

**MEETING NOTICE FOR THE  
CITY OF HUBBARD**

**TUESDAY**

**OCTOBER 18, 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 10/12/2016  
4:00 p.m.**

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

**CITY OF HUBBARD  
PLANNING COMMISSION  
MEETING AGENDA**

**TUESDAY, OCTOBER 18, 2016 - 6:30 PM  
LOCATION: HUBBARD CITY HALL  
3720 2<sup>ND</sup> STREET, HUBBARD**

- 1) **CALL TO ORDER.**
  - a) **Flag Salute.**
  
- 2) **APPROVAL OF JULY 19, 2016, PLANNING COMMISSION MEETING MINUTES.**
  
- 3) **PUBLIC HEARINGS.**
  - A. **DR #2016-04 – Marion Construction – [2360 Industrial Avenue (041W33DD01100)] – Site development review for a 10,080 SF warehouse.**
  
  - B. **ZC #2016-01 & DR #2016-03 – Kauffman Construction, Inc. – [3092 1<sup>st</sup> Street (041W33DA02700)] – Rezone .54 Acres from Residential-Commercial (RC) to Commercial (C), and concurrent site development review for a 1,710 SF commercial building.**
  
  - C. **PA #2016-01 – PBSL – [2994 Schmidt Lane (041W33DC00900)] - Divide 7.29 acres into three (3) parcels.**
  
  - D. **DR #2016-05 – Modular Mini Storage -[2994 Schmidt Lane (041W33DC00900)] – Site development review for two (2) commercial buildings of 15,400SF combined, seven (7) self-storage buildings of 85,970SF combined, and one (1) office of 1, 200SF.**
  
  - E. **VA #2016-03 – City of Hubbard – [2600 D Street (041W33AD05900)] – Variance to reduce the front yard setback and one side yard setback from twenty (20) feet to zero (0) feet.**
  
- 4) **ADJOURNMENT.** (Next regular scheduled Planning Commission meeting November 15, 2016, at 6:30 p.m.)

**CITY OF HUBBARD PLANNING COMMISSION MINUTES  
JULY 19, 2016**

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

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

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

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

**APPROVAL OF THE MAY 17, 2016, PLANNING COMMISSION MEETING MINUTES.** MSA/Planning Commissioner Glenn Holum/Planning Commissioner Byron Nichols moved to approve the minutes. Planning Commissioners Dan Estes, Kevin Nelson, Glenn Holum, and Byron Nichols were in favor. Motion passed.

**PUBLIC HEARING.**

**DR #2016-02/ KEITH BERDOGIN [3270 J STREET (041W33DA06800)] – CONSTRUCTION OF A 9,579 SF 100 BUILDING TO BE USED AS AN OFFICE/WAREHOUSE.** Planning Commission Chairman Dan Estes opened the public hearing.

*[Note: This statement was asked in the Kevin Chappelle’s hearing: “Planning Commission Chairman Dan Estes asked if any of the Planning Commissioners had declarations of bias, conflict, or ex parte contact in regard to Keith Berdogin’s application. There were none. D. Estes asked if anyone had objections to the notice that was sent out or the Planning Commission overseeing the proceedings. There were none.”]*

City Planner Laura LaRoque read the legislative hearing statement.

L. LaRoque summarized the staff report pages 1 through 9, saying the application is for the construction of 9,579 SF building to be used as an office/warehouse. L. LaRoque said the property address is 3270 J Street and the zoning for the property is Industrial. L. LaRoque stated the current use of the property is a single family dwelling. L. LaRoque continued to say Hard-Core Contractors, LLC is a subcontractor company that specializes in metal studs, framing, drywall, and acoustical ceiling tile installation. L. LaRoque said the proposed improvements to the site include the construction of the 9,579 SF building. L. LaRoque stated the proposed structure will provide storage space for vehicles, equipment, and materials, office space for project managers and reception area for customer. L. LaRoque continued to say there are no proposed changes to the existing single-family dwelling and storage building. L. LaRoque stated additional on-site improvements include new signage, lighting, asphalt, and bicycle parking.

**PAGE 2 – PLANNING COMMISSION MEETING MINUTES – JULY 19, 2016**

L. LaRoque directed everyone to the review standards starting at the bottom of page 2 “A” stating the warehouse and storage activities are permitted uses in the Industrial Zone. L. LaRoque said the site plan shows approximately 250 SF of landscaping the requirement for this particular lot is 3,179 SF. L. LaRoque stated staff recommends a condition of approval the applicant submit a final landscaping plan, prepared by a licensed landscape architect, which complies with the criteria for landscaping.

L. LaRoque continued with the Police Chief’s comments as a condition of approval which includes addressing with a minimum six inch high numbers on the building near the entry doors facing J Street, and also security system to monitor the facility and perimeter lighting.

L. LaRoque stated the setbacks are met on all sides. L. LaRoque referred to criteria “B” saying site plan does not indicate any water runoff and as a conditional of approval the Applicant must submit a drainage and detention plan prepared by a licensed engineer for approval.

L. LaRoque stated under condition “C” public health factors based on the Public Works comments a condition of approval requires submittal of detailed drawing for all utilities, and a written estimate of water consumption and shall be in conformance with the City of Hubbard Design and Construction standards.

L. LaRoque said under the traffic safety criteria the site plan does not show the proposed drive meets the minimum width of 20 feet. L. LaRoque stated the loading space has not been indicated on the site map as one is required. L. LaRoque said as a condition of approval driveways, access roads, loading zones, and parking spaces (both vehicle and bicycle) shall be designed and constructed per Public Works Design Standards.

L. LaRoque continued with criteria “E” provision for adequate noise and/or visual buffering stated additional screening and buffering along the eastern and southern boundary of the property and around service areas and facilities, including garage and waste disposal containers, recycling bins and loading areas shall be a condition of approval.

L. LaRoque criteria “F” staff finds this criterion is met as the proposed development will retain existing natural features. L. LaRoque continued with criteria “G” stating the subject property fronts J Street, which currently has sidewalks. L. LaRoque stated as a condition of approval for future improvements a non-remonstrance agreement will be required for future improvements that maybe necessary to bring J Street to minor arterial standards.

L. LaRoque state criteria “H” identified no hazard areas. L. LaRoque said the last criteria address signage as staff recommends a condition of approval that 189.41SF is the total sign allocation for this property and the Applicant shall submit renderings and plans for all signs to the City, and must receive approval prior to installation. L. LaRoque referred to the last few pages of the Staff Report is a summary of conditions of approval and sample motions on page 9.

**PAGE 3 – PLANNING COMMISSION MEETING MINUTES – JULY 19, 2016**

Keith Berdogin, 3270 J Street, Hubbard said the proposed office and warehouse is to expand his current business. K. Berdogin stated this will be their head quarter office and any excess material will be stored on this site.

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

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

MSA/Planning Commissioner Glenn Holum/Planning Commissioner Kevin Nelson moved to approve DR 2016-02 and adopt the findings and conditions contained in the Staff Report. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed.

**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.** Planning Commission Chairman Dan Estes opened the Public Hearing and asked if any Planning Commissioners had declarations of bias, conflict, or ex parte contact. There were none. D. Estes asked if anyone had objections to the notice that was sent out or the Planning Commission overseeing the proceedings.

Glen Holum mentioned Nursery Connection has been a customer of theirs for several years.

Kevin Chappelle, 5892 Fruitland Road NE, Salem, stated he is the property owner as Nursery Connection leases their building.

Planning Commission Chairman Dan Estes apologized and said before continuing this hearing they were slightly remiss in the prior application and need to ask if any of the Planning Commissioners had declarations of bias, conflict, or ex parte contact in regard to Keith Berdogin’s application. There were none. D. Estes asked if anyone had objections to the notice that was sent out or the Planning Commission overseeing the proceedings. There were none.

City Planner Laura LaRoque read the legislative hearing statement.

L. LaRoque summarized the staff report pages 1 through 13, stating the application is a variance request to reduce the Little Bear Creek fifty (50) foot riparian buffer to ten (10) feet, and the Development Review of a proposed 55 feet X 90 feet (4,950 SF) storage building and associated site improvements. L. LaRoque listed the criteria sections associated with the development and said the subject parcel is relatively flat and contains a 1,728 SF building. L. LaRoque stated the building is a legal nonconforming structure that encroaches 30 feet into the 50 feet riparian buffer. L. LaRaque said the property is used for storage in conjunction with the neighboring Nursery Connection distribution facility to the north. L. LaRoque stated aerial photographs show there is some existing landscaping buffering the site from Pacific Highway 99E, and the southern and eastern property boundaries abut Little Bear Creek, an intermittent stream identified on the 2001 Hubbard Significant Natural Resources Inventory. L. LaRoque stated the

**PAGE 4 – PLANNING COMMISSION MEETING MINUTES – JULY 19, 2016**

proposed project involves the construction of a new 4,950 SF building used for storage of bulk nursery products for Nursery Connection.

L. LaRoque stated the Applicant requests reducing the 50 foot Little Bear Creek riparian buffer to 10 feet along the south property boundary. L. LaRoque referred to Criteria “C” stating proposals for development activities within the riparian buffer allowed in subsection 2.210.05(A) will include proposed mitigation for unavoidable impacts and shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW). L. LaRoque stated the Applicant has reached out to ODFW and they have reviewed the preliminary development plans and have provided two options that are listed in the staff report on page 3. L. LaRoque said as a condition of approval, the submittal of a riparian buffer planting plan prepared by a professional/qualified biologist that incorporates the recommendations of ODFW shall be submitted to the City.

L. LaRoque stated the Applicant states adherence to the 50 foot riparian buffer would diminish the use of the property. L. LaRoque said the subject property is an irregular shaped lot that range narrows at near the rear of the property. L. LaRoque continued to state 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.

L. LaRoque said as part of the variance the applicant is requesting the entire length of the property to be 10 feet instead of the 50 foot riparian buffer. L. LaLaRoque stated Staff finds the proposed development is only partially impacted by the required 50 foot riparian buffer. L. LaRoque said a partial reduction of 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 50 feet into the 50 foot buffer as shown on the site plan. L. LaRoque stated the 50 foot buffer shall remain in effect along the remainder of the south property line. L. LaRoque said 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.

L. LaRoque said number 2 and 3 are similar warehouse storage activities are an allowed use and the applicant would be precluded from some development rights because of the riparian buffer.

L. LaRoque stated staff has not been provided preliminary plans as a condition of approval a mitigation plan prepared by professional/qualified biologist, approved by ODWF and the City is required.

L. LaRoque continued to the Site Development Review as it is an allowed use in the zone as a condition of approval the Applicant submits a final landscaping plan, prepared by a licensed landscape architect, which complies with the Development Code. L. LaRoque said the Applicant provided no information regarding signage for the project with the site development review application. L. LaRoque stated the applicant must obtain a sign permit from the City prior to installation of any signage. L. LaRoque continued the site plan does not indicate that storm water will be detained on the property and as a condition of approval the Applicant shall submit a drainage and detention plan prepared by a licensed engineer for Public Works and the City Engineer approval. L. LaRoque said based on the comments from the Public Works

**PAGE 5 – PLANNING COMMISSION MEETING MINUTES – JULY 19, 2016**

Superintendent, a condition of approval requires submittal of detailed drawings for all utilities and written estimate of water consumption.

L. LaRoque stated the Applicant proposed accessing Pacific Highway 99E from an existing permit for the common highway access. However, ODOT states “existing configuration of the permitted access differs from that shown doesn’t match and as a condition of approval shall be to either; 1) remove the fence along the common property lines so as to create a common access for the use of both tax lots as permitted in ODOT Permit; 2) Obtain separate access permits and construct two separate access in a manner that physically delineates each access pursuant to ODOT permit and approval process and the Public Works Design Standards.

L. LaRoque said a condition is included that driveways, access roads, loading zones, and parking spaces shall be designed and constructed per Public Works Design Standards. L. LaRoque continued the site plan and narrative do not propose areas, facilities, or uses that require additional screening or buffering and have adequate screening and buffering.

L. LaRoque stated the subject property fronts a portion of Pacific Highway 99E that does not currently have sidewalks. L. LaRoque said as a condition of approval, a right-of-way dedication along Pacific Highway 99E will be required in accordance with the Hubbard TSP and shall provide frontage improvements along Pacific Highway 99E, as well as a construction permit from ODOT.

L. LaRoque said the property is located within a floodplain and 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. L. LaRoque stated the summary and recommendation is on page 9 through page 12 with Planning Commission sample options on page 13 of the staff report.

Glen Holum inquired about the process for granting access for the shared driveway.

L. LaRoque stated the property owners would enter into a reciprocal access agreement for the shared driveway.

Kevin Chappelle 5892 Fruitland Road, NE, Salem stated they are doing an addition and have been renting to Nursery Connection for the past several years. K. Chappelle said the only thing he would like to address is the Riparian Buffer, as he would like to have the buffer to be 10 feet the full length of the property so they do not have to come back at a later date and go through the same process with ODFW when they add an additional building to the property. K. Chappelle said he has a letter from ODFW stating that it will benefit the riparian buffer better than leaving it the way it is.

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

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

D. Estes Inquired who sets the riparian buffer.

L. LaRoque said the City’s Code and the Department of State Lands as well as FEMA.

D. Estes inquired if this is a fish bearing stream.

K. Chappelle said it’s a tributary of a fish bearing stream.

D. Estes wanted to know if this would set the city up by precedence.

L. LaRoque said yes it would but by working with ODFW the improvement may be improving the buffer.

MSA/Planning Commissioner Glenn Holum/Planning Commissioner Kevin Nelson moved to approve VAR 2016-02/DR 2015-05 adopt the findings and conditions contained in the Staff Report and the condition to reduce the riparian buffer to 10 feet along the southern property line. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed.

**ADJOURNMENT. (The next scheduled Planning Commission Meeting will be August 16, 2016, at 6:30 p.m.)** MSA/Planning Commissioner Kevin Nelson/Planning Commissioner Glenn Holum moved to adjourn the meeting. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed. Meeting was adjourned at 7:00 p.m.

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Dan Estes, Planning Commission Chairman

**ATTEST:**

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

**CITY OF HUBBARD PLANNING COMMISSION  
STAFF REPORT**

**REPORT DATE:** October 3, 2016

**FILE NUMBER(S):** DR 2016-04

**HEARING DATE:** October 18, 2016

**APPLICANT:** Marion Construction Company, 14835 SE 82<sup>nd</sup> Drive, Clackamas, OR 97015

**OWNER:** AKG Properties, LLC 4742 Liberty Road Suite #117, Salem, OR 97302

**REQUEST:** Site development review approval for a 10,080 square foot warehouse and related parking, landscaping, and site improvements.

**PROPERTY:** The subject property is located at 2360 Industrial Avenue, Hubbard, OR. More specifically described as:

<u>Map/Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33DD01100	R99784	1.67	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: Applicant's Submittal (September 7, 2016)

Exhibit B: Comments, Public Works Department (September 20, 2016)

Exhibit C: Comments, City Engineer (September 28, 2016)

Exhibit D: Comments, Hubbard Police Department (September 12, 2016)

## **I. REQUEST**

The project is phased development. The first phase, which was completed in 2014, consists of the following: 20,000 square foot gravel outdoor equipment storage area; 6,440 square foot warehouse building; a 3,080 square foot uncovered fabricating slab abutting the back (south) of the warehouse building; a 9,000 square foot asphaltic concrete surfaced vehicle maneuvering area abutting the east wall of the warehouse; a 18-space paved parking lot; and landscaping.

The proposed development will be the second phase of the development. The second phase of development will consist of an approximately 10,080 square foot warehouse, 8,000 square foot vehicle maneuvering area abutting the side (east) wall of the warehouse portion of the building, 14-space parking lot, and landscaping.

The third phase will consist of an approximately 3,000 square foot office.

## **II. PROCEDURE**

The Development Code, Section 3.101.02, states that development review applications require a Type II review procedure. Section 3.201.02 outlines the procedures.

The site development review approval is effective for a period of two (2) years from the date of the written approval. The applicant may request an extension of the approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing at least thirty (30) days prior to the expiration date of the approval period. The project shall be constructed according to all approved plans.

### III. APPEAL

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

### IV. BACKGROUND

General. The property is located about one (1) block east of Highway 99E on the south side of Industrial Avenue.

On Site: The property is improved with a 6,440 square foot warehouse and associated site improvements.



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

#### Surrounding Uses.

- NORTH: Developed industrial property across Industrial Avenue.
- SOUTH: Agricultural land abutting which is outside the city limits and urban growth boundary.
- EAST: Vacant industrial property abutting.
- WEST: Developed industrial property abutting.

## V. 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/storage is permitted in the I Zone. No change of uses is proposed. The property is located in an area characterized by industrial uses. Upon completion of the proposed development, total building area will have increased from 6,440 square feet (1%) to 16,520 square feet (23%). Because the site is mostly developed already, the proposed development will not be a departure from the characteristics of the existing uses on site. Based on the proposed scope and similar characteristics of adjoining uses, Staff finds the proposed use will be compatible with surrounding uses.

Section 2.207.03(C) requires that the landscaped area for industrial uses shall be ten (10) percent of the gross lot area. The project area is approximately 0.76 acres in size. As required by the Development Code, a minimum of 7,274.52 square feet is to be landscaped based upon a lot size of 1.67 acres (72,745 square feet). The applicant's site plan indicates approximately 8,972 square feet of landscaping, which exceeds the minimum landscape requirement. Although the site plan notes areas where landscaping will be installed, no details regarding plant materials or proposed irrigation are provided. Staff recommends a **condition of approval** that the applicant submits a final landscape 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.

Section 2.207.05(A) requires that screening shall be used for services areas, outdoor storage and outdoor display areas, parking for thirty (30) or more vehicles for commercial or industrial uses, and at and above-grade electrical and mechanical equipment. Approximately fourteen (14) parking spaces are proposed to be constructed in the northwest portion of the site near Industrial Avenue and eighteen (18) parking spaces are already constructed in the northeast portion of the site near Industrial Avenue. The preliminary landscaping plan shows that the area around the proposed parking spaces will be landscaped. Landscaping around the existing parking spaces is already in place. Service areas and electrical and mechanical equipment are not shown the primary plans. These areas shall require screening and be shown on the final landscaping plan.

Property or building signs impact the visual appearance of the property. The preliminary site plan did not indicate any signage planned for the development at this time. The applicant must obtain a sign permit from the City prior to installation of any signage. All signs must comply with Development Code, Section 2.206.

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

	<b>Required (2.107.04)</b>	<b>Proposed</b>
Front Yard (north)	20'	>20'
Side Yard (east)	10'	≥10'
Side Yard (west)	10'	≥10'
Rear Yard (south)	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. 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 September 20, 2016, are attached as Exhibit B. City Engineer comments, dated September 28, 2016, are attached as Exhibit C.

Based upon compliance with the condition of approval, Criterion B is met.

*C. Public health factors.*

**FINDING:** Connections to water and sewer mains for the subject property must be installed according to City standards. Based on the City's Public Works Superintendent and City Engineer comments, a **condition of approval** requires submittal of detailed information regarding proposed utilities and an estimate of water usage be provided. Additional details are provided in Exhibits B, Public Works Department comments, and C, City Engineer comments.

The applicant shall provide specific information, including but not limited to, the location and size of the existing and proposed utilities, size of the water meter, the location and size of all water lines, Uniform Plumbing Code calculations, and the extent of landscape irrigation. The details will be used to assess Systems Development Charges (SDCs).

Section 2.401.14, requires a minimum six-inch high reflective address numbers at the front of a main building and near the main entrance. The City's Police Chief also comments on the requirement for address numbers (Exhibit D). A **condition of approval** requires such address numbers to be placed on the warehouse building when it is constructed, and also placed on the office building when it is constructed.

The Chief's comments include a request for "perimeter lighting to aid nighttime patrols." It is advisable that perimeter lighting be installed on the property. A **condition of approval** requires a lighting plan for the property be submitted and installed as part of Phase 2.

The Chief's comments include a recommendation that a "monitored security system" be installed. It is advisable that perimeter lighting be installed on the property, but **no condition of approval** requires a security system be installed.

A fire hydrant is located about equidistant between the east and west property lines on the north side of Industrial Avenue. A second hydrant is located approximately at the NE corner of the subject property. A third hydrant is shown on the applicant's site plan near the NW corner of the subject property. No comments were provided by the Hubbard Fire District Chief. A **condition of approval** requires the applicant to meet with Hubbard Fire District personnel and contact the State Fire Marshall prior to initiating development for Phase 2 to discuss and identify the applicable requirements from the Oregon Fire Code and other applicable fire codes. A **condition of approval** requires the applicant to provide documentation from the Hubbard Fire District regarding the adequacy of existing hydrant coverage prior to issuance of a building permit. A **condition of approval** requires the applicant to install one or more fire hydrants in a location(s) if required by the Fire Marshal and that such installation shall conform to City standards. For any hydrant location on private property a **condition of approval** requires a fire line public easement be recorded prior to the issuance of a building permit.

A **condition of approval** requires conformance to City of Hubbard Design and Construction standards. Applicant/owner/developer shall be responsible for the cost of public or private infrastructure improvements associated with the development. Compliance with Conditions of Approval shall be the sole responsibility of the Applicant.

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.

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

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

**FINDING:** Applicant proposes using the existing two-way, twelve (12) foot per lane, access to Industrial Avenue. The site plan shows that the proposed two-way drives all meet the minimum width of twenty (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 a 2,940 square foot office and two (2) warehouses totaling 16,520 square feet. Section 2.203.05, M, requires a parking ratio of one (1) space

per 200 square feet of gross floor area for office uses and Section 2.203.05, R requires parking at ratio of one (1) space per 2,000 square feet of gross floor area for warehouse/storage uses for the first 49,000 square feet of building. Based on these ratios, twenty three (23) total parking spaces are required. Applicant proposes installation of fourteen (14) new parking spaces in addition to the remaining eighteen (18) spaces that are already constructed in the northeast portion of the site. 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, B, 2, requires one loading space for industrial building of 5,000 to 30,000 square feet of gross floor area. The proposed warehouse building is 10,080 square feet, thus one loading space is required a minimum of twelve (12) feet wide, thirty (30) feet long, and a clearance height of fourteen (14) feet. The proposed warehouse building and associated outdoor paved and gravel areas are to be used for a construction contractor company's material, equipment and vehicles. There is proposed to be an 8,000 square foot vehicle maneuvering area abutting the east wall of the warehouse. It is determined there is sufficient space for a loading space. A **condition of approval** requires a 12' X 30' loading space be shown on a revised Site Plan and submitted to the city before submitting a building permit application. As a practical matter, due to the type of use proposed for the site and due to the extensive outdoor paved area and gravel area, it is likely all of the paved and gravel area east of the warehouse building could be used for loading.

Section 2.203.09, B, Bicycle Parking, requires 2 bike spaces or 0.1 space per 1,000 square feet of warehouse, whichever is greater. Section 2.203.09, B, also requires two (2) bike spaces or 1/2 space per 1,000 square feet of office area, whichever is greater. Based on these ratios, four (4) bicycle spaces are required. This requirement is included as a **condition of approval**.

Access to Industrial Avenue is the only street access available to the subject property. A **condition of approval** requires the applicant to submit plans to the Hubbard Public Works Department showing the Phase 2 access onto Industrial Avenue meet all City of Hubbard requirements for such access.

The proposed 24 foot wide Phase 2 two-way drive meets the minimum width requirement of twenty (20) feet.

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.

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

*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.

*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 primarily along the northern boundary of the parcel. Staff finds that the existing vegetation is a natural feature worth retaining, as far as practicable considering the extent of development. Staff finds that the proposed development retains existing natural features on site.

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

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

**FINDING:** The subject property has approximately 346 of frontage on Industrial Avenue, which is classified as a local road in the 2012 Hubbard Transportation System Plan (TSP). The current Hubbard design standard for local roads includes a two (2) lane cross section, parkway strip, and five (5) foot sidewalks. This standard requires a thirty (30) foot paved width and fifty (50) foot right-of-way (ROW). Based on Marion County Assessor maps, the existing ROW is sixty (60) feet along the subject property. Staff finds that the subject property frontage improvements comply with local street improvement 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.

**VI. CONCLUSION AND RECOMMENDATION**

Based on the findings contained in this report, Staff concludes that the application (File DR 2016-04) complies with the applicable criteria, subject to the following conditions. Marion County Building Inspection and the Hubbard Fire District will be responsible for building permits, construction standards, and adequate fire protection.

Staff recommends approval of the application, subject to the following conditions of approval:

- A.** Conformance to City of Hubbard Design and Construction standards is required. Applicant shall be responsible for the cost of public or private infrastructure improvements associated with the development. Compliance with Conditions of Approval shall be the sole responsibility of the Applicant.
- B.** The subject development shall comply with all requirements of the Hubbard City Engineer found in Exhibit C of the Planning Staff Report dated September 28, 2016. Where the requirements of the City Engineer, the requirements of the Public Works Superintendent and a condition of approval, below, are different, the more stringent requirement shall be followed.

- C. EXPIRATION OF APPROVAL:** Site Development Review approvals shall be effective for a period of two (2) years from the date of approval. If substantial construction of the approved plan has not begun within the two (2) year period, the approval shall expire. The approval shall be voided immediately if construction is a departure from the approved plan.
- D. LANDSCAPING:** **Prior to issuance of a building permit,** Applicant shall submit a final landscaping plan, 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.
- E. BICYCLE PARKING:** Prior to the issuance of a building permit, the applicant shall submit a bicycle parking plan for review and approval by Public Works.
- 1. Prior to occupancy of the structure,** bicycle parking spaces shall be installed.
- F. 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.
- G. 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.
- H. 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.**

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

**VII. PLANNING COMMISSION ACTION**

- A. Approve the request and adopt the findings and conditions contained in the Staff Report.
- B. Approve the request with findings/conditions amended by the Planning Commission.
- C. Deny the request 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: DR #2016-04  
DATE: 9/17/16  
FEE: \$2000  
RECEIPT NO: L003264

APPLICANT: Marion Construction

MAILING ADDRESS: 14835 SE 82nd Dr Clackamas OR 97015

PHONE: 503 581 1920 EMAIL ADDRESS: JEFF@marionconst.com

OWNER(S) (If different from above): AKG Properties LLC

PHONE: 503 581-1920 EMAIL ADDRESS: JEFF@marionconst.com

ADDRESS: 1620 Scoville Rd Clwbj OR 97013

PROPOSED STRUCTURE/IMPROVEMENT: Phase 2 warehouse/manufacturing

2360 INDUSTRIAL AVE

SQUARE FOOTAGE: 10,000 SF

ESTIMATED VALUE OF STRUCTURE/IMPROVEMENT: \$400,000

PROPERTY DESCRIPTION:

ADDRESS: 2360 INDUSTRIAL AVE HUBBARD OR

MAP PAGE AND TAX LOT NO: 04 JW 3300 ZONE: \_\_\_\_\_

CURRENT USE/STRUCTURES: WAREHOUSE SQUARE FOOTAGE OF SITE: 2 acres

ZONE: INDUSTRIAL

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; *Existing*
- 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; *Partial Existing*
- Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses; *Existing*
- Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks; and *Existing*
- A schedule of expected development. *JAN 2017 — SEPT 2017*

**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.)**

<p><u>8-31-16</u> Date</p>	<p><u>[Signature]</u> Applicant</p>
<p><u>9-1-16</u> Date</p>	<p><u>[Signature]</u> Owner(s)</p>
<p><u>9/2/16</u> Date</p>	<p><u>Meynis Park</u> Owner(s)</p>
<p><u>9-7-16</u> Date</p>	<p><u>[Signature]</u> Owner(s)</p>

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. Detailed descriptions on invoice needed

[Handwritten Signature]
Applicants Signature

8-31-16
Date

## 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 top 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.

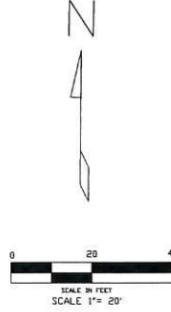
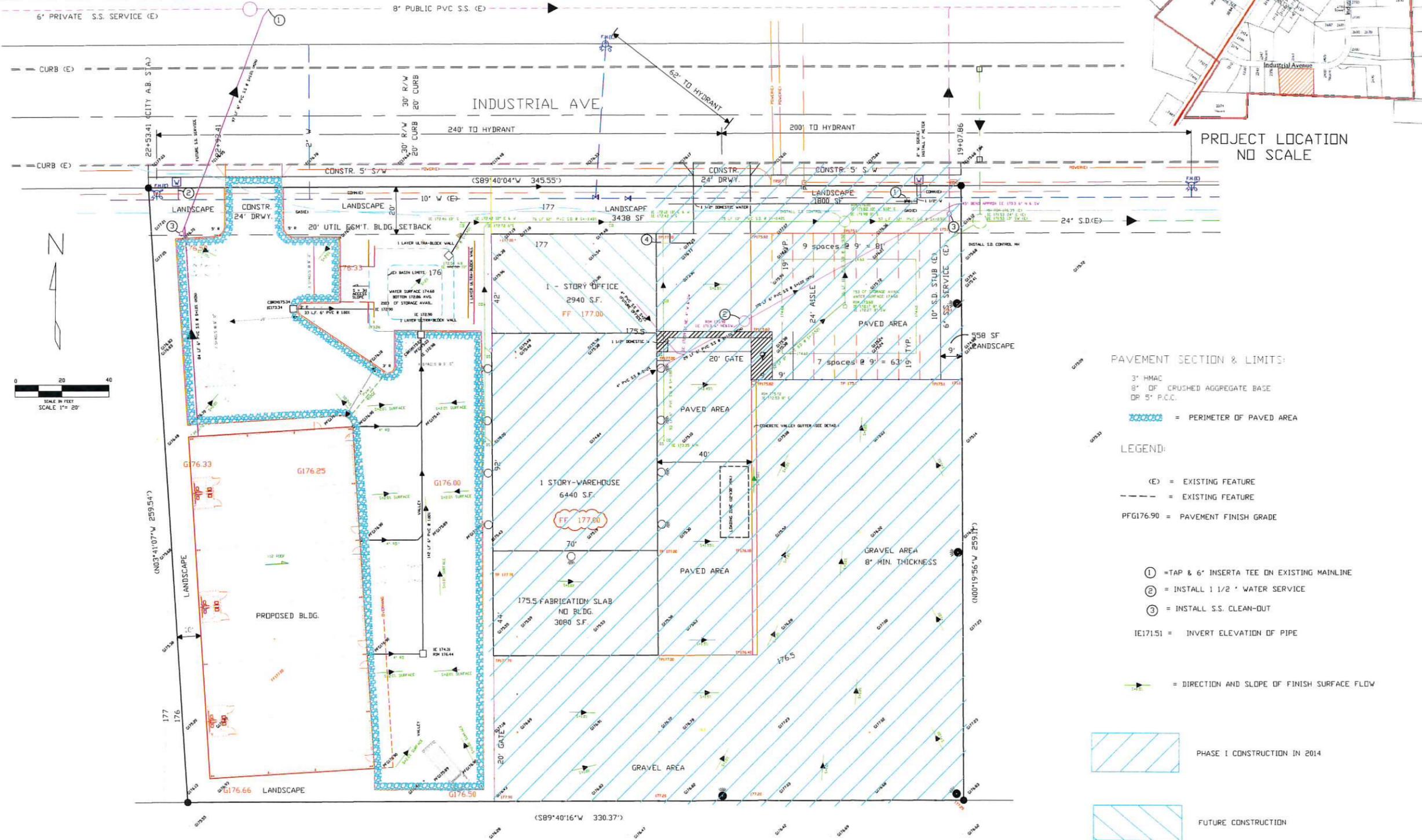
### ADDITIONAL INFORMATION

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

STORM DETENTION REQUIRED: ALL PHASE I + 20% OF  
STORM DETENTION PROVIDED IN PHASE I + 10% OF  
ADDITIONAL DETENTION PROVIDED BY RAISING EXISTING BASIN LAKEV + 1% OF  
THE EXISTING EXPOSED BASIN WALL BE RECONSTRUCTED FROM ITS EXISTING  
CAPACITY OF 1000 CF TO 2000 CF + 4% OF INCREASE

INTERIOR LANDSCAPE SUMMARY	
DEVELOPMENT CODE	NO. OF SQUARE FT.
1. NATURE OF LANDSCAPE PROVIDED	QUANTITY PROVIDED (SF)
2. FRONTAGE STRIP	3819 SF
3. STRIP EAST EDGE PARKING	558 SF
4. STRIP WEST EDGE	2595 SF
<b>TOTAL LANDSCAPE PROVIDED</b>	<b>6972 SF</b>

- NOTES**
1. ALL PUBLIC CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF HUBBARD STANDARDS.
  2. ALL PIPE WORK ON PRIVATE PROPERTY SHALL BE IN ACCORDANCE WITH PLUMBING CODE.
  3. ALL ELEVATIONS SHOWN ARE CONSISTENT WITH CITY OF HUBBARD VERTICAL DATUM. BENCH MARK USED IS H-35 (BRASS DISC) LOCATED NORTH OF 'J' STREET AND WEST OF RAILROAD (ELEV. 179.24).
  4. SEE ANDREW LEISINGER (LANDSCAPE ARCHITECT) FOR LANDSCAPE AND IRRIGATION PLANS. THESE PLANS SHOW ONLY METER AND BACKFLOW VALVE LOCATION.



- PAVEMENT SECTION & LIMITS:**
- 3" HMAc
  - 8" OF CRUSHED AGGREGATE BASE
  - DR 5" P.C.C.
- LEGEND:**
- (E) = EXISTING FEATURE
  - - - = EXISTING FEATURE
  - PFG176.90 = PAVEMENT FINISH GRADE
  - ① = TAP & 6" INSERTA TEE ON EXISTING MAINLINE
  - ② = INSTALL 1 1/2" WATER SERVICE
  - ③ = INSTALL S.S. CLEAN-OUT
  - IE171.51 = INVERT ELEVATION OF PIPE
  - = DIRECTION AND SLOPE OF FINISH SURFACE FLOW
  - [Blue Hatched Box] = PHASE I CONSTRUCTION IN 2014
  - [Red Hatched Box] = FUTURE CONSTRUCTION

KARL D. GOERTZEN  
4753 FIR DELL DRIVE SE  
SALEM, OREGON 97302  
PH. 503.378.0952  
E-mail: kDGoertz@comcast.net



PROJECT: INDUSTRIAL SITE IMPROVEMENTS  
DEVELOPER: AKA PROPERTIES LLC  
4742 LIBERTY RD. S.  
SALEM, OR 97302

SITE PLAN - PHASE 2  
2360 INDUSTRIAL AVENUE  
HUBBARD, OREGON

DESIGNED BY: KDG  
DRAWN BY: KDG  
DATE: AUGUST 2016  
REV. NO.  
SHEET

**SUBMITTED BY: Jaime Estrada**  
**DATE: September 20, 2016**  
**RE: 2360 Industrial Avenue**  
**DR #2016-04**

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. Sidewalk should be required;
13. Light plan should be submitted. For subdivisions, the street light design must be done by PGE engineers;
14. Must contact Marion County for possible location of monuments;
15. Sewer monitoring manhole (Industrial property only);
16. Must obtain permits from Marion County;
17. The applicant shall be responsible for all costs associated with the improvements.
18. 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;
19. All utility work must be in accordance with Hubbard Public Works construction standards;
20. All utility work must be in accordance with the Oregon Health Department and DEQ; and
21. Sewer lateral must be a direct bore on Industrial Avenue.

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

September 28, 2016

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

**RE: DR #2016-04 – Marion Construction**  
**2360 Industrial Avenue**

**Sent by Email Attachment**

Dear Vickie:

We reviewed the construction plans dated August, 2016 and received by our office 9/19/2016. We also reviewed the Public Works plan review comments dated 9/20/2016. Upon our review we have the following comments:

1. Applicant shall submit plans that clearly differentiate between existing and proposed improvements.
2. Private water, sanitary sewer and storm drain systems on private property are reviewed and approved by Marion County (Plumbing Permit).
3. A copy of Marion County Building Permit(s) shall be furnished to the City.
4. Applicant shall submit storm water detention calculations prepared and sealed by a Registered Engineer in the State of Oregon in accordance with the Hubbard Design and Construction Standards. The calculations shall clearly show how the existing detention facility, outlet and orifices have been sized to meet code requirements for the proposed development.
5. Provide construction details for the proposed energy dissipation and pipe outlet to the existing detention facility.
6. Fire flows, fire hydrant locations, FDC locations, and drive aisle layout shall be in accordance with the International Fire Code and Hubbard Fire District requirements. Provide documentation that the Hubbard Fire District is satisfied with the proposed improvements.
7. Utility crossings on Industrial Avenue must be bored.
8. Show backflow device and details for the proposed water service.
9. Hubbard Design Standards only allows for one water service per tax lot. The applicant shall modify their plans to show a single water service and meter serving the development. Provide fixture counts and water use calculations for verification of water meter sizing.
10. The applicant shall modify their plans to show a single private sewer lateral serving all buildings on this site. A monitoring manhole is required for the sewer lateral.
11. Provide construction details for all proposed public improvements including water meter and service, sanitary sewer service lateral, sanitary sewer cleanout, etc.
12. Provide information for trash enclosures or proposed method for waste disposal.
13. Stormwater Drainage and Erosion Control Plans shall conform to DEQ's requirements for Storm Water Quality. The Developer must submit proof to the City that DEQ's requirements have been met;

including a copy of the DEQ required Erosion and Sedimentation Control Plan and NPDES 1200c permit.

14. Submit plans that show the extent of new exterior lighting (if any) – provide fixture catalogue cuts showing illumination patterns.

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

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



John Kennedy, PE

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

**HUBBARD PLANNING DEPARTMENT**

**REQUEST FOR COMMENTS**

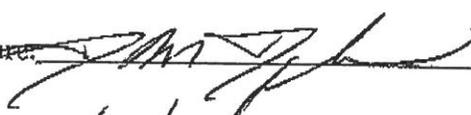
DATE: 9/12/16  
 TO: DAVID M. DRYDEN, POLICE CHIEF  
 RE: Marion Construction Dr 2016-04  
2360 Industrial Ave / Warehouse 10,000 SF

The City has received the attached plans for design review. These plans will come before the Planning Commission on Oct 18 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 Sep 29, 2016.)

Comments or Proposed Conditions:

1. SIX INCH ADDRESS NUMBERS REQUIRED ON BUSINESSES NEAR MAIN ENTRY DOOR FACING STREET.
2. REQUIRED PERIMETER LIGHTING ON ALL BUILDINGS TO DETER CRIMINAL ACTIVITY AND AID NIGHTTIME PATROLS.
3. RECOMMEND MONITORED SECURITY SYSTEMS ON ALL FACILITY.

- 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: 

Date: 9/12/16

**CITY OF HUBBARD PLANNING COMMISSION  
STAFF REPORT**

**REPORT DATE:** October 6, 2016

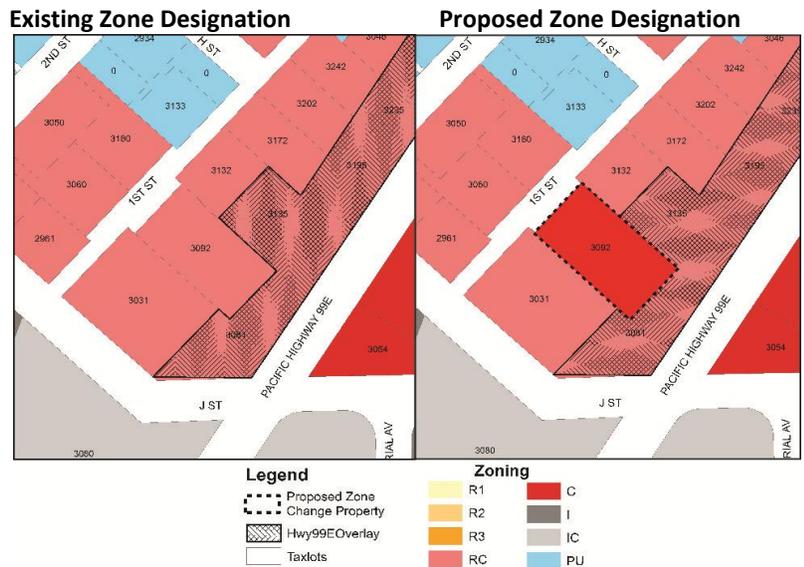
**FILE NUMBER(S):** ZC 2016-01; DR-2016-03

**HEARING DATE:** October 18, 2016

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

**OWNER(S):** TCP Investments, LLC, 576 Glatt Circle, Woodburn, OR 97071  
Erik Berkey, 23285 Bear Creek Road, Bend, OR 97701

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



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

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

- CRITERIA:**
- Oregon’s Statewide Planning Goals**
  - Hubbard Comprehensive Plan**
  - Hubbard Development Code (HDC)**
    - Section 2.106 Commercial District (C)
    - Section 2.200 General Development Standards
    - Section 3.102 Comp Plan & Development Code Amendments & Zone Changes
    - Section 3.105 Site Development Review

**PREVIOUS**

**DECISIONS:** In April 2009, the applicant applied for and received approval to operate 24-hour automatic car wash business with access from a local street (1<sup>st</sup> Street). The existing car wash business consists of a 2,808 square foot automatic car wash and four (4) car wash bays.

- ATTACHMENTS:** Exhibit A: Applicant’s Submittal (September 7, 2016)  
Exhibit B: Comments, Public Works Department (September 20, 2016)  
Exhibit C: Comments, City Engineer (September 28, 2016)  
Exhibit D: Comments, Hubbard Police Department (August 29, 2016)  
Exhibit E: Comments, Oregon Department of Transportation (September 26, 2016)

**I. PROCEDURE**

For Type III actions such as, zone change applications, the Planning Commission conducts a public hearing. At the conclusion of the public hearing, the Commission makes a recommendation to the Hubbard City Council. The City Council then makes a final decision on a Type III application.

Site development review applications are classified as Type II actions. The Planning Commission issues a final decision on Type II actions, unless the applicant requests the application be reviewed concurrently with other Type II or Type III land use actions for the same property as allowed by Hubbard Development Code Section 3.201.02(H).

A second public hearing is scheduled before the Hubbard City Council to consider the requests. The date of that hearing is November 8, 2016 at 7:00pm. The date, time, and location of the Council hearing was included in the notice for the initial public hearing before the Planning Commission that was sent to property owners within 100 feet of the boundaries of the subject property.

**II. BACKGROUND**

General. The subject property is located on 1<sup>st</sup> Street, one block from the commercial business district located along Pacific Highway 99E.

On-site. The subject property contains an existing carwash business.



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

Surrounding land uses:

North: Developed residential property;

South: (Along J Street) Developed commercial property

West: (Across 1<sup>st</sup> Street) Developed multifamily residential property; and

East: (Along J Street & Pacific Hwy. 99E) Developed commercial property.

### III. REVIEW STANDARDS/CRITERIA

#### 1) Zone Change

The applicant has submitted a request to change the zoning on the subject property from Residential-Commercial (RC) to Commercial (C). The following standards for zone changes from Development Code Section 3.102.03(B) and (C) must also be met:

A. *Development Code amendments and zone change proposals shall be approved if the applicant provides evidence substantiating the following:*

1. *Approval of the request is consistent with the Comprehensive Plan and Comprehensive Plan map designation and most effectively carries out the Plan goals and policies considering all alternatives; and*

**Findings:** Staff finds that Goal 9 (Economic Development) Goal 10 (Housing), and Goal 12 (Transportation) are applicable to this request.

Statewide Planning Goal 9 states the need to *provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens*. This includes opportunities for commercial development. Based on a review of the city's most recent buildable lands inventory, the city has a total projected demand for 15.0 acres of commercial land through the year 2027. A portion of this supply (6.9 acres) is available through vacant and redevelopable commercial lands located inside the Hubbard UGB. The balance of projected commercial land needs have been provided through commercial industrial lands brought inside the Hubbard UGB in 2008 on the outer periphery of the city limits near Pacific Highway (OR 99E).

The conversion to Commercial from Residential Commercial would expand the list of allowable commercial uses on the subject property. Based on these findings, staff concludes the proposed change is consistent with Goal 9.

Regarding Goal 10 (Housing) the City completed a buildable lands inventory and adopted updates to its Comprehensive Plan to address 20-year land needs. The most recent inventory, completed in 2009, showed that approximately 91.3 acres of vacant land designated for residential development was available within the Hubbard Urban Growth Boundary (UGB) to meet the projected 2029 population. This proposal would remove approximately 0.54 acres of residential-commercial land. The subject property is currently developed with an existing commercial business. Based on the size of the subject property, changing the zoning designation to allow commercial uses on the site will not have a significant overall impact on the city's 20 year buildable residential land supply. Based on these findings, staff concludes that this proposal is consistent with Goal 10.

Goal 12 (Transportation) administrative rules require that new land uses not exceed the capacity of existing transportation systems. These rules also require local jurisdictions provide means to encourage and facilitate bicycle and pedestrian travel. Automobile access to the subject property is available from 1<sup>st</sup> Street. The Hubbard Transportation System Plan (TSP) designates 1<sup>st</sup> Street as a local road. The closest street intersection to the subject property recently analyzed in the 2012 TSP is located at J Street and Pacific Hwy. 99E. Based on a review of the TSP, this intersection is currently operating and forecasted to continue operating at a Level of Service (LOS) “C” through the year 2035. Level of Service refers to the average amount of delay that motorists experience when passing through an intersection. Letter grade “A” represents the best (least delay), while LOS “F” represents the worst (longest) delay. The TSP does not identify any LOS roadway deficiencies on 1<sup>st</sup> Street. The development of an additional 0.54 acres of commercial use for as a detail shop will produce 68 peak trips per day and not have a significant impact on the local roadway network system.<sup>1</sup>

There are existing sidewalks located adjacent to the property. Based on these findings, staff concludes that the proposed change is consistent with Goal 12.

2. *The property and affected area is presently provided with adequate public facilities, services, and transportation to support uses allowed within the requested zone, or such facilities and services can be provided concurrently with the development of the property.*

**Findings:** As noted in this report, transportation access is readily available from several streets that serve various travel modes, including pedestrians and bicyclists. The traffic impacts associated with the proposal will not exceed the available capacity of the transportation system. The subject property is served by existing water, sewer and stormwater services. Impacts to public facilities will be mitigated by complying with city public works standards, the Hubbard Development Code and the Uniform Fire Code.

Staff finds that adequate public facilities and services can be made available to serve the proposed use.

3. *The proposed amendment is consistent with the purpose of the Code’s section and title.*

**Findings:** According to Development Code Section 2.104.01:

“The purpose of the C (Commercial) District is to provide for a broad range of commercial operations and services required in the central business district and other areas to meet the economic needs of the City of Hubbard.”

The proposal to add a detailing shop to the site of the existing carwash would allow for further development of commercial services within the city and is consistent with the stated purpose of the Commercial zone.

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<sup>1</sup> *Trip Generation*, Institute of Transportation Engineers, 9<sup>th</sup> Edition, 2012, page 2003.

*B. The natural features of the site are conducive to the proposed zone district.*

**Findings:** The site is relatively flat and is vegetated with grass, trees and shrubs. The existing landscaped areas would remain largely intact and exceed the minimum required landscaping for commercial developments required by the Hubbard Development Code (10 percent of the site).

Consistent with the city landscaping requirements for commercial developments found in Hubbard Development Code (HDC) Section 2.207.06, "Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property." Additionally, garbage and waste disposal containers, recycling bins and loading areas shall be screened from public view, consistent with HDC 2.207.05.

Staff finds that this criterion can be met.

## **2) Site Development Review**

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

**Staff Response:** The property is located in an area zoned for General Commercial and Residential Commercial use. Adjacent properties are primarily devoted to a mixture of commercial and residential uses. Property to the north consists of a single family residence with a storage building. To the west, across 1<sup>st</sup> Street, there is an existing multi-family development. Property to the east consists of a car sales lot and property to the south contains a construction supply business.

The proposed use of the property is an automotive detail business. Based upon a review of the applicant's site plan, the proposed detail shop would be 1,710 square feet in size and contain two (2) service bays. The hours of operation and number of employees were not included in the application.

Development Code Section 2.207.03(B) requires that the landscaped area for commercial uses shall be ten (10) percent of the gross lot area. The size of the property is approximately 23,522 square feet, so 2,352 square feet of landscaping is required. The applicant proposes to maintain existing landscaped areas on the property which, exceed 2,352 square feet in size.

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

Section 2.207.05(C) states that buffering shall be used to mitigate adverse visual (...) to provide for compatibility between dissimilar adjoining uses. To the north and west of the property are residential

uses. The existing landscaping area on the north of the property provides adequate screening. No screening is shown to the west of the proposed structure.

Staff recommends a **condition of approval** that the applicant submits a final landscape 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.

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

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

### *2. Drainage and erosion control needs.*

**Staff Response:** The proposed development increases the amount of impervious surface on the property. Based on comments from 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.

Public Works Supervisor comments, dated September 20, 2016, are attached as Exhibit B. City Engineer comments, dated September 28, 2016, are attached as Exhibit C.

### *3. Public health factors.*

**Staff Response:** Connections to water and sewer mains for the subject property must be installed according to City standards. Based on the City's Public Works Superintendent and City Engineer comments, a **condition of approval** requires submittal of detailed information regarding proposed utilities and an estimate of water usage be provided. Additional details are provided in Exhibits B, Public Works Department comments, and Exhibit C, City Engineer comments.

The applicant shall provide specific information, including but not limited to, the location and size of the existing and proposed utilities, size of the water meter, the location and size of all water lines, Uniform Plumbing Code calculations, and the extent of landscape irrigation. The details will be used to assess Systems Development Charges (SDCs).

Section 2.401.14, requires a minimum six-inch high reflective address numbers at the front of a main

building and near the main entrance. The City's Police Chief also comments on the requirement for address numbers (Exhibit D). A **condition of approval** requires such address numbers to be placed on the warehouse building when it is constructed, and also placed on the building when it is constructed.

The Chief's comments include a request for "perimeter lighting to aid nighttime patrols." It is advisable that perimeter lighting be installed on the property. A **condition of approval** requires a lighting plan for the property be submitted for Public Works and City Engineer approval.

The Chief's comments include a recommendation that a "monitored security system" be installed. It is advisable that perimeter lighting be installed on the property, but **no condition of approval** requires a security system be installed.

No comments were provided by the Hubbard Fire District Chief. A **condition of approval** requires the applicant to meet with Hubbard Fire District personnel and contact the State Fire Marshall prior to initiating development for Phase 2 to discuss and identify the applicable requirements from the Oregon Fire Code and other applicable fire codes. A **condition of approval** requires the applicant to provide documentation from the Hubbard Fire District regarding the adequacy of existing hydrant coverage prior to issuance of a building permit. A **condition of approval** requires the applicant to install one or more fire hydrants in a location(s) if required by the Fire Marshal and that such installation shall conform to City standards. For any hydrant location on private property a **condition of approval** requires a fire line public easement be recorded prior to the issuance of a building permit.

A **condition of approval** requires conformance to City of Hubbard Design and Construction standards. Applicant/owner/developer shall be responsible for the cost of public or private infrastructure improvements associated with the development. Compliance with Conditions of Approval shall be the sole responsibility of the Applicant.

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

#### *4. Traffic safety, internal circulation and parking.*

**Staff Response:** The applicant's site plan shows that the property would take access from 1<sup>st</sup> Street. The approved 2009 site development review and variance for this site allowed frontage and access to a commercial use through a local street (1<sup>st</sup> Street). Frontage and access improvements have been complete and no changes have been proposed.

The subject property does not have frontage on Pacific Hwy. 99E. The applicant has not indicated any access interconnectivity between Tax Lot 2700 and 1600 at this time.

Development Code Section 2.203.05 does not contain a specific off-street parking requirement for detail shops. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed and expectations of parking and loading need (HDC 2.203.08). The closest use listed in the off-street parking section requires retail stores selling automobiles to provide a minimum of one (1) off-street parking space per 600 square feet of gross floor area. The applicant indicates the total square footage of the proposed detail shop would be approximately 1,710 square feet. Based upon the similar parking requirements for retail car sales, the proposed development would require a minimum of three (3) off

street parking spaces. The applicant's site plan does not show how adequate off-street parking can be provided. As a recommended **condition of approval**, the applicant shall provide a minimum of three (3) off street parking spaces, including one (1) ADA parking stall.

According to the Development Code, Section 2.203.09, one (1) covered bicycle parking space is required. As a **condition of approval**, the applicant shall provide one (1) covered bicycle parking space.

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

**Staff Response:** The property abuts existing residential uses to the north and west (across 1<sup>st</sup> Street). The proposed detail shop is setback approximately twenty (20) feet from 1<sup>st</sup> Street to reduce visual and noise impacts on adjacent residential uses. There is an existing landscape buffer along the north (side) and south (side) property line that consists of sight-obscuring evergreen hedge and trees. Additional landscaping is provided adjacent to 1<sup>st</sup> Street that consists of shrubs, trees and grass. The proposed use appears to provide adequate noise and visual buffering from adjacent residential uses upon complying with the landscaping provisions found in Section 2.207 of the Hubbard Development Code and the recommended conditions of approval.

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

**Staff Response:** The development should not significantly change the topography of the site, and no significant grading has been proposed. Existing vegetation is located primarily along the northern boundary of the parcel. Staff finds that the existing vegetation is a natural feature worth retaining, as far as practicable considering the extent of development. Staff finds that the proposed development retains existing natural features on site.

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

**Staff Response:** The subject property has approximately 98 feet of frontage on 1<sup>st</sup> Street, which is classified as a local road in as a local road in the 2012 Hubbard Transportation System Plan (TSP). The current Hubbard design standard for local roads includes a two (2) lane cross section, parkway strip, and five (5) foot sidewalks. This standard requires a thirty (30) foot paved width and fifty (50) foot right-of-way (ROW). Based on Marion County Assessor maps, the existing ROW is fifty five (55) feet along the subject property. Staff finds that the subject property frontage improvements comply with local street improvement standards.

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

**Staff Response:** 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.

## **SUMMARY AND RECOMMENDATION:**

The proposed development would make additional commercial services available within the City of Hubbard. Based on the size, location and existing development, the proposed use would not have a significant impact on the surrounding area. In reviewing this request staff has found that the proposal is consistent with pertinent Statewide Planning Goals. Public facilities, including transportation are readily available to the subject property. The proposed development would not impact any known significant natural features on the site.

Based on the findings in this report staff recommends **APPROVAL** of Zone Change 2016-01 and Site Development Review 2016-03, subject to the following condition of approval:

- A. Conformance to City of Hubbard Design and Construction standards is required. Applicant shall be responsible for the cost of public or private infrastructure improvements associated with the development. Compliance with Conditions of Approval shall be the sole responsibility of the Applicant.
- B. The subject development shall comply with all requirements of the Hubbard City Engineer found in Exhibit C of the Planning Staff Report dated September 28, 2016. Where the requirements of the City Engineer, the requirements of the Public Works Superintendent and a condition of approval, below, are different, the more stringent requirement shall be followed.
- C. **EXPIRATION OF APPROVAL:** Site Development Review approvals shall be effective for a period of two (2) years from the date of approval. If substantial construction of the approved plan has not begun within the two (2) year period, the approval shall expire. The approval shall be voided immediately if construction is a departure from the approved plan.
- D. **LANDSCAPING:** **Prior to issuance of a building permit,** Applicant shall submit a final landscaping plan, 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.
- E. **VEHICLE PARKING:** **Prior to the issuance of a building permit,** Applicant shall submit a vehicle parking plan for review and approval by City Engineer and Public Works.
- F. **BICYCLE PARKING:** **Prior to the issuance of a building permit,** the applicant shall submit a bicycle parking plan for review and approval by Public Works.

1. **Prior to occupancy of the structure**, bicycle parking space(s) shall be installed.
- G. LIGHTING:** **Prior to issuance of a building permit**, the applicant shall submit a lighting plan for review and approval by Public Works.
1. **Prior to occupancy of the structure**, perimeter lighting shall be installed.
- H. ADDRESS:** **Prior to occupancy of the structure**, the applicant shall post the address (minimum six inch numbers) on the building near the entry doors facing 1st Street.
- I. STORM WATER:** **Prior to issuance of a building permit**, Applicant shall submit a drainage plan prepared by a licensed engineer for Public Works and City Engineer approval. The drainage plan shall show erosion and sediment control, full storm drainage calculations, and detention facilities. Surveying benchmarks shall be used to establish elevations in the City of Hubbard.
- J. UTILITIES:** **Prior to issuance of a building permit**, Applicant shall submit detailed drawings for all utilities and a written estimate of water consumption. Applicant shall provide specific information, including but not limited to, the location and size of the existing and proposed utilities, size of the water meter, the location and size of all water lines, Uniform Plumbing Code calculations, and the extent of landscape irrigation.
1. **Prior to occupancy of the structure**, Applicant shall install a sewer monitoring manhole at a location approved by Public Works.
  2. 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.
- K. FIRE SAFETY:** **Prior to issuance of a building permit**, Applicant shall submit a fire safety plan approved by the Hubbard Fire District or State Fire Marshal, showing the location and performance specifications of fire hydrants, fire alarm systems, and/or fire sprinkler systems.
1. **Prior to occupancy of the structure**, fire safety improvements shall be constructed and a fire line public easement shall be recorded for any hydrant location on private property.

### **PLANNING COMMISSION ACTION**

- A. A motion to recommend that the City Council approve Zone Change 2016-01 and Site Development Review 2016-03:
1. As recommended by staff; or
  2. As further amended by the Planning Commission (stating any revisions).

- B. A motion to recommend that the City Council deny Zone Change 2016-01 and Site Development Review 2016-03 (stating the reason(s) for the recommended denial).
- C. A motion to continue the hearing to a date certain, stating the date.
- D. A motion to continue the request indefinitely, stating at what point the Planning Commission would consider reopening the hearing.

**SITE DEVELOPMENT REVIEW APPLICATION**

**CITY OF HUBBARD**

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

To Be Filled Out by Staff:

FILE: DR 2016-03  
DATE: AUG 18, 2016  
FEE: \$2000 -  
RECEIPT NO: 1-003155

APPLICANT: TIM-KAUFFMAN CONST, INC  
MAILING ADDRESS: 19756 Olmstead Rd Aurora, OR 97002  
PHONE: 503 910 7139 EMAIL ADDRESS: tkkauffman@gmail.com  
OWNER(S) (If different from above): Erik Berkey  
PHONE: 503 310-8004 EMAIL ADDRESS: Erikberkey@me.com  
ADDRESS: 23285 Bear Creek Rd, Bend, OR ~~970~~ 97701  
PROPOSED STRUCTURE/IMPROVEMENT: Detail Shop

SQUARE FOOTAGE: 1,710  
ESTIMATED VALUE OF STRUCTURE/IMPROVEMENT: \$ 125,000

**PROPERTY DESCRIPTION:**

ADDRESS: ~~3090~~ <sup>3092</sup> 1st Hubbard  
MAP PAGE AND TAX LOT NO: \_\_\_\_\_ ZONE: R/C  
CURRENT USE/STRUCTURES: Car Wash SQUARE FOOTAGE OF SITE: \_\_\_\_\_  
ZONE: R/C

**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.

Applicants Signature

8/18/16
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 c systems;
- Site drainage plan including methods of storm drainage, sanitary sewer system, electrical services. Inverse elevations may be required for all underground transmiss
- Proposed landscape plan, to include appropriate visual screening and noise buffi ensure compatibility with surrounding properties and uses;
- Proposed on-premise signs, fencing or other fabricated barriers, together with their h
- A schedule of expected development.

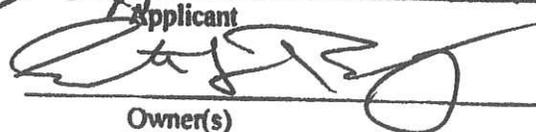
**EVALUATION CRITERIA**

In addition to compliance with the standards of the Development Code, the review of a Site I 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 EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT; A REQUEST DOES NOT VIOLATE ANY DEED RESTRICTIONS THAT MAY B IMPOSED UPON THE SUBJECT PROPERTY. (NOTE: ALL OWNERS MUST APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MI: INFORMATION MAY DELAY THE APPROVAL PROCESS.)**

8/16/16  
 \_\_\_\_\_  
 Date  
 8/19/16  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Applicant KAUFMAN  
  
 \_\_\_\_\_  
 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.

**ZONE CHANGE**

**CITY OF HUBBARD**

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

To Be Filled Out by Staff:

FILE: ZC 2016-01  
DATE: AUG 18, 2016  
FEE: See 7  
RECEIPT NO: 1.003155

APPLICANT: Kauffman Const., INC

PHONE: 503 910-7137 EMAIL ADDRESS: tkkauffman@gmail.com

ADDRESS: 19756 Olmstead Rd Aurora, OR 97002

OWNER(S): Erik Berkey  
(If different from above)

PHONE: 503-310-8004 EMAIL ADDRESS: erikberkey@me.com

ADDRESS: 23285 Bear Creek Rd, Bend, OR 97701

**PROPERTY DESCRIPTION:**

ADDRESS: ~~3090~~ <sup>3092</sup> 1<sup>st</sup> & Hubbard

MAP PAGE AND TAX LOT NO: \_\_\_\_\_

PRESENT ZONE: R/C PROPOSED ZONE: C

CURRENT USE/STRUCTURES: Car Wash SQUARE FOOTAGE OF SITE: 2,500

IS THE SITE OF HISTORIC SIGNIFICANCE? NO

**FINDINGS:**

Zone change requests shall be approved if the applicant provides evidence substantiating the following:

1. Approval of the request is consistent with the Comprehensive Plan and the Comprehensive Plan map designation and most effectively carries out the Plan goals and policies considering all alternatives, and
2. The property and affected area is presently provided with adequate public facilities, services, and transportation to support uses allowed within the requested zone, or such facilities, services provided concurrently with the development of the property.
3. The proposed amendment is consistent with the purpose of the Code's subject section and article.
4. The natural features of the site are conducive to the proposed zone district.

EXHIBIT A

LAND USE FEE SCHEDULE ACKNOWLEDGMENT

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

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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.

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

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(Review of documents, negotiation of conflicts, litigation and enforcement issues)

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(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]
Applicants Signature

8/16/16
Date

*id*

**ATTACHMENTS:**

Please submit one (1) paper copy and one (1) electronic copy (PDF format preferred) of the following 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 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; A REQUEST DOES NOT VIOLATE ANY DEED RESTRICTIONS THAT MAY BE IMPOSED UPON THE SUBJECT PROPERTY. (NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSED INFORMATION MAY DELAY THE APPROVAL PROCESS.)**

8/16/16  
Date

*[Signature]* KAVANAGH  
Applicant

8/19/16  
Date

*[Signature]*  
Owner(s)

\_\_\_\_\_  
Date

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

**ZONE CHANGE**

Zone change applications are reviewed under the same criteria. A zone change may be initiated by a City Council resolution of the Planning Commission, or petition of property owners.

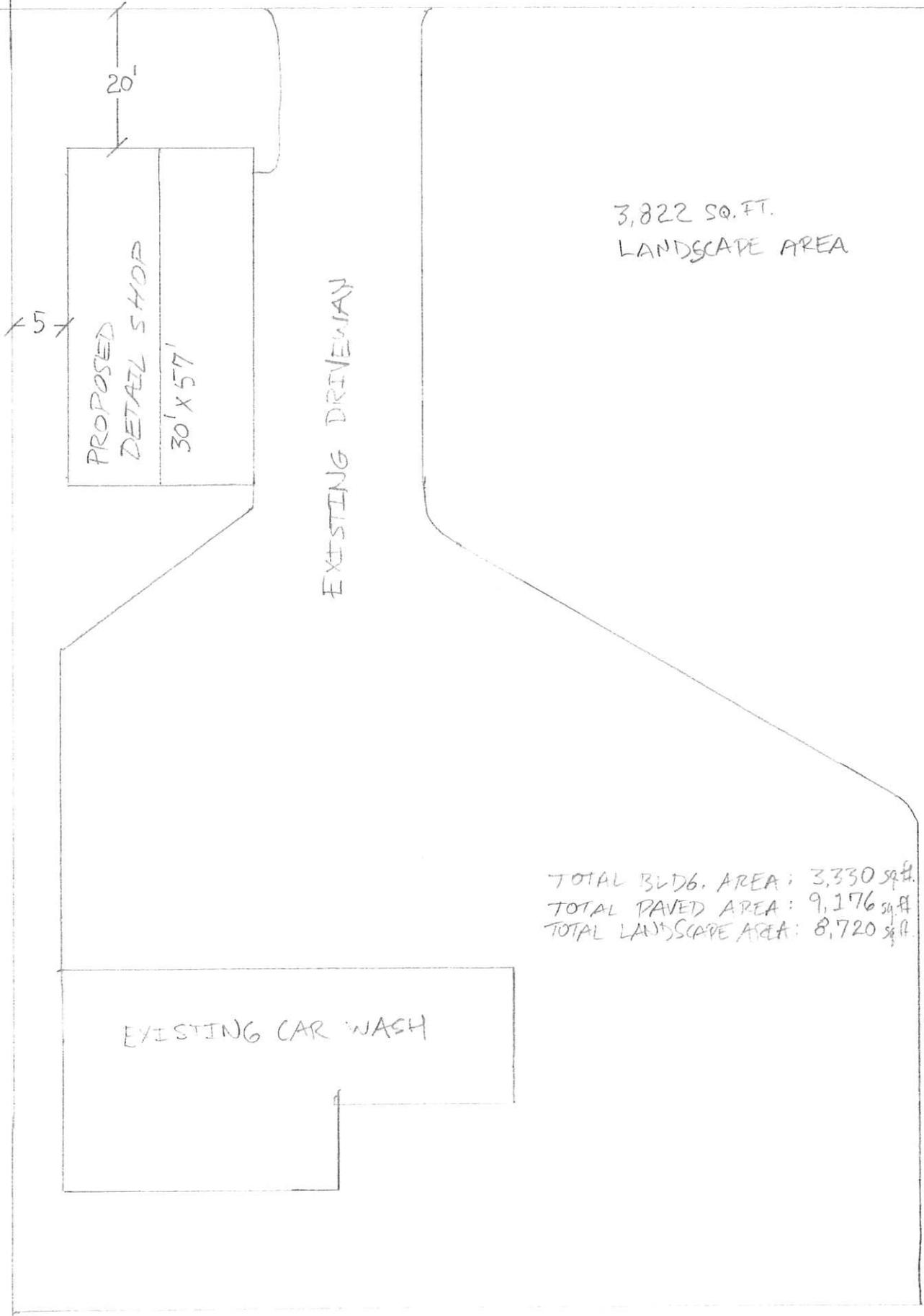
**APPLICATION PROCESSING**

Once an application is submitted, along with all pertinent filing information, City staff will review the application for completeness, and if additional material is necessary, you will be contacted. Once the application is complete, staff will prepare a report. The staff report is available seven days prior to the next meeting.

**AUTHORITY TO GRANT OR DENY A ZONE CHANGE**

The Planning Commission shall conduct a public hearing on the proposed zone change and make a recommendation to the City Council. The City Council shall then conduct a public hearing and make the final decision.

1<sup>ST</sup> STREET



PROPOSED  
DETAIL SHOP

30' X 57'

20'

5'

EXISTING DRIVEWAY

3,822 SQ. FT.  
LANDSCAPE AREA

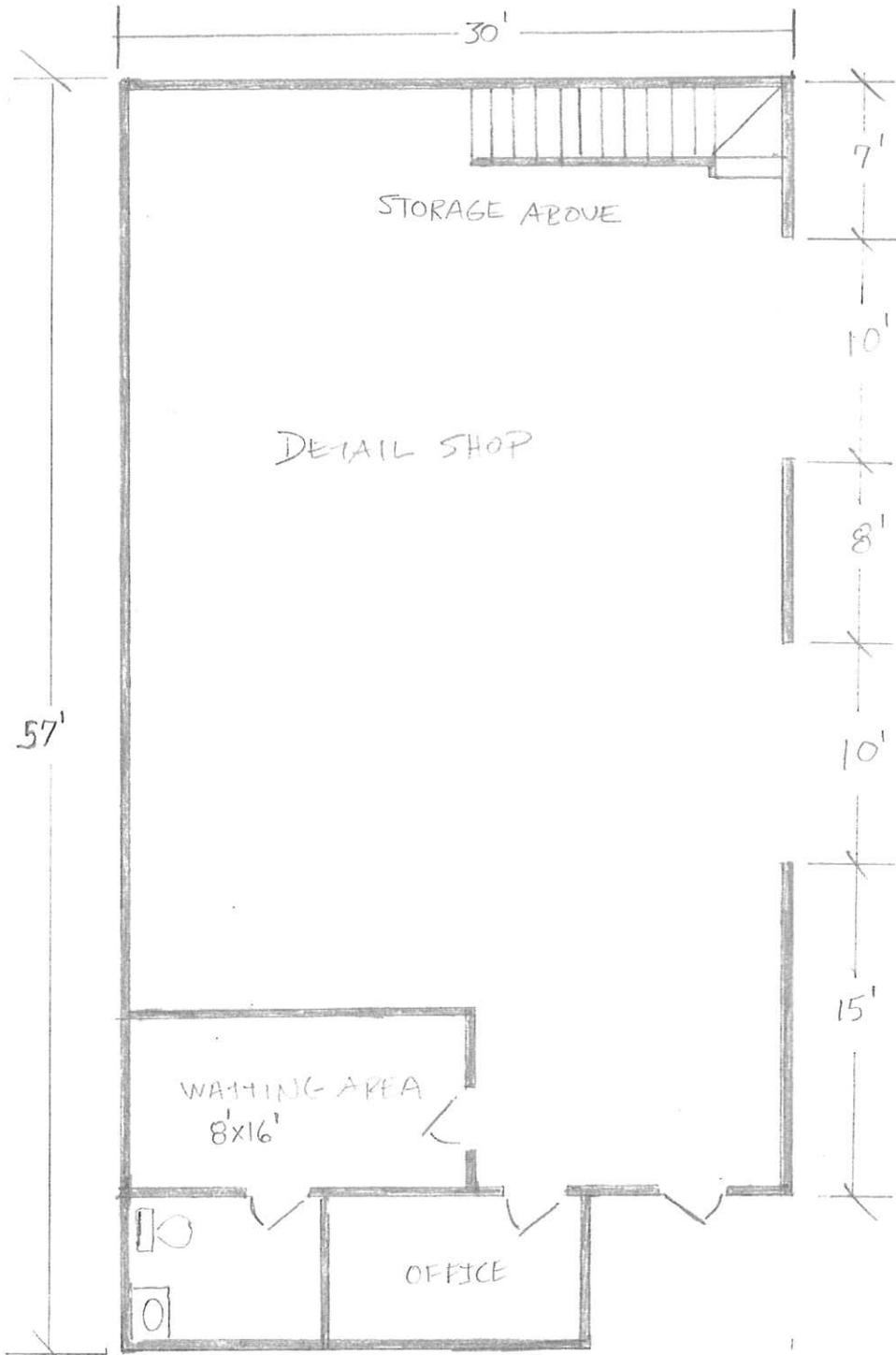
EXISTING CAR WASH

TOTAL BLDG. AREA: 3,330 sq ft.  
TOTAL PAVED AREA: 9,176 sq ft.  
TOTAL LANDSCAPE AREA: 8,720 sq ft.

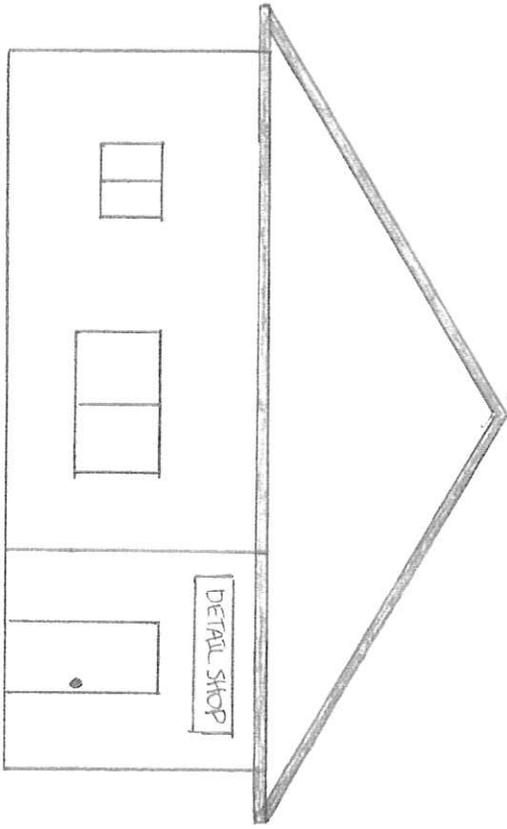
HWY 99E

DETAIL SHOP  
3090 1<sup>ST</sup> ST.  
HUBBARD, OR

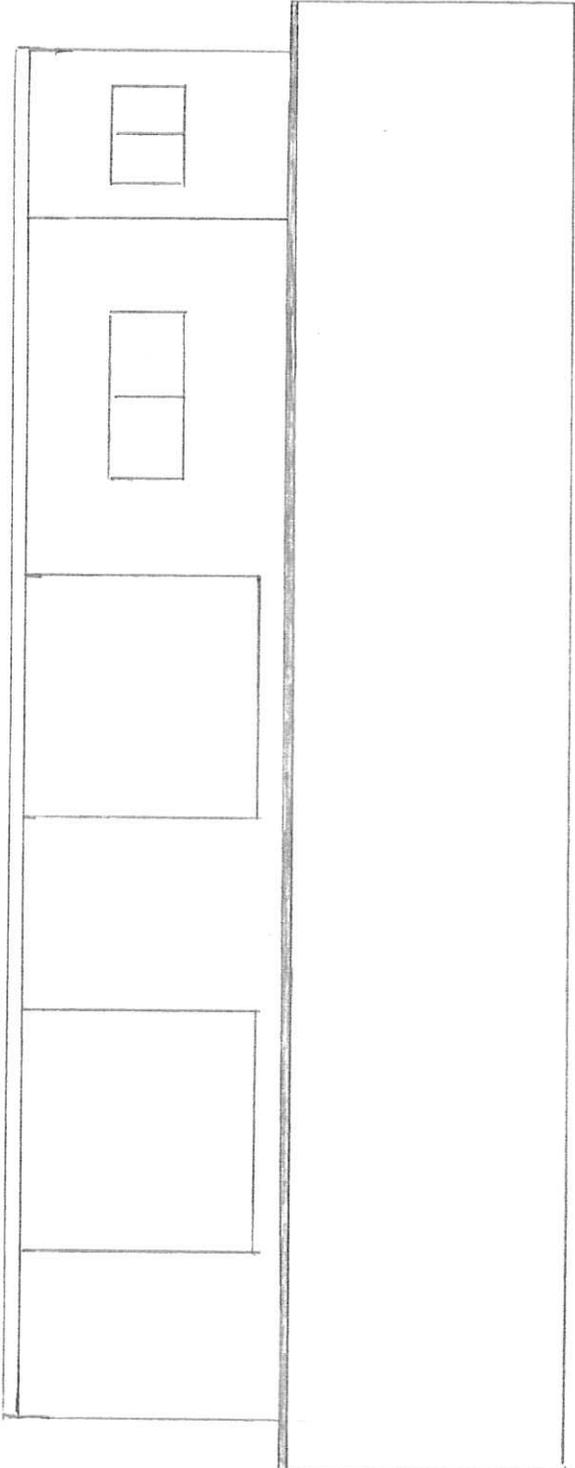
SCALE: NTS



DETAIL SHOP  
3090 1<sup>st</sup> ST.  
HUEBARD, OR 97032



EAST



NORTH  
SCALE : 1/8" = 1'

**SUBMITTED BY: Jaime Estrada**  
**DATE: September 20, 2016**  
**RE: 3092 1<sup>st</sup> Street**  
**DR #2016-03 & ZC #2016-01**

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. The fire department may require more fire hydrants;
6. We need complete detailed drawings on all utilities;
7. As-builts, require three (3) paper copies and one electronic file in Arcview/ArcGis 9 format;
8. Landscape plan must be provided for review;
9. Plan required for dealing with disposal of chlorinated water discharge;
10. Surveying benchmarks must be used in the city of Hubbard;
11. Light plan should be submitted. For subdivisions, the street light design must be done by PGE engineers;
12. Must contact Marion County for possible location of monuments;
13. Must obtain permits from Marion County;
14. The applicant shall be responsible for all costs associated with the improvements.
15. 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;
16. All utility work must be in accordance with Hubbard Public Works construction standards;
17. All utility work must be in accordance with the Oregon Health Department and DEQ; and
18. Replace the fire hydrant at this address.

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

September 28, 2016

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

**RE: DR #2016-03 and ZC #2016-01 – Tim Kauffman Construction, Inc.  
3092 1<sup>st</sup> Street**

**Sent by Email Attachment**

Dear Vickie:

We reviewed the application documents received via email by our office 8/29/2016. We also reviewed the Public Works plan review comments dated 9/20/2016. We have no concerns with the Zone Change application. Upon our review of the Site Development Review application we have the following comments:

1. Applicant shall submit plans that clearly differentiate between existing and proposed improvements. The plans should include existing and final grading to assure proper storm water drainage. The grade elevations shall be tied to Hubbard benchmarks.
2. Private water, sanitary sewer and storm drain systems on private property are reviewed and approved by Marion County (Plumbing Permit).
3. A copy of Marion County Building Permit(s) shall be furnished to the City.
4. Applicant shall submit storm water detention calculations prepared and sealed by a Registered Engineer in the State of Oregon in accordance with the Hubbard Design and Construction Standards.
5. Fire flows, fire hydrant locations, FDC locations, and drive aisle layout shall be in accordance with the International Fire Code and Hubbard Fire District requirements. Provide documentation that the Hubbard Fire District is satisfied with the proposed improvements.
6. Provide detailed plans for proposed utility services including water service (including backflow device), sanitary sewer service, and storm drainage.
7. Provide fixture counts and water use calculations for verification of water meter sizing.
8. Provide information for trash enclosures or proposed method for waste disposal.
9. Submit plans that show the extent of new exterior lighting (if any) – provide fixture catalogue cuts showing illumination patters.

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

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



John Kennedy, PE

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

**HUBBARD PLANNING DEPARTMENT**

**REQUEST FOR COMMENTS**

DATE: 8/29/16

TO: DAVID M. BRAYSON, POLICE CHIEF

RE: Site Development Review (DR#2016-03) & Zone Change (ZC#2016-01)  
3092 1st STREET / Detail Shop at Existing Car Wash

The City has received the attached plans for design review. These plans will come before the Planning Commission on Oct 18, 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 Sep 29, 2016 or sooner.)

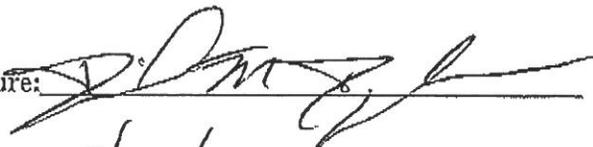
Comments or Proposed Conditions:

1. REQUIRE SIX INCH ADDRESS NUMBERS POSTED NEAR MAIN ENTRY DOOR.

2. REQUIRE PERIMETER LIGHTING ON ALL STRUCTURES TO AID NIGHTTIME PATROLS.

3. RECOMMEND 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: 

Date: 8/29/16

## LaRoque, Laura

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**From:** JUSTER Gerard P \*Gerry [Gerard.P.JUSTER@odot.state.or.us]  
**Sent:** Monday, September 26, 2016 11:17 AM  
**To:** LaRoque, Laura  
**Cc:** EARL Robert; KNECHT Casey; DRAKE Ray F; SAGERS Thomas E \* Tom  
**Subject:** RE: Hubbard - Pacific Hwy. 99E access  
**Attachments:** 24230.pdf; TripGen\_9-26-16.pdf; Ex\_Approach\_Upgrade\_Application.pdf

Hi Laura,

There is a permit that ODOT issued in 1979 for a used car lot on tax lot 1600. See first attached document. The permit does not mention the car wash on tax lot 2700 as a use associated with the permit. I cannot find anything in our Development Review and access permitting databases indicating we knew of, or provided comments related to the carwash. That said, here is how ODOT would look at this one.

Since we have an existing permit we would evaluate the site in its entirety, meaning both uses, under a change of use evaluation per OAR 734-051-3020. If it met the criteria of the administrative rule then we would recommend to the City that the applicant would need to apply and obtain a new access permit. Based on my review the two uses would not trigger the need to apply for a new access permit. I have attached the trip generation summary for both uses. Furthermore, I have not identified any safety or operational issues that would trigger a recommendation to apply for a new access permit.

If the City is going to require frontage improvements (drainage curb, gutter, sidewalk, planter strip and pedestrian scale illumination) we will need to review and approve construction plans, along with processing an [Application for Upgrade to an Existing State Highway Approach](#). I have attached a copy of the application. Any questions related to the application should be directed to Robert Earl, District 3 Senior Permit Specialist at 503.986.2902. Let me know if this is going to be the case.

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](mailto:gerard.p.juster@odot.state.or.us)

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From: LaRoque, Laura [<mailto:LLaRoque@mwvcog.org>]  
Sent: Friday, September 23, 2016 3:31 PM  
To: JUSTER Gerard P \*Gerry  
Subject: Hubbard - Pacific Hwy. 99E access

Hello Gerry,

Can you tell me if there is a valid permit for an access onto Pacific Hwy. 99E from 3081 Pacific Hwy. 99E (041W33DA01600)? The property owner of taxlot 2700 would like to expand their business (carwash) and it looks like their customers may be traversing across taxlot 1600 to enter and exit onto Hwy. 99E.

### Laura LaRoque

Associate Planner

Mid-Willamette Valley Council of Governments  
100 High Street SE, Suite 200  
Salem, OR 97301  
(ph) 503-540-1617  
(fx) 503-588-6094



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State of Oregon  
DEPARTMENT OF TRANSPORTATION  
Highway Division

APPLICATION AND PERMIT TO  
CONSTRUCT ROAD APPROACH

Road Approach Permit No.

24230

Form 81-734-3307

Name and Address of Applicant

Hubbard Garage Inc.  
187 G Street  
P.O. Box 100  
Hubbard OR 97032

Applicant hereby applies to the Administrator 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 Mile Post 29.5, Highway Engineers Station 963+68 as described herein.

Special Provisions

Map Reference 1A-2-36

1. Current Rules and Regulations governing Road Approach Permits as adopted by the State of Oregon, Department of Transportation, Highway Division, are by this reference made a part of this permit. Copies of said Rules and Regulations may be obtained from the District Engineer.
2. The approach(es) shall be constructed in accordance with the Type 2 Road Approach 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 \_\_\_\_\_
4. Facility served by approach(es) Used car lot
5. Construction of the approach(es) shall commence on or after April 28, 1978, and will be completed on or before April 28, 1978.
6. Applicant or his contractor shall notify ~~the District Engineer~~ Bob Doran, 2060 State Street, P.O. Box 14030, Salem OR 97310, phone 378-2630 prior to commencing work and after completing construction of the approach(es) covered by this permit.

Recommended for approval:

Kerry J. Dayton  
Asst. District Engineer

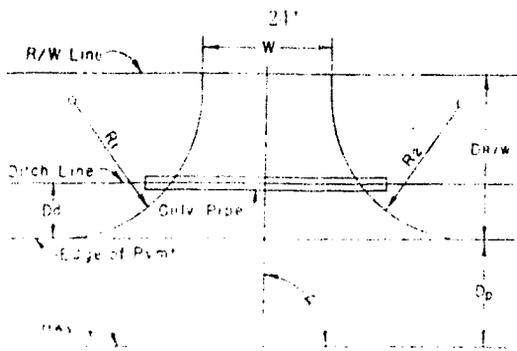
[Signature]  
Asst. Regional Engineer

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.

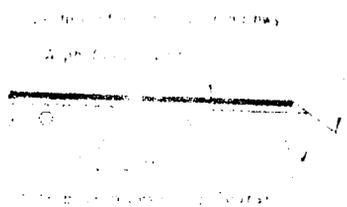
Applicant \_\_\_\_\_  
By [Signature]  
Date of Application April 25, 1978

ADMINISTRATOR AND STATE HIGHWAY ENGINEER

By [Signature]  
Effective Date 4-27-78



PLAN



APPROACH TYPICAL SECTION

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

W = 21' R<sub>1</sub> = 20' R<sub>2</sub> = 20' A = 90°

D<sub>p</sub> = 15' D<sub>c</sub> = 12' D<sub>R/W</sub> = 27'

Culvert Pipe  Required  Not Required

If required: Type Concrete Culvert

Diameter 12 inches

Length 30 feet

Stone base: Size & Type 1/2" #1 Crushed Rock

Comp. Thkn. 8 inches

Stone leveling Course: Size & Type 3/4" #10 Crushed Rock

Comp. Thkn. 5 inches

A.C. Pymt: Class 100 Mix

Comp. Thkn. 5 inches

TYPE 2 ROAD APPROACH

REVISED

Department of Transportation

Project No. 100

West

5

06/01/85

24230



**CITY OF HUBBARD PLANNING COMMISSION  
STAFF REPORT**

**REPORT DATE:** October 3, 2016

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

**HEARING DATE:** October 18, 2016

**APPLICANT:** PBSL, LLC, 2100 N. Pacific Hwy., Woodburn, OR 97071

**OWNER:** PBSL, LLC, 2100 N. Pacific Hwy., Woodburn, OR 97071

**REQUEST:** The applicant requests approval to divide property approximately 7.29 acres in size into three (3) parcels 1.49 areas (Parcel 1), 3.82 areas (Parcel 2), and 1.89 acres (Parcel 3). The subject property is located within an Industrial Commercial (IC) zoning district and has frontage on Pacific Hwy 99 E (490.74 feet) and Schmidt Lane (598.56 feet).

**PROPERTY:** The subject property is located at 2994 Schmidt Lane, Hubbard, OR. More specifically described as:

<u>Map/Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33DC00900	R11573	7.29	Industrial Commercial (IC)

**STANDARDS:** **Hubbard Development Code (HDC)**

Section 2.108 Industrial Commercial District (IC)

Section 2.208 Development Standards for Land Divisions

**CRITERIA:** Section 3.106.04 Partitions

**ATTACHMENTS:** Exhibit A: Application (July 27, 2016)

Exhibit B: Public Works Superintendent Comments (September 1, 2016)

Exhibit C: City Engineer/AKS Engineering Comments (August 29, 2016)

Exhibit D: Police Chief Comments (August 29, 2016)

## **I. PROCEDURE**

The Development Code, Section 3.106.05 states that Partitions applications shall be reviewed in accordance with Type II review procedures specified in 3.201.

Preliminary plat approval of a partition request is effective for a period of two (2) years from the date of the written approval. The applicant may request an extension of the preliminary plat approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing at least thirty (30) days prior to the expiration date of the approval period. Final approval will be granted if no substantive changes are made to the approved preliminary plat.

## **II. APPEAL**

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

#### IV. BACKGROUND

General. The applicant is requesting approval to partition one parcel into three (3) parcels.

On Site. An industrial building approximately 15,120 square feet in size. The existing building is located within the area of proposed Parcel 1.



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

- NORTH: Developed industrial property zoned Industrial Commercial,
- SOUTH: Development industrial property outside of the City Limits but inside the Urban Growth Boundary zoned Urban Transition,
- EAST: Commercial and residential properties zoned Industrial Commercial, and
- WEST: Undeveloped property outside of the City Limits and Urban Growth Boundary zoned Acreage Residential.

#### V. REVIEW STANDARDS

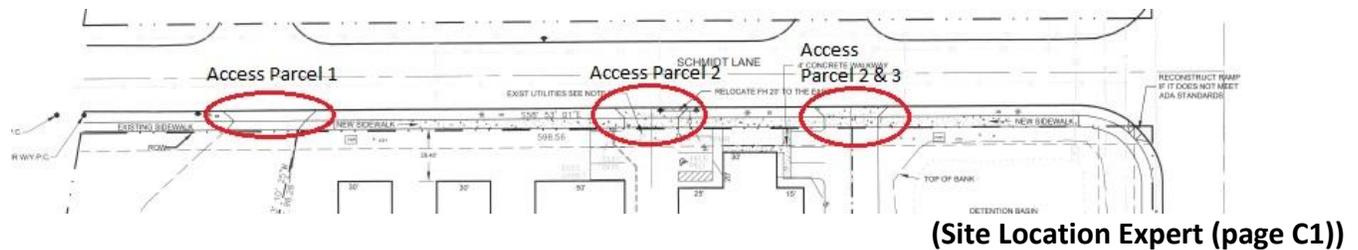
According to Development Code Section 3.106.01, the City requires a partition application for any land division that creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Divisions of Section 2.208, other applicable development standards and requirements for access, per 3.106.01(A), and dimensional standards of the zone district, subsection 2.108.04. Subsection 3.106.04 states the criteria for preliminary plat approval.

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

**Finding:** The total frontage on Schmidt Lane is 598.56 feet. The proposed partitions will divide the existing frontage among the three parcels as follows: Parcel 1 will have 120 feet of frontage on Schmidt Lane. Parcel 2 will have 310 feet of frontage on Schmidt Lane. Parcel 3 will have 170 feet of frontage on Schmidt Lane and 490.74 feet of frontage on Pacific Highway 99E.

Applicant does not propose any changes to the existing forty (40) foot, two-way access to Parcel 1. Applicant proposes two (2) new accesses to Schmidt Lane. As shown below, Parcel 2 and Parcel 3 will share a two-way, thirty (30) foot access. Parcel 2 will also have a secondary access approximately 270 feet from the intersection of Schmidt Lane and Pacific Hwy. 99E. The secondary access to Parcel 2 will also be a two-way, thirty (30) foot access. The proposed access widths exceed the twenty (20) foot access minimum. Staff recommends a **condition of approval** that Applicant records a reciprocal access easement and shared maintenance agreement for any of the shared accessways.

**Figure One: Site Access**



The distance between the existing access on Parcel 1 and the proposed access on Parcel 2 is 183 feet. The distance between the access at Parcel 2 and the shared access of Parcel 2 and 3 is 82 feet. All proposed access spacing exceeds the minimum 22 feet spacing requirement of the industrial zone.

**Development Code Section 3.106.04 provides the criteria for preliminary plat approval.**

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

**Finding:** According to the Development Code, Section 2.108.04, there is no minimum lot size required for properties located within an Industrial zone district.

An industrial building approximately 15,120 square feet in size for a machining manufacturer and associated parking lot and landscaping improvement currently existing on the west side of the property (Parcel 1). Section 2.108.04, requires a ten (10) foot minimum side yard setback. The preliminary plat indicates that the distance between the existing structure and the proposed property boundary between Parcel 1 and Parcel 2 will be forty five (45) feet or greater.

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

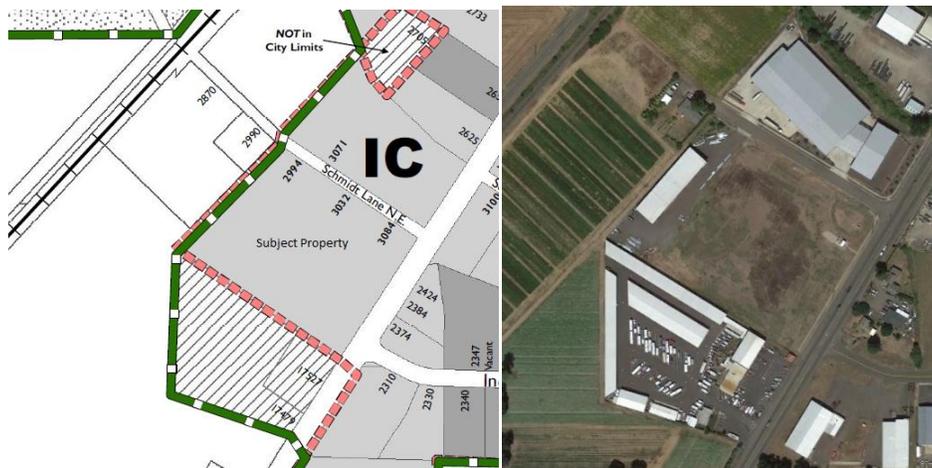
**Finding:** Parcel 1 is developed with an approximately 15,120 square foot industrial building and associated site improvements. A preliminary development plan has been provided for Parcel 2 and Parcel 3. The area of Parcel 2 (3.82 acres) and Parcel 3 (1.89 acres) appears to be significant for the

proposed development. Development standards are reviewed in detail in companion Site Development Review application file number DR 2016-05.

Any prior reimbursement agreements for previous public facility improvements will be the requirement of the Applicant.

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

**Finding:** 3071 Schmidt Lane is fully developed and accessible by both Pacific Highway 99E and Schmidt Lane. Properties 2424, 2384, and 2374 are developed and accessible from Pacific Highway 99E. 17527 and 17479 Pacific Highway 99E are developed and accessible from Pacific Highway 99E. 2990 is developed and accessible by driveway from the terminus of Schmidt Lane. 2870 Schmidt Lane is undeveloped (agricultural use) and accessible by a driveway (shared with 2990 Schmidt Lane) from the terminus of Schmidt Lane.



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

**Finding:** No streets are proposed as part of this partition. Access to Schmidt Lane shall be as permitted by the City's Public Works Department Superintendent and/or City Engineer. Access to Pacific Highway 99E shall be permitted by the Oregon Department of Transportation.

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

**Finding:** According to the City's utility records, public utilities are available to serve the subject property and proposed parcels. Based on comments from the City Engineer and Public Work Superintendent, Staff recommends a **condition of approval** that Applicant is responsible to provide utility services to each lot in accordance with Hubbard's Design and Construction Standards.

The preliminary plans show that the existing stormwater detention basin will be providing the required detention for the three parcels. Staff recommends a **condition of approval** that requires that

Applicant records cross easements and maintenance agreements for the shared use of the existing detention basin.

Based on comments provided by the City Engineer and Public Works Superintendent, Staff recommends a **condition of approval** that requires the Applicant to place a permanent utility easement in location and size as determined by the City's Public Works Superintendent and/or City Engineer along the existing waterline on the south side of the property that serves the existing fire hydrant.

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

**Finding:** Conditions of approval bring the application into compliance with the intent of the Development Code. It is possible for the applicant to satisfy conditions of approval prior to final plat approval. The final plat needs review and approval by the City Engineer prior to recording with Marion County Surveyor's office.

## **VI. SUMMARY, RECOMMENDATION, AND CONDITIONS OF APPROVAL**

The applicant requests approval to divide property approximately 7.29 acres in size into three (3) parcels 1.49 areas (Parcel 1), 3.82 areas (Parcel 2), and 1.89 acres (Parcel 3). The parcels meet the minimum lot size for property located within an Industrial Commercial (IC) zoning district and public utilities are either currently available or can be made available at the time of development.

Based upon information presented in the staff responses, the proposed partition on the subject property and compliance with the recommended conditions of approval, Partition 2016-01 meets the criterion in the Development Code. Staff recommends approval of the partition based upon compliance with the following conditions:

### **Utilities:**

- A.** At the time of expanded development on Parcel 1 and City approved development on Parcel 2 and Parcel 3, water and sewer service shall be extended to each parcel. Construction of improvements and connections to water and sewer services shall comply with City standards.

### **Access**

- B. Prior to final plat approval**, the minimum required width for access shall be reviewed and approved by the City Engineer and the Fire Department.

### **Final Plat**

- C. Prior to approval of the final plat**, a reciprocal access and maintenance agreement for shared accessways shall be submitted to the City Public Works Superintendent and City Engineer for approval.

- D. Prior to approval of the final plat,** a cross easements and maintenance agreements for the shared use of the existing detention basin shall be submitted to the City Public Works Superintendent and City Engineer for approval.
- E. Prior to approval of the final plat,** a permanent utility easement in location and size as determined by the City's Public Works Superintendent and/or City Engineer shall be recorded for the existing waterline on the south side of the property that serves the existing fire hydrant.
- F. Within two (2) years of the approval of this application by the Planning Commission,** the applicant shall submit four (4) copies of the proposed final plat to the City for review. The final plat shall substantially conform to the approval granted by the Planning Commission.
- G.** The Planning Commission may extend the approval period for any partition for a period of not more than one (1) year. Requests for extension of approval shall be submitted, in writing, at least thirty (30) days prior to the expiration date of the approval period accompanied by payment of the required fee.
- H.** After recording, the applicant shall submit two (2) copies of the recorded plat to the City.

**VII. PLANNING COMMISSION ACTION**

- A.** Approve Partition 2016-01 to partition 2994 Schmidt Lane into three (3) parcels:
  - 1. as presented in the staff report, including the findings of fact and based upon compliance with the conditions of approval, or
  - 2. as stated in the staff report with modifications by the Planning Commission. The motion must include the modifications and any necessary changes to the staff responses or findings of fact or conditions of approval.
- B.** Deny the partition application (stating how the application does not meet and cannot be redesigned to meet the required standards).
- C.** Postpone or continue the public hearing to a time certain, or indefinitely (considering the 120 day limit on applications).

**CITY OF HUBBARD PLANNING COMMISSION  
STAFF REPORT**

**REPORT DATE:** October 3, 2016  
**FILE NUMBER(S):** DR 2016-05  
**HEARING DATE:** October 18, 2016  
**APPLICANT:** Modular Mini Storage, Inc., P.O. Box 2353 Tualatin, OR 97062  
**OWNER:** PBSL, LLC 2100 N Pacific Highway, Woodburn, OR 97071  
**REQUEST:** Site development review approval for two (2) commercial buildings with a combined square footage of 15,400, seven (7) self-storage buildings with a combined square footage of 85,970, and one (1) office totaling 1,200 square feet, and related parking, landscaping, and site improvements.  
**PROPERTY:** The subject property is located at 2994 Schmidt Lane, Hubbard, OR. More specifically described as:

<u>Map/Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33DX00900	R11573	7.29	Industrial-Commercial (IC)

**CRITERIA:** **Hubbard Development Code (HDC)**  
Section 2.108 Industrial-Commercial District (IC)  
Section 2.200 General Development Standards  
Section 3.105 Site Development Review  
**ATTACHMENTS:** Exhibit A: Applicant’s Submittal (September 12, 2016)  
Exhibit B: Comments, Public Works Department (September 20, 2016)  
Exhibit C: Comments, City Engineer (September 26, 2016)  
Exhibit D: Comments, Police Chief (July 28, 2016)  
Exhibit E: Comments, ODOT (September 28, 2016)

**I. PROCEDURE**

The Development Code, Section 3.105.04 states that Site Development Review applications shall be reviewed in accordance with the Type II review procedures specified in Section 3.201.02.

The site development review approval is effective for a period of two (2) years from the date of the written approval. The applicant may request an extension of the approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing at least thirty (30) days prior to the expiration date of the approval period. The project shall be constructed according to all approved plans.

## II. APPEAL

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

## III. BACKGROUND

General. The applicant is requesting approval to construct two (2) commercial buildings with a combined square footage of 15,400, seven (7) self-storage buildings with a combined square footage of 85,970, and one (1) office totaling 1,200 square feet, and related parking, landscaping, and site improvements.

On Site. Manufacturing building. Stormwater detention basin.



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

NORTH: Developed industrial property zoned Industrial Commercial,  
SOUTH: Development industrial property outside of the City Limits but inside the Urban Growth Boundary zoned Urban Transition,  
EAST: Commercial and residential properties zoned Industrial Commercial, and  
WEST: Undeveloped property outside of the City Limits and Urban Growth Boundary zoned Acreage Residential.

#### IV. 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/storage 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. The proposed development will consist of two (2) commercial buildings with a combined square footage of 15,400, seven (7) self-storage buildings with a combined square footage of 85,970, and one (1) office totaling 1,200 square feet, and related parking, landscaping, and site improvements.

Section 2.207.03(C) requires that the landscaped area for industrial uses shall be ten (10) percent of the gross lot area. As required by the Development Code, a minimum of 24,873 square feet is to be landscaped based upon a lot size of 5.71 acres (248,727.60 square feet). The applicant's preliminary landscaping plan does not indicate total landscaped area but does show that landscaping will be located along the north, east, and south perimeter of the site. 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.

Section 2.207.05(A) requires that screening shall be used for services areas, outdoor storage and outdoor display areas, parking for thirty (30) or more vehicles for commercial or industrial uses, and at and above-grade electrical and mechanical equipment. Approximately, sixty eight (68) parking spaces are proposed to be constructed along the Pacific Hwy. 99E frontage. The preliminary landscaping plan shows that the area around these parking spaces will be landscaped with a mix of azalea, rhododendron, and arborvitae shrubs. Service areas and electrical and mechanical equipment are not shown the primary plans. These areas shall require screening and be shown on the final landscaping plan.

Section 2.207.07(A) requires that street trees are to be planted for all development that are subject to Site Development Review, unless waived by the Public Works Superintendent for utility purposes. Staff recommends a **condition of approval** that Applicant includes street trees in the final landscaping plan in conformance to the standards in Section 2.207 and any applicable road authority requirements.

Property or building signs impact the visual appearance of the property. The preliminary site plan did not indicate any signage planned for the development at this time. The applicant must obtain a sign permit from the City prior to installation of any signage. All signs must comply with Development Code, Section 2.206.

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

	<b>Required (2.108.04)</b>	<b>Proposed</b>
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, 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. Based on comments from the City Engineer, Public Works Superintendent, and ODOT Representatives, Staff recommends a **condition of approval** that Applicant submit a drainage and detention plan prepared by a licensed engineer for review and approval by the Public Works Superintendent, City Engineer, and ODOT. 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.

Buildings are proposed to be constructed over existing storm drain sewer. Staff recommends **conditions of approval** that Applicant provide evidence that the proposed improvements will comply with current building codes and that cross easements and maintenance agreements to the City of Hubbard are provided for shared use of the private stormwater conveyance and detention system.

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.

If any on-site drainage is to be discharged into an Oregon Department of Transportation (ODOT) owned and/or maintained facility, Applicant will need to provide a stormwater report to address water quantity and quality requirements.

Public Works Supervisor comments, dated September 20, 2016, are attached as Exhibit B. City Engineer comments, dated September 26, 2016, are attached as Exhibit C.

Based upon compliance with the condition of approval, Criterion B is met.

*C. public health factors;*

**FINDING:** Connections to water and sewer mains for the subject property must be installed according to City standards. Based on comments provided by the Public Works Superintendent and City Engineer, Staff recommends a **condition of approval** requires submittal of detailed information regarding proposed utilities and an estimate of water usage be provided. Additional details are provided in Exhibits B, Public Works Department comments, and C, City Engineer comments.

The applicant shall provide specific information, including but not limited to, the location and size of the existing and proposed utilities, size of the water meter, the location and size of all water lines, Uniform Plumbing Code calculations, and the extent of landscape irrigation. The details will be used to assess Systems Development Charges (SDCs).

Section 2.401.14, requires a minimum six-inch high reflective address numbers at the front of a main building and near the main entrance. The City's Police Chief also comments on the requirement for address numbers (Exhibit D). A **condition of approval** requires such address numbers to be placed on the warehouse building when it is constructed, and also placed on the office building when it is constructed.

The Chief's comments include a request for "perimeter lighting to aid nighttime patrols." It is advisable that perimeter lighting be installed on the property. A **condition of approval** requires a lighting plan for the property be submitted and installed as part of Phase 2.

The Chief's comments include a recommendation that a "monitored security system" be installed. It is advisable that perimeter lighting be installed on the property, but **no condition of approval** requires a security system be installed.

Comments submitted by the City Engineer require fire flows, private fire hydrant, Fire Department Connection (FDC) locations, and drive aisle layout in accordance with the International Fire Code and Fire Marshal requirements. No comments were provided by the Hubbard Fire District Chief. A **condition of approval** requires the applicant to meet with

Hubbard Fire District personnel and contact the State Fire Marshall prior to initiating development to discuss and identify the applicable requirements from the Oregon Fire Code and other applicable fire codes. A **condition of approval** requires the applicant to provide documentation from the Hubbard Fire District regarding the adequacy of existing hydrant coverage prior to issuance of a building permit. A **condition of approval** requires the applicant to install one or more fire hydrants in a location(s) if required by the Fire Marshal and that such installation shall conform to City standards. For any hydrant location on private property a **condition of approval** requires a fire line public easement be recorded prior to the issuance of a building permit.

A **condition of approval** requires conformance to City of Hubbard Design and Construction standards. Applicant/owner/developer shall be responsible for the cost of public or private infrastructure improvements associated with the development. Compliance with Conditions of Approval shall be the sole responsibility of the Applicant.

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.

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

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

**FINDING:** Applicant proposes two (2) new two-way, fifteen (15) feet per lane, accesses to Schmidt Lane. The site plan shows that the proposed two-way drives all meet the minimum width of twenty (20) feet. The site plan also shows that access closest to the Pacific Hwy 99E will be shared by parcel 2 and 3. A reciprocal access easement and shared maintenance agreement for the shared access is recommended as a **condition of approval**. A **condition of approval** requires the applicant to submit plans to the Hubbard Public Works Department showing the access onto Schmidt Lane meet all City of Hubbard requirements for such access.

Upon completion of development, the site will contain 15,400 SF of commercial space, 85,970 SF of warehouse/storage space, and 1,200 SF of office space. Based on this breakdown, Section 2.203.05 requires parking at ratios of 1 space per 600 SF of gross floor area for retail outlets, 1 space per 5,000 SF for warehousing/storage, and 1 space per 200 SF for office space. Based on these ratios, forty nine (49) parking spaces are required. Applicant proposes installation of seventy six (76) spaces. Staff finds proposed parking complies with required ratios. Accessible parking stalls shall conform to Chapter 11 of the Oregon Structural Specialty Code.

The proposed parking area will accommodate two-way traffic, will maintain a minimum twenty (20) foot width, and individual spaces will measure at least 8.5' x 20' in compliance with Section 2.203.07(B).

Section 2.203.06, B, 2, requires one loading space for commercial or industrial building of 5,000 to 30,000 square feet of gross floor area. Seven (7) of the proposed industrial buildings falls within the stated gross floor area. Therefore, seven (7) loading spaces are required a minimum of twelve (12) feet wide, thirty (30) feet long, and a clearance height of fourteen (14) feet. The proposed warehouse buildings are to be used for self-storage of recreational vehicles and personal possessions. It is determined there is sufficient space for a loading space. A **condition of approval** requires that seven (7) 12' X 30' X 14' loading spaces be shown on a revised Site Plan and submitted to the city before submitting a building permit application. As a practical matter, due to the type of use proposed for the site, it is unlikely that loading spaces are needed as loading and unload will be at or near each storage unit.

Section 2.203.09 establishes ratios for required bicycle parking. These ratios are based on use. The use of the commercial structures is currently unknown. Staff recommends using the ratio provided for retail stores based on the size of the proposed structures. The ratio for retail stores is .33 space per 1,000 SF. The ratio for office is two (2) or .5 per 1,000 SF. The ratio for warehouse is (2) or .1 space per 1,000 SF. Based on these ratios, sixteen (16) bicycle spaces are required. Staff recommends that a **conditional of approval** includes the construction of sixteen (16) bicycles parking spaces per the guidelines state in Section 2.203.09(C). Due to the type of use proposed for the site, it is unlikely that warehouse/storage trips will be done by bicycle. However, it is likely that trips to the retail or office uses will be done by bicycle. Seven (7) bicycle spaces for the retail and office uses are required based on the above stated ratios.

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.

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

**FINDING:** The development should not significantly change the topography of the location, and no significant grading has been proposed. There are no significant trees on the site. Staff finds there are no significant natural features on the site to retain. Staff finds the request 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 has approximately 501 feet of frontage on Pacific Hwy. 99E, which is classified as a major arterial and State Highway in the 2012 Hubbard Transportation System Plan (TSP). The current Hubbard design standards for major arterials includes a five (5) lane cross section, parkway strip, and six (6) foot sidewalks. This standard requires a fifty two (52) foot paved width and eighty (80) foot right-of-way (ROW). Based on Marion County Assessor maps, the existing ROW is eighty (80) feet along the subject property. ODOT issued an access permit for the construction highway frontage improvement along Pacific Hwy. 99E in 2009. These improvements included a parkway strip and six (6) foot sidewalks (See Exhibit E for more details). Any proposed improvements or occupation of ODOT ROW to provided construction or utility improvements will require a permit issued by ODOT.

The subject property also has approximately 597 feet of frontage on Schmidt Lane, which is classified as a collector in the 2012 Hubbard TSP. The current Hubbard design standards for collectors include a four (4) lane cross section, parkway strip, and five (5) foot sidewalks. The standard requires a thirty four (34) foot paved width and sixty (6) foot ROW. Based on Marion County Assessor maps, the existing ROW is forty (40) feet along the subject property. A segment of street improvements has been completed along the frontage of the Parcel 1. Staff recommends a **condition of approval** that the parkway strips, sidewalks and ramps along Schmidt Lane (Parcel 2 & 3) shall be constructed to current Hubbard standards. Any utility crossings on Schmidt Lane must be bored. Any proposed improvements within the Pacific Hwy 99E ROW shall submitted to ODOT 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.

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

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

## **V. SUMMARY AND RECOMMENDATION**

Based on the findings contained in this report, Staff concludes that the application (File DR 2016-05) complies with the applicable criteria, subject to the following conditions. Marion County Building Inspection and the Hubbard Fire District will be responsible for building permits, construction standards, and adequate fire protection.

Staff recommends approval of the application, subject to the following conditions of approval:

- A.** Conformance to City of Hubbard Design and Construction standards is required. Applicant shall be responsible for the cost of public or private infrastructure

improvements associated with the development. Compliance with Conditions of Approval shall be the sole responsibility of the Applicant.

- B. The subject development shall comply with all requirements of the Hubbard City Engineer found in Exhibit C of the Planning Staff Report dated September 26, 2016 and Hubbard Public Works found in Exhibit B of the Planning Staff Report dated September 20, 2016. Where the requirements of the City Engineer, the requirements of the Public Works Superintendent and a condition of approval, below, are different, the more stringent requirement shall be followed.
- C. **EXPIRATION OF APPROVAL:** Site Development Review approvals shall be effective for a period of two (2) years from the date of approval. If substantial construction of the approved plan has not begun within the two (2) year period, the approval shall expire. The approval shall be voided immediately if construction is a departure from the approved plan.
- D. **SCHMIDT LANE RIGHT OF WAY:** Any proposed improvements within the Schmidt Lane ROW shall be done in accordance the Hubbard design standards. Any proposed improvements in the Pacific Hwy 99E ROW shall submitted to ODOT for review and a construction permit issued prior to commencement of construction.
  - 1. **Prior to occupancy of the structure**, Applicant shall construct a sidewalk along the Schmidt Lane property frontage, including an accessible ramp at the intersection Schmidt Lane and Pacific Hwy. 99E. The design and construction shall conform to Hubbard and 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.
- E. **LANDSCAPING: Prior to issuance of a building permit**, Applicant shall submit a final landscaping plan, prepared by a licensed landscape architect, which complies with Section 2.207 and shows at least 10% of the gross area landscaped, the location and type of proposed planting, and the location and water source of automated irrigation systems for landscaped areas larger than 400 SF. In lieu of irrigation, Xeriscaping may be used.
  - 1. **Backflow Prevention:** If the public water source is used for irrigation, then a backflow prevention device shall be required and installed prior to occupancy.
  - 2. **Prior to occupancy of the structure**, landscaping 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.

- F. **ACCESS: Prior to occupancy of the structure**, Applicant shall submit a copy of reciprocal access and maintenance agreements for all shared accesses.
- G. **PARKING: Prior to issuance of a building permit**, Applicant shall submit a final parking plan, which complies with Section 2.203 and shows at least seven (7) loading spaces and sixteen (16) bicycle parking spaces for review and approval by Public Works.
- H. **LIGHTING: Prior to issuance of a building permit**, the applicant shall submit a lighting plan for review and approval by Public Works. Any lighting along Pacific Hwy 99E shall be illuminated to ODOT standards.
1. **Prior to occupancy of the structure**, perimeter lighting shall be installed.
  2. **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.
  3. **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. **Prior to occupancy of the structure**, cross easements and maintenance agreements acceptable to the City of Hubbard are required for shared use of private stormwater conveyance and detention system.
    4. 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.
    5. If any on-site drainage is to be discharged into an ODOT owned/maintained facility, the applicant will need to provide a stormwater report to address water quantity and quality requirements, a copy of ODOT's approval of said report shall be submitted to the City.
  4. **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 water line at the south side of the property shall be provided in a manner acceptable to Public Works. All proposed buildings shall be located outside of this easement.
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.
5. **FIRE SAFETY: Prior to issuance of a building permit**, Applicant shall submit a fire safety plan approved by the Hubbard Fire District or State Fire Marshal, showing the location and performance specifications of fire hydrants, fire alarm systems, and/or fire sprinkler systems.
  1. **Prior to occupancy of the structure**, fire safety improvements shall be constructed and a fire line public easement shall be recorded for any hydrant location on private property.

## VI. PLANNING COMMISSION OPTIONS

- A. Approve the request and adopt the findings and conditions contained in the Staff Report.
- B. Approve the request with findings/conditions amended by the Planning Commission.
- C. Deny the request 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).

# CITY OF HUBBARD

## STAFF REPORT

**REPORT DATE:** October 3, 2016

**FILE NUMBER(S):** VA 2016-03

**APPLICANT:** City of Hubbard, 3720 2<sup>nd</sup> Street (P.O. Box 380), Hubbard, OR 97032

**OWNER:** City of Hubbard, 3720 2<sup>nd</sup> Street (P.O. Box 380), Hubbard, OR 97032

**REQUEST:** The applicant requests a major variance to reduce the front yard setback and one side yard setback from twenty (20) feet to zero (0) feet in order to replace the existing public restroom facility at Rivenes Park.

**PROPERTY:** The subject property is located at 2600 D Street, Hubbard, OR. More specifically described as:

<u>Map/Taxlot</u>	<u>Acct</u>	<u>Acres</u>	<u>Zoning</u>
041W33AD05900	R99801	1.01	Public Use (PU)

**Figure 1: Aerial View**



**Figure Two: Street View**



**CRITERIA:** **Hubbard Development Code (HDC)**  
Section 2.109 Public Use District (PU)  
Section 3.104.03 Criteria and Procedure – Major Variance

**PREVIOUS**

**DECISIONS:** In 2013, a major variance request was approved to reduce the front yard and one side yard setback (adjacent to a street) from twenty (20) feet to zero (0) feet in order to replace the existing restrooms at Rivenes Park.

**ATTACHMENTS:** Exhibit A: Applicant’s Submittal

**I. PROCEDURE**

A major variance request is processed as a Type II review procedure. Type II procedures are conducted as stated in Section 3.201.02 of the Development Code. Section 3.104.03 provides the criteria for processing major variance requests. The Planning Commission makes the final decision on the application.

Per Section 3.104.05, an approval of a variance is effective for two (2) years from the date of approval. If the variance request has not been implemented within the two (2) year period, the approval shall expire. The applicant may request an extension of the approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing at least thirty (30) days prior to the expiration date of the approval period.

**III. APPEAL**

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

**IV. BACKGROUND**

- General: The property is located in an existing residential area and bounded by four streets: ‘D’, 5<sup>th</sup>, ‘E’, and 4<sup>th</sup> Street.
- On Site: Existing park, restroom facility, and parking area.
- Surrounding Uses: Developed residential properties.
- Utilities:
  - Water: City water, six (6) inch main that crosses through Rivenes Park.
  - Sewer: City sewer, eight (8) inch main located in 5<sup>th</sup> and ‘D’ streets.

## V. REVIEW STANDARDS/VARIANCE CRITERIA

### Section 2.109.04 Dimensional Standards (PU Zone)

#### B. Minimum Yard Setbacks

(\*\*\*)

- |  |         |
|--|---------|
| 1. Front Yard                              | 20 feet |
| 2. Side Yard (abutting a residential zone) | 20 feet |
| 3. Side Yard (adjacent to a street)        | 20 feet |
| 4. Rear Yard                               | 20 feet |
| 5. Rear Yard (adjacent to a street)        | 20 feet |

**FINDING:** Per the submitted site plan (Exhibit A), the structure is proposed at the northern corner of the property, zero (0) feet from both the front yard and one side yard property boundaries. A variance is requested to reduce the front yard setback and one side yard setback from the required twenty (20) feet to zero (0) to allow the construction of a new public restroom facility to replace the existing structure at Rivenes Park. Applicant has requested a 100% variance to the minimum front yard setback and side yard setback standard. The major variance is addressed below.

C. Maximum Structure Height: 35 feet

**FINDING:** The proposed height of the new structure is fifteen (15) feet, which does not exceed the maximum structure height standard in the PU zone.

### Section 3.104.03 Criteria and Procedure – Major Variance

*The Planning Commission may allow a variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence substantiating all the following and affirmatively answering the questions:*

A. *Does compliance with the applicable requirement or standard of the Ordinance create a hardship due to one or more of the following conditions?*

- 1. The physical characteristics of the land, improvements, or uses are not typical of conditions in the zoning district and such physical characteristics do not result from the negligent or knowing violation of this Ordinance by the applicant.*
- 2. If the standard or requirement is applied, the applicant is not granted the preservation or enjoyment of a substantial property right possessed by other property owners in the same vicinity or district.*
- 3. Compliance with the requirement or standard would eliminate a significant natural feature of the property.*

**FINDING:** The applicant proposes to replace an older existing restroom facility with a new restroom facility. The applicant proposes to construct the new facility in the same location as the existing structure to allow for access to existing utility. The proposed improvement is not the result of negligent or knowing violation of this Ordinance by the applicant. The proposed improvement is the result of necessary park facility maintenance and compliance with ADA (Americans with Disability Act) accessibility standards.

In response to Criterion A.2., the public restroom is a unique facility and there are no other owners in the same district or vicinity with the same property right.

In response to Criterion A.3., compliance with the minimum front and street side setback development standards would result in the elimination of several mature fir trees. The proposed location for the new structure is desirable to preserve as many mature trees located on the subject property as possible.

*B. Strict adherence to the requirement or standard unnecessary because the proposed variance will reasonably satisfy both 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*
- 2. Granting the variance will not impose limitations on other properties in the area, including uses, which would be allowed on vacant or undeveloped properties.*

**FINDING:** Granting the proposed variance to the minimum front and side yard setback development standards does not appear to create significant adverse affects to the appearance, function or safety of the uses on the property. The proposed improvement would allow an existing restroom facility to be replaced by an updated facility in a similar building footprint area.

Building code requirements addressing building separation and fire safe building materials will ensure the proposed development is constructed in such a manner as to not impose limitations on other properties in the area.

The proposed variances can reasonably satisfy the objectives described in Criteria B.1. and B.2. above.

*C. Approval of this application allows the property to be used only for purposes authorized by the zoning district?*

**FINDING:** The property is currently zoned Public Use. The existing and continued use of the property is for a park as authorized by the Public Zone District. The application is consistent with this criterion.

*D. If approved, is the application still in compliance with the policies?*

**FINDING:** The application does not appear to conflict with any policies or objectives of the Comprehensive Plan and is consistent with this criterion. The proposed application is consistent with this criterion.

## **VI. CONCLUSION AND RECOMMENDATION**

The proposed development is compatible with the existing development within the area. The Building Department and the Fire Marshal will be responsible for reviewing building permits and construction standards designed to provide adequate fire protection. Based upon the staff responses and compliance with the conditions of approval, the development meets the required standards.

Staff recommends approval of Variance 2016-03 subject to the following conditions of approval:

- A.** The applicant shall comply with all applicable local, state and federal development requirements included but not limited to, the Hubbard Development Code, Hubbard Public Works Design and Construction Standards, Oregon Building Code, and the Oregon Fire Code.
- B.** Variance approval shall be effective for a period of two (2) years from the date of written approval. The applicant may request an extension of the approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing thirty (30) days prior to the expiration date of the approval period. The project shall be constructed according to all approved plans.

## **VII. PLANNING COMMISSION ACTION**

- A.** Approve the request and adopt the findings and conditions contained in the Staff Report.
- B.** Approve the request with findings/conditions amended by the Planning Commission.
- C.** Deny the request 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 2<sup>nd</sup> Street (P.O. Box 380)  
Hubbard, OR 97032  
Phone: (503) 981-9633; Fax: (503) 981-8743  
<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: VA2016-03

DATE: 9/14/16

FEE:           

RECEIPT NO:           

APPLICANT: City of Hubbard

PHONE: (503) 981-9633 EMAIL ADDRESS: jestrada@cityofhubbard.org

ADDRESS: 3720 2<sup>nd</sup> St. (P.O. Box 380), Hubbard, Oregon 97032

OWNER(S): Same as applicant

(If different from above)

PHONE: Same as applicant EMAIL ADDRESS: Same as applicant

ADDRESS: Same as applicant

REQUEST: Replace existing restroom building at Rivenes Park. A major variance application is required for a front setback reduction from 20'-0" to 0'-0" and side setback reduction from 20'-0" to 0'-0".

**PROPERTY DESCRIPTION:**

ADDRESS: 2600 D St., Hubbard, Oregon 97032

MAP PAGE AND TAX LOT NUMBERS: 41W 33AD 5900 ZONE: PU

CURRENT USE/STRUCTURES: Park / Restroom SQUARE FOOTAGE OF SITE: 44,000

**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.

Replace the old obsolete restroom with a new facility. This is the logical location for a new restroom because of existing utilities and established use.

DATE: 9/14/2016

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.

The public restroom at Rivenes Park is a unique facility. There are no other owners in the same district with the same property rights. The new facility will provide ADA compliant public restrooms.

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

Compliance with the 20'-0" setback requirement would move the restroom deeper into the park property which would, in turn, conflict with several mature fir trees. Removing existing trees is undesirable.

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.

This application does not result from the negligent or known violation of this Ordinance.

**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

The new restroom will enhance the appearance, function and safety of the park with the addition of ADA compliant restrooms.

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.

The variance will not impose limitations on other properties or the public right-of-way.

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

Approval of the variance will allow the property to continue to be used for purposes authorized by the zoning district.

**D. Approval of the application does not conflict with policies and objectives of the Comprehensive Plan.**

Approval of the application does not conflict with policies and objective of the Comp. 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 ½ x 11 or 11 x 17 inch paper, or eight (8) full size copies (typically 18 x 24 inches or larger) that shows the following information:
  - x existing and proposed structures,
  - x driveways and vehicular circulation,
  - x parking,
  - x landscaping, and
  - x 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.)**

9-14-16  
\_\_\_\_\_  
Date

9/14/16  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

*Janine Estrada*  
\_\_\_\_\_  
Applicant

*Victoria Nozle*  
\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
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.

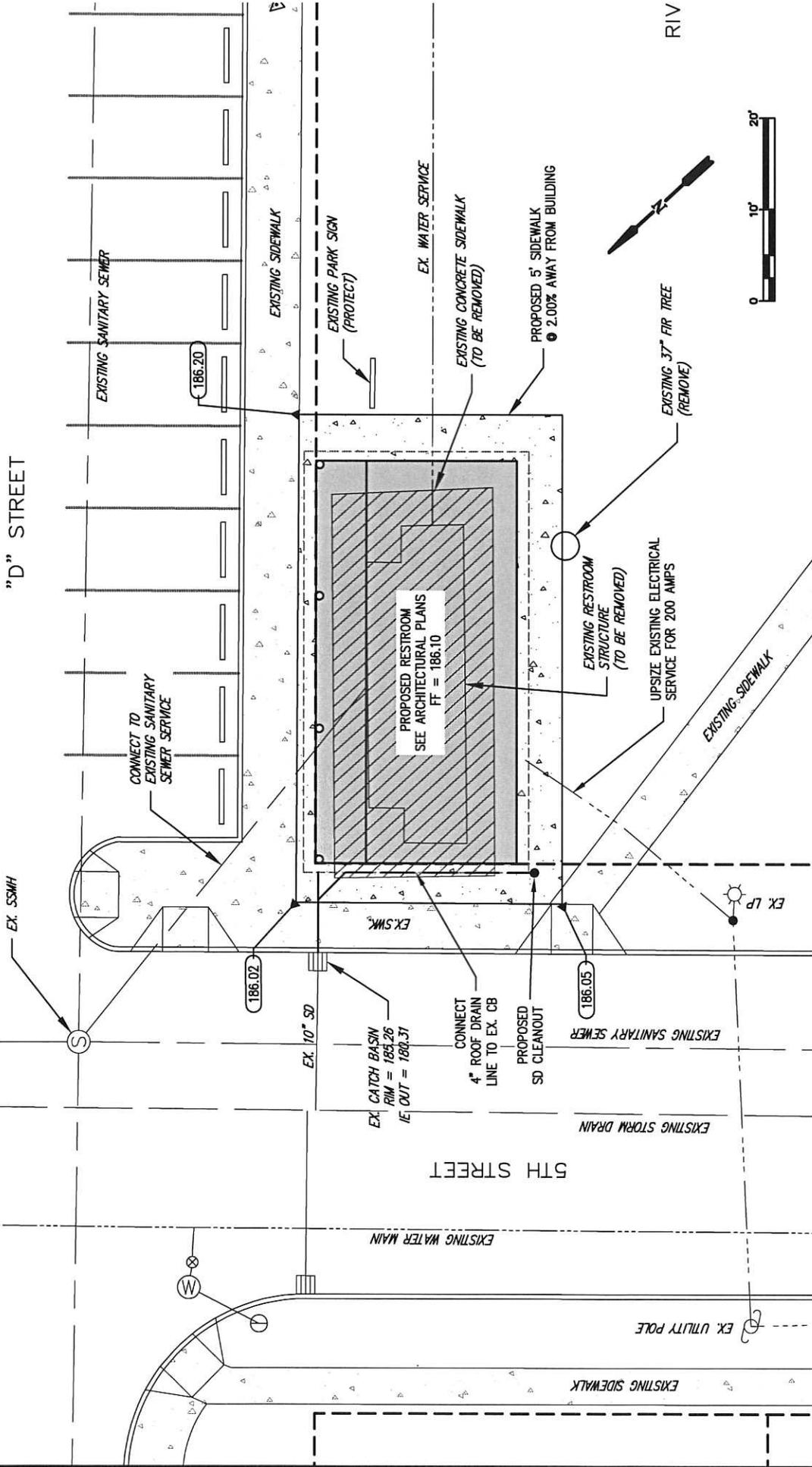
### EFFECTIVE DATE OF APPROVAL

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.

"D" STREET



RIVENES PARK SITE PLAN

RIV