

MEETING NOTICE FOR THE CITY OF HUBBARD

TUESDAY

SEPTEMBER 20, 2022

PLANNING COMMISSION: HOLUM, STIERLE, KARTAL, KULIKOV

The Hubbard Planning Commission and Staff will meet for a regular Planning Commission meeting at Hubbard City Hall. Members of the public may attend/view the meeting via telephone, electronic device, and YouTube. **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 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.

See the below choices to Join the Zoom Meeting:

<https://us02web.zoom.us/j/83651725503?pwd=WXA2V05XVDhpd0twSkpiWDVVCVi9zQT09>

Meeting ID: 836 5172 5503 Passcode: 040513

One tap mobile

+16694449171,,83651725503#,,,*040513# US

+16699006833,,83651725503#,,,*040513# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

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Passcode: 040513

Find your local number: <https://us02web.zoom.us/j/kJltjdpaL>

Live streaming: <https://www.cityofhubbard.org/livestream>

*****ACCESSABILITY NOTICE*****

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 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. 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 9/14/2022, 4:00 p.m.

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

HUBBARD PLANNING COMMISSION MEETING AGENDA
CITY HALL: (503)981-9633, 3720 2nd Street

SEPTEMBER 20, 2022 – 6:30 PM

LOCATION: City Planning Commission and Staff will meet at
HUBBARD CITY HALL (3720 2ND STREET)

**(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/view via telephone, electronic device, and YouTube. **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 vlnogle@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.
- 2) APPROVAL OF PLANNING COMMISSION MINUTES**
 - a) July 19, 2022.
 - b) August 16, 2022.
- 3) CONTINUED PUBLIC HEARING FROM AUGUST 16, 2022.**
 - a) Planned Unit Development #PUD 2022-01 / 11984 Broadacres Road NE, Hubbard (Icon Construction & Development, LLC. Attn: Harlan Borow; Frank J Bronec QTIP Trust & Columbia Trust Company TRE) The 56.38 acres (54.42-acre Parcel 1 plus abutting rights-of-way) Bear Creek Planned Unit Development (PUD) Subdivision is a proposed residential development totaling 324 dwelling units on 204 lots.
- 4) ADJOURNMENT.** (Next regular scheduled Planning Commission meeting October 19, 2022, at 6:30 p.m.)

**CITY OF HUBBARD
PLANNING COMMISSION MINUTES
JULY 19, 2022**

CALL TO ORDER. The Hubbard Planning Commission meeting was called to order at 6:30p.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,

Excused: 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: Brett Fobert.

FLAG SALUTE. Planning Commission Vice Chairman Glenn Holum called the meeting to order at 6:33 p.m. and led the group in the flag salute.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES.

- a) **January 18, 2022**
- b) **May 17, 2022**

MSA/Planning Commissioner Scott Sterlie/ Planning Commissioner Fil Kartal moved to approve the minutes. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal, were in favor. Motion passed unanimously.

PUBLIC HEARING.

- a) **Site Development Review #DR 2022-01 & Conditional Use Permit CU 2022-01 / 3187 G Street (Brett Fobert, B & T Towing and Transportation LLC) request to use the existing commercial building and property, for the operation of a vehicle towing business, with the option to add vehicle repair within the existing building, and paving the front parking lot and storage yard.**

Planning Commission Vice Chairman Glenn Holum opened the Public Hearing at 6:43 p.m.

Planning Commission Vice Chairman Glenn Holum read the legislative hearing statement.

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

Planning Commission Vice Chairman Glenn Holum asked for any declarations of ex parte contact, bias, or conflict of interest.

Planning Commissioner Fil Kartal said he has been to the building several times.

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City Planner Holly Byram, MWVCOG, summarized the staff report, pages 1 through 12, with additional exhibits.

City Planner Holly Byram, MWVCOG, said the two concurrent files are submitted by the same applicant for the same property. This property is at the intersection of G Street and Pacific Highway 99E. She stated the application originally started from a Code Enforcement letter. Hubbard Police had visited the property and spoke with the owner because the business was being operated without being registered with the City. This began a series of conversations with the business owner who is leasing the property from the property owner, so these applications are in response to the Code Enforcement and the business owner is trying to make it right and the City is trying to bring them into compliance.

City Planner Holly Byram, MWVCOG, said Site Development Reviews and Conditional Use Permits are both Type II Applications which means the Planning Commission will make the final decision tonight unless it is continued to next month.

City Planner Holly Byram, MWVCOG, stated this is a commercially zoned property similar to most of the properties along 99E.

City Planner Holly Byram, MWVCOG, said on page 4 of the Staff report is a site plan that was submitted by the applicant showing the existing building, an existing fenced area, and an area that was paved that has gravel over it that they are proposing to re-pave. She went on to say the fenced area is not paved, but the Development Code requires it to be paved.

City Planner Holly Byram, MWVCOG, said none of the zones in Hubbard mention a towing service, so the Planning Commission will need to look at other similar uses and make a determination if this is an appropriate use for the zone. She stated the closest use is auto repair because this property owner mentioned to staff that not only would he like to continue to operate his towing service, but in the future, he would like the option to do some auto repair in the existing building.

City Planner Holly Byram, MWVCOG, said the applicant has described his business as operating primarily during business hours, they respond largely to insurance calls so the vehicles that they tow are dropped off at a repair shop and it is rare for them to stay in the yard for more than a day or two.

City Planner Holly Byram, MWVCOG, said on page 5 of the Staff report is a set of criteria, section 2.305 which is Manufactured Home, Trailer and Vehicular sales, service and related uses. These business are required to follow a certain list of standards including that the whole yard needs to be paved, the lot needs to be screened from adjoining residential zoned properties, and the merchandise and supplies other than the vehicles needs to be stored in a building.

City Planner Holly Byram, MWVCOG, said in regard to the drainage needs, both the City of Hubbard Public Works and the City Engineer have reviewed the proposal and recommends when the yard is paved, they will not likely trigger any kind of storm water improvements because of the existing conditions there.

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City Planner Holly Byram, MWVCOG, stated regarding traffic safety and parking, they will need to provide 16 parking spaces that are striped, and the parking along the perimeter of the property will need to be curbed. They will also need to provide 2 spaces for bicycle parking.

City Planner Holly Byram, MWVCOG, said to be consistent with other recent land use approvals, a 10-foot-wide right-of-way dedication along the Pacific Highway 99E property boundary is a recommended condition of approval.

City Planner Holly Byram, MWVCOG, said the existing storage yard is screened with privacy slats in a chain link fence, but additional screening is recommended along the eastern boundary of the property which can be accomplished with tall landscaping.

City Planner Holly Byram, MWVCOG, stated in regard to internal circulation there is a recommendation to add a crosswalk so pedestrians can get from the driveway to the office building.

City Planner Holly Byram, MWVCOG, explained the criteria for the Conditional Use permit is to ensure the proposed use is compatible with the neighboring uses, and this property is an existing building that has been used in the past for Marine Parts and Sales, and Electrical sales. She stated the applicant has been operating there for a while and is confident the site is suitable for his proposed use.

City Planner Holly Byram, MWVCOG, said neighbors were provided with a notice, and if they have concerns they are welcome to express those concerns tonight either in writing or their testimony. She stated the proposed use is not expected to significantly alter the surrounding properties, there are already several vehicle-related uses in the area.

City Planner Holly Byram, MWVCOG, said Staff recommends approval of the requested Site Development Review and Conditional Use Permit, with the recommended conditions of approval included in the Staff report.

City Planner Holly Byram, MWVCOG, said this is a really unique set of conditions because the conditions are met either prior to permit or prior to occupancy, in this case it is an existing building and the business is already operating, so the conditions are prior to final business registration approval.

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

City Planning Commissioner Fil Kartal asked if the City wants the existing fenced area paved.

City Planner Holly Byram, MWVCOG, said yes, the unique set of criteria does require that a tow yard be paved for water quality purposes and so gravel is not being tracked out to the public street.

City Planning Commission Chairman Scott Stierle asked about Handicap Parking. City Planner Holly Byram, MWVCOG, said the number of ADA spaces in a parking lot are determined by the

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overall number of parking spaces, and typically the building inspector will confirm, in this case the applicants site plan will need to show the minimum amount required.

Planning Commission Vice Chairman Glenn Holum asked if the applicant or their representative would like to speak. They did not.

Planning Commission Vice Chairman Glenn Holum asked if there was anyone who would like to speak in support. There were none.

Planning Commission Vice Chairman Glenn Holum asked if there was anyone 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 Vice Chairman Glenn Holum 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 Vice Chairman Glenn Holum 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 Scott Sterlie made a motion to approve concurrent Site Development Review file #DR 2022-01 and Conditional Use Permit #CU 2022-01, and adopt the recommended findings and conditions of approval contained in the Staff Report to the Planning Commission as presented. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal, were in favor. Motion passed unanimously.

City Planner Holly Byram, MWVCOG, explained to the applicant she will send out to him and the property owner a notice of decision, and there is a 12-day appeal period after that, and the decision is final if she does not receive any appeals.

ADJOURNMENT. (The next scheduled Planning Commission Meeting will be July 19, 2022 at 6:30 p.m.) MSA/Planning Commissioner Scott Sterlie /Planning Commissioner Fil Kartal moved to adjourn at 7:08 Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Fil Kartal were in favor. Motion passed unanimously. Meeting was adjourned at 7:08 p.m.

Scott Stierle
Planning Commission Chairman

ATTEST:

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

Julie Hedden
Administrative Assistant/Court Clerk
Recording & Transcribing

**CITY OF HUBBARD
PLANNING COMMISSION MINUTES
AUGUST 16, 2022**

CALL TO ORDER. The Hubbard Planning Commission meeting was called to order at 6:31 p.m. by Planning Commission Chair Scott Stierle via Zoom.

Planning Commission Present: Planning Commissioner Glenn Holum, Planning Commission Chair Scott Stierle, Planning Commissioner Nik Kulikov

Absent: Planning Commissioner Fil Kartal,

Staff Present: Director of Administration/City Recorder Vickie Nogle, Administrative Assistant/Court Clerk Julie Hedden.

Guests: Harlon Barow, Icon Construction

FLAG SALUTE.

Planning Commission Chairman Scott Stierle led the group in the flag salute.

PUBLIC HEARING.

- a) **Planned Unit Development #PUD 2022-01 / 11984 Broadacres Road NE, Hubbard (Icon Construction & Development, LLC. Attn: Harlan Borow; Frank J Bronec QTIP Trust & Columbia Trust Company TRE) The 56.38 acres (54.42-acre Parcel 1 plus abutting rights-of-way) Bear Creek Planned Unit Development (PUD) Subdivision is a proposed residential development totaling 324 dwelling units on 204 lots.**

Planning Commission Chairman Scott Stierle opened the Public Hearing at 6:32 p.m.

MSA/Planning Commissioner Nik Kulikov /Planning Commissioner Glen Holum motioned to continue the public hearing for the Bear Creek PUD, file #PUD 2022-01, to the next regular meeting of the Hubbard Planning Commission, which is Tuesday, September 20, 2022 at 6:30 p.m., without reviewing any materials, taking a staff report or accepting public testimony. Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously.

ADJOURNMENT. (The next scheduled Planning Commission Meeting will be September 20, 2022 at 6:30 p.m.) MSA/Planning Commissioner Glenn Holum/Planning Commissioner Nik Kulikov moved to adjourn at Planning Commission Chairman Scott Stierle, Planning Commissioner Glenn Holum, Planning Commissioner Nik Kulikov were in favor. Motion passed unanimously. Meeting was adjourned at 6:34 p.m.

ATTEST:

Scott Stierle
Planning Commission Chairman

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

Julie Hedden, Administrative Assistant/Court Clerk
Transcribing

Hubbard Planning Commission - Public Hearing Script

September 20, 2022

CHAIR: Good evening, my name is _____. I am the Chair of the Hubbard Planning Commission, and I will be presiding over this hearing. This is the time and place set for the continued public hearing in the matter of:

Bear Creek Planned Unit Development, file # PUD 2022-01

The hearing is now open. It is _____ PM. Oregon land use law requires several items to be read into the record at the beginning of every public hearing. The City Planner will review this material; your patience is appreciated as she goes through these statements.

City Planner (Holly Byram): The applicable substantive criteria upon which this case will be reviewed in the detailed staff report. All testimony and evidence received during this public hearing must be directed toward the identified approval criteria, or to such other rule, law, regulation, or policy which you believe to apply to this case. An issue which may be the basis for an appeal to the City Council or the Land Use Board of Appeals shall be raised not later than the close of the record at or following the *final* evidentiary hearing on this case. Such issues shall be raised with and accompanied by statements or evidence sufficient to afford this body, and the parties to this hearing, an adequate opportunity to respond to each issue.

This public hearing will proceed with the staff report and any other comments from governmental agencies that are in attendance; followed by the applicant and all of those who are in support of the application. All of those opposed to the application will then be allowed to speak, followed by those with general comments who are neither for nor against the application. Finally, the applicant will be entitled to a rebuttal period.

Please state your name, physical address, and mailing address clearly for the record before your comments. Please try to avoid repetition if someone else has already expressed the same thoughts. It is perfectly alright to state that you agree with the statements of that previous speaker. Please be assured that everyone will have an opportunity to speak.

If you have documents, maps, or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, either before or after you speak; please submit the material to Vickie Nogle who will make sure your evidence is properly taken care of.

Prior to the conclusion of the first hearing on a land use application, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, it

will be up to this body to determine if the hearing will be continued to a time and date certain, or if the record will be kept open for the submission of additional evidence.

CHAIR: With that out of the way, I need to ask the audience and fellow Commissioners a few questions:

1. Does any member of the audience have any objections to the notice that was published?
2. Does any member of the audience wish to challenge the jurisdiction of the Planning Commission to hear this matter?
3. Does any member of the Planning Commission wish to declare a potential or actual conflict of interest or bias?
4. Does any member of the Planning Commission wish to report any site visits or ex-parte contacts?
5. Does any member of the audience wish to challenge the impartiality or ex-parte disclosures of any member of the Planning Commission?

CHAIR: City Planner Holly Byram please give the staff report.

City Planner (Holly Byram): Staff Report

CHAIR: Are there any questions of staff from the Planning Commission before we continue and accept public testimony?

CHAIR: I will now accept public testimony regarding this case.

- Would the applicant or their representative like to speak?
- Is there anyone who would like to speak in support of the application?
- Is there anyone who would like to speak in opposition the application?
- Is there anyone who would like to speak neither for nor against the application (neutral)?
- Would the Planning Commission like the applicant to address any of the testimony?

CHAIR: Before I close or continue the public hearing, are there any additional questions from the Planning Commissioners of staff or anyone? As a reminder, once I close the hearing only Commissioners or staff may speak.

Public testimony is now over. I will close the public hearing at _____ PM. I will now entertain Planning Commission discussion on the application and/or a motion.