

Canby Planning Commission
Regular Meeting
April 11, 1983

MEMBERS PRESENT: Chairman Kahut, Commissioners MacKenzie, Davis, Schrader, and Cutsforth (arrived 8:15 p.m.)

MEMBERS ABSENT: Commissioners Shinn and Baller

OTHERS PRESENT: City Planner Bud Atwood, Deputy City Attorney Lynn Molander, Secretary Virginia Shirley, Mr. and Mrs. Elmer Anderson, Betsy Ross, Fred Morse, Steven Durish, Bob and Sharon Henry, Della and Ken Burkert, Dave Sailor, Kirby Lewis, Chris Gilliam, Pat Monet, Mr. and Mrs. Ward Sheller, Antonio Lardizabal, Mary Stohr, and others

The minutes of the Planning Commission meeting of March 14, 1983, were approved as presented.

Item No. 1: Request for a Conditional Use Permit to use a residence for foster care for the elderly who can no longer live alone. This residence is located on the south side of N. W. 10th Avenue between N. Ivy and N. Holly Streets and described as Tax Lot 3600, Section 33BD, T3S, R1E. The applicants are Antonio Lardizabal and Beth Sheller. City Planner Atwood gave the staff report and made a recommendation for approval subject to seven conditions. Commissioner MacKenzie asked about the 4th bedroom as only three are shown on the plan submitted. Mr. Atwood explained that the 4th bedroom is located in the basement of the dwelling along with a recreation room, bathroom and small kitchen. Commissioner Davis asked for an explanation of "foster care" as opposed to a "home for the aged." Mr. Atwood explained that the foster care facility was a residence for those people who were not yet ready for a convalescent home but no longer were able or wished to live alone. Commissioner MacKenzie questioned the safety of the elderly if they were to use N. E. 10th Avenue for exercise. Beth Sheller stated that she will be staying at the residence 24-hours a day as manager. The Chair asked if they will (elderly residents) will be walking on N. E. 10th Avenue. Pat Monet came forward and stated that she would speak for the applicant, as she has been working with her on this project. The elderly residents will not be out walking alone - this is not a retirement center. Part of the reason for needing care is due to the lack of relatives to help them. Commissioner Schrader asked if Mrs. Sheller would be living at the residence. Mrs. Sheller replied she would be living in the basement.

There being no further questions of the City Planner or applicant, the Chair opened the public hearing and called for proponents.

Stephen A. Durisch of 995 N. Holly stated that he was in favor of the foster care home for the elderly.

Fred Morse of 489 N. Holly - Good for the community and is definitely needed in Canby.

Betsy Ross, Chairman of a Support Group, explained her mother is in a nursing home, but would have desired such a place as this prior to her need for a nursing home. There is definite need for this type of care facility.

Chairman Kahut read a petition signed by eight people in the immediate vicinity, stating they were in favor of the foster home. (This petition has been made a part of the minutes.) There being no further proponents, the Chair called for opponents. Bob and Sharon Henry, 107 N. E. 10th Avenue - This is a single family residential neighborhood located 10 blocks from downtown. No sidewalks available - must walk in the street and around cars, and traffic is fast. The residence proposed for use has a steep driveway which is not suitable for the elderly. A wheelchair could not negotiate this driveway.

Della and Ken Burkert - Single family area and a foster care facility would be out of place. They want to help the elderly, but this is not the place for these people. The traffic is dangerous.

Dave Sailor, 195 N.W. 10th - Against the proposal as he does not feel it will fit in with the area - some problems are parking, traffic, poor visibility, dangerous street as drivers don't watch. Five people and live-in help too many for residence - congestion could be a problem.

Kirby Lewis - His neighbors have already stated his reasons for opposition to this request. Neil McClain, 164 N.W. 10th Avenue agrees with other opponents. Chris Gilliam, 152 N.E. 10th - Also wanted to express opposition to the request.

Bob Henry stated that the house across the street is very large and is a rental and could be turned into a foster care home. A second house located nearby is also a rental and could be used in the same way. Does not want to see the neighborhood turned into a business area.

There being no further opponents in the audience, Mr. Atwood read a letter of opposition from Mr. and Mrs. Cereghino of 185 N.W. 10th Avenue. (This letter has been made a part of the minutes.)

The Chair recognized Pat Monet who spoke in rebuttal to the opponents. Mrs. Monet said she respected their concerns but this house has an intercom system which makes it ideal. The people who can walk would probably get on a bus and go into Portland. As for visitors - these problems don't exist, wished they did, but don't. She further explained that if you were caring for someone's child, you wouldn't allow the child to go around unchaperoned.

Commissioner Schrader asked who licenses the foster care homes. Pat Monet stated these facilities are licensed by Adult Family Services, State of Oregon. Chairman Kahut asked how the cost compared to nursing homes. Mrs. Monet stated there is less cost, but also will have more family atmosphere. (Commissioner Cutsforth arrived at 8:15 p.m.) Chairman Kahut asked if they don't go to one of these, do the elderly then go to a nursing home. Mrs. Monet stated they would. Commissioner Schrader asked if the Commission had a copy of the requirements for licensing these facilities. (No.)

Commissioner MacKenzie stated these people are almost totally capable of caring for themselves. They just need help for medication. Commissioner Schrader asked for reassurance that people with walkers would not be allowed at this foster care facility. Assurance was given that people with walkers would not be allowed, due to the physical constraints of the property.

More discussion regarding the preference of using a foster care facility prior to using a nursing home. The different requirements and criteria of the State with regards to opening such a facility.

Commissioner Schrader asked if the facility could be operated with less than five people -- if it would be possible to operate with only three people in foster care. Commissioner MacKenzie stated that he didn't know that it should be only three, but that it definitely should be stipulated that five be the maximum.

Commissioner Davis questioned the availability of other houses to be used for foster care. How long has the applicant been searching for such a house? Would another location be better? Mrs. Sheller stated that they had been looking for such a place since last October. The house will remain in residential use, and although there may be a better location - they haven't been able to find it.

Commissioner Schrader asked how long between inspections by the State of the facility. Mrs. Monet stated that an inspection is held every two years. However, an inspection is done within 72 hours of any written or oral complaint.

Further discussion by the Commission members of the required licensing, inspections, and approval for this facility. Commissioner MacKenzie stated that he felt this was a good facility for the community and that if the Commission were to turn it down it would be a dis-service to the community. Commissioner Davis agreed that it sounded good, but needed more time to consider it. Commissioner Cutsforth stated that in prior years she had kept two people in her home, and wished that such a facility had been available at that time. Commissioner Schrader expressed the desire for more time to consider, as he would like more information on state regulations, and would like to see a floor plan of the basement. Commissioner MacKenzie related his experience of having his mother-in-law in such a facility, and that there had not been any problems while she was at the facility.

*Commissioner Schrader moved to approve the foster care facility to be located at 167 N. W. 10th Avenue, subject to the following conditions:

- (1) The three items on the inspection permit issued by the Fire Marshall shall be performed prior to occupancy.
- (2) The eight conditions issued by the Fire Marshal shall be implemented and maintained. All items possible shall be prior to occupancy.
- (3) Patients confined to wheel chairs shall not be accepted due to safety concerns and structural design.
- (4) Patients will not be allowed to keep vehicles at facility.

- (5) A site obscuring fence will be built on the south property line and enclose the rear yard on the west property line prior to occupancy.
- (6) The conditional use shall be reviewed in six months (at the October 10, 1983, Planning Commission meeting). If justified complaints are received, the conditional use may be cancelled.
- (7) One additional paved parking space (which will total three) will be required, prior to occupancy.
- (8) The facility shall be certified by the State Department of Human Resources.
- (9) Conditional Use will terminate upon written or oral notification of termination of certification.
- (10) Live-in population shall be limited to five patients and one attendant.
- (11) Twenty-four-hour supervision by approved personnel to be provided.
- (12) The Conditional Use Permit will expire in one year if not implemented.

This approval has met the required findings in that it is consistent with the Comprehensive Plan and Zoning Ordinance; The location, design, and size are appropriate and will not have adverse impact on the livability; the location, site, and structure are appropriate; the proposal will be an asset to the community; and, the applicants are capable and intend to develop and use the property as proposed. The motion was seconded by Commissioner MacKenzie and passed unanimously with the Chairman voting.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission