

MINUTES

Creswell Planning Commission
Creswell Community Center - 99 West 1st Avenue

October 27, 2005
7:30 p.m.

PRESENT: Keith Morgan, Chair; David Christopher, Jeri-anne Cohen, Blake Oelke, Wes Olsen, Lloyd Safley, Members; Megan Banks, Staff; Mark Shrives, City Administrator; City Attorney Carrie Connelly; Gary Darnielle, Lane Council of Governments

ABSENT: Dennis Grice

I. OLD BUSINESS

There was no old business.

II. NEW BUSINESS

Commission Chair Keith Morgan convened the meeting at 7:30 pm. He called for declarations for *ex parte* contacts or conflicts of interest. Seeing none declared he moved to the first case.

Case No. PUD-2005-01 and SUB-2005-01: (concurrent submittal and review) a request by EGR Engineering, on behalf of Phil Velie, for a planned unit development and preliminary plat subdivision for a 19 lot residential subdivision on 4.6 acres (Assessor's Map 19-03-21, Tax Lot 4600). The site is located approximately ½ mile east of Dale Kuni Road and will extend Emerald Valley Road (a private road) to the east. The site is zoned General Commercial with Resort Commercial subzone and Flood Hazard subzone overlays.

Lane Council of Governments staff Gary Darnielle provided a brief summary of the public hearing held for the case as well as written material submitted before the record closed. He noted that there had been testimony at the hearing regarding wetland determinations on The Fairways and letters from individuals stating that they had been led to believe when they purchased their homes that there would be no development between their homes and the golf course. He said there were concerns that the access easement would place homes at a higher risk of flooding. He said there had been testimony regarding the FEMA maps that had been relied upon stating that the maps were inaccurate. He noted that after the public hearing there had been significant written material submitted. This written material included concerns that the elevations of tee boxes on the course had been raised and would divert flood waters into residential property. He said there had been written testimony that the development proposed a large island which would push floodwaters into subject property, that FEMA maps were outdated and wrong, concerns that elevated access roadway would function as a levy and residents would be trapped during a flood. He said there had been rebuttal by EGR Engineering that the LCOG maps and FEMA maps were not in agreement.

Mr. Darnielle continued by explaining that a “datum” was a method of describing the size and shape of the earth and provided the origin and orientation of coordination systems used to map the earth. He said some datums were based on gravity models and noted that gravity was different for different parts of the earth. He said there were vertical and horizontal datums and noted that most GPS units were based on horizontal datums. He said if one datum were used but the GPS unit was set for a different datum then actual location could be off by 600 meters to a kilometer. He said EGR maintained that Dr. Schleider did not use the same datum between the FEMA and LCOG maps. He said EGR maintained that the datum was actually quite close. He said EGR had also noted that the land in question was not in a floodway but in a flood hazard way and the standard for building in a flood hazard way was quite different than standards for building in a flood way. He said the applicant had addressed the road height and had stated that the access road would be developed at one foot below base flood elevation. He said the wetland fill permit was already on record and added that the applicant had met tree preservation standards and trees would not be placed between sidewalks so emergency vehicle access would not be affected. He noted that the application was one lot short of the code requirement and said the applicant was requesting a modification for that shortfall.

Mr. Darnielle said there was rebuttal by Bill Kloos to the written material regarding the applicability of comprehensive plan sections that had been cited by the opponents of the application. He said Mr. Kloos had argued that there was no separate CUP process necessary for the flood plain compliance.

Mr. Darnielle said there had been written material submitted by Dr. Schneider regarding FEMA maps being outdated and not reflecting the actual topography of the area. He added that the final rebuttal by Mr. Kloos stated that City code required the use of FEMA maps and noting that there was a formal FEMA process for changing those maps but reiterating that the current maps were what the Code required to be used.

Mr. Darnielle said staff was recommending an oral decision to direct staff to develop findings of fact to be brought back to the next meeting that would support the decision of the commission.

In response to a question from Commission member Blake Oelke regarding the definition of the parent district, Mr. Darnielle said the purpose section was not approval criteria but general language. Ms. Banks noted that the parent district was General Commercial but she added that application of general commercial standards to homes that were developed it was much less restrictive than residential standards.

Mr. Oelke said his perception of the application was that the intent was to develop something other than a residential development. He said he felt that time shares and vacation rentals were being developed.

Ms. Banks said the planned unit developments for Emerald Valley West included single-family dwellings not associated with any time share developments

In response to a question from Mr. Oelke regarding whether there would be an engineered sidewalk that would support emergency vehicles, Mr. Darnielle noted that the commission could make that a condition of approval.

Mr. Oelke stressed the importance of having engineering standards in the conditions of approval so that the sidewalk could support large emergency vehicles.

In response to a question from Mr. Oelke regarding the purpose of the PUD process and whether it provided more flexibility to adjust to special circumstances, Mr. Darnielle said the decision was based on the facts before the commission. He noted that the purpose statement provided for intent of flexibility based on the specific application proposal. He said that flexibility would depend on whether the commission felt that an adjustment was reasonable.

In response to a question from Commission member David Christopher regarding whether anyone had considered installing a culvert in the access road to alleviate the concern about flooding.

Shane Hughes, EGR Engineering, said a culvert in the road had been considered but noted that there was already a catch basin on the property that functioned as a culvert. He said the applicant had testified that the flow area on top of the road was greater than the flow area that could enter the area so a culvert was not necessary.

In response to a question from Commission member Lloyd Safley regarding the last flooding event when the Army Corp of Engineers had been accused of being wrong about the water release of Cottage Grove Lake and aggravating flood conditions, City Attorney Carrie Connelly said the question went beyond the scope of the current discussion.

Commissioner Morgan confirmed that there had been a conceptual development plan for the area in question before the PUD application had been submitted.

Ms. Banks noted that the next phases of the conceptual plan had never been acted upon.

In response to a question from Commissioner Morgan regarding whether the commission was required to base its decision on FEMA findings, Mr. Darnielle confirmed that it was required by City Code to use the current FEMA maps when making a decision.

Commissioner Morgan commented that many of the letters of opposition presented to the commission went beyond the scope and power of the commission and the Creswell Code. He stressed that the commission had to make decisions based on facts related to the relevant criteria in the Creswell code.

In response to a question from Mr. Olsen regarding

Mr. Olsen said he had learned a lot from the 1996 flood effects on the area but noted that he did not see what he had learned reflected in the Geoscience, Inc. map furnished for the commission.

Mr. Oelke reiterated that current FEMA maps were what the code required to be used.

Mr. Morgan called for a motion from the commission.

Mr. Safley, seconded by Mr. Morgan, moved to approve the PUD and preliminary subdivision plat approval and direct staff to draft findings and conditions of approval which would be reviewed and approved at the next regularly scheduled meeting with the added condition of engineered sidewalks sufficient to withstand the weight of large emergency vehicles. The motion passed unanimously.

Case No. SUB-2004-04F: a request by David Collier, on behalf of McDougal Brothers Investments, for final subdivision plat approval for Phase Three of the Emerald Valley West PUD. (New name: Emerald Valley West PUD Second Addition). The subject phase includes 16 single family residential lots and the improvement of Open Space Area E and recreational Open Space Area F. The site is zoned General Commercial with a Resort Commercial Overlay and is generally located along Emerald Parkway, west of Dale Kuni Road and East of Garden Lake Park. (Assessor's Map 19-03-22, Tax Lots 100, 200 and 201)

Commission member Jeri-anne Cohen joined the meeting at 8:15 pm.

Ms. Banks provided the staff report. She said because of the timing for approval it had been moved up to second edition rather than Phase III. She said the planning commission granted approval of the preliminary subdivision plat in July 2004 and approved a one year extension in July 2005. Calling attention to page 4 of the staff report, Ms. Banks noted that there were seven items under conditions for approval of the final plat. She outlined the conditions as presented in the findings of fact. She said a bond totaling \$31,000 would be required to address the 7 items that needed to be addressed before final approval. She said the applicant had agreed to provide the bond. She said the Commission could approve the application with the conditions as presented and grant the Commission Chair the authority to sign the findings once the bond had been received by the City Administrator or it could be brought back to the commission's next regularly scheduled meeting.

Phil Velie, McDougal Brothers, said he would provide the \$31,000 bond and take care of the items that needed to be addressed.

Mr. Shrives said street lights were installed but noted that there was an issue between EPUD and the City regarding what kinds of lights were acceptable.

In response to a question from Mr. Oelke regarding whether a bond established a completion time for the remaining issues, City Administrator Mark Shrives said there was no code provision for an established time frame and added that there had been no time frame established in the past. He said if the items to be addressed were not taken care of then the City could call in the bond.

Mr. Velie said it was the intent of the applicant to address the remaining items in the next few weeks.

In response to a question from Ms. Banks regarding the time frame for completing installation of open space facilities, Mr. Velie said the tennis courts were completed and the sidewalks were being poured that day. He said the process of landscaping was currently going on. He said lighting for the tennis courts had been contracted and would take place in the next 8 weeks.

Ron Petitti said a bridge would be installed from the tennis and basketball courts into the park. He added that there was a great trail system in the park already. He said his goal was to get a complete trail through the park which would be a mile in length.

In response to a question from Ms. Banks regarding whether plans had been submitted for parking areas, Mr. Velie said parking for the recreational area had already been installed to code requirements.

Mr. Christopher, seconded by Mr. Morgan, moved to authorize the chair person to sign the findings when the bond had been submitted to the City Administrator. The motion passed unanimously.

III. Other

No discussion.

The meeting adjourned at 8:45 pm.

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