

ORDINANCE BILL NO.8 FOR 1981
ORDINANCE NO. 832

AN ORDINANCE AMENDING ORDINANCE NO. 644, AMENDING PROVISIONS OF EXISTING ZONES AND DECLARING AN EMERGENCY.

Section 1. 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 development due to physical limitations, but have particular value for resource preservation. 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 use.

(2) Establishment of an OLU zone. An OLU zone may be applied to areas that have one of the following physical characteristics: (1) Quarry or gravel extraction; (2) Slopes of Class 3 (25%) and greater; (3) Subject to streambank erosion; (4) Within the Floodway of Ames or Wiley Creek or the south Santiam River; or, (5) Riparian vegetation along Ames or Wiley Creek or the south Santiam River. 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 after excluding those areas determined to have physical limitations.

(3) Identification of areas unsuitable for development. The Sweet Home Base Mapfolio shall be the official maps used to identify areas that are unsuitable for development. 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, forestry and agricultural uses subject to Ordinance No. 370, 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 such as a water pump station.

(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 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 until a permit is obtained from the Army Corp. of Engineers.

Section 2. Section 4.430 of Ordinance No. 644 is hereby amended to read as follows, to-wit:

Section 4.430 Development Limitation Combining Zone. DL. In a DL zone, the following regulations shall apply:

(1) Purpose. The DL zone is 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 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: (1) Lands within the Floodway fringe of the south Santiam River, Ames Creek or Wiley Creek; (2) Land characterized by high ground water and ponding; (3) Land situated within natural drainage channels; or, (4) Land subject to mass movement.

The establishment of a DL zone shall be considered when a 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. If after an on-site investigation the map(s) is determined to be in error, the map(s) shall be corrected as 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 Development within a DL Designated Area.

(a) Applicant Action: Upon determination that an area is within a DL designated area, the applicant shall:

1. Prepare a development plan that identifies the hazard(s) and any proposed resolution of the 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.

2. Submit an application for a zoning map amendment.

(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 basic 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.

(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 3. Whereas, it is necessary and it is for the interest and benefit of the City that this ordinance become effective immediately, an emergency is hereby declared to exist and this ordinance shall be in full force and effect after its passage by the Council and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 7TH day of APRIL, 1981.

Date Signed APRIL 8, 1981

Robert D. Harbaugh
Mayor

ATTEST:

Max P. Thompson
City Manager-Exofficio City Recorder

4-8-81
Date Signed