted by the City of Scio entitled Local Wetland Inventory Report, City of Scio, Linn County, Oregon and any subsequent revisions as approved by the Oregon Department of State Lands. The LWI is a comprehensive survey and assessment of all wetlands over one-half acre in size within the urbanizing area. This includes both locally significant

wetlands, and wetlands that are not identified as locally significant. This also includes “probable wetlands,” which are areas noted during the course of the LWI field work that appear to meet, or do meet, wetland criteria but are small or of undetermined size, and are mapped as a point rather than a polygon on the LWI map.

Oregon Freshwater Wetland Assessment Methodology (OFWAM) - A wetland function and quality assessment methodology developed by the Oregon Department of State Lands (DSL) to assess water quality, hydrologic control, fish habitat, and wildlife habitat.

Wetlands not subject to Goal 5 protection – All state jurisdictional wetlands including those in the City of Scio, mapped or not, are subject to the state Removal-Fill Law administered by the Oregon Department of State Lands (DSL). All wetlands are “potentially jurisdictional wetlands.” Wetlands on the LWI map which are not identified as Locally Significant are considered “Other Potentially Jurisdictional Wetlands.” These wetlands are not subject to the City of Scio wetland protection area standards, but, like all wetland areas, are subject to DSL notice/review and potentially subject to DSL and the US Army Corps of Engineers permitting.

Wetland Professional – A professional with a background in wetland science and knowledgeable of the process for conducting wetland delineations and determinations.

Wetland - An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland Protection Area - An area subject to the provisions of this chapter that is constituted by wetlands determined to be locally significant as shown on the LWI map (unless otherwise indicated). The wetland protection area extends 20 feet from the mapped LWI boundary unless an onsite or off site determination or wetland delineation allows for a more refined estimation of the wetland boundary. (See Section 4.080(1))

Section 4.050. Prohibited Activities within Wetland Protection Areas

Except as exempted or allowed in this code, the following activities are prohibited within a wetland protection area:

1. Placement of new structures or impervious surfaces.
2. Excavation, grading, fill, or removal of vegetation. (See Section 4.060)
3. Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the wetland protection area.
4. Disposal or temporary storage of refuse, yard debris, or other material.

5. Any use not specifically allowed or exempted in Sections 4.060 and 4.070, or pursued through a variance under Section 4.110.

Section 4.060. Exempted Activities within Wetland Protection Areas

The following activities and continuation and/or maintenance thereof are exempted from all wetland protection area regulations, provided that any applicable state or federal permits are secured:

1. Any use, except those identified as Allowed uses under Section 4.070, that was lawfully existing on the date of adoption of this ordinance, may continue within a wetland protection area. Such use or development may continue at a similar level and manner as existed on the date of adoption of this ordinance per the standards for Non-Conforming Development in Article 7, Ordinance 561 (Scio Zoning Ordinance).
2. The maintenance and alteration of pre-existing ornamental landscaping so long as no additional native vegetation is disturbed;
3. Restoration and enhancement of native vegetation;
4. Cutting and removal of trees which pose a hazard to life or property due to threat of falling;
5. Cutting and removal of trees to establish and maintain defensible space for fire protection;
6. Removal of non-native vegetation;
7. Maintenance and repair of existing utilities; or
8. Normal farm practices such as grazing, plowing, planting, cultivating, harvesting, and other practices under the review authority of Oregon Department of Agriculture.

The following activities are also exempted from wetland protection area regulations, but are subject to state or federal permits:

9. Maintenance of existing drainage ways, ditches, or other structures, to maintain flow at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation, any spoils are placed in uplands, and any applicable state permits are obtained (Department of State Lands);¹

¹ A fill-removal permit from the Oregon Department of State Lands is required when 50 or more cubic yards of inorganic material is altered or removed. If the wetland is designated as an Essential Indigenous Anadromous Salmonid Habitat (ESH) then no material may be removed without a permit from the Oregon Department of State Lands.

10. Emergency stream bank stabilization to remedy immediate threats to life or property. (Department of State Lands)
11. Wetland restoration and enhancement activities. (Department of State Lands)

Section 4.070. Allowed Activities within Wetland Protection Areas

The following activities and maintenance thereof are allowed within a wetland protection area upon City review and approval and provided any applicable state or federal permits are secured:

1. Replacement of a permanent, legal, nonconforming structure in existence on the date of adoption of this ordinance with a structure on the same building footprint, or expansion of the original building footprint if it does not encroach into additional wetland area, and in accordance with the provisions of Article 7, Ordinance 561.
2. Installation of interpretive/educational displays and/or public pedestrian paths, as long as these do not present an obstruction that would increase flood velocity or intensity.
3. New fencing is allowed where the applicant demonstrates that:
 - a. The fencing does not affect the hydrology of the site;
 - b. The fencing does not present an obstruction that would increase flood velocity or intensity;
 - c. Fish habitat is not adversely affected by the fencing;

Section 4.080. Wetland Review-Submittal Requirements

Where Wetland Review is applicable (see Section II) applicants shall submit the following materials (unless otherwise indicated):

1. A scale drawing that clearly depicts any Local Wetland Inventory (LWI) map wetland boundary within the subject parcel and any wetland within 20 feet of the development on an adjacent parcel, all surface water sources, existing trees and vegetation, property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas.
2. Written statement of compliance with approval criteria for any proposed Allowed activities. Activities listed as “Allowed” under Section 4.070 and which are acknowledged to occur within a wetland protection area, require a written statement of compliance but do not require any “demonstration of avoidance” as per Section 4.080(3).
3. Demonstration of wetland protection area avoidance. The placement of structures or impervious surfaces, vegetation removal or grading within the vicinity of any wetland protection area shall require demonstration that all impact to the wetland shall be avoided. Avoidance can be demonstrated by any one of the following:
 - a. Keeping all development activity including vegetation removal and grading at least 20 feet from the edge of the wetland boundary shown on the LWI map;

- b. Submitting an offsite determination, conducted by the Department of State Lands (DSL), that concludes the proposed activities will occur outside the wetland; OR
- c. Submitting an onsite determination, conducted by a qualified wetland professional, that concludes the proposed activities will occur outside the wetland protection area; OR
- d. Submitting a current wetland delineation (completed within the last five years), certified by DSL, that shows the proposed activities will occur outside the wetland protection area.

Section 4.090. Approval Criteria

- A. Approval Criteria. In approving Allowed activities under Section 4.070, and/or ensuring compliance with Section 4.050 (Prohibited activities), the approving authority shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought. Approvals shall be based on compliance with the following criteria:
 - 1. Demonstration of avoidance of impacts to wetland protection area as outlined under Section 4.080(3); or
 - 2. The proposed project will not result in excavation or filling of a wetland or reduction of wetland area that has been identified as part of a wetland protection area, except as exempted or allowed in criteria outlined specifically under Sections 4.060 and 4.070.
 - 3. Evidence of a permit from the Oregon Department of State Lands (DSL) or other state or other federal agency.
- B. Mapping Error and Corrections. The City Manager or designee may correct the location of the wetland protection overlay zone when the applicant has shown that a mapping error has occurred and the error has been verified by the Department of State Lands (DSL). Delineations verified by DSL shall be used to automatically update and replace Local Wetland Inventory (LWI) mapping. A mapping correction is not considered to be a variance. No formal variance application or plan amendment is needed for map corrections where approved delineations are provided.

Section 4.100. Decision process, Approval period, Extensions

- A. The City Manager shall be the final decision authority for administrative decisions under this chapter, unless the decision is appealed to the planning commission as outlined in Ordinance 561, Section 11.010.
- B. The Planning Commission shall be the final decision authority for variances and appeals under this chapter, unless the decision is appealed to the City Council as outlined in Ordinance 561, Section 11.010.
- C. The administrative, public hearing, decision and enforcement procedures and requirements, which are part of Article 12, Ordinance 561 are

incorporated herein by reference and shall be applicable to actions taken under provisions of this Ordinance.

Section 4.110. Variances

- A. The Planning Commission shall be the approving authority for applications for variances to the Wetland Protection Area provisions. The procedures of Article 9, Ordinance 561 shall be followed for approval of a variance except that the variance criteria of this section in lieu of criteria in Article 9, Ordinance 561.
- B. Variances. The Planning Commission may grant a variance to the provisions of this ordinance only when the applicant has shown that all of the following conditions exist: Through application of this ordinance, the property has been rendered not buildable;
 - 1. The applicant has exhausted all other options available under this chapter to relieve the hardship;
 - 2. The variance is the minimum necessary to afford relief;
 - 3. All state and federal permits required for authorization of wetland impacts are obtained;
 - 4. No permitted type of land use for the property with less impact on the wetland is feasible and reasonable;
 - 5. There is no feasible on-site alternative to the proposed activities, including but not necessarily limited to; reduction in size, density or intensity, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts;
 - 6. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques, including pervious surfaces, which minimize to the greatest extent possible net loss of wetland functions and values; and
 - 7. The area of disturbance is limited to the area that has the least practical impact on the wetland functions and values

Section 4.120. Notification and Coordination with State Agencies

- A. The City of Scio shall notify the Oregon Department of State Lands (DSL) in writing of all applications to the City of Scio for development activities - including development applications, building permits, and other development proposals - that occur in, or within 20 feet of, any wetland identified on the Local Wetlands Inventory (LWI) map.
- B. When conducting a wetland review under this Chapter, the approving authority shall consider recommendations from the Oregon Department of Fish and Wildlife

regarding OAR 635-415 "Fish and Wildlife Habitat Mitigation Policy." (Note: Recommendations from ODFW are advisory only.)

Section 4.130. Unauthorized Alterations and Enforcement

When a wetland has been altered in violation of this Chapter, enforcement shall be conducted as outlined in Article 12, Ordinance 561. In instances where violations of Department of State Lands (DSL) requirements have occurred, DSL enforcement mechanisms apply. In some cases, both local and DSL enforcements may occur.

Section 4.140. Economic, Social, Environmental, Energy (ESEE) Provisions

A. Plan Amendment Option. Any owner of property affected by the wetland protection area may apply for a comprehensive plan amendment. This amendment must be based on a specific development proposal. A change in the boundary of the wetland protection area or a change in the allowed uses within the wetland protection area must be adopted through a plan amendment process. A proposed amendment must be supported by an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040. If the application is approved, then the ESEE analysis shall be incorporated by reference into the City of Scio Comprehensive Plan, and the City of Scio Local Wetland Inventory map.

Plan amendment applications shall adhere to the following requirements:

1. The ESEE analysis must demonstrate to the ultimate satisfaction of the City of Scio City/County Council that the adverse ESEE consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;
2. The ESEE analysis must consider existing opportunities for accommodating a conflicting use outside of the wetland protection area;

(Ordinance 594 § 2014)

ARTICLE 5. SUPPLEMENTARY PROVISIONS

Section 5.110	Exterior Lighting
Section 5.120	Solar Access
Section 5.130	Flow Through Foundations
Section 5.200	Off-Street Parking and Loading
Section 5.210	Off-Street Parking
Section 5.220	Off-Street Loading
Section 5.230	General Provisions – Off-Street Parking and Loading
Section 5.300	General Provisions Regarding Accessory Uses
Section 5.310	Repealed
Section 5.320	Projections From Buildings
Section 5.330	General Exception to Lot Size Requirements
Section 5.340	Exceptions to Yard Requirements
Section 5.350	General Exception to Building Height Limitations
Section 5.360	Access
Section 5.370	Vision Clearance
Section 5.400	Home Occupations
Section 5.500	Historic Resource Alteration and Demolition Review
Section 5.600	Sign Standards
Section 5.610	Purpose of Sign Standards
Section 5.620	Definitions
Section 5.630	Administration and Enforcement
Section 5.640	Signs Exempted or Prohibited
Section 5.650	Sign Districts
Section 5.660	Sign Construction and Maintenance
Section 5.670	Removal of Signs in Violation

Section 5.110. Exterior Lighting. Exterior lighting shall be located, hooded or screened in such a manner so as not to face directly, shine or reflect glare onto an adjacent street or residence. Parking lots, interior access driveways and roads, and interior pathways and sidewalks shall be adequately lit at night.

Section 5.120. Solar Access. This section is reserved for standards assuring that new structures and landscaping shall not reduce or block the solar access of existing buildings.

Section 5.130. Flow Through Foundations. All building constructed after the date of ordinance adoption shall be constructed with flow through foundations.

Section 5.200. Off-Street Parking and Loading. Section 5.200 to Section 5.299 shall be reserved for standards related to the provision of off-street parking and loading.

Section 5.210. Off-Street Parking. At the time of construction or expansion of a building or at the time of a change in use of an existing building to a use requiring additional parking spaces within any zone in the city, off-street parking spaces shall be provided in accordance with the requirements of this section. If parking space has been provided in connection with an existing use, the parking space that has been provided shall not be eliminated if elimination would result in less than is required by this section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

Use		Standards
A.	Residential	
	1. One-family dwelling, two-family dwelling including manufactured home used as a dwelling;	Two spaces per dwelling
	2. Multiple-family dwelling;	Two spaces per dwelling unit
	3. Boarding, lodging or rooming houses;	Spaces equal to 80 percent of the number of guest accommodations plus one additional space (for owner or manager).
B.	Institutional	
	1. Hospital, convalescent hospital, nursing home, sanitarium, residential home or facility	One space per two beds for patients.
C.	Place of public assembly	
	1. Church, club, lodge, or other auditorium:	One space for four seats or eight feet of bench length in the main auditorium
	2. Library; reading room;	One space for 400 square feet of floor area plus one space per two employees
	3. Nursery, primary school;	Two spaces per teacher.
	4. Elementary or junior high school;	One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.
	5. High School	One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.
	6. College, commercial school for adults:	One space per five seats in classrooms.
D.	Commercial.	
	1. Retail store except as provided in subsection (2) of this section.	One space per 200 square feet of floor area.
	2. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture.	One space per 600 square feet of floor area.
	3. Bank, office or clinic:	One space per 300 square feet of floor area plus one space per two employees.

- | | |
|---|---|
| 4. Eating or drinking establishment: | One space per 200 square feet of floor area. |
| 5. Mortuaries | One space per four seats or eight feet of bench length in chapels. |
|
E Industrial uses: | |
| 1. Storage warehouse; manufacturing establishment; freight terminal; wholesale establishment; | One space per employee plus one space per 600 square feet of patron serving area. |

Section 5.220. Off-Street Loading.

- A. Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.
- B. Merchandise, materials or supplies. Buildings to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

Section 5.230. General Provisions - Off-Street Parking and Loading.

- A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.
- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the commission, based upon the requirements of comparable uses listed.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

- D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented in the form of deeds, leases, license, or contracts to establish the joint use.
- E. Off-street parking spaces for residential uses shall be located on the same lot with the dwelling. Required parking spaces for uses other than residential shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.
- F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- G. Unless otherwise provided, required parking and loading spaces shall not be located in a required yard.
- H. State standards shall be met for handicapped parking spaces at the time of construction.
- I. Plans for the parking lot(s) and loading area(s) shall be submitted at the time of submitting a building permit application. A performance bond or its equivalent shall be required for parking lot development. Design and construction requirements for parking lots shall include the following:
 - 1. Areas used for standing and maneuvering of vehicles shall have a hard surface maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks.
 - 2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence or evergreen hedge of not less than five nor more than six feet in height (except where vision clearance is required).
 - 3. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail.
 - 4. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
 - 5. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
 - 6. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.

7. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.
 8. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right of way line, and a straight line joining said lines through points 20 feet from their intersection.
- J. Completion time for parking lots. Required parking spaces shall be improved and available for use by the time the use served by the parking lot is ready for occupancy. An extension of time may be granted by the Zoning/Building Official. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the city.

Section 5.300. General Provisions Regarding Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:

- A. Fences and hedges shall not conflict with requirements of a vision clearance area.
- B. A greenhouse or hothouse may be maintained accessory to a dwelling.
- C. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities.
- D. Regardless of the side yard requirements of the zone, in a residential zone a side or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a street other than an alley, provided the structure is detached from other buildings by five feet or more and does not exceed a height of 14 feet nor an area of 450 square feet.
- E. Except as modified in Section 5.300.D, an accessory building to a residential use of property or to a use permitted in the R-1 or R-2 zone shall not exceed a height of 20 feet. An accessory building that is 14 feet or less in height shall comply with the setback requirements for a primary use of property. If the building is over 14 feet in height, the side and rear yard setback for the affected yard shall be increased by one foot for each additional foot in height of the building.

Section 5.310. Repealed (Ordinance 593 § (12), 2013)

Section 5.320. Projections From Buildings. Cornices, eaves, canopies, sunshades, solar panels, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintel, ornamental

features, and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards.

Section 5.330. General Exception to Lot Size Requirements. If, at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone.

Section 5.340. Exceptions to Yard Requirements. In the case of dwellings, the following exception to the front yard setback requirement is authorized for a lot in any zone. If there are dwellings on both abutting lots, with front yards of less than the required depth for the zone, the front yard setback for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard setback for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

Section 5.350. General Exception to Building Height Limitations. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, mountings for solar panels, solar panels, windmills, conveyors, and other similar projections. However, towers that are listed as conditional uses shall be subject to greater setback requirements depending on the height of the tower and the relation of that tower to surrounding land uses.

Section 5.360. Access. All lots shall abut a street other than an alley for a width of at least 25 feet.

Section 5.370. Vision Clearance. A vision clearance area shall be provided within residential zones as follows:

- A. At intersections of streets, not including an alley, the minimum vision clearance distance shall be 30 feet.
- B. At an intersection of a street and an alley, the minimum vision clearance distance shall be 10 feet.
- C. At street intersections, not including an alley, the minimum vision clearance distance for planting shall be 10 feet. In the vision clearance area, vegetation shall not exceed a height of 24 inches.
- D. All trees within a vision clearance area, whether in the street right-of-way or on private property, shall be trimmed so that there are no limbs lower than seven feet above the curb or seven feet six inches above the shoulder of the street.
- E. No permanent or temporary obstruction to vision shall exceed 30 inches in height in a vision clearance area.
- F. Standards which apply to the vision clearance area shall also apply to the street right-of-way which abuts the vision clearance area.

Section 5.400. Home Occupations. A home occupation is permitted outright within a residential zone provided it meets the following standards:

- A. The building may be constructed, altered, or changed internally to accommodate the requirements of the home occupation, but the external features of the building shall be the same as those of a residence or accessory building, and the building and lot shall not be constructed, altered or changed to resemble a commercial or industrial building or lot.
- B. The home occupation shall be carried on in the dwelling unit or in an accessory building.
- C. There shall be no employees except for residents of the dwelling where the home occupation is situated and the equivalent of one additional full time employee.
- D. No home occupation shall be allowed which requires special permits or any commercial or industrial type permits from any environmental agency.
- E. The home occupation shall not result in the need for additional on-street or off-street parking to accommodate the use beyond the requirement for residential use on the property, except for parking on an occasional basis.
- F. There shall be no exterior visual evidence of the home occupation except for a sign that complies with the sign requirements of this ordinance.
- G. The home occupation shall be limited to either a garage or other accessory structure, or be limited to a space within the dwelling that is no more than 50 per cent of the floor area of the main floor of the dwelling. If located within an accessory structure or garage, the home occupation shall not utilize over 500 square feet of floor area.
- H. There shall be no noise level related to the home occupation that extends beyond the exterior boundaries of the property where the home occupation is located.
- I. No materials or mechanical equipment shall be used that are detrimental to the residential use of the dwelling or any adjacent or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

Section 5.500. Historic Resource Alteration and Demolition Review.

- A. Purpose. The purpose of this section is to encourage the preservation of Scio's historic resources through the establishment of procedures to review and act upon application for permits to alter or demolish those resources.
- B. Applications. The provisions of this article apply to all resources listed on the Scio Register of Historic Resources.
- C. Alteration and Demolition Permits Required. A permit is required for alteration or demolition of any resource listed on the Scio Register of Historic Resources.

1. Alteration, as governed by this section, means any addition to, removal of, or changes in the exterior part of the historic resource but shall not include paint color.
 2. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature that does not involve a change in design, material, or external appearance thereof. Nor does this section prevent the construction, reconstruction, alteration, rehabilitation, restoration, demolition, or removal of any such feature when the building official determines that there is a threat to public safety due to an unsafe or dangerous condition.
 3. Exception. A permit is not required under this article for the alteration of a historic resource when the review of the proposed alteration is required by an agency of the state or federal government.
- D. Review Procedures. The planning commission shall review all applications to alter or demolish any historic resource listed on the Scio Register of Historic Resources.
1. Application. An application and filing fee for alteration or demolition of an historic resource shall be submitted to the Planning Commission in accordance with the provisions of Section 12.050.
 2. Before the Planning Commission may act on an application for alteration or demolition of a historic resource, it shall first hold a public hearing thereon in accordance with the provisions of Sections 12.060 to 12.080. Notice shall also be mailed to the State Historic Preservation Office, and any person requesting notice of demolition or alteration of a historic resource.
 3. The commission may recess a hearing on a request for an alteration or demolition in order to obtain additional information or to serve notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the commission shall announce a time, date, and place for resumption of the hearing.
 4. The decision of the Planning Commission shall be based on the criteria established in subsection F and G of this section.

(Ordinance 593 § (13), 2013)

E. Decision Alternatives.

1. Decision Alternatives for Alteration Review. In the case of application for a permit to alter a historic resource, the planning commission shall take one of the following actions:
 - a. Approve the request as submitted; or

- b. Approve the request with modifications, conditions, or recommendations; or
 - c. Deny the request.
 - 2. Decision Alternatives for Demolition Review. In the case of an application for demolition of a historic resource, the planning commission shall take one of the following actions:
 - a. Allow immediate issuance of the demolition permit.
 - b. Require a delay in the issuance of the permit for up to 120 days. During this period, the city shall attempt to determine if public or private acquisition and preservation are feasible or if other alternatives exist which could prevent the demolition of the resource.
 - c. In the case of approval of the permit, recommend to the property owner that the city be allowed to take several black and white photographs of the resource prior to demolition. Any photographs shall be kept on file at the Depot Museum or other suitable location as permanent historic record.
- F. Criteria for Alteration Review. To preserve the historical and architectural integrity of historic resources and to provide for public safety, recommendations shall be based on applicable state and local codes and ordinances related to building, fire, life, and safety and the following criteria:
- 1. The removal or alteration of any historical marker or distinctive architectural features shall be avoided when possible.
 - 2. Alterations which include materials of a design not in keeping with the historic appearance of the building or structure shall be discouraged.
 - 3. Alterations which have taken place over the course of time are part of the history and development of the building or structure. These alterations may be significant in their own right and should also be taken into consideration.
 - 4. Distinctive stylistic features or examples of skilled craftsmanship should be treated carefully and retained whenever possible.
 - 5. Deteriorated architectural features shall be repaired, rather than replaced, whenever possible.
 - a. If it is necessary to replace deteriorated architectural features, new materials should match in terms of composition, design, color and texture.
 - b. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence

rather than on the availability of architectural elements from other buildings or structures.

- c. The design is compatible with the size, scale, and material of the historic building or structure and is compatible with the character of the neighborhood.

G. Criteria for Demolition Review. In any decision concerning the demolition of a historic resource, the following shall be considered:

1. The state of repair of the building and the economic feasibility of rehabilitation.
2. Hardship of the applicant.
3. The quantity and quality of other historic resources in the city comparable in terms of type and style.
4. The existence of a program of project which may result in preservation of the structure.
5. The character of the neighborhood in which the resource is located.

Section 5.600. Sign Standards. Sections 5.600 to 5.699 provide standards and requirements pertaining to the construction, erection, maintenance, electrification, illumination, type, size, height, clearance, number and location of signs in the City of Scio.

Section 5.610. Purpose of Sign Standards. The construction, erection, maintenance, electrification, illumination, type, size, height, clearance, number, and location of signs shall meet the standards and procedures of Sections 5.600 to 5.699 in order to:

- A. Protect the health, safety, property, and welfare of the public.
- B. Maintain the neat, clean, orderly and attractive appearance of the City.
- C. Provide for the safe erection and maintenance of signs.
- D. Preserve the safe flow of traffic in Scio.

Section 5.620. Definitions. The following terms, where used in Section 5.600 to 5.699 of this Ordinance shall have the meanings as shown in this section.

Area or area of a sign. The area within an established sign edge, frame, or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a circle, square, rectangle, and/or triangle. Where a sign is of a three-dimensional, round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.

Clearance. The measurement from the highest point of the grade below the sign to the lowermost point of the sign, or at the lowermost part of the structure to which the sign is attached, if said structure is attached to the face of the building.

Display surface. The area made available by the sign structure for the purpose of displaying the message.

Erect. To build, construct, attach, place, suspend, or affix, and including the painting of wall signs.

Face of a Building. All window and wall area of a building in one plane.

Flag. Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Frontage. The length of the property line of any one premise along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.

Height. The measurement from the highest point of the grade below the sign to the topmost point of the sign.

Maintain. To permit a sign, sign structure, or part thereof to continue to exist without change; or to repair or refurbish a sign, sign structure, or part thereof.

Mural. A large picture painted on or attached to a wall that is intended to depict history, scenery, or some aspect of the community and its development and that is not intended to identify the occupant of a premise or to advertise a product or service. A mural is not a sign.

Parapet or parapet wall. That part of any exterior wall that extends above the roof line.

Permittee. A property owner or business owner, or a designated agent of that property owner or business owner, who has applied for a Sign Permit to allow placement or erection of a sign covered by this Ordinance, or a person who has not as yet applied for a sign permit, but will be required to do so due to an intent to place or erect a sign covered by this Ordinance, or by the premature placement or erection of a sign covered by this Ordinance. The property owner or business owner shall either sign the application for a Sign Permit or provide evidence that the agent has the authority to sign the application.

Premises. A lot, parcel, or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business or activity is located on the lot, parcel, or tract of land, each separate business shall be considered as a separate premise.

Projection. The distance that a sign extends from its supporting structure.

Roof line. The actual outer surface of the roof.

Sign. A presentation or representation by words, letters, figures, designs, pictures, or colors displayed out-of-doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other message. This definition includes, but is not limited to, billboards, ground signs, free standing signs, projecting signs, flashing signs, wall-mounted signs, wall-painted signs, banners, pennants, roof signs, fence signs, and street clocks, and includes the surface upon which the message is displayed.

Sign, Abandoned. Any sign located on premises when the business or activity to which it relates is no longer conducted or in existence on the premises.

Sign, Banner. A sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign shall be considered as a wall sign provided that the appropriate wall sign standards are met. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Changing (automatic). A sign such as an electronically or electrically controlled public service, time, temperature, and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.

Sign, Externally Illuminated. A sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.

Sign, Fence. A sign attached to the side of a fence on a permanent basis.

Sign, Flashing. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

Sign, Free-standing. A sign wholly supported by a sign structure in the ground. Free-standing signs include pole signs and monument signs.

Sign, Internally Illuminated. A sign which is wholly or partially illuminated, by an internal light source from which source light passes through the display surface to the exterior of the sign.

Sign, Nonconforming. A sign in existence or under construction on the effective date of the Ordinance which does not conform to the provisions of the Ordinance, but which was or is being constructed, erected, or maintained in compliance with regulations in affect at the time the sign was constructed or erected.

Sign, Notice. A sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices, and similar signs.

Sign, Off-Premises. A sign that is not located on the premises where a product or service is provided, and that is intended to advertise a product or service. The message on the sign may be permanent, or it may be changed from time to time.

Sign, Pennant. A shaped, lightweight sign, made of plastic, fabric, or other material (whether or not containing a message of any kind) suspended from a rope, wire, or string, usually in a series, and designed to move in the wind.

Sign, Projecting. A sign which is attached to a building and extends more than nine (9) inches beyond the line of the building or more than nine (9) inches beyond the surface of that portion of the building to which it is attached.

Sign, Roof. A sign erected upon or above a roof or parapet of a building.

Sign, Temporary. A sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed basis for a limited period of time.

Sign, Time and Temperature. A sign providing only time and/or temperature information.

Sign, Unsafe. A sign determined to be a hazard to the public by the Zoning/Building Official or by the Linn County Building Official or his designated representative.

Sign, Wall-Mounted. A sign, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall. Wall-mounted signs may not project more than nine (9) inches from the wall to which they are attached.

Sign, Wall-Painted. A sign painted directly onto a wall of a building that is located in a commercial or industrial zone.

Sign, Window. A sign, pictures, symbols, neon tubing, or combination thereof, designed to communicate information that is placed within a window and directed towards the outside of the window. Window signs do not include painted or printed displays of a temporary nature associated with holidays.

Structural Alteration. Any change in a sign or sign structure other than advertising message or normal maintenance.

Written Message. The lettering, wording, numbers, and/or other symbols on a sign intended to convey a message. Written message does not include notation of the sign identifying the sign installer or artist, provided such identification is less than one (1) square foot in area.

Section 5.630. Administration and Enforcement.

- A. Permit Required. All signs erected after the effective date of this Ordinance, other than exempt signs, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the Zoning/Building Official.
- B. Permit Fee. A fee as established by resolution of the City Council shall be paid to the City upon filing of an application. Such fee shall not be refundable.
- C. Interpretation. This Code supersedes any provision dealing with signs in any previously adopted ordinance, resolution, or regulation.
- D. Enforcement Authority. The Zoning/Building Official shall have the power and duty to interpret and enforce the provisions of Sections 5.600 to 5.699 of this Ordinance.
- E. Permit Expiration. Every permit issued by the Zoning/Building Official under the provisions of Sections 5.600 to 5.699 of this Ordinance shall become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 90 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded 180 days.

- F. Permit Suspension or Revocation. The Zoning/Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued on the basis of incorrect information supplied or in violation of any applicable ordinance or regulation or any of the provisions of Sections 5.600 to 5.699 of this Ordinance.
- G. Pre-Existing Signs. Signs constructed or placed on property prior to the date of this Ordinance, or an applicable amendment thereto, shall be considered to be non-conforming and shall comply with the sign code requirements in effect at the time the sign was located on the property. If the sign is to be relocated or replaced, the sign shall comply with the provisions of Sections 5.600 to 5.699 of this Ordinance.

Section 5.640. Signs Exempted or Prohibited.

- A. Exempted Signs. The following signs shall not require a sign permit but shall conform to all other applicable provisions of this Ordinance and shall be permitted in all zones, except as otherwise noted:
 - 1. Signs not exceeding three (3) square feet in area, nonilluminated, and not exceeding three (3) feet in height if ground-mounted. Such signs may include, but are not limited to property address or building numbers, names of occupants or premises, professional nameplates, on-site directional and similar signs.
 - 2. Temporary signs that are nonilluminated, have an overall face area not exceeding 16 square feet in a residential zone or 32 square feet in a commercial or industrial zone, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to: real estate lease and sales, political signs, construction signs, and garage sale, open house, special event, and similar signs. Such signs shall only be posted for the duration of the activity. No sign shall be extended into or extend over a street right-of-way except as provided in Section 5.640.A.6. See also Section 5.640.B.
 - 3. Signs placed for purposes of public direction and safety. The signs may include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as fire stations), legal notices, danger signals, and similar signs. The signs may be placed within the public right-of-way in such a manner as not to be a hazard to pedestrian, bicycle, or motor vehicle safety.
 - 4. Temporary display of lights or other decorations associated with holidays. The display shall be in place for a time period not to exceed 60 days.
 - 5. Banners in Public Rights-of-Way. Banners to be placed in the street right-of-way that are intended to advertise or promote the community or region or an event planned to occur within the community or region, are permitted subject to the approval of the City Manager of the City of Scio and the State of Oregon

Department of Transportation (ODOT) if the banners are to be located along Highway 226.

6. Flags.
7. Signs carved into a building or which are a part of materials that are an integral part of the building such as cornerstones, building names, and similar signs.
8. Signs of public or legal notice.
9. Window signs.
10. Painted or printed displays in windows of a temporary nature associated with holidays.
11. Promotional displays for special events provided such displays shall be in place for a period not to exceed 14 days.
12. Fence signs that are located on the inside of a fence and are used in conjunction with athletic events for the sale of advertising on behalf of the athletic events occurring on the site.

B. Prohibited Signs. It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for any sign or advertising structure listed in this section.

1. Signs erected within the right-of-way of any street, along any driveway, or in any other location which do not meet the requirements of Section 5.640.A.3; or by reason of the location, shape, color, animation, or message are likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists, bicyclists, or pedestrians.
2. Temporary signs, except as permitted under Section 5.640.A.2.
3. No sign shall be erected or maintained which by use of lights, illumination, sequential illumination, or other form of total or partial illumination, creates an unduly distracting or hazardous condition to a motorist, bicyclist, or pedestrian.
4. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway, standpipe, or fire hydrant; interferes with human exit through any window or any room located above the first floor of the building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
5. Fence signs exceeding one (1) square foot of sign face per 20 feet of fence length in residential zones or one (1) square foot of sign face per five (5) feet of fence length in commercial or industrial zones, excepting temporary signs intended for the sale or lease of the property containing the fence, and excepting internal fence signs as described in Section 5.640.A.12.
6. Signs affixed to power, utility, or traffic control poles other than City-approved traffic control signs and pole identification placards.

Section 5.650. Sign Districts.

- A. Residential Zones. No sign shall be erected or maintained in an R-1 or R-2 zone, except as allowed under Section 5.640.A or as otherwise noted in this section.
1. Permanent apartment, condominium, subdivision, manufactured home park, recreational vehicle park, home occupation or conditional use permit signs:
 - a. Area. A sign may have a maximum area of three (3) square feet per dwelling unit, not to exceed 32 square feet in area. In addition, a conditional use may have a bulletin board sign not exceeding 10 square feet in area that may either be attached to the building or located in a required yard but not in a vision clearance area.
 - b. Subdivisions, manufactured home parks, and recreational vehicle parks may have one sign per vehicular entry to the property, provided the total sign area surfaces shall be no more than 64 square feet in area.
 - c. Height and/or clearance. A free-standing sign shall be limited to a maximum height of six (6) feet above grade.
 - d. No wall sign shall extend above the roof line at the wall or the top of a parapet wall, whichever is higher.
 2. Home Occupation Signs. Signs intended to identify the home occupation shall be limited to one non-illuminated sign, attached to the exterior of the building that identifies only the name and type of business or profession. Signs shall be no more than four (4) square feet in area.
 3. Illumination. Signs in residential zones may have external illumination only. Sign illumination shall be directed away from streets or adjacent premises. Spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or adjacent premises.
 4. No sign shall project into the street right of way or into a vision clearance area.
 5. Public signs intended to depict history, scenery, or some aspect of the community and its development, provided the sign is not intended to advertise a specific product, service, or commercial or industrial enterprise, and provided further that the sign shall not extend over a street roadway and shall be limited in size to no more than 16 square feet. The sign may be owned by a public agency or by a private organization such as a chamber of commerce, a tourism promotion organization, or a service club.

The sign shall be permitted as a conditional use subject to the provisions of Sections 8.000 to 8.999 of the Scio Zoning Ordinance.

- B. Commercial and Industrial Zones. No sign shall be erected or maintained in the C-1 for LI Zones, except as allowed under Section 5.640.A. or as otherwise noted in this section.
1. Free-standing sign.
 - a. Sign Area and Number of Signs. The maximum area for all free-standing signs on a premises zoned and used for commercial or industrial purposes shall be 150 square feet for signs with one face and 200 square feet for signs with two faces. Only one free-standing sign shall be permitted for each premise.
 - b. Height and/or Clearance. Free-standing signs shall not exceed a total height of 22 feet measured from the grade of the property where the sign is to be located. The minimum clearance below the lowest portion of a free-standing sign and the ground below shall be 14 feet in any driveway or parking or loading area.
 - c. Location. No free-standing sign, or any portion of any free-standing sign, shall be located on or be projected over the property line or within ten (10) feet of a residential zone.
 - d. Signs in Industrial Zones. One sign per driveway entry is permitted in an industrial zone. The sign may be located in the area between the street right of way and the front yard setback. The sign shall not extend over the street roadway.
 2. Wall-mounted and wall-painted signs.
 - a. Area. Wall-mounted signs shall not exceed in gross area 30 per cent of the face of the building to which the sign is attached or maintained. Wall-painted signs may cover up to 100 per cent of the area of one face of the building but shall not exceed 30 per cent of the area of all faces of the building.
 - b. Height and/or clearance. No wall-mounted sign shall extend above the roof line at the wall or the top of the parapet wall, whichever is higher.
 - c. Number. No limit, dictated by area requirements.
 - d. Murals. Murals are not considered to be wall-mounted or wall-painted signs and are not subject to the requirements of this Ordinance.
 3. Projecting signs.
 - a. Area. Projecting signs shall not exceed in gross area 20 per cent of the face of the building to which the sign is attached. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign

surfaces shall not exceed 30 per cent of the face of the building.

- b. Height and/or clearance. No projecting sign shall extend above the roof line at the wall or top of a parapet wall, whichever is higher. There shall be at least eight (8) feet of clearance between the bottom of the sign and the grade. Signs shall not project over the street roadway or more than four (4) feet into the street right of way.
4. Roof signs. Roof signs shall not be permitted.
5. Illumination. Signs in commercial and industrial zones may be illuminated internally, or the lights used to indirectly illuminate signs shall be placed, shielded, or deflected so as not to shine into a dwelling or to impair the vision of the driver of any vehicle.
6. Fence Signs. Fence signs shall not exceed one (1) square foot in area per five (5) feet of fence length.
7. Conditional Use Signs. The following signs shall be permitted as conditional uses subject to the provisions of Sections 8.000 to 8.999 of the Scio Zoning Ordinance.
 - a. Moving signs or flashing signs, electronic message center signs, changing signs (automatic) and revolving signs or any sign which has any visible moving part or visible mechanical movement of any description; excepting signs such as clocks, barber poles, or electronic time and temperature signs which are permitted outright.
 - b. Sign requests that are subject to conditional use review as outlined in this section shall be submitted to the Oregon Department of Transportation (ODOT) as part of the conditional use permit review process when such sign is located in the C-1 or LI zone and the sign is for a business or industrial use located adjacent to Highway 226.
8. Off-premise signs Off-premise signs shall be permitted only on vacant premises located within a commercial or industrial zone. Only one sign per street frontage is permitted, and the maximum area for all faces of the sign shall be a total of 32 square feet.
9. Residential Signs. Subdivision, apartment, condominium or manufactured home park sign standards that apply in a residential zone shall also apply in a commercial zone.

Section 5.660. Sign Construction and Maintenance.

- A. Construction Requirements. Except as otherwise provided for in this Zoning Ordinance, the construction of all signs or sign structure shall conform to the applicable provisions of the State of Oregon Building Code, Fire Code, and Electrical Code.

- B. Maintenance Requirements. All signs and the site upon which they are located shall be maintained in a neat and attractive condition. All signs, together with their supports, braces, guys, and anchors, shall be constructed of materials that are durable and weather-resistant.

Section 5.670. Removal of Signs in Violation.

A. Abandoned Sign.

1. Time limit. Abandoned signs and their supporting structures shall be removed within 180 days by the owner or lessee when the business or activity that it advertises or identifies is no longer conducted on the premises.
2. Notice given. If the owner or lessee fails to remove the sign within the specified time period, the Zoning/Building Official shall give the owners 15 days written notice to remove it, or the penalty provisions of Sections 12.150 of the Scio Zoning Ordinance shall go into effect.

B. Unsafe Sign.

1. Time limit. The Linn County Building Official or the Zoning/Building Official may cause any sign and/or sign support structure which is determined to be a hazard to persons or property to be either removed immediately or repaired to current construction standards. A sign that is determined to be a hazard is one that has a broken or weakened support structure, or one with broken parts on the sign or sign support structure.
2. Notice given. Two (2) days notice shall be given, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property.

(Ordinance 593 § (14), 2013)

ARTICLE 6. DWELLING REQUIREMENTS

Section 6.100	Manufactured Home Requirements
Section 6.200	Multi-Family Dwelling and Residential Dwelling Complex Requirements
Section 6.210	Procedure for Review and Action – Multi-Family Dwelling and Residential Dwelling Complex Review
Section 6.220	Standards Applicable to Multi-Family Dwellings and Residential Dwelling Complexes
Section 6.230	Expansion or Alteration of Multi-Family or Residential Dwelling Complexes
Section 6.300	Manufactured Home Park Requirements
Section 6.310	Plans to be Submitted for Manufactured Home Parks
Section 6.320	Site Requirements
Section 6.325	Density and Dimensional Standards for Manufactured Home Parks and Spaces
Section 6.330	Manufactured Home Park Improvement Requirements
Section 6.340	Manufactured Home Space Requirements
Section 6.350	Standard for Manufactured Homes in a Manufactured Home Park
Section 6.360	Expansion or Alteration of Manufactured Dwelling Parks
Section 6.370	Manufactured Dwelling Park Hearing Process
Section 6.400	Manufactured Dwelling Hardship Requirements
Section 6.410	Criteria for Review of Hardship Manufactured Dwellings
Section 6.420	Application for Hardship Manufactured Dwelling
Section 6.430	Notice and Hearing for Hardship Manufactured Dwelling
Section 6.440	Conditions of Approval for Granting a Hardship Manufactured Dwelling
Section 6.450	Annual Renewal of Hardship Manufactured Dwelling Permit

Section 6.100. Manufactured Home Requirements. A manufactured home located on an individual lot shall comply with the following requirements:

- A. The manufactured home shall comply with the lot size and width, height, setback, and lot coverage requirements of the residential zone in which it is situated.
- B. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- C. The manufactured home shall have a pitched roof with a minimum pitch of three (3) feet in height for every 12 feet in width (3:12).
- D. The manufactured home shall be completely enclosed at the perimeter with a base composed of either: concrete, concrete block, brick, stone, or combination thereof. The perimeter enclosure shall comply with state ventilation and access opening standards. The perimeter enclosure shall include the equivalent of a flow-through foundation as required in Section 5.130 of this ordinance.
- E. The manufactured home shall have gutters and downspouts which drain into the city's storm drain system or into dry wells in accordance with city and state regulations.
- F. The manufactured home shall be placed on a foundation that complies with the Scio Flood Plain Management Ordinance, Federal Emergency Management Administration (FEMA) requirements, and Oregon State Building Code requirements. The crawl space underneath the manufactured home shall be at least 18 inches from the grade level to the floor joists of the manufactured home. The flow-through foundation requirements of Section 5.130 shall be met.

- G. The manufactured home shall be placed upon and securely anchored to a foundation and anchoring system which is in compliance with state requirements.
- H. The manufactured home shall have tie-downs which meet city and state standards and which are installed in accordance with city and state regulations and with the City of Scio Flood Plain Management Ordinance.
- I. Each entry to the manufactured home shall be accessible by a porch which is at least four feet by six feet (4' X 6') in area and is composed of wood or concrete. The pedestrian access entries shall be equipped with railings which are in accordance with state standards. The entry porches shall be designed and constructed in accordance with state standards and shall be in place prior to occupancy of the manufactured home.
- J. The wheels, tongue, or hitch, and parts which protrude from the perimeter of the manufactured home shall either be removed from the manufactured home or concealed and stored in such a manner that they are not visible from any location beyond the property line.
- K. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
- L. The manufactured home shall be connected to the city's water and sewer systems. The connection shall be approved by the city prior to occupancy of the manufactured home, and necessary permits shall be obtained from the city.
- M. The manufactured home shall have an approved manufactured home placement permit requiring it to be installed in accordance with state standards.
- N. Prior to the location or relocation of a manufactured home on a lot, the owner or his authorized representative shall apply for and receive a placement permit from the city. A filing fee in accordance with a fee schedule adopted by the city shall be submitted with the manufactured home placement permit. The approved placement permit shall indicate that the manufactured home and its location conform to this ordinance and to all other applicable state and local laws or administrative rules. An application for a placement permit shall be accompanied by:
 - 1. A plot plan, drawn to scale, showing the proposed location of the manufactured home and accessory structures on the lot and including the exterior dimensions of the manufactured home and setbacks from all property lines.
 - 2. Information indicating the exterior length and width dimensions of the manufactured home; and the materials, design and necessary dimensions of the roof, foundation support system, and perimeter crawl space enclosure, including plans for the equivalent of a flow-through foundation.

3. A statement signed by the owner of the manufactured home, or his authorized agent, pledging full compliance with this ordinance.
- O. The placement permit shall remain in effect for six (6) months after the date of approval by the city. If the manufactured home has not been placed on the property by the end of the six (6) months, the owner may request an extension not to exceed an additional six (6) months. The permit is automatically canceled if the manufactured home has not been placed on the property by the end of the second six (6) month time period.
- P. The manufactured home shall not be occupied until all provisions of this ordinance have been met, and the Zoning/Building Official and the City's Certified Building Official certify that all city and state requirements have been met. Permanent water supply shall be provided to the manufactured home only after the city recorder and building official certify that all city and state requirements have been met.
- Q. If the manufactured home is to be removed from its permanent supports, the owner of the property shall agree in writing to remove the supports, the manufactured home, and all additions thereto (except for the garage or carport) from the property and to permanently disconnect and secure all utilities. This agreement shall authorize the city to perform the work and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 30 days from the date the manufactured home is to be removed from its supports. This condition shall not apply in the event that a placement permit for a replacement manufactured home has been approved by the city within 30 days of the removal of the original manufactured home. The replacement shall conform in all respects with the provisions of this ordinance.

Section 6.200. Multi-Family Dwelling and Residential Dwelling Complex Requirements.

Multi-family dwellings and Residential Dwelling Complexes shall comply with the standards as specified for the R-2 zone and with the requirements of Sections 6.200, 6.210, 6.220, and 6.230 of this ordinance.

Section 6.210. Procedure for Review and Action - Multi-Family Dwelling and Residential Dwelling Complex Review. Multi-family dwellings and residential dwelling complexes shall comply with the site plan review requirements in Article 11. (Ordinance 593 § (15), 2013)

Section 6.220. Standards Applicable to Multi-Family Dwellings and Residential Dwelling Complexes.

- A. **Open Area.** All areas of the development which are not used for buildings, driveways and access roads, off-street parking, or refuse containment shall be developed as open space, with appropriate landscaping. A minimum of 15 per cent of the site shall be designated as open space. The open space areas may include outdoor recreation and play areas, and pathways as well as landscaping. The site plan shall clearly designate the areas to be retained as open space.
- B. **Buffer.** A buffer shall be provided on each side of a property which abuts or is across a street or alley from property within an R-1 or R-2 zone or

which is used for residential purposes. The buffer shall be a minimum of ten (10) feet in width. The buffer shall consist of landscape planting plus a fence, wall, evergreen hedge or similar vegetative screen utilized where necessary to screen the property from adjoining residential properties. Buffer areas may not be used for buildings, parking, driveways or roads, except where it is necessary to cross the buffer to provide vehicular ingress or egress to the property. Buffers may be used for landscaping, sidewalks, pathways, and for utility placement.

- C. Access to a Public Street. The development shall have direct access to a publicly owned and maintained street with a minimum roadway width of 36 feet. The abutting streets shall be improved to city standards if findings of fact show that these streets are inadequate in width, condition, and surfacing to accommodate the anticipated traffic to and from the development.
- D. Access Driveways and Roads.
 - 1. Driveways providing ingress and egress to the property shall be located a minimum of 40 feet from a street intersection, and shall be designed to cause minimum interference with traffic movement on abutting streets.
 - 2. Driveways shall have a width of 12-16 feet to handle one-way traffic and 24-32 feet to handle two-way traffic.
 - 3. For a large multi-family or residential dwelling complex with 20 or more dwelling units, an interior road access system within the development may be required. Any required interior access roads shall be paved to city standards and shall have a minimum width of 24 feet. No parking shall be permitted on interior access roads which are no greater than 24 feet in width. Parking shall be limited to one side of the street for interior access roads which are 25-31 feet in width.
 - 4. Interior access roads shall be owned and maintained as part of the development unless the City accepts the roads for ownership and maintenance as part of the process of approving the application.
 - 5. Each interior access road shall be named and marked with signs which are similar in appearance to those used to identify city streets. A map of the interior access roads, together with the assigned number for each dwelling, shall be provided to the City Recorder and to the Scio Rural Fire Protection District.
- E. Walkways. Paved walkways of not less than four (4) feet in width and which meet ADA standards shall be provided to connect each residential building to the street. Sidewalks not less than six (6) feet in width shall be required to extend along each street bordering the property where the development is located.
- F. Parking Areas. Off-street parking areas shall be set back a minimum of 15 feet from property lines abutting a street and 10 feet from property lines abutting a lot used for residential purposes or located within an R-1 or R-2

zone. Handicapped parking spaces in accord with ADA standards shall be provided. Off-street parking areas shall be paved to city standards.

- G. Fire Protection. Adequate fire protection shall be provided to the development. The Scio Rural Fire Protection District and the Scio City Engineer shall review all development applications and make specific recommendations related to fire protection.
- H. Underground Utilities. All utilities shall be placed underground.
- I. Review of Plans. Plans for access driveways and roads, walkways, drainage, water, sewer, and fire protection shall be designed to City standards, shall be approved by the City prior to occupancy of the development and necessary permits shall be obtained from the City.
- J. Connection to City Water and Sewer. The development shall be connected to the City water and sewer systems. The connection shall be approved by the City prior to occupancy of the development and necessary permits shall be obtained from the City.
- K. Refuse Containers. Any refuse container or disposal area shall be screened from view from a public street, from a residence, or from property in an R-1 or R-2 zone by placement of a solid wood fence, evergreen hedge, or similar attractive fence, hedge, or wall to be used as a visual screen. The screen shall be at least five (5) feet in height. All refuse materials shall be contained within the screened area. No refuse container shall be placed within 10 feet of a dwelling window. Refuse containers shall be of adequate capacity to accommodate the need for the number of dwelling units within the development.
- L. Addresses. Each dwelling unit within the development shall be given a separate address which shall either be a standard city address or a unit or apartment number. For larger complexes (20 or more units), a unit or apartment number is preferred. The numbers shall be at least three inches (3") in height and shall be easily visible both during the day and at night. The addressing system to be used shall be approved by the City Administrator. The number, or set of numbers for a building in a larger development, shall be easily visible and identifiable from the City Street or interior access road which serves the unit.
- M. Flood Plain. The development shall comply with the City of Scio Flood Plain Management Ordinance standards and requirements.
- N. Maintenance of Premises. The owner of the development shall be responsible for maintaining the property in a neat and clean manner and for minimizing all health and safety hazards. Landscaping shall be maintained in a neat and attractive manner and kept free of dead and dying vegetation. Refuse containers shall be used for the storage of all garbage and debris. Fences shall be maintained in a condition of reasonable repair and shall not remain in a condition of disrepair including noticeable leaning, broken supports, missing sections, or replaced or supplemented with weeds or noxious vegetation.

(Ordinance 593 § (16), 2013)

Section 6.230. Expansion or Alteration of Multi-Family or Residential Dwelling Complexes. Existing multi-family dwellings or residential dwelling complexes may be expanded or altered. However, any expansion or alteration project shall require the filing and approval of an application in the same manner as for a new multi-family dwelling or residential dwelling complex.

Section 6.300. Manufactured Home Park Requirements. Manufactured home parks shall comply with the requirements of Sections 6.310 to 6.370 and with state statutes and administrative rules pertaining to manufactured home parks.

Section 6.310. Plans to be Submitted for Manufactured Home Parks. The application to construct a new manufactured home park or to expand an existing manufactured home park shall be accompanied by six copies of the plot plan of the proposed park. The plot plan shall show the general layout of the manufactured home park and shall be at a scale of one inch equals 50 feet (1"=50') or one inch equals 100 feet (1"=100') depending on the size of the park. In addition to the application requirements specified in Section 12.050, the application and the drawings shall show the following information:

- A. Location and dimensions of each manufactured home space, with a number for each space.
- B. Location, dimensions, and proposed use of each existing or proposed building.
- C. Location and width of interior access roads and walkways.
- D. Location of each lighting fixture for lighting the manufactured home spaces and grounds.
- E. Location of recreation and play areas and of recreation buildings, area and dimensions of these areas, and a detailed site plan for each recreation and play area.
- F. Detailed site plan for water, sewer, drainage, fire hydrants, and other fire protection facilities.
- G. Enlarged plot plan of a typical manufactured home space.

(Ordinance 593 § (11), 2013)

Section 6.320. Site Requirements. Each manufactured home park shall meet or exceed the following requirements:

- A. The park shall have direct access to a publicly owned and maintained street with a minimum roadway width of 36 feet.
- B. Any portion of the park to be developed for buildings, interior access roads, walkways, recreation and play areas, and manufactured home spaces shall not be located in a floodway.
- C. The manufactured home park owner shall be responsible for maintaining the park in a clean and neat manner and for minimizing all health and safety hazards. Landscaping will be maintained in a neat and attractive manner and kept free of all dead and dying vegetation.

Section 6.325. Density and Dimensional Standards for Manufactured Home Parks and Spaces.

- A. The minimum area for a manufactured home park shall be one acre.
- B. The maximum development density for a manufactured home park shall be one unit per 8,000 square feet of area within the exterior boundaries of the park. For that portion of the manufactured home park located in a Base Flood Area as defined on the Flood Insurance Rate Map (FIRM) for the City and the Flood Hazard Ordinance of the City of Scio, the maximum development density shall be one unit per 10,000 square feet.
- C. The minimum size of an individual manufactured home space shall be 5,000 square feet.
- D. The minimum distance between manufactured homes shall be 15 feet.
- E. The minimum distance between a manufactured home and a community, service, recreation or other building in the park shall be 15 feet.
- F. The minimum distance between a manufactured home and an interior access road shall be 10 feet.
- G. The minimum distance between a manufactured home and a walkway serving the park shall be six and one-half feet (6 1/2').
- H. All manufactured homes shall be set back a minimum of 25 feet from the right of way of a street outside the boundaries of the park and 10 feet from all other exterior property lines.

Section 6.330. Manufactured Home Park Improvement Requirements. All manufactured home parks shall meet or exceed the following requirements:

- A. The manufactured home park developer may be required to bring abutting streets up to city standards if findings of fact show that these streets are inadequate in width and surfacing to accommodate the anticipated traffic to and from the manufactured home park.
- B. The interior access road system within a manufactured home park shall have direct access to a publicly owned and maintained street adjacent to the park. If the manufactured home park contains spaces for 20 or more manufactured homes, the park shall have two or more connections to the adjacent public streets via the interior access road system. The interior access roads shall be paved. The roadway widths shall be a minimum of 32 feet.
- C. All manufactured home spaces shall have direct access to an interior access road and shall not have direct access to a street outside the boundaries of the park.
- D. Paved walkways of not less than four feet (4') in width and which meet ADA standards shall be provided to connect each manufactured home space to community, recreation and service buildings, and to recreation and play areas. The walkways shall provide for adequate pedestrian circulation throughout the park.

- E. All interior access roads and walkways within the park shall be adequately lit at night.
- F. Each interior access road within the park shall be named and marked with signs which are similar in appearance to those used to identify city streets. A map of the named interior access roads, together with the assigned number for each manufactured home space, shall be provided to the Zoning/Building Official and to the Scio Rural Fire Protection District.
- G. A separate area within the park shall be set aside for the outdoor storage of recreation vehicles and similar equipment owned by residents of the manufactured home park.
- H. Plans for interior access roads, walkways, drainage, water, sewer and fire protection shall be designed to city standards, shall be approved by the city, installed under the supervision of the city, and implemented at the time of manufactured home park development.
- I. Adequate fire protection shall be provided to the manufactured home park. The Scio Rural Fire Protection District Chief and the Scio City Engineer shall review all manufactured home park applications and make specific recommendations related to fire protection. Fire hydrants shall be located along all interior access roads and shall be no more than 500 feet from each manufactured home space.
- J. All utilities shall be placed underground.
- K. Screening shall be provided on each side of a manufactured home park that abuts or is across a street or alley from an area within a residential zone. The screening shall effectively screen the manufactured home park from view and shall consist of a sight-obscuring wall, fence, evergreen hedge, or combination thereof. The screening shall be maintained in good condition.
- L. All areas of the manufactured home park not used for manufactured home spaces, interior access roads, off-street parking, walkways, buildings, recreation and play areas, or recreation vehicle storage areas shall be completely and permanently landscaped.

Section 6.340. Manufactured Home Space Requirements. Each manufactured home space shall meet the following requirements:

- A. Structures located in a manufactured home space shall be limited to a storage building, ramada, or carport. The storage building, ramada, or carport may be combined as one structure. No structural additions shall be built onto or made a part of any manufactured home, except for rain flashing and no manufactured home shall support any building in any manner. The construction of an awning, patio cover, or cabana adjacent to a manufactured home is not considered as a structural alteration and is permitted.
- B. Each manufactured home space within the park shall be given a designated space number which shall be placed at a location which is easily visible and identifiable from the interior access road serving the

space. The numbers shall be at least three inches (3") in height. They shall also be reflective and placed upon a reflective background in order to be easily visible both during the day and at night.

- C. One permanent storage building containing a minimum of 48 square feet of floor area shall be provided for each manufactured home space. The building height shall not be less than seven feet nor more than 12 feet.

Section 6.350. Standard for Manufactured Homes in a Manufactured Home Park. All manufactured homes to be located within a manufactured dwelling park shall meet the following standards:

- A. Each space within a manufactured home park shall be occupied by manufactured homes as defined by this ordinance.
- B. Each manufactured home located within the manufactured home park shall meet the state standards for manufactured home construction.
- C. Each entry to the manufactured home shall be accessible by a porch which is at least four feet by six feet (4' X 6') in area and is composed of wood or concrete. The pedestrian access entries shall be equipped with railings which are in accord with state standards. The entry porches shall be designed and constructed in accordance with state standards and shall be in place prior to occupancy of the manufactured home.
- D. The manufactured home shall be enclosed at the perimeter of the base with skirting composed of weather resistant materials. Below grade level and for a minimum distance of six inches (6") above grade, the materials shall be resistant to oxidation. The perimeter enclosure shall comply with state ventilation and access entry standards.
- E. The manufactured home shall contain a floor area of not less than 400 square feet.
- F. The manufactured home shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.
- G. The manufactured home shall have a pitched roof. The slope of the roof shall be at least three (3) feet in height for each 12 feet in width.

Section 6.360. Expansion or Alteration of Manufactured Dwelling Parks. Existing manufactured home parks may be expanded or altered after a conditional use permit has been approved by the city. The application will be filed and processed in the same manner as an application for a new manufactured home park.

Section 6.370. Manufactured Dwelling Park Hearing Process. Before submitting the plan to the Planning Commission, the Zoning/Building Official shall require reports from the Scio Rural Fire Protection District, the City's Certified Building Official, and other affected agencies. The Zoning/Building Official shall then submit the application, manufactured home park plan, and the agency reports to the commission for their review and action at the scheduled public hearing. If the planning commission finds that the manufactured home park complies with the provisions of this ordinance, the commission shall approve the issuance of a conditional use permit. The commission may attach conditions to fulfill the requirements and standards of this ordinance.

Section 6.400. Manufactured Dwelling Hardship Requirements. Hardship manufactured dwellings shall meet the procedures and requirements as outlined in Sections 6.400 to 6.490.

Section 6.410. Criteria for Review of Hardship Manufactured Dwellings. The Commission will review the request for placement of a hardship manufactured dwelling. Hardship manufactured dwellings will be placed on lots only after the Commission finds that:

- A. The manufactured dwelling will be a second dwelling on a parcel with an existing residence.
- B. The manufactured dwelling will be temporary. The manufactured dwelling shall be removed within 90 days when the hardship no longer exists. The City may require bonding to facilitate removal of the manufactured dwelling.
- C. The manufactured dwelling will be occupied by a family member(s) of the person(s) residing in the existing residence.
- D. The occupant(s) of the manufactured dwelling is partially dependent upon the person(s) residing on the parcel.
- E. No alternative method of alleviating the hardship is readily available to the family. A hardship normally is either a medical hardship experienced by the applicant that requires immediate availability of family assistance or a severe economic hardship experienced by the applicant.
- F. There shall be only one (1) water hookup and (1) sewer hookup serving both the principal dwelling on the property and the medical hardship manufactured dwelling.
- G. The value, use, and enjoyment of neighboring properties will not be adversely affected.
- H. The granting of the permit will alleviate substantial personal hardship for the occupant.

Section 6.420. Application for Hardship Manufactured Dwelling. An application and filing fee for a Hardship Manufactured Dwelling shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 12.050. The application shall be accepted at least 20 days prior to the date of the scheduled public hearing before the Planning Commission. (Ordinance 593 § (18), 2013)

Section 6.430. Notice and Hearing for Hardship Manufactured Dwelling. Before the Planning Commission may act on an application for a Hardship Manufactured Dwelling, it shall first hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080. After the public hearing is closed, the Planning Commission shall either: approve, deny, or approve with conditions or modifications, the application. (Ordinance 593 § (18), 2013)

Section 6.440. Conditions of Approval for Granting a Hardship Manufactured Dwelling. In granting the right to an occupancy permit, for a hardship Manufactured Dwelling, the Commission may attach conditions which it deems reasonable and appropriate.

Section 6.450. Annual Renewal of Hardship Manufactured Dwelling Permit. The Zoning/Building Official shall review hardship manufactured dwelling on an annual basis and may refer the annual review to the Commission for a determination as to whether the hardship mobile home continues to meet the standards of this Ordinance. At the time of review, each permit holder shall be required to verify, in writing, that the hardship situation has not changed substantially, and that the bonding for the amount as set by the Commission is continuously in force.

ARTICLE 7. NONCONFORMING USES AND STRUCTURES

Section 7.000	Continuation of Nonconforming Use or Structure
Section 7.010	Nonconforming Structure
Section 7.020	Discontinuance of a Nonconforming Use
Section 7.030	Change of a Nonconforming Use
Section 7.040	Destruction of a Nonconforming Use
Section 7.050	Completion of Structure
Section 7.060	Repairs and Maintenance

Section 7.000. Continuation of Nonconforming Use or Structure. A nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended, unless it meets the standards and procedures of Sections 7.000 to 7.999. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance, or an amendment to this ordinance that makes the use nonconforming, is permitted.

Section 7.010. Nonconforming Structure. A structure conforming as to use but nonconforming as to height, setback, coverage or other dimensional standard may be altered or extended providing the alteration or extension does not exceed the height, setback, coverage or other standard of this ordinance.

Section 7.020. Discontinuance of a Nonconforming Use.

- A. Except as provided for in Section 7.020.B, if a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be for a conforming use. Extension of the time period for more than one (1) year may be granted by the Commission under circumstances of personal or economic hardship on the part of the property owner.
- B. A pre-existing dwelling in the C-1 or LI zone may continue to be used for residential purposes regardless of whether it has been discontinued from active use for a period of one (1) year.

Section 7.030. Change of a Nonconforming Use. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone and, after changed, it shall not be changed back to a nonconforming use.

Section 7.040. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is affected by fire, casualty or natural disaster, (damaged, demolished, or destroyed), it may be restored, provided the restoration shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster. Extension of the one (1) year time period may be granted by the Commission under extenuating circumstances.

Section 7.050. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a building for which construction work has commenced prior to the adoption of this ordinance provided the building, if nonconforming or intended for a nonconforming use is completed and in use within two (2) years from the time this ordinance is adopted.

Section 7.060. Repairs and Maintenance. Any building housing a nonconforming use may be maintained or restored to conform to the standards of the Building Code in effect within the City of Scio, including repair or replacement of fixtures, wiring or plumbing, provided the building is not increased in cubic content or floor area.

ARTICLE 8. CONDITIONAL USES

Section 8.000	Purpose of Conditional Use Permits
Section 8.010	Authorization to Grant or Deny Conditional Uses
Section 8.020	Application for a Conditional use
Section 8.030	Notice and Hearing on a Conditional Use
Section 8.040	Recess of the Hearing by the Commission
Section 8.050	Notification of Decision
Section 8.060	Criteria for Approving or Denying a Conditional Use Permit
Section 8.070	Conditions of Approval for a Conditional Use Permit
Section 8.080	Standards Governing Conditional Uses
Section 8.090	Time Limit

Section 8.000. Purpose of Conditional Use Permits. A conditional use is a use that may be appropriate, desirable, convenient, or necessary in the zone in which it is allowed but which by virtue of a feature of that use could create a problem within the area such as the creation of traffic or parking problems, excessive height or bulk, congestion, a potential nuisance, or a health or safety hazard. It is the intent of Sections 8.000 to 8.999 to provide standards and procedures for uses that are classified as conditional to fit into a particular zone in a manner so that the best interests of the surrounding property, the neighborhood, and the City are safeguarded.

Section 8.010. Authorization to Grant or Deny Conditional Uses. Uses designated as conditional in this ordinance may be allowed, enlarged, or changed only upon authorization by the Commission in accordance with the standards and provisions of Sections 8.000 to 8.999 of this Ordinance. In the case of a use existing prior to the effective date of this Ordinance and which is classified in this Ordinance as a conditional use, or of a previously approved conditional use, any change in use or in lot area, or any alteration of the structure that will change the intensity of use or the external appearance of the structure shall conform with the requirements dealing with conditional uses.

Section 8.020. Application for a Conditional Use. An application and filing fee for a Conditional Use Permit shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 12.050. The application shall be accepted at least 35 days prior to the date of the scheduled hearing before the Commission. (Ordinance 593 § (19), 2013)

Section 8.030. Notice and Hearing on a Conditional Use. Before the Commission may act on an application for a conditional use, it shall first hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080. After the public hearing is closed, the Commission shall either: approve, deny, or approve with conditions or modifications, the application. In making its decision, the Commission shall use the criteria as specified in Section 8.060. The hearing shall be held within 45 days after the application for the conditional use is filed. (Ordinance 593 § (19), 2013)

Section 8.040. Recess of the Hearing by the Commission. The commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the commission shall announce the time and date when the hearing will be resumed.

Section 8.050. Notification of Decision. The City shall provide the applicant with written notice of the decision in accordance with Section 12.030. (Ordinance 593 § (19), 2013)

Section 8.060. Criteria for Approving or Denying a Conditional Use Permit. The decision to approve a conditional use shall be based upon a determination that the following criteria have been met:

- A. The location, size, design, and operating characteristics of the proposed development are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- B. The proposed development site has the physical characteristics needed to support the use considering factors such as potential flooding or drainage problems, sufficient space to effectively accommodate necessary off-street parking and loading, and access to a public street.
- C. The proposed development will not unduly affect the capacity of the current public facilities, including streets and utility systems.
- D. The proposed development is consistent with the goals and policies in the comprehensive plan.

Section 8.070. Conditions of Approval for a Conditional Use Permit. In permitting a conditional use or the modification of an existing conditional use, the Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, any additional conditions which the Commission considers necessary to protect the best interests of the surrounding property, the neighborhood, or the City as a whole. Those conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimensions.
- B. Limiting the height, size and location of buildings.
- C. Controlling the location, design and size of vehicle access points and of off-street parking and loading spaces.
- D. Increasing the number of off-street parking and loading spaces.
- E. Limiting the number, size, and location of signs.
- F. Requiring fencing, screening and landscaping to protect adjacent property.
- G. Limiting the time and manner in which a particular activity may take place.
- H. Placing restraints to limit environmental effects such as noise, vibration, air pollution, glare or odor.
- I. Requiring internal improvements to the property such as utilities, drainage facilities, streets, curbs, gutters, walkways, or recreation areas.
- J. Requiring a performance bond or its equivalent to assure development of the conditional use as approved.

Section 8.080. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

- A. Setback. In a residential zone, the setback from the property line for each yard shall be at least two-thirds the height of the principal structure.
- B. Height exception. A church or governmental building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet.
- C. Limitation on access to property and on openings to buildings. The city may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the use will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.
- D. Utility Station or Substation. In the case of a utility station or substation, the minimum lot size requirement may be waived if it is determined that the waiver will not have a detrimental effect on adjacent property .
- E. Nursing homes, rest homes, homes for the aged, sanitariums, and convalescent homes.
 - 1. In addition to the conditional use permit procedures and standards, nursing homes, homes for the aged, sanitariums, and convalescent homes shall meet the criteria and standards applicable to multi-family dwellings and residential dwelling complexes.
 - 2. The distance from and ease of travel to commercial, social, and education activities, services, and developed parks shall also be addressed.
- F. Drainage Plan. A drainage plan shall be submitted with the application for a conditional use permit and shall be approved by the City Engineer prior to approval of the conditional use permit.
- G. Recreational Vehicle Park or Campground.
 - 1. Six (6) copies of the plot plan of the proposed park or park alteration or expansion shall accompany the application for a conditional use permit to construct, expand or alter a recreational vehicle park or campground. The plot plan shall show the general layout of the Recreational Vehicle Park or Campground and shall be a multiple of one inch equals ten feet (1" = 10') but no smaller than one inch equals 100 feet (1" = 100'). The drawings shall show the following information:
 - a. The name, address, and telephone number of the person who prepared the plans, the person who owns the property, and the person who will be the manager of the park.
 - b. The proposed name of the park and the address of the park.
 - c. The north arrow and the scale of the plan.

- d. A plot plan showing the property line boundaries of the park as well as the general layout of the park, including the location and designation of each space (by number or letter); the location of areas and designation of spaces to be set aside for tent camping; the location of spaces to be set aside for the handling of pets; the permanent buildings to be on site such as washroom, caretaker residence, or recreation building; the location, surfacing, and width of roads and sidewalks; connections of roads to the city street system; plans for parking; and plans for play areas, screening, fencing and landscaping.
 - e. Site details including the size and number of recreational vehicle spaces and tent camping spaces.
 - f. Typical space detail including the dimensions of the space; the fixed facilities in each space such as the recreational vehicle pad, patio, cleanable fire pits or cooking facilities;
 - g. Plans for sewer, water, drainage, fire protection, garbage collection facilities, natural gas and electricity distribution, and outdoor lighting.
2. Site Requirements. Each Recreational Vehicle Park or Campground shall meet the following requirements:
- a. The Recreational Vehicle Park or Campground shall have direct access to a publicly owned and maintained street.
 - b. No developed portion of the Recreational Vehicle Park or Campground shall be located in a floodway. The Recreational Vehicle Park shall comply with the provisions of the Flood Hazard Ordinance and of the Fill and Excavation Ordinance of the City of Scio and with other applicable City, State, and Federal ordinances, statutes, or regulations.
 - c. The Recreational Vehicle Park or Campground shall be a minimum of one acre in size.
 - d. The minimum space size in the Recreational Vehicle Park shall be 700 square feet. Spaces reserved for tent camping may be somewhat smaller. Spaces shall be designed so that each recreational vehicle or tent shall be no closer than 10 feet to each other or to a caretaker residence, washroom, recreational building or other building that is maintained on site.
 - e. Recreational vehicle and tent camping spaces shall be designed so that each recreational vehicle or tent shall be located at least 20 feet from the right of way of a public street and 15 feet from any other exterior property line.

- f. Interior roads within the Recreational Vehicle Park or Campground shall be at least 20 feet in width if no parking is to be provided on the street, 30 feet in width if parking is to be provided on one side of the street, 10 feet in width if it is to be a one-way street with no parking on the street, and 20 feet in width for a one-way street with parking to be provided on the street. Each recreational vehicle or tent camping space shall have direct access to the interior road system. No recreational vehicle or tent camping space shall have direct access to the public street system outside of the park.
- g. The interior roads in the Recreational Vehicle Park or Campground shall be surfaced with asphalt, crushed rock or gravel. A paved roadway shall include provisions for the installation of storm drainage system. The storm drainage system plans shall be designed by a registered Civil Engineer and installed under the supervision of the engineer.
- h. Each recreational vehicle or tent camping space shall be clearly marked. A map of the road system with space numbers shall be provided to the City and to emergency service agencies providing service to the park.
- i. The recreational vehicle spaces shall have pads that are composed of crushed rock or gravel.
- j. The portion of a recreational vehicle spaces not used for the recreational vehicle pad, for an outdoor patio or fire pit, or for off-street vehicle parking shall be completely and permanently landscaped.
- k. Parking shall be provided within the boundaries of the Recreation Vehicle Park or Campground at a ratio of one parking space for each recreational vehicle or tent camping space at each space; plus one common area parking space for each recreational vehicle or tent camping space, plus two spaces reserved for the facility manager.
- l. Each “full service” recreational vehicle space shall be provided with public water supply, sewage disposal and electrical services. “No service” or “water only” recreational vehicle spaces shall be clearly delineated. A sewer dump station shall be provided at the recreational vehicle park. If public water is not available at each space, faucets shall be available within 200 feet of each recreational vehicle or tent camping space.
- m. The exterior edge of the Recreational Vehicle Park or Campground shall be provided with sight-obscuring landscape planting or with a fence supplemented with landscape planting. All areas not used for recreational

vehicle spaces, roads, or buildings shall be completely and permanently landscaped. Any fencing that is provided shall be designed and constructed to as not to impede the flow of surface water.

- n. The City shall approve plans for interior access roads, walkways, drainage, fire protection, water, and sewer. The Fire Protection District shall approve plans for roads, fire protection, and for cleanable fire pits or other provision for on-site fire use for cooking or other purposes.
- o. The lighting plan shall show that adequate lighting is provided to meet safety concerns within the park, but shall not reflect glare on any property outside the park.
- p. One freestanding non-illuminated or indirectly illuminated sign identifying the recreational vehicle park or campground may be permitted at each vehicular entrance to the park. The sign shall not exceed 16 square feet in size.
- q. The Recreational Vehicle Park or Campground shall comply with OAR 918-650, in its current form, and as it shall be amended in the future, and with other applicable standards as administered by the State of Oregon Building Codes Division, or by any other State or Federal agency.
- r. A Recreational Vehicle Park may be combined with a Manufactured Dwelling Park. However, each portion of the park must comply with the applicable City and State standards for the type of facility to be provided.
- s. The Recreational Vehicle Park or Campground manager shall be responsible for maintaining the park in a clean and neat manner that is free of health and safety hazards. Landscaping, fencing, and screening and designated pet and outdoor play areas shall be maintained in a neat and attractive manner.

H. Wireless Telecommunications Facilities.

1. Purposes:

- a. To minimize adverse health, safety, public welfare, or visual impacts of wireless telecommunications facilities through design, siting, landscaping and other visual compatibility techniques.
- b. To encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
- c. To encourage use of technological designs that will eliminate or reduce the need for construction of new tower facilities.

- d. To avoid potential damage to property caused by facilities, by ensuring such structures are sound and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound.
- e. To ensure that wireless communications facilities are compatible with surrounding land uses.

2. Definitions:

- a. Antenna, Wireless Telecommunications. The physical device, commonly in the form of a metal rod, wire panel or dish, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators, police, fire and AM radio are excluded from this definition.
- b. Attached Wireless Telecommunications Facility. A wireless telecommunications facility which is affixed to an existing structure, other than a wireless telecommunications tower.
- c. Co-Location. A wireless telecommunications facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one provider.
- d. Lattice Tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure that often tapers from the foundation to the top.
- e. Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- f. Provider. A company holding a FCC license, that is in business to provide wireless telecommunications services.
- g. Wireless Telecommunications. The transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- h. Wireless Telecommunications Facility (WTF). A facility consisting of the equipment and structures involved in receiving and/or transmitting telecommunications or radio signals.
- i. Wireless Telecommunications Equipment Shelter. The structure in which the electronic radio equipment and relay equipment for a wireless telecommunications facility is housed.

- j. Wireless Telecommunications Tower. A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, and guyed and lattice towers.
 - k. Visual Compatibility Characteristics. Characteristics that minimize the visual impact of a tower or antennas.
3. Standards and Requirements:
- a. Compliance with Government Standards. All facilities shall comply with all federal, state, and city codes, including, but not limited to, FCC and Federal Aviation Administration (FAA) standards.
 - b. Access. Access to any facility shall be approved as a part of the Conditional Use Permit process.
 - c. Height and Setback. The height of a facility shall be measured from the natural, undisturbed ground surface below the center of the base of the proposed facility to the top of the facility, or if higher, the tip of the highest antenna or other transmission or reception device. A wireless telecommunications facility shall not exceed a height of 50 feet in a Residential or Commercial Zone, or 80 feet in an Industrial Zone, or if attached to the top of an existing structure, to a height not more than 10 feet above that structure. If the facility is attached to the tower, the setback of the base of the tower to any other use or property line shall be the same as the setback requirements for the zone, or one-half the height of the tower, whichever is greater.
 - d. Co-location. Co-location of wireless telecommunication facilities is encouraged. New facilities, if technically feasible, will be designed and constructed for three or more antennas/providers to be co-located on the facility and to allow antennas to be mounted at varying heights. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because reasonable costs necessary to adopt the existing or proposed uses to a shared tower.
 - e. Construction. All facilities must meet the requirements of the Oregon Structural Specialty Code.
 - f. Design. New facilities will be located in such a manner that they blend in with the background around them, using techniques to ensure visual compatibility. All new WTF towers shall be a monopole or lattice tower structure constructed out of metal or other nonflammable material. All accessory structures shall be designed and constructed so as to be compatible with surrounding land uses or shall

be placed underground. The visible exterior surfaces of accessory structures shall be constructed out of nonreflective materials. Towers shall be designed to minimize obstruction to the passage of birds.

- g. Landscaping. Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of vegetation that can reach a minimum height of six (6) feet and will form a continuous hedge. A landscaping plan shall be submitted for the site that assures compatibility with surrounding uses. Landscaping shall be maintained in accordance with the approved plan.
 - h. Lighting. No lighting shall be permitted on a WTF except as required for security and as required by the FAA and the Oregon Aeronautics Division. Security lighting shall be placed no higher than 20 feet above the ground and shall be located in such a manner so as not to face directly, shine or reflect glare onto any street right of way, or onto a lot in a residential zone.
 - i. Safety. All WTF's shall maintain in place a security program that will deter unauthorized access and vandalism. WTF's shall be enclosed by decay resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device. This standard does not apply to attached WTF's.
 - j. Attached Telecommunications Facilities. All attached facilities shall be located and designed to appear to be an integral part of the structure.
 - k. Abandonment of Facilities. WTF's that do not have functioning antennas for a period of six (6) months shall be considered abandoned and shall be removed by the owner or operator within 60 days of the time that abandonment has been determined by the Zoning/Building Official. All evidence of the structure shall be removed from the site and it shall be returned to a natural state.
4. Application Requirements. In addition to the application requirements specified in Section 12.050, the application and accompanying development plan shall include the following:
- a. Drawings showing the proposed materials, color and design of the proposed facility.
 - b. A map showing all existing wireless communication facility sites operated by the provider within five (5) miles of the exterior boundaries of the Scio City Limits, including a description of the facility at each location.
 - c. If the provider proposes to construct a new facility (tower), all applications shall include findings that demonstrate that

it is not legally or technically feasible to co-locate on an existing facility.

- d. Contents of documentation intended to accompany the plan:
- (1) Analysis of how the application meets the review criteria for a conditional use permit and the purposes of the WTF standards as outlined herein.
 - (2) Evidence of legal access to the facility site and how that access will be maintained.
 - (3) Evidence that the applicant/provider has the right to use the property (ownership, lease, etc.).
 - (4) Evidence that the facility tower has the structural capacity to carry the antennas of at least three Wireless Communications providers.
 - (5) Evidence of the steps to be taken to assure that the provider will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization, per FCC requirements.
 - (6) Evidence that the WTF is intended to provide service primarily within Scio and the surrounding area.
 - (7) Evidence that the WTF must be located where it is proposed in order that it is technically necessary to service the provider's service area.
 - (8) Evidence that the facility is at the lowest height possible to serve the area and that any gap in coverage can be fulfilled.
 - (9) Evidence that at least one provider will be able to use the facility immediately upon construction of the facility.
 - (10) The application shall include a written agreement from the property owner that if the provider fails to remove an abandoned WTF, the property owner has full legal and fiscal responsibility for WTF removal.

(Ordinance 593 § (20), 2013)

Section 8.090. Time Limit. A Conditional Use Permit shall be void after six months if a building permit has not been approved and if site development and construction work has not started. If the Conditional Use Permit does not involve the need to obtain a building permit, the applicant shall show evidence to the City that activity related to the Conditional Use has started. The applicant may apply for an extension for an additional six months. The Commission shall review the six-month time period extension request, and take action to approve or deny the request.

ARTICLE 9. VARIANCES

Section 9.000	Purpose
Section 9.010	Authorization to Grant or Deny Variances
Section 9.020	Application for a Variance
Section 9.030	Notice and Hearing on a Variance
Section 9.040	Notice of Decision
Section 9.050	Criteria for Approval or Denial of a Variance
Section 9.060	Time Limit

Section 9.000. Purpose. Occasionally, a piece of property will be unusually shaped, have physical features such as marshy land or steep slope, or have similar physical features such that it cannot be developed under the requirements of the zone in which it is located. Variances from lot size, setbacks, height restrictions, and other dimensional standards in this ordinance can allow the property owner to use the property as provided by this ordinance.

Section 9.010. Authorization to Grant or Deny Variances. The commission may grant variances from the provisions of this ordinance where it can be shown that owing to unusual topographic or drainage conditions, unusual conditions related to the shape of property or the location of structures on the property, or other conditions over which the applicant has had no control, the literal interpretation of this ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting the variance the commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this ordinance.

Section 9.020. Application for a Variance. An application and filing fee for a Variance shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 12.050. The application shall be accepted at least 20 days prior to the date of the scheduled hearing before the Commission. (Ordinance 593 § (21), 2013)

Section 9.030. Notice and Hearing on a Variance. Before the Commission may act on an application for a Variance, it shall first hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080. The Commission may recess a public hearing in order to obtain more information or to serve further notice to persons it decides are affected by the proposed variance. Upon recessing the hearing, the Commission shall announce the time, date and place the hearing is to be resumed. After the public hearing is closed, the Commission shall either: approve, deny, or approve with conditions, the application in accordance with the Criteria for Granting a Variance in Section 9.050. (Ordinance 593 § (21), 2013)

Section 9.040. Notice of Decision. The City shall provide the applicant with written notice of the decision in accordance with Section 12.030. (Ordinance 593 § (21), 2013)

Section 9.050. Criteria for Approval or Denial of a Variance. The decision to approve a variance shall be based upon a determination that the following criteria can be met:

- A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which

conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- C. The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.
- D. The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

Section 9.060. Time Limit. A variance shall be void after six (6) months if the provisions of the variance have not been implemented. The applicant may apply for an extension for an additional six (6) months. The Commission shall review the six-month time period request, and take action to approve or deny the request.

ARTICLE 10. AMENDMENTS

Section 10.000	Authorization to Initiate Amendments
Section 10.010	Application for an Amendment to the Zoning Ordinance
Section 10.020	Public Hearings on Zoning Amendment Request
Section 10.030	Records of Amendments

Section 10.000. Authorization to Initiate Amendments. An amendment to the text of this zoning ordinance or to the zoning map may be initiated by the City Council, the Commission, or an application submitted by any affected citizen or property owner within the City of Scio.

Section 10.010. Application for an Amendment to the Zoning Ordinance. An application and filing fee for an amendment to the text of this zoning ordinance or to the zoning map which is initiated by an affected citizen or property owner shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 12.050. The application shall be accepted at least 45 days prior to the date of the scheduled Commission public hearing. (Ordinance 593 § (21), 2013)

Section 10.020. Public Hearings on Zoning Amendment Request. Both the Commission and the City Council are required to hold public hearings on a proposed amendment to either the text of this ordinance or to the zoning map. The Commission shall formulate a recommendation to the City Council on the proposed amendment after holding its public hearing. The City Council shall hold a public hearing prior to making a final decision on the proposed amendment.

- A. Hearing and Notice Before the Planning Commission. Before the Commission may act on an application for a Zoning Amendment, it shall first hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080. The Commission may recess a public hearing in order to obtain additional information or to serve further notice upon property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Commission shall announce the time, date, and place for resumption of the hearing. After the public hearing is closed, the Commission shall formulate and adopt its formal recommendation to the City Council. The Commission recommendation shall be to either: approve, deny, or approve with modifications or conditions, the proposal. In taking action, the Commission shall make findings that the amendment is consistent with the applicable policies of the comprehensive plan. (Ordinance 593 § (21), 2013)
- B. Hearing and Notice Before the City Council. After the public hearing has been held and recommendations have been made by the Commission, the City Council shall hold a public hearing on the proposed amendment. The City Council shall follow those public notice, public hearing and findings requirements which are applicable to the Commission.
- C. City Council Decision on Amendment. The City Council shall approve the proposed amendment, deny it, or approve it with conditions or modifications. An approval with modifications may represent a partial approval of the amendment. An approved amendment shall be adopted by ordinance.

Section 10.030. Records of Amendments. The signed copy of an amendment to the text and map of this ordinance shall be maintained without change on file in the office of the City Recorder. The Zoning/Building Official shall maintain a record of the amendment to the text and map of this ordinance in a form convenient for the use of the public.

ARTICLE 11 – SITE PLAN REVIEW

Section 11.010	Application
Section 11.020	Hearing and Action on a Site Plan Application
Section 11.030	Criteria for Review of a Site Plan
Section 11.040	Conditions
Section 11.050	Time Limit on Approved Site Plan

Section 11.010. Application.

- A. An application for a site plan review and a filing fee shall be submitted to the City in accordance with the provisions of Section 12.050 of this ordinance. The application shall be accompanied by six copies of a site plan.
- B. The site plan shall show the general layout of the property where the development is to be sited and shall meet the requirements of Section 12.050. In addition, the applicant shall submit the following information, if applicable to the proposed use:
 - 1. The number of dwelling units to be placed on the property, including information pertaining to the size of the dwelling unit and the number of bedrooms by type of unit (i.e. studio apartment).
 - 2. The location and dimensions of each existing or proposed building, the distance from all property lines for all buildings to be located on the property and the distances between the buildings.
 - 3. The location, pavement width, and type of surfacing for all streets abutting the proposed development and for those streets which are intended to serve as primary access to the proposed development.
 - 4. The location, width, and intended ownership and maintenance responsibility of the access driveways and any interior access roads serving the property, and of walkways serving the property.
 - 5. The location, width, and surfacing for all sidewalks and pathways to be located on the property.
 - 6. The design, location and dimensions of the parking lot, the number of parking spaces to be accommodated, and the locations and dimensions of each parking space.
 - 7. The location and dimensions of recreation and play areas and a detailed site plan for the recreation and play area.
 - 8. Detailed site plans showing existing and proposed water, sewer, fire hydrants, and other fire protection facilities.
 - 9. Detailed plan for storm drainage, including storm sewers, bio swales, rain gardens, water courses or similar water quality facilities.
 - 10. Proposed cuts, and fills, and flood plain certification and flood proofing measures, if necessary.

11. A plan for the location of refuse containers on the site including how the containers will be screened from view.
12. A plan for the location and dimensions of any identification signs to be placed on the site.
13. A plan for buffering, screening, fencing, and landscaping. The plan shall show natural preservable features on the property such as trees.
14. When the proposed development shall contain six (6) or more dwelling units or non-residential structure larger than 5,000 sf, an architectural rendering of the project, showing typical views of the property which would be seen from the street or abutting properties.
15. Proposed ownership pattern and a proposal for maintaining the property.

Section 11.020. Hearing and Action on a Site Plan Application.

Before the planning commission may act on an application for a site plan review it shall hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080 of this ordinance. After the public hearing is closed, the planning commission shall either: approve, deny, or approve with conditions or modifications:

Section 11.030. Criteria for Review of a Site Plan.

A decision to approve or deny a site plan shall be based on the following criteria:

- A. The existence of or ability to provide adequate utilities including water, sewer, surface water drainage, power and communications, including easements, to properly serve development on the subject property in accordance with city public works standards.
- B. Provision of safe and efficient internal traffic circulation, including pedestrian and motor vehicle traffic, and provision for safe access to and from the property to adjacent public streets.
- C. Provision of necessary improvements to local streets, including the dedication of additional right-of-way to the city and/or the improvement of traffic facilities to accommodate access for emergency vehicles and the additional traffic load generated by the proposed development of the site.
- D. Provision of on-site parking areas and adequate loading/unloading areas for the proposed uses and in compliance with Sections 5.200 to 5.230 of this ordinance. The parking area shall be designed to facilitate the safe movement of traffic and pedestrians and minimize traffic congestion.
- E. The design and placement on the site of buildings and other structural improvements shall provide compatibility in size, scale, and intensity of use between the proposed development and similar development on neighboring properties. The location, appearance and size of the proposed buildings shall be designed to properly serve anticipated users of the proposed improvements.

- F. Provision of landscaping of the site including the planting of trees, street trees, shrubs, and groundcovers so that the landscaping presents an attractive interface with adjacent residential properties.
- G. Provision of visual or physical barriers around the property including the provision of site obscuring fencing or vegetative screening between a commercial and/or public use and adjacent residential properties.
- H. Lighting sufficient to satisfy the intended use of the property but designed in such a manner as to not present an adverse impact (as measured by excessive brightness or glare) upon adjacent land uses or traffic movements.
- I. The use is in compliance with the other development standards which are specified by Scio Zoning Code or public works design and construction specifications.

Section 11.040. Conditions.

The Planning Commission, in granting approval, reserves the right to place additional conditions that are consistent with the intent and purpose of this ordinance. These may include, but are not limited to, the number of dwelling units, buffers or screening, landscaping, lighting, location and design of parking areas, number of access points, security gates and fencing, flood protection measures, public improvement requirements and any other conditions to ensure compliance with applicable regulations and laws.

Section 11.050. Time Limit on Approved Site Plan.

Approval of a site plan shall be void one year after the date of the Notice of Decision unless a building permit has been issued. However, upon written request, the planning commission has the authority to grant one extension for a period of up to one year. (Ordinance 578 § (8), 2010; Ordinance 593 (23), 2013)

ARTICLE 12 - ADMINISTRATIVE PROVISIONS

Section 12.000	Administration and Enforcement
Section 12.010	Authorization of Similar Uses
Section 12.020	Decision Authority
Section 12.030	Decision Process
Section 12.040	Appeal
Section 12.050	Petitions, Applications, Appeals, and Fees
Section 12.060	Notice of Public Hearing
Section 12.070	Explanation in Mailed Notice to Affected Property Owners
Section 12.080	Hearing Procedures
Section 12.090	Consolidation of Procedures
Section 12.100	Time Period for Decision Making
Section 12.110	Public Works Standards
Section 12.120	Interpretation
Section 12.130	Severability
Section 12.140	Permits and Certificates of Occupancy
Section 12.150	Penalty
Section 12.160	Repeal
Section 12.170	Emergency

Section 12.000. Administration and Enforcement. The Zoning/Building Official shall have the power and duty to administer and enforce the provisions of this ordinance.

Section 12.010. Authorization of Similar Uses.

The Zoning/Building Official may permit in a particular zone a use not listed in this title, provided the use is of the same general type as the uses currently permitted by this ordinance. This section does not authorize the inclusion in a zone, where it is not listed, of a use specifically listed in another zone. The decision of the zoning official may be appealed to the planning commission as outlined in Section 12.040. A decision of the planning commission may be appealed to the city council as outlined in Section 12.040.

Section 12.020. Decision Authority.

- A. The zoning official shall be the final decision authority for the following administrative decisions under the zoning ordinance, unless the decision is appealed to the planning commission as outlined in Section 12.040 of this chapter:
 1. Building permit and/or development permit for uses permitted outright.
 2. Home occupation [5.300]
 3. Code Interpretation – Authorization of a Similar Use [5.310]
 4. Signs [5.600]
 5. Floodplain development permits
- B. The Planning Commission shall be the final decision authority for the following decisions under the zoning ordinance, unless the decision is appealed to the city council as outlined in Section 12.040.
 1. Historic structure alteration or demolition permit [5.500]
 2. Site Plan Review

3. Manufactured Home Park [6.300]
 4. Manufactured Home – Hardship [6.400]
 5. Conditional use permit.
 6. Variance
- C. The City Council shall be the final decision authority for the following decisions under ORS 222 (Annexations) and ORD 561
1. Annexation
 2. Comprehensive plan amendment.
 3. Zoning amendment.

Section 12.030. Decision Process.

- A. Basis for decision. Approval or denial of an application shall be based on standards and criteria in this ordinance and when appropriate, to the comprehensive plan for the city.
- B. Findings and conclusions. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
- C. Form of decision. For decisions listed under Section 12.020.B and 12.020.C the decision authority shall issue a final written decision containing the findings and conclusions which either approves, denies, or approves with specific conditions. The decision authority may also issue appropriate intermediate rulings when more than one permit or decision is required.
- D. Decision-making time limits. A final written decision shall be filed with the city manager or designee within ten business days after the decision authority renders a decision.
- E. Notice of decision. Written notice of a decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. A copy of the planning commission's notice of decision may also be provided to the city council. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- F. Final decision and effective date. The decision is final for purposes of appeal on the date a notice of decision is mailed by the city. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided. The notification and hearings procedures for applications on appeal to the city council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the mailing of the city council's notice of decision.
- G. Final decision for annexations and legislative amendments. An annexation, a legislative amendment to the comprehensive plan and a zoning amendment

shall take effect and shall become final as specified in the enacting ordinance, or if not specified, upon the effective date of the ordinance.

Section 12.040. Appeal.

- A. An appeal from a ruling of the Zoning/Building Official shall be made to the Commission. Any action or ruling of the Zoning/Building Official shall become final 15 days after the approval or disapproval is given unless the decision is appealed to the Commission. Written notice of the appeal shall be filed with the Zoning/Building Official. The appellant is responsible for paying the filing fee on an appeal. If the appeal is filed, the Commission shall receive a report and recommendation from the Zoning/Building Official and shall consider the appeal at a public meeting. The meeting shall be held within 45 days of the date of the appeal.
- B. An action or ruling of the Commission authorized by this ordinance may be appealed to the City Council within 15 days after the Commission has rendered its decision by filing written notice with the Zoning/Building Official. The appellant is responsible for paying the filing fee on an appeal. If no appeal is taken within the 15 day period, the decision of the Commission shall be final. If an appeal is filed, the City Council shall receive a report and recommendation from the Commission and shall hold a public hearing on the appeal as outlined in Sections 12.060 to 12.080 of this Ordinance. The public hearing shall be held within 45 days of the date of the appeal.
- C. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the mailing of the city council's notice of decision.

Section 12.050. Petitions, Applications, Appeals, and Fees.

- A. Petitions, applications and appeals provided for in this ordinance shall be made on forms provided for the purpose and/or as otherwise prescribed by the city in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. The plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets. Specific application requirements shall include the following:
 - 1. One copy of any supportive documentation shall be submitted on 8.5" by 11" sheets for ease of reproduction.
 - 2. If a development plan is submitted with the application, it shall be drawn to scale with sheet size not to exceed 24" by 36". When applicable, the plan shall include a drawing of elevations.
 - 3. The application shall be accompanied by a set of plans reduced to fit on 8.5" by 11" sheets of paper.
 - 4. Contents of the Development Plan:

- a. The nature of the facility or use together with a description of the character and purposes of the proposed facility or use.
 - b. The name, address, telephone number, fax number, and e-mail number of the applicant and of other persons assisting in the development of the application and plan.
 - c. North arrow, the scale of the plan.
 - d. Street address, or description of the location so that the property can be easily identified.
 - e. Boundaries and dimension of the property where the facility or use is proposed to be located.
 - f. The location of the facility or use on the property and its proposed dimensions.
 - g. When applicable, the height of the proposed facility or use.
 - h. The setbacks of the proposed facility or use from surrounding property lines and from other buildings, facilities or uses on the property where the facility or use will be located.
 - i. Dimensions and location of areas to be reserved for vehicular access and circulation.
 - j. A landscaping plan that indicates how the facility or use will be landscaped and screened from adjoining properties or uses.
 - k. A fencing plan that indicates the location, height, and design of any proposed fencing or screening intended to limit and control access.
 - l. A lighting plan that indicates the type and location of any proposed lighting.
- B. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within five days from the time of submittal, and the applicant shall have 30 days to submit the missing information. The application shall be deemed complete when the missing information is received and accepted by the City.
- C. Application and Filing Fees. All applications for zoning actions which are called for by this ordinance shall be accompanied by an application and filing fee. The application fee shall be set by resolution of the city council and shall not be refundable. Fees are intended to cover costs incurred by the city in processing the various applications, including preparation and mailing of legal notices, development of staff reports, and time involved in pre-hearing, hearing, and post-hearing activities. City staff shall maintain complete records of time, staff costs, and materials and supplies costs which are related to the zoning actions. Full payment of the application

fees is required before the City may take formal and final action on an application.

- D. Deposit for Additional Services. In addition, each applicant may be required to pay an additional deposit to cover potential costs the City may incur in processing the application including assistance on the case involving time provided by the city planner, the city engineer, and city attorney; and time of city staff related to pre-hearing, hearing, and post hearing activities. The additional deposit shall be paid to the city at the time of application. If the deposit is insufficient to cover all the costs incurred by the City in processing the application, then the city may require the applicant to provide an additional deposit to cover the estimated costs of processing the application and/or bill the applicant for the additional documented costs incurred by the City within thirty (30) days of the issuance of a written notice of decision.

Section 12.060. Notice of Public Hearing.

- A. Notice to Applicant and Affected Property Owners. Notice of public hearing shall be provided to the applicant and to owners of record of property on the most recent Linn County property tax assessment roll. Notice shall be provided at least (20) days before the evidentiary hearing; or if two or more evidentiary hearings are allowed, at least ten (10) days before the first evidentiary hearing;
- B. Mailed Notice to Affected Property Owners. A notice of hearing for a zoning action specified by this ordinance shall be mailed 10-14 days prior to the scheduled public hearing date (20-30 days for all zoning amendments) to all owners of property located a specified distance from the exterior boundaries of the property for which the land use action is requested, in accordance with the following schedule:

Type of Land Use Action	Distance from Exterior Property Boundary for Which Land Use Action is Requested
Annexation	500 feet
Comprehensive plan map amendment	500 feet
Zoning map amendment	500 feet
Site plan review	250 feet
Conditional use	250 feet
Variance	100 feet
Historic resource alteration or demolition	100 feet
Medical Hardship manufactured dwelling	100 feet
Any other land use action not listed	250 feet
Appeal of a zoning official decision	100 feet
Appeal of planning commission decision	Same distance as for land use action being appealed.

- C. Other Forms of Public Notice. The notice restrictions in this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio, television or electronic communication. If used, these notices will be provided at least ten days before the first evidentiary hearing. The following types of public notice may be used:

1. Posting Notice in a Public Place. Notice shall be posted at the Scio City Hall, the Scio Post Office, and one other public place to be designated by the City Council.
 2. Posting Notice on the Local Cable Channel and Website. Notice may be posted so that it will appear on the Scio Public Access Cable TV Channel, and any City approved website or social media site designated to serve the City of Scio.
 3. Posting Notice on the Affected Property. Notice may be posted on the affected property.
 4. Publication in a Newspaper. Notice may be published in a newspaper of general circulation in the City of Scio.
- D. For each public hearing, the city shall prepare an affidavit of notice which certifies that the notice of hearing was mailed and published as required by this Ordinance. The list of owners together with their addresses shall be attached to the affidavit. The affidavit shall be retained with the permanent record of the hearing.
- E. Failure of a person to receive notice of a public hearing shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was given.
- F. Notice of an application to amend the comprehensive plan or a land use regulation shall be transmitted to the Oregon Department of Land Conservation and Development.
- G. Notice shall also be provided to affected special or school districts, federal, state, county and regional agencies, any neighborhood or community organization recognized by the city council as having an interest in a land use or community development issues as they pertain to a particular neighborhood or to a community of interest within the city.
1. Such notice shall be transmitted a minimum of twenty (20) days prior to the date of the public hearing to allow affected agencies and departments sufficient time to comment on the proposed amendment;
 2. All agency and department comments received by the city shall be made a part of the hearing record and shall be considered during the hearing;
 3. Failure of an affected agency or department to receive notice of a public hearing on a proposed amendment to the comprehensive plan shall not invalidate a recommendation by the commission or a final decision by the council.
- H. If there is a conflict between the Notice Provision s of this section and the notice provisions as required by State Law, the most restrictive notice requirements shall be followed, as long as there is assurance that both local and state requirements shall be met.

Section 12.070. Explanation in Mailed Notice to Affected Property Owners. The notice of public hearing for those zoning actions specified in Section 12.060 which are provided to the applicant and to owners of property entitled to receive notice shall:

- A. Explain the nature of the application and the proposed use or uses which could be authorized.
- B. List the applicable criteria from the ordinance and the plan that apply to the application.
- C. Set forth the street address or other geographical reference to the subject property.
- D. State the date, time and location of the hearing.
- E. State that failure of an issue to be raised in a hearing, either in person or by letter, or failure to provide statements or evidence of sufficient specificity to afford the decision making body an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals based on that issue.
- F. Include the name and telephone number of the city staff person who can provide additional information.
- G. State that the application and all documents and evidence are available for inspection at city hall at no cost, and a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and that these materials will be provided at a reasonable cost.
- H. Include an explanation of the procedure for submission of testimony and for conduct of the hearing.

Section 12.080. Hearing Procedures.

- A. Public hearings shall be conducted in accordance with procedures approved by the City.
- B. At the commencement of a public hearing, a statement shall be made to those in attendance that:
 - 1. Lists the applicable criteria;
 - 2. States that testimony, arguments and evidence must be directed toward the criteria which applies to the decision or other criteria in the plan or land use regulation which the person testifying believes to apply to the decision; and;
 - 3. States that failure to raise and issue accompanied by arguments, statements or evidence sufficient to afford the decision maker and the parties involved in the case an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.
- C. All documents or evidence relied upon by the applicant shall be submitted to the city and be made available to the public at the time the mailed notice of the public hearing is provided.

- D. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the one hundred twenty (120) day time limit as specified in Section 12.100.
- E. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the one hundred twenty (120) day time limit in Section 12.100.
- F. When the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
- G. An issue which may be the basis for an appeal to the State Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the city council or planning commission and the parties an adequate opportunity to respond to each issue.

Section 12.090. Consolidation of Procedures.

- A. Except as provided in Section 12.090.B, decisions on land use actions which involve more than one application shall be handled under a consolidated review procedure in which:
 - 1. All applications shall be decided upon in one proceeding, and
 - 2. If any of the applications require city council action, the council shall take final action on all of the applications.
- B. Comprehensive plan map amendments and zoning map amendments which are based on submitted comprehensive plan map amendment proposals are not subject to the 120 day decision making period prescribed by state law. The city shall not be required to consolidate a plan map amendment with other applications unless the applicant requests the proceedings be consolidated and signs a waiver of the 120 day time limit.
- C. If the proceedings are consolidated:
 - 1. The notice of public hearing shall identify each action to be taken,
 - 2. The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions, and
 - 3. Separate action shall be taken on each application.

Section 12.100. Time Period for Decision Making. The city shall take final action on an application for a permit or a zone change, including the resolution of all appeals, within 120 days after the application is deemed completed, except:

- A. The period may be extended for a reasonable length of time at the request of the applicant.

- B. The 120-day time limit only applies to a decision wholly within the authority and control of the city.
- C. The 120-day time limit does not apply to an amendment to the zoning ordinance text or map if an amendment to the comprehensive plan text or map is also required.

Section 12.110. Public Works Standards.

- A. Unless specifically exempted or modified by another section of this ordinance, improvements to be installed within any public right-of-way, public utility easement, or as a part of the construction or development of a use authorized by this ordinance, whether as a use permitted outright, a conditional use, or a use subject to site plan review, shall comply with the city public works design standards adopted by Resolution No. 04-04, or any subsequent amendment.
- B. The city may require an applicant to enter into a development agreement with the City regarding the public improvements to be installed by the applicant as part of an approved development. The agreement may require the applicant to provide a performance guarantee or security, insurance certificates and indemnification, warranty bond and a financial deposit to cover the estimated costs for engineering review of plans, city inspection services and administrative and legal costs related to the project.

Section 12.120. Interpretation. The provisions of this ordinance shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

Section 12.130. Severability. It is hereby declared to be the intent of the City Council that;

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situations, the Ordinance shall not be affected.

Section 12.140. Permits and Certificates of Occupancy.

- A. No building or structure subject to any of the provisions of this ordinance shall be erected, moved, reconstructed, extended, enlarged or altered except upon first obtaining a permit to do so, upon compliance with this ordinance and all other applicable ordinances, state laws and regulations.
- B. Applications for permits required by this ordinance shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and

dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure or part thereof, the number of families to be accommodated if any, and such information as is needed to determine conformance with the provisions of this ordinance.

- C. Buildings within an approved development shall not be occupied until all provisions of this ordinance have been met, and the Zoning/Building Official and the City's Certified Building Official certify that all city and state requirements have been met and a certificate of occupancy is issued. Permanent water supply shall be provided to the development only after the Zoning/Building Official and the City's Certified Building Official certify that all city and state requirements have been met.

Section 12.150. Penalty. Any person who violates or fails to comply with any provision of this ordinance shall, upon conviction thereof, be deemed guilty of an infraction and shall be punished by a fine of not less than \$50.00 and not more than \$1,000, as determined by the Scio Municipal Court. It shall be the responsibility of the person violating this ordinance to abate the violation. A violation of this ordinance shall be considered a separate offense for each day the violation continues. (Ordinance 593 § (24), 2013)

Section 12.160. Repeal. Ordinance 466 "Zoning Ordinance of the City of Scio, Oregon," as amended, is hereby repealed.

Section 12.170. Emergency. Whereas, the City Council of the City of Scio considers it necessary that the foregoing ordinance be enacted for the protection of the peace, health and safety of the residents of the City of Scio, Oregon an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the City Council and its approval by the Mayor. (Ordinance 593 § (25), 2013)

ARTICLE 13 – PUBLIC FACILITIES

(Ordinance 609 § 2018)

Section 13.010	Purpose and Applicability
Section 13.020	Transportation Standards
Section 13.030	Public Use Areas and Parks
Section 13.040	Sanitary Sewer and Water Service Improvements
Section 13.050	Storm Drainage and Surface Water Management Facilities
Section 13.060	Utilities
Section 13.070	Easements
Section 13.080	Construction Plan Approval
Section 13.090	Facility Installation
Section 13.100	Performance Guarantee and Warranty

Section 13.010. Purpose and Applicability.

- A. **Purpose.** The standards of Chapter 13 implement the public facility policies of the City of Scio Comprehensive Plan and adopted City public facility master plans.
- B. **Applicability.** Chapter 13 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Plan Design Review, Conditional Use Permits, or for building permits where existing public facility improvements do not comply with city public works standards. All public facility improvements within the city shall occur in accordance with the standards and procedures of this chapter. When a question arises as to the intent or application of any standard, the City Manager shall interpret the Code.
- C. **Public Works Design Standards.** All public facility improvements, including, but not limited to, sanitary sewer, water, streets, bicycle/pedestrian facilities, parks, surface water and storm drainage facilities, whether required as a condition of development or provided voluntarily, shall conform to the City of Scio Public Works Design Standards (“Public Works Standards”). Where a conflict occurs between this Chapter and the Public Works Standards, the provisions of this Chapter shall govern.
- D. **Public Improvement Requirement.** No building permit may be issued until all required public facility improvements are in place and approved by the Public Works Superintendent, or otherwise bonded, in conformance with the provisions of this Chapter and the Public Works Standards. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.
- E. **Completion of Public Improvements Prior to Issuance of a Certificate of Occupancy.** All required public improvements must be completed in

accordance with the requirements of this Chapter prior to the issuance of a final certificate of occupancy for any structure on the subject site. Where landscaping, screening or other improvements are required pursuant to this Chapter, all such improvements must be installed and approved by the City Manager or designee prior to occupancy.

Section 13.020. Transportation Standards

A. General Requirements

1. Except as provided by subsection 5, below, existing substandard streets and planned streets within or abutting a proposed development shall be improved in accordance with the standards of Chapter 13 as a condition of development approval.
2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to Section 13.020, and shall be constructed consistent with the City of Scio Public Works Design Standards. The City Engineer may approve design modifications to fit existing conditions, right-of-way widths, address safety concerns or any other limitations which make the application of the adopted city public works design standards impractical for the development site.
3. All new streets shall be contained within a public right-of-way. Public access ways (e.g., pedestrian ways or sidewalks) may be contained within a right-of-way or a public access easement, subject to review and approval of the City Engineer.
4. The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.
 - a. When a Traffic Impact Analysis is Required. The City Manager, after consultation with the City Engineer, or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access.
 - b. A TIA may be required to address one or more of the following issues:
 - 1) Operational or safety concerns documented in writing by a road authority;

- 2) An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 - 3) An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - 4) An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
 - 5) Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
 - 6) A change in internal traffic patterns that may cause safety concerns; or
 - 7) A TIA required by ODOT pursuant to OAR 734-051.
- c. Traffic Impact Analysis Preparation. A professional transportation traffic engineer registered in the State of Oregon shall prepare the TIA, in accordance with the requirements of the City Engineer and/or road authority.
 - d. In lieu of a TIA, the City may require the applicant submit a Traffic Assessment Letter prepared by a professional traffic engineer registered in the State of Oregon.
5. The City Manager may waive or defer standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (a) through (d) is met.
 - a. The standard improvement conflicts with an adopted capital improvement plan.
 - b. The standard improvement would create a safety hazard.
 - c. It is unlikely due to the developed condition of adjacent property that the subject street improvement will be extended in the foreseeable future (within the next 10 years), and the street improvement under consideration does not by itself significantly improve transportation operations or safety.
 - d. The street improvement under consideration is part of an approved partition and the proposed partition does not create any new street.

Where the City agrees to defer a street improvement, it shall do so only where the property owner executes and records in the Linn County Deed Records a deferral agreement that states the property owner will not remonstrate against the formation of a local improvement district and the property owner will pay the property owner's proportionate share of the costs of the required public improvements within the right-of-way.

B. Street Location, Alignment, Extension, and Grades.

1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans and pursuant to subsection 13.020.D Transportation Connectivity and Future Street Plans.
2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
3. Grades of streets shall conform as closely as practicable to the original topography to minimize grading and to achieve a balanced cut and fill, as required by Scio Ordinance No. 536.
4. New streets and street extensions exceeding a grade of 12 percent over a distance of more than 200 feet, to the extent practicable, shall be avoided. Where such grades are unavoidable, the City Engineer may approve an exception to the 200-foot standard and require mitigation, such as a secondary access for the subdivision, installation of fire protection sprinkler systems in dwellings, or other mitigation to protect public health and safety.
5. Where the locations of planned streets are shown on an adopted local street network plan, the development shall implement the street(s) shown on the plan.
6. Where required local street connections are not shown on an adopted local street network plan or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties.
7. Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Chapter. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
8. Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow

continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

- C. Rights-of-Way and Street Section Widths. The standards contained in Table 13.020.C are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties. Where a range of street width or improvement options is indicated, the City Engineer shall determine requirements based on the following factors:
1. Street classification and requirements of the roadway authority, if different than the City's street classifications and requirements;
 2. Existing and projected street operations relative to applicable standards;
 3. Safety of motorists, pedestrians, bicyclists including consideration of accident history;
 4. Convenience and comfort for pedestrians and bicyclists;
 5. Provision of on-street parking;
 6. Placement of utilities;
 7. Street lighting;
 8. Slope stability, erosion control, and minimizing cuts and fills;
 9. Surface water management and storm drainage requirements;
 10. Emergency vehicles or apparatus and emergency access, including evacuation needs;
 11. Transitions between varying street widths (i.e., existing streets and new streets); and
 12. Other factors related to public health, safety and welfare.

Table 13.020.C
Street Design Standards for the City of Scio

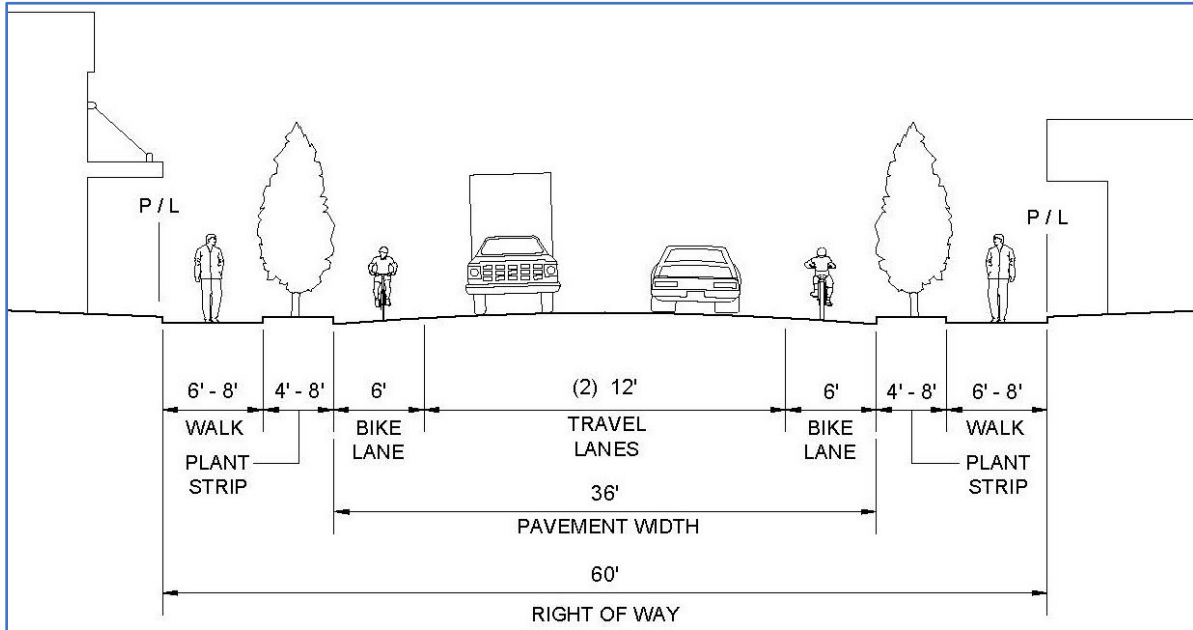
Type of Street	Figure #	Ave. Daily Trips	Right of Way Width	Pave-ment Width	Travel Lanes	Bike Lane	On-street Parking	Planting Strip	Side-walks
Minor Arterial ODOT Hwy 226	1	>2,500	60'	36'	(2) 12' lanes	(2) 6' lanes	None	4'-8'	5'-8' Both sides
Linn County Minor Arterial Curbed	2	500-2,500	60'-70'	50'	(2) 12' lanes	(2) 6' lanes	(2) 7' lanes	5' both sides on 70' ROW	5' both sides
Linn County Collector Curbed	3	500-2,500	60'	41'-43'	(2) 11'-12' lanes	(2) 6' lanes	(1) 7' lane one side	3'-5' both sides	5' both sides
Linn County Collector Turnpike Style	4	500-2,500	60'	36'	(2) 12' lanes	(2) 6' lanes	None	4'-8' grassy swale both sides	5' Both sides**
Scio Collector Curbed	5	500-2,500	60'	32'-36'	(2) 9'-11' lanes	None	(2) 7' lanes	5'-7' both sides	5' Both sides
Scio Local Street Curbed	6	<1500	60'	28'-36'	(2) 7'-11' lanes	None	(2) 7' lanes	7'-11' both sides	5' Both sides
Scio Local Street Turnpike	7	<1000	50' - 60'	28'-32'	(2) 7'-9' lanes	None	7' lanes both sides	4'-11' grassy swale both sides	5' Both sides
Cul-de-sac	None	<1000	50'	32'-36' Bulb Radius = 48'	(2) 7'-10' lanes	None	7' lanes both sides	None	5' Both sides
Alleys	None	<250	20'	12'-16'	(1) 12'-16' Lane	None	None	None	None
Pathways / Recreational Trails	8	NA	20' - 30'	6'-12'	NA	NA	NA	NA	NA

*All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a park strip is provided it shall consist of a minimum 4' to 8' wide strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO PARKING.

The following cross-sections are provided for information purposes. They are provided as a guide during the land use and development process. Contact ODOT and Linn County Roads for current design standards and requirements.

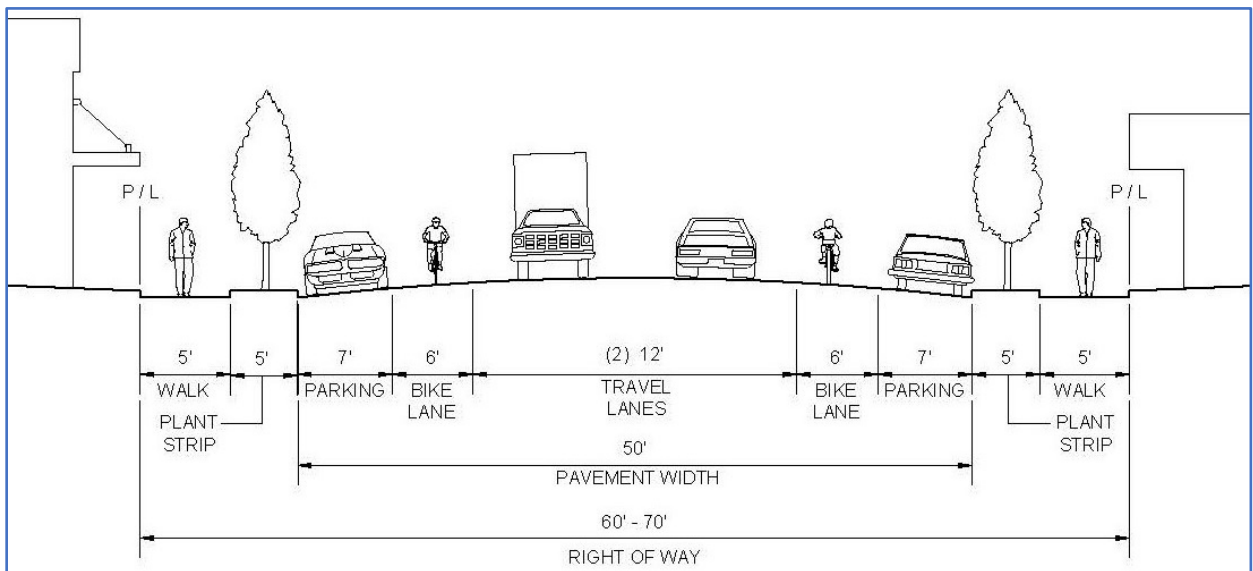
**Figure 1 – ODOT Highway 226
Curbed Minor Arterial – State Highway**

Contact the Oregon Department of Transportation for Current Design Standards



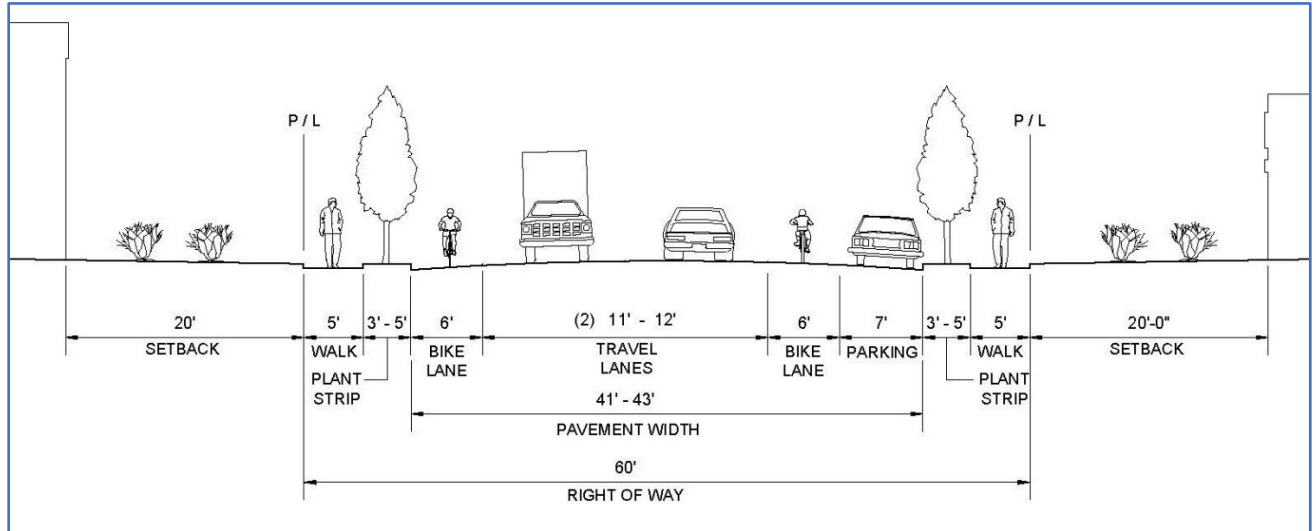
**Figure 2 – Linn County
Curbed Minor Arterial and Major Collector Street**

NW Main Street, NE & NW 4th Street and Stayton-Scio Road
Contact the Linn County Roads Department for Design Standards



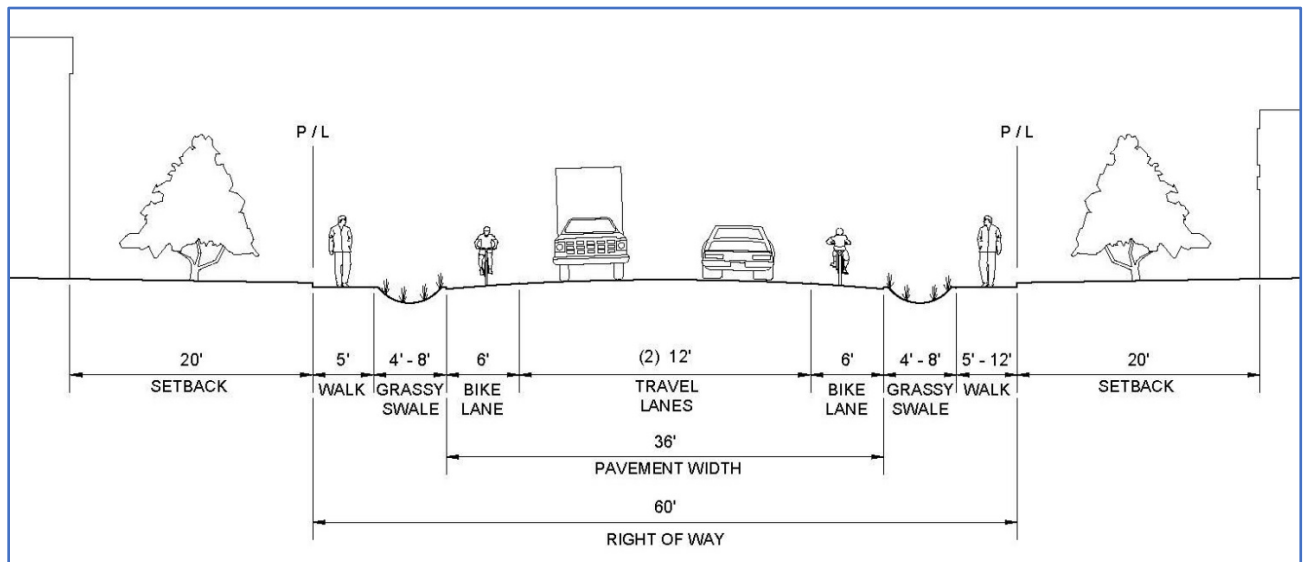
**Figure 3 – Linn County Roads
Curbed Collector Street Section**

NW 4th (Main Street to NW Beech St.) and Robinson Drive (Cherry Street to west UGB)
Contact the Linn County Roads Department for Design Standards on County Roads

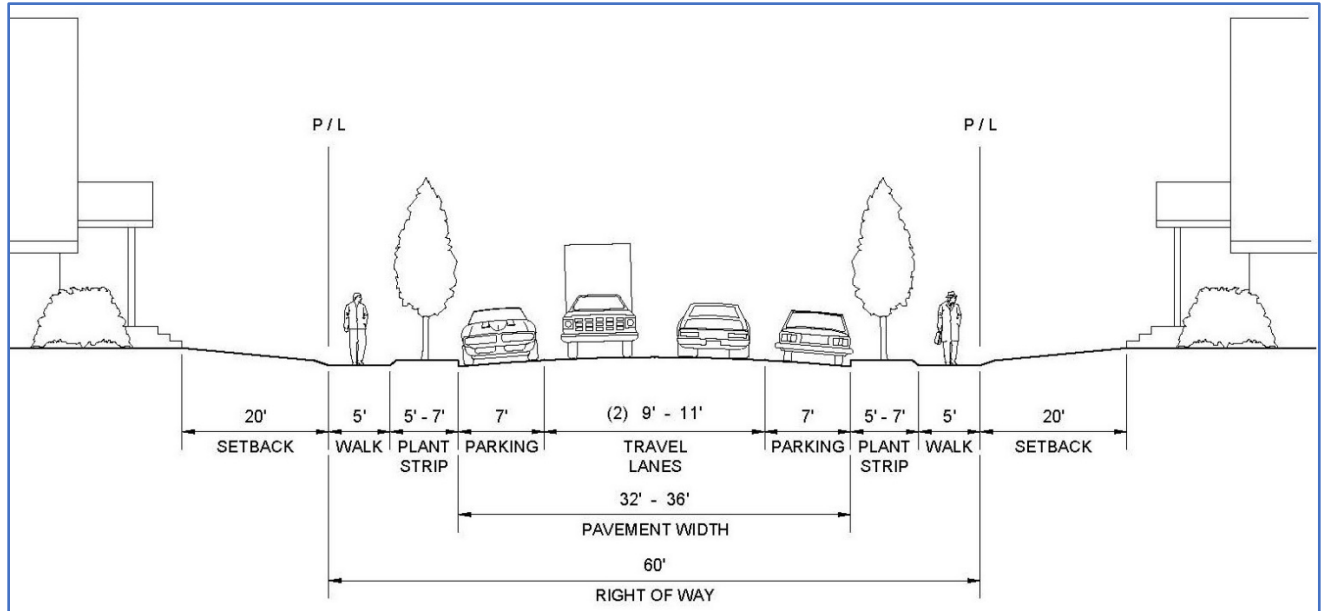


**Figure 4 - Linn County Roads
Turnpike Style Minor Arterial and Major Collector Street Section**

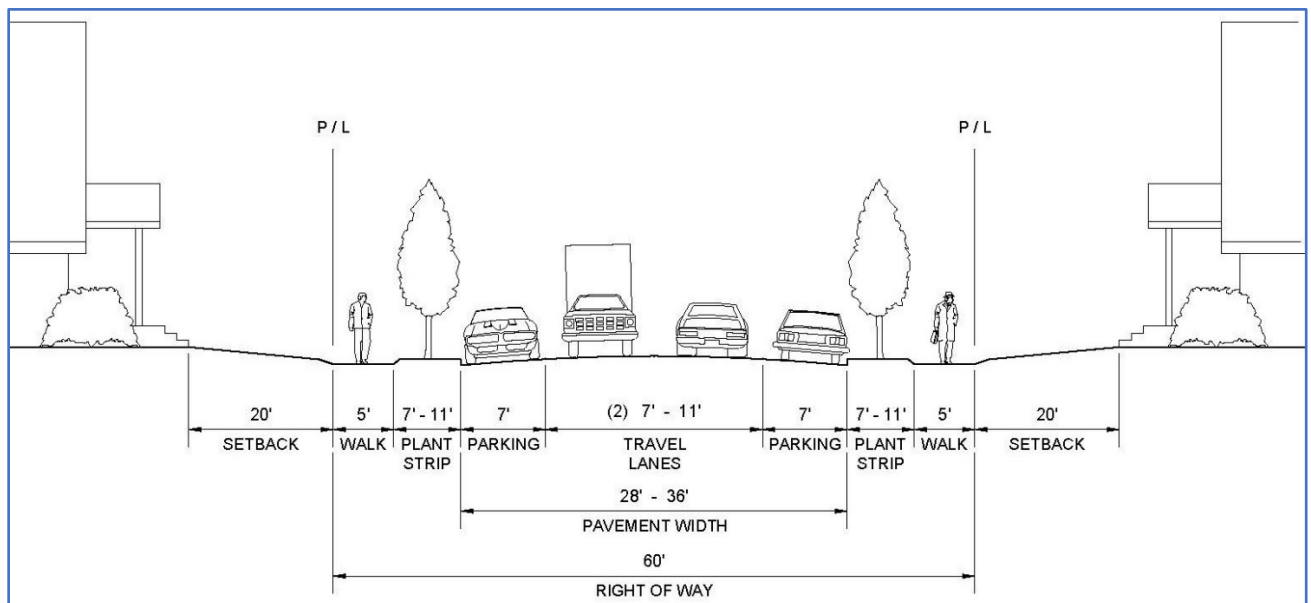
Minor Arterial (Stayton-Scio Road – east of Scio High School east entry drive)
Major Collector (Jefferson-Scio Road – west of NW Beech Street)
Contact the Linn County Roads Department for Design Standards on County Roads



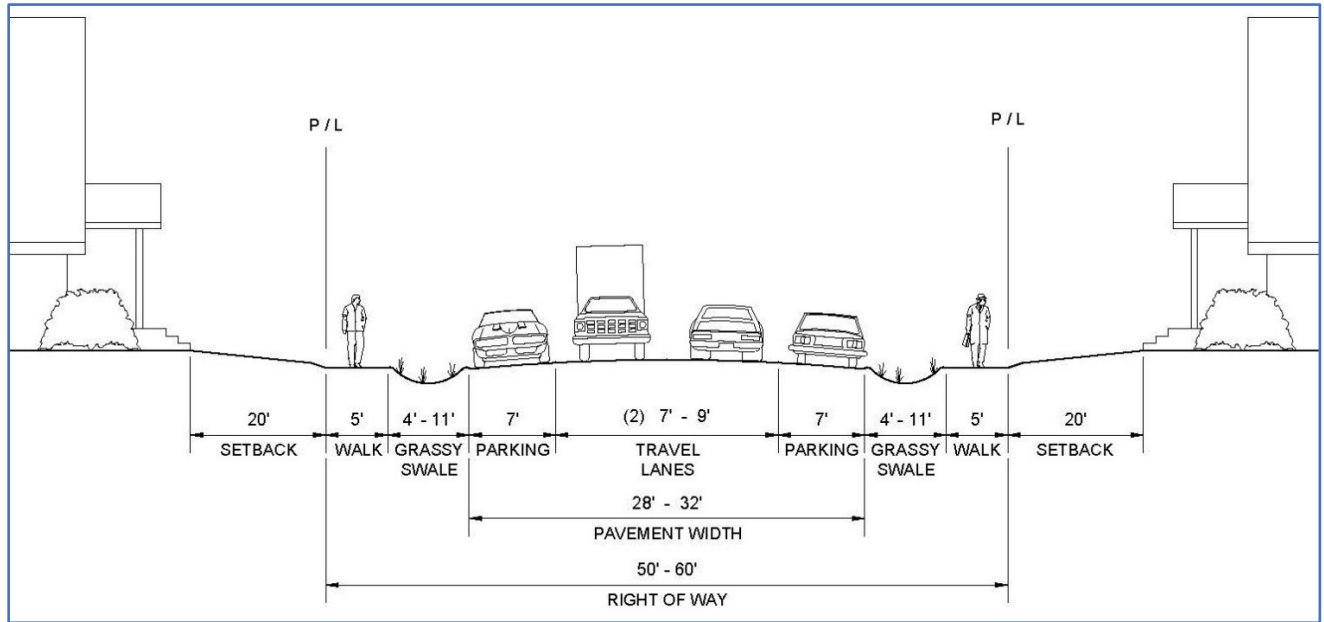
**Figure 5 – City of Scio Collector
Curbed Street**



**Figure 6 – City of Scio Local Street
Curbed Street**

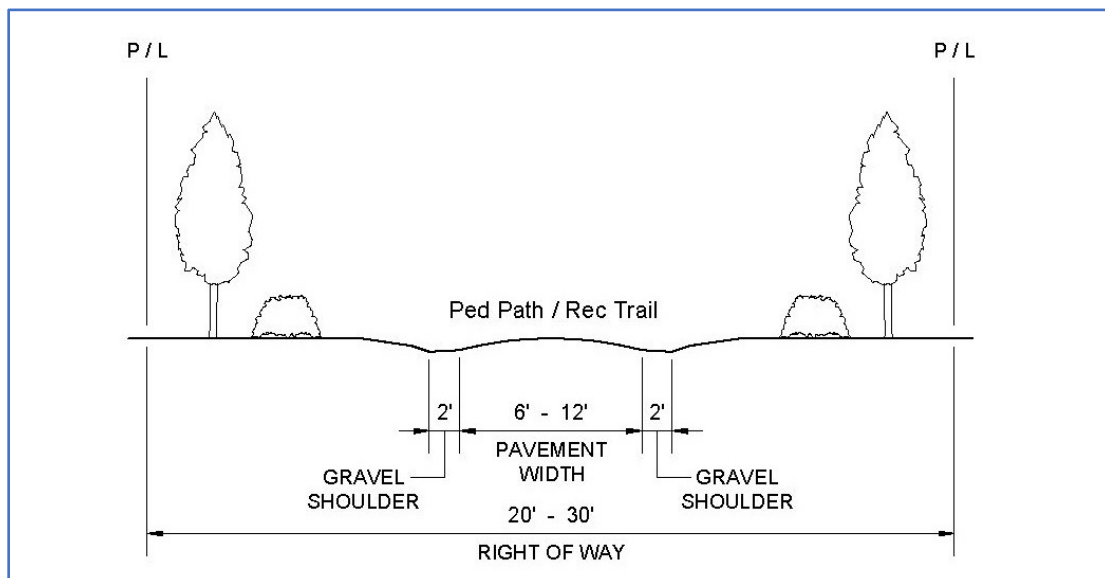


**Figure 7 – City of Scio
Local Street
Turnpike Style**



Note: Certain areas of the City may be better served by “turnpike” style streets. Locations (1) without curbs and gutters, or (2) where there is not a piped drainage system or (3) due to existing elevation differences between streets and adjacent properties. The City has identified these “turnpike” style streets on Map 13.1 – City of Scio Future Street Plan Map.

**Figure 8 – City of Scio
Pedestrian Path /
Recreational Trail**



- D. Transportation Connectivity and Future Street Plans. The following standards apply to the creation of new streets:
1. Intersections. Streets shall be located and designed to intersect as nearly as possible to a right angle (90 degrees). All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection. No more than two streets shall intersect, i.e., creating a four-legged intersection, at any one point. Street jogs and intersection offsets of less than 200 feet are not permitted. Intersections shall be designed to facilitate storm water runoff into City-approved storm water facilities.
 2. Pedestrian/Bicycle Access Ways. The Planning Commission, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than 25-foot wide and shall contain a minimum six-foot wide paved surface or other all-weather surface approved by the City Engineer. Access ways shall be contained within a public right-of-way or public access easement, as required by the City. All pedestrian/bicycle access ways shall comply with American with Disabilities Act design standards.
 3. Connectivity to Abutting Lands. The street system of a proposed subdivision shall be designed to connect to existing, proposed, and planned streets adjacent to the subdivision. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the City deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.
 4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by an interconnected street network, pursuant to the standards in subsections (a), (b) and (c) below. Block distances are measured from the edge of street rights-of-way.
 - a. Residential Zones: Minimum of 200-foot block length and maximum of 600-foot length;
 - b. Downtown Commercial Zone (NW Main Street, Hwy 226 and SE 1st Avenue): Minimum of 200-foot length and maximum of 400-foot length;
 - c. All Other Zones: Minimum of 200-foot length and maximum of 1,000-foot length.

5. Cul-de-sacs. A cul-de-sac street shall only be used where the Planning Commission determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where a cul-de-sac is allowed, all of the following standards shall be met:
- a. The cul-de-sac shall not exceed a length of 400 feet, except where the Planning Commission determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
 - b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Chapter and the standards of Table 13.020.C.
 - c. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to Section 13.020.D(2).

6. Future Street Plan.

- a. City of Scio Future Street Plan. The Transportation chapter of the Scio Comprehensive Plan includes a street plan which shows existing streets and future street locations. The City of Scio Future Street Plan is included as Map 13.1. Implementation of the street plan will facilitate orderly development and provide an interconnected street and pedestrian system. The street plan is binding, unless the Planning Commission approves a modification to the plan as part of the review of the applicant's development proposal.
- b. Any subdivision or site development plan must comply with the Scio Future Street Plan and demonstrate the proposed development does not preclude future street extensions or connections to adjacent developable
- c. Unless waived by the City Manager, any application for a subdivision or site development plan, that is adjacent to any vacant or developable land, will include a future street plan. The future street plan shall show the existing streets, proposed future streets within the development site and future off-site street extensions or connections to all developable land within 600 feet of the development site.

Proposed Future Street Improvements

Legend:

- Safe Routes to School Sidewalk
- Curb & Sidewalk
- Full Street
- Full Improvements
- Turnpike Style
- Urban Growth Boundary
- City Limits

Scale: 0 to 1,500 Feet

Map Created 02/27/2018.
Data Provided by the City of Scio and Linn County.

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the suitability of the information.

- E. Engineering Design Standards. Street design shall conform to the standards of the applicable roadway authority; for City streets that is the City of Scio Public Works Design Standards. Where a conflict occurs between this Chapter and the Public Works Standards, the provisions of this Chapter shall govern.
- F. Fire Code Standards. Where Fire Code standards conflict with City standards, the City shall consult with the local fire chief and/or the Fire Marshal in determining appropriate requirements. The City shall have the final determination regarding applicable standards.
- G. Substandard Existing Right-of-Way. Where an existing right-of-way adjacent to a proposed development is less than the standard width and/or if dedication is needed for a turn radius, the City may require the dedication of additional rights-of-way at the time of subdivision, partition or site development pursuant to the standards in Table 13.020.G and as shown on Map 13.2 “Streets with Substandard Right-of-Way”.

In cases where an existing street ROW width is less than the standard in Table 13.020.G, the City Manager will consult with the City Engineer and determine if a ROW dedication will be required by the City. Findings in the development approval shall indicate how the required ROW dedication relates to and is roughly proportional to the impact of development.

- H. Traffic Calming. The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, speed tables, speed humps, or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
- I. Sidewalks, Planter Strips, and Bicycle Lanes. Except where the Planning Commission or City Council grants a deferral of public improvements, sidewalks, planter strips, and bicycle lanes shall be installed concurrent with development or widening of new streets, pursuant to the requirements of this chapter. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.
- J. Street Names. No new street name shall be used which will duplicate or be confused with the names of existing streets in the City of Scio or vicinity.
 - 1. East-West Streets. East-West streets will be consecutively numbered.
 - 2. North-South Streets: North-South streets will be named for trees commonly found in the Pacific-Northwest. Street names will be listed in alphabetical order beginning at Main Street (Hwy 226).
- K. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.

Table 13.020.G
City of Scio – Streets with a Substandard Right-of-Way Width

City of Scio Streets with Substandard Right-of-Way Width and Need ROW Dedication								
A	B	C	D	F	E	G	H	I
	Street	Segment	Jurisdiction (Other than City)	Existing ROW Width	Recommended ROW Width	ROW Dedication Needed	ROW Dedication from each side of street	Notes
North of Thomas Creek								
NE	1st Avenue	Ash to TL 900		40'	40'	10'-20'	TBD	MUSEUM owns 20' wide TL 1004 for parking. City owns Chapin Park. If City extends NE 1st to east acquire needed ROW to install curbs & sidewalks.
NW	1st Avenue	Main to Cherry		54'	60'	6'	TBD	No ROW acquisition recommended. TBD at time of redevelopment for sidewalks on south side.
NW	2nd Avenue	Main to Alder		36.5'	40'	3.5'	TBD	TBD at time of redevelopment for sidewalks
NW	2nd Avenue	Alder to Beech		33'	40'	7'	TBD	TBD at time of redevelopment for sidewalks
NW	2nd Avenue	Beech to Cherry		33' + 3'	40'	4'	TBD	TBD at time of redevelopment for sidewalks
NW	4th Avenue	Cherry to west end		38'	50'	12'	6'	Acquire at time of redevelopment
NW	Cherry	Well site to 1st		32'	36'-40'	4'-8'	4'-8'- west	Acquire land for sidewalks on west side at time of redevelopment. Not feasible until house demolished.
NW	Cherry	NW 1st to 2nd		32'	40'	8'	TBD	Acquire at time of redevelopment. Provide for sidewalk extension on one-side of the street from 2nd north to 4th Street.
NW	Cherry	2nd to 4th		32'	40'	8'	TBD	TBD at time of redevelopment. Design street for sidewalk extension north from Centennial Elementary School to 2nd Street.
NW	Garden Drive	Jefferson-Scio Rd. to City Limits	Linn County	40'	50'	10'	5'	
	Robinson Drive	Cherry to city limits in ballfield	Linn County	54'	60'	6'	6' -south	6' south side for future sidewalk to rec fields
	Robinson Drive	Ballfield to UGB	Linn County	60'-80'	60'		TBD	Linn County to set ROW Width
South of Thomas Creek								
	Hwy 226 (S. Main)	Thomas Creek Bridge to UGB	ODOT	60' to 80'	60'		TBD	Consult with ODOT at time of redevelopment.
	Hwy 226 (SE 1st)	Hwy 226 (S. Main) to UGB	ODOT	60'	60'		TBD	Consult ODOT near 1st & Hwy 226 intersection to provide for truck turning motions.
SW	6th Avenue	Hwy 226 to Cherry	City & County	50'	60'	10'	5'	
SW	6th Avenue	Cherry to Dogwood	City & County	55'	60'	5'	5' - south	
SW	6th Avenue	Dogwood to Filbert (2 lots)	City & County	50'	60'	5'-10'	5'	
SW	6th Avenue	Filbert to City Limits	City & County	55'	60'	5'	5' - south	
SW	6th Avenue	City Limits to UGB	Linn County	50'	60'	10'	5'	
SW	Cherry	north end to 4th		50'	60'	10'	5'	
SW	Cherry	4th to 6th		55'	60'	5'	5' - east side	TBD at time of redevelopment. 5' for sidewalks

- L. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- M. Streetlight Standards. Streetlights shall be relocated or new lights installed, as applicable, with street improvement projects, at the sole cost of the developer. Streetlights shall conform to City standards, or the requirements of the roadway authority, if different than the City.
- N. Mail Boxes. Mailboxes shall conform to the requirements of the United States Postal Service and the State of Oregon Structural Specialty Code. The City of Scio has adopted a clustered mailbox design standard. The developer is responsible for installation of mailboxes at the sole cost of the developer.
- O. Street Cross-Sections. The final lift of pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the City Engineer.
- P. Reserve Strips. Reserve strips or street plugs controlling access to streets shall be required when necessary to insure street extensions and the widening of half streets. The reserve strip shall normally be one foot in width and under the ownership of the City.
- Q. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such a tract. Reserve strips and street plugs are required to preserve the objectives of half streets.
- R. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.
- S. Access.
1. ODOT Permits. Whenever a proposed development abuts Oregon Hwy 226, the developer shall obtain all required access approach permits and construction permits from the Oregon Department of Transportation.
 2. Linn County Permits. Whenever a proposed development abuts Stayton-Scio Road, Jefferson-Scio Road, NW 4th (Main to Beech), SW 6th Street, Hamilton Way, Garden Drive, Robinson Drive (Cherry to UGB) or other road under Linn County jurisdiction, the developer shall obtain all required access approach permits and construction permits from the Linn County Roads Department.

Section 13.030. Public Use Areas and Parks

- A. Dedication of Public Use Areas. Where an essential public facility (e.g. general government building, school, water, sewer, street and/or storm drainage facility) shown in a plan adopted by the City, is located in whole or in part on a development site the City may require the dedication or reservation of this area on the final plat of a land division or a development plan. The City may purchase or accept voluntary dedication or reservation of areas for the public uses, however, the City is under no obligation to accept such areas offered for voluntary dedication or sale.
- B. Land for Public Park, Open Space or Greenway. The provision of public open spaces for schools, parks, and playgrounds is essential for the sound development of residential areas. The Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks, public utility facilities, or other public purposes. Dedication may be either by exchange of ownership or through conservation easement or similar device. Areas along Thomas Creek may be more suitably handled through conservation easement whereby areas along the stream can be set aside as open space to maintain riparian areas as habitat and where streamside pathway development may be provided.

Any subdivision or site development plan for a residential development site, where the site is 2.0 gross acres or larger in size, shall designate an area of not less than 5% of the project site for a public park, open space or greenway.

1. Where the development site is adjacent to an existing public park, school, greenway, open space or publicly owned property, the proposed park shall be contiguous to or connected to the existing public property.
 2. Where a proposed public park, greenway or open space area is shown in a plan adopted by the City is located in whole or in part in a development site, the City may require the dedication or reservation of this area.
 3. For a residential development that is smaller than 2.0 gross acres, the City may require dedication of not less than 5% of the project site for a greenway, open space or public park if the development site is located adjacent to an existing school, park, greenway, open space or sensitive land (wetlands, flood plain, etc.) and the City concludes the dedication is a logical addition to the existing public property.
- C. Standard for Dedication of a Public Park, Greenway and/or Open Space. The area proposed for dedication as a public park, greenway or open space shall be based on a standard of 5.0-acres of park land per 1,000 residents. The park land dedication shall be proportional to the impact of the residential development project.

Section 13.040. Sanitary Sewer and Water Service Improvements.

- A. Sewers and Water Mains Required. All new development is required to connect to City water and sanitary sewer systems. Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted facility master plans and applicable City of Scio Public Works Design Standards. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except if an alternate alignment(s) is approved by the City Engineer which allows for extension beyond the applicant's property.
- B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards. The City may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.
- C. Over-Sizing. The City may require as a condition of development approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.
- D. Inadequate Facilities. Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

Section 13.050. Storm Drainage and Surface Water Management Facilities

- A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water runoff have been made in conformance with the City's Storm Drainage Master Plan and/or the City of Scio Public Works Standards.
- B. Stormwater Analysis and Report. At the time a land use application is filed with the City for a land division or a new site development, the applicant shall provide a drainage impact analysis for City review, unless waived by the City Manager. The analysis shall include a preliminary stormwater management plan, preliminary calculations, and a narrative which identifies the impacts the "new development" will have on existing stormwater systems. The narrative shall include the following:
 - 1. A brief description of existing and developed conditions including net impervious surface area calculations.
 - 2. The proposed facilities necessary to comply with the stormwater quality (pollutant reduction) requirements.

3. The proposed facilities necessary to comply with the stormwater quantity (flow control) and storm water detention requirements, including the preliminary pre-development and post-development stormwater runoff flow rates.
 4. The method of discharging stormwater offsite and any anticipated design provisions needed to control the velocity and direction of the discharge in order to minimize damage to receiving systems or water bodies.
 5. A list of any federal or state permits required for the project.
 6. A description of actions taken to comply with the City of Scio TMDL plan.
- C. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
- D. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- E. Over-Sizing. The City may require as a condition of development approval that storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan.
- F. Existing Watercourse. Where a proposed development is adjacent to or traversed by a watercourse, drainage way, channel, or stream, the City may require the property owner to provide a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety. If a storm drainage easement exists for Peters Ditch or another water course, the property owner will show the boundaries of the existing easement on the site plan and provide evidence of the easement to the City.
- G. Maintenance of Storm Water Management Facilities. The property owner is responsible for the on-going operation and maintenance of all private on-site storm sewers, drainage facilities, storm water retention/detention basins and water quality facilities and for the continuous maintenance of any storm drainage channel or water course that traverses the property.
- H. Flood Plain. If the property is located in the 100-year flood plain, the applicant will obtain any required flood plain development permit and comply with the City's flood plain management ordinance.

- I. Balanced Cut & Fill. All land divisions and site developments in the City of Scio are required to comply with the City of Scio Fill and Excavation Ordinance, which requires any development site to have balanced cut and fill.

Section 13.060. Utilities

The following standards apply to new development where the extension of electric power, natural gas or communication lines is required:

- A. General Provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.
- B. Underground Utilities.
 1. General Requirement. The requirements of the utility service provider shall be met. All utility lines in new developments, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the City Manager, in consultation with the City Engineer, determines that placing utilities underground would adversely impact adjacent land uses. The City may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.
 2. Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.
 - b. The City Engineer reserves the right to approve the location of all surface-mounted facilities.
 - c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- C. Exception to Undergrounding Requirement. The City Manager, in consultation with the City Engineer, may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

- D. Easements for Utilities. The City or the utility provider may require the recording of a utility easement for a utility located on private property.

Section 13.070. Easements

- A. Provision. The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.
- B. Standard. Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the City of Scio Public Works Design Standards.
- C. Recordation. All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable.

Section 13.080. Construction Plan Approval

- A. Pre-Construction Survey: When required by either the City Engineer, Linn County Roads Department and/or the Oregon Department of Transportation, a pre-construction survey will be submitted and approved by the road authority.
- B. Construction Plan Approval and Payment of Required Fees to the City. No development, including sanitary sewers, water, streets, parking areas, buildings, or other development, shall be undertaken without plans having been approved by the City of Scio, permit fees and deposits paid, and permits issued. Permit fees and a 5% deposit, based on the estimated construction cost of the proposed public improvements, are required to defray the cost and expenses incurred by the City for plans reviews, engineering review, public works construction permit issuance, consultant and legal fees, inspections, utility installation and other services in connection with the improvement. The City of Scio's land use and public works fees are set by City Council resolution.
- C. Plan Approval by Other Agencies. The applicant is responsible for obtaining required permits and payment of fees to other government entities and agencies which have regulatory authority for the project. Upon request, the developer will provide copies of approved permits to the City.

Section 13.090. Facility Installation

- A. Conformance Required. Improvements installed by the developer, either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards. The City of Scio has adopted Public Works Design Standards for public improvements and private utility installation within the public right-of-way.

- C. Commencement. Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.
- D. Resumption. If work is discontinued for more than six months, it shall not be resumed until the City Engineer and/or the Public Works Superintendent is notified in writing and the City grants written approval of an extension.
- E. City Inspection. Improvements shall be constructed under the supervision and inspection of the developer's design engineer. In addition, the Public Works Supervisor and/or the City Engineer will inspect work to ensure compliance with the City's public works design standards and terms of the public works construction permits. After construction plans are approved by the City, the applicant can request and the City Engineer or his designee may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Substantive changes to an approved subdivision layout or approved site development plan may be subject to review by the Planning Commission and/or a new engineering review by the City Engineer. Any survey monuments that are disturbed before all improvements are completed by the developer or subdivider shall be replaced and a post-construction survey filed with the Linn County Surveyor prior to final acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans.
 - 1. Engineer's Certification of Completion. A registered civil engineer shall provide a letter to the City certifying that all improvements, workmanship, materials, monument replacement and post-construction surveys have been completed and are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, prior to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance.
 - 2. As-Built Plans. The developer's engineer shall provide an electronic file and two printed sets of "as-built" plans for permanent filing with the City of Scio Public Works Department and the City Engineer.
 - 3. Warranty Bond. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section 13.100.

Section 13.100. Performance Guarantee and Warranty

- A. Performance Guarantee Required. The City at its discretion may approve a final plat or building permit when it determines the public improvements required for the site development or land division, or phase thereof, are complete or the applicant has provided the City with a financial security which guarantees the completion of the required improvements. The applicant shall provide a performance bond issued by a surety authorized to do business in the state of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of financial security acceptable to the City.
- B. Determination of Sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the

improvements and repairs, including related planning, legal and engineering review and inspection costs, plus incidental expenses and reasonable inflationary costs. The assurance shall not be less than 125% percent of the estimated improvement costs.

- C. Itemized Improvement Estimate. The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. Agreement. If required by the City, a written development agreement between the City and applicant shall be signed and the City may require the agreement be recorded in the County Deed Records, as a deed covenant on the real property. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:
 - 1. The period within which all required improvements and repairs shall be completed;
 - 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the developer;
 - 3. The required improvement fees and deposits or performance guarantee. The amount shall be sufficient to cover all costs in Section 13.100.B.
- E. When Applicant Fails to Perform. In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, letter of credit or other financial security for reimbursement.
- F. Termination of Performance Guarantee. The applicant shall not cause termination, nor allow expiration, of the guarantee without first securing written authorization from the City.
- G. Warranty Bond. A warranty bond good for one year is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal 30 percent of the total cost of improvements and begin upon acceptance of said improvements by the City.

Ordinance No. 561, enacted November 14, 2005

Ordinance No. 573, enacted February 23, 2009

Ordinance No. 578, enacted June 14, 2010

Ordinance No. 593, enacted July 8, 2013

Ordinance No. 594, enacted February 24, 2014

Ordinance No. 595, enacted February 24, 2014

Ordinance No. 609, enacted July 9, 2018