

CANBY PLANNING COMMISSION MINUTES

Special Meeting - September 6, 1990

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners Mihata, Westcott, Fenske, Zieg and Wiegand.

Others Present: Rusty Klem, Director of Public Works, Joyce Faltus, Planning Secretary, Earl Oliver, Dan Larson, Miriam Larson, Bob and Kitty Losch, John and Lloyd Walch, Dorothy Harder, Hans Jacobsen, Carole Jean Berggren, Carole and Dick Risley, John Larson, Scott Gustafson, Lloyd Egli, W. Hubbel and Jim Huiras.

II. MINUTES

None

III. COMMUNICATIONS

Rusty Klem acknowledged a letter in opposition from Richard D. and Joan M. Hawley with regard to CUP 90-04.

Mr. Klem reminded the Commission of the necessity to choose a vice-chairperson in the event Chairman Schrader could not attend a meeting. **Commissioner Fenske moved to nominate Commissioner Mihata. Commissioner Wiegand seconded the motion and it carried unanimously.**

Mr. Klem suggested the Commission set additional meeting dates for the winter schedule due to the increase in applications. The Commission unanimously agreed to schedule meetings for October 22, November 5 and November 17, 1990.

IV. UNFINISHED BUSINESS

None

V. **BUSINESS FROM THE AUDIENCE**

None

VI. **PUBLIC HEARINGS**

CUP 90-04, a request by **Canby Care Center** (Daniel J. Larson) for approval to construct a 60-bed long-term care facility and a 50-unit assisted living facility on a ten acre parcel located in the southeast corner of N. Redwood and Territorial Road (Tax Lots 700 and 900 of Tax Map 3-1E-37C). Continued from August 27, 1990 for testimony from opponents.

Opponents

Hans Jacobsen, 1850 N. Redwood stated his concerns. He asked if there was any reason why the service entrance could not be moved west, to abate noise. Additionally, Mr. Jacobsen asked, if a 12 inch water main comes down N. Redwood, would N. Redwood be repaired or rebuilt from N. Redwood from Territorial to 99E. If it were, he questioned whether property owners would be billed for the repair. Mr. Jacobsen also asked if the auxiliary generator could be placed so as to not create additional noise to residents on Redwood.

Jim Pierce, 1177 Redwood addressed his concerns:

1. With regard to the traffic on Redwood, Mr. Pierce was concerned with the increased traffic this proposal would generate. He wanted to bring to the Commission's attention, the hazardous conditions at the railroad crossing where Redwood meets 99E. Mr. Pierce stated he is reluctant to accept the Transportation Engineering Survey because there are too few nursing homes available to study, to derive an accurate traffic estimate. Additionally, he stated that assisted living and congregate care centers have not been addressed in the survey.
2. With regard to the zoning of the property, Mr. Pierce stated that he believes it should be zoned residential, so as to blend in with the surroundings.
3. With regard to the large tracts of property near the proposed site, Mr. Pierce stated he believes the noise created by farming interests would affect the residents of the care facility adversely.

4. Mr. Pierce stated the density bonus is in error.
5. Mr. Pierce stated that he believes the Care Home and residents would, for the most part, spend monies outside the Canby area, whereas, if it was zoned residential, people who lived in the area would spend more money locally.
6. Finally, Mr. Pierce asked how the 10 foot dedication along Redwood and Territorial enters into this application.

Lloyd Walch, 1794 N Redwood explained that there is a drainage problem in the area, especially during the heavy rain periods. He stated he is also concerned about the additional traffic that would be generated on Redwood. He further stated that his neighbor's home is 18 feet from the 12-foot wide lane, and that the proposal was too densely situated near that home. Mr. Walch said he would like more information about Phase II and Phase III.

John Vaudt, 1773 N. Redwood explained that the City had promised street repairs when the sewer line was installed in Redwood and it has not been done. He asked when it would be put back together. Mr. Vaudt also asked for a definition of the term "close proximity" as used when defining the site which is next to a residential area. This facility is a business, located in a business area now, where it belongs. As part of the health care industry, it is more compatible to a business area than a residential area. Mr. Vaudt asked which part of the 10.5 acres is included in the 21 percent area used. He asked if the applicant planned to use only 21 percent over the complete project (all phases) or use 21 percent of the land in Phase I. The staff report indicates Redwood and Territorial will both be improved. Mr. Vaudt stated the Mr. Loesch indicated only Redwood would be improved. He then explained how traffic has increased twofold since the City shops were built. The roads were not built for the huge trucks that now use this route to get to and from the shops, he added.

Carole Risley, 1751 N. Redwood stated that she moved from West Linn to live in the country. Ms. Risley stated she is concerned about the domino affect this project would cause in the area. If commercial ventures are approved now, she expects more will be approved in the future. Ms. Risley did not believe the proposal is consistent with Policy No. 3 of the Canby Comprehensive Plan with regard to employment opportunities. If the project employs 80 people, with a payroll of \$1 million a year, it averages out to \$1,042 per month, before taxes. Ms. Risley questioned whether this would increase the need for low cost housing. If the employees lived elsewhere, she stated they would probably spend their Canby income outside Canby.

Scott Gustafson, 1860 N. Redwood stated his concerns:

1. He questioned whether this development is in the 100-year flood plain. If not, he asked which flood plain it is in.
2. He stated that there is sure to be more residential development on the north side of this site. He said his concerns include the platting of the streets. He questioned whether the existing easement would remain as such, or become a 40 foot street, and how it would coordinate with future residential development to the north of the site.
3. Mr. Gustafson stated that the zoning code is part of a larger plan for the City of Canby. He asked that the Commission give a fair amount of weight and consideration to the present zoning of this property.

Rebuttal

Dan Larson asked to postpone his rebuttal to the October 8, 1990 regular meeting, in order to prepare his rebuttal so as to address all the concerns raised. He added that he would like more direction from the City, including possible conditions that specify financial responsibility for a proposed 12 inch water main for N. Redwood. He added that he has arranged for a meeting with CUB on September 7th.

Chairman Schrader suggested Rusty Klem respond to some of the concerns opponents expressed. Then the Commission will note individual concerns the applicant could address in his rebuttal. After the forthcoming discussion, the Commission decided it will close the testimony portion of the public hearing and that Mr. Larson would turn in any new information with regard to his application to the Planning Department by September 20. This will allow opponents and proponents to review the submittal. Written testimony will be accepted until September 27 at City Hall, and forwarded to the Commission. The hearing was continued to October 8, 1990 at 7:30 p.m., to begin with the rebuttal portion.

A question from the audience addressed the 120-day time period within which a decision must be made. The Commission advised that there was approximately three months before that time period expired. An additional question from the audience addressed this property and asked, when it was annexed into the City, she believed a condition was established that when any development occurred, the entire plat for those parcels had

to be presented at the same time. She asked that the Commission review the conditions placed on the annexation, especially with regard to calculating density on the entire plat.

The Commission discussed the following issues:

1. The fact that a nursing home is not an outright use in any zone.
2. The difference between various kinds of care homes: congregate care; restorative nursing centers; intermediate nursing; assisted living and long-term care homes. The Commission requested a copy of the State laws that pertain to care homes. Mr. Larson submitted a copy which would be copied and distributed to each Commissioner.

John and Miriam Larson explained that the present Canby Care Center is considered an intermediate care nursing facility. It is a 48-bed nursing facility and the proposal includes 60-beds. The proposed center would have the capability of including Medicare, and help people who need more sophisticated care. The proposal would not include acute care, but custodial type care. Congregate care would be included in the senior apartments and would be included in the final phase, which is not a firm commitment at the present time. Assisted living would have the added bonus of having nurses on call and on the premises at all times and, thus, offering a greater service. Assisted living would include single one-person rooms similar to the present Canby Care Center. These people are somewhat active, and require minimal assistance. Food and limited nursing supervision would be provided, but skilled nursing is always available in the event of an emergency. Restorative nursing refers to skilled nursing care, not requiring extensive care, but offering physical and occupational therapy. Long-term care is geared toward older people who require constant nursing and maintenance care; people who would most likely not return to independent living again.

Bob Losch, Architect for the Canby Care Center explained the difference between what could be developed on this property residentially, and what was proposed to be developed, and the density difference between the two. He explained the proposal was not going to exceed what the underlying zone allowed, which is 201 people on this property. The plans include 110 residents in this facility with a rotating staff on a 14-hour shift per day. In no part of Oregon is the underlying zone a criteria that must be met. Most areas in the state address care homes or nursing centers as a community service district, which allows the City to site these

centers where they will serve the community best. They are not addressed in the Canby Code. He further explained that this facility would bring a high level of medical care to the elderly.

3. Chairman Schrader requested the City-definition of "assisted living" be distributed to each Commissioner. He further suggested that the Commission follow up on Mr. Losch's testimony, regarding how the 110 unit Phase I fits the underlying zone with respect to the actual acreage this particular phase is supposed to occupy.
4. The siting of the access road on the southern boundary, what is included in the easement and whether it would be a future access to more development in the area in the future. Additionally, the Commission decided it should address that road as it could leave the front of the property as another subdividable lot.
5. The conditions should cover water and sewer mains and who is responsible financially. The City should receive input from the meeting the applicant is having with CUB on September 7, 1990.
6. The Commissioners requested information regarding the Oliver Annexation with regard to conditions, platting and future development proposals. Mr. Oliver stated that this acreage has no bearing to future development on the other side of the creek. There are no protected roadways and no bridges. Mr. Klem stated that he believes there was a condition of the annexation to the effect that the Planning Commission would review further development proposals on the property. The property was considered a part of the City's service plan when it was annexed and believed to be buildable property inside of the UGB, answering future housing needs.
7. The entrance being close to the immediate residential area.
8. The open space in the southeast area of the property, and whether the facility, as presented, could be shifted to the north. This would encourage additional buffer separation between the existing residential area and might allow for access to a park-type area. Additionally, dedication of parkland was discussed.
9. Security for the open space and who would maintain it and how large the pond would be. Chairman Schrader addressed this issue with regard to this quadrant (Redwood/Territorial) being one of the Parks Committee concerns. He suggested the applicant work with the City regarding the parkland and buffer.

10. How much extra expense would be involved getting extra fill to the north end of the property to bring it up to 97 feet.
11. Conditioning the location of the auxiliary generator to the far northern side of the building and conditioning it to meet DEQ residential noise requirements.
12. The 10 foot dedications on both Territorial and Redwood. Rusty Klem explained that both streets need widening and property must be dedicated as public right-of-way for the roadways. Territorial is planned to be an 80' feet and Redwood is planned to be 60 feet. When the streets are widened, he said, the curb will be set and the pavement brought up to the curb and sidewalks installed. Chairman Schrader suggested conditioning that the applicant upgrade the street and sidewalks to City requirements with the dedication.
13. That there would be no domino affect allowing other commercial uses in the area. Mr. Klem explained that it would have to be preceded by a zone change request and, in this case, a Comprehensive Plan change also, as there are no commercially planned areas in the immediate vicinity.
14. Traffic generation on Redwood, especially across the railroad tracks to 99E. As development on Redwood grows and property is annexed to the City, Canby would continue to get 10 foot easements on each side and eventually all of Redwood would be 40 feet, curb to curb. If development does not occur fast enough, the property owners could form a Local Improvement District (LID).
15. The gravel road easement on the southern portion of the site and, possibly, additional buffering for the adjacent neighbors. Mr. Losch explained the fire marshal wanted 360 degree access to the building. The Commission considered conditioning it as an emergency access and the possibility of paving it.
16. With regard to water improvements to 99E, Mr. Klem explained that it was not a City road, so the City could not require off-site improvements. To date, CUB's position has not been to extend services at their own cost. Some mechanism would have to be devised as to how it would get paid for and where it goes. The Commission requested feedback from Mr. Larson after his September 7, 1990 meeting with CUB.

17. The 21 percent coverage will encompass all three phases. Phase I will only encompass 10 percent of the site.
18. This area is included in the Comprehensive Plan as being an area of special concern and the Commission discussed conditioning tree removal and preservation.
19. The Commission discussed having the actual size of the pond shown on the final preliminary plat.
20. With regard to sewer capacity, Mr. Klem explained that there would be less flow from 110 residents plus staff, than from a residential development. This part of the Redwood, when and if it is annexed, will benefit from interceptor that is in Redwood.
21. The Commission discussed giving the opponents the opportunity to respond to the final preliminary plat, at least, in written form, within a seven day period after the City receives it. It was decided the applicant would submit this plat to the City by September 20th, and opponents could then review it in the Planning Department and submit written testimony by September 27th and the hearing would be continued to October 8, 1990.
22. The Commission discussed the HVAC system and Mr. Losch explained that the gas pipes on the roof will comply with the State Physical Plant regulations for nursing homes. It will maintain 65-75 degrees and emit very little noise. If designed properly, he said, it will not even be heard within the facility.
23. The Commission discussed garbage removal, which will be mainly from the kitchen service area, which he indicated on the plat.
24. Delivery trucks (mainly milk and food) would access in the back, off Territorial. Redwood is too restrictive for truck traffic. Other deliveries are made via small trucks or vans.

Dan Larson explained that the footprint was so located on the site mainly due to the concerns regarding flood water and topography. The footprint lies in the highest elevation, one foot above the 500-year flood plain level. Additionally it was so sited to meet HUD financing requirements. The 100-year flood plain is located at 84 feet and the 500-year flood plain is located at 96 feet. Mr. Larson stated that they intend to use the Territorial access to a greater degree than the Redwood access.

Mr. Losch explained that there is a dedicated 15 foot easement for the people live to the north of the site. The intent is bring the easement up to a 24 foot wide paved road and maintain it, and for the center to have full access and use of the easement. In siting the building differently, Mr. Losch explained that it would be almost inaccessible, grading wise, to get to the first floor. To protect the most immediate neighbors, the most residential portion of the building would be the portion to the south. The highest level of service to a nursing home is delivery to the kitchen. Access will come from a dual road from the southernmost portion of Redwood or from Territorial. Ambulance service would be very infrequent. Public use of the parkland was intended to mean family-type use for residents, not the general public. The most residential aspect of this development is that portion that is that portion to the south, toward the contiguous residential properties.

The Commission agreed unanimously to continue this application to October 8, 1990 with the applicant submitting the final preliminary plat to the Planning Department by September 20, 1990. Opponents could review the plan and submit written testimony by September 27, 1990.

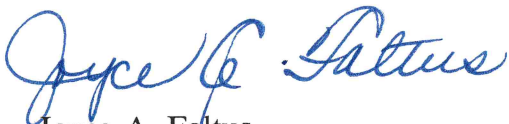
VII. FINDINGS

Commissioner Mihata moved for approval of ANN 90-04 Findings, Conclusions and Order. Commissioner Zieg seconded the motion and it carried unanimously.

VII. ADJOURNMENT

With no further business before the Commission, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,



Joyce A. Faltus
Secretary