

CITY OF HUBBARD
PLANNING COMMISSION MINUTES
APRIL 21, 2020

CALL TO ORDER. The Hubbard Planning Commission meeting was called to order at 6:30 p.m. by the Planning Commission Chairman Anthony San Filippo via conference call because of the COVID - 19 virus.

Planning Commission Present: Planning Commission Chairman Anthony San Filippo, Planning Commissioner Glenn Holum, Planning Commissioner Scott Stierle, Planning Commissioner Jessica Countryman. Planning Commissioner Nik Kulikov entered the meeting at 6:54.

Staff Present: Director of Administration/City Recorder Vickie Nogle, City Planner Holly Byram, MWVCOG, Public Works Superintendent Michael Krebs, Public Works Administrative Manager Melinda Olinger, Administrative Assistant/Court Clerk Julie Hedden.

Applicant Present: Matt Kennedy.

FLAG SALUTE.

Planning Commission Chairman Anthony San Filippo led the group in reciting the Pledge of Allegiance.

APPROVAL OF THE JANUARY 21, 2020, PLANNING COMMISSION MEETING MINUTES. MSA/Planning Commissioner Scott Stierle / Planning Commissioner Jessica Countryman moved to approve the minutes from the January 21, 2020, meeting. Planning Commissioners Scott Stierle, Anthony San Filippo, Glenn Holum, Jessica Countryman, were in favor. Motion passed unanimously.

PUBLIC HEARING.

- a) **Site Development Review # 2020-01 and Partition Application # 2020-01 (3500 3rd Street – 041W33AD07600). Proposed commercial spec building and concurrent partition application – Matt Kennedy.**

Planning Commissioner Chairman Anthony San Filippo opened the Public Hearing at 6:35 p.m.

Planning Commissioner Chairman Anthony San Filippo read the legislative hearing statement.

City Planner Holly Byram, MWVCOG, read the criteria standard script.

Planning Commissioner Chairman Anthony San Filippo asked for any declarations of ex parte contact, bias, or conflict of interest.

City Planner Holly Byram summarized the staff report, pages 1 through 21, with 2 additional attachments: Exhibit A and Exhibit B, and also additional attachments supplied by the Applicant

today. The files Site Development Review #DR 2020-01 and #PAR 2020-01 and the request is the applicant proposed to partition the 0.62 – acre property into two parcels. Parcel 1 is proposed to be 17,644 square feet. Parcel 2 is proposed to be 9,450 square feet. In a concurrent application, the applicant requests Site Development Review approval to develop a 900 square foot commercial spec building on Parcel 1 within a gravel courtyard. The applicant is also proposing to fence and gravel Parcel 2 for the purpose of outdoor storage and commercial sales of steel racking and shelving materials, sold by appointment only. Storage containers are proposed on site. Other development features include parking lots, sidewalk, and stormwater control.

City Planner Holly Byram said Partitions are Type 1 Level 2 action which requires the Planning Commission to make a decision but not actually hold a Public Hearing, and Site Development Reviews are Type 2 actions which require a Public Hearing. Furthermore, when you combine the two you can process them at the same time, but you need to go with the higher-level processing type and that is why they are both combined tonight into the same Public Hearing. The final decision is made by the Planning Commission and any appeals would go to the City Council.

City Planner Holly Byram said on page 2 is a Vicinity map and the property parallels 3rd Street and runs from G Street to E Street and the zoning is commercial. The site plan shows 2 pieces. The first piece on page 3 is the Northern Portion where the Commercial building would be with 2 paved parking lots and a courtyard. The bottom part of page 3 is the Southern Portion which would be fenced, graveled and have storage for racking materials that would be sold by appointment only.

City Planner Holly Byram said the Applicant really wants to find an acceptable use for this property and a use that is beneficial for the community, and also with this current application to bring this property into compliance.

City Planner Holly Byram said the Partition Criteria starts on Page 5. She said the frontage improvements along the public street are required, a six foot sidewalk on the east side of the mature trees and a new curb are required for Parcel 1, and the City would be willing to accept a Non-Remonstrance Agreement for the same improvements on Parcel 2, so that it could be done at a later time when the Applicant applies for development on that property.

City Planner Holly Byram said Development Standards for Land Divisions apply to both partitions and subdivisions and the criterion for this is met. She said all the Partition Requirements are met and Staff supports the Partition.

City Planner Holly Byram said on page 9 is the application for the Site Development Review and the criteria is in section 3.105 of the Hubbard Development code. She said the applicant is proposing on Parcel 1 a commercial spec building and what is being suggested is a coffee/sandwich shop which is permitted so it meets the approved uses.

City Planner Holly Byram said on Parcel 2 the applicant proposes the entire lot be graveled and completely surround it with a 6 ft fence with screening on it, and inside would be stored racking materials.

City Planner Holly Byram said all development is subject to landscaping minimum area requirements of the Hubbard Development Code. Staff recommends a condition of approval that the applicant submit a landscape plan which complies with the Hubbard Development Code.

City Planner Holly Byram said no lighting is shown on the submitted plan set but that can be met with a condition of approval. She stated no signage has been submitted yet, but that can also be met with a condition of approval.

City Planner Holly Byram said in consideration of the characteristics of surrounding uses staff finds that if the applicant meets the criteria required in terms of landscaping and screening required by the Hubbard Development Code, they can meet that criterion.

City Planner Holly Byram said the applicant did provide some drainage information. The City Engineer and Public Works reviewed the proposal and submitted comments. The applicant needs to provide a more detailed drainage plan and storm water report. The City Engineer also provided comments that because the proposed drainage pipe at the south parking lot is so shallow that there would be some backfill required. Staff found the applicant could meet the requirements through the conditions of approval.

City Planner Holly Byram there is an existing sewer line adjacent to the site and City Engineer and Public Works submitted comments. The applicant needs to indicate on the revised plan sets all proposed and future water and sewer stub-outs. She said the applicant is requesting to run a private sewer line on the east side of the development and Public Works and the City Engineer are willing to approve if there are signed easements and shared maintenance agreements, which have been included in conditions of approval. Hubbard Fire District also reviewed this and said the fire hydrants will be adequate for this project.

City Planner Holly Byram said staff finds the criteria can be met for all traffic safety, internal circulation, and parking requirements through recommended conditions of approval.

City Planner Holly Byram said the applicant has not provided a proposed trash and recycling location on the site, and this can be met as a condition of approval. The applicant is proposing privacy screening around the perimeter fencing. The applicant has not provided any information about the specific type or species of landscaping, but that can be met as a condition of approval.

City Planner Holly Byram said the applicant is proposing to keep the mature trees along the 3rd Street frontage of the property and staff supports that with a sidewalk that would include a parkway strip to accommodate the existing trees.

City Planner Holly Byram said 6-foot sidewalks would be required along Parcel 1 and that a Non-Remonstrance Agreement can be used for Parcel 2.

City Planner Holly Byram said Staff supports the Partition Application and the Site Development Review Application subject to the conditions of approval listed on the Staff Report.

City Planning Commission Chairman Anthony San Filippo asked if there were any questions of staff from the Planning Commission before we continue and accept public testimony.

Planning Commission Chairman Anthony San Filippo accepted public testimony regarding this application. He asked if the applicant or their representative would like to speak.

Matt Kennedy, 3635 5th Street, Hubbard, OR 97032, is the applicant and said his vision for this property is to really make a Downtown Hubbard and he showed pictures of two building designs. He said he wanted an anchor tenant such as a sandwich/coffee/healthy bowl shop with a courtyard that would bring something to Hubbard that would complement the existing restaurants.

Matt Kennedy said regarding the landscaping requirements, downtown areas do not typically have landscaping; there are storefronts that abut sidewalks which creates its own aesthetic. He stated what he envisions is a lot of hardscaping, brick patios and outdoor seating areas that will evolve through the course of the development, and we need to re-envision Hubbard in a different light to bring a vital downtown back. M. Kennedy said if he has to create 1500 square feet of landscaping he does not know where the other buildings will go, he envisions covered common areas and park benches that will look more park-like than typical lawns and shrubs.

Matt Kennedy said the Transportation System Plan (TSP) calls for a 6 ft. bike lane on the east side of 3rd Street and a planter strip, his opinion is there has been a shortage of parking for some of the business and sometime in the near future the TSP gets looked at and adjusted. He stated one of the things the TSP does not call for on the east side is a sidewalk, but he said he is willing to put a 6 ft sidewalk in the plan but it is not in the TSP so that would mean going outside of the plan. M. Kennedy said replacing the curb on 3rd Street is a deal breaker financially and that curb has not been maintained by the City, so he would like to ask if the City would work with him on that piece.

Matt Kennedy said in conclusion the landscaping and the curb are his only two issues and asks the City if they could work with him on these.

Planning Commission Chairman Anthony San Filippo asked if there was anyone who would like to speak in support of the application.

Charles Rostocil, 3427 4th Street, Hubbard, OR 97302, said he wanted to comment on support of the vision that Matt has for this parcel. He said he has talked with the Applicant about it and feels he has a great idea how to bring a vibrancy back to 3rd Street. He said that he does recognize the challenges the Applicant has mentioned and maybe there are Grants or other resources that could be available to help him. C. Rostocil said the long-term vision the Applicant has is a good vision and he wants to voice his support for it.

Planning Commission Chairman Anthony San Filippo asked if there was anyone to speak who would like to speak in opposition of the application, and if there was anyone who would like to speak neither for nor against the application. There were none.

Planning Commission Chair Anthony San Filippo asked if the Planning Commission would like the applicant to address any of the testimony. There was none.

Planning Commission Chairman Anthony San Filippo said before he closed or continued the public hearing if there are any additional questions from the Planning Commissioners or staff or anyone. He went on to say as a reminder that once he closed the hearing only Commissioners or staff may speak.

City Planner Holly Byram said what the Applicant is trying to do on 3rd Street really does lend itself to having pedestrian access which is consistent with Public Works request of a 6ft sidewalk even though it is not corresponding with what the TSP envisioned back in 2012.

Planning Commission Chairman Anthony San Filippo closed the Public Hearing at 7:24 p.m. and said he will entertain discussion on the application and/or a motion.

Planning Commissioner Scott Stierle said it has been frustrating to see the Applicant come here time after time and get denied so it is nice to see something that can be approved now. He went on to say he would like to move to accept this application and move ahead. Planning Commissioner Nik Kulikov seconded.

Planning Commissioner Glen Holum called for a point of order. He said that conditions were talked about and there were no conditions mentioned in this motion and asked for clarification of exactly what was being voted on.

Planning Commissioner Scott Stierle said he moves to approve with the conditions that have been set forth in the report and agrees to the recommendation for the sidewalk but does not know about the curb because he is a bit unclear on that issue.

Planning Commission Chairman Anthony San Filippo asked City Planning Commissioner Scott Stierle if he would like discussion on that issue further to get clarification, to which he agreed.

Planning Commission Chairman Anthony San Filippo said he likes the idea of the hardscape and is fine with the variance the Applicant is asking for on it. He said as far as the TSP he is fine without the 6 ft bike lane, and likes the Applicants plan for sidewalks on the east side. He said that is a long stretch and the City could look at it more versus forcing putting all the cost on the developer.

Public Works Superintendent Mike Krebs said the curbs along 3rd Street where the parking lots are proposed to be put in are crumbling and falling apart. He also said to keep the project from looking half done the curbing needs to be redone and the City does not have the financial resources at this time to redo the curbs and still maintain the other projects that are already in progress.

Planning Commissioner Jessica Countryman said she would like to get an understanding of what that curb replacement would cost because she agrees with the Applicant that it is not his fault

that the curb is in such bad condition and would like to see what the City can do to support this effort.

Public Works Superintendent Mike Krebs said he wanted to make the point the City Ordinance states the curbs are the responsibility of the adjacent property Owner and that should be taken into consideration.

Planning Commissioner Glen Holum said he is torn because if we start carving out areas where we are not going to require curbing based on the fact that it hasn't been maintained, that it is a slippery slope to not be doing curbing any place and requiring one property owner to do it and not the other. He stated he is inclined to keep it as proposed and is ok with the landscaping as proposed but would like some clarification either way so as to know what they are voting on prior to calling a vote.

Planning Commissioner Scott Stierle said he would like to withdraw his motion so someone can make a better one.

Planning Commissioner Jessica Countryman said she wanted to know, if it is being suggested that instead of doing a 6 ft sidewalk, we opt for the curb refurbishment. She stated she is in agreement with the landscaping the Applicant has proposed.

Planning Commissioner Glenn Holum said he thought the offer made to them was that the Applicant would do a sidewalk in lieu of the curb.

Matt Kennedy said to clarify both the sidewalk and the curb are conditions of approval that they were given and he said he is willing to put public sidewalks on the street all done to City standards even though the TSP does not ask for it. M. Kennedy is asking to forgo the curb because of financial reasons and is worried that in the future the curb will be bulldozed because the street may need to be widened to meet more consistent standard.

Planning Commissioner Jessica Countryman asked the Applicant how long he has owned the property.

Matt Kennedy said he has owned it about 10 years and at the time he purchased it, he had a proposal to build 5 commercial units and dedicated his land to put diagonal parking there for the development but he cannot do that scale of project now. The proposal and the reasoning for the private sewer is for connectivity to the other 5 parcels that he did 10 years ago which will open it up to development possibilities.

Planning Commissioner Jessica Countryman said has been 10 years of wear and tear, and if the Applicant wants to make improvements on it, and if that is part of the City's plan, that is the direction she is leaning. She stated that it sounds like one of the Applicants concern is if the City changes their plan later, and he is out that money, so is there some type of addendum that says if the City changes the hardscape on him, he would be reimbursed, or is that a conversation for development in the future.

Public Works Superintendent Mike Krebs said he doesn't foresee the east side of 3rd Street being widened anytime soon, within the next ten years, because of the cost and being able to get consensus from the public to remove the mature trees.

Applicant Matt Kennedy asked for clarification as to what type of curb replacement the City is requesting that he do.

Public Works Superintendent Mike Krebs said would not be curb, gutter and storm drain, it would be to even it out and make it look presentable.

MSA/Planning Commissioner Glen Holum/Planning Commissioner Scott Stierle made a motion to approve concurrent files DR 2020-01 and PAR 2020 – 01 and adopt the findings and conditions contained in the staff report, as well as striking the landscape requirements, and going off of the verbal conversation between Public Works Superintendent Mike Krebs and Applicant Matt Kennedy in terms as to what the curb upgrade would consist of if they could come to an agreement. Planning Commissioners Scott Stierle, Planning Commissioner Chairman Anthony San Filippo, Planning Commissioner Glenn Holum, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously.

PUBLIC HEARING.

b) Review proposed adoption of the 2019 Hubbard Water Master Plan (WMP), as an addendum to the Hubbard Comprehensive Plan (LA #2020-01) – Continued to May 19, 2020.

Planning Commissioner Chairman Anthony San Filippo opened the Public Hearing at 7:47 p.m.

Planning Commissioner Chairman Anthony San Filippo read the standard legislative hearing statement.

City Planner Holly Byram, MWVCOG, read the criteria standard script.

Planning Commissioner Chairman Anthony San Filippo asked for any declarations of ex parte contact, bias, or conflict of interest. There were none.

City Planner Holly Byram, MWVCOG, said the Hubbard Public Works staff report said they are still awaiting final approval of the new 2019 Water Master Plan from both the Oregon Health Authority and the funding entity for the plan. She said staff is recommending to continue the public hearing, by motion, to the next regularly scheduled Planning Commission meeting which is May 19, 2020.

MSA/Planning Commissioner Glenn Holum / Planning Commissioner Scott Stierle made a motion to continue the public hearing to review proposed adoption of the 2019 Hubbard Water Master Plan as an addendum to the Hubbard Comprehensive Plan to the Planning Commission meeting Tuesday, May 19, 2020 at 6:30 p.m. Planning Commissioner Scott Stierle, Planning

Commissioner Glenn Holum, Planning Commissioner Chairman Anthony San Filippo, Planning Commissioner Nik Kulikov, and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously.

Director of Administration/City Recorder Vickie Nogle said she has the minutes that need to be signed and asked if Planning Commissioner Chairman Anthony San Filippo would like to stop by at his convenience and sign them or would he want them emailed to him. It was agreed the minutes would be emailed to Planning Commissioner Chairman Anthony San Filippo to sign.

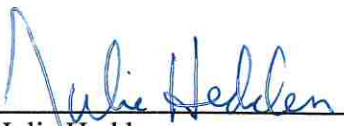
ADJOURNMENT. (The next scheduled Planning Commission Meeting will be May 19, 2020 at 6:30 p.m.) MSA/Planning Commissioner Scott Stiele /Planning Commissioner Jessica Countryman moved to adjourn the meeting. Planning Commissioner Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Chairman Anthony San Filippo, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously. Meeting was adjourned at 7:52 p.m.



Anthony San Filippo
Planning Commission Chairman

ATTEST:


Vickie L. Nogle, MMC
Director of Administration/City Recorder



Julie Hedden
Administrative Assistant/Court Clerk
Recording & Transcribing