

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

DATE: AUGUST 13, 2024

SUBJECT: RECOMMENDED REVISED CONDITIONS OF APPROVAL FOR PLANNED UNIT DEVELOPMENT-SUBDIVISION TENTATIVE PLAN / PARTITION TENTATIVE PLAN / URBAN GROWTH PRELIMINARY DECLARATION / CLASS 2 ADJUSTMENT CASE NO. PUD-SUB-PAR-UGA-ADJ24-01; 700 TO 800 BLOCKS OF CREEKSIDE DRIVE SE

BACKGROUND

On August 6, 2024, a public hearing was held before the Planning Commission to consider a proposed Planned Unit Development-Subdivision, Partition Tentative Plan, Urban Growth Preliminary Declaration, and Class 2 Adjustment for property located in the 700 to 800 Blocks of Creekside Drive SE.

After receiving testimony on the proposed development, the Planning Commission voted to close the public hearing and leave the record open for the submittal of additional testimony, pursuant to SRC 300.970(b), based upon a request received from the Creekside Estates Homeowners Association.

The record was held open until the following dates and times as follows:

- August 13, 2024, at 5:00 p.m. for the submittal of additional written testimony;
- August 20, 2024, at 5:00 p.m. for the submittal of rebuttal to any additional evidence or testimony submitted during the first seven-day open record period; and
- August 27, 2024, at 5:00 p.m. for final written argument from the applicant, unless subsequently waived by the applicant.

This supplemental report includes recommended revisions to certain conditions of approval included in the August 6, 2024, staff report in response to written comments received and public testimony provided at the August 6, 2024, public hearing.

SUPPLEMENTAL FINDINGS

Recommend Revisions to Conditions of Approval

Homeowners' Association Condition

The August 6, 2024, staff report included two recommended conditions of approval requiring: 1) The applicant to establish a separate homeowners' association and covenants, conditions, and restrictions (CC&Rs) for the perpetual maintenance and operation of the common property and facilities included within the proposed PUD-Subdivision – including the proposed new

private street (Villa Loop) and the proposed common open space area; and 2) The inclusion of the proposed PUD-Subdivision in the Creekside Homeowners Association for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities including with the greater Golf Club Estates at Creekside PUD.

In written comments received for the August 6, 2024, public hearing from the Creekside Estates Homeowners Association and the applicant's representative, the possibility of including the proposed PUD-Subdivision in the overall Creekside Estates HOA, without the need to establish a separate HOA specific to the proposed development, was identified.

Condition of approval No. 3 was originally recommended in the August 6, 2024, staff report based on the requirements of SRC 210.055, 205.035(f), and 803.020(b)(3), which require private streets and common private facilities within planned unit developments to be subject to a homeowners' association and CC&Rs for the purpose of ensuring their perpetual maintenance and operation; and an assumption that the new private street and open space area within the proposed PUD-Subdivision would need to be operated and maintained by a separate HOA created for the new development itself.

In response to testimony received, and based on the possibility that the proposed PUD-Subdivision can be incorporated into the overall Creekside Estates HOA without the need to establish a separate HOA, condition of approval No. 3 is recommended to be revised as follows:

Condition 3: Prior to final plat approval, the applicant shall demonstrate that either the property will be subject to the Creekside HOA's maintenance and operation provisions for common properties and facilities or submit a Homeowners' Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, and common facilities. The articles of the Homeowners' Association shall conform to the provisions of SRC 210.055(b) and SRC 803.020(b)(3).

The revised recommended condition of approval ensures that the new private street and open space within the proposed PUD-Subdivision will be maintained and provides flexibility to allow the applicant and the Creekside HOA to agree upon how that should be achieved. Condition of approval No. 4 is also recommended to remain, which ensures the proposed development will be part of the Creekside HOA for the purpose of requiring the development to contribute to the perpetual operation and maintenance of the private streets and other common property and facilities included within the overall Golf Club Estates at Creekside PUD.

Stormwater Management

The August 6, 2024, staff report included a recommended condition of approval (Condition No. 10) requiring the applicant to provide an engineered stormwater design meeting the requirements of SRC Chapter 71 and the Public Works Design Standards (PWDS) in order to

accommodate new and impervious surfaces in the private street and future impervious surfaces on all proposed lots.

During the August 6, 2024, public hearing testimony was provided from the applicant's engineer indicating that, due to the topography of the site, provision of a stormwater system fully meeting the requirements of SRC Chapter 71 and the PWDS in all locations would not be possible without the approval of a design exception. Based on the current wording of Condition No. 10, the possibility of allowing an alternative design to be approved by the City Engineer is not identified and a revision to the condition of approval was requested. In response to the testimony received, staff recommends Condition No. 10 be revised as follows:

Condition 10: Prior to final plat approval, provide an engineered stormwater design meeting the requirements of SRC 71 and the Public Works Design Standards, or receive an approved Design Exception from the City Engineer, to accommodate new impervious surfaces in the private street and future impervious surfaces on all proposed lots.

The revised recommended condition of approval provides the applicant's engineer flexibility in designing the stormwater management system to serve the proposed development in recognition of the topographic challenges associated with the site while also ensuring the adequate provision of stormwater facilities as required under SRC Chapter 71 and the PWDS.

Prepared by Bryce Bishop, Planner III