

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, March 13, 2003 AT 7 P.M.

Approved at the April 10, 2003 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Dwayne Brittell	Matson Haug	Louis Larson	Dennis Schmitz
Philip Smith	Nick Tri, Chair		

Absent: Richard Van Noord

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Tri opened the meeting at 7:00 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

III. CONSENT CALENDAR

1. No items.

IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

Louis Larson, Oak Knoll Homeowners Association, 3220 Juniper Drive, Newberg, PO Box 9254, Newberg, Oregon addressed concerns about the Whistler Subdivision project: water, flood, erosion and fish protection, among other things. The streets involved: Center, Ivy Drive, Knoll Drive, Juniper Drive and Aldersgate. Commissioner Larson also noted the following:

1. Center Street- difficulty with flooding, mud, silt and inadequate storm drainage.
2. Ivy Drive - flood, mud, inadequate storm drainage and flooding.
3. Knoll Drive- similar circumstances including a house located at 3221 Knoll Drive that is inside the Oak Knoll Homeowners Association who lost part of their parking area due to flooding.
4. Walkways at the end of the subdivision were not plumb. The slope of the land and the walkway is below grade at some levels (between Center and Ivy), with rain it flows down the walkway creating a flow of water. Knoll Drive and Ivy - similar circumstances contrary to the lay of the land. The flooding that occurs at 3221 Knoll Drive, is a result of a landfill below Juniper Drive, higher than the contour and drops off around 3221 Juniper Drive. There is excess water flowing.
5. The City has provided woodchip bags to control run-off. With severe flooding, they have to be removed.
6. The property located at 3221 Knoll Drive has mud collection deposits.
7. One land fill on top of another land fill. The current land fill is in a various state of erosion.
8. Aldersgate Drive -no flooding problem at this time. It currently still has a barrier. The contractor dumped a load of gravel in front of a no-parking sign, across from 3221 Aldersgate and in front of a fire hydrant. Yesterday, a 10 yard dump truck was parking in front of the no parking sign.

It is impacting the livability of the Oak Knoll neighborhood. They are making an observation and not a judgment. They would like to see:

1. Dump trucks, trailers, small backhoes and large tractor backhoes, bobcats, water trucks and fire hoses removed which have been left over-night to many weeks on Edgewood and Quail Drive. On Quail Drive there has been a road grader and dump truck parked on the street making it impossible to pass through. The same has occurred on Ivy and Sunset.
2. A road roller was left in front of 3221 Ivy Drive for 33 days. The Police Department was informed, looked at it and drove off which shows a clear message to neighbors that there is no recourse. Hoses have been left plugged into fire hydrants, on lawns, streets and sidewalks for a period of weeks.
3. The neighbors have lived with dirt, mud and gravel during the construction. Several neighbors have talked with drivers and with the construction manager about the issues.
4. At 3221 Ivy Drive, the homeowner had to put up with concrete block chunks located in front of his property for many weeks. He asked the developer to remove them and was told it was not their problem. The Homeowner Association Board seemed somewhat surprised at the property owned adjacent to Whistler project. He would request that the City mitigate the situation and seek why the neighbors have to put up with a messy construction project for months and years.

Commissioner Haug asked why the presentation was made to the Planning Commission. Mr. Larson said that the Planning Commission works with developers on other projects and possibly they could discuss the situation with them and use it as a tool for future application requests.

Commissioner Schmitz discussed City staff concerning these issues and notifying the contractor/developer.

Barton Brierley said they will respond and talk about it and see what can be done. Some complaints have been discussed with the developer and follow-up has occurred.

Matt Haug asked about inadequate infrastructure in a development. The area was an orchard for a period of time. It has been cleared and there has been a disturbance of the tiles placed in the area. It could be faulty engineering. It could be a little bit of everything. They will do their best to find a solution to the problem.

Barton Brierley said they would investigate the specifics with the current rainy period.

Dwayne Brittell said that it could be an engineering issue rather than a building project.

Barton Brierley said he will also share the comments with the engineering department.

V. QUASI-JUDICIAL PUBLIC HEARINGS

1. **APPLICANT:** Providence Health Systems on behalf of Q.A. Enterprises, Inc. and Jan Jacobsen

REQUEST: Comprehensive Plan Amendment from COM (Commercial) to PQ (Public/Quasi-Public) and a Zone Change from C-2 (Community Commercial) to I (Institutional) to accommodate construction of a new hospital.

LOCATION: 4020 E. Portland Road

TAX LOT: 3216-1902

FILE NO: CPA-18-03/Z-19-03

RESOLUTION NO.: 2003-159

CRITERIA: Newberg Development Code Section § 151.122

OPEN FOR PUBLIC HEARING:

Commissioner Phil Smith said his current employer is looking to buy the existing hospital site. Indirectly this application concerns his employer. Mr. Brierley said that he felt it would be so indirect that he could hear the matter and vote.

Chair Tri entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact: None .

Objections: None.

Staff Report and Preliminary Staff Recommendation: **Barbara Mingay** presented the staff report and noted that staff recommended adoption of the Resolution, approving the Comprehensive Plan Amendment from COM (Commercial) to PQ (Public/Quasi-Public) and a Zone Change from C-2 (Community Commercial) to I (Institutional) to accommodate construction of a new hospital. Ms. Mingay presented the additional criteria statement mistakenly omitted from the packet. It was disbursed to the Planning Commission. The property is flat to semi-sloped and leased by Mustard Seed Farm. The site carries a historic designation as the location of Newberg's first post office. The site is part of the proposed new hospital complex on adjoining property. Access is from Hwy 99W. No highway improvements are required at this time. This is strictly a land use action only. The existing utilities will be amended to allow for the medical facility. The traffic study pointed out and confirmed the facility on all three parcels would produce less traffic than a big box type development (similar to Costco).

Proponent: **Mr. John Bridges, 515 E. First Street, Newberg, Oregon**, attorney for applicant, on behalf of Providence Health System. The applicant is Providence Health System, who owns the property out-right.

Commissioner Smith said in the development documents, it has been reviewed by City departments. Public Works noted the application says water and sewer is available on Hwy 99W. Mr. Bridges said that the zone change allows the use. The applicant's engineer said water is available. The water lines exist on the south side of the property going up to the reservoir. Mr. Brierley said that there was an error in mapping the existing waterlines which will be resolved through site development process.

Commissioner Brittell addressed open space and related issues noted in the Comprehensive Plan. The concept drawing said there is a historic mound.

Mr. Bridges said that the design (November 2002) was how it may look. There have been 15-20 revisions to designs and layouts so far. Regarding the concept of the historic mound, they met with about ten of Sebastian Brutscher's descendants (350 within 45 miles) and they have an organized network of recognizing relationships. The original post office was at the highest point of the property. They have asked the applicant to preserve that site. Discussion was held concerning dealing with property elevations. The hospital and the Brutschers are committed to providing a historic display and commemorative display. When the design has been agreed, they will come back with some historic designation.

Commissioner Haug asked about criteria B establishing public facilities and he proposed modifying the findings slightly. There is a water main from the new City reservoir and the language should be amended to delete the following: (Findings page 4, II. Criteria Response). Delete "This site has all of the public facilities available to it on its Hwy 99W frontage. Additionally." Retain the balance of the paragraph.

Mr. Bridges said he would not have any objections to the amended language.

Commissioner Brittell asked if it would be the last time the Planning Commission would review this project.

Mr. Brierley said yes it would. Design review submittal would be April or May and moving dirt the latter part of summer.

Commissioner Haug said the proposal will carry forward to the Council for adoption - the planning Commission and the Council would not be part of the design review (type 2 process). The zone change is at hand.

Staff Recommendation: Ms. Mingay said it is staff's recommendation to adopt Resolution 2003-159 with the modification as noted by Commissioner Haug. No additional written correspondence has been received.

Hearing Closed.

Motion #1:	Haug/Larson to adopt Resolution 2003-159.
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Motion #2:- Amendment	Haug/Schmitz to amend the language provided in Criteria (b) "Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change as previously noted.
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Vote on Motion #2:	The motion carried (5 Yes/1 Absent [Van Noord]).
Vote on Motion #1:	The motion carried (5 Yes/1 Absent [Van Noord]).

Ms. Mingay said the matter will go to the April 7th City Council meeting with the Planning Commission's recommendation.

Tape 1 - Side 2:

VI. ITEMS FROM STAFF

1. Joint Planning Commission/City Council Meeting March 18, 2003

Mr. Brierley said the joint meeting will be held on March 18. The general agenda will be for the Council to discuss their expectations of the Planning Commission and work plans. Discussion on growth policy and citizen involvement.

Mr. Haug said that he would like to see a copy of the Agenda.

2. Update on Council items

Mr. Brierley said the Council will be having a training session on land use procedures, State land use, Urban Growth Boundary(UGB) and Urban Reserve Area(URA) on March 31at the Public Safety Building at 7:00 p.m. Discussion was held concerning the forum of the meeting. Mr. Brierley said he will be the primary trainer.

The March 17 City Council meeting: Appointments to Downtown Revitalization Committee. North Valley Friends new development. The Council had some concerns outside the city limits. Discussion was held

concerning costs involved in providing utilities and phased development schedule. There are two meetings of NUAMC: 1) 04/16/03 - hearing to consider the Lewis & Clark/Schaad URA amendment - property off Corral Creek Road, 2) The May 7 hearing to consider an UGB for CPRD for their potential site for golf course off Fernwood Road.

Commissioner Haug addressed being advised to limit discussion on issues before hand on the NUAMC meeting.

Mr. Brierley said it is a quasi-judicial hearing. NUAMC, like the Planning Commission, is a jury with jurors not discussing the proposal prior hearing issues. Once the decision is completed and Mr. Haug's involvement is done, a follow-up Planning Commission meeting could then discuss the feedback which could be useful.

Other reports, letters, or correspondence -none.

Next Planning Commission Meeting: April 10, 2003. A very full agenda with three applications:

- 4.1 Zone change for Coppergold property, east of College, West of Villa.
- 4.2 Subdivision that has attached CUP issues (along Crater Lane - south of Crater Elementary)
- 4.3 Zone Change/Comprehensive Plan Change with a subdivision on N. Main Street (N. Main across from Lauren Court) R-1 to R-2.

Commissioner Haug said there have been a lot of high density changes R-1 to R-2 and he asked for the Councilor views on increasing density. Discussion was held concerning an over-all pattern or vision of growth and long term consequences. Further discussion was held concerning prioritizing certain issues. Discussion was held concerning holding three hearings in one night.

VII. ITEMS FROM COMMISSIONERS

Commissioner Schmitz asked about long term/long range plans for visioning and development code. Discussion was held concerning adjusting guidelines to maintain a livable growth and maximize livability.

Mr. Brierley said the Comp Plan does lay out a policy but may not be as specific as needed. Does it meet the general policies and provide some guidance? Discussion was held among the Planning Commission members about the upcoming training and materials.

Commissioner Schmitz addressed the interaction between the Planning Commission and NUAMC which may cover some of the same land (URA) which may or may not be covered by the Planning Commission.

Mr. Brierley said NUAMC was set up to provide for a certain area (UGB amendments and development of the Urban Reserve Area).

Commissioner Haug said that after work sessions about occurrences at NUAMC sessions, they could discuss the NUAMC meeting philosophies. Routine discussions after the fact will have a cumulative effect. He would like to propose that the Planning Commission members provide feedback on the NUAMC discussion.

Commissioner Brittell addressed legal responsibilities and/or restraints to give public testimony during quasi-judicial hearing.

Mr. Brierley said they should not. He said they legally can, but they should not give testimony because they are a body and in essence, they ultimately would be giving decisions, rather than testify as an individual.

Commissioner Larson said he disagreed about the Commissioners not providing testimony and does not feel restricted. He does not want to give up his rights to do so just because he is a volunteer.

Commissioner Haug said he would like to establish a behavior norm, unofficial, not necessary legally binding, pertaining to this issue. Discussion was held concerning the Planning Commissioners not being allowed to testify. Discussion was held concerning having staff check with the City Attorney on the Planning Commission members providing testimony or involvement with NUAMC meetings.

Commissioner Schmitz addressed various questions on how the URA and the UGB works, etc.

VIII. ADJOURNMENT

Brittell/Schmitz to adjourn at 8:15 p.m.

Passed by the Planning Commission of the City of Newberg this 10th day of April, 2003.

AYES:

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NO:

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ABSTAIN:
(list names)

ABSENT:

ATTEST:

Peggy R. Hall
Planning Commission Recording Secretary Signature

Peggy R. Hall 4-10-03
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE MARCH 13, 2003 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT
PERTAINS TO.**

PROJECT FILE #

None