

Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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MEMORANDUM

DATE: October 28, 2015

TO: Deschutes County Board of Commissioners

FROM: Peter Russell, Senior Transportation Planner

RE: Tying 2013 Department of Environmental Quality (DEQ) Steering Committee Recommendations into Deschutes County Comprehensive Plan and Newberry Country Plan

BACKGROUND

At the Board of County Commissioner (Board) work session on October 7, 2015, staff summarized the public hearings at the Planning Commission (PC) for 247-15-000308-PA which would authorize a Goal 11 Exception to allow centralized collections systems for wastewater in unincorporated sections of southern Deschutes County; amend Newberry Country Plan to prohibit upzoning based on a successful Goal 11 Exception; and add a map of tax lots affected by the Goal 11 Exception to the Comprehensive Plan. The PC approved the application as proposed 7-0 with one modification. The PC requested the 2013 DEQ Steering Committee report's recommendations be included.

During the work session, the Board requested staff to draft Comprehensive Plan policy language related to addressing the 2013 DEQ recommendations as part of their upcoming October 28 public hearing on Ordinance 2015-007, which implements file 247-15-000308-PA. The DEQ as well as the Goal 11 exception policy recommendations are shown in underlined and deletions in ~~strikeouts~~ in the corresponding attachment (see pages 13 and 16).

Vision Statement

The intent of this vision, developed in cooperation with South County residents and stakeholders, is to ensure that with vigilance and foresight, the unique rural character can be maintained and enjoyed by present and future generations.

South Deschutes County will retain and enhance its high quality of life as a collection of diverse, rural neighborhoods tied together by outstanding natural and recreational amenities. Residents and land owners will enjoy excellent educational opportunities for all ages, a safe and efficient transportation system, healthy environment, thriving economy, access to quality health care, strong community organizations and partnerships, respect for private property rights, and active involvement in decisions that shape the area.

Plan Goals and Policies

Community Involvement and Partnerships

Goal 1 Involve and engage the South County community in land use planning.

- Policy 1.1 Conduct an annual meeting in South County with the Board of Commissioners and Deschutes County Planning Commission.
- Policy 1.2 Reassess through a public process, the South County Plan as needed, but at least every three to five years, and analyze:
- a. Population growth;
 - b. Effectiveness of plan implementation; and
 - c. New issues or emerging opportunities.
- Policy 1.3 Maximize public participation on locally significant issues by establishing, where appropriate, technical or citizen advisory committees, and encouraging federal and state agencies to do the same.
- Policy 1.4 Share information and communicate with residents, community organizations and absentee landowners through:
- a. Hosting town hall meetings with all South County partners;
 - b. Utilizing internet and social media;
 - c. Distributing, through a variety of avenues, outreach and education materials that provide information on locally-led efforts promoting social, economic and environmental programs; and
 - d. Encouraging government agencies, community organizers and leaders to write articles for local newspapers.

Goal 2 Support public, private and non-profit partnerships.

- Policy 2.1 Foster a sense of shared identity and pride in South County through community projects, such as a beautification program to enhance the area for tourists, businesses and residents.
- Policy 2.2 Partner with the community to retain and improve South County's high quality of life.
- Policy 2.3 Support the community on projects that promote self-reliance, such as community greenhouses or gardens that increase the local food supply.
- Policy 2.4 Work with homeowner associations, road districts, community groups, government agencies, and non-profits to collectively address land use and natural resource issues, such as code enforcement or responsible animal husbandry.
- Policy 2.5 Encourage organizations like La Pine and Sunriver Chambers of Commerce, and Central Oregon Visitors Association to maintain and enhance webpages highlighting South County's regional amenities and community resources.
- Policy 2.6 Partner with the real estate community and others to provide education materials for new residents and/or property owners about rural lifestyles, including:
- a. Non-urban levels of public services (e.g. unpaved roads);
 - b. Fire prevention;
 - c. Noxious weeds;
 - d. River and groundwater management;
 - e. Preservation of wildlife habitat; and
 - f. Streamside stewardship information and requirements.
- Policy 2.7 Collaborate with Lake and Klamath counties on regional issues that affect South County, such as groundwater quality, economic development, adult education, social services, transportation, and recreation, including trails.
- Policy 2.8 Support and encourage a diverse array of community partners to collaborate on comprehensive substance abuse prevention best practices.
- Policy 2.9 Promote community and individual engagement in comprehensive substance abuse prevention best practices.
- Policy 2.10 Cultivate an understanding of the causes of poverty and its impact on citizens and community in order to provide opportunities for citizens to move out of it.

Land Use

Goal 3 Provide County assistance to address existing and emerging land use issues and opportunities.

- Policy 3.1 Collaborate with the South County community and City of La Pine to address:
- a. Business expansion and recruitment, including adding another grocery store and a movie theater;
 - b. A 24-hour health care facility;
 - c. Coordination among health care providers and clinics;
 - d. Community greenhouses;
 - e. Affordable senior housing and/or aging in place programs;
 - f. Trail development suitable for walking, biking and equestrian use;
 - g. Farmer's markets;
 - h. Public transportation;
 - i. La Pine Neighborhood Planning Area (the area bounded by Burgess Road, US 97, 1st Street and Huntington Road);
 - j. Post-high school education, employment retraining, adult learning, and vocational programs;
 - k. Meeting locations allowing for remote teleconferencing;
 - l. Business practices which negatively impacts substance abuse; and
 - m. Other projects as identified.
- Policy 3.2 Initiate amendments to County Code to address demographic trends or community concerns, such as the need for accessory housing units, within the parameters of state law.
- Policy 3.3 Where federal or state government lands are surrounded by subdivisions, work with the affected government agency to retain them in public ownership for public use.
- Policy 3.4 Develop a master plan to address the infrastructure challenges facing rural, undeveloped lots in southern Deschutes County.

Goal 4 Manage County-owned lands to meet community objectives.

- Policy 4.1 Evaluate and manage County-owned lands as follows:
- a. Properties meeting the County criteria for park lands as cited in Comprehensive Plan Policy 1.3.14, may be designated by the Board of County Commissioners as such to be retained for public ownership;
 - b. Properties recognized in a park district master plan may be considered by the Board of County Commissioners for a park designation to be retained in public ownership;
 - c. If a property does not meet the criteria for park lands, consider auctioning the property to place it in private ownership;
 - d. If a property does not meet the criteria for park lands, but is within a wildlife overlay zone, consider maintaining the land as open space; and

e. Use for other community needs, such as social services, centralized sewer, or low income housing as allowed by ORS 271.330.

Policy 4.2 Coordinate with local park and recreation districts or other qualified organizations to transfer County designated park lands into their ownership for park and recreation purposes, as allowed by State Statute, ORS 275.330.

Policy 4.3 Use all the proceeds derived from the sale of County-owned property in the La Pine Neighborhood Planning Area to protect the groundwater in South Deschutes County, through methods such as funding septic system repairs and upgrades to qualifying low-income homeowners.

Policy 4.4 In conjunction with the City of La Pine, evaluate and revise as needed, the Transfer of Development Credit and Pollution Reduction Credit programs by considering, at a minimum, the following:

- a. Reconvening the Transfer of Development Credit Advisory Committee;
- b. Analyzing the results of the program;
- c. Understanding existing market trends and land development constraints in the rural area and La Pine Neighborhood Planning Area; and
- d. Exploring, if necessary, different alternatives for developing the La Pine Neighborhood Planning Area that maximize revenues from the sale of property to fund groundwater protection efforts.

Goal 5 Address high groundwater lots and zoning and surveying issues.

Policy 5.1 Develop a work plan with affected stakeholders to determine the future development and conservation potential of approximately 1,500 high groundwater lots. The work plan will need to incorporate the potential for an unknown number of lots to be served by centralized sewer or other methods of collection in the future, which would make them developable, where that possibility may not currently exist. The work plan shall, at a minimum, analyze:

- a. The impact of the newly permitted development on roads, riparian areas, wildlife habitat, and wetlands; and
- b. Acquisition options such as purchasing the lots, land transfers or other ideas.

Policy 5.2 Develop a work plan, in coordination with property owners, to update the Comprehensive Plan and Zoning designations to reflect the land use and development patterns in Section 36, Haner Park and other applicable areas with long-standing issues, while protecting ecologically significant natural areas or resources.

Policy 5.3 Support the development of economically viable strategies to address surveying errors including those in the Lechner Estates area.

Economic Development

Goal 6 Foster a healthy economic and employment base in South County, while retaining the rural character.

- Policy 6.1 Promote La Pine as a regional commercial and employment center, through concepts such as:
- a. Maintaining and supporting La Pine's representation on Economic Development for Central Oregon's (EDCO) Board;
 - b. Coordinating as needed with EDCO, La Pine and Sunriver Chambers of Commerce, Sunriver, the City of La Pine, and others to promote economic development opportunities;
 - c. Collaborating with Klamath County, Gilchrist and Crescent; and
 - d. Encourage business support and participation in substance abuse best practices which foster a successful youth and a strong employment base.
- Policy 6.2 Facilitate South County tourism by:
- a. Supporting organizations like Travel Oregon, Central Oregon Visitors Association, and La Pine and Sunriver Chambers of Commerce's efforts to promote the area as a tourist destination;
 - b. Promoting the Upper Deschutes, Little Deschutes, and Fall rivers for low-impact activities such as fishing and canoeing; and
 - c. Marketing the Cascade Lakes Highway as a defining South County asset and gateway.

Goal 7 Diversify the rural economy.

- Policy 7.1 Adopt zoning for small destination resorts, as defined in ORS 197.445.
- Policy 7.2 Encourage telecommunications companies to develop high-speed internet access to support local businesses.
- Policy 7.3 Assess the feasibility of rural development initiatives, including potential amendments to County Code, such as:
- a. Forest product businesses;
 - b. Extractive industries;
 - c. Energy facilities; and/or
 - d. Neighborhood oriented commercial development.

Public Facilities

Goal 8 Sustain public facilities and services commensurate with South County's unique development pattern.

- Policy 8.1 Support local, state, and federal law enforcement and fire protection agencies.

Policy 8.2 Support agencies and organizations like the Deschutes Public Library, Bend-La Pine School District, Little Deschutes Grange Hall and La Pine Park and Recreation District's missions that provide:

- a. Services and programs for the community; and
- b. Meeting spaces and educational resources.

Goal 9 Partner with the Oregon Department of Environmental Quality (DEQ) to protect groundwater and public health.

Policy 9.1 Explore opportunities for Goal II exceptions and the full range of advance wastewater treatment opportunities, including but not limited to, the use of onsite alternative treatment technology, centralized sewer systems and cluster systems.

- a. The zoning of the properties identified in the Goal II exception will retain the same zoning as prior to the Goal II exception; the Goal II exception cannot be used to upzone properties to more intensive uses.

Policy 9.2 Conduct a joint Board of County Commissioner/Planning Commission hearing in Newberry Country to:

- a. Discuss the South County/Northern Klamath County steering committee recommendations; and
- b. Allow for public comments

Transportation

Goal 10 Expand transportation options.

Policy 10.1 Support appropriate entities and community organizations in their efforts to:

- a. Expand regional public transit options for residents living in Sunriver, La Pine and outlying rural neighborhoods;
- b. Expand park and ride lots where there is an identified need;
- c. Explore commute options such as private ride share or shuttles;
- d. Expand mobility options for persons with disabilities and/or medical needs;
- e. Involve user groups such as students, elderly, rural residents and disabled residents in public transit discussions; and
- f. Provide information about existing transit opportunities.

Policy 10.2 Explore the long-term potential for passenger rail.

Policy 10.3 Create a regional trail plan in coordination with the City of La Pine, Sunriver, Deschutes County Bicycle and Pedestrian Advisory Committee (BPAC), La Pine Park and Recreation District, U.S. Forest Service, special road districts, and homeowner associations, considering at minimum:

- a. Adequate rights of way;
- b. Appropriate locations and designs to provide connectivity;
- c. Public safety;
- d. Access to schools, parks, employment and other popular destinations; and

- e. Funding sources, including bicycle licenses.
- Policy 10.4 Support the trails identified in the County Transportation System Plan and, when requested, evaluate proposed trails such as:
- a. U.S. Forest Service efforts to improve non-motorized connections that either use or parallel USFS # 41 Road from Spring River Road just west of Sunriver to Cascade Lakes Highway by the Inn of the 7th Mountain.
 - b. U.S. Forest Service proposal for a paved path from Sunriver to Lava Lands Visitor Center.
- Policy 10.5 Evaluate emerging trail opportunities that include:
- a. Partnerships with other public trail planning processes and trail development groups with technical experience;
 - b. River corridor or river trails such as those promoted by the Bend Paddle Trail Alliance; and
 - c. A regional trail connecting Central Oregon communities such as La Pine, Sunriver and Bend.
- Policy 10.6 Request BPAC to amend their bylaws to require at least one at-large member be from South County.
- Policy 10.7 Support local initiatives to create a South County trail alliance organization.
- Policy 10.8 Work with affected jurisdictions to acquire, develop, connect, and maintain a series of trails along the Deschutes River and surrounding public spaces.
- Policy 10.9 Work cooperatively with City and parks and recreation districts to support grant applications to build or maintain trails in the rural County.

Goal 11 Maintain and improve the public road system.

- Policy 11.1 Support the voluntary formation of special road districts.
- Policy 11.2 Partner with special road districts, the County Road Department and neighborhood associations to determine the best ways to maintain roads that provide primary thoroughfares or emergency egress.
- Policy 11.3 Identify potential funding options for road maintenance.
- Policy 11.4 Post a clear explanation of which roads are maintained and why on the Road Department website.

Goal 12 Partner with Oregon Department of Transportation, U.S. Forest Service, Bureau of Land Management, Sunriver and La Pine to address regional transportation issues.

- Policy 12.1 Coordinate solutions for pedestrians, bicycles and vehicles to cross Highway 97.

- Policy 12.2 Evaluate a north-south alternative to Highway 97 on the western edge of South County, extending from Burgess Road to Spring River Road.
- Policy 12.3 Coordinate with Oregon Department of Transportation and the City of La Pine on the La Pine Transportation System Plan.
- Policy 12.4 Work with the U.S. Forest Service to address maintenance of Forest Service roads that provide access to rural subdivisions, such as USFS # 44.
- Policy 12.5 Encourage the use of partnering agency resources for comprehensive substance abuse prevention strategies in order to reduce impaired walking, cycling and driving.

Natural Hazards

Goal 13 Minimize the threat of wildfire in the Wildland Urban Interface.

- Policy 13.1 Assist fire districts and community organizations in fire prevention activities, such as:
 - a. FireFree spring and fall events;
 - b. Debris clearing and/or drop off and pick up sites;
 - c. Ladder fuel reductions; and
 - d. Updating Community Wildfire Protection Plans.
- Policy 13.2 Encourage neighbors and residents to become Firewise, a national recognition for fire-adapted communities.
- Policy 13.3 Amend County Code to require landowners to maintain defensible space.
- Policy 13.4 Encourage the formation of an organization within the Greater La Pine Community Wildfire Protection Plan area with a fire fighting and river corridor protection focus similar to the Upper Deschutes River Coalition.
- Policy 13.5 Support the productive use of materials removed during fuel reduction efforts.
- Policy 13.6 Work with homeowners, the U.S. Forest Service, Bureau of Land Management and Oregon Department of Forestry to ensure all subdivisions have adequate evacuation routes and signage.

Goal 14 Prepare for other natural and man-made hazards.

- Policy 14.1 Maintain a Natural Hazards Mitigation Plan as described in the Deschutes County Comprehensive Plan, Section 3.5, Natural Hazards.
- Policy 14.2 Evaluate the potential for man-made hazards associated with the Burlington Northern Santa-Fe Railway and Highway 97.

Policy 14.3 Evaluate existing emergency shelters to ensure the alternates are available if primary shelters are not available.

Policy 14.4 Provide information on noxious weed regulations and effective weed control.

Goal 15 Promote individual self-sufficiency while recognizing community interdependence.

Policy 15.1 Promote personal responsibility in preparing for natural disasters.

Policy 15.2 Encourage families to become self-sufficient for the first three days after a major disaster by taking, at minimum, the following steps:

- a. Make a plan;
- b. Build a three-day emergency supplies kit; and,
- c. Get trained in CPR and first aid.

Natural Resources

Goal 16 Support environmental stewardship and natural resource protection.

Policy 16.1 Support the implementation of the Department of Environmental Quality (DEQ) 2013 Southern Deschutes/Northern Klamath County Groundwater Protection Steering Committee recommendations listed on pages 3-5.

- a. Goal 11: Provide a Goal 11 Exception for the at-risk areas in South Deschutes County.
- b. Groundwater Testing: Support efforts by DEQ to fund a groundwater testing program.
- c. Sanitary Authority: Provide technical and legal assistance to a citizen-initiated Sanitary Authority.
- d. Livestock Limits: Continue to educate livestock owners and complaining parties by distributing the matrix "Keeping Livestock in Rural Residential Setting: Enforcement and Education."
- e. Point Sources: Coordinate with DEQ to assess the feasibility of establishing a permitting/groundwater monitoring program for all golf courses, nurseries, commercial RV parks, manufactured/mobile home parks, and other point sources.
- f. Alternative Treatment Technology (ATT) Moratorium: Coordinate with DEQ and Environmental Quality Commission rule amendments pertaining to ATT on-site system requirements as allowed by law.
- g. Financing for Disadvantaged Communities: Support DEQ's research on how other states have established financial aid for sewage treatment solutions and propose an approach to use in southern Deschutes County
- h. Outreach and Community Education: Continue to involve South County residents on groundwater issues

- i. Alternative "Green" Solutions: Support DEQ's efforts to assess green technology for wastewater disposal and setting of applicable performance standards

Policy 16.42 Coordinate with non-profit organizations that have technical expertise and an active presence in South County such as Deschutes Soil and Water Conservation District, Deschutes River Conservancy, Upper Deschutes Watershed Council, Upper Deschutes River Coalition, and Trout Unlimited.

Policy 16.23 Facilitate or support public processes to enhance community understanding on issues that may impact the natural environment, such as pesticide/herbicide use or geothermal energy development.

Policy 16.34 Support an accessible web-based directory or rural handbook describing local organizations specializing in environmental issues so citizens can easily identify points of contact.

Policy 16.45 Track the air quality impacts from potential sources of pollution, such as unpaved dirt roads, controlled and uncontrolled burns and industrial projects.

Policy 16.56 Encourage responsible alternative energy initiatives that recognize South County's energy potential.

Policy 16.67 Maintain a South County representative on the Deschutes County Weed Control District Board.

Policy 16.78 Support efforts to expand recycling opportunities and community composting, including woody debris and curbside recycling, if feasible.

Policy 16.89 Assess the feasibility of forming a South County wetlands mitigation bank.

Policy 16.910 Coordinate with homeowner efforts to address stagnant water in side channels draining to the Deschutes River.

Policy 16.1011 Coordinate with state and federal agencies on significant natural resource issues, including new threatened or endangered species listings.

Policy 16.1112 Participate with all partners in the upper Deschutes Basin on a comprehensive water management plan that restores and manages flows in the upper Deschutes River while meeting the needs of users and property owners.

Policy 16.1213 Consider an ordinance to limit the number of livestock allowed on small acreages in order to limit nitrates from entering the groundwater and protecting public health.

Policy 16.1314 Provide information about:

- a. Maintaining native streamside vegetation in wetlands and floodplains to protect

- water quality; and
- b. Negative effects of fertilizers, lawns, and non-native grasses impacting wetlands, floodplains and streams.

Recreation

Goal 17 Encourage a variety of parks, trails and recreation options for South County residents.

Policy 17.1 Support parks and recreation facilities and services by:

- a. Engaging the neighborhoods not served by a park district as of 2012 in a discussion of park district options;
- b. Supporting the expansion of outdoor amenities, such as public or private campgrounds; and
- c. Supporting agencies, schools and organizations, such as the La Pine Parks and Recreation District or Bend La Pine School District, that provide a variety of youth facilities and programs.

Policy 17.2 Collaborate with the La Pine Park and Recreation District, community

organizations, Sunriver and La Pine to provide safe and convenient river access points, including:

- a. Improving existing sites including those at or near Harper Bridge and Maxwell Veterans Memorial Bridge; and
- b. Assessing options for new or improved public locations.

Policy 17.3 Work with the U.S. Forest Service and Bureau of Land Management to maintain and improve access to recreation activities including hunting, fishing, hiking and off-road opportunities.

Policy 17.4 Ensure that the trails policies under the Transportation section of this Plan consider also multi-use and specialized recreational trails.

**Goal 11 Exception Process
for Southern Deschutes County
(Ordinance 2015-007
File 247-15-000308-PA)**

Board of County Commissioners Public Hearing
SHARC, Sunriver, OR
October 28, 2015



Opening Statement for Legislative Public Hearing

This is a public hearing on Ordinance No. 2015-007, File Number 247-15-000308-PA. The proposal formally recognizes a proposal to amend the Deschutes County Comprehensive Plan to add an exception to Goal 11 (Public Facilities and Services) to allow for centralized collection system for wastewater in unincorporated lands in southern Deschutes County; amend language to Newberry Country Plan to prevent upzoning; and add a Goal 11 map indicating affected tax lots.

The Board of County Commissioners will hear oral testimony, receive written testimony, and consider the testimony submitted at this hearing. The hearing is also being taped. The Board may make a decision on this matter today, continue the public hearing to a date certain, or leave the written record open for a specified period of time.

The hearing will be conducted in the following order. The staff will give a report on this issue. We will then open the hearing to all present and ask people to present testimony at one of the tables or at the podium. You can also provide the Commission with a copy of written testimony.



Opening Statement for Legislative Public Hearing (con't)

Questions to and from the Chair may be entertained at any time at the Chair's discretion. Cross-examination of people testifying will not be allowed. However, if any person wishes to ask a question of another person during that person's testimony, please direct your question to the Chair after being recognized. The Chair is free to decide whether or not to ask such questions of the person testifying.

Prior to the commencement of the hearing any party may challenge the qualifications of any Commissioner for conflict of interest. This challenge must be documented with specific reasons supported by facts.

Should any Commissioner be challenged, the member may disqualify himself or herself, withdraw from the hearing or make a statement on the record of their capacity to hear and decide this issue.

At this time, do any members of the Commission need to set forth any information that may be perceived as a conflict of interest? I will accept any challenges from the public now. Hearing none, the public hearing is open.

Presentation Order by Staff

- General background – Deschutes County
- State land use program & Goal 11 – DLCD
- Protecting groundwater – DEQ
- Land Use Process – Deschutes County

General Background



How Did We Get To A Goal 11 Exception?

SB4

SB3

40 Years in 10 Bullet Points

- 1960s-1970s
~15,000 lots of 0.5 acre to 1 acre each platted in South County
- Lots pre-date Oregon's statewide land use program
- Result is a land use pattern of urban-scale residential density served by rural-scale on-site septic systems

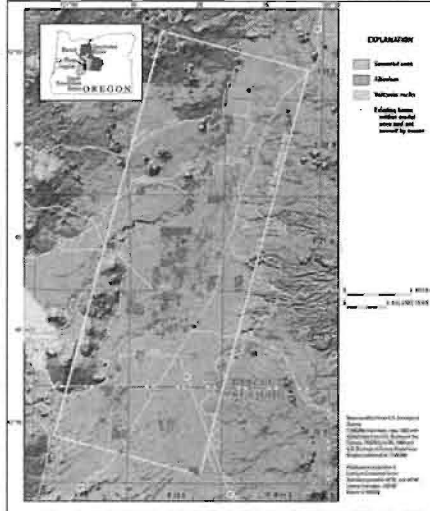


Slide 6

- SB3** Added return to separate text from first line with date.
Sher Buckner, 7/9/2015
- SB4** 10 bullet points, r/th 12?
Sher Buckner, 7/9/2015

40 Years in 10 Bullet Points (con't.)

- Early 1980s groundwater pollution from nitrates begins to be noticed
- 1996-1999 DLCD and DEQ study 12,000 lots for groundwater pollution
- 2008 Deschutes County passes local rule requiring septic systems be converted to alternate treatment technology within 14 years

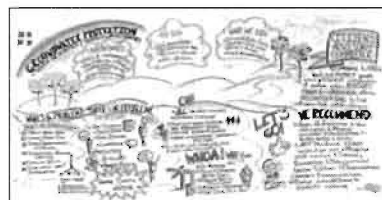


40 Years in 10 Bullet Points (con't.)

- 2009 voters overturn local rule
- 2010 DEQ forms Steering Committee to study issue, which in 2013 unanimously recommends pursuing a Goal 11 exception
- April 2015 DLCD, DEQ, and Deschutes County hold open houses in Sunriver and La Pine on Goal 11
- June 17, 2015, DLCD, DEQ, and Deschutes County apply for Goal 11 Exception in File 247-15-000308-PA



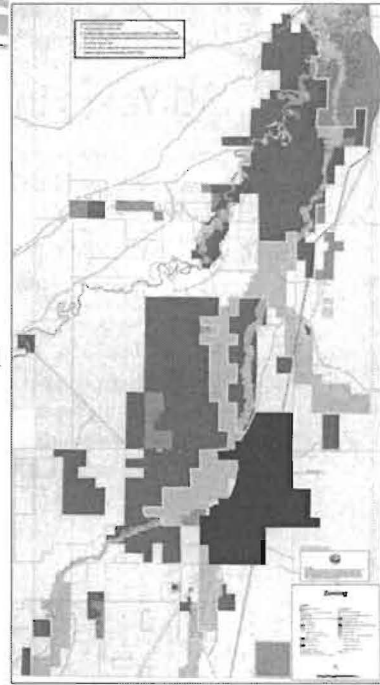
Bend Bulletin photo



DEQ Steering Committee Graphic

Goal 11 Exception Area Lands:

- Rural Residential (RR-10)
- RR-10 split zoned with Flood Plain (FP)
- Public lands abutting RR-10
- Lands in other zones with existing residential pattern of development



DLCD Portion of Presentation

State Rules on Goal 11 and Exceptions

DLCD's Role and Responsibility

- Expert in Goal 11 Exception Process
- Wrote Burden of Proof Related to State Laws, Rules:
 - Statewide Planning Goal 11 Public Facilities
 - Oregon Administrative Rule Chapter 660, Division 11, Public Facilities Planning
 - OAR 660-011-0060, Goal 11 Exception Process

DEQ Portion of Presentation

History and Approaches to Protecting Groundwater

DEQ and the Goal 11 Application



Wednesday, October 28, 2015

Bob Beggett/Oregon Department of Environmental Quality



DEQ and public health protection: How we got here

- Long history of involvement in the area
- Formation of a steering committee
(Met for over 3 years. Had 50+ meetings.)
- DEQ has long been concerned about regional, area-wide groundwater contamination



Current Situation

- There is a documented health threat in South Deschutes County
- A Goal 11 exception provides solutions and is not a mandate
- The exception request meets state criteria and should be approved by the Board of Commissioners



DEQ Steering Committee and the Goal 11 Recommendation

- Goal 11 Exception (Unanimously Approved 1/9/13)
- Intent of allowing but not requiring sewer extension and other community treatment options
- Acknowledgement that centralized systems would allow better treatment of contaminants
- Exception area to include at-risk areas in South Deschutes and North Klamath counties



DEQ Role and Involvement

- Supporting the recommendation and working with agencies to move it forward
- Providing historical data on groundwater contamination to justify the application



Prior discussion and considerations

- Imminence of health concern
- Other solutions/alternatives
- Adequate science
- Region-wide nature of the exception area



DEQ Perspective

- We should not wait for a health hazard to occur before acting
- The DEQ Steering Committee unanimously supported a Goal 11 Exception
- The exception offers the community other solutions to address the issue
- The exception request meets the criteria set by OAR 660-011-0060



Deschutes County Portion of Presentation

Compliance With Comprehensive Plan,
Newberry Country Plan, Other Statewide Goals

Deschutes County Land Use Process

- Deschutes County Comprehensive Plan
 - Amend for Exceptions Statement
 - Amend to add Legislative History
- Newberry Country Plan
 - Amend Policy 9.1 to prevent upzoning due to Goal 11
- Transportation Planning Rule (OAR 660, Division 12)
 - Traffic study of 1,823 red lots, based on 600 homes developing in 15 years
- Remaining Applicable Statewide Planning Goals

Planning Commission recap

- Planning Commission held public hearings in La Pine (July 23) and Bend (August 13)
- Planning Commission deliberated Sept. 10, recommended 7-0 to approve Goal 11 Exception as proposed, with one modification
- Modification was to amend Comprehensive Plan to include recommendations from 2013 DEQ “South Deschutes County County/North Klamath County Groundwater Protection Report and Recommendations”

Response to Planning Commission

- Staff relayed Planning Commission's recommendation to Board at October 7 work session
- Board requested staff write draft policies and present them at Oct. 28 public hearing
- Based on above, Newberry Country Plan would be amended at Goal 16, Natural Resources

Draft Policies for Newberry Country

- Policy 16.1 specifically references 2013 DEQ report recommendations
- Policies 16.1(a through i) are organized by topic (Groundwater Testing, Sanitary Authority, ATT systems, etc.) and paraphrases DEQ report's recommendations
- Policies 16.1(a through i) state County will support various DEQ and/or citizen efforts

Next Steps

- Board receives public testimony
- Board can whether to:
 - Continue hearing to a date certain
 - Close oral record, but leave written record open until a date certain
 - Close hearing tonight and set a date certain for deliberation
 - Close hearing tonight and deliberate
- Based on draft policies presented tonight, staff would recommend keeping at least the written record open until Nov. 18

Questions of Staff?

