

Amy Herzog

From: Deborah Jacob
Sent: Tuesday, October 31, 2023 8:25 AM
To: maryanne.anderson@ymail.com
Cc: Agnes M. Petersen; Al Petersen; Hayden Richardson; Amy Herzog; Spencer Parsons; Suzie Dahl
Subject: RE: County Water Supply Requirements (Conditions of Approval re: S 23-01)

Mary Anne,

Thank you for these comments that will be entered into the record for Lupine Meadows Subdivision requested for S 23-01.

Amy, please upload these comments onto the Planning Commission's November 6, 2023 Website agenda.

Deborah S. Jacob
Senior Planner
503-397-7260
Deborah.jacob@columbiacountyor.gov

From: Mary Anne Anderson <maryanne.anderson@ymail.com>
Sent: Monday, October 30, 2023 5:18 PM
To: Deborah Jacob <Deborah.Jacob@columbiacountyor.gov>
Cc: Agnes M. Petersen <agi12342003@yahoo.com>; Al Petersen <alpetersen@akaandesign.com>
Subject: County Water Supply Requirements (Conditions of Approval re: S 23-01)

Good afternoon Deb,

I wanted to take a moment to further clarify our position that Applicant has met all requirements with regard to water supply in order to obtain final plat approval. As you will no doubt recall, in the Amended Staff Report issued three years ago on 9/25/2020 (regarding S 20-01), Finding 27 carefully reviewed the submitted well log data and the rules governing water use in Oregon and concluded "Under the existing provisions in Section 404(A) as well as these exempt uses of the Oregon Water Law, the applicant's submittal of 8 well logs satisfies the minimum requirements for proposed Lupine Meadow Subdivision." Amended Staff Report (S 20-01), p. 31 of 51. Finding 24 also noted that the "actual locations of dwellings and wells can only be determined at the time of building permit issuance." *Id.*, p. 27 of 51. To ensure that a building permit would not be issued without a

confirmed water supply, the Amended Staff Report (S 20-01) included a condition requiring the final plat to include a statement that "Approved potable water supplies have not been demonstrated for [] Lots 1 - 5." *Id.*, p. 31 of 51.

There has been no change to the applicable water supply requirements since then. Not only do the same well logs satisfy the minimum requirements for this application (S 23-01), but Applicant has now drilled three wells directly on site. These three test wells each yield water at between 20-25 gpm. In addition, Applicant recently submitted a Water Availability Report from Arthur McMullen of McMullen Well Drilling Corp. who provides the well log numbers, depth, and yield of those three wells, and opines that the site "has available water adequate to serve the eight (8) lots proposed at Lupine Meadow." Water Availability Report dated 10/27/2023.

The August 10, 2023 Staff Report on S 23-01 (Finding 37) incorporates requirements that Section 511 does not in fact require, namely that final plat approval should be conditioned on either drilling wells on each proposed lot (five additional wells) or including waterline easements and well maintenance agreements with the final plat. This puts the proverbial cart (site plan and issuance of a building permit) before the horse (final plat approval). The timing of those requirements is in error.

Just as found in the Amended Staff Report (on S 20-01), Applicant will only finalize site plans for particular lots after final plat approval (but before application for/issuance of a building permit). As a protective measure for those lots that do not yet have a well, Applicant has no issue with including the same condition that was proposed with regard to S 20-01, which would require a notation on the S 23-01 final plat that "Approved potable water supplies have not been demonstrated for Lots 3-7." (S 23-01 Lots 1, 2, and 8 already have wells). Applicant also takes no issue with a condition that issuance of a building permit will require that the applicant identify the water source for the lot for which a building permit is sought and secure that water source (either by drilling a new well, or filing and recording such

documentation (waterline easements and/or well maintenance agreements) as is necessary for a shared well).

We appreciate your attention and time and hope that you will craft conditions which do not require the Applicant to jump through hoops that do not exist in the County's ordinances and also do not make sense from a development perspective.

Many thanks,

Mary Anne Anderson
on behalf of Applicant, Agnes Marie Petersen

**Mary Anne Anderson
VanNatta, Petersen & Anderson
P.O. Box 748
St. Helens, Oregon 97051**

503.397.4091

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