

# MINUTES

Creswell Planning Commission  
Creswell Community Center - 99 South 1<sup>st</sup> Avenue

April 21, 2005  
8 p.m.

PRESENT: David Christopher, Jeri-anne Cohen, Dennis Grice, Keith Morgan, Blake Oelke, Wes Olson, Lloyd Safley, Members; Megan Banks, Mark Shrives, Staff

## APPROVAL OF MARCH 17, 2005 MINUTES

Mr. Morgan convened the meeting at 8 pm.

Mr. Christopher, seconded by Mr. Safley, moved to approve the minutes of March 17, 2005. The motion passed unanimously.

## COMMISSIONER COMMENTS

There were no comments from commissioners.

## POLL MEMBERS FOR CONFLICTS OF INTEREST

No *ex parte* contacts or conflicts of interest were declared.

## I. OLD BUSINESS

There was no old business.

## II. NEW BUSINESS

**Case Number SUB-2004-05F, Oregon Avenue Final Plat Subdivision, a request by Geomax Engineering, on behalf of AKE, LLC, for final subdivision plat approval to divide a 1.2 acre parcel into seven new residential lots. The site is zoned Residential and is located at the northwest corner of Oregon Avenue and 10<sup>th</sup> Street. (Assessor's Map: 19-03-15-14, Tax Lot: 1800)**

Megan Banks provided the staff report. She said the plan was to divide a 1.2 acre parcel into seven residential lots ranging from 6,000 square feet to 8,400 square feet. She noted that the Creswell Planning Commission had granted preliminary subdivision approval as well as conditional use approval on November 18, 2004 and said the action requested for that evening was final plat approval. She said the conditional use permit was approved and allowed an existing duplex to remain on what became a non-corner lot. She noted that lots 4 and 6 were approved as flag lots. She noted that there were no conditions

for final approval but outlined the seven items that needed to be addressed prior to construction and construction document approval.

1. **Show a driveway paving width of at least 18 feet for lots four and six. (Code Section 14.6.8)**
2. **Submit drainage management practices for review and approval by the City Engineer. These practices shall minimize the amount and rate of surface water runoff into receiving streams or drainage facilities or onto adjoining properties. Drainage management practices must include, but are not limited to detention, permanent storage, minimization of impervious surfaces, emphasis on natural drainage ways, stabilization of natural drainage ways, and other practices designed to transport stormwater and improve water quality. (Code Section 14.11.2)**
3. **Submit a drainage plan as part of the NPDES stormwater permit covering the development area. (Code Section 14.11.3)**
4. **The Public Works Director and City Engineer will review specific sanitary sewer and water service requirements during construction plan review. (Code Section 14.12 and 14.13)**
5. **An additional fire hydrant is required at or near the panhandle access road. (Code Section 14.14)**
6. **Street lights shall meet the requirements of Section 14.15, including spacing.**
7. **A grading and drainage plan shall be submitted to the City for Building Official review and approval. No construction on the site may begin until this plan is approved by the Building Official. (Section 14.16)**

Ms. Banks noted that there were two additional items that the applicant had been asked to address before final plat approval.

1. **The existing well needs to be shown on the construction plans. If the well is not to be retained, how it will be abandoned needs to be addressed. The City Public Works Director must review and approve the proposal for abandonment.**

Ms. Banks noted that the applicant had indicated that the applicant had responded that the existing well would be retained in working order for the purposes of irrigation.

2. **The final plat must contain a note stating that access on Lot One must be from 10<sup>th</sup> Street.**

Ms. Banks noted that the applicant had responded that the plat note that was requested would be added to the final plat.

Ms. Banks said the plat application met the requirements of the City of Creswell development code subject to the approval of the construction plan and a financial agreement to provide any public improvements that were needed.

**Mr. Ron Rice**, GeoMax Engineering, noted that he had received approval of the construction plans from the City of Creswell. He added that a guarantee would also be provided if necessary.

In response to a question from Mr. Oelke regarding the reason for not having submitted financial commitment, Mr. Rice said the plat could not be recorded until there was a financial commitment or the

construction was complete. He added that the level of construction was so small that the City might not have felt that a guarantee was necessary. Mr. Shrives added that the City Engineer would not sign the final plat until the guarantee was made or the construction was completed to code specifications.

Ms. Banks noted that the commission had a choice of requesting that the applicant return the following month to show that the construction was completed before approving the final plat. She added that the commission chair could also be authorized to sign the approval once the construction was completed or the financial assurance was provided.

Mr. Oelke raised concern about public improvements not being made if there were no assurances in place.

Mr. Shrives said there was a relatively low level of construction and noted that the public improvements were already in place. He added that a final plat would not be signed by the city until the construction was completed to city code standards or a financial agreement was provided.

Ms. Banks read a revised Summary and Conclusions section of the staff report based on modifications requested by the commission into the record.

Mr. Safley, seconded by Mr. Oelke, moved to approve the staff report and findings as recommended by staff. The motion passed unanimously.

### III. OTHER

**Case No. Annex-2004-03, Kidder-EGR Annexation, a request by EGR Engineering, on behalf of Tom Kidder, for annexation of approximately 6.5 acres in the southwest section of Creswell, located along Butte Road as it turns south. (Assessor's Map: 19-03-15-40, Tax Lot: 4201)**

Ms. Banks provided the staff report. She said 5.5 acres of the site was part of the tax lot to be developed and the remaining acre was county road. Showing a vicinity map of the area, she said the green line through the top third of the property was the Creswell Urban Growth Boundary. She said the land south of that line was outside that boundary and was designated for exclusive farm use in the county. She said the applicant was not requesting an annexation for the land south of the urban growth boundary. She said Section 3.c.12 of the Creswell Comprehensive Plan itemized the urbanization policies for conversion of rural to urban land.

Ms. Banks said the commission was involved in annexations as informational items only. She said the commission would send a recommendation to the City Council who would then hold a public hearing and adopt a resolution. She said the matter would then be forwarded to the Lane County Local Government Boundary Commission who was the final authority in the County for annexations.

Ms. Banks outlined the staff response to the policy requirements for the annexation.

**Policy 12(a)- "Urbanization of land shall be encouraged on available buildable lands within the corporate limits of the City of Creswell, consistent with City land development policies and service requirements."**

Ms. Banks said staff comment was that City land development policies were outlined in the Creswell Comprehensive Plan as part of Section III.C.12, and included bringing property that was currently within

the City's urban growth boundary into the corporate city limits for development as service requirements could be met. Urbanization of lands within the corporate limits of the City of Creswell had been occurring and would continue to occur as the City provided housing and employment for Creswell residents. This requirement was met.

**Policy 12(b)- “Urbanization of land within the established urban growth boundary shall be consistent with City annexation policies and public facilities expansion plans.”**

Ms. Banks said staff comment was that the proposed annexation was the first step toward eventual integration of the properties into the urban areas of the City of Creswell. It was correct that since the subject property was within the Urban Growth Boundary (UGB), the City had made provisions for supplying services when required and that annexation was the first step in the process of integrating the subject property with those city services. The requirement was met.

**Policy 12(r) – “City services shall not be provided to any land unless that land is within the corporate limits of the City of Creswell, or unless a mutually agreeable contract of annexation is entered into by the City of Creswell and the land owner(s) of the property desiring City services.”**

Ms. Banks said staff comment was that the applicant had applied to the City of Creswell and would apply to the Lane County Local Government Boundary Commission for annexation into the City of Creswell. If the Lane County Local Government Boundary Commission, as the final approval body for annexation requests approved the application, city services could be provided after the annexation took place. The requirement was met.

**Policy 12(u) – “Annexation of property shall be made prior to the provision of City services. In turn, it shall be demonstrated that the City is capable of providing a full range of services prior to consideration of annexation. Consent for annexation to the City shall be governed by the Oregon Revised Statutes, the limits for the then existing urban growth boundary and the following criteria:**

- i. Land area which is mutually agreeable and acceptable to the City of Creswell and property owner(s) shall, through a joint agreement, define the necessary requirements to be met as precedent to annexation and a contract thereto entered into. The necessary requirements shall include, but not necessarily be limited to:**
  - (1) Land owner provision and construction of all utility support service systems to City standards and specifications;**
  - (2) Land owner provision of or share of services and/or support facilities necessary to the area considered for annexation, but not under the jurisdiction of the City of Creswell and;**
  - (3) Other requirements, services and/or facilities to adequately support the area considered for annexation, so as not to place an undue burden upon existing City urban systems and population.**

Ms. Banks said staff comment was that based on discussions with the Creswell Public Works Supervisor, a full range of urban services can be extended to the subject parcel. This information will be provided to the Lane County Local Government Boundary Commission. The following services were listed: Wastewater, Water, Stormwater, Storm Drainage, Electricity, Fire and Emergency Services, Fire Hydrants, Schools, and Streets.

Ms. Banks noted that the applicant had not submitted development plans for the area to allow the City to determine exactly what demand would be placed on City services. She said annexation and the subsequent increased City control over the development of the area would assure that these criteria were met because

the City would be able to make certain that all developments were shown to be within the capacity of city services before approval was granted.

**Oregon Statewide Planning Goal 14 – “Land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of :**

**1. Orderly and economic provision for public facilities and services;**

Ms. Banks said staff comment was that urbanization of lands within the corporate limits of the City of Creswell had been occurring and would occur as the City provided housing and employment for Creswell residents. Service extensions were available to the subject property as described in preceding sections. The requirement was met.

**2. Availability of sufficient land for the various uses to insure choices in the market place;**

Ms. Banks said staff comment was that the size and location of the urban growth boundary was based on the future land used needs of the City; the annexation would provide residential housing within the City limits. The requirement was met.

**3. LCDC goals or the acknowledged comprehensive plan; and,**

Ms. Banks said staff comment was that the subject area to be annexed was within the urban growth boundary and contiguous to the current city limits. The City’s comprehensive plan and urban growth boundary had been acknowledged to be in compliance with the Statewide Planning Goals including Goal 14. The requirement was met.

**4. Encouragement of development within urban areas before conversion of urbanizable areas.**

Ms. Banks said staff comment was that urbanization of lands within the corporate limits of the City of Creswell had been occurring and would continue to occur as the City provided housing and employment for Creswell residents. From 1990-2003, Creswell was the fastest growing city in Lane County. The requirement was met.

Ms. Banks said staff’s conclusion was that the request was in general conformance with the applicable city policies and approval criteria but noted that annexation approval was needed by the Lane County Local Government Boundary Commission prior to provision of City services.

Tom Kidder said he appreciated all of the work that staff had done through the process. He made himself available to answer questions from the commissioners.

In response to a question from Mr. Grice regarding access to the site near an S curve in the road, Mr. Kidder said the plan was to move access to the property further away from that curve.

Mr. Safley, seconded by Mr. Christopher, moved to recommend the annexation to the Creswell City Council. The motion passed unanimously.

### **Economic Opportunities Analysis Update**

Ms. Banks distributed the summary from the March 31 workshop. She noted that approximately 20 people had attended. She said there had been a question and answer period and the document she had passed out was the summary of that discussion. She said the document would be presented to the City Council on May 9.

Mr. Shrives reiterated the City Council would have a full presentation during a work session on May 9.

### **Code Assistance Project Update**

Ms. Banks noted that there had been a meeting that evening. She asked for comments from the commissioners that had been present.

Mr. Grice noted that the process was getting more animated.

Ms. Banks said the consultant was reviewing the code in the context of smart development. She said he had begun identifying places in the code and comprehensive plan that did not meet smart development principles. She commented that there would be no definite conclusions until later in the process after the start of Phase II.

### **Parks and Open Space Master Plan Project Update**

Ms. Banks said there would be a Parks and Open Space open house on May 17 from 6-8 pm. She said there would be a presentation and stressed the importance of feedback from the commission regarding park locations.

Mr. Morgan urged members to attend the event.

Ms. Banks said more information was available on various parks groups in the area would also be available.

In response to a question from Mr. Safley regarding whether there was a community calendar on the City website, Mr. Shrives said one was being developed and noted that the ourcreswell.com website had a calendar was linked to the City website.

Ms. Banks noted that there were no items for the May meeting agenda, therefore the next PC meeting would be June 21, 7:30 p.m..

The meeting adjourned at 8:45 pm.

(Recorded by Joe Sams)

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*Last Saved: May 9, 2005*