



SCIO CITY COUNCIL MEETING MINUTES  
MONDAY September 9, 2019

**COUNCIL PRESENT:** Councilors Karen Eckhart, Joey Ferguson, Tom Gray, Tom Meyer, Debbie Nuber, Dennis Thomas, and Chadd Weaver.

**STAFF PRESENT:** City Manager Ginger Allen, City Attorney Tre' Kennedy and Administrative Assistant Cathy Martin. Planning Consultant Dave Kinney, City Engineer Ryan Quigley

**CALL TO ORDER:** Mayor Weaver called the Regular Session of the Scio City Council to order at 6:00 P.M. at Scio City Hall, followed with the flag salute.

Audience: Mike Jones, Susan Yoder-Guardipee, Pat Schrunk, Dean Schrunk, Laurie LaBrasseur, Nadji Vogel, Sandy Baggett, Adam Whalen, Karen Borchard, Katrina Clouse, Roger Loewen, Trey Jinright, Jennifer Nylander, Roger Gaither, May Garland, Cliff Wooten, Jack Lowers, Scott Parker, Melodee Scofield, Mike Scofield, Kyndra Kumbraskas, Wolfgang Borchard, Rosemary Koehn

**ROLL CALL:** Roll call was taken with all members present.

**APPROVAL OF CONSENT AGENDA:** Weaver asked for comments. Dennis Thomas stated that having not been at the previous meeting he would not be voting on this matter. There were no other comments.

***Councilor Ferguson moved, Councilor Eckhart seconded, to approve the Consent Agenda as presented. Motion passed 5/0/1 with Dennis Thomas abstaining.***

**CORRESPONDENCE:** None

**PRESENTATIONS:**

- **Scio Veterans Memorial Park – Presented by Karen Borchard-Isaac, Pres. Of Linn County Lamb & Wool Fair Board** – Ms. Borchard-Isaac stated that due to the lack of volunteers, the Lamb and Wool Fair Board has been unable to stay within the Scio Memorial guidelines of the meaning behind the Scio monument. Karen pointed out that the five columns represent the five branches of service; the former palm trees representing WWII and the former bamboo represented the Vietnam and Korean conflict. Spiral trees are to represent ongoing life. She also turned over an information binder, which contains the names represented on the memorial bricks, 549 at this time; and a check for \$883.18 for the balance held in the Memorial Bank Fund. Ms. Allen stated that on behalf of the city she would like to thank the people who had taken care of the Memorial Park and stated that the Scio City Council directed staff to reach out to the Lamb and Wool Fair and assist with the preservation of the park.

- **Linn County Sheriff's Report – Presented by Sgt. Greg Klein, Linn County Sheriff** – Sgt. Klein reported on the monthly report for August 2019. An error was in the report, there was a total of 76 hours in Scio. Ms. Allen asked about the sheriff's department staffing. Klein indicated that within this fiscal year the department hopes to be fully staffed.

## **REGULAR SESSION:**

1. **Comprehensive Plan Amendment and Zone Change Deliberation and Decision Continued – Presented by: Dave Kinney, Scio Planning Consultant** – Mayor Weaver asked City Attorney Kennedy to make opening remarks.

Kennedy stated that at the conclusion of the public hearing held during the of August 14, 2019 council meeting, the record was held open for one week for anyone wishing to submit written testimony regarding the application. In turn-the applicant was then given an additional week for the opportunity to provide a rebuttal and any addition written comments.

Kennedy then asked the council to declare any ex parte contact, conflicts of interest or bias that may have occurred since the August meeting.

Councilor Ferguson stated that she had a discussion with a neighbor. She stated that the conversation was a recap of the August 14, 2019 meeting and about the procedure that the council had to follow in making a decision. Kennedy asked if anything in the conversation would prevent her from making an unbiased decision. She said that it would not.

Councilor Thomas had stated that he would not participate in the discussion or vote as he was not present for the previous meeting.

Dave Kinney, Planning Consultant, presented a recap of the application process. The Planning Commission held a public hearing in June. On July 17<sup>th</sup> the planning commission recommended that the council approve the application and rezone the property to commercial. The Planning Commission directed the planning consultant to modify the staff report and the findings to reflect their decision. The Planning Commission's staff report was then presented to the city council at the August 14<sup>th</sup>, 2019 meeting where a de novo review took place. At the end of the public hearing, the council closed the hearing for oral testimony, leaving the record open for 1 week for the submittal of written testimony. The city received seven letters from local residents plus a letter from the attorney representing Hix Snedecker Development. The applicant was then given an additional week to submit any rebuttal to the written testimony. The City received an email from Trey Jinright. All of these items were included in the September 9, 2019, council packet. Kennedy then discussed the key items that were identified during the public hearing and the written testimony. These were: Wetlands, Flood Hazard, Transportation, and Economic Development. Of these items, the key items in this application are: 1) Is it appropriate to extend commercial

development to the end of highway 226. And 2) Is off-site wetlands mitigation acceptable under the city's policies.

Mayor Weaver then asked council if they had any questions of staff.

Councilor Ferguson asked about wetlands, specifically what good does it do Scio to develop wetlands in Marion? Kinney clarified that the State of Oregon has approved Wetland Mitigation Bank areas throughout the state. Developers have the ability to purchase wetlands credits from these banks. During the applicants testimony it was noted that the Marion site was the closest, state approved wetlands bank, to Scio. Ferguson then asked about permits, specifically, who has the ultimate say in what the regulations are and what criteria has to be met. Kinney stated that if this first application is approved, the city has on file 6 additional applications that will be reviewed: site plan review, flood development, balance/cut fill, variances, etc. Each of these applications are related to the full site development and have different degrees of approval. For example, in the floodplain development application, the city engineer and planning consultant would review the application for compliance. The applicant would have to provide a no rise certificate. They will address flood issues with the design, also a balanced cut/fill. They would be required to demonstrate that the elevation of the flood does not rise. The primary responsibility is on the engineers. Once everything is evaluated the floodplain development permit would be issued by the City Manager.

Councilor Nuber asked if they have to go off the height of the Fire Department. Kinney stated that they have to use the flood elevations that were established in the flood survey. Nuber asked how many acres of light industrial lands the city currently has. Kinney stated the city currently has 2.84 acres of vacant land, 3.5 acres that are considered infill. Nuber asked if it was located mostly in wetlands. Kinney stated that this is the difficulty with much of the property. Nuber stated the city added blocks for Commercial use, going towards Lyons and Albany along Highway 226. Kinney stated that the city added about 6 acres of developed sites that have both houses and commercial businesses, to allow for some additional conversion of the properties in the future for commercial use. The Buildable Lands Study found that Scio had need for additional commercial land inside the city to meet the amount of acreage that will be needed over the next 20 years for a growing community.

Councilor Ferguson asked questions about the Transportation area and the map that was provided. She stated that she was concerned with the map showing limited parking spots, concerned with traffic flow and traffic on Highway 226 and deliveries. She asked how a truck would get in and get out of the proposed site? Kinney stated that the applicant submitted with the site plan application a traffic engineering study. This study provided an evaluation of the traffic, the number of vehicles (trucks and cars) going along Highway 226 and projected use. This study was submitted to the city and ODOT. They will need a permit from ODOT to improve the frontage and to guarantee that the width of driveway will allow turning motions for vehicles going out and turning either direction onto Highway

226 without impeding traffic. There will be a slowing of traffic when turning into site. They will have to demonstrate safe turning radiuses for not only cars but trucks as well. City Engineer Quigley stated that they will show this within the site as well, to show that they have movement and can turn around.

Kennedy stated that there is nothing wrong with talking about the process that may go on after this, but just to be clear, that is a process that happens after the decision is made tonight, please understand that there is specific criteria related to tonight. For purposes of basing your decision, focus on the criteria for tonight's decision. Ferguson stated that Transportation was one of the criteria. Kennedy stated that the distinction he is trying to make is that you are looking at it more holistically at this point, not the specifics, understanding that there are a number of steps that will have to be gone through to get an approval on the Transportation specifics. Ferguson stated that she was wondering about the permit from ODOT, specifically she sees trucks that stop in the middle of the street to unload, will they be allowed to do this. Quigley stated that they will have to use site. Kinney stated that the reason that transportation was identified as a decision criteria for the Comp Plan Amendment was because the original plan that they submitted didn't have the curb, gutter and sidewalk improvements. That changed when it got to the council. Their modified submittal showed that they would do the improvements.

Councilor Nuber asked why they were exclude from having the required number of parking spaces. Kinney stated that part of the application has not been reviewed yet. That a decision on the parking variance application will be made later, only if the council approves the application for the Plan Amendment and Zone Change.

Councilor Gray asked if it was possible that in the future ODOT would require turning lanes or widening of the highway. Kinney stated that it is conceivable that ODOT could make that a requirement they would have to look at the traffic volumes. Depends on circumstances ODOT engineers must evaluate.

Mayor Weaver asked if there were any other comments. Weaver stated that his biggest fear is that the city runs short of light industrial property. He said that with the small amount of light industrial property that this could be big issue for the city.

Kennedy stated that at this point the discussion is over. Kinney stated that there are sample motions and the options that are available to the city council are on page 5 of the memo to the council. Kinney reviewed the draft motions.

***Councilor Eckhart moved, Councilor Nuber seconded, to deny file No. 2019-03.***

***Kennedy stated that for purposes of the findings that the council needed to state the reason for the denial.***

***Councilor Eckhart stated that for the comp plan, if coming into town if you are hungry or thirsty, you are never going to make it into town if you stop there, trying to support our downtown. She stated that she feels that a lot of people would not make it into downtown at all, they will just turn and go up towards Lyons. She stated that she does not think it is a good spot for commercial, that we need more light industrial area. Feel that commercial is safer in town where the speed limit is lower, she does not want to slow down for a car when there is a log truck coming up behind her coming into town. This is right at the change from 45 to 30 miles per hour. A lot of people are not going 30 mph when they hit that driveway. Also going out of town they ramp up before they get there. Also for transportation a lot of people walk everywhere they want to go. It is one of the joys of living in a small town. It is very dangerous to walk out there, there are places it is barely a foot wide, and you have large trucks and large farm equipment. There are children that would be walking most likely, there are children that walk to the store downtown, I have seen kids almost get hit in the crosswalk in a 20 mph zone, I sure don't want them walking along the highway with no protection at all. There are no sidewalks for almost three blocks. Eckhart asked if this was enough as she had more.***

***Kennedy stated that this was fine, the instruction was so that staff could prepare the appropriate findings based on the criteria that were identified by Mr. Kinney. What Mr. Kinney and I are both trying to do is to stay focused. What I heard was issues with the zoning with light industrial, needing to keep the light industrial and also some overriding issues on the transportation goals.***

***Councilor Eckhart stated that we hardly have any traffic coming in and out of Best Heating, I don't think I have seen a vehicle with the Bridge company. This is nothing like putting in a store. I don't think there should be a store out there.***

***Councilor Kennedy stated that if the mayor wishes, there can be discussion on the motion, if you want discussion.***

***Councilor Ferguson stated she would like to promote the growth and safety of our downtown core. That is in the comp plan and we need to maintain our downtown core in Scio.***

***Councilor Nuber stated that she felt that the city made plans we want to go by numerous years ago. We only have 2+ acres of industrial land. I don't see us getting any more. That is my main reason and also our comp plan is about putting our core downtown. I feel that we made these decisions and we need to go with them. That was what our comprehensive plan was for.***

***Councilor Meyer stated there are two main items that we have to look at this all the rest will happen later. They are the wetlands. The picture shows that the Dollar General will cover most of the area that the wetlands***

*are shown. Even with the fill and later on we don't know what will happen with the water in a storm. The water has to go somewhere. It may go into Peters Ditch, it may go in to neighbors to the south. If we do something like this we are enhancing that possibility and it is something we do not want to do. We do not want to flood out our neighbors. Right now it is set at about as best as we can get it. The second thing, just like it says in our comprehensive plan we go from Thomas Creek north. That is the core of the city. It is the small town appearance that we have. It's what the whole town is based on and people love it here. To see the small older structures and how we work with each other and they are close to each other. We can walk from one to the other and get things done. It enhances our livelihood and each store. You start spreading out south into an area, if we approve this got it commercial. Someone will say "hey they got in why can't we". We will be dealing with this as we go south even farther. I look at it as let's keep it as it is right now. It is a quaint little community we have come here for this reason, there is other places they can do this. There is markets that we can go to if we can't find a supply at a Scio market we can go somewhere else. This is the best for us. With this I say no to the proposal.*

*Councilor Gray stated that his biggest concern is safety. With the hill, the trucks, there is no sidewalk from 3<sup>rd</sup> Avenue all the way down there.*

*There were no other comments and Mayor Weaver called for the vote.*

*Motion denying Application No. 2019-03, passed with a vote of 5/0/1. Dennis Thomas abstained.*

Kennedy stated that staff will prepare findings consistent with the council's decision and comments tonight. Kinney stated that a letter with the notice of decision will be sent to the applicant within 48 hours. But it will not be final until after the city council does consider the adoption of the revised findings to reflect the council's deliberation this evening.

**CITY MANAGER REPORT:** Presented by Ginger Allen – Ms. Allen reported on the report for August 7, 2019 – September 4, 2019 (see attached report). She stated that they are preparing demolition of the structure next door for late October/November. There is an information sheet on the city lagoon odor is on the back counter for anyone who is concerned (copy attached). A Bio-solids Management Plan will be developed with the help of DEQ. Ferguson asked if the property next door was safe for employees to enter? Allen said that it was. She also stated that there is oak hardwood floors that the city will try to salvage.

**CITY ATTORNEY REPORT:** Presented by Tre' Kennedy – Kennedy introduced Jeff Clayson, an associate in the office who will be working on some of the items for the city.

**BUSINESS FROM THE COUNCIL:**

Thomas – none

Gray – none

Meyer – none

Nuber – 1<sup>st</sup> meeting for the neighborhood watch, next Monday September 16<sup>th</sup>, at 6 pm.

Eckhart – none

Ferguson – none

Weaver thanked the council for putting in the time.

**BUSINESS FROM THE PUBLIC:** Roger Gaither, 38795 N Main, thanked the council for putting community first. He asked that the city entertain the idea of beginning community visioning process. Dean Schruck, 38687 SW Filbert Street, asked if the DEQ said anything about water levels. Allen stated that the city is not allowed to discharge or add in excess water during the months of May-October, that we are only allowed to use a hose to try to break down the floating solids. Nuber stated that the city has had bad ones in the past. Adam Whalen, 38855 SW 6<sup>th</sup> Avenue, stated that while he appreciated humor of the subject, something needs to be done with the odor from the lagoon. It is not a good situation and the city needs to figure out a way to keep it from happening. Allen stated that the city has to have a bio-solids management plan. She further stated that people shouldn't hesitate to come to the meeting, can't always do what you want, but don't stop trying. Weaver stated that the city will work to get this fixed.

The regular session of the city council was adjourned at 6:57 p.m.

The next regular meeting is scheduled for October 14, 2019 at 6:00 p.m.

Cathy Martin,  
Administrative Assistant