



SHERMAN

COUNTY

Court Agenda

October 2, 2024

9:00 a.m.

Please join my meeting from your computer, tablet or smartphone.

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Additions to Agenda

1.0 Appointment Schedule

- 1.1** 9:00 a.m. Christopher Clark, Oregon Department of Energy
- 1.2** 10:00 a.m. Georgia Macnab, Planning Department, Flood Plain Maps/NOI letter

Tour at Columbia Gorge Community College from 12:00 p.m. – 1:30 p.m.

2.0 Action Items

- 2.1 Amendment No. 003 to Grant Agreement No. 21-103U OYC Funding
- 2.2 Proposal for AXCIENT Cloud Backup System

3.0 Discussion Items

- 3.1 Sherman County Multi-jurisdictional Hazard Mitigation Plan Approved
- 3.2 Executive Session ORS 192.660 (2) (i) Personnel, ORS 192.660 (2) (f) information or records that are exempt by law from public inspection
- 3.3 Commissioner Reports and Updates

4.0 Consent Agenda

- 4.1 Claims – September 2024

5.0 Future Agenda Items

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Personnel



**SHERMAN COUNTY COURT
REGULAR SESSION
SHERMAN COUNTY COMMISSIONERS MEETING ROOM**

MINUTES

October 2, 2024

Court Opened: 9:00

Present: Judge Joe Dabulskis, Commissioner Joan Bird, Commissioner Justin Miller, Administrative Assistant Tammi Gaskey

A quorum was present. No news media was present.

Additions to Agenda

1.0 Appointment Schedule

1.1 9:00 a.m. Chris Clark, Oregon Department of Energy

Present: Chris Clark, Todd Carnet, Bibi Bartley, Georgia Macnab, Drew Messenger, Karl Ihrke

Chris Clark, Senior Siting Analyst with the Oregon Department of Energy (ODOE), came to County Court and gave a presentation on the Buckley Solar Facility Notice of Intent for Sherman County. Mr. Clark stated that on August 16, 2024 ODOE received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Buckley Solar Facility. The applicant is Buckley Solar, LLC, a subsidiary of Clenara, LLC. Due to size and location, the proposed facility is an “energy facility” subject to siting review by the Energy Facility Siting Council (EFSC).

Oregon’s Energy Facility Siting Program oversees review, decision-making, and compliance for most large-scale energy-generating facilities and infrastructure in Oregon. The Energy Facility Siting Council (EFSC) is the decision-making authority. The Oregon Department of Energy (ODOE), Siting Division serves as staff to EFSC.

Proposed Site Overview:

- 7,852 acres (12.3 square miles)
- Located 8 miles southwest of Grass Valley and 9 miles east of Tygh Valley
- Private land zoned F-1 (Exclusive Farm Use)
- Primary access via OR-216

Buckley Solar Facility Overview

Main facility components:

- 1,200 MW Solar PV facility
- 1,200 MW/4hr Batter Energy Storage System (BESS)

Related or supporting facilities:

- Up to 3 collector substations
- 500kV transmission lines
- Electrical collection system
- O&M building
- Roads, fencing, gates, etc.

Energy Facility Siting Process:

- Submitting an NOI is the first step in the process of obtaining a site certificate.
- To obtain a site certificate the applicant must demonstrate that the proposed facility meets:
 - Standards established by the Council in OAR chapter 345
 - Other applicable Oregon statutes, rules and standards, and
 - Oregon's land use planning goals.
- Under ORS 469.480, County Court is appointed as Special Advisory Group for review of proposed facility and will be asked for comment and recommendations at several points during the review process.

Role of Special Advisory Group (County Court)

- Recommend applicable substantive criteria from the local comprehensive plan and land use regulations that would be required if the County were reviewing the facility. Include any relevant interpretations.
- Make recommendations regarding the size and location of analysis areas for resource impact evaluations.
- Identify:
 - Studies that should be conducted to identify potential impacts
 - Local ordinances and Permits administered by the County that might apply to construction or operation of the proposed facility.

1.2 10:00 a.m. Georgia Macnab, Planning Department, Flood Plain Maps/NOI Letter

Present: Georgia Macnab, Karl Ihrke, Chris Clark, Todd Carnet, Bibi Bartley

Georgia Macnab, Planning Department, presented information to County Court on National Flood Insurance Program, Floodplain Ordinance, Buckley Noi Comment and Yellow Rose Bush Noi.

National Flood Insurance Program for Sherman County – Background: A National Marine Fisheries Service 2016 Biological Opinion BiOp) is now part of the National Flood Insurance Program (NFIP) in the State of Oregon. This Oregon BiOp, which was issued in response to a federal lawsuit, concludes that the Federal Emergency Management Agency's (FEMA) implementation of the NFIP in Oregon is causing jeopardy to 17 Endangered Species Act (ESA) listed species and adverse modification of critical habitat for 16 of those species. This is significant because FEMA provides floodplain development standards that cities and counties must follow to be eligible for the NFIP, and this BiOp will overhaul the floodplain development standards for certain areas.

What can we do to comply with these changes – Oregon communities participating in the NFIP can take short-term measures to comply with ESA requirements, known as PICM's. FEMA developed these measures in response to concerns from communities about the time and resources needed to meet requirements and insure future good standing in the NFIP. By implementing these measures now,

communities will be better prepared for compliance audits, which will begin when the Final Implementation Plan is in place.

Communities can select one of the following three PICMs:

- Prohibit all new development in the floodplain.
- Incorporate the ESA into local floodplain ordinances. The regulatory language contained within the 2024 model ordinance can be adopted verbatim and incorporated into local floodplain and land use regulations, or a community may select those sections that are missing from its current floodplain ordinance and adopt those sections into their floodplain ordinance. (The 2024 ordinance mirrors the 2020 ordinance which the county adopted in 2020).
- Require permit applications to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve “no net loss”. (Permit by Permit)

Communities, in this case the county must report to FEMA on their implementation of interim measures.

A PICM must pick a pathway by December 1st. FEMA recognizes that code adoptions may take time and has provided flexibility to allow for model ordinance adoption by July 31, 2025. In the interim between December 1st and July 31st, a community would be required to adopt the permit-by-permit approach until a model ordinance is in place. If a community does not meet the deadlines under the PICM, FEMA will reach out and offer technical assistance to the community to understand why they are not in compliance and determine the needs that are required to bring them into compliance.

Georgia’s recommendations – Georgia recommends the second option of incorporating those sections that are missing from our floodplain ordinance. She has already prepared this document. However, from what she has gleaned from the other counties comments, it is possible that there will be future changes to the ordinance and a good chance that we will have to amend the ordinance again after July 2025.

The ordinance needs to go through the Planning Commission and then come to the County Court for final adoption. She also has to provide a 35 day notice to DLCD prior to the first hearing. Other counties have voiced this frustration of meeting FEMA’s timeline.

If this is the case, do you want us to choose option 1 to prohibit all floodplain development until we get the model ordinance adopted.

Sherman County has had little to no development in the Floodplain in the time that Georgia has been here. When Cottonwood Park was developed they did some mitigation in the river for that development. There have been a couple of times when someone wanted to build something near a floodplain. Georgia has always advised them of the process and they have chosen to move it elsewhere.

County Court Comments – The draft floodplain changes will put areas of towns and communities in the floodplain which will bring more questions when wanting to develop land in those areas. Sherman County may not have seen much development in the floodplain area in the past, but the draft changes will likely change that.

Buckley Notice of Intent (NOI) Comment – Georgia presented a draft Buckley NOI Comment to submit to the Department of Energy on behalf of Sherman County Court. There was a discussion about the letter and a few suggestions were made. Consensus was to approve the letter with changes.

Changes were as follows:

- Change from Board of Commissioners to County Court in #2
- Add Road Use Agreement in addition to Road Approach permit in #4

- Add Conditional Use Permit to #2

Yellow Rose Bush NOI Comment – Georgia presented a draft Yellow Rose Bush NOI Comment to submit to the Department of Energy on behalf of Sherman County Court. There was a discussion about the letter and no suggestions were made. Consensus was to approve the letter as written.

2.0 Action Items

2.1 Amendment No. 003 to Grant Agreement No. 21-103U OYC Funding

Motion by Judge Dabulskis, second by Commissioner Miller, to approve Amendment No. 003 to Grant Agreement No. 21-103U between the State of Oregon’s Higher Education Coordinating Commission and Sherman County for up to \$110,000 effective January 1, 2024 through June 30, 2025 and authorize Judge Dabulskis to sign.

Vote: 3-0

Yes: Dabulskis, Bird, Miller

No: 0

Abstain: 0

2.2 Proposal for AXCIENT Cloud Backup System

Motion by Commissioner Bird, second by Commissioner Miller, to authorize ATS – ACC Tech Solutions Proposal for AXCIENT Cloud Backup System which includes 6 servers for \$700 a month and the conversion, installation and testing of system would be a one-time cost of \$1,200 for a total of \$1,900 and authorize Judge Dabulskis to sign.

Vote: 3-0

Yes: Dabulskis, Bird, Miller

No: 0

Abstain: 0

3.0 Discussion Items

3.1 Sherman County Multi-Jurisdictional Hazard Mitigation Plan Approved

Good job on getting this plan approved.

3.2 Executive Session ORS 192.660 (2) (i) Personnel, ORS 192.660 (2) (f) information or records that are exempt by law from public inspection

Entered Executive Session ORS 192.660 (2) (i) Personnel at 10:40 a.m.

Exited Session at 10:50 a.m.

During Executive Session a Sheriff Office Personnel matter was discussed.

Entered Executive Session ORS 192.660 (2) (i) Personnel at 10:56 a.m.

Exited Session at 11:09 a.m.

During Executive Session an Emergency Services Department Personnel matter was discussed.

Motion by Commissioner Bird, second by Commissioner Miller, to approve funding to fill the Sheriff Deputy position that was previously approved to fill but funding was not allocated.

Vote: 3-0

Yes: Dabulskis, Bird, Miller

No: 0

Abstain: 0

3.3 Commissioner Reports and Updates

Commissioner Joan Bird – Attended a North Central Public Health Interview; North Central Public Health Interview Committee Meeting; Mid-Columbia Housing Authority; Senior Advisory Committee; Buckley Solar Project Open House; and the Department of Energy Public Meeting.

Commissioner Justin Miller – Attended a Buckley Solar Project Open House and the Department of Energy Public Meeting.

Judge Joe Dabulskis – Attended an Energy Summit; a MCEDD Full Board Meeting; a NORCOR Meeting; an AOC Retreat; an AOC Legislative Meeting; an AOC Board Meeting; and an Infrastructure Summit.

Judge Dabulskis attended a meeting where BrightNight was meeting with EMS/Fire officials.

Judge Dabulskis and Drew Messenger met with people from Brookefield.

4.0 Consent Agenda

4.1 Claims – September 2024

Motion by Judge Dabulskis, second by Commissioner Bird, to approve the September 2024 Claims as presented.

Vote: 3-0

Yes: Dabulskis, Bird, Miller

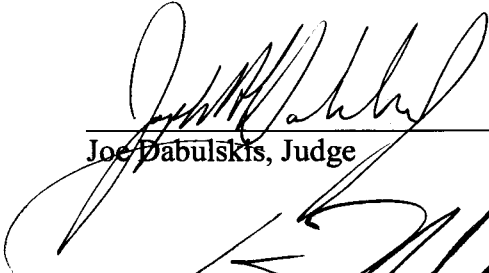
No: 0

Abstain: 0

5.0 Future Agenda Items

Being no further business before the Court, the meeting was adjourned at 11:18 a.m.

Sherman County Court



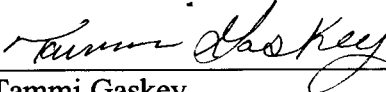
Joe Dabulskis, Judge



Justin Miller, Commissioner



Joan Bird, Commissioner

Attest: 

Tammi Gaskey
Administrative Assistant