



Submitted by  
K.J. Phillips

## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

### BURDEN OF PROOF

**FILE NUMBER:** 247-15-000308-PA

**APPLICANTS:** Nick Lelack, Director  
Deschutes County Community Development Department  
P.O. Box 6005, 117 NW Lafayette Ave.  
Bend, OR 97708-6005

Jon Jinings, Community Services Specialist  
Department of Land Conservation and Development  
650 SW Columbia St., Millpoint Building #7100  
Bend, OR 97702

Eric Nigg, Eastern Regional Water Quality Manager  
Oregon Department of Environmental Quality  
475 NE Bellevue, Suite 110  
Bend, OR 97701

**REQUEST:** Amend the Deschutes County Comprehensive Plan to add an exception to Statewide Planning Goal 11 (Public Facilities and Services) to allow for sewers in unincorporated lands in southern Deschutes County; amend applicable Newberry Country Plan goals and policies regarding public facilities and groundwater; add Goal 11 map indicating affected tax lots

**STAFF CONTACT:** Peter Russell, Senior Transportation Planner

#### **I. APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures  
Title 23, Deschutes County Comprehensive Plan  
Newberry County: A Plan for Southern Deschutes County (addendum to Comprehensive Plan)  
Oregon Revised Statute 197.732, Goal Exceptions  
Oregon Administrative Rule Chapter 660, Division 4, Interpretation of Goal 2 Exceptions Process  
Oregon Administrative Rule Chapter 660, Division 11, Public Facilities Planning  
Oregon Administrative Rule Chapter 660, Division 12, Transportation Planning  
Statewide Planning Goal 11, Public Facilities and Services  
Other Statewide Planning Goals

From: **K.J.Phillips** rconstdev@comcast.net  
Subject: 10 COLOR copies- s-sided-THANKS  
Date: May 12, 2016 at 2:19 PM  
To: spb-NICK spb@salemblue.com



from Kathy Phillips

**DLCD FORM 2**



**NOTICE OF ADOPTED CHANGE  
TO A COMPREHENSIVE PLAN OR  
LAND USE REGULATION**

**FOR DLCD USE**

File No.:

Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Deschutes County

Local file no.: 247-15-000308-PA

Date of adoption: 2/10/16

Date sent: 2/11/2016

Was Notice of a **Proposed Change** (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 6/15/15

No

Is the **adopted change different** from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the **adoption differs from the proposal:**

**Further amended Newberry Country Plan to add Policy 9.3** which are the recommendations from the 2013 Department of Environmental Quality (DEQ) Steering Committee on groundwater in North Klamath/South Deschutes counties.

Local contact (name and title): Peter Russell, Senior Transportation Planner

Phone: (541) 383-6718

E-mail: peter.russell@deschutes.org

Street address: 117 NW Lafayette Ave.

City: Bend

Zip: 97708-6005

**PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Newberry Country Policy 9.1 amended with (a) which prevents upzoning as result of Goal 11 Exception; added Policy 9.3; amended Groundwater Quality text to update status of 2013 DEQ report; amended Comp Plan Section 5.10, Goal Exception Statements and 5.12, Legislative History.

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

# News Release

For release: Aug. 9, 2012

**Contacts:**

Robert Baggett, Water Quality Division, Bend, 541-633-2036

Brian Mannion, Communications and Outreach, Bend, 541-633-2008

## **Groundwater Protection Committee to Hold Work Session Wednesday, Aug. 15**

*The committee is holding work sessions with state and local agencies to discuss possible options to protect groundwater.*

**What:** The committee will discuss the possibility of an area-wide exception to state planning Goal 11 with staff from Deschutes County Community Development, DEQ and the Oregon Department of Land Conservation and Development.

The committee plans to hold work sessions as necessary to the develop recommendations to protect area groundwater. DEQ will issue news releases to provide advance notice of these meetings.

**When:** 2 p.m. to 4:30 p.m., Wednesday Aug. 15, 2012

**Where:** Bend DEQ Office

475 NE Bellevue Drive, Suite 110

Bend, OR

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State of Oregon  
Department of  
Environmental  
Quality

Communications &  
Outreach  
811 SW 6th Avenue  
Portland, OR 97204  
Phone: (503) 229-5696  
(800) 452-4011  
Fax: (503) 229-6762

*DEQ is a leader  
in restoring,  
maintaining  
and enhancing  
the quality of  
Oregon's air,  
land and water.*

From: **K.J.Phillips** rconstdev@comcast.net  
Subject: SPB- 10 B/W s-side COPIES -Fw: REPLACEMENT MEMO-Fw: Input4Steering Committee/DEQ-Absentee Owners  
Date: May 12, 2016 at 2:17 PM  
To: spb-NICK spb@salemblue.com



**From:** K.J.Phillips  
**Sent:** Wednesday, August 15, 2012 1:15 PM  
**To:** BAGGETT Robert ; Robert Ray - AUTO PARTS MART Owner ; jon.jinings@state.or.us  
**Cc:** Ed Criss, Plan'g Commissioner ; Karen Swirsky  
**Subject:** REPLACEMENT MEMO-Fw: Input4Steering Committee/DEQ-Absentee Owners

## REPLACEMENT MEMO- discard previous

**From:** K.J.Phillips  
**Sent:** Wednesday, August 15, 2012 12:53 PM  
**To:** AUTO PARTS MART Owner ; jon.jinings@state.or.us  
**Cc:** BAGGETT Robert ; Karen Swirsky ; Ed Criss, Plan'g Commissioner  
**Subject:** Input4Steering Committee/DEQ-Absentee Owners

## Greetings.. Robert Ray,...& Bob Baggett-

Just late yesterday, I received notice of 'Work Session' at DEQ to discuss Goal 11 Exception options, but I can't attend . As advocate for absentee owners, I have 2 related input-items. 1-Ask Jon Jinings or other DLCD Staff to give,...TODAY,... your Committee, *full and complete Goal 11 Exception information*, as it relates to sewers for platted properties (such as DRRH) which pre-date Goal 11 and all other Oregon Land Use Laws. .... [as it was not presented by Jon at your July Committee Meeting I attended.]

2-Current DRRH sewer proposal are evolving with help of a Land Use Planner Consultant and Professional Engineer. Using their advise (and input of retired engineers/co-workers from past employer-environmental engineering company), I'm actively pursuing a 2-part recommendation;

Part A\*- Prepare and propose joining existing, adjacent OWW2 Sewer District, by offering strong financial, long-range planning and future process-technology upgrade incentives,

Part B\*- Research and propose incentives for benefit of OWW2 Sewer members, to expand district to inclusion of DRRH lots and at DRRH expense, develop 2nd treatment facility west of DRRH subdivisions (via Public Land purchase/swap), allowing redundancy/back-up/staged-process capabilities. There has already been contact, discussions, and favorable input from OWW2 Sewer District management, and, affirmed un-used capacity for DRRH sewers.

\*[Anticipated DRRH sewer planning would consider service to OWW2 lots adjacent to DRRH (north of river) but which currently have no service available (Satterlee Rd-example), and, could include OWW1, per owner's interest for participation.]

DEQ and your Groundwater Steering Committee may not know my personal efforts to bring sewers to pre-Goal 11 platted DRRH lots, started in 2007, and, early this year, as 'DRRH absentee-owner advocate', in March 2012, I had meetings, 1) with, Terri Payne, CDD Planner, to deliver 'Indio Road Sample Survey' results and introduce 'community development ideas', 2) with DLCD Staff, Karen Swirsky & Jon Jinings, to discuss County's Comp Plan actions and DRRH sewer options/funding. [Jon's memorable comment: "There's no funding for sewers, it's just not possible."] The County & DLCD negative, no-assistance attitudes, were ignored, and, replaced with guidance of engineering and land use professionals'.

It's hopeful you and your GW Committee can realize this DRRH\*\* proposed option is a solution to the largest segment of lots (per CDD 'Potential Dev. Analysis-Map), has support of absentee-taxpayers waiting to develop, does not increase long-planned density or parcels, provides for residential-affordability balance vs destination resort expensive-residential units, protects groundwater for owner's wells in high-groundwater areas with few 'cluster-system' sites available without \$ pumping requirements, and, is a simpler solution than 'doomed' blanket-So. County lands Goal 11 Exception attempt. Outside and beyond 'high groundwater' lots, Deschutes County/DEQ still utilize long-proven septic system technology, and could continue, if the 'King County,WA', on-site septic systems installation, inspection and management Model was to be implemented. It's been fully developed, proven, recognized as an environmental 'national-standard Model' for years. Deschutes County can utilize every piece of the Model, without the expensive or taxpayer's dollars to re-invent something similar, and, as an end result, create private-sector jobs to spur a very depressed local economy.

On behalf of all DRRH absentee owners, I'm (again) seeking the support of GW Steering Committee, Deschutes County, DEQ, to assist & advance proposed sewer effort for DRRH\*\*.

A related concern is a County CDD practice that's evolved into a Department policy requiring DRRH lot owners seeking a septic permit, or, even a

remodel permit, to combine lots and increase parcel acreage in DRRH high groundwater areas. A consultant's opinion is that it's a bad practice that encourages livestock use that will contaminate high groundwater soils, and should be immediately stopped.

\*\*[DRRH sewer efforts promoted by 'Sample Survey' with >62% respondents and 100% of respondents in favor of, and expecting to fund, sewers or required utility improvements]

Sincerely submitted,  
Kathy Phillips, and on behalf of DRRH absentee landowners/taxpayers

**From:** AUTO PARTS MART Owner  
**Sent:** Wednesday, August 15, 2012 8:26 AM  
**To:** [K.J.Phillips](#) ; [Judy Forsythe](#)  
**Subject:** Re: Steering Commi8tte Contact

Kathy,  
What can I share or what would you like me to share with the Committee about a Goal 11 exception and your concerns?  
Robert

----- Original Message -----

**From:** [Judy Forsythe](#)  
**To:** [K.J.Phillips](#)  
**Cc:** [Robert Ray](#)  
**Sent:** Wednesday, August 15, 2012 7:56 AM  
**Subject:** Re: Steering Commi8tte Contact

Kathy: I forwarded your email to Robert at [autopartsmart@msn.com](mailto:autopartsmart@msn.com) . Judy

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**From:** "K.J.Phillips" <[rrconstdev@comcast.net](mailto:rrconstdev@comcast.net)>  
**To:** "Judy Forsythe" <[judybug7669@q.com](mailto:judybug7669@q.com)>  
**Sent:** Tuesday, August 14, 2012 6:23:16 PM  
**Subject:** Steering Commi8tte Contact

**JUDY,**

Late today I received a DEQ email notification regarding a Goal 11 Exception 'work session' at their Bend office,... tomorrow, Wed. afternoon. It's the usual 24 hr notice, and since I live 3 hrs away I'd like to get some 'absentee owner' info to Robert Ray, Comm. Co-Chairman. Do you have his email address I should use for submitting Committee input & ideas?

How you're keeping cool in this summery weather...!

Kathy Phillips

No virus found in this message.

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Version: 2012.0.2196 / Virus Database: 2437/5201 - Release Date: 08/14/12