



Marion County

OREGON

PLANNING COMMISSION MINUTES

PLANNING COMMISSION

George Grabenhorst - Chair
Mike Fischer - Vice Chair
Paulette Alexandria
Stanley Birch
Glenn Holum
Mike Long
Carla Mikkelsen
Gary Monders
Michael Shrock

DATE: October 4, 2011
TIME: 6:30 p.m.
PLACE: Marion County Board of Commissioners Hearing Room

Present: Mike Fischer, Gary Monders, Mike Long, Stanley Birch, Carla Mikkelsen, Glen Holum and Paulette Alexandria

Absent: George Grabenhorst and Mike Schrock

Vice-Chair Mike Fischer called the meeting to order.

1. Public Hearing:

SUB10-002. Request for conceptual and detail approval to subdivide 11.8 acres into 5 lots and a variance to Marion County Zone Code 17.110.800 to allow more than four parcels to be served by a private access easement. Property is zoned AR (Acreage Residential) and located at 16745 South Abiqua Road NE, Silverton.

Principal Planner Joe Fennimore summarized the staff report into the record. Ms. Mikkelsen asked how close is the nearest urban growth boundary and Mr. Fennimore replied 4-5 miles. There were no further questions from the PC.

Michael Weaver, applicant, testified he had no additional comments and that the staff report adequately summarized the request. He added the development will include CCRs prohibiting mobile homes and will include a minimum 2000 square foot house size. Mr. Weaver concluded by stating he wants to develop an upscale subdivision.

Rock Sanders, 6675 Indian Bluff Way NE, testified he objects to the subdivision and feels three lots might be ok but five is too many. He expressed concern with one lot being across the creek and one is swampland. He also feels the 1976 access easement is too onerous, the intersection with South Abiqua is poor, concerned about issues with back taxes and possible increased taxes, pumping effluent uphill, all the septic systems possibly being located on one lot, CCRs being difficult to enforce, and adding five more lots accessing near the corner intersection. He feels the applicant should use the 850 feet of frontage to create a better access. Mr. Sanders concluded his testimony indicating he wants fewer lots that meet the limits of the land. There were no questions by the PC.

Steve Wareham, 6687 Wareham Lane, testified the number of lots indicated in the staff report is not correct and he is concerned with adding more lots which would almost double traffic. He continued that visibility is of concern and he has had close calls as the traffic is fast coming around the corner

and the school buss stops in the area. He would like to change the original access easement that was granted 35 years ago. While the current maintenance agreement works and everyone pays he doesn't want to have more people involved and is also concerned with having to pay more taxes. Mr. Wareham concluded his testimony indicated he doesn't want the variance approved and submitted photos into the record. Mr. Monders asked who can give the ok to use the private lane? Mr. Wareham indicated he didn't know and no one had asked him about it prior to the hearing. The group briefly discussed if the access easement is a separate tax lot. Mr. Fischer indicated the owner can generally grant access to whomever and Mr. Fennimore clarified the difference between a separate tax lot and getting separate tax statements. There were no further questions by the PC.

Cheryl Wareham, 6687 Wareham Lane, testified she also shares concerns her husband expressed in his testimony regarding traffic, children in the area, the 55 mph speed limit, and adding more wells could jeopardize existing wells. There were no questions by the PC.

Caroline Meyer, 6688 Wareham Lane, testified she agreed with the previous speakers. She and her husband moved to the area in 2006. She isn't opposed to development but this request doesn't make sense. She would be ok with 1 or 2 more homes in the area but not 4 as that would impact livability. She referenced a letter from LDEP outlining the request resulting in 40 daily trips and that would be a huge impact. Ms. Meyer indicated they have no water issues now but is concerned with the impact of 4 new homes even though the recent addition of 2 homes in the area did not result in any impact on their water level. Ms. Meyer concluded her testimony indicating she is concerned that the applicant lives in Hawaii and not in the area being developed.

Julie Morrison, 6678 Wareham Lane, testified she and her husband moved to the area also in 2006 with 6 children. She is concerned with the easement grantor having to give access and develop the property to maintain it and create 5 new lots. She concluded her testimony indicating she is also concerned with drainage, children in the area and the traffic and her handicapped child, and that the lane could end up to be a traffic turn-around. There were no questions by the PC.

John Rasmussen, LDEP engineer for Public Works, testified his office conducted a traffic and vision clearance measurement and there is 500 feet in both directions and the general criteria is around 550 feet, but with the curve the perception is cars will slow. Public Works did not feel there was inadequate site distance. The PC briefly discussed configuration of the intersection angle and improvements to the roads that would be required including paving, drainage, and how those are inspected.

Mike Weaver, applicant rebuttal, testified that he won't build on the lot area in the floodplain and will live on lot 5, extend the paving onto Silver Oaks Lane, and will address water runoff as required by the county. He continued that he has been working on the water drainage issues. Mr. Monders asked about the septic and Mr. Weaver replied the county sanitarian had concerns and her recommendation was to put all of the septic systems on the southwest corner on the highest ground and that won't impact the lower lying areas. He continued that lot 2 already has septic approval as it is on higher ground. Mr. Monders asked if anyone considered alternatives and Mr. Weaver replied they are looking into a new type of coffin septic system. He has hired a consultant to work on that issue so, if possible, the septic systems could be on the individual lots and not all on one. Mr. Weaver continued that the existing house also has a new septic system and well getting 24 gpm at 120 feet and has been remodeled. He is trying to put in a nice development. His brother is the person that lives in Hawaii and his address was used on the application. The group discussed location of the mail boxes once the road is paved. Mr. Weaver added he will have to submit a

drainage plan to the county for approval. Mr. Long asked if the lot 2 septic easement will be used for lot 1 and Mr. Weaver replied no, the septic is behind the house and the well is on the opposite side towards the front corner. He reiterated the intent is to put a septic on each lot but the county sanitarian recommended the current plan until, and if, an alternative is found. There were no further questions for the applicant.

Mr. Fischer asked staff about the easement and Mr. Fennimore summarized the wording from the document, which did not include conditions. A member of the PC asked about bringing in utilities and how that would be handled and Mr. Fennimore replied that would be a legal issue the applicant would need to resolve. The group then briefly discussed the road maintenance agreement required by the county and whether a new agreement would be needed for the new paved road.

There being no further discussion, a motion was made and seconded to close the public hearing. The motion passed unanimously, 7-0.

Mr. Monders indicated he is having difficulty making a decision on something subject to so much possible change. He added the septic consultant hired by the applicant is very good. Mr. Fischer asked if the septic system design becomes a problem will the applicant need to submit a new plan and receive PC approval? Mr. Fennimore replied it will depend on the degree of change. Mr. Long stated he does not support having all of the septic systems on the same lot and should be on individual lots. The PC discussed whether the purchaser of this lot would be aware of the situation, whether a declaratory could be required for that purpose (no), and whether the PC has the authority to limit regulations governed by DEQ. Mr. Fischer stated the county sanitarian is very tough and thorough and will require what is necessary for an adequate septic system layout. The PC then discussed whether the lot with all of the septic drainfields could even be used, what will happen if the applicant cannot obtain septic approval, and the impact to the person living on that lot. Ms. Mikkelsen stated if none of the PC would be interested in living there, as had been expressed, should the PC approve 5 lots? The group discussed possible approval options including granting conceptual approval. Ms. Alexandria asked whether there is a process to ensure the lots are livable with regard to the lots close to the creek being too wet in January? Mr. Fennimore replied regulations generally only come into play if a property is in the floodplain and PC members added it becomes an issue for any purchaser to decide.

There being no further discussion, a motion was made and seconded to grant conceptual approval subject to the conditions of approval in the staff report, the applicant to mitigate any legal issues with the current access easement and utility easements, and obtain septic approval. The motion passed unanimously, 7-0.

2. Adjournment.

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