



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 20, 2016  
Jurisdiction: City of Creswell  
Local file no.: Annex-2016-01/ZC-2016-01  
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/16/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 44 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	DEPT OF
File No.:	JUN 16 2016
Received:	LAND CONSERVATION AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Creswell

Local file no.: ANNEX-2016-01

Date of adoption: June 3, 2016

Date sent: 6/13/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10 Feb 2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes  No 

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Madeline Phillips

Phone: (541) 895-2531 x326

E-mail: mphillips@creswell-or.us

Street address: 13 South 1<sup>st</sup> Street

City: Creswell

Zip: 97426

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from AGT5	to RL	3.06 acres.	A goal exception was required for this change.	No
Change from	to	acres.	A goal exception was required for this	
change.				
Change from	to	acres.	A goal exception was required for this	
change.				
Change from	to	acres.	A goal exception was required for this change.	

Location of affected property (T, R, Sec., TL and address): 19-03-11-00 TL6500

 The subject property is entirely within an urban growth boundary

 The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from AGT5	to RL	Acres: 3.06
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 19-03-11-00 TL6500

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List affected state or federal agencies, local governments and special districts: Lane Library District, Creswell School District, South Lane Fire & Rescue, Lane County Sheriff, Emergency 911 Services, Lane County Department of Assessment and Taxation, Lane County Land Management Division, Lane county Elections.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO 496

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY  
TO THE CITY OF CRESWELL

WHEREAS, Sierra Cascade Development (Applicant) submitted, on behalf of the Owners (Tammy Lutzke, Eric Freeman, and Charles Conklin, a request to annex certain real property to the City of Creswell on February 3, 2016 (Case Number ANNEX -2016-01), said real property being described as follows:

Lot 8, EXCEPT THEREFROM the North 208.0 feet, A.C. BOHRNSTED COMPANY FRUITLANDS, as platted and recorded in Book 4, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon, consisting of approximately 3.06 acres, commonly referred to as 83320 North Harvey Road and shown as Tax Lot 6500 on Assessor's Map 19-03-11-00 as depicted in **Exhibit A**; and,

WHEREAS, the City Council of the City of Creswell is authorized by Creswell Development Code (CDC) Chapter 4.10 and ORS Chapter 222 to accept, process, and act on annexations to the City; and,

WHEREAS, consistent with CDC 4.10.130, CDC 4.10.140(B) and ORS 222.170(1), the written consents from the property owners constitute more than half the owners of land in the Territory to be annexed, who also own more than half of the land in the contiguous territory, and of the real property therein representing more than half of the assessed value of all real property in the contiguous territory (**Exhibit B**); and,

WHEREAS, this annexation was initiated in accordance with CDC 4.10.140(B) and ORS 222.170(1) and based on this method of initiation, an election on the question of annexation is not required; and,

WHEREAS, the Territory is within the *Creswell Comprehensive Land Use Plan* (more commonly known as the *Creswell Comp Plan*) urban growth boundary and is contiguous to the City limits (CDC 4.10.160.A); and,

WHEREAS, the request to annex Territory is consistent with Urbanization Policies (12a-y) in the *Creswell Comp Plan* (CDC Section 4.10.140.B), recognizing that ultimately all territory within the urban growth boundary will be annexed to the City of Creswell; and,

WHEREAS, the minimum level of key urban facilities and services can be provided in an orderly and efficient manner to Territory, as required in *Creswell Comp Plan* Policy 12 (a), (b) and (u) and where there will be a logical area and time within which to deliver urban services and facilities (CDC 4.10.140(C)); and,

WHEREAS, a Staff Report (**Exhibit C**) regarding annexation of Territory addressing all relevant criteria and conditions was presented to the City Council of the City of Creswell; and

WHEREAS, at its meeting on February 22, 2016, the City Council reviewed the terms proposed in the Annexation Agreement (**Exhibit D**), as described in and on file with City file ANNEX-2016-01 (CDC 4.10.140.D), which memorializes Applicant's commitment, agreement, and obligation to meet the City's requirements for the provision of the minimum level of key urban services and facilities; and

WHEREAS, on April 11, 2016, the City Council of the City of Creswell conducted a public hearing and considered Applicant's request to annex, rendering the findings in support of approving the annexation request, as set forth in **Exhibit C**, and the evidence and testimony received at the Council hearing.

**NOW THEREFORE, THE CITY OF CRESWELL ORDAINS AS FOLLOWS:**

**SECTION 1.** Based upon the findings above and Exhibits A through D, which are all incorporated herein by this reference as a basis for this Council decision, the City Council of the City of Creswell does hereby approve annexation of the Territory to the City of Creswell, said territory being described as follows:

Lot 8, EXCEPT THEREFROM the North 208.0 feet, A.C. BOHRNSTED COMPANY FRUITLANDS, as platted and recorded in Book 4, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon, consisting of approximately 3.06 acres, as depicted in Exhibit A.

**SECTION 2.** The City Administrator is hereby authorized to execute the Annexation Agreement, attached as Exhibit D, and directed to send notice of this annexation by copy of this Ordinance and its exhibits to public utilities operating within the City, Secretary of State, Department of Revenue, Lane County Clerk, Lane County Assessor, affected districts and owners in the affected territory, as required by CDC 4.10.180.

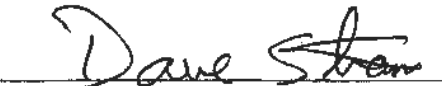
**SECTION 3.** Upon Applicant's execution of the Annexation Agreement attached as Exhibit D, this Ordinance shall become effective 30 days after passage, and per the requirements of CDC Section 4.10.180, ORS 222.040, ORS 222.180 or ORS 222.465, as applicable.

5 ADOPTED by the Common Council of the City of Creswell this 11<sup>th</sup> day of April, 2016, by a vote of 5 for and 0 against.

APPROVED by the Common Council of the City of Creswell this 11th day of April, 2016.

ATTEST:

  
Roberta J. Tharp, City Recorder

  
Dave Stram, Mayor

**REVIEWED**

By Maddie at 3:09 pm, Jun 13, 2016

Ordinance No. 496

2 of 2

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# CRESWELL CITY COUNCIL AGENDA

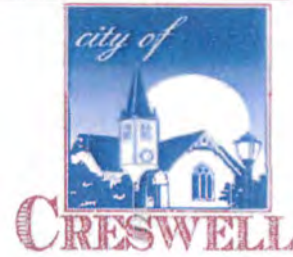
## APRIL 11, 2016

Creswell City Hall - McCluskey Chambers

13 South 1<sup>st</sup> Street

7:00 P.M.

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**Mayor Dave Stram Presiding**  
**City Councilors:**  
**Richard Heyman,**  
**Jane Vincent, Richard Zettervall**

**\*Please silence your cell phones as a courtesy to everyone\***

### **Open Meeting**

#### **Pledge of Allegiance**

1. **Oath of Office – Municipal Judge R. Scott Palmer**
2. **Acceptance of Councilor Bowles Resignation**
3. **Election of Council President**
4. **Public Forum**– Maximum time 30 minutes. Speakers will be limited to three (3) minutes each. The Council will not engage in discussion or make decisions based on public comment at this time. The Mayor may direct the City Administrator to follow up on comments received.
5. **Mayor's Report**
  - A. Tree City USA Award Presentation
  - B. Proclamation - April is Child Abuse Prevention Month
  - C. Proclamation – April 24<sup>th</sup> – 30<sup>th</sup> as Administrative Professionals Week
  - D. Proclamation – Arbor Day – April 22, 2016
  - E. Maia Hardy – RARE Participant Appreciation Recognition
  - F. Committee Appointments and Charges
    - i. Administration
    - ii. Public Safety
      - i. Code Enforcement Ordinance Recommendations
    - iii. Finance
    - iv. Transportation and Public Works
    - v. Finance Committee Charges
      - i. Charter Franchise
      - ii. Airport Hangars
6. **Public Hearing**

A Public Hearing will be held to receive testimony on the proposed annexation of property located at 83320 North Harvey Road, Creswell, OR. Written testimony prior to the publication of the packet has been included.

Open Public Hearing  
Receive Testimony  
Close Public Hearing  
Approval of Findings of Fact and Authorization of Signatures

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**The meeting location is wheelchair-accessible. Anyone needing special accommodations (hearing impaired, language translation, large print, etc.) please make your request at least 2 Business Days prior to the meeting at 541- 895-2531. Creswell is an Equal Opportunity provider and employer and complies with Section 504 of the Rehabilitation Act of 1973. Questions about this agenda from the hearing impaired can use TTY and call at 1-800-735-2900; Spanish TTY at 1-800-735-3896.**

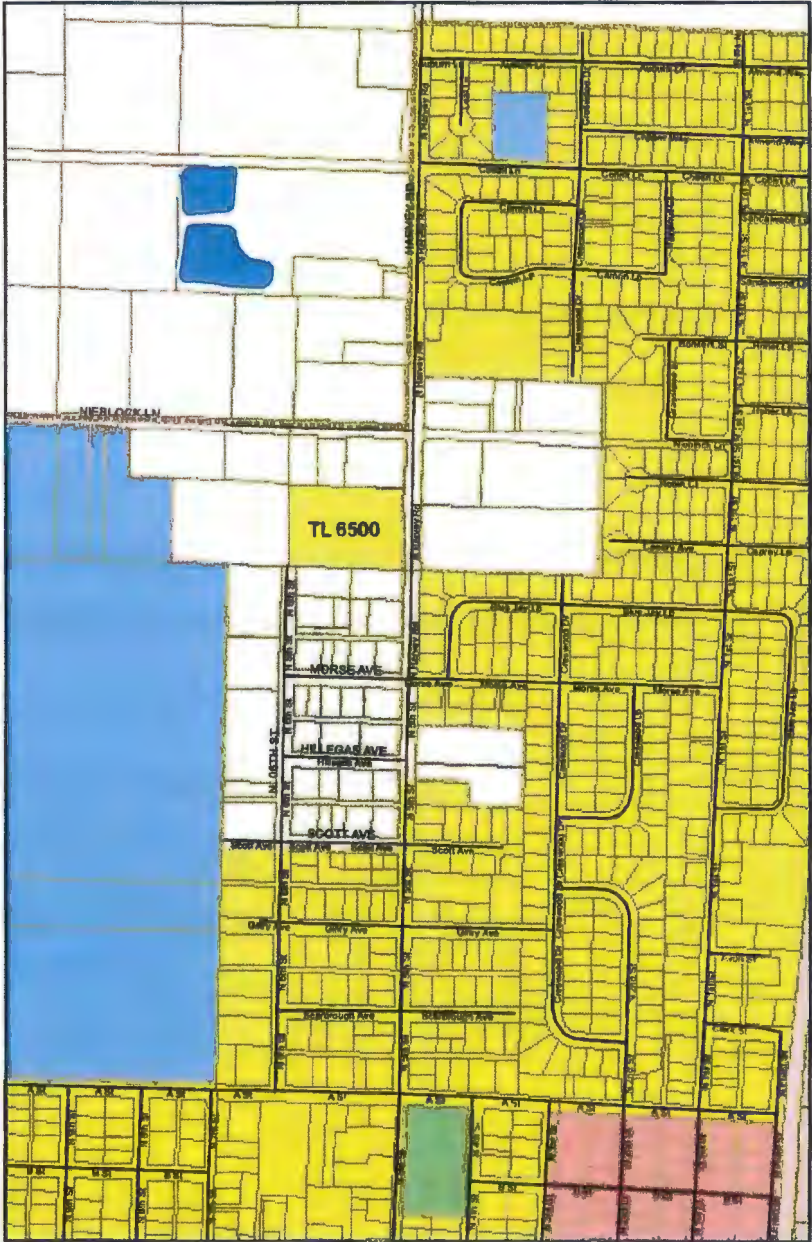


7. **Correspondence**
  - A. Lane County Sheriff's Calls For Service Report – March 2016
  - B. Code Enforcement Report for March 2016
  - C. State Audit Response
  - D. League of Oregon Cities Letter
  - E. Planning Advisory Team Minutes (February 23, 2106)
  - F. Oregon Community Trees
  
8. **Consent Calendar** - *All items listed are considered routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless a Councilor requests that an item be removed from the Consent Calendar and considered separately.*
  - A. Approval of Minutes:
    - i. November 23, 2015 – City Council Work Session Minutes
    - ii. March 7, 2016 - City Council Meeting Minutes
    - iii. March 21, 2016 – Special Meeting Minutes
  - B. Approval of Bills – March 2016
  
9. **Administrative Report**
  - A. Introduction of Deputy Levi McKenny – Sgt. Billy Halvorson
  - B. CIS Risk Video
  - C. Draft Employee Handbook Update
  - D. City of Creswell OSHA – Occupational Health and Safety Loss Prevention Program
  
10. **Council Action Items**
  - A. Pay Request #23 Task Order No. 7 – Precision Approach Engineering – AWOS (Inv. 3409) – Shelley Humble/Michelle Amberg
  - B. Consideration of Arts, Craft, and Food Faire Proposal – Michelle Amberg
  - C. Consideration of Community Food For Creswell Grant Request – Michelle Amberg
  - D. Adoption of Ordinance 496, An Ordinance Approving the Annexation of Certain Territory to the City of Creswell ( 83320 N Harvey Road) – Maddie Phillips
  - E. Extension of IGA with ODOT Fund Exchange of Surface Transportation Program Funds for 2014 – Jim Piper
  - F. Resolution 2016-04 A Resolution Amending the 2015/2016 General Fund and Appropriating Rural Tourism Marketing Program (RTMP) Grant Funds; and awarding these funds to the Creswell Chamber of Commerce – Michelle Amberg
  - G. Creswell Chamber of Commerce Request from Grant Tourism Funds – Jim Piper
  - H. Award City of Creswell Hobby Field Airport Request for Proposal for an Aviation Fuel Supplier - Shelley Humble, Jim Piper and Michelle Amberg
  
11. **Upcoming Meetings and Events**
  - A. April 18, 2016 - Parks and Tree Advisory Board Meeting – 12:30 pm
  - B. April 21, 2016 – Planning Commission
  - C. April 25, 2016 – Work Session
  
12. **Adjournment**

Existing City Limits



City Limits - After Annexation





PETITION/PETITION SIGNATURE SHEET  
Annexation by Individuals

RECEIVED  
JAN 05 2016

LANE COUNTY  
DEPARTMENT OF ASSESSMENT & TAXATION

We, the following property owners/electors, consent to the annexation of the following territory to the City of Creswell:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
<i>Tammy Dean Lutzke</i>		Tammy Dean Lutzke	77421 McDole Rd Cottage Grove, OR 97424	19-03-11-00-06500	X		3.06
<i>Eric Anthony Freeman</i>		Eric Anthony Freeman	31412 Gowdyville Rd Cottage Grove, OR 97424	19-03-11-00-06500	X		3.06
<i>Charles R. Conklin</i>		Charles R. Conklin	77421 McDole Rd Cottage Grove, OR 97424	19-03-11-00-06500	X		3.06
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, BLAKE OELKE (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
X *Blake Oelke* (signature of circulator)

**CERTIFICATION OF OWNERSHIP**

The total landowners in the proposed annexation are 3 (qty). This petition reflects that 3 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity that may not yet be reflected on the A&T computerized tax roll.

*Adrienne Walker*  
Lane County Department of Assessment and Taxation  
1/5/2016  
Date Certified

**CERTIFICATION OF ELECTORS**

The total active registered voters in the proposed annexation are 1. I hereby certify that this petition includes 0 valid signatures representing 0 (%) of the total active registered voters that are registered in the proposed annexation.

*Cyrenia Kennel*  
Lane County Clerk or Deputy Signature  
2/19/16  
Date Certified

EXHIBIT C

CITY OF CRESWELL  
FINDINGS OF FACT AND FINAL ORDER

ANNEXATION OF 83320 NORTH HARVEY ROAD AND ZONING LOW-DENSITY RESIDENTIAL  
(ANNEX-2016-01/ ZC-2016-01)

Report Date: April 7, 2016  
City Council Public Hearing Date: April 11, 2016

APPLICANT(S): Sierra Cascade Development LLC  
83188 Enterprise Road  
Creswell, OR 97426

Contact: Richard Stevens, Metro Planning  
Scott Morris, Olson & Morris

Map No.	Tax Lot	Size (Acres)	Property Owner	Present Use	Current Zoning (County)	Creswell Comp Plan Designation
19-03-11-00	6500	3.06	Tammy Dean Lutzke	Residential	AGT5/AS	Residential
			Eric A. Freeman			
			Charles R. Conklin			

LOCATION: In the north west area of Creswell, west of North Harvey Road, south of Nieblock Lane, and north of 83302 N. Harvey Road.

REQUEST: Annexation to City of Creswell

I. BACKGROUND

A. Request: The applicant is proposing the annexation of an approximately 3.06 acres of tax lot 6500 as shown in tax Assessor's Map 19-03-13-00. The property is contiguous to the Creswell city limits on its eastern boundary. Currently the Lane County zoning designation of tax lot 6500 is Agriculture, Grazing, and Timber Raising (AGT5) with Airport Safety Combining Zone (AS). The applicant's goal is a residential development. Upon annexation the site will be zoned Low Density Residential (RL) and designated Residential. The lot is currently developed with a single family residence

II. REVIEW CRITERIA AND ANALYSIS

Creswell Development Code (CDC) Section 4.10.160 Criteria:

A. THE AFFECTED TERRITORY PROPOSED TO BE ANNEXED IS WITHIN THE CITY'S URBAN GROWTH BOUNDARY AND IS:

1. CONTIGUOUS TO THE CITY LIMITS; OR

2. SEPARATED FROM THE CITY ONLY BY A PUBLIC RIGHT-OF-WAY OR A STREAM, LAKE OR OTHER BODY OF WATER.

**RESPONSE:** The proposal is consistent with this criterion because the site is contiguous to the City limits on its west side, adjoining North Harvey Road (N. 5<sup>th</sup> Street).

B. THE PROPOSED ANNEXATION IS CONSISTENT WITH THE APPLICABLE POLICIES IN THE CRESWELL COMPREHENSIVE PLAN AND IN ANY APPLICABLE REFINEMENT PLANS.

**RESPONSE:** Section III. (C)(12) of the Creswell Comprehensive Plan lists the City's applicable urbanization policies. These policies provide direction as to the conversion of rural land to urban land, including annexation requirements. The City of Creswell reviews the request as it meets the following policies:

*(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.*

**RESPONSE:** City land development policies are outlined in the Creswell Comprehensive Plan as part of Section III. (C)(12), and include bringing property that is currently within the City's urban growth boundary into the corporate city limits for development as service requirements can be met. Urbanization of lands within the corporate limits of the City of Creswell has been occurring and will continue to occur as the City provides housing and employment land for Creswell residents.

The proposal is consistent with this policy because the proposed annexation will bring residential lands into the City limits providing for a variety and adequate supply of residential uses when development services can be met.

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

**RESPONSE:** The proposal is consistent with this policy because the property is within the urban growth boundary. Annexation is the first step toward eventual integration of the property into the urban areas and uses of Creswell. The City's sanitary sewer, water and storm drainage planning assumes eventual annexation of lands within the UGB. Through this planning, the City has made provisions for supplying these services. Water, sanitary sewer, and storm drainage are available and can be extended to the property, as discussed in subsequent sections of this report.

*(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.*

**RESPONSE:** The proposal is consistent with this policy because the applicant has applied to the City of Creswell for annexation into the City of Creswell and, if approved, city services may be provided after annexation.

- (s) *Land areas to be considered for annexation to the City of Creswell shall be within the Creswell Urban Growth Boundary and shall have boundaries contiguous to the then existing corporate limits of the City. Conversion of these unincorporated lands into Creswell shall be based upon a consideration of the four conversion factors of Statewide Planning Goal #14.*

**RESPONSE:** The proposal is consistent with this policy because the subject area to be annexed is within the urban growth boundary and contiguous to the current city limits. Specific references to Statewide Planning Goal 14 criteria are listed later in this report. The City's Comprehensive Plan and urban growth boundary have been acknowledged to be in compliance with the Statewide Planning Goals including Goal 14.

- (u) *Annexation of property to the City 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 urban 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 to not place an undue burden upon existing City urban systems and population.*

**RESPONSE:** The proposal is consistent with this policy and criteria with the condition of approval that the applicant shall sign and record an Annexation Agreement prior to annexation, provide City services to the property, and submit and receive approval of any subsequent development applications. All City services can be provided to the property, as proposed by the preliminary Wastewater Analysis submitted by Olson & Morris on Sheet C-1, as well as in the narrative provided by the applicant, in compliance with City standards and specifications, as described below.

- **Sanitary Sewer** – Sewer service will be provided from the City wastewater facility. Service will be extended from the Nieblock Interceptor north of the subject properties through a proposed 8" wastewater line following the alignment of North Harvey Road right-of-way. All sanitary sewer services will be designed and constructed in accordance with Section 3.4.300 of the Creswell Development Code. The sewer line in Harvey Road will extend in the future to improve the sewer infrastructure in the area.
- **Water** – A 12" Water service already exists to the subject property, along its eastern half. Future water service will be provided from N. Harvey Road. All water service will



be provided to the property consistent with the City's Master Water Plan and in accordance with Section 3.4.300 of the Creswell Development Code. The anticipated waterline configuration will also allow for future extension to serve the under-developed property to the west.

- **Stormwater Drainage** – An existing 24" stormwater line, located approximately in the center of the N. Harvey Road right-of-way, currently serves this property. This line can be extended to serve the subject property's eventual development. A detailed drainage plan will be submitted when division or development is proposed. The drainage plan will demonstrate compliance with the requirements of Section 3.4.400 of the Creswell Development Code.

There are no identified deficiencies in City service systems that would affect development of the property. Additionally, the following services are available:

- **Electricity** – Emerald People's Utility District (EPUD) currently provides electricity to the annexation area and will continue to do so following annexation.
- **Fire and emergency services**- are currently provided to the subject property by South Lane County Fire & Rescue. The City of Creswell is also part of this District therefore the subject property will continue to be served by the same District after being included within the corporate limits of the City. Any improvements required to provide adequate protection services will be addressed in the development process as required by the code. These improvements may include extension of water supply mains and additional fire hydrants, and all improvements must comply with Section 3.4.400 of the Creswell Development Code.
- **Schools** – the annexation area is served by Creswell School District #40 and will continue to receive school services from the school district following annexation.
- **Streets** – The site can be accessed from North Harvey Road. Newly created public streets will be constructed to the required standards. Complete street improvements will comply with Section 3.4.100 of the Creswell Development Code. Street lighting will be provided as required by section 3.4.300(D) of the Creswell Development Code.
- **Waste Collection** – The annexation area will be served by Sanipac currently under contract with the City of Creswell following annexation.

The applicant is not submitting detailed development plans for the area at this time. Future residential development will be subject to City of Creswell land use processes and standards. After annexation, the City will have complete review and approval authority over all development on the property. The review process will ensure that applicable criteria and development standards are met.

*ii. Or, that the proposed annexation is within the service capabilities of programmed expansion and such services can be delivered within a reasonable or mutually agreed upon period of time.*

**RESPONSE:** This criterion is not applicable because 12(u)(i) is satisfied.

**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, economic provision for public facilities and services;*

**RESPONSE:** The proposal is consistent with this criterion because the property is within the urban growth boundary and is planned and intended for urban-level residential development. It is contiguous with the existing City Limits to the east. All public facilities and services are available to the property as previously discussed in these findings, and can be provided at a reasonable cost, at the expense of the developer. Urbanization of lands within the corporate limits of the City of Creswell has been occurring and will continue to occur as the City provides housing and employment for Creswell residents.

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

**RESPONSE:** The proposal is consistent with this criterion because the size and location of the City's urban growth boundary was based on the projected future land needs and service capabilities of the City. The UGB is acknowledged by the Land Conservation and Development Commission as being in compliance with statewide planning goals. Annexation of the subject property will provide needed residential land in an area that is planned and intended for residential use.

- (3) *LCDC goals or the acknowledged comprehensive plan; and,*

**RESPONSE:** The proposal is consistent with this criterion because the annexation area is within the acknowledged urban growth boundary and is contiguous with the City Limits. The application demonstrates compliance with the applicable goals and policies of the Creswell Comprehensive Plan. The City's Comprehensive Plan and urban growth boundary have been acknowledged to be in compliance with all Statewide Planning Goals, including Goal 14.

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

**RESPONSE:** The proposal is consistent with this requirement because the application materials demonstrate compliance with all applicable annexation provisions of the City's Comprehensive Plan. The subject property is planned for residential development by the City. It is within the UGB and contiguous with the City. Urban services are already available adjacent or to the property, and can be economically provided to the property. The City developed much of its urban lands between 1990-2006 where the City was one of the fastest growing areas in Lane County and has a demonstrated projected shortage of residential lands.

*C. THE PROPOSED ANNEXATION WILL RESULT IN A BOUNDARY IN WHICH KEY SERVICES CAN BE PROVIDED.*

**RESPONSE:** As discussed above in relation to Comprehensive Plan Policy 12(u) above, key services can be provided to the resultant boundary, thus the proposal is consistent with this criterion.

*D. WHERE APPLICABLE, FISCAL IMPACTS TO THE CITY HAVE BEEN MITIGATED THROUGH AN ANNEXATION AGREEMENT OR OTHER MECHANISM APPROVED BY THE CITY COUNCIL.*

**RESPONSE:** The proposal is consistent with this criterion with the condition of approval the applicant shall sign and record an Annexation Agreement (Attachment A) prior to the annexation effective date, provide of City services to the subject property, and submit for City approval any subsequent development applications.

**III. SUMMARY AND CONCLUSION**

Based on the findings stated above, the preliminary subdivision plat application meets the requirements of the Creswell Development Code for approval, subject to conditions. The proposed annexation is consistent with all City ordinances, plans, and state and federal laws.

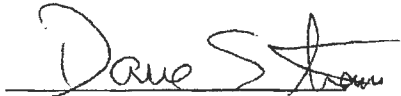
**CONDITION OF APPROVAL:**

1. The applicant shall sign and record an Annexation Agreement prior to annexation effective date, provision of City services, and/or submittal and approval of any development applications.

**IV. DECISION**

**IT IS HEREBY ORDERED** that the Creswell City Council conditionally approves the Annexation of property located at 83320 North Harvey Road (ANNEX-2016-01/ZC-2016-01) based on the information in the staff report and the findings of fact stated in this report.

This action shall become effective on the thirtieth (30) day after either the Notice of Decision on ANNEX-2016-01/ZC-2016-01 is mailed, or when a final annexation decision is reached.



Dave Stram, Mayor  
Creswell City Council

4-11-16

Date

**CITY OF CRESWELL  
STAFF REPORT**

**ANNEXATION OF 83320 NORTH HARVEY ROAD AND ZONING LOW-DENSITY RESIDENTIAL  
(ANNEX-2016-01/ZC-2016-01)**

Report Date: February 3, 2016  
 City Council Public Hearing Date: April 11, 2016

**APPLICANT(S):** Sierra Cascade Development LLC  
 83188 Enterprise Road  
 Creswell, OR 97426

Contact: Richard Stevens, Metro Planning  
 Scott Morris, Olson & Morris

Map No.	Tax Lot	Size (Acres)	Property Owner	Present Use	Current Zoning (County)	Creswell Comp Plan Designation
19-03-11-00	6500	3.06	Tammy Dean Lutzke	Residential	AGT5/AS	Residential
			Eric A. Freeman			
			Charles R. Conklin			

**LOCATION:** In the north west area of Creswell, west of North Harvey Road, south of Nieblock Lane, and north of 83302 N. Harvey Road.

**REQUEST:** Annexation to City of Creswell

**I. BACKGROUND**

**A. Request:** The applicant is proposing the annexation of an approximately 3.06 acres of tax lot 6500 as shown in tax Assessor's Map 19-03-13-00. The property is contiguous to the Creswell city limits on its eastern boundary. Currently the Lane County zoning designation of tax lot 6500 is Agriculture, Grazing, and Timber Raising (AGT5) with Airport Safety Combining Zone (AS). The applicant's goal is a residential development. Upon annexation the site will be zoned Low Density Residential (RL) and designated Residential. The lot is currently developed with a single family residence

**B. Agency Comment:**

- Lane County Land Management Division: Keir Miller, January 29, 2016:

Thank you for the opportunity to comment on the below referenced annexation request. As we discussed in our phone conversation this morning, the Land Management Division requests that the



subject property be concurrently rezoned from AGT5 /AS to an appropriate city zoning designation at the time of annexation.

- City of Creswell Public Works: Cliff Bellew, January 20, 2016:

Please have the applicant review the narrative concerning the sewer -- it does not match with their utility plan. The narrative proposes the sewer run south down N. Harvey Rd. The utility plan shows providing sewer off Nieblock across private lots to provide sewer service.

- City of Creswell Engineer, January 22, 2016:

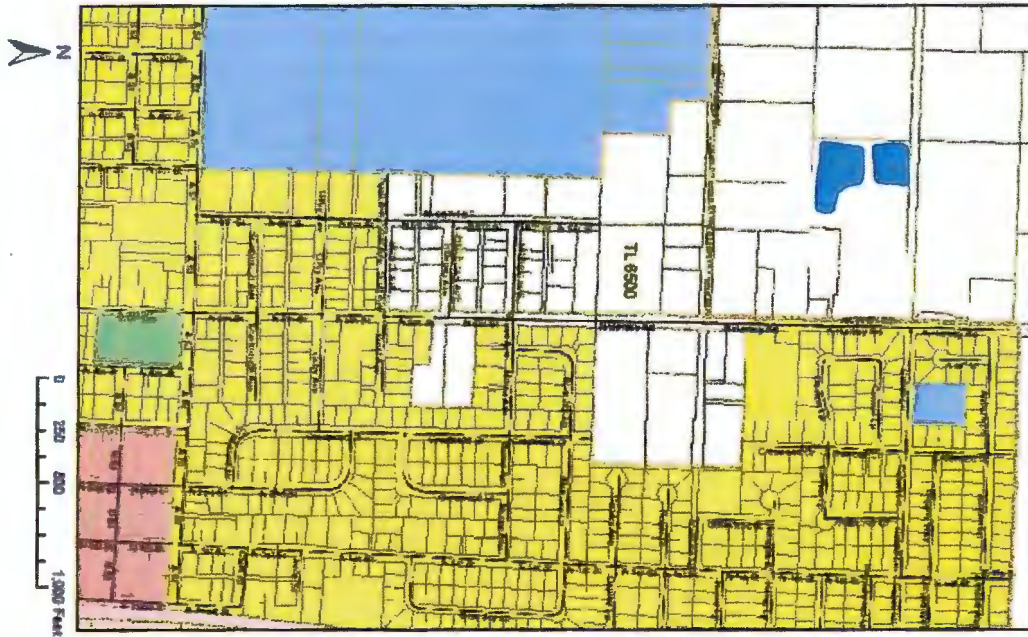
- 1) Existing Streets & New Street Improvements – It appears that existing streets can be extended to provide adequate access to the property.
  - a) **N Harvey Road** fronting this property is a City street, which is currently fully improved with curbs & sidewalks on both sides.
    - (a) Future N Harvey Improvements. Other than as required at the intersection of the new street which will serve the property, major improvements to N Harvey Road do not appear to be necessary.
  - b) **6<sup>th</sup> Street** south of the project site is a County right-of-way, which is currently developed as a turnpike section (*no curbs or sidewalks either side*).
    - (a) Future 6<sup>th</sup> Street Improvements. It is anticipated that a partial street improvement to 6<sup>th</sup> Street with the property will be required as a condition of the future subdivision, to connect the new east-west street to the existing 6<sup>th</sup> Street to the south.
    - (b) 6<sup>th</sup> Street Extension to north. While some of the old city planning maps assumed that 6<sup>th</sup> Street would be extended north to Nieblock Lane, the location of the existing houses along Nieblock may preclude a future street extension along the existing 6<sup>th</sup> Street alignment all the way to Nieblock Lane.
  - c) Existing Driveways.
    - (a) The existing driveway to the house on the annexation property may need to be reconfigured with the subdivision to maintain clearances from the new Harvey Road intersection.
- 2) Sewer – It appears that gravity sewers to serve this property can be installed and connected to the existing gravity trunk sewer along Nieblock Lane.
  - a) Either of the two alignments for the offsite sewer discussed in the application appear to be technically feasible (*along N Harvey Road, or through an easement from Nieblock Lane*).
  - b) The anticipated sewer mainline configuration will also allow for future extension to serve the under-developed property to the west (*when it is annexed into the City in the future*).
- 3) Water - It appears that waterlines adequate to provide SF residential fire flows can be installed and connected to existing waterlines outside of the development.
  - a) The anticipated waterline configuration will also allow for future extension to serve the under-developed property to the west (*when it is annexed into the City in the future*).

- 4) **Storm** – It appears that storm drainage improvements to serve this property can be installed in conjunction with the future subdivision.
- a) The application indicates that storm drainage improvements to serve this property can be installed and connected to existing drainage system in N Harvey Road. While the detailed information for these storm improvements is not required at this time, the scope of improvements necessary to connect to the existing storm line in N Harvey Road will need to be confirmed at the subdivision application stage.
- Lane County Sheriff: No Comment received.
  - South Lane Fire & Rescue: No comment received.



**C. Public Comment: No public comment received.**

Existing City Limits



City Limits - After Annexation

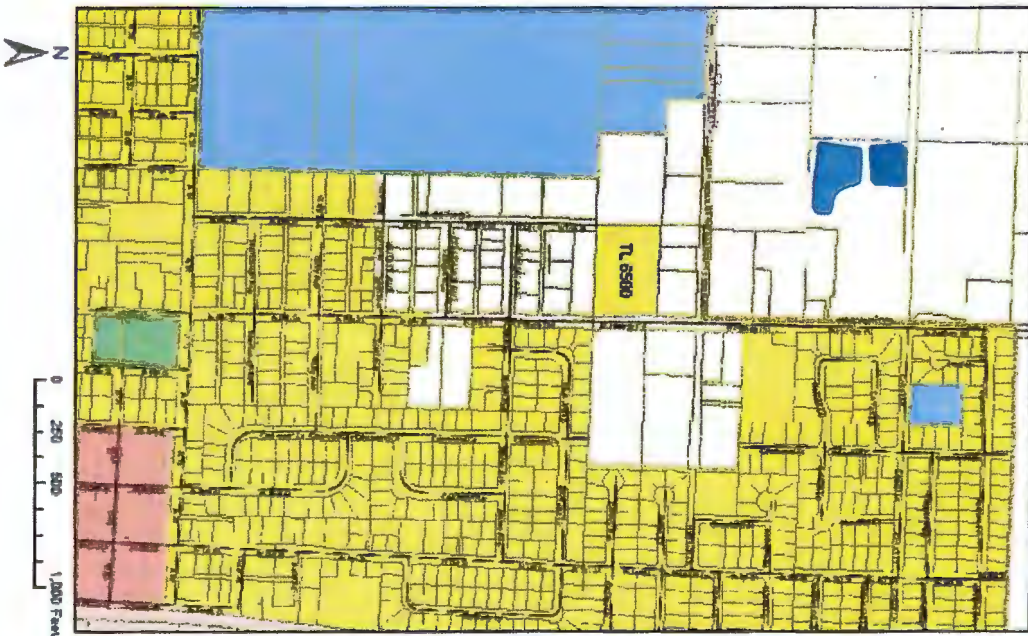


EXHIBIT D

Lane County Clerk  
Lane County Deeds and Records

2016-025214

After Recording, Return  
to: City of Creswell  
City Administrator  
P.O. Box 276  
Creswell, OR  
97426



01576761201600252140050088

\$82.00

06/03/2016 09:28:38 AM

RPR-AGRE Cnt=1 Stn=40 CASHIER 01

\$40.00 \$10.00 \$11.00 \$21.00

Unless requested otherwise,  
send all tax statements to:  
Charles R. Conklin  
77421 McDole Road  
Cottage Grove, OR  
97424

### ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made between the City of Creswell, an Oregon municipal corporation ("City"), and Tammy D. Lutzke, Eric A. Freeman, and Charles R. Conklin ("PROPERTY OWNERS").

#### RECITALS

- A. PROPERTY OWNERS own the parcel of land legally described as Lot 8, EXCEPT THEREFROM the North 208.0 feet, A.C. BOHRNSTED COMPANY FRUITLANDS, as platted and recorded in Book 4, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon, consisting of approximately 3.06 acres (the "Property"). The Property is commonly referred to as 83320 North Harvey Road and shown as Tax Lot 6500 on Assessor's Map 19-03-11-00. The Property is contiguous to the jurisdictional limits of the City on its east boundary, and is subject to annexation by the City of Creswell following the annexation procedures set forth in the Creswell Development Code Chapter 4.10.
- B. PROPERTY OWNERS have submitted to the City an Annexation Application (ANNEX-2016-01) to annex approximately 3.06 acres into the City.
- C. The Property is currently designated in the Creswell Comprehensive Plan for residential use and is zoned by Lane County as AGT5 / AS (Agriculture, Grazing, Timber 5 Acre Minimum / Airport Safety Combining Zone).
- D. Among other requirements, annexation of the Property requires a showing under Section III.C.12, Policy 12(u) of the Creswell Comprehensive Plan that:



“ . . . the City is capable of providing a full range of urban services prior to consideration of annexation. Consent for annexation to the City shall be governed by . . . 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 utilities support service systems to City standards and specification;

(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.”

E. The purpose of this Agreement is to memorialize the PROPERTY OWNERS’ and City’s commitment and agreement to the allocation of financial responsibility for public facilities and services for the property and other users of the facilities, sufficient to meet the City’s requirements for the provision of key urban services necessary for City approval of the annexation request.

F. The key urban service(s) necessary to serve the Property as part of PROPERTY OWNERS’ annexation application is (“key urban service”) **SANITARY SEWER**; Sanitary sewer is proposed to serve the Property as follows:

(i) Service will be extended from the existing 21” line in Nieblock Lane to the north of the Property through a new 8” line. All sanitary sewer services will be designed and constructed in accordance with Section 3.4.300 of the Creswell Development Code.

(ii) Alignment of said sanitary sewer line shall be conveyed through a public utility easement meeting Creswell Public Works Design Standard Minimum Sanitary Sewer Easement Widths (4.15(d)(6)) , recorded under separate document (Lane County Deeds and Records Document No. 2016- 25212 ).

G. Existing urban services at or near the property boundary to serve the Property as part of PROPERTY OWNERS’ annexation application are (“existing urban services”) the following:

(i) **WATER**: Water service serves the Property as follows: existing 12” line in Harvey Road. This existing line can be extended to serve future development of the property. All water service will be provided to the Property consistent with the City’s Master Water Plan and in accordance with Section 3.4.300 of the Creswell Development Code.

(ii) **STORMWATER**: Stormwater service serves the Property as follows: via the existing 24”

stormwater line within Harvey Road. A detailed drainage plan will be submitted when division or development is proposed. The plan will demonstrate compliance with the requirements of Section 3.4.400 of the Creswell Development Code.

(iii) **STREETS:** Transportation access to the Property is provided from Harvey Road and 6<sup>th</sup> Street. Any newly created public streets and/or access points will be constructed to the required standards. All street improvements will comply with Section 3.4.100 of the Creswell Development Code. Street lighting will be provided as required by Section 3.4.300(D) of the Creswell Development Code.

(iv) **PARKS:** Harry Holt Park, a neighborhood park, is located near downtown Creswell at 5<sup>th</sup> and A Streets, approximately a 1/3 of a mile south of the Property. Garden Lake Park, a community park, is located on Melton Road on the east side of Interstate 5. Any new public parks dedicated and improved as part of the land development process shall be subject to standards within the Creswell Parks and Open Space Master Plan (adopted August 8, 2005) and Creswell Development Code Section 3.4.200 Public Use Areas.

- H. With the construction of the key urban services (Section F), together with the existing urban services (Section G), City staff has determined that the minimum level of urban services will be available to the Property with regard to public and private utilities, transportation network, parks, schools, and fire and emergency services.
- I. In order to facilitate orderly development of the Property and ensure the full provision of urban services that are satisfactory to the City and meet the City's conditions for annexation, and in exchange for the obligations of City set forth below, PROPERTY OWNERS shall comply with all requirements imposed on PROPERTY OWNERS in this Agreement.
- J. The parties' hereby recognize the PROPERTY OWNERS previously executed a Measure 49 Waiver, which has been recorded and will run with this Property (Lane County Deeds and Records Document No. 2016- 25213 ). The parties acknowledge that City's obligations hereunder are contingent upon the PROPERTY OWNERS compliance with this Measure 49 Waiver.

Now, therefore, based on the foregoing Recitals, which are specifically incorporated and made a part of this Agreement, the parties agree as follows:

### AGREEMENT

- 1. Obligations of PROPERTY OWNERS. Consistent with the above recitals and subject to the issuance of development and public improvement plan approvals, PROPERTY OWNERS agree to perform the obligations set forth in this section.
  - 1.1 Construct the key urban services identified in RECITAL F in compliance with applicable Creswell Development Code provisions and Public Works Design Standards.
  - 1.2 PROPERTY OWNERS recognize that no Final Subdivision Plat may be signed for any

development on the Property until the key urban services are completed and have been issued a Final Inspection approval by the Creswell Public Works Director.

- 1.3 Within one year of City sewer becoming available, abandon existing septic system(s) on the Property and connect to City sewer.
  - 1.4 Within one year of City water connection, abandon existing well(s) on the Property consistent with Creswell Development Code Section 3.4.300(E).
  - 1.5 PROPERTY OWNERS know and understand their rights under the Fifth Amendment to the United States Constitution and Article I, Section 18 of the Oregon Constitution, and by entering into this Agreement hereby waive any requirement that the City demonstrate that the dedications of right-of-way, public utility easements, and other public improvements required herein are roughly proportional to the impacts of the subdivision. Further, PROPERTY OWNERS acknowledge and agree that the City would be able to demonstrate rough proportionality and therefore agree that the exactions called for under this Agreement are indeed roughly proportional to the impacts of the Property's development upon the City's infrastructure.
  - 1.6 Provide, and be financially responsible for, the provision key urban service on Property. City may participate in the construction of the key urban services, at its discretion, but is under no obligation to participate. To the extent key urban services are required to be built to provide excess capacity beyond that needed to serve the Property (i.e. size larger than the minimum size required under City Standards), City may participate in the construction, or allow the creation of a zone of benefit, in City's discretion. PROPERTY OWNERS' construction of key urban services with excess capacity beyond that needed to serve the Property (i.e. larger than minimum required under City Standards) may entitle PROPERTY OWNERS to system development charge credits as provided under applicable City regulations.
2. Obligations of City. Consistent with the above Recitals and contingent upon no contrary evidence being entered into the record of the annexation proceedings, City agrees to:
- 2.1 Recommend approval of the annexation to the Creswell City Council and support the PROPERTY OWNERS defense of a decision annexing the Property to the City, but the City will not assume financial responsibility to provide legal counsel on any such appeal.
  - 2.2 Use good faith in the timely review and decision making of the development, Subdivision Tentative Plat, Final Plat, and Public Improvement Plan applications for the Property. City will support any appeal of a decision by the City on these applications, but will not assume financial responsibility to provide legal counsel on appeal.
  - 2.3 Review in a timely manner the application for the formation of a Zone of Benefit or Local Improvement District to provide public improvement services to the Property in the event a valid Petition for such a District is presented to the City by the PROPERTY

OWNERS or by other property owners interested in forming such a District.


3. **Other Fees.** This Agreement does not address or alleviate PROPERTY OWNERS' obligations to make payments for other applicable fees related to development of the Property, including, but not limited to, plan review, building permit fees and system development charges.
4. **Covenants Running With the Land.** It is the intention of the parties that the covenants herein are necessary for the development of a residential subdivision on Property and as such shall run with the Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed to be a benefit and burden upon the Property. This Agreement shall be recorded upon its execution in the Lane County Deeds and Records. This Agreement may be assigned by the PROPERTY OWNERS and shall benefit any assigns or successors in interest to the PROPERTY OWNERS. Execution of this Agreement is a condition of approval for annexation of the property described in **RECITAL A** for the City of Creswell. Accordingly, the City retains all rights for enforcement of this Agreement.
5. **Limitations on the Development.** No part of Property shall be further developed prior to obtaining appropriate City development approval of a Subdivision Tentative Plat. In the event the PROPERTY OWNERS fail to seek Subdivision Tentative Plat approval or Public Improvement Plan approval, or such approvals are delayed or withheld for a period longer than three (3) years from the date of this Agreement, the obligations of PROPERTY OWNERS imposed in Section 1 of this agreement shall be void and a new analysis of improvements related to any subdivision of the Property shall be a new requirement of any subsequent land use approval. No occupancy permit shall be issued for development on the Property until all improvements have been completed, as set forth in SECTION 1 of this Agreement.
6. **Mutual Cooperation.** City and the PROPERTY OWNERS shall endeavor to mutually cooperate with each other in implementing the various matters contained herein.
7. **Waiver of Right of Remonstrance.** PROPERTY OWNERS agree to sign any and all waivers, petitions, consents, and all other documents necessary to obtain the public facilities and services described herein as benefiting the Property, under any Local Improvement Act or proceeding of the State of Oregon, Lane County, or the City of Creswell and to waive all rights to remonstrate against these improvements. PROPERTY OWNERS do not waive the right to protest the amount or manner of spreading the assessment thereof, if the assessment appears to the PROPERTY OWNERS to be inequitable or operate unfairly upon the Property. PROPERTY OWNERS waive any right to file a written remonstrance against these improvements. PROPERTY OWNERS do not waive its right to comment upon any proposed local improvement district or any related matters orally or in writing.
8. **Modification of Agreement.** This Agreement may only be modified by writing signed by both parties.
9. **Land Use.** Nothing in this Agreement shall be construed as waiving any requirements of the Creswell Development Code or Creswell Municipal Code which may be applicable to the use and development of this Property. Nothing herein shall be construed as City providing or agreeing to provide approval

of any building, land use, or other development application submitted by the PROPERTY OWNERS.

10. Invalidity. if any provision of this Agreement shall be deemed unenforceable or invalid, such enforceability or invalidity shall not affect the enforceability or validity of any other provision of this Agreement. The validity, meaning, enforceability, and effect of the Agreement and the rights and liabilities of the parties hereto shall be determined in accordance with the laws of the State of Oregon.

DATED this 12<sup>th</sup> day of May, 2016.

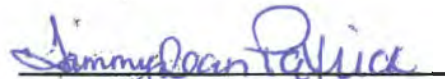
IN WITNESS WHEREOF, the City and PROPERTY OWNERS have executed this Agreement as of the date first herein above written.

  
Michelle Amberg, City Administrator  
City of Creswell, Oregon



ATTEST:

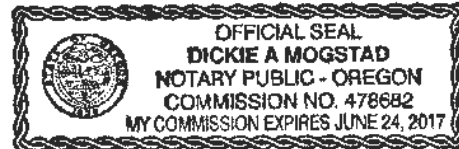
  
Roberta Tharp, City Recorder



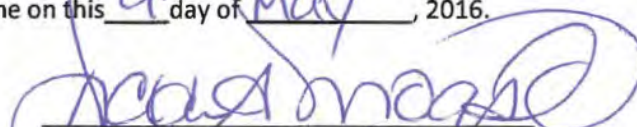
\*(Signature) Tammy D. Lutzke

TAMMY DEAN PATRICK WHO ACQUIRED TITLE AS\*  
STATE OF OREGON )

County of Lane ) ss.



TAMMY DEAN PATRICK WHO ACQUIRED TITLE AS  
Personally appeared the above named Tammy D. Lutzke who acknowledged the foregoing  
instrument to by her voluntary act before me on this 12<sup>th</sup> day of May, 2016.

  
Notary Public for Oregon  
My Commission Expires 6-24-17

Eric A. Freeman

(Signature) Eric A. Freeman

STATE OF OREGON )  
County of Lane ) ss.



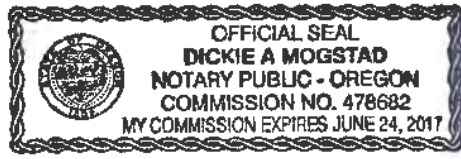
Personally appeared the above named Eric A. Freeman who acknowledged the foregoing instrument to by his voluntary act before me on this 6<sup>th</sup> day of May, 2016.

Dickie A. Mogstad  
Notary Public for Oregon  
My Commission Expires 6-24-17

Charles R. Conklin

(Signature) Charles R. Conklin

STATE OF OREGON )  
County of Lane ) ss.



Personally appeared the above named Charles R. Conklin who acknowledged the foregoing instrument to by his voluntary act before me on this 6<sup>th</sup> day of May, 2016.

Dickie A. Mogstad  
Notary Public for Oregon  
My Commission Expires 6-24-17



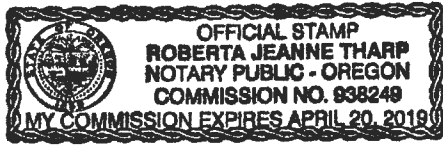
ACKNOWLEDGEMENT IN A REPRESENTATIVE CAPACITY

Michelle Amberg  
Michelle Amberg, City Administrator  
City of Creswell, Oregon

STATE OF OREGON            )  
County of Lane            ) ss.

Personally appeared the above named Michelle Amberg, Creswell City Administrator <sup>\*</sup>who  
acknowledged the foregoing instrument to be her voluntary act before me on this 26<sup>th</sup> day of  
May, 2016.

\*CITY OF CRESWELL



Roberta Jeanne Tharp  
Roberta Tharp, City Recorder  
Notary Public for Oregon  
My Commission expires: April 20, 2019

City of Creswell  
PO Box 276  
Creswell, OR 97426



DEPT OF

JUN 18 2014

LAND CONSERVATION  
AND DEVELOPMENT

Dept. of Land Conservation and Development  
Attention: Plan Amendment Specialist  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540