



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

7:00 PM

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

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

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

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

AUDIENCE MEMBERS PRESENT: Bryan Whisenhunt, Britton Jones, Mark Rettman, Jason Nunn, Joey Ferguson, Brian Vandetta, and David Dodson were present via video. Randy Nelson and Steve and Laura Schrunk were present via phone. Liberty Opulencia, Jennifer and Jared Clevenger were also watching the meeting at Mr. Whisenhunt's residence.

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

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

CORRESPONDENCE: None

BUSINESS:

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

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

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

tonight's hearing, we will keep the record open until Monday, June 1, 2020 at 5:00 pm. This will give any member of the public, agencies and the applicant an opportunity to submit additional testimony to the Planning Commission. The public hearing will not be closed. It will be continued to June 3, 2020 at 7:00 p.m. We will reopen the public hearing, read any new testimony into the record, give the applicant an opportunity to respond to the public testimony and then close the public hearing. A copy of the agenda and hearing procedures are located on the city website, along with the staff report. Buganski also noted that Oregon Land use law requires a statement be made available to those in attendance. The detailed Statement, with the information required under ORS 197.763(5), is also posted on the City's website. He asked if anyone wanted the statement to be read. There were no questions or objections to the statement.

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

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

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

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

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

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

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

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

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

5:00 pm. Exhibits will be attached that will include the report submitted from the City Engineer, and Public Testimony that has been submitted from Carolyn Nunn, Bryan Whisenhunt, The Fair Housing Council of Oregon, plus any other written testimony received through June 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kinney reviewed general process questions first.

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

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

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

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

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

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

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

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

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

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

Meeting Adjourned at 8:34 p.m.

Cathy Martin
Administrative Assistant