I. BACKGROUND:

Oregon Senate Bill 1051 passed in July of 2017. The intent of the bill was to increase available housing for Oregonians by streamlining permitting, refining development criteria, and expanding allowable housing types within local jurisdictions. Specifically, Section 6 of SB 1051 requires all Oregon cities with a population greater than 2,500 to “allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit (ADU) for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.”

The Population Research Center (PRC) at Portland State University provides population estimates and forecasting for Oregon Cities and Counties. The PRC’s Coordinated Population Forecast for Hubbard in 2017 is 3,375. Hubbard is therefore subject to this requirement. Accessory dwelling units (ADUs) are not currently allowed in any zone within the city of Hubbard.

The requirements of SB 1051 apply to zones in which detached single-family dwellings are allowed. Currently, the City of Hubbard Development Code allows detached single-family dwellings in the following five zones:

- R1- Low Density Residential Zone
- R2- Medium Density Residential Zone
- R3- High Density Residential Zone
- RC- Residential Commercial Zone
- MH- Manufactured Home Zone
While the C-Commercial Zone does allow “residences accessory to a permitted use or above a permitted use,” these do not qualify as detached single-family dwelling units, so the C zone is not subject to this requirement.

Additionally, Section 8 of SB 1051 provides language refining the “activities customarily associated with the practices of religious activity” to include housing detached from the place of worship, with some conditions including the provision of affordable housing and that the place of worship be located in a residential zone.

There is just one revision to the package of Code Amendments since the Planning Commission approval, and that is done at the direction of the Planning Commission, and that is to include the section reference number of the Hubbard Municipal Code in HDC Section 2.307.03 ADU Standards (P) Utilities and SDCs. Staff has inserted the section reference into the Code Amendments provided in Exhibit B for the City Council’s consideration.

II. PROCEDURE & TIMELINE:

Pursuant to the Hubbard Development Code Section 3.101.04, Rewriting the City’s Development Code is a Type IV Action. A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot request a Type IV action. It must be initiated by City staff, Planning Commission or City Council. Public notice and hearings are provided in a Type IV process.

The Hubbard Planning Commission convened publicly-noticed work sessions on May 15, 2018 and June 19, 2018 to discuss a package of code amendments to bring the City into compliance with SB 1051.

The Hubbard Planning Commission held a public hearing on July 17, 2018 and voted 4-0-0 on a recommendation to the City Council to adopt the finding of the staff report and approve the code amendments as revised. The City Council is scheduled to hold a public hearing on August 14, 2018 for a final decision on file # LA 2018-01. Following the City Council’s decision, an enacting ordinance will be read. Staff recommends an emergency declaration in the ordinance language so that the new code provisions may be effective immediately, as the state guideline for enactment was July 1, 2018.

Notice of both public hearings was provided to the Oregon Department of Land Conservation and Development (DLCD) initially on May 31, 2018, which was 47 days prior to the first public hearing and 75 days prior to the final public hearing.

A public notice which included the dates for both the Planning Commission and City Council public hearings was published in the Woodburn Independent newspaper, a regional newspaper with weekly circulation, on July 4, 2018. This was 13 days prior to the first public hearing and 41 days prior to the final public hearing.

III. ANALYSIS OF APPLICABLE CRITERIA:

1. HUBBARD DEVELOPMENT CODE

   3.102 COMPREHENSIVE PLAN AND DEVELOPMENT CODE TEXT AMENDMENTS, COMPREHENSIVE PLAN MAP AMENDMENTS, AND ZONE CHANGES

   3.102.03 Criteria for Approval

   B. 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 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.

STAFF FINDINGS: The proposed amendments to the Hubbard Development Code are analyzed by the criteria of the Hubbard Comprehensive Plan goals and policies in the following section. During the code amendment work sessions and drafting process, the Hubbard Planning Commission considered alternative reasonable local siting and design standards for ADUs, and determined the proposed amendments to be the best fit for their community. While no properties are specifically identified for development under the City’s proposed ADU code provisions, eligible properties containing a detached single family home are inherently located in areas of the city presently provided with adequate public facilities, services, and transportation, sufficient to support the addition of ADUs. Staff finds that these criteria are met.

2. CITY OF HUBBARD COMPREHENSIVE PLAN, 2013

The goals and policies of the City of Hubbard Comprehensive Plan that are relevant to the proposed amendments to the Development Code can be found in the Housing Element, and are listed below:

Land Use Goals and Policies

Goal: To provide adequate lands to service the needs of the projected population to the year 2029, and to ensure the conversion of property to urban uses in an orderly and timely manner.

STAFF FINDING: Staff finds that the proposed code amendments may increase density of residentially-zoned areas within the Hubbard city limits by allowing accessory dwelling units (ADUs) to be added to the framework of existing neighborhoods, where infrastructure is readily available. This provision for ADUs increases the variety of housing types and range of cost levels to meet the needs of the projected population by year 2029, as stated in the Land Use Goal. Staff finds these criteria are met.

Policies: General:

1. Zoning is an important means of regulating land uses. Future zoning and rezoning should be in conformance with this plan and its policies.

STAFF FINDINGS: The adopted zone designations will continue to apply. No properties are proposed to be rezoned with the proposed amendments to the Development Code, rather, an additional permitted use is proposed for all five residential zones. Staff finds this criterion is met.

2. Any amendments or changes to this plan should only be made after public hearings and official action by the Planning Commission and City Council.

STAFF FINDINGS: The package of code amendments included within file # LA 2018-01 have resulted from two Planning Commission work sessions, which were open to the public. The Hubbard Planning Commission held a public hearing on July 17, 2018, and the Hubbard City Council will hold a public hearing on August 14, 2018. Staff finds this criterion is met.

3. Development should occur as extensions of existing City services.
STAFF FINDINGS: No development is proposed at this time, however, the proposed ADU code provisions would allow for the optional development of dwelling units in areas which have existing City services. Staff finds this criterion is met.

4. The City will establish and maintain a buildable lands inventory at intervals requested by the City Council.

STAFF FINDINGS: No revisions are proposed to the City’s buildable lands inventory (BLI). Staff finds this criterion does not apply.

5. Development of vacant lands within the city with full urban services will be encouraged over annexation of additional lands.

STAFF FINDINGS: The proposed code amendments would provide the option for property owners to develop ADUs on parcels which already contain a single-family dwelling. This provision enables infill development within the city limits, as a method of adding dwelling units internally without annexing additional lands. Staff finds this criterion is met.

6. The City of Hubbard will consider annexation of property contiguous to the City limits if the developer can provide adequate City-approved water, sanitary sewer, storm drainage facilities, and transportation facilities, if the City can provide adequate public safety services to the property and if other issues of importance to the City are adequately addressed.

STAFF FINDINGS: No annexations are proposed with these code amendments. Staff finds this criterion does not apply.

Policies: Residential Land:

1. The City of Hubbard will encourage new single family residential development to achieve an average density of 6.0 dwelling units per net acre (~4.5 units per gross acre) and new multi-family development to achieve an average density of 10.0 dwelling units per net acre (~7.5 units per gross acre).

STAFF FINDINGS: As no new single family residential developments are proposed, staff finds this criterion does not apply.

2. Residential development should be diversified to provide for a variety of housing opportunities.

STAFF FINDINGS: Staff finds that ADUs will increase the diversity of the local residential development for a variety of housing opportunities. This was one of the primary goals of the SB 1051 legislation. Staff finds this criterion is met.

3. The planned unit approach to residential development will be encouraged.

STAFF FINDINGS: As no planned unit developments are proposed, staff finds this criterion does not apply.

4. Multi-family housing development should be located close to shopping facilities and arterial or collector streets and interspersed with single-family residential when new subdivisions are developed.

STAFF FINDINGS: As no multi-family developments are proposed, staff finds this criterion does not apply.
5. *Houses and structures of historical value should be preserved and protected from encroachment by other non-compatible uses.*

**STAFF FINDINGS:** Staff finds no evidence that the development of ADUs could negatively impact houses and structures of historical value within the city of Hubbard. Staff finds this criterion is met.

6. *Open spaces and parks in residential areas will be developed consistent with the Hubbard Parks Master Plan.*

**STAFF FINDINGS:** Staff finds this criterion does not apply.

**Housing Goals and Policies**

*Goal:* The City of Hubbard shall encourage the development of a range of housing types and cost levels to adequately meet the needs of its citizens.

*Policies:*

1. The City of Hubbard will provide adequate amounts of residential land within the urban growth boundary to permit development of housing for households of all income levels.

2. The City of Hubbard will support programs that promote the integration of low income housing with housing targeted toward other income groups.

3. The City of Hubbard shall encourage developers to make all new residential developments as energy-efficient as possible, including consideration of renewable fuel sources.

**STAFF FINDINGS:** As previously stated, staff finds that the proposed code amendments may increase density of residentially-zoned areas within the Hubbard city limits by allowing accessory dwelling units (ADUs) to be added to the framework of existing neighborhoods, where infrastructure is readily available. This provision for ADUs increases the variety of housing types and range of cost levels to meet the needs of the projected population by year 2029, as stated in the Land Use Goal. Staff finds this Housing Goal and its supporting policies are met.

*Goal:* The City of Hubbard shall encourage upgrading of the existing housing stock.

*Policies:*

1. The City of Hubbard will solicit the aid of federal, state, and local agencies in obtaining funding for the rehabilitation of dilapidated housing in the city.

2. The City of Hubbard shall solicit support for and otherwise encourage the weatherization of the existing housing stock to minimize health and economic impacts due to rising fuel cost.

**STAFF FINDINGS:** Staff finds that this Housing Goal and its supporting policies do not apply.

*Goal:* The City of Hubbard shall ensure that all new housing developments be provided with services (streets, sewer, water, ambulance, police and fire) and that future developments will not overburden the City's ability to provide such services. Further, to ensure that the cost of extending such services shall be borne by the developer.

*Policies:*
1. Residential development should be located in areas that can be served by public facilities and services. The extension of public facilities and services shall be paid by the developer.

2. Residential development shall be consistent with the city’s transportation plan in effect, or as amended, at the time development is proposed.

3. Multi-family housing development should be located close to shopping facilities and arterial or collector streets and interspersed with single-family residential when new subdivisions are developed.

STAFF FINDINGS: As previously addressed, staff finds that the provision for optional ADU development within Hubbard’s existing neighborhoods and established street network will locate new dwelling units in areas that are already served by public facilities and services. The optional development of ADUs within existing neighborhoods is not anticipated to overburden the capacity of these City services. ADUs will be required to have separate metered water and sewer connections to the public system. The cost of developing an ADU and extending public facilities and services to the unit will be paid by the developer. The Hubbard Planning Commission is recommending a slightly reduced cost to develop an ADU compared to the full package of system development charges (SDCs) with a standard single-family dwelling. Staff finds these criteria are met.

3. OREGON’S STATEWIDE PLANNING GOALS & GUIDELINES

   GOAL 1: CITIZEN INVOLVEMENT OAR 660-015-0000(1) “To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

   STAFF FINDINGS: The Hubbard Planning Commission convened duly noticed work sessions on May 15, 2018 and June 19, 2018 to discuss a package of proposed Code Amendments to bring the City into compliance with SB 1051.

   Notice of the public hearings was provided to the Oregon Department of Land Conservation and Development (DLCD) initially on May 31, 2018, which was 47 days prior to the first public hearing and 75 days prior to the final public hearing.

   A public notice which included the dates for both the Planning Commission and City Council public hearings was published in the Woodburn Independent newspaper, a regional newspaper with weekly circulation, on July 4, 2018. This was 13 days prior to the first public hearing and 41 days prior to the final public hearing.

   Staff finds that this criterion is met.

   GOAL 2: LAND USE PLANNING OAR 660-015-0000(2) “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

   STAFF FINDINGS: The proposal does not involve exceptions to the Statewide Goals. Goal 2 supports clear and thorough local procedures. The proposed Development Code amendment package is in response to Senate Bill 1051, passed by the 2017 Oregon Legislature. Oregon Revised Statutes (ORS) 197.646 requires local governments to implement land use regulations to comply with a new requirement in land use statutes. SB 1051 amends ORS 197 and 227, so therefore the City of Hubbard must amend its local regulations to be consistent with SB 1051. The proposed amendments do so. Staff finds that this criterion is met.

   GOAL 3: AGRICULTURAL LANDS OAR 660-015-0000(3) “To preserve and maintain agricultural lands.”

   STAFF FINDINGS: Staff finds that this criterion does not apply.
GOAL 4: FOREST LANDS OAR 660-015-0000(4) “To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.”

STAFF FINDINGS: Staff finds that this criterion does not apply.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660-0150000(5) “To protect natural resources and conserve scenic and historic areas and open spaces.”

STAFF FINDINGS: Staff finds that this criterion does not apply.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6) “To maintain and improve the quality of the air, water and land resources of the state.”

STAFF FINDINGS: Staff finds that this criterion does not apply.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS “To protect people and property from natural hazards.”

STAFF FINDINGS: Staff finds that this criterion does not apply.

GOAL 8: RECREATIONAL NEEDS OAR 660-015-0000(8) “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

STAFF FINDINGS: Staff finds that this criterion does not apply.

GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9) “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

STAFF FINDINGS: Available housing supply is an important factor in a community’s overall economic development success. Additional dwelling units through the development of ADUs in Hubbard may support workforce housing for the region, short term jobs through the construction of ADUs, and may gradually increase the local market (population) to support Hubbard businesses. Staff finds that expanded local housing options can be found to support, and not be detrimental to Goal 9 Economic Development. This criterion is met.

GOAL 10: HOUSING OAR 660-015-0000(10) “To provide for the housing needs of citizens of the state.”

STAFF FINDINGS: The proposed code amendments enabling the development of ADUs in Hubbard’s residential zones as well as the development of affordable housing associated with places of worship located in residential zones is expected to increase the local housing supply and variety of options to a range of income levels. While no specific development is proposed with these code amendments, staff finds that the proposed language is generally supportive of Goal 11. This criterion is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11) “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”
STAFF FINDINGS: The proposed ADU standards will require ADUs to have separate metered water and sewer connections from the primary dwelling. The Hubbard Planning Commission has recommended that reduced system development charges (SDCs) plus any other standard fees associated with public facilities and services shall apply for the development of an ADU to continue to maintain sufficient local infrastructure capacity as users are added to the system. While no specific development is proposed with these code amendments, staff finds that the proposed language is generally supportive of Goal 11. This criterion does not apply.

GOAL 12: TRANSPORTATION OAR 660-015-0000(12) “To provide and encourage a safe, convenient and economic transportation system.”

STAFF FINDINGS: The Hubbard City Council has determined that reduced system development charges (SDCs) and other fees associated with public facilities and services shall apply for the development of an ADU in order to continue to maintain sufficient local infrastructure capacity as residential users are added to the system. While no specific development is proposed with these code amendments, staff finds that the proposed language is generally supportive of Goal 12. This criterion does not apply.

GOAL 13: ENERGY CONSERVATION OAR 660-015-0000(13) “To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

STAFF FINDINGS: As stated in Hubbard Comprehensive Plan Housing Element Goal 1 Policy 3, and restated in the proposed ADU standards, “the City of Hubbard shall encourage developers to make all new residential developments as energy-efficient as possible, including consideration of renewable fuel sources.” While no specific development is proposed with these code amendments, staff finds that the proposed language is generally supportive of Goal 13. This criterion is met.

GOAL 14: URBANIZATION OAR 660-015-0000(14) The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

STAFF FINDINGS: The ability of the Hubbard community to support slightly higher density within the current city limits may result in less pressure to expand the community’s boundaries outward into rural areas to provide sufficient housing for the citizens of Hubbard. While no specific development is proposed with these code amendments, staff finds that the proposed language is generally supportive of Goal 14. This criterion does not apply.

GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005; GOAL 16: ESTUARINE RESOURCES OAR 660-015-0010(1); GOAL 17: COASTAL SHORELANDS OAR 660-015-0010(2); GOAL 18: BEACHES AND DUNES OAR 660-015-0010(3); GOAL 19: OCEAN RESOURCES OAR 660-015-0010(4) STAFF

STAFF FINDINGS: The proposed Code amendment does not involve land within the Willamette Greenway, identified estuarine, coastal shorelands, beach, or ocean areas. Staff finds that Statewide Goals 15 through 19 do not apply.
IV. CONCLUSIONS & RECOMMENDATION:

Staff finds that the proposed development code amendments included within file # LA 2018-01 meet the pertinent review criteria included within the 1) Hubbard Development Code, 2) the Hubbard Comprehensive Plan Land Use and Housing Elements, and the 3) Oregon Statewide Planning Goals & Guidelines, as presented.

On July 17, 2018 the Hubbard Planning Commission voted 4-0-0 to recommend that the Hubbard City Council adopt the findings included within the staff report and approve the Amendments to the Hubbard Development Code, as revised and presented in LA 2018-01, Exhibit B.

V. CITY COUNCIL ACTION:

The City Council may take one of the following actions:

A. Motion to adopt the findings outlined in the staff report and approve the Development Code Amendments included in file# LA 2018-01, as presented.

B. Motion to adopt the findings outlined in the staff report and approve the Development Code Amendments included in file# LA 2018-01, as modified to reflect the changes made by the City Council.

C. Motion to continue the public hearing to a date and time certain and state the additional information that is needed to allow for a future decision.

D. Motion to deny the proposed Development Code Amendments.
OVERVIEW OF PROPOSED ADU STANDARDS, AS RECOMMENDED BY THE HUBBARD PLANNING COMMISSION

<table>
<thead>
<tr>
<th>ADU STANDARD</th>
<th>HUBBARD PLANNING COMMISSION DIRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of structures allowed</td>
<td>SB 1051 defines ADUs as interior, attached, and detached structures.</td>
</tr>
<tr>
<td>Number of ADUs</td>
<td>One ADU per detached single-family dwelling on a lot.</td>
</tr>
<tr>
<td>Size limitation</td>
<td>300 SF minimum, 800 SF maximum.</td>
</tr>
<tr>
<td>Location</td>
<td>ADUs may be located in either a rear yard or a side yard.</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Both rear and side yard setbacks should be 5 feet, 7 feet, and 9 feet, based upon building stories.</td>
</tr>
<tr>
<td>Lot size</td>
<td>No minimum lot size, other than as dictated by setbacks and lot coverage.</td>
</tr>
<tr>
<td>Height</td>
<td>The ADU shall be no taller than the primary dwelling.</td>
</tr>
<tr>
<td>Manufactured homes</td>
<td>ORS 197 requires a residential zone that allows stick-built dwelling to allow a manufactured dwelling. Consequently, the primary dwelling could be either stick-built or manufactured home if located on an individual lot. Manufactured homes located in a Manufactured Home Park (i.e. located on park spaces, not on individual lots) could not, however, have an ADU.</td>
</tr>
<tr>
<td>Design</td>
<td>No design standards, except no recreational vehicles or shipping containers.</td>
</tr>
<tr>
<td>Front building line</td>
<td>The front building line of the ADU shall be recessed at least five (5) feet back from the front building line of the primary dwelling unit.</td>
</tr>
<tr>
<td>Entrance standards</td>
<td>Whereas each lot could present unique circumstances, the Planning Commission did not set this preference, other than to emphasize the importance of the visibility of the address for emergency responders. There should potentially be a small sign out front indicating an ADU address not readily visible from the street.</td>
</tr>
<tr>
<td>Parking requirements</td>
<td>One (1) additional off-street parking space shall be required per ADU. The current off-street parking standards require two (2) spaces per dwelling for the primary dwelling. There are parts of town with parking congestion. Parking durable surface (concrete or asphalt) standards apply.</td>
</tr>
<tr>
<td>Garages</td>
<td>No. ADUs should not be required to have garages or carports.</td>
</tr>
<tr>
<td>Garage conversions</td>
<td>No, not permitted. A garage conversion into an ADU would provide the challenge of the main dwelling no longer having sufficient parking.</td>
</tr>
<tr>
<td>Above detached garage</td>
<td>Yes, an ADU may be permitted to be developed above an existing detached garage. Non-conforming setbacks of an existing garage should be grandfathered in.</td>
</tr>
<tr>
<td><strong>Driveway</strong></td>
<td>No preference. An ADU can have either its own driveway or shared driveway, as long as the Public Works spacing standards and driveway standards are met.</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Occupancy restrictions</strong></td>
<td>None. Building size alone will dictate number of occupants.</td>
</tr>
<tr>
<td><strong>Rental term - days</strong></td>
<td>No rental term minimum or maximum.</td>
</tr>
<tr>
<td><strong>Owner occupancy</strong></td>
<td>No requirement that the owner live either in the primary dwelling or ADU.</td>
</tr>
<tr>
<td><strong>Building separation</strong></td>
<td>This is dictated by fire and building code.</td>
</tr>
<tr>
<td><strong>Lot coverage</strong></td>
<td>Residential zones have a maximum lot coverage of 70%. This should remain the standard with the addition of an ADU and its associated parking.</td>
</tr>
<tr>
<td><strong>Second story privacy windows</strong></td>
<td>Yes. If ADUs are two stories, 2nd story windows should be privacy glass when facing adjacent properties, to protect privacy of neighboring back yards.</td>
</tr>
<tr>
<td><strong>Approval procedure</strong></td>
<td>Building permit (structural permit) through Marion County with City staff administrative review for setbacks etc only, as with single-family dwellings.</td>
</tr>
<tr>
<td><strong>Utilities</strong></td>
<td>Yes, an ADU must have water &amp; sewer service [meters] separate from the primary dwelling. All standard hook-up fees apply.</td>
</tr>
<tr>
<td><strong>System Development Charges</strong></td>
<td>Per the HMC Section 15.15.040(3), ADUs shall be charged at one-half rate the residential unit SDC rate. The ½ reduced rate SDC would apply to parks SDCs and transportation SDCs. Water and sewer SDCs are based on meter size, so those would remain the same for the ADU. Example: Stand. Single-Fam Res SDC total = $15,778 vs. ADU SDC total = $11,829.50</td>
</tr>
<tr>
<td><strong>Addressing</strong></td>
<td>The City of Hubbard is the local addressing authority. Regional metcom staff verified that ADUs should have a unique 4-digit address (rather than unit # A and B), consistent with City of Salem and others.</td>
</tr>
<tr>
<td><strong>Garbage service</strong></td>
<td>Garbage service is not required of primary dwellings in the City of Hubbard, therefore, ADUs should not be required to do so either.</td>
</tr>
</tbody>
</table>
1.200 DEFINITIONS

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

**Accessory Structure:** A detached, subordinate building or portion of main structure, the use of which is incidental to that of the main structure or to the use of the land, but does not include dwelling or living quarters.

**Accessory Dwelling Unit (ADU):** An interior, attached, or detached residential structure with kitchen, bathroom, and living areas that is used in connection with or that is accessory to a primary single-family dwelling on the same lot.

**Church:** A permanently located building primarily used for religious worship. See “Place of Worship.”

**Dwelling Unit:** One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional and prefabricated housing which meets Uniform Building Code specifications and is constructed on a permanent foundation.

**Dwelling-Single-Family-Detached:** A detached building containing one dwelling unit designed exclusively for occupancy by one (1) family.

**Dwelling-Two-Family (Duplex):** A detached building containing two (2) dwelling units designed exclusively for occupancy by two (2) families living independently of each other.

**Place of Worship:** A Church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place used for activities customarily associated with the practices of the religious activity, including worship services, religion classes, weddings, funerals, child care and meal programs, limited housing, and childcare, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
2.100 ZONING DISTRICTS

2.101 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

2.101.02 Permitted Uses

C. Residential Accessory structure or use.

I. Church Place of Worship, subject to Section 2.308.

K. Accessory Dwelling Unit (ADU), subject to Section 2.307.

2.101.04 Dimensional Standards

B. Minimum Yard Setbacks

1. Except as specified for detached accessory structures under Section 2.101.04.B.2 and 2.101.04.B.3 below, all structures shall maintain the following minimum yard setbacks:

3. All detached accessory dwelling units shall maintain the following minimum side and rear yard setbacks:

<table>
<thead>
<tr>
<th>Setback for 1 story ADU</th>
<th>5 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback for 1½ or 2 story ADU</td>
<td>7 feet</td>
</tr>
<tr>
<td>Setback for 2½ or 3 story ADU</td>
<td>9 feet</td>
</tr>
</tbody>
</table>

C. Maximum Structure Height

1. Principal Structure 35 feet
2. Accessory Structure 20 feet, except that no accessory structure shall exceed the height of the principal structure
3. Accessory Dwelling Unit No accessory structure shall exceed the height of the principal dwelling.

2.101.05 Development Standards

I. Accessory Dwelling Units (ADU). Accessory Dwelling Units in the R-1 District shall conform to the standards of Section 2.307.

2.102 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

2.102.02 Permitted Uses

H. Residential Accessory structure or use

J. Church Place of Worship, subject to Section 2.308.

L. Accessory Dwelling Unit (ADU), subject to Section 2.307.

2.102.04 Dimensional Standard
B. Minimum Yard Setback Requirements

1. Except as specified for detached accessory structures under Section 2.102.04.B.2 and 2.102.04.B.3 below, all structures shall maintain the following minimum yard setbacks:

3. All detached accessory dwelling units shall maintain the following minimum side and rear yard setbacks:

<table>
<thead>
<tr>
<th>Setback Type</th>
<th>Minimum Setback</th>
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<tbody>
<tr>
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C. Maximum Structure Height

1. Principal Structure 35 feet
2. Accessory Structure 20 feet, except that no accessory structure shall exceed the height of the principal structure
3. Accessory Dwelling Unit No accessory structure shall exceed the height of the principal dwelling.

2.102.05 Development Standards

I. Accessory Dwelling Units (ADU). Accessory Dwelling Units in the R-2 District shall conform to the standards of Section 2.307.

2.103 HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

2.103.02 Permitted Uses

I. Church Place of Worship, subject to Section 2.308

J. Residential Accessory structure or use.

L. Accessory Dwelling Unit (ADU), subject to Section 2.307.

2.103.04 Dimensional Standards

B. Minimum Yard Setback Requirements

1. Except as specified for detached accessory structures under Section 2.103.04.B.2 and 2.103.04.B.3 below, all structures shall maintain the following minimum yard setbacks:

3. All detached accessory dwelling units shall maintain the following minimum side and rear yard setbacks:

<table>
<thead>
<tr>
<th>Setback Type</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback for 1 story ADU</td>
<td>5 feet</td>
</tr>
<tr>
<td>Setback for 1½ or 2 story ADU</td>
<td>7 feet</td>
</tr>
<tr>
<td>Setback for 2½ or 3 story ADU</td>
<td>9 feet</td>
</tr>
</tbody>
</table>

C. Maximum Structure Height
1. Principal Structure: 35 feet
2. Accessory Structure: 20 feet, except that no accessory structure shall exceed the height of the principal structure
3. Accessory Dwelling Unit: No accessory structure shall exceed the height of the principal dwelling.

2.103.05 Development Standards

K. Accessory Dwelling Units (ADU). Accessory Dwelling Units in the R-3 District shall conform to the standards of Section 2.307.

2.104 RESIDENTIAL-COMMERCIAL DISTRICT (RC)

2.104.02 Permitted Uses

A. The following residential and non-commercial uses are permitted in the RC District:

8. Residential Accessory structure or use.
10. Church. Place of Worship, subject to Section 2.308.
12. Accessory Dwelling Unit (ADU), subject to Section 2.307.

2.104.04 Dimensional Standards

B. Minimum Yard Setback Requirements

3. All detached accessory dwelling units shall maintain the following minimum side and rear yard setbacks:

Setback for 1 story ADU: 5 feet
Setback for 1½ or 2 story ADU: 7 feet
Setback for 2½ or 3 story ADU: 9 feet

C. Maximum Structure Height

1. Principal Structure: 35 feet
2. Accessory Structure: 20 feet, except that no accessory structure shall exceed the height of the principal structure
3. Accessory Dwelling Unit: No accessory structure shall exceed the height of the principal dwelling.

2.104.05 Development Standards

K. Accessory Dwelling Units (ADU). Accessory Dwelling Units in the RC District shall conform to the standards of Section 2.307.

2.105 MANUFACTURED HOME DISTRICT (MH)

G. Residential Accessory structure or use.
H. Accessory Dwelling Unit (ADU), subject to Section 2.307.

2.105.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the MH District except for modifications permitted under Section 2.402, General Exceptions.

A. Subdivision - Minimum Area Lot Area and Density Requirements

4. Minimum Yard Setback Requirements

5. All detached accessory dwelling units shall maintain the following minimum side and rear yard setbacks:

- Setback for 1 story ADU: 5 feet
- Setback for 1½ or 2 story ADU: 7 feet
- Setback for 2½ or 3 story ADU: 9 feet

C. Maximum Structure Height/Subdivision. Lots of Record, and Parks

- Principle Structure: 35 feet
- Accessory Structure: 20 feet
- Accessory Dwelling Unit: No greater than the height of the principal dwelling.

2.106 COMMERCIAL DISTRICT (C)

2.106.02 Permitted Uses

J. Church, Place of Worship, subject to Section 2.308.

2.109 PUBLIC USE DISTRICT (PU)

2.109.02 Permitted Uses

B. churches Places of Worship, subject to Section 2.308; and

2.203 OFF-STREET PARKING AND LOADING

2.203.05 Off-Street Automobile Parking Requirements

Off-street parking shall be provided as required by Section 2.203.08 and approved by the Planning Commission in the amount not less than listed below.

Parking requirements for residential units, including "stick-built" and manufactured homes, require the construction of a garage. Manufactured homes located in mobile home parks are required to install either a garage or carport. Accessory dwelling units (ADU) are not required to install a garage or carport.

| F. Church, Place of Worship, auditorium, stadium, theater | 1 space per 4 seats or every 8 feet of bench length |
2.300 SUPPLEMENTAL DEVELOPMENT STANDARDS FOR SPECIAL USES

2.301 GENERAL PROVISIONS

2.301.01 Applicability of Special Use Standards

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

2.302 PLANNED UNIT DEVELOPMENTS (PUD)

2.302.04 Uses Permitted

A. In a Planned Unit Development only the following uses are permitted:

4. Schools, libraries, community halls and churches Places of Worship

2.304 SMALL-SCALE MANUFACTURING IN THE COMMERCIAL DISTRICT

2.305 MANUFACTURED HOME, TRAILER AND VEHICULAR SALES, SERVICE AND RELATED USES

2.306 MARIJUANA-RELATED USES

2.307 ACCESSORY DWELLING UNITS

2.307.01 Purpose

A. The purpose of the Accessory Dwelling Unit (ADU) provision is to increase the number and type of housing options available to residents of Hubbard, in a manner which is compatible with existing neighborhoods, when developed in compliance with the following standards.

2.307.03 Standards

Accessory Dwelling Units (ADUs) may be allowed as an interior, attached, or detached structure on any property on which there is a single-family dwelling on a lot, subject to the following standards and restrictions:

A. Participation. Development of an ADU shall be optional for the property owner.

B. Number. A maximum of one ADU is permitted per detached single-family residence on a lot.
C. Size. ADUs shall be a minimum of 300 square feet and a maximum of 800 square feet.

D. Lot size. There shall be no minimum lot size requirement for an ADU.

E. Location. ADUs shall be located within the rear or side yard of the primary dwelling.

F. Property Setbacks. Generally, ADU setbacks are the same for interior side yards, street side yards, and rear yards. The setbacks shall be 5 feet for a 1 story structure, 7 feet for a 1 ½ or 2 story structure, and 9 feet for a 2 ½ or 3 story structure.

G. Front building line. The ADU shall be set back five (5) feet from the front building line of the primary dwelling unit, whether attached or detached.

H. Height. No ADU structure shall exceed the height of the primary dwelling unit.

I. Building construction. An ADU shall be a permitted structure which complies with applicable State Building Codes. Shipping containers, storage containers, and recreational vehicles shall not be permitted as ADUs.

J. Lot coverage. The lot coverage of the underlying zone shall apply to the property. ADUs and their required parking are subject to this standard, and shall be included in the total percentage.

K. Parking. An ADU shall provide one (1) off-street parking spaces for resident vehicles.

L. Garage. No garage or carport shall be required with the construction of an ADU. In no case shall the construction of an ADU result in the conversion of an existing garage.

M. Above a garage. An ADU may be located above an existing permitted detached garage structure. Existing or historic setbacks of that structure may be grandfathered.

N. Driveway. The ADU parking shall be accessed by either a shared driveway, or a new driveway, provided that the new driveway is constructed in accordance with the provisions of Section 2.202 Street Standards and Section 2.203 Off Street Parking and Loading.

O. Lot coverage. ADUs shall be subject to lot coverage limits of the underlying zone district. The total area of the ADU plus associated off-street parking shall be added to that of the primary dwelling and parking on the same lot, for a total combined coverage area.

P. Utilities & SDCs. An ADU shall have separate water and sewer connections and meters from the primary dwelling. All standard hook-up fees for new residential development shall apply. A reduced rate for System Development Charges (SDCs) shall apply to ADUs, as detailed in the Hubbard Municipal Code Section 15.15.040 (3).

Q. Addressing. An ADU shall have a unique address from the primary dwelling unit, as assigned by the City of Hubbard, posted in a location which is clearly visible from the street, in a minimum of 4” size numbers. Where the ADU location prevents an address visible from the street, signage shall be erected indicating rear ADU unit for emergency response purposes, subject to the sign standards of Section 2.206.
R. Privacy Windows. ADUs with more than 1 story shall install privacy glass windows on all stories above the first story which face neighboring properties.

2.307.06 Process

A. Accessory Dwelling Units that meet the Standards of Section 2.307.03 as well as the dimensional standards of the underlying zone are allowed outright as an accessory use to any single-family dwelling on an individual lot in the City of Hubbard.

B. Accessory Dwelling Units are subject to Structural Permit review. No land use approval is required.

2.308 PLACES OF WORSHIP

2.308.03 Standards

Places of worship uses include:

A. Worship services.

B. Religion classes.

C. Weddings.

D. Funerals.

E. Meal programs.

F. Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

G. Where a place of worship is in a residential district, the housing permitted outright or permitted conditionally in the district is allowed in accordance with the development standards of the residential district and is not required to comply with subsection H below.

H. Where a place of worship is in a residential district, in addition to, or in place of, the housing allowed in Subsection G above, affordable housing or space for affordable housing in a building that is detached from the place of worship is allowed, provided:

1. At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

2. The real property is in an area zoned for residential use that is located within the urban growth boundary; and

3. The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

4. Housing and space for housing provided under Subsection H of this section must provide a covenant appurtenant that restricts the owner and each successive owner of the building or any
residential unit contained in the building from selling or renting any residential unit described in Subsection H of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

2.308.06
Places of worship shall be processed in accordance with the submittal requirements and procedures established in the underlying zone.

3.105 SITE DEVELOPMENT REVIEW

3.105.03 Applicability of Provisions

A. Site Development Review shall be applicable to 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, (including reconstruction), or expansion that does not exceed 25% of the total square footage of the existing or pre-existing structure; or

4. any new development, change of occupancy, or commercial or industrial remodel or reconstruction, that does not intensify the use of the property by increasing the number of customers, vehicle and pedestrian traffic to the site, parking requirements, etc.

5. accessory dwelling units (ADU)