

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
December 9, 1996
7:30 P.M.

I. ROLL CALL

Present: Chairman Ewert, Vice-Chair Stewart, Commissioners Dillon, O'Shea and Keller.

Staff: James Wheeler, Planning Director, Larry Vasquez, Assistant Planner, and Joyce Faltus, Secretary

Others Present: Patrick Bickler, Don Macauley, Jerry Barkman, Bob Kauffman, Phil Fogg

II. MINUTES

Commissioner Stewart moved to approve the October 28, 1996 minutes, as submitted. Commissioner Dillon seconded the motion and it carried unanimously.

The November 25, 1996 minutes were held over to the January 6, 1997 meeting.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Mike Duncan, of Pahlsh Duncan Homes [Tofte Farms Phase I] explained that he did not receive the staff report for INT 96-01 with regard to setback restrictions. Due to not receiving the information, he was unable to come before the Commission to present information with regard to his request for a change of that policy. He requested that the item come before the Commission at the first meeting in January, 1977, in order for him to present the information he has gathered. His only other alternative, he explained, was to appeal the decision to City Council.

Mr. Duncan further explained that he has obtained building permits already, which depend on this decision. If he is unsuccessful in the attempt to have the Commission approve his request, the house plans for various lots would have to be revised. Mr. Wheeler explained that it would have to be re-noticed if it was heard before the Commission again and that it would expedite matters for the applicant to be heard before the Commission than to wait for a date to be heard before the Council on an appeal. The Commission agreed to place it on the January 6, 1997 agenda, at the end of the public hearing portion.

IV. FINDINGS

- **DR 96-14 - Air Touch Cellular**

Commissioner O'Shea moved to approve the Final Order for DR 96-14, as submitted. **Commissioner Keller** seconded the motion and it carried 4-0, with Vice-Chair Stewart abstaining.

- **TA 96-02 - Ordinance Text Amendments**

Commissioner Dillon moved to approve the Final Order for TA 96-02, as submitted. **Commissioner O'Shea** seconded the motion and it carried 3-1, with Commissioner Keller voting nay, and Vice-Chair Stewart abstaining.

- **ANN 96-05 - Canby United Methodist Church**

Commissioner Keller moved to approve the Final Order for ANN 96-05, as submitted. **Commissioner Dillon** seconded the motion and it carried 4-0, with Vice-Chair Stewart abstaining.

V. PUBLIC HEARINGS

CUP 96-05/PUD 96-01, an application by H.O.P.E. [applicant/owner] for approval to amend CUP 91-05/PUD 91-01 with regard to: 1) meeting the 2.0 acres of parkland within the campus by the creation of a "linear park" on the outer perimeter of the campus, developed as the various phases of Hope Village are completed; 2) permitting an entry point to be located on S. Ivy at the southeast corner of the Village, which would be an "entrance only," with no exits onto Ivy permitted; 3) to phase the parking provisions as the center is actually built; and 4) amending the master plan to include the health facility as part of the assisted living facility, using the original health facility site for rental housing. The site is located on the west side of S. Ivy at the corner of S.W. 13th Avenue [Tax Lots 800 and 801 of Tax Map 4-1E-4D].

Chairman Ewert reviewed the hearing process and procedures and asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated. He then referred to the applicable criteria posted on the wall and on page 2 of the staff report.

Mr. Wheeler presented the staff report. He explained that the applicant was requesting approval of conditional use permit and planned unit development plan to revise the existing approved Master Plan. The four specific revisions include: 1) revising the park

plan; 2) phasing the parking provisions for the community center; 3) requesting approval of a secondary "entrance only" access onto S. Ivy Street; and 4) a revision to the building facilities and configuration, amending the master plan to include the health facility as part of the assisted living facility, and using the original health facility site for rental housing instead.

Regarding the Park Plan, Mr. Wheeler explained that, as originally proposed, there were no areas specifically designated for a public park, although there was a linear walkway proposed for the perimeter of the site. As a result of the first approval in 1990, the applicant identified certain areas for use by the public, one of which was the corner of SW 13th/S. Ivy and along S. Fir almost to the southeast corner of the site. When Phase 1 was submitted, the applicant proposed a reconfiguration of the park areas due to concerns for interior security and the integrity of the development. When the minor land partition for Phase 2 was submitted, more specific requirements regarding parkland were discussed, with regard to dedication and/or maintenance commitments. The applicant is proposing to go back to a perimeter walkway/linear park with larger areas configured at S. Fir/SW 13th and at SW 13/S. Ivy, with a larger area at the southern part of the main entrance and another larger area on S. Fir, which would include horseshoe pits. The proposal includes the required walkway along S. Fir, SW 13th, and S. Ivy which, at times, would meander off the actual curb line and veer further into the interior. The public would not be restricted from using the interior pathways, but they would not be explicitly invited or encouraged to use them. The Commission originally approved a public linear park area measuring approximately 2 acres and the new proposal is approximately 3 acres. Staff has worked with the applicant on the design of this linear park, which is more adult-oriented and more compatible with the planned development. An actual legal document outlining the public use and maintenance of the park area will need to be submitted and recorded prior to issuance of any building permits for Phase 2, and should include the actual description of the proposed park area. Mr. Wheeler pointed out revisions that need to be made on the plan submitted by the applicant on November 13: 1) a small area of public park area was overlooked; 2) a sidewalk connection across the main entrance island; 3) the addition of a sidewalk along S. Fir, west of the horseshoe pit, in addition to the one that is proposed to veer around the pit itself, to provide a straight path along S. Fir for walkers who are not planning to use the horseshoe pit.

Regarding the second entrance on the southeastern portion of the site along S. Ivy Street, Mr. Wheeler explained that the applicant is proposing such entrance due to the nature of the project. The southernmost entrance would be primarily for use by delivery vehicles and emergency vehicles and would be designated as "entrance only." Although the Fire Marshal has not stated he requires the second entrance, he has indicated a desire for it, to use on a regular basis because, based on the figures submitted by the applicant, it appears the facility will generate one call per day, on average. On the other hand, Clackamas County would prefer only one access onto S. Ivy Street and strongly recommend against a secondary one-way access because they believe it will be violated on a constant basis. The

original plan only provided for one entrance on S. Ivy and one entrance on S. Fir. With the original approval, the Commission required entrances on S. Ivy, S. Fir, and S. Holly Street. If the secondary access on S. Ivy is provided, Clackamas County will require two-way access and at least 550 feet of sight distance to the south, which would have to be verified by a traffic engineer.

The Commission originally required, as part of Phase 2, that parking be provided for the Community Center and the Congregate Living Facility. The applicant has now changed Phase 2 to include the Congregate Living Facility which is the Assisted Living Facility, combined with the Health Care Facility, and not to include the Community Center. After reviewing the revised plans, staff agrees that the applicant could reasonably provide parking only for what is actually being developed in Phase 2.

Regarding the building facilities, Mr. Wheeler explained that there are a lesser number of units than was originally proposed because the health facility and assisted living facility are going to be combined. The applicant is now proposing to add another independent living facility to maintain the approved 368 units.

Staff recommends approval of the three amendments, leaving the fourth, the second access from S. Ivy up to the Planning Commission's discretion. The only condition attached to the approval, at the present time, would be the documentation to delineate the public use of the linear park, prior to issuance of the building permit for Phase 2.

Applicant

Jerry Barkman, 137 NW Reed Lane, Dallas, OR 97338 explained that the applicant does have concerns about the parks issue which involves the issue of security for seniors. While struggling with the safety issue for a retirement community, as it relates to parks, Mr. Barkman explained that the best solution would be to create a circular sidewalk around the perimeter, thereby providing a walking area for the public which would not encourage dangerous traffic into the campus (i.e. kids on skateboards, bicycles, etc.). At the same time, the applicant has graded the wider areas in order to raise the sidewalk in some areas, to provide diversification. Although the proposal includes walking areas via linear strips for the public, the applicant would prefer that the public not use the walkways within the campus. The applicant proposes to place signage where the public is encouraged to walk. With the lack of signage in the interior walkways, the applicant hopes to discourage the public from entering the campus.

With regard to the second entrance on S. Ivy, Mr. Barkman explained that the Fire Marshal felt that it would reduce emergency response time. Additionally, the applicant felt that some of the service traffic could be routed to that entrance and leave via S. Fir Street. The developer prefers that the entrance off S. Ivy remain a one-way entrance only. Mr. Barkman stated that he does not believe there will be a turning lane off of S. Ivy into

the main entrance, even though the main entrance is wide enough to have a left- and right-turning lane installed.

With regard to the issue of parking, Mr. Barkman explained that the applicant is still unsure when the Community Center will be developed. Discussions have been held and the board agreed it should be developed in such a way, as to be able to add on to it over a period of time, as funds become available. The parking designated in the proposal would meet the requirements for the building, as shown in the current plan, but since it is not the final Community Center plan, the applicant requests that the parking area not be built in Phase 2.

Mr. Barkman explained that the proposal calls for 80 units of assisted living and 50 units in the nursing facility and, in addition, a congregate living center, thereby maintaining the proposed density, as approved in 1991.

Proponents

None

Opponents

None

With no additional testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed the proposed "entrance-only" access from S. Ivy Street, including the comments from Clackamas County Department and the Fire Marshal. Mr. Wheeler explained that the Fire Marshal expects one emergency call per day, on the average, and that the County would like to keep the number of entrances as minimal as possible. The Commission agreed that the proposed southernmost entrance will not function properly because one-way access would be used as an entrance/exit no matter how it is marked, and that the proposed second access on S. Ivy would not provide safe traffic patterns on S. Ivy. The Commission agreed too, that truck traffic should not be directed to exit on S. Fir, which is a single family residential neighborhood. The Commission agreed though, that a second access from S. Ivy Street for emergency vehicles only would be desirable, as it would provide appropriate emergency service to the development.
2. The Commission discussed the proposed park lands. The Commission agreed that it would be more desirable for H.O.P.E. Village to retain ownership of the lands that will be used by the public for a park, and to maintain them.

3. The Commission discussed the representation, on the master plan, of trees in the park area at the corner of S.W. 13th/S. Ivy and its concern about sight distance when the traffic signal is installed. Mr. Wheeler explained that he interprets the master plan to be an overall site configuration, but not a site-specific landscape plan. As each phase is developed, the specific landscape and park plans are submitted and reviewed under Site and Design Review, he added.
4. The Commission discussed the public's use of the park areas. Mr. Wheeler explained that although the public would not be explicitly encouraged or explicitly prohibited from using the interior walkways within the village, that public use of the park areas **will be explicitly encouraged**. The horseshoe pits are a part of the public park and linear park areas, he added.
5. The Commission discussed public parking for the park areas, as curb parking along S.W. 13th Avenue will soon be restricted, as it eventually will connect with Highway 99-E as a bypass. Curb parking along S. Ivy is already restricted. Mr. Wheeler explained that there is excess off-street parking available along the perimeter of the site and on-street parking would be available along S. Fir as it is not planned as a through street.
6. The Commission discussed parking for the Community Center on the site. Mr. Wheeler explained that the applicant proposes one additional row of parking for the center and that it is up to the Commission whether the parking area is required now, even though the Community Center is not included in this phase. Under Site and Design Review, the amount of parking can be discussed, he added.
7. The Commission discussed parking for visitors. Mr. Barkman explained that there will be space in each driveway and on the street for visitor's cars.
8. The Commission discussed playground equipment. Mr. Barkman explained that the applicant is not prepared to field the liability that comes with playground equipment.
9. The Commission discussed the project and agreed it was an asset to the community.

Based on the findings and conclusions contained in the staff report dated December 2, 1996, on testimony at the hearing, and on Commission deliberations, **Commissioner Stewart moved to approve CUP 96-05/PUD 96-01 with the following conditions:**

Prior to the Issuance of a Building Permit:

1. Prior to the issuance of a building permit for the second phase of development, the 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 November 13, 1996, with the following revisions:

- a. The area between the horseshoe pits and the interior drive (to the northwest of the horseshoe pits) is considered to be a part of the public open space.
- b. A sidewalk shall be provided along S. Fir Street, immediately west of the horseshoe pits.
- c. A sidewalk shall be provided across the main entrance landscape island on S. Ivy Street.

Notes:

2. The secondary access onto S. Ivy Street, at the southeast corner of the village, is approved for emergency vehicle access only. The access shall have an emergency vehicle crash-gate, and is not approved for any daily access, but only as a backup to the main entrance. The use of the secondary S. Ivy Street access shall only be changed by further review and approval by the Planning Commission.
3. As a means of providing the public park facilities needed for this development, the Planning Commission recommends against dedication of the park land to the City.

Commissioner Dillon seconded the motion and it carried 3-2, with Commissioners Ewert and O'Shea voting nay. Commissioner O'Shea voted nay solely due to the design and approval of the crash gate at the southeasternmost access on S. Ivy, and Commissioner Ewert voted nay because there was no wording included in the approval that the emergency vehicle crash-gate entrance would be blocked so it could not be used during construction and because S. Ivy Street is not a full width street with a turn lane.

DR 96-16, an application by H.O.P.E. for Design Review approval to construct an 80 unit assisted living center and 50 unit nursing facility within one building. The site is located on the west side of S. Ivy at the corner of S.W. 13th Avenue [Tax Lot 800 of Tax Map 4-1E-4D].

Chairman Ewert did not read the hearing process and procedures as everyone in the audience had been present when he read it previously. He asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site but coming to no conclusions, none was indicated.

Mr. Vasquez presented the staff report. He explained that the applicant is requesting approval of Phase 2 of an 84,362 square foot two-story assisted living/nursing care facility

on the southeastern portion of the 4.8 acre site. The assisted living facility will be comprised of 80 suites and the nursing care facility will be comprised of 50 units. The assisted living facility, designed to care for elderly residents who are ambulatory, but will need some living assistance, will be comprised of 23,924 square feet on the ground floor of the 84,362 square foot building, with the balance on the upper floor. The southwestern portion of the ground floor will also be comprised of 20,377 square feet of the nursing care facility, which will offer both private and shared rooms for non-ambulatory and ambulatory residents, most of whom will require high level care. Meals, housekeeping, laundry, transportation, and 24-hour supervision will be offered in the facility. The total project site, 4.8 acres, will also include 35,944 square feet of parking and driveway area, and 131,953 square feet of landscaping and open space. In his proposal, the applicant states that none of the residents will possess private vehicles, especially as private van transportation will be provided on-site. Covered pick-up areas for the residents will be provided off the two main circular drives. The project has been designed to protect the privacy of both the residents and passers-by. According to the Land Development and Planning Ordinance, 168 parking spaces are required, 120 for the assisted living facility, and 48 for the nursing facility (which includes sixteen spaces for staff). After comparing this facility with others, the applicant is proposing 69 parking spaces, which includes two ADA spaces, and concludes that since the residents will not have their own private vehicles, 69 spaces are adequate. Parking is indicated on the plan along the western and southern boundaries of the project and along the semi-circular drive of the assisted living facility. An emergency access indicated on the plan, includes a crash gate, and is located in the southeastern portion of the site. In 1992, the Planning Commission attached a condition to the minor land partition application for this site, requiring the construction of a 1,400 foot, 12" sanitary sewer line. Recent discussions with the Public Works Supervisor indicate that this condition is no longer necessary, due to the recently completed S. Ivy Street sewer diversion on Township Road, which is adequate to accommodate the sewer requirement for this application. With regard to landscaping, due to the lack of detailing indicated on the submitted proposal, staff recommends that the Commission attach a condition requiring that the applicant submit a detailed landscaping plan.

Applicant

Patrick Bickler, 1313 Mill Street, Salem thanked staff for their efforts in helping put this application together. He explained that the applicant is proposing a skilled nursing facility with some levels of intermediate care, with an 80 unit assisted living facility. He further stated that assisted living is a fairly new concept in Oregon, although one facility already exists in Canby. Assisted living, he explained, is an effort to help people age gracefully, rather than institutionally, which is not conducive to extending life.

Mr. Bickler explained that the floor plan area is broken down into a core with wings. The facility's main entry for the entire facility that has the congregate dining room and the kitchen area, as well as the commercial laundry area, with the residential and care center

as the arms of the building. The facade is broken up to take into account the mixture of unit types, the different living experiences, the economic abilities, and to break up the long building lines and to take into account the life safety features and components. Upstairs is a large open core lobby area, which is a main activity area for residents on the second floor, which is the secure assisted living component of the facility. There is a 25' wide paved semi-circular drive on the south side of Cascade Drive, about 150 feet west of S. Ivy Street, which will provide parking and a covered drop-off area at the entrance to the assisted living building. Access to the nursing facility will come from the continuance of Cascade Drive, south from the main entrance access to a quarter circle drive southeast of the covered main entrance drop-off area. From a design review aspect, one of the most exciting points is the huge amount of park and open space that is being proposed. The layout of the buildings and the aesthetic quality of the surroundings make it very pleasing to the elderly residents. As this is a licensed facility, transportation will be provided for the residents, as they are restricted from owning automobiles. In the event of a dire emergency, the applicant is requesting approval of the southern emergency access on S. Ivy, complete with crash gate. This area will be surfaced with grasscrete pavers, with a 24 foot wide concrete approach. Mr. Bickler urged approval of the application.

Phil Fogg, 24000 SW Stafford Rd, Tualatin 97062 stated that some philosophical things that were incorporated into the parking design. One was to retard the area from looking like a concrete city. Instead, the designers planned for the Village to have a residential effect. To maximize the efficiency of the project, the common services area was designed to be in the middle of the project, and the skilled nursing facility area in the rear of the project. Staff parking and service delivery were designed to be away from the residential area. An entryway for emergency service vehicles was created that would provide for easy access to the skilled nursing area. Taking into account the 10 parking spaces, one would assume that 12-1/2% of the residents are being visited at the same time, which rarely ever happens. From his personal experience, Mr. Fogg explained that parking problems in this type of facility would only occur on special-event days.

Jerry Barkman, 137 NW Reed Lane, Dallas addressed the parking situation. He explained that the number of spaces used in the comparison are very accurate. Designing and building parking sufficient for "special-day activities" would be an impossibility, he added, creating far too much of concreted area, which would not be used consistently.

With no additional testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed the limited number of ADA parking spaces. Mr. Vasquez explained that the number of ADA parking spaces requirements are calculated on the entire square footage of parking area. The Commission agreed that in order to provide adequate accessibility for handicapped visitors, that more ADA accessible parking spaces should be encouraged in both the assisted living and skilled nursing facility parking areas.

2. The Commission discussed the number of parking spaces with respect to the comparison of other facilities submitted by the applicant. Mr. Bickler explained that, from his experience, every institution used in the comparison has found the number of parking spaces that are allotted, to be extremely effective. Canby's requirements are higher than all the cities used in the comparison, he explained. He also explained that the residents usually have a very limited number of visitors. The parking, he added, was designed to include a lot of on-site greenery, which is why it is spread out, rather than designed totally surrounding the building. Parking to the west of the building is designated for staff, he added, designed to facilitate access to the staff entrance portion of the building.
3. The Commission discussed the compatibility of the 2-story building in relation to the surrounding neighborhood. Mr. Vasquez explained that in an R-1 zone, two-story residential units are permitted.
4. The Commission discussed lighting on the pathways, questioning whether it should be required on the perimeter pathways also. Mr. Wheeler explained that there currently are street lights on S. Ivy and on the north side of S.W. 13th Avenue.
5. The Commission discussed the design of the emergency access and agreed that the grasscrete driveway was appropriate. The Commission agreed, too, that the emergency vehicle access point is more an added convenience, than a necessity.
6. The Commission discussed the possibility of including a second regular, two-way access onto S. Ivy Street in order to facilitate optimum emergency service to the development. The Commission agreed that such an access does not outweigh the safety concerns involved with having two access points from the development onto S. Ivy Street.

Based on the findings and conclusions contained in the staff report dated December 2, 1996, on testimony, and on Commission deliberations, **Commissioner Stewart moved to approve DR 96-16 with the following conditions:**

Prior to the issuance of the Building Permit:

1. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.
2. Prior to the issuance of a building permit the 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 November 13, 1996, with the following revisions:

- a. The area between the horseshoe pits and the interior drive (to the northwest of the horseshoe pits) is considered to be part of the public open space.
- b. A sidewalk shall be provided along S. Fir Street, immediately west of the horseshoe pit.
- c. A sidewalk shall be provided across the main entrance landscape island on S. Ivy Street.

For the Building Permit Application:

3. A detailed landscape construction plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans.
4. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards. Trees are to be a minimum of 2" in diameter at the 4-foot height.
5. The two (2) ADA stalls near the building's north main entrance shall have an access aisle a minimum width of eight (8) feet.
6. A five (5) foot wide ADA walkway shall be located between the front ends of the proposed ADA parking spaces.

During Construction:

7. Erosion-control during construction shall be provided by following Clackamas County's Erosion Control measures.

Notes:

8. The secondary access onto S. Ivy Street, at the southeast corner of the village, is approved for emergency vehicle access only. The access shall have an emergency vehicle crash-gate, and is not approved for daily access, but only as a backup to the main entrance. The use of the secondary S. Ivy Street access shall only be changed by further review and approval by the Planning Commission.

9. The secondary access onto S. Ivy Street, at the southeast corner of the village, is not approved for access during construction of the facility.
10. As a means of providing the public park facilities needed for this development, the Planning Commission recommends against dedication of the park land to the City.

Commissioner Dillon seconded the motion and it carried unanimously.

VI. OLD BUSINESS

DR 95-08 - Mr. Wheeler explained that **Refractories NW** did an addition on an existing industrial building on NE 3rd Avenue, near the Fairgrounds. The proposed landscaping has not been completed, and they are now requesting a reduction in the landscaping requirements, but would still meet the requirements. Mr. Wheeler explained that business has not been as good as expected and finances are tight. The landscaping plan was reviewed with the Commission. The Commission approved the request.

Mr. Wheeler explained that **Wilson Construction**, on N.W. 3rd Avenue installed barbed wire on the front fencing, although the approval conditions required that no barbed wire be installed on the N.W. 3rd Avenue, facing the street. They are requesting approval to retain the installation. Additionally, they are requesting approval to put a cat on a gravel surface out back, rather than on a concrete surface, so asphalt would not be ruined. The Commission denied both requests, specifying that due to the sensitivity of the ground, which is right over the water system, the oil should be directed into the storm system.

VII. NEW BUSINESS

Upcoming agendas were discussed. Mr. Wheeler explained that the Conditional Use for the gymnastic center will be heard January 6, 1997. He asked if the Commission objected to having the final order submitted at the same meeting. As City Council concurred with the Planning Commission's decision, it was approved.

VII. DIRECTOR'S REPORT

Mr. Wheeler reminded the Commission of the upcoming dinner, Thursday, December 12, 1996 at St. Josef's Winery.

VIII. ADJOURNMENT

The meeting was adjourned at 10:54 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus". The signature is fluid and elegant, with the first letters of each word being capitalized and prominent.

Joyce A. Faltus