

To: Columbia County Planning Commission

Date: November 6, 2023

Re: S 23-01: Correction to Waterline easement/well maintenance agreement Condition

A single correction regarding **timing** needs made to the Staff Report¹: The condition relating to waterline easements and well maintenance agreements on Lots 3-7 (currently Conditions 10(i) and 12(e) in the August 10, 2023 Staff Report) need corrected to become part of Condition 13: County ordinances make clear that Applicant’s obligation to specifically identify and secure a water source for a particular lot **commences when a building permit application is submitted on that lot.** Accordingly, the waterline easement/well maintenance agreement conditions should be part of Condition 13, which imposes the requirements that must be met “**Before a building permit may be issued** for any individual lots resulting from this subdivision.” August 10, 2023 Staff Report, p. 50.

County ordinances require approval of a subdivision plat upon a showing of “adequate potential” for water at the “site” and “[w]ritten proof of available water supply adequate to serve water on each lot.” Columbia County Subdivision and Partitioning Ordinance (“CCSPO”) §§ 511, 1013(D). Under the CCSPO, an Applicant may satisfy this requirement by drilling test wells.

¹ “Staff Report” includes the August 10, 2023 Staff Report and November 3, 2023 Supplemental Staff Report.

Before submitting this application, Applicant drilled three wells on Tax Lot 400. Two of those wells yielded water at a rate of 25 GPM (COLU 55655 and COLU 55656), and the third yielded water at a rate of 20 GPM (COLU 55654). In addition, Art McMullen, a local well driller with decades of experience drilling wells in Columbia County unequivocally opines that the water supply available from these three wells is “adequate to serve the eight (8) residential lots proposed at Lupine Meadow.” Letter from McMullen Well Drilling Corp. dated October 27, 2023. Based solely on the three well logs for the wells drilled on Tax Lot 400, the August 10, 2023 Staff Report (p. 27) correctly found “that **there is proof of an adequate water supply for the platted area.**” In other words, the 70 GPM yield reflected in the well logs for these three wells (drilled on-site on proposed Lots 1, 2, and 8) satisfy all County requirements relating to proof of water supply in order to obtain final plat approval.

Subdivision plat approval is only the first step before construction of a home. Land division approval does not impose the more detailed showings that approval of a particular home site requires. The Staff Report inexplicably recommends that “Prior to acceptance and approval of the Final Plat” (August 10, 2023 Staff Report, p. 47) Applicant be required to either drill wells and submit well logs on Lots 3-7 or “detail all waterline easements” and “[s]ubmit well maintenance agreements between lots sharing wells” (*id*, p. 48). This is not the correct timing for imposition of this requirement.

The silence of County ordinances is telling: *nowhere do County ordinances state that subdivision approval requires submission of well maintenance agreements and the recording of detailed waterline easements for every proposed lot prior to obtaining approval of the final plat.* Obtaining a building permit does require identification and securing of the water supply on a particular lot – approval to divide the land does not.

As noted repeatedly in the Staff Report, *this application is only for approval of the land division – not for approval of individual home sites.* See August 10, 2023 Staff Report, pp. 9, 10, 19, 24, 26. Land division does not require every detail of a particular home site to be spelled out with pinpoint accuracy² – and for good reason.

The site design of each individual lot will turn on a variety of things including property line configurations and setbacks, wetland setbacks, utility easements and setbacks, existing well locations and setbacks, right-of-ways and any related setbacks, driveway locations, drainfield and septic tank locations and setbacks, existing structure locations and setbacks, and the like. As homes are built on Lupine Meadow, the water source and infrastructure for each new residence will require consideration of all the

² The Supplemental Staff Report cites CCSPO Section 1015 to justify imposing the waterline easement/well maintenance agreement condition before final plat approval. Section 1015 does not apply. It has nothing to do with the identification and securing of a water source for an individual home. Its only purpose is to allow imposition of “other improvements” when a “specific feature of the land and the design and location of the subdivision” creates an unusual hazard. Tax Lot 400 has no site-specific feature that creates a hazard that calls for additional improvements. To the contrary, the Staff Report states that “hazardous conditions do not exist on the subject property.” Staff Report, p. 28.

then-existing conditions and setbacks. Detailing waterline easements is not required at this very preliminary land-division stage. Instead, under existing County ordinances the determination of whether a particular lot is best served by a new well or a shared well and where any water lines may go takes place when a building permit is issued, not before.

Requested Corrections:

Conditions 10(i) and 12(e) of the August 10, 2023 Staff Report (requiring waterline easements and well maintenance agreements prior to final plat approval) should be removed. A new Condition 13(b) should be added, as follows:

13. Before a building permit may be issued for any individual lots resulting from this subdivision:

* * *

b. On Lots 3, 4, 5, 6, and 7, a domestic water source for the individual home site must be identified and secured (either by drilling a new well or by submitting the necessary paperwork (waterline easements and well maintenance agreements) for a shared well.

All findings in the August 10, 2023 Staff Report and November 3, 2023 Supplemental Staff Report should be amended to conform to the above.

Thank you so much for your time and attention.

Mary Anne Anderson on behalf of Applicant, Agnes Marie Petersen