

Canby Planning Commission
Regular Meeting
April 24, 1989

MEMBERS PRESENT: McKibbin, Meeuwsen, Lindsay, and Nicholson

ABSENT MEMBERS: Chairman Kahut, Commissioners Schrader and Harmon

OTHER PRESENT: Public Works Director Klem, Secretary Virginia Shirley, Fred Stefani, Marv Dack, Mike Shepherd, Mrs. Weeks, G. Edward Dobbs, Don Nielsen, Don Bear, Butch Olsen, Keren Wilson, Councilman Keith Stiglbauer, and others

The minutes of the April 10, 1989, meeting were approved as corrected.

Item #1: CONTINUED request for a Conditional Use Permit to build a 25 unit 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. Mr. Klem informed the Commission during his review of the staff report that they should consider the parking under the requirements for a convalescent home rather than as an apartment house. The applicants have submitted the requirements needed in Washington County and Multnomah County. The applicants have also submitted their interpretation of "frail elderly." Mr. Klem stated there was an expert in the audience on elderly care. He then introduced Dr. Keren Wilson and stated that she is helping the state to draft a program for assisted living for the frail elderly.

Michael Shepherd, agent for the applicants, stated they had brought a rendering and a landscaping plan for the Commissioners review.

Acting Chairman McKibbin opened the public hearing portion of the meeting and called for proponents. Don Bear, 1630 N. Maple, stated that it was too early for the Planning Commission to approve the proposed care home as the Commission hadn't seen the architectural plans for the building, the Commissioners hadn't visited any other similar facilities, and that he didn't feel 13 parking spaces were adequate. Mr. Bear went on to say that he and his neighbor's were the ones who had to live in the area and the neighborhood wanted this project to be on-going, not fail. The Acting Chairman reminded Mr. Bear that all the Planning Commissioners were volunteers and did have other work. Mr. Klem informed Mr. Bear there would be 31 parking spaces, not the 13 as Mr. Bear thought.

There being no further proponents, Acting Chairman McKibbin called for opponents. There being no opponents, the public hearing portion of the meeting was closed. Acting Chairman McKibbin asked Mr. Klem if the Commission could use the word "frail elderly" in describing this project. Commissioner Meeuwsen stated that she would like to hear from the expert witness who is helping the state. Mr. Klem asked the Commission if they would like to question Dr. Wilson regarding this proposed project.

Keren Brown Wilson, 8445 S.E. Lafayette, stated that she was a consultant to the State of Oregon on assisted living and an Associate

Professor at Portland State. She gave a definition of "assisted living" and then answered questions. "Assisted living as it is being defined by the state of Oregon Senior Services Division is an approach to services and care for elderly people that provides a range of services including meals, housekeeping, laundry, personal care, nursing services and ancillary care that just might be needed by the elderly persons in a congregate setting. The goal of assisted living is to develop a new approach and a new model of services which will allow older people to age in place. The goal of the State is to provide viable alternatives to persons who need help on a daily basis." Dr. Wilson said she could not speak to whether or not the other applicant's project will meet the criteria in terms of structure or program. She further stated that she could tell specifically what the structural criteria are and what the programmatic criteria are. She went on to say that she had no way of knowing whether or not they would meet the criteria. The structural criteria for assisted living will depend upon whether or not they can meet the new code. (It will be under a new UBC that will go into effect in July of this year which meets NFPA standards in three categories, this is a change, which will allow more frail persons to live in this type of setting. Those will range from R-1 to I-2 standards for occupancy. Depending upon what level of services is intended to be provided that structure will have to meet that code.) The primary criteria are: each person must have their own private residence and must meet code for square footage, bathroom and kitchen unit in that dwelling. It must have sufficient common space to provide the entire range of services including: recreational services, design services, laundry services, nursing services and all the other types of services. The range of services will depend upon the needs of the client and that will be determined prior to their move-in, but the applicant or provider of the service must be licensed and monitored by the State and meet all the criteria on a regular basis for continuing to provide service whether they provide service for medi-caid clients or private patients. A condition of the operation is that they must be monitored and licensed by the State. The license will be renewable on a regular basis, subject to the results of the survey inspection. Dr. Wilson stated that she wanted to emphasize that it is the State's desire to design a viable alternative to existing services for the elderly. Many elderly people need more services than a typical apartment house or a congregate care facility, but do not need to be in a nursing home. Currently, not many alternatives exist for those people who need help on a daily basis and that is the purpose of the assisted living.

Commissioner Meeuwsen stated that some of the main concerns at the last hearing was that drug and alcohol patients might be able to live there, without a limitation on who lives there. Dr. Wilson stated that who lives there would be a decision of the provider. They serve adult disabled and senior citizens only. The only Medi-caid clients who are eligible for this program are those clients who are served by the State of Oregon Senior Services Division. In other words, clients served by Mental Health Division Adult and Family Services would not be eligible as Medi-caid clients to receive the service. In that regard, they could not be served under the assisted living program of the Senior Services Division because the waiver that allows the service to be provided does not include them. Mr. Klem asked if there were State requirements for

taking care of their ambulatory needs, movement, strolls through the park, or something to the effect that you have to have so much open space? Dr. Wilson stated that the requirements themselves in terms of the structure address width of doorways and corridors, an outdoor area that is available for patient use has certain requirements. The plans for the facility will have to be approved by the State Architect and State Senior Services Division prior to a license being issued.

Commissioner Lindsay asked if the State had determined if this type of facility is a residence or an institution? Dr. Wilson stated that was an interesting question. It is the intent of the State that even though it is licensed as an institution it is to be constructed and meet the applicable codes of a residence. Commissioner Lindsay asked it that meant we should look at it as a residential facility and not as an institution? Dr. Wilson said she thought it was the intent of the State that it be designed to emulate as closely as possible a residential setting. She said that it was also the intent of the State to make sure that certain kinds of things are built into the structure that would normally be found in an institution. There are certain guidelines for how laundry is to be handled, which you would not have in a residence. Commissioner Lindsay asked if where public funds are concerned, do they mention "frail elderly/handicapped" or "adult handicapped" how does the State provide for ages of handicapped. Dr. Wilson wanted to know if he was speaking of adults. Commissioner Lindsay stated that he didn't know because there are little kids who are disabled. Dr. Wilson stated that for "physically adult disabled" they are over the age of eighteen. Commissioner Lindsay asked what role the County would have in these facilities? Dr. Wilson stated they would have fire jurisdiction, they will have all building sanitation and that sort of criteria which they would normally handle. Commissioner Lindsay asked the role the Area Agency on Aging would play. Dr. Wilson said that in Oregon and in only Oregon it will be the Area Agency on Aging that decides whether or not they would be willing to contract with a facility for their clients. They control whether or not a project will proceed. Commissioner Lindsay asked if the Area Agency on Aging had a voice regarding a tenant in one of these places that is not there on public funds. If the provider has people who are not supported by public funds, does the Area Agency on Aging have a voice in their welfare? Dr. Wilson answered in the affirmative. Dr. Wilson stated that it didn't matter what type of clients were in residence, even if they are all private pay it has to be licensed and still has to be monitored. Commissioner Lindsay asked if such a facility is approved by the City Planning Commission and conditions are set is there a roll that you play, or the County would play, in relationship to those conditions? If there should be any conflicts or whether they are being lived by or is it up to the City to enforce their conditions? Dr. Wilson said the answer was both yes and no. The way it works is that the City by controlling the occupancy permit and the whole building permit process and hook-up permit process, and you must have an occupancy permit and permission of the Fire Marshal before you can get a license. This is the way that the City guarantees that the conditions have been met. In the meantime, the City can notify the State if they don't approve a criteria. The recommendation is that there be a preconstruction conference between the local official, State Architect and the builder/provider prior to permits being issued. Dr. Wilson

stated that one of the things the State has tried to do is minimize conflict between the different building codes.

Mike Shepherd informed the Commission he had a statement he wished to make. Acting Chairman McKibbin asked that he go-ahead. Mr. Shepherd stated that his main purpose was to hone in on the application before them. When Dr. Wilson mentioned mentally ill, drug or alcohol related problems the provider could provide for, Mr. Shepherd said that with the conditional use permit that Housing Alternatives, Inc. is applying for it is for the care of the frail elderly as defined in the application. The conditional use permit approval would limit the provider to what he had applied for. Mr. Shepherd further stated that as far as he was concerned all the business regarding the building of the building it must be approved by bankers, insurance people, building officials, and they are just adding another level at the state. Commissioner Lindsay asked Mr. Shepherd if he had any affiliation or connection with an organization called "Concepts in Community Living." Mr. Shepherd he said no he did not. Commissioner Lindsay asked if there had been any standards or requirements for residency in this building. Mr. Shepherd stated no other than the definition they had submitted to the Commission. Com. Lindsay asked if community services were necessary or desirable for the tenants. Mr. Shepherd stated that he was not qualified to answer the question.

Acting Chairman McKibbin asked if there was any discussion before the Commission. Mr. Klem informed the Commission that he had some additional suggested conditions for the Commission to consider. Mr. Klem started with No. 6 Any Plan Review to be subject to the new Uniform Building Code being prepared for assisted living facilities. No. 7. The footprint and layout to stay basically the same as site plan. No. 8. Conditional Use Permit granted for "Assisted Living Frail Elderly" only. No. 9. Applicant to meet all appropriate State standards and requirements for assisted living facilities. And, No. 10. Adopt the applicant's definition of "frail elderly" for this application and apply it to the other conditions of this approval.

Commissioner Lindsay stated that the conditions of the Territorial Road and N. Maple troubled him with regards to this location. Commissioner Lindsay thinks this facility will produce a fairly large amount of traffic; visitors, workers and delivery people. He further stated that although everybody thinks assisted living is a new idea but he feels that it is just a different title on an idea of twenty-five to thirty years ago and is just another way of warehousing people. Mr. Shepherd stated that the people living here will have every right to go and come as they please.

Don Bear stated that this complex is going to have nineteen studio apartments and six one-bedroom apartments with kitchens.

Commissioner Meeuwsen moved to approve the conditional use permit being requested subject to the following conditions: 1) Prior to construction of the frail elderly facility, coordinate with the Public Works Director to schedule a preconstruction conference; 2) Provided parking must be a minimum of 31 spaces for the 25 living unit facility; 3) Recommendations

of other jurisdictions to be considered as conditions of approval; 4) Internal walkways to be five (5) feet wide and well lighted to better serve the elderly and handicapped; 5) Provide landscaping to improve the living conditions for the renters; 6) Any Plan Review to be subject to the new Uniform Building Code being prepared for assisted living facilities; 7) The footprint and layout to stay basically the same as site plan; 8) Conditional Use Permit granted for "Assisted Living Frail Elderly" only; 9) Applicant to meet all appropriate State standards and requirements for assisted living facilities; and, 10) Adopt the applicant's definition of "frail elderly" for this application and apply it to the other conditions of this approval. This is based on the following findings of fact that the proposal will conform with the text and applicable maps of the Comprehensive Plan; the characteristics of the site are suitable for the proposed use; all required public facilities and services exist or can be met; and, the proposed use will not alter the character of the surrounding area in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone. The motion was seconded by Commissioner Nicholson, who stated that he has reservations but felt the Commission was protecting the people in the neighborhood. The motion carried with 3 ayes and 1 nay (Lindsay).

Item #2: Request for a zone change from R-1, Low Density Residential, to R-1.5, Intermediate Density Residential, on property located at the west end of S.W. 13th Avenue and south of the street and described as Tax Lot 800, 900, 1000, and 1001, Section 4C, T4S, R1E, and Tax Lot 1000, Section 4B, T4S, R1E. The applicant is Marv Dack. The staff report was given by Mr. Klem who informed the Commission that Mr. Dack had decided to make this zone change with a Planned Unit Development (PUD) overlay. Mr. Klem also reminded the Commission of the need to acquire right-of-way for the extension of S.W. 13th Avenue. Mr. Klem informed the Commission that once the zone change is recommended for approval, there is a request for a minor land partition and a conditional use permit for housing the frail elderly.

Marv Dack, 715 S.W. 13th Avenue and applicant, informed the Commission that a senior community was something he had always wanted to do. Mr. Dack further stated that although the first plan submitted was only a rough draft, the plan given to the Commission this evening (4.24.89) was more detailed and included single family residences, condominiums, and housing for the frail elderly. Mr. Dack stated that on the west side of the property they build a church, however they are not sure of that at the present time. Mr. Dack said the assisted care for the frail elderly would be phase I, single family residences would be phase II, and the multi-family would be phase III.

Butch Olsen, 645 N.E. 22nd Avenue, stated that due to the interest in his development of "Fairgrounds Park" he was assured the single family proposed for this development would have no problem selling.

Commissioner Nicholson asked if this was going to be a medical facility. Dr. Wilson stated not a medical facility as such but the residents could have meals in their rooms or have housekeeping help on a limited basis.

Dr. Wilson further stated that people worry living in a multi-level development, and this development would be on a single level.

Don Nielsen, 208 S.W. Stark, stated that if a church is built it will start small and grow as the need grows. Room has been left for the expansion to take place. Mr. Nielsen spoke of his experience in the field of senior housing and how all of the things shown on this plan blend together. Mr. Nielsen went on to say that the only part A.L.F., Inc., is really interested in is the minor land partition and conditional use permit.

G. Edward Dobbs, 711 S.W. Alder, stated that he is with A.L.F., Inc., and they are willing to extend S.W. 13th Avenue far enough to serve their development.

Dr. Wilson stated the quality of services are very important to the elderly and A.L.F.'s goal is to meet the quality of service through assisted living. The State has changed the rules on care facilities and it means that people will be able to remain in a home setting longer. Dr. Wilson said that when you discuss the human element people are dependent and it is the providers responsibility to help people keep their independence. Mr. Klem asked how many people would be employed and Dr. Wilson answered that during peak hours (daytime) there would probably be five people employed.

Acting Chairman McKibbin opened the public hearing portion of the meeting and called for proponents. When no proponents came forth, the Acting Chairman called for opponents. There being no opponents, Acting Chairman McKibbin stated that they would not close the public hearing because it looked as though the public hearing would be continued, since the applicants had discussed not only the zone change but the minor land partition and conditional use permit and the only action possible tonight will be on the zone change, which would be a recommendation to the City Council.

Acting Chairman McKibbin asked if the dedication of the street right-of-way should be a condition of approval. Mr. Klem stated that the City wanted the dedication of right-of-way now.

Commissioner Lindsay said the proposed zoning conforms with the Comprehensive Plan, based on the type of development that is proposed and fits well within the PUD scope. The PUD overlay fits well on this parcel of land within the City.

Commissioner Nicholson said that some of the conditions that Rusty suggested for the zone change would be more appropriate for the PUD. Mr. Klem stated that Commissioner Nicholson was right and his reason for putting the conditions here was that they would not be harmful yet they would give some indication to the applicants that this is a concern, extension of service, by-laws, etc. They may not be appropriate but they do not block the project.

Commissioner Nicholson moved to recommend to the City Council that the requested zone change from R-1 to R-1.5/PUD designation be approved as

this proposal does meet the objectives and requirements of the Comprehensive Plan in particular it treats the parcel that is being designated as an area of special concern. All public facilities and services excepting the required road access currently exists and will be developed in conjunction with the project. This recommendation is subject to the following conditions: 1) Utility easements are to be provided to the satisfaction of the Canby Utility Board, North Willamette Telecom, and the Canby Telephone Association; 2) A water line is to be looped through the development in the manner specified by the Canby Utility Board, hydrant locations to be as specified by the Fire Marshal; 3) Covenants and by-laws of the homeowner's association are to meet the requirements of the City Attorney to assure that private improvements within the development will not become the responsibility of the City for maintenance; 4) All recommendations of other agencies to be regarded as conditions of approval; 5) Curbs and sidewalks to City standards are to be constructed along S.W. 13th Avenue frontage; 6) An engineering study is to be completed for the area along the bluff, prior to the approval of any building permits for dwelling units. Slope stability and the possible impact of using drywells for storm drainage are to be addressed; 7) The applicant is to provide the City with a dedication of property to allow for the extension of S.W. 13th Avenue. The form of the dedication is to meet the requirements of the City Attorney; 8) The applicant is to provide the City with a recorded waiver of the right to remonstrate against the formation of a Local Improvement District for the full improvement of S.W. 13th Avenue. The form of the waiver is to meet the requirements of the City Attorney (The City may require the immediate improvement of the road to City Standards as a condition of approving any subsequent development of the site); and, 9) The cost of all facility or utility improvements to the site are to be borne by the developer. Commissioner Meeuwsen seconded the motion and it passed unanimously with the Acting Chairman voting.

Item #3: Request for a Minor Land Partition to divide one tax lot into two tax lots on property located at the west end of S.W. 13th Avenue and described as Tax Lot 800, Section 4C, T4S, R1E. The applicant is A.L.F., Inc. Since this application was partially discussed during the hearing on the zone change/PUD of the property, the Commission went immediately into discussion. The concerns shown were that the site plan was incomplete, twenty-five (25) foot wide streets do not seem adequate, reluctance for placing apartments in the P.U.D., the density requirements, RV parking, and land for the assisted living. Commissioner Lindsay asked the applicants to save as many trees as possible. Mr. Klem asked what was going to happen to the house in the meantime. Mr. Dack stated that he would live in house as long as possible. Acting Chairman McKibbin asked when the PUD drawings would be complete and if an engineer would be engineering the road. Mr. Klem stated that they didn't need an engineer, but would give it their "best shot." Acting Chairman McKibbin stated that his basic concern was that the Commission get a complete plan showing roads, streetlighting, sidewalks, etc. Will Mr. Klem, the Fire Marshal and Police Chief see that they are all done properly? Commissioner Nicholson wanted to see the covenants and have assurance only elderly will be located in this development. Acting Chairman McKibbin asked if they could limit the

development to the frail elderly. Mr. Klem stated that he would check with the City Attorney to see if they could. Mr. Nielsen asked if they could have a preapplication meeting. Acting Chairman McKibbin stated further that he wanted to see what they would be doing with the bluff and other open space. McNielsen stated the even if you can't walk through it, open space to see is important; i.e., trees, birds, fresh air are all important.

Commissioner Lindsay asked Dr. Wilson to send the Commission her description of "assisted living." Dr. Wilson stated that the State has not actually defined this type of living. Commissioner Lindsay asked what connection there was between this group and "Concepts in Community Living?" Dr. Wilson stated that "Concepts in Community Living" was her company. The whole idea is services that are either necessary or desirable. Dr. Wilson went on to say the transportation program must be checked on as either the City or the provider will be responsible for.

It was the consensus of the Commission that the minor land partition and conditional use permit for "assisted living" be continued until May 22, 1989, after 7:30 p.m.

There being no further business to come before the Commission the meeting was adjourned at 11:45 p.m.

This meeting has been recorded on tape.

Respectfully submitted.



Virginia Shirley, Secretary
Canby Planning Commission