



# 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](http://www.lcd.state.or.us)

## **NOTICE OF ADOPTED AMENDMENT**

October 22, 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 002-08

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: November 5, 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  
Bill Holmstrom, DLCD Transportation Planner  
Suzanne Dufner, City of Hubbard

<paa> ya

DEPT OF

OCT 16 2008

# NOTICE OF ADOPTION

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

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Hubbard Local File Number: Anx 2008-02/ZC 2008-01  
Date of Adoption: 10/14/08 Date Mailed: 10/15/08  
Date Proposal was Provided to DLCD: 8/5/08

Type of Adopted Action: (Check all that apply)

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  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 proposal includes the annexation of property approximately 11.7 acres in size with a concurrent request to change the zoning from Marion County UT-5 (Urban Transitional 5 acres) to IC (Industrial Commercial).

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: n/a to n/a

Zone Map Changed from: Marion County UT-5 to Industrial Commercial (IC)

Location: 2900 Block of Schmidt Ln (Marion County Assessor Map #41W33DC, tax lots 400,500, 800 and 900)

Acres Involved: approx. 11.7 acres

Specify Density: Previous: 5 acres New: none specified in IC zone

Applicable Statewide Planning Goals: Goal 5, 9, 11, 12

Was an Exception Adopted? Yes:  No:

DLCD File Number: 002-08 (17061)

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: ODOT, Marion County, DSI

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 304-2008

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

WHEREAS, the City of Hubbard received a request to annex and rezone an area approximately 13.7-acres in size, identified as Township 4, Range 1W, Section 33DC, tax lots 400, 500, 800 and 900, with a concurrent request for development review approval to allow an industrial use on a portion of tax lots 800 and 900; and

WHEREAS, the subject property is located within the Hubbard Urban Growth Boundary is designated as Industrial on the Hubbard Comprehensive Plan Map, and is zoned Urban Transition 5 Acres (UT-5) 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 September 16, 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 October 14, 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 September 9, 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 zoning designation for Township 4, Range 1W, Section 33DC, Tax Lots 400, 500, 800 and 900 is hereby changed from Urban Transition 5 Acres to Industrial Commercial, and the development review request to allow an industrial use on a portion of tax lots 800 and 900 is hereby approved subject to the conditions of approval found in Exhibit B.


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 14th day of October, 2008, by the following votes:

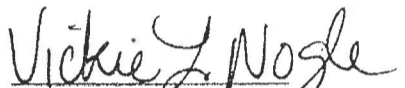
AYES: 5

NAYS: 0

Passed and approved by the City Council of the City of Hubbard this 14<sup>th</sup> day of October 2008.

  
Tom McCam  
Mayor

Attest:

  
Vickie L. Nogle, MMC, City Recorder

Approved by the City Attorney:

  
Robert L. Ingle, City Attorney

**LEGEND**

**LINE TYPES**

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC.	STREAM, LAKE, ETC.
TAX LOT BOUNDARY	NON-BOUNDARY
SUBDIVISION BOUNDARY	PARTIAL PLAT KEY
TAX CODE BOUNDARY	EASEMENT

**SYMBOL TYPES**

WELL	⊙
CONTROL POINTS	▲
SURVEY MONUMENTS	•
OLD CORNERS	⊕
SECTION	1/4 SEC
	1/8 SEC
	1/16 SEC

**NUMBERS**

TAX CODE NO  
000 00 00 0

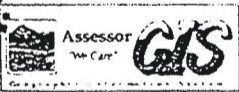
ALLEGIAN - ALL ALLEGIAN'S EXCEPT ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT-OF-WAYS

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

ALLEGIAN ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY

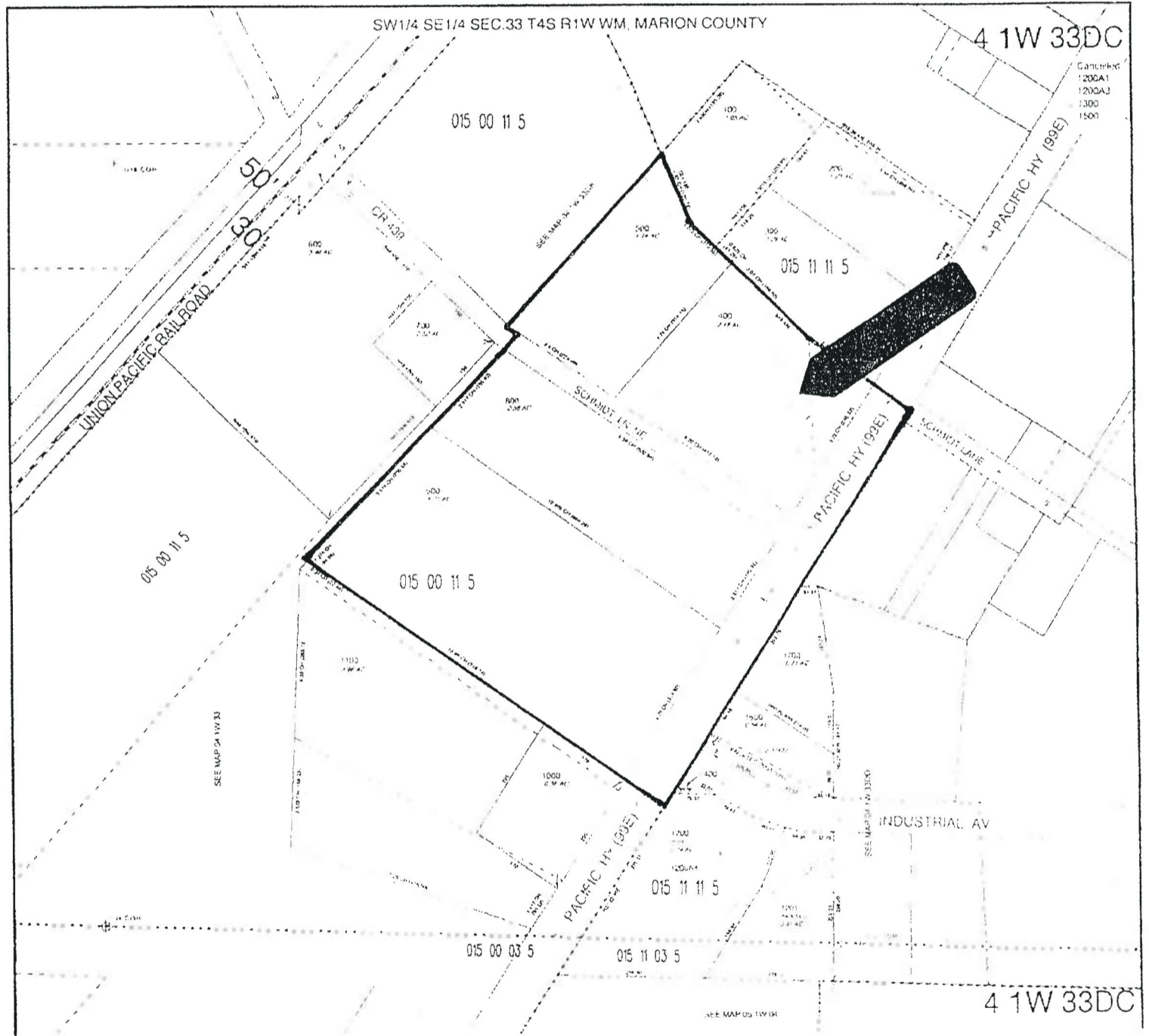
**NOTICE:** This map was created for Assessor's Office use ONLY

**Exhibit A**



SCALE 1" = 100'

Plot file created June 11, 2009



ORDINANCE 304-2008  
EXHIBIT B

Annexation 2008-02/Zone Change 2008-01/DR 2008-02 conditions of approval:

**Utilities and Streets:**

- A. The applicant shall comply with the requirements stated in the comments provided by the Public Works Superintendent, City Engineer and ODOT as indicated in Exhibits D, E, and F of the staff report dated September 9, 2008.
- B. The applicant shall submit simple master plans for Sanitary Sewer, Storm Drainage and Water showing how these utilities will serve adjacent areas within the proposed annexation area and how they will be extended westerly and southerly to serve future annexations and UGB extensions.
- C. The applicant shall submit a detailed site plan prepared by a Registered Engineer in the State of Oregon in conformance with the provisions set forth in the City of Hubbard Design and Construction Standards. The plans shall be on standard 24 x 36 paper and provide the information indicated in the City Engineer's comments dated August 15, 2008 and August 18, 2008 (Exhibit E of the September 9, 2008 staff report).
- D. The applicant shall dedicate right-of-way and/or public easements adjacent Highway 99E as needed to complete curbs, sidewalks, and half street improvements along the property frontage on Highway 99E consistent with ODOT and Hubbard TSP standards. Street improvements to Highway 99E shall be constructed in accordance with ODOT and city standards. A copy of any ODOT permits required shall be provided to the City.
- E. The applicant shall dedicate right-of-way and/or public easements adjacent Schmidt Lane needed to complete curbs, sidewalks and full street improvements along the property frontage on Schmidt Lane consistent with Hubbard TSP standards. Street improvements to Schmidt Lane shall be constructed in accordance with city standards.
- F. The applicant shall submit for review and approval by the City Engineer and Public Works Superintendent, a storm drainage and erosion control plan. Storm drainage calculations must be submitted including detention facilities and prepared by a registered engineer in the State of Oregon in accordance with the Hubbard Design and Construction Standards. The Oregon Department of Environmental Quality may require and erosion and sediment control plan, NPDES Permit #1200C. A copy of the DEQ 1200C permit shall be provided to the City.
- G. The applicant shall install storm drainage improvements on the site according to the approved storm drain and erosion control plan.
- H. The applicant shall provide the Public Works Superintendent with a plan for disposal of chlorinated water discharge.
- I. The applicant shall provide the City of Hubbard three (3) paper copies and one (1) electronic file in Arcview/ArcGis 9 format of the as-builts for all utilities.
- J. The applicant shall complete utility testing (e.g. manhole, mandrel deflection, color TV warranty) as required by the Public Works Superintendent.

**Lighting/Addressing/Public Safety**

- K. The applicant shall submit an on-site lighting plan for review and approval by the Public Works Superintendent and City Engineer.
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- L. The applicant shall provide documentation from the Hubbard Fire Department regarding the adequacy of existing hydrant coverage. If required by the Fire Marshal, the applicant shall be required to install one or more fire hydrants in a location(s) as specified by the Fire Marshal. Installation shall conform to City standards. For any hydrant location on private property a fire line easement shall be recorded.
- M. **Prior to final inspection or occupancy permit**, install a minimum (six) 6-inch high reflective address numbers at the front of the main building near the main entrance.

#### **Parking/Outdoor Storage/Landscaping**

- N. The applicant's final site plan shall indicate a minimum of 15 off-street parking spaces, one (1) loading space and two (2) bicycle parking spaces consistent with the requirements found in Section 2.203 of the Hubbard Development Code.
- O. The gravel storage area indicated on the site plan shall conform to the Public Works road standards with regards to content, consistency and material size and type as required by Development Code Section 2.203.07.A.
- P. The applicant shall submit a landscape plan prepared by a licensed landscape professional to the City for review and approval that provides a minimum of 5,935 square feet of landscaping or 10 percent of the developed area, whichever is greater. The landscape plan shall indicate the type, size, and location of landscape materials in accordance with the requirements of Development Code Section 2.207.
- Q. The applicant shall submit documentation regarding the type and location of automated sprinkler system components for any landscaped area that exceeds 400 square feet in size and the proposed method of irrigation for any landscaped area that is less than 400 square feet.
- R. **Prior to final inspection or occupancy permit**, the applicant shall install landscaping and irrigation according to the City-approved landscape plan. The size of all plant materials installed shall comply with the minimum standards of Development Code Section 2.207.06.
- S. **Prior to final inspection or occupancy permit**, the applicant shall provide the City a written guarantee for all landscape materials. The guarantee shall extend for a period of one (1) year from the date of installation.

#### **General**

- T. The applicant shall file an application for a lot line adjustment and provide evidence of recording the lot line adjustment with the Marion County Surveyor. The lot line adjustment shall be recorded in a format approved by the County Surveyor. Revised deeds shall be recorded with the Marion County Recorder.
  - U. The site development review approval shall be effective for a period of one (1) year from the date of written approval. The applicant may request an extension of the approval for a period not to exceed six months.
  - V. The applicant shall decommission any on-site septic tanks and wells in accordance with DEQ and Health Department standards.
  - W. Street improvements to Pacific Highway 99E and Schmidt Lane shall include installation of street lighting in conformance with the Hubbard Design and Construction Standards and latest guidelines from the Illumination Engineers Society. The applicant shall submit street lighting styles for review and approval by the City and Portland General Electric (PGE) prior to the start of construction.
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340095

MID - WILLAMETTE VALLEY  
COUNCIL OF GOVERNMENTS

105 High Street S.E.  
Salem, OR 97301-3667



**FIRST CLASS**

Attn: Plan Amendment Specialist  
DLCD  
635-Capitol St NE, Suite 150  
Salem OR 97301-2540