

**Minutes of the Joint Work Session of the
Veneta City Council and Planning Commission
June 4, 2007**

Council: Mayor T. J. Brooker, Thomas Cotter, Marion Esty, and Sharon Hobart-Hardin
Planning
Commission: Chairman James Eagle-Eye, Len Goodwin, Lily Rees and Keith Hartley

Absent: Planning Commissioner Jim Bruvold and City Councilor Darrell Carman

Others: Ric Ingham, City Administrator; Margaret Boutell, Community Services Director; Darci Henneman, Assistant City Recorder; Brian Issa, Planner, Phillip Carroll, Arborist, and Jeneca Jones, West Lane News

Mayor Brooker and James Eagle-Eye called the Joint Work Session of the City Council and Planning Commission meeting to order at 5:38 p.m.

1. TREE CODE AMENDMENT PRESENTATION

Phillip Carroll gave a brief description of native plants, trees and soils within the city limits. He said the first things to think of when planting street trees is making sure they don't grow into power lines; sidewalk set backs are adequate to provide enough room for trees to grow, and options for mitigating impervious surfaces.

Phillip said when a large tract of land is developed the existing trees or canopy should be determined prior to development so a percentage of the trees/canopy would remain. There are several levels to follow for tree preservation. Once all possibilities for saving existing trees/canopy are exhausted and the criteria cannot be met, mitigation would begin.

Sharon Hobart-Hardin thanked Phillip for his report and thought a tree board would be helpful.

Discussion:

James Eagle Eye said lot size determines how many trees should be required and asked if it's possible to save trees on smaller lots.

Thomas Cotter suggested on smaller lots, the canopy could consist of smaller shrubbery.

Phillip said from an urban forestry perspective, the goal is to plant large trees for more canopy and shade. Many ordinances require street trees when residential lots cannot be assured to have larger trees.

In response to a question from Sharon Hobart-Hardin, Margaret said the City doesn't have street tree requirements because Public Works funds are not available to maintain street trees.

Phillip said to create a street tree program, young trees are planted in the right place and maintenance decreases as the trees mature. He said the City needs to recognize what trees

are more problematic and choose to not plant those.

In response to a question from Mayor Brooker, Phillip said tree mitigation requires that if trees can't be preserved, an administrative process on how to go forward with mitigation would begin. There are several different ways to approach mitigation and calculate what mitigation is required.

In response to a question from Len Goodwin if a 250 year old oak was healthy but was removed, how would the City mitigate the replacement value of an irreplaceable tree. Brian said mitigation must be an adequate substitute but the existing code is ambiguous and does not provide a clear answer.

Thomas Cotter said the cost of mitigation and how the City enforces it should be addressed. He said enforcement will be a major issue when it comes to mitigation, especially in commercial building. He suggested requiring a developer to plant trees at another location to compensate for the removal of trees at a development that would require clear cutting a lot.

Mayor Brooker said a developer should be required to complete mitigation. He said when the lots are sold and developed, the survival of the trees is no longer his responsibility. Who would take the responsibility for the survival of the trees. He suggested requiring repayment for the cost of re-planting or create a way to hold the developer completely responsible for the survival of trees he planted – possibly using a monetary incentive. He said street trees are not urban forest trees. He said a street tree program is different than trying to save the urban forest.

In response to a question from Len Goodwin, Phillip said he didn't know of a city requiring a long term bond from a developer for tree preservation. Len Goodwin suggested the City require a developer to provide a 10 to 15 year bond for tree preservation. Mayor Brooker agreed.

In response to a question from James Eagle Eye, Mayor Brooker said when a developer develops a tract of land, they tend to tap the earth away to level the property and change the elevation of the tract. Unfortunately during construction, the trees aren't fenced and the drip lines are encroached upon and the trees don't make it past construction.

In response to a question from Len Goodwin, Phillip said several cities had no provision for heritage trees because it's usually driven by a tree board or volunteer committee and not by the City to evaluate heritage trees and apply restrictions. It's separate from City Code.

Margaret said one more stakeholder meeting is planned. Opinions and information from an arborist and landscapers will be sought to come up with a solution. One more open house will be held to discuss the Councilors and Commissioners ideas which will be put into report form and a draft of the Code will also be presented.

Mayor Brooker said he would like to see and comment on a draft of the Code 10 days or so prior to the public hearing. He suggested posting the draft on the City's website if a work session is required.

Margaret said it will be a month or two to get the stakeholder meeting planned. A draft of the Code would be provided in three or four months.

In response to a question from Thomas Cotter, Margaret said the tree permit and land use application should be done congruently because site planning needs to accommodate existing trees.

Brian said the minutes from the stakeholder meeting will be posted on the website.

2. HILLSIDE DEVELOPMENT STANDARDS

Based on direction from the Councilors and Commissioners, staff has been working on new standards for developments in steep slope areas. Other cities have adopted some kind of standards for development in steep areas, which range from nonrestrictive information requirements to severe limitations on where, how and if hillside development may even occur.

Brian said currently the City does not regulate the grade of a driveway as too steep to build but the Fire Department will not access a driveway over 15% grade. In Brian's power point presentation he showed several examples of builders padding the lots by building up the lot with fill and pouring a flat foundation. He said the City should be encouraging custom foundations, which require engineering, where the house fits the slope. He said any lot is buildable with the proper engineering. Some developers are leaving it up to the homeowners to re-vegetate their lots to stabilize the soil. Some homeowners terraced their yards, which requires vertical and horizontal specifications. Retaining walls are put up to hold back soil and some are situated in the right-of-way, and in order to access the utility box, the wall will need to be torn down.

Brian referred to the draft of Cottage Grove's Hillside requirements and melded some of their requirements with Veneta's to create a draft Hillside Development Code.

In response to a question from James Eagle Eye, Margaret said the developer will pay for the geo-technical report to be done and before the certificate of occupancy is issued, the geo-technical engineer would sign off after he has reviewed the report.

In response to a question from Sharon Hobart-Hardin, Margaret said the developer would pay for his own geo-technical report and the City's geo-technical engineer to review the developer's geo technical report.

Len Goodwin suggested design standards should accommodate the existing topography of a lot to some extent.

Mayor Brooker said the area above a development could become unsafe or unstable after development and construction occurred. He said requiring a geo technical report prior to development to determine the stability of the area after development/construction should be included in the code.

Brian said the draft included utilizing custom foundations and custom homes rather than tailoring the site to fit the home. Len Goodwin and Mayor Brooker agreed there should be some kind of standard in the code to address this issue.

In response to a question from Thomas Cotter, Brian said he will talk to Heather Hill whether fire breaks would be required in the new code.

In response to a question from Sharon Hobart-Hardin, Brian said detention ponds are permitted because City codes requires residents to retain their storm water for a 10 year storm. Sharon Hobart-Hardin felt in this instance, just discouraging detention ponds is not strong enough language. James Eagle Eye felt the language makes it hard to enforce. Margaret said in lieu of detention ponds, cascading waterfalls and swales are favored by the developers because they use less land. She said ponds could be prohibited in hillside development. But Brian said some detention is required for hillside development.

Len Goodwin suggested in steep slope areas detention ponds are prohibited or are not acceptable. He said detention ponds should not be allowed except where other methods are not suitable for the conditions. The engineer would have to give his approval for a detention pond and other methods would have to be explored and determined to be non suitable.

Thomas Cotter suggested requiring a variance for the detention ponds.

Len Goodwin agreed that the Planning Commission would have the option of allowing/disallowing detention ponds based on the submission of a variance.

Brian recommended leaving the decision up to the engineers because only they can determine if other options have been explored. Rather than say "discourage", the language could read "detention ponds, when all other options have been exhausted, or are not practical".

In response to a question from Len Goodwin, Brian said the language "across the site in any direction" would eliminate a developer taking the stance that the slope from a different angle would allow a detention pond. Brian said if there is any cross section of a lot at a slope of more than 15%, a detention pond would not be allowed. Len Goodwin said a lower portion of a subdivision may be level and the developer could develop it now and deal with the sloped property at a later time. He felt a broader perspective approach should be taken to address the entire subdivision and not just lot by lot.

In response to a question from Thomas Cotter, Brian said he will look at Cottage Grove's code to see if there's any specific enforcement on the hillside development.

In response to a question from James Eagle Eye, Brian said the Bolton Hill water tank is at the highest point, once the water is supplied to the tank, there shouldn't be a water problem.

3. E. VENETA DEVELOPMENT

Because the Councilors and Commissioners ran out of time, this agenda item was postponed until the next work session of July 9, 2007.

5. OTHER

In response to a question from Margaret if Councilors and Commissioners would be available for a July 9, 2007 work session, Keith Hartley would not be available, James

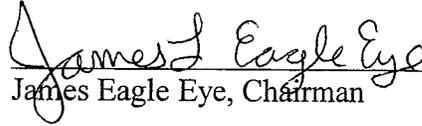
Eagle Eye, Len Goodwin and Lily Rees would be available. James Eagle Eye suggested providing the Commissioners with information prior to the meeting.

6. ADJOURN

Mayor Brooker and Chairman James Eagle Eye adjourned the Joint Work Session of the City Council and the Planning Commission at 7:20 p.m.



T. J. Brooker, Mayor



James Eagle Eye, Chairman

ATTEST:



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