



For Recording Stamp Only

Deschutes County Board of Commissioners
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MINUTES OF PUBLIC HEARING
DESCHUTES COUNTY BOARD OF COMMISSIONERS
WEDNESDAY, OCTOBER 28, 2015

The purpose of the hearing was to take testimony regarding Goal 11 Exception Process for Southern Deschutes County (Ordinance No. 2015-007, File 247-15-000308-PA). The Public Hearing was held at 6:00 p.m. in the Pringle Room at the SHARC, Sunriver.

Present were Commissioners Anthony DeBone, Tammy Baney and Alan Unger. Also present were Tom Anderson, County Administrator; Nick Lelack, Peter Gutowsky, and Peter Russell, Community Development; David Doyle, County Counsel; Whitney Malkin, Public Information Officer; and approximately 50 citizens, including representatives of the media.

Chair DeBone opened the hearing at 6:06 p.m.

Chair DeBone noted this is the time and place for the public hearing and that the hearing procedures will be outlined by the Community Development Staff. Peter Russell presented the hearing procedures and inquired if any Commissioners had any conflict of interest on this matter. Commissioner DeBone noted he is a resident of the area but has no conflict. Commissioners Baney and Unger noted they have been a part of the process for years but have no conflicts. No challenges were made.

Peter Russell, CDD, reviewed the general background and history of the Goal 11 Exception.

John Jennings, Department of Land Conservation and Development, reviewed the state rules on Goal 11 and exceptions. Goal 11 arranged for a statewide policy with regard to sewer systems. Developing the opportunity to recognize there are circumstances that are unnecessary or unreasonable which brings us to an exceptions process. Circumstances and burden of proof says that this area is exceptional in that the ordinary laws shouldn't apply regarding sewer development. DLCD's role is to serve as technical advisors.

Robert Baggett, Department of Environmental Quality presented the history and approaches of protecting our groundwater. Public health protection had noticed environmental concerns of this area even before DEQ was formed. A steering committee with local citizens was formed to find recommendations regarding the condition of the ground water. There is a documented health threat in South Deschutes County and the risk will increase over time and will become significant. DEQ's role is to provide the greatest number of options to the residents. With the Goal 11 Exception low interest loans can be offered to sewer districts. DEQ assures they have met the burden of proof. Groundwater contamination has increased and will continue to increase and the longer we wait the more difficult it will be to abate. DEQ continues to support the recommendations of the steering committee. This process requires community efforts.

Peter Russell, CDD, presented the Deschutes County Land Use Process and noted that before the Board is the Deschutes County Comprehensive Plan to amend the exceptions statement for goal 11, add to legislative history, Newberry Country plan, transportation planning rule, and remaining applicable statewide planning goals. The Planning Commission held public hearings in La Pine in July and in Bend in August. At the Board of County Commissioners work session on October 7th the Board directed the CDD staff to compose draft policies and they are presenting them tonight. The draft policies reference the 2013 DEQ report recommendations, are organized by topic and paraphrases DEQ's report's recommendations, and state the County will support various DEQ and/or citizen efforts.

The next steps are for the Board to receive public testimony tonight. The Board can then decide to continue the hearing to a certain date, close the oral record but leave written record open to a certain date, close the hearing tonight and set a date for deliberation, or close the hearing tonight and deliberate. Based on the draft policies presented this evening, the Community Development Department staff recommends keeping at least the written record open until November 18, 2015.

Chair Debone noted there were DEQ steering committee members and planning commission members present tonight and thanked them for their work. At this time, those present that have made a request to speak will be called to the podium.

Ann Gregersen: Ms. Gregersen stated she was here to ask the Commissioners to vote no and stop the roller coaster. She stated the CDD papers include a sanitary authority and she opposes this and questions the scientific proof. Ms. Gregersen warned the Commissioners that if the voter's pamphlet had this information printed; do you think you will be reelected. She expressed her opinion saying to vote no and save your job.

Wendell Evers: Mr. Evers told the Commissioners they have not been given complete information and he finds this deceiving. He explained that he is concerned now that with the Goal 11 and the Planning Commission recommendations. He commented the steering committee worked hard for three years and there is information there that the Commissioners need to know. He stated: #1 omission of information and told the Commissioners to check the Planning Commission minutes, #2 he asked how bad are we polluting the ground water and the rivers of Deschutes County on a scale of 1 – 100? – Mr. Evers feels there is no imminent health problem. Mr. Evers told the Commissioners they are agents of this county and we voted you in.

John Blakinger: Mr. Blakinger noted he is the co-chair of the advisory committee and without this Goal 11 we would be lost. He stated the committee met for three years and in talking to experts they found a chart that showed that every ATT systems that discharges contaminates. From those conversations we came up with 9 recommendations. Mr. Blakinger stated without Goal 11 exception none of the other 9 recommendations would be effective. He expressed the need to monitor better.

James Ed Criss: Mr. Criss stated he lives in Wild River and was involved in the very beginning and is on the Planning Commission. Mr. Criss commented that Goal 11 is a key to this whole thing. He pointed out the need for discussions when developing the master plan. He commented on the 1970 paper the DEQ was saying that people visiting the area were going to cause problems but now we have people living here and these things are going to change. He stated the area is going to continue to grow and we have to deal with it or have a moratorium. He commented the citizens need to be involved.

Robert Ray: Mr. Ray noted he has been involved since the beginning and supports the recommendations and commented that without Goal 11 we can't move forward. Mr. Ray supports the recommendations and that the Goal 11 exception must be supported first before the other recommendations. This will save people money in the long run.

John Huddle: Mr. Huddle commented the imminent health hazard statement should be removed from all documents. He suggested keeping the written testimony open and feels the testimony from Central Oregon Landwatch includes good comments. His suggestion is to look for a legislative fix and meet with subdivisions to work with what fits them.

Judy Forsythe: Ms. Forsythe submitted written testimony this evening as well and stated she has been a resident in South County for 16 years. She commented on the concern of the health hazard language. Ms. Forsythe also noted concerns she has with a Planning Commission session of September 10, 2015 and presented a CD recording of one of the meetings for the Commissioners to review. Ms. Forsythe stated these conclusions are damaging property values in South County. Her request is that the Commissioners accept there are other concerns and acknowledge they will be addressed at the appropriate time.

Dan Varcoe: Mr. Varcoe stated there is perception and assumption that we have a risk of health problems and that hasn't occurred and things are moving slower for the population growth. He commented that to say that we already have health problems is hard to except because we have good drinking water in La Pine. Mr. Varcoe does support the Goal 11 exception.

At this time there were no additional citizen requests to speak submitted.

Discussion was held on the necessity of the health reasons language for the exception. If there is aggressive growth, we could have a quickly declining water quality concerns. John Jennings, DLCD, stated there has to be a justification for demonstrating the exception but it doesn't have to be an imminent health hazard. This hazard is a problem we can solve. Language needs to be in the record, and if the Commissioners feel there is another way to word it, the bottom line needs to be adequate justification to demonstrate the appropriateness.

Discussion was held on the potential health risks and property development and protecting the future by being sensitive to the branding and livability of this community. Proposal made to coordinate with DEQ and review the language of the Goal 11 Exception. The Newberry Country Plan itself will not contain any of this language and will state there is a Goal 11 Exception and the goals and policies will be in the resource documents. The plan does not state there is a health hazard but that there is a Goal 11 Exception.


The DEQ Steering Committee recommendations were reviewed: Ground water monitoring, governance / sanitary authority, addressing livestock, point sources, ATT moratorium, financing for disadvantaged communities, community involvement, outreach and community education, and alternative green solutions.

Chair DeBone noted that there has been a request to keep the record open. At this time the oral record is closed and the written record will be open through November 18, 2015. The Community Development Department will review and present draft language. A public hearing will be held on November 23 to consider Ordinance No. 2015-007, amending the comprehensive plan to add an exception to statewide planning Goal 11, to allow for sewers in unincorporated lands in Southern Deschutes County. Information will be posted on the County website.

Being no further testimony at the hearing, the record was closed to oral testimony and the hearing adjourned at 7:49 p.m.

DATED this 28 Day of October 2015 for the Deschutes County Board of Commissioners.


approved 12/28/15



Anthony DeBone, Chair



Alan Unger, Vice Chair



Tammy Baney, Commissioner

ATTEST:



Recording Secretary