



Oregon

Theodore R. Kubongski, 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

02/24/2009

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 004-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 06, 2009

This amendment was submitted to DLCD for review prior to adoption. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<paa> YA/

FEB 17 2009

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

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

Jurisdiction: City of Hubbard
Date of Adoption: 2/10/09

Local File Number: LA 07-01
Date Mailed: 2/12/09

Date Proposal was Provided to DLCD: 10/2/08

Type of Adopted Action: (Check all that apply)

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
X 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 adopted amendments to the Hubbard Development Code: 1.) delete references to off-premise advertising signs; 2.) clarify the definition of development as it pertains to storm drainage requirements; 3.) clarify types of development exempt from the site development review process; 4.) add a requirement for a 1-year warranty on roadways and public facilities constructed by private development; 5.) clarify the location of RV, trailer boat parking and portable garages in residential zones; 6.) allow the parking of construction vehicles or machinery on gravel parking lots; 7.) reduce the side yard setbacks from 7 feet to 5 feet for 1 story homes and increase the side yard setback from 7 feet to 9 feet for 2 1/2 - 3 story homes in the R-3 and RC zones; 8.) limit the size and height of residential accessory structures to less than the main building footprint size and height and 9.) increase the maximum height allowed for fences in industrial zones from six to eight feet.

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."

The City increased the maximum height allowed for fences located in side and rear yard areas in Industrial Zones from six to eight feet. The City did not adopt amendments that would require residential accessory structures to be setback 1 additional foot from the rear property line for each 1 foot of building height.

Plan Map Changed from: n/a to
Zone Map Changed from: n/a to
Location: n/a
Acres Involved: n/a
Specify Density: Previous: n/a New:

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File Number: 00408 (17174)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.**

If no, do the Statewide Planning Goals apply.

If no, did the Emergency Circumstances Require immediate adoption. Yes:

Yes: No:

Yes: No:

Yes: No:

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

Local Contact: Suzanne Dufner, MWVCOG Area Code + Phone Number: 503-540-1616

Address: 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.

DEPT OF

FEB 17 2009

LAND CONSERVATION
AND DEVELOPMENT

ORDINANCE 305-2009

AN ORDINANCE AMENDING THE HUBBARD DEVELOPMENT CODE AND DECLARING AN EMERGENCY

WHEREAS, the City of Hubbard deemed it necessary to amend the Hubbard Development Code; and

WHEREAS, on December 16, 2008, the Planning Commission held a public hearing at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, on January 13, 2009, the City Council held a public hearing at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, notice of the said public hearing was duly given to the public;

NOW THEREFORE THE CITY OF HUBBARD ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Hubbard does hereby amend the Hubbard Development Code as set forth in Exhibit "A".

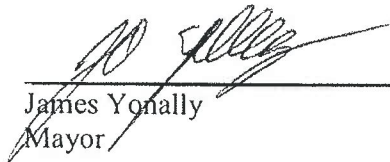
Section 2. The City Council for the City of Hubbard deems and desires it necessary for the preservation of the health, peace and safety of the City of Hubbard that this Ordinance takes effect at once, and therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and adopted by the City Council of the City of Hubbard on this 10th day of February 2009, by the following votes:

AYES: 4

NAYS: 0

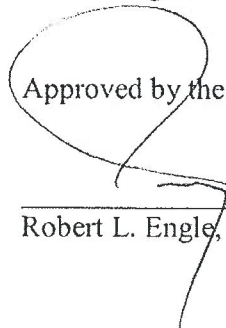
Approved by the Mayor on this 10th day of February, 2009.



James Yonally
Mayor

Attest:


Vickie Nogle, MMC, City Recorder

Approved by the City Attorney:


Robert L. Engle, City Attorney

EXHIBIT "A"

AMENDMENTS TO THE HUBBARD DEVELOPMENT CODE

Amendments to sections 2.101, 2.102, 2.103 and 2.104 - recreational vehicles parking in residential zones:

Section 2.101 - Low-Density Residential District (R-1)

2.101.05 Development Standards

- H. Parking for recreational vehicles, trailers, boats and other similar vehicles shall comply with the following standards:
1. Recreational vehicles, trailers, boats and other similar vehicles may be parked in the **side yard, rear yard and** front yard allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard located closest to the driveway subject to the following conditions:
 - a. The additional space shall not be allowed if it creates a traffic sight obstruction.
 - b. The additional space have an all-weather surface and be drained to prevent standing water.
 2. Parking for recreational vehicles, trailers, boats and other similar vehicles may be permitted in other portions of the front yard area subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.
 3. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked within public rights-of-way.
 4. All driveways shall be designed and constructed in conformance with the most current Public Works Design Standards.

Section 2.102 - Medium Density Residential District (R-2):

- H. Parking for recreational vehicles, trailers, boats and other similar vehicles shall comply with the following standards:
1. Recreational vehicles, trailers, boats and other similar vehicles may be parked in the **side yard, rear yard and** front yard allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard located closest to the driveway subject to the following conditions:

- a. The additional space shall not be allowed if it creates a traffic sight obstruction.
 - b. The additional space have an all-weather surface and be drained to prevent standing water.
2. Parking for recreational vehicles, trailers, boats and other similar vehicles may be permitted in other portions of the front yard area subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.
 3. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked within public rights-of-way.
 4. All driveways shall be designed and constructed in conformance with the most current Public Works Design Standards.

Section 2.103 - High Density Residential District (R-3):

2.103.05 Development Standards

- J. Parking for recreational vehicles, trailers, boats and other similar vehicles shall comply with the following standards:
 1. Recreational vehicles, trailers, boats and other similar vehicles may be parked in the side yard, rear yard and front yard allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard located closest to the driveway subject to the following conditions:
 - a. The additional space shall not be allowed if it creates a traffic sight obstruction.
 - b. The additional space shall have an all-weather surface and be drained to prevent standing water.
 2. Parking for recreational vehicles, trailers, boats and other similar vehicles may be permitted in other portions of the front yard area subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.
 3. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked within public rights-of-way.
 4. All driveways shall be designed and constructed in conformance with the most current Public Works Design Standards.

Section 2.104 - Residential-Commercial District (RC):

2.104.05 Development Standards

- J. Parking for recreational vehicles, trailers, boats and other similar vehicles shall comply with the following standards:
1. Recreational vehicles, trailers, boats and other similar vehicles may be parked in the side yard, rear yard and front yard allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard located closest to the driveway subject to the following conditions:
 - a. The additional space shall not be allowed if it creates a traffic sight obstruction.
 - b. The additional space have an all-weather surface and be drained to prevent standing water.
 2. Parking for recreational vehicles, trailers, boats and other similar vehicles may be permitted in other portions of the front yard area subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.
 3. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked within public rights-of-way.
 4. All driveways shall be designed and constructed in conformance with the most current Public Works Design Standards.

Amendments to Sections 2.101, 2.102, 2.103, AND 2.104 - Residential Accessory Structure Standards:

2.101 Low Density Residential District (R-1)

2.101.04 Dimensional Standards

2. All detached accessory structures shall maintain the following minimum side and rear yard setbacks:

- a. Rear Yard 5 feet
- b. Side Yard (interior) 5 feet
Side Yard (adjacent to a street) 15 feet

C. Maximum Structure Height

- 1. Principale Structure 35 feet
- 2. Accessory Structure 20 feet, except that no accessory structure shall exceed the height of the principal structure

2.101.05 Development Standards

E. Detached accessory structures shall not exceed 1,400 square feet in size, or the area covered by the main building, whichever is less. Detached accessory structures shall may be located within the rear or side yard area, and shall comply with maximum lot coverage standards. ~~Portable accessory structures; used as a private garage, as defined by this ordinance, may be located within the side portion of a front yard, but must maintain the required front and side yard setbacks and shall not be placed directly in front of an attached or detached garage or carport.~~

2.102 Medium Density Residential District (R-2)

2.102.04 Dimensional Standards

2. All detached accessory structures shall maintain the following minimum side and rear yard setbacks:

- a. Rear Yard 5 feet
- b. Side Yard (interior) 5 feet
Side Yard (adjacent to a street) 15 feet

C. Maximum Structure Height

1. Principale Structure 35 feet
2. Accessory Structure 20 feet, **except that no accessory structure shall exceed the height of the principal structure**

2.102.05 **Development Standards**

- D. Detached accessory structures shall not exceed 1,400 square feet in size, **or the area covered by the main building, whichever is less. Detached accessory structures shall may** be located within the rear **or side** yard area, and shall comply with maximum lot coverage standards. ~~Portable accessory structures, used as a private garage, as defined by this ordinance, may be located within the side portion of a front yard, but must maintain the required front and side yard setbacks and shall not be placed directly in front of an attached or detached garage or carport.~~

2.103 **High Density Residential District (R-3)**

2.103.04 **Dimensional Standards**

2. All detached accessory structures shall maintain the following minimum side and rear yard setbacks:
 - a. Rear Yard 5 feet
 - b. Side Yard (**interior**) 5 feet
Side Yard (adjacent to a street) 15 feet

C. Maximum Structure Height

1. Principale Structure 35 feet
2. Accessory Structure 20 feet, **except that no accessory structure shall exceed the height of the principal structure**

2.103.05 **Development Standards**

- F. For single-family residences and duplexes, detached accessory structures shall not exceed 1,400 square feet in area, **or the area covered by the main building, whichever is less. Detached accessory structures shall may** be located within the **side or** rear yard area and shall comply with maximum lot coverage standards. For multi-family developments, accessory structures **(not including garages or**

carports) shall not exceed 264 square feet per unit, shall may be located within the side or rear yard area and shall comply with maximum lot coverage standards.

~~Portable accessory structures, used as a private garage, as defined by this ordinance, may be located within the side portion of a front yard, but must maintain the required front and side yard setbacks and shall not be placed directly in front of an attached or detached garage or carport.~~

2.104 Residential-Commercial District (RC)

2.104.04 Dimensional Standards

2. All detached accessory structures shall maintain the following minimum side and rear yard setbacks:

- a. Rear Yard 5 feet
- b. Side Yard (interior) 5 feet
Side Yard (adjacent to a street) 15 feet

C. Maximum Structure Height

- 1. Principale Structure 35 feet
- 2. Accessory Structure 20 feet, except that no accessory structure shall exceed the height of the principal structure

2.104.05 Development Standards

F. Detached residential accessory structures shall not exceed 1,400 square feet in area, or the area covered by the main building, whichever is less. Detached accessory structures shall may be located within the side or rear yard area, and shall comply with maximum lot coverage requirements. ~~Portable accessory structures, used as a private garage, as defined by this ordinance, may be located within the side portion of a front yard, but must maintain the required front and side yard setbacks and shall not be placed directly in front of an attached or detached garage or carport.~~

Amendments to Sections 2.103 AND 2.104 - R-3 and RC Side Yard Setbacks:

2.103 High Density Residential District (R-3)

2.103.04 Dimensional Standards

B. Minimum Yard Setback Requirements

1. All principal and accessory structures shall maintain the following minimum yard setbacks:

- | | |
|--|---|
| a. Front Yard | 15 feet |
| -- Setback to garage | 20 feet |
| b. Rear Yard | |
| -- One Story | 10 feet |
| -- More than one story | 15 feet |
| c. Side Yard (interior) | <u>5 feet</u> |
| -- <u>Setback from homes 1 ½ or 2 stories in height</u> | 7 feet |
| -- <u>Setback from homes 2 ½ or 3 stories in height</u> | <u>9 feet</u> |
| Side Yard | |
| (adjacent to street – including townhouses) | 15 feet |
| -- Setback to garage | 20 feet |
| -- Setback for townhouses | 8 feet on one side of dwelling unit with zero setback (0 ft) on opposite side |

2.104 Residential-Commercial District (RC)

2.104.04 Dimensional Standards

B. Minimum Yard Setback Requirements

1. All principal structures shall maintain the following minimum yard setbacks:

- | | |
|--|----------------------|
| a. Front Yard | 15 feet |
| -- Setback to garage | 20 feet |
| b. Rear Yard | |
| -- One Story | 10 feet |
| -- More than one story | 15 feet |
| c. Side Yard (interior) | <u>5 feet</u> |
| -- <u>Setback from homes 1 ½ or 2 stories in height</u> | 7 feet |
| -- <u>Setback from homes 2 ½ or 3 stories in height</u> | <u>9 feet</u> |

Amendment to Section 2.203 - Off Street Parking and Loading Requirements:

2.203.07 Parking and Loading Area Development Requirements

All parking and loading areas shall be developed and maintained as follows:

- A. Surfacing. All driveways, parking, maneuvering and loading areas shall have a durable, hard surface. In residential areas and for all residential uses, either a minimum of 2 1/2 inches of asphalt over a 6-inch aggregate base or 4 inches of Portland cement concrete shall be provided. In commercial, industrial, and institutional areas either a minimum of 3 inches of asphalt over a 6-inch aggregate base or 5 inches of Portland cement concrete shall be provided.

If approved by the Planning Commission, areas adjacent to parking lots used exclusively for storage of materials, supplies, **construction vehicles and machinery**, and/or products may surface the area with rock or gravel. Excluding asphalt, tar, and/or concrete, the area must conform to Public Works road standards in regards to content, consistency, and material size and type.

Amendment to Section 2.204 - Storm Drainage:

2.204.01 Purpose

The purpose is to provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

2.204.02 Scope

The provisions of this Section shall apply to all new residential land subdivisions, Planned Unit Developments, multi-family development, commercial development and industrial development; and to the reconstruction or expansion of such developments; **unless the Public Works Superintendent determines the proposed development can adequately provide for the drainage of surface water and minimize erosion in a manner that does not degrade the city's water quality resources.**

As defined by the Hubbard Development Code, "development" includes the following:

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Amendments to Section 2.206 – Signs:

2.206.02 General Provisions

- A. Conflicting Standards. Signs shall be allowed subject to the provisions of this Section, except when these provisions conflict with the specific standards for signs in the subject district.
- ~~B. Signs Subject to State Approval. All off-premise advertising signs located along state highways are subject to the regulations and permit requirements of the Highway Division of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.~~
- B.C. Uniform Sign Code. All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code, except as otherwise provided in this section.
- DC. Address Display. The property identification program for residential, multifamily, commercial, institutional, or industrial development shall include the display of address numbers on a wall near the front entrance and facing the street of address. Residential numbering shall be a minimum of four (4) inches in height and minimum of six (6) inches is required for all other uses.
- E.D. Sign Clearances. A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under free-standing signs.
- FE. Setbacks. All signs shall be situated in a manner so as not to adversely affect safety, corner vision or other similar conditions. Unless otherwise specified, all signs shall observe the yard setback requirements of the districts in which they are located.
- GF. Blanketing. No sign shall be situated in a manner which results in the blanketing of an existing sign.
- HG. Illuminated Signs:
1. Internally illuminated signs, or lights used to indirectly illuminate signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.
 2. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

3. No sign or other illuminating device shall have blinking, flashing or fluttering lights, with the exception of a time and temperature sign approved by the Planning Commission when the properties abut Highway 99E.
4. No colored lights shall be used at any location or in any manner which may be confused with or construed to be traffic signals or lights on emergency vehicles.

H. Moving Signs. No sign, sign structure, or portion thereof, shall be designed to rotate, flutter or appear to move.

J. Maintenance. All signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.

K.J. Pre-Existing Signs. Signs and sign structures existing prior to the adoption of this Ordinance which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of this subsection, shall be subject to the provisions of Section 3.109 for Nonconforming Uses, except:

1. Alterations to a non-conforming sign which reduces, or does not increase its non-compliance with the provisions of this Ordinance, including changes in display surface, sign area, height and setback, may be allowed.
2. Businesses no longer operating at a site shall replace or remove signage within one (1) month of abandoning or relocating the business. Failure to use a non-conforming sign for purposes permitted under this section for a period of more than twelve (12) consecutive months shall constitute a discontinuation of use as provided under Section 3.109 and such sign shall be removed or modified to satisfy all applicable requirements of Section 2.206 and the underlying district.

2.206.08 — Off-Premise Signs

~~A. Along State Highways. All off-premise advertising signs which are located along state highways are subject to approval by the Oregon State Highway Division pursuant to the Motorists Information Act.~~

~~B. Billboards. New billboards shall not be allowed in any zoning district.~~

~~C. Political Signs. Signs which support or oppose ballot measures, persons running for political office, and other issues subject to a vote by the public may be allowed subject to the following conditions:~~

- ~~1. Approval must be obtained by the owner of the property on which the sign is to be posted.~~
- ~~2. Setbacks: Such signs may be located within the required setback area of the district, provided they are situated in a manner so as not to adversely affect safety, corner vision or other similar conditions.~~
- ~~3. Right-of-Way Excluded: Signs shall not be posted in rights-of-way, on telephone poles, traffic signs or other public apparatus.~~
- ~~4. Size: Signs shall not exceed sixteen (16) square feet in size, as viewed from one direction.~~
- ~~5. Time Limit: All such signs shall be removed within one (1) week after the election for which the sign is posted.~~

~~D. Along Public Roads. Off premise directional signs of a temporary nature such as those used to direct persons to open houses, garage sales, or special one-day events may be allowed, subject to the following conditions:~~

- ~~1. Any such sign which is visible from a state highway shall be subject to approval pursuant to Subsection 2.206.08(A), above.~~
- ~~2. All such signs shall comply with conditions 1 through 4 under Subsection 2.206.08(C), above.~~
- ~~3. Time Limit: All such signs shall be removed at the end of the day on which the event, open house or garage sale is conducted.~~

~~E. Permanent off premise signs. Permanent off premise signs used to direct persons to a particular business or location may be established only when authorized, installed, and maintained by the City of Hubbard or by such groups or organizations authorized to install such signs by the City Council.~~

Amendment to Section 2.208 – Improvement Procedures:

2.208.06 Improvement Procedures

In addition to other improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedures:

- A. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City Recorder or the Superintendent of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
- E. A map showing all public improvements as built shall be filed with the Superintendent of Public Works upon completion of the improvements.
- F. Upon completion of roadways and other public facilities to City standards and specifications, there shall be a minimum of one (1) year warranty period prior to City acceptance of maintenance responsibilities. Before this acceptance, maintenance and repair of roadways and other public facilities shall be the duty of the subdivider or partitioner or of the homeowners association. A maintenance bond shall be required to repair any deficiencies found during the one (1) year warranty period. The amount of the maintenance bond shall equal 25 percent of the value of improvements.

Amendments to Section 2.401 - General Standards:

2.401.09 Fences, Walls and Hedges

Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. Fences along a front property line or within a front yard setback shall not exceed a height of five (5) feet, when the fence is at least 50 percent open. All other fences, walls or hedges shall not exceed a height of three and one-half (3 1/2) feet along the front property line or within a front yard setback. All fences which are located within the legs of a vision clearance area at street and alley intersections shall not exceed 3-1/2 feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring. **Except for fences located in industrial districts,** a fence, wall or hedge may not exceed six (6) feet in height without approval of a variance.

Fences located in industrial districts may be up to eight (8) feet in height provided the fence is located outside of the required front yard area and any vision clearance area. Fences more than six (6) feet in height require building permit approval.

Fences shall not be constructed of or contain any material which could cause bodily harm such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Barbed wire fences shall not be constructed or maintained, nor shall barbed wire be allowed to remain as part of a fence along a sidewalk or public way. Barbed wire may be placed above the top of a fence not less than six (6) feet high that is not along a sidewalk or public way. No electric fences shall be constructed or maintained along a sidewalk or public way, or along the adjoining property line of another property. Electric fences may be located more than 50 feet from a property line and must be marked.

2.401.13 Portable Accessory Structures

Portable accessory structures, as defined by this ordinance, shall be structurally sound and shall be anchored. Such structures shall be maintained in good condition using only original manufacturer's coverings. ~~No plastic sheeting, tarpaulins, or other materials shall be used as a covering.~~

In residential zones, one portable accessory structure, used as a private garage, as defined by this ordinance, may be located within the side portion of a front yard or in a rear yard, but must maintain the required front **and side yard setbacks,** and **must maintain a minimum five (5) foot** rear yard setbacks and shall not be placed directly in front of an attached or detached garage or carport. Such structures shall meet all applicable Uniform Building Code requirements.

In commercial and industrial zones, portable accessory structures may be located on any portion of the lot or parcel, subject to applicable setback and Building Code requirements.

Amendments to Section 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.
- B. All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
105 HIGH STREET S. E. SALEM, OREGON 97301-3667
TELEPHONE: (503)588-6177 FAX: (503)588-6094

TO: City Council
FROM: Suzanne Dufner, City Planner
RE: Development Code Amendments (Legislative Amendment 07-01)
DATE: January 5, 2009

Attached is a copy of Legislative Amendment 07-01, proposed amendments to the Hubbard Development Code. A summary of the proposed amendments is provided as follows:

- **Recreational Vehicle Parking in Residential Zones (Sections 2.101, 2.102, 2.103, and Section 2.104):** This amendment would further clarify where recreational vehicles, trailers, boats and other similar vehicles may be parked in residential zones.
- **Residential Accessory Structure Standards (Sections 2.101, 2.102, 2.103, and 2.104):** The proposed amendments would not allow accessory structures to be larger than the main building footprint or taller than height of the main building.
- **Side Yard Setback Requirements in the R-3 and RC Zones (Sections 2.103.04 and 2.104.04):** This amendment would reduce the side yard setback from 7 feet to 5 feet for one (1) story homes and increase the side yard setback from 7 feet to 9 feet for 2 ½ to 3 story homes in the R-3 and RC zone districts. This would make the side yard setback in these zones consistent with the R-1 and R-2 zones.
- **Parking and Loading Area Development Requirements (Section 2.203.07):** This amendment would allow parking of construction vehicles or machinery on gravel parking lots. Currently, all vehicle-parking areas must be paved. Several construction company operators have noted that parking heavy machinery in paved areas eventually damages the pavement.
- **Storm Drainage Requirements (Section 2.204.02):** This amendment adds the definition of “development” from Section 1.200 of the Development Code to the section regarding storm drainage requirements. The intent is to clarify conditions of development, which necessitate storm drainage improvements.
- **Sign Requirements (Section 2.206):** The recommended changes would delete Section 2.206.02(B) which addresses state permitting requirements for off-premise advertising signs (billboards) and Section 2.206.08 concerning requirements for off-premise signs.
- **Improvement Procedures (Section 2.208.06):** This amendment would place a one-year warranty period on newly constructed streets and other infrastructure, such as found in new subdivisions, prior to

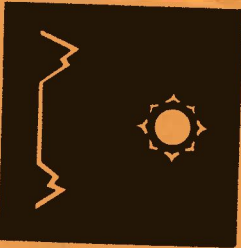
acceptance by the City. The associated maintenance bond is intended to pay for any repairs necessary at the conclusion of the warranty period.

- **Fence Requirements (Section 2.401.09):** This amendment would increase the maximum fence height allowed in industrial districts from six (6) feet to eight (8) feet in side and rear yard areas.
- **Portable Accessory Structures (Section 2.401.13):** This amendment would further clarify portable garages must maintain a minimum five (5) foot rear yard setback, consistent with the existing setback for all other accessory structures.
- **Site Development Review (Section 3.105):** This amendment would add “reconstruction” (an extensive remodel, which occurs within the original building footprint) to the list of possible exceptions to the Site Development Review process.

On December 16, 2008, the Planning Commission held a public hearing and reviewed the proposed amendments to the Hubbard Development Code found in Legislative Amendment 07-01. At the close of the public hearing, the Planning Commission recommended that the Council approval Legislative Amendment 07-01 subject to leaving the rear yard setback for all accessory structures, regardless of height, at five (5) feet.

The City Council’s options include the following:

- A. Move to adopt Legislative Amendment 07-01:
 - 1. As recommended by the Planning Commission; or
 - 2. As further amended by the City Council (state revisions).
- B. Continue the public hearing:
 - 1. To a time certain, or
 - 2. Indefinitely.
- C. Close the public hearing and take no action on the proposed amendments.



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