



# Scio Planning Commission

Scio City Hall - 38957 NW 1<sup>st</sup> Avenue, Scio, Oregon

## **AGENDA**

February 26, 2020

*Chairman - Beau Buganski*

*Commissioner Richard Androes  
Commissioner Ron Loewen*

*Commissioner Katrina Clouse  
Commissioner John Whalen*

*Commissioner Ellie Ferguson  
Commissioner Nicole Zedwick*

### **7:00 P.M. REGULAR SESSION**

#### **CALL TO ORDER:**

#### **ROLL CALL:**

#### **APPROVAL OF PLANNING COMMISSION MINUTES:** January 29, 2020 Minutes

#### **CORRESPONDENCE:**

#### **BUSINESS:**

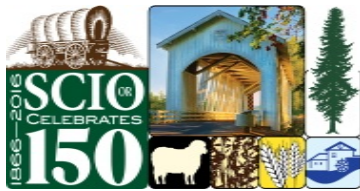
1. Public Hearing: *PL2020-02 Ferebee* – Variance Section 3.040 – Street Building Setback
2. Flood Ordinance Revisions:
- 3.

#### **ADJOURNMENT:**

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#### **NEXT SCHEDULED PLANNING COMMISSION MEETING(S)**

- Wednesday, March 25, 2020, 7:00 p.m. Scio City Hall
- Wednesday, April 29, 2020, 7:00 p.m. Scio City Hall
- Wednesday, May 27, 2020, 7:00 p.m. Scio City Hall



**SCIO PLANNING COMMISSION MEETING MINUTES  
WEDNESDAY, January 29, 2020**

**7:00 PM**

**CALL TO ORDER:** Planning Consultant Dave Kinney called the Scio Planning Commission to order at 7:00 p.m. as the commission will need to elect a new Chairman and Vice-Chairman.

**COMMISSION MEMBERS PRESENT:** Commissioners Richard Androes, Katrina Clouse, Ellie Ferguson, Ron Loewen, and John Whalen. Nicole Zedwick asked to be excused and Beau Buganski was absent.

**STAFF PRESENT:** Dave Kinney – Planning Consultant and Cathy Martin – Administrative Assistant

**ELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR:**

A motion was made by Androes, seconded by Whalen to nominate Ron Loewen as chairman. Mr. Loewen stated that he was going to make a motion that Beau Buganski be elected as Chairman since he wasn't here. Mr. Loewen stated he would not accept the nomination. Ms. Clouse asked if he would consider being Vice-Chair. He stated he would serve as Vice-Chair.

***A motion was made by Clouse, seconded by Androes, to elect Beau Buganski as Chairman and Ron Loewen as Vice-Chairman and close nominations. Motion passed 5/0***

As Commissioner Buganski was not in attendance, Vice-Chairman Loewen served as chairman for the remainder of the meeting.

**APPROVAL OF MINUTES:** The minutes of the October 23, 2019 meeting were reviewed. Martin advised the commission of a couple of errors, first was the date of Cliff Wooten's retirement should be 2019, item #3 – strike the note that says "Kinney-listen to tape".

***Commissioner Whalen moved, Commissioner Clouse seconded, to approve the October 23, 2019 as amended. Motion passed 5/0.***

**CORRESPONDENCE:** None

**BUSINESS:**

- 1. Extension: PL2018-11 – Johnson – Site Development Review – Presented by Cathy Martin, Administrative Assistance** – Ms. Martin stated that the application was originally approved a little over a year ago, Josh and Kim Johnson received a site development permit that expired in December. As a condition of that permit, the building permit needed to be approved, they did get the application for the building permit submitted but did not receive the approval prior to the expiration. It did get approval by

the county earlier this January. They are also still working through some issues and will need to resolve those. Ms. Martin then read a letter to the commission from City Manager, Ginger Allen regarding the extension of the site development permit for KJ's Childcare with a recommended six month extension to July 1, 2020. A copy of the letter is attached. Joshua Johnson, Applicant, stated that this should be adequate time to complete the development. He stated that they are working with the county on the building permit/occupancy permit requirements. Commissioner Androes asked if it would not be better to grant an extension for 12 months, incase it takes longer to resolve any issues with other agencies. Kinney stated that the commission has the discession to extend it for a full 12 months should the commission choose to. Mr. Johnson stated that he thought that it could be completed within the next couple of months, but would appreciate the extra time.

***Commissioner Androes moved, Commissioner Clouse seconded, to grant a 12 month extension to December 1, 2020 (one year from the original expiration date). Motion passed 5/0***

At this time Dave Kinney introduced himself to Ellie Ferguson, welcoming her to her first planning commission meeting. He gave a brief overview of the planning commission. Ron Loewen also stated that the planning commission is really an advisory committee for the city council. The commission does not make policy, and we only apply the rules and regulations that have been established by council.

**2. Flood Ordinance Revisions – Presented by Dave Kinney, Planning Consultant -**

Mr. Kinney stated that this is one of those policy issues where the planning commission will make recommendations to the city council, these rules are placed on a community by the National Flood Insurance Program, FEMA and by the State of Oregon's Flood Plain Program as administered by the Oregon Department of Land Conservation and Development. Kinney reviewed the Flood Maps for the city of Scio (FEMA Flood Map and the 2012 Map from Linn County showing the flood inundation area during the 2012 Flood). FEMA and the State not only made revisions, but also reformatted the entire document. He then reviewed the first draft of the revisions with the planning commission, going over the document so that the commissioners could understand the proposed changes. He stated that there are "Text Boxes" that are notes that are included to try to explain what is going happening with the proposed changes. There are a couple of sections that staff will be conferring with Ms. Adair to determine appropriate language, etc. Commission members were asked to review the document before the next meeting so that further discussion could be held on the first draft.

Next proposed meeting is February 26, 2020, at 7:00 p.m. if there any applications or assignments from the city council which would require a meeting.

Meeting Adjourned at 8:09 p.m.

Cathy Martin  
Administrative Assistant

**David W. Kinney**  
Community Development Consultant  
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**To:** Scio Planning Commission  
**From:** David W. Kinney, Planning Consultant for the City of Scio  
**Date:** February 20, 2020  
**Hearing Date:** February 26, 2020 @ 7:00 p.m.  
**File No.:** Scio File #: 2020-02  
**Application:** **Variance Section 3.040 – Street Building Setback**  
Location: 38621 SE Ash St., Scio, OR  
Applicant: Sarah and Terry Ferebee  
Property Owner: Sarah and Terry Ferebee  
T10S R1W 18AD, Tax Lot 06800

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**Enclosures:**

- A. Application & Site Plan.
- B. Aerial Photo
- C. Photos of Property
- D. Notice of Public Hearing.

## **I. Background Information**

**A. Applicant's Proposal:**

The applicants, Sarah and Terry Ferebee, request a variance to the setback requirements of the Scio Zoning Ordinance, Section 3.040. The applicants propose to construct a 7' x 9' addition to their home at 38621 SE Ash Street. The purpose of the addition is to add a 7' x 9' storage closet onto a bedroom. They request that the required street side setback be reduced from 15' to 12.5'.

The property is zoned Residential. All buildings are subject to density, setback and development standards in the R-1 zone. Under the Scio Zoning Ordinance Section 3.040.B, a structure in the R-1 zone requires a minimum 15' setback from the side of the house to the street property line. A variance to the City's zoning requirements must be approved for the addition to be located closer than 15' to the property line.

The burden of proof is on the applicant to present the application to the City and to present information that shows the application meets the criteria for approval of a conditional use permit.

### 38621 SE Ash - Ferebee



2/5/2020, 9:55:31 AM

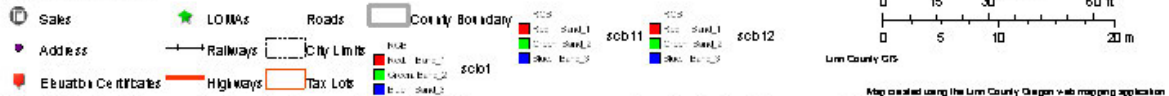


Figure 1 - Proposed Setback Variance for Accessory Building



Figure 2- 38621 SE Ash Street



Figure 3 – View from SE 4<sup>th</sup> St (south side of house).  
Addition will be placed from fence to the utility meter.



**B. Existing Conditions:**

The home at 38621 SE Ash Street is located on the corner SE 4th Street and SE Ash Street. The property is a 0.23-acre (10,086 sf) parcel. The existing house is a single-story dwelling built in 1978.



*Figure 2 - View of side yard adjacent to SE 4<sup>th</sup> Avenue*

**C. Surrounding Uses:**

- EAST: Single family home @ corner of SE 4<sup>th</sup> & SE Birch.  
NORTH: Single family home + auto repair home occupation at 38635 SE 4th Street.  
WEST: Two single-family homes at 38628 SE Ash St. and 38991 SE 4<sup>th</sup> Street.  
SOUTH: Two single-family homes at 39002 and 39010 SE 4<sup>th</sup> Street.

**D. Utilities:** The property is currently served with city utilities.

**E. Streets:** SW 4<sup>th</sup> Avenue and SE Ash Street are local city streets.

- F. **Agency Comments:** Agency comments were solicited from all utilities and the Scio Rural Fire Protection District. Any comments submitted prior to the meeting will be presented to the Planning Commission and will be included in the record.
- G. **Public Comments:** The City sent notices of the public hearing to surrounding property owners. As of February 15, 2020, no written testimony has been received by the City. Any written testimony received prior to the public hearing and any oral testimony presented at the public hearing will be included in the record.
- H. **Zoning Requirements:**

**3.210 Residential (R-1) Zone.** The existing home is an allowed use in the R-1 zone.

**3.210.C Setback Requirements.** The setback requirements for the main dwelling are those required for residential uses in the R-1 zone (Section 3.040):

**Table 1 – Setbacks for 38621 SE Ash Street**

Setback Location	R-1 Zone Required Setbacks	Existing Setbacks @ 38621 SE Ash
Front (SE Ash)	20'	26'
Street-Side (South)	15'	19'
Rear (East)	5'	30'
Side (North)	5'	20'

Findings: The existing home is an allowed use in the Residential (R-1) zone. Any addition must comply with the current setback requirements, unless a variance is granted.

## **II. Variance Criteria**

Occasionally, a piece of property 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.

Article 9 – “Variances” sets forth the procedures and criteria for the review and decision on a variance request. The decision criteria in Section 9.050 are used by the Planning Commission when making a decision to either approve or deny a variance request.

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:

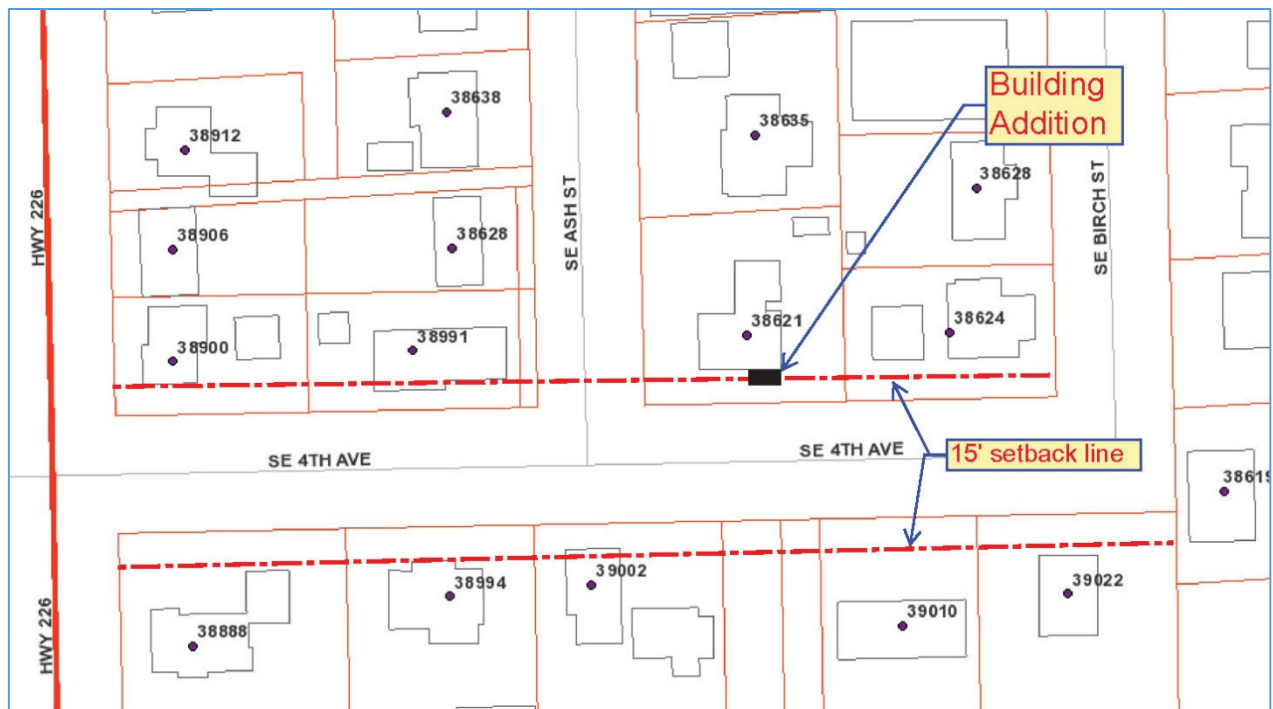
- A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
- B. The variance is necessary 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.

The staff reviewed the application based on the listed criteria and makes the following findings and conclusions:

A. Exceptional or extraordinary circumstances apply to the property that do not apply general to other properties in the same zone or vicinity.

The existing single-family dwelling at 38621 SE Ash Street complies with setback requirements. The variance proposed by the property owner will reduce the street-side setback from 19' to 12.5'. The applicant can construct the addition in the side yard to the east. The home has a large grass yard to the east of the home, which may be used for a building addition. There are two homes in the block that have setbacks on SE 4<sup>th</sup> Avenue that



are less than 15'.

The property owners provided the following explanation:

*“Building the closet to the East of the master bedroom would eliminate plans for a future door to access the backyard/ deck area.”*

The Planning Commission may ask the applicant to provide additional information at the public hearing before making a conclusion on whether the proposal does/does not comply with Criteria A.



B. The variance is necessary for the preservation of a property right substantially the same as other property owners in the Residential zone or vicinity.

Three nearby homes have front/street side setbacks from 12' to 14' from the SE 4<sup>th</sup> Avenue ROW line.

- 38991 SE 4<sup>th</sup> Street – across SE Ash St. from applicants' home.
- 38002 SE 4<sup>th</sup> Street – across SE 4<sup>th</sup> Avenue from applicant's home.
- 37994 SE 4<sup>th</sup> Street – west and across SE 4<sup>th</sup> Avenue from applicant's home.

Many of these homes were constructed before the current Scio Zoning Ordinance was adopted by the City. The applicant does not propose any change or modification to the residential use. Granting of the variance will not affect the Ferebee's "property rights" or the property rights of any other property owners in the R-1 zone or in the SE Ash Street residential neighborhood. The staff concludes the proposal complies with Criteria B.

C. The authorization of the variance will not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the Residential zone or vicinity or to any development plan or policy of the City of Scio.

The Residential (R-1) zone allow for single-family homes and their accessory uses. The Ferebee property on SE Ash Street is located in a residential neighborhood, with homes on all sides of their property. The Ferebees propose to build this small addition (< 100 sf) in a location that will not impact other property owners or utilities. It will not affect any adjacent property owners.

The applicant provided the following information:

*"We have spoken to some of our neighbors and everyone has been supportive. Mrs. Buganski at 38624 SE Birch Street (behind us) appreciated us telling her and does not mind the addition. She said that it will not block her view or affect her in any way. The Poirier family at 38991 4<sup>th</sup> Street (across Ash St) do not mind. We plan to talk to more neighbors as we catch them at home."*

The staff concludes the proposed variance is consistent with the basic allowed use in the zone and will not be injurious to residential uses in the neighborhood. The proposal complies with Criteria C.

D. The variance is the minimum variance to relieve the hardship.

The applicant requests a variance to reduce the setback from 15' to 12.5'. Figure 1 shows the location of the proposed addition on the site. The reduced setback is the minimum needed to add a small closet to the existing home. The proposal complies with Criteria D.

**Conclusion:**

If the Planning Commission finds the proposal complies with Criteria A, then the City concludes the proposal can comply with Criteria A to D in Section 9.050.

### III. Conditions of Approval

The Planning Commission may impose special conditions of approval of a variance. If a setback variance is granted to Sarah and Terry Ferebee, no conditions of approval are recommended.

### IV. Recommendations and Decision

**A. Planning Commission Options:** The Planning Commission may either:

1. Continue the Public Hearing until (date & time).
2. Close the Public Hearing but hold the Written Record Open until (date and time)
3. Close the Public Hearing and Decide to Approve/Deny the Variance

Approval: Approve File 2020-02, a setback variance for construction of a building addition onto the home at 38621 SE Ash Street in Scio if it finds the proposal complies with the applicable criteria.

Denial: Deny the application if it finds the application does not comply with all of the applicable variance criteria.

**B. Recommendation:** If the Planning Commission finds the proposal complies with Criteria A, then the Planning Consultant recommends approval of the variance, with the requirement that the variance approval with expire if a building permit is not applied for by February 28, 2021.

**C. Motions:**

Approval: **Motion to adopt the findings of fact as prepared and to recommend approval of the application of Sarah and Terry Ferebee for a variance to street-side setback requirements for a building addition at 38621 SE Ash Street in Scio.**

Denial: **Motion to recommend denial of the application of Sarah and Terry Ferebee, Scio, File No. 2020-02, because the applicant failed to demonstrate that the proposal fully complies with the variance criteria.**

**D. Appeal:**

The Planning Commission's decision may be appealed to the Scio City Council. An appeal must be filed within 15 days of the date the Notice of Decision is mailed by the City to the applicant. Any appeal shall comply with requirements in Article 12, Section 12.040.