



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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## NOTICE OF ADOPTED AMENDMENT

07/24/2013

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 001-13

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, August 06, 2013

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  
Gordon Howard, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF  
JUL 18 2013  
LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Scio**

Local file number: **PL2013-01**

Date of Adoption: **7/8/2013**

Date Mailed: **7/16/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

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".

Administrative Changes to the Scio Zoning Code to (1) correct errors in the code, (2) comply with ORS 197.763, (3) to simplify notice of public hearing procedures, (4) to add/modify administrative decision procedures. The proposal also included two minor substantive amendments increasing the front setback requirements to a garage from 20' to 25' and reducing parking requirements in the C-1 Downtown area.

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

A Zoning Map with the effective date of July 1, 2013, was included as an attachment to the Ordinance.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

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...

35-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.** \_\_\_\_\_

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

Linn County Planning

---

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: [sciocityclerk@smt-net.com](mailto:sciocityclerk@smt-net.com)

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#) ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#) ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#) ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).



# City Of Scio, Oregon



## ORDINANCE NO. 593

### AN ORDINANCE AMENDING ORDINANCE 561 – SCIO ZONING CODE

WHEREAS, the Planning Commission recommends various sections of the Scio Zoning Ordinance be amended to correct errors and revise administrative provisions of the code; and

WHEREAS, the Planning Commission held a public hearing on June 26, 2013 to consider the amendments and recommends the City Council adopt the proposed amendments; and

WHEREAS, the City Council held a public hearing on July 8, 2013; and

WHEREAS, on July 8, 2013 the City Council concurred with the Planning Commission recommendations;

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

**SECTION 1.** Section 2.020 of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 2.020. Classification of Zones. For the purpose of this ordinance, the city is divided into zones designated as follows:

| <u>Zone</u>                 | <u>Abbreviated Designation</u> |
|-----------------------------|--------------------------------|
| Single-Family Residential   | R-1                            |
| Multiple-Family Residential | R-2                            |
| Commercial                  | C-1                            |
| Light Industrial            | LI                             |
| Public                      | P                              |

**SECTION 2.** Section 2.050 of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 2.050. Zoning of Annexed Areas. All areas annexed to the City shall be zoned within a city zoning district that is in harmony with the existing comprehensive plan description.

**SECTION 3.** Section 3.040 of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 3.040. Setback Requirements. Except as provided in Sections 5.300, 5.330, and 5.340, in an R-1 Zone, the yards shall be as follows:

- A. The front yard shall be a minimum of 20 feet. However, the front yard or street side yard setback to the front of a garage shall be a minimum of twenty-five (25) feet.
- B. The side yard shall be a minimum of five (5) feet and both side yards together shall total a minimum of 13 feet, except that in the case of a corner lot, the side yard abutting a street shall be a minimum of 15 feet.
- C. The rear yard shall be a minimum of 20 feet.

Certified to be a true and exact copy of original.

Signature 

- D. All setbacks shall be measured from property lines and shall not encroach upon the public right-of-way.

**SECTION 4.** Section 3.140 of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 3.140. Setback Requirements. Except as provided in Sections 5.010 and 5.060, in an R-2 zone the yards shall be as follows:

- A. The front yard shall be a minimum of 20 feet. However, the front yard or street side yard setback to the front of a garage shall be a minimum of twenty-five (25) feet.
- B. The side yard shall be a minimum of five (5) feet and both side yards together shall total a minimum of 13 feet, except that in the case of a corner lot, the side yard abutting a street shall be a minimum of 15 feet.
- C. The rear yard shall be a minimum of 20 feet.
- D. All setbacks shall be measured from property lines and shall not encroach upon the public right-of-way.
- E. When more than one building containing dwelling units is located on one lot, the distance between buildings shall be a minimum of sixteen (16) feet.

**SECTION 5.** Section 3.210.D of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 3.210. Uses Permitted Outright. In a C-1 Zone, the following uses and their accessory uses are permitted outright.

- D. The Zoning/Building Official shall determine whether a specific use is appropriate to the particular use group permitted in the C-1 zone. The Zoning/Building Official shall either approve or disapprove the use, or refer the proposed use to the Planning Commission for a decision.

**SECTION 6.** Section 3.215 of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 3.215. Uses Permitted Subject to Site Plan Review. In a C-1 Zone, the following uses and their accessory uses are subject to a Site Plan Review in accordance with the requirements of Sections 11.000 to 11.999.

- A. A commercial enterprise, which may be classified as belonging to one of the following groups:
  - 1. Any outright permitted use in the C-1 where the total building square footage is 25, 000 square feet or larger.
  - 2. Boarding, lodging, or room house, motel or hotel.
  - 3. Eating or drinking establishment such as restaurant, tavern or cocktail lounge.
  - 4. Veterinary clinic or animal hospital.
  - 5. Transportation and communication facilities.
- B. Community building, place of public assembly, club, lodge or fraternal organization.
- C. Church
- D. Governmental structure or land use including but not limited to a public park, playground, recreation building.

- E. Hospital, nursing home, convalescent home, assisted living facilities, or residential care facility or 16 or more persons.
- F. Pre-school, nursery school, day nursery, kindergarten, day care facility, or similar facility.

**SECTION 7.** Section 3.220 of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 3.220. Conditional Uses Permitted. In a C-1 Zone, the following uses and their accessory uses are allowed conditionally when authorized in accordance with the requirements of Sections 8.000 to 8.999.

- A. A public utility facility such as a sewage treatment plant, a water reservoir or treatment plant, an electrical substation, or a pumping station.
- B. Wireless telecommunications facilities.
- C. Recreational vehicle park or campground.

**SECTION 8.** Section 3.260 of the Scio Zoning Ordinance is hereby added to read as follows:

3.260. Parking. In a C-1 zone, the Planning Commission may waive or reduce off-street parking requirements for properties located on N. Main St. (Thomas Creek north to NW 2<sup>nd</sup> Avenue).

**SECTION 9.** Section 3.310.N of the Scio Zoning Ordinance is hereby amended to read as follows:

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

- 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.

**SECTION 10.** Section 3.325.H of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 3.325. Prohibited Uses. In an LI Zone, the following uses and their accessory uses are prohibited.

- H. Other uses similar to the above. The Zoning/Building Official shall determine whether a specific use shall be permitted or prohibited in the LI zone, based on its similarity to other uses permitted or prohibited in the zone. The Zoning/Building Official shall either: approve or disapprove the proposed use or refer the proposed use to the Planning Commission for a decision.

**SECTION 11.** Section 3.420 of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 3.420. Use regulations. In a Public (P) Zone, the following uses and their accessory uses are permitted outright subject to a Site Plan Review in accordance with the requirements of Sections 11.000 to 11.999.

**SECTION 12.** Section 5.310 of the Scio Zoning Ordinance is hereby repealed.

**SECTION 13.** Section 5.500.D of the Scio Zoning Ordinance is hereby amended to read as follows:

- D. Review Procedures. The planning commission shall review all applications to alter or demolish any historic resource listed on the Scio Register of Historic Resources.
1. Application. An application and filing fee for alteration or demolition of an historic resource shall be submitted to the Planning Commission in accordance with the provisions of Section 11.050.
  2. Before the Planning Commission may act on an application for alteration or demolition of a historic resource, it shall first hold a public hearing thereon in accordance with the provisions of Sections 12.060 to 12.080. Notice shall also be mailed to the State Historic Preservation Office, and any person requesting notice of demolition or alteration of a historic resource.
  3. The commission may recess a hearing on a request for an alteration or demolition in order to obtain additional information or to serve notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the commission shall announce a time, date, and place for resumption of the hearing.
  4. The city shall provide the applicant and all other parties having participated in the public hearing with written notice of the decision in accordance with Section 12.030.
  5. The decision of the Planning Commission shall be based on the criteria established in subsection F and G of this section.

**SECTION 14.** Section 5.670 of the Scio Zoning Ordinance is hereby amended to read as follows:

5.670. Removal of Signs in Violation.

A. Abandoned Sign.

1. Time limit. Abandoned signs and their supporting structures shall be removed within 180 days by the owner or lessee when the business or activity that it advertises or identifies is no longer conducted on the premises.
2. Notice given. If the owner or lessee fails to remove the sign within the specified time period, the Zoning/Building Official shall give the owners 15 days written notice to remove it, or the penalty provisions of Sections **12.150** of the Scio Zoning Ordinance shall go into effect.

**SECTION 15.** Section 6.210 of the Scio Zoning Ordinance is hereby amended to read as follows:

6.210. Procedure for Review and Action - Multi-Family Dwelling and Residential Dwelling Complex Review. Multi-family dwellings and residential dwelling complexes shall comply with the site plan review requirements in Article 11.

**SECTION 16.** Section 6.220.M of the Scio Zoning Ordinance is hereby amended to read as follows:

6.220 Standards Applicable to Multi-Family Dwellings and Residential Dwelling Complexes.

M. Flood Plain. The development shall comply with the City of Scio Flood Plain Management Ordinance standards and requirements.

**SECTION 17.** Section 6.310 of the Scio Zoning Ordinance is hereby amended to read as follows:

Section 6.310. Plans to be submitted for Manufactured Home Parks. The application to construct a new manufactured home park or to expand an existing manufactured home park shall be accompanied by six copies of the plot plan of the proposed park. The plot plan shall show the general layout of the manufactured home park and shall be at a scale of one inch equals 50 feet (1"=50') or one inch equals 100 feet (1"=100') depending on the size of the park. In addition to the application requirements specified in Section 12.050, the application and the drawings shall show the following information:

- A. Location and dimensions of each manufactured home space, with a number for each space.
- B. Location, dimensions, and proposed use of each existing or proposed building.
- C. Location and width of interior access roads and walkways.
- D. Location of each lighting fixture for lighting the manufactured home spaces and grounds.
- E. Location of recreation and play areas and of recreation buildings, area and dimensions of these areas, and a detailed site plan for each recreation and play area.
- F. Detailed site plan for water, sewer, drainage, fire hydrants, and other fire protection facilities.
- G. Enlarged plot plan of a typical manufactured home space.

**SECTION 18.** Section 6.420 and Section 6.430 of the Scio Zoning Ordinance are hereby amended to read as follows:

Section 6.420. Application for Hardship Manufactured Dwelling. An application and filing fee for a Hardship Manufactured Dwelling shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 12.050.

Section 6.430. Notice and Hearing for Hardship Manufactured Dwelling. Before the Planning Commission may act on an application for a Hardship Manufactured Dwelling, it shall first hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080. After the public hearing is closed, the Planning Commission shall either: approve, deny, or approve with conditions or modifications, the application.

**SECTION 19.** Section 8.020, Section 8.030 and Section 8.050 of the Scio Zoning Ordinance are hereby amended to read as follows:

Section 8.020. Application for a Conditional Use. An application and filing fee for a Conditional Use Permit shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 12.050. The application shall be accepted at least 35 days prior to the date of the scheduled hearing before the Commission.

Section 8.030. Notice and Hearing on a Conditional Use. Before the Commission may act on an application for a conditional use, it shall first hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080. After the public hearing is closed, the Commission shall either: approve, deny, or approve with conditions or modifications, the application. In making its decision, the Commission shall

use the criteria as specified in Section 8.060-

Section 8.050. Notice of Decision. The City shall provide the applicant with written notice of the decision in accordance with Section 12.030.

**SECTION 20.** Section 8.080.H.4 of the Scio Zoning Ordinance is hereby amended to modify the first sentence to read as follows:

Section 8.080.H.4. Wireless Telecommunication Facilities.

4. Application Requirements. In addition to the application requirements specified in Section 12.050, the application and accompanying development plan shall include the following:

**SECTION 21.** Section 9.020, Section 9.030 and Section 9.040 of the Scio Zoning Ordinance are hereby amended to read as follows:

Section 9.020. Application for a Variance. An application and filing fee for a Variance shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 12.050-

Section 9.030. Notice and Hearing on a Variance. Before the Commission may act on an application for a Variance, it shall first hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080. After the public hearing is closed, the Commission shall either: approve, deny, or approve with conditions, the application in accordance with the Criteria for Granting a Variance in Section 9.050.

Section 9.040. Notice of Decision. The City shall provide the applicant with written notice of the decision in accordance with Section 12.030.

**SECTION 22.** Section 10.010 and Section 10.020.A of the Scio Zoning Ordinance are hereby amended to read as follows:

Section 10.010. Application for an Amendment to the Zoning Ordinance. An application and filing fee for an amendment to the text of this zoning ordinance or to the zoning map which is initiated by an affected citizen or property owner shall be submitted to the Zoning/Building Official in accordance with the provisions of Section 12.050. The application shall be accepted at least 45 days prior to the date of the scheduled Commission public hearing.

Section 10.020. Public Hearings on Zoning Amendment Request. Both the Commission and the City Council are required to hold public hearings on a proposed amendment to either the text of this ordinance or to the zoning map. The Commission shall formulate a recommendation to the City Council on the proposed amendment after holding its public hearing. The City Council shall hold a public hearing prior to making a final decision on the proposed amendment.

A. Hearing and Notice before the Planning Commission. Before the Commission may act on an application for a Zoning Amendment, it shall first hold a public hearing in accordance with the provisions of Sections 12.060 to 12.080. The Commission may recess a public hearing in order to obtain additional information or to serve further notice upon property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Commission shall announce the time, date, and place for resumption of the hearing. After the public hearing is closed, the Commission shall formulate and adopt its formal recommendation to the City Council. The Commission recommendation shall be to either: approve, deny, or approve with modifications or conditions, the proposal. In taking action, the Commission shall make findings that the amendment is consistent with the applicable policies of the comprehensive plan.

**SECTION 23.** Article 12 is hereby renumbered as Article 11. Article 11, Sections 11.010 to 11.060, of the Scio Zoning Ordinance, is hereby amended to read as follows:

Section 11.010. Application.

- A. An application for a site plan review and a filing fee shall be submitted to the City in accordance with the provisions of Section 11.020 of this ordinance. The application shall be accompanied by six copies of a site plan.
- B. The site plan shall show the general layout of the property where the development is to be sited and shall meet the requirements of Section 11.050 of this ordinance. In addition, the applicant shall submit the following information, if applicable to the proposed use:
  1. The number of dwelling units to be placed on the property, including information pertaining to the size of the dwelling unit and the number of bedrooms by type of unit (i.e. studio apartment).
  2. The location and dimensions of each existing or proposed building, the distance from all property lines for all buildings to be located on the property and the distances between the buildings.
  3. The location, pavement width, and type of surfacing for all streets abutting the proposed development and for those streets which are intended to serve as primary access to the proposed development.
  4. The location, width, and intended ownership and maintenance responsibility of the access driveways and any interior access roads serving the property, and of walkways serving the property.
  5. The location, width, and surfacing for all sidewalks and pathways to be located on the property.
  6. The design, location and dimensions of the parking lot, the number of parking spaces to be accommodated, and the locations and dimensions of each parking space.
  7. The location and dimensions of recreation and play areas and a detailed site plan for the recreation and play area.
  8. Detailed site plans showing existing and proposed sewer, water, fire hydrants, and other fire protection facilities.
  9. Detailed plan for storm drainage, including storm sewers, bio swales, rain gardens or similar water quality facilities.
  10. Proposed cuts and fills, flood plain certification and flood proofing measures, if necessary.
  11. A plan for the location of refuse containers on the site including how the containers will be screened from view.
  12. A plan for the location and dimensions of any identification signs to be placed on the site.
  13. A plan for buffering, screening, fencing, and landscaping. The plan shall show natural preservable features on the property such as trees.
  14. When the proposed development shall contain six (6) or more dwelling units or non-residential structures larger than 5,000 sf, an architectural rendering of the project, showing typical views of the property which would be seen from the street or abutting properties.

15. Proposed ownership pattern and a proposal for maintaining the property.

Section 11.020. Hearing and Action on a Site Plan Application.

Before the planning commission may act on an application for a site plan review it shall hold a public hearing in accordance with the provisions of Sections 11.060 to 11.080 of this ordinance. After the public hearing is closed, the planning commission shall either approve, deny, or approve with conditions or modifications.

Section 11.030. Criteria for Review of a Site Plan.

A decision to approve or deny a site plan shall be based on the following criteria:

- A. The existence of or ability to provide adequate utilities including water, sewer, surface water drainage, power and communications, including easements, to properly serve development on the subject property in accordance with city public works standards.
- B. Provision of safe and efficient internal traffic circulation, including pedestrian and motor vehicle traffic, and provision for safe access to and from the property to adjacent public streets.
- C. Provision of necessary improvements to local streets, including the dedication of additional right-of-way to the city and/or the improvement of traffic facilities to accommodate access for emergency vehicles and the additional traffic load generated by the proposed development of the site.
- D. Provision of on-site parking areas and adequate loading/unloading areas for the proposed uses and in compliance with Sections 5.200 to 5.230 of this ordinance. The parking area shall be designed to facilitate the safe movement of traffic and pedestrians and minimize traffic congestion.
- E. The design and placement on the site of buildings and other structural improvements shall provide compatibility in size, scale, and intensity of use between the proposed development and similar development on neighboring properties. The location, appearance and size of the proposed buildings shall be designed to properly serve anticipated users of the proposed improvements.
- F. Provision of landscaping of at least 20% of the site including the planting of trees, street trees, shrubs and groundcovers so that the landscaping presents an attractive interface with adjacent residential properties.
- G. Provision of visual or physical barriers around the property including the provision of site obscuring fencing or vegetative screening between a commercial and/or public use and adjacent residential properties.
- H. Lighting sufficient to satisfy the intended use of the property but designed in such a manner as to not present an adverse impact (as measured by excessive brightness or glare) upon adjacent land uses or traffic movements.

Section 11.040. Conditions.

The planning commission, in granting approval, reserves the right to place additional conditions that are consistent with the intent and purpose of this ordinance. These may include, but are not limited to, the number of dwelling units, buffers or screening, landscaping, location and design of parking areas, number of access points, security gates and fencing, flood protection measures, public improvement requirements and any other conditions to ensure compliance with applicable regulations and laws.

Section 11.050. Time Limit on Approved Site Plan.

Approval of a site plan shall be void one year after the date of the Notice of Decision unless a building permit has been issued. However, upon written request, the planning commission has

the authority to grant one extension for a period of up to one year.

Section 11.060. Appeals

The decision of the Planning Commission may be appealed to the city council as outlined in Section 11.040 of this ordinance.

**SECTION 24.** Article 11 is hereby renumbered as Article 12. Article 12, Sections 12.010 through 12.170 of the Scio Zoning Ordinance, is hereby amended to read as follows:

Section 12.000. Administration and Enforcement

The Zoning/Building Official shall have the power and duty to administer and enforce the provisions of this ordinance.

Section 12.010. Authorization of Similar Uses

The Zoning/Building Official may permit in a particular zone a use not listed in this title, provided the use is of the same general type as the uses currently permitted by this title. This section does not authorize the inclusion in a zone, where it is not listed, of a use specifically listed in another zone. The decision of the zoning official may be appealed to the planning commission as outlined in Section 12.040 of this chapter. A decision of the planning commission may be appealed to the city council as outlined in Section 12.040 of this chapter.

Section 12.020. Decision Authority

- A. The zoning official shall be the final decision authority for the following administrative decisions under the zoning ordinance, unless the decision is appealed to the planning commission as outlined in Section 12.040 of this chapter:
  1. Building permit and/or development permit for uses permitted outright.
  2. Home occupation [5.300]
  3. Code Interpretation – Authorization of a Similar Use [5.310]
  4. Signs [5.600]
  5. Flood permits per ORD 579
- B. The Planning Commission shall be the final decision authority for the following decisions under the zoning ordinance, unless the decision is appealed to the city council as outlined in Section 12.040 of this chapter:
  1. Historic structure alteration or demolition permit. [5.500]
  2. Site plan review for Multi-Family Dwelling or Residential Dwelling Complex [6.200].
  3. Manufactured Home Park [6.300].
  4. Manufactured Home - Hardship [6.400]
  5. Conditional use permit
  6. Variance.
- C. The City Council shall be the final decision authority for the following decisions under ORS 222 (Annexations) and Ordinance 561.
  1. Annexation
  2. Comprehensive plan amendment.
  3. Zoning amendment

Section 12.030. Decision Process

- A. Basis for decision. Approval or denial of an application shall be based on standards and criteria in this ordinance and when appropriate, to the comprehensive plan for the city.

- B. Findings and conclusions. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
- C. Form of decision. For decisions listed under Section 12.020.B and 12.020.C of this chapter the decision authority shall issue a final written decision containing the findings and conclusions which either approves, denies, or approves with specific conditions. The decision authority may also issue appropriate intermediate rulings when more than one permit or decision is required.
- D. Decision-making time limits. A final written decision shall be filed with the city recorder or designee within ten business days after the decision authority renders a decision.
- E. Notice of decision. Written notice of a decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. A copy of the planning commission's notice of decision may also be provided to the city council. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- F. Final decision and effective date. The decision is final for purposes of appeal on the date a notice of decision is mailed by the city. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided. The notification and hearings procedures for applications on appeal to the city council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the mailing of the city council's notice of decision.
- G. Final decision for annexations and legislative amendments. An annexation, a legislative amendment to the comprehensive plan and a zoning amendment shall take effect and shall become final as specified in the enacting ordinance, or if not specified, upon the effective date of the ordinance.

Section 12.040. Appeal.

- A. An appeal from a ruling of the Zoning/Building Official shall be made to the Commission. Any action or ruling of the Zoning/Building Official shall become final 15 days after the approval or disapproval is given unless the decision is appealed to the Commission. Written notice of the appeal shall be filed with the Zoning/Building Official. The appellant is responsible for paying the filing fee on an appeal. If the appeal is filed, the Commission shall receive a report and recommendation from the Zoning/Building Official and shall consider the appeal at a public meeting. The meeting shall be held within 45 days of the date of the appeal.
- B. An action or ruling of the Commission authorized by this ordinance may be appealed to the City Council within 15 days after the Commission has rendered its decision by filing written notice with the Zoning/Building Official. The appellant is responsible for paying the filing fee on an appeal. If no appeal is taken within the 15 day period, the decision of the Commission shall be final. If an appeal is filed, the City Council shall receive a report and recommendation from the Commission and shall hold a public hearing on the appeal as outlined in Sections 12.060 to 12.080 of this ordinance. The public hearing shall be held within 45 days of the date of the appeal.
- C. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the mailing of the city council's notice of decision.

Section 12.050. Petitions, Applications, Appeals, and Fees

- A. Petitions, applications and appeals provided for in this ordinance shall be made on forms provided for the purpose and/or as otherwise prescribed by the city in order to assure the

fullest practical presentation of pertinent facts and to maintain a permanent record. The plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets. Specific application requirements include the following:

1. One copy of any supportive documentation shall be submitted on 8.5" by 11" sheets for ease of reproduction.
2. If a development plan is submitted with the application, it shall be drawn to scale with sheet size not to exceed 24" by 36". When applicable, the plan shall include a drawing of elevations.
3. The application shall be accompanied by a set of plans reduced to fit on 8.5" by 11" sheets of paper.
4. Contents of the Development Plan:
  - a. The nature of the facility or use together with a description of the character and purposes of the proposed facility or use.
  - b. The name, address, telephone number, fax number, and e-mail number of the applicant and of other persons assisting in the development of the application and plan.
  - c. North arrow, the scale of the plan.
  - d. Street address, or description of the location so that the property can be easily identified.
  - e. Boundaries and dimension of the property where the facility or use is proposed to be located.
  - f. The location of the facility or use on the property and its proposed dimensions.
  - g. When applicable, the height of the proposed facility or use.
  - h. The setbacks of the proposed facility or use from surrounding property lines and from other buildings, facilities or uses on the property where the facility or use will be located.
  - i. Dimensions and location of areas to be reserved for vehicular access and circulation.
  - j. A landscaping plan that indicates how the facility or use will be landscaped and screened from adjoining properties or uses.
  - k. A fencing plan that indicates the location, height, and design of any proposed fencing or screening intended to limit and control access.
  - l. A lighting plan that indicates the type and location of any proposed lighting.
- B. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within five days from the time of submittal, and the applicant shall have 30 days to submit the missing information. The application shall be deemed complete when the missing information is received and accepted by the City.
- C. Application and Filing Fees. All applications for zoning actions which are called for by this ordinance shall be accompanied by an application and filing fee. The application filing fee shall be set by resolution of the city council and shall not be refundable. Filing fees are intended to cover costs incurred by the city in processing the various applications, including preparation and mailing of legal notices, development of staff reports, and time involved in

pre-hearing, hearing, and post-hearing activities. City staff shall maintain complete records of time, staff costs, and materials and supplies costs which are related to the zoning actions. Full payment of the application fees is required before the City may take formal and final action on an application.

- D. Deposit for Additional Services. In addition, each applicant may be required to pay an additional deposit to cover potential costs the City may incur in processing the application including assistance on the case involving time provided by the city planner, the city engineer, and city attorney; and time of city staff related to pre-hearing, hearing, and post hearing activities. The additional deposit shall be paid to the city at the time of application. If the deposit is insufficient to cover all of the costs incurred by the City in processing the application, then the city may require the applicant to provide an additional deposit to cover the estimated costs of processing the application and/or bill the applicant for the additional documented costs incurred by the City within thirty (30) days of the issuance of a written notice of decision.

Section 12.060. Notice of Public Hearing.

- A. Notice to Applicant and Affected Property Owners. Notices of public hearing shall be provided to the applicant and to owners of record of property on the most recent Linn County property tax assessment roll. Notice shall be provided at least twenty (20) days before the evidentiary hearing; or if two or more evidentiary hearings are allowed, at least ten (10) days before the first evidentiary hearing;
- B. Mailing of Notice to Affected Property Owners. A notice of hearing shall be mailed to the applicant and to all property owners located a specified distance from the exterior boundaries of the property for which the land use action is requested, in accordance with the following:

| Type of Land Use Action                    | Distance From Exterior Property Boundary For Which Land Use Action is Requested |
|--|---|
| Annexation                                 | 500 feet  |
| Comprehensive plan map amendment           | 500 feet  |
| Zoning map amendment                       | 500 feet  |
| Site plan review                           | 250 feet  |
| Conditional use                            | 250 feet  |
| Variance                                   | 100 feet  |
| Historic resource alteration or demolition | 100 feet  |
| Medical hardship manufactured dwelling     | 100 feet  |
| Any other land use action not listed       | 250 feet  |
| Appeal of zoning official decision         | 100 feet  |
| Appeal of planning commission decision     | Same distance as for land use action being appealed                             |

- C. Other Forms of Public Notice. The notice restrictions in this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio, television or electronic communication. If used, these notices will be provided at least ten days before the first evidentiary hearing. The following types of public notice may be used:
1. Posting Notice in a Public Place. Notice shall be posted at the Scio City Hall, the Scio Post Office, and one other public place to be designated by the City Council.
  2. Posting Notice on the Local Cable Channel and Website. Notice may be posted so it will appear on the Scio Public Access Cable TV Channel, any City approved website or social media site designated to serve the City of Scio.
  3. Posting Notice on the Affected Property. Notice may be posted on the affected property.
  4. Publication in a Newspaper. Notice may be published in a newspaper of general circulation in the City of Scio.
- D. For each public hearing, the city shall prepare an affidavit of notice which certifies that the notice of hearing was mailed and published as required by this title. The list of owners together with their addresses shall be attached to the affidavit. The affidavit shall be retained with the permanent record of the hearing.
- E. Failure of a person to receive notice of a public hearing shall not invalidate such proceeding if the city can demonstrate by affidavit that such notice was given.
- F. Notice of an application to amend the comprehensive plan or a land use regulation shall be transmitted to the Department of Land Conservation and Development.
- G. Notice shall also be provided to affected special or school districts, federal, state, county and regional agencies, any neighborhood or community organization recognized by the city council as having an interest in land use or community development issues as they pertain to a particular neighborhood or to a community of interest within the city.
1. Such notice shall be transmitted a minimum of twenty (20) days prior to the date of the public hearing to allow affected agencies and departments sufficient time to comment on the proposed amendment;
  2. All agency and department comments received by the city shall be made a part of the hearing record and shall be considered during the hearing;
  3. Failure of an affected agency or department to receive notice of a public hearing on a proposed amendment to the comprehensive plan shall not invalidate a recommendation by the commission or a final decision by the council.
- H. If there is a conflict between the Notice Provisions of this section and the notice provisions as required by State Law, the most restrictive notice requirements shall be followed, as long as there is assurance that both local and state requirements shall be met.

Section 12.070. Explanation in Mailed Notice to Affected Property Owners. The notice of public hearing for those actions specified in Section 12.060 which are provided to the applicant and to owners of property entitled to receive notice shall:

- A. Explain the nature of the application and the proposed use or uses which could be authorized.
- B. List the applicable criteria from the ordinance and the comprehensive plan that apply to the application.
- C. Set forth the street address or other geographical reference to the subject property.
- D. State the date, time and location of the hearing.

- E. State that failure of an issue to be raised in a hearing, either in person or by letter, or failure to provide statements or evidence of sufficient specificity to afford the decision making body an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals based on that issue.
- F. Include the name and telephone number of the city staff person who can provide additional information.
- G. State that the application and all documents and evidence are available for inspection at city hall at no cost, and a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and that these materials will be provided at a reasonable cost.
- H. Include an explanation of the procedure for submission of testimony and for conduct of the hearing.

Section 12.080 Hearing Procedures:

- A. Public hearings shall be conducted in accordance with procedures approved by the City.
- B. At the commencement of a public hearing, a statement shall be made to those in attendance that:
  - 1. Lists the applicable criteria;
  - 2. States that testimony, arguments and evidence must be directed toward the criteria which applies to the decision or other criteria in the plan or land use regulation which the person testifying believes to apply to the decision; and;
  - 3. States that failure to raise an issue accompanied by arguments, statements or evidence sufficient to afford the decision maker and the parties involved in the case an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.
- C. All documents or evidence relied upon by the applicant shall be submitted to the city and be made available to the public at the time the mailed notice of the public hearing is provided.
- D. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the one hundred twenty (120) day time limit as specified in Section 12.100.
- E. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the one hundred twenty (120) day time limit in Section 12.100.
- F. When the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
- G. An issue which may be the basis for an appeal to the State Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the city council or planning commission and the parties an adequate opportunity to respond to each issue.

Section 12.090. Consolidation of Procedures.

- A. Except as provided in Section 12.090.B, decisions on land use actions which involve more than one application shall be handled under a consolidated review procedure in which:

1. All applications shall be decided upon in one proceeding, and
  2. If any of the applications require city council action, the council shall take final action on all of the applications.
- B. Comprehensive plan map amendments and zoning map amendments which are based on submitted comprehensive plan map amendment proposals are not subject to the 120 day decision making period prescribed by state law. The city shall not be required to consolidate a plan map amendment with other applications unless the applicant requests the proceedings be consolidated and signs a waiver of the 120 day time limit.
- C. If the proceedings are consolidated:
1. The notice of public hearing shall identify each action to be taken,
  2. The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions, and
  3. Separate action shall be taken on each application.

Section 12.100. Time Period for Decision Making. The city shall take final action on an application for a permit or a zone change, including the resolution of all appeals, within 120 days after the application is deemed completed, except:

- A. The period may be extended for a reasonable length of time at the request of the applicant.
- B. The 120-day time limit only applies to a decision wholly within the authority and control of the city.
- C. The 120-day time limit does not apply to an amendment to the zoning ordinance text or map if an amendment to the comprehensive plan text or map is also required.

Section 12.110. Public works standards.

- A. Unless specifically exempted or modified by another section of this ordinance, improvements to be installed within any public right-of-way, public utility easement, or as a part of the construction or development of a use authorized by this ordinance, whether as a use permitted outright, a conditional use, or a use subject to site plan review, shall comply with the city public works design standards adopted by Resolutions No. 04-04, or any subsequent amendment.
- B. The city may require an applicant to enter into a development agreement with the City regarding the public improvements to be installed by the applicant as part of an approved development. The agreement may require the applicant to provide a performance guarantee or security, insurance certificates and indemnification, warranty bond and a financial deposit to cover the estimated costs for engineering review of plans, city inspection services and administrative and legal costs related to the project.

Section 12.120. Interpretation. The provisions of this ordinance shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

Section 12.130. Severability. It is hereby declared to be the intent of the City Council that:

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or other structure, or tract of land, to be invalid or ineffective

in whole or in part, the effect of such decision shall be limited to the person, property, or situations, the Ordinance shall not be affected.

**Section 12.140. Permits and Certificates of Occupancy.**

- A. No building or structure subject to any of the provisions of this ordinance shall be erected, moved, reconstructed, extended, enlarged or altered except upon first obtaining a permit to do so, upon compliance with this ordinance and all other applicable ordinances, state laws and regulations.
- B. Applications for permits required by this ordinance shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure or part thereof, the number of families to be accommodated if any, and such information as is needed to determine conformance with the provisions of this ordinance.
- C. Buildings within an approved development shall not be occupied until all provisions of this ordinance have been met, and the Zoning/Building Official and the City's Certified Building Official certify that all city and state requirements have been met and a certificate of occupancy is issued. Permanent water supply shall be provided to the development only after the Zoning/Building Official and the City's Certified Building Official certify that all city and state requirements have been met.

**Section 12.150. Penalty.** Any person who violates or fails to comply with any provision of this ordinance shall, upon conviction thereof, be deemed guilty of an infraction and shall be punished by a fine of not less than \$50.00 and not more than \$1,000, as determined by the Scio Municipal Court. It shall be the responsibility of the person violating this ordinance to abate the violation. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

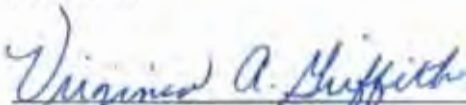
**SECTION 25. Emergency.** Whereas, the City Council of the City of Scio considers it necessary that the foregoing ordinance be enacted for the protection of the peace, health and safety of the residents of the City of Scio, Oregon an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the City Council and its approval by the Mayor.

Passed by the City Council: July 8, 2013

Signed by the Mayor: July 10, 2013

  
EARL WILSON, Mayor

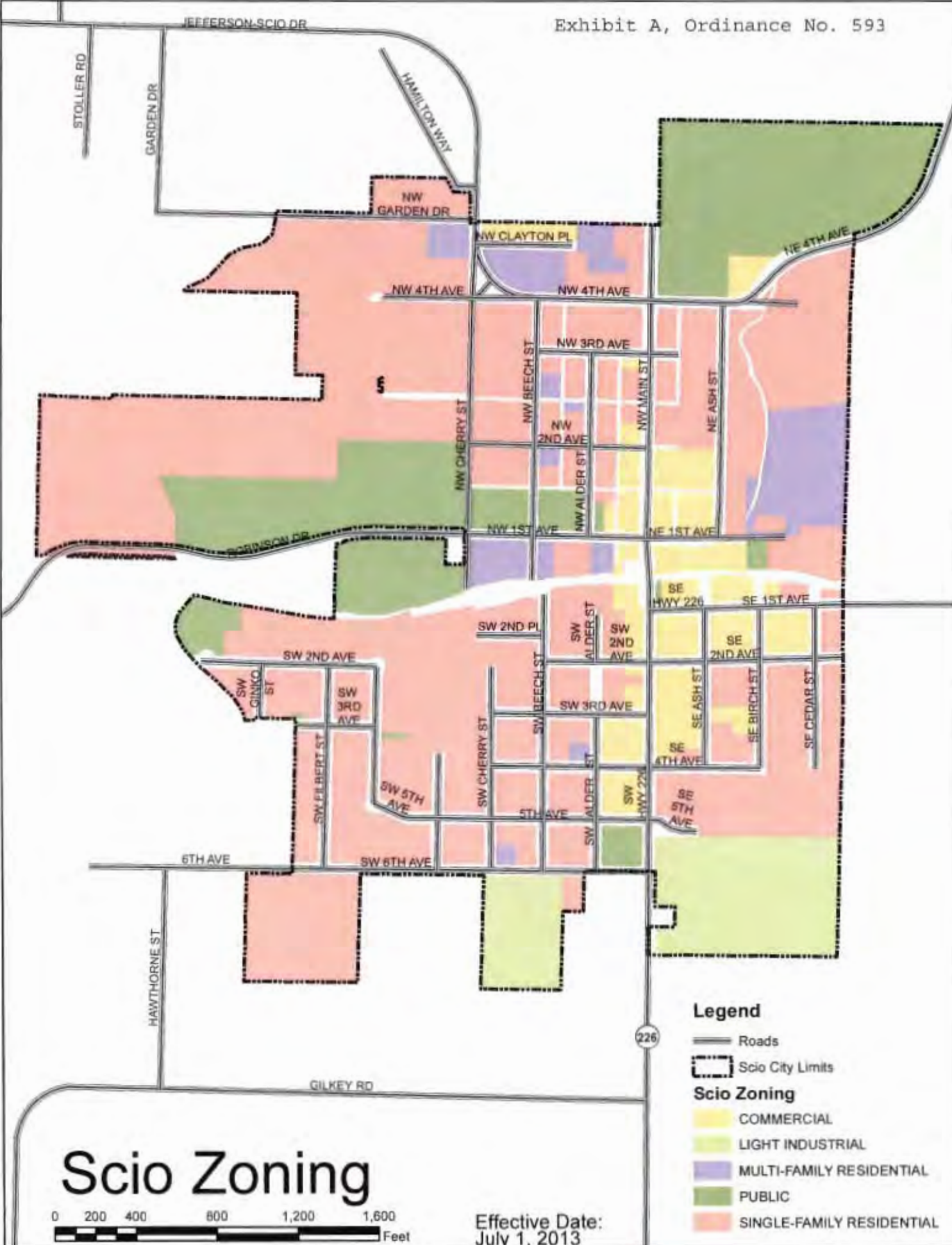
ATTEST:

  
Virginia Griffith, City Manager

APPROVED AS TO FORM:

  
John E. Kennedy, Attorney

Attachment: Exhibit A - Scio Zoning Map, dated July 1, 2013



**Legend**

- Roads
- ⬡ Scio City Limits

**Scio Zoning**

- COMMERCIAL
- LIGHT INDUSTRIAL
- MULTI-FAMILY RESIDENTIAL
- PUBLIC
- SINGLE-FAMILY RESIDENTIAL

# Scio Zoning



Effective Date:  
July 1, 2013



City of Seaside  
38957 NW 1st Ave  
PO Box 37  
Seaside, OR 97137



U.S. POSTAGE  
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SEASIDE, OR  
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JUL 16, '13  
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DEPT OF

JUL 18 2013

LAND CONSERVATION  
AND DEVELOPMENT

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

