

January 6, 2016

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

Dear Deschutes County Commissioners:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

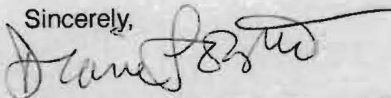
The fact that the owner was aware of the PCBs there and did nothing about it and then bladed them all over the West Side to make the site look good before PP&L did the removal, shows their lack of true concern and responsibility to make this property safe for residential use.

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

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

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

Sincerely,



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

Attachments: please see next page.

Page 3

ATTACHED:




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

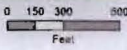
EXHIBITS:

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

Wildlife Protection Areas



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



C



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Mine Owner - Incorrect in his statement on Leaking Barrels:

FICTION:

Bend Bulletin Newspaper Article:

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

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

FACT:

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



OREMITE MINE-LOWER BRIDGE

PICTURE DATE: 11/28/83

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

Deschutes County Board of Commissioners
1300 NW Wall St # 200
Bend, Oregon 97701

January 6, 2015

RE: Lower Bridge Road, LLC's Proposed Development on rezoned property.
January 6, 2016 Public Hearing

File #s: 247-15-000521-A, 247-15-000194-CU, 247-15-000195-TP

Dear Board of Commissioners,

As required by the Deschutes County Code, the Conditional Use Permit Application and Tentative Plan referenced above for a planned development within an RR-10 residential zone must meet the following stringent conditions:

18.128.210(A): Such uses may be authorized as a conditional use only after consideration of the following factors:

8. Effect of the development on the rural character of the area.

18.128.210(B): The conditional use may be granted upon the following findings:

4. The proposal is in harmony with the surrounding area or its potential for future use.

These requirements are not nebulous; they are specific. Currently, when you drive the entire length of Lower Bridge Way between the outskirts of Terrebonne to the outskirts of Sisters, one rural character is presented along the entire journey, particularly in the Lower Bridge area. The applicant does not meet, or even attempt to meet these requirements. In example, **Exhibit B** attached to this letter shows current residences in the Lower Bridge area as yellow dots, and the maximum potential for straightforward ten-acre lots on the applicant's property is shown as red dots. Note: this portion of the applicant's property totals 98.2 acres less approximately 4 acres for roads. Naturally, no one can know precisely where, on ten acre parcels, future residences will be built; but a straightforward RR-10 developmental approach can result in no more than nine residences built east of Lower Bridge Way. **Exhibit B** demonstrates that this approach maintains a density consistent with the existing rural character and would be capable of achieving harmony with the surrounding area. As such, it serves as a baseline for evaluating whether the requirements of the Deschutes County Code have been achieved.

In the starkest of contrasts, **Exhibit A** shows the same existing residences again in yellow, with residences on the lots identified for the applicant's planned development shown in red. As is obvious,

the density of this jumble of residences does not maintain the existing rural character or make any attempt to achieve harmony with the surroundings.

The view of all of the houses on these crowded lots would be unavoidable from Lower Bridge Way as it begins its descent to cross the Deschutes River. The applicant's proposal is neither inconsequential nor benign. It permanently changes the rural character of the area.

As is evident from Exhibit A, In addition to high visibility from Lower Bridge Way, the incompatibility of residential density resulting from this proposal would also be highly visible from Teater Avenue just to the south, Borden Beck Wildlife Preserve along the Deschutes River, the Wildlife Habitat Conservation & Management Program Area adjacent to wildlife preserve, and the Deschutes River itself which is a State Scenic Waterway and Federal Wild & Scenic River.

The applicant's proposal has already been denied by the Hearings Official through proper channels. One decision of this formal regulatory process was disallowing any land zoned FP to be included in the applicants development. This amounts to 13.84 acres as is delineated in the attached Exhibit C. The applicant now seeks special favor from the Board of Commissioners and Deschutes County to overlook this decision. In return they offer nothing of benefit to Deschutes County. The applicant seeks only their own short term financial gain. The Board of Commissioners has an obligation to protect the rural character of this historic area which is referenced in notes from the diaries of Kit Carson, John Charles Fremont, and Peter Skene Ogden. Preservation of the Lower Bridge area requires that you not be complicit in the avarice emanating from this development scheme. Keep in mind that the applicant is not without development recourse; nothing is stopping them from developing the straightforward 10-acre lots compatible with the property's zoning and in harmony with the rural character.

In addition, the applicant's proposal is incompatible with conditions of their own previous favorable ruling allowing the zone change to RR-10 in the first place. The decision of the Deschutes County Board of Commissioners ZC-08-1, PA-08-1, document no. 2009-168 (page 36, item 4) required the applicant to "not develop any area within a 100-yard radius of the historic Lynch and Roberts Store Advertising sign". And yet, as is shown on the attached Exhibit C, 3.33 acres of their development and much of Lot 1 of their tentative plan occurs within this protected zone. Their proposal must be rejected on these grounds alone because the applicant's performance is contrary to the conditions of the zone change. At a minimum, they must begin the conditional use application process anew, and this time it must conform to all conditions of the zone change just like the application requirements are for everyone else.

The applicant further manipulates the conditions of the original zone change. ZC-08-1, PA-08-1 Document no. 2009-168 (page 36, items 3 and 7) stipulates that a condition of the zone change to RR-10 is the establishment of a conservation easement and open space of approximately 30 acres (29 actual acres) situated west of Lower Bridge Way. Let me reiterate: in order for the applicant to be granted a change of zone to RR-10, they were required to permanently protect these acres from development. This is the base case for the rezoned property. In accordance with the Deschutes County Code, a

conditional use permit must meet the additional standards (including open space) beyond these base case requirements. As demonstrated in Exhibit C, the applicant attempts to advantage their proposal, in an unwarranted fashion, by including this base case responsibility for conservation easement and open space as a part of their planned development open space requirements. This is clearly not allowable. The applicant suggested in their final rebuttal that there was some sort of prior knowledge on the part of the Board of Commissioners of the applicant's intention to eventually present a planned development proposal, and that this constituted some sort of prior approval for including this property in their development as open space. Obviously this could not have been the case because any such approval prior to Conditional Use application is not allowable by any standard. Moreover, this conservation easement acreage west of Lower Bridge Way has never been cleared environmentally. A history of toxic activity on this portion of the mine property eliminates it from any rational inclusion into a planned development. The result of the applicant's effort to include this conservation easement land in their planned development proposal creates a false math which provides for a deceptively high amount of open space which then is used to calculate an artificially high number of allowable planned development lots.

As others will demonstrate, the succession of ownership for the applicant's property has historically received regulatory favor which is not readily available to the average county constituent. Such favor must end now and forever.

The preceding arguments represent best faith efforts to research the applicant's proposal, Deschutes County Code, documents from the Board of Commissioners allowing zone change for the applicant's property to RR-10, and previous testimony. The conclusions expressed herein are the result of those efforts; prime among those conclusions is that the rural character of the historic Lower Bridge area would be impacted negatively, permanently, and in the extreme by this self-serving proposal to radically increase residential density. It must be rejected.

Respectfully Submitted,

James Taylor
7695 NW 93rd Street
Terrebonne, OR 97760

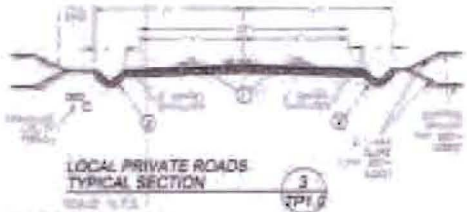
Janice Taylor



Rural Character / Applicant Proposal
Existing Residences = Yellow / New Residences = Red



Rural Character / 10 Acre Parcel Comparison
Existing Residences = Yellow / New Residences = Red
Residences = Red



TAN = 29.0 ACRES
CONSERVATION EASEMENT

BLUE = 13.84 ACRES FP

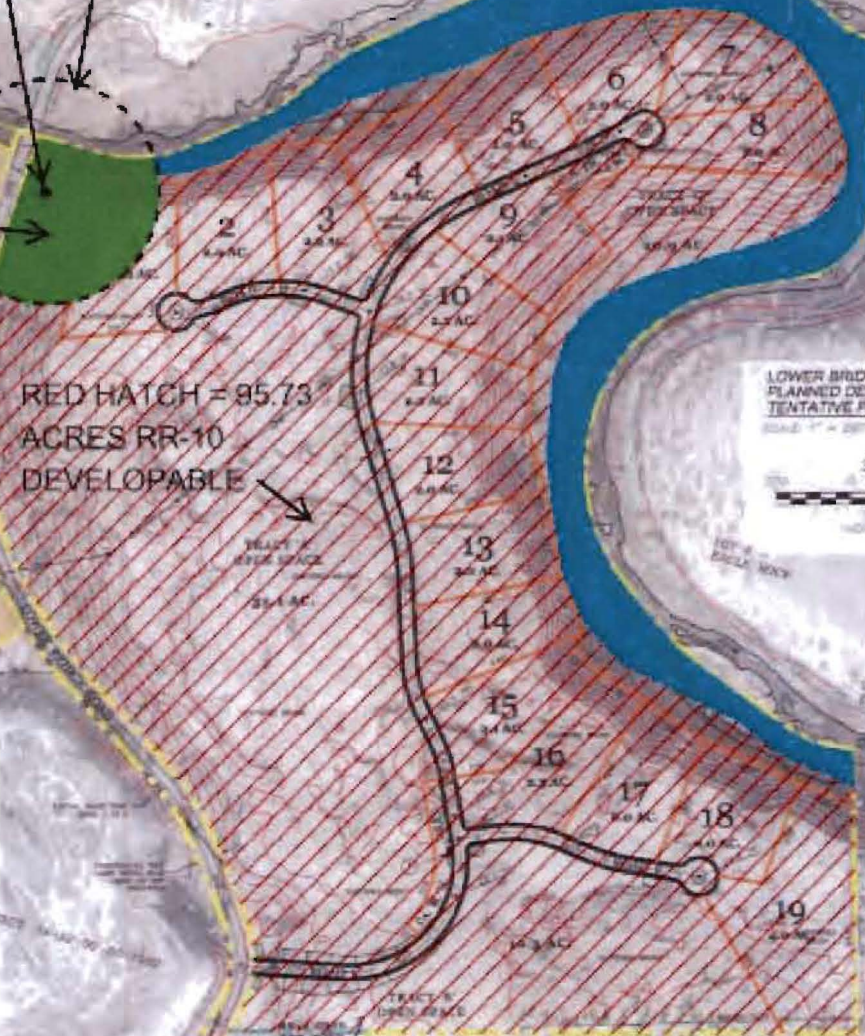
GREEN = 3.33 ACRES

HISTORIC LYNCH AND ROBERTS SIGN
100 YARD RADIUS

RED HATCH = 85.73 ACRES RR-10 DEVELOPABLE

TRACT F
9.9 ACRES

TRACT C
19.1 ACRES



LOWER BRIDGE ROAD LLC
PLANNED DEVELOPMENT
TENTATIVE PLAN
SCALE 1" = 200'

SCALE 1" = 500'

ITEM	DESCRIPTION	AMOUNT
1
2
3
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11
12
13
14
15
16
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19

APPLICANT/OWNER	LOWER BRIDGE ROAD LLC 280 S.W. 117th ST. SUITE 200 MCKEANVILLE, MO 64869
ENGINEERING SURVEYING AND PLANNING	DAVIDSON PARKER, LLC 188 SW 24th AVENUE DRIVE SUITE 100 BIRD CREEK, MO 64830
CURRENT ZONING	RURAL RESIDENTIAL ZONING (R-10) FLOOD PLAIN ZONING (FP) EXCLUSIVE FARM USE (EFU)
TOTAL LOTS	19 RESIDENTIAL LOTS 1 PRIVATE ROAD TRACT 2 COMMON AREA TRACTS 3 OPEN SPACE TRACTS
STREETS	PRIVATE
WATER SUPPLY	EACH RESIDENTIAL LOT IS ANTICIPATED TO HAVE ITS OWN SEWER PRIVATE WELL.
SEWER DISPOSAL	EACH RESIDENTIAL LOT IS ANTICIPATED TO HAVE ITS OWN ON-SITE DISPOSAL SYSTEM.
POWER	INDIVIDUAL POWER
FIRE PROTECTION	REDUCED RURAL FIRE PROTECTION DISTRICT

PROJECT AREA SUMMARY

DESCRIPTION	ACRES
TRACTS 1 - 20	61.1 ACRES
COMMON AREA TRACTS 'D' AND 'E'	11.4 ACRES
PRIVATE ROAD TRACTS (P-1)	4.4 ACRES
OPEN SPACE EAST OF LOWER BRIDGE ROAD (TRACTS A AND C, PORTION OF TRACT B)	66.2 ACRES
OPEN SPACE WEST OF LOWER BRIDGE ROAD	18.3 ACRES
OPEN SPACE WEST OF LOWER BRIDGE ROAD (TRACTS E AND F)	9.9 ACRES
LOWER BRIDGE ROAD RIGHT OF WAY RESERVATION	4.7 ACRES
TOTAL PROPERTY AREA	147 ACRES

LEGEND

- WASTEWATER TREATMENT PLANT
- ZONING BOUNDARY
- SPECIAL PLANNED DEVELOPMENT AREA (SP-1) COUNTY PLANNING COMMISSION PLANNING DEPARTMENT SHALL REVIEW THIS PLAN FOR CONFORMANCE WITH LOCAL ORDINANCES AND REGULATIONS.
- EXISTING MAJOR (1/2" TO 3/4" DIAMETER) CONDUIT FROM 200' AERIAL SERVICE
- EXISTING MAJOR (1/2" TO 3/4" DIAMETER) CONDUIT FROM 400' AERIAL SERVICE
- EXISTING OVERHEAD POWER AND/OR COMMUNICATIONS FACILITIES (SEE GENERAL NOTES)
- PRELIMINARY PROPOSED ROAD TRACT AND SUBSECTION OF TRACT
- PRELIMINARY PROPOSED ROAD TRACT AND SUBSECTION OF TRACT

EXHIBIT C
SCALE: 1" = 500'

January 4, 2016

RE: Board of County Commissioners - January 6, 2016 Public Hearing of
Lower Bridge Road, LLC's Proposed Development on rezoned property

File #s: 247-15-000521-A, 247-15-000194-CU, 247-15-000195-TP

Dear Deschutes County Board of Commissioners

We are farmers in the Lower Bridge area and would like to express our concern about the proposed subdivision. Lower Bridge Way is a dangerous road with few passing areas. It is common to have slow moving farm equipment on the road as well as many trucks hauling livestock and farm products. The proposed lots on the Rim across from Borden Beck Wildlife Preserve, is not fitting with this predominantly EFU-Exclusive Farm Use that already exists here for over 10 miles along Lower Bridge Way.

Allowing high-density rural residential development in EFU areas is not in keeping with sustainable land use planning. Many of the residents that settle in rural subdivisions will find themselves faced with long commutes to work and shopping on dangerous roads that are often not plowed in a timely fashion in the winter.

The proposed location for this subdivision is on land that has been mis-used and potentially contaminated. Until these issues are resolved, no development should be allowed in this area.

We oppose this poor Land Use and Development at Lower Bridge and hope you agree to keep this area as currently used & permitted- rural, scenic and predominantly farm use. All current uses would have a conflict with this new land use and proposal.

Sincerely,



Sarahlee and Chris Lawrence
70955 NW Lower Bridge Way
Terrebonne, OR 97760

Jan. 4, 2016

Regarding

Board of County Commissioners

January 6, 2016 Public Hearing

File number 247-15-000521-A, 247-15-000194 CU, 247-15000195-TP

Applicant: Lower Bridge Road LLC

Dear County Commissioners:

I am opposed to this proposal because it would alter the character of the Lower Bridge area.

I was part of a volunteer crew that worked for two years to restore a natural area along the river at Lower Bridge, across from Borden Beck Wildlife Preserve, that over the years had become a dumping ground and partying place for teenagers. This group cleared garbage and debris, removed material that had been dumped in the river, solicited donations of native plants and fencing, and planted native plants and trees to restore the scenic river habitat. They protected the plants and trees with fencing, installed a dog waste station, and for two years hand-watered these plantings every Sunday. As a Master Gardener, I took care that we protected and cared for these new plantings so that they would thrive.

Now the native plants are well-established and the native habitat is once again fish-friendly. We care very much about the beauty and health of the river that is such an asset for this region. The Deschutes is a Wild and Scenic River and State Scenic Waterway.

This proposed development would destroy the scenic quality we have worked hard to restore and protect. It is not in the best interests of the citizens of this county to allow it to go forward. A development as dense as 2-acre lots is completely out of character, doesn't conform to Scenic River rules and is inappropriate in this very rural area. The area is far outside the Urban Growth Boundary. This development would degrade the rural quality of life by creating suburbia in the midst of large farms and ranches. This is what the Urban Growth Boundary is supposed to prevent. Urban developments belong within the UGB only.

The citizens of Deschutes County depend on you to protect our natural resources. Please don't let us down.

Sincerely,



Janet Even
7143 NE Juniper Ridge Road
Redmond, OR 97756

January 1, 2016

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

Greetings,

I urge you to affirm the hearings officer's reasoned and correct decision on conditional use, tentative subdivision plan, and site plan for a 19-lot development on Lower Bridge Road.

The hearings officer found that the application does not merit approval under our land use laws. The applicants have appealed the findings and you are scheduled to hear the appeal on January 6. I urge you to consider the hearings officer's thorough, expert and impartial reading of the facts and the law, and uphold the hearings officer's decision.

I am a Deschutes County voter and own property in the Terrebonne area. Though my property and residence are in the Equestrian Meadows Subdivision on the east side of Highway 97, I make regular use of the Borden Beck Wildlife Preserve by the Lower Bridge site and know the Lower Bridge area well. The development plan the property's owners ask you to approve is not in the public interest and as the hearings officer determined does not meet the standards of our laws.

Please affirm the hearings officer's decision and deny the applicant's attempt to undercut our laws that protect the environment and ensure sound and appropriate land use.

Please enter this letter into the file.

Sincerely,

A handwritten signature in black ink that reads "Thomas Osborne". The signature is written in a cursive style with a long horizontal line extending to the left.

Thomas Osborne
9143 NE Juniper Ridge Road
Redmond Oregon 97756

January 5, 2016.

Regarding: 1/6/16 Board of County Commissioners Public Hearing,
Lower Bridge Road, LLC Appealing Hearing Officer's Denial of their
Proposal

File #s: 247-15-000521-A, 247-15-000194 CU, 247-15000195-TP
Applicant: Lower Bridge Road LLC

Dear County Commissioners,

We continue to oppose this development. Our major concerns as
neighbors of the proposed PUD are as follows:

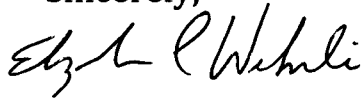
1. Environmental concerns, specifically dust. A geological exploration dated 6/22/15 revealed a layer of diatomite ranging from .5 to 2 feet deep on the property. The lightweight nature of this material poses an airborne dust hazard if it is disturbed. Blowing dust has been an issue here for a number of years. Notices of violation have been issued by DEQ. Also, the study stated the diatomites' ability to support roads, infrastructure, wells, and residential structures is unknown. Also, a site visit by the Hearings Officer revealed that efforts at revegetation on the property had been largely unsuccessful. In addition, the applicant still needs to complete the voluntary cleanup program required by DEQ. This needs to be completed prior to subdivision approval.
2. Human Health concerns. Testimony and evidence have been introduced by David Jenkins that the mining and processing of diatomaceous earth on SM Site 461 produced cristobalite, a known carcinogen. This material was disturbed during mining operations and became airborne. Certainly, that will happen again during excavation, grading and construction of roads and dwellings. Who in their right mind would want to live atop such a substrate?
3. Congestion and Traffic issues. Access to this property is on a blind curve. The County Engineer has stated that Lower Bridge Way would need to be widened from an existing 24 feet to 28 feet. This major reconfiguration should be required and paid for by the developer. Also, this is an agricultural area, and the road is

frequently used by slow moving farm vehicles. This combined with the limited sight lines on the curves increases the accident potential on Lower Bridge Way.

4. Zoning Issues . The EFU (Exclusive Farm Use) zone included in this proposed subdivision may not be developed or included in a subdivision. The minimum size lot calculations used by the applicant included Flood Plane zoned land, so the density calculations are off. The Hearings Officer has determined that there is sufficient developable land for only 15 dwellings, not 19 as proposed.

Many thanks for your consideration.

Sincerely,

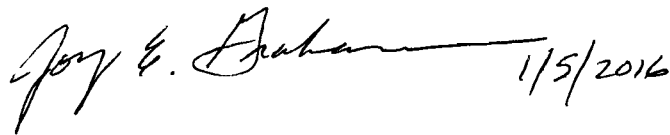


Elizabeth L. Wehrli

Joy E. Graham

7480 NW 83rd Pl

Terrebonne, OR 97760



John Berreen
8519 NW 96th CT
Terrebonne OR 97760

December 26th, 2015

To: BOCC, Board of County Commissioners, Deschutes County

RE: Lower Bridge Road, LLC's Proposed Development on rezoned property.
January 6, 2016 Public Hearing

File #s: 247-15-000521-A, 247-15-000194-CU, 247-15-000195-TP

Dear BOCC:

As a very recent resident of Lower Bridge, I have been peripherally aware of the diatomaceous earth mine for nearly a decade. As described to me at the time, it was "somewhere near Madras" and there was "resistance to development". With that minimal data it appeared that no harm was likely to come from further projects. It was not until I started to research the area prior to purchasing a house just upstream that I saw the satellite images and learned that it was actually *ON THE RIVER* - an extremely sensitive habitat in a "Scenic River" Classification on a "Federally protected Wild and Scenic River" & "State Scenic Waterway". Further due diligence only served to increase my outrage.

While I will admit that there needs to be a balance between the economic goals of the *community* and the environmental concerns for the planet, this is an egregious imbalance. This land has already given up all its vegetation and topsoil, been mined for decades, and been a captive host to the storage of radioactive waste, in containers of dubious integrity, producing payouts at every turn. Does it owe the few yet more profit?

I purchased an existing house, and I have always made a very small footprint. I will continue to do so. A large-scale high-density development is not suited to a wild and scenic river with its natural avian flyway and fragile riparian zone. The land is also clearly not suited to the septic needs of the proposed development. The depletion of groundwater resources could have disastrous consequences for the entire community that depends on this aquifer for our drinking needs, as well as for existing farmland.

This land has been stripped of all resources – for habitat, for the community and for its children. I do not want my 5 year old playing in cristobalite storms or losing her chance to enjoy a pristine childhood in an idyllic setting. The proposed property should be restored to match its surroundings, then left to recover for a few thousand years. The only reasonable compromise would be COMPLETE restoration followed by development on a min. of 10 Acre parcels. We all drink from the same cup and what one individual does impacts us all. Please – let us all make it a positive impact.

Sincerely,



John Berreen

December 28, 2015

RE: Board of County Commissioners - January 6, 2016 Public Hearing of
Lower Bridge Road, LLC's Proposed Development on rezoned property

File #s: 247-15-000521-A, 247-15-000194-CU, 247-15-000195-TP

Dear Deschutes County Board of Commissioners

As Farmers in the Lower Bridge Area, that use the Lower Bridge Farm to Market Road, aka Lower Bridge Way, this High Density Subdivision at Lower Bridge. A "PUD-Cluster Development" that is proposed with lots on the Rim across from Borden Beck Wildlife Preserve, is not fitting with this predominantly EFU-Exclusive Farm Use that already exists here for over 10 miles along Lower Bridge Way.

And this new rezoned land use does not conform with other existing uses, besides predominantly EFU Farm Use it is on a State Scenic Waterway (Scenic River Classification "largely undeveloped") & Federal Wild & Scenic Rules and abuts a Wildlife Preserve across the River from it. A direct negative impact to the Borden Beck Park Wildlife Preserve and the Habitat along the Deschutes River.

This untested land (PCBs, Cristobalite, etc. found here that can contaminate the aquifer and groundwater with further disturbance) could affect our drinking water for miles and the traffic would be a conflict with our tractors and farm equipment, interfering with farm practices and getting from farm to market.

We oppose this poor Land Use and Development at Lower Bridge and hope you agree to keep this area as currently used & permitted- rural, scenic and predominantly farm use. All current uses would have a conflict with this new land use and proposal.

Sincerely,

Lee Stone
70955 NW Lower Bridge Way
Fernebone, OR 97710

December 28, 2015

RE: Board of County Commissioners - January 6, 2016 Public Hearing of
Lower Bridge Road, LLC's Proposed Development on rezoned property

File #s: 247-15-000521-A, 247-15-000194-CU, 247-15-000195-TP

Dear Deschutes County Board of Commissioners

As Farmers in the Lower Bridge Area, that use the Lower Bridge Farm to Market Road, aka Lower Bridge Way, this High Density Subdivision at Lower Bridge. A "PUD-Cluster Development" that is proposed with lots on the Rim across from Borden Beck Wildlife Preserve, is not fitting with this predominantly EFU-Exclusive Farm Use that already exists here for over 10 miles along Lower Bridge Way.

And this new rezoned land use does not conform with other existing uses, besides predominantly EFU Farm Use it is on a State Scenic Waterway (Scenic River Classification "largely undeveloped") & Federal Wild & Scenic Rules and abuts a Wildlife Preserve across the River from it. A direct negative impact to the Borden Beck Park Wildlife Preserve and the Habitat along the Deschutes River.

This untested land (PCBs, Cristobalite, etc. found here that can contaminate the aquifer and groundwater with further disturbance) could affect our drinking water for miles and the traffic would be a conflict with our tractors and farm equipment, interfering with farm practices and getting from farm to market.

We oppose this poor Land Use and Development at Lower Bridge and hope you agree to keep this area as currently used & permitted: rural, scenic and predominantly farm use. All current uses would have a conflict with this new land use and proposal.

Sincerely,

Patricia Lawrence
25 year farmer in
Lower Bridge Area
70955 N. W. Lower Bridge Way
Jewelhome, Or 97760

SARAHLEE LAWRENCE

70955 Lower Bridge Rd
Terrebonne, OR 97760
541-279-0841
sarahlee.lawrence@gmail.com

December 3, 2008

Community Development Department Planning Division
Attention: Will Groves, Senior Planner
117 NW Lafayette Avenue
Bend, Oregon 97701
File # ZC-08-1, PA-08-

Dear Mister Groves,

I am writing with grave concern about a toxic waste dump near my ranch in Terrebonne. I recently heard of an environmental injustice that occurred in the 70s when the DEQ granted Deschutes Valley Sanitation a liquid and industrial waste permit. According to the DEQ, the permit was based on "grossly misrepresented" soil samples. After the DEQ discovered that the site was inappropriate for dumping, they did not do anything about it for 8 years. We have recently learned that the site has not been cleaned to acceptable human environment standards. Today we have chromium, PCBs, lead, and cyanide above, in, and below the ground. These toxic wastes are blowing in the air, high school kids are wandering around in the stuff, deer walk through the site and the Deschutes River and Deep Canyon abut the edges of the 600-acre dumpsite. I am concerned that toxic waste may migrate to the aquifer, river and drinking wells.

The purpose of this letter is to express my number one concern with protecting public health and safety, which includes my own as I live a mere three miles away. I watch the white diatomaceous earth lift into the air and settle all over our valley, on our land, in our river. This earth was exposed by a mining operation. The diatomaceous earth used to be safely under 24 feet of topsoil. Now it wafts illegally onto my land and into my lungs. The stuff has been embedding itself in my lungs for 25 years. This needs to stop.

And now the owners of this 600-acre toxic waste dump want to build a housing development. It would be criminal to allow them to sell homes to unknowing people that will be put in harms way. And we know the landowners are capable of such things, because they did not disclose to nearby residents that this site was a Toxic Waste Dump and that uncontrolled diatomaceous earth contains silica, a known health hazard that causes irreversible health issues, lung cancer and death.

The proposal to re-zone the area for residential use should be denied because the landowners/developer have made no provisions to make the site safe to EPA "acceptable human environment standards" for Uncontrolled Toxic Waste and Airborne Pollution. Seventy-four septic systems on diatomaceous earth may cause contamination of the aquifer, river and area dinking wells. This place must be cleaned up and humans should be kept off of this site. This may mean a monetary loss for the landowners, but people who commit such callous injustices by putting people at risk, should be punished for their actions.

I expect to see you require that an Environmental Assessment be conducted on the

entire site to test for the following: 1) Toxic waste, PCPs, volatile organic compounds in the aquifer, the Deschutes River and area drinking wells. 2) Locate, document, and remove all solid waste above grade and below grade at the entire mine site and where it has been deposited off-site by wind and rain. 3) Require that all of this is done before any building activities begin and before any property is sold. And this should be under the financial burden of both the DEQ and the landowners. 4) Require that the owners/developers state how the site got cleaned. 5) Require that the site never be permitted for residential use, because 74 wells and septic systems on fractured permeable diatomaceous earth may create serious health issues to the present residents of the Lower Bridge valley. 6) Require that no vertically fractured diatomaceous earth be watered as this has been documented as dangerous and will speed the migration of toxins to the aquifer, the Deschutes River and drinking wells. That means NO lawns. 7) Require that topsoil and native grass seed be applied to this entire site. 8) Recommend that the best use of this property would be a wildlife refuge, which will keep people off of this uninhabitable site.

I was born and raised in this valley and I plan to spend the rest of my life here. I am feeling extremely vulnerable and I need your help. The situation I have described here is extremely disappointing and I think many people are at fault and they should be ashamed of themselves. The coupling of greed and negligence in this issue shocks me. I am saddened by my neighbors' actions. And I hope there will be a remedy before further damage is done. Thank you for your time, consideration, and diligence towards justice and safety.

Sincerely,

A handwritten signature in cursive script that reads "Sarahlee Lawrence". The signature is fluid and extends to the right with a long horizontal stroke.

Sarahlee Lawrence

To: Deschutes County Board of Commissioners
From: Stephen Williams, Homeowner, Terrebonne, Oregon
Subject: Opposition to Proposed Land Use Action
File: 247-15-000194-CU and 247-15-000195-TP
Date: January 3, 2015

I am writing to inform you that I vehemently oppose approval of applications for a conditional use, tentative subdivision plan and SMIA site plan approval to establish a 19-lot residential, planned development on three parcels totaling 157 acres, zoned RR-10, EFU, FP, LM and SMIA and located between the Deschutes River and Lower Bridge Way west of Terrebonne.

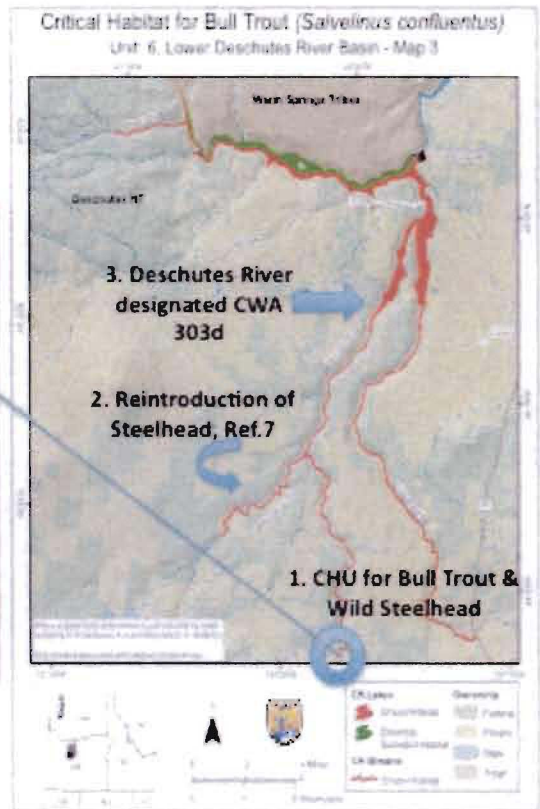
I oppose the afore mentioned plan for the following reasons:

- **The property owners have not complied with nor have properly completed the terms of the Remedial Investigation Work Plan from the Oregon Department of Environmental Quality, Nov. 14, 2014. As a full-time resident of this area, I have been forced to abandon leisure activities on Lower Bridge Way in Y2014 and Y2015 due to dust from the mine area. The property continues to generate dust on dry, windy days. I doubt the applicants can manage dust issues during construction. I consider the applicants to be a poor steward of their property and negligent in meeting their obligations.**
- **Building a Planned Urban / Cluster Development so close to the Middle Deschutes River will have negative and long lasting effects on the water quality and fisheries. The development is 1.5 river miles upstream from the southern boundaries of critical habitat range for Bull Trout and Steelhead Trout – both listed as Threaten under the Federal Endangered Species Act. (see below). Pollution created during construction and from residents will flow into the Middle Deschutes River and flow downstream into this Critical Habitat area.**

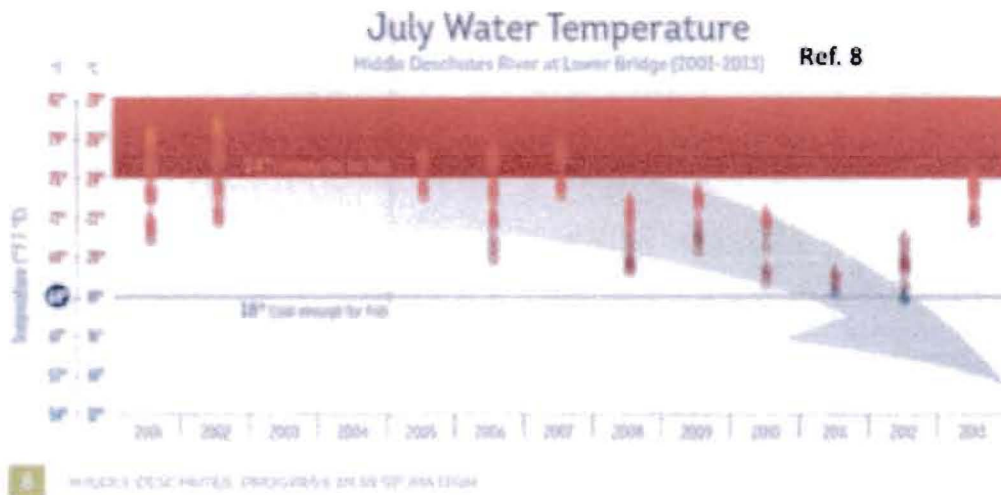
Proposed PUD is 1.5 River Miles upstream from Critical Habitat for Bull Trout and Steelhead Trout (ESA threatened). Deschutes River is listed as 303d under Clean Waters Act (CWA), Ref. 6.



"The largest concentration of wild fish is from about a mile below Lower Bridge to Lake Billy Chinook" reference USDA Forest Service website 2015



- The Middle Deschutes River is currently listed by Oregon DEQ as 303 (d) under EPA's CWA due to excessive temperatures. Pollution from construction and residents will continue to exacerbate this situation. Additionally, there is the possibility that the Oregon Spotted Frog, listed as threatened, may inhabit the marsh area and flood plan near the planned PUD.



1. Middle Deschutes River is listed by Oregon DEQ as 303(d) under EPA's CWA due to excessive temperature, dissolved oxygen and pH, Ref. 8.
2. Total Maximum Daily Loads for temperature are routinely exceeded, Ref. 9.
3. Pollution sources from urbanization that degrade water quality include construction, fertilizers, pesticides, failed septic systems and storm water runoff, Ref. 9.

I want to reiterate that I am opposed to approval of applications for a conditional use, tentative subdivision plan and SMIA site plan approval to establish a 19-lot residential, planned development on three parcels totaling 157 acres, zoned RR-10, EFU, FP, LM and SMIA and located between the Deschutes River and Lower Bridge Way west of Terrebonne.

Thank you for considering my position and reviewing my comments.

Respectfully submitted,
Stephen Williams
8790 NW Teater Avenue
Terrebonne, OR 97760
Tel: 541-323-1750

Stephen Williams
Jan 03, 2016

December 29, 2015

RE: Board of County Commissioners - January 6, 2016 Public Hearing of
Lower Bridge Road, LLC's Proposed Development on rezoned property

File #s: 247-15-000521-A, 247-15-000194-CU, 247-15-000195-TP

Dear Deschutes County Board of Commissioners

As a farmer in the Lower Bridge Area which uses the Lower Bridge Farm to Market Road, aka Lower Bridge Way, this High Density Subdivision at Lower Bridge. A "PUD-Cluster Development" that is proposed with lots on the Rim across from Borden Beck Wildlife Preserve, is not fitting with this predominantly EFU-Exclusive Farm Use that already exists here for over 10 miles along Lower Bridge Way.

The new rezoned land use does not conform with other existing uses, besides predominantly EFU Farm Use it is on a State Scenic Waterway (Scenic River Classification "largely undeveloped") & Federal Wild & Scenic Rules and abuts a Wildlife Preserve across the River from it, and is a direct negative impact to the Borden Beck Park Wildlife Preserve and the Habitat along the Deschutes River.

This untested land (PCBs, Cristobalite, etc. found here that can contaminate the aquifer and groundwater with further disturbance) could affect our drinking water as well as animal drinking water for miles and the traffic would be a conflict with our tractors and farm equipment on our 134 acres consisting of animals and haying operation. Our property fronts Lower Bridge Road and Buckhorn Road in which the latter road has major safety issues when being used by myself as well as my equipment. This proposed development will interfere with farm practices and getting from farm to market.

I oppose this poor Land Use and Development at Lower Bridge and hope you agree to keep this area as currently used & permitted- rural, scenic and predominantly farm use. All current uses would have a conflict with this new land use and proposal.

Very sincerely,



Nancy Chapel
Alpeca Country Estates/Patagonia Estates
70397 Buckhorn Rd.
Terrebonne, OR 97780

January 5, 2016

Community Development Department

Deschutes County Planning Division

P. O. 6005

Bend, Oregon

File: 247-15-000521-A, 247-15-000194-CU, 247-15-000195-TP

RE: Lower Bridge Road, LLC's Proposed High Density Development on Rezoned Property, January 6, 2016
Public Hearing

Dear Sir:

I am a rancher in the Lower Bridge EFU area located at 70397 Buckhorn Rd, Terrebonne, Oregon 97760. I want you to know that I make many trips with large and oversized farm and ranch equipment on Lower Bridge Way throughout the year. The agricultural equipment I drive on Lower Bridge Way includes trucks, flatbed trailers hauling hay, straw, and equipment, stock trailers, and a 24' fifth-wheel goose neck trailer all making about 40-50 round trips per year by the proposed high density development entrance/exit area with this agriculture equipment. Also, we take the Freeman hay loader, tractors and other haying equipment on occasion on Lower Bridge Way as well as our customers drive 18-wheel rigs for hauling hay and hay squeeze, and several service company vehicles drive to our ranch using Lower Bridge Way including several delivery trucks, port-a-potty service vehicles, and large trucks with powerful generators used to blow out the irrigation lines all throughout the year.

I am concerned that a high density development in the predominantly EFU Zone is not in keeping with the predominant existing use of the area and a high density city type subdivision will present road safety and congestion for me and nearby farms and ranches.

Submitted Respectfully,



Nancy Chapel

Alpaca Country Estates/Patagonia Estates

70397 Buckhorn Rd.

Terrebonne, OR 97760

January 1, 2016

RE: Board of County Commissioners January 6, 2016 Public Hearing
File Numbers: 247-15-000521-A, 247-15-000194-CU, 247-15000-195-TP
Applicant: Lower Bridge Road, LLC

Dear County Commissioners:

I have lived in the area immediately east of Lower Bridge Mine with my wife for 22 years in Eagle Rock Subdivision. Our home is built on 27 acres. The average acreage size in our EFU subdivision is 25 acres and we are located due east of the proposed development site. Most of the land surrounding the mine site is predominantly EFU and low density. The average distance between homes in the area surrounding the mine site is 150 yards.

Since 1994, I've learned a lot about the 100-year history of the site where carcinogenic substances have been manufactured, dumped, and stored, in violation of public health and safety laws.

Through Freedom of Information Act requests, I have obtained and read over 900 documents from DEQ, EPA and the U.S. Department of Energy regarding the site. Many were not made available to the public without such requests. They told a story of land polluted by harmful chemicals, and no proof of cleanup. Now developers want you to ignore that history and allow them to divide the land and sell it to innocent buyers, not knowing what's on, and buried in, this land.

It is my hope that the Board of Commissioners will deny the application for this planned unit development for many good reasons, including those raised by this Board in 2008 which have not been resolved.

What I have seen at the Lower Bridge Mine Site

1. Documents proving this site was the location where Diatomaceous Earth ("DE") was mined and "cooked." The No.1 product made at this site was Cristobalite, a substance made by heating DE to 2,200 degrees F and crystalizing it into an asbestos-like material. Cristobalite is known worldwide as a Group 1 Carcinogen. The heating process created a lot of waste that is made up of Cristobalite and other chemicals. Documents show that over 200,000 tons of cooked waste from this process was dumped East of Deep Canyon on the mine's west side. This waste does not biodegrade. It is still there and is dangerous to human health because it is of a respirable size (smaller than a human hair in diameter) and causes upper respiratory diseases and death over time, like asbestos. The color of Cristobalite is white like DE and

is course to the touch. It looks like DE in aerial photos, but is distinguishable from DE in test samples.

2. I have personally witnessed the applicant operate heavy equipment to grade over the site's entire west side and the documented Cristobalite dump area east of Deep Canyon, rather than test for hazardous materials and remove it as required. This grading covered up the contamination, and spread this respirable carcinogen all over the western portion of the mine site and into the wind.

3. Documents proving Oregon DEQ knowingly abandoned untreated hazardous radioactive waste at the site: 796 fifty-five gallon drums of hazardous waste (43,780 gallons) and 5,600 gallons of toxic sludge dumped into an unsealed lagoon on the West side of the mine site. DEQ only examined and cleaned 1-acre of this 576-acre site. DEQ ignored EPA Region 10 Superfund Site Manager's directives to monitor the groundwater and make provisions for oversight. To date, there has been no groundwater monitoring program being administered at the site to address possible subterranean contamination. To date, DEQ has not certified the entire site is safe to "residential standards" nor shown how the site was cleaned.

4. Documents evidencing 42 tons of topsoil with dangerous PCBs located in 2008 by Pacific Power from one of two abandoned substations pursuant to site history. Pacific Power had operated 2 power stations on the mine property since 1941. I witnessed the applicant grade over the 1941 substation site southwest of the mine buildings in 2007, spreading and covering PCBs over the site prior to the site surface and removal efforts of PBS Engineering.

5. Documents evidencing 25 years of illegal mining on the current owners' watch on the east and west sides of the site. These acts include:

- a. Class 1,2, 3 and 4 hazardous waste violations on the east side of the mine.
- b. Topsoil earmarked for reclamation given illegally to Deschutes County for road projects free of charge. (SP-85-23, Frank Nolan Affidavit)
- c. The site deemed a Public Nuisance by DEQ on January 4, 2008 because of uncontrolled airborne emissions originating at and emanating from the mine site. The emissions leave the site and blow off the site and impact nearby residents, farms, ranches, Borden Beck Wildlife Preserve, Lower Bridge Road and the Deschutes River corridor for miles. High winds are common in the Lower Bridge Canyon and surrounding community and gusts from 25-65 mph create uncontrolled pollution that leaves this site and occurs as a result from wind with no human activity. Human activity adds to the uncontrolled pollution.

Frank Messina, DEQ Environmental Specialist stated the following about this pollution in the 2008 "Notice of Nuisance Determination: "The dust leaves the property and impacts the residential area by landing on their property, vehicles, etc. and creates a potential

health impact to them if inhaled regularly."

- d. Lydia Taylor, DEQ Director fined an operator E.A. (Gene) Moore \$16,702 for operating a rock crusher without an air contaminant discharge permit at the site for 15 years at the site, but never collected 1 cent of the fine.
- e. Paul Lawson, DOGAMI cited owner Frank Nolan for operating outside the legally allowed 1972 mining border in 1985 and disturbing 21 acres.
- f. Mining ceased in 2006 and the applicant must then reclaim the 21 illegally disturbed areas with 1' of topsoil, native seeds and shade trees.

This was never done and the applicant stated it has been done.

6. Owner/operator acts to hide illegal operations, including two very large, deep holes dug at the site with a backhoe in the middle of the night in 2000. One hole is in the southern section of the east side of the mine. The other is in the northwest corner of the west side of the site. E.A. (Gene Moore) brought a vast amount of illegal solid waste to the east side of the site. This waste included used batteries, barrels full of used oil, enormous oil, fuel and other unknown substance tanks that were transported to the site and placed on the ground, tons of scrap metal, huge piles of creosote logs and non working machinery with engines. It was an enormous and illegal Solid Waste site. DEQ knew of these violations but it took the Deschutes County Sheriff's office to force E.A. (Gene) Moore and his son Scott Moore to remove all of this material.

It took months to remove this illegal waste. During this period, in 2000, I eye witnessed an out of state operator dig 2 enormous holes in the middle of the night. One hole was on the southern end of the east side of the mine. The other enormous hole was much deeper on the northwest corner of the west side of the mine. The next morning, I observed that the holes had been completely covered up. I never saw the barrels full of used oil or the large fuel container tanks being transported off the site during daylight hours. A sheriff's deputy would monitor the removal periodically but was not there during the night and most days. My neighbor, Ron Calkins and I were (and are) very concerned about these 2 middle of the night excavations and cover ups.

I reported both excavations to Linda Gorman at DEQ and provided a map to locate both holes. DEQ did nothing. Today, the hole dug on the east side is (visible from NW Teater) is beginning to sink in and is a different color than the surrounding soils. The cover up hole on the west side is not visible without trespassing.

On May 8, 2006, Jeff Ingalls, DEQ Eastern Region Hazardous Waste Program Specialist cited Scott Moore for Class 1, 2, 3 and 4 violations. The violations included: a. Bringing twenty five 55-gallon barrels of unlabeled used oil to the site b. Bringing six 5 gallon used oil containers to the site c. Failing to label 4 tanks of used oil to the site d. Failing to close or cover two 55 gallon barrels of used oil. Failing to notify he transported used oil to the site without notified as a used oil transporter e. Burning prohibited materials.

Jeff Ingalls, DEQ stated the following on page 4 of his report: "The owners of this property at some point in time were responsible for the burning of several piles of demolition debris that contained prohibited materials."

Given the long list of violations by E.A. Moore, Scott Moore and the mine owners I am very concerned about what was done unsupervised for decades at this mine site, day and night, with illegal hazardous materials brought to this site and if any of these materials were buried beneath the surface.

7. Despite a vegetation effort to stop uncontrolled pollution from polluting the site, the river corridor and neighboring residential areas, we still witness and experience dust storms emanating from the site. We filed complaints with DEQ for 8 years, but stopped in 2008, because formal complaints to DEQ with documentation and photos have proved to be unproductive to initiate action that actually solves the problem. DEQ will not conduct respirable air tests (EPA Personal Ambient Air Quality Standards Tests) in windy conditions to prove that uncontrolled pollution at this site is not respirable, not a health hazard and does not include Cristobalite and Asbestos. Cooked waste was dumped at this site from 1936-1963.

The Applicant has made no effort to assure anyone that this dust does not contain Group 1 Carcinogens with legitimate testing despite the plant foreman's documents being in the Deschutes County public record. DEQ has not acknowledged site history documents from the plant foreman, D.F. Dyrsmid stating that the plant operated 24 hours per day, 7 days a week with as many as 75 men and that Flux Calcining process created the No. 1 product made at this site by a great majority. Dyrsmid stated they processed 300 tones per day and that cooked waste was taken to the dump east of Deep Canyon (the far west border of the mine site).

The Terrebonne plant foreman's documents were provided to me by DOGAMI, The documents are also available from the University of Washington Special Collections Library and USGS.

F.L. Kadey, the world's leading authority on Diatomaceous Earth Processing stated the following and is available on the EPA Website: Flux Calcining produces changes in the diatom particle and converts otherwise amorphous silica to Cristobalite.

8. Great Lakes Carbon Corporation Dicalite Division operated the Terrebonne Mine site and processing center issued a "Dicalite Bulletin C-20" in 1948 showing a photograph of the Terrebonne Mine and two enormous fuel tanks that helped power the processing center and two furnaces. DEQ does not know of the larger tank west of the mine buildings that was 200,000 gallons. The other tank appears slightly smaller (100,000 gallons) and perched atop a hill north of the mine buildings. Both tanks had underground lines to the mine buildings. Both fuel tanks were removed prior to state

DEQ decommissioning laws according to PBS Engineering report of May 2007. It is my understanding that PBS, DEQ the applicant's Environmental Reports do not know the larger fuel tank was at the site. These subsurface soils at both fuel tank locations have never been tested for contamination. The applicant graded over the 200,000 gallon tank location. There is no apparent health hazard unless you locate documents and photographs that prove a health hazards existed at the site and that the locations have not been tested.

Despite the fact that applicant and DEQ has had the Terrebonne plant foreman's 16-page document stating the 200,00 tank existed and has done nothing to inspect subsurface soil at it's prior location

What I Have Not seen at the Lower Bridge Mine Site

1. Nobody has addressed the amount of cooked waste and location of the "cooked waste dump" on the far west side of the site. Nobody has conducted an EPA respirable air test to determine if the airborne pollution at this site is respirable and dangerous. Putting people in the eye of a recurring, uncontrolled Cristobalite storm is not a solution. It is the definition of the problem.

2. DEQ has not acknowledged they illegally permitted and knowingly abandoning untreated, Gamma Level radioactive and Toxic Sludge at this unsupervised site for 8 years that they knew was a threat to the Deschutes river, the groundwater, area wells and Deep Canyon Spring.

State Hydrologist, Frederic G. Lissner wrote to Milan Synak and John Borden at DEQ on February 9, 1976 wrote the following: "The slight amount of diatomite remaining will Not provide an effective seal or filter to prevent ground water contamination. Liquids placed in the lagoons will readily leak into the underlying gravels and eventually migrate either to the regional ground water body, or more likely to a perched ground water body which discharges into Deep Canyon creek and /or the Deschutes river.

When Lissner wrote this letter, hazardous waste was already at the site and dumped into a lagoon Lagoon #4.

Apparently, DEQ has no interest in telling the truth and creating trust anew with a community that knows the truth about DEQ's illegal acts at this site. To know that DEQ, the state organization in charge of protecting public health knowingly abandoned this hazardous, radioactive waste and never told a soul is now in charge of protecting public health and safety is not a comfort. The waste DEQ abandoned never goes away and has a half-life of 4 billion years.

These acts by DEQ broke the public trust and were criminal acts in violation of ORS 167.785.

3. A full environmental assessment examining both the surfaces and subsurface layers of the mining site, both on the east side where residential development is proposed, and on the west side where uncontrolled pollution containing carcinogens remain and blows in the wind to and through the east side. We ask the BOCC require a thorough and informed independent environmental study be done of the entire site prior to any development actions, reflecting knowledge of the true site history.

4. The applicant's money is being spent primarily on attorneys and NOT true and thoroughly site assessments, cleanup and sustained reclamation. EPA Region 10 leadership stated "this site," not some of the site (the east side) must to be cleaned to EPA "residential standards" and the applicant must show "how it was cleaned" before allowing people to live there.

5. A proposal for land use that is compatible with surrounding density, the Wild and Scenic Waterway designation of the bordering Deschutes River, and known habitat values.

6. A written legal proposal for cleanup to residential standards of the subject and surrounding property that would guarantee and actually require enough money up front for total, not partial clean up of the entire site to residential standards on a time line.

The applicant has had more than 8 years to clean the site and that is more than enough time.

Only vague possibilities have been raised to date. This applicant has not given neighbors or the BOCC any reason to trust their credibility. Such requirements should be legally enforced.

7. DEQ evidence that the west and east sides of this site has been cleaned to "Residential Standards" and evidence of how the entire site was cleaned prior to allowing anyone to live at the site.

8. Proof from DEQ that the hazardous waste (radioactive and toxic sludge) from Deschutes Valley Sanitation is no longer on the site by proving it was taken to Hanford facility as they stated in the Bulletin many times. Alexander C. Morris at The U.S. Department of Energy wrote me on March 18th and March 24th and stated they have no records of Deschutes Valley Sanitation waste at Hanford, though that's what DEQ and the mine owners claim.

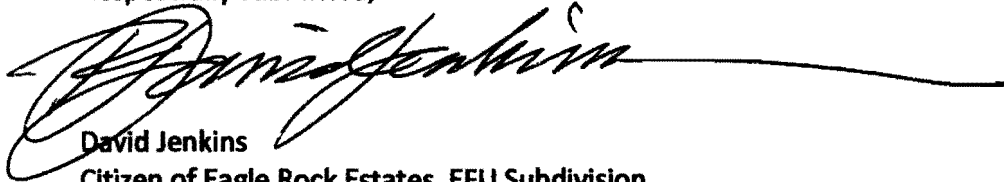
9. Deep Core Soil Samples taken by an independent environmental company that is not appointed by the applicant or by DEQ that abandoned hazardous waste at this site. These sample over the entire mine site and at known locations where hazardous waste violations occurred. Deep core samples have not been taken and tested at known hazardous waste locations at this site to date.

10. Ground penetrating radar used over the entire site that locates buried liquid and barrels that are buried well beneath the surface. If no apparent health hazard is the term for what one does not see, ground penetration radar is the term for what one can see buried beneath the surface. PBS Engineering's Phase 1 Environment Report (May 2007 Project #80319.000) on the Lower Bridge Mine stated many areas of concern. One of those concerns is testing subsurface soils. This has not been done in the hazardous waste areas they listed as concerns.

I would very much like to see Deschutes County protect public health and safety, protect wildlife and its habitats, and make land use decisions that are compatible with and protecting of our County's lands and people. It is wrong for any government charged with protecting its people to allow unsuspecting citizens to be put in harm's way.

I urge BOC to deny this application for the reasons "known and unknown" above and below ground at this site.

Respectfully submitted,



David Jenkins
Citizen of Eagle Rock Estates, EFU Subdivision
P.O. Box 85
Terrebonne, Oregon 97760

Attachments:

- #1. Photo taken by David Jenkins in 2000 of E.A. Moore illegal solid waste site on east side of Lower Bridge Mine with illegal, unpermitted rock crusher in operation and illegal solid and liquid waste storage area
- #2. Photo (closer view) taken by David Jenkins in 2000 of E.A. Moore illegal solid waste site on the east side of Lower Bridge Mine with illegal full barrels of used oil and enormous fuel and other unknown types of tanks sitting on the ground.
- #3. Photo page from 1948 Great Lakes Carbon Corporation Dicalite Divison Bulletin C-20 showing 2 giant fuel tanks. One at left is 200,000 gallons and one at right was 100,000 gallons.

#4. Letter written by Frederic G. Lissner, state hydrologist to Milan Synak and John Borden stating hazardous waste February 9, 1976 dangers. Illegal hazardous waste was delivered to the site December 31, 1976

#5. EPA letter from Pjil Wond. EPA Superfund Site Manager to Al Goodman (Oregon Operations Office) with directives to monitor the ground water and make provisions for oversight.

#6. Portland (UPI) article published by The Bulletin on November 30, 1983 with the headline: Adequate Explanation Lacking - Midstate Waste Forgotten About?

2008 PHOTO BY DAVID JENKINS
OF E.A. MOORES' ILLEGAL SOLID
WASTE SITE WITH UNPERMITTED
ROCK CRUSHER IN USE AND
ILLEGAL SOLID WASTE ON EAST
SIDE OF LOWER BRIDGE/MINE.

11



1



These two enormous piles of "solid waste" are located on the mine's southeast corner. Both are violations of county codes 13.36.020 and 13.36.010.

These waste piles include large discarded tires, croosote beams, unused storage tanks (for petrol), and twisted metal debris.

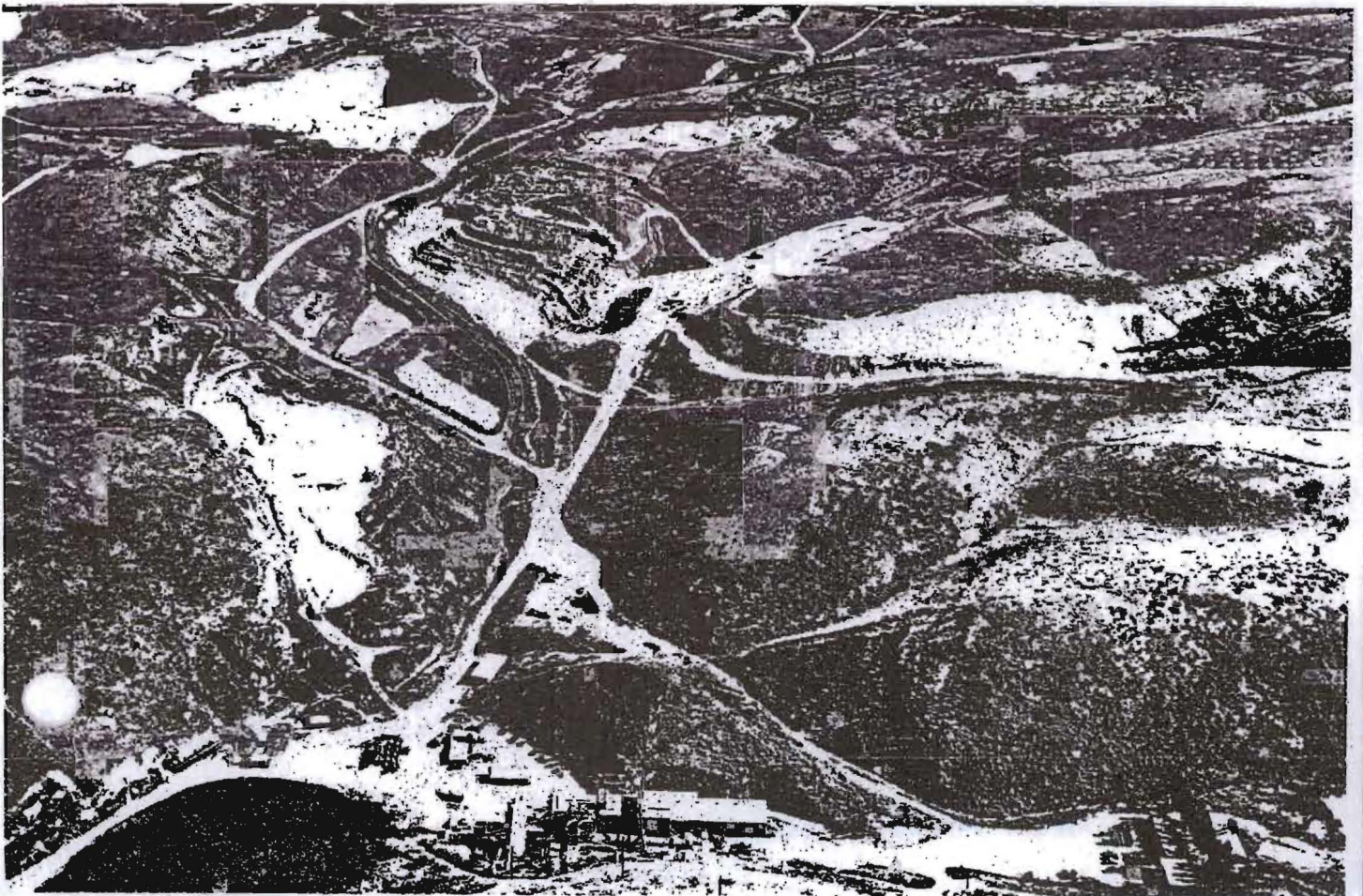
They should be removed according to county code 15.04.070, permanently.

2008 PHOTO BY DAVID JENKINS OF E.A. MOORE'S
ILLEGAL SOLID WASTE SITE WITH ENORMOUS
TIRE CONTAINERS, ETC.
EAST SIDE OF THE LOWER BRIDGE MINE.

(2)



VAST SUPPLY — Ample for Many Years ^{TERREBONNE} MINE 1948



TO: Milan Synak
& John Borden

FROM: Frederick G. Lissner *FGL*

SUBJECT: Deschutes Valley Farms Liquid Waste Site

DATE: February 9, 1976

(4)

On January 22, 1976, I was accompanied by Ned Dempsey of Century West Engineering, Bend, Oregon, and Bob Paeth on an inspection of the Deschutes Valley Farms liquid waste disposal site.

In a memo dated June 6, 1975, I discussed the site from a ground water contamination standpoint and recommended a suitable location for the lagoons based on the stratigraphy at the site. Since the writing of that memo, four waste lagoons have been constructed in an area other than that recommended, and some concern had been expressed by Ned Dempsey that too little diatomite remained below the lagoons to prevent leakage. Purpose of the inspection on January 22, 1976 was to determine whether the lagoons as constructed were adequate to prevent ground water contamination.

A backhoe was provided at the site for digging inspection pits to determine the depth and thickness of each stratum.

Discussion

Lagoon Location

The site originally recommended (see June 6, 1975 memo) was selected because the diatomite deposit at the location was very thick. Such a deposit would provide a seal and filter adequate to prevent leakage of contaminants from the lagoons in quantities sufficient to cause degradation of the local ground water body. Excavations provided for the May, 1975 inspection disclosed the geometry of the diatomite and underlying sediments indicating a thick deposit immediately east of the northwest inspection trench. The same geometric relationships were reconfirmed with the aid of backhoe pits on January 22, 1976.

In moving the lagoons from the recommended location to the current location 800 to 1000 feet north northwest, the disposal site was moved from the thick diatomite deposits nearer the center of the basin to the very thin diatomite deposits at the edge of the basin. During the excavation of the lagoons most of the diatomite was removed from the lagoon floors. In fact, in some places all the diatomite was removed exposing the fine, loosely cemented, highly porous and permeable gravels and tuffaceous sands which underlie the diatomite. The slight amount of diatomite remaining will not provide an effective seal or filter to prevent ground water contamination. Liquids placed in the lagoons will readily leak into the underlying gravels and eventually migrate either to the regional ground water body, or more likely to a perched ground water body which discharges into Deep Creek and/or the Deschutes River.

Milan Synak
& John Borden

-2-

February 9, 1976

The original objective of this disposal facility was to evaporate the liquids and dispose of the remaining residue by landfilling elsewhere in the diatomite deposits. This cannot be accomplished at the current lagoon site because of the high permeability of the sediments in and near the lagoon floors.

Monitor Wells

Monitor wells were originally specified north of the lagoons to intercept liquids migrating down dip (northward) from the lagoons along bedding planes. Because the lagoon site was changed to a location where bedding planes dip eastward, placement of the monitors north of the lagoons makes it unlikely that they will collect much, if any, moisture from the lagoons.

Monitor wells should be placed down dip from the lagoons since the movement of any leakage from the lagoons will be influenced significantly by the bedding planes. This is a result of permeability parallel to bedding planes being greater than that perpendicular to bedding planes.

The diatomite may be directly underlain by either of 2 deposits, either by the tuffaceous sands and fine gravels which are weakly cemented or by a pink welded tuff. Monitor well design is dependent upon which unit is in contact with the diatomite. If the welded tuff directly underlies the diatomite, the monitor well should be drilled five feet into the tuff, a piezometer tube with the lower 10 feet perforated should be installed to the bottom of the well, a 12 foot gravel pack should be placed around the bottom of the piezometer, and the remainder of the annulus should be filled with cement grout.

If the tuffaceous sands and gravels directly underlie the diatomite, the monitors should be drilled down until those materials are encountered. The well bore should then be plugged back approximately 6 inches into the diatomite using cement grout. A piezometer tube with the bottom five feet perforated should then be installed and a gravel pack placed around the perforations. The remainder of the open annulus should then be sealed with cement grout.

Because of the nature of the materials from which water samples are to be withdrawn, one of the monitor wells should be equipped with a suction lysimeter instead of a simple piezometer tube. Design and operation of a suction lysimeter are described on the attached pages.

Conclusions

The current lagoon sites are unacceptable for liquid waste disposal because of the highly porous and permeable substrate.

(R5)

Milan Synak
& John Borden

-3-

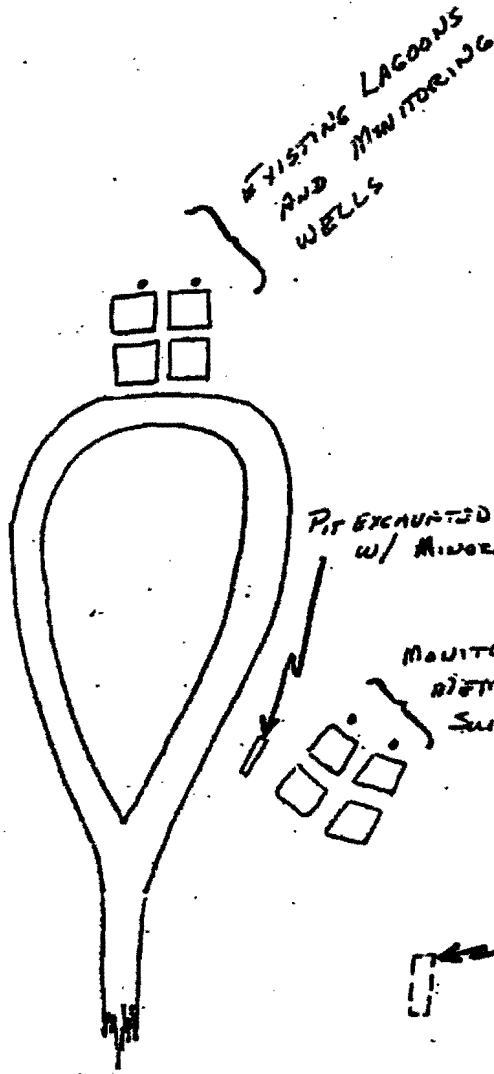
February 9, 1976

The geometric relationships of the various strata as discussed in my June 6, 1975 memo were reaffirmed by backhoe excavations on January 22, 1976.

The sites originally recommended in my June 6, 1975 memo and much of the lower area to the northeast are suitable for the proposed disposal program. The attached sketch shows relative locations of the backhoe pits and lagoon sites.

Recommendations

- 1) Abandon the existing lagoons without using them for liquid waste disposal.
- 2) Construct the lagoons in the location recommended in my June 6, 1975 memo, or in any other location where the completed lagoon will be underlain by at least five feet of undisturbed, unfractured diatomite.
- 3) Construct the monitor wells down dip from the lagoons as prescribed in this memo and my June 6, 1975 memo.
- 4) Before any expansion or lagoon site changes are undertaken, investigate the area with test drilling or backhoe pits to insure that an adequate competent diatomite deposit exists at the site.



EXISTING LAGOONS AND MONITORING WELLS

PIE EXCAVATED TO 17 FT. IN CLAYEY DIATOMITE W/ MINOR FRACTURING (1/22/76)

MONITORING WELL AND LAGOON SITES RECOMMENDED IN 6/6/75 MEMO & THIS MEMO, LARGE AREA TO NE IS PROBABLY SUITABLE ALSO.

BACKHOE PIT DUG 1/22/76 TO 14 FT. ALL DIATOMITE W/ MINOR AMOUNTS OF CLAY FRACTION

BACKHOE PIT DUG 1/22/76 TO 12 FT. ALL DIATOMITE W/ MINOR CLAY FRACTION

TRENCH EXCAVATED TO APPROX. 14' FOR MAY 1975 INSPECT. DIATOMITE TO 10± FT. UNDERLAIN BY TUFFACEOUS SANDS & GRAVELS. CONTACT DIPS 20-30° NORTHWARD

TRENCH EXCAVATED TO 14 FT FOR MAY 1975 INSPECTION. STILL OPEN ON 1/22/76. 14' CLEAN DIATOMITE UNDERLAIN BY TUFFACEOUS SANDS & GRAVELS.

SKETCH OF DISPOSAL AREA.

NOT TO SCALE

Deschutes Valley Regional Site

Site Management

5

Al Goodman
Oregon Operations Office

(G23)

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

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

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

PWONGma 10/27/83 2785P

#6

Adequate explanation lacking Midstate waste forgotten about?

PORTLAND (UPI) — State environmental officials apparently "forgot" about 45,000 gallons of chemical and radioactive wastes dumped at a geologically unsuitable site in Central Oregon in 1975 and 1976, one official says.

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

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

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

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

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

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

Council okays tourism ads

COOS BAY (UPI) — The Oregon Tourism Council has decided to spend the bulk of its \$250,000 advertising budget with out-of-state magazines to promote Oregon's tourist attractions.

The council, meeting in Coos Bay Monday, authorized Petzold and Associates Inc. of Portland to spend \$117,232 for advertising in regional and national consumer magazines.

The council also approved a plan by Petzold and Associates for a promotional program to be

ton in north-central Oregon.

A total of 723 barrels of waste containing caustic sodium hydroxide, potassium hydroxide and radioactive casting sand were found at the site. Another 5,600 gallons of lead-contaminated ink sludge was located in a pond on the site.

The wastes were stored by Deschutes Valley Sanitation Inc. on land about a half-mile west of the Deschutes River under a DEQ permit granted by former DEQ Director Loren "Bud" Kramer in August 1975. The permit was revoked the next year after Kramer accused the company of misrepresenting the soil conditions at the site.

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

Kramer said in a 1976 letter.

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

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

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

Later tests by the DEQ showed that the deep layer of impervious material does not exist and the groundwater was not protected.

"Our files don't indicate whether it was purposeful of

otherwise," Reiter said. "It is very difficult to explain how you could excavate two holes next to each other and get such different results."

So far, the agency has found no evidence that the wastes have reached the Deschutes River or the underground water, Reiter said. DEQ tests showed the ink sludge to contain 76,000 parts of lead per million parts of sludge. Under DEQ rules passed in 1979, sludge with more than 500 parts per million of lead is considered hazardous waste.

Pendleton plans eyed at meeting

SALEM (UPI) — Fire protection costs and access to industrial land being donated by the state are the remaining issues holding up construction of a new prison and mental health facility in Pendleton.

But Dave Fiskum, Department of Human Resources spokesman, said Tuesday, following a meeting with Pendleton and state officials and representatives of the governor's office, it appears that neither will jeopardize the project.

Fiskum said, "It appears that when all is said and done, there are two remaining issues that have not been resolved to everyone's satisfaction but it does not appear that either will hold up approval of the project."

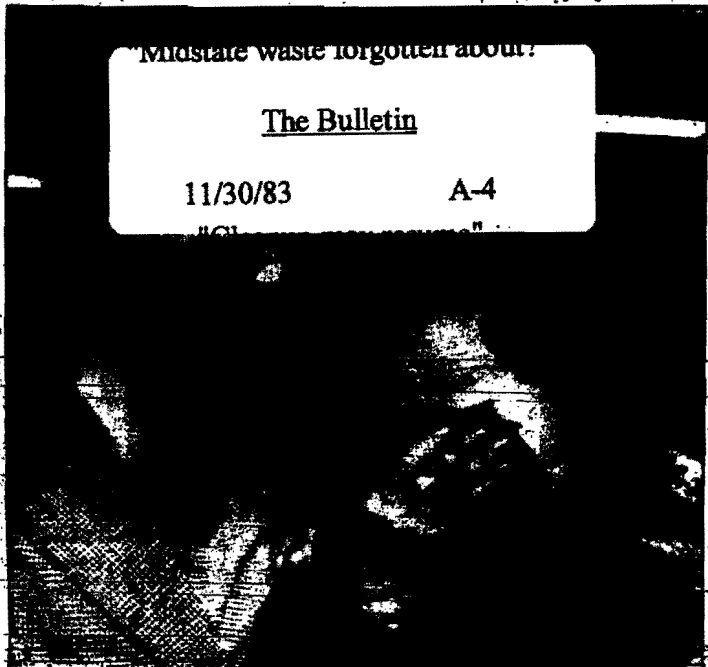
One issue is that city officials would like the state to pay for its share of fire protection costs, estimated at \$37,000 a year.

Fiskum said, "We don't have any money for it and it would also set a precedent that would violate legislative policy."

It has been legislative policy to not provide payment in lieu of taxes for fire protection.

The other issue is access to industrial land that is being donated by the state to the city.

Officials came to agreement on the amount of land. The city had wanted slightly more than 61 acres. Fiskum and Gerry Thompson, the governor's executive assistant, said it was agreed that the state



Midstate waste forgotten about?

The Bulletin

11/30/83

A-4

Reunion held

Bernadette Do, 29, Los Angeles, left, comforted her crying 74-year-old mother, Nguyen Thily, after the two saw each other for the first time in 17 years at a reunion at Seattle's Henry M. Jackson Airport Tuesday. Do's mother and father were allowed to leave Vietnam after years of negotiations with the communist government. The couple plans to live in the Seattle area with Do's older sister.

Jon & Gladys Weaklend

December 21, 2015

Board of County Commissioners
C/O-Diane Lozito
486 SW Bluff Dr.
Bend, OR 97702

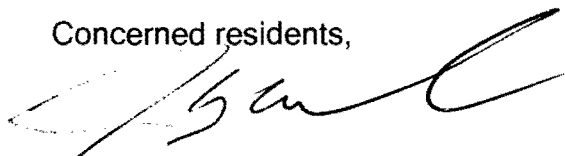
RE: Lower Bridge Road, LLC's Proposed Development on rezoned property
January 6, 2016 Public Hearing
File #s: 247-15-000521-A, 247-15-000194-CU, 247-15-000195-TP

To Whom It May Concern:

When Jon and I were thinking of buying property in Central Oregon, we specifically told our real estate agent to find something remote and away from the 'crowd'. She showed us 4 or 5 homes from Sisters to Redmond to Terrebonne. When we saw this home we fell in love with not only the house, but the view and more importantly, the location. Neighbors are sparsely spread out, and it's even rare to run into anyone going in and out of the development. The area is a low-density environment. The infrastructure supports this type of rural life. Living alongside the Deschutes River is a unique and special life. Having a much higher density environment by allowing this developer to move forward would indeed ruin this type of life and the environment. We do not believe it is possible to mitigate the loss of environment with this current proposal. The current land is unsafe to build on and the proposed improvements will not correct this issue. We cannot imagine the Board approving such a proposal and allowing this area to be harmed.

Thank you for your time.

Concerned residents,



Jon and Gladys Weaklend



8240 NW Roberts Court · Terrebonne, OR 97760-3015
grweaklend@gmail.com · 541-325-6255

To: Deschutes County Board of Commissioners
From: Lisa Westbrook, Homeowner, Terrebonne, Oregon
Subject: Opposition to Proposed Land Use Action
File: 247-15-000194-CU and 247-15-000195-TP
Date: Jan. 3, 2016

LW

I am writing to inform you that I vehemently oppose approval of applications for a conditional use, tentative subdivision plan and SMIA site plan approval to establish a 19-lot residential, planned development on three parcels totaling 157 acres, zoned RR-10, EFU, FP, LM and SMIA and located between the Deschutes River and Lower Bridge Way west of Terrebonne.

I oppose the afore-mentioned plan for the following reasons:

- **It does not adhere to current Land Use** in this rural area of predominately large-acreage EFU Farms. Land Use requires the smallest density to be a minimum of 10 acres, a true RR-10. The application is for cluster development of two-acre lots and there are no 2 acres lots in the surrounding area, therefore this proposed cluster development (high density) does not fit with the surrounding area.
- I understand that the mine site may contain substances in the ground, ground water, or air that **render the area unhealthy and unsafe**. Any development on the site will stir up these substances and negatively affect the air and water quality of neighboring areas and the Middle Deschutes River. I strongly recommend the **county require the landowners to execute accurate and extensive environmental studies to confirm the health and safety of this area**. Such testing should include deep-core sampling for toxic migration and ground-penetrating radar for liquid waste.
- **Residential housing of this density violates the intent of federal and state Scenic Waterway Rules for a Classification Scenic River area**. This section of The Middle Deschutes River is an Oregon Scenic Waterway. It is our duty to preserve its sanctity and beauty. The proposed PUD would encroach upon the splendor of the area and disrupt enjoyment of these surroundings, potentially having a detrimental effect on recreational and outdoor activity.
- Borden Beck Park, a recreational area below the rim of the proposed development, is a Wildlife Preserve. I drive by this park almost daily. Local residents use it frequently and tourists, who are enjoying the beauty of the

Deschutes River as they fish, hike, walk their dogs, etc. It provides parking for bikers who cycle along Lower Bridge Way. During the week, I see workers enjoying lunch at the picnic tables. **The proposed PUD would severely disrupt Borden Beck Park and the environment of peacefulness and respite that it provides.** Additionally, the PUD is surrounded on three side of wildlife protected habitats and I believe this planned development will have negative and long-standing effects on the wildlife and fisheries along the Middle Deschutes River.

- **The PUD would have severe and long-lasting harmful effects on the land and water in this area because it would increase light, noise, and solid-waste pollution.** Additionally, **it would increase traffic and stress the aquifer system in the area.** I believe that the county must require and enforce environmental testing to determine these effects.
- **The PUD development is a waste of economic and workforce resources.** Market data indicate that the housing supply currently far outweighs demand. For example, as of May 21, the Realtor.com web site shows 3,864 property listings in Deschutes County. Nearby Crook County has 957 listings, and Jefferson County has 527 listings. There is no consumer base that shows a need, interest, or demand for housing in the PUD area.

I want to reiterate that I am opposed to approval of applications for a conditional use, tentative subdivision plan and SMIA site plan approval to establish a 19-lot residential, planned development on three parcels totaling 157 acres, zoned RR-10, EFU, FP, LM and SMIA and located between the Deschutes River and Lower Bridge Way west of Terrebonne.

Thank you for considering my position and reviewing my comments.

Respectfully submitted,

Lisa Westbrook
8790 NW Teater Avenue
Terrebonne, OR 97760
Tel: 541-323-1750
Email: lisawestbrook1@me.com

Lisa Westbrook
January 3, 2016

Linda Foster
Edward Beard
8825 NW 93rd Lane
Terrebonne, Oregon 97760

Community Development Department
PO Box 6005
Bend, Oregon 97708

December 21, 2015

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

Dear Commissioners,

We are in opposition to the proposed land use action on Tax Lot 500 known as 704 NW 96th Court and on Tax Lot 1505 known as 10000 NW Lower Bridge Way Terrebonne Oregon for the following reasons:

Wild and Scenic River

The proposed "planned development" is on a section of the Deschutes River designated as Wild and Scenic River. According to the "River Management Plan",

The management goal is to preserve the area's scenic quality by ensuring that all new developments blend into the natural character of the surrounding landscape and preserve undeveloped character associated with agriculture uses. (See 3 page attachment: Middle Deschutes/Lower Crooked Wild and Scenic Rivers' Management Plan, pp. 49-50)

The proposed "planned development" does not conform to these goals as the small (2) acre lots would not "blend" with the surrounding rural countryside. This "cluster" development would establish a precedent of introducing "high density" development into a rural area that is predominantly zoned EFU and would destroy the area's unique character. There is currently no cluster development from the Crooked River Ranch turn off until reaching the outskirts of Sisters. Taking exception to the staff findings in 18.128.210 A- 8, the neighboring Eagle Rock Estates lots are (10) times the size of the proposed lots. Users' of the park would see a closely packed row of houses on what is now an unspoiled scenic rural landscape.

We believe there is no "apparent need" for this higher density housing; that it is not consistent with the existing rural character and would be in violation of Federal and State Wild and Scenic River statutes.

Wildlife Preserve and Setback Protection

The impacted river corridor is designated as a Wildlife Preserve. We are concerned about protecting the sensitive rimrock habitat and providing adequate open space for wildlife migration. Redmond Area Parks and Recreation District (RAPRD) expressed concern regarding

the preservation of wildlife habitats and appropriate setbacks. The Oregon Department of Fish and Wildlife (ODFW) also expressed concern about loss of habitat for and urged the County "...to implement stringent setback standards, to protect these sensitive species." (Staff report, Public Agency Comments, page 5)

The applicant claims there is no rimrock from which to measure a rim setback and so plan to measure 100 feet from the high water mark, but with the canyon depth this becomes meaningless. However, there is a "Defined Slope Break" that can be used to measure the setback as noted in the staff finding for Section 18.60.070 B, page 11:

"Staff recommends the Hearings Officer request an exhibit identifying the break in topography between the generally level terrace and the steep slope down to the Deschutes River."

We contend that this break in topography between the plateau and out-slope forms the most logical place to define the rim. Development activity near this point would likely degrade the slope, resulting in erosion, increased sediment delivery to the Deschutes River and destruction of rimrock habitat. As the staff report says, "All nineteen lots include rimrock habitat." (18.128.015 A-3, page 29)

We believe the housing density resulting from the small (2) acre lot sizes will force construction to occur near the rimrock which will degrade sensitive wildlife habitat and hamper wildlife migration and the tranquility sought by visitors to the area.

Health Risks

We are concerned about the property's long history of contamination with dangerous and toxic materials and fugitive dust storms. We don't believe this contamination is limited to the west side property as the applicant has suggested, but also affects the proposed development. We are perplexed that this development is moving forward without requiring mitigation of these risks. Families should not be allowed to occupy this property until the contamination risk has been resolved and proven safe by thorough testing, deep-core sampling and analysis. In addition, we are concerned about renewed exposure to dust storms which will be aggravated by construction activity. Per the November 14, 2014 report by DEQ, the applicant must thoroughly address dust suppression activity including site assessment and sampling.

Please consider the above issues and their impact on the health and well-being of the environment, people and wildlife.

Sincerely,

Linda Foster



Ed Beard



01/06/2016

Deschutes County Board of Commissioners
1300 NW Wall Street
Bend, OR 97703-1960

RE: On a Conditional Use, Tentative Subdivision Plan and Site Plan Approval on a Lower Bridge Planned Unit Development.

Dear Board of Commissioners:

My wife and I have two concerns regarding the proposed Lower Bridge Planned Unit Development.

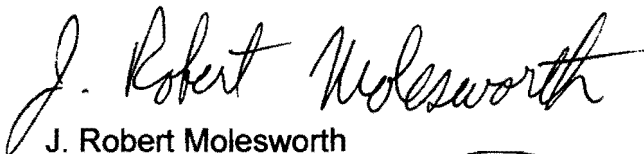
Our first concern is the lack of a DEQ evaluation of the east side site which was previously used to mine gravel. We believe that the owners have stated that no dumping or storage of hazardous wastes occurred on this site, however I would like to see this statement verified with a DEQ evaluation.

Our second concern is the D.E. dust that originates on the west side site on very windy days. We have observed the blowing dust cloud from this site in the past.

If the east side site for development is approved, we would like to propose that the developers post a bond to insure that the west side site, where the D.E. dust originates, will be developed in the future.

Thank you for your consideration on this matter.

Sincerely,


J. Robert Molesworth



Margaret R. Beaton

7675 NW 93rd Street
Terrebonne, OR 97760