



Marion County

OREGON

PLANNING COMMISSION MINUTES

PLANNING COMMISSION

George Grabenhorst - Chair
(vacant) - Vice Chair
Stanley Birch
Glenn Holum
Mike Long
Carla Mikkelson
Gary Monders
Dennis Person
(vacant)

DATE: **October 15, 2013**
TIME: **6:30 p.m.**
PLACE: **Marion County Board of Commissioners Hearing Room**

Present: Stanley Birch, George Grabenhorst, Dennis Person, Carla Mikkelson and Gary Monders

Absent: Mike Long and Glenn Holum

Chair Grabenhorst called the meeting to order.

1. Public hearing to receive testimony on SUB 10-002 for detailed approval to subdivide an 11.8 acre parcel into five lots and a variance to Marion County Code 17.110.800 to allow more than four parcels to be served by a private access easement in an AR (Acreage Residential) zone located at 16745 South Abiqua Road NE, Silverton.

Joe Fennimore, Principal Planner, read a summary of the original decision and the current staff report. He outlined the issues from the last meeting and explained the County Sanitarian must sign the official plat and will only sign if all septic issues have been resolved. With regard to the easement issue, he explained the proposed document has been reviewed and approved by County Legal Counsel. Mr. Fennimore continued that two letters were received prior to this public hearing and those have already been passed along to the PC. He added Lots 4 and 5 have a high water table. Mr. Person asked about the swale in the area and Ms. Mikkelson asked who will sign as the Planning Director, with the recent retirement of Bill Worcester. Mr. Fennimore replied the applicant can address swale issues and Warren Jackson, County Building Official, has been appointed as interim Planning Director.

Mike Weaver, testifying on behalf of the applicant, stated he feels they have met or addressed all of the issues with Lots 4 and 5 by using an easement to Lot 1. The easement will be created for utilities. Chair Grabenhorst asked how far will the sewage be pumped and Mr. Weaver replied about 400-580 feet. Mr. Person asked about taking out any trees and Mr. Weaver replied they did not plan to as the leachfields will be around the trees. After being asked about destabilizing, Mr. Weaver replied keeping the trees will help reduce erosion and the County Sanitarian has approved the layout.

Steve Wareham testified he has questions about the easement, is concerned with widening the road and access to utilities if the road is paved over, who pays for the road, and pay the increased taxes? He asked what happens if the sewage pump fails and should there be a diversion ditch? He stated there is a lot of water in the area and how will that be handled? Could he subdivide since that property is already getting a variance for more than four houses on a road? How will more wells affect them? Chair Grabenhorst asked about comments in the letter Mr. Wareham had previously submitted regarding other lots that had to be tiled and how many gallons per minute his well produces? Mr. Wareham replied it is about 80 gpm and he believes most property owners in the area have adequate water. Mr. Monders suggested he talk to the County Assessor's Office regarding any tax implications. The group briefly discussed how the tax issue might affect Mr. Wareham and if that burden could be placed on the applicant. Mr. Person asked if Mr. Wareham could get a variance to the four lot regulation if he chose to subdivide in the future and Mr. Fennimore replied, yes.

Caroline Myers, 6688 Wareham, testified she bought her property in 2006 and is not opposed to the development but concerned with septic, drainage and easement issues. She also asked about the sign that went up after the first public hearing in 2011 without a final approval? She called the realtor who said final approval was done. She is concerned with their small neighborhood being affected by all these changes. She granted an easement for a drainage pipe on an adjacent property to drain water and doesn't feel these issues for this development have been adequately addressed as is evident by Lots 4 and 5 not being able to get septic approval due to the high water table. Ms. Myers added lots of trees were removed from the original lot and is concerned with more trees being cut down in the future. The developer has not discussed anything with the neighbors even though he said he wanted to be a part of the neighborhood at the hearing in 2011. Ms. Myers asked about the comment from the Sanitarian requiring a major report to an existing house and indicated the drainage areas in the area are due to it being flat and there is a lot of standing water in the winter. Mr. Fennimore replied the developer has to address drainage so the development does not produce more runoff and the repair required was to an existing system that serves the existing house. He added storm drains will be inspected, as well. The PC briefly discussed.

Steve Wareham added to his previous testimony that there are drainage issues on each side of the road but when there is too much water it overflows over the road and he is concerned that he will have even more water now to deal with.

Mike Weaver, as his rebuttal, testified all of the identified issues will be worked out once he receives the final approval. He clarified that he can't propose too much as he doesn't have the final ok with regard to water drainage, easements, etc. but will be worked out when the engineering is done, which won't be until the final approval is given to proceed. He added some trees were removed for safety reasons but not due to septic issues.

Mr. Monders asked if that was correct and Mr. Fennimore explained the developer cannot file papers for the easement for a lot that has not been created and the lots are not created until final approval is given. He added if the developer is given final approval but cannot work out these issues he can come back and apply for a three lot partition. Mr. Person asked about flooding levels in 1996 but Mr. Wareham did not know.

A motion was then made to close the public hearing. The motion was made and seconded and passed, 5-0. The PC then discussed what was left to decide and determined it was detailed approval. Chair Grabenhorst asked about condition #6 and Mr. Fennimore replied that was between the developer and

those affected and he did not know how much, if any, taxes would increase. He added the developer will do two agreements with all of the owners of the lots and just one for the stub lane. Chair Grabenhorst expressed concern about the septic not being resolved. The PC then discussed septic pump issues and Ms. Mikkelson mentioned at the last public hearing the PC felt if the County Sanitarian approved the septic then it should be ok, but she is still not sure septic issues can be resolved, but she doesn't have the expertise and must trust the County Sanitarian. Mr. Birch stated the leachfields could take up a lot of the space and may impact the value of the lots and that would be a concern for future owners.

Chair Grabenhorst stated he would like two more conditions – any taxes created by the development and the drainfield issue with Lot 1 and maintaining the safety of the drainfields. He asked about a declaratory statement being attached to Lot 1 to advise future owners about this drainfield issue. For part of the maintenance easement, or as part of condition #6, he would like to see any tax increase paid by the developer. Mr. Fennimore replied the PC probably could not specify tax issues but will check with the Assessor's Office and also check with the County Sanitarian about the possible easement condition. Mr. Person added whoever buys Lot 1 needs to know this limitation. The PC discussed this issue briefly.

Chair Grabenhorst directed staff to obtain information about possibly adding a declaratory statement to address the drainfield issue, how to mitigate the easement and the burden of additional taxes. A motion was made and seconded and passed unanimously to continue deliberations to October 22, 2013.

2. Adjournment.

There being no further business, the Chair adjourned the meeting.