



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

7:00 PM

COMMISSION MEMBERS PRESENT: Chairman Beau Buganski, Commissioners Katrina Clouse, Ron Loewen, 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