

**DECISION AND FINDINGS OF  
THE DESCHUTES COUNTY HEARINGS OFFICER**

**FILE NUMBERS:** 247-23-000149-CU, 23-150-SP, 23-151-LR, 23-152-AD

**HEARING DATE:** June 20, 2023, 6:00 p.m.

**HEARING LOCATION:** Videoconference and  
Barnes & Sawyer Rooms  
Deschutes Services Center  
1300 NW Wall Street  
Bend, OR 97708

**APPLICANTS/OWNERS** City of Redmond  
Attn: Ryan Kirchner, Wastewater Division Manager  
411 SW 9<sup>th</sup> Street  
Redmond, OR 97756

**SUBJECT PROPERTY:** Map and Taxlot: 1413300000101  
Account: 165689  
Situs Address: 5801 NORTHWEST WAY, REDMOND, OR  
97756

The Redmond Wetlands Complex is proposed across four (4) additional properties identified in the Staff report and are either federally owned or owned by the City of Redmond. The associated pipeline and easements cross through eight (8) private properties within Deschutes County jurisdiction as identified in the Staff report.

**REQUEST:** Conditional Use Permit, Site Plan Review, Lot of Record Verification, and Major Administrative Determination for the expansion of the Redmond Water Pollution Control Facility Effluent and Biosolids Disposal Complex (“Redmond Wetlands Complex”).

The project includes:

Relocating sanitary sewer treatment facilities to the 608-acre City-owned property and expanding the disposal facilities to the north onto federally owned property. The relocation and expansion includes new operational buildings, new lined and unlined treatment wetlands for effluent polishing and disposal, new primary treatment

facilities with headworks screening, and new aerated lagoon system for secondary treatment.

Replacing an existing 24-inch diameter interceptor pipeline with a 48-inch diameter pipeline that will be below grade and within established utility easements and/or public rights-of-way on an approximately two (2) mile route to the City of Redmond to connect to existing facilities treatment facility at the north end of Dry Canyon.

**HEARINGS OFFICER:** Alan A. Rappleyea

**STAFF CONTACT:** Haleigh King, Associate Planner  
Phone: 541-383-6710  
Email: [Haleigh.king@deschutes.org](mailto:Haleigh.king@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
[www.deschutes.org/redmondwetlandscomplex](http://www.deschutes.org/redmondwetlandscomplex)

**SUMMARY OF RECOMMENDATION:** The Hearings Officer finds that the Applicants have met their burden of proof with respect to the applications above. Where I agree with the staff recommendation, I am adopting their findings.

**I. APPLICABLE STANDARDS AND CRITERIA**

Oregon Administrative Rules, Chapter 660, Division 11  
Oregon Revised Statutes, Section 215.296  
Deschutes County Code (DCC)  
Title 18, Deschutes County Zoning Ordinance:  
Chapter 18.16, Exclusive Farm Use Zones (EFU)  
Chapter 18.32, Multiple Use Agricultural Zone (MUA10)  
Chapter 18.56, Surface Mining Impact Area Combining Zone (SMIA)  
Chapter 18.116, Supplementary Provisions  
Chapter 18.124, Site Plan Review  
Chapter 18.128, Conditional Use  
Title 22, Deschutes County Development Procedures Ordinance

**II. BACKGROUND AND PROCEDURAL FINDINGS**

A. Nature of Proceeding

Conditional Use Permit, Site Plan Review, Lot of Record Verification, and Major Administrative Determination for the expansion of the Redmond Water Pollution Control Facility Effluent and Biosolids Disposal Complex (“Redmond Wetlands Complex”).

B. Notices

The Application was filed on February 28, 2023. The Hearing Notice announcing an evidentiary hearing (“Hearing”) for the Application was provided on March 18, 2023<sup>1</sup>. Notice of the hearing was published in the Bend Bulletin on March 19, 2023. The Applicants affidavit of posting was filed on June 7, 2023. Pursuant to the Hearing Notice, I presided over the as the appeal as Hearings Officer on June 20, 2023, opening the Hearing at 6:00 p.m. The Hearing was held via videoconference with Applicants and opponents showing up in person. The Hearings Officer finds that all procedural notice requirements were met.

C. Hearing

At the beginning of the Hearing, I provided an overview of the quasi-judicial process and instructed participants to direct comments to the approval criteria and standards, and to raise any issues a participant wanted to preserve for appeal if necessary. I stated I had no *ex parte* contacts to disclose or bias to declare. I asked for but received no objections to the County’s jurisdiction over the matter or to my participation as the Hearings Officer. I described the time limits for the parties. Mr. Steven Liday, representing opponents requested more than the 3 minutes given to non-applicants. I addressed this later in the hearing and gave Mr. Liday approximately 4 more minutes. I also assured the parties that I had read their submittals. Next, Staff provided a summary of the Staff report. The Applicant’s representatives, Mr. Ryan Kirchner and Ms. Wendie Kellington testified in supports of the application and requested that it be approved. Next the opponents testified, Ms Braedi Kohlberg; Mr. Doug Kohlberg, Mr. Liday, and Mr. Ronald Caramella. Mr. Liday testified via zoom, all others testified in person. Ms. Kellington and Mr. Josh Robinson offered rebuttal testimony.

The opponents requested the record be left open. I left the record open for 7 days with the time for any new evidence submittals being 4:00pm on June 27, 2023. Rebuttal testimony to only respond to any new evidence was due July 5, 2023, at 4:00 pm. Finally, any final arguments by applicant were due on July 12, 2023 at 4:00 pm. The Hearing concluded at approximately 7:40 p.m.

D. Review Period

The subject application(s) were submitted on March 2, 2023 and deemed incomplete by the Planning Division on March 27, 2023. The applicant provided a response to the incomplete letter on May 1, 2023 and the applications were subsequently deemed complete on May 1, 2023. On June 26, 2023, the applicant agreed to toll or extend the clock a total of 22 days during the open record period. The 150th day on which the County must take final action on these applications is October 20, 2023.

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<sup>1</sup> The Staff report inadvertently listed this date as 2022.

### III. SUBSTANTIVE FINDINGS AND CONCLUSIONS

#### A. Adoption of Factual Findings in Staff Report

The Staff report under Roman Number II contains “basic findings”.

The one factual issue raised by Mr. Liday is whether the applicants are also applying for a land use permit to allow public recreational access to the site. Mr. Liday argues that applicants must do this as they are using the property for public recreation. Liday, June 12, 2023, submittal page 7 of 291. Applicants stated that they are not proposing any public recreational access in this application and that roads and parking will be required for the pending application. I agree with the applicant that they are not building or applying for a permit for recreational use of the site and any such use in the future will require a conditional use application for a public park. I adopt as findings the argument set forth by Ms. Kellington in her July 11, 2023, submittal pages 10-11.

I adopt the Staff reports Factual Findings under Roman Number II. The findings concerning the Lot of Record (hereinafter LOR) will be discussed later in this opinion.

#### B. Legal Findings

The legal criteria applicable to the requested site plan were set forth in the Application Notice and also appear in the Staff report. No participant to this proceeding asserted that those criteria do not apply, or that other criteria are applicable. This Recommendation therefore addresses each of those criteria, as set forth below.

### **Oregon Administrative Rules**

#### **Chapter 660, Division 11, Public Facilities Planning**

Section 660-011-0060. Sewer Service to Rural Land.

*(1) As used in this rule, unless the context requires otherwise:*

*(a) "Establishment of a sewer system" means the creation of a new sewage system, including systems provided by public or private entities;*

*(b) "Extension of a Sewer System" means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer system in order to provide service to a use, regardless of whether the use is inside the service boundaries of the public or private service provider. The sewer service authorized in section (8) of this rule is not an extension of a sewer;*

...

The Staff report made the following finding:

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**“FINDING:** The applicant provided the following statement in response to this criterion:

‘The City understands that these provision are inapplicable because the project is not creating a new sewage system and it is not an “extension” of a sewer system “in order to provide service to a use” because the project is improving an existing system that already provides services to a variety of uses. Applicant proposes to increase the diameter of one of the two (2) existing 24-inch diameter interceptor pipelines to a 48-inch diameter pipeline, in the MUA-10 Zone, the EFU Zone and within public rights-of-way that exist extending from the area of service at the City’s existing WPCF within the Redmond UGB. Additionally, the proposal includes the expansion of the existing actual treatment facility with new buildings, wetland ponds and other amenities on the EFU-zoned land owned by the City of Redmond and BLM. Accordingly, for these reasons, the project does not involve either a new system or an extension of an existing sewer system, thus, is not seemingly at least, the “establishment” or “extension” of a sewer system as those terms are defined in OAR 660-011-0060(1) above. This provision is inapplicable.’

Staff generally agrees with the applicant’s response in that the proposal does not include the establishment of a new sewer system or the extension of a sewer system, as defined above. Staff also notes that Deschutes County does not have land use authority on federally owned property. However, Staff notes the public comment from Steven G. Liday raises concerns surrounding the applicant’s characterization of the use and proposed components. Staff asks the Hearings Officer to make specific findings on this criterion.”

**Finding:** Mr. Liday raised concerns that addressed these criteria.

“The City grossly mischaracterized the Project as an “expansion” of an existing utility facility/sewer system on the site.” Liday letter, page 2 June 12, 2023. (Similar comment in April 26, 2023 letter.)

Mr. Caramella raised similar concerns in his June 27, 2023, submittal. I find that the Applicant’s interpretation and the Staff agreement with that interpretation reasonable. The application is not for a new treatment facility but would be accurately described as a replacement facility for existing facilities. It is also not an “extension” to “provide service to a use.” The service to the use is currently ongoing so it is not “extending” service to that use but is merely continuing the service with new facilities. As further support for this finding, I adopt Ms. Kellington’s reasoning found in her letter dated July 11, 2023, pages 20-21. In particular, I adopt Ms. Kellington’s reasoning regarding the application or OAR 660-011-0060(3) which will be addressed under that section below.

“Even if the proposal can be described as the establishment or extension of a sewer system, as the Staff report states on p. 23, it is expressly allowed under OAR 660-011-0060(3), which provides that “[c]omponents of a sewer system that serve lands inside a [UGB] may be

placed on lands outside the boundary”, provided that certain conditions are met. The applicant has demonstrated that those conditions are met, and we note that Staff agrees. See Applicant’s Burden of Proof Statement, p. 21-24; Staff report, p. 22-27.”

*(f) "Sewer system" means a system that serves more than one lot or parcel, or more than one condominium unit or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. The following are not considered a "sewer system" for purposes of this rule:*

- (A) A system provided solely for the collection, transfer and/or disposal of storm water runoff;*
- (B) A system provided solely for the collection, transfer and/or disposal of animal waste from a farm use as defined in ORS 215.303.*

**Finding:** The applicant acknowledges that the proposal involves a sewer system and I concur.

*(2) Except as provided in sections (3), (4), (8), and (9) of this rule, and consistent with Goal 11, a local government shall not allow:*

- (a) The establishment of new sewer systems outside urban growth boundaries or unincorporated community boundaries;*
- (b) The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries;*
- (c) The extension of sewer systems that currently serve land outside urban growth boundaries and unincorporated community boundaries in order to serve uses that are outside such boundaries and are not served by the system on July 28, 1998.*

The Staff report makes the following finding:

**“FINDING:** The applicant provided the following statement in response to this criterion:

The proposal does not establish a new sewer system, or newly extend sewer lines from a UGB, and is not designed to serve land outside UGBs that was not served on July 28, 1998. As noted elsewhere in this narrative, the Applicant proposes to increase capacity of one (1) of the existing interceptor pipelines and make additional improvements to the existing City of Redmond sewer system. The replacement pipeline and improvements on the subject property will be for the current service area that is within the City’s urban growth boundary. This standard does not appear to apply. However, if this standard did apply, it is met because the proposal is expressly authorized by section (3), addressed below (“Except as provided in sections (3) \*\*\*”).

Staff notes the public comment from Steven G. Liday raises concerns surrounding the applicant's characterization of the use as it relates to the above criterion.

Staff notes the applicant asserts that if this standard does apply, the proposal is authorized by section (3) as discussed below.

Staff requests the Hearings Officer make specific findings on this issue.”

**Finding:** Mr. Liday and Mr. Caramella raise the same objection as described above. I find that the Applicant's interpretation is reasonable that this section does not apply to the application because it is not for a new sewer system or new lines. I further find that even if this interpretation is not correct, Applicant meets the standard as discussed in (3) below.

*(3) Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:*

*(a) Such placement is necessary to:*

*(A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;*

The Staff report found:

**“FINDING:** The applicant provided the following statement in response to this criterion:

OAR 660-011-0060 is met for the reasons explained below. The proposed improvements to the City's existing sewer system serve the area within the current City limits and UGB of Redmond. The proposal improves the existing facilities to continue to serve the area within the City's UGB efficiently and effectively, in order to meet its sewerage needs over the long-term planning horizon. This is necessary because the existing system needs significant improvement upgrades to meet the City's anticipated long-term horizon needs and there is not room at the existing facilities in the City's UGB to do so. Creating an entirely new facility on a new property inside the UGB (if one could be found to do so) is inefficient because the City already maintains part of its existing system on the subject property's 608- acre site. It is more efficient to expand the existing pipeline that now conveys effluent to the existing facilities on the 608-acre site, than to abandon the existing 608-acre site, and the existing pipelines that lead to it, in favor of a wholly new system with new piping in the UGB. Therefore, the proposal includes increasing the diameter of one of the existing interceptor pipelines and the facilities on the City-owned and BLM EFU-zoned properties, which are located approximately one and one-half (1.5) miles north of the City of Redmond's UGB. The project will serve lands inside Redmond's UGB more efficiently and allow for anticipated population increases and resulting capacity demands in the future.

Staff generally agrees with the applicant's response. Staff notes the public comment from Steven G. Liday raises concerns surrounding the applicant's characterization of the use as it relates to the above criterion and suggests that the applicant must demonstrate why each component of the project, including the operational buildings, must be sited on the EFU land to provide the wastewater treatment service.

Staff asks the Hearings Officer to make specific findings on this criterion.”

Mr. Liday raised concerns over this standard.

“The City cannot treat all the proposed improvements as a single utility facility/sewer complex. Each distinct component must be evaluated on its own, and the City must demonstrate that each component (for example, the office building) must be sited on the EFU land to provide the wastewater treatment service.” Liday Letter, page 3 April 26, 2023

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In making this determination, the local government must separately evaluate the individual components of the proposed utility improvements. *City of Albany v. Linn Cty.*, 40 Or LUBA 38, 47-48 (2001). Moreover, the reviewing authority must look behind the stated reasons for the particular facility to determine whether that purpose “advances the statutory goal of providing the utility service.” *Sprint PCS v. Washington Cty.*, 186 Or App 470, 481, 63 P3d 1261 (2003)” Liday Letter. Page 3 June 12, 2023

Mr. Liday's June 27, 2023, testimony follows up on this argument adding that it must be “infeasible” to site the facility on lands that are not EFU lands. Mr. Liday argues that it is feasible to site the project or components of the project on non-EFU lands and cites several examples.

“As we noted in *City of Albany v. Linn County*, 40 Or LUBA 38, 46 (2001), under ORS 215.275, an applicant who wishes to site a utility facility on EFU-zoned land must show that it is infeasible to locate the facility on land that is not zoned EFU. While the statute is somewhat ambiguous concerning how difficult development of a non-EFU-zoned site for the intended purpose must be before it can be found to be infeasible, it is quite clear that a finding that the proposed site is the best of the available sites is inadequate.”

**Findings:** First, I find that the applicant is correct, that this section does not apply because the proposed facility is neither an “establishment” nor an “extension” of a sewerage treatment facility for the reasons expressed above. Second, I adopt the applicants reasoning that even if it could be considered an “establishment” or and “extension” it qualifies under OAR 660-011-0060(3).

I adopt Ms. Kellington's reasoning in her July 11, 2023 letter pages 20-21, regarding the application or OAR 660-011-0060(3).



“Even if the proposal can be described as the establishment or extension of a sewer system, as the Staff report states on p. 23, it is expressly allowed under OAR 660-011-0060(3), which provides that “[c]omponents of a sewer system that serve lands inside a [UGB] may be placed on lands outside the boundary”, provided that certain conditions are met. The applicant has demonstrated that those conditions are met, and we note that

Staff agrees. See Applicant’s Burden of Proof Statement, p. 21-24; Staff report, p. 22-27.”

Third, I agree with the Staff that this application meets this criterion. Page 22, Staff report. Applying subsection (3) to the application, I find that it is not the Hearings Officers job to second guess engineering decisions recommend to and adopted by the City. At the Hearing, the Applicant provided testimony that the proposed system, where all components were placed together, was more efficient and more cost effective while creating less odor impacts than the current system. While Mr. Liday’s argument that other places do it differently is helpful, it does not mean that the City of Redmond is compelled to do what others do. The testimony in the record was that it was important for efficiency and safety to have all components together and to have Staff present in facilities to address emergency situations. The facility deals with millions of gallons of effluent. The time it would take Staff to drive to the facility during an emergency could be disastrous.

I find compelling the testimony of Mr. Ryan Kirchner, dated June 20, 2023, expressing the need to have all components together. I agree with his testimony of the need to quickly respond to emergencies associated with waste waters. Mr Kirchner summarized: “all of the components of the facility need to be located on site for efficiency and proper management of the Redmond Wetlands Complex.” Based on Mr. Kirchner’s experience, I find that he is an expert and there is no adequate rebuttal testimony on this point

The Applicant also provided an alternatives analysis. The applicant demonstrated that the facility is locationally dependent in its May 1, 2023 Submittal starting at page 6. I hereby adopt those findings. I find sewerage facilities are locationally dependent in general. Sewer treatment facilities need gravity to operate as the old adage reminds us. The proposed site is downhill. While it may be possible to pump waste or even truck it to another site, it certainly is not feasible. It is also possible to intensively treat waste water in a smaller area. Again, based on engineering proposal and the need to efficiently treat waste with less impact and cost, the City opted for the proposed system. I also will defer to the Cities’ elected officials on this matter and their determination that other sites were infeasible.

**(B) *Serve lands inside a nearby UGB or unincorporated community;***

**“FINDING:** The applicant provided the following statement in response to this criterion:

The consolidation of all of the City's sewer system components on the land that currently serves as treatment that is currently situated outside the UGB is necessary to serve land inside the nearby Redmond UGB and its projected growth for the next 20 years and beyond.

Staff agrees with the applicant's response and finds that the proposed project will serve lands inside the Redmond UGB, as allowed by this criterion."

**Finding:** I concur with the Staff's finding.

**(C) *Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or***

The Staff report made the following finding:

**"FINDING:** The applicant provided the following statement in response to this criterion:

The proposal involves consolidating the City's sewer system on City land that currently serves City waste treatment needs. Serving the goal of consolidation, the proposal will relocate the treatment facilities from Dry Canyon, Redmond's existing WPCF, to the Northwest Way property (referred to in this narrative variously as the Redmond Wetlands Complex 608-acre property) and expand the existing disposal facilities on the subject property (owned by the City of Redmond) to adjacent BLM property zoned EFU. The system is an expansion and improvement to an existing treatment facility in the EFU Zone, that includes increasing capacity of conveyance through expansion of one of the interceptor pipelines that is located on rural lands in a variety of zones approximately one and one-half (1.5) miles north of the area that it serves. Redmond's WPCF was lawfully established in 1976 through County Land Use File No. SP-76-40 (See Exhibit B).

As the applicant notes above, the existing Redmond Water Pollution Control Facility (WPCF) was approved via County Land Use File No. SP-76-40. While this facility is currently within Redmond City Limits, at the time of approval, the property was within County jurisdiction and was zoned A-1, Exclusive Agricultural. The applicant indicates in their narrative that the City of Redmond will be decommissioning the existing mechanical WPCF and transitioning all operations to the subject 608-acre property.

Staff finds the increased pipeline conveyance is an improvement to the existing pipeline and will continue to connect to the area of service within the City UGB as well as the treatment facility located on rural lands.

Staff generally agrees with the applicant's response. However, Staff asks the Hearings Officer to make specific findings on this issue."

**Finding:** I find that the applicant complies with this criterion based on the quoted language above. The treatment facility was lawfully located on rural lands as the City obtained final land use approval from the County in Land Use File No. SP-76-40. I concur with Staff that the increased pipeline conveyance to existing pipelines will connect the components to a system lawfully located on rural lands. I find that the application is an expansion of existing treatment facilities and is neither an “establishment” nor an “extension” of a utility facility as defined OAR 660-011-00609(a)&(b).

**(D) *Transport leachate from a landfill on rural land to a sewer system inside a UGB;***

**“FINDING:** The applicant provided the following statement in response to this criterion:

Applicant does not propose to transport leachate from a landfill.

Staff agrees and finds the applicant is not proposing to transport leachate from a landfill and thus this criterion is not applicable.”

**Finding:** I concur.

**(b) *The local government:***

**(A) *Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and***

**“FINDING:** The applicant provided the following statement in response to this criterion:

Applicant does not propose to serve land outside Redmond’s UGB or an unincorporated community. The City will adopt a land use regulation that states “the City of Redmond sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries except as authorized by OAR 660-0011-0060(4)” or other applicable law. This requirement can be imposed as a condition of approval.

Staff agrees with the applicant’s response. The proposed facility and pipeline replacement will not serve land outside Redmond’s UGB or an unincorporated community. To ensure compliance, Staff includes a recommended condition of approval that the utility facility/sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries except as authorized by OAR 660-0011-0060(4) or other applicable law.”

**Finding:** I concur and will impose a condition that the facility and pipeline replacement will require the City to adopt a land use regulation to prohibit the City of Redmond from serving land outside of the UGB. With that condition, the application complies with this criterion. See “Conditions of Approval.”

**(B) *Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.***

The Staff report made the following finding.

**“FINDING:** The applicant provided the following statement in response to this criterion:

Oregon Revised Statutes (ORS) 215.296(1) and (2) require the following:

*215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.*

*(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:*

*(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or*

*(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

*(2) An applicant for a use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.*

This standard appears to apply only to property zoned EFU and that is not situated in the subsurface of public roads and highways.

To the extent relevant, no nearby lands are zoned for forest use or are in forest practices. Accordingly, the proposed use will not force a significant change in accepted forest practices on surrounding land or significantly increase the cost of accepted forest practices on surrounding lands.

There are only three properties involved in the project that are zoned EFU, not including the City’s 608-acre site. The expanded pipeline will traverse those three EFU-zoned properties. The three properties possess existing facility pipelines and easements that are not in road rights-of-way. They are at 3080 NW Euston Ln, Redmond; 2827 NW Coyner Ave., Redmond and 2675 NW Coyner Ave, Redmond. The latter, 2675 NW Coyner Ave., is composed of 13.67 acres according to the county assessor; has a nonfarm dwelling approval from Deschutes County that was issued on January 13, 2017 (File No. 247-16-000359-CU); and according to

Deschutes County Assessment Records, per Deschutes County DIAL, is not receiving farm deferral tax assessment. No farm uses are observed on this property.

3080 NW Euston Ln (approximately 19.81 acres) and 2827 NW Coyner Ave (approximately 19.43 acres), appear to have small-scale farm operations consisting of hay or grass. The proposed expanded pipeline will replace the existing pipeline on these properties and will be buried, and the affected ground will be restored. Any impacts will be temporary during construction and construction activity will be coordinated with the landowners. The pipeline to be upgraded already exists. Any impacts of having a subsurface pipe on the land have been accounted for in the existing farming operations. Moreover, no off-site impacts are anticipated from the upgraded pipeline, which is all underground. The proposal will not force a significant change in accepted farm practices on surrounding lands or significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use.

Some irrigated farm fields are located approximately one-half of a mile from the proposed expanded facilities to include the replaced pipeline as well as the relocation of facilities to the existing 608-acre wetlands complex property. However, no construction or other impacts are foreseen to these properties from any part of the proposal. Accordingly, no part of the proposal will force a significant change in accepted farm practices on surrounding lands or significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use.

In fact, the existing treatment facility is the reason there is productive farm use in the area. The facility provides irrigation water to the 138-acre orchard grass hay farm operation on the 608-acre main site, which produces roughly 830 tons of hay annually. Due to the fact that most of the properties near the Redmond Wetlands Complex are not within an irrigation district, there are very few farm operations nearby.

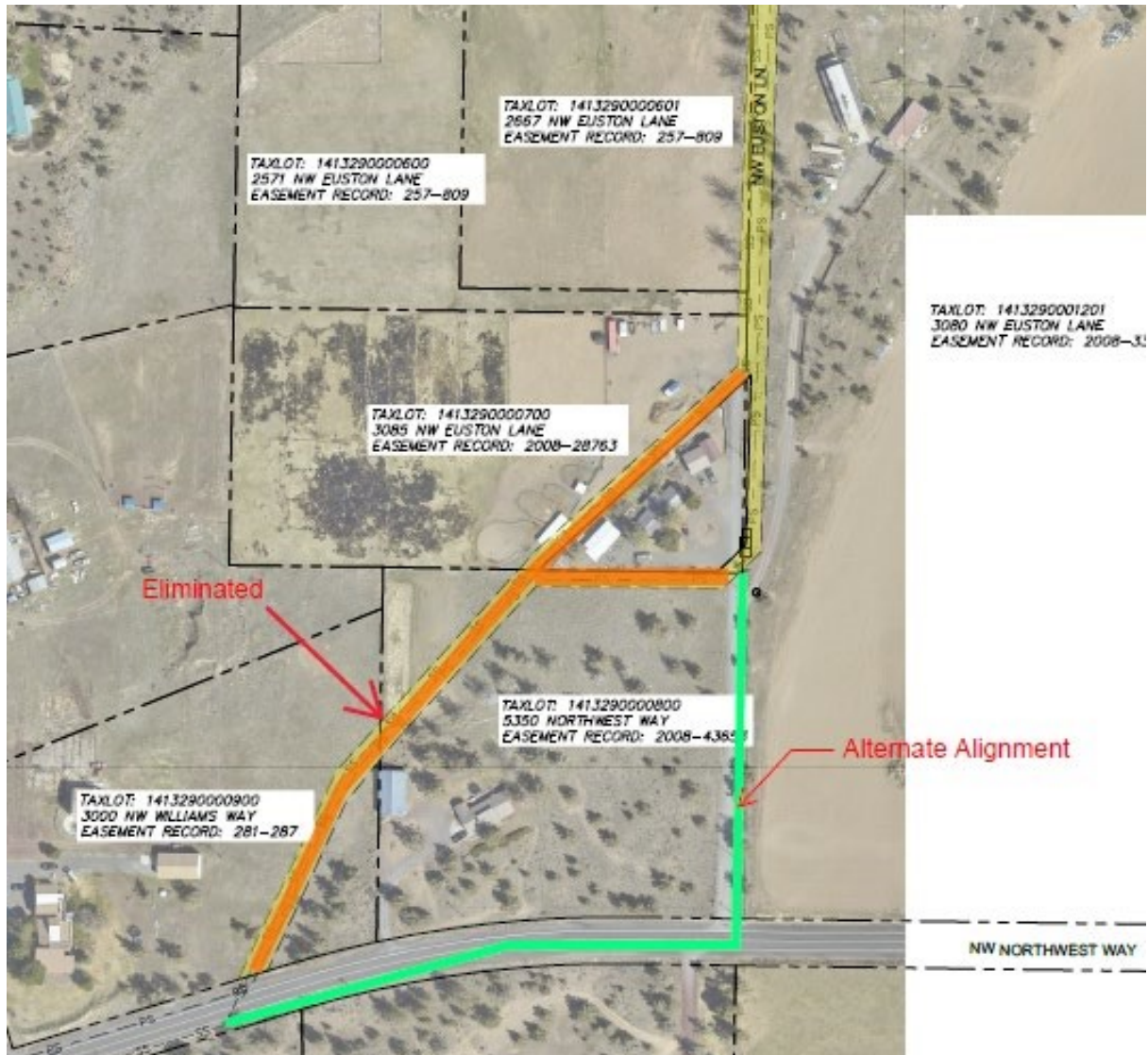
Staff agrees that the standard above does not apply to the portions of the project situated in the subsurface of public roads and highways. Therefore, this analysis would not apply to the pipeline replacement located in the EFU Zone and within the subsurface of public roads. No nearby lands are zoned for forest use. Therefore, the proposed use will not force a significant change in accepted forest practices on surrounding land or significantly increase the cost of accepted forest practices on surrounding lands.

Staff notes DCC 18.16.038(A)(11) requires a farm impacts analysis as it relates to the siting of a utility facility. The applicant provided a detailed response in that corresponding section. Staff incorporates that response herein by reference.

Staff generally agrees with the applicant’s response contained herein as well as the response to DCC 18.16.038(A)(11). However, Staff asks that the Hearings Officer to make specific findings on this issue.”

The applicant submitted arguments supporting its request to provide an alternative for its pipeline on July 11, 2023. It submitted the following arguments:

“The proposal also includes a request to approve two alternatives for piping effluent to the proposed facility: (1) an “original;” proposal to replace one of the two existing 24” interceptor pipes that now transmit treated effluent from the City’s Dry Canyon site to the proposed area within public rights-of-way and existing easements, with a 48” pipeline in the County’s EFU and MUA-10 Zones, and (2) an alternative that adds a 24” pipe and a 48” pipe to a location near where the existing piping is currently located, in a roughly 464-foot linear stretch within the existing public NW Northwest Way right-of-way and private road easement on NW Euston Lane. This approximately 464 ft. stretch of NW Northwest Rd and Easton is zoned MUA-10 (the original proposal area which will be abandoned if the alternative is utilized, is also zoned MUA-10). If the alternative is approved and if the City decides to use the alternative, the existing piping in the originally proposed approximately 464-ft stretch will be abandoned. An illustration of the two proposed pipeline alignments is below (proposed alternative is in green):



The existing rights of way and existing easements within which existing originally proposed piping runs, support the two existing City 24” inch pipes. As noted, these pipes convey treated wastewater from the Dry Canyon site to the subject property; Solids are trucked from the Dry Canyon site to the facility where they are processed on the drying beds on the south end of the site. Instead of conveying treated effluent waste from the Dry Canyon site and hauling solids from the Dry Canyon site, these pipes under either proposal, will convey untreated wastewater from the City to the proposed site in one 48” pipe, leaving one 24” pipe in place as a duplicate protective conveyance if there is ever a problem with the 48” pipe. The alternative will do the same except, as noted above, it will change the location of a modest 464-linear foot stretch of new piping that would be installed in the NW Northwest public ROW and the Euston road easement. The City recognizes that to utilize the alternative alignment, an easement from the owner of TL 800 to do so for use of the Euston private right of way, will be required. The alternative is proposed because untreated waste will be conveyed in the pipes, as opposed to now in which treated effluent is conveyed via the piping.

That means under the proposal, that the pipes will require more inspection and maintenance. The new 48-inch line that is a part of the RWC proposal will carry raw wastewater to the RWC.2. That difference means that the City will need to do more routine maintenance to the line, access it for video inspections, cleaning operations and other activities. Accessing the sewer lines on unimproved property – which is the state of the and from where the originally proposed alignment leaves NW Euston Lane and then reconnects to NW Northwest Way – will potentially be disruptive to the property owner and would make access to that gravity sewer piping easement tricky for things like vector trucks and other large machinery. Therefore, if possible, it would be better to move the 464-linear feet of piping into Euston Ln as is proposed in the alternative scenario. However, either alternative will work for the proposal, both are technically feasible and both the original and alternative piping proposal will substantially take advantage of gravity and existing easements, ROW and piping.”

**Finding:** I find that as there is no forest use lands nearby, this application will not affect forest practices. As to the EFU zoned lands, I agree with the Staff’s finding that any of the subsurface uses in the existing public roads will not force a significant change on farming practices nor increase costs of farming practices on surrounding farmlands. The pipelines mostly will be in existing ROW that are currently being used for the same purposes and they are underground. Any impacts due to their construction will be temporary and there is no evidence that they would be significant.

I agree with the applicant that there will be no significant change to farming practices and it will not increase the cost of farming practices on the three EFU properties that will have an expanded pipeline for the reasons cited by the applicant above. Particularly, for the parcel located at 2675 NW Coyner Road, was recently granted a non-farm dwelling, which requires a finding that the property is not suitable for farming.

There was testimony regarding potential noxious weeds on the pipeline easements. A condition requiring the applicant suppress, control, and eradicate noxious weeds on the subject property, consistent with the mission of the Deschutes County Noxious Weed Program and the Weed Control Ordinance, DCC Chapter 8.35 will mitigate these impacts. .

I agree with the Applicant that alternative alignment will not force a significant change on farming practices nor increase costs of farming practices on surrounding farmlands. The alternative alignment removes an easement across the middle of the property and relocates it to a public ROW and an easement. As such, even though the size of the pipeline is expanded, it should reduce impacts on surrounding lands. I adopt the Applicant’s statement quoted above and approve of the proposed alternative alignment portrayed in the image above. I find that if Applicant is not able to obtain the required easements for the alternative alignment, then the original alignment is permitted by this application. I will impose a condition that if Applicant can reasonably obtain easements for the new alignment, applicant shall vacate easements which it no longer needs due to the realignment.



Finally, under this criterion, I agree with Staff that DCC 18.16.038(A)(11) requires a farm impacts analysis as it relates to the siting of a utility facility. I find that applicant provided a detailed response in that corresponding section. I hereby incorporate that response by reference.

## **Title 22, Deschutes County Development Procedures Ordinance**

### **Chapter 22.04, Introduction and Definitions**

#### Section 22.04.040 Verifying Lots of Record.

**Finding:** Both the Staff report and applicant delve deeply into this criterion. It was also discussed at the hearing. No opponent raised it as an issue. I adopt the factual findings in the Staff report on this criterion. The applicant and County disagreed as to the applicability of the County's code in 1981. The County believed it required applicant and the federal government to file for a partition of these lands.

I find that that the tax lots were lawfully created and are lots of record by the action of the federal government in providing the patent for these lands. As mentioned above and as discussed at the hearing, the County does not have land use authority over federal lands. In all my many years of land use experience, I have never seen a partition or subdivision request by the federal government on federal lands. I questioned the applicant's attorney, who also has over 30 years of experience in land use and she had never seen such a request before. I find that the federal government may sometimes tolerate local governments land use regulations, but they are not legally required to comply with County zoning and subdivision and partition laws. Staff acknowledged this as well. Page 34, Staff report.

The applicant's attorney followed up on this question in her June 27, 2023, submittal.

“The federal government's authority over public lands is “without limitations.” *Kleppe v. New Mexico*, 426 US 529, 539, 96 S Ct 2285, 49 L Ed2d 34 (1976). In short, the federal government may not be subjected to state or County land division requirements prior to conveying its property. Accordingly, the County may not require the lot or record verification for federal lands or require the federal government to consent to partition of its lands (in compliance with zoning and land division laws) in order to legally separate patented land from its federal parent parcel.”

I agree with the above statement. I also agree with the applicant that even if somehow the federal government is required to follow local government rules, that the five tax lots are “part of a very large legal lot of record created by treaty....” for the reasons contained in the application.

## **Title 18 of the Deschutes County Code, County Zoning**

### **Chapter 18.16, Exclusive Farm Use Zones (EFU)**

#### Section 18.16.020. Uses Permitted Outright.

...

**F. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.**

...

**M. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:**

- 1. A public right of way;**
- 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or**
- 3. The property to be served by the utility.**

The Staff report made the following findings:

**“FINDING:** The applicant provided the following statement in response to this criterion:

As previously described above, the corridor associated with the replacement interceptor pipeline will span across privately-owned tax lots and within public road rights-of-way which are located within the MUA-10 Zone, but also the EFU Zone. The replacement interceptor pipeline of the utility facility will be located within public rights-of-way and on land adjacent to or near a public right-of-way within existing easements with adjacent property owners. Access to the project route will be limited to occasional visits from maintenance personnel. Service lines associated with the project are an outright permitted use in the EFU and MUA-10 zones as described earlier.

The Redmond Wetlands Complex is a “utility facility necessary for public service” permitted “as of right” on EFU-zoned land under ORS 215.283(1)(c) and DCC 18.16.025(E). In 1999, the legislature adopted amendments to ORS 215.283(1)(c) that specifically includes “wetland waste treatment systems” as is proposed here as being within the scope of “utility facilities necessary for public service”. In *Cox v. Polk County*, 174 Or App 332, rev. den. 332 Or 558 (2001), a case decided before the above-referenced 1999 amendments applied, the Oregon Court of Appeals interpreted the term “utility facility” as used in ORS 215.283(1)(c), based on its plain meaning, to mean “equipment or apparatus, whether standing alone or as part of a structure, that functions to perform or provide, in whole or in part, a service such as the production, transmission, delivery or furnishing of electricity or natural gas, the purification of drinking water, or the treatment of solid or liquid waste. The equipment comprising the facility need not

be extensive or complex; in addition, the facility may include ancillary or off-site equipment \* \* \*. However, at a minimum, the facility must include some equipment or apparatus that itself performs the relevant production, transmission or similar function or service.” 174 Or App 332, 343-44 (2001).

DCC 18.04.030 provides the County’s definition of “utility facility”:

*“any major structures, excluding hydroelectric facilities, owned or operated by a public, private or cooperative electric, fuel, communications, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, telecommunications facilities, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone. This definition shall not include wireless telecommunication facilities where such facilities are listed as a separate use in a zone.”*

The proposal is for major structures that are both owned and operated by the City of Redmond for the transmission and processing of wastewater. All facilities proposed are interconnected components that are designed to serve this end and only this end. All buildings are devoted exclusively to enable the transmission and processing of wastewater. Accordingly, the proposed Redmond Wetlands Complex is a “utility facility” both within the meaning of the statutory term as interpreted by *Cox* and the County code’s definition of the same.

The proposed facility is also “necessary for public service”. A utility facility is “necessary for public service” if the facility meets certain tests that show it must be sited on EFU zoned land in order to provide the service. DCC 18.16.038(A); ORS 215.275; OAR 660-033- 0130(16)(a); *see also McCaw Communications, Inc. v. Marion County*, 96 Or App 552, 555-56 (1989). To demonstrate that a utility facility is necessary for public service, the applicant must show that reasonable alternatives have been considered and that the facility must be sited on EFU due to one or more factors set forth in DCC 18.16.038(A)-(E)/OAR 660-033- 0130(16)(a)(A)/ORS 215.275. The proposal involves the creation of significant wetlands using effluent. Applying the factors of DCC 18.16.038(A)/OAR 660-033-0130(16)(a)(A)/ORS 215.275, it is necessary for the proposed facility to be located on EFU zoned land.

The relevant DCC 18.16.025 provisions and relevant DCC 18.16.038(A)-(E) factors are analyzed below.

Staff finds the portions of the pipeline replacement within the EFU zone will be within the subsurface of public roads and within the public right-of-way. No new land parcels will result and no removal or displacement of buildings are proposed to occur. For these reasons, Staff

finds this portion of the project is permitted outright subject to any County Road Department permits or requirements.

Tax Lot 1201, 1202, and 1300 on Deschutes County Assessor's Map 14-13-29 and are private properties zoned EFU. These properties include portions of the pipeline replacement within the current easements. Staff does not consider this interceptor pipeline to be a utility service line as described above as the pipeline does not end at the point where the utility service is received by the customer. Instead, the interceptor pipeline is a major sewer line that transports flows to the wastewater treatment facility. For these reasons, Staff finds the portions of the pipeline replacement on private property zoned EFU are subject to 18.16.025(E). However, Staff asks the Hearings Officer to make specific findings on this issue."

**Finding:** I find that the proposed Redmond Wetlands Complex is a "utility facility" both within the meaning of the statutory term as interpreted by *Cox* and the County code's definition of the same as described above. I also find that the Redmond Wetlands Complex is a "utility facility necessary for public service" permitted "as of right" on EFU-zoned land under ORS 215.283(1)(c) and DCC 18.16.025(E) as described above. I agree with Staff that the for the pipeline portion of the project within public roads and ROW, this portion of the project is permitted outright subject to any County Road Department permits or requirements. I concur with Staff that for Tax Lots 1201, 1202, and 1300 the pipelines do not fall within the definition of "utility service line" in section (M) above, because it is not providing service "received by the customer." I also agree that the portions of the pipeline replacement on private property zoned EFU are subject to 18.16.025(E).

Section 18.16.025. Uses Permitted Subject To The Special Provisions Under DCC Section 18.16.038 Or DCC Section 18.16.042 And A Review Under DCC Chapter 18.124 Where Applicable

*E. Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale and transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in:*

1. *DCC 18.16.038(A); or*
2. *DCC 18.16.038(E) if the utility facility is an associated transmission line, as defined in ORS 469.300.*

The Staff report made the following findings:

**"FINDING:** The applicant proposes to expand and relocate the City of Redmond's sanitary sewer treatment facilities, and replace and enlarge an existing sewage interceptor pipeline. For reference, Staff includes the following definition from DCC 18.04.030:

"Utility facility" means any major structures, excluding hydroelectric facilities, owned or operated by a public, private or cooperative electric, fuel, communications, sewage or water company for the generation, transmission, distribution or processing of its products or for the

disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, telecommunications facilities, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone. This definition shall not include wireless telecommunication facilities where such facilities are listed as a separate use in a zone.

The proposed facility is owned and operated by the City of Redmond, which is a public government entity that provides a utility to the people it serves. The facility, both the pipeline and the treatment facility, is for the transfer, treatment, and disposal of sewage and wastewater.

Regarding whether the utility facility is ‘necessary for public service,’ the applicant provided the following statement:

The proposal is the expansion of the City’s existing sanitary sewer treatment facilities, and the replacement and enlargement of an existing interceptor pipeline, and therefore is an expansion and improvement to an existing City of Redmond facility, thus, is a utility facility *necessary for public service*. Redmond’s population is forecast to grow to roughly 58,000 people by 2045. The expansion of the treatment facility is needed to accommodate that growth.

Currently, the wastewater system can process and treat roughly 2.8 million gallons per day. This expansion will increase treatment capacity to roughly 4.6 million gallons per day to serve the projected population. Compliance with DCC 18.16.038(A) is discussed below.

At the outset we note that portions of the proposed project are not required to go through Site Plan Review under the Oregon Supreme Court’s holding in *Brentmar v. Jackson County*, 321 Or 481, 496 (1995), and County Staff have concurred in this conclusion. This is because the proposed facility is a use permitted “as of right” on EFU-zoned land under ORS 215.283(1)(c). In *Brentmar*, the Court decided that the uses allowed under ORS 215.281(1), to include “utility facilities necessary for public service,” are uses “as of right” and local governments err if they seek to impose more stringent criteria than those in the statute. *See also Save Our Rural Oregon v. Energy Facility Siting Council*, 339 Or 353, 383, 121 P3d 1141 (2005) (citing *Brentmar*).

Because the proposed facilities are not a transmission line, as defined in ORS 469.300, the applicant addresses the provisions of DCC 18.16.038(A) below. The provisions of DCC 18.16.038(E) do not apply.

Staff incorporates the following background description provided by the applicant (Page 18 of Burden of Proof) as Staff finds it relevant to this criterion:

For 45 years, the City of Redmond (City) has utilized the Effluent and Biosolids Complex on an approximate 608-acre property to the northwest of the City to repurpose and discharge all of Redmond's treated wastewater effluent and biosolids, which is where the proposed main Redmond Wetlands Complex will be located. The existing Water Pollution Control Facility (WPCF), where the wastewater is now initially treated, is located at the north end of the Dry Canyon.

The population of Redmond and surrounding areas have significantly grown since the last major WPCF Expansion in 2000. The population of Redmond and surrounding areas is expected to increase; as such, the need for an expansion of the treatment facilities is vital to serving growth.

The City plans to expand the approximately 608-acre Effluent and Biosolids Disposal Complex and transition its operation to a more sustainable and environmentally friendly treatment alternative. As early as 1984, the 608-acre Effluent and Biosolids Disposal Complex was identified as a preferred location with long-range opportunities to treat and dispose of wastewater while also offering sustainable development opportunities.

The City will be decommissioning the existing mechanical WPCF in the dry canyon and transitioning all operations to 5801 Northwest Way, Redmond (the subject 608-acre property). In addition to the City's existing approximately 608-acre Effluent and Biosolids Disposal Complex, the City now leases 35 acres on Tax Lot 200 from the Federal Bureau of Land Management, at the site where disinfected water is infiltrated into the ground.<sup>2</sup>

Due to the necessity of this waste disposal for both human and environmental health and the limited capacity of existing facilities based on anticipated demand, Staff agrees with the applicant's response and finds the proposed utility facility is necessary for public service. Staff notes the public comment from Steven G. Liday raises concerns surrounding the applicant's characterization of the use as it relates to the above criterion and suggests that the applicant must demonstrate why each component of the project, including the operational buildings, must be sited on the EFU land to provide the wastewater treatment service. Staff asks the Hearings Officer to make specific findings on this issue.

Staff agrees with the applicant that the provisions of DCC 18.124 do not apply to the proposed project. The applicant proposes a utility facility, which is a use listed in ORS 215.283(1). As determined through prior rulings, including *Brentmar v. Jackson County*, 321 Or 481, 900

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<sup>2</sup> <https://redmondwetlandscomplex.com/>

P2d 1030 (1995), the proposed use is permitted by state statute and not subject to additional local regulations. Therefore, Staff finds the provisions of Chapter 18.124 do not apply to the subject application.

However, Staff notes the public comment from Steven G. Liday questions the applicability of *Brentmar* to the proposed project and contends that the site plan review criteria would apply to the proposed facilities pursuant to DCC 18.124.030(B)(5). Staff asks the Hearings Officer to make specific findings on this issue.”

Mr. Liday makes the following argument why *Brentmar* is not applicable.

This statute and the holding in *Brentmar* are irrelevant to the County’s site review process, which has no impact on whether a use is allowed, but only concerns the design of physical development. Nothing in ORS 215.283 or *Brentmar* suggests that the Oregon legislature intended to strip counties of the power to regulate the physical design of a type of development that typically has significant impacts on surrounding properties.

Second, the City fails to properly distinguish between the school at issue in *Brentmar* and utility facilities necessary for public service. The latter are subject to a second statute, ORS 215.275, which not only permits conditions, but requires them. ORS 215.275(5). The City mischaracterizes this provision as a limitation on conditions on utility facilities, but there is no language in the subsection to support this reading (e.g., it states that the local government “shall” impose certain conditions, not “shall only”).[Footnotes omitted]

**Finding:** I disagree with Mr. Liday’s argument above. The Court has stripped Counties of most of their ability to regulate these subcategory (1) uses, although some health and safety regulations can still apply. The County’s site plan regulations can be used to deny the use. This is exactly what was prohibited in *Brentmar*. I also find that the Applicant does have to comply with ORS 215.275(5) which is discussed later. This statute does not mean to override the restrictions of local governments imposed by *Brentmar*.

I agree with the applicant and Staff as described above. I find that *Brentmar* is controlling and DCC 18.124 does not apply to the proposed project. I adopt Ms. Kellington’s argument in her July 11, 2023 submittal:

“One opponent argues that the County must apply additional local criteria to the utility facility – specifically, the County’s criteria for Site Plan Review in DCC 18.124. However, under *Brentmar v. Jackson County*, 321 Or 481, 496, 900 P2d 1030 (1995), and subsequent cases, the County may not apply additional local criteria, to include site plan review, to ORS 215.283(1) uses allowed on EFU-zoned land “as of right”, like the proposed facility. See *Dayton Prairie Water Assn. v. Yamhill County*, 38 Or LUBA 14, 30, aff’d 170 Or App 6, 11 P3d 671 (2000) (LUBA held that application of county comprehensive plan policies to an ORS 215.283(1) utility facility was barred by *Brentmar* and stated that that conclusion

“appl[ies] with equal force to bar application of the county’s site design review criteria[.]”); *T-Mobile USA v. Yamhill County*, 55 Or LUBA, 83, 88 (2007) (county cannot apply local site design standards to ORS 215.283(1) utility facility). The proposed use is a “utility facility necessary for public service”, a use expressly allowed to be sited on EFU-zoned land “as of right” under ORS 215.283(1)(c).” Page 10

Section 18.16.038. Special Conditions For Certain Uses Listed Under DCC 18.16.025

**A. A utility facility necessary for public use allowed under DCC 18.16.025 shall be one that must be sited in an agricultural zone in order for service to be provided. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:**

The Staff report made the following findings:

**“FINDING:** In order to meet this standard, the applicant must demonstrate why the utility facility and pipeline replacement needs to be sited in the EFU Zone, and show that reasonable alternatives on non-EFU land were considered. The following case law provides guidance on how infeasible an alternative site must be for it to be disqualified from consideration. The Land Use Board of Appeals (LUBA) made the following finding in a previous application for a utility facility, consisting of a cellular tower, in the EFU Zone. *Harshman v. Jackson County*, 41 Or LUBA 330, 335 (2002):

“As we noted in *City of Albany v. Linn County*, 40 Or LUBA 38, 46 (2001), under ORS 215.275, an applicant who wishes to site a utility facility on EFU-zoned land must show that it is infeasible to locate the facility on land that is not zoned EFU. While the statute is somewhat ambiguous concerning how difficult development of a non-EFU-zoned site for the intended purpose must be before it can be found to be infeasible, it is quite clear that a finding that the proposed site is the *best* of the available sites is inadequate.”

Staff interprets this finding to mean the subject property cannot be selected solely on the basis that it ranks best in comparison to alternate sites, when evaluated based on the factors in subsections (1-7), below. Instead, the applicant must demonstrate that other sites were considered for the utility facility, and were not feasible based on the factors below. Other cases have examined the threshold for how difficult a property must be to develop, for it to be disqualified from consideration. Further guidance is provided in the LUBA opinion below, regarding an application to site a water treatment facility in the Farm/Forest Zone. *City of Albany v. Linn County*, 40 OR LUBA 38, 47 (2001):

“The core of petitioner’s arguments under both assignments of error is that Millersburg has failed to demonstrate that reasonable alternatives, which would not



require the use of EFU or F/F-zoned land, are not available. According to petitioner, the F/F-zoned land that Millersburg proposes to use for its proposed treatment facility and storage reservoir would not be needed for the proposed public service if the city instead utilized other feasible options... In petitioner's view, EFU or F/F-zoned land should be selected only if no other option is feasible...

Before and after adoption of ORS 215.275, the ultimate legal standard was a requirement that the applicant demonstrate that "the facility must be sited in an EFU zone in order to provide the service." That legal standard, in turn, requires that an applicant explore non-EFU-zoned alternative sites."

In this case, LUBA ruled that this criteria cannot be met without an analysis of other, non-EFU options. However, LUBA went on to find that the alternatives analysis can disqualify a non-EFU site based on any one of the factors listed in ORS 215.275(2). This LUBA decision further clarifies that the applicant is not required to consider alternate means of designing the utility facility. Staff finds this relevant to the subject application because the applicant is not required to defend their selected methods of transmission and processing of wastewater, and can narrow their alternatives analysis to properties that work best for a facility design that they have already selected. For example, the County cannot require the applicant to evaluate other methods of wastewater transmission, processing or treatment which may require less area, or are less dependent on slope and soil conditions.

The applicant included the following statement in response to this criterion:

The subject utility facility that is necessary for public use is an existing facility. The proposal involves an expansion of the existing facility on property under the ownership of the City of Redmond and USA/BLM, that is already devoted to this use. Therefore, it is not logical, nor is it practical, to seek a new site for the utility facility, as the subject property is currently devoted to utility facility uses associated with wastewater treatment. Further, the component of the existing wastewater reclamation facility that is currently located within the dry canyon in the City has no room to expand nor would such an expansion be a compatible use with the growing urban community.

Nearby non-EFU zoned land includes property in the Surface Mining (SM) zoned properties. Nearby Surface Mining zoned properties lack suitable soils for effluent disposal, as topsoil has been removed from the sites. Additionally, nearby SM zoned properties are currently devoted to surface mining activities. Other non-EFU zoned land in the area consists of MUA-10 and Rural Residential (RR-10) Zoning. However, these properties are too small in size and are devoted in one way or another to residential uses, many of which are on subdivision lots. Although, all nearby non-EFU zoned lands may be considered to be potential "alternatives", they are not reasonable ones. These lands have been "considered" by Applicant and found to be

not suitable for the proposed use. In large measure they are unsuited because they would require significant disruption to existing established private uses situated on them and they do not have any of the existing waste treatment infrastructure on them that is situated on the subject 608-acre City-owned property. Moreover, there is no requirement to demonstrate that among EFU-zoned lands, one set of lands is better than another. This is because in *Dayton Prairie Water Ass'n v. Yamhill County*, 170 Or App 6 (2000), the court explained that to show “necessity”, the applicant must demonstrate that there are no other *non-EFU*-zoned sites that could feasibly accommodate the utility facility. The court rejected an argument that the local government must compare alternative *EFU-zoned sites* and choose the site that is “least disruptive” to agriculture. 170 Or App at 11.

Factors 1-6 below are the “factors” that must be considered in demonstrating that the proposed Redmond Wetlands Complex is a “necessary” utility facility. These factors mirror LCDC’s factors for determining necessity at OAR 660-033-0130(16)(A)(i) – (vi). *See also* ORS 215.275(2). Items 7-12 are not “factors”, but rather are additional criteria that mirror LCDC’s additional criteria at OAR 660-033-0130(16)(B) – (G) (albeit in different order).

Accordingly, the application must demonstrate that the Complex is “necessary” by showing that (1) reasonable alternatives (types of facilities and locations) have been considered (see above), and (2) the Complex must be sited on EFU-zoned land due to one or more of the listed factors 1-6.

The applicant provided the following additional response in their incomplete response dated May 1, 2023, related to their consideration of alternative sites:

...

Below is an alternative site analysis of non-EFU zoned properties in the area surrounding the subject property:

**To the East:**

Abutting the property to the east, across Northwest Way, is Tax Lot 200, 14-13-29, an approximate 80.95 acre MUA-10 zoned parcel that is owned by the United States and managed by the Bureau of Land Management (BLM). Tax Lot 200 is too small to serve the City’s wastewater treatment needs. And it is not desirable for the proposed facility as it directly abuts a residential subdivision, Squire Ridge Phases 1 through 3, to the east and south. This subdivision is also zoned MUA-10 and contains a total of twenty-three (23) lots that are developed with single family dwellings on lots that are approximately five (5) acres in size. Any potential impacts from noise or odor would certainly be greater on these residential lots within the Squire Ridge subdivision and parcels if the proposed facility were to be developed on Tax Lot 200. Additionally, Tax Lot 200 is physically separated from the existing facility by the County Road, Northwest Way, making it highly impractical.

Also adjoining Tax Lot 200 to the west are SM zoned tax lots (Tax lots 102, 103 and 104, 14-13- 29) that are committed to surface mining usage.

**To the Northeast:**

Lots within Westwood Acres Sections 1 and 2 directly abut the subject property to the west, located on the west side of Northwest Way. This residential subdivision is zoned MUA-10, with the lots being approximately 2.5 acres in size and it is developed with single family dwellings. There is inadequate space in this residential subdivision to use to convert it to serve the City's wastewater treatment needs. All the lots in this subdivision are developed with residences in any event.

**To the North and Northwest:**

To the north and northwest of Tax Lot 200 of the subject property are two blocks of MUA-10 zoning that are committed to residential usage within Crooked River Ranch (CRR) No. 4 and No. 5, respectively. Lots within these subdivisions are committed to single-family residential uses and are too small to accommodate the use. These blocks of MUA-10 zoned subdivision lots are located approximately 2.5 miles or farther north of the nearest component of the proposed facility (future disposal wetlands on Tax Lot 2600), making them an impractical location in any event.

**To the West:**

To the west, abutting Tax Lots 101 and 200 of the subject property, proximate to Tax Lot 2604 of the subject property, are MUA-10 zoned lots within various phases of the Tetherow Crossing subdivision, which are roughly between two and five acres in size and developed with singlefamily dwellings. There is inadequate land available in this development to establish facilities to serve the City's wastewater treatment needs.

Farther to the west of Tax Lot 200 of the subject property are MUA-10 zoned lots within Mark K Falls Estates Subdivision and River Springs Estates subdivision. Lots within these subdivisions are primarily 3.5 to 12 acres in size. There are also multiple MUA-10 zoned tax lots (many of which are partition platted parcels) outside of these subdivisions to the west that are up to 21 acres in size. Lots within these subdivisions are developed with single-family dwellings and are located over one (1) mile west of the proposed facility. None of these areas have property of sufficient size to support the proposal.

Also, abutting Tax Lot 200 of the subject property to the west, on the west side of the Deschutes River and its associated deep canyon, are lots within Lower Bridge Estates subdivision that is zoned Rural Residential, 10-acre Minimum (RR-10). Many of these lots are developed with single family dwellings that are between 6 and 10 acres in size. The closest of these RR-10 zoned lots are over 1.5 miles west of the proposed facility (including expansion of existing treatment wetland and future disposal wetlands). Here too, there is insufficient area to establish a facility for the City's waste treatment needs.

**To the South and Southwest:**

Properties abutting Tax Lots 101 and 201 of the subject property are zoned EFU-TRB. The property abutting Tax Lot 101 of the subject property to the west is Tax Lot 100, 14-13-33, zoned EFU-TRB, that is owned by the United States and managed by BLM. The BLM has not offered this property to the City. West and southwest of Tax Lot 100 is a large block of MUA-10 zoning comprised of smaller subdivision lots, 2.5 to 5 acres in size, within Tetherow Crossing, Phase IV Subdivision, developed with single-family dwellings, which has inadequate land to meet the City's treatment needs. Approximately one-half mile south of Tax lots 101 and 201 of the subject property is another large block of MUA-10 zoning that consists of lots within La Casa Mia Subdivision, comprising of approximate one-acre lots that are developed with single family dwellings. This also has inadequate area to satisfy the City's wastewater treatment needs. Farther south, there are small parcels developed with single-family dwellings and many devoted to hobby farm uses. These lands are also too small to satisfy the City's wastewater treatment needs. Even farther south, within this MUA-10 zoned block is Hidden Valley Mobile Estates No. 1. Subdivision, consisting of small lots (mostly .25 of an acre in size) that are developed with single-family dwellings, that has the same is – inadequate land area for the City's waste treatment needs. Beyond the block of MUA-10 zoning is property that is within the Urban Growth Boundary (UGB) of Redmond. Properties within all of the subdivisions surrounding the subject property, referenced above, zoned either MUA-10 or RR-10, are too small to accommodate the proposed use (requiring approximately 600 acres). All of these sites in the MUA-10, RR-10 and SM Zones, addressed above, are already committed and/or developed to either residential or surface mining usage, therefore, there are no non-EFU zoned properties in the vicinity of the proposed expanded facility that are feasible alternative sites for the proposed use, considering the factors under 18.16.038 (A).

Staff accepts the applicant's response above and notes the applicant considered reasonable, non-EFU zoned alternatives. However, Staff asks the Hearings Officer to make specific findings on this issue."

Opponent's attorney, Mr. Liday's June 27, 2023 letter responded to this argument. He concurred with Staff that the standard quoted above in *City of Albany v. Linn County*, 40 OR LUBA 38, 47 (2001) was appropriate but argues:

"The evidence in the record is that it is not only feasible to provide the wastewater treatment services at issue with only the lagoon and treatment wetlands located in EFU land, but that such an arrangement would be cheaper. The mere convenience of Staff in avoiding driving 2.5 miles (approximately a four-minute drive 9) to the treatment wetlands is not sufficient justification to relocate all the City's office and other facilities to protected farmland.

Further, the City's reference to the purported "industry practice" of siting all facilities together is irrelevant because it does not address the actual issue of feasibility. As detailed in the City's

Feasibility Report, it is entirely feasible to pump treated wastewater to wetlands at another site for further polishing. In fact, the Roseburg Urban Sanitary Authority (RUSA) operates its facilities in this manner. The City of Roseburg’s wastewater is first treated at RUSA’s main [footnotes omitted] facility—located within Roseburg city limits—and then pumped to wetlands located on nearby EFU land. In fact, almost all treatment wetlands in Oregon are connected to primary facilities that are located within city limits. This includes, in addition to RUSA’s facilities, Prineville’s Crooked River Complex, Clean Water Services’ Fernhill Facility in Forest Grove, the Silverton wastewater treatment plant, Albany’s Talking Water Gardens facilities, and Cannon Beach’s wastewater treatment complex. The City’s failure to plan for future expansion of its current treatment site—instead allowing residential development to surround the treatment plant—does not now justify relocation of all its facilities to outside the city limits.”

**Finding:** I adopt Staff and the Applicant’s legal and factual analysis as laid out above. As I described at the hearing, it is not my job as the Hearings Officer to second guess the elected officials at the City as to the most cost-effective and practical way to treat city effluent. My job is to apply the criteria to the facts. The City provided a reasonable argument supported by facts and expert testimony from Mr. Kirchner as to why the proposed facility is a unified utility facility that is solely dedicated to transporting and treating water. Kirchner Letter, Pages 1-4, July 5, 2023. That letter also explains why the City decided not to split up the site and why it is more cost effective to proceed with the present application. I find this compelling expert testimony and hereby adopt it. I find Mr. Liday’s argument enlightening, but it does not rebut the expert testimony from the City. I also concur with Ms. Kellington’s reasoning on the need to have all facilities centrally located. Page 12 July 11, 2023

Applicant addresses the locational dependency of the project as well as factors 1 through 6 of ORS 215.275(2)(a)-(f) below and the Staff made the following finding.

**1. *Technical and engineering feasibility;***

**“FINDING:** The applicant provided the following statement in response to this criterion:

“The proposed Redmond Wetlands Complex on the subject property complies with this factor as much of the utility facility on EFU lands is already devoted to this use and engineered plans demonstrate that the proposed expansion of the facilities that are already there, is feasible and of technically sound design.

The applicant provided the following additional response to this criterion in their incomplete response dated May 1, 2023:

The City’s existing Water Pollution Control Facility (WPCF) at 3100 NW 19th Street, sits on roughly 30 acres on the north end of Redmond in the dry canyon. Treated effluent from this facility is conveyed to the property at 5801 Northwest Way that the City owns, through existing piping for disposal via irrigation. This existing

City WPCF located at 3100 NW 19th Street has reached its capacity to treat effluent as is demonstrated in detail in the City 2019 Wastewater Facility Plan at p 54-62. In sum, that plan demonstrates that the existing “Orbal” treatment system is either at or over capacity in 2020; disinfection is projected to be at or over capacity in 2025 and the infiltration basins are projected to be at or over capacity in 2025. The waste activated sludge (“WAS”) storage maximum per each month at the existing NW 19th Street facility was at capacity in 2020 and dewatering was at capacity by 2020. The 3100 NW 19th Street property has inadequate area for long-term expansion of this system or to accommodate the new system that the City has selected to meet its current and projected wastewater treatment needs. The existing 3100 NW 19th Street site is situated in a canyon with steep basalt rock walls and simply provides no possibility of additional space for increased capacity.

To respond to City needs, the City has chosen a wetland treatment technology that will meet the City’s wastewater treatment needs using created wetlands. The proposed site is large enough to provide unlimited capacity to meet the City’s short and long-term waste treatment and disposal needs. Although we note that the existing disposal methodology will not change at the Northwest Way site. The only thing that is changing at the Northwest Way site under the proposal is the addition of incoming processing using a headworks (a fully enclosed) facility, lagoons, disinfection building, and created wetlands for treatment.

The City’s new treatment facility and program is environmentally beneficial and is a program requiring a large volume of land to create wetlands for tertiary treatment of the effluent. The wetland treatment area needs exceed the amount of land available at the 3100 NW 19th Street site therefore rendering it technically and spatially infeasible.’

Staff finds the applicant has provided a detailed response to why the facilities must be sited on EFU-zoned land due to technical and engineering requirements. However, Staff asks the Hearings Officer to make specific findings on whether the applicant has demonstrated that the facility must be sited in an exclusive farm use zone due to this factor.”

**Finding:** I find that the Applicant meets this criterion and adopt the Staff report and applicant’s statement above as findings. The applicant provided expert testimony as to why the technical and engineering feasibility factor required siting the facility on EFU lands. See expert qualifications, Kircher letter, page 5, July 5, 2023. Although there was anecdotal testimony on why it could be sited elsewhere, there was no expert rebuttal testimony.

2. *The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;*

**“FINDING:** The applicant provided the following statement in response to this criterion:

‘The proposed Redmond Wetlands Complex (expansion of an existing utility facility) is locationally dependent because the subject property is owned and operated by a municipality (City of Redmond) that also manages the existing utility service (WPCF site inside the Redmond City Limits) and the water treatment facilities are existing on the EFU-zoned subject property, as well as within an existing interceptor pipeline corridor. The interceptor pipelines must cross some EFU properties in order to achieve/maintain the existing reasonably direct route between the existing WPCF inside the Redmond City Limits and the proposed expanded treatment facility. That route already exists with existing easements and any new lands would require new easements and new disruptions the proposal can avoid by being on land already devoted to these uses.

Additionally, the proposed facilities are locationally dependent as the proposal takes advantage of the existing facility compound, existing City ownership of the main 608 acres of land, a lease with BLM for use of Tax Lots 200 and 2600, existing easements and the interceptor pipelines, and existing ingress/egress easements, as well as the existing road system for the access road onto the subject property. Further, the subject property is owned and operated by a municipal utility provider and already has utility facilities. Thus, the only reasonably direct route is the one that already exists and the site should continue to be used for utilities and not encumber additional EFU lands with utilities for which they are not now devoted.

Based on the above, coupled with plans submitted with the applications, the facility is locationally dependent, as there are no suitable non-EFU zoned lands for the proposed use and especially because the proposal is to *expand* an existing utility facility, as described above.’

The applicant provided the following additional response to this criterion in their incomplete response dated May 1, 2023:

‘The proposed facility is locationally dependent. The City must significantly increase its wastewater treatment capacity. It cannot do that at the existing dry canyon facility. The City’s existing wastewater disposal at 5801 Northwest Way is already situated on that site that is proposed to be the situs of the City’s treatment facilities. It is an efficient and prudent use of scarce public funding resources to consolidate operations at the existing 5801 Northwest Way site now used for a part of the City’s wastewater processing needs, which site will be a suitable size for the City’s current and long-term waste treatment and disposal needs. There is already piping that connects City sewage to the 5801 Northwest Way site. Currently, that piping connects to the dry canyon treatment facility to convey the treated effluent to the 5801 Northwest Way

site. Under the proposal, the existing conveyance system will continue to be used only under the proposal, untreated effluent will be conveyed directly from the existing piping that serves the user to the 5801 Northwest Way site for treatment as well as disposal. To reach the 5801 Northwest Way site, the effluent piping system now crosses and must continue to cross land zoned exclusive farm use. That already reasonably direct route now exists and the proposal merely increases the size of the existing conveyancing piping system (increasing the size of one of the two existing conveyance pipes) in order to maintain that reasonably direct route.

The City also notes that due to the large volume of acreage needed for the proposed wetland treatment technology, the City's existing WPCF site is too small for the City's wastewater treatment needs. The proposed RWC will consolidate City operations at the City's existing wastewater disposal site and will be located adjacent to the existing City effluent disposal area (orchard grass farm) and the existing City waste solids drying beds. To meet its wastewater disposal needs, the City has leased roughly 36 acres of land from the Bureau of Land Management (BLM) since 1978, for use as infiltration basins for ground water recharge. Through that relationship, the opportunity to purchase an additional 640 acres of BLM land adjacent to the existing facilities arose. Currently, the City possesses a deed allowing it exclusive use of roughly 610 acres of land which includes the existing drying beds, sewage conveyance lines, a 36-acre recycled water irrigation pond, a 146-acre orchard grass farm upon which treated effluent is sprinkled and a large buffer area.

When the City obtains the additional acreage from BLM (and, if necessary, completes a partition process to separate it from the BLM's larger holdings), the entire City site will total roughly 1,250 acres. This entire 1,250-acre City property will be used in the following manner:

- roughly 200 acres will contain lagoons, chlorine treatment, wetlands treatment and disposal wetlands.
- 146-acre orchard grass farm on which treated wastewater will be deposited as irrigation (as is currently being performed).
- 36-acre recycled water irrigation pond.
- Remaining acreage to be used as buffer from surrounding properties.

The current operation contains large acreages (610 acres owned by City + 35 acres owned by USA/BLM and leased by the City) that now provides a buffer from surrounding properties. The addition of the BLM property that the City plans to acquire and consolidate with its other holdings as a part of the proposal, provides room for the needed wetlands operations based on current population projections as well as provides additional space for expansions in the future that will be necessary in order to serve the fast-growing Redmond community. Further, the total 1,250 acres will provide a buffer from the proposed wetlands to the nearest residences.

This facility is locationally dependent for these reasons.'



As noted throughout this Staff report, the existing interceptor pipeline utilizes non-EFU zoned lands along the project route. However, based on the zoning of the area, the pipeline crosses lands that are in one or more areas zoned EFU. As the applicant states, the interceptor pipeline route already exists within existing easements and any new lands would require new easements and new disruptions that can be avoided by utilizing the existing pipeline route. Staff notes the applicant has proposed a preferred realignment of a portion of the pipeline as discussed later in this report. However, the alternative realignment would not be located on private, EFU-zoned properties and is addressed in the responses to DCC 18.32, 18.124 and 18.128.

Staff finds the proposed interceptor pipeline replacement, where located on private, EFU-zoned properties, is locationally dependent to take advantage of existing easements and minimize disruption to EFU-zoned lands.

Regarding the wastewater treatment facilities, Staff generally agrees with the applicant's response regarding its locational dependence on EFU-zoned land. However, Staff asks the Hearings Officer to make specific findings on whether the applicant has demonstrated that the facility must be sited in an exclusive farm use zone due to this factor.

Post hearing, Mr. Liday submitted arguments that:

“The Feasibility Report states that only the new lagoons and treatment wetlands need to be built on the EFU site and that maintaining the other facilities in their current location would save the City money, both now and in the long run. The 2020 WFP Amendment stated that the disposal wetlands are not necessary.[footnotes omitted] Liday letter, page 2, June 27, 2023.”

The Applicant responded:

One opponent argues that it is feasible for the City to provide its wastewater treatment services with only the lagoon and treatment wetlands on the EFU site, citing a Lagoon and Wetland Treatment and Disposal Feasibility Evaluation prepared for the City from 2020 (“2020 Feasibility Study”) and the City’s 2020 Wastewater Facility Plan Amendment (“2020 WFPA”). However, they misinterpret those documents. The Feasibility Study was just that – a study. It presented three alternatives for City to consider – expanding the existing mechanical treatment plant at existing City site; new treatment lagoons and treatment wetlands at EFU site and utilizing the existing City site for existing headworks and other support facilities; new lagoon and wetland treatment plant with support facilities at EFU site – the Feasibility Study did not recommend one alternative over another. Rather, it left that choice to City, considering capital cost, life cycle cost, land and future expandability, and community benefits of alternatives. Similarly, the 2020 WFPA does not support opponents’ claims that the entirety of the proposed facility is unnecessary either. The 2020 WFPA (as well as the 2023 WFPA) recommended moving the entire facility to the proposed EFU site, based on alternative rankings considering the City’s stated objectives. The

relevant analyses acknowledged that the City has critical short- and long-term waste treatment and disposal needs that are not met at the Dry Canyon site. The Dry Canyon site cannot be expanded to meet the City's long-term treatment or disposal needs, regardless of the type of system the City employs to manage waste treatment and disposal. While at great expense the Dry Canyon site could be upgraded to provide short and perhaps medium-term capacity, it is impossible for the Dry Canyon site to be expanded enough meet the City's long-term treatment needs. There is no serious dispute on this record that no matter what, the City must look elsewhere for its long-term needs. Kellington Letter, page 13, July 11, 2023.

**Finding:** I find that the Applicant meets this criterion based on the findings in the Staff report above. I find that the transmission line must cross EFU lands in order to take advantage of existing pipelines and easements and to access the existing treatment facility. I agree that the facility is locationally dependent because it needs to take advantage of these existing easements and ownerships. I agree the existing facility is too small to accommodate the method of waste treatment that the City has selected. Kirchner letter page 2, July 5, 2023. As stated before, it is not the role of the Hearings Officer to second guess the method of waste water treatment. I adopt Ms. Kellington's argument that the utility provider has discretion on the type of treatment to provide. Kellington letter, pages 13-14, July 11, 2023.

As to the argument that the City could build just the wetlands on the EFU or make the existing facilities work, I agree with Ms. Kellington's response quoted above. This is supported by the Kirchner Letter, page 2, July 5, 2023. In that letter, Mr. Kirchner, quotes the summary of project alternatives. One of those alternatives is for "New Lagoons and Wetlands with Existing Facilities" with a capital cost of \$38.5 million and a 20-year cost of \$52.8 million that will likely need to be rebuilt in 20 years. That is compared to "New Lagoon and Wetland Treatment Plant with Support Facilities at New Site" with a capital cost of \$41.6 million and a 20-year cost of \$53.9 million but with a life expectancy of in excess of 50 years. While the former may save a few million, for a little more, the City gains 30 plus years of life expectancy among other benefits. Although beyond the scope of my authority as stated above, I find the City Council made the reasonable choice on how and where to treat its wastewater.

Finally, the primary law affecting all, makes the site locationally dependent, gravity.

### **3. *Lack of available urban and nonresource lands;***

**"FINDING:** The applicant provided the following statement in response to this criterion:

"There no nearby urban and nonresource lands that are suitable for the proposed use. The existing WPCF in the City of Redmond is not capable of handling the anticipated capacity resulting from expected population growth of Redmond. It is an aged system that is too small for the benign environmentally pleasing, responsible and efficient proposal here for a wetlands complex to treat City effluent. There is insufficient room on the existing parcel in the UGB to create wetlands for a complex as is proposed here. Moreover, expansion of a wastewater treatment facility is not compatible with a rapidly growing surrounding urban environment, nor an efficient

use of urban lands, as here. The interceptor pipelines exist within the established corridor that traverses multiple public road rights-of-way, eight (8) privately owned tax lots outside of the UGB and the subject property. Thus, it is most efficient, least disruptive and best for the fulfillment of the public's interests to continue using the existing 608-acre treatment facility site and existing pipeline corridors for the sewerage facilities to which they are already devoted rather than to encumber additional EFU lands with new utilities. The existing facility on the subject 608-acre property, existing rights-of-way and existing easements, is owned and operated by a municipal utility provider and already has utility facilities. The facility must be sited in an exclusive farm use zone because in part that is where these facilities already are. This factor is met.'

The applicant provided the following additional response to this criterion in their incomplete response dated May 1, 2023:

'As explained above, the RWC requires roughly 1,250 acres of land for effective wastewater treatment, providing adequate room for long-term expansion and appropriate buffer area. This technology, while environmentally beneficial, is land intensive. Urban land acreage of this size is not available at all and there is no other non-resource land in the vicinity of where the City's existing sewage conveyance lines already deliver wastewater.'

Staff generally agrees with the applicant's response. However, Staff asks the Hearings Officer to make specific findings on whether the applicant has demonstrated that the facility must be sited in an exclusive farm use zone due to this factor."

**Finding:** I find that the Application meets this criterion. I adopt the findings above and additionally adopt as findings the Alternative Analysis in Ms. Kellington's letter, pages 14-16, July 11, 2023, and her finding on page 19 on this criterion in the same letter.

#### ***4. Availability of existing rights of way;***

**"FINDING:** The applicant provided the following statement in response to this criterion:

'The interceptor pipelines are within an existing and available corridor that traverses public road rights-of-way as well as private easements and will continue to be utilized. No expansion into additional rights-of-way is proposed. Therefore, this factor is met.

The applicant provided the following additional response to this criterion in their incomplete response dated May 1, 2023:

Existing rights of way are proposed to continue to be used for the conveyance of wastewater to the proposed site. The RWC will benefit from existing rights-of-way and existing sewer line easements that already provide the necessary alignment for

the existing pipelines that convey wastewater to the RWC. These existing rights of way and easements will be relied on as the City replaces one of the existing 24-inch conveyance lines with a 48-inch line.’

Staff generally agrees with the applicant’s response. A portion of the proposed project, the interceptor pipeline replacement, will include the use of existing rights-of-way. Northwest Way, NW Coyner and NW Pershall are zoned EFU. However, there are no nearby non-EFU zoned rights-of-way to be utilized.

**Finding:** I agree and adopt as findings the Staff report above. Additionally, the Applicant’s proposed alternative will move more of the pipeline into existing ROWs.

**5. *Public health and safety; and***

**“FINDING:** The applicant provided the following statement in response to this criterion:

‘The project is proposed as an expansion of the City’s existing sanitary sewer treatment and disposal facilities necessary to meet the City’s growing needs and address aging infrastructure concerns. Redmond has grown significantly since its first wastewater treatment facility was installed in 1978. It is projected that by 2045, Redmond’s population will be 58,000, a 60% increase in the city’s population today. Redmond’s current wastewater system can process and treat just 2.8 million gallons per day and must be expanded in order to process and treat the 4.6 million gallons per day required to serve the projected 2045 population. Neglecting to expand the facility, as proposed, in its existing location could potentially lead to public health and safety concerns. This factor is met.’

The applicant provided the following additional response to this criterion in their incomplete response dated May 1, 2023:

‘Public health and safety requires that the City establish a wastewater treatment facility with adequate capacity for the City’s current and long-term needs. Many of the existing treatment components are already over-capacity. Establishing new wastewater conveyance routes and negotiating new easements for a new route would cause significant delay in the City’s ability to provide the needed treatment capacity. Public health and safety is not served by delaying the proposal simply for the sake of establishing new conveyance locations, when there are perfectly good existing locations and existing easements that can be used and that enable efficient establishment of needed service capacity.’

Staff generally agrees with the applicant that public health and safety is a limiting factor with respect to where this type of utility facility can be sited. However, Staff asks the Hearings

Officer to make specific findings on whether the applicant has demonstrated that the facility must be sited in an exclusive farm use zone due to this factor.

**Finding:** I agree with Staff and adopt as findings the Staff report quoted above. There was no factual dispute in the record of the need to update the City’s wastewater treatment. The rapid growth of the City is uncontroversial and the health and safety of the residents and nearby communities requires an expansion of the system.

**6. Other requirements of state and federal agencies**

**“FINDING:** The applicant provided the following statement in response to this criterion:

‘At present, there are no state or federal requirements that the expanded utility facility must be sited in any particular zone including not in any exclusive farm use zone. This factor does not apply.’

The applicant provided the following additional response to this criterion in their incomplete response dated May 1, 2023:

‘At this time the only required permit will be a 1200-C (construction stormwater general permit) from the Oregon Department of Environmental Quality.’

Staff finds the applicant did not assert that the facility must be sited in the EFU Zone due to this factor. Staff finds this criterion does not apply.

**Finding:** I agree with Staff that this criterion does not apply. There was no additional testimony addressing it.

Next the Staff report addresses ORS 215.275(3)(4)(5) and (6) .

**7. Costs associated with any of the factors listed in 1-6 above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities that are not substantially similar.**

**“FINDING:** The applicant provided the following statement in response to this criterion:

‘Applicant does not contend that the facility must be sited in an exclusive farm use zone due to cost alone under this factor. However, the cost of purchasing new land can and should be considered, particularly, because the facility exists and approximately 608 acres of the facility’s land is already owned by the City of Redmond and the interceptor pipeline exists within a corridor that possesses

easements and right-of-way permits. A copy of the existing easements are attached as Exhibit D to this application.’

The applicant provided the following additional response to this criterion in their incomplete response dated May 1, 2023:

‘There is no suitable urban land for the project. The costs of acquiring new non-resource land for the project and of abandoning the existing conveyance system, establishing a conveyance system to a new site and then to the existing City drying and disposal facilities situated at the subject property is cost prohibitive, not to mention wasteful. Moreover, there are no suitable alternative non-resource lands for the proposed consolidated wastewater treatment operations, in any event.

The City reviewed County records in scanned documents and permits in Deschutes County DIAL, and did not find any complaints on record regarding the City’s existing farm uses irrigated with treated effluent and or the City’s existing biosolid drying or any other part of the existing facility on Northwest Way. The proposal will add treatment facilities and expanded wetlands disposal facilities to the existing disposal facilities on the Northwest Way site. Any non-resource zoned property must not only be large enough to accommodate the proposed expansion of the facility, but must also be in reasonable proximity to the existing conveyance lines and have adequate distance from residential uses (as is proposed) to provide a buffer.

Below is an alternative site analysis of non-EFU zoned properties in the area surrounding the subject property:

**To the East:**

Abutting the property to the east, across Northwest Way, is Tax Lot 200, 14-13-29, an approximate 80.95 acre MUA-10 zoned parcel that is owned by the United States and managed by the Bureau of Land Management (BLM). Tax Lot 200 is too small to serve the City’s wastewater treatment needs. And it is not desirable for the proposed facility as it directly abuts a residential subdivision, Squire Ridge Phases 1 through 3, to the east and south. This subdivision is also zoned MUA-10 and contains a total of twenty-three (23) lots that are developed with single family dwellings on lots that are approximately five (5) acres in size. Any potential impacts from noise or odor would certainly be greater on these residential lots within the Squire Ridge subdivision and parcels if the proposed facility were to be developed on Tax Lot 200. Additionally, Tax Lot 200 is physically separated from the existing facility by the County Road, Northwest Way, making it highly impractical.

Also adjoining Tax Lot 200 to the west are SM zoned tax lots (Tax lots 102, 103 and 104, 14-13- 29) that are committed to surface mining usage.

**To the Northeast:**

Lots within Westwood Acres Sections 1 and 2 directly abut the subject property to the west, located on the west side of Northwest Way. This residential subdivision is zoned MUA-10, with the lots being approximately 2.5 acres in size and it is

developed with single family dwellings. There is inadequate space in this residential subdivision to use to convert it to serve the City's wastewater treatment needs. All the lots in this subdivision are developed with residences in any event.

**To the North and Northwest:**

To the north and northwest of Tax Lot 200 of the subject property are two blocks of MUA-10 zoning that are committed to residential usage within Crooked River Ranch (CRR) No. 4 and No. 5, respectively. Lots within these subdivisions are committed to single-family residential uses and are too small to accommodate the use. These blocks of MUA-10 zoned subdivision lots are located approximately 2.5 miles or farther north of the nearest component of the proposed facility (future disposal wetlands on Tax Lot 2600), making them an impractical location in any event.

**To the West:**

To the west, abutting Tax Lots 101 and 200 of the subject property, proximate to Tax Lot 2604 of the subject property, are MUA-10 zoned lots within various phases of the Tetherow Crossing subdivision, which are roughly between two and five acres in size and developed with singlefamily dwellings. There is inadequate land available in this development to establish facilities to serve the City's wastewater treatment needs.

Farther to the west of Tax Lot 200 of the subject property are MUA-10 zoned lots within Mark K Falls Estates Subdivision and River Springs Estates subdivision. Lots within these subdivisions are primarily 3.5 to 12 acres in size. There are also multiple MUA-10 zoned tax lots (many of which are partition platted parcels) outside of these subdivisions to the west that are up to 21 acres in size. Lots within these subdivisions are developed with single-family dwellings and are located over one (1) mile west of the proposed facility. None of these areas have property of sufficient size to support the proposal.

Also, abutting Tax Lot 200 of the subject property to the west, on the west side of the Deschutes River and its associated deep canyon, are lots within Lower Bridge Estates subdivision that is zoned Rural Residential, 10-acre Minimum (RR-10). Many of these lots are developed with single family dwellings that are between 6 and 10 acres in size. The closest of these RR-10 zoned lots are over 1.5 miles west of the proposed facility (including expansion of existing treatment wetland and future disposal wetlands). Here too, there is insufficient area to establish a facility for the City's waste treatment needs.

**To the South and Southwest:**

Properties abutting Tax Lots 101 and 201 of the subject property are zoned EFU-TRB. The property abutting Tax Lot 101 of the subject property to the west is Tax Lot 100, 14-13-33, zoned EFU-TRB, that is owned by the United States and managed by BLM. The BLM has not offered this property to the City. West and southwest of Tax Lot 100 is a large block of MUA-10 zoning comprised of smaller subdivision lots, 2.5 to 5 acres in size, within Tetherow Crossing, Phase IV Subdivision, developed with single-family dwellings, which has inadequate land to meet the City's treatment needs. Approximately one-half mile south of Tax lots 101 and 201

of the subject property is another large block of MUA-10 zoning that consists of lots within La Casa Mia Subdivision, comprising of approximate one-acre lots that are developed with single family dwellings. This also has inadequate area to satisfy the City's wastewater treatment needs. Farther south, there are small parcels developed with single-family dwellings and many devoted to hobby farm uses. These lands are also too small to satisfy the City's wastewater treatment needs. Even farther south, within this MUA-10 zoned block is Hidden Valley Mobile Estates No. 1. Subdivision, consisting of small lots (mostly .25 of an acre in size) that are developed with single-family dwellings, that has the same is – inadequate land area for the City's waste treatment needs. Beyond the block of MUA-10 zoning is property that is within the Urban Growth Boundary (UGB) of Redmond.

Properties within all of the subdivisions surrounding the subject property, referenced above, zoned either MUA-10 or RR-10, are too small to accommodate the proposed use (requiring approximately 600 acres). All of these sites in the MUA-10, RR-10 and SM Zones, addressed above, are already committed and/or developed to either residential or surface mining usage, therefore, there are no non-EFU zoned properties in the vicinity of the proposed expanded facility that are feasible alternative sites for the proposed use, considering the factors under 18.16.038 (A).'

Staff finds the analysis provided under subsections (1-6), above, do not rely on cost alone to demonstrate the utility facility is necessary for public service.”

**Finding:** I find that the Application meets this criterion and adopt as findings the Staff report quoted above. Additionally, I will add that the Applicant stated: “[w]e note than none of the evaluated alternatives could even accommodate the 610-acre site (without room for expansion and additional buffer).” Kellington letter, page 14, fn 3, July 11, 2023. I have found nothing in the record contrary to this statement.

8. *The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.*

“**FINDING:** The applicant provided the following statement in response to this criterion:

‘This factor provides that the owner of the utility facility shall be responsible for restoring, as nearly as possible, to its former condition any land and associated



improvements that may be damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.

Applicant proposes to employ standard Erosion and Sedimentation Control Measures and Best Management Practices (BMP's) consistent with construction work in this region, which will be outlined in the contractor's Erosion and Sedimentation Control Plan, compliance with which can be made a condition of approval. Additionally, Applicant proposes to restore disturbed work areas with native seeding at a minimum and will adhere to warranted conditions of the land use approval and easement terms. This provision is met.'

Staff finds construction, and associated ground disturbances will be limited to within the subject properties. Due to the large size of the subject property for the wastewater treatment facilities and the amount of undeveloped land that will remain as a buffer, Staff believes it is unlikely the proposed use will damage agricultural land.

As it pertains to the pipeline replacement within EFU-zoned land, the applicant proposes to restore disturbed work areas with native seeding and adhere to any conditions of approval or easement agreement terms. However, to ensure compliance, Staff recommends the following conditions of approval:

Land Restoration: The owner of the utility facility shall be responsible for restoring, as nearly as possible, to its former condition any lands zoned EFU and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.

Erosion Control Plan: Prior to the start of construction activities, the applicant shall provide an Erosion Control Plan to the Planning Division prepared by a licensed, professional engineer. Staff recommends that a licensed, professional engineer use the *Central Oregon Stormwater Manual* as the basis for the plan.

As conditioned, Staff finds this criterion will be met.”

**Finding:** I find that the based on the Staff report quoted above and as conditioned above, the Application meets this criterion. As to land condition, testimony in the record is that the disturbed soils on the easements, have created persistent weeds. As such, a condition will be imposed to help remedy that problem. See below.

9. *In addition to the provisions of 1-6 above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.*

**FINDING:** The applicant provided the following statement in response to this criterion:

The Complex is not the “establishment” or “extension” of a sewer system as those terms are defined in OAR 660-011-0060(1). This factor is inapplicable.

Staff agrees and finds the proposed project is not the establishment or extension of a sewer system. However, Staff asks the Hearings Officer to make a specific finding on this issue.

**Finding:** I agree

10. *The provisions above do not apply to interstate gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.*

**FINDING:** The applicant provided the following statement in response to this criterion:  
No interstate gas pipelines, and associated facilities are proposed. This criterion is inapplicable.  
Staff agrees and finds this criterion does not apply.

**Finding:** I agree.

11. *The County shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use, in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.*

**“FINDING:** The applicant provided the following statement in response to this criterion:

‘Factor 11 provides that the County may impose only clear and objective conditions to mitigate and minimize impacts to farm practices on surrounding farmlands to prevent either a significant change in accepted farming practices or a significant increase in their costs.

No significant adverse impacts to surrounding lands devoted to farm use will occur as a result of this project. Other than the irrigated center-pivot hay fields on the City-owned portion of the subject property, the EFU-zoned land being utilized for this project is primarily undeveloped, non-irrigated land not in intensive farm use. The facility itself on the 608-acre parcel will have no impact on farming on surrounding lands. Similarly, other than temporary construction impacts, the enlargement of the City’s existing pipelines will not cause significant adverse impacts to accepted farming practices or their costs because all work will be temporary and will be coordinated with the underlying landowners. Moreover, at the completion of the project, the interceptor pipeline will be below grade and disturbance to any impacted land will be negligible. Thus, no significant change to accepted farm practices or change in farming costs are anticipated. Therefore, no mitigation is required.’

The applicant provided the following additional response to this criterion in their incomplete response dated May 1, 2023:

‘Regarding factor 11, the applicant has established that the proposed use would not have any negative impacts on farm uses in the area that would either cause a significant increase in the cost of accepted farming practices or a significant change in accepted farming practices. There are a very limited number of surrounding properties that are devoted to farm use – especially in the direct vicinity of where the RWC facility will be located. The wetlands will be constructed west of the City’s existing pivot systems. There are no lands devoted to farm use adjacent to this area or within a distance of approximately 1,000 feet. In review of aerial photographs, the nearest agricultural operation to the west is located approximately 1.5 miles. The nearest agricultural operation to the southwest is located approximately one-half mile. Most of the lands to the west and south are dry, high desert, undulating landscape not devoted to farm use. There is also a rural residential subdivision zoned MUA-10 west and south of the property with little acreage devoted to farm use except for the noted pivot system. There are no roads that will lead to the west from the RWC further limiting any impact from vehicular traffic.

The lands to the east-northeast, contain lands devoted to farm use. A review of aerial photographs shows that there are a variety of irrigated properties located between Highway 97 and the vicinity of NW Northwest Way/NW 31st Street, approximately one-quarter mile from the subject property boundary and over one mile from the any of the proposed facilities.

Of particular note is that the existing operation which now occurs onsite does not introduce adverse impacts to the farm uses in the area. In fact, the existing operation provides irrigation water to four pivot systems and roughly 146 acres of orchard grass hay farming which produces 830 tons annually - allowing farm use in the vicinity to occur versus disrupting such uses.

The expanded operations of the RWC does not introduce activities that are disruptive to accepted farming practices or increase the costs of such practices. Operations of the head works, treatment lagoons and wetland ponds requires use of some heavy machinery but is mostly controlled through operational control devices with occasional manual maintenance. The County specifically requested information related to odor and noise. The facility relies on aeration systems and lagoons for treatment. Proper operation of the system assures that the aeration systems are working properly which manages odor. Further, the lagoons have a water cap which also contains odors. See the detailed explanation for more information on this issue. Odor from this facility will be much lower in comparison to odors emitted from allowed farm uses such as livestock operations and hemp production. The evidence

is that the proposal will not negatively impact accepted farm practices or increase the cost of allowed farming practices, significantly or otherwise.

**Specific Response to Odor Concerns:**

To begin with, it must be noted that the proposed RWC uses a treatment process that generates far less odors than the City's existing treatment plan. Thus, odor concerns based upon the City's existing dry canyon treatment facility are inapplicable to the proposal.

Detectable off-site odors from the City's current operation originate from the biosolids operation at the Dry Canyon site. Currently, these odorous biosolids are conveyed on an open belt into trucks at the plant and then driven to and dumped on a paved drying pad at the Northwest Way site. As the concentration of biosolids moves through the current system, from aeration basins to the dump trucks, odors are generated that people off-site may note. The proposed RWC will not have any external biosolids operations as the biosolids will be contained and treated in lagoons as detailed below. Not only will the new operation eliminate external biosolids handling, it will also eliminate the current odorous activity at the existing drying pad and land application located at the Northwest Way site.

The proposed facility consists of the following treatment processes where potential for odor generation exists:

**Headworks:**

The headworks describes the part of the proposed facility that will receive raw wastewater from the City conveyance pipes, and will screen it to remove debris. The debris that is removed is washed with equipment before it is transported into dumpsters and hauled to the landfill for disposal. The screen, washing system, transport system, and dumpsters are enclosed in the "headworks" building in order to contain possible odors

**Lagoons:**

Lagoon technology is one of the most popular methods for wastewater treatment around the world and they have been in use for hundreds of years. Lagoons are relatively inexpensive in terms of equipment, maintenance, operating cost, energy cost and labor. When wastewater enters a lagoon that has a large volumetric capacity, it stays in the lagoon for an extended period of time. This allows bacteria to grow and remove many of the components of the wastewater. The current treatment plant in the Dry Canyon is a compact mechanical activated sludge treatment facility, which differs greatly in operation and design than the proposed Redmond Wetlands Complex lagoon natural treatment system. Lagoon treatment systems have less

concentrated odors than mechanical treatment systems and when operated within design parameters produce nominal odors. The proposed lagoon cell treatment system will have 96% more water and 97% less solids concentration than the current treatment plant aeration basins in the Dry Canyon. As a result, off-site odors are not expected. By way of comparison, consider the below:

**Current Mechanical Treatment System:**

Total Aeration Basins (\*2) Volume – 3.8 million gallons  
Aeration Basins Concentration – 2,500 parts per million

**Proposed Lagoon Treatment System:**

Total Lagoon Cells (5) Volume – 93.6 million gallons  
Lagoon Average Cells Concentration – 67 parts per million  
This treatment approach creates a situation where the wastewater to be treated is diluted significantly and treated over a larger area which reduces associated odors.

**Treatment Wetlands:**

The treatment wetlands will receive oxygenated and disinfected water into a shallow wetland system. These wetlands will have a mild, moist, earthy smell, similar to the existing irrigation pond at the site.

**Disposal Wetlands:**

The Disposal Wetlands will have similar odor to the treatment wetlands except that they will at times be dry, based on City operations. During times when they are dry, they will have no odor.

The reality is that generation of odor is significantly reduced compared to the City's existing treatment facility due to the dispersed nature of the treatment processes, the diluted nature of the wastewater to be treated and the lack of solids handling. No off-site odors are anticipated from the disposal wetlands.

Because offsite odors are not anticipated, there is no reasonable possibility that there will be any offsite odors that could significantly increase the cost of accepted farming practices or significantly change accepted farming practices.

Finally, we note that the land application of biosolids is permitted by right in the Exclusive Farm Use Zone, which can and does produce odors. Deschutes County Code (DCC) Section 18.16.020 provides the following (excerpted):

*18.16.020 Uses Permitted Outright*

*The following uses and their accessory uses are permitted outright:*

1) *Farm use as defined in DCC Title 18.*

*14) The land application of reclaimed water, agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.*

**Specific Response to ground water concerns:**

Some commentators have expressed concerns about the proposal on groundwater. Since the late 1970's the City has discharged all of its treated wastewater and biosolids at the proposed project site located at Northwest Way. To protect groundwater and all waters of the State, Oregon Department of Environmental Quality (DEQ) stringently regulates the City's operations.

City Staff analyze and report to DEQ over a thousand water quality tests a year. Staff monitor and perform monthly water quality analysis at seven (7) different ground water monitoring locations at the proposed site on Northwest Way. In over forty years of discharging treated wastewater at this site the City has never had a groundwater permit violation with DEQ. While the proposed project is moving the treatment process to a new location, the discharge of the treated wastewater is largely unchanged and will continue with additional monitoring. There is no new possible groundwater impact anticipated from the proposal because the only connection between the groundwater is a connection that now exists and will continue to exist and will not change under the proposal. There has never been an issue with ground water, and none is expected. Therefore, the proposal cannot and will not have any impact on groundwater, let alone a significant one on the cost of accepted farming practices and will not cause any significant change to accepted farming practices.

**Specific Response to mosquito concerns:**

Some commentators expressed concern that the proposal will cause mosquito infestations. The proposal will create wetlands and wetland areas which are natural

habitat for a variety of insects, macro invertebrates, amphibians, waterfowl, and other animal life. We note at the outset that there has not been a mosquito problem under the existing Northwest Way operations. The City has contracted mosquito monitoring for the past two years and is committed to continuing this monitoring to ensure a mosquito nuisance is not introduced in the area. If a mosquito problem occurs, the City will implement control measures.

However, many created wetland systems that treat waste similarly to what is being proposed in this instance have been analyzed to determine whether they cause an increase in mosquito populations. The conclusion of those analyses is that once a mature ecosystem has been established, mosquito predators become present and consume the mosquito population. If there is a problem in the interim, the City will address it using best practices. However, the wetland systems receiving wastewater that have been studied, have recorded lower numbers of mosquitos than that of the surrounding agricultural areas receiving irrigation, and lower than residential areas with open water ditches and irrigated lawns. Accordingly, the proposal will not have any impact on accepted farm practices or their costs regarding mosquitoes, and in the unlikely event that any problem should arise, the City will mitigate it with mosquito control measures.

#### **Specific Response to Access Concerns**

There have been concerns expressed regarding access to the proposed facility and its associated traffic. At the outset we note that the truck traffic that currently trucks biosolids from the existing dry canyon site to the Norwest Way site, will stop. Therefore, the proposal results in a significant decrease in truck traffic on the surrounding road network. Access proposed for the RWC will rely on the same access that is already in place. Additional circulation will be constructed within the site but will not extend beyond the facility. In other words, no new road connections from the site to surrounding existing roads will be constructed. This reality limits the traffic to and from the site to relying on the access that already exists. This also limits impact on surrounding lands generally and imposes no significant changes or significant increased costs in accepted farm practices on surrounding lands.

#### **Specific Response to Noise Concerns**

The source of noise from this facility consists of operations of farm machinery for the 146-acre orchard grass farm and vehicles driving to and from the site. These operations occur now with no noise complaints and detectable off-site noise is not expected. Regardless, these operations will overwhelmingly be conducted during regular business hours (however, occasionally an emergency may present itself outside those hours requiring that people drive around the site causing automobile noise). Noise from the irrigation machinery and trucks does not significantly adversely impact farm operations or increase the cost of such operations. These are

the same types of machines and vehicles used as part of accepted farm practices, including the farm activities occurring onsite.

The proposed RWC does not introduce urban-level uses that can significantly adversely impact farm uses or increase their costs; rather, the RWC is a use that is more rural in nature than urban based on number of operators, types of operations and equipment. The RWC will continue to provide irrigation for the orchard grass farm operations contributing to farm use in the area, not detracting from it.

Potential noise impacts from the proposed use will be most prominent during the construction phase of the buildings and facilities, which would include truck traffic, excavation activities, pouring of cement and asphalt for foundations, pads and internal roads, as well as usage of contractor's tools such as saws, nail guns, impact wrenches, etc. Following completion of the proposed facility, primary noise associated with the facility would be equipment and machinery associated with the use on the EFU-zoned portion of the property as described above.

Based on the above, it is not necessary for the County to impose conditions on the applications for the proposed use in regard to mitigation or minimization of noise or odor impacts, as the use will not cause a significant change in, or cause a significant increase to, the cost of farm practices on surrounding farmlands.

*215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.*

*(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:*

*(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or*

*(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

*(2) An applicant for a use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.*

As discussed above, based on the nature of the operations for the RWC, its presence and operation will not force a significant change in nor significantly increase the costs of accepted farm practices on surrounding lands devoted to farm use. In fact, its operation will allow the continued operations of a productive orchard grass farming operation.



To the extent that any condition of approval contained in this decision require the property owner to mitigate impacts to surrounding lands devoted to farm use, Staff finds such conditions are authorized by this section.

Staff notes a number of public comments identified concerns with potential odors, vector control, site security, and view impacts associated with the expanded facility. However, is not clear to Staff that these comments directly relate to impacts on accepted farm practices or would result in a significant increase in the cost of farm practices on surrounding farmlands as the comments did not include enough specificity as it relates to the criterion above. Staff notes the public comment from Steven G. Liday proposes a variety of conditions of approval related to a number of concerns raised.

Staff defers to the Hearings Officer on the appropriateness of those conditions proposed and whether those specific conditions of approval or any additional conditions not already recommended are warranted under this criterion.

**Finding:** I adopt the findings laid out in the Staff report above. I agree with Staff that the comments received are not directly related to impacts on accepted farming practices. I agree with the Applicant that it is the largest farming operation in the area and its own actions will not adversely affect its farm operation. I have reviewed Mr. Liday’s requested conditions of approval. Most of those proposed conditions apply to the use of the facility for recreation and are not appropriate for this application. Several are also not clear and objective. However, conditions relating to vector control and voluntary well monitoring plans may help protect farming practices and can be imposed in a clear and objective manner. Although, I am confident that, as explained above, the Applicant will adequately address these issues, I find that the imposition of conditions aids the application in meeting this criterion. Please review the “Conditions of Approval” section.

*12. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this provision are subject to OAR 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.*

**“FINDING:** The applicant provided the following statement in response to this criterion:  
No workforce housing is proposed. This criterion is inapplicable.  
Staff agrees and finds this criterion does not apply.”

**Finding:** I agree, the criterion does not apply as no workforce housing is proposed.

Next, the Staff report addresses the Oregon Administrative Rules 660-011.

*In addition to the provisions of 1-6 above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(a) and (b) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.*

**“FINDING:** The applicant provided the following statement in response to this criterion:  
The Complex is not the “establishment” or “extension” of a sewer system as those terms are defined in OAR 660-011-0060(1). This factor is inapplicable.  
Staff agrees and finds the proposed project is not the establishment or extension of a sewer system. However, Staff asks the Hearings Officer to make a specific finding on this issue.”

**Finding:** I agree and for the reasons expressed above on page 4, the application is not for the ‘establishment’ nor and “extension” of sewer system as defined in OAR 660-011-0060(a) and (b).

Next, the Staff report turns to the County standards.

DCC Section 18.16.060. Dimensional Standards.

**E. *Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.***

**“FINDING:** The applicant provided the following statement in response to this criterion:

‘All proposed structures will be less than 30 feet in height from finished grade.’

The applicant provided elevation drawings for proposed buildings including the headworks building, maintenance building, division building, disinfection building, electrical building, and utility cart building. Based on these elevations, Staff finds all buildings will be 30 feet or less in height. As a recommended condition of approval, no building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.”

**Finding:** I agree with Staff and impose the suggested condition.

Section 18.16.070. Yards.

- A. *The front yard shall be a minimum of: 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector street, and 100 feet from a property line fronting on an arterial street.***
- B. *Each side yard shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with side yards adjacent to property currently employed in farm use, and receiving special assessment for farm use, the side yard shall be a minimum of 100 feet.***

- C. *Rear yards shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with a rear yard adjacent to property currently employed in farm use, and receiving special assessment for farm use, the rear yard shall be a minimum of 100 feet.*
- D. *The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180.*
- E. *In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.*

**“FINDING:** The applicant provided the following statement in response to this criterion:

‘Yard’ and ‘setback’ both mean ‘an open space on a lot which is unobstructed from the ground upward’. DCC 18.04.030 (Definitions, ‘Yard’ and ‘Setback’). ‘Setbacks’ are measured throughout the DCC in terms of distance from a building. *See, e.g., ‘Setback, side’* means ‘a setback between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.’ DCC 18.04.030 (Definition, ‘Setback, side’). The proposal is not subject to 100-foot nonfarm dwelling setbacks for side and rear yards because no nonfarm dwellings are proposed. The proposed buildings comply with the applicable setback criteria. The proposed interceptor pipeline will remain underground, thus, is not a building and therefore not subject to yard setback requirements. The interceptor pipeline includes manholes with the top of the manhole ring and cover matching finished grade, thus, are not subject to yard setbacks. The manhole standard detail drawings are I-D01 and I-D02. The proposed site plan (60% Plans, Sheet S-C01) shows that all new structures will meet these required setbacks including solar setback requirements in DCC 18.116.180.

The proposal is not subject to 100-foot nonfarm dwelling setbacks. The required setbacks for the buildings on the wastewater treatment property are 60 feet from Northwest Way and 25 feet from all other lot lines. The proposed site plan shows that all new structures will meet required setbacks under (A) to (D) above. Staff recommends the following condition of approval, structural setbacks from any north lot line shall meet the solar setback requirements in DCC 18.116.180 and in addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.’

Staff agrees with the applicant that the below-grade pipeline and manholes are not subject to yard and setback requirements. “

**Finding:** I agree with Staff.

Section 18.16.080. Stream Setbacks.

*To permit better light, air, vision, stream pollution control, protection of fish and wildlife areas and preservation of natural scenic amenities and vistas along streams and lakes, the following setbacks shall apply:*

- A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.*
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.*

**“FINDING:** There are no streams or lakes in the project vicinity.”

**Finding:** I agree with Staff.

Section 18.16.090. Rimrock Setback.

*Notwithstanding the provisions of DCC 18.16.070, setbacks from rimrock shall be as provided in DCC 18.116.160 or 18.84.090, whichever is applicable.*

**“FINDING:** There is no rimrock in the project vicinity.”

**Finding:** I agree with Staff.

**Chapter 18.32, Multiple Use Agricultural Zone (MUA-10)**

The proposed interceptor pipeline will span across a total of nine (9) private properties, five (5) of which are located in the MUA-10 Zone and within portions of existing rights-of-way. The private properties are identified below.

<b>Map and Tax Lot</b>	<b>Situs Address</b>	<b>Property Owner</b>	<b>Zone</b>	<b>Combining Zone</b>
1413290000601	2667 NW EUSTON LN, REDMOND, OR 97756	RANDALL S SCHONING TRUST	MUA10	SMIA
1413290000600	2571 NW EUSTON LN, REDMOND, OR 97756	CARAMELLA, RONALD E & CARYN B	MUA10	SMIA

1413290000700	3085 NW EUSTON LN, REDMOND, OR 97756	PETERSON,CARINA A	MUA10	SMIA
1413290000800	5350 NORTHWEST WAY, REDMOND, OR 97756	LUNA, HELIBERTO	MUA10	SMIA
1413290000900	3000 NW WILLIAMS WAY, REDMOND, OR 97756	MEDLOCK, BRIAN & LAVON	MUA10	SMIA

Section 18.32.030, Conditional Uses Permitted.

*The following uses may be allowed subject to DCC 18.128:*

**Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.**

**“FINDING:** The applicant provided the following statement in response to this criterion:

‘The area of the proposed interceptor pipeline replacement includes properties and road rights-of-way in the MUA-10 Zone as identified in Figure 1 above.

The proposed expansion of the City’s existing utility facility, including replacement of an existing 24-inch diameter underground pipeline with a 48-inch diameter pipeline in the MUA-10 Zone, is an improvement to an existing water reclamation facility, therefore, is a utility facility necessary to serve the area within the Redmond UGB.

The proposed use is permitted conditionally in the MUA-10 Zone and thus can be allowed pursuant to applicable approval criteria. Compliance with DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Uses, is addressed below.’

The applicant has proposed two options for a portion of the pipeline replacement alignment in the MUA-10 Zone.

Option 1 would replace the 24-inch pipeline with a 48-inch pipeline in its current alignment which runs within NW Euston Way to the point where it crosses private property (Tax Lot 700 and 800) in a northerly direction and bisects the northeast corner of Tax Lot 800. The alternative, and preferred alignment would continue west within NW Euston Lane to the connection with NW Northwest Way. The preferred alternative alignment consists of a roughly 464-foot stretch within the existing road segment on NW Euston Lane. The applicant indicates the change would require a new easement with the property owner of Tax Lot 800 (5350 Northwest Way). The applicant has addressed the criteria below as it pertains to both Option 1 and Option 2. Except for the alternative route discussed above, the applicant

proposes to replace the pipeline in its current alignment along the rest of the project route. The applicant’s description and discussion of the alternative alignment is included in its entirety in the application record<sup>3</sup>.

The proposed pipeline replacement is an improvement to an existing facility and is a utility facility necessary to serve the area within the Redmond UGB but is located on lands outside the UGB. The proposed use is permitted conditionally and thus can be allowed pursuant to applicable approval criteria. The applicant has provided written documentation of access agreements with property owners in the MUA-10 Zone (and EFU Zone) as noted in Figure 1A and 1B included in their May 1, 2023 incomplete response. However, to ensure compliance, Staff recommends a condition of approval that the applicant shall provide to the Community Development Department written documentation of easement agreements for the sewer line construction and access, where applicable. Compliance with DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Uses, is addressed below.

**Finding:** I agree with Staff and adopt the analysis above and adopted a condition as described by the described above. As discussed earlier in this opinion, I approve the Application for the pipeline as described in Option 1. If Applicant, is unable to obtain easements for Option 1 through reasonable diligence, then I approve the Application for Option 2 to place the pipelines in the existing easements.

Section 18.32.040. Dimensional Standards

*In an MUA Zone, the following dimensional standards shall apply:*

...

**D.** *Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.*

**“FINDING:** The applicant provided the following statement in response to this criterion:

The proposed facility elements in the MUA-10 Zone are underground interceptor pipelines, thus, will be well below the 30-foot height maximum. This provision is either inapplicable or is met.

Staff agrees and finds the criterion will be met.”

**Finding:** I agree.

Section 18.32.050. Yards

**A.** *The front yard setback from the property line shall be a minimum of 20 feet for property fronting on a local street right of way, 30 feet from a property line fronting on a collector right of way,*

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<sup>3</sup> Reference May 25, 2023, R. Kircher Supplemental App Mtrls  
247-23-000149-CU, 23-150-SP, 23-151-LR, 23-152-AD

*and 80 feet from an arterial right of way unless other provisions for combining accesses are provided and approved by the County.*

- B. Each side yard shall be a minimum of 20 feet. For parcels or lots created before November 1, 1979, which are one-half acre or less in size, the side yard setback may be reduced to a minimum of 10 feet. For parcels or lots adjacent to property receiving special assessment for farm use, the adjacent side yard for a dwelling shall be a minimum of 100 feet.*
- C. Rear yards shall be a minimum of 25 feet. Parcels or lots with rear yards adjacent to property receiving special assessment for farm use, the rear yards for a dwelling shall be a minimum of 100 feet.*
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.*
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.*

**“FINDING:** The applicant provided the following statement in response to this criterion:

As explained above, “yard” and “setback” both mean “an open space on a lot which is unobstructed from the ground upward”. DCC 18.04.030 (Definitions, “Yard” and “Setback”). “Setbacks” are measured throughout the DCC in terms of distance from a building. *See, e.g., “Setback, side” means “a setback between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.”* DCC 18.04.030 (Definition, “Setback, side”). The proposed interceptor pipeline will remain underground, thus, is not a building, as explained above, and therefore, is not subject to yard setback requirements. As previously explained above, manholes associated with the pipeline would at or below grade, thus, are not subject to yard setbacks. This section is not applicable to the proposed replacement pipeline.’

Staff agrees and finds the standards above do not apply.”

**Finding:** I agree.

Section 18.32.060. Stream Setbacks

*To permit better light, air, vision, stream pollution control, fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams and lakes, the following setbacks shall apply:*

- A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.*

**B.** *All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.*

**“FINDING:** There are no streams or lakes in the project vicinity.

**Finding:** I agree.

Section 18.32.070. Rimrock Setback

*Setbacks from rimrock shall be as provided in DCC 18.116.160.*

**“FINDING:** There is no rimrock in the project vicinity.

**Finding:** I agree.

**Chapter 18.56, Surface Mining Impact Area Combining Zone (SMIA)**

**“FINDING:** Multiple tax lots included in the project proposal are located in the Surface Mining Impact Area (SMIA) Combining Zone in association with mine site 331 and 332. However, the applicant does not propose a noise or dust sensitive use, as defined in DCC 18.04, within the SMIA Zone, therefore, Staff finds the provisions of this chapter do not apply.”

**Finding:** I agree.

Section 18.56.030, Application of Provisions.

*The standards set forth in DCC 18.56 shall apply in addition to those specified in DCC Title 18 for the underlying zone. If a conflict in regulations or standards occurs, the provisions of DCC 18.56 shall govern.*

**“FINDING:** The standards under DCC 18.56, to the extent they apply, are addressed in the following findings.”

**Finding:** I agree.

Section 18.56.040. Uses Permitted Outright.

*Uses permitted outright shall be those identified in the underlying zone(s) with which the SMIA Zone is combined.*

**“FINDING:** The applicant provided the following statement in response to this criterion:



The proposed project is allowed in the underlying zone, the EFU-TE subzone, of which the SMIA Combining Zone is partially applied to. As explained above, the EFU zones allow “utility facilities necessary for public service” as uses permitted, subject to DCC 18.16.038. This criterion is met.

Staff agrees and finds the proposed use is allowed outright in the underlying zone and therefore permitted outright in the SMIA Zone.”

**Finding:** I agree.

The Staff report then addressed the permitted conditional uses.

#### Section 18.56.050 Conditional Uses Permitted

*Uses permitted conditionally shall be those identified as conditional uses in the underlying zone(s) with which the SMIA Zone is combined and shall be subject to all conditions of the underlying zone(s) as well as the conditions of the SMIA Zone.*

**FINDING:** Staff finds the portion of the pipeline replacement within the MUA10 Zone is a conditional use and is therefore conditionally allowed within the SMIA Zone. However, as Staff noted above, the proposed use is not a noise or dust sensitive use and is therefore not subject to the conditions of the SMIA Zone.”

**Finding:** I agree that the proposed use is a conditional use and that it is not a noise or dust sensitive use.

#### Section 18.56.070. Setbacks.

*The setbacks shall be the same as those prescribed in the underlying zone, except as follows:*

- A. No noise sensitive or dust sensitive use or structure established or constructed after the designation of the SMIA Zone shall be located within 250 feet of any surface mining zone, except as provided in DCC 18.56.140; and*
- B. No noise sensitive or dust sensitive use or structure established or constructed after the designation of the SMIA Zone shall be located within one quarter mile of any existing or proposed surface mining processing or storage site, unless the applicant demonstrates that the proposed use will not prevent the adjacent surface mining operation from meeting the setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively.*
- C. Additional setbacks in the SMIA Zone may be required as part of the site plan review under DCC 18.56.100.*
- D. An exception to the 250 foot setback in DCC 18.56.070(A), shall be allowed pursuant to a written agreement for a lesser setback made between the owner of the noise sensitive or dust sensitive use or structure located within 250 feet of the proposed surface mining activity and the owner or operator of the proposed surface mine. Such agreement shall be notarized and recorded in*

*the Deschutes County Book of Records and shall run with the land. Such agreement shall be submitted and considered at the time of site plan review or site plan modification.*

“**FINDING:** No noise sensitive or dust sensitive use or structure is proposed within one quarter mile of any surface mining zone.”

**Finding:** I agree.

Section 18.56.080. Use Limitations.

*No dwellings or additions to dwellings or other noise sensitive or dust sensitive uses or structures shall be erected in any SMIA Zone without first obtaining site plan approval under the standards and criteria set forth in DCC 18.56.090 through 18.56.120.*

“**FINDING:** As noted above, the project does not involve the construction of noise or dust sensitive uses. Therefore, the standards do not apply.”

**Finding:** I agree.

Section 18.56.090. Specific Use Standards.

*The following standards shall apply in the SMIA Zone:*

*New dwellings, new noise sensitive and dust sensitive uses or structures, and additions to dwellings or noise and dust sensitive uses or structures in existence on the effective date of Ordinance No. 90 014 which exceed 10 percent of the size of the existing dwelling or use, shall be subject to the criteria established in DCC 18.56.100.*

“**FINDING:** This criterion does not apply to the present application.”

**Finding:** I agree. Next the Staff report address Supplementary Provisions.

**Chapter 18.116, Supplementary Provisions**

Section 18.116.020, Clear Vision Areas.

- A. *In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.*

**“FINDING:** The applicant provided the following statement in response to this criterion:

Applicant does not propose new intersections from or to public roads along the project route. No planting, fence, wall, structure, or temporary or permanent obstruction will be constructed within a clear vision area along the project route as well. As evident from the submitted plans, no clear vision area will be obstructed by this proposal. This criterion will be met.

Staff agrees with this statement and finds the criterion will be met.”

**Finding:** I agree.

Section 18.116.030, Off street Parking and Loading.

A. *Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.*

**“FINDING:** The off-street parking requirements, to the extent they apply, for the proposed use are addressed below.”

B. *Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:*

1. *Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:*

<i>Sq. Ft. of Floor Area</i>	<i>No. of Berths Required</i>
<i>Less than 5,000</i>	<i>0</i>
<i>5,000-30,000</i>	<i>1</i>
<i>30,000-100,000</i>	<i>2</i>
<i>100,000 and Over</i>	<i>3</i>

**“FINDING:** For the properties in the MUA-10 Zone, the applicant is not proposing any buildings and all improvements will be below grade. Therefore, no loading berth is required.”

**Finding:** I agree.

- C. *Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.*
- D. *Number of Spaces Required. Off-street parking shall be provided as follows:*  
  - ...
  - 9. *Other uses not specifically listed above shall be provided with adequate parking as required by the Planning Director or Hearings Body. The above list shall be used as a guide for determining requirements for said other uses.*

**“FINDING:** As described above, the portion of the project within the MUA-10 Zone is a below grade pipeline. The applicant states, “The interceptor pipeline will only be visited sporadically by maintenance personnel. The unmanned facility will not require any dedicated parking spaces.”

Based on this information, Staff finds the unmanned facility will not require any dedicated parking spaces.”

**Finding:** I agree.

- E. *General Provisions. Off-Street Parking.*
  - 1. *More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.*
  - 2. *Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.*
  - 3. *Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.*
  - 4. *Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.*
  - 5. *Parking, Front Yard. Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the*

*Sunriver UUC Business Park (BP) District, Airport Development (AD) Zone, and properties fronting Spring River Road in the Spring River Rural Commercial Zone, but such space may be located within a required side or rear yard.*

**“FINDING:** Staff finds the occasional maintenance visits to the sewer line route does not require defined parking spaces; therefore, these criteria are not applicable.”

**Finding:** I agree.

6. *On-Street Parking Credit. Notwithstanding DCC 18.116.030(G)(2), within commercial zones in the La Pine Planning Area and the Terrebonne and Tumalo unincorporated communities, the amount of required off-street parking can be reduced by one off-street parking space for every allowed on-street parking space adjacent to a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1.*

*To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:*

- a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;*
- b. Diagonal parking (60 degree), each with 11 feet of curb;*
- c. Perpendicular parking (90 degree), each with 10 feet of curb;*
- d. Curb space must be connected to the lot that contains the use;*
- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and*
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.*

**“FINDING:** No on-street parking is proposed.”

**Finding:** I agree.

- F. *Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows...*

- G. *Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table...*

**“FINDING:** Staff finds that the occasional maintenance visits to the proposed sewer line route does not require defined parking spaces; therefore, these criteria are not applicable.”

**Finding:** I agree.

Section 18.116.031, Bicycle Parking.

*New development and any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005 shall comply with the provisions of DCC 18.116.031.*

“**FINDING:** Staff finds that the occasional maintenance visits to the proposed sewer line route does not require defined parking spaces; therefore, bicycle parking spaces are not required. These criteria do not apply.”

**Finding:** I agree. Next the Staff report addresses Site Plan Review.

**Chapter 18.124, Site Plan Review**

“**FINDING:** “As noted above, the provisions of DCC Chapters 18.124 and 18.116 of the County Zoning Ordinance, Title 18, are applicable only to the properties that fall within the MUA-10 Zone, as identified above. The pipeline replacement and improvement crosses five (5) properties in the MUA10 Zone.

The applicant has proposed two options for a portion of the pipeline replacement alignment in the MUA-10 Zone.

Option 1 would replace the 24-inch pipeline with a 48-inch pipeline in its current alignment which runs within NW Euston Way to the point where it crosses private property (Tax Lot 700 and 800) in a northerly direction and bisects the northeast corner of Tax Lot 800. The alternative, and preferred alignment would continue west within NW Euston Lane to the connection with NW Northwest Way. The preferred alternative alignment consists of a roughly 464-foot stretch within the existing road segment on NW Euston Lane. The applicant indicates the change would require a new easement with the property owner of Tax Lot 800 (5350 Northwest Way). The applicant has addressed the criteria below as it pertains to both Option 1 and Option 2. Except for the alternative route discussed above, the applicant proposes to replace the pipeline in its current alignment along the rest of the project route. The applicant’s description and discussion of the alternative alignment is included in its entirety in the application record<sup>4</sup>.

The other components of this project, located in the EFU Zone, are a utility facility, which is a use listed in ORS 215.283(1). The proposed use is not subject to additional requirements of Deschutes County Code, such as the provisions of DCC 18.124. Therefore, a separate application for Site Plan review for the portion of the project in the EFU Zone is not required.”

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<sup>4</sup> Reference May 25, 2023, R. Kircher Supplemental App Mtrls

**Finding:** I agree with Staff that the requirements of this Chapter are only applicable to the portion of the Application for the pipelines that are in the MUA-10 zone. This Chapter does not apply to the components of the project located in the EFU Zone.

Section 18.124.030. Approval Required.

- A. *No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to DCC 18.124.030, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to DCC Title 22, the Uniform Development Procedures Ordinance.*
- B. *The provisions of DCC 18.124.030 shall apply to the following:*
  - 1. *All conditional use permits where a site plan is a condition of approval;*
  - 2. *Multiple family dwellings with more than three units;*
  - 3. *All commercial uses that require parking facilities;*
  - 4. *All industrial uses;*
  - 5. *All other uses that serve the general public or that otherwise require parking facilities, including, but not limited to, landfills, schools, utility facilities, churches, community buildings, cemeteries, mausoleums, crematories, airports, parks and recreation facilities and livestock sales yards; and*
  - 6. *As specified for Flood Plain Zones (FP) and Surface Mining Impact Area Combining Zones (SMIA).*
  - 7. *Non-commercial wind energy system generating greater than 15 to 100 kW of electricity.*
- C. *The provisions of DCC 18.124.030 shall not apply to uses involving the stabling and training of equine in the EFU zone, noncommercial stables and horse events not requiring a conditional use permit.*
- D. *Noncompliance with a final approved site plan shall be a zoning ordinance violation.*
- E. *As a condition of approval of any action not included in DCC 18.124.030(B), the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits.*

“**FINDING:** The proposed improvements to the existing interceptor pipeline is a utility facility that serves the general public. Therefore, the provisions of this chapter apply. “

**Finding:** I agree.

Section 18.124.060. Approval Criteria.

*Approval of a site plan shall be based on the following criteria:*

- A. *The proposed development shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.*

**FINDING:** In *Father's House*, files 247-18-000061-CU, 247-18-000062-SP, 247-18-000624-A, and 247-18-000643-A, the Board of County Commissioners (Board) made the following finding regarding this standard.

'The Board agrees that DCC 18.124.060(A) is subjective and, at times, difficult to apply as the Hearings Officer observed. However, as the Board interprets the provision, DCC 18.124.060(A) does not require a particularly onerous exercise. It requires an applicant to show that its proposed site plan relates "harmoniously" to the natural environment and existing development. Unlike the conditional use standards of DCC 18.128.015(B), this standard does not indicate harmony achieved with "surrounding properties." However, the Board understands that the standard implies that the proposed development shall relate harmoniously on and off the subject property and generally speaking, in the vicinity, by "minimizing visual impacts and preserving natural features including views and topographical features."

The code does not define what it means to "relate harmoniously." The Hearings Officer reported that the online Oxford Living Dictionary defines "harmoniously" to mean arranging something "in a way that forms a pleasing or consistent whole." Both parties in this case, provided various interpretations of the term "harmonious." The Board is not adopting one interpretation of the term over another as each contributes equally to this evaluation. The Board concurs with the Hearings Officer that there is no "particularly useful case law defining or applying this term." In addition, the Board agrees, that the Hearings Officer is correct that a site plan should be approved in light of this meaning of "harmonious," so long as the proposed site plan does not create "more disharmony than other uses allowed by right or conditionally in the MUA-10 zone." In this regard, the Board finds that this standard presumes the use is approved and evaluates only whether the site plan for the use "relates harmoniously." The Board finds that the proposed church site plan meets the standard set forth in DCC 18.124.060(A).

Specifically, the Board interprets DCC 18.124.060(A) to mean that an applicant must demonstrate that the site plan has arranged the development in a way that evaluates the natural environment and existing development in the area and in the process has minimized visual impacts and reasonably preserved natural features including views and topographic features. Minimizing visual impact, as with this case, may include introduced landscaping, design layout, and specific design elements such as siding and roofing color and material. In doing so, this enables the County decision maker to find that the site plan's impacts create no more disharmony than other uses allowed by right or conditionally in the MUA Zone.

The Board agrees, in part, with the Hearings Officer that this standard is considered differently when compared to the term "compatibility" and its associated standard of DCC 18.128.015(B). The chief differences between the two standards is that the DCC 18.128.015(B) compatibility standard evaluates the compatibility of the proposed use on existing and projected uses of surrounding properties and does so in light of specific factors that are not reproduced in DCC 18.124.060(A). The DCC 18.124.060(A) "harmonious" standard evaluates whether a proposed site plan "relates harmoniously to existing development and the natural environment" considering whether the site plan shows that the applicant has reasonably mitigated its impacts



and reasonably preserved views. The Board observes that not every use that requires site plan approval also requires a conditional use permit. However, the Board finds that it is possible that a permitted or approved use is arranged so poorly on a site, that a proposed site plan must be denied under this standard. That is not the case here’.

Staff understands the Board’s findings, cited above, to make clear the use itself is not the subject of review under this criterion. Rather, this criterion only evaluates whether the site plan for the use “relates harmoniously.” Staff reads *Father’s House* to require a demonstration, “...the site plan has arranged the development in a way that evaluates the natural environment and existing development in the area and in the process has minimized visual impacts and reasonably preserved natural features including views and topographic features.”

The applicant provided the following statement in response to this criterion:

‘The area of the project that falls within the MUA-10 zone consists of paved, public road rights-of-way and five (5) residentially-developed properties that have mostly level, but some areas of mild sloping, with areas of scattered rock outcrops, small areas of farmed or cleared land and driveways. In addition to small areas of pasture or lawn, vegetation is primarily native with juniper trees, shrubs, and native grasses. The project area will be largely unaffected with the completion of the project and will be restored to blend harmoniously with the natural environment surrounding it. The visual impacts will not change as a result of this proposed site plan. Visual impacts will be avoided, and preservation of natural features will be exercised for site plan approval.

The proposed development, including the measures proposed above, will relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.’

The applicant provided the following statement in response to this criterion as it pertains to the alternative alignment discussed above and noted in the record:

‘The preferred alignment would be located within an existing road/access easement along the southside of 14-13-29, tax lot 800. The City will work with the property owner to discuss an easement for extension of the interceptor line within that existing easement – which is the western-most section of “NW Euston Lane.” Once constructed, the road along the new easement area would be improved to a higher standard than the existing road. This improvement will relate harmoniously with the existing development, the subsurface pipe will have no visual impacts and no natural features in the vicinity will be disrupted.’

Staff agrees with the applicant’s response. Staff suggests the following conditions of approval be added to ensure compliance with this criterion.

Land Restoration: The owner of the utility facility shall be responsible for restoring, as nearly as possible, to its former condition any lands zoned MUA-10 and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.

Erosion Control Plan: Prior to the start of construction activities, the applicant shall provide an Erosion Control Plan to the Planning Division prepared by a licensed, professional engineer. Staff recommends that a licensed, professional engineer use the *Central Oregon Stormwater Manual* as the basis for the plan.”

**Finding:** I agree with Staff and adopt as finding the quoted language above. The Board of Commissioners has reasonably interpreted this criterion to mean that use itself is not the subject of review and the County only evaluates whether the site plan for the use “relates harmoniously.” I also adopt the conditions of approval as proposed by Staff. Certainly, there will be impacts during the construction of the pipelines. Nothing about a rock hammer is “harmonious”. However, I interpret this criterion and all the other criteria under this code section to address the ultimate site plan for the use and not the construction of the use. I expect the City to use its best efforts and industry standards to limit impacts during the construction of the pipeline.

**B. *The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.***

**FINDING:** The applicant provided the following statement in response to this criterion:

‘The project area for the interceptor pipeline replacement in the MUA-10 zone consists of mostly level terrain. No major alterations to the existing topography are proposed or would occur as a result of the construction and completion of the pipeline replacement. All vegetation and existing topography throughout the project route will be retained beyond what is required for temporary construction and then, even after construction, the ground will be restored to its condition with equivalent vegetation in disturbed areas as existed before construction. Any preserved trees or shrubs will be protected to the extent possible. No landscaping changes are proposed beyond what is required for the project footprint within the pipeline corridor. No other impacts to landscape and existing topography are proposed. This criterion will be met.’

Staff finds the landscape and existing topography will be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. No significant changes to topography are proposed. Staff finds all trees and shrubs existing on-site, not removed by necessity of the proposed development, are “preserved trees and shrubs.” As a condition of approval, all trees and shrubs existing on-site, not removed by necessity of the proposed development, shall be protected, unless lawfully changed/removed by outright uses (such as farm use) or such change/removal is approved by future land use approvals. “

**Finding:** I agree and adopt the condition as proposed by Staff.

**C. *The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.***

**FINDING:** The applicant provided the following statement in response to this criterion:

‘The proposed development within the MUA-10 Zone will be below grade and within established easements or within public road right-of-way. Because the construction will be below grade, trenches will be backfilled, and the ground restored with native vegetation where applicable. Additionally, manholes as they are now, will be located at intervals along the main line. The manholes will be secured so not to allow easy access by public.

The proposed development is designed to provide a safe environment. Further, the project does not include any public spaces which would impact any adjoining private spaces. This criterion is met.’

Staff finds this criterion requires demonstration the site is designed to address common safety hazards, including fire safety, and to address any site-specific natural hazards. Staff finds pedestrian, bicycle, and vehicle safety is addressed under sub-sections (E) and (K) of this section. With regard to fire safety, Redmond Fire & Rescue was sent a request for comment on this application. Redmond Fire & Rescue provided comments and conditions as discussed in the Public Agency Comments section. Redmond Fire & Rescue’s comments and conditions have been incorporated as recommended conditions of approval. With regard to other natural hazards, none have been identified on the site.

**Finding:** I agree and adopt the Staff proposed conditions.

**D.** *When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.*

**FINDING:** The Deschutes County Building Division was sent a request for comment on this application. In the State of Oregon, ORS 455.720 and 447.210 through 447.992 are administered by the Deschutes County Building Safety Division. Deschutes County Building Safety Division is required to determine if a structure is an Affected Building and if so, apply the appropriate sections of Chapter 11 and the American National Standards Institute code A117.1-2009. Consequently, the structures will comply with state and federal ADA requirements. If an Affected Building is approved, inspected and finalized by the Deschutes County Building Safety Division, it meets all code requirements as an accessible structure. Staff finds that such a review is required prior to the issuance of building permits. However, Staff notes the pipeline replacement will be located underground, does not include the construction of public buildings, and are to be accessed only by designated persons. Therefore, it is not anticipated accessibility standards will be required for the pipeline replacement. Based on the nature of the proposed utility, together with the fact that the pipelines will not be open or otherwise serviced by the general public, Staff finds this criterion is not applicable.

**Finding:** I agree.

**E.** *The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.*

**FINDING:** The applicant provided the following statement in response to this criterion:

‘The proposed development within the MUA-10 Zone will be pipeline that is below grade and within established easements or within public road rights-of- way.

The portion of the project in the MUA-10 Zone presents no access, circulation, or parking conflicts as there are no existing or proposed buildings affected by the MUA-10 segment of the proposal, and construction activities simply consist of replacement of a below grade pipeline in the approximate same location. This criterion is met.’

Staff agrees with the applicant’s response and notes that no access to the pipeline is required by the public and no parking is proposed or required. Further, the project does not include the construction of public buildings or parking areas. For these reasons, Staff finds this criterion does not apply.

**Finding:** I agree.

**F.** *Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.*

“**FINDING:** The applicant provided the following statement in response to this criterion:

‘The proposed development within the MUA-10 Zone does not propose any surface drainage systems. This criterion is inapplicable.’

Staff agrees with the applicant’s response and further notes the proposed pipeline replacement will be below grade and within established or proposed easements. As noted above, the applicant plans to restore disturbed areas. For these reasons, Staff finds a surface drainage system is not required and this criterion does not apply.”

**Finding:** I agree.

**G.** *Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.*

“**FINDING:** The applicant provided the following statement in response to this criterion:

‘The proposed development within the MUA-10 Zone will be below grade and within established easements or public road rights-of-way. There are no areas, structures and facilities for storage, machinery and equipment, services, loading and parking or similar accessory areas or structures proposed. This criterion is inapplicable. Regardless, the construction will be below grade and trenches will be backfilled to match existing grade and, thus, will adequately screen the

development from public view, therefore, effectively minimizing adverse visual impacts on the site and neighboring properties. Furthermore, the proposal will include all County required erosion control measures and restoration and reseeded of disturbed areas and compliance may be imposed as a condition of approval.’

Staff agrees with the applicant. The proposed pipeline replacement, when completed, will not be visible from public view. For these reasons, Staff finds the criterion does not apply.”

**Finding:** I agree.

**H. All above ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.**

“**FINDING:** The applicant provided the following statement in response to this criterion:

‘New above-ground utilities are not proposed in the MUA-10 Zone. This criterion does not apply.’

Staff agrees and finds the criterion does not apply.”

**Finding:** I agree.

**I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).**

“**FINDING:** The applicant provided the following statement in response to this criterion:

‘As explained above, site design review is only required for the portions of the project located in the MUA-10 Zone. The site plan includes specific criteria for the MUA-10 Zone where applicable.’

Each zone affecting the subject property is identified in this decision. The applicable criteria for each “zone are addressed in the findings above. This requirement is met.”

**Finding:** I agree

**J. All exterior lighting shall be shielded so that direct light does not project off site.**

“**FINDING:** The applicant has not proposed exterior lighting for the portion of the project within the MUA-10 Zone. This criterion does not apply.”

**Finding:** I agree

**K. Transportation access to the site shall be adequate for the use.**

1. *Where applicable, issues including, but not limited to, sight distance, turn and acceleration/deceleration lanes, right-of-way, roadway surfacing and widening, and bicycle and pedestrian connections, shall be identified.*
2. *Mitigation for transportation-related impacts shall be required.*
3. *Mitigation shall meet applicable County standards in DCC 18.116.310, applicable Oregon Department of Transportation (ODOT) mobility and access standards, and applicable American Association of State Highway and Transportation Officials (AASHTO) standards.*

“**FINDING:** The applicant provided the following statement in response to this criterion:

‘The proposed development within the MUA-10 Zone involves replacement of a 24-inch diameter pipeline with a 48-inch diameter pipeline and will be below grade and within established easements or public road rights-of-way. Access to the pipeline will be minimal as it will occur only during construction (replacement of one of the pipelines) and during maintenance or repair. The existing surrounding roadway network provides adequate transportation access to the pipeline corridor when necessary.’

The Deschutes County Road Department and Deschutes County Transportation Planner were sent a request for comment on this application. No infrastructure concerns and no required improvements are identified in the record. Portions of the project in the MUA-10 Zone will be located within the road rights-of-way of Northwest Way, NW Coyner Avenue, NW Euston Lane, and NW Pershall Way. As noted by the Deschutes County Transportation Planner, the applicant will be required to comply with any County Road Department permitting requirements for work within the rights-of-way. Staff has included a recommended condition of approval to this effect. As conditioned, Staff finds the criterion will be met.”

**Finding:** There was considerable testimony from the public that there would be dust and noise and traffic impacts during the construction of the project. As discussed above, I find that this criterion only applies to the use as permitted. I agree with Staff and adopt the Staff recommended condition. I also adopt conditions addressing noise and dust.

Section 18.124.070. Required Minimum Standards.

- A. *Private or shared outdoor recreation areas in residential developments.*
- B. *Required Landscaped Areas.*
  1. *The following landscape requirements are established for multi family, commercial and industrial developments, subject to site plan approval:*
    - a. *A minimum of 15 percent of the lot area shall be landscaped.*
    - b. *All areas subject to the final site plan and not otherwise improved shall be landscaped.*

“**FINDING:** This project is not a residential, multi-family, commercial, or industrial development. These criteria do not apply. “

**Finding:** I agree.

2. *In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas...*

**“FINDING:** As discussed below, the proposal does not include required parking or loading areas. This criterion does not apply.”

**Finding:** I agree

**C. Non-motorized Access.**

1. *Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in DCC 18.116.031 and 18.116.035. The location and design of bicycle parking facilities shall be indicated on the site plan.*

**“FINDING:** Bicycle parking standards are addressed below in DCC 18.116.031.”

**Finding:** I agree

2. *Pedestrian Access and Circulation:*

- a. *Internal pedestrian circulation shall be provided in new commercial, office and multi family residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, and similar techniques.*

**“FINDING:** The proposal does not include new commercial, office and multi-family residential developments. This criterion does not apply.”

**Finding:** I agree.

- b. *Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi family, public or park use.*
- c. *Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.*
- d. *Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.*

- e. *To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.*

“**FINDING:** Staff finds that these criteria do not apply to an unoccupied utility facility, since pedestrian use of the site will be limited to occasional visits from maintenance personnel.”

**Finding:** I agree.

**D. Commercial Development Standards...**

“**FINDING:** The applicant is not proposing new commercial buildings. Therefore, Staff finds this criterion is not applicable.”

**Finding:** I agree.

Section 18.124.090. Right of Way Improvement Standards

*Any dedications or improvements to the road right of way required under DCC 18.124 shall meet the standards for road right of way improvements set forth in DCC Title 17 and any standards for right-of-way improvements set forth in DCC Title 18 for the particular zone in question.*

“**FINDING:** Portions of the project in the MUA-10 Zone will be located within the road rights-of-way of Northwest Way, NW Coyner Avenue, NW Euston Lane, and NW Pershall Way. Neither the Deschutes County Road Department, nor the Deschutes County Transportation Planner, identified transportation infrastructure deficiencies or dedication requirements. As indicated in a foregoing finding, the Road Department may require permitting for the construction within County rights-of-way (see DCC 18.124.060(K)). Staff finds this criterion is met as conditioned.”

**Finding:** There was testimony at the hearing and in written testimony that NW Euston Lane is not adequate. Ron Caramella, Page 3-4, June 16, 2023. Euston Lane appears to be a private road easement. As such, there are restrictions on spending public funds on such a road. Adjacent owners can seek to convert it to a public road and seek improvements to it. As to other roads in the MUA, the experts at the County Road Department and Transportation Planners have not found issues with the road condition, and they have a vested interest in having the City rather than the County pay for any road improvements, I find this criterion met. The Applicant did state:

“The City will work with the property owner to discuss an easement for extension of the interceptor line within that existing easement – which is the western-most section of “NW Euston Lane.” Once constructed, the road along the new easement area would be improved to a higher standard than the existing road. This improvement will relate harmoniously with the



existing development, the subsurface pipe will have no visual impacts and no natural features in the vicinity will be disrupted.” [Emphasis Added].

As Applicant is willing to improve Euston Lane, this seems like a reasonable condition.

Finally, if and when the property is opened up for recreational uses, I expect the County to condition road improvements accessing the site.

Section 18.124.080, Other Conditions.

*The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 18 as a condition for site plan approval.*

- A. An increase in the required yards.*
- B. Additional off street parking.*
- C. Screening of the proposed use by a fence or landscaping or combination thereof.*
- D. Limitations on the size, type, location, orientation and number of lights.*
- E. Limitations on the number and location of curb cuts.*
- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.*
- G. Improvement, including but not limited to paving, curbing, installation of traffic signals and constructing sidewalks or the street system that serves the proposed use where the existing street system will be burdened by the proposed use.*
- H. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.*
- I. Landscaping of the site.*
- J. Traffic Impact Study as identified in Title 18.116.310.*
- K. Any other limitations or conditions that are considered necessary to achieve the purposes of DCC Title 18.*

**“FINDING:** To the extent that any conditions of approval contained in this decision require improvement to the site beyond the minimum standards of DCC Title 18, Staff finds such conditions are authorized by this section.”

**Finding:** I agree.

Chapter 18.128, Conditional Use

The pipeline replacement and improvement crosses five (5) properties in the MUA-10 Zone. The provisions of DCC 18.128 of the County Zoning Ordinance, Title 18, are applicable only to the property

that falls within the MUA-10 Zone. As discussed above, the applicant proposes two options<sup>5</sup> for a portion of the pipeline replacement. Both options are discussed in the findings below.

Section 18.128.010, Operation.

- A. *A conditional use listed in DCC Title 18 shall be permitted, altered or denied in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.*
- B. *In the case of a use existing prior to the effective date of DCC Title 18 and classified in DCC Title 18 as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.*

**“FINDING:** The proposed conditional use is reviewed in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.”

**Finding:** I agree.

Section 18.128.015, General Standards Governing Conditional Uses.

*Except for those conditional uses permitting individual single family dwellings, conditional uses shall comply with the following standards in addition to the standards of the zone in which the conditional use is located and any other applicable standards of the chapter:*

- A. *The site under consideration shall be determined to be suitable for the proposed use based on the following factors:*
  - 1. *Site, design and operating characteristics of the use;*

**“FINDING:** The applicant is proposing an alteration to the existing City of Redmond interceptor pipeline. The project spans five properties which are within the MUA-10 Zone. The provisions of DCC 18.128 are applicable only to the five properties that fall within the MUA-10 Zone, which includes Tax Lots 600, 601, 700, 800, 900. The following analysis considers the site, design, and operating characteristics of the use.”

**Finding:** I agree that the provisions of DCC 18.128 (listed below) are only applicable to the five properties in the MUA-10 Zone.

*Site and Design*

The applicant provided the following statement in response to this criterion:

Applicant does not propose any buildings for this portion of the development and all improvements

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<sup>5</sup> Reference May 25, 2023, R. Kircher Supplemental App Mtrls  
247-23-000149-CU, 23-150-SP, 23-151-LR, 23-152-AD

will be below grade. The proposed development within the MUA-10 Zone involves replacement of a 24-inch diameter pipeline with a 48-inch diameter pipeline and will be below grade and within established easements and public road rights-of-way. The proposed replacement of the interceptor pipeline constitutes an improvement to an existing sewer system, a utility facility, in MUA-10 Zone, which is a component of a utility facility, that serves the general public. The area of the project that falls within the MUA-10 zone consists of paved, public road right-of-way and easements on five (5) residentially-developed, privately-owned, properties that have mostly level, but some areas of mild sloping, topography, with scattered rock outcrops, small areas of farmed or cleared land and driveways. The project route, consisting of the easements on these five (5) properties, and multiple road rights-of-way, will continue to be below grade. There are no significant natural site features which would preclude siting of the replacement pipelines on these properties and roadways. In addition, those areas disturbed by the project will be restored to a condition defined by the project plans and easement agreements.

Staff agrees with the applicant's characterization of the site and design characteristics of the use.

**Finding:** I agree.

#### *Operating Characteristics*

The applicant provided the following statement in response to this criterion:

The operating characteristics include the initial construction activity for replacement of one of the 24-inch diameter pipelines with a 48-inch diameter pipeline, and after completion, periodic inspection of the site, with maintenance and repair as necessary. Trips for maintenance of the enlarged pipe will be the same as for the existing pipe – maintenance trips will not change under the proposal. Otherwise, operating characteristics are self-contained within the pipe. The completed project will be as it is now – below grade, and neither visible nor impactful to the public.

The pipe enlargement areas under consideration are existing, and the proposal does not include new or extended pipelines, rather simply the replacement of underground pipelines with larger pipe. Thus, the proposed use under consideration is suitable considering the site, design and operating characteristics of the use.

The applicant provided the following statement in response to this criterion as it pertains to the alternative alignment discussed above and noted in the record:

The preferred alignment will provide the easement area needed for the 48-inch pipeline. The preferred alignment would follow an existing roadway easement west along NW Euston Way and connect to the NW Northwest Way right of way where the pipeline would be constructed north towards the RWC. The reason this preferred alignment was chosen was due to the operating characteristics and needed maintenance activities associated with the gravity pipeline. The site of the preferred alignment is already used as a gravel access road. The site is suitable for the construction of the interceptor. The proposed use and preferred alignment under consideration is suitable considering the site, design and operating characteristics of the use.

Staff generally agrees with the applicant's response on the operating characteristics of the proposed use. Further, Staff did not receive comments from any property owner on which the pipeline and associated easement currently exists that documents any issues with the siting, design or operating characteristics of the existing pipeline. Based on the applicant's description of the facility's site, design and operating characteristics, Staff finds the proposal demonstrates that the site under consideration is suitable for the proposed utility facility alteration.

**Finding:** I agree and adopt the Staff's findings above. I note that Mr. Caramella testified that the easements along his property have created issues with noxious weeds. This is often the case with disturbed soils. Although, it is difficult to characterize this as an "operating characteristic," I find it appropriate to impose a condition requiring the applicant to coordinate with the Deschutes County Weed Control District to control weeds on its easements for 10 years after construction.

**2. Adequacy of transportation access to the site; and**

**"FINDING:** The applicant provided the following statement in response to this criterion:

The proposed use in the MUA-10 Zone is simple as it involves the replacement of a 24-inch diameter pipeline with a 48-inch diameter pipeline and will be below grade and within easements and public road rights-of-way. Other than initial activities associated with construction for replacement of the pipeline and occasional required maintenance or repair, there will be no traffic impacts associated with the ongoing use. The same number and type of maintenance trips as now occur, will occur in the future – no change to maintenance needs is expected from the larger pipe. Existing access onto private property is allowed through easements with property owners. Transportation access to the site is provided by the existing roadway network and easements and has been and will continue to be adequate to access the site for the initial construction and future intermittent maintenance of the pipeline under this proposal.

The applicant provided the following statement in response to this criterion as it pertains to the alternative alignment discussed above and noted in the record:

Due to the different type of wastewater that will flow through the preferred alignment, access will be needed for routine maintenance. The existing transportation system in the area provides access to the easement. The preferred alignment provides needed access for the City's wastewater operations Staff and others as needed to provide routine maintenance activities. Further the easement will be improved to a higher standard than what exists making access along that stretch adequate for maintenance as well as property access for those property owners who use that easement.

Comments from the Deschutes County Road Department and Deschutes County Transportation Planner did not identify any transportation infrastructure deficiencies. The Deschutes County Transportation Planner did note that the applicant will need to work with the County Road Department to determine which, if any permits are required to perform work in the County rights of way. Staff includes a suggested

condition of approval to this effect. Comments from other agencies and the general public did not identify any transportation infrastructure deficiencies related to the pipeline replacement. Staff finds, as conditioned, the site is suitable for the proposed use based on adequacy of transportation access to the site.”

**Finding:** I agree.

**3. *The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.***

**“FINDING:** The applicant provided the following statement in response to this criterion:

The proposed pipeline replacement for the utility facility will be located in the same location within the five (5) private properties and public rights-of-way as what exists. The area of the project that falls within the MUA-10 Zone consists of paved, public road right-of-way and five (5) residentially developed properties that have mostly level, but some areas of mild sloping, with areas of scattered rock outcrops, small areas of farmed or cleared land and driveways. In addition to small areas of pasture or lawn, vegetation is primarily native with juniper trees, shrubs, and grasses. The project area will be largely unaffected with the completion of the project, and will be restored to blend harmoniously with the natural environment surrounding it.

There are no known natural hazards or distinguishing natural resource values on the properties that merit protection (e.g. Goal 5 inventoried natural resources) that are any different than those experienced by other properties in Central Oregon. There are no natural or physical features on the MUA-10-zoned portion of the project that would prevent the proposed utility facility use. For these reasons, the site is suitable considering natural and physical features.

The applicant provided the following statement in response to this criterion as it pertains to the alternative alignment discussed above and noted in the record:

The preferred alignment is located along an existing access easement. Constructing a sewer line in an existing easement and improving the roadway that sits atop the proposed sewer line will not impact natural or physical features of the site. Once construction is complete and the roadway is improved to a higher standard than its current state, the project area will be largely unaffected.

There are no known natural hazards or distinguishing natural resource values on the preferred alignment property that merit protection. There are no natural or physical features on the MUA-10-zoned portion of the project that would prevent the proposed pipeline. For these reasons, the site is suitable considering natural and physical features.

The *Deschutes County Natural Hazards Mitigation Plan* (2015) identifies drought, earthquake, flood, landslide, volcanic, wildfire, windstorm, and winter storm hazards in the County. Of these, wildfire is of special concern regarding the suitability of the use. Natural resource values typically include agricultural soils, forest lands, wildlife and their habitats, wetlands, and natural water features.

Comments from agencies and the general public did not identify any site unsuitability due to general topography, natural hazards, or natural resource values as it relate to the pipeline replacement. Staff finds there are no natural or physical features on the site that will prevent the proposed utility facility use.”

**Finding:** I agree.

***B. The proposed use shall be compatible with existing and projected uses on surrounding properties based on the factors listed in DCC 18.128.015(A).***

**“FINDING:** The applicant provided the following statement in response to this criterion:

The areas surrounding the pipeline corridor in the MUA-10 Zone consists of a mix of farm and rural residential properties with some properties exhibiting some level of farm or agricultural use. Projected uses on surrounding properties are limited by the zoning restrictions in the area, which are MUA-10, RR-10, Surface Mining (SM), Floodplain (FP) and EFU zoning. The projected pipeline replacement will have the same compatibility with existing and projected uses on surrounding properties as with the existing pipeline it will replace. The proposed pipeline replacement in the MUA-10 zoned areas of the project will be below grade and not visible to the public after construction is completed.

After construction, the area will be restored to a condition defined by the project plans and easement agreements. A majority of the route will be located outside of any area used for farm use, close to property boundaries, and/or within road right- of-way and thus will retain the existing uses, treed areas, and irrigated lands. Trips for maintenance will be the same as now and so impacts to neighboring roadways will be minimal. The proposal does not include adverse noise or glare impacts. Adverse odor conditions are not anticipated. The pipeline will be below grade and will not interfere with the potential development of other surrounding properties with dwellings and/or farm uses.

Based on the above, coupled with the project being below grade, the proposed pipeline replacement in the MUA-10 Zone will be suitable with surrounding properties considering the siting, design, operating characteristics of the project. Following the construction phase for the pipeline replacement, the proposal will not impact any off-site transportation access. Similarly, the project will not impact any off-site natural or physical features. For these reasons, this criterion is satisfied.

The applicant provided the following statement in response to this criterion as it pertains to the alternative alignment discussed above and noted in the record:

The proposed pipeline replacement in the preferred alignment will be below grade and not visible to the public after construction is completed. A pipeline replacement in the preferred alignment location will have the same compatibility with existing and projected uses on surrounding properties as with the existing pipeline it will replace.

After construction, the preferred alignment area will be restored to a condition defined by the project plans and easement agreements. The proposal does not include adverse noise or glare impacts. Adverse odor conditions are not anticipated. The pipeline will be below grade and will not interfere with the potential development of other surrounding properties.

Based on the above, coupled with the project being below grade, the proposed pipeline replacement in the MUA-10 Zone in the preferred alignment will be suitable with surrounding properties considering the siting, design, and operating characteristics of the project. Following the construction phase for the pipeline replacement, the proposal will not impact any off-site transportation access. Similarly, the project will not impact any off-site natural or physical features.

Staff finds this this criterion requires that the proposed use must be compatible with existing and projected uses on surrounding properties. Staff finds “surrounding properties” are those that might be significantly adversely impacted by their proximity to the proposed use. Existing on surrounding properties include a mix of farm and rural residential properties with most exhibiting some level of agricultural use. Projected uses on surrounding properties are those that have received approvals or are allowed outright and are typical of development of the areas. These projected uses include residential uses and farm uses and those limited by the zoning restrictions in the area, which are EFU, RR-10, and MUA-10. The applicant mentions the Flood Plain Zone but the pipeline replacement is not located on or adjacent to any areas zoned Flood Plain. For these reasons, Staff finds the project uses are likely to be similar to existing uses.”

**Finding:** I agree. These findings are duplicative of the findings above, regarding farm impacts, those are readopted here.

***(A)(1). Site, design and operating characteristics of the use;***

“**FINDING:** Staff finds the proposed use would be unsuitable if the siting, design and operating characteristics of the use significantly adversely impacted existing and projected uses on surrounding properties. Typically, potential adverse impacts could include visual, noise, dust, and odor impacts.

Staff finds the proposed project could cause temporary noise and dust impacts during installation and construction. Staff includes the following recommended conditions of approval to mitigate those impacts:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered, up to two times per day, if airborne dust is visible.
2. The beds of all haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
4. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications.

5. Use of equipment and machinery to install any trenching for utilities shall only be conducted between 7 a.m. and 10 p.m.”

**Finding:** I agree and adopt the above conditions.

***(A)(2). Adequacy of transportation access to the site; and***

“**FINDING:** Staff finds the proposed use would be unsuitable if access to the site would significantly adversely impact existing and projected uses on surrounding properties. No such impacts are anticipated or identified in the record.”

**Finding:** I agree.

***(A)(3). The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.***

“**FINDING:** Staff finds the proposed use would be unsuitable if it significantly adversely impacted off-site topography, natural hazards, or natural resource values. Natural hazards on surrounding properties include wildfire. There are no significant natural resources values identified in the record on surrounding properties. As the applicant notes, a majority of the route will be located outside of any area used for farm use, close to property boundaries, and/or within road right-of-way and thus will retain the existing uses, treed areas, and irrigated lands. No offsite impacts to wildfire hazard are anticipated or identified in the record. As discussed, the project, upon completion, will be entirely below grade and does not include the construction of structures or buildings. Staff finds this criterion is satisfied.”

**Finding:** I agree.

***C. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to insure that the standard will be met.***

“**FINDING:** To the extent this decision is conditioned under DCC 18.128 criterion, Staff notes such conditions are authorized by this criterion.

The applicant suggested a condition of approval relating to the “either/or” nature of the preferred alignment. Staff has incorporated this condition into the recommended conditions of approval:

**Prior to construction of the 48-inch sewer system pipeline**, the applicant shall provide to the Community Development Department written documentation of easement agreements for the sewer line construction and access.”

**Finding:** I agree.



Section 18.128.020, Conditions.

*In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.*

- A. Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare or odor.*
- B. Require a special yard or other open space or a change in lot area or lot dimension.*
- C. Require a limitation on the height, size or location of a structure.*
- D. Specify the size, number, location and nature of vehicle access points.*
- E. Increase the required street dedication, roadway width or require additional improvements within the street right of way.*
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.*
- G. Limit or specify the number, size, location, height and lighting of signs.*
- H. Limit the location and intensity of outdoor lighting and require shielding.*
- I. Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.*
- J. Specify the size, height and location of any materials to be used for fencing.*
- K. Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.*
- L. Require that a site plan be prepared in conformance with DCC 18.124.*

“**FINDING:** To the extent that any conditions of approval contained in this decision require improvement to the site beyond the minimum standards of DCC Title 18, Staff finds such conditions are authorized by this section.”

**Finding:** I agree. I modify the condition of approval above for the alternative alignment as follows:

**Prior to construction of the 48-inch sewer system pipeline,** the applicant shall provide to the Community Development Department written documentation of easement agreements for the sewer line construction and access. If easements for the proposed alternative alignment are obtained, then Applicant shall record a vacation of the easements no longer necessary.

I also will impose the following conditions:

1. Applicant will suppress, control, and eradicate noxious weeds on the subject property, consistent with the mission of the Deschutes County Noxious Weed Program and the Weed Control Ordinance, DCC Chapter 8.35
2. For work in Euston Lane, the road along the new easement area will be improved to a higher standard than the existing road. Any manholes shall be at grade.
3. Prior to the issuance of any permits, the Applicant shall provide Staff with a well

monitoring plan for its wells on the Wetlands Complex Site. The plan shall provide for voluntary free well testing for property owners annually within a one-mile radius of the site.

Section 18.128.040, Specific Use Standards.

*A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.045 through DCC 18.128.370.*

“**FINDING:** As described herein, the proposed conditional use complies with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.045 through DCC 18.128.370, as applicable.”

**Finding:** I agree.

**SYSTEM DEVELOPMENT CHARGE**

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$5,080 per p.m. hour trip. As the proposed use will not consume additional roadway capacity as that term is commonly understood, no SDCs are triggered. The burden of proof does mention potential future public access as wetland areas can also function as quasi-parks for nature hikes, bird watching, and similar recreational activities. If the public is allowed access, then the County reserves the right to revisit the issue of SDCs.

**Finding:** I agree

**IV. CONCLUSION**

I find that the Applicant, with the attached conditions, has met the burden of proof necessary to justify approval of a Conditional Use Permit, Site Plan Review, LOR Verification, and Major Administrative Determination to establish the Redmond Wetlands Complex on land zoned EFU as well as the replacement of an existing interceptor pipeline along a two-mile route on lands zoned EFU and MUA-10 through effectively demonstrating compliance with the applicable criteria of DCC Title 18 (the Deschutes County Zoning Ordinance) and applicable sections of OAR and ORS.

**V. CONDITIONS OF APPROVAL**

- A.** This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B.** The property owner shall obtain any necessary permits from the Deschutes County Building Division and Onsite Wastewater Division.

- C. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040
- D. Structural setbacks from any north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- F. The utility facility/sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries. If the Applicant City has not already done so, adopt a land use regulation to prohibit the City of Redmond from providing sewer service to land outside of the UGB except as authorized by OAR 660-0011-0060(4) or other applicable law.
- G. **Prior to initiation of use and/or issuance of any building permit**, the applicant shall submit to the Planning Division correspondence from Redmond Fire & Rescue indicating all relevant access, fire and water requirements, as detailed in Section II of this decision, have been addressed or met.
- H. **Prior to project construction**, the applicant shall meet County Road Department permitting requirements and conditions regarding the work conducted with road right-of way.
- I. To mitigate noise and dust impacts during project installation:
  1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered, up to two times per day, if airborne dust is visible.
  2. The beds of all haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  3. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
  4. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications.
  5. Use of equipment and machinery to install any trenching for utilities shall only be conducted between 7 a.m. and 10 p.m.
- J. **Prior to construction of the 48-inch sewer system pipeline**, the applicant shall provide to the Community Development Department written documentation of easement agreements for the sewer line construction and access. If easements for the proposed alternative alignment are obtained, then Applicant shall record a vacation of the easements that are no longer necessary.
- K. Land Restoration: The owner of the utility facility shall be responsible for restoring, as nearly as possible, to its former condition any lands zoned MUA-10 or EFU and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.
- L. Erosion Control Plan: Prior to the start of construction activities, the applicant shall provide an Erosion Control Plan to the Planning Division prepared by a licensed, professional engineer. Staff

recommends that a licensed, professional engineer use the *Central Oregon Stormwater Manual* as the basis for the plan.

- M. Prior to initiation of use and/or issuance of any building permit**, the applicant shall submit to the Planning Division correspondence from Central Oregon Irrigation District (COID) indicating all relevant comments or conditions, as detailed in Section II of this decision, have been addressed or met.
- N.** Applicant will suppress, control, and eradicate noxious weeds on the subject property, consistent with the mission of the Deschutes County Noxious Weed Program and the Weed Control Ordinance, DCC Chapter 8.35.
- O.** For work in Euston Lane, the road along the new easement area would be improved to a higher standard than the existing road. Any manholes shall be at grade.
- P. Prior to the issuance of any permits, the** Applicant shall provide Staff with a vector control plan for the Wetlands Complex consistent with wastewater disposal industry standards.
- Q. Prior to the issuance of any permits, the** Applicant shall provide Staff with a well monitoring plan for its wells on the property for the Wetlands Complex Site. The plan shall provide for voluntary free well testing for property owners annually within a one-mile radius of the site.

## **VI. DURATION OF APPROVAL, NOTICE, AND APPEALS**

The applicant shall initiate the use for the proposed development within two (2) years of the date this decision becomes final, or obtain approval of an extension under Title 22 of the County Code, or this approval shall be void.

**This decision becomes final twelve (12) days after the date mailed**, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee, and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue.

Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

**NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**

Dated this 8<sup>th</sup> Day of August, 2023

*Alan A. Rappleyea*

Alan A. Rappleyea

owner	agent	inCareof	address	cityStZip	type	cdd id
BLM, PRINEVILLE DIST. - DESCHUTES FIELD MGR.	Clark, Lisa M <lmclark@blm.gov>		ELECTRONIC		HOFF Decision	23-149-CU, 150-SP, 151-LR, 152-AD
City of Redmond	Ryan Kirchner		243 E Antler Avenue	Redmond, OR 97756	HOFF Decision	23-149-CU, 150-SP, 151-LR, 152-AD
Wendie L. Kellington			PO Box 2209	Lake Oswego, OR 97035	HOFF Decision	23-149-CU, 150-SP, 151-LR, 152-AD
Chris Schmoyer			60939 Zircon Drive	Bend, OR 97702	HOFF Decision	23-149-CU, 150-SP, 151-LR, 152-AD
Bureau of Land Management	James Eisner II		3050 NE 3rd Street	Prineville, OR 97754	HOFF Decision	23-149-CU, 150-SP, 151-LR, 152-AD
City of Redmond	Jon Skidmore		243 E Antler Avenue	Redmond, OR 97756	HOFF Decision	23-149-CU, 150-SP, 151-LR, 152-AD

EMAIL

[ryan.kirchner@redmondoregon.gov](mailto:ryan.kirchner@redmondoregon.gov)

[wk@klgpc.com](mailto:wk@klgpc.com)

[schmoyerluc@gmail.com](mailto:schmoyerluc@gmail.com)

[jon.skidmore@redmondoregon.gov](mailto:jon.skidmore@redmondoregon.gov)



Mailing Date:  
Tuesday, August 8, 2023

## COMMUNITY DEVELOPMENT

### NOTICE OF HEARINGS OFFICER'S DECISION

The Deschutes County Hearings Officer has approved the land use application(s) described below:

**FILE NUMBER:** 247-23-000149-CU, 23-150-SP, 23-151-LR, 23-152-AD

**SUBJECT PROPERTY  
/OWNER:**

Mailing Name: CITY OF REDMOND  
Map and Taxlot: 1413300000101  
Account: 165689  
Situs Address: 5801 NORTHWEST WAY, REDMOND, OR 97756

**ADDITIONAL  
PROPERTIES:**

The Redmond Wetlands Complex is proposed across four (4) additional properties identified in this staff report, and are either federally owned or owned by the City of Redmond. The associated pipeline and easements cross through eight (8) private properties within Deschutes County jurisdiction as identified at the bottom of this notice.

**APPLICANT:**

City of Redmond  
Attn: Ryan Kirchner, Wastewater Division Manager  
411 SW 9<sup>th</sup> Street  
Redmond, OR 97756

**APPLICANT'S  
REPRESENTATIVE:**

Wendie L. Kellington  
Kellington Law Group, PC  
PO Box 2209  
Lake Oswego, OR 97035

Chris Schmoyer  
Schmoyer Land Use Consulting, LLC  
60939 Zircon Drive  
Bend, OR 97702

**SUBJECT:**

Conditional Use Permit, Site Plan Review, Lot of Record Verification, and Major Administrative Determination for the expansion of the Redmond

Water Pollution Control Facility Effluent and Biosolids Disposal Complex (“Redmond Wetlands Complex”). The project includes:

- Relocating sanitary sewer treatment facilities to the 608-acre City-owned property and expanding the disposal facilities to the north onto federally owned property. The relocation and expansion includes new operational buildings, new lined and unlined treatment wetlands for effluent polishing and disposal, new primary treatment facilities with headworks screening, and new aerated lagoon system for secondary treatment.
- Replacing an existing 24-inch diameter interceptor pipeline with a 48-inch diameter pipeline that will be below grade and within established utility easements and/or public rights-of-way on an approximately two (2) mile route to the City of Redmond to connect to existing facilities treatment facility at the north end of Dry Canyon.

**STAFF PLANNER:** Haleigh King, Associate Planner  
541-383-6710 / [Haleigh.king@deschutes.org](mailto:Haleigh.king@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutes.org/RedmondWetlandsComplex>

**APPLICABLE CRITERIA:** Oregon Administrative Rules, Chapter 660, Division 11  
Oregon Revised Statutes, Section 215.296  
Deschutes County Code (DCC)  
Title 18, Deschutes County Zoning Ordinance:  
Chapter 18.16, Exclusive Farm Use Zones (EFU)  
Chapter 18.32, Multiple Use Agricultural Zone (MUA10)  
Chapter 18.56, Surface Mining Impact Area Combining Zone (SMIA)  
Chapter 18.116, Supplementary Provisions  
Chapter 18.124, Site Plan Review  
Chapter 18.128, Conditional Use  
Title 22, Deschutes County Development Procedures Ordinance

**DECISION:** The Hearings Officer finds that the application(s) meet applicable criteria, and approval is being granted subject to the following conditions:

**I. CONDITIONS OF APPROVAL:**

- A.** This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.

- B.** The property owner shall obtain any necessary permits from the Deschutes County Building Division and Onsite Wastewater Division.
- C.** No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040
- D.** Structural setbacks from any north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E.** In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- F.** The utility facility/sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries. If the Applicant City has not already done so, adopt a land use regulation to prohibit the City of Redmond from providing sewer service to land outside of the UGB except as authorized by OAR 660-0011-0060(4) or other applicable law.
- G.** **Prior to initiation of use and/or issuance of any building permit**, the applicant shall submit to the Planning Division correspondence from Redmond Fire & Rescue indicating all relevant access, fire and water requirements, as detailed in Section II of this decision, have been addressed or met.
- H.** **Prior to project construction**, the applicant shall meet County Road Department permitting requirements and conditions regarding the work conducted with road right-of way.
- I.** To mitigate noise and dust impacts during project installation:

  - 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered, up to two times per day, if airborne dust is visible.
  - 2. The beds of all haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - 3. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
  - 4. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications.
  - 5. Use of equipment and machinery to install any trenching for utilities shall only be conducted between 7 a.m. and 10 p.m.
- J.** **Prior to construction of the 48-inch sewer system pipeline**, the applicant shall provide to the Community Development Department written documentation of easement agreements for the sewer line construction and access. If easements for the proposed alternative alignment are obtained, then Applicant shall record a vacation of the easements that are no longer necessary.



- K.** Land Restoration: The owner of the utility facility shall be responsible for restoring, as nearly as possible, to its former condition any lands zoned MUA-10 or EFU and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.
- L.** Erosion Control Plan: Prior to the start of construction activities, the applicant shall provide an Erosion Control Plan to the Planning Division prepared by a licensed, professional engineer. Staff recommends that a licensed, professional engineer use the *Central Oregon Stormwater Manual* as the basis for the plan.
- M.** **Prior to initiation of use and/or issuance of any building permit**, the applicant shall submit to the Planning Division correspondence from Central Oregon Irrigation District (COID) indicating all relevant comments or conditions, as detailed in Section II of this decision, have been addressed or met.
- N.** Applicant will suppress, control, and eradicate noxious weeds on the subject property, consistent with the mission of the Deschutes County Noxious Weed Program and the Weed Control Ordinance, DCC Chapter 8.35.
- O.** For work in Euston Lane, the road along the new easement area would be improved to a higher standard than the existing road. Any manholes shall be at grade.
- P.** **Prior to the issuance of any permits, the** Applicant shall provide Staff with a vector control plan for the Wetlands Complex consistent with wastewater disposal industry standards.
- Q.** **Prior to the issuance of any permits, the** Applicant shall provide Staff with a well monitoring plan for its wells on the property for the Wetlands Complex Site. The plan shall provide for voluntary free well testing for property owners annually within a one-mile radius of the site.

**This decision becomes final twelve (12) days after the date mailed**, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the base appeal deposit plus 20% of the original application fee(s), and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Board of County Commissioners an adequate opportunity to respond to and resolve each issue.

Copies of the decision, application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

**ADDITIONAL PROPERTIES**

<b>Map and Tax Lot</b>	<b>Situs Address</b>	<b>Property Owner</b>
141200000200	8300 NW LOWER BRIDGE WAY, TERREBONNE, OR 97760	USA
1413000002600	4250 NW LOWER BRIDGE WAY, TERREBONNE, OR 97760	USA
1413000002604	NONE	CITY OF REDMOND
1413290000201	NONE	CITY OF REDMOND
1413290001201	3080 NW EUSTON LN, REDMOND, OR 97756	RANDY KEMNITZ LIVING REVOCABLE TRUST
1413290001202	2827 NW COYNER AVE, REDMOND, OR 97756	DONLAN, DAVID J & CHERYL L
1413290001300	2675 NW COYNER AVE, REDMOND, OR 97756	HASTINGS, ZACHARY J & TAMMY J
1413290000601	2667 NW EUSTON LN, REDMOND, OR 97756	RANDALL S SCHONING TRUST
1413290000600	2571 NW EUSTON LN, REDMOND, OR 97756	CARAMELLA, RONALD E & CARYN B
1413290000700	3085 NW EUSTON LN, REDMOND, OR 97756	PETERSON, CARINA A
1413290000800	5350 NORTHWEST WAY, REDMOND, OR 97756	LUNA, HELIBERTO
1413290000900	3000 NW WILLIAMS WAY, REDMOND, OR 97756	MEDLOCK, BRIAN & LAVON



owner	agent	inCareof	address	cityStZip	type	cdid	EMAIL
8698 NW LOWER BRIDGE WAY LLC			101 SECOND ST #900	SAN FRANCISCO, CA 94105	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
WOLF, DENNIS & JUDITH			10311 NE KNOTT ST	PORTLAND, OR 97220	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HSU, YUNGTAI A & LISA L			10725 RUSH ST	SOUTH EL MONTE, CA 91733	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MURPHY, PATRICIA A & KEVIN D			10845 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
PESCI, CAROLYN & BARONE, RAYMOND			10849 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
LEFOR, CONNIE ANN			10850 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
JARVE, ROLAND E JR			11065 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MARSHALL, DARCY & MCPHEE, JONATHAN HUGH			11100 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
DAVIS, GREGORY A			11245 NW DOVE	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
TOWELL, CRAIG D & MELONIE J			11315 NW DOVE RD	CROOKED RIVER RANCH, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
BURTON, LISA R & JAMES C			11335 NW DOVE RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HOUGHTON, CRAIG D & SHAWN L			11385 NW DOVE RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
EILEEN VOLERSTSEN TRUST	VOLLERTSEN, EILEEN CARROLL TTEE		11405 NW DOVE RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HART, ARTHUR DAVID & CATHERINE F			11420 NW DOVE RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
BENDT, DANIEL R & BLAIR-BENDT, ELLEN N			11425 NW DOVE RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
LANE, JEFFREY S & KRISTY K			11445 NW DOVE RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
NEGLAY, CHRISTOPHER J & MATTIE M			11450 NW STEELHEAD FALLS DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
BRADY, BRYCE C & BRENDA W			11475 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HULSING, TIM & JANET			11499 NW STEELHEAD FALLS DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
FLENER, BRIAN E & KENDRA J			11566 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
SMITH FAMILY TRUST	SMITH, DAVID JOHN TTEE ET AL		11590 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MARQUE, EUGENE P & RHONDA M			11595 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HILLS, DORIS & LOUIS			11810 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
JIM & AMBER FRENCH FAMILY TRUST	FRENCH, JAMES E JR & AMBER TTEES		11820 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MURRAY FAMILY TRUST	MURRAY, MICHAEL GEORGE TTEE ET AL		11845 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
YEAGER, GARY W & CYNTHIA L			11850 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
KAREN M GRAY REVOCABLE TRUST	GRAY, KAREN M TTEE		11895 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
BOMBERGER, DAVID W & DEBORAH L			12055 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
URBAN, NORA H MERANDA			12100 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
BORGSMANN, DERRICK & MCLEOD, LAUREN			12150 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
VANWINKLE, DEANNA M			12174 NW 10TH ST	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
PETERSON, NELS F ET AL			12200 NW SUMPTER DR	CROOKED RIVER RANCH, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
DELEONE, PAUL D & DEBRA L			12285 NW DYLAN CIR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
TASA, LAWRENCE SR & PATRICIA			12300 NW DYLAN CIR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
WILKINS FAMILY TRUST	WILKINS, LARRY D TTEE		12315 NW DYLAN CIR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
CORDIS FAMILY TRUST	CORDIS, BEVERLY A TTEE ET AL		12320 NW DYLAN CIR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MICKLEY, JOHN D & VICKI L			12335 NW DYLAN CIR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
SWEET, MARK A & PEGGY S			12345 NW DYLAN CIR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
OLIVER, ROBERT G			12350 NW DYLAN CIR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
CROSS, ROGER N & KRISTY A			124 SW 7TH ST	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MITCHNER, GEORGE W & SHARON L			12400 NW SUMPTER DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
JONES, LAWRENCE SCOTT & LISA MARIE			12445 NW RAINBOW DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
VINCENT & MARY KRZYCKI FAMILY TRUST	KRZYCKI, VINCENT L & MARY C TTEES		12465 NW STEELHEAD DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
LENO, MICHAEL J & LESLIE			12490 NW STEELHEAD DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MORIN, JOSEPH & MOOR, TIFFANY			12498 NW CHINOOK DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
JEROME G MEZA REVOCABLE LIVING T... ET AL	MEZA, JEROME G TRUSTEE & E NORIE TRUSTEE		12500 NW SUMPTER DR	CROOKED RIVER RANCH, OR 97760-8961	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
ZEJAYIA, RENEE E			12501 NW CHINOOK DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
STEPHANIE J & DEANE E COOPER LIV TRUST	COOPER, STEPHANIE J & DEANE E TTEES		12500 NW STEELHEAD DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HENSLEY, SCOTT			12521 NW RAINBOW DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
GEORGE, FRANK EVERETT JR & PAMELA KAY			12589 NW STEELHEAD DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
LITTLE, LIZA C & PESCI, CAROLYN M			12600 NW QUAIL RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
GRAHAM, ROBERT J & IANIN G			12600 NW STEELHEAD DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
DANIELSON, MARIE E & LILLY, WEBSTER L			12601 NW CHINOOK DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HOLT, JOHN R			12707 NW STEELHEAD RD	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
YEATES, BRIDGET M			12737 NW STEELHEAD DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
GANDER, BUTLER M & MURRAY, CYNTHIA A			12770 NW STEELHEAD FALLS DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
REBBETOY FAMILY TRUST	REBBETOY, CONSTANCE L TTEE		12775 NW CHINOOK DR	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
TSAL, GEORGE & LULLU			1286 CLAYS TRAIL	OLDSMAR, FL 34077	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
GORILLA CAPITAL, OR PW LLC			1342 HIGH ST	EUGENE, OR 97401	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
SLOANER, ELISABETH C			1504 NE SHEPARD PL	BEND, OR 97701	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
WARNER, KARMEN			1555 NE 3RD ST #323	PRINEVILLE, OR 97754	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HANEY, DREW & YELLOWLEES, STACEY			16 VINTAGE CIR #APT 1223	PLEASANTON, CA 94566	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
PRESTON INVESTMENTS LLC			16276 S REDLAND RD	OREGON CITY, OR 97045	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
POLLACK, ADRIAN A ET AL			16640 FIR LN	LAKE OSWEGO, OR 97034	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
BUNNENBERG, ANN & ROSS, JAMIE P			1712 SW HIGHLAND PKWY	PORTLAND, OR 97221	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
SCOTT FAMILY TRUST			17253 SILVER FALLS HWY SE	SUBALMITTY, OR 97385	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MAYS, JEANINE M			175 24TH ST NE	SALEM, OR 97301	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
RIVER SPRINGS ESTATES PROPERTY OWNERS...			1937 MOUNTAIN QUAIL DR	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MANTIFEL SURVIVORS TRUST	MANTIFEL, JOREEN TTEE		205 SW 16TH CT	TROUTDALE, OR 97060	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MICHAEL G & LORRIE L MILLER REV LIV TR	MILLER, MICHAEL G & LORRIE L TTEES		20633 SW ELKHORN CT	TUALATIN, OR 97062	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
DAVID & PATRICIA CLARK JOINT TRUST	CLARK, PATRICIA A TTEE		21396 OLENA WAY	CALDWELL, ID 83607	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
PASMORE PROPERTIES LLC			2155 NW STOVER CIR	BEND, OR 97703	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
OLYNN, DELORES J & BROWN, WILLIAM K			21666 SE SMOKEY LN	EAGLE CREEK, OR 97022	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
ERIK A HALE LIVING TRUST	HALE, ERIK A TTEE		2280 SYLVAN WAY	WEST LINN, OR 97068	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MCCORMICK, MARYANN & SEYL, SUSAN K			2315 NE EVERETT	PORTLAND, OR 97232	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
REINHART, BRUCE G & LINDSEY G			2343 NW COYNER AVE	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
WELLS FAMILY TRUST	WELLS, ROBERT D TTEE		2455 E TAXIDEA WAY	PHOENIX, AZ 85048	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
KARIM FAMILY TRUST			2589 NW COYNER AVE	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
ZOLLNER, ROCKY K & CYNTHIA A			2628 NW WILLIAMS LOOP	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HASTINGS, ZACHARY J & TAMMY J			2675 NW COYNER AVE	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
DONLAN, DAVID J & CHERYL L			2827 NW COYNER	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
KIESLER, JOHN M & DIANE L			2828 NW COYNER AVE	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MILLER, ELISHA K & RYAN D			2889 NW WILLIAMS LOOP	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
BLEVINS, RAYMOND L ET AL			2901 NW WILLIAMS LP	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
WEBSTER, JASON ALLAN & GRACE SHARON			2917 NW WILLIAMS LOOP	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
JOHANNSEN, KARL M & TARA M			2920 NW WILLIAMS WAY	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HURT, TERRY L & DEBRA R			2987 NW WILLIAMS LOOP	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MEDLOCK, BRIAN & LAVON			3000 NW WILLIAMS WAY	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HOOPER FAMILY REVOCABLE LIVING TRUST	HOOPER, MAX DALE TTEE ET AL		30728 GANADO DR	RANCHO PALOS VERDES, CA 90275	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
STEPHEN P TRENHALE TRUST	TRENHALE, STEPHEN P TTEE		3099 NW WILLIAMS WAY	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
JAMES & ANNETTE DETWILER TRUST	DETWILER, JAMES K & ANNETTE M TTEES		3216 NW LYNCH WAY	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
BAILEY, CLARENCE W & LINDA K			3204 NW COYNER	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MALTMAN, BRIAN			3331 SW METOLUS MEADOW CT	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
KILPATRICK, JAMES R & VELVET			3345 NW COYNER AVE	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
OLIVER, TESIA & JOBY			3372 NW MONTGOMERY DR	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
FOX, TODD A & MACKENZIE			3391 NW MONTGOMERY DR	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
MARVIN & JUDY BENDER TRUST	BENDER, MARVIN & JUDY TTEES		3383 NW SEDGWICK	REDMOND, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
NELSON, AMY LEE TAYLOR & CODY L			3500 NW SEDGWICK AVE	REDMOND, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
HOOPES, DAVID R & LINDA L			3572 SE SQUAW MTN	ESTACADA, OR 97023	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
JOHNSON FAMILY TRUST	LELACHEUR, BRIAN JOHN TTEE		3626 NW COYNER AVE	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
JOPLIN, JOHN M & DANICE E			3633 NW KNICKERBOCKER	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
RUBY SUTHERLAND REVOCABLE LIVING TRUST	SUTHERLAND, RUBY G TTEE		3648 NW QUINN LN	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	
DAVIDSON, BO ET AL			3659 NW QUINN LN	TERREBONNE, OR 97780	NOD	23-149-CU, 150-SP, 151-LR, 152-AD	



BLAKE, JOSHUA & BRITTANY		7337 NW RAINBOW RD	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
ROE, JAMES W IV & BREANNE N		736 SW 10TH ST	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
LAMB, CHARLES T		7373 NW RAINBOW RD	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
WATKINS, KIRK & LYSIA L		7400 NW RAINBOW RD	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
DILLS, RENEE D		7401 NORTHWEST WAY	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
ROBY, ANDREW R III & MARIETTA G		7447 NW RAINBOW RD	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
NUNEZ, NELSON D ET AL		752 NE CHEYENNE DR	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
AABY, DARRELL K & SHERRY		7575 NW ALMETER WAY	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
PECK, DANNY & RENEE C		7684 FISH HAT CHERRY RD	OKARIDGE, OR 97463	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
DUNNING, MARK & BLANK, JANA		7801 NW 83RD PL	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
COSPER, DAVID M & DONNA A		8000 NW 83RD PL	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
LOCKER SUTHERLAND REV TRUST	LOCKER, RACHEL E CO TTEE ET AL	8011 NW 83RD PL	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
COWAN, MICHAEL HALL		8130 NW GRUBSTAKE WAY	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
KENNY, STEPHEN WILLIAM		8133 SMOKING JACKET PL	LAS VEGAS, NV 89166	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
HEWITT, DUSTIN J		8195 NW ICE AVE	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
STUART FAMILY TRUST	STUART, TRACEY L TTEE	8240 NW ROBERTS CT	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
STAHL, WILLIAM D & JENNIFER		8246 NW ICE AVE	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
BURCH, JODI & RYAN		8255 NW ICE AVE	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
POLLARD, JOHN E & REBECCA S		8267 NW ROBERTS CT	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
VANNEVEL, SCOTT C & LANETTE R		8295 NW 31ST ST	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
REV LIV TRUST OF MARLENE PURCELL	PURCELL, MARLENE TTEE	8318 SE PLEASANT HOME RD	GRESHAM, OR 97080	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
MCCOON, TRISHA		8385 NW 31ST ST	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
MANGEL, WILLIAM		8393 NW 31ST ST	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
SCIGLIANO, STEVEN M & MIRANDA, FRANK M		8445 NW PARKEY DR	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
NUNN, TERRY B		8590 NW THICKET LN	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
TEXEIRA CATTLE CO ET AL		855 THOUSAND HILLS RD	PISMO BEACH, CA 93449	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
MAXINE E HANE REVOCABLE LIVING TRUST	HANE, MAXINE E TTEE	8620 NW 84TH CT	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
VON BORSTEL LIVING TRUST	VON BORSTEL, NOAH TTEE ET AL	8640 NW 84TH CT	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
ELLIOTT, MICHAEL L & MEYERS, PATTY A		8650 NW PARKEY DR	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
BRANNON, JOHNNY L & WYNONA A		8650 S HEINZ	CANBY, OR 97013	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
DRUIAN REVOCABLE TRUST	DRUIAN, M GREGORY & JANICE M TTEES	8657 NW 89TH PL	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
STACKHOUSE, SUSAN C		8724 NW LOWER BRIDGE WAY	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
NASH/D'ANN K		8797 NW 31ST ST	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
RONALD T R BRUMMOND TRUST	BRUMMOND, RONALD T R TRUSTEE	885 JEFFERSON ST NE	SALEM, OR 97301	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
HODGSON 1991 LIVING TRUST ETAL	HODGSON, GEORGE FREDRICK TRUSTEE ETAL	904 NE 78TH AVE	PORTLAND, OR 97213	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
GRAY, KAREN M & JOEL T		919 NW 50TH ST	VANCOUVER, WA 98663	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
LEIGHTON, JAMES WALTER		9200 NW CROOKED LN	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
HINRICH, CRAIG A & SUSAN J		9285 NW CROOKED LN	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
ENNEKING, JOHN P ET AL		93 FAIRVIEW PLAZA	LOS GATOS, CA 95030	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
DAK PROPERTIES LLC		9400 NW 19TH ST	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
BALLE, PAMELA S		PO BOX 104	PLOT HILL, CA 95664	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
DENTON, RENEE T		PO BOX 114	TERREBONNE, OR 97760-0114	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
ALLEN, DANNY G & JENNIFER LEIGH		PO BOX 1154	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
BRAXLING FAMILY REVOCABLE TRUST	BRAXLING, RICHARD WAYNE TTEE ET AL	PO BOX 1460	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
REEVES, BONNI L		PO BOX 1588	CROOKED RIVER RANCH, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
KOLBERG, BRAEDI		PO BOX 191	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
WILLIAM & JULIE CONN TRUST	CONN, WILLIAM G & JULIE L TTEES	PO BOX 2030	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
CAROL DODSON JACQUET TRUST	JACQUET, CAROL DODSON TRUSTEE	PO BOX 2086	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
OLSON, JESSE		PO BOX 2116	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
FRIEND, PAMELA S		PO BOX 212	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
MCGRADY, SHANE & MISTY		PO BOX 214	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
KLyce & PAXTON LV TRUST	KLyce, RICHARD H TTEE ET AL	PO BOX 217	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
LYONS, ROBERT T		PO BOX 2172	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
LINSFORD, RANDY J & TONYA S		PO BOX 2179	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
OBERN, DAVID W & BRENDA S		PO BOX 2316	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
VALENTI FAMILY TRUST	VALENTI, MARK A & JEANINE K TTEES	PO BOX 233	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
MARVIN, KENNETH & TAMRA ET AL		PO BOX 2382	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
RYCHART, MICHAEL P & PAMELA		PO BOX 2403	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
DALTON, DAVID		PO BOX 308	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
SCHMIDT, LEJAND BRUCE & GERALDINE CAROL		PO BOX 35	WESTLAKE, OR 97783	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
CHAPMAN, LEORA F & KENNETH L ET AL		PO BOX 428	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
BIG FALLS RANCH CO		PO BOX 434	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
RONCERAY, GARY A		PO BOX 5612	BEND, OR 97708	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
EDWARD BEARD REV TRUST ET AL	BEARD, EDWARD OWEN TTEE ET AL	PO BOX 575	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
ARNOLD, DONNA L		PO BOX 611	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
GUNZNER, JOHN H & JOANNE E		PO BOX 623	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
WALSH, THOMAS F & LYNDA E		PO BOX 662	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
KENNETH AND CHARLOTTE STORRS REV... ETAL	STORRS, KENNETH RUSSEL TRUSTEE ETAL	PO BOX 694	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
FLEWELLING, TIMOTHY W & TANA C		PO BOX 744	REDMOND, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
WELLS FARGO BANK N A TRUSTEE		PO BOX 75086	SEATTLE, WA 98175-0086	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
ISLAND FAMILY LIMITED PARTNERSHIP		PO BOX 823441	VANCOUVER, WA 98682	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
WESTBY, RAY E		PO BOX 932	BORING, OR 97009	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
BLM, PRINEVILLE DIST. - DESCHUTES FIELD MGR.	Clark, Lisa M <lmclark@blm.gov>	ELECTRONIC			
CENTRAL OREGON IRRIGATION DIST.	KELLY O'ROURKE - LANDUSE@COID.ORG CRAIG HORRELL - CHORRELL@COID.ORG	ELECTRONIC			
DESCHUTES CO. ASSESSOR		ELECTRONIC			
DESCHUTES CO. BUILDING SAFETY		ELECTRONIC			
DESCHUTES CO. SR. TRANS. PLANNER	PETER RUSSELL / TARIK RAWLINGS	ELECTRONIC			
REDMOND FIRE & RESCUE	Tom Mooney (Tom.Mooney@redmondfireandrescue.org) Wade Gibson (Wade.Gibson@redmondfireandrescue.org)	ELECTRONIC			
REDMOND PUBLIC WORKS		875 SE SISTERS	Redmond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Peterman Pit LLC		PO BOX 1669	Redmond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Miller Nash LLP	Steven G. Liday	111 SW Fifth Avenue, Suite 3400	Portland, OR 97204	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Carole Atherton and H. Malerkey Wall		3434 NW Montgomery Drive	Redond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Paul Johnston		11295 NW Dove Road	Terrebonne, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Dan Marsh		11200 NW QUAIL RD	TERREBONNE, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Jeanmarie Kapp		3124 NW Lynch Way	Redmond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Braedi Kolberg		PO Box 191	Terrebonne, OR 97760	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Carrie Caramella		2571 NW Euston Lane	Redmond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Ronald Caramella		2571 NW Euston Lane	Redmond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Mark and Jeanine Valenti		2551 NW Euston Lane	Redmond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Doug Kolberg		PO Box 448	Vancouver, WA 98666	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Christine Manley		2494 NW Williams Loop	Redmond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Carina Peterson		3085 NW Euston Lane	Redmond, OR 97756	NOD	23-149-CU, 150-SP, 151-LR, 152-AD
Miller Nash LLP	Laura J. Mossberger	111 SW Fifth Avenue, Suite 3400	Portland, OR 97204	NOD	23-149-CU, 150-SP, 151-LR, 152-AD

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