



Marion County **OREGON**

PUBLIC WORKS

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MEMORANDUM

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SURVEY

TO: Marion County Board of Commissioners

FROM: Marion County Public Works Planning Division/Reich

SUBJECT: Administrative Review 20-22/Copple, Lowder, and Loggan

DATE: August 19, 2020

The Marion County Planning Division has reviewed the above-named case and offers the following comments:

FACTS:

1. This is an application of Tye and Shay Copple, Arnold and Wendi Lowder, and David and Bridget Loggan for an administrative review to determine whether the provision of municipal water service from an existing city utility facility is consistent with Comprehensive Plan Rural Services Policies: Special District Policy #7 on land zoned SA (Special Agriculture) located at 7209 Combest Lane SE, 7251 Witzel Road SE, and 7281 Witzel Road SE, Turner (T8S; R2W; Section 28B, tax lots 600, 700, and 800).
2. Three property owners share an existing well which is not producing adequate water for the three homes. Recently, a new well was drilled and arsenic, sodium and alkaline levels were identified in the well water which may be difficult or impossible to remedy because of the low flows of water from the well. Nearby are existing water lines serving the City of Turner. The applicants are requesting to create a service connection to a city water line to provide their properties with water.
3. The properties are designated Special Agriculture in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding SA (Special Agriculture) zone is to promote the continuation of commercial agricultural and forestry operations.
4. Properties to the west, north and east are zoned SA and in farm use with some acreage homesites. Properties to the south are within the city limits of Turner and developed with dwellings.

5. Interested agencies were given the opportunity to comment on this application.

City of Turner commented that the city is in support of the application.

All other contacted agencies either failed to respond or stated no objection to the proposal at the time this report was prepared.

STAFF FINDINGS AND ANALYSIS:

6. The provision of water service outside of an urban growth boundary must be consistent with Marion County Comprehensive Plan Rural Services Policies, Special District Policy #7:

The creation or expansion of any water district as well as the extension of water services to lands outside an existing service district's boundaries, unincorporated communities' boundaries, urban growth boundaries or city limits shall be discouraged unless the area to be served has demonstrated persistent health hazard problems confirmed by the County Health Department and the State Department of Environmental Quality and needs for which no other practical and reasonable alternative is available. Cost may be a factor in determining whether an alternative is practical and reasonable, however, cost shall not be the only factor or even the primary factor. Any extension shall require the approval of the Marion County Board of Commissioners.

7. The applicants provided evidence from two well drillers that it is difficult for wells in the area to produce adequate water for domestic use. In addition, a hydrogeologist from the Oregon Water Resources Department describes the geology of the area as tending to not produce adequate water for domestic use and tending to decline over time. The applicants drilled an additional well on their property. The water was tested and was determined to be alkaline with high sodium levels. In addition, arsenic was found in the water at levels that exceed the EPA Drinking Water Maximum. Waterlab reviewed the results and indicated the arsenic may not be possible to remedy because the low yields of water from the well preclude treatment. In July 2020, Aqua Pro Pump Service inspected the well and determined the well was producing less than two gallons per minute and that the static water level of the well had fallen since February 2020 when the well was drilled. Finally, the Turner Fire District Chief wrote to the property owners that their properties are in a wildfire interface area and that, in order to reduce the possible impacts of wildfire, they must maintain a "green zone" on their properties which could be done through the use of water. The City of Turner has agreed to provide municipal water to the properties.
8. In addition, the property owners have considered placing a holding tank on their property to obtain water trucked in from a domestic water service. The applicants have identified only two suppliers that will deliver to their property. The applicants' ability to receive water through the service in a timely manner is expensive and dependent on the suppliers' schedule and availability. Lately, the demand for water has increased substantially due to changes in the property owners' routines and the subsequent cost of water would be significant.

9. It appears to staff that there is an additional difficulty in this situation because there are three property owners connected to one well. Based on the evidence from well drillers and the Oregon Water Resources Department, with the generally low and declining yields of water from wells that exist in this area, it could be difficult to establish not just one additional well to serve three properties, but to establish up to three additional wells each serving one of the properties. Also, it seems that receiving water from a delivery service is more difficult when three households are connected to the same system because the logistics of delivering enough water for three households, either all at once or on a more frequent basis, appears to be more difficult than it would be if a single dwelling were receiving water from a service.
10. Finally, the applicants evaluated the costs associated with different ways of obtaining water, either from a well, delivery service, or municipal water service from the city. The applicants provided evidence that after the initial cost to establish service from the city, the overall cost to obtain water from city service long-term is lower than the other options.
11. Although the situation is not such that either the Oregon Department of Environmental Quality or Marion County Health and Human Services is able to declare the lack of water a persistent health hazard, the applicant has provided evidence from the Oregon Water Resources Department that due to the geology of the area, wells generally lack adequate yields of water adequate for domestic use and that the availability of well water will tend to decline over time. In addition, the new well the applicants drilled has high sodium levels, is alkaline, and has arsenic that may not be able to be treated due to the flow levels the well can produce. The applicants have considered different alternatives to the provision of water from the city, including a new well and having water supplied from a service, and determined that the most feasible and affordable option is municipal water service. In addition, providing water to three properties, whether by well, delivery, or municipal service, appears to be a factor in this circumstance contributing to the need for municipal water service. Therefore, it appears to staff that the request is consistent with Special District Policy #7 for the provision of municipal water service outside of an urban growth boundary and should be approved.
12. Oregon Administrative Rules 660-011-0065 allows for the extension of water service to rural lands provided the service does not:
 - (a) Allow an increase in a base density in a residential zone due to the availability of service from a water system;
 - (b) Allow a higher density for residential development served by a water system than would be authorized without such service; or
 - (c) Allow an increase in the allowable density of residential development due to the presence, establishment, or extension of a water system.
13. The area is zoned for farming in a Special Agricultural zone. No increase in the base density is proposed, or could be considered, as a result of this request. No additional residential development is proposed to be served by the extension other than existing homes. Approval of this request would not permit the construction of additional dwellings or the construction of dwellings at a higher density since the availability of

water to properties in the Special Agricultural does not alter the density at which dwellings are permitted. Therefore, a higher density of development or an increase in the allowable density will not result from approval of this request. The proposal appears consistent with the applicable state administrative rule.

RECOMMENDATION:

14. Staff recommends the Board find that the extension of municipal water service is consistent with Marion County Comprehensive Plan Rural Services Policies: Special District Policy #7 and the applicable state administrative rule.
15. The Planning Division recommends the Board apply the following conditions of approval:
 - A. The property owners shall enter into all necessary agreements with the City of Turner in order to provide water from the city.
 - B. The property owners shall obtain and create any necessary easements for the water service across the subject and adjoining properties.
 - C. The property owners shall obtain all necessary permits from Marion County Building Inspection for the water service to their property, including any changes necessary in the plumbing service of structures on the property.