

Attachment E  
Southwest Canby Development Concept Plan  
Ann 21-02/ZC 21-02

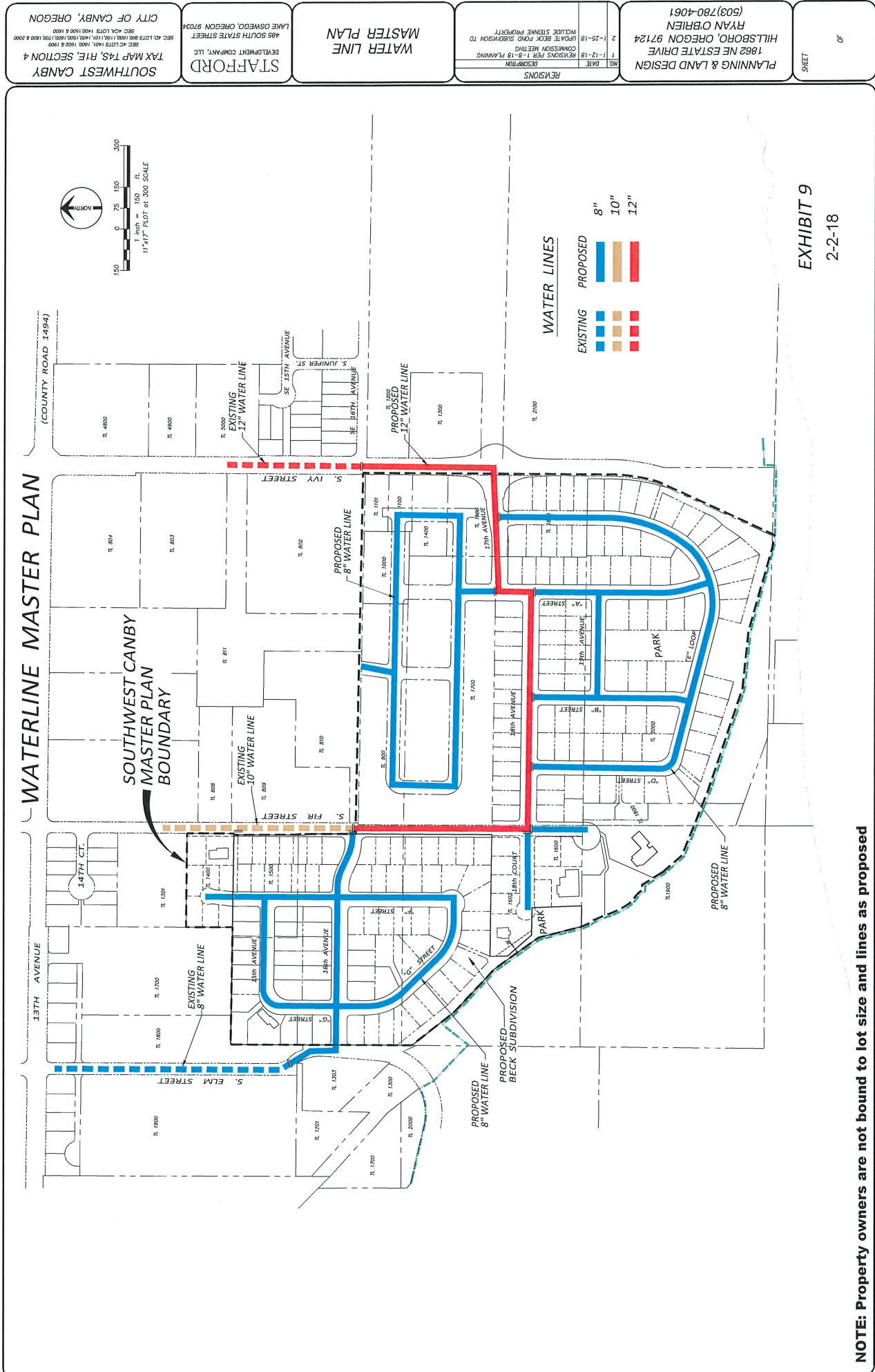
# Southwest Canby Development Concept Plan



Prepared by Planning & Land Design LLC  
1862 NE Estate Drive, Hillsboro, Oregon 97124  
Ryan O'Brien Phone (503) 780-4061  
ryanobrien1@frontier.com

**NOTE: Property owners are not bound to lot size and lines as proposed**





**NOTE: Property owners are not bound to lot size and lines as proposed**

**EXHIBIT 9**  
**2-2-18**

<p><b>PLANNING &amp; LAND DESIGN</b>          RYAN O'BRIEN          1862 NE ESTATE DRIVE          HILLSBORO, OREGON 97124          (503) 780-4061</p>	<p><b>REVISIONS</b></p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1-12-18</td> <td>COMMISSION PER 1-8-18 PLANNING</td> </tr> <tr> <td>2</td> <td>1-25-18</td> <td>UPDATE BECK FUND SUBDIVISION TO INCLUDE STEINER PROPERTY</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	1-12-18	COMMISSION PER 1-8-18 PLANNING	2	1-25-18	UPDATE BECK FUND SUBDIVISION TO INCLUDE STEINER PROPERTY	<p><b>WATER LINE MASTER PLAN</b></p>	<p><b>STAFFORD</b>          DEVELOPMENT COMPANY, LLC          465 SOUTH STATE STREET          LAKE OSWEGO, OREGON 97034</p>	<p><b>SOUTHWEST CANBY</b>          TAX MAP T4S, R1E, SECTION 4          SEC. 40, LOT 300 &amp; 1001, 1002, 1003, 1004 &amp; 1005          SEC. 40, LOT 300 &amp; 1001, 1002, 1003, 1004 &amp; 1005          SEC. 40, LOT 300 &amp; 1001, 1002, 1003, 1004 &amp; 1005          CITY OF CANBY, OREGON</p>
NO.	DATE	DESCRIPTION											
1	1-12-18	COMMISSION PER 1-8-18 PLANNING											
2	1-25-18	UPDATE BECK FUND SUBDIVISION TO INCLUDE STEINER PROPERTY											

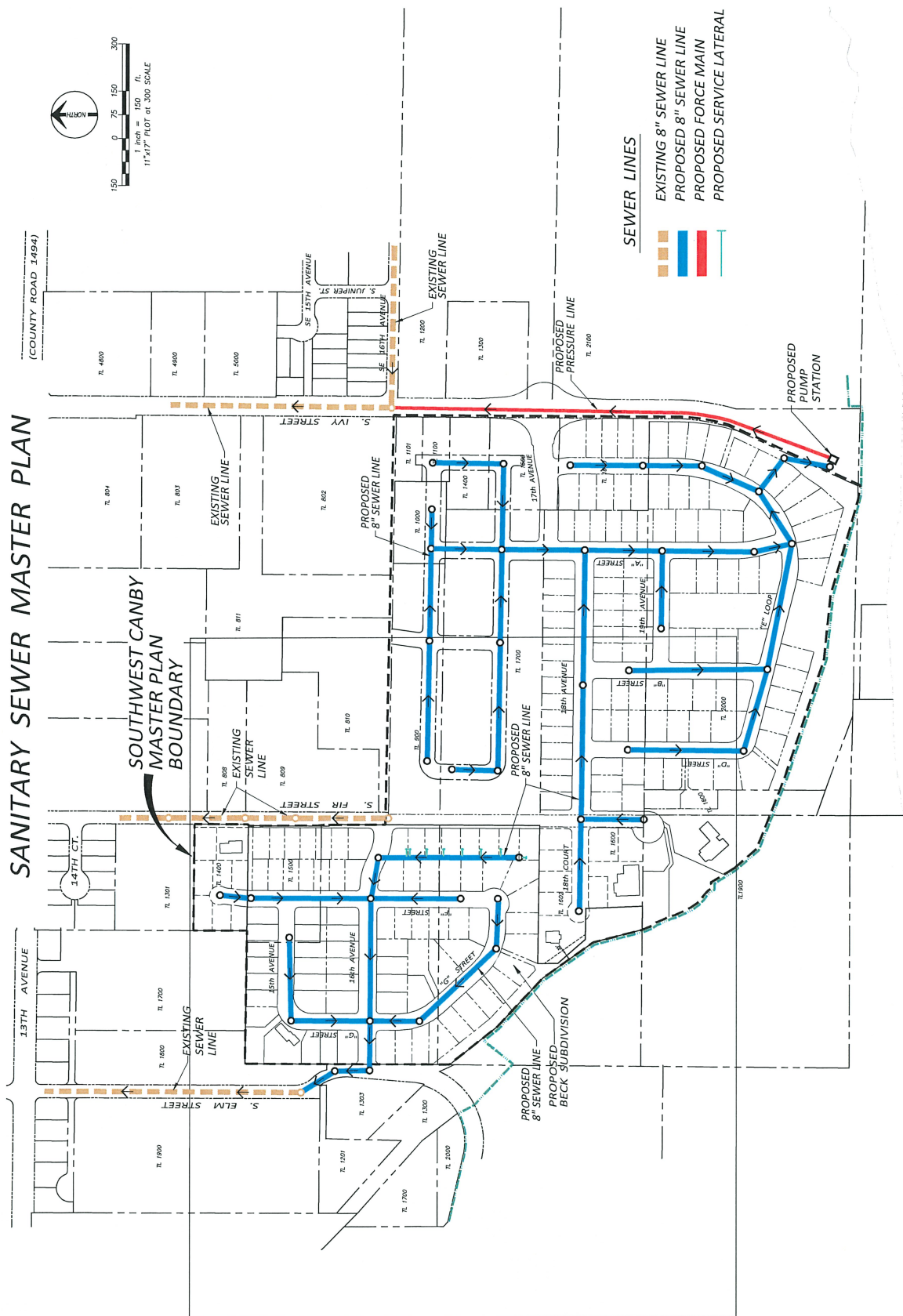
EXHIBIT 8  
2-2-18

REVISIONS		DESCRIPTION
NO.	DATE	
1	1-12-18	REVISIONS PER 1-8-18 PLANNING COMMISSION MEETING
2	1-25-18	UPDATE BECK POND SUBDIVISION TO INCLUDE STEINKE PROPERTY

SANITARY SEWER  
MASTER PLAN

STAFFORD  
DEVELOPMENT COMPANY, LLC  
485 SOUTH STATE STREET  
LAKE OSWEGO, OREGON 97034

**SOUTHWEST CANBY**  
**PAX MAP T4S, R1E, SECTION 4**  
SEC. 4C, LOTS 1401, 1601, 1602 & 1900  
D, LOTS 900, 1000, 1100, 1101, 1601, 1500, 1600, 1700, 1800 & 2000  
SEC. 4C, LOTS 1402 & 1600  
**CITY OF CANBY, OREGON**



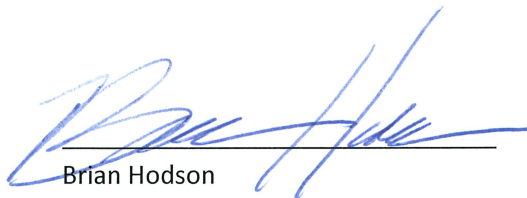

**NOTE: Property owners are not bound to lot size and lines as proposed**



## VIII. City Approval

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of the **SOUTHWEST CANBY DEVELOPMENT CONCEPT PLAN** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 21 st day of February, 2018

  
\_\_\_\_\_  
Brian Hodson  
Mayor  
\_\_\_\_\_  
Bryan C. Brown  
Planning Director

### ORAL DECISION - February 7, 2018

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

NOES: none.

ABSTAIN: none.

ABSENT: 0

### WRITTEN FINDINGS – February 21, 2018

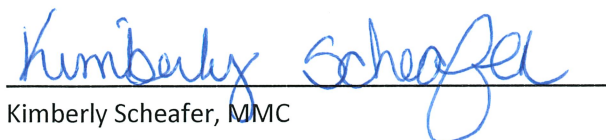
AYES: Smith, Parker, Hensley, Dale, Heidt & Spoon

NOES: none.

ABSTAIN: none.

ABSENT: none.

ATTEST:

  
\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

BEFORE THE CITY COUNCIL  
FOR THE CITY OF CANBY, OREGON

	)	
	)	<b>FINDINGS OF FACT</b>
In the Matter of a Request for a	)	<b>AND CONCLUSIONS OF LAW</b>
Subdivision/Variance Approval for	)	<b>REJECTING THE APPEAL</b>
Property Located at 1555, 1715 S Fir Street	)	<b>AND APPROVING THE</b>
In the City of Canby, located in the R-1 and	)	<b>SUBDIVISION APPLICATION</b>
R-1.5 Zoning Districts Within the	)	<b>WITH SPECIFIED AMENDMENT</b>
Southwest Canby Development Concept	)	
Plan Area for Approval of Sixty-Nine Lot	)	<b>FINAL ORDER FOR CITY OF</b>
Subdivision	)	<b>CANBY FILE NOS. APPEAL APP 18-02</b>
	)	<b>OF SUB 18-01/VAR 18-01 DECISION</b>

**I. INTRODUCTION.**

This Final Order is the Canby City Council's ("City Council") approval of an Application for approval of a sixty-nine lot subdivision in the R-1 and R 1.5 Zoning Districts located within the Southwest Canby Development Concept Plan area. As explained further below, the City Council moved to reject the appeal and affirm the Planning Commission's decision as amended by adding a specified additional condition of approval submitted by the appellant and adopted the revised preliminary plat map. Therefore, the City Council approves the Application with the Planning Commission's conditions of approval contained in their decision dated June 11, 2018. The Planning Commission decision is hereby incorporated in its entirety along with the specified additional condition of approval submitted by Appellant along with a revised preliminary plat map as it pertains to the Appellant's property adjacent to the approved Beck Pond subdivision.

**II. PROCEDURAL STATUS.**

The Applicant submitted the Application on April 2, 2018 and the City declared the application with additional necessary submittals complete on May 5, 2018 and proceeded to schedule an initial evidentiary hearing before the Canby Planning Commission for June 11, 2018. The Planning Commission issued a Final Decision approving the Application on June 13, 2018. The Appellants filed a timely appeal of that decision on June 25, 2018. The City Council considered the appeal at a public hearing on August 1, 2018. A final decision is expected to occur with approval of these findings by the City Council on 8.15.18 within the applicable 120-day clock of receiving all necessary application materials and declaring the application complete.

The City Council opened the public hearing with the announcements required by ORS 197.763(5). A quorum of the City Council was present. The City Council had before it the entire Planning Department file for the Application. The City Council did not exclude any documents physically before it. The City Council disclosed *ex parte* contacts and conflicts of interest. No party asked for an opportunity to respond to the *ex parte* disclosures, nor did any party challenge



a City Councilor's ability to hear the appeal. No party raised any other procedural objections during the course of the hearing.

The City Council heard a brief Staff Report, the Applicant, the Appellant's attorney, and those in support of, or opposed to, the appeal. The City Council then heard the Applicant's rebuttal. Following deliberation, the City Council, on a motion by Councilor Smith, seconded by Councilor Hensley, voted 5-0 to reject the appeal and affirm the Planning Commission's decision as amended by adding the additional condition of approval submitted by the applicant and adopting the revised preliminary plat map. The Planning Department returned with proposed written findings for adoption by the City Council at a public meeting on August 15, 2018.

The Canby Land Development and Planning Ordinance (CZO) 16.89.050.J provides that appeals of the Planning Commission to the City Council will be processed using the Type III procedures unless otherwise specified in CZO Title 16. No other procedures apply to this Application. Further, CZO 16.89.050.I.4 provides that the City Council's action on appeal shall be governed by the same general regulations, standards and criteria as applied to the Planning Commission in the original consideration of the Application. Further, the City Council notes that CZO 16.89.050.F.1 provides that approval or denial of a Type III decision shall be based on standards and criteria located in the Canby Zoning Ordinance. The City Council is required to issue a final written order containing findings and conclusions that approve, in this case, the Application as amended with an additional condition of approval and a revised preliminary plat map as it pertains to the appellant's adjacent property to the Beck Pond subdivision preliminary plat map. The following written decision shall set forth the facts relied upon in rendering the decision and justify the decision according to the criteria, standards and facts provided by CZO 16.89.050F.2 and .3

### **III. SUPPLEMENTAL FINDINGS IN ADDITION TO THE PLANNING COMMISSION DECISION.**

#### **1. ADDITIONAL CONDITION OF APPROVAL**

The subdivision applicant, appellant through their attorney, and City planning staff reviewed a proposed statement to be presented at the City Council appeal public hearing ahead of the meeting arriving at general agreement in recommending to the City Council that they approve the appellant's request for amending the Planning Commission decision by adding the statement outlined below along with a revised preliminary plat map as a satisfactory way to resolve the area of disagreement set forth in the Appeal Statement:

The Council's decision to approve the preliminary plat for the Beck Pond subdivision shall not determine the configuration of any future development on the Roger and Cheryl Steinke property, Tax Lot 1500 on Tax Map 4S1E04CA. Any future development proposal for the Steinke property shall be judged upon its own merits if and when submitted and shall not be bound by any shadow plat which has previously come before the City.

## **2. ADOPTION OF REVISED PRELIMINARY PLAT MAP**

The City Council finds that the revised preliminary plat map submitted to reinforce the previously outlined statement proposed to be adopted as an additional condition of approval; was helpful in clarifying the amended decision to not bound the applicant to or adopt any previous illustrated future development possibility outlined in the course of the subdivision approval process as it pertains to the adjacent Tax Lot 1500 of Tax Map 4S1E04CA. The revised preliminary plat map is attached to these findings as (Exhibit 1).

## **3. PREFERRED FUTURE STREET ALIGNMENT ACROSS Tax Lot 1500**

The appellant also requested that the subdivision applicant prepare and present at the Council Hearing an illustration of the appellant's current preferred future street alignment across the property. This illustration is attached to these findings as (Exhibit 2). The presentation of Exhibit 2 is not in any way adopted nor meant to be binding in any way on the appellant in the future, but was shown at the appellant's request to provide reassurance that the preliminary plat map as proposed for approval would not prevent the possible extension of SE 15<sup>th</sup> Avenue eastward to Fir Street through the property in a manner that could divide the property exactly in half north to south with equal future lot depths on each side. The City Council acknowledged that this was one of several viable possible future development options for Tax Lot 1500.

## **4. SOUTHWEST CANBY ANNEXATION DEVELOPMENT CONCEPT PLAN**

City staff and the subdivision applicant indicated at the hearing that the previous City Council adopted Southwest Canby Annexation Development Concept Plan which is applicable to properties recently annexed as a part of the Beck Pond subdivision and many other surrounding properties – including the Appellant's Tax Lot 1500 – will continue to provide guidance to City staff and the Planning Commission in the future as to the suitability of future redevelopment scenarios presented by property owners within the adopted DCP area. Amendments to the adopted DCP are possible but must be justified when presented.

## **5. GENERAL FINDINGS**

The City Council finds that the approval criterion utilized by the Planning Commission in their decision were suitable and criterion is satisfied. City Council had before it the entire Planning Department file for this Application, including all testimony from the Planning Commission hearing. The City Council considered all of the oral and written testimony by all parties to the appeal proceeding. The City Council fully considered all relevant information presented by the appellant. The City Council balanced the evidence and determined that the subdivision should be approved and that the appellant's requested action with regard to the subdivision presented at the hearing could also be successfully incorporated into the approval record for the subdivision.

The Council, the Mayor in particular, indicated sincere appreciation for the efforts set forth by Stafford Land Development and Mr. Steinke to work together and arrive at an agreeable amendment to the Planning Commission decision on SUB 18-01/VAR 18-01.



#### IV. CONCLUSION AND ORDER

For the reasons contained herein, the City Council hereby rejects the appeal (APP 18-02) and affirms the Planning Commission's decision as amended by adding the additional condition of approval submitted by the applicant and adopting the revised plat map indicated in the attached Exhibit 1. Therefore, **IT IS ORDERED BY THE CITY COUNCIL** of the City of Canby that **SUB 18-01/VAR 18-01** approving the sixty-nine lot Beck Pond subdivision including the forty-seven conditions of approval in the Planning Commission Decision as if incorporated herein and the additional condition of approval as set forth below:

The Council's decision to approve the preliminary plat for the Beck Pond subdivision shall not determine the configuration of any future development on the Roger and Cheryl Steinke property, Tax Lot 1500 on Tax Map 4S1E04CA. Any future development proposal for the Steinke property shall be judged upon its own merits if and when submitted and shall not be bound by any shadow plat which has previously come before the City.

DATED this 15<sup>th</sup> day of August 2018.

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Brian Hodson  
Mayor

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Bryan Brown  
Planning Director

Approved as to Legal Form:

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Joseph Lindsay  
City Attorney

**ORAL DECISION – August 1, 2018**

AYES: Smith, Parker, Hensley, Dale & Heidt

NOES: None.

ABSTAIN: None.

ABSENT: Spoon.

**WRITTEN FINDINGS – August 15, 2018**

AYES:

NOES:

ABSTAIN:

ABSENT:

**ATTEST:**

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Kimberly Scheafer, MMC  
City Recorder