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**Turner weeping willow**

1 message

**Deanna Mancill** <dmancill@msn.com>

Tue, Dec 3, 2024 at 1:36 PM

To: "councilorgould@cityofgearhart.com" <councilorgould@cityofgearhart.com>, "mayorsmith@cityofgearhart.com" <mayorsmith@cityofgearhart.com>, "councilorsharon@cityofgearhart.com" <councilorsharon@cityofgearhart.com>, "councilordevereaux@cityofgearhart.com" <councilordevereaux@cityofgearhart.com>, "councilorcockrum@cityofgearhart.com" <councilorcockrum@cityofgearhart.com>, "chadsweet@cityofgearhart.com" <chadsweet@cityofgearhart.com>

Dear councilors and Chad Sweet:

Please enter this additional correspondence into the public record for the December 4,, 2024 council meeting. Lucas Marshall, Clatsop County Health Department, did not respond to this letter.

For the record, I had made clear that the railroad right-of-way is a separate tract of land. The DEQ Easement, Covenant and Servitude Agreement is very much enforceable by the DEQ and the county health department.

Jessica Joye, DEQ, responded on November 13, 2024 about this issue. The release of easement is a request made by the individual(s) who signed the easement to the county. The county reviews and determines if the easement can be released and then sends to DEQ for execution of the release. The county by-passed the process, by not following state and local zoning laws.

Ms. Joye further stated the combining of tax lots, DEQ is not involved as that is the local planning department. As I stated before, combining tax lots is a complex process, requiring the services of a land surveyor, who writes a new legal description and records the survey.

The State of Oregon has land-use laws that should be applied by all state agencies, the county health department, and county and municipal governments. No one can ignore the law and jeopardize its citizens. LCDC Commission will review petitions by affected individuals if government officials don't do their jobs.

Thank you.

Deanna Mancill  
2945 Hwy 101 North  
Seaside, Oregon 97138

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**From:** Deanna Mancill <dmancill@msn.com>  
**Sent:** Tuesday, December 3, 2024 11:11 AM  
**To:** Deanna Mancill <dmancill@msn.com>  
**Subject:** Re: Robert Turner septic system and weeping willow tree issue

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**From:** Deanna Mancill  
**Sent:** Saturday, November 26, 2022 10:30 AM

**To:** Lucas Marshall <lmarshall@co.clatsop.or.us>; chadsweet@cityofgearhart.com  
<chadsweet@cityofgearhart.com>

**Subject:** Robert Turner septic system and weeping willow tree issue

Dear Lucas and Chad:

I have some very important background information on the Turner property (TL 200) and combining TL 1604 (abandoned railroad right-of-way) with Tax Lot 200. My first question would be: Did the Director of the Oregon DEQ agree to vacate the Easement, Covenant and Servitude agreement with the Turners? My understanding of this process is that the DEQ will only sign off if the Turners are hooked up to a public sewer system. Please refer to the administrative rules I sent to you.

The Tax Assessor's office allows a property owner to fill out a very simple form to combine two tax lots. Unless the Turners amended their legal description to include the railroad right-of-way, this property is legally a separate parcel. If you wanted to convey this 30 foot strip of land to another person, a separate legal description would have to be written.

In 1978, Burlington Northern abandoned their dedicated railroad right-of-way on the Clatsop Plains. They stopped paying property taxes to Clatsop County. In 1983, Manspeaker (TL 100) Sopko (TL 200) Mancill (TL 300) filed a lawsuit in Clatsop County Circuit Court to obtain clear title to this land. We very intentionally excluded this property from the adjoining tax lots. The legal descriptions did not cover that disputed land. In 1984, the Clatsop County Tax Assessor's office put this property on the tax foreclosure rolls, taxes not being paid for five years. We had to act to prevent this from happening.

In 1991, the Turners bought TL 200 and TL 1604 from the Sopkos, not knowing the history. While we were looking at the railroad right-of-way, elevation 22 feet, for a future drainfield, the Turners were excavating theirs for filling backyard because of flooding issues. The DEQ had found in their investigation in 2001 that 20 inches of fill were placed on top of the existing DEQ approved 1987 gravity feed system. It was supposed to be 10 inches deep. Filling the land was for a garden. This alone put the Turner septic system in non-compliance.

The construction in 2001 of the new septic system took in a portion of Tax Lot 1604 and Tax Lot 200. In the drawings submitted by Seacoast Nursery, show the footprint. Google Earth Pro image from 2018 show the top of the septic tanks and the drainfield and the weeping willow tree. From the septic dosing tank to the drainfield is 50 feet. There is a 15 foot setback from the Turner/Mancill property line. There is the willow tree that is just north of this east/west line and half-way in between. The sewer pipe is south of the tree and is threatening the system.

DEQ setbacks for this system are ten feet. Not following setback requirements is a violation of Oregon DEQ building code. Looking at the public record for this property, the easement agreement with the DEQ has not been legally vacated. If a property owner is violating any terms of the agreement, they are responsible to make their system compliant with the law. If removing the tree is what it takes to prevent damage to my septic system, the claiming you don't have any money is no excuse.

I have added a sewer line amendment to my homeowners insurance. My line is 100 feet long and will cost thousands of dollars to replace. All of this should have been unnecessary if Clatsop County and the City of Gearhart would enforce existing DEQ administrative rules. This process should have been straight forward to resolve. The weeping willow is notorious for seriously damaging septic systems around the United States. It is not a native Oregon tree and is considered an invasive plant, not to be placed in a yard with a septic system.

Thank you.

I would like to withdraw my application for the planning commission position. Thank you for your consideration. Best, Susan Eliot