



August 6, 2024

**VIA ELECTRONIC MAIL:** bbishop@cityofsalem.net & jbiberston@cityofsalem.net  
*Uploaded to PAC Portal*

Bryce Bishop, Planner III  
City of Salem Planning Division  
555 Liberty Street SE  
Salem, OR 97301

RE: PUD-SUB-PAR-UGA-ADJ24-01  
Our File No: 25592-26627

Dear Bryce:

Our office represents Creekside Golf Course, LLC, an Oregon limited liability company (my "**Client**") regarding the consolidated Planned Unit Development / Subdivision Tentative Plan / Partition Tentative Plan / Urban Growth Preliminary Declaration / Class 2 Adjustment designated by the City of Salem (the "**City**") as Case No. PUD-SUB-PAR-UGA-ADJ24-01 (the "**Application**") for the 700 to 800 Blocks of Creekside Drive SE (the "**Property**"). My Client would like to respond to the comments the City received from Mr. Tom Cowan, Jr., Board President, on behalf of Creekside Homeowners Association, Inc., an Oregon nonprofit corporation (the "**HOA**") in a letter dated August 2, 2024 ("**Letter**").

While my Client and the developer, Don Lulay Homes, Inc., an Oregon corporation (herein "**DLH**") (collectively, the "**Applicant**") have been in general conversations regarding the Application prior to submittal, it had not had an opportunity to speak directly with the HOA Board of Directors about the proposal beyond the land division prior to the submission of the Application. Since receiving a copy of the

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HOA's Letter, my Client has been in contact with Mr. Cowan in his capacity as President of the HOA and the Applicant is committed to working with the HOA to make sure that The Villas at Creekside (the development contemplated by the Application) (the "***Proposed Development***"), blends well with the aesthetics of the surrounding area. We have paraphrased the comments from the HOA below in bold and italics, with the Applicant's response in plain type below.

**1. *The HOA requested clarity regarding whether the Proposed Development will be integrated into the HOA.***

The Applicant intends to subject the Proposed Development to the Restrictions of Golf Club Estates at Creekside, Phase 14 P.U.D. (the "***CC&Rs***") and as Lawrence E. Tokarski, in his capacity as Trustee of the Lawrence E. Tokarski Revocable Living Trust dated June 11, 1996, and any amendments thereto, reserved special declarant rights to expand the HOA to allow for the inclusion of additional properties, he has the right to subject the Property to the CC&Rs, rendering the lots in the Proposed Development subject to the CC&Rs and making the future owners of the lots in the Proposed Development members of the HOA.

**2. *The HOA requested that the Proposed Development contribute to the maintenance and repair of the private streets and utilities through annual assessments, to the same degree as other members of the HOA.***

It is the intention of the Applicant that the Proposed Development contribute to the HOA in order to contribute to maintenance and repair costs. This will be done using a declaration that subjects the Proposed Development to the CC&Rs in the same way a similar development near Hole 13 of the golf course (the Crooked Stick Estates) has been integrated into the HOA. As such, any private utilities and roads associated with the Proposed Development would similarly become the responsibility of the HOA. However, the Applicant intends to have an additional assessment included that will affect only the Proposed Development and will cover the maintenance associated with Proposed Development's bioswales, entry maintenance, and landscaping services for the bank along Creekside Drive SE.

Since receiving the Letter, Don Lulay, as President of DLH, met with members of the HOA Board to discuss the mechanism for bringing the Property into the HOA and have agreed to discuss the best way to integrate The Villas at Creekside into the HOA, while allowing for independent ongoing maintenance and landscaping for The Villas at Creekside, themselves. Under any given arrangement, the Proposed Development will be subject to the Creekside HOA assessments for maintenance of the private roadways.

**3. *The HOA would like its Architectural Review Committee to have the right to review and approve the Proposed Development to ensure that it conforms to the aesthetic standards of the HOA.***

It is the intent of the Applicant that the Proposed Development blend in with and positively contribute to the aesthetics of the surrounding area. The Villas at Creekside will be subject to the Architectural Review Committee (ARC) (pursuant to the Creekside HOA); however, the HOA has agreed that DLH will be allowed to submit renderings and materials lists and gain pre-approval of the plans. In the event that DLH desires to deviate from the pre-approved plans, DLH has agreed to submit amended plans to the HOA's ARC for supplemental review and approval.

4. ***The HOA requested that the Applicant make repairs to the roadways and paved areas disturbed by the construction of the Proposed Development and the replacement of any landscaping disturbed by the Applicant's construction.***

The Applicant will repair and repave any paved area disturbed by the construction of the Proposed Development and replace any damaged or disturbed landscaping to the maximum extent required under the Code. The Applicant is committed to relocating the golf cart path and utilities to the golf course and will ensure that the golf course is properly reseeded and graded in a way that is visually appealing.

5. ***The HOA has requested that the Applicant expand the proposed Villa Loop from the width shown in the Application materials to a 28-foot width, which is the standard throughout the remainder of the HOA.***

The Applicant is willing to expand Villa Loop so that it is twenty-eight (28') feet wide rather than what was originally proposed. As part of this response, the Applicant has provided an updated Street Plan (See, REV02 Street Plan), which shows the expanded road, in conformance with the HOA's request. The Applicant requests that the City review and approve the Application based on the REV02 Street Plan.

6. ***The HOA would like additional sidewalks along the Creekside Drive face of the Proposed development to have sidewalks as well as the portion of the Proposed Development facing the proposed Villa Loop.***

The Applicant cannot provide additional sidewalks along both Villa Loop and Creekside Drive SE because it would limit the lot depth needed to build the Proposed Development. The Proposed Development focuses on providing single floor, accessible living, which requires a larger footprint than multi-story condominiums. This focus on accessibility is part of the reason that the Applicant has provided the sidewalks on the Villa Loop side of the Proposed Development, which allows the Applicant to develop a zero-grade dwelling that includes accessible access to the sidewalk system along Villa Loop which can be used to access the existing sidewalk system adjacent to Creekside Drive SE. The Applicant provides adequate connections for safe and efficient pedestrian and bicycle traffic and requiring additional sidewalks along both sides of the Proposed Development would not meaningfully expand access to alternative transportation to pedestrians and bicyclists because the adjacent lots to the east of the Proposed Development will not have sidewalks due to the steep slope down to Creekside Drive SE, which is similar to the tapering of the Proposed Development towards Creekside Drive SE. It is not feasible to provide additional sidewalks along Creekside Drive SE without significantly diminishing the feasibility of the Proposed Development.

7. ***The HOA requests that the City hold the record open for two (2) additional weeks due to the size of the maps in the Public Notice.***

The Applicant and the HOA are committed to continue conversations regarding the Proposed

Development but would prefer to do so outside of the formal land use process. The Applicant believes that the HOA is no longer requesting the additional open record period.

Following your review of this record response and the REV02 Street Plan uploaded herewith, please don't hesitate to reach out to me directly at 503-485-4271 or [margaret@sglaw.com](mailto:margaret@sglaw.com) if you have any questions or concerns prior to forwarding to the Planning Commission ahead of its' hearing this evening.

Sincerely,



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cc: Client  
Tom Cowan, Jr. via email to [tcowanjr@mac.com](mailto:tcowanjr@mac.com)