

Board of Commissioners Meeting
March 15, 2017

Present: Commissioner Steve McClure
Commissioner Jack Howard
Commissioner Donna Beverage

Commissioner McClure opened the meeting at 9:00 a.m. and the pledge of allegiance was given with all three commissioners present.

Commissioner McClure stated that the agenda would be adjusted so that Ted Taylor would be available for his presentation.

Public Comments and Concerns

Northern Blue Mountains

Lindsay Warness, Boise Cascade Forest Policy Analyst, made a presentation on the Northern Blue Mountains Collaborative Initiative. Appropriated funding is needed for the Umatilla and Wallowa-Whitman Forests to emulate the success of the Malheur National Forest. This funding would be used to increase the pace and scale of restoration and acres treated to reduce the threat of uncharacteristic wildfire, increase habitat and forage, and support economically vibrant communities. Increased funding should help support the ecological, economic and social need of the forests and local communities and maintain the current forest management infrastructure by increasing acres treated and producing a timber harvest of 75 million board feet per forest. Ms. Warness requested a letter of support from the commission to be mailed to Governor Brown.

Commissioner McClure stated that he understands the frustrations; the county has worked with the U.S. Forest Service (USFS) for thirteen years to create a forest plan and it is still not complete. The problem is that they will not plan to the capacity that the county thinks they should, which is to reduce the overload of timber. The USFS creates a plan based on the budget dictated by Washington, D.C. Local officials think that if you don't plan to do something, then there will be no success.

Commissioner Howard was in favor of a resolution and asked about the budget timeline. Ms. Warness stated that her current need is a letter of support because it is critical that they get a coalition built this month. Commissioner Howard stated that the letter of support could be approved by consensus. He added that he was in favor of a resolution that would implement a good neighbor policy and would allow direct communication with federal officials. Commissioner McClure agreed that a resolution would be appropriate. There was a consensus to provide a letter of support.

B2H Report

Scott Hartell, Planning Director, presented a report regarding the B2H Committee (see attached).

Ted Taylor, B2H Advisory Committee Chair, 305 Scorpio Drive, La Grande, stated that the committee had not met in several months and it is unknown when the Record of Decision (ROD) would be issued, which could be in six months. In the interim, a smaller committee of three people could be utilized since there is nothing to collect public comments on right now. This smaller group could work with the commission, collect information from Idaho Power, and work with neighboring counties. If the ROD is released very soon and there are no lawsuits, then the full committee could

become active again. If the process is drawn out with lawsuits, then having an executive committee would be beneficial. It would be essential to have the Oregon Department of Energy provide a briefing to the commission. When the committee first formed, the EIS process was far along and some committee members didn't understand it. Establishing a smaller executive committee would be a workable worthwhile way to go for the next six months. There needs to be some change to the committee's structure; one member has moved out of town and there are two members that are opposed to B2H, which he thinks is fine, but they bring that perspective to the committee meetings and only see issues through that lens. That is too narrow and not productive and has led to some charges that one member had to apologize to others in committee. Others have made accusations about all kinds of things. He thinks that before the committee reconvenes, some serious consideration needs to be given to its membership. He supports the idea of an executive committee, which could include Brad Allen and Anna Baum, who are both well-known and respected in the community. Mr. Allen is a landowner that would be affected by B2H.

Mr. Hartell stated that Jeff Maffuccio from Idaho Power submitted a letter to the commissioners, which was included in the agenda packets.

Commissioner Howard thanked Mr. Taylor for his exemplary service as the Chair of the B2H Committee.

B2H Advisory Committee Member Comments

Irene Gilbert, 2310 Adams Avenue, La Grande, stated that she and Ray Randall are the two members that Ted would like to see off the committee. She stated that the ROD is expected to be out in a month and the final application within six months. The commissioners will then have the opportunity to respond, but the public will not. The county could also request funding for outside contractors to evaluate fire hazards, additional police coverage and other needs for the B2H line. She stated that although the earlier B2H report from Mr. Hartell indicated that the committee passed seven resolutions, only two of them made it to the commissioners. The committee has not been very effective. There were 51 public comments received, but no comments made it to the commissioners. There is a lot of work to be done by the committee, but it was put in the position of not having the opportunity to get its act together. It is now being set up so that anyone opposed to B2H are being eliminated from the process. The commissioners need to decide if they want to hear from the public, or one landowner and a chairman of the committee, who has said stopping B2H is not realistic. The chairman at one point has refused to allow the committee to discuss the no action alternative. The B2H will create an energy corridor and will encourage energy developers to do the same and follow that line. Wind and solar developers want their developments to be close to these transmission lines. Multiple repeats of the Antelope Ridge event can be expected. The Department of Energy has a history of approving these developments regardless of impacts. It will cause the community to be in an uproar for as long as it is here. Idaho Power will be opposed to anyone who is opposed to the B2H line. The majority of Union County residents are opposed to the B2H line and energy corridor. She would like the commissioners to represent its constituents and have a viable citizen's advisory committee that is forwarding comments to the commission. They have to decide if they want to hear from the citizens that have testified or if they only want to hear from Mr. Taylor and Mr. Hartell.

B2H Advisory Committee Member Comments

Ray Randall, 765 South Third, Union, Oregon, stated that he doesn't know why anyone would want to demean the Stop B2H group; they are very smart and have uncovered a lot of facts. To say that some of the committee members are aligned is demeaning to them. He purposely did not join B2H because he did not want to give the appearance that he lacked impartiality. Over time, he has become more convinced that the B2H line is not needed in Union County. Idaho Power's (IP) Integrated Resource Plan (IRP) is the basis of their need, but it has so many holes in it that the need is questionable. A committee doesn't need to have members with the same opinion. Creating an executive committee with a homogenous group of individuals might make it simpler with less debate, but it may not result in uncovering all the facts. As it has been described, the executive committee meetings would be a nonpublic gathering. One of the charges to the advisory committee was to obtain citizen comments; the proposed executive committee would be working with the county and other agencies, leaving the public out of the loop. It is a travesty that the committee has not met in five months; it could have been looking at facts and doing some legwork.

B2H Advisory Committee Member Comments

Ms. Gilbert stated that the ROD and activities with the Energy Facilities Siting Council (EFSC) are in no way related. Any lawsuits that might occur will not hold up the ODOE process. When the application is completed, the county can review it and identify information that is not included in it. They don't allow the public to ask for a contested case. It will be a missed opportunity if the county does not allow the citizens to participate in the review of the application.

B2H Advisory Committee Member Comments

Mr. Randall stated that the county has to make a decision between being minimally involved or having an active advisory committee. The easy way out is to have minimal involvement.

B2H Advisory Committee Chair Comments

Mr. Taylor stated that Mr. Randall has been a great committee member and not one that he was referring to that is strongly aligned with the Stop B2H group. He stated that he did not cancel committee meetings. Tentative meetings were scheduled and emails were sent to all members; Mr. Randall was the only member who indicated that the committee should meet. Other members were willing to wait until there was something to review or discuss. The IRP is very important. When IP submitted their plans in 2011, 2013, and 2015, they were all accepted by the regulatory authority. The last plan was approved in March 2016, which is the same day Union County citizens attended the meeting to testify in opposition; it was already a done deal. He thinks the 2017 IRP needs a hard look, but it will not be available for a while. The executive committee would be temporary until there are documents to review.

Commissioner Howard recommended establishing a B2H executive committee, but not with the intention to shut out public comments. Once the application process moves forward, the nature of the committee and the responsibility of the Board of Commissioners changes. Right now the advisory committee is having some problems working and if it is left in place then the commissioners are not doing the right thing to make sure it is serving the public. Having an executive committee would make the commissioners more involved and have every opportunity to hear public input. The commissioners would not be losing that focus, but some things need to be fixed on the B2H committee.

Commissioner Beverage stated she was leaning towards keeping the committee as a whole with more frequent meetings. One of her concerns was that landowners had not been seen at the meetings and she had not seen the 51 public comments that were reported. She would like to see everything that the committee has collected so that she could make a better decision. She thinks it would be good to meet with Idaho Power.

Commissioner McClure stated that the county is in a place in the process where it is on a hiatus. When the ROD is released, there will be new activity. IP is developing the rest of their plan to submit to EFSC. He thinks the committee needs to continue as a whole and does not see a reason for an executive committee. He suggested that Commissioner Beverage consult with Mr. Hartell to get up to speed and read the landowner comments. The county needs a group that keeps the commission updated throughout the process.

Commissioner Howard stated that the county would not be sun setting the committee. He would like Mr. Hartell to research funding options for analysis and studies for land studies and impacts. He asked if there was a consensus for Mr. Hartell's time could be spent working to identify funding sources for studies; Commissioner McClure thought that would be fine. Mr. Hartell suggested seeking information from Max Woods with the Oregon Department of Energy to get clarification on what can be spent. Commissioner McClure asked Mr. Hartell to invite Mr. Woods to provide that clarification to the commission.

B2H Public Comment

Mary McCracken asked who was funding Mr. Hartell's time spent on this project. Commissioner McClure stated that it comes from Idaho Power, which began with the former Planning Director, Hanley Jenkins. Mrs. Burgess stated that the county is allowed to bill Idaho Power for staff time spent on particular reviews that take away from other staff responsibilities.

B2H Commissioner Comments

Commissioner Howard stated that there are problems talking about the Stop B2H group. His issue is that the anti-B2H movement is very strong; the commissioners reached out to them, had a wonderful work session with them, and will continue working with that group. There is a communication dysfunction on the B2H committee that needs to be fixed without shutting down the committee. He doesn't want the message sent that the committee is not working or is disbanding. It is not working as well as it should. Having an executive committee is the best way to avoid sun setting the whole committee. Due to the work of the committee, he has shifted his position about the B2H project; that proves that it is an effective committee. He stated that he is wise enough to say that the committee needs to grow up and change; the executive committee is an approach to do that. It would represent every interest and keep the county on good footing for when the ROD is released.

Commissioner McClure was not opposed to doing that, but the problem is the hiatus status and there is no use in meeting when there are no changes. When IP's application is completed, then the commission will review it and determine if the committee would become active again.

B2H Public Comment

Irene Gilbert questioned whether the commissioners would review 30,000 pages in 30 days. Commissioner McClure stated that he has reviewed several documents of that size and timeline, which is not unusual. He will read them and comment on them, as that is part of his job.

B2H Public Comment

Mary McCracken stated that she is a landowner and has been to some of the meetings. She thinks that the commissioners could not have an executive committee with three members that are all in agreement. There are extremely sharp people working virtually full time researching things that the commissioners claim they don't have time to do. She would feel cheated if the three member committee that has been suggested is to carry forth messages since some messages have not been carried forward from the committee. She would feel put down as someone involved with community action if she is shut out.

Good Road Vacation Public Hearing

Scott Hartell, presented a staff report indicating that a petition to vacate a portion of Good Road met ORS 368.341(1)(c). Public Works Director, Doug Wright, submitted a letter identifying that the vacation request would be in the public's interest and this right-of-way would not be needed in the future. OTEC Staking Technician, Rebecca Loman, provided in an email that OTEC approves of the reservation of a 20 foot easement for access and maintenance of their existing utilities in the right-of-way proposed. Notice was provided in accordance with ORS 368.401. Court Order 2017-15 was prepared for the commission's consideration and this public hearing was advertised. The proposal is to reserve a 20 foot wide utility easement.

Commissioner McClure opened the public hearing. No testimony was offered and the hearing was closed.

Commissioner Beverage moved approval of Court Order 2017-15, vacating a portion of Good Road. Commissioner Howard seconded.

Commissioner McClure stated that the commission had toured the property and had worked this extensively.

Roll Call on Court Order 2017-15: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.

Livestock District Annexation Petition Public Hearing

Scott Hartell, Planning Director, presented a staff report regarding the Livestock District Annexation Petition by Joel Rice (see attached). Mr. Hartell read Court Order 2017-16 in its entirety.

Commissioner Beverage asked about fencing laws and the responsibility of petitioners of livestock district annexation.

Wyatt Baum, county counsel, stated that Oregon is traditionally a fence-out state. The provision of livestock districts provide criminal and civil trespass penalties for anyone who allows their livestock to come onto livestock district land; landowners within the livestock district do not have the duty to

fence out. Owners of those livestock can be prosecuted for those trespasses. Commissioner McClure stated that when a landowner joins the livestock district, they have no obligation to fence out livestock.

Commissioner Beverage stated that she has researched this topic at great lengths. Livestock districts were originally intended for the edge of town. As a commissioner, she has to follow the law and as an annexation there are less things to deal with than if this was an original request. She doesn't think that this is a great place for a livestock district, but she has to follow the law.

Commissioner McClure opened the public hearing.

Livestock District Public Comments

Irwin Smutz, 59074 Foothill Road, thought a major mistake was made several years ago when the first livestock district was created on land owned by Joel Rice. There were 35 men at the hearings that had cattle on adjacent land, but none were allowed to vote. Their houses were in the livestock district already, but their land to run cattle was in open range. They were not allowed to object to the creation of the livestock district. There were 450 elk bordering land owned by him and Mr. Rice. Fences would be fixed and then broken same day. Bicyclists would enjoy the land, which he liked, but they cut holes in the fence. Eight cows were shot by Mr. Rice in the belly to die slowly. There were another fourteen cows that were never found. He got to an age where machinery was wearing out so he began to rely on people renting his land for cattle. Those renters were threatened. Mr. Rice told them not to come get their cows on his property and that he would haul them to the sale yard. Mr. Smutz lost his renters because of it. There are a lot of ranchers who graze their cows on that open range; it is not closed range type land and it requires four-wheel drive. It is impossible to avoid holes in fences because of the number of elk in the area. With the livestock district, that person will have no responsibility to maintain fences. Mr. Rice told other people in the area they didn't have to have fences anymore and to lay them down on the ground. Fences were on the ground amongst tall grass and weeds and horses would get tangled up in the barbed wire. He knows that there are state laws that have to be followed. He thinks people who live in this area like the county commissioners who are rubbing elbows with the people they represent ought to be able to have more say with special circumstances. Regarding the election of commissioners, it has been said that they should serve more than one or two terms because they need to be able to go to Salem and influence people. These laws were set up by people on the western side of the state who wanted to keep pigs out of their gardens in the cities. It does not work with some kinds of land. There are probably 30 ranchers that have cows in the area that could get on Mr. Rice's property. He didn't receive notice of this hearing and didn't know about it until another adjacent property owner told him it was in the classified ads. When the livestock district was first formed, the county commissioners voted unanimously to approve it. When Colleen MacLeod voted for it, she said it was really wrong but it had to be put in. None of the landowners were allowed to have a say in it. The decision was made before the hearing was ever heard. Now it sounds like the decision has already been made for the new petition. A lot of injustice has been done because people are afraid of being sued. If the commissioners made a decision against the annexation, they would probably be sued and lose. He is not interested in attacking any particular person, he is talking about the principle of the situation. He has forgiven Mr. Rice, but he doesn't want to step on his side of the fence to fix fences because the last time Mr. Rice communicated with someone like that, they were

threatened. He told them that if they had a cow wander onto his property, they could not come onto his property to get it.

Commissioner Beverage stated that she had been reading laws about livestock districts and knows that the land owner is required to call cattle owners when their cattle are on his property. Mr. Smutz stated that Mr. Rice has done that with him personally before he started renting the land. Mr. Rice got to a point where he hated cows, which he has admitted, and it got to him. When someone has enough anger, they can lose control and do something that they wouldn't normally; Mr. Rice is inclined to do that. He stated that he believes in obeying earthly leaders as taught in scriptures, but those leaders also have the responsibility to all the people they represent. The commissioners are representing the people of Union County.

Livestock District Public Comment

Irene Gilbert, 2310 Adams Avenue, believes that the county can use its local land use plan to deal with this type of issue in the future. There are some unusual conflicts with elk and cattle, and fencing out elk. She would like to see the commissioners look at the land use plan, establish special criteria and place some responsibility on landowners and exempt the surrounding property owners from consequences as the result of access that is provided through the breaking down of fences by elk.

Commissioner McClure asked Mr. Baum if the commission had the opportunity to use its land use laws to circumvent state statute. Mr. Baum stated that one of the issues in this situation is preemption, both with having the ability to have federal land within livestock districts and state laws and how they interact with elk and other animals traditionally owned by the state. The State has jurisdiction over those types of animals. There is an opportunity to involve local Legislators to discuss the ability of rural counties having more discretion. This isn't something that can be resolved right here, but we can look into land use laws.

Mr. Smutz stated that he knew there was nothing that could be done to help him, but there are a lot of other ranchers that have their cattle on open range and are concerned. He thought about talking to Greg Barreto and Bill Hansell, but they have their hands full right now. Almost all of the Legislators are city folk and the country folk are outnumbered.

Livestock District Public Comment

Rodger Huffman, 854 N. First, Union, stated that he was familiar with statutes that were discussed. The language, which was an amendment, made it easier to annex property into an existing district instead of having a district-wide vote. The statute indicated that the county has to have a hearing, which would indicate that there may be a reason to have that. If it is simply to rubber stamp an application, it doesn't seem like valuable time spent for people to testify and still have no say in the outcome. He wondered if the statute really says that applications are approved in a hearing process and is done without any discretion. He asked if the commissioners can define boundary lines differently than what was applied for, such as on the basis of land use, animal activity and ongoing conflict. Approving the petition isn't going to solve anything. The cattle will still come off the hills, there will be events with trees, weather and elk going through fences - unintentional actions that will cause livestock to be on the property. The petitioner would then have the right to call the sheriff and have the ranchers cited because their cows are on his property and he doesn't like them. Or he

could take the civil approach and take the animals up and charge the ranchers for that action. The conflict that has been going on up there won't be resolved by this; it shifts the burden of who has to keep the animals in and off the property. He asked if the commissioners had any flexibility to annex less land than what was applied for. For example, annexing only 40 acres of the 400 requested if it makes sense and is a natural fit.

Commissioner Howard asked Mr. Huffman what he thought about that question. Mr. Huffman stated that he is not a lawyer, but wondered because the statute indicates that the county can define boundaries and the county has not asked the Attorney General's opinion on this. Mr. Huffman stated that he no longer works for the Department of Agriculture and does not have the ability to do go through that process, but it seems to him that there is that flexibility to annex less than requested.

Commissioner Howard stated that generally speaking, you can't expect an elected body to change an application. He is comfortable saying that the issue here is something other than what Mr. Huffman is asking. It would be a good neighbor policy, which you would not get through rule-making.

Mr. Huffman stated that he thought it was more of a county governing; commissioners have an overriding responsibility during the hearing process to look at the application and define something that works for all parties. Commissioner Howard thought that his description sounded like a good neighbor policy.

Livestock District Public Comment

Mary McCracken, 63036 Buchanan, La Grande, stated that she has known Mr. Rice for a couple of years; he cannot be here today because he is dealing with patients. She wondered if Mr. Huffman knew about the annexation laws since he had been in cattle so long and if he was just hoping that it would go through with the former interpretation of the law regarding a new grazing area rather than an annexation. A lot of testimony about what Mr. Rice did or said is hearsay. He has no time to be up there talking to people.

Commissioner McClure stated that the commission is taking testimony on the annexation, not a debate about Mr. Rice and asked Ms. McCracken to focus on that.

Ms. McCracken stated that she is in favor of the annexation. In recent years, the cattle owners have been more responsive to calls about cattle on other property. Previously, when calls were made the cows would remain on that property. There are multiple land owners in the area and they lease to multiple cattle owners. Mr. Rice finally did lose it and shot some cows. His idea for the unit is for restoration, not for agriculture, and it is the landowner's business to make that decision. She thinks he would be happy to work with people. She has seen cut fences broken and they do not fit elk. Elk push fences over, they do not cut them. She has seen fences that are cut or left open; she doesn't think cattle or bicyclists do that.

Livestock District Public Comment

Doug Osburn, 222 Chestnut, Union, stated that there is something to say about usual, customary, and traditional use of land in this area and traditional wildlife avenues that they have taken for

years. There are burdens being placed on property owners that are adjacent to land to be annexed, when in fact it is mother nature or wildlife causing the bulk of the problem. It doesn't seem like the right solution. There needs to be more study on the traditional habits of migration of wildlife and see if that is where the problem is. That would allow cattle to get through, but maybe the cattle are not causing the problem.

Livestock District Public Comment

Dennis Murchison, Cove, stated that he had been involved in the Hancock allotment, which is above the land being discussed. The adjacent landowners did not have a say in the establishment of the original livestock district. He wondered if the county could go back to see how the process was done. Mr. Rice didn't have 2,000 acres to create the livestock district and had to get a neighbor to go along with it; that neighbor has now said that he would never have agreed to it if he had known the can of worms it would cause. In the fall and winter when cows want to go home, they will go back to where they were dropped off on the trail or where they came from. The last few years there has probably been less activity with cattle on the property. Anytime there is a cow on Glass Hill, he gets a phone call. He went up there nine times last year and took cows out only one time. There are 4,000 to 5,000 cows in an area from Anthony Lakes to this property; the annexation would create a U shape and run it seven to eight miles up Glass Hill if this is approved. There are cattle all around the property. It puts a huge burden with the animals, the biggest elk herd in Eastern Oregon that sits up there. He doesn't know how the district was ever established to start with, but this problem will continue by annexing this land into the district.

Livestock District Public Comment

John Collins stated that he runs cattle on the other side of this property; he owns 320 acres and leases another 1000 acres. The livestock district is creating a nightmare for the ranchers. The annexation will extend the problem another eight or nine miles. This problem will not go away. There are elk problems continually; they are all elk hunters and love them and other wildlife, but they cause problems and cause cattle to get out. He understands ORS 604 to say that adequate fence has to be maintained. If the annexation is approved, Mr. Rice has to have adequate fences to start with; that burden should not be on the cattlemen to maintain a fence. Mr. Rice wants to create a district, but he doesn't want to maintain anything on it. This is only the start of a problem and it will not end here. There may be other landowners wanting to annex into the district and it will be a can of worms for the livestock owners. He hopes that the commissioners can find a method to stop the encroachment on a timber grazing zone. There is no reason to have a timber grazing zone anymore if the county will prohibit grazing in the zone. He hopes that the commission will find a remedy that makes everyone better stewards of the land, not just trying to lock things up and stopping the migration of wildlife and livestock.

Livestock District Public Comment

Mary McCracken stated that cattlemen are raising cattle to sell and make a profit; part of that is maintaining fences. Someone else shouldn't have to fence out livestock. Mr. Rice isn't making money grazing cows; he is growing trees and he doesn't want cows on his property. People take responsibility for their children; they are not allowed to wander through houses or yards and cattle shouldn't be allowed to wander through property.

Livestock District Public Comment

Pat Larsen, 61931 Cottonwood Road. La Grande, submitted a letter from Sharon Beck who was not able to attend the hearing (attached). Ms. Larsen stated that there is a history in the United States of having open range during homesteading days. Congress established a law called the Enclosure Act; people were not allowed to build a fence around private property. They wanted wildlife to have a path through the open area; that is why open range is still here.

Ms. Larsen stated that Mrs. Beck wanted to restate some of her testimony from an earlier hearing. The goals of the planning in Oregon from forty years ago were to reduce housing costs, contain sprawl, protect forests, farmland, and the diversity of Oregon's industrial base. Mr. Rice purchased the property knowing that it was a timber grazing zone and open range where livestock had seasonally ranged for over a century. Mr. Rice was prosecuted for shooting and killing his neighbor's cattle and ordered by the court to build and maintain fences on his property and to build a loading facility for cattle to be removed from his property. That was supposed to be a cooperative working relationship between Mr. Rice and the livestock owners. Mr. Rice was required to do community service at the Eastern Oregon Livestock Show and pay fines. Mr. Rice agreed to the terms in order to avoid prison time. The fence was not completed or inspected as adequate. The corral that Mr. Rice was supposed to build was inadequate. Those things need to be considered. If the commissioners approve the application, she urged them to deny the proposed boundary in the application. The commissioners have some authority to set the boundaries for the benefit of the community and not just one person. She didn't know why there would be a hearing if the commission had no flexibility in making adjustments. The application opened the opportunity to adjust the boundary on the existing district; she urged the commissioners to act in favor of preserving the wildlands to the fullest extent possible.

Commissioner McClure recessed the meeting and called it back to order.

Livestock District Public Comment

Jeff Dents, 713 Hillcrest, Eastern Oregon University Professor of Political Science, stated that today's meeting presents an interesting civic education and highlights the messiness of democracy as it should. He appreciated comments in regards to ORS. He suggested contacting Senator Hansell and Senator Ferrioli, who are staunch advocates for Eastern Oregon and are particularly in tune with issues such as those presented; it may provide the commission with a bit of leeway to come up with a more creative solution than what may be proposed by the ORS.

Livestock District Public Comment

Irene Gilbert stated that the court order regarding the necessity for fencing around property has not been met; she suggested that the commission include it as a condition if the application is approved. She thinks it should be tabled for a future decision so that the commissioners can evaluate the potential of including the court order fencing requirements in their decision.

Livestock District Public Comment

Irwin Smutz stated that he attended the trial and received a copy of the court order; what the judge said at trial was not in the court order. He remembered hearing in the trial that Mr. Rice would have to help maintain fences, but it was not written in the court order. The people who attended the trial heard what was said, but it was left out of the court order.

Livestock District Public Comment

Nathan Smutz, 59074 Foothill Road, La Grande, stated that it would be worth getting a transcription of the Joel Rice trial to see if the judge's orders were not faithfully reproduced in the court order. There are dwellings in the original livestock district and within the annex petition; perhaps a reasonable acreage around those dwellings would be an appropriate new boundary. It looks like it is in the hands of the experts on the legal applications of this petition. He really appreciates that the commissioners are trying to do what is best, especially when there are threats of more complications. He encouraged them to persevere.

Commissioner McClure thanked everyone for their testimony and closed the public hearing.

Livestock District Discussion

Commissioner McClure asked Mr. Baum if the court order to Mr. Rice could be included in this decision. Mr. Baum stated that it is not within the jurisdiction of the commissioners.

Commissioner Howard stated that the commissioners' discussion has to reject some conversations that occurred during the public hearing regarding behaviors and allegations because they have nothing to do with a decision. Commissioner McClure concurred.

Commissioner McClure asked Mr. Baum if the commissioners have the authority to set the livestock district boundaries. Mr. Baum explained that under ORS 607.020(7), when there is no election, there is a hearing on the petition and then the commissioners set the boundaries. This is very different from the language in 607.020(13), which says that when the county commissioners are of the opinion that the boundaries should be changed, they can do so; this refers to the establishment of a livestock district. There is some ability on the part of the commissioners to modify the boundaries while the livestock district is established, but not when land is being annexed into the district. It says that after the hearing, the commissioners shall provide an order setting the boundaries; that is based on boundaries stated in the petition. Commissioners do not have the ability to revise those boundaries apart from the request in the petition.

Commissioner Howard stated that he would not vote to move the petition forward. He thinks additional review by county counsel is needed, specifically if the original establishment of the district was proper or if it has any legal consequences. Mr. Baum stated that land use decisions like this would allow for one year to appeal. Commissioner Howard would like to have more information about other interests competing with the establishment of the annexation, including the establishment of big game zones, and whether or not there are competing legislative standards in Salem stating that particular herds must be protected. He agreed that the commissioners have a ministerial duty and there is some room to look at Legislative intent. When the ORS was drafted, there is a potential that the Legislators made a mistake in how the language was written and the omission of that language may have been an error.

Mr. Baum stated that the statute language states that commissioners shall make a decision after the hearing; it does not say that the decision must be made at the end of the hearing.

Commissioner Howard's concerns about the original district are the impacts on timber grazing, finding of Legislative intent, and size of the annexation land. It might be informative for review of other districts that have been established for other situations going forward.

Commissioner Beverage stated that she also had some concerns and didn't want to make a decision without more information. ORS 215-213(2) states that nonfarm uses permitted within farm use zones should be minimized to allow for maximum agriculture productivity; that contradicts some discussions. She quoted that ORS as follows: "plans providing for the preservation of maintenance of farm land and grazing should consider a major determinant on carrying capacity of the air, land, and water resources of the planning area." Her other concern is about fire danger in the area; there are taller grasses and other concerns when there is no grazing. She agrees that there could be other laws that contradict the livestock district statutes.

Mr. Baum stated that hearings help build a record that can be taken to the Legislature showing why there are residents in this area that are in favor or opposed to certain issues; this is a major reason why there are hearings that do not allow for commissioners' discretion. Commissioner Howard stated that this type of process protects the rights of everyone.

Commissioner McClure stated that he is a firm believer that people have the right to testify and he will listen to people all day long. The commission will take it under advisement and put it on the next agenda.

Scott Hartell requested to schedule the agenda item time-certain continued discussion of the livestock district annexation petition for April 5 at 10:00 a.m.

Office of Economic Development Proposal

Jack Johnson, 70097 Ponderosa Lane, Cove, stated that he was not making a recommendation, but wanted to present a history of Transient Room Tax (TRT) back to 2004. He reported annual lodging tax receipts by county from the Oregon Department of Revenue research. During 2004 to 2011, there were increases across the state, but Union County did not have increases. There were only three counties in the state that had decreases during that time. Overall, the northeast region increased by 31%, but Union County decreased by 12%. Union County also had the lowest increase in the state in 2015. Losses in restaurants, fuel, and shopping sales compound the problem. He stated that the commissioners might want to ask if TRT is being managed as defined by the Oregon State Legislature and how is it being spent. Wallowa County lists how they spend tourism dollars on their website, with 50% spent on the Chamber of Commerce.

George Mead, 57744 Foothill Road, La Grande, presented a proposal to establish an Office of Economic Development at the county. He stated that there are a number of counties that have a similar office and added that economic development should be focused on the county at large, not just the buying and selling of real estate for one small sector of interest. He thinks the terminology presented in the proposal is important because it is used by people who study economic development; they have a lot to do with how the commissioners should do economic development. There are a lot of other assets in the county besides the Baum Industrial Park. He stated that he had spent years looking at the Union County Economic Development Corporation (UCEDC); it has a lot of organizational problems and lacks intellectual strength. It is a serious problem that UCEDC

releases nothing about their behavior. He sees a really big gap between what UCEDC says they will do with economic development and what is really done. He doesn't see any due diligence on their part promoting economic development. It should be the function of the county to have an office of economic development, not a special interest corporation. Every community in the county has opportunities for economic development, but they are not being helped. He has asked in several meetings why anyone would want to come to Union County, but no one provides a rational answer. Businesses are not just interested in real estate, they also look at their employees' benefits. He provided some reasons that potential businesses should be in Union County that would benefit their employees: theatre, music, outdoor activities, and art. Potential businesses are not made aware of these benefits, but instead discussions are about sewers and streets. There are more than 400 economic development operations happening now, and they are all doing what has been done historically. This is a good place to live and there are remarkable opportunities for people to engage in multiplicity of behaviors that would suit their world view. The culture and availability inside Union County for everyone should attract businesses.

Commissioner Howard stated that the idea of a Union County Economic Development Office has some strong traction for a lot of people around the county. Using the TRT as an indicator of general health of economics in the county, there are some issues to deal with. He was not asking for any formal decisions, but wanted to start the conversation.

Commissioner Beverage stated that the commissioners would be discussing economic development at the next two scheduled work sessions.

Plans for Search and Rescue Building

Bob Nelson, 60765 Love Rd, Cove, requested assistance from the commission; the Union County Search and Rescue (SAR) needs to find a site where they can construct a building to store equipment, especially during the winter. This would help them apply for grant funds. He asked what sources the county has that could be considered.

Commissioner Howard asked if an inventory of prospective locations owned by the county had been completed. Mr. Nelson stated that they had completed a small assessment, but did not have access to all of the county options. There is a site on Foothill Road, but it is a remote location and would be a challenge. Commissioner Howard asked if other SAR operations had a cooperative agreement with the state to locate on county property; Mr. Nelson stated that almost all of them have that type of agreement. Commissioner Howard suggested that he was in favor of that idea and asked if the Union County Public Works site would work. Mr. Nelson stated that he would be in favor of that, but it would be up to the Public Works Director to allow a building on that property. Commissioner Howard thought that was worth talking about.

Commissioner Beverage stated that she would like to see an inventory of properties where a building could be placed, including Public Works and the Fairgrounds. Commissioner Howard stated that the Fairgrounds property does not belong to the county and the commissioners could not compel the fair board to house SAR; Commissioner McClure concurred with Commissioner Howard. Mr. Nelson stated that the fairgrounds would be a challenge to access equipment when an event is taking place. Mr. Nelson stated that there would be a greater response time with a building location farther outside of the La Grande/Island City area.

Shelley Burgess, Administrative Officer, stated that property on the county's foreclosure list might be suitable.

Commissioner Howard would like to see Mr. Nelson spearhead the county property search. He suggested that Mr. Nelson talk to Union County cities and consider two different service sites.

Mr. Nelson stated that they had talked with the City of La Grande, but they were not necessarily interested. He added that Island City had only one piece of property that was available, but it is in the flood plain. They would like a building with twelve bays that are 36 feet deep and 140 feet long. It would require an acre and a half to two acres of land so that there is room to turn trailers around. He has been in discussions with Boise Cascade Corporation about use of their land at a La Grande facility; they are not interested in having a building constructed on their property, but they might be able to find a place to temporarily house S&R equipment. Commissioner Howard stated that he was happy to help them track down properties and write it up.

Ombuds Proposal

Doug Osburn, 222 East Chestnut, Union, submitted a proposal to create the position of an Ombudsperson at Union County. He stated that there had been some issues at the county that could have been handled by this type of position. It would not solve all the problems, but it would add a layer of recourse and action for the public. It would not be a decision making position, but it would investigate decisions made by the commission when a grievance is filed by the public. It could also provide options on how to eliminate it from happening again by changing policies and procedures. He thinks it is a viable option for a county of this size and it would give the citizens an avenue with its elected officials.

Commissioner McClure stated that there were two hot button issues at the current meeting and asked Mr. Osburn how he would see the proposed position working in those situations. Mr. Osburn stated that an ombudsman would gather facts and present evidence to the commissioners so that they could make a better qualified decision, especially in the case of the livestock district. Mr. Osburn thought that the commissioners' hands were tied in regards to the B2H topic and it could be addressed through a Legislative process. There is a significant amount of people that are against the B2H project because the need has not been demonstrated. It could be investigated but he didn't think that was an example where the county would benefit from having an ombudsman. Since Union County is made up of a diverse group of people, feelings are hurt by the elected body because they were not addressed. This position would be an unbiased person that would find facts and make a recommendation to the commissioners.

Commissioner Howard wanted to know if there was any opposition from the other commissioners; if there are strong objections then the commission should not move forward in studying it. An example of when an ombudsman would be helpful is when a complaint is made that was only a misunderstanding; it points to types of communication that can be improved. It is an issue that can be addressed that could impact the policy of how training occurs. This is not the kind of thing he would expect people to be comfortable with, but it also keeps everyone a little more honest by looking at policies in an objective way. There is also some potential of having someone at the county level deal with child abuse complaints or how child case workers are dealing with foster parents.

Commissioner Howard thinks that the county could afford this position if the commissioners surrendered their Cost of Living Allowance increase for the next two years and by making it an honorarium position. Once that is done, the savings could be cooked into the budget for two years.

Mr. Osburn stated that if the commission wanted to proceed with the position, it should talk with the cities and agencies within the county to see how they could interact with the position and determine their interest. He thought a job description could be drafted in 60 to 75 days.

Commissioner Howard would like to see it reported back in 60 days, unless the other commissioners say they will never support it.

Commissioner McClure stated that he would not say that he would never support it, but it would have to go through the budget process. He has some concerns about the position as it relates to the authority of the commissioners. He sees some value in it when it can address situations where someone feels that they are not getting services they are eligible for. If there was a better definition of the position and the county could afford it then it could be considered. However, the county is coming into tough fiscal times with the elimination of SRS funds and the uncertainty of PILT. He would not want to add a program that would have to be cut in one year.

Commissioner Beverage asked if there were other counties with this position. Mr. Osburn stated that almost every county has an ombudsman. Commissioner Howard stated that the county would be creating new territory with this program; Marion County would like to see Union County's template to use it for the state foster parent issues. Commissioner Beverage would like to see that counties with this program have been called to collect more information. Mr. Osburn stated that it would be a valuable tool because litigation is the only recourse the public has when they don't agree with a decision the commissioners have made.

Feral Cat Program Proposal

Jodi Lambert, 2710 N. Ash Street, La Grande, stated that she had posted a survey on Facebook regarding the licensing of cats with proceeds benefiting a spay and neuter program; 18 people were in favor and two were opposed. There are thousands of feral cats in the area. She has no traps or any more money to run this type of a program any longer.

Commissioner McClure asked if any research had been done to learn how other counties deal with this problem. When he called other counties, he learned that no one had cat programs.

Cathie Falck, Sheriff's Department, stated that part of the problem is that cats are not covered by state statute. The City of Ontario has a good program; they work with a nonprofit organization and have their feral cat population under control. She stated that Commissioner Howard and Ms. Lambert were proposing to establish a work group to look at options to resolve the feral cat problem. The Sheriff's Department receives calls every day about feral cat problems and there is nothing they can do.

Commissioner Beverage asked how Ontario is funding their cat program. Ms. Falck stated that there is a lot of money available for nonprofits to operate a cat program. She thought county

counsel would need to be contacted to determine if cat licensing could be mandatory or voluntary. Commissioner McClure thought it could be done by county ordinance.

Commissioner McClure stated that if feral cats are a problem, then the commission needs to take a serious look at it. It is not a bad idea to find out more information about Ontario's cat program. He suggested that Commissioner Howard take the lead and report back. Commissioner Beverage concurred and would like to know how they are funding the program.

Shelley Burgess, Administrative Officer, stated that the reason Union County's dog ordinance is county wide is because the cities have engaged the county to do that. The county's jurisdiction would not cover the cities if there was a cat ordinance in the county.

Commissioner Howard stated that the cities would have to sign up and help the county do a low cost or free spay/neuter clinic and the county could be the leader for this program. Commissioner Howard suggested engaging the mayors group.

MERA Sign Proposal

Two Eastern Oregon University students presented a MERA sign proposal on behalf of their Public Policy Class. Their main concern is safety due to what they believe is inadequate signage near the archery range.

Commissioner Beverage liked the idea of better signage at MERA.

Commissioner McClure stated that the students would need to meet with the MERA Coordinator. The property is leased to the archery club and if there is an issue with signs, the county will work with them to have it corrected.

Commissioner Howard asked about the cost of proposed signs. The student stated that each sign would cost \$20; they recommended eight signs. Commissioner Howard asked if they recommended a written archery policy. The student believed that the county had one in place already, but some of the language could be reviewed.

Public Comments

Dave Moyal, 1804 Second Street, La Grande, made a comment regarding the commission's upcoming work session which was covered by the local newspaper. His first concern was that the agenda items devoted to the second amendment provided no description or background. As a potentially concerned citizen, agenda items need to have enough information to let the public know if it is an area of concern to them. His second concern was that the proposal to roll Emergency Services under the authority of the Sheriff's Department may or may not be a good idea. It is appropriate that the commission discuss it in a work session. However, The Observer stated that the commission may convene in a special meeting to take official action on any of the topics discussed at that day's meeting; he was surprised by this. ORS 192.620 establishes Oregon's public policy of open decision making by governing bodies; to convene a public board meeting to take actions on public matters without adequate notice would appear to directly contravene this policy. He urged the commission not to permit the work session to be converted to a regular session at which decisions could be made. Regarding the potential of consolidating Emergency

Services with the Sheriff's Department, after twenty-five years of working in emergency rooms and major trauma centers, he knows first-hand that the job of Union County Emergency Services is extremely complex and multifactorial. It is a bad idea to roll a largely non-law enforcement and vitally important county function under the budgetary and management authority of law enforcement. Union County emergency Services should not be a part of the Sheriff's Department. He read ORS 192.610-192.690.

B2H Public Comment

Irene Gilbert, 2310 Adams Avenue, stated that there would be limited input if the commissioners choose to have an executive B2H committee of three members. Brad Allen owns land in Union County, but does not live here. The Record of Decision and Environmental Impact Statement process is finished and there is no opportunity for input from anyone; the only involvement from anyone at this point would be from those who choose to file a lawsuit. While the Department of Energy (DOE) has chosen to accept the Integrated Resource Plan (IRP), it does not designate an agreement with their plan. The only process that remains is the Energy Facilities Siting Council (EFSC) process. She stated that the commissioners indicated that they may submit comments on rule changes, specifically regarding federally threatened and endangered species, but her understanding is that those comments were not received. The EFSC approved those rules and a Legislator has made a request for a legal review of the legal legitimacy of that decision. The EFSC has chosen to extend the comment period by two months, giving the commissioners more time to submit comments. She hopes that the commissioners will make comments to the DOE and the EFSC regarding the rule that would update and change the amendment rule requirements.

Elected Official, Department Head & Employees Comments

Resolution 2017-03, Authorizing Submission of Grant Applications to Oregon Parks & Recreation

Sean Chambers, Union County Parks Director, was seeking support to purchase the Spencer 40 acre inholding within MERA. Since MERA was acquired nine years ago, the county has been developing recreational infrastructure and managing its natural resources. Activities have been guided by the MERA Master Plan, which also identifies the Spencer 40 acres as a priority to be pursued for purchase. There is a willing seller, grant opportunities, and a match provider for the purchase. His request is to pursue grants for the purchase.

Commissioner McClure explained that there are two 40 acre parcels on the face of MERA that are privately owned; only one is interested in selling. The county would have to go through a yellow book appraisal and would pursue grant and matching funds for the purchase. The Spencer property sits at the end of the archery range and the purchase would allow widening access to the mountain and surrounding activities. The current trail ends at the Spencer fence with a locked gate.

Mr. Chambers agreed that the Spencer property is currently a geographic road block. It is the most popular MERA trail and provides access for equestrians, bicyclists, pedestrians, and runners. This purchase is imperative for safety, fire, and emergency services purposes at MERA.

Commissioner Howard asked if the county would have any use restrictions of the property. Commissioner McClure stated that the granting agencies would make that determination.

Commissioner Howard stated that his vote in favor of the purchase would be supportive of adding that implicitly in the negotiations.

Commissioner Howard asked if Mr. Chambers planned to request funds from other sources. Mr. Chambers stated that he may seek other funding, but this resolution was required by Oregon Parks & Recreation (OPR) to apply for grant funds. Commissioner Howard stated that if the resolution title could be changed then Mr. Chambers would have authority to pursue other grants. Mrs. Burgess stated that the resolution title as presented is required by OPR.

Commissioner Howard moved approval of Resolution 2017-03. Commissioner Beverage seconded. Motion carried unanimously.

MEMA Comment

Doug Wright, Union County Public Works Director, stated that Mr. Chambers has done an excellent job with MEMA. He has done well following process with the advisory committee and has a great working relationship with them. MEMA signage has been excellent.

Snow Removal Policy

Doug Wright, Union County Public Works Director, stated that a snow removal policy was developed in 1993; the prioritization still works. He would like to redirect the airport prioritization, as it is last on the priority list. The county has staff and equipment that are used in the airport area on an ongoing basis. The county usually plows the airport when there are two or more inches of snow for the safety of airplanes. There are other conditions when it makes plane navigation around the airport difficult. He would like to work with the users of the airport to develop a better policy. He would also like to provide more information on the website regarding updates about snow removal. This last winter was extreme, but the policy worked well and he was able to manage the county's dynamics.

Commissioner McClure stated that when the policy was written, the county did not have two daily air service providers and LifeFlight, which changes the priorities. He thinks there needs to be separate road and airport policies.

Commissioner McClure stated that the county needs to engage more with technology when providing information to the public. Mr. Wright agreed and stated that Public Works currently coordinates with local school districts and Emergency Services. JB Brock, Emergency Services Manager, stated that he works closely with Mr. Wright and when information is sent to commissioners it is followed by communication to the public via social media. Commissioner McClure stated that the policy should reflect that communication. Mr. Brock stated that the existing process that he and Mr. Wright have developed could be inserted into the policies. Mr. Wright stated that they provide the best information available to the public; he needs a policy that allows him the dynamics to move where needed to protect citizens and manage school bus and high traffic routes.

Commissioner Beverage stated that the public needs to know how to get information during an emergency if there is no cell service or land line service.

Mr. Wright stated that he has partnered with ODOT and they have intelligent transportation systems; that is another avenue to communicate information to the public. TripCheck is used constantly and is an amazing tool. He needs to be able to work with ODOT to provide and receive local information. He agreed that the communication policies could be updated to include all the options discussed.

Commissioner Howard asked how many stakeholders reviewed the Snow Removal Policy. Mr. Wright stated that he was not in his position at the county when it was developed. Commissioner McClure stated that the policy was so well written that it has lasted until today. Commissioner Howard stated that not having it reviewed was reason for him to worry. Mr. Wright stated that he saw no problem with revising the policy and hoped to have a draft by fall.

Commissioner Howard asked if other stakeholders would review the policy. Mr. Wright stated that it would be reviewed by the Transportation Committee. Commissioner Howard asked if that committee would include staff from the hospital. Mr. Wright stated that he would work extensively with Mr. Brock.

Consent Agenda

Commissioner Beverage moved approval of the Consent Agenda, which includes Claims Journals from February 8, 9, 15, 16, 23, March 1 and 2; and Meeting Minutes from January 4, 25, and February 1. Commissioner Howard seconded. Motion carried unanimously.

Administrative Matters

Board of Commissioners Mission Statement

Shelley Burgess, Administrative Officer, presented an updated mission statement draft for the commission's consideration based on previous work sessions and their suggestions. Commissioner Howard was happy with it and Commissioner Beverage thought it was great.

Commissioner Beverage moved to adopt the Board of Commissioners Mission Statement. Commissioner Howard suggested an amendment to the motion to seek public comment. Mrs. Burgess stated that her understanding was that the commissioners would adopt the statement and then it would be posted on the website; Commissioner Howard thought that was fine. **Commissioner Howard seconded the motion.** Commissioner McClure felt it was appropriate to approve it now with the option to change later if needed. **Motion carried unanimously.**

Resolution 2017-04, Community Dispute Resolution

Mrs. Burgess stated that this program is based on ORS 36:160, which allocates funds through the Legislature and is administered through the University of Oregon (U of O) Law School. The county is informed of how much money is available and makes a decision about participating. U of O then requests applications for local service providers and reviews applications for eligibility. She stated that the allocation has been \$50,000 for the last few bienniums. Commissioner Beverage asked if the service provider had been the same; Mrs. Burgess stated that the provider name changed a few years ago but the facilitators have been the same. Mrs. Burgess stated that the program has been effective and recommended continuing the program.

Commissioner Howard moved approval of Resolution 2017-04. Commissioner Beverage seconded. Motion carried unanimously.

Court Order 2017-17, Acceptance of Summary of Board of Property Tax Appeals (BOPTA) Actions
Mrs. Burgess stated that there is a requirement to adopt a summary of the BOPTA actions so that they become part of the record and journal history. The summary of actions included three petitions; one was dismissed and two resulted in hearings. The BOPTA upheld the value given by the County Assessor. There were no adjustments in value.

Commissioner Beverage moved approval of Court Order 2017-17. Commissioner Howard asked if there was any objection to his vote since he serves on the BOPTA; there was no objection. Commissioner Howard seconded. Motion carried unanimously.

Resolution 2017-06, Unanticipated Funds

Commissioner Howard waived the reading by title only. Mrs. Burgess stated that this would authorize the appropriation of \$10,000 of grant funds for the Juvenile Department from the Grande Ronde Child Center to augment the existing workforce development program.

Commissioner Howard moved approval of Resolution 2017-16. Commissioner Beverage seconded. Motion carried unanimously.

Union Cemetery District Agreement

Mrs. Burgess stated that the Buffalo Peak Golf Course (BPGC) superintendent was approached by the Union Cemetery District and asked for the county to mow their lawn. She requested consent from the commission to pursue an agreement with the district. She stated that county counsel had drafted a potential contract and she recommended a one year agreement. It could generate some revenue and be a nice partnership.

Commissioner Howard moved approval of the Intergovernmental Agreement with the Union Cemetery District and empowered Mrs. Burgess to obligate the fulfillment of the agreement for one year. Commissioner Beverage seconded.

Commissioner McClure stated that he had read comments from the BPGC superintendent; it seemed pretty simple and makes lot of sense to him.

Roll Call: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.

Intergovernmental Agreement with Grant County for Jail Beds

Mrs. Burgess stated that consideration of this agreement would be postponed due to clarification needed from the Sheriff's office. This item will be rescheduled for the next agenda.

Sage Grouse

Commissioner McClure stated that the county pays to have the Sage Grouse territory mapped in the county. Scott Hartell, Planning Director, found that the state will provide the same information at no cost. Mrs. Burgess stated that challenge with the current agreement is that it is proprietary

information and the county cannot make it available to citizens; if the county participates through the state, then the information can be made public. Mrs. Burgess stated that Mr. Hartell's letter indicates that he is in coordination with the commission and she wanted their permission to include that language in the letter. Commissioner McClure granted his permission to include his support in the letter. Commissioner McClure added that the state's Sage Grouse boundaries are smaller than those listed with the current map provider. Mrs. Burgess agreed and added that using the state's mapping service would be a benefit. There was a consensus from the commissioners to support the letter.

Commissioner Howard moved approval. Commissioner Beverage seconded. Motion carried unanimously.

Second Reading: Ordinance 2017-01, Establishing Term Limits for the Office of Union County

Mrs. Burgess stated that the commissioners approved the first reading of Ordinance 2017-01 on February 15, 2017. This ordinance implements the ballot measure passed by voters. This ordinance was drafted by county counsel.

Commissioner Howard moved approval of Ordinance 2017-01. Commissioner Beverage seconded. Motion carried unanimously.

B2H Advisory Committee

Commissioner Howard stated that he and Commissioner Beverage have a slight disagreement on whether the whole committee should continue to meet. He was hoping that Scott Hartell, Planning Director, would get a rump vote by polling the members of the whole committee on the specific issue of paying for an expert on certain matters. Mr. Hartell stated that it would not be funded by the Oregon Department of Energy; Commissioner Howard would like to pursue an answer to that question.

Commissioner McClure did not see the purpose of special committee in the interim. It is at a point where there is not much activity and it is too late for the federal process.

Commissioner Howard asked if it was possible to reach a compromise to establish an executive committee with the three members proposed while keeping the whole committee intact.

Commissioner Beverage did not see a need for an executive committee. Commissioner McClure also did not see a need for it, but added that if Commissioner Howard felt more comfortable with it, then fine. Commissioner Howard stated that if the ROD is released, then there would be an immediate need for the executive committee.

Commissioner McClure stated that the purpose of the executive committee would not be to make decisions; it is to track the process and call the whole committee back when needed. Commissioner Howard stated that there has been no recent need for the whole committee to meet.

Commissioner McClure thought that the committee heard from both sides and the chairman was very respectful to those who opposed the transmission line.

Commissioner Howard stated that there was a consensus to form an executive committee that would have no authority and Mr. Hartell would take care of it.

Mr. Hartell asked for clarification that the executive committee works directly for the commission and his department would not staff those meetings. Commissioner Howard agreed. Mr. Hartell added that the B2H Advisory Committee would continue and his department would staff those meetings.

Mr. Hartell stated that Idaho Power's letter requested time to meet with the commissioners. Commissioner McClure suggested April. Mr. Hartell agreed to get more information about a meeting and report back to the commissioners. The commissioners agreed that the meeting could be coordinated with the Oregon Department of Energy.

Sage Grouse Public Comment

George Mead stated that any company that will not release information that ought to be public should not be hired.

Next Meeting and Location

The next meeting is scheduled to take place on Wednesday, April 5, 2017 at 9:00 a.m. at the Joseph Annex Building.

Adjournment

The meeting adjourned at 1:05 p.m.

Respectfully Submitted,

Lorcinda Johnston
Sr. Dept. Specialist II

STAFF REPORT
Union County Board of Commissioners
Livestock District Annexation
March 15, 2017

- Court Order 2017-03 was adopted January 25, 2017 by the Board of Commissioners established today's date and this time and place to hold a public hearing on an annexation request submitted by Joel Rice to annex about 401.77 acres in his ownership into the Union County Livestock District #1.
- Notice of this public hearing was provided to adjacent land owners, Union County Public Works, and published in the Observer News Paper on February 20, 2017 and March 9, 2017, and by certified mail to the Oregon Department of Agriculture in accordance with ORS 607.013.
- Today's public hearing is governed by ORS 607.020 Changing boundaries and dissolution of districts in part, as follows:

(5) Any area may be annexed to an existing livestock district in the same manner as creation of a livestock district as provided in ORS 607.005 to 607.045, except that:

(a) The area may be less than 2,000 acres;

This request includes 401.77 acres all in Joel Rice's ownership.

(b) The petition for annexation may contain the signatures of fewer than six electors registered in the area proposed to be annexed, without regard to the precincts in which the electors are registered;

There are no electors registered in the 401.77 acres.

(c) The election procedures provided in ORS 607.015, and the notice and order provided in ORS 607.013, shall only apply to and be carried out in the area proposed to be annexed; and

ORS 607.020(6) below does away with an election because Joel Rice is 100% landowner of the annexation request.

(d) The electors on a proposed annexation shall be limited to those registered in the area to be annexed.

There are no electors registered in the 401.77 acres.

(6) Notwithstanding subsection (5) of this section and ORS 607.015, when a petition for annexation is signed by all the owners of all the land in the area proposed to be

annexed or is signed by a majority of the electors registered in the area proposed to be annexed and by the owners of more than half of the land in the area, an election on the proposed annexation shall not be held in either the district or the area proposed to be annexed.

Joel Rice is 100% owner of the 401.77 acre proposed for annexation and the only signature petitioner to this action.

(7) When an annexation election is dispensed with under subsection (6) of this section, the county governing body, after the hearing on the petition for annexation, shall enter an order describing the boundaries of the area and declaring it annexed to the district. The annexation shall be effective on the date of entry of the order by the county governing body. [Amended by 1957 c.604 §9; 1977 c.308 §1; 1983 c.83 §108; 1995 c.268 §1]

Since the petitioner, Joel Rice, is 100% owner of 100% of the land proposed to be annexed, and there are no electors registered in the area (401.77 acres) then ORS 607.020 (6) identifies “an election on the proposed annexation shall not be held in either the district or the area proposed to be annexed”, ORS 607.020 (7) then forces the hand of the Union County Board of Commissioners that after the hearing on the petition for annexation, the Commissioners shall enter an order describing the boundaries of the area and declaring it annexed to the district.

Board of Commissioners
B2H Advisory Committee Report
Scott Hartell, Planning Director
Ted Taylor, B2H Advisory Committee Chair
March 15, 2017

Completed to Date

- December 16, 2015 the Union County Board of Commissioners adopted Resolution 2015-18 creating a Boardman to Hemingway (B2H) Advisory Committee.
- December 16, 2015 the Union County Board of Commissioners adopted Court Order 2015-42 appointing nine citizens of Union County to the B2H Advisory Committee and designating Ted Taylor as chair.
- Actions of the B2H Advisory Committee from January 1, 2016 to February 2017 includes;
 - Holding 9 public meetings.
 - Established 1 sub-committee.
 - Received 51 public comments.
 - Adopted 7 resolutions/motions/policies.
 - Sent 1 B2H Advisory Committee Letter to BLM.
 - Board of Commissioners sent 3 letters to BLM.
 - Planning Director sent 1 letter to the Oregon Public Utility Commission.

Timing for the Energy Facility Siting Council, Site Certificate review process.

- Currently BLM staff is in the process of wrapping up the public protest period from the release of the Final Environmental Impact Statement. BLM staff is also working to finalize:
 1. Section 7, Endangered Species Act and working with the National Marines Fisheries Service;
 2. Record of Decision;
 3. Programmatic agreement with the Advisory Council for Historic Preservation;
 4. Navy coordination; and
 5. Plan of Development.
- BLM is still expecting the Record of Decision to be released sometime early summer 2017. I will know more about the actual date from an April 11, 2017 Cooperating Agency Conference call with BLM staff.
- Idaho Power is continuing to work on their amended application to the Oregon Department of Energy. The amended application will not be released until sometime after the BLM Record of Decision is released and the US Forest Service has completed

its FEIS review. Idaho Power has projected a timeframe for submittal of late summer 2017.

Current Status and Moving Forward

- B2H Advisory Committee has not met since before the final public protest period ended on the BLM's FEIS and will likely meet again once Idaho Power has amended and submitted their application for Site Certificate to the Oregon Department of Energy.
- Currently, the membership of the B2H Advisory Committee needs to be reviewed as two members are strongly aligned with the citizens group Stop B2H, one member is moving out of state and will no longer be participating and two other members have suggested disbanding the B2H Advisory Committee completely because the Oregon review process is open to public participation and comments unlike the BLM review process.
- Since major coordination functions remain throughout the Oregon Site Certificate application process, this could be efficiently conducted through an Executive Committee of the B2H Advisory Committee.
- The Executive Committee could be composed of Ted Taylor as Chair, Anna Baum and Brad Allen, who have been contacted about and accepted this role if assigned by the Board of Commissioners. This provides a balance on the Executive Committee and includes affected landowners of the B2H Project.
- The function of the Executive Committee would be to:
 - Coordinate with Idaho Power on its public outreach and involvement activities as a representative of the Board of Commissioners.
 - Coordinate with other affected counties, principally Baker County and Umatilla County.
 - Review all impacts the B2H Project could have on affected landowners in Union County, and
 - Meet with and report to the Board of Commissioners on major issues.

Sunset Provision of Resolution 2015-18

- If an Executive Committee is established by the Board of Commissioners, then the B2H Advisory Committee could be notified that the B2H Advisory Committee is officially in a recess status, except for the Executive Committee members, thanking them for their service, and indicating they would be notified upon return to active status by the Board of Commissioners.

Union County Commissioners
1106 K Avenue
La Grande, OR 97850

March 15, 2017

Commissioners:

Land use planning laws in Oregon are over 40 years old now, adopted in 1973. The original goals of land use planning were to reduce housing costs, contain sprawl, protect forest and farm land and diversify Oregon's industrial base. Oregon governance seems as dedicated as ever to the land use laws even though housing costs are higher than surrounding states, tax rates and unemployment rates are among the highest in the United States. One might conclude that the land use laws have failed.

Father of the constitution James Madison, when discussing the rights of man that are granted by God, life, liberty and property, said: "The proper role of government is to protect property rights". Note that he said the "rights" must be protected by government...not the property itself...it is the right and privilege of the owner to protect his own property.

What you, county government, are being asked to do via this application for extending a livestock district to include one man's property, essentially is to force his neighbors to protect his property at their expense. The intent of a livestock district is to protect urban areas from larger livestock grazing operations, not to burden grazers with the task of assisting owners like Rice, who has no intention of implementing the traditional uses of the timber grazing zone, in urbanizing wild lands.

Things to consider are:

The lone applicant, Joel Rice, knowingly purchased this property in a historically open range area where livestock have seasonally ranged for over a century. It is in the timber grazing zone.

Rice has been prosecuted for shooting and killing his neighbor's cattle.

He has been court ordered to build and maintain fences on his property and to build a loading facility from which trespass cattle could be removed.

He was required to do community service at the Eastern Oregon Livestock show, purportedly to learn a bit about the livestock management.

He was required to pay fines to cover the cost of the livestock he killed.

He agreed to these terms in order to avoid prison time.

There are long held traditions concerning good neighbors sharing responsibility for fencing if either or both have livestock on open ranges. It involved agreements among

themselves rather than involving governments. Age old is the adage that good fences make good neighbors.

Approving this application would make irrelevant another goal of Union County's land use plan to "protect farm and forest land" and its uses for present and future generations. I urge you to deny the proposed boundary in this application, finding that it has the potential to set precedence for urbanizing all wild lands by shifting the responsibility from Joel Rice to manage his own property to that of his neighboring property owners. Furthermore, this application has opened up the opportunity to adjust the boundary on the existing district and we urge you to act in favor of preserving the wild lands to the fullest extent possible.

Sharon Beck
Bob Beck