



***In the County Court of the State of Oregon for Harney County  
Minutes of the County Court  
May 18, 2016***

The Harney County Court convened in Judge Steven E. Grasty's office at 10 a.m. on Wednesday, May 18, 2016. Members attending were Judge Steve Grasty, Commissioner Dan Nichols, and Commissioner Pete Runnels. Also attending were Eric Drushella, Road Department; and Tammy Johnston, Deputy Clerk.

Others in attendance included Samantha White, Burns Times Herald; Tara Thissell, BLM; Randy Fulton, Harney County Economic Development; Mark Owens, Barbara Cannady, Barb Kull, Ron Copeland, and Mary Ausmus.

Judge Grasty led all in the Pledge of Allegiance.

Commissioner Runnels made a Motion to approve the minutes from the May 4, 2016, meeting, seconded by Commissioner Nichols, with no further discussion the Motion carried unanimously.

**Voucher Approval**

**Opportunity for Public Comment**

Judge Grasty discussed the recall petition and advised the Court he will not be resigning.

**Old Business**

Memorandum of Understanding between Harney County and the USDA Forest Service. The letter of response regarding coordination, along with the agreement for cooperating agency, has not been received from the USDA Forest Service to date. The agreement will not be signed until the letter is received by the Court.

Appointments to the Harney County Groundwater Study Advisory Committee

Judge Grasty and JR Johnson discussed postponing the appointments until all letters of interest are received. Appointments will be made on June 1, 2016.

### USDA Loan documents

The Court reviewed the USDA loan documents and discussed the details of the loan. Randy Fulton, Harney County Economic Development, discussed whether there was a real need for this loan to local businesses. He felt it was a short term loan that the County could not recover. Commissioner Nichols believed the risk and the cost of the loan is too high. Commissioner Runnels made a Motion to not sign the USDA Intermediary Relending Program Promissory Note, seconded by Commissioner Nichols, with no further discussion the Motion carried unanimously.

### **New Business**

#### Commercial Sublease Agreement with MiWave

Judge Grasty discussed the Commercial Sublease Agreement between Harney County and Grase Communications, LLC dba MiWave, as of June 1, 2016. The leasing of the Archive Building is a positive economic development for Harney County.

#### BLM Noncompliance Order of Zeolite Acquisition, LLC

Judge Grasty discussed the Noncompliance Order and the importance of retaining the Zeolite mining rights. Judge Grasty requested help from Randy Fulton to investigate the situation. Tara Thissell, BLM, discussed the Noncompliance process.

### Review of Water Use Requests

#### 1:15 p.m., Public Hearing to hear the application of Harney Rock and Paving for a Conditional Use Permit to expand an existing aggregate mine

Members attending were Judge Steve Grasty, Commissioner Dan Nichols, Commissioner Pete Runnels, Planning Director Brandon McMullen, and Deputy Tammy Johnston.

Other in attendance included Lauri Draper, Cheryl Hancock, Troy Hooker, Shana Withee, Barbara Cannady, Melissa Woodbury, and Mark Owens.

Planning Director, Brandon McMullen, reviewed the Harney County Planning Department Staff Report 2016, updated for 5/18/2016 County Court Review. Troy Hooker made a few corrections to the Staff Report. He answered questions from the Court including number of individuals employed, frequency of blasts, and reason for 1500' set back of non-development to the east of the property. Lauri Draper and Cheryl Hancock discussed concerns regarding impact on their property value, dust, noise, and traffic. Commissioner Runnels made a Motion to approve with conditions local file No. 16-02 for a Conditional Use Permit for the Expansion of an existing mining operation and amendment to the aggregate inventory to include the expanded site and conditional use permit, seconded by Commissioner Nichols, with no further discussion the Motion passed unanimously.

## 2:30 p.m., Evidentiary Hearing regarding updates to the Harney County Zoning Ordinance

Members attending were Judge Steve Grasty, Commissioner Dan Nichols, Commissioner Pete Runnels, Planning Director Brandon McMullen, and Deputy Tammy Johnston.

Other in attendance included Mark Owens and Barbara Cannady.

Planning Director, Brandon McMullen, discussed Harney County Land Use File No. 16-07, proposed text amendments to the Harney County Zoning Ordinance, Article 5 subsection 5.020, to consider taking exception to minimum parcel size requirements when certain circumstances create a sub-standard sized parcel. The Court requested Brandon McMullen to educate local realtors regarding the minimum parcel size requirements to build a farm dwelling, and to revise the language of the proposed amendment.

### **Correspondence to Review**

Harney County Fair – Kevin Pryse

BLM – Categorical Exclusion – Grazing Permit #3600277

BLM, Prineville – District-wide integrated noxious weed management program

Crane Rangeland Fire Protection Association

Judge Grasty will discuss with Dan Jordan, and will also forward the Membership Forms to the landfill staff for their review and decision.

### **Scheduling**

Next County Court scheduled on Wednesday, June 1, 2016, at 10:00 a.m.

### **Late Items**

Harney County Home Health and Hospice Director

Applications are being accepted for the Director position at Harney County Home Health/Hospice. Judge Grasty discussed the need for a mentor and significantly more training for the new director.

Harney County Economic Development Update

Randy Fulton discussed with the Court recent economic development in Harney County. An available workforce and lack of available housing are issues for potential businesses. Judge Grasty advised the Court of a \$500,000 investment in Harney County from Facebook for their infrastructure.

### **General Deliberation by the Court (no decisions will be made)**

**For the Record**

**Adjournment**

Court recessed at 11:16 a.m., and reconvened in the Basement Conference Room at 1:15 p.m. With no further discussion, the meeting adjourned at 3:10 p.m.

Respectfully Submitted,

Tammy Johnston  
Deputy Clerk