



**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**

**AN APPEAL OF THE DENIAL FOR SITE
AND DESIGN REVIEW AND
CONDITIONAL USE APPROVAL FOR A
MEMORY CARE AND ASSISTED LIVING
FACILITY**

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FINDINGS, CONCLUSION & FINAL ORDER

**APP 21-01
DR 20-03 & CUP 20-02
Memory Care Facility at 13th and Ivy**

NATURE OF THE APPLICATION

The proposal is an appeal of the denial of a request for Conditional Use and Design Review approval for a Senior Living and Memory Care Facility with 102 beds and four independent living duplexes, with associated parking and site improvements.

The 2.6 acre parcel is located at the southeastern corner of S Ivy St. and SE 13th Ave and is zoned R-1, Low Density Residential. It is currently developed with a single family home fronting Ivy Street. The lot is otherwise clear, without significant landscaping, tree coverage, or slopes. Neither frontage has been improved with public facilities. Surrounding the property are parcels zoned R-1 Low Density Residential and R-1.5 Medium Density Residential, and are developed with single family homes to the south and east, Canby Adult Center and Swim Center to the north, and Hope Village Senior Living Community to the west.

The proposal is a request seeking to build a two-story assisted living facility building with a memory care endorsement, and eight 700 SF cottages for Independent Living. 31% landscaping is proposed. A parking plan specific to the use of Memory Care has been provided to address a lower parking ratio than the Nursing Home standard set by the Municipal Code, 60 parking spaces are proposed. The Planning Commission considered applications **DR 20-03 AND CUP 20-02** after the duly noticed hearing on April 12, 2021 during which the Planning Commission **DENIED** by a 5/0 vote **Memory Care (City Files # DR 20-03 and CUP 20-02)**. Subsequently, the applicant submitted an appeal application on April 20, 2021 with additional information addressing the Planning Commission's findings for denial. The appeal was brought before Mayor and City Council on June 2, 2021, where they voted to remand the project back to Planning Commission for final decision. The appeal was heard at the July 12, 2021 Planning Commission hearing.

HEARINGS

The Planning Commission heard the appeal at the July 12, 2021 Planning Commission Hearing.

The appellant provided clarification and new information to address the Commissions previous findings of denial.

CRITERIA AND STANDARDS

In judging whether or not the appeal shall be granted, the Planning Commission is required to consider the new information provided to address the five original final findings of denial made April 12, 2021.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of appeal of the decision to deny the Site and Design Review and Conditional Use applications, and applied Conditions of Approval in order to ensure that the proposed project will meet all required City of Canby Land Development and Planning Ordinance approval criteria. The five original final findings and how they were sufficiently addressed during the course of the appeal are listed below.

- Unclear definition of use.
 - The applicant provided clarifying information explaining the difference between ‘memory care’ and ‘assisted living’ residents is primarily related to State licensing in consideration of the safety of the residents. The International Transportation Engineers Trip Generation Manual classifies both of these uses under ‘assisted living’ and has determined the traffic counts are identical. The overall land use being requested is that of ‘nursing home’, which include all types of elderly residents, and which is allowed by Conditional Use in the R-1 zone.
- Unclear number of beds.
 - The number of beds is 102, as originally understood.
- Unclear allocation of parking spaces.
 - The applicant provided parking counts for comparable facilities in the region and found that the proposed parking ratio is slightly above the mean average for the area.
 - It was clarified that although a total of 33 employees were accounted for, these employees are spread between 3 shifts and are not expected to all be there at once, meaning the parking demand will be distributed throughout the work shifts.
 - The applicant as agreed to an additional Condition of Approval requiring confirmation facility residents will not drive or own cars during the time they reside on the property.
- Building massing and density.
 - Additional renderings and explanation of the design of the building were provided. Massing and density is under review of the Conditional Use application, where compatibility with existing development and avoiding an action that would limit others property rights are the primary thresholds. Other institutional and pseudo-

public uses are established at the intersection, including the Ackerman School, Canby Adult and Swim Centers and an existing Senior and Assisted Living Facility.

- Traffic analysis for intersection of SE 13th Ave and S Ivy St.
 - Staff clarified that the only improvement project included in the Transportation System Plan for the intersection of S. Ivy St and SE 13th Ave. is to add pedestrian facilities, which is included as a Condition of Approval for this project.
 - The applicant transportation engineer affirmed the findings in the Traffic Study, stating there are no expected safety or capacity issues as a result of this development.

CONDITIONS OF APPROVAL:

1. The applicant shall file a sign permit for signage as shown in the applicant materials and as described in this staff report. The proposed signs must also secure a building permit from Clackamas County Building Inspection prior to their installation. (B. Addotta)

2. The applicant shall designate the five visitor parking spaces with signage and inform residents and their families where they are. (B. Addotta)

3. The project must be in conformance with the applicable findings and recommendations outlined by the City Engineer in his memorandum dated January 28, 2021. (H. Ibrahim)

4. The design engineer shall submit to the City of Canby for review and approval a revised site plan of the driveway providing access onto S. Ivy Street to accommodate a right-in right-out porkchop and associated signage. Revised plans shall be provided and approved before site work commences. (B. Addotta)

Prior to Issuance of a Building Permit the following must be completed:

5. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled. Any drainage plan shall conform to an acceptable methodology for meeting adopted storm drainage design standards as indicated in the Public Works design standards. (J. Nelzen)

6. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work. (H. Ibrahim)

7. Prior to the issuance of a building permit, the installation of public or private utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer,

natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed. (J. Nelzen)

8. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon. (H. Ibrahim)

9. The project applicant shall apply for Clackamas County Building permits and a City of Canby Erosion Control Permit from the Canby Public Works Department. (B. Addotta)

10. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for construction of the project. (B. Addotta)

11. The applicant shall provide a bicycle parking detail showing compliance with the dimensional standards of bicycle parking as explained in CMC 16.49.065. (B. Addotta)

Prior to Occupancy:

12. Prior to occupancy of the facility, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated as proposed, or sufficient security (bonding, escrow, etc.) shall be provided pursuant to the provisions of CMC 16.49.100 (B). The applicant should be aware that the City street tree fee is now \$250 per tree if planted by the City, and the City recommends submittal of a separate Street Tree Plan to assist in the location, species, and total tree count. (B. Addotta)

13. City inspection of driveways and sidewalks for overall condition and for ADA compliance is required. (H. Ibrahim)

Additional Condition of Approval:

14. Documentation for new residents must include a provision which prohibits residents of the facility to drive or store cars on the property. It must be signed by the resident or their appointed designee.

DETERMINATION

THE PLANNING COMMISSION DETERMINED THAT THE INFORMATION PROVIDED IN APP 21-01 WAS SUFFICIENT TO ADDRESS THE FINDINGS FOR DENIAL OF DR 20-03 / CUP 20-02 AND STATE THE PROPOSED DEVELOPMENT IS CONSISTENT WITH DESIGN REVIEW AND CONDITIONAL USE PERMIT APPROVAL CRITERIA, AS CONDITIONED. THEREFORE, IT IS ORDERED BY THE PLANNING COMMISSION OF THE CITY OF CANBY THAT APP 21-01 BE APPROVED, REVERSING THE ORIGINAL DECISION FOR DR 20-03 / CUP 20-02.

I CERTIFY THAT THIS ORDER approving **APP 21-01**, the appeal of the denial of **DR 20-03** and **CUP 20-02**, was presented to and **APPROVED** by the Planning Commission of the City of Canby.
DATED this 26th day of July, 2021.

John Savory
Planning Commission Chair

Don Hardy
Planning Director

Brianna Addotta for Laney Fouse Lawrence, Attest
Recording Secretary

ORAL DECISION: July 12, 2021

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>	<i>x</i>			
<i>Larry Boatright</i>	<i>x</i>			
<i>Jennifer Trundy</i>				<i>x</i>
<i>Jeff Mills</i>	<i>x</i>			
<i>Michael Hutchinson</i>	<i>x</i>			
<i>Jason Padden</i>	<i>x</i>			
<i>James Hieb</i>				<i>x</i>

WRITTEN DECISION: April ____, 2021

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>	<i>x</i>			
<i>Larry Boatright</i>	<i>x</i>			
<i>Jennifer Trundy</i>			<i>x</i>	
<i>Jeff Mills</i>	<i>x</i>			
<i>Michael Hutchinson</i>	<i>x</i>			
<i>Jason Padden</i>	<i>x</i>			
<i>James Hieb</i>			<i>x</i>	