

PLANNING COMMISSION MINUTES

Newberg Public Safety Building - Newberg, Oregon

THURSDAY, OCTOBER 9, 2003 AT 7 P.M.

Subject to Approval at the February 12, 2004 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Dwayne Brittell	Matson Haug	Louis Larson
Philip Smith	Richard Van Noord	

Absent: Dennis Schmitz Nick Tri

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
David Beam, Economic Development Coordinator/Planner
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

None.

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

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

APPEAL OF PROJECT

1. APPELLANT 1:	D. Alexander/M. Trunk, et.al	
APPELLANT 2:	Providence Health Systems	
APPLICANT:	Mahlum Architects	
OWNER:	Providence Health Systems	
REQUEST:	Design Review approval to construct a hospital and medical center	
LOCATION:	4100 and 4300 Portland Rd.	
TAX LOT:	3216-1902, 3216DA-2000, 3216-1903	
FILE NO:	DR-179-03	RESOLUTION NO.: 2003-169
CRITERIA:	NDC § 151.058 and § 151.194	

OPEN FOR PUBLIC HEARING:

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

Abstentions/ex-parte contact: Commissioner Matson Haug said that because his wife is on the Hospital Board, he would act upon the advice of the City Attorney and remove himself from hearing the matter. Then he excused himself from the remainder of the meeting.

Objections: None

Staff Report and Preliminary Staff Recommendation: Ms. Barbara Mingay presented the staff report. Staff recommended adoption of the Resolution, approving the Resolution. Ms. Mingay said there have been two appeals, one from Mr. Donald Alexander's group and one from the Hospital.

The Design Review decision contains appealed issues on conditional use as contained in the staff report. Discussion was held concerning consistent landscaping and buffering.

Discussion was held concerning each of the items of issues. 1-11.

In the Resolution for Adoption - Item 1: Staff report statements should indicate that it was previously cited as an organic farm. Items 9 and 10 note the Planning Commission lacks jurisdiction to hear this matter and staff's position on the appealed items.

The transportation issue - Ms. Mingay reviewed anticipated future connections with Hayes Street and Brutscher Streets. In the staff report, there is a map of the location of the proposed bypass.

Ms. Mingay the criteria is listed on page 06. The planning commission should review these. Staff is required to address the issues as part of the Design Review criteria.

Ms. Mingay Said staff recommends the changes to modifications of the organic farm, the deletion of Crestview statement and the cross-connection of the waterline. Additional correspondence was received from the Dittmans, who own a large parcel of property on Klimek Lane. They are not unhappy with the view and are supportive of the Hospital changes; and from Donald Alexander, Marita Trunk, and Becky Lyda (Klimek and Harmony Lane Neighborhoods). Ms. Mingay read the statement - copies were presented to the Commissioners.

Commissioner Larson asked about the architectural schematic of the medical facility. Ma. Mingay said it is not included in the Design Review process - it was part of the annexation packet.

Appellant #2 - John Bridges, Attorney for Hospital. Mr. Bridges discussed landscaping, buffer, bypass overlay, factual disputes, etc.

1. Landscape buffer - Mr. Bridges addressed institutional, residential and commercial property buffering and said it is required for buffering in this instance. According to page 2 of the Dittman letter, he has the last six parcels on the site and the parcel on the bottom, he is almost the exclusive property owner adjacent to the Hospital's property. The buffer is a landscape design for the Hospital. Staff has asked for a buffer along the property line and significant enhancement. There are going to be trees on both sides of the new road. Additionally, there will be trees and ponds and some of the bio-swales inside the parking areas (plant covering of different heights). The property owner does not have a problem with the view.

2. Architecture issues - the designs have been refined significantly. Mr. Bridges showed a rendering of the Hospital (day and night time versions) with atrium and open feel. On both sides of the Hospital, there is a lot of glass and a courtyard. It will have two story open area in the center with the 3 story medical/office building. It is consistent with other buildings in the area. Providence has worked with the City and believes this is a continuation of the working relationship. Naming the access road Providence Place rather than Providence Road or Way is suggested by the City staff.

3. Bypass issue - as noted in the staff packet.

4. Water cross condition has been removed by the City.

5. The Storm Water Plan: The Code allows an immediate discharge of storm water into streams and rivers. They have gone above and beyond that. The Hospital has sought a LED's certification above what the City code requires. Discussion was held concerning detaining the storm water. Water from the roof of the Hospital will be collected in the parking lot; it will drain directly to there with an outfall to two different detention areas. There will be an on-site detention and an off-site detention area.

6. Extension of the construction of the road: They are asking to dedicate the right-of-way to the road and to defer the building of that road until the property to the south is developed. Staff has indicated they are concerned whether or not the Hospital will have the capacity to do this. Providence has a design and construction department in Portland that has experts able to complete the road at the time of the construction. The Hospital has been working with the property owners to the south.

7. SDC and transportation issue: The Planning Commission does not have jurisdiction but is seeing a recommendation. Providence will have to build a sanitary sewer across the property. The pump station will be built with SDCs, and the sanitary sewer can be built with advance financing. The advance finance agreement has a sunset clause and would prevent their reimbursement, unless the City does it.

Discussion was held concerning the procedure for asking questions of all parties. Should it be at the time each party provides testimony, or at the end.

Appellant #2 - Mr. Donald Alexander, 1112 N. Klimek Lane, Newberg, introduced the next speaker:

Marita Trunk, 1306 N. Harmony Lane, Newberg, addressed the landscape issues. She has lived there for 15 years and most neighbors have been there longer. Mr. Dittman's property contains only one house. They have been living with the construction (noise, loud and dusty). They have asked for a berm with trees, maintained with irrigation and a secondary road. The Medical Center will be three stories. Medical Center windows will look down into their homes/back yards. The Medical Center is a 24 hour operation and the major road will funnel traffic to the southern part of town that will increase traffic. There will be additional roads built as well. They are asking for a berm that will add instant height and block the view of the Hospital. Trees are requested that would add an additional barrier of privacy and noise. They want irrigation to make sure the trees live, without resource to the Hospital. Ms. Trunk said she is frustrated that the Hospital has not shown interest in their needs and is not being a good neighbor.

Belinda Lyda, 1108 Harmony Lane, Newberg, a long time resident of Newberg, was born in Newberg, graduated from Newberg High School and GFU, has two children - born in Newberg Hospital. Mrs. Lyda is having another baby, and they do not have an axe to grind. They have an affiliation with the care from the Newberg Hospital. Mrs. Schaad taught them the standard of conduct - golden rule. Treat your neighbors the way you would want them to treat you. They have put a barrier between them and the Ford dealership. The nighttime glare is big. He understands the Hospital is a Christian organization and would hope they would offer the same courtesy to a small rural neighborhood that they would offer to their patients. They already hear the noise. They are as close or closer to the construction as the Dittman home. They are on the northern half - the Dittman's are located at the southern half. They feel and smell the dust, hear the noise. The Dittman property is for sale and they are planning to stay. Who has the bigger invested interest?

Mr. Lyda said that Mr. Dittman said he was upset about the construction that went on when building his house. He feels the barrier is reasonable and respectful and considering the neighbors and would seek respect of the request.

Mr. Donald Alexander, said that page two of the staff report, the barrier, indicates that through all of the hearings and public media releases, Providence has stressed a willingness to be a good neighbor. The noise, hours they are keeping, and the dirt levels have almost reached unbearable levels and the barrier requested is a necessity rather than a luxury. The trees would not meet maturity for 30 years.

Mr. Alexander said he had suggestion, not a complaint and presented a photo from the south looking out from Klimek Lane and indicated no one could be sure where the City limits end and the County starts. The construction workers, civil authorities, staff, would have difficulty seeing where the City limits is located. He does not see it as an unreasonable request to have flags showing where the city limits are located.

Mr. Alexander addressed the ODOT bypass route. The latest map from ODOT shows that right-of-way which would licip the whole southern and northern part of Klimek Lane. The property owners in the right-of-way have received letters stating the property is scheduled for the highway - preventing sale or changes to their property. In the neighborhood are two long haul truckers. IT is crucial that Klimek and Harmony Lane have access to the highway. If Mr. Dittman does not have access to the highway, how won't sell. It should be addressed and then established.

Storm water will drain into Springbrook Creek - Line 5, staff report, page 10, it is a suggestion for the benefit of the Hospital so they are not lacking a clean water permit at the 1th hour - it would be wise to set up a check system so that everyone will know what is going on.

Commissioner Smith addressed the following:

1. To Belinda Lyda - They had dropped the architectural appeal.
2. To John Bridges - related to the storm water drainage and the projected route of the bypass. According to the Hospital rendering, the ODOT bypass corridor takes out a few of the Klimek Lane properties and precludes the solution for water drainage (not swales) but the eventual drainage on the other part of the highway. Is there a problem? Mr. Bridges said that essential they have had discussions with ODOT and studied the bypass route over the past three years. Specifically, staff had some Design Review criteria in their early discussion and essentially, they cannot do anything over the bypass area. He went to the ODOT director for the bypass - said they cannot tell them, nor can the City. ODOT won't come here to say anything because they do not have authority. They spent a lot of time at the intersection of Hwy 99W. There is a north side access road proposed at Hwy 99W. Discussion was held concerning interference of an access/interchange with the bypass at certain locations which may move the interchange. The discussion with the ODOT and consultant led him to believe that the interchange would be further east. ODOT has not concluded their final environmental study. The Hospital has run their engineering designs by ODOT every time. There will be many things displaced when the bypass is built. They have had some discussion about the interchange and storm water mitigation dealing with other property that will have significant storm water plans for the whole area.

Commissioner Brittell asked about the City requiring a landscape buffer on the west side of the property and Klimek Lane. Mr. Bridges said that the Code provision is a five-foot strip of vegetation or an opaque fence (suggested by the City). The Hospital suggested that, with the additional landscaping, it is not necessary. Has the fence been ruled out? Mr. Bridges said that a majority of the property will be landscaped and not necessarily managed. Mr. Bridges said that he does not know what the planting plan origination is. The planting is to protect commercial property to residential property. Mr. Brittell said we need to look at both locations and future buffering on the south side for the future development. Has there been discussions on how to buffer the south side? Mr. Bridges said that it is understandable that the neighbors would be concerned and whether or not there is a fair solution. He would like to see a long term impact of the situation. Mr. Bridges said the lighting around the Hospital will be different than the lighting around the Ford dealership. Ms. Mingay said the type of landscaping scheduled along the Ford side is a double row of poplar trees.

Commissioner Larson asked what the distance was between the Hospital structure and Mr. Alexander's home? Mr. Bridges said that he does not know, but the extra road to be constructed later (is 260 feet) and 265 feet is even to the road. Mr. Alexander said his home is 325 feet from the Hospital (with nothing in between for many years). Mr. Bridges addressed the basic landscaping scheduled fully managed, maintained and irrigated in certain areas. When the opponents are asking for a buffer, it would be green grass, etc. Mr. Bridges said no, not where they are asking. At the planned fully maintained area, it will be farm land mowed and maintained.

Commissioner Larson addressed the 265 foot road and asked if the Hospital would be willing to post a bond to pay for future costs. Mr. Bridges said it would defeat the cost saving to a large degree. The bond would be important if the developer is not financially stable in the future. The Hospital does not plan to do a bond - it is not known about the cost of the bond for the construction of the road. He said that because they are dedicating the right-of-way now, the City owns the property, the City Attorney could adequately prepare an agreement to cover this.

Commissioner Larson addressed the sewer issue, the project cost of the sanitary sewer is \$300-\$350,000.

Commissioner Larson asked about the cost to install a buffer. Mr. Bridges said an estimate using the City's Code provision of a five foot vegetated strip or opaque fence, would be about \$40,000 for just the western boundary of the Klimek Lane property. The vegetated strip (five foot) is about 30-50% more. Mr. Bridges said it could be the western and southern portions of the fence. A vegetation strip, a berm and irrigation are probably two to three times the cost of the fence (conservatively). The LEEDS point certification (moving dirt to create a berm and leave undisturbed). The point is to reduce the development footprint.

Commissioner Larson discussed disagreement between the two sides of the group and asked if they had sat down and tried to come to some kind of agreement? Mr. Bridges said he could understand their concern. It is a common concern of neighbors of construction sites. He thinks it is a great concern because of things that are disturbing to the natural habitat. The future development will be less intrusive in their lives. The building season will be stopping due to the weather changes. They have not sat down directly. Mr. Alexander has been an opponent of the Hospital and they have reached out to him. They believe they are a good neighbor and are responsive to the neighbors but they have not been asked to sit down and they have responded to the issues.

Mr. Brittell asked for clarification for the master plan for the future. Mr. Bridges said it would be subject to a future Design Review. The bed and breakfast will not be used as a bed and breakfast. Mr. Bridges said there is no master plan. Mr. Brittell said that he feels it is unusual and he can see how a neighbor could be concerned (generally the area between Klimek Lane and the new road). Mr. Bridges said they have designed the facility to not use the property south of Klimek Lane. As a result, they are deferring the use of the bed and breakfast property, it is not being used. It is a long term project and they anticipate long term construction. Until the bypass is built, nothing would be south of Klimek Lane.

Commissioner Smith said that the dust and noise are temporary, but there have been studies done regarding the continuing noise of the Hospital with cars, etc. Ms. Mingay said that with any commercial development there would be some. There is no noise standard. The long term problem is the lighting issue. The noise and dust will be over once the property is developed. Mr. Lyda said that the long term problem will be lighting. Is the Ford dealership a problem now either the lighting? Mr. Lyda said that it does not give the country feeling, but they have dealt with it. Mr. Lyda said that the Hospital would not have buffering to lock it. Discussion was held concerning the Hospital property being closer and could be brighter, but not sure. Mr. Lyda said the landscaping between them and the lighting would glow. They can see the sign. There will be no barrier between this property and the Hospital.

Commissioner Brittell asked if he (Mr. Lyda) would anticipate the lighting to be more significant from the Hospital or from the cars from Hwy. 99W. Mr. Lyda said the Hospital would be more. From the highway, the headlights would not be headed toward any windows on this home. He is not sure where the reflections come from. He said that they are used to it. He said that the highway and the volume of the high level of light would be much greater than the Hospital. Mr. Lyda said he does not feel it would be the vehicle lights of the Hospital, but the issue is the parking lot lighting.

Mr. Trunk said the reason is there are trees along the highway. Therefore, no lights.

Mr. Lyda said he is not sure of the contour of the parking lot and could not be sure if the lights would go into

their house or not. He believes there would be some impact. He is not educated in parking lot lighting.

Commissioner Larson asked Mr. Alexander about his comments on the access road planned for a future date. Mr. Alexander said his concern would be if they received a letter from the State regarding their property being burdened with limited access, with access to the south and the freeway would cut it off. A portion of Klimek Land will be isolated. The Hospital has been required to provide access, but it appears there is not provision for the city, County, and State to assure that the property owners on Klimek Lane would have access to a road (possibly land locked). Mr. Alexander said a big concern is not from the parking lot, as much as the building itself. It is annoying like a person walking by with a flashlight. When the Hospital is lit, he hopes that it is not a problem.

Mr. Brierley said that through the annexation process, they anticipated that the Klimek Lane to Hwy 99W access would be terminated because of the bypass. The Hospital has agreed they will provide a right-of-way for access to Klimek Lane at the new north/south road to the property. It is not required at this time because it may move and go a little to the north/south. The exact location depends upon the final bypass access design. Providence has already agreed to provide the land and ODOT would provide an access road.

Commissioner Van Noord asked Mr. Alexander if the noise was almost unbearable and said if he could stay in there until the construction is done, it would go away. Mr. Alexander said that the Hospital has ambulances and they have tolerated almost three years of construction for the pipeline up to the big tank. They have had many sleepless nights. They called the City without good results. Mr. Alexander said he has been an opponent of the elimination of an organic farm and destruction of wildlife. The Hospital had options for free property but chose this property. The property owners have tolerated this construction noise (backhoes, trucks with back-up beeps). The sound has an unbelievable carrying noise. Mr. Van Noord addressed the fact that this portion of the construction will calm down and asked what the main concern was the lighting, the sirens, or the circle of traffic to the emergency room coming back through the parking lots. The noise will be bothersome. Discussion was held concerning the location of the emergency room area, the location of the current Hospital and whether the current Hospital neighbors have chosen.

Mr. Alexander said that they were asking for was a fence of poplar/evergreen trees or something that will break noise and light.

Commissioner Smith said on the west side of the plan, along with the Ford dealership, there is a live barrier extending the entire length of the property. Mr. Bridges said that he was not involved in that discussion.

Mr. Bridges said the emergency access is on the other side. The sirens are turned off at the location. The Medical Office Building (MOB) is used primarily during the daytime hours and will not generate lighting at night. The lights have the automatic timers that will turn off unless used. The parking lot lights are less than what is anticipated for the parking lot and what is already on the highway. Commissioner Smith asked if they needed an entire length of trees or if they can be shortened to allow for the other side.

Vice-Chair Van Noord closed the public hearing.

Staff Recommendation: **Ms. Mingay** said that staff recommends adoption of the Resolution with the modifications. Mr. Brierley said there is an addendum: southern construction of the road to the southern property line. Mr. Brierley noted the change/addendum dealing with construction.

“The southern, approximately 200 feet of the north-south road must be constructed prior to occupancy, or construction may be deferred until construction on the property to the south with security proved for the construction is approved by the City.” Discussion was held concerning the cost of a bond.

Mr. Brittell said he questioned 4(c) quasi-judicial procedure.

Vice Chair Van Noord called for a break at 8:53 p.m.

Commission Deliberation:

Commissioner Larson said that he supports the resolution and the amendment. He is sympathetic to the citizens of Klimek Lane regarding the desire to see a landscape buffer. Their concern over the noise and lighting with no buffering is a legitimate concern. He likens it to the fact that they have a three story building going on in a football field and the idea of a barrier of some sort is a good way to mitigate it. Regarding the parking lot light issue, he knows from experience that the lights will not be like a car dealership lot, but some way to mitigate the concerns would be good. He said it is a shame that th Hospital and neighbors have not gotten together in a neutral setting, outside a public hearing, to try and find a solution to these issues. He would lie to have it happen if at all possible. We can make decisions, but would rather have a joint decision agreed upon that meets everyone's partial satisfaction and holds for the future of the residential area. The barrier would bode well for future residents in the area.

Commissioner Smith said he agrees with almost everything Commissioner Larson states. He would agree to approval of the resolution with the amendments made by Mr. Brierley. They also have written testimony from a property owner that is selling his property and would like to seel the land, as is - with the current conditions, and protect his rights as well. He strongly endorses the idea of both appellants meeting and discussing the issues in a mediated hearing, but certainly meeting together. The Planning Commission's decision is to comply with the Code. At least they must put up a fence.

Commissioner Brittell said the recommendations by staff are good. The naming of Crestview Drive would be confusing. All three items mentioned by staff are good, and he recommends forwarding them to the Council He is confused regarding the issues of the fence/barriers on the west and south sides. He would suggest the Hospital go ahead and put in the Code reacquired barriers on the west an south and that the ordinance is adequate under the circumstances if five levels of barriers of the distance. The proximity to Hwy 99W is closer than the subdivision to the Hospital. The level of the required ordinance is appropriate and adequate. There is a dense landscaping of parking berms (three layers) and the mini trees required by the Code in the parking area are also adequate. The Hospital said there is a lot fo landscaping in the courtyard areas. The City required the south side barriers to protect the residential property. He would recommend, as a compromise, putting in a fence or landscaping along the west and south side of the subdivision. He also recommends that in the future, the Hospital be required to put in a buffer along the south property line also, in the event of a subdivision or residential development. Mr. Brierley said that the southern part is zoned industrial. Is there a way to place a future condition? Ms. Mingay said that at the time of design review, they will look at the impact. Doing something with the landscaping will be required at design review. If it is required on the west side, but not on the southern boundary. Ms. Mingay said that it was required on the east-west boundary because it is not known where the bypass is scheduled to be placed.

Motion #1:	Smith/Brittell to adopt Resolution with the three amendments proposed by staff, and fourth amendment dealing with the south 200 foot road as noted by Mr. Brierley, and the fifth amendment that the landscaping on the east side of Klimek development be extended on the south side. 4. Design review condition 3, "The new un-named north-south street" shall be modified to add the following sentences: "The southern, approximately 200 feet, of the north-south road must be constructed prior to occupancy. In lieu of immediate completion of this portion of right-of-way, the applicant may defer construction until right-of-way construction occurs on the property to the south, subject to provisions of security (cash, bond, etc.) as approved by the City." 5. Design review condition 9, "Landscape Plan" bullet two shall be modified to read as follows: "show the existing and proposed landscaping and site access to the existing house and outbuildings on the northeast portion of the site. This area shall be sufficiently screened from the eastern and northern property boundary adjacent to Klimek Homes Subdivision by a minimum of five feet wide landscape buffer or a six foot high site-obscuring fence. The landscape buffer shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups."
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Commissioner Larson asked for landscaping or a fence or use "and". Discussion was held concerning specifying a fence and/or landscaping. The landscaping is more effective in the future rather than a six foot fence (effective screening). Commissioner Brittell said that there is already sufficient landscaping (five layers). He would like to have the Hospital meet the Code requirements.

Vote on Motion #1:	The motion carried.
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VI. ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley said the Council heard two UGB amendments (golf course on Fernwood Road) - the County Commissioners have a 10/23/03 hearing for deliberation; and the two four lots in the Springbrook Oaks development. The Planning Commission heard the North Main annexation and set it for May, 2004, ballot. At the end of each year, some Planning Commission terms expire: Haug and Larson, which have expressed interest in reappointment. The applications are open to the public. They anticipate the first council meeting in December making the new appointments - deadline for application is November 7th.

	2.	Other reports, letters, or correspondence
	3.	Next Planning Commission Regularly Scheduled Meeting: November 13, 2003
	4.	Special Transportation Plan Workshops Scheduled:
Cancelled	Series #1:	October 23, 2003 Public Safety Building 7:00 p.m.
	Series #1:	November 6, 2003 Public Safety Building 7:00 p.m.
	Series #2:	November 20, 2003 Newberg Public Library 7:00 p.m.
Added	Series #3:	December 4, 2003 Public Safety Building 7:00 p.m.

They have been working on revisions to transportation plan and they are getting to the point of needing public input and need to focus on preferred alternative and different ideas to bring out to the Planning Commission to consider them. They want to invite the public to be a part of the deliberation. Discussion was held concerning the bypass interchanges in the areas and they have been looking at different proposals for re-routing, etc., and the impacts. They will be having recommendations from ODOT and other agencies. There

is a significant interest by ODOT for not having interchanges generating exit trips. Discussion was held concerning designing correctly and zoning and how to handle these. They want to have input before final form. The Planning Commission will not be making formal decisions. Suggestions and ideas to be discussed and formulated into transportation solutions.

At the November 13th meeting - there is a conditional use permit application fo an automobile business.

VII. ITEMS FROM COMMISSIONERS

Commissioner Larson said he has an observation. He felt some other dialogue and testimony and confrontation and the Commission is to hear testimony and not argue. It is the Commission's position to hear the matter and be objective at the time of the testimony being presented. Commissioner Larson said that with the Transportation Plant, the Commissioners should take the time to read. One of the driving factors is a discussion of narrow streets and he recommended seeing other cities' street development and the differentials upon visual inspection. He used to live in Beaverton and noticed how beautiful the trees planted earlier have come to their full growth.

Commissioner Brittell said he also experienced the Charbonneau development and narrow streets. Commissioner Larson said Charbonneau has an extremely active homeowner's association overseeing parking and other restrictions. Charbonneau is the largest planning unit development in the state of Oregon.

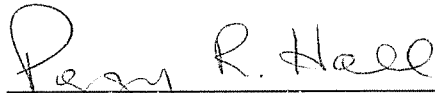
VIII. ADJOURNMENT

The meeting was adjourned at approximately 9:45 p.m.

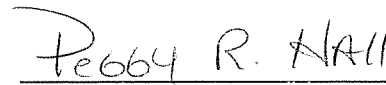
Passed by the Planning Commission of the City of Newberg this 12th day of February, 2004.

AYES: 6 NO: 0 ABSTAIN: 0 ABSENT: 1
(list names) Haug

ATTEST:



Planning Commission Recording Secretary Signature



Print Name