



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

August 15, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hubbard Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 3, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Suzanne Dufner, City of Hubbard

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AUG 14 2008

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

Must be filed within 5 working days See OAR 660-18-040

Jurisdiction: City of Hubbard Local File Number: Anx/CPMA/ZC 2008-01
Date of Adoption: 8/12/08 Date Mailed: 8/13/08
Date Proposal was Provided to DLCD: 5/2/08

Type of Adopted Action: (Check all that apply)

- X Comprehensive Plan Text Amendment X Comprehensive Plan Map Amendment
Land Use Regulation Amendment X Zoning Map Amendment
New Land Use Regulation Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

The request as approved includes the annexation of property approximately 12.7 acres in size, a concurrent Comprehensive Plan Map change from Public to Low Density Residential, and a zone change from Marion County UTF (Urban Transitional Farm) to R-1 (Low Density Residential) with a Floodplain Overlay Zone. The approved request also includes a modification to the Hubbard Transportation System Plan (TSP) to not require the extension of a collector street in the vicinity of Baines Blvd and 10th Street through the subject property.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: Public to Low Density Residential

Zone Map Changed from: UTF to R-1/Floodplain Overlay Zone

Location: T.M.4128D, T.L.400; T.M. 41W28DD, T.L.1800

Acres Involved: approx.12.7 acres

Specify Density: Previous: n/a - Public New: 7,000 sq.ft. minimum

Applicable Statewide Planning Goals: Goals 1, 2, 5, 6, 7, 10, 11, 12, 14

Was an Exception Adopted? Yes: No: X

DLCD File Number: 001-08 (16880)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:
If no, do the Statewide Planning Goals apply. Yes: No:
If no, did the Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Suzanne Dufner, City Planner Area Code + Phone Number: (503) 540-1616
Address: MWVCOG, 105 High St SE
City: Salem Zip Code+4: 97301 3667

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 – Division 18.

1. Send this form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** of the adopted material, if copies are bound please submit **TWO (2) complete copies** of documents and maps.
3. Please note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date the “Notice of Adoption” is sent to DLCD.
6. In addition to sending the “Notice of Adoption” to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form onto 8 ½ x11 green paper only; or call the DLCD office at (503) 373-0050; or fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE 303-2008

AN ORDINANCE ANNEXING PROPERTY TO THE CITY OF HUBBARD, AMENDING THE HUBBARD COMPREHENSIVE PLAN, ZONING MAP, AND DECLARING AN EMERGENCY

WHEREAS, the City of Hubbard received a request to annex and rezone an approximately 11.8 acre parcel, identified as Township 4, Range 1W, sections 28D and 28DD, tax lot 400 and 1800 with a concurrent Comprehensive Plan amendment request to change the Comprehensive Plan map designation to Low Density Residential and to modify the Roadway Network Plan as found in the Hubbard Transportation System Plan; and

WHEREAS, the subject property is located within the Hubbard Urban Growth Boundary is designated as Public on the Hubbard Comprehensive Plan Map, and is zoned Urban Transition Farming (UTF) by Marion County; and

WHEREAS, the above described area and property is contiguous to the City of Hubbard; and

WHEREAS, the Planning Commission conducted a public hearing to consider the request on June 17, 2008 at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing, the Planning Commission voted to recommend that the City Council approve the request; and

WHEREAS, the City Council conducted a public hearing to consider the request on July 8, 2008 at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing, the City Council voted to approve the request; and

WHEREAS, proper notice of the said public hearings was given to the public pursuant to applicable state statutes; and

WHEREAS, the City Council of the City of Hubbard hereby adopts the findings of fact set forth in the staff report dated June 10, 2008; now therefore,

THE CITY OF HUBBARD ORDAINS AS FOLLOWS:

Section 1. That inasmuch as the owner of the real premises described above has consented, in writing, to the annexation of said territory and area, and such consent is on file with the City of Hubbard.

Section 2. That the real premises described in Exhibit A is hereby annexed to the city of Hubbard.

Section 2. That the Recorder of the City of Hubbard is hereby authorized and directed to make and submit to the Secretary of State of Oregon, the Assessor of Marion County, the County Clerk of Marion County, and the Department of Revenue, State of Oregon, a certified copy of this ordinance.

Section 3. The Comprehensive Plan designation for Township 4, Range 1W, sections 28D and 28DD, tax lots 400 and 1800 is hereby changed from Public to Low Density Residential; the zoning district is changed from Urban Transition Farming to Low-Density Residential; and the Roadway Network Plan found in the Hubbard Transportation System Plan is hereby modified to not require the extension of Baines Boulevard through the subject property as this time.

Section 4. The City Council for the City of Hubbard deems and desires it necessary for the preservation of the health, peace and safety of the City of Hubbard that this Ordinance takes effect at once, and therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and adopted by the City Council of the City of Hubbard on this 12th day of August, 2008, by the following votes:

AYES: 4

NAYS: 0

Approved by the Mayor on this 12 day of August, 2008.

Tom McCain
Tom McCain
Mayor

Attest:

Vickie Nogle
Vickie Nogle, City Recorder

Approved by the City Attorney:

Robert L. Engle City Attorney

LEGEND

LINE TYPES

- TAX LOT BOUNDARY OLD PROPERTY LINE
- ROAD RIGHT-OF-WAY FACIATED RIGHT OF WAY
- RAILROAD RAILROAD RIGHT-OF-WAY
- STREAM LAKE, ETC TAX LOT BOUNDARY STREAM LAKE, ETC NON-BOUNDARY
- INTERSECTION BOUNDARY PARTITION PLAT REF
- TAX CODE BOUNDARY EASEMENT

SYMBOL TYPES

- D.L.C.
- CONTROL POINTS
- SURVEY MONUMENTS
- C.L.O. CORNERS

NUMBERS

TAX CODE NO
000 00 00 0

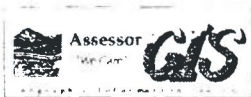
ACREAGE ALL ACREAGES EXCEPT ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAYS

TICK MARKS WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS

220.00
HOLD

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY

NOTICE: This map was created for Assessor's Office use ONLY.



SCALE: 1" = 200'

Plot file created March 28, 2007

11 0

SE 1/4 SEC. 28 T4S R1W WM MARION COUNTY

4 1W 28D

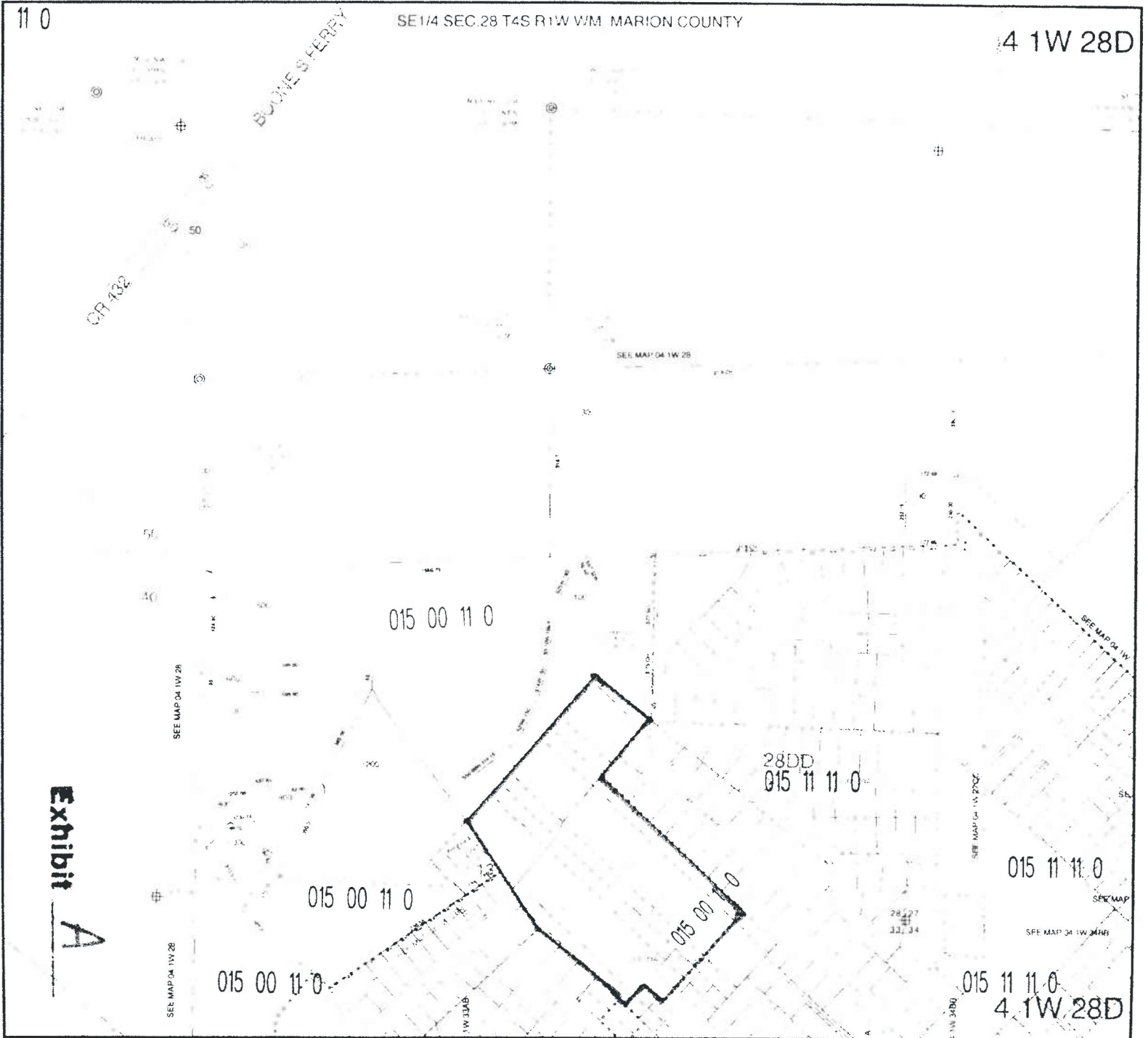


Exhibit
A

ORDINANCE 303-2008
EXHIBIT B:

Annexation/Comprehensive Plan Amendment/Zone Change 2008-01 conditions of zone change approval:

1. Submit a traffic impact study with the future subdivision application for the subject property. The study shall be reviewed and approved by the City of Hubbard Public Works Department. Improvements identified in the study that are necessary to maintain adequate service levels shall be constructed at the expense of the developer prior to final plat approval for the proposed subdivision.
2. The developer must reimburse the City for costs to construct the North Hubbard sanitary main on the subject property as indicated by the comments provided by the Public Works Superintendent found in the staff report dated June 10, 2008.
3. Future development of the site shall permit no more than 38 single family dwellings and preserve at least 8 acres of the site as open space as indicated on the conceptual plan provided by the applicant dated April 28, 2008.