

Council Business Meeting

December 1, 2020

Agenda Item	Approval of a Sewer Service Connection within the Urban Growth Boundary at 1104 Paradise Lane	
From	Scott Fleury PE	Public Works Director
Contact	Scott.fleury@ashland.or.us (541) 552-2412	

SUMMARY

The Council is asked to approve a sewer service connection for the property located at 1104 Paradise Lane. The property is outside city limits and within the Urban Growth Boundary (UGB). There is a failing septic system on the premise and per OAR 340 Division 71, the Department of Environmental Quality (DEQ) will not issue a permit for a repair or new system if the property is within 300 feet of a sewer mainline and service can be provide by the local municipality. The owners of the property are formally requesting approval of a new service connection.

Ashland Municipal Code (AMC) Section 14.08.030 lists the conditions and requirements for sewer service connections of properties located outside the City limits but within the UGB. The current request for connection currently meets or will meet all conditions of the code for connection to the City sewer system.

POLICIES, PLANS & GOALS SUPPORTED

City Council Goals:

Essential Services

- Wastewater

Continue to leverage resources to develop and/or enhance Value Services

Department Goals:

- Maintain existing infrastructure to meet regulatory requirements and minimize life-cycle costs
- Deliver timely life cycle capital improvement projects
- Maintain and improve infrastructure that enhances the economic vitality of the community
- Evaluate all city infrastructure regarding planning management and financial resources

PREVIOUS COUNCIL ACTION

The Council has previously authorized numerous sewer service connections for residences inside the Urban Growth Boundary.

BACKGROUND AND ADDITIONAL INFORMATION

Property Use:

The property is currently zoned RR-5 within the county, is .34 of an acre and currently supports a 2,752 square foot home.

Current System Description:

The current septic system that supports the residence at 1104 Paradise Lane is no longer functioning properly. Per the OAR requirements, DEQ has requested the property be connected to the City system since an existing public sewer system is within 300 feet of the property. They will not issue a permit for repair of the existing system if an option to connect to the public system exists.

Impact to the City System:

The future connection of the property will have minimal impact on the City's sewage system. The home contains minimal fixtures. The sewer main in this section of Paradise Lane is an 8-inch PVC main and can handle the additional flow from one residential until without negative impact. The system development charges (SDC) for a residential property is determined by the total square footage of the habitable structure. The home is 2,752 square feet generating a SDC fee of \$5,720.58.

Adherence to Ashland Municipal Code 14.08.030

14.08.030 Connection - Outside City, Inside Urban Growth Boundary

An occupied dwelling or building located outside the City of Ashland and inside the urban growth boundary may be connected to the sewer system when such connection is determined by the Ashland City Council to be in the best interest of the City of Ashland and to not be detrimental to the City's sewerage facilities. Such connection shall be made only upon the following conditions:

- A. The applicant for sewer service pays the sewer connection fee and the systems development charges established by the City Council. **SDC fee to be paid upon approval.**
- B. The applicant pays the full cost of extending the City of Ashland sewer main or line to the property for which sewer service is being requested. **Not required.**
- C. The applicant secures, in writing, statements from the appropriate regulatory authority that the existing sewage system has failed and that the provision of sewer by the City of Ashland does not conflict with the state and local laws, rules and regulations. **Reference attachment 2.**
- D. The applicant furnishes to the City a consent to the annexation of the land, signed by the owners of record and notarized so that it may be recorded by the City and binding on future owners of the land. **To be recorded upon approval.**
- E. The applicant provides payment to the City, at the time of annexation, an amount equal to the current assessment for liabilities and indebtedness previously contracted by a public service district, such as Jackson County Fire District No. 5, multiplied by the number of years remaining on such indebtedness, so that the land may be withdrawn from such public service districts in accord with ORS 222.520 and at no present or future expense to the City. **To be paid if required.**
- F. The owner executes a deed restriction preventing the partitioning or subdivision of the land prior to annexation to the City. **To be recorded upon approval.**
- G. The land is within the Urban Growth Boundary. **Condition met.**
- H. In the event of connecting a replacement dwelling or building to the sewer system, the connection does not increase use of the sewer system as determined by the Director of Public Works.

This application can and/or does meet all of the above listed criteria. The owner has been provided signed original copies of the consent to annexations and the deed restriction and is prepared to record those documents if the Council approves this request.

FISCAL IMPACTS

Property owners with properties located outside the city limits, who connect to the City sewer system, are required to pay SDC fees. In this instance the property is residential and is assessed by total square footage of habitable space (\$2.0787/square-foot). The current house is a 2,752 square-foot two story residence which equates to \$5,720.58 in sewer SDC fees. In addition, if approved the property owner will pay an established monthly service fee for the sewer connection that is twice that of a residence inside city limits.

STAFF RECOMMENDATION

Staff recommends approval of the sewer service connection for 104 Paradise Lane to the City sewer system. The application has met or will meet all requirements set forth in AMC 14.08.030; there is adequate capacity in the sewer system; and there is a financial benefit to the City for the connection.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to approve the request to connect the property at 1104 Paradise Lane to the City sewer system.

REFERENCES & ATTACHMENTS

Attachment 1: Property Owner Letter

Attachment 2: Communication from DEQ

Tanya Simmons
Abboud 1431 N Tonti
Street
New Orleans, LA
70119 (504) 710-
2622
loveisthemeans@yahoo.com

October 30,

2020 Mr. Scott

Fleury
Ashland Public Works
Department 51 Winburn Way
Ashland, Oregon 97520
Via Email: scott.fleury@ashland.or.us

RE: Permanent Connection to City Sewer Service 1104 Paradise Ln., Ashland

Dear Scott:

My real estate agent Dan Maymar has contacted you previously regarding this matter. I would like to formally request permanent connection to the City of Ashland Sewer Service for 1104 Paradise Drive, Ashland, Oregon. I am in escrow on this property and will be closing the purchase on November 16, 2020.

The reason for this request is that the septic drainfield for this property has failed per the attached photograph. The previous owners prior to the present owner, Alex Williams, requested a repair permit from the Oregon DEQ in 2015 for this property but the permit was denied due to the inability of locating enough drainfield area that was 100 feet from the well, per the attached documents. Rather than following through on finding a legal septic repair solution or getting permanently attached to the City's sewer system, those 2015 sellers decided to replace the failing septic tank with a smaller 1000 gallon tank and use the existing drainfield that previously failed. As the future owner of this parcel, I am requesting connection to the Ashland City Sewer.

I am submitting this request prior to my taking possession in order to expedite this process of getting approval to be connected. I would like to be able to have this request submitted to the City Council for approval at the earliest possible time. I will consent to annexation and also will provide will not subdivide this property per applicable zoning ordinances. I understand that I will need to pay System Development Fees, and county permit fees as required. I understand that Paradise Lane will be chip sealed next spring and that the City will be taking possession of Paradise Lane thereafter. I would like to get this underground construction completed prior to the chip sealing.

Please contact me or my realtor, Dan Maymar (541) 292-0211 if you have any questions.

Regards,

Tanya Simmons Abboud

Tanya Simmons Abboud



Oregon

Kate Brown, Governor

Department of Environmental Quality
Western Region Medford Office
221 Stewart Avenue, Suite 201
Medford, OR 97501
(541) 776-6010
FAX (541) 776-6262
TTY 711

November 4, 2015

Sharon Miranda
488 Crowson Road
Ashland, OR 97520

RE: Application for Repair Permit **Denied**
Application # 418048
TWN. 39S; R. 1E; SEC. 15; TL# 6000

Dear Ms. Miranda,

You recently applied for a permit to perform a major repair of the onsite sewage (septic) system located on your property at 1104 Paradise Lane, Ashland, OR 97520. Your application for repair permit is denied, based on the following:

1. Insufficient area exists on the property to meet the required setbacks from your well, property lines, and the intermittent stream adjacent to your property.
2. A test pit for evaluation of the soil was not provided.

You have the right to apply for a permit denial review in accordance with Oregon Administrative Rule 340-071-0165. The application for a permit denial review must be submitted within 60 days from the date of this letter and be accompanied by the denial review fee. Or, you can apply for a variance to the on-site rules. A variance application must be completed in full and accompanied by all of the required exhibits and fee.

Please contact me at (541) 776-6130 or by email frischkorn.curt@deq.state.or.us if you have any questions concerning this letter, or if you wish to apply for a permit denial review or variance.

Sincerely,

Curt Frischkorn
Regional Onsite Wasterwater Specialist
Oregon Department of Environmental Quality
221 Stewart Ave, Suite 201
Medford, OR 97501