

January 6, 2016

RE: Board of County Commissioners January 6, 2016 Public Hearing
File Nos.: 247-15-000521-A, 247-15-000194 CU, 247-15000195-TP
Applicant: Lower Bridge Road LLC

Dear Deschutes County Commissioners:

As a resident of the Lower Bridge Area and neighbor to this mine site for over 20 years, I oppose this PUD, Cluster Development Proposal for many good reasons.

1. **It does not conform to existing Land Use in the Area.** The Entire Lower Bridge Area.
2. It is **the only PUD**, Planned Unit Development in this area.
3. It does not conform to **the Rural Character and Scenic Beauty of this Area.**
4. It does not conform to the **Predominant EFU Zoning** of this Area. Exclusive Farm Use.
5. It does not conform to the only RR-10 in this area, which is a true **Avg. 10 Acres.**
6. **It does not conform to 2 adjoining EFUs of Avg. 25 Acres & 415 Acres.**
7. It does not conform to the **federal "Wild & Scenic River"** status that is on that property.
8. It does not conform to the **"State Scenic Waterway" "Scenic River" Classification there.**
9. **It is a direct conflict with Wildlife Habitat Protection** that currently exists there to the No.
10. It is a direct **conflict with Wildlife Habitat Protection** that currently exists to the East.

Both the Borden Beck Park Wildlife Preserve & the Wildlife Habitat Conservation Program abut it.

11. It is a direct conflict with the County Lots approx. 400 ft. away that were set aside **"for the enhancement of wildlife habitat"**. 10 Riverfront Acres, Tax Lots 200 & 300.

3 Wildlife Habitat Properties above, surround the Subject Lot 500. See map attached.

12. It does not conform to the Landscape Management Zone, protecting the scenic value here.
"The purpose of the LM zone is to protect and enhance scenic vistas as seen from designated roads and rivers".

13. **The Toxic History of both the East & West Sides** of this site, what was found there.

14. **That Gamma Radioactive Waste dumped at this site that never arrived at Hanford.**

DEQ said it was sent, 106, 55 gallon drums - U.S. Dept. of Energy stated they have no records of Waste from Deschutes Valley Sanitation, as the site was called then. Where are these barrels containing 5,830 gallons of radioactive waste? This has a half-life of 14 billion years and will be in this soil long after we are all gone.

15. **The vertically fractured DE there can carry contaminants into the River & Aquifer**

if heavy water/irrigation, septic affects it. So watering that area by the Applicants should not have been done on this highly permeable and porous sub-strata. Proper testing should occur first.
= our drinking water needs to be protected, thousands of citizens would be affected.

16. **This 110 year old Dicalite Mine has had only 1 acre of land properly inspected.**

Needs deep core sampling and ground penetrating radar to find the toxins that may remain here before

granting any residential use here. An Industrial Use was tested for but not Residential Use. Sub-soil sampling should be done per PBS Engineering's Report, not scoop samples off the top.

See "Areas of Concern" in their Phase One Environmental Site Assessment in May 2007 vs. The Wallace Group's quick assessment of this site.

17. PCBs that we the neighbors called to be tested for, were detected by Pacific Power in 2008.

In 2007, the Applicant "bladed over the Area" spreading the PCBs all over the West Side, only 1 acres was tested and removed. That area was at the Yellow Water Tower. We watched and took photos.

Today I saw in the file on this mine - in the Phase One Environmental Site Assessment, May 2007 & mentioned above, under section 7.1 Interview with Owners, "Mr. Riemenschneider stated that large transformers were removed in the early 1980's by PP&L and recalled that PCBs were reportedly present. The transformers were located on the level area north the processing building. He has no records of clean up." (end quote).

Yet when applying for a Residential Re-Zone, he never took care of this PCBs issue. We the neighbors had to report that in 2008. 28 years later. And 1 year after these mine owners/ the applicant bladed the area spreading the PCBs over hundreds of acres on the 410 Acre West Side.

PCBs were also noted in the lagoons, much further from the 2008 clean up area. See attached.

18. Traffic & Fire Safety: Only 1 of the 19 homes will be protected from fire, per their Plan. And the traffic study report done by ODOT, has failed. Too many trips on this Farm to Market road.

The fact that the owner was aware of the PCBs there and did nothing about it and then bladed them all over the West Side to make the site look good before PP&L did the removal, shows their lack of true concern and responsibility to make this property safe for residential use.

19. The Applicants Lot Calculations are off. Per the Hearings Officer's Findings, the Flood Plain should come out and I also caught they forgot the 100 yd. Radius Setback on Lot 1 for the Historic Site. So that takes that lot out. Plus they've included Borden Beck Wildlife Preserve's Lot #1509, so that 2.41 Acres has to come out of their Open Space on Lot #1502, NW Open Space Lot. ≡ 16.5 to 17 Lots

20. The DE Dust blowing off this site into the community for 31 years.

Documents attached shows this has been a nuisance for decades, with the same promise to fix it. See the attached "Promises" page includin the 21 Acres still not reclaimed.

Sincerely,



Diane Lozito, Homeowner on EFU Property near this Mine Site
P.O. Box 85
Terrebonne, OR 97760

Attachments: please see next page.

ATTACHED:

- 1. False Promises made by the owners & applicant and not kept**
- 2. The Group I Carcinogen Produced at this Site**
- 3. Reclamation Summary (Includes the 21 Acres not reclaimed that was due in 2006)**
- 4. Habitat Conflicts**
- 5. Traffic Safety**
- 6. Goal 5 Inventory, 23.108.040 - Historic Resources**
- 7. Zoning - Predominant Use is EFU - Exclusive Farm Use - List of Farms/Ranches for miles**

EXHIBITS:

- A. WILDLIFE HABITAT PROTECTION AREAS - 1/5/16 Map**
- B. ZONING MAP- EFU for over 10 miles along Lower Bridge Way - Dec. 2015 Map**
- C. MAP OF ALL 5 MINE LOTS - Noting the DE is still the same after "Reclamation Efforts"-11/20/15**
- D. LEAKING BARRELS - 11/23/83 photo, File No. 4950**

No more false promises please.

It's not enough to be promised the same results **for over 30 years** but to hear the same reclamation plan for decades and still have no results is an insult to the county and the neighbors of this Mine Site.

SP-85-23

On page 3 of my attachments you will see in 1985, the same plants promised to suppress the dust, the trees promised for a wind break and to screen the mine's unattractive terrain from Lower Bridge Rd. also promised.... the 21 Acres that needs to be reclaimed.

All promised over and over for 31 years. All still not done.

And over the years, the same requests for a continuance, a modification, a stall.

Stalling for years and managing to do nothing to protect the health and safety of the neighboring properties. A continued farce.

The Issues and Neglect on the Owners part: the 3 big ones

1. Records attached show the mine owners knowing of toxic waste barrels that sat on their property for 8 years, leaking into the ground and possibly into the groundwater. Not the owners but the public (private pilot flying overhead) turned it in.

The Gamma Radioactive Waste, Toxic Sludge & other toxins are noted on the attached.

2. The owner, Riemenschneider knew of PCBs and it's location, per the Phase One ESA in 2007 yet they were not reported for removal. It took a neighbor to report it and have it removed in 2008 by PP&L. Unfortunately, the owners/applicant had that area bladed in 2007, before testing & removal and spread the PCBs all over the West Side.

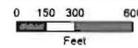
3. The owner, Nolan, per the Phase One ESA, "after 3 years of owning the site site clean up was required. Each Drum of Toxic Waste was checked with a Geiger Counter and the drums with "TOO HIGH" of a Geiger reading were taken to Hanford. Mr. Nolan does not have any copies of files or paperwork documenting site clean up activities".

Note that the Dept. of Energy shows no receipt of these drums arriving at Hanford.

Wildlife Protection Areas



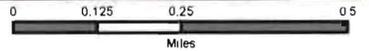
-  Lot 8 Eagle Rock Estates
-  Borden Beck Wildlife Park
-  County Lots



C



This data was downloaded from the Internet. It is provided "as is" without warranty of any kind, either expressed or implied, including but not limited to the accuracy, reliability, or completeness of the information. The user assumes all liability for any use of this information.



Mine Owner - Incorrect in his statement on Leaking Barrels:

FICTION:

Bend Bulletin Newspaper Article:

Despite DEQ's extensive documentation of environmental problems with the site, Reimenschneider said he is convinced there was never hazardous or radioactive waste on the site, and no materials were ever taken to Hanford.

"There were some barrels of stuff," he said. "There wasn't one barrel out there that leaked a thing. It wasn't hazardous stuff."

FACT:

Current Mine Owners, Reimenschneider, Weigand, Nolan, were owners during this clean up and were made aware of the Leaking Barrels and what they contained.



OREMITE MINE-LOWER BRIDGE

PICTURE DATE: 11/28/83

PHOTO OF: SOIL IMPACTED BY A LEAKING DRUM -removed during
Deschutes Valley Sanitation Clean Up (See ECSI#35) FILE NO.: 4950

2

THE GROUP I CARCINOGEN PRODUCED AT THIS SITE

The History of the Mine Site West of Terrebonne - The Subject Property

1920 -1963 The Cristobalite Factory Years

The purpose of my presentation is to present present day health and safety issues to help protect anyone who might live here and all that live in the Lower Bridge Basin.

From 1920 until 1963 four companies extracted diatomaceous earth.

To reach the DE, an average of 23 feet of topsoil was removed from most of the site's 576-acres. What remains, especially in curved areas of the proposed building site is fractured, vertically fissured DE. The topsoil is no longer at the site.

The sole purpose of this site was to cook Diatomaceous Earth.

This was done with 2 furnaces that were 50' in length and 6' in width. According the Terrebonne Lower Bridge Mine plant Foreman, D.F. Dyrsmid, the number 1 product made at this site was diatomaceous earth heated from 1,600 - 2,220 degrees F.

The process is called Flux-Calcining and converts freshwater Diatomaceous Earth into Cristobalite, a Group 1 Carcinogen on a par with Asbestos regarding dangers of inhalation and associated respiratory illnesses, cancer and death. Extreme heat used in the process reduced processed DE to dangerous respirable particulate matter.

The mine employed 65-70 people, operated 3 shifts 24 hours a day, 7 days a week. The waste from the cooking process is estimated to be from 1-5%.

According to the document written by the plant foreman, cooked waste was taken to a dump east of Deep Canyon.

Why does this past history matter? It matters because Cristobalite does not biodegrade and this health hazard was dumped at the site.

This mine was a Cristobalite Factory for 43 years.

Conservatively, using a 1% processing waste level, the amount of Cristobalite waste dumped at the site using the foreman's figure of 300 tons processed per day would produce hundreds of thousands of tons of cooked Cristobalite waste over 4 decades.

The plant brought 300 tons of material to the processing building on the day shift. This equals 43,680 tons per year X 10 years = 436,800 tons of cooked waste

Around 2006, this area of the site was graded and contoured before it was inspected with legitimate deep core samples.

Did the grading of this site spread cooked cristobalite waste all over the western portion of the mine?

The History of the Mine Site West of Terrebonne - The Subject Property

1975-1983 ~ The Uncontrolled Hazardous Waste Years

In 1975, Loren Kramer, DEQ Director, issued a Solid Waste permit to Deschutes Valley Sanitation. Untreated hazardous Waste was not permitted. On December 31, 1976 DEQ allowed for Untreated Hazardous Waste to be delivered and dumped at this unsupervised site before the DE lagoons were deemed safe to contain the waste.

In February of 1976, Hydrologist Frederic Lissner wrote Loren Kramer and stated that the soil was permeable and would not contain the waste and that the waste would likely migrate to the Deschutes River, aquifer, Deep Canyon Springs and area well.

Upon learning this news, Loren Kramer and Milan Synak of DEQ quit their jobs and knowingly left this hazardous waste that they knew was a threat to the environment and humans at the site for 8 years.

Perhaps this is the origin of the DEQ term "No Further Action."

Leaving radioactive waste, cyanide, chromium, VOCs, toxic sludge was a violation of Oregon laws and a criminal act in violation of ORS 167.785. Not one person from DEQ was prosecuted. To this day, DEQ has never admitted wrong doing.

In 1983, a person saw the drums in a photograph and notified authorities. At that point, EPA Super Fund site manager Phil Wong got involved. DEQ did not follow Mr. Wong's directive to monitor the ground water after clean and to make provisions for oversight.

In 1985, Tom Hall of DEQ pronounced the site cleaned up after cleaning only 1 acre of a 576 acre site. In 2007, 41 tons of topsoil with dangerous levels of PCBs were found at the site. They had been there since 1941. PCBs do not biodegrade.hazard." They were found by me reading about 2 substations at the mine and asked Pacific Power for the clean up documents. They did not have any clean up documents and went to the site and found PCBs.

1988 - 2007 ~ East Side Unpermitted Mining, Hot Asphalt & Hazardous Waste Years

E.A. Moore was contacted by the current mine owners to extract gravel. He was there from 1988 - 2006. His son Scott Moore, also worked at the site. During this time E.A. Moore operated for years without a permit and was fined over \$16,000 by Lydia Taylor of DEQ. In addition, Mr. Moore created a vast illegal soil waste site and was forced to remove all solid waste by the Deschutes Count Sheriff.

Bob Johnny ran a Hot Asphalt plant on the east sides if the mine. There are large asphalt piles on the west end of the proposed building side of the mine. Nega Hudson from the National Library of Medicine in 1993 states the following: "The main hazard associated with asphalt is from the PAHs (Polynuclear Aromatic Hydrocarbons) and alkyl PAHs that can move into the ecosystem from the breakdown of asphalt. Since Asphalt contains so many toxic and carcinogenic compounds and since leaching of harmful PAH compounds has been so documented, it should be kept out of rivers, streams, and other natural waters." There are 20' high piles of asphalt on the east side of the mine that have been breaking down for decades.

The History of the Mine Site West of Terrebonne - The Subject Property

In April of 2006, Scott Moore was cited by Jeff Ingalls, DEQ inspector for Class 1, Class 2, Class 3 and Class 4 classes of hazardous waste violations on the east side of the mine. The violations included bringing 55 gallon drums of used oil to the site, the abandonment of lead acid batteries (hazardous waste) and burning hazardous waste materials.

Inspector Ingalls stated, "The owners of this property at some point in time were responsible for the burning of several piles of demolition debris that contained prohibited materials."

2006 - 2015 The No Apparent Health Hazard Years

Not one environment assessment has ever asked what was made in the old mine buildings, measured for airborne respirable particulate matter, checked for PCBs at two power stations that predated 1977 and ran on PCBs, checked for subsurface water or used ground penetrating radar to find buried barrels or hazardous waste.

There is no apparent health hazard if you are not inquisitive and don't read the extensive history of the mine and actually learn about health hazards that are clearly documented in it's 100 year history.

If this mine, at large, is not seriously inspected with truly legitimate tests, this development may well not provide any tax income for Deschutes County and may end up costing the county money in litigation for nondisclosure of the site's history and subsequent health issues that arise.

What will a person who buys land here do when they learn of the mine's toxic history and without real estate disclosure?

Will "No Further Action" and "No Apparent Health Hazard" prove this east side and west side toxic waste site safe and has been cleaned to Human Residential Standards like EPA Region 10 told me must be done?

Respectfully Submitted,

David Jenkins
Citizen of Lower Bridge ~ Deschutes County



2008 Photo - D. Jenkins

source, when inhaled, can cause respiratory irritation. Health effects of such exposure can include sneezing, coughing, difficulty breathing, and eye/nose/throat irritation. These symptoms are usually short-term and resolve on their own once exposure to the airborne dust has stopped. Because DE is very absorbent, it may be especially irritating because of its ability to dry out the moist membranes inside the nose, throat, and eyes. Airborne dust generated from the mine or from the Deschutes River valley in general could cause these kinds of short-term respiratory irritation in residents, particularly during dust-storm events.

Figure 5. Dust storm at Lower Bridge Mine site (April 4, 2008; David Jenkins)



Cristobalite

Inhaled crystalline silica (cristobalite) can cause a debilitating respiratory disease called silicosis and also increase the risk for lung cancer [6, 7]. Cristobalite is considered a health hazard only under occupational conditions where people are exposed to more than 0.05 mg/m^3 for a full work week over 15-20 years [6, 7]. The community surrounding the mine site has expressed concern about residual cristobalite at the Lower Bridge Mine site related to the DE processing that occurred there for 42 years. Some have expressed concern that the dust may get into the air in sufficient concentrations to cause silicosis and increase the risk for lung cancer in nearby residents.

After evaluating the scientific literature on the subject [6-20] and observing current conditions at the site, EHAP concluded that an increased incidence of silica-related lung diseases in residents near the mine site is unlikely. This is because the exposure to dust during periodic, even frequent, dust storms is quantitatively very different from sustained exposures averaging 40 hours/week over 15-20 years (the conditions under which silicosis and silica-related lung cancer typically develop) [6, 7]. Based on current epidemiological studies of silicosis, EHAP found that it is unlikely that sufficient quantities of respirable size crystalline silica particulate could become airborne and reach residents for sufficient periods of time to induce silicosis or silica-related lung cancer.



March 3, 2008 - DE pollution with Silica polluting the entire mine site and all of Lower Bridge Basin (3 sq. mile area). The residence in the foreground is located at Eagle Rock Estates and is not located on the mine property.

The proposal is a 24% effort to protect health & safety at a site rife with hazards.

Reducing pollution on some of the site will not prevent pollution on the entire site.

On January 15, 2008 The Daniels Group proposed to the DEQ that they want to work together to "control any dust emissions from the property." To achieve this goal, they proposed vegetating only 53% of this 576± acre site. The 53% figure is incorrect.

On March 13, 2008 the owners applied for a "Limited License" to water only 140 acres. This leaves 76% (436 acres) of exposed DE with no topsoil or water to prevent uncontrolled airborne emissions. This proposal to water only 140 acres reduces vegetation efforts to only 24% of the entire site, not 53% as the Daniels Group proposed to the DEQ.

The proposal states, "Certain portions of the site may have the propensity for creating dust under certain conditions. "Certain portions" should be defined as the entire site. "Certain conditions" should be defined as whenever the wind blows.

The Daniels Group stated that they cannot agree with all of the DEQ findings.

There is no "source of water" available for the "entire site," short-term or long-term to sustain vegetation and prevent pollution. Temporary water rights (a Limited License permit), will not sustain vegetation long-term.

Geologists have warned that the DE is vertically fractured and that additional water (precipitation alone) would speed vertical migration of contaminants to the aquifer, the river and Dry Canyon Spring. The proposal to water in the toxic waste area ignores these warnings. The DEQ stated that the site has not been cleaned up to residential standards. 74 septic systems, 140 acres of pivot irrigation in the toxic area and residential will increase the chances of dangerous migration.



October 2, 2007 This DE pollution was created by a single truck traveling across the site on an un-watered road. To build 74 homes at this site, there will be far more than 1 truck frequenting this site many times per day.

The proposal states that DEQ/MSHA conducted a test on this site to determine Crystalline Silica and Cristobalite content. It is our understanding that this sampling was taken using methods that apply to OSHA "Industrial Standards." According to the EPA, Region 10, samples were not taken for "Human Environment Standards."

It is also our understanding that samples were not taken to EPA "personal ambient air quality standards" and were not taken in "windy, white out" conditions for respirable Crystalline Silica and Cristobalite that residents of the Lower Bridge Basin community have experienced so often since 1990.

The site will put residents at the site and Lower Bridge Basin residents at risk with long-term, low level exposure known to cause irreversible health issues. Air samples must be taken with EPA approved air quality monitors to meet the national ambient air quality standards (NAAQS).

WARNING:

- Breathing Silica Dust Can Cause Silicosis
- *-A Progressive, Sometimes Fatal Lung Disease-*
- **May Cause Cancer**

The vast majority of sorbent material used today is clay or clay based (i.e. diatomaceous earth).

Clays are composed primarily of silica (SiO) and the dust from these products contains crystalline silica. Silica dust has been linked to a least two critical health problems: silicosis, a progressive and sometime fatal lung disease, and cancer. The consumer will be pleased to know that governments are starting to do something about warning the public of these dangers.

On November 4, 1989, California voters overwhelmingly approved Proposition 65, commonly referred to as the consumer protection act, consumer product warning label law, etc. As a part of this program, California now requires that consumer products containing clay and diatomaceous earth in the form allowing dust generation will have to carry a warning label.

Under #12601, b4A: WARNING: "THIS PRODUCT CONTAINS SILICA, KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER" would be the warning appropriate to clay and diatomaceous earth products.

JL

It does not take large amounts of clay dust to create a problem. New U.S. Department of Labor, OSHA standards for silica-containing dust have been established at 0.1 milligrams per cubic meter. Based on manufacturer's data a typical clay absorbent contains approximately 0.1 percent dust by weight.

Do not forget that we are talking about dust in the air which is very light material. It does not require much weight to create a respectable dust cloud.

Calculations show one 10 pound bag of clay that is 99.9% dust free includes 4 grams of silica dust. Four grams is enough to contaminate 40,000 cubic meters of space or 100 average homes. If evenly distributed, the quantity of silica-containing dust would require each person in the area to wear a dust mask in order to meet work-place health standards.

DE 2-HAZARD

DE 3-SILICA

<http://www.no-nukes.org/nukewatch/summer99/isotopes.html>

(R1)

Isotope Emits Half-life

Uranium-238 alpha

4.5 billion years used in new depleted uranium weapons and tank armor; contaminates 50 million tons of U.S. uranium mine wastes left in open piles

Nuclides of Radiation Significance regularly found in "Low Level" Nuclear Waste Shipments

Source: Radioactive Waste Management Associates, 526 W. 26th St., Room 517, New York, NY 10001

Gamma radiation are photons, i.e. high-energy light-waves and "pack a wallop" traveling in straight lines, knocking loose electrons, causing ionization, and leave a track of ionized particles in their wake.

Gamma radiation is identical to X-rays of high energy.
Gamma is the most penetrating form of radiation.

Isotope Emits Half-life

Uranium-238 alpha
4.5 billion years

residential use⁸. The Board finds, however, that the applicant can meet this criterion through conditions of approval. In establishing these conditions of approval, the Board recognizes that the majority of the environmental concerns pertain to dust and hazardous waste storage that occurred on the a portion of property located West of Lower Bridge Way. Therefore, separate conditions of approval are imposed for 1) the area to the East of Lower Bridge Way (together with approximately 30 acres along the river west of Lower Bridge Way; and, 2) the area West of Lower Bridge Way, the latter requiring a Resolution of Intent to Rezone rather than a current rezoning of that section.

East Area:

1. Prior to final plat approval for any residential subdivision, the applicant shall obtain from the Department of Environmental Quality (DEQ) a "No Further Action" (NFA) determination or the equivalent for a residential use designation for the 160 acres.
2. Prior to final plat approval for any residential subdivision, the applicant shall obtain from the Department of Human Services (DHS) a determination of "no apparent public health hazard" for a residential use designation for the 160 acres.

West Area:

1. Within five (5) years or prior to final plat approval for any residential subdivision on the 410 acre area that is the subject of File No. ZC-08-1/PA-08-1, whichever is earlier, the applicant shall obtain from DEQ an NFA determination or the equivalent for a residential use designation for this 410 acre area.
2. Within (5) five years or prior to final plat approval for any residential subdivision on the 410 acre area that is the subject of File No. ZC-08-1/PA-08-1, whichever is earlier, the applicant shall obtain from DHS a determination of "no apparent public health hazard" for a residential use designation for this 410 acre area.
3. During the pendency of this Resolution and continuing in conjunction with the DEQ VCP program and site development, the owner shall implement the DEQ approved Planting Plan dated May 20, 2008 (Exhibit PH-6) and the DEQ approved Watering Monitoring Plan dated May 20, 2008 (Exhibit PH-7) as the Dust Abatement Plan for the site.

= DID NOT WORK - See current Aerial MAP.

- A. That the change conforms with the Comprehensive Plan, and the change is consistent with the Plan's introductory statement and goals.

FINDINGS: In previous County decisions, it has been held that comprehensive plan goals and policies do not constitute mandatory approval criteria for quasi-judicial zone changes, but rather are implemented through the zoning ordinance, and therefore if the proposed zone change is consistent with the applicable provisions of the zoning ordinance, it also will be consistent with the plan.

The applicant has argued that the public interest is best served by taking the subject property out of mining use. Due to increased rural residential development in the area and decreased value and demand for diatomite, the applicant argues that diatomite mining is no longer

⁸ With regard to environmental issues, the Board lacks the expertise to determine if the subject property is safe for residential use and will look to DEQ and DHS to provide this determination.

contaminants listed in Table 1 in Appendix B. This list of chemicals includes all of the contaminants known or suspected to have been in the hazardous waste stored on the site.

EHAP compared the highest concentration of each contaminant found in the soil from both locations against ATSDR health-based comparison values for soil. These values assume daily exposure to contaminants over an entire lifetime. None of the contaminants exceeded ATSDR comparison values (See Appendix B Table 1), which means that the contaminants were not found at high enough levels to present a health risk. Based on these findings, EHAP concluded that contact with soil from the former hazardous waste storage areas poses **no apparent public health hazard** to surrounding residents under current land use conditions.

Radiological concerns

Some of the hazardous materials historically stored at the mine site contained radiological materials, so EHAP reviewed radiological survey data collected in March 2008 conducted by a third party contractor[3]. Radiation readings were taken at 13 locations in and around the former hazardous waste storage areas including the lagoons and former barrel storage pad. None of the gamma radiation readings exceeded local background levels. In addition to surveys onsite, EHAP staff surveyed the yards of two private residences for gamma radiation levels where fill taken from the mine site had been used for landscaping. EHAP found no radiological readings above local background levels at either of the residences during this July 2, 2008 survey. EHAP concluded that **no apparent public health hazard** associated with historical radiological waste exists at the Lower Bridge Mine site.

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Polychlorinated Biphenyls (PCBs)

EHAP evaluated PCB concentrations in ten soil samples that were taken in April and May of 2008[4] from around the two former onsite power substations. Two out of the ten samples had PCB concentrations above health-based screening values. Pacific Corp. removed the contaminated soil and took thirteen confirmatory soil samples[5]. EHAP evaluated the thirteen confirmatory soil samples and determined that PCB concentrations no longer exceeded ATSDR's health-based soil screening values [5]. Given the localized nature and small area affected by PCB contamination prior to removal, it is unlikely that PCBs could have migrated offsite in sufficient quantities to affect the health of local residents in the past or under current land use conditions. EHAP concluded that soil around the former power substations on the site poses **no apparent public health hazard** to nearby residents.

Potential Groundwater Contamination

Residents expressed concern that hazardous wastes could contaminate groundwater under the site and migrate into domestic wells used by nearby residents. EHAP evaluated groundwater sampling data that was collected and analyzed in March 2008 by third party, state-certified contractors and laboratories (Appendix C Tables 2 and Table 3). The samples were collected from two aquifers (sampled via an irrigation well and a spring) at different depths under the site (one sample from each aquifer). Data in Tables 2 and 3 in Appendix C show the chemical and radionuclide concentrations from the deeper aquifer;

"CURRENT PHOTO"
"DE DUST Remains"

12/28/15 google earth map

near Terrebonne - Deschutes



1 of 1

"Subject Property"
R west + east side

DECLINING REVIEW

If the BOCC decides that the Hearings Officer's decision shall be the final decision of the county, then the BOCC shall not hear the appeal and the party appealing may continue the appeal as provided by law. The decision on the land use application becomes final upon the mailing of the BOCC's decision to decline review. DCC 22.32.035(B). In determining whether to hear an appeal, the BOCC may consider only:

1. The record developed before the Hearings Officer;
2. The notice of appeal; and
3. Recommendations of Staff. DCC 22.32.035 (D).

STAFF RECOMMENDATION

Reasons to hear:

- 1) There are a number of significant code interpretation issues. LUBA will be obligated to defer to BOCC's interpretations if they are at least plausible. The BOCC may want to reinforce or refute some or all of the Hearing Officer's findings/interpretations prior to LUBA review. However, staff notes that matters of state statute, e.g. EFU zone issues, are not matters to which the Board will be given deference by LUBA.

Reasons not to hear:

DE DUST ISSUE

- 1) CDD Staff and Legal believes the hearings officer decision is well reasoned and well written and could be supported as-is on appeal.
- 2) The applicant may challenge the denial at LUBA as a remedy to the Hearing Officer's denial.

- 3) The Hearings Officer found that dust suppression efforts had not succeeded on the adjacent former mining site (H.O. Decision, p. 51), making the subject property an unsuitable location for a subdivision and that the record does, "...not support a finding that blowing DE dust does not and will not present a health hazard to future PUD residents -- or that it is feasible to assure no health hazard from blowing DE dust will occur in the future through imposition of conditions of approval." (H.O. Decision, pp. 51-52) Moreover, the hearings Officer found, "...that under Rhyne (Rhyne v. Multnomah County, 23 Or LUBA 442 (1992)), [she does] not have the option of deferring findings of compliance with the "suitability" conditional use approval criterion to final plat approval as suggested by the applicant. That is because final plat approval is not required to, and does not, provide public notice or hearing." (H.O. Decision, p. 49)

- 4) Staff and Legal notified the applicant in a pre-application meeting that this proposal did not appear to comply with Deschutes County Code and might be denied by the Hearings Officer. The applicant was advised that the following preliminary actions would significantly improve the likelihood of approval:

PCBs found at former Terrebonne mine site

Concerned area residents attend meeting on health effects at planned development

By Hillary Borrud
The Bulletin

PCBs were found in May at a former surface mine west of Terrebonne with a history of hazardous waste disposal, state officials told area residents at a meeting Wednesday night on the health effects of the dusty site.

After months of questions about whether the site poses a

threat to neighbors, the Department of Human Services is performing a health assessment and will eventually issue a report. On Wednesday night, the agency held a public meeting at the Redmond Senior Center to present what its staff and others with the state have learned about the mine site so far. The agency also collected the concerns from

about 35 people at the meeting, including residents and others, during a sometimes-heated question-and-answer session that was still going at 8:30 p.m.

A utility found the chemicals around two transformers in May, although it was unclear whether the chemicals came from the electrical facilities or from waste at the site two decades ago. The soil was removed and tests showed the PCBs were gone, said David Anderson from the Department of Environmental Quality's Bend office.

Oregon's Department of Environmental Quality forced a cleanup of lagoons and barrels of hazardous waste on the 556-acre former mine in the 1980s, and substances found at the site included cyanides, PCBs, chromium and lead. Owners of the site now want to build about 60 homes there, but their application to rezone the land was recently denied.

"It is not as safe as dirt," said neighbor Diane Lozito, referring to the diatomaceous earth once mined at the site, that is often

whipped up in dust storms. "And you're welcome to use my lungs as an example," Lozito said.

During the agency's presentation, Public Health Toxicologist David Farrer with DHS said that only microscopic dust particles can make their way far enough into people's lungs to cause health problems, so most of the dust that neighbors can see will not cause long-term health issues. Farrer also said in an earlier interview on Tuesday that lung cancer and silicosis, conditions that can result from exposure to

a specific type of diatomaceous earth called cristobalite, usually occur through intense, long-term exposure, such as when someone works with the substance one hour a week.

Cristobalite is created with diatomaceous earth is common at extremely high temperatures and although that process takes place at the site, DHS DEQ staff said Wednesday night they believed the mine operators would have removed all of it from the site.

See Terrebonne



Former Madras assistant principal accepts plea deal

By Lauren Dake
The Bulletin

MADRAS — A former Jefferson County Middle School assistant principal pleaded no contest Wednesday to charges stemming from a fight involving another administrator at the school.

Jerry Matthew Newell, 35, was cited by police more than a year ago in connection with the incident.

ASBESTOS, DE DUST, 1074 C WASTE DRUMS = JFS.
source
 Mike Renz, DEQ's Eastern Region Spills Program, Bend office (541/388-6146, x231) was interviewed via telephone on April 9, 2007. The interview is summarized as:

- Mr. Renz has no file information or recollection of a PCB release or cleanup at the site, however, the utility companies do not always work with the DEQ.
- Mr. Renz recalls that waste was stored at that site, and thinks Chem Nuclear was involved.
- Contact Jeff Ingalls, DEQ, regarding the site.

Jeff Ingalls, DEQ's Eastern Region Hazardous Waste Program, Bend office (541/388-6146, x238) was interviewed via telephone on April 11, 2007 and in person on April 12, 2007. The interview is summarized as:

- Mr. Ingalls' file for this site cannot be found.
- The site was visited in 2006 and a warning letter was issued stating that the site owners needed to clean up the solid waste. This was the first time Mr. Ingalls had been on this site. He visited the eastern portion of the site and did not observe any problems.
- Mr. Ingalls provided a copy of his site investigation report (April 26, 2006), a Pre-Enforcement Notice (dated May 8, 2006) and cover letter, and a followup letter (dated November 21, 2006). These documents were obtained from Mr. Ingalls electronic files since the hard copy file could not be found (reproduced in Appendix G of this report).
- One of the issues was an illegal land disposal site; not a pit, the material was piled on the surface. The material has subsequently been taken to Knott Landfill.
- S. A. Moore's response (which is in the missing file) was to stop the illegal burning, and to cleanup, and provide disposal receipts for, the yards of construction debris.
- The sod stockpiled onsite is not allowed per current Oregon regulations, since it originated offsite.
- According to Mr. Ingalls, the DEQ decided not to pursue enforcement at this site since the site owner had agreed to clean up the problem (November 21, 2006 letter). Per the letter "At this time the Department is taking no further action on the violations associated with my April 27, 2006 inspection. However, please be advised that a repeat of these violations may result in another referral for formal enforcement, including the assessment of a civil penalty."
- Per Mr. Ingalls, the November 21, 2006 letter is not a "clean bill of health" from the DEQ.
- On a separate day in May, 2006, Mr. Ingalls walked through the old mill buildings and nearby areas with Mr. Frank Messina, DEQ. Observed asbestos sheet board and building debris.

Frank Messina, DEQ's Eastern Region Air Quality Program, Bend office (541/388-6146, x226) was interviewed via telephone on April 10, 2007 and in person on April 12, 2007. The interview is summarized as:

- Mr. Messina's primary concern is dust that is blowing from the subject property. He provided a copy of a letter dated April 4, 2007, that the DEQ sent to Mr. Nolan (included in Appendix G). The letter requested a meeting between DEQ and Mr. Nolan to address the dust issues. As of April 12, 2007, Mr. Nolan had not yet contacted Mr. Messina to set up the meeting.

Department of Environmental Quality
Remedial Action SECTION
Phone Memo

Date: 12/4/87 Time: 1:00
Call From/To: Tom Hall
Title: _____
Company: DEQ, Central Region
Location: Bend
Phone No.: 388-6146
RE: Deschutes Valley Sanitation cc: _____

Summary of Call:

- ① When drums and sludge cleaned up first time not all sludge removed drums left (sludge 4-5" thick pink color)
- ② April 14th - collected samples including pieces of ink sludge soil sample 25' out from outlet 3-4" depth (sludge 57,000 mg/kg Pb)
- ③ September 29th 1984 letter sent to PCC re contamination
- ④ Oct. 24th - visit to site - samples not taken
- ⑤ Oct 25, 1984 - note to file on visit ^{sludge not observed}
- ⑥ Sludge disposed of was on diatomite (in Odgman #4)

By: J. Bailey

- Scott Moore started SA Moore in 2002. His company has operated on both sides of NW Lower Bridge Way. Prior to that, his dad operated on the east side of NW Lower Bridge Way. His dad's lease began in approximately 1988. Prior to that, Mr. Scott Moore had been onsite from time to time since the mid-1970s.
- Mr. Scott Moore was involved in the cleanup on the east side.
- Scrap iron from old crane booms were formerly located on the eastern portion of the site, in the level open area to the southeast. A firm came in with a mobile shear, cut up the scrap iron and loaded it out.
- An old shack that was formerly an aluminum van body was located in the southwest part of the eastern portion of the subject property.
- An old asphalt plant was formerly located on the eastern portion of the subject property. Mr. Scott Moore believed the plant closed sometime between 1986 and 1988.
- The scalehouse was never used by either of the Moore operations. It belonged to Mid-Oregon Crushing/Ready Mix, owned by Bob Johnnie.
- Mr. Scott Moore has purchased the sand stockpiles located on the eastern portion of the subject property. Quality of the sand is not sufficient for use in concrete and is mainly used as riding arena sand. He occasionally loads and hauls sand from here, using the front loader that remains onsite.
- Mr. Scott Moore stated that the Moore operations were restricted to the western part of the site (north and west of NW Lower Bridge Way).
- Operations on the western portion of the site included screening and crushing. The equipment was set up near where the box trailer is currently. Material was not stockpiled onsite but was sold as it was produced; ¾" minus and fill were produced.
- No fuel tanks were used onsite in association with his operations. All of his pickups contained fuel tanks that were used to fuel onsite equipment. Oil and grease was kept locked up.
- A long time ago, he cleaned up a bunch of iron from some other contractors, but didn't get it all and needs to go back and finish removing the remaining steel.
- The large brush pile near the office trailer is planned to be ground up, mixed with soil, and used to create mulch. The brush has been onsite for about 1 ½ years, and needs to dry more before it can be ground.

7.4 Interviews with Local Government Officials

Dan Crouse, DEQ's Eastern Region Site Assessment Section, The Dalles office (541/298-7255, x31) was interviewed via telephone on April 12, 2007. The interview is summarized as:

- Dick Nichols had previously contacted Mr. Crouse and requested ECSI file # 35. The file cannot be located.
- "Site priority evaluation for further action", stated in the online ECSI report, means that Mr. Crouse entered the NFA into the DEQ's system, not that any future action is currently planned.
- Mr. Crouse has stopped by the site and taken a few photos since the NFA was filed.



cleanup. Norm Weigand is Mr. Nolan's cousin, and is not familiar with site operations, including the holding pond cleanup.

- According to Mr. Nolan, Rex Barber was president of DVF. Wade West and Charlie Moon were also officers. All are deceased. Wade West spearheaded getting the waste disposal deal started, and oversaw installation of the four holding ponds. The material in the drums (oversize drums) was primarily casting sand from Precision Castparts in Portland. The drums were stored onsite south of the holding ponds; Mr. Nolan never witnessed anything going into the ponds. After Mr. Nolan had owned the site for three years (approximately 1979), site cleanup was required. Bill Young was the head of the DEQ at that time, and was involved in site cleanup. Drums were moved during the summer, fall, and winter; Whiting Trucking transported the drums. Each drum was checked with a Geiger counter; the cleaner drums were disposed of at Boardman and drums with "too high" of a Geiger counter reading were taken to Hanford. Mr. Nolan does not have any copies of files or paperwork documenting site cleanup activities. He does recall a meeting with about 20 DEQ people, Whiting Trucking, and Precision Castparts. Precision Castparts paid for the cleanup. After the drums were moved, the DEQ brought a drill onsite and took samples. The DEQ prepared a letter saying they were satisfied with the cleanup.
- The property-owner questionnaire response indicated that the power company removed transformer(s) from the property and cleaned up the site. Mr. Riemenschneider stated that large transformers were removed in the early 1980s by PP&L and recalled that PCBs were reportedly present. The transformers were located on the level area north of the processing building. He has no records of the cleanup.
- In response to the User Questionnaire question #5, regarding any known environmental cleanups, the response was "Yes. All trash, drums, tires, batteries, iron and other debris was (sic) removed and clean bill of health issued by DEQ in 2006".
- Mr. Nolan has received the recent letter from Frank Messina, DEQ, regarding dust control issues at the site. He recalls that seeding with red clover and native grass was done after he purchased the site to keep the dust down. Mr. Moore has worked on keeping the dust down as well.

7.2 Interview with Previous Owner(s)

Based on information obtained from Mr. Nolan and Mr. Riemenschneider, all knowledgeable previous property owners associated with Deschutes Valley Farms have since passed away, hence no previous owners were interviewed. Note that Mr. Riemenschneider owned the property prior to its being sold to Deschutes Valley Farms.

7.3 Interviews with Site Manager, Occupants or Employees

Scott Moore was interviewed on April 11, 2007 via telephone (541/548-4525). The interview is summarized as follows:

Lagoons

5913

February 19, 1976

Mr. Rex T. Barber, Vice President
Deschutes Valley Sanitation, Inc.
P. O. Box 68
Terrebonne, Oregon 97760

Dear Mr. Barber:

With this reply to your letter of February 4, 1976 we are enclosing a copy of the memorandum report dated February 9, 1976 covering the inspection of the Deschutes Valley Sanitation, Inc. liquid waste disposal site which was conducted on January 22, 1976 by Fred G. Lissner of the State Engineer's office and Dr. Robert C. Paeth of DEQ.

The report, prepared by Mr. Lissner and concurred with by Dr. Paeth, concludes that the current lagoon sites are unacceptable for liquid waste disposal because of the highly porous and permeable substrata, and it therefore recommends that they be abandoned and not be used for liquid waste disposal.

We are extremely concerned about the fact that your company failed to inform us of the actual conditions which exist at the site of the completed lagoons. In your letter of February 4, 1976 you make no reference to and give no explanation for the gross misrepresentation of facts concerning the lack of adequate depth of diatomite deposits beneath the lagoons.

In view of the above we have no alternative but to request that further acceptance and disposal of liquid wastes at the existing lagoons be terminated immediately.

Mr. Rex T. Barber, Vice President
February 19, 1976
Page 2

After you have had an opportunity to review the report of Fred Lissner and Dr. Paeth we will be willing to confer with you at your convenience regarding what steps might be possible to rectify this situation. In the meantime, if there are any questions regarding this matter please contact the Solid Waste Management Section in Portland at 229-5913.

Sincerely,

LOREN KRAMER
Director

KHS:mm
Enc. (1)
cc: Central Regional Office
cc: Century West Engineering Corporation
cc: Senator Jernstead
cc: Senator Fred W. Heard
cc: Representative Sam Johnson
cc: Representative Jack Sumner

David Jenkins
P.O. Box 85
Terrebonne, OR 97760-0085

August 11, 2009

Re: Deschutes Valley Sanitation Site

Septic

Dear Mr Jenkins

I want to thank you for your informative letter of August 6, 2009 and the documents you enclosed. They disclosed a lot of information about the site that I was not aware. When I visited the site in 1983, it was remote and I do not remember seeing any residences in the area. I'm not qualified to comment on the air transport of hazardous materials. I do have some questions on the possibility of ground water pollution.

If the site is now near or under a residential area, what is the source of their water supply? Are there any wells in the area? Has any ground water pollution been detected?

It was unknown in 1983 whether there was a perched ground water aquifer beneath the site. With a substantial residential development in the area and with ground disposal of their liquid waste, there would be the possibility that a perched aquifer could develop. Asbestos would not be a concern as it doesn't migrate in the soil, but residual PCBs and other organic chemicals in the soil might be transported downward with the septic tank effluent and someday reach the underlying regional aquifer which discharges to the Deschutes River. I would think a ground water monitoring program should be considered. The regional water table is at a great depth and attempting to monitor it would be very difficult. Some shallow wells however, to determine whether a perched aquifer exists or develops in the area, would be more reasonable.

I'm sending you an old report for your library. It was prepared in 1968 about the use of drain wells for waste disposal. The appendix contains some well logs and chemical analyses that gives a general picture of the geology and ground water quality of the Redmond-Terrebonne area.

With my best regards,

Jack E. Sceva
JESMKS@aol.com



LIQUID WASTE DISPOSAL
IN THE
LAVA TERRANE OF CENTRAL OREGON

Prepared by

Jack E. Sceva
Technical Projects Branch

Report No. FR-4

U. S. Department of the Interior
Federal Water Pollution Control Administration
Northwest Region
Pacific Northwest Water Laboratory
Corvallis, Oregon

May 1968



FEDERAL WATER POLLUTION CONTROL ADMINISTRATION
NORTHWEST REGION, PACIFIC NORTHWEST WATER LABORATORY

LIQUID WASTE DISPOSAL IN THE LAVA TERRANE OF CENTRAL OREGON



U.S. DEPARTMENT OF THE INTERIOR
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION
NORTHWEST REGION

APRIL 1968

CLEAN
WATER

IMPlicate copy

* TOXIC Waste-Leaking Barrels sat for 8 yrs there

4M C1

METRO/NORTHWEST

The Oregonian, Wednesday, November 30, 1983

Section C
Editorial, Forum

Waste dump cleanup starts — 8 years late



Jonathan Nicholas

Killer instinct

There was a chill in the air that December evening, but inside the limousine everything was snug and warm. Returning from a session at the Record Plant, a Manhattan recording studio, John Lennon was looking forward to "a bite to eat, and then bed."

Stepping from the car, he paused — as he always did — to greet the small group of fans who pitched a more or less permanent camp at his door. Someone called out his name. Lennon turned. He smiled. He held out his hand — and greeted death.

Dalton Tanonaka, a television news reporter with Channel 2, was working in Hawaii at the time of the assassination. When he heard that Lennon's killer was Mark David Chapman, an overfed, undernourished 25-year-old security guard at a walking condominium, he immediately got onto the story. Tanonaka has maintained contact ever since with Vicki Chapman, wife of the man who shot the bravest Beatle of them all.

During the past three years, Tanonaka has written a series of letters to Chapman, now imprisoned at the state prison in Lansing, Michigan. The wastes were stored by Deschutes Valley Sanitation Inc. on land about a half-mile west of the Deschutes River under a DEQ permit granted by former DEQ director Loren "Bud" Kramer in August, 1975. The permit was revoked the next year after Kramer

Unlike John W. Hinckley Jr., who has spent much of his incarceration for the attempted slaying of President Reagan courting media attention, Chapman has refused to talk at all with outsiders. His letter to a Portland TV reporter, Tanonaka believes, is his first ever contact with a newsman. In the letter — a single page, typed — Chapman discusses at some length his conversion to Christianity. "Through Him," he writes, "I have found forgiveness."

By JOHN HAYES
of The Oregonian staff

State environmental officials Tuesday blamed administrative errors and faulty memories for delaying until this week the cleanup of 45,000 gallons of chemical and radioactive wastes dumped in 1975 and 1976 in Central Oregon.

"I haven't been able to get an adequate explanation of why it took us eight years to find out about this," said Richard P. Reiter, administrator of hazardous waste for Oregon's Department of Environmental Quality.

Reiter and other DEQ officials acknowledged Tuesday that the wastes, containing lead and highly caustic chemicals, remained at a geologically unsuitable site near the Deschutes River since 1976 without action by the agency to remove them.

Although the DEQ licensed and then closed down the disposal company that accumulated the wastes, officials did not rediscover the wastes until August, after a member of the public notified the agency about the situation.

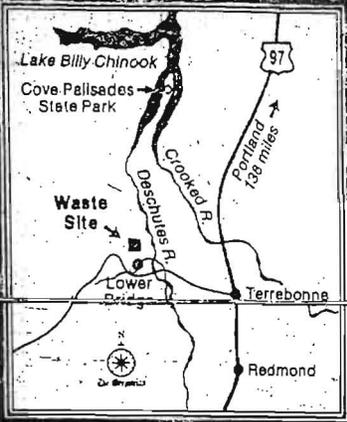
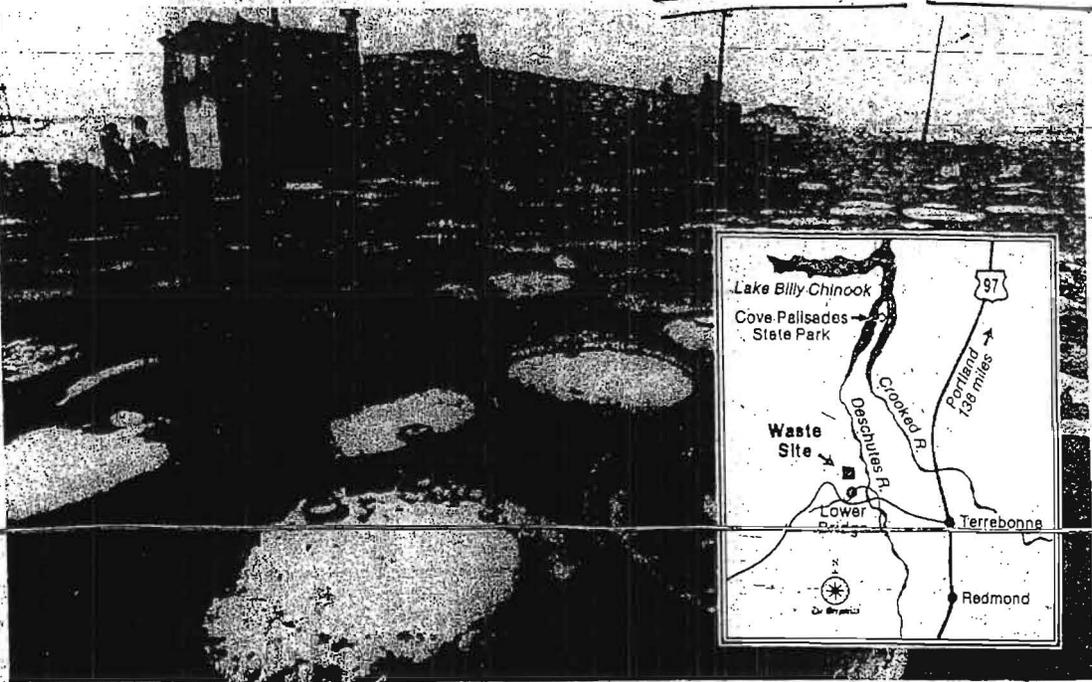
"We apparently just forgot about it," Reiter said, adding that three key officials connected with the case resigned or were transferred to other duties after the dump was closed.

"I would personally like to believe this is the only time anything like this happened," Reiter said.

On Tuesday, the first 55-barrel shipment of wastes left the site, 30 miles north of Bend, as workers from Precision Cast Parts Inc. of Portland and Chem-Security Systems Inc. of Seattle continued the cleanup that started Monday. The waste was being sent to a licensed disposal site near Arlington in north central Oregon.

A total of 723 barrels of waste containing caustic sodium hydroxide, potassium hydroxide and radioactive casting sand were found at the site. Another 5,500 gallons of lead-contaminated ink sludge was located in a pond on the site.

The wastes were stored by Deschutes Valley Sanitation Inc. on land about a half-mile west of the Deschutes River under a DEQ permit granted by former DEQ director Loren "Bud" Kramer in August, 1975. The permit was revoked the next year after Kramer



Associated Press

WASTE CLEANUP — Barrels of chemical and radioactive wastes at dump disposal sites near Arlington and Pasco Wash. Map shows location of dump, which was closed in 1976 and apparently forgotten.

accused the company of a misrepresenting the soil conditions at the site.

Kramer said the dump company misled the DEQ into believing that the waste would be located above a thick layer of underground soil that would prevent chemicals from leaking into underground water. Information supplied by the company amounted to "a gross representation of the facts," Kramer said in a 1976 letter.

The charge was denied Tuesday by Rex T. Barber of Portland, a former vice president of Deschutes Valley Sanitation, which was dissolved voluntarily in 1977.

There is a lot more to this than that," Barber said, adding that the Central Oregon site was and is suitable for waste disposal. "I was very angry with them. They cost us a million-dollar operation."

The DEQ granted a permit to Baxter on the basis of soil tests he supplied just before construction. But when four shallow ponds were dug at the site, the DEQ found porous soil near the surface, said Gary J. Calaba, an environmental analyst who supervised the cleanup for the DEQ Tuesday.

Later tests by the DEQ showed that the deep layer of impervious material did not exist and the groundwater was not protected. "Our files don't indicate whether it was purposeful or otherwise," Reiter said. "It is very difficult to explain how you could excavate two holes next to each other and get such different results."

So far, the agency has found no evidence that the wastes have reached the Deschutes River or the underground water, Reiter said. DEQ tests showed the ink sludge to contain 20,000 parts of lead per million parts of sludge. Under

DEQ rules passed in 1979, sludge with more than 500 parts per million of lead is considered hazardous waste.

Much of the waste was a radioactive sand mixture used by Precision Cast Parts of Portland to make sand casting molds. Officials of the state Health Division refused to identify the radioactive isotope contained in the wastes.

"It is a trade secret and was given to us in confidence," said David A. Stewart-Smith, a health physicist overseeing the cleanup. The waste was being packaged for shipment to a licensed disposal site near Pasco, Wash.

Plasma lab eyed, found clean

How plasmapheresis works

About half of blood in the human body is plasma. A process called plasmapheresis separates the clear, honey-colored plasma from the rest of the blood, which is then reinjected into the donor. The entire process, in which a unit of blood is drawn and returned to the body

Initiative calls for homestead program

Three groups who have opposed the sales tax filed an initiative petition with the Oregon secretary of state Tuesday. Grove, said the homestead exemption would cost \$350 million — which would be considerably less than the

NOV

30

DECLINING REVIEW

If the BOCC decides that the Hearings Officer's decision shall be the final decision of the county, then the BOCC shall not hear the appeal and the party appealing may continue the appeal as provided by law. The decision on the land use application becomes final upon the mailing of the BOCC's decision to decline review. DCC 22.32.035(B). In determining whether to hear an appeal, the BOCC may consider only:

1. The record developed before the Hearings Officer;
2. The notice of appeal; and
3. Recommendations of Staff. DCC 22.32.035 (D).

STAFF RECOMMENDATION

Reasons to hear:

- 1) There are a number of significant code interpretation issues. LUBA will be obligated to defer to BOCC's interpretations if they are at least plausible. The BOCC may want to reinforce or refute some or all of the Hearing Officer's findings/interpretations prior to LUBA review. However, staff notes that matters of state statute, e.g. EFU zone issues, are not matters to which the Board will be given deference by LUBA.

~~Reasons not to hear:~~

- 1) CDD Staff and Legal believes the hearings officer decision is well reasoned and well written and could be supported as-is on appeal.
- 2) The applicant may challenge the denial at LUBA as a remedy to the Hearing Officer's denial.
- 3) ~~The Hearings Officer found that dust suppression efforts had not succeeded on the adjacent former mining site (H.O. Decision, p. 51), making the subject property an unsuitable location for a subdivision and that the record does, "...not support a finding that blowing DE dust does not and will not present a health hazard to future PUD residents -- or that it is feasible to assure no health hazard from blowing DE dust will occur in the future through imposition of conditions of approval." (H.O. Decision, pp. 51-52) Moreover, the hearings Officer found, "...that under Rhyne (Rhyne v. Multnomah County, 23 Or LUBA 442 (1992)), [she does] not have the option of deferring findings of compliance with the "suitability" conditional use approval criterion to final plat approval as suggested by the applicant. That is because final plat approval is not required to, and does not, provide public notice or hearing." (H.O. Decision, p. 49)~~
- 4) Staff and Legal notified the applicant in a pre-application meeting that this proposal did not appear to comply with Deschutes County Code and might be denied by the Hearings Officer. The applicant was advised that the following preliminary actions would significantly improve the likelihood of approval:

A Bond for Remediation
is needed -

- b. a stormwater easement or drainage right-of-way conforming substantially to the course of the Deschutes River;
 - c. all private road information, reservations, and restrictions; and.
 - d. the location of all utility easements.
19. The applicant/owner shall record the PUD's covenants, conditions and restriction with the Deschutes County Clerk.

PRIOR TO CONSTRUCTION GRADING OR CONSTRUCTION OF IMPROVEMENTS:

20. The applicant/owner shall provide cash or a performance bond in favor of Deschutes County, and acceptable to Deschutes County Legal Counsel, for the cost of remediating DE dust on SM Site 461 and the subject property, in an amount to be identified by the applicant and approved by the board, prior to grading or construction of any improvements on the subject property. The bond shall be redeemable by the county if the applicant fails to complete the DE remediation identified as necessary for SM Site 461 and the subject property by the June 22, 2015 Wallace Group report.

* 21. Each dwelling shall receive scenic waterway approval from the Oregon Parks and Recreation Department. 1/4 mile setback.

22. Each dwelling shall receive LM site plan approval from Deschutes County.

23. Each dwelling shall receive SMIA site plan approval from Deschutes County.

WITH CONSTRUCTION OF DWELLINGS OR OTHER STRUCTURES:

24. All dwellings shall satisfy all applicable lot coverage and building height limitations, including no lot coverage in excess of thirty (30) percent of the total lot area, and no building or structure exceeding 30 feet in height.

25. All dwellings shall be constructed of fire resistant materials.

26. All structures shall be set back at least 100 feet from the OHWM of the Deschutes River and at least 50 feet from any rimrock.

27. All dwellings shall be constructed consistent with all grading and fill requirements in Section 17.36.230 of the Deschutes County Code.

28. All structures shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.

29. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., all existing tree and shrub cover screening any structure from the Deschutes River shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation.

30. Subject to applicable rimrock setback requirements or rimrock setback exception standards in Section 18.84.090(E) of the Deschutes County Code, all structures shall be



STATE OF OREGON

INTEROFFICE MEMO

TO: File

DATE: September 9, 1980

FROM: Paul F. Lawson 

SUBJECT: Terrebonne Diatomaceous earth deposits

This site has figured in newspaper articles and I have had two telephone calls from Lois Raney. Ms. Raney claims to be affiliated with Northwest Diatomite and indicates that they presently have a lease on this site from the Deschutes Valley Farms who she says now own the site. She claims that unknown individuals have and are removing the stockpiled diatomite from the site. I drove around the portion of the site which is bordered by roads. I noted one area where a rubber-tired endloader is presently sitting where obviously material has recently been removed from outside or exterior escarpment. Inquiry at the nearby Mid-Oregon Ready Mix plant indicates that it is the county which is removing material from this site for road topping. The response at the Ready Mix site relative to removal of diatomite from the site was evasive but to the effect that individuals sometime get a truckload for lining pools or ponds. They claimed not to know anyone by name. They also claimed that less than 100 cubic yards per year had been removed.

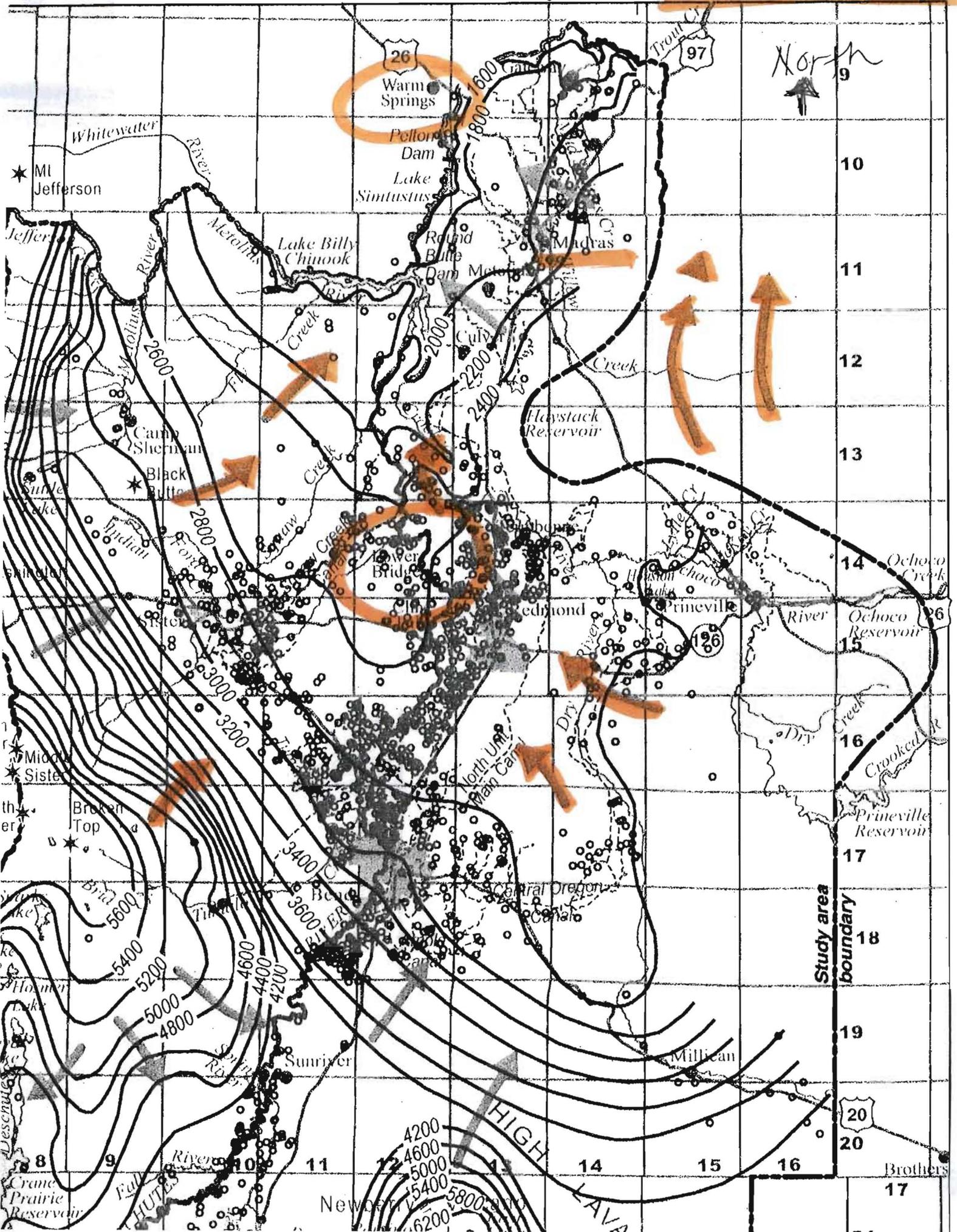
I then went to the site and stopped at the former offices of the Great Lakes Mining Company which had formerly marketed the material as Dicalite. Here I met and talked to Mike Sellard who apparently has leased these buildings and who is constructing a dryer for pumice. Mr. Sellard claims that there is no extractive activity whatsoever on the property. He is removing or extracting small amounts of pumice across the road from the headquarters area. So far his activities are below the threshold level of our law. I did not ask him concerning the removal of the diatomite as at that time I had not seen the stockpiles and when I returned he was not available. After talking with him I went on through the area and explored all of that area which could be reached by road. On passing the stockpile it was apparent that there has been some removal and some of it appears to have been recent although there is no equipment there at the moment. A large area has been mined and perhaps 20 acres has been partially mined and appears to still have reserves of diatomite. In addition since I do not know the exact extent of the property there may be some further reserves. According to Mr. Sellard there is one area that at one time was utilized for the disposal of copper wastes. The idea was that upon filling the area and the evaporation of the liquids, the material would then be processed for the copper. I do not know where this site is located and I did not see it. The site should be periodically checked for further activity.

This site is reached by road which has a sign indicating the Crooked River Ranch at its junction with Highway 97 between Madras, Terrebonne, and Redmond. This point is just north of Terrebonne, perhaps a quarter of a mile. Following this road to the west one passes the junction to Crooked River Ranches continuing straight on through the road that one has been traveling and from then on it is simply following the road until you come to this site. Major landmark at this site is the old mill and office buildings plus the very distinctive water tower which is equal to that which most small towns might have.



Contains
Recycled
Materials
01-125-1357

Lower Bridge to Warm Springs 121°00'



North

Study area boundary

HIGH LAVIA

9
10
11
12
13
14
15
16
17
18
19
20

MI Jefferson

Black Butte

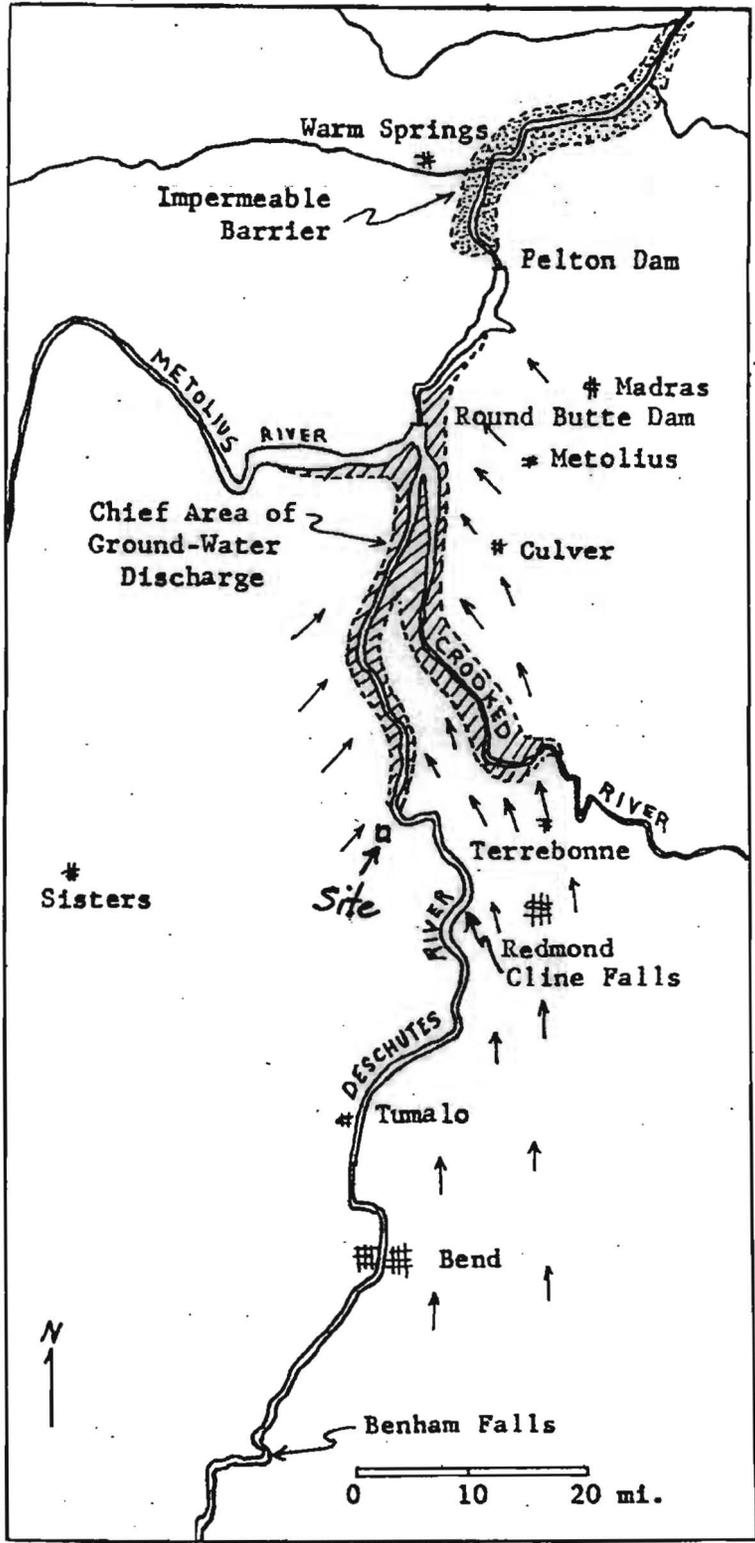
Broken Top

Crane Prairie Reservoir

Newport

Milliean

Brothers



From Sceva's Report FR-4, 1968, EPA.

FIGURE 4.--MAP OF THE PROJECT AREA SHOWING CHIEF AREA OF GROUND-WATER DISCHARGE.

ARROWS INDICATE GENERAL DIRECTION OF GROUND WATER -MOVEMENT.

TERREBONNE DIATOMITE FORMATION
 Typical Stratigraph

(DE4)

DESCRIPTION	FORMATION TO APPROX. SCALE	STRATA THICKNESS
	GROUND SURFACE	
Alluvial Soil		2'
Soil and Gravel		4'
Cemented Sand and Gravel		3'
Sand and Gravel		2'
Sand		10'-12'
Sand, Pumice, and D. E.		3'
*No. 1 D. E. High Quality		4'
*No. 2 D. E. Good Blending Quality		8'-10'
*No. 3 D.E. and Silver Sand *No. 4 D.E. Good Blending Quality		2"-6" 2'
*No. 5 D. E. High Quality		5'
*No. 6 D. E. quite variable in thickness, not being worked at present.		4'-12'
*No. 7, Yellow Sand		3"-4"
*No. 8 D. E. Contaminated		1'
	BOTTOM OF DEPOSIT	

Overburden 20 to 30 ft.

Diatomite 22 to 38 ft.

25-30 ft. Red Conglomerate below

*Stratum Number
 D.E. abbr. for diatomite



TO: Milan Synak

DATE: February 23, 1976

FROM: Frederick G. Lissner

Frederick G. Lissner

File # 1062

SUBJECT: Deschutes Valley Sanitation Monitor Wells

On September 7, 1975, Gordon Davidson drilled two monitor wells for Deschutes Valley Sanitation in Section 16, Township 14 South, Range 12 East. Copies of the logs were forwarded to you on February 2, 1976 showing the presence of "Dicalite" (a trade name for diatomite) to depths of 16 feet and 17 feet respectively. The actual thickness of diatomite in the vicinity of the wells is much less than that as reported by myself and Bob Paeth.

However, no action is planned by this office against Mr. Davidson's license. It is felt that, inasmuch as Mr. Davidson is not a geologist, he cannot be held liable for incorrect identification of diatomite and tuffaceous sands.

(*)
↓

WHAT GOOD THEN, ARE THE WELL LOGS, OR ANY DRILLER'S WELL LOGS AS FAR AS THAT GOES? APPARENTLY WE HAVE BEEN RECEIVING TOO MUCH CREDIBILITY IN WELL DRILLERS' REPORTS.
FAS

DO WE NEED DEQ GEOLOGIST OR SOIL SCIENTIST TO BE PRESENT DURING WELL DRILLING, AT THE S TO MAKE SURE THAT WE WILL HAVE ACCURATE WELL LOGS?

mg



STATE OF OREGON

INTEROFFICE MEMO

TO: Bob Free

DATE: December 13, 1977

FROM: R. Kent Mathiot State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITYRECEIVED
DEC 20 1977

SUBJECT: Deschutes Valley Farms proposed solid waste sites.

BEND DISTRICT OFFICE

The following comments are in response to your request for information concerning the ground water conditions at the two proposed Deschutes Valley Farms solid waste sites in Deschutes County. Both sites are located on the abandoned Oremite Mine property situated approximately six miles north and eight miles west of Redmond in Section 16 of Township 14 South, Range 12 East, Willamette Meridian. My remarks are based on observations made during a visit to the property on December 6th, and on a review of pertinent hydro-geologic information. This information included several reports done in conjunction with earlier waste disposal programs proposed for this property.

The initial purpose of the December 6th site investigation was to gather information concerning the suitability of the Deep Canyon site, (see attached map), for use as a solid waste disposal site. However, at the request of the property owners, a brief investigation of an alternative site, (the lagoon site), was also carried out.

GENERAL SITE CHARACTERISTICS:

The northwesterly meandering, steep walled, Deschutes River Canyon cuts into the landscape along the northeast edge of the property. The canyon walls and various road cuts near the property expose the alternating layers of sedimentary, pyroclastic, and volcanic materials that underlie this portion of central Oregon. Also exposed are remnants of the extensive, near surface diatomaceous earth deposits which were mined at the Oremite property.

Based on well log data for the area, I would estimate that the water table beneath the property is at approximately 2,550 feet above sea level, or approximately 100 feet below the mean surface elevation. Recharge to this ground water body is supplied by precipitation in the upland areas to the south and west. A portion of the rainfall and snow melt in these upland areas infiltrates into the subsurface and eventually reaches the water table. The ground water then moves in a northeasterly direction towards the Deschutes River canyon and other discharge points. In the Deschutes River canyon the ground water is discharged to the river, via seeps, springs, and as underflow to the river channel.

Precipitation at Redmond averages approximately 8.6 inches per year and the potential evapotranspiration averages 23.4 inches per year. Gusty winds are quite common to this area.

DEEP CANYON SITE:

Deep Canyon, located along the northwest edge of the Oremite property, cuts approximately 100 feet into the surrounding plain. The proposed fill site is a section of the canyon which is bounded on both ends by artificially placed fills, and which is approximately one mile "up canyon" from the juncture of Deep Canyon and the Deschutes River canyon. A 1955 U.S.G.S. map shows a perennial stream flowing in Deep Canyon, whereas a 1962 U.S.G.S. map shows the canyon as an intermittent drainage way containing several springs. No water was flowing in the canyon at the proposed waste site during the December 6th investigation. However, ground water was being discharged at what appeared to be a year-round spring located approximately 300 feet down canyon.

Evidence of recently standing and flowing water was observed in Deep Canyon at the proposed waste site. This was most likely attributable to recent, heavier than normal, local rainfall and snow melt. In addition, a considerable amount of water appeared to have entered the canyon through vertical fractures that were observed in the tuffaceous materials that make up the canyon walls. These vertical channels were quite common, and appeared to provide relatively direct access to the canyon for surface waters.

The approximate elevation of Deep Canyon at the proposed waste site is 2,560 feet above sea level. A three to ten foot thick, artificially placed fill on the canyon floor, and the impracticality of bringing a backhoe down the steep and rubblely access route prevented the examination of subsurface conditions at the site.

LAGOON SITE:

Previous work has shown that this area is underlain by a varying thickness of diatomaceous earth. Although no definite boundaries have been established for the proposed landfill operation, the anticipated site is in an area which is reportedly underlain by more than 18 feet of the diatomaceous earth. This is in turn underlain by an undetermined thickness of tuffaceous material, the upper portion of which is well indurated.

Evidence of periodic surface water runoff was observed in the area of the proposed fill site, however, the permanent water table beneath the site is apparently between 100 and 200 feet below land surface.

CONCLUSIONS:

Deep Canyon site - Several natural ground and surface water characteristics make consideration of the Deep Canyon site for a solid waste disposal area very impractical. The site is in a natural drainage way which enters a major, environmentally delicate, river canyon a relatively

short distance from the proposed fill. Active springs are located both up-canyon and down-canyon from the site, and surface water seepage (irrigation, snow melt, heavy rainfall), periodically enters the canyon via vertical fracture systems. In addition, a permanent regional ground water table exists at an undetermined, but most likely shallow, depth beneath the canyon floor; and the nature of the subsurface materials at the site has not been determined.

X Lagoon site - From a ground water protection standpoint, the lagoon site is much more suitable for development as a solid waste disposal area. The impermeable nature of the underlying diatomaceous earth, the apparent 100 foot plus separation distance between land surface and the permanent ground water table, and the distance of the site from surface drainage ways and springs are all favorable characteristics. Once the actual site location has been established, further site specific work will be required to insure that subsurface conditions are adequate and that occasional surface runoff can be directed away from the disposal area.

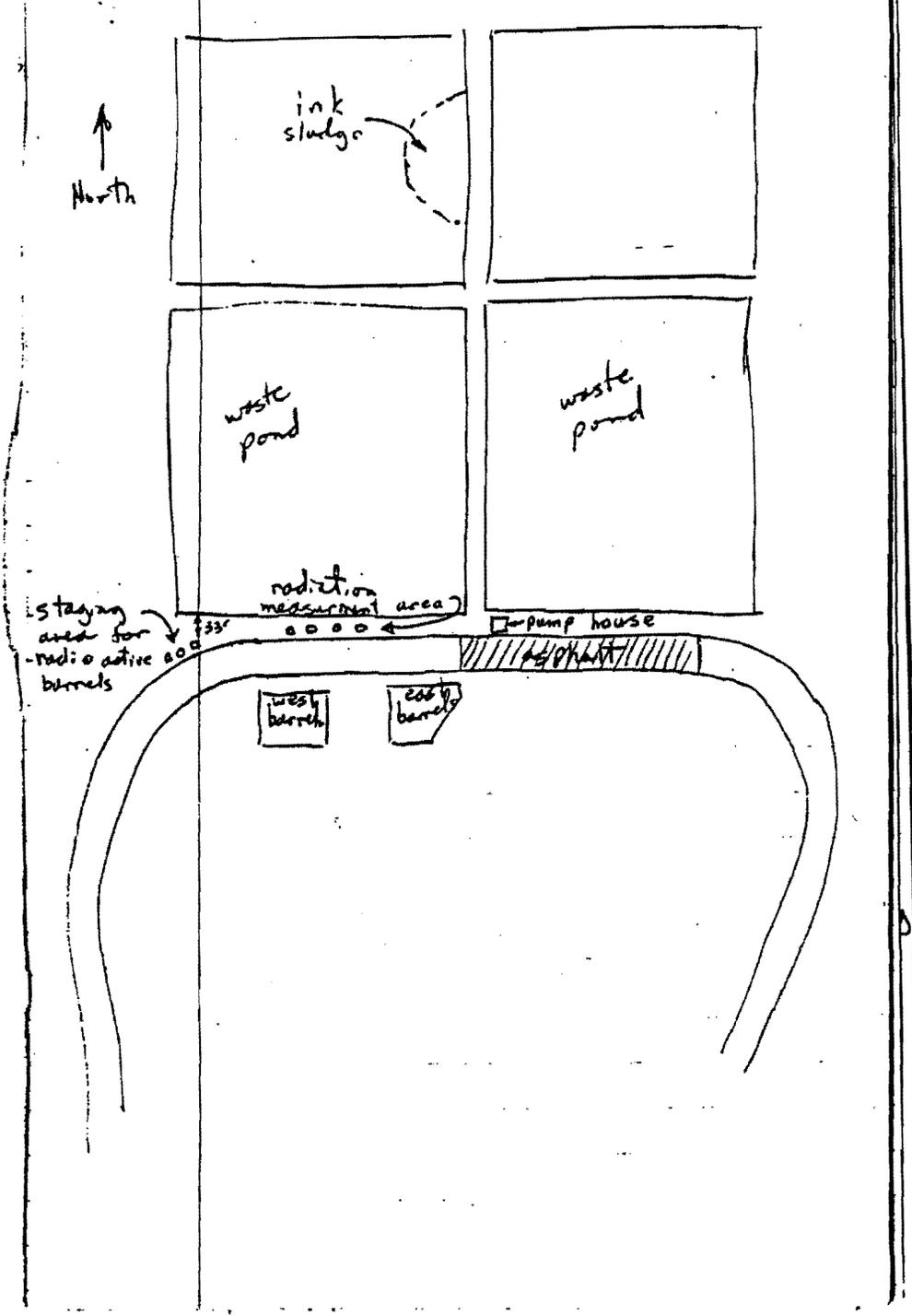
RECOMMENDATIONS:

Boundaries for the proposed lagoon site should be established, and a plan for site construction and operation developed. Once this has been completed, it will be possible to re-evaluate and confirm the optimistic preliminary interpretation of the site.

The utilization of the Deep Canyon site could create many potentially significant environmental problems. If the site is to receive further consideration, extensive additional information on the local ground water conditions must be provided. This information would consist of data on the ground water gradient, depth to water table, subsurface materials, and a more thorough evaluation of the local spring activity. Utilization of this marginal site does not seem advisable when a much more suitable area is located nearby.

cc: Joe Schultz

Figure 1



Deschutes Valley Sanitation, 1984

Reclamation Summary

THE EAST SIDE

- 1. The East Side - Map attached. 2.4 Acres **still not reclaimed**
- 2. Plus the 6.2 Acres the map shows as reclaimed = 8.8 Acres on the East Side.

Applicant should show proof:

Where is the Paid Invoice for the Topsoil to show that the 2.4 Acres were reclaimed?
 Where is the 2002 Letter from Mr. Schnitzer, stating that reclamation was completed?
 His May 2001 letter states it will be done within 12 months.

Attached: 2001 Mined Land Reclamation Letter and attached Map.

THE WEST SIDE

- 1. The applicant did not provide all of SP-85-23:

Per the Staff Report-5/15/15:

SP-85-23 – A site plan to allow surface mining, aggregate mining, and rock crushing on tax lots 1501, 1502, 1600, and 704. This decision included reclamation specifications attached as Exhibit C to the Hearings Officer Decision for SP-85-23, but materials are missing from the record, including any map of the subject area and the updated reclamation plan required by Condition 1. The applicant submitted testimony and evidence demonstrating the area covered by the reclamation requirements for SP-85-23 encompasses an 18-acre area just north of Lower Bridge Way and west of the site access road off Lower Bridge Way. Compliance with a County approved reclamation plan is made a condition of this approval as discussed further herein.

- 2. Here are the Missing Documents, the public has found:

A letter stating the "required" reclamation of 21 Acres not 18 and 12 Inches of Topsoil, not 6. Between the missing documents from the Applicant and then they misstating the true #s it is hard to follow the dots. So please find that Letter attached, dated June 12, 2000 from DOGAMI.

- 3. Please have the Applicant provide the proof of 21 Acres of 12" deep topsoil, a receipt of delivery, was completed when mining ceased in 2006, per this requirement.

THE DE DUST STORMS

- 1. The Work Plan was to include watering on a Limited License of 5 years. Yet the watering stopped way before then and the seeding did not cover the area enough to keep the DE Dust down. Rex Barber, Jr. was to be in charge of the watering and to provide a watering log. **Please have applicants provide that watering log.**

Page 2

2. The Watering Plan to plant seeds and vegetate the area did not take not only due to lack of watering but due to allowing their Electric Permit for the Pivot and Irrigation to Expire. Permit # 247-E101174 Was approved in June 2008 and Expired in system that Dec. **So one season of watering vs. 5 as planned.**

3. "The Lower Bridge Road Reclamation Plan-Dec. 3, 2008"

had a promise from the applicant to reclaim the mined out area to 12 inches deep, to motor grade, seed and plant native grasses, sufficient enough to stop the DE Dust Storms and ... to plant Evergreens for shade and Windbreaks on the site. Where are these trees?

That was 7 years ago....STILL NOT TREES TO STOP THE WIND AND DE FROM BLOWING ABOUT AND NO TOPSOIL OR GRASSES THAT HAVE WORKED TO CONTROL THIS NUISANCE.

Photo of the last DE Dust Storm is attached, taken in October of 2015.

As many neighbors have testified at these meetings and hearing, we continuously get the DE Dust Storms and the excavation of 19 Lots would only add to more dust pollution.



maintaining slopes. The applicant has stated that the topsoil is stockpiled and will be replaced on the area mined approximately 12 inches deep. The applicant proposes to motorgrade the site and seed it with fortress red fescue, Idaho fescue, and mixed bunchgrass at a rate of 40 pounds per acre planted in the fall with fertilizer and mulch. The applicant also proposes to plant evergreens for shade and windbreaks on the site. No drainage problem has been noted on the site and visual screening is generally not a problem on the site except adjacent to the Deschutes River and Lower Bridge Road. The applicant has stated in the section regarding water impoundments of the burden of proof statement that public access for fishing will continue along the Deschutes River.

☆
SOUND
FAMILIA
?

III. CONCLUSIONARY FINDINGS:

A. Section 4.100 of PL-15, the Deschutes County Zoning Ordinance, establishes the uses permitted in the Surface Mining Zone. Extraction of sand and gravel, topsoil and other aggregate material, stockpiling, storage, crushing, processing, washing and sizing aggregate material are considered outright uses in this zone. The applicant has applied for a zone change from SMR to SM and, if the zone change is approved, the proposed uses would be outright uses in this zone subject to this site plan review.

31
YRS.
later
still
NOT
Done
+
new
Applicants
Promising
The
Same.

B. Section 4.100 (5) of PL-15 establishes setbacks within a Surface Mining Zone. The subject proposal meets the setback requirements of this zone with the possible exception of:

"b) At least a 300-foot setback shall be maintained from all property lines adjoining roads that are Landscape Management areas as defined by the Comprehensive Plan, as well as from any stream or lake unless a shorter setback can be shown to have no negative visual or aesthetic impact."

There is a portion of the lot located within 300 feet of the Deschutes River. It is unclear from the site plan whether or not any mining will occur in this area. There is a relatively steep slope upward to the west from the river to the subject site and, if no mining occurs near the edge of the top of the slope, it does not appear that it will be visible from the river. The staff believes that it is important to protect the river in this area and that no mining should be visible from the river in any way.

C. Section 6 of the surface mining section of the Zoning Ordinance requires all outright and conditional uses in the Surface Mining Zone to comply with site plan review.

D. Section 4.100 (7) of PL-15 establishes the requirements for site plan review for surface mining. It appears that the applicant's burden of proof statement satisfactorily addresses most of these requirements with some possible

exceptions. These exceptions include:

"a) A list of known materials for the surface excavation operation is to be conducted."

Although the applicant has stated this will be a sand and gravel operation, the site plan also addresses the location of diatomaceous earth. It appears that the removal of a gravel material, which is generally the stockpiled overburden for the diatomaceous earth, could precede the mining of the diatomite. It should be made clear that the proposed site plan does not include the mining of diatomaceous earth. ★

"b) A definitive statement of the subsequent beneficial use of the site following mining."

The applicant has stated that grazing is now occurring on land that has been reclaimed. It seems that it is assumed this will be the subsequent beneficial use, however, the staff believes that certain portions of the site will be mined in the future for diatomite. It seems that this should be considered an interim use of the property prior to final reclamation. Of particular concern to the staff is the interim protection of the limited amount of overburden material which could sustain plant growth. This relates to other reclamation requirements, including #5 (8) which requires sufficient overburden to achieve reclamation. The staff feels that additional information should be provided regarding the amount of overburden in the area.

CONCERN
SOIL
FOR
PLANT
GROWTH

E. Criteria S (K) requires that visual screening which emphasizes native plants and trees will be provided when the operating permit area will be in site of a public road, highway, or residential area. The proximity of the recent mining to Lower Bridge Road raises some concern. Currently, there are shear faces of approximately 50 feet in height within 100 feet of the road. While a staff member was visiting the site in early April of 1985, several cubic yards of this material collapsed from the top portion of the slope, indicating a potential safety hazard exists in this location. While it is difficult to disguise mining activities this close to the road, it seems additional information is needed to address this problem.

F. The primary problem which the staff sees with this application is the lack of specifics regarding the sites to be mined. The application seems to request that the entire parcel be subject to this site plan review. However, the applicant's Exhibit C designates two areas totalling approximately 18 acres for sand and gravel removal. The staff believes that these are the only areas which should be considered as part of this review.

G. The applicant has stated in the burden of proof statement that a crusher, washing equipment, hot plant, ready-mix plant and trucks are anticipated to be located on the site. The site plan does not reflect the location of these uses. The staff

believes that the location of these uses near Lower Bridge Road or the Deschutes River could conflict with the Comprehensive Plan and the intent of this ordinance. The applicant needs to provide information on the precise location of these uses.

IV. CONCLUSIONS AND RECOMMENDATION:

The remote nature of this site, prior mining and the existing stockpiles from which most of the aggregate material will be removed, seems to lower the applicant's burden in fulfilling the site plan requirements of the Zoning Ordinance. The site and reclamation plan generally meets the requirements of the Deschutes County Zoning Ordinance with certain exceptions cited in this report. These problems include the visual impacts from the Deschutes River and Lower Bridge Road, demonstration that there will be adequate overburden to establish vegetation on the site once mining is completed, improving the steep slopes on the stockpiles along Lower Bridge Road, and designating the location of processing equipment. Since surface mining site plans are generally ministerial in nature, the Planning staff believes that it can work with the applicant to adequately meet these requirements. The staff hopes that these problems can be worked out prior to the hearing so that a recommendation of approval can be made at that time.

GR/sw

31 yrs ago
↓
still NOT DONE

20-85-3

SP-85-23

stiff report -

Applicant have demonstrated difference in material
on east side vs. west side of road.

NEED - applicant has demonstrated some need.

stiff would see appeal.

1. to currently mined areas
and limited to current stock piles.
2. Need specific legal description.



Site plan:

area has been mined.

had to show reclamation plan - has been approved
by Dept of geology.

planted visual barriers for low bridge Rd.
provisions for re-vegetation - esp. complete

sight from river - not to be visible.

size of parcel - would allow placement of
machinery to be at or near center.

site plan needs further

June 12, 2000
Frank Messina
Department of Environmental Quality

7. DOGAMI regulates in excess of 800 permitted sites statewide.
8. DOGAMI has five Reclamationists to cover the state.
9. DOGAMI inspections occur during the initial permitting phase and at the completion of mining. At many sites DOGAMI inspections occur annually or even monthly. At many other sites inspections may not occur for several years. When credible complaints are received regarding a mine site DOGAMI will schedule an inspection. Typically a follow up inspection is conducted if the site is found to be in noncompliance. DOGAMI must give reasonable notice prior to an inspection as per OAR 632-030-024.
10. As a result of the May 15th, 2000 complaint, DOGAMI personnel met with DEQ personnel and the landowner on May 30, 2000. The operator has been notified he must come into compliance with the DEQ air quality rules and regulations. A timeframe for this compliance was issued.

11. DOGAMI does not have a copy of the 1985 site plan review compiled by Deschutes County.

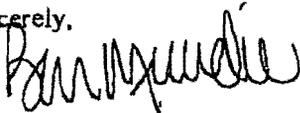
12. DOGAMI does not have statutory authority to regulate hours of operation. This issue falls under the jurisdiction of the county. There are four conditions to the DOGAMI permit:
 - i. Make a minimum of one foot of topsoil available to reclaim all post-1972 lands affected by this mining operation.
 - ii. Not complete excavations which will prevent access to the utility poles unless a written agreement is obtained with the utility company and submitted to DOGAMI.
 - iii. Not spoil material along the outslope above the Deschutes River.
 - iv. Contain turbid and sediment-laden surface water runoff on the mine site.

Enforcement of any county conditions relating to this operation are the responsibility of Deschutes County. Enforcement of air quality regulations is the responsibility of the DEQ.

DOGAMI will schedule an inspection of this operation in the near future. A copy of the inspection report will be sent to DEQ - Bend.

Please contact me at (541) 967-2039 xt. 24 with any further questions.

Sincerely,



Ben Mundie
Reclamationist
Mined Land Reclamation

Enclosure: Inspection Report 07/28/94



Oregon

John A. Kitzhaber, M.D., Governor

Department of Geology & Mineral Industries

Mined Land Reclamation

1536 Queen Avenue SE

Albany, OR 97321-6687

(541) 967-2039

FAX (541) 967-2075

June 12, 2000

Frank Messina
Department of Environmental Quality
2146 NE Fourth
Bend, OR 97701

RECEIVED

JUN 13 2000

Eastern Region - Bend

Re: DOGAMI ID 09-0036 Dicalite Pit

Dear Frank:

On May 30, 2000 we met with a landowner along Lower Bridge Road regarding complaints against the mine operation conducted by Gene Moore, DOGAMI ID No. 09-0036. The mine site is located in tax lots 1501, 1052, 1600, 704, 1507, and 1508; portions of sections 9, 10, 15, and 16, T14S, R12E Deschutes County. It is understood the local landowner would like to remain anonymous.

During this meeting I was handed an unsigned letter with 12 questions regarding the mine operation. It was decided that answers to these questions would be sent to you and then forwarded on to the landowner.

Following are responses to the questions numbered as they were submitted.

1. The landowners listed on the original application dated 10/26/81 are: Robert L. Riemenschneider, Frank Nolan, and Norman Wiegand, PO Box 190 Redmond, OR 97756.
2. The property boundary corresponds to the DOGAMI permit boundary and encompasses 550 acres.
3. There are no limitations on how many acres may be mined for aggregate or diamataceous earth within the permit boundary.
4. This site was last inspected in June 1994. Copy of inspection report is attached to this letter.
5. Based on the 1994 inspection, Mr. Moore had final graded approximately five to seven acres at the operation east of Lower Bridge Road. It should be noted that approximately 380 acres of this mine site were mined prior to 1972. This means the 380 acres are exempt from the reclamation rules and regulations. Currently there are approximately 21 acres of mine disturbance that are required to be reclaimed. Reclamation is not required until mining ceases.
6. Once mining is complete the operator has three years to finish reclamation. DOGAMI shall in most instances consider reclamation successful when the revegetation is comparable in stability and utility to adjacent unmined areas. If reclamation is not deemed successful and the operator refuses to complete any required additional work, DOGAMI may demand the reclamation bond held for a site and contract the work out. The current bond held for this site is \$10,000. Upon annual renewal of the DOGAMI permit Mr. Moore will be requested to increase the bond.



Oregon Dept. of Geology & Mineral Industries
Mineral Land Regulation & Reclamation Program
229 Broadalbin St. SW
Albany OR 97321-2246
(541) 967-2039

OPERATING PERMIT -- Renewal
ISSUED SUBJECT TO ANY LISTED CONDITIONS

|||||
E.A. Moore
209 South Third
Redmond OR 97756

ID No.: 09-0036
County: Deschutes
Section: 9 10 15 16
Twp: 14S
Range: 12E
Tax Lot:
Site: Dicalite Pit

This permit shall be in effect, unless revoked or suspended for cause, from the date of issuance and shall remain in effect so long thereafter as the Permittee pays the annual fee to renew the permit, complies with the provisions of ORS 517.750 through 517.955 as applicable, the Rules as promulgated to administer the Oregon Mined Land Reclamation Act, the approved reclamation plan, and any conditions attached to this permit, and maintains a performance bond as required by the Act.

Issuance of this permit is not a finding of compliance with state-wide planning goals or the acknowledged comprehensive plan. The applicant must receive land-use approval from local government before using this permit.

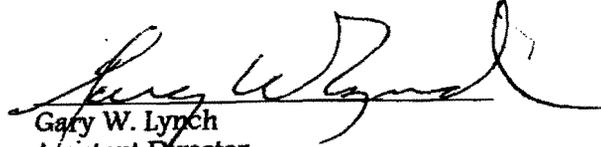
NOTE: Reclamation plans may be modified per ORS 517.830(4) and OAR 632-(30) and (35)-035.

CONDITIONS: (Conditions may be appealed per OAR 632-30-030. If an appeal is made, this permit is invalid until the condition(s) appealed is/are resolved and the permit reissued.)

The Permittee shall:

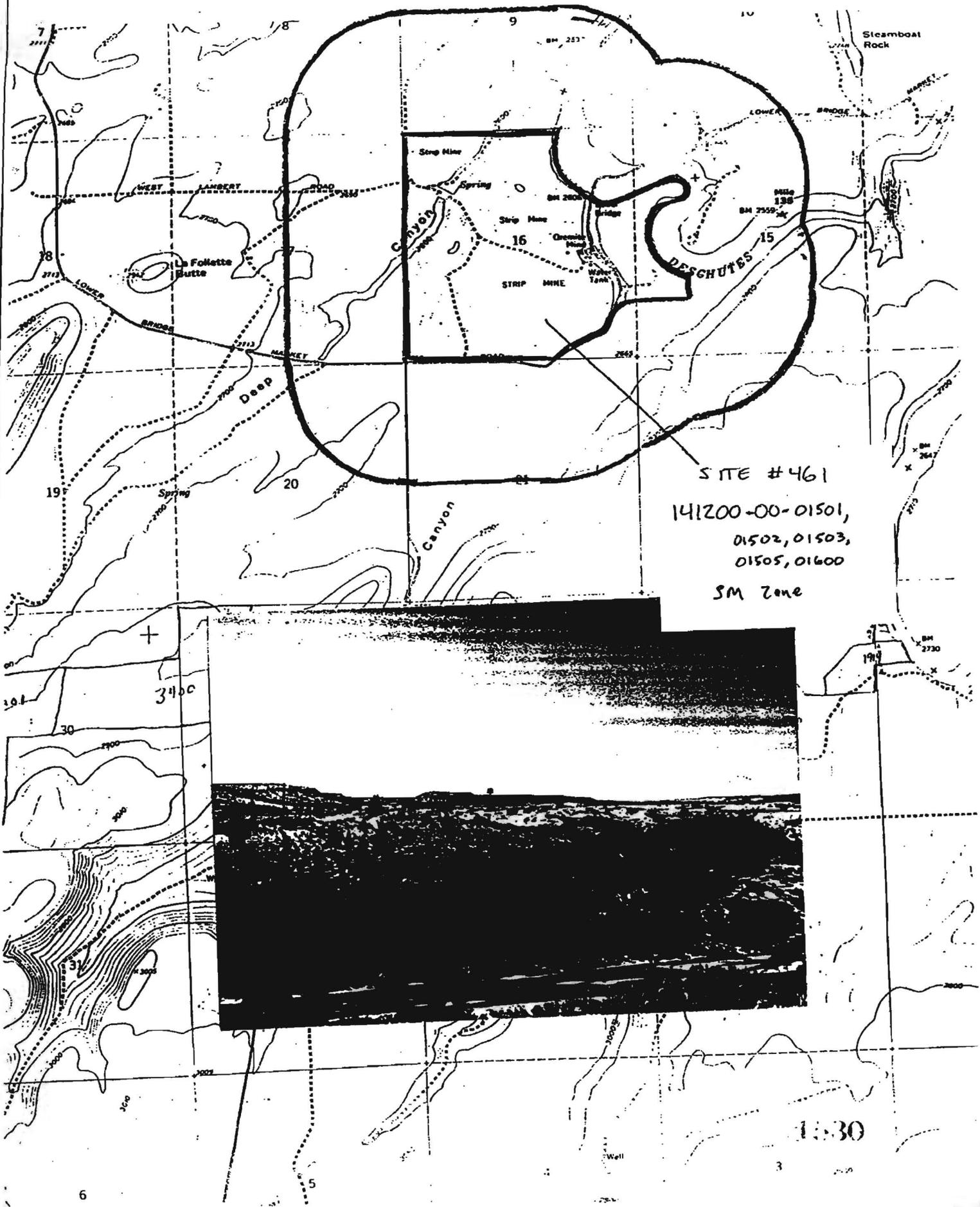
1. make a minimum of one foot of topsoil available to reclaim all post-1972 lands affected by this mining operation.
2. not complete excavations which will prevent access to the utility poles unless a written agreement is obtained with the utility company and submitted to DOGAMI.
3. not spoil material along the outslope above the Deschutes River.
4. contain turbid and sediment-laden surface water runoff on the mine site.

Issued 3-4, 2004

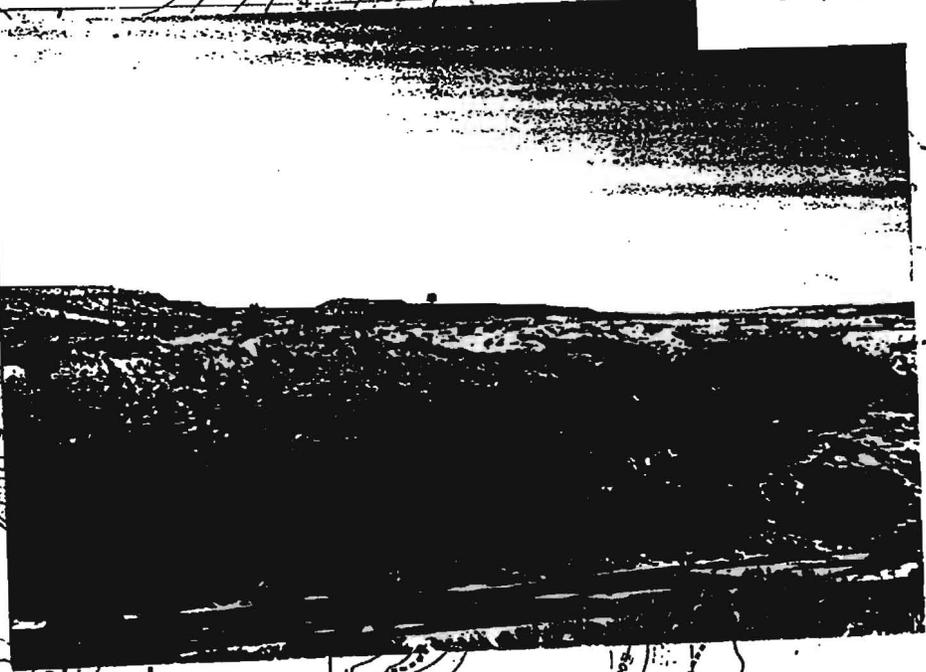

Gary W. Lynch
Assistant Director

RENEWAL IS REQUIRED BY JANUARY 31, 2005

- c: Deschutes County Planning Department
DEQ Bend
Norm Wiegand Madras
Robert L. Riemenschneider Redmond
Frank Nolan Redmond
ODFW Bend
Soil & Water Conservation District Deschutes County/Jefferson County Redmond
Tom Anderson, Deschutes County Planning Department Bend



SITE #461
 141200-00-01501,
 01502, 01503,
 01505, 01600
 SM Zone



1:30

DESCHUTES COUNTY
RECLAMATION PLAN GUIDELINE AND FORMAT

A. NAME, ADDRESS AND TELEPHONE NUMBER OF THE OPERATOR OR HIS AGENT:

Mid-Oregon Ready Mix
P.O. Box 519
Redmond, Ore. 97756 548-5111

B. NAME AND ADDRESS OF LANDOWNER:

Robert L. Riemenschneider, Frank Nolan & Norman Wiegard
2276 W. Highland
Redmond, Ore. 97756 548-4398

C. LIST OF KNOWN MATERIALS FOR WHICH THE OPERATION IS TO BE CONDUCTED:

Sand and gravel removal

1. PROPOSED STARTING DATE: Upon submission of zone change application
2. PROPOSED ENDING DATE (IF KNOWN): Not known

D. OPERATIONAL PLAN:

1. METHOD TO BE EMPLOYED:

- | | |
|---|--|
| <input checked="" type="checkbox"/> a. SINGLE BENCH | <input type="checkbox"/> c. DREDGE |
| <input type="checkbox"/> b. MULTIPLE BENCH | <input checked="" type="checkbox"/> d. OTHER <u>Stockpiles</u> |

2. TYPES OF EQUIPMENT TO BE USED:

Scoop, cat, crusher, washing equipment hot plant, ready-mix plant and trucks

3. DISPOSITION OF OVERBURDEN:

Left to reclaim pit after desired material is removed

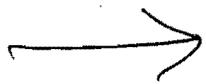
E. WHAT WILL BE THE PLANNED SUBSEQUENT "BENEFICIAL USE" OF THE PERMIT AREA?
THIS CAN INCLUDE, BUT IS NOT LIMITED TO, CONSTRUCTION SITE, SANITARY LAND FILL,
PARK, WATER IMPOUNDMENT, AGRICULTURAL USE (BE SPECIFIC, EXAMPLE: GRAZING
LAND, CROP TO BE PLANTED, ETC.), FOREST LAND.

Grazing is now occurring on land that has been reclaimed

*Tape

EXHIBIT "C"

F. RECLAMATION MUST BE COMPLETED WITHIN 3 YEARS FOLLOWING COMPLETION OF MINING, EXCEPT IN CASES OF CONCURRENT RECLAMATION.



a. Reclamation will begin 30 days following completion of mining.

b. Reclamation will be concurrent with mining Yes No

If yes, explain concurrent procedure:

As the desired material is exhausted, those areas of the pit will be reclaimed with stockpiled overburden.

G. RECLAMATION PROCEDURES

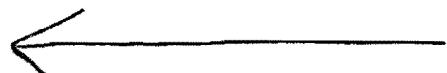
1. WHAT WILL YOU DO TO INSURE GROUND STABILITY?

Natural erosive stabilization and by maintaining slopes (State req.) and drainage systems.

2. PROVISION FOR REVEGETATION (MINIMAL SURVIVAL RATE IS 75% UNIFORMLY DISTRIBUTED):

a. HOW WILL YOU SAVE AND STORE TOPSOIL?

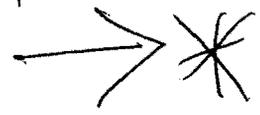
Topsoil & subsoil stockpile on site



b. WHAT MEASURES WILL YOU TAKE TO PREVENT EITHER WIND OR WATER EROSION OF TOPSOIL DURING STORAGE?

Water stockpile to form a crust (or rainfall). Five to ten acre sites will be worked and then reclaimed to avoid exposing large areas to the elements.

NOT DONE



c. WHAT WILL BE THE AVERAGE DEPTH OF TOPSOIL REPLACED ON THE AREA TO BE RECLAIMED?

12"

d. HOW WILL YOU PREPARE SEED BED PRIOR TO PLANTING?

Motor graded and seeded.

e. WHAT TYPES AND AMOUNTS OF GRASS SEED WILL YOU USE PER ACRE AND HOW WILL THIS BE PLANTED?

Fortress red fescue and Idaho fescue mix bunch grass. 40 pounds per acre, planted in the fall with fertilizer and mulch

f. WHAT TYPES AND AMOUNTS OF FERTILIZER, MULCH AND LIME WILL YOU USE?

No lime. We will soil test and determine what is needed at the time of planting.

g. WHAT TYPES AND AMOUNTS OF SEEDLINGS AND SHRUBS WILL YOU PLANT?

Plant evergreens for shade and windbreaks that will not interfere with views.

NOT DONE

h. WHEN WILL SEEDING AND PLANTING TAKE PLACE (SEASON OF YEAR)?

Possibly in the fall after removal of desired material.

H. WATER AND DRAINAGE

1. WHAT PROVISION WILL YOU TAKE TO INSURE PROPER DRAINAGE?

The ground will perc water and appropriate slopes will be motor graded to avoid ponding

2. WHAT PROVISION HAS BEEN TAKEN FOR SILT CONTROL?

Not applicable - minor grades. A silt fence will be constructed if required if siltation becomes a problem.

3. IF WATER IMPOUNDMENT IS TO BE LEFT, SEE PAGE 6.

Type II ponds, will not be a permanent pond, as water evaporate
No year long impoundment areas are planned.

I. VISUAL SCREENING

1. WHAT VISUAL SCREENING WILL YOU EMPLOY?

None as the site is largely screened by terrain. The area is remote, sparsely populated with light traffic.

2. WHAT TYPES, SIZES AND AMOUNTS OF PLANTS WILL YOU USE?

Native vegetation is adequate and will be maintained.

← NOT DONE

3. WHAT WILL BE THE SPACING BETWEEN PLANTS?

Not applicable

J. PROVISION FOR REMOVING STRUCTURES, EQUIPMENT AND REFUSE FROM THE PERMIT AREA IN ACCORDANCE WITH THE RECLAMATION PLAN: No structures or equipment are in a condition to be removed within the next 5 years. Old unsightly stockpiles will be worked for mineral and then leveled and reclaimed to become more useable and more sightly.

K. MAP OF AERIAL PHOTO REQUIREMENTS

1. SCALE OF AERIAL PHOTO TO BE SUBMITTED: 400'

2. TAX LOT MAP REQUIRED.

3. MAP(S) REQUIREMENTS: THE MAP MUST SHOW, BUT IS NOT LIMITED TO:

a. SCALE: (1" = 400' to 600')

b. NORTH SHALL BE INDICATED

c. QUARTER SECTION, SECTION, TOWNSHIP AND RANGE

d. DISTANCE AND DIRECTION TO NEAREST MUNICIPALITY

e. LOCATIONS AND NAMES OF ALL STREAMS, ROADS, RAILROADS, UTILITIES

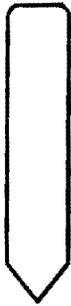
**OVERVIEW OF JUSTIFICATION
TO ORDINANCE REQUIREMENTS FOR SURFACE MINING**

Note: Reclamation guideline is a statement of criteria and attached to the reclamation map. The numbers (i.e. 7A) refer to the provisions as stated in Ordinance P1 -15 Section 4.100 Surface Mining Code.

7A.

1. Ownership names provided on burden of proof application and guideline.
2. Shown on reclamation plan map.
3. Stated in findings of fact and reclamation guideline.
4. Stated in findings of fact and reclamation guideline.
5. a. Stated in reclamation guideline, vegetation on stockpiles is unnecessary as existing piles are already stable and new stockpiles will be stabilized in accordance with state and county requirements.
- b. Same as 5a.
- c. Stated in reclamation guideline.
- d. Natural drainages will remain undisturbed wherever practical. State and local requirements for rehabilitation will be complied with if drainages are disturbed. There are no planned disturbances at this time, also see reclamation guideline for additional information.
- e. Stated in reclamation guideline.
- f. Stated in reclamation guideline.
- g. Stated in reclamation guideline.
- h. Stated in reclamation guideline and 75% growth survival requirement will be complied with.
- i. Stated in reclamation guideline.
- j. Stated in reclamation guideline and applicant will comply with standard requirements.
- k. Stated in reclamation guideline.

- l. The applicant will comply with this requirement.
 - m. The applicant will comply with this requirement.
 - n. Shown on reclamation map.
 - o. Shown on reclamation map.
 - p. Stated in reclamation guideline.
 - q. Stated in reclamation guideline.
- 7B. Maintenance program. The applicant will comply with this requirement.
- 7C. No conflicts exist on the site.
- 7D. Stated in reclamation guideline.
- 7E. Not applicable at this time.



CONDITIONS:

1. A minimum of 1' of topsoil will be available to reclaim all post-1972 lands affected by this mining operation.
2. Excavations shall not be completed which will prevent access to the utility poles unless a written agreement is obtained with the utility company and submitted to DOGAMI.
3. No material shall be spoiled along the outslope above the Deschutes River.

NOTE: RECLAMATION PLANS MAY BE MODIFIED AS PROVIDED BY ORS 517.830(4) AND OAR 632-(30) (35)-035.

The conditions of this permit are considered to be acceptable to the permittee unless written notice is received prior to the beginning of surface mining under this permit. Upon receipt of such notice by the Department, this permit is invalid and will be reissued when the conditions in question have been solved.

A provisional operating permit may be issued (ORS 517.830(3)) to operators subject to the provisions of OAR 632-30-030(2) pending reissue of the operating permit.

Lower Bridge Road Reclamation Plan

December 3, 2008

While the Lower Bridge Road site is not subject to the Department of Geology and Mineral Industries (DOGAMI) reclamation requirements, the applicant has used the standards relied upon by DOGAMI as a guide to developing the current reclamation plan. DOGAMI relies on OAR 632-030-0025 for reclamation plan requirements. Each plan is unique based on the site specific characteristics, but the rule says in part that a reclamation plan include provisions for the backfilling, recontouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding or planting rates, and schedules.

The original SP-85-23 Site Plan approval condition required stockpiling of the topsoil from the affected area and replacement on the mined area approximately 12 inches deep. *
Additionally, the area was to be motor graded and seeded with fortress red fescue, Idaho fescue, and mixed bunchgrass at a rate of 40 pounds per square acre planted in the fall with fertilizer and mulch. The applicant had also proposed to plant evergreens for shade and windbreaks on the site. These standards were proposed by the applicant at the time and where not based on any standards. This plan was unrealistic as it did not include any provisions for watering and did not consider the short growing season. Specifically, planting in the fall would not allow the seed to survive given the germination requirements and early frosts that are experienced.

The current plan for reclamation includes re-vegetation consistent with future residential development. Any areas that will not be used for future building sites, right of ways, or utilities will be re-vegetated concurrent with site development. The present plan respects the natural character of the area and considers the limited and scare water resources available for re-establishment of native vegetation. The current plan is designed to be successful based on recognized standards for the area. This plan considers the availability for water on a temporary basis to help establish the vegetation initially. Long term maintenance of the natural areas is planned to be provided through future CC&R's that will be established with the future residential development.

The following standards will be used for re-vegetation for the 1985 Site Plan area.

TOP SOIL

The placement of topsoil that was removed from the mined area has been replaced and graded. For the 1985 site plan area, the top soil has already been replaced and graded to the original site conditions.

proof?
receipts?

VEGETATION SEED MIXTURE

A mixture of seed is proposed, consisting of the following species and rates:

- | | | | |
|----|------------------------------|-----|---------------|
| a. | Great Basin Wild Rye | 5.5 | lbs per acre |
| b. | Annual Ryegrass, var. "gulf" | 20 | lbs per acre |
| c. | Idaho fescue | 1.5 | lbs. per acre |
| d. | Sheep fescue | 1.5 | lbs. per acre |

It is recommended that the natives (Great Basin Wild Rye, Idaho fescue, and Sheep fescue) be drilled into the soil. Subsequently, the annual ryegrass can be broadcasted over the area along with the fertilizer. Because the pivot will be applying water to initially control dust, the wetted surface conditions should prevent any significant wind displacement of the broadcasted ryegrass and fertilizer.

It should be noted that native grasses are slower to germinate and establish than species such as annual ryegrass. Indeed, our research suggests that native grass seed application efforts can take up to two to three seasons to achieve significant rooting and cover crop conditions. The advantages to drilling the natives and broadcasting the annual ryegrass will be: a) to achieve a much more rapid vegetative cover that will sooner aid in wind blown soil events. Germination times for annual ryegrass in a typical soil environment in Central Oregon is approximately 5-6 days; and b) the initial cover of ryegrass will stabilize conditions for the later germinating native grasses.

SOIL MOISTURE STABILIZER

Apply approximately 20 lbs per acre "ZEB" to control soil medium moisture content in the immediate surface layers. ZEB is an absorbent polymer based on cornstarch that is biodegradable, nontoxic, and odorless.

FERTILIZER

Apply a fertilizer 16-16-16 mixture of fertilizer (equal parts nitrate, phosphorus, and potassium). Fertilizer will be applied at an approximate rate of 300 lbs per acre. Again, fertilizer will be applied along with the broadcasted annual ryegrass.

Because of the typically low nutrient content of the planting medium, on-going fertilizer applications may be warranted to insure the more rapid development of an organic surface horizon. One future scenario could include applying manure as a more cost-effective alternative to granularized fertilizer.

SEEDING AND PIVOT OPERATIONS

As suggested in the groundwater monitoring plan for the site, adjustments of the pivot cycle will be adjusted as necessary -- with a likely pivot cycle setting in the range of 30-60 percent. Based on an approximate rate of 239 gpm deliverable through the pressure valves through the length of the pivot, at a cycle setting of 100 percent water would be applied at 1.7 gpm/ac. At a cycle setting of 30 and 60 percent, water would be applied at a rate of 0.51 gpm/ac and 1.02 gpm/ac, respectively.

The goals of adjusting the cycle are threefold: a) to control blowing dust events; b) to facilitate seed germination; and c) to prevent overland runoff conditions and soil saturation where vertical or lateral water flow at depth occurs.

~~The land owner will contract with an adjacent farm operator to: a) install the seed, ZEBAs, and fertilizer, b) manage and maintain the operations of the pivot; and c) to record water volumes and hours of water applied.~~ - (25)

TIMING AND MONITORING

The success of the planting plan will be determined by the County through on site inspection. The inspections shall begin upon re-vegetation of the area and shall occur at intervals of three months, six months, and one year, with an inspection each year thereafter, until such time as a final plat is recorded for the reclamation area. At the time of final plat recording, the County shall make a final determination that the site has been reclaimed/re-vegetated in accordance with the above plan as determined through the SP-85-23 site plan modification decision. On going maintenance of any reclamation areas that are not developed with residential development (i.e. streets, building foot prints, landscaped yard areas, etc.) shall be covered by CC&R's.

Dial Links: Dial Home Dial Help | Deschutes County Links: Home Other Property Applications

Other Online Applications

Deschutes County Property Information

*Pivot
Electric
Permit*

Electrical Permit details for account #164668

The Deschutes County Community Development Department is responsible for land use and permits for properties in the County's jurisdiction. Contact this department if you need additional information or if you have questions.

Account Information

Mailing Name: LOWER BRIDGE ROAD LLC
Map and Taxlot: 1412000001505
Account: 164668
Situs Address: 10000 NW LOWER BRIDGE WAY, TERREBONNE, OR 97760
Tax Status: Assessable

Electrical Permit Details

Permit Number: 247-E101174
Permit Name: FRANKLIN S NOLAN REVOCABLE TRUST
Contractor Name: GOWDY BROS ELECTRIC INC
Application Date: 05/22/2008
Issue Date: 05/22/2008
Final Date: 12/09/2008

Status: Expired

Building Class: Residential
Class of Work: New Construction

Building Use: IRRIGATION

Linked Permit: NONE

Service Description:
200 AMPS OR LESS/SERVICES/FEEDERS: INSTALLATION, ALTERATION OR RELOCATION
EACH WATER OR SEWAGE PUMP OR IRRIGATION CIRCLE

Inspections

Date: 12/09/2008
Initials: SYS
Comments: GC Permit expired by system

Date: 06/06/2008
Initials: RED
Comments: 4210 Service change -- Insp Completed : Approved

Date: 05/30/2008
Initials: RED
Comments: 4220 Electrical Service**SEE CORRECTION NOTICE AT JOB SITE 1. PROVIDE AFC. 2. PROVIDE INFORMATION AS TO DELTA OR WYE. 3. HDPE TO BE CERTIFIED 353.6 & ORS 479.610. 4. POST SIGNED PERMIT AT PIVOT. -- Insp Cancelled : Denied

THE INFORMATION AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. DESCHUTES COUNTY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. DESCHUTES COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. DESCHUTES COUNTY SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. DESCHUTES COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: **OCT 27 1983**

SUBJECT: Deschutes Valley Disposal Site

FROM: Phil Wong
Superfund Site Management

TO: Al Goodman
Oregon Operations Office

Following are my comments on the cleanup plan for Deschutes Valley as proposed by PCC.

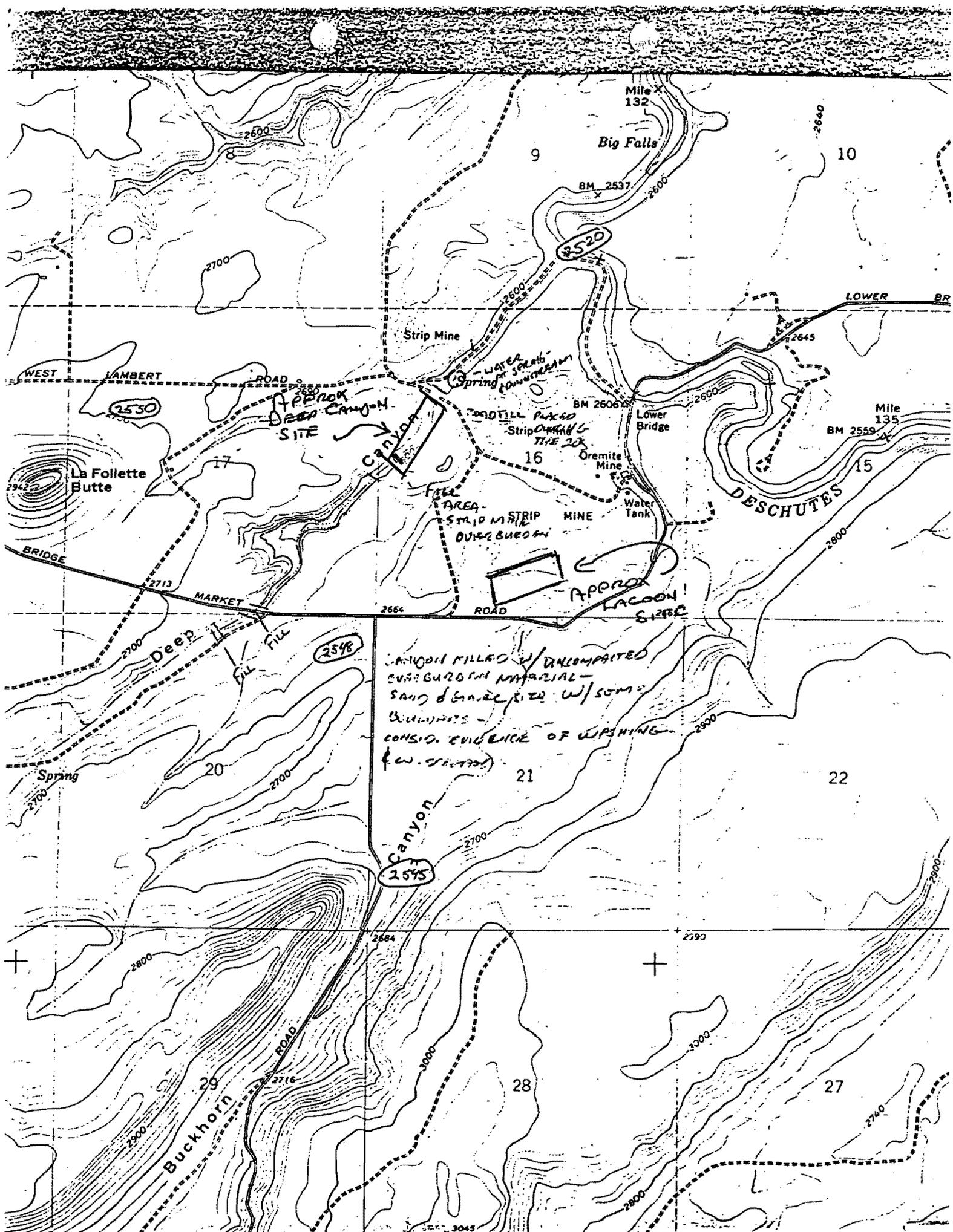
- 1.) There are several areas of judgement that will be applied where there is no criteria or provision for consultation with state of EPA. These areas include the 'area of concern' in phase I step 07 and the extent of soil removal in Phase II. These points should be clarified.
- 2.) There is no provision for the sampling and monitoring of the groundwater. This should be required if DEQ expects to give a release for the property. I would suggest that the release be conditional so DEQ could come back later if the problem has not been solved.
- 3.) I assume that all the companies named in the plan are authorized to haul, treat or dispose of hazardous wastes.
- 4.) What level of oversight will be maintained by State?

Call if you have any questions. Thanks for the chance to comment, I'm sorry that this is late.

RECEIVED

OCT 31 1983

Oregon Operations Office
EPA—REGION X



LAGOON FILLED W/ UNCOMPACTED
CURB GUARDRAIL MATERIAL -
SAND & GRAVEL SIZE W/ SOME
BOULDERS -
CONSID. EVIDENCE OF WASHING
(w. gravel)

2530

2520

2548

2545

Mile 132

10

Mile 135

BM 2559

16

15

17

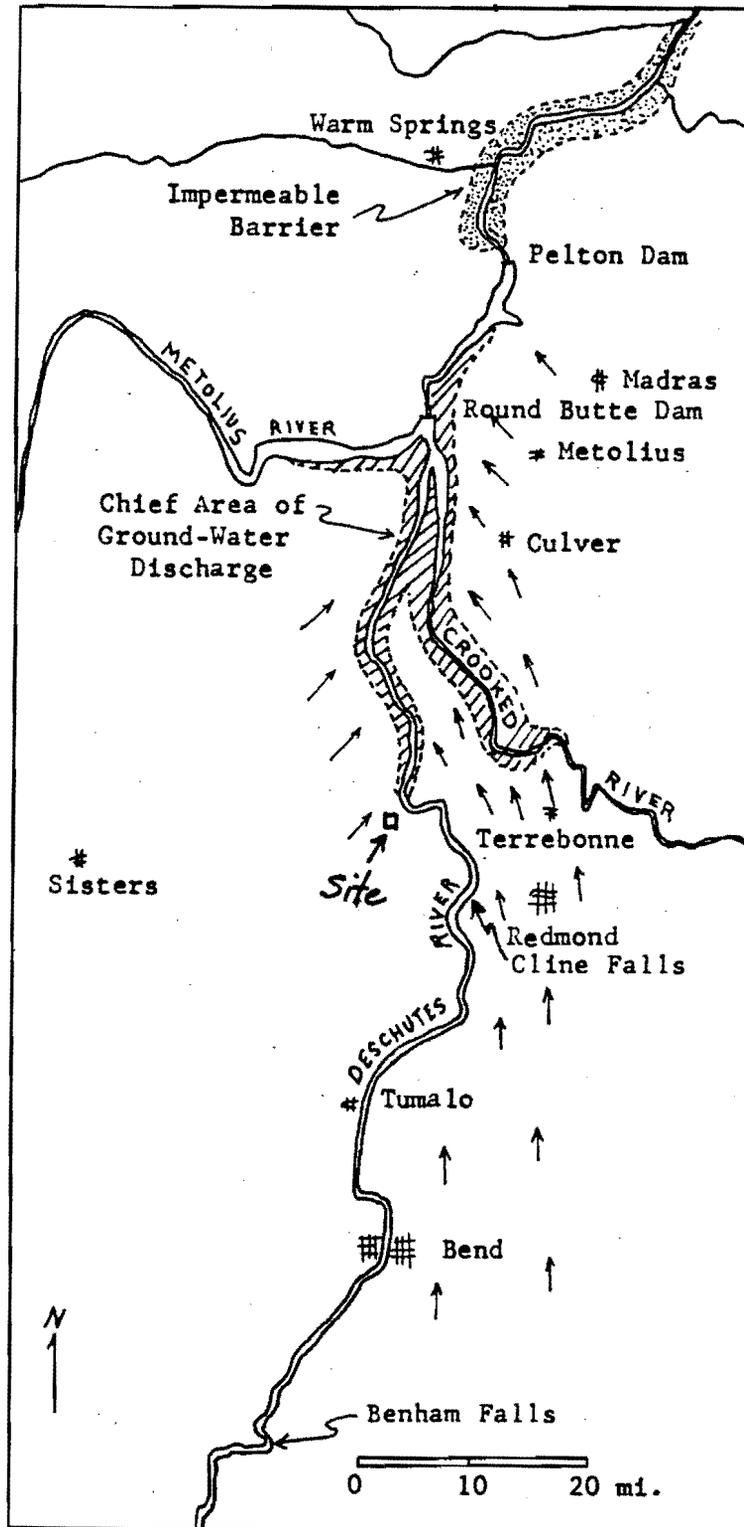
20

21

22

28

27



From Sceva's Report FR-4, 1968

FIGURE 4. --MAP OF THE PROJECT AREA SHOWING CHIEF AREA OF GROUND-WATER DISCHARGE.

ARROWS INDICATE GENERAL DIRECTION OF GROUND WATER -MOVEMENT.

RE: THE 21 ACRES THAT WAS TO BE RECLAIMED BY THE CURRENT MINE OWNERS

The county cannot rezone a portion of land that is illegal to mine on, per state law and forgive the illegal act because of the rezone.

5,000 loads were taken for county road maintenance.

This soil was illegal for the mine owners to take and illegal for the county to accept free of charge.

According to DEQ and DOGAMI, this portion of illegally mined area must be reclaimed when mining ceases.

Mining ceased in 2006.

SEE ATTACHED DOCUMENTATION.



REPORT OF ON-SITE INSPECTION

Frank Nolan, Bob Riemenschneider
& Norman Wiegand
2276 W Highland
Redmond, Oregon 97756

I.D. #09-0036
Dicalite Pit
Sec. 9-10, 15-16, T14S, R12E
Deschutes County

DATE OF INSPECTION: October 11, 1988

I was accompanied on this inspection by Gene Moore. Mr. Moore reported that he has a contract with the permittees to remove stockpiled rock and also to produce additional aggregate products at this site. Mr. Moore was informed that this site was not in compliance with state reclamation laws. Because of an insufficient bond, the permit was not re-issued when the landowner assumed the reclamation obligations on January 26, 1988.

Mr. Moore reported that the various stockpiles of scalped material and product scattered around this large mine site will be recycled as much as possible and combined into one stockpile area on the southern boundary of the disturbance. Where smoothing can be completed at this time and there is no more rock removal necessary, topsoil will be respread.

House Bill 2039 which became effective July 1, 1987, requires this agency to assess a \$100.00 inspection fee when mining is conducted without a valid operation permit, mining is conducted outside of the permit area or when a surface mining operation has been abandoned.

Consequently, the \$100.00 fee must be submitted within 30 days of receipt of this report. A bond increase of \$4000 is required before the permit can be issued plus a permit renewal fee of \$385.00. If these requests are not completed within this 30 day period, legal action will be initiated immediately.

*C: 10
leg-bond
Suez-bond
LO*

*Chris Fine
Mr. Moore
Mid. Oregon (LO)*

Inspected by E. FRANK SCHNITZER
Signature *E. Frank Schnitzer*
Title RECLAMATIONIST
MINED LAND RECLAMATION

BEFORE THE DESCHUTES COUNTY HEARINGS OFFICER

Applicant: Robert L. Rienenschneider,)
Frank Nolan, Norman Weigand,) AFFIDAVIT
and Fred G. Gunzner)

STATE OF OREGON)
) ss.
County of Deschutes)

I, Frank Nolan, after being first duly sworn, depose and say that:

1. I am a co-owner of the property which is the subject of the above-referenced zone change application.

2. The property which is the subject of this application was mined extensively between 1914 and 1964. From 1964 to 1976 there was limited mining activity on the property.

3. I acquired the property in late 1976 from Deschutes Valley Farms, which had built waste collection ponds and a waste disposal plant on the property and engaged in a small amount of sand and gravel mining for maintenance purposes. (The hazardous waste has since been cleaned up to the satisfaction of the Department of Environmental Quality, as shown by the letter attached hereto).

4. In the late 1970's I requested County approval to conduct surface mining operations on the property. At that time the County granted approval for a portion of the

1. AFFIDAVIT

Exhibit "E"

property (tax lots 1503 and 1505, which are not covered by this zone change application) and put the rest in "reserve" until the aggregate was needed. As set forth elsewhere in the application, the other applicants and I feel that the aggregate is needed at this time.

5. Since approximately 1976 I have provided free of charge both Deschutes County and Jefferson County with sand and gravel for their road maintenance. This aggregate was taken by the counties from the property covered by this application, which is presently zoned Surface Mining Reserve. I also have provided free aggregate to many of the farmers in the area for their road maintenance.

6. I make this affidavit in support of the above-referenced zone change application from Surface Mining Reserve to Surface Mining.

DATED this 24 day of April, 1985.


FRANK NOLAN

SUBSCRIBED AND SWORN to before me this 24th day of April, 1985.


Notary Public for Oregon
My Commission Expires: 10-7-85

2. AFFIDAVIT

Exhibit "E"



Department of Geology and Mineral Industries

1536 QUEEN AVE. SE, ALBANY, OREGON 97321

PHONE (503) 967-2039

REPORT OF ON-SITE INSPECTION

Frank Nolan, R. Riemenschneider
N. Wiegand
2276 W. Highland
Redmond OR 97756

ID No: 09-0036
Site: Dicalite Pit
Legal: S9,10,15,16,T14S,R12E
County: Deschutes

DATE OF INSPECTION: October 7, 1992

I was accompanied on this inspection by Frank Nolan and also by Dave Leslie from Deschutes County Community Development. This was a routine inspection.

From April 1992 there is an outstanding request from DOGAMI to submit current photography so that the pre-72 disturbance can be compared to the existing disturbance to enable a bond calculation. This is a large site and much of it pre-dates 1972 and the reclamation act. However, there was some expansion noted outside the 1972 boundary during this inspection particularly on the east side of the permit area.

The site continues to be operated on both sides of the county road. The area east of the county road is currently being mined by Gene and Scott Moore. The area west of the county road DE is being removed out of stockpiles and also gravel is being extracted. Frank Nolan reported that Kelly McFarland was the most recent operator to remove gravel from the western areas. This activity occurred this past summer. Given the amount of historic and recent mining on this property, there are ample opportunities to complete some reclamation and reduce the reclamation liability at the site. Mr. Nolan is requested to submit a recent photo within the next 30 days so that the bond can be reevaluated.

Page 1 of 1

c: Deschutes County Planning Department
DEQ - Bend
ODFW - Bend
SWCD - Bend
Fred Gunzner

Inspected by E. Frank Schnitzer

Signature *E. Frank Schnitzer*

Title Reclamationist

EFS/cc:10-16-92

Title

MINED LAND RECLAMATION

State of Oregon
Department of Geology and Mineral Industries

1536 QUEEN AVE. SE
ALBANY, OREGON 97321
PHONE (503) 967-2039

REPORT OF ON-SITE INSPECTION

F. Nolan, R. Riemenschneider, N. Wiegand 2276 W. Highland Redmond OR 97756	ID No: 09-0036 Dicalite Pit Section 9,20,15,16, Twp 14S, Range 12E Deschutes County
--	--

Interim Reclaimed Acres 0
Concurrent Reclaimed Acres 0

DATE OF INSPECTION: July 28, 1994

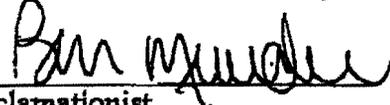
I was accompanied on this routine inspection by Scott and Gene Moore of E.A. Moore Company. I had left a message at Diatomaceous Earth, Inc. for Mr. Frank Nolan, but did not hear back. This site is located approximately 5 miles west of Terrebonne on the Lower Bridge Road. This site is visible from the road and is adjacent to the Deschutes River. The permit area encompasses two distinct mine areas. The area east of Lower Bridge Road is under a lease agreement since 1988 with E.A. Moore, where sand, gravel, and topsoil material is mined. The area west of Lower Bridge Road is currently being mined for dicalite material by Highland Construction, and gravel and soil stockpile removal by Rudy Starr.

The east area is actively being mined. A screen and crusher is on site and was in operation. Scott Moore accompanied me on a tour of the east area. E.A. Moore came into this site in 1988 after several other operators had already mined material. Past photos indicate this area has been cleaned up considerably since 1988.

Future mining plans for the east area includes: sand and gravel removal from the center portion; and rock salvage from a bermed area south of the current mine area and the area north of the plant. Past operations disturbed a large area but did not extract all available rock. The E.A. Moore operation proposes to recover all available rock by screening out overburden/topsoil material, sand and dicalite. This screening process will provide an abundant supply of final reclamation cover material in addition to the approximate 10,000 cubic yards of cover material currently stockpiled.

Page 1 of 2

c: Deschutes County Planning Department
DEQ - Bend, Central Region
ODFW - Bend
SWCD - Bend

Inspected by	Ben Mundie
Signature Title	 Reclamationist Mined Land Reclamation

F. Nolan, R. Riemenschneider, N. Wiegand
ID No. 09-0036
July 28, 1994
Page 2 of 2

Based on the proposed mining of previously disturbed area, only a very small portion of this site is ready for final reclamation, the area on the extreme west end. Final grading was in progress in this area and material was being pulled back and sloped away from the edge, thereby preventing the chance reject material might fall downslope towards the river. Based on the amount of material to be processed, and the area to be reclaimed, there appears to be adequate amounts of topsoil material to complete final reclamation at this site.

This is a dry operation and there was no evidence of storm water runoff. E.A. Moore had stabilized a slope on the eastern boundary of this site that had had material sidecast over the embankment towards the river by a previous operator. E.A. Moore has effectively worked with the local utility company to replace utility power poles that traverse the permit area so that unsightly islands would not have to be left to insure stability of the power poles.

The western site of the permit area was active also. Highland Construction was stripping overburden material off diatomaceous earth and material was being screened. Approximately two new acres appear to have been impacted by this activity. It did not appear topsoil material was being stockpiled at this site. Based on past photography, stockpiles that had existed south of the active D.E. pit have been removed. It is questionable as to whether or not there is sufficient soil/overburden material present on the western operation for final reclamation purposes. Future bond increases may be necessary for the west side to cover the cost of hauling soil fines to this area from the east side operation where the E.A. Moore Company is screening and producing the material.

This operation on the west side of the road is also a dry operation with no evidence of surface water impacts. Current operations are well away from the river.

Concern was expressed over an increase of the reclamation bond in 1993. It was explained that statewide, reclamation bonds are being increased to reflect the true costs associated with final reclamation at mine sites. Based on a June 9, 1993 letter from DOGAMI to the permittees, the expansion of the diatomaceous earth operation on the western boundary of the permit area was noted that has significantly increased the area to be bonded outside the 1972 boundary. Additionally, a reclamation plan for the expansion area on the western boundary was requested from the permittees to be submitted to this Department by November 3, 1993. This reclamation plan must be submitted prior to new permit issuance. The 1994 Annual Report And Renewal form must also be completed and submitted to this Department.

On July 13, 1994, DOGAMI received notice that the reclamation bond from CBIC would be expiring on August 11, 1994. Please provide this Department with documentation that this bond has been renewed or alternative security has been obtained. Please provide this documentation of reclamation bond, the reclamation plan for the expansion area, and the Annual Report and Renewal form by August 29, 1994.

April 16, 1997

DEPARTMENT OF
GEOLOGY AND
MINERAL
INDUSTRIES

MINED LAND
RECLAMATION

|||||
F. Nolan, R. Riemenschneider, N. Wiegand
PO Box 190
Redmond OR 97756

RE: ID No. 09-0036
Section 9,10,15,16, Township 14S, Range 12E, Deschutes County
Site Name: Dicalite Pit

Revised
CLOSURE ORDER

Dear Permittee,

By authority of ORS 517.880, your operation referenced above, is closed to all surface mining activities. The site shall remain closed until such time as the annual permit fee is paid and the annual report is submitted (copy enclosed).

Renewal notices were sent to you December 17, 1996, and February 18, 1997. The permit expired January 31, 1997. Since then, we have heard nothing from you.

If this site is not brought into full compliance with the provisions of ORS 517.750 et seq. within 30 days of this notice, you must provide evidence that the required reclamation has been completed or is underway and will be completed in accordance with the approved reclamation plan.

No further extractive mining activity or processing or removal of stockpiled materials may be conducted at this site in the absence of a valid operating permit. Violation of this Closure Order is subject to the penalties provided by law.

If you have any questions, please call or write.

Sincerely,

Dawn M. Marshall

Dawn M. Marshall
Office Coordinator
Mined Land Reclamation

c: Deschutes County Planning Department
DEQ - Bend

Enclosure - AR&R

CERTIFIED MAIL





Oregon

John A. Kitzhaber, M.D., Governor

Department of Geology & Mineral Industries

Mined Land Reclamation

1536 Queen Avenue SE

Albany, OR 97321-6687

(541) 967-2039

FAX (541) 967-2075

April 20, 2000

E.A. Moore
209 South Third
Redmond OR 97756

RE: ID No. 09-0032 and 09-0036

SUSPENSION ORDER

Dear Permittee,

Authority of ORS 517.880 closes your operations referenced above to all surface mining activities. The sites shall remain closed until the annual reports are submitted.

Renewal notices were sent to you December 15, 1999, and February 15, 2000. The permit expired January 31, 2000. A third reminder was mailed March 20, 2000, with the annual report forms enclosed. Since then we have heard nothing from you.

If these sites are not brought into full compliance with the provisions of ORS 517.750 et seq. within 30 days of this notice, you must provide evidence that the required reclamation has been completed or is underway and will be completed in accordance with the approved reclamation plans.

No further extractive mining activity or processing or removal of stockpiled materials may be conducted at these sites in the absence of a valid Operating Permit. Violation of this Suspension Order is subject to the penalties provided by law.

If you have any questions, please call or write.

Sincerely,

Dawn M. Marshall
Administrative Specialist
Mined Land Reclamation

c: Deschutes County Planning Department
DEQ - Bend

CERTIFIED MAIL





Oregon

John A. Kitzhaber, M.D., Governor

Department of Geology & Mineral Industries
Mined Land Reclamation
1536 Queen Avenue SE
Albany, OR 97321-6687
(541) 967-2039
FAX (541) 967-2075

June 12, 2000

Frank Messina
Department of Environmental Quality
2146 NE Fourth
Bend, OR 97701

RECEIVED

JUN 13 2000

Eastern Region - Bend

Re: DOGAMI ID 09-0036 Dicalite Pit

Dear Frank:

On May 30, 2000 we met with a landowner along Lower Bridge Road regarding complaints against the mine operation conducted by Gene Moore, DOGAMI ID No. 09-0036. The mine site is located in tax lots 1501, 1052, 1600, 704, 1507, and 1508; portions of sections 9, 10, 15, and 16, T14S, R12E Deschutes County. It is understood the local landowner would like to remain anonymous.

During this meeting I was handed an unsigned letter with 12 questions regarding the mine operation. It was decided that answers to these questions would be sent to you and then forwarded on to the landowner.

Following are responses to the questions numbered as they were submitted.

1. The landowners listed on the original application dated 10/26/81 are: Robert L. Riemenschneider, Frank Nolan, and Norman Wiegand, PO Box 190 Redmond, OR 97756.
2. The property boundary corresponds to the DOGAMI permit boundary and encompasses 550 acres.
3. There are no limitations on how many acres may be mined for aggregate or diamataceous earth within the permit boundary.
4. This site was last inspected in June 1994. Copy of inspection report is attached to this letter.
5. Based on the 1994 inspection, Mr. Moore had final graded approximately five to seven acres at the operation east of Lower Bridge Road. It should be noted that approximately 380 acres of this mine site were mined prior to 1972. This means the 380 acres are exempt from the reclamation rules and regulations. Currently there are approximately 21 acres of mine disturbance that are required to be reclaimed. Reclamation is not required until mining ceases.
6. Once mining is complete the operator has three years to finish reclamation. DOGAMI shall in most instances consider reclamation successful when the revegetation is comparable in stability and utility to adjacent unmined areas. If reclamation is not deemed successful and the operator refuses to complete any required additional work, DOGAMI may demand the reclamation bond held for a site and contract the work out. The current bond held for this site is \$10,000. Upon annual renewal of the DOGAMI permit Mr. Moore will be requested to increase the bond.



June 12, 2000
Frank Messina
Department of Environmental Quality

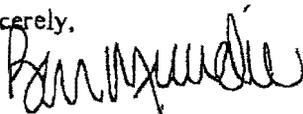
7. DOGAMI regulates in excess of 800 permitted sites statewide.
8. DOGAMI has five Reclamationists to cover the state.
9. DOGAMI inspections occur during the initial permitting phase and at the completion of mining. At many sites DOGAMI inspections occur annually or even monthly. At many other sites inspections may not occur for several years. When credible complaints are received regarding a mine site DOGAMI will schedule an inspection. Typically a follow up inspection is conducted if the site is found to be in noncompliance. DOGAMI must give reasonable notice prior to an inspection as per OAR 632-030-024.
10. As a result of the May 15th, 2000 complaint, DOGAMI personnel met with DEQ personnel and the landowner on May 30, 2000. The operator has been notified he must come into compliance with the DEQ air quality rules and regulations. A timeframe for this compliance was issued.
11. DOGAMI does not have a copy of the 1985 site plan review compiled by Deschutes County.
12. DOGAMI does not have statutory authority to regulate hours of operation. This issue falls under the jurisdiction of the county. There are four conditions to the DOGAMI permit:
 - i. Make a minimum of one foot of topsoil available to reclaim all post-1972 lands affected by this mining operation.
 - ii. Not complete excavations which will prevent access to the utility poles unless a written agreement is obtained with the utility company and submitted to DOGAMI.
 - iii. Not spoil material along the outslope above the Deschutes River.
 - iv. Contain turbid and sediment-laden surface water runoff on the mine site.

Enforcement of any county conditions relating to this operation are the responsibility of Deschutes County. Enforcement of air quality regulations is the responsibility of the DEQ.

DOGAMI will schedule an inspection of this operation in the near future. A copy of the inspection report will be sent to DEQ -- Bend.

Please contact me at (541) 967-2039 xt. 24 with any further questions.

Sincerely,



Ben Mundie
Reclamationist
Mined Land Reclamation

Enclosure: Inspection Report 07/28/94

CONDITIONS:



1. A minimum of 1' of topsoil will be available to reclaim all post-1972 lands affected by this mining operation.
2. Excavations shall not be completed which will prevent access to the utility poles unless a written agreement is obtained with the utility company and submitted to DOGAMI.
3. No material shall be spoiled along the outslope above the Deschutes River.

NOTE: RECLAMATION PLANS MAY BE MODIFIED AS PROVIDED BY ORS 517.830(4) AND OAR 632-(30) (35)-035.

The conditions of this permit are considered to be acceptable to the permittee unless written notice is received prior to the beginning of surface mining under this permit. Upon receipt of such notice by the Department, this permit is invalid and will be reissued when the conditions in question have been solved.

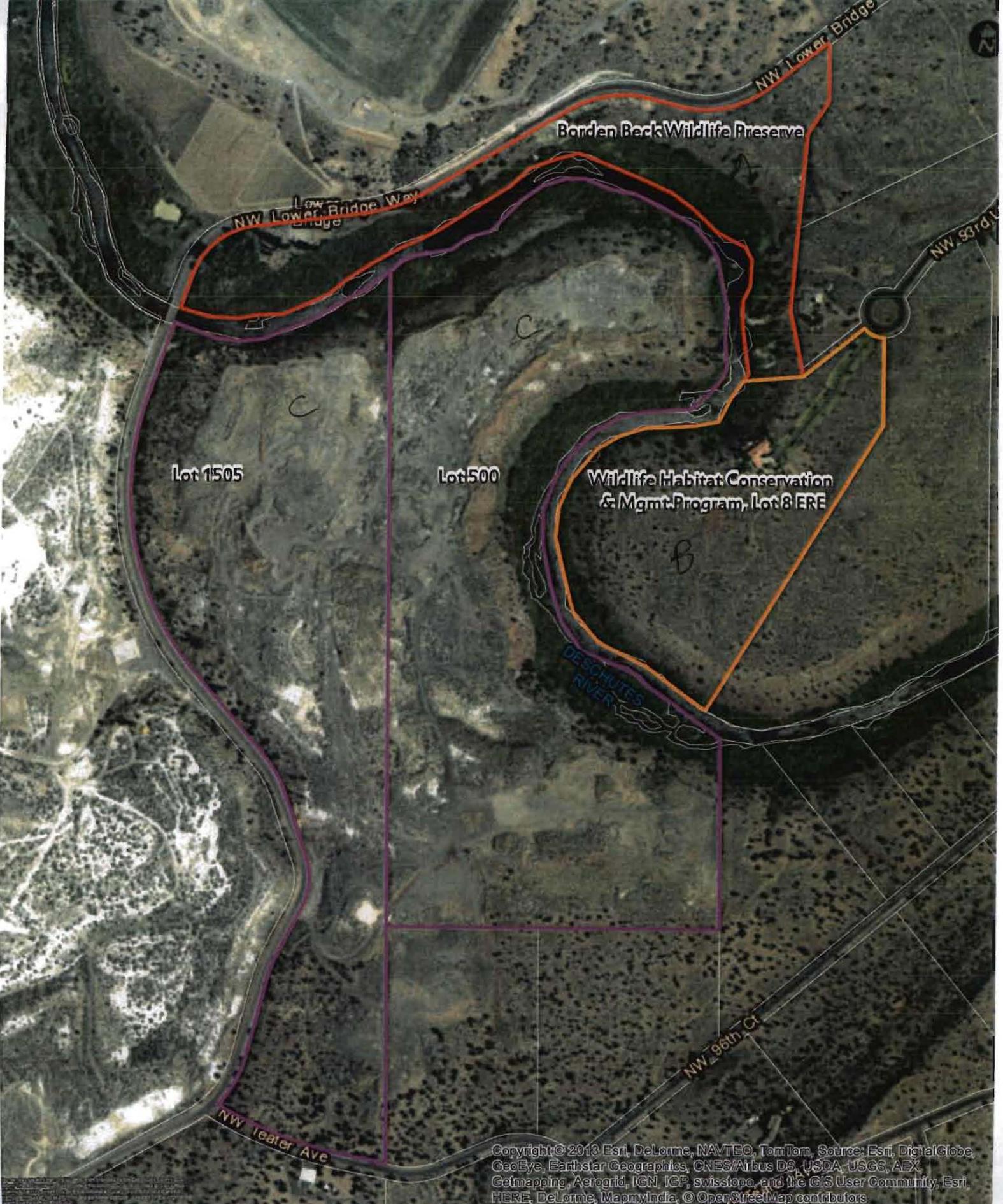
A provisional operating permit may be issued (ORS 517.830(3)) to operators subject to the provisions of OAR 632-30-030(2) pending reissue of the operating permit.

PROPOSED DEVELOPMENT ON THE EAST SIDE, 19 LOTS = Habitat Conflicts

All 19 Lots run to the middle of the Deschutes River and abut:

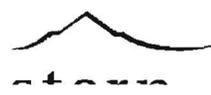
- A. Borden Beck Park Wildlife Preserve
- B. Wildlife Habitat Conservation & Management Program Land
- C. Scenic River Classification on this Stretch of Wild and Scenic River & State Scenic Waterway
- D. LM- Landscape Management Zone

ABOVE ALREADY EXIST TO PROTECT THE FISH AND WILDLIFE AT LOWER BRIDGE. FUTURE DEVELOPMENT AND OF THIS HIGHER DENSITY WOULD IMPACT THEIR HABITAT AND IS A DIRECT CONFLICT OF THE RULES THAT GO WITH THE ABOVE.

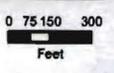


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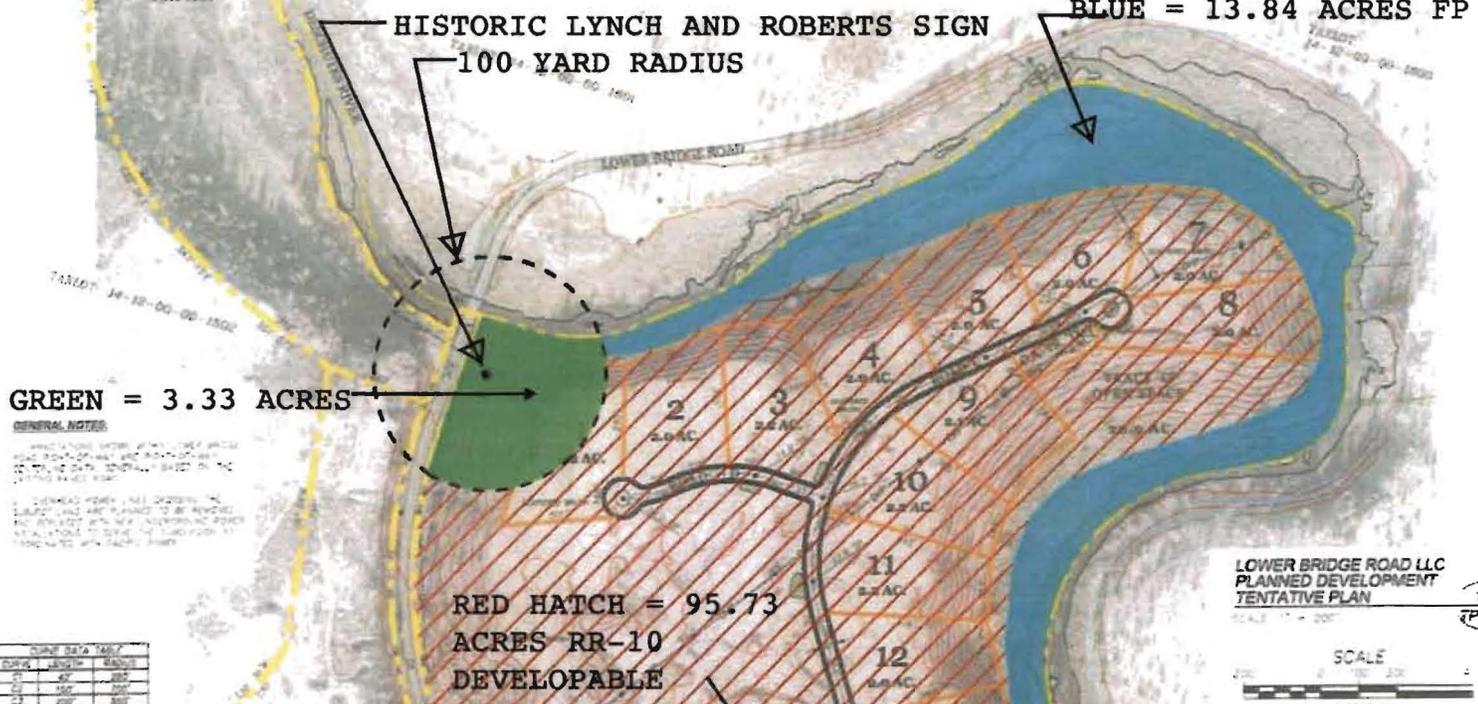
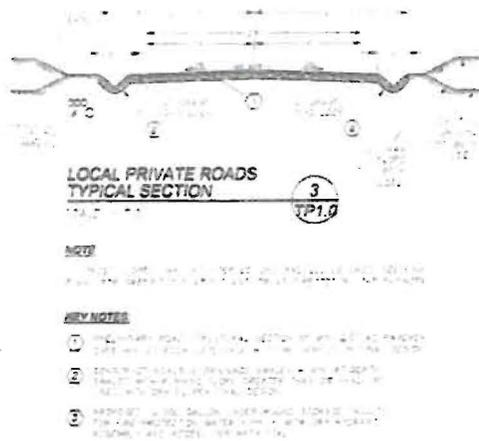
- Wildlife Habitat Conservation & Mgmt. Program, Lot 8 ERE (B)
- Borden Beck Wildlife Preserve (A)
- Lot 500 & 1505 (C) subject



LM on all lots
LM - to be applied for by applicant yet



Subject Property Proposed



DATE	REVISION	BY	DATE
01	1"	200	01/01/00
02	2"	200	01/01/00
03	3"	200	01/01/00
04	4"	200	01/01/00
05	5"	200	01/01/00
06	6"	200	01/01/00
07	7"	200	01/01/00
08	8"	200	01/01/00
09	9"	200	01/01/00
10	10"	200	01/01/00
11	11"	200	01/01/00
12	12"	200	01/01/00
13	13"	200	01/01/00
14	14"	200	01/01/00
15	15"	200	01/01/00
16	16"	200	01/01/00
17	17"	200	01/01/00
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24	24"	200	01/01/00
25	25"	200	01/01/00
26	26"	200	01/01/00
27	27"	200	01/01/00
28	28"	200	01/01/00
29	29"	200	01/01/00
30	30"	200	01/01/00

APPLICANT/OWNER	LOWER BRIDGE ROAD LLC 205 EAST 11TH ST. SUITE 4000 VANCOUVER, WA 98686
ENGINEERING SURVEYING AND PLANNING	DIAGNOSTIC PARKER, LLC 185 SW CHEVY CHASE DRIVE, SUITE #101 SEASIDE OREGON 97138
CURRENT ZONING	RURAL RESIDENTIAL ZONE RR-10 FLOOD PLAIN ZONE FP EXCLUSIVE FARM USE EFL
TOTAL LOTS	19 RESIDENTIAL LOTS 1 PRIVATE ROAD TRACT 2 COMMON AREA TRACTS 5 OPEN SPACE TRACTS
STREETS	PRIVATE
WATER SUPPLY	EACH RESIDENTIAL LOT IS ANTICIPATED TO HAVE ITS OWN EXEMPT PRIVATE WELL
WASTE DISPOSAL	EACH RESIDENTIAL LOT IS ANTICIPATED TO HAVE ITS OWN ON-SITE DISPOSAL SYSTEM
POWER	PACIFIC POWER
FIRE PROTECTION	REDMOND RURAL FIRE PROTECTION DISTRICT

PROJECT AREA SUMMARY

LOTS 1 - 19	41.3 ACRES
COMMON AREA TRACTS D AND E	0.9 ACRES
PRIVATE ROADS RIGHT-OF-WAY	4.4 ACRES
OPEN SPACE EAST OF LOWER BRIDGE ROAD (TRACTS A AND C, PORTION OF TRACT B)	66.3 ACRES
RFU-DESIGNED PORTION OF TRACT B	0.4 ACRES
TOTAL AREA EAST OF LOWER BRIDGE ROAD	123.3 ACRES
OPEN SPACE WEST OF LOWER BRIDGE ROAD (TRACTS E AND F)	29.4 ACRES
LOWER BRIDGE ROAD RIGHT-OF-WAY DEDICATION	4.7 ACRES
TOTAL PROPERTY AREA	157 ACRES

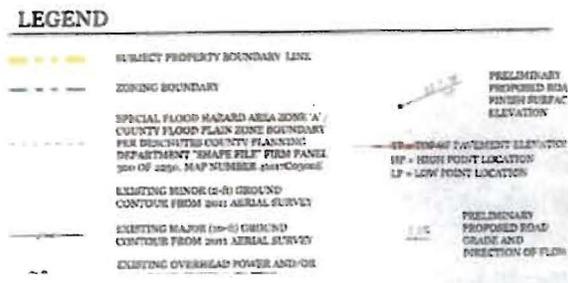


EXHIBIT B

SCALE: 1" = 500'

LAND USE CONFLICT - WILDLIFE HABITAT PROTECTION - EXISTING PROTECTIONS:

THE PROPOSED 19 LOTS ARE ACROSS FROM AND ABUT SEVERAL WILDLIFE PROTECTIONS - ALL 19 LOTS ARE IN CONFLICT OF THESE.(SEE MAP attached).

Along the Deschutes River, the properties ACROSS FROM AND ABUTTING THESE LOTS HAVE A WILDLIFE HABITAT PROTECTION IN PLACE THAT PROTECTS WILDLIFE FROM DEVELOPMENT AND NEGATIVE IMPACTS.

The 19 proposed lots have a visual impact, a noise impact and more importantly, are against the rules of the current Uses in place THAT PROTECTS WILDLIFE HABITAT. They are:

1. Borden Beck Park Wildlife Preserve: Per RAPRD-

Borden Beck Wildlife Preserve is a naturally protected area bordering the Deschutes River at Lower Bridge Crossing.

2. **Wildlife Habitat Conservation and Management Program (WHCMP)**
Program under Oregon Fish and Wildlife.
Designated Lot 8 of Eagle Rock Estates this wildlife protection and use.

Per Wildlife Habitat Conservation and Management Program:

The objective of the WHCMP is to preserve, enhance or improve the composition, structure or function of habitat for native wildlife species.

and

3. "SCENIC RIVER CLASSIFICATION" UNDER THE STATE SCENIC WATERWAYS PROGRAM AND THE FEDERAL WILD AND SCENIC RIVERS DESIGNATION.

Per OAR-Oregon Administrative Rules, State Scenic Waterways: "Classification of River Areas" OAR 736-040-0040 -

(b) **Scenic River Areas:**

(A) Those designated scenic waterways or segments thereof with related adjacent lands and shorelines **still largely primitive and largely undeveloped = current classification**

THE CURRENT PROPOSAL GOES AGAINST THESE GOALS & USES ALREADY IN PLACE

B, on map

WILDLIFE HABITAT PROGRAM

<http://www.dfw.state.or.us/lands/whcmp/index.asp>

Wildlife Habitat Conservation and Management Program (WHCMP)

- WHCMP Program Brochure (pdf)

The Wildlife Habitat Conservation and Management Program (WHCMP) is a cooperative effort involving state and local governments and other partners to incentivize private landowners to voluntarily conserve native wildlife habitat. The Oregon Legislature created the WHCMP to offer a property tax incentive to private landowners who want to provide wildlife habitat on their properties instead of, or in addition to, farming, growing timber or other land uses. Under the WHCMP, land subject to an approved wildlife habitat conservation and management plan receives a wildlife habitat special assessment, where property taxes are assessed at the relatively low value that would apply if the land were being farmed or used for commercial forestry.

The objective of the WHCMP is to preserve, enhance or improve the composition, structure or function of habitat for native wildlife species. The WHCMP supports the efforts of Oregon's Conservation Strategy, whose primary focus is on improving and expanding voluntary conservation efforts. Tax incentive programs aimed at improving wildlife habitat are tools used to promote and support voluntary conservation actions taken by landowners.

For detailed information on the statutes and rules related to the Wildlife Habitat Conservation and Management Program see Oregon Revised Statutes 308A-400 Oregon Administrative Rules 635-430.

Summary of Steps to Determine Eligibility for Participation in the Wildlife Habitat Conservation and Management Program:

**For complete details on how a landowner would enroll in the WHCMP, please review the WHCMP Landowner Guide.*

**Please note, ODFW staff may choose to limit the number of plans approved each year due to workload constraints (ORS 308A.412(4); OAR 635-430-0050(6)).*

1 Confirm your eligibility with a Participating County

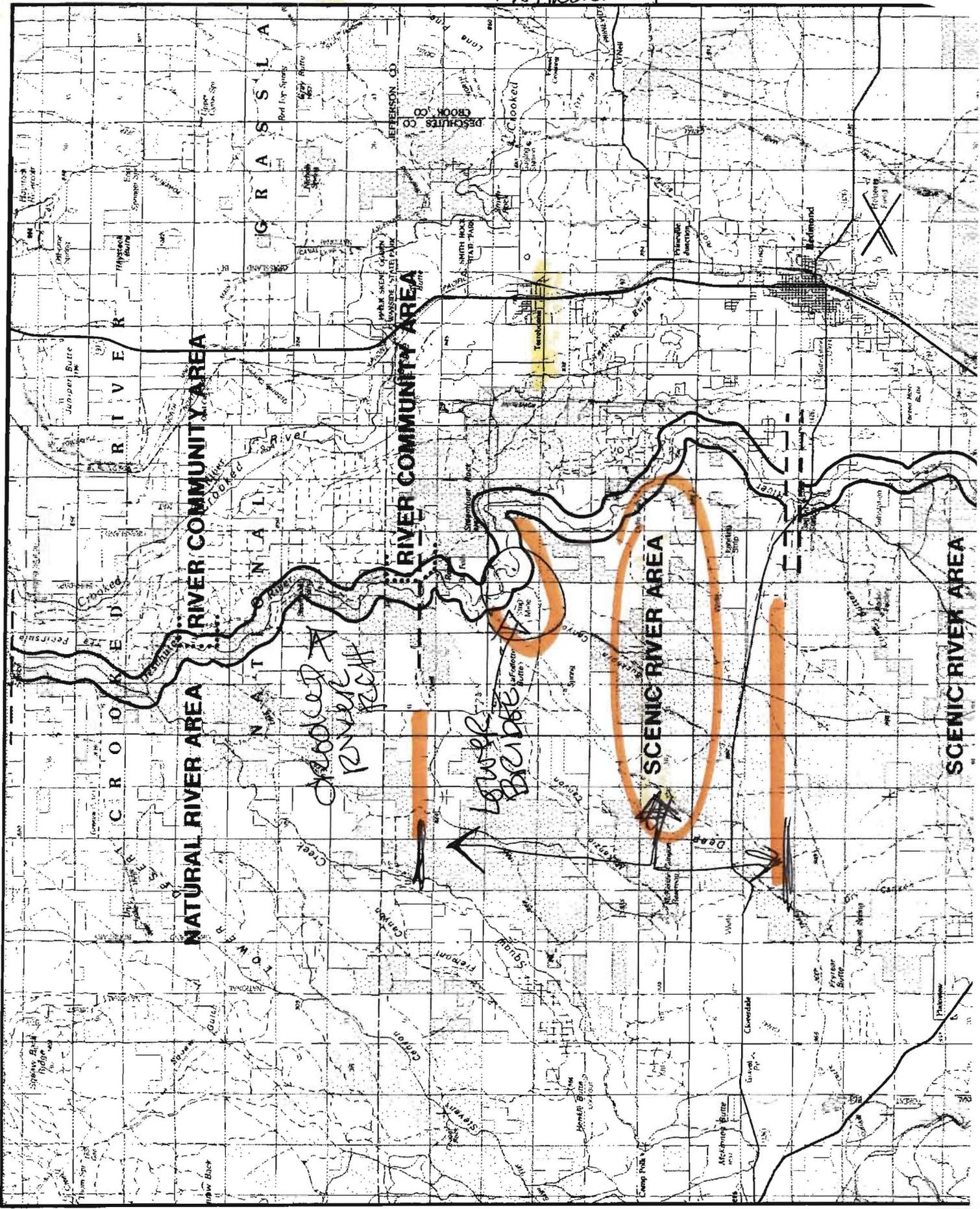
- If you are a landowner in a participating county you may be eligible. Not all counties are currently participating in the program and only those counties currently participating are able to enroll landowners.
- To qualify for a wildlife habitat special property tax assessment, the property must be located within an area or zone designated for participation in the WHCMP. Applicants must have county or city planning department fill out an Eligibility Certification Form to confirm that the property is eligible for the program.
- Complete the Landowner Interest Form and submit it to your local ODFW district office with the signed eligibility form. These forms will help the local ODFW biologist determine if your property has the wildlife habitat characteristics necessary to qualify for enrollment in the WHCMP.

2 Develop a habitat plan

- The landowner, in conjunction with a cooperating agency must develop a wildlife habitat conservation and management plan that specifies the conservation and management practices that will be conducted to protect and restore native habitat and native wildlife species. Cooperating agencies include the Oregon Department of Fish and Wildlife, U.S. Fish and Wildlife Service, Natural Resource Conservation Service, Oregon State University extension service, soil and water conservation district, or qualified contractor. A site visit is usually required prior to drafting a plan.
- An example of a complete WHCMP plan can be found here: Sample WHCMP Plan. Please refer to the Landowner Guide for a complete list of information required in a habitat plan.

Done ✓ in
2018
Eagle
Rock
Ests.

"Scenic River" Classification
Attachment 2



✓ State Scenic Waterway Boundary

The State Scenic Waterway boundary on the Middle Deschutes River will remain unchanged as a uniform 1/4 mile boundary on either side of the river in Segments 3 and 4. Public land managers and private landowners within the corridor boundary are responsible for complying to the State Scenic Waterway Program regulations and guidelines as discussed in Chapter 3.

✓ Wild and Scenic Rivers' Boundary Delineation Process

The Wild and Scenic Rivers Act (Section 3(b)) specifies that after a river is designated, the agency charged with its administration must establish detailed boundaries delineating the land area within the river corridor that will be managed under the Act. The Act specifies that the area within each corridor should not average more than 320 acres per river mile on both sides of the river, placing the boundaries an average of 1/4 mile from the river on each bank. This allows for irregular boundaries on either side of the river. Boundary delineation decisions are made on the basis of topography, location of outstanding resources, land ownership and use patterns, and public comment.

Early in the planning process, BLM held six public scoping meetings to ensure full public participation during preliminary boundary delineation. The preliminary National Wild and Scenic River boundaries as shown in the Draft Management Plan and Environmental Assessment, were developed as a result of these meetings. The boundaries are irregular in shape to include as many of the areas as possible that contain or directly support the identified outstandingly remarkable values associated with the river. During the public review period for scoping issues many people, including work group members, requested that the preliminary boundaries be reconsidered.

* A Visual Resource Management (VRM) study of river segments 3, 4, and the Lower Crooked segment was conducted by the BLM between June and September of 1991. The purpose of this study was to determine the overall scenic quality of the river segments and provide additional baseline information for establishing new corridor boundaries and monitoring scenic quality. Results of the VRM study along with the information gathered to identify outstanding and significant resource values provided the basis for delineating final boundaries as shown on Map 2.

A. To preserve and enhance the open spaces, rural character, scenic values and natural resources of the County.

FINDINGS: The subject property is a former mine site which is exempt from most reclamation or other regulatory requirements requiring any revegetation. As a result, it has little vegetation and approximately 350 acres of the site consists of exposed diatomite which can create dust during large wind events. The proposed plan amendments by themselves will not alter open spaces, scenic values, or spoil rural character, but instead will create an opportunity to redevelop and mitigate existing adverse conditions of the site following historical mining and industrial operations. The present condition of the site adversely affects the scenic value of the area with rusting structures and extensive unvegetated mined areas. Any future development, not included in this application, would be required to conform to development standards for Rural Residential (RR-10) zoned lands, that are designed to preserve and enhance the open spaces, rural character, and scenic values of the County. Moreover, future development of any structures in the LM zone will be subject to individual site plan review to ensure the protection of the scenic values associated with the Deschutes River.

Some neighbors commented that the proposal is inconsistent with this policy because a future planned development proposal could cluster dwellings along the top of the riverbank. The neighbors asserted that clustered residential development is inconsistent with the local residential development pattern, and therefore a more appropriate zoning designation is EFU-20. The Board agrees with the Hearings Officer on this issue and finds that the unrefuted evidence shows that the site does not contain agricultural soils. The proposed RR-10 zoning designation would maintain the residential density that occurs within the area, and if a planned unit development is proposed, the layout of the lots can be arranged to minimize their visual impacts on neighboring property owners.

The removal of Site 461 from the County's surface mining inventory would preclude access to diatomaceous earth and aggregate materials on the site. The applicant has argued that there is insufficient remaining aggregate to economically extract, and there is little need for diatomite in modern industrial manufacturing. Neighbors dispute this finding, arguing that there are viable industrial uses for diatomite, and that the applicant's present desire to convert the land to residential use does not alter the significance of the site for diatomite production. These issues are discussed in greater depth below.

B. To guide the location and design of rural development so as to minimize the public costs of facilities and services, to avoid unnecessary expansion of service boundaries, and to preserve and enhance the safety and viability of rural land uses.

FINDINGS: The applicant argues that the proposal is consistent with this goal because a future developer, and not the public, will bear costs of extending facilities to the property. Opponents disagree that the extension of public services is the only consideration under this goal, arguing that it also requires a showing that the proposed rural residential uses "preserve and enhance the safety and viability of rural land uses." Opponents argue that unless reclamation and remediation measures are included in this approval, neither the neighbors nor the future residents of the site can be assured that the site is safe for development or that development on their properties will remain viable.

Public Facility/Service Availability and Capacity

REVIEWED
RSE
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Designating Certain *
Real Property as County Parks *
to be Used Exclusively for Public *
Purposes. *

"Lower Bridge Estb.
Lots"

RE:

that are county
owned →

ORDER NO. 96-071

WHEREAS, Deschutes County has acquired real properties through real property tax foreclosure and Local Improvement District foreclosure that are located on or adjacent to rivers, creeks and streams; and

WHEREAS, Deschutes County has acquired real properties through real property tax foreclosure and Local Improvement District foreclosure which contain significant wildlife habitat; and

WHEREAS, Deschutes County through its Comprehensive Plan has recognized and declared the need to protect and preserve public access and land along rivers, creeks and streams and public properties possessing significant wildlife habitat values; and

WHEREAS, ORS 275.320 provides that Deschutes County may designate County owned lands as public parks; and

WHEREAS, the Board of County Commissioners find that the preservation and protection of certain County owned real properties for public access, recreation and wildlife habitat is in the public interest; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDERS as follows:

Section 1. That certain real properties described in Exhibit "A," attached hereto and by this reference incorporated herein be designated as County Parks for public purposes, pursuant to ORS 275.320.

SCANNED

SEP 13 2011

10 Acres near SUBJECT
✓

Section 2. That said real properties be retained in public ownership and managed to the extent feasible for the enhancement of wildlife habitat and public access.

DATED this 26th day of June, 1996.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Nancy Pope Schlagen

NANCY POPE SCHLANGEN, Chair

Barry H. Slaughter

BARRY H. SLAUGHTER, Commissioner

ATTEST:

Quita M. Mitchell

Quita M. Mitchell
Recording Secretary

Robert L. Nipper

ROBERT L. NIPPER, Commissioner

RE: TRAFFIC SAFETY

5

for the highway and 0.80 for the side street based on functional classification and posted speed.

There is a programmed ODOT project in 2009 to reconfigure the Lower Bridge Way/97 and 11th Street/97 intersections. While this will improve the operations of these intersections, it will not address the capacity issue as the project focuses more on storage issues on the side streets.

The traffic analysis at Figure 5 on page 10 indicates a LOS F for Lower Bridge Way/97 in 2022 with the critical move being the left out from Lower Bridge to go north on 97. The development does not add any trips to that failing move. As Figure 4 indicates, the rezone will increase the number of northbound left turns from U.S. 97 onto Lower Bridge Way from 11 to 31. The worksheets indicate the V/C of this move will degrade from 0.82 under existing zoning to 0.85 under the proposed zoning.



Based on the above, I would recommend the application be denied based on the provisions of DCC 17.16.115(l)(1 and 2). The proposal would have a significant effect on transportation facilities as defined by the Transportation Planning Rule (TPR) at Oregon Administrative Rule (OAR) 660-012-060(2)(C).

If the development is approved, the applicant will need to provide mitigation sufficient to avoid further degradation of the intersection as required by OAR 660-012-060(3)(c). As this intersection is under the jurisdiction of ODOT, I would recommend deferring to the state to describe and define the appropriate mitigation.

NOTE

On March 3, 2008 the Transportation planner added: The TIA analysis was done for approximately 55 units, but in today's paper it said they can build 74 units under the cluster development. If that's true, then the traffic analysis should be redone to reflect that and the intersections be reanalyzed.

Staff notes that the potential for 74 units represents a theoretical maximum number of units on the property. Staff believes the applicant should provide an analysis based on the maximum number of units. If fewer units are in fact developable, such evidence should be presented to the Hearings Officer.

DEQ: On February 4, 2008, the Department (DEQ) received your notice for the chance to comment on a proposed land-use zone change regarding the Diatomaceous Earth (DE) Mine site located north of Lower Bridge Way west of Terrebonne. The proposal would change the zoning from surface mining (industrial site) to rural residential. Department staff has reviewed the Burden of Proof Statement. On Page 3, last Paragraph, it states, "DEQ visited the site the week of May 8, 2006 and did not have any concerns". While Department staff did visit the site, no statements were made about concerns at that time. There are, in fact, a number of issues that should be considered:

Our primary concern regarding the proposed zone change is that when a previous cleanup was conducted at the site it was based on the industrial land-use of the property. The proposed action would change the zoning to rural residential. The property owner and developer will need to demonstrate that the site is cleaned up to the degree that it is suitable for residential land-use. The Daniels Group should conduct additional environmental evaluation of past historical activities (including the clean-up) to insure that the site is safe for

July 7, 2015

Dear Madame Hearings Officer on File #247—15-000194-CU/195-TP:

Regarding the Traffic Study Report comment by George Kolb, stating that

→ the proposed entrance is on a 40 mph curve.....that is not correct. After speaking with ODOT that oversees the county on roads, since that curve at the entrance area

→ is not signed at all, it is a 55 mph zone and a "Rural Major Collector" road.

Therefore the site distance has to be reassessed based on this corrected information.

Note that black and white speed signs are mandatory and yellow and black signs, suggested.

Having neither at this S Curve – 55 mph. And unsafe for 40 plus vehicles coming onto this

road at a crawl of 5 mph. There is no other entry option as the only other ingress/egress

point is off the bottom of Lot 1505 at Teater and that is EFU land and not included or allowed.

Another correction for the record and file: the adjoining subdivision, Eagle Rock Estates, is NOT similar in density or size as the proposed, it is an EFU 20 and my Lot is 27 acres. With one Home on it vs. 16 homes proposed on the same land mass across the River.

Respectfully,

Diane Lozito, Homeowner

Eagle Rock Estates, EFU Zoned subdivision

P.O. Box 85, Terrebonne, OR 97760

Land Use Goals

This goal requires the county to thoughtfully consider development locations to minimize urban sprawl and to ensure that public facilities and infrastructure are adequate to accommodate anticipated development. This includes consideration of service availability and capacity. Low density residential development allowed in the RR-10 zone does not require urban services such as sewer and water, as those needs can be served by on-site systems. Service boundaries will not be expanded. Public services, such as police and fire, already serve the area. With respect to these facilities and services, the proposed redesignation will have little to no effect.

Failed - Traffic Study

X The site borders on Lower Bridge Way, a publicly maintained county road. The applicant's traffic study concludes the intersection of Lower Bridge Way/U.S. 97 will not meet either the performance standards of Deschutes County or ODOT with or without this development. There is an ODOT project going to bid this Spring to reconfigure the Lower Bridge Way/Highway 97 intersections. This improvement will increase safety but not necessarily capacity at this intersection. Based on the evidence submitted by the applicant, including the traffic studies and the evidence of historical use as discussed further herein and incorporated by references, the Board finds that the traffic likely to be generated by development uses allowed under the current zoning is equal to or greater than the traffic likely to be generated under the proposed residential zoning. Therefore, the proposal should have no significant impact on the transportation facilities. See the discussion below for DCC 23.60.610. The Board further finds that Code criteria in the subdivision and conditional use chapters will allow the imposition of conditions requiring transportation facility improvements prior to or contemporaneous with subdivision or cluster development approval. Both the subdivision and conditional use processes require notice and an opportunity for full public participation.

X "To Preserve and Enhance the Safety and Viability of Rural Land Uses"

As noted above, opponents argue that before this site is rezoned for rural residential uses, the applicant must demonstrate that it is safe for those residential uses, and that the safety of other local uses, including residential and agricultural uses are preserved and/or enhanced. The neighbors expressed concerns that hazardous wastes from mining activities since 1985 have not been adequately addressed, and that the 1984-85 remediation and removal of hazardous and radioactive wastes were inadequate. Further, the neighbors argue that the applicant has not yet demonstrated that there is sufficient water to accommodate the proposed site reclamation and provide domestic water for the number of dwelling units that could be developed on the property. In addition, the neighbors argue that there is no evidence that the applicant will take steps to address water contamination from the remaining mining materials. Finally, the neighbors insist that this site will not be safe for residential use or preserve the viability of existing rural residential uses in the area until the diatomite is fully contained.

X Given the environmental history of the site, the Board finds that the rezoning the property for residential use, prior to establishing that the site is safe for residential use, will not preserve and enhance the safety and viability of rural land uses. However, in previous County decisions, it has been held that, absent a comprehensive plan amendment, comprehensive plan goals and policies do not constitute mandatory approval criteria for quasi-judicial zone changes, but rather are implemented through the zoning ordinance, and therefore if the proposed zone change is consistent with the applicable provisions of the zoning ordinance, it also will be consistent with the plan. While not required under this Comprehensive Plan Goal, findings and relevant conditions of approval intended to establish that the site is safe for residential use prior to development are set forth under DCC 18.136.020, as discussed below.

resources to the County while considering the public need for the proposed development.

FINDINGS: This plan policy is not applicable to the proposed plan amendment because the applicant is not seeking subdivision approval or development review. If the plan amendment and zone change are approved, then future development will need to satisfy this standard.

6. Chapter 23.108. Historic And Cultural

a. 23.108.020, Goals.

- 1. To preserve and protect historic and cultural resources of Deschutes County.

a. 23.108.040, Goal 5 Inventory - Historic Resources.

- 21. **Lynch and Roberts Store Advertisement: Ad advertising sign painted on a soft volcanic ash surface. Only area example of early advertising on natural material. Lynch and Roberts established mercantile in Redmond in 1913. Roberts Field near Redmond was named for J. R. Roberts. Site includes the bluff. 14-12-00 TL 1501.**



FINDINGS: The Lynch and Roberts Store Advertisement sign is painted on a large boulder located on the subject property. As this zone change, in itself, does not authorize any development of the property, no adverse impacts to historical resources on the subject property are anticipated. The applicant has proposed several measures to protect this historic resource. The applicant has proposed to not develop any area within a 100 yard radius of the historic sign and has proposed to post markers to denote the historic significance of the sign and to prevent trespass, prior to development of the site. The applicant has also proposed that any Covenants, Conditions and Restrictions (CC&Rs) created as a part of a residential development of the subject property will contain obligations to protect the area within a 100 yard radius of the historic sign from development and trespass and to maintain the historic markers. The Board finds that the proposed measures will be sufficient to meet the goal of protecting this historic resource. These measures to protect the Lynch and Roberts Store Advertisement sign have been included as conditions of approval.



B. Oregon Administrative Rules

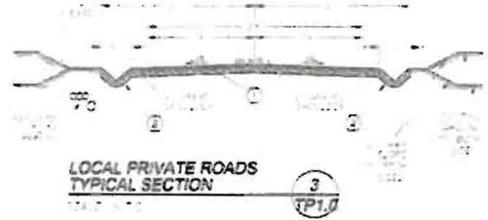
1. OAR 660, Division 12, Transportation Planning Rule

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

Bridge Way, together with approximately 30 acres along the river west of Lower Bridge Way (approximately 160 acres)⁹ subject to the following conditions of approval:

1. Prior to final plat approval for any residential subdivision, the applicant shall obtain from the Department of Environmental Quality (DEQ) a "No Further Action" (NFA) determination or the equivalent for a residential use designation for the 160 acres.
2. Prior to final plat approval for any residential subdivision, the applicant shall obtain from the Department of Human Services (DHS) a determination of "no apparent public health hazard" for a residential use designation for the 160 acres.
3. Prior to or contemporaneously with final plat approval for any residential subdivision, the applicant shall record a conservation easement in substantially the form attached hereto as Exhibit C and covenant (by deed or plat) to restrict in perpetuity the use of the approximately 30-acre area to open space uses and preventing the construction of any residential structure.
4. ~~The applicant shall not develop any area within a 100-yard radius of the historic Lynch and Roberts Store Advertisement sign.~~ The applicant shall post markers to prevent trespass, prior to development of the site. Any Covenants, Conditions and Restrictions (CC&Rs) created as a part of a residential development of the subject property will contain obligations to protect the area within a 100-yard radius of the historic sign from development and trespass and to maintain the posted markers.
5. As part of any residential development approval for the site, the applicant shall include an informational section in its CC&Rs that detail the history of the site, including the remediation efforts taken by the applicant and its predecessors in interest.
6. If fill is brought onto the site, the applicant shall identify the general location of the fill, and if the site is used for development, the applicant shall either certify that the fill is suitable for development, or specifically disclaim any knowledge of its suitability.
7. Prior to final plat approval for any residential subdivision, a conservation easement as defined in Section 18.04.030, "Conservation Easement" and specified in Section 18.116.220, shall be required.

⁹ As more particularly described in the legal description, attached to this decision as Exhibit A.



**TAN 29.0 ACRES
CONSERVATION EASEMENT**

- GENERAL NOTES:**
1. THE PROPERTY BOUNDARY LINE IS SHOWN BY A DASHED YELLOW LINE.
 2. THE ZONING BOUNDARY IS SHOWN BY A DASHED RED LINE.
 3. THE SPECIAL FLOOD HAZARD AREA IS SHOWN BY A DASHED BLUE LINE.

BLUE = 13.84 ACRES FP

HISTORIC LYNCH AND ROBERTS SIGN

100 YARD RADIUS

GREEN = 3.33 ACRES

**RED HATCH = 95.73
ACRES RR-10
DEVELOPABLE**

**LOWER BRIDGE ROAD LLC
PLANNED DEVELOPMENT
TENTATIVE PLAN**

SCALE: 1" = 200'

7
TP1.0

TRACT	AREA	PERCENT
1	2.0 AC	2.0%
2	2.0 AC	2.0%
3	2.0 AC	2.0%
4	2.0 AC	2.0%
5	2.0 AC	2.0%
6	2.0 AC	2.0%
7	2.0 AC	2.0%
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98	2.0 AC	2.0%
99	2.0 AC	2.0%
100	2.0 AC	2.0%

APPLICANT/OWNER	LOWER BRIDGE ROAD, LLC 200 EAST 11TH ST. SUITE 1000 VANCOUVER, WA 98660
ENGINEERING, SURVEYING AND PLANNING	D'AGOSTINO PARKER, LLC 180 SW SHEVLIN HIXON DRIVE, SUITE #101 BEND OREGON 97702
CURRENT ZONING	MURKIN, RESIDENTIAL ZONE RR-10 FLOOD PLAIN ZONE FP EXCLUSIVE FARM USE OFU
TOTAL LOTS	19 RESIDENTIAL LOTS 1 PRIVATE ROAD TRACT 2 COMMON AREA TRACTS 5 OPEN SPACE TRACTS
STREETS	PRIVATE
WATER SUPPLY	EACH RESIDENTIAL LOT IS ANTICIPATED TO HAVE ITS OWN SEWER/PRIVATE WELL
SEWAGE DISPOSAL	EACH RESIDENTIAL LOT IS ANTICIPATED TO HAVE ITS OWN ON-SITE DISPOSAL SYSTEM
POWER	PACIFIC POWER
FIRE PROTECTION	REDMOND RURAL FIRE PROTECTION DISTRICT

PROJECT AREA SUMMARY

LOTS 1 - 19	41.3 ACRES
COMMON AREA TRACTS 'D' AND 'W'	10.9 ACRES
PRIVATE ROAD RIGHT-OF-WAY	4.4 ACRES
OPEN SPACE EAST OF LOWER BRIDGE ROAD (TRACTS A AND C, PORTION OF TRACT B)	16.3 ACRES
FP-ZONED PORTION OF TRACT B	10.4 ACRES
TOTAL AREA EAST OF LOWER BRIDGE ROAD	120.3 ACRES
OPEN SPACE WEST OF LOWER BRIDGE ROAD (TRACTS B AND F)	29.0 ACRES
LOWER BRIDGE ROAD RIGHT-OF-WAY DEDICATION	4.7 ACRES
TOTAL PROPERTY AREA	157 ACRES

LEGEND

- SUBJECT PROPERTY BOUNDARY LINE
- ZONING BOUNDARY
- SPECIAL FLOOD HAZARD AREA ZONE 'A' COUNTY FLOOD PLAIN ZONE BOUNDARY PER DESCHUTES COUNTY PLANNING DEPARTMENT "SHAPE FILE" FIRM FASLE 200 OF 2010. MAP NUMBER 0000000000
- EXISTING MINOR (2-10) GROUND CONTOUR FROM 2011 AERIAL SURVEY
- EXISTING MAJOR (10-15) GROUND CONTOUR FROM 2011 AERIAL SURVEY
- EXISTING OVERHEAD POWER AND/OR
- PRELIMINARY PROPOSED FINISH SURFACE ELEVATION
- PRELIMINARY PROPOSED ROAD GRADE AND DIRECTION OF FLOW

EXHIBIT C
SCALE: 1" = 500'

OREGON FERRIES

Canyon. Robert Smith, an Indian, operated the ferry at this site from 1905 to about 1909 (author's estimate). (197:199)

Dizney Ferry

1910-1913: John T. Dizney and his sons operated a ferry with the Campbell's (see *Campbell Ferry*) before acquiring one of their own. Gillis O. Dizney, son of John T. Dizney, established a ferry at a site directly opposite the town of Vanora about 1910 (author's estimate). The bridge built at Mecca in 1913 put the ferry out of business. (196:76)

Lower Bridge Ferry

c.1860-1876: There was a ferry downstream of the *Tetherow Ferry* at a site later known as the "Lower Bridge". Early settlers traveling the Willamette Valley and Cascades Mountains Wagon Road had to ford the Deschutes at this spot. A ferry was built in 1860 and used until the bridge was built in 1876. The ferry site was at, or near, where the current Lower Bridge Road crosses the Deschutes near Redmond. (223:5)

Tetherow Ferry

1879-1885: The *Tetherow Ferry* was located at what is now Tetherow Crossing, a historical site a few miles north of Redmond off Coyner road. Andrew Jackson Tetherow operated a cable ferry at "Tetherow Crossing". A. J. Tetherow was the son of Solomon B. Tetherow, leader of the ill-fated Tetherow wagon train of 1845 guided by Stephen Meek. The wagon train is associated with the "Blue Bucket" mine legend in which a bucket of gold nuggets was collect somewhere along the trail, but its actual site has never been found. The Tetherow Crossing was significant to the east bound traffic over the Santiam Wagon Road seeking access to the Central Oregon gold fields and grazing for cattle, as well as those headed west with produce and wool for the people in the Willamette Valley. A bridge was built at this site in 1885 (148)

Peters Ferry

c1900: A ferry belonging to John Peters washed down the Deschutes River during the winter of 1909 and lodged against the Homestead Bridge. The ferry site was located seventeen miles up-stream from Bend near the Peters Bridge at Sun River. (194:12/22/1909), (225)

John Day River

Spray Ferry

1896-c.1920: The ferry at the town of Spray was started in 1896 and lasted into the 1920's. The ferry was located near where the current bridge and Riverfront Park are now. (118)

A HISTORY OF

OREGON FERRIES

SINCE 1826



Harrisburg 1901

CHARLES F QUERY

*Operations ceased
about 1963*

(DE4)

DIATOMITE OPERATIONS AT TERREBONNE, OREGON

D. F. Dyrsmid (Member A.I.M.E.)
Chief Engineer
Dicalite and Perlite Divisions
Great Lakes Carbon Corporation
Walteria, California

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American Institute of Mining and Metallurgical Engineers
1954 Pacific Northwest Metals and Minerals Conference
Industrial Minerals Division
May 1, 1954
Portland, Oregon

DIATOMITE OPERATIONS AT TERREBONNE, OREGON.

(DE4)

LOCATION:

The Terrebonne diatomite deposit and processing plant of the Great Lakes Carbon Corporation are located in Central Oregon at an elevation of 2550 ft. above sea level on the west bank of the Deschutes River. The nearest town, Terrebonne, is six miles north of the city of Redmond and seven miles east of the plant and is the rail shipping point for the finished products from the plant.

HISTORY:

Our first known reference to diatomite in the Terrebonne area is by the U. S. Surveyor General's Office on the original township plat which states, "On the west side and adjacent the river in Sec. 16 is a hill composed of white marble. This substance is somewhat of the same nature and makes a very good substitute for white chalk." Certainly the formation was known even before that time since the old Willamette Valley and Cascade Mountain Military Wagon Road, shown on the original plat, crossed the Deschutes River exactly where the present County Road and Bridge which we now use is located. This old military road, sections of which are still visible, crossed through Sec. 16 right over the area which we have been mining for the past eighteen years.

Some natural products were shipped from this deposit even prior to 1921 when the Western Diatomite Company operated the property. In 1930 the Atomite Corporation took over, their rated capacity being approximately 25 tons per day, and the operation still being limited to the production of natural materials. A rotary kiln had been partially installed by the Atomite people but their operation was spasmodic and the installation of this unit was never completed.

ZONING AND CURRENT LAND USE:

THE PROPOSED LAND USE DOES NOT CONFORM TO PREDOMINANT EXISTING USES.

THIS LOWER BRIDGE AREA IS RURAL WITH NO HIGH DENSITY HOUSING. THE PROPOSED PUD/ PLANNED UNIT DEVELOPMENT, CLUSTER DEV. OF HOMES ON AVG. 2 ACRE LOTS DOES NOT CONFORM TO CURRENT LAND USE IN THIS AREA.

1. PREDOMINANT USE IS EFU ZONED, EXCLUSIVE FARM USE FOR 10 PLUS MILES.
2. THE ONLY RR-10 IS LOWER BRIDGE ESTATES, **BELOW** AND IS A MIN. 10 ACRE NOT A PUD CLUSTER DEVELOPMENT, AS PROPOSED, OF SMALL LOTS ALONG THE RIVER RIM. 19 LOTS ON THE RIM VS. WHAT YOU SEE HERE AND A 74 LOT INITIAL PROPOSAL ON THIS REZONE FROM SM/SUFACE MINING TO AN RR-10 WITH A PUD.

THERE ARE NO OTHER PUDs IN THIS AREA AT ALL- AND NO APPARENT NEED FOR ONE.



THIS IS THE CURRENT RURAL, SCENIC LOOK OF THE LOWER BRIDGE AREA - LET'S KEEP IT THAT WAY AND NOT VIOLATE THE LAND USE LAWS AND THEIR INTENTIONS BY SUDDENLY ADDING HIGH DENSITY, CLUSTER DEVELOPMENT.

CURRENT LAND USE IS LISTED ON THE NEXT PAGE.

EXISTING SURROUNDING LAND USE AND PROPERTIES IN THE IMMEDIATE AREA ARE:

<u>LOCATION</u>	<u>NAME</u>	<u>ZONING/ACREAGE</u>
North of Subject	Dunns Double Eagle Ranch	EFU - 416.19 Acres
No. & East	Borden Beck Wildlife Preserve	EFU - 23 Acres
East of Subject	Eagle Rock Estates - ERE	EFU - Avg. 25 Acre Lots
East of Subject	Lot 8, ERE, Wildlife Habitat CMP	EFU - in WHCMP-program
North and East of	BLM Land for Miles	EFU - 4,033.63 Acres
NW of Subject	SM- Applicant's Mine	SM - 410 Acres
NE of Subject	SM- Dunn, Surface Mining Rts.	SM/EFU - 106 Acres
NW of Subject	Big Falls Ranch	EFU - 1,756 Acres
NW of above	Thalacker Farm	EFU - 387.31 Acres
W. of Subject	Chapel (Alpaca Farm & Hay)	EFU - 134.74 Acres
W. of Subject	Nicol Farms (Hay)	EFU - 146.37 Acres
W. of Subject	Volwood Farms (Hay & Cattle)	EFU - 726.85 Acres
NW of Subject	Wertheimer Ranch (Hay & Cattle)	EFU - 147.03 Acres
So. of Subject	Lower Bridge Estates - LBE Including County Lots for Wildlife Protection within Approx. 400 ft.	RR10 - Avg. 10 Acre Lots

THERE ARE NO 2 ACRE LOTS, OR PUD, CLUSTER DEVELOPMENTS IN THE AREA. AND NO OTHER TOXIC WASTE DUMP SITES WANTING TO REZONE TO RESIDENTIAL. THIS MINE SITE'S PROPOSAL DOES NOT CONFORM TO EXISTING USES NOTED ABOVE.

ABUTTING THE MINE SITE = EFU (DUNN), EFU (SM-DUNN), EFU-ERE, EFU-BORDEN BECK WILDLIFE PRESERVE, RR10-LBE, EFU-WILDLIFE HABITAT & CONSERVATION, LOT 8 , ERE. AND COUNTY LOTS APPROX, 400 FT. EAST OF SUBJECT, "TO ENHANCE WILDLIFE HABITAT".

THE PROPOSED DEVELOPMENT IS MUCH HIGHER DENSITY THEN THE ABUTTING LOTS. Borden Beck Wildlife Preserve /Lot 9- ERE/Lot 8 - ERE = 70.93 ACRES & ONLY 2 HOMES VS. SUBJECT = 63 ACRES ON LOT 500 + 4.2 ACRES FOR LOTS ON LOT 1505 = 19 HOMES SAME LAND MASS ON EACH SIDE OF RIVER BUT DENSITY WOULD BE 19 TO 2.



Photo taken by Diane Lozito on 10/23/15, date she went to listen to the Work Session on this Mine Site, Lower Bridge, LLC.

Note: Photo shows- in foreground, the East Side up to the Peach Colored DE, then across the road where the Tower sits, is The West Side in this currently Split Zoned Area. The property ends to the NW before that stand of bare trees. Beyond it is an almost 2,000 Acre Ranch and Hayfields. PURPOSE OF PHOTO: to show lack of any vegetation as in the Applicants Work Plan and Lack of any progress visually on this dusty site that has had since 2009 to complete the required tests and work. Yet after an expiration of their Extension this past April, 6 MONTHS AGO, EXPIRED, the applicant wants more time.