CITY OF HUBBARD PLANNING COMMISSION MINUTES
FEBRUARY 16, 2016

CALL TO ORDER. The Hubbard Planning Commission meeting was called to order at 6:35 p.m. by the Planning Commission Chairman Dan Estes at the City Hall, 3720 2nd Street, Hubbard.

Planning Commission Present: Dan Estes, Harold Anderson, Kevin Nelson.
Excused Absence: Byron Nichols, Glenn Holum.

Staff Present: Director of Administration/City Recorder Vickie Nogle; City Planner Joseph Shearer, MWVCOG.

FLAG SALUTE. Planning Commission Chairman Dan Estes led the group in reciting the Pledge of Allegiance.

APPROVAL OF THE JANUARY 26, 2016, PLANNING COMMISSION MEETING MINUTES. MSA/Planning Commissioner Harold Anderson/Planning Commissioner Kevin Nelson moved to approve the minutes as presented. Planning Commissioners Dan Estes, Kevin Nelson, and Harold Anderson were in favor. Motion passed.

PUBLIC HEARING.
AXIS DESIGN GROUP – SDR #2016-01. CONSTRUCTION OF 3,000 SF BUILDING TO BE USED AS A MOTOR VEHICLE SALES SHOWROOM. (3080 J STREET – 041W33DA05201). Planning Commission Chairman Dan Estes opened the Public Hearing and asked if any Planning Commissioners had declarations of bias, conflict, or ex parte contact. There were none. D. Estes asked if anyone had objections to the notice that was sent out or the Planning Commission overseeing the proceedings.

City Planner Joseph Shearer read the legislative hearing statement.

J. Shearer summarized the staff report, saying the application was to construct a 3,000 square foot building to be used as a motor vehicles sales showroom. The building will also include offices and customer service areas. J. Shearer stated the proposed use is consistent with surrounding uses and some drainage and erosion control comments are in the staff report. He added no comments were received from the Fire District. J. Shearer said there is some damage to the sidewalk, curb, and street along the property frontage on J Street that the applicant is being asked to repair.

D. Estes opened the meeting to proponents.

Jim Wright, 11104 SE Stark, Portland, said they object to the required repairs in the J Street right of way. He said they'll go through the steps they need to in regard to storm water, but were hoping to avoid the engineering costs associated with that.

Lance Berkey, 2491 Tracy Lane, Woodburn, applicant, said the application is to provide a more professional looking business. He stated they have no issue with repairing the sidewalk portion of J Street, but doesn't agree that it's their responsibility to repair the street in the same area.

D. Estes asked if there were any opponents. There were none.

D. Estes closed the public comment portion of the hearing.

J. Shearer read comments from the City Engineer regarding the J Street damage.

D. Estes commented he doesn't feel the applicant should be required to repair the road as it seems excessive.

Planning Commissioner Kevin Nelson stated he agrees with D. Estes.

MSA/Planning Commissioner Harold Anderson/Planning Commissioner Kevin Nelson moved to approve SDR 2016-01, with the amendment to Condition of Approval "E," to not require the applicant to repair the curb, gutter, and street along property frontage on J Street. Planning Commissioners Dan Estes, Kevin Nelson, and Harold Anderson were in favor. Motion passed.

LA – 2016-01; LEGISLATIVE AMENDMENT OF THE HUBBARD DEVELOPMENT CODE TO ADOPT REASONABLE TIME, PLACE, AND MANNER REGULATIONS FOR MARIJUANA-RELATED USES. Planning Commission Chairman Dan Estes opened the public hearing. He asked the Planning Commissioners if they had any declarations of conflicts of interest or bias. There were none.

City Planner Joseph Shearer read the legislative hearing statement.

J. Shearer gave some background on the process leading to tonight's decision. He said there are three standards for all marijuana-related uses. Those standards include that all marijuana related uses shall be located in permanent buildings and shall not have drive-thrus; and marijuana related uses shall at all times be registered with Oregon Health Authority for medical marijuana and OLCC for recreational marijuana. State law does not allow marijuana related use facility to be located within 1,000 feet of public or private schools. In the past meetings, it was discussed the only appropriate places for marijuana retail locations is along Pacific Highway 99E; that has been made a requirement in the Code. Also, a requirement is made that retail locations can only operate between the hours of 10:00 a.m. and 8:00 p.m. He said a minor amendment was made to the definition of "frontage."

D. Estes stated there definitely needs to be teeth in the Development and Municipal Codes to allow staff to effectively enforce them.

Planning Commissioner Kevin Nelson said he thought there would be a buffer not only between retailers and the five different types of marijuana related uses.

J. Shearer said he didn't receive that impression from the Planning Commission at previous meetings, as they didn't seem to be as concerned with the more industrial type marijuana uses.

D. Estes said he believes there are state regulations in place to where a retailer cannot be in the same location as a grower or producer of marijuana.

D. Estes opened the meeting to proponents. There were none.

D. Estes opened the meeting to opponents.

Ken Kleczynski, 2409 A Street, Hubbard, asked if there are any established legal marijuana facilities in Hubbard.

Director of Administration/City Recorder Vickie Nogle reported she is not aware of any.

Robert Prinslow, 3745 10th Street, Hubbard, wondered if the Planning Commission has had the opportunity to say no to all marijuana related uses in Hubbard. He encouraged the Planning Commission to take that approach. He stated his understanding is the individual cities in Colorado and Washington, where marijuana has been made legal, have not seen a great increase in revenue. R. Prinslow said he believes having marijuana related uses in Hubbard will create more issues.

J. Shearer clarified the Planning Commission votes to make amendment recommendations to the City Council, and they will make the ultimate decision.

D. Estes commented he believes in order to refuse all marijuana related uses in Hubbard, it would have to be put on the ballot and the citizens would have to vote to not allow them.

R. Prinslow stated according to Fox 12 News, the City of Wilsonville banned medical marijuana facilities.

J. Shearer said under HB3400, jurisdictions cannot ban medical marijuana grow sites, which is one of the marijuana related uses. He recalled counsel saying early in the marijuana related discussions any bans have to be done by a ballot measure at the next general election.

D. Estes closed the public comment portion of the meeting.

J. Shearer reported Residential Commercial zones would not accommodate retail locations as they are zoned residentially.

MSA/Planning Commissioner Harold Anderson/Planning Commissioner Kevin Nelson moved to approve LA 2016-01 as written and forward the recommendation to the City Council. Planning Commissioners Dan Estes, Kevin Nelson, and Harold Anderson were in favor. Motion passed.

KEVIN CHAPPELL – SDR #2015-05 CONSTRUCTION OF 5,950 SF STORAGE BUILDING FOR EXISTING NURSERY BUSINESS. (2625 PACIFIC HWY 99E) City

Planner Joseph Shearer recommended continuing the hearing for SDR #2015-05 to the March Planning Commission meeting.

Planning Commission Chairman Dan Estes opened the public hearing, and continued it to March 15, 2016 at 6:30 p.m.

D. Estes closed the public hearing.

ADJOURNMENT. (The next scheduled Planning Commission Meeting will be March 15, 2016, at 6:30 p.m.) MSA/Planning Commissioner Kevin Nelson/Planning Commissioner Harold Anderson moved to adjourn the meeting. Planning Commissioners Dan Estes, Kevin Nelson, and Harold Anderson were in favor. Motion passed. Meeting was adjourned at 8:56 p.m.

Dan Estes, Planning Commission Chairman

ATTEST:

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

Lucy T. Astorga, Admin Asst.
Recording & Transcribing