

## MINUTES

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

November 17, 2005  
7:30 p.m.

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

**ABSENT:** None

Commission Chair Keith Morgan convened the meeting at 7:30 pm. He called for comments from the audience and commission. No items were brought forward.

Ms. Banks said that minutes for October 20 and October 27 would be mailed with the December planning commission packets.

Commissioner Morgan called for declarations for *ex parte* contacts or conflicts of interest. Commissioner Oelke stated that he was a residential home builder and a competitor of Mr. Murry, and believed he should recuse himself from voting on Application C, Case No. PUD-2005-02/SUB-2005-02 and VAR-2005-01.

### I. OLD BUSINESS

**Application A: Decision on Case No. PUD-2005-01 and SUB-2005-01 (concurrent submittal and review), a request by EGR & Associates, 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 19-03-13-21, 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.**

Ms. Banks said the Planning Commission was to make a decision this evening on the subject application.

Commissioner Morgan asked if there were any questions or comments. None stated, he requested a motion from the commission.

*Commissioner Morgan, seconded by Mr. Christopher, moved to approve PUD-2005-01 and SUB-2005-01 subject to the proposed conditions of approval. The motion passed unanimously with Commissioners Cohen and Grice abstaining.*

### II. NEW BUSINESS

**Application B: Case No. SUB-2005-04, a request by EGR & Associates, on behalf of Thomas Kidder, for a 23-lot residential subdivision on 5.7 acres (assessor's map 19-03-15-40, a portion of tax lot**

**4201; to be known as Meadow Rose subdivision). The site is zoned and designated Residential on the Creswell Comprehensive Plan Land Use Map, and is located in southwest Creswell, along Butte Road as it turns south.**

Commissioner Morgan opened the public hearing at 7:45 p.m.

Ms. Banks provided the staff report and distributed revised conditions of approval. She stated that referrals had been received from the city engineer, public works director, fire marshal, and lane county transportation. She stated that the conditions related to transportation and stormwater improvements put forth by Lane County were still under discussion with the applicant, and they were requesting that the commission postpone a decision until those issues could be resolved to the satisfaction of the city, county and applicant. Ms. Banks stated that the commission could keep the written record open and make a decision at the Planning Commission's next meeting.

**Mr. Brent Erickson**, EGR & Associates, distributed a map that showed the applicant's proposed improvements to the east-west portion of Butte Road at the intersection with 10<sup>th</sup> Street. He also distributed a letter from Dan Terrell, attorney for the applicant, that responded to conditions put forth from the city and county. He noted that the applicant and city were working through issues with the county, and that would like the record to remain open for 21 days for written testimony.

**Mr. Tom Kidder**, 827 Spyglass, owner of the property, stated that he would like this development to move forward.

**Mr. Scott Green**, 8264 Butte Road, stated that he supported the proposed development, as he would like to growth spread out around Creswell, not just on the east side.

**Mr. Shane Hughes**, EGR & Associates, stated that the applicant was willing to work with the county on transportation and stormwater issues, although if the commission wanted to make a decision this evening that included only getting a facility permit from the county, that was acceptable to the applicant.

No one spoke in opposition of the proposed development.

Commissioner Morgan closed the public hearing at 8:00 p.m.

*Commissioner Morgan moved, seconded by Commissioner Safley, to leave the record for SUB-2005-04 open for 21 days for written testimony, with a decision to be made at the December 15 planning commission meeting. The motion passed unanimously.*

**Application C: Case No. PUD-2005-02 and SUB-2005-02 and VAR-2005-01 (concurrent submittal and review), a request by Pacific West Engineering, on behalf of Ross Investments, for a 98-lot residential subdivision on 19.7 acres (assessor's map 19-03-11-00, a portion of tax lot 3100). The site is zoned and designated as Residential on the Creswell Comprehensive Plan Land Use Map. The site is located at the northeast corner of East West Lane and Harvey Road. The proposed variance request is to allow for the 98 lots to be constructed in one phase (Creswell Development Code Section 5.8.F.2 states that no more than 40 residential units may be built in one calendar year).**

Commissioner Morgan opened the public hearing at 8:10 p.m.

Ms. Banks provided the staff report. She stated that referrals had been received from the city engineer, public works director, fire marshal, Lane County transportation, and Creswell school district superintendent. Their comments and proposed conditions have been incorporated into the issues and findings. Ms. Banks distributed revised findings of fact for the three applications.

She began with the variance, and cited the variance requirements, applicant's statement and staff's response. She stated that the applicant met the four criteria subject to the condition of providing a safe, covered, well-lit school bus pick-up point within the proposed development. She also noted that a condition for a pedestrian easement would be required to provide no out-of-direction travel to the subject bus stop as part of the subdivision approval.

Ms. Banks proceeded with the staff report for the Planned Unit Development. She stated that five lots along the eastern edge of the property were below the residential lot size standard, and were designed as two-story townhomes. She also noted that there were four lots on the proposed cul-de-sac that deviated from the residential lot depth standard. She reminded that the purpose of the planned unit development provisions was to allow for flexibility with those standards.

The application also includes dedication of a 1.2 acre parcel, including a building to be used as a community recreation center, as well as a 0.3 acre linear park and associated improvements east of First Street on East West Lane. She stated that East West Lane would dead-end at the railroad tracks and there was no need for the street to go through. The City Council and Parks Committee were supportive of using the area for park land. Additionally, the City Council had recommended that the City accept the 1.5 acres that includes the building and park improvements in lieu of the 1.97 acre requirement for common open space. This decision was based on the building's value and community's ability to use the building, as well as ability to use the linear park.

Four conditions of approval were proposed with the PUD:

1. The proposed PUD shall be developed in substantial conformance to the project designs and supporting information submitted by the applicant, as modified by these conditions of approval.
2. Development of the proposed PUD shall be subject to the residential development standards of Section 5.4.0 of the Creswell Development Code, except where approval of the planned unit development may provide otherwise.
3. The proposed development shall be subject to the proposed CC&Rs except as they are modified by these and associated findings of fact conditions of approval.
4. All structures, grading, landscaping and improvements indicated on the plan as being in the linear park or and community recreation center shall be coordinated with the construction of residential dwellings and completed before any approved phase of the PUD is sold.

Ms. Banks continued with the subdivision. . She also noted that a pedestrian easement was proposed between two cul-de-sac lots to provide access to the proposed community recreation center. She stated that the proposed conditions related to the subdivision pertained to construction document approval and final plat approval. There were no preliminary plat conditions.

**Mr. David Nichols**, Pacific West Engineering, 3610 Goodpasture Loop, stated that the conditions as presented were acceptable to the applicant.

Commissioner Olsen asked the applicant if the lots would be sold to other builders. Mr. Nichols responded yes. He also asked if the style of homes would be dictated by the CC&R's. Mr. Nichols replied that yes, although there were more stringent requirements for the townhomes to ensure compatibility with the other residences. He also noted that the Homeowner's Association would be responsible for maintaining the pedestrian easement.

Commissioner Grice clarified that the developer would enforce the CC&R's until 75 percent of the lots were sold. Mr. Nichols confirmed this.

No public testimony in support or opposition was provided with respect to the proposed development.

The public hearing closed at 8:45 p.m.

Commissioner Cohen asked about how financial considerations could be applied to a property or use for the variance. Mark Shrives, City Administrator, replied that this situation was unique because of the Nieblock Interceptor and donation of the building by the applicant to the City.

*Commissioner Christopher, seconded by Commissioner Safley, moved to approve PUD-2005-02, SUB-2005-02, and VAR-2005-01 as amended and stated, including the revised conditions of approval. The motion passed with Commissioner Cohen voting in opposition and Commissioner Oelke abstaining.*

### **III. Other**

**Application D: Case No. ANNEX-2005-07, a request by EGR & Associates, on behalf of Jason Bennett, to bring approximately 1.9 acres of land and approximately 0.2 acres of road right-of-way (County Road No. 1088 known as Harvey Road; known as 5<sup>th</sup> Street inside the city limits) into the city of Creswell corporate limits. The site is currently zoned and designated Residential. (Tax Lot 3400 of Assessor's Map 19-03-11)**

Ms. Banks stated that the planning commission was to make a recommendation to the city council with respect to the subject application. She stated that there had been a correction to the boundaries of the tax lot shown in the vicinity map, and that the correct boundaries were shown on the site map provided by the applicant. She stated that sanitary sewer would be available once the Nieblock Interceptor was completed, and that other services were available to the site. She noted that an annexation agreement would be required, and a draft agreement was attached to the staff report.

*Commissioner Safley, seconded by Commissioner Grice, moved to recommend approval of Case No. ANNEX-2005-07 to the city council. The motion passed unanimously.*

**Application E: Case No. ANNEX-2005-06, a request by EGR & Associates, on behalf of Sierra Development LLC, to bring approximately 11.4 acres of land and 0.89 acres of road right-of-way (Nieblock Lane) into the city of Creswell corporate limits. The site is currently zoned and designated Residential. (Assessor's Map 19-03-15-00, tax lot 2400)**

Ms. Banks stated that as with the previous annexation, the planning commission was to make a recommendation to the city council. She stated that the services were available to the site. She noted that as with the previous annexation, an annexation agreement would be required. She noted that Lane County had requested that the City annex the entire length of Nieblock along the subject tax lot. Ms. Banks responded that the portion of Nieblock not being annexed was outside the Urban Growth Boundary and outside the City's jurisdiction.

*Commissioner Morgan, seconded by Commissioner Olsen, moved to recommend approval of Case No. ANNEX-2005-06 to the city council. The motion passed unanimously.*

No other business was discussed.

The meeting adjourned at 9:25 pm.

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