



## **Minutes Canby Planning Commission Monday, April 2, 2021**

**(Commissioner John Savory (Chair))**

**Commissioner Larry Boatright (Vice Chair)**

**Commissioner Jeff Mills**

**Commissioner Jason Padden**

**Commissioner Jennifer Trundy**

**Commissioner Michael Hutchinson**

**Commissioner James Hieb**

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**PRESENT: Commissioners John Savory, Larry Boatright, Jason Padden, James Hieb, and Jeff Mills**

**ABSENT: Commissioners Michael Hutchinson, Jennifer Trundy**

**STAFF: Don Hardy- Planning Director, Brianna Addotta- Associate Planner, Laney Fouse- Recording Secretary**

**OTHERS: Petronella Donovan, Edward Radulescu, Gary Spanovich, Zach Fogg, Sharon Kraxberger, Richard Georgescu, Bill Vermillion**

**CALL TO ORDER** Chair Savory called the meeting to order at 7:00 p.m.

**CITIZEN INPUT ON NON-AGENDA ITEMS – None**

**MINUTES a. None**

**NEW BUSINESS - None**

### **PUBLIC HEARING**

- a. The proposal is a request for Conditional Use and Design Review approval for a Memory Care Facility with 102 beds and four independent living duplexes, with associated parking and site improvements. DR 20-03 and CUP 20-02 (Memory Care Facility).**

Chair Savory opened the public hearing and read the hearing statement. He asked if any commissioners had ex parte contacts or conflicts of interest to declare. There was none. Commissioner Boatwright lives in the area and drives past the property, and his son once rented the site for a temporary use. He does not believe either of these facts will affect his decision.

Brianna Addotta, Associate Planner, presented the staff report. The request was Conditional Use and Design Review III approval for a senior living facility with 102 beds and 8 independent senior living units at 1300 S. Ivy St. She presented the applicable criteria for Design Review and Conditional Use applications and provided existing conditions of the property. It is a 2.6 acre parcel at the SE corner of SE 13<sup>th</sup> Ave. and S Ivy St. It has 2 existing driveways, one single family home, and a storage structure. It was previously designated Special Area K, which was a designation from the Comprehensive Plan, that established an overlay of the C-R zone to encourage developers to apply for future zone change and development. This designation did not change the base zoning of R-1. Projects have been applied for in the past but were never approved, and the Special Area K designation was removed in 2019 through Ordinance 1514, it no longer applies.

She presented an area map showing the swim and adult centers to the north, single family residential to NW, senior living and assisted living facilities to the west. South is a retail shop, SE is more single family residential.

Specific applications considered: Conditional use for Nursing home use in R-1 zone and Design Review 3 for new buildings. The details of project include 1 two story facility with 102 beds, 2 beds per room. 4 independent senior living duplexes on east side. Retain both accesses, one on Ivy and one on 13<sup>th</sup>. 31% landscaping and 60 parking spaces. Elevations and renderings of facility show a building larger than a single family home but similar in design. Design elements meet residential standards. The 4 duplexes represent 8 units, one story, 600 square feet with 1 car garage each and shared driveway, one driveway spot each. 15' setback to residential to the east is applied.

30% required landscaping, 31.7% proposed. 15% required landscaping in the parking lot, 28% proposed. Variety of vegetation, showing street trees.

Ms. Addotta addressed the approval criteria. The R-1 zone allows nursing homes as a Conditional Use. A 37' building height is proposed. 35' in height is the maximum allowed in R-1 zone, but this follows the 'stepback standard' of the Conditional Use criteria, allowing an increase their setbacks by 2 feet in order to accommodate 2 additional feet in height.

The property is in Lighting Zone 1. Maximum 2600 lumens are allowed for fully shielded light fixtures, the maximum proposed for this site is 23 foot candles (1 foot candle is 1 lumen per square foot, measures the application of light on the space). Lighting is centralized in the courtyard interior to the site.

Next she presented the reduced parking request. A table showing how the 60 parking spots have been allocated was provided. Nursing home standard is 1 space per 2 residents + 1 space per employee. Applicant has requested the 51 parking spaces for the 102 residents typically required by the Canby Municipal Code be removed. The applicant states in their application materials that no residents of the facility will drive. Other categories of required parking have been addressed. 8 spaces are required for the duplex units, 33 staff parking spaces and 5 visitor spaces are required- which was deemed comparable. The applicant provided two comparable facilities in the region as well as industry standard ratios for the use. For the same reason, 7 parking spots are designated for outside care providers and swing shift employees. The chart stated 55 parking spaces would be required if the 51 resident parking spaces were not considered required. The chart of proposed parking showed 0 parking spaces proposed for the memory care facility residents, 16 spaces for the senior living duplexes, 33 for staff, 7 for swing employees and outside providers, and 10 for visitors. The applicant has proposed 60 total parking spaces. The total number of parking spaces required per Code standard is 106.

The applicant's traffic consultant Gary Spanovich interjects to state the driveways are not for visitors of the facility.

Next discussed was the request for reduced access spacing. The applicant has requested exception to the spacing standard of driveways/intersections on arterials. Both Ivy and 13<sup>th</sup> are arterials, which hold a 330' spacing standard from intersection or other driveway. Ms. Addotta pointed out the lot is 330' by 315', meaning any access proposed concurrent to development of the site would have to have some degree of spacing exception, due to the dimensions of the lot as well as existing driveways and local streets immediately to the south and east of the property, respectively.

Existing driveways are 10' and 110' south of the southern property line. Both driveways belong to an existing retail establishment. A local street access (Larch St.) is 60' east of the eastern property line. The applicant has proposed the entrance on S. Ivy St. 90' north of the existing driveway. The entrance off of 13<sup>th</sup> Ave. is proposed to 90' to the west of the existing access onto Larch St.

The Dept. of Health Services and Facility Planning and Safety OAR 411-054-0200(2) (h) states "Facilities must have an entry and exist drive that will allow for [vehicle circulation] without the need for vehicles to backup." The parking lot is not circular in consideration of the neighbors to the south and east. Ms. Addotta stated typically 2 accesses would not be allowed on a corner parcel, and not for a use that generated the low number of trips anticipated, but that State rules provide the ability to consider two accesses for this particular proposal.

Traffic Study summary was provided. The study was conducted by Charbonneau Engineering, reviewed by DKS. Intersections studied include 13<sup>th</sup> Ave and Ivy St., the proposed access on 13th Ave., and the proposed access on Ivy St. 21 am peak hour trips and 29 pm peak hour trips were reported, with a total of 295 daily trips. A 2% background regional growth rate was applied, and trips from projects currently under development were applied. The study did not identify any safety or intersection capacity issues.

Ms. Addotta discussed a Condition of Approval making the access from Ivy St. a right-in right-out only. This would allow the free flow of emergency vehicles while providing direction for passenger vehicles to keep traffic moving on Ivy St.

One monument sign is proposed integrated into the entrance archway and a freestanding sign in the northwest corner of the property, visible from the intersection. Planning Commission may approve this signage now as appropriate for the Conditional Use, and the applicant shall follow up with a Type 1 sign application which can be approved administratively.

Correspondence received includes conditions of approval from the City Engineer, one public comment from Donald Chambers, resident, concerned about the safety and accessibility of the intersection at 13<sup>th</sup> and Ivy, and one public comment from Zach Fogg, questioning the need for assisted living in the area given the presence of Hope Village.

Ms. Addotta stated the traffic study provided shows the intersection will not fail because of this project, and the additional consideration of the right-in right-out only access onto Ivy St. will help north south traffic additionally. While staff understand market considerations can be of legitimate concern as to the success or failure of a facility, it is not within Planning Staff or Planning Commissioners purview to consider market factors when making a Land Use decision on Design Review or Conditional Use applications.

She then summarized the Conditions of Approval. Standard conditions for Design Review for new development, e.g. utility installation, storm drainage analysis, etc. Frontage improvements along Ivy and 13<sup>th</sup>. Access from S. Ivy St. must be right in right out only with associate infrastructure and signage, plans must be provided and approved before site work commences. Requirements for additional administrative documentation, e.g. bike parking detail and sign permit application. Signage for 5 visitor parking spaces.

Staff recommended approval of DR 20-03 and CUP 20-02 based on the applications submitted and the facts, findings, and conclusions of the staff report, subject to the Conditions of Approval.

#### Questions to Staff by Hearing Body

Commissioner Heib asked if this project was in any way associated with Hope Village or Marquis Companies. Ms. Addotta said no.

Commissioner Mills asked was building mass considered in the design review in context of the R-1 zone, the question is, is this compatible with R-1. That's the focus of the Design Review. The mass of the building seems completely out of character for the R-1 zone in the city and the R-1 development surrounding. Ms. Addotta stated the only design review consideration outside the R-1 design requirements is the length of the building, which has been addressed with a breezeway and entry gazebo about 2/3 down the site on the Ivy St. side. It was not shown clearly in the renderings but is shown on the site plan.

Commissioner Mills asked how the visitor parking spaces in the driveway work. People who are visiting residents of the facility could park in a driveway space and block the garage. Ms. Addotta responded no, those spaces are separate from the visitor parking spaces. 5 visitor parking spaces will be marked in front of the primary facility for visitors of the facility. The duplex units operate as typical duplex units would with garage and driveway to be used by the occupant of the corresponding unit, and their care providers and guests. He pointed out page 5 of the staff report has the parking chart, arithmetic is incorrect. Staff had double counted 5 visitor spaces. Commissioner Padden confirmed the arithmetic. Total required was determined to be 61, total proposed was determined to be 60. Amendment to the staff report would be made to reflect this.

Commissioner Heib asked whether there is anything mandating that the facility cannot be converted into typical residences in the future, that they won't be rented out to younger/more capable tenants. Ms. Addotta responded this won't be developed like a condo complex. There are 2 beds per room, all other facilities are shared and controlled by staff. The residents will not be independent. Planning Director Don Hardy added that because this is a Conditional Use, the type of facility and type of resident will be a built in condition to this application and cannot be changed without another review.

Commissioner Mills asked how far in the future the traffic study went. It might be okay now but what about two decades from now? Ms. Addotta stated 2% growth factor was applied, appropriate for the area based on past growth, but I will defer to the traffic consultant on horizon.

Commissioner Boatwright asked was the study done using COVID data or non-COVID data, Ms. Addotta stated the study was done during COVID, using data that was pre-COVID. I will defer to the traffic consultant for the particulars, they provided several sets of data.

Commissioner Padden asked for clarification what a pork chop was and whether it would be mountable for emergency vehicles. Ms. Addotta responded there is no standard drawing for driveways so Public Works and I will work directly with the applicant to design the driveway. The curb will be made mountable. The porkshop is a concrete barrier that only allows the right-in right-out movements, it'll also have a sign.

Commissioner Padden asked for confirmation that the proposed accesses weren't proposed closer to respective property lines because of existing driveways on adjacent land, and how the sidewalk and planter would match up with existing facilities. He expressed concern in the future a right turn lane will be required on Ivy St. travelling north onto 13<sup>th</sup> Ave. Is there a way for these proposals to accommodate more long term questions like that? Ms. Addotta affirmed his assertion about the access spacing, stated that the facilities will transition into existing facilities. She responded that things like ultimate road width and designated turn lanes are longer term decisions, and they are documented in our Transportation System Plan. If a roadway improvement is not identified in that plan, we don't anticipate needing to plan for it in the next 10, 15, 20 years. The applicants are dedicating what is appropriate to the classification of the road.

Commissioner Savory requested clarification on possible turning movements and traffic flow if the Ivy access were a right-in right-out, discussion with staff and amongst Commissioners clarified movements for particular situations, such as an emergency vehicle needing to access off of 13<sup>th</sup> Ave. In that case, the vehicle can either turn left directly into the site if they are heading east, or turn right into the site if they were heading west, while accounting for westward traffic.

Commissioner Padden, Mills and Heib questioned whether the roundabout to be installed further down Ivy would have a positive or negative effect on this project and in their opinion it wouldn't and doesn't need further study.

End of questions to Staff.

### Applicant Presentation

Petronella Donovan, property owner. Edward Radulescu as the consultant for owners of property, Gary Spanovich and Richard Georgescu present as traffic consultant and engineer respectively.

Mr. Radulescu said parking count is correct if leaving out the double counted visitor spots. He stated they were proposing 61 parking spaces. Visitor spaces will be located at the front of the building and signed. He stated the use of the property is not only Memory Care. There are 55 memory care beds on the first floor, one bed per room. There will be 49 assisted living units on the second floor, one bed per room. And there will be 8 independent senior living units in the duplexes. A total of 104 beds. The driveways will align for radius of emergency vehicles.

### Questions to Applicant Team from Hearing Body

Commissioner Padden asked if it is in the contract for the residents of the facility that the residents will not drive and will not have cars parked on site. He pointed out this project was discussed that the facility is all memory care and memory care residents categorically do not drive, and now if only the first floor is memory care and the second floor residents are not memory care, he's concerned there will be a loop hole allowing the people on the second floor to own cars and drive and we won't see that impact until the facility is built.

Mr. Radulescu stated no residents in the main building will drive or own cars. As part of the level of care provided and as part of the contract. Mr. Radulescu said the entire site is registered as a care facility, would be unable to rent out individual units for any other use. Independent senior living duplex residents are only folks allowed to drive. Property owner Petronella Donovan stated people who are able to drive will not need the level of care we intend to provide.

Gary Spanovich stated the Transportation System Plan looks out to 2030, that's how long the study horizon is. Traffic modelling is done by breaking up areas into travel zones, make predictions of trips based on population. 131 trips in, 66 trips out daily in 2030. There is plenty of capacity. Mr. Spanovich stated with COVID school trips have fallen off. We

included trip counts from 2019 am and pm as well as a 2020 am and pm count. Made assumptions based on 2022 opening goal. They would rather see two full access points, it's important that the right-in and right-out accommodate fire trucks.

Engineer Richard Georgescu stated the site plans provided are preliminary. For example, there is a light pole where a pedestrian path is to be installed. These are items that need to be addressed through construction drawings.

Chair Savory asked Ms. Addotta if Planning had input on that.

Ms. Addotta stated that it would be easier to move the planned pedestrian pathway than move the traffic light. Mr. Radulescu agreed and stated they'd like to build a small entrance courtyard instead. Ms. Addotta said that sounded great, but be mindful of the 60% maximum impervious surface allowed.

Commissioner Savory stated these last minute detail changes are concerning, I would rather see a final plan. Commissioner Boatwright: Because the property is vacant now, they have the ability to design the pedestrian facilities to City Code, he is confident it will be accommodated.

End of questions to applicant from Hearing Body.

Chair Savory called for proponents of the applications, saw none.

Chair Savory called for opponents or neutral commenters of the project. There was one.

Bill Vermillion, member of the public and president of residents association for Hope Village had several questions. He clarified that Hope Village owns Hope Village properties, Marquis Companies operate them. He then expressed concern that site plan is preliminary. Ms. Addotta clarified that this is typical. These site plans are as final as they can be without things like utility lines being run, etc. The moving of a traffic light is a drastic example, but you can see how we quickly found a solution with moving the pedestrian path. These changes will be documented with Type 1 Site Plan applications to ensure any aspects not reviewed tonight by Planning Commission will meet the Municipal Code objectively, with no discretion applied. The preconstruction meeting will also be another checkpoint.

Mr. Vermillion asked Am I to understand this was originally primarily senior living, and now it is primarily memory care? When did the proposed use change? At the neighborhood meeting this was presented as primarily assisted living with a small memory care component.

Mr. Radulescu yes that was discussed at the neighborhood meeting, very early on in the process. Currently it is 55 ground floor memory care units, one bed per unit. 49 second floor residential care, one bed per unit. The residents of the second floor are residents that don't have a dementia diagnoses. Could be hospice, disabled, infirm, and similar. They will need assistance with daily activities such as eating, bathing brushing teeth, etc. It's against State registration rules for memory care facilities that memory care patients be housed anywhere but a ground floor. All of these residents will need a level of care greater than an independent individual. Petronella Donovan stated this was always the plan, I envision a continuum of care where a resident may live in a duplex unit but may one day need more care and can move into the facility with minimal disruption. Addressing massing, there is a breezeway and gazebo connecting the two buildings. Courtyard is secured area for the memory care patients. Broke up the exterior facades with variations in rooflines, offsets in building elevations to mimic a multifamily development.

Mr. Vermillion asked whether it is in the purview of the Planning Commission to consider existing surrounding uses, stating Hope Village has been a good neighbor to Canby. Commissioner Savory stated The Planning Commissioners are also very limited in our purview. Economic impact is not in our purview.

Chair Savory calls for any additional public comment, sees none.

End of public comments.

Chair Savory calls for any last questions from any party.

Commissioner Padden stated the staff report addresses the scenario of 102 memory care beds, and now we are hearing it is 55 memory care beds, and 49 assisted living beds. He asked staff if this requires additional review. Ms. Addotta stated she was also surprised by the nomenclature used but it appears the applicant has asserted the impacts of both are comparable. She suggests an additional Condition of Approval reinforcing the contract stating that residents of the primary facility not drive or own cars. Commissioner Padden stated that seems necessary so that a parking problem doesn't occur years down the road.

Chair Savory calls for any last questions from all parties, hears none, and closes the public portion of the hearing.

#### Hearing Body Deliberation

Commissioner Padden stated they need more information about the differences of the uses. If the TSP runs out in less than 10 years he worries the growth is not accurately captured. He is unsure if the applicant can address these issues and come back to Planning Commission.

Commissioner Mills stated the applicant says the building is designed to look like a multi-family building, but this is an R-1 zone. Cannot support the design of the building with its proposed massing and size.

Commissioner Boatwright states the parking does not work out. The access for this parcel has always been an issue, that's why it's not developed yet. Concerned about the Ackerman School, which is not currently open but may reopen in the future. Building massing is also a concern, massing is too large, even though the renderings look nice we did not see all sides of the building. Concerned about the classification of residents. Memory care patients cannot drive, but impacts of second floor residents have not been provided.

Commissioner Heib stated he is concerned contracts will be signed for no cars on site, but there may be off site impacts in terms of long term parking at area locations such as the Ackerman School or the Swim center.

The applicant's traffic consultant Gary Spanovich interjects the study cannot go past 2030, adheres to state law. They studied 7 years of past traffic at the intersection. 6.4% increase on Ivy St., 3.4% of 13<sup>th</sup> Ave.

Motion: Commissioner Boatwright made a motion to deny DR 20-03 and CUP 20-02. It was seconded by Commissioner Mills. Motion to deny 5/0.

#### **FINAL DECISIONS –**

- b. DR 20-03 and CUP 20-02 (Memory Care Facility)**

Because the final findings do not capture the hearing discussion, staff recommended waiting on that decision until revised final findings can be crafted reflecting the contents of the hearing, to be signed by the Chair. Should the applicant appeal it will be heard by City Council.

#### **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

- a. Next regularly scheduled Planning Commission meeting – Monday, April 26, 2021 – Northwood Estates 4 Subdivision**
- b. Economic Opportunities assessment and Housing Needs assessment are on the horizon, 2022 deadline. City does not have 20 year land supply.**

#### **ADJOURNMENT**

Motion: Commissioner Boatwright made a motion to adjourn the meeting. Commissioner Mills seconded. Motion approved 5/0.

Adjourned at 8:34pm