Oregon
Theodore R. Kulongoski, 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

NOTICE OF ADOPTED AMENDMENT

7/1/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Scio Plan Amendment
DLCD File Number 002-10

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: Thursday, July 15, 2010

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Cathy Martin, City of Scio
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA

Form 2 DLCD Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

JUN 24 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Scio**

Local file number: **2010-01**

Date of Adoption: **June 14, 2010**

Date Mailed: **June 21, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **3/29/2010**

☐ 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".

Zoning Map Change from R-1 to R-2 for a 0.80 acre parcel to allow a second dwelling unit on the property. The City of Scio R-1 zone does not permit more than a single dwelling unit on any parcel. The applicant proposed to develop a mother-in-law apartment on the property.

Location: Linn County Assessor's Map T10S, R1W, Section 07DC, Tax Lot 01402

Address: 38880 NW Garden Drive, Oregon

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: to:

Zone Map Changed from: **R-1** to: **R-2**

Location: **38880 NW Garden Drive, Scio, Oregon** Acres Involved: **0.80**

Specify Density: Previous: **4** New: **6-8**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

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 file No. 002-10 (18215) [16196]

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

Scio School District, Scio Rural Fire District

Local Contact: **Cathy Martin, City Clerk** Phone: **(503) 394-3342** Extension:

Address: **PO Box 37** Fax Number: (503) 394-2340

City: **Scio** Zip: **97374** E-mail Address: **sciocityclerk@smt-net.com**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available.**
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL** the **PAPER COPY and CD** 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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

City Of Scio, Oregon

ORDINANCE NO. 577

AN ORDINANCE REZONING A 0.80 ACRE PARCEL AT 38880 NW GARDEN DRIVE FROM SINGLE FAMILY RESIDENTIAL (R-1) TO MULTI-FAMILY RESIDENTIAL (R-2)

WHEREAS, the City of Scio has received a land use application from Thomas and Christina McDaniel to rezone a 0.80 acre parcel at 38880 NW Garden Drive in Scio, Linn County Assessor's Map T10S, R1W, Section 07DC, Tax Lot 1402; and

WHEREAS, the applicant proposes to rezone the 0.80+/- parcel, including the applicant's home at 38880 NW Garden Drive from Single Family Residential (R-1) to Multi-Family Residential (R-2), and

WHEREAS, the Planning Commission held a public hearing on May 19, 2010 to consider the application and upon deliberation, after the close of the public hearing, recommended the city council approve the application; and

WHEREAS, the City Council held a public hearing on June 14, 2010 and at the close of the hearing the City Council concurred with the Planning Commission recommendation; and

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

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 Single Family Residential (R-1) to Multi-Family (R-2) Residential. Attached hereto is Exhibit "A", which accurately portray the property to be rezoned.

Parcel	Owner(s)	Assessor Map & Tax Lot	Size in Acres	Existing Use	Prior Scio Zoning	New Scio Zoning
1	Thomas and Christina McDaniel	T10S, R1W, Section 07DC Tax Lot 1402	0.80	Home site 38880 NW Garden Drive	SFR (R-1) Residential	Multi-Family (R-2) Residential

SECTION 2: RECORD. The City Recorder shall submit to the Linn County GIS office and Linn County Clerk a certified true copy of this ordinance.

SECTION 3. 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.

This Ordinance read for the first time in full on this 14th day of June 2010.

This Ordinance read by title only for the second time on this 14th day of June 2010.

This Ordinance passed on the 14th day of June 2010 by the city council and executed by the mayor this 14 day of June 2010.

Date: 6-14-10 By: _____
SANDRA BAGGETT, Mayor

Date: 6-15-10 Attest: _____
VIRGINIA GRIFFITH, City Manager

APPROVED AS TO FORM

Date: 6/21/10 By: _____
THOMAS A. McHILL, City Attorney

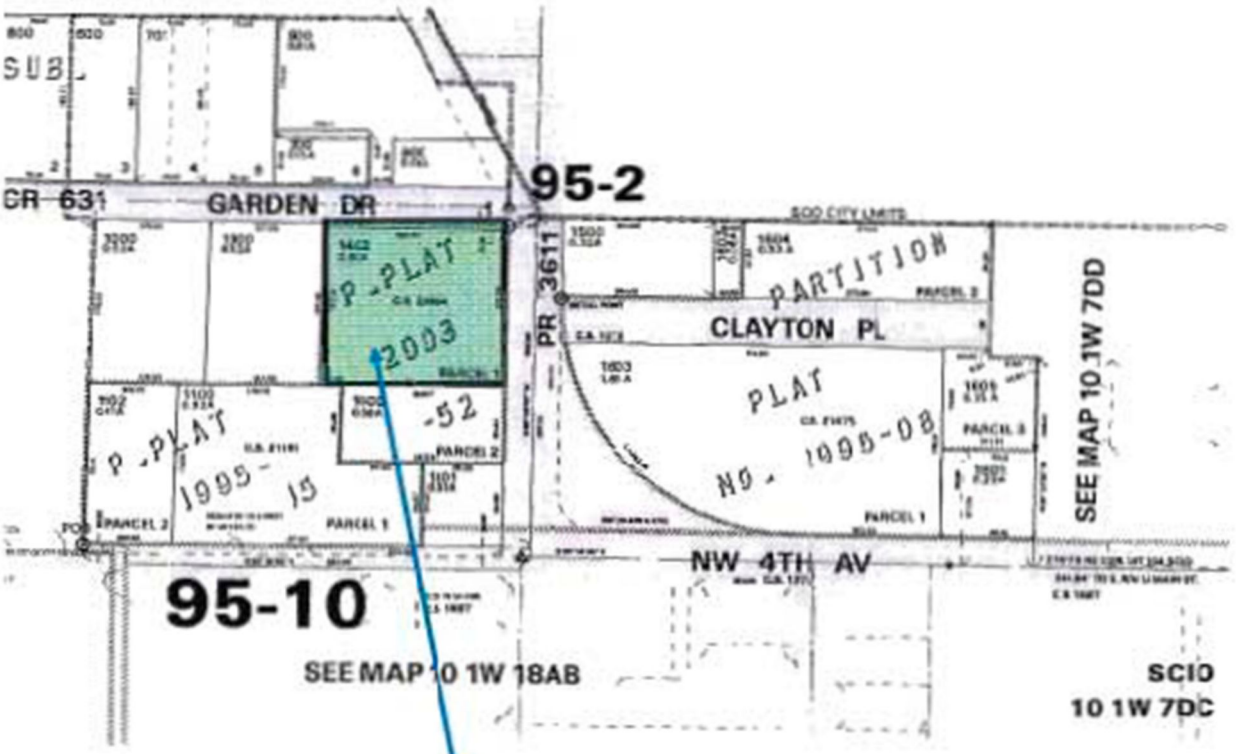
Exhibits:

"A" - Map of Area to be Rezoned.

City of Scio
Ordinance No. 577

EXHIBIT A -- AREA TO BE REZONED

CITY OF SCIO (R-2) MULTI-FAMILY RESIDENTIAL
38880 NW Garden Drive, Scio, Oregon



Thomas & Christina McDaniel

Re-Zone to City of Scio
R-2 Multi-Family Residential

T10S R1W Section 7DC, Lot 1402

38880 NW Garden Drive,
Scio, Oregon

City of Scio
38957 NW 1st Ave
PO Box 37
Scio, OR 97374

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