



# ***Marion County***

## **OREGON**

### **PLANNING COMMISSION MINUTES**

#### **PLANNING COMMISSION**

Carla Mikkelson – Chair  
Dennis Person – Vice Chair  
Stanley Birch  
Chris Enquist  
George Grabenhorst  
Mike Long  
Rick Massey  
Gary Monders  
Britany Randall

**DATE:** October 1, 2019  
**TIME:** 6:30 p.m.  
**PLACE:** Senator Hearing Room, 555 Court St. NE, Salem

Present: Chris Enquist, Rick Massey, Stanley Birch, Dennis Person, and Gary Monders

Absent: George Grabenhorst, Carla Mikkelson, Britany Randall and Mike Long

Vice-Chair Person called the meeting to order.

1. Public hearing on SUB19-001, application of Julie Harris for conceptual and detailed approval to subdivide a 23.82 acre parcel into 10 lots in an AR (Acreage Residential) zone located at 8468 Bronco Drive SE, Salem. (T8S; R2W; Section 23D; tax lot 200).

Joe Fennimore, Planning Director, briefly reviewed the staff report for the Planning Commission. Mr. Massey asked about the stormwater conditions and John Rasmussen, Public Works Engineering, replied there are options including a common system, combined system, etc. and it depends on the ability to move the water. He added this area is not in the stormwater management area for the county.

Gary Monders disclosed for the record that he was hired to take water quality samples from the property about a month ago.

Mike Smith, PO Box 4582, Salem, testified as the applicant that he was born and raised here and has been a builder for over 30 years. He stated this parcel is a nice fit for the neighborhood and the water study and review indicated there is water available.

David Reece, 321 1<sup>st</sup> Ave., Albany, testified as the applicant's representative, that he concurs with the staff report and didn't have any additional comments.

Michelle Duncan, 8388 Rocking Horse Rd., Salem, testified she has a horse-boarding facility on her property that needs water and she is concerned there won't be enough if the subdivision is approved. She also asked if the stormwater runoff will drain through her property.

Steven Wolfe, 7993 Rustique Rd. SE, Salem, testified his property is adjacent and in the SA zone and is concerned with these being small farms and people trespassing onto his property. He would like fencing put up but supports projects like these. Mr. Person

asked about the tree situation and Mr. Wolfe replied many of the old firs have fallen down onto the property line and broken the fence. He would like these removed and a fence put up.

Roy Petzel, 6607 Pinto Ct. SE, Salem, testified the road can't handle more traffic and the intersection is dangerous. He is concerned as water isn't plentiful in the area. He has three wells and two are dry and the last one is bad. He doesn't water his lawn and was without water for awhile this summer. Mr. Person has how many others have that issue and Mr. Petzel replied one to the south, one to the north and one across the road.

Mike Adams, 8676 Rocking Horse Rd. SE, Salem, testified his well pulls 4.4 gallons per minute and has owned the property for two years. He hasn't tried to put in another well and knows others have put in holding tanks in the area. He is also concerned about septic systems and lots of homes all pulling from the same aquifer. Mr. Massey asked about the depth of his well but Mr. Adams replied he didn't know but that it does go dry in the summer.

Phyllis Woellmer, 6648 Pinto Ct. SE, Salem, testified she has lived there for 35 years and is concerned with lack of water as the area has a low water table, there are homes without water, and the new homes with landscaping will make it worse. She doesn't agree with the hydrogeologic report that says the area can support 10 more wells.

Brian White, 1892 Cole Rd. S., Salem, testified he represents the owner and is her realtor. He feels the testimony is speculation, wells can be deepened and the owner can't manage the property anymore. He added the applicant, Mike Smith, sells nice houses and if the only issue is water that should be left to the experts. Denying the request would be a disservice to the owner when it complies with all of the regulations and is the highest and best use of the property.

Tim O'Gara, 650 Charman St, Oregon City, testified he is the hydrogeologist for the applicant. He stated there is plenty of water in the area and it has been stable for 20 years, meets the criteria, and that there are various levels of basalts there. He added the problem with wells that have been mentioned isn't necessarily due to a lack of water but could be the old wells, themselves, lack of screens, need for new pumps, etc. Mr. Birch asked if 10 new wells will cause a problem? Mr. O'Gara replied they shouldn't affect existing wells as wells are located in various depths as is the water. The group briefly discussed the amount of rain mentioned in his report and filtration rates. He stated most of the area is basalt and high velocity. Mr. Person asked if these wells were done in the 70's and 80's and Mr. O'Gara replied that was correct. Mr. Person asked about lack of notation on the subject parcel's well and Mr. O'Gara replied he couldn't find it.

Karen Ramseyer, 6456 Mustang Ct. SE, Salem, testified her property abuts the turn-around and has had her well since 1974 and has problems with it going dry. The problem is with 10 more septic in the area full of boulders. She also mentioned a neighbor recently put in a holding tank and her well had to be drilled down 200 feet.

Sue Nolan, 8568 Bronco Dr. SE, Salem, testified she has no problem with the property owner but is concerned with the lack of water. She has enough water but is concerned.

Paul Van Houten, 6047 Pinto Ct. SE, testified he drilled one well and it went dry and his current well doesn't produce enough water to water his lawn. Their shower time is limited and

only have enough to get by as they have a tank. His neighbor has more water and runs a hose to his property to help. He added in the winter there is plenty of water but it runs out by July. His well is at 35 feet and another well he drilled with no water was closer to 300 feet.

Mic Fred, 8328 Rocking Horse, Salem, testified he has lived there for 10 years and has had to drill a new well. He gets lots of water now, but once he drilled his new well other neighbors had to do the same and he is concerned on what will happen if 10 more wells are added. Mr. Fred stated the report says the water table is stable but that is without 10 more new wells. He is also concerned with traffic and more congestion on the hill that has a curve. He also expressed concern about the hydrogeologist being hired by the applicant. Mr. Birch asked how deep his new well was drilled and Mr. Fred replied 40 more feet down for a total of 240 feet. He hasn't run out at all but he has had many fir trees on his property die and the State of Oregon Forestry told him it was lack of water.

David Reece, for rebuttal, testified the hydrogeologist is a professional and his report was reviewed and approved by another expert who was hired by the county. Both came to the same conclusion. Mr. Reece stated the proposal meets all of the regulations and the property zoning is set for development. Mr. Person asked why didn't anyone go around and talk to neighbors? Mr. Reece replied he didn't know. He added the stormwater will be handled based on county code, the same as the septic systems. There are many regulations set up for both and the county staff will ensure all of these regulations are met. Mr. Massey added stormwater systems today are very effective. John Rasmussen added a brief explanation on county stormwater runoff regulations.

There being no further testimony, a motion was made and seconded to close the public hearing. The motion passed unanimously, 5-0.

The Planning Commission began deliberations after Mr. Fennimore explained the peer review process for hydrogeologic reports. Mr. Monders commented a lot of the wells mentioned are older and the water report reviewed information for the area and that these will be deeper wells. He doesn't see how the request can be denied as it meets all of the zoning regulations and the hydrogeologic report is ok. He added there are avenues the existing property owners can take if they find their well goes down after the new ones are put in. He gave an example of a similar subdivision request where local owners were concerned but nothing happened. He understands the concerns but these wells are older and may have pump problems and wells that go dry during the summer are usually shallow wells. The applicant followed all of the rules and today's technology can deal with a rocky area and septic systems. Mr. Monders concluded that the new wells will be deeper and in different aquifers and that 2 acre parcels don't use that much water. Mr. Birch commented that they don't know if the water table is going down and asked staff. Mr. Fennimore replied he didn't know. Mr. Monders replied it probably isn't in this area based on information from the report. Mr. Person commented he is bothered that no one went out to the area and spoke with property owners and that more research might be needed. Mr. Massey replied that he feels the proposal can't be denied as it meets all of the criteria and the hydrogeologic report was reviewed and passed. Mr. Fennimore explained that is the purpose of the county peer review – to review the applicant's hydrogeologist's report and concur or disapprove. There are no options for the PC to require additional research as the process was set up this way and the review by an independent expert has been done.

There being no further deliberations, a motion was made to grant conceptual and detail approval for SUB19-001, with the conditions of approval outlined in the staff report, 1-11. The motion passed 3-1, with one member abstaining. Mr. Person stated he voted no because of the way the zone code has been written and doesn't allow options past the peer review.

2. Adjournment.

There being no further business, the meeting was adjourned.