



Scio Planning Commission

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

AGENDA

May 27, 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 may submit public comments on agenda items by email to cityofscio@smt-net.com prior to 4:00 p.m. on May 27th.

The public can join the meeting from a computer or other electronic device by logging onto <https://us02web.zoom.us/j/81323452452> or dial in by phone US: 1.346.248.7799 Webinar ID: 813-2345-2452

Chairman - Beau Buganski

*Commissioner Richard Androes
Commissioner Ron Loewen*

*Commissioner Katrina Clouse
Commissioner John Whalen*

*Commissioner Ellie Ferguson
Commissioner Nicole Zedwick*

7:00 P.M. REGULAR SESSION

CALL TO ORDER:

ROLL CALL:

APPROVAL OF PLANNING COMMISSION MINUTES: April 29, 2020 Minutes

CORRESPONDENCE:

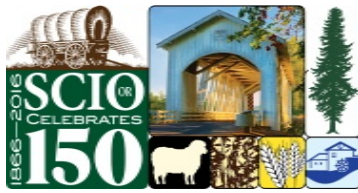
BUSINESS:

1. Public Hearing: *PL2020-04 Iceland* – Comp Plan Map and Zoning Map Amendment –
Note: Review the attached ORS197.763 (5) Statement for Information Regarding Procedures for Land Use Hearing for details of the Public Hearing Process. At the close of the meeting the Public Hearing will be continued to June 3, 2020 for submittal of any additional written or verbal testimony.

ADJOURNMENT:

NEXT SCHEDULED PLANNING COMMISSION MEETING(S)

- Wednesday, June 3, 2020, 7:00 p.m. Scio City Hall
- Wednesday, July 29, 2020, 7:00 p.m. Scio City Hall



**SCIO PLANNING COMMISSION ELECTRONIC MEETING MINUTES
WEDNESDAY, April 29, 2020**

7:00 PM

COMMISSION MEMBERS PRESENT: Chairman Beau Buganski, Commissioners Katrina Clouse, John Whalen and Nicole Zedwick, were all present via video. Commissioner Richard Androes was present via phone.

STAFF PRESENT: Planning Consultant Dave Kinney and Administrative Assistant Cathy Martin were present via video.

AUDIENCE MEMBERS PRESENT: Jordan Reich

CALL TO ORDER: Planning Chairman Beau Buganski called the Scio Planning Commission to order at 7:02 p.m.

ROLL CALL: Roll call was taken with Commissioner Ellie Ferguson excused.

APPROVAL OF MINUTES: The minutes of the February 26, 2020 meeting were reviewed. Androes noted that there was a spelling error on page 2 in the discussion on the Flood Ordinances Revisions. Staff will make the correction.

Commissioner Clouse moved, Commissioner Zedwick seconded, to approve the February 26, 2020 minutes as amended. A roll call vote Motion passed 6/0.

CORRESPONDENCE: None

BUSINESS:

1. Public Hearing: PL2020-03– Reich Variance Section 3.040 Street Building Setbacks – Presented by Dave Kinney, Planning Consultant –

Chairman Buganski opened the public hearing on the Application of Jordan Reich for a Variance to Scio Zoning Ordinance Section 3.040 Building Street-Side Setbacks, Application number PL2020-03, at 7:08 pm.

Buganski stated that this is a public hearing to consider Land Use File #2020-03, an application from Jordan Reich for a street-side setback variance to allow for the construction of a 26' x 13' shop building at 38636 SW Filbert Street in Scio. 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. The applicant Jordan Reich announced his presence. There were no other audience members.

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. Commissioners Androes, Clouse, Zedwick and Lowen stated they had none. Commissioner Whalen stated that the applicant is a neighbor but he has had no contact.

Applicant Jordan Reich gave a brief presentation of his application. Mr. Reich stated that he has applied to build a 335 sq. ft shop in the back of the property. He stated that they have a 15' side yard setback and 10' utility easement on the property. In order to build the shop at the size they would like it and to keep it out of the flood storage area on the property they need a 5' variance to the setback requirements.

Planning Consultant, Dave Kinney presented the staff report (see attached). Kinney stated that the property is located in an R-1 Residential Zone which requires a 15' set-back from any side street. The applicant is requesting a reduction in the side yard set back to 10'. Kinney reviewed the variance criteria in the zoning ordinance with the planning commission. 1) Is there an exceptional or extraordinary circumstance? 2) Is it necessary for the preservation of a property right? 3) Will it be detrimental to nearby properties in the zone? And 4) is it the minimum variance that is needed for the proposal. Kinney stated that the big issue with the property is that the back yard of the parcel is an area that is needed for flood storage and he is unable to build a shop within that area. In order to build a shop out of the flood storage area, he needs a variance of to the side yard setback. Conclusion is that it will not be detrimental to other property owners, and it is the minimum variance. He complies with the zoning code criteria for the variance.

Kinney recommended the following conditions of approval:

1. Expiration Date. The variance approval will expire on May 1, 2021 if a building permit for the shop building has not been filed with the City of Scio.
2. Architectural Design. The siding and roof materials on the shop building shall be better than or equal to the materials on the existing home. The color of the siding on the shop building shall match the colors on the home.
3. Public Works Requirements. If the applicant constructs a driveway approach onto SW 3rd Avenue, the applicant will obtain a permit from the City of Scio for construction of the driveway approach. The driveway approach shall be no more than 22' wide and shall be constructed in compliance with the City of Scio Public Works Design Standards and Construction Specifications.

Commissioner Androes asked about the size of the dwelling, the schematic drawing has a square footage of was listed as 283 sq. ft. while the applicant stated a different number. Martin stated that that the actual size of the building could change, that the commission will not be voting on the size of the building only the amount of variance to be granted. Reich stated that the initial size of the drawing submitted with the application to meet the timeframe for mailing the public hearing notice showed a 13' wall near the house, but after measurements of the area were taken they were able to extend that to 15' which will allow for a slightly larger shop to be built, which increases to the 335 square feet. Kinney stated that this does not change anything on the variance requested.

Chairman Buganski asked the following: 1) if there was anyone in attendance that wished to testify in support of the proposal, 2) if there was anyone in attendance that wished to testify against the proposal, and 3) if anyone wished to provided any general testimony. Martin noted that there was no one else in attendance for the meeting.

Chairman Buganski asked if the any of the Planning Commission members had any questions for the applicant or for city staff. Commissioner Whalen asked if the applicant was going to build it himself. Mr. Reich stated that he was going to have the same contractor build it that built the house and it would be sided and painted to match the home. Commissioner Clouse asked about the mailing of the public hearing notice. Martin stated that they were sent out to all property owners within 100 feet of the property. Also, when it was discovered that an error was made in the website address for the virtual meeting that copies of the meeting agenda with the correct website were delivered to all property owners in the notice area and either handed directly to them or left on their front doors.

Chairman Buganski asked Mr. Reich if he had any closing comments. He stated that he did not.

Chairman Buganski asked if staff had any closing comments or a recommendation. Kinney stated that his recommendation was to approve and there are three conditions of approval recommended in the staff report. These recommendations have not changed based on any testimony received.

Chairman Buganski closed the public hearing at 7:25 pm.

Commissioner Clouse moved, Commissioner Whalen seconded, to adopt the findings of fact as prepared and approve the application of Jordan Reich for a variance to allow a 10' street-side setback for a 26' x 13' shop building at 38636 SW Filbert Street in Scio subject to compliance with the recommended conditions of approval. A role call vote. Motion passed 6/0

Kinney stated that a notice of decision will be prepared for mailing to the applicant tomorrow. There is a 15 day appeal period. The applicant can go ahead an file for the building permit but it cannot be issued before May 15th.

Martin shared that the planning commission will be having an additional public hearing at the May 27th planning commission meeting. This hearing will require two meetings. The first meeting will be held on May 27th and the second hearing will be on June 3rd.

Kinney stated that an application has been received from Iceland Construction for a Comprehensive Plan and Zone Change. Notices will be sent out around May 6th regarding the hearing process.

Martin stated that the Oregon Department of Land Conservation and Development has come up with procedures for Virtual Public Hearings that have to be followed. This is a two part hearing process. Kinney stated that oral testimony will be taken at the first meeting and then additional written testimony may be submitted with all testimony being read into the record at the second meeting. Then the commission will make a decision and recommendation to the city council for final decision.

Next meeting is May 27, 2020, at 7:00 p.m.

Meeting Adjourned at 7:33 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)

HEARING DATE: May 27, 2020 7:00 PM Scio Planning Commission
June 8, 2020 6:00 PM Scio City Council

FILE NUMBER: 2020-04 Comprehensive Plan Map Amendment (RES) to (C)
Zoning Map Amendment (RES) to (C-1)

**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 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 *Scio Comprehensive Plan Map*
Attachment D *City of Scio Zoning Map*
Attachment E Nelson's Preliminary Subdivision Plan
Attachment F Floodplain Overlay Map

OTHER EXHIBITS

Exhibit A Scio Rural Fire District comments [to be added]

Exhibit B Public Testimony [to be added]

Exhibit C DRAFT Ordinance – To Approve the Land Use File 2020-04

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.

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)



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)

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. At the conclusion of the hearing the Commission will deliberate and make a recommendation to the City Council. The Planning Commission may continue deliberations at a subsequent meeting.
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June 8, 2020 or July 13, 2020	Scio City Council Public Hearing. 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.
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If approved, the City Council will adopt an ordinance at either the June 8, 2020 or July 13, 2020 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 will be held before the Planning Commission on Wednesday, May 27, 2020 beginning at 7:00 p.m. The Planning Commission will consider the applicant's presentation and consider public testimony on the proposal. The Planning Commission will continue the public hearing to June 3, 2020 to ensure members of the public and the applicant have an opportunity to present and respond to all testimony prior to the close of the hearing. At the conclusion of the testimony, Chair Beau Buganski will close the public hearing. After the public hearing is was closed, the Planning Commission will deliberate on the proposal and make a recommendation to the Scio City Council.

On (insert date) the Scio Planning Commission recommended the City Council approve/deny application 2020-04. [UPDATE after Planning Commission hearing].

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, June 8, 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:

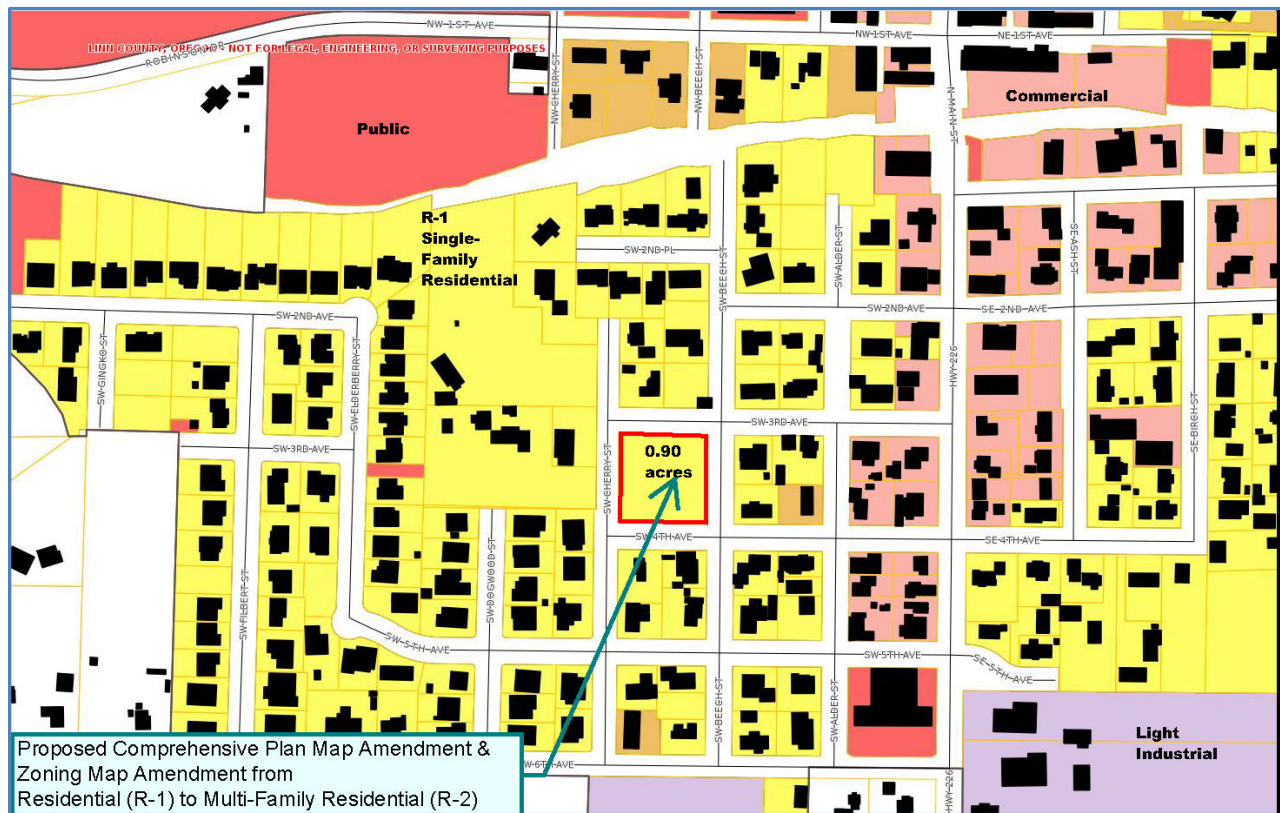
1. Mailing to Adjacent Property Owners: Written notice was mailed to owners of property within 500' of the subject property at least 10 days prior to the initial evidentiary hearing before the Scio Planning Commission and 10 days prior to a public hearing before the City Council. Notice of the initial 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."

Map 2
**Proposed Iceland Construction Development Site
 Surrounding Development and Zoning**



Surrounding Land Uses: The site is located in a single-family residential neighborhood.

- North: 38905 SW 3rd Ave, 38659 SW Cherry St. & 38912 SW Beech St. Single-family homes on block north of SW 3rd Avenue and west of SW Beech Street. There is a vacant 10,000 sf lot on the corner of SW Beech & SW 3rd 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 3rd St. and 38929 SW 4th Street. Single-family homes.
- South: 38609 SW 3rd St. and 38906 SW Cherry St.

G. Utilities:

Staff Report: File 2020-04 - Comprehensive Plan Map and Zoning Map Amendment
 Applicant: Iceland Construction, Inc.
 Scio Planning Commission Hearing May 27, 2020

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.

[INSERT A SUMMARY OF ALL TESTIMONY HERE].

- Scio Rural Fire Protection District: On May ____, 2020, Chief _____, Scio Fire District, responded “The Scio Fire District”, attached as Exhibit A.
2. Public Testimony. As of May 7, 2020, the City has not received any written testimony. Any written testimony received prior to and during its public hearing is hereby made a part of the record and attached as Exhibit B. A summary of the oral testimony will be included in the meeting minutes.

Several issues were raised by the public and planning commissioners: [insert information]

- 1.
- 2.
- 3.

The minutes of the planning commission public hearing will include a summary of public comments received at the public hearing and responses by the applicant and City Planner.

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. It requires they be located in the R-2 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 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:
 - 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 4. 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 1.5-acres of the site is constrained not buildable land.

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.

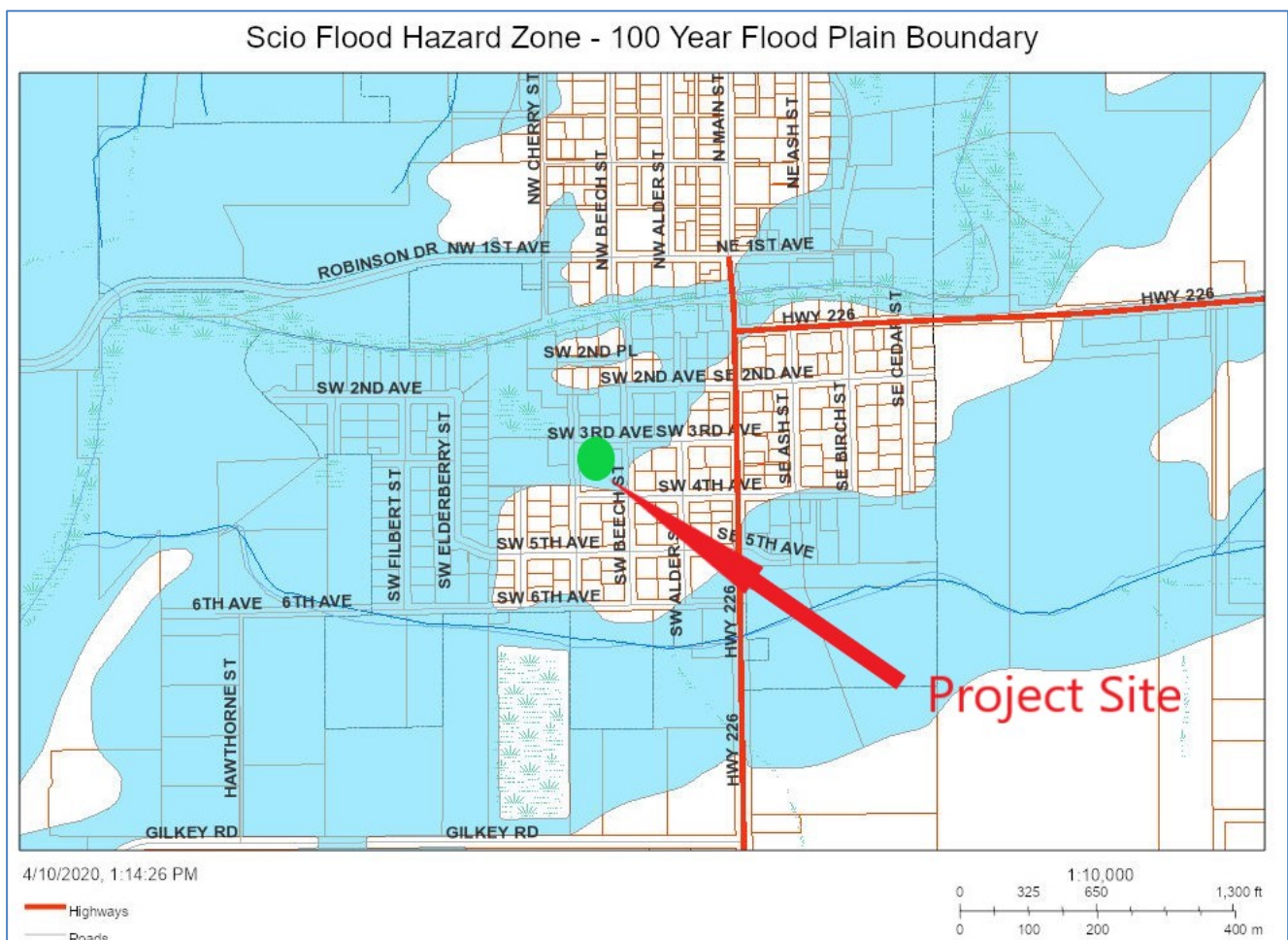
The City concludes the proposal will increase the total of net buildable multi-family residential land in the Scio UGB and help the City meet its need for duplex/multi-family building lots that can be serviced with public facilities during the next seven years. The proposal complies with Goal 2.

Goal 7 – Natural Hazards.

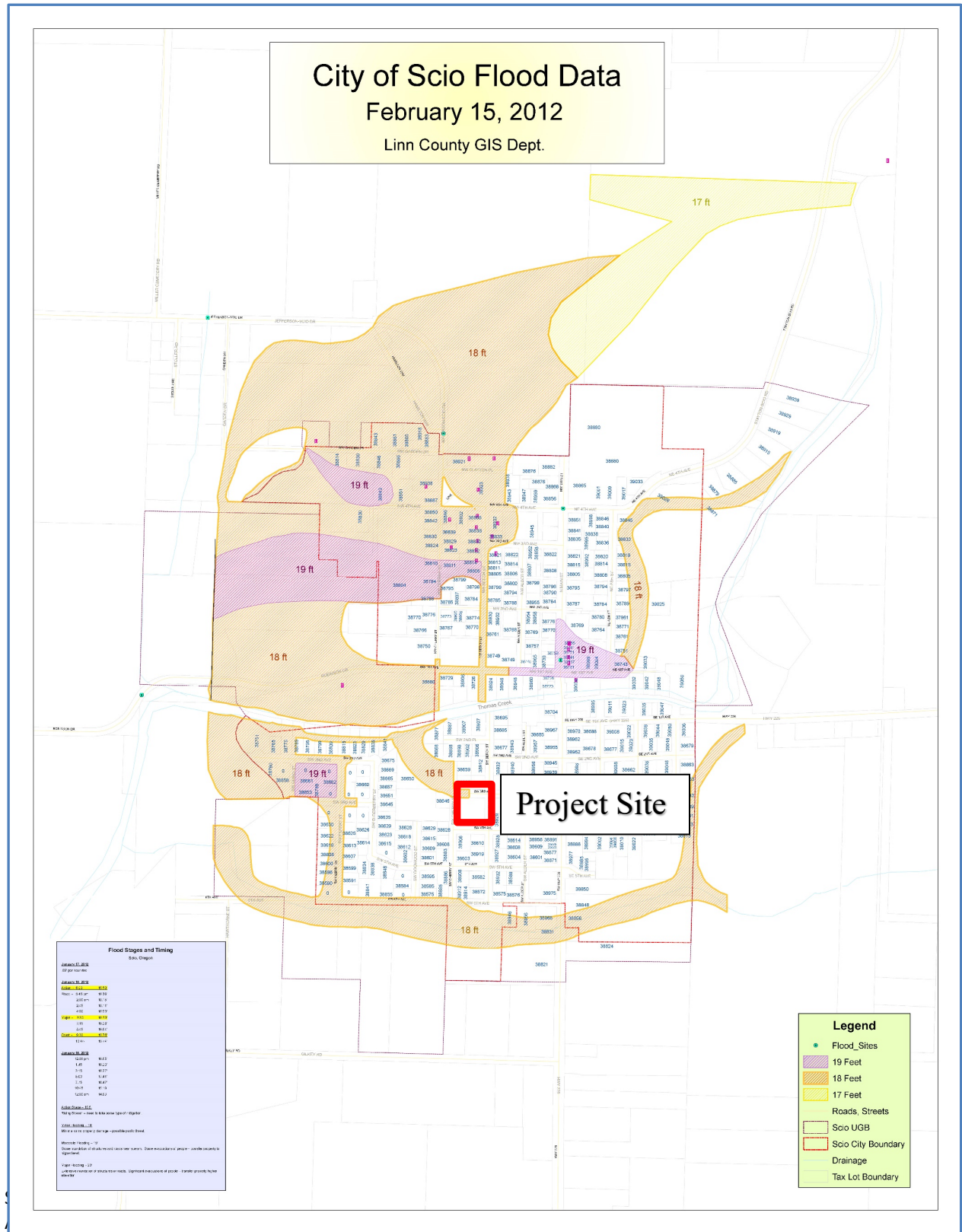
Goal 7 requires cities to inventory and adopt measures to protect the community from floods, landslides, earthquake and other natural disasters.

- 7.1 The site is located within the Thomas Creek 100-year flood plain, as shown on Map 3. 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 4 – "City of Scio Flood Data – January 2012 Flood Event".

Map 3
Thomas Creek Flood Plain in the City of Scio, Oregon



Map 4
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 are no storm sewers in place that will serve the full development of the site. 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.

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.

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. At the time of subdivision or 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 Planner concurs with the applicant's narrative summarizing the Scio BLA.
- 10.2 The City's Goal 2 findings (pp. 8-10) 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.

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.

At the time of subdivision, 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 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 8-10) 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.

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.

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.

At the time of subdivision, 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. Attachment E provides a conceptual plan, but a final plan including street improvements, pedestrian facilities and storm drainage improvements must be submitted with a future subdivision or development plan. 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 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 2.0 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 Redesignation and rezoning the property will allow up to 8 dwelling units the 0.90-acre site.

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. 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 May ____, 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.



City of Scio

Planning File No.:

PL2020-04

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38957 NW 1st Avenue
Scio, OR 97374

PH: (541)394-3342
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Comprehensive Plan/Zoning Amendment Application

APPLICANT INFORMATION

Name:	Randy Nelson, Iceland Construction, Inc.	Phone:	541-981-8399
Address:	P.O. Box 240	Cell:	
	Scio, OR 97374	Email:	icelandconstruction@yahoo.com

Applicant Certification

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate covenants, conditions and restrictions associated with the subject property; and any approval granted based on this information may be revoked if it is found that such statements are false.

I acknowledge and agree that I will be responsible for any additional costs incurred by the City of Scio for the review and processing of this land use application in accordance with the city's land use fee policies.

Signature: _____

Date: _____

4/10/2020

COMPREHENSIVE PLAN MAP AMENDMENT AND/OR ZONING MAP AMENDMENT (If you are requesting a text amendment, leave this section blank)

Situs Address:	Vacant	Nearest Cross Street:	SW Cherry St. & SW 4th Ave.
Assessor Map & Tax Lot Number(s):	Map 10S-01W-18AC, Tax Lot 900		
Current Comprehensive Plan Map Designation:	Residential	Current Zone:	R-1
Proposed Comprehensive Plan Map Designation:	Multi-Family Residential	Proposed Zone:	R-2
Current Use of Property:	Vacant		
Proposed Use of Property:	Construct four duplexes on newly created 10,000+/- square foot lots.		
Reason for the Request:	The current Comprehensive Plan designation and zoning only allow for single-family detached dwellings. A CPA and ZC are required to construct duplexes.		

COMPREHENSIVE PLAN OR ZONING – TEXT AMENDMENT (If None, leave this section blank)

Section(s) of Plan or Zoning Ordinance to be Revised: _____

Proposed Revision of Plan or Ordinance Text: _____

Reasons for the Request: _____

ENGINEER/DESIGNER/SURVEYOR CONTACTS

Name: David Dodson, AICP

Phone: _____

Firm Name: Willamette Valley Planning, LLC

Cell: 541-231-6111

Address: 545 NW Elizabeth Drive

Email: david@wvporegon.com

Corvallis, OR 97330

Name: Brian Vandetta, PE, PLS

Phone: 541-451-5125

Firm Name: Udell Engineering & Land Surveying, LLC

Cell: _____

Email: brian@udelleng.com

Address: 63 East Ash Street

Lebanon, OR 97355

FEES AND COSTS INCURRED BY THE CITY ARE THE APPLICANT'S RESPONSIBILITY

The application fee is used to cover the costs incurred by the City of Scio in processing the application, including but not limited to: the time spent by the city staff, professional fees for the City Planner, Engineer and/or City Attorney and for the costs to publish hearing notices, recording of documents or other administrative costs.

If the application fee does not cover all of the costs incurred by the City of Scio, the applicant/or applicant's representative requesting the land use action will be billed by the City of Scio for the additional costs incurred by the City. The applicant shall pay the City immediately upon receipt of a bill. Failure to pay fees as prescribed in the city's land use fees resolution may result in building permits, utility service connections or other development approvals being withheld until the collection of fee's are paid in full or otherwise resolved.

By executing and filing this land use application, the applicant and/or applicant's representative acknowledges and agrees to reimburse the City for any additional costs incurred by the City to process the land use application.

PROPERTY OWNER(S) SIGNATURE(S) & CONTACT INFORMATION

Signature: _____

Date: _____

Name: _____

Randy Nelson, Iceland Construction, LLC

Phone: _____

541-981-8399

Address: _____

P.O. Box 240

Cell: _____

Scio, OR 97374

Email: _____

icelandconstruction@yahoo.com

Signature: _____

Date: _____

Name: _____

Phone: _____

Address: _____

Cell: _____

Email: _____

REQUIRED SUBMITTALS



Signed Application



\$1,700 Application Deposit

N/A ☐

If proposed Annexation – attach Annexation Application & Petition from Property Owners



Map of Proposed Comprehensive Plan Map / Zoning Map Amendment. The map shall be 8 ½" x 11" in size and shall clearly identify the parcels affected by the proposal. (See Attached Narrative Exhibit B)



Narrative. A written narrative addressing statewide planning goals and the City's criteria for the amendment of the Scio Comprehensive Plan or Zoning Ordinance. See approval criteria below.

Criteria for Scio Zoning Map Amendment or Zoning Ordinance Text Amendment

Any proposal to amend the Scio Zoning Ordinance (text amendment) or the Scio Zoning Map (map amendment) must comply with the following criteria:

- ☒ The zoning map amendment is consistent with the Scio Comprehensive Plan Map
- ☒ The proposal is consistent with the goals and policies in the Scio Comprehensive Plan.
- ☒ The proposal is consistent with any applicable statewide planning goals and/or Oregon Administrative Rules (OAR 660)

(See attached Narrative)

Amendments to the Comprehensive Plan

Major Amendments to the Scio Comprehensive Plan:

Major amendments to the Scio Comprehensive Plan are legislative changes. Legislative changes include significant policy modifications to the Scio Comprehensive Plan that have a widespread and significant impact on the community. Legislative amendments affect the community as a whole, a neighborhood or a large area with many different ownerships.

Examples: Adoption of a public facility master plan, a buildable lands inventory, a community-wide economic analysis or amendments to the city's zoning, subdivision or flood plain ordinance are legislative amendments. In addition, amendments to the Scio Comprehensive Plan map that affect multiple parcels are also legislative amendments.

Minor Amendment to the Scio Comprehensive Plan:

Minor amendments to the Scio Comprehensive Plan may follow either a legislative amendment process or be considered under a quasi-judicial proceeding.

Legislative Proceeding: A minor amendment that involves an amendment to goals and policies of the Scio Comprehensive Plan will be handled by the City using a legislative proceeding.

Quasi-Judicial Proceeding: A minor amendment to the Scio comprehensive Plan map that affects one or two parcels will be considered using a quasi-judicial hearing procedure since the proposed amendment affects individual properties and may not have a significant effect beyond the immediate area of the change.

In making a decision to approve or deny a major or minor amendment to the Scio Comprehensive Plan, the City will consider the adopted goals and policies in the Scio Comprehensive Plan, public needs and benefits, special studies or other information that will serve as the factual basis to support the amendment to the plan. Any revision to the plan must also involve a review of the statewide land use goals (and related Oregon Administrative Rules). The City must determine if the proposed minor amendment to the Scio Comprehensive Plan is consistent with the goals, rules and policies.

Criteria for Comprehensive Plan Amendment:

Any proposal to the amendment of the Scio Comprehensive Plan must comply with the following criteria:

1. The proposed amendment is consistent with the goals and policies of the Scio Comprehensive Plan and does not alter the intent of the 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 limitation, such as soil and foundation suitability, or flood hazard potential, will not adversely affect other properties or the land uses which would be permitted through the amendment.

APPROVAL PROCESS

An application to amend the City of Scio Comprehensive Plan Map or Zoning Map requires meetings with both the Planning Commission and City Council; see process below.

The Amendment process steps are:

1. Scio Planning Commission. The Planning Commission will hold a public hearing and make a recommendation to the City Council to either approve, modify or deny the proposal.
2. Scio City Council. The Scio City Council will hold a public hearing. At the conclusion of the hearing, the City Council may either approve or deny the proposal. If approved, the City Council must adopt an ordinance to formally approve the proposal and modify the Comprehensive Plan and/or Zoning Map.
3. A written notice of decision will be issued by the City.
4. The City Council decision to approve a Comprehensive Plan Map Amendment or Zoning Map Amendment is not final until after the City adopts an ordinance and the appeal period expires.

This information is only a summary. For additional information or clarification, please refer to the Scio Zoning Ordinance No. 561 or request clarification from city staff.

OFFICE USE ONLY
PROCESS SUMMARY TIMELINE

Date Received:	<u>4/8/2020</u>	Payment Received:	<u>4/21/2020</u>
Received by:	<u>Cathy Martin</u>	Receipt No.:	<u>R102086</u>
Application Reviewed By:	_____	Date:	_____
Additional Materials Requested:	_____ _____		
Application Completed on:	_____		
City Planner Review Complete:	_____		
Notifications Mailed on:	_____	By:	_____
Planning Commission Review:	_____	Granted:	_____ Denied: _____
Notice of Decision Mailed:	_____	By:	_____
Appeal Period Expires:	_____		
Appealed by:	_____	Date:	_____
Notice of Appeal Hearing Mailed:	_____	By:	_____
Appeal Hearing Held:	_____	Granted:	_____ Denied: _____
Notice of Final Decision Mailed:	_____	By:	_____

Nelson's Addition

An Application for a
Comprehensive Plan Map Amendment
And Zone Change

On Behalf of:



Prepared by:



UDELL ENGINEERING &
LAND SURVEYING, LLC



WILLAMETTE VALLEY PLANNING

April 1, 2020

Application Narrative

INTRODUCTION

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.

REQUEST

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).

LIST OF EXHIBITS

Attachment A	Aerial Map
Attachment B	Linn County Assessor's Map
Attachment C	City of Scio Comprehensive Plan Designations
Attachment D	City of Scio Zoning Map
Attachment E	Nelson's Preliminary Subdivision Plan
Attachment F	Floodplain Overlay Map

Decision Criteria and Findings for a Comprehensive Plan Map Amendment and Zone Change

A. Application Proceeding:

Ordinance 496 establishes standards and criteria for the review of Scio Comprehensive Plan amendments. Article 10 of the Scio Zoning Ordinance establishes procedures for processing amendments to the zoning map, but the ordinance does not establish approval criteria for the review of a zone change proposal.

The Planning Commission will hold a public hearing and makes a recommendation to the City Council. The City Council will then hold a public hearing and make a final decision to approve/deny the proposal.

B. Criteria for a Comprehensive Plan Map Amendment and Zone Change

The City will consider applicable statewide planning goals, Oregon Administrative Rules in OAR Chapter 660, Scio Comprehensive Plan goals and policies and criteria in Ordinance 496 during this review.

1. Statewide Planning Goals and Oregon Administrative Rules:

Goal 2, "Land Use Planning", Goal 10 "Housing" and OAR 660-0018 "Post Acknowledgment Procedures" apply to this application.

Statewide Planning Goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

Statewide Planning Goal 10: To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Under the State's land use planning program and Goals 2 and 10, the City of Scio is obligated to provide a 20-year supply of vacant, buildable lands inside the Scio Urban Growth Boundary to meet the anticipated needs for future housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period.¹

The Scio Buildable Lands Inventory addresses the Goal 2 and 10 requirements to both inventory and analyze whether the City has an adequate supply of buildable lands in the Scio UGB. Table BLA-1 shows the amount of vacant, buildable land that existed in 2014. Table BLA-1 shows there were 66 acres of net buildable residential land available inside

¹ OAR 660-024-0040

the Scio UGB. The City estimates it will need almost 15 acres to provide land for construction of the needed dwelling units during the 20-year planning period from 2015 to 2035. This leaves the city with a surplus of 51 acres of land inside the UGB designated for residential uses. In conclusion, the City of Scio has an adequate amount of residential land available to house an additional 222 residents by the year 2035.

Table BLA-1
Comparison of Land Need and Land Supply through 2035

Zoning Designation	NET Buildable Land Available in 2014 (Acres)	Buildable Land Needed 2015-2035 (Acres)	Deficit or Surplus of Acres
Residential	66.18	14.71	51.47
Commercial	0.98	2.02	-1.04
Industrial	4.86	4.10	0.76
Public Land Set-aside (25%)	24.01	24.01	0
Total Acreage	96.03	44.84	51.19

The table above does not provide a breakdown of the amount of land available for the two residential zoning designations. Table BLA-4 below shows the amount of available land by zoning district within the City Limits.

Table BLA-4
Available Land by Zoning District

Zoning District	Gross Acreage	Developed Acreage	Available Land
Inside Scio City Limits			
Single Family Residential	128.94	70.06	58.88
Multi-Family Residential	12.65	5.61	7.04
Commercial	17.16	15.39	1.77
Industrial	17.07	5.69	11.38
Public	42.29	42.29	0
Subtotal inside City	218.11	139.04	79.07

The table above shows that the amount of available multi-family residential land is considerably less than the amount of available single-family residential land. This is likely because most of the housing stock in the city are single family dwellings.

In 2019 the Oregon Legislature passed HB 2001 that legalized the development of duplexes on residential land currently zoned for single-family housing in all communities with a population of 10,000 or more. The bill also allowed for the construction of “missing middle” housing, a term which refers to three- and four-unit homes on single family zoned land in cities of 25,000 or more. The intent of the bill was to increase housing choice and the supply of more affordable housing in Oregon. Since the City of Scio’s population is

below the population threshold of 10,000, it is not obligated to allow duplexes on residential land currently zoned for single-family residential.

Table BLA-16 below shows that for 24 years from 1990 to 2014 there were no duplexes or apartments constructed in the City of Scio.

Table BLA-16
Recent Housing Mix by Housing Type (1990-2014)

Housing Type	Total Units	% of Total Units
Stick-built, Single Family Detached	48	58%
Manufactured Home	35	42%
Duplex	0	0%
Apartments	0	0%
Total	83	100%

Table BLA-17 below shows using the safe harbor approach allowed in OAR 660-024-0040(8)(i) for the future housing mix, the City estimated a housing mix of 73% single family homes and 27% multi-family dwelling units for the 20-year planning horizon.

Table BLA-17
Safe Harbor Housing Mix

Housing Type	Existing Share of Developed Housing Units ¹⁵	% Added per Safe Harbor ¹⁶	Safe Harbor Mix
SFR Homes & MH on Lots	88%	-15%	73%
Duplex	3%	+10%	13%
Apartments	9%	+5%	14%
TOTAL	100%		100%

Table BLA-18
Projected Housing Units by Housing Type (2015-2035)

Housing Type	Housing Mix Forecast	Total Units
Single Family Homes	73%	52
Medium Density: Duplex	13%	10
Medium Density: Apartment	14%	10
Total	100%	72

Note: The number of needed duplex units was rounded up to 10 dwelling units.

Using the safe harbor approach noted in the table above results in an increase of duplexes from what is currently 3% of the total to 13%.

As noted in the Introduction of this narrative, the block under consideration was originally platted with eight 5,000 square foot lots, each of which allowed for a single-family home. This lot size was consistent throughout the Willamette Valley at the turn of the century. The applicant's desire to rezone the property to allow 8 units is consistent with what was originally allowed when the land was initially subdivided. In addition, providing duplexes is consistent with the intent of HB 2001 and provides homeowners an opportunity to rent one of the units or allow for an aging relative to move in next door. Allowing for duplexes helps the city meet its safe harbor approach to housing by helping to increase the number of duplex units within the city limits.

The applicant finds the proposal is consistent with Goals 2 and 10 and the proposal does comply with the general policy recommendation in the Scio Buildable Lands Inventory to increase the number of duplex units within the city.

2. Scio Comprehensive Plan:

Scio Ordinance No. 496 sets criteria for the review of amendments to the Scio Comprehensive Plan. The criteria state that in order to approve an amendment to the Scio Comprehensive Plan, findings shall be made that:

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.

Criteria 1: Consistency with the Scio Comprehensive Plan

The following goals and policies from the Scio Comprehensive Plan are applicable to this application:

CITY OF SCIO GOALS and POLICIES

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

Policy LU-4: Residential zones will allow for a mix of housing types and densities consistent with the existing character of the community, addressing 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 as defined on the Flood Insurance Rate Map Flood Hazard Ordinance of the City of Scio.

Goal LU-2: The City has adopted Goal LU-2 to ensure an adequate supply of residentially zoned land is available within the city limits. The proposal is consistent with that goal.

Policy LU-4: Chapter 4 in the Scio Comprehensive Plan and Policy LU-4 recognize the City intends to establish zoning that allows for a mix of residential uses within the city limits. There is also a desire to ensure the housing types and densities are consistent with the existing character of the community. The surrounding residential dwellings are generally on lots of approximately 10,000 square feet. The applicant intends to create 4 new lots, each of which will be approximately 10,000 square feet, consistent with the existing lot pattern, (Attachment E). The applicant seeks to construct duplexes, which is slightly denser than the predominantly single-family nature of the surrounding neighborhood. It is however, no denser than the 8 units that were allowed when the land was originally platted. The duplexes will have a shared wall and will appear much like a large single-family home. Like the surrounding properties, one structure will be on each lot.

Policy LU-5: Policy LU-5 establishes densities for the single family (R-1) zone and multi-family (R-2) zone. The single-family zone allows 4-6 units per acre while the multi-family zone allows up to 14 units per acre. The applicant is interested in constructing a total of 8 units on the 40,000 square foot lot, which results in a density of 7 units per acre. This is only slightly more than the 5 units allowed in the existing single-family zone and considerably less than the maximum of 14 units allowed in the multi-family zone.

The applicant concludes the proposal is consistent with the applicable goals and policies of the Scio Comprehensive Plan.

Criteria 2: Other suitable sites are not available for the proposed use.

Most of the remaining vacant lands in the city limits zoned for multi-family residential are large parcels. These parcels are suitable for apartments, but not duplexes, which tend to be developed on smaller lots.

As was noted in the City's Buildable Lands Analysis, from 1990 to 2014 there were no new multi-family units constructed. In addition, only 3% of the existing housing stock are duplexes and the safe harbor housing mix should be 10% higher, at 13%. The applicant's proposed project will help satisfy the need to provide additional duplexes within the community.

The applicant concludes the proposal the is consistent with Criteria 2.

Criteria 3: Compatibility with neighboring land uses and will not adversely affect the overall land use pattern in the area.

The existing neighborhood is a mix of single-family homes on large lots.

The proposed residential use will remain intact. The 4 newly proposed lots will be approximately 10,000 square feet, consistent with the existing lot sizes of the surrounding homes. The existing nearby lots typically have a single structure. The proposed duplex lots will also have a single structure with two dwellings each.

The noticeable difference between a single-family dwelling and a duplex is the duplex structure will likely be slightly larger than the single-family home. There will also be a slight increase in vehicle trips, however the existing street grid network is anticipated to accommodate the increase with no reduction in the overall level of service. The extension of SW Cherry Street is anticipated to enhance the street network connectivity, thereby providing additional route options for new as well as existing residents.

The applicant concludes the proposal does not change existing land use patterns and will not adversely affect adjacent property owners.

Criteria 4: Adequate public facilities are available.

1. Public water and sewer services. The site is served by existing city water lines along SW 3rd, SW 4th and SW Beech Street. Street improvements along SW Cherry Street will result in a new city water line along the frontage of this street. An existing city sewer line runs along SW Beech Street and another line runs north along SW Cherry Street and terminates at the SW corner of the site. Storm drainage is stubbed out to SW Cherry Street at the SW corner of the site and at the NE corner of SW Beech Street.
2. Private utilities. The site is served by electrical, natural gas and telecommunication utilities.

3. Emergency Services. Law enforcement services are provided by the Linn County Sheriff's office. Fire protection services are provided by the Scio Rural Fire Protection District. The site is served by both entities.

The applicant concludes the property is adequately served with public and private utilities and by local emergency service providers.

Criteria 5: The transportation network is adequate to serve the uses.

1. Existing Streets. SW 3rd, SW 4th and SW Beech Street are improved with 20-feet of paved surface. SW Cherry Street is only partially improved along the southern frontage with asphalt and curb and sidewalk along the western portion.
2. Traffic Impacts. Local streets are designed to handle 500-1000 vehicles per day. The existing R-1 zoning allows up to 4 units while the zone change to R-2 would allow 8 units. Single family and duplex housing typically generate 10 vehicle trips per day. The existing zoning would generate 40 trips a day while the proposed zoning would generate 80 trips per day, or a net difference of 40 trips a day. These additional trips are anticipated to be dispersed north, south and east from the site and the existing local street network is anticipated to have the capacity to accommodate such an increase without affecting the existing level of service.
3. Future Street Improvements. Street, curb and sidewalk improvements are required at the time of development of a parcel or at the time building permits are issued, not as part of a Comp Plan map amendment or rezoning. The applicant intends to provide such street improvements in conjunction with building permits. In addition, a 10-foot wide multi-use path will be required along the project frontage of SW Beech Street.

The applicant concludes the existing transportation network and upgrades to the abutting streets will be adequate to serve the proposed residential duplexes on the site.

Criteria 6: Development limitations such as soil and foundation quality, geology, and flood hazards will not adversely affect future land uses on the site.

1. Flood Hazards. The property is mostly within the 100-year floodplain of Thomas Creek, (Attachment F). Development of the property will be required to comply with the City of Scio Flood Hazard Ordinance just as it would if it were zoned R-1. The proposed zone change does not alter the floodplain regulations.
2. Geologic Hazards. None are identified that affect the site.
3. Soils. The soils throughout Scio have been deposited by historic flooding. The soils on the property have been known to pose challenges for foundation suitability. Site preparation will be required for placement of foundations.

The applicant concludes there are no significant development limitations which would affect future use of the property.

C. Criteria for Zoning Amendment:

The Scio Zoning Ordinance does not establish any criteria for a zone change. Consequently, the proposal must be consistent with the applicable policies of the comprehensive plan. If the Planning Commission approves the Comprehensive Plan map amendment, the applicant finds that it is appropriate to rezone the property to the (R-2) Multi-Family Residential.

D. Zoning Requirements for Two-Family Dwelling Units:

If the zone change is approved, the following requirements apply in the (R-2) Multiple-Family Residential Zone.

Multiple-Family Residential (R-2) Zone:

3.110 Uses Permitted Outright. A two-family dwelling unit (duplex) is an outright permitted use in the R-2 zone.

3.130 Lot Size. The minimum lot area for a single-family dwelling or a two-family dwelling shall be 8,000 square feet.

3.140 Setback Requirements. Front yard setback 20-feet or 25-feet in front of a garage served by the public street. Side yard setback 5-feet and side yard abutting a street 15-feet. Rear yard setback 20-feet.

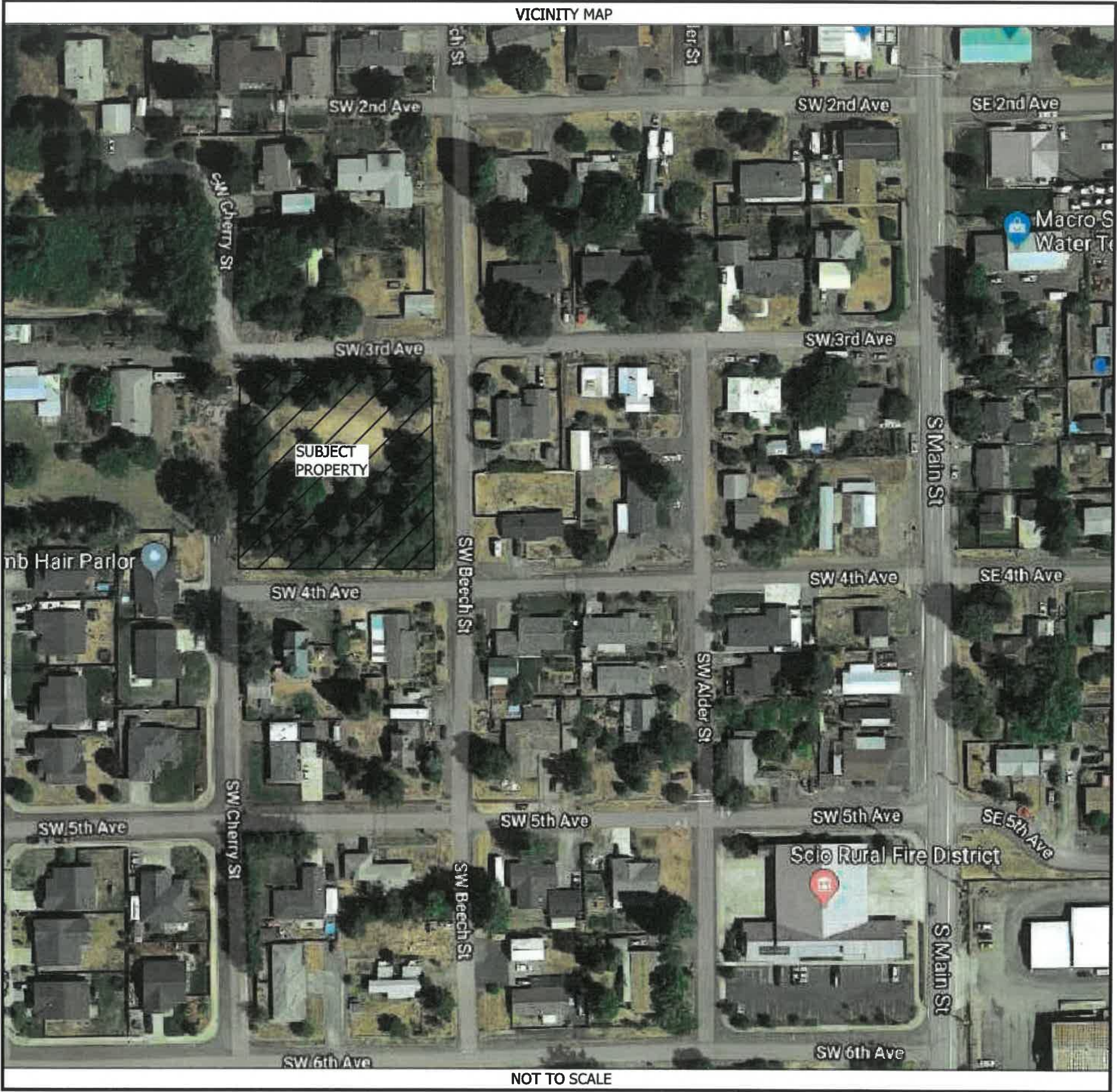
3.150 Height of Buildings. No building shall exceed a height of 35-feet.

3.160 Lot Coverage. In an R-2 zone, buildings may not occupy more than 35% of the site.

Supplemental Provisions of the Zoning Code:

5.110 Exterior Lighting. Exterior lighting shall be hooded or screened so lighting is directed down to the ground and does not shine directly or reflect glare onto an adjacent street or residence.

5.200 Off-Street Parking. The city requires 2 parking spaces per dwelling unit. The 4 duplexes being proposed will result in 8 dwelling units and each unit will be required to provide 2 off-street parking spaces.




SHEET INDEX
C1.0 - COVER SHEET
C1.1 - PROPOSED IMPROVEMENTS
C1.2 - STREET SECTIONS

DEVELOPER
ISLAND CONSTRUCTION C/O RANDY NELSON P.O. BOX 240 SCIO, OREGON 97374 541-981-8399

DESIGN TEAM
CIVIL ENGINEER UDELL ENGINEERING AND LAND SURVEYING, LLC 63 E. ASH STREET LEBANON, OREGON 97355 (541) 451-5125
SURVEYOR UDELL ENGINEERING AND LAND SURVEYING, LLC 63 E. ASH STREET LEBANON, OREGON 97355 (541) 451-5125



NOT TO SCALE



CLIENT:
ISLAND CONSTRUCTION
C/O RANDY NELSON
P.O. BOX 240
SCIO, OREGON 97374
541-981-8399

**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
(541) 451-1366 FAX

COVER SHEET

**NELSON'S
PRELIMINARY SUBDIVISION
SCIO, OREGON**

DATE: 10/22/19
PROJECT: 19-208 NELSON SCIO SUBDIVISION
DRAWN BY: EP
CHECKED BY: BSV

ATTACHMENT A

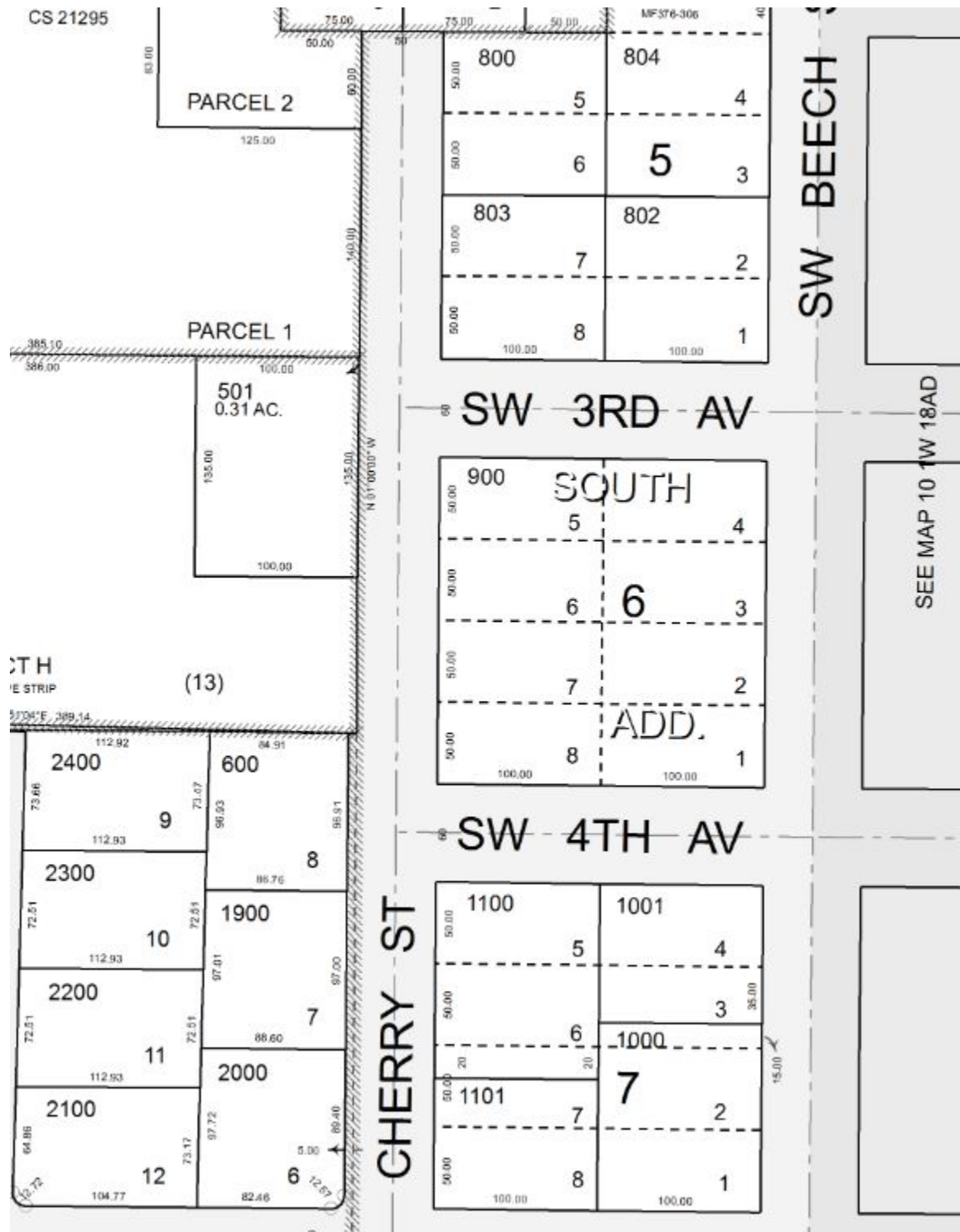
PLAN REVISIONS	DATE



Sheet **C1.0**

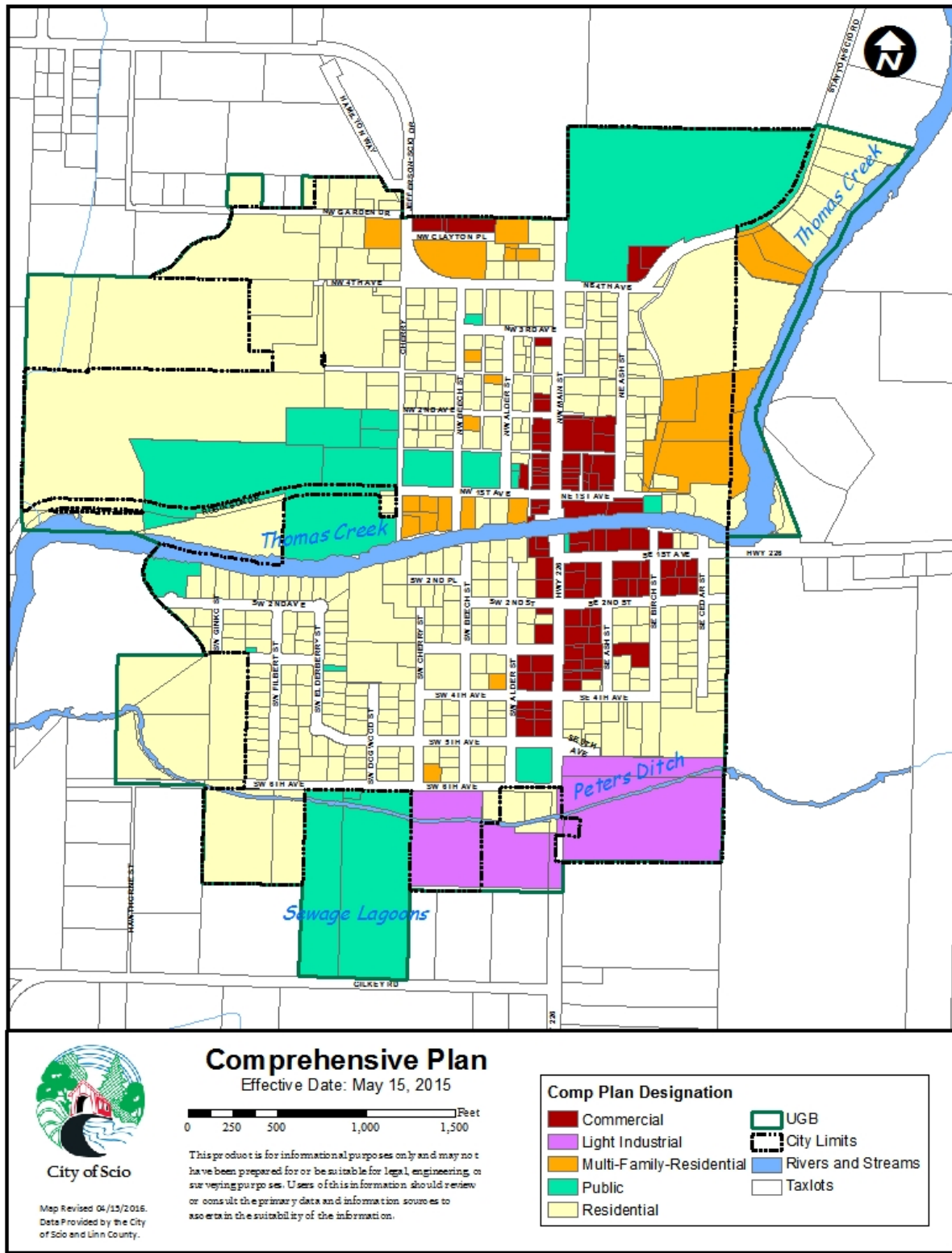
SCALE: SEE BARSCALE

Assessor's Map 10S-01W-18AC, Tax Lot 900



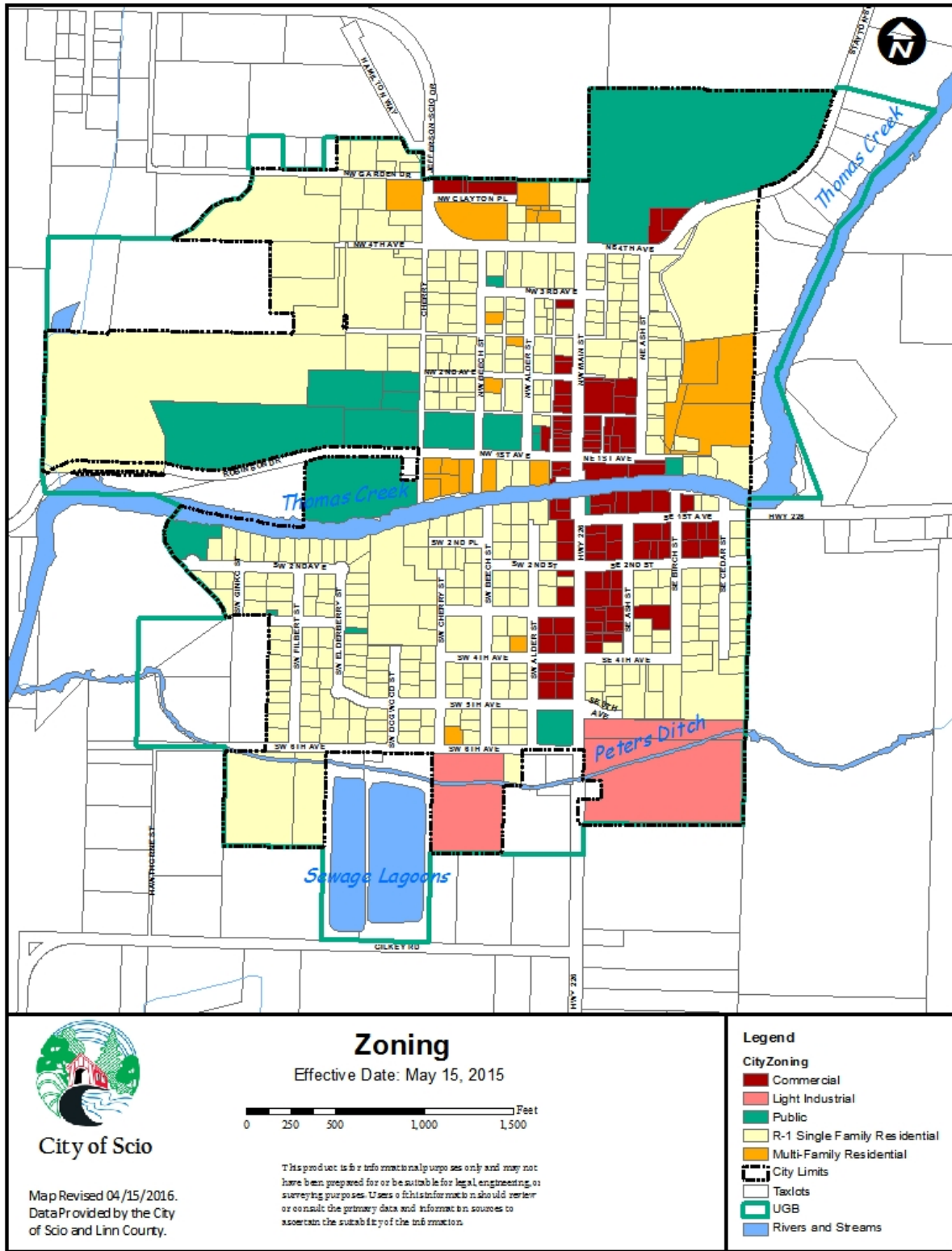
ATTACHMENT C

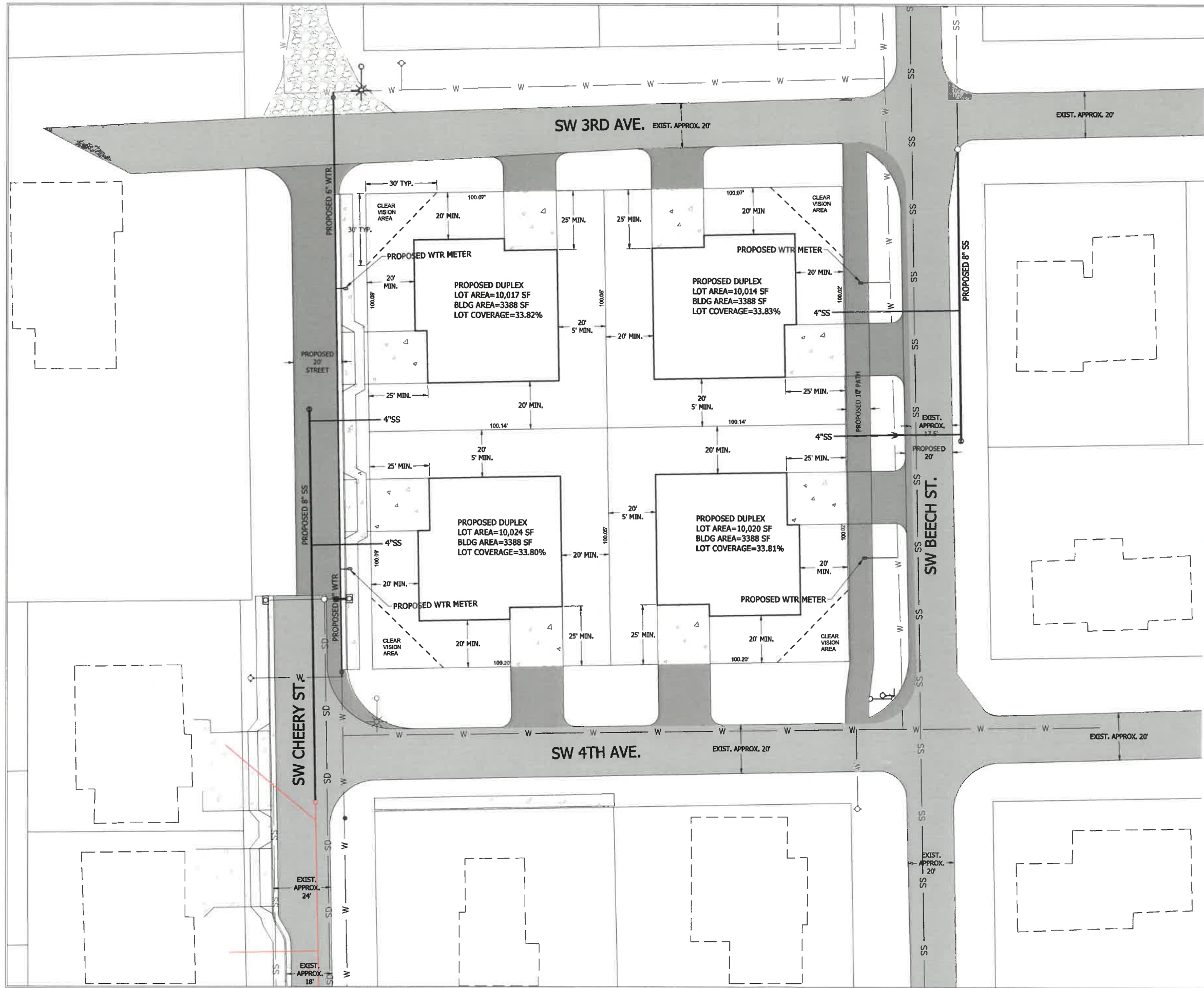
Map LU-1 City of Scio Comprehensive Plan



ATTACHMENT D

Map LU-2 City of Scio Zoning Map





LEGEND

EXISTING SYMBOL LEGEND

- EXISTING CATCH BASIN

- EXISTING WATER VALVE

- EXISTING WATER METER

- EXISTING FIRE HYDRANT

- EXISTING POWER POLE

- EXISTING SD LINE

- EXISTING SS LINE

- EXISTING WATER LINE

ABBREVIATIONS LEGEND

SS

- SANITARY SEWER

SD

- STORM DRAIN

MH

- MANHOLE

CB

- CATCH BASIN

CO

- CLEAN OUT

PP

- UTILITY POLE

R.O.W.

- RIGHT-OF-WAY

S.L.

- STREET LIGHT

FH

- FIRE HYDRANT

CI

- CURB INLET

EX OR (E)

- EXISTING

(P)

- PROPOSED

WTR

- WATERLINE

DESIGN SYMBOL LEGEND

- DESIGN WATER METER

- DESIGN CURB INLET

- DESIGN SS MANHOLE/CLEAN OUT

- DESIGN WATER VALVE

CLIENT:
ISLAND CONSTRUCTION
C/O RANDY NELSON
P.O. BOX 240
SCIO, OREGON 97374
541-981-8399

**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**

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PROPOSED IMPROVEMENTS

**NELSON'S
PRELIMINARY SUBDIVISION
SCIO, OREGON**

DATE: 10/22/19

PROJECT: 19-208 NELSON SCIO SUBDIVISION

DRAWN BY: EP

CHECKED BY: USV



ATTACHMENT E

PLAN REVISIONS	DATE

Sheet **C1.1**

SCALE: SEE BARSCALE

Iceland-Scio, Oregon

Floodplain Overlay

Legend



Iceland
Property

ATTACHMENT F



500 ft

Survey
Google Earth

ORS 197.763(5) STATEMENT INFORMATION REGARDING PROCEDURES FOR LAND USE HEARING

**File 2020-04 – Comprehensive Plan Map & Zoning Map Amendment
38900 block of SW 3rd & SW 4th Avenue, Scio**

Applicant: Iceland Construction, Inc.

The applicable substantive criteria upon which this case will be decided are found in the following state law, rules and City of Scio planning regulations. The applicable sections and the decision criteria are listed in the staff report.

- A. Statewide Planning Goals 1, 2, 7, 10 and 11
- B. Oregon Administrative Rules (OAR 660), particularly OAR 660-008 and 660-018
- C. Scio Comprehensive Plan
- D. Scio Comprehensive Plan Amendment Ordinance 496
- E. Scio Zoning Ordinance 561 – Article 10, Amendments to the Zoning Ordinance

The applicable substantive decision criteria upon which this case will be decided are listed in the staff report.

All testimony, arguments and evidence received during this public hearing must be directed toward these approval criteria, or to such other rule, law, regulation or policy which you believe to apply to this case.

An issue which may be the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with sufficient specificity so as to afford this body, and the parties to this hearing an adequate opportunity to respond to each issue.

The Planning Commission's recommendation will be submitted to the Scio City Council. After an additional public hearing, the Scio City Council will make a decision on the proposal. The City Council's decision is final. The City Council's final action may be appealed to the Oregon Land Use Board of Appeals within 21 days of mailing of notice of the City Council's decision.

The Presiding Officer over the public hearing reserves the right to limit the time of any presentation. Please try to avoid repetition; if someone else has already expressed the same thoughts, it is perfectly alright to state that you agree with the statements of that previous speaker.

If you have documents, maps or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, written or verbal testimony must be submitted to the City by June 1, 2020 at 4:00 p.m. Planning Staff will make sure your evidence is entered into the record at the June 3, 2020 hearing date.

Prior to the conclusion of the initial evidentiary hearing on May 27, 2020, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application involved here. Continuances may take the form of holding an additional public hearing with oral testimony allowed, or may consist of holding the evidentiary record open for a period of time designated by the City, for submittal from the public of written evidence.

If you have any questions regarding any of the information contained in this Statement, please voice those questions, or objections at the time you testify. If you do not wish to testify, your questions or objections may be submitted in writing and will be dealt with during the course of the hearing. Any written material must be presented prior to the closure of the record in this case.

Public Hearing Format for Land Use Hearings Before the Scio Planning Commission

May 27th Hearing Items

- A. Opening of the Public Hearing & Rules of Conduct Chairperson
- B. Declarations of Ex Parte Contact, Conflicts of Interest or Bias
- C. Applicant's Presentation of the Application
- D. Staff Report Planning Consultant for the City
- E. Proponent's Testimony (persons in favor)
- F. Opponent's Testimony (persons opposed)
- G. General Testimony of Other Individuals or Organizations
- H. Questions of Clarification from the Planning Commission

The public hearing will be continued to June 3, 2020 at 7:00 p.m. Additional written and verbal testimony may be submitted to the City until June 1, 2020 at 4:00 p.m. On June 3rd, the Planning Commission will reopen the meeting and continue the public hearing. Any new public testimony will be read into the record. The applicant will then have the opportunity to respond to the public testimony, provide rebuttal testimony and a final summary of the proposal. Once all comments are recorded as part of the meeting, and the applicant responds, the Planning Commission will close the public hearing, and deliberate on the application.

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.

Guidelines for Public Testimony:

The Chair of the Planning Commission, as presiding officer, will recognize all speakers. If you wish to testify during the public hearing, please assist the Chairperson by abiding by the following rules:

1. State your name and address.
2. Indicate whether you support the application, oppose the application or wish to offer general testimony. Provide factual evidence and direct your testimony to the decision criteria.
3. Please keep your testimony brief and to the point. Limit comments to 3-5 minutes per person.
4. Direct any questions you have to the Chairperson. The Chairperson will direct your question to the applicant, city staff or other person who may be able to provide an answer.
5. The Chairperson may limit testimony when it is cumulative, repetitive, irrelevant or immaterial to the issues being considered.



City of Scio
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May 7, 2020

VIRTUAL SPECIAL MEETING PUBLIC HEARING NOTICE SCIO PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Scio Planning Commission on **Wednesday, May 27, 2020 at 7:00 p.m. and Wednesday, June 3, at 7:00 p.m.** through a virtual (online) meeting to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.:	PL-2020-04
Applicant:	Iceland Construction, Inc.
Location:	Block 6, South Addition to Scio (bordered by SW 3rd, SW Beech, SW 4th & SW Cherry streets)
Map & Tax Lot No.:	10S 01W Section 18AC, Tax Lot 00900.
Request:	Comprehensive Plan Map Amendment and Zoning Map Amendment - Single Family Residential (R-1) to Multi-Family Residential (R-2)
Decision Criteria:	Statewide Planning Goal 2 - "Land Use". Statewide Planning Goal 10 - "Housing". Scio Municipal Code 26-64 - "Comprehensive Plan Amendment Criteria".

Request: The applicant is requesting the City approve an amendment to the Scio Comprehensive Plan Map and the Scio Zoning Map to redesignate and rezone this one-block site from Residential (R-1) to Multi-Family Residential (R-2). If approved, the applicant proposes to replat the block into four 10,000+ square foot lots and build a duplex on each lot.

Virtual Meeting: Due to the COVID-19 pandemic, the City will be hosting a virtual Planning Commission meeting and following the procedural guidance provided by the Oregon Department of Land Conservation and Development (DLCD) in compliance with Oregon Public Meeting Laws.

The public hearing will occur in two phases: on May 27, 2020 at 6:00 p.m. the Planning Commission will open the public hearing, receive Staff's report, and allow for the applicant to present. The Planning Commission will then continue the public hearing to Wednesday, June 3, 2020 at 7:00 p.m. This will provide time for interested persons to submit written and verbal comments to the City. The written and verbal comment will be received by City Staff until 5:00 p.m. on Monday, June 1, 2020. The comments will then be read into the record for the Planning Commission at the June 3, 2020 meeting. The applicant will then be able to respond to the public comments. Once all comments are recorded as part of the meeting, and the applicant responds, the Planning Commission will close the public hearing, and deliberate on the application. After the close of the public hearings the Planning Commission will make a recommendation to the City Council on the proposal. The City Council will hold additional public hearings to consider the proposal and make a final decision on the application.

The public can join the May 27, 2020 Planning Commission public meeting from an electronic device by logging onto <https://us02web.zoom.us/j/81323452452> or dial in by phone US: 1.253.215.8782 Webinar ID: 813-2345-2452 on May 27, 2020 and <https://us02web.zoom.us/j/88197155802> or dial in by phone US: 1.253.215.8782 Webinar ID: 881-9715-5802 on June 3, 2020.

The City of Scio thanks you for your support in slowing the spread of COVID-19 by attending this public meeting digitally. In compliance with the Governor's Executive Order No. 20-16, this meeting will only be held virtually, there will be no physical location for persons to attend to participate in the meeting.

The Agenda and application materials will be available for review on the City's Website at <http://ci.scio.or.us> by the end of the day on May 7, 2020.

Providing Comments: The City will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 4:00 p.m. on Monday, June 1, 2020.** Written testimony may be emailed to cmartin.cityofscio@smt-net.com, or may be mailed to the City at PO Box 37, Scio, OR 97374, or delivered to the City and dropped in the blue mail box in front of City Hall. Please note for mailed testimony, the letter must be received by the City no later than 4:00 p.m. on Monday, June 1, 2020. For verbal testimony, a recording may be provided to the City, or you may call (541)258-4252 and leave a voice message. **There will be no testimony accepted in person.**

CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days so such material may be reviewed.

Appeals: Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. Only the applicant, a party providing testimony, and/or person who requests a copy of the decision has rights to appeal a land use decision. The appeal must be submitted on the appeals form as prescribed by City Council or by LUBA with appropriate fee paid and must set forth the criteria issues that were raised which the applicant or party deems itself aggrieved. Please contact our office should you have any questions about our appeals process.

Obtain Information: A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available online in the Planning Commission Agenda Packet at <http://ci.scio.or.us>. The materials are also available for inspection in person at no cost and will be provided at the cost of 20 cents per single-sided page. If you have questions, would like additional information, or would like to schedule a time to view the application materials in person, please contact City of Scio, 38957 NW 1st Avenue; phone 503-394-3342; email cmartin.cityofscio@smt-net.com.

The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 503-394-3342.

Proposal:

1. Comprehensive Plan Map Amendment: (Residential) to (Multi-Family Residential)
2. Zoning Map Amendment: Single-Family (R-1) to Multi-Family (R-2) Zone.

Applicant proposes to construct 4 duplexes on the site.

