

**HUBBARD PLANNING COMMISSION
STAFF REPORT**

DATE: September 15, 2022

MEETING: September 20, 2022

FILE No.: **Bear Creek Planned Unit Development Subdivision #PUD 2022-01**

APPLICANT: Icon Construction and Development, LLC. Attn: Harlan Borow

OWNER: Frank J. Bronec QTIP Trust and Columbia Trust Company TRE

LOCATION: 11984 Broadacres Road NE, Hubbard OR

TAX LOT: T04S, R01W, W.M. Section 33, Lot 00100 (Parcel 1 of PP 2021-88)

ZONES: Split-zoned R1, R2, R3

SIZE: 56.38 acres (54.42-acre Parcel 1 plus abutting rights-of-way)

PROPOSAL: The Bear Creek Planned Unit Development (PUD) Subdivision is a proposed residential development totaling 324 dwelling units on 204 lots. The proposed housing type mix includes single-family homes, duplex, townhomes, and apartments. The PUD proposes to protect sensitive Mill Creek and Bear Creek wetland and riparian corridors on the western and eastern boundaries, by focusing development on the high ground in the center of the property. A new collector street would run through the PUD connecting Broadacres Rd NE in the north, and 4th Street and 3rd Street in the south. The PUD proposes a total of 20.18 acres in two large open space tracts, which include sensitive resource areas, stormwater basins, compacted gravel trails, benches, and a developed public park with play structure and play field. These tracts are proposed to be dedicated to the City. The application package includes plans for the development of streets, water, sewer, and stormwater infrastructure. As allowed in the City's adopted PUD code, some variances to the standards are requested, including: minimum lot sizes, minimum setbacks, maximum lot coverage, lot width-to-depth ratio, semi-private outdoor space on townhouse lots, maximum cul-de-sac length, minimum private street width, minimum landscaping area for multi-family housing, and flag lot access strip minimum width. Two different phasing plans are presented for approval, to allow the developer flexibility in a changing housing market. Full build-out is projected to occur between 2022 – 2027.

CRITERIA: Hubbard Development Code (HDC) 2.101 R1 Zone, 2.102 R2 Zone, 2.103 R3 Zone, Section 2.200 General Development Standards, 2.208 Development Standards for Land Divisions, 2.210 Riparian Corridors, 2.211 Wetlands, 2.302 Planned Unit Developments (PUD), Section 3.107 Subdivisions and Planned Unit Developments, Section 3.105 Site Development Review (apartments).

PROCEDURE: Pursuant to HDC 3.101.02, A PUD/Subdivision is a Type II action. A Type II action is a quasi-judicial review 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 3.202, public notice is a mailed notice to the applicant and owners of property within 100 feet of the boundaries of the subject property. Public Hearings before the Planning Commission are conducted pursuant to HDC 3.203. The decisions of the Planning Commission on applications for Type II actions shall be final unless appealed to the City Council within 12 days of the written decision mailing date, pursuant to HDC 3.205.

I. EXHIBITS

A – APPLICATION

B – AGENCY COMMENTS

C – PUBLIC COMMENTS

II. APPLICATION MATERIALS

The Bear Creek PUD application package includes the items listed below. Due to the overall size of the application materials, not all pages of all items listed below are attached to this staff report. All items will be formally entered into the record of the public hearing, and are available for inspection at City Hall.

1. Application Form
2. Property Deed/Title Report
3. Pre-Application Conference Notes
4. Preliminary Development Plans
 - Planning Drawings Set
 - Sheet P-1: Cover Sheet/Vicinity Map
 - Sheet P-2: Aerial Photo/Land Use Plan
 - Sheet P-3: Master Plan
 - Sheet P-4: Phasing Plan (and P-4A Alternate Phasing Plan added later)
 - Sheet P-5: Southeast Preliminary Plat
 - Sheet P-6: Southwest Preliminary Plat
 - Sheet P-7: Central Preliminary Plat
 - Sheet P-8: North Preliminary Plat
 - Preliminary Civil Plans
 - Preliminary Landscape Plans
 - Preliminary Architectural Plans
5. Preliminary Stormwater Report
6. Geotechnical Report
7. Traffic Impact Analysis
8. Wetland Delineation Report and DSL Concurrence Letter
9. Sanitary Sewer Master Plan Report
10. Development Code Design Alternatives Table

III. BACKGROUND

Much of the subject property was annexed into Hubbard City Limits in March of 2020 with City Ordinance no. 366-2020. Of the 54.06 acres annexed, 20.39 acres were assigned R3-High Density Residential, and 33.68 acres were assigned R2 – Medium Density Residential. The property owner then partitioned the property to separate the recently annexed portion (54.42-acre Parcel 1) from the portion of the large parcel remaining outside both the City Limits and the Urban Growth Boundary (UGB) (24.12-acre Parcel 2). The partition is referenced as City land use file #PAR 2020-02, and recorded as Marion County Partition Plat #PP 2021-88. Since that time, the applicant entered into contract with the property owner to purchase and develop the subject property. The applicant has participated in several Pre-Application meetings with City staff and partner agencies leading up to the PUD application. The design of the proposed PUD was revised with feedback received from City staff and partner agencies. As an example, rather than all single-family dwellings, staff encouraged the developer to provide a variety of residential unit types to meet the needs of the Hubbard community and greater region; providing housing options for a range of income levels and life circumstances. The developer was receptive to that feedback and adjusted the housing mix.

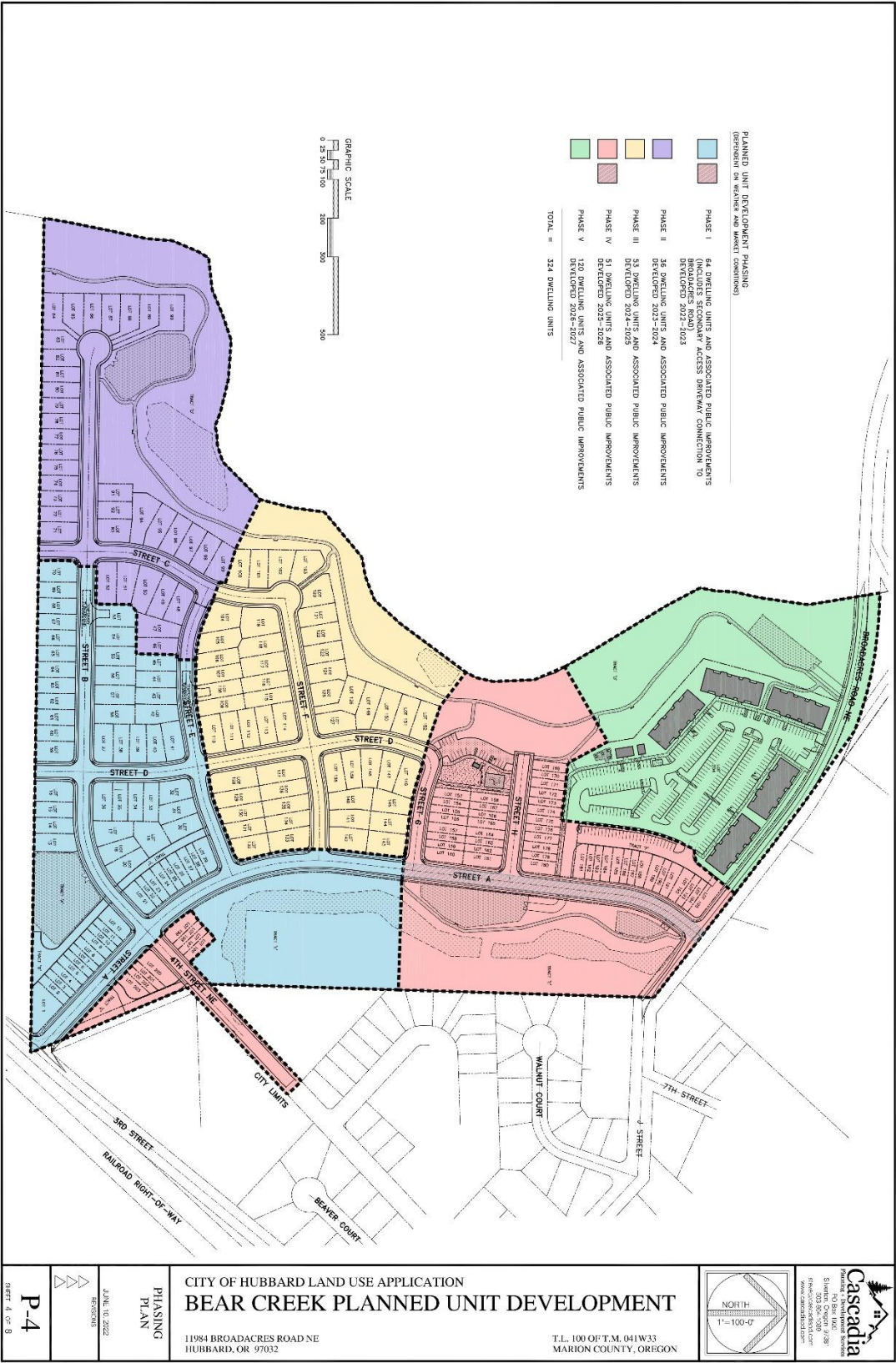
This public hearing was originally noticed for the evening of Tuesday, August 16, 2022. Prior to that date, the developer requested to continue the public hearing in order to verify their phasing plan and stormwater documents were accurate. On the evening of August 16th, the Hubbard Planning Commission by Zoom and continued the public meeting, by motion, to the date and time certain of Tuesday, September 20, 2022 at 6:30pm. On that evening, no application materials were provided to the Planning Commission, no staff report was given, and no public testimony was sought. Upon continuation of the public hearing, all interested parties were immediately notified of the continued meeting time and date. Additionally, the City mailed a courtesy notice to neighbors with the continued meeting date as well as an alternate phasing plan submitted by the applicant for consideration. On September 20th, the continued public hearing will open with the normal procedures of legal script, Planning Commission declarations, staff report, applicant presentation, public testimony, and applicant rebuttal, prior to Planning Commission deliberations. The September 20th meeting will be a hybrid format where participants may join in person at City Hall or remotely by Zoom.

IV. EXHIBIT MAPS

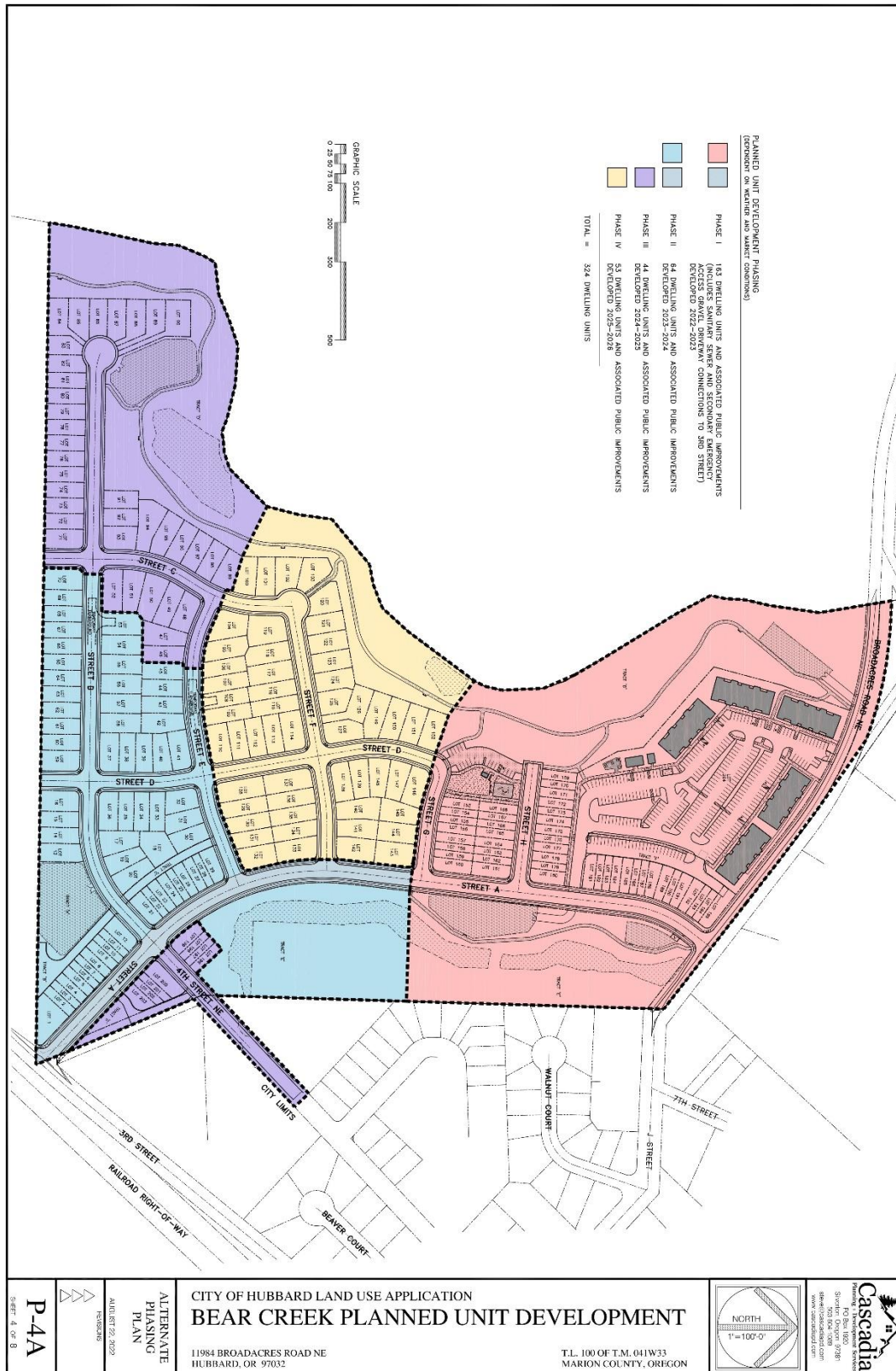
A. BEAR CREEK PLANNED UNIT DEVELOPMENT (PUD) PLAN



B. BEAR CREEK PUD - ORIGINAL PHASING PLAN #P-4

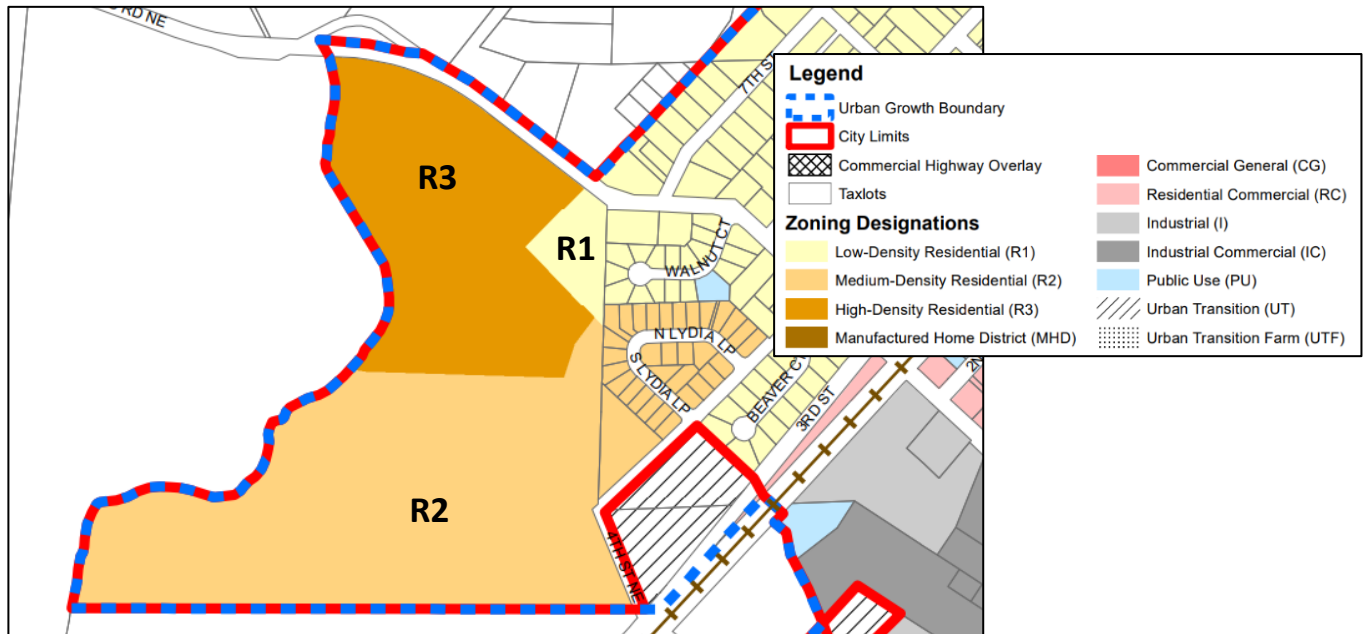


C. BEAR CREEK PUD - ALTERNATE PHASING PLAN #P-4A



V. DECISION CRITERIA

The purpose of this section is to assist the Planning Commission in reviewing the application package, by providing the applicable decision criteria and associated findings. The criteria sections are not provided in numerical order, rather staff ordered the code sections with the goal of drilling down from big picture to more specific standards. There are many criteria that apply to this application, and some are redundant between sections.



2.101 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

2.101.02 Permitted Uses

A. Single-family dwelling unit...

B. Duplex or townhouse dwelling on a corner lot or on lots as approved by the Planning Commission as part of an application for a subdivision or planned unit development. No more than half of the corner lots at any one intersection shall be devoted to duplex or townhouse lots.

D. Parks and open space uses

J. Residential Planned Unit Developments, subject to Section 2.302

2.102 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

2.102.02 Permitted Uses

A. Single family dwelling unit

B. Duplex or townhouse

I. Parks and open space area

K. Residential Planned Unit Developments, subject to the provisions of Section 2.302

2.103 HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

2.103.02 Permitted Uses

A. Single family dwelling unit

B. Duplex

C. Multi-family housing, including apartments, townhouses, and condominiums at a density no greater than 12 units per acre, subject to the Site Development Review procedures of Section 3.105

H. Parks and open space areas

K. Residential Planned Unit Development, subject to the provisions of Section 2.302

FINDINGS: The Bear Creek Planned Unit Development (PUD) proposes residential and open space/park land uses. As shown above, Planned Unit Developments are an outright permitted use in all three residential zones – R1 Low Density Residential, R2 Medium Density Residential, and R3 High Density Residential. PUDs allow for the development of residential land uses, as well as parks and open space. PUDs also allow for a limited amount of commercial development, though none is proposed with this application. The development layout includes a mix of single-family detached, single-family attached (townhomes), duplexes, and multi-family (apartments) housing types. The higher density multi-family housing portion of the proposed PUD is located on the north side of the subject property, consistent with the underlying R3 zoning. A residential PUD is an outright permitted use in the applicable zones, subject to the PUD standards in HDC 2.302, and other applicable development standards.

3.107 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

FINDINGS: This section of the Hubbard Development Code (HDC) is procedural; it details the types of information required with a PUD application, and the procedures used to process a PUD application. Based upon the application materials listed above, staff deemed the Bear Creek PUD application “complete” prior to scheduling a public hearing. Procedures within this section are integrated into the recommended conditions of approval. This section is addressed and can be met by the applicant through compliance with the recommended conditions of approval.

2.302 PLANNED UNIT DEVELOPMENTS (PUD)

2.302.01 Purpose

A. The purpose of Planned Unit Developments are to produce a development which would be as good as, or better than one resulting from traditional lot-by-lot development;

B. to allow flexibility which will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while substantially maintaining the same population density and area coverage permitted in the district in which the project is located; and

C. to allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the site potential characterized by special features of geography, topography, size and shape.

FINDINGS: Staff included the PUD purpose statement as a reminder to the Planning Commission about the flexibility, power, and authority they have in the PUD review and decision process. Very few PUDs have been processed in Hubbard, so this is a relatively unfamiliar process for the local decision makers. Ultimately the PUD tool may be used to grant the developer some creativity through flexibility to the City’s adopted standards, but only when benefit(s) are demonstrated for the community. The developer has included a table of “alternative design standards” or variances requested with this application. Those will be explored in greater detail below. The PUD decision criteria for consideration by the Planning Commission are as follows.

2.302.05 Development Requirements

Planned Unit Developments shall comply with the applicable development standards of Section 2.200.

A. Site Adaptation. To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.

FINDINGS: The subject property is delineated by Mill Creek on the west and Little Bear Creek on the east, with associated riparian corridor buffers, wetlands, and slopes along each. The central portion of the site contains the developable high ground, away from these sensitive areas, and out of the flood plain. The proposed Bear Creek PUD is designed to protect the sensitive resource areas and slopes by designating them as protected open space tracts, directing the residential development to the higher central portion of the site. The proposed PUD satisfies Criteria A Site Adaptation by preserving unique features of the land and environment.

B. Lot Arrangement. All lots within the development shall be designed and arranged to have direct access to, or frontage on open space or recreation areas.

APPLICANT RESPONSE: The submitted Overall Concept Plan illustrates that all of the proposed lots front a public sidewalk system or other pedestrian facilities that provide a direct connection to expansive public parks along the east and west boundaries of the site (see Exhibit 4).

FINDINGS: The open space tracts, Tracts D and E, are located along the west and east sides of the PUD due to the location of the two creek corridors. Large portions of these tracts are undevelopable and required to be protected due to a riparian corridor buffer, delineated wetlands, flood plain, and/or slopes. Within these tracts are also proposed stormwater basins and recreation amenities to serve the neighborhood and public. The applicant is proposing more than the minimum required open space area.

Many, but not all, of the lots directly abut the open space. All other lots are a short walk from both open space tracts. The applicant requests Planning Commission approval of the proposed PUD lot arrangement, which is designed to accommodate the unique arrangement of the landscape features within the boundaries of the property. In this case the Planning Commission may prioritize the importance of the local long term housing supply. The code authors may not have foreseen such a unique scenario with constraints on both the west and east side. To have all lots directly abutting the open space would not be an efficient use of the land which is most suitable for residential development.

C. Density of Development. Permitted density of development in all PUDs shall be determined in accordance with the following procedures:

- 1. Determine total gross site area (GSA).***
- 2. Multiply the GSA by .85 to determine the Net Site Area (NSA).***
- 3. Deduct from the NSA. any acres of 20 percent or greater slope which will be developed, proposed commercial areas, and other non-residential uses to determine Net Developable Site Area (NDSA). Open space areas and hillside areas which will be in open space areas are not required to be deducted.***
- 4. Determine maximum density of development in accordance with the appropriate method below:***
 - a. R-1 Zone Developments: Divide NDSA by 10 units per acre.***
 - b. R-2 Zone Developments Which Have No Multi-Family Uses: Divide NDSA by 10 units per acre.***
 - c. R-2 Zone Developments Proposing Multi-Family Units Only: Multiply NDSA by 15 units per acre.***
 - d. R-2 Zone Developments Proposing Mixed Uses of Multi-Family and Other Residential Uses: Multiply multi-family NDSA areas by 15 units per acre; divide other NDSA by 10***

units per acre; add the two results together to determine maximum site density permitted.

APPLICANT RESPONSE: Planned Unit Development calculations for each of the site's residential districts are provided on the attached Master Plan (see Exhibit 4). The subject site total gross site area is 56.38 acres. When excluding areas currently dedicated as rights-of-way, the site's remaining gross site area is 54.55 acres... As shown on the Overall Site Plan, by removing existing dedicated right-of-way from the GSA of each district and multiplying by 0.85, the R-1 district Net Site Area (NSA) is 1.91 acres, the R-2 district NSA is 28.44 acres, and the R-3 NSA is 16.01 acres (see Exhibit 3)... As demonstrated by the attached Civil Grading Plan, no portion of the site with 20% or greater slopes will be developed (see Exhibit 4). There are no commercial uses with this Planned Unit Development. As permitted under this section, the applicant has not deducted open space or undeveloped hillside areas of the site... As indicated on the Master Plan, the total calculated density for the net site area within the R-1, R-2, and R-3 zone districts is 543 dwelling units (see Exhibit 4). The applicant is proposing to develop 324 dwelling units on the subject property.

PLANNED UNIT DEVELOPMENT CALCULATIONS	
TOTAL SITE AREA =	2,455,913 SQ. FT. (56.38 AC.)
PUBLIC PARKS AREA =	879,247 SQ. FT. (20.18 AC.)
LOW DENSITY RESIDENTIAL GROSS AREA =	100,465 SQ. FT. (2.31 AC.)
LOW DENSITY RESIDENTIAL EXISTING R.O.W. =	2,614 SQ. FT. (0.06 AC.)
LOW DENSITY RESIDENTIAL NET SITE AREA =	83,173 SQ. FT. (1.91 AC.) ([GROSS AREA - R.O.W.] X 0.85)
LOW DENSITY PERMITTED DENSITY =	19 DWELLING UNITS (NET SITE AREA X 10 UNITS/AC.)
MEDIUM DENSITY RESIDENTIAL GROSS AREA =	1,467,101 SQ. FT. (33.68 AC.)
MEDIUM DENSITY RESIDENTIAL EXISTING R.O.W. =	9,583 SQ. FT. (0.22 AC.)
MEDIUM DENSITY RESIDENTIAL NET SITE AREA =	1,238,890 SQ. FT. (28.44 AC.) ([GROSS AREA - R.O.W.] X 0.85)
MEDIUM DENSITY PERMITTED DENSITY =	284 DWELLING UNITS (NET SITE AREA X 10 UNITS/AC.)
HIGH DENSITY RESIDENTIAL GROSS AREA =	888,188 SQ. FT. (20.39 AC.)
HIGH DENSITY RESIDENTIAL EXISTING R.O.W.=	67,518 SQ. FT. (1.55 AC.)
HIGH DENSITY RESIDENTIAL NET SITE AREA =	697,570 SQ. FT. (16.01 AC) ([GROSS AREA - R.O.W.] X 0.85)
HIGH DENSITY RESIDENTIAL PERMITTED DENSITY =	240 DWELLING UNITS (NET SITE AREA X 15 UNITS/AC.)
TOTAL PERMITTED DENSITY =	543 DWELLING UNITS
PROPOSED DENSITY =	324 DWELLING UNITS
	(120 MULTI-FAMILY APARTMENT UNITS)
	(71 ATTACHED SINGLE-FAMILY UNITS)
	(131 DETACHED SINGLE-FAMILY UNITS)
	(2 MULTI-FAMILY DUPLEX UNITS)

FINDINGS: The Hubbard Development Code does not provide a required minimum density. The HDC does provide a maximum density standard for PUDs. This section of the City's PUD code language badly needs to be revised during the next round of code amendments performed by the City. The language in this methodology is flawed in that it uses "multiply" and "divide" interchangeably, and that it fails to reference the R3 zone at all. Over the past few years of working with this developer, staff confirmed for them that the methodology is basically the same for all zones, that single-family is calculated at 10 units per net acre (NDSA), and that multi-family is calculated at 15 units per net acre (NDSA). In the box above, the applicant calculated the maximum allowable units as 543. This assumes that all the R3 zone area should be a density of 15 units per acre. Because the methodology is silent on the R3 zone, staff looked at a more conservative approach for illustration. If the same formula is used as the R2 zone where only lots in multi family use are calculated at the 15 units per acre (apartments) and all other R3 lots are 10 per acre, the total maximum dwelling units would be 490 units. Using either method, the proposed development of 324 units is well below the total max development density range of between 490 and 543 units. This standard is met, and staff has made notes for future code clarifications/corrections.

D. Amount of Open Space. The required amount of open space or outdoor recreational area shall be at least twenty (20) percent of the gross area. Such open space should include school access routes, bicycle trails, natural or landscaped buffer areas, covered bus stops and the like whenever practical or appropriate.

APPLICANT RESPONSE: After accounting for existing rights-of-way, the subject site contains a total of 2,019,633 sq. ft., therefore 403,927 sq. ft. of open space is required. The applicant is proposing to dedicate 879,247 sq. ft. of public park land, more than double the minimum 20% open space requirement.

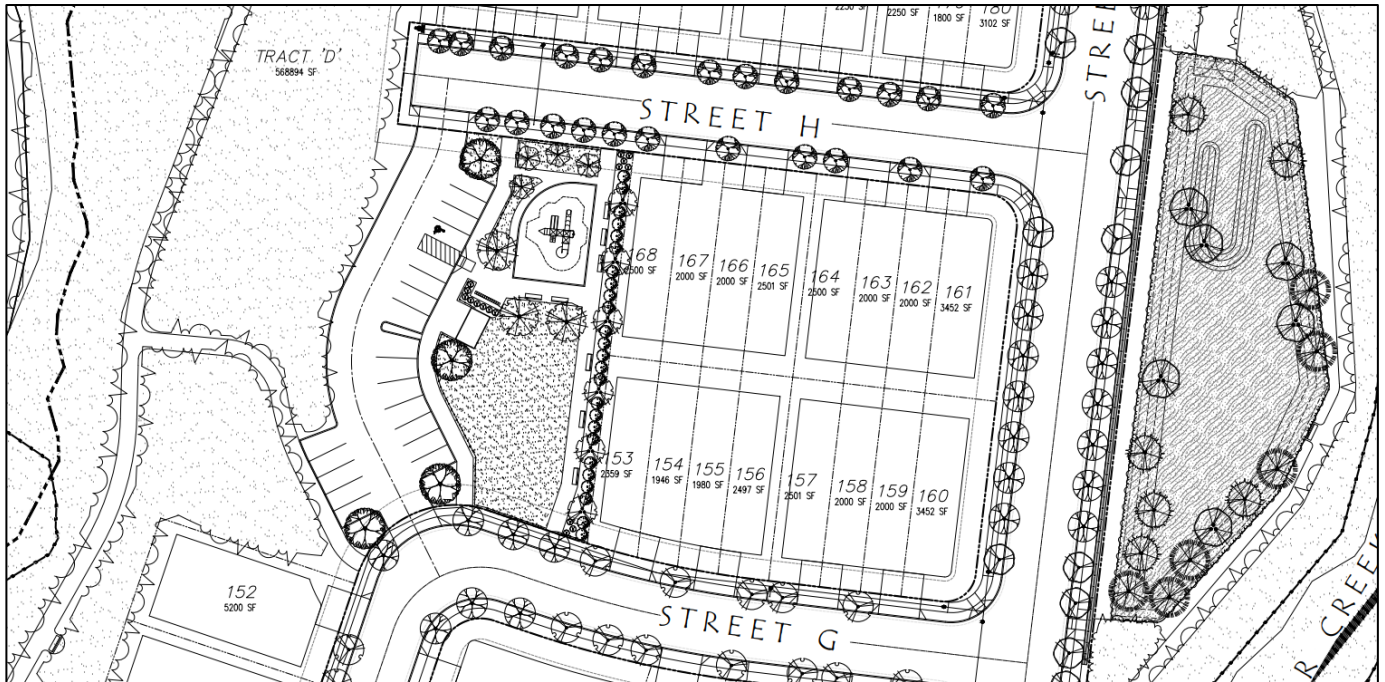
FINDINGS: The gross area of the subject property (excluding existing public rights-of-way adjacent to the project) is 54.42 acres, or 2,370,535.20 SF. Twenty percent of 2,370,535.20 SF is 474,107.04 SF. This figure is slightly higher than the applicant calculated above using the Net Site Area (NSA) rather than the gross area, but still well below the proposed total open space area of 879,247 SF (20.18 acres). The proposed amount of open space area exceeds the minimum 20% required. While not all portions of open space Tracts D and E will be usable by the neighborhood residents and public due to stormwater basins, steep slopes, wetlands, and dense riparian vegetation, the environmental benefits to water quality, flood mitigation, and habitat continuity are valuable to the City of Hubbard, and greater region. Staff notes that there are a total of four storm water basins with Tracts D and E, and those are included in the applicant's open space calculation, but Tract A, which is purely a stormwater basin on the south end of the PUD is not included in the open space. The applicant states that if the stormwater basin areas are subtracted from open space Tracts D and E, the adjusted sizes are 436,603 SF and 281,797 SF respectively. With that adjustment, the two open space tracts total 718,400, which is approximately 30%, still well above the minimum 20% standard.

Tract D contains the Mills Creek riparian corridor, wetlands, stormwater basins with access roads for maintenance, 8-foot wide gravel walking path with multiple connections, a park with play structure and play field, public restroom, vehicle parking, and benches. Below is a cropped image showing the proposed public park with public parking, play structure, restrooms, and play field.

Tract E contains the Little Bear Creek riparian corridor, wetlands, stormwater basins with access roads for maintenance, and an 8-foot wide gravel walking path.

The PUD open space criteria provides quantitative standards, but not qualitative standards. There is no code guidance for the type of recreational amenities provided in the PUD. Staff encourages the developer to provide additional recreational amenities to serve the neighborhood and community. Staff would like to see amenities for all age groups. In consideration of teenagers in particular the developer has indicated that they may be able to add a half basketball court at the public park. A covered picnic area at the park would also provide a visible location for youth to gather.

This open space PUD standard is also related to the requirement for developers of multi-family housing to provide a recreation area for the apartments. This will be discussed in greater detail later in this staff report. In summary, staff recommends the Planning Commission require the developer to increase the size and quality of recreational amenities for all ages.



E. Community Option. The Planning Commission may request the dedication of proposed open space land which is reasonably suited for use as a City park or for recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, location and applicable Comprehensive Plan policies, when such dedication is consistent with the ability of the City to maintain such parks.

APPLICANT RESPONSE: The applicant is proposing dedication of a 13.05 acre public park that includes the Mill Creek riparian corridor, and a 7.14 acre public park that includes the Little Bear Creek riparian corridor. As shown on the Master Plan, these public park spaces are well-suited for public recreation purposes and will be developed with multi-use paths, benches, and other amenities (see Exhibit 3).

FINDINGS: The applicant plans to dedicate Tracts D and E to the City of Hubbard, totaling 20.18 acres open space, plus storm water basin Tract A. Hubbard Public Works has commented that they do not have sufficient staff to maintain the park and trails in this PUD until additional houses are developed, and there is a more robust tax base to fund necessary staff.

City Engineer Matt Wadlington commented:

“Reviewing the Development Code and the Parks Master Plan, I don’t see any support to making the parks privately (HOA) maintained [permanently]. If it’s a public park, it should be maintained by the City. I would reiterate that the agreement should require the HOA to maintain the parks until there is a certain level of completion (i.e. 80% sold).

Regarding SDC eligibility, the SDC Methodology does not address a new park in this area, however it does address potential parks in the North UGB and East UGB. Those are SDC eligible for reimbursement at a rate of \$2.30 per sf of park space (\$100,000 per acre). Give the cost increases since 2012, I would recommend that park areas be eligible for reimbursement at a rate of \$3.50 per sf, with a maximum of 2.5 acres of “active” (i.e. not including parking or natural open area) park space.”

Staff's recommendation is for Tracts D and E to remain in HOA ownership until the full PUD is built out, at which point, the City will accept dedication of both of the open space tracts, Tracts D and E, containing the riparian corridor, wetlands, storm water basins, trails, benches, and public park. This is included as a recommended condition of approval.

While the City Engineer indicates support for SDC credit for the development of the public park, this credit could not be extended to the areas required to be built by the developer to satisfy multi-family housing recreational space minimum areas. Staff recommends the development of the public park may be reimbursed at a rate of \$3.50 per SF, with a maximum of 2.5 acres of "active" park space (not to include natural open space).

Additionally, the City Engineer recommends that the HOA hold and maintain the stormwater basins permanently, that those facilities are not dedicated/transferred to the City.

This standard can be met through the applicant's compliance with the corresponding conditions of approval.

F. Structure Setback Provisions. Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject zoning district. All detached structures shall maintain a minimum side yard setback of three (3) feet or meet the Uniform Building Code requirement for fire walls. A minimum front yard setback of twenty (20) feet shall be required for any garage structure whose opening faces onto a public street.

APPLICANT RESPONSE: Through the Planned Unit Development process, the applicant is requesting modifications to the setback standards. As required, perimeter yard setbacks will be consistent with R-1, R-2, and R-3 standards. The submitted Overall Concept Plan, Master Plan, and Development Code Alternate Design Table, demonstrate that a minimum 5-ft. setback and 20-ft. garage face setbacks are proposed (see Exhibits 4 and 10).

FINDINGS: The applicant is requesting a couple variances to the standard setbacks of the residential zones for properties interior to the site (not along the perimeter of the project). Those variances are not impacted by this criterion. These perimeter setback standards are included as a recommended condition of approval, with the revision that the 20-foot garage setback is not just for front, because many of the proposed townhomes are alley-loaded with the garage and driveway in the rear of the house, so that no direct access is taken from collector Street A. These criteria can be met through the applicant's compliance with the corresponding conditions.

G. Circulation:

1. Streets within a PUD shall comply with the applicable standards of Section 2.202.

2. Roads, pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway.

3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

FINDINGS: The Bear Creek PUD is designed with a main Collector "Street A" running north-south to connect Broadacres Road NE in the north, to 3rd Street and 4th Street in the south. Other streets proposed within the development are either local street classification or private street tracts (alleys). The developer is required to construct all new project streets, as well as improvements to the Broadacres Road frontage, and the construction

of 4th Street to connect through the PUD in a new alignment for a safer intersection angle at 3rd Street. The applicant is requesting a couple variances to some street standards, including the maximum cul-de-sac length and private streets (alleys) minimum width.

The application package includes a Transportation Impact Analysis (TIA). Streets are discussed in greater detail in response to HDC 2.202 Street Standards below.

The applicant has planned an interconnected pedestrian network of paved public sidewalks and gravel recreational trails. Staff has included a recommended condition of approval for clearly signed pedestrian crossing facilities, where warranted. These criteria can be met through the applicant's compliance with the corresponding conditions of approval.

Staff have also participated in recent discussions with the developer about off-site improvements to allow for safe pedestrian connections to town so that the PUD residents can access the city amenities, and so the public may access the recreational trails and park amenities provided in the PUD. Options for connections to town include Broadacres Road NE, 4th Street, and 3rd Street. The developer has indicated that their preference would be the shortest distance to fill the gap in sidewalk, which would be the Broadacres option. 4th Street is planned to be connected, but would not be until later phases. The developer indicated they would be willing to construct the 3rd Street sidewalk connection if System Development Charges (SDC) credits are available. In order for a transportation facility to be SDC creditable, it would need to be listed in the adopted Transportation System Plan (TSP) as such.

City Engineer Matt Wadlington researched this question about SDC credits, and commented:

"Sidewalk connection should be required at both 3rd Street and Broadacres/J Street connections.

Transportation SDCs: Both 3rd Street and J street are shown in the TSP to have sidewalk and both are identified as being partially SDC eligible projects. The 2012 SDC Methodology authorizes a reimbursement of 74% of the cost, which is calculated at \$63.49 per l.f. of sidewalk (6') and an additional \$15.00 per lf of curb and gutter. Using 2022 dollars (13,772.83 ENR Seattle Index) to adjust the 2012 estimated cost (9,059.77 ENR Seattle Index), the estimated costs are \$96.52 per lf of sidewalk and \$22.80 per lf of curb and gutter. Therefore, reimbursement for sidewalk construction can be allowed at a rate of \$71.42 per lf of sidewalk and \$16.87 per lf of curb and gutter. Street improvements are not identified in the SDC methodology for this area.

Available SDC Credit: 1300 lf sidewalk along 3rd Street = \$92,846 & 240 lf along J Street (~70 ft east of 7th street to east boundary of PUD) of sidewalk, curb & gutter = \$21,190"

Staff has included a recommended condition of approval that the developer is required to develop both the Broadacres/J Street and the 3rd Street pedestrian connections to town through the construction of sidewalks, curb, and gutter to fill the gaps between the existing conditions and the proposed development street facilities. These facilities would be SDC creditable up to 74% of the cost, as adjusted to 2022 dollars, consistent with the City Engineer's estimate above.

H. Off-Street Parking. Off-street parking requirements shall be as specified in Section 2.203. Parking may be provided on each lot or in clustered parking areas. 137 Additional off-street parking for guests and recreational vehicles may be required by the Planning Commission if warranted by reduced lot sizes, type of street and/or traffic volumes.

FINDINGS: HDC 2.203.05 Off-Street Automobile Parking Requirements requires one and two-family (duplex) dwellings to provide two off-street parking spaces. These are typically provided as one in the garage and one in the driveway. Multi-family dwellings (apartments) are also required to provide two spaces per dwelling unit. The application materials state that all types of dwelling units are proposed to provide two spaces. There are also parking spaces available on the streets fronting many of the dwelling units. All of the townhouse lots along Street A are alley-loaded with the garage and driveway in the rear, and street parking out front. Additionally, the applicant has provided an additional row of overflow parking in Tract F to serve the northern row of townhomes, Lots 181 – 195. This may also end up serving as overflow for the multi-family development. Out of concern for parking congestion in other parts of the city causing issues with emergency response and garbage collection, City staff recommend that the developer also provide additional overflow parking to serve the southern rows of townhouses, potentially in the location of proposed Lot 120.

Regarding parking for the proposed park in Tract D, HDC 2.203.05(T) *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.* There is no minimum parking ratio standard for a public park. The proposed 20 spaces, including one ADA space, may be sufficient.

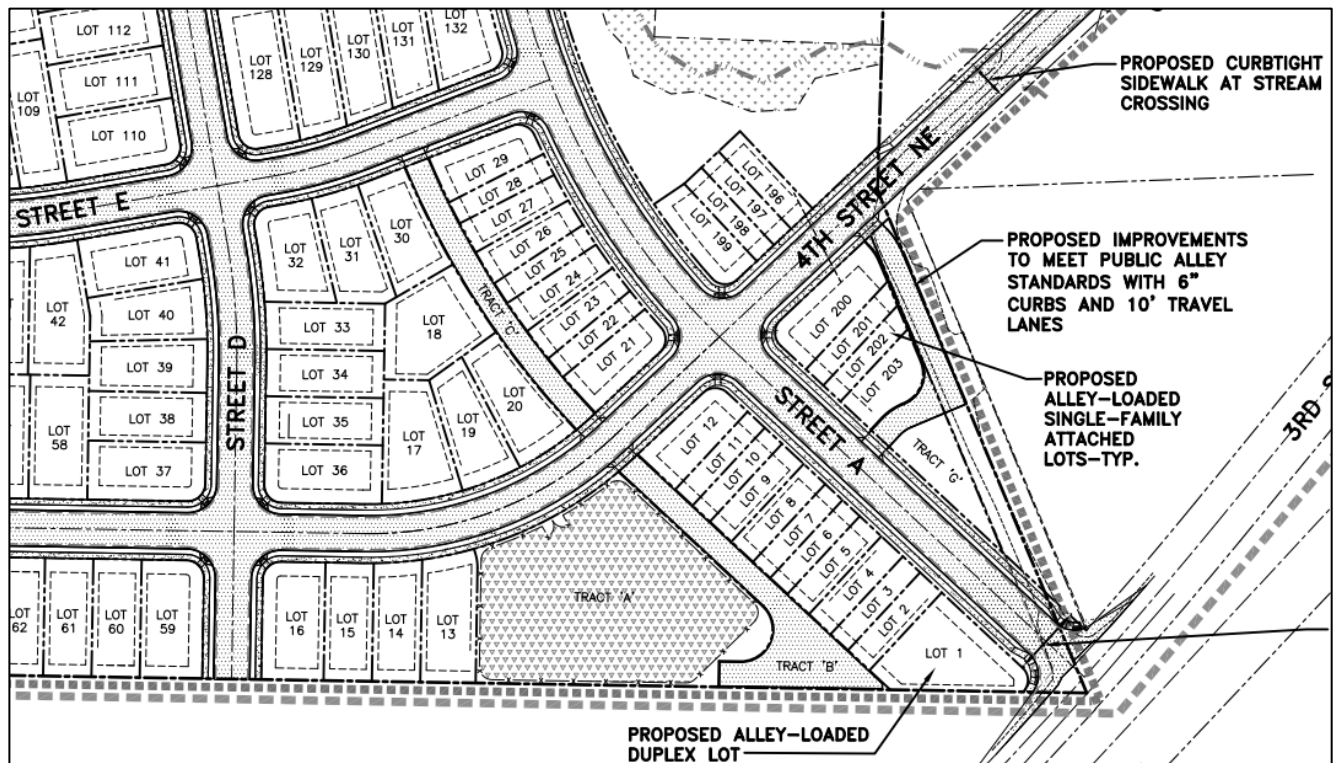
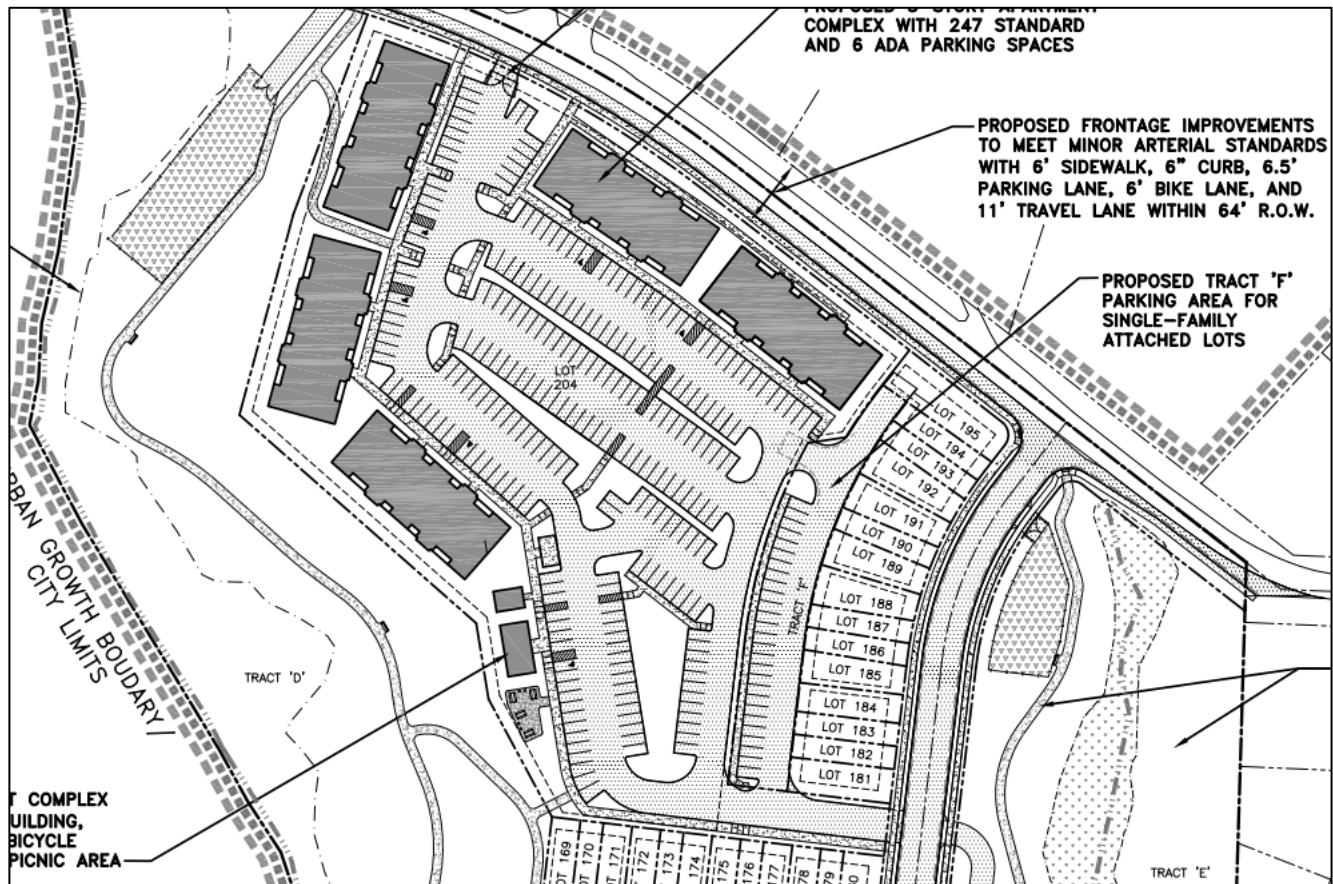
Pursuant to HDC 2.203.07, all driveways, parking, maneuvering, and loading areas shall have a durable hard surface. All are proposed to be paved, consistent with this standard. Parking spaces are required to be a minimum of 8 ½ feet wide by 20 feet long. Residential driveways are required to be a minimum of 12 feet wide. Two-way drives are required to be a minimum of 20 feet in width.

Pursuant to HDC 2.203.07(C) Screening, “when any public parking or loading area is within, or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least 4 feet in height but not more than 6 feet in height. Screening height maximums along alleyways may be required less than 6 feet due to vision clearance and other safety issues. Determination shall be made by the City during final plat or plan review.”

Pursuant to HDC 2.203.07(D) Lighting, “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.”

Pursuant to HDC 2.203.09 Parking of Bicycles, one bicycle parking space is required per multi-family unit. This totals 120 spaces. The applicant is proposing one covered central bicycle parking shelter with 24 spaces. Additionally, each of the five buildings will provide 20 bicycle parking spaces in the ground floor breezeway. This totals 124 spaces. Standard staple or inverted U-shaped racks are recommended to provide opportunities to lock the bicycle frame, not just a wheel, to reduce bicycle damage and ease of theft, “*The rack shall support the bicycle in stable position without damage.*”

SCREENSHOTS INCLUDED BELOW OF PUD FOR REFERENCE IN PARKING DISCUSSION



1. Utilities. In addition to other requirements set forth herein, the following shall apply:

1. All sewer and water provisions shall be approved by the City before construction of such improvements.

2. All utility services shall be placed underground.

3. Provisions shall be made for fire prevention, including service water lines, non-freeze hydrants and free emergency access for fire fighting equipment around buildings.

4. Provision shall be made for control of site storm water drainage, as required by Section 2.204.

APPLICANT RESPONSE: City maps indicate that public sanitary sewer and water services can be extended from the adjacent rights-of-way. The attached Sanitary Sewer Master Plan Report and civil plans indicate that the applicant is proposing to extend sanitary sewer service from 3rd Street and will upgrade an existing sanitary sewer pump station when necessary during Phase I of the project (see Exhibit 9). The submitted Water Master Plan proposes to loop a water main from the Broadacres Road and J Street intersection to 4th Street, in addition to providing domestic and fire service for the development (see Exhibit 4). The applicant's Composite Utility Plan and Preliminary Stormwater Report indicates that drainage from impervious services will be directed to proposed public detention and water quality facilities within Tracts 'A', 'D', and 'E' before stormwater is released into Mill Creek and Little Bear Creek at pre-development rates (see Exhibits 4 and 5)... As required, utility services will be installed underground, fire prevention has been addressed with the design, and permits will be obtained prior to the installation of the facilities.

FINDINGS: The City of Hubbard Public Works Director Mike Krebs and the City Engineer Matt Wadlington have reviewed the application materials for the PUD. As with all development, the developer of this PUD is obligated to construct and pay for the infrastructure required to serve the development. Consistent with the 2021 Water System Plan, the applicant will be installing a water main in Street A. The City is undertaking a water plant upgrade, currently in the engineering phase. The City is also undertaking an updated facility plan for the wastewater plant. The City Engineer is confident in the City's ability to serve the water for the PUD, as well as the treatment capacity for the PUD, however additional data is needed from the pump station and force main. The applicant is aware of this requirement and is working to calibrate the flow meter equipment in place to ensure accurate data is collected over the rainy season. This data will inform the required upgrades for the pump station and force main serving the proposed PUD.

Fire Department approval is required for each phase prior to platting. The Fire Department has participated in pre-application discussions with the applicants. Generally turning radius and access have been acceptable. Hydrants are required. Knox box gated access and/or bollards are required to trail access points and the emergency-only access driveway onto Broadacres.

HDC 2.204 Storm Drainage details the requirements for new development to submit Storm Drainage and Erosion Control Plan. The PUD application package includes a Preliminary Drainage Report performed by Emerio Engineering, Surveying, and Design. The report details water quality and quantity control methodology. Five detention ponds and a single detention pipe will provide detention for different portions of the site. The report states "The proposed Bear Creek PUD Subdivision meets water quality and detention standards outlined by City of Hubbard and SLOPES V standards."

The five storm detention basins are located in Tracts A, D, and F on the PUD plan. The applicant proposes to dedicate the storm basins to the City of Hubbard, however the City Engineer is recommending that the stormwater basins remain in HOA ownership and maintenance.

Pursuant to HDC 2.205 Utility Lines and Facilities, "Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions, and on the final plat of all major partitions."

All utility plans will be reviewed by Public Works, the City Engineer, and the Fire Department for approval of the civil plan set for each phase of development, prior to platting. All utilities are required to be constructed to the City's Public Works Construction Design Standards. The applicant can meet these criteria through compliance with the corresponding conditions of approval.

J. Homes Association. A non-profit incorporated homes association, or an alternative acceptable to the City Attorney, shall be required for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas and recreation areas. The following principles shall be observed in the formation of any homes association and shall be reviewed by the City Attorney.

- 1. A homes association shall be set up before approval of the final plat, or any portion thereof.***
- 2. Membership shall be mandatory for each home buyer and any successive buyer.***
- 3. The open space restrictions shall be in perpetuity.***
- 4. The homes association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.***
- 5. Home owners shall pay their pro rate share of the cost or, the assessment levied by the association shall become a lien on the property.***
- 6. The association shall be able to adjust the assessment to meet changes needed.***
- 7. No change in open space use or dissolution of homes association shall occur without a public hearing before the Planning Commission and approval by the City Council.***

APPLICANT RESPONSE: The applicant is proposing to dedicate Tracts 'A', 'D', 'E' to the City of Hubbard, who will provide maintenance of the public park improvements and stormwater facilities. As required, homeowner associations and maintenance agreements will be established for Tracts 'B', 'C', 'F' and 'G' for property owners which benefit from shared improvements within those tracts. The homeowner's association for Tract 'G' will also include a provision that permits the applicant to develop the vacant portion of the tract with a detached single-family or duplex structure when the adjacent property to the east (17707 Front Street NE) is annexed, and vacation of the non-utilized south segment of 4th Street is permitted.

FINDINGS: A Homeowners Association (HOA) is required for this residential development. Private street alley Tracts B, C, F, and G shall be held and maintained by the HOA in perpetuity. These constitute the private alleys and associated turn-arounds and overflow off-street parking. The developer plans to dedicate storm water / open space Tracts A, D, and E to the City, however due to limited staff capacity to maintain these facilities, a recommended condition of approval requires the HOA to hold and maintain Tracts D and E until full build out is completed. Additionally, the City Engineer recommends the stormwater basins are permanently owned and maintained by the HOA.

Note: The applicant references a potential future vacation of a portion of the current 4th Street right-of-way, and the conversion of a portion of Tract G into a developable parcel. Once the neighboring property is annexed, the abutting property owners may petition the City to process a formal street vacation for the 4th Street right-of-way,

pursuant to the procedures detailed in the Oregon Revised Statutes (ORS). Once the street vacation has been completed and recorded, the applicant may be able to process a replat in the form of a Partition Plat for Tract G plus the vacated half street width. Those requests are neither reviewed nor approved with this PUD application. Marion County Surveyor's Office will advise on those procedures at that time.

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.

FINDINGS: The subject property is split zoned R1, R2, R3. While the applicant is requesting variances to the minimum lot sizes of all three residential zones, it does not appear that any development is proposed to occur on the R1 portion; it is predominantly creek corridor, open space, stormwater facility, and street. The applicant submitted a complete table of requested modifications (variances) to the conventional subdivision standards. The table below is simply displayed in a different format for ease of comparison. The applicant is requesting just one set of modified minimum lots sizes for the entire PUD, as follows:

MINIMUM LOT SIZE	R1 Zone Code	R2 Zone Code	R3 Zone Code	PUD Proposed All Zones
Single fam detached	7,000 SF	5,000 SF	5,000 SF	4,000 SF
Single fam attached townhouse	3,500 SF	3,500 SF	3,500 SF	1,775 SF
Single fam attached townhouse corner	5,000 SF	5,000 SF	5,000 SF	2,700 SF
Duplex not on a corner	7,000 SF	7,000 SF	7,000 SF	
Duplex on a corner	8,500 SF	8,500 SF	8,500 SF	6,000 SF
Multi-family (3 or more units), per unit	-	-	3,630 SF	1,900 SF
SETBACKS				
Front Yard	15 ft	15 ft	15 ft	12 ft townhouses
Garage	20 ft	20 ft	20 ft	
Side Interior – 1 story	5 ft	5 ft	5 ft	
Side Interior – 1 ½ and 2 story	7 ft	7 ft	7 ft	5 ft
Side Interior – 2 ½ and 3 story	9 ft	9 ft	9 ft	
Side garage	20 ft	20 ft	20 ft	
Townhouse sides, shared & outside	0 ft & 8 ft	0 ft & 8 ft	0 ft & 8 ft	0 ft & 5 ft
Side Street (includes townhouses)	15 ft	15 ft	15 ft	12 ft
Rear Yard	20 ft	15 ft	10–1 story	10 ft
			15–1+story	
LOT COVERAGE				
Structure, maximum	45%	45%	50%	75% townhouses
Parking area, maximum	30%	30%	30%	20% townhouses
Combined structure & parking, max	70%	70%	70%	95% townhouses
OTHER				
Lot depth-to-width ratio	2 ½	2 ½	2 ½	3 ½
Townhouse lot, private outdoor space	300 SF	300 SF	300 SF	200 SF
Townhouse lot width, minimum	20 ft	20 ft	20 ft	

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:

1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.

2. Parcels created for public utility uses shall be exempt from width to depth ratio provisions.

FINDINGS: Some of the proposed detached single-family lots do not meet the lot depth to width ratio as drafted. As shown in the table above, the applicant is requesting a variance to the depth-to-width ratio, to move it from 2 ½ depth-to-width to 3 ½ depth-to-width. Additionally, the applicant is proposing to reduce the private outdoor space per townhouse lot from 300 SF to 200 SF.

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:

1. Residential lots or parcels, excluding townhouse developments and Planned Unit Developments, may be accessed via a private street developed in accordance with the provisions of Section 2.202 when the Planning Commission finds that public street access is:

- a. unfeasible due to parcel shape, terrain, or location of existing structures; and***
- b. unnecessary to provide for the future development of adjoining property.***

2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards:

a. Internal local streets or drives may be private and shall be subject to the provisions of Section 2.202.

b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.202.

c. Local streets which are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202.

3. Commercial or industrial uses located in a campus or park-like development may be accessed via private streets when developed in accordance with Section 2.202.07.

4. Abutting flag lots with a shared access drive, where each flag lot has a minimum of 12 ½ feet of frontage on a public street.

APPLICANT RESPONSE: Through the Planned Unit Development process, the applicant is requesting several modifications to the flag lot standards. Per the attached Development Code Design Alternatives Table, the applicant is requesting a reduction in the minimum width of a flagpole serving a single lot to 20-feet. The

applicant is also requesting a minimum width of 12.50-ft. when multiple flag lots share access (see Exhibit 10). The submitted Preliminary Plat indicates that Flag Lots 84-85 and Flag Lots 88-90 share access. Single flag lot access is also proposed for Lot 126 (see Exhibit 4).

FINDINGS: All lots in the proposed PUD have street frontage on one or more public streets, with the exception of Lot 18 which takes access off of Tract C private street (alley). Private street access is permitted in a PUD, pursuant to subsection (2)(a). All single-family attached (townhouse) parcels in the proposed Bear Creek PUD appear to have a minimum of 20 feet of frontage, consistent with the HDC. Most single-family detached parcels within the proposed Bear Creek PUD appear to have a minimum of 25 feet of frontage. There are a couple of detached single-family lots which are just short of the 25 feet, but lot lines can be adjusted to bring them into compliance. Staff has included a recommended condition of approval addressing this minimum frontage width prior to platting. Flag lots are addressed separately below.

D. Access for duplexes or townhouses on corner lots: Individual driveways for duplexes or townhouses on corner lots shall be installed at a rate of one driveway per unit per street frontage unless the Planning Commission allows a combined access on one street frontage based upon a conflict created by the topography of the lot, the location of a public utility, significant vegetation, or different street classification.

FINDINGS: This standard appears to be met as proposed. All access driveways will be reviewed on the civil plan sets prior to construction and platting.

E. Flag Lots. Where authorized by the Planning Commission pursuant to the access requirements of Section 2.202.07, flag lots shall be subject to the following development standards:

- 1. The property line running parallel to the access road shall be considered the front yard line and shall be used to calculate front yard setback requirements.***
- 2. The access strip shall be a minimum of 25 feet in width. The improved surface shall be a minimum of 12 feet in width.***
- 3. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.***
- 4. If the length of the access strip exceeds 200 feet, the access strip shall be developed as a private street and shall conform to the standards of Section 2.202.07.***
- 5. Where two flag lots abut, access shall be via a shared drive wherever possible. Shared drives shall be developed as private streets and shall conform to the standards of Section 2.202.07.***

APPLICANT RESPONSE: Through the Planned Unit Development process, the applicant is requesting several modifications to the flag lot standards. Per the attached Development Code Design Alternatives Table, the applicant is requesting a reduction in the minimum width of a flagpole serving a single lot to 20-feet. The applicant is also requesting a minimum width of 12.50-ft. when multiple flag lots share access (see Exhibit 10). The submitted Preliminary Plat indicates that Flag Lots 84-85 and Flag Lots 88-90 share access. Single flag lot access is also proposed for Lot 126 (see Exhibit 4).

FINDINGS: The applicant requests Planning Commission approval to reduce the standard flag pole width from 25 feet to 20 feet. Additionally, the applicant requests the ability to further reduce the flag pole width to 12.5 feet when multiple flag lots share access. The Bear Creek PUD plan includes several flag lots. They are labeled as Lot 126 (20 ft frontage), Lot 84 (12.66 ft frontage), Lot 85 (12.66 ft frontage), Lot 88 (12.66 ft frontage), Lot 89 (12.66 ft frontage), and Lot 90 (13.77 ft frontage). Lots 84-85 are two abutting flag lots. Lots 88-90 are three abutting flag lots. Staff has included corresponding conditions of approval for the abutting flag lots, for the future shared driveways.

F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the Planning Commission during the review of the land division request.

FINDINGS: The HDC defines through lots as “An interior lot having frontage on two streets.” There are many through lots included in the proposed Bear Creek PUD due to the private streets in the Tracts (alleys). The reason for the alley-loaded townhouses is consistent with the description in subsection (F) above, to separate residential access from the traffic of collector Street A. The through lots are justified in this layout.

G. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

FINDINGS: In consideration of some curving streets, the lot side lines are generally shown at right angles to the access street. This standard is generally met.

H. Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- 1. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.***
- 2. Fill slopes shall not exceed two feet horizontally to one foot vertically.***
- 3. The character of soil for fill shall be suitable for the purpose intended.***
- 4. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the City Building Inspector.***
- 5. Utilities shall conform to current standards set forth in Section 2.205 of the Code.***

FINDINGS: Lot grading shall be reviewed prior to development. A recommended condition of approval is included.

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).

FINDINGS: Utility easements shall be reviewed prior to platting. A recommended condition of approval is included.

2.208.04 Standards for Blocks

A. General. The length, width and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control and safety of street traffic including pedestrians and bicyclists; and recognition of limitations and opportunities of topography.

B. Sizes. Blocks in residential and commercial districts shall not exceed 600 feet in length between street lines, except blocks adjacent to major arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. Blocks that exceed 600 feet in length shall be required to provide additional pedestrian and bikeway accesses.

FINDINGS: No proposed blocks exceed the 600-foot maximum length. This standard is met.

2.208.05 Improvement Requirements

A. Partitions. N/A

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. N/A

C. Subdivisions. The following improvements shall be required for all subdivisions in the City of Hubbard:

1. Frontage Improvements: Full street improvements to full City standards shall be required for all public streets on which a proposed subdivision fronts. Such improvements shall be blended to match with existing improved surfaces across the center line and for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, bikeways, curbing, parkway strips, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

2. Project Streets: All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.202.

3. Monuments: Upon completion of street improvements, monuments shall be re-established and monument pins shall be placed at every street intersection and all points of curvature and points of tangency of street center lines. Elevation bench marks shall be established at each street intersection monument with elevations to US Geological Survey datum.

4. Surface Drainage and Storm Sewer System: Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

5. Sanitary Sewers: Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction.²³ The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction.

6. Water System: Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the City will not expect the subdivider to pay for the extra cost of mains exceeding eight (8) inches in size.

7. Sidewalks: Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision.

8. Other: a. Curb cuts and driveway installations are required of the subdivider, and shall be according to the City standards. b. Street tree planting is required of the subdivider, and shall be according to City requirements and of a species compatible with the width of the planting strip.

9. Street Lights: The installation of street lights is required at locations determined to be appropriate by the City, and of a type required by City standards.

10. Street Signs: The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City, and shall be of a type required by City standards. All improvements required under this Section shall be completed to City standards, or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision

FINDINGS: All of the above public improvements are required to be installed by the developer. Preliminary plan sets show streets, sidewalks, curbs, gutters, street trees, water, sewer, and storm. Streetlights, hydrants, street signs, and monuments are required. This section of code is redundant. These components are discussed elsewhere in this staff report.

2.208.06 Improvement Procedures

In addition to other 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 this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedures...

FINDINGS: A reference to HDC 2.208.06 Improvement Procedures is included as a standard condition of approval.

2.209 YARD AND LOT STANDARDS

2.209.03 Zero Side Yard Setback *Zero side yard dwelling units shall meet the following use and development standards:*

A. Number of Attached Units. *No more than two dwelling units, each on a lot held in separate ownership, may be attached in the R-1 zone; and no more than six dwelling units on two or more lots held in separate ownership may be attached in the R-2 zone.*

FINDINGS: Attached single-family units are shown as either groupings of three or four in the R2 and R3 zones. This standard is met as proposed.

B. Yards Adjacent to a Street. *The requirements of this Ordinance for yards adjacent to a street are not relieved by this Section.*

C. Maintenance Easement. *As a condition of issuance of a permit for any building having an exterior wall contiguous to a property, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress and use of such adjacent property for the purpose of maintaining, repairing and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the City Attorney and shall be recorded with the County Clerk prior to issuance of the permit.*

FINDINGS: The language of HDC 2.209.03(C) Maintenance Easement is included as a condition of approval. This standard can be met through the applicant's compliance with the corresponding condition of approval.

2.209.07 Vision Clearance

Vision Clearance shall be maintained in clear vision areas on the corners of lots located at the intersection of public streets and at the intersections of a public street with a private street, alley, or driveway. No structure, object, or planting shall be permitted within a clear vision area that would impede visibility between a height of 36 inches and 9 feet above the curb grade or the intersecting streets. Clear vision areas shall extend a set distance as follows:

A. Vision clearance for corner lots shall be a minimum of 20 feet.²⁴

B. Vision clearance for street-alley intersections shall be a minimum of ten (10) feet.

C. Vision clearance for driveway approaches shall be a minimum of ten (10) feet. Vision clearance, as defined in this ordinance, shall be provided in accordance with the following diagram:

FINDINGS: HDC 2.209.07 Vision Clearance is included as a recommended condition of approval. Vision Clearance shall be reviewed upon structural permit application. This standard can be met through the applicant's compliance with the corresponding condition of approval upon development.

2.202 STREET STANDARDS

2.202.03 General Provisions

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Hubbard. These provisions are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance of the specific requirements of the most current Public Works Standards and the Transportation System Plan Design and Construction of the City of Hubbard. The standards sections contained in the Public Works Design and Construction Standards in the City of Hubbard and the Transportation System Plan are minimum requirements only and shall not be construed as prohibiting the City Engineer from requiring thicker sections or engineer designed pavement sections in lieu of standards sections where conditions warrant.

APPLICANT RESPONSE: In conformance with the Transportation System Plan, the submitted Master Plan indicates that the PUD includes the development of a new Collection Street (Street 'A'), connecting Broadacres Road to 3rd Street (see Exhibit 4). Proposed improvements also include the extension of 4th Street and the development of other new Local Streets to serve the development. In addition, improvements are proposed along the Broadacres Road and 3rd Street frontages. The attached Civil Street Sections, Grading Plans, and Street Profiles indicate that the proposed street improvements have been designed in accordance with City Public Works Design and Construction Standards.

Per the attached Civil Site Plan, small impacts to delineated wetlands will occur when Phase IV improvements within the existing 4th Street right-of-way are constructed. Where off-site improvements to 4th Street NE are installed, the applicant proposes a curb-tight sidewalk at the Little Bear Creek stream crossing to minimize wetland impacts. To prevent wetland impacts when frontage improvements are installed along Broadacres Road at the Little Bear Creek crossing, the applicant is proposing to eliminate an on-street parking lane (see Exhibit 4). As required, state and federal wetland permits will be obtained prior to the construction of the Phase IV improvements.

FINDINGS: As previously discussed, the Bear Creek PUD involves the construction of a new Collector "Street A" as well as several new local streets which are designed to tie into the existing street network, built to local standards. The PUD also includes several private streets (alley tracts) for rear-loaded alley access for rows of townhouses, in order to keep access driveways away from the Collector street. In addition to the new project streets, the developer is also responsible for constructing frontage improvements along Broadacres Road NE, connection to 4th Street, and a tie into 3rd Street. In addition to those street improvements, off-site pedestrian sidewalk connections are being recommended, partially eligible for SDC reimbursement. Those are discussed in greater detail elsewhere. There are no additional off-site transportation projects recommended within City Limits. There is a discussion about off-site transportation projects within ODOT and Marion County jurisdiction below.

City staff and consultants have determined that regardless of which phasing plan is used, Street A is required to be constructed prior to Phase 1 platting. The reason for this is for emergency ingress/egress, emergency apparatus access during construction, protection of new underground utilities, and prevention of gravel spreading onto other new streets. The developer is concerned about potential impact to new Street A by construction vehicles in subsequent phases. The compromise developed and agreed by staff and the developer is the construction of the full Street A length base lift, curbs, gutter, and hydrants prior to Phase 1. Subsequent phases would fill in the sidewalks and top lift on Street A. This is included as a recommended condition of approval.

The PUD application package includes a Transportation Impact Analysis (TIA) prepared by consultant Lancaster Mobley. The Executive Summary is included below:

Bear Creek Subdivision Transportation Impact Analysis (June 2022) Executive Summary

1. The proposed Bear Creek Subdivision project, encompassing approximately 68 acres, is located in the City of Hubbard south of Broadacres Road and west of Front/3rd Street on Tax Lot 041W33 00100.
2. The project will develop the subject property with 131 detached single-family units, 71 attached single-family units, 2 multifamily duplex units, and 120 multifamily apartment units for a total of 324 housing units in Hubbard, Oregon. The subdivision will be constructed in five phases with construction of all development expected to be completed by the end of year 2027.
3. The development will have three access points that connect into the existing transportation system. A proposed north-south collector street will extend between Broadacres Road/J Street and Front Street/3rd Street to provide two access points, one on each roadway. An extension of 4th Street westward into the site will provide the third access point. The apartments will also have an access on Broadacres Road, but this access will be gated and available for emergency vehicle access only. With Phases 1 through 3, all access will be taken from Front Street/3rd Street. The site access to SW Broadacres Road and the extension of 4th Street into the site will be completed with Phase 4.
4. Trip generation calculations for the Bear Creek Subdivision are estimated at 187 morning peak hour, 240 evening peak hour, and 2,634 weekday trips when all phases are completed.
5. Based on a review of the most recent five years of available crash data, no significant trends or crash patterns were identified at any of the study intersections except for the intersection of OR 99E at G Street. A future signal at this location could be considered when traffic volumes eventually meet warrants. Actions by the City and ODOT to reduce the parking and access conflicts around the intersection would also help to reduce the crash rate at this location. At all other locations, no safety mitigation is recommended.
6. The preliminary traffic signal analysis determined that signal warrants are not projected to be met at any of the applicable study intersections under year 2027 buildout conditions. These findings include OR 99E at G Street and A Street.
7. A left-turn lane is not warranted at any of the site access intersections under year 2025 or 2027 buildout conditions.
8. A right-turn lane is not warranted at any of the site access intersections under year 2025 or 2027 buildout conditions.
9. Based on the sight distance analysis, all site accesses are expected to have adequate sight lines. No mitigation pertaining to sight distance is necessary or recommended.
10. All intersections will meet the applicable agency standard under buildout conditions except for the clustered intersections of OR 99E SB/OR 551 SB at Grim Road and OR 99E NB at Scholl Road. During the morning peak hour, OR 99E NB at Scholl Road currently exceeds the target v/c ratio of 0.70. Conditions will continue to worsen as traffic demand increases with or without the proposed development. During the evening peak hour, both intersections will exceed the target v/c ratio of 0.70 under buildout conditions.
11. In general, changes in 95th percentile queuing between the year 2027 background and buildout conditions are anticipated to be small, one vehicle and occasionally two vehicles. Larger

increases in queues are anticipated at the OR 99E/OR 551 intersection with Grim Road/Scholl Road; however, these queues can be accommodated on the existing roadway segments.

12. Only one intersection, OR 99E at D Street, is expected to have projected 95th percentile queues which extend beyond available lane storage. However, given the intersection meets the ODOT v/c ratio target, the queues occur on the minor roadway, and the queues do not create a significant safety concern, no mitigation is recommended.

13. The OR 99E Woodburn to Aurora Corridor Segment Plan identified a long-term improvement for the clustered intersections OR 99E/OR 551 at Grim Road/Scholl Road, which included the reconstruction of the intersections as a single, signal-controlled intersection. No cost for this improvement was provided and the project is currently unfunded.

14. A potential interim improvement option at the OR 99E/OR 551 intersection with Grim Road/Scholl Road would be to restripe the northbound approach of OR 99E with two lanes rather than a single lane. The existing paved surface of the northbound approach appears wide enough to accommodate two travel lanes and two receiving lanes are available north of the intersection. The change in lane striping would significantly improve the operations and reduce queuing for the northbound movement on OR 99E. It would also allow for shorter cycle lengths which would reduce the delay and queues for the southbound movements on OR 99E and OR 551. If ODOT were to move forward with this improvement, any funding contributions collected from development should be based on a proportionate share allocation of costs. The proposed project is anticipated to account for 5 to 6 percent of the combined intersection volume.

FINDINGS: (Continued). The submitted TIA confirmed that the anticipated vehicle trips can be accommodated by the existing street system within city limits, and that no left-turn or traffic light warrants were met based upon the proposed 324 new residential units. Additionally, sight-lines were deemed sufficient. Both Marion County Engineering/Public Works and ODOT reviewed and commented on the TIA. Their comments are attached to this staff report. ODOT commented on a couple potential revisions to the TIA, but stated they may not be necessary if the outcome would not substantially change the recommendation. Related to numbers 13 and 14 in the Executive Summary above, potential intersection improvements were identified to OR 99E at Grim Road/Scholl Road. ODOT says they support the referenced intersection improvements, but it would essentially be all or nothing; ODOT does not have the methodology adopted to collect proportional shares of a project. The PUD is anticipated to account for 5 to 6 % of the combined trips. Staff does not find the authority for the City to require an off-site and out-of-jurisdiction project, nor does the expense of the intersection improvement pass the “rough proportionality” test with less than 6% of the trips. Consequently, the City cannot require the developer to perform the referenced intersection improvement project.

Marion County, on the other hand, does have an adopted TSP containing regional improvement projects with adopted methodology to collect proportional shares with a dollar price per new trip generated by large projects, such as this PUD. In their comments, Marion County identified two off-site intersections that they require the applicant to pay proportional shares toward. Janelle Shanahan, PE with Marion County Public Works identified the intersections as 1) The widening of Boones Ferry Road (to 32 feet) between Broadacres and Woodburn UGB near Crosby Road; and 2) the widening of the Woodburn-Hubbard Highway (to 28 feet) between Woodburn and Hubbard. Proportional share costs are calculated based on the percentage of average daily trips (ADT) the new project is adding at an identified location/project for an identified horizon year, and the cost of the improvement. The cost is typically collected when the permit is issued.

Marion County is the permitting authority for Broadacre Road NE. A four-foot right-of-way dedication is shown along the Broadacres frontage. The PUD plan identifies the frontage improvements as 6-foot sidewalk, 6-inch

curb, 6.5-foot parking lane, 6-foot bike lane, and 11-foot travel lane within a 64-foot right-of-way. County permits are required to perform work in the right of way. Additional comments from Marion County Public Works are included in the exhibits.

A. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

APPLICANT RESPONSE: The submitted Civil Street Sections, Grading Plans, and Street Profiles demonstrate that topographical conditions, public convenience, and safety have been considered with the design of the street. The submitted Overall Concept Plan, Master Plan, and Traffic Impact Analysis also indicate how the proposed uses will be adequately served by the proposed street system (see Exhibits 4 and 7).

B. Development proposals shall provide for the continuation of all streets, bikeways and pedestrian facilities within the development and to existing and planned streets, bikeways, and pedestrian facilities outside the development.

APPLICANT RESPONSE: As shown on the Master Plan, street continuity is provided with the extension of 4th Street through the site. The proposed western public park also includes the development of a multi-use trail along Mill Creek, consistent with the facility identified in the City Park Master Plan.

C. Alignment. All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, be avoided. However, when not practical, the "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

D. Future Extension of Streets and Location of New Streets. Where necessary to give access to, or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turn-a-rounds, upon approval by emergency service agencies. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Street locations shall conform to the Hubbard Transportation System Plan and an approved street plan or subdivision plat. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:

1) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the streets standards of this Chapter, or

2) Conform to a street plan adopted by the City if it is impractical to connect with existing street patterns because of particular topographic or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

APPLICANT RESPONSE: Where topography permits the future extension of transportation facilities, street rights-of-way and trails have been stubbed to the boundaries of the site. The proposed street and trail layout, including the development of a new Collector Street through the site, conforms to the City's Transportation System Plan and Parks Master Plan.

E. Radius at Street Intersections. The property line radius at street intersections that have a designated right-of-way width of 30 feet or more shall be governed by the interior angle at the intersection and will be based on the square root of the interior angle formed at the intersection of the property lines which equals the radius in feet. The distance shall be increased to the next full foot above the figure established by said formula. The minimum angle of the intersection shall be 40 degrees.

APPLICANT RESPONSE: As required, the attached Preliminary Plan and Civil Street Profiles demonstrate that the above standards are met (see Exhibit 4).

F. Existing Streets. Whenever existing public streets adjacent to, or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning or development.

1. Full street improvements to all existing streets adjacent to, within or necessary to serve the property shall be required at the time of land division or development unless the applicant demonstrates to the satisfaction of the City Engineer that the condition and sections of the existing streets meet the City standards and are in satisfactory condition to handle projected traffic loads. Storm water drainage shall be provided for on the non-curbed side of the full street improvements as required by the City Engineer. In cases where the property with a land division or development fronts both sides of an existing street, full street improvements shall be required. The party paying the costs for improvements may require buyers along the improved area to reimburse improvement costs for up to ten (10) years. Each lot should pay a proportional amount of the total improvement costs if reimbursement is pursued. Reserve strips and street plugs shall be dedicated, deeded, and installed to preserve the objectives of the full street prior to street construction.

2. The City may allow the applicant to record an approved "Waiver of Rights to Remonstrate for Street and Public Utility Improvements" in lieu of street improvements where the following criteria are met. Alternatives include:

a. The contiguous length of the existing street to be improved (including the portion of the existing street which must be improved to serve the development) is less than 250 feet, and

b. The existing roadway conditions and sections are adequate to handle existing and projected traffic loads, and

c. Existing public utilities (water, sanitary sewer, and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.

3. In lieu of the street improvement requirements outlined in Section 2.204.03 (F) (I) above, the Planning Commission, under a Type II procedure, may elect to accept from the applicant moneys to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of moneys deposited with the City shall not be greater than 100 percent of the estimated cost of the full street improvements (including associated storm drainage improvements). Cost estimates shall be based from a preliminary design of the reconstructed street provided the applicant's engineer and shall be approved by the City Engineer. If the City Council elects to accept these moneys in lieu of the street improvements, the applicant shall also

record against all lots or parcels a "Construction Deferral Agreement and Waiver of Rights to Remonstrate for Street and Storm Drainage Improvements" approved by the City Attorney. The construction deferral agreement should be worded such that the subject properties will be responsible for paying a minimum of 50 percent of the costs of the future street and storm drainage improvements to the subject street minus the value (at the time the street is constructed) of the money deposited with the City by the applicant plus an accumulated interest, e.g. (50 percent minus (deposit plus interest)). A separate "Waiver of Rights to Remonstrate" may be required for future improvements or other public utilities.

4. All required public utilities shall be installed as part of the street construction process.

APPLICANT RESPONSE: To meet Minor Arterial Street standards, the applicant proposes frontage improvements along Broadacres Rd NE which include a 6-ft. sidewalk, 6-in. curb, 6.5-ft. parking lane, 6-ft. bicycle lane, and 11-ft. travel lane along the south side of the street. The applicant is also proposing to improve the site's limited frontage on the north side of 3rd Street to meet City standards. As required, public utilities will also be installed with the frontage improvement projects

G. Cul-de-sacs. The use of cul-de-sacs and other dead-end streets shall be discouraged and shall only be approved upon showing by the applicant of unusual or unique circumstances justifying the use of such a street. In cases where cul-desacs are determined to be justified they shall only be permitted subject to the following conditions:

1. There shall be no cul-de-sacs more than 400 feet in length.

APPLICANT RESPONSE: As demonstrated by the attached Civil Grading Plan, due to topographical constraints, the applicant is proposing a cul-de-sac at the west terminus of Street 'B' that exceeds 400-ft. in length (see Exhibit 4). The plan illustrates that the location of Mill Creek, associated 100-year floodplain, and steep slopes prevent the extension of a street to the west boundary of the site. Therefore, the applicant is requesting an increase to the standard to permit a 550-ft. cul-de-sac length in the attached Development Code Design Alternatives Table (see Exhibit 10).

FINDINGS: As the applicant response indicates above, the applicant is requesting Planning Commission approval of a variance to the maximum cul-de-sac length from 400 to 550 feet, due to the arrangement of the subject property. Public Works, City Engineer, and the Fire Department have reviewed and have no concerns as the terminus turn-around is proposed to code.

2. All cul-de-sacs shall terminate with circular turn-arounds, except where the Planning Commission finds that a "pear" or "hammerhead" turnaround is more appropriate given the topography, natural, or built features, and expected use. Such variations shall be approved by the City Engineer and emergency services providers.

APPLICANT RESPONSE: The attached Master Plan and Preliminary Plat illustrate that the proposed Street 'B' cul-de-sac terminates with a circular turnaround that meets City standards (see Exhibit 4). The plan also indicates that Street 'H' terminates at the western public park, however connectivity to Street 'G' is provided through the proposed public parking lot at the end of the roadway. This modification to the above standard is included in the attached Development Code Design Alternatives Table (see Exhibit 10).

FINDINGS: Staff concurs with the applicant response; Public Works, City Engineer, and the Fire Department have reviewed and approved the Street B cul-de-sac turn around and the Street H turnaround/egress through the proposed parking lot in Tract D. The applicant confirmed the radius meets the City standard.

3. An accessway shall be provided consistent with the standards as determined by the Planning Commission to be necessary to insure safe, efficient, and convenient multi-modal access.

For the purpose of this section, "unusual or unique circumstances" exist when slopes are 8 percent or more, wetlands or a body of water are present, existing development on adjacent property prevents a street connection.

For the purpose of this section "accessway" means a walkway that provides pedestrian and/or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and the adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices including landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

APPLICANT RESPONSE: As illustrated on the Master Plan and Civil Grading Plan, the proposed parks include a number of 8-ft. wide compacted gravel trail connections to the adjacent sidewalk system. These trail connections provides convenient access points for pedestrians and bicycle use of the trail system (see Exhibit 3). The proposed multi-use trails are fully separated from vehicle travel lanes.

FINDINGS: The PUD plan shows standard public sidewalks on the Collector and Local streets within the neighborhood. Sidewalks are also shown internal to the multi-family development site. Staff previously addressed the requirement for the applicant to provide off-site pedestrian sidewalk connections to town. Recreational gravel paths are planned with multiple connections to the project streets. Staff has included a recommended condition of approval for marked pedestrian crossings where appropriate within the PUD.

H. Street Names. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission, City staff, and emergency service agencies.

APPLICANT RESPONSE: As required, street names and numbers will meet City of Hubbard naming standards

I. Grades and Curves. Grades shall not exceed 8 percent on public or private streets. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.

APPLICANT RESPONSE: The attached Civil Grading Plan and Street Profiles indicate that the proposed street grades and curves meet the above standards (see Exhibit 4).

J. Marginal Access Streets. If a development abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation

along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Consideration shall be given for pedestrian routes.

APPLICANT RESPONSE: To limit access from Broadacres Road, an Arterial Street, the Master Plan indicates that the apartment complex will be provided access from Street 'A', a Collector Street (see Exhibit 4). All of the proposed single-family lots will have access from the proposed Local Streets. The submitted plans demonstrate that the proposed development is adequately buffered from traffic on Broadacres Road.

K. Clear Vision Areas. Clear vision areas shall be maintained in accordance with Section 2.209.07 of the Code.

FINDINGS: This is included as a standard condition of approval, to be reviewed at permitting stage.

L. Driveways and points of access. Approaches shall be constructed according to City standards for residential and commercial users and shall meet the minimum separations of five (5) feet between residential driveways, 22 feet between commercial, industrial, and institutional driveways, and 20 feet from an intersection for local streets. Spacing standards for private driveways onto major and minor arterial, and collector streets shall conform to the standards established in the Hubbard Transportation System Plan. The separation shall be measured between the nearest outside edges of each access lanes and the edge of the radius on the street.

Adjoining properties are encouraged to combine accesses. For public safety purposes and wherever possible, driveways shall align with the access points to properties across the street and other street intersections. Where impractical due to lot configuration, driveways shall be as approved by the City's Public Works Superintendent.

APPLICANT RESPONSE: The attached Overall Concept Plan and Civil Site Plans demonstrate that the proposed driveway approaches meet the above standards (see Exhibit 4).

FINDINGS: This language is included as a standard condition of approval. Access driveway dimensions and spacing will be reviewed again in the civil plan set stage prior to platting.

M. Access onto arterial streets...

APPLICANT RESPONSE: No direct access from the proposed parks or residential lots is proposed from Broadacres Road, a Minor Arterial Street.

N. Spacing Between Public Road Intersections. Spacing between public road intersections for each functional class of road shall conform to standards established in the Transportation System Plan.

APPLICANT RESPONSE: As required, proposed spacing between intersections complies with the prescribed spacing standards of the Transportation System Plan.

FINDINGS: The PUD plan has been reviewed by City of Hubbard Public Works, City Engineer, Marion County Public Works/Engineering for access spacing, as determined by jurisdiction and functional classification. Staff and

partner agencies have not identified issues with the current plan. The current plan was revised from an earlier version which showed a direct access to Broadacres into the Multi-family complex where the emergency access only driveway is shown. The former access point could not be approved by Marion County due to their access spacing standards for Minor Arterials.

O. Parkway Strip Landscaping. Landscaping and plant materials used in the parkway strip is subject to the provisions of 2.207. Maintenance of parkway strips in the right-of-way is the continuing obligation of the adjacent property owner.

APPLICANT RESPONSE: As required, parkway strip landscaping will be installed and maintained in accordance with City standards.

FINDINGS: The submitted landscaping plan shows several species of street trees throughout the PUD. These species will be confirmed by the City's approved Street Tree List on the final landscaping plan prior to platting.

2.202.04 General Right-of-Way and Improvement Widths

The following standards in the Street Design Standards Table are general criteria for all types of public streets, bikeways, parkway strips, and sidewalks in the City of Hubbard. These standards shall be the minimum requirements for all streets, bikeways, and pedestrian facilities except where modifications are permitted under Section 2.202.05.

Collector								
Collector ⁴	60	34 ³	2 10' lanes	None	7' Both sides	2 4.5' strips	2 5' sidewalks	Shared Roadway
Local								
Local Street or Cul-de-sac	50	30 ³	1 16' lane	None	7' Both sides	2 5' strips	2 5' sidewalks	Shared Roadway
Cul-de-sac-bulb	46	40		None		1 5' strip	2 5' sidewalks	Shared Roadway

FINDINGS: All streets created by or improved by this project are shown in compliance with the general right-of-way width. Modified cross sections are discussed below.

2.202.05 Modification of Right-of-Way and Improvement Width

The Planning Commission, pursuant to the review procedures of Section 3.203, may allow modification to the public street standards of Section 2.202.04, when both of the following criteria (A. and B.) are satisfied:

A. The modification is necessary to provide design flexibility in instances where:

- 1. unusual topographic conditions require a reduced width or grade separation of improved surfaces;***
- 2. parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.202.04;***
- 3. a modification is necessary to preserve trees or other natural features determined by the Planning Commission to be significant to the aesthetic character of the area; or***

4. a Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.

B. Modification of the standards of Section 2.202.04 shall only be approved if the Planning Commission finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

FINDINGS: Modifications to the private street width is proposed, as discussed below. The purpose is for efficient use of land. Excess private street width could be found to be related to aesthetic quality. City staff have determined that the specific design proposed provides adequate vehicular access based on the anticipated low traffic volumes.

2.202.07 Private Streets

A. Private streets shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. Private streets shall comply with the following minimum standards, unless a greater width is required by the Uniform Fire Code:

No. of Potential Dwellings Served	Easement or Tract Width	Surface Width
1-3	25 feet	18 feet
4	25 feet	24 feet
More than 4	30 feet	28 feet

***Note: If narrower streets are developed as part of Section 2.202.04 of the Code, more on site parking is required.**

APPLICANT RESPONSE: The submitted Master Plan indicates that Tracts 'B', 'C', 'F', and 'G' include private streets which serve more than 4 dwelling units. Since these joint accessways deviate from the above width standards and are proposed through the Planned Unit Development process, the applicant has included a requested modification with the attached Development Code Design Alternatives Table (see Exhibit 10). The Overall Concept Plan and Preliminary Architectural Plans demonstrates that each lot served by the private streets will be able to accommodate 2 off-street parking spaces. Townhomes on Lots 153-195 in the northern portion of the site are also provided additional off-street parking spaces within Tract 'F'. The townhomes in the southeast corner of the site have frontage uninterrupted by driveways along Street A and 4th Street, where on-street parking along both sides of the street is permitted (see Exhibit 4)

FINDINGS: The PUD plans for four private alleys to provide rear-loaded townhouses facing Street A, keeping individual driveways off of the Collector street. The alleys are labeled Tracts B, C, F, and G, and they are proposed to remain in HOA ownership and maintenance. By the standard in HDC 2.202.07, private streets serving more than 4 dwelling units are surfaced 28 feet wide within a 30-foot tract width. The applicant is requesting Planning Commission approval for a modified private street (alley) width of 20-foot wide surface within a 22-foot wide tract. Staff and partner agencies discussed the request, and determined that the reduced width could only be acceptable for traffic flow and emergency access if the alley was curb-striped and signed for no parking at any time, tow away zone. This would apply to both the alley and associated turn arounds, where applicable. Because there is typically no parking provided in alleys, staff is recommending additional overflow parking, similar to the row of overflow parking in Tract F, to serve the southern rows of townhouses.

B. The Planning Commission may require an increased surface width if deemed necessary to provide adequate access to commercial or industrial uses. Prior to any requested private street or drive adoption, the City requires the private drive or street to meet minor street standards as put forth in Section 2.202.04 of the Code.

C. All private streets serving more than one ownership shall be constructed to the same cross-sectional specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association or other instrument acceptable to the City Attorney.

D. A turn-around shall be required for any private residential street in excess of 150 feet long, which has only one outlet and which serves more than three residences. Non-residential private streets serving more than one ownership shall provide a turn-around if in excess of 200 feet long and having only one outlet. Turn-arounds for private streets shall be either a circular turn-around with a minimum paved radius of 35 feet, or a "tee" turn-around with a minimum paved dimension across the "tee" of 70 feet.

E. The Planning Commission may require provisions for the dedication and future extension of a public street.

F. The City does not accept transfer of private streets to public streets unless the private street meets the City's construction standards at the time of acceptance and the construction inspected by the City Public Works Department and City Engineer during construction. Streets constructed to City standards, or those that provide evidence of compliance with City standards, (such as, but not limited to, providing core samples), inspected, and approved by the City and public emergency services agencies, may be eligible for transfer to public ownership if approved by the Planning Commission during a public hearing

FINDINGS: These standards can be met by the applicant, and will be confirmed on the civil plan set prior to platting each phase of the PUD.

2.110 FLOODPLAIN OVERLAY ZONE

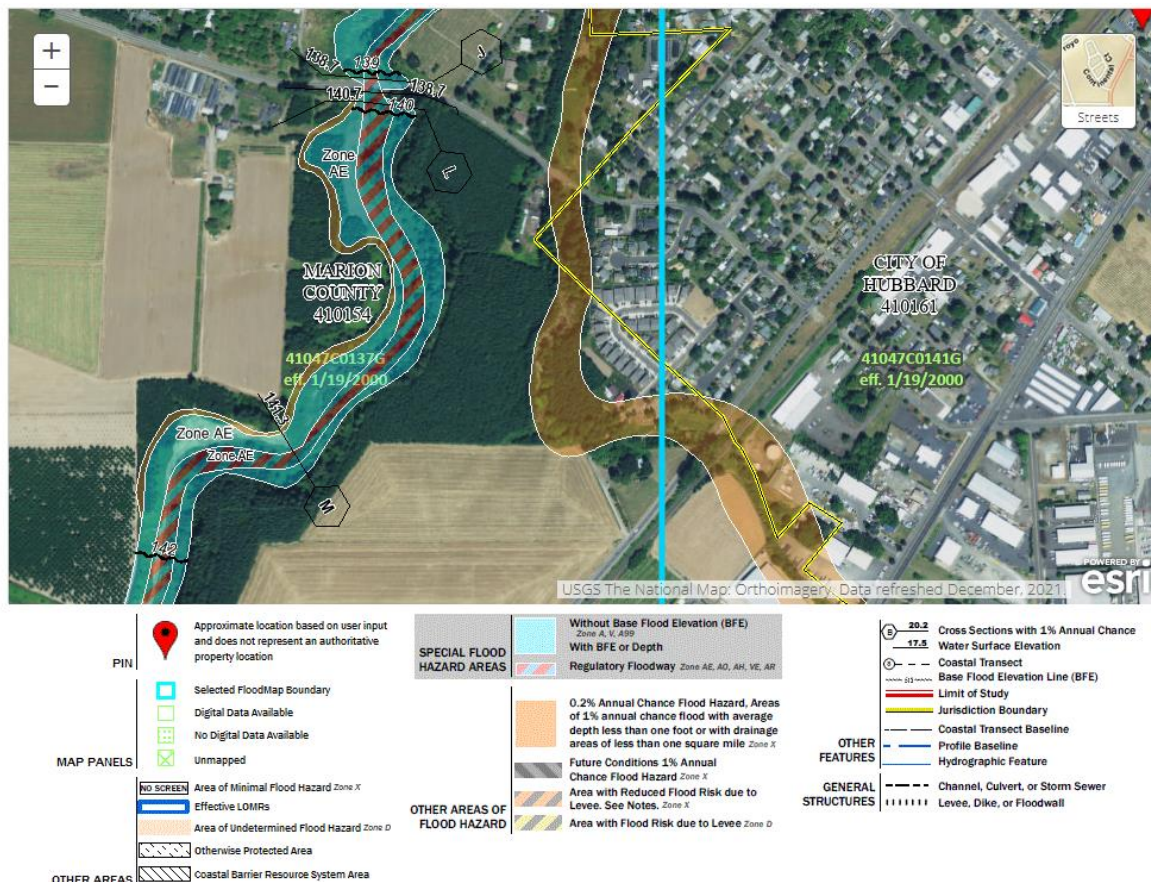
2.110.07 Basis for Establishing the Areas of Special Flood Hazard The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Marion County," with accompanying Flood Insurance Maps, as amended by the study and maps that became effective January 2000, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the Hubbard City Hall, 3720 2nd Street.

2.110.19 Provisions for Flood Hazard Reduction

D. Subdivision Proposals

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage;***
- 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;***
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,***

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).



FINDINGS: The aerial image above is a screenshot of the FEMA FIRM map, accessed in August of 2022. The flood map shows flood hazard areas for the subject property, aligning with the riparian buffer along both Mill and Little Bear Creek. No residential development is proposed within the floodplain.

2.210 REQUIREMENTS FOR RIPARIAN CORRIDORS

2.210.01 Purpose and Intent The purpose of this ordinance is to protect and restore water bodies and their associated riparian areas, in order to protect and restore the multiple social and environmental functions and benefits these areas provide individual property owners, communities, and the watershed. The ordinance is based on the “safe harbor” approach as defined in Oregon Administrative Rules 660-23-0090(5) and (8)...

2.210.03 Identifying Riparian Areas and Establishing the Location of the Riparian Buffer

A. The inventory of significant riparian areas contained in the Natural Resources Element of the Hubbard Comprehensive Plan lists which streams are fish-bearing and the stream-size category. Based on the classification contained in this inventory, the following protected riparian corridors shall be established for stream segments listed as “significant”:

1. Mill Creek shall have a buffer of 50 feet from the top and on either side of bank except as identified below;

APPLICANT RESPONSE: Per the attached Existing Conditions Plan and Wetland Delineation Report, Mill Creek is located along the west boundary of the site (see Exhibits 4 and 8). The attached Civil Site Plan demonstrates that the proposed development is located more than 50-ft. from the top of bank of the stream (see Exhibit 4).

2. Little Bear Creek shall have a buffer of 50 feet from the top and on either side of bank except as identified below;

APPLICANT RESPONSE: Per the attached Existing Conditions Plan and Wetland Delineation Report, Little Bear Creek is located along the east boundary of the site (see Exhibits 4 and 8). The attached Civil Site Plan demonstrates that the proposed development is located more than 50-ft. from the top of bank of the waterway (see Exhibit 4).

FINDINGS: The applicant has provided a PUD plan sheet which demonstrates a 50-foot riparian from both Mill Creek and Little Bear Creek.

3. Where the riparian buffer includes all or portion of a significant wetland as identified in the Natural Resources Element of the Comprehensive Plan or by other means, such as a wetland delineation, the riparian buffer shall be at least 50 feet and shall include the upland edge of the wetland.

4. The measurement of the riparian buffer shall be measured from the top of the bank. The measurement shall be slope distance. In areas where the top of each bank is not clearly defined, the riparian buffer shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.

FINDINGS: It is not known whether the 50-foot riparian buffer applied to the PUD plan map was accurately applied to the top of bank/ordinary high water level (or the line of non-aquatic vegetation) with slope distance measurement. It is the obligation of the applicant to accurately apply this measurement.

5. The requirement to establish a riparian buffer applies to land inside city limits and to land outside the city limits and inside the UGB upon annexation of such land.

6. Water areas, wetlands, and significant riparian corridors identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy. Property owners who believe their properties lie outside the depicted riparian buffer can correct the map by submitting a survey, performed by a qualified surveyor (PLS), to the local governing body. The survey must show the normal high water line of the stream on a parcel base map. Where riparian corridors contain significant wetlands, the riparian buffer is measured from the upland edge of the wetland. Property owners can correct the map by submitting a wetland delineation, prepared by a qualified environmental consultant, that shows the wetland boundary. Wetland delineations must be first submitted to the Oregon Division of State Lands for review and approval. The City will review the submitted map and wetland delineation report, if required, and determine if the parcel lies within the riparian buffer.

APPLICANT RESPONSE: The attached Master Plan identifies the location Mill Creek and Little Bear Creek (see Exhibit 4). As stated above, the Civil Site Plan demonstrates that proposed development does not encroach into the defined riparian buffers, measured as prescribed by the above. The attached Wetland Delineation Report and DSL Concurrence Letter indicate that the Department of State Lands has reviewed and approved the wetland delineation (see Exhibit 8).

FINDINGS: Staff has included a recommended condition of approval related to the applicant's obligation to measure the riparian buffer using the adopted methodology.

2.210.04 Protecting Riparian Resource by Managing Activities in the Riparian Buffer

A. The permanent alteration of the riparian buffer by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided they are designed to avoid and minimize intrusion into the riparian area, and no other options or locations are feasible and any applicable state and/or federal permits are obtained as required in Section 2.210.06:

- 1. Streets, roads, and paths;***
- 2. Drainage facilities, utilities, and irrigation pumps;***
- 3. Stormwater treatment facilities when they are located in severely degraded parts of the protected riparian corridor and designed to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation and that is located within previously farmed or cleared area).***

APPLICANT RESPONSE: The attached Master Plan indicates that multi-use trails are proposed within public parks that include Mill Creek and Little Bear Creek. The proposed trails do not cross delineated wetlands or riparian resource areas. Per the attached Civil Site Plan, small impacts to the delineated wetlands will occur when Phase IV improvements within the existing 4th Street right-of-way are constructed. Where off-site improvements to 4th Street NE are installed, the applicant proposes a curb-tight sidewalk at the Little Bear Creek stream crossing to minimize wetland impacts. To prevent wetland impacts when frontage improvements are installed along Broadacres Road at the Little Bear Creek crossing, the applicant is proposing to eliminate an on-street parking lane (see Exhibit 4). As required, state and federal wetland permits will be obtained prior to the construction of the off-site 4th Street improvements. The attached Composite Utility Plan indicates that the proposed utilities, include stormwater facilities and outfalls, are located outside of the protected riparian corridors.

FINDINGS: The Bear Creek PUD plan shows 8-foot gravel recreational trails, benches, and storm water basins located within Tract D and Tract E containing the two creek corridors. Depending upon how the 50-foot riparian buffer was measured, a portion of the trails and stormwater basins may fall within the buffer. The construction of the Broadacres Road frontage improvements and the 4th Street connection in later development phases will occur within the riparian buffer. The applicant shall secure State and Federal wetland permits where applicable.

4. Water-related and water-dependent uses (for example boat launch, fishing dock);

APPLICANT RESPONSE: The applicant is not proposing water-related or water-dependent uses within the riparian areas.

- 5. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;***
- 6. Structures or other non-conforming alterations existing fully or partially within the protected riparian corridor may be expanded provided the expansion does not occur within the riparian***

buffer. Substantial improvement of a non- conforming structure in the riparian buffer shall require compliance with the standards of this ordinance;

7. Existing lawn and non-native plantings within the riparian buffer may be maintained, but not expanded within the protected area. Development activities on the property shall not justify replacement of the riparian buffer area with lawn; and

8. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the riparian buffer shall be 124 approved only if less- invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.

APPLICANT RESPONSE: Existing structures or formally landscaped areas are not located within the protected riparian areas.

B. The Removal of riparian vegetation in the buffer is prohibited, except for:

APPLICANT RESPONSE: The applicant is not proposing to remove vegetation in the riparian buffer, therefore these standards do not apply.

FINDINGS: The applicant states that no vegetation will be removed in the riparian buffer.

2.210.05 Adjusting Riparian Buffers

A. Permanent alteration of the riparian buffer by placement of structures or impervious surfaces within the riparian buffer, or placement of structures overhanging the riparian buffer, on existing lots or proposals to partition a lot, is allowed subject to approval of a variance granted under subsection 2.210.05.E. and subject to the mitigation requirement of subsection 2.210.05.C:

APPLICANT RESPONSE: The applicant is not proposing the placement of structures within the Little Bear Creek or Mill Creek riparian buffers, therefore mitigation standards do not apply.

FINDINGS: No structures or impervious structures are proposed within the riparian buffer beyond the street construction described above, involving culverts within the riparian buffer, as permitted by State and Federal agencies.

B. Subdivisions and planned unit developments proposed after the adoption of this ordinance must conform to the buffer requirements but may apply for density credits to compensate for developable land that has been lost due to the buffer requirement.

1. A developer proposing a subdivision or planned unit development can get density credits when more than 5 percent of the developable land is consumed by the buffer. Credits are calculated using Table 1 in subsection 2.210.02.B.5. The density credit is accommodated at the development site by allowing 125 greater flexibility in the setbacks, frontage distances or minimum lot sizes but can be used off-site if on- site accommodation is not practical.

APPLICANT RESPONSE: The riparian buffers of Mill Creek and Little Bear Creek do not consume 5% or more of the site area. However, through the Planned Unit Development process, the applicant is requesting modifications listed in the attached Development Code Design Alternatives Table (see Exhibit 10).

FINDINGS: The PUD code language allows for flexibility of density applied to a project area. The Bear Creek PUD proposes 324 dwelling units of the 490-543 maximum units possible for the size of the property. The applicant is not seeking an additional density bonus above the PUD density methodology.

C. Proposals for development activities within the riparian buffer allowed in subsection 2.210.05.A. will include proposed mitigation for unavoidable impacts and shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW). The review and/or mitigation recommendation from ODFW shall be submitted with the application. For purpose of implementing Statewide Planning Goal 5, the goal is no net loss of protected resources and no net loss of habitat values.

APPLICANT RESPONSE: The applicant is not proposing development activities within the Little Bear Creek and Mill Creek riparian buffers. However, per the attached Civil Site Plan, small impacts to delineated wetlands will occur when Phase IV improvements within the existing 4th Street right-of-way are constructed. As required, state and federal wetland permits will be obtained prior to the construction of the Phase IV improvements.

FINDINGS: The applicant shall be responsible for satisfying all State and Federal permitting requirements.

D. Variance

1. In cases where the application of the buffer is demonstrated to render an existing lot or parcel unbuildable, a property owner may request a variance to the riparian buffer. Granting of a variance requires findings that satisfy all three of the following criteria...

E. Variance Applications

APPLICANT RESPONSE: The applicant is not proposing a variance to the riparian buffer protection provisions, therefore this section does not apply.

FINDINGS: No variances are requested to this section with the PUD application.

2.210.06 Compliance With State and Federal Regulations

All activities wholly or partially within riparian corridors are subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and the U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state, or federal regulations, the more restrictive regulations shall apply.

APPLICANT RESPONSE: Per the attached Civil Site Plan, small impacts to delineated wetlands will occur when Phase IV off-site improvements within the existing 4th Street right-of-way are constructed. Where off-site improvements to 4th Street NE are installed, the applicant proposes a curb-tight sidewalk and at the Little Bear Creek stream crossing to minimize wetland impacts. To prevent wetland impacts when frontage improvements are installed along Broadacres Road at the Little Bear Creek crossing, the applicant is proposing to eliminate an on-street parking lane (see Exhibit 4). As required, state and federal wetland permits will be obtained prior to the construction of the Phase IV improvements.

FINDINGS: The applicant shall be responsible for satisfying all State and Federal permitting requirements.

2.211 REQUIREMENTS FOR WETLANDS

2.211.01 Purpose and Intent *The purpose of this ordinance is to protect and restore wetlands and the multiple social and environmental functions and benefits these areas provide individual property owners, the community, and the watershed. The ordinance is based on the “safe harbor” approach as defined in Oregon Administrative Rules 660-23-100(4)(b).*

2.211.03 Procedures for Identifying Significant Wetlands

The wetland regulations contained in this ordinance apply to those wetlands identified and mapped as significant in the City of Hubbard Local Wetlands Inventory, Wetland Functional Assessment, and Wetland Significance Determination. Significance determination is based on criteria contained in OAR 14 1-86-300 through 350 as adopted by the Division of State Lands.

Precise wetland boundaries may vary from those shown on the map. For any proposed development impacting a significant wetland or within 25 feet of an identified significant wetland, the applicant shall conduct a wetland delineation. The purpose of this delineation is to determine the precise wetland boundary for application of the Removal-Fill Law, and if applicable, the nature and extent of development impacts on adjacent wetlands. The more precise boundary obtained through a wetland delineation can be identified, mapped, and used for review and development without a change in the wetland inventory mapping. All developments proposed within a designated wetland area shall be subject to the provisions of this ordinance.

APPLICANT RESPONSE: The attached Wetland Delineation Report and DSL Concurrence Letter indicate that the above mapping requirements have been met (see Exhibit 8).

FINDINGS: The Oregon Department of State Lands (DSL) has concurred with the applicant’s wetland delineation. A copy of the DSL concurrent letter was submitted to the City, and is attached to this staff report with the application package.

2.211.04 Land Use and Permit Requirements

A. Permitted Uses. *The following uses are permitted within wetlands identified as locally significant...*

APPLICANT RESPONSE: The applicant is not proposing any of the above permitted uses within the delineated wetland, therefore these standards do not apply.

B. Prohibited Uses. *Within locally significant wetlands, practices that are specifically not allowed and would adversely affect wetland functions and values include, but are not limited to the following...*

3. Road construction;

C. Compliance With State and Federal Regulations. *All activities wholly or partially within wetlands are subject to Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.*

APPLICANT RESPONSE: As mentioned above, the applicant is proposing to construct off-site Phase IV improvements within the existing 4th Street right-of-way. As indicated by the attached Civil Site Plan, these improvements will have small impacts to wetlands that extend into the existing right-of-way. Per Section 2.210.04(A)(1) standards, the proposed improvements are permitted since no other option for improvement to the rights-of-way are available. As required, applicable state and federal permits will be obtained prior to construction of the Phase IV improvements.

FINDINGS: Consistent with the applicant's response, the future construction of 4th Street will impact wetland resources. The applicant shall be responsible for all required permitting for that project.

D. Division of State Lands Notification Required. The City shall provide notice to the Division of State Lands, the applicant, and the owner of record, within five working days of the acceptance of any complete⁴² application for the following activities that are wholly or partially within areas identified as wetlands on the Local Wetlands Inventory or within 25 feet of such areas:

1. Subdivisions

5. Planned unit development approvals.

E. The provisions of this section do not apply if a permit from the Division of State Lands has been issued for the proposed activity.

F. Written City approval of any activity described in this section shall include one of the following statements:

1. Issuance of a permit under ORS 196.600 to 196.905 by the Division of State Lands is required for the project before any physical alteration takes place within the wetlands;

2. Notice from the Division of State Lands that no permit is required; or

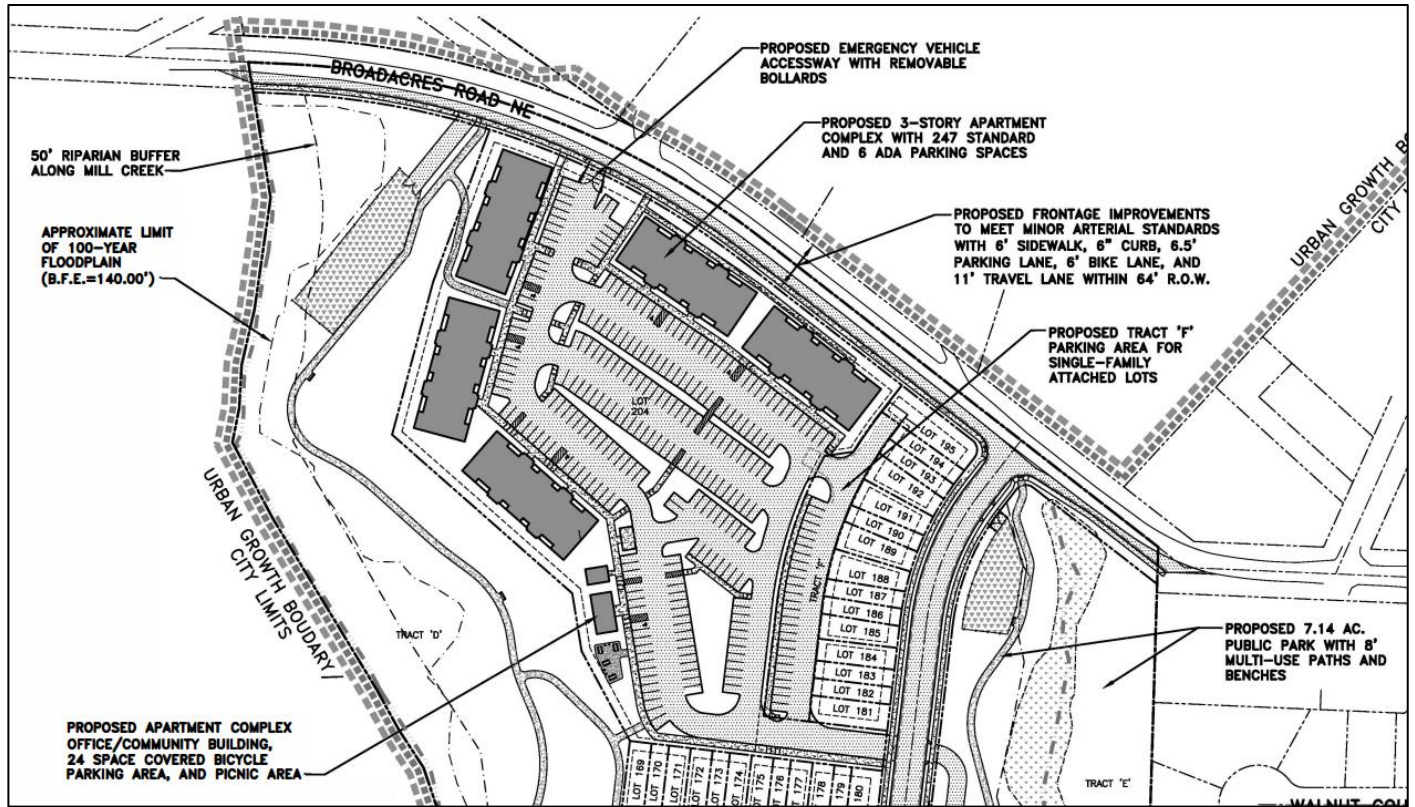
3. Notice from the Division of State Lands is required until specific proposals to remove, fill, or alter the wetlands are submitted.

APPLICANT RESPONSE: As required, the City of Hubbard will notify the Department of State Lands regarding this Planned Unit Development application.

FINDINGS: Upon receiving the PUD land use application, City staff submitted a Wetland Land Use Notification (WLUN) using the online portal. The DSL responded with comments confirming their concurrence with the applicant's wetland delineation, valid until the year 2027. Additional comments are attached. DSL removal-fill permitting will be required, as previously addressed.

3.105 SITE DEVELOPMENT REVIEW

FINDINGS: When sufficient details are provided, multi-family developments may be reviewed through the PUD procedure, which is the same Type II public notice and public hearing procedures as the Site Development Review. While no separate Site Development Review file number is assigned, the Site Development Review criteria are discussed below as a part of this PUD review. Significant changes to the proposed multi-family development site plan on Lot 204 will require a subsequent Site Development Review land use application, pursuant to the procedures in Section 3.105.



Left: Proposed 3-story apartment buildings.

Below: Clubhouse office with small gym and bike parking shelter.



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;

FINDINGS: The multi-family housing is proposed to be development Lot 204, which would be created through the phased development of the Bear Creek PUD Subdivision. The applicant has requested flexibility from the Planning

Commission to pursue one of two submitted phasing plans in order to respond to the housing market trends and demand. Lot 204 is proposed to be 232,195 SF or 5.33 acres in size. It is zoned R3 – High Density Residential. The developer is proposing to build 120 total apartments, arranged into five three-story buildings. There are 60 one-bedroom units and 60 two-bedroom units are proposed. The applicant states that likely six of the units will be ADA accessible units. This is an approximately 88% increase in the units on the 5.33-acre Lot 204.

Apartments are consistent with the Purpose Statement of the R3 zone “to provide for high density housing opportunities.” The R3 zone provides a minimum lot size of 3,630 SF per unit. The applicant is requesting Planning Commission approval to allow a modified minimum lot size for multi-family development from 3,630 SF to 1,900 SF. This results in a change of a maximum of 64 units at 3,630 SF per unit, to 122 units at 1,900 SF per unit minimum lot size. This represents an approximately 90% increase in the number of units above the adopted standard. In weighing this request, the Planning Commission should consider whether the applicant has the ability to meet all other applicable requirements for Lot 204, as discussed below.

Overall, the Bear Creek PUD provides a mix of attached single-family (townhouses), detached single-family, and one duplex. Residential uses are outright permitted in this and surrounding zones. The multi-family apartments are separated from existing single-family development in Hubbard by the Little Bear Creek riparian corridor/open space area. Specific standards for multi-family developments are discussed below, following this Site Development Review code section.

B. drainage and erosion control needs;

FINDINGS: The Bear Creek PUD application included a Storm Water Report. New storm water generated from the development of multi-family development with parking lot and adjacent streets is directed to one of multiple storm water basins throughout the development, located in Tracts A, D, and E. This standard is met.

C. public health factors;

FINDINGS: Public health factors typically relate to the City of Hubbard requirement for all development within the incorporated city limits to be connected to municipal water and sewer services. The proposed multi-family development will connect to City services, subject to adopted System Development Charges (SDC) schedules. Generally the close proximity and access to natural open space and walking paths is considered a benefit to public health. The protection of the riparian corridors along Mill Creek and Little Bear Creek contribute toward greater watershed health and therefore water quality within the region. There are no public health concerns related to the proposed multi-family development.

D. traffic safety, internal circulation and parking;

FINDINGS: The apartment complex takes primary access through a 46-foot wide two-way driveway off of Street A. There is a secondary gated/bollards emergency access-only driveway onto Broadacres Road NE. The total 120 apartment units share a large parking lot composed of 247 standard parking spaces and 6 ADA spaces with loading zones. The parking stall and drive aisles are shown as standard dimensions.

Pedestrian connections are shown to Broadacres Road NE, Street A, and the gravel walking paths within Tracts D and E. While the plan appears to show a pedestrian walkway through the large parking lot, staff has included a condition of approval for a clearly marked and ADA accessible pedestrian walkway from the far apartment buildings through the parking lot to the clubhouse, garbage enclosure, bicycle parking, and recreation area.

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

FINDINGS: The proposed multi-family development abuts the undeveloped Mill Creek corridor to the east, Broadacres Road NE to the north, and single-family attached (townhouses) to the west and south. Parking lot landscaping is recommended where feasible to screen the large parking lot from adjacent townhouses. The priority for this screening should be the eastern boundary of Lot 204 along Tract F as well as along the entrance driveway. Trees are proposed for these areas in the submitted Landscaping Plan, but staff finds screening could be improved in the landscaping strip along Tract F. This is included as a recommended condition of approval.

HDC 2.207.03 Landscaping Design, Minimum Area Requirements, requires multi-family developments to provide a minimum of 25% of the gross land area in landscaping. The applicant has proposed a variance to this 25% standard, requesting to only provide landscaping on 20% of the gross site area. Staff supports this reduction in landscaping, in consideration of the large abutting open space tracts and vegetated riparian corridor.

F. retention of existing natural features on site;

FINDINGS: The development of Lot 204 does not include retention of existing natural features, as the site is most recently in agricultural/timber production. The proposed multi-family development is a part of the larger Bear Creek PUD, which provides large Open Space Tracts D and E, containing sensitive riparian corridors, wetlands, and slopes.

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

FINDINGS: Site circulation was previously addressed. The multi-family development provides multiple pedestrian access points to nearby sidewalks in public rights-of-way and recreation trails alike. Connectivity of pedestrian facilities to Hubbard was addressed previously in this staff report. There is a staff recommendation for the developer to build missing pedestrian connections to town on both Broadacres and 3rd Street, both of which are partially SDC creditable. This standard is met through the applicant's compliance with the corresponding recommended conditions of approval.

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

FINDINGS: The five 3-story apartment buildings are sited to avoid portions of the PUD that contain slopes and flood plain. No other hazard areas are identified.

2.103 HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

2.103.05 R3 Zone Development Standards

C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage allowed.

Maximum lot coverage by structures: 50%

Maximum parking area coverage: 30%

Combined maximum lot and parking area coverage: 70%

FINDINGS: As previously detailed, the applicant is requesting a variance to increase the combined lot coverage for townhouses, but this is not proposed to change the standard for the multi-family development (apartments). The applicant shall demonstrate how the combined coverage standard is met.

D. Multi-family residential uses (three units or more) shall comply with the following standards:

1. Multi-family developments shall be subject to the Site Development procedures in Section 3.105.

FINDINGS: When sufficient details are provided, multi-family developments may be reviewed through the PUD procedure, which is the same Type II public notice and public hearing procedures as the Site Development Review. While no separate Site Development Review file number is assigned, the Site Development Review criteria were addressed above as a part of this PUD review. Significant changes to the proposed multi-family development site plan on Lot 204 will require a subsequent Site Development Review approval, isolated to only Lot 204, pursuant to the procedures in Section 3.105.

2. All multi-family residential structures within a development shall maintain a minimum horizontal separation distance of 15 feet.

FINDINGS: The applicant's narrative confirms that this standard is met.

3. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.

FINDINGS: The proposed multi-family development on Lot 204 has an approximately 550-foot frontage on Broadacres Rd NE which is designated a Minor Arterial within Marion County permitting jurisdiction. Lot 204 has a second 46-foot wide frontage on Street A, which is a Collector street. Primary access to the multi-family development will be taken from Street A. A gated/bollard emergency access only driveway is approved by Marion County Public Works onto Broadacres Road. No access is taken onto a local street. The applicant states "The attached Traffic Impact Analysis has evaluated the proposed access for the apartment complex and has concluded that it meets sight distance standards and the proposed Collector Street will have the capacity to accommodate the development (see Exhibit 7)." This standard can be met by the applicant's compliance with the recommended condition of approval for the construction of project streets.

E. Outdoor Play Area Requirements. Multi-family dwellings with five (5) or more units shall provide a minimum of 500 square feet plus 50 square feet for each bedroom.

- 1. Play areas shall be centrally located and visible from dwelling units.***
- 2. Play areas shall be furnished with properly-maintained play equipment, benches, seat walls, picnic tables, or similar amenities, in a manner which incorporates safety into the design.***
- 3. A minimum 30-inch tall fence shall be installed to separate play area(s) from any parking lot, drive aisle, or street.***
- 4. Play areas shall not be located within front or side yard setbacks.***
- 5. Play areas shall not be located in storm water detention areas.***
- 6. Total required play area may be broken into multiple locations, if dimensions of each play area meet a minimum of 20 feet on all sides, resulting in a 400 square foot minimum area.***
- 7. Landscaping included within or around the perimeter of a play area may be counted toward the overall minimum landscape requirement of the development.***

- 8. If development accommodates no children under 16 years of age by covenant, an adult leisure area of the same size shall be provided. Subsection 3, Fencing, shall not apply to an adult leisure area.***
- 9. Outdoor play areas shall not count toward overall lot coverage.***

APPLICANT RESPONSE: The submitted Master Plan indicates that the applicant is proposing to develop a 120-unit apartment complex in the northwest corner of the site. The attached Preliminary architectural plans indicate that the complex will contain 60 one-bedroom and 60 two-bedroom units. Based on the above standards, 9,500 sq. ft. of outdoor play area is required for the use. The applicant's Master Plan and Landscape Plan illustrates that a 1,060 sq. ft. outdoor picnic area with benches and barbeque grills are located in the southeast corner of the apartment complex (see Exhibit 4). An additional outdoor play area is provided to the south, less than 200-ft. from the apartment complex. Recreation amenities within the public park include an 8,350 sq. ft. proposed play structure and recreation field. In addition, to the west, the 13.05 acre park includes a 3,985-ft. trail system with benches that connects to the apartment complex. As required, play area equipment and benches will be constructed to meet manufacturer specifications for safety.

FINDINGS: A total of 120 apartment units are proposed to be developed; 60 1-bedroom units and 60 2-bedroom units, 180 bedrooms total. The minimum play area requirement is: 500 SF + 50 SF (180 bedrooms) = 9,500 SF total play area required. On Lot 204, the applicant's plan shows a 1,060 SF outdoor picnic area with benches and grills. To provide the remainder of the play area, the applicant is requesting that the Planning Commission allow consideration of the nearby public park developed with the larger PUD. Recreation amenities within the public park include an 8,350 sq. ft. proposed play structure and recreation field. Additionally, Tracts D and E contain 8-foot wide gravel walking paths. This request does not meet the standard of "centrally located and visible from dwelling units." The applicant has stated that the site is constrained by slopes, which does not allow for significant reorientation of the buildings. Staff has encouraged the developer to provide recreation amenities that contribute to a desirable high-quality development that builds pride in its residents. City staff believe that the recreational area should provide amenities to meet a range of age groups and interests. Staffs' concern is that the public park does not meet the intent of this section of multi-family code language in providing a play area for the apartment residents which is interior to the development. While the public park is located in close proximity, the obligation to provide a 9,500 SF play area is on the developer of the multi-family structures. Once the public park is transferred to the City of Hubbard, the developer would be requesting to count the public park to relieve their obligation to provide a play area internal to the multi-family development, for apartment residents. If the multi-family development were reviewed as an isolated Site Development Review application, counting a nearby public park as an apartment play area would not be permitted.

There is some additional information required of the applicant with a revised site plan. It is not clear whether the multi-family development meets the R3 zone lot coverage. Additional information is needed about the lighting plan for the development. Also, the long-term relationship between the apartment complex ownership and maintenance in relation to the HOA is unclear.

Staff has included a recommended condition of approval for the applicant to submit a revised site plan focused on the multi-family development.

IN CONCLUSION, the applicant is proposing to increase the R3 zone baseline 64 apartment units to 120 units by decreasing the minimum lot size. The applicant is also proposing to provide 1,060 SF of the required 9,500 SF play area on site, by counting the nearby public park amenities as satisfying the remaining 8,440 SF of required play area which is intended to be interior to the site, and visible from the buildings. There is also a request to reduce the required multi-family landscaping minimum area from 25% to approximately 20%, in consideration of the nearby open space tract proposed to be dedicated to the City. Parking and site circulation minimums appear to be met, although staff has expressed concern about parking congestion in other high-density area examples in town. The minimum parking counts may not be sufficient at this density. It is entirely feasible apartment residents could have more than two drivers (vehicles) per household. Just seven additional overflow/guest parking spaces are proposed on Lot 204 to serve the multi-family units.

The PUD tool can be used to grant flexibility when a community benefit is demonstrated by the applicant. Housing provision is important to the City of Hubbard, but so too is a high-quality development that is well equipped to serve its residents and the larger community. Staff does not find the 5.33-acre site to be suitable for the number of apartment units proposed, based upon the other variances required on the same property to accommodate the higher number of units. When the total number of apartment units is reduced, there will be more room on site to accommodate the required play area, the required landscaping, and the recommended overflow parking.

If the Planning Commission shares staff concerns about the suitability and capacity of Lot 204 to accommodate the increased number of dwelling units requested, which necessitates several additional variances, the Planning Commission can recommend a modified minimum lot size. The minimum lot size directly determines how many units may be built, how large of a play area is required, and how many parking spaces are required. The standard R3 Zone multi-family minimum lot size is 3,630 SF per unit. The applicant is proposing a modified multi-family minimum lot size of 1,900 SF per unit. The table below is provided for illustration and discussion.

	Minimum Multi-Family lot size. Lot 204 is 232,195 SF	# of Multi-Family Units allowed	% increase # units above the R3 stdnd	Required play area, assuming equal split 1 & 2 bd units 500 SF + 50 SF (# bdrms)	Min. Parking Required @ 2 spaces/unit (overflow rec.)
R3 Zone Stdnd	3,630 SF	64	0%	5,300 SF play area	128
Example	3,300 SF	70	9 %	5,750 SF play area	140
Example	3,100 SF	75	17%	6,125 SF play area	150
Example	2,900 SF	80	25%	6,500 SF play area	160
Example	2,700 SF	86	34%	6,950 SF play area	172
Example	2,500 SF	93	45%	7,475 SF play area	186
Example	2,300 SF	101	58%	8,075 SF play area	202
Example	2,100 SF	110	72%	8,750 SF play area	220
PUD Requested	1,900 SF	122 (120)	88%	9,500 SF play area	240



The Planning Commission may ask the applicant to revise the site plan for Lot 204 and return to the Planning Commission with a modified site plan showing fewer dwelling units and increased internal play area amenities.

VI. RECOMMENDED CONDITIONS OF APPROVAL FOR BEAR CREEK PUD, FILE #PUD 2022-01

1. LAND USE APPROVAL

- a. Approvals of any preliminary plans for a subdivision or PUD shall be valid for two (2) years after the date of the written decision. A Final Plat for a subdivision phase shall be recorded within this time period or the approvals shall lapse.
- b. The Planning Commission may extend the approval period for any subdivision or PUD for not more than one (1) additional year at a time. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

2. IMPROVEMENTS REQUIRED

- a. Required improvements shall be designed, permitted, constructed, and inspected in compliance with the Hubbard Development Code and Public Works Design Standards, unless a modified design is otherwise approved through the PUD application.
- b. Pursuant to HDC 2.208.05, all required improvements 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 for each phase.

3. PHASING. Developer of the Bear Creek PUD may use either the Original Phasing Plan #P4 or Alternate Phasing Plan #P4-A.

4. STREET A IMPROVEMENTS

- a. Prior to platting Phase 1, applicant shall construct Street A with a base lift, curbs, gutters, and hydrants for the full section from Broadacres to 3rd Street. Top lift shall be completed prior to platting each corresponding phase. Sidewalks for each phase shall be required prior to platting unless a deferral agreement is signed, allowing sidewalks prior to final occupancy of each dwelling unit.

5. BROADACRES ROAD IMPROVEMENTS

- a. Prior to platting Phase 1, developer shall construct Broadacres Road frontage improvements consistent with attached Marion County Public Works Comments.
- b. A Broadacres striping plan shall address the bike lane and potential accommodation for street parking.
- c. Applicant shall submit final engineering plans and construction permit to Marion County for improvements to Broadacres Rd and 3rd Street.

6. OFF-SITE SIDEWALKS SDC CREDIT: Developer shall construct sidewalks, curbs, and gutters to provide safe pedestrian connections from the Bear Creek PUD to the existing pedestrian facilities on both Broadacres Road/J Street and 3rd Street. Both 3rd Street and J street are shown in the adopted TSP to have sidewalks. Both projects are identified as being partially SDC eligible. The 2012 SDC Methodology authorizes a reimbursement of 74% of the cost, which is calculated at \$63.49 per LF of sidewalk (6 feet wide), and an additional \$15.00 per LF of curb and gutter. Using 2022 dollars (13,772.83 ENR Seattle Index) to adjust the 2012 estimated cost (9,059.77 ENR Seattle Index), the estimated costs are \$96.52 per LF of sidewalk, and \$22.80 per LF of curb and gutter. Therefore, reimbursement for sidewalk construction can be allowed at a

rate of \$71.42 per LF of sidewalk and \$16.87 per LF of curb and gutter. Street improvements are not identified in the SDC methodology for this area. The total available SDC Credit for off-site sidewalks is 1,300 LF sidewalk along 3rd Street equals \$92,846, and 240 LF along J Street (~70 ft east of 7th street to east boundary of PUD) of sidewalk, curb & gutter equals \$21,190.

7. PUBLIC PARK SDC CREDIT. Based upon the City Engineer's review of the Parks Master Plan, the buildout of the Bear Creek PUD includes approximately 1,000 new residents, so a "Neighborhood Park" is required. Neighborhood parks should be 2.5 acres per 1,000 population and amenities include: "Neighborhood parks should be furnished with play equipment, both hard surfaced and sand play areas, benches, tables, small shelter, outdoor cooking facilities, basketball pad, multipurpose field or grassy area (if space is available), trees, vegetation." The proposed park in Tract D is consistent with this description. The SDC Methodology addresses potential parks in the expanded UGB areas at that time. Those are SDC eligible for reimbursement at a rate of \$2.30 per SF of park space (\$100,000 per acre). Given the cost increases since 2012, park areas shall be eligible for reimbursement at a rate of \$3.50 per SF, with a maximum of 2.5 acres of "active" park space, not including parking or natural open area.
8. PARK/OPEN SPACE TRACTS DEDICATION.
 - a. Tracts D and E shall remain in HOA ownership and maintenance until the PUD is 100% built out, at which point, the City will accept dedication of both open space tracts, Tracts D and E, containing the riparian corridor, wetlands, trails, benches, and public park.
 - b. No change in open space use shall occur without a public hearing before the Planning Commission.
9. STORMWATER BASIN TRACTS.
 - a. Stormwater basins shall be delineated as separate tracts from the open space and park Tracts D and E.
 - b. HOA shall hold and maintain the five stormwater basins.
 - c. HOA shall sign a stormwater maintenance agreement identifying procedures should the HOA fail to perform maintenance duties.
10. PROPORTIONAL SHARES. Prior to building permits on each phase, applicant shall pay proportional shares to Marion County, based on the project's generated trips and distribution. These are future project needs identified in the County's Rural TSP that are locations impacted by the proposed project. Proportionate share costs are calculated based on the percentage of ADT the new project is adding at an identified location for an identified horizon year and the cost of the improvement necessary (today's dollars). The two locations for proportionate shares are: 1) Widening of Woodburn-Hubbard Rd pavement to 28' between Woodburn and Hubbard, and 2) Widening of Boones Ferry between Woodburn UGB and Crosby Rd.
11. MULTI-FAMILY DEVELOPMENT
 - a. Prior to final site plan approval, applicant shall reduce the overall number of multi-family units to bring the site plan closer to compliance with the internal play area requirement.
 - b. Play area amenities shall be expanded to provide a high-quality home for residents of the multi family development. All ages groups should be considered in the amenities design.
 - c. Applicant shall add overflow and guest parking within Lot 204 multi-family development.

- d. Prior to platting, applicant shall submit to the City a site plan which isolates Lot 204 multi-family development with labeled building dimensions, setbacks, and separations. Site Plan shall label all site amenities, parking dimensions/counts, fencing, and pedestrian walkway striping.
 - e. Significant changes to the proposed multi-family development site plan on Lot 204, beyond revisions required for compliance with these conditions of approval, will require a new Site Development Review land use application, pursuant to the procedures in Section 3.105.
 - f. Prior to building permit approval, applicant shall submit a revised final landscaping plan to include irrigation details, consistent with HDC 2.207 Landscaping Design. Landscaping and irrigation shall be installed and guaranteed prior to final occupancy on Lot 204.
 - g. Multi-family landscaping plan shall increase screening along Tract F.
 - h. Revised plan shall indicate a pedestrian walkway through large parking lot to connect the opposite apartment buildings with the clubhouse, bike parking, garbage enclosure, and recreation area. Walkway through parking lot shall be painted, textured, or raised, with ADA compliant ramps.
 - i. Storage units are recommended for use by apartment residents.
 - j. Increasing the size of the Club House gym is recommended to serve the size of the proposed multi-family development.
12. OVERFLOW TOWNHOUSE PARKING. Applicant shall provide a row of overflow parking spaces to serve townhouse clusters in southern portion of the PUD, similar to those provided in Tract F. One option might be converting Lot 20 into parking as an extension of Tract C alley. This would require screening for headlights against Lot 19.
13. ACCESSIBLE TRAILS. Developer shall demonstrate on revised civil plans that a portion of the recreational path(s) is paved and accessible to ADA standards, not to exceed 8% grade, with landings where required, or as otherwise approved by the City Engineer.
14. TOWNHOUSE MAINTENANCE AGREEMENTS
- a. Developer shall record a party wall agreement or similar shared maintenance agreement for attached townhouse dwelling units, requiring shared maintenance of common structure (roof, siding, etc).
 - b. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress and use of such adjacent property for the purpose of maintaining, repairing and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the City Attorney and shall be recorded with the County Clerk prior to issuance of the permit.
15. FIRE DEPARTMENT APPROVAL. Prior to platting each phase, written Fire Department approval is required. Fire Department requests separate sheet for Fire review, to include access points, street width, and radius labeled.
16. EMERGENCY TRAIL ACCESS. Minimum 15-foot width access points to recreation trails shall include bollards or gate with Knox box for emergency access.

17. GARBAGE/RECYCLING APPROVAL. Prior to platting each phase, written approval from garbage and recycling service provider(s) is required.
18. SEWER DATA. Prior to Phase 1 platting, applicant shall supply flow meter data from the pump station and force main
19. ALLEY TOW-AWAY ZONES. Alley tracts B, C, F, and G shall be signed for no parking tow-away, and curbs shall be painted red, or as otherwise approved by the Fire Department.
20. NEIGHBOR ACCESS. Access for #17707 Front Street will need to be provided from the proposed curbed alley in Tract G.
21. EASEMENTS. Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivision phases.
22. PEDESTRIAN CROSSINGS. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.
23. PERIMETER SETBACKS. Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject zoning district. All detached structures shall maintain a minimum side yard setback of three (3) feet or meet the Uniform Building Code requirement for fire walls. A minimum front yard setback of twenty (20) feet shall be required for any garage structure whose opening faces onto a public street.
24. PARKING LOTS LIGHTING.
 - a. 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.
 - b. Applicant shall submit a lighting plan for City Engineer review for both the multi-family development parking lot and the public park parking lot.
25. LOT FRONTAGE LENGTHS. Prior to plat approval, all detached single-family lots shall have a minimum frontage of 25 feet, other than flag lots which shall be 20 feet for a single flag lot and 12.5 feet when multiple abutting flag lots share a driveway.
26. FLAG LOTS
 - a. Abutting flag lots. Where two flag lots abut, access shall be via a shared drive wherever possible. Shared drives shall be developed as private streets and shall conform to the standards of Section 2.202.07.
 - b. Abutting flag lots with shared driveway shall record a reciprocal access and maintenance agreement prior to platting.
 - c. The property line running parallel to the access road shall be considered the front yard line and shall be used to calculate front yard setback requirements.
27. BIKE RACKS.

- a. Required racks shall support the bicycle in stable position without damage. Standard staple or inverted U-shaped racks are recommended to provide opportunities to lock the bicycle frame, not just a wheel, to reduce bicycle damage and ease of theft.
- b. A minimum of 10 bicycle racks shall be installed at the public park.

28. VISION CLEARANCE. Pursuant to HDC 2.209.07 Vision Clearance, Vision Clearance shall be maintained in clear vision areas on the corners of lots located at the intersection of public streets and at the intersections of a public street with a private street, alley, or driveway. No structure, object, or planting shall be permitted within a clear vision area that would impede visibility between a height of 36 inches and 9 feet above the curb grade or the intersecting streets. Clear vision areas shall extend a set distance as follows:

- a. Vision clearance for corner lots shall be a minimum of 20 feet.
- b. Vision clearance for street-alley intersections shall be a minimum of ten (10) feet.
- c. Vision clearance for driveway approaches shall be a minimum of ten (10) feet.

29. STREET TREES.

- a. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the standards and guidelines in HDC 2.207.07 Street Trees.
- b. PARKWAY STRIPS. Maintenance of parkway strips within the PUD shall be the continuing obligation of the Homeowner Association (HOA).

30. ACCESS MANAGEMENT

- a. No single-family residential driveway shall take direct driveway access from collector Street A.
- b. Pursuant to HDC 2.202.3 (L) Driveways and points of access. Approaches shall be constructed according to City standards for residential and commercial users and shall meet the minimum separations of five (5) feet between residential driveways, 22 feet between commercial, industrial, and institutional driveways, and 20 feet from an intersection for local streets.
- c. Adjoining properties are encouraged to combine accesses. For public safety purposes and wherever possible, driveways shall align with the access points to properties across the street and other street intersections.

31. ADDRESSING

- a. All new developments and expansion of existing developments shall provide minimum six-inch high reflective address numbers at the front of the main building near the main entrance.
- b. Multi-family development shall include a posted site map directory for the property to assist in emergency response.

32. TRACT G DEVELOPMENT. No approval for the future development of the southern portion of Tract G is granted with this PUD approval. Applicant shall make future applications to achieve this plan; to include a future street vacation petition to the City of Hubbard following the annexation of neighboring property, followed by a partition application for the replat of Tract G.

33. LOT GRADING. Grading shall conform to the standards contained in HDC 2.208.03(H), unless physical conditions demonstrate the propriety of other standards.

34. SIGNAGE. No signage was reviewed or approved with the Bear Creek PUD. Applicant shall submit to the City of Hubbard for required signage permits.

35. HOMEOWNERS ASSOCIATION

- a. No change in open space use or dissolution of homes association shall occur without a public hearing before the Planning Commission and approval by the City Council.
- b. HDC 3.107.04(D) All Homeowners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney. 1. The final plat shall not be approved by the Planning Commission until the Homeowners Association Agreement, Articles and By-Laws are approved. 2. The Homeowner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes. 3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Homeowners Association, shall be submitted with the final plat for review by the Planning Commission. 4. Signed, original documents of the Homeowners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat.
- c. HOA CC&Rs shall incorporate reference to the City of Hubbard provisions for Fences, Walls, and Hedges in HDC 2.401.09 Fences, Walls and Hedges.

36. RIPARIAN & WETLANDS

- a. Pursuant to HDC 2.210 and HDC 2.211, Compliance with State and Federal Regulations, all activities wholly or partially within riparian corridors and wetlands are subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and the U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state, or federal regulations, the more restrictive regulations shall apply.
- b. Pursuant to HDC 2.210.07 and 2.211.07, any activities within a riparian buffer not authorized under this ordinance are a violation. Violators shall be subject to the enforcement procedures pursuant to Hubbard's Development Code. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

37. RIPARIAN BUFFER MEASUREMENT. Consistent with HDC 2.210.03, accurate maps of the riparian buffer shall be the obligation of the applicant. The riparian buffer shall be measured from the top of the bank. The measurement shall be slope distance. In areas where the top of each bank is not clearly defined, the riparian buffer shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward. Where the riparian buffer includes all or portion of a significant wetland as identified in the Natural Resources Element of the Comprehensive Plan or by other means, such as a wetland delineation, the riparian buffer shall be at least 50 feet and shall include the upland edge of the wetland.

38. FINAL PLAT

- a. The final plat shall be prepared in a form and with information consistent with HDC 3.107.04 Form of Final Subdivision or Plat, and HDC 3.107.05 Final Plat Review of Subdivisions.
- b. Must be surveyed and platted per ORS 92.050.
- c. Subdivision name must be approved per ORS 92.090.
- d. Subdivision plat must be submitted for review.
- e. Checking fee and recording fees required.

- f. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.
- g. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

VII. PLANNING COMMISSION OPTIONS

- A. Motion to APPROVE Bear Creek Planned Unit Development file #PUD 2022-01 AS SUBMITTED by the applicant, and adopt modified findings and conditions of approval to those contained in the Staff Report to the Planning Commission, in support of the original application.
- B. Motion to APPROVE the Bear Creek Planned Unit Development file #PUD 2022-01, and adopt the recommended findings and conditions of approval AS PRESENTED IN THE STAFF REPORT to the Planning Commission.
- C. Motion to APPROVE the Bear Creek Planned Unit Development file #PUD 2022-01, and adopt the recommended findings and conditions of approval presented in the Staff Report, AS MODIFIED BY THE PLANNING COMMISSION.
- D. Motion to DENY the Bear Creek Planned Unit Development file #PUD 2022-01, with amended findings how the application does not meet the applicable criteria.
- E. Motion to CONTINUE the public hearing on the Bear Creek Planned Unit Development file #PUD 2022-01 to a date and time certain, stating what additional information is needed to determine whether the applicable standards and criteria are sufficiently addressed.