

**General Discussion; July 12, 2012 – 3:00 p.m.; BCC Conference Room**

Commissioners: Simon G. Hare, Don Reedy, and Harold Haugen; Linda McElmurry, Recorder.

*Chair Simon G. Hare called the meeting to order at 3:00 p.m.*

David Reeves asked the Board to formally request in writing that he schedule the joint UGB meeting for Sept. 5.

Commissioner Hare will speak to the Planning Director about the attendance record for the Rural Planning Commission, four of the Commissioners were absent from the UGB meeting. *Staff was directed to provide term expirations to the Board.*

**The Board reviewed the following items from the General Discussion folder which are attached to these minutes as Exhibit A.**

- Hicks - *Staff was directed to send a thank you letter to Representative Hicks.*
- DLCDC Letter – *Commissioner Haugen in a follow up meeting tomorrow*
- RMP Scoping – *a letter was sent*
- Public Safety – *Commissioner Reedy will cc a response to the District Attorney explaining there was nothing the Board could do.*
- Kinetic Aerospace
- Theme Park
- Vigus Letter – *Commissioner Reedy will refer to Gil for follow up*
- Allen Creek - *Commissioner Hare said the City is requesting access to the County easement on Allen Creek as well as the letter saying the County is prepared to budget \$120,000 in FY13/14.*
- SORA – Executive Order 12-07
- SORA – Emergency Federal Funding

Animal Control was also briefly discussed.

*Meeting adjourned at 3:50 p.m.*

Exhibit A  
General  
Disc

7-12-12

General Discussion Items:

Agenda Item	Date	Requested by	Follow Up
Hikes Answers	7-9	Haugen	Thank you
BCID Clarification	7-9	↓	More forward after 7-13 meeting
RMP Scoping	7-9		
Public Sfty	7-9		
Kinetic Aero.	7-9		
Theme Park	7-9		
Ugus Comm	7-9		
Allen Creek	Soon		Call

SORA <sup>seen</sup> Executive Order  
12-07 Haugen

SORA Emergency Federal Funding Haugen

## Linda McElmurry

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**From:** Wally Hicks <wally@wallyhicks.com>  
**Sent:** Tuesday, July 03, 2012 7:10 PM  
**To:** Patricia Ellison  
**Cc:** Board of Commissioners  
**Subject:** [FWD: FW: YOUR LEGISLATIVE COUNSEL REQUEST - LC 162 (2013)]  
**Attachments:** lc0162 daj.pdf

Steve,  
Attached are answers to four questions that I asked Legislative Counsel last month.  
Wally



STATE OF OREGON  
LEGISLATIVE COUNSEL COMMITTEE

April 23, 2012

Representative Wally Hicks  
900 Court Street NE H490  
Salem OR 97301

Re: Gubernatorial authority to merge counties

Dear Representative Hicks:

You asked whether the Governor has the authority to merge two counties without the consent of both county governing bodies or a majority vote in favor of merger provided by electors within each of the counties. The answer is no. We set forth our analysis of the county merger process for counties in these different circumstances: (1) Counties that are designated as fiscally distressed counties; (2) Counties that have not been designated fiscally distressed and that also have not adopted a county charter (general law counties); and (3) Counties that have not been designated as fiscally distressed but that have adopted a county charter.

**1. Fiscally distressed counties**

ORS 203.095 and 203.100, both as amended by Enrolled House Bill 4176 (chapter 76, Oregon Laws 2012), establish a process by which a county may be declared a fiscally distressed county. ORS 203.095 (1) requires the county governing body to request the designation from the Governor. The Governor lacks the authority to make the designation unless the designation is initially requested by the county governing body. If the request is made, the Governor, after consultation with county officials and stakeholders, then determines whether the county is providing a minimally adequate level of state-required services for the current fiscal year or the succeeding fiscal year. ORS 203.095 (2). If the Governor determines that the county is or will be providing a less than minimally adequate level of state-required services, the Governor shall declare a fiscal emergency for the county, the effect of which is to establish a fiscal assistance board for the county. ORS 203.095 (3).

Once established, a fiscal assistance board may take actions described in ORS 203.095 (5). None of the specified actions, however, include merging with another county, except as discussed below. Specifically, the board, after adopting a recovery plan and pursuant to that plan, may reallocate funds, cut services and expenditures, and lay off employees, sell or lease county property, issue or renegotiate debt, or authorize the state to take over services. ORS 203.095 (5)(a) to (e) and (i). None of these actions encompass merger of the county with another county. A board may also, however, refer measures to county voters and establish special election dates for county elections. ORS 203.095 (5)(f) and (g). A board could, pursuant to ORS 202.030, refer to county voters a measure that asks voters to merge the county with another county. As discussed in further detail below, however, such a measure could be referred to voters only if the county governing body had already received a petition signed by a

majority of electors in the territory affected by the proposed merger and by not less than 40 percent of the electors of the county to be eliminated in the merger. ORS 202.020.

We note finally the composition of a fiscal assistance board. The board consists of five members appointed by the Governor and all members of the county governing body. The county sheriff is a voting member for matters relating to public safety services and a nonvoting member for other purposes; other state officials or designees also serve as nonvoting members. ORS 203.100 (1). Significantly, the board cannot take action unless both a majority of Governor-appointed members and a majority of county governing body members apply. ORS 203.100 (3). Thus, the board cannot be said to serve as a stand-in for the Governor. Therefore, the Governor cannot, through the declaration of fiscal distress process, achieve a merger of a fiscally distressed county with another county.

## **2. General law counties**

For counties that have not adopted a charter, the only constitutional provision that limits creation, merger or dissolution of counties is Article XV, section 6, of the Oregon Constitution, which states:

No county shall be reduced to an area of less than four hundred square miles; nor shall any new county be established in this State containing a less area, nor unless such new county shall contain a population of at least twelve hundred inhabitants.

Thus, when county boundaries are altered, existing counties may not be reduced to an area of less than 400 square miles.

While the Legislative Assembly could pass legislation allowing it to change noncharter county boundaries and merge noncharter counties in a number of different ways, under current law the only legal process for altering county boundaries is established in ORS chapter 202. The Governor is not involved in this process at all, and the governing body of the county does not initiate the process. The process begins with a petition "signed by a majority of the electors . . . registered in the territory to be embraced in the change of county boundaries" and submitted to the governing body of each of the counties affected by the proposed boundary changes. ORS 202.020. The petition must include:

- (1) A description of the territory proposed to be changed from one county to another; and
- (2) If an existing county is to be eliminated by the proposed boundary changes, the name of the county to be eliminated and the signatures of at least 40 percent of the electors of that county.

ORS 202.030 provides that if the governing bodies of the affected counties find that all affected or proposed counties will meet the constitutional requirements for assessed valuation, area and population, the appropriate governing body of each affected county shall call an election on a date specified in ORS 203.085 for the purpose of submitting the following questions, as appropriate:

- (1) The elimination of an existing county;
- (2) The change in county boundaries when the change does not result in the formation of a new county; or
- (3) The formation of a new county.

Except as provided in ORS 202.050 and 202.060, an election under ORS 202.030 must be conducted in accordance with ORS chapters 246 to 260. ORS 202.030 (2). The ballot title for determination of a question submitted under ORS 202.030 must be prepared as provided in ORS 250.185. ORS 202.030 (3).

If an election is held for a proposed change in the boundaries of existing counties and “a majority of all the electors of each of the counties to be affected” voted in favor of the proposed boundaries, the Governor has a limited role in affecting the merger; namely, the Governor must issue a proclamation declaring the change in county boundaries. ORS 202.060 (2). If a county is eliminated pursuant to an election held for a change in county boundaries, the Governor must declare in the proclamation the counties that were eliminated by the change. ORS 202.060 (3).

Once again, while the method described above is exclusive in current law, the Legislative Assembly has the authority to create or amend laws that change county boundaries or merge counties, subject to the constitutional provision regarding county size described above.

### 3. Charter counties

The Governor plays no greater role in affecting a merger of a charter county than the Governor does for a general law county. Moreover, the ability of the Legislative Assembly to pass laws merging counties or changing county boundaries does not apply in the same way to counties that have adopted a “home rule” charter. Article VI, section 10, of the Oregon Constitution, allows county voters to adopt a county charter. Such a charter may “provide for the exercise by the county of authority over matters of county concern” and shall “prescribe the organization of the county government.” Article XI, section 10, Oregon Constitution. County officers shall “exercise all the powers and perform all the duties, as distributed by the county charter or by its authority, now or hereafter, by the Constitution or laws of this state, granted to or imposed upon any county officer.” *Id.*

While counties with charters may be made subject to state laws in many circumstances, the Oregon Supreme Court has drawn a line between permissible and impermissible encroachments on county charters by conflicting state law. When a law is “a general law addressed primarily to substantive social, economic, or other regulatory objectives of the state,” it will prevail over any contrary policy that may be preferred by an affected local government with a charter.<sup>1</sup> However, the “form and structure of local governments is protected from most state interference” from laws that would impinge on the freedom of the local government to choose its own political form.<sup>2</sup>

Because the home rule authority granted by a county charter relates only to action by the home rule entity within the area to which the charter applies, the Legislative Assembly may pass laws, such as those contained in ORS chapter 202, that prescribe procedures for additions to an existing charter county’s boundaries.<sup>3</sup> But since the existence of a county as a distinct entity is the basis of its political form, the Legislative Assembly may not by legislative action merge a county that is governed by a charter into another county, or dissolve the charter county.

<sup>1</sup>*Seto v. Tri-County Metro. Transp. Dist.*, 311 Or. 456, 463, 814 P.2d 1060, 1064-1065 (1991), citing *LaGrande/Astoria v. PERB*, 281 Or. 137, 156, 576 P.2d 1204, 1215 (1978).

<sup>2</sup> *Id.*, citing *Mid-County Future Alternatives v. City of Portland*, 310 Or. 152, 161, 795 P.2d 541, 546 (1990).

<sup>3</sup> *Mid-County Future Alternatives Comm. v. City of Portland*, 310 Or. 152, 161-162, 795 P.2d 541, 546-547 (1990), citing *State v. Port of Astoria*, 79 Or. 1, 17-20, 154 P. 399, 404-405 (1916).

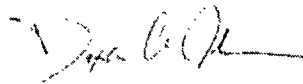
Changes to a charter county's form of government, including dissolution of that county and merger with another, are governed by the charter itself and cannot be altered by the Legislative Assembly under the Oregon Constitution. Referral of a proposed constitutional amendment to the voters would be required to allow such legislative action.

Currently, nine counties in Oregon have adopted "home rule" charters: Benton, Clatsop, Hood River, Jackson, Josephine, Lane, Multnomah, Umatilla and Washington.<sup>4</sup>

Please let us know if we may be of further assistance in this matter.

The opinions written by the Legislative Counsel and the staff of the Legislative Counsel's office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel's office have no authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,



Dexter A. Johnson  
Legislative Counsel

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<sup>4</sup> Tollenaar and Associates, "County Home Rule in Oregon," prepared for the Association of Oregon Counties, at 29 (2005), available at <<http://www.aocweb.org/aoc/LinkClick.aspx?fileticket=q9PuDSUARMM%3D&tabid=157>> (visited April 23, 2012).

**Linda McElmurry**

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**From:** stephen wilson <stephenwilson1499@gmail.com>  
**Sent:** Tuesday, July 03, 2012 12:38 PM  
**To:** Board of Commissioners; District Attorney; Carrie Wineland  
**Cc:** janicew@roguefirm.com; matthewg; Newton Philip J  
**Subject:** Stephen Wilson

With Due Respect,

## Objectives

- To maximize public safety;
- To hold offenders accountable for criminal conduct;
- To seek dispositions that protect the public and reintegrate the offender into the community; and
- To serve victims in a manner that minimizes trauma, brings closure and secures restitution.

### What We Do:

- File and take to court criminal cases for the Oregon State Police, Sheriff, and City Police Department.
- Help victims of crime by keeping them informed of the case progress, arranging for an opportunity to be heard in court, and obtaining restitution.
- Issue, modify and enforce child support orders.

Please review records of this past year and see if anyone is in disagreement this does not hold true for my case, if so please inform me as such. It is my understanding the fraudulent activity conducted by Kimberlee Wilson accessing my Navy Federal Credit Union account (122108) will not be prosecuted adding to the long list of false police reports, Making false testimony under oath, writing a fraudulent check, and abuse of the 911 system going without accountability. Yesterday I filed a report of identity theft and fraud trying to obtain \$10,000 from an investment account. Even sending a copy of my social security card that is at the house I have been falsely refrained from. I assume you will not be prosecuting this either. As I have mentioned to ADA Wineland in past emails until she (Kimberlee Wilson) is held accountable I will continue to be victimized by her criminal behavior. I will not even address her criminal activity that does not directly effect me. It makes me very sad that as a 20 year US Navy Veteran who holds a prominent job in the community and pay my taxes as required this is the state of my legal system.

Very Respectfully,

Stephen Wilson

541-218-6520



**Proposal in brief**

Kinetic Vehicles, a DBA of Kinetic Aerospace Corp, is requesting a \$30,000 economic development grant for tooling of high efficiency car kits—a traded sector product—to be manufactured in Josephine County.

This grant is one component of a major expansion and relocation project, to make our automobile designs more accessible to the general public and to bring work and money to Josephine County, with particular attention to the people and businesses of the south county.

**Funding**

At present, Kinetic Vehicles is primarily a development company, earning its keep through the sale of information (as magazine articles) and the sale of individual components to the 200+ private builders who are building (or have completed) these cars from scratch. The company is poised to move to Josephine County and convert to car kit manufacturing, pending financing. This grant will fund the tooling, marketing, and relocation costs of that conversion, and inventory, product development, and operating expenses will be financed separately.

Inventory will be financed by a \$20,000 loan from the IVCDO (Illinois Valley Community Development Organization) MicroBusiness Revolving Loan Fund.

Additional research and development funding is being financed by \$8500 in personal loans from interested third parties, including advance purchase deposits from people who want to build these car kits for themselves.

And as Kinetic's president and primary stockholder, I'm putting my own "skin in the game". I have roughly \$35,000 worth of specialized development tools and equipment, including a computer controlled 3d router that can make car-sized casting and molding patterns from computer-generated models. All these tools will be dedicated to this project, including our latest proof-of-concept car, which now has over 30,000 miles of road testing, including public appearances at car shows, DIY shows, and ecology shows.

Also I am personally loaning Kinetic Vehicles \$12,000 to carry it through its first year's operating expenses, should the transition period take that long. The company is self-supporting (in fact modestly profitable) in its current state, and while I have little doubt it will continue to meet its monthly expenses during and after transition, I also know life is full of surprises. This personal funding will provide the buffer while the kit business gets up and running.

**Marketing**

Word-of-mouth marketing is exceeding our current production capability, and our most common inquiry is "Do you make kits?" At present, our answer is, "No, but we're considering it," and until we convert to kit manufacturing, we've no need for formal marketing. However, when we do take that plunge, we'll need to take some steps to get the word out.

REC'D Josephine Co.

JUN 27 2012

BOARD of COMMISSIONERS

Our products today are for high performance sports cars, but we also have a prototype sports car that gets 100 miles per gallon while cruising at freeway speeds, which allows us marketing opportunities unavailable to our competitors. We can (and do) go to “green” events and have stories in “green” magazines, and I think we have a one year window of opportunity where we’ll have this market niche to ourselves. We could produce a 100 mpg car kit within three months of start-up, and being the market leader is a huge advantage when establishing a business or product. To quote the cliché, “The battle goes not always to the strong, nor the race to the swift, but that’s the way to bet.”

Our high mileage homebuilt car has proven itself in public competitions and demonstrations, and has been featured in numerous television programs and news articles. Over four million people are already familiar with our car and when I’m traveling cross-country in the prototype, more than 1% of the people I meet already know my car by name (MAX, for Mother’s Automotive eXperiment). However, making the car famous is only part of the marketing formula; we also need to inform people that they can have one of their own, right now.

The first step will be a follow-up to all the media covering MAX and high mileage cars. We have the opportunity for a feature article in the February/March ’13 Mother Earth News (three million readers), and if we can beat their lead time, we can include photos of the kit along with the text.

The next step is to attend the two major kit car shows in America, for credibility as well as exposure. In this modern world of Photoshop, being there is the only proof that counts, and failing to make an appearance at these shows is seen as a confession that a kit isn’t in production yet.

The third step is to get car kits into the hands of builders, as quickly as possible and as many as possible. If we can deliver kits to early adopters in the fall, we’ll have customer-built cars on the road next spring, and by the time our competitors have something similar to offer, we will outnumber them.

The other marketing effort is ongoing: to make as many public presentations as we can, at car shows and competitions, and encourage our customers to do the same.

### **Impact on the Community**

We will be hiring shipping, bookkeeping, and customer service staff, but our primary impact on the community will come from increased work hours for Josephine County businesses.

If we produce kits, customers who want to build our designs won’t have to start their project with a trip to the steelyard. In cars (as in aircraft), kit builders outnumber scratch-builders by roughly 10 to 1, because most people are far more comfortable in putting parts together than they are in building the parts themselves—our current parts customers actually weld their own car chassis; a level of skill and commitment far beyond what a kit builder has to meet.

Kit manufacturing is also far more appealing to the manufacturer, since each kit customer spends considerably more money on a complete kit than on any one source of individual components. Last year’s 82 buyers/builders averaged \$394 in purchases from Kinetic,

and our very simplest kit will be 10 times that price and our most comprehensive kit will be 30 times that price.

Of course, providing complete kits, which contain hundreds of components, will be a lot more work than providing small numbers of components to a limited audience. I am far more interested in providing work for the people of Josephine County than in providing more work for myself, and will follow the Distributed Manufacturing model that worked so well for me as an aircraft kit manufacturer.

Approximately 33% of the cost of these car kits will be fabrication labor, plus 15-20% per kit for support staff (shipping, purchasing, bookkeeping, and customer service) so for our \$10,000 kit (which we expect will be most common) roughly \$5000 will go directly into the community as wages. At our current rate of sales, that's \$400,000+ in wages per annum, and we intend to increase our sales.

### **Distributed Manufacturing—how it works**

My previous company, Pterodactyl Limited, went from a “boutique” manufacturer producing one kit a month in 1978, to 400 aircraft a year in 1982, without increasing our shop space or my workload. As our sales numbers grew and our production needs grew, we hired more and more local businesses to do the actual manufacturing, and by early '82 we had moved every physical act of manufacturing out of our shop and into the hands of other companies. My slice of the pie dropped drastically (from 25% to 5%) but it was a much bigger pie, and though I could have made more money by keeping the manufacturing in-house, my personal workload would have increased alongside my income.

When Kinetic Vehicles becomes a kit manufacturer, I intend to skip the years of making kit components in-house, by giving the fabrication work to local manufacturers right from the beginning. There are more than enough skilled fabricators and more than enough small manufacturers in Josephine County to take care of Kinetic's needs, and if we can equip and train them when our needs are light, we can focus on building the market for our car kits, which will provide those local manufacturers with more work.

We'll be hiring some staff directly, but our major impact will be from indirect hiring. When our orders for frames cause a local fabrication shop to hire more welders, and our orders for seats help a local upholsterer keep someone on the payroll that he might otherwise be downsizing, we'll be creating and maintaining employment in Josephine County. Also, our kits and components are traded sector products; 99+% of our income will come from outside Josephine County, and I'd wager 98% of our income will be from outside the state. If our income comes from outside Josephine County, and our expenses are paid inside Josephine County, this provides a boost to the county's economy that can't be achieved by serving local customers. Fresh money circulates in a local economy, and Kinetic Vehicles doesn't even have to be profitable to boost the County's economy, because the money we spend here all comes from somewhere else.

Directly or indirectly, Kinetic Vehicles will be hiring welders, painters, fiberglassers, upholsterers, machinists, glaziers, metal cutters, sheetmetal workers, shippers, CAD/CAM technicians, mechanics, and the managers to keep them on task.

### **How Kinetic Vehicles will spend this grant**

The bulk of the grant will be spent on tooling; that is, building/buying the tools necessary to manufacture these kits in the quality necessary for marketability, and the quantity necessary to meet orders. The tools (such as fixtures to weld chassis components and molds to make body parts) will be provided to the fabricators who will make our components, thus making this a low risk enterprise for existing Josephine County businesses. Some of the grant money will be spent hiring and training office staff, so they will be ready to work as soon as our kits are on the market. The rest will cover moving expenses from Lane County, which includes replacing some Lane County vendors with their Josephine County counterparts, and displaying our cars at two essential kit car shows in the first half of 2013.

### **Market Potential**

As previously mentioned, even if our sales numbers stay at their present level, conversion to kit production will bring \$400,000+ in wages to Josephine County. In my experience, it takes a year of production to convert a market from Early Adopters to Mainstream: if we start now, we can be mainstream by the end of 2013.

But that's assuming no increase in customers per annum, which is unlikely. In less than four years, we've grown from 37 buyer/builders per annum to 82 buyer/builders per annum—an annual growth rate of roughly 25%—and that's without a kit in production. I anticipate that as a kit car manufacturer, Kinetic Vehicles will be at least as successful as Pterodactyl was as a kit aircraft manufacturer (400 kits a year) in the same time frame (within three years of beginning production), which would mean wages would grow from \$400k in 2013 to two million dollars in 2015.

And “as successful as Pterodactyl” may be quite conservative. After all, drivers outnumber pilots by more than 100 to 1, so our target market is accordingly larger. Also, with the present lull in the economy, frugality is in fashion. For example, Mother Earth News Magazine (“The Original Guide to Living Wisely”) is the fastest growing magazine in America and surpassed Playboy in newsstand sales for the first time last year—three million readers; not bad for a grow-your-own-tomatoes and insulate-your-house magazine. Oh yes, and it's a build-your-own-100mpg-sports-car magazine now, with two features on our car to date and a third feature due in September.

So it's quite possible that Kinetic Vehicles will need a building site at the IV Airport Industrial Park in the fairly near future.

### **Our competition**

The kit car industry and kit aircraft industry have certain parallels, and one is that 98% of the manufacturers are squabbling over the top 80% of the market. While it's true that it's as easy to sell a \$30,000 kit as a \$10,000 kit, if 50 other companies are courting your customer, well, somebody's going to make a sale but it probably won't be you. The big money in kit cars is in the high performance high style high dollar end of the market, but that money is spread pretty thin.

A kit car buyer has lots of choices for hot rods and Cobras and \$100,000 cars that can run with a \$500,000 Lamborghini (and look cool doing it) but nobody is making a \$10,000 kit that can out-economy any production car on the planet (and ours looks cool too). We can be the first, and if we move fast and capture the market, we can be the only.

**Scheduling—the need for speed**

There are a few other manufacturers making noises about their Coming Soon high mileage cars, but none have price targets under 30 grand, and the only one with a fully functional prototype requires a Diesel Smart Car (unavailable in the US) as an engine donor. Kinetic currently holds the lead in this market niche, and to keep that lead, we need to move to production quickly. We need to commit to tooling in July to produce kits in October so the magazines can announce us in January; any later than that and we risk our first-to-market advantage.

I'm a Southern Oregon native and a long time resident and homeowner in South Josephine County. I would rather be living and working here than anywhere else in the world, and I hope you find this project worthy of your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack McCornack". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Jack McCornack, President, Kinetic Aerospace  
kineticvehicles.com 541-592-3375

## **Terri Wharton**

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**From:** Darrell Harper <newshappy@mail.com>  
**Sent:** Friday, June 15, 2012 10:55 PM  
**To:** Board of Commissioners  
**Subject:** Idea for a Theme Park Resort in Merlin

Hello, Commisioners Hare, Reedy & Hogan.

I have an idea for a theme park resort in Merlin and I wish to submit it to some people who might make it happen for us. But first, I wanted to get your ok to submit the idea and your office's contact information to them.

If you think that a theme park resort in Merlin bringing jobs and travel & tourism dollars to our area is a possibility, please let me know and I'll submit the idea and your contact info to them via email and carbon copy the correspondence to you in order to fill you in on the details and put you in contact with them.

Thank you.

Sincerely,  
Darrell Harper  
Wolf Creek

## **Terri Wharton**

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**From:** Darrell Harper <newshappy@mail.com>  
**Sent:** Friday, June 15, 2012 11:08 PM  
**To:** Board of Commissioners  
**Subject:** I Apologize for Misspellings

Hello, Commissioners Hare, Reedy and Haugen.

I apologize for the misspellings in my earlier email, particularly Commissioner Haugen's name. Please forgive me.

Thank you.

Sincerely,

Darrell Harper  
Wolf Creek

## Terri Wharton

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**From:** Dan Vigus <[dvigus@msn.com](mailto:dvigus@msn.com)>  
**Sent:** Thursday, June 07, 2012 10:26 AM  
**To:** Board of Commissioners  
**Subject:** COUNTY JAIL

Dear Commissioners,

Concerning the current Jail problem. Please consider possibly reaching out to Chief Henner of the GPPD and The Grants Pass City Council. I believe that it is reasonable for city police to help fill the current staffing void. After all their abundance of trained Officers could be a tremendously helpful resource in this crisis.

With a consensus between the Council and The Commissioners. An Emergency Resolution agreement between the County and City might possibly work as a temporary remedy, until the matter could be brought to the voters. However it needs to be smartly brought to the voters when the time comes. (Avoid the Cadillac Plan) I understand that it may prove difficult, but this or some Hybrid is badly needed.

Sincerely

Dan Vigus

541 659 6256 [dvigus@msn.com](mailto:dvigus@msn.com)



REC'D Jesse White

JUL - 9 2012

BOARD OF COMMISSIONERS

## SOUTHERN OREGON RESOURCE ALLIANCE

*Special Report: July 9, 2012*

### POSITION PAPER RE: EXECUTIVE ORDER NO. 12-07

Josephine County and its commissioners are confronted with three competing opportunities to develop a modicum of local control regarding land use regulation. There is the recently issued Executive Order No. 12-07. There is HB 2229 enacted in 2009. There is pending legislation in the form of HB 3516 which failed passage last year in spite of overwhelming bi-partisan support. All three speak to the development of land use regulations on a regional basis.

Since the early 1980s Southern Oregon Resource Alliance has been and remains an association of business and community activists in Josephine, Jackson and Douglas Counties dedicated to the principles of conservation and good stewardship. Stewardship addresses an issue of trust to the extent that the steward of resources has a fiduciary obligation to utilize those resources in a manner that is rewarding toward those who have a beneficiary interest in the resources. Stewardship demands the utilization of natural resources in a manner that is beneficial for the community, the economy and the environment. SORA regards the land itself as the ultimate natural resource.

With the adoption by the State of Oregon of comprehensive statewide land use regulation (Senate Bill 100), also in the early 1980s, Josephine County in particular has not been allowed to provide for the highest and best use of its land for the benefit of the community and its economy. In fact, in many instances erroneously imposed zoning from afar has led to no worthwhile utilization of large tracts of land, depriving the local economy and, in tandem with Measures 5 and 50, seriously limiting county funding.

Rural Josephine County is a highly desirable place to live. The availability of stretches of rural land available for development provides an excellent opportunity for investment by retirees. The fact that this land has been reserved as high value farm and forest land has precluded the County from utilizing this very valuable asset both as a support for local industry and an expanding tax base. The unfortunate reality of this preclusion is that it was undertaken not as an attempt to preserve truly valuable farm and forest resources but as a result of a quota imposed from afar. The obligation was simply to zone so much property as high value farm and forest land whether it is in fact high value or not. The present competing measures afford the County an opportunity to perhaps correct or at least modify part of this problem. It is abundantly clear that the DLCDC will not.

HB2229, now law, allows two counties in a particular region the entitlement to form a land use region for the purposes of developing regional land use definitions that might be at variance with the statewide definitions and allows the Counties to address local problems arising from ill-suited statewide determinations. Its drawback is that it provides no funding to support the investigation and effort involved. Given the three counties depressed economies and shortage of funding, no action has been undertaken under HB2229.

Executive Order 12-07 speaks to the specific authority for Josephine, Jackson and Douglas Counties to develop land use definitions that would be a regional variance from statewide standards. It is not clear that changing the definition of high value farm and forest land will address the Josephine County issue of mis-zoned properties. The properties at issue do not meet the State's definition as it stands. Of critical import, Order 12-07 places the DLCDC in control of the process and provides DLCDC with standing to appeal any amendments undertaken by the counties. The executive order does provide funding with which to undertake the effort.

HB3615 affords two adjacent counties wherein farmlands, forest lands, and farm and forest practices are similar the same opportunity to develop regional definitions for high value farm and forest lands. However, like the Executive Order, it does not address the issue of mis-zoned properties. It does not place the DLCDC in control of the process. But it does provide funding for the exercise.

Insofar as DLCDC created the quota which is the root of Josephine County's problem and has steadfastly refused to rectify the situation, the Executive Order seems to be a matter of placing the fox in charge of the hen house.

HB2229 is clearly the best avenue for dealing with the problem but in the absence of a financial windfall, the County is without the means to implement it.

To the extent that HB3615, if enacted, would provide funding and allow for a definition that the County can independently document as regards its mis-zoned lands, it is clearly the preferred alternative.

Executive Order 12-07 is the least desirable alternative. HB 2229 would be the most desirable but in the absence of windfall funding seems unworkable.

SORA feels the problem needs to be addressed both as a support for the local economy and as an expansion of the tax base for County funding. SORA recommends that the County express its interest in the Executive Order opportunity but "slow walk" our participation, concentrating on activities that would be essential under any scheme but which do not present any direct expense: coordination with the other counties, identification of problems which are regional, developing goals for the ultimate process. All the while, the Commissioners should press our elected State representatives and senators to either pass HB3615 or pass a funding bill for HB2229. If the County can be successful in that lobbying exercise, the Executive Order process can be abandoned.

Josephine Co.

101 - 9 2012

## SOUTHERN OREGON RESOURCE ALLIANCE

*Special Report: July 9, 2012*

BOARD of COMMISSIONERS

### POSITION PAPER RE: EMERGENCY FEDERAL FUNDING

Since the early 1980s Southern Oregon Resource Alliance has been and remains an association of business and community activists in Josephine, Jackson and Douglas Counties dedicated to the principles of conservation and good stewardship. Stewardship addresses an issue of trust to the extent that the steward of resources has a fiduciary obligation to utilize those resources in a manner that is rewarding toward those who have a beneficiary interest in the resources. Stewardship demands the utilization of natural resources in a manner that is beneficial for the community, the economy and the environment. SORA regards the land itself as the ultimate natural resource.

During the span of SORA's existence, the counties of southern Oregon have been belabored with governmental management plans for local natural resources designed and imposed from afar. In two specific areas these attempts at remote management have had a remarkably deleterious impact on Josephine, Jackson and Douglas Counties.

With the adoption by the State of Oregon of comprehensive statewide land use regulation (Senate Bill 100), Josephine County in particular has not been allowed to provide for the highest and best use of its land for the benefit of the community and its economy. In fact, in many instances erroneously imposed zoning from afar has led to no worthwhile utilization of large tracts of land, depriving both the economy and government funding.

With the implementation of the Northwest Forest Management Plan (NWFMP) by the Federal owners of 70% of the land of Josephine County, Josephine County has found its primary industry all but destroyed, and consequently, its economy egregiously impaired. Coupled with the State of Oregon's Measures 5 and 50 taxation limitations, the NWFMP has left county government without a means to support itself. County government has only been sustained by the provision of Federal welfare in declining increments.

To their credit, the commissioners of Josephine County have resisted and opposed these schemes of remote control management. But Josephine County has been historically constrained by lack of financial resources to mount effective political or legal opposition. The County has been compelled to rely upon third parties such as the Association of O&C Counties and the AFRC to carry the fight. So far to no avail. The County itself in its need and because of its need has not been financially fit to mount its own campaigns.

This year, after the County adopted a skeletal budget reflecting its poverty, the Federal government provided an emergency, one time, welfare payment of \$4.65 million. The question arises how best to utilize this SRS funding.

SORA proposes and recommends that a small portion of the SRS funding, perhaps \$150,000, be dedicated to a fund to finance litigations which would be aimed at restoring the County's ability to dictate its own destiny: a legal challenge to the unlawful use of the O&C lands and an effort to restore a modicum of regional control regarding land use.

Such a dedication and ultimate utilization would be a sound investment in our local independence and ultimate prosperity. The Board of County Commissioners should not miss the opportunity.