

Board of Commissioners Meeting
October 15, 2014

Present: Commissioner Steve McClure
Commissioner Mark D. Davidson
Commissioner William D. Rosholt

Chairman McClure opened the meeting at 9:00 a.m. with all three Commissioners present.

Public Comments

Power Use Agreement

J.B. Brock, Emergency Services Manager, brought a Power Use Agreement with Union Pacific to the Commissioners for consideration. He explained that Union Pacific is the sole source of power to the area of the communications tower. He stated that he has negotiated with Union Pacific and Union County will pay \$200 a quarter for a maintenance fee. There is a formula that will be used for payment if repairs are needed on the line. J.B. also explained that legal counsel did review the Agreement.

Commissioner Davidson asked about the formula for repairs on the line.

Shelley Burgess explained that the overhead and percentages will be added to the cost before the percentage is allocated.

Commissioner Davidson moved approval of the Power Use Agreement as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Consent Agenda

The September 25 and 26 and October 2 and 9 claims journals; and the September 25 and October 8 Public Works claims journals; and June 13 and 30 Board of Commissioners minutes; and 4-H & Extension Budget meeting minutes were approved as presented on the consent agenda.

Court Order Transferring Outstanding Warrants

Court Order 2014-44, In the Matter of Transfer of Outstanding Warrants and Checks, was presented for consideration. Shelley explained that each year the County Treasurer transfers outstanding checks and warrants to the State Treasurer. The Justice fund total is \$53.00, the Clerk fund total is \$20.00, and the Sheriff fund total is \$2,178.82. She explained that the majority of the total is from the Jail commissary that has not been transferred for several years so there is a large amount of transfers. **Commissioner Rosholt moved approval of Court Order 2014-44 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Fee Waiver Request

Shelley Burgess brought a fee waiver request from the City of La Grande to the Commissioners for consideration. She explained that the City and the County have traditionally mutually waived planning department fees. The City is requesting a fee waiver for a land development code review. **Commissioner Davidson moved approval of the Fee Waiver Request as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

MERA Bid Awards

Sean Chambers, Parks Coordinator, brought a bid for a side by side UTV to the Commissioners for consideration. Sean explained that he went out to bid and received one bid. He is recommending approval of the bid received for \$14,999. **Commissioner Davidson moved approval of the MERA Bid award as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Sean Chambers brought a bid for a mini excavator to the Commissioners for consideration. Sean explained that he went out to bid and received one bid. The grant specifies that anything purchased must be “made in America” but the machine cannot be found “made in America”. They can lease with an option for \$30,000 and still qualify under this rule and then it can be turned back or paid off after the grant is completed. State parks explained that he is able to lease the equipment. Sean is recommending approval of the bid received to lease the mini excavator for five years for \$31,263. **Commissioner Rosholt moved approval of the bid for the mini excavator as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Plan Text Amendment (Union County) – Public Hearing

Ordinance 2014-04, In the Matter of Amending all Residential Zones in the Union County Zoning, Partition & Subdivision Ordinance & Declaring an Emergency, was presented for consideration. Hanley Jenkins II, Planning Director, reviewed the staff report explaining that a Text Amendment application was submitted by Union County to amend Union County Zoning, Partition & Subdivision Ordinance Section 6.02 to include a residential home per ORS 197.665; replacement dwellings; and single-family dwellings on lawfully created, pre-existing substandard lots or parcels platted prior to January 1, 2016. The subject properties include all properties located in Union County’s R-1 Rural Center, R-2 Rural Residential Use, R-3 Farm Residential & R-4 Forest Residential Zones. The Planning Commission is recommending approval.

Commissioner Davidson asked if the Planning Department will be giving the land owners notice. Hanley explained that they have notified some but not all so in order to ensure they pick up everyone they want to have a one year period so they can make sure everyone is aware. Commissioner McClure clarified that the Planning Department would pick them up when they came in to do their one year extension and let them know. Hanley explained that is correct.

Commissioner McClure opened the public hearing for testimony.

Harvey Neuber, 1610 J Avenue, La Grande, explained that he bought a lot in Cove two years ago. It was deemed a legally created substandard lot. He purchased it to build on. He is a retired school teacher from Utah. He would like this to get approved so he can build on the lot. He doesn't know what else the lot can be used for. He is hoping this will be a fix for him.

Commissioner McClure asked Mr. Neuber if anyone told him about the rules or regulations when he purchased the property. He asked if he bought the property through a real estate agent. Mr. Neuber explained that he bought it through a real estate agency with an MLS listing under building lot. He had a certificate from 1976 from DEQ and he went to the zoning department and realized that was the wrong agency but wanted to make sure it was still a valid document. It was a valid document. His other concern at the time was that it is a steep hill and he wanted to make sure there wasn't any geologic hazard zone because he is proposing to build the house partially into the hill. He doesn't think the rules and regulations were told to him but he also wasn't asking that question at the time. Commissioner McClure is hoping it is a fix for Mr. Neuber.

Commissioner McClure closed the public hearing.

Commissioner Davidson stated that he doesn't think this is out of the ordinary. There are other counties that have had this in their Ordinances for a long time.

Commissioner Davidson moved approval of Ordinance 2014-04 as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Commissioner Davidson moved approval of Ordinance 2014-04 and declared an emergency. Commissioner Rosholt seconded. Motion carried unanimously.

Plan Map Amendment (R.D. Mac) – Public Hearing

Ordinance 2014-05, In the Matter of Amending the Union County Land Use Plan & Zoning Map to Include a 207.89 Acre Significant Aggregate Site and Place it in a Surface Mining Zone, was presented for consideration. A Plan/Map Amendment application was submitted by R.D. Mac, Inc. to add a 207.89 acre aggregate site on the County's Significant Rock Resources Inventory and place the site in a Surface Mining Zone. The site includes 128 acres previously approved for mining activities by Conditional use Permit and approved as a "1-B" site on the County's Land Use Plan Aggregate Inventory. The Commissioners will also be considering a Site Plan to allow mining to proceed on Tax Lots 100 & 101 with Ponds 2C, 2D and 2F. The subject property is located about 1.0 mile south of Island City, at 60831 McAlister Rd. and is described as Twp. 3s, Range 38 EWM, Section 15, Tax Lots 100, 101, 200 & 201, approximately 207.89 total acres. Hanley reviewed the staff report. The Planning Commission is recommending approval.

Commissioner Davidson asked if there were any testimony given other than the application during the Planning Commission hearing. Hanley stated only the applicant testified during the Planning Commission meeting.

Commissioner McClure opened the public hearing for testimony.

Jay Collman, 63222 Gekeler, La Grande stated that during the Planning Commission meeting he tried to address all of the concerns that people had. The only two concerns he has heard that he didn't address is the traffic to the new ponds. He is planning on accessing those ponds from the inside of the property. Another concern was where the berms would be and how tall they would be. He explained that on the side there will be all trees and the berms will be 10-12 foot berms with grass planted on them. Commissioner McClure explained that there was notice given to the FAA on this and there has been no comments received at this time. He would like to wait to hear what the FAA has to say because he does not want to jeopardize the funding received for the Airport. The FAA had issues on the Conditional Use for this land in the beginning. It has been worked through so he is not sure it will be an issue but it needs to be made clear what their thoughts are on this. Jay stated that he has a great track record since the conditional use was granted.

Commissioner McClure asked if the 1500 feet rule will have an impact on any of the uses out there. Hanley explained that the 1500 feet rule will not impact the existing use currently out in the area. It only will require that there is a review if there is a use that is proposed for a place of assembly.

Doug Wright, Public Works Director, explained that it would be important to have FAA comment on this change. He doesn't see this as a problem but the Airport is in the middle of a Master Plan update it would be good to get a comment back. He sent an email to the FAA and is waiting for a response.

Larry Cribbs, 10202 S. Grandview, Island City, Eagle Freightliner, Eagle Truck and Machine and the Board of Directors are in support of this proposal. They have no issues with the site Jay is working on. They think it would be a benefit to the aggregate available in the area and to the businesses that are supported by his activities.

Tom Bowman, 63347 Gekeler, La Grande, stated that he is in favor of resource development but he is concerned about the impact to his property. He feels there should be a buffer around the property. He received an explanation that there is about 1200 feet between one of the ponds and the road. He is asking them to consider moving the mining zone a little ways so it does not come as close to his property. He has an irrigation well that is located less than 100 yards from Gekeler Lane. He is not sure what the depth of the ponds are and what impact they might have on his irrigation well. He is concerned what they will do with the land between the North pond and Gekeler Lane. He also has dust concerns. He did not participate in the Planning Commission meeting. He feels that the 1500 feet rule will impact his property for future

things rather than the existing status of his property. He wasn't aware that these were not high value agricultural soils. As far as wildlife is concerned he is not enthused by the impact on his Fall wheat by geese and ducks that may be attracted by the additional ponds on the property. He needs to know more about the impact the 1500 foot rule will have on his land and what kind of limitation it is putting on his property.

Jay Collman pointed out on a map where the berms would be on the property. The berm will have grass and be lined with trees so there should not be a dust issue. He thinks that because Mr. Bowman is an existing site he will not be affected by the 1500 foot zone. Hanley confirmed that is correct.

Commissioner McClure closed the public hearing.

Commissioner McClure asked Hanley to explain where the boundary is on this as far as the 1500 foot rule. Hanley explained that the way the application describes the property is based on tax lots. The tax lots do go all the way to Gekeler. The site plan does not include any development proposals in the areas close to Gekeler. If it is put in a surface mining zone it would be eligible in the future under a new site plan application. Mr. Collman has stated that he has no intention of using the areas because there are dwellings in that area so the surface mining zone can be limited on the North boundary to make it 1200 feet between the North boundary and Gekeler which would cover majority of the 1500 foot area.

Commissioner Davidson asked what restrictions the overlay zone would have on the neighbors. Hanley explained that what happens with the overlay is if there is an application for a residence or some place of assembly then that applicant is required to demonstrate that their dwelling will not have an impact on the aggregate operation. The attempt is to avoid someone from complaining about an existing aggregate operation or a planned aggregate operation in a surface mining zone. The concern is about a noise or dust sensitive use or a conflicting use shall be reviewed as a conditional use subject to the standards and criteria of the underlying zone. The underlying zone for Mr. Bowman's property is an A-1 exclusive farm use zone. They would look at the uses that are permitted outright and conditionally in the underlying zone. Even if it was a use that was permitted outright they would review it through the conditional use process to make sure that it was not going to have an impact on the aggregate operation in some way. Two criteria would have to meet. One is that the proposed use will not interfere with or cause an adverse impact on lawfully established and lawfully operating mining operations. The second is that the proposed use will not cause or threaten to cause the mining operation to violate any applicable standard of this chapter or the terms of a state agency permit. For example, DEQ has noise standards that say someone can't exceed a certain decibel rating based on distance. If there was a proposed decibel rating in association with the mining operation you would have to calculate what that threshold could be at the proposed residence and determine whether or not there would cause a violation of the DEQ noise standard. He feels it would be difficult to exceed DEQ's noise standards from an aggregate operation.

Commissioner Davidson explained that he understands Tom Bowman's concerns. He stated that there are two resource uses there and based on his experience given the safeguards that are in effect that they are compatible. Jay has a track record of operation with no impacts. There were other existing irrigation wells in the area and there hasn't been complaints about them being impacted by the use. Hanley explained that in the original use application there was a requirement that R.D. Mac perform water quality and quantity well monitoring activities around the perimeter of the property. That was performed as a part of the conditional use application. The function of that was to demonstrate that there was not an offsite impact to water quantity as well as water quality. The applicant demonstrated that because of the type of operation in order to mine in one site water is pumped from one pond to the next pond. It is a water balance and changes as to where the work is being done on the property. There is not water leaving the site.

Commissioner Davidson moved approval of Ordinance 2014-05 as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Scenic Waterways Presentation

Hanley Jenkins went over the State Scenic Waterways presentation that was presented in the community before. The Commissioners requested that the presentation be gone over again before they received public testimony to help understand the community's view in order to adopt a Resolution at their November meeting.

Commissioner McClure opened the hearing for testimony.

Paul Kettington, Environmental Program Coordinator for Oregon Department of Transportation, 3012 Island Avenue, explained that he was at the presentation that the State Parks made at the library and met with the State Parks Department in Salem. From a Department of Transportation standpoint they have a lot of concerns about this. Unfortunately, the last round of designations was in the late 1980s and there is no one working at the State Parks now that was there then. That means that they are coming up as if it was a new thing. When they come up with new environmental regulations they are not generally easy to get along with and are stricter. The Department of Transportation is concerned that because of that there will be undue and unnecessary restrictions in paperwork on how the Department conducts its business in maintenance and upgrading standpoints. There are 12 miles of Oregon 244 that is within the highway view shed and there is nearly 3 miles of freeway. There are certain things that have to be upgraded. Federal standards that the Department does not have a lot of say in. Some of that will cost the Department and tax payer a lot more time and money which doesn't sit well with him. In addition to that the State Parks Department is still unclear on what exactly is grandfathered in. There is very little in the definitions section. When he asked them what paperwork needed to be submitted for, they started off saying that most of the activities would be grandfathered in but then went on to say that he should submit the paperwork anyway. The paperwork is extensive and for all of the activities

ODOT does it will take a lot of time and money. The waterway is already protected so he can't say that he doesn't support it but he has some serious concerns.

Lee Insko, 76984 Palmer Junction Road, Elgin, explained that he is at the meeting as a personal representative of the cattleman's association. The cattlemen are strictly in opposition to this for a variety of things. Currently there is 1150+ miles of wild and scenic river in Oregon. There is no indication that this is now being used to the fullest extent or any reason to extend and need more. Of the three rivers being considered this has about three times as much area being considered and it is the only one with the predominance of private land that is involved. Once it is determined to be wild and scenic a ¼ mile on both sides of the river is included in that. On the Lower Grande Ronde there were seven pages of regulations that they said they would not have. The Cattlemen are concerned about the economic impact. He doesn't think it will be especially large in dollar amounts presently but other things such as wolves, sage grouse and salmon have had an impact in our communities. One of the criteria is an objective criteria which is a dam on the river. The other two are subjective criteria. Every spring the EOU students would float the stretch of river from Hilgard Park to Riverside Park but they were made to quit because it wasn't safe. One of the problems with the drainage is that it is a low drainage. Most of the snow that falls in that drainage is below 7000 feet. It melts by the 1st of May. The river runs high and then it drops to nothing. There is a very short window of recreation opportunities. The economic impact isn't going to be very long or very big. The University of Montana did a study on the loss of 80 timber jobs. They found that they needed 1 million visitors a year to equal the economic impact of losing those jobs. The Cattlemen are always concerned about additional government regulations whether State or Federal if they are not directly associated with the physical health of the people involved. They want to do what is good for the people but for the most part these things come out of an urban population. None of the changes are being made on the Willamette River or somewhere close to town where they could be used by the people who are voting for it. The Grande Ronde Basin is one of seven watersheds in the State that is still available to develop additional irrigation water on. If this scenic waterway is created it eliminates anything like that happening. There are already irrigation controls in the valley where people that want to dig irrigation wells have to dig 3000 feet through the basalt. The Cattlemen are basically opposed and he hopes that the County as a whole would think of how it would fix our economic development, education system, law enforcement system and our healthcare system.

Senator Bill Hansell, District 29, Athena, stated that his district includes part or all of seven counties. He serves on the Senate Environment and Natural Resource Committee. They had a number of these proposals come through the Committee to include legislatively additional rivers in the Scenic Rivers Act. Through that he learned far more about the program than he knew to begin with. He came to the County to speak in opposition for two reasons. One is the program itself. He found that it was a taking. Even though the land owner continued to own the land it was greatly reduced in what they were able to do with their land. He will never support that. 30% of this

proposal is on private lands. While the presentation said that everything is grandfathered in. It is a reality that over time that is not true. The buffer zones removes the ability of the land owner to do in the buffer zone what they would normally be able to do which is a taking. In addition, it provides public access to that area which is ¼ mile into their property. As the Committee looked at the proposals that were on the table at that time they had land owners that said it will shut down their operation because they couldn't afford to take that much out of production. None of the proposals made it to the floor of the Senate. There were not the votes to pass all the proposals to include more river miles. None of them were passed legislatively. His second point is the process. What was not able to be done legislatively they will now do administratively. They will make the designations and pick out rivers. It removes the public debate of the legislature where there can be pros and cons discussed and the citizens have a chance to speak with their elected officials to determine whether or not this is something that should go forward. Administratively there is no say and there is no ability as a local government or an individual. Part of the reason he is at the County meeting is because a private citizen called him and said that he is without a voice and there is no ability to do anything once this is done. He asked if there was anything the Senator could do to help. He was happy to testify on his perspective of why this is not a good way to go. There is a number of reasons why he feels the Commissioners need to weigh very carefully whether they want to embark on this. He encouraged them to request that it be left in the legislatures hands. If there is compelling reasons it will get passed and if there is not than it won't pass. Commissioner McClure explained that since he has been here a long time he has seen the impact of the lower Grande Ronde being listed. They were told there would be no impacts and then the legislature passed a law that did not allow any impact on the river. That is why wells cannot be drilled in the unconfined aquifer. He takes a real skeptical view of the statements that are made about these programs because he has seen what can happen.

Cherie Austin, 2412 Empire Drive, La Grande, explained that she fishes the river, she hunts the river and she is a heavy user of the gun club. She doesn't see where this is going to give the general public any better access than they have now. If river guides were using the river heavily it would indicate that it might be good for wild and scenic but they aren't. She doesn't see any benefit for the river or the people who live or work on it or recreate on it. There is a lot of area for damage and harm.

Curtis Martin, 51840 Hwy 237, North Powder, stated that this reaches over private property rights. It would also unnecessarily drain funds from the Parks and Recreation Department. There are State parks now that are in dire need of maintenance. There is already 1,170 miles of scenic waterways. The ambiguity that exists within the statements of Oregon Parks and Recreation are very concerning. There are no existing problems that this designation would alleviate or answer. It would only add to the burden to both private and public management practices and the economic activity. It is just another layer of bureaucracy that is unnecessary that adds to the hardship of the people in Eastern Oregon. He appreciates Senator Hansell's wisdom, expertise and experience in this matter. It is purely a politically driven agenda and has no bearing on

the real necessity of addressing resource concerns nor the economic activity within the area.

Larry Cribbs stated that the lower Grande Ronde started out with nine pages. The lower Grande Ronde management as of two weeks ago is 72 pages and is only a third of the rules. He sees no chance for any different management on the upper Grande Ronde. It will go the same way. He asked Salem some very specific questions in the last few weeks. He asked where this $\frac{1}{4}$ mile buffer starts and they told him it is subjective and up to interpretation. He asked if it is on the ground or on a map. They stated that it is on a map so it is actually more than a $\frac{1}{4}$ of ground. It also is on both sides of the river not just one side. It is a $\frac{1}{2}$ map mile. He checked with the property that the rifle and pistol club owns and it actually takes in a mile for a $\frac{1}{4}$ map mile. He asked for a definition of recreation and they told him that there is no specific definition. As far as water resources a gentleman at the public meeting at the City Library stated that it is all over allocated now. He asked them to explain the process of Administrative Rule. He paraphrased them as saying that if someone chooses to do so whether it is supported or not that agency can do it anyway. There are no benefits or assets. There is nothing that would improve the existing condition. They can't define the starting place. They can't define recreation. They can't define a funding source. They don't even know for sure who would write the rules or what form they would follow. He feels that Senator Hansell is right on track. It is a taking. If the State wants to tell anyone in the area how to manage their property then they need to purchase the land. One of the three things is recreation. The Forest Service on all of the ground they control have eliminated trails, parking places, camp sites and any way someone can easily get to the river. October 17th the State Parks closes, locks and gates the two public parks that are on the Grande Ronde which is Red Bridge and Hilgard. So much for recreation. He appreciates the fact that the Commissioners made this opportunity available. As the County goes forward he hopes that when a plan comes back it be based on solid concrete facts.

Darrell Plank, 3002 N. Fir, La Grande stated that he is the president of the La Grande Rifle and Pistol club. Their concern is that they don't know what kind of rules would come down next year or five years from now. They provide a tremendous recreational opportunity for a lot of shooters. They have seven or eight different disciplines in their organization. Each discipline shoots once a month and they draw in people from the immediate area. The pistol shooters come from Boise and Tricities as well. Each discipline also has a yearly event which is advertised widely. They draw people in from Idaho, Montana, California, Utah and Washington. They provide opportunities for several thousand people a year to come in to this community. He would hate to see something that would curtail their opportunities for the few that might float the river in a short period of time.

Andy Steele, 401 Lane Avenue, La Grande explained that he works in recreation with the Forest Service but he is not here advocating on their behalf. He did have some conversations with the State in the context of his work. He feels like there is confusion between a Federal wild and scenic dedication and a State designation and the levels of

bureaucracy that would be involved in either one of those. In his conversations with the representatives from the State they did talk about rafting but they understand that the rafting season is very limited and they were also incorporating site seeing, pleasure driving, camping, fishing, etc. in their definition of what recreation happened on the river.

John Schiller, 52650 Grande Ronde River Road, commonly known as Vey Meadows, explained that the scope of what has gone on is a devious action of the State government. They can't deal with an entity such as Vey Ranch one on one. There is only one way that they can do anything to appropriate the properties that they feel is necessary for the management of their gain. Not necessarily enhancement of fish or anything else. It is just the removal of the property owners at hand. It goes from Sheep Creek down to Meadow Creek. There are people in this room that stand to lose a lot. If this goes through they will lose 50% of the fall grazing. The State would control all of that. It would influence all of the timber removal from their property. This is setting it up to peel the timber off the rivers because if they are not going to be able to log it they will have to do it before this is enacted. In trying the underhanded dealings that the political staff in the capital is presenting is a bunch of hog wash. The ranch has been in business over 150 years. They have used every resource and been under every guideline and program that the Federal or the State governments has dealt them. They stand to lose a ¼ mile strip on either side of the river which takes out their fall grazing program out completely. They would ruin a century ranch instantly by their declaration.

Kemit Knight, 58504 Park Road, Starkey stated that he agrees with everything that has been said so far in opposition. There is no reason for this. The recreaters can use the river now as they please. This is simply to absorb some of the properties that the land owners could use. It would change the use of the land for the land owners. He wants to go on record from living in that area that there is no reason for this proposal to go through. That river is widely protected right now. There is not a lot of recreating going on and the people have free access to that right now. He is in opposition.

Bill Tsiatsos, 53540 Baseline Lane, La Grande explained that they have an active rock quarry that would be in view. He contacted the State Forestry to get a logging permit so they can log and they were unaware that they even had a meeting the 24th of September. It is like this is flying under the radar screen as far as what is being said. He would like to endorse what has been said as far as testimony. He would like to thank Senator Hansell for taking the time to come here and testify for the people. As far as right now anyone that would drive up the river could see that from the Gorge down is a treacherous, narrow, rocky piece of waterways. The amount of debris that has been put in it by the Forest Service as far as logs, boulders for the fish habitat if the scenic waterways comes in there it would go against the grain of what the Forest Service has done to try and get the salmon there. He wants to thank everyone for showing up today and taking their time to testify.

Randy Hampton, 57119 Oregon Hwy 244, La Grande, stated that he is 100% against this because of the way that it will impact their property that they own such as grazing

and people trespassing. There is a swimming hole on their property that they allow people to walk in and use. Users leave all kinds of garbage on their property. They go down and pick it up every week. There is nothing that is going to change to make it any better. People have access to as much of it that they would use. He doesn't see where it will make any difference.

Sharon Beck, 64841 Imbler Rd, Cove, she feels that the representative of the cattlemen's association did a good job at stating the reasons why they are opposed to making this wild and scenic. She wanted to emphasize that the upstream impoundments are the reason that this wild and scenic bill was passed in the first place to prevent dams. This is a precursor to preventing that and upstream impoundments. She feels that the community should be careful about passing anything that would do that because that is what they need on this basin to hold some of the water back that they raft in during the Spring to use late in the season.

John Bennett, 58303 Starkey, explained that most of the people live in that area because they like to and have spent a lot of money up there. They are talking about screening the river. If they screen the land owners out so they can't see them then they can't see out either. There are tribal issues that carry a lot of weight on that river. They are also proponents of this. Their road is a dangerous road. For bicyclers there is no place to go. He doesn't feel that the road is safe for pedestrians and bicyclers which will be more common.

Patricia Hampton, 62578 Mt. Glen Rd, La Grande stated that she agrees with what everyone else has said. She asked what the liability would be if someone comes on their property and gets injured. She wants to know if they will need to have a large amount of liability insurance to protect themselves. The people that do the rafting mostly have dogs which will come on the property and might chase the livestock on the property. Another liability would be for these people entering the property to leave the gates open because they don't care if it isn't their property. The cattle could get out into the road.

John Schiller asked a question from the audience. He asked if there was anything in the September Parks meeting about a scoping team that they had sent into the upper Grande Ronde. Commissioner Davidson explained that in the power point there was a picture of the team on the river so they were in the area when they did that. During part of July and August a scoping team showed up and trespassed on every piece of property that the Parks Department is wanting. They were very rude and would not take no for an answer. They did not have one piece of permission of the land owners themselves. The Forest Service doesn't do that. The scoping team members that he dealt with when contacted they were standing on the highway and he had almost run them over. He was informed that the worker was on the highway and that there was nothing he could do to him. Their three vehicles were parked on his property. Because of the atmosphere that the worker created he decided to leave it alone but he feels that he shouldn't have now. He addressed the Forest Service, the State and the Tribes to

see whose scoping team this was but none of them knew anything about it. Parks and Recreation had their own team there with no knowledge from any entity on the river before they even announced this. Commissioner Davidson encouraged Mr. Schiller to contact the appropriate officials about the actions of their employees. If they have done something that is improper he should pursue it with them.

Hanley explained that there were nine letters received to be made part of the record.

Audience member asked since this is not a legislative decision but an administrative decision is there any way they can stop this or is it out of their hands. Senator Hansell explained that one of his objections is that there will be no vote on it. Hopefully they will take the testimony of a unanimous desire not to have it done for all of the reasons stated here. It will give him in Salem a lot of ammunition to go after them. The Governor has instructed them to do this. They will have to work the political process in the halls. They would have to work the system to try and keep them from doing it. Legislatively they would have to create another bill to overwrite it which he is willing to do, but the Governor would have to sign it.

Another Audience member asked if condemnation was in the process as far as taking the land. Hanley explained that the land that was condemned for River Road was done by the Federal government. There is no condemnation authority in the Scenic Waterways Act.

Paul asked if the letters received for the testimony were in favor or in opposition. Hanley stated that they are all in opposition.

The Resolution on the Scenic Waterways will be presented on November 12th at 11:30 a.m.

Union County Dog Ordinance – First Reading Continuation

Shelley Burgess brought the Union County Dog Control District Ordinance to the Commissioner for the first reading. She explained that the Ordinance was presented on October 1st for a first reading and public hearing. She presented a summary of the changes that were proposed to the existing Ordinance. The Commissioners accepted public comments on the proposed Ordinance. Many of the comments received at the October 1st meeting were not suggestions for Ordinance changes but she did try and pull out the suggestions that addressed language in the proposed Ordinance in case the Commissioners wanted to address them as part of the first reading. The first section was 7 regarding kennel licensing. There was some concern about the confusion and connection between land use approval and kennel license approval. A suggestion to address that problem would be to put the license procedures in bullets to indicate that an applicant may verify with the applicable City or County government whether or not land use approval is required for the desired kennel location. The second step is if land use approval is required by the City or County the applicant must obtain such approval prior to submitting an application to the Sheriff's office. Then it went on to the steps that

were in the current Ordinance. There was confusion as to whether or not everyone interested in a kennel needed a land use approval or not. That is governed by the City or County depending on where it is located. If that is required it has to be obtained first because the County's Dog Ordinance doesn't trump any land use ordinances. The next section was section 8. The word "has" was left out of the second sentence. The other suggestions were under section 11. There was a question about whether or not the Commissioners would consider adding the word "business" behind the minimum of five days. The individual that testified pointed out that often times five days might not allow people the opportunity depending on days the facility is open. It was also suggested that the language as proposed didn't allow a person to redeem a dog earlier than five days. Those were the language items addressed. Since no action was taken at the last hearing this is still the first reading.

Commissioner Davidson moved to amend the proposed Union County Dog Ordinance 2014-03 as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Eddie Garcia, 1904 Adams Avenue, La Grande stated that the fact that it has moved on to the second reading shows that there is a disingenuous interest in addressing the issues that were discussed on October 1st. The fact that the County attorney stated that there is already an Ordinance in effect why the urgency on a new Ordinance when there is one in effect has not been answered. The issues that are in dispute between the parties could be easily resolved. The comments that were made about the financials alluded to or stated that it was a previous Board of Directors from 2009-2011 that may have contributed to unfiled documents. To disparage current Board members or the current status of the Humane Association was in itself disingenuous. He doesn't feel that this Commission looked at the whole picture. He spoke with DOJ on October 2nd and there are no pending complaints on the animal shelter. The only documents that are missing is the CT12 for 2013 and any IRS documents for 2013. The conflict of interest only applies to the IRS. He doesn't know what the 156 pages comprise. He has never seen them and he is not going to file a public record for it. That in itself is not allowing the public to participate. The comment the Commissioner made last night at the forum the specifically designed buildings are for that purpose. They can't argue that they want a courthouse specifically designed to meet the services of a courthouse if they are going to apply what Commissioner Rosholt said. These buildings are made architecturally, constructed and funded for a specific purpose. It applies to the Shelter from the Storm and the Humane Association. Those buildings were designed specifically for that purpose. Commissioner Rosholt asked what this testimony has to do with the Ordinance. Eddie stated that it is public comment and he has the right to say it and he wants it on the record.

Commissioner McClure explained to Eddie that he is at the County's Commission meeting and he will make the decisions on what is appropriate testimony and not appropriate testimony. Eddie stated that it is a public meeting. Commissioner McClure stated that it is a public meeting but he is the Chair and he will control the meeting.

Commissioner McClure asked if Eddie wants to address the Ordinance then he may continue. If he wants to talk about something else there is a scheduled time for public comment and Eddie was not present. Commissioner McClure explained that he allowed Eddie to address the Ordinance. Eddie asked if the Commissioner was denying him his right for public comment. Commissioner McClure stated that public comments are taken during the scheduled time on the agenda. Eddie stated that he must have missed the public comment period when the Commissioners went on a 30 minute recess. Commissioner McClure explained that the meeting started at 9 a.m. Commissioner McClure explained to Eddie that if he wanted to make a public comment there is a time scheduled for it. He explained that Eddie stated he wanted to comment on the Ordinance and that is what he allowed Eddie to do.

**Commissioner Davidson moved approval of Ordinance 2014-03 as amended.
Commissioner Rosholt seconded. Motion carried unanimously.**

Executive Session

An executive session was held under ORS 192.660(h) pending litigation and 192.660(e) real property transaction.

Adjournment

The meeting was adjourned at 9:56 a.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II