

Canby Planning Commission
Regular Meeting
March 27, 1989

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Meeuwssen, Harmon, Lindsay, Nicholson and Schrader (arrived at 7:50)

OTHERS PRESENT: Public Works Director Rusty Klem, Secretary Virginia Shirley, CUB Operations Manager Bob Rapp, Dave Anderson, George Wilhelm, Lon Burdge, John Christenson, Vernon Sallee, City Attorney John Kelley, Don Halbrook, Lenora Bear, Linda Pettit, Don Bear, Kaylene Clawson, Bill Pulver, Don Clawson, Mike Shepherd, and Michael Lieberman.

The Planning Commission moved to approve the minutes of February 13, 1989, February 27, 1989, and March 13, 1989.

Item #1: CONTINUED request for a Conditional Use Permit to build 13 additional units of Senior Citizen and Handicapped housing under Section 16.82 of Senior Citizen and Handicapped housing under Section 16.82 of the Canby Municipal Code on property located between N. Juniper and N. Knott Street east of Juniper Court and described as Tax Lots 10512 and 10513, Section 33BD, T3S, R1E. The applicant is A. M. Lon Burdge. The staff report was read by Rusty Klem and made a recommendation for approval subject to nine conditions. Lon Burdge, applicant, stated that he had checked with the Fire Marshal who stated that the emergency fire lane had sufficient clearance. Mr. Burdge further stated that he didn't feel that sidewalks were needed, that the landscaping in the rendering was what was planned for this development, and that the developers may put in a stone wall on N. Knott enhance the appearance. Mr. Burdge stated that the house on N. Juniper would not be turned into a duplex and that the lighting plan was also on the rendering. Dave Anderson, co-applicant, stated that Canby has three F.H.A. financed complexes with 50 percent being two-story. Commissioner McKibbin asked how many units would be for the handicapped. Mr. Anderson stated it would be 30 to 35 percent. Mr. McKibbin then asked why they only had one handicapped parking space marked "handicapped." Mr. Anderson stated there were 17 parking spaces and anyone could be used for handicapped. Commissioner Harmon asked about moving the location of the dumpster to a corner at the entrance to the complex. Mr. Burdge stated that he had no objections, if that is what the Commission wants.

Chairman Kahut opened the public hearing and called for proponents to the application. When no proponents came forth, the Chairman called for opponents. John Christenson, 602 N. Knott, stated that he was in opposition as this is a single family neighborhood with only one triplex and three duplexes, the street dead-ends on the north end, there are over thirty children in the neighborhood and more than 50 cars on this narrow street. Mr. Christenson requested the Commission deny the application for the safety of the children in the area, safety on the street, and to keep their property from be devalued by this complex. During the fair or a holiday, N. Knott is always clogged with cars and they don't have any sidewalk. Mr. Christenson presented the Commission with a petition containing 26 names from area residents. Vern Sallee stated that he was concerned because this complex had only 15 parking

spaces, and parking on the street is already bad during fair and holiday periods. Mr. Sallee stated that the location shown for the dumpster would be right beside his front door, plus the property in question had a large Fir tree which he felt should be saved when the property is developed. There being no further opponents, the Chairman asked the co-applicants if they had any rebuttal. Dave Anderson stated there would be less traffic from 13 units of senior housing then there would be from 10 units of regular apartments. Mr. Burdge stated that there wouldn't be the restrictions on the 11 units there will be on the conditional use for 13 units. Theresa Brown stated that she wanted to keep her neighborhood single family residential.

Commissioner McKibbin stated that he had visited the site and did not see any sidewalks in the area. Commissioner Harmon stated that he was also concerned about the lack of sidewalks in the area and the location of the dumpster. Commissioner Harmon suggested changing the location of the dumpster and placing two additional parking spaces in that location. Commissioner Schrader stated that no RV parking could be allowed, due to the shortage of parking spaces. Commissioner Nicholson expressed a desire for more greenway, but felt the single family residence on the property was using approximately 17 percent of the property crowding the other portion of the complex and that the shape of the lot was not good either. Commissioner Nicholson expressed the idea that if the house was taken down arranging the units and parking would be easier. Commissioner Schrader stated this plan was less obtrusive then other types of apartments and that if the dumpster was moved, sidewalks for the whole complex put in there would be even less greenery. It was stated that if the dumpster was moved and sidewalks and ramps put to each unit it might be a better plan. City Attorney Kelley read the guidelines the feds require for a senior citizen/handicapped housing complex.

Commissioner McKibbin moved to deny the application for an apartment complex to be located between N. Knott and N. Juniper Street as it would not be good for the neighborhood, there are no sidewalks in the area and it would be a dangerous to put handicapped people on the street. The motion was seconded by Commissioner Nicholson who stated during discussion that he had seconded the motion because not all public facilities and services exist to adequately meet the needs of the proposed development. Additionally, Mr. Nicholson stated that characteristics of the site were unsuitable for the proposed use based on size and design of the property and the way it wass laid out in an "L" design that left a single family residence stand on N. Juniper. Not meeting these points Commissioner Nicholson stated was his reason for seconding the motion. Chairman Kahut asked for a roll-call vote which passed 5 ayes and 2 nays (Meeuwesen and Schrader)

Item #2: Request for a Minor Land Partition of two lots into three on parcels located in the southwest quadrant of N. Maple and N.E. Territorial Road on property described as Tax Lots 1400 and 1500, Section 28DC, T3S, R1E. The applicant is Housing Alternatives Corp. The staff report was given by Rusty Klem with a recommendation for approval subject to six conditions. Bob Rapp, Operations Manager for the Canby Utility Board informed the applicants that the Utility Board

needed the easements drawn and conveyed to the Utility Board. They needed to see the plans on fire hydrants and street lighting and they had not received them.

Don Halbrook representing the applicant stated that they wished to break this into three parcels as they didn't need it at the present time and it would depend on how the project was received whether or not they would ever need to use the extra land themselves. Mr. Halbrook stated that they felt they had met the criteria for approving the minor partition and that his company had no problem with the conditions to be placed on the minor land partition. The assisted living facility will be licensed by the state and built according to their instructions. Assisted living is between active seniors and convalescent home care for people over 65 years of age. Assisted living homes are a new concept and the rules are still being written by the state of Oregon. Portland has two pilot programs. Mr. Halbrook informed the Commission that he didn't have the addresses with him but they could contact Don Nyberg in the State Health Department. Commissioner McKibbin expressed the opinion that the plot plan did not show enough parking. Mike Shepherd, applicant representative, stated that the people who would be living there did not have much company.

Chairman Kahut opened the public hearing and called for proponents. There being no proponents, Chairman Kahut called for opponents.

Lenora Bear, 1630 N. Maple, stated that she had no objection to the facility for the care of the frail elderly, but she did object to the parceling off of the land. Mrs. Bear asked the objective for parceling off, but thought it was to assure cash flow. Mrs. Bear asked for assurance this facility was not for the indigent or for terminal cancer cases.

Linda Pettit stated that she was not opposed but wanted assurance the place will be used for senior citizens.

Don Clawson, 785 N.E. Territorial, stated that he did not want mentally ill adults to be housed there and asked the Commission if they could stop the applicants from housing those types of people.

Bill Pulver, 579 N. Cedar, asked how the neighbors can be assured this will not be a halfway house sometime in the future.

Kaylene Clawson stated that she was opposed to the land partitioning. They already had apartments in their neighborhood and was not sure the neighborhood could handle more units.

Don Bear stated that he had been down to the state office building and spoke to Jan Dickson who gave him part of the specks for assisted living. Mr. Bear further stated that if assisted living were a failure, its not just the state and applicant who have failed but it would be a community failure as well.

Don Halbrook, applicant, stated that if the building were to be used for anything but an assisted living complex, the applicants would have to

come before the Planning Commission with a new Conditional Use. The State is trying to provide alternatives to nursing home care. Assisted living is only about 80 percent the cost of nursing homes. As for dividing the parcel into three, the applicants are not sure they will even sell them, as they may use the additional land for expansion of their project.

Chairman Kahut closed the public hearing portion of the meeting and the Commission went into discussion of the partition. After a short discussion, Commissioner Schrader moved to approve the minor partition of property located in the southwest quadrant of N.E. Territorial and N. Maple as it fits in with policies 2 and 5 of the Land Use Element, policy #4 of the Transportation Element, and policy 2 of the Housing Element. This approval to be subject to the following conditions: 1) Development on the three lots follow all requirements of the Land Development and Planning Ordinance. 2) Curbs and sidewalks to the specifications of the Public works Director to be built on both Territorial and N. Maple at the time of development. 3) The segment of street between the existing pavement and the new curb on both Territorial and N. Maple is to be constructed as public street according to specifications of the Public Works Director. 4) Egress for the two small lots is to be designed such that vehicle backing onto Territorial will not be necessary. A space for turning vehicles around on the site will be provided. 5) Any driveway access is to be a minimum of fifty (50) feet from the intersection. And, 6) Utility easements for City, CUB, CTA and NWT are to be recorded. Such easements are to be twelve (12) feet in width along exterior property lines and six (6) feet in width along interior lines. Wording of the easements are to be approved by the Public Works Director. The motion was seconded by Commissioner Harmon and passed unanimously with a roll-call vote.

The meeting was recessed at 10:25 p.m. and reconvened at 10:40 p.m.

Mr. Klem informed the Chairman and Commission that the applicants for the zone change and subdivision of "Township Village Phase II" would like the Commission to set a new date for hearing their items, as it will be too late tonight to hear them. After some discussion, it was determined that the new hearing date would be April 6, 1989, after 7:30 p.m.

Item #3: Request for a Conditional Use Permit to build a 25-bed assisted living facility for the frail elderly to be located just south of N.E. Territorial Road on N. Maple Street and described as part of Tax Lots 1400 and 1500, Section 28DC, T3S, R1E. The applicant is Housing Alternatives Corp. The staff report on the conditional use was given at the same time as the request for a minor land partition. Also much of the public hearing testimony concerned both the minor land partition and conditional use. Don Holbrook, applicant, informed the Commission that State Social Services would be the people placing the frail elderly in this project. The home would be willing to take private individuals, but the majority of the people would be placed in the home by Social Services. The Commission asked if the applicant could give assurance that neither mental or drug patients would be placed in this facility. Don Holbrook explained that the backyard would be all fenced in and that

in most instances these people would be too frail to be out on the street alone. Commissioner Lindsay asked what type of contract there would be between the care giver and the State. Mr. Holbrook stated that would be between the care giver and the State, but they do have to have a license to operate.

Chairman Kahut opened the public hearing and called for proponents. Don Bear informed the Commission that Jan Dickson would be willing to answer all their questions. Mr. Bear explained that he had spent several hours speaking to the people in the State Health Department regarding these homes. The State is very interested in incorporating assisted living into residential care. The State entered into a contract with the Regency (located in the Metropolitan area) as a prototype.

Don Holbrook stated they would be required to submit three sets of plans to the State for their approval, to assure an acceptable facility for housing the frail elderly.

Chairman Kahut closed the public hearing portion of the meeting, and asked the Commission for their comments. Commissioner Harmon stated the facility would be a good use of the land, and that he had heard many positive expressions and a few negative ones.

Commissioner Schrader stated that he was uncomfortable approving anything at this meeting where the applicant doesn't have a clear idea of what he wants. He further stated that he was in favor of the idea and proposal, and suggested that the application be continued with the applicant bringing his definition of who would be involved, address the indigent issue, age of residents living in complex, site plan with better drawings, the official tentative regulations, and finally the parking issue. Commissioner Schrader felt the Commission should limit the number of beds approved by this conditional use. He further stated that he wanted the opportunity to visit another facility before approving this one. Commissioner Schrader stated that if he wanted a consensus, he was in favor of the project. The other Commissioners affirmed this opinion.

Commissioner Lindsay stated that there seemed to be a lot of reliance on how the State defined "assisted." He further stated that it seemed the state was very involved and he wanted to know their intentions.

Commissioner Schrader moved that since the applicants have a consensus of what the Commission will require to make a decision, the application be continued until April 24, 1989, at 7:30 p.m., which will allow time for the Commissioners to visit at least one of the prototype facilities. The motion was seconded by Commissioner McKibbin. City Attorney Kelley informed the Commission that the public hearing should be reopened at the meeting of April 24, 1989. The motion was passed unanimously.

This meeting has been recorded on tape.

The meeting adjourned at 11:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Virginia J. Shirley". The signature is written in dark ink and is positioned above the typed name.

Virginia J. Shirley, Secretary
Canby Planning Commission