



# Oregon

Theodore R. Kubangoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

03/06/2009

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Scio Plan Amendment  
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, March 24, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Cathy Martin, City of Scio  
Doug White, DLCD Community Services Specialist  
Ed Moore, DLCD Regional Representative

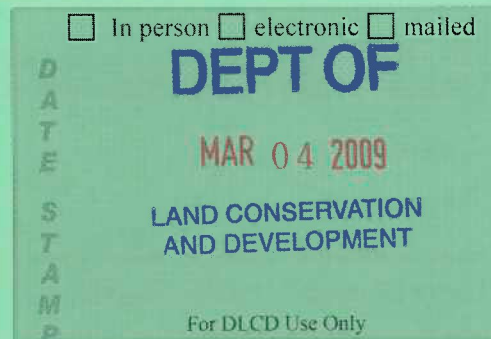
<paa> YA

FORM 2

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Scio**

Local file number: **PL-2008-005**

Date of Adoption: **2/23/2009**

Date Mailed: **3/3/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/15/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Annexation/Zone Change to City of Scio LI (Light Industrial) for a 2.87 acre parcel

Does the Adoption differ from proposal? Yes, Please explain below:

Property was annexed into the LI Zone as originally planned in the current Comprehensive Plan for the City of Scio.

Plan Map Changed from:

to:

Zone Map Changed from: **Linn County UGA-LI**

to: **City of Scio LI**

Location: **38824 Highway 226, Scio, OR 97374**

Acres Involved: **2**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD # 001-08 (17085)**

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Linn County

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Local Contact: **Cathy Martin**

Phone: (503) 394-3342 Extension:

Address: **PO Box 37**

Fax Number: **503-394-2340**

City: **Scio**

Zip: **97374-**

E-mail Address: **scio@smt-net.com**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

## ORDINANCE NO. 572

AN ORDINANCE REZONING A 2.87 ACRE PARCEL AT 38824 HWY 226 TO A LIGHT INDUSTRIAL (LI) ZONE AND ANNEXING THE PROPERTY, WHICH IS CONTIGUOUS WITH THE CURRENT CITY LIMITS OF THE CITY OF SCIO, WITHOUT AN ELECTION OF THE PEOPLE.

WHEREAS, the City of Scio has received a land use application to annex and rezone a parcel from George and Mary VanAgtmael regarding a 2.87 +/- acre site at 38824 Hwy 226 in Scio; Linn County Assessor's Map T10S R1W 18D, Tax Lot 00300; and

WHEREAS, the applicant proposes to construct a caretaker residence on the parcel and connect the new structure to city utilities if the city approves a proposal to:

1. Annex the 2.87 acre parcel at 38824 Hwy 226 into the City of Scio; and
2. Amend the Scio Zoning Map to rezone the annexed property from Linn County Urban Growth Area Light Industrial (UGA - LI) to a City of Scio Light Industrial (LI) zone.

WHEREAS, the Planning Commission held a public hearing on October 2, 2008 to consider the application and upon deliberation, after the close of the public hearing, recommended the city council approve the application and further recommended that the City Council approve the annexation, the zone change and the adoption of a code amendment to Section 3.310 of the Scio Zoning Ordinance to permit a caretaker/security residence within the light industrial zone.

WHEREAS, the City Council held a public hearing on November 10, 2008 and at the close of the hearing the City Council concurred with the Planning Commission recommendations; and

WHEREAS, the City Council adopted findings of fact approving the land use application;

WHEREAS, the City has reviewed the legal descriptions of the property to be annexed; and

WHEREAS, ORS 222.125 allows cities to annex territory when all (100%) of the property owners of the territory and not less than 50% of the electors (registered voters) living

within the area to be annexed submit a petition (application) requesting the property be annexed. The owners of the subject property are the George and Mary Van Agtmael and there are no persons residing on the property; and

**NOW, THEREFORE, the City Council of the City of Scio hereby ordains as follows:**

**SECTION 1: ZONING MAP AMENDMENTS.** The Scio Zoning Map shall be amended to rezone the following property from Linn County Urban Growth Area Urban Growth Area – Light Industrial (UGA – LI) to City of Scio Light Industrial (LI).

Parcel	Owner(s)	Assessor Map & Tax Lot	Size in Acres	Existing Use	Prior Linn County Zoning	New Scio Zoning
1	George Van Agtmael and Mary Van Agtmael	10 1W 18D TL 00300	2.87	Vacant	UGA-LI	Light Industrial (LI)

Attached hereto is Exhibit “A”, which accurately portrays the property to be rezoned to City of Scio Light Industrial (LI).

**SECTION 2: ANNEXATION AREA.** The following property, shown on the map attached hereto as “Exhibit B”, and described in the legal description, attached hereto as “Exhibit C”, is hereby proclaimed to be annexed into the City of Scio.

Parcel	Owner(s)	Assessor Map & Tax Lot	Size in Acres	Existing Use
1	George Van Agtmael and Mary Van Agtmael	10 1W 18D TL 00300	2.87	Vacant

**SECTION 3: RECORD OF DECISION.**


1. The City Administrator shall submit to the Oregon Secretary of State a certified true copy of this ordinance.
2. The City Administrator shall send a description, by metes and bounds, and a map depicting the new boundaries of the city to the Linn County Assessor, the Linn County Clerk, and the Oregon State Department of Revenue within ten (10) days of the effective date of the annexation.

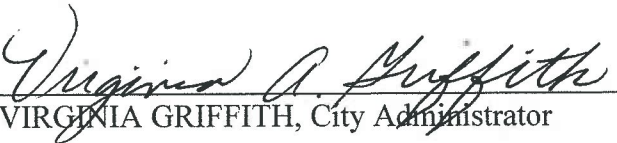
3. The City Administrator shall notify all affected utilities of the annexation.
4. The City Administrator shall notify the Linn County Geographic Information System (GIS) office.

This Ordinance read for the first time in full on the 12<sup>th</sup> day of January 2009.


This Ordinance read by title only for the second time on this 23<sup>rd</sup> day of February 2009.

This Ordinance passed on the 23rd day of February, 2009 by the city council and executed by the mayor this 23rd day of February, 2009.

Date: 2/23/2009 By:   
SANDRA BAGGETT, Mayor

Date: 2-23-2009 Attest:   
VIRGINIA GRIFFITH, City Administrator

APPROVED AS TO FORM

Date: 3/3/09 By:   
THOMAS MCHILL, City Attorney

Exhibits:

“A” - Map of Area to be Rezoned.

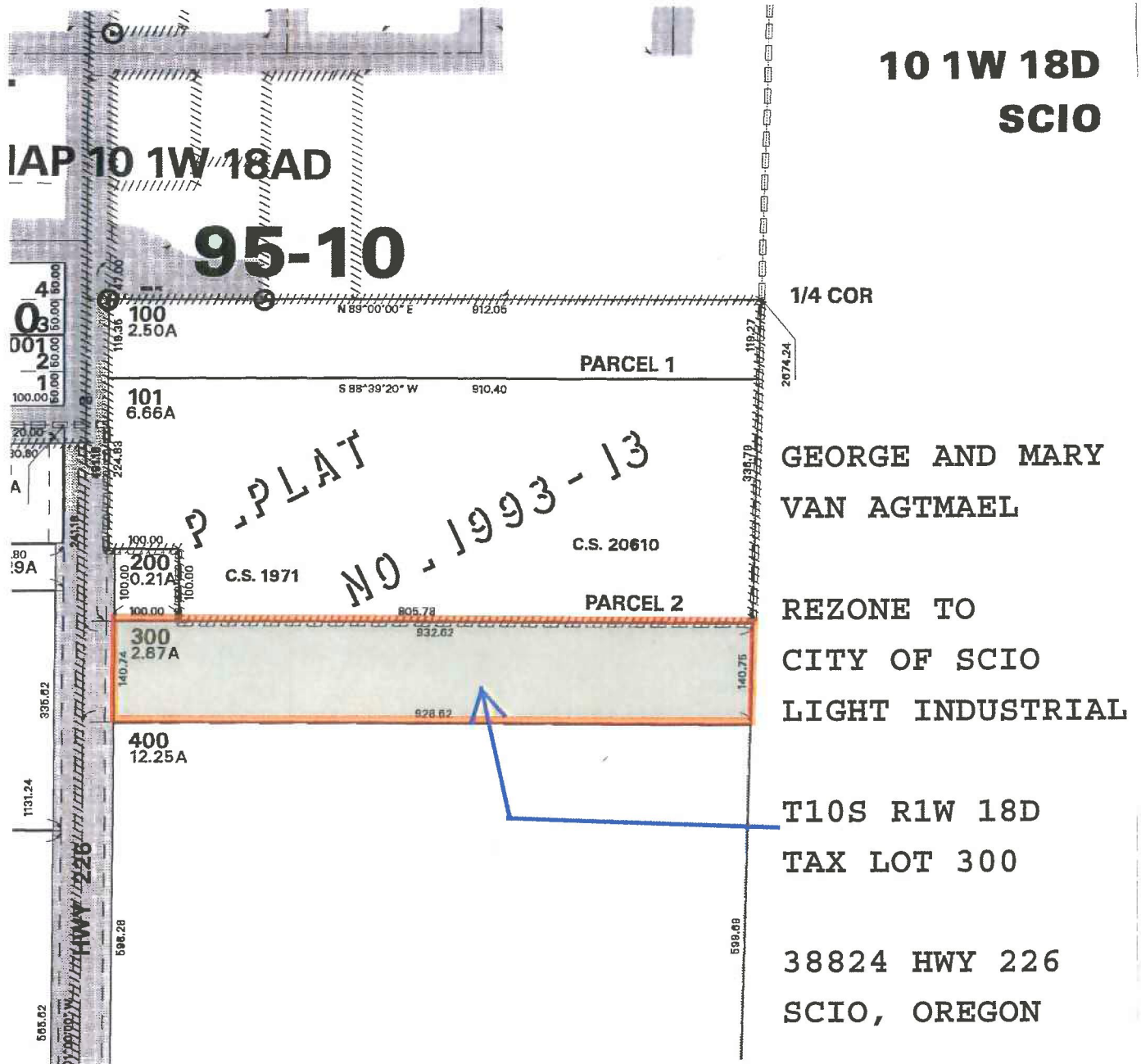
“B” - Map of Area to be Annexed to the City of Scio

“C” - Legal Description of Area to be Annexed to the City of Scio

City of Scio  
Ordinance No. 572

EXHIBIT A

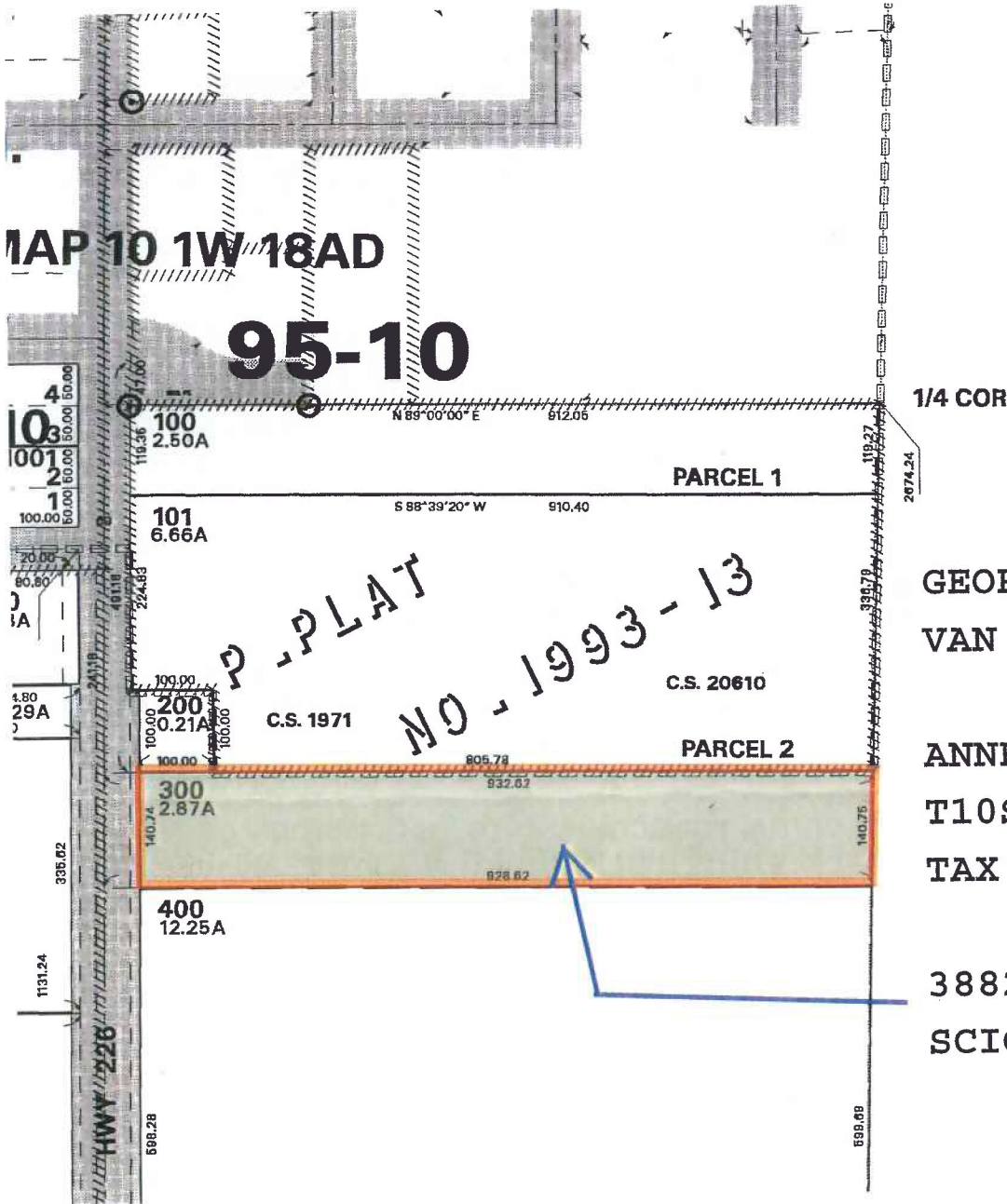
AREA TO BE REZONED TO CITY OF SCIO - LIGHT INDUSTRIAL



City of Scio  
Ordinance No. 572

EXHIBIT B

ANNEXATION MAP – 38824 Hwy 226, Scio, Oregon



**10 1W 18D  
SCIO**

1/4 COR

GEORGE AND MARY  
VAN AGTMAEL

ANNEXATION AREA  
T10S R1W 18D  
TAX LOT 300

38824 HWY 226  
SCIO, OREGON

City of Scio  
Ordinance No. 572

EXHIBIT C

LEGAL DESCRIPTION

PROPERTY LOCATED AT 38824 HWY 226  
THAT IS CONTIGUOUS WITH THE CURRENT CITY LIMITS OF THE CITY OF SCIO.

ALL THAT TRACT OF LAND DESCRIBED IN VOLUME 1004, AT PAGE 737 IN THE DEED RECORDS OF LINN COUNTY, OREGON AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE PROLONGATION WEST OF THE MOST SOUTHERLY LINE OF PARCEL 2 OF LINN COUNTY, OREGON PARTITION PLAT 1993-13 AND FILED AS COUNTY SURVEY #20610 IN THE LINN COUNTY, OREGON SURVEYOR'S OFFICE, WITH THE CENTERLINE OF OREGON STATE HIGHWAY #226 FORMERLY KNOWN AS COUNTY ROAD NO. 7, THENCE S 01°15'48" E ON SAID CENTER LINE A DISTANCE OF 140.74 FEET, THENCE LEAVING SAID CENTERLINE N 89°24'38" E A DISTANCE OF 933.76 FEET TO THE EAST LINE OF SECTION 18 IN TOWNSHIP 10 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, THENCE N 00°28'02" W ON SAID SECTION LINE A DISTANCE OF 140.75 TO THE SOUTHEAST CORNER OF SAID PARCEL 2, THENCE S 89°24'34" W ON THE PROLONGATION WEST OF THE MOST SOUTHERLY LINE OF SAID PARCEL 2, A DISTANCE OF 935.72 FEET TO THE CENTERLINE OF SAID STATE HIGHWAY #226 AND THE POINT OF BEGINNING FOR THIS DESCRIPTION.

SUBJECT TO THE RIGHT OF THE PUBLIC IN AND TO THAT PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE LIMITS OF PUBLIC ROADS AND HIGHWAYS.

## ORDINANCE NO. 573

AN ORDINANCE AMENDING SECTION 3.310 OF THE SCIO ZONING ORDINANCE NO. 561 RELATED TO PERMITTED USES IN THE LIGHT INDUSTRIAL ZONE OF THE CITY OF SCIO

WHEREAS, the City of Scio has received a land use application to annex and rezone a parcel from George and MaryVanAgtmael regarding a 2.87 +/- acre site at 38824 Hwy 226 in Scio; Linn County Assessor's Map T10S R1W 18D, Tax Lot 00300; and

WHEREAS, the applicant proposes to construct a caretaker residence on the parcel and connect the new structure to city utilities if the city approves a proposal to:

1. Annex the 2.87 acre parcel at 38824 Hwy 226 into the City of Scio; and
2. Amend the Scio Zoning Map to rezone the annexed property from Linn County Urban Growth Area Light Industrial (UGA - LI) to a City of Scio Light Industrial (LI) zone.

WHEREAS, the Planning Commission held a public hearing on October 2, 2008 to consider the application and upon deliberation, after the close of the public hearing, recommended the city council approve the application and further recommended that the City Council approve the annexation, the zone change and the adoption of a code amendment to Section 3.310 of the Scio Zoning Ordinance to permit a caretaker/security residence within the light industrial zone.

WHEREAS, the City Council held a public hearing on November 10, 2008 and at the close of the hearing the City Council concurred with the Planning Commission recommendations; and

WHEREAS, the City Council adopted findings of fact approving the land use application;

WHEREAS, the City Council desires to amend the City of Scio Zoning Ordinance No. 561 to permit caretaker uses in the Light Industrial zone.

**NOW, THEREFORE, the City Council of the City of Scio hereby ordains as follows:**

SECTION 1: Section 3.310 of the Scio Zoning Ordinance 561 is hereby amended to read:

Section 3.310. Uses Permitted Outright. In an LI zone the following uses and their accessory uses are permitted outright.

- A. Antique store, second hand store.
- B. Automobile, boat, truck, trailer or motorcycle sales, service, storage, rental, or repair establishment.
- C. Contractors office and storage facility, business office of the firm or operation that is located on site.
- D. Feed and seed store, plant nursery, greenhouse.
- E. Heavy equipment, implement or machinery sales, service, or rental.
- F. Lumber and/or building materials sales and storage.
- G. Tire sales and repair shop.
- H. Animal hospital and/or clinic, pet boarding facility, veterinarian office.
- I. Trade or vocational school.
- J. A dwelling in conjunction with a permitted use for the owner or caretaker, whenever the on-site residence of such person is necessitated by the use.
- K. A dwelling for a caretaker, for purposes of providing security to adjacent industrial uses, if the property is at least 2.5 acres in size and the property owner of the caretaker residence has a written agreement with the adjacent industrial property owner.
- L. Public utility lines and facilities, except for those public facilities listed as a conditional use.
- M. Governmental structure or use of land, except for public utility facility listed as a conditional use.
- N. A use involving manufacture, research, repair, assembly, processing, fabricating, wholesaling, storage, or transportation, except for those uses that are prohibited in the LI Zone as listed in Section 3.325. The Zoning/Building Official shall determine whether a specific use is appropriate to this classification and is permitted in the LI Zone. The Zoning/Building Official shall either approve or disapprove the use, or refer the proposed use to the Planning Commission for a decision. A decision of either the Zoning/Building Official or the Planning Commission may be appealed using the procedure specified in Section 11.020 of this Ordinance.


SECTION 2. SEVERABILITY. The provisions of this ordinance are severable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Except as specifically amended herein, Ordinance No. 561 shall continue in full force and effect.

This Ordinance read for the first time in full on this 12<sup>th</sup> day of January 2009.

This Ordinance read by title only for the second time on this 23<sup>rd</sup> day of February, 2009.

This Ordinance passed on the 23rd day of February, 2009 by the city council and executed by the mayor this 23<sup>rd</sup> day of February, 2009

Date: 2/23/2009 By:   
SANDRA BAGGETT, Mayor

Date: 2-23-2009 Attest:   
VIRGINIA GRIFFITH, City Administrator

APPROVED AS TO FORM

Date: 3/3/09

By:   
THOMAS McHILL, City Attorney

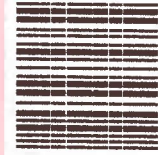


**City of Scio**  
Post Office Box 37  
Scio, Oregon 97374-0037



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97301



U.S. POSTAGE  
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00061989-04

*Attn: Plan Amendment Specialist  
Dept of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540*