

City of Canby
Planning Department
222 NE 2nd Avenue
P.O. Box 930
Canby, OR 97013
Ph: 503-266-7001
Fax: 503-266-1574

LAND USE APPLICATION

RECEIVED

By Canby Planning Brianna Addotta at 3:29 pm, Apr 20, 2021

Appeal of Planning Commission Decision
Process Type III

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

Applicant Name: Petronella Donovan Phone: 503-810-9045
Address: 182 Warner Parrot Rd. Email: petra@donovaninvestments.com
City/State: Oregon City, Oregon Zip: 97045

Representative Name: Edward Radulescu Phone: 503-679-2493
Address: 919 NE 19th Ave. #155 Email: eddie@eprdesign.com
City/State: Portland, Oregon Zip: 97232

Property Owner Name: Waterstone Investments Phone: 503-810-9045
Signature: *Petronella Donovan*
Address: 182 Warner Parrot Rd. Email: petra@donovaninvestments.com
City/State: Oregon City, Oregon Zip: 97045

Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

FILE NUMBER OF DEVELOPMENT BEING APPEALED: DR 20-03 CUP20-02

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

APPEAL OF PLANNING COMMISSION DECISION – TYPE III
Instructions to Appellant

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: PlanningApps@canbyoregon.gov

Applicant City
Check Check

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) paper copy of application. The City may request further information at any time before deeming the application complete. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Payment of appropriate fees – cash, credit card or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the <i>City of Canby</i> . |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A written statement of appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. The reasons why the appellant is aggrieved shall be provided in regards to the criteria and standards in 16.89.050 (1) (2) (c). |

APPEAL OF A PLANNING COMMISSION DECISION—APPLICATION PROCESS

Appeal. The Planning Commission’s decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.

2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.
 - c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:
 - a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
 - b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
 - c. That the Commission did not adequately consider all of the information which was pertinent to the case.

4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City.

April 20, 2021

Appeal of Planning Commission Decision – Type III

RE Application Number: DR20-03 CUP20-02

RECEIVED

By Canby Planning Brianna Addotta at 3:29 pm, Apr 20, 2021

Dear City of Canby Planning Department,

I, Petronella Donovan, an owner and applicant of the project located at 1300 S. Ivy St. in Canby, Oregon, would like to appeal the planning commission decision to deny the application DR20-03 CUP20-02. The reason for the appeal request is because the planning commission did not adequately consider, or provide opportunity to further present or detail, all of the information presented to them on or before the public hearing; specifically with regards to the nature of the proposed use of the building, parking calculation and reductions, and other details provided in the application and staff report. The project met all of the approval criteria for the Design Review and the Conditional Use as proposed and all of the information and details was provided to the City; which ultimately recommended approval. The planning commission did not provide sufficient comment or opportunity to consider the approval criteria and the proposal before denying the application. Please consider this appeal request and process / schedule the appeal hearing. Thank you.

Sincerely,



Petronella Donovan

Waterstone Investments

May 10, 2021

City of Canby, City Council
Brianna Addotta, Planner

Supplements for DR20-03 and CUP 20-02

Hi Brianna, as I mentioned on the phone, our law firm has been retained by the applicant “Asteria Senior Living” to assist in clarifying some of the facts and law in relation to this land use application. There were a number of aspects not considered in this land use application, and some misunderstandings before the planning commission.

ZOOM meetings, are not always easy for everyone to speak, to know what anyone else is reading or saying, nor to offer additional information. As you are fully aware staff had a very thorough staff report that recommended APPROVAL of this application, but unfortunately it appears that – probably due to zoom -- a few things were not communicated clearly enough to the planning commission back on April 12, and this led to errors that the City Council should correct and reverse. Thus, we think three specific things should be understood by the City Council.

- 1) This specific property was an area of special concern and one of the most desired uses of this was as an assisted living facility.
 - 2) Asteria Facility Residents cannot drive, so they don’t have cars or need parking.
 - 3) Asterias proposed amount of parking is high for industry standards, and would be the most parking the region for similar facilities if the City wants to use Asteria’s alternate site plan.
- 1) **It does not appear to have been pointed out that in the recent past, the City Council made land use decisions which determined that one of the preferred uses of this exact lot was an assisted living center since it is zoned R-1, and located in this ‘area of special concern K’.**

In 2018, both the Planning Commission and the City Council voted to reject a change to Commercial C-R zone, and expressed a desire that this lot remain R-1. This was labeled by the city as an area of “Special Concern” as it has a unique characteristic of being between sandwiched between the School/City property, the Hope Village Campus, busy Ivy St., and residential subdivisions. Thus, it was discussed that it would take a unique use to be placed in



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Yasha Renner
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this corner. Probably due to this situation this property has been undeveloped for many years. We are attaching the previous “minutes” and Order from that decision in 2018. **App-1.**

Now, the “Astoria Senior Living” center is the solution for that long-standing problem. A highly attractive, low volume, low traffic, residential care facility is the perfect land use transition from the residential subdivision and quality homes in Dinsmore to the busy Ivy St., then across the street to the large Hope Village campus. This residential use solves those problems. City Counsel should know that the facility cannot be converted to another kind of residential use without requiring another conditional use permit and the kind of review now underway. That is the nature of all conditional uses, as opposed to a zone change, for instance. So this precise use is a great fit for the unique nature of this site.

2) **The residents in the assisted living portion cannot drive.**

We want to make it perfectly clear that Astoria Senior Living residents, are not people who have the capacity to drive a vehicle. The residents do not have cars, do not even drive, and accordingly do not store any vehicles there.

To answer any question on this, we are attaching some information from experts in the field of elderly care.

- A. A letter from Annie Lupei, of Caring Hands, she is a registered nurse in the field of long term care facilities. She explains that due to various reasons like medical conditions, medications, memory or orientation issues, these residents will not drive. **App-2.**
- B. A letter from Doctor Rodica Malos, from the Good News Clinic in Gresham who explains that people who move into assisted living facilities are people with multiple or severe issues that can no longer live independently, require assistance with daily living, sometimes 24-hours per day and do not and should not drive. **App-3.**

Furthermore, the applicant is willing to, even though it seems unnecessary and a bit offensive, or excessive, but they are willing to put in their residential agreements for Astoria that the residents cannot store a vehicle on the property and confirm that they do not drive.

Thus, the only traffic, or parking, comes from the employees, visitors or deliveries. In this sense, this high-assistance type facility is much less impact, less traffic, and less ‘busy’ on the outside than other residential uses would be. The residents are typically inside, or outside with an escort. So the ‘impact’, much like Hope Village across the street is largely un-noticeable since the residents are disabled in one way or another making them dependent. There will also be 8 townhouses that are physically, visually, and functionally a buffer in the type of buildings,



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between Dinsmore and Ivy St. The residents of those 8 units might have cars, but they also have their own 16 dedicated parking spots.

It is those reasons that Staff's previous recommendation to approve Asteria with 60 parking spaces was accurate and the correct decision. City Council should be made aware that Canby Municipal City code allows a deviation from the standard parking #'s when the use justifies fewer parking spaces. **16.10.010 says,**

“A lesser number of spaces may be permitted by the [city] based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section”.

Here, the proposed findings should state the clear and objective facts that because the nature of this specific facility, and the disability and condition of the residents, the per-bed standard does not apply, but the other parking standards do apply and the proposed parking of 60 spaces exceeds the 55 required by the code for staff, visitors, the 8 duplexes and deliveries.

3) **The Asteria site plan provides an above average capacity for parking compared to similar facilities in the Canby area. Asteria's alternative site plan would be #1 most parking for any similar facility in the area.**

Based upon the fact that the resident of Asteria will not drive or have cars on-site, the legal of parking provided by the initial site plan should be sufficient for findings that CMC 16.10.010 applies here and 60 spaces is sufficient.

However, the applicant can even expand the parking to 72 spaces if the City prefers, requires, or thinks that would be a necessary mitigation for any parking issues. We are attaching and ALTERNATE site plan, as **App-4** for the City to use if it desires increased parking rather than landscaping, and this site plan would still meet both the parking and the landscaping requirements if approved.

But, Asteria's proposed 60 parking spaces is on the high end of the regional industry average for this type of facility. Asteria's ALTERNATE plan of 72 spaces would be # 1 most spaces in the region around Canby with a ratio (parking/beds) of 66.5%. Thus, requiring the full 73 spaces, would be acceptable, but probably legally on the edge of excessive as that is more than nearly all the other similar facilities in the area. See below “Facility Parking Examples”.

FACILITY PARKING EXAMPLES

Asteria Facility

Parking Spaces: 56

Duplex Parking Spaces: 16 (These are the only residents that could be driving)

Total Parking: 73 = Ratio – 66.4 %

Loading Spaces: 1

Below are comparable facilities and city codes we found in the area showing the number of beds they have in relationship with the parking they are operating with:

Code Standards for Required Off-Street Parking By Jurisdiction for Nursing Facility, Memory Care, and Residential Care Facilities:

- **Oregon City:** 0.14 Per Bed
- **Happy Valley:** .33 Per Bed
- **Clackamas County:** 0.2 Per Bed
- **Washington County:** 0.25 Per Bed
- **City of Portland:** 0.25 Per Bed

Gilman Park

Address: 2205 Gilman Dr, Oregon City, OR 97045

Total Units 101

Assisted living 101 (so these people may actually drive and have cars)

Parking spaces: 72

Ratio – 71.2%

Countryside Living Thelma's Place

Address: 390 NW 2nd Ave St, Canby, OR 97013

Total Units 55

Memory care 55

Parking spaces 0, unless you count on-street public parking then 31

Ratio - 56%

Berry Park

Address: 13669 Gaffney Ln, Oregon City, OR 97045

Total Units 99

Independent Living 87

Cottages 12

Parking spaces = 61

Ratio= 62%

Rackleff Place

Address: 655 SW 13th Ave, Canby, OR 97013

Total Units 25

Assisted living 25

Parking spaces: 13

Ratio - 52%



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Mountain Park Memory Care (All Memory Care)

Address: 13600 SE 122nd Ave. Clackamas, Oregon 97015

Total Beds 98

Parking spaces: 19

Ratio: 19.3%

Miracle Heights Happy Valley RCF (No Memory Care)

Address: 13677 SE 147th Ave. Happy Valley, Oregon

Total Beds 55

Parking spaces: 15

Ratio: 27.3%

Comparable Facilities and their Parking Ratios:

Gilman Park

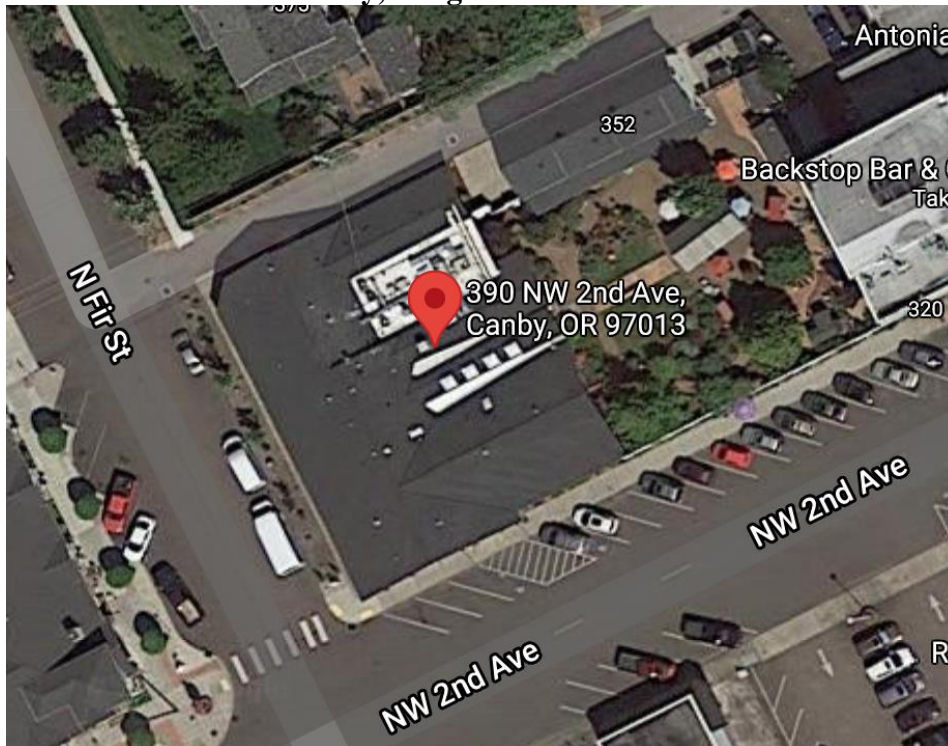
2205 Gilman Dr. Oregon City, Oregon



72 Off-Street Parking Spaces for 100 Beds; Ratio of .71 Per Beds

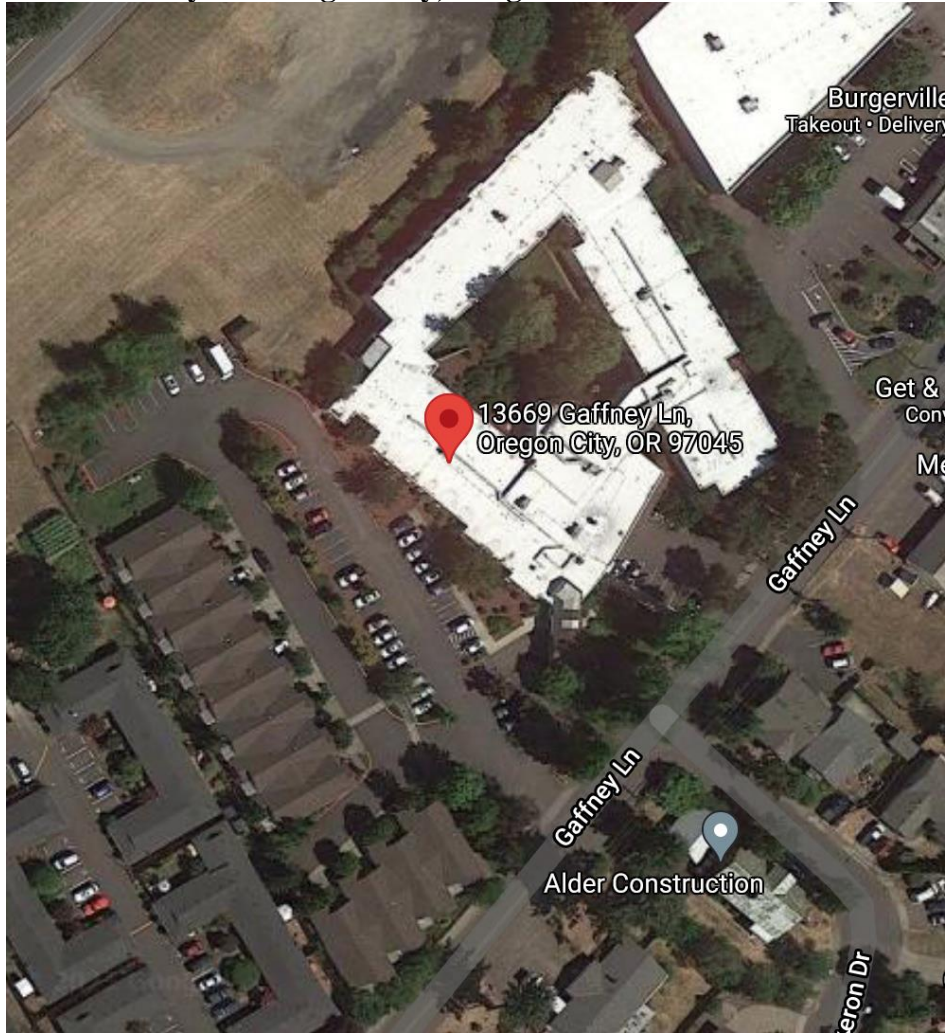
Countyside Living Thelma's Place

390 NW 2nd Ave. St. Canby, Oregon



0 Off-Street Parking Spaces; Ratio of 0 Per Beds

Berry Park
13669 Gaffney Ln. Oregon City, Oregon



61 Off-Street Parking Spaces; Ratio of .61 Per Bed

Rackleff Place

655 SW 13th Ave. Canby, Oregon



13 Off-Street Parking Spaces; Ratio of .52 Per Bed

Mountain Park Memory Care
13600 SE 122nd Ave. Clackamas, Oregon



19 Off-Street Parking Spaces; Ratio of .19 Per Bed

Miracle Heights Happy Valley RCF
13677 SE 147th Ave. Happy Valley, Oregon



15 Off-Street Parking Spaces; Ratio of .27 Per Bed

Code Standards for Required Off-Street Parking By Jurisdiction for Nursing Facility, Memory Care, and Residential Care Facilities:

- **Oregon City:** 0.14 Per Bed
- **Happy Valley:** .33 Per Bed
- **Clackamas County:** 0.2 Per Bed
- **Washington County:** 0.25 Per Bed
- **City of Portland:** 0.25 Per Bed

BEFORE THE CITY COUNCIL
OF THE CITY OF CANBY



A REQUEST FOR A ZONE CHANGE)	FINDINGS, CONCLUSION & FINAL ORDER
FROM R-1 LOW DENSITY RESIDENTIAL)	ZONE CHANGE AMENDMENT
ZONE TO C-R RESIDENTIAL-)	BUTCH BUSSE
COMMERCIAL ZONE)	ZC 18-04
1300 S IVY STREET)	

NATURE OF THE APPLICATION

The Applicant sought approval for the Zone Change Amendment application **File# ZC 18-04** of 2.59 acres of real property described as Tax Lot 41E04A04800, 1300 S Ivy St, Clackamas County, Oregon from (R-1) Low Density Residential to (C-R) Commercial-Residential.

HEARINGS

The Planning Commission considered application **File# ZC 18-04** after the duly noticed hearing on September 10, 2018 during which the Planning Commission recommended by a 4/1 vote that the City Council deny **File# ZC 18-01** although approval was recommended in the staff report.

The City Council considered application **File# ZC 18-04** after the duly noticed hearing on October 3, 2018 during which the Council voted 5/0 to deny **File# ZC 18-04**. These findings are entered to document the denial.

CRITERIA AND STANDARDS

In judging whether or not the Zone Change application shall be approved, the City Council determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated September 10, 2018 and presented at the October 3, 2018 public hearing of the Canby City Council along with the Planning Commission's recommendation. Specifically, the City Council applied the standards and criteria of Canby Municipal Code 16.54.040, intentionally considering the Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures along with the policies of the county, state, and local districts.

FINDINGS AND REASONS

The Staff Report was presented and written and oral testimony was received at the City Council public hearing. The Planning Commission recommended that the City Council deny Zone Change **File# ZC 18-04** leaving the R-1 zone in place as offering a more suitable and compatible uses for the area. The City Council voted to deny the zone change because it didn't meet the mandatory approval criteria set out in Policy No. 6 for this particular area of special concern (area K) which requires an actual usage application to be considered at the same time as the zone

change. Without a definitive use for consideration at the time of application, a zone change to Residential Commercial in this area would allow various and numerous incompatible outright uses which would also violate Policy No. 1 of the Comprehensive Plan. Considering the nature of the surrounding uses in the area (R-1, school, and high traffic), the amount of potential outright uses for the Residential Commercial zoning listed in Canby Municipal Code 16.24 that are conflicting or incompatible with the current surrounding uses thwarts the City's mandate to group compatible uses as necessitated by Policy No. 1.


CONCLUSION

In summary, the City Council denied **File# ZC 18-04** as stated above. The City Council's order is reflected below.

ORDER

Based on the application submitted and the facts and the supplemental findings from the public hearings held, the City Council **denied** the Zone Change Amendment application **ZC 18-04**. **I CERTIFY THAT THIS ORDER** denying **File # ZC 18-04** was presented to and **DENIED** by the City Council of the City of Canby.

DATED this 3rd day of October 2018.



Brian Hodson
Mayor



Bryan Brown
Planning Director

ORAL DECISION –October 3, 2018

AYES: Smith, Parker, Dale, Heidt & Spoon

NOES: None.

ABSTAIN: None.

ABSENT: Hensley

WRITTEN FINDINGS – October 17, 2018

AYES: Smith, Parker, Hensley, Dale, Heidt & Spoon

NOES: None.

ABSTAIN: None.

ABSENT: None.

ATTEST:

A handwritten signature in cursive script that reads "Kimberly Scheafer". The signature is written over a horizontal line.

Kimberly Scheafer, MMC
City Recorder

Caring Hands

503-774-8254

Annie Lupei RN

4507 SE Ramona St. Portland, OR 97206

Ph:

Fax: 503-771-5999

annie.lupei@comcast.net

Letter for City Commission

Date: 05-05-2021

To whom it may concern,

My name is Annie Lupei, RN. I have been a nurse consultant for over 37 years and worked in long-term care facilities doing various jobs such as: RN Assessments, Service Plans, Nursing Delegations, teaching wound care and other nursing tasks. Residents that live in these long-term care facilities are there because they can no longer live safely at home and need assistance with activities of daily living. These residents do not drive due to various reasons like medical conditions, side effects of medications, getting lost, trouble seeing, difficulty staying in their own travel lane and being easily distracted. These are just some of the reasons that residents in assisted living, residential care facility and Memory Care do not drive. Most of transportations for doctor appointments or for other outings in communities are done by their families, Wheelchair van, or by facility's auto vehicle.

Sincerely,

Annie Lupei, RN

05/05/2021

To Who It May Concern

Based on my 30 years' experience providing care to elderly suffering from multiple chronic conditions in different care facilities, I came to the realization that residents who live in assisted living are people with multiple chronic conditions and with multiple physical and emotions needs who can no longer live independently. They need help as a result of physical or mental limitations. Residents who move into assisted living are older and have multiple health complications. From cognitive, functional and mobility concerns, difficulty hearing or seeing, bowels or bladder issues, chronic illnesses like heart disease, arthritis, Parkinson's, diabetes or dementia. In assisted living residents are provided with long-term housing, assistance with all activity of daily living (ADLs) such as bathing, dressing and grooming, using the toilet, bladder and bowel care, walking, mobility, transferring, nutrition, feeding, Medication administration, 24-hour supervision. Transportation for doctors' appointments or other activities in community, the facility staff and families arrange for transportation per facility's agreement and contract.

From DMV's website we found out why seniors should not be driving. It is stated that when driving elderly

- "Feeling nervous or fearful while driving
- Dents and scrapes on the car or on fences, mailboxes, garage doors, curbs, etc.
- Difficulty staying in the lane of travel
- Getting lost
- Trouble paying attention to signals, road signs and pavement markings
- Slow response to unexpected situations
- Medical conditions or medications affecting the ability to handle the car safely
- Frequent "close calls" (i.e. almost crashing)
- Trouble judging gaps in traffic at intersections and on highway entrance/exit ramps
- Other drivers honking at you and times when you are angry at other drivers
- Friends or relatives not wanting to drive with you
- Trouble seeing the sides of the road when looking straight ahead
- Being easily distracted or having a hard time concentrating while driving
- Having a hard time turning around to check over your shoulder while backing up or changing lanes
- Frequent traffic tickets or warnings in the past two years"

https://www.oregon.gov/odot/DMV/50plus/Pages/50plus_stop_driving.aspx

Sincerely

Dr. Rodica Malos, DNP, ANP-BC

Good News Clinic, Gresham , Oregon

**CANBY CITY COUNCIL
CITY COUNCIL WORK SESSION
October 3, 2018**

PRESIDING: Mayor Brian Hodson.

Council Present: Tyler Smith, Greg Parker, Tim Dale, Tracie Heidt, and Sarah Spoon. Councilor Traci Hensley was absent.

STAFF PRESENT: Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; and Kim Scheafer, City Recorder.

OTHERS PRESENT: None.

The Work Session was cancelled due the Executive Session running long.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
October 3, 2018**

PRESIDING: Mayor Brian Hodson.

COUNCIL PRESENT: Tyler Smith, Greg Parker, Tim Dale, Tracie Heidt, and Sarah Spoon. Councilor Traci Hensley was absent.

STAFF PRESENT: Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Jorge Tro, Police Lieutenant; Rod Grafe, Municipal Court Judge; Kathryn Heulscher, Police Officer; Irene Green, Library Director; Bryan Brown, Planning Director; and Kim Scheafer, City Recorder.

OTHERS PRESENT: Kyle Lang, Gregory Williams, Frank Cutsforth, Butch Busse, Bob Cambra, Kamet Sanders, Dennis Richey, Mike Grant, Mike Agee, Carol Rosen, Shawn Varwig, Pat Sisul, Walt Daniels, Scott & Teresa Sasse, Roland Iparraguirre, Kim & Betsy Redifer, Micki Paul, Roger Swanson, Bill Hill, Barb & Craig Carpenter, Kevin & Sarah Hayes, Keri & Gary Morris, Roger Swanson, Chris Waffle, Bill Fenton, Marjorie Stathes, Richard Montecucco, Roger Steinke, Kelsey Cordill, Jeff Waters, and Jason Montecucco.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 6:00 p.m. in the Willow Creek Conference Room.

****Councilor Dale moved to go into Executive Session pursuant to ORS 192.660(2)(h) Litigation. Motion was seconded by Councilor Heidt and passed 5-0.**

OPENING CEREMONIES: Mayor Hodson reconvened the Regular Meeting at 7:08 p.m. in the Council Chambers followed by the opening ceremonies.

Swearing in of Police Officer – Lieutenant Jorge Tro introduced Officer Kathryn Heulscher.

Officer Heulscher introduced her family and friends in attendance.

Councilor Heidt – No contact.
Councilor Spoon – No contact.
Mayor Hodson – No contact.

Staff Report: Bryan Brown, Planning Director, said the intent of the application was to annex 9.55 acres into the City and rezone it from County RRF5 to City R-1. No concept plan or development agreement was required for the annexation. He discussed the location of the property, which was adjacent to 99E and Territorial Road. The Comprehensive Plan designated the property as LDR, low density residential, which was consistent with the R-1 zone. This request did not include any development application, however the applicant submitted a tentative plat that showed how the property might be developed into 22 lots. The intent was to infill an area that was already surrounded by existing single family residential with stubbed streets already aimed at coming into this area. The applicant would be connecting to those existing streets to fill out the area. There was a deep ravine on the west end of the property that was undevelopable. There would be a connection to Territorial Road as well. The two existing homes would be preserved. Right-of-way for Territorial Road would be included in the annexation. He then discussed the review criteria. The applicant had submitted a three year projected lot inventory. Available platted lots and the expected consumption rate were used to determine the sufficient supply of available land. The City was nearing the three year buildable land supply that was the standard used. The annexation was logical and fit in with the character of the neighborhood. There were adequate facilities to serve the site. The Planning commission recommended approval of the application.

Mayor Hodson opened the public hearing at 8:25 p.m.

Applicant: Frank Cutsforth said he had been living on this property since 1984 and had purchased it in 1975. Since then, development had occurred all around the property. He had planned that it would be developed one day.

Pat Sisul, Sisul Engineering, said the property was an irregular boundary of the City. Annexation of the property would bring in the only piece left adjacent to Territorial Road that was not in the City and would square off the corner. The development of the nearby subdivisions had stubbed public streets and utilities to the site. Annexation would allow for the three dead-end streets to extend in a logical fashion through the development and looping of current dead-end water mains. Since this was only an annexation request, no trees would be cut down and no buildings would be demolished at this time. The deep ravine had water flowing through it and could not be developed. The trees that were in that area would be preserved and there could be other trees saved around the remainder of the property. However, it was too soon in the process to discuss specific trees. There would be 20 new lots on the site, and two existing lots would be preserved. That would be a 2-3 month supply of building lots in Canby. He discussed the buildable lands inventory analysis, and how it was unknown when and if some of the lots would be developed. He thought it made sense to bring this property in at this time. The proposed annexation was consistent with the Comprehensive Plan, there were adequate facilities and services, and the timing was right.

Proponents: None.

Opponents: None.

Rebuttal: None.

Mayor Hodson closed the public hearing at 8:38 p.m.

****Councilor Parker moved to approve the Cutsforth's Annexation and Zone Change File ANN 18-02/ZC 18-02 and upon annexation, the zoning of the subject properties to be designated as R-1, as indicated by the Canby Comprehensive Plan Map. Motion was seconded by Councilor Dale and passed 5-0.**

ZC 18-04 (Busse) – Mayor Hodson read the Public Hearing Format.

Conflict of Interest

Councilor Smith – No conflict, plan to participate.

Councilor Parker – No conflict, plan to participate.

Councilor Dale – No conflict, plan to participate.

Councilor Heidt – No conflict, plan to participate.

Councilor Spoon – No conflict, plan to participate.

Mayor Hodson – No conflict, plan to participate.

Ex Parte Contact

Councilor Smith – A resident called him, but he declined the call.

Councilor Parker – Drove by the site frequently.

Councilor Dale – Walked by the site regularly and lived by it. Received multiple contacts from neighbors.

Councilor Heidt – Was in contact with a Planning Commissioner after the Planning Commission meeting.

Councilor Spoon – Drove and walked by the site regularly and had spoken with neighbors and with people on both sides of the matter.

Mayor Hodson – No contact. Lived close to the site.

Joe Lindsay, City Attorney, asked if they could participate and judge the evidence fairly with the contacts they had made.

Councilors Dale and Spoon said yes, they could.

Staff Report: Mr. Brown said this was a request to rezone property located on the corner of SE 13th Avenue and S Ivy Street. It was 2.59 acres that was zoned R-1, low density residential, and the applicant proposed to rezone it to C-R, residential commercial. The most important criterion with any zone change was if it followed the Comprehensive Plan designation. In 2003, a Comprehensive Plan Map amendment rezoned the property to R-C. It was brought into the City as an Area of Special Concern K, explaining why they thought in 2003 that the R-C land use designation would be an appropriate use for the property. The only application before them was for a zone change, not development. The Planning Commission's recommendation was for denial as they thought the conditions in the area had changed in the last 15 years. After reviewing all of the documents, staff thought the C-R zone was an appropriate request for this property. There was a concurrent development application, but that was not being reviewed tonight. A retail commercial use would be one of the highest uses for the property and the property was by two of the busiest arterial streets in the community. A rezone did not require a traffic study and the Transportation Planning Rule analysis showed the Transportation System Plan took into account the proposed zoning of the property. Conditions of approval could be placed on the zone change, but staff had found no infrastructure deficits for the property.

Mayor Hodson asked why the property was designated as an area of special concern.

Mr. Brown said one of the primary reasons was the City was in Periodic Review where land use and the Comprehensive Plan were evaluated to make sure they were in alignment with state land use goals. In doing so, the City was looking for areas where a wider variety of housing types could be provided. This area was one of those properties with a willing property owner. The rezone did not accompany the change to the Comprehensive Plan map in order to give the property owner the flexibility to either develop with the R-1 zone or C-R zone. The R-C designation was a placeholder in the text of the Comprehensive Plan.

Mayor Hodson asked if the TSP took into account the worst case scenario for how the corner would be developed. Mr. Brown said it used a reasonable worst case scenario. There were a limited number of commercial uses that could go in, such as a daycare or assisted living facility.

Mayor Hodson asked if it took into account the development planned nearby.

Mr. Brown said the TSP looked at the Comprehensive Plan designations for all of the properties in the City and based their models on full development in a 20 year horizon.

Mayor Hodson asked if there was a deficit of facilities for that corner.

Mr. Brown said at the pre-application meeting the applicant did not think there was a problem with serving this use.

Councilor Smith asked if there was a development concept plan for this property.

Mr. Brown was not sure.

Councilor Smith did not think the C-R zone would fit on this property.

Mr. Brown said they would be small, personal services type of uses that would serve a neighborhood area. A convenience store or gas station would not be allowed in this zone.

Councilor Spoon asked about the conditions that could be placed on the zone change.

Mr. Brown said they could be sidewalk improvements or water or sewer line improvements.

Councilor Spoon asked about the reasons this was designated as an area of special concern.

Mr. Brown stated that the people at that time thought either residential or commercial would be appropriate for this property.

Councilor Spoon asked about the amount of industrial development when this property was designated an area of special concern.

Mr. Brown said most of the industrial development had happened in the last few years and people did not use 13th Avenue as much back then as it was used today.

Councilor Spoon asked if the language stating a zone change would be required from R-1 if the property was redeveloped obligated them to a particular zone change or was it stating a zone change would be required.

Mr. Lindsay said the way he read the Special Area "K" language was permissive to give a lot of flexibility. They were leaving it open as to what zone it could be changed to.

Councilor Smith thought that language meant that the redevelopment application should be submitted at the same time as the zone change so they would know what the use for the property would be.

Mr. Brown said it was indicated specifically that they wanted to give the property owner the flexibility to develop the property as it was currently zoned or allow them to rezone to the placeholder C-R zone.

It was clarified that the Council would be the ones to make the decision on which zoning designation this property should have.

Councilor Heidt clarified there was a lot of high density around town, but it was tied up right now in low density development. She wanted to know how that happened.

Mr. Brown explained it was a future designation for those properties. They had changed the Comprehensive Plan designations to meet state land use goals so that in the future property owners could transition to a different use. Those properties have not been rezoned, only the Comprehensive Plan designations were changed to indicate a future transition was appropriate. The state land use goals required a balance and a variety of housing types in the City.

Councilor Heidt said there was R-1.5 surrounding this property and the area would become higher density.

Councilor Dale asked if Clackamas County made a determination on access off of Ivy for this parcel.

Mr. Brown said yes, they had said the City's driveway separation standard was to be used. There was not enough frontage on Ivy to meet that standard, but the County would allow an emergency access on Ivy which would help with the developability of the property.

Councilor Dale clarified there were not sidewalks on all sides in that area.

Mayor Hodson opened the public hearing at 9:26 p.m.

Applicant: Butch Busse had been a resident of Clackamas County for most of his life. Over the last 20 years his main focus had been rural communities. He was hoping to continue that relationship in Canby.

Roland Iparraguirre, attorney representing the applicant, stated the Planning Commission reviewed this application in September and recommended denial. He addressed the issues that had been raised by the Planning Commission. The first was traffic and parking. Several Commissioners and local residents thought the development proposal would generate too much traffic and possibly create congested or unsafe conditions on the roads. This application was not for development and the scope of the hearing was for a zone change only. A traffic study was performed in July and the engineers concluded that the zone change and development proposal would not degrade the service levels of the surrounding streets or create unsafe conditions. No off-site mitigation was recommended. He submitted a copy of the traffic

study into the record. The second issue was that times had changed since the 2003 Comprehensive Plan amendment and what might have been appropriate in 2003 no longer fit the neighborhood. He understood how people liked their neighborhood and did not want it to change. Staff had recommended approval of the zone change request basing the recommendation on aligning with future land use designation for the property as envisioned by the Comprehensive Plan. All necessary public services were available. The C-R land use designation for this property was assumed in the 2010 Transportation System Plan. The transportation parameters of state law were satisfied and the zone change was consistent with the TSP and Comprehensive Plan. The 2003 Comprehensive Plan text amendments sought out areas that could be C-R zones to satisfy the mandated state land use planning process. The City had officially operated and administered all activity related to the subject property as if the property was already zoned C-R. Nearby residents in Dinsmore Estates wanted to retain the R-1 zoning. Dinsmore Estates was built in 2005 and was adjacent to this property. When it was being developed, the property owner of this subject property had asked Dinsmore Estates for a full size access road between the two properties. Dinsmore Estates fought that request relying on the fact that the City had designated the property as C-R. The City sided with Dinsmore Estates because the subject property was zoned as C-R and a full access road was not required. Mr. Busse came to the City months ago with his plans to develop this property and the City guided him through the process using the C-R zoning. Shortly before the Planning Commission meeting, it was discovered that the property was not zoned C-R, but zoned R-1. The application complied with the Comprehensive Plan and statewide goals. Staff had recommended approval, and he requested approval tonight.

Councilor Smith asked how they had not known that this was zoned R-1.

Mr. Iparraguirre said the City had operated under the guise of it being C-R zoned for 15 years and processed applications as if it was C-R. Title companies had issued reports that had the designation of this property was C-R.

Commissioner Smith thought the area of special concern language stated that the zoning and development applications needed to be done simultaneously to match the zoning with the proposed use.

Mr. Iparraguirre agreed with staff that the language was meant to be a placeholder to provide flexibility for the property owner and future development of the property.

Mr. Busse said if someone spent a lot of money designing a development before the zone change was approved, it was putting a lot of effort and financing into the process before they knew they would be able to do that development. If the zone change was approved, they would be able to make the development fit the zoning of the property. The zone change was the first step.

Mr. Brown said the day of the Planning Commission meeting a long time resident contacted staff and said they never remembered the property being changed to the zone. Staff had never had a reason to suspect that the zoning maps were not correct. Staff went back and pulled the ordinances and Comprehensive Plan text amendments and found the zoning had never been changed. All of the other properties at the time had been changed except this one.

Mayor Hodson asked what they intended to build on the property.

Mr. Busse stated they wanted to build attached townhomes.

Proponents: Mike Agee, real estate agent representing the land owner, submitted notes from the pre-application meeting that was done by the land owner where staff had told him that the property was zoned C-R. This was the land owner from 2003 who was told that the property had been rezoned to C-R. He had listed the property many times and had verified the zoning through the City and title companies. Three hours before the Planning Commission meeting, they were notified that someone had brought to staff's attention that there was a problem. He had people interested in buying the property and they had all been told it was zoned C-R. The applicant bought the property after reviewing the pre-application meeting notes and wanted to do a townhome project and did the design for that project. That process had to be put on hold when they found out about the zoning issue, and they had to submit a zone change application. Decisions had been made on surrounding properties that affected the outcome of this property. These decisions had been made based on the zoning map that showed the property as C-R. The owner of the property was a co-applicant for this zone change and was asking for the zoning that had been granted to him in 2003.

Opponents: Dennis Richey, resident in Dinsmore Estates, had served as a Planning Commissioner and Public Safety Committee Chair in West Linn previously. He had problems with the intended use of the property. He thought the Council did not have all of the knowledge that the Planning Commission had when they made their decision to deny the application.

Janet Sanders had lived in Canby for 24 years and 2 ½ years ago moved to Dinsmore Estates. When she purchased that home, she was shown the stub streets and was told the adjacent property would be developed. She did not think the priority should be what a developer wanted to do with a property and the revenue they wanted to generate on the lot. She thought the area of special concern language was open to interpretation of what was needed by the City. Things had changed in 15 years. She did not think that because it had been wrong on the Comprehensive Plan map that it needed to be made right by creating another wrong.

Bob Cambra, Canby resident, opposed the request as it wasn't in the community's best interest. The zoning had not been changed in 2003 because the people at the time wanted present day officials to evaluate the request based on today's circumstances. Today a rezoning would open the opportunity for greater concentration of development and higher usage than R-1. This was one of the busiest intersections on the south side of town. There would be congestion, safety issues, and parking problems if the development went through. This was the wrong location for the concentrated usage. This development and those being built in the surrounding area would make the situation worse. He asked that the zoning remain as R-1.

An audience member asked what the Council was actually deciding. Mayor Hodson explained the application was for a zone change from R-1 to C-R.

Scott Sasse, Canby resident, said in 2003 Tom Schultz got a Conditional Use Permit to build greenhouses and sell retail. He sold the business to someone else who did the same thing. When the greenhouses were gone, it was supposed to go back to R-1. He questioned that this zoning was done in 2003. He didn't have a problem with development but wished it was different. There would be additional traffic and the traffic study shouldn't have been done in July when school was out.

Scott Sanders, Canby resident, thought the zone change should be based on the redevelopment application. The traffic study was done in July when traffic was lower. He had seen congestion and queuing issues in this area. When this was done in 2003, they thought development would occur to the

south, and it had actually gone north. The Council needed to look at the current situation when making this decision.

Rebuttal: Mr. Iparraguirre said this was only a request for a zone change, and there would be ample opportunity for the public to give input on the possible development of the property. There were ramifications to 15 years that they thought this was zoned C-R. He asked what the owner's rights were now that the property was R-1. There was potential for a dispute between this property and Dinsmore Estates for access. The owner should not be penalized because a mistake had been made. A lot of different uses were contemplated in the traffic study and all of them met the parameters.

Councilor Smith thought there was an access road off of SE 15th and SE 14th.

Mr. Iparraguirre was talking about an access road between the two properties. An argument was made that there should have been access as part of the Dinsmore development.

Mayor Hodson closed the public hearing at 10:17 p.m.

Councilor Heidt asked if an R-1.5 development was permissible under the C-R zone.

Mr. Lindsay explained there were outright permitted uses and conditional uses in the C-R zone and some of the outright permitted uses included what was outright permitted in the R-1.5 zone.

Councilor Spoon asked about the purpose of areas of special concern. Mr. Lindsay said it was used to call out the unique characteristics of an area and to place special requirements on the area to guide the development of these unique areas.

Councilor Smith read from the Area of Special Concern "K" language and discussed how he thought the C-R designation was already placed on the parcel. He thought at the time they realized putting a C-R zone in the middle of R-1, R-1.5, and School District might not be compatible. He thought this provision was written to require consideration of both the zone and the use at the same time.

Councilor Heidt said they knew what the applicant wanted to do with the property even though they were only addressing the zone change at this time.

Councilor Smith said they did not have all of the other requirements for the land use proposal in front of them.

Councilor Spoon said the intent of the area of special concern was to guide the development in a particular manner. She agreed that there needed to be a land use application along with the zone change to make sure the direction for this area was being followed. It was unlike most areas where a zone change was done first because it was an area of special concern. She empathized with the applicant's situation, but did not think that she was obligated to vote in a certain way due to the circumstances. She did not think C-R was the appropriate zoning for the site.

Mr. Lindsay thought the language of Area of Special Concern "K" left it open that the City might wish to have a development application along with the zone change. The language was permissive and did not require a development application. It was up to the Council whether or not to say it was necessary for their vote.

Councilor Heidt thought the language allowed both C-R and R-1.5 zoning. It could be residential or commercial.

Councilor Spoon said nowhere in the description did it indicate that was the intent.

Mr. Lindsay said the Council could interpret what the language meant today.

Councilor Parker thought the most appropriate zone for this property was R-1.

Councilor Dale said when he looked at the unique character of the area he saw a large retirement community, R-1 built to the boundaries, two schools, parks, and a busy intersection. The reality of today must be considered. He also agreed that a development proposal needed to be brought in with the zone change. He thought the highest, best, and most appropriate use for the property was R-1.

Councilor Smith agreed that R-1 was the most appropriate and compatible with the surrounding uses.

Councilor Heidt thought the City needed to take responsibility for the mistake that was made. They had promoted the C-R zone with the Dinsmore development and with this applicant. She thought the people in 2003 foresaw a lot of the development that had occurred and that C-R would fit in with the higher density in the area.

Councilor Smith did not think a mistake had been made. When he was Planning Commission Chair, he remembered discussing residential going in this area.

Councilor Spoon was not sure a mistake had been made. Some of the onus of due diligence was on the developer, not just on the City. A mistake should not obligate a public body to correct it by changing policy at the expense of the City that would last decades.

****Councilor Smith moved to deny ZC 18-04 (Busse) because this was an area of special concern that required a development application to be considered at the same time as the zone change request. This was a mandatory approval criterion in these circumstances. The application also did not meet Comprehensive Plan policies 1 and 6 because R-C in that area was not the most appropriate considering the nature of the surrounding uses of R-1, schools, and heavily traveled area and would be most compatible as an R-1 zone. Motion was seconded by Councilor Heidt and passed 5-0.**

RESOLUTIONS & ORDINANCES:

Ordinance 1493 – **Councilor Smith moved to approve Ordinance 1493, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 9.55 ACRES INCLUDING 8.91 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 800 AND 900 OF PORTION OF SE ¼, SEC. 27, T.3S., R.1E., W.M. (TAX MAP 31E27DB); AND TAX LOT 601 OF PORTION OF SE ¼, SEC. 27, T.3S., R.1E., W.M. (TAX MAP 31E27AD); AND APPROX. 0.64 ACRES OF ADJACENT NE TERRITORIAL ROAD RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS to come up for second reading on October 17, 2018. Motion was seconded by Councilor Spoon and passed 5-0 on first reading.

Ordinance 1494 – This ordinance was not voted on since the zone change was not approved.

Ordinance 1495 – ****Councilor Spoon moved to adopt Ordinance 1495, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH PBS ENGINEERING & ENVIRONMENTAL, INC. FOR TRANSPORTATION ENGINEERING & TECHNICAL SERVICES OF NORTH QUIET ZONE IMPROVEMENTS (N ELM ST – N GRANT ST – N IVY ST); AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Heidt and passed 5-0 by roll call vote.**

NEW BUSINESS: Amendment to Employment Contracts with City Administrator, City Attorney, and Municipal Court Judge – Mayor Hodson said the Council had gone through a review process for these three positions. He described the compensation changes that were being proposed.

****Councilor Dale moved to adopt the amendment to employment contracts with the City Administrator, City Attorney, and Municipal Court Judge. Motion was seconded by Councilor Spoon and passed 5-0.**

Councilor Smith thought a new process needed to be developed for the Municipal Court Judge evaluation.

ADMINISTRATOR’S BUSINESS & STAFF REPORTS: Mr. Robinson thanked the Council for the wage increase.

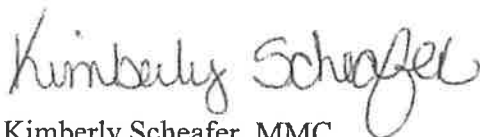
CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Resolution 1298 failed for lack of second.
3. Approved Ordinance 1493 to come up for second reading on October 17, 2018.
4. Adopted Ordinance 1495.
5. Approved the amendment to employment contracts with the City Administrator, City Attorney, and Municipal Court Judge.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 11:00 p.m.



Kimberly Schaefer, MMC
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

May 17, 2021

City of Canby, City Council
Brianna Addotta, Planner

DR20-03 and CUP 20-02

Brianna, thank you for your work on the staff report. As you pointed out, the Planning Commission's statements, and then findings and reasons for denying the application revolved around five topics. Thus, we wish to clarify and address those 5 issues directly so you know what any additional argument by the applicant will be and can incorporate the actual request numbers and details into your staff report.

1) The definition of the use.

The Planning Commission appeared to be confused about the nature of the use. The use is one single use, for land-use purposes similar to a nursing home. The planning commission's confusion appears to be due to the fact that there are both a memory care unit, and an assisted living unit in the same facility. Both together constitute one-single elderly care facility where the services are very similar for both units. The planning commission appears to have unanswered questions of whether there would be different impacts from an assisted living unit on the second floor, than the memory care unit on the first floor. The answer is no.

The impacts are the same. In order to qualify for assisted living, the person, by definition, must not be able to live independently. It may be a variety of physical disabilities, ailments, diseases, or other physical limitations, but the people in the assisted living unit required assistance with their activities of daily living. They may need help walking, bathing, eating, seeing, getting out of bed, etc. but by definition cannot care for themselves. The people in the assisted living unit have not been diagnosed with dementia. On the other hand, residents who have been diagnosed with dementia, also have security doors, they may or may not be in better physical capability than other residents, but they have severe enough dementia that they necessitate being in a secure memory care facility. These people also are at such a high level of dementia that they cannot care for themselves independently. Thus, the services inside are very similar, same impacts, with the main different being that the memory care unit has locking security doors to prevent the residents from wandering.

2) The number of beds.

The applicant proposed 102 total beds, period. The planning commission appears to have been confused by the fact that there are two residential units that are proposed to have two rooms in

them – you will note that the applicant’s design engineer said 49 “rooms” at on point... which apparently confused the Planning Commission because that equates to 47 beds in the assisted living portion. Thus, the applicant proposes 102 beds, and the application is based on 102 beds.

The applicant has expressed flexibility with how the rooms are configured but does not want this to lead to confusion. But if the City deemed it necessary the facility could be modified easily to could do 100 beds by making two other residences into two-room residences.

3) Allocation of parking spaces.

The applicant proposes 60 parking spaces to comply with CMC 16.10.010. Again, the applicant has expressed flexibility if the city deems it necessary but does not want to cause any confusion. The Planning Commission appears to have gotten confused between 60 and 61 because there are 60 dedicated parking spaces and 1 loading zone that was not counted as a parking space, but does factor in to understand that a regular parking space will not be occupied for loading or unloading.

For purposes of the application we ask that the number to be used is the 60 shown on the applicant’s site plan. Again, not to create any confusion, but the applicant again simply tried to show flexibility by showing that more parking COULD be added, if the city wanted to demand it and allow a reduction in the landscape/pervious surface area. But the ratios of parking-to-beds is very good for Astoria as proposed with 60 parking spaces and 1 loading space. The expert from Avant on this topic assessed that there will be an ordinary maximum of about 36 parking spaces used on the property, leaving plenty of other open parking spaces, and far exceeding the 44 that was recommended as necessary.

4) Building mass and density.

This concern of the planning commission is easily rectified. The pictures and renderings submitted to the planning commission apparently did not show them well enough that there are actually two separate building; that there is a courtyard and walkways in between building A and building B, and that there is a large outdoor courtyard in the center of building A. Therefore neither “mass” or density of the building itself should really be an issue. New color renderings have been submitted, showing the front view, street view and side views which demonstrate that from Ivy or 13th the visual appeal will be exceptional. The set-backs, building height, visibility and other factors are in compliance and approvable as noted by staff.

5) Traffic impacts on IVY and 13th.

As noted in the previous staff findings, professional engineers have reviewed this proposed use and noted that this use “generate[s] much less traffic than a single or multi family dwelling unit” and that traffic counts were so low for the use that even a second driveway would not normally be recommended. However here, two driveways, with one being right turn only, will



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additionally mitigate the low level of traffic impact even more. The traffic engineers expanded the scope of their study and data from 3 to 5 years and found that the intersection will exceed ODOT's operational standards and due to this intersection having such a low accident rate, that no mitigation was even necessary. Thus, the experts have given their opinions that the traffic generated by the proposed use, is lower than that of other approvable uses in this zone, and that the proposed use meets or exceeds all applicable traffic factors.

Also, as you are certainly aware, something else to keep in mind is that all of this must be considered in light of the background policy in the OAR's and state law requiring only use of clear and objective approval standards for residential housing. 660-008-0015. "a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land". Some of the 'concerns' of the commission were not really relating to approval criteria, nor were they clear or objective approval standards.

Best wishes,
Tyler

SITE DETAILS:

Attachment B

SITE ADDRESS: 1300 S. IVY ST. CANBY, OREGON
 JURISDICTION: CITY OF CANBY
 SITE ZONING: R-1; LOW DENSITY RESIDENTIAL
 PROPOSED USE: ASSISTED LIVING / NURSING CARE (CONDITIONAL USE); SINGLE FAMILY DUPLEXES FOR SENIOR LIVING
 LAND USE PROCESSES REQUIRED: TYPE III SITE PLAN & DESIGN REVIEW
 CONDITIONAL USE REVIEW
 TOTAL SITE AREA: 111,973 S.F.
 SITE DENSITY PROPOSED: 102 RESIDENT BEDS
 8 DUPLEX UNITS
 PROPOSED BUILDING COVERAGE: 32,588 S.F.
 PROPOSED HARDSCAPE AREA: 34,951 S.F.
 PROPOSED LANDSCAPED AREA: 44,434 S.F.
 TOTAL CARE FACILITY PARKING SPACES: 56 PARKING SPACES W/ 2 HANDICAP VAN ACCESSIBLE SPACE AND 1 HANDICAP ACCESSIBLE SPACE
 TOTAL DUPLEX PARKING SPACES: 8 GARAGE SPACES + 8 PARKING SPACES = 16 PARKING SPACES
 TOTAL ALL PARKING SPACES: 72
 LOADING SPACES: 1
 TOTAL BICYCLE PARKING: 8 SPACES

GENERAL SITE PLAN NOTES:

SITE FURNISHINGS SUCH AS FENCES, & ANY OTHER FURNISHINGS SHALL BE CONSTRUCTED W/ 20% SUSTAINABLE HARVESTED MATERIALS, SUCH AS FORESTRY STEWARDSHIP COUNCIL (FSC)-CERTIFIED WOOD & RECYCLED CONTENT MATERIALS, EXCLUDING PLASTICS. THE INTENT OF THIS STANDARD CAN ALSO BE ACHIEVED THROUGH THE USE OF LOCALLY SOURCED MATERIALS, ORIGINATING WITHIN 500 MILES OF THE SITE

A MIN. OF 20% RECYCLED CONTENT PAVEMENT OR PAVEMENT BASE, SUCH AS CONCRETE GRINDINGS FOR BASE MATERIALS OR BLAST FURNACE SLAB ADDITIVES OR ASPHALT W/ GLASS FOR HARD-SCAPE ELEMENTS SUCH AS STREETS, SIDEWALKS, PATHS, PARKING AREAS & COURTYARDS SHALL BE PROVIDED

REFERENCE LANDSCAPE PLANS FOR LANDSCAPE PLANTING DETAILS

REFERENCE CIVIL SHEETS FOR R.O.W. IMPROVEMENTS, PERVIOUS PAVEMENT DETAILS, STORM-WATER MANAGEMENT, ETC.

PROVIDE A LEVEL CEMENT CONCRETE PAD, MIN. 4" THICK @ GROUND ELEVATION. THE PAD SHALL BE DESIGNED TO DISCHARGE SURFACE WATER RUNOFF TO PREVENT STANDING WATER TO DRAIN @ GARBAGE ENCLOSURE

THE VEHICULAR APPROACH AREA & STAGING AREA SHALL NOT HAVE A PERCENT OF GRADE EXCEEDING 3%, SLOPED IN ANY DIRECTION

PROVIDE A CLEAR STAGING AREA IN FRONT OF THE ENCLOSURE W/ A MIN. LENGTH & WIDTH TO ALLOW FOR A 3' PERIMETER AROUND ALL SIDES OF THE CONTAINER WHEN BEING SERVICES OUTSIDE OF THE ENCLOSURE

A MIN. OF 3" INCLUDING PAD AREA, SHALL BE PROVIDED IN FRONT OF EACH CONTAINER FOR MANEUVERABILITY IN DEPOSITING SOLID WASTE OR RECYCLABLE MATERIALS

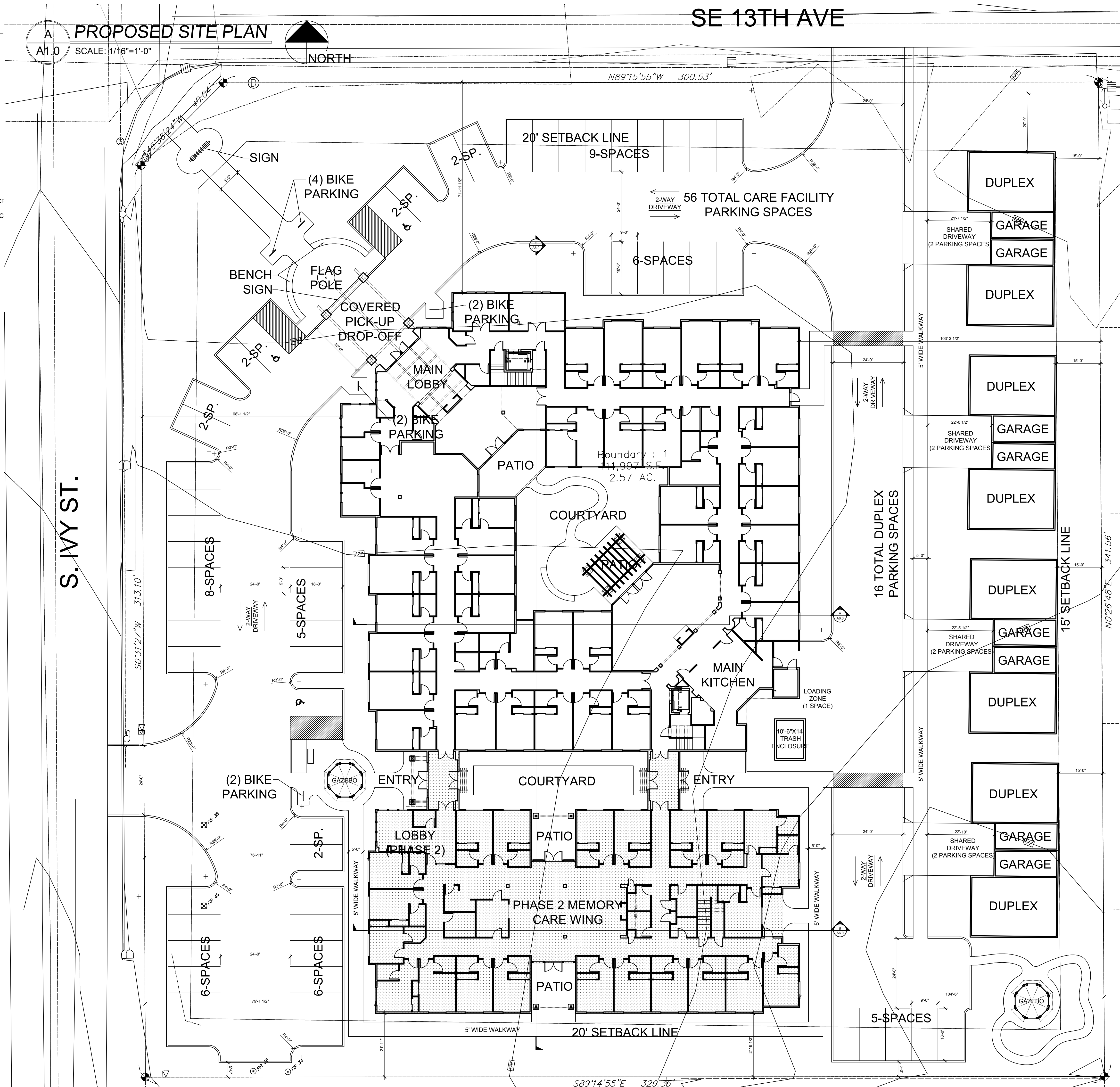
PROVIDE A "NO PARKING" SIGN THAT SHALL BE PAINTED TO ON THE PAVEMENT IN FRONT OF THE GARBAGE AREA TO PROVIDE SAFE & UNOBSTRUCTED ACCESS FOR SERVICING CONTAINERS

GARBAGE & RECYCLING ENCLOSURE GATES SHALL SWING FREE OF OBSTRUCTIONS & HAVE RESTRAINERS IN THE OPEN & CLOSED POSITIONS. THE GATE SWING SHOULD OPEN TO A MIN. OF 120 DEGREES

OFF STREET PARKING SHALL BE COMPLETED PRIOR TO ISSUANCE OF CERT. OF OCC. & PROVIDED FOR EMPLOYEES & VISITORS. NO STORAGE OF NON-OPERABLE VEHICLES OR OF MATERIALS PERMITTED

OWNER TO FURNISH ALL OUTDOOR FURNITURE SHOWN ON SITE PLAN

ALL PEDESTRIAN WALKWAYS, BUILDING ENTRANCES AND EXITS, AND OUTDOOR USE AREAS TO HAVE LIGHTING PROVIDING A MIN. OF 5 FOOT CANDLE ILLUMINATION, TYP.



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REGISTERED ARCHITECT
REVIEW SET
 PORTLAND, OREGON
 STATE OF OREGON
 EXPIRES: 12-31-21

Canby Senior Living
 1300 S Ivy St.
 Canby, Oregon
 An Independent Living, Residential Care,
 & Memory Care Community
 Waterstone Investments, LLC.

These plans and the designs herein are copyrighted under Federal Law by EPR DESIGN, LLC. & NW ARCHITECTURE & DESIGN, P.C.

SITE PLAN
 REV. NO. DATE:
 1

DATE: 5/3/2021

DRAWN BY:

REVIEWED BY:

SHEET:

A1.0
App-4



