

Minutes of the Veneta City Council Special Meeting

March 7, 2016

Present: Sandra Larson, Tim Brooker, Thomas Cotter (arrived at 6:33) Victoria Hedenstrom and Thomas Laing

Others: Ric Ingham, City Administrator; Kay Bork, Community Development Director, Lisa Garbett, Associate Planner; Darci Henneman, City Recorder; Carrie Connelly, Legal Counsel; Lane Branch, City Engineer; Bill Kloos, Applicant's Legal Counsel; Clinton Beecroft, Applicant's Engineer; Herb Vloedman; and Joan Mariner, Fern Ridge Review

1. CALL TO ORDER THE VENETA CITY COUNCIL

Mayor Larson called the Veneta City Council to order at 6:31 p.m.

2. PUBLIC HEARING FOR APPEAL:

SPROAT RANCH ESTATES PRELIMINARY PARTITION FILE (APP-1-16)

Review of Hearing Procedures

- Mayor Larson reviewed the hearing procedures.
- Mayor Larson opened the Public Hearing at 6:32 p.m.
- Members declaration of potential conflicts of interest; disclosure of "ex-parte" contact
None
- Staff report
Garbett said on February 10, 2016 the applicant appealed the Planning Commission's February 2, 2016 decision to deny the application for a two lot partition, located on Jeans Rd., west of Jessie James Lane and east of Forest Meadows Lane, which are both private streets. The denial order included findings that the proposed street lacked connectivity and the Speed Study failed to account for any existing uncontrolled accesses. She said widening the northern shoulder of Jeans Rd. with an additional six ft. of asphalt meets full urban standards and the applicant is required to execute an irrevocable petition (IP) for future improvements on lots 1 and 2. The appeal notice was mailed, posted at City Hall and published in the Eugene Register Guard on February 26, 2016.

On November 4, 2015 the applicant signed a request for a waiver (not to exceed 245 days) to the 120-day processing and decision rule. The application was deemed complete on July 8, 2015. Therefore, the deadline for a decision by the City Council is March 9, 2016. The Council received copies of two public comments that were received after packets were delivered. Both comments were concerned about traffic speed at the curve on Jeans Rd. and the effect of the proposed wells on the water supply. Staff understands the concerns, however, they are mitigated with the conditions of approval. Staff recommended approval with conditions, which Garbett outlined.

In response to a question from Victoria Hedenstrom, Garbett said one condition of approval is to require the applicant to sign an Irrevocable Development Petition (IDP).

Ms. Connelly said entering in to an IDP does not allow property owners remonstrate against a local improvement district (LID), if the City were to perform one. She said reasons for the City extending water and sewer services to that area would be if the wells are failing. She said as a condition of approval and prior to installation, all wells and septic systems are required to follow the Lane County permitting process which must be provided to the City. She's unaware of any water levels being tested in that area.

In response to a question from Tim Brooker, Lane Branch said the two lots are about 200 ft. from the

nearest City water main and the sewer line is even farther. He said it would be a decent amount of structure to service those two residences.

In response to a question from Victoria Hedenstrom, Ms. Connelly said the Lane County permitting process and standards for drilling wells have to be met and the City has to trust that adjacent wells will not be affected by the two proposed wells.

- Testimony from the applicant

Bill Kloos, Attorney at Law, 375 W 4th St., Ste. 204, Eugene, OR

Mr. Kloos said his client is thrilled with the staff report and supports all of the conditions of approval. He said Phil Velie handled the process with the City but he couldn't make it tonight. However, the civil and traffic engineers are in attendance. He said the civil engineer has a working knowledge of water in that area.

Clinton L. Beecroft, PE, EGR & Associates, Inc. 2535 B Prairie Rd., Eugene, OR

Mr. Beecroft said the subdivision application before Lane County requires the applicant to submit information demonstrating that wells are feasible in that area. He said their geologist conducted previous studies, for other projects in that area, and based on those studies and area well logs, he's determined that water quantity will not be an issue nor should it effect existing wells.

In response to a question from Tim Brooker, Mr. Beecroft said he's not aware of how deep the wells are in that area.

- Testimony in support of the application

None

- Testimony opposed to the application

None

- Testimony neither in support of nor opposed to the application

Herb Vloedman, 25515 Luther Ln., Veneta, OR

Mr. Vloedman said this is an occasion where we can move forward and learn how to correspond with new activities. There are other circumstances that may not be identical to this situation but have the same challenges in one way or another. He said after reviewing the applicant's materials and the staff report, everyone has done everything they can do to work with the land, the roads, and City water. He said everyone has taken all those steps and they're trying to do the right thing, which is to build residential housing on land designated for that. He said other developers will read what Veneta is doing and hopefully be interested in working with the City. He said it is the responsibility of new property owners that their wells do not negatively impact existing or older wells. If they do, there are remedies to follow. He said he lives not too far from this area and he doesn't see that happening.

In response to a question from Victoria Hedenstrom, Mr. Vloedman said wells don't last forever. He said maybe things change but there are many reasons to re-drill a well.

- Summation by staff

None

- Rebuttal from the applicant

None

- Mayor Larson closes Public Hearing at 6:58 p.m.

- Council decision; possible questions to staff or public

In response to questions from Thomas Cotter, Lane Branch said it's his understanding that the visual

clearance triangle area at the intersection of Jeans Rd. cannot have any structures, objects, or plantings that would block the view of road. He said in the future, if a hedge is planted it would be need to be removed if it interfered with the view. The vision clearance requirements would be illustrated on the partition plat. He said if in the future, the City decides to create an LID for that area, the wells would be capped and the septic systems would be pulled or abandoned. He said once a residence is hooked to a public system, Lane County has its own permitting process to abandon or decommission a septic system.

In response to a question from Thomas Laing, Mr. Branch said there is sufficient City right-of-way to extend the asphalt shoulder by six ft. He said City standards would require curb, gutter and sidewalk, however since there are no curb, gutter and sidewalk extending to the property, he didn't see the need to go that far but he did see the benefit of having a paved shoulder for pedestrians and bicycles to have an area to stay out of the travel lane. He said he believes the trees are back far enough from the right-of-way and he doesn't expect they will have to be removed for the paving project.

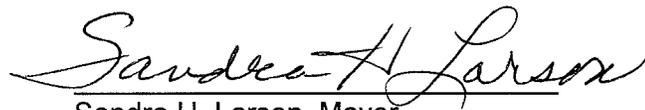
- Motion to approve, approve with conditions, or deny the application based on the information contained in the staff report, oral and written testimony, and all other evidence submitted into the record

MOTION: Thomas Cotter made a motion to approve the appeal and adopt the Tentative Partition Plan with specified conditions of approval based on the findings in the Proposed Final Order of Conditional Approval. Tim Brooker seconded the motion which passed with a vote of 5-0.

Mayor Larson said for the record, she appreciated the work of the Planning Commission. She said it's never pleasant to overrule a decision by a body that we've appointed to do a very important job for our City but in this instance, she felt it's justified.

ADJOURN

Mayor Larson adjourned the Veneta City Council at 7:04 p.m.


Sandra H. Larson, Mayor

ATTEST:


Darci Henneman, City Recorder
(Minutes prepared by DHenneman)