

**CITY OF HUBBARD  
PLANNING COMMISSION MINUTES  
JANUARY 18, 2022**

**CALL TO ORDER.** The Hubbard Planning Commission meeting was called to order at 6:36p.m. by Planning Commission Chair Scott Stierle via Zoom.

**Planning Commission Present:** Planning Commissioner Glenn Holum, Planning Commission Chair Scott Stierle, Planning Commissioner Fil Kartal, Planning Commissioner Nik Kulikov.

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

**Guests:** Robert Harden, Manny Rodriguez, Michael Wellman.

**FLAG SALUTE.** Planning Commission Vice Chairman Scott Stierle led the group in the flag salute.

**SWEARING IN OF PLANNING COMMISSION MEMBERS.**

**a) Fil Kartal with the term ending December 31, 2024**

Director of Administration/City Recorder Vickie Nogle swore in Fil Kartal.

**APPOINT CHAIR.** MSA/Planning Commissioner Fil Kartal / Planning Commissioner Glenn Holum motioned to appoint Scott Steirle to Planning Commission Chairman. Planning Commissioner Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal, Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously.

**APPOINT VICE CHAIR.** MSA/Planning Commission Chair /Scott Steirle/ Planning Commissioner Nik Kulikov motioned to appoint Planning Commissioner Glen Holum to Vice Chair. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal, Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously.

**APPROVAL OF THE AUGUST 17, 2021, PLANNING COMMISSION MEETING MINUTES.** MSA/Planning Commissioner Glenn Holum / Planning Commissioner Nik Kulikov moved to approve the minutes from the August 17, 2021, meeting. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal, Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously.

**PUBLIC HEARING.**

- a) Site Development Review #DR #2021-04 / 4074 Pacific Highway 99E, (Robert & Kemper Harden) for Change of Occupancy to convert the existing house into commercial office use.**

Planning Commission Chairman Scott Stierle opened the Public Hearing at 6:42 p.m.

Planning Commission Chairman Scott Stierle read the legislative hearing statement.

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

Planning Commission Chairman Scott Stierle asked for any declarations of ex parte contact, bias, or conflict of interest.

City Planner Holly Byram, MWVCOG, summarized the staff report, pages 1 through 11, with additional exhibits. The request is a Site Development Review approval for a change of occupancy to convert an existing 1502 square foot house into commercial office use. This is a Type II action which is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing are provided and an appeal of this type of action is to the City Council.

City Planner Holly Byram, MWVCOG, said the property is zoned Commercial and a professional office is a permitted use. No changes are proposed to existing site amenities including paved parking, driveway, storm water control, and landscaping. She went on to say that the applicant reports that the house has not been occupied as a residence for more than 10 years and for this reason staff determined that the vacant house could not be resumed in residential use. The Applicant is proposing to convert the house to a commercial office building and remodeling is proposed to both the interior and exterior. The property is zoned Commercial and a professional office is a permitted use.

City Planner Holly Byram, MWVCOG, said Marion County Building Department commented on this proposal and they confirmed the applicant would need a structural permit, which confirms that they would be working with Marion County for permits and inspections.

City Planner Holly Byram, MWVCOG, summarized the different criteria that is considered in a Site Development Review, that was included in the staff report.

City Planner Holly Byram, MWVCOG said staffs only concern with the drainage and erosion control needs is that there is no easement on the storm water facility between the 3 parcels, so there would need to be an easement as a condition of approval.

City Planner Holly Byram, MWVCOG, said there is adequate parking spaces, however the applicant states that bicycles are allowed to be parked in the adjacent warehouse so staff recommends that a bike rack with parking for two bicycles be installed as a condition of approval. She also said staff is recommending a 10 ft. right-of-way dedication along the 86 ft. wide frontage of Parcel 1 only, to bring the public right-of-way width from center line from 40 ft. to 50 ft. as a condition of approval.

City Planner Holly Byram, MWVCOG said it is not convenient for foot traffic traveling along 99E to access the front of the building so staff recommends the applicant pave the pedestrian pathway

shown in the 2006 site plan or similar accessible connection from the public sidewalk on 99E as a condition of approval.

City Planner Holly Byram, MWVCOG, stated that Staff recommends approval of the site development review subject to the conditions of approval listed on page 9 & 10 in the Staff Report dated January 14, 2022.

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

Property owner Robert Harden, 10883 SW Maryland Street, Tualatin had nothing to add, but stated he was here to answer any questions.

Planning Commission Chairman Scott Stierle asked if there was anyone who would like to speak in support. There were none.

Planning Commission Chairman Scott Stierle asked if there was anyone to speak in 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. He went on to ask if the Planning Commission would like the applicant to address any of the testimony. There were none.

Planning Commission Chairman Scott Stierle 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 closed the Public Hearing at 7:06 p.m. and said he will entertain discussion on the application and/or a motion.

MSA/Planning Commissioner Fil Kartal/Planning Commissioner Glenn Holum made a motion to approve Site Development Review file #DR 2021-04 and adopt the recommended findings and conditions of approval contained in the staff report dated January 14, 2022 as presented. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal, and Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously.

- b) Site Development Review #DR 2021-03 / 2755 Pacific Highway 99E, (Architect Michael Wellman for Westside Drywall / Moshen Salem, Abiqua Investments LLC) for the development of a new 6210 SF warehouse.**

Planning Commission Chairman Scott Stierle opened the Public Hearing at 7:14 p.m.

Planning Commission Chairman Scott Stierle read the legislative hearing statement.

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

Planning Commission Chairman Scott Stierle asked for any declarations of ex parte contact, bias, or conflict of interest.

City Planner Holly Byram, MWVCOG, summarized the staff report, pages 1 through 15, with additional exhibits. The request is a Site Development Review approval for the development of a 6,210 SF warehouse addition plus 16,200 SF parking lot. Existing development on site includes two office buildings, two warehouses, fueling station, paved parking, and stormwater facility for business Westside Drywall and they are being represented by architect Michael Wellman.

City Planner Holly Byram, MWVCOG, stated there are several prior land use decisions on the property. The original development was approved in 1998 – 1999. There were also land use reviews in 2000 and 2003, and over time they have added buildings, they had a plan for the full property to eventually be built out. She added at this time the plan is for them to expand on of their existing warehouses, the warehouse is currently 5040 SF and they are adding an additional 6210 SF, referred to as the West Warehouse.

City Planner Holly Byram, MWVCOG, explained that also included in this review is a 16,200 SF parking lot. She added that this is a parking lot that has evolved over time and was not approved with the last land use review, but in the past 6-8 years it started being used by the business, so it is being included in this scope of review, because it was not reviewed previously.

City Planner Holly Byram, MWVCOG, said the property is located at the South East end of the 99E corridor, and properties in that area are zoned industrial, and industrial/commercial use. The southern end of the property butts up to Little Bear Creek and that is where they have their storm water facility. The parking lot included in this review is located in the southern part of the property and during the last few years' aerial imagery shows that employees park there during the day, and during the night that is where they park the company vehicles, such as vans and trucks.

City Planner Holly Byram, MWVCOG said the standards and criteria for this review are found in section 3.105.03 of the Hubbard Development Code, and what triggered the land use review was a building expansion that exceeded 25% of the total square footage of the existing structure and the intensity use of the property through use of the parking lot.

City Planner Holly Byram, MWVCOG, went over the criteria for drainage and erosion control needs. She said there is an existing storm water facility on the site, but we do not know how much of the development was reviewed for that facility because we do not have a copy of the drainage plan for that, and both Public Works and the City Engineer needs to review that in order to confirm that the existing stormwater facility will accommodate the proposed development of the warehouse and parking lot. Staff has included a condition of approval for a copy of the stormwater report, consistent with the City's standards.

City Planner Holly Byram, MWVCOG went over the criteria for traffic safety, internal circulation and parking. She said staff is recommending conditions of approval for the applicant to demonstrate compliance with the size of the parking spaces and drive aisle in the new parking lot. She also said all driveways, parking, maneuvering and loading areas shall have a durable hard surface and staff is recommending as a condition of approval that all parking and driveways are

paved, which includes the full new parking lot. Furthermore, a minimum of 2 bicycle parking spaces, and a 10-foot high right-of-way dedication along the frontage to bring the public street right-of-way width from center line from 40 feet to 50 feet as conditions of approval.

City Planner Holly Byram, MWVCOG, stated staff recommends screening along the southern property boundary along the new parking lot which exceeds the 30 vehicle guideline stated in the Code.

City Planner Holly Byram, MWVCOG said staff has included a condition of approval for the applicant to install a crosswalk for dedicated pedestrian crossing between the large new parking lot and the offices, as well as providing a safe dedicated pathway from the Pacific Highway 99E frontage sidewalk to the offices.

City Planner Holly Byram, MWVCOG, said Staff recommends approval of the application subject to the conditions of approval contained in the Staff Report dated January 12, 2022, as presented.

Planning Commission Chairman Scott Stierle asked if there were any questions of staff from the Planning Commission before we continue and accept public testimony.

Director of Administration / City Recorder Vickie Nogle commented that the applicant submitted 2 pictures of the parking lot and she emailed them to the Planning Commission members and also uploaded them to the City's website.

Planning Commission Chairman Scott Stierle asked if the applicant or their representative would like to speak.

Michael Wellman, 113 S. 1<sup>st</sup> Street, Silverton, mailing address, PO Box 1288, Silverton, Oregon, stated the biggest issue he sees regarding the conditions of approval is the parking lot issue, which is a huge expense. He went on to say when he was reading the zoning code about parking lots it is pretty clear from the pictures that Manny sent, it is parking for construction vehicles, not employees, they come and get in their vehicles and leave, but it is a parking lot for construction vehicles. Furthermore, the parking that is provided on site for employees is paved, and all per code, which has been approved in the past, so we don't feel by your own code that says you are allowed to park commercial vehicles there on gravel, so if that is the case, the storm water issue is a moot issue because we are adding no impervious surfaces to the project. He stated the original design for the stormwater was based on a 2005 drawing of future warehouses which are all impervious surfaces, some which did not get built, which was submitted to the City of Hubbard and it is unfortunate the city does not have a copy.

Manny Rodriguez, 15700 SW Division, Beaverton, Oregon 97007, said he has been with Westside Drywall 26 years and was Project Manager/Superintendent on the original development so he is very familiar with it. He said the retention pond was designed for all future buildings in mind, as builds were provided to the City in 1998. As far as the gravel parking he sent a couple of pictures, and said that company vehicles are parked there. Furthermore, he stated they have over 58,000 SF of asphalt right now and does not want to add anymore. He said they are comfortable with the other conditions of approval.



Planning Commission Chairman Scott Stierle asked if there was anyone that would like to speak in support of the application. There were none.

Planning Commission Chairman Scott Stierle 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.

Planning Commission Chairman Scott Stierle went on to ask if the Planning Commission would like the applicant to address any of the testimony.

Planning Commissioner Fil Kartal asked the applicant if the parking lot that is recommended for paving existing now, and are the parking spaces marked on the gravel, or how are they separated.

Manny Rodriguez, Westside Drywall, said the parking lot does exist now and there are bumpers that identify the parking spaces. He said their fleet has grown over the years and they need a place to park them, and they do have more than enough parking for the people that work on site. He went on to say the people that use the company vehicles do not work on site, they work on construction sites so they come and get in their construction vehicle and go to work, then they come back and park it and go home.

Planning Commissioner Fil Kartal asked City Planner Holly Byram, MWVCOG, why we would want something paved that is already existing.

Michael Wellman, Architect for Westside Drywall, said he argued with City Planner Holly Byram, MWVCOG, that this was construction parking and he said she went strictly by The City Code and her interpretation is different than his.

City Planner Holly Byram, MWVCOG, shared section 2.203.07 of the Hubbard Municipal Code, which deals with the parking and loading areas. She said there is a provision, that allows for areas adjacent parking lots that allows for storage of material, supplies, construction vehicles and products, but it is not intended to be a parking lot and driveways where you have large trucks circulating throughout the day. This is the code that is included in the Staff report.

Michael Wellman, representative for Westside Drywall, said the code states “areas adjacent parking lots used exclusively for storage, construction vehicles, etc.,” He explained the trucks don’t really have to drive through this gravel area, they could go around, it was just more convenient to put the arrows to get the circulation better so it is just a matter of semantics, it just doesn’t make a lot of sense to impose this kind of cost just to park some vans on. Furthermore, he said that he disagrees with City Planner Holly Byram interpretation of this and the pictures that were provided showing construction vehicles parking adjacent to required parking is pretty sufficient.

Planning Commissioner Fil Kartal asked City Planner Holly Byram if construction vehicles park there, and then they leave and go to work, is that not the same thing that Michael Wellman brought up, is a parking lot a parking lot, and are construction vehicles sitting in a gravel parking area, not the same criteria.

City Planner Holly Byram said she has posed that question to several other City Staff members and they have looked at aerial photos from the last 6-8 years and every aerial photo showed employees vehicles parking there during the day, and if that were not the case then she could understand why it could maybe be considered a storage area, but during the day, all day, it is a parking lot and that is why staff members all agreed this was the appropriate interpretation for this parking lot that was not approved with the last land use approval.

Michael Wellman, representative for Westside Drywall, said the photos were not taken after hours when there are construction vehicles there, so he disagrees with City Planner Holly Byram's and Staff's interpretation. He went on to say Westside Drywall has provided all the required parking on pavement and this is not required parking, it is construction vehicle parking. Furthermore, he said during the day it does look like employee parking, and technically it is, but they are not people that work on site, so the Planning Commission really needs to look at the reality of this situation and look at the code, and construction vehicles is clearly there.

Public Works Superintendent Mike Krebs, replied to Michael Wellman, representative for Westside Drywall, he said he agrees with City Planner Holly Byram's interpretation of the code, and by Michael Wellman's own admission, it is employee parking during the day and construction parking at night when everyone goes home. He went on to say from what he has seen from watching that area, the parking area is being used during business hours as more of a parking lot than a storage area.

Manny Rodriguez, Westside Drywall, explained they have a fleet of about 145 and some of their people drive directly to the job site in their personal vehicle, and many of their employees have a company vehicle and we like those vehicles to be at the shop at night, so they drive to the shop, park their car, get into a company vehicle to go work, and when they get back at 3:30 or 4:00 they get in their cars and go home, so those people do not work on site. He went on to say for people that work onsite, there is adequate paved parking, more than enough. Furthermore, he stated if you go there at 5:00 at night, or on the weekend you will see that it is all company vehicles parked there.

Planning Commissioner Fil Kartal said they may not be onsite staff, but they are employees. He went on to say he agrees with City Planner Holly Byram, employees park there during the day so it is a parking lot and everyone has to adhere to the same code.

Manny Rodriguez, Westside Drywall asked what they needed to do so they can still park on gravel, since it is allowed to park on gravel.

Planning Commissioner Fil Kartal asked City Planner Holly Byram if there was anything they could do to make it work if they left it gravel.

City Planner Holly Byram responded the City would look into a code enforcement letter because it is a parking lot that wasn't permitted and they would be asked to bring their property into compliance. She went on to say the reason the City has paving and stormwater standards is primarily for the storm water quality, there are stormwater permits that have to be observed when

it comes to the quality and the quantity, and paving parking lots and stormwater quality leads into that.

Planning Commission Chair Scott Stierle asked if they were to say that people that come for the construction vehicles could no longer park in the gravel and had to park on the pavement would that be sufficient.

City Planner Holly Byram said there is still a large unpermitted parking lot on the site and she does not know how many employees they have so she is not sure if they have enough paved parking for all their employees.

Planning Commissioner Fil Kartal asked if this parking lot was permitted.

City Planner Holly Byram said this parking lot was never reviewed and never permitted.

Manny Rodriguez, Westside Drywall, said that lot has kind of evolved over the years, and didn't think they needed a permit because it was just gravel. He went on to say they have always worked with the City and gotten the proper permits but honestly did not think a permit was required to park on gravel.

Planning Commissioner Fil Kartal said he agrees that it is a gravel area, but by the pictures submitted and the google pictures it is a parking lot, and it had not been permitted and we all have to follow the same codes.

Architect Michael Wellman, Westside Drywall, said if you look at the 2005 site plan that area was deemed future warehouse and they could put down gravel for the future warehouse and ended up parking on it, which is what happened and there is nothing to say that won't become a warehouse down the road and we just made huge improvement and we have to tear it out to put in a warehouse.

Planning Commissioner Fil Kartal stated that is a great point, but today it is being used as a parking lot.

Manny Rodriguez, Westside Drywall, asked if they could find adequate parking somewhere else for the employees to park their personal vehicles would the City and Planning Commission be good with that.

Planning Commissioner Fil Kartal responded to submit a plan and it can be looked at to see if it would work.

City Planner Holly Byram said if the applicant is proposing to change their site plan, then we need to either make a decision on what was presented tonight, or continue this public hearing to give them more time. She went on to say it is not appropriate to continue this negotiation at staff level.

Planning Commissioner Glenn Holum asked if First Student was required to pave where the buses park when it was approved, or if a variance was given to them.



City Planner Holly Byram said they have 2 separate lots, where the buses are parked, it is considered bus storage and it is gravel, and the employee parking lot is paved. She went on to say that gravel has a very similar stormwater run-off curve to pavement, and so when they graveled the bus parking they had to grade it and put in storm drainage catchments to control their stormwater run-off.

Planning Commissioner Fil Kartal called for a motion to continue the Public Hearing.

Planning Commissioner Glenn Holum called for a point of order. He asked Planning Commission Chairman Scott Stierle to clarify where we are at on the agenda, if we are at the point of a motion, because there are still applicants interjecting.

Planning Commission Chairman Scott Stierle said the hearing has not been closed yet. They are still accepting public testimony.

Manny Rodriguez, Westside Drywall, said they very much want to do the addition to the small warehouse and they are good with all the conditions of approval but one, and would ask that the public hearing be continued so they would have time to find an alternative to the parking condition.

Planning Commission Chairman Scott Stierle 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.

MSA/Planning Commissioner Fil Kartal/Planning Commissioner Nik Kulikov made a motion to continue the public hearing for Site Development Review file #DR 2021-03 to the next scheduled Planning meeting. Planning Commission Chairman Scott Stierle, Planning Commissioner Fil Kartal, and Planning Commissioner Nik Kulikov were in favor. Planning Commissioner Glenn Holum opposed. Motion carried 3-1 in favor.

**ADJOURNMENT. (The next scheduled Planning Commission Meeting will be February 15, 2022 at 6:30 p.m.)** MSA/Planning Commissioner Glenn Holum /Planning Commissioner Fil Kartal moved to adjourn. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously. Meeting was adjourned at 8:24 p.m.




Scott Stierle  
Planning Commission Chairman

ATTEST:



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



Julie Hedden  
Administrative Assistant/Court Clerk  
Transcribing