

Minutes of the Veneta Planning Commission
February 5, 2007
Veneta City Hall

Members

Present: James Eagle Eye, Jim Bruvold, Len Goodwin, Lily Rees and Keith Hartley

Absent: None

Others: Ric Ingham, City Administrator; Brian Issa, Planner; Darci Henneman, Assistant City Recorder

Chairman James Eagle Eye called the Veneta Planning Commission to order at 7:00 p.m.

I. REVIEW AGENDA

Chairman James Eagle Eye announced that no changes were made to the agenda.

II. PUBLIC COMMENT: If you wish to address the Planning Commission about an issue which is not on the agenda; state your name, address, and limit your comments to 3 minutes.

None

III. APPROVAL OF MINUTES:

MOTION: Len Goodwin made a motion to approve the January 2, 2007 minutes. Lillian Rees seconded the motion which passed with a vote of 5-0.

IV. LIMITED LAND USE DECISIONS

A. M-6-06 - SPROAT

Request for a two (2) lot partition for a vacant parcel of land on the north side of Jeans Road at the east end of city limits
Assessor's Map 17-05-30-00, tax lot 902

Brian said the applicant is requesting a two lot partition of the portion of tax lot 902, which lies within the city limits and Urban Growth Boundary (UGB) of Veneta. These two lots within the City are proposed to be one acre with private wells and septic systems. The partition would also create a third lot outside of the UGB. This third lot has been submitted to the county for subdivision into six two acre lots.

Brian said the land is fairly level and drains to the northwest. He said a wetland is located in the southwest corner of parcel one, which is deemed non-significant in the City's wetland inventory and is not governed by the requirement of Veneta's wetland

protection ordinance (VMC18.10). Brian said, however, state and federal restrictions may still apply. Brian said no tree removal permits have been submitted. He said on January 19 staff visited the site and concluded the proposed land division criteria would not require a tree removal permit. Brian said tree permits are required on a lot by lot basis and prior to removing more than three trees in a calendar year.

Brian said the application is for parcel one to be less than one acre, which does not meet the minimum lot size. However, there is enough total acreage to allow parcel one to be expanded so that both parcels meet the minimum standard.

Water/Sewer

Brian said currently there are no City services (water/sewer) to the subject property. Brian said there is a 10 in. City water main located west of the subject property on the opposite side of Jeans Rd. He said the City does not allow private utilities in the right-of-way, therefore the applicant has three options for obtaining water: 1) Extend the 10 in. main to the property approximately 500 ft. to the center of the frontage, including crossing Jeans Rd., 2) Obtain approval for private wells, which the applicant is proposing, 3) Obtain easements to extend private water lines over the private properties to the west.

Brian said gravity sewer currently ends west of Cornerstone Drive. He said the entire Cornerstone area is serviced by 3 in. pressure lines. He said in order to serve the subject property, a pressure line would be required to run approximately 800 ft. from Cornerstone Drive to the subject property.

In response to a question from Jim Bruvold, how many septic/well systems are near this location, Brian said a few are County lots but everything to the south of this location are septic/well systems. Brian said currently there is no city water at this location.

Brian said on the south side they do not have authority to run residential lines or secure easements from a private line or extend the City water line. Brian said this is a 10 in. main and it would require 500 ft of water line from the center of this parcel to the corner of Cornerstone Drive. If the city requires them to bring water to this property it would have to be to the end of the property and to the west.

Brian said the Commission could recommend to the Council an irrevocable petition to include all properties even when developed that could not remonstrate against an LID.

Brian talked with Jerry Elliott, the City Engineer. Using a rough estimate of \$32 per ft., to extend the 10 in. main water line the 500 ft. would cost approximately \$20,000. If water was required to extend east and through the property it would be much more.

Brian said another important issue is the protection of the City's water supply, not only the quantity but the quality. He said any impact to Well 11 is unknown. Brian said the required separation between a residential well and septic system is 50 ft. and 100 ft. from a drain field to a well. Brian said the drilling of more wells in the area are an unknown impact to the City's water supply.

Right of Way Dedication

Brian said the City Engineer interpreted the code stating minimum size lots were less than one acre. This is not correct. According to Veneta Land Development Ordinance Section 4.1(4)(a), the minimum size lot shall be a minimum of one acre to allow for water/septic systems. Brian said the Commission could require the lots to be larger but not less than one acre each. The engineer suggested the City require dedication of the right of way but in that case, all of the lots would be under the one acre size and the application would be denied. Also, a right of way dedication at this location would create a small section of dead end road which the City would be responsible for maintaining. Brian recommended that the Commission approve the access easement as proposed. Brian said if the area to the north, which is outside the City limits, comes within the UGB, it is likely future developments will happen on these larger lots and street dedication will be required at that time.

Street Improvements

Brian said the proposed access easement would be a private paved area with only two residences. Brian said the applicant is proposing to upgrade the portion of Jeans Rd. that fronts the subject property to City standards. These upgrades would consist of paving and curbing (no sidewalks) ending over 40 ft. west of the property. He said directly adjacent to the site, Jeans Road is not improved. If the City required improvements (sidewalks) there would be a gap between the proposed private road and the existing sidewalk. Brian said there is no reason to put it in at this point. Staff recommended an irrevocable petition. Brian said the applicant would be required to pay for the improvements in advance by depositing funds with the City and signing an irrevocable petition. The funds on deposit with the City would not cover all inflation costs associated with the LID. However, he said the portion covered by the irrevocable petition and not covered by the funds could still be assessed to the lots responsible for any additional cost that is required.

In response to a question from Len if there is a right of way on Jeans Rd., Brian said there is a 60 foot right of way in front of the property.

Len said assuming the county approves the subdivision, does the City have any way to control the traffic on Jeans Rd. or recover costs as a result of the increase of traffic on Jeans Rd.

Ric said this is an unusual situation.

In response to a question from Len if the proposed access is off of Jeans Rd., Brian said no, they will take access from the proposed easement.

Len suggested the opposite and require the proposed residents to use Jeans Rd. so the City could re-coop funds. Brian said because of the curvature of Jeans Rd. at the area, it would not be a safe access at that point on Jeans Rd.

Len said the transportation impact of approving this land division is an issue for him. He said the whole area will be urban density and there will be six plus developments on that strip of road and possibly 280 TIA's and the City will not be able to recapture funds from a transportation aspect. He felt this should be within the Urban Growth Boundary to bring it in and require annexation.

In response to a question from Jim Bruvold, if easements for parcels one and two will be paved at a minimum and is this the access easement completely through the property, to the UGB, Brian said a 20 ft. easement is a requirement from the fire department but he believed the applicant was planning to pave it to a full city street width.

In response to a question from Keith if the applicant is planning on continuing the paving, Brian said they're proposing to pave it as if it were a city street. Brian said if and when they want to divide it into several other lots, it would have to be on City services and right of way dedication in order for any further division to take place.

In response to a question from James Eagle Eye about whether it is unreasonable for the City to require the applicant to create an LID, Brian said the distance for the existing water line to be extended is unreasonable. But Brian said City code doesn't define "unreasonable". Brian said it could also be considered "reasonable".

Keith said the main issue is to bring services to the west end. Brian said the future improvements would be curb, gutter, sewer, storm, but residents would pay for the street frontage of their property.

Ric said the problem with this area, as well as E. Bolton, is the waste water facility plans have not been completed and we don't know how many other properties will need to connect. The engineer work hasn't been completed and not until the facility plan is completed, we won't know what is reasonable and unreasonable.

Brian said unfortunately, the developers signed the previous irrevocable petition, on E. Bolton which passes the cost of the LID onto the resident. Brian said that on Jeans Rd., the cost of the LID could be re-cooped now from the developers rather than just passing it onto the home owners at a future date.

In response to a question from Len about whether there is some kind of vision as to how

the area will be developed and will another intersection be created, Ric said the road moves to the north and intersects with Huston Rd. and is outside the UGB. Ric felt there would be another city street to intersect Jeans Rd. to create city services to those areas. Ric said for now, the City's focus is on Hunter Rd.

In response to a question from Len, Ric said yes, there would be a future secondary access to the Northeast Employment Center (NEEC), but it's not included in the NEEC future.

Jim Bruvold said the map is not adequate to make a decision. The map doesn't show the surrounding area around the applicant's property.

Jim suggested denying the application based on the lack of information the applicant has provided regarding the maps.

In response to a question from Jim Eagle Eye that Jerry Elliott and Kyle recommended extending the city water line because extension of the main is essential to serve these properties, Brian said his interpretation of Kyle's recommendation is neutral.

Ric said in his opinion, Jerry's recommendation was to loop the City lines and make a complete connection but doesn't know if that is what he was trying to say.

Jim Eagle Eye said he doesn't want to create more situations within the City that have become hot issues in other areas. He said he doesn't want to create a situation where eventually residents will be required to pay again to get City services.

Ric asked Brian if the county public works shop on the northeast corner is served by City water and he believes that's where the water is at and could possibly service the two lots from that point.

Len said why doesn't the Commission just plan on the entire area eventually being developed and drop the water line now with the sewer so the properties can get the sewer as the land is developed. Len said the water could loop back into the NEEC.

Brian said the Commission is pinched right now on the Rural Residential designation because in order to develop these properties, the zoning needs to be changed and in order to change the zoning, the properties need City sewer and water. Brian said this is the maximum density development that can occur without extending the water line.

Lily said if the logic of expanding the water lines based on future growth, if that logic is used on expansion then wouldn't the same logic be used as far as developing this into a City street with right of way verses private easement.

Len agreed but said he had a problem with the access easement.

Lily said Jerry's report recommended as a condition of approval, dedication of right of way and development of a City street. She said if the logic is used to have the water and sewer services then the Commission should also use that same logic as far as the City streets. She said if the Commission is designing it projecting future growth, does it even need to be done.

Keith asked if things were proportionate. Yes, the service is needed but how much should the City pay to get the service there and what about the other property owners to the right. Keith said there are no cost estimates hard and true so it's hard to know exactly what those requirements would end up costing.

Len said that's where the deposits comes in, for protection to the City because it covers the cost that is clearly attributable to this development and doesn't impose on the developer, the costs that are attributable to future development.

Keith said in order to have any higher traffic, it will have to be rezoned and at that point, it could be brought into the City. He said it would make sense do to that in order to fight the other battles when they come up and while they are hard trade offs, he would like to see fire hydrants and reference to the fire department and residential fire sprinklers in the homes for safety. He said this might be the best compromise they come up.

Len asked Brian if the applicant would want to re-zone the other six lots to sub rural zoning. He said that would create a need for an UGB amendment, to re-zone the lots that are outside of the city limits and include them inside the UGB. He said then the City could require an annexation requirement and the City could recover some of the costs for the Jeans Rd. improvements.

James Eagle Eye asked the question, what would it cost for each of the two one acre parcels to hook up to City services and compare that to what other residents are going to be charged in other areas where a LID is being proposed.

Brian said based on talking to Kyle, the only option for City services is pressurized lines and the City doesn't want any more pressurized lines.

Jim Eagle Eye said he realized there probably isn't a better solution, however, he would hate to create a situation in one area of town and allow septic/well systems for future growth but require existing residents to create an LID, fund it and abandon their septic/well systems.

Keith felt the only option would be to require a deposit so the developer pays in advance.

James Eagle Eye said the City could be in the situation where we are approving more septic tanks around well locations.

Ric said the question of the developer would go through a partition process and have the front lot partitioned into two, one acre buildable lots, could some of that be requested as part of a site plan or the development of one of those lots. He said couldn't the Commission approve the partition at this point and then approve the development activities as part of the site plan.

Brian said it would have to go through a building permit in order to get a site plan for each one of the houses.

Lily said, even if it's not reasonable to include a condition of approval for a City street going between the two front lots. What about the dedication of the right of way?

Len said the issue of the right of way revolves around the fact that if the Commission would require right of way, the lots would be too small to be zoned R/R.

Lily said she thought the Commission could make them smaller, not larger, but Len said no, it's the other way around.

Brian said that was an interpretation, the engineer thought the Planning Commission could allow smaller lots but the way he read it, which conforms with the ordinance, the minimum lot size in rural residential zone is one acre.

Jim Bruvold felt if the Commission doesn't require a 60 foot right of way and gave a 20 ft. piece, and it is developed, the street would only be 20 feet wide where it intersects with Jeans Rd.

Brian said if those properties are ever developed, every one of those two acre lots that could be carved into five lots, would dedicate the additional right of way. Brian said just like along Hunter, E. Bolton or anywhere else.

Len asked what happens if this is approved as it stands and before the two lots attempt to divide further, the rural properties seek to annex, request to be included in the UGB and develop. Then without further development on lots one and two, what vehicle does the City have to assure access to Jeans Rd. for those parcels.

Brian said they would have their access easement against parcels one and two. He clarified Lens' question, could they all come into the City and the other six lots try to develop to City standard with two lots that don't want to be developed and then the access would be constricted.

Len said with a paved 20 ft. segment, they may be unwilling to pave more. He doesn't feel the City could exact the right of way against lots one and two.

Brian said, according to the applicant's plan, the proposal is to actually pave the street a full City width and suggested a deed restriction written against both of those lots that they not constrict access to the other developable lots.

Len said there's value in the property of the right of way. He said if the City has an easement of 60 ft., generally is the value of 1/4 of the fee, if the City would require right of way for that same 60 ft., since it would not serve lots one and two, the City would be buying the right of way rather than exacting it.

Brian suggested the developer on the north side may want to buy it in order to develop the property, which in some cases a sewer easement is required and right of way would require purchasing.

MOTION: Len Goodwin made a motion, as proposed by staff, to approve the applicant's application. Lillian Rees seconded the motion which passed with a vote of 5-0.

V. OTHER

A. Administrative Decisions

The Verizon tower matter has been postponed indefinitely. Brian said the City owns the land that Verizon wanted to place a cell tower on. He said the City is officially going to withdraw the application at this time because negotiations are at a standstill.

B. Quarterly Report for 4th Quarter 2006

Brian presented the quarterly report to the Commission. Brian said the March Planning Commission will have a full agenda, which will include an agreement with ODOT and Hayden Homes Phases I and II. Brian asked the Commission if all would be in attendance. Everyone responded yes.

In response to a question from Len, how many building permits were issued in 2005, Ric said 126 and felt with Hayden Homes beginning Phase I of their development, issued building permits should be fairly consistent with previous years.

In response to a question from James Eagle Eye about the lot partition on Hunter Rd. (Yamazaki), Brian said the matter was approved but does not know, in terms of construction, what the status is.

VII. ADJOURN

James Eagle Eye adjourned the Planning Commission meeting at 8:16 p.m.

James Eagle Eye, Chairman
Veneta Planning Commission

ATTEST:

Darci Henneman, Assistant City Recorder
(minutes prepared by DHenneman)