

AN ORDINANCE AMENDING ORDINANCE NO. 644, ADDING ADDITIONAL DEFINITIONS, AMENDING THE PROVISIONS OF EXISTING ZONES AND ESTABLISHING NEW ZONES, AND DECLARING AN EMERGENCY.

THE CITY OF SWEET HOME DOES ORDAIN:

Section 1. Section 1.030 of Ordinance No. 644 is hereby amended by adding additional provisions to read as follows, to-wit:

(57) Flood Plain. The area adjoining a stream, tidal estuary or shoreline that is subject to inundation by a base flood.

(58) Floodway. The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the waters of a base flood.

(59) Floodway Fringe. The area of the flood plain lying outside of the floodway.

(60) Base Flood. Inundation during periods of higher than normal streamflow, extremely high tides, high winds, or combinations thereof, that has a one percent chance of being equalled or exceeded in any given year.

(61) Mass Movement. The slow or rapid, natural or artificially induced movement of rock, soil, or fill downslope in response to gravity. The major geologic types of mass movement include earthflow, slump, rock-slide, rockfall and mudflow.

(62) Ponding. The local accumulation of rainwater on the surface of the ground or to rising ground water which actually has surfaced.

(63) High Ground Water. The near-surface ground water which can present a problem to land development and engineering construction.

(64) Stream-Bank Erosion. The loss of land by stream action.

(65) Intermittent Runoff. Officially designated natural or man-made, open drainage channel or course necessary to convey storm water runoff.

Section 2. Section 4.313 (1) of Ordinance No. 644 is hereby amended by adding sub-section (1) (n) to read as follows, to-wit:

Section 4.313 (1) (n). Identification of known structures, land marks, sites and areas of cultural, historic or archaeological significance.

Section 3. Section 4.313 (3) (a) of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 4.313 (3) (a). The planning commission shall informally review the preliminary development plan and program and may act to grant either preliminary approval, approval with recommended modifications or denial. Such

action shall be based upon the Sweet Home comprehensive plan, the standards of this ordinance and other regulations, and the suitability of the proposed development in relation to the character of the area.

Section 4. Section 4.314 (4) (a) 6 of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 4.314 (4) (a) 6. A ~~preliminary~~ tentative subdivision plan if the property is proposed to be divided.

Section 5. Section 4.315 (1) (a) of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 4.315 (1) (a). That the proposed development is in ~~substantial~~ conformance with the Sweet Home comprehensive plan and state land use goals.

Section 6. Section 4.316 (3) of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 4.316 (3). The procedure set forth in the City of Sweet Home subdivision ordinance (Comp. 10-10) shall be followed if the property is to be divided or streets are to be dedicated, unless exceptions have been formally granted by the planning commission and city council.

Section 7. Section 4.317 (2) (a) and (5) of Ordinance No. 644 are hereby amended to read as follows, to-wit:

Section 4.317 (2) (a). The plans and programs shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to insure compatibility with the Sweet Home comprehensive plan and the character of the neighborhood.

Section 4.317 (5). Density. Greater overall density may be allowed under the PUD zone than in the underlying zone, but only by recommendation of the planning commission or city council based on the following standards:

(a) Residential densities permitted in a PUD may exceed those of basic zone as long as the prevailing character of the area is maintained. A typical PUD proposal (i.e., proposals which normally include multi-family area, two-family dwellings on corner lots, single-family dwellings on interior lots, curvilinear streets, culdesacs and a minimum amount of open space) shall not exceed development densities allowed by the basic zone by more than ten (10) percent. An exceptional PUD proposal (one with more amenity than a typical PUD) should not exceed development densities allowed by the basic zone by more than twenty-five (25) percent, unless special circumstance merit greater density.

(b) If the planning commission or city council finds that any of the following conditions would be created by an increase in density permitted by this section, it shall either prohibit any increase in density or limit the increase in density by an amount which is sufficient to minimize the creation of any of these conditions:

1. Inconvenient or unsafe access to the planned unit development.

2. Traffic congestion in the streets which adjoin the planned unit development.

3. An excessive burden on sewerage, water supply, storm drains, parks, recreation areas, schools or other public facilities which serve or are proposed to serve the planned unit development.

Section 8. Sections 4.341, 4.342, 4.344 and 4.346 (12) of Ordinance No. 644 are hereby amended to read as follows, to-wit:

Section 4.341. Purpose. The MH zone is designated to be used as a tool to allow for the permanent placement of mobile homes on individual lots in areas or neighborhoods generally served by city facilities (i.e.; water, sewer, storm drains, and streets) where standard construction has resulted in little or no development. It is not the intent of the zone to allow mobile homes on individual lots within established residential areas or neighborhoods of the city where normal construction, remodeling and reconstruction has been occurring at a rate that will maintain the usefulness and property values of said area or neighborhood. The MH zone shall only be used in areas or neighborhoods which meet the standards of the subdivision or planned unit development ordinances.

Section 4.342. Establishment of an MH zone. The MH zone is allowed only in appropriate areas, so designated by the comprehensive plan for the City. In these areas an MH zone may be combined with any residential zone. The MH zone shall be considered a combining zone, while the residential zone shall be considered the basic or underlying zone. An MH zone may also be combined with a PUD zone and an underlying residential zone.

Section 4.344. Requirements pertaining to an MH zone.

- (1) The minimum contiguous area for an MH zone shall be five acres under single ownership.
- (2) The MH zone shall be served by City water and sewer.
- (3) The MH zone shall be developed to the standards of the subdivision or PUD ordinance.

Section 4.346 (12). All required improvements to the property as set forth in this section and the subdivision ordinance shall be completed before an installation permit for the mobile home is approved and the mobile home can be occupied.

Section 9. Section 4.347 is hereby added to Ordinance No. 644 to read as follows, to-wit:

Section 4.347. Expiration. If a final plan and program (as required by the PUD ordinance) or final plat (as required by the Subdivision ordinance) has not been approved within one year from the date of final approval of the MH zone, the Planning Commission shall review the MH zone at a public hearing to determine whether or not its continuation is in the public interest. If the MH zone is found not to be in the public interest the planning commission shall recommend to the City Council that the MH zoning on the property be removed. The City Council shall then hold a public hearing on the revocation of the MH zone and shall either maintain the zone, revoke the zone or grant a time extension if it appears justifiable.

Section 10. Section 4.410 of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 4.410. Open Land Use Zone. OLU. In an OLU zone, the following regulations shall apply:

(1) Purpose. The purpose of the OLU zone is to protect areas which are not suitable for intensive urban development due to physical limitations such as flooding (areas within the floodway of the South Santiam River, Ames Creek and Wiley Creek), or streambank erosion, but which are suitable for some activities, particularly those related to resource conservation and development or to outdoor recreation. It is not intended for areas which are well-suited for forestry or agriculture. Due to the physical conditions associated with the property, it is intended that all uses in the zone be subject to the conditional use permit procedure. Buildings are permitted in the zone, but only when their purpose and use is clearly secondary to the primary use of the property for resource, recreation or public service use.

(2) Establishment of an OLU zone. An OLU zone may be applied to areas that have one of the following physical characteristics: flooding (areas within the floodway of the South Santiam River, Ames Creek and Wiley Creek), or streambank erosion. The establishment of an OLU zone shall be considered when a site is determined by the City Engineer to be unsuitable for development due to one of these physical characteristics. A determination that a lot is unsuitable for development shall be made if a lot does not conform to the standards of the ordinance when excluding those areas characterized by streambank erosion, flooding (areas within the floodway of the South Santiam River, Ames Creek and Wiley Creek).

(3) Identification of areas unsuitable for development. The Sweet Home Base Mapfolio shall be the official maps used to identify areas that have one of the following characteristics: flooding (areas within the floodway of the South Santiam River, Ames Creek and Wiley Creek), or streambank erosion. If, after an on-site investigation the map(s) is determined to be in error, the map(s) shall be corrected and amended.

(4) Uses permitted outright. In an OLU zone, no use of property shall be permitted outright.

(5) Conditional uses permitted. In an OLU zone, the following uses and their accessory uses may be permitted, subject to the provisions of this section and Sections 5.010 to 5.080:

- (a) Excavation and processing of rock, sand, gravel or other earth product.
- (b) Outdoor recreational use such as fishing access area, park, picnic area, campground or similar facility.
- (c) Public utility facility.
- (d) Solid waste disposal transfer station.
- (e) Governmental land use.

6. Limitations and requirements pertaining to the OLU zone.

(a) Use of buildings shall be limited to activities which are clearly secondary to the primary use of the property.

(b) If a building or other structure is constructed or substantially improved or a mobile home is installed in a floodway area, it shall be:

1. Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

2. Constructed with materials and utility equipment resistant to flood damage.

3. Constructed by methods and practices that minimize flood damage.

(c) The lowest floor of a new or substantially improved building shall be elevated at least one foot above the base flood level shown on the Flood Insurance Rate Map.

(d) No use including land fill shall be permitted anywhere within the floodway area unless it can be demonstrated that the proposed use will not increase the water elevation of the base flood more than one (1) foot above the established base flood elevation at any point.

Section 11. Ordinance No. 644 is hereby amended by adding Section 4.420 to read as follows, to-wit:

Section 4.420. Residential Industrial Transitional Zone. R/M(T). In an R/M(T) zone the following regulations shall apply:

(1) Purpose. The R/M(T) zone is a transitional zone which provides a process that allows for the consideration of converting property in a residential area to industrial uses (e.g., sites for small industry, expansion to existing industry, etc.). It is not the intent of the zone to allow industrial development to occur at the cost of existing residential development. Industrial development should be allowed only when measures have been taken to protect remaining residential property from nuisances which may result from industrial activities (i.e., noise, smoke, odor, dust, fire or explosion hazard, or pollution of air and water). In order to protect existing residential development from potential industrial nuisances and to facilitate an orderly and efficient conversion of land from residential to industrial uses, it is intended that all industrial uses in the zone shall be subject to conditional use process.

(2) Establishment of an R/M(T) Zone. An R/M(T) zone may be applied to any residential zoned neighborhood or area which is adjacent to industrial zoned land, and has been designated "Industrial" by the Sweet Home Comprehensive Plan.

(3) Uses permitted in an R/M(T) zone. In an R/M(T) zone, a single-family dwelling and its accessory uses shall be permitted outright.

(4) Conditional Uses Permitted. In the R/M(T) zone, all uses allowed in the industrial zone and accessory uses may be permitted subject to the provisions of this section and Sections 5.010 to 5.080.

(5) Limitation Pertaining to an R/M(T) zone.

- (a) Single-family dwellings shall be subject to the standards of the R-1 zone.
- (b) Uses permitted conditionally involving manufacture shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use permits or zoning permits, evidence shall be submitted to the City indicating that the proposed activity has been approved by appropriate regulatory agencies.
- (c) All industrial uses shall be subject to the yard, lot coverage, and building height standards of the M zone.

Section 12. Ordinance No. 644 is hereby amended by adding Section 4.430 to read as follows, to-wit:

Section 4.430 Development Limitation Combining Zone. DL. In a DL zone, the regulations as specified in Sections 4.010 to 4.360 shall apply.

(1) Purpose. The DL zone is a tool designed to protect property, related public facilities, and streets in physically sensitive areas from hazards that otherwise would result if development were allowed at a density or intensity normally

permitted in the zone. The intent of this zone is to permit the establishment of certain specific conditions affecting the development of properties in physically sensitive areas (i.e., areas of mass movement; intermittent runoff; ponding; floodway fringe of the South Santiam River, Ames Creek and Wiley Creek; and Class III (25%) slope or greater) so that proper adjustments will be made to eliminate hazard(s).

(2) Establishment of a DL zone. A DL zone may be combined with any zone. The DL zone shall be considered a combining zone, while the existing zone shall be considered the basic or underlying zone. The DL zone shall be considered on a case-by-case basis, and may only be applied to physically sensitive areas that have one of the following characteristics: intermittent runoff, Class III slope or greater, mass movement, ponding, and flooding (areas within the floodway fringe of the South Santiam River, Ames Creek and Wiley Creek). The establishment of a DL zone shall be considered when proposed development in a physically sensitive area is determined by the City Engineer to either cause, or cause to create a hazard.

(3) Identification of Physically Sensitive Areas. The Sweet Home base mapfolio shall be the designated official maps used to identify physically sensitive areas that have one of the following characteristics: intermittent runoff, Class III slope or greater, mass movement, ponding, and flooding (areas within the floodway fringe of the South Santiam River, Ames Creek and Wiley Creek). If after an on-site investigation the map(s) is determined to be in error, the map(s) shall be corrected and amended.

(4) Uses Permitted Outright in a DL Zone. In a DL zone, all uses permitted outright in the basic or underlying zone shall be permitted subject to conditions of an approved development plan.

(5) Conditional Uses Permitted in a DL Zone. In a DL zone, all uses designated "conditional use" in the basic or underlying zone may be permitted subject to the provisions of this section, Sections 5.010 to 5.080, and conditions of an approved development plan.

(6) Procedure for Considering a DL Zone Designation.

(a) City Engineer action. The City Engineer upon determination that a development proposal in a physically sensitive area will cause, or create a hazard shall:

1. Inform the applicant of the hazard(s);
2. Have the applicant submit a zone map amendment application; and,
3. Have the applicant prepare a development plan that would resolve hazard(s) problem. Such a plan shall consist of building types and approximate dimensions, onsite circulation (pedestrian and vehicular), ingress and egress, appropriate physical features (e.g., topography, grading contours, existing natural features) and other elements deemed necessary by the City Engineer.

(b) Planning Commission action. The Planning Commission, after public hearing on an amendment to the zoning map in accordance with provisions of Section 9.020, may recommend approval of the DL zone and the development plan with or without modifications, or may deny the application. A decision to recommend approval of a DL zone shall be based upon the following findings:

1. That the proposed development is in conformance with the Sweet Home Comprehensive Plan.
2. That exceptions from the standards of the underlying zone and other requirements of the City are necessary in order to eliminate hazards.
3. That the proposal is in harmony with the surrounding area and its potential future use.

(c) City Council Action. After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing on the proposal for a DL zone and the development plan, in accordance with the provisions of Section 9.020. The City Council shall either approve the application, with or without modification, or deny it.

(d) In approving any proposed development plan, the Planning Commission or City Council may require any or all of the following safeguards in order to eliminate hazardous conditions and to assure an appropriate development:

1. Special setbacks and buffers.
2. Regulation of points of vehicular ingress and egress.
3. Landscaping and maintenance thereof.
4. Street dedications and improvements.
5. Public dedications, easements, and deed restrictions.
6. Control or limitation of the types of uses to be contained within the development.
7. Modification of density requirements, as may otherwise be allowed by the underlying zone.
8. Special structural requirements.

(7) Designation of a DL Zone. An approved DL zone shall be identified on the zoning map with the symbol "(DL)" in addition to the symbol for the basis or underlying zone.

(8) Development Standards Pertaining to the DL zone.

(a) Minimum area, width, depth, frontage and lot coverage requirements may be more than minimum specified in the underlying zone, to the extent necessary to eliminate hazardous conditions.

- (b) If a building or other structure is constructed or substantially improved or a mobile home is installed in a floodway fringe area, it shall be:
1. Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure.
 2. Constructed with materials and utility equipment resistant to flood damage.
 3. Constructed by methods and practices that minimize flood damage.
- (c) The lowest floor of a new or substantially improved building shall be elevated at least one foot above the base flood level shown on the Flood Insurance Rate Map.
- (d) No use including land fill shall be permitted anywhere within the floodway fringe area unless it can be demonstrated that the proposed use will not increase the water elevation of the base flood more than one (1) foot above the established base flood elevation at any point.
- (9) Appeals. An appeal from a ruling of the City Engineer regarding the designation of a hazard may be made to the City Council. Written notice of the appeal shall be filed with the City Manager. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the City Engineer, and shall hold a meeting on the appeal.

Section 13. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 27th day of May, 1980.



Mayor

ATTEST:



City Manager