

BE IT REMEMBERED THAT the Crook County Court met in a Regular Session on February 3, 2016 at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon. In attendance were: County Judge Mike McCabe; County Commissioner Ken Fahlgren; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson

Members of the public signing the attendance log were: Craig and Cathy Kilpatrick, on file; Melanie Marlow, Prineville; Pete Sharp, Prineville; Casey Kaiser, Prineville; Bob Bryant, ODOT, Bend; Tom Jay, Prineville; Kerry O'Neal, Prineville; Casey Daly, Manager, Crook County Fairgrounds; Jered W Rhoden, Prineville; Gail Merritt, City Council; Jeff Papke, City Council; Eric Klann, City of Prineville; Lisa Morgan, City of Prineville; Wendie Kellington, Lake Oswego, Or; Russ Deboodt, Crook County Fire and Rescue; Don Bernard, Prineville; Brett Nelsen, Prineville; James Wilson, City of Prineville; Chuck Banks, Prineville; Steve Uffelman, City Council; Chris Clemun, 1582 Feters Loop, Eugene or 97402; John Smite, City; Bill Mintiens, Jakie Spring Media; Debbie Wood, Crooked River Weed Management; Kev Alexanian, Crook County Weed Control; Lyle Byler, Prineville; Chris Gannon, Crooked River Watershed Council; Angie Gilley, Veterans Services; Craig Brookhart, Prineville; Gordon Aggers, Prineville and Jane Aggers.

The media was provided notice of the meeting.

Judge McCabe opened the meeting and asked Jeff Papke to lead the Pledge of Allegiance.

Consent Agenda

- 1. Approve Order 2016-04, In the matter of exempting structural repairs at the Crook County Fairgrounds Indoor arena from competitive bidding pursuant to Crook county Code 3.12.100 and declaring an emergency**
- 2. Approve Order 2016-15, Accepting the Ready to Read grant award**
- 3. Approve Millican Pit Rock Crushing Project**
- 4. Approve Crook County vs. Mosaic Medical, settlement**
- 5. Approve Final Decision and Findings of Fact and Conclusions of Law for the Goering Remand**
- 6. Approve Title III Obligation for funding: 2013, 2014, and 2015**
- 7. Approve Non-binding MOU regarding air quality improvement cooperation**

The Court reviewed the consent agenda, removing items #1 and #7. Counsel has not received the documentation back needed to complete these two items.

Motion

Commissioner Fahlgren moved to approve the Consent Agenda as presented removing items #1 and #7. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

City of Prineville/ County Proposed UGB expansion on west side of the airport (Joint meeting)

Mayor Betty Roppe and all members of the City Council except for Jack Seeley met in a joint session with County Court to discuss a proposed Urban Growth Boundary expansion and annexation of County property into the city limits in Light Industrial zoning.

Judge McCabe polled the Court for declaration of any ex parte contact or conflicts of interest. Judge McCabe, Commissioner Fahlgren and Commissioner Crawford all stated no ex parte contact and no conflicts of interest with the matter to be discussed today.

Anne Beier, Assistant Planning Director, presented the staff report on the purpose of today's meeting and the process for the Court to follow while discussing the possible UGB expansion, comprehensive plan amendment and zone map amendment, and annexation into the city.

Following this decision on this expansion matter, Ordinance 289 will have two readings today

Phil Stenbeck, City of Prineville Planning Director explained the joint process for the City of Prineville and the County to go through today. The City has held two Planning Commission public hearings, December 5, 2015 and January 5, 2016. He reviewed the process for the land use request; Accept the UGB boundary change, adopt a comp zone map plan change from County Agriculture to City Light Industrial, then City Light Industrial into the City limits. He described the site of the property as 159.93 acres (basically 160 acres) west of the Airport. Accesses to the property were discussed; Airport Drive, or north of the Airport. The new Airport Masterplan has potential to open the west side of the Airport. The current status is in the Enterprise Zone.

The land use justification was presented. Justification of Legacy Ranches, LLC was presented that meets the locational analysis provided by the applicant.

City Planning Commission recommends the UGB expansion. Discussion has been held regarding access, and the impact on Tom McCall Intersection on 126, the proposed roundabout. Mr. Stenbeck has received a letter from ODOT stating that Legacy LLC would be treated the same as Facebook and Apple regarding road improvement. The exhibits were examined and discussed that deal with this portion of the process. Mr. Stenbeck said he believes the plan is in place.

Zone Map Amendment

Step 2. Anne Beier said there have been three hearings on the request for the zone map amendment. These were held to make sure there was no converting of farm land to industrial. This parcel is not farm land. There are no water rights and it is consistent with the comp plan. Electric will be provided by PacifiCorp. Ms. Beier referenced exhibit 9 of the applicant materials. The applicant must have Crook County approval as well as approval of the Airport and FAA. Ms. Beier explained the adoption of Goal 3 exemptions by the Coming Commission and

said the property meets criteria for a plan amendment and zone map change.

The 3rd step; Planning Commissions have unanimously agreed on the application to annex when brought into light industrial to the County and then into the City. City Planning recommends the UGB expansion and reassigning the property to light industrial.

Planning Director Bill Zelenka said once the Court finishes their procedure, the City will adopt changes. The zone map will have to go to the State. There was no opposition during the hearing and no measure issues from the state other than the ODOT analysis. ODOT spoke by agreement by letters.

Bob Bryant, ODOT, said that ODOT appreciates all the communication that has occurred around this situation. The coordination and communication are appreciated regarding the Highway 126 and McCall Highway.

Craig Kilpatrick and Wendie Kellington provided information regarding the applicant. Craig Kilpatrick, 13790 O'Neal Highway, Redmond, is consultant for Legacy Ranches. This is the fifth meeting on the application. He said there are concerns on what we are seeing today with a late letter from ODOT, the working with Legacy as with the other data centers, addressing concerns at State and Local levels.

Wendie Kellington discussed clarification and understanding regarding imposing \$1,500 per acre fee and traditional transportation SDC. Mr. Stenbeck said today, this is about the UGB. There will be more discussion at the development level. He said we do not know till the actual project is presented. They will then figure the SC's and the \$1,500 fees.

Ms. Kellington discussed what the traffic plans were based on Josh Smith, City of Prineville Planning explained the fees more thoroughly. Ms. Kellington said all is fine. She appreciates all the communication and efforts on behalf of the City and County staff.

Jason Carr expressed his concern about the intersection. Mr. Stenbeck said there was close Communications with Kelly Coffelt, manager of the Airport and the masterplan for the Airport. The applicant is aware of Airport activities. Ms. Kellington said the applicant has been in contact with the Airport and discussed access. Mr. Carr said the City does not want to infringe on further Airport Actions.

Judge McCabe asked for any other testimony.

Ms. Beier asked the Court to look at Ordinance 289 that includes the Goal 3 exception. Mr. Wilson said previous to the Ordinance, the Planning Commission approved Goal 3 exception. Further discussion was held regarding the comp plan amendment and changes. Mr. Wilson said the amendment is a comp plan amendment and zone map amendment and will be adopted today as an emergency.

Mayor Roppe said for the City, the first step is the UGB Plan Amendment. The City of Prineville has Ordinance 1221. Mayor Roppe read the ordinance by title. Today is the first

reading. The second reading will be held at the next City Council meeting.

Motion

Steve Uffelman moved to approve Ordinance 1221 on the first reading. Jeff Papke seconded the motion. The vote was unanimous, motion carried.

Mayor Roppe read City of Prineville Ordinance 1221 on the first reading.

Ordinance 289, Comprehensive Plan map and zone amendment for Urban Growth Boundary (UGB)

Motion

Commissioner Fahlgren moved to read Ordinance 289 by title only for the 1st and 2nd readings. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Judge McCabe read Ordinance 289 two times and then opened the public hearing. There were no comments received from the public.

Motion

Commissioner Fahlgren moved to approve Ordinance 289 and the emergency clause. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Mayor Roppe said the resolution regarding the annex and the light industrial zone would wait until the Council meeting on Tuesday night. Mayor Roppe adjourned the City Council portion of the meeting.

Judge McCabe called a 10 minute recess with Court to reconvene at 10:00.

Break

Judge McCabe reconvened the meeting at 10:00 a.m.

Consider Veterans Administration Office, Part-Time employee position change to Full-Time position

Judge McCabe thanked the Veterans in the audience for attending for this portion of the meeting, and he thanked them all for their service.

Angie Gilley, Director, Crook County Veteran's Services, presented a request to make the part-time position held by Jennifer Agee into a full-time position. Ms. Agee makes it possible for Kimberly and Angie to have the necessary time needed to work on their research caseloads.

Ms. Agree is able to answer many of the questions quickly for individuals coming in that do not actually need to see a Veterans Service Officer. Ms. Gilley said this position handles scheduling and is a wonderful addition to the Department and the County as well. Ms. Gilly discussed the funding for the position through grant funding: enhancement funds and extra grant funding. Right now it is a two-year program, but there has been a push in the legislature to provide more funding to the VSO's.

The VSO is using the extra grant funding received for staff, outreach and providing resources. The Crook County office is exceeding the goals, has exceeded one million or more dollars in retroactive pay including regular funds, and with the extra time allowed with the full-time position, that retro figure will increase.

Judge McCabe discussed his regret regarding the funding and care available for our Veterans.

Commissioner Fahlgren, Co-Chair of Association of Oregon Counties (AOC) Veterans Committee, said AOC is fighting for extra dollars.

M. Gilley provided additional information on the projects that would be put into place with the additional hours and coverage provided through the full-time position. Ms. Gilley requested that the full-time position becomes effective as of February 1, 2016.

Motion

Commissioner Fahlgren moved to authorize the change of the VSO position currently held by Ms. Agee from part-time to full-time beginning February 1, 2016, remaining subject to grant funding. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Request to submit a partition application to divide a County owned property

Ms. Beier, Planning Department, presented information regarding her request for signature on paperwork that would partition off 244 acres from County property for an option to purchase property coming from Invenergy, Solar Development, LLC. The property is 244 acres on Baldwin and Hunter Road.

Motion

Commissioner /Fahlgren moved to approve the request for portioning of County property. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Agreement to extend tax abatement re: Solar Development LLC.

Ms. Beier presented the request to the Court for approval of an agreement to extend the tax abatement regarding Solar development LLC. The agreement would extend the tax abatement from 3 to 5 years.

Motion

Commissioner Crawford moved to approve the extended tax abatement to Solar Development, LLC. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Request for Title III funding, Proposal for project for control of medusa head rye/ Kev Alexanian, County Weedmaster and Debbie Woods, Crooked River Weed Management.

Information was provided on the need to control noxious vegetation and reduce fuels that are in close proximity to dwellings, and to federal lands. Mr. Alexanian reported on the need to do weed control and to work with the public on control of medusa head rye. He has already met with people from Juniper Canyon and the Grizzly area. Ms. Alexanian has already applied for Title III funds to work on the weed problem through the Firewise program for the years of 2013, 2014 and 2015. He would like to apply for funding that will continue for the next three years from the newest Title III funds. The amount requested is \$20,000 over the next three years, \$60,000 total from Title III funding.

Commissioner Fahlgren discussed this proposed project meeting the Firewise program criteria and contracts currently in place between the BLM and Weedmaster. Chris Gannon, Crook County Soil and Water Council supports the project and expenditure if the funds are available. Judge McCabe discussed the dangers posed to dwellings by the medusa head weed.

Motion

Commissioner Fahlgren moved to approve \$20,000 per year for 3 years, 2016, 2017 and 2018 from the newest Title III funds. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Tom Jay asked if this might work in the Crook County Fire and Rescue area. The Court explained the FEMA grant that works with Wildland fire fighting.

Adopt formal position letter in opposition to Oregon Wild Proposal in the Ochoco National Forest

The Court discussed the formal letter in opposition to the Oregon Wild Proposal in the Ochoco National Forest as it was drafted by Assistant County Counsel Eric Blaine. The letter required a lot of time, and all the proposed revisions were included. The letter will go out to seven Congressional delegates.

Motion

Commissioner Crawford moved to send the letter in opposition to the Oregon Wild Proposal to

the Congressional District. Commissioner Fahlgren seconded the motion. The audience asked that the letter be read aloud prior to the final vote. Commissioner Crawford read the letter. There was no further discussion. The vote was 3-0, motion carried.

Commissioner Fahlgren expressed his thanks to everyone for going through this process.

Discussion of Natural Resource Planning

Commissioner Crawford presented information on a meeting held at the Bowman Museum last night regarding a Crook County Natural Resources PAC, a Natural Resource Plan and Committee. Approximately 150 people were in attendance. The process lies with the Court to form a committee to work with the planning.

Bill Zelenka, Planning Director, presented a brief background on the Natural Resource Planning and committee that was formed and met from the years 2003 through 2009. This Committee was a cross section of people coming from State agencies, Federal agencies and local community business owners and operators, logging representatives and others. This committee morphed into the Forest Collaborative that Commissioner Fahlgren now sits on as the County representative and Co-Chair with City of Prineville Mayor Betty Roppe.

Further history was presented on the history of the committee. Mr. Zelenka said he believed the County should build on what we have now in operation.

Commissioner Crawford spoke of coordination or cooperation. He said that coordination would help us to dictate what they see when they come with their plans.

Mr. Zelenka said he has not had a chance to look into this (referring to the Natural Resource Plan book that Commissioner Crawford received from Baker County).

Commissioner Fahlgren discussed the fact that Crook County used to have five sawmills plus other wood industries, and how the Forest Collaborative that includes 15 other players have accomplished some approved harvesting of the forest. He discussed the Gap project the Collaborative is working on.

Pete Sharp and the Court discussed Forest roads, logging roads, temporary roads built parallel to other roads, stewardships, stream repairs, forest paperwork and restoration.

Commissioner Crawford presented information of the paperwork from the Forest Service regarding roads that has a short timeline for response.

The Court discussed the Sage Grouse issues and the work of the Forest Collaborative in those issues.

Commissioner Crawford said the Forest Service and BLM are required by law to allow us at the table. Mr. Zelenka discussed the existing plan in place and authority in that area. Judge

McCabe said we have a cooperation agreement with the agencies.

Commissioner Crawford talked about the coordination when the agencies would be forced to follow our plan.

Commissioner Fahlgren listed the members and their interests that are involved in the Collaborative: Craig Woodward, John Shelk, Roy Bier, Kriege Logging, all logging interests, and Mayor Roppe and Commissioner Fahlgren along with the State Forestry local people and the Forest Service and Regional Representatives of Interfore is there.

Mr. Rhoden discussed working in the Mr. Hood National Forest; give some to get some. He spoke of decommissioned roads. Mr. Rhoden said the PAC is the community coming together and getting a leg to stand on. He believes the PAC is a way.

Craig Brookhart, Chair of Crook County Natural Resources PAC said he is trying not to do anything more than help. Approximately 400 people have joined on the PAC site. The Goal is to put a plan on the Court's desk, a combined effort to guard the County's resources and to put this together to manage our own resources.

February 20th, 2016, Bill ##### from Baker will come in to speak of n the Baker County plan. Mr. Brookhart said there are several hundred willing to get involved, this would be a gift to the Court.

The Court discussed the letter to the Forest Service regarding road closures . This would be a letter in opposition to road closures and would be signed outside of Court. Mr. Blaine will draft the letter as the Court has explained. The Court, Mr. Zelenka, Pete Sharp and Gordon Aggers discussed the current plan to decommission, closures of improved Forest Service Roads, temporary roads. Commissioner Fahlgren said the letter should access the announcement. Mr. Sharp said the closures had come to his attention a week ago. Further discussion was held regarding roads that would be closed but not destroyed, roads that will still have water bars and roadless areas.

Chuck Banks, Local PAC, asked a question regarding the process of the Court and the Oregon Wild proposal. Discussion was held regarding the process and submitting to State, not to the Federal.

Judge McCabe asked if there were any more questions or comments of the audience.

Casey Kaiser, Chamber of Commerce, said he is opposed to closure of any additional roads. He discussed the 0.6 miles of roads and asked where the roads were. He is generally opposed to limiting access and it would be worth finding out where these roads are that are being proposed for closure.

Judge McCabe told the audience that he is glad they are helping us monitor this now. It started 10 years ago and Judge McCabe and Mr. Zelenka begged people to come and share their voices.

He said this has been around for a long time. Hopefully, we can keep from closing any more roads.

Discussion was held regarding the language of the letter, opposing 23.9 mile closure, adding 38.9 miles of temporary roads back into the road inventory and addressing the Gap Landscape restoration project.

Motion

Commissioner Crawford moved to direct staff to draft a letter to the Forest Service regarding the Gap Landscape Restoration Project and the road closure project and authorize signing outside of Court. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Further discussion regarding the Baker Natural Resources plan was discussed and the Crook County Natural Resources PAC. Mr. Blaine said they will review the plan as quickly as possible.

Brett Nelson asked the Court to adopt a way to reach all the people in Crook County. He discussed with the Court asking people to re-engage and talking with the director at the Senior Center to get information out to the seniors. Judge McCabe said this is a long race, regarding the Oregon Wild. This could go three to four years. He said you have to be vigilant and have to be there.

Commissioner Fahlgren discussed the Strategic Planning done by the County and the Town Halls to be held.

Mr. Nelson discussed the Road Closures and many other ways to put information out there.

Judge McCabe provided information regarding the Oregon National desert Association. He said you really need to worry about that. Judge McCabe said our Oregon Wild and the Ochocos and the Malheur's Monument issues are two very different issues. Judge McCabe said he believes Crook County needs to stand alone on our Oregon Wild. Not comparing it to a monument. A Monument is easy to place at the stroke of a pen. A Wilderness area is an act of Congress.

Reimbursement of funding for Waterman Complex Fire fighting

Commissioner Fahlgren presented information regarding a reimbursement for general funds that were used to cover the costs of the CCF&R costs associated with the Waterman Complex Firefighting, \$6,440.28. The reimbursement will come from Title III funds. A 45-day announcement will be required.

Motion

Commissioner Fahlgren moved to reimburse the General Funds for \$6,440.28 out of Title III funding. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Judge McCabe talked about listing how many separate groups are working on the same project, many groups on Facebook. Mr. Nelson there are so many people out there and there is a vast amount of information.

Discussion

The Court discussed rescheduling May 4th, 2016 County Court meeting to Thursday May 5th, 2016 to allow for Budget Hearings during week of May 2nd, 3rd, and 4th, Monday, Tuesday and Wednesday

There being no additional action items before the Court, Judge McCabe adjourned the Open Session into Executive Session under ORS 192.660(2)(i), Performance Review

EXECUTIVE SESSION

ORS 192.660(2)(i) Performance Review/ Casey Daly Crook County Fairgrounds Manager

The Court met with Casey Daly for his performance review. Following the review, Judge McCabe adjourned the Court out of Executive Session under EXECUTIVE SESSION ORS 192.660(2)(i) Performance Review and back into Open session.

Open Session

Judge McCabe convened the Court back into Open Session after adjourning out of EXECUTIVE SESSION ORS 192.660(2)(i) Performance Review and invited members of the public back into the meeting room.

The Court agreed to approve Mr. Daly's step increase.

There being no further business before the Court, Judge McCabe adjourned the Court.

Respectfully submitted,

Colleen Ferguson

Crook County Court Secretary
Executive Assistant