

CANBY PLANNING COMMISSION
Regular Meeting
July 8, 1991

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Westcott, Wiegand, Maher and Zieg.

Staff Present: Robert Hoffman, Planning Director and Joyce Faltus, Secretary.

Others Present: Leo L. Schlegel, Joan Hooper, Doug Gingrich, Kim Arbuckle, Bob Kauffman, Roxy Lighty, Jim Howard, Wayne Warner, Anita Hosler, Dannette Strubhar, Shirley Schultz, Vivian Borg, Betsy Ross, Sandy Rudy, Debi and Randy Sajovic, Cam Sivesind, Eugene Gaecho, Charles and Terry Blackwell, Alison and Ken Patterson, David L. Gott, Erle and Helen Grove, Maynard Nofziger, Bob L. Stuart, Carl R. Stuart, Arden Eby, Al Moore, Ron Tatone, John Beck, Roger Reif.

II. MINUTES

The minutes of **June 10, 1991** and **June 24, 1991** were approved as submitted.

III. BUSINESS FROM THE AUDIENCE

None

IV. COMMUNICATIONS

None

V. UNFINISHED BUSINESS

None

VI. FINDINGS

Commissioner Westcott moved for approval of CUP 91-03 Findings, Conclusions and Order (Lee Portable). Commissioner Maher seconded the motion and it carried unanimously.

Commissioner Westcott moved for approval of CUP 91-04 Findings, Conclusions and Order (Knight Portable). Commissioner Maher seconded the motion and it carried unanimously.

VII. PUBLIC HEARINGS

- **ZC 91-01**, a request by H.O.P.E. (Housing and Outreach Project for the Elderly). The applicant is requesting approval of a zone change from R-1 (Low Density Residential) to R-1.5 (Intermediate Density Residential). The property is located on the southwest corner of S.W. 13th Avenue and S. Ivy Street (Tax Lot 800 of Tax Map 4-1E-4D).

- **CUP 91-05/PUD 91-01**, a request by H.O.P.E. (Housing and Outreach Project for the Elderly) for conditional use approval use approval to construct a Planned Unit Development which would include 138 independent living units, 30 low rise independent living units, 210 congregate housing units, a health care and nursing facility as well as a community center. The community center will house an auditorium, chapel, bank, activity rooms, swimming pool and convenience store. The grounds will have 2.0 acres of mini-parks, as well as tennis courts and several thousand feet of walking trails. The property is located on the southwest corner of S.W. 13th Avenue and S. Ivy Street (Tax Lot 800 of Tax Map 4-1E-4D).

Bob Hoffman presented both the Zone Change and Conditional Use/PUD applications simultaneously. He explained that the zone change application requested approval to rezone the 32+ acres on the southwestern corner of the intersection of S. Ivy Street/13th Avenue from R-1 (Low Density Residential) to R-1.5 (Medium Density Residential). Mr. Hoffman explained that the proposal is consistent with the Comprehensive Plan and that the staff recommendation is that the Commission recommend approval of this zone change to the City Council.

With regard to the CUP/PUD application, Mr. Hoffman presented the staff report and explained that application states that the ultimate intended use for this site is a Planned

Unit Development specifically for senior citizens under ordinance provisions that would limit its use only for senior citizens or handicapped. Mr. Hoffman reviewed the background with regard to the Comprehensive Plan Amendments that was recently approved for Medium Density Residential. He addressed each of the applicable criteria and added that the ultimate proposal is consistent with or can be made consistent with the policies of the Comprehensive Plan. The project is proposed as a 25-year plan, to be developed in stages. Presently, the applicant has submitted Phase 1 and Phase 2, which Mr. Hoffman summarized. Each phase would have to be reviewed in detail under the Site and Design Review Ordinance and would come back before the Commission, individually. Up to six levels of care for the seniors, are proposed on the site. Staff is of the opinion that the proposal is of appropriate design, suitable for the site and for the type of use proposed.

The areas proposed for Phase 1 and 2 are the lower density areas and the developers are not getting the advantages of the higher densities offered via a PUD in the earlier phases. Approximately 2 acres of the site is proposed to be developed as public recreation areas (pathways, jogging trails, tennis courts, community center, etc.). The developer is proposing that the open space be maintained by the developers rather than dedicating the land to the City.

Phase 1 is located on the northeastern quadrant of the site. It includes 48 attached units on approximately 246,000 square feet. Under R-1.5 zoning, up to 60 units would be allowed without any bonus considerations. Mr. Hoffman added that the entrance to the project should also be included as part of Phase 1. In the upper southwesterly corner, included in Phase 1, is a proposed maintenance building. Staff is concerned that it is too close to the edge of the site and lacks buffering treatment.

Phase 2, to the west of Phase 1, the Congregate Care phase of the development, proposes 48 single family units and 40 congregate care units, and about two-thirds of the community center on 273,000 square feet of the site. Phase 2, as proposed, does not include adequate area for parking. Mr. Hoffman indicated on a separate drawing, how additional area could be reserved for adequate parking in Phase 2.

The internal roadway system is designed so residents will not have to cross a road to reach the health or community center facilities from their living unit. Parking areas for single family units all have turnarounds at the end of each court. The turnarounds will have to be clearly signed to prevent parking in those areas.

The Fire Marshal has reviewed the revised parking scheme which now includes three entrances and is satisfied with this pattern of circulation. He included suggestions regarding the location of fire hydrants.

The applicant has only requested consideration with regard to the parking aspects. Staff believes the proposal of 1.3 spaces per unit, is adequate for resident and guest parking. The ordinance requires 1.5, but the Commission is authorized to reduce them

slightly. There are 55 parking spaces proposed at the community center, and 103 at the health facility. Each unit would have parking nearby and guest and overflow parking would be situated at the edges of the development. Parking for employees is proposed near each facility that it serves and the proposed amounts are sufficient, and meet the requirements of the ordinance.

Mr. Hoffman explained that the community center will have a retail establishment as part of it, to serve only the residents. It will also house a small post office and bank. Further, Mr. Hoffman described the buffering and open space treatment along the perimeter of the project. He added that staff believes that the project will not alter the character of the surrounding areas which limits or precludes their use, except for the needed buffering around the maintenance building. With regard to solar orientation, Mr. Hoffman explained that a good number of the units are oriented in an east-west fashion (facing south) which could capitalize on their access to the sun.

In conclusion, staff finds that the proposal does meet all of the requirements of a Conditional Use/Planned Unit Development for special housing for the elderly and handicapped, provided that certain conditions are approved and that each phase is reviewed under Site and Design Review. Mr. Hoffman then discussed his proposed conditions of approval.

Applicant

Roger Reif, 273 N. Grant, reviewed the history of this proposal and the changing needs in Canby. He also reviewed statistics regarding population and housing characteristics of Canby. He explained that 15% of the population in Canby is older than 65 years of age, whereas the County average is 12%, while the homeowner vacancy rate in Canby is 6/10 of 1% and the rental vacancy is 1.3%. With regard to the number of units H.O.P.E. would like to build and the value of the homes it will be constructing, the developer estimates that building 378 units would be broken down to cost \$66,135 per unit, as it is a not-for-profit project. The original estimate of 276 units would not make the project viable. Under the R-1.5 zoning, approximately 344 units could be built. With a 15% density bonus, it would bring the project to approximately 396. The applicant is requesting 378 units. As the residents become older, more mature senior citizens, and would require assisted living, the assisted living facilities would then become available. As far as it being a 25 year project, Mr. Reif stated that this is the best guess, at the present time, for funding to become available for each phase. He explained that the proposed parking, of 684 spaces, is adequate.

Mr. Reif then discussed the special qualities of the site, why it was chosen, and how it fits in with the surrounding area. The existing Filbert Orchard is at the end of its productive life and will, most likely, not be replanted, although it will remain in production until each phase is ready to undergo construction. As far as the

maintenance shed, he explained that when it is reviewed under Site and Design Review, the Commission's concerns about buffering will be taken into consideration.

Doug Gingrich, Chairman and President of the H.O.P.E. Corporation explained that phasing will be influenced by the availability of funds. Mr. Gingrich then discussed the phasing aspects. Phase 1 will include 48 independent housing units. Phase 2 will include an additional 48 independent housing units, part of the congregate living facility which has been designed to be built in phases, and 60% of the community center. Mr. Gingrich stated that he concurs with the Commission's concern regarding buffering of the maintenance building.

Ron Tatone, Engineer for the project, explained that he has worked to assure that there is adequate sanitary sewage facilities and water distribution facilities. His firm has examined the City system that would collect the sewage from this site against the Master Plan, which his firm prepared many years ago, which proposes a trunk sewer on 13th Avenue that would collect sewage and direct it to the east, which would eventually get into the new trunk sewer in Redwood. The site can be served by gravity. Staged development is a plus, in that it has little significant impact on the existing system. The City's improvements to its own collection system in 4th Avenue has alleviated concerns that existed previously. As the site is developed, a sanitary gravity system on Ivy Street would serve the site to the westerly midpoint and then there would be a sanitary sewage collection line on S. Fir to take care of the balance of the S. Fir frontage. The sewer line on 13th Avenue will also serve part of the frontage. There would be many collection lines because of the elevation of the existing sewer lines.

Water distribution is of less concern because of the facility on 13th Avenue. There is an existing 10 inch main in S. Ivy, a 14 inch main in 13th Avenue, and a 12 inch main in S. Fir. Those lines will be extended and on the south boundary of the project, it would be connected with a 10 inch connector, although the actual size will depend on the Fire Marshal's recommendations.

Kim Arbuckle, architect for the project, explained that the Master Plan was developed to provide for the needs of an elderly and retirement community. Mr. Arbuckle defined what constitutes the independent living facilities, congregate living facilities, and the assisted living facilities. He explained that the interior roadway system offers security for residents to travel from their living units to the community center, without crossing any streets. A tunnel is also proposed, which connects congregate living with the community center, and the health facilities with the community center. The community center is proposed to house a chapel/auditorium, postal center, a possible branch bank, convenience store, offices, craft rooms, and swimming pool. Since the original site plan was designed, a third access has been

added on 13th Avenue. A public parkway around the entire perimeter has also been added, with a 9800 square foot park at the corner of Ivy and 13th.

Proponents

Betsy Ross stated that she was pleased that this project was designed across from the Adult Center and that the Adult Center was looking forward to serving its residents.

Alison Patterson stated she supports the proposal.

John Beck, 1715 S. Fir, stated he supports the proposal but that the maintenance shops proposed near his property should be well buffered. Since the applicant will improve 1/2 of Fir Street, he stated his concern about the other half. Mr. Hoffman explained that, ultimately, when the adjacent property is developed, Fir Street would then be developed. When the property on the far side is developed, then the property owner would have to improve that side too. He explained further, that the H.O.P.E. proposal included dedicating land now and improving the street when the development takes place on Fir Street, which is not in either of the first two phases. The actual landscape treatment will be part of the Site and Design Review.

Rebuttal

Kim Arbuckle stated that the maintenance building will be set back adequately, and well buffered from Fir Street.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. The Commission discussed:

- a. The traffic analysis submitted by the applicant and the lack of necessary warrants to act as the catalyst for the installation of a traffic signal at the intersection of Ivy Street/13th Avenue. The Commission asked staff to compare the numbers used in this analysis with the numbers that were submitted for the other developments in the area to see if they correspond. Mr. Hoffman explained that staff talked to the consultant, who was the same consultant for all of these projects. The engineer's analysis, though, did not appear to suggest that once all the developments were completed, there would

be a need for a traffic signal. Other recommendations for improvements were included in the traffic analysis.

- b. Whether this application could stand alone or whether it relied upon the Conditional Use/PUD proposal.
- c. Whether the rezoning should be permitted to remain if the project fell through or lapsed. Mr. Hoffman explained that it would be difficult to condition a rezoning application, but that it could have been rezoned to an R-1.5/PUD zone had it been advertised as such. Further, Mr. Hoffman explained that however the property was developed, it would come back before the Commission.
- d. The Commission discussed the National Fair Housing Act definition. Mr. Hoffman explained that one of the occupants must be over 55 years of age. He also explained the State certification regarding the handicapped. It was agreed Mr. Hoffman would research whether the elderly designation or handicapped definition could include the phrase "not intended to include persons with other than physical disabilities. That is, it does not include drug or alcohol rehabilitation programs, half-way houses or ex-convicts."
- e. The Commission discussed whether the applicant was requesting a 15% bonus for unique and beneficial design features and/or the 50% bonus for special housing, or both. Mr. Hoffman explained that it was left for the Commission to decide and that the 15% bonus was enough to accomplish the project. The senior citizen benefits were requested only relative to parking areas.
- f. The Commission discussed the maintenance building included in Phase 1 and the lack of buffering from Fir Street.
- g. The Commission discussed the development, dedication and maintenance of open space.
- h. The Commission discussed deed restrictions for assuring the development of recreation areas for public use. Mr. Reif suggested wording for a condition, so as not to hinder financing for the project.

- i. The Commission discussed the terms of ownership for the residents.
- j. The Commission discussed the Ivy access, to be included in Phase 1, and agreed the 13th Avenue emergency access should be included as part of Phase 1 also, as per the request of the Fire Marshal.
- k. The Commission requested that the minutes reflect that the City Planner will remind the Planning Commission of the need to review this project at the end of each five year period. This shall be added to condition #3.
- l. The Commission discussed appropriate signage and agreed that turnarounds should be appropriately signed, which will be picked up during the Design Review process.
- m. The Commission discussed adding a condition which would assure dedication of approximately 2 acres of land to the City, should H.O.P.E. sell this property.

Commission Westcott moved to recommend approval of ZC 91-01 to City Council based on the findings and conclusions contained in the June 28, 1991 staff report and on Commission deliberations. Commissioner Zieg seconded the motion and it carried unanimously.

Commissioner Westcott moved for approval of CUP 91-05/PUD 91-01 based on the findings and conclusions contained in the June 28, 1991 staff report and on Commission deliberations, with the following conditions, and amending the Master Plan to include the full width entrance from Ivy Street for Phase 1:

- 1. Each phase is to be applied for under the then current Site and Design Review Ordinance and procedures.
- 2. This approval is for the entire 32 acre site as a general Master Plan for guiding development. It should **not** be interpreted in each of its details, but as a framework for future detailing under Design Review.

3. With the proposed Design Review for each Phase, or at the end of each 5-year period, whichever comes first, the Commission shall review progress and evaluate the need to make any changes to this approval. Desirable rezoning will be considered by the Commission at this time. This action should not be interpreted as an approval for an unlimited time period. The City Planner shall remind the Commission of the need to review the project at the end of each five year period.
4. Utility easements shall be provided to the satisfaction of the utility and service-providers and may include, but not be limited to, 12 foot easements on the entire perimeter of the site.
5. Road right-of-way dedications, as proposed on Fir Street and 13th Avenue, shall be accomplished prior to approval of Phase 1.
6. Phase 1 shall be adjusted to include the full width main entrance off S. Ivy Street. Phase 2 shall be adjusted to include an area sufficient as parking areas for the Congregate Living and Community Center. The H.O.P.E. Campus Master Plan map shall be amended to include this change.
7. A waiver of remonstrance shall be required for any needed traffic improvements related to the project development on 13th or Ivy and, in particular, but not limited to, the proposed traffic light at the intersection of 13th Avenue and Ivy Street.
8. Fire service facilities shall be installed and be operational, as required by the Fire Marshal. Road service to the complex shall be maintained throughout all construction periods to ensure adequate fire equipment access. Detailed locations of hydrants shall be reviewed and approved by the Fire Marshal and finalized as a part of the Design and Site Review process.
9. Occupancy of the site under this Conditional Use/PUD approval is limited to the elderly, handicapped, or such caretakers as may be necessary, and as defined in the National Fair Housing Act. The definition of "handicapped" as referenced above, is not intended to include persons with other than physical disabilities. That is, it does not include drug or alcohol rehabilitation programs, half-way houses or ex-convicts.

10. Half-street improvements, including sidewalks, curbs, bike paths, and street pavement shall be a part of each phase and provided prior to, or at the time of construction of that phase.
11. Prior to the development of Phase 2, or upon payment of the underlying contract, or September 1, 1996, whichever shall occur first, applicant shall provide deed restrictions or other appropriate legal documents, to be reviewed and approved by the City Attorney, assuring park and open space for public use, as shown on the H.O.P.E. Master Plan dated July 8, 1991.
12. Emergency access off of 13th Avenue shall be included as part of Phase 1.

Commissioner Zieg seconded the motion and it carried unanimously.

Due to time constraints, the following hearings were postponed to a special meeting on July 15, 1991:

- **DR 91-03**, a request by Mike Jarvey (Hot Off The Press) for approval to construct a 5,000 square foot office building. The site is located at 1270 N.W. 3rd Avenue (Tax Lot 1602 of Tax Map 3-1E-32DC).
- **MLP 91-05/PUD 91-02**, a request by Bob L. Stuart (applicant) and Carl R. Stuart (owner) for approval of a Minor Land Partition with a PUD Overlay to develop Tax Lot 201 under the Elderly and Handicapped Criteria. The property is located on the east side of N. Holly, between N.W. 12th Avenue and N. Territorial Road (Tax Lot 201 of Tax Map 3-1E-33BA).

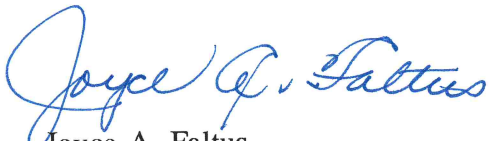
VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,


Joyce A. Faltus