

# MEETING NOTICE FOR THE CITY OF HUBBARD

TUESDAY

APRIL 21, 2020

.....  
PLANNING COMMISSION: FILIPPO, HOLUM, STIERLE, COUNTRYMAN, KULIKOV  
.....

This meeting will be held **via conference call**. This is to enable interested citizens to listen to the meeting. Except for the public hearing portion of the meeting, all public comment is suspended during this meeting due to platform restrictions. **Should you wish to speak during the public hearing portion of the meeting, you may sign up by completing the form on the City's webpage at: <https://www.cityofhubbard.org/bc/webform/sign-if-you-want-speak-meeting>, or calling City Hall 48 hours prior to the meeting.** Written comments may be provided in advance of the meeting by sending an email to [ynogle@cityofhubbard.org](mailto:ynogle@cityofhubbard.org) or mailing your written comments to the address provided below. If you desire to participate in the public hearing and are unable to provide written comments in of the meeting, and at least 48 hours in advance of the public hearing, please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2nd St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time.

## One tap mobile

+14086380968,,82079564915#,,#510123# US (San Jose)  
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## Dial by your location

+1 408 638 0968 US (San Jose)  
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Find your local number: <https://us02web.zoom.us/j/kc5txtNqgg>

Meeting ID: 820 7956 4915

Password: 510123

## \*\*\*\*\*ACCESSABILITY NOTICE\*\*\*\*\*

**Please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2<sup>nd</sup> St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time if you need assistance accessing this electronic meeting. TCC users please call Oregon Telecommunications Relay Service at 1-800-735-2900.**

Agendas are posted at the Hubbard Post Office, City Hall, and the City website at [www.cityofhubbard.org](http://www.cityofhubbard.org). You may schedule Agenda items by contacting the Director of Administration/City Recorder Vickie Nogle at 503-981-9633. (TTY / Voice 1-800-735-2900)

SEE ATTACHED AGENDA

Posted 04/14/2020

4:00 p.m.

Vickie L. Nogle, MMC  
Director of Administration/City Recorder

**HUBBARD PLANNING COMMISSION MEETING AGENDA**  
**HUBBARD CITY HALL**  
**3720 2<sup>ND</sup> STREET (503) 981-9633**

**APRIL 21, 2020 - 6:30 PM**

**LOCATION: (CONFERENCE CALL-  
Refer to Cover Sheet for details)**

**MEETING Notice:** This meeting will be held **via conference call**. This is to enable interested citizens to listen to the meeting. Except for the public hearing portion of the meeting, all public comment is suspended during this meeting due to platform restrictions. **Should you wish to speak during the public hearing portion of the meeting, you may sign up by completing the form on the City's webpage at: <https://www.cityofhubbard.org/bc/webform/sign-if-you-want-speak-meeting>, or calling City Hall 48 hours prior to the meeting.** Written comments may be provided in advance of the meeting by sending an email to [ynogle@cityofhubbard.org](mailto:ynogle@cityofhubbard.org) or mailing your written comments to the address provided below. If you desire to participate in the public hearing and are unable to provide written comments in of the meeting, and at least 48 hours in advance of the public hearing, please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2nd St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time.

- 1) **CALL TO ORDER.**
  - a) Flag Salute.
- 2) **APPROVAL OF THE JANUARY 21, 2020, PLANNING COMMISSION MEETING MINUTES.**
- 3) **PUBLIC HEARINGS.**
  - a) Site Development Review #2020-01 and Partition Application #2020-01 (3500 3<sup>rd</sup> Street – 041W33AD07600). Proposed commercial spec building and concurrent partition application – Matt Kennedy.
  - b) Review proposed adoption of the 2019 Hubbard Water Master Plan (WMP), as an addendum to the Hubbard Comprehensive Plan (LA #2020-01) – **Continued to May 19, 2020.**
- 4) **ADJOURNMENT.** (Next regular scheduled Planning Commission meeting May 19, 2020, at 6:30 p.m.)

**\*\*\*\*\*ACCESSABILITY NOTICE\*\*\*\*\***

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**CITY OF HUBBARD  
PLANNING COMMISSION MINUTES  
JANUARY 21, 2020**

**CALL TO ORDER.** The Hubbard Planning Commission meeting was called to order at 6:30 p.m. by Planning Commission Chairman Anthony San Filippo at the City Hall, 3720 2<sup>nd</sup> Street, Hubbard.

**Planning Commission Present:** Planning Commission Chairman Anthony San Filippo, Planning Commissioner Glenn Holum, Planning Commissioner Scott Stierle, Planning Commissioner Jessica Countryman, Planning Commissioner Nik Kulikov.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle, City Planner Holly Byram, MWVCOG, City Engineer Jason Wuertz, Public Works Superintendent Michael Krebs, Public Works Administrative Manager Melinda Olinger, Administrative Assistant/Court Clerk Julie Hedden

**FLAG SALUTE.** Planning Commission Chairman Anthony San Filippo led the group in reciting the Pledge of Allegiance.

**SWEARING IN OF PLANNING COMMISSION MEMBERS.**

a) **Scott Stierle for term ending December 31, 2022**

b) **Nik Kulikov for term ending December 31, 2022**

Director of Administration/City Recorder Vickie Nogle swore in Planning Commissioners Scott Stierle and Nik Kulikov with a term ending December 31, 2022.

**APPOINT CHAIR.**

MSA/Planning Commissioner Glenn Holum / Planning Commissioner Nik Kulikov moved to appoint Anthony San Filippo as Planning Commissioner Chair. Planning Commissioners Scott Stierle, Anthony San Filippo, Glenn Holum, and Jessica Countryman, Nik Kulikov were in favor. Motion passed unanimously.

**APPOINT VICE-CHAIR.**

MSA/Planning Commissioner Chairman Anthony San Filippo / Planning Commissioner Jessica Countryman moved to appoint Scott Stierle as Planning Commissioner Vice-Chair. Planning Commissioners Scott Stierle, Anthony San Filippo, Glenn Holum, Jessica Countryman, and Nik Kulikov were in favor. Motion passed unanimously.

**APPROVAL OF THE DECEMBER 17, 2019, PLANNING COMMISSION MEETING MINUTES.** MSA/Planning Commissioner Scott Stierle / Planning Commissioner Glenn Holum moved to approve the minutes. Planning Commissioners Scott Stierle, Anthony San Filippo, Glenn Holum, Jessica Countryman, and Nik Kulikov were in favor. Motion passed unanimously.

**PUBLIC HEARINGS.**

- a) **Annexation #2019-01 and Zone Change #2019-01 (11984 Broadacres Road NE). Annexation of 54.06 acres and concurrent zone change to designate 20.39 acres to High Density Residential and 33.68 acres to Medium Density Residential.**

Planning Commissioner Chairman Anthony San Filippo opened the Public Hearing at 6:34 p.m.

Planning Commissioner Chairman Anthony San Filippo read the legislative hearing statement.

City Planner Holly Byram, MWVCOG, read the criteria standard script. She amended the script to strike City Council from the sentence; An issue which may be the basis for an appeal to the **City Council** or the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on this case, because City Council makes the final decision on these concurrent files.

Planning Commissioner Chairman Anthony San Filippo asked for any declarations of ex parte contact, bias, or conflict of interest.

Planning Commissioner Glenn Holum said that he wanted to state for the record he lives on property abutting the property in question, but he believed he could make an unbiased opinion on the file.

City Planner Holly Byram summarized the staff report, pages 1 through 35, with additional exhibits. The files are Annexation #ANX 2019-01 and Zone Change # ZC 2019-01, 11984 Broadacres Rd NE, Hubbard, Oregon, and the request is for the Annexation application to bring 54.06 acres from Urban Growth Boundary in the Hubbard City Limits, with a concurrent Zone Change application to apply R3-High Density Residential Zone to 20.39 acres, and R2 – Medium Density Residential Zone to 33.68 acres, from Marion County Urban Transition UT-20 Zone with no development proposed at this time.

City Planner Holly Byram said Page 2 shows a vicinity map showing the location of the project that is being discussed. She stated the annexation and zone changes are Type III applications and those are applications that have a public hearing held in front of the Planning Commission and City Council. The role of the Planning Commission is to make a recommendation to the City Council which makes the final decision. The Hubbard Development Code gives the applicant the option to have these applications to be considered concurrently and that is why they are both on the same staff report. City Planner Holly Byram said in Oregon there is a 120 day time clock and that starts on the day the application is complete, or submitted complete which puts it into January, because the applicant had to provide additional information regarding transportation, the applicant was asked to signed a waiver to the 120 day rule.

City Planner Holly Byram said the original public hearing was scheduled for December 17, 2019, and at that meeting the public hearing was opened but did not take any staff report or public testimony, it was continued to the meeting on January 21, 2020.

### **PAGE 3 – PLANNING COMMISSION MEETING MINUTES JANUARY 21, 2020**

City Planner Holly Byram said overall the property is 81.37 acres and only 54.06 acres are included in the city limits, which leaves the remaining acreage outside of the UGB and is not part of this application.

City Planner Holly Byram stated the applicant provided a lot of extra information regarding this application and most of it is provided as an attachment to this staff report, all of it is on file with the City if anyone needs additional information.

City Planner Holly Byram summarized the 19 Statewide planning goals with corresponding goals and policies from the 2013 adopted Hubbard Comprehensive Plan.

City Planner Holly Byram said goals 3 and 4 do not apply because the property is within the UGB, which is the Urban Transition zone. She said goal 5 is about natural resources, scenic and historic areas, and open spaces. The majority of the property in the middle is a high area between Mill Creek and Little Bear Creek. H. Byram stated on the applicants map there is a large area identified as a flood plain and they anticipate there will be some wetlands in that area. Staff consulted with the Department of State Lands and because there is no development proposed at this time DSL had no requirements of the applicant, but when they make an application for development, they need to submit a wetland delineation which shows all the wetland area to ensure their development is not impeding on any of those areas. City Planner Holly Byram included in the staff report a map showing the topography and also a snapshot from FEMA to show where the flood plains are.

City Planner Holly Byram said goal 8 has to do with recreational needs and the applicant is considering areas that are not suitable for development to be utilized for public recreation purposes. Planned Unit Development will allow for flexibility and creativity in the way the development is laid out which will allow the applicant to designate park areas and recreation areas for the community and residents of the development.

City Planner Holly Byram said Goal 9 is about Economic Development and that available housing is important to the local economy and this development will provide short term jobs in construction, add to the local tax base, and expands the utility network. H. Byram stated this annexation will satisfy the 20 year land supply need for residential development to provide for the community. The Comprehensive plan has a goal to encourage the development of a range of housing types and cost levels to adequately meet the needs of its citizens and the applicant is proposing a variety of housing types for this property.

City Planner Holly Byram said the application material she received were circulated to the Public Works Superintendent, City Engineer, Oregon Department of Transportation, and to Marion County Public Works for comments on Goal 11, and those are found in the exhibit section at the end of the staff report. She stated when this property was brought into the UGB findings were made that the facilities and services could be made available and it is feasible to serve this property. She said comments were received from Ginger Redlinger, Superintendent of the North Marion School District in response to this application were in support of this application.

## **PAGE 4 – PLANNING COMMISSION MEETING MINUTES JANUARY 21, 2020**

City Planner Holly Byram said the applicant contracted with DKS Engineering to perform a Transportation Planning Rule Analysis to study the transportation impact and the TIA meets the criteria for goal 12. The applicant will need to submit a detailed Traffic Impact Analysis with any future development application. She said attached to the Staff Report are comments from Marion County Public Works and the Oregon Department of Transportation which are important when performing the TIA in the future.

City Planner Holly Byram stated goal 14 is Urbanization. She said the reason this property was selected for the UGB expansion is because of low productivity agricultural soils, proximity to existing commercial and community gathering areas, access to the local street system, orderly and economic provision of public facilities, and property size. Staff finds criteria for goal 14 is met.

City Planner Holly Byram summarized the criteria for the zone change on the staff report which is found in the City of Hubbard Development Code. She stated on the bottom of page 33 she included comments from the City Engineer which are also attached at the end of the Staff Report as exhibits.

City Planner Holly Byram handed out a 1 page memo dated January 21, 2020, with three additional recommended conditions of approval which include a master plan for sewer, a master plan for water, and a full TIA (Traffic Impact Analysis), which would be submitted at the time of application of development. She stated the development application would not be deemed complete until all of four of the recommendations of approval are in hand that is listed on the aforementioned memo. Planner Holly Byram recommends the Planning Commission adopt the staff report findings and approve concurrent files #ANX 2019-01 and #ZC 2019-01 as revised by the staff memo dated January 21, 2020.

City Planning Commission Chairman Anthony San Filippo asked if there were any questions of staff from the Planning Commission before we continue and accept public testimony.

Planning Commissioner Glenn Holum wanted to know what percentage the property represents in the City's 20 year plan, and if that will be enough for the 20 year plan.

City Planner Holly Byram said it is 54 acres of the overall 79 acres, and she does not have any way of knowing that with a study being completed.

Planning Commissioner Glenn Holum asked if the City is similar to other municipalities in the area with the inventory that there is based on other Urban Growth Boundary in other communities.

City Planner Holly Byram said she believes it is.

Planning Commissioner Scott Stierle asked why the full 81 acres is not being annexed.

City Planner Holly Byram said the City only has so much need for residential land, the City only needed so many acres back in 2009 when the UGB (Urban Growth Boundary) was expanded.

## **PAGE 5 – PLANNING COMMISSION MEETING MINUTES JANUARY 21, 2020**

She said the study only took a portion of this piece of property into the UGB to satisfy the 20 year need and it would have been difficult to justify why more was being taken than was needed for the 20 year land supply.

Planning Commissioner Scott Stierle said in the criteria it was mentioned the UGB policy agreement with Marion County is dated 1978, and should this be updated.

City Planner Holly Byram said it could be, but other communities in this area have similarly aged documents for City/County agreements, but she does not think it would change significantly.

Planning Commissioner Jessica Countryman asked if the land is a wetland and is part of the 100 year flood plain which is not good for agriculture, what would make it good for developing houses.

City Planner Holly Byram said the applicant would delineate the flood plain and everything within the flood plain would be left as open space, and recreation area without any development on it, and only develop on the high areas.

Planning Commissioner Jessica Countryman asked about the utility upgrade and if the applicant had to do that or go through the city, what the timeline would be, and when it would need to be done prior to the development.

Public Works Superintendent Mike Krebs said they would make a recommendation to create a subdivision; it would then go through the Public Works Department and the City Engineers. When approved they would be required to put in water, sewer, roadways, and do an analysis to see whether the City's Wastewater Treatment Plant has enough capacity to hold the amount that would come from the new subdivision. He stated with the water they would have to submit a Master Plan to see if the City has the capacity to supply them with the water they would need, this is something the developer would need to complete.

City Engineer Jason Wuertz said with the application for the first phase of development, they would submit documentation that included the Master Plan. It would start with a pre-application meeting to go over what the applicant would like to do and what requirements might be there and work through the Master Plan.

Planning Commission Chairman Anthony San Filippo accepted public testimony regarding this application. He asked if the applicant or their representative would like to speak.

Steve Kay, PO Box 1920, Silverton, OR 97381, of Cascadia Planning Development Services representing the applicant thanked staff for the thorough review of the submitted application in the report they gave tonight, and this proposal addresses a public need for additional residential land in Hubbard. He stated when the City UGB study was completed in 2009, public input was gathered and this property was selected for inclusion into the UGB based on its ability to be served by public utilities and services, to provide needed multi-family units and smaller single family lots during the 20 year planning horizon which was from 2009 – 2029. S. Kay said the

subject site was designated high density and medium density residential on the City's Comprehensive Plan Map, the applicant's request to manage the site and designate the parcel as R2 and R3 is consistent with the community's plan for this site and the applicant agrees with all the conditions of approval including the ones that were added tonight.

Planning Commissioner Glenn Holum asked about the large irrigation well on the property and what the plan is for it and the water rights to it.

Steve Kay of Cascadia Planning Development Services said he is unsure, but with a connection to public water service there might be a need to decommission it; however the City may have an interest in the well for irrigation purposes.

Planning Commissioner Glenn Holum asked if the remaining property that is not being developed will be irrigated or will it become non-useable farmland.

Steve Kay of Cascadia Planning and Development said any well that is located on the site would run with the property that is being annexed, with the future application there would be a partitioning of the property to the south, the details have not been worked out, but if the well is located on this property, this property that is where it needs to stay.

Planning Commissioner Glenn Holum asked if there was any idea on a timeline for development.

Steve Kay of Cascadia Planning and Development said it will be a phased development and it would take 5 or 6 years to develop in phases and that the first phase is probably about 2 or 3 years out.

Planning Commissioner Glenn Holum asked since the development is that far out, and the property is held in Trust, would there would be a new owner or would the trust continue.

Steve Kay of Cascadia Planning and Development said that has not been fully determined at this point, but the Trust has interest in seeing this through.

Planning Commission Chairman Anthony San Filippo asked if there was anyone who would like to speak in support of the application.

Matt Kennedy, 3635 5<sup>th</sup> Street, Hubbard, Oregon 97032, said he wanted to share a bit of the history he has on the property. He said he was on the City Council 2009 when this area was one of the properties chosen to be added to the Urban Growth Boundary. He stated he is an advocate for the annexation, but his observation is that the applicant was doing the zoning, because they really don't know what the developer is going to want, and he recalls as a Planning Commissioner the train of thought was to put the higher density closer to the railroad tracks and Front Street and as you go back toward the wetlands you would decrease the density. He said he did not realize until today that it is a duplicate R2 and R3 and does not know if there is a chance the applicant would have any interest in either making it all R3 or if the developer would go through the process of re-zoning if they had other plans for the front portion of the property. R3 zoning would be all inclusive which would have large lots all the way to apartments, which



**PAGE 7 – PLANNING COMMISSION MEETING MINUTES JANUARY 21, 2020**

would give the developer the most flexibility, that right now the way the application is submitted it shows the lower density up by the railroad tracks. M. Kennedy said he is an advocate and this is an incredible piece of property and he hopes it is developed thoughtfully and the City takes a part in that process. He stated Frank Bronec owned a lot of farmland in the area and in the later years of his life he told Matt that they needed some nice houses in the area and Frank Bronec's vision was to make a lake and see housing around it. Matt said he hopes to see a mix of housing to provide for the community. Matt Kennedy added he was surprised to hear the current owner plans to see the current development through, he was told this week by the current owner they plan to offer the property for sale.

Planning Commission Chairman Anthony San Filippo asked if there was anyone to speak in who would like to speak in opposition of the application, and if there was anyone who would like to speak neither for nor against the application. There were no opponents. He went on to ask if the Planning Commission like the applicant to address any of the testimony.

Planning Commission Chairman Anthony San Filippo said before he closed or continued the public hearing if there are any additional questions from the Planning Commissioners, staff, or anyone. He stated once he closes the hearing only Planning Commissioner's or staff may speak.

Public Hearing closed 7:28 p.m.

MSA/Planning Commissioner Scott Stierle/Planning Commissioner Jessica Countryman made a motion to recommend the City Council adopt the staff report findings and approve concurrent files #ANX 2019-01 and # ZC 2019-01 as revised by the staff memo dated January 21, 2020. Planning Commissioners Scott Stierle, Planning Commissioner Chairman Anthony San Filippo, Planning Commissioner Glenn Holum, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously.

**ADJOURNMENT. (The next scheduled Planning Commission Meeting will be February, 18, 2020 at 6:30 p.m.)** MSA/Planning Commissioner Glenn Holum /Planning Commissioner Nik Kulikov moved to adjourn the meeting. Planning Commissioner Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Chairman Anthony San Filippo, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously. Meeting was adjourned at 7:29 p.m.

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Anthony San Filippo  
Planning Commission Chairman

**ATTEST:**

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Vickie L. Nogle, MMC  
Director of Administration/City Recorder

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Julie Hedden  
Administrative Assistant/Court Clerk  
Recording & Transcribing

**STAFF REPORT TO THE  
CITY OF HUBBARD PLANNING COMMISSION**

**REPORT:** April 14, 2020

**HEARING:** April 21, 2020

**FILE No.:** Site Development Review #DR 2020-01 & Partition # PAR 2020-01

**APPLICANT:** Matt Kennedy

**ADDRESS:** 3500 3<sup>rd</sup> Street in Hubbard (Tax lot 041W33AD07600)

**ZONE:** C - Commercial

**REQUEST:** 1) The applicant proposes to partition the 0.62-acre property into two parcels. Parcel 1 is proposed to be 17,644 square feet. Parcel 2 is proposed to be 9,450 square feet.

2) In a concurrent application, the applicant requests Site Development Review approval to develop a 900 square foot commercial spec building on Parcel 1 within a gravel courtyard. The applicant is also proposing to fence and gravel Parcel 2 for the purpose of outdoor storage and commercial sales of steel racking and shelving materials, sold by appointment only. Storage containers are proposed on site. Other development features include parking lots, sidewalk, and stormwater control.

**CRITERIA:** Hubbard Development Code (HDC):  
Section 2.106 C-Commercial Zone Standards  
Section 2.200 General Development Standards  
Section 2.208 Development Standards for Land Divisions  
Section 3.105 Site Development Review  
Section 3.106 Partitions

**ATTACHMENTS:** Exhibit A: Department & Agency Review Comments, Combined  
Exhibit B: Application materials submitted by applicant

**I. PROCEDURE & AUTHORITY**

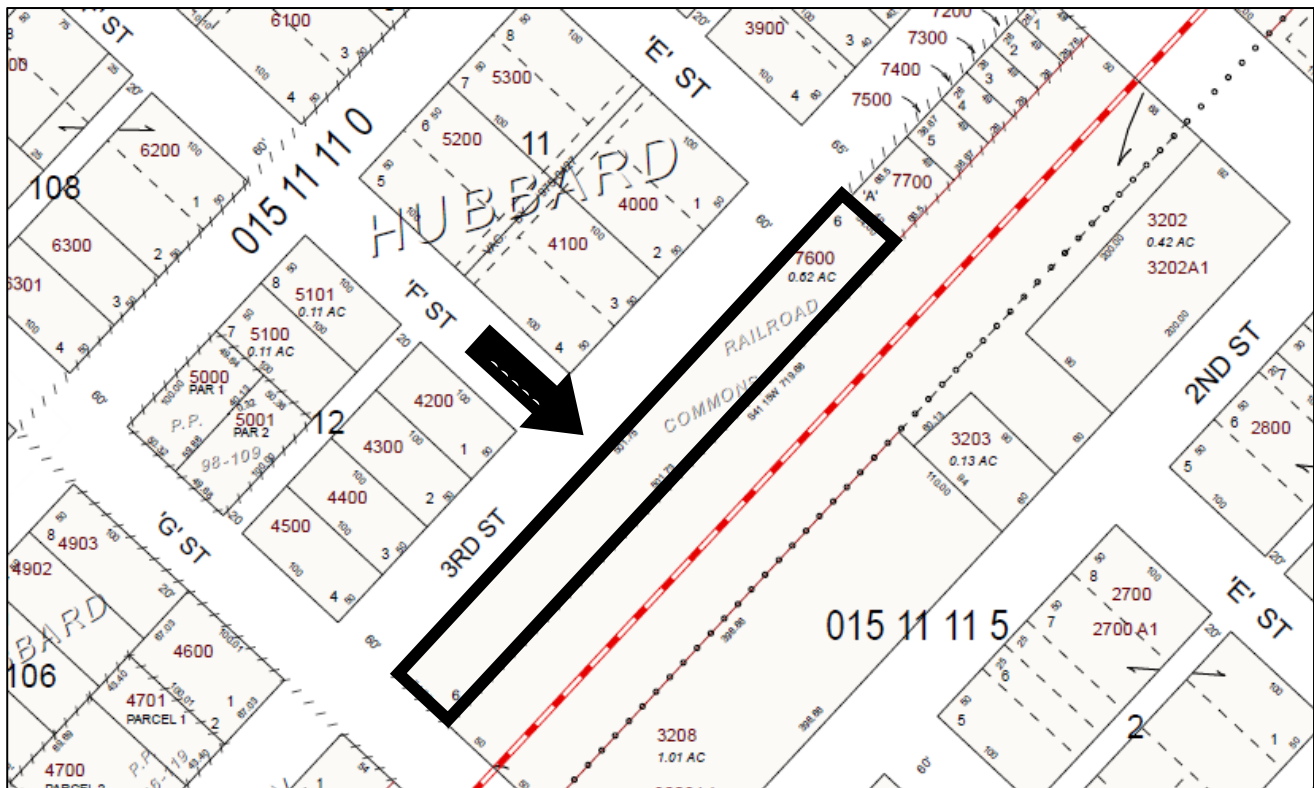
Pursuant to the HDC 3.101.01, Partitions are Type 1 Level 2 actions, limited land use decisions in which the Planning Commission applies clear and objective standards to decide on the application without a public hearing.

Pursuant to the HDC 3.1010.02, Site Development Reviews are Type 2 Actions in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing are provided.

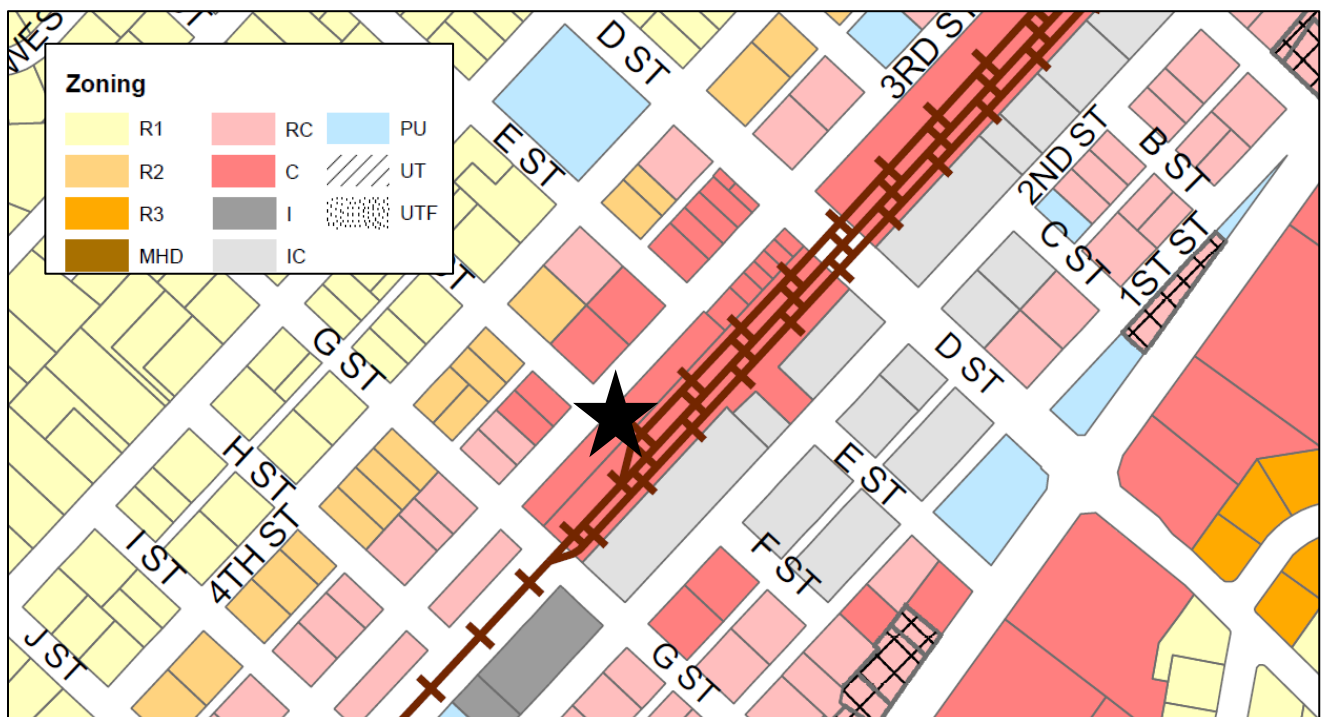
Pursuant to HDC 3.101.07, multiple applications for the same property may be reviewed and decided concurrently, using the higher processing type.

## II. BACKGROUND

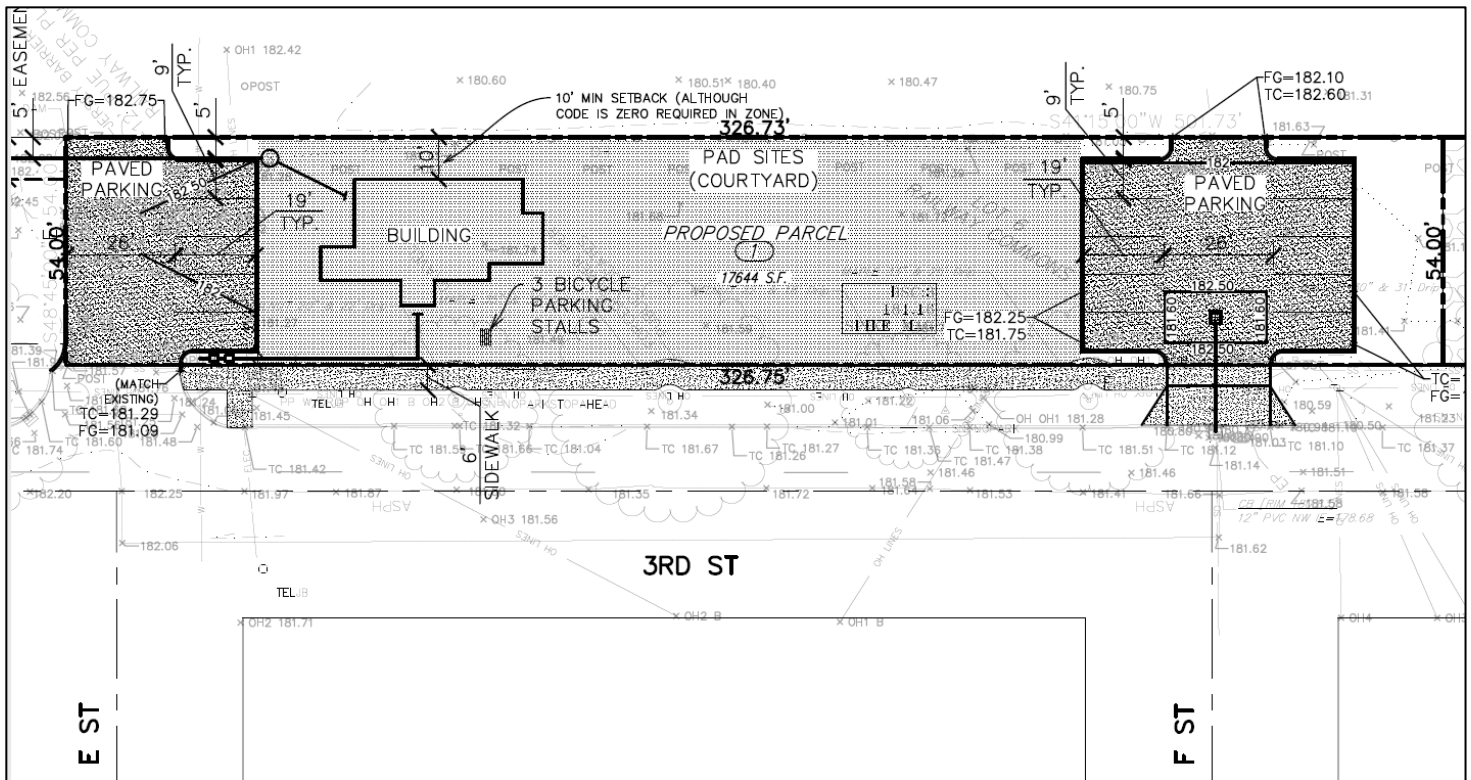
### VICINITY MAP:



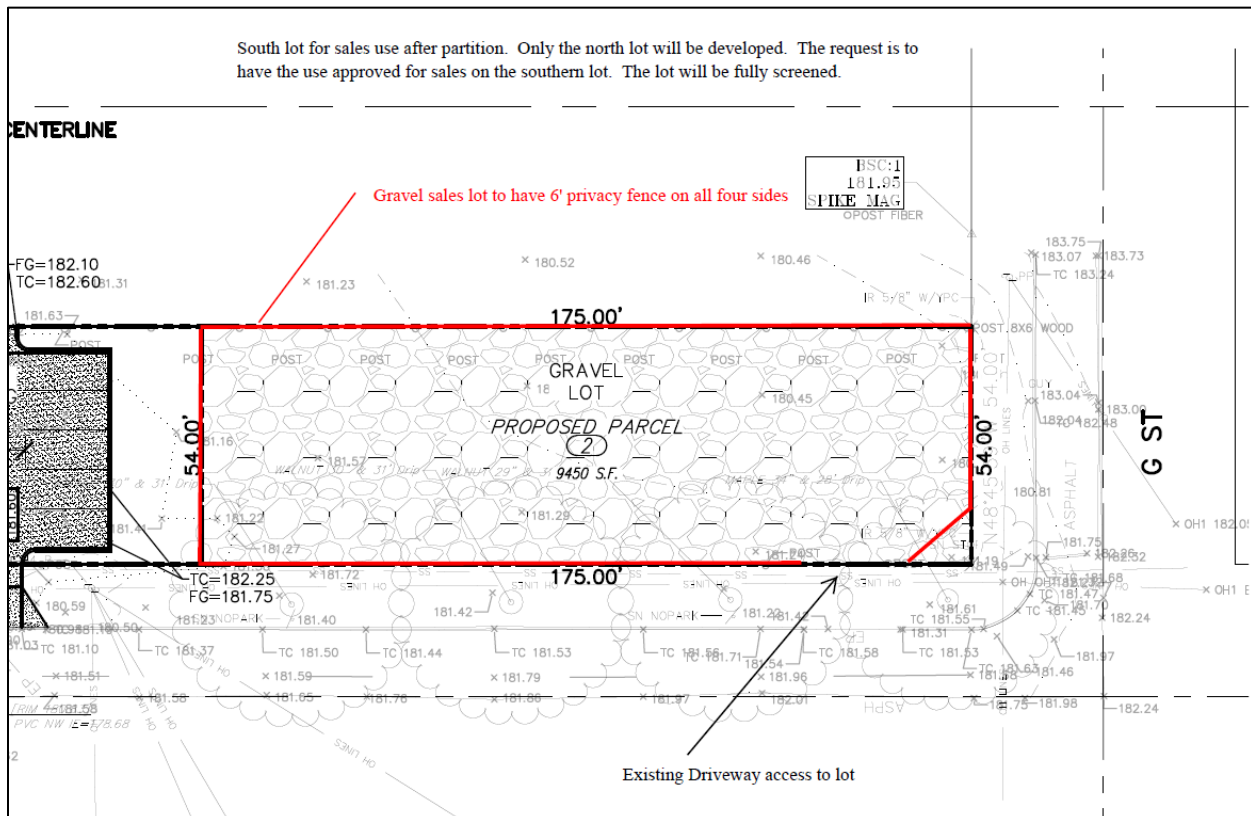
### ZONING MAP:



## PROPOSED SITE PLAN: NORTHERN PORTION



## SOUTHERN PORTION



## PROPERTY HISTORY

The applicant reports that the subject property has been used for informal parking for several decades.

There is some history on file for the subject property related to this application.

SUB 2007-01 / ZC 2007-01 / SDR 2007-02 / VAR 2007-01: In 2007 the applicant applied for four land use actions for the property on the east side of 3<sup>rd</sup> from A Street to G Street.

1. A Subdivision Application to subdivide the property into 5 small lots (1,372 sq. ft. to 1,894 sq. ft.) and one Tract "A" (3,259 sq. ft.) with an approximately 0.62 acre remnant parcel (Lot 6 -- the land that is now Tax Lot 7600 and is the subject property for this zone change).
2. A Zone Change Application to change the zone from Residential Commercial (RC) to Commercial (C).
3. A Site Development Review to construct a new approximately 10,000 square foot 5 unit commercial building at the north end of the property on the newly created small subdivision lots.
4. A Variance Application to allow 24 parking spaces where 27 spaces were required for a retail use.

All the applications were recommended to be approved by the Planning Commission and they were all approved by the City Council. The subdivision final plat was approved by the city and recorded (Railroad Commons Subdivision). The small lots in the upper right corner of the following vicinity map show Tract A and 3 of the 5 small lots.

The 5 unit commercial building was not constructed.

In October 2016, staff advised the applicant that he could not place storage containers on site for a self-serve storage operation because storage was not a permitted use in the C Zone, further, portable accessory structures (shipping containers) could only be placed in conjunction with a permitted primary use on the property, of which there was none.

In October 2016, the applicant applied to the City for "Approval of a Site Development Review (DR) for the placement of twelve (12) portable shipping containers to be used as self-service storage units upon an approval of a Similar Use (SU) determination that a proposed self-service storage use is permitted in the Commercial (C) District." Similar Use File #SU 2016-01, a determination that a proposed self-storage use is permitted in the Commercial (C) District, was denied after a duly noticed public hearing on November 15, 2016. Site Development Review application (File #DR 2016-06) was not considered due to the denial of Similar Use application (File #SU 2016-01).



SDR 2016-06 / SU 2016-01: In 2016 the applicant applied for a Site Development Review and a Similar Use Interpretation for the subject property to allow overseas shipping containers as a temporary self-service storage facility. The Commercial Zone does not list self-service storage facilities and the Interpretation Application asked, is a self-service storage facility similar to a use permitted in the Commercial Zone? The Planning Commission's determination was, a self-service storage facility in temporary structures or in permanent structures is not similar to other uses allowed in the Commercial Zone, therefore, the use is not allowed in the Commercial Zone. The Commission's interpretation decision was appealed to the City Council and the Council affirmed the Commission's decision.

In March 2017, staff reaffirmed that outdoor storage of shipping containers was not a permitted use in C Zone.

In July of 2018, staff reaffirmed that the storage of shipping containers in preparation to lease them was not a permitted use in the C Zone.

In July 2019, staff advised the applicant in a code enforcement letter initiated by the City Council that outdoor storage of racking materials and shipping containers was not a permitted use in the C Zone, and that the fencing on the property was not in compliance with the HDC.

In August 2019, the City Attorney sent the applicant a follow-up code enforcement letter requesting action to remove the shipping containers and apply for a Site Development Review to bring the unpermitted outdoor storage into compliance with the HDC as the proposed outdoor display/sales.

With this current application, the applicant is endeavoring to bring this property into compliance.

#### **EXISTING CONDITIONS:**

The long narrow property is bound by the railroad to the east and 3<sup>rd</sup> street to the west. The property is a combination of gravel and dirt with some vegetation. The 3<sup>rd</sup> street frontage contains several mature shade trees. The subject property is vacant and has reportedly been used for informal parking for nearby businesses. The property was the subject of a Code Enforcement letter and ensuing discussion beginning in July 2019. The Code Enforcement discussion was initiated at the City Council in response to questions about the fencing around an outdoor storage area which contained shipping containers as well as some racking/fencing supplies, reportedly stored to be sold by appointment.

### **III. REVIEW STANDARDS – PARTITION APPLICATION**

#### **3.106 PARTITIONS**

##### **3.106.01 Area of Application**

***A partition is required for any land division, which creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Division of Section 2.208, other applicable development standards and the following additional requirements:***

***A. Access. Each parcel shall meet the access requirements of Subsection 2.208. Additionally, each lot in a minor partition shall have a minimum of twenty-five (25) feet of frontage on an existing state, county, city or public street; or, a constructed private easement being used for access, when said easement existed prior to the adoption of this Ordinance. A land division which requires the creation of a public or private street to provide access to new parcels shall be either a major partition or a subdivision.***

STAFF FINDINGS: The proposed parcels have frontage measuring approximately 326.75 feet and 175 feet on 3<sup>rd</sup> Street, which is a public street. No new street is proposed or required. This standard is met.

***B. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.***

STAFF FINDINGS: The subject property is located in C-Commercial zone. The Commercial district standards are located in HDC 2.106. There is no minimum lots size in this zone. All other dimensional standards of the C zone are related to proposed development, which is discussed later in this report under the Site Development Review criteria. This standard is met.

#### ***3.106.04 Criteria for Preliminary Plat Approval***

***A. In approving a preliminary partition plat, the Planning Commission shall find the following:***

***1. PRELIMINARY PLAT. The preliminary plat conforms with the dimensional standards as required by the underlying zone district.***

STAFF FINDINGS: As stated above, Staff finds that the proposed partition meets the dimensional standards of the C Zone. This criterion is met.

***2. DEVELOPMENT. Development of any remainder of the property under the same ownership can be accomplished in accordance with this Code.***

STAFF FINDINGS: Parcel 1 is proposed to be developed with one spec commercial building and two parking lots in a concurrent Site Development Review application. Parcel 2 is proposed to be fully graveled and fenced for an outdoor sales lot. The proposed partition is not expected to limit the further development of either parcel. This criterion is met.

***3. ADJOINING LAND. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.***

STAFF FINDINGS: Staff finds that the proposed partition and future development of the subject property would not preclude adjacent properties from development due to access challenges or any other foreseeable reason. This criterion is met.

**4. STREETS. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible, under the circumstances.**

STAFF FINDINGS: No new streets are proposed with this partition application. Both parcels are proposed to take access from 3rd Street, which is classified as a minor arterial in the adopted 2012 City of Hubbard Transportation System Plan (TSP). No additional right-of-way dedication is required, as the existing right-of-way is currently the 60-foot width required of minor arterials.

Frontage improvements along the public street are required. Consistent with comments from the Public Works Department, a six-foot sidewalk on the east side of the mature trees and a new curb are required for Parcel 1. The City would be willing to accept a Non-Remonstrance Agreement for these same frontage improvements on Parcel 2 until such time that a development is approved requiring building permits. This criterion can be met.

**5. UTILITIES. The proposed utility plan conforms with the applicable requirements as stated in this Code and any other applicable local, county, or state requirements.**

STAFF FINDINGS: The following table demonstrates the facilities required with a Partition.

**Public Facilities Improvement Requirements Table**

	<b>Fire Hydrant</b>	<b>Street Improv.</b>	<b>Water Hookup</b>	<b>Sewer Hookup</b>	<b>Storm Drain</b>	<b>Street Lights</b>
Partitions, Subdivisions, PUD, and Mobile Home Parks	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required, Yes = Required, and C = Conditional, as noted.

All utility connections and storm drainage facilities shall be designed and constructed in conformance with the most current Public Works Design Standards. Further details are included in the Site Development Review findings below. Staff finds that these criteria can be met through compliance with the recommended conditions of approval.

**6. FINAL PLAT. Conditions necessary to satisfy the intent of this Code can be satisfied prior to final plat approval.**

FINDINGS: Conditions of approval bring the application into compliance with the intent of the Development Code. It is possible for the applicant to satisfy conditions of approval prior to final plat approval. The recommended conditions of approval are included below.

**2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS**

**2.208.03 Standards for Lots or Parcels**

**A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.**



STAFF FINDINGS: As previously addressed, there is no minimum lot size in the C Zone. This standard is met as proposed.

***B. Lot width and depth. The depth of a lot or parcel shall not be more than 2 1/2 times the width of the parcel, with the following exceptions:***

STAFF FINDINGS: The subject property is an unusual property which is shallow in depth, yet very wide. Both proposed parcels easily meet the lot width to depth ratio standard.

***C. Access. All lots or parcels created after the effective date of this Ordinance shall provide a minimum of 25 feet of frontage on an existing or proposed public street, with the following exceptions:***

STAFF FINDINGS: The Partition application shows proposed Parcel 1 to have a frontage of 326.75 feet of frontage access along 3<sup>rd</sup> Street. Proposed Parcel 2 has 175 feet of frontage access. This standard is met by both lots.

***D. Access for duplexes or townhouses on corner lots...***

STAFF FINDINGS: This standard does not apply.

***E. Flag Lots...***

STAFF FINDINGS: This standard does not apply.

***F. Through Lots...***

STAFF FINDINGS: This standard does not apply.

***G. Lot Side Lines...***

STAFF FINDINGS: The new property boundary between Parcels 1 and 2 is perpendicular to the 3<sup>rd</sup> Street right-of-way. This standard is met.

***H. Lot Grading...***

STAFF FINDINGS: Lot grading is reviewed at the time of development review and prior to building permits. It is included as a recommended condition of approval. This standard can be met by the applicant.

***I. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width of 12 feet (6 feet on each lot if located on a common lot line).***

STAFF FINDINGS: Public utility easements, if requested by the City Engineer or Public Works, are included as a recommended condition of approval. This standard can be met by the applicant.

#### **2.208.05 Improvement Requirements**

**A. Partitions. During the review of partition proposals, the City may require as a condition of approval, the improvement of:**

**1. Public streets upon which the property fronts to public standards per Section 2.201.03 of the Code. Improvements may include: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities;**

**2. Sidewalks, five feet in width, and bikeways along public street frontage per Section 2.201.03 of the Code; and**

**3. Private driveways serving flag lots...**

**B. All improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney prior to the approval of the final plat of the partition.**

#### **IV. REVIEW STANDARDS – SITE DEVELOPMENT REVIEW APPLICATION**

The submitted Site Development Review was reviewed by the following standards and criteria from the Hubbard Development Code (HDC).

#### **3.105 SITE DEVELOPMENT REVIEW**

##### **Section 3.105.06 Evaluation of Site Development Plan**

**The review of a Site Development Plan shall be based upon consideration of the following:**

**A. Characteristics of adjoining and surrounding uses;**

STAFF FINDINGS: The subject property is zoned C-Commercial. Properties to the west are generally zoned C-Commercial and RC-Residential Commercial. The property is bordered by the railroad along the eastern property boundary.

The development standards for the C Zone are found in HDC 2.106. While the applicant has not identified a specific tenant for the proposed 900 SF commercial speculative building on Parcel 1; examples given included a coffee shop/sandwich shop. Retail and restaurant establishments are outright permitted uses in the C Zone. Dimensional standards for the C Zone are found in 2.106.04. Setbacks only apply when abutting a residential district. There are no required minimum setbacks for this development. The maximum height of the district is 45 feet. The proposed commercial spec building is one-story. Staff finds these criteria are met.

On Parcel 2 the applicant proposes the entire lot be graveled and fenced for the purposes of outdoor display, to accommodate a company that sells racking materials by appointment only. The fenced gravel storage of racking materials is already existing on a portion of the subject property. This has been an issue of extensive discussion with staff regarding the definition of outdoor storage vs. outdoor display. With this application, the applicant is attempting to bring the racking retail operation into compliance with the HDC. Outdoor display is only be permitted between the hours of 7am and 10pm unless the display items are screened pursuant to Section 2.207.

The applicant's plan indicates that there is an existing 6-foot chain link fence around the perimeter of the southern Parcel 2. Staff recommends a condition of approval that all fences are brought into compliance with HDC Section 2.401.09 Fences, Walls and Hedges, and consistent with the Clear Vision Area guidelines.

All development is subject to the landscaping minimum area requirements of HDC Section 2.207.03. Commercial developments are required to provide a minimum of 10% of the gross land area. HDC 2.207 requires species of plants, number of plants, size of plants, irrigation method, etc. Staff recommends a condition of approval that the applicant submit a revised landscape plan which complies with HDC Sections 2.207 and 3.105.05, to be approved by City staff before a building permit is issued. If the public water source is used for irrigation, then a backflow prevention device shall be required. In lieu of irrigation, Xeriscaping may be used. The applicant shall provide the City a written guarantee for all landscape materials extending one (1) year from the date of installation. Buffering/screening is addressed in section (e) later in this report.

No lighting is shown in the submitted plan set. The Hubbard Police Department generally recommends perimeter lighting as well as monitored security systems, to aid nighttime patrol and crime deterrence. If the applicant decides to erect lighting on site, any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use, and shall not cast a glare or reflection onto moving vehicles on public rights-of-way. The applicant will need to submit a lighting plan for review and approval by Public Works, to include fixture catalogue cuts showing illumination patterns, prior to issuance of a building permit.

No signage is shown on the site plan. Staff recommends a condition of approval requiring sign review and permitting for all future signs on this property, consistent with HDC 2.206.

In consideration of the proposed development, the characteristics of surrounding uses, and conditions of approval, staff concludes the proposed use can be made compatible with other uses in the vicinity.

***B. drainage and erosion control needs;***

STAFF FINDINGS: The proposed development increases the amount of impervious surface on the site by adding a commercial building, two parking lots, and new gravel (some of which has

already been placed). Storm water is not currently controlled on the subject property. HDC Section 2.204 addresses storm drainage requirements. The provisions of that section apply to commercial development. Section 2.204.03 (A) states that “No construction of any facilities in a development shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer in the State of Oregon, and approved by the City.”

The applicant’s plan set includes a “preliminary grading and drainage plan” which details that the runoff of the project is proposed to be conveyed to drains within each of the two parking lots.

City Public Works Superintendent Mike Krebs commented “The storm drain system on the east side of 3rd street is substandard. A drainage plan will be needed for both lots with detention addressed.”

The City Engineer has reviewed the applicant’s plan set and drainage calculations, and has provided review comments, also attached in Exhibit A:

1. *Because the proposed drainage pipe at the south parking lot is so shallow, CLSM backfill will be required.*
2. *Drainage Study will need to provide runoff calculations for maximum buildout density. i.e. Whatever the total impervious cover is estimated at will become the maximum allowable unless an addendum is created for the drainage.*

Staff finds that the applicant can meet the drainage and erosion criteria through compliance with the recommended conditions of approval.

### ***C. public health factors;***

STAFF FINDINGS: Public health factors pertain to proposed connections to city water and sewer utilities. There is an existing 10-inch sewer line and a 6-inch water line adjacent to the site. City Public Works and the City Engineer provided comments on the submitted plan set. Those comments are included as conditions of approval and are attached in Exhibit A. The applicant needs to indicate on revised plan sets all proposed and future water and sewer stub-outs on the site.

The applicant is requesting to run a private sewer line on the east side of the development. While this is an uncommon practice, City Public Works and City Engineer are willing to approve the proposed alignment if there are signed easements and shared maintenance agreements in place between the properties, in the event that either property changes hands. This is included as a condition of approval.

The City Engineer commented: “Although the sewer behind lots 1-5 and Tract A is private, the portion of the sewer in D Street, including the new manhole, will need to be public and built per public standards.”

Hubbard Fire District commented: “The two fire hydrants (at E and 3<sup>rd</sup> / F and 3<sup>rd</sup>) will be adequate for this project. Future developments at this site might require additional or closer fire hydrants depending on the size of the structures and their occupancies.”

Staff finds that the applicant can meet the public health factors through compliance with the recommended conditions of approval provided by the City Engineer and Hubbard Public Works Department.

***D. traffic safety, internal circulation and parking;***

STAFF FINDINGS: HDC section 2.203.05 establishes off-street parking ratios required by development type. Off-street parking is calculated as the sum of multiple land uses on the subject property.

An eating and drinking establishment is required to provide a minimum of one parking space per 250 SF of gross floor area. A retail shop is required to provide a minimum of one parking space per 400 SF of gross floor area. An office building is required to provide a minimum of one parking space per 200 SF gross floor area. The 900 SF commercial spec building should therefore provide a minimum of  $900/200 = \text{five (5)}$  parking spaces.

The outdoor display and rack sales is proposed to share the paved parking spaces. This parking ratio section of the HDC states “Outdoor and other uses. Other uses not specially listed above shall furnish parking as required by the Planning Commission. The Commission shall use the above list as a guide for determining requirements for said other uses.” As the proposed rack sales are proposed to be by appointment only, staff finds that the proposed total of 15 parking spaces between the two parking lots are sufficient to accommodate the proposed commercial spec building plus the outdoor display rack sales.

The submitted site plan shows that all parking spaces are proposed to be 9 feet by 19 feet, which meet the minimum size standard for vehicle parking stalls. The two-way access aisle is proposed to be 26 feet wide, which is greater than the required minimum of 20 feet.

The HDC section 2.203.07 addresses parking and loading area development requirements. Section (A) states that all driveways, parking, maneuvering, and loading areas shall have a durable hard surface. The applicant is proposing paving the full parking, maneuvering, and loading areas of the two new parking lots.

Gravel areas are permitted adjacent to paved parking lots. The applicant is proposing to leave the entire Parcel 2 as gravel for the purposes of outdoor display in support of sales of racking materials.

The applicant proposes for Parcels 1 and 2 to share the paved parking lots. The HDC allows for this. Staff has included a recommended condition of approval for a shared parking access and maintenance agreement.

Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

*HDC Section 2.203.06 Off-Street Loading Requirement:*

Commercial office buildings less than 30,000 SF, and all other commercial and industrial buildings less than 5,000 SF in size are exempt from this requirement.

*HDC Section 2.203.09 Parking of Bicycles:*

The ratios for bicycle parking is 0.33 space per 1,000 SF for retail stores, 0.5 spaces per 1,000 SF for office (or 2, whichever is greater), or 1 space per 1,000 SF for restaurants. The applicant is therefore required to provide a total of 2 bicycle parking spaces, with at least one of them being covered. This is a recommended condition of approval.

The City Engineer is recommending that a barrier is placed at the end of both parking lots in order to prevent vehicular traffic from approaching the railroad tracks. This is a recommended condition of approval.

Staff finds the request can meet all traffic safety, internal circulation, and parking requirements through compliance with the recommended condition of approval.

***E. provision for adequate noise and/or visual buffering from non-compatible uses;***

STAFF FINDINGS: The HDC states the following about screening:

*2.207.05 Screening and Buffering*

*A. Screening shall be used to eliminate or reduce the visual impacts of the following:*

- 1. service areas and facilities, including garbage and waste disposal containers, recycling bins and loading areas;*
- 2. outdoor storage and outdoor display areas;*
- 3. parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses;*
- 4. at and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners; and*
- 5. any other area or use as required by this Ordinance.*

*B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.*

The applicant has not identified a proposed trash and recycling location on site. This is a recommended condition of approval. The HDC states that outdoor display shall only be permitted between the hours of 7am and 10pm unless the display items are screened pursuant to Section 2.207. All of the southern Parcel 2 outdoor display area is required to be screened.

The applicant is proposing privacy screening around the perimeter fencing. Staff finds this criterion can be met by compliance with the conditions of approval addressing screening.

**F. retention of existing natural features on site;**

**STAFF FINDINGS:** The subject property is vacant and partially graveled. There are several mature trees along the 3<sup>rd</sup> Street frontage of the subject property. The existing trees are proposed to be maintained with this development. The sidewalk would include a parkway strip to accommodate the existing mature trees.

**G. connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities; and**

**STAFF FINDINGS:** The applicant's site plan shows a sidewalk along the east side of 3<sup>rd</sup> Street for Parcel 1. No internal circulation walkways or connections are shown on the site plan.

**Table 5.14 Revised Street Design Standards<sup>1</sup>**

Functional Classification	ROW Width <sup>2</sup>	Paved Width	Travel Lanes	Turning Lane	Parking	Parkway Strip	Sidewalk Width	Bikeway Type and Standards
Minor Arterial								
Downtown (3 <sup>rd</sup> Street)	60	42	2 11' lanes	None	8' West side	6' East side	12' West side	2 6' bike lanes
Other	60	48 <sup>3</sup>	2 11' lanes	None	7' Both sides	None	2 6' sidewalks	2 6' bike lanes

From the 2012 Hubbard Transportation System Plan (TSP): *The adopted Hubbard D Street, J Street, and 3rd Street comprise the minor arterial network in Hubbard. The revised minor arterial design standards incorporate the recommendations of the Downtown Revitalization Plan and acknowledge the unique character of 3rd Street and the historic downtown area. These standards provide a 12-foot sidewalk and on-street parking fronting buildings on the western side of 3rd Street, and a landscaped buffer on the eastern side of the street fronting the railroad right-of-way.*

City Public Works Superintendent Mike Krebs commented "6-foot sidewalks will need to be constructed along the section of the Railroad Commons property where the proposed development is taking place, between E and F St. A Non-Remonstrance Agreement can be used for the lot South of this proposed development. In other words the sidewalks and curbing can be built at the time [the south lot is] developed."

Staff finds the submitted site plan does not demonstrate an internal pedestrian connection to the sidewalk in the public right-of-way. Staff recommends a condition of approval requiring the

applicant to provide for safe pedestrian connectivity. Staff finds this criterion can be met by compliance with the conditions of approval addressing pedestrian connectivity.

***H. problems that may arise due to development within potential hazard areas.***

STAFF FINDINGS: Staff referenced the FEMA Online Firm Maps for this address in March of 2020 and determined that the subject property was not located in flood hazard areas. No hazard areas are identified, although drainage is always a concern with hydric soils in the area. Poor area drainage increases the importance of an engineered and functional drainage plan. Staff finds that the applicant can meet this criterion through compliance with the condition of approval related to storm water drainage.

**IV. STAFF RECOMMENDATION & CONDITIONS**

Based on the findings contained in this report, Staff concludes that the concurrent applications (files DR 2020-01 and PAR 2020-01) can be found to comply with the applicable criteria, subject to compliance with the recommended conditions.

**Staff recommends APPROVAL of the concurrent applications, subject to the following conditions of approval:**

**CONDITIONS FOR BOTH THE PARTITION & SITE DEVELOPMENT REVIEW APPROVAL:**

A. COMPLIANCE: Compliance with Conditions of Approval shall be the sole responsibility of the applicant.

B. COSTS: Applicant shall be responsible for all costs of public and private infrastructure improvements associated with the development.

C. DUE DILIGENCE: Conformance to City of Hubbard Design and Construction standards is required. It is the responsibility of the applicant to obtain copies of and be familiar with all applicable codes and standards, including required bonds.

D. DESIGN DRAWINGS: Detailed design drawings shall be submitted for all public improvements. All public improvements shall be designed in accordance with the Hubbard Design and Construction Standards.

E. IMPROVEMENT PROCEDURES: Improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of the HDC improvement standards and specifications adopted by the City, and shall be installed in accordance with HDC 2.208.06 Improvement Procedures.

F. IMPROVEMENTS REQUIRED: Improvements required include Street, Water, Sewer, Storm, Street Light (if required by the City Engineer), and Fire Hydrant (if required by the Fire District).



G. FRONTAGE IMPROVEMENTS: Prior to partition plat recording, or prior to final occupancy if no partition is recorded, the applicant shall construct new curbs and sidewalks along the frontage of Parcel 1, and provide the City a signed Non-Remonstrance Agreement for the same frontage improvements along Parcel 2, until further development approvals are secured for that parcel, triggering the improvements at that time.

H. AS-BUILTS: As-built plans shall be submitted to the City for review and approval at the completion of construction. Submit three (3) paper copies and one (1) electronic file in Arcview/ArcGIS 9 format.

**CONDITIONS FOR PARTITION APPROVAL:**

I. IMPROVEMENTS: Prior to final plat approval by the City, all improvements required by this Partition approval shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney.

**CONDITIONS FOR SITE DEVELOPMENT REVIEW APPROVAL:**

J. REVISED SITE PLAN: Prior to building permits, the applicant shall submit a final site plan which demonstrates compliance with these conditions of approval.

K. STORMWATER: Prior to building permits, the applicant shall submit a drainage study for City review and approval. Drainage Study shall provide runoff calculations for maximum buildout density. CLSM backfill will be required for the south parking lot due to elevations. All stormwater improvements shall be completed prior to final occupancy of any structure.

L. RR BARRIERS: Prior to final occupancy, the applicant shall install barriers at the southeast end of each of the parking lots to keep vehicles from accessing railroad property.

M. OUTDOOR DISPLAY: Outdoor display in the C Zone shall only be permitted between the hours of 7am and 10pm unless the display items are screened pursuant to Section 2.207. Gravel display areas are only permitted adjacent to paved parking and maneuvering areas. The gravel display area shall not be permitted if the paved parking areas are not constructed.

N. PORTABLE ACCESSORY STRUCTURES: Portable accessory structures (shipping containers) are permitted only in conjunction with a primary structure in a site development. Accessory structures shall not be permitted without the development of a permanent structure on the subject property, within the two-year approval period granted by the HDC. If no commercial spec building is constructed, the shipping containers shall be removed by the end of the approval period.

**O. UTILITIES:**

1. FUTURE CONNECTIONS: Prior to building permits, the applicant shall indicate the proposed size and location of all proposed and future water and sewer stub-outs.

2. SANITARY SEWER: Prior to final occupancy, The portion of the sewer line in D Street, including the new manhole, shall be public, and built to City of Hubbard Public Works Design Standards.
3. PRIVATE: Private water, sanitary sewer and storm drain systems on private property are reviewed and approved by Marion County (Plumbing Permit).

P. UTILITY EASEMENTS: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width of 12 feet (6 feet on each lot if located on a common lot line). Plans shall clearly show all existing and proposed easements on the lot.

Q. PRIVATE EASEMENTS: Prior to final occupancy, the applicant shall record the following easements between the private properties, and provide a copy of the recorded documents to the City:

1. Private sewer line access and maintenance agreement.
2. Shared parking access and maintenance agreement.

R. BICYCLE PARKING: Prior to building permits, the applicant's final site plan shall comply with the minimum number and design of bicycle parking spaces required by the HDC Section 2.203.

S. PEDESTRIAN CONNECTIVITY: Prior to building permits, the applicant's revised site plan shall detail pedestrian connectivity between the public sidewalk, parking lots, and the proposed commercial spec building.

T. LANDSCAPING: Prior to building permits, the applicant shall submit a final landscaping plan, which complies with HDC Section 2.207 and shows at least 10% of the gross area landscaped, the location, type, and size of proposed planting, and the location and water source for irrigation systems for landscaped areas larger than 400 SF. Prior to occupancy/inspections, landscaping shall be installed, and the applicant shall provide the City a written guarantee for all landscape materials extending one (1) year from the date of installation. The size of all plant materials installed shall comply with the minimum standards of HDC section 2.207.06.

U. SCREENING: Prior to building permits, the applicant shall submit a revised site plan indicating the location of all outdoor service areas including trash and recycling bins, mechanical equipment, and outdoor displays. The applicant shall demonstrate compliance with HDC 2.207.05 Screening and Buffering.

V. GRADING: Prior to building permits, applicant shall demonstrate compliance with HDC 2.208.03 Lot Grading Standards.

W. VISION CLEARANCE: It shall be the continuing obligation of the applicant to comply with the Vision Clearance Standards of HDC 2.209.07, including driveway access points in fences.

X. LIGHTING: If lighting is proposed, applicant shall submit a lighting plan for review and approval by Public Works. Any light used to illuminate a parking or loading area shall be arranged to be directed

entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way. The applicant shall provide fixture catalogue cuts showing illumination patterns.

Y. FENCES: All fences, existing and proposed, shall be erected in compliance with the HDC 2.401.09 Fences, Walls, and Hedges.

Z. SIGNS: All signage shall comply with HDC Section 2.206, and may require a building permit prior to installation. Applicant shall submit renderings and plans for all signs to the City, and must receive all applicable approvals prior to installation.

AA. ADDRESS: Prior to final occupancy, the applicant shall post the address near the main entrance to the property, visible from the road. Numbers shall be minimum four-inch contrasting numbers with 0.5-inch wide stroke for each number (Per 2014 *Oregon Fire Code, Chapter 5, section 505.1*).

AB. BUILDING PERMITS: Building permits shall be secured from Marion County Building Division, in partnership with the City of Hubbard. Copies of all permits shall be furnished to the City.

AC. EXPIRATION OF APPROVAL: Site Development Review approvals shall be effective for a period of two (2) years from the date of written approval. If substantial construction of the approved plan has not begun within the two (2) year period, the approval shall expire. Substantial construction is defined for these purposes as having a foundation completed on the approved commercial spec building. The applicant may request an extension of the approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing at least thirty (30) days prior to the expiration date of the approval period.

AD. The project shall be constructed according to the approved site plan. The approval shall be voided immediately if construction is a departure from the approved plan.

AE. As no other structures are proposed, reviewed, or approved with these concurrent files, subsequent phases of commercial development on this site are required to secure Site Development Review approval prior to construction.

AF. BUSINESS REGISTRATION: All businesses operating in the City of Hubbard are required to register with the City of Hubbard on an annual basis prior to beginning operation.

## **V. PLANNING COMMISSION OPTIONS**

A. **APPROVE concurrent files DR 2020-01 and PAR 2020-01, and adopt the findings and conditions contained in the Staff Report.**

B. **APPROVE concurrent files DR 2020-01 and PAR 2020-01, and adopt the findings and conditions contained in the Staff Report, with findings and/or conditions amended by the Planning Commission [stating those revisions].**

- C. DENY one or both of the concurrent files DR 2020-01 and PAR 2020-01, with amended findings that the requests do not meet the applicable approval criteria [stating those reasons].
- D. CONTINUE the public hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

**EXHIBIT A**  
**RFC – REQUEST FOR COMMENTS, COMBINED RESPONSES**

**1. City Public Works Mike Krebs, Superintendent**

- *The adjacent sewer line is 10-inch, water line 6-inch.*
- *Water and sewer stub-outs need to be included on the plans for all structures, proposed and future.*
- *Public Works is good with the installation of a private sewer line along the East side of the property. As long as the proper agreements are in place (access and Maintenance agreements), in case the lots get sold off individually.*
- *6 foot sidewalks will need to be constructed along the section of the Railroad Commons property where the proposed development is taking place, between E and F St.. A Non Remonstrance Agreement can be used for the lot South of this proposed development. In other words the sidewalks and Curbing can be built at the time those sections are developed.*
- *Curbing will need to be replaced between E and F St..*
- *Agreed to require a shared parking and maintenance agreement for the parking lots for the two lots.*
- *The storm drain system on the E side of 3rd street is substandard. A drainage plan will be needed for both lots with detention addressed.*
- *The existing ROW at that location is 60 feet, and no additional ROW is needed.*
- *The only way to facilitate parking on the east side of 3rd St., without having to remove the trees, would be to install the parking strip between the trees. With the addition of the 2 parking lots I do not think street parking would be necessary.*
- *As for the sidewalk, there needs to be a safe way to circulate pedestrian traffic on that side of the street.*

**2. City Engineer Matt Wadlington, Civil West Engineering**

*As the City Engineer I have the following comments:*

1. *Although the sewer behind lots 1-5 and Tract A is private, the portion of the sewer in D Street, including the new manhole, will need to be public and built per public standards.*
2. *Barriers should be required at the southeast end of each of the parking lots to keep vehicles from accessing RR property.*
3. *Because the proposed drainage pipe at the south parking lot is so shallow, CLSM backfill will be required.*
4. *Drainage Study will need to provide runoff calculations for maximum buildout density. i.e. Whatever the total impervious cover is estimated at will become the maximum allowable unless and addendum is created for the drainage.*

### **3. Hubbard Fire District, Michael Kahrman, Assistant Chief / Training Officer**

*For this proposed project I do not have questions or concerns. The two fire hydrants (at E and 3<sup>rd</sup> / F and 3<sup>rd</sup>) will be adequate for this project. Future developments at this site might require additional or closer fire hydrants depending on the size of the structures and their occupancies.*

*The address will need to be contrasted and be able to be seen from the road. A 4-inch minimum height, with .5 inch wide stroke for each number is required as well. This can be found in the 2014 Oregon Fire Code, Chapter 5, section 505.1.*

**SITE DEVELOPMENT REVIEW APPLICATION****CITY OF HUBBARD**

3720 2nd Street (P.O. Box 380)

Hubbard, OR 97032

Phone: (503) 981-9633; Fax: (503) 981-8743

<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: \_\_\_\_\_

DATE: \_\_\_\_\_

FEE: \_\_\_\_\_

RECEIPT NO: \_\_\_\_\_

APPLICANT: Matt KennedyMAILING ADDRESS: 3635 5th St Hubbard OR 97032PHONE: 503-314-7086 EMAIL ADDRESS: homes@mattkennedy.com

OWNER(S) (If different from above): \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PROPOSED STRUCTURE/IMPROVEMENT: Commercial spec building and pad site for future structures.SQUARE FOOTAGE: 900 sfESTIMATED VALUE OF STRUCTURE/IMPROVEMENT: \$115,000**PROPERTY DESCRIPTION:**ADDRESS: RAILWAY COMMONS, LOT 6, ACRES 0.62MAP PAGE AND TAX LOT NO: 4-1W-33-NE-SE lot 6 ZONE: CommercialCURRENT USE/STRUCTURES: sales and parking SQUARE FOOTAGE OF SITE: 27,094  
no structuresZONE: Commercial**SUBMITTAL REQUIREMENTS:**

Please submit one (1) legible copy, drawn to scale on 8 ½ x 11 or 11 x 17 inch paper and one (1) electronic copy (PDF format preferred); OR eight (8) full-size copies (typically 18 x 24-inch or larger paper), one (1) reduced-size copy (8 1/2 x 11 or 11 x 17-inch), and one (1) electronic copy (PDF format preferred) of the following application materials:

## 1. Site Analysis

- ☐
- Existing site topography;

Revised: 9/19/08

- ☐ Identification of areas exceeding 10% slopes;
- ☐ Site drainage, areas of potential flooding;
- ☐ Areas with significant natural vegetation;
- ☐ Classification of soil types;
- ☐ Existing structures, roadway access and utilities; and
- ☐ Existing and proposed streets, bikeways, and pedestrian facilities within 200 feet.

2. Site Plan

- ☐ Proposed grading and topographical changes;
- ☐ All proposed structures including finished floor elevations and setbacks;
- ☐ Vehicular and pedestrian circulation patterns, parking, loading and service areas;
- ☐ Proposed access to public roads and highways, railroads or other commercial or industrial transportation systems;
- ☐ Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Inverse elevations may be required for all underground transmission lines;
- ☐ Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
- ☐ Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks; and
- ☐ A schedule of expected development.

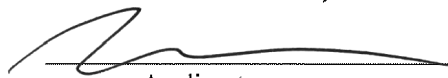
**EVALUATION CRITERIA**

In addition to compliance with the standards of the Development Code, the review of a Site Development Plan shall be based upon consideration of the following:

1. Characteristics of adjoining and surrounding uses;
2. Drainage and erosion control needs;
3. Public health factors;
4. Traffic safety, internal circulation and parking;
5. Provision for adequate noise and/or visual buffering from non-compatible uses;
6. Retention of existing natural features on site; and
7. Problems that may arise due to development within potential hazard areas.

**I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT; AND THAT THE REQUEST DOES NOT VIOLATE ANY DEED RESTRICTIONS THAT MAY BE ATTACHED OR IMPOSED UPON THE SUBJECT PROPERTY. (NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.)**

1/07/2020  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

same  
\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner(s)



## **SITE DEVELOPMENT REVIEW INFORMATION SHEET**

The purpose of the site development review process is to guide future growth and development in accordance with the Hubbard Comprehensive Plan and Development Code, provide an efficient process and framework to review development proposals, and resolve potential conflicts that may arise between proposed developments and adjacent uses.

### **☒ SITE DEVELOPMENT REVIEW REGULATION**

Site development review is required for all new developments, major remodeling of existing developments, and change of occupancy, as defined by the Uniform Building Code, and/or change of use for commercial and industrial developments, except:

- 1) single-family detached dwellings;
- 2) a duplex;
- 3) any commercial or industrial remodel that does not exceed 25% of the total square footage of the existing structure, or
- 4) any new development, change of occupancy, or commercial or industrial remodel, that does not intensify the use of the property by increasing the number of customers, vehicle or pedestrian traffic to the site, parking requirements, etc.

Site development review procedures are listed in Section 3.105 of the Development Code.

### **☒ APPLICATION PROCESSING**

Once an application is submitted, along with all pertinent filing information, City staff will review it for completeness, and if additional material is necessary, you will be contacted. Once the application is determined to be complete, a public hearing at the Planning Commission will be scheduled. Staff will prepare a report for Planning Commission review. The staff report is available seven days prior to the Planning Commission meeting. You will have the opportunity to testify on behalf of your application at the Planning Commission meeting. The Planning Commission decision can be appealed to the City Council.

### **☒ EFFECTIVE DATE OF APPROVAL**

The site development review shall be effective 12 days after the date of the notice of the decision by the Planning Commission unless the decision is appealed to the City Council.

### **☒ ADDITIONAL INFORMATION**

For additional information, call Hubbard City Hall at (503) 981-9633.

## EXHIBIT A

# LAND USE FEE SCHEDULE ACKNOWLEDGMENT

as of 10/14/2008 (attachment to Resolution No. 470-2008)

Resolution No. 398-2005 requires a deposit for land use applications as required in section 3.206.03 in the Hubbard Development Code. Staff collects the deposit at the time of application.

Costs and time are paid out of the deposit. If it appears the costs exceed the initial deposit, the City Recorder / Planning Secretary may require an additional deposit for cost that may be incurred to complete the project. At the end of the project a final bill will be prepared and either request additional funds or issue a refund check.

The following are types of charges and amounts per hour. *The Contracted Service provider fees are subject to change, and may also include their hired staff time.*

**City Planner** **\$74.00**  
(The City Planner prepares staff reports, final actions, and makes presentations at Planning Commission and Council meetings.)

**City Engineer** **\$70.00**  
(The City Engineer may be requested to investigate or review plans submitted by the applicant, and may make presentations at required meetings)

<b>Planning Secretary</b>	<b>\$57.00</b>	<b>Admin Assistant</b>	<b>\$26</b>
(The Planning Secretary prepares applicants files, prepares comments for other departments, prepares public hearing notices, posts and mails notices, answers applicants questions and attends all meetings)			

<b>Public Works Director/Superintendent</b>	<b>\$68.00</b>	<b>Admin Assistant</b>	<b>\$39</b>
<b>Utility Worker I</b>	<b>\$36.00</b>		
<b>Utility Worker II</b>	<b>\$48.00</b>		

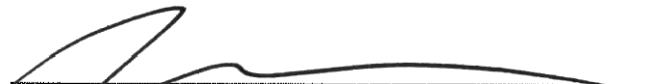
(The Public Works personnel reviews applications and comments regarding water, sewer, streets, backflow devices, and storm drain issues)

**Police Chief** **\$65.00**  
(The Police Chief reviews plans and looks into safety concerns such as lighting and addressing issues)

**City Attorney** **\$240.00**  
(Review of documents, negotiation of conflicts, litigation and enforcement issues)

<b>Office Copies (Black &amp; White 8 ½ X 11)</b>	<b>.25 per page</b>	<b>Color .35 per page</b>
<b>(Black &amp; White 11X 17)</b>	<b>.50 per page</b>	<b>Color .70 per page</b>
<b>Long Distance Phone Calls</b>	<b>3.00 per call</b>	
<b>Fax</b>	<b>2.00 per fax + .50 per page</b>	

**I have read this information and understand that the land use fee is a deposit and the application may cost more or less.**

  
Applicants Signature

1/07/2020

Date

**PARTITION APPLICATION**

**CITY OF HUBBARD**

3720 2<sup>nd</sup> Street (P.O. Box 380)  
Hubbard, OR 97032  
Phone: (503) 981-9633; Fax: (503) 981-8743  
<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: \_\_\_\_\_

DATE: \_\_\_\_\_

FEE: \_\_\_\_\_

RECEIPT NO: \_\_\_\_\_

---

APPLICANT: Matt Kennedy

PHONE: 503-314-7086 EMAIL ADDRESS: homes@mattkennedy.com

ADDRESS: 3635 5th St Hubbard OR 97032

OWNER(S): \_\_\_\_\_  
(If different from above)

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ENGINEER/SURVEYOR: Barker Surveying

PHONE: 503-588-8800 EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: 3657 Kashmir Way SE, Salem OR 97317

OTHER DESIGN PROFESSIONAL: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

---

**GENERAL INFORMATION:**

ADDRESS: \_\_\_\_\_

TAX LOT NO: lot 6 Railway Commons ZONE: commercial

CURRENT USE/STRUCTURES: \_\_\_\_\_ TOPOGRAPHY: Flat

SURROUNDING USES: NORTH: Undeveloped commercial land SOUTH: Vacant field

EAST: UP Railroad WEST: Commercial

SQUARE FOOTAGE OF SITE: 27,094 NO. OF PARCELS CREATED: 2

PARCEL NO. 1: 17,644 sq.ft. PARCEL NO. 2: 9450 sq.ft. PARCEL NO. 3: \_\_\_\_\_ sq.ft.

NUMBER OF DWELLING UNITS: \_\_\_\_\_ UNITS PER ACRE: \_\_\_\_\_

## EXHIBIT A

### LAND USE FEE SCHEDULE ACKNOWLEDGMENT

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**Office Copies (Black & White 8 1/2 X 11)** **.25 per page**

**Color** **.35 per page**


**(Black & White 11X 17)** **.50 per page**

**Color** **.70 per page**

**Long Distance Phone Calls** **3.00 per call**

**Fax** **2.00 per fax + .50 per page**

**I have read this information and understand that the land use fee is a deposit and the application may cost more or less.**

  
Applicants Signature

2/26/2020

Date

## SUBMITTAL REQUIREMENTS

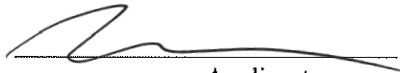
Please submit one (1) paper copy and one (1) electronic copy (PDF format preferred) of the following application materials:

- ☐ 1. A current title report.
- ☐ 2. A copy of the most recent deed for the property.
- ☐ 3. A legible preliminary partition plan drawn to scale on 8 ½ x 11 or 11 x 17 inch paper or eight (8) full size copies (typically 18 x 24 inches or larger) that shows the following information:
  - ☐ Name and address of the owner of the property to be divided;
  - ☐ Legal description of the property, by Township, Range, Section and Tax Lot;
  - ☐ Dimensions and size in square feet or acres of all proposed parcels;
  - ☐ Individual parcel designation, e.g., Parcel I, Parcel II;
  - ☐ Adjacent property under the same ownership;
  - ☐ North arrow and scale;
  - ☐ All adjacent roads, public or private, bikeways, and pedestrian facilities, including name and road width;
  - ☐ Location and size of all existing and proposed utilities;
  - ☐ Comprehensive plan and zoning designations for the subject property;
  - ☐ All existing structures on the property and their setbacks;
  - ☐ Slopes on the property exceeding ten (10) percent;
  - ☐ Natural drainage ways, streams, wetlands or other significant natural features of the property, such as significant vegetative areas or specimen trees;
  - ☐ Other pending applications, including building permits, on the subject property; and
  - ☐ All easements (existing or proposed).

Conformance with the Hubbard Development Code is required for final plat approval. Check with the staff regarding additional requirements for your project. You are encouraged to arrange a pre-application conference with staff prior to submittal.

**I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT; AND THAT THE REQUEST DOES NOT VIOLATE ANY DEED RESTRICTIONS THAT MAY BE ATTACHED OR IMPOSED UPON THE SUBJECT PROPERTY. (NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.)**

2/26/2020  
Date

  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner(s)

## PARTITION INFORMATION SHEET

Partitions are created when a tract of land is divided into two or three parcels within a calendar year, and when the tract of land existed as a unit or contiguous units of land under a single ownership at the beginning of the year.

### ☒ PARTITION REGULATION

Partitions are regulated by State Law and by the City of Hubbard's Development Code. The City regulations mandate that the applicant provide improvements necessary to serve all the proposed parcels. These improvements will generally include streets, storm water facilities and provisions for sewer and water service. Additional improvements may be required. An applicant must document that adequate facilities exist or can be provided as part of the proposal.

### ☒ APPLICATION PROCESSING

Once an application is submitted, along with all pertinent filing information (e.g. preliminary plan map, site map, title report, supplementary materials, etc.), City staff will review it for completeness. If additional material is necessary, you will be contacted. Once the application is determined to be complete, staff will prepare a report for Planning Commission review. The staff report is available seven days prior to the Planning Commission meeting. You will have the opportunity to testify on behalf of your application at the Planning Commission meeting. The Planning Commission decision can be appealed to the City Council.

### ☒ EFFECTIVE DATE OF APPROVAL

The Planning Commission decision shall be effective 12 days after the date of the notice of the decision by the Planning Commission unless the decision is appealed to the City Council.

### ☒ WHAT TO DO AFTER PRELIMINARY PLAN APPROVAL

An approved or conditionally approved preliminary plan is valid for one year following the issuance of a preliminary approval letter. Within this year, the applicant must submit a Final Plat, which conforms to all the applicable provisions of State Law (ORS 92) and approval conditions of the tentative plan. The City will sign and release the map when all the necessary City requirements have been fulfilled. The applicant must then file the approved final plat with the Marion County Recorder and return a copy of the recorded documents to the City following recordation.

### ☒ PARCEL SALES

No parcels in a partition may be sold until the final map has been filed and acknowledged by the Marion County Recorder.

### ☒ ADDITIONAL INFORMATION

For additional information on partitions, call Hubbard City Hall at (503) 981-9633.

## **Site Development Review/Kennedy/3<sup>rd</sup> St**

My application as submitted last week may be a little light on some of the details and vision for the site. There are two items that I think would benefit with further explanation.

First, I plan to move the rack sales tenant to the south end of the lot. This has just been fenced on 3<sup>rd</sup> St and G St with permanent fencing. As is the case currently, the tenant will be required to fully obscure the view of the racking with the shade cloth type visual barrier. The south paved lot as proposed, will serve to allow him a paved parking area in addition to the gravel that serves him now. His operation will all be south of the paved area at the F St. entrance onto the lot.

Second, I wanted to further explain the pad site. I want this middle lot area to act like a park in a sense. Very much like a food cart site, but with permanent non-mobile structures. They will have full utility hookup, and be randomly sized and placed. The building footprint shown is one I hope to serve as an anchor tenant, and it's 900 SF. I envision serving small businesses with several buildings there that will be placed based on need. I hope to get a coffee shop/sandwich shop as that anchor tenant, but that is not a signed deal at this point.

I've put enough off street parking initially to serve growth there, and likely full build out. My goal is to get approval to create this park, and not have to do a full SDR with future placements. This lot is not being divided, so this will be all under one ownership.

I really want to make a welcoming scene there, that may eventually include a covered common area, benches, and large planters with a variety of plants for screening and visual interest. This will not be a lawn and shrub setting. I also will be placing internal pedestrian walkways as needed to serve the buildings as they are placed. I believe paver areas will play into this overall build out over time.

Please feel free to reach me with any questions.

Very best,

Matt Kennedy

## SITE DEVELOPMENT REVIEW # DR 2020-01

### PLEASE SUBMIT OR ADDRESS THE FOLLOWING ITEMS:

1. Show full property boundaries of lot 6 on the site plan, and indicate all land uses proposed for the property. If the racking business under code enforcement notice is also proposed for any part of this site, it should be shown on the site plan. It has not received any land use approvals to date. Please also show recent graveled area on the site plan and drainage plan.

Full site survey attached. The paved area shown at the intersection of F St. would serve this southern lot and provide drainage. The balance of the yard is gravel, and not impervious surface.

The future site of for the racking sales is identified on the supplemental site plan as the gravel area at the south end abutting G St. This will all be screened on all sides, which will include the side facing the railroad.

2. Staff recommends a concurrent partition application to divide off the southern section of property if to remain vacant, otherwise it will affect landscaping percentage, extent of public improvements (sidewalks), and stormwater calculations.

Partition application has been submitted with updates to SDR application.

3. The only way future development would not return for subsequent site development review is if all future buildings are included on this site plan as not-to-exceed sized footprints in approximate locations, and an extended development timeline is approved by the Planning Commission. The not-to-exceed size footprints will determine stormwater, parking, landscaping location, pedestrian circulation, utility stub-outs, fire hydrant locations, etc.

Understood and agreed. I could approximate and calculate now, then address any development that exceeds those approvals. Or simply revisit an SDR if it's way down the road.

4. Confirm if an extended timeline is requested for development.

At this time I don't think an extension would be required, as the first building would happen right away.

5. All driving, parking, and maneuvering surfaces are required to be paved.

Agreed. I'm sorry the plans didn't make that clear. The engineered plans show that and I expect to pave the two lots and provide accessible walkways that meet all current codes for public pedestrian standards.

6. Six-foot sidewalks will be required on the full frontage of subject property.

Willing to discuss this one. I have included this on my updated site plan for reference.

7. Curb along 3<sup>rd</sup> Street will need to be rebuilt.

This was also unexpected at application. While in poor repair, this street is improved and serviced by the city. I've seen non remonstrance agreements for undeveloped areas where isolated improvements don't make sense, and also seen some half street improvements required. I don't recall seeing maintenance or repair of existing city improved streets/curbs that I recall. One observation that I would make is this. I believe the TSP for 3<sup>rd</sup> St was made in a time that didn't anticipate development on the east side of the street. I am proposing to handle my parking need on site. However there are other projects being considered on 3<sup>rd</sup> St right now that cannot provide on site parking. And to that end, it may be in the city's best interest to widen that in the future and put a parking lane rather than a bike lane. Even if I find that I could handle that expense, I'd really hate to see it torn out if other needs surface for that side of the street soon.

8. The sewer line will need to be located in the street rather than the back yard.

I'd talked to public works and was told that I'd need certain agreements (joint maintenance and easements), but that private lines were allowed. I also referenced Portland code about private lines. As you know, the pressurized line cannot be utilized in 3<sup>rd</sup> St, and it creates some challenges in placing a new line there. I'm sure it can be worked out. That rear plan works great for current and future development. I stand by the submitted plan, and would absolutely expect that recorded easement and maintenance agreements for every lot would be a condition of approval. I've attached a reference to this matter from the plumbing code.

9. A landscaping and irrigation plan is required.



10. A stormwater plan and calculations are required.

Agreed. At the time of construction documents, an engineered plan will be submitted along with other permits and be constructed to the city standard.

11. Indicate bike parking location and number.

On updated site plan

12. Indicate pedestrian circulation through the site.

This will grow over time and cannot be determined at planning. All business approaches and walkways will meet accessible codes prior to final occupancy.

13. Is the labeled "pad site" on the site plan paved/grass/gravel/woodchips/pavers/etc?

The current site is graveled, and will be improved and decorated with each building as they are constructed.

14. Indicate any proposed outdoor storage of material and service areas such as HVAC equipment, dumpsters, etc.

At present in the courtyard/pad site, these elements should be contained at the building or on the building.

15. Indicate locations of water and sewer stub-outs for all future buildings (footprints).

All utilities will be installed at the time of permit and construction, and will be built to current code.

16. Indicate proposed fencing and screening.

None on development site. Sales on gravel lot will be fully screened with 6' shade cloth type screen

17. Indicate loading and delivery areas.

On amended site plan.

18. Indicate ADA parking and loading areas/ramps to buildings.

An ADA parking space will be provided per code. All accesses will comply with code as to obtain a certificate of occupancy(s)

19. Is signage location considered?

No signage considerations have been made at present. All signage for the site and potential businesses will comply with code.

20. If no building elevations are to be provided, please provide height of proposed structures.

All considered buildings are one level at this time. No buildings would ever exceed height restrictions per code.

20. Please label setbacks of all proposed structures.

Done

Please note also: Because the file did not undergo Pre-Application review, the following questions have not yet been resolved. Once complete, a revised site plan will go to departments and agencies in an official request for comments, which may address some of the following:

A. A five-foot dedication was required from the properties north of this lot (lots 1-5, Tract A). Will ROW dedication or easement be required for the full frontage of the subject property as well?

No. And that was a voluntary design element, and was not initiated by staff.

B. Assuming the street will not be widened at this time (and mature trees will not be removed), will a non-remonstrance agreement or similar for participation in future street project be required for the full frontage of the subject property?

See item 7. If a change in the street structure and layout could occur, I would expect to participate in the capacity and to the criteria that was made for the changes and improvement.

C. Fire hydrants along the west side of 3<sup>rd</sup> Street may be sufficient for fire suppression, depending upon location, size, and occupancy type of future structures, per fire code

## Byram, Holly

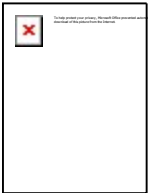
---

**From:** Matt Kennedy <homes@mattkennedy.com>  
**Sent:** Tuesday, March 31, 2020 2:12 PM  
**To:** Byram, Holly  
**Cc:** Nogle, Vickie  
**Subject:** Re: SDR Update and Partition Application

Holly,

Please see below.

Matt Kennedy  
Principal Broker  
RE/MAX equity group  
503.314.7086  
[homes@mattkennedy.com](mailto:homes@mattkennedy.com)  
[www.mattkennedy.com](http://www.mattkennedy.com)



On Tue, Mar 31, 2020 at 1:22 PM Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)> wrote:

Thanks for the attachment, Matt. Because I know reviewing folks are going to ask me, can you please describe:

- What products are going to be for sale?

Steel racking and shelving

- 
- How it will they be delivered?

It comes and goes by tow behind trailer

- 
- How it will they be sold: Will customers come to the site? Will there be pass-by business or by appointment only?

All sales are arranged appointment or pick up

- 
- Where will customers park?

## On the gravel lot

- 
- Will there be signage?

## No

- 
- Also, please confirm there are no structures proposed for the gravel site (including sheds, storage containers, portable offices, etc).

There will likely be shipping containers for keeping of items that cannot be exposed to the weather.

- 

Also, is the 6-foot sight obscuring fence proposed exactly along the property line with the right-of-way? Hubbard's fence standards says no more than 3.5 feet on the front property line:

The fence is along the front property line. If this is not in line with the code, then I'd be asking for a variance. I'd also note that the city is in violation of this same exact scenario on it's own property, and on private property used by the city. That's in addition to many existing and recent installations of the same on other properties in city limits, and on other city approved projects. Some actually were required to put up a 6' obscuring fence (on the frontage) as a condition of approval.

### **2.401.09 Fences, Walls and Hedges**

Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. Fences along a front property line or within a front yard setback shall not exceed a height of five (5) feet, when the fence is at least 50 percent open. All other fences, walls or hedges shall not exceed a height of three and one-half (3 1/2) feet along the front property line or within a front yard setback. All fences which are located within the legs of a vision clearance area at street and alley intersections shall not exceed 3-1/2 feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring. Except for fences located in industrial districts, a fence, wall or hedge may not exceed six (6) feet in height without approval of a variance.

Thank you!

Thank you! Have a great day!

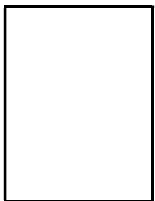
**From:** Matt Kennedy <[homes@mattkennedy.com](mailto:homes@mattkennedy.com)>  
**Sent:** Tuesday, March 31, 2020 11:56 AM  
**To:** Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)>  
**Cc:** Nogle, Vickie <[vnogle@cityofhubbard.org](mailto:vnogle@cityofhubbard.org)>  
**Subject:** Re: SDR Update and Partition Application

Holly,

Please find attached.

Have a great day!

Matt Kennedy  
Principal Broker  
RE/MAX equity group  
503.314.7086  
[homes@mattkennedy.com](mailto:homes@mattkennedy.com)  
[www.mattkennedy.com](http://www.mattkennedy.com)



On Thu, Mar 26, 2020 at 1:53 PM Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)> wrote:

Your site plan needs to reflect all proposed land uses and their dimensions, screening, access, etc. That is the purpose of the site plan review. The Planning Commission cannot approve a land use on a site plan that is not shown on the site plan. Please add all proposed land uses, including any outdoor storage/commercial sales.

Thank you,

---

**From:** Matt Kennedy <[homes@mattkennedy.com](mailto:homes@mattkennedy.com)>  
**Sent:** Thursday, March 26, 2020 11:14 AM  
**To:** Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)>  
**Cc:** Nogle, Vickie <[vnogle@cityofhubbard.org](mailto:vnogle@cityofhubbard.org)>  
**Subject:** Re: SDR Update and Partition Application

**External:** Please report suspicious email to  
[security@wesd.org](mailto:security@wesd.org)

Holly,

Please see below.

Matt Kennedy  
Principal Broker  
RE/MAX equity group  
503.314.7086  
[homes@mattkennedy.com](mailto:homes@mattkennedy.com)  
[www.mattkennedy.com](http://www.mattkennedy.com)



On Wed, Mar 25, 2020 at 5:14 PM Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)> wrote:

Good afternoon Matt,

I hope that you are staying safe and sane in these unusual times!

I was preparing to send your application materials out for department and agency review comments, but I need to confirm some things first.

Regarding multiple building footprints, in your narrative you stated that you “could approximate and calculate now, then address any development that exceeds those approvals...” But I do not find any approximate footprint locations, sizes, or setbacks on the revised site plan. Did you intend to include other building footprints at this time?

The "building" is shown on the site plan. Even this building is not finalized, and is being built as a spec. I'm reviewing and pricing different plans. Identifying any future buildings would be 100% guesswork at this time. What I can do is provide storm water calculations for X SF of impervious surface as to allow for additional runoff in the future. Or, I can certainly provide additional capacity at the time of the additional need.

Also, I see your reference to outdoor storage and racking sales in your narrative, but I do not see it on the site plan. Are you saying that the entire recently-graveled area is proposed to be enclosed for outdoor storage? I want to be clear that when I recommended a partition to separate the southern portion of the property it was so that it would not be considered in stormwater, landscaping, and sidewalk frontage considerations etc. if there was no land use proposed on that portion. BUT If you are proposing a commercial land use on that portion of the property, it needs to be clearly shown on the site plan, and the full property will be included in the development review. If you are proposing a commercial use on the southern portion of property, you will need to indicate on the site plan the land use type, dimensions, driveway access points, loading, parking, screening, fencing, landscaping, sidewalk, etc. Referencing a land use in a narrative is not sufficient for Site Development Review. Perhaps this may even change your desire to partition?

The proposed use of racking sales is for that entire southern lot. No portion of that lot would be used for storm water mitigation for the northern lot. It's been a while, but I do believe that I noted that the entire lot will have visual screening at 6 ft in height on all four sides of the lot. The only "off site" reference I could see being relevant, is that the southern paved parking area for the northern lot could in fact be used for parking for the southern lot. I believe the code allows for parking spaces to be up to 500 ft away, and this would provide it within a very few feet from the property line on the adjacent lot to the north.

Also, for the record, I acknowledge that you informed me by phone last month that the gravel on that portion of the site was new. The new gravel has not been either reviewed or approved by the City. Please be advised that adding gravel to a site changes the drainage patterns of an area. It should be included in your stormwater calculations performed by an engineer.

The engineer has assured me that every inch of both lots will be calculated for their stormwater needs and will meet codes. He's stated that those will be supplied for approval with final construction documents. Again, the exact plan(s) for a building(s) do not exist now. I'm seeking approval for the use. If I am to gain approval for the use, then all construction would need to meet code and jurisdictional approval.

I will hold off sending out your materials for comments until I receive these important details from you.

Thank you,

Thanks much!

Matt

**From:** Matt Kennedy <[homes@mattkennedy.com](mailto:homes@mattkennedy.com)>  
**Sent:** Wednesday, February 26, 2020 8:13 PM  
**To:** Nogle, Vickie <[vlnogle@cityofhubbard.org](mailto:vlnogle@cityofhubbard.org)>; Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)>  
**Subject:** SDR Update and Partition Application

Vickie and Holly,

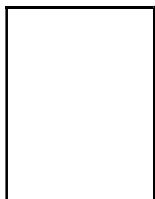
I'm sorry for the delay. I was waiting for the engineered site plan. I had done one myself, but he didn't want me marking up his plan. (Mine was prettier with fun colors FYI :))

I have attached the partition application as recommended by staff, along with responses to the issues raised. I know I can't be on the March meeting because of notices, and I won't be in town for the scheduled meeting anyway. I do hope that I can be on the regularly scheduled meeting in April at the very latest. Missing the February and March agendas has compromised my scheduling and commitment with my proposed build for the primary building. I need to financially commit to that ahead of some approvals, and may even reach out to staff regarding an issue or two that may make the project untenable. This way I don't get in a bind having a building manufactured that I have no home for.

Thanks and feel free to contact me if you have any questions.

Very best,

Matt Kennedy  
Principal Broker  
RE/MAX equity group  
503.314.7086  
[homes@mattkennedy.com](mailto:homes@mattkennedy.com)  
[www.mattkennedy.com](http://www.mattkennedy.com)



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anyone this message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and delete this message. Thank you

## Byram, Holly

---

**From:** Byram, Holly  
**Sent:** Monday, February 10, 2020 4:19 PM  
**To:** 'Matt Kennedy'  
**Cc:** Nogle, Vickie  
**Subject:** RE: Incomplete letter for Hubbard file #DR 2020-01

Hi Matt,

Thank you for your email. Items related to sidewalks, streets, the TSP, the curbs, etc are generally the purview of public works and the City Engineer. These public improvements are generally required with a new development. Because we did not participate in a pre-application conference, there has been no sit-down discussion about this particular project/property frontage as a team. You are welcome to submit a revised site plan which will be circulated to them for official comments when the application is deemed complete. Those comments would presumably result in conditions of approval. The risk with that is changes to your site plan could result.

Similarly, Public Works and City Engineer would need to sign off on the placement of a sewer line. If you have consulted with Public Works, I am not aware if they have communicated about this item.

As for the landscaping percentage, I don't have the authority to override the code language. Your options are either to apply for a code amendment to change the requirement, or else apply for a minor or major variance concurrent with your SDR application. The variance application narrative is where you would make your case to the Planning Commission, given the unique nature of your concept.

Thank you!

Holly,

Thanks for checking back. I've drafted responses to your line items on another document, but I wanted clarification on a few.

One is sidewalks. The TSP specifically excludes sidewalks from the east side of 3rd St in this location. While I'm a fan of sidewalks in general, I did not anticipate this as a requirement at this site. I plan that the walkways to businesses in the pad site (courtyard) will meet code and ADA standards. Are both necessary, over this 500 ft frontage?

Two is the curb. This is a built out city street. While the paving and maintenance has not done well in preserving this feature, are curbs in this location the best plan? Is it common for a project to do deferred maintenance when the infrastructure exists? And is it possible that a revisit of the TSP be done and recognize that the need for downtown Hubbard may have changed since that guidance became part of our plan many years ago? I truly hope to see downtown Hubbard change a lot in the next 5 years. Is it possible that the street should be widened for a parking lane rather than the current format and that noted in the TSP? While

I'm providing parking on site, many businesses are not. I hope they all thrive and that customers are attracted here. That may take more public facility.

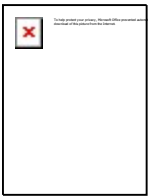
Public works has given me guidance about the connectivity proposed in my plan. Private lines seem to be allowed in other jurisdictions. I know that easements and joint maintenance agreements would need to be part of that plan. So public works has been interacting with the city engineer and it sounded like an option. Is your comment a definite from the engineer that city staff was not aware of? Is my proposal still possible with the right elements in place?

Last is landscaping. I think I've mentioned before, but this is rarely an element in "downtown" environments. Not in Portland, not in Salem, Silverton, Mount Angel, Canby, Woodburn, or anywhere in the world. The downtown streetscape is most often buildings abutting concrete sidewalks. While I do plan for the courtyard to have plantings and hardscapes as design elements, I can't envision traditional landscaping, nor do I desire it. Maybe this needs to be revisited in the code? I can see where many businesses put it in to meet the code, then it looks like crap for decades. I certainly want to create something attractive, and something that stays that way. Thoughts?

Thanks in advance for your consideration and response.

Good luck at your meeting tonight!

Matt Kennedy  
Principal Broker  
RE/MAX equity group  
503.314.7086  
[homes@mattkennedy.com](mailto:homes@mattkennedy.com)  
[www.mattkennedy.com](http://www.mattkennedy.com)



On Wed, Feb 5, 2020 at 3:26 PM Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)> wrote:

Hi Matt,

I am preparing for an evening meeting out of town. If you want to drop your questions into an email, I should be able to get to them this evening while away from the office.

Thanks!

**From:** Matt Kennedy <[homes@mattkennedy.com](mailto:homes@mattkennedy.com)>

**Sent:** Wednesday, February 5, 2020 2:59 PM

## Byram, Holly

---

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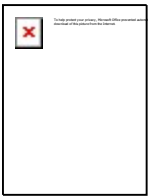
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[www.mattkennedy.com](http://www.mattkennedy.com)



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Hi Matt,

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**From:** Matt Kennedy <[homes@mattkennedy.com](mailto:homes@mattkennedy.com)>

**Sent:** Wednesday, February 5, 2020 2:59 PM

**To:** Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)>

**Cc:** Nogle, Vickie <[vnogle@cityofhubbard.org](mailto:vnogle@cityofhubbard.org)>; Mike Krebs <[mkrebs@cityofhubbard.org](mailto:mkrebs@cityofhubbard.org)>; Jason Wuertz <[wuertzj@aks-eng.com](mailto:wuertzj@aks-eng.com)>

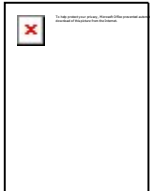
**Subject:** Re: Incomplete letter for Hubbard file #DR 2020-01

Holly,

I was going through your list the night after you'd sent it. I do have some questions that I will be calling about. In the meantime, I thought you should have these in your file. I believe I only included a site plan with my application. I'm not sure why I didn't send these too.

Thx much!

Matt Kennedy  
Principal Broker  
RE/MAX equity group  
503.314.7086  
[homes@mattkennedy.com](mailto:homes@mattkennedy.com)  
[www.mattkennedy.com](http://www.mattkennedy.com)



On Mon, Feb 3, 2020 at 4:51 PM Matt Kennedy <[homes@mattkennedy.com](mailto:homes@mattkennedy.com)> wrote:

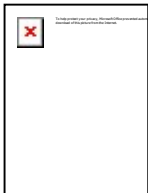
Holly,

Received thank you!

I'll review as soon as possible and provide the missing information asap.

Best,

Matt Kennedy  
Principal Broker  
RE/MAX equity group  
503.314.7086  
[homes@mattkennedy.com](mailto:homes@mattkennedy.com)  
[www.mattkennedy.com](http://www.mattkennedy.com)



On Mon, Feb 3, 2020 at 4:49 PM Byram, Holly <[HByram@mwvcog.org](mailto:HByram@mwvcog.org)> wrote:

Good afternoon Matt,

Please find attached incomplete letter related to City of Hubbard land use file #DR 2020-01. An identical copy will be mailed to you for your records.

Thank you,

Holly C. Byram

Associate Planner,

Mid-Willamette Valley Council of Governments (MWVCOG)

[hbyram@mwvcog.org](mailto:hbyram@mwvcog.org)

(503) 540-1617

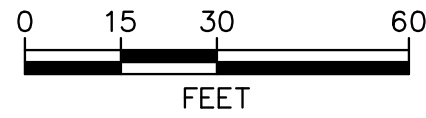
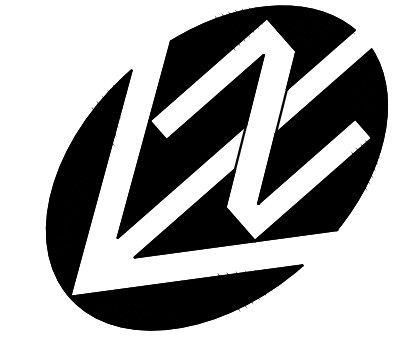
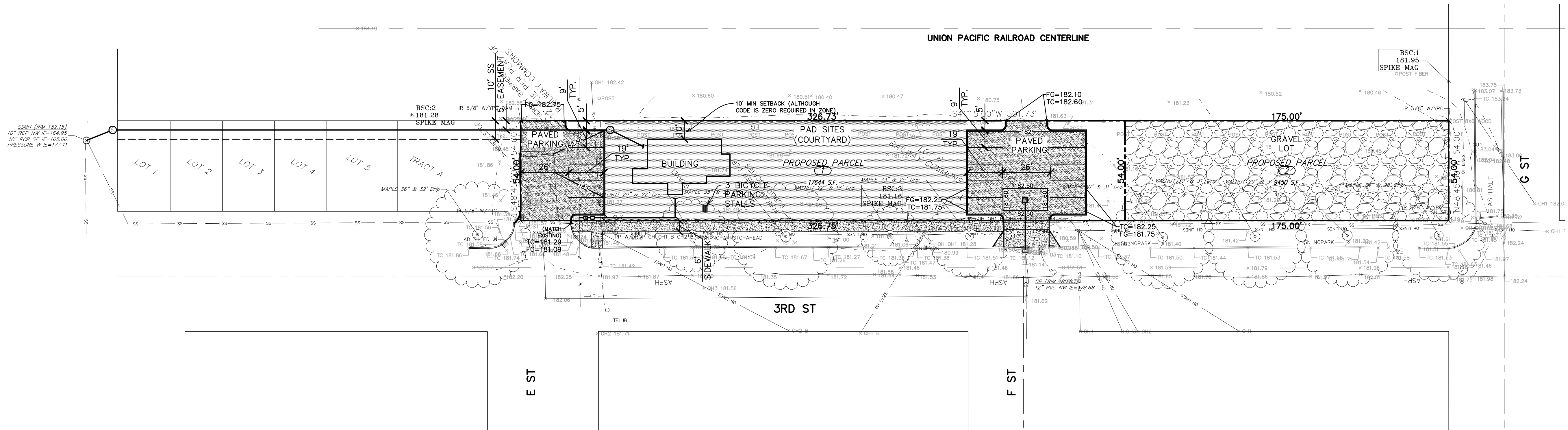
100 High Street SE, Ste. 200

Salem, OR 97301

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CKD.	JW
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DATE	02/2020
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BY	





**WESTECH ENGINEERING, INC.**  
CONSULTING ENGINEERS AND PLANNERS  
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302  
Phone: (503) 585-2474 Fax: (503) 585-3986  
E-mail: westech@westech-eng.com

MATT KENNEDY  
3RD STREET HUBBARD

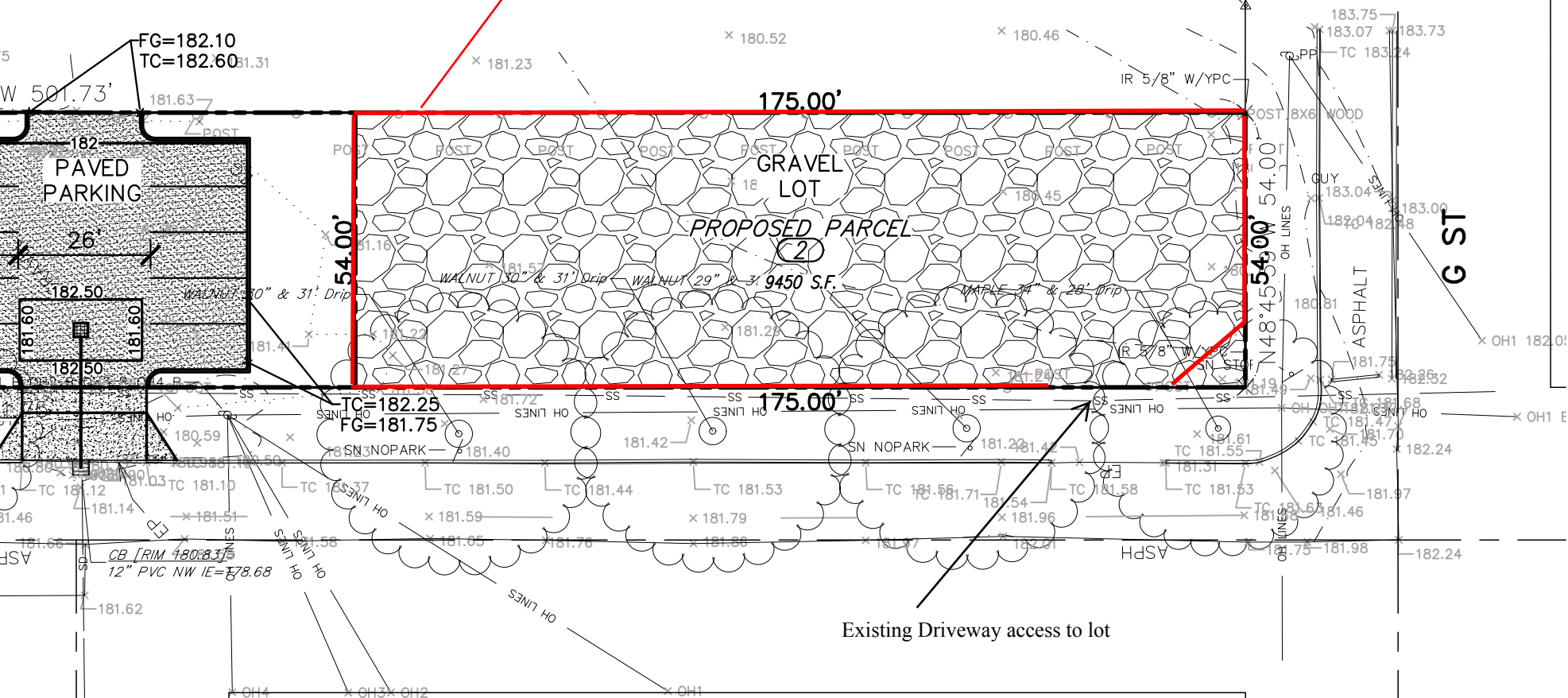
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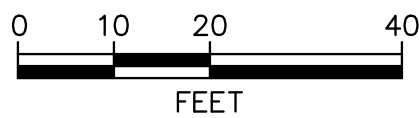
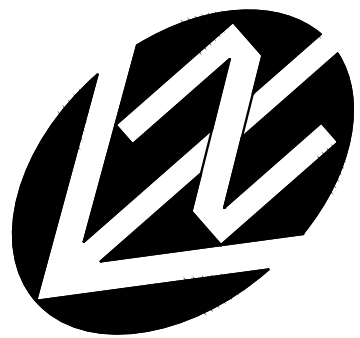
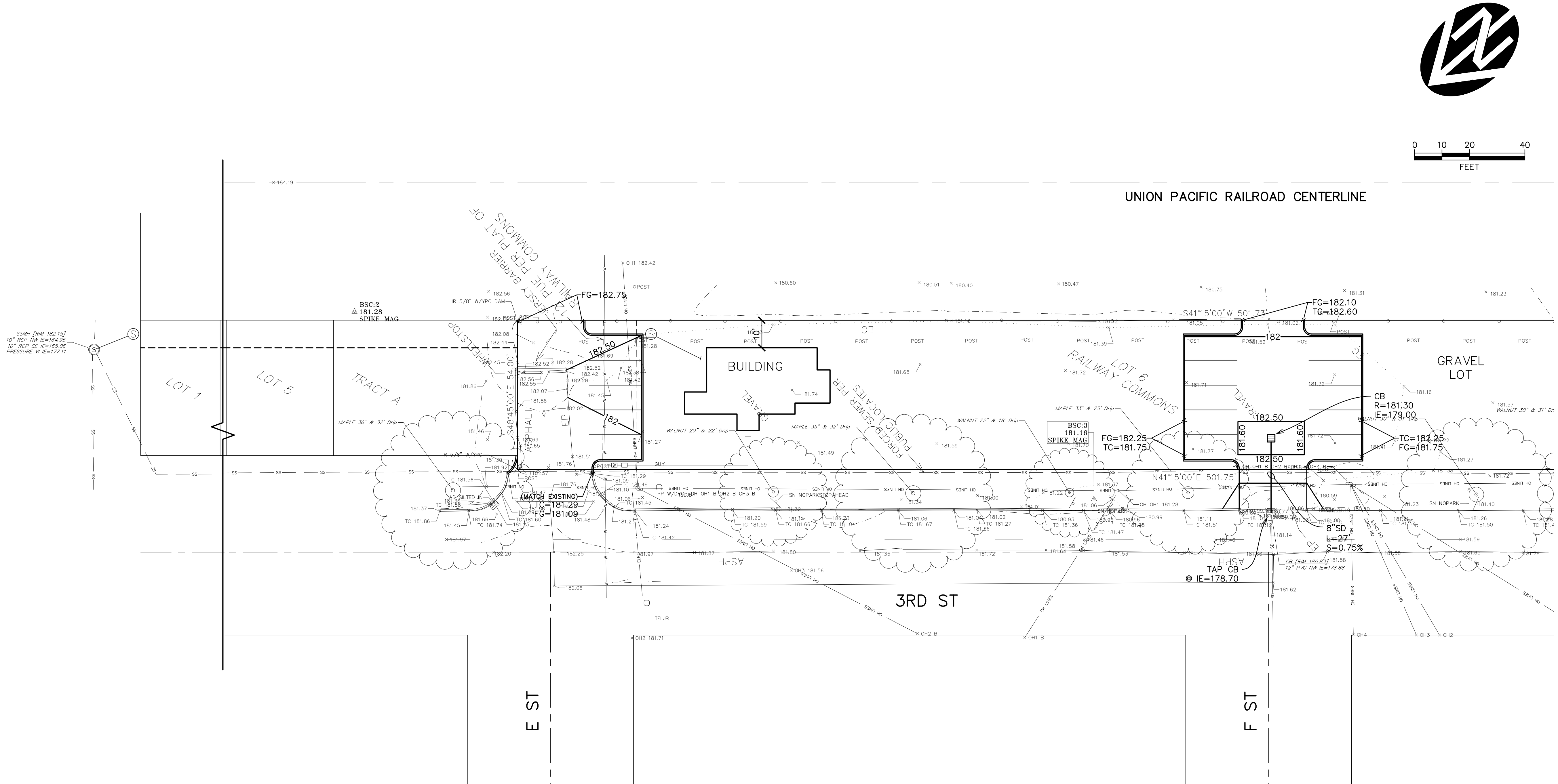
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BY	

## REVIEW REVIEW

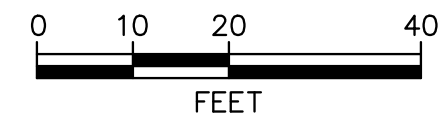
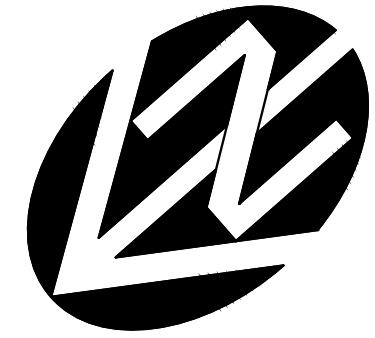
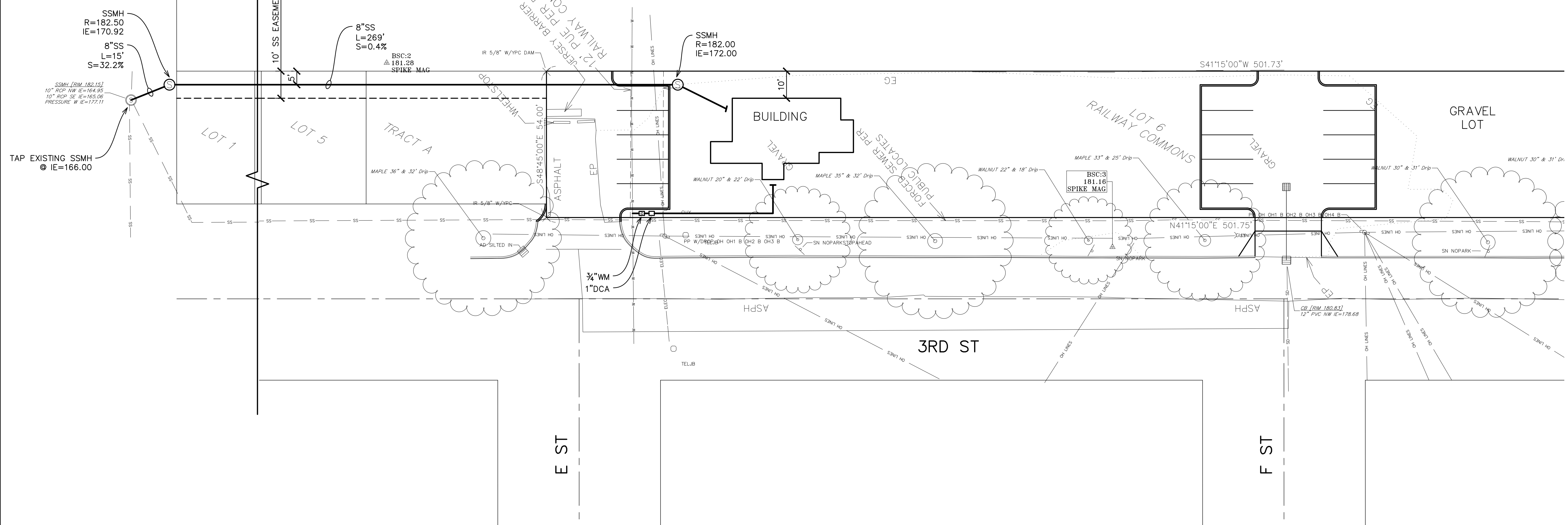


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Phone: (503) 585-2474 Fax: (503) 585-3986  
E-mail: westech@westech-eng.com

MATT KENNEDY  
3RD STREET HUBBARD  
GRADING AND DRAINAGE

DRAWING  
C2.0  
JOB NUMBER  
3188.0000.00



UNION PACIFIC RAILROAD CENTERLINE

MATT KENNEDY  
3RD STREET HUBBARD

UTILITY PLAN

**DRAWING  
C3.0**

JOB NUMBER  
3188.0000.00

**WESTECH ENGINEERING, INC.**  
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五

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# REVIEW REVIEW

[illegible]



**TOPIC: Private Sewer Easements - OPSC/7/#2**

**CODE: Oregon Plumbing Specialty Code: 2017 Edition**

**REVISED: July 10, 2018 [Rebecca Esau], Director**

**REFERENCE: Oregon Plumbing Specialty Code – Chapter 7**

**SUBJECT: Requirements for Private Sewer Easements for  
Sewers that Cross Property Lines**

**QUESTION:** The Bureau of Environmental Services (BES) determines where a private sewer, either sanitary or storm, may connect to the public sewer system. In some instances, the public sewer connection point may require that the private sewer cross one or more adjoining property(s) or tax lot(s). Under what conditions may a private sewer cross another property?

**RESPONSE:** When approved by the Bureau of Development Services (BDS) in accordance with Chapter 7 of the Oregon Plumbing Specialty Code, a private sewer may be constructed across property lines and on to adjoining private property(s) or tax lot(s) under the following conditions:

**I. Easement Required.** A private sewer easement meeting the following requirements, is required on the property or tax lot that the private sewer will cross:

**A. General.**

1. The easement must be recorded with the County Recorder's Office on all properties or tax lots on which the private sewer system is located other than the property that the sewer is serving.
2. A single easement may be used where the sewer crosses multiple properties or tax lots if the easement is signed by the owners of all of the affected properties or tax lots.

3. A draft of the easement or covenant of future easement (in the case of properties in the same ownership) must be provided to BDS for review and approval prior to recording with the County. In most cases, BDS will provide a template easement to the applicant. A survey may be required depending on the complexity of the easement. After BDS approves the document, the easement must be recorded with the County Recorder's Office, and a copy of the recorded easement must be delivered to BDS prior to issuance of a permit or land use approval, as applicable. Easements associated with Land Divisions and Final Plats have different documents and recording timelines, which can be obtained from BDS staff assigned to the case.

- B. Easement width.** The easement for a private sewer must be at least 10 feet wide. However, the easement may be reduced to 5 feet wide if the sewer line will be installed, and can be repaired without conventional open trench excavation within any portion of the easement area that is less than 10 feet wide.

Easement widths of less than 10 feet where installation or repair cannot occur without conventional open trench excavation, or easements of less than 5 feet in any circumstance, can be considered on a case-by-case basis through the BDS administrative appeal process. See Section III.

- C. Prohibition of conflicting use.** The easement must include a statement prohibiting property uses that would interfere with the intended sewer easement.
- D. Maintenance or repair.** The easement must include a provision allowing entry onto the property(ies) burdened by the easement to install, maintain, inspect and repair the sewer line.
- E. Alteration or revocation of easement.** The easement must include a provision that prohibits alteration to or revocation of the easement without prior written approval by BDS.
- F. Crossing over multiple lots under single ownership.** Where a single person or entity owns the property being served and any of the tax lots or properties that the sewer will cross, then the property owner must record a covenant of future easement on the commonly-owned properties that the sewer will cross. The recorded covenant must include the same information required for the easement. Upon sale or reassignment of ownership of any of the tax lots or properties that are under common ownership, such that said parcels are no longer under common ownership, the private sewer easement will become effective on those tax lots or properties.

**II. Other Allowances and Restrictions.** Note the following allowances and restrictions.

- A.** The material for a new sewer line serving an existing building may be of HDPE pipe in accordance with Code Guide OPSC/7/#3, or must receive approval of a plumbing code appeal.
- B.** A new storm sewer line located within 2 feet of any adjacent structure, or a new sanitary sewer line located within 5 feet of any adjacent structure must be of material approved for use within a structure or must receive approval of a plumbing code appeal. Repair of an existing storm sewer line located within 2 feet of any adjacent structure, or repair of an existing sanitary sewer line located within 5 feet of any adjacent structure is allowed without a plumbing code appeal.
- C.** A new sewer line may not pass through or under any structure other than the structure served by the sewer or must receive approval of a plumbing code appeal. Repair of an existing sewer line under an existing structure is allowed without a plumbing code appeal.

**III. Plumbing Code Appeals.**

- A. General.** If a plumbing code appeal is required, the appeal must be granted prior to BDS approval of the easement.
- B. Information Required.** The following information is required to be submitted with the application for a plumbing code appeal.
  - 1. A completed appeal form accompanied by the appropriate appeal fee;
  - 2. A site plan (in addition to any plans submitted for permits) with the following information:
    - a. The exact location and dimensions of the sewer easement;
    - b. The exact location and length of all property lines and dimensions of all structures on the involved properties; and
    - c. The exact location of the proposed sewer line, its material, piping size, depth, and distance to any adjacent structures, easement boundaries and interior property lines; and
  - 3. Appeals for reduced easement width must clearly show that adequate space is provided within the easement for proper access for installation, maintenance and repair of the sewer line.

#### IV. Permit Requirements.

**A. General.** A plumbing permit is required for installation or repair of a private sewer.

**B. Additional Information Required.** The following information is required when applying for the plumbing permit for installation or repair of a private sewer when the private sewer line crosses a property line(s).

1. Proof of approved route of sewer connection and approved location for the sewer connection at the public main line or other system to the satisfaction of the Bureau of Environmental Services (BES);
2. A copy of a recorded easement or covenant for future easement approved by BDS;
3. A copy of any appeal decision allowing a reduced easement width or other variation from plumbing code; and
4. Other information may also be required depending on the permit type.

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Updates September 14, 2016 edition

Updates August 1, 2006 edition

Updates September 16, 2003 edition

New September 16, 2003





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DATE: April 13, 2020  
TO: City of Hubbard Planning Commission  
FROM: Holly Byram, City Planner, MWVCOG  
RE: **Recommendation to Continue Public Hearing on Water Master Plan**

#### SUMMARY OF PROPOSED AGENDA ITEM:

The City of Hubbard's current Water System Master Plan is dated 1996. The purpose of the 2019 Water Master Plan (WMP) is to "provide the City with the information needed to inform long-term water supply and distribution infrastructure decisions." While no amendments are proposed to the actual text of the Hubbard Comprehensive Plan at this time, adopting a supporting plan document is still considered a "Comprehensive Plan Amendment."

An amendment to the Hubbard Comprehensive Plan and its supporting plan documents is a Type IV Legislative Action which is reviewed for consistency with the Hubbard Development Code 3.102, the Hubbard Comprehensive Plan, and the Oregon Statewide Planning Goals. A Type IV Action is a recommendation from the Planning Commission to a final decision by the City Council, with public notice and public hearings before both the Planning Commission and City Council.

#### RECOMMENDATION

**Hubbard Public Works staff report that they are still awaiting final approval of the Water Master Plan from both the Oregon Health Authority (OHA) and the funding entity for the plan. Consequently, staff is recommending that the Planning Commission open the public hearing and immediately continue the public hearing, by motion, to the next regularly scheduled meeting of the Planning Commission, which is May 19, 2020.**

The reason the public hearing needs to be opened and continued is because public notice was provided to both the Department of Land Conservation and Development (DLCD) and published in the local newspaper, advertising this date and time certain. Interested members of the public need to know how they participate in the process. In the meantime, the WMP will be available for public review on the City's website.