

PLANNING COMMISSION MINUTES
March 11, 2004
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

APPROVED AT THE APRIL 8, 2004 REGULAR MEETING

I. ROLL CALL

Richard Van Noord
Louis Larson

Philip Smith
Nick Tri

Dwayne Brittell

Absent: Matson Haug
Dennis Schmitz

II. OPEN MEETING

Chair Van Noord opened the meeting at 7:00 p.m.

III. CONSENT CALENDAR (items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of the January 22, 2004 Planning Commission Minutes.
2. Approval of the February 12, 2004 Planning Commission Minutes.

MOTION: Larson/Tri to approve the minutes from January 22, 2004. (5 Yes/2 Absent [Haug/Schmitz]. Motion carried.

Chair Van Noord added that there were statement corrections to the Minutes of January 22, 2004. He asked that Ms. Hall's statement be included as an attachment to the minutes. Ms. Hall also proposed some corrections to the numeric figure calculations relating to Second Street. Discussion was held concerning adding this as an addendum rather than changing the minutes.

Commissioner Tri stated that the minutes should stand as noted - but would consider the addendum to be added to the packet at the next meeting.

MOTION: Larson/Tri to approve the February 12, 2004 minutes. (5 Yes/2 Absent [Haug/Schmitz]. Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

1. FILE NO: P-105-03
APPELLANT: Woods Newberg LLC
APPLICANT: Woods Newberg LLC
OWNER: Woods Newberg LLC
REQUEST: Appeal of Planning staff decision to approve a partition a 1.66 acre site into two parcels of 1.19 acres and .47 acres and Variance to the lot depth to width ratio for a proposed partition.
LOCATION: 2305 Portland Road
TAX LOT: 3217DC-900

City Planner Barton Brierley said he met with the applicant and their representatives to discuss the issues of the appeal and feel they have reached the point of agreement. They would like a continuance for 30 days so they can formalize the understanding of the issues with full expectation that they would resolve the issues within the time frame and not require an appeal hearing. Discussion was held concerning continuing the matter to the April 8, 2004 meeting, but in all likelihood, it would NOT be placed on the agenda because it would be resolved by then. Mr. Brierley said it was also staff's recommendation to continue it to April 8, 2004.

MOTION: Tri/Larson to continue the matter to the April 8th agenda. (5Yes/2 Absent [Haug/Schmitz]). Motion carried.

2.	FILE NO:	CUP-18-04	
	APPLICANT:	Mahlum Architects	
	OWNER:	Providence Health Systems	
	REQUEST:	Conditional Use approval to allow a hospital helistop at Providence Newberg Medical Center	
	LOCATION:	4100 and 4300 Portland Road	
	TAX LOT:	3216-1902 and -1903	
	CRITERIA:	NDC § 151.210	RESOLUTION NO: 2004-175

Chair Van Noord read the ORS statutes into the record.

Chair Van Noord called for abstentions, conflicts of interest and objections to jurisdiction. There were none.

Mr. Brierley reviewed the staff report. The application was for a helistop for the new hospital site. The property is located at the east end of Newberg near Newberg Ford and Newberg Fred Meyer. The site is within the city limits and zoned Institutional. The applicant has already received design review approval for the construction of the hospital; the Planning Commission previously heard the application several months ago. Those issues are not being decided. There is a heliport associated with the hospital. A heliport is allowed as a conditional use in the institutional zone requiring a Planning Commission hearing and review. Mr. Brierley reviewed an overhead map of the layout of the helistop in relation to the rest of the hospital. It is located near the emergency entrance along the emergency access. They have made it a significant distance from homes on Klimek Lane and a distance from the auto dealership on the adjoining property. He reviewed the applicable criteria for approval:

The location, site and design is consistent with the code for a conditional use. It is not abutting any residential property. It is a significant distance from area residences. They also looked at it as a functional standpoint considering the research of applicable laws for a helistop, and staff determined that it met the criteria. Discussion was held concerning possible conflicts with Sportsman Airpark. The applicant had met with them, and it was noted that there was no conflict present with the airpark. It is a function for providing emergency services - to be able to load and unload patients. The Fire Department had been consulted, and the applicant had made some modifications. The applicant has done their homework. Discussion was held concerning lighting obstructions but were resolved by meeting with a light consultant in light of issues raised by surrounding residents. Ms. Victoria Nichols was available to answer any questions. Glumack International provided the information on lighting, advising that it did meet City standards.

Mr. Brierley said City staff recommended approval based on the conditions of approval contained in the staff report.

Mr. Allyn Brown, attorney for the applicant and property owner, 515 E. First Street, Newberg, appeared as proponents for the application. City staff has prepared an excellent report and therefore, he will not repeat what the staff has outlined. He did point out some highlights. The hospital felt that they are reasonable and wholeheartedly in support of the staff's recommendation. There are no objections to the proposal. The helistop is critical to the hospital operation due to hospital's delivery of health care. The current site of the hospital also has a heliport. The hospital calculated 12 flights in and out over the past year and the anticipate an increase of 10-15% more once the facility is built. The hospital believes that it will not be intrusive to the area. Mr. Brown introduced Mr. Mark May (project director) and Ms. Victoria Nichols (architect) who were available to answer questions.

Commissioner Smith asked about the terminology as it being a helistop and not a heliport.

Ms. Nichols said it is an FAA term which defines: helistop notes activity of helicopters coming in and taking a patient to another area. A heliport has a refueling process which is more stringent with code requirements. The helicopter would not reside at the helistop. They would touch down, pick up and take off.

Discussion was held concerning the location of the helistop being far from the residential property and the commercial property to the east. Mr. Smith asked if the applicant had been talking with the Ford dealership concerning their input. Ms. Nichols said they have. Mr. Brierley said they have not talked with the Ford representatives directly. Ms. Nichols said they have talked (through John Bridges - attorney - and the Ford dealership does not have a problem with the application). They also talked with the Werth Family, the Whitney Family and the Airpark.

Chair Van Noord closed the public testimony portion of the hearing.

Mr. Brierley said it was staff's recommendation to approve the Resolution (CUP) as presented with the conditions of approval referenced in the Resolution.

MOTION: Tri/Larson to adopt Resolution No. 2004-175 Conditional Use approval to allow a hospital helistop at Providence Newberg Medical Center.

Commissioner Brittell discussed the 3-foot high fence and any subsequent requirements for landscaping/screening. Mr. Brierley said that in the Commission's packet (page 5.23) illustrates the proposed 36" high perimeter fence. Discussion was held to reopen the public hearing to find out what the material was as proposed by the applicant.

MOTION: Tri/Brittell to reopen the public testimony to allow for disclosure of the materials. (5 Yes/2 Absent [Haug/Schmitz]. Motion carried.

Ms. Nichols said it would be a chain link fence with plantings with a minimum amount of security - but there would be some screening. Discussion was held concerning the height of the screening and landscaping being the same height as the fence.

Mr. Brierley reviewed the conditions of approval relating to the FAA requirements -approval as a personal use heliport and medical heliport; with one of the conditions requiring the 24 parking spaces at the northern parking bays near the heliport not allow SUV or truck parking. Discussion was held concerning the southern flight path as being the primary approach and departure.

Chair Van Noord closed the public testimony.

ROLL CALL ON MOTION: 5 Yes/2 Absent [Haug/Schmitz] Motion carried.

Mr. Brierley said the decision of the Planning Commission can be appealed within 14 days of the date of the hearing. Mr. Brown thanked the Commission for their consideration.

VII. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence

Mr. Brierley introduced Ms. Elaine Taylor as a new Planning Division staff member. Ms. Taylor comes from Yakima, Washington with experience in working with the County for 7 years, Council of Governments for 4 years before that and ultimately "detoured" to Olympia with the State of Washington in trying to help cities and counties develop ordinances that would allow community transition facilities and housing for persons with mental abnormalities (persons too dangerous to allow to remain on the streets such as sex offenders and violent crime offenders).

Mr. Steve Olson is the new assistant planner taking Ms. Barbara Mingay's position. He previously had worked in Portland as a private consultant planner for a number of years. He has worked on large projects (Columbia Villa - 82 acres) and he looks forward to working with the City.

3. Next Planning Commission Meetings: April 8, 2004, Special Meeting April 15, 2004

Mr. Brierley said at the March 15th meeting, the Council will address the cell tower matter which was appealed by area residents. No additional testimony is to be allowed - it will be a hearing on the record. The Council will also be hearing the Head Start project.

Mr. Brierley said there will be two meetings in April - there are 6 items which will be heard on April 8th and April 15th: a planned unit development, modification to a downtown area historic building, an annexation (Springbrook Road) and an application for a drive-up window and a conditional use application in downtown, a bed and breakfast establishment, and a historic home remodel.

Mr. Brittell asked about the Planning Commission addressing historic preservation issues. Mr. Brierley said there are major and minor modifications; the Planning Commission hears major modifications.

VIII. ITEMS FROM COMMISSIONERS

Commissioner Larson said he had questions about the cell tower and whether the Council will have the minutes. Mr. Brierley said they would.

Mr. Van Noord addressed the issues of Ms. Hall's correction statements to be provided to the Council.

Tape 1 - Side 2:

Commissioner Larson addressed the Granite Motors application violations earlier addressed by the Commission and then to the Council. He has again viewed the property and found that the same issues he previously raised have not been resolved. He provided a summary of the issues he found at various times. He said that he visited the landscape area - he went on various times and it has not been done. It appears that Granite Motors intends on not complying with the Planning Commission or the Council's conditions of approval. Discussion was held concerning enforcing the Code.

Mr. Brittell said on March 10th there were cars on the grass area, fencing and landscaping had not been placed and it does not appear that they have met the conditions of approval. Mr. Brierley said they were to complete the conditions of approval within 30 days. At the end of the 30 day period, they requested a 60 day extension. Discussion was held concerning pursuing prosecution of the violation of the conditions of approval. Mr. Brierley said he would do some research on ways to rescind the application for approval of the Conditional Use Permit. He said it may be that the City cannot rescind, but would place the matter as a violation and in essence could process the matter in Municipal Court as a code violation or, shut the business down until they do comply.

Commissioner Larson said he would like to see something happen - they are just not complying. The Planning Commission needs to take the initiative to do something. The public expects the Planning Commission to do something about non-compliance. Discussion was held concerning rescinding or changing the ordinance or initiate civil action to make them comply.

Chair Van Noord addressed going through the process of writing the owners a letter addressing possible rescission of the conditional use permit. Mr. Brierley said they did not formally say they were not given an extension. The City can issue a citation and take them to court which is a matter of non-compliance.

Discussion was held directing staff to send the applicant a letter or issue a citation for each violation noting the maximum penalties for each violation. Staff should be enforcing the laws of the City (ordinances) but still try and work with the businesses located downtown. They should be encouraged to comply with the conditions of approval as recommended by the Planning Commission and the Council. Discussion was held giving Granite Motors another 15 days to comply. Mr. Brierley said he would talk with the City Attorney concerning the City's alternatives.

Commissioner Larson said he is also a member of the rate review committee (sewer/water rates). He noted an occurrence last Tuesday a paving job on College Street as part of a repaving effort. He noted the torn up street and relocation of sewer line. Discussion was held concerning the City expectations of doing things right.

Discussion was also held concerning the trees on Mountainview. Chair Van Noord asked if Planning staff was involved in the process for the tree plantings. Mr. Brierley said yes.

Commissioner Brittell noted the numerous pot holes on state highways and how we could get them fixed. Mr. Brierley said that due to the snow and winter cold, it had certainly taken a toll on the roads.

Chair Van Noord asked if anyone got a chance to see what Lorraine Hall had written which had been disbursed at the last meeting? Ms. Hall had written to the Commission to ask the Commission to check into the Second

Street Citizens Committee actions requesting that the City's transportation study task force activities and notes be part of the information provided to the Planning Commission and the City. Ms. Hall wanted them to be aware of the Second Street issues in relation to the bypass and possible re-routing of the transportation system. A November 2001 report was prepared with findings against Second Street being re-routed. Mr. Van Noord read Ms. Hall's statement which outlined that a majority of the committee voted to move the traffic away from First Street (requested approval for Project #3 - which would close Second Street as an alternative route and remove that option entirely from the list of proposals.) Ms. Hall asked what had happened to their recommendation and hard work? Discussion was held concerning requesting the Council to determine what happened to the transportation task force and 2001 plan.

Commissioner Smith said Ms. Hall appeared to be saying that they came to a consensus and then two years later, it was later decided to go along with it... what went wrong?

Commissioner Brittell addressed what was decided appeared to be the best over-all choice, although it did appear to be a hot-bed politically.

Mr. Brierley said he respects Ms. Hall's request that the Second Street option not continue. He said there was a significant amount of discussion and opposition presented. Further decisions have yet to be made and they are awaiting additional information from Kittleson & Associates (consultants). He said that they were not going to recommend that First Street be re-routed to Second Street.

Mr. Smith said it was good idea to have the meeting just to be able to hear all the testimony and present information for the further consideration of other options. Ms. Hall noted in her materials that she can provide them with background and historical information.

Chair Van Noord said it was not the Planning Commission's concern or priority to go to the Council to see what should be done or what happened as noted by Ms. Hall.

Commissioner Larson said they have been asked a direct question by a citizen and a response has to go to her as in any other question. It is staff's responsibility to respond if the question is directed to it. Commissioner Larson said that Ms. Hall left the last meeting feeling as if she would be getting a response.

Mr. Brierley said subsequent to that letter, staff gave Ms. Hall information and they have responded. They did provide her with information. Ms. Hall was persistent, they answered, but it appears that she was not satisfied with the response.

Chair Van Noord addressed providing information to the Halls in an official answer rather than just from Mr. Van Noord. Discussion was held concerning Kittleson & Associates' role in the process as a consultant. Mr. Brierley said he would talk with Ms. Hall again. The Council make-up has changed since 2001, except for Councilor Currier who has been on the Council for a number of years.

Discussion was held concerning keeping procedural and pre-hearing contact by Chair Van Noord being a conflict of interest, at the most, ex parte contact. Discussion was held concerning Chair Van Noord not contacting Ms. Hall in response that City staff would do so (not making statements representing the Planning Commission's opinion).

Discussion was held concerning setting up the Planning Commission meetings to provide for microphones for better clarity.

Commissioner Brittell asked Mr. Brierley if he had an opportunity to talk with the representatives from U-Haul concerning parking the U-Haul trucks on the side of the streets. Mr. Brierley said he had not had a chance to speak with them, but will.

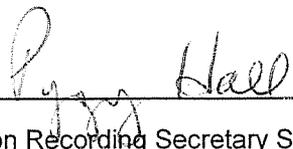
X. ADJOURN

The meeting adjourned at approximately 8:35 p.m.

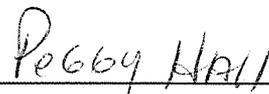
Passed by the Planning Commission of the City of Newberg this 8th day of April, 2004.

AYES: 7 NO: 0 ABSTAIN: 0 ABSENT: 0
(List Names) (List Names)

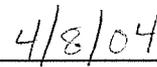
ATTEST:



Planning Commission Recording Secretary Signature



Print Name



Date