

## MEETING NOTICE FOR THE CITY OF HUBBARD

TUESDAY

OCTOBER 6, 2020

PLANNING COMMISSION: FILIPPO, HOLUM, STIERLE, COUNTRYMAN, KULIKOV

This meeting will be held **virtually via Zoom**. Members may use an electronic device to attend. This meeting may also be viewed using YouTube. This is to enable interested citizens to listen to the meeting. Except for any public hearing portion of the meeting, all public comment is suspended during this meeting due to platform restrictions.

**Should you wish to speak during the public hearing portion of the meeting, you may sign up by completing the form on the City's webpage at: <https://www.cityofhubbard.org/bc/webform/sign-if-you-want-speak-meeting>, or calling City Hall 48 hours prior to the meeting.** Written comments may be provided in advance of the meeting by sending an email to [vnogle@cityofhubbard.org](mailto:vnogle@cityofhubbard.org) or mailing your written comments to the address provided below. If you desire to participate in the public hearing and are unable to provide written comments in of the meeting, and at least 48 hours in advance of the public hearing, please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2nd St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time.

Join Zoom Meeting

<https://us02web.zoom.us/j/82775692349?pwd=SnRIVHNvam5pMWdwcUZNCmtCa2REUT09>

Meeting ID: 827 7569 2349

Passcode: 921339

One tap mobile

+16699006833,,82775692349#,,,,,0#,,921339# US (San Jose)

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Dial by your location

+1 669 900 6833 US (San Jose)

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Meeting ID: 827 7569 2349

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Find your local number: <https://us02web.zoom.us/j/82775692349?pwd=SnRIVHNvam5pMWdwcUZNCmtCa2REUT09>

### \*\*\*\*\*ACCESSABILITY NOTICE\*\*\*\*\*

**Please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2<sup>nd</sup> St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time if you need assistance accessing this electronic meeting. TCC users please call Oregon Telecommunications Relay Service at 1-800-735-2900.**

Agendas are posted at the Hubbard Post Office, City Hall, and the City website at [www.cityofhubbard.org](http://www.cityofhubbard.org). You may schedule Agenda items by contacting the Director of Administration/City Recorder Vickie Nogle at 503-981-9633. (TTY / Voice 1-800-735-2900)

SEE ATTACHED AGENDA

Posted 9/29/2020, 4:00 p.m.

Vickie L. Nogle, MMC

Director of Administration/City Recorder

**SPECIAL HUBBARD PLANNING  
COMMISSION MEETING AGENDA  
HUBBARD CITY HALL  
3720 2<sup>ND</sup> STREET (503) 981-9633**

**OCTOBER 6, 2020 - 6:30 PM**

**LOCATION: (MEMBERS OF THE PUBLIC MAY CALL OR LOG IN  
WITH AN ELECTRONIC DEVICE - Refer to Cover Sheet for details)**

**MEETING Notice:** Members of the public may attend via conference call, electronic device, and YouTube. This is to enable interested citizens to listen to the meeting. Except for any public hearing portion of the meeting, all public comment is suspended during this meeting due to platform restrictions. **Should you wish to speak during the public hearing portion of the meeting, you may sign up by completing the form on the City's webpage at: <https://www.cityofhubbard.org/bc/webform/sign-if-you-want-speak-meeting>, or calling City Hall 48 hours prior to the meeting.** Written comments may be provided in advance of the meeting by sending an email to [ynogle@cityofhubbard.org](mailto:ynogle@cityofhubbard.org) or mailing your written comments to the address provided below. If you desire to participate in the public hearing and are unable to provide written comments in of the meeting, and at least 48 hours in advance of the public hearing, please contact the Director of Administration/City Recorder, Hubbard City Hall, 3720 2nd St., Hubbard OR 97032 (Phone No. 503-981-9633) prior to the scheduled meeting time.

- 1) **CALL TO ORDER.**
  - a) Flag Salute.
  - b) Roll Call.
- 2) **APPROVAL OF THE JULY 21, 2020, PLANNING COMMISSION MEETING MINUTES.**
- 3) **MODIFICATION to Site Development Review #DR 2020-01 -3490 3<sup>rd</sup> Street (TAX Lot 041W33AD07600) – Matt Kennedy.**
- 4) **ADJOURNMENT.** (Next regular scheduled Planning Commission meeting October 20, 2020, at 6:30 p.m.)

**\*\*\*\*\*ACCESSABILITY NOTICE\*\*\*\*\***

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**CITY OF HUBBARD  
PLANNING COMMISSION MINUTES  
JULY 21, 2020**

**CALL TO ORDER.** The Hubbard Planning Commission meeting was called to order at 6:33 p.m. by the Planning Commission Chairman Anthony San Filippo virtually via ZOOM because of the COVID - 19 virus.

**Planning Commission Present:** Planning Commission Chairman Anthony San Filippo, Planning Commissioner Glenn Holum, and Planning Commissioner Jessica Countryman. Planning Commissioner Scott Stierle, Planning Commissioner Nik Kulikov.

**Unexcused:** Planning Commissioner Glenn Holum

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

**Guest:** Mike Holleman.

**FLAG SALUTE.**

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

**APPROVAL OF THE JUNE 16, 2020, PLANNING COMMISSION MEETING MINUTES.** MSA/Planning Commissioner Scott Stierle / Planning Commissioner Jessica Countryman moved to approve the minutes from the June 16, 2020, meeting. Planning Commission Chairman Anthony San Filippo, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously.

**PUBLIC HEARING**

- a) **Site Development Review (DR #2020-02) to construct a second 13,000 SF general manufacturing building – Mike Holleman (2690 Industrial Avenue.)**

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.

Planning Commissioner Scott Stierle said he rode his bike by the property.

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City Planner Holly Byram summarized the Staff report that was provided in the packet. She said this is a Site Development Review and it is for a second building that is on this property. It is a Type II action, which means the Planning Commission makes the final decision. Public notice and a public hearing are provided. Any appeals of a Type II decision will go to the City Council.

City Planner Holly Byram said on page 2 of the Staff report is a Vicinity Map and an aerial view of the property, it was configured as a flag lot that takes access off of Industrial Avenue and they have a paved driveway, sidewalk, and a storm water swale on the South side of the driveway.

City Planner Holly Byram said that on page 3 is the site plan they provided which shows where the new building is proposed. She went on to say overall it is a straight-forward application and that Staff is recommending approval, however there is one issue that needs to be resolved which regarding code interpretation. Hubbard City Code does not provide a diagram helping to interpret where the front of a property is when it is a flag lot.

City Planner Holly Byram said the staff interprets the western property boundary parallel to Industrial Avenue to be the “front” of the property, consistent with the City’s interpretation in the original development approval on the property. The applicant disagrees with the staff’s interpretation, and therefore the Planning Commission will need to make a code interpretation about the HDC definition of “front” on a flag lot. She went on to say this issue arose because the proposed building is shown as 10 feet from the western property line, and the HDC requires a 20-foot front setback. Therefore, if the Planning Commission agrees with staff’s interpretation, the applicant will need to apply for a variance, adjust the building size, or adjust drive aisle width between the two buildings.

City Planner Holly Byram said staff recommends a condition of approval that all future fences are constructed in compliance and all signage are in compliance. She went on to say another condition of approval is requiring a fenced enclosure for trash/waste bins or other acceptable method of screening consistent with the HDC, the applicant may consider planting a row of screening/buffering trees along the short eastern property boundary which borders along rural residential properties inside the UGB.

City Planner Holly Byram concluded the application can be found to comply with the applicable criteria, subject to compliance with the recommended conditions of approval which are listed on pages, 9 – 11 of the staff report and the applicant’s compliance with the Planning Commission’s code interpretation.

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. There were none.

Planning Commission Chairman Anthony San Filippo accepted public testimony regarding this case.

Applicant Mike Holleman, 2690 Industrial Avenue, said he is excited to add onto the building and his civil engineer is the one who drew this up and originally set the building where it is at.

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He went on to say he wanted to put as big of a building as he could to get maximum benefit for the property, but wants to make things work and would be just as happy adjusting the size of the building from 100 feet deep to 90 feet deep to meet the setback requirements. Furthermore, he said he does not want to apply for a variance, or revise the drive aisle width, so the easy thing to do is reduce the building size and he is fine with that, and can also meet the conditions of approval.

Planning Commission Chairman Anthony San Filippo asked if there was anyone who would like to speak in support of this application. There were none.

Planning Commission Chairman Anthony San Filippo asked if there was anyone 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 no opponents or neutral comments. He went on to ask if the Planning Commission like Staff to address any of the testimony.

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 of staff or anyone. He went on to say as a reminder that once he closed the hearing only Commissioners or staff may speak.

Planning Commission Chairman Anthony San Filippo closed the Public Hearing at 7:02 p.m. and said he will entertain discussion on the application and/or a motion.

MSA/Planning Commissioner Scott Stierle /Planning Commissioner Jessica Countryman made a motion to approve Site Development Review file #DR 2020-02 and adopt the staff recommended findings and conditions of approval contained in the Staff Report dated July 14, 2020, as revised by the Planning Commission, the applicant will revise the size of the building to provide the required front setback of 20 feet on the western boundary of the property. Planning Commissioners Scott Stierle, Planning Commissioner Chairman Anthony San Filippo, Planning Commissioner Nik Kulikov and Planning Commissioner Jessica Countryman were in favor. Motion passed unanimously.

**ADJOURNMENT. (The next scheduled Planning Commission Meeting will be August 18, 2020 at 6:30 p.m.)** MSA/Planning Commissioner Jessica Countryman /Planning Commissioner Scott Stierle moved to adjourn the meeting. Planning Commissioner Scott Stierle, 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 7:08 p.m.

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Anthony San Filippo  
Planning Commission Chairman

**ATTEST:**

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Vickie L. Nogle, MMC

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Julie Hedden

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Director of Administration/City Recorder

Administrative Assistant/Court Clerk  
Recording & Transcribing

**STAFF REPORT TO THE  
CITY OF HUBBARD PLANNING COMMISSION**

**REPORT:** September 28, 2020

**MEETING:** Tuesday, October 6, 2020

**FILE No.:** **MODIFICATION** to Site Development Review #DR 2020-01

**APPLICANT:** Matt Kennedy

**ADDRESS:** 3490 3<sup>rd</sup> Street in Hubbard (Tax lot 041W33AD07600)

**ZONE:** C - Commercial

**REQUEST:** **Modify Planning Commission decision by increasing the size of an approved commercial spec building from 900 SF to 1,242 SF, which is a 38% increase in size.**

**I. PROCEDURE & AUTHORITY**

The Hubbard Development Code Section 3.105 Site Development Review Applicability Section allows for remodels and expansions to existing approved developments up to 25% of the total square footage of the existing structure without land use review. As the proposed expansion is a 38% increase above the approved size, staff does not have the authority to approve the requested modification. For that reason, this modification request is reviewed by the Planning Commission. This modification is being processed consistent with a Type I Level 2 application which is a Planning Commission decision without public hearing, following a 14-day comment period to neighboring property owners within 100 feet. Appeals are to the City Council.

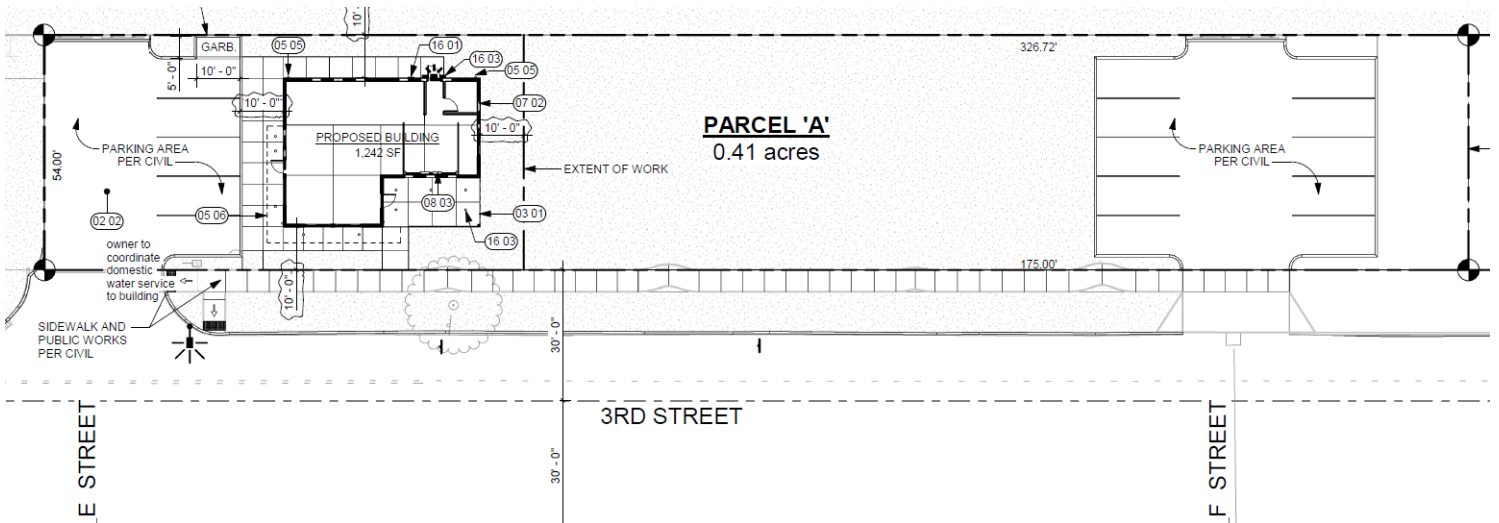
**II. BACKGROUND**

The applicant received Planning Commission approval following a public hearing on April 21, 2020 for concurrent land use applications:

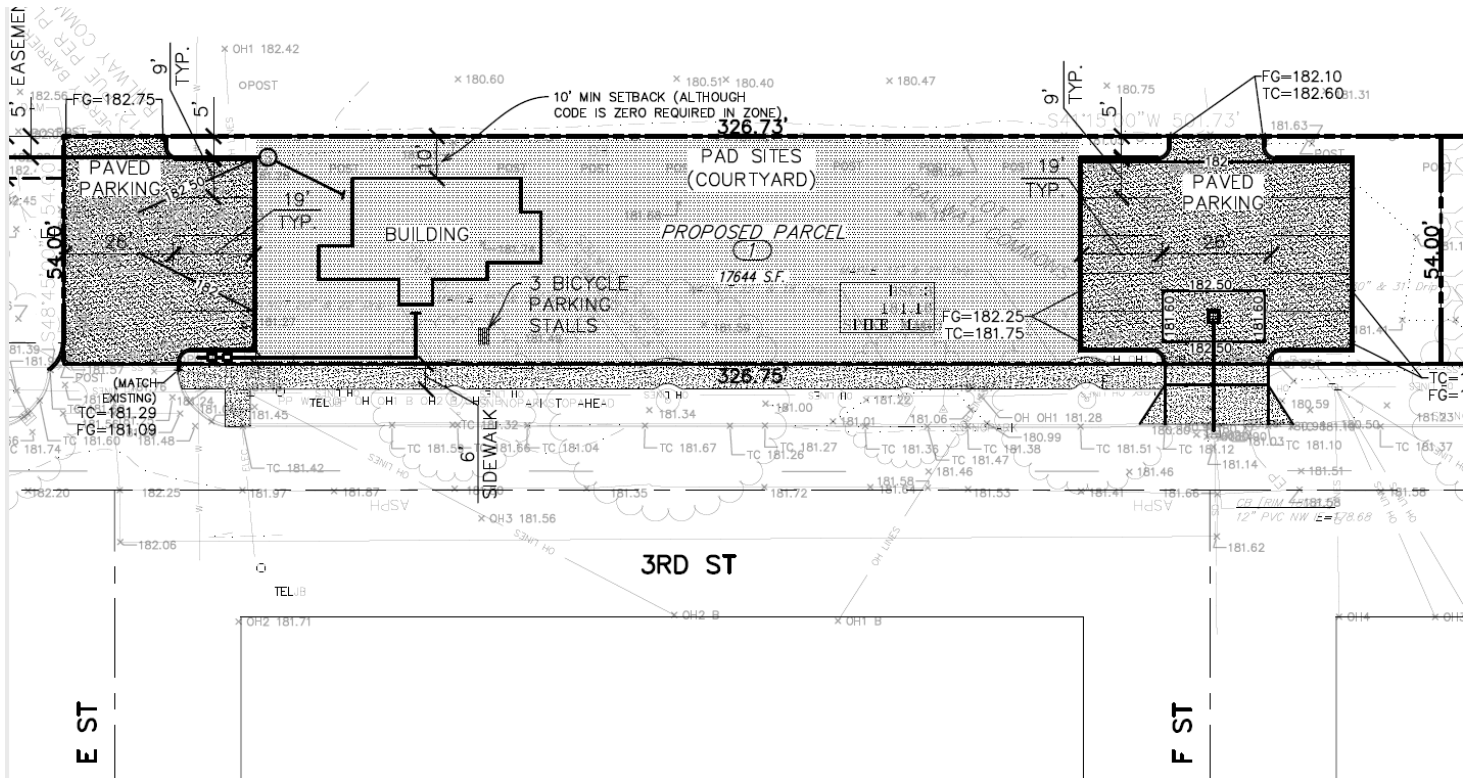
- 1) PAR 2020-01 Two-lot partition
- 2) DR 2020-01 Site Development Review to develop a 900 square foot commercial spec building on Parcel 1 within a gravel courtyard. The applicant is also proposing to fence and gravel Parcel 2 for the purpose of outdoor storage and commercial sales of steel racking and shelving materials, sold by appointment only. Storage containers are proposed on site. Other development features include parking lots, sidewalk, and stormwater control

The requested modification is to file #DR 2020-01 only. Partition #PAR 2020-01 remains unchanged by this modification request.

## PROPOSED MODIFIED SITE PLAN: NORTHERN PORTION SHOWING PARCEL 1 ONLY



## APPROVED SITE PLAN: NORTHERN PORTION SHOWING PARCEL 1 ONLY





### III. SITE DEVELOPMENT REVIEW STANDARDS

The following are staff's findings regarding the proposed MODIFICATION in regard to the applicable HDC Site Development Review standards applied to the original SDR application in April.

#### **3.105 SITE DEVELOPMENT REVIEW**

##### **Section 3.105.06 Evaluation of Site Development Plan**

***The review of a Site Development Plan shall be based upon consideration of the following:***

##### ***A. Characteristics of adjoining and surrounding uses;***

###### STAFF FINDINGS:

Parcel 1 proposed modification to increase the size of approved 900 square foot commercial spec building to 1,242 square foot restaurant. No change requested or granted.

- Zoning – No change
- Use – No change
- Setbacks – Changed, but pursuant to HDC 2.106.04. Setbacks only apply when abutting a residential district. There are no required minimum setbacks for this development.
- Height - The maximum height of the district is 45 feet. The proposed commercial spec building is one-story.

Staff finds these criteria are met.

##### ***B. drainage and erosion control needs;***

STAFF FINDINGS: The applicant's storm water plan is sized for capacity of full build out of the subject property. The City Engineer and Public Works confirm that the increased building size from 900 SF to 1,242 SF falls within the capacity of the proposed system. Staff finds this criterion is met.

##### ***C. public health factors;***

STAFF FINDINGS: Regarding planned public water and sewer connections, no change is proposed to the prior plan set (or as since modified with City Engineer and Public Works approval). Staff finds the applicant can meet this criterion through compliance with the original conditions of approval.

##### ***D. traffic safety, internal circulation and parking;***

STAFF FINDINGS: HDC section 2.203.05 establishes off-street parking ratios required by development type. Off-street parking is calculated as the sum of multiple land uses on the subject property. An eating and drinking establishment is required to provide a minimum of one parking space per **250 SF** of gross floor area. A retail shop is required to provide a minimum of one parking space per **400 SF** of gross floor area. An office building is required to provide a minimum of one parking space per **200 SF** gross floor area.

As no building tenant/use was initially identified for the generic commercial spec building, the approved 900 SF commercial spec building was required to provide for the most intensive scenario of office use, which was a minimum of  $900/200 = \text{five (5) parking spaces}$ .

With this current modification request, the applicant proposes to lease the building to a restaurant/café tenant. As such, staff finds the parking ratio of 250 SF is appropriate to use, rather than the most intensive office ratio of 200 SF. Therefore  $1,242 \text{ SF} / 250 \text{ SF} = 4.97 \text{ parking spaces} = \text{five (5) parking spaces total}$ .

The applicant proposes to develop two parking lots. The northern parking lot immediately adjacent to the building shows five parking spaces. The southern lot shows 10 spaces. Staff finds this criterion is met through compliance with the original conditions of approval.

***E. provision for adequate noise and/or visual buffering from non-compatible uses;***

***F. retention of existing natural features on site;***

***G. connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities; and***

***H. problems that may arise due to development within potential hazard areas.***

STAFF FINDINGS: Regarding criteria E – H above, no change is proposed. Staff finds the applicant can meet this criterion through compliance with the original conditions of approval.

#### **IV. STAFF RECOMMENDATION**

Based on the findings contained in this report, Staff concludes that the requested modification can be found to meet applicable HDC development standards and criteria, when developed in compliance with the original conditions of approval for DR 2020-01 and PAR 2020-01.

#### **V. RECOMMENDED CONDITION FOR THE MODIFICATION OF APPROVED SITE PLAN #DR 2020-01:**

- A. ORIGINAL CONDITIONS: Original Conditions of Approval for DR 2020-01 and PAR 2020-01 approved by the Planning Commission shall continue to apply to this development.

#### **VI. PLANNING COMMISSION OPTIONS**

- A. APPROVE requested modification to approved development site plan for file# DR 2020-01, and adopt the findings and condition contained in the Staff Report.
- B. APPROVE requested modification to approved site plan for file# DR 2020-01, and adopt the findings and condition contained in the Staff Report as REVISED by the Planning Commission [stating those revisions].
- C. DENY the requested modification to approved site plan for file# DR 2020-01 with amended findings that the request does not meet the applicable approval criteria [stating those reasons].