

July 30, 2021

Benton County
Community Development
360 SW Avery Ave.
Corvallis, OR 97333-1139

**Re: South Anderson Blues
Planning Commission – Plat Approval**

Dear Commissioners,

The Villwock Family and Scott Taylor are excited about the opportunity to bring rural living and agriculture together on this proposed 9 single family lots with associated right of way and stormwater management facilities on approximately 20.92 acres. We want to thank the Planning Commission for taking the time to evaluate the comments received in regard to this project.

As outlined in the staff report the information previously submitted and the below additional information serves to provide the Commission with adequate material to evaluate the plat in accordance with code criteria to ensure compliance. ***As stated by the County staff their evaluation is that this project does meet the Benton County Development Code with the implementation of the required conditions of approval.***

The planning commission left the record open for 7 days after the hearing to allow additional comment to be entered into the record. The applicant was then also given 7 days to respond to the additional comments. Many of the items raised are items that are regulated outside the Benton County Development Code. There are other regulations and processes in place to ensure compliance. Therefore it may not be appropriate or necessary to condition the project for every eventuality since there are other mechanisms in place to ensure that a potential issue is appropriately addressed. Following is a response to some of the questions raised and also the additional conditions that were proposed by staff for the planning commissions consideration. In the interest of being efficient many of the items will be addressed in conjunction with a proposed condition

Wells:

The two existing wells on site were lawfully drilled and registered with the State. Please remember that the lots will be served by City of Adair Water and the well water will not be used for the homes. The existing water rights could potentially be moved or transferred to other areas of the site. The developer will work with the proper authorities to ensure that all laws and regulations are followed regarding the use of ground water. In that the project has shown a potable water source through the City of Adair it would not be proper to future restrict existing water rights on the property that could potentially be used for agriculture or other approved uses.

Potential Conditions:

Condition 7 Easement Connection to the North:

This condition is requesting a 50 foot easement for future right of way be granted to the County to the North of the proposed cul-de-sac between lots 3 and 4. As outlined in Condition 8 below there is most likely little developable land to the South without crossing Arbor Creek. To the east is Highway 99 which would limit the possibility for connection in the future. In review of a connection to the North there is only one parcel of any size to potentially develop at some point in the future. This parcel is around 17 acres and therefore could possibly be developed into 8 - 2 acre lots. Below is the preferred layout that shows a proposed cul-de-sac for the proposed development as well as how the development to the North could develop in the future.

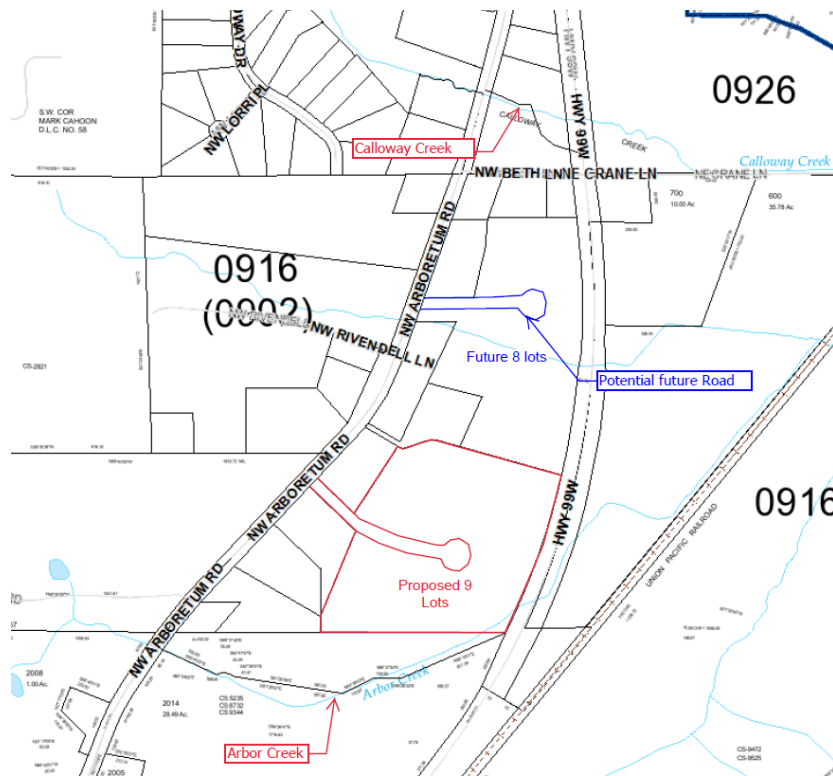


Figure A – Preferred Road Layout

Show below is a potential connection between the existing proposed development and the property to the north as contemplated by proposed conditions 8 and 9.

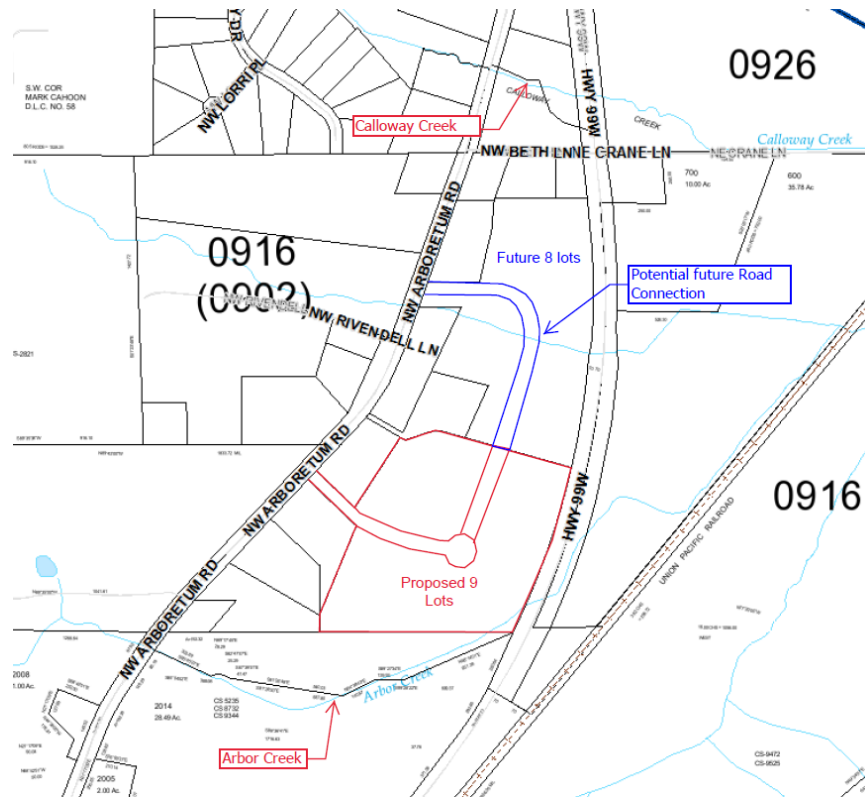


Figure B – Road Connection

As shown above if the road connection was proposed there would be significantly more road that would need to be constructed for this road system and there would not be any fewer connections to Arboretum in that all the existing residence would continue to have their own access to NW Arboretum and the result would still be two connections to NW Arboretum road. The only traffic that would use the connection road is the proposed neighborhood and even that would be very limited in that each of the two neighborhoods would use their own connection even if there is a through road in that it would be the quickest way to NW Arboretum Road.

Also, as the code indicates two access points are required for 20 lots or more. In this case the ultimate build out would only be 17 lots if the road was connected.

In this case there is no benefit that can be seen from providing the road connection. It would just result in additional impervious surfaces and road for the County to maintain. As outlined in BCC99.515(e) does contemplate that cul-de-sacs will be built and therefore road connections are not always required. The property owner should not have to accommodate the encumbrance on their property of this easement when there is a compelling public need for the easement.

Therefore, this proposed condition should not be adopted.

Condition 8 – Easement connection to the South:

This condition is requesting a 50 foot easement for future right of way be granted to the County to the South of the proposed cul-de-sac between lots 6 and 7. A road should not be allowed to connect to the south in that it would have to cross Arbor Creek. The crossing of the creek would have impacts beyond the benefit of the connection.

In addition, the soils in this area are not conducive for septic drain fields in that all of our drain fields are located well away from the creek. As outlined above there is not a compelling public need for the property owner to need to encumber their property with an easement.

Therefore, this proposed condition should not be adopted.

Condition 9 Pedestrian Easement to Hwy 99:

This condition would require a 15 foot easement from the end of the cul-de-sac to Hwy 99. The staff report is partially correct in that there is an access road that goes to the east but it ends at the detention pond. The easement would need to circumvent around the detention pond and would not be a direct connection between Hwy 99 and the cul-de-sac. Also, there was mention of a potential future path in the vicinity of Hwy 99 but it is unknown if it would be on the west or east side of the highway. At this time there is not a compelling enough public need for this property owner to be burdened with being required to encumber their property with a pedestrian easement.

Therefore, this proposed condition should not be adopted.

Other Proposed conditions:

Condition 23 –Shared driveways:

The staff report proposes a condition that several of the driveways should be combined. Given the low traffic on the proposed road with only 9 lots there is not any reason why each home could not have their own driveway to Earlyblue Drive. The code requires each lot to have 25 feet of frontage on a public road each lot should be able to enjoy their own connection to a public Right of Way. In that lots 3 and 4 and 5 and 6 are near or at the cul-de-sac, speeds will be very slow there will not be any concern regarding vehicular conflicts at the proposed driveways.

Therefore, this proposed condition should not be adopted.

Condition A - regarding Declaratory Statement of proximity of Peavy Arboretum:

As stated by county staff there is no code authority to require such a statement be recorded on the property due to the zoning of the Peavey Arboretum being “Public”. In addition, the proposed homes are across the street and well over 300 feet away from the Arboretum. The code already clearly outlines when such a declaratory statement can be required, and this project does not meet any of the criteria.

Therefore, this proposed condition should not be adopted.

Condition B – Subdivision Name:

The applicant will work with the County Surveyor on a different name. Currently we plan to propose the plat name of “Legacy Estates”.

The applicant is accepting of this proposed condition

Condition C - Improvement of NW Arboretum Road:

The project frontage on NW Arboretum Road is 60 feet. The proposed road connection of Early Blue will improve about 80 feet of NW Arboretum Road. In addition, the land slopes to the southwest from the existing edge of pavement and it would be difficult to widen the existing road beyond what is being proposed without potential impacting private property outside the existing ROW. Therefore, it may not be feasible to construct 100 feet of frontage with the limited ROW available.

Therefore, this proposed condition should not be adopted.

Condition D and E – Drain Tiles:

The applicant has dug over 50 test pits on site for the Geotech Engineer or for the Septic approvals. In none of the test pits were drain tiles found. The map provided by Pamela Toman was hard to read and appears in the legend to reference irrigation rather than drain tiles. Therefore, the applicant is questioning if there are even any drain tiles near the proposed septic drain fields. However, the applicant will work with the owners of the Anderson's Blues Farm to determine the location of the existing drain tiles and abandon if that is the appropriate course of action. As stated in the County Staffs Memo to the Planning Commission the Benton County Health Division will ensure that there are no drain tiles within 50 feet of any proposed septic drain fields. If they are encountered, they will be removed. There is already a process in place to handle this alleged issue and therefore there is not a need for it to be a condition of approval. As outlined in the County's staff report the applicant has followed all plat requirements in regards to septic approval and therefore this approval does not need to regulate septic drain fields in that there are other processes, procedures and regulations in place. The applicant and the Benton County Environmental Health Division will ensure that all DEQ rules and regulations in regard to septic drain fields are followed.

Therefore, this proposed condition should not be adopted.

Condition F – Stormwater:

The proposed stormwater system was designed by a professional engineer meeting all of the City of Corvallis stormwater standards as required by Benton County. As long as the system is maintained it will meet the requirements to match the flows of the 2 year, 5 year and 10 year storm events. Therefore, in these storm events the flows will not be increased to Arbor Creek. The proposed condition is not measurable and therefore not enforceable. How is inadequate defined? The project will meet the County Stormwater requirements as outlined by Benton County Development Code.

In regards to the ponding on the property, as stated in the Memo to the Planning Commission by County staff the site will be graded so that there will not be standing water around proposed homes. The area observed at lot 1 is a small area that can easily be graded to fix the area the ponds a small amount of water. Please note that from the high point on lot 9 at elevation 314 to the low point on lot 6 at elevation 284 there is 30 feet of grade across the property. There may be localized standing water in heavy rain events but there isn't any known "flooding". Based on the above there is not an impact that needs to be mitigated by this project in that it is meeting all code requirements in regards to storm water.

Therefore, this proposed condition should not be adopted.

The applicant wants to thank the planning commission for their time in considering this project. The applicant is in support of proposed conditions 1 through 6, 10 through 22, 24 through 38 and condition B. We look forward to implementing a successful project within this community.

Sincerely,

LDC, Inc.

A handwritten signature in blue ink, appearing to read "Mark Villwock".

Mark Villwock, PE
Vice President
HQ Office