



Scio Planning Commission

Scio City Hall - 38957 NW 1st Avenue, Scio, Oregon

AGENDA

June 3, 2020 (7:00 PM)
ELECTRONIC MEETING

The Scio Planning Commission will be meeting electronically and not hold a live meeting at the Scio City Hall due to the COVID-19 pandemic. The public can join the meeting from a computer or other electronic device by logging onto <https://us02web.zoom.us/j/88197155802> or dial in by phone US: 1.346.248.7799 Webinar ID: 881-9715-5802

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.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF PLANNING COMMISSION MINUTES: May 27, 2020 Minutes

BUSINESS:

1. Public Hearing: *PL2020-04 Iceland* – Comp Plan Map and Zoning Map Amendment –

Note: The Continuation of the Public Hearing be as follows:

June 3rd Hearing Items:

- I. Staff to Read Any New Public Testimony Received by June 1, 2020 at 4:00 p.m.
- J. Applicant's Summary and Rebuttal
- K. Staff Summary
- L. Close of Public Hearing

Planning Commission Deliberation & Decision

No public testimony is permitted during the Planning Commission's deliberation. The Planning Commission will normally make a recommendation or a decision on an issue following a public hearing, but may continue their deliberation to either a special meeting or the next regular meeting of the Planning Commission.

ADJOURNMENT:

NEXT SCHEDULED PLANNING COMMISSION MEETING(S)

- Wednesday, July 29, 2020, 7:00 p.m. Scio City Hall



**SCIO PLANNING COMMISSION ELECTRONIC MEETING MINUTES
WEDNESDAY, May 27, 2020**

7:00 PM

COMMISSION MEMBERS PRESENT: Chairman Beau Buganski, Commissioners Katrina Clouse, John Whalen, Ron Loewen and Ellie Ferguson, were all present via video.

STAFF PRESENT: Planning Consultant Dave Kinney, City Engineer Ryan Quigley and Administrative Assistant Cathy Martin were present via video.

CALL TO ORDER: Planning Chairman Beau Buganski called the Scio Planning Commission to order at 7:03 p.m.

ROLL CALL: Roll call was taken with Commissioner Richard Androes and Nicole Zedwick, were absent.

AUDIENCE MEMBERS PRESENT: Bryan Whisenhunt, Britton Jones, Mark Rettman, Jason Nunn, Joey Ferguson, Brian Vandetta, and David Dodson were present via video. Randy Nelson and Steve and Lori Schrunck were present via phone.

APPROVAL OF MINUTES: The minutes of the April 29, 2020 meeting were reviewed.

Commissioner Clouse moved, Commissioner Loewen seconded, to approve the April 29, 2020 minutes as amended. Motion passed 5/0.

CORRESPONDENCE: None

BUSINESS:

1. Public Hearing: PL2020-04– Iceland Construction – Comp Plan Map and Zoning Map Amendment – Presented by Dave Kinney, Planning Consultant –

Chairman Buganski opened the public hearing on the Application of Iceland Construction for a Comprehensive Plan Map and Zoning Map Amendment, Application number PL2020-04, at 7:08 pm.

Buganski stated that this is a public hearing to consider Land Use File #2020-04, an application from Randy Nelson, Iceland Construction, Inc., to redesignate and rezone a 0.90- acre parcel from Single-Family Residential (R-1) to Multi-Family Residential (R-2). The site is located in the block bordered by SW Beech, SW 3rd, SW 4th and SW Cherry Streets in Scio. The public hearing will be held in two steps: 1) tonight's hearing, the applicant will present his proposal; the City Planner will provide a staff report and we will hear public testimony from interested parties. 2) At the end of tonight's hearing, we will keep the record open until Monday, June 1, 2020 at 5:00 pm.

This will give any member of the public, agencies and the applicant an opportunity to submit additional testimony to the Planning Commission. The public hearing will not be closed. It will be continued to June 3, 2020 at 7:00 p.m. We will reopen the public hearing, read any new testimony into the record, give the applicant an opportunity to respond to the public testimony and then close the public hearing. A copy of the agenda and hearing procedures are located on the city website, along with the staff report. Buganski also noted that Oregon Land use law requires a statement be made available to those in attendance. The detailed Statement, with the information required under ORS 197.763(5), is also posted on the City's website. He asked if anyone wanted the statement to be read. There were no questions or objections to the statement.

Buganski asked audience members to identify themselves. Representing the applicant Iceland Construction, LLC, were: David Dodson, Certified Planner, acting as the Planning Consultant and Brian Vandetta, Udell Engineering & Land Surveying, Civil Engineer and Land Surveyor. Randy Nelson, Applicant.

Buganski asked if there were any objections to the notice that was sent in this case or if there were any objections to the jurisdiction of the planning commission to hear this case. There were none.

Buganski asked the planning commission members for declaration of Conflicts of Interest, Bias or Ex Parte Contact. Martin was asked to conduct a role call; Commissioners Loewen, Clouse, Whalen and Ferguson stated they had none. Commissioner Buganski stated that he personally knows the applicant but he has had no contact regarding this application.

David Dodson, Planning Consultant for the Applicant gave a brief power point presentation of the application. The site is just under an acre and encompasses the entire block bound by SW Cherry Street, SW Beech Street, SW 3rd Avenue and SW 4th Avenue. The site is surrounded by single-family residential homes, most of which are on 10,000 SF lots. When the block was originally platted this property was platted with eight 5,000 SF city lots and each could have an individual home. Later the eight lots were consolidated into one lot as it stands today. The owner is interested in creating 4 lots of roughly 10,000 square feet and constructing a duplex on each lot.

The zoning on the property is Residential R-1, which allows for single-family homes, the properties surrounding the parcel are all single-family housing, as you move farther east there are some multi-family housing and commercial properties, as you get closer to highway 226. The owner is interested in creating 4 lots of roughly 10,000 square feet which is consistent with the development of the other surrounding blocks. The R-1 zone is considered single-family however, duplexes are considered multi-family in Scio. In order to construct duplexes on the newly created lots, the zoning needs to change from R-1 to R-2 and the City's Comprehensive Plan Map needs to be amended from Residential to Multi-Family Residential. In Oregon for the last 25 years, the state has required jurisdictions to do a Buildable Lands Inventory. There is a methodology that the state has adopted to project need in the various zoning categories, with consideration of

encumbrances, like floodways, etc. The City's 2014 Buildable Lands Inventory (BLI) shows that for 24 years from 1990 to 2014 there were no duplexes or apartments constructed in the City of Scio. The City's BLI estimated a housing mix of 73% single-family homes and 27% multi-family dwellings units for the 20-year planning horizon. The BLI concluded that the 3% housing stock of duplexes should be increased to 13% to meet anticipated housing needs. This is a considerable increase. You may recall this property was originally platted with 8 lots, each of which allowed for a single-family home. Our desire to rezone this property to allow 8 units, which is consistent with what was originally platted on this city block. There are sometimes encumbrances that factor in the BLI. The site is within the Thomas Creek 100-year flood plain and a small portion of the site was affected by the 2012 flood. The applicant will be required to complete a storm drainage analysis and design storm drainage improvements in compliance with the City of Scio standards, along with constructing new dwellings above the mean flood elevation. Typically, within Oregon the 100-floodplain is an area that needs to accommodate floodwaters. When projects are constructed, they need to ensure that they do not add additional fill and design methods such as flow through crawl spaces, detention areas to detain floodwaters, this will be done by the design engineer. A preliminary layout of how the duplexes would be configured on the property. Four 10,000 square foot lots, each would have to meet required setbacks, each facing the street with 20-foot front yard setbacks and 20-foot rear yard setbacks. There will be two building facades facing each street, with two driveways facing the street. The developer will preserve as many of the existing trees as possible, provided they do not affect the building sites and are healthy. In conclusion, we concur with staff's recommendation to approve the request for a change in zoning from R-1 to R-2. Mr. Dodson stated that he and Brian Vandetta were happy to answer any questions.

Dave Kinney, Planning Consultant, asked if Brian Vandetta, applicant's engineer could go over obstacles they have discovered during analysis of the site. Mr. Vandetta, found that there is a storm water line near. Storm water is available, may have to do some retention on site. Will do a complete analysis of downstream and onsite storm water. He stated that the obstacle is the 100-year floodplain; they will have to do a full analysis of the site and design the site to have a net impact of zero for the development. They have to provide sanitary sewer to each lot. Water is available on three sides; they proposed extension of the water line on Cherry to complete the looping. They will have to demonstrate they can extend the utilities and that there is capacity. They will also have to comply with the City's Floodplain ordinance and demonstrate that the development would have a zero net impact on the flood storage.

Randy Nelson, Applicant, did not have anything additional to add.

Planning Consultant, Dave Kinney presented the staff report (see attached). Kinney stated the applicant submitted a variety of attachments; those documents were used by staff to review the application to make sure it meets the cities criteria. Kinney stated that there will be an edit done of the staff report, following tonight's meeting. The staff report will be updated, to incorporate all testimony that may come in through Monday, June 1st at 5:00 pm. Exhibits will be attached that will include the report submitted from the City

Engineer, and Public Testimony that has been submitted from Carolyn Nunn, Bryan Whisenhunt, The Fair Housing Council of Oregon, plus any other written testimony received through June 1.

Kinney stated that Mr. Dodson did a good job of presenting the applicant's proposal and accurately portrayed that it is surrounded by Single-family development, until you move further east toward Highway 226.

The findings report addresses each of the criteria that are listed on page 2. The criteria include the Statewide Planning Goals, the City's Comprehensive Plan Goals and Policies, the Comprehensive Plan Amendment Ordinance and the Zoning Ordinance. Kinney pointed out a couple of things: 1) City's Buildable Lands Inventory and what is allowed in the two residential zones. The current R-1 Zone does not permit duplexes or multi-family residences to be built in the zone. In order for the applicant to put duplexes on the lot, he had to apply for a comp plan amendment. The city has an obligation to ensure there are adequate R-2 lands to allow a developer to constructed the needed duplexes or multi-family residences that are needed for the next 20 years. The city currently has about 5.25 acres on the BLI on three sites that could be developed. Concern is that they are subject to flooding or have utility constraints. 2) Flood issues – city has floodplain regulations that no matter what type of development occurs on the property have to be met in order to develop the property. The Developer will have to do analysis to make sure they can comply with the regulations.

Kinney stated that with city utilities, they do not necessarily have to be at the property line, they just need to be where a developer can extend services reasonably. In this case there is a sewer line at the corner of Beech Street & 3rd. The applicant has submitted maps showing that they can be extended and provide services. The cost of the extensions is born by the applicant.

Kinney stated that after reviewing all of the criteria, that staff concludes that the criteria can be met. At the June 3rd meeting the planning commission has several options: 1) they can continue the Public Hearing or deliberation to the next regularly scheduled if they determine that additional information is necessary to make a decision. 2) they can approve the application if they conclude the proposal complies with the decision criteria. Or 3) they can deny the application.

Kinney asked City Engineer, Ryan Quigley to go over his review of the city public facilities. Mr. Quigley touched on the highlights, some concern over the sewer line. During the wastewater facilities plan work, the line going north from the site is a priority 1 replacement project, there is a lot of groundwater that infiltrates. Will have to determine if the line can handle the additional flow. Water is served on three sides. There is no concern with fire flows or water service to the site, there is ample fire protection for residential use. Storm Water: this is preliminary, there is a line on SW Cherry that could serve the site, will require analysis no matter the type of development. Transportation: No objections to the ½ street improvement on SW Cherry, pedestrian

access on SW Beech does direct flow up toward the walking bridge. Quigley stated that any issues can be worked out during design phase.

Chairman Buganski asked if any of the Planning Commissioners had questions for staff at this time.

Commissioner Clouse asked about the road improvement on SW Cherry, who pays for this? Kinney stated this is a public right of way that is unimproved, the applicant would have to construct at a minimum of a ½ street on their side of the street frontage.

Commissioner Loewen asked if the property that slopes east to west, if curbs are above the height of the road, it will redirect water. Quigley stated that this would be addressed during design as the preliminary plan does not have elevations.

Commissioner Clouse asked if all of the engineering had to be done before any type of development.

Kinney stated that that no matter the results of the re-zone application, these issues will have to be addressed with any type of development on the property.

Chairman Buganski asked if there were any additional questions from Planning Commission.

Ms. Martin stated that an additional audience member has joined the meeting. William Miller, 38930 SW 3rd Avenue, introduced himself to the other attendees.

Chairman Buganski asked if there was anyone in attendance that wished to testify in support of the proposal. Buganski state there were no Proponents.

Chairman Buganski asked if there was anyone who wished to testify against the proposal.

- Britton Jones, 38834 SW 5th Avenue, – Mr. Jones stated that his questions are centered around property values. How does this development affect adjacent property values? He also stated that sewage is constrained now, and adding more residences will increase the demands on the city. He also said that the question was raised as to curbs whether curbs should be installed around the property and he felt that they should be installed. Biggest concern is what it does for property values in the area for other property owners.
- Mr. Kinney stated he would address all questions at the end of the testimony.
- Britton Jones – Mr. Jones stated that the plot plan shows a walkway on Beech Street, will the other three sides have sidewalks? – Kinney this is a concept plan, the decision on all sidewalks will be made with the development application.
- Bryan Whisenhunt, 38628 SW Cherry Street – Mr. Whisenhunt summarized the letter he submitted by email. He stated that with the current properties that are in the Buildable Lands Inventory, that there is plenty of land zoned for multi-family

housing for the next 20 years. He stated that the city has a comprehensive plan and should follow it.

- William Miller, 38930 SW 3rd Avenue – Mr. Miller stated that a lot of children walk through the area on Beech Street. Understands the wish to build on the property, proposal adds more driveways, more traffic concern for children who walk. Kids use the road for a walkway to the residents in the area.
- Bryan Whisenhunt – Mr. Whisenhunt added that he noticed in the applicant's narrative that they cited HB 2001, he said that he understood that this applied to areas of 10,000 or more in population.

Chairman Buganski asked if anyone wished to provide any general testimony.

- Steve Schrunk, 38928 SW 4th Avenue – Mr. Schrunk stated that his main concern with the addition of 8 residences and limited parking. Is there any limitation regarding parking on city streets, or parking of RV's?
- Mark Rettman, 38886 SW 5th Avenue – Mr. Rettman stated that he has the same concerns as everyone else, water, sewer, 100-year floodplain, dealing with excess run-off. How that will affect properties downstream.
- Bryan Whisenhunt stated that he had one additional question. Why are the analysis reports not done prior to re-zoning?

Kinney reviewed general process questions first.

1. Process: why are some things not addressed at time of re-zoning versus the development stage? Kinney stated that with the comp plan/zone change the city has to demonstrate that the general ability to provide or extend services to a particular piece of property, therefore the review is cursory vs. more detailed. In this case with water and sewer immediately adjacent, short extensions of existing services are simple. Whisenhunt asked if the reports would be different depending on the type of development? Kinney stated that in this case it won't be much different, the impact is negligible. Ryan Quigley added that site is served by two basins, ½ of the site will be served by Thomas Creek Estates basin, ½ served by Beech Street, he stated that there is not an issue with. The line extension would serve the east ½ of the development. Kinney analysis that would apply to any type of development
2. Kinney stated that this would be true also for the 100-year floodplain, once the applicant knows what type of development will occur the analysis will be done.
3. Kinney stated the question regarding the number of families and limitation on RV's or parking. The developer can address these issues with CCR's. Beech Street is main walking area and they must pay attention to pedestrian safety with the development plan.
4. Kinney stated the question regarding HB 2001. The applicants did reference this in their presentation/submittal. It doesn't apply to Scio, and was not used in the findings. State legislature does want to see more mixed housing in with single-family housing neighborhoods, but did not extend this requirement to small cities.

Buganski stated that there was a request from a couple of the audience members to ask additional questions. Buganski re-opened the hearing for general testimony.

Britton Jones asked how the duplexes are going to be constructed, what are they going to look like? He said that this would determine what services would need to be provided.

Kinney asked Brian VanDetta if he could address this. Mr. Vandetta stated that the number of bedrooms would have a negligible impact on the sewer system. It was only recently that the issues with the sewer line on Beech Street came to light, it may be possible to send all sewer to the Thomas Creek Estates lift station and steer it away from Beech Street if necessary. Vandetta added that floodplain issues are the same with duplexes vs. single-family houses. Mr. Dodson stated that duplexes are referred to the mission middle, it allows family members to live in close proximity, living in a unit next door. There is often a financial benefit to purchase a duplex, and have a renter in the other unit. Mr. Dodson asked if the city of Scio had provisions for accessory dwelling units. Mr. Dodson stated that with the concern of traffic there will be more traffic, paving the extension of Cherry Street will provide more connectivity, in regards to parking, the applicant will comply with onsite parking requirements. Kinney stated that there was a question regarding the impact of property values and asked Mr. Dodson to talk about that. Mr. Dodson stated that it depends on how it is developed. If the units are well designed, constructed and maintained, regardless of owner occupancy or rentals it tends to reflect on property and neighbors. This is true with single family homes as well.

Bryan Whisenhunt asked an additional question about the plat and if it could be turned into eight lots. Brian Vandetta stated that Mr. Kinney stated earlier that it was originally platted with eight lots but is now considered to be one. Mr. Whisenhunt asked if it could still be eight with the setbacks. Kinney stated that there is a question that goes back to the validation of the lots, with legal research to determine if a boundary line adjustment was done. Mr. Vandetta stated he thinks that it is still eight platted lots.

Chairman Buganski asked if there was any further clarification from staff or the applicant's representatives on any of the questions.

Vandetta asked if Mr. Kinney could address Mr. Dodson's question about Accessory Dwellings. Kinney stated that they are not allowed at this time. State law mandate for 2500 people or higher allow in any zone. Scio city council would have to adopt ordinance to allow accessory dwelling.

Buganski thanked everyone for providing testimony. He further stated that the Planning Commission will keep the record open until Monday, June 1, 2020 at 5:00 p.m. Any member of the public, agencies and the applicant may submit additional testimony until 5:00 p.m. on June 1st. Any new testimony received by that time will be entered into the hearing record on June 3rd and read into the record. On June 3rd the Planning Commission will continue the public hearing, enter new testimony into the record and provide the applicant an opportunity to respond to public testimony received by the City and to provide closing comments. The Planning Commission will then close the public hearing. After the public hearing is closed, the Planning Commission will deliberate on the proposal and will make a recommendation to the Scio City Council.

Kinney stated he will updating the staff report, including any new testimony that is submitted. This will be sent out to the planning commission, the applicants and will be posted on the city website Tuesday. Martin asked if anyone in attendance were unable to access the city website. No one requested emailed copies.

Next meeting is June 3, 2020, at 7:00 p.m.

Meeting Adjourned at 8:34 p.m.

Cathy Martin
Administrative Assistant



City of Scio
Covered Bridge Capital of the West

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SCIO PLANNING COMMISSION **STAFF REPORT**

STAFF REPORT DATE: May 7, 2020 (DRAFT)
June 1, 2020 (Revision #1)

This staff report was updated on June 1, 2020 to address public testimony provided prior to and during the May 27th Planning Commission hearing and submitted to the City by 5:00 p.m. on June 1, 2020. Revisions are highlighted.

HEARING DATE: May 27, 2020 & June 3, 2020 Scio Planning Commission
July 13, 2020 6:00 PM Scio City Council

FILE NUMBER: 2020-04 Comprehensive Plan Map Amendment (RES) to (MFR)
Zoning Map Amendment (RES) to (R-2)

**APPLICANT/
PROPERTY OWNER:** Randy Nelson
Iceland Construction, Inc.
PO Box 240, Scio, Oregon
icelandconstruction@yahoo.com

APPLICANT'S PROPERTY:

<u>Assessor's Map</u>	<u>Tax Lot</u>	<u>Account</u>	<u>Acres</u>	<u>Address</u>
T10S R1W 18AC	00900	30995	0.92	Block 6, Lots 1-8 South Addition to Scio

PROPOSAL: File PL 2020-04 Comp Plan Amendment Residential (RES) to Multi-Family Residential (MFR) and Zone Change (R-1) to (R-2)

SUBMITTAL **File PL 2020-04 Application for a Comp Plan Amendment/Zone Change.**
Exhibit 1: Application narrative for "Nelson's Addition" prepared by Udel Engineering & Land Surveying, LLC and David Dotson, Willamette Valley Planning dated April 1, 2020.
Attachment A Aerial Map

Attachment B Linn County Assessor's Map
Attachment C *Scio Comprehensive Plan Map*
Attachment D *City of Scio Zoning Map*
Attachment E Nelson's Preliminary Subdivision Plan
Attachment F Floodplain Overlay Map
Attachment G PowerPoint Presentation & Presentation Outline presented by David Dodson, Willamette Valley Planning, at the May 27, 2020 public hearing.

OTHER EXHIBITS	Exhibit A	City Engineer's Preliminary Site Review, by City Engineer Ryan Quigley, PE, Dyer Partnership, dated May 19, 2020
	Exhibit B	Public Testimony B-1 Carolyn Nunn email dated May 22, 2020. Email responses by City staff and planning consultant dated May 27, 2020. B-2 Bryan Whisenhunt email dated May 27, 2020. B-3 Carolyn Nunn emails dated May 28 & 30, 2020. B-4 Fair Housing Council of Oregon letter dated May 20, 2020. B-5 Mark Rettman letter submitted 6-01-2020.
	Exhibit C	Minutes of the May 27, 2020 Scio Planning Commission [to be completed by June 3, 2020].

DECISION CRITERIA

The following criteria apply to this application for a Comprehensive Plan Amendment and Zone Change.

A. Oregon Statewide Planning Goals and related Oregon Administrative Rules (OAR 660)

- *Goal 1 – Citizen Involvement*
- *Goal 2 – Land Use – Buildable Lands*
- *Goal 7 – Natural Hazards*
- *Goal 10 – Housing*
- *Goal 11 – Public Facilities*
- *Goal 12 – Transportation*

B. Scio Comprehensive Plan, including

- *Land Use Goals and Policies*
 - *Goal LU-2 Buildable Lands*
 - *Policy LU-4 Residential Lands – Housing Mix*
 - *Policy LU-5 Residential Lands - Densities*
- *Natural Resource Goals and Policies*
 - *Flood Hazard Goals Goal NR-4*
 - *Flood Hazard Policies: NR-8 Flood Hazard Zone and Data*
- *Housing Goals and Policies*
 - *Goal H-2 Housing Opportunities*
 - *Goal H-4 Buildable Land outside Flood Hazard Areas*

- *Policy H-2 Housing Types*
- *Public Facilities Goals and Policies*
 - *Public Facilities: PF-9 and PF-10 Timing of Public Facilities*
 - *Public Facilities: PF-21 and PF-22 Storm Drainage Facilities*
- *Transportation Goals and Policies*
 - *Proposed Pedestrian Facilities – Map T-4.*
 - *Proposed Safe Routes to School – Map T-7.*
 - *Proposed Future Street Improvements – Map T-8.*
 - *Transportation: Goal 1, Objective 1c: Future Street Improvements.*
 - *Transportation: Goal 1, Objective 2a: Sidewalks*
 - *Transportation: Goal 1, Objective 2b: Safe Routes to School*

C. Scio Comprehensive Plan Amendment Ordinance 496

- Section 3 to 6 Application, Filing and Public Hearing Requirements
- Section 7 Approval Criteria

D. Scio Zoning Ordinance 561 – Article 10, Amendments to the Zoning Ordinance

- Section 10.010 Application for Amendments
- Section 10.020 Public Hearings and Procedural Requirements

The Planning Commission will make its decision based on the criteria listed above. The criteria listed for the Scio Comprehensive Plan, the Scio Zoning Code and city ordinances can be viewed at the City of Scio website: <http://ci.scio.or.us>

I. Applicant's Proposal

The City has received an application from Randy Nelson, Iceland Construction, Inc., requesting the City of Scio approve an amendment to the Scio Comprehensive Plan Map and the Scio Zoning Map to redesignate and rezone a one-block site (0.90 acres) from Residential (R-1) to Multi-Family Residential (R-2), as shown on Map 1 and in Table 1. If approved, the applicant proposes to replat the block into four 10,000+ square foot lots and build a duplex on each lot.

Table 1
Iceland Construction, Inc.
Comprehensive Plan Map and Zone Change Proposal

#	Assessor's Map and Tax Lot	Acres	Existing Use	Existing Comp Plan Map Designation	Existing Zoning District	Proposed Comp Plan Map Designation and Zoning District
1	10S 1W 18AC TL 00900	0.90	Vacant	Residential	Single-Family Residential (R-1)	Multi-Family Residential (R-2)

Map 1
Proposed Comprehensive Plan Map and Zoning Map Amendments
Redesignate & Rezone 0.90-acres from Residential (R-1) to Multi-Family Residential (R-2)



II. BACKGROUND INFORMATION

A. Pre-Application Information and Application Submittals:

The City staff and Planning Consultant met with the applicant and applicant's engineering consultant in on September 5, 2019 to discuss the applicant's conceptual ideas for development of this 0.90-acre site. During the September meeting, the City staff and consultants reviewed the City's land use application process, public facility deficiencies at the site and development requirements that will apply.

In the applicant's narrative, land use planning consultant David Dodson, Willamette Valley Planning, LLC, explains the proposal to amend the Scio Comprehensive Plan Map map and Scio Zoning Map:

"The owner is interested in creating 4 lots of roughly 10,000 square feet and constructing duplexes on each lot. The R-1 zoning allows for single-family dwellings; however, duplexes are considered multi-family. In order to construct duplexes on the newly created lots, the zoning needs to change from R-1 to R-2 and the City's Comprehensive Plan Map needs to be amended from Residential to Multi-Family Residential, (Attachments C & D)."

The applicant filed an application with the City on April 22, 2020. The Comprehensive Plan/Zone Change application was deemed complete on April 23, 2020. In order to comply with the "120-day rule", the City will need to make a decision to approve or deny the proposal by Thursday, August 20, 2020.

B. Application, Land Use Procedure and Review Requirements:

The application requires a public hearing before the Scio Planning Commission and a second public hearing before the City Council. At the conclusion of the Planning Commission's hearing, they will make a recommendation to the City Council to either approve or deny the proposal. The City Council will then hold a public hearing and make a final decision to approve or deny the proposal. If the Council approves the proposal, the City Council must adopt an ordinance to officially change the Scio Comprehensive Plan map designation and amend the Scio Zoning Map.

The City Planner recommends the City adhere to the following schedule:

May 27, 2020	Scio Planning Commission Public Hearing. The public hearing was held as a virtual public hearing. At the conclusion of the meeting, Chair Beau Buganski, left the public record open until June 1, 2020 at 5:00 p.m. to provide the applicant and members of the public an opportunity to submit additional written testimony.
June 3, 2020	On June 3, 2020, the Planning Commission will continue the public hearing as a virtual meeting. The applicant will be given the opportunity to present additional testimony/rebuttal. The chair will close the public hearing and the Planning Commission will deliberate and make a recommendation to the City Council. The Planning Commission may continue deliberations at a subsequent meeting.
July 13, 2020	Scio City Council Public Hearing. The City Council will receive the Scio PC recommendation and consider public testimony. At the conclusion of the City Council public hearing, the Council will make a decision to approve or deny the Planning Commission's recommendations. If approved, the City Council will adopt an ordinance at either the July 13, 2020 or their next regular city council meeting.

Due to the COVID-19 pandemic, the City will hold electronic meetings in lieu of in-person public hearings at City Hall. The City will ensure there are adequate opportunities for the public to participate in the public hearing and for the City to comply with public hearing requirements for a land use decision.

C. Public Hearings

Planning Commission Public Hearing: A public hearing concerning File 2020-04 was held before the Scio Planning Commission on Wednesday, May 27, 2020 beginning at 7:00 p.m. The Planning Commission considered the applicant's presentation and public testimony on the proposal.

The Planning Commission continued the public hearing to June 3, 2020 to ensure members of the public and the applicant were provided an opportunity to present and respond to all testimony prior to the close of the hearing. Written testimony was accepted until June 1, 2020 at 5:00 p.m. All public written testimony is attached in Exhibit B. After the public hearing is closed, the Planning Commission will deliberate on the proposal and make a recommendation to the Scio City Council.

City Council Public Hearing: A public hearing concerning File 2020-04 will be held before the Scio City Council as part of the regularly scheduled city council meeting on Monday, July 13, 2020 beginning at 6:00 p.m. The hearing will be held at the Scio City Hall, 38957 NW First Avenue in Scio.

D. Notices of Public Hearing:

The proposed Comprehensive Plan Map Amendment and the proposed Zone Change are Post-Acknowledgment Plan Amendments (PAPA). Notice of the proposal was provided to the Oregon Department of Land Conservation and Development (DLCD) on April 22, 2020.

Notice of the public hearings must be provided to affected governmental agencies, adjacent property owners and the community. Notices for both public hearings were provided as follows:

1. Mailing to Adjacent Property Owners: Written notice was mailed to owners of property within 500' of the subject property at least 10 days prior to the initial evidentiary hearing before the Scio Planning Commission and 10 days prior to a public hearing before the City Council. Notice of the initial evidentiary hearing will be mailed to property owners about May 10, 2020, more than 10 days prior to the hearing.
2. Agency Notification: Agency notices were emailed to affected agencies with a request that agency comments be returned to the City by May 14, 2020.
3. Posting: Notices of the public hearing were posted at the U.S. Post Office in Scio, at City Hall and on the City of Scio website.

F. Existing Conditions:

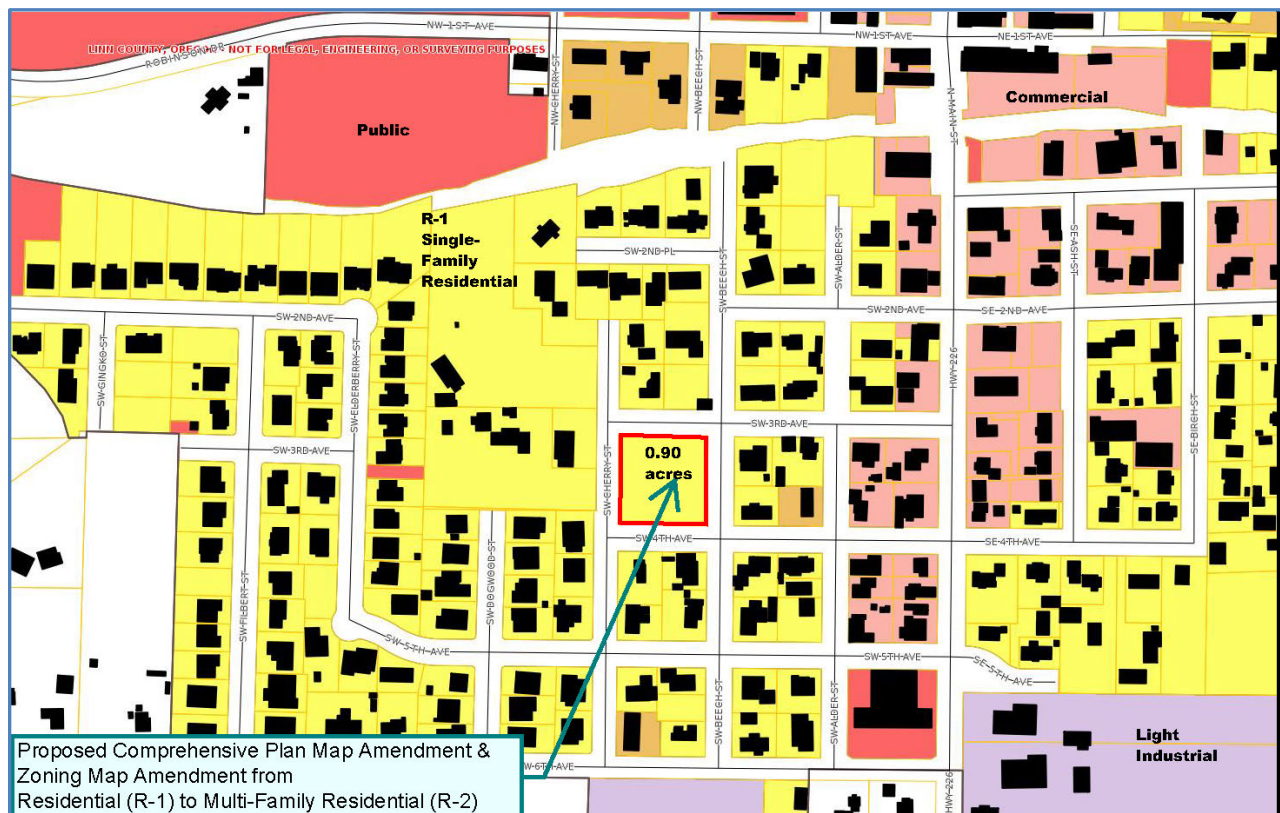
The applicant provided the following description of the site and surrounding neighborhood:

"The 40,000 square foot parcel is bound by SW Cherry Street, SW Beech Street, SW 4th Avenue and SW 3rd Avenue, (Attachment A). Originally this property was platted as eight 5,000 square foot city lots as part of South Addition, (Attachment B). Later the 8 lots were consolidated into one lot as it stands today. The flat site is vacant except for a few trees surrounding the perimeter, of which most are Douglas Fir. The site is surrounded by single-family residential homes on all sides, most of which are on 10,000 square foot lots."

Surrounding Land Uses: The site is located in a single-family residential neighborhood. Map 2 shows building footprints of structures on the surrounding properties.

North:	38905 SW 3 rd Ave, 38659 SW Cherry St. & 38912 SW Beech St. Single-family homes on block north of SW 3 rd Avenue and west of SW Beech Street. There is a vacant 10,000 sf lot on the corner of SW Beech & SW 3 rd Street.
West:	38628 and 38646 SW Cherry St. single-family homes and a vacant 1.71-acre parcel between the two homes that is zoned for R-1 residential development.
East:	38930 SW 3 rd St. and 38929 SW 4 th Street. Single-family homes.
South:	38609 SW 3 rd St. and 38906 SW Cherry St.

Map 2



G. Utilities:

City Engineer Ryan Quigley, Dyer Partnership, provided a written report to the City on May 19, 2020 (Exhibit "A") summarizing existing and proposed public facilities.

The applicant submitted Attachment “E” that shows a conceptual site plan with a preliminary subdivision plan for four duplex lots on the 0.90-acre site. Attachment “E” shows existing public and private utilities and storm drainage facilities.

Water: City water lines abut the site in SW 3rd Ave, SW Beech and SW 4th Ave. The applicant proposes to install a new 6" water main on SW Cherry Street to loop the system and provide required fireflows. to the site. [See Attachment E].

Sewer: City sewer does not abut the site; the applicant proposes two sewer extensions:

- 8" Sanitary Sewer in SW Beech Street (Extend 100' south from SW 3rd)
- 8" Sanitary Sewer in SW Cherry Street (Extend 170' north from SW 4th)

Storm Sewer: There is a 12" storm sewer at the corner of SW 4th & SW Cherry Street. The applicant will be required to submit a storm drainage report and a plan for proposed storm drainage improvements at the time the property is subdivided and developed. The design of the storm system will depend on the street improvements required for the development.

H. Streets:

There are platted streets on all sides of the block. Pavement width of existing streets varies on each block, as described below:

SW 3 rd	16'+ wide paved turnpike style street with grassy shoulders
SW Beech	17'-20' wide paved turnpike street with gravel & grassy shoulders.
SW 4 th	18-22' wide paved turnpike street with gravel & grassy shoulders. Speed hump
SW Cherry	AC pavement, curb, gutter and sidewalk on west side in Thomas Creek Estates. Unimproved street from the end of the Thomas Creek Estates subdivision, along the applicant's frontage and north to SW 3 rd Avenue.

Street improvements will be required at the time of subdivision and development of the site. The City Engineer and Planning Commission will determine the type of street improvements at the time of the development.

I. Agency Comments and Public Testimony:

1. Agency Comments. Agency comments were solicited from DLCD, the Scio Rural Fire District and private utilities. Agency comments were requested back by May 14, 2020.
2. Written Public Testimony. The City received written testimony prior to June 1, 2020 at 5:00 p.m., attached as Exhibit "B". All written testimony received prior to and during the public hearing is hereby made a part of the record.

B-1 Carolyn Nunn email dated May 22, 2020 and City responses dated May 27, 2020. Ms. Nunn states she has no problem with a duplex development. She asks for clarification about SW Cherry Street improvements, driveway access points, removal/retention of trees during development and stop signs.

B-2 Bryan Whisenhunt letter in opposition dated May 27, 2020. Mr. Whisenhunt raises several issues:

- Duplexes are not permitted uses in the existing R-1 zone.
- HB 2001 legalizing duplexes in single-family residential zones does not apply in Scio.
- The staff report states the City has 5.27 acres of vacant, buildable land designated for multiple-family dwelling units, which is sufficient to meet the City's need for 20 duplex and multi-family dwelling units during the 20-year planning period.
- The applicant has not obtained a flood plain development permit and therefore has not demonstrated compliance with the city's natural hazard goals & policies.
- The applicant did not submit a storm drainage analysis with the application.
- The rezoning/redesignation of the 0.90-acre site is incompatible with the surrounding R-1 zoning.

B-3 Carolyn Nunn emails dated May 28 & 30, 2020. Ms. Nunn asked several follow-up questions regarding tree retention/removal and next steps in the planning process if the application is approved.

- B-4 Fair Housing Council of Oregon (FHCO). FHCO submitted a letter to the City on May 20, 2020, Exhibit B-4. FHCO encourages the City to provide findings based on a Housing Needs Analysis and Buildable Lands Inventory *“in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after the enactment of the proposed change.”*
- B-5 Mark Rettman. Mr. Rettman submitted a letter on 6-01-2020 raising several issues:
- Is there a demonstrated need for buildable R-2 zoned land in the City?
 - What are impacts or precedent for a zone change on adjacent properties?
 - Traffic and pedestrian safety issues with 8 additional dwelling units, particularly for children walking to/from school.

3. Oral Testimony. At the May 27, 2020 Planning Commission hearing, oral testimony was provided by the following individuals:

Proponents:

Applicant Brian Nelson and his consultants David Dodson, Willamette Valley Planning, and Brian Vandetta, Udell Engineering, presented the application and responded to questions from the public and Planning Commission.

Opponents:

A. Britton Jones. Mr. Jones raised the following issues:

- Will the proposal affect property values on adjacent properties?
- Does the sewer system have capacity to serve more housing units?
- Will the project include sidewalks on all street frontages?

B. Bryan Whisenhunt. Same issues raised under B-2 above. Mr. Whisenhunt reiterated his comments on buildable lands and testified the existing 5.27 acres of land zoned for multiple-family dwellings is adequate to serve the City’s needs during the 20-year planning period.

C. William Miller: Mr. Miller expressed concern with traffic and pedestrian safety for children walking to/from school on SW Beech Street, the number of new driveways and traffic impacts.

General Testimony:

A. Steven Schrunk. Mr. Schrunk raised concern with the addition of 8 dwellings and limited availability for parking. He asked how the development will accommodate vehicle and RV parking.

B. Mark Rettman. Mr. Rettman stated development in the 100-year flood plain is a concern and how will development affect downstream properties.

The minutes of the Planning Commission’s public hearing includes a summary of public comments received at the public hearing and responses by the applicant’s consultants and the City Planner. This revised staff report addresses public testimony that addresses the decision criteria.

III. FINDINGS

The applicant submitted an application for a Comprehensive Plan Map Amendment and Zone Change, including an applicant's statement, findings and Attachments "A" through "F". [See list on page 2].

An amendment to the Scio Comprehensive Plan Map is reviewed based on applicable criteria found in the Statewide Planning Goals, Oregon Revised Statutes (ORS), applicable Oregon Administrative Rules (OAR) in OAR Chapter 660 and the Scio Comprehensive Plan. The Scio Comprehensive Plan was updated by the City over a 4-year period from 2015-2019, and compiled into a final plan document in March 2019. The updated Scio Comprehensive Plan was acknowledged by DLCD as being in compliance with Oregon Statewide Planning Goals 1 to 14.

The City's Planning Consultant and the Scio Planning Commission have reviewed the proposal, including the applicant's submittals, to determine whether or not the proposal complies with the applicable standards and criteria listed on page 2 of this report.

A. Statewide Planning Goals, Oregon Laws and Administrative Rules

The following findings address statewide planning goals, Oregon Administrative Rules in OAR Chapter 660 that apply to this application. The applicable ORS and OAR requirements are listed under each statewide planning goal below.

Applicant's Goal and OAR Findings

The applicant has included findings for some of the applicable statewide planning goals, Oregon Administrative Rules in OAR Chapter 660 in Exhibit 1 – *"Nelson's Addition: An Application for a Comprehensive Plan Map Amendment and Zone Change"* dated April 1, 2020. They are incorporated herein, as if set forth in full.

City Planner and Planning Commission Goal and OAR Findings

Goal 1 – Citizen Involvement

The City of Scio provides opportunities for citizen involvement in all post-acknowledgement plan amendment proceedings. Notices of the city hearings were provided to affected property owners and agencies. Section II "Background Information" of this staff report outlines the public notice, hearings and citizen involvement process that is used by the City of Scio. The application, applicant's testimony, public testimony, agency reviews and comments, Planning Commission minutes and city council minutes are all part of the public record in this case and available to the public. The proposal complies with Goal 1 – Citizen Involvement.

Goal 2 – Land Use Planning:

Goal 2 requires the City to adopt a buildable lands analysis showing the City has a 20-year supply of buildable residential and employment lands to serve the projected growth of the community.

- 2.1 In April 2015, the City of Scio adopted the Scio Buildable Lands Analysis Update (Scio BLA) dated February 2015 in compliance with ORS 197.296 and OAR Chapter 660-024 “Urban Growth Boundaries”.
- 2.2 The applicant has prepared Goal 2 and Goal 10 findings that rely heavily on the Scio BLA. They are incorporated herein as set forth in full. The City Planner concurs with the applicant’s narrative summarizing the Scio BLA.
- 2.3 The Scio Buildable Lands Analysis Update shows that in 2014 the City had 51.47 acres of buildable land designated and zoned for land in residential use. The report concluded the City of Scio needs 14.71 acres of net buildable residential land to meet the housing needs of the City of Scio for the 20-year planning period that ends in 2035. The City has an adequate supply of buildable land in the Scio UGB to meet the estimated need.
- 2.4 The Scio BLA Tables 16, 17 and 18 review the amount of buildable land that will be needed for single-family homes, duplexes and multiple family dwellings. The City uses a safe harbor approach, allowed by OAR 660-024-0040(8) to estimate the number of units needed. The Scio BLA anticipates the City will add approximately 20 duplex and multiple family dwelling units during the 20-year planning period that ends in 2035.
- 2.5 The City does not allow duplexes and multiple family dwellings in the City’s R-1 zone. Therefore, the City of Scio needs to ensure there are adequate buildable lands in the R-2 zone to allow developers to construct needed duplex and/or multiple family dwellings in Scio. At an assumed density of 10 units per acre, the City of Scio will need a minimum of 2.0 acres of net buildable land in the R-2 zone. Scio BLA Table 21 shows there are 5.27 net buildable acres in the R-2 zone to accommodate the need.
- 2.6 In order for the applicant to proceed with a “duplex” development, the applicant must apply for and the City must approve a Comprehensive Plan map amendment and a zone change to an R-2 zone. The applicant proposes to remove 0.90 acres from the R-1 zone and redesignate and rezone the 0.90 acres R-2 for the duplex development. The City concludes the removal of 0.90 acres from the R-1 zone will leave approximately 38+ acres of net buildable R-1 zoned land in the Scio UGB and a 20-year need for less than 13 acres of R-1 zoned land.
- 2.7 The City looked at the existing R-2 zoned properties in the Scio UGB to determine if public facilities about the sites or can be reasonably extended to them within the next seven years. This analysis will enable the City to determine if the addition of the applicant’s 0.90-acre parcel is needed to provide an adequate supply of buildable R-2 zoned land that can be serviced with public facilities.
- 2.7.1 The City has 5.29 acres of land zoned R-2 for multi-family use on three sites, as shown on Map 3 below:
- Site 1 – Vogel. A 4.0+ acre site east of NE Ash Street and north of NE 1st Avenue.
 - Site 2 – Clayton. A 1.69-acre site on NW 4th Avenue.
 - Site 3 – Cherry. A 0.32-acre lot in the 38700 block of NW Cherry Street.
- 2.7.2 Site 1 (Vogel) is available for redevelopment, but has utility constraints.
- Sewer Constraints. In 2020, the City Engineer updated the City of Scio Wastewater Facilities Master Plan (WWTF Plan), Dyer Partnership, January 2020. The report finds inflow/infiltration into the sewer mains, pipe capacity and pipe condition deficiencies in the Wastewater Collection System east of North Main Street, including the NE 1st Avenue and NE Ash Street collection mains. The WWTF Plan recommends rehabilitation

and replacement of these sewer collection mains as Priority Level II improvements. The City has not secured funding to make these improvements. Until repairs and replacement of the Priority II projects are completed, redevelopment of the vacant Vogel site is likely to be delayed. The Vogel site also does not have public services abutting the site. Water and street improvements must be extended east of NE Ash Street to the property. Until the sewer repairs are made and the water and street extensions, the City concludes the Vogel site is not readily available for development.

- Water & Street Extensions. Water main and street extensions east of NE Ash Street and north of 1st Avenue are needed to serve the site.
- Flood Hazards. A portion of the Vogel site is located in the 100-year flood plain and the 50'-100' wide riparian area adjacent to Thomas Creek. An existing drainage channel (overflow flood channel) on the west side of the site must be retained open for flood overflows during peak storms. This channel was inundated during the January 2012 25-year storm, as shown on Map 5. Any development on Site 1 will be required to provide on-site storm detention, preserve the flood overflow channel and maintain a 50'-100' riparian buffer along Thomas Creek. The City concludes approximately 1.0 to 0.5-acres of the site is constrained not buildable land.

Map 3
Available Vacant Multi-Family Residential Sites



2.7.3 Site 2 (Clayton) is available for redevelopment, but has flooding issues.

- Sewer, Water & Streets: City water, sewer and streets abut the parcel.
- Flood Hazards: Site 2 is within the 100-year flood plain. During the January 2012 flood, the site was inundated to a depth of 2-3 feet. In order to comply with the City's flood plain permit requirements and balanced cut and fill ordinance, a significant portion of the 1.69-acre Clayton site on NW 4th Avenue will be needed for flood management and storm detention. In order to be buildable, a developer will have to elevate a new structure and comply with the City's balanced cut/fill ordinance. The City concludes 50% of the site is constrained from development.

2.7.3 Site 3 (NW Cherry) is available for redevelopment. All public services and streets are available and there are no significant building constraints.

2.7.4 The city concludes Site 1 is not currently available for development and Sites 2 & 3 have 1.00+/- acres of net buildable land available for development with public services readily available to the site.

2.8 The addition of the applicant's 0.90-acre will increase the City's supply of buildable R-2 zoned land.

2.9 The Fair Housing Council of Oregon submitted a letter to the City on May 20, 2020, Exhibit B-4. FHCO encourages the City to provide findings based on a Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) *"in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after the enactment of the proposed change."* FHCO also states: *"Further, only with a complete analysis showing the gain/loss in needed housing as dictated by the HNA and compared to the BLI, can the public understand whether the City is achieving its goals through [the] local planning file . . ."*

2.10 Chapter 10 of the Scio Comprehensive Plan (2019) includes a housing needs analysis. Table H-8 shows from 1990 to 2015, no new multi-family housing units (duplex or apartments) were constructed in Scio. Since 2015, none have been built. The chapter discusses housing trends, owner-occupied vs. rental units, income levels, rent comparisons with nearby communities, assisted housing provided in Scio and affordability. The City reached several conclusions on housing needs and affordability.

Housing Affordability Conclusions and Interpretations:

- No new rental housing constructed inside the city limits from 1990 to 2015. No prospects for new apartments in the near future.
- Monthly rental costs are competitive w/ regional market
- Monthly housing costs @ high end of regional market.
- New housing opportunities may be limited to build-out of Thomas Creek Estates
- Potential for new housing may be affected by federal/state flood hazard regulations.

Source: Scio Comprehensive Plan, Chapter 10-Housing, p. 175.

2.11 The Scio Buildable Lands Analysis Update (2015) is the City's adopted buildable lands inventory. It was prepared based on a 20-year planning population of 1,052 residents in the year 2035. The buildable lands inventory estimates the City needs to add 52 SFR/MH dwellings and 20 multiple-family dwelling by 2035, with a projected split of 65% owner occupied vs. 35% rental units.

2.12 Bryan Whisenhunt presented written testimony, Exhibit B-2, and oral testimony stating that the City has 5.27-acres of buildable land zoned for multi-family residential development, which is

sufficient to meet the city's need for duplexes/multi-family housing during the 20-year planning period.

Conclusions:

In its testimony, FHCO recommends the City prepare a Housing Needs Analysis and a Buildable Lands Inventory. The City concludes FHCO did not realize Chapter 10 of the Scio Comprehensive Plan includes a housing needs analysis and the Scio Buildable Lands Analysis Update (2015) is the City's adopted buildable lands inventory. The City does not need to prepare a new HNA or BLI before reviewing and rendering a decision on this application. The City will use the adopted Chapter 10 "Housing", the Scio Comprehensive Plan land use & housing goals and policies and the City's buildable lands analysis when it makes its decision on this application.

Mr. Whisenhunt's testimony raises the key policy question for this application:

Does the City of Scio need to increase the amount of buildable land for duplex/multi-family housing or are there sufficient lands already designated and zoned for duplex/multi-family uses?

Findings 2.1 to 2.7 summarize the amount of buildable lands in the City and constraints that limit full development of the sites zoned for multi-family use. The Scio BLA states the City needs 2.0+/- acres of vacant, buildable land for duplex/multi-family housing through the year 2035 and provides maps ;and tables showing the City has 5.27 acres of vacant land designated and zoned for duplex/multi-family housing. However, Finding 2.7 above concludes the three vacant sites in the multi-family zone have constraints which limit development. Only 1+/- acres of the 5.27 acres can be considered vacant, buildable land in 2020. The City Planner concludes:

1. Site #1–Vogel. This 4.0+/- acre site is not buildable and available for development due to sewer facility and flood plain limitations. Once sewer facility issues are resolved the site will be buildable.
2. Site #2–Clayton. Only 0.85-acres of this 1.69-acre site is available due to the flood plain limitations on the site.
3. Site #3-Cherry St. This site is available for development.

The 1.0+/- acres of buildable land on Site #2 and Site #3 does not provide the 2.0+/- acres of buildable land needed to accommodate duplex/multi-family housing through the year 2035. Two small parcels do not provide a sufficient number of alternative sites (market choice).

FHCO raises a second issue:

Does the proposal provide an opportunity for construction of housing units to meet needs of citizens of all income levels and housing types?

Goal 10 requires the City to provide land for development of a variety of housing types (homes, apartments, duplexes), owner-occupied and rental units, and housing to serve residents of all income levels. The applicant's consultant testified that the proposed duplexes may be offered for owner-occupied as well as rental units.

The City has not had any duplex units built in the past 30 years. In order to meet Goal 10 requirements and provide opportunities for rental housing units, the City Planner concludes the City needs to identify a and rezone 1.0+/- acres of land for duplex/multi-family dwelling units.

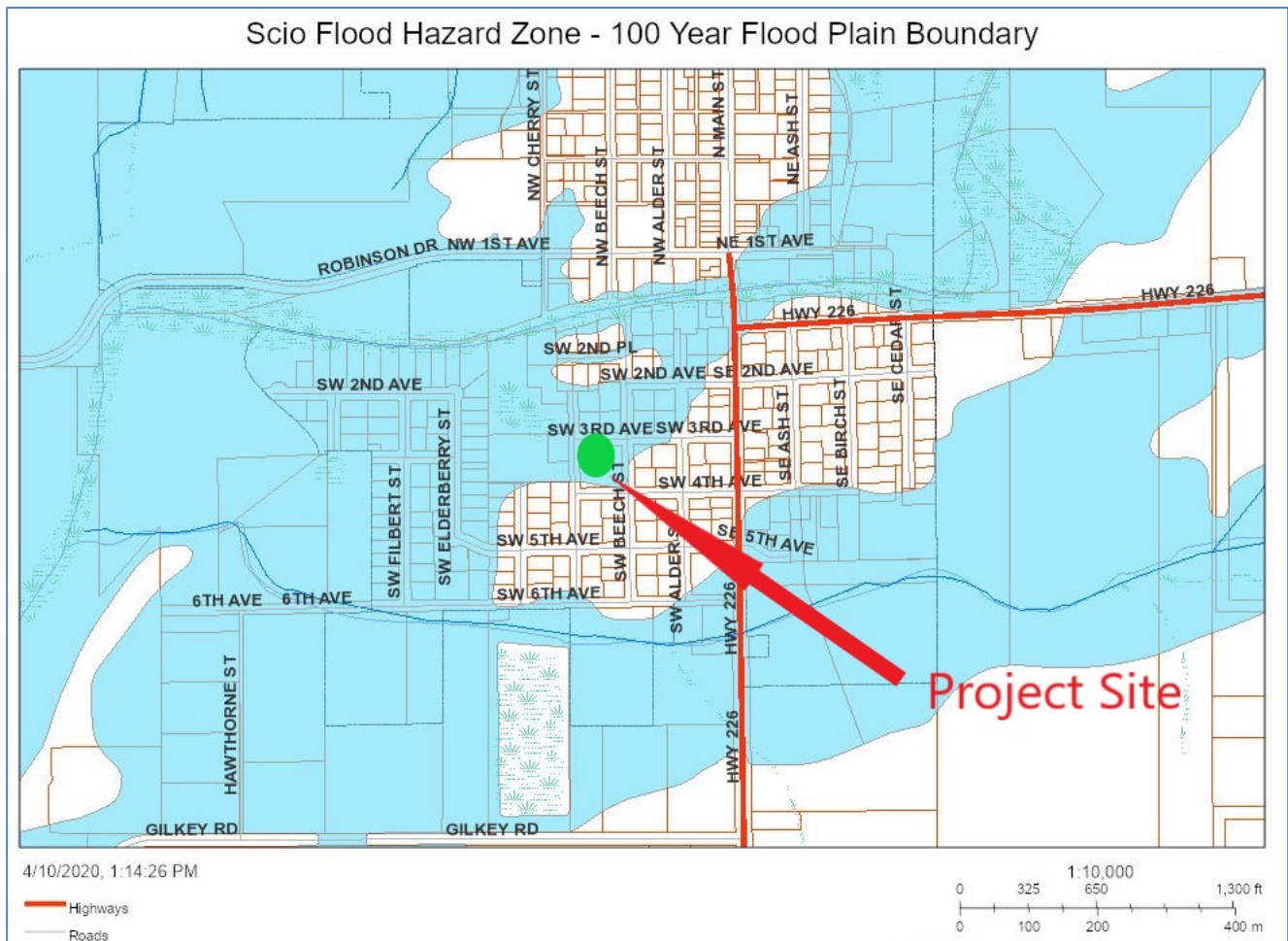
The City Planner concludes the proposal will increase the total of net buildable multi-family residential land in the Scio UGB and help the City meet its need for duplex/multi-family building lots that can be serviced with public facilities during the next seven years. The proposal complies with Goal 2.

Goal 7 – Natural Hazards.

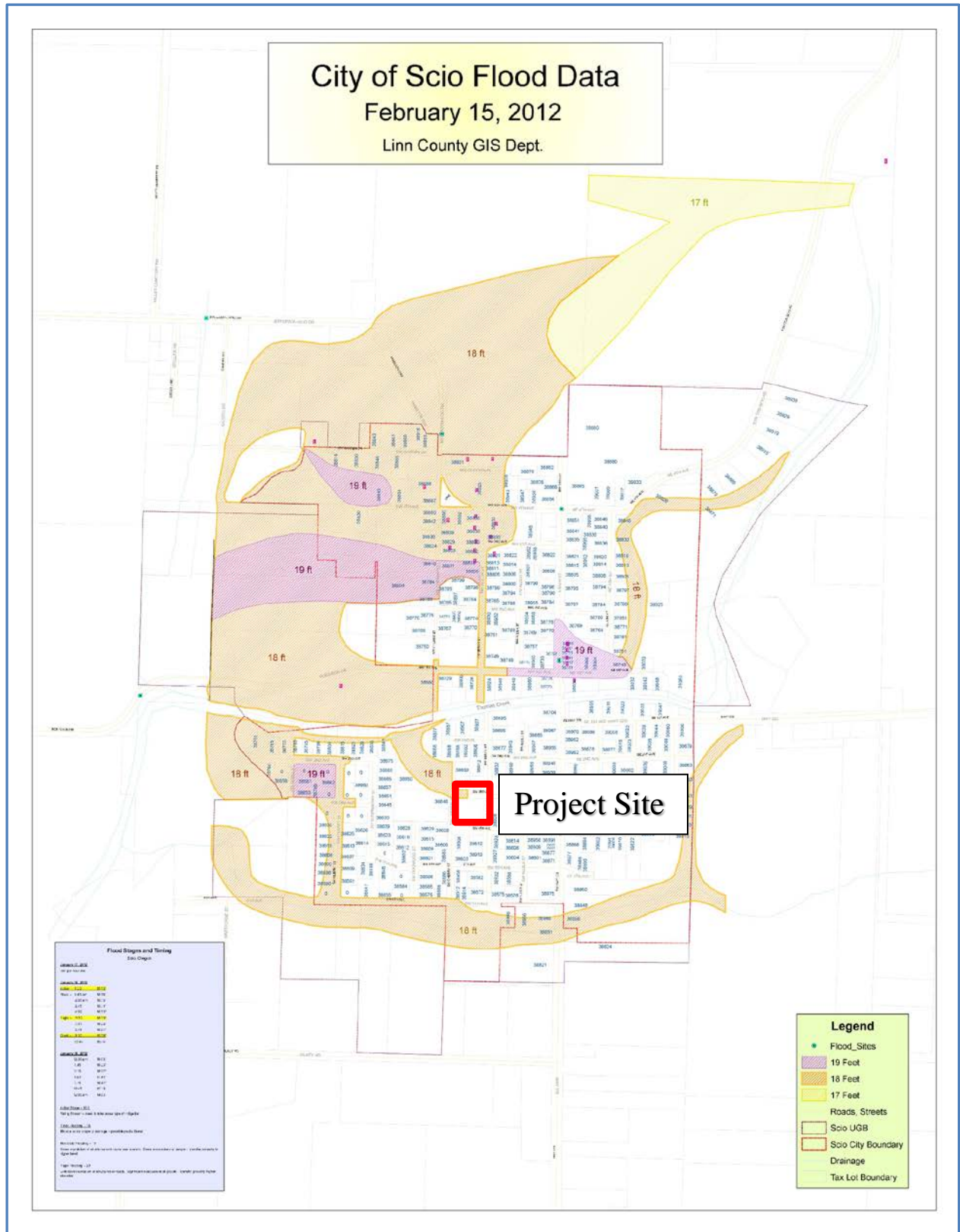
Goal 7 requires cities to inventory and adopt measures to protect the community from floods, landslides, earthquake and other natural disasters.

- 7.1 The site is located within the Thomas Creek 100-year flood plain, as shown on Map 4. The Linn County Flood Insurance Study (2010) and historical information from the January 2012 flood will be used to evaluate any subdivision and development proposal for the site.
- 7.2 The community has a history of shallow flooding, including the applicant's site. This data shows 2012 flood waters. A flood in January 2012 affected the northeast corner of the applicant's site. Flooding from Thomas Creek backed up to the intersection of SW Cherry and SW 3rd Avenue, as shown on Map 5 – "City of Scio Flood Data – January 2012 Flood Event".

Map 4
Thomas Creek Flood Plain in the City of Scio, Oregon



Map 5
City of Scio Flood Data – January 2012 Flood Event



7.3 Natural Hazards Goals and Policies:

Chapter 5 of the Scio Comprehensive Plan includes the following “Natural Resources” goals and policies that apply to the proposal.

FLOOD AND OTHER NATURAL HAZARDS

Goal NR-4: *To prevent losses as a direct result of natural hazards, by the identification of hazard areas and the control of development in hazard areas.*

Policy NR-8: The City of Scio will utilize the best available information acceptable to the Federal Emergency Management Administration (FEMA) to identify special flood hazard areas.

Policy NR-10: The City of Scio will regulate development in areas subject to flooding in accordance with the adopted floodplain maps and the Scio Flood Hazards Ordinance.

The City of Scio has adopted Ordinance 579, the Scio Flood Plain Management Ordinance and Linn County Flood Management Study (September 2010). The flood management ordinance includes protection measures to govern development within the 100-year flood hazard area. It requires a property owner to obtain a Flood Development Permit from the City and comply with National Flood Insurance Program (NFIP) regulations. Scio Ordinance 536 has a balanced cut & fill requirement to prevent development from causing an increase in flood depths.

At the time of subdivision or site development, the applicant will be required to submit a Flood Plain Development Permit application for any portion of the site that is located in the 100-year flood hazard area. As part of the City’s review of the flood plain development permit, the City will verify whether or not the cut/fill proposal will or will not increase flood elevations and will not impede the flow of floodwaters within or around the site.

7.4 Building Elevation Requirements within the Flood Plain. The first-floor elevation shall be a minimum 2’ above the base flood elevation. Elevation certificates are required for each structure.

7.5 Storm Drainage. There is a storm sewer at the SW corner of the site (SW Cherry & SW 4th intersection) with catch basins on SW Cherry Street. Article 13 of the Scio Zoning Ordinance requires city approval of public facility plans and installation of needed public improvements prior to or concurrently with development. Prior to the Planning Commission’s approval of a subdivision or site development plan, the applicant’s civil engineer must prepare and submit a “Storm Drainage Analysis” for the site that complies with the Scio Public Work Design Standards, for the City Engineer’s review and approval. As noted on pp. 2-3 of the City Engineer’s report dated May 19, 2020, attached as “Exhibit A”.

7.6 Other Natural Hazards. Chapter 5 of the Scio Comprehensive Plan inventories other potential natural hazards. The City has not identified any other natural hazards that impact the site.

7.7 Bryan Whisenhunt’s written testimony, Exhibit B-2, questions if the proposed development site can comply with flood hazard and storm drainage design requirements and minimize downstream impacts from flooding. He asks why the City does not require submittal of the full storm drainage analysis prior to making a decision on this application.

7.8 The applicant’s engineer Brian Vandetta, Udell Engineering, stated at the May 27, 2020 public

hearing that they submitted a conceptual development plan, Attachment E of the application, that shows storm drainage facilities can be extended to serve the development. He stated the applicant has not completed a flood plain analysis. Mr. Vandetta stated they will review flood plain issues, file a flood development permit application and complete a storm drainage analysis at the time a subdivision or development application is submitted to the City. If their site analysis shows a Letter of Map Amendment (LOMA) can be applied for to remove a portion or all of the site from the 100-year flood plain, they will do so.

The City concludes the City has adopted comprehensive plan goals, policies and development regulations appropriate to manage new development within the Thomas Creek Flood Hazard area and the proposal complies with the applicable Natural Hazards goals and policies.

The property is currently designated and zoned for residential development. The change from an R-1 to an R-2 zone does not change the city's engineering and development requirements.

Article 5 of the Scio Subdivision Ordinance and Article 13 of the Scio Zoning Ordinance require submission of flood plain permit data and storm drainage analysis/design calculations concurrently with site development. The applicant will be required to comply with the city's development requirements to mitigate negative effects within the 100-year flood hazard area:

1. Flood Plain Development: The applicant will either obtain a Letter of Map Amendment approved by FEMA demonstrating the site is outside the 100-year flood plain or obtain a Flood Plain Development Permit from the City.
2. Storm Drainage Analysis: Complete a storm drainage analysis and design storm drainage improvements in compliance with the City of Scio public works design standards and cut/fill ordinance requirements.
3. Storm Drainage Facility Improvements: Construct storm drainage facility improvements prior to or concurrently with a subdivision and/or site development.

The City Planner concludes the proposal complies with Goal 7 and a new development can comply with the city's flood plain management requirements and storm drainage facilities requirements at the time of development.

Goal 10 – Housing

Goal 10 requires cities to inventory and make available buildable lands that are suitable, available and necessary for all types of residential development.

- 10.1 The applicant has prepared Goal 2 and Goal 10 findings. The applicant's Goal 2 and Goal 10 findings are incorporated herein as set forth in full. The City concurs with the applicant's narrative summarizing the Scio BLA.
- 10.2 The City's Goal 2 findings (pp. 10-14) conclude the applicant's proposal to redesignate and rezone 0.90-acres to a Multi-Family Residential designation and R-2 zone will provide additional buildable land to meet the City's need for duplex and multi-family housing.

The proposal complies with Goal 10.

Goal 11 – Public Facilities

Goal 11 requires cities to plan for the timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Chapter 11 “Public Facilities” in the Scio Comprehensive Plan was updated in 2018. The City, Linn County and the Scio Rural Fire Protection District provide a variety of public services including water, sewer, storm drainage, roads, fire protection services and law enforcement. Chapter 11 provides a brief summary of the existing facilities and services and concludes there are adequate services available to serve growth in the community for the 20-year planning period from 2017 to 2035.

11.1 Fire Protection/Emergency Medical Services. The site is within the Scio Rural Fire District boundaries. The Fire Chief has no objections to the proposed comprehensive plan/zone change proposal, but noted the fire district will want to review and approve fire protection services for the new residential development prior to issuance of any building permits.

11.2 Law Enforcement Services. Linn County provides law enforcement services for the City of Scio and the surrounding rural areas. Law enforcement services will not be affected.

11.3 Water. The City of Scio operates a municipal water system. It provides potable drinking water to approximately 300 customers located inside the city limits and a handful of customers outside the City. The site is served by 6” distribution water mains and fire hydrants on three sides of the site: SW 3rd, SW 4th and SW Beech Streets. The City’s water master plan shows the system is adequately served. Fireflows can be improved by looping the water main on SW Cherry Street.

11.4 Storm Drainage. See Goal 7 – Findings for discussion of storm drainage facilities.

11.5 Sanitary Sewer. The City of Scio operates a wastewater collection and treatment system that serves the community. In 2020, City Engineer Ryan Quigley, Dyer Partnership, LLC, prepared a new wastewater facility master plan for the City of Scio. The master plan shows the site can be served by the Scio sewer system, but requires sewer main extensions to the development site.

11.6 City Engineer’s Report. City Engineer Ryan Quigley provided a preliminary review letter dated May 19, 2020. He concludes the City has an ability to provide services to the site, subject to a city review of detailed engineering plans for the project.

- **Sewer Facilities:** Mr. Quigley notes that the applicant’s preliminary plans show a sewer main extension on SW Beech Street to serve several duplexes. The City Engineer explains the SW Beech Street sewer main north to the City’s pump station has I&I issues which may limit capacity and the # of new connections. The applicant’s engineer Brian Vandetta stated the SW Beech St. sewer main capacity limitations are not expected to create a problem. Mr. Vandetta stated the SW Cherry Street sewer main, which has no condition or capacity issues, may be extended to serve the entire site.
- **Storm Drainage:** Final design and capacity analysis will be completed per the City’s PWDS.
- **Water:** The site is adequately served with city water services. Water main extension will be required on SW Cherry Street to loop the city water mains and provide improved fire flows. The site currently has adequate fire flows for residential uses.

The City concludes there are adequate law enforcement, fire protection/emergency medical services, public water and sanitary sewer facilities to serve the property. The City concludes the proposal complies with Goal 11.

Goal 12 – Transportation

Goal 12 requires cities to provide for a safe, convenient and economic transportation system. Due to its size, the City of Scio is not required to prepare a Transportation System Plan. The Scio Comprehensive Plan includes transportation goals and policies that encourage the development of a local streets, roads and pedestrian network to serve the residents of the city.

Findings Related to Goal 12 Transportation

- 12.1 SW 3rd, SW 4th, SW Cherry and SW Beech Streets are local streets.
- 12.2 The Scio Comprehensive Plan includes Transportation Goal T-2 and Objectives 2a, 2b, 2c and 2d encouraging the City to provide pedestrian and bicycle facilities, including Safe Routes to School, concurrently with new development. Map T-9 in Chapter 12 “Transportation” of the Scio Comprehensive Plan shows SW Beech Street is designated as a priority improvement for a pedestrian walkway/safe route to school.
- 12.3 The Scio local streets plan in Chapter 13 of the Scio Zoning Ordinance 561 shows proposed street improvements, including both turnpike style streets (no curbs) and full urban improvements (curb, gutter, bike lane, pedestrian sidewalks and storm drainage facilities). Chapter 13 requires full urban improvements in a subdivision, unless the improvements are deferred or waived as part of a subdivision review.
- 12.4 The applicant has provided a conceptual subdivision plan for the site, Attachment “E”, which shows future street improvements on the four streets abutting the site, including pedestrian and bicycle facilities. The applicant’s proposal shows half-street improvements for the property frontage.
- 12.5 The City Engineer’s report (Exhibit A) recommends modifications to the plans for sidewalk improvements to better serve students walking to/from schools.
- 12.6 In their public testimony from five citizens (Ms. Nunn, Mr. Schrunk, Mr. Jones, Mr. Rettman and Mr. Miller) each raised questions or concerns about traffic safety, vehicle parking and/or pedestrian safety. SW Beech Street is a walking route to/from school for students in the south end of Scio. They walk north on SW Beech Street to the pedestrian footbridge which crosses Thomas Creek and guides students to Centennial Elementary School and Scio Middle School. Ensuring pedestrian safety is a community priority. As noted in 12.5 above, the City Engineer recommends modifications to the applicant’s conceptual plan to better address pedestrian safety.

The City Planner and City Engineer conclude the applicant can comply with the city’s requirements to construct street and pedestrian facilities abutting the site concurrently with a subdivision and/or site development. However, the final engineering design will need to address the traffic safety, parking and pedestrian safety issues raised by the community. The proposal complies with Goal 12.

B. Scio Comprehensive Plan Goals and Policies

The City reviewed the proposal for compliance with the Scio Comprehensive Plan. The applicant’s

application form and narrative do not address the City's comprehensive plan goals and policies. The following goals and policies apply to the proposal:

LAND USE GOALS AND POLICIES

Land Use Goals:

Goal LU-2: *The City of Scio will provide an adequate supply of land inside the city limits that is zoned for residential, commercial, industrial and public uses to meet the projected needs of the City for the next 20 years.*

Residential Lands Policies:

Policy LU-4: Residential zones will allow for a mix of housing types and densities consistent with the existing character of the community, address the economic capabilities and lifestyles of the residents of Scio.

Policy LU-5: The residential density allowed in the single-family residential zone will be four (4) to six (6) units per acre and up to fourteen (14) units per acre in the multi-family residential zone. The minimum lot size per dwelling unit will be increased if a parcel is located in the Special Flood Hazard Area as defined on the Flood Insurance Rate Map (FIRM) and in the Flood Hazard Ordinance of the City of Scio.

Findings:

- LU-1 The Scio Buildable Lands Analysis Update (2015) shows the City has a need for 2.0+/- acres of buildable residential land for duplex and multi-family development for the 20-year planning period through 2035. (See Goal 2 Findings above on pp. 8-10 for more detailed findings).
- LU-2 The City does not allow duplexes and multiple family dwellings in the City's R-1 zone. It requires they be located in the R-2 zone.
- LU-3 The applicant's proposed Comprehensive Plan Map Amendment and Zone Change will add 0.90 acres of buildable land to the R-2 zone.
- LU-4 The applicant proposes to remove 0.90 acres from the R-1 zone and redesignate and rezone the 0.90 acres R-2 for the duplex development. The City concludes the removal of 0.90 acres from the R-1 zone will leave approximately 38+ acres of net buildable R-1 zoned land in the Scio UGB and a 20-year need for less than 13 acres of R-1 zoned land.
- LU-5 The City of Scio needs to ensure there are adequate buildable lands in the R-2 zone to allow builders to add needed duplex and/or multiple family dwellings in Scio. At an assumed density of 10 units per acre, the City of Scio needs a minimum of 2.0 acres of net buildable land in the R-2 zone to accommodate the need during the 20-year planning period.
- LU-6 Scio BLA Table 21 shows there are 5.27 net buildable acres in the R-2 zone to accommodate the need.
- LU-7 The Goal 2 findings (pp 10-14) conclude 4+ acres of the R-2 zoned land is likely to have development delayed until the City corrects deficiencies to the sewer collection system in the vicinity of NE Ash St. and North Main Street; therefore, public services may not be available to the 4+-acre Vogel site.

Mr. Whisenhunt's written testimony, Exhibit B-2, notes that even if the Vogel Site #1 is not available for development, the City will have sufficient buildable land on the Clayton sites #2 and NW Cherry Street Site #3 to accommodate 8+ multi-family units over the next 8 years. The

City concurs with his analysis.

- LU-8 The addition of 0.90-acres of land to the R-2 zone will enable the City to provide another site option for a duplex or multi-family development in Scio.

The proposal is consistent with Goal LU-2 and Land Use Policies LU-4 and LU-5.

HOUSING GOALS AND POLICIES

Goal H-4: *Provide an adequate supply of buildable land outside the Special Flood Hazard Area to allow for the development of various housing types to meet the needs of a growing community.*

Policy H-2: *Housing Types. Scio's zoning ordinance will include residential zones which allow a variety of housing types:*

- a. Low density residential zone (R-1): The R-1 zone will permit single-family dwellings and manufactured homes on individual lots.*
- b. Medium density residential (R-2): The R-2 zone will permit single family dwellings, manufactured homes on individual lots, manufactured home parks, residential facilities, assisted living and multiple-family dwellings.*

Findings:

- H-1 Section 10.4 of the Scio Comprehensive Plan summarizes the analysis and conclusions in the Scio Buildable Lands Analysis; it states the City needs to add 16-20 duplex and multi-family housing units to serve city's 2035 population of 1052 persons.
- H-2 Goals H-4 urges the City to provide buildable land outside the 100-year flood hazard area to meet the City's needs.
- H-3 Map 3 (page 3 of this staff report) shows the location of 5.27-acres of vacant, residential land zoned R-2, that allow for the construction of duplex or multi-family units.
- H-4 The Goal 2 findings of this staff report concludes that only 1.0+/- of the 5.27-acres can be provided with public facilities and is not limited by flood plain development constraints. The remaining 4.27-acress is not immediately buildable and available for development in 2020.

The City's housing policies and Scio Zoning Ordinance prohibit development of duplexes and multi-family housing in the R-1 zone; they are only permitted in the R-2 zone. The City has 1.0+/- acres of land that can be served with public facilities and is not constrained by flood plain limitations. The City needs an addition 1.0+/- acres to meet the city's need for duplex or multi-family housing. The proposed addition of 0.90-acres to the multi-family plan designation and R-2 zone is consistent with the City's housing goals and policies.

NATURAL RESOURCE GOALS AND POLICIES

FLOOD AND OTHER NATURAL HAZARDS

Goal NR-4: *To prevent losses as a direct result of natural hazards, by the identification of hazard areas and the control of development in hazard areas.*

Policy NR-8: The City of Scio will utilize the best available information acceptable to the Federal Emergency Management Administration (FEMA) to identify special flood hazard areas.

Policy NR-10: The City of Scio will regulate development in areas subject to flooding in accordance with the adopted floodplain maps and the Scio Flood Hazards Ordinance.

Findings:

- NR-1 Goal N-4 requires the City to prevent losses as a result of natural hazards, including the 100-year flood plain for Thomas Creek.
- NR-2 Policies NR-8 and NR-10 permit development on properties located in the Flood Hazard zone, subject to a Flood Development Permit and compliance with National Flood Insurance Program (NFIP) regulations.
- NR-3 The City of Scio has adopted Ordinance 579, the Scio Flood Plain Management Ordinance and Linn County Flood Management Study (September 2010). The flood management ordinance includes protection measures to govern development within the 100-year flood hazard area. It requires a property owner to obtain a Flood Development Permit from the City and comply with National Flood Insurance Program (NFIP) regulations. Scio Ordinance 536 has a balanced cut & fill requirement to prevent development from causing an increase in flood depths.
- NR-4 See the Goal 7 findings above for additional findings related to flood hazard requirements.

At the time of subdivision or site development, the applicant will be required to submit a Flood Plain Development Permit application for any portion of the site that is located in the 100-year flood hazard area or provide evidence that FEMA has approved a Letter of Map Amendment (LOMA) removing all or a portion of the development site from the 100-year flood hazard area. *As part of the City's review of the subdivision and flood plain development permit, the City will verify whether or not the proposed cut/fill proposal, street elevations and building elevations will not increase flood elevations and will not impede the flow of floodwaters within or around the site.*

The proposal is consistent with Goal NR-4 and Policies NR-8 and NR-10.

PUBLIC FACILITIES AND TRANSPORTATION SYSTEM GOALS AND POLICIES

Public Facilities Goals:

- Goal PF-1 To provide quality public facilities and services for the citizens of Scio, in compliance with state and federal requirements and within the economic capabilities of the community.
- Goal PF-3: To improve storm drainage systems to eliminate existing drainage problems, reduce minor flooding and minimize property damage.

Public Facilities Policies:

- Policy PF-9 The City of Scio will require city water, sewer and storm drainage facilities and services to be available in advance or concurrently with development.
- Policy PF-10 At the time of development, the developer will be required to extend or expand needed public facilities to and through the development site at the developer's sole cost and expense.
- Policy PF-21 The City may require new development proposals to submit a storm drainage analysis, and proposed plans that protect water quality, ensure balanced cuts and fill, provide storm water detention or retention and comply with low impact storm water development standards.

Findings:

- PF-1 The applicant proposes to construct all public facilities concurrently with the proposed subdivision / duplex development project. The applicant has submitted "Attachment E" showing a conceptual plan for public facility and street improvements.

- PF-2 The applicant has not submitted a storm drainage analysis and report. The City Engineer will require a “Storm Drainage Report” and will require a plan showing proposed street and storm drainage improvements to serve the site.
- PF-3 Public improvements must be constructed prior to or concurrently with the subdivision or duplex development.

The City concludes that the applicant’s proposal is consistent with Goals PF-1 and PF-3 and public facilities policies PF-9, PF-10 and PF-21.

TRANSPORTATION SYSTEM GOALS AND POLICIES

Transportation Goals:

Goal T-1: Streets and Highway System - Provide for efficient motor vehicle travel within and through the City of Scio.

Goal T-2: Active Transportation – Increase the availability of pedestrian and bicycle facilities.

Transportation Policies and Objectives:

Objective 1c: Review land development proposals using the City’s transportation development standards.

Objective 2a: Identify bike lane, recreational trail and sidewalk projects that enhance pedestrian/cyclist safety and encourage use of these facilities in Scio, including streetscape amenities such as lighting, benches, banners, and signage.

Objective 2b: Develop “Safe Routes to School” and walking / biking connections to public facilities, parks and covered bridges.

Objective 2c: Install way-finding signage directing pedestrians and cyclists to nearby schools, parks, museum, covered bridges and local businesses.

Objective 2d: Evaluate and improve existing sidewalks. Ensure pedestrian facilities and recreational trails are clear of obstacles and obstructions (e.g., posts, signs, utility poles, trees, noxious vegetation) and comply with applicable Americans with Disability Act (ADA) standards.

Findings:

- T-1 SW 3rd, SW 4th, SW Cherry and SW Beech Streets are local streets.
- T-2 Map T-9 shows SW Beech Street is designated as a priority improvement for a pedestrian walkway/safe route to school. Street improvement plans will be required to incorporate a safe route to school pedestrian walkway or sidewalk on SW Beech Street.
- T-3 The applicant has provided a conceptual subdivision plan for the site, Attachment “E”, which shows future street improvements can be provided on the four streets abutting the site.
- T-4 The Scio local streets plan in Chapter 13 of the Scio Zoning Ordinance 561 shows proposed street improvements, including both turnpike style streets (no curbs) and full urban improvements (curb, gutter, bike lane, pedestrian sidewalks and storm drainage facilities). Chapter 13 requires full urban improvements in a subdivision, unless the improvements are deferred or waived as part of a subdivision review.
- T-5 See Goal 12 findings for additional findings.

Based on the amount of public testimony and the fact that SW Beech Street is identified as a Safe Route to School, the applicant's final development plans will need to provide more information on driveway access, on-street parking, off-street parking, RV parking, sidewalk widths and locations.

The City Planner and City Engineer conclude the applicant can comply with the city's requirements to construct street and pedestrian facilities abutting the site concurrently with a subdivision and/or site development.

The proposal is consistent with Transportation Goals T-1 and T-2 and Objectives 1c, 2a, 2b, 2c and 2d.

City Planner's Summary – Compliance with the Scio Comprehensive Plan Goals and Policies

The City Planner concludes Attachment E, showing proposed public facilities, is adequate for a Comprehensive Plan Map Amendment / Zone Change application and the proposal is consistent with the Scio Comprehensive Plan goals and policies.

If the City approves this application, the applicant will be required to submit more detailed engineering plans, storm drainage calculations and flood development permit information with a subdivision or site development plan application.

C. Scio Comprehensive Plan Amendment Ordinance 496

The applicant's proposal requests approval of an amendment to the Scio Comprehensive Plan map to redesignate a 0.90-acre site from Residential to Multi-Family Residential, as shown on Map 1 above.

Scio Ordinance 496 includes application requirements, standards and criteria for amendments to the Scio Comprehensive Plan. The criteria that apply to this proposal are found in Ord. 496, Section 7:

Ordinance 496, Section 7: Approval criteria.

To approve an application for amendment of the comprehensive plan, findings shall be made that the proposal complies with the following decision criteria:

- 1. The proposed amendment is consistent with and does not alter the intent of the applicable sections of the Comprehensive Plan.**
- 2. Other suitable locations are not presently available to accommodate the use for which the amendment is proposed.**
- 3. The proposed amendment will be compatible with adjacent land uses, and will not adversely impact the overall land use pattern in the area.**
- 4. The proposed amendment will not have a significant negative impact on the provision of public facilities such as police and fire protection, water supply and sewage disposal.**
- 5. The proposed amendment will not have a significant negative impact on the provision of transportation facilities.**
- 6. Development limitations, such as soil and foundation suitability, or flood hazard potential, will not adversely affect the land uses which would be permitted through the amendment.**

The application complies with the application, filing fee and review procedure requirements for a

comprehensive plan amendment as set forth in Ordinance 496, Sections 1 to 6.

Applicant's Narrative and Findings

The applicant has included findings to address Ordinance 496 requirements. They are included on pp. 5 to 8 of the applicant's narrative, Exhibit 1 dated April 1, 2020. The applicant's findings are incorporated herein, as if set forth in full.

City Planner Findings for Compliance with Ordinance 496, Section 7 - Approval Criteria

Criteria 7-1: Consistent with the Scio Comprehensive Plan

Findings: See Scio Comprehensive Plan findings above, pp. 15-19. The proposal complies with Criteria 7-1.

Criteria 7-2: Other Suitable Locations are Not Available to Accommodate the Use

Findings:

7-2.1 The Scio Buildable Lands Analysis Update (2015) includes maps showing vacant and developable residential sites in the City of Scio UGB. Map BLA-7 "Available Residential Land" in the Scio Buildable Lands Analysis Update (2015) shows there are only three vacant R-2 zoned parcels in the Scio UGB;

- Site 1 (Vogel), a 4+ acre site east of NE Ash Street
- Site 2 (Clayton), a 1.69-acre site north of NW 4th Avenue, and
- Site 3 (NW Cherry), a 0.32-acre site in the 38900 block of NW Cherry Street.

7-2.2 See Findings under Goal 2. Finding 2.7 (pp. 9-10) concludes Site 1 is not currently available for development and Sites 2 & 3 have 1.00+/- acres of net buildable land, with public services adjacent to the site, ready and available for development.

7-2.3 The BLA states the City needs at least 2.0-acres of R-2 zoned land for multi-family residential uses.

The City Planner finds portions of Site 1 and Site 2 are constrained and cannot be fully developed. Net buildable land on Sites 1, 2 and 3, that is currently served with public facilities is less than the 1.2 acres needed for R-2 zoned land. The City Planner concludes the redesignation and rezoning the applicant's 0.90-acre site will add to the City's supply of buildable R-2 land and help ensure the city has alternate buildable sites available to meet the city's housing needs for duplex and/or multi-family development. The proposal complies with Criteria 7-2.

Criteria 7-3: Compatibility with Adjacent Land Uses and Proposal will not affect overall land use pattern in the area

Findings:

- 7-3.1 Map 2 (p. 6) shows surrounding land uses are single-family home sites on ¼-acre and larger lots.
- 7-3.2 The Scio Comprehensive Plan Map shows the neighborhood is planned and zoned for residential uses. If rezoned from R-1 to R-2 residential it may be developed for residential uses.
- 7-3.3 The property is currently zoned for single-family residential development. The maximum # of homes permitted on the 0.90-acres is 4 dwelling units.
- 7-3.4 The City received testimony from Mr. Whisenhunt (Exhibit B-2) stating that redesignation and rezoning of the 0.90-acre site is not compatible with the surrounding single-family development pattern. Mr. Whisenhunt states: *“this request goes against the very purpose of providing single-family zoning for single-family living – NOT multi-family.”*
- 7-3.5 The City received testimony from Mr. Rettman (Exhibit B-5) asking what the long-term planning impacts are for the adjoining Harbison site and the surrounding R-1 zoning.
- 7-3.6 Redesignation and rezoning the property will allow up to 8 dwelling units the 0.90-acre site.

The redesignation and rezoning of this 0.90-acre tract will create a 1-block area with duplexes, if the site is developed as shown on the applicant’s conceptual plan. Nothing will preclude Mr. Harbison or any other adjacent property owner from applying for a redesignation/rezoning of their properties to multi-family uses. The decision on each application is based on the merits of the application and whether or not it complies with the City’s comprehensive plan and decision criteria.

The City concludes the proposed duplex / multi-family zoning is consistent with the Scio Comprehensive Plan map, goals and policies for future residential land uses. The proposal complies with Criteria 7-3.

Criteria 7-4: No Negative Impact on Public Facilities and Services

Findings: See the Goal 11 findings and the Scio Comprehensive Plan findings above for “Public Facilities”.

The City concludes the city has adequate public facilities to serve the area and there will be no negative impact on public facilities and services. Final engineering plans must be submitted demonstrating compliance with the City’s Public Works Design Standards (PWDS). The proposal complies with Criteria 7-4.

Criteria 7-5: No Negative Impact on Transportation Facilities

Findings: See the Goal 12 findings and the Scio Comprehensive Plan findings above for “Transportation System”.

- 7-5.1 The applicant proposes to construct street frontage improvements concurrently with the proposed subdivision and duplex development on the site.
- 7-5.2 The applicant has submitted proposed findings for Criteria 7-5. Each dwelling unit in an R-2 zone will generate 10 vehicle trips/day for a total of 80 vehicle trips/day. This compares to 40 trips/day that is allowed in the R-1 zone. New dwellings on this block will disperse traffic to SW 3rd, SW 4th, SW Beech and SW Cherry Street.

- 7-5.3 Local streets are designed to carry 500-1000 vehicle trips per day. There are 45+/- dwelling units in the 10-block area bordered by Thomas Creek, SW Alder, SW 6th & SW Cherry Street. Based on the number of surrounding dwelling units, the total traffic volume of 450-500 vehicles per day from these homes will not reach the design capacity of the local streets.
- 7-5.4 There are no sidewalks or pedestrian facilities on the applicant's block.
- 7-5.5 Local streets do not currently comply with the city's public works design standards.
- 7-5.6 The City will require street and pedestrian improvements, consistent with the City's adopted local street plan and the city's public works design standards, to be installed concurrently with the development. Attachment E provides a conceptual design for abutting street improvements. Detailed engineering plans will need to be submitted with a subdivision application showing street improvements, storm drainage and pedestrian/bicycle facilities that comply with the city standards.

The City Planner concludes the existing street grid layout is adequate and the local streets can be improved concurrently with the development, including new storm drainage, safe sidewalks and pedestrian facilities and widen AC pavement for travel lanes. The City concludes the redesignation and rezoning of the site project will have no negative impact on the local transportation network. The proposal complies with Criteria 7-5.

Criteria 7-6 Development Limitations – Soils, Flood Hazards, Wetlands will not adversely affect land use permitted with the amendment.

Findings: See the Goal 7 findings and the Scio Comprehensive Plan findings above for Natural Resource Goals and Policies - "Flood Plain".

- 7-6.1 Goal NR-4 requires the City to adopt and enforce flood hazard regulations to prevent losses in the 100-year flood plain.
- 7-6.2 Policies NR-8 and NR-10 permits development on properties located in the Flood Hazard zone, subject to a Flood Development Permit.

The City concludes there are limitations on the site. The site is entirely within the 100-year flood hazard zone. The City's major concern is that development of the site will not negatively impact storm drainage and cause a change in flood conditions for upstream property owners.

If the City approves the Comprehensive Plan Amendment and Zone Change, the City will review any subdivision plans and flood plain development permits to ensure there is a balanced cut and fill, that buildings are elevated 2' above the base flood elevation, storm drainage is designed so it does not negatively impact downstream properties and flood waters are not negatively impacted by the development. Depending on the project design, the applicant may file a Letter of Map Amendment (LOMA) with FEMA if the applicant's engineer concludes all or a portion of the site can be removed from the 100-year flood plain.

The City concludes the project can be designed so it will not adversely affect adjacent land uses from potential storm drainage or flood hazards. The proposal complies with Criteria 7-6.

City Planner's Summary – Compliance with the Ordinance 496

The City Planner concludes the proposed Comprehensive Plan Map Amendment/ Zoning Map Amendment application is consistent with Ordinance 496 and complies with Criteria 7-1 through 7-6.

D. Scio Zoning Ordinance – Article 10 “Zoning Amendments”

The applicant’s proposal includes an amendment to the Scio Zoning Ordinance to rezone the 0.90-acre site from Single-family Residential (R-1) to Multi-family Residential (R-2) for the site shown on Map 1.

Scio Ordinance 561, Article 10 includes application requirements and procedures to considering a zone change application. Sections 10.000 to 10.030 do not include any criteria for review of a zoning map amendment. Therefore, the proposal must comply with the goals and policies in the Scio Comprehensive Plan, as reviewed in Section B above.

Procedural Requirements

The application complies with the application, filing fee and review procedure requirements for a comprehensive plan map amendment and zoning map amendment as set forth in Ordinance 561, Sections 10.010 and 10.020.

Applicant’s Narrative and Findings

The applicant has included findings on page 9 of their narrative dated April 1, 2020 to address Ordinance 561, Article 10 requirements and to identify the R-2 zone requirements which will apply if a duplex development is allowed. They are incorporated herein, as if set forth in full.

City Planner’s Summary – Compliance with the Ordinance 561, Article 10.

The City Planner concludes the proposed zone change application is consistent with the application and procedural requirements of the City of Scio and complies with Article 10, Ordinance 561.

IV. PLANNING COMMISSION CONCLUSION and RECOMMENDATIONS

Based on the findings and conclusions contained in this report, the Scio Planning Commission concludes that the applicant’s proposal complies with the requirements to approve a Comprehensive Plan amendment and Zone Change from Residential (R-1) to Multi-Family Residential (R-2). The Planning Commission recommends the City Council approve the application in File 2020-04.

V. PLANNING COMMISSION OPTIONS

If an electronic meeting is held, the City Attorney may recommend the City following a different public hearing review and approval process. The City Manager will provide guidance to the Commission.

The Planning Commission has several options:

A. CONTINUE THE HEARING OR DELIBERATION:

Continue the Public Hearing or Deliberations to the next regularly scheduled meeting.

B. APPROVAL:

Approve the application if the Planning Commission concludes the proposal complies with the decision criteria. No conditions of approval are recommended.

C. DENIAL:

Deny the application if the Planning Commission concludes the proposal does not comply with the decision criteria, as follows [Insert basis for denial].

VI. MOTIONS

Continuance Motion or direction by the Planning Commission Chair to continue the public hearing to _____, 2020 at 7:00 p.m. to consider further testimony on the proposal.

[The Chair may continue the hearing to consider additional testimony on the entire application or may limit future testimony to specific issues].

Approval Motion to **APPROVE** File 2020-04 to amend the *Scio Comprehensive Plan Map* to redesignate a 0.90-acre one-block site bordered by SW Beech St., SW Cherry St., SW 3rd Avenue and SW 4th Avenue from a Residential plan designation to a Multi-Family Residential plan designation and to concurrently rezone the property from R-1 to R-2 and to adopt the findings of fact in the Staff Report **dated June ____, 2020.**

Denial Motion to **DENY** File 2020-04 because the proposal does not comply with Scio Comprehensive Plan policies **[list reasons]**

The Planning Commission directs the Planning Consultant to modify the findings and conclusions in the staff report to reflect the Planning Commission's deliberation and to present the updated findings to the Commission at its regular meeting on _____ **2020 at 7:00 p.m.**

VII. ORDINANCE ADOPTION (If Approved)

If the Planning Commission and City Council approve the application, the City must adopt an ordinance to amend the Scio Comprehensive Plan Map and the Scio Zoning Map. A draft ordinance will be provided to the City Council.

Applicant's Submittals

File PL 2020-04 - Comp Plan Amendment/Zone Change

Exhibit 1: Application narrative for "Nelson's Addition" prepared by Udell Engineering & Land Surveying, LLC and David Dotson, Willamette Valley Planning dated April 1, 2020.

Attachment A	Aerial Map
Attachment B	Linn County Assessor's Map
Attachment C	<i>Scio Comprehensive Plan Map</i>
Attachment D	<i>City of Scio Zoning Map</i>
Attachment E	Nelson's Preliminary Subdivision Plan
Attachment F	Floodplain Overlay Map
Attachment G	PowerPoint Presentation & Presentation Outline presented by David Dodson, Willamette Valley Planning, at the May 27, 2020 public hearing.

The application and attachments are on file at the City of Scio City Hall and are posted on the City of Scio website.



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M E M O R A N D U M

DATE May 19, 2020

TO City of Scio
Cathy Martin

FROM Ryan Quigley, PE

SUBJECT Iceland Construction Duplex Development – Preliminary Site Review

Cathy,

Per the City's request, we have reviewed the preliminary site plan for the proposed duplex development located at the 38900 block of SW 3rd and SW 4th Avenues and have the following initial comments:

1. Wastewater
 - a. The developer proposes to extend the existing SW Cherry St. sewer mainline from the intersection of SW 4th Ave. and SW Cherry St., approximately 170 feet to the north to serve the two duplex units on the west side of the development. The existing sewer mains in this area are 8-inch diameter PVC and direct flow to the Thomas Creek Pump Station (TCPS). We don't have any concerns with capacity in the mainline to the TCPS and understand that the TCPS is sized to handle additional development flows.
 - b. The developer proposes to extend the existing SW Beech St. sewer mainline from the intersection of SW 3rd Ave. and SW Beech St., approximately 150 feet to the south to serve the two duplex units on the east side of the development. While not shown on the City's sewer map, we noted that there is an existing line that flows from the south, on SW Beech St. that may extend far enough to serve the subject property. Further investigation will be required during design.
 - c. It should be noted that the existing sewer mainline running from the point of proposed connection to the north, ending at the Beech St. Pump Station, is identified as a priority level one replacement project in the City's Wastewater Facilities Plan (WWFP). This section of sewer mainline showed signs of inflow and infiltration (I/I) during the field work portion of the WWFP study. I/I will

limit capacity in sewer mains and the City should consider addressing this concern before additional connections are permitted to this portion of the system.

- d. The preliminary site plan shows one 4-inch sewer lateral service for each duplex building. Because the lateral is serving two residential units, we recommend that the combined sewer laterals be reviewed for possible upsizing for the duplex buildings during design.
- e. DEQ approval will be required for sewer line extensions and shall be the responsibility of the developer.
- f. All applicable sections of the Public Works Design standards shall be followed for the design and construction of the sewer system.

2. Water

- a. The site appears to be adequately served by existing water mains. Existing mains are shown on the preliminary plan as being located along the subject property on SW 4th Ave, SW Beech St., and SW 3rd Ave. The developer proposes to install a 6-inch water main on SW Cherry St. from SW 4th Ave. to SW 3rd Ave., however, the City's Water Master Plan (WMP) shows that there is an existing 6-inch line on this section of SW Cherry St. Further investigation will be required during design to locate this line. If it does not exist, we support the proposed plan to complete the water line extension as part of this development.
- b. Adequate fire flow shall be provided to the proposed development. Three (3) existing fire hydrants are found in the vicinity, located at the intersections of SW Cherry St. and SW 4th Ave., SW 4th Ave. and SW Beech St., and SW Cherry St. and SW 3rd Ave. The City's WMP indicates that the fire flow in the area of SW 3rd and Beech St. meets the recommended basic fire flow of 2,250 gallons per minute. Existing fire hydrant location, condition and flow should be reviewed and verified with by the Scio Rural Fire District (SRFD) during design.
- c. Separate water meters shall be provided for each residential unit. A combined meter for each building will not be allowed.
- d. All mainline and service connections to the existing mainline, as required to provide water service to the development, shall be completed per the City's Public Works Design Standards (PWDS).

3. Stormwater

- a. The proposed plan shows the installation of one catch basin near the intersection of SW Cherry St. and SW 4th Ave, in conjunction with the street improvements in that area. Additional drainage facilities, including detention and water quality may be required as the site design and grading plan is developed.

- b. Final stormwater design and detention calculations shall be completed per the City's PWDS.

4. Transportation

- a. The proposed plan includes the construction of one-half street improvement on SW Cherry St. between SW 4th Ave. and SW 3rd Ave. The improvement includes a 20-foot roadway section with curb, gutter and possible sidewalk. The improvement, with acceptance to the sidewalk as noted below, is acceptable and shall be constructed per the City's PWDS.
- b. The developer proposes to construct a 10-foot wide pathway along the property frontage to SW Beech St. The path provides pedestrian access toward the pedestrian bridge over Thomas Creek at the north end of SW Beech St. and is acceptable.
- c. We recommend that the sidewalk shown on the SW Cherry St. improvement be relocated to the frontage along SW 4th Ave. We feel this provides better pedestrian access to the proposed pathway for those traveling from the Thomas Creek Estates area. ADA accessibility shall be considered and may require adequate access be provided at the north end of the existing sidewalk located on the west side of SW Cherry St.

5. Site Work

- a. Erosion control and adequate permitting through Oregon DEQ (1200-C) shall be required.
- b. All applicable sections of the Public Works Design standards shall be followed for the design and construction of the site.

END MEMORANDUM

dwkinney@wvi.com

From: dwkinney@wvi.com
Sent: Wednesday, May 27, 2020 1:58 PM
To: 'Cathy Martin'
Subject: RE: Proposed Duplex Development

Cathy: See my responses below.

1. SW Cherry St. New 1/2 width street from 3rd to 4th. Will connect to SW 3rd on the north end to loop the block.
2. Dark line on the east side of SW Beech Street is a new sanitary sewer main.
3. We will ask the developer about their plans for saving any trees. Firs have shallow roots so they may not be able to be saved.

Dave Kinney

-----Original Message-----

From: Cathy Martin <cmartin.cityofscio@smt-net.com>
Sent: Wednesday, May 27, 2020 11:47 AM
To: Dave Kinney <dwkinney@wvi.com>
Subject: FW: Proposed Duplex Development

Dave,

I received this inquiry from Carolyn Nunn and addressed her first couple of questions. However, I did not answer all of her questions.

Cathy I. Martin
Administrative Assistant – City of Scio

-----Original Message-----

From: Cathy Martin [mailto:cmartin.cityofscio@smt-net.com]
Sent: Wednesday, May 27, 2020 11:40 AM
To: 'Carolyn Nunn'
Subject: RE: Proposed Duplex Development

Carolyn,

Sorry I did not get back to you yesterday. The proposed development plan is for 4 duplexes to be built. Each duplex will have two garages/entrances that face adjacent streets. This means that there will be 2 driveways on each street for a total of 8 driveways. When you drive down each street it will look like there are only 2 houses on that street.

As for the installation of stop signs, that would be considered at the time of actual development.

Cathy I. Martin
Administrative Assistant – City of Scio

-----Original Message-----

From: Carolyn Nunn [mailto:nunnzee@smt-net.com]
Sent: Friday, May 22, 2020 3:11 PM
To: cmartin.cityofscio@smt-net.com
Subject: Proposed Duplex Development

Trying to understand the drawing.

Is Cherry Street being extended to where? looks like two driveway's on 4th and two driveways on 3rd. In that case, why does Cherry have to go to nowhere? And will there be stop signs of some sort at the corners of 4th and 3rd at Beech since there are lots of kids going to the walk bridge before and after school? Yes, Cherry St. is proposed as a 1/2-width street from 3rd to 4th.

What is darkened line next to Beech St.?

Are some of the beautiful trees going to be saved?

I have no problem with the four duplexes. I know the developer and they will be a lovely addition to our area.

Cathy, thanks for responding to my questions

Carolyn Nunn

Exhibit B-2

LETTER IN OPPOSITION TO COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP AMENDMENT FOR FILE PL-2020-04 – ASSESSOR'S MAP #T10SR1W18AC – TAX LOT 00900

Submitted by

Bryan Whisenhunt

38628 SW Cherry St.

Scio, OR

May 27, 2020 at 1:37 p.m. to City of Scio email

- Per Section 3.010 – Uses Permitted Outright and Section 3.020 – Conditional Uses, multi-family (R-2) dwellings are **not a permitted use**.
- The Applicant's narrative cites HB 2001 which legalizes duplex lots in single-family zones. Since the population of Scio is below the 10,000 person population threshold, this bill does not apply to the Applicant's ability to use HB 2001 as an opportunity to change the R1 zoning to Multi-Family R-2 zoning.
- As stated in the Applicant's narrative under Goal 2 – Land-Use Planning" paragraph 2.4, "the Scio BLA anticipates that the City will add approximately 20 duplex dwelling units during the current 20-year planning period. This equates to an absorption rate of one multi-family unit per year. The City's Buildable Lands Inventory indicates that there is a total of 5.27 acres of land available for construction of duplex units. "At an assumed density of 10 units per acre, the City will need approximately 2 acres to meet the anticipated demand."

Under "findings – LU-7, staff finds that approximately 4 acres of R-2 zoned land (the Vogel property) is currently not serviceable due to sewer deficiencies. Subtracting this property from the BLA still leaves 1.69 acres (the Clayton property) available for construction of multi-family (R-2) homes. Accounting for an absorption rate of one multi-family home per year, there is still a 16-year supply of R-2 land available for development. Even if floodplain impacts eliminate 50% of the useable acreage, there is still enough useable land to account for an eight-year supply of R-2 property.

- Section 7.3 – Natural Hazards, requires the Applicant to apply for a Flood Plain Development Permit at the time of subdivision or Site development. It is the proponent's contention that this study should be completed as part of their current zone change request. It makes no sense to rezone property that has not been proven to be in conformance with the Scio Flood Plain Management Ordinance.
- There are no utilities currently available to the property. Prior to any zone change approval, the Applicant should demonstrate that the development of four duplex units can adequately

support the required water, sanitary sewer, storm water, street and frontage improvements and associated engineering studies from a capital cost standpoint. It makes no sense to approve a zone change where the costs of bringing the site up to acceptable development standards cannot be shown to be financially viable.

- Section 7.5 requires the Applicant to submit a “Storm Drainage Analysis” that complies with the City of Scio Public Works Standards. As stated previously, it makes no sense to approve the Applicant’s zone change request until it has been verified that storm drainage can adequately be accommodated.
- Both the Vogel and Clayton properties have physical and serviceability issues. The same applies to the Applicant’s current zone change request. This does not, however, mean that the Vogel and Clayton properties cannot be developed. They should still be considered and factored in to the current BLA.
- With 5.27 acres currently included in the BLA on Table 21 and given the current absorption rate of 1 multi-family per year, there currently exists over a 50-year supply of developable R-2 property.
- The Applicant’s zone change request seeks to locate duplex dwellings in an area that is predominantly single family. This request goes against the very purpose of providing single-family zoning for “single-family” living – NOT multi-family.
- While the findings state that the “addition of .90 acres will enable the City to provide another site option for duplex or multi-family development...” it is the proponent’s contention that the properties currently zoned for multi-family are adequate in size to accommodate multi-family housing needs for the foreseeable future with the extension of services and adequate studies.
- The Applicant’s request should be denied outright or, at the very least, the record should be held open until it can be demonstrated both physically and financially that the proposed zone change and subsequent subdivision can be satisfactorily engineered and improvement costs adequately demonstrated.

dwkinney@wvi.com

From: Carolyn Nunn <nunnzee@smt-net.com>
Sent: Saturday, May 30, 2020 10:07 AM
To: dwkinney@wvi.com; 'Cathy Martin'
Subject: Re: FW: Proposed Duplex Development

SHOULD HAVE READ DAVE'S EMAIL BEFORE RESPONDING TO CATHY. SOUNDS GOOD AS FAR AS THE TREES GO. THANK YOU

On 5/28/2020 3:20 PM, dwkinney@wvi.com wrote:

> Carolyn:

>

> At the public hearing, the applicant stated they will try to save some trees on the site that are not located where the building, driveways or sidewalks will be placed.

>

> If the Comp Plan Amendment/Zone Change is approved by the City Council, the applicant can submit their next application for the development of the site. As part of the city's review of the detailed plans for the subdivision and duplex development, we will look at the site, storm drainage system, grading and site work. That includes looking at what trees will be retained and what landscaping/trees are proposed.

>

> Dave Kinney

>

> -----Original Message-----

> From: Cathy Martin <cmartin.cityofscio@smt-net.com>

> Sent: Thursday, May 28, 2020 3:13 PM

> To: 'Carolyn Nunn' <nunnzee@smt-net.com>

> Cc: Dave Kinney <dwkinney@wvi.com>

> Subject: RE: FW: Proposed Duplex Development

>

> Thank you Carolyn,

>

> The cut-off time to submit any additional questions or comments is 5:00 PM on Monday, June 1st.

>

> If you have anything else that you would like to see addressed as part of the public hearing for planning application PL2020-04 Iceland Construction, Comprehensive Map/Zoning Map Amendment please email them to me by 5:00 pm on Monday.

>

> Sincerely,

> Cathy I. Martin

> Administrative Assistant – City of Scio

>

>

> -----Original Message-----

> From: Carolyn Nunn [mailto:nunnzee@smt-net.com]

> Sent: Thursday, May 28, 2020 3:06 PM

> To: Cathy Martin

> Subject: Re: FW: Proposed Duplex Development

>

> THANK YOU, CATHY AND DAVE. DON'T KNOW AT WHAT POINT ADDITIONAL QUESTIONS/SUGGESTIONS WILL BE TAKEN BUT IF THE FIRS CAN'T BE SAVED, MAYBE REQUIRE SOME SORT OF TREES IN PLACE OF THEM. SCIO IS A TREE CITY, RIGHT?

>

> SORRY I DIDN'T GET INTO THE MEETING LAST NIGHT. WE HAD COMPANY AND I TOTALLY SPACED IT. BUT...IF YOU LIKE JEOPARDY I HAVE A COUSIN WHO IS INVOLVED IN THE TEACHER'S TOURNAMENT GOING ON NOW. SHE ALREADY WON HER FIRST ROUND AND CONTINUES ON JUNE 2 FOR SEMI-FINALS OR SOMETHING LIKE THAT. HER NAME IS MEGGIE KWAIT. WEARS A BRIGHT DRESS WITH APPLES ON IT.

>

> On 5/27/2020 2:35 PM, Cathy Martin wrote:

>> Carolyn,

>> I forwarded your email to our city planner, Dave Kinney. Please see his comments regarding your questions. If you are able and would like to join in to the planning commission meeting tonight, any further questions could be answered tonight.

>>

>> Cathy I. Martin

>> Administrative Assistant – City of Scio

>>

>>

>> -----Original Message-----

>> From: dwkinney@wvi.com [mailto:dwkinney@wvi.com]

>> Sent: Wednesday, May 27, 2020 1:58 PM

>> To: 'Cathy Martin'

>> Subject: RE: Proposed Duplex Development

>>

>> Cathy: See my responses below.

>>

>> 1. SW Cherry St. New 1/2 width street from 3rd to 4th. Will connect to SW 3rd on the north end to loop the block.

>> 2. Dark line on the east side of SW Beech Street is a new sanitary sewer main.

>> 3. We will ask the developer about their plans for saving any trees. Firs have shallow roots so they may not be able to be saved.

>>

>> Dave Kinney

>>

>>

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>>
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>>
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>>
>



May 20, 2020

City of Scio Planning Commission
38957 NW 1st Avenue
PO Box 37 Scio Oregon

Re: Application for a Comp Plan Amendment/Zone Change (2020-04)

Dear Planning Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, and as indicated on the Staff Report, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for local file number 2020-04 recommends its approval. This recommendation is contingent on the Goal 10 findings contained within the report, utilizing Scio's 2015 Buildable Lands Analysis to provide factual basis for the decision. These findings are admirable under the current circumstances, but could be better supported if the City obtained an HNA and BLI. Goal 10 findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and



waterway protection zones of indefinite quantities and locations). Further, only with a complete analysis showing the gain/loss in needed housing as dictated by the HNA and compared to the BLI, can the public understand whether the City is achieving its goals through local planning file number CPMA/ZC 20-01.

HLA and FHCO urge the Commission to look into funding a current HNA and BLI, so that adequate Goal 10 findings can be made, and the proposal fully evaluated under these documents. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in black ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

/s/ Jennifer Bragar
Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

Public Comment on Wednesday May 27, 2020 Planning Commission Meeting and Comprehensive Plan amendment for Iceland Construction PL-2020-04.

Thank you to the Planning Commission and City Staff for making the virtual meeting, PowerPoint presentations and testimony available via Zoom. The virtual meeting was key to understanding the zoning issues and community concerns.

My comments will center on long term planning and safety issues.

1. Is there a demonstrated need for increased buildable R-2 inventory in the City?
What are the long term planning impacts or precedent of a zoning change with the adjoining buildable Harbison parcels and surrounding R-1 zoning?
2. Community Safety: The observation and comment by Steve Schrunk concerning multifamily dwellings, off street parking and the walking bridge access across Thomas Creek is a valid concern. The traffic impacts of eight dwellings or family units versus four dwellings on this neighborhood for children walking to school is substantial. The proposed Cherry Street extension with emergency vehicle access, pedestrian walkability, and traffic flows are safety concerns as well.

I appreciate your consideration and commitment to the Scio Planning Commission

Mark Rettmann

38886 SW 5th Avenue

Scio OR 97374