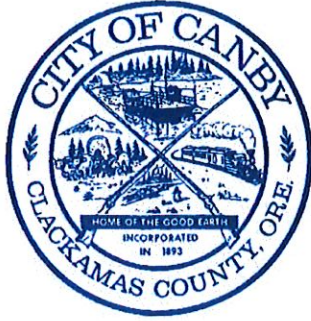


# Attachment E



## City of Canby

### Planning and Building Department

Sent Via Email

[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)

**DATE:** April 15, 2021

**RE:** Notice of Decision/Final Order for DR 20-03 and CUP 20-02

The Canby Planning Commission hereby provides notice that a decision to deny **DR 20-03 and CUP 20-02 Memory Care Facility** has been rendered. The enclosed Findings, Conclusions and Final Order is your notice of the official action of the City of Canby Planning Commission.

According to Section 16.89.50 (I) of the Canby Municipal Code, this decision may be appealed to the City Council within ten (10) days of the date this notice was mailed. To do so, you must file an application for appeal with the Planning Director. If no appeal is taken within the specified period, and if no appeal is initiated by action of the City Council, the decision of the Planning Commission shall be final.

The application for appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$1,980 fee must be enclosed with your appeal application.

If you have any further questions or concerns, please contact the Planning office at 503-266-7001.

Sincerely,

Brianna Addotta  
Associate Planner

Attachment: Signed Final Findings

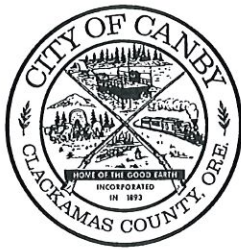
#### CERTIFICATE OF MAILING

This Notice of Decision was postmarked and placed in the mail and/or emailed on

4/16/2021 and sent to all parties with standing.

The appeal period will end on Monday April 26, 2021

Brianna Addotta, Associate Planner



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

**A REQUEST FOR SITE AND DESIGN  
REVIEW AND CONDITIONAL USE  
APPROVAL FOR A MEMORY CARE  
FACILITY**

)  
  
)  
)  
)

**FINDINGS, CONCLUSION & FINAL ORDER**

**DR 20-03 AND CUP 20-02  
MEMORY CARE**

**NATURE OF THE APPLICATION**

The proposal is 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.

**HEARINGS**

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)**. These Findings are entered to document the denial.

**CRITERIA AND STANDARDS**

In judging whether or not the aforementioned application shall be approved, the Planning Commission determines whether criteria from the City of Canby Land Development and Planning

Ordinance are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated April 2, 2021 and presented at the April 12, 2021 meeting of the Canby Planning Commission.

### **FINDINGS AND REASONS**

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of 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. During the meeting, Planning Commissioners voiced the following concerns as unaddressed by the applicant team:

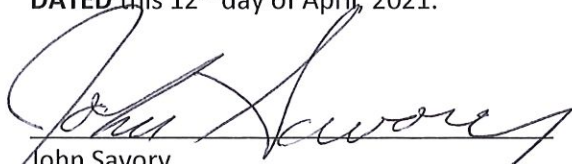
- Unclear definition of use. Applicant materials stated intent to construct a “102-bed elderly care facility with a memory care endorsement licensed by the State of Oregon.” It was disclosed during the meeting the first floor of the facility would have 55 memory care beds and the second floor would have 49 senior residential assisted living rooms. Commissioners expressed concern the impacts of a residential assisted living use would differ from a memory care use.
- Unclear number of beds. It was disclosed during the meeting the first floor of the facility would have 55 memory care beds and the second floor would have 49 residential care rooms, which is a total of 104 beds. Applicant materials stated primary facility would house 102 total beds.
- Unclear allocation of parking spaces. The applicant materials provide inconsistent parking space counts. The site plan states there will be 52 parking spaces and 3 handicap spaces. Counting the parking spaces on the site plan shows there are 60 total parking spaces proposed. During the meeting the applicant stated there would be 61 total parking spaces.
- Building massing and density. Commissioners expressed concerns that the massing and size of the primary facility was incongruous with the R-1 zone, and states fewer beds would facilitate a more compatible building.
- Traffic analysis for intersection of SE 13<sup>th</sup> Ave and S Ivy St. Commissioners expressed concerns sufficient information was not given by the applicant to provide confidence the intersection would not be negatively impacted. Additionally, concerns were expressed about the ingress and egress from the driveway on S Ivy St.

### **DETERMINATION**

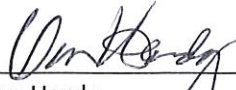
THE PLANNING COMMISSION DETERMINED THAT DR 20-03 / CUP 20-02 DOES NOT CONTAIN SATISFACTORY MATERIAL NECESSARY TO ASSURE THE PROPOSED DEVELOPMENT IS CONSISTENT WITH DESIGN REVIEW AND CONDITIONAL USE PERMIT APPROVAL CRITERIA. THEREFORE, IT IS ORDERED BY THE PLANNING COMMISSION OF THE CITY OF CANBY THAT DR 20-03 / CUP 20-02 BE DENIED.

I CERTIFY THAT THIS ORDER denying DR 20-03 and CUP 20-02, was presented to and DENIED by the Planning Commission of the City of Canby.

DATED this 12<sup>th</sup> day of April, 2021.



John Savory  
Planning Commission Chair



Don Hardy  
Planning Director



Brianna Addotta for Laney Fouse Lawrence, Attest  
Recording Secretary

**ORAL DECISION: April 12, 2021**

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

**WRITTEN DECISION: April 16, 2021**

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