



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

08/27/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hubbard Plan Amendment
DLCD File Number 002-12

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, September 07, 2012

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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Suzanne Dufner, City of Hubbard
Gordon Howard, DLCD Urban Planning Specialist

Gary Fish, DLCD Transportation Planner
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

AUG 20 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Hubbard**

Local file number: **CPMA/ZC 2012-01**

Date of Adoption: **8/14/2012**

Date Mailed: **8/17/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **4/17/2012**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Comprehensive Plan Map amendment from Medium Density Residential to Commercial and a zone change from Medium Density Residential (R-2) to Residential Commercial (RD) for a 0.23 acre parcel located at 2732 D Street in Hubbard, OR.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Medium Density Residential** to: **Commercial**

Zone Map Changed from: **R-2** to: **RC**

Location: **2732 D Street, Hubbard, OR**

Acres Involved: **0**

Specify Density: Previous: **8 du/ac**

New: **12 du/ac**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 002-12 (19306) [17135]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Suzanne Dufner, City Planner**

Phone: **(503) 540-1616** Extension:

Address: **100 High St SE, Suite 200**

Fax Number: **503-588-6094**

City: **Salem**

Zip: **97301-**

E-mail Address: **sdufner@mwvcog.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

ORDINANCE 327-2012

AN ORDINANCE AMENDING THE HUBBARD COMPREHENSIVE PLAN AND ZONING MAPS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Hubbard received a request to change the Comprehensive Plan map and rezone an area approximately 0.23-acres in size, located at 2732 "D" Street, also identified as Township 4, Range 1W, Section 33AD, Tax Lot 5600, with a concurrent request for site development review approval to convert a single family dwelling to a beauty salon; and

WHEREAS, the Hubbard Planning Commission conducted a public hearing to consider the request on June 19, 2012 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 10, 2012 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 July 2, 2012; now therefore,

NOW THEREFORE THE CITY OF HUBBARD ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan Map designation for 2732 "D" Street is hereby changed from Medium Density Residential to Commercial, the zoning designation is hereby changed from Medium Density Residential (R-2) to Residential Commercial (RC), and the site development review request to allow a beauty salon within an existing single family residence is hereby approved subject to the conditions of approval found 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 take 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.

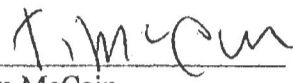
PASSED and adopted by the City Council of the City of Hubbard on this 14th day of

August 14, 2012, by the following votes:

AYES: 4

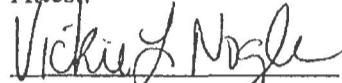
NAYS: 0

Approved by the Mayor on this 14th day of August, 2012.



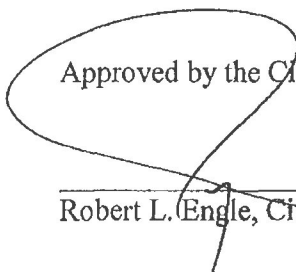
Tom McCain
Mayor

Attest:



Vickie Nogle, MMC
Director of Administration/City Recorder

Approved by the City Attorney:


Robert L. Engle, City Attorney

ORDINANCE 327-2012
EXHIBIT A

Comprehensive Plan Map Amendment/Zone Change 2012-01/DR 2012-02 conditions of approval:

- A. Prior to issuance of a building permit, the applicant shall provide a final site plan that is drawn to scale, and provides a minimum of three (3) paved off-street parking spaces and complies with the off street parking requirements found in Section 2.203 of the Hubbard Development Code. The final construction plans shall note the dimensions of the parking spaces, pavement types and thickness, and compliance with ADA parking standards.
- B. The applicant shall enter into a terminable encroachment easement agreement with the City of Hubbard for the portion of the building that encroaches into the public right-of-way on 4th Street. The agreement shall be reviewed and approved by the City Attorney prior to the applicant recording a copy of the agreement at the Marion County Clerk's office. A copy of the recorded agreement shall be provided to the City of Hubbard.
- C. The applicant shall comply with all requirements of the Public Works Superintendent from Exhibit C of the staff report dated June 11, 2012.
- D. Prior to issuance of a building permit, the applicant shall contact the City Engineer to determine what information must be provided in order to comply with public utility requirements (e.g. water, sanitary sewer, stormwater) found in the City of Hubbard Design and Construction Standards and the Hubbard Development Code.
- E. Prior to issuance of a building permit, 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. All construction shall comply with the Uniform Fire Code.
- F. Prior to issuance of building permits, the applicant shall submit a landscape plan for City staff review and approval. The landscape plan shall provide a minimum of 1,002 square feet of landscaping, and shall show the size of landscaped areas, and the location and type of plants to be used. Any landscape areas disturbed during construction shall be restored.

- G. Prior to final occupancy of the structure, the applicant shall install minimum six-inch high address numbers on the front of the building near the main entrance to aid public safety and emergency response personnel rapidly find the building in the event of an emergency.
- H. Prior to final occupancy of the structure, the applicant shall provide covered bicycle parking space(s) as required by Hubbard Development Code Section 2.203.09.
- I. Any signage installed on the property shall comply with the requirements of Development Code Section 2.206.
- J. The applicant shall obtain any state licensing and permit approvals required to operate a cosmetology facility, including a change of use/occupancy building permit to convert the existing residential dwelling to a commercial hair salon.
- K. The site development review approval shall be effective for a period of two (2) years from the date of written approval. The applicant may request an extension of the approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing thirty (30) days prior to the expiration date of the approval period. The project shall be constructed according to all approved plans.

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: Hubbard City Council

FROM: Suzanne Dufner, City Planner

CC: Hubbard Planning Commission

RE: Comprehensive Plan Map Amendment/Zone Change 2012-01, Site Development Review 2012-02 (2732 "D" Street)

DATE: July 2, 2012

In March 2012, the applicant submitted applications for a Comprehensive Plan Map amendment, Zone Change and Site Development Review to convert a residential home to a beauty salon located at 2732 D Street in Hubbard (see attached staff report).

On June 19, 2012, the Hubbard Planning Commission held a public hearing on the applications. At the close of the public hearing the Planning Commission unanimously recommended the Council approve the applications, subject to the conditions of approval recommended by staff and resolution of three (3) issues raised during the public hearing:

1. Evaluation of whether or not an encroachment easement is needed for a portion of the building that encroaches into the public right-of-way on 4th Street,
2. Compliance with ADA and off-street parking requirements, and
3. Review whether or not the applicant needs to provide detailed utility plans prepared by a Registered Engineer (see attached report, Exhibit D – City Engineer comments).

To resolve these concerns, staff prepared revisions to the findings and recommended conditions of approval as shown in **bold underline** (see attached staff report pages 7-11).

On July 10, 2012, the City Council is scheduled to hold a public hearing and issue a final decision on the proposed applications.

City Council Action

- A. A motion to direct staff to prepare an ordinance to APPROVE Comprehensive Plan Map Amendment/Zone Change 2012-01/Site Development Review 2012-02:
 - 1. As recommended by the Planning Commission, subject to the revised findings and conditions presented at the July 10, 2012 Council hearing; or
 - 2. As further amended by the City Council (stating any revisions).
- B. A motion to DENY Comprehensive Plan Map Amendment/Zone Change 2012-01/Site Development Review 2012-02 (stating the reason(s) for the recommended denial).
- C. A motion to continue the hearing to a date certain, stating the date.

Exhibit: Revised staff report dated July 2, 2012

REVISED
STAFF REPORT

Comprehensive Plan Map Amendment/Zone Change 2012-01
and Site Development Review 2012-02

Staff Report: **July 2, 2012**

Planning Commission Hearing: June 19, 2012

City Council Hearing: July 10, 2012

APPLICANT: Janell Warrener

OWNER: Charles A. Edwards

REQUESTS: To amend the Comprehensive Plan Map for the subject property from Medium Density Residential to Commercial.

To amend the zoning designation for the subject property from Medium-Density Residential (R-2) to Residential Commercial (RC).

Site development review for a beauty salon.

MAP/TAX LOT NUMBERS: 4 1W 33AD Tax Lot 5600 (See Exhibit A)

ADDRESS: 2732 D Street

SIZE: 0.23 acre

PLAN DESIGNATION: Medium Density Residential

ZONE: Medium-Density Residential (R-2)

APPLICABLE CRITERIA: Hubbard Comprehensive Plan goals, objectives, and policies; Sections 2.200-2.209, 3.102, 3.105, 3.203 of the Hubbard Development Code; Oregon's Statewide Planning Goals

EXHIBITS: Exhibit A: Vicinity Map
Exhibit B: Applicant's submittal
Exhibit C: Public Works comments
Exhibit D: City Engineer comments
Exhibit E: Sample Terminable Encroachment Easement

I. PROCESS:

For Comprehensive Plan map amendments and zone change applications, the Planning Commission conducts a public hearing. At the conclusion of the public hearing, the Commission makes a recommendation to the Hubbard City Council. The City Council then makes the final decision in the matter. A second public hearing is scheduled before the Hubbard City Council to consider this request. The date of that hearing is July 10, 2012 at 7:00 pm. The date, time, and location of the Council hearing was included in the notice for the initial public hearing before the Planning Commission that was sent to property owners within 100 feet of the boundaries of the subject property.

The Development Code, Section 3.101.01, states that development review applications require a Type I, Level 2, review procedure. Section 3.200 outlines the procedures. The Planning Commission makes the final decision on the application, which may be appealed to the City Council.

II. BACKGROUND:

In December 2011, the applicant applied for and received approval to operate a hair salon as an accessory use in an existing dwelling located at 2732 D Street. The home occupation standards found in Section 2.203.01 of the Hubbard Development Code require in part that, an employee of the home occupation reside at the residence; traffic be limited to no more than ten (10) round trips per day; and customer/client contact be conducted primarily by telephone or mail, and not on the premises of the home occupation. In addition, there shall only be one (1) sign on the premise that does not exceed three (3) square feet in area.

In March 2012, the City received a complaint that the business was not operating within the standards required for home occupations. On March 29, 2012, the applicant submitted applications for a Comprehensive Plan/Zone Change and Site Development Review.

General. The subject property is located across from Rivernes Park on D Street, one half block from the historic commercial business district located on 3rd Street.

On-site. The subject property contains an existing residence.

Surrounding land uses:

North: (Across D Street) Developed residential property;

South: Developed residential property

West: (Across 4th Street) Rivernes City Park; and

East: Developed commercial property.

Access: Access to the property would be from D Street.

Utilities:

Water: Ten (10) inch main located in D Street adjacent to the property,

Sewer: Ten (10) inch main located in D Street adjacent to the property, and

Storm Drain: Storm drain main located in D Street adjacent to the property.

III. ANALYSIS OF APPLICABLE CRITERIA

A. Comprehensive Plan Map Amendment

According to Development Code Section 3.102.03(A), Comprehensive Plan map amendments shall be approved if the applicant provides evidence substantiating specific criteria.

Criterion 1: Conformance with applicable Statewide Planning Goals.

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

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

The proposed Comprehensive Plan map change to Commercial would allow a small parcel (0.23 ac) located adjacent the city's historic commercial core area to convert to neighborhood commercial use, and provide additional small scale commercial services within walking distance of adjacent residential areas. The conversion to Residential Commercial from Medium Density Residential would expand the list of allowable uses on the subject property to include small scale commercial businesses in addition to residential use. Based on these findings, staff concludes the proposed change is consistent with Goal 9.

Regarding Goal 10 (Housing) the City recently completed a buildable lands inventory and adopted updates to its Comprehensive Plan to address 20-year land needs. The most recent inventory, completed in 2009, showed that approximately 91.3 acres of vacant land designated for residential development was available within the Hubbard Urban Growth Boundary (UGB) to meet the projected 2029 population. This proposal would remove approximately 0.23 acres of medium-density residential land. The subject property is currently developed with an existing single family residence. Based on the size of the subject property, changing the Comprehensive Plan and zoning designation to allow a mixture of residential and neighborhood commercial uses on the site will not have a significant overall impact on the city's 20 year buildable residential land supply. Based on these findings, staff concludes that this proposal is consistent with Goal 10.

Goal 12 (Transportation) administrative rules require that new land uses not exceed the capacity of existing transportation systems. These rules also require local jurisdictions provide means to encourage and facilitate bicycle and pedestrian travel. Automobile access to the subject property is available from D Street and 4th Street. The Hubbard Transportation System Plan (TSP) designates D Street as a minor arterial and 4th Street is a local road. The closest street

intersection to the subject property recently analyzed in the 2012 TSP is located 120 feet east of the subject property at D Street and 3rd Street. Based on a review of the TSP, this intersection is currently operating and forecasted to continue operating at a Level of Service (LOS) “A” through the year 2035. Level of Service refers to the average amount of delay that motorists experience when passing through an intersection. Letter grade “A” represents the best (least delay), while LOS “F” represents the worst (longest) delay. The TSP does not identify any LOS roadway deficiencies on 4th Street. The development of an additional 0.23 acres of residential commercial use for as a beauty salon will produce less than 25 average daily trips (ADT) per day and not have a significant impact on the local roadway network system.¹

There are existing sidewalks located adjacent to the property and a planned ADA ramp for the subject property to facilitate adequate pedestrian access to the site. Based on these findings, staff concludes that the proposed change is consistent with Goal 12.

Criterion 2: Conformance with goals and policies of the Plan or demonstration of change in circumstances that would necessitate a change in the goal and/or policy.

Findings: The Comprehensive Plan contains the following land use policies regarding commercial land that are relevant to this proposal:

Commercial Land:

- 1. Commercial development should be located to provide adequate and convenient services to the resident as well as the visitor.*
- 7. The mixing of uses in the commercial area will provide a means of access to transportation, housing and shopping to those persons who need to locate near the various facilities.*
- 8. The City of Hubbard supports maintaining existing businesses and encouraging a variety of new business activities to locate in the city.*

The proposed Comprehensive Plan Map change to Commercial is consistent with these policies because it would facilitate the ability to locate additional neighborhood commercial services near Hubbard residents and allow a greater mixing of uses near housing and existing commercial services located near the subject property on 3rd Street. In addition, the proposed change encourages the development of new business activities to locate in Hubbard by providing additional land appropriately designated for these types of uses.

The proposed change is also consistent with the following Economic Development policy found in the Hubbard Comprehensive Plan:

- 1. The City of Hubbard shall encourage a wide variety of commercial activities in convenient and desirable locations to serve city residents.*

¹ *Trip Generation*, Institute of Transportation Engineers, 7th Edition, 2003, page 1149.

The proposed change would allow small scale commercial activities that are compatible with residential development, to be conveniently located adjacent to neighborhoods located north, west and south of the subject property.

Staff finds that the proposed change is consistent with this policy.

Criterion 3: A demonstration of public need for change.

Findings: Based on the most recent buildable lands inventory, the city has a need for 15.0 acres of commercial land. One of the city's goals is to provide commercial services in locations that are convenient to residents. Many commercial parcels located along the highway are difficult for residents on the west side of the city to access due to pedestrian barriers such as, the Union Pacific RR, gaps in the local sidewalk network and high traffic volumes on the highway. In contrast, the subject property is located on the same side of the railroad and highway as several Hubbard residential areas, which provides residents more convenient access to these services. Based on existing zoning and development patterns, there are limited opportunities to provide expanded business services to residents in this area of town. Re-designating the subject property for commercial use would provide a uniquely situated parcel to help meet the city's commercial land needs in a location that is convenient to local residents.

Based on these findings, staff concludes that public need exists for the proposed change.

Criterion 4: A demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.

Findings: The adjacent property located at 2780 D Street contains a vacant building that was formerly used as a hair salon. While the property is zoned appropriately for the intended use, it does not provide enough square footage for the proposed beauty salon.

The subject property is also one of the few parcels located in a developed residential area that is large enough to accommodate the proposed use, and provide access through an improved minor arterial street with on-street parking and sidewalks. The subject property is also buffered by a public park located to west.

Based on these findings, staff concludes that the proposed amendment will best meet the identified public need versus other available alternatives.

B. Zone Change

According to Development Code Section 3.102.03(B), zone change proposals shall be approved if the applicant provides evidence substantiating specific criteria.

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

Findings: Findings described in this report demonstrate that the proposal is consistent with the Comprehensive Plan. The proposed Residential Commercial District (RC) zone designation is one of the implementing zone for the Commercial Plan Designation.

Staff finds that approval of this request is consistent with the Comprehensive Plan.

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

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

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

Criterion 3: The proposed amendment is consistent with the purpose of the Code's section and title.

Findings: According to Development Code Section 2.104.01:

“The purpose of the RC (Residential Commercial) District is to provide for a mix of housing types and limited commercial activities.”

The proposal to convert a residential dwelling to a beauty salon would allow for further development of neighborhood commercial services within the city and is consistent with the stated purpose of the Residential Commercial zone.

Criterion 4: The natural features of the site are conducive to the proposed zone district.

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

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

Staff finds that this criterion can be met.

C. Site Development Review

1. Characteristics of adjoining and surrounding uses.

Staff Response: Surrounding uses include a mixture of commercial, residential and public uses. The proposed development would convert a portion of an existing residence for use as a beauty shop.

Upon receiving Comprehensive Plan/Zone Change approval, the subject property would be located in the Residential Commercial (RC) Zone. This zone allows a limited number of commercial uses, commercial uses that would have little or no impact on surrounding residential uses. The limited size of the proposed development combined with the limited number of commercial uses allowed in the RC Zone will ensure that the development is compatible with any residential uses in the surrounding area.

Based on comments provided by Public Works, a portion of the building encroaches in the public right of way on 4th Street. For uses constructed under the current code, there is a minimum 15 foot setback along side yards adjacent to a street. Based upon a review of the applicant's site plan, the applicant is not proposing any expansion of the existing building footprint at this time. Alterations, restorations, or replacement of the existing nonconforming development are subject to the provisions found in Hubbard Development Code Chapter 3.110 (Nonconforming Use and Development). Additionally, staff recommends the applicant enter into an encroachment easement agreement, similar to the attached agreement (Exhibit E) between the City of Hubbard and Hubbard Seed and Supply Co. that would state under which conditions the encroachment must be terminated and would indemnify the city from any claim, loss or liability arising out of or in any way connected with the encroachment property.

Development Code Section 2.207.03(C) requires that the landscaped area for commercial uses shall be 10 percent of the gross lot area. The size of the property is approximately 10,019 square feet (sq.ft.), so 1,002 sq.ft. of landscaping is required. The applicant proposes to maintain existing landscaped areas on the property which, exceed 1,002 sq.ft. feet in size. As a condition of approval, staff recommends that the applicant submit a landscape plan that provides for the minimum amount of landscape area as required by the Development Code and shows the size of landscaped areas and the location and type of plants to be used. This plan would be submitted for City staff review and approval.

Property or building signs impact the visual appearance of the property. The applicant provided information on proposed signage for the business as part of the Site Development Review application (See Exhibit B). The proposed signage includes one (1) free standing sign approximately five (5) feet by three (3) feet in size, and one (1) building sign that would be mounted above the porch and measure three (3) feet by two (2) feet in size. The applicant must obtain a sign permit from the City prior to installation of any sign. All signs must comply with Development Code Section 2.206.

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

2. *Drainage and erosion control needs.*

Staff Response: The City Engineer states that if changes to impervious surfaces are proposed or required, the applicant will be required to submit storm water detention calculations prepared by a Registered Engineer in accordance with the Hubbard Design and Construction Standards (see Exhibit D). This is included as a condition of approval.

3. *Public health factors.*

Staff Response: The City Engineer notes that additional information is needed regarding the size of the existing or new water meter, the location and size of all water lines, with calculations prepared by a registered engineer, in order to assess the adequacy of the water meter and yard piping (see Exhibit D). This is included as a condition of approval.

Additionally, the City Engineer states details of chlorination discharge must be submitted with the applicant's plan. A backflow prevention device is also required for this use. These are included as conditions of approval.

The Police Chief indicates that adequate services are available to serve the property. Development Code Section 2.401.14 requires that minimum six-inch high reflective address numbers be placed at the front of the main building near the main entrance. This is included as a condition of approval. The Police Chief also recommends that perimeter lighting and a security system be installed on the property.

The Fire Marshal did not comment on the proposal. Prior to issuance of a building permit, the applicant shall provide documentation from the Hubbard Fire Department regarding the adequacy of existing hydrant coverage. If required by the Fire Marshal, the applicants 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. This is included as a condition of approval. Compliance with all requirements of the Uniform Fire Code is also included as a condition of approval.

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

Staff Response: Based upon feedback provided by the applicant at the June 19, 2012 Planning Commission hearing, the proposed use would occupy approximately 1,364 square feet of the building. The business currently has one (1) full time employee and two (2) to three (3) part time employees. Some of the salon clients walk to the site, while others travel by car.

Development Code Section 2.203.05 does not list a specific parking requirement for hair salons or beauty shops. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Recorder based upon the requirements of comparable uses listed and expectations of parking and loading need (HDC 2.203.08).

Using a parking requirement of one (1) parking space per 400 square feet of gross floor area, a total of three (3) off-street parking spaces should be provided. One of these parking spaces will need to be an ADA accessible parking space per correspondence with the Marion County Building Department. Dimensions for ADA parking consist of a nine (9) foot wide parking stall with a minimum eight (8) foot wide access aisle located on the vehicle passenger side. An approved ADA accessible route will also need to be provided from the ADA parking space to an ADA accessible building entry.

The applicant indicated off-street parking can be provided by the existing driveway and carport area. Based upon a review of the applicant's site plan, it appears there is currently space for two (2) off-street paved parking spaces within the driveway and carport area. Parking is also available through on-street parking located on D and 4th streets adjacent to the property. **As a recommended condition of approval, the applicant shall provide a minimum of three (3) off street parking spaces, including one (1) ADA parking stall.**

Access to the existing carport is provided by an existing driveway on D Street. No changes to the driveway are proposed by the applicant at this time.

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

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

Staff Response: Commercial uses in the RC Zone are limited to: (1) offices, (2) retail establishments with less than 2,500 square feet of floor area, and (3) restaurants (without drive-through facilities). The limitations on the type and size of commercial uses allowed in the RC Zone will limit any off-site impacts from the proposed development. Noise impacts from the proposed development should be minimal and are consistent with surrounding uses found within the city park and historic business area located on 3rd Street.

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

Staff Response: The subject property does not contain any significant natural features.

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

Staff Response: There are existing sidewalks located adjacent to the property on D and 2nd streets to provide safe pedestrian access to the property. Also, the applicant recently submitted building plans for an ADA accessible ramp from the sidewalk on 4th Street to the front of the property, which will provide further pedestrian connectivity between the sidewalk and business. The subject property is consistent with this criterion.

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

Staff Response: There are no known potential hazards within the area that would be impacted by the proposed development. Only minor changes are proposed to the property, including an ADA handicap accessible ramp.

SUMMARY AND RECOMMENDATION:

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

Based on the findings in this report staff recommends **APPROVAL** of Comprehensive Plan Map Amendment/Zone Change 2012-01 and Site Development Review 2012-02, subject to the following condition of approval:

- A. **Prior to issuance of a building permit, the applicant shall provide a final site plan that is drawn to scale, and provides a minimum of three (3) paved off-street parking spaces and complies with the off street parking requirements found in Section 2.203 of the Hubbard Development Code. The final construction plans shall note the dimensions of the parking spaces, pavement types and thickness, and compliance with ADA parking standards.**
- B. **The applicant shall enter into a terminable encroachment easement agreement with the City of Hubbard for the portion of the building that encroaches into the public right-of-way on 4th Street. The agreement shall be reviewed and approved by the City Attorney prior to the applicant recording a copy of the agreement at the Marion County Clerk's office. A copy of the recorded agreement shall be provided to the City of Hubbard.**
- C. The applicant shall comply with all requirements of the Public Works Superintendent from Exhibit C of the staff report dated June 11, 2012.
- D. **Prior to issuance of a building permit, the applicant shall contact the City Engineer to determine what information must be provided in order to comply with public utility requirements (e.g. water, sanitary sewer, stormwater) found in the City of Hubbard Design and Construction Standards and the Hubbard Development Code.**
- E. Prior to issuance of a building permit, 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. All construction shall comply with the Uniform Fire Code.

- F. Prior to issuance of building permits, the applicant shall submit a landscape plan for City staff review and approval. The landscape plan shall provide a minimum of 1,002 square feet of landscaping, and shall show the size of landscaped areas, and the location and type of plants to be used. Any landscape areas disturbed during construction shall be restored.
- G. Prior to final occupancy of the structure, the applicant shall install minimum six-inch high address numbers on the front of the building near the main entrance to aid public safety and emergency response personnel rapidly find the building in the event of an emergency.
- H. Prior to final occupancy of the structure, the applicant shall provide covered bicycle parking space(s) as required by Hubbard Development Code Section 2.203.09.
- I. Any signage installed on the property shall comply with the requirements of Development Code Section 2.206.
- J. The applicant shall obtain any state licensing and permit approvals required to operate a cosmetology facility, **including a change of use/occupancy building permit to convert the existing residential dwelling to a commercial hair salon.**
- K. The site development review approval shall be effective for a period of two (2) years from the date of written approval. The applicant may request an extension of the approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing thirty (30) days prior to the expiration date of the approval period. The project shall be constructed according to all approved plans.

CITY COUNCIL ACTION

- A. A motion to direct staff to prepare an ordinance to APPROVE Comprehensive Plan Map Amendment/Zone Change 2012-01/Site Development Review 2012-02:
 - 1. **As recommended by the Planning Commission, subject to the revised findings and conditions presented at the July 10, 2012 Council hearing;** or
 - 2. As further amended by the City Council (stating any revisions).
- B. A motion to DENY Comprehensive Plan Map Amendment/Zone Change 2012-01/Site Development Review 2012-02 (stating the reason(s) for the recommended denial).
- C. A motion to continue the hearing to a date certain, stating the date.



Mid-Willamette Valley
Council of Governments
100 High Street SE, Suite 200
Salem OR 97301



FIRST CLASS

DEPT OF

AUG 20 2012

LAND CONSERVATION
AND DEVELOPMENT

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