

**MEETING NOTICE FOR THE  
CITY OF HUBBARD**

**TUESDAY**

**JANUARY 10, 2017**

.....  
**CITY COUNCIL: ESTES, WHEATCROFT, SCHMIDT, RUIZ, WILLIAMS**  
.....

The Hubbard City Council will meet for its regular council meeting at the Hubbard City Hall at 7:00 p.m.

The City will, upon request, endeavor to arrange for the following services to be provided. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 4:00 p.m. on the Monday the week preceding the meeting date.

- X Qualified sign language interpreters for persons with speech or hearing impairments; and
- X Qualified bilingual interpreters; and
- X Assisting listening devices for persons with impaired hearing.

Additional agenda items may be accepted until 4:00 p.m. on the Monday the week preceding the meeting date. Please contact the Director of Administration/City Recorder Vickie Nogle at 503-981-9633. (TTY / Voice 1-800-735-2900) If you would also like to purchase an Agenda packet, please contact the number mentioned above or you may view it online @ [www.cityofhubbard.org](http://www.cityofhubbard.org).

**SEE ATTACHED AGENDA**

**Posted 1/5/2017  
4:00 p.m.**

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

**HUBBARD CITY COUNCIL  
MEETING AGENDA  
JANUARY 10, 2017 – 7:00 PM  
LOCATION: CITY HALL  
3720 2<sup>ND</sup> STREET**

- 1) **CALL TO ORDER.**
  - A) Flag Salute.
  
- 2) **SWEARING IN OF MAYOR & COUNCIL MEMBERS.**
  - A) Mayor Thia Estes for the term January 10, 2017, to December 31, 2018.
  - B) City Councilor Barbara Ruiz for the term January 10, 2017, to December 31, 2020.
  - C) City Councilor Bradley Williams for the term January 10, 2017, to December 31, 2020.
  
- 3) **APPOINTMENT OF COUNCIL PRESIDENT.**
  
- 4) **PUBLIC HEARINGS.**
  - A. APPEAL #2016-01 – Matt Kennedy – [3500 3<sup>rd</sup> Street (041W33AD07600)] – An appeal of the Planning Commission’s decision on application for a Similar Use (file number SU #2016-01), a determination the proposed self-service storage use is authorized in the Commercial (C) District.
  
  - B. APPEAL #2016-02 – Matt Kennedy – [3500 3<sup>rd</sup> Street (041W33AD07600)] – An appeal of the Planning Commission’s decision on application for Site Development Review (file number DR #2016-06), approval of a Site Development Review for the placement of twelve (12) portable shipping containers to be used as self-service storage units upon an approval of a Similar Use (SU) determination that a proposed self-service storage use is permitted in the Commercial (C) District.
  
- 5) **DELEGATING CITY COUNCIL LIASIONS FOR DEPARTMENTS.**
  
- 6) **DISCUSS POLICE CHIEF POSITION.**
  
- 7) **DISCUSS SENIOR ACCOUNTING POSITION.**
  
- 8) **DISCUSS CITY COUNCIL EMAIL AND OFFICE SUPPLIES.**
  
- 9) **APPEARANCE OF INTERESTED CITIZENS.**

(This additional time is provided by the Council for questions or statements by persons in the audience on ANY item of city business, except those items which appear on this agenda or refer to zone changes or land use requests. Comments may be limited at the Mayor’s discretion.)
  
- 10) **MAYOR’S PRESENTATIONS, AND/OR COUNCIL’S PRESENTATIONS.**

**11) STAFF REPORTS.**

- A) **Police Department**—Police Chief Gill.
- B) **Public Works Department**—Public Works Superintendent Jaime Estrada.
- C) **Administrative Department**—Dirctr of Admin/Recorder Vickie Nogle.
- D) **Finance Report** - Sr. Acntng Spcilst Kari Kurtz.

**12) CONSENT AGENDA.**

(Matters listed within the Consent Agenda have been distributed to each member of the Hubbard City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda at the beginning of the meeting and placed on the Regular Agenda by request.)

- A) **Approval of meeting minutes.**
  - 1. **December 5, 2016, City Council Orientation.**
  - 2. **December 13, 2016, City Council.**
  - 3. **December 27, 2016, City Council.**
- B) **Resolution No. 618-2017. A Resolution approving a Marijuana Tax Collection Agreement between the State of Oregon, acting by and through its Department of Revenue and the City of Hubbard.**
- C) **Resolution No. 619-2017. A Resolution transferring appropriations within the 2016-2017 fiscal year Budget. (Refer to Director of Admin/Recorder report)**
- D) **Approval to grant an increase to step F of the current Salary Schedule to Senior Accounting Specialist Kari Kurtz, effective January 1, 2017. (Refer to Director of Admin/Recorder report)**
- E) **Approval for a 2% Incentive Pay Increase to Lucy Astorga (Administrative Assistant/Court Clerk), for obtaining certification Oregon Association for Court Administration Certification Program as per Hubbard Personnel Policy, effective January 1, 2017. (Refer to Director of Admin/Recorder report)**
- F) **Approval for a 2 % Incentive Pay Increase to Michael Krebs (Public Works Foreman) for obtaining the Roads Scholar Level 1 Program as per Hubbard Personnel Policy, effective January 1, 2017. (Refer to Public Works Report)**
- G) **Approval for a 2 % Incentive Pay Increase to Melinda Olinger (Assistant to the Public Works Superintendent) for obtaining the Roads Scholar Level 1 Program per Hubbard Personnel Policy, effective January 1, 2017. (Refer to Public Works Report)**
- H) **Approval for a 2% Incentive Pay Increase to Police Officer Chris Anderson for obtaining 10 years of service as per Collective Bargaining Agreement, effective January 1, 2017.**
- I) **Appoint Senior Accounting Specialist Kari Kurtz as Budget Officer.**

**J) Approval of the Fiscal Year 2017-18 Budget Calendar.**

**13) APPROVAL OF THE DECEMBER 2016 CHECK REGISTER REPORT.**

**14) OTHER CITY BUSINESS.**

**15) ADJOURNMENT. (Next City Council Meeting February 14, 2017, at 7:00 p.m.)**

**CITY OF HUBBARD**  
**LAND USE HEARING PROCEDURES**  
**December 27, 2016**

**MAYOR OPENS HEARING:**

The public hearing before the Hubbard City Council is now open for application file number [read option 1 or 2 below]

1. *Appeal 2016-01: An appeal of the Planning Commission's decision on application for a Similar Use (file number SU 2016-01), a determination that the proposed self-service storage use is authorized in the Commercial (C) District.*
2. *Appeal 2016-02: An appeal of the Planning Commission's decision on application for Site Development Review (file number DR 2016-06), approval of a Site Development Review for the placement of twelve (12) portable shipping containers to be used as self-service storage units upon an approval of a Similar Use (SU) determination that a proposed self-service storage use is permitted in the Commercial (C) District. .*

Does any member of the City Council have any conflict of interest, bias, or ex-parte contact to declare, or a site visit to describe?

Does anyone in the audience wish to object to:

- The notice sent in this case?
- The jurisdiction of this body to hear and consider this case?
- Legal objections to this procedure?

Oregon land use law requires several items be read into the record at the beginning of each public hearing.

**PLANNER READS FOLLOWING LEGAL STATEMENT FOR THE RECORD:**

The applicable substantive criteria upon which the application will be decided are as follows:

Hubbard Development Code (HDC)  
Section 2.106        Commercial District (C)  
Section 2.200        General Development Standards  
Section 3.109        Similar Uses  
Section 3.105        Site Development Review  
Section 3.205        Appeal Provisions

These criteria are addressed in the staff report and are summarized by staff during the presentation of the staff report. All public testimony, arguments, and evidence must be

directed toward these criteria or other criteria in the Hubbard Comprehensive Plan or Hubbard Municipal Code which you believe apply to the decision.

Failure to raise an issue accompanied by statements or evidence sufficient to afford this commission and the parties an opportunity to respond to the issue precludes an appeal to the city council and the Oregon Land Use Board of Appeals (LUBA) based on that issue.

An issue which may be the basis for an appeal to the Oregon Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the local government. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the commission and the parties an adequate opportunity to respond to the issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this commission to respond to the issue precludes an action for damages in circuit court.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The commission shall then continue the public hearing to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.

## **PLANNER PRESENTS STAFF REPORT**

## **MAYOR CONDUCTS PUBLIC HEARING**

*Mayor:* Are there any questions or staff before we continue and hear from the applicant and accept testimony?

*Mayor:* Is the applicant or applicant's representative present? If so, would applicant/applicant's representative like to address the Commission?

*Mayor:* I will now accept public testimony regarding this case.

- Is there anyone who would like to speak in support of the application?
- Is there anyone who would like to speak in opposition the application?
- Is there anyone who would like to speak neither for nor against the application (neutral)?
- Would the applicant like to address (rebut) any of the testimony?

*Mayor:* Before I close or continue the public hearing is there any additional questions from the Commissioners or staff or anyone? As a reminder, once I close the hearing only Commissioners or staff may speak.

**MAYOR CLOSSES PUBLIC HEARING FOR DELIBERATION AND MOTION**

Public testimony is now over. I will close the public hearing at \_\_\_\_ P.M. (state the time).

## City Council's Review of an Appeal

Appeal requests do not occur often, so the following is provided so that you may be aware of the two application review options that you have before you when hearing an appeal from the Planning Commission.

Per Section 3.204.03 of the Hubbard Development Code, City Council has two options for review of an appeal on an action by the Planning Commission – a hearing “on the record” or a “de novo” hearing.

A hearing on the record is limited to information that was presented to the Planning Commission. Parties may offer testimony regarding alleged errors in the Planning Commission action, but they may not introduce new evidence. The record from the Planning Commission must include:

- a. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence;
- b. All materials submitted by City Staff with respect to the application;
- c. The transcript of the hearing; and
- d. The findings and actions of the Planning Commission and the notice of decision.

Conversely, a de novo hearing is a hearing in which the Council may admit additional testimony and other evidence beyond what was presented to the Planning Commission. If the Council determines to hold a de novo hearing, the hearing will be conducted in the same manner as it was before the Planning Commission. In other words, it is basically a re-hearing opportunity in which all parties may present whatever evidence they so desire.

Because it is up to the sole discretion of the Council to determine how it would like to conduct an appeal from the Planning Commission, the first action Council should take is to decide upon whether to hold a hearing on the record or a de novo hearing. Once that decision is made, Council, with assistance from staff, will conduct the appeal hearing in accordance with applicable procedures. Once the hearing and deliberations are complete, the City Council may affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and as provided for in Section 3.201.02 of the City's Development Code. The City Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120-day review period specified in Subsection 3.201.02 (G).

**CITY OF HUBBARD CITY COUNCIL  
STAFF REPORT**

**REPORT DATE:** December 13, 2016  
**FILE NUMBER(S):** APPEAL 2016-01 (#APP 2016-01)  
**HEARING DATE:** December 27, 2016  
**APPELLANT:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032  
**OWNER:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032  
**REQUEST:** An appeal of the Planning Commission’s decision on application for a Similar Use (file number SU 2016-01), a determination that the proposed self-service storage use is authorized in the Commercial (C) District.  
**PROPERTY:** The subject property is a single tax lot located on 3<sup>rd</sup> Street at the intersections of ‘F’ Street and ‘E’ Street, north of the railroad tracks. More specifically described as:

<u>Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33AD07600	R344431	0.62	Commercial (C)

3500 3<sup>rd</sup> Street, Hubbard, OR 97032



(Tax lot lines are off-set against aerial imagery and are not precise)

**CRITERIA:**                    **Hubbard Development Code (HDC)**  
Section 2.106 Commercial District (C)  
Section 2.200 General Development Standards  
Section 3.109 Similar Uses  
Section 3.205 Appeal Provisions

**ATTACHMENTS:**        Exhibit A: Application, file no. APP 2016-01, dated 11/30/2016  
Exhibit B: Application, file no. SU 2016-01, dated 10/13/2016  
Exhibit C: Staff Report, file no. SU 2016-01, dated 11/4/2016  
Exhibit D: Draft Planning Commission Meeting (11/15/16) Minutes  
Exhibit E: Notice of Decision, file no. SU 2016-01, dated 11/18/2016

**I.        SUMMARY OF PROPOSAL**

The request is to appeal the decision made by the Planning Commission following a public hearing conducted on November 15, 2016. The Planning Commission denied similar use application file number SU 2016-01, a request finding that a self-storage use is not similar to other permitted uses in the zone and is not authorized in the Commercial (C) District.

The appellant requests that the Council reverse the decision of the Planning Commission and, therefore, find that a self-storage use is similar to other permitted uses and is authorized in the Commercial (C) District.

**II.        PROCEDURE**

HDC Section 3.109 outlines the review procedures and criteria for review of similar use applications. Review of a similar use application is a Type II Action requiring a public hearing before the Hubbard Planning Commission as stated in HDC Section 3.201.02. Written notice of the initial public hearing was mailed on October 25, 2016 (at least 20 days prior to the hearing) to the applicant and owners of property within 100' of the subject property, in compliance with HDC Section 3.202.02.

In accordance with HDC Section 3.205, an appellant may file an appeal of the Planning Commission's decision in writing within twelve (12) days of the Commission's final written notice. The appellant submitted an appeal application on November 30, 2016.

**III.        APPEAL**

The City Council's decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in the State statutes. A written notice of intent to appeal must be filed with LUBA within twenty-one (21) days of the Council's written decision.

**IV.        BACKGROUND**

The subject property is relatively flat and narrow (54 feet wide) with no vegetation. The

property is currently unimproved and is currently being used as a private parking lot.

The applicant proposes establishment of a self-service storage use on the subject property (see Exhibit B). The applicant proposes the placement of up to twelve (12) conex shipping containers on the property to be used as individual self-service storage units that can be rented out to the general public for the storage of personal property. The conex shipping containers are proposed to be portable in nature (not affixed to a foundation).

Conex shipping containers are described as prefabricated metal structures designed to contain or carry freight. Applicant proposes to use two different sized containers; six (6) containers that are 40 feet in length, eight (8) feet in width, and nine (9) foot six (6) inches in height; and six (6) containers that are 20 feet in length, eight (8) feet in width, and eight (8) foot six (6) inches in height. The exterior color of the conex shipping containers is not listed in the application. The color of these containers can vary.

Applicant states that the conex shipping containers are self-locking and can be accessed 24-hour a day.

Self-storage use, defined as “warehouse” in the HDC Section 1.200, are not listed as a permitted or conditional use in the C District. The applicant applied for a Similar Use determination that the proposed self-storage use is authorized in the C District. The Planning Commission conducted a public hearing on November 18, 2016, and denied the Similar Use application.

## **V. REVIEW CRITERIA AND FINDING OF FACT**

HDC Section 3.109.03, states that the Planning Commission may review Similar Use applications after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence substantiating all of the required criteria.

The Planning Commission denied the Similar Use request because the applicant did not satisfy the criteria, as stated in the HDC Section 3.109.04, based upon the Findings of Fact as stated in the staff report, Exhibit C, dated November 4, 2016. (The draft meeting minutes of the Planning Commission meeting November 15, 2016, are attached as Exhibit D)

The appellant’s basis for an appeal are presented in Exhibit A.

The City Council reviews the decision using the required criteria listed as follows:

Criterion A: The use is consistent with the purpose of the underlying zoning district and is similar in character, scale, and performance to permitted uses specified in the underlying district.

Criterion B: The use conforms with the applicable standards and limitations of the underlying zoning district.

## **VI. CONCLUSION AND RECOMMENDATION**

The Planning Commission reviewed and discussed the similar use criteria and listened to testimony from the applicant and public. It was the Planning Commission's decision that the applicant did not demonstrate that the proposed use was similar in character, scale, and performance to the permitted uses specified in the Commercial (C) District and thus did not satisfied the review criteria.

Staff recommends that the City Council uphold the decision of the Planning Commission decision to deny the similar use request determining that a self-service storage use is authorized in the Commercial (C) District.

## **VII. CITY COUNCIL ACTION**

The decision on the appeal request requires a motion and vote by the City Council. Council choices of action on the appeal request are as follows:

- A. Affirm the decision of the Planning Commission to deny SU 16-01 based upon the Findings of Fact as stated in the staff report, presented as Exhibit C.

*If the Council wishes to make any changes to the Findings of Fact or state their basis for denying the similar use, the revisions or additions need to be stated in the motion.*

- B. Amend the decision of the Planning Commission and grant the similar use as requested by the appellant, and, therefore, determine that a self-service storage use is authorized in the Commercial (C) District.

*If the Council wishes to make any changes to the Findings of Fact or state their basis for amending or reversing the similar use, the revisions or additions need to be stated in the motion.*

- C. Remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120-day period specified in HDC Section 3.201.02(G)

# Exhibit A

## APPEAL APPLICATION

CITY OF HUBBARD

FILE: App 2016-01 / App 2016-02  
DATE: 11/30/2016  
FEE: \$750.00  
RECEIPT NO: 1003966

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APPLICANT: Matt Kennedy PHONE: 503-314-7086

ADDRESS: 3635 5th St, Hubbard OR 97032

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

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

REQUEST: To appeal decision on SU 2016-01 and DR 2016-06.

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### PROPERTY DESCRIPTION:

ADDRESS: 3500 3rd St

MAP PAGE AND TAX LOT NO: 041W33AD07600 ZONE: COM

CURRENT USE/STRUCTURES: none SQUARE FOOTAGE OF SITE: 27,094

IS THE SITE OF HISTORIC SIGNIFICANCE? No

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### LAND USE FILE INFORMATION:

LAND USE FILE NUMBER(S): SU 2016-01 and DR 2016-06

DATE OF PLANNING COMMISSION HEARING: November 15th, 2016

DATE OF NOTICE OF DECISION: November 18th, 2016

APPEAL PERIOD: 12 days

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### SUBMITTAL REQUIREMENTS:

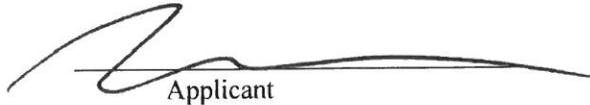
1. State the alleged errors of the City staff decision or in the Planning Commission action based upon the approval criteria or any other local, state, or federal regulations that applied to the application.

See attached Exhibit "A"

**NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.**

12/01/2016

Date



Applicant

Date

Owner(s)

Date

Owner(s)

Appeal Application  
Exhibit "A"

Staff finding in SU 2016-01 interprets that this use does not fit in "commercial operations and services". Applicant finds that it does, and that while these portable units are not specifically addressed in the development code, that it does meet the intent of the district which is "to provide areas for the broad range of commercial operations and services required in the central business district and other areas to meet the economic needs of the city of Hubbard." Applicant finds this use consistent with the intent of the zone and that staff has misinterpreted the intent of the zone.

Further, staff findings identify this temporary and portable container placement as the establishment of a warehouse facility. Staff has a consistent premise throughout these applications and reports that equates this use to permanent development far beyond the scale of this proposal.

DR 2016-06 Staff has again applied an unreasonable and onerous criteria to a small temporary use at the site. The second part of the finding in Supreme Court decision in Dolan vs City of Tigard rules that a test of "whether or not the degree of the exactions required by the permit condition bears the required relationship to the projected impact of the proposed development." The staff report grossly overreaches in any reasonable test of such. The proposed use of this site greatly reduces the prior use as a public parking area. Design review was triggered by the similar use application, however when reducing impact on a site the opposite is applied per the development code. Increases in traffic and use trigger site development, showing the code intent is to review higher impact uses to see if a site's current standards support that higher use.



# Exhibit B

## SIMILAR USE APPLICATION

### CITY OF HUBBARD

3720 2<sup>nd</sup> Street (P.O. Box 380)

Hubbard, OR 97032

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

<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: SU #2016-01

DATE: 10/13/16

FEE: MAINT SEE DEC 2016 vll

RECEIPT NO: 1003552

APPLICANT: Matt Kennedy

PHONE: 503-314-7086

EMAIL ADDRESS: homes@mattkennedy.com

ADDRESS: 3635 5th St Hubbard OR 97032

OWNER(S): \_\_\_\_\_

(If different from above)

PHONE: \_\_\_\_\_

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

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

REQUEST: To place self contained portable shipping containers on site

to be used as storage pods for rent

PROPERTY DESCRIPTION: ~~3500 E ST~~ 3500 3rd Street

ADDRESS: 3rd St lot between G St and E St, and between 3rd and UP railroad

MAP PAGE AND TAX LOT NO: 041W33AD07600R344431

ZONE: COM

CURRENT USE/STRUCTURES: Parking- no structures SQUARE FOOTAGE OF SITE: 27,094 sf

IS THE SITE OF HISTORIC SIGNIFICANCE? No

### FINDINGS:

The Planning Commission may authorize a similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

1. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.

This use is placement of containers that resembles parking or other  
allowed uses in the zone such as sale of vehicles or general parking uses.

The parking of trucks is common on this site and in this zone.

2. The use conforms with the applicable standards and limitations of the underlying zoning district.

The placement of these containers is of a portable nature and resembles  
other uses such as sales lots or delivery trucks.

DATE: 9/19/08



#### **SIMILAR USE INFORMATION SHEET**

A similar use is a use which is not specifically listed in a particular zoning district but which is similar in character, scale, and performance to the permitted uses specified in the district.

**SIMILAR USE REGULATION**

Prior to the issuance of a Building Permit for any approved similar use in any zone, the applicant shall be subject to the Site Development Review procedures set forth in Section 3.105 of the Hubbard Development Code.

**APPLICATION PROCESSING**

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

**CIRCUMSTANCES FOR AUTHORIZING SIMILAR USES**

The Planning Commission may impose limitations or conditions on the similar use. Any reduction or change of the requirements of the ordinance will be considered as varying the ordinance and must be requested and viewed as such. The Planning Commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety, and general welfare, or to protect persons or improvements in the area. The Planning Commission may prescribe such conditions it deems appropriate to fulfill the intent of the ordinance.

**EFFECTIVE DATE OF APPROVAL**

The similar use authorization shall be effective ten (10) days after the date of the notice of the decision.

**ADDITIONAL INFORMATION**

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



# Exhibit C

## CITY OF HUBBARD PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** November 4, 2016

**FILE NUMBER(S):** SU 2016-01

**HEARING DATE:** November 15, 2016

**APPLICANT:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032

**OWNER:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032

**REQUEST:** Approval of a Similar Use (SU) determination that a proposed self-service storage use is permitted in the Commercial (C) District.

**PROPERTY:** The subject property is a single tax lot located on 3<sup>rd</sup> Street at the intersections of 'F' Street and 'E' Street, north of the railroad tracks. More specifically described as:

<u>Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33AD07600	R344431	0.62	Commercial (C)

3500 3<sup>rd</sup> Street, Hubbard, OR 97032

**CRITERIA:** **Hubbard Development Code (HDC)**  
Section 2.106 Commercial District (C)  
Section 2.200 General Development Standards  
Section 3.109 Similar Uses

**ATTACHMENTS:** Exhibit A: Similar Use Application & Supplemental Narrative  
Exhibit B: Public Works Superintendent Comments (October 31, 2016)  
Exhibit C: AKS Engineering Comments (October 31, 2016)  
Exhibit D: HDC Section 2.106 Commercial District

### I. PROCEDURE

HDC Section 3.109 outlines the review procedures and criteria for review of Similar Uses. Review of Similar Uses is a Type II Action requiring a public hearing before the Hubbard Planning Commission as stated in HDC Section 3.201.02. written notice of the initial public hearing was mailed on October 25, 2016 (at least 20 days prior to the hearing) to the applicant and owners of property within 100' of the subject property, in compliance with HDC Section 3.202.02.

### II. APPEAL

In accordance with HDC Section 3.205, an appeal of the Commission's decision shall be made in writing, to the City Council within twelve (12) days of the Commission's final written decision.

### III. BACKGROUND

The applicant proposes establishment of a self-service storage use/facility on the subject property, which is zoned C District. The subject property is relatively flat and narrow (54 feet wide) with no vegetation. The property is currently unimproved and being used as a private parking lot.

The applicant proposes the placement of up to twelve (12) conex shipping containers on the property to be used as individual self-service storage units that can be rented out to the general public for the storage of personal property. The conex shipping containers are proposed to be portable in nature (not affixed to a foundation) so that they can be moved either on and off the property or around the property.

Conex shipping containers are described as prefabricated metal structures designed to contain or carry freight. Applicant proposes to use two different sized containers; six (6) containers that are 40 feet in length, eight (8) feet in width, and nine (9) foot six (6) inches in height; and six (6) containers that are 20 feet in length, eight (8) feet in width, and eight (8) foot six (6) inches in height. The exterior color of the conex shipping containers is not listed in the application. The color of these containers can vary.

Applicant states that the conex shipping containers are self-locking and can be accessed 24-hour a day.



(Taxlot lines are off-set against aerial imagery and are not precise)

## IV. REVIEW CRITERIA

### SECTION 3.109 SIMILAR USES

#### 3.109.04 Review Criteria

*A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:*

- A. *The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.*

**FINDING:** The purpose of similar use requests/applications is to provide an interpretation regarding whether or not uses not specifically listed in a particular zone but which are similar in character, scale and performance to outright permitted uses specified therein are allowed in the zone.

The subject property is located in the Commercial (C) District. According to HDC Section 2.106, the purpose of the C District is to provide areas for the broad range of commercial operations and services required in the central business district and other areas to meet the economic needs of the city of Hubbard. HDC Sections 2.106.02 and 2.106.03 (Exhibit D) list the uses that are permitted outright or upon conditional use approval in the C District.

The Hubbard Development Code does not define “commercial operations and services,” but Staff interprets this term to include retail trade and service establishments, business service establishments, offices and clinics, and automobile sales, which are permitted uses in the C District, described in HDC Section 2.106.02, and discussed below.

***Retail trade establishments** engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores, gas stations and sporting goods stores.*

***Retail service establishments** offering services and entertainment to the general public for personal or household consumption such as eating and drinking establishments, motels, hotels, banks, real estate and financial services.*

***Business service establishments** engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services and consulting services.*

***Offices and clinics** such as doctor and dentist offices, veterinary clinics and law offices.*

***Automobile sales**, both new and used, recreational vehicles, recreational unit, and light trailer sales.*

Storage facilities are designed to allow private access by tenants for storing or removing personal property. The proposed use does not: involve the selling of goods or merchandise, offer services to the general public for personal or household consumption, engage in rendering

services to other businesses, or offer a room or rooms for conducting the affairs relating to business profession.

The use defined as warehouse in HDC Section 1.200 best describes the type of use that the applicant is proposing. Warehouse activities are not permitted in the C District but are permitted in the Industrial (I) District and Industrial Commercial (IC) District.

***Warehouse:*** A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

The proposed use, as described, is not similar to permitted uses in the C District and is therefore is not consistent with the concept of “commercial operations and services.”

The applicant states that the placement of conex shipping containers is similar in nature to an automotive sales lot. The sale of both new and used automobiles, recreational vehicles, recreational unit, and light trailers is permitted in the C District. Applicant has not proposed the sale of new or used conex shipping containers. Applicant has proposed the placement of conex shipping containers to be used as a self-service storage, for rent. Staff finds that the proposed use as described by the applicant as a self-service storage does not involve the sale of conex shipping containers.

Due to the portable nature of the structures they could be compared to portable accessory structures, which are allowed in the C District, and are defined in HDC Section 1.200 as follows:

***Accessory Building or Use:*** A structure or use which is clearly incidental and subordinate to the main building or use on the same lot.

***Portable Accessory Structure:*** A structure intended for the shelter or storage of self-propelled vehicles, which is comprised of a self-supporting assemblage of material and is not permanently attached to a footing and foundation in compliance with the Uniform Building Code.

HDC Section 2.401.13 states that in an industrial or commercial zone, portable accessory structures may be located on any portion of the lot or parcel, subject to applicable setback and Building Code requirements. HDC Section 4.401.13 further states that a portable accessory structure shall be structurally sound and shall be anchored.

The term accessory means that these structures are subordinate to a main building or use on the same lot. The applicant is proposing to place portable accessory structures on a property without a primary use. Portable accessory structures are not permitted without a primary structure or use on the same property.

*B. The use conforms with the applicable standards and limitations of the underlying zoning district.*

**FINDING:** The property is located in the C District. Standards for the C District are found in HDC Section 2.106 (Exhibit D). A review of the C District standards as they apply to the proposed use is provided as follows:

Off-Street Parking. For warehousing uses permitted in the I and IC zone, HDC Section 2.203.05 requires a minimum of one (1) off-street parking space per 2,000 square feet of gross floor area for warehouse uses. Per this requirement, a minimum of one (1) off-street parking spaces is required for the proposed use (2,880 sq. ft. container space). The applicant's site plan proposes two (2) off-street parking spaces for customers near the access near the intersection of 3<sup>rd</sup> Street and E Street. Any modifications to the parking area shall conform with the parking requirements found in HDC Section 2.203.

Signs. The application did not indicate any signage for the proposed use. Any signs installed on the subject property shall comply with city sign requirements found in Development Code HDC Section 2.206.

Landscaping. HDC Section 2.207 contains landscaping requirements for new developments, expansions of existing developments and developments subject to the Site Development Review process.

To comply with the screening requirements found in HDC Section 2.207, a landscape plan prepared by a landscape professional that shows street trees pursuant to HDC Section 2.207.07, buffering pursuant to HDC Section 2.207.05 along the front and side yards, and the proposed method of irrigation, shall be submitted within 180 days of written approval of the application for review and approval by city staff. The applicant shall install landscaping in compliance with landscape plan approved by staff within one (1) year. Landscape planting and maintenance shall comply with the requirements found in HDC Section 2.207.06.

Design Review. HDC Section 3.109.06 states that any approved similar use in any zone shall be subject to Site Development Review procedures of HDC Section 3.105.

Outdoor Display. The applicant did not indicate any outdoor display. Outdoor display is only permitted between the hours of 7am and 10pm unless the display items are screened pursuant to HDC Section 2.207.

Access. Based upon a review of the applicant's submittal, the proposed business would continue to use the existing private driveway accesses located at the intersection of 3<sup>rd</sup> Street and E Street and the intersection of 3<sup>rd</sup> Street and F Street. The applicant's submittal did not indicate any changes to the existing site access.

The Public Works Superintendent and City Engineer submitted comments and recommendations for conditions to ensure that the use conforms with current standards and limitations for commercial properties. Those comments are included as Exhibits B and C. HDC

Section 3.109.05 provides that the Planning Commission may impose such conditions *if it* deems appropriate to ensure that the intent of this Section is carried out. If the Planning Commission votes to approve the application, Staff recommends that the requirements listed in Exhibits B and C be adopted as conditions of approval.

Staff finds the proposed use can comply with the standards of the Commercial District, *if* the Planning Commission determines the proposed is a similar use to those listed as permitted uses in the Commercial zone, and upon compliance with the proposed conditions of approval.

## **V. SUMMARY AND RECOMMENDATION**

Based on the findings contained in this report, Staff concludes that the application (File #SU-2016-01) fails to comply with all of the applicable criteria. Consequently, Staff recommends denial of the application.

## **VI. PLANNING COMMISSION OPTIONS**

- A. Deny the request and adopt the findings contained in the Staff Report.
- B. Deny the request with findings amended by the Planning Commission.
- C. Approve the request with amended findings (and applicable conditions) that the request meets the applicable approval criteria.
- D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed (considering the 120-day limit on applications).





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

2. Site Plan

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

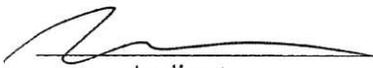
**EVALUATION CRITERIA**

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

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

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

10/13/2016  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Applicant

\_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Date

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

## SITE DEVELOPMENT REVIEW INFORMATION SHEET

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

### SITE DEVELOPMENT REVIEW REGULATION

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

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

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

### APPLICATION PROCESSING

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

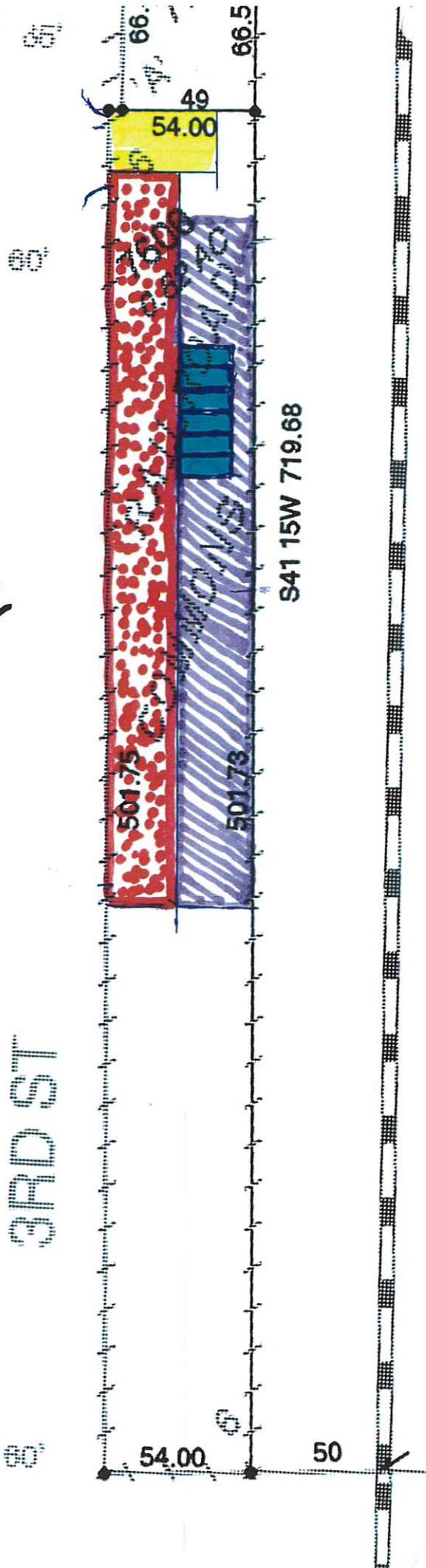
### EFFECTIVE DATE OF APPROVAL

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

### ADDITIONAL INFORMATION

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

$$1MM = 1.65 FT$$



-Blacktop (former E St.)  
 2 parking spaces

$$+ 359.1 = MW$$

-Area for containers  
 approx 28ft x 280ft  

 - Drive thru + Access area  
 approx 26ft x 280ft



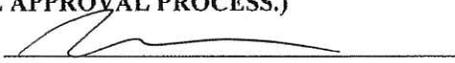


**ATTACHMENTS:**

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

- 1. A legible **site plan** drawn to scale on 8 ½ x 11 or 11 x 17 inch paper, or eight (8) full size copies (typically 18 x 24 inches or larger) that shows the following information:
  - existing and proposed structures,
  - driveways and vehicular circulation,
  - parking,
  - landscaping, and
  - significant natural features.

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

<u>10/13/2016</u>	
Date	Applicant
<hr/>	<hr/>
Date	Owner(s)
<hr/>	<hr/>
Date	Owner(s)

**SIMILAR USE INFORMATION SHEET**

A similar use is a use which is not specifically listed in a particular zoning district but which is similar in character, scale, and performance to the permitted uses specified in the district.

**SIMILAR USE REGULATION**

Prior to the issuance of a Building Permit for any approved similar use in any zone, the applicant shall be subject to the Site Development Review procedures set forth in Section 3.105 of the Hubbard Development Code.

**APPLICATION PROCESSING**

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

**CIRCUMSTANCES FOR AUTHORIZING SIMILAR USES**

The Planning Commission may impose limitations or conditions on the similar use. Any reduction or change of the requirements of the ordinance will be considered as varying the ordinance and must be requested and viewed as such. The Planning Commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety, and general welfare, or to protect persons or improvements in the area. The Planning Commission may prescribe such conditions it deems appropriate to fulfill the intent of the ordinance.

**EFFECTIVE DATE OF APPROVAL**

The similar use authorization shall be effective ten (10) days after the date of the notice of the decision.

**ADDITIONAL INFORMATION**

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

## LaRoque, Laura

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**From:** mattkennedyhomes@gmail.com on behalf of Matt Kennedy <homes@mattkennedy.com>  
**Sent:** Wednesday, September 28, 2016 10:01 AM  
**To:** LaRoque, Laura  
**Subject:** Re: Storage Containers  
**Attachments:** 20-foot-ground-storage-and-shipping-container-20ft-one-trip-single-use-container.jpg; Railroad lot plat.pdf

Laura,

I'll try to cover what I can in a note here. First, I'm attaching a photo to clarify what these units are. They are ocean shipping containers that are used for overseas shipping of goods, primarily from China. They are often utilized for land based storage, and also converted to offices, homes, and other building uses, both portable and permanent. In this form, they are likely more equipment than a "structure". They are moved to and from the site by semi trucks with large tilt trailers, and moved around on site by crane. They are also often used as "Pod" units for on site storage at peoples homes. Some companies deliver these to homes and charge a monthly rent for them being there. I only plan to store these on my site and there will not be continual placement and removal from this site.

I have improved my current lot from E St to F St with a base and cover of compacted crushed concrete at a thickness of 12". I plan to place an aesthetic layer of rock over the top as well. There are two existing driveway accesses at both E St and F St locations. The E St access is the old abandoned E St railroad crossing, and there are two paved parking spaces there. I think that all access will only be to drive up to a unit and place or remove belongings. As such, I'm certain there will be many days with no traffic, and maybe a visit or two on others. The units will be nicely arranged near the rear of the lot, leaving an access area of over 20 ft on the frontage to come and go, and allow equipment to come in and move units when needed.

As mentioned prior and is the case to this day, this has been a public parking area for decades. I've allowed this over my 10 years or so as owner. The lot was partially graveled with many pot holes and puddles. It's now very clean and level. There are still approx 15 trips and parking per day by my count, and were at least double that prior to me giving notice to other businesses that general parking was no longer allowed there. I'm closing off all access this week. So this is now basically to be a storage area for these container units. I may plan to place structures or develop the property in the future, but that's a long time off at this point. Let me know if you have other questions.

Have a great day!

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



On Tue, Sep 27, 2016 at 5:58 PM, Matt Kennedy <[mattkennedyhomes@gmail.com](mailto:mattkennedyhomes@gmail.com)> wrote:  
Got this after the other message. Will put something together soon.



Y0IU 100076 0  
22G1

MAX GROSS  
TARE

NET  
GROSS



Y0IU1000760  
22G1



## LaRoque, Laura

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**From:** mattkennedyhomes@gmail.com on behalf of Matt Kennedy <homes@mattkennedy.com>  
**Sent:** Wednesday, September 28, 2016 12:44 PM  
**To:** LaRoque, Laura  
**Subject:** Re: Storage Containers

Sorry, I'd meant to mention the number. I'm planning to place 12. And as they're self lock and self access, I guess they'd be accessible 24 hours. I may do something in the contracts to limit that though.

thx again

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



On Wed, Sep 28, 2016 at 12:39 PM, LaRoque, Laura <[LLaRoque@mwvcog.org](mailto:LLaRoque@mwvcog.org)> wrote:

Matt,

Thank you so much for the information. I have just a few additional questions. How many storage structures will be placed on the property? Will they be accessible 24-hours a day?

**Laura LaRoque**

Associate Planner

Mid-Willamette Valley Council of Governments

100 High Street SE, Suite 200

Salem, OR 97301

(ph) [503-540-1617](tel:503-540-1617)

(fx) [503-588-6094](tel:503-588-6094)

## LaRoque, Laura

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**From:** mattkennedyhomes@gmail.com on behalf of Matt Kennedy <homes@mattkennedy.com>  
**Sent:** Tuesday, October 18, 2016 4:02 PM  
**To:** LaRoque, Laura  
**Subject:** Re: SU 2016-01; DR 2016-06 - Application Not Complete

Laura,

The site plan is to scale and shows at least the E St access point. I'll revisit it for the other access. There are fence posts along the rear and south of the property, but no fencing is installed at this time. I did this primarily to delineate what is Union Pacific property and what is mine. I did speak of 12 containers and would likely want to have that amount. What my site plan shows is an area where the units would be placed, thus leaving the balance for ingress, egress, and internal movement. The only parking that would occur would be when a vehicle pulled up to access a unit at it's doors. And as these container are totally mobile and could be placed or moved around the site as needed, I showed essentially a container parking area, rather than location. I can show you proposed placement if that is useful. All placement is in the defined area and would not intrude into the open access area. The gravel lot has no landscaping or natural features, and none are proposed. The entire site is now approx 12" of compacted crushed concrete. I may top with 3/4" minus gravel for aesthetics, but this is built to a road base standard to accommodate both vehicle and heavy equipment without the large puddles and general bumpiness of the parking area prior.

Let me know what questions this answers, and what you need in addition.

Thx much!

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



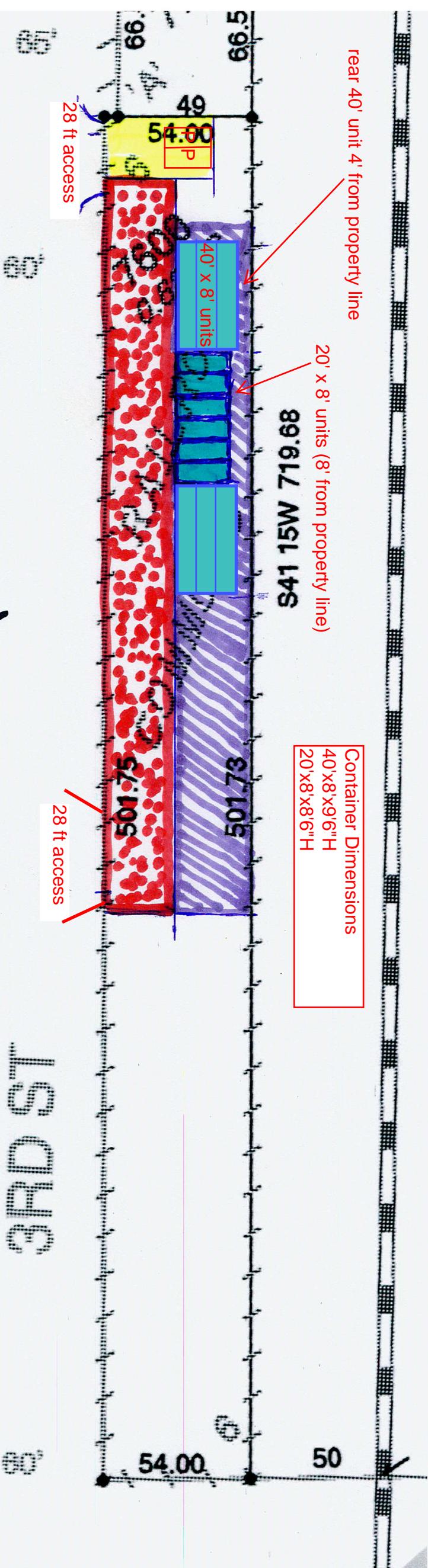
On Tue, Oct 18, 2016 at 2:11 PM, LaRoque, Laura <[LLaRoque@mwvcog.org](mailto:LLaRoque@mwvcog.org)> wrote:

Hello Matt,

Thank you for submitting the Similar Use (SU 2016-01) and Site Developer Review (DR 2016-06) applications. There are just a few items that are needed in order to deem your application complete.

The missing or incomplete items are as follows;

1mm = 1.65ft



rear 40' unit 4' from property line

20' x 8' units (8' from property line)

S41 15W 719.68  
S41 15W 141

Container Dimensions  
40'x8'x9'6" H  
20'x8'x8'6" H

 - Blacktop (former E St.)  
2 parking spaces

+ 359.1 = width

 - Area for containers  
approx. 28ft x 280ft +  
 - Drive thru + Access area  
approx 26ft x 280ft

15043  
15046

**SUBMITTED BY:** Jaime Estrada  
**DATE:** October 31, 2016  
**RE:** 3500 3<sup>rd</sup> Street  
SU #2016-01 & DR #2016-06

1. Landscape plan must be provided for review;
2. Surveying benchmarks must be used in the city of Hubbard;
3. Must contact Marion County for possible location of monuments;
4. Must obtain permits from Marion County;
5. The applicant shall be responsible for all costs associated with the improvements.
6. It is the responsibility of the applicant to obtain copies of and be familiar with all applicable codes and standards, including, but not limited to required bonds;
7. All utility work must be in accordance with Hubbard Public Works construction standards;
8. Reconstruct driveway approaches on 3<sup>rd</sup> Street south, close to "G" Street;
9. 3<sup>rd</sup> Street is classified as a minor arterial and should be reconstructed to meet the Transportation System Plan standards (May 2012);
10. Require the replacement of the catch basin at the N.E. corner of "E" Street; and
11. Shipping containers should meet setbacks.

pc: Bill Peterson, AKS Engineering & Forestry [peterσονb@aks-eng.com](mailto:peterσονb@aks-eng.com)  
John Kennedy, AKS Engineering & Forestry [kennedyj@aks-eng.com](mailto:kennedyj@aks-eng.com)  
Vickie Nogle, City Recorder [vnogle@cityofhubbard.org](mailto:vnogle@cityofhubbard.org)  
Laura LaRoque, COG [LLaRoque@mwvcog.org](mailto:LLaRoque@mwvcog.org)  
Steve Brewer, Fire Chief [sbrewman@gmail.com](mailto:sbrewman@gmail.com)  
Melinda Olinger, Public Works [molinger@cityofhubbard.org](mailto:molinger@cityofhubbard.org)  
Jaime Estrada, Public Works [jestrada@cityofhubbard.org](mailto:jestrada@cityofhubbard.org)

October 31, 2016

Vickie L. Nogle, Director of Administration/City Recorder  
City of Hubbard  
P.O. Box 380  
Hubbard, Or 97032

**RE: DR #2016-06, SU #2016-01– Kennedy  
3500 3<sup>rd</sup> St.**

**Sent by Email Attachment**

Dear Vickie:

We reviewed the details attached to the e-mail dated October 25, 2016 for DR #2016-06 and SU #2016-01, 3500 3<sup>rd</sup> St., Kennedy. Based on our review we have the following comments:

1. Applicant shall modify the site entrances at the intersections of 3<sup>rd</sup> & E St. and 3<sup>rd</sup> F St. with private driveways that comply with the City of Hubbard Design Standards for private driveways on arterial streets.
2. Applicant shall modify existing storm drain inlets at the above mentioned private driveways so they comply with the City of Hubbard Design Standards for storm drainage inlets and catch basins.
3. Applicant shall coordinate the relocation of power poles as needed to remove the physical obstruction caused by a guide wire currently located at the site entrance on F St.
4. If the applicant paves the site where storage containers are proposed to be staged, the storm drainage collection system must comply with the City of Hubbard design standards. The grading and pavement plan, including details of the storm drainage conveyance and detention system with calculations prepared and sealed by a Registered Engineer, shall be submitted to the City Engineer and Public Works Director for review and approval.
5. Provide documentation that the Hubbard Fire District is satisfied with the proposed improvements.

Please contact me if you have any question regarding this review.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



John Kennedy, PE

Cc: Jaime Estrada, Public Works Superintendent,  
Laura LaRoque, MWVCOG  
William I. Peterson, P.E., City Engineer

## **2.106 COMMERCIAL DISTRICT (C)**

### **2.106.01 Purpose**

The purpose of the Commercial District is to provide areas for the broad range of commercial operations and services required in the central business district and other areas to meet the economic needs of the City of Hubbard. The Commercial District is consistent with the Commercial Comprehensive Plan designation.

### **2.106.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C District:

- A. Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores, gas stations and sporting goods stores
- B. Retail service establishments offering services and entertainment to the general public for personal or household consumption such as eating and drinking establishments, motels, hotels, banks, real estate and financial services
- C. Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services and consulting services
- D. Offices and clinics such as doctor and dentist offices, veterinary clinics and law offices
- E. Dwelling units accessory to a permitted use or above a permitted use
- F. Group day care homes and centers
- G. Residential care home and residential care facility
- H. Amusement and recreational services
- I. Public and private utility buildings and structures such as electric substations, telephone exchanges, and communications antennas or towers
- J. Church
- K. Automobile sales, both new and used, recreational vehicles, recreational unit, and light trailer sales.

**2.106.03 Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103:

- A. Church
- B. Except as provided in Section 2.304, any commercial service or business activity otherwise permitted, involving the processing of materials which is essential to the permitted use and which processing of materials is conducted wholly within an enclosed building
- C. Public and private utility buildings and structures such as electric substations, telephone exchanges, and communications towers and/or antennas
- D. Automotive repair

**2.106.04 Dimensional Standards**

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Commercial District.

- A. Minimum lot area: No limitation
- B. Minimum yard setbacks:
  - 1. Front Yard None\*  
\* - Abutting Highway 99E 20 feet
  - 2. Rear Yard  
-Abutting a non-residential district None  
-Abutting a residential district 15 feet
  - 3. Side Yard  
-Abutting a non-residential district None  
-Abutting a residential district 15 feet
- C. Maximum structure height: 45 feet

## **2.106.05 Development Standards**

All developments in the Commercial District shall comply with the applicable provisions of Section 2.200 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Section 2.203.
- B. Signs. Signs in the Commercial District shall be subject to the provisions of Section 2.206.
- C. Landscaping. All development is subject to the landscaping provisions in Section 2.207.
- D. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 2.208.
- E. Design Review. All new development and expansion of an existing structure or use in the Commercial District shall be subject to the Site Development Review procedures of Section 3.105.
- F. Outdoor Display. There shall be no outdoor display or storage of materials or merchandise within a designated alleyway, roadway or sidewalk that would impede pedestrian or vehicular traffic except during community retail sales events. Safety precautions shall be observed at all times. Outdoor display shall only be permitted between the hours of 7am and 10pm unless the display items are screened pursuant to Section 2.207.
- G. Access. Approaches and driveways shall be subject to provisions of Section 2.202.

# Exhibit D

## CITY OF HUBBARD PLANNING COMMISSION MINUTES NOVEMBER 15, 2016

**CALL TO ORDER.** The Hubbard Planning Commission meeting was called to order at 6:31 p.m. by the Planning Commission Chairman Dan Estes at the City Hall, 3720 2<sup>nd</sup> Street, Hubbard.

**Planning Commission Present:** Dan Estes, Glenn Holum, Kevin Nelson, Byron Nichols.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle; Administrative Assistant Lucy Astorga; City Planner Laura LaRoque, MWVCOG.

**FLAG SALUTE.** Planning Commission Chairman Dan Estes led the group in reciting the Pledge of Allegiance.

**APPROVAL OF THE OCTOBER 18, 2016, PLANNING COMMISSION MEETING MINUTES.** MSA/Planning Commissioner Kevin Nelson/Planning Commissioner Glenn Holum moved to approve the minutes. Planning Commissioners Dan Estes, Kevin Nelson, Glenn Holum, and Byron Nichols were in favor. Motion passed.

### **PUBLIC HEARING.**

**SU #2016-01 – MATT KENNEDY – [3500 3<sup>RD</sup> STREET (041W33AD07600)] – SIMILAR USE DETERMINATION THAT A PROPOSED SELF-SERVICE STORAGE USE IS PERMITTED IN THE COMMERCIAL (C) DISTRICT.** Planning Commission Chairman Dan Estes opened the public hearing. D. Estes asked if any of the Planning Commissioners had declarations of bias, conflict, or ex parte contact in regard to this application.

Planning Commissioner Byron Nichols said he is the owner of an adjacent property, which is located across the street from the applicant's property. He said he is unbiased on the application. He left it up to the applicant and audience to determine if he should make decisions on the application. There were no objections.

D. Estes declared ex parte contact. He said he has known the applicant for years and he spoke with surrounding property owners regarding the project as well as researched uses.

D. Estes asked if anyone had objections to the notice that was sent out or the Planning Commission overseeing the proceedings. There were none.

City Planner Laura LaRoque read the legislative hearing statement.

L. LaRoque noted the late correspondence submission from Union Pacific Railroad regarding the application. She summarized the staff report pages 1 through 6, saying the Planning Commission needs to determine if the proposed use in the application is consistent with the underlying zone, and if the proposed use is similar to uses specified and permitted. L. LaRoque reported staff did not find the proposed use is consistent with the zone. She stated the proposed use is similar to a warehouse, which is allowed in an Industrial zone, not Commercial zone. She added the applicant can do a zone change. L. LaRoque stated accessory structures are only allowed if the primary

structure is in place, which it is not in this case. She said if the application for Similar Use is approved, the Planning Commission will proceed with the Site Development Review application, but will not if the application for Similar Use is denied. She reported staff recommends denial of the application for Similar Use #2016-01 based on Criteria A not being met.

D. Estes opened the meeting to the applicant.

Matt Kennedy, 3635 5<sup>th</sup> Street, Hubbard, applicant, commented he has one month left on the City Council. He said he has owned the site for about ten years and for many years, it has been used as public parking. M. Kennedy said there has been public access to the property. He added he has cleaned up a junk yard in Hubbard, as well as helped with other public improvements and right of ways. M. Kennedy reported his plan was to clean up the site and was going to work with three businesses on 3<sup>rd</sup> Street to improve the parking for a modest fee for them to park on his property. He said all three of the businesses said no to pay for parking on the site. M. Kennedy stated in order to off-set the cost and taxes, he thought of ways to better use the property. He said he looked into storage containers for personal use, and potentially for others to rent. M. Kennedy commented the staff's proposal is over-reaching and offensive as he is being asked to widen 3<sup>rd</sup> Street. He said he isn't developing or building on the property, but the proposal is to put 12 units on the site, which will decrease the use of the property. M. Kennedy said he changed the zone from Industrial to Commercial and changing it again for temporary use is ridiculous. M. Kennedy stated in public forums, the idea of food carts and portable uses were suggested. He said he doesn't understand the requirement for a building permit for a temporary structure. M. Kennedy said the containers in place are brand new and he is not trying to avoid requirements, but he has a different definition of development and temporary structures than staff does. M. Kennedy stated he is looking to rent out structures to re-coup some of the cost for the improvements.

D. Estes asked if there were any proponents or opponents. There were none.

Brad Williams, 3780 2<sup>nd</sup> Street, Hubbard, said he is glad M. Kennedy explained his side of things and he can understand his frustration. He said the Planning Commission could be strict on the rules, or rely on M. Kennedy's word the structures are temporary.

M. Kennedy said his site will not benefit from the widening improvements on 3<sup>rd</sup> Street because his proposed use does not create such an impact to necessitate the improvements. He said he will not benefit from it, but the other businesses on 3<sup>rd</sup> Street will.

D. Estes closed the public comment portion of the meeting.

Planning Commissioner Glenn Holum said he has reservations with approving the application. He noted that "temporary" in Hubbard can be a long time, and added it doesn't fit in that spot.

B. Nichols said M. Kennedy had some very good points and believes he has the best interest at heart. He said anything on that site will have safety issues with the railroad, no matter what it is. B. Nichols added the applicant does have an appeal process.

Planning Commissioner Kevin Nelson said he agrees with B. Nichols and doesn't believe changing the zoning is in the best interest of the City.

D. Estes commented the applicant is right when he suggested looking at the City's Development Code and putting in language about newer and trending structures. He said he believes M. Kennedy is trying to better downtown Hubbard, but temporary can last a long time. D. Estes said he doesn't want people to be asking five years down the road why the shipping containers are still there.

L. LaRoque reported that accessory structures are permitted and they are not limited in number, but the self-storage use is not allowed in that zone.

MSA/Planning Commissioner Glenn Holum/Planning Commissioner Byron Nichols moved to deny SU 2016-01 based on the findings contained in the staff report. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed.

**DR #2016-06 – MATT KENNEDY – [3500 3<sup>RD</sup> STREET (041W33AD07600)] – DEVELOPMENT REVIEW FOR THE PLACEMENT OF TWELVE (12) PORTABLE SHIPPING CONTAINERS TO BE USED AS SELF-SERVICE STORAGE UNITS.** City Planner Laura LaRoque stated the application for Development Review only needed to be heard if the application for Similar Use was approved, which it was not.

**ADJOURNMENT. (The next scheduled Planning Commission Meeting will be January 17, 2017, at 6:30 p.m.)** MSA/Planning Commissioner Kevin Nelson/Planning Commissioner Glenn Holum moved to adjourn the meeting. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed. Meeting was adjourned at 7:08 p.m.

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Dan Estes, Planning Commission Chairman

**ATTEST:**

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

---

Lucy T. Astorga, Admin Asst.  
Transcribing



# Exhibit E

Hubbard City Hall  
3720 Second Street  
P.O. Box 380  
Hubbard, Oregon 97032  
(503) 981-9633

## CITY OF HUBBARD PLANNING COMMISSION NOTICE OF DECISION

**NOTICE DATE:** November 18, 2016  
**FILE NUMBER(S):** SU 2016-01  
**HEARING DATE:** November 15, 2016  
**APPLICANT:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032  
**OWNER:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032  
**PROPERTY:** The subject property is a single tax lot located on 3<sup>rd</sup> Street at the intersections of 'F' Street and 'E' Street, north of the railroad tracks. More specifically described as:

<u>Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33AD07600	R344431	0.62	Commercial (C)

3500 3<sup>rd</sup> Street, Hubbard, OR 97032

**REQUEST:** Approval of a Similar Use (SU) determination that a proposed self-service storage use is permitted in the Commercial (C) District.

**CRITERIA:** **Hubbard Development Code (HDC)**  
Section 2.106 Commercial District (C)  
Section 2.200 General Development Standards  
Section 3.109 Similar Uses

### I. DECISION

After a duly noticed public hearing on November 15, 2016, the Hubbard Planning Commission denied the request and adopted the findings in the November 4, 2016 Staff Report.

The decision may be appealed to the City of Hubbard City Council as provided in HDC Section 3.205. A written notice of intent to appeal must be filed with the City within twelve (12) days from the date of this Notice of Decision. If no appeal is filed, this decision shall become final at 5:00PM on November 30, 2016. If you have questions or comments regarding this project, please contact City Hall at (503) 981-9633 for information on how to proceed.

Affirmed,

  
\_\_\_\_\_  
Laura LaRoque, City Planner

11/18/2016  
\_\_\_\_\_  
Date

**CITY OF HUBBARD CITY COUNCIL  
STAFF REPORT**

**REPORT DATE:** December 13, 2016

**FILE NUMBER(S):** APPEAL 2016-02 (APP 2016-02)

**HEARING DATE:** December 27, 2016

**APPELLANT:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032

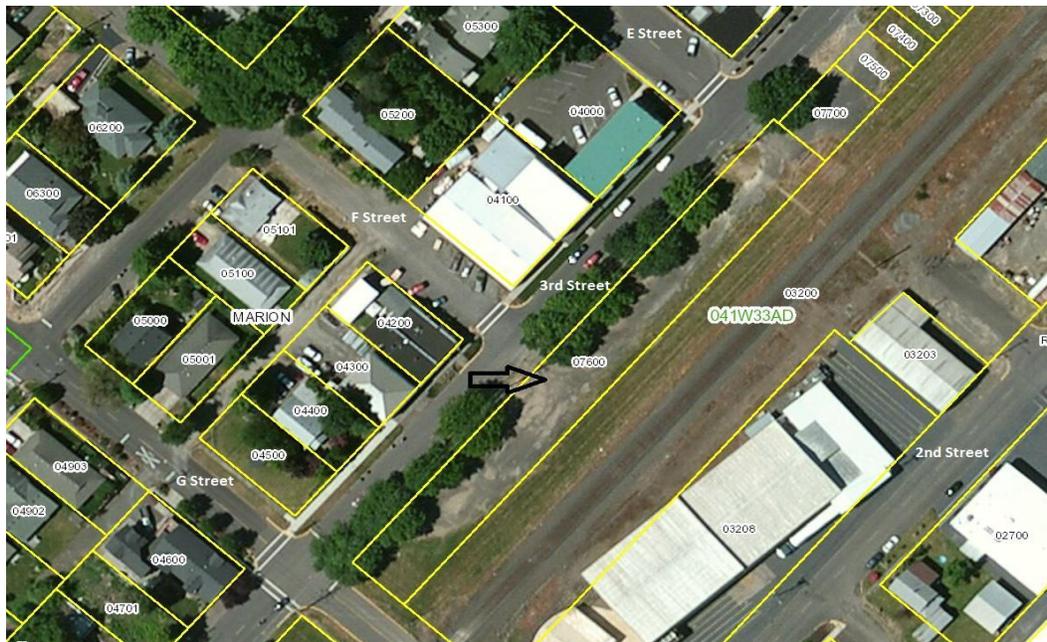
**OWNER:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032

**REQUEST:** An appeal of the Planning Commission’s decision on application for Site Development Review (file number DR 2016-06), approval of a Site Development Review for the placement of twelve (12) portable shipping containers to be used as self-service storage units upon an approval of a Similar Use (SU) determination that a proposed self-service storage use is permitted in the Commercial (C) District.

**PROPERTY:** The subject property is a single tax lot located on 3<sup>rd</sup> Street at the intersections of ‘F’ Street and ‘E’ Street, north of the railroad tracks. More specifically described as:

<u>Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33AD07600	R344431	0.62	Commercial (C)

3500 3<sup>rd</sup> Street, Hubbard, OR 97032



(Taxlot lines are off-set against aerial imagery and are not precise)

**CRITERIA:**                    **Hubbard Development Code (HDC)**  
Section 2.106 Commercial District (C)  
Section 2.200 General Development Standards  
Section 3.105 Site Development Review  
Section 3.205 Appeal Provisions

**ATTACHMENTS:**        Exhibit A: Application, file no. APP 2016-02, dated 11/30/2016  
Exhibit B: Application, file no. DR 2016-06, dated 10/13/2016  
Exhibit C: Staff Report, file no. DR 2016-06, dated 11/4/2016  
Exhibit D: Draft Planning Commission Meeting (11/15/16) Minutes  
Exhibit E: Notice of Decision, file no. DR 2016-06, dated 11/18/2016

## **I.        SUMMARY OF PROPOSAL**

The request is to appeal the decision made by the Planning Commission following a public hearing on November 15, 2016. The Commission did not consider Site Development Review application DR 2016-06, an approval of a Site Development Review (DR) for the placement of twelve (12) portable shipping containers to be used as self-service storage units, as the Similar Use (SU) determination (SU 2016-01) that a self-service storage use is permitted in the Commercial (C) District was denied.

The appellant has submitted a concurrent appeal requests that the Council reverse the decision of the Planning Commission and, therefore, finds that a self-storage use is authorized in the Commercial (C) District.

## **II.        PROCEDURE**

A Site Development Review, pursuant to HDC Section 3.105, is required prior to the issuance of a Building Permit for any approved similar use in any zone. HDC Section 3.105 outlines the review procedures and criteria for review of Site Development Review. Review of Site Development Review is a Type II Action requiring a public hearing before the Hubbard Planning Commission as stated in HDC Section 3.201.02. As such, written notice of the initial public hearing was mailed on October 25, 2016 (at least 20 days prior to the hearing) to the applicant and owners of property within 100 feet of the subject property, in compliance with HDC Section 3.202.02.

In accordance with HDC Section 3.205, an appellant may file an appeal of the Commission's decision in writing within twelve (12) days of the Commission's final written notice. The appellant submitted an appeal application on November 30, 2016.

## **III.        APPEAL**

The City Council's decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in the State statutes. A written notice of intent to appeal must be filed with LUBA within twenty-one (21) days of the Council's written decision.

#### IV. BACKGROUND

The applicant proposes establishment of a self-service storage use/facility on the subject property, which is zoned Commercial (C) District. The subject property is relatively flat and narrow (54 feet wide) with no vegetation. The property is currently unimproved and being used as a private parking lot.

The applicant proposes the placement of up to twelve (12) conex shipping containers on the property to be used as individual self-service storage units that can be rented out to the general public for the storage of personal property (see Exhibit B). The conex shipping containers are proposed to be portable in nature (not affixed to a foundation).

Conex shipping containers are described as prefabricated metal structures designed to contain or carry freight. The applicant proposes to use two different sized containers; six (6) containers that are 40 feet in length, eight (8) feet in width, and nine (9) foot six (6) inches in height; and six (6) containers that are 20 feet in length, eight (8) feet in width, and eight (8) foot six (6) inches in height. The exterior color of the conex shipping containers is not listed in the application. The color of these containers can vary.

Applicant states that the conex shipping containers are self-locking and can be accessed 24-hour a day.

Self-storage use, defined as “warehouse” in the HDC Section 1.200, is not listed as a permitted or conditional use in the C District. The applicant applied for a Similar Use determination that the proposed self-storage use is authorized in the C District. The Commission conducted a public hearing on November 18, 2016, and denied the Similar Use application.

#### V. REVIEW CRITERIA AND FINDING OF FACT

HDC Section 3.109.06, states that prior to the issuance of a Building Permit for any approved similar use in any zone, the applicant shall be subject to Site Development Review procedures of Section 3.105. HDC Section 3.105.04 states that Side Development Review applications shall be reviewed in accordance with the Type II review procedures specified in Section 3.201.02.

**The Commission did not consider Site Development Review application file number DR 2016-06, an approval of a Site Development Review (DR) for the placement of twelve (12) portable shipping containers to be used as self-service storage units as the Similar Use (SU) determination (SU 2016-01) that a self-service storage use is permitted in the Commercial (C) District was denied.** (The minutes of the Commission meeting November 15, 2016, are attached as Exhibit D)

The appellant’s basis for an appeal is presented in Exhibit A.

The City Council reviews the decision using the required criteria listed as follows:

Criterion A: characteristic of adjoining and surrounding uses;

Criterion B: drainage and erosion control needs;

Criterion C: public health factors;

Criterion D: traffic safety, internal circulation and parking;

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

Criterion F: retention of exiting natural features on site;

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

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

## **VI. CONCLUSION AND RECOMMENDATION**

It was the Commission's decision that application DR 2016-06 was not ripe. A determination that a proposed self-storage use is permitted in the Commercial (C) District must be made prior to the consideration of a Site Development Review.

Staff recommends that the City Council uphold the decision of the Planning Commission to not consider Site Development Review application file number DR 2016-06 until an approval of a Similar Use (SU) determination that a self-service storage use is permitted in the Commercial (C) District.

## **VII. CITY COUNCIL ACTION**

The decision on the appeal request requires a motion and vote by the City Council. Council choices of action on the appeal request are as follows:

- A. Affirm the decision of the Planning Commission to deny SU 16-01 based upon the Findings of Fact as stated in the staff report, presented as Exhibit C.

*If the Council wishes to make any changes to the Findings of Fact or state their basis for denying the similar use, the revisions or additions need to be stated in the motion.*

- B. Amend Reverse the decision of the Planning Commission and grant the similar use as requested by the appellant, and, therefore, determine that a self-service storage use is authorized in the Commercial (C) District.

*If the Council wishes to make any changes to the Findings of Fact or state their basis for amending or reversing the similar use, the revisions or additions need to be stated in the motion.*

- C. Remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120-day period specified in HDC Section 3.201.02(G)

# Exhibit A

## APPEAL APPLICATION

CITY OF HUBBARD

FILE: App 2016-01 / App 2016-02  
DATE: 11/30/2016  
FEE: \$750.00  
RECEIPT NO: 1003966

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APPLICANT: Matt Kennedy PHONE: 503-314-7086

ADDRESS: 3635 5th St, Hubbard OR 97032

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

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

REQUEST: To appeal decision on SU 2016-01 and DR 2016-06.

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### PROPERTY DESCRIPTION:

ADDRESS: 3500 3rd St

MAP PAGE AND TAX LOT NO: 041W33AD07600 ZONE: COM

CURRENT USE/STRUCTURES: none SQUARE FOOTAGE OF SITE: 27,094

IS THE SITE OF HISTORIC SIGNIFICANCE? No

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### LAND USE FILE INFORMATION:

LAND USE FILE NUMBER(S): SU 2016-01 and DR 2016-06

DATE OF PLANNING COMMISSION HEARING: November 15th, 2016

DATE OF NOTICE OF DECISION: November 18th, 2016

APPEAL PERIOD: 12 days

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### SUBMITTAL REQUIREMENTS:

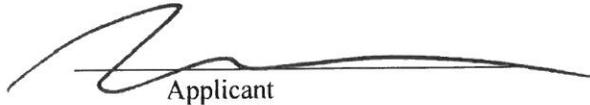
1. State the alleged errors of the City staff decision or in the Planning Commission action based upon the approval criteria or any other local, state, or federal regulations that applied to the application.

See attached Exhibit "A"

**NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.**

12/01/2016

Date



Applicant

Date

Owner(s)

Date

Owner(s)

Appeal Application  
Exhibit "A"

Staff finding in SU 2016-01 interprets that this use does not fit in "commercial operations and services". Applicant finds that it does, and that while these portable units are not specifically addressed in the development code, that it does meet the intent of the district which is "to provide areas for the broad range of commercial operations and services required in the central business district and other areas to meet the economic needs of the city of Hubbard." Applicant finds this use consistent with the intent of the zone and that staff has misinterpreted the intent of the zone.

Further, staff findings identify this temporary and portable container placement as the establishment of a warehouse facility. Staff has a consistent premise throughout these applications and reports that equates this use to permanent development far beyond the scale of this proposal.

DR 2016-06 Staff has again applied an unreasonable and onerous criteria to a small temporary use at the site. The second part of the finding in Supreme Court decision in Dolan vs City of Tigard rules that a test of "whether or not the degree of the exactions required by the permit condition bears the required relationship to the projected impact of the proposed development." The staff report grossly overreaches in any reasonable test of such. The proposed use of this site greatly reduces the prior use as a public parking area. Design review was triggered by the similar use application, however when reducing impact on a site the opposite is applied per the development code. Increases in traffic and use trigger site development, showing the code intent is to review higher impact uses to see if a site's current standards support that higher use.



# Exhibit B

## SITE DEVELOPMENT REVIEW APPLICATION

### CITY OF HUBBARD

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

Hubbard, OR 97032

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

<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: DR#2016-06

DATE: 10/13/16

FEE: \$1250

RECEIPT NO: 1003552

APPLICANT: Matt Kennedy

MAILING ADDRESS: 3635 5th St Hubbard

PHONE: 503-3414-7086 EMAIL ADDRESS: homes@mattkennedy.com

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

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

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

PROPOSED STRUCTURE/IMPROVEMENT: Continued use a parking lot, placement of

shipping containers on site

SQUARE FOOTAGE: No structure proposed

ESTIMATED VALUE OF STRUCTURE/IMPROVEMENT: \$20,000

### PROPERTY DESCRIPTION:

~~3500 E STREET~~ 3500 3rd street

ADDRESS: 3rd St. Lot between 3rd St and UP railroad, from G St to E St  
RAILWAY COMMONS, LOT 6, ACRES 0.62

MAP PAGE AND TAX LOT NO: 041W33AD07600R344431 ZONE: COM

CURRENT USE/STRUCTURES: parking SQUARE FOOTAGE OF SITE: 27,094 sf

ZONE: \_\_\_\_\_

### SUBMITTAL REQUIREMENTS:

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

1. Site Analysis
  - Existing site topography;

Revised: 9/19/08

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

2. Site Plan

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

**EVALUATION CRITERIA**

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

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

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

10/13/2016  
\_\_\_\_\_
   
Date

  
\_\_\_\_\_
   
Applicant

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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





CITY OF HUBBARD PLANNING COMMISSION  
STAFF REPORT

**REPORT DATE:** November 4, 2016  
**FILE NUMBER(S):** DR 2016-06  
**HEARING DATE:** November 15, 2016  
**APPLICANT:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032  
**OWNER:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032  
**REQUEST:** Approval of a Site Development Review (DR) for the placement of twelve (12) portable shipping containers to be used as self-service storage units.  
**PROPERTY:** The subject property is a single tax lot located on 3<sup>rd</sup> Street at the intersections of 'F' Street and 'E' Street, north of the railroad tracks. More specifically described as:

<u>Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33AD07600	R344431	0.62	Commercial (C)

3500 3<sup>rd</sup> Street, Hubbard, OR 97032

**CRITERIA:** **Hubbard Development Code (HDC)**  
Section 2.106 Commercial District (C)  
Section 2.200 General Development Standards  
Section 3.105 Site Development Review

**ATTACHMENTS:** Exhibit A: Site Development Review Application & Supplemental Narrative  
Exhibit B: Public Works Superintendent Comments (October 31, 2016)  
Exhibit C: AKS Engineering Comments (October 31, 2016)

**I. PROCEDURE**

A Site Development Review, pursuant to HDC Section 3.105, is required prior to the issuance of a Building Permit for any approved similar use in any zone. The applicant has requested that the Similar Use application (File #SU 2016-01) and Site Development Review application (File #DR 2016-06) be processed concurrently. Site Development Review application (File #DR 2016-06) will only be considered upon approval of Similar Use application (File #SU 2016-01).

HDC Section 3.105 outlines the review procedures and criteria for review of Site Development Review. Review of Site Development Review is a Type II Action requiring a public hearing before the Hubbard Planning Commission as stated in HDC Section 3.201.02. As such, written notice of the initial public hearing was mailed on October 25, 2016 (at least 20 days prior to the hearing) to the applicant and owners of property within 100 feet of the subject property, in compliance with HDC Section 3.202.02.

**II. APPEAL**

In accordance with HDC Section 3.205, an appeal of the Commission’s decision shall be made in writing, to the City Council within twelve (12) days of the Commission’s final written decision.

### III. BACKGROUND

The applicant proposes establishment of a self-service storage use/facility on the subject property, which is zoned C District. The subject property is relatively flat and narrow (54 feet wide) with no vegetation. The property is currently unimproved and being used as a private parking lot.

The applicant proposes the placement of up to twelve (12) conex shipping containers on the property to be used as individual self-service storage units that can be rented out to the general public for the storage of personal property. The conex shipping containers are proposed to be portable in nature (not affixed to a foundation) so that they can be moved either on and off the property or around the property.

Conex shipping containers are described as prefabricated metal structures designed to contain or carry freight. The applicant proposes to use two different sized containers; six (6) containers that are 40 feet in length, eight (8) feet in width, and nine (9) foot six (6) inches in height; and six (6) containers that are 20 feet in length, eight (8) feet in width, and eight (8) foot six (6) inches in height. The exterior color of the conex shipping containers is not listed in the application. The color of these containers can vary.

Applicant states that the conex shipping containers are self-locking and can be accessed 24-hour a day.



(Taxlot lines are off-set against aerial imagery and are not precise)

To minimize confusion regarding directions, “plan north” (for purposes of this review) is considered to be parallel with 3<sup>rd</sup> Street. The zoning and current uses surrounding the subject property are as follows:

- NORTH: Undeveloped property zoned Commercial
- SOUTH: Undeveloped property zoned Residential Commercial
- EAST: Union Pacific Railroad, and developed property zoned Commercial
- WEST: Developed property zoned Commercial and Residential Commercial

## IV. REVIEW STANDARDS/CRITERIA

### SECTION 3.105.06 EVALUATION OF SITE DEVELOPMENT PLAN

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

**Finding:** The property is located in an area characterized by residential and commercial uses. Property to the north consists is undeveloped property that is zone Commercial. To the west, across 3<sup>rd</sup> Street, there is a mix of commercial and residential uses. To the east, is the Union Pacific Railroad, and developed commercial property.

Twelve (12) proposed conex shipping containers are proposed to be rented as self-service storage containers. The applicant proposes to use two different sized containers; six (6) containers that are 40 feet in length, eight (8) feet in width, and nine (9) foot six (6) inches in height; and six (6) containers that are 20 feet in length, eight (8) feet in width, and eight (8) foot six (6) inches in height. The total combined square footage of the twelve (12) conex shipping containers is 2,880 square feet.

There is no existing vegetation on the property and no landscaping is shown on the site plan. Landscaping requirements are outlined in HDC Section 2.207. For commercial development, at least ten (10) percent of the gross land area shall be devoted to landscaping. Based on the approximately 0.62-acre (27,007 square feet) site, at least 2,701 square feet must be landscaped.

HDC Section 2.207.05(A) requires that screening shall be used for services areas, outdoor storage and outdoor display areas, parking for thirty (30) or more vehicles for commercial or industrial uses, and at and above-grade electrical and mechanical equipment. Service areas and facilities, including garbage and waste disposal containers, recycling bins and loading areas are not shown on the preliminary site plans. The two proposed vehicle parking spaces will not exceed thirty (30), thus no screening of parking areas is necessary. At and above-grade electrical and mechanical equipment is also not shown on the preliminary site plan. A revised site plan is needed to evaluate these elements.

HDC Section 2.207.05(C) states that buffering shall be used to mitigate adverse visual impacts and to provide for compatibility between dissimilar adjoining uses. The applicant is proposing the placement of prefabricated metal conex shipping containers of unknown color. To the west, across 3<sup>rd</sup> Street, structures are constructed with neutral siding materials that include wood, hardie plank, vinyl, and stucco. To the east, across the railroad tracks, structures are constructed of neutral siding material of metal and wood. Staff recommends a **condition of approval** for buffering pursuant to HDC Section 2.207.05(C) along the front and side yards to mitigate adverse visual impacts.

HDC Section 2.207.07 states that street trees shall be planted for all developments that are subject to Site Development Review, unless otherwise waived by the Public Works Superintendent for utility purposes. Staff recommends a **condition of approval** requiring the planting of street trees pursuant to HDC Section 2.207.07 along 3<sup>rd</sup> Street and G Street.

Staff recommends a **condition of approval** that the applicant submits a final landscape plan, prepared by a licensed landscape architect, which complies with HDC Section 2.207 and shows the total 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. If the public water source is used for irrigation, then a backflow prevention device shall be required. In lieu of irrigation, Xeriscaping may be used. The applicant shall provide the City a written guarantee for all landscape materials extending one (1) year from the date of installation. The size of any new plant materials installed shall comply with the minimum standards of HDC Section 2.207.06.

Property or building signs impact the visual appearance of the property. The applicant has not provided information on proposed signage for the business as part of the Site Development Review application. The applicant must obtain a sign permit from the City prior to installation of any sign. All signs must comply with Development Code Section 2.206.

Based on the proposed development and the existing uses in the area, and upon submittal of a landscape plan that meets City standards and compliance with the City's signage requirements, staff concludes that the proposed use is compatible with other uses in the vicinity.

*B. Drainage and erosion control needs.*

**Finding:** HDC Section 2.203.07 states that all parking and loading areas in commercial areas shall have either three (3) inches of asphalt over a six (6) inch aggregate base or five (5) inches of Portland cement concrete. The applicant has proposed gravel for both driveways, parking, maneuvering, and loading areas. Due to the portable nature of the structures it may not be necessary to require a durable, hard surfacing parking and loading areas. Staff recommends a **condition of approval** to waive the parking and loading area development requirements of HDC Section 2.203.07(A). If hard surfacing is required, then a **condition of approval** should include the submittal of a drainage and detention 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.

Public Works Supervisor comments, dated October 31, 2016, are attached as Exhibit B. City Engineer comments, dated October 31, 2016, are attached as Exhibit C.

*C. Public health factors.*

**Finding:** The applicant has not proposed any connections to water and sewer mains. However, irrigation for landscaping may necessitate a connect to water mains. Connections to water mains for the subject property must be installed according to City standards. Based on the City's Public Works Superintendent and City Engineer comments, a **condition of approval** requires submittal of detailed information regarding proposed utilities and an estimate of water usage be provided. Additional details are provided in Exhibits B, Public Works Department comments, and C, City Engineer comments.

The 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. The details will be used to assess Systems Development Charges (SDCs).

HDC Section 2.401.14, requires a minimum six-inch high reflective address numbers at the front of a main building and near the main entrance. A **condition of approval** requires such address numbers to be placed at the front of a main building and near the main entrance, prior to the issuance of an occupancy permit.

It is advisable that perimeter lighting be installed on the property to aid nighttime police patrols. A **condition of approval** requires a lighting plan for the property be submitted for Public Works and City Engineer approval.

No comments were provided by the Hubbard Fire District Chief. A **condition of approval** requires the applicant to meet with Hubbard Fire District personnel and contact the State Fire Marshall prior to initiating development to discuss and identify the applicable requirements from the Oregon Fire Code and other applicable fire codes. A **condition of approval** requires the applicant to provide documentation from the Hubbard Fire District regarding the adequacy of existing hydrant coverage prior to issuance of a building permit. A **condition of approval** requires the applicant to install one or more fire hydrants in a location(s) if required by the Fire Marshal and that such installation shall conform to City standards. For any hydrant location on private property a **condition of approval** requires a fire line public easement be recorded prior to the issuance of a building permit.

A **condition of approval** requires conformance to City of Hubbard Design and Construction standards. Applicant/owner/developer 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.

Based upon compliance with the conditions of approval, Criterion C is met.

*D. Traffic safety, internal circulation and parking.*

**Finding:** The applicant's site plan shows that the property is accessed at the intersections of 3<sup>rd</sup> and E Street and 3<sup>rd</sup> and F Street. These accesses do not meet current development standards. Staff recommends a **condition of approval** requiring private driveways at the intersections of 3<sup>rd</sup> and E Street and 3<sup>rd</sup> and F Street to comply with the City of Hubbard Design Standards for private driveways on arterial streets.

For warehousing uses permitted in the I and IC zone, HDC Section 2.203.05 requires a minimum of one (1) off-street parking space per 2,000 square feet of gross floor area for warehouse uses. Per this requirement, a minimum of one (1) off-street parking spaces is required for the proposed use (2,880 sq. ft. container space). The applicant's site plan proposes two (2) off-street parking spaces for customers near the access near the intersection of 3<sup>rd</sup> Street and E Street. Any modifications to the parking area shall conform with the parking requirements found in HDC Section 2.203. Staff recommends a **condition of approval** for a minimum of one (1) parking space pursuant to HDC Section 2.203.07.

HDC Section 2.203.09 requires, a minimum of two (2) bicycle parking spaces for warehouse uses. It is unlikely that the proposed use would be accessed by bicycle. The Planning Commission could consider waiving the recommended **condition of approval**, for the applicant to provide a minimum of two (2) bicycle parking space to be constructed pursuant to HDC Section 2.203.09.

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

**Finding:** HDC Section 2.207.05(C) states that buffering shall be used to mitigate adverse visual impacts and to provide for compatibility between dissimilar adjoining uses. The applicant is proposing the placement of twelve (12) prefabricated metal conex shipping containers of unknown color on the property. To the west, across 3<sup>rd</sup> Street, structures are constructed with neutral siding materials that include wood, hardie plank,

vinyl, and stucco. To the east, across the railroad tracks, structures are constructed of neutral siding material of metal and wood. As stated above, Staff recommends a **condition of approval** for buffering pursuant to Section 2.207.05(C) along the front and side yards to mitigate adverse visual impacts.

The movement of the structures to and from the site and within the site will increase noise levels both on and off the property. The loading and unloading of personal property into and out of the containers will also increase noise levels on and off the property. Staff recommends a **condition of approval** restricting the hours of operation so that the movement of the conex shipping containers and personal property in and out of the conex shipping containers will not taking place outside of the hours of 8:00am to 5:00pm on Sunday and 7:00am to 7:00pm Monday through Saturday.

*F. Retention of existing natural features on site.*

**Finding:** The development should not significantly change the topography of the site, and no significant grading has been proposed. There no existing vegetation on-site. To comply with the buffering requirements found in Section 2.207, staff recommends a **condition of approval**, for the applicant submit a landscape plan prepared by a landscape professional that shows street trees pursuant to Section 2.207.07, buffering pursuant to Section 2.207.05 along the front and side yards, and the proposed method of irrigation, within 180 days for review and approval by city staff. The applicant shall install landscaping in compliance with landscape plan approved by staff within one (1) year. Landscape planting and maintenance shall comply with the requirements found in Development Code Section 2.207.06.

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

**Finding:** The subject property has approximately 501.75 feet of frontage on 3<sup>rd</sup> Street, which is classified as a minor arterial in as a local road in the 2012 Hubbard Transportation System Plan (TSP). The current Hubbard design standard for minor arterials includes a two (2) lane cross section, six (6) foot parkway strip (east side), and twelve (12) foot sidewalk (west side). This standard requires a forty-two (42) foot paved width and sixty (60) foot right-of-way (ROW). Based on Marion County Assessor maps, the existing ROW is sixty (60) feet along the subject property. Staff recommends a **condition of approval**, for the applicant to improve the 3<sup>rd</sup> Street frontage to meet the minor arterial standards of the TSP and Hubbard Design Standards.

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

**Finding:** No hazard areas are identified, although drainage is always a concern with hydric soils in the area. Poor area drainage increases the importance of an engineered and functional drainage plan.

## **V. SUMMARY AND RECOMMENDATION**

Based on the findings contained in this report and **upon approval of file #SU 2016-01**, Staff concludes that the application (File #DR 2016-06) complies with the applicable criteria, subject to the following conditions. Marion County Building Inspection and the Hubbard Fire District will be responsible for building permits, construction standards, and adequate fire protection.

Staff recommends approval of the application, subject to the following 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 31, 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. **HOURS OF OPERATION:** Hours of operation will be restricted to the hours of 8:00am to 5:00pm on Sunday and 7:00am to 7:00pm Monday through Saturday. The movement of the conex shipping containers both on and off site and the movement of personal property into and out of the conex shipping containers will not taking place outside of the hours of 8:00am to 5:00pm on Sunday and 7:00am to 7:00pm Monday through Saturday
- E. **3<sup>RD</sup> STREET RIGHT OF WAY: Prior to the issuance of a building permit,** Applicant submit final development plans for the 3<sup>rd</sup> Street frontage improvements that meet the minor arterial standards of the 2012 Hubbard Transportation System Plan and Hubbard Design Standards for approval by the Public Works Superintendent and City Engineer.
  - 1. **Prior to issuance of a building permit,** Applicant shall submit a final development plans for private driveway accesses that meet the Hubbard Design Standards for approval by the Public Works Superintendent and City Engineer.
- F. **LANDSCAPING: Prior to issuance of a building permit,** Applicant shall submit a final landscaping plan, prepared by a licensed landscape architect, 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, street trees, and buffering (along the front and side yards) 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.
- G. **BICYCLE PARKING:** Prior to the issuance of a building permit, the applicant shall submit a bicycle parking plan for review and approval by Public Works.

1. **Prior to occupancy of the structure**, bicycle parking spaces shall be installed.

H. **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.

I. **ADDRESS: Prior to occupancy of the structure**, the applicant shall post the address (minimum six inch numbers) on front of a main building and near the main entrance facing 3<sup>rd</sup> Street.

J. **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.

1. **Prior to occupancy of the structure**, catch basins shall be outfitted with approved turndowns and sumps for oil water separation and sedimentation control.

2. **Prior to occupancy of the structure**, storm water quality manholes shall be installed in all proposed storm drains outletting into existing drainage facilities.

K. **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**, three (3) hard copies and one electronic copy in ArcView/ArcGIS 9 format shall be provided of as-built plans.

L. **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.

## VI. PLANNING COMMISSION OPTIONS

A. Deny the request and adopt the findings contained in the Staff Report.

B. Deny the request with findings amended by the Planning Commission.

C. Approve the request with amended findings (and applicable conditions) that the request meets the applicable approval criteria.

D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed (considering the 120 day limit on applications).





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

2. Site Plan

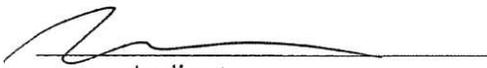
- Proposed grading and topographical changes;
- All proposed structures including finished floor elevations and setbacks;
- Vehicular and pedestrian circulation patterns, parking, loading and service areas;
- Proposed access to public roads and highways, railroads or other commercial or industrial transportation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

**EVALUATION CRITERIA**

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

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

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

10/13/2016	
Date	Applicant
Date	Owner(s)
Date	Owner(s)
Date	Owner(s)

## SITE DEVELOPMENT REVIEW INFORMATION SHEET

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

### SITE DEVELOPMENT REVIEW REGULATION

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

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

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

### APPLICATION PROCESSING

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

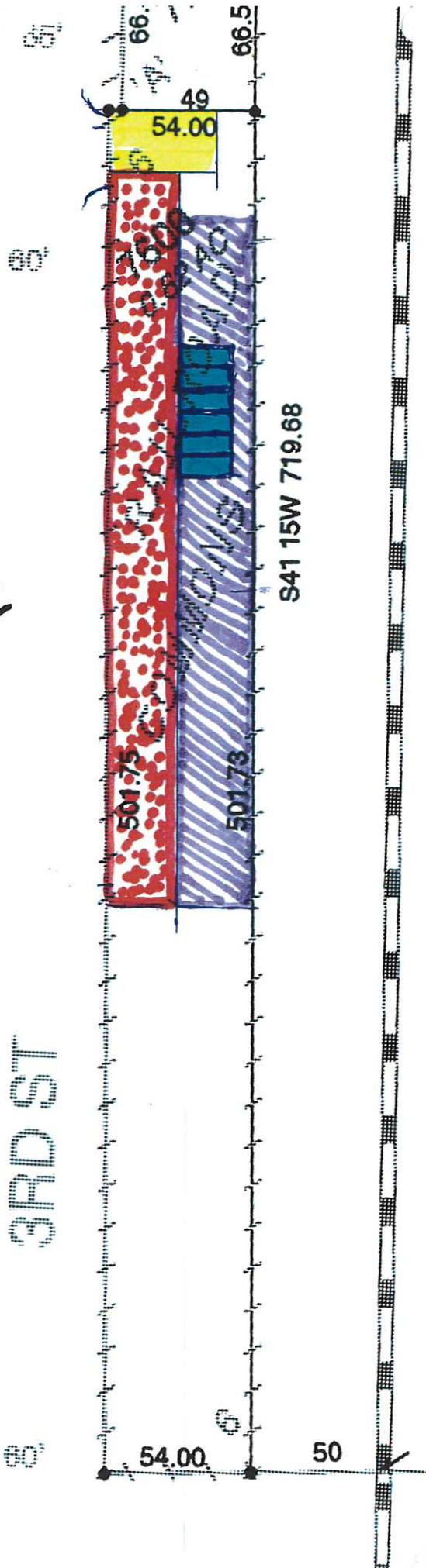
### EFFECTIVE DATE OF APPROVAL

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

### ADDITIONAL INFORMATION

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

$$1MM = 1.65 FT$$



-Blacktop (former E St.)  
 2 parking spaces

$$+ 359.1 = MW$$

-Area for containers  
 approx 28ft x 280ft  

 - Drive thru + Access area  
 approx 26ft x 280ft



EXHIBIT A

LAND USE FEE SCHEDULE ACKNOWLEDGMENT

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

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

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

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

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

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

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

**Public Works Director/Superintendent \$68.00 Admin Assistant \$39**  
**Utility Worker I \$36.00**  
**Utility Worker II \$48.00**  
*(The Public Works personnel reviews applications and comments regarding water, sewer, streets, backflow devices, and storm drain issues)*

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

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

**Office Copies (Black & White 8 1/2 X 11) .25 per page Color .35 per page**  
**(Black & White 11X 17) .50 per page Color .70 per page**  
**Long Distance Phone Calls 3.00 per call**  
**Fax 2.00 per fax + .50 per page**

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

  
\_\_\_\_\_  
Applicants Signature

10/13/2016  
\_\_\_\_\_  
Date



**SIMILAR USE INFORMATION SHEET**

A similar use is a use which is not specifically listed in a particular zoning district but which is similar in character, scale, and performance to the permitted uses specified in the district.

**SIMILAR USE REGULATION**

Prior to the issuance of a Building Permit for any approved similar use in any zone, the applicant shall be subject to the Site Development Review procedures set forth in Section 3.105 of the Hubbard Development Code.

**APPLICATION PROCESSING**

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

**CIRCUMSTANCES FOR AUTHORIZING SIMILAR USES**

The Planning Commission may impose limitations or conditions on the similar use. Any reduction or change of the requirements of the ordinance will be considered as varying the ordinance and must be requested and viewed as such. The Planning Commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety, and general welfare, or to protect persons or improvements in the area. The Planning Commission may prescribe such conditions it deems appropriate to fulfill the intent of the ordinance.

**EFFECTIVE DATE OF APPROVAL**

The similar use authorization shall be effective ten (10) days after the date of the notice of the decision.

**ADDITIONAL INFORMATION**

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

## LaRoque, Laura

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**From:** mattkennedyhomes@gmail.com on behalf of Matt Kennedy <homes@mattkennedy.com>  
**Sent:** Wednesday, September 28, 2016 10:01 AM  
**To:** LaRoque, Laura  
**Subject:** Re: Storage Containers  
**Attachments:** 20-foot-ground-storage-and-shipping-container-20ft-one-trip-single-use-container.jpg; Railroad lot plat.pdf

Laura,

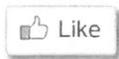
I'll try to cover what I can in a note here. First, I'm attaching a photo to clarify what these units are. They are ocean shipping containers that are used for overseas shipping of goods, primarily from China. They are often utilized for land based storage, and also converted to offices, homes, and other building uses, both portable and permanent. In this form, they are likely more equipment than a "structure". They are moved to and from the site by semi trucks with large tilt trailers, and moved around on site by crane. They are also often used as "Pod" units for on site storage at peoples homes. Some companies deliver these to homes and charge a monthly rent for them being there. I only plan to store these on my site and there will not be continual placement and removal from this site.

I have improved my current lot from E St to F St with a base and cover of compacted crushed concrete at a thickness of 12". I plan to place an aesthetic layer of rock over the top as well. There are two existing driveway accesses at both E St and F St locations. The E St access is the old abandoned E St railroad crossing, and there are two paved parking spaces there. I think that all access will only be to drive up to a unit and place or remove belongings. As such, I'm certain there will be many days with no traffic, and maybe a visit or two on others. The units will be nicely arranged near the rear of the lot, leaving an access area of over 20 ft on the frontage to come and go, and allow equipment to come in and move units when needed.

As mentioned prior and is the case to this day, this has been a public parking area for decades. I've allowed this over my 10 years or so as owner. The lot was partially graveled with many pot holes and puddles. It's now very clean and level. There are still approx 15 trips and parking per day by my count, and were at least double that prior to me giving notice to other businesses that general parking was no longer allowed there. I'm closing off all access this week. So this is now basically to be a storage area for these container units. I may plan to place structures or develop the property in the future, but that's a long time off at this point. Let me know if you have other questions.

Have a great day!

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



On Tue, Sep 27, 2016 at 5:58 PM, Matt Kennedy <[mattkennedyhomes@gmail.com](mailto:mattkennedyhomes@gmail.com)> wrote:  
Got this after the other message. Will put something together soon.



Y01U 100076 0

1927

10490 KG GROSS  
22500 LBS

22100 KG GROSS  
48500 LBS

6310 KG GROSS  
13900 LBS

3022 LBS NET  
13770 LBS



22G1



Y01U 100076 0

## LaRoque, Laura

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**From:** mattkennedyhomes@gmail.com on behalf of Matt Kennedy <homes@mattkennedy.com>  
**Sent:** Wednesday, September 28, 2016 12:44 PM  
**To:** LaRoque, Laura  
**Subject:** Re: Storage Containers

Sorry, I'd meant to mention the number. I'm planning to place 12. And as they're self lock and self access, I guess they'd be accessible 24 hours. I may do something in the contracts to limit that though.

thx again

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



On Wed, Sep 28, 2016 at 12:39 PM, LaRoque, Laura <[LLaRoque@mwvcog.org](mailto:LLaRoque@mwvcog.org)> wrote:

Matt,

Thank you so much for the information. I have just a few additional questions. How many storage structures will be placed on the property? Will they be accessible 24-hours a day?

**Laura LaRoque**

Associate Planner

Mid-Willamette Valley Council of Governments

100 High Street SE, Suite 200

Salem, OR 97301

(ph) [503-540-1617](tel:503-540-1617)

(fx) [503-588-6094](tel:503-588-6094)

## LaRoque, Laura

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**From:** mattkennedyhomes@gmail.com on behalf of Matt Kennedy <homes@mattkennedy.com>  
**Sent:** Tuesday, October 18, 2016 4:02 PM  
**To:** LaRoque, Laura  
**Subject:** Re: SU 2016-01; DR 2016-06 - Application Not Complete

Laura,

The site plan is to scale and shows at least the E St access point. I'll revisit it for the other access. There are fence posts along the rear and south of the property, but no fencing is installed at this time. I did this primarily to delineate what is Union Pacific property and what is mine. I did speak of 12 containers and would likely want to have that amount. What my site plan shows is an area where the units would be placed, thus leaving the balance for ingress, egress, and internal movement. The only parking that would occur would be when a vehicle pulled up to access a unit at it's doors. And as these container are totally mobile and could be placed or moved around the site as needed, I showed essentially a container parking area, rather than location. I can show you proposed placement if that is useful. All placement is in the defined area and would not intrude into the open access area. The gravel lot has no landscaping or natural features, and none are proposed. The entire site is now approx 12" of compacted crushed concrete. I may top with 3/4" minus gravel for aesthetics, but this is built to a road base standard to accommodate both vehicle and heavy equipment without the large puddles and general bumpiness of the parking area prior.

Let me know what questions this answers, and what you need in addition.

Thx much!

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



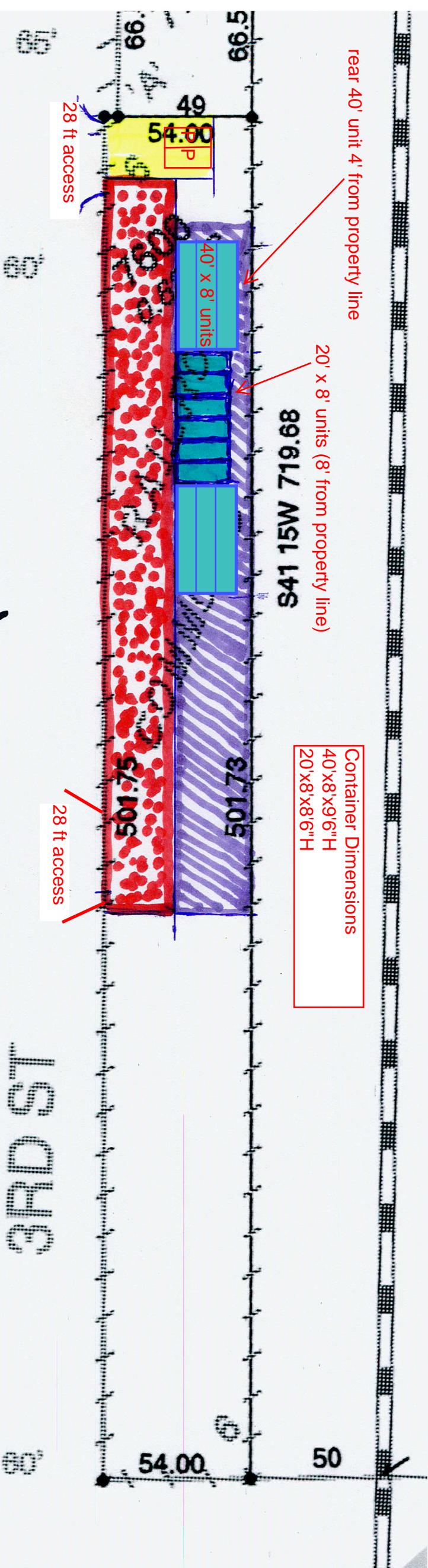
On Tue, Oct 18, 2016 at 2:11 PM, LaRoque, Laura <[LLaRoque@mwvcog.org](mailto:LLaRoque@mwvcog.org)> wrote:

Hello Matt,

Thank you for submitting the Similar Use (SU 2016-01) and Site Developer Review (DR 2016-06) applications. There are just a few items that are needed in order to deem your application complete.

The missing or incomplete items are as follows;

1mm = 1.65ft



rear 40' unit 4' from property line

20' x 8' units (8' from property line)

S41 15W 719.68

Container Dimensions  
40'x8'x9'6" H  
20'x8'x8'6" H

 - Blacktop (former E St.)  
2 parking spaces

+ 359.1 = width

 - Area for containers  
approx. 28ft x 280ft +  
 - Drive thru + Access area  
approx 26ft x 280ft

15043

15046

**SUBMITTED BY:** Jaime Estrada  
**DATE:** October 31, 2016  
**RE:** 3500 3<sup>rd</sup> Street  
SU #2016-01 & DR #2016-06

1. Landscape plan must be provided for review;
2. Surveying benchmarks must be used in the city of Hubbard;
3. Must contact Marion County for possible location of monuments;
4. Must obtain permits from Marion County;
5. The applicant shall be responsible for all costs associated with the improvements.
6. It is the responsibility of the applicant to obtain copies of and be familiar with all applicable codes and standards, including, but not limited to required bonds;
7. All utility work must be in accordance with Hubbard Public Works construction standards;
8. Reconstruct driveway approaches on 3<sup>rd</sup> Street south, close to "G" Street;
9. 3<sup>rd</sup> Street is classified as a minor arterial and should be reconstructed to meet the Transportation System Plan standards (May 2012);
10. Require the replacement of the catch basin at the N.E. corner of "E" Street; and
11. Shipping containers should meet setbacks.

pc: Bill Peterson, AKS Engineering & Forestry [peterσονb@aks-eng.com](mailto:peterσονb@aks-eng.com)  
John Kennedy, AKS Engineering & Forestry [kennedyj@aks-eng.com](mailto:kennedyj@aks-eng.com)  
Vickie Nogle, City Recorder [vnogle@cityofhubbard.org](mailto:vnogle@cityofhubbard.org)  
Laura LaRoque, COG [LLaRoque@mwvcog.org](mailto:LLaRoque@mwvcog.org)  
Steve Brewer, Fire Chief [sbrewman@gmail.com](mailto:sbrewman@gmail.com)  
Melinda Olinger, Public Works [molinger@cityofhubbard.org](mailto:molinger@cityofhubbard.org)  
Jaime Estrada, Public Works [jestrada@cityofhubbard.org](mailto:jestrada@cityofhubbard.org)

October 31, 2016

Vickie L. Nogle, Director of Administration/City Recorder  
City of Hubbard  
P.O. Box 380  
Hubbard, Or 97032

**RE: DR #2016-06, SU #2016-01– Kennedy  
3500 3<sup>rd</sup> St.**

**Sent by Email Attachment**

Dear Vickie:

We reviewed the details attached to the e-mail dated October 25, 2016 for DR #2016-06 and SU #2016-01, 3500 3<sup>rd</sup> St., Kennedy. Based on our review we have the following comments:

1. Applicant shall modify the site entrances at the intersections of 3<sup>rd</sup> & E St. and 3<sup>rd</sup> F St. with private driveways that comply with the City of Hubbard Design Standards for private driveways on arterial streets.
2. Applicant shall modify existing storm drain inlets at the above mentioned private driveways so they comply with the City of Hubbard Design Standards for storm drainage inlets and catch basins.
3. Applicant shall coordinate the relocation of power poles as needed to remove the physical obstruction caused by a guide wire currently located at the site entrance on F St.
4. If the applicant paves the site where storage containers are proposed to be staged, the storm drainage collection system must comply with the City of Hubbard design standards. The grading and pavement plan, including details of the storm drainage conveyance and detention system with calculations prepared and sealed by a Registered Engineer, shall be submitted to the City Engineer and Public Works Director for review and approval.
5. Provide documentation that the Hubbard Fire District is satisfied with the proposed improvements.

Please contact me if you have any question regarding this review.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



John Kennedy, PE

Cc: Jaime Estrada, Public Works Superintendent,  
Laura LaRoque, MWVCOG  
William I. Peterson, P.E., City Engineer

# Exhibit D

## CITY OF HUBBARD PLANNING COMMISSION MINUTES NOVEMBER 15, 2016

**CALL TO ORDER.** The Hubbard Planning Commission meeting was called to order at 6:31 p.m. by the Planning Commission Chairman Dan Estes at the City Hall, 3720 2<sup>nd</sup> Street, Hubbard.

**Planning Commission Present:** Dan Estes, Glenn Holum, Kevin Nelson, Byron Nichols.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle; Administrative Assistant Lucy Astorga; City Planner Laura LaRoque, MWVCOG.

**FLAG SALUTE.** Planning Commission Chairman Dan Estes led the group in reciting the Pledge of Allegiance.

**APPROVAL OF THE OCTOBER 18, 2016, PLANNING COMMISSION MEETING MINUTES.** MSA/Planning Commissioner Kevin Nelson/Planning Commissioner Glenn Holum moved to approve the minutes. Planning Commissioners Dan Estes, Kevin Nelson, Glenn Holum, and Byron Nichols were in favor. Motion passed.

### **PUBLIC HEARING.**

**SU #2016-01 – MATT KENNEDY – [3500 3<sup>RD</sup> STREET (041W33AD07600)] – SIMILAR USE DETERMINATION THAT A PROPOSED SELF-SERVICE STORAGE USE IS PERMITTED IN THE COMMERCIAL (C) DISTRICT.** Planning Commission Chairman Dan Estes opened the public hearing. D. Estes asked if any of the Planning Commissioners had declarations of bias, conflict, or ex parte contact in regard to this application.

Planning Commissioner Byron Nichols said he is the owner of an adjacent property, which is located across the street from the applicant's property. He said he is unbiased on the application. He left it up to the applicant and audience to determine if he should make decisions on the application. There were no objections.

D. Estes declared ex parte contact. He said he has known the applicant for years and he spoke with surrounding property owners regarding the project as well as researched uses.

D. Estes asked if anyone had objections to the notice that was sent out or the Planning Commission overseeing the proceedings. There were none.

City Planner Laura LaRoque read the legislative hearing statement.

L. LaRoque noted the late correspondence submission from Union Pacific Railroad regarding the application. She summarized the staff report pages 1 through 6, saying the Planning Commission needs to determine if the proposed use in the application is consistent with the underlying zone, and if the proposed use is similar to uses specified and permitted. L. LaRoque reported staff did not find the proposed use is consistent with the zone. She stated the proposed use is similar to a warehouse, which is allowed in an Industrial zone, not Commercial zone. She added the applicant can do a zone change. L. LaRoque stated accessory structures are only allowed if the primary

structure is in place, which it is not in this case. She said if the application for Similar Use is approved, the Planning Commission will proceed with the Site Development Review application, but will not if the application for Similar Use is denied. She reported staff recommends denial of the application for Similar Use #2016-01 based on Criteria A not being met.

D. Estes opened the meeting to the applicant.

Matt Kennedy, 3635 5<sup>th</sup> Street, Hubbard, applicant, commented he has one month left on the City Council. He said he has owned the site for about ten years and for many years, it has been used as public parking. M. Kennedy said there has been public access to the property. He added he has cleaned up a junk yard in Hubbard, as well as helped with other public improvements and right of ways. M. Kennedy reported his plan was to clean up the site and was going to work with three businesses on 3<sup>rd</sup> Street to improve the parking for a modest fee for them to park on his property. He said all three of the businesses said no to pay for parking on the site. M. Kennedy stated in order to off-set the cost and taxes, he thought of ways to better use the property. He said he looked into storage containers for personal use, and potentially for others to rent. M. Kennedy commented the staff's proposal is over-reaching and offensive as he is being asked to widen 3<sup>rd</sup> Street. He said he isn't developing or building on the property, but the proposal is to put 12 units on the site, which will decrease the use of the property. M. Kennedy said he changed the zone from Industrial to Commercial and changing it again for temporary use is ridiculous. M. Kennedy stated in public forums, the idea of food carts and portable uses were suggested. He said he doesn't understand the requirement for a building permit for a temporary structure. M. Kennedy said the containers in place are brand new and he is not trying to avoid requirements, but he has a different definition of development and temporary structures than staff does. M. Kennedy stated he is looking to rent out structures to re-coup some of the cost for the improvements.

D. Estes asked if there were any proponents or opponents. There were none.

Brad Williams, 3780 2<sup>nd</sup> Street, Hubbard, said he is glad M. Kennedy explained his side of things and he can understand his frustration. He said the Planning Commission could be strict on the rules, or rely on M. Kennedy's word the structures are temporary.

M. Kennedy said his site will not benefit from the widening improvements on 3<sup>rd</sup> Street because his proposed use does not create such an impact to necessitate the improvements. He said he will not benefit from it, but the other businesses on 3<sup>rd</sup> Street will.

D. Estes closed the public comment portion of the meeting.

Planning Commissioner Glenn Holum said he has reservations with approving the application. He noted that "temporary" in Hubbard can be a long time, and added it doesn't fit in that spot.

B. Nichols said M. Kennedy had some very good points and believes he has the best interest at heart. He said anything on that site will have safety issues with the railroad, no matter what it is. B. Nichols added the applicant does have an appeal process.

Planning Commissioner Kevin Nelson said he agrees with B. Nichols and doesn't believe changing the zoning is in the best interest of the City.

D. Estes commented the applicant is right when he suggested looking at the City's Development Code and putting in language about newer and trending structures. He said he believes M. Kennedy is trying to better downtown Hubbard, but temporary can last a long time. D. Estes said he doesn't want people to be asking five years down the road why the shipping containers are still there.

L. LaRoque reported that accessory structures are permitted and they are not limited in number, but the self-storage use is not allowed in that zone.

MSA/Planning Commissioner Glenn Holum/Planning Commissioner Byron Nichols moved to deny SU 2016-01 based on the findings contained in the staff report. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed.

**DR #2016-06 – MATT KENNEDY – [3500 3<sup>RD</sup> STREET (041W33AD07600)] – DEVELOPMENT REVIEW FOR THE PLACEMENT OF TWELVE (12) PORTABLE SHIPPING CONTAINERS TO BE USED AS SELF-SERVICE STORAGE UNITS.** City Planner Laura LaRoque stated the application for Development Review only needed to be heard if the application for Similar Use was approved, which it was not.

**ADJOURNMENT. (The next scheduled Planning Commission Meeting will be January 17, 2017, at 6:30 p.m.)** MSA/Planning Commissioner Kevin Nelson/Planning Commissioner Glenn Holum moved to adjourn the meeting. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed. Meeting was adjourned at 7:08 p.m.

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Dan Estes, Planning Commission Chairman

**ATTEST:**

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

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Lucy T. Astorga, Admin Asst.  
Transcribing



# Exhibit E

Hubbard City Hall  
3720 Second Street  
P.O. Box 380  
Hubbard, Oregon 97032  
(503) 981-9633

## CITY OF HUBBARD PLANNING COMMISSION NOTICE OF DECISION

**NOTICE DATE:** November 18, 2016  
**FILE NUMBER(S):** DR 2016-06  
**HEARING DATE:** November 15, 2016  
**APPLICANT:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032  
**OWNER:** Matt Kennedy 3635 5<sup>th</sup> Street, Hubbard, OR 97032  
**PROPERTY:** The subject property is a single tax lot located on 3<sup>rd</sup> Street at the intersections of 'F' Street and 'E' Street, north of the railroad tracks. More specifically described as:

<u>Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33AD07600	R344431	0.62	Commercial (C)

3500 3<sup>rd</sup> Street, Hubbard, OR 97032

**REQUEST:** Approval of a Site Development Review (DR) for the placement of twelve (12) portable shipping containers to be used as self-service storage units upon an approval of a Similar Use (SU) determination that a proposed self-service storage use is permitted in the Commercial (C) District.

**CRITERIA:** **Hubbard Development Code (HDC)**  
Section 2.106 Commercial District (C)  
Section 2.200 General Development Standards  
Section 3.105 Site Development Review

### I. DECISION

Pursuant to HDC Section 3.109.06, a Site Development Review is required prior to the issuance of a building permit for any approved similar use in any zone. Similar Use File #SU 2016-01, a determination that a proposed self-storage use is permitted in the Commercial (C) District, was denied after a duly noticed public hearing on November 15, 2016. Site Development Review application (File #DR 2016-06) was not considered do to the denial of Similar Use application (File #SU 2016-01).

Affirmed,

  
\_\_\_\_\_  
Laura LaRoque, City Planner

11/18/2016  
\_\_\_\_\_  
Date

# Chief's Report

**To:** Mayor and City Council Members  
**From:** Interim Chief William Gill  
**Date:** January 5, 2017  
**Re:** Monthly Police Department Report

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1. During the Month of December, Officer's Glen Bentley, Chris Anderson and Grady Nelson, all volunteered to participate in the annual Shop with a Cop program sponsored in part by the Woodburn Police Department.

This is a worthy program that pairs needy children within the community, with a local police officer who escorts the child on a Christmas Shopping spree.

Due to the inclement weather during the Holidays, only Officer Anderson was able to participate in this year's program. The remaining children were presented their gift certificates during a program held at the Woodburn Schools.

Thanks to all of the Hubbard Officers for volunteering to participate in this years, Shop With a Cop program.

2. I am both pleased and proud to announce my retirement effective the 28<sup>th</sup> of February. It has been a pleasure to serve the Hubbard Community and the Hubbard Police Department. Thank you for your support and the opportunity to have served you.

I hope each of you the best in this New Year.

Sincerely

Interim Chief Wm. W. Gill

# **Monthly Statistical Report**

**To:** Mayor and City Council Members

**From:** Chief William Gill

**Date:** January 5, 2017

**Re:** December 2016 Stats

Please note: The information contained in this report is for December 1-31, 2016

**Citations: 52**

**Written Warnings: 1**

**Towed Vehicles: 18**

**Custody Arrests: 10**

**- MONTHLY REPORT -**

**DATE: January 10, 2017**  
**TO: City Council**  
**FROM: Public Works Department**

**ITEM #1** The City supports Staff's endeavors to seek out additional training and development in their chosen profession through the Incentive Pay Program - which in turn supports succession planning; increases employee value; provides enhanced operational efficiency; and increases job satisfaction and morale.

In December, 2016, both Melinda Olinger and Michael Krebs completed the Roads Scholar Level 1 Program (see attached transcripts), and plan to begin working towards the completion of Level 2 in the coming years.

In accordance with the City of Hubbard's Personnel Policy, Section 7.03.01, the Consent Agenda includes a 2% salary increase for both Mike and Melinda effective January 1, 2017.

These increases were planned for and included in the City's current budget.

**ITEM #2** The tree in Rivenes Park was removed as scheduled on December 21, 2016.

**ITEM #3** Due to uncontrollable circumstances, meters were read this past cycle approximately one week later than originally scheduled.

**PENDING Grant Applications:**

1. Multimodal Transportation Program: OR99E: "D" Street to North City Limits Center Turn Lane and OR99E/"A" Street Intersection Crosswalk project - PENDING

**The Public Works Department completed 11 requests for locates for the month of December.**

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# Roads Scholar Level 1 Program Transcript

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Melinda Olinger, Assistant to the Public Works Superintendent  
City of Hubbard

Student ID: 813

Contact: 5

Hubbard, OR

Date	Class	Class ID	Location
<hr/> <i>Road Scholar Classes</i> <hr/>			
11/7/2005	RS-9 Maintenance Mathematics	236	Salem
11/2/2015	RS-1 Basics of a Good Road	844	Salem
11/2/2015	RS-2 Drainage: Key to Roads That Last	845	Salem
11/3/2015	RS-3 Paving Materials	846	Salem
11/3/2015	RS-4 Environmental Best Management Practices 1	847	Salem
9/14/2016	RS-10 Introduction to Survey and Grade Checking	880	Roseburg
10/18/2016	RS-6 Asphalt Pavement Maintenance 2	887	Gresham
10/18/2016	RS-5 Asphalt Pavement Maintenance 1	886	Gresham
10/19/2016	RS-8 Environmental Best Management Practices 2	889	Gresham
10/19/2016	RS-7 Effective Communication Skills	888	Gresham
<hr/> <i>Certificates Awarded</i> <hr/>			
12/31/2016	Level 1 Roads Scholar Certificate	85	T2 Center - Salem

A Level 1 Roads Scholar Certificate requires completion of 10 core classes. Questions about transcripts should be directed to Rebekah Jacobson, Director, Oregon T2 Center (by phone: 503.986.2854 or email: [rebekah.a.jacobson@odot.state.or.us](mailto:rebekah.a.jacobson@odot.state.or.us)).

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# Roads Scholar Level 1 Program Transcript

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Michael Krebs, Public Works Foreman  
City of Hubbard  
P.O. Box 380  
Hubbard, OR 97032

Student ID: 337  
Contact: 5

Date	Class	Class ID	Location
<hr/> <i>Road Scholar Classes</i> <hr/>			
12/4/2002	RS-3 Paving Materials	17	St. Helens
12/4/2002	RS-4 Environmental Best Management Practices 1	8	St. Helens
5/26/2005	RS-9 Maintenance Mathematics	232	Hillsboro
5/26/2005	RS-10 Introduction to Survey and Grade Checking	251	Hillsboro
3/9/2010	RS-6 Asphalt Pavement Maintenance 2	620	McMinnville
3/9/2010	RS-5 Asphalt Pavement Maintenance 1	619	McMinnville
11/2/2015	RS-1 Basics of a Good Road	844	Salem
11/2/2015	RS-2 Drainage: Key to Roads That Last	845	Salem
11/8/2016	RS-8 Environmental Best Management Practices 2	899	Dallas
11/8/2016	RS-7 Effective Communication Skills	898	Dallas
<hr/> <i>Certificates Awarded</i> <hr/>			
12/31/2016	Level 1 Roads Scholar Certificate	85	T2 Center - Salem

A Level 1 Roads Scholar Certificate requires completion of 10 core classes. Questions about transcripts should be directed to Rebekah Jacobson, Director, Oregon T2 Center (by phone: 503.986.2854 or email: [rebekah.a.jacobson@odot.state.or.us](mailto:rebekah.a.jacobson@odot.state.or.us)).



# DIRECTOR OF ADMINISTRATION/CITY RECORDER MONTHLY REPORT

**To:** CITY COUNCIL  
**From:** VICKIE NOGLE, MMC  
**Date:** JANUARY 5, 2017  
**RE:** REPORT FOR JANUARY 10, 2017, CITY COUNCIL MEETING

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## **ADMINISTRATION**

### **Agenda #7 and Consent Agenda #12(D)- Senior Accounting Specialist Kari Kurtz.**

Kari Kurtz has completed 24 months of consecutively working for the City as of December 31, 2016. Kari has been able to network with other city's Finance Director's, and/or the Finance Consultant, to learn ideas of how others are dealing with certain situations. I'm looking forward for her to continue these efforts to find resources that may benefit Hubbard. I believe Kari will continue to constantly be thinking about internal controls, making sure the City of Hubbard's are strong and in place for all employees.

As mentioned and discussed previously, I would like to move forward with presenting to the City Council this position as a Finance Director position. In order to move forward to change the position, written procedures for cross checking certain aspects of the Finance position should be in place, as well as an updated job description. I look forward to working with Kari to update the job description and procedures.

Based on Kari's job performance, I recommend Kari be given an increase from step D to F effective January 1, 2017.

### **Agenda #12(E) – Lucy Astorga.**

In November 2016, Lucy Astorga completed the Oregon Association for Court Administration Certified Court Manager certification program (refer to attached certificate). According to the City of Hubbard's Personnel Policy, Section 7.03.01 (see attached), the Consent Agenda includes a 2% salary increase effective January 1, 2017.

### **Agenda #12(C)Resolution No. 619-2017.**

A transfer from Contingency is requested in the amount of \$55,000 due to increased unanticipated activity in the Community Development Department. The activity created an increase in Land Use services, Engineering, and Building, as well as an increase in hourly rates for Engineering services. There is also increased activity in the City Council Department in Professional Services due to unanticipated Ballot Measures and Marijuana related issues.

### **Interim Police Chief Gill**

Retirement Celebration is scheduled for Interim Police Chief William Gill February 28, 2017, starting at 2:00 p.m. in the Hubbard Council Chambers, cake and punch will be served.

## **PLANNING COMMISSION**

The following public hearing will be held at the Hubbard Planning Commission meeting January 17, 2017:  
Site Development Review (DR 2017-01) & Minor Variance (VAR #2017-01) – 3624 Pacific Highway 99E (041W34BC02400). To review for demolition of an existing vacant building and construction of new retail store, as well as a concurrent minor variance request to reduce parking stall depth from 20 ft. to 18 ft. for the six parking stalls southwesterly of the proposed building along "D" Street.

## **NEWSLETTER**

Please submit your information to Lucy Astorga for the Newsletter no later than **FEBRUARY 15, 2017**. You can submit them in writing or e-mail at [lastorga@cityofubbard.org](mailto:lastorga@cityofubbard.org).

## **BUILDING PERMITS**

38 building permit applications have been submitted from January – Decemberr 2016.

RECEIVED

JAN 03 2017

CITY OF HUBBARD

**OREGON ASSOCIATION FOR COURT ADMINISTRATION**  
CERTIFIED COURT MANAGER CERTIFICATE  
IS PRESENTED TO

*Lucy Astorga*

FOR SUCCESSFUL COMPLETION OF  
OACA CERTIFICATION PROGRAM  
CONSISTING OF 100 CREDIT HOURS

November 2016



*Christine Watts, President*

Handwritten signature of Christine Watts in black ink.

*Mary Shroll, Co-Education Vice President*

Handwritten signature of Mary Shroll in black ink.

## RESOLUTION NO. 539-2013

### A RESOLUTION AMENDING RESOLUTION 310-2011 OF THE CITY OF HUBBARD PERSONNEL POLICY'S; RESTATING SECTION 7.03.01, INCENTIVE PAY PROGRAM, REPEALING SECTION 7.03.02.

WHEREAS, the City of Hubbard has adopted a Personnel Policy by Resolution No. 310-2001; and

WHEREAS, the City Council finds it necessary to amend the City of Hubbard Personnel Policy; and

WHEREAS, the Incentive Pay program is not intended to retroactively compensate employees prior to its effective date; and

WHEREAS, the City Council wants the Incentive Pay program to have equality for all employees finding it necessary to amend section 7.03.01 and removing 7.03.02 of the Personnel Policy; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUBBARD RESOLVES AS FOLLOWS:**

#### SECTION 1

**Section 7.03.01, Police Officer Incentive Pay Program, is restated and amended to read as follows:**

**Incentive Pay Program:** For purposes of encouraging employees to pursue appropriate formal education, an education incentive program is established. Only Full-time employees will be eligible for the Incentive Pay Program. The employee must maintain a satisfactory job performance evaluation to be eligible for the program. The certification must relate to the employee's job but not a requirement to perform the job. The total amount of all incentive pay may not exceed 10% per month for any employee.

The incentive pay program may not be limited to the below listed certifications. If the certification is not listed, the employee must make a request to their immediate supervisor in writing at the time of their evaluation for approval to qualify for the Incentive Pay Program.

A 2% increase in salary shall be added to the base salary for full-time employees who qualify for incentive pay by completing training and achieving the following certification(s); 600 hours of State approved police training; 900 hours of State approved police training; 1200 hours of State approved police training; DPSST Intermediate Certification, DPSST Advanced Certification; Wastewater Treatment Level I; Wastewater Treatment Level II; Wastewater Treatment Level III; Wastewater Collection Level I; Wastewater Collection Level II; Wastewater Collection Level III; Water Treatment Level I; Water Distribution Level I; Water Distribution Level II; Water Distribution Level II; Cross Connection Inspection; Certified Pool & Spa Operator; Oregon Road Scholar Level I; Oregon Road Scholar Level II; Local Government Management Certification; Numbered Certification of Completion by National APWA (NWPWI); Emerging Leaders Academy Completion Certification; Emergency Management Certification; Certified Municipal Clerk Certification; Master Municipal Clerk Certification; Professional Finance Officer Certification; **Oregon Association of Court Administration Certification**; Judicial Administration Certification.

#### SECTION 2.

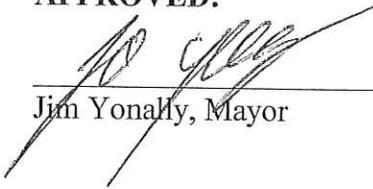
**Section 7.03.02, Public Works Incentive Pay Program is hereby repealed.**

**SECTION 3.**

Notwithstanding the terms of this Resolution, Employees who received incentive pay based upon a certification given prior to the effective date of this Resolution shall retain such certification and receive incentive pay as previously approved. No retroactive modifications shall be made to such prior certification after the effective date of this Resolution.

**ADOPTED BY THE CITY COUNCIL** this 9th day of April 2013.

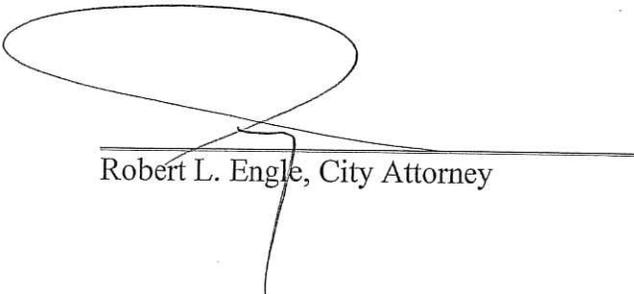
**APPROVED:**

  
\_\_\_\_\_  
Jim Yonally, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Robert L. Engle, City Attorney

### BUILDING PERMITS

	Date Received & Sent to Co.	Date Received From County	Permit #	Applicant Name	Address	Map & Tax Lot #
1	9/6/2016	10/4/2016	555-16-006748-STR	Jeff Steward	2899 A Street	041W34BB01200
2						
3	9/6/2016	9/22/2016	555-16-006622-DWL	Claud Davis Construction	2159 Thomas Way	041W28DD12600
4						
5	11/15/2016			Marion Construction (AKG Properties)	2360 Industrial Avenue	
6						
7	11/17/2016	12/7/2016	555-16-008323-FIRE	MH CUSTOM CABINETRY	2690 INDUSTRIAL AVE	041W33DD00303
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**BUILDING PERMITS page 2**

	Type of permit	Permit Amount	Receipt #	ROW	Receipt #	City Fee	SDC	Receipt #	EXCISE TAX	Valuation
1	Ground Solar Array	\$ 1,034.71	1.003241	N/A	N/A	\$ 105.70	N/A	N/A		\$ 935.45
2	ADDITIONAL PAYMENT 10/20/2016	\$ 6.44	1.003568							
3	SFR	\$ 20,909.02	1.003498	\$ 225.00	1.003498	\$ 195.10	\$ 14,334.00	1.003498	\$ 1,801.00	\$ 246,799.27
4	PAYMENT 09/27/2016									
5	WAREHOUSE	\$ 2,822.07	1.003811							
6										
7	FIRE SPRINKLERS	\$ 202.00	1.003871	N/A	N/A	\$ 25.00	N/A	N/A		N/A
8	ACTUAL AMOUNT \$173.68	\$ (28.32)	CK #7297 12/28/16							
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## BUILDING PERMITS

	Date Received & Sent to Co.	Date Received From County	Permit #	Applicant Name	Address	Map & Tax Lot #
1	8/1/2016	8/15/2016	555-16-005606-DWL	Claud Davis	2363 Thomas Court	041433AA13300
2	4/18/2016	5/3/2015	555-16-002760-DWL	Claud Davis	2363 Thomas Court	041433AA13300
3	4/20/2016	5/5/2016	555-16-002838-DWL	Citihomes Group	3501 7th Street	041W33AB04601
4						
5	4/18/2016	5/5/2016	555-16-002997-DWL	Claud Davis	2267 Thomas Way	041W28DD12300
6						
7	4/25/2016	5/5/2016	555-16-003003-STR	Mike Luna	2539 A Street	041WDDAA03200
8						
9	5/9/2016	5/24/2016	555-16-003407-DWL	Chad E. Davis Construction	3971 8th Street	041W28DD11100
10						
11	5/9/2016	5/24/2016	555-16-003406-DWL	Chad E. Davis Construction	2280 A Street	041W33AA12600
12						
13	5/9/2016	5/24/2016	555-16-003398-DWL	Chad E. Davis Construction	2235 A Street	041W28DD11200
14						
15	5/9/2016	5/24/2016	555-16-003408-DWL	Chad E. Davis Construction	2178 Thomas Way	041W28DD11800
16						
17	5/9/2016	5/24/2016	555-16-003383-DWL	Chad E. Davis Construction	2238 Thomas Way	041W28DD11900
18						
19	5/9/2016	5/23/2016	555-16-003380-DWL	Chad E. Davis Construction	2155 A Street	041W28DD11400
20						
21	5/9/2016	5/24/2016	555-16-003419-DWL	Chad E. Davis Construction	4025 10th Street	041W28DD12900
22						
23	5/9/2016	6/24/2016	555-16-003681-DWL	Chad E. Davis Construction	2177 A Street	041W28DD11300
24						
25	5/9/2016	6/24/2016	555-16-003682-DWL	Chad E. Davis Construction	2152 A Street	041W33AA12200
26						
27	5/9/2016	6/24/2016	555-16-003683-DWL	Chad E. Davis Construction	4041 10th Street	041W28DD12800
28						
29	06/09/2016	7/12/2016	555-16-004337-DWL	Chad E. Davis Construction	3951 10th Street	041W28DD13200
30						
31	06/09/2016	7/12/2016	555-16-004313-DWL	Chad E. Davis Construction	3833 10th Street	041W28DD13300
32						
33	6/28/2016	7/18/2016	555-16-004708-STR	Greg & Debby Peery	2922 Walnut Court	041W33AC10400
34						
35	7/18/2016			John I Haas, Inc.	3421 2nd Street	
36						
37	7/25/2016	9/27/2016	555-16-005522-DWL	Claud Davis Construction	2345 Thomas Way	041W33AA13400
38						
39	8/11/2016	9/15/2016	555-16-005946-STR	Lance Berkey, JB & IB, LLC	3080 J Street	041W33DA05201
40						
41						
42						
43						

**BUILDING PERMITS page 2**

	Type of permit	Permit Amount	Receipt #	ROW	Receipt #	City Fee	SDC	Receipt #	EXCISE TAX	Valuation
1	SFR	\$ 19,099.03	1.003151	\$ 225.00	1.003151	\$ 197.70	\$ 14,334.00	1.003151	\$ 1,786.00	\$ 248,235.46
2	Cancelled/resubmitted PD 6/16/16	\$ 872.40	1.002314	N/A	N/A	\$ 145.41	N/A	N/A	N/A	N/A
3	SFR	\$ 1,723.26	1.001425	N/A	N/A	\$ 212.00	\$ 5,063.50	1.002043	\$ 2,039.00	\$ 259,819.23
4	ADDITIONAL PAYMENT 05/12/2016	\$ 8,316.68	1.002043							
5	SFR	\$ 19,299.96	1.001964	\$ 225.00	1.001964	\$ 200.30	\$ 14,334.00	1.001964	\$ 1,907.00	\$ 250,528.58
6	PAYMENT 5/9/2016									
7	Detached Garage	\$ 401.88	1.001792	N/A	N/A	\$ 53.80	N/A	N/A		\$ 28,926.72
8	ADDITIONAL PAYMENT 5/5/2016	\$ 128.05	1.001942							
9	SFR	\$ 18,822.00	1.002266	\$ 225.00	1.002266	\$ 169.10	\$ 14,334.00	1.002266	\$ 1,754.00	\$ 221,934.92
10	PAYMENT 6/6/2016									
11	SFR	\$ 19,288.48	1.002279	\$ 225.00	1.002279	\$ 200.30	\$ 14,334.00	1.002279	\$ 1,907.00	250,216.10
12	PAYMENT 6/9/2016									
13	SFR	\$ 19,288.48	1.002266	\$ 225.00	1.002266	\$ 200.30	\$ 14,334.00	1.002266	\$ 1,907.00	\$ 250,216.10
14	PAYMENT 6/16/2016									
15	SFR	\$ 18,800.00	1.002279	\$ 225.00	1.002279	\$ 169.10	\$ 14,334.00	1.002279	\$ 1,732.00	\$ 226,998.36
16	PAYMENT 6/9/2016									
17	SFR	\$ 19,277.00	1.002266	\$ 225.00	1.002266	\$ 200.30	\$ 14,334.00	1.002266	\$ 1,907.00	\$ 250,216.10
18	PAYMENT 6/16/2016									
19	SFR	\$ 19,622.85	1.002266	\$ 225.00	1.002266	\$ 209.40	\$ 14,334.00	1.002266	\$ 1,984.00	\$ 257,461.53
20	PAYMENT 6/16/2016									
21	SFR	\$ 18,898.83	1.002279	\$ 225.00	1.002279	\$ 176.90	\$ 14,334.00	1.002279	\$ 1,754.00	\$ 232,646.12
22	PAYMENT 6/9/2016									
23	SFR	\$ 18,748.18	1.002348	\$ 225.00	1.002348	\$ 163.90	\$ 14,334.00	1.002348	\$ 1,751.00	\$ 222,445.21
24	PAYMENT 6/26/2016									
25	SFR	\$ 19,228.20	1.002348	\$ 225.00	1.002348	\$ 191.20	\$ 14,334.00	1.002348	\$ 1,933.00	\$ 243,549.86
26	PAYMENT 6/26/2016									
27	SFR	\$ 19,226.69	1.002348	\$ 225.00	1.002348	\$ 193.80	\$ 14,334.00	1.002348	\$ 1,935.00	\$ 245,203.65
28	PAYMENT 6/26/2016									
29	SFR	\$ 19,960.22	1.002863	\$ 225.00	1.002863	\$ 227.60	\$ 14,334.00	1.002863	\$ 2,211.00	\$ 271,563.51
30	PAYMENT 07/14/2016									
31	SFR	\$ 21,696.22	1.002863	\$ 225.00	1.002863	\$ 322.43	\$ 14,334.00	1.002863	\$ 2,862.00	\$ 346,126.26
32	PAYMENT 07/14/2016									
33	Remodel (Master bathroom & closet)	\$ 433.40	4.000065	N/A	N/A	\$ 44.00	N/A	N/A		\$ 21,576.00
34										
35	Storage Shed For Equipment	\$ 228.52	1.002468							
36										
37	SFR	\$ 18,671.65	1.003499	\$ 225.00	1.003499	\$ 162.60	\$ 14,334.00	1.003499	\$ 1,722.00	\$ 221,074.86
38	PAYMENT 09/27/2016									
39	SFR									
40	Auto dealership Sales Building	\$ 9,123.07	1.003141	N/A	N/A	\$ 885.16	\$ 3,156.00	1.003446	\$ 1,331.50	\$ 1,058,709.00
41	ADDITIONAL PAYMENT 9/22/2016	\$ 5,853.58	1.003446							
42										
43										

## BUILDING PERMITS

	Date Received & Sent to Co.	Date Received From County	Permit #	Applicant Name	Address	Map & Tax Lot #
1	10/19/2015	11/10/2015	555-15-007125-DWL	Chad E. Davis Construction	2145 A Street	041W28DD11500
2						TOTAL PYMNT \$53,891.45
3	10/19/2015	11/10/2015	555-15-007116-DWL	Chad E. Davis Construction	2241 Thomas Way	041W28DD12400
4						
5	10/19/2015	11/24/2015	555-15-007124-DWL	Chad E. Davis Construction	2156 Thomas Way	041W28DD11700
6						TOTAL PYMNT \$73,601.25
7	10/19/2015	11/24/2015	555-15-007123-DWL	Chad E. Davis Construction	3997 8th Street	041W28DD12000
8						TOTAL PYMNT \$73,601.25
9	10/19/2015	12/30/2015	555-15-007121-DWL	Chad E. Davis Construction	3983 8th Street	041W28DD12100
10						TOTAL PYMNT \$35,655.27
11	10/19/2015	11/10/2015	555-15-007109-DWL	Chad E. Davis Construction	3999 10th Street	041W28DD13000
12						TOTAL PYMNT \$53,891.45
13	10/19/2015	11/10/2015	555-15-007105-DWL	Chad E. Davis Construction	3975 10th Street	041W28DD13100
14						TOTAL PYMNT \$53,891.45
15	10/20/2015	12/30/2015	555-15-007112-STR	Mike Holleman	2690 Industrial Avenue	041W33DD00303
16						
17	12/17/2015	2/9/2016	555-15-008419-DWL	Claud Davis	2392 Thomas Court	041W33AA13200
18	1/5/2016	1/19/2016	555-16-000071-DWL	CitiHomes Group	2477 G Street	041W33AC01100
19						
20	2/8/2016			Adan Lomeli Salcedo	3550 Maple Street	
21						
22	2/11/2016	Addendum to	555-15-007112-STR	Mike Holleman	2690 Industrial Avenue	041W33DD00303
23	2/17/2016	8/29/2016	555-106-001361-STR	Joseph & Leonora Bando	4215 Pacific Highway 99E	041W34BB00600
24						
25	2/17/2016	8/29/2016	555-106-001362-STR	Joseph & Leonora Bando	4125 Pacific Highway 99E	041W34BB00600
26	3/14/2016	4/6/2016	555-16-001991-DWL	Chad E. Davis Construction	2366 Thomas Court	041W33AA12900
27						TOTAL PYMNT \$88,710.32
28	3/14/2016	4/6/2016	555-16-001985-DWL	Chad E. Davis Construction	2234 A Street	041W33AA12400
29						TOTAL PYMNT \$88,710.32
30	3/14/2016	4/6/2016	555-16-002006-DWL	Chad E. Davis Construction	2388 Thomas Court	041W33AA13000
31						TOTAL PYMNT \$88,710.32
32	3/14/2016	4/6/2016	555-16-002009-DWL	Chad E. Davis Construction	2342 Thomas Court	041W33AA12800
33						TOTAL PYMNT \$88,710.32
34	3/14/2016	4/6/2016	555-16-001997-DWL	Chad E. Davis Construction	2144 Thomas Way	041W28DD11600
35						TOTAL PYMNT \$88,710.32
36	3/31/2016	4/21/2016	555-16-002470-STR	Steve Laue	2433 Allan Ave	041W33AA01200
37						
38	4/4/2016	4/11/2016	555-16-002486-MD	New Phase Cnstrn/ Hoodview mobile	3257 Rainblow Loop	041W34CB00100
39						
40	4/11/2016	4/20/2016	555-16-002626-STR	Shawn & Jonnie Wachter	2163 Dorsey Drive	04128DD06700
41						
42	4/18/2016	4/25/2016	555-16-002758-STR	New Phase Cnstrn/ Hoodview mobile	3257 Rainblow Loop	041W34CB00100
43						

**BUILDING PERMITS page 2**

	Type of permit	Permit Amount	Receipt #	ROW	Receipt #	City Fee	SDC	Receipt #	EXCISE TAX	Valuation
1	SFR	\$ 1,264.15	49703	\$ 225.00	3.000087	\$ 98.09	\$ 14,321.00	3.000087	\$ 1,671.00	\$ 212,590.43
2	ADDITIONAL PAYMENT 11/19/15	\$ 17,195.05	3.000087							
3	SFR	\$ 1,295.28	49705	\$ 225.00	1000043	\$ 114.99	\$ 14,321.00	1000043	\$ 1,881.00	\$ 232,910.15
4	ADDITIONAL PAYMENT 11/19/15	\$ 17,620.92	1000043							
5	SFR	\$ 1,388.65	49703	\$ 225.00	1.000177	\$ 189.90	\$ 14,321.00	1.000177	\$ 1,935.00	\$ 241,615.31
6	ADDITIONAL PAYMENT 11/30/15	\$ 17,760.03	1.000177							
7	SFR	\$ 1,497.59	49703	\$ 225.00	1.000173	\$ 225.00	\$ 14,321.00	1.000173	\$ 2,178.00	\$ 269,985.89
8	ADDITIONAL PAYMENT 11/30/15	\$ 18,523.41	1.000173							
9	SFR	\$ 1,505.38	49703	\$ 225.00	1.000841	\$ 236.70	\$ 14,321.00	1.000841	\$ 2,142.00	\$ 272,581.22
10	ADDITIONAL PAYMENT 1/18/16	\$ 17,314.87	1.000841							
11	SFR	\$ 1,598.75	49703	\$ 225.00	3.000087	\$ 201.36	\$ 14,321.00	3.000087	\$ 2,645.00	\$ 330,977.49
12	ADDITIONAL PAYMENT 11/10/15	\$ 19,489.49	3.000087							
13	SFR	\$ 1,264.15	49703	\$ 225.00	3.0000.87	\$ 152.20	\$ 14,321.00	3.0000.87	\$ 1,682.00	\$ 213,417.85
14	ADDITIONAL PAYMENT 11/10/15	\$ 17,206.91	3.0000.87							
15	Cabinet Shop 8/18/2015	\$ 8,541.95	48605	\$ 225.00	49682	\$ 772.98	\$ 11,781.00	1.000452	\$ 3,388.80	\$ 916,332.53
16	ADDITIONAL PAYMENT 1/4/16	\$ 12,398.87	1.000452						#1.000866 1/19/16	
17	SFR	\$ 19,194.49	1.001125	\$ 225.00	1.001125	\$ 183.40	\$ 14,321.00	1.001125	\$ 1,946.00	\$ 237,589.06
18	SFR/Replacement of Manuf Home	\$ 1,692.13	1.000453	N/A	N/A	\$ 153.50	N/APre-Existing	N/APre-Existing	\$ 1,112.14	\$ 214,739.27
19	ADDITIONAL PAYMENT 2/10/16	\$ 1,820.01	1.001128							
20	Addition to MH	\$ 131.00	1.001121	N/A	N/A		N/A	N/A		
21										
22	Fire Line Increase	\$ 44.50	1.00114	N/A	N/A	\$ 44.50	N/A	N/A		N/A
23	RV Storage BLD 1	\$ 7,643.25	1.001152	N/A	N/A	\$ 746.12	\$ 10,787.00	1.002275	\$ 7,650.00	\$ 882,351.00
24	ADDITIONAL PAYMENT FOR BLD 1 & 2 9/6/2016	\$ 8,848.27	1.003235					6/8/2016		
25	RV Storage BLD 2	\$ 32,089.22	1.003235	N/A	N/A	\$1,429.47	SEE BLD 1 ABOVE	SEE BLD 1 ABOVE	\$ 15,150.00	\$ 1,747,401.00
26	SFR	\$1,100	1.001507	\$ 225.00	1.001764	\$ 154.80	\$ 14,334.00	1.001764	\$ 1,726.00	\$ 215,427.91
27	ADDITIONAL PAYMENT 4/14/2016	\$ 17,487.34	1.001764							
28	SFR	\$1,100	1.001507	\$ 225.00	1.001764	\$ 148.30	\$ 14,334.00	1.001764	\$ 1,670.00	\$ 210,787.69
29	ADDITIONAL PAYMENT 4/14/2016	\$ 17,386.92	1.001764							
30	SFR	\$1,100	1.001507	\$ 225.00	1.001764	\$ 225.00	\$ 14,334.00	1.001764	\$ 2,203.00	\$ 269,053.97
31	ADDITIONAL PAYMENT 4/14/2016	\$ 18,803.37	1.001764							
32	SFR	\$1,100	1.001507	\$ 225.00	1.001764	\$ 156.10	\$ 14,334.00	1.001764	\$ 1,732.00	\$ 216,450.45
33	ADDITIONAL PAYMENT 4/14/2016	\$ 17,525.75	1.001764							
34	SFR	\$1,100	1.001507	\$ 225.00	1.01764	\$ 154.80	\$ 14,334.00	1.01764	\$ 1,726.00	\$ 215,427.91
35	ADDITIONAL PAYMENT 4/14/2016	\$ 17,506.94	1.01764							
36	Attached Car Port	\$ 202.00	1.001705	N/A	N/A	\$ 25.00	N/A	N/A		\$ 7,499.52
37	ADDITIONAL PAYMENT 4/21/2016	\$ 14.96	1.001786							
38	ADD MANF HOME TO PARK	\$ 406.20	1.001715	N/A	N/A	\$ 25.00	N/A	N/A	\$ 268.00	\$ -
39	ADDITIONAL PAYMENT 4/12/2016	\$ 236.00	1.001747						#1.001715 4/12/16	
40	Deck	\$ 212.00	1.001743	N/A	N/A	\$ 32.80	N/A	N/A		\$ 14,061.60
41	ADDITIONAL PAYMENT 4/20/2016	\$ 111.08	1.001779							
42	Deck	\$ 131.20	1.001795	N/A	N/A	\$ 25.00	N/A	N/A		\$ -
43										

# FINANCE MONTHLY REPORT – JAN 2017

**To:** CITY COUNCIL  
**From:** Kari Kurtz  
**Date:** January 3, 2017  
**Re:** January 10, 2017 Council Meeting

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## **Finance Reports & Notes:**

1. Included are the following reports for your review:
  - a. Accrual Leave Report
  - b. Balance Sheet and Rev/Exp Compared to Budget for December 2016 (soft close)
2. Budget season is upon us and I will be emailing worksheets to the Department Heads at the end of this month to begin the process.

## **Consent Agenda Reports:**

1. Check listing for the month of December is included in your packet.
2. 2017-2018 Budget Calendar is included in your packet.
3. Appoint Budget Officer per ORS 294.331

## **Comments/Questions:**

If you have any questions/comments, please don't hesitate to e-mail me at [kkurtz@cityofhubbard.org](mailto:kkurtz@cityofhubbard.org) or call me at 503-981-9633

Report Criteria:  
Employee.Employee number = {<>} 104

Employee Number	Name	Rate Desc	Hours Beg Bal	Hours Accrued	Hours Used	Hours Remain	Liability Amount
<b>Administration</b>							
102	Astorga, Lucy T M	Vac	37.75	10.00	16.25	31.50	675.84
		Sic	26.13	8.00	.00	34.13	
		Hol	.00	20.00	20.00	.00	.00
		Com	3.88	3.75	.25	7.38	158.34
113	Kurtz, Kari J	Vac	153.26	6.66	.00	159.92	4,479.30
		Sic	27.76	8.00	.00	35.76	
		Hol	10.00	20.00	20.00	10.00	280.10
		Com	71.90	.00	10.00	61.90	1,733.79
117	Nogle, Vickie Lynne	Vac	228.56	16.00	10.00	234.56	
		Sic	553.75	8.00	.00	561.75	18,819.69
		Hol	.00	20.00	20.00	.00	.00
		Com	54.90	4.64	26.00	33.54	1,123.65
Total Administration:			419.57	32.66	26.25	425.98	13,013.34
			607.64	24.00	.00	631.64	
			10.00	60.00	60.00	10.00	280.10
			130.68	8.39	36.25	102.82	3,015.79

<b>Police Department</b>							
101	Anderson, Chris	Vac	10.00	10.00	.00	20.00	504.57
		Sic	846.00	8.00	.00	854.00	
		Hol	55.00	35.00-	.00	20.00	504.57
		Com	35.57	6.75	.00	42.32	1,067.67
103	Bentley, Glen W	Vac	242.12	10.66	40.00	212.78	5,467.51
		Sic	958.50	8.00	.00	966.50	
		K9	12.00	2.00-	.00	10.00	256.96
		Hol	15.00	10.00	.00	25.00	642.39
		Com	56.00	7.00-	.00	49.00	1,259.08
107	Gill, William W	Vac	198.81	17.34	.00	216.15	7,111.01
		Sic	748.00	8.00	3.00	753.00	
		Hol	30.00	5.00-	.00	25.00	822.46
		Com	57.13	6.00	6.00	57.13	1,879.49
123	Griep, Madelynn	Vac	.00	.00	.00	.00	.00
		Sic	36.00	8.00	2.00	42.00	
		Hol	.00	20.00	20.00	.00	.00
		Com	8.25	.00	.00	8.25	148.36
116	Nelson, Grady	Vac	175.80	10.00	.00	185.80	4,774.24
		Sic	129.00	8.00	.00	137.00	
		Hol	30.00	10.00-	20.00	.00	.00
		Com	65.38	6.75-	17.25	41.38	1,063.28
Total Police Department:			626.73	48.00	40.00	634.73	17,857.33
			2,717.50	40.00	5.00	2,752.50	
			12.00	2.00-	.00	10.00	256.96
			130.00	20.00-	40.00	70.00	1,969.42
			222.33	1.00-	23.25	198.08	5,417.88

Employee Number	Name	Rate Desc	Hours Beg Bal	Hours Accrued	Hours Used	Hours Remain	Liability Amount
<b>Public Works</b>							
106	Estrada, Jaime	Vac	345.66	30.00	136.00	239.66	8,286.82
		Sic	2,369.40	8.00	.00	2,377.40	
		Hol	.00	16.00	16.00	.00	.00
		Com	58.26	.00	.00	58.26	2,014.48
109	Hernandez, Juan M	Vac	226.78	10.00	.00	236.78	4,606.27
		Sic	307.50	8.00	.00	315.50	
		Hol	21.00	16.00	20.00	17.00	330.71
		Com	.29	.00	.00	.29	5.64
112	Krebs, Michael R	Vac	212.43	19.34	.00	231.77	5,568.07
		Sic	1,109.00	8.00	5.00	1,112.00	
		Hol	8.00	20.00	8.00	20.00	480.48
		Com	59.04	.00	.00	59.04	1,418.38
118	Olinger, Melinda L	Vac	231.48	15.34	7.00	239.82	5,246.30
		Sic	795.25	8.00	.00	803.25	--
		Hol	.00	20.00	20.00	.00	.00
		Com	60.00	.00	.00	60.00	1,312.56
124	Steele, Timothy	VPT	.00	.00	.00	.00	.00
		Sic	.00	.00	.00	.00	.00
<b>Total Public Works:</b>			1,016.35	74.68	143.00	948.03	23,707.46
			4,581.15	32.00	5.00	4,608.15	1
			.00	.00	.00	.00	.00
			29.00	72.00	64.00	37.00	811.20
			177.59	.00	.00	177.59	4,751.06
<b>Grand Totals:</b>			2,062.65	155.34	209.25	2,008.74	54,578.13
			7,906.29	96.00	10.00	7,992.29	
			12.00	2.00	.00	10.00	256.96
			169.00	112.00	164.00	117.00	3,060.71
			530.60	7.39	59.50	478.49	13,184.73

Report Criteria:

Employee.Employee number = {<>} 104

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

GENERAL FUND

ASSETS

100-000-1001	CASH IN COMBINED CASH FUND	( 1,455,334.00)	
100-000-1011	LGIP	2,194,441.00	
100-000-1012	PETTY CASH	50.00	
100-000-1013	CASH ON HAND	200.00	
	TOTAL ASSETS		<u>739,357.00</u>

LIABILITIES AND EQUITY

LIABILITIES

100-000-2032	SCHOOL EXISE TAX	5,352.96	
100-000-2276	STATE ASSESSMENT	1,054.50	
100-000-2277	DEPOSITS - UNITARY	37.00	
100-000-2278	DEPOSITS - LEMLA	3.79	
100-000-2279	DEPOSITS - OJD	10.49	
100-000-2280	DEPOSITS - MARION	495.18	
100-000-2281	DEPOSITS - LAND USE	12,521.72	
	TOTAL LIABILITIES		19,475.64

FUND EQUITY

100-000-2520	BEG FUND BALANCE	370,480.14	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	<u>349,401.22</u>	
	BALANCE - CURRENT DATE	<u>349,401.22</u>	
	TOTAL FUND EQUITY		<u>719,881.36</u>
	TOTAL LIABILITIES AND EQUITY		<u>739,357.00</u>

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES AND FRANCHISE FEES</u>					
100-300-3111	59,329.52	688,643.98	717,453.00	28,809.02	96.0
100-300-3112	858.13	16,777.34	25,000.00	8,222.66	67.1
100-300-3180	.00	.00	100.00	100.00	.0
100-300-3181	.00	13,796.76	100,000.00	86,203.24	13.8
100-300-3182	.00	.00	4,600.00	4,600.00	.0
100-300-3183	.00	7,356.82	23,000.00	15,643.18	32.0
100-300-3184	.00	5,931.21	13,000.00	7,068.79	45.6
100-300-3185	.00	14,231.83	23,000.00	8,768.17	61.9
100-300-3186	.00	454.44	700.00	245.56	64.9
100-300-3301	.00	11,850.02	16,892.00	5,041.98	70.2
100-300-3302	293.29	2,466.46	3,800.00	1,333.54	64.9
100-300-3303	3,463.76	23,176.86	53,000.00	29,823.14	43.7
100-300-3415	778.84	68,813.81	132,000.00	63,186.19	52.1
100-300-3601	84.62	588.91	1,000.00	411.09	58.9
100-300-3611	1,993.04	8,982.82	6,000.00	( 2,982.82)	149.7
TOTAL TAXES AND FRANCHISE FEES	66,801.20	863,071.26	1,119,545.00	256,473.74	77.1
<u>MISC REVENUE</u>					
100-301-3211	2,050.00	3,025.00	4,600.00	1,575.00	65.8
100-301-3401	210.00	2,040.00	2,700.00	660.00	75.6
100-301-3402	.00	.00	180.00	180.00	.0
TOTAL MISC REVENUE	2,260.00	5,065.00	7,480.00	2,415.00	67.7
<u>POLICE REVENUE</u>					
100-302-3342	.00	.00	2,000.00	2,000.00	.0
100-302-3346	.00	.00	2,000.00	2,000.00	.0
100-302-3351	2,683.52	2,683.52	2,500.00	( 183.52)	107.3
100-302-3401	.00	360.00	1,300.00	940.00	27.7
100-302-3402	1,050.00	8,550.00	17,000.00	8,450.00	50.3
100-302-3403	.00	320.00	800.00	480.00	40.0
100-302-3601	1,500.00	1,747.20	1,000.00	( 747.20)	174.7
100-302-3643	800.00	2,115.00	400.00	( 1,715.00)	528.8
100-302-3644	156.74	1,073.74	2,500.00	1,426.26	43.0
TOTAL POLICE REVENUE	6,190.26	16,849.46	29,500.00	12,650.54	57.1
<u>MUNICIPAL COURT REVENUE</u>					
100-303-3401	6,269.46	41,624.55	60,000.00	18,375.45	69.4
100-303-3402	1,394.05	10,393.00	18,000.00	7,607.00	57.7
100-303-3405	.00	35.12	400.00	364.88	8.8
100-303-3611	370.00	1,791.82	3,000.00	1,208.18	59.7
TOTAL MUNICIPAL COURT REVENUE	8,033.51	53,844.49	81,400.00	27,555.51	66.2

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>COMMUNITY DEV REVENUE</u>					
100-305-3305 SCHOOL EXCISE REVE	223.04	1,603.58	2,400.00	796.42	66.8
100-305-3350 ECO DEV COMMUNITY PROJECT GRAN	.00	700.00	700.00	.00	100.0
100-305-3401 LAND USE FEES	4,390.31	32,875.27	34,800.00	1,924.73	94.5
100-305-3402 BUILDING PERMITS	1,780.66	51,860.18	60,000.00	8,139.82	86.4
<b>TOTAL COMMUNITY DEV REVENUE</b>	<b>6,394.01</b>	<b>87,039.03</b>	<b>97,900.00</b>	<b>10,860.97</b>	<b>88.9</b>
<u>TRANSFERS IN</u>					
100-391-3910 TRANSFER IN -WATER	.00	7,197.09	20,460.00	13,262.91	35.2
100-391-3912 TRANSFER IN SEWER	.00	7,047.63	20,639.00	13,591.37	34.2
100-391-3914 TRANSFER IN- SDC A	.00	.00	10,500.00	10,500.00	.0
100-391-3920 TRANS IN - OP OH	.00	15,674.39	77,477.00	61,802.61	20.2
<b>TOTAL TRANSFERS IN</b>	<b>.00</b>	<b>29,919.11</b>	<b>129,076.00</b>	<b>99,156.89</b>	<b>23.2</b>
<u>FUND BALANCE</u>					
100-399-9999 BEGINNING FUND BALANCE	.00	.00	295,745.00	295,745.00	.0
<b>TOTAL FUND BALANCE</b>	<b>.00</b>	<b>.00</b>	<b>295,745.00</b>	<b>295,745.00</b>	<b>.0</b>
<b>TOTAL FUND REVENUE</b>	<b>89,678.98</b>	<b>1,055,788.35</b>	<b>1,760,646.00</b>	<b>704,857.65</b>	<b>60.0</b>

CITY OF HUBBARD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<b>ADMINISTRATION</b>					
<b>SALARIES:</b>					
100-410-1100	.00	.00	72,403.00	72,403.00	.0
100-410-1101	3,484.16	20,904.96	.00 (	20,904.96)	.0
100-410-1102	1,941.96	11,651.76	.00 (	11,651.76)	.0
100-410-1105	557.84	2,938.33	.00 (	2,938.33)	.0
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TOTAL SALARIES	5,983.96	35,495.05	72,403.00	36,907.95	49.0
<b>EMPLOYEE BENEFITS:</b>					
100-410-4100	.00	.00	46,894.00	46,894.00	.0
100-410-4110	2,010.07	11,797.07	.00 (	11,797.07)	.0
100-410-4120	22.58	135.76	.00 (	135.76)	.0
100-410-4150	457.76	2,755.69	.00 (	2,755.69)	.0
100-410-4170	1,411.64	8,393.27	.00 (	8,393.27)	.0
100-410-4190	11.82	124.36	.00 (	124.36)	.0
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TOTAL EMPLOYEE BENEFITS	3,913.87	23,206.15	46,894.00	23,687.85	49.5
<b>MATERIALS &amp; SERVICES:</b>					
100-410-5100	1,069.71	25,905.28	40,360.00	14,454.72	64.2
100-410-5200	.00	.00	200.00	200.00	.0
100-410-5300	.00	.00	300.00	300.00	.0
100-410-6100	118.98	1,344.81	3,100.00	1,755.19	43.4
100-410-6200	76.69	709.33	1,500.00	790.67	47.3
100-410-6300	.00	2,657.92	3,500.00	842.08	75.9
100-410-6400	.00	26.08	1,000.00	973.92	2.6
100-410-6500	50.00	5,575.65	9,000.00	3,424.35	62.0
100-410-6600	925.15	3,775.80	7,650.00	3,874.20	49.4
100-410-6700	6.00	2,292.00	2,600.00	308.00	88.2
100-410-6800	.00	.00	200.00	200.00	.0
100-410-6900	452.83	1,448.88	6,600.00	5,151.12	22.0
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TOTAL MATERIALS & SERVICES	2,699.36	43,735.75	76,010.00	32,274.25	57.5
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TOTAL ADMINISTRATION	12,597.19	102,436.95	195,307.00	92,870.05	52.5
<b>COURT</b>					
<b>SALARIES:</b>					
100-412-1100	.00	.00	24,386.00	24,386.00	.0
100-412-1101	348.42	2,090.52	.00 (	2,090.52)	.0
100-412-1102	291.30	1,747.80	.00 (	1,747.80)	.0
100-412-1105	1,301.60	6,855.97	.00 (	6,855.97)	.0
100-412-1111	.00	242.04	.00 (	242.04)	.0
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TOTAL SALARIES	1,941.32	10,936.33	24,386.00	13,449.67	44.9

CITY OF HUBBARD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT	
<b>EMPLOYEE BENEFITS:</b>						
100-412-4100	EMPLOYEE BENEFITS	.00	.00	18,246.00	18,246.00	.0
100-412-4110	EB-MEDICAL & DENTAL	974.66	5,720.11	.00 (	5,720.11)	.0
100-412-4120	EB-INSURANCE (LIFE & DISAB)	7.30	43.56	.00 (	43.56)	.0
100-412-4150	EB-EMPLOYER TAXES	148.52	862.05	.00 (	862.05)	.0
100-412-4170	EB-PERS	392.86	2,192.97	.00 (	2,192.97)	.0
100-412-4190	EB-WORKERS COMP	3.52	37.02	.00 (	37.02)	.0
TOTAL EMPLOYEE BENEFITS		1,526.86	8,855.71	18,246.00	9,390.29	48.5
<b>MATERIALS &amp; SERVICES:</b>						
100-412-5100	PROFESSIONAL SERVICES	123.93	3,706.57	11,055.00	7,348.43	33.5
100-412-5300	OPERATIONAL SUPPLIES	.00	.00	50.00	50.00	.0
100-412-6100	BUILDING MAINT & SUPPLIES	17.85	163.61	450.00	286.39	36.4
100-412-6200	RENTALS AND LEASES	17.53	135.44	400.00	264.56	33.9
100-412-6300	INSURANCE	.00	776.49	825.00	48.51	94.1
100-412-6400	ADVERTISING & RECRUITMENT	.00	.00	100.00	100.00	.0
100-412-6500	LEARNING, DUES & MEMBERSHIPS	.00	878.82	1,350.00	471.18	65.1
100-412-6600	OFFICE SUPPLIES & MISC EXPENSE	214.51	469.32	1,050.00	580.68	44.7
100-412-6700	EQUIP MAINT & SUPPLIES	.60	.60	200.00	199.40	.3
100-412-6900	UTILITIES	114.65	669.74	1,900.00	1,230.26	35.3
TOTAL MATERIALS & SERVICES		489.07	6,800.59	17,380.00	10,579.41	39.1
TOTAL COURT		3,957.25	26,592.63	60,012.00	33,419.37	44.3
<b>COUNCIL</b>						
<b>MATERIALS &amp; SERVICES:</b>						
100-413-5100	PROFESSIONAL SERVICES	.00	3,500.00	3,500.00	.00	100.0
100-413-5300	OPERATIONAL SUPPLIES	437.00	1,571.23	3,000.00	1,428.77	52.4
100-413-6500	DUES, EDUCATION & LEARNING	.00	.00	1,000.00	1,000.00	.0
TOTAL MATERIALS & SERVICES		437.00	5,071.23	7,500.00	2,428.77	67.6
TOTAL COUNCIL		437.00	5,071.23	7,500.00	2,428.77	67.6
<b>COMMUNITY DEVELOPMENT</b>						
<b>SALARIES:</b>						
100-419-1100	SALARIES AND WAGES	.00	.00	15,734.00	15,734.00	.0
100-419-1101	CITY RECORDER	871.06	5,226.36	.00 (	5,226.36)	.0
100-419-1102	FINANCE DIRECTOR	242.76	1,456.56	.00 (	1,456.56)	.0
100-419-1104	PUBLIC WORKS SUPERINTENDENT	188.10	1,199.14	.00 (	1,199.14)	.0
TOTAL SALARIES		1,301.92	7,882.06	15,734.00	7,851.94	50.1

CITY OF HUBBARD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT	
<b>EMPLOYEE BENEFITS:</b>						
100-419-4100	EMPLOYEE BENEFITS	.00	.00	10,676.00	10,676.00	.0
100-419-4110	EB-MEDICAL & DENTAL	446.42	2,619.97	.00 (	2,619.97)	.0
100-419-4120	EB-INSURANCE (LIFE & DISAB)	4.91	29.49	.00 (	29.49)	.0
100-419-4150	EB-EMPLOYER TAXES	99.60	625.91	.00 (	625.91)	.0
100-419-4170	EB-PERS	332.19	2,013.80	.00 (	2,013.80)	.0
100-419-4190	EB-WORKERS COMP	1.99	20.91	.00 (	20.91)	.0
TOTAL EMPLOYEE BENEFITS		885.11	5,310.08	10,676.00	5,365.92	49.7
<b>MATERIALS &amp; SERVICES:</b>						
100-419-5100	PROFESSIONAL SERVICES	4,615.94	29,287.19	19,800.00 (	9,487.19)	147.9
100-419-5400	INTERGOVERNMENTAL SE	2,022.52	70,136.70	70,200.00	63.30	99.9
100-419-5500	PROGRAM & GRANT EXPENSES	.00	482.02	700.00	217.98	68.9
100-419-6500	LEARNING, DUES & MEMBERSHIPS	.00	.00	1,900.00	1,900.00	.0
TOTAL MATERIALS & SERVICES		6,638.46	99,905.91	92,600.00 (	7,305.91)	107.9
TOTAL COMMUNITY DEVELOPMENT		8,825.49	113,098.05	119,010.00	5,911.95	95.0
<b>POLICE</b>						
<b>SALARIES:</b>						
100-421-1100	SALARIES AND WAGES	.00	.00	360,449.00	360,449.00	.0
100-421-1101	DIRECTOR OF ADMIN/RECORDER	116.14	696.84	.00 (	696.84)	.0
100-421-1102	SENIOR ACCOUNTING SPECIALIST	97.10	582.60	.00 (	582.60)	.0
100-421-1103	CHIEF OF POLICE	5,702.40	43,307.47	.00 (	43,307.47)	.0
100-421-1105	ADMINISTRATIVE ASSISTANT	3,117.00	18,102.00	.00 (	18,102.00)	.0
100-421-1106	POLICE OFFICERS	13,280.72	100,419.13	.00 (	100,419.13)	.0
100-421-1210	OVERTIME HOLIDAY	3,839.17	5,270.82	.00 (	5,270.82)	.0
100-421-1212	OVERTIME	77.09	1,993.04	.00 (	1,993.04)	.0
100-421-1300	OVERTIME - COMP PO	642.39	642.39	.00 (	642.39)	.0
TOTAL SALARIES		26,872.01	171,014.29	360,449.00	189,434.71	47.4
<b>EMPLOYEE BENEFITS:</b>						
100-421-4100	EMPLOYEE BENEFITS	.00	.00	240,643.00	240,643.00	.0
100-421-4110	EB-MEDICAL & DENTAL	10,567.32	61,181.42	.00 (	61,181.42)	.0
100-421-4120	EB-INSURANCE (LIFE & DISAB)	91.21	603.77	.00 (	603.77)	.0
100-421-4150	EB-EMPLOYER TAXES	2,055.69	13,306.95	.00 (	13,306.95)	.0
100-421-4170	EB-PERS	5,862.27	31,063.96	.00 (	31,063.96)	.0
100-421-4190	EB-WORKERS COMP	613.27	6,453.19	.00 (	6,453.19)	.0
TOTAL EMPLOYEE BENEFITS		19,189.76	112,609.29	240,643.00	128,033.71	46.8

CITY OF HUBBARD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<b>MATERIALS &amp; SERVICES:</b>					
100-421-5100	533.34	5,821.85	10,293.50	4,471.65	56.6
100-421-5200	220.00	1,376.91	6,170.00	4,793.09	22.3
100-421-5300	68.38	1,118.06	9,349.50	8,231.44	12.0
100-421-5400	17,535.75	57,528.74	86,100.00	28,571.26	66.8
100-421-5500	.00	491.72	4,000.00	3,508.28	12.3
100-421-6100	230.89	1,657.42	2,700.00	1,042.58	61.4
100-421-6200	122.77	833.45	1,940.00	1,106.55	43.0
100-421-6300	.00	17,600.76	18,300.00	699.24	96.2
100-421-6400	.00	.00	1,000.00	1,000.00	.0
100-421-6500	.00	1,496.32	15,700.00	14,203.68	9.5
100-421-6600	456.54	3,071.14	6,250.00	3,178.86	49.1
100-421-6700	1,197.66	11,542.87	54,200.00	42,657.13	21.3
100-421-6800	.00	.00	5,000.00	5,000.00	.0
100-421-6900	869.04	5,246.60	10,900.00	5,653.40	48.1
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TOTAL MATERIALS & SERVICES	21,234.37	107,785.84	231,903.00	124,117.16	46.5
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TOTAL POLICE	67,296.14	391,409.42	832,995.00	441,585.58	47.0
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<b>PARKS</b>					
<b>SALARIES:</b>					
100-452-1100	.00	.00	65,224.60	65,224.60	.0
100-452-1101	116.14	696.84	.00	( 696.84)	.0
100-452-1102	97.10	582.60	.00	( 582.60)	.0
100-452-1104	940.51	5,995.74	.00	( 5,995.74)	.0
100-452-1105	947.96	6,070.59	.00	( 6,070.59)	.0
100-452-1107	( 2,119.07)	8,376.07	.00	( 8,376.07)	.0
100-452-1109	967.68	5,150.88	.00	( 5,150.88)	.0
100-452-1114	4,237.82	4,237.82	.00	( 4,237.82)	.0
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TOTAL SALARIES	5,188.14	31,110.54	65,224.60	34,114.06	47.7
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<b>EMPLOYEE BENEFITS:</b>					
100-452-4100	.00	.00	47,264.78	47,264.78	.0
100-452-4110	2,094.77	12,294.37	.00	( 12,294.37)	.0
100-452-4120	16.85	101.18	.00	( 101.18)	.0
100-452-4150	396.88	2,455.99	.00	( 2,455.99)	.0
100-452-4170	1,196.09	7,194.86	.00	( 7,194.86)	.0
100-452-4190	109.29	1,150.03	.00	( 1,150.03)	.0
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TOTAL EMPLOYEE BENEFITS	3,813.88	23,196.43	47,264.78	24,068.35	49.1

CITY OF HUBBARD  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<b>MATERIALS &amp; SERVICES:</b>					
100-452-5100	48.41	1,207.38	3,700.00	2,492.62	32.6
100-452-5200	.00	375.00	300.00	( 75.00)	125.0
100-452-5300	.00	630.06	8,800.00	8,169.94	7.2
100-452-6100	70.16	494.11	1,500.00	1,005.89	32.9
100-452-6200	10.96	96.02	700.00	603.98	13.7
100-452-6300	.00	3,473.10	3,620.00	146.90	95.9
100-452-6400	.00	.00	100.00	100.00	.0
100-452-6500	57.50	663.25	1,200.00	536.75	55.3
100-452-6600	35.11	276.37	800.00	523.63	34.6
100-452-6700	287.09	3,047.65	7,000.00	3,952.35	43.5
100-452-6800	223.64	223.64	400.00	176.36	55.9
100-452-6900	438.04	2,985.30	7,300.00	4,314.70	40.9
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TOTAL MATERIALS & SERVICES	1,170.91	13,471.88	35,420.00	21,948.12	38.0
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TOTAL PARKS	10,172.93	67,778.85	147,909.38	80,130.53	45.8
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CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

STREET FUND

ASSETS

121-000-1001	CASH IN COMBINED CASH FUND	57,797.00	
121-000-1011	LGIP	64,781.37	
	TOTAL ASSETS		<u>122,578.37</u>

LIABILITIES AND EQUITY

FUND EQUITY

121-000-2520	BEG FUND BALANCE	111,087.61	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	11,490.76	
	BALANCE - CURRENT DATE	11,490.76	
	TOTAL FUND EQUITY		<u>122,578.37</u>
	TOTAL LIABILITIES AND EQUITY		<u>122,578.37</u>

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

STREET FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>STREET FUND REVENUE</u>					
121-300-3190 GAS TAX	11,539.25	70,279.32	129,739.00	59,459.68	54.2
121-300-3407 TRANSPORTATION UTILITY	450.86	40,836.32	78,275.00	37,438.68	52.2
121-300-3408 ROW PERMITS	90.00	1,485.00	2,000.00	515.00	74.3
121-300-3601 MISCELLANEOUS REVENUE	646.64	703.38	100.00	( 603.38)	703.4
121-300-3611 INTEREST INCOME	58.43	403.88	500.00	96.12	80.8
TOTAL STREET FUND REVENUE	12,785.18	113,707.90	210,614.00	96,906.10	54.0
<u>FUND BALANCE</u>					
121-399-9999 BEGINNING FUND BALANCE	.00	.00	108,997.00	108,997.00	.0
TOTAL FUND BALANCE	.00	.00	108,997.00	108,997.00	.0
TOTAL FUND REVENUE	12,785.18	113,707.90	319,611.00	205,903.10	35.6

CITY OF HUBBARD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

STREET FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<b>STREET FUND EXP</b>					
<b>SALARIES:</b>					
121-431-1100 SALARIES AND WAGES	.00	.00	64,918.00	64,918.00	.0
121-431-1101 DIRECTOR OF ADMIN/RECORDER	290.36	1,742.16	.00 (	1,742.16)	.0
121-431-1102 SENIOR ACCOUNTING SPECIALIST	728.26	4,369.56	.00 (	4,369.56)	.0
121-431-1104 PUBLIC WORKS SUPERINTENDENT	752.41	4,796.60	.00 (	4,796.60)	.0
121-431-1105 ADMINISTRATIVE ASSISTANT	1,319.86	8,029.52	.00 (	8,029.52)	.0
121-431-1107 UTILITY WORKER 1	( 1,592.11)	7,302.17	.00 (	7,302.17)	.0
121-431-1109 PW MAINTENANCE PT	282.24	1,502.34	.00 (	1,502.34)	.0
121-431-1114 PUBLIC WORKS FOREMAN	3,390.24	3,390.24	.00 (	3,390.24)	.0
<b>TOTAL SALARIES</b>	<b>5,171.26</b>	<b>31,132.59</b>	<b>64,918.00</b>	<b>33,785.41</b>	<b>48.0</b>
<b>EMPLOYEE BENEFITS:</b>					
121-431-4100 EMPLOYEE BENEFITS	.00	.00	49,002.00	49,002.00	.0
121-431-4110 EB-MEDICAL & DENTAL	2,260.39	13,266.29	.00 (	13,266.29)	.0
121-431-4120 EB-INSURANCE (LIFE & DISAB)	19.33	116.12	.00 (	116.12)	.0
121-431-4150 EB-EMPLOYER TAXES	395.64	2,417.02	.00 (	2,417.02)	.0
121-431-4170 EB-PERS	1,180.42	7,160.84	.00 (	7,160.84)	.0
121-431-4190 EB-WORKERS COMP	157.52	1,657.54	.00 (	1,657.54)	.0
<b>TOTAL EMPLOYEE BENEFITS</b>	<b>4,013.30</b>	<b>24,617.81</b>	<b>49,002.00</b>	<b>24,384.19</b>	<b>50.2</b>
<b>MATERIALS &amp; SERVICES:</b>					
121-431-5100 PROFESSIONAL SERVICES	210.10	1,995.44	11,300.00	9,304.56	17.7
121-431-5200 CONTRACTED SUPPORT	2,656.24	8,832.48	16,800.00	7,967.52	52.6
121-431-5300 OPERATIONAL SUPPLIES	.00	24.77	100.00	75.23	24.8
121-431-5500 PROGRAM & GRANT EXPENSES	623.55	5,296.78	17,000.00	11,703.22	31.2
121-431-6100 BUILDING MAINT & SUPPLIES	31.73	280.80	900.00	619.20	31.2
121-431-6200 RENTALS AND LEASES	8.76	82.82	800.00	717.18	10.4
121-431-6300 INSURANCE	.00	2,805.22	2,960.00	154.78	94.8
121-431-6400 ADVERTISING & RECRUITMENT	.00	.00	100.00	100.00	.0
121-431-6500 LEARNING, DUES & MEMBERSHIPS	.00	413.51	1,300.00	886.49	31.8
121-431-6600 OFFICE SUPPLIES & MISC EXPENSE	231.33	748.14	2,300.00	1,551.86	32.5
121-431-6700 EQUIP MAINT & SUPPLIES	154.88	1,409.36	6,800.00	5,390.64	20.7
121-431-6800 UNIFORMS	114.62	114.62	300.00	185.38	38.2
121-431-6900 UTILITIES	3,069.17	20,423.37	37,400.00	16,976.63	54.6
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>7,100.38</b>	<b>42,427.31</b>	<b>98,060.00</b>	<b>55,632.69</b>	<b>43.3</b>
<b>TOTAL STREET FUND EXP</b>	<b>16,284.94</b>	<b>98,177.71</b>	<b>211,980.00</b>	<b>113,802.29</b>	<b>46.3</b>

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

STREET CONSTRUCTION FUND

ASSETS

122-000-1001	CASH IN COMBINED CASH FUND	107,476.05	
122-000-1011	LGIP	120,909.63	
	TOTAL ASSETS		<u>228,385.68</u>

LIABILITIES AND EQUITY

FUND EQUITY

122-000-2520	BEG FUND BALANCE	206,202.82	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	22,182.86	
	BALANCE - CURRENT DATE	22,182.86	
	TOTAL FUND EQUITY		<u>228,385.68</u>
	TOTAL LIABILITIES AND EQUITY		<u>228,385.68</u>

CITY OF HUBBARD  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

STREET CONSTRUCTION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>STREET CONSTRUCTION REVENUE</u>					
122-300-3190 GAS TAX	4,945.39	30,119.72	55,602.00	25,482.28	54.2
122-300-3341 SPECIAL ALLOTMENT	.00	.00	50,000.00	50,000.00	.0
122-300-3550 ASSESSMENT PRINCIPAL	.00	.00	500.00	500.00	.0
122-300-3551 SDC-IMPROVEMENT	2,530.50	22,062.50	39,792.00	17,729.50	55.4
122-300-3554 SDC ADMINISTRATION	136.50	1,180.50	2,016.00	835.50	58.6
122-300-3611 INTEREST INCOME	109.05	520.14	500.00	( 20.14)	104.0
<b>TOTAL STREET CONSTRUCTION REVENUE</b>	<b>7,721.44</b>	<b>53,882.86</b>	<b>148,410.00</b>	<b>94,527.14</b>	<b>36.3</b>
<u>FUND BALANCE</u>					
122-399-9999 BEGINNING FUND BALANCE	.00	.00	151,554.00	151,554.00	.0
<b>TOTAL FUND BALANCE</b>	<b>.00</b>	<b>.00</b>	<b>151,554.00</b>	<b>151,554.00</b>	<b>.0</b>
<b>TOTAL FUND REVENUE</b>	<b>7,721.44</b>	<b>53,882.86</b>	<b>299,964.00</b>	<b>246,081.14</b>	<b>18.0</b>

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

RESERVE FUND

ASSETS

123-000-1001	CASH IN COMBINED CASH FUND	100,182.89	
123-000-1011	LGIP	35,083.16	
	TOTAL ASSETS		<u>135,266.05</u>

LIABILITIES AND EQUITY

FUND EQUITY

123-000-2520	BEG FUND BALANCE	143,927.94	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	( 8,661.89)	
	BALANCE - CURRENT DATE	( 8,661.89)	
	TOTAL FUND EQUITY		<u>135,266.05</u>
	TOTAL LIABILITIES AND EQUITY		<u>135,266.05</u>

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

RESERVE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>RESERVE FUND REVENUE</u>						
123-300-3611	INTEREST	31.64	168.11	100.00	( 68.11)	168.1
	TOTAL RESERVE FUND REVENUE	31.64	168.11	100.00	( 68.11)	168.1
<u>TRANSFERS IN</u>						
123-391-0100	TRANS FROM-GENERAL	.00	.00	35,408.00	35,408.00	.0
123-391-0121	TRANS FROM-STREETS	.00	.00	6,857.00	6,857.00	.0
123-391-0201	TRANS FROM-SEWER	.00	.00	8,840.00	8,840.00	.0
123-391-0205	TRANS FROM-WATER	.00	.00	8,840.00	8,840.00	.0
	TOTAL TRANSFERS IN	.00	.00	59,945.00	59,945.00	.0
<u>FUND BALANCE</u>						
123-399-9999	BEGINNING FUND BALANCE	.00	.00	144,681.00	144,681.00	.0
	TOTAL FUND BALANCE	.00	.00	144,681.00	144,681.00	.0
	TOTAL FUND REVENUE	31.64	168.11	204,726.00	204,557.89	.1

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

PARK IMPROVEMENT FUND

ASSETS

125-000-1001	CASH IN COMBINED CASH FUND	208,546.39	
125-000-1011	LGIP	125,870.56	
	TOTAL ASSETS		<u>334,416.95</u>

LIABILITIES AND EQUITY

FUND EQUITY

125-000-2520	BEG FUND BALANCE	311,438.59	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	22,978.36	
	BALANCE - CURRENT DATE	22,978.36	
	TOTAL FUND EQUITY		<u>334,416.95</u>
	TOTAL LIABILITIES AND EQUITY		<u>334,416.95</u>

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

PARK IMPROVEMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>PARK IMPROVMENT REVENUE</u>					
125-300-3301 STATE SHARED REVEN	.00	11,850.02	16,892.00	5,041.98	70.2
125-300-3341 STATE PARKS DEPT.	.00	.00	121,286.00	121,286.00	.0
125-300-3551 SDC-IMPROVEMENT	.00	15,320.00	36,768.00	21,448.00	41.7
125-300-3552 SDC-REIMBURSEMENT	.00	2,390.00	5,736.00	3,346.00	41.7
125-300-3554 SDC-ADMINISTRATION	.00	740.00	1,776.00	1,036.00	41.7
125-300-3601 MISCELLANEOUS REVENUE	.00	50.00	425.00	375.00	11.8
125-300-3611 INTEREST INCOME	113.52	589.59	500.00	( 89.59)	117.9
125-300-3642 DONATIONS	.00	.00	1,500.00	1,500.00	.0
TOTAL PARK IMPROVMENT REVENUE	113.52	30,939.61	184,883.00	153,943.39	16.7
 <u>BEGINNING FUND BALANCE</u>					
125-399-9999 BEGINNING FUND BALANCE	.00	.00	293,054.00	293,054.00	.0
TOTAL BEGINNING FUND BALANCE	.00	.00	293,054.00	293,054.00	.0
TOTAL FUND REVENUE	113.52	30,939.61	477,937.00	446,997.39	6.5

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

SEWER UTILITY FUND

ASSETS

201-000-1001	CASH IN COMBINED CASH FUND	149,656.88	
201-000-1011	LGIP	12,987.34	
	TOTAL ASSETS		<u>162,644.22</u>

LIABILITIES AND EQUITY

FUND EQUITY

201-000-2520	BEG FUND BALANCE	127,591.53	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	<u>35,052.69</u>	
	BALANCE - CURRENT DATE	<u>35,052.69</u>	
	TOTAL FUND EQUITY		<u>162,644.22</u>
	TOTAL LIABILITIES AND EQUITY		<u>162,644.22</u>

CITY OF HUBBARD  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

SEWER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SEWER UTILITY REVENUE</u>					
201-300-3441 SERVICE CHARGES SE	2,275.22	216,934.09	412,776.00	195,841.91	52.6
201-300-3601 MISCELLANEOUS REVENUE	.00	115.24	100.00	( 15.24)	115.2
201-300-3611 INTEREST INCOME	11.71	104.03	100.00	( 4.03)	104.0
	<u>2,286.93</u>	<u>217,153.36</u>	<u>412,976.00</u>	<u>195,822.64</u>	<u>52.6</u>
<u>BEGINNING FUND BALANCE</u>					
201-399-9999 BEGINNING FUND BALANCE	.00	.00	113,894.00	113,894.00	.0
	<u>.00</u>	<u>.00</u>	<u>113,894.00</u>	<u>113,894.00</u>	<u>.0</u>
	<u>2,286.93</u>	<u>217,153.36</u>	<u>526,870.00</u>	<u>309,716.64</u>	<u>41.2</u>

CITY OF HUBBARD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

SEWER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<b>SEWER UTILITY FUND EXP</b>					
<b>SALARIES:</b>					
201-432-1100 SALARIES AND WAGES	.00	.00	107,190.30	107,190.30	.0
201-432-1101 DIRECTOR OF ADMIN/RECORDER	290.36	1,742.16	.00 (	1,742.16)	.0
201-432-1102 SENIOR ACCOUNTING SPECIALIST	728.26	4,369.56	.00 (	4,369.56)	.0
201-432-1104 PUBLIC WORKS SUPERINTENDENT	2,696.11	17,187.71	.00 (	17,187.71)	.0
201-432-1105 ADMINISTRATIVE ASSISTANT	1,505.80	9,008.92	.00 (	9,008.92)	.0
201-432-1107 UTILITY WORKER 1	( 13,379.94)	2,147.69	.00 (	2,147.69)	.0
201-432-1109 PW MAINTENANCE PT	67.20	357.70	.00 (	357.70)	.0
201-432-1114 PUBLIC WORKS FOREMAN	16,386.45	16,386.45	.00 (	16,386.45)	.0
<b>TOTAL SALARIES</b>	<b>8,294.24</b>	<b>51,200.19</b>	<b>107,190.30</b>	<b>55,990.11</b>	<b>47.8</b>
<b>EMPLOYEE BENEFITS:</b>					
201-432-4100 EMPLOYEE BENEFITS	.00	.00	81,792.40	81,792.40	.0
201-432-4110 EB-MEDICAL & DENTAL	3,287.38	19,295.43	.00 (	19,295.43)	.0
201-432-4120 EB-INSURANCE (LIFE & DISAB)	31.48	188.44	.00 (	188.44)	.0
201-432-4150 EB-EMPLOYER TAXES	634.53	3,934.39	.00 (	3,934.39)	.0
201-432-4170 EB-PERS	2,101.89	13,066.96	.00 (	13,066.96)	.0
201-432-4190 EB-WORKERS COMP	89.77	944.57	.00 (	944.57)	.0
<b>TOTAL EMPLOYEE BENEFITS</b>	<b>6,145.05</b>	<b>37,429.79</b>	<b>81,792.40</b>	<b>44,362.61</b>	<b>45.8</b>
<b>MATERIALS &amp; SERVICES:</b>					
201-432-5100 PROFESSIONAL SERVICES	544.13	4,530.27	20,500.00	15,969.73	22.1
201-432-5200 CONTRACTED SUPPORT	227.87	7,614.81	32,100.00	24,485.19	23.7
201-432-5300 OPERATIONAL SUPPLIES	8.80	1,196.31	5,000.00	3,803.69	23.9
201-432-6100 BUILDING MAINT & SUPPLIES	47.60	395.59	1,300.00	904.41	30.4
201-432-6200 RENTALS AND LEASES	43.82	402.11	1,800.00	1,397.89	22.3
201-432-6300 INSURANCE	.00	6,903.12	7,200.00	296.88	95.9
201-432-6400 ADVERTISING & RECRUITMENT	.00	.00	100.00	100.00	.0
201-432-6500 LEARNING, DUES & MEMBERSHIPS	160.00	3,163.64	6,200.00	3,036.36	51.0
201-432-6600 OFFICE SUPPLIES & MISC EXPENSE	889.03	2,735.43	7,300.00	4,564.57	37.5
201-432-6700 EQUIP MAINT & SUPPLIES	581.14	6,033.13	22,000.00	15,966.87	27.4
201-432-6800 UNIFORMS	89.04	89.04	600.00	510.96	14.8
201-432-6900 UTILITIES	3,567.81	20,116.56	43,000.00	22,883.44	46.8
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>6,159.24</b>	<b>53,180.01</b>	<b>147,100.00</b>	<b>93,919.99</b>	<b>36.2</b>
<b>TOTAL SEWER UTILITY FUND EXP</b>	<b>20,598.53</b>	<b>141,809.99</b>	<b>336,082.70</b>	<b>194,272.71</b>	<b>42.2</b>

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

SEWER CONSTRUCTION FUND

ASSETS

202-000-1001	CASH IN COMBINED CASH FUND	565,374.78	
202-000-1011	LGIP	210,524.98	
	TOTAL ASSETS		<u>775,899.76</u>

LIABILITIES AND EQUITY

FUND EQUITY

202-000-2520	BEG FUND BALANCE	672,866.44	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	<u>103,033.32</u>	
	BALANCE - CURRENT DATE	<u>103,033.32</u>	
	TOTAL FUND EQUITY		<u>775,899.76</u>
	TOTAL LIABILITIES AND EQUITY		<u>775,899.76</u>

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

SEWER CONSTRUCTION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SEWER CONSTRUCTION REVENUE</u>					
202-300-3550 WASTEWATER REUSE R	877.85	76,134.47	147,450.00	71,315.53	51.6
202-300-3551 SDC-IMPROVEMENT	1,061.00	6,366.00	12,732.00	6,366.00	50.0
202-300-3552 SDC-REIMBURSEMENT	2,976.00	17,856.00	35,712.00	17,856.00	50.0
202-300-3554 SDC-ADMINISTRATION	278.00	1,668.00	3,336.00	1,668.00	50.0
202-300-3611 INTEREST INCOME	189.87	1,008.85	400.00	( 608.85)	252.2
<b>TOTAL SEWER CONSTRUCTION REVENUE</b>	<b>5,382.72</b>	<b>103,033.32</b>	<b>199,630.00</b>	<b>96,596.68</b>	<b>51.6</b>
<u>BEGINNING FUND BALANCE</u>					
202-399-9999 BEGINNING FUND BALANCE	.00	.00	645,898.00	645,898.00	.0
<b>TOTAL BEGINNING FUND BALANCE</b>	<b>.00</b>	<b>.00</b>	<b>645,898.00</b>	<b>645,898.00</b>	<b>.0</b>
<b>TOTAL FUND REVENUE</b>	<b>5,382.72</b>	<b>103,033.32</b>	<b>845,528.00</b>	<b>742,494.68</b>	<b>12.2</b>

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

SEWER BOND FUND

ASSETS

203-000-1001	CASH IN COMBINED CASH FUND	6,002.42	
203-000-1011	LGIP	32,258.33	
	TOTAL ASSETS		<u>38,260.75</u>

LIABILITIES AND EQUITY

FUND EQUITY

203-000-2520	BEG FUND BALANCE	38,127.78	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	132.97	
	BALANCE - CURRENT DATE	132.97	
	TOTAL FUND EQUITY		<u>38,260.75</u>
	TOTAL LIABILITIES AND EQUITY		<u>38,260.75</u>

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

SEWER BOND FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SEWER BOND REVENUE</u>					
203-300-3611 INTEREST INCOME	29.09	132.97	100.00	( 32.97)	133.0
TOTAL SEWER BOND REVENUE	29.09	132.97	100.00	( 32.97)	133.0
<u>TRANSFERS IN</u>					
203-391-0201 TRANS FROM-SEWER	.00	27,243.00	54,486.00	27,243.00	50.0
TOTAL TRANSFERS IN	.00	27,243.00	54,486.00	27,243.00	50.0
<u>BEGINNING FUND BALANCE</u>					
203-399-9999 BEGINNING FUND BALANCE	.00	.00	38,075.00	38,075.00	.0
TOTAL BEGINNING FUND BALANCE	.00	.00	38,075.00	38,075.00	.0
TOTAL FUND REVENUE	29.09	27,375.97	92,661.00	65,285.03	29.5

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

WATER UTILITY FUND

ASSETS

205-000-1001	CASH IN COMBINED CASH FUND	228,560.95	
205-000-1011	LGIP	49,807.26	
	TOTAL ASSETS		<u>278,368.21</u>

LIABILITIES AND EQUITY

LIABILITIES

205-000-2281	UB DEPOSITS	16,970.00	
	TOTAL LIABILITIES		16,970.00

FUND EQUITY

205-000-2520	BEG FUND BALANCE	209,376.24	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	52,021.97	
	BALANCE - CURRENT DATE	52,021.97	
	TOTAL FUND EQUITY		<u>261,398.21</u>
	TOTAL LIABILITIES AND EQUITY		<u>278,368.21</u>

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

WATER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>WATER UTILITY REVENUE</u>					
205-300-3401 SERVICE CHARGES WA	1,910.38	213,216.88	400,677.00	187,460.12	53.2
205-300-3402 CONNECTION CHGS WA	.00	4,701.63	4,500.00	( 201.63)	104.5
205-300-3403 RECONNECTION FEE	241.67	2,849.99	4,000.00	1,150.01	71.3
205-300-3601 MISCELLANEOUS REVENUE	98.06	5,752.56	10,000.00	4,247.44	57.5
205-300-3611 INTEREST INCOME	44.92	238.83	100.00	( 138.83)	238.8
205-300-3620 LEASE-WATER TOWER	658.84	3,953.04	7,200.00	3,246.96	54.9
205-300-3622 VERZION LEASE	.00	7,200.00	14,400.00	7,200.00	50.0
TOTAL WATER UTILITY REVENUE	<u>2,953.87</u>	<u>237,912.93</u>	<u>440,877.00</u>	<u>202,964.07</u>	<u>54.0</u>
 <u>BEGINNING FUND BALANCE</u>					
205-399-9999 BEGINNING FUND BALANCE	.00	.00	203,697.00	203,697.00	.0
TOTAL BEGINNING FUND BALANCE	<u>.00</u>	<u>.00</u>	<u>203,697.00</u>	<u>203,697.00</u>	<u>.0</u>
TOTAL FUND REVENUE	<u>2,953.87</u>	<u>237,912.93</u>	<u>644,574.00</u>	<u>406,661.07</u>	<u>36.9</u>

CITY OF HUBBARD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

WATER UTILITY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<b>WATER UTILITY FUND EXP</b>					
<b>SALARIES:</b>					
205-461-1100 SALARIES AND WAGES	.00	.00	78,351.00	78,351.00	.0
205-461-1101 DIRECTOR OF ADMIN/RECORDER	290.36	1,742.16	.00	( 1,742.16)	.0
205-461-1102 SENIOR ACCOUNTING SPECIALIST	728.26	4,369.56	.00	( 4,369.56)	.0
205-461-1104 PUBLIC WORKS SUPER	1,692.91	10,792.31	.00	( 10,792.31)	.0
205-461-1105 ADMINISTRATIVE ASSISTANT	2,402.73	12,428.08	.00	( 12,428.08)	.0
205-461-1107 UTILITY WORKER 1	( 2,929.39)	3,651.11	.00	( 3,651.11)	.0
205-461-1109 PW MAINTENANCE PT	26.88	143.08	.00	( 143.08)	.0
205-461-1114 PUBLIC WORKS FOREMAN	4,237.82	4,237.82	.00	( 4,237.82)	.0
<b>TOTAL SALARIES</b>	<b>6,449.57</b>	<b>37,364.12</b>	<b>78,351.00</b>	<b>40,986.88</b>	<b>47.7</b>
<b>EMPLOYEE BENEFITS:</b>					
205-461-4100 EMPLOYEE BENEFITS	.00	.00	58,571.00	58,571.00	.0
205-461-4110 EB-MEDICAL & DENTAL	2,603.82	15,281.67	.00	( 15,281.67)	.0
205-461-4120 EB-INSURANCE (LIFE & DISAB)	22.78	136.44	.00	( 136.44)	.0
205-461-4150 EB-EMPLOYER TAXES	493.38	2,865.32	.00	( 2,865.32)	.0
205-461-4170 EB-PERS	1,553.26	9,017.01	.00	( 9,017.01)	.0
205-461-4190 EB-WORKERS COMP	79.11	832.47	.00	( 832.47)	.0
<b>TOTAL EMPLOYEE BENEFITS</b>	<b>4,752.35</b>	<b>28,132.91</b>	<b>58,571.00</b>	<b>30,438.09</b>	<b>48.0</b>
<b>MATERIALS &amp; SERVICES:</b>					
205-461-5100 PROFESSIONAL SERVICES	544.13	4,500.72	38,100.00	33,599.28	11.8
205-461-5200 CONTRACTED SUPPORT	150.38	1,547.34	12,700.00	11,152.66	12.2
205-461-5300 OPERATIONAL SUPPLIES	244.64	14,269.24	18,000.00	3,730.76	79.3
205-461-6100 BUILDING MAINT & SUPPLIES	117.04	503.37	1,900.00	1,396.63	26.5
205-461-6200 RENTALS AND LEASES	43.82	1,709.49	2,300.00	590.51	74.3
205-461-6300 INSURANCE	.00	9,752.30	10,160.00	407.70	96.0
205-461-6400 ADVERTISING & RECRUITMENT	.00	.00	100.00	100.00	.0
205-461-6500 LEARNING, DUES & MEMBERSHIPS	210.00	1,697.39	6,800.00	5,102.61	25.0
205-461-6600 OFFICE SUPPLIES & MISC EXPENSE	1,465.67	3,730.88	8,600.00	4,869.12	43.4
205-461-6700 EQUIP MAINT & SUPPLIES	298.13	3,922.26	19,300.00	15,377.74	20.3
205-461-6800 UNIFORMS	53.76	53.76	600.00	546.24	9.0
205-461-6900 UTILITIES	2,441.19	17,961.68	38,400.00	20,438.32	46.8
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>5,568.76</b>	<b>59,648.43</b>	<b>156,960.00</b>	<b>97,311.57</b>	<b>38.0</b>
<b>TOTAL WATER UTILITY FUND EXP</b>	<b>16,770.68</b>	<b>125,145.46</b>	<b>293,882.00</b>	<b>168,736.54</b>	<b>42.6</b>

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

WATER CONSTRUCTION FUND

ASSETS

206-000-1001	CASH IN COMBINED CASH FUND	313,961.80	
206-000-1011	LGIP	233,895.04	
	TOTAL ASSETS		547,856.84

LIABILITIES AND EQUITY

FUND EQUITY

206-000-2520	BEG FUND BALANCE	476,129.76	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	71,727.08	
	BALANCE - CURRENT DATE	71,727.08	
	TOTAL FUND EQUITY		547,856.84
	TOTAL LIABILITIES AND EQUITY		547,856.84

CITY OF HUBBARD  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

WATER CONSTRUCTION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>WATER CONSTRUCTION REVENUE</u>					
206-300-3550	635.70	53,536.24	107,309.00	53,772.76	49.9
206-300-3551	346.00	2,076.00	4,152.00	2,076.00	50.0
206-300-3552	2,218.00	13,308.00	26,616.00	13,308.00	50.0
206-300-3554	281.00	1,686.00	3,372.00	1,686.00	50.0
206-300-3611	210.95	1,120.84	400.00	( 720.84)	280.2
<b>TOTAL WATER CONSTRUCTION REVENUE</b>	<b>3,691.65</b>	<b>71,727.08</b>	<b>141,849.00</b>	<b>70,121.92</b>	<b>50.6</b>
<u>BEGINNING FUND BALANCE</u>					
206-399-9999	.00	.00	459,095.00	459,095.00	.0
<b>TOTAL BEGINNING FUND BALANCE</b>	<b>.00</b>	<b>.00</b>	<b>459,095.00</b>	<b>459,095.00</b>	<b>.0</b>
<b>TOTAL FUND REVENUE</b>	<b>3,691.65</b>	<b>71,727.08</b>	<b>600,944.00</b>	<b>529,216.92</b>	<b>11.9</b>

CITY OF HUBBARD  
BALANCE SHEET  
DECEMBER 31, 2016

WATER BOND FUND

ASSETS

207-000-1001	CASH IN COMBINED CASH FUND	73,794.14	
207-000-1011	LGIP	8,744.15	
	TOTAL ASSETS		<u>82,538.29</u>

LIABILITIES AND EQUITY

FUND EQUITY

207-000-2520	BEG FUND BALANCE	82,446.51	
	UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	91.78	
	BALANCE - CURRENT DATE	91.78	
	TOTAL FUND EQUITY		<u>82,538.29</u>
	TOTAL LIABILITIES AND EQUITY		<u>82,538.29</u>

CITY OF HUBBARD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2016

WATER BOND FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>WATER BOND REVENUE</u>					
207-300-3611 INTEREST INCOME	7.89	41.74	40.00	( 1.74)	104.4
TOTAL WATER BOND REVENUE	7.89	41.74	40.00	( 1.74)	104.4
<u>TRANSFERS IN</u>					
207-391-0251 TRANS FROM-WATER	.00	47,913.50	95,727.00	47,813.50	50.1
TOTAL TRANSFERS IN	.00	47,913.50	95,727.00	47,813.50	50.1
<u>BEGINNING FUND BALANCE</u>					
207-399-9999 BEGINNING FUND BALANCE	.00	.00	82,500.00	82,500.00	.0
TOTAL BEGINNING FUND BALANCE	.00	.00	82,500.00	82,500.00	.0
TOTAL FUND REVENUE	7.89	47,955.24	178,267.00	130,311.76	26.9

**CITY OF HUBBARD  
CITY COUNCIL ORIENTATION  
DECEMBER 5, 2016**

**ATTENDANCE:**

Orientation started at 3:00 p.m.

**City Council and City Council elect Present:** City Councilor Shannon Schmidt, City Councilor Angie Wheatcroft, Mayor Elect Thia Estes, City Councilor Elect Barbara Ruiz, City Councilor Elect Bradley Williams.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle, MMC; City Attorney Chad Jacobs, Berry Elsner and Hammod.

City Attorney Chad Jacobs provided handouts that included the PowerPoint presentation titled, "Hubbard City Council Training." Other handouts included the "Public Records & Meetings; Oregon Government Ethics; and City of Hubbard Legal Requirements for Land Use Decision Making December 2016."

C. Jacobs went through the Hubbard City Council Training PowerPoint worksheets which covered the following topics, Council's Function; Form of Government; Council Business; Public Meetings; Public Records; Quasi-Judicial Decisions; Legislative Decisions; Ex Parte, Conflicts and Bias; Gifts; Abuse of Office; Confidential Information; SEI Filing; and Nepotism." C. Jacobs strongly urged the City Council to review the Council "Rules of Procedures" which is on the City's website under the Hubbard Municipal Code and also included in the City Council Notebooks.

**(NEXT REGULAR CITY COUNCIL MEETING IS TUESDAY, DECEMBER 13, 2016, AT 7:00 P.M.)** Orientation completed at 4:45 p.m.

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Mayor Thia Estes

**ATTEST:**

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

**CITY OF HUBBARD  
CITY COUNCIL MEETING MINUTES  
DECEMBER 13, 2016**

**CALL TO ORDER:** The Hubbard City Council meeting was called to order by Mayor Jim Yonally at 7:02 p.m. at the Hubbard City Hall, 3720 2<sup>nd</sup> Street, Hubbard.

**FLAG SALUTE:** Mayor Jim Yonally led the group in reciting the Pledge of Allegiance.

**City Council Present:** Jim Yonally, Matt Kennedy, Shannon Schmidt.

**Excused Absence:** Angie Wheatcroft.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle, MMC; Public Works Administrative Assistant Melinda Olinger; Interim Police Chief Bill Gill; Administrative Assistant Lucy Astorga; City Planner Laura LaRoque, MWVCOG.

**COUNCIL/STAFF AWARD PRESENTATION.** Mayor Jim Yonally recognized Harold Anderson for his service from September 2014 through May 2016, and William “Kevin” Nelson for his service from September 2014 through December 2016 while serving on the Hubbard Planning Commission.

J. Yonally presented a plaque and award to Betty Hughes in appreciation for her service from December 2006 to December 2016 as a volunteer with the Hubbard Police Department.

Interim Police Chief Bill Gill presented a plaque and badge to Officer Chris Anderson for his service from January 2006 to December 2016 with the Hubbard Police Department.

Former Police Chief Dave Dryden presented a plaque and award to Interim Police Chief Bill Gill for his years of service from April 1996 to December 2016 with the Hubbard Police Department.

J. Yonally presented a plaque and award to City Councilor Matt Kennedy for his service from March 2008 to October 2003 as while serving on the Planning Commission and as City Councilor from January 2004 to December 2016 and as Council President from January 2014 to December 2016.

City Councilor Matt Kennedy presented J. Yonally with a plaque and award for his service from January 2013 to December 2016 while serving as Hubbard Mayor. M. Kennedy also mentioned J. Yonally was previously recognized for serving on the Planning Commission from January 2007 to December 2008 and as Hubbard Mayor from January 2009 to December 2010.

**AWARD PRESENTATION.** Don Sprague, owner of Don Sprague Sales/Garden Gallery, presented a check donation in the amount of \$600 to Officer Glen Bentley for the K9 Program.

**CALENDAR OF ORDINANCES.**

**ORDINANCE NO. 352-2016. AN ORDINANCE AMENDING THE HUBBARD ZONING MAP AND DECLARING AN EMERGENCY.** MSA/City Councilor Shannon Schmidt/City Councilor Matt Kennedy moved to read Ordinance No. 352-2016 by title only for the first reading. City Councilor Shannon Schmidt, City Councilor Matt Kennedy, and Mayor Jim Yonally were in favor. Motion passed.

Mayor Jim Yonally read Ordinance No. 352-2016 by title only for the first reading.

MSA/City Councilor City Councilor Matt Kennedy/City Councilor Shannon Schmidt moved to read Ordinance No. 352-2016 by title only for the second reading. City Councilor Shannon Schmidt, City Councilor Matt Kennedy, and Mayor Jim Yonally were in favor. Motion passed.

Mayor Jim Yonally read Ordinance No. 352-2016 by title only for the Second reading.

MSA/City Councilor Matt Kennedy/City Councilor Shannon Schmidt moved to adopt Ordinance No. 352-2016 as presented. City Councilor Shannon Schmidt, City Councilor Matt Kennedy, and Mayor Jim Yonally were in favor. Motion passed.

**APPEARANCE OF INTERESTED CITIZENS.** None.

**APPOINT PLANNING COMMISSION MEMBER 3 POSITIONS AVAILABLE.**

- A. DAN ESTES**
- B. SHANNON HAVENS**
- C. DAVID LINEWEBER**
- D. ANTHONY SAN FILIPPO**
- E. SCOTT STIERLE**

Mayor Jim Yonally invited the applicants to address the City Council.

Dan Estes, 2862 Walnut Court, Hubbard, said he has been on the Planning Commission for 10 years, has found it to be educational, and enjoys serving his community in this capacity.

Scott Stierle, 4459 Locust Street, Hubbard, said he has been a resident of Hubbard for nine years, is active in the Lions Club, serves as an ordained pastor at MacLaren in Woodburn, and has been previously involved in politics, including as a precinct person for Washington County, Oregon, and Yellowstone County, Montana.

Shannon Havens, David Lineweber, and Anthony San Filippo were not present.

J. Yonally said his input would be to appoint Dan Estes, David Lineweber, and Scott Stierle.

City Councilor Shannon Schmidt said she also agreed on Dan Estes and Scott Stierle, but was leaning towards Anthony San Filippo.

City Councilor Matt Kennedy stated he agreed with S. Schmidt, and noted they have been attending Council meetings. M. Kennedy suggested Dan Estes and Anthony San Filippo to the term ending in 2019, and Scott Stierle to the vacant position, with term ending in 2017.

J. Yonally mentioned both David Lineweber and Anthony San Filippo seem like good candidates and stated it sounds like the Council is in agreement with Dan Estes and Scott Stierle for terms ending in 2019, and Anthony San Filippo with term ending in 2017.

MSA/City Councilor Matt Kennedy/City Councilor Shannon Schmidt moved to appoint Dan Estes and Scott Stierle to the Planning Commission with terms ending in 2019, and Anthony San

Filippo to the Planning Commission with term ending in 2017. City Councilor Shannon Schmidt, City Councilor Matt Kennedy, and Mayor Jim Yonally were in favor. Motion passed.

**APPOINT BUDGET COMMITTEE MEMBER 1 POSITION AVAILABLE.** Mayor Jim Yonally invited the applicants forward to introduce themselves if they wish.

Jason Tlusty, 2224 C Street, Hubbard, said he has lived in Hubbard for over 30 years, and has been involved in the community in a variety of capacities, including the Love Santa food drive, Hubbard Fire District Budget Committee, and Vice President of Woodburn Proud Inc.

David Lineweber and Shannon Havens were not present at the meeting.

MSA/City Councilor Matt Kennedy/City Councilor Shannon Schmidt moved to appoint Jason Tlusty to the Hubbard Budget Committee. City Councilor Shannon Schmidt, City Councilor Matt Kennedy, and Mayor Jim Yonally were in favor. Motion passed.

**MAYOR'S PRESENTATIONS, AND/OR COUNCIL'S PRESENTATIONS.** There were none.

**STAFF REPORTS.**

**POLICE DEPARTMENT – Interim Police Chief Bill Gill.** Interim Police Chief Bill Gill reported there is a recommendation on the consent agenda to remove Administrative Assistant Madelynn Griep from probation and increase her salary to Step B of the salary schedule. He added she is a viable part of the department. B. Gill introduced the City's Intern, Connor Childers, who will be working with the Police Department and Public Works.

City Councilor Matt Kennedy asked if the department is keeping the roster full as far as coverage goes.

B. Gill responded that it's been difficult to have 24 hour coverage, due to short staffing and staying under vacation and comp time caps. He said Woodburn Police and Marion County Sheriff's Office have been gracious in assisting with Hubbard calls. He said he is doing everything he can to have 24 hour coverage with the resources provided, but with a five man workforce, it's just not possible.

**PUBLIC WORKS DEPARTMENT.** Public Works Administrative Assistant Melinda Olinger reported there will be updates on the City's website for the Public Works projects that are currently being funded. She said the Wastewater Reuse Project update is on the website, and as soon as they have a specified end-goal for it, they will update the Increase Static Water Pressure project as well. M. Olinger added Connor, the intern, will be working on a tabletop emergency exercise project, which will hopefully be facilitated before his term as intern is over.

City Councilor Matt Kennedy asked if there were already bids for the tree removal mentioned in Public Works report Item #1.

M. Olinger responded that R & R Tree Service would be doing the job, and added the Hubbard Parks Improvement Committee would be taking the wood and finding a home for it.

**ADMINISTRATIVE DEPARTMENT – Director of Administration/City Recorder V. Nogle, MMC.** Director of Administration/City Recorder Vickie Nogle reminded everyone there would be a special City Council meeting on December 27, 2016, at 7:00 p.m.

City Councilor Matt Kennedy asked if holding court every other month was saving money.

V. Nogle responded that it is and staff will continue monitoring how many citations are written to justify holding Court monthly. She stated once police staffing is normal, and the citations being written increases, then the court will be held on a monthly basis again.

M. Kennedy asked if only having court once every other month is saving time for the officers as well.

Interim Police Chief Bill Gill replied that it definitely helps with comp time levels.

Mayor Jim Yonally pointed out this is the first year in many that the City has not had any major discrepancies in the annual audit.

**CONSENT AGENDA.**

- A) **APPROVAL OF THE NOVEMBER 8, 2016, CITY COUNCIL MEETING MINUTES.**
- B) **ACCEPTANCE OF THE OFFICIAL ELECTION RESULTS HELD NOVEMBER 8, 2016.**
- C) **APPROVAL TO REMOVE ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF MADELYNN GRIEP FROM HER PROBATION PERIOD AND GRANT A STEP INCREASE TO STEP B OF THE CURRENT SALARY SCHEDULE, EFFECTIVE DECEMBER 1, 2016.** (*Refer to Chief of Police report*)
- D. **APPROVAL OF THE NOVEMBER 2016 CHECK REGISTER REPORT.**

MSA/City Councilor Matt Kennedy/City Councilor Shannon Schmidt moved to approve the Consent Agenda as presented. City Councilor Shannon Schmidt, City Councilor Matt Kennedy, and Mayor Yonally were in favor. Motion passed.

**OTHER CITY BUSINESS.** There was none.

**ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS TUESDAY, JANUARY 10, 2017, AT 7:00 P.M)** MSA/City Councilor Matt Kennedy/City Councilor Shannon Schmidt moved to adjourn the meeting. City Councilor Shannon Schmidt, City Councilor Matt Kennedy, and Mayor Yonally were in favor. Motion passed. Meeting adjourned at 7:40 p.m.

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Mayor Jim Yonally

**ATTEST:**

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

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Lucy T. Astorga, Administrative Assistant  
Recording & Transcribing

**CITY OF HUBBARD  
CITY COUNCIL MEETING MINUTES  
DECEMBER 27, 2016**

**CALL TO ORDER:** The Hubbard City Council meeting was called to order by Mayor Jim Yonally at 7:02 p.m. at the Hubbard City Hall, 3720 2<sup>nd</sup> Street, Hubbard.

**FLAG SALUTE:** Mayor Jim Yonally led the group in reciting the Pledge of Allegiance.

**City Council Present:** Jim Yonally, Matt Kennedy.

**Excused Absence:** Angie Wheatcroft, Shannon Schmidt.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle, MMC.

**PUBLIC HEARINGS.**

**APPEAL #2016-01 – Matt Kennedy – [3500 3<sup>rd</sup> Street (041W33AD07600)] – An appeal of the Planning Commission’s decision on application for a Similar Use (file number SU #2016-01), a determination the proposed self-service storage use is authorized in the Commercial (C) District.** Mayor Jim Yonally opened the Public Hearing and noted due to a lack of quorum the hearing will be held at the January 10, 2017, Hubbard City Council meeting which starts at 7:00 p.m.

**APPEAL #2016-02 – Matt Kennedy – [3500 3<sup>rd</sup> Street (041W33AD07600)] – An appeal of the Planning Commission’s decision on application for Site Development Review (file number DR #2016-06), approval of a Site Development Review for the placement of twelve (12) portable shipping containers to be used as self-service storage units upon an approval of a Similar Use (SU) determination that a proposed self-service storage use is permitted in the Commercial (C) District.** Mayor Jim Yonally opened the Public Hearing and noted due to a lack of quorum the hearing will be held at the January 10, 2017, Hubbard City Council meeting which starts at 7:00 p.m.

**ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS TUESDAY, JANUARY 10, 2017, AT 7:00 P.M)** Mayor Jim Yonally adjourned the meeting at 7:02 p.m.

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Mayor Jim Yonally

**ATTEST:**

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

**RESOLUTION NO 618-2017**

**A RESOLUTION APPROVING A MARIJUANA TAX COLLECTION AGREEMENT BETWEEN THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF REVENUE AND THE CITY OF HUBBARD.**

**Findings**

- A. The City of Hubbard adopted Ordinance 350-2016 imposing a three percent tax on the sale of marijuana items by state licensed marijuana retailers and referred the ordinance to the electorate.
- B. The electorate of the City of Hubbard approved the three percent tax at the November 8, 2016, election.
- C. The City finds that it would be in the public's interest to enter into an agreement with the State for collection of the Local Tax on sales of marijuana items by Marijuana Retailers authorized under ORS 475B345 as approved by the voters of the City.

**Based on the findings, the City of Hubbard resolves as follows:**

**Section 1.** The Marijuana Tax Collection Agreement set forth in the attached document marked "Exhibit A" attached hereto and by this reference incorporated herein and entitled "Marijuana Tax Collection Agreement."

**ADOPTED BY THE CITY COUNCIL** this 10<sup>th</sup> day of January 2017.

**CITY OF HUBBARD, OREGON**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**RECORDER**

**APPROVED AS TO FORM:**

**BY:**  \_\_\_\_\_  
**CITY ATTORNEY**



## MARIJUANA TAX COLLECTION AGREEMENT

This Marijuana Tax Collection Agreement (“Agreement”) is entered into between the State of Oregon, acting by and through its Department of Revenue (the “Department”) and the City of Hubbard (“City”), under the authority of ORS 305.620.

In consideration of the conditions and promises hereinafter contained, it is mutually agreed by the parties that the Department shall supervise and administer, according to the terms and conditions set forth in this Agreement, the Local Tax on sales of marijuana items by Marijuana Retailers authorized under ORS 475B.345 and approved by the voters of City.

**(1) Definitions.** As used in this Agreement the following terms have the meanings ascribed to them:

(a) “Confidential Information” means the information on Local Tax returns administered pursuant to ORS 305.620, any information in the reports required under Sections 8 and 9 of this Agreement from which information about a particular Local Taxpayer is discernable from the report due to a small number of Local Taxpayers in City or similar factors, and any other information exchanged between the Department and City related to this Agreement, that is confidential under ORS 314.835.

(b) “Fees” means collectively the Administrative Services Fee, the Business Fee and the Core Systems Replacement Fee described in Section 5 of this Agreement.

(c) “Local Government” means a city or county that has entered into a form of this agreement with the Department under the authority of ORS 305.620 for the Department to collect Local Taxes authorized under ORS 475B.345.

(d) “Local Tax” or “Local Taxes” means the Marijuana Tax imposed by City, together with any additional interest or penalties provided for by statute or the Department’s rules; it does not include any additional penalties or fees that City may assess against its Local Taxpayers.

(e) “Local Taxpayer” means a licensed Marijuana Retailer located in the taxing jurisdiction of City.

(f) “Marijuana Retailer” has the meaning given in ORS 475B.015.

(g) “Marijuana Tax” means the tax imposed on sales of marijuana items by Marijuana Retailers pursuant to ORS 475B.345.

(h) “Marijuana Taxpayer” means a licensed Marijuana Retailer that is subject to the Marijuana Tax imposed by a Local Government.

(i) “Ordinance” means the ordinance adopted by the governing body of City and approved by the voters of City on 11/8/2016, a copy of which is attached hereto as Exhibit B and by this reference incorporated herein.

**(2) General Administration.** The Department shall be responsible for all aspects of Local Tax administration, including, but not limited to, adopting administrative rules; auditing

returns; assessing deficiencies and collecting the Local Tax and penalties and interest under applicable statutes, including but not limited to ORS 305.265, ORS 305.220, and ORS 314.400; making refunds; holding conferences with Local Taxpayers; handling appeals to the Oregon Tax Court; issuing warrants for the collection of unpaid taxes; determining the minimum amount of Local Tax economically collectible; and taking any other action necessary to administer and collect the Local Taxes. The Department has adopted rules addressing the requirements for paying taxes with currency and other matters related to the taxation of marijuana under ORS chapter 475B. City understands and agrees that such rules will be applied to Local Taxpayers.

**(3) Level of Service.** In performing its duties, the Department may in its sole discretion determine what action shall be taken to enforce provisions of the law and to collect the Local Tax. In exercising its discretion, the Department shall provide a level of services that are comparable to the level of services it provides in the administration of the State of Oregon marijuana tax laws and the collection of such taxes owed to the State of Oregon. If the Department deems it necessary to vary substantially from this standard, the Department shall first notify City of the need and obtain City's consent. The Department shall provide all forms necessary for implementation of the Local Tax, including forms for Marijuana Tax returns, exemptions and refunds.

**(4) Transfer of Taxes to City.** Beginning at the end of the first full quarter after execution of this Agreement, the Department shall remit to City the amount of Local Taxes collected in the preceding quarter less amounts withheld to pay the Department's Fees and other costs as described in this Agreement within 60 days of the return due date for the quarter. The Department shall notify City if, because of inability to move funds electronically or otherwise through the banking system, a force majeure event described in Section 26 of this Agreement or other exigent circumstance, the Department is unable to transfer the Local Tax collected to City as provided in this Section. In that event, the Department shall provide an estimate, if possible, of when it expects to be able to transfer the Local Taxes collected to City. The Department may enter into an agreement with another state government agency to fulfill the requirements of this Section 4, provided that said government agency can comply with the requirements of this section.

**(5) Costs.** In order to recover its costs to collect and transfer the Local Tax as provided in this Agreement the Department shall be paid the following three fees:

(a) "Administrative Services Fee": Pays for the establishment and maintenance of financial systems needed to administer and distribute Local Taxes. The fee shall be calculated annually as a percentage of the equivalent of 60 hours of work conducted for the Department of Revenue by the Department of Administrative Services, divided among the Local Governments in proportion to the number of Marijuana Taxpayers in each Local Government.

(b) "Business Fee": Pays for the Local Tax administration activities set forth in this Agreement. The fee shall be calculated as a percentage of the Department's Business Division annual expenses for the administration of all marijuana taxes, with the total fee increasing in direct proportion to the number of Local Taxpayers. The total amount per Local Taxpayer billed

to City under the Business Fee shall not exceed 0.05 percent of the Department's Business Division expenses for the administration of all marijuana taxes;

(c) "Core Systems Replacement fee": Charged only one time after execution of this Agreement and calculated as a flat fee per Local Taxpayer. The total Core Systems Replacement Fee shall not exceed two hundred dollars (\$200.00) per Local Taxpayer in the first full quarter following execution of this Agreement.

FOR EXAMPLE, in a hypothetical with the following assumptions:

250 Marijuana Taxpayers

50 Local Taxpayers in the City of Mainville

2 Local Taxpayers in the City of Middletown

Business Division's Marijuana Expenses: \$500,000 per year

Hourly DAS rate: \$99/hour

The fees would be calculated as follows:

Administrative Services Fee =  $(\$99/\text{hour} * 60 \text{ hours}) / 250 \text{ Marijuana Taxpayer} =$   
\$23.76 per Local Taxpayer per year

Business Fee =  $\$500,000 \text{ in marijuana expenses per year} * 0.05\% =$  \$250 per  
Local Taxpayer per year

Core Systems Replacement Fee = \$200 per Local Taxpayer, one time

City of Mainville, year 1:  $(\$23.76 \text{ Administrative Services Fee} + \$250 \text{ Business}$   
 $\text{Fee} + \$200 \text{ Core Systems Replacement Fee}) * 50 \text{ Local Taxpayers} =$  \$23,688 in  
costs

City of Mainville, subsequent years:  $(\$23.76 \text{ Administrative Services Fee} + \$250$   
 $\text{Business Fee}) * 50 \text{ Local Taxpayers} =$  \$13,688 in costs

City of Middletown, year 1:  $(\$23.76 \text{ Administrative Services Fee} + \$250 \text{ Business}$   
 $\text{Fee} + \$200 \text{ Core Systems Replacement Fee}) * 2 \text{ Local Taxpayers} =$  \$947.52 in  
costs

City of Middletown, subsequent years:  $(\$23.76 \text{ Administrative Services Fee} +$   
 $\$250 \text{ Business Fee}) * 2 \text{ Local Taxpayers} =$  \$547.52 in costs

(e) In addition to the Fees described above, the Department may withhold or invoice City for the Department's costs to administer extraordinary services not described in this Agreement related to the Local Tax; such extraordinary costs may include, without limitation, requests for audits from City that exceed the scope of the Department's normal audit procedures, requests for research or advice from the Department or the Oregon Department of Justice attorneys, or specially appointed counsel, regarding the Local Tax.

(f) If the Department determines that its costs cannot be covered by the maximum fees outlined in this Section 5, the Department will notify City of the amount by which the Department has determined the Fees must increase. If the Department and City do not agree upon a Fee increase and related amendment to this Agreement, then this Agreement may be terminated by either party in accordance with Section 16 of this Agreement.

(g) The Department shall not collect more in fees than its costs to administer the Local Tax, per ORS 305.620(5). It is using the above formula in the interests of producing its best estimate of costs.

**(6) Withholding for Fees and Rebate.** The Department shall withhold from the Local Taxes collected and each transfer to City an amount equal to four percent (4%) of the Local Taxes collected. In the first quarter of each calendar year the Department will reconcile the amounts withheld in the previous year with the total fees assessed, and provide such reconciliation in the Department's annual report described in Section 9 of this Agreement. If the amount withheld in a calendar year exceeds the amount of the Department's Fees, the Department will rebate the balance of the Local Taxes withheld to City by the end of the first quarter following the year of withholding. If the amount withheld does not cover the Department's Fees for the preceding year, the amount of the shortfall will be withheld from subsequent transfers of Local Taxes collected until the Department's Fees are fully paid, or in its discretion the Department may invoice City for the unpaid amount of the Department's Fees.

**(7) Recovery of Overpayments.** If the amount of Local Taxes paid to City under this Agreement, exceed the amount to which City is entitled, the Department may, after notifying City in writing, withhold from later payments due City under this Agreement, such amounts, over such periods of time, as are necessary to recover the amount of the overpayment.

**(8) Department Quarterly Reports.** Beginning with the first full calendar quarter after the execution of this Agreement and continuing each calendar quarter thereafter, within sixty (60) days after the due date for quarterly Local Tax returns, the Department shall provide City with a report indicating the amount of Local Taxes collected, any extraordinary costs assessed, the amount withheld under Section 6 of this Agreement and the cumulative amount of delinquent Local Taxes for each Marijuana Retailer in City's jurisdiction. The information in this report must be treated as potentially revealing Confidential Information, and shall be protected as described in Section 15. City should make all efforts to prevent Confidential Information from being released. The Department and City shall disclose any non-confidential information in a report when required to do so by law, including the Oregon Public Records Law, ORS 192.410 to 192.505.

**(9) Department Annual Reports.** In the first calendar quarter of each year, the Department shall make a written annual report of the preceding calendar year to City showing the total amount of Local Taxes collected, refunds paid, the expenses of administering and collecting the Local Tax, and other pertinent information. The report shall show the total amount withheld by the Department under Section 6 of this Agreement, and shall show the Department's expenses by its Fee categories. In such report, the Department shall also make recommendations

concerning changes in Local Tax Ordinances, procedures, policies, Local Tax administration and related matters, as the Department deems necessary and appropriate. The information in this report must be treated as potentially Confidential Information, and shall be protected as described in Section 15. City should make all efforts to prevent Confidential Information from being released. The Department and City shall disclose any non-confidential information in the report when required to do so by law, including the Oregon Public Records Law, ORS 192.410 to 192.505.

**(10) City Reports.** Within sixty (60) days of the effective date of this Agreement, City shall provide the Department with a list of Local Taxpayers in its jurisdiction and a list of zip code areas that are within its jurisdiction for purposes of imposing the Local Tax. City shall provide an updated list of Local Taxpayers to the Department each calendar quarter thereafter. City shall review all reports and reconciliations provided by the Department and promptly notify the Department of any perceived errors or omission in such reports.

**(11) Records Maintenance and Access.** Each party shall maintain its records relevant to this Agreement, the Local Taxes and Local Taxpayers for the period of time specified and in the manner required under the document retention and archiving requirements applicable to it that are established under ORS 192.005 to 192.170. Upon written request, each party may examine the records of the other party at a time and location that is convenient and without extra cost to the holder to the records; provided, however, any requests for records made in connection with litigation or other efforts to collect the Local Tax shall be immediately provided in the time and manner requested.

**(12) Ordinance and Notification of Changes.** Contemporaneous with the execution of this Agreement, City shall provide a copy of the Ordinance to Department for incorporation into this Agreement as Exhibit B. In order to insure consistency in administration of the Local Tax, each party shall notify the other of any change in the Ordinance and any state or local regulations or rulings interpreting the Local Tax or the Ordinance, any changes in rates or changes in the City's boundary at least ninety (90) days prior to the effective change, unless it is not legally possible to provide ninety (90) days' notice or both parties mutually agree to effect such changes in less than ninety (90) days. Each party shall notify the other of any change in administration of the Local Tax under this Agreement. The parties shall cooperate in amending the Ordinance or in seeking amendments to ORS 475B.345 or ORS 305.620 which they deem necessary.

**(13) Information.** The parties will cooperate in the exchange of information and making public announcements to facilitate effective administration of the Local Tax and maintain consistency in public announcements and information. Policy announcements, announcement of changes in the Ordinance, and all correspondence relating to public relations will be handled by City. The Department shall promptly notify City of any matter arising in the administration of the Marijuana Tax that would require any legislative change or affect City's policy, including any policy that relates to the amount of Local Tax collected. Nothing in this section shall prohibit the Department from conducting its own outreach activities to increase awareness and knowledge of local tax obligations.

**(14) Limits and Conditions.** To the extent limited by applicable provisions of Article XI of the Oregon Constitution or other governing law, and within the limits of the Oregon Tort Claims Act applicable respectively to the Department and City, each party shall indemnify the other for damage to life or property arising from their respective duties and obligations under this Agreement, provided neither party shall be required to indemnify the other for any such liability arising out of a party's own negligent or wrongful acts.

**(15) Confidentiality.**

(a) Confidential Information may be disclosed only to City as principal, by the Department as its agency, for purposes of carrying out the administration of the Local Tax imposed by City. Requests for Confidential Information shall be made by City by giving not less than ten (10) days' notice to the Department, stating the information desired, the purposes of the request, and the use to be made of such information. If the compilation of information is not feasible, the Department shall so advise City.

(b) ORS 314.840(3) requires that employees and representatives of City who receive Confidential Information must be advised in writing of the provisions of ORS 314.835 and 314.991(3), relating to the penalties for unlawful disclosure. Prior to being given access to Confidential Information, all City employees involved in the performance of this Agreement must review the DOR Secrecy Clause and sign the DOR Secrecy Laws Certificate (substantially in the form of Exhibit A, attached hereto and by this reference incorporated herein) certifying the employee understands the confidentiality laws and the penalties for violating them. Annually thereafter, (on or before a date specified by the Department), or upon request by the Department, such City employees must review and sign the latest versions of the Secrecy Clause and the Secrecy Laws Certificate. All signed Secrecy Laws Certificates must be immediately emailed to both the designated Department Authorized Representative (indicated below) and the Department's Disclosure Office (disclosure.office@oregon.gov). When the employee terminates employment with City, City will forward the certificate to the Department's Disclosure Officer indicating the employee is no longer employed by City. A listing of every person authorized to request and receive Confidential Information identified in this Agreement will be sent to the following designated representative:

John Galvin, Marijuana Tax Program Manager, marijuanatax.DOR@oregon.gov

(c) Upon request and pursuant to the instructions of DOR, City shall return or destroy all copies of Confidential Information provided by DOR to City, and City shall certify in writing the return or destruction of all such Confidential Information.

(d) The administrative rules implementing ORS 314.835 and ORS 314.840 as amended from time to time during the term of this Agreement, shall apply to this Agreement.

**(16) Term.** The term of this Agreement shall be from the date it is executed by all parties and until it is terminated by operation of law or by either party at its discretion upon at least ninety (90) days prior written notice. Prior to the termination date specified in written notice provided under this section or Section 17 below, City and the Department will continue to

perform their respective duties and obligations of under this Agreement. After the termination date, the Department will cease all collection and other activities under this Agreement, unless prior to the termination date the Department and City agree in writing that the Department may continue actions that are pending before the Oregon Tax Court or the Oregon Supreme Court, or are being collected after judgment or stipulation. In addition, after the termination date the Department will continue to remit to City any Local Taxes received by the Department, after deduction of the Department's actual costs, until all matters pending on the date of termination have been resolved or collected. The Department will administer the Local Tax for City for each calendar quarter commencing after this Agreement is executed; provided, however, if this Agreement is fully executed on or before the 15<sup>th</sup> day of the calendar quarter, the Department will administer the Local Tax for the quarter in which this Agreement is executed.

**(17) Default and Remedies.** A party shall be in default under this Agreement if it fails to perform any of its duties and obligations under this Agreement, and fails to cure such nonperformance within ninety (90) days after the other party provides written notice specifying the nature of the nonperformance. If the nonperforming party does not cure its nonperformance, or provide a satisfactory explanation to the other party of its performance under this Agreement, the other party may terminate this Agreement immediately or at a later date specified in written notice provided to the nonperforming party. In addition to termination of this Agreement, in the event of default by a nonperforming party, the other party may pursue any remedies available in law or equity, including an action for specific performance.

**(18) Notices.** All notices, documents, and information shall be sent as follows:

City of Hubbard  
Vickie Nogle  
P.O. Box 380  
Hubbard, OR 97032

Oregon Department of Revenue  
Marijuana Tax Program  
PO Box 14630  
Salem, OR 97309

**(19) Amendments.** The provisions of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties.

**(20) Successors and Assigns.** This Agreement shall be binding and inure to the benefit of the parties, their assigns, and successors.

**(21) Severability.** If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**(22) Representations.** Each party represents to the other that the making and performance of this Agreement: (a) have been duly authorized by its governing body or official, (b) does not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board or other administrative agency or any provision of any applicable local charter or other organizational document, and (c) do not and will not result in the

breach of, or constitute a default or require any consent under any other agreement or instrument to which the party is bound.

**(23) Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between the Department and City regarding the enforcement or interpretation of this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. The parties understand and agree that any action brought to determine the amount of Local Tax owed by a Local Taxpayer, whether brought solely by the Department or in conjunction with City shall be brought solely in the Oregon Tax Court.

**(24) Nonappropriation.** The obligation of each party to perform its duties under this Agreement is conditioned upon the party receiving funding, appropriations, limitation, allotment, or other expenditure authority sufficient to allow the party, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, sections 7 or 10 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of each party.

**(25) Survival.** All rights and obligations of the parties under this Agreement will cease upon termination of the Agreement, other than the rights and obligations arising under Sections 14, 16 and 17, and those rights and obligations that by their express terms survive termination of this Agreement; provided, however, that termination of this Agreement will not prejudice any rights or obligations accruing to a party prior to termination.

**(26) Force Majeure.** Neither party is responsible for any failure to perform or any delay in performance of an obligation under this Agreement caused by fire, civil unrest, labor unrest, natural causes, or war, which is beyond that party's reasonable control. Each party shall, however, make all reasonable efforts to remove or eliminate such cause of failure to perform or delay in performance and shall, upon the cessation of the cause, diligently pursue performance of its obligation under this Agreement.

**(27) Counterparts.** This Agreement may be executed in counterparts, all of which when taken together shall constitute one agreement, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed constitutes an original.

**(28) Merger.** This Agreement and any exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements or presentations, oral or written, not specified herein regarding this Agreement.

Each party represents that this Agreement, when fully executed and delivered will constitute a legal, valid and binding obligation of the party in accordance with its terms, and that the person signing below is the authorized representative of the party with full power and authority to bind his/her principal to this Agreement.

**Oregon Department of Revenue**

Name/Title:

Signature:

Date signed:

**City:**

Name/Title: Ashley Driscoll, City Attorney

Signature: 

Date signed: 12/27/10

**EXHIBIT A**

**DOR**

**SECURITY CLAUSE**

**and**

**SECURITY LAWS CERTIFICATE**

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## SECURITY CLAUSE

Taxpayer information is confidential and protected by Oregon law. Only authorized persons may have access to taxpayer information, or to secure buildings where taxpayer information is handled. Oregon law requires that you sign a Secrecy Certificate before being allowed access to this confidential information or secure areas. By signing the certificate, you certify that you understand the confidentiality laws and the penalties for violating them.

This applies to everyone with access to taxpayer information, including:

- Department of Revenue employees
- Employees of other government agencies
- Vendors and contractors
- Business partners

### Penalties for unauthorized disclosure of state tax information

- **Income tax\***—Class C felony; up to \$125,000 fine; up to five years imprisonment; dismissal from state employment; no public office for five years. [ORS 314.991(2)]
- **Inheritance tax**—Class C felony; up to \$125,000 fine; up to five years imprisonment; dismissal from state employment; no public office for five years. [ORS 118.990(3)]
- **Industrial property tax**—Up to \$10,000 fine; up to one year imprisonment. [ORS 308.990(5)]
- **Timber tax**—Up to \$5,000 fine; dismissal from state employment. (ORS 321.686)
- **Employment Department**—May result in dismissal from state employment, or other discipline. [ORS 657.665(6)]

\* These provisions also apply to transient lodging tax (ORS 320.330), cigarette tax (ORS 323.403), tobacco products tax (ORS 323.595), emergency communications tax (ORS 403.230), oil and gas production tax (ORS 324.170), hazardous substances tax (ORS 453.410), and petroleum products tax (ORS 465.124).

### Penalties for unauthorized disclosure of federal tax information

- **IRC Sect. 7213**—Felony; up to \$5,000 fine; imprisonment of up to five years; cost of prosecution, damages\*\*.
- **IRC Sect. 7213A**—Up to \$1,000 fine; imprisonment of up to one year; cost of prosecution, damages\*\*.

\*\* Damages may include \$1,000 per act, actual damages, punitive damages, cost of legal action, attorney fees. See Section 7431.

## Instructions

Please read the following laws. They explain the types of information that are confidential. If you have questions during your employment or performance of duties, ask your supervisor or a Disclosure officer before accessing or disclosing information.

After reading this information, fill out the last page and return it to the Department of Revenue. Keep the other pages for your records.

## Oregon Income Tax Laws

### ORS 314.835

(1) Except as otherwise specifically provided in rules adopted under ORS 305.193 or in other law, it shall be unlawful for the Department of Revenue or any officer or employee of the department to divulge or make known in any manner the amount of income, expense, deduction, exclusion or credit or any particulars set forth or disclosed in any report or return required in the administration of ORS 310.630 to 310.706, required in the administration of any local tax pursuant to ORS 305.620, or required under a law imposing a tax upon or measured by net income. It shall be unlawful for any person or entity to whom information is disclosed or given by the department pursuant to ORS 314.840 (2) or any other provision of state law to divulge or use such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or judicial order shall be issued compelling the department or any of its officers or employees, or any person who has acquired information pursuant to ORS 314.840 (2) or any other provision of state law to divulge or make known the amount of income, expense, deduction, exclusion or credit or any particulars set forth or disclosed in any report or return except where the taxpayer's liability for income tax is to be adjudicated by the court from which such process issues.

(2) As used in this section:

(a) "Officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or any former officer, employee or person, or an authorized representative of such former officer, employee or person.

(b) "Particulars" includes, but is not limited to, a taxpayer's name, address, telephone number, Social Security number, employer identification number or other taxpayer identification number and the amount of refund claimed by or granted to a taxpayer.

### ORS 314.991

(2) Violation of ORS 314.835 is a Class C felony. If the offender is an officer or employee of the state the offender shall be dismissed from office and shall be incapable of holding any public office in this state for a period of five years thereafter.

### Applicability to other tax programs

The above provisions of ORS 314, concerning the confidentiality of returns and penalties, also apply to:

150-800-033 (Rev. 2-11)

• Transient lodging tax	ORS 320.330
• Cigarette tax	ORS 323.403
• Tobacco products tax	ORS 323.595
• Emergency communications tax	ORS 403.230
• Oil and gas production tax	ORS 324.170
• Hazardous substances tax	ORS 453.410
• Petroleum products tax	ORS 465.124

## Oregon Inheritance Tax Laws

### ORS 118.525

(1) It shall be unlawful for the Department of Revenue or any of its officers or employees to divulge or make known in any manner any particulars disclosed in any return or supporting data required under this chapter. Except for executors or beneficiaries and their authorized representatives, it shall be unlawful for any person or entity who has acquired information pursuant to subsections (3) and (4) of this section to divulge or make known such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or judicial order shall be issued compelling the department, or its officers or employees, or persons described in subsections (3) and (4) of this section, to divulge or make known any particulars disclosed in any such return or supporting data except where the liability for inheritance taxes is to be adjudicated by the Oregon Tax Court. Nothing in this section shall prohibit the publication of statistics so classified as to prevent the identification of particulars in any return or supporting data covered by this section.

(2) As used in this section:

(a) "Officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or former officer, employee or person, or an authorized representative of such former officer, employee or person.

(b) "Particulars" includes, but is not limited to, a taxpayer's name, address, telephone number, Social Security number and the amount of refund claimed by or granted to a taxpayer.

### ORS 118.990

(3) Violation of ORS 118.525 is a Class C felony. If the offender is an officer or employee of the state the offender shall be dismissed from office and shall be incapable of holding any public office in this state for a period of five years thereafter.

## Oregon Property Tax Laws

### ORS 308.290

(11)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 are confidential records of the Department of Revenue or the county assessor's office in which the returns are filed or of the office to which the returns are forwarded under paragraph (b) of this subsection.

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### ORS 308.413

(1) Any information furnished to the county assessor or to the Department of Revenue under ORS 308.411 which is obtained upon the condition that it be kept confidential shall be confidential records of the office in which the information is kept, except as follows:

(a) All information furnished to the county assessor shall be available to the department and all information furnished to the department shall be available to the county assessor.

(b) All information furnished to the county assessor or department shall be available to any reviewing authority in any subsequent appeal.

(c) The department may publish statistics based on the information furnished if the statistics are so classified as to prevent the identification of the particular industrial plant.

(2) The Department of Revenue shall make rules governing the confidentiality of information under this section.

(3) Each officer or employee of the Department of Revenue or the office of the county assessor to whom disclosure or access of the information made confidential under subsection (1) of this section is given, prior to beginning employment or the performance of duties involving such disclosure, shall be advised in writing of the provisions of this section and ORS 308.990 (5) relating to penalties for the violation of this section, and shall as a condition of employment or performance of duties execute a certificate for the department or the assessor in a form prescribed by the department, stating in substance that the person has read this section and ORS 308.990 (5), that these sections have been explained to the person and that the person is aware of the penalties for violation of this section.

### ORS 308.990

(5) Subject to ORS 153.022, any willful violation of ORS 308.413 or of any rules adopted under ORS 308.413 is punishable, upon conviction, by a fine not exceeding \$10,000, or by imprisonment in the county jail for not more than one year, or by both.

## Forestland Tax Laws

### ORS 321.682

(1) Except as otherwise specifically provided by law, it shall be unlawful for the Department of Revenue or any officer or employee of the department to divulge or make known in any manner the amount of the tax or any particulars set forth or disclosed in any report or return required to be filed under ORS 321.045 or 321.741 or any appraisal data collected to make determinations of specially assessed value of forestland pursuant to ORS 321.201 to 321.222. It shall be unlawful for any person or entity to whom information is disclosed or given by the department pursuant to ORS 321.684 (2) or any other provision of state law to divulge or use such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena

or judicial order shall be issued compelling the department or any of its officers or employees, or any person who has acquired information pursuant to ORS 321.684 (2) or any other provision of state law, to divulge or make known the amount of tax or any particulars set forth or disclosed in any report or return except where the taxpayer's liability for timber tax is to be adjudicated by the court from which such process issues.

(2) As used in this section, "officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or any former officer, employee or person, or an authorized representative of such former officer, employee or person.

### ORS 321.686

Violation of ORS 321.682 is subject to a fine not exceeding \$5,000 or, if committed by an officer or employee of the state, dismissal or removal from office or employment, or both fine and dismissal or removal from office or employment.

## Oregon Employment Department Laws

### ORS 657.665

(4) The Employment Department may: ... (i) Disclose information to the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(6) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.



## SECURITY LAWS CERTIFICATE

Required by ORS 314.840(3), ORS 118.525(6),  
ORS 308.413(3), ORS 321.684

I have read the laws prohibiting disclosure of confidential information for the tax programs below.  
The laws have been explained to me.  
I have been furnished with a copy of the laws.  
I understand Oregon's disclosure laws and the penalties for violating them.

Income tax	ORS 314.835; ORS 314.991(2)
Inheritance tax	ORS 118.525(1); ORS 118.990(3)
Industrial property tax	ORS 308.290(11); ORS 308.413; ORS 308.990(5)
Forestland tax	ORS 321.682; ORS 321.686
Employment Department tax	ORS 657.665(4)(i) and (6)
Transient lodging tax	ORS 320.330
Cigarette tax	ORS 323.403
Tobacco products tax	ORS 323.595
Emergency communications tax	ORS 403.230
Oil and gas production tax	ORS 324.170
Hazardous substances tax	ORS 453.410
Petroleum products tax	ORS 465.124
Federal tax laws	IRC Sections 7213, 7213A, 7431

### VENDORS, CONTRACTORS, BUSINESS PARTNERS

PRINT your full name	Business telephone number
Print full name of business or organization for which you are acting in an official capacity	
Address of business or organization	SSN (Collection agency employees only)
What is the nature of your business?	Duration of contract or visit
Revenue contact	Area where you'll be working
Signature <b>X</b>	Date

### REVENUE EMPLOYEES

PRINT your full name	Date
Signature <b>X</b>	

### AGENCY USE

In Compliance
  Not in Compliance





## ORDINANCE NO. 350-2016

### AN ORDINANCE OF THE CITY OF HUBBARD REPEALING ORDINANCE 341-2014 AND IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE.

#### Findings

- A. On September 29, 2014, the Hubbard City Council adopted Ordinance No. 341-2014 imposing a ten percent tax on the sale or transfer of marijuana and marijuana-infused products within the city.
- B. The Oregon state legislature subsequently passed ORS 475B.345, which purportedly preempts the City from imposing any tax or fee on the sale of marijuana items other than imposing up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city if such a tax is approved by the voters of the city.
- C. Under state law, a city that adopts an ordinance prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, or recreational marijuana producers, processors, wholesalers, or retailers may not impose a tax or fee on the sale of marijuana items by a licensed marijuana retailer.
- D. The Hubbard City Council adopted Ordinance No. 348-206 on June 14, 2016, prohibiting the establishment of marijuana facilities and, pursuant to ORS 475B.800, referred the ordinance to the electorate at the statewide general election in November 2016.
- E. Pursuant to ORS 475B.800, if the ballot measure prohibiting marijuana facilities in Hubbard does not pass by a majority of the votes in the November 2016 election, marijuana facilities will be allowed to establish in Hubbard.
- F. Consistent with ORS 475B.345, the Hubbard City Council wishes to impose a three percent tax on the sale of marijuana items by a marijuana retailer in the city if marijuana facilities are allowed to establish in the city.
- G. The City Council desires to repeal the previously adopted ten percent tax, which is now purportedly preempted by state law.



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

**Section 1: Definitions.**

“Marijuana item” has the meaning given that term in ORS 475B.015(16).

“Marijuana retailer” means a person who holds a license under ORS 475B.110 and sells marijuana items to a consumer in this state.

“Retail sale price” means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

**Section 2: Tax Imposed.** As authorized by ORS 475B.345, the City of Hubbard hereby imposes a tax of three percent on the retail sale price of all marijuana items sold by a marijuana retailer in the city.

**Section 3: Collection.** The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items. If approved by voters, the Council shall take actions necessary to implement the tax.

**Section 4: Referral.** This ordinance shall be referred to the electors of Hubbard at the next statewide general election on Tuesday, November 8, 2016.

**Section 5: Repeal.** Ordinance No. 341-2014 is hereby repealed.

**Section 6: Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs or clauses.

**Section 7: Savings.** Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, remain valid and in full force and effect for purposes of all cases filed or commenced during the times this ordinance or portions thereof were operative.

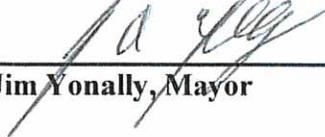
**Section 8. Effective date.** This ordinance shall be effective from and after 30 days following its adoption by the Council.

**WHEREUPON,** the Mayor declared the motion to be carried and the ordinance adopted. The foregoing ordinance was passed by the Hubbard City Council this 12<sup>th</sup> day of July 2016.

**AYES:** \_\_\_\_\_  
**NAYES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_

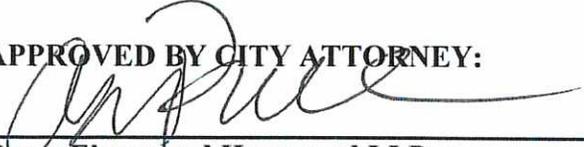


**CITY OF CITY OF HUBBARD, OREGON**

By:   
**Jim Yonally, Mayor**

**ATTEST:**

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

**APPROVED BY CITY ATTORNEY:**  
  
**Beery Elsner and Hammond LLP**







**RESOLUTION NO. 619-2017**

**A RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN THE 2016/17 BUDGET**

**Findings:**

- A. After the budget process for the fiscal year 2016-2017 was completed, an occurrence or condition arose that could not have been ascertained at the time of the budget preparation.
- B. ORS 294.463 allows the Council to authorize transfer within a given fund and ORS 294.463(2) allows less than 15 percent of the total appropriations in the fund to be transferred from contingency.
- C. Additional funds in the amount of \$55,000.00 are required to meet the requirements within the General Fund as follows:
  - a. Community Development – Intergovernmental Services (100-419-5400) \$50,000.00
  - b. Council – Professional Services (100-413-5100) \$5,000.00

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

- 1. \$55,000.00 will be transferred from General Fund Contingency (100-900-9900) to
  - a. Community Development – Intergovernmental Services (100-419-5400) \$50,000.00
  - b. Council – Professional Services (100-413-5100) \$5,000.00
- 2. This Resolution shall be effective following its adoption by the Hubbard City Council.

**ADOPTED BY THE CITY COUNCIL** this 10<sup>th</sup> day of January 2017.

**APPROVED:**

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Thia Estes, Mayor

**ATTEST:**

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Vickie Nogle, MMC  
Director of Administration/City Recorder

**APPROVED AS TO FORM:**

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Beery, Elsner & Hammond, City Attorney

**CITY OF HUBBARD  
2017-2018 Budget Calendar**

<b>City Process</b>	
<b>ORS Requirement</b>	<b>City Timeline/ Due Dates</b>
<p><b>ORS 294.331</b> Appoint Budget Officer</p>	<p>1/10/17</p> <p>Appoint acting Budget Officer at Council Meeting</p>
<p><b>ORS 294.426</b> Prepare Proposed Budget</p>	<p>1/31/17</p> <p>Budget worksheets to Department Heads</p>
<p><b>ORS 294.426</b> Prepare Proposed Budget</p>	<p>3/16/17</p> <p>Department heads return completed budget request forms to budget officer</p>
<p><b>ORS 294.401</b> Publish Notice of Budget Committee Meeting</p>	<p>4/20/17</p> <p>Submit budget committee meeting notice for publication on 4/26/17. Update Website with Public Notice listed. The publication date should list the first date of the actual meeting and any additional dates if necessary.</p>
<p><b>ORS 294.426</b> Budget Committee Meets</p>	<p>5/1/2017 6:30PM</p> <p>Committee first meets to receive the 2017-18 budget message and budget presentation of the proposed budget. Proposed budget will be on file in the city office by this date. Budget Committee hears public comments on state shared revenues during budget committee process.</p>
<p><b>ORS 294.426</b> Budget Committee Meets</p>	<p>5/15/17 6:30PM</p> <p>Committee second meeting if necessary. Additional meeting dates may be scheduled if needed. When the Budget Committee is satisfied with the budget, including any additions or deletions, it is approved and forwarded to City Council.</p>
<p><b>ORS 294.428</b> Approve Budget</p>	<p>When the Budget Committee is satisfied with the budget, including any additions or deletions, it is approved and forwarded to City Council.</p>
<p><b>ORS 294.448</b> Publish Budget Summary &amp; Notice of Budget Hearing</p>	<p>5/30/17</p> <p>Submit newspaper publication of financial summary, notice of budget hearing, &amp; state shared revenue hearing by council. Publish 06/07/17</p>
<p><b>ORS 294.453</b> Budget Hearing/Public Hearing on State Shared Rev</p>	<p>6/13/17</p> <p>Council holds public hearing on the approved budget. Council holds public hearing on State Shared Revenue. The council adopts the budget</p>
<p><b>ORS 294.456</b></p>	<p>6/13/17</p> <p>Adopt budget, makes appropriations, impose taxes and categorize taxes.</p>
<p><b>ORS 294.458</b> Submit Tax Certification Document to Assessor</p>	<p>6/30/17</p> <p>Submit State Shared Revenue resolution and forms by 6/30/17</p>
<p><b>ORS 294.458</b> Submit Tax Certification Document to Assessor</p>	<p>6/30/17</p> <p>Submit LB50 and copies of adopted budget to Assessor's office by 7/13/17. Submit copies to county clerk by 9/30/17</p>

Check Number	Check Issue Date	Name	Description	Amount
6913	12/13/16	Hernandez, Alfonso	Deposit refund 3969 Pacific Circle	47.03- V
7253	12/13/16	Shell Fleet Plus	Fuel	791.95
7254	12/13/16	American Tower	REIM payments for Hubbard, OH	1,983.75
7255	12/13/16	BlackPoint IT Services	IT Services	500.00
7256	12/13/16	Canby Trophies & Awards	Employee Recognition	420.00
7257	12/13/16	Cascade Columbia Distribution	Supplies	155.00
7258	12/13/16	Caselle	Contracted Support	1,888.00
7259	12/13/16	CIS Trust	CIS Workers Comp	1,066.29
7260	12/13/16	DATAVISION	utilities	632.30
7261	12/13/16	Dept of Environmental Quality	Wastewater System Oper Cert	160.00
7262	12/13/16	Don R. Fleck	Fire Extinguisher Service	466.95
7263	12/13/16	Dryden Electric, Inc.	Electrician Services	91.00
7264	12/13/16	Farm Fab Inc.	Equipment Maint/Supplies	310.20
7265	12/13/16	Great Western Sweeping, Inc.	Street Sweeping	2,656.24
7266	12/13/16	GW Hardware Center	Equip Maint/Supplies	66.84
7267	12/13/16	Hattenhauer Energy Co	Fuel	97.31
7268	12/13/16	HD Fowler Company	Supplies	89.64
7269	12/13/16	Hernandez, Alfonso	Deposit refund 3969 Pacific Circle	47.03
7270	12/13/16	John Deer Financial	Supplies	83.37
7271	12/13/16	Legacy Medical Group	11.10.16 Krebs	75.00
7272	12/13/16	Marion County Treasury Dept	Municipal Court Payments	328.29
7273	12/13/16	Mid-Willamette Valley	Land Use Services	2,022.52
7274	12/13/16	Net Assets	Lien Searches	160.00
7275	12/13/16	NW Natural Gas	Utilities	495.68
7276	12/13/16	OAMR	Membership V. Nogle	50.00
7277	12/13/16	Office Depot	Office Supplies	254.56
7278	12/13/16	OHA Cashier	Drinking Water Cert - Krebs	210.00
7279	12/13/16	One Call Concepts, Inc.	Utility Notifications	15.75
7280	12/13/16	Oregon Dept of Revenue	Municipal Court Payments	1,654.00
7281	12/13/16	Pacific Office Automation	Copies	131.10
7282	12/13/16	PGE- Portland General Electric	Utilities	9,001.10
7283	12/13/16	Profectus, INC.	Janitorial Services	402.58
7284	12/13/16	Republic Services	Garbage Service	321.70
7285	12/13/16	SOS Lock Service	SOS Lock Service	100.00
7286	12/13/16	Symbol Arts	Badge	120.00
7287	12/13/16	Verizon Wireless	Utilities	382.25
7288	12/13/16	Waste Connections	Shredding Services	27.54
7289	12/13/16	Willamette Valley Security, In	Security Services	119.70
7291	12/28/16	AKS Engineering & Forestry, LLC	2815 4th St	6,251.25
7292	12/28/16	Aramark Uniform Svcs, Inc	Uniforms	159.98
7293	12/28/16	Beery Elsner & Hammond, LLP	Legal Services	333.44
7294	12/28/16	BlackPoint IT Services	IT Services	488.25
7295	12/28/16	CIT	Water	219.11
7296	12/28/16	ELAN Corporate Payment Systems	Credit card payment	2,492.43
7297	12/28/16	Express Fire Systems	Refund Bldg Permit Overpayment	28.32
7298	12/28/16	Hattenhauer Energy Co	Fuel	87.81
7299	12/28/16	Hubbard Chevrolet, Inc.	Equip Maint	334.95
7300	12/28/16	Metcom 9-1-1	Dispatch Services	17,535.75
7301	12/28/16	Office Depot	Office Supplies	98.86
7302	12/28/16	Pacific Office Automation	Copier Lease/Copies	111.91
7303	12/28/16	R & R Tree Service, INC	Emergency Tree Trim	618.75
7304	12/28/16	Symbol Arts	Badge	120.00
7305	12/28/16	Verizon Wireless	Utilities	172.39
7306	12/28/16	Walmart Community	Supplies	89.07
7307	12/28/16	Waterlab Corporation	Water Testing	287.50
12271600	12/27/16	CIS Trust	COBRA - Dryden	1,913.76
Grand Totals:				58,674.14