

**CITY OF HUBBARD PLANNING COMMISSION MINUTES
JULY 19, 2016**

CALL TO ORDER. The Hubbard Planning Commission meeting was called to order at 6:30 p.m. by the Planning Commission Chairman Dan Estes at the City Hall, 3720 2nd Street, Hubbard.

Planning Commission Present: Dan Estes, Glenn Holum, Kevin Nelson, Byron Nichols.

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

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

APPROVAL OF THE MAY 17, 2016, PLANNING COMMISSION MEETING MINUTES. MSA/Planning Commissioner Glenn Holum/Planning Commissioner Byron Nichols moved to approve the minutes. Planning Commissioners Dan Estes, Kevin Nelson, Glenn Holum, and Byron Nichols were in favor. Motion passed.

PUBLIC HEARING.

DR #2016-02/ KEITH BERDOGIN [3270 J STREET (041W33DA06800)] – CONSTRUCTION OF A 9,579 SF 100 BUILDING TO BE USED AS AN OFFICE/WAREHOUSE. Planning Commission Chairman Dan Estes opened the public hearing.

[Note: This statement was asked in the Kevin Chappelle's hearing: "Planning Commission Chairman Dan Estes asked if any of the Planning Commissioners had declarations of bias, conflict, or ex parte contact in regard to Keith Berdogin's application. There were none. D. Estes asked if anyone had objections to the notice that was sent out or the Planning Commission overseeing the proceedings. There were none."]

City Planner Laura LaRoque read the legislative hearing statement.

L. LaRoque summarized the staff report pages 1 through 9, saying the application is for the construction of 9,579 SF building to be used as an office/warehouse. L. LaRoque said the property address is 3270 J Street and the zoning for the property is Industrial. L. LaRoque stated the current use of the property is a single family dwelling. L. LaRoque continued to say Hard-Core Contractors, LLC is a subcontractor company that specializes in metal studs, framing, drywall, and acoustical ceiling tile installation. L. LaRoque said the proposed improvements to the site include the construction of the 9,579 SF building. L. LaRoque stated the proposed structure will provide storage space for vehicles, equipment, and materials, office space for project managers and reception area for customer. L. LaRoque continued to say there are no proposed changes to the existing single-family dwelling and storage building. L. LaRoque stated additional on-site improvements include new signage, lighting, asphalt, and bicycle parking.

L. LaRoque directed everyone to the review standards starting at the bottom of page 2 “A” stating the warehouse and storage activities are permitted uses in the Industrial Zone. L. LaRoque said the site plan shows approximately 250 SF of landscaping the requirement for this particular lot is 3,179 SF. L. LaRoque stated staff recommends a condition of approval the applicant submit a final landscaping plan, prepared by a licensed landscape architect, which complies with the criteria for landscaping.

L. LaRoque continued with the Police Chief’s comments as a condition of approval which includes addressing with a minimum six inch high numbers on the building near the entry doors facing J Street, and also security system to monitor the facility and perimeter lighting.

L. LaRoque stated the setbacks are met on all sides. L. LaRoque referred to criteria “B” saying site plan does not indicate any water runoff and as a conditional of approval the Applicant must submit a drainage and detention plan prepared by a licensed engineer for approval.

L. LaRoque stated under condition “C” public health factors based on the Public Works comments a condition of approval requires submittal of detailed drawing for all utilities, and a written estimate of water consumption and shall be in conformance with the City of Hubbard Design and Construction standards.

L. LaRoque said under the traffic safety criteria the site plan does not show the proposed drive meets the minimum width of 20 feet. L. LaRoque stated the loading space has not been indicated on the site map as one is required. L. RaRoque said as a condition of approval driveways, access roads, loading zones, and parking spaces (both vehicle and bicycle) shall be designed and constructed per Public Works Design Standards.

L. LaRoque continued with criteria “E” provision for adequate noise and/or visual buffering stated additional screening and buffering along the eastern and southern boundary of the property and around service areas and facilities, including garage and waste disposal containers, recycling bins and loading areas shall be a condition of approval.

L. LaRoque criteria “F” staff finds this criterion is met as the proposed development will retain existing natural features. L. LaRoque continued with criteria “G” stating the subject property fronts J Street, which currently has sidewalks. L. LaRoque stated as a condition of approval for future improvements a non-remonstrance agreement will be required for future improvements that maybe necessary to bring J Street to minor arterial standards.

L. LaRoque state criteria “H” identified no hazard areas. L. LaRoque said the last criteria address signage as staff recommends a condition of approval that 189.41SF is the total sign allocation for this property and the Applicant shall submit renderings and plans for all signs to the City, and must receive approval prior to installation. L. LaRoque referred to the last few pages of the Staff Report is a summary of conditions of approval and sample motions on page 9.

Keith Berdogin, 3270 J Street, Hubbard said the proposed office and warehouse is to expand his current business. K. Berdogin stated this will be their head quarter office and any excess material will be stored on this site.

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

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

MSA/Planning Commissioner Glenn Holum/Planning Commissioner Kevin Nelson moved to approve DR 2016-02 and adopt the findings and conditions contained in the Staff Report. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed.

DR #2016-05/VA #2016-02 – KEVIN CHAPPELLE [2625 PACIFIC HIGHWAY 99E (041W33DC00300)] – VARIANCE TO REDUCE THE LITTLE BEAR CREEK FIFTY (50) FOOT RIPARIAN BUFFER TO TEN (10) FEET. DEVELOPMENT REVIEW OF A PROPOSED 55' X 90' (4,950SF) STORAGE BUILDING AND ASSOCIATED SITE IMPROVEMENTS. 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.

Glen Holum mentioned Nursery Connection has been a customer of theirs for several years.

Kevin Chappelle, 5892 Fruitland Road NE, Salem, stated he is the property owner as Nursery Connection leases their building.

Planning Commission Chairman Dan Estes apologized and said before continuing this hearing they were slightly remiss in the prior application and need to ask if any of the Planning Commissioners had declarations of bias, conflict, or ex parte contact in regard to Keith Berdogin's application. There were none. D. Estes asked if anyone had objections to the notice that was sent out or the Planning Commission overseeing the proceedings. There were none.

City Planner Laura LaRoque read the legislative hearing statement.

L. LaRoque summarized the staff report pages 1 through 13, stating the application is a variance request to reduce the Little Bear Creek fifty (50) foot riparian buffer to ten (10) feet, and the Development Review of a proposed 55 feet X 90 feet (4,950 SF) storage building and associated site improvements. L. LaRoque listed the criteria sections associated with the development and said the subject parcel is relatively flat and contains a 1,728 SF building. L. LaRoque stated the building is a legal nonconforming structure that encroaches 30 feet into the 50 feet riparian buffer. L. LaRaque said the property is used for storage in conjunction with the neighboring Nursery Connection distribution facility to the north. L. LaRoque stated aerial photographs show there is some existing landscaping buffering the site from Pacific Highway 99E, and the southern and eastern property boundaries abut Little Bear Creek, an intermittent stream identified on the 2001 Hubbard Significant Natural Resources Inventory. L. LaRoque stated the

proposed project involves the construction of a new 4,950 SF building used for storage of bulk nursery products for Nursery Connection.

L. LaRoque stated the Applicant requests reducing the 50 foot Little Bear Creek riparian buffer to 10 feet along the south property boundary. L. LaRoque referred to Criteria “C” stating proposals for development activities within the riparian buffer allowed in subsection 2.210.05(A) will include proposed mitigation for unavoidable impacts and shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW). L. LaRoque stated the Applicant has reached out to ODFW and they have reviewed the preliminary development plans and have provided two options that are listed in the staff report on page 3. L. LaRoque said as a condition of approval, the submittal of a riparian buffer planting plan prepared by a professional/qualified biologist that incorporates the recommendations of ODFW shall be submitted to the City.

L. LaRoque stated the Applicant states adherence to the 50 foot riparian buffer would diminish the use of the property. L. LaRoque said the subject property is an irregular shaped lot that range narrows at near the rear of the property. L. LaRoque continued to state to accommodate truck circulation on-site the warehouse must be located towards the rear of the subject property, at the narrowest point of the property.

L. LaRoque said as part of the variance the applicant is requesting the entire length of the property to be 10 feet instead of the 50 foot riparian buffer. L. LaLaRoque stated Staff finds the proposed development is only partially impacted by the required 50 foot riparian buffer. L. LaRoque said a partial reduction of buffer is recommended as a condition of approval to allow a permanent alteration of the Little Bear Creek riparian buffer by the placement of a storage building up to 50 feet into the 50 foot buffer as shown on the site plan. L. LaRoque stated the 50 foot buffer shall remain in effect along the remainder of the south property line. L. LaRoque said the measurement of the riparian buffer shall be measured from the ordinary high water level or upland edge of the wetland, whichever is most landward.

L. LaRoque said number 2 and 3 are similar warehouse storage activities are an allowed use and the applicant would be precluded from some development rights because of the riparian buffer.

L. LaRoque stated staff has not been provided preliminary plans as a condition of approval a mitigation plan prepared by professional/qualified biologist, approved by ODWF and the City is required.

L. LaRoque continued to the Site Development Review as it is an allowed use in the zone as a condition of approval the Applicant submits a final landscaping plan, prepared by a licensed landscape architect, which complies with the Development Code. L. LaRoque said the Applicant provided no information regarding signage for the project with the site development review application. L. LaRoque stated the applicant must obtain a sign permit from the City prior to installation of any signage. L. LaRoque continued the site plan does not indicate that storm water will be detained on the property and as a condition of approval the Applicant shall submit a drainage and detention plan prepared by a licensed engineer for Public Works and the City Engineer approval. L. LaRoque said based on the comments from the Public Works

Superintendent, a condition of approval requires submittal of detailed drawings for all utilities and written estimate of water consumption.

L. LaRoque stated the Applicant proposed accessing Pacific Highway 99E from an existing permit for the common highway access. However, ODOT states “existing configuration of the permitted access differs from that shown doesn’t match and as a condition of approval shall be to either; 1) remove the fence along the common property lines so as to create a common access for the use of both tax lots as permitted in ODOT Permit; 2) Obtain separate access permits and construct two separate access in a manner that physically delineates each access pursuant to ODOT permit and approval process and the Public Works Design Standards.

L. LaRoque said a condition is included that driveways, access roads, loading zones, and parking spaces shall be designed and constructed per Public Works Design Standards. L. LaRoque continued the site plan and narrative do not propose areas, facilities, or uses that require additional screening or buffering and have adequate screening and buffering.

L. LaRoque stated the subject property fronts a portion of Pacific Highway 99E that does not currently have sidewalks. L. LaRoque said as a condition of approval, a right-of-way dedication along Pacific Highway 99E will be required in accordance with the Hubbard TSP and shall provide frontage improvements along Pacific Highway 99E, as well as a construction permit from ODOT.

L. LaRoque said the property is located within a floodplain and as a condition of approval, the applicant shall provide documentation for the establishment of the Little Bear Creek ordinary high water level and 100 year flood elevation for the property. L. LaRoque stated the summary and recommendation is on page 9 through page 12 with Planning Commission sample options on page 13 of the staff report.

Glen Holum inquired about the process for granting access for the shared driveway.

L. LaRoque stated the property owners would enter into a reciprocal access agreement for the shared driveway.

Kevin Chappelle 5892 Fruitland Road, NE, Salem stated they are doing an addition and have been renting to Nursery Connection for the past several years. K. Chappelle said the only thing he would like to address is the Riparian Buffer, as he would like to have the buffer to be 10 feet the full length of the property so they do not have to come back at a later date and go through the same process with ODFW when they add an additional building to the property. K. Chappelle said he has a letter from ODFW stating that it will benefit the riparian buffer better than leaving it the way it is.

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

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

D. Estes Inquired who sets the riparian buffer.

L. LaRoque said the City’s Code and the Department of State Lands as well as FEMA.

D. Estes inquired if this is a fish bearing stream.

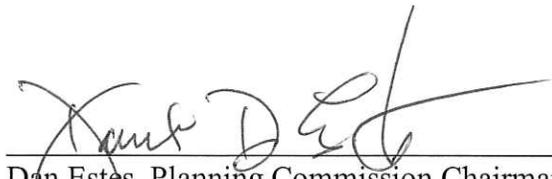
K. Chappelle said it’s a tributary of a fish bearing stream.

D. Estes wanted to know if this would set the city up by precedence.

L. LaRoque said yes it would but by working with ODFW the improvement may be improving the buffer.

MSA/Planning Commissioner Glenn Holum/Planning Commissioner Kevin Nelson moved to approve VAR 2016-02/DR 2015-05 adopt the findings and conditions contained in the Staff Report and the condition to reduce the riparian buffer to 10 feet along the southern property line. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed.

ADJOURNMENT. (The next scheduled Planning Commission Meeting will be August 16, 2016, at 6:30 p.m.) MSA/Planning Commissioner Kevin Nelson/Planning Commissioner Glenn Holum moved to adjourn the meeting. Planning Commissioners Dan Estes, Kevin Nelson, Byron Nichols, and Glenn Holum were in favor. Motion passed. Meeting was adjourned at 7:00 p.m.



Dan Estes, Planning Commission Chairman

ATTEST:



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