



255 N. Main Street • P.O. Box 188 • Brownsville, OR 97327 • (541) 466-5666 • Fax (541) 466-5118
TT/TDD 1 (800) 555-1155

NOTICE OF DECISION

PROPOSAL: Request for Planned Unit Development of approximately 18.61 acres.

LOCATION: T13S,R3W,SEC36,TL900.

APPLICANT: TIM SMITH / DEPOT AVENUE LLC
SMITH CUSTOM CONSTRUCTION
PO BOX 395
BROWNSVILLE, OR 97327

The City of Brownsville Planning Commission conducted a review and public hearing of the above referenced planning action on June 11, 2007. Upon consideration of the record and testimony at the public hearing, the City Council approved the proposed Rezoning, based on the adopted Findings of Fact and subject to the Recommended Conditions of Approval as amended.

If you are an affected party and wish to appeal this decision, appeals must be filed in writing within fifteen (15) days from the date of decision with the City Administrator, along with the required fee. The following information must be included:

- A. Name and address of the appellant(s).
- B. A reference to the subject development.
- C. A statement of the specific grounds for appeal.
- D. A statement as to how you are an affected party.

Appeals will be accepted only when based upon identified inadequacies, omissions, or errors in the decision's findings and conclusions. Appeals must be filed by 5:00 p.m. on the final day of the appeal period at City Hall, 255 N. Main, Brownsville, Oregon. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 1:00 p.m. on the subsequent work day. Brownsville City Hall is open Monday through Friday, 8:00 a.m. until 5:00 p.m.



City Planner

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CONDITIONS OF APPROVAL

1. The applicant shall comply with all requirements of applicable local, state and federal laws and Ordinances, including but not limited to property development standards of the Special Development Zone, Uniform Building Code Requirements, and provisions of Ordinances 504 and 509.
2. The applicant shall provide to the City a Final Subdivision Plat, within six months of the date of this decision, for review against the approved Tentative Subdivision Plat. The Final Plat shall be consistent with the provisions of Ordinance 509 and ORS Chapter 92. If modifications to the approved Tentative Plat, other than those mandated by adopted Conditions of Approval associated with this decision, appear on the Final Plat, or if any adopted Conditions of Approval have not been met by the applicants, the Final Plat may not be approved by the City but may be returned to the applicant with a letter explaining that the plat will not be approved because it is not consistent with the approved Tentative Plat, or because certain adopted Conditions of Approval have not been complied with.
3. This approval does not constitute final engineering approval. Final engineered designs are subject to City review and approval for streets, drainage and utilities prior to construction. These final drawings should incorporate the amendments required by these Conditions of Approval.
4. All public improvements (waterlines, sanitary sewers, streets, etc.), including all sidewalks and street lighting, <as well as landscaping> shall be constructed prior to issuance of building permits.
5. The developer shall provide storm drainage detention to only allow historic runoff from the improved site based on a 10 year storm event. The final engineered drawings shall show where the proposed detention will be located.
6. All lots shall be graded so that all runoff is contained within the detention area of the site or is maintained at or below historic levels.
7. Applicant shall install improvements to Phase 1, and shall landscape Phase 1 in a manner agreeable to the City prior to dedication. The City shall provide water connections for irrigation of the planting strips. Applicant agrees to maintain and warrant all improvements and landscaping for a period of two years from dedication.
8. In the event that all required improvements are not completed and accepted by the City prior to the signing of the Final Subdivision Plat, the applicant shall sign and record with the City of Brownsville and Linn County Records an Improvements Agreement consistent with Section 6.010 of Ordinance 509. The applicant shall also be required at that time to provide the City with a Performance Guarantee consistent with the provisions of Section 6.020 of Ordinance 509 and with the discussions of this Staff Report.

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9. Applicant will provide City with "as-built" plans for all improvements installed.
10. All roadside planting strips shall be planted with deciduous canopy trees of a species acceptable to the City, consistent with the Applicant's proposal. Details of tree species and spacing shall be determined by the Brownsville Parks Committee. These planting strips shall be watered with a permanent automatic irrigation system that shall be installed and approved prior to signing off on the final building inspection.
11. Setbacks within the building lots will be 10' for the front yards and 5' for the rear yards. Side yard setbacks shall be a minimum of 5' with a combined total for both sides of at least 15'. Corner lot side yards on the street side shall be 10'.
12. Applicant shall submit and secure approval for a final Landscaping Plan from the Brownsville Parks Committee prior to construction.
13. Only single family dwellings will be allowed in the PUD. Townhomes on individual lots are considered single family dwellings.
14. All streetside planting strips shall be planted and irrigation equipment installed within two years after the acceptance of the final plat. Applicant shall establish a Homeowner's association with appropriate dues to ensure the ongoing maintenance of common landscaping.
15. Applicant shall obtain approval from the Linn County Road Department prior to any construction.
16. Approval is contingent upon successful rezoning of the property from Light Industrial to Residential.
17. If Applicant desires to have the Final Plat filed prior to completion of the common open space improvements, Applicant shall provide City with a bond adequate to cover the cost of completion of those improvements.
18. The PUD standards proposed by Applicant are hereby approved, including setbacks, as described in the Application.
19. Applicant shall provide notice to potential purchasers of developed lots of the possibility of Light Industrial activities on adjoining properties.
20. Applicant shall provide fencing along the western edge of the development.

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ADOPTED FINDINGS OF FACT

1. The Tentative Plan for a PUD is in conformance with the requirements of ORS Chapter 92 and Brownsville's applicable Ordinances and Comprehensive Plan.
2. The proposal, with adopted Conditions of Approval, is generally appropriate and desirable for the public convenience, considering the fact that it is not expected to result in any adverse conditions affecting neighboring properties or uses. Professional drainage and utility plans will help to ensure this fact.
3. The Zoning Ordinance and development regulations and policies of the City of Brownsville are the implementing tools of the Comprehensive Plan. The proposal has demonstrated that it is generally consistent with the Comprehensive Plan by proposing development in a manner, scale and location which is consistent with the applicable zoning ordinance, as discussed in the Staff Report, hereby incorporated into these findings of fact.
4. No identified historical, archeological, natural or scenic assets of significance would be directly affected by the proposal.
5. No adverse burden to any public utility or service will be added by this development.
6. Division of the property as proposed is consistent with the prevailing land use and parcelization patterns in the vicinity, with the subject property's zoning, and with the Comprehensive Plan designation for this area.
7. The proposed parcels would be capable of meeting minimum lot size and other property development standards of the Special Development Zone when the project is considered as a whole.

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