

**PLANNING COMMISSION MINUTES**  
**November 8, 2012**  
**7:00 p.m. Regular Meeting**  
**Newberg Public Safety Building (401 E. Third Street)**

**I. CALL MEETING TO ORDER**

Chair Thomas Barnes opened the meeting at 7:00 PM

**II. ROLL CALL**

Members Present:	Thomas Barnes, Chair	Cathy Stuhr, Vice Chair	Gary Bliss
	Allyn Edwards	Art Smith	Philip Smith

Members Absent:	Lon Wall (unexcused)	Mayor Bob Andrews, Ex-Officio
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Staff Present:	Barton Brierley, Planning & Building Director	Steve Olson, Associate Planner
	DawnKaren Bevill, Minutes Recorder	

Others Present: Mike Gougler, Chuck Gregory, Scott Miller and Joe Schieve

**III. CONSENT CALENDAR**

Approval of the October 11, 2012, Planning Commission Meeting Minutes.

**MOTION:** Philip Smith/Art Smith to approve the Consent Calendar including the planning commission minutes for October 11, 2012. Motion carried (6Yes/0 No/1Absent [Wall]).

**IV. COMMUNICATIONS FROM THE FLOOR**

No items were brought forward.

**V. QUASI-JUDICIAL PUBLIC HEARING**

1. **APPLICANT/OWNER:** Newberg Nursing Home LLC  
**REQUEST:** Conditional use permit/design review approval for a skilled nursing facility, and a property consolidation of two lots.  
**LOCATION:** 3914 & 4010 Hayes Street, and 336 Werth Blvd.  
**TAX LOTS:** 3216-2020 & -2021, and 3221-6900  
**FILE NO.:** CUP-12-001/DR2-12-010/PLC-12-001      **ORDER NO.:** 2012-05  
**CRITERIA:** 15.225.060, 15.220.050(B), 15.230.010

TIME – 7:26 PM

Chair Barnes opened the quasi-judicial public hearing with reading ORS 197.763 and called for any abstentions, bias, ex-parte contact, or objections to jurisdiction. Commissioner Stuhr said she received an email from Larry Anderson, which qualifies as ex-parte contact and forwarded the communication to Mr. Barton Brierley, Building & Planning Director. Mr. Brierley provided a copy of the email to the commissioners and stated it is ex-parte communication but not public comment. Commissioner Stuhr's grandmother lives in Arbor Oaks,

located next to where the application property is located. Commissioner Bliss declared Mike Gougler is a personal friend and ex-client; however, he can make a non-judgmental decision on this application.

Mr. Steve Olson, Associate Planner, presented the staff report accompanied by a PowerPoint presentation showing the proposal meets the development code requirements with conditions (see official meeting packet for full report).

**Chair Barnes opened the public testimony starting with proponents.**

Mr. Scott Miller, Marquis Companies, testified the company was founded in 1989 and operates 26 facilities in five states. Their focus has shifted as the traditional nursing home models of the past are not conducive to the needs of seniors today and in the future. This facility will provide post acute care and rehabilitation as 70%-80% will be admitted for a specific procedure such as a joint replacement and will then be returning home. A small percentage will include long-term care.

Commissioner Bliss asked in regard to the livability of the adjoining properties, how the heating ventilation and cooling (HVAC) system will be roof mounted and what the decibel level will be. Mr. Miller had heard reports associated with decibel levels at the memory care unit, and that post development improvements were made. The HVAC units will be hidden by the roof structure on the building wings. The decibel level will be the same as the memory care facility and the sound will be contained. Commissioner Bliss would like it stipulated that the company will do what they can to mitigate any noise problems if they arise in the future. Mr. Miller said that yes, within certain parameters, they would be willing to work on any issues. They couldn't build a 2 million dollar sound wall, but they will cooperate with the neighbors.

Commissioner Edwards asked how many staff is projected to run the operation and will there be substantial parking for staff and visitors. Mr. Miller replied there will be approximately 25-30 full-time staff during the day, 14 employees during swing shift, and 10 staff members during the evening hours. The facility will provide more parking than other skilled nursing centers in the area and there have been no parking issues reported at the existing facilities.

Mr. Mike Gougler explained the Werth Family has worked with the Marquis Company in putting this project together. Marquis took ownership of the skilled nursing in Newberg, located south of Walgreens. This new facility will be a significant addition to the amenities of Newberg and will save money in housing and distance for citizens to travel for rehabilitation.

Mr. Chuck Gregory, AKS Engineering, supports the project and made himself available for any questions in regard to site design.

Commissioner Stuhr asked about gravel being considered as an impervious surface. Mr. Gregory explained there was much conversation with public works to talk in detail about the stormwater code in regard to the project. There was some stormwater retention discussed and in essence, the new requirements refer to design standards and Clean Water Services standards, which follow the 2006-2007 TR55 manual. The manual lists gravel as an impervious surface. He follows those established procedures. The gravel on the site was graded and compacted for construction.

<p><b>MOTION:</b> Philip Smith/Gary Bliss to approve the Newberg Nursing Home LLC, Order No. 2012-05, as recommended by staff with the conditions in the staff report. Motion carried (6Yes/0 No/1Absent [Wall]).</p>
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2. **APPLICANT/OWNER:** Jessica Fetting  
**REQUEST:** Appeal of the staff decision to deny a preschool in an industrial zone.  
**LOCATION:** 141 N. Elliott Rd.  
**TAX LOTS:** 3220AD-1100  
**FILE NO.:** DR1-12-015 (APPEAL) **ORDER NO.:** 2012-06  
**CRITERIA:** 15.220.050(A)

Chair Barnes stated the applicant has withdrawn the application.

## **VI. NUAMC POSITION RECOMMENDATION**

TIME - 8:00 PM

Mayor Andrews has requested the planning commission make a recommendation on which commissioner should be appointed in NUAMC. Commissioner Barnes volunteered to be appointed as the NUAMC representative.

## **VII. ITEMS FROM STAFF**

TIME – 8:03 PM

1. Update on Council items.

Mr. Brierley reported the South Industrial UGB amendment went before the Yamhill county commissioners and it was decided to schedule a joint meeting with Newberg city council on November 26, 2012.

2. Other reports, letters, or correspondence.

Mr. Brierley stated there are two planning commission member appointments that expire at the end of this year, Commissioner Bliss has reapplied and Commissioner Wall has not. There are five applicants for the two open positions, Commissioner Bliss included. The student planning commissioner position is still open.

3. The next Planning Commission Meeting is scheduled for Thursday, December 13, 2012.

Commissioner Edwards will be out of town and not attending the December 13, 2012, meeting.

## **VII. ITEMS FROM COMMISSIONERS**

No items were brought forward.

## **IX. ADJOURN**

Chair Barnes adjourned the meeting at 8:15 PM

Approved by the Planning Commission on this 13<sup>th</sup> day of December, 2012.

AYES: 5

NO: 0

ABSENT: 2 (Edwards, Stehr) ABSTAIN: 0

  
Planning Recording Secretary

  
Planning Commission Chair