

City of Hood River
Planning Commission
Public Hearing
Monday, March 19, 2012

City Council Chambers
211 Second Street
Hood River, OR 97031
5:30p.m.

PRESENT: Chair Laurie Stephens; Commissioners Casey Weeks, Nikki Hollatz, Nathan DeVol, Jennifer Gulizia, Steve Winkle
ABSENT: Commissioner Bill Irving, Planning Director Cindy Walbridge
STAFF: City Attorney Dan Kearns, Senior Planner Kevin Liburdy, City Manager Bob Francis

MINUTES

- I. CALL TO ORDER: Laurie Stephens, Chair at 5:35 p.m.
- II. ACTION ON MINUTES: None.
- III. PLANNING DIRECTOR'S UPDATE: None.
- IV. CITIZEN COMMENTS: None.
- V. PUBLIC HEARINGS:

Chair Stephens called the hearing to order at 5:35p.m. Stephens explained that there were two applications on the agenda. The first is from Providence Hospital and the second is the Naito Waterfront application.

- A. APPLICANT: Providence Health Services of Oregon – File No. 2011-37
PROPOSAL: Site plan review for a 45,000 square foot medical office building on the full block between May Street, 12th Street, 11th Street and June Street and a replat to consolidate the site from several parcels into one parcel. No right-of-way is proposed to be dedicated. The property location is 3N10E36BC, tax lots 3300, 3500,3600,3700,3800 and 3801. The property is zoned C-2, general commercial.

Stephens asked if any of the commissioners had any significant ex-parte contact or conflicts of interest that would prevent them from impartial consideration of the application. None did.

Senior Planner Kevin Liburdy informed the commissioners that Planning Director Walbridge was out with a medical emergency and that the report would now be turned over to the applicant's attorney Mike Robinson.

Ed Risen, Administrator at Providence Hood River Memorial Hospital, introduced the hospital's team: Karen Wiland, Real Estate Division, Mike Robinson, Attorney, Jean Shepard, Associate Administrator, John Archer, architect and Ed Anderson, construction. Risen stated that the hospital believes that the new medical building will allow them to provide improved overall health outcome, service and affordability of healthcare. They will be using building materials that will help blend the facility with their other facilities. Concerning the discussion of a crosswalk they will contribute \$2,000 for a traffic study of the area.

Mike Robinson, Attorney for Providence, 1120 NW Couch St, 10th Floor, Portland, Or. 97209. They agree with the revised conditions of approval. Walbridge issued a staff report with the new conditions last week; commissioners have copies of the revised conditions. When Providence did the conditional use permit for the parking garage in 2010, part of that application was the crosswalk. City staff at that time believed the best thing to do was to take the crosswalk out (May and 12th St), Providence agreed to take out the crosswalk. There now is a discussion about putting the crosswalk back in however he believes, and Walbridge and Kearns agree, this is not the right application to put the crosswalk back in. They want to work cooperatively with the city and ODOT to do a traffic study to figure out what changes need to be made on May St between 12th and 13th. Condition of approval #14 has to do with parking at Dethman Manor. Worked with Liburdy on how this will be treated and this does not have anything to do with this CUP. Condition of approval #16 deals with bicycle parking. They agree with the city code. Another condition of approval that was modified had to do with 12th Street, they are doing curb, gutter and sidewalk along the entire block, and they will be putting in four feet of pavement along 12th. There will be no access to 12th Street. Driveways will come exclusively off of 11th Street. The existing driveway on 12th will be closed. The only building that will remain on the block is the existing Health Services Building. In their place will be a 48,000 sq ft medical office building, three stories with parking with landscaping and pedestrian connections from the hospital and parking garage. There are two existing crosswalks across May Street and they will add one, subject to approval 13B, with a pedestrian activated flasher. They will meet the site distance standards. Construction traffic will adhere to conditions of approval. Reinstallation of crosswalk on 12th on the north side of May Street is not a condition for this application.

Robinson questioned the ODOT letter of recommended conditions approval.

Liburdy responded that the letter is typically included as an attachment to the decision but it is not necessarily intended to implement the recommended conditions word for word.

Robinson says there are six recommended conditions the first two do not have to be included they are covered by the engineering recommendations for 12th Street. They are fine with the last four.

Scott Harris 1545 NW Greenbriar Parkway Suite 260, Beaverton, Oregon 97006. Discussion of driveways and entrances. Main entrance to proposed building facing May Street but access from 11th Street. Back entrance off of 12th Street also proposed. Long term proposal is that the remaining original building would be removed with parking taking its place. Any changes would be subject to city's approval.

Chairman Stephens opens floor to public testimony.

Omar Sankari 704 May Street Hood River 97031. Owns a duplex that is three houses down from the NE corner of the proposed project. Concerned about the crosswalk, concerned about lack of access for school kids and hospital workers, construction dust and noise, and sight distance.

Robinson says they will coordinate with the city to make sure pedestrians, including school kids, know how to walk through the construction site. They will comply with city code standards concerning noise and site distance.

Dan Kearns, City Attorney: The commissioners have before them the staff report that was previously issued that contains findings and addresses all the standards and site approval for this development. Substitute for the old conditions the revised set of conditions that Robinson described.

Stephens closed public testimony and gives commissioners five minutes to read the new conditions.

Commissioner DeVol asked about a timeline for the city to construct crosswalk. City Manager Bob Francis said that it is not just the crosswalk but the whole couplet and they need to come up with a solution. It will be in next year's budget.

Commissioner Hollatz moved to approve application 2011-37 with findings updated to match the conditions that were heard tonight and allow the chair to sign at the next meeting.

Commissioner Gulizia seconded.

Application passed unanimously.

Five minute recess called at 6:12p.m.

- B. APPLICANT: Mark Vanderzanden on behalf of Nichols Boat Works, NBW Hood River LLC, John and Mary Hattenhauer and Port of Hood River – File No. 2011-30.

PROPOSAL: Site plan review is for a 45,000 sq. ft., four stories, 88 room hotel, 20,000 sq.ft., two-story office building, parking lot and a cable park proposed within the Nichols Boat Basin. The site is located at the southern end of the Nichols Boat Works and is zoned General Commercial, C-2 and the Columbia River Infill Waterfront Area. The legal description is 3N10E25DB, plat lots 100, 200, 400 and 500.

Chair Stephens reconvened meeting at 6:24 for hearing on File 2011-30.

City Attorney Dan Kearns explains the process that will be followed tonight is dictated by Oregon State Law and is set out in the city's zoning ordinance and its land division ordinance. The staff report explains that the applicant has the burden of proof to prove that each of the approval criteria is met or not met. All commissioners will be given copies of the public comments so they have a full picture of everything that is in the record. The purpose of this Planning Commission proceeding is to take evidence and hear the legal issues that people raise that relate to the approval criteria that apply to the application. The public will be able to make comments until April 2nd.

Chairman Stephens explains the order of proceedings: Staff report, applicant will present and then those in favor of the application, those with neutral testimony and then those who are opposed, then applicant will have time for applicant to rebut, final staff response to testimony. The public testimony portion of the hearing will be closed or continued as need be.

Commissioner DeVol recused himself because of potential interest in proposed development.

Kearns: Staff report was available as of March 12th. People can get a copy of the staff report.

Staff report: Kevin Liburdy -The development is being reviewed for compliance with Hood River Municipal Code Chapter 17.09.040 quasi-judicial action, 17.03.050 general commercial zone, 17.04 supplementary provisions, 17.16 site plan review, 17.17 landscape and development standards, 17.20 transportation circulation and access management and 17.22 the Columbia River Infill Waterfront Area including 17.22.010 requirements for wetlands. The city does not have jurisdiction over use of the water. The Department of State and Lands and the US Army Corps of Engineers regulate uses in the water.

Applicant: Bob Naito, member of NBW Hood River LLC, has owned the property since 2006. They have had conversations with the Port and the City how to fit the access road into the Hood River planning code so that the parking could be sited south. A portion of the site is subject to the US Army Corps of Engineers flowage easement requirements. The Corps requires the applicant to do an

environmental assessment before giving approval for a building. The assessment has been completed and submitted to the Corps.

Mark Vanderzanden, Surround Architecture, 2625 NE 16th Portland, Oregon – Elaborated on new access road, reconfigured the road as active urban streetscape with buildings that can create edges to the road. Parcel has a benefit of being close to the water's edge. Discussed flowage easement, if Bonneville raises the water level it would come up under the building. Building would be like a pier or a wharf that would be floating above the water at times which includes a boardwalk that would connect the pedestrian access walkway to other parts of the waterfront. The mixed-use building would include a coffee-shop, restaurant, recreational activities, rentals, and pro shop for cable park. All of this is designed to engage people on the walkway. The building would be accessible from all four sides. Parking would be against the freeway. The hotel would be a Hampton Inn with a more urban style and localized materials to blend. The mixed-use building will be two stories, bottom floor retail, second floor offices. A deck with walkways wraps completely around the building, up to 30-ft wide.

Will Naito, 2625 NE 7th Ave, Portland, Oregon – The cable park is included in the presentation because of the impact it has on the project as a whole and also because it's important for the cable park to have the building as close to the water as possible to keep people who are recreating at the park interested in what's going on.

Bob Naito – Mentions that in the staff report there is a list of permitted uses in the C-2 zone and a cable park is a permitted commercial use.

Commissioner Gulizia – question about emergency access from cable park to the water.

Will Naito – there is a gangway that extends north from the deck of the building to the water, access to the cable starting dock is via the deck via the gangway, it's a ramp, eight feet wide.

Gulizia – wonders what the Fire Chief thinks about the ramp.

Commissioner Weeks – question about water emergency response to the cable park, who would provide equipment i.e. jet skis.

Will Naito – Doesn't know the answer but all US cable park owners and operators have decided to create a Safety Best Practices document which will be provided to the Naitos so they can implement industry standard best practices.

Kearns – there are no comments from the Fire Department for emergencies, that would be something to solicit. We have the Fire Marshal's input which had to do with the buildings.

Commissioner Winkle – would that be something in the specific use permit for the park?

Kearns – the focus of this site plan application is land, this is a land use body but the emergency access for the water site is through the land so that provision has to be made. Doesn't think that this activity (cable park) isn't regulated by any governmental entity. The emergency access to serve the water must come through this property.

Winkle – has concerns about the pedestrian access way or PAW. Seems like the mixed-use building cuts off pedestrians from the waterfront. Understands there is a boardwalk around the building, wonders how pedestrians will flow with people eating on the decks.

Bob Naito – feel they have developed a better PAW than they are required to do. They looked at different alternatives to the deck aspect of the PAW but flooding, incline of boardwalk would be steep.

Stephens – some of the concerns are about the spirit of the public walkway, having the trail from the Best Western to the Hook with bikes, strollers and the concept of having them go around a deck doesn't seem very realistic, also concerned about pedestrian flow.

Stephens – question about flowage easement and the ordinary high water mark and how often either of those are actually reached.

Bob Naito – the Corps maintains the water, when they are getting ready for a major spring rain they will bring the pool down. The deck is built out over the water. The water is about eighty feet ordinary high water, the flowage easement 83.7ft, the high water flood line is 86ft, so to satisfy the Corps the building is built at 88ft.

Discussion about parking: 88 spots for hotel, 10 for staff, 32 for coffee shop, 25 for office. 89 spots are provided by ODOT or the Port.

Bob Naito - feels confident that the ODOT lease is long term. Parking is private; there are 21 public spaces in perpetuity on the Port property.

Discussion about access from highway. Applicant is working with ODOT and applicant will provide adequate signage.

Kearns – does not believe anything in the water is subject to city zoning. The spit is designated Goal 5 resource. Going through the staff report there are several issues that are not complete, in particular ODOT's comments about transportation issues. Cindy will be able to give further information about that and there will be opportunity for more public testimony taken on April 2nd.

Stephens - Three minute limit for each speaker, limit testimony to the approval criteria; land use issues such as parking, hotel, commercial building and the path.

Kearns - Clarification of use of navigable water is a joint permit application of the US Army Corps of Engineers and Department of Lands.

Amanda Dethman, US Army Corps of Engineers in the Real Estate Division. We are evaluating the flowage easement on land. The Corps has maintained a flowage easement which allows them to operate the Bonneville Dam. The regulatory arm of the Corps is dealing with the cable park, Carla Ellis is the lead. The Real Estate Division has received the environmental assessment draft prepared by the Naitos, they will review and make changes before publishing it for public review.

Kearns - the only Goal 5 resource is the spit, it's riparian habitat, it's going to be undeveloped, this project has no development on it. The city does not allow development in that resource. We don't go through a ESEE analysis for this Goal 5 resource. It's already established. The city cannot regulate the cable park. If the development impacts the land then that is appropriate testimony. All copies of previously sent emails will be distributed to all the commissioners.

Public Testimony

Justin Wiley, 2840 Prospect St Hood River, Or. Supports the project, good for the local economy, sets a tone at the waterfront that it a recreation area as opposed to a commercially zoned area.

Josh Sampiero, 100 Hwy 35, Hood River, Or. Editor of Windsurfing Magazine, speaking on behalf of a Hood River recreational group. It will be a boon to our society and bring more constant visitors to the area.

Stephen Ford, 4445 Snowberry Dr, Hood River, Or. Feels it is a compatible use, compatible with the scope and scale of the buildings, gateway to the community. Thinks the PAW is in a perfect location. There is not Class A office space left in Hood River, we need more and we need more hotel rooms. Right up the alley of Goal 9.

Doug Hattenhauer, Hattenhaur Distributing Company, PO Box 1397, The Dalles, Or. Owns the Riverfront 76. Supports the project. Maybe have a walk zone for bikes when they get to the impacted area of the property.

Aaron Sales, 1022 Country Club Rd, Hood River, OR. Event planner, one of the biggest barriers is housing. Supports the project.

Greg Necko, PO Box 1486, White Salmon, Wa. Owns Cascade Kiteboarding. Currently the walk from the marina Jet Ski dock and the Event Site it is a difficult walk. Supports the project and the PAW makes it a better waterfront than we have now.

Maui Meyer, 1002 Oak St, Hood River, Or. Will be a tenant in the multi-use building, feels that the PAW and the deck design will bring pedestrian traffic to the building and enliven the area with a cross-current of people. Designed the restaurant to invite people to park there.

John Everett 1015 Multnomah, Hood River, Or. Feels the multi-use building creates a break in the PAW which should be riverfront walk for our community. Suggests a curved approach around the river and change in the approach and exit. In favor of project, reservation about PAW.

Heather Staten 2927 Reed Rd. Hood River, Or. Supports the application with reservations about the PAW. Made the video which has been entered into testimony. 2006 rezone required to have a PAW with specific specifications including being on the water side. Feels the applicant saying the deck is part of the PAW is implausible and that people walking on the PAW will feel like they are entering private property. The rezoning also requires that the PAW will always be accessible to the public.

Susan Crowley, 411 12th St. Hood River. Concerned about spit access and public parking on the spit road.

Susan Foehlich, 700 E Port Marina Dr, Hood River, Or. The application is dependent on certain permits that have not been obtained. Wondering if the hearing is premature and that the intent of the zoning which is to protect the visual aspects. Naito website that the cable park is permitted because the west side is zoned light industrial. But the east side is also impacted. The intent of Goal 5 is to protect natural resources and to conserve scenic and historic areas and open spaces.

John Malmberg, 283 Sun Rise Loop, Hood River, Or. Believes the proposed development is a better option than what is there currently.

Jeff Lessel-Young, 1015 Eby Rd, Hood River, Or. Doesn't think the cable park development is fish friendly, smelt will be impacted because of their gestation period in the pond. Steelhead will also be impacted. Supports the hotel.

Leighton Hazelhurst, 5 E. Sherman Ave, Hood River, Or. Wondering if the cable park is not approved will the hotel plan go forward. The state flowage easement common law gives the right to the public to float or otherwise use the waterway that is floatable. Believes there is public access up to the high water mark.

Kearns: The applicant has the right to have a decision from the city in 120 days. There is no provision for suspending this application to see what other agencies may or may not do.

Helen James 1190 Methodist Road, Hood River, Or. Concerned about safety with cars, parking lot. Concerned about the waves from cable park will impact the land. Concerned about birds.

Justin Wiley 100 Highway 35, Hood River, Or. Says wind causes the same chop as cable park.

Brian Gooding, 3226 Dee Highway, Hood River, Or. Cable parks will not impact birds.

Bart Vervloot, 4516 Summit Dr, Hood River, Or. Doesn't think the Naito Corporation has done their homework and has presented a final plan. Generally opposed to private development and control of public waterways and estuaries. Visual impact of cable park wires. Wondering if the city can make decisions structured over water.

Linda Maddox 3018 Dana Lane, Hood River, Or. Says development cannot impact the land. Concerned about cable park. Should be denied because of lack of evidence. The Nichols Boat Basin is in the city limits and the city has broad jurisdictional authority. Because of the flowage easement issue it is unclear whether applicant can even place the multi-use building where it is currently planned.

David McGuinness, 3335 (?) Dr, Hood River, Or. Supports the development.

Mark Vanderzanden – the path is elevated to be able to extend it as close to the water as possible. The width is eight feet. The 21 parking spots are public parking. They will maximize the parking on the spit road. There will be pedestrian and auto access on the spit road. ODOT advised providing parking off of the road would be difficult to achieve because the road is no narrow.

Bob Naito – The sequence of approvals, it didn't make sense to them to go to the Port for permits for the cable park. The environmental issues will get thoroughly vetted at the Port Commission. The floating walkways and pylons for the cable park are part of a joint application permit to DSL and the Corps. The request to the Port is to lease their water. It's a cut fill permit which covers anything that goes into the water. A biological assessment was submitted to the Corps which discusses endangered species etc. The flowage easement question goes through the Real Estate Division of the Corps. Confident that the environmental impacts are minor. The Corps also wants to see the building plans.

Kearns -The record is open so the public can submit whatever they want in written form. This hearing is continued to April 2nd, 5:30p.m.


Stephens – Close written testimony at 5pm, Thursday, March 29th, so that the commissioners have time to read them. Verbal testimony will be allowed at the April 2nd hearing.

Meeting adjourned at 9:21p.m.

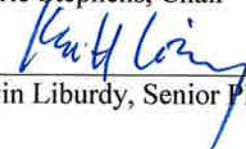
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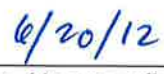
Laurie Stephens, Chair



Date



Kevin Liburdy, Senior Planner



Date (Approved)