BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 11, County Owned Land and Property, and Declaring an Emergency

WHEREAS, nitrogen, particularly in the form of nitrate, contained in inadequately treated sewage discharged to groundwater poses a risk to both public health and water quality in south Deschutes County and

WHEREAS, the primary goal for south Deschutes County is to protect public health and the environment with the specific objective of protecting public waters of the La Pine sub-basin from impacts of wastewater treatment and dispersal and

WHEREAS, at this time, except for limited areas served by a community water system with access to deeper aquifers, the shallow unconfined aquifer in south Deschutes County provides the sole source of residential drinking water and

WHEREAS, findings from the US Geological Survey’s 3D Groundwater Nutrient Fate and Transport Model, La Pine National Decentralized Wastewater Treatment Demonstration Project, and Nitrate Loading Management Model for South Deschutes County (La Pine Studies) illustrate that the assumptions used for the development of the Transferable Development Credit program require modification because the Transferable Development Credit program will have significantly less impact on improving groundwater quality than alternative wastewater treatment systems and

WHEREAS, the La Pine Studies show continued use of conventional wastewater treatment systems in the region will ultimately increase the nitrate-nitrogen levels in the groundwater in most areas of the region beyond the EPA safe drinking water standard of 10 mg/l and

WHEREAS, the La Pine Studies show alternative treatment technologies exist that can denitrify wastewater and using available nitrogen reducing wastewater treatment technologies on individual properties in the La Pine sub-basin will protect the groundwater from exceeding safe drinking water standards for nitrate and

WHEREAS, the Transferable Development Credit Review Committee and Planning Staff met for six months from July 2005 to December 2005, and reconvened on April 11, 2006 to discuss the need for, and direction of, changes to the Transferable Development Credit Program based on findings from the La Pine Studies.

WHEREAS, the Transferable Development Credit Review Committee recommends that the Transferable Development Credit program should be amended to include Pollution Reduction Credits that would be created when a conventional onsite wastewater treatment system is retrofitted to become a nitrogen reducing system; that existing property owners in the south County need incentives to accept retrofits or financial assistance in order to afford to install retrofits; and that development should be able to commence in the Neighborhood Planning Area regardless of whether or not there are sufficient retrofitted onsite wastewater treatment systems at the time a developer is ready to begin development so long as the developer provides sufficient funds to allow the County to retrofit existing onsite wastewater treatment systems, and
WHEREAS, the Deschutes County Planning Commission concurs with the recommendation of the Transferable Development Credit Review Committee to amend the Transferable Development Credit program as described and

WHEREAS, additional formulas are needed to calculate the number of Pollution Reduction Credits required for developing a tract in the La Pine Neighborhood Planning Area and for establishing the amount per Pollution Reduction Credit when a developer of the Neighborhood Planning Area chooses to fund the proportional cost of a retrofit and

WHEREAS, the purpose of the County fund is solely to provide financial assistance for property owners to retrofit existing wastewater treatment systems and

WHEREAS, Deschutes County entered into a contract with Pahlisch Homes, Inc. to develop Quadrants 2a, 2b, and 2d in Neighborhood 2 of the Neighborhood Planning Area and Pahlisch Homes, Inc., now Elk Horn Land Development LLC, wants to submit a tentative plat for their next phase in Quadrant 2a in Spring 2006 and

WHEREAS, Vic Russell owns Quadrants 1a, 1b, and 1d of Neighborhood 1 and is responsible for obtaining Transferable Development Credits for those quadrants; now therefore,

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

Section 1. AMENDMENT. DCC 11.12 is amended to read as described in Exhibit “A,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

Section 2 FINDINGS. The Board of Commissioners adopts as its findings in support of this amendment the Staff Report dated 5/31/06, EXHIBIT “B” to Ordinance 2006-016 and incorporated by reference herein.

Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 5th of June, 2006

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

DENNIS R. LUKE, CHAIR

BEV CLARNO, VICE CHAIR

MICHAEL M. DALY, COMMISSIONER

ATTEST:

Brennie Baker
Recording Secretary
Date of 1st Reading: 5th day of June, 2006.

Date of 2nd Reading: 5th day of June, 2006.

Record of Adoption Vote

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Effective date: 5th day of June, 2006.

ATTEST:

Bonnie Baker
Recording Secretary