

**MEETING NOTICE FOR THE
CITY OF HUBBARD**

TUESDAY

JULY 19, 2016

.....
PLANNING COMMISSIONERS: HOLUM, NICHOLS, ESTES, NELSON
.....

The Hubbard Planning Commission will meet for a planning meeting at the Hubbard City Hall at 6:30 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 of 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 of the week preceding the meeting date. Please contact the Director of Administration/City Recorder, Vickie L. Nogle, MMC, at 981-9633. (TTY / Voice 1-800-735-2900)

SEE ATTACHED AGENDA

**Posted 7/13/2016
4:00 p.m.**

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

**CITY OF HUBBARD
PLANNING COMMISSION
MEETING AGENDA**

**TUESDAY, JULY 19, 2016 - 6:30 PM
LOCATION: HUBBARD CITY HALL
3720 2ND STREET, HUBBARD**

- 1) **CALL TO ORDER.**
 - a) Flag Salute.

- 2) **APPROVAL OF MAY 17, 2016, PLANNING COMMISSION MEETING MINUTES.**

- 3) **PUBLIC HEARING.**
 - A. DR #2016-02 - Keith Berdogin – [3270 J Street (041W33DA06800)] – Construction of 9,579 SF100 building to be used as an office/warehouse.

 - B. DR #2016-05/ VA #2016-02 – Kevin Chappelle – [2625 Pacific Highway 99E (041W33DC00300)] – Variance to reduce the Little Bear Creek fifty (50) foot riparian buffer to ten (10) feet. Development Review of a proposed 55' X 90' (4,950SF) storage building and associated site improvements.

- 4) **ADJOURNMENT.** (Next regular scheduled Planning Commission meeting August 16, 2016, at 6:30 p.m.)

**CITY OF HUBBARD PLANNING COMMISSION MINUTES
MAY 17, 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 2nd Street, Hubbard.

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

Excused Absence: Harold Anderson.

Staff Present: Director of Administration/City Recorder Vickie Nogle; City Planner Joseph Shearer, MWVCOG.

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

APPROVAL OF THE APRIL 19, 2016, PLANNING COMMISSION MEETING MINUTES. MSA/Planning Commissioner Glenn Holum/Planning Commissioner Kevin Nelson moved to approve the minutes as revised. Planning Commissioners Dan Estes, Kevin Nelson, Glenn Holum, and Byron Nichols were in favor. Motion passed.

PUBLIC HEARING.

LA #2016-02/ LEGISLATIVE ZONE CHANGE IN THE COMMERCIAL CENTER. Planning Commission Chairman Dan Estes opened the public hearing.

City Planner Joseph Shearer reported the Legislative Zone Change would be 13.2 acres within the 20.3 acre Hubbard Commercial Center, including 7.6 acres of Residential Commercial rezoned to Commercial, and 5.6 acres of Industrial rezoned to Industrial Commercial. He asked if there were any conflicts of interest or bias to declare. There were none. J. Shearer read the legislative statement.

J. Shearer reported the City Council authorized a legislative rezone of the Commercial Center in conjunction with a grant awarded by Marion County for economic development purposes. The Commercial Center was loosely defined by the comprehensive plan. It was found that only a small portion of that Commercial Center is actually zoned Commercial. He said staff is trying to streamline commercial development within the Commercial Center, and part of that is bringing the zoning in the area into compliance with the Comprehensive Plan. He said the ODDA report shows a shortage of viable commercial properties and a redevelopment potential for the Commercial Center area.

J. Shearer said the approach staff took in making a proposal to the Planning Commission was to take properties zoned Residential Commercial with commercial uses or structures and rezone them to Commercial. Properties zoned Residential Commercial with residential uses are not included in the rezone proposal. Also proposed is to take properties zoned Industrial and make

them Industrial Commercial, which opens them up to a wider range of uses. The applicable Land Use goals and policies are listed in the staff report.

J. Shearer said Vickie Nogle passed along a list of Marion County Assessor account numbers where the owner either did not want to be included, or had concerns with the zone change. He said the properties are in the South West corner. The current zoning of the properties is Residential Commercial, the Comprehensive Plan designation is Commercial, but they are also in the Pacific Highway 99E Overlay zone, which allows for additional commercial uses to otherwise Residential Commercial zoned properties. He said he was curious why the property owner didn't want to be included because comparing the uses between the Residential Commercial and Commercial zone, the only one not allowed in the C zone would be residential purposes. He said when taking into account the best use of the land, his recommendation would be to continue with the zone change on those properties.

Brad Williams, 3780 2nd Street, Hubbard, asked if taxes increases based on changing the zone from Residential Commercial to Commercial.

J. Shearer said the same question had come up at the work session and he did his best to answer it. He said contacted the Marion County Assessor's Office and was told the assessment on the properties is not based on the underlying zoning; it is based on the use of the property. He added the City received a letter from the Housing Advocates and Fair Housing Council of Oregon. He said their concern is in regard to Statewide Housing Goal 10, which deals with housing. Their concern is there are housing impacts associated with the zone change that have not been addressed by the City. J. Shearer said normally, if there is no change to the Comprehensive Plan designation, a detailed analysis doesn't need to be done for the statewide housing goals. When Comprehensive Plan amendments are done, it is required to look at the impact of the statewide housing goals.

D. Estes opened the meeting to proponents. There were none.

D. Estes opened the meeting to opponents.

Dirk Williams, 3629 3rd Street, Hubbard, said he would like something in writing that his property won't be involved in the zone change. He said his property is zoned Residential Commercial and wants it to stay that way, as does his neighbor Walter Schmidt.

Brad Williams, 3780 2nd Street, Hubbard, asked about some of the ownership of property within the Commercial Center. He pointed out that one of the properties at G Street and 2nd Street has a house on it.

J. Shearer commented he recalls an industrial property with a house on it.

B. Williams said some properties, such as along 3rd Street, have apartments above businesses. He asked if a letter would be sent out to each property explaining the zone change when it occurs. He added he believes the zone change is a good idea for Hubbard's economic development.

J. Shearer said this process, providing a written decision is the legal documentation, not a letter sent to property owners.

D. Estes closed the public comment portion of the Public Hearing.

D. Estes said if people do not want their property to change without their willingness, they should respect that and not force changes.

Planning Commissioner Glenn Holum asked if Tom McCain doesn't want to change zone, would remaining Residential Commercial limit the uses allowed on the property?

J. Shearer responded he isn't really limited because he is also in the overlay zone, but added the property owner could change the uses from commercial to residential, which would impact the economic development.

D. Estes commented there are three City Councilors who have property within the designated Commercial Core area and according to Oregon Ethics rules, they can't vote on this matter due to conflict of interest. He asked if it would be possible to change the boundaries of the study area to exclude those properties as they don't want to be included anyway; that way those Councilors would be able to vote on and discuss the matter.

J. Shearer clarified the Planning Commission is making a recommendation to the City Council. He said he doesn't know that the boundaries of the study area need to be changed, as the Planning Commission can just exclude the properties in their recommendation before it goes to the Council level. He added that legal counsel will be present at the City Council meeting to advise if necessary.

MSA/Planning Commissioner Glenn Holum/Planning Commissioner Byron Nichols moved to forward the staff recommendation to City Council for approval, with the removal of Marion County Assessor account numbers R11467, R11464, R11457, R11460, R11463, as the property owner did not want to be included. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed.

City Planner Joseph Shearer informed the Planning Commission that he is leaving his position with the Mid-Willamette Valley Council of Governments to take a job closer to home. He thanked the Planning Commission and praised them on their efforts in helping Hubbard.

ADJOURNMENT. **(The next scheduled Planning Commission Meeting will be June 21, 2016, at 6:30 p.m.)** MSA/Planning Commissioner Byron Nichols/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 7:16 p.m.

Dan Estes, Planning Commission Chairman

ATTEST:

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

Lucy T. Astorga, Admin Asst.
Transcribing

**CITY OF HUBBARD PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: July 8, 2016
FILE NUMBER(S): DR-2016-02
HEARING DATE: July 19, 2016
APPLICANT: Keith Berdogin, 1299 Bernard Drive, Woodburn, OR 97071
OWNER: Peter Chernishoff, 7802 S Mark Road, Canby, OR 97013
REQUEST: Construction of 9,579 SF building to be used as an office/warehouse.
PROPERTY: The subject property is located at 3270 J Street, Hubbard, OR. More specifically described as:

<u>Map/Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33DA06800	R99757	.73	Industrial (I)

CRITERIA: **Hubbard Development Code (HDC)**
Section 2.107 Industrial District (I)
Section 2.200 General Development Standards
Section 3.105 Site Development Review

ATTACHMENTS: Exhibit A: Application (April 14, 2016)
Exhibit B: Site Plan (April 14, 2016)
Exhibit C: Existing Conditions (April 14, 2016)
Exhibit D: Public Works Superintendent Comments (April 26, 2016)
Exhibit E: City Engineer/AKS Engineering Comments (April 27, 2016)
Exhibit F: Police Chief Comments (April 25, 2016)

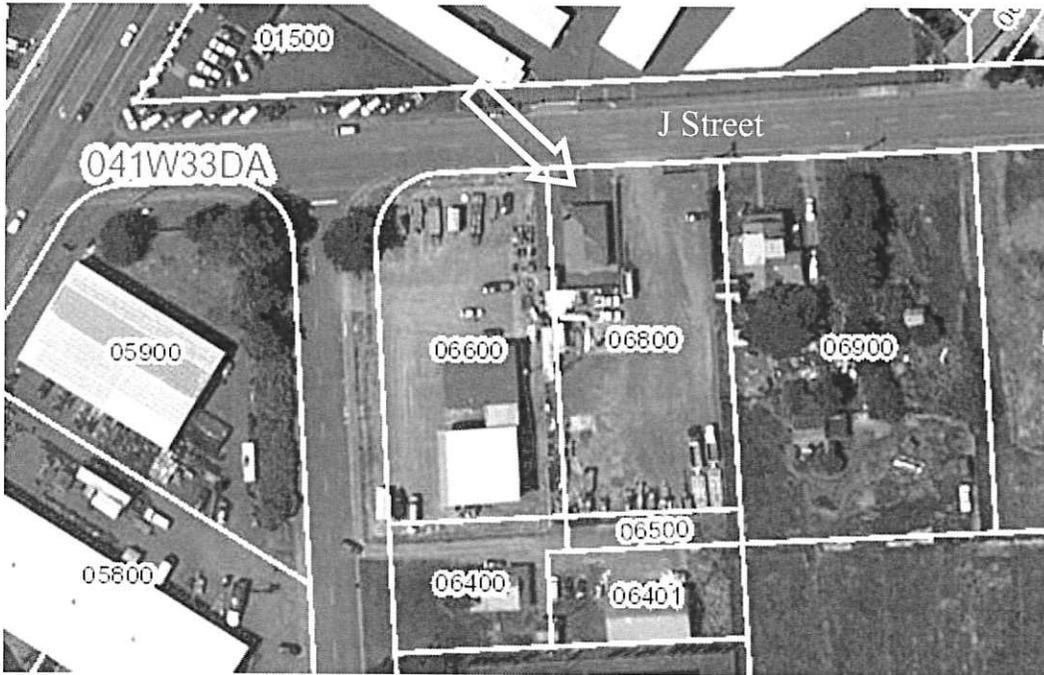
I. BACKGROUND

HDC Section 3.105.04 outlines the review procedure for the request. Site Development Review is a Type II Action requiring a public hearing before the Hubbard Planning Commission as stated in Section 3.201.02

The subject parcel is currently comprised of an approximately 1,026 SF single family dwelling and 247.5 SF storage building. The existing buildings occupy <1% of the total area. Approximately, 28,775 SF (90%) of the site area is gravel. Access to the site is provided from a two-way drive to J Street. J Street is designated a Minor Arterial by the Hubbard Transportation System Plan (TSP).

Hard-Core Contractors, LLC is a subcontractor company that specializes in metal studs, framing, drywall, and acoustical ceiling tile installation. Proposed improvements to the site include the construction of the 9,579 SF building. The proposed structure will provide

storage space for vehicles, equipment, and materials, office space for project managers, and a reception area for customers. There no proposed changes to the existing single-family dwelling and storage building. Additional on-site improvements include new signage, lighting, asphalt, and bicycle parking.



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

The zoning and current uses surrounding the subject property are as follows:

- NORTH: Developed commercial property zoned Commercial
- EAST: Developed residential property zoned Industrial
- SOUTH: Developed residential property zoned Industrial
- WEST: Developed industrial property zoned Industrial

II. REVIEW STANDARDS/CRITERIA

Section 3.105.06 Evaluation of Site Development Plan

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

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

FINDING: Warehouse and storage activities are permitted uses in the I Zone. The property is located south of J Street and is surrounded on two sides by commercial and industrial uses. The industrial zoned property to the south and west of the subject property is developed with residential uses. No change of use is proposed. Upon completion of the proposed development, total building area will have increased from approximately 1,273 SF (4%) to

approximately 10,852 SF (35%) and impervious surface increase from 1,273 (4%) to 29,848 SF (94%). Though the proposed scale of development and impact on the land is significant, the proposed use will be compatible with the existing zone.

The submitted site plan shows approximately 250 SF of landscaping across the front (north) portion of the property, which should soften the visual impact from J Street. Required landscaping is outlined in Section 2.207. For commercial and industrial development, at least 10% of the gross land area shall be devoted to landscaping. The approximately .73 acres (31,799 SF) site requires at least 3,179 SF of landscaping. Staff recommends a **condition** of approval that Applicant submit a final landscaping plan, prepared by a licensed landscape architect, which complies with 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. 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 Section 2.207.06.

Signs impact the visual appearance of a property. The submitted site plan shows one fence mounted sign. Signs are addressed in Section 2.206.05, below.

Per comments from the Police Chief on April 25, 2016 (Exhibit F), a **condition** of approval requires the posting of the address (minimum six inch numbers) on the building near the entry doors facing J Street. The Police Chief also recommends security systems to monitor the facility and perimeter lighting to deter criminal activity and aid nighttime patrols. Staff recommends a **condition** of approval that a security monitoring plan and lighting plan be submitted to, and approved by, Public Works.

Based on surrounding uses, required and proposed setbacks are as follows:

	Required (2.108.04)	Proposed
Front Yard (east)	20'	> 20'
Side Yard (north)	10'	≥ 10'
Side Yard (south)	10'	≥ 10'
Rear Yard (west)	10'	>10'

In consideration of the proposed development, the characteristics of surrounding uses, and conditions of approval related to landscaping, screening, lighting, and signage, Staff concludes the proposed use is compatible with other uses in the vicinity.

B. drainage and erosion control needs;

FINDING: The proposed development increases the amount of impervious surface on the property. The site plan does not indicate that storm water will be detained on the property.

City Engineer comments dated April 27, 2016 recommend that “storm water detention calculations prepared and sealed by a Registered Engineer in the State of Oregon in accordance with the City of Hubbard Design Standards” be prepared. Based on comments from the City Engineer and Public Works, Staff recommends a **condition** of approval that Applicant submit 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. Per City Engineer comments, catch basins shall be outfitted with approved turndowns and sumps for oil water separation and sedimentation control. Storm water quality manholes shall be installed in all proposed storm drains outletting into existing drainage facilities.

If the Oregon Department of Environmental Quality (DEQ) require an erosion and sediment control plan permit (NPDES Permit #1200C), a copy of said permit shall be submitted to the City. A **condition** of approval requires the use of existing surveying benchmarks within the City of Hubbard to establish elevations on the subject property.

Public Works Supervisor comments, dated April 26, 2016, are attached as Exhibit D. City Engineer comments, dated April 27, 2016, are attached as Exhibit E.

C. public health factors;

FINDING: Based on comments from the Public Works Superintendent, a **condition** of approval requires submittal of 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. The City requires this information in order to evaluate impacts of potential uses on the system and assess Systems Development Charges (SDCs).

Comments submitted by the City Engineer require fire flows, private fire hydrant, and Fire Department Connection (FDC) locations in accordance with the International Fire Code and Fire Marshal requirements. No comments were received from Hubbard Fire District. Therefore, a recommended **condition** of approval requires submission of 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. 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.

A **condition** of approval requires installation of a sewer monitoring manhole. Applicant to provide a plan for disposal of chlorinated water if deemed necessary by Public Works or City Engineer.

D. traffic safety, internal circulation and parking;

FINDING: Applicant proposes using the existing two-way access to J Street. The site plan does not show that the proposed two-way drives all meet the minimum width of 20 feet. Driveways, access roads, and parking spaces shall be designed and constructed per Public Works Design Standards.

Upon completion of development, the site will contain an approximately 2,000 SF office/customer service area and a 7,579 SF storage area. Based on this breakdown, Section 2.203.05 requires parking at ratios of 1 space per 400 SF of gross floor area for office buildings and 1 space per 2,000 SF for warehousing under 49,999. Based on these ratios, eight parking spaces are required. Applicant proposes installation of 8 new parking spaces and one accessible space near the entrance of the building. Staff finds proposed parking complies with required ratios. Accessible parking stalls shall conform to Chapter 11 of the Oregon Structural Specialty Code.

Section 2.203.06 provides off-street loading requirements. Because the total area of the proposed buildings is 5,000 SF to 30,000 SF, one loading space is required. A loading space has not been indicated on the site map.

Two bicycle storage spaces are provided at a convenient and easy-to-find location at the northeast corner of the building. Section 2.203.09 establishes ratios for required bicycle parking. The ratio for warehouse uses is the greater between 2 or 0.1 spaces/1,000SF. Staff finds the proposed two bicycle storage spaces meet the required ratio.

A **condition** is included that driveways, access roads, loading zones, and parking spaces (both vehicle and bicycle) shall be designed and constructed per Public Works Design Standards. With this condition, and subject to submission of a final site plan, Staff finds the request meets all traffic safety, internal circulation, and parking requirements.

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

FINDING: The subject property is surrounded by compatible industrial and commercial uses on the northern and western boundary of the parcel. The subject property abuts residential uses on the eastern and southern boundary of the parcel. Additional screening and buffering along the eastern and southern boundary of the property consistent with 2.207.05 and around service areas and facilities, including garbage and waste disposal containers, recycling bins and loading areas shall be a **condition** of approval.

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. Existing vegetation on site is limited to a planting strip and grass lawn along the property frontage. The site plan indicates that the existing landscaping strip will be enhanced with two trees. Staff finds this criterion is met as the proposed development will retain existing natural features on site.

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

FINDING: The subject property fronts J Street, which currently has sidewalks. Any proposed improvements within the J street ROW shall be submitted to the City of Hubbard for review and a construction permit issued prior to commencement of construction. If any portion of the public sidewalk encroaches onto the subject property, the owner shall provide an easement for the distance the sidewalk abuts the property. A non-remonstrance agreement shall be a **condition** of approval for future improvements that may be necessary to bring J Street to minor arterial 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.

2.206.05 Allocation Provisions and Sign Standards for Commercial and Industrial Developments

A. The following provisions and design standards specify how a property's total sign allocation may be utilized. Unless specified elsewhere in these regulations, total sign allocation shall be determined by multiplying the length of the property's primary frontage (feet) by the primary frontage multiple. The maximum sign area refers to the size of any one sign.

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height
Attached	1½ sq. feet	100 sq. feet	20 feet
Free-standing	1½ sq. feet	100 sq. feet	20 feet
Temporary	1½ sq. feet	5 sq. feet	6 feet

FINDING: The site plan proposes one attached sign. The proposed sign is 12' in length and 4'1" in height, totaling 48 SF. The sign is not proposed to be internally illuminated. In terms of signage, the primary frontage is 'J' Street. As stated in the criteria above, a property's "total sign allocation" is determined by multiplying the length of primary frontage by the 1.5 SF multiple. Thus, Staff recommends a **condition** of approval that 189.41 SF (126.27' x 1.5 SF) is the total sign allocation. Applicant is advised that signs must comply with Section 2.206 and may require a permit from the City prior to installation. Applicant shall submit renderings and plans for all signs to the City, and must receive approval prior to installation.

III. SUMMARY AND RECOMMENDATION

Based on the findings contained in this report, Staff concludes that the application (File DR 2016-02) 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 E and Public Works Superintendent found in Exhibit D of the Planning Staff Report dated July 8, 2016. Where the requirements of the City Engineer and/or Public Works Superintendent and a condition of approval, below, are different, the more stringent requirement shall be followed.
- C. **Prior to issuance of a building permit**, the applicant shall submit a final site plan prepared by a Registered Engineer in the State of Oregon in conformance with the provision set forth in the City of Hubbard Design and Construction Standards. The plans shall be on standard 24 x 36 paper and provide the information indicated in the City Engineer's comments dated April 27, 2016 (Exhibit E of the July 8, 2016 staff report).
- D. **OFF-STREET PARKING AND LOADING:** **Prior to issuance of a building permit**, the applicant's final site plan shall comply with minimum off-street parking, loading and bicycle parking spaces required by Section 2.203 of the Hubbard Development Code.
- E. **'J' STREET RIGHT OF WAY:** **Prior to issuance of a building permit**, the applicant shall submit a non-remonstrance agreement for future improvements that may be necessary to bring J Street to minor arterial standards.

- F. **LANDSCAPING:** Prior to issuance of a building permit, the 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 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. **LIGHTING:** Prior to issuance of a building permit, the applicant shall submit a lighting plan for review and approval by Public Works.
1. **Prior to occupancy of the structure,** perimeter lighting shall be installed.
- H. **SIGNS:** The total sign allocation for the subject property is 189.41 SF. Applicant is advised that signs must comply with Section 2.206 and may require a building permit prior to installation. Applicant shall submit renderings and plans for all signs to the City, and must receive all applicable approvals prior to installation.
- I. **ADDRESS:** Prior to occupancy of the structure, the applicant shall post the address (minimum six inch numbers) on the building near the entry doors facing J 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.
 3. If the Oregon Department of Environmental Quality (DEQ) requires an erosion and sediment control plan permit (NPDES Permit #1200C), a copy of said permit shall be submitted to the City.

- 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,** Applicant shall install a sewer monitoring manhole at a location approved by Public Works.
 - Applicant shall provide a plan for disposal of chlorinated water if deemed necessary by Public Works or the City Engineer.
 - 3. 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.
- M. 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.

VII. PLANNING COMMISSION OPTIONS

- A. Approve DR 2016-02 and adopt the findings and conditions contained in the Staff Report.
- B. Approve DR 2106-02 with findings/conditions amended by the Planning Commission.
- C. Deny DR 2016-02 with amended findings that the request does not meet 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).

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: DK 2016-02
DATE: 1/14/16
FEE: \$2000
RECEIPT NO: 1.001763

APPLICANT: Keith Berdogin
MAILING ADDRESS: 1299 Bernard Dr. Woodburn, OR 97071
PHONE: 503.982.3606 EMAIL ADDRESS: Keith@hardcorecontractors.com
OWNER(S) (if different from above): Alex Mametiev
PHONE: 503.982.3606 EMAIL ADDRESS: alex@hardcorecontractors.com
ADDRESS: SAME AS ABOVE
PROPOSED STRUCTURE/IMPROVEMENT: OFFICE / SHOP

SQUARE FOOTAGE: 9579 SQ. FT.
ESTIMATED VALUE OF STRUCTURE/IMPROVEMENT: _____

PROPERTY DESCRIPTION:

ADDRESS: 3270 J STREET HUBBARD, OR 97032
MAP PAGE AND TAX LOT NO: 04W33DA06B00 ZONE: _____
CURRENT USE/STRUCTURES: _____ SQUARE FOOTAGE OF SITE: 31,798.8
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;

- 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.)

4/13/2016
Date

[Signature]
Applicant

4/13/16
Date

[Signature]
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.

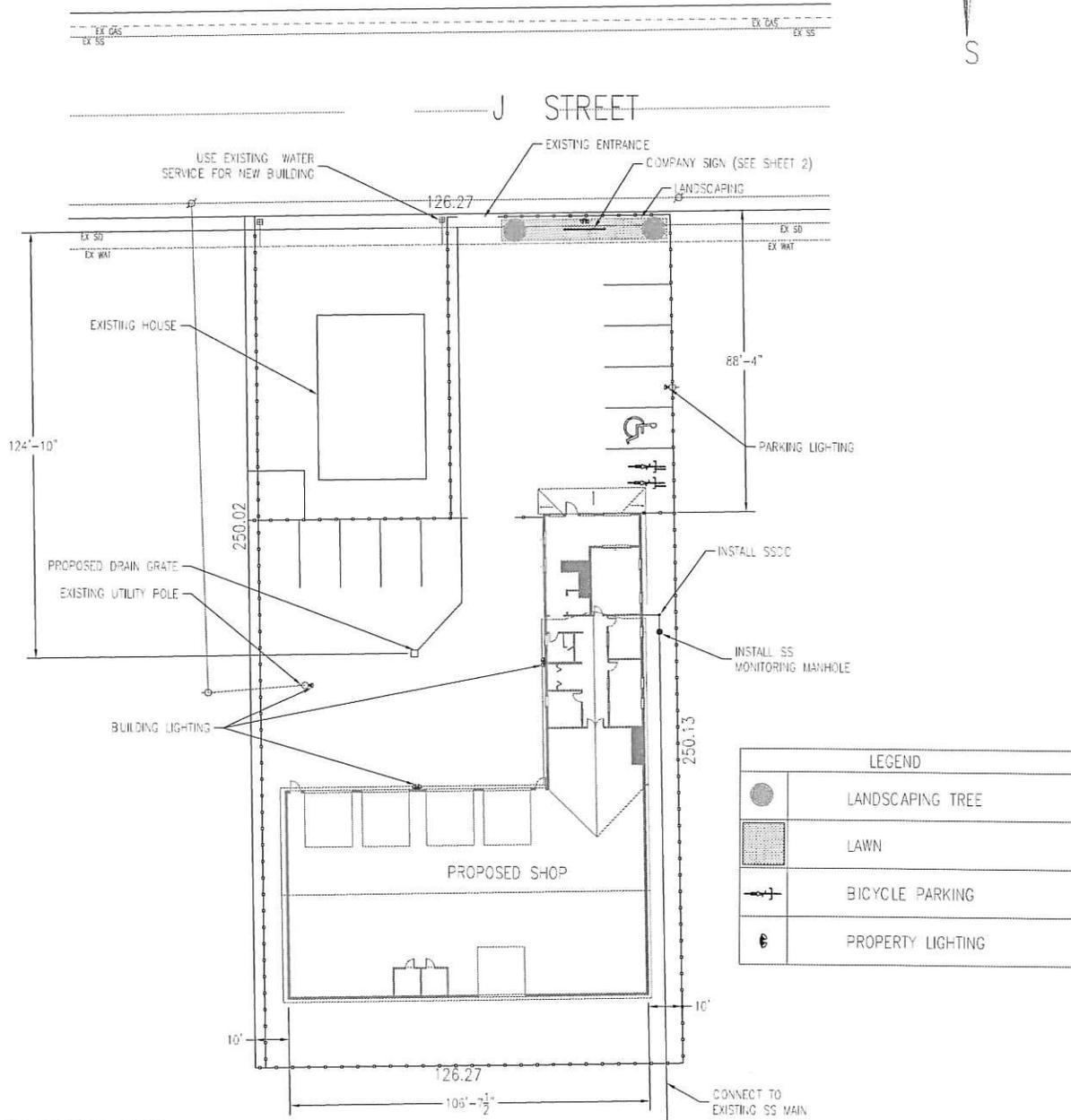
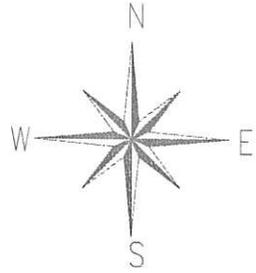
EFFECTIVE DATE OF APPROVAL

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.

NOTE: PROPERTY LINES ARE SHOWN FOR INFORMATION ONLY THIS IS NOT TO SERVE AS BOUNDARY SURVEY
 IN ANYWAY BEARING AND DISTANCES SHOWN ARE FROM EXISTING MONUMENTS AND RECORD INFORMATION

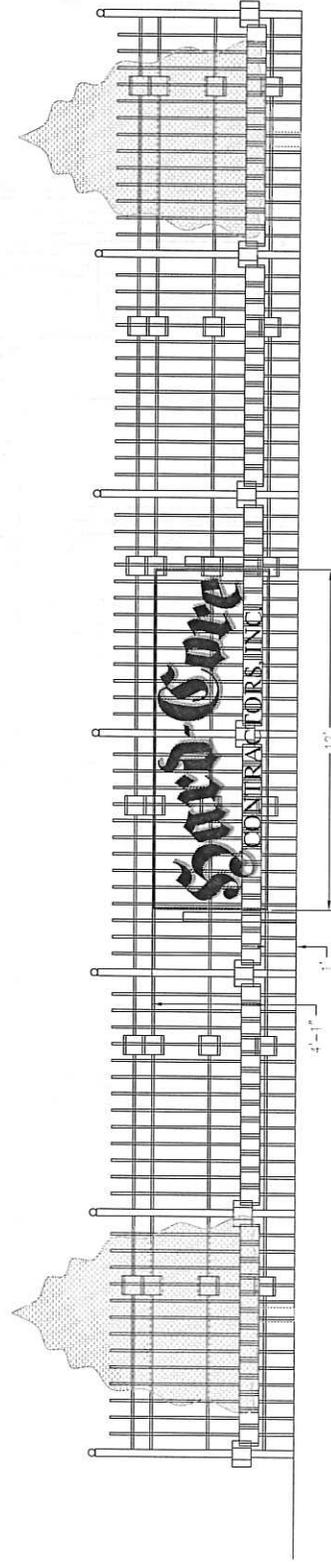


EROSION CONTROL NOTES:

1. Call City of Hubbard for site erosion control inspection and approval prior to starting any work.
2. Owner or designated person shall be responsible for proper installation and maintenance of all erosion and sediment control measures in accordance with Local, State, and Federal regulations.
3. The implementation of these ESC plans and construction maintenance replacement and upgrading of these ESC facilities is the responsibility of the contractor until all construction is completed and approved by the local jurisdiction and vegetation/landscaping is established. The developer shall be responsible for maintenance after the project is approved until the lots are sold.
4. The boundaries of the clearing limits shown on this plan shall be clearly marked in the field prior to construction. During the construction period no disturbance beyond the clearing limits shall be permitted. The marking shall be maintained by the applicant/contractor for the duration of construction.
5. The ESC facilities shown on the plan must be constructed in conjunction with all clearing and grading activities and such a manner as to insure that sediment and sediment laden water does not enter the drainage system, roadways or violate applicable water standards.
6. The ESC facilities shown on this plan are minimum requirements for anticipated site conditions. During construction period, these ESC facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment and sediment laden water does not leave the site.
7. The ESC facilities shall be inspected daily by the applicant/contractor and maintained as necessary to ensure their continued functioning.
8. At no time shall sediment be allowed to accumulate more than 1/2 the barrier height. All catch basins and conveyance lines shall be cleaned prior to paving. The cleaning operations shall not flush sediment-laden water into the downstream system.
9. Stabilized gravel entrances shall be installed at the beginning of construction and maintained for the duration of the project. Additional measures may be required to insure that all paved areas are kept clean for the duration of the project.
10. Storm drain inlets, basins and area drains shall be protected until pavement surfaces are completed and or vegetation is re-established.
11. Pavement surfaces and vegetation are to be placed as rapidly as possible.
12. Seeding shall be performed no later than September 1 for each phase of construction.
13. If there are exposed soils or soils no fully established from October 1st through April 30th the wet weather erosion prevention measures will be in effect.
- 14 The developer shall remove ESC measures when vegetation is fully established.

Date: 06/06/2016	Approved by:	Project Description: Lighting / Sign Plan Landscape Plan Drainage Plan	Site Address: 3270 J. Street Hubbard, OR 97032	Sheet: 1 of 2
Scale: 1" = 15'-0"				

3
2
7
0



Date: 06/06/2016
Scale: 1" = 2'-0"

Approved By:

Project: Regular

Company Sign
Location Plan

Site Address: 3270 J. Street
Hubbard, OR 97032

Sheet

SUBMITTED BY: Jaime Estrada
DATE: April 26, 2016
RE: DR #2016-02
Keith Berdogin 3270 "J" Street

1. Backflow prevention devices may be required;
2. Water meter calculations;
3. A drainage plan must be submitted which needs to include the following two elements: 1) erosion; and 2) sediment;
4. Storm drainage calculation must be submitted including detention facilities done by the engineer;
5. DEQ may require erosion and sediment control plan permit, NPDES Permit #1200C;
6. The fire department may require more fire hydrants;
7. We need complete detailed drawings on all utilities;
8. As-builts, require three (3) paper copies and one electronic file in Arcview/ArcGis 9 format;
9. Landscape plan must be provided for review;
10. Plan required for dealing with disposal of chlorinated water discharge;
11. Surveying benchmarks must be used in the city of Hubbard;
12. Light plan should be submitted. For subdivisions, the street light design must be done by PGE engineers;
13. Must contact Marion County for possible location of monuments;
14. Sewer monitoring manhole (Industrial property only);
15. Must obtain permits from Marion County;
16. The applicant shall be responsible for all costs associated with the improvements.
17. 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;
18. All utility work must be in accordance with Hubbard Public Works construction standards;
19. All utility work must be in accordance with the Oregon Health Department and DEQ; and
20. Should have a separate water meter service.

pc: Bill Peterson, AKS Engineering & Forestry petersonb@aks-eng.com
Michael Poissant, AKS Engineering & Forestry michaelp@aks-eng.com
Melinda Olinger, Public Works molinger@cityofhubbard.org
Jaime Estrada, Public Works jestrada@cityofhubbard.org
Vickie Nogle, City Recorder vnogle@cityofhubbard.org
Joey Shearer, COG JShearer@mwvcog.org
Lance Lighty, Fire Chief l.lighty@hubbardfire.com

April 27, 2016

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

RE: DR 2016-02 -3270 'J' Street (AKS Project #4354-18)
Keith Berdogin

Sent by Email Attachment

Dear Vickie:

Upon our review of the Development Review Application, we find the following:

- We have reviewed the applicant's preliminary utility plan for this site. Water, sewer and storm infrastructure are available within 'J' Street and appear to be adequate to serve the proposed development. The applicant shall design and construct all public improvements and the sanitary sewer monitoring manhole according to City of Hubbard Design Standards (HDS).
- The applicant is advised of the following comments to the preliminary engineering plans submitted:
 1. A new water service will be required for the proposed building. The applicant will be required to provide fixture unit count and meter sizing calculations. SDC's will be charged accordingly.
 2. Per HDS, private water systems shall be equipped with approved double check valve assemblies or other backflow prevention device as directed by the City.
 3. The applicant will be required to obtain easements from the adjacent property owner for any proposed utilities outside of the subject property.
 4. Per HDS, catch basins shall be outfitted with approved turndowns and sumps for oil water separation and sedimentation control. Storm water quality manholes shall be installed in all proposed storm drains outletting to existing drainage facilities.
 5. Adequate erosion and pollution control facilities shall be installed in conjunction with construction projects. Developments greater than 1 acre in size shall be required to obtain an NPDES 1200C erosion control permit from the Department of Environmental Quality (DEQ).
 6. Fire flows, private fire hydrant and FDC locations shall be in accordance with the International Fire Code and Fire Marshal requirements. Documentation that the fire department is satisfied with the proposed improvements is required.
 7. Oil/water separator or other approved method for treatment of storm water runoff is required.
 8. Submit storm water detention calculations prepared and sealed by a Registered Engineer in the State of Oregon in accordance with the HDS.
 9. Show that adequate illumination is provided per City of Hubbard Development Code.
- A copy of all required Marion County, and DEQ permits shall be furnished to the City when obtained.

- A non-remonstrance agreement will be required for future improvements that may be necessary to bring 'J' Street to minor arterial standards.
- The Applicant shall be responsible for all costs associated with the improvements.

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

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in black ink, appearing to read 'William I. Peterson', written over a faint background.

William I. Peterson, P.E.

City Engineer

cc: Jaime Estrada, Public Works Superintendent, by email attachment
Joseph Shearer, MWVCOG, by email attachment

HUBBARD PLANNING DEPARTMENT

REQUEST FOR COMMENTS

DATE: 4/18/16

TO: _____

RE: 3270 J STREET - DR #2016-02 (Keith Berdejin)
Office/shop

The City has received the attached plans for design review. These plans will come before the Planning Commission on May 17, 2016 for approval. Please review the plans and indicate any conditions of approval you may wish the Commission to consider. Thank you. (Please return comments by April 29, 2016.)

Comments or Proposed Conditions:

1. REQUEST 6" ADDRESS NUMBERS POSTED NEAR MAIN
ENTRY DOOR.

2. REQUEST PERIMETER LIGHTING ON ALL STRUCTURES
TO AVOID NIGHT-TIME PATROLS

3. REQUEST MONITORED SECURITY SYSTEMS

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: [Signature] - POLICE CHIEF

Date: 4/25/16

**CITY OF HUBBARD PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: July 8, 2016
FILE NUMBER(S): DR-2016-05/VAR-2016-02
HEARING DATE: July 19, 2016
APPLICANT: Kevin Chappelle, 5892 Fruitland Rd. NE, Salem, OR 97317
OWNER: Kevin and Patti Chappelle, 5892 Fruitland Rd. NE, Salem, OR 97317
REQUEST: Variance to reduce the Little Bear Creek fifty (50) foot riparian buffer to ten (10) feet. Development Review of a proposed 55' x 90' (4,950 SF) storage building and associated site improvements.
PROPERTY: The subject property is located at 2625 Pacific Hwy 99E, Hubbard, OR. More specifically described as:

<u>Map/Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33DC00300	R11582	1.29	Industrial-Commercial (IC)

CRITERIA: **Hubbard Development Code (HDC)**
Section 2.108 Industrial-Commercial District (IC)
Section 2.200 General Development Standards
Section 2.210.05 Adjusting Riparian Buffers
Section 3.105.06 Site Development Review

ATTACHMENTS: Exhibit A: Application (November 24, 2015)
Exhibit B: Public Works Superintendent Comments (December 9, 2015)
Exhibit C: City Engineer/AKS Engineering Comments (December 18, 2015 & June 13, 2016)
Exhibit D: Oregon Department of Transportation Comments (December 22, 2015)

I. BACKGROUND

HDC Section 3.105.04 outlines the review procedure for a Site Development Review. Site Development Review is a Type II Action requiring a public hearing before the Hubbard Planning Commission as stated in Section 3.201.02.

HDC Section 2.210.05 outlines the review procedure for a riparian buffer Variance. Variance is a Type II Action requiring a public hearing before the Hubbard Planning Commission as stated in 3.201.02.

The subject parcel is relatively flat and contains a 36' X 48' (1,728 SF) building. The building is a legal nonconforming structure that encroaches 30' into the 50' riparian buffer.

The property is used for storage in conjunction with the neighboring Nursery Connection distribution facility to the north. Aerial photographs show there is some existing landscaping buffering the site from Pacific Hwy. 99E, and the southern and eastern property boundaries abut Little Bear Creek, an intermittent stream identified on the 2001 Hubbard Significant Natural Resources Inventory.

The proposed project involves the construction of a new 4,950 SF building used for storage of bulk nursery products (pots, bagged soil mix and amendments) for Nursery Connection. Access to Pacific Hwy. 99E is provided by a common highway access being utilized by Tax Lots 200 & 300. Pacific Highway 99E is designated a Major Arterial by the Hubbard Transportation System Plan (TSP).



(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 Hwy 99E. The zoning and current uses surrounding the subject property are as follows:

- NORTH: Developed industrial property zoned Industrial
- SOUTH: Developed industrial property zoned Industrial Commercial
- EAST: Pacific Hwy 99E and developed commercial and industrial property Industrial Commercial
- WEST: City Limits, developed residential property zoned Urban Transition

II. REVIEW STANDARDS/CRITERIA

Section 2.210.05 Adjusting Riparian Buffers

The review of a Riparian Buffer Adjustment shall be based upon considerations of the following:

- A. *Permanent alteration of the riparian buffer by placement of structures overhanging the riparian buffer, on existing lots, is allowed subject to approval of a variance granted under subsection 2.210.05E. and subject to the mitigation requirements of subsection 2.210.05C.*

FINDING: Applicant requests reducing the 50' Little Bear Creek riparian buffer to 10' along the south property boundary. Approval of this variance request is subject to approval of a variance granted under subsection 2.210.05E and to the mitigation requirements of subsection 2.210.05C below.

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

FINDING: Neither a subdivision or planned unit development has been proposed. This criterion is not applicable to this application.

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

FINDING: Based upon a review of the Significant Natural Resources Map found in Figure 4 of the Hubbard Comprehensive Plan, the subject property contains a mapped waterway (Little Bear Creek). In 2001, the City of Hubbard adopted a safe harbor ordinance to protect significant riparian resource in the Hubbard Development Code (Section 2.210) that applies to development of the subject property. Section 2.210.04(A) prohibits the permanent alteration of the riparian buffer by grading or by the placement of structures or impervious surfaces. The riparian buffer is measured 50 feet from the top of the creek bank on either side of the creek.

Applicant has provided preliminary development plans to ODFW for review. ODFW has reviewed the preliminary development plans and made the following recommendations; 1) the construction of a vegetated swale between the parking area, building, and any other impervious surface to reduce the potential impacts runoff and any potential contaminations that may be in the water entering the stream; 2) planting native trees and shrubs in the buffer along the length of the proposed development to provide the intended benefits of shade and stabilization of the stream banks (i.e. 20 trees and 20 shrubs/1000 sq. ft.).

The submittal of a riparian buffer planting plan prepared by a professional/qualified biologist that incorporates the recommendations of ODFW and that demonstrates no net loss of protected resources and no net loss of habitat values shall be submitted to the City for approval, as a **condition** of approval.

D. In cases where the application of the buffer is demonstrated to render an existing lot or parcel unbuildable, a property owner may request a variance to the riparian buffer.

Granting of a variance requires findings that satisfy all three of the following criteria:

1. The proposed development requires deviation from the riparian buffer standards;

FINDING: Applicant states adherence to the 50' riparian buffer would diminish the use of the property.

The subject property is an irregular shaped lot that ranges from 172.25 feet at its widest point (east property boundary) to 109.62 feet at its narrowest point (west property boundary). The property is bordered by Little Bear Creek to the south, which has a 50 foot buffer. The irregular shaped lot does not allow for the construction of a 90 foot wide warehouse without encroaching into the riparian buffer. Additionally, to accommodate truck circulation on-site the warehouse must be located towards the rear of the subject property, at the narrowest point of the property.

Staff finds that proposed development is only partially impacted by the required 50 foot riparian buffer. A partial reduction of the buffer is recommended as a **condition** of approval to allow a permanent alteration of the Little Bear Creek riparian buffer by the placement of a storage building up to 40 feet into the 50 foot buffer as shown on the site plan. The 50 foot buffer shall remain in effect along the remainder of the south property line. The measurement of the riparian buffer shall be measured from the ordinary high water level or upland edge of the wetland, whichever is most landward.

2. Strict adherence to the riparian buffer standard and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and

FINDING: Warehouse storage activities are an allowed use that could be reasonably expected to occur in the IC Zone. Strict adherence to the riparian buffer standard would preclude Applicant from constructing a 90 foot wide warehouse.

3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

FINDING: The riparian buffer constrains development of the subject parcel. The applicant would be precluded from some development rights that are enjoyed by the majority of landowners in the vicinity.

- E. *The applicant shall provide sufficient information regarding the proposed development and potential impact to riparian resources and the proposed mitigation plan to allow the ODFW to determine whether the proposal has minimized impacts to the riparian buffer and whether the propose mitigation will provide equal or better protection of riparian resources.*

FINDING: The applicant has provided preliminary development plan to ODFW for review. Applicant has not provided a proposed mitigation plan to allow ODFW to make a determination on whether the proposal has minimal impacts to the riparian buffer or whether the proposed mitigation will provide equal or better protection of riparian resources. A mitigation plan prepared by professional/qualified biologist, approved by ODWF and City is required a **condition** of approval.

Section 3.105.06 Evaluation of Site Development Plan

The review of a Site Development Plan shall be based upon consideration of the following:
A. *Characteristics of adjoining and surrounding uses;*

FINDING: A warehouse is a permitted use in the IC Zone. No change of use is proposed. The property is located in an area characterized by industrial and commercial uses, and is surrounded on all sides by similar uses. Upon completion of the proposed development, total building area will have increased from 1,728 SF (3%) to 6,678 SF (12%) and impervious surface from 1,728 SF (3%) to 32,994 SF (61%). Based on the proposed scope and the similar characteristics of adjoining uses, Staff finds the proposed use will be compatible with surrounding uses.

The submitted site plan shows 20,322 SF of vegetation. Required landscaping is outlined in Section 2.207. For commercial and industrial development, at least 10% of the gross land area shall be devoted to landscaping. Based on the 54,349 SF site, at least 5,435 SF of the property must be landscaped. Staff recommends a **condition** of approval that Applicant submit a final landscaping plan, prepared by a licensed landscape architect, which complies with 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. 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 Section 2.207.06.

The applicant provided no information in regards to signage for the project with the site development review application. Any proposed signs are required to meet the standards Development Code Section 2.206 applicable to signs for properties within an industrial or commercial zone. The applicant must obtain a sign permit from the City prior to installation of any signage.

Based on the proposed development and the existing uses in the area and compliance with the City's landscaping and signage requirements, staff concludes that the proposed use is compatible with other uses in the vicinity.

B. drainage and erosion control needs;

FINDING: The proposed development would add additional impervious surface to the subject property and adjacent right-of-way. The site plan does not indicate that storm water will be detained on the property. Based on comments from the City Engineer and Public Works (see Exhibits B & C), Staff recommends a **condition** of approval that Applicant submit 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. Per City Engineer comments, catch basins shall be outfitted with approved turndowns and sumps for oil water separation and sedimentation control. Storm water quality manholes shall be installed in all proposed storm drains outletting into existing drainage facilities.

If the Oregon Department of Environmental Quality (DEQ) require an erosion and sediment control plan permit (NPDES Permit #1200C), a copy of said permit shall be submitted to the City. A **condition** of approval requires the use of existing surveying benchmarks within the City of Hubbard to establish elevations on the subject property.

The proposed development can adequately provide for drainage and erosion control needs upon compliance with the recommended conditions of approval.

C. public health factors;

FINDING: Based on comments from the Public Works Superintendent, a **condition** of approval requires submittal of 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. The City requires this information in order to evaluate impacts of potential uses on the system and assess Systems Development Charges (SDCs).

Comments submitted by the City Engineer require fire flows, private fire hydrant, and Fire Department Connection (FDC) locations in accordance with the International Fire Code and Fire Marshal requirements. No comments were received from Hubbard Fire District. Therefore, a recommended **condition** of approval requires submission of 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. 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.

A **condition** of approval requires installation of a sewer monitoring manhole. Applicant to provide a plan for disposal of chlorinated water if deemed necessary by Public Works or City Engineer.

D. traffic safety, internal circulation and parking;

FINDING: Applicant proposes accessing Pacific Hwy 99E via an existing permit for the common highway access being utilized by Tax Lots 200 & 300. ODOT has reviewed its access permit records and determined there is an existing permit for the common highway access being utilized by Tax Lots 200 & 300. However, ODOT states “existing configuration of the permitted access (see Exhibit D) differs from that shown on the site plan that currently serves Tax Lots 200 & 300”. ODOT further expressed concerns related to the physical configuration of the existing access, specifically related to turning movements for large trucks. A **condition** of approval shall be to either; 1) removing the fence along the common property lines so as to create a common access for the use of Tax Lots 200 and 300 as permitted in ODOT Approach Permit No. 27508; 2) Obtain separate access permits and construct two separate accesses in a manner that physically delineates each access pursuant to ODOT permit and approval process and Public Works Design Standards.

Upon completion of development, the site will contain 6,678 SF of enclosed storage space. Based on this breakdown, Section 2.203.05 requires parking at ratios of 1 space per 2,000 SF for warehousing/storage. Based on these ratios, three parking spaces are required. Applicant proposes installation of 6 new parking spaces. Staff finds proposed parking complies with required ratios. Accessible parking stalls shall conform to Chapter 11 of the Oregon Structural Specialty Code. Parking spaces shall be designed and constructed per Public Works Design Standards.

Section 2.203.06 provides off-street loading requirements. Because the total area of the proposed buildings is less than 5,000 SF, no loading space is required. The proposed parking area will accommodate two-way traffic, will maintain a minimum 20' width, and individual spaces will measure at least 8.5' x 20' in compliance with Section 2.203.07(B).

The applicant's site plan did not indicate bicycle parking which will need to be shown on the final site plan, in accordance with the standards of Development Code Section 2.203.09.

A **condition** is included that driveways, access roads, loading zones, and parking spaces shall be designed and constructed per Public Works Design Standards. With this condition, and subject

to submission of a final site plan, Staff finds the request meets all traffic safety, internal circulation, and parking requirements.

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

FINDING: The subject property is surrounded by compatible industrial and commercial uses. The site plan and narrative do not propose areas, facilities, or uses that require additional screening or buffering. Nonetheless, existing evergreen vegetation along the eastern portions of the site do provide screening and buffering.

Staff finds this criterion is met.

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. Existing vegetation is located along the eastern, western, and southern property boundary. Staff finds that the trees and vegetation along the eastern, western, and southern boundary is a natural feature worth retaining, in part due to screening.

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

FINDING: The subject property fronts a portion of Pacific Hwy 99E that does not currently have sidewalks. As a **condition** of approval, a right-of-way dedication along Pacific Hwy. 99E will be required in accordance with Hubbard TSP. As a **condition** of approval, the applicant shall provide frontage improvements along Pacific Hwy. 99E, inclusive of drainage, curb, gutter, planter/landscape strip and sidewalks, consistent with ODOT design standards and obtain a construction permit prior to commencement of construction. If any portion of the public sidewalk encroaches onto the subject property, the owner shall provide an easement for the distance the sidewalk abuts the property.

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

FINDING: The subject property is located within a floodplain. As a **condition** of approval, the applicant shall provide documentation for the establishment of the Little Bear Creek ordinary high water level and 100 year flood elevation for the property. The City Engineer states, "proposed building finish floor must be at least 1' above the 100 year floodplain elevation."

Based upon a review of the Hubbard Comprehensive Plan and Marion County Soils Survey, the subject property is located in an area containing soils with moderate development limitations due to a seasonally high water table. A seasonally high water table increases the importance of an engineered and functional drainage plan.

Upon compliance with the conditions of approval recommended by staff to provide a storm water plan and construct improvements as required by the approved plan, the proposed development can mitigate problems that may arise due to potential hazard areas. The proposed development complies with this criterion.

III. SUMMARY AND RECOMMENDATION

Based on the findings contained in this report, Staff concludes that the application (File DR 2015-05/VAR 2016-02) 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. The applicant shall comply with the requirements found in the Public Works Superintendent and City Engineer comments attached to the July 8, 2016 staff report as Exhibits B & C. Where the requirements of the City Engineer, the Public Works Superintendent and a condition of approval, below, are different, the more stringent requirement shall be followed.
- B. **Prior to issuance of a building permit**, the applicant shall submit a detailed final site plan prepared by a Registered Engineer in the State of Oregon in conformance with the provision set forth in the City of Hubbard Design and Construction Standards. The plans shall be on standard 24x36 paper and provide the information indicated in the City Engineer's comments attached to the July 8, 2016 staff report as Exhibits C. The 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.
- C. The applicant shall comply with local, state and federal requirements and obtain any permits required for development near a waterway, including but not limited to, City of Hubbard, Department of Environmental Quality, Department of State Lands, Department of Fish and Wildlife, and Federal Emergency Management Agency. A copy of any permits obtained shall be provided to the City.
- D. The final site plan and development on the property shall preserve a buffer of 50 feet from the top and on either side of the bank in accordance with the requirements for riparian corridors found in Section 2.210 of the Hubbard Development Code, except for an encroachment of up to but not exceeding 40 feet at the building site as shown the proposed development site plan.

- E. **Prior to issuance of a building permit**, the applicant shall submit a vegetated swale design and planting plan for the site that demonstrates no net loss of protected resources and no net loss of habitat values, to be reviewed by ODFW and approved by the City.
- F. **PACIFIC HWY 99E RIGHT OF WAY**: Applicant shall provide a right-of-way dedication along Pacific Hwy. 99E 50' from centerline of the highway, in accordance with Hubbard TSP. Any proposed improvements within the Pacific Hwy 99E ROW shall be submitted to ODOT for review and a construction permit issued **prior to commencement of construction**.
1. **Prior to occupancy of the structure**, the applicant shall construct a sidewalk along the Pacific Hwy 99E property frontage. The design and construction shall conform to ODOT standards. Applicant shall provide copies of any required ODOT construction permits to the City. If any portion of the public sidewalk encroaches onto the subject property, the owner shall provide an easement for the distance the sidewalk abuts the property.
- G. **OFF-STREET PARKING AND LOADING**: **Prior to issuance of a building permit**, the applicant's final site plan shall comply with minimum off-street parking, loading and bicycle parking spaces required by Section 2.203 of the Hubbard Development Code.
- H. **LANDSCAPING**: **Prior to issuance of a building permit**, the 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 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.
- I. **LIGHTING**: **Prior to issuance of a building permit**, the applicant shall submit a lighting plan for review and approval by Public Works. The proposed public sidewalk along Pacific Hwy 99E shall be illuminated to ODOT standards.
1. **Prior to occupancy of the structure**, perimeter lighting shall be installed.

- J. **ADDRESS:** Prior to occupancy of the structure, the applicant shall post the address (minimum six inch numbers) on the building near the entry doors facing Pacific Hwy. 99E.
- K. **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.
 3. If the Oregon Department of Environmental Quality (DEQ) requires an erosion and sediment control plan permit (NPDES Permit #1200C), a copy of said permit shall be submitted to the City.
- L. **UTILITIES:** Prior to issuance of a building permit, Applicant shall submit detailed drawings for all utilities and a written estimate of water consumption. Applicant shall provide specific information, including but not limited to, the location and size of the existing and proposed utilities, size of the water meter, the location and size of all water lines, Uniform Plumbing Code calculations, and the extent of landscape irrigation.
1. Prior to occupancy of the structure, Applicant shall install a sewer monitoring manhole at a location approved by Public Works.
 2. Applicant shall provide a plan for disposal of chlorinated water if deemed necessary by Public Works or the City Engineer.
 3. Prior to occupancy of the structure, an easement for the existing fire hydrants located on the subject property shall be provided in a manner acceptable to Public Works.
 4. Prior to occupancy of the structure, three (3) hard copies and one electronic copy in ArcView/ArcGIS 9 format shall be provided of as-built plans.
- M. **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.

N. **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.

VII. PLANNING COMMISSION OPTIONS

- A. Approve VAR 2016-02/DR 2015-05 and adopt the findings and conditions contained in the Staff Report.
- B. Approve VAR 2016-02/DR 2015-05 with findings/conditions amended by the Planning Commission.
- C. Deny VAR 2016-02/DR 2015-05 with amended findings that the request does not meet 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).

MAJOR VARIANCE 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: VA 2014-08
DATE: 5/17/16
FEE: 1500 -
RECEIPT NO: 1.00212

APPLICANT: Kevin Chappelle
PHONE: 503-871-2165 EMAIL ADDRESS: kevinchappelle@aol.com
ADDRESS: 5892 Fruitland Rd NE, Salem, Oregon 97317
OWNER(S): Kevin & Patti Chappelle
PHONE: _____ (If different from above) EMAIL ADDRESS: _____
ADDRESS: _____
REQUEST: Reduce 50' wide riparian buffer along Little Bear Creek to 10' wide.

PROPERTY DESCRIPTION:

ADDRESS: 2625 Pacific Hwy 99E, Hubbard, Oregon 97032
MAP PAGE AND TAX LOT NUMBERS: 041W33DC Lots 200 & 300 ZONE: IC
CURRENT USE/STRUCTURES: Farm & Garden Supply SQUARE FOOTAGE OF SITE: 54,349

FINDINGS:

Hubbard Development Code Section 3.104.03 specifies that the following approval criteria that must be addressed before granting a major variance. Applicants are responsible for providing information demonstrating the following: (if necessary, please use additional page(s) for your response):

A. Compliance with the applicable requirement or standard of the Ordinance would create a hardship due to one or more of the following conditions:

1. The physical characteristics of the land, improvements or uses on the subject property are not typical of conditions in the zoning district.

Hubbard Development Code 2.210.03 stipulates a 50' wide riparian buffer along Little Bear Creek. Prior to the adoption of this portion of the code, the area now designated as the 50' riparian buffer had been filled and surface graveled to provide a parking and storage area. The property is a commercial property and the majority portion of the property is currently used for buildings and for gravel storage/parking areas. The 50' buffer is not typical for this type of commercial property. The 50' buffer is approximately 30% of the property and was not on the property at time of purchase.

DATE: 9/19/08

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

This variance is necessary to allow commercial use of approximately 24%
of this commercial property.

3. Compliance with the requirement or standard (without a variance) would eliminate a significant natural feature of the property.

Compliance of the 50' riparian buffer would remove the commercial use of
the 24% of the property.

4. The special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

The existing filled and graveled areas were performed before the Little Bear Creek
50' riparian buffer was added by Hubbard Code.

- B. Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:

1. Granting the variance will not create significant adverse affects to the appearance, function or safety of the use or uses on the subject property; and

Little Bear Creek is a small creek, the 50' riparian buffer is quite large compared to the
creek size. The owner has coordinated a visit with Todd Alsbury of ODFW. Mr. Alsbury
recommends that a 10' buffer planted with trees and shruds to shade the creek to be created.
Letter is attached.

2. Granting the variance will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped properties.

Granting this variance will not impose any limitations on any adjacent properties.

- C. Approval of this application will allow the property to be used only for purposes authorized by the zoning district.

The planned development is for purposes conforming to the Hubbard Industrial
Commercial Development Code.

- D. Approval of the application does not conflict with policies and objectives of the Comprehensive Plan.
This variance application conflicts with no polices and objective of the comprehensive plan.

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 1/2 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.)

5-17-16
Date
5-17-16
Date
5-17-16
Date

[Signature]
Applicant
[Signature: Eric Chappelle]
Owner(s)
[Signature]
Owner(s)

MAJOR VARIANCE INFORMATION SHEET

A variance is a grant of relief from certain zoning requirements when a strict application of the requirements for lot width, lot depth, lot area, building height setback, access or other dimensional requirements in any zoning classification would cause an undue or unnecessary hardship.

VARIANCE REGULATION

Variances are regulated by the City of Hubbard's Development Code. Section 3.104 of the Development Code contains the variance procedures. The Planning Commission has the authority to approve or deny major variances where strict application of the ordinance would result in an extreme hardship. However, no variance can be granted to allow a use of property not permitted in a zone.

APPLICATION PROCESSING

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

CONDITIONS ON VARIANCES

The Planning Commission may impose such limitations, conditions and safeguards as it may deem appropriate so that the intent of the ordinance will be observed, public safety secured and substantial justice be done. The Planning Commission may limit the time or duration of a variance. If the variance is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval by the Planning Commission. A violation of any such condition or limitation shall constitute a violation of the zoning ordinance.

EFFECTIVE DATE OF APPROVAL

The variance shall be effective 12 days after the date of the notice of the decision.

ADDITIONAL INFORMATION

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

DATE: 9/19/08



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

North Willamette Watershed District

17330 SE Evelyn Street

Clackamas, OR 97015-9514

(971) 673-6000

(971) 673-6070

odfw.com

May 13, 2016

Kevin Chappelle
5892 Fruitland Rd NE
Salem, OR 97317-3339



RE: 2625 Pacific Highway, Hubbard, OR

Mr. Chappelle,

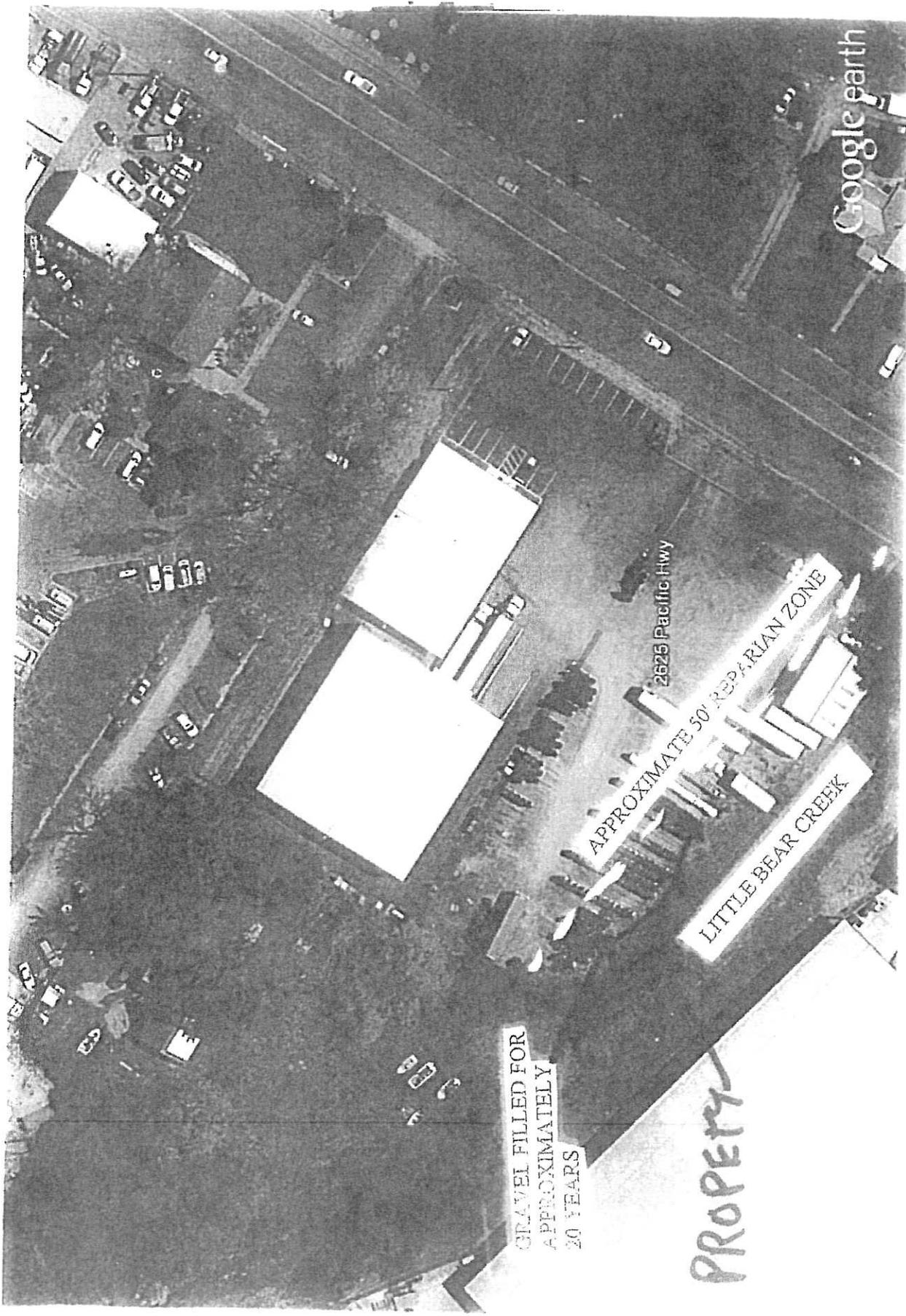
Thank you for meeting with me the other day to discuss the proposed development of your property located along Pacific Highway (Hwy 99E) in Hubbard. The property is bordered by Little Bear Creek, a highly modified waterway that is a tributary to Mill Creek, a fish bearing tributary of the Pudding River.

The development you proposed will reduce the required setback (buffer width) from 50-feet along the stream to 10-feet so you can construct an asphalt parking area and a storage building. In spite of the current condition of the stream and its associated riparian buffer, we recommend you construct a vegetated swale between the parking area, building, and any other impervious surface to reduce the potential impacts from runoff and any potential contaminants that may be in the water entering the stream. The swale is intended to capture run-off and allow it to infiltrate prior to entering the stream. We also recommend planting native trees and shrubs in the 10-foot buffer along the length of the proposed development. This action can actually improve the benefits the riparian buffer provide by creating shade along the length of the stream channel. The number of trees and shrubs planted should be adequate to provide the intended benefits of shade and stabilization of the stream banks (i.e. 20 trees and 20 shrubs/1000 sq. ft.).

Please call or email back if you have any questions or need assistance developing a planting plan for the site.

Thanks!


Todd Alsbury
District Fish Biologist
ODFW-North Willamette Watershed District



GRAVEL FILLED FOR
APPROXIMATELY
20 YEARS

APPROXIMATE 50' REPAIR ZONE

LITTLE BEAR CREEK

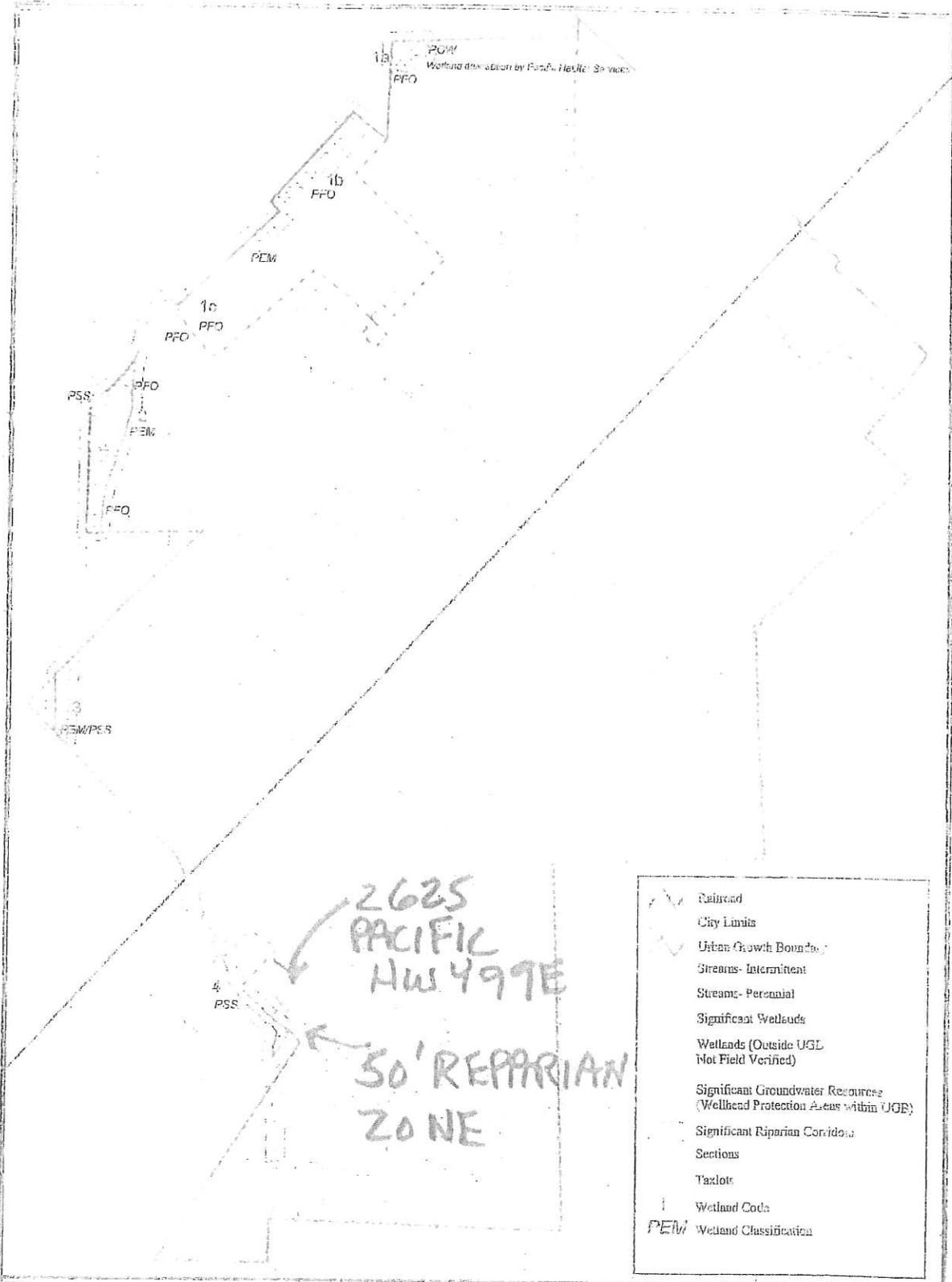
2625 Pacific Hwy

PROPERTY



Google earth

Google earth



Title: **Figure 4.**
Hubbard Significant Natural Resources
 Mid-Willamette Valley Council of Governments

Prepared by: LH	Date: May 11, 2001	Revision: 1
--------------------	-----------------------	----------------

Filepath:
 R:\common\natural\wv\wellands\hubbard_hv\hub4.mxd

HUBBARD



Mid-Willamette Valley
 Council of Governments
 105 High Street SE
 Salem, OR 97301-3367
 Phone: (503) 589-6177
 Fax: (503) 589-6094
 mwwvg@open.org
 www.mwwvg.org



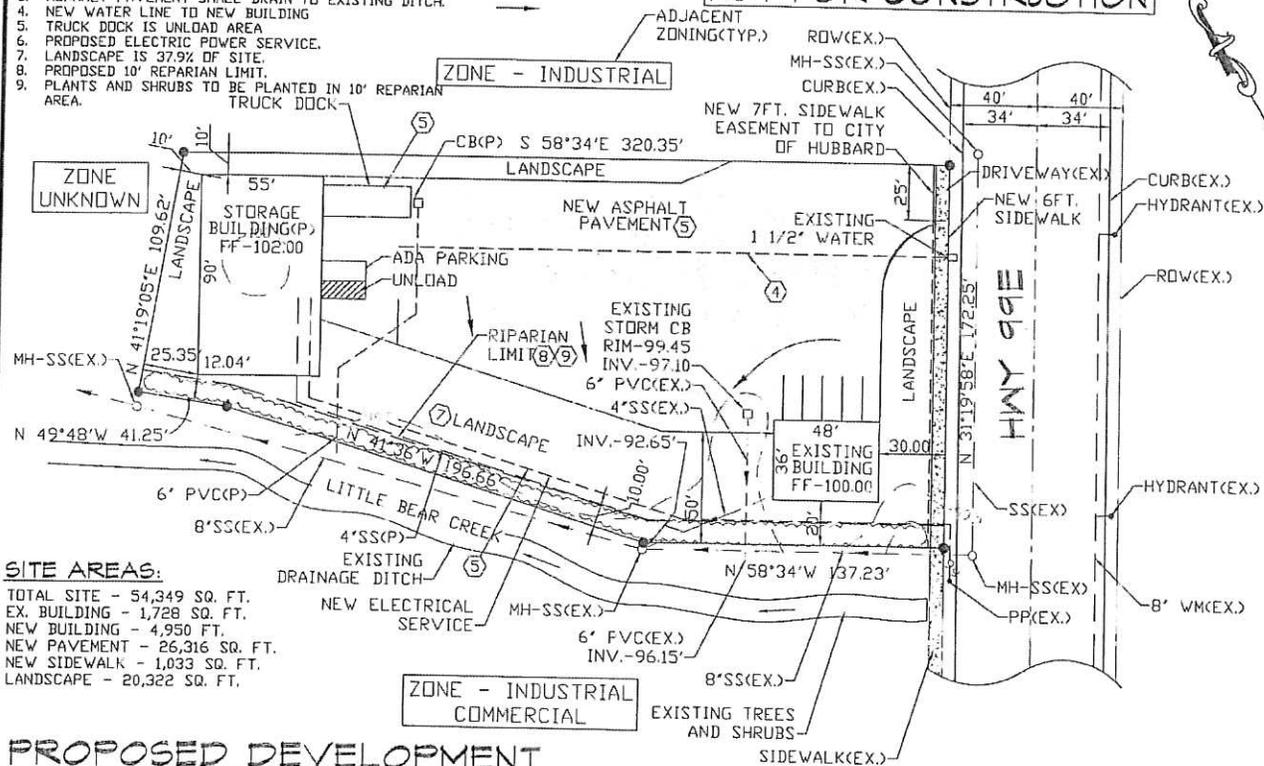
400' 0 400' Feet

Note: Point Coordinates: Oregon State
 North American Datum, 1983

SITE NOTES:

1. INDUSTRIAL SIDE SETBACK - 10FT.
2. INDUSTRIAL REAR SETBACK - 10FT.
3. ASPHALT PAVEMENT SHALL DRAIN TO EXISTING DITCH.
4. NEW WATER LINE TO NEW BUILDING
5. TRUCK DDCK IS UNLOAD AREA
6. PROPOSED ELECTRIC POWER SERVICE.
7. LANDSCAPE IS 37.9% OF SITE.
8. PROPOSED 10' RIPARIAN LIMIT.
9. PLANTS AND SHRUBS TO BE PLANTED IN 10' RIPARIAN AREA.

**FOR TYPE I REVIEW
NOT FOR CONSTRUCTION**



SITE AREAS:

TOTAL SITE - 54,349 SQ. FT.
 EX. BUILDING - 1,728 SQ. FT.
 NEW BUILDING - 4,950 FT.
 NEW PAVEMENT - 26,316 SQ. FT.
 NEW SIDEWALK - 1,033 SQ. FT.
 LANDSCAPE - 20,322 SQ. FT.

**PROPOSED DEVELOPMENT
SITE PLAN**

SCALE: 1" = 40'

CONSTRUCTION SCHEDULE

PLANNING AND PERMIT PROCESS - NOVEMBER, 2015 - FEBRUARY, 2016
 CONSTRUCTION COMPLETE - JULY, 2016

ENGINEER:
 WILHELMETTE ENGINEERING INC.
 1310 BOX 5123
 SALEM, OREGON 97305
 PH: 503-304-0905
 FAX: 503-304-9512

PROPOSED DEVELOPMENT FOR
 TYPE I PLAN REVIEW

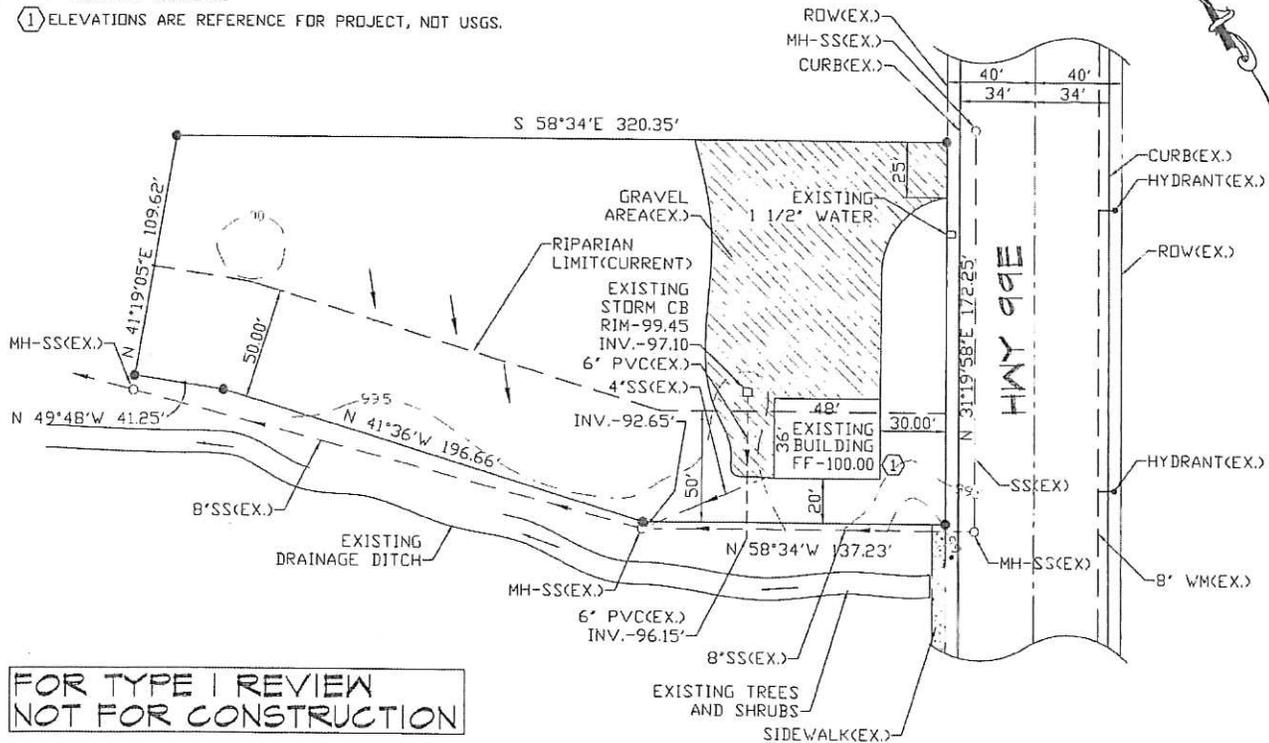
BUILDING ADDITION
 2025 PACIFIC HIGHWAY 99E
 HUBBARD, OR. 97023

DESIGNED BY	DPH
DRAWN BY	DPH
DATE	11-11-15
JOB NO.	2-115-115
SHEET NO.	02
TOTAL SHEETS	0

SITE NOTES:

AREA - 54,349 SQ. FT. = 1.25 ACRES
 ZONE - IC - INDUSTRIAL COMMERCIAL
 ——— EXISTING DRAINAGE

(1) ELEVATIONS ARE REFERENCE FOR PROJECT, NOT USGS.



**FOR TYPE I REVIEW
 NOT FOR CONSTRUCTION**

EXISTING SITE PLAN

SCALE: 1" = 40'

ENGINEER:
 WILLAMETTE ENGINEERING INC.
 P.O. BOX 9032
 SALEM, OREGON 97305
 PH: 503-304-0905
 FAX: 503-304-9512

EXISTING CONDITIONS
 TYPE I SITE
 PLAN REVIEW

BUILDING ADDITION
 2625 PACIFIC HIGHWAY 99E
 HUBBARD, OR 97032

DESIGNED BY	JPH
DRAWN BY	MCT
DATE	11-24-15
SCALE	20' = 1" (1/2)
PROJECT NO.	
DATE	
REV.	

May 28, 2016

Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200
Salem, OR 97301

ATT: **Laura LaRoque**

Subject: **Variance Request (VAR 2016-02)**
62625 Pacific Highway 99E
Hubbard, Or

Dear Ms. LaRoque:

This letter is to provide the additional information indicated in your email dated May 25, 2016 concerning Hubbard Variance Request (VAR 2016-02) for 2625 Pacific Highway 99E in Hubbard. Below is the additional information for Items d through h.

d. *The extent of vegetation removal proposed;*

Response - No existing vegetation will be removed. All existing vegetation is from top of bank down to creek. This bank area is within the proposed 10' wide riparian corridor.

e. *Characteristics of existing vegetation (types, density);*

Response - No existing vegetation will be removed. The area within the 40' of removed riparian way is graveled.

f. *Any proposed alterations of topography or drainage patterns,*

Response - ODFW recommends that a vegetated swale be constructed. This will slightly adjust the topography due to swale contours. However the major topography will not change and the drainage patterns will remain the same as existing.

g. *Existing uses on the property and any potential impacts they could have on riparian resources, and*

Response - The property is being used by wholesale Nursery Business. The property is used for storage and warehousing nursery supplies.

All traffic and activity is outside the proposed 10' Riparian Corridor. The nursery business has no impact on the riparian corridor.

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: DB 2015-05
DATE: 11/4/15
FEE: 3000
RECEIPT NO: 1,000136

APPLICANT: Kevin Chappelle

MAILING ADDRESS: 5892 Fruitland RD N.E. Salem 97317

PHONE: 503-871-2165 EMAIL ADDRESS: KevinChappelle@aol.com

OWNER(S) (If different from above): _____

PHONE: _____ EMAIL ADDRESS: _____

ADDRESS: ^{Job} 2625^{prop} Hwy 99 E Hubbard OR.

PROPOSED STRUCTURE/IMPROVEMENT: Warehouse

SQUARE FOOTAGE: 5,000 +/-

ESTIMATED VALUE OF STRUCTURE/IMPROVEMENT: 250,000

PROPERTY DESCRIPTION:

ADDRESS: 2625 Hwy 99 E Hubbard OR

MAP PAGE AND TAX LOT NO: 041W330C ZONE: IC

CURRENT USE/STRUCTURES: Storage/Warehouse SQUARE FOOTAGE OF SITE: 54,450 +/-

ZONE: IC

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;

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.

Handwritten signature of K. Chappell
Applicants Signature

Nov 24 2015
Date

- 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.)

11-24-15
Date

Kevin Chappell
Applicant

11-24-15
Date

Kevin Chappell
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.

04 1W 33DC
HUBBARD



MARION COUNTY, OREGON
SW1/4 SE1/4 SEC33 T4S R1W W.M.
SCALE 1" = 100'

LEGEND

LINE TYPES

- Taxlot Boundary
- Historical Boundary
- Flow of Flight of Way
- Road Right-of-Way
- Railroad Right-of-Way
- Private Road ROW
- Subdividing Line
- Waterline - Lot Bury
- Waterline - Non Bury

SYMBOL TYPES

- Survey Monument
- 1/16TH Section Cor
- 1/4 Section Cor
- 1/2 Section Cor
- 3/4 Section Cor
- Section Corner
- 16, 15
- 21, 22

NUMBERS

Box Code Number
0000 00 00 0

Acreage All acres listed are Net Acres, excluding any portions of the lot or when public ROWs.

NOTES

Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right of ways.

CANCELLED NUMBERS

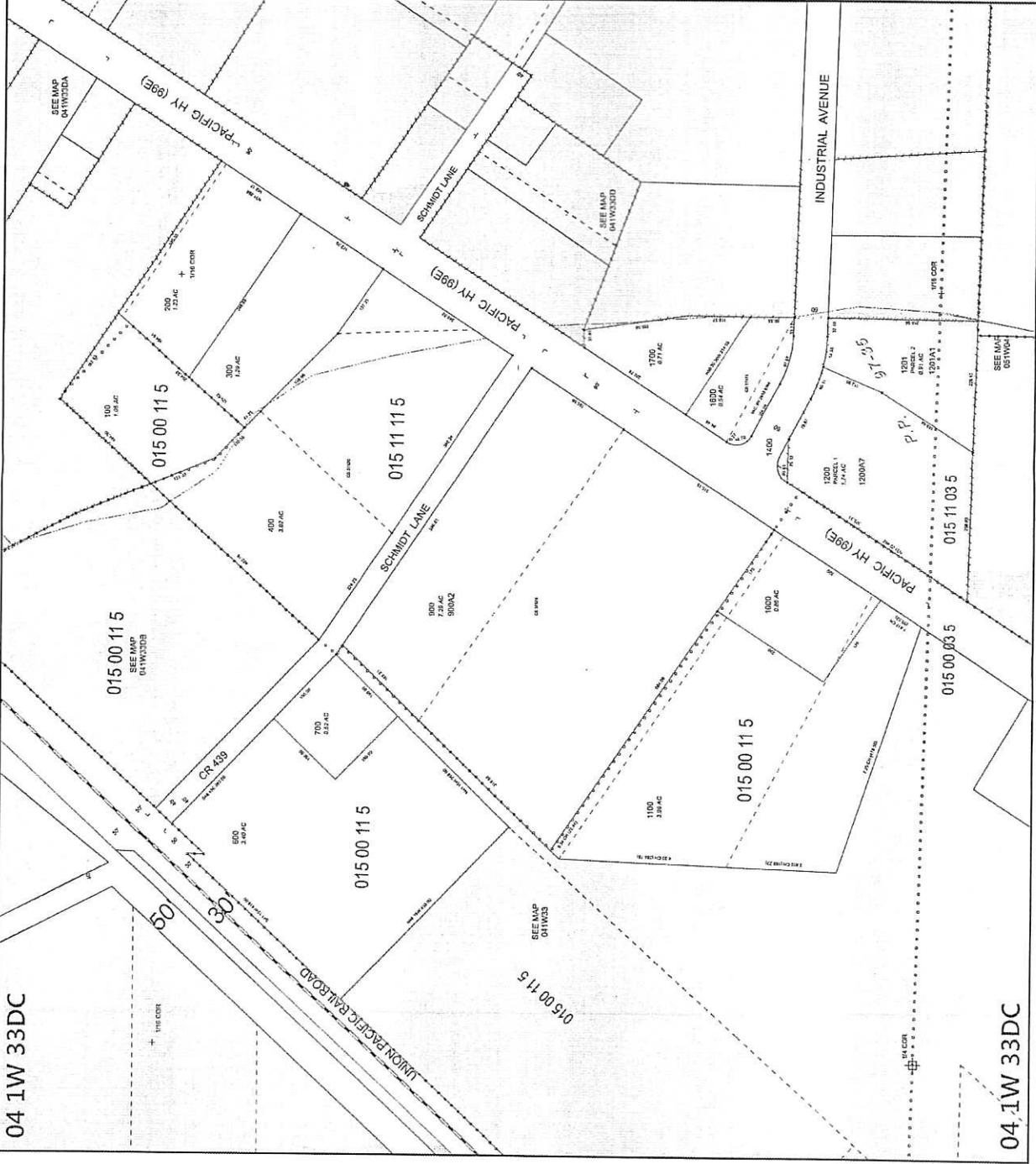
500
600A1
1200A1
1200A2
1200A3
1200A4
1200A5
1200A6
1200A7
1200A8
1200A9
1200A0

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Assessors Office
Geography Dept
www.co.marion.or.us

PLOT DATE: 10/09/2015

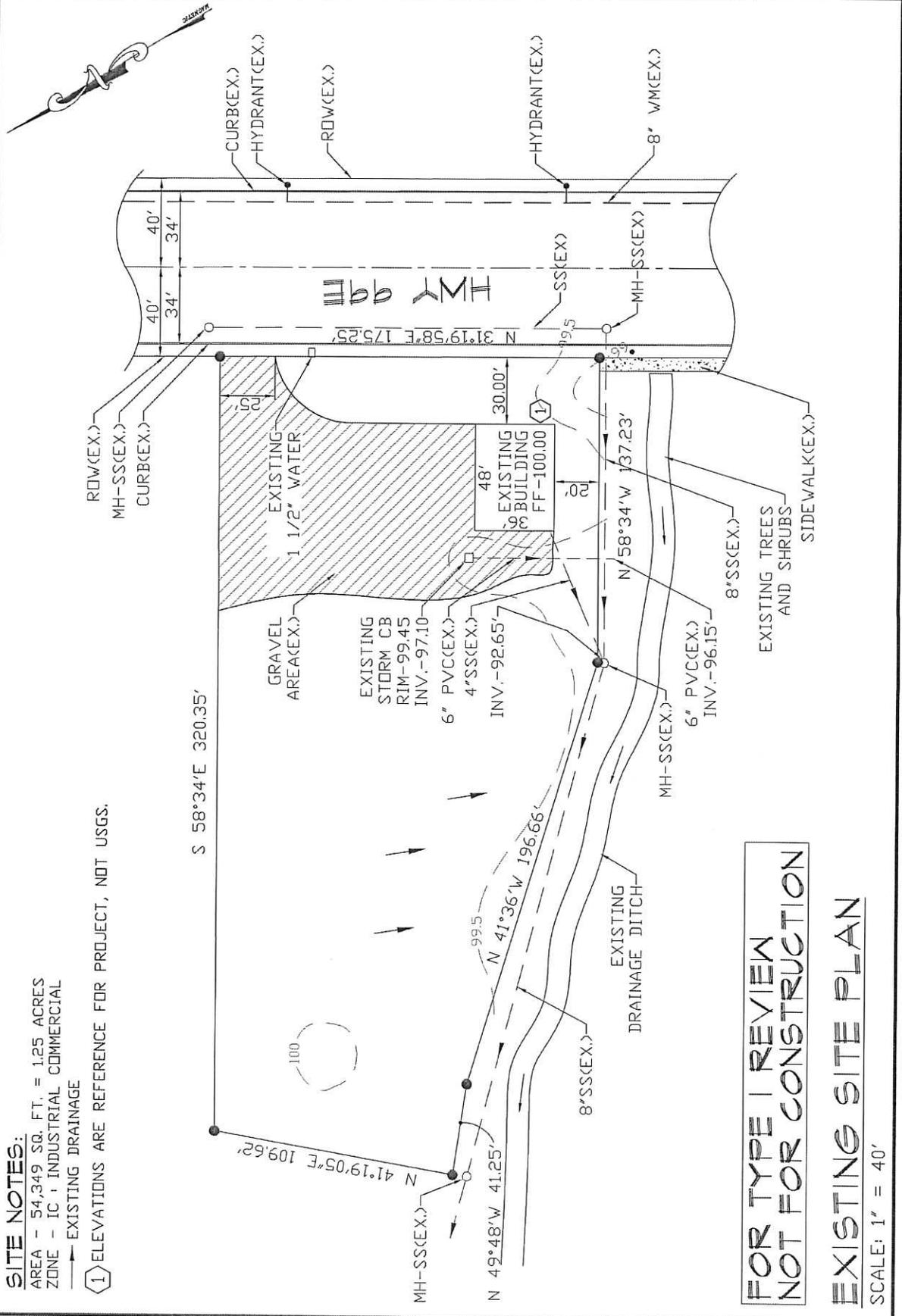
HUBBARD
04 1W 33DC



SITE NOTES:

AREA - 54,349 SQ. FT. = 1.25 ACRES
 ZONE - IC - INDUSTRIAL COMMERCIAL
 → EXISTING DRAINAGE

① ELEVATIONS ARE REFERENCE FOR PROJECT, NOT USGS.



**FOR TYPE I REVIEW
 NOT FOR CONSTRUCTION**

EXISTING SITE PLAN

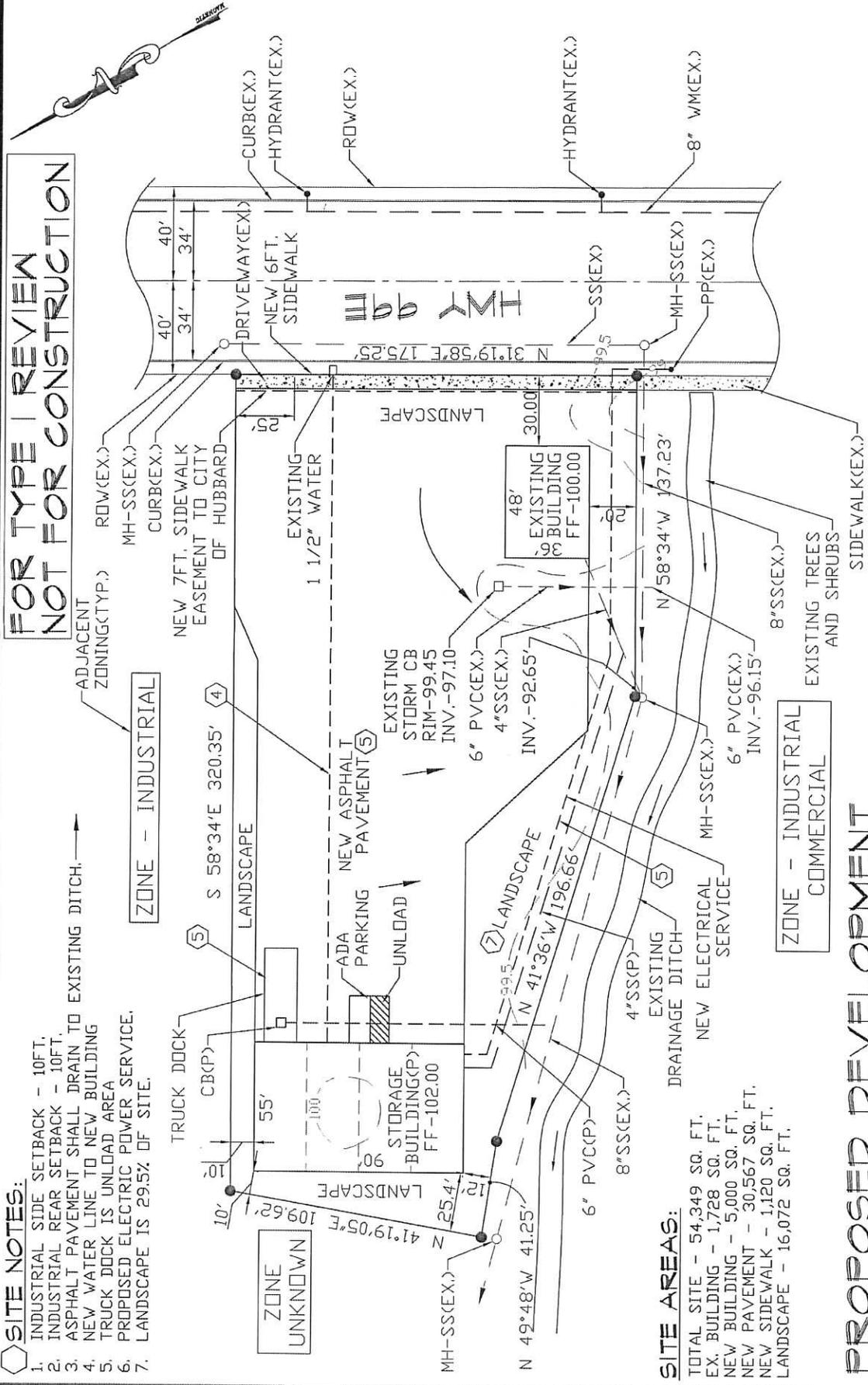
SCALE: 1" = 40'

ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512	TYPE I SITE PLAN REVIEW	BUILDING ADDITION 2635 PACIFIC HIGHWAY 99E SALEM, OR 97305	DESIGNED BY: GPH
			DRAWN BY: MCF
		DATE: 11-24-15	SHEET NO: 2015-115
		CLIENT TAG:	DRAWING NO.:
		010	

SITE NOTES:

1. INDUSTRIAL SIDE SETBACK - 10FT.
2. INDUSTRIAL REAR SETBACK - 10FT.
3. ASPHALT PAVEMENT SHALL DRAIN TO EXISTING DITCH.
4. NEW WATER LINE TO NEW BUILDING
5. TRUCK DOCK IS UNLOAD AREA
6. PROPOSED ELECTRIC POWER SERVICE.
7. LANDSCAPE IS 29.5% OF SITE.

**FOR TYPE I REVIEW
NOT FOR CONSTRUCTION**



ZONE - INDUSTRIAL

**ZONE - INDUSTRIAL
COMMERCIAL**

SITE AREAS:

- TOTAL SITE - 54,349 SQ. FT.
- EX. BUILDING - 1,728 SQ. FT.
- NEW BUILDING - 5,000 SQ. FT.
- NEW PAVEMENT - 30,567 SQ. FT.
- NEW SIDEWALK - 1,120 SQ. FT.
- LANDSCAPE - 16,072 SQ. FT.

PROPOSED DEVELOPMENT

SITE PLAN

SCALE: 1" = 40'

CONSTRUCTION SCHEDULE

PLANNING AND PERMIT PROCESS - NOVEMBER, 2015 - FEBRUARY, 2016
CONSTRUCTION COMPLETE - JULY, 2016

ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512

PROPOSED DEVELOPMENT FORM TYPE I PLAN REVIEW

BUILDING ADDITION

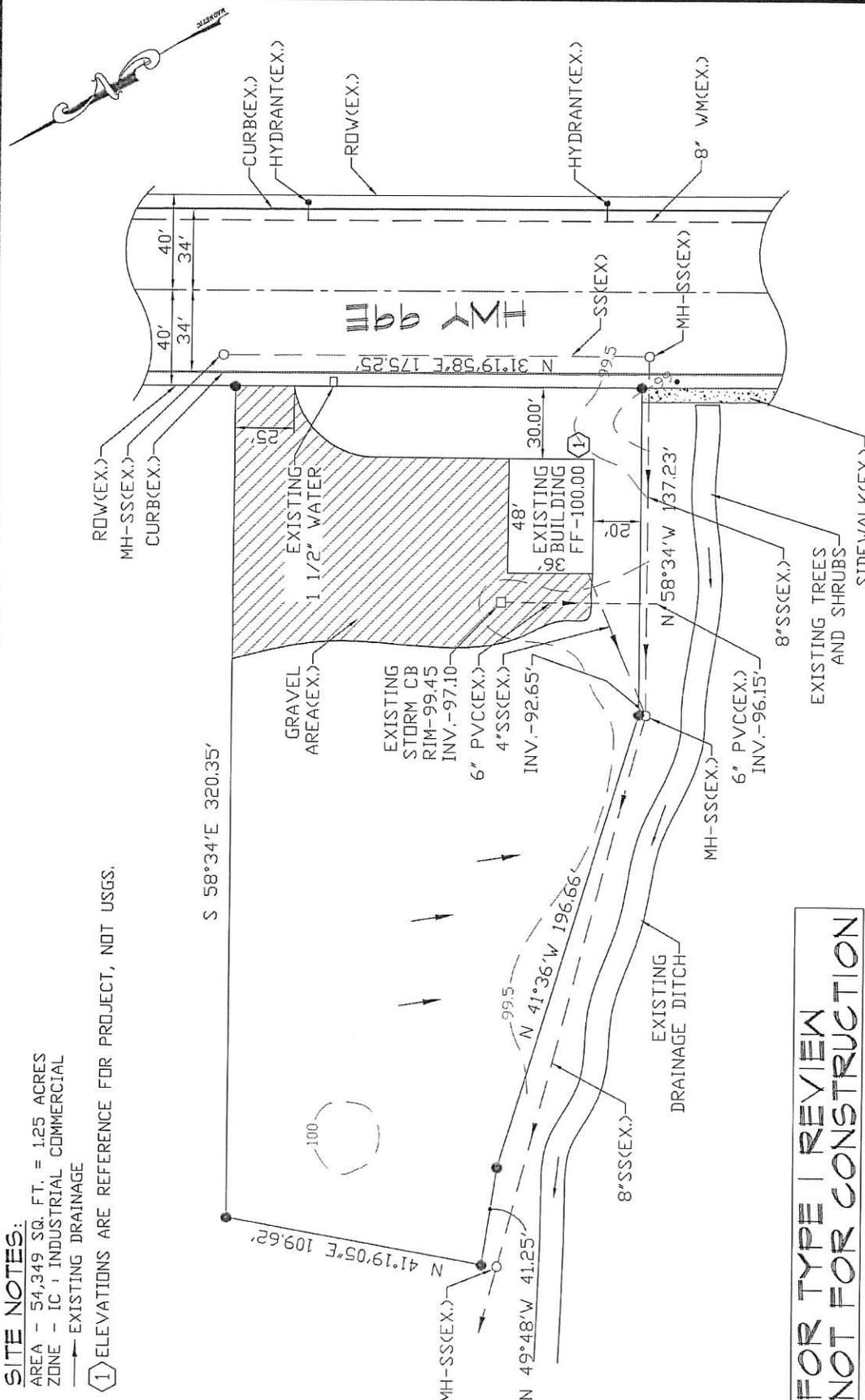
2639 PACIFIC HIGHWAY 99E SALEM, OR 97305

DESIGNED BY: GPH
DRAWN BY: MCF
DATE: 11-24-15
JOB NO: 2015-115
CLIENT NO:
DRAWING NO: 020

SITE NOTES:

AREA - 54,349 SQ. FT. = 1.25 ACRES
 ZONE - IC - INDUSTRIAL COMMERCIAL
 → EXISTING DRAINAGE

① ELEVATIONS ARE REFERENCE FOR PROJECT, NOT USGS.



**FOR TYPE I REVIEW
 NOT FOR CONSTRUCTION**

EXISTING SITE PLAN

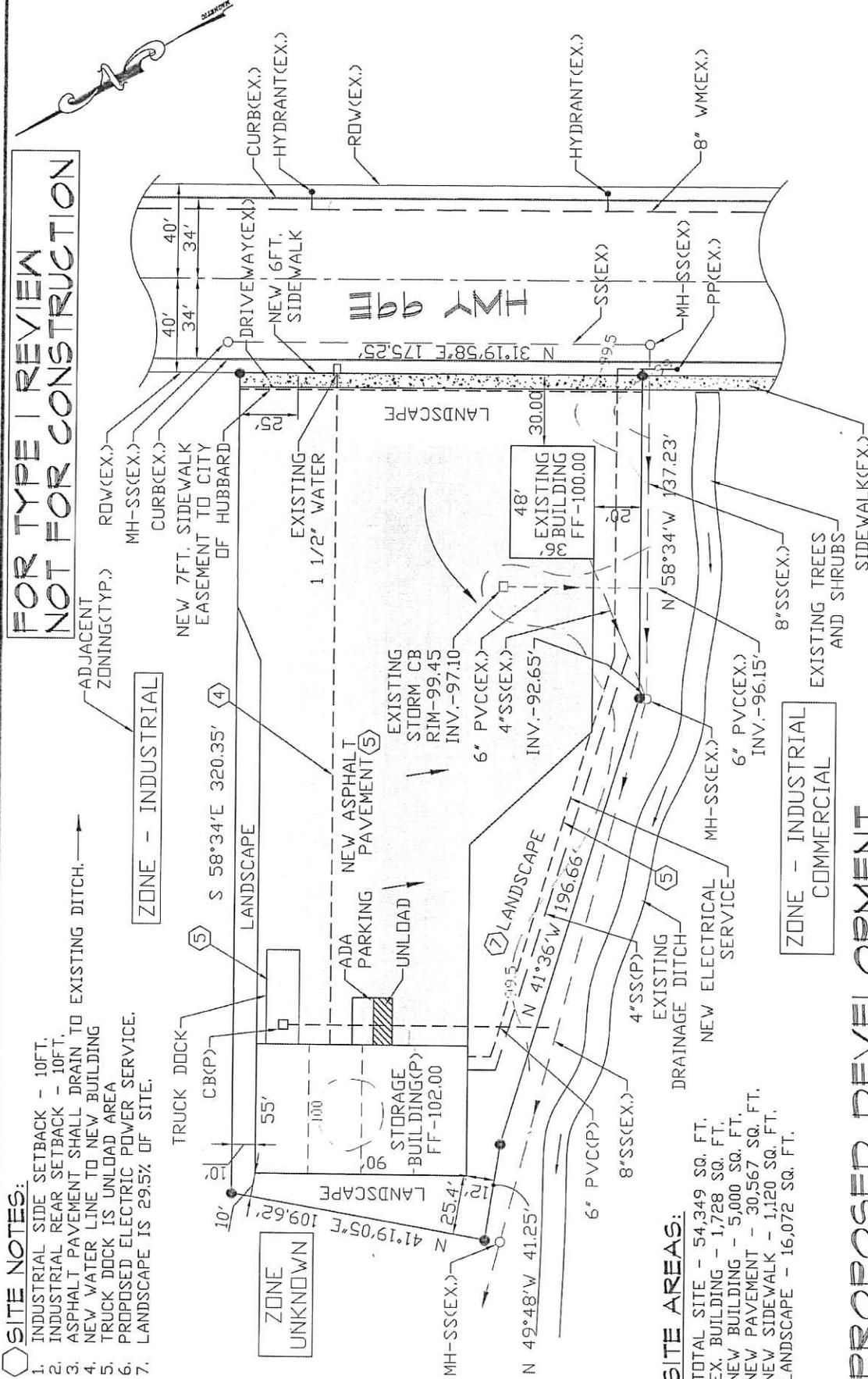
SCALE: 1" = 40'

ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512	EXISTING CONDITIONS TYPE I SITE PLAN REVIEW	BUILDING ADDITION 2655 PACIFIC HIGHWAY 99E SALEM, OR 97305	DESIGNED BY: GPH DRAWN BY: MCF
	DATE: 11-24-13 JOB NO.: 2015-115 CLIENT NO.:	DRAWING NO.: 010	REV:

SITE NOTES:

1. INDUSTRIAL SIDE SETBACK - 10FT.
2. INDUSTRIAL REAR SETBACK - 10FT.
3. ASPHALT PAVEMENT SHALL DRAIN TO EXISTING DITCH.
4. NEW WATER LINE TO NEW BUILDING
5. TRUCK DOCK IS UNLOAD AREA
6. PROPOSED ELECTRIC POWER SERVICE.
7. LANDSCAPE IS 29.5% OF SITE.

**FOR TYPE I REVIEW
NOT FOR CONSTRUCTION**



SITE AREAS:

- TOTAL SITE - 54,349 SQ. FT.
- EX. BUILDING - 1,728 SQ. FT.
- NEW BUILDING - 5,000 SQ. FT.
- NEW PAVEMENT - 30,567 SQ. FT.
- NEW SIDEWALK - 1,120 SQ. FT.
- LANDSCAPE - 16,072 SQ. FT.

PROPOSED DEVELOPMENT

SITE PLAN

SCALE: 1" = 40'

CONSTRUCTION SCHEDULE

PLANNING AND PERMIT PROCESS - NOVEMBER, 2015 - FEBRUARY, 2016
CONSTRUCTION COMPLETE - JULY, 2016

ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512

PROPOSED DEVELOPMENT FOR TYPE I PLAN REVIEW

BUILDING ADDITION

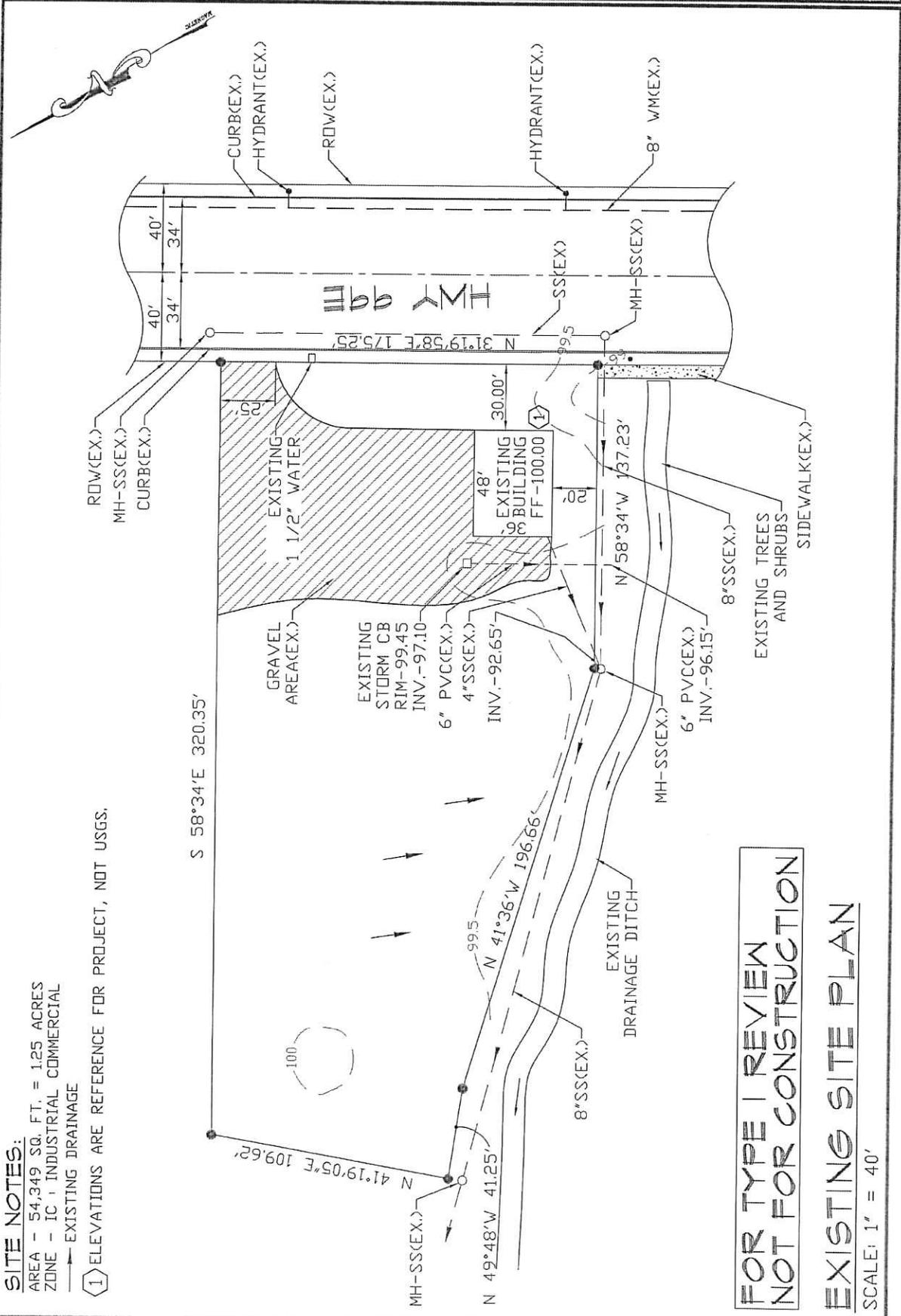
2635 PACIFIC HIGHWAY 94E SALEM, OR 97305

DESIGNED BY: GPH
DRAWN BY: MCF
DATE: 11-24-15
JOB NO: 2015-115
CLIENT NO:
DRAWING NO: **C2**

SITE NOTES:

AREA - 54,349 SQ. FT. = 1.25 ACRES
 ZONE - IC - INDUSTRIAL COMMERCIAL
 → EXISTING DRAINAGE

(1) ELEVATIONS ARE REFERENCE FOR PROJECT, NOT USGS.



**FOR TYPE I REVIEW
 NOT FOR CONSTRUCTION**

EXISTING SITE PLAN

SCALE: 1" = 40'

ENGINEER:
 WILLAMETTE ENGINEERING INC.
 P.O. BOX 9032
 SALEM, OREGON 97305
 PH: 503-304-0905
 FAX: 503-304-9512

EXISTING CONDITIONS
 TYPE I SITE
 PLAN REVIEW

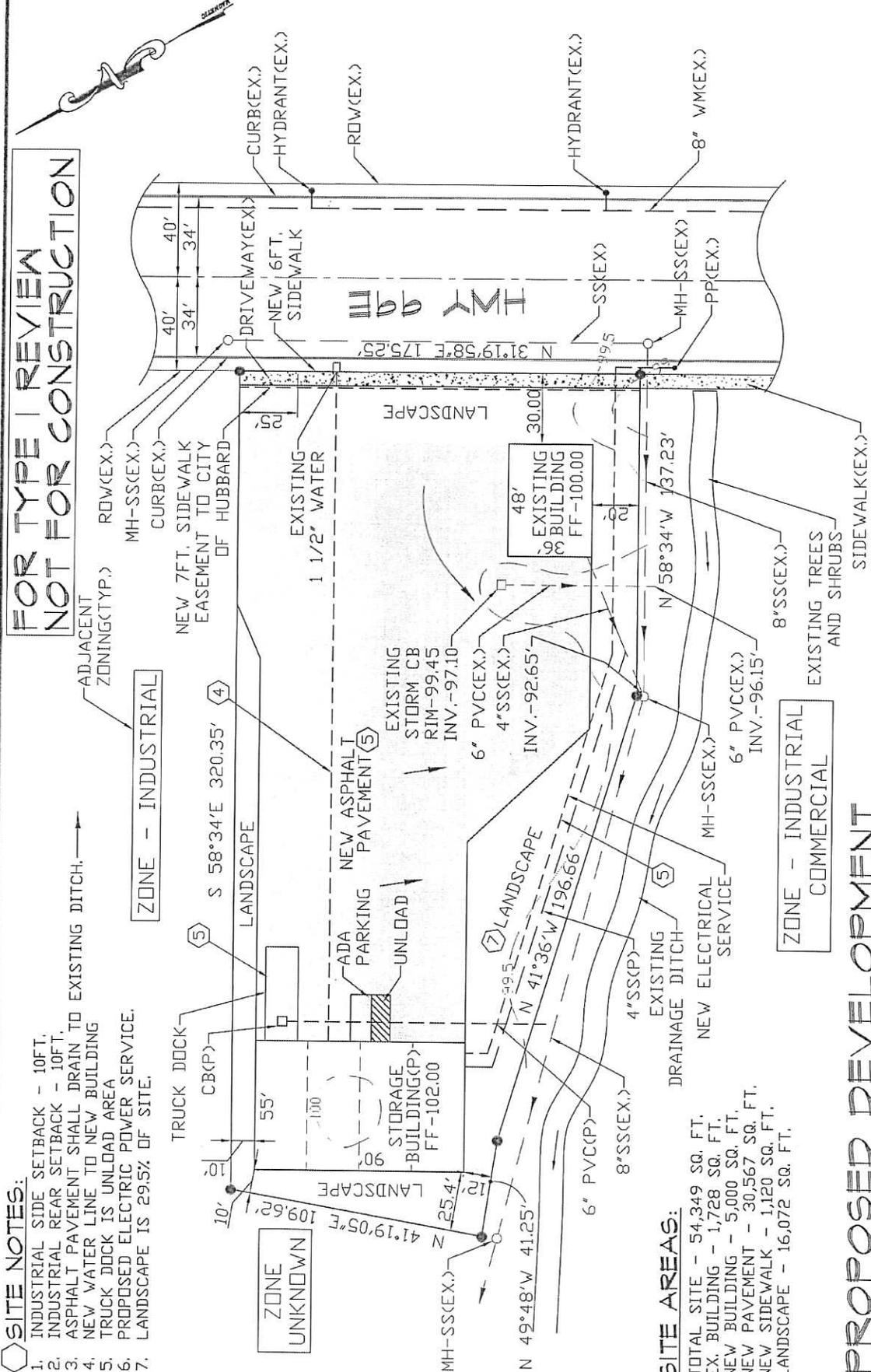
BUILDING ADDITION
 2635 PACIFIC HIGHWAY 99E
 SALEM, OR 97305

DESIGNED BY:	GPH
DRAWN BY:	MCF
DATE:	11-24-15
JOB NO.:	2015-115
CLIENT NO.:	
DRAWING NO.:	010

SITE NOTES:

1. INDUSTRIAL SIDE SETBACK - 10FT.
2. INDUSTRIAL REAR SETBACK - 10FT.
3. ASPHALT PAVEMENT SHALL DRAIN TO EXISTING DITCH.
4. NEW WATER LINE TO NEW BUILDING
5. TRUCK DOCK IS UNLOAD AREA
6. PROPOSED ELECTRIC POWER SERVICE.
7. LANDSCAPE IS 29.5% OF SITE.

**FOR TYPE I REVIEW
NOT FOR CONSTRUCTION**



SITE AREAS:

- TOTAL SITE - 54,349 SQ. FT.
- EX. BUILDING - 1,728 SQ. FT.
- NEW BUILDING - 5,000 SQ. FT.
- NEW PAVEMENT - 30,567 SQ. FT.
- NEW SIDEWALK - 1,120 SQ. FT.
- LANDSCAPE - 16,072 SQ. FT.

**PROPOSED DEVELOPMENT
SITE PLAN**

SCALE: 1" = 40'

CONSTRUCTION SCHEDULE

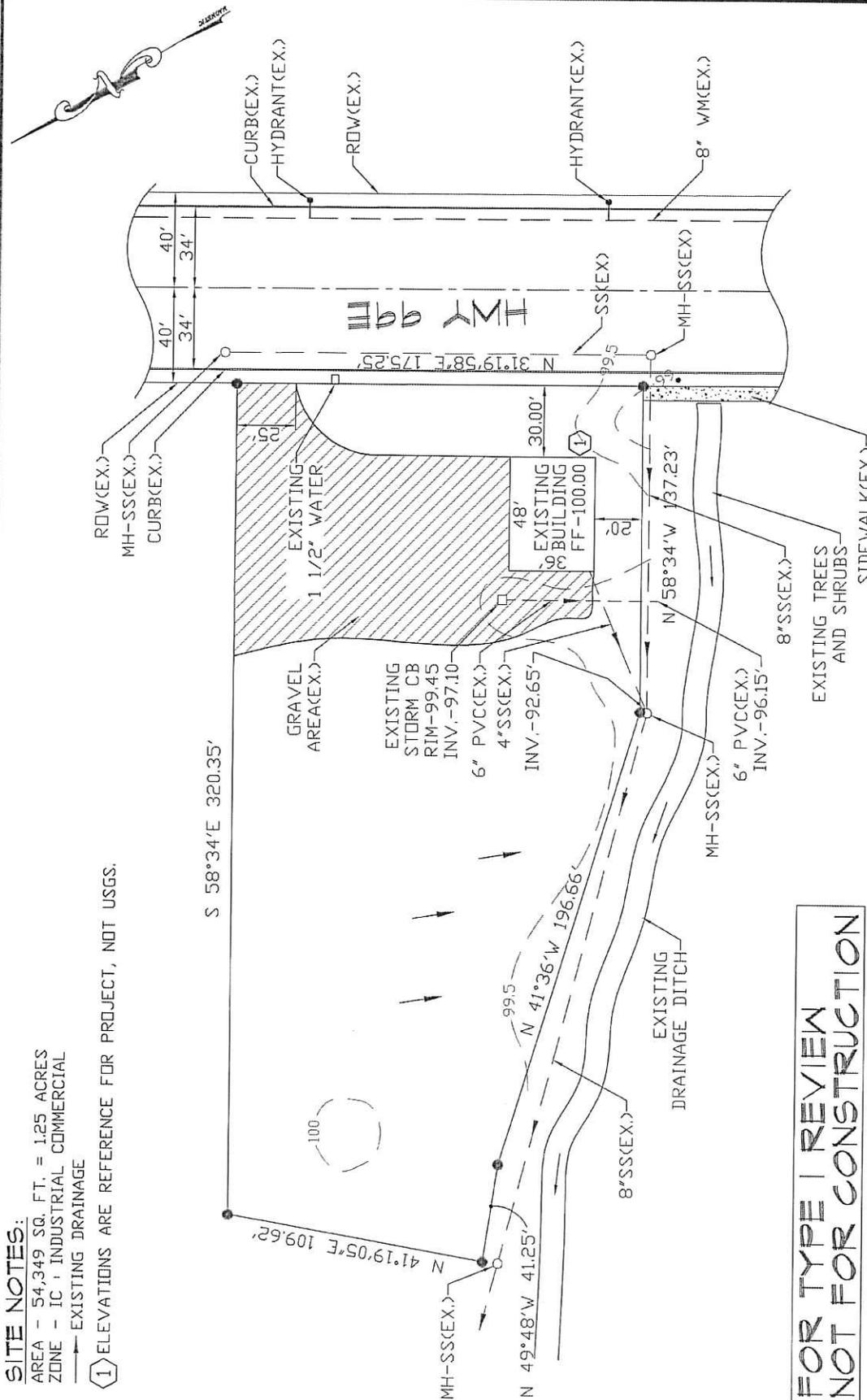
PLANNING AND PERMIT PROCESS - NOVEMBER, 2015 - FEBRUARY, 2016
CONSTRUCTION COMPLETE - JULY, 2016

ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512	PROPOSED DEVELOPMENT FOR TYPE I PLAN REVIEW	BUILDING ADDITION 2635 PACIFIC HIGHWAY 44E SALEM, OR 97305	DESIGNED BY: GPH DRAWN BY: MCF DATE: 11-24-15 JOB NO.: 2015-115 CLIENT NO.: DRAWING NO.: 020
---	---	--	---

SITE NOTES:

AREA - 54,349 SQ. FT. = 1.25 ACRES
 ZONE - IC - INDUSTRIAL COMMERCIAL
 → EXISTING DRAINAGE

① ELEVATIONS ARE REFERENCE FOR PROJECT, NOT USGS.



**FOR TYPE I REVIEW
 NOT FOR CONSTRUCTION**

EXISTING SITE PLAN

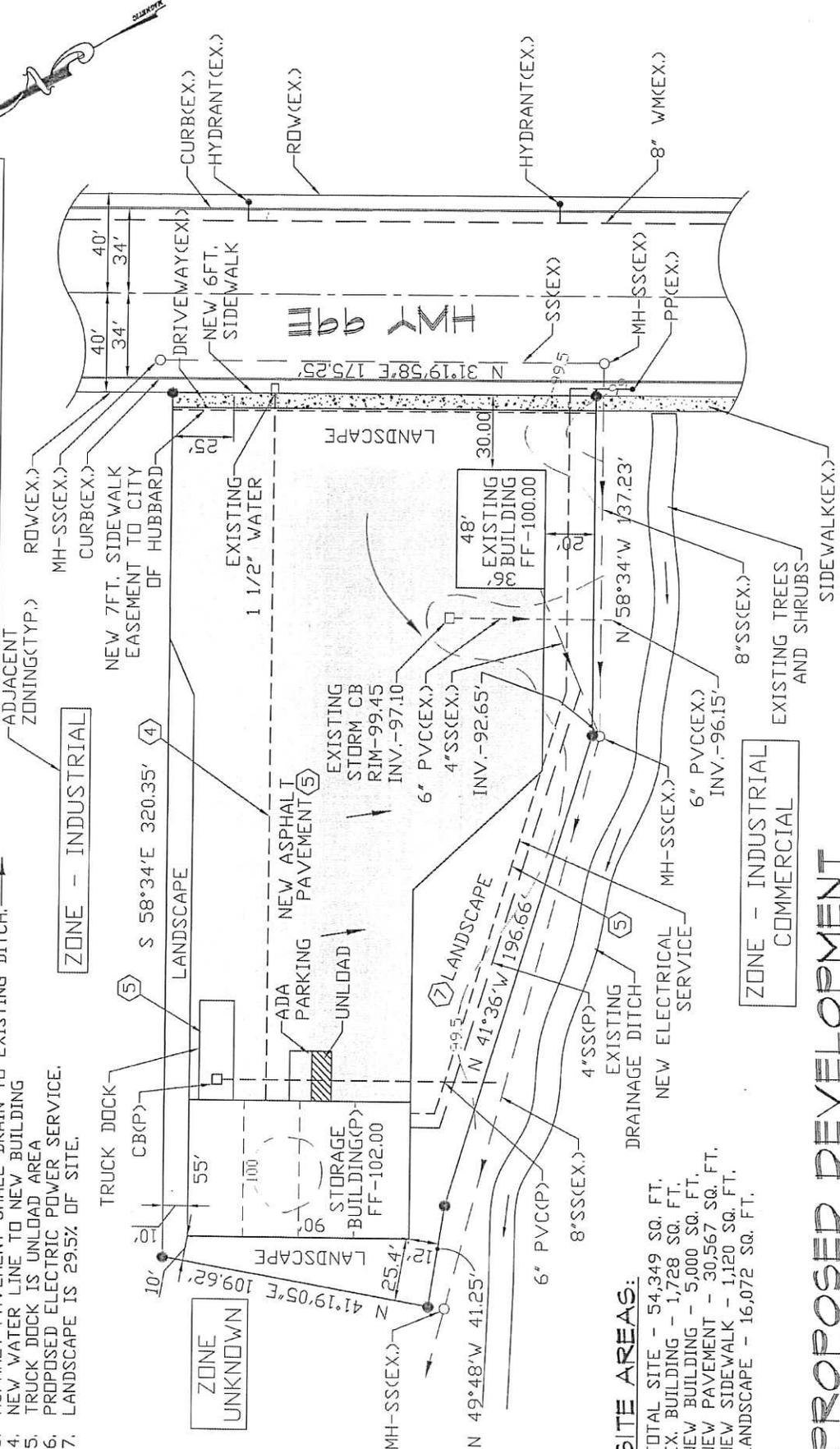
SCALE: 1" = 40'

ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512	EXISTING CONDITIONS TYPE I SITE PLAN REVIEW	2655 PACIFIC HIGHWAY 99E SALEM, OR 97305	DESIGNED BY: GPII DRAWN BY: HCF
	BUILDING ADDITION	DATE: 11-24-15 CIP NO: 2015-115 CLIENT NO:	REV: 0 01

SITE NOTES:

1. INDUSTRIAL SIDE SETBACK - 10FT.
2. INDUSTRIAL REAR SETBACK - 10FT.
3. ASPHALT PAVEMENT SHALL DRAIN TO EXISTING DITCH.
4. NEW WATER LINE TO NEW BUILDING
5. TRUCK DOCK IS UNLOAD AREA
6. PROPOSED ELECTRIC POWER SERVICE.
7. LANDSCAPE IS 29.5% OF SITE.

**FOR TYPE I REVIEW
NOT FOR CONSTRUCTION**



SITE AREAS:

- TOTAL SITE - 54,349 SQ. FT.
- EX. BUILDING - 1,728 SQ. FT.
- NEW BUILDING - 5,000 SQ. FT.
- NEW ASPHALT PAVEMENT - 30,567 SQ. FT.
- NEW SIDEWALK - 1,120 SQ. FT.
- LANDSCAPE - 16,072 SQ. FT.

PROPOSED DEVELOPMENT

SITE PLAN

SCALE: 1" = 40'

CONSTRUCTION SCHEDULE

PLANNING AND PERMIT PROCESS - NOVEMBER, 2015 - FEBRUARY, 2016
CONSTRUCTION COMPLETE - JULY, 2016

ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512

PROPOSED DEVELOPMENT FOR TYPE I PLAN REVIEW

BUILDING ADDITION

2635 PACIFIC HIGHWAY 44B SALEM, OR 97305

DESIGNED BY: GPH
DRAWN BY: MCF
DATE: 11-24-15
JOB NO: 2015-115
CLIENT NO:
DRAWING NO: **C2**

Shearer, Joseph

From: Kevin Chappelle <kevinchappelle@aim.com>
Sent: Sunday, January 17, 2016 10:10 AM
To: Shearer, Joseph
Subject: Kevin Chappelle - Hubbard

Joseph,

Sorry it has taken me so long to get back to you; between vacations and the holidays, I have been a little busy! I hope we can still get to this reviewed at the January City of Hubbard's monthly meeting.

The purpose of the proposed new building construction at 2625 Hwy 99E, Hubbard is because the business adjoining my property to the north, commonly know as 2655 Hwy 99E (/leased/owned by Nursery Connection/Leasing Connection), has been renting my property 2625 Hwy 99E since 2010. Their business has been in Hubbard at this address for a long time; they were at this location when we bought the property in 1991. They use both theirs and our location as a distribution warehouse currently. They have bulk products coming in that are mainly pots and bagged soil mix and amendments. They distribute to the local nurseries from this location. They make their own pots in the Portland area and bring them to this location to sell to local nurseries. They also stock soil that is more weather sensitive and needs to be under cover.

Right now they are in need of additional dry storage because their warehouse is not big enough and they have no room to build on their property. They would rather not relocate their business. We come to an agreement for me to build this building we are referring to on my property (2625 Hwy 99E) in return for a longer term lease agreement to them.

The owners of Nursery Connection said:

1. The amount of cars and truck's will not significantly change
2. The number of employees will not significantly change
3. The highway access is ok the way is currently is
4. The hours of operation for Nursery Connection are typically 8:00 am to 5 pm Monday through Friday.
5. Nursery Connection is a wholesale nursery supply company.

We may put a truck loading ramp to this building for forklift convenience to keep things out of the weather. They may want to pave this parking lot, but, we are also evaluating costs to determine if that is feasible now or in the future.

Please call me if you have further questions.

Kevin Chappelle
Brock Construction, Inc.
503.871.2165

SUBMITTED BY: Jaime Estrada
DATE: December 9, 2015
RE: DR #2015-05
Kevin Chappelle-2625 Pacific Hwy. 99E
Storage/Warehouse

1. Backflow prevention devices may be required;
2. Water meter calculations;
3. A drainage plan must be submitted which needs to include the following two elements: 1) erosion; and 2) sediment;
4. Storm drainage calculation must be submitted including detention facilities done by the engineer;
5. DEQ may require erosion and sediment control plan permit, NPDES Permit #1200C;
6. The fire department may require more fire hydrants;
7. An easement is needed for existing fire hydrants;
8. We need complete detailed drawings on all utilities;
9. As-builts, require three (3) paper copies and one electronic file in Arcview/ArcGis 9 format;
10. Landscape plan must be provided for review;
11. Plan required for dealing with disposal of chlorinated water discharge if new fire hydrants are needed;
12. Regulation dealing with work close to Mill Creek (wetlands);
13. Must comply with riparian corridors, section 2.210 of the Development Code;
14. Surveying benchmarks must be used in the city of Hubbard;
15. Sidewalk should be required on property abutting Pacific Hwy. 99E;
16. Light plan should be submitted. For subdivisions, the street light design must be done by PGE engineers;
17. Must contact Marion County for possible location of monuments;
18. Sewer monitoring manhole (Industrial property only);
19. Must obtain permits from Marion County;
20. Must provide a copy of ODOT Access Permit;
21. The applicant shall be responsible for all costs associated with the improvements.
22. 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;
23. All utility work must be in accordance with Hubbard Public Works construction standards;
24. All utility work must be in accordance with the Oregon Health Department and DEQ; and
25. May need to dedicate additional right-of-way on the frontage abutting Pacific Hwy. 99E to comply with the TSP.

pc: Bill Peterson, AKS Engineering & Forestry petersonb@aks-eng.com
Michael Poissant, AKS Engineering & Forestry michaelp@aks-eng.com
Melinda Olinger, Public Works molinger@cityofhubbard.org
Jaime Estrada, Public Works jestrada@cityofhubbard.org
Vickie Nogle, City Recorder vnogle@cityofhubbard.org
Joey Shearer, COG JShearer@mwvcog.org
Lance Lighty, Fire Chief l.lighty@hubbardfire.com

Shearer, Joseph

From: Michael Poissant <michaelp@aks-eng.com>
Sent: Friday, December 18, 2015 10:39 AM
To: Nogle, Vickie; David Dryden; Shearer, Joseph; ODOT-REQUEST FOR COMMENTS (ODOTR2PLANMGR@ODOT.STATE.OR.US); Hubbard Fire Department (l.lighty@hubbardfire.com)
Cc: Shearer, Joseph; Melinda Olinger; Bill Peterson
Subject: RE: REQUEST FOR COMMENTS 2625 PACIFIC HIGHWAY 99E (DR 2015-05/CHAPPELLE)

Vickie –

We concur with the comments provided under separate cover by Jaime Estrada and have the following additional comments.

1. According to the Hubbard Local Wetland Inventory Map there is a mapped wetland/waterway adjacent to the subject property. Applicant to verify there are no wetlands on the subject property.
2. Applicant will be required to obtain easements from the adjacent property owner for any proposed utilities outside of the subject property.
3. Provide master plan demonstrating how access and utility services will be made available to tax lot 100.
4. Oil/water separator is required on the storm drain system prior to discharge.
5. Fill or removal below ordinary high water of Little Bear Creek will require a permit from the Army Corp. of Engineers (ACOE) and/or DSL.
6. Applicant shall provide documentation for establishment of the Little Bear Creek ordinary high water level adjacent to the subject property.
7. The subject property is located within a floodplain so the applicant must analyze Little Bear Creek to determine 100 year flood elevation for the property. Proposed building finish floor must be at least 1 ft. above the 100 year floodplain elevation.
8. Verify all building setbacks with Hubbard code.
9. Right-of-way dedication along Hwy. 99E property frontage will be required to provide 50 feet from centerline in accordance with Hubbard TSP.
10. Applicant must demonstrate driveway width is sufficient to provide for safe truck turning movements.
11. Applicant shall provide a detail for transitioning from the new sidewalk to the existing pavement on Hwy. 99E per ADA standards.
12. A grading and drainage plan must be provided including building roof drain connections.
13. Backflow device is required for domestic and irrigation systems.
14. City fire hydrant must be provided on the subject property side of Hwy. 99E within acceptable distance required by Hubbard Fire.
15. Applicant shall verify sanitary sewer system has sufficient depth to serve the proposed building by gravity.
16. Building address signage must be clearly visible from Hwy. 99E. Applicant must coordinate with Hubbard Fire and Police.
17. Clear illuminated pedestrian walkway must be provided from Hwy. 99E to the building per ADA standards.
18. Parking plan must be submitted that is adequate for the proposed and existing buildings.
19. Applicant shall comply with Oregon's Removal-Fill Law (ORS 196.795-990) for any planned removal or fill activity within waters of the state.

If you have any questions or need any additional information please let us know.

J. Michael Poissant, P.E., Principal

AKS ENGINEERING & FORESTRY SALEM-KEIZER, LLC

P: 503.400.6028 Ext. 401 | F: 503.400.7722 | www.aks-eng.com | michaelp@aks-eng.com

From: Vickie Nogle [mailto:vnogle@cityofhubbard.org]

Sent: Monday, November 30, 2015 5:08 PM

To: David Dryden <ddryden@cityofhubbard.org>; jshearer@mwvcog.org; Michael Poissant <michaelp@aks-eng.com>; ODOT-REQUEST FOR COMMENTS (ODOTR2PLANMGR@ODOT.STATE.OR.US) <ODOTR2PLANMGR@ODOT.STATE.OR.US>; Hubbard Fire Department (l.lighty@hubbardfire.com) <l.lighty@hubbardfire.com>

Cc: jshearer@mwvcog.org

Subject: REQUEST FOR COMMENTS 2625 PACIFIC HIGHWAY 99E (DR 2015-05/CHAPPELLE)

Please see the attached request for comments for site development review application also attached. Please return comments to me and the City Planner Joey Shearer (jshearer@mwvcog.org) by December 28th.

Thank you.

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

"BE THE DREAM" ~John Chaney

City of Hubbard
3720 2nd Street, PO Box 380
Hubbard, OR 97032
503-981-9633
503-981-8743
Mon – Thursday 7AM-5:30PM Closed Fridays

PUBLIC RECORDS LAW DISCLOSURE: This email is subject to the State Retention Schedule and may be made available to the Public.

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

June 13, 2016

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

RE: VA 2016-02 – 2625 Pacific Highway 99E
Kevin Chappelle

Sent by Email Attachment

Dear Vickie:

We have reviewed the variance application for a reduced Riparian Buffer at the above reference property. While it is unclear who has the authority to grant this reduction, we would suggest the variance for a reduced buffer from 50 feet to 10 feet be granted at the existing building on the property. Sufficient justification and evidence for reducing the buffer width for the remainder of the property has not been provided with this application.

Additionally, we agree with ODFW letter asking for vegetated water quality swale and planting of remaining riparian buffer. Any reduction in buffer width should include the following conditions:

- The applicant shall have the location of the Ordinary High Water Mark (OHWM) closest to site development (i.e. north side of creek) flagged.
- Provide a riparian buffer planting plan that has been prepared by a professional / qualified biologist.

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

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



William I. Peterson, P.E.
City Engineer

Attachment: Letter from ODFW Dated 5/13/2016

Cc: Jaime Estrada, Public Works Superintendent, by email attachment



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

North Willamette Watershed District

17330 SE Evelyn Street

Clackamas, OR 97015-9514

(971) 673-6000

(971) 673-6070

odfw.com

May 13, 2016

Kevin Chappelle
5892 Fruitland Rd NE
Salem, OR 97317-3339



RE: 2625 Pacific Highway, Hubbard, OR

Mr. Chappelle,

Thank you for meeting with me the other day to discuss the proposed development of your property located along Pacific Highway (Hwy 99E) in Hubbard. The property is bordered by Little Bear Creek, a highly modified waterway that is a tributary to Mill Creek, a fish bearing tributary of the Pudding River.

The development you proposed will reduce the required setback (buffer width) from 50-feet along the stream to 10-feet so you can construct an asphalt parking area and a storage building. In spite of the current condition of the stream and its associated riparian buffer, we recommend you construct a vegetated swale between the parking area, building, and any other impervious surface to reduce the potential impacts from runoff and any potential contaminants that may be in the water entering the stream. The swale is intended to capture run-off and allow it to infiltrate prior to entering the stream. We also recommend planting native trees and shrubs in the 10-foot buffer along the length of the proposed development. This action can actually improve the benefits the riparian buffer provide by creating shade along the length of the stream channel. The number of trees and shrubs planted should be adequate to provide the intended benefits of shade and stabilization of the stream banks (i.e. 20 trees and 20 shrubs/1000 sq. ft.).

Please call or email back if you have any questions or need assistance developing a planting plan for the site.

Thanks!


Todd Alsbury
District Fish Biologist
ODFW-North Willamette Watershed District

Shearer, Joseph

From: JUSTER Gerard P *Gerry <Gerard.P.JUSTER@odot.state.or.us>
Sent: Tuesday, December 22, 2015 2:40 PM
To: Shearer, Joseph
Cc: NELSON Brian S * Scott; KNECHT Casey; EARL Robert; DRAKE Ray F
Subject: ODOT comments for City of Hubbard land use file number DR 2015-15 (Chappelle)
Attachments: permit and site plan.pdf

Dear Joe,

Thank you for notifying the Oregon Department of Transportation (ODOT) of the Design Review application. This letter is submitted for inclusion in the public hearing record and ODOT should be considered a party to the land use action. Please provide a copy of the land use decision, notice of any time extensions or continuances, to ODOT at the address provided below, or you may provide notice to ODOT via e-mail. Electronic format is preferred.

Planning and Development Manager
Oregon Department of Transportation
Region 2 Headquarters
455 Airport Road SE, Building B
Salem, OR 97301-5395

Electronic documents can be directed to:

ODOTR2PLANMGR@ODOT.STATE.OR.US

ODOT staff has completed a review of the submitted application and has the following comments.

The property abuts the Pacific Highway East, No. 81, State Route OR99E, and is subject to state laws administered by the Oregon Department of Transportation. These laws may require the applicant to obtain one or more state permits to carry out the intended use of the property, or to otherwise comply with state law without need for a permit.

ODOT has reviewed its access permit records and determined there is an existing permit for the common highway access being utilized by Tax Lots 200 and 300. The permit was issued by ODOT in December 1981 for a farm and garden supply business. ODOT could not confirm if the property, and associated tax lots on the site plan, was under common ownership when the permit was issued. A copy of the permit and associated site plan is attached.

An existing access permit to a state highway can be evaluated under OAR 734-051-3020, Change of Use of a Private Connection. The purpose of the Change of Use evaluation is to determine if thresholds are met, based on a change in the traffic volume or, if a demonstrated safety or operational concern exists. If either can be documented by ODOT, the applicant would need to obtain a new access permit. Based on ODOT's evaluation of the applicant's proposal per OAR 734-051-3020, neither would be met. However, ODOT has concerns related to the physical configuration of the existing access, specifically related to turning movements for large trucks.

The existing configuration of the permitted access (see page 3 of the attached access permit) differs from that shown on the site plan that currently serves Tax Lots 200 and 300. There is a fence with attached security gates along the common property line of the two tax lots. This is inconsistent with the site plan ODOT has with its records. In response to this, ODOT recommends either of the following options be pursued.

1. The fence along the common property lines be removed so as to create a common access for the use of Tax Lots 200 and 300, or
2. Construct two separate accesses in a manner that physically delineates each access. Each access shall be designed to accommodate large truck turning movements.

Both of these scenarios can include some means of securing the site with a gate or gates, provided the location of the gate does not create stacking back into the highway roadway area.

If the applicant pursues Option 2 each of the accesses will need to be covered under separate access permits. The applicant would need to submit **An Application for State Highway Approach** (access permit application) for each of the two accesses. The application would be subject to approval criteria in OAR 734-051. Approval of the application will require construction improvements.

Furthermore, if the City of Hubbard requires the applicant to provide frontage improvements along OR99E, inclusive of drainage curb, gutter, planter/landscape strip and sidewalk, they must be consistent with ODOT design standards. Construction plans will need to be submitted to ODOT for review and approval prior to construction.

Please note if the applicant or their contractor is required to occupy state highway right-of-way to provide construction or utility improvements resulting from conditions of approval by the local jurisdiction, a permit will be necessary. The permit can be obtained by contacting Robert Earl, District 3 Senior Permit Specialist at 503.986.2902. The applicant or their contractor shall obtain the permit 30 calendar days prior to commencing any construction or utility improvements with state highway right-of-way.

If you have any questions please feel free to contact me at 503.986.2732.

Thank you,

Gerry Juster

Development Review Coordinator
Oregon Department of Transportation
855 Airport Rd SE, Bldg. Y | Salem, Oregon 97301
Office: 503.986.2732 | FAX: 503.986.2748
e-mail: gerard.p.juster@odot.state.or.us



HIGHWAY DIVISION

APPLICATION AND PERMIT TO CONSTRUCT APPROACH ROAD

Approach Permit No.

27508

Name and Address of Applicant

Sandy Ricksgger
c/o Woodburn Backhoe, Inc.
P.O. Box 563
Woodburn, Oregon 97071
981-6027

Applicant hereby applies to the Department and State Highway Engineer for permission to construct an approach road connection to the west side of the Pacific East Highway No. 1E, Marion County, at Milepoint 29.71, Highway Engineers Station 953+62 as described herein.

Special Provisions

Map Reference 1A-2-36

- 1. Current Rules and Regulations governing Approach Road Permits as adopted by the State of Oregon, Department of Transportation, Highway Division, are by this reference made a part of this permit.
2. The approach(es) shall be constructed in accordance with the Type 5 Approach Road Sketch attached hereto and by this reference made a part hereof.
3. The following additional drawings are attached hereto and by this reference made a part hereof Site Plan - Exhibit A
4. Facility served by approach(es) Farm and Garden Supply
5. Construction of the approach(es) shall commence on or after December 17, 1981, and will be completed on or before June 17, 1982.
6. Applicant or his contractor shall notify the District Engineer, Bob Doran, 2960 State St., P.O. Box 14030, Salem, Oregon 97310, phone 378-2630 prior to commencing work and after completing construction of the approach(es) covered by this permit.
7. This approach will be part of the proposed Hubbard Industrial Park with highway improvements scheduled for 1982. If improvements by the industrial park at this location are not completed at time this business is ready to open, the approach shall be constructed to Approach Road Type 2 standards, 20' wide, 20' radius, 8" of 1 1/2"-0 crushed rock base rock, 4" of 3/4"-0 crushed rock, with minimum of 3" Class 'C' A.C., and 26' of 18" concrete culvert.

Handwritten notes: 12/17/82, 100' x 40' x 10' x 10'

Handwritten note: 1/55

ORIGINAL SIGNED BY KERRY J. DAYTON

Recommended for approval:

District Engineer

Handwritten signature of Regional Engineer

Applicant declares he is the owner or lessee of the real property abutting the above described highway and has the lawful authority to apply for this permit. This permit is issued subject to the terms and provisions contained herein and attached hereto; this permit is accepted and approved by the applicant subject to said terms and provisions.

Applicant Sandy Ricksgger

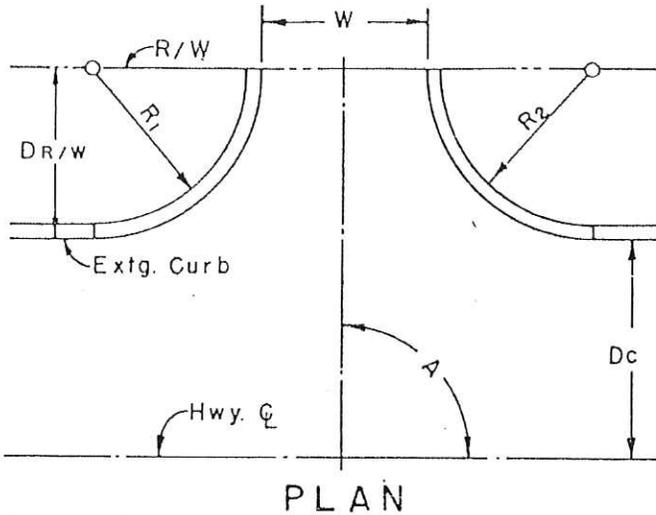
DEPARTMENT OF TRANSPORTATION

By [Handwritten Signature]

By ORIGINAL SIGNED BY GARELD INLOES UTILITY PERMIT SUPERVISOR

Date of Application

Effective Date 12-24-81



The approach covered by this permit shall be constructed in accordance with the following dimensions and specifications.

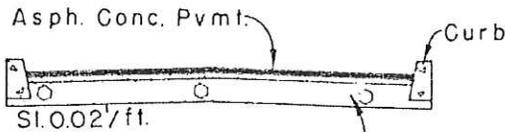
$W = 40'$ $R_1 = 10'$ $R_2 = 10'$ $A = 90^\circ$

$D_c = 34'$ $DR/W = 6'$ Curb Type C

Stone Base : Size & Type 1 1/2"-0 crushed rock
Comp. Thkn. 8 inches

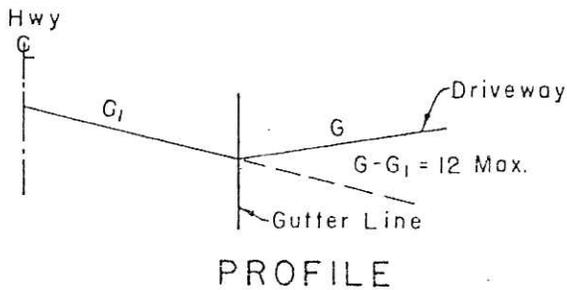
Stone Levelling Course : Size & Type 3/4"-0 crushed rock
Comp. Thkn. 4 inches

A.C. Pvmt. : Class 'C' mix
Comp. Thkn. 4 inches



Stone Base & Levelling Course

APPROACH TYPICAL SECTION



PROFILE

NOTE:

If driveway grade "G" is a minus grade a short vertical roll should be constructed outside gutter line so as to confine drainage in the gutter past the driveway.

NOTE
All material and workmanship shall be in accordance with the current State of Oregon Standard Specification for Highway Construction.



HIGHWAY DIVISION

TYPE 5 APPROACH ROAD
CURBED HIGHWAY

APPLICANT Sandy Ricksgen

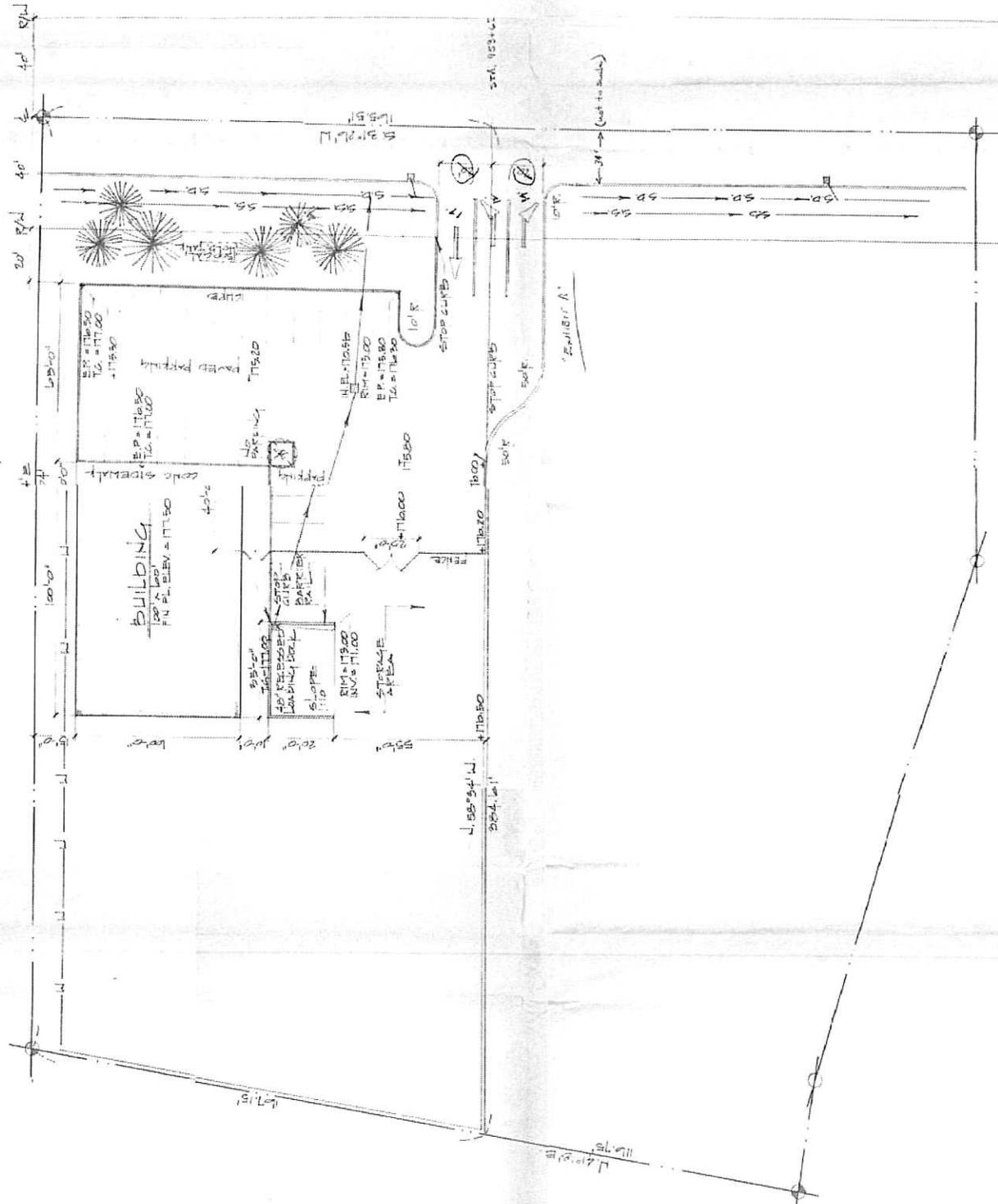
HWY. Pacific East NO. 1E

SIDE OF HWY. west

MILEPOINT 29.71 ENGRS. STA. 953+62

734-3307F (11-80)

PERMIT NO. 27508



OWNER: SANDY RICKSGFP

SITE PLAN

SCALE: 1/8" = 1'-0"

NO.	DATE	REVISION

FARM AND GARDEN SUPPLY

DAVID L. TRAPP & ASSOCIATES
 ENGINEERS ARCHITECTS SURVEYORS
 1000 W. 10th St. Ste. 100
 Moorhead, MN 56501
 Phone: 218-835-1111 Fax: 218-835-1112