

**PA 2019-012
2 W. 3rd Avenue, Pre-Application
SAMPLE FINDINGS FOR APPROVAL OR DENIAL**

SITE PLAN AND ARCHITECTURAL REVIEW (SPAR) – APPROVAL FINDINGS (SMMC 27.08.030):

The application shall be approved if the Commission finds all of the following to exist:

- 1) The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood;
- 2) The development will not be detrimental to the harmonious and orderly growth of the City;
- 3) The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare;
- 4) The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site;
- 5) The development will not adversely affect matters regarding police protection, crime prevention, and security.

SITE DEVELOPMENT PLANNING APPLICATION (SDPA) – APPROVAL FINDINGS (SMMC 23.40.040):

Prior to recommending approval of a site development planning application, the approval body shall find that all concerns regarding surface grading, structure foundations, drainage, subsurface conditions, erosion, landscaping and tree removal have been addressed. The approval body shall consider the following factors, where applicable, in making the above finding:

- (A) Saturation of fill and unsupported cuts by water, both natural and domestic;
- (B) Runoff of surface waters that produce erosion, and silting of drainage ways;
- (C) Subsurface conditions such as the rock strata and faults;
- (D) Nature and type of soil or rock that when disturbed by the proposed grading may create earth movements;
- (E) Effect upon the potential for optimum subdivision design;

- (F) Effect upon the visual relationships with other development in the vicinity of the site;
- (G) Appropriateness of the proposed site development for the character of a planned community or planned unit development proposal;
- (H) Capability of proposed slopes to be landscaped;
- (I) Whether the natural landscape and major vegetation is unnecessarily scarred through the proposed grading or removal of vegetation;
- (J) The report from the Director of Parks and Recreation with respect to heritage trees pursuant to Section 10.52.040;
- (K) Any other considerations arising from any environmental impact report which will eliminate or mitigate environmental damage.

TENTATIVE PARCEL MAP – APPROVAL FINDING (SMMC 26.48.060):

The Commission shall deny approval of a tentative map if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.