



**SCIO PLANNING COMMISSION MEETING MINUTES  
WEDNESDAY, July 17, 2019**

**7:00 PM**

**Special Session**

**CALL TO ORDER:** Chairman Wooten called the Special Session of the Scio Planning Commission to order at 7:00 p.m.

**COMMISSION MEMBERS PRESENT:** Commissioners Richard Androes, Ron Loewen, Nicole Zedwick, Cliff Wooten, and John Whalen.

**STAFF PRESENT:** Planning Consultant Dave Kinney, Ginger Allen – City Manager, and Ryan Quigley, The Dyer Partnership – City Engineer

**APPROVAL OF MINUTES:** The minutes of the June 26, 2019 Public Hearing were amended and approved. A motion to approve the minutes as amended by Commissioner Loewen and seconded by Commissioner Androes. Motion passed 5/0.

**CORRESPONDENCE:** None

**BUSINESS:** Continuation of the Public Hearing on PL2019-03, Hix Snedeker Development – Comprehensive Plan Map and Zone Change. – Wooten stated that the continuation of the Public Hearing was for the Planning Commission discussion of questions that the planning commission had regarding the information and testimony submitted at the public hearing.

**EX-PARTE:** Chairman Wooten asked each member if they had any ex-parte contact between the June 26, 2019 meeting and this meeting:

Wooten: No ex-parte contact  
Androes: No ex-parte contact  
Loewen: No ex-parte contact  
Zedwick: No ex-parte contact  
Whalen: No ex-parte contact

Recognize the members of the audience, Roger Loewen, Roger Gaither, May Garland, Nadji Vogel, Trey Jinright and Lindsay Gadd.

Commissioner Buganski arrived. He was asked about ex-parte contact. He stated No ex-parte contact – light conversation, nothing that would influence my decision making.

Dave Kinney, Planning Consultant, gave a statement ask to what the meeting is designed to do tonight, no audience participation, factual questions can be directed to the chair and the chair can clarify what is asked.

Four issues raised:

1. Wetlands and policy question regarding off-site mitigation
2. Can the proposal comply with natural resources goal of flood hazards and flooding on the site.
3. Can the proposal comply with the transportation goals
4. Economic Development policies in the Comp Plan, do you extend the commercial zone to the south end

Kinney proposed walking through each item, one by one, and discuss each item. During the discussion you can come up with reasons to agree or disagree with

1. Wetlands: Kinney talked about zoning ordinance and noted that the code does not allow language that allows off-site mitigation. Asking the commission do you believe off-site mitigation is allowed or appropriate. The off-site mitigation would take place in the North Santiam basin.

Wooten – Their proposal is a legal method according to the state and therefore you would think it would be acceptable to allow for the mitigation for this propose.

Buganski – Does not disagree. They have provided justification for use of the off-site mitigation.

Loewen – No delineated wetlands on this property. All of Scio is wetlands if you use the terminology used by the said developer of wetlands. I believe the request is reasonable. I look at this as adding to the tax base and to our services. It's on the main road. They have come up with solution accepted by the state.

Androes – They are trying to deal with everything that has been thrown at them. This is something that has been done previously in Stayton, I am good with it.

Whalen – I am too. It uses the term significant wetlands, and this is not significant.

Kinney – the Local Wetlands Inventory identifies six significant wetlands in the City and this property was not identified in the initial study as significant. The applicant has submitted information that these are degraded wetlands.

Zedwick - I agreed that they have not been identified as high quality.

Kinney – appears that there is a consensus that the proposal complies with the Comp Plan policies intent to protect significant wetlands and that off-site mitigation is an appropriate measure to take to address the wetlands that were discovered on site.

2. Flood Hazard Management: Kinney - Can the proposal comply with natural resources goals and the Scio Flood Hazard Ordinance? Flooding in Scio is an issue understood by

everyone. Does the storm drainage analysis plus their development plan allow for stormwaters to flow around the site and be able to be released into the Peters Ditch basin. Suggested changes, City Engineer and myself agree that their site development can allow for flood waters to flow around the site. The review of the flood development permit is something the staff takes seriously, there will be some modifications that will need to be made to the storm drainage system. Quigley – the applicants have looked into the issues, they have worked toward detention on the site, may have to expand on that a little bit, as we get into design review and discussions there may be modifications made at that time.

Whalen- will the modification protect the neighbors, insure that there is no detrimental or increased water in the neighbors?

Quigley – make sure they are not creating a dam, that there is a path around other properties, it is something that will have to be reviewed and analyzed as we get into reviewing the design plans. There is enough elevation changes that makes it doable.

Kinney – does the planning commission agree or disagree with staff conclusions? Loewen raised a question at the public hearing about if road improvements are done out front, that they are not creating any additional height/elevation on the roadway. This will be something that the staff will work with ODOT regarding highway elevation.

Loewen – a fence is proposed, it should be designed so that it is permeable.

3. Transportation Improvements: Kinney - Applicant said they would meet the urban development plans, they submitted a modified drawing showing their intent to do so, this is supplemental to what was originally submitted, it will be provided to the City Council at their hearing. Question to planning commission, do you concur that these improvements need to be required and be consistent with plan policies?

Zedwick – A stand alone sidewalk, is the plan to get it all the way down.

Kinney – yes, the more incrementally as development occurs. The more increments we get the more leverage we have with ODOT in getting them to put this into their transportation plan.

Buganski – traffic in front of the business, safe entry entrance and exit, does this have to be reviewed.

Kinney – must be reviewed by County and State requirements, Dwayne Liner, ODOT contact, if they will support whatever the city recommends. They do not see a reason why a permit would be denied if all the engineers drawing work. Question is does the city want to require the urban improvements as shown on the modified plan? Staff strongly recommends yes, do you concur? Planning commissioners indicated that they did.

4. Extension of Commercial Area: Kinney – This item calls for your interpretation of the city’s Comprehensive Plan. Is the extension of the commercial area to the south consistent with the policies in the plan or do you believe that the creation of a commercial piece of property at the south end of the city is not consistent and that it should be reserved for industrial use versus allowing for a commercial area at that site? Mr. Wooten asked, why I hadn’t recommend to approve or deny, this is the reason why – there is interpretation that the Planning Commission as policy makers for the city need to make – is it appropriate and consistent with the plan policies or do you believe that it is not.

Androes- With the lack of commercial property, I believe it falls within the plan.

Kinney – business concerns – dilutes the compact nature of the commercial area .... Problem, we do not have sufficient sites in the existing commercial area that would allow a development of this size.

Wooten – it depends upon what decade you are in, a couple of decades ago it was if Scio doesn’t grow Scio could die. Now people are concerned about the impact on other businesses. Haven’t has negative impact, it should be a change of use to change it from Light Industrial to Commercial, so approve it.

Zedwick – did the Dollar General just go into Jefferson?

Kinney – Market area populations of 3500 service area, not the city populations itself.

Zedwick – I’m concern about our small businesses. I would hate for a large business coming in and taking away business.

Wooten – Bank had nothing to do with Dollar General. Businesses fail due to number of reason. Do we think that having a Dollar General will have a detriment to the other businesses or do you think it will be complementary.

Buganski - I think that you have to determine if it is reasonable to have a commercial business on the south side of town. Given the guidelines that were put together in the Comp Plan. It could be any business, we can’t look at a business and say it will compete with another, we have to decide if it makes sense to have a commercial business on the south side of town. Does it meet our guidelines?

Whalen – I agree with what Beau just said. It is two separate issues.

Kinney – You have to decide if the proposal fits the comprehensive plan.

Buganski – Is the land use reasonable and is it going to bring something to the community, regardless of what it is. Our decision must be based upon – Is it reasonable, do they meet the qualification to place a commercial business on the south side of town. That is the way we have to look at it, it is our job, that is why we put a Comp Plan

together. Council will have to approve or over turn our decision. That is what we have to go by. As a small business owner, yes it's scary. They are doing what they were asked to do on paper. We have to make our decision based on what they have provided us.

Whalen – I do not think 1.34 acres is going to make a big difference in the scheme of things.

Androes – I support a commercial business on that property because we do not have enough commercial property within the city limits..

Loewen – I do not think the effect of Dollar General is going to be anything like the internet has on small business. Zone wise I do not have a problem with it. We should not be stopping it if it fits within our zone.

Zedwick - Basically it is taking Light Industrial and swapping it with Commerical. What happens if industrial wants to come into town?

Kinney – The difficulty with industrial development in town is the city of Scio is not on major transportation corridors, if the city looks at industrial development, it is going to be businesses that are home grown, that are small businesses that kind of pop up, the difficulty is with any of the sites that have wetlands impacts is that it becomes more expensive to develop those sites. I expect that should the city get any interest from other small businesses/industry that wants to come in, they will also be wanting the city to consider more rezoning. It's going to be difficult to bring new industry into this community.

Buganski – asked if this site interferes with any other properties access to Highway 226? It does not block any transportation access?

Wooten – it appears there is a consensus and we can move on.

Kinney reviewed the Planning Commission Options. 1) Close the public hearing but continue deliberations to another meeting. But you have had discussions, have heard the public testimony, now is the opportunity to either make a recommendation to the city council to approve the comprehensive plan amendment/zone change based on your discussion and findings or to recommend to deny the amendment and zone change because you don't feel that it complies with the goals and policies of the comprehensive plan. 2) Last page of the staff report has a couple of options for draft motions

Wooten – no reason to continue the meeting, we have had our questions answered.

***A motion was made by Buganski to recommend to the city council to approve File 2019-03, to amend the Scio Comprehensive Plan Map to designate a 1.34 acre site at 38848 Highway 226 from Light Industrial plan designation to a Commercial plan designation and to concurrently rezone the property from Light Industrial to a Commercial C-1 zone and to direct the planning***

***consultant to amend the findings of fact in the June 19, 2019 staff report to reflect the planning commission deliberations. Seconded by Whalen. Motion passed 6/0.***

Kinney – spoke to the audience regarding the process. The planning commissions recommendation in the motion, Kinney will modify staff report to city council, it will include minutes of the public hearing, minutes of tonights meeting, all of the written public testimony that was provided by the citizens, and will include the letter and revised map submitted by the applicant. The city council will get a complete packet of information.

City council will hold a public hearing on Monday, August 12, 2019, at 6:00 pm. Kinney will present the staff report to the council. It is a new public hearing, so the council will have the opportunity to hear any new testimony, the applicant will be given the opportunity to submit anything new that they wish to or may give the same presentation that was given to the planning commission. The council will go through the same hearing process. If the council approves the proposal, we will have a draft ordinance for the council to consider that night. If the council would deny the and determine that they don't think it is consistent with the comprehensive plan then they would make a motion to deny the application.

Roger Gaither asked if the council had a greater latitude in compliance with the comprehensive plan to make their decision. Kinney stated that the council has the obligation to make a final decision. They have to follow the goals and policies and their interpretation of those goals and policies in making their decision. This is no different than the planning commission.

May Garland asked if we were still working incrementally on this approval. Kinney stated that the council has to approve the comprehensive plan/zone change for the rest of the application to proceed forward.

Kinney – a Notice of Decision will be prepared and mailed to the applicant.

Wooten – close the public hearing 7:42 p.m.

Next meeting date will be determined after the city council meeting on August 12<sup>th</sup> as future hearings on the additional application pieces cannot be scheduled until a final decision is made. The July 31<sup>st</sup> meeting is cancelled. The next proposed meeting is August 28, 2019, 7:00 p.m.

Meeting Adjourned at 7:45 p.m.

Ginger Allen  
City Manager