

ORDINANCE 352-2016

AN ORDINANCE AMENDING THE HUBBARD ZONING MAP AND DECLARING AN EMERGENCY

Findings

- A. The City of Hubbard received a request to change the zone map designation of an area approximately 0.54-acres in size, located at 3092 1st Street, also identified as Township 4, Range 1W, Section 33DA, Tax Lot 2700, with a concurrent request for site development review approval to construct a 1,710-square foot commercial building and related parking, landscaping, and site improvements.
- B. The Hubbard Planning Commission conducted a public hearing to consider the request on October 18, 2016 at which time the public was given full opportunity to be present and heard on the matter.
- C. At the close of the public hearing, the Planning Commission voted to recommend that the City Council approve the request.
- D. The City Council conducted a public hearing to consider the request on November 8, 2016, at which time the public was given full opportunity to be present and heard on the matter.
- E. At the close of the public hearing, the City Council voted to approve the request.
- D. Proper notice of the said public hearings was given to the public pursuant to applicable state statutes.
- F. The City Council of the City of Hubbard hereby adopts the findings of fact set forth in the staff report dated October 28, 2016.

Based on the findings, the City of Hubbard ordains as follows:

Section 1. The zoning designation is hereby changed from Residential-Commercial (RC) to Commercial (C), and the site development review request to construct a 1,710-square foot commercial building and related parking, landscaping, and site improvements is hereby approved subject to the conditions of approval found in Exhibit A.

Section 2. The City Council for the City of Hubbard deems and desires it necessary for the preservation of the health, peace and safety of the City of Hubbard that this Ordinance take effect at once, and therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and adopted by the City Council of the City of Hubbard on this 13th day of December 2016, by the following votes:

AYES: _____

NAYS: _____

ABSENT: _____

CITY OF HUBBARD. OREGON

By: _____
Mayor

ATTEST:

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

APPROVED BY THE CITY ATTORNEY:

Beery Elsner and Hammond LLP

CITY OF HUBBARD CITY COUNCIL NOTICE OF DECISION

NOTICE DATE: November 9, 2016

FILE NUMBER(S): ZC 2016-01; DR 2016-03

HEARING DATE: November 8, 2016

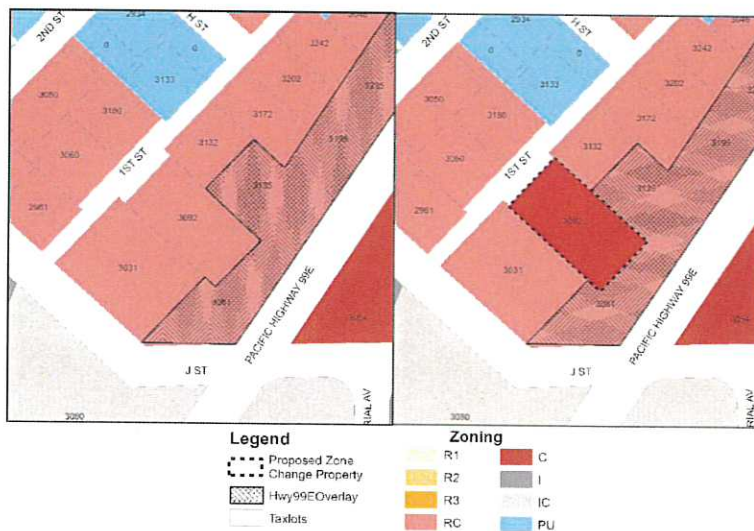
APPLICANT: Tim Kauffman Construction Inc., 19756 Olmstead Road, Aurora, OR 97002

OWNER: TCP Investments, LLC, 576 Glatt Circle, Woodburn, OR 97071

Erik Berkey, 23285 Bear Creek Road, Bend, OR 97701

REQUEST: To rezone 0.54 acres within the Hubbard City Limits, at 3092 1st Street. The property is currently designated as Residential-Commercial (RC) on the Hubbard Zone Map and Commercial (C) on the Hubbard Comprehensive Plan Map. The proposed zoning designation for the property is Commercial (C). The application includes a request for site development review approval for a 1,710 square foot commercial building and related parking, landscaping, and site improvements.

Existing Zone Designation Proposed Zone Designation



DECISION: Approved with Conditions

PROPERTY: The subject property is located at 3092 1st Street, Hubbard, OR. More specifically described as:

Map/Taxlot	Acct	Acres	Zoning
041W33DA02700 R11607		.54	Residential-Commercial (RC)

CRITERIA: Oregon's Statewide Planning Goals
Hubbard Comprehensive Plan

Hubbard Development Code (HDC)

Section 2.106	Commercial District (C)
Section 2.200	General Development Standards
Section 3.102	Comp Plan & Development Code Amendments & Zone Changes
Section 3.105	Site Development Review

I. DECISION

At a public hearing on November 8, 2016, the Hubbard City Council approved the application request with the recommended conditions of approval in the October 28, 2016 Staff Report, as amended below:

II. RECOMMENDED CONDITIONS OF APPROVAL

- A. Conformance to City of Hubbard Design and Construction standards is required. Applicant shall be responsible for the cost of public or private infrastructure improvements associated with the development. Compliance with Conditions of Approval shall be the sole responsibility of the Applicant.
- B. The subject development shall comply with all requirements of the Hubbard City Engineer found in Exhibit C of the Planning Staff Report dated October 28, 2016 Where the requirements of the City Engineer, the requirements of the Public Works Superintendent and a condition of approval, below, are different, the more stringent requirement shall be followed.
- C. **EXPIRATION OF APPROVAL:** Site Development Review approvals shall be effective for a period of two (2) years from the date of approval. If substantial construction of the approved plan has not begun within the two (2) year period, the approval shall expire. The approval shall be voided immediately if construction is a departure from the approved plan.
- D. **LANDSCAPING:** Prior to issuance of a building permit, Applicant shall submit a final landscaping plan, which complies with Section 2.207 and shows at least 10% of the gross area landscaped, the location and type of proposed planting, and the location and water source of automated irrigation systems for landscaped areas larger than 400 SF. In lieu of irrigation, Xeriscaping may be used.
 - 1. Backflow Prevention: If the public water source is used for irrigation, then a backflow prevention device shall be required and installed prior to occupancy.
 - 2. Prior to occupancy of the structure, landscaping shall be installed and Applicant shall provide the City a written guarantee for all landscape materials extending

one (1) year from the date of installation. The size of all plant materials installed shall comply with the minimum standards of Section 2.207.06.

- E. **VEHICLE PARKING:** Prior to the issuance of a building permit, Applicant shall submit a vehicle parking plan that includes not less than three (3) off street vehicle parking spaces in accordance with Section 2.203 of the Hubbard Development Code and Hubbard Design and Construction Standards for review and approval by City Engineer and Public Works.
- F. **BICYCLE PARKING:** Prior to the issuance of a building permit, the applicant shall submit a bicycle parking plan that includes not less than one (1) bicycle parking space in accordance with Section 2.203.09 of the Hubbard Development Code for review and approval by City Engineer and Public Works.
 - 1. Prior to occupancy of the structure, bicycle parking space(s) shall be installed.
- G. **LIGHTING:** Prior to issuance of a building permit, the applicant shall submit a lighting plan for review and approval by Public Works.
 - 1. Prior to occupancy of the structure, perimeter lighting shall be installed.
- H. **ADDRESS:** Prior to occupancy of the structure, the applicant shall post the address (minimum six inch numbers) on the building near the entry doors facing 1st Street.
- I. **STORM WATER:** Prior to issuance of a building permit, Applicant shall submit a drainage plan prepared by a licensed engineer for Public Works and City Engineer approval. The drainage plan shall show erosion and sediment control, full storm drainage calculations, and detention facilities. Surveying benchmarks shall be used to establish elevations in the City of Hubbard.
- J. **UTILITIES:** Prior to issuance of a building permit, Applicant shall submit detailed drawings for all utilities and a written estimate of water consumption. Applicant shall provide specific information, including but not limited to, the location and size of the existing and proposed utilities, size of the water meter, the location and size of all water lines, Uniform Plumbing Code calculations, and the extent of landscape irrigation.
 - 1. Prior to occupancy of the structure, Applicant shall install a sewer monitoring manhole at a location approved by Public Works.
 - 2. Prior to occupancy of the structure, Applicant shall install a backflow prevention device as deemed necessary by Public Works or the City Engineer.
 - 3. Prior to occupancy of the structure, Applicant shall provide a plan for disposal of chlorinated water if deemed necessary by Public Works or the City Engineer.

4. Prior to occupancy of the structure, three (3) hard copies and one electronic copy in ArcView/ArcGIS 9 format shall be provided of as-built plans.
- K. **FIRE SAFETY:** Prior to issuance of a building permit, Applicant shall submit a fire safety plan approved by the Hubbard Fire District or State Fire Marshal, showing the location and performance specifications of fire hydrants, fire alarm systems, and/or fire sprinkler systems.
1. Prior to occupancy of the structure, fire safety improvements shall be constructed and a fire line public easement shall be recorded for any hydrant location on private property.

III. APPEAL

This action is official unless appealed to the Oregon Land Use Board of Appeals (LUBA). If you wish to appeal, you must file a notice of intent to appeal with LUBA no later than 21 days from the date the decision was mailed to you. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

If you have questions or comments regarding this decision, please contact Laura LaRoque, City Planner at (503) 540-1617