



CURRY COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING

Wednesday, April 25, 2018 – 1:30PM

Commissioners' Hearing Room, Courthouse Annex

94235 Moore Street, Gold Beach, Oregon

www.co.curry.or.us

Please note – meeting starts at 1:30PM

AGENDA

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

- 2. ADOPTION/AMENDMENT OF THE AGENDA (5 minutes)**

- 3. PUBLIC COMMENT**

- 4. COUNTY ASSESSMENT FUNCTION FUNDING ASSISTANCE (CAFFA)
ANNUAL GRANT (15 minutes) – Jim Kolen, County Assessor (Packet Page 2)**

- 5. CURRY COUNTY CODE COORDINATION WITH FEDERAL AGENCIES –
(10 minutes) - - Commissioner Boice (Packet Page 14)**

- 6. ADJOURN**

Curry County does not discriminate against individuals with disabilities and all public meetings are held in accessible locations. Auxiliary aids will be provided upon request with 48 hours advance notification. Please call 541-247-3296 if you have questions regarding this notice.

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Caffa Grant 2018-19

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/25/18 **DEPARTMENT:** Assessment **TIME NEEDED:** 15 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY CONSENT**

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: Jim Kolen **PHONE/EXT:** 3257 **TODAY'S DATE:** 4/17/18

BRIEF BACKGROUND OR NOTE: (If no memo attached)

FILES ATTACHED:

(1) CAFFA Grant Application 2018-19

(2)

(3)

INSTRUCTIONS ONCE SIGNED:

No Additional Activity Required OR

File with County Clerk Name:

Send Printed Copy to: Address:

Email a Digital Copy to: City/State/Zip:

Other Returned signed grant to Jim Kolen Phone: 3257

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING **Not Approved for BOC Agenda because**

ASSIGNED TO: CONSENT

BOC MEMO FOR AGRS

TO: BOARD OF COMMISSIONERS

FROM: JIM KOLEN, CURRY COUNTY ASSESSOR/TAX COLLECTOR

SUBJECT: 2018-19 CAFFA GRANT

DATE: APRIL 25, 2018

BACKGROUND: Each year departments comprising assessment, tax collection, distribution and BOPTA compile an application which has been known since the 90s as the County Assessment Function Funding Assistance (CAFFA) Grant. The grant application must be prepared, approved by the Board of Commissioners and submitted to the Oregon Department of Revenue (DOR) by May 1st annually. In recent years the CAFFA Grant has returned approximately 20% of the cost of A&T to Oregon Counties.

RELEVANT FACTS: Curry County has applied and been approved for the CAFFA Grant each year since inception. Over the last twelve years the DOR has been concerned with the level of funding provided for A&T in Curry County stating in a letter dated June 15, 2017: *"We recognize the significant financial challenges facing the county and the difficult choices that must be made. The assessment and taxation program remains at risk in virtually all functional areas due to low staffing levels. We will approve the county's participation in the 2017-18 CAFFA grant, based on discussions with the assessor that the county meets the minimum level of adequacy for the current fiscal year. We will continue to monitor the program over the course of the year in order to confirm adequacy in maintaining mandated functions."*

This 2018-19 A&T budget includes funding to be provided by the state and other county taxing districts through the Curry County Pilot project that will provide \$125,000 through the state e-board to fund enhanced maintenance appraisal (cyclical reappraisal) that is projected to reduce the reappraisal cycle in Curry County from the Current 16-17 year pace to a 6 to 8 year cycle pace.

The Curry Pilot Project began at the suggestion of the 2017-18 Curry County Budget Committee and was created through discussions with AOC, LOC, Special Districts Association, Oregon School Boards Association, members of OSACA, DOR and the Curry County Assessor. This project goes before the Oregon e-board in May for funding approval. Should the project be denied funding then Curry will have to revise their Grant application prior to June.

OPTIONS: 1.) Approve the CAFFA Grant as submitted, or; 2.) Revise and approve a different amount for the CAFFA Grant, or; 3.) Do not submit a CAFFA Grant application for 2018-19. *If this course is chosen, Curry County will not receive a CAFFA Grant for 2018-19.*

RECOMMENDATION(S): Approve the 2018-19 CAFFA Grant as submitted. After May 1, a CAFFA Grant application may be revised downward, but it may not be increased.

Edit

Log Out

Home CAFFA Grant **Edit**

PLEASE NOTE: This application will time out after 15 minutes of inactivity.

1. Application Staffing Form	2. Explanation of Staffing Issues	3. General Comments	4. Valuation Appraisal Resources	5. Tax Collection/Distribution Work Activity
6. Deeds and Cartography	7. Summary of Expenses	8. Application Resolution	9. Racial and Ethnic Impact Statement	Attachments

Form 1 **2018-2019**
Grant Application Staffing

	Column 1 Approved FTE current year (2017-2018)	Column 2 Budgeted FTE coming year (2018-2019)	Column 3 Change (Column 2 less Column 1)
A. Assessment administration			
Assessor, deputy, etc.	0.90	0.90	0.00
Assmt. support staff, deed clerks and data entry staff	1.75	2.00	0.25
Total assessment administration staff	2.65	2.90	0.25
B. Valuation			
Chief appraisers/appraiser supervisor	0.45	0.45	0.00
Lead appraisers	0.00	0.20	0.20
Residential appraisers	2.25	3.05	0.80
Commercial/industrial appraisers	0.30	0.35	0.05
Farm/forests/rural appraisers	0.10	0.30	0.20
Manufactured structure/floating structure appraisers	0.00	0.00	0.00
Personal property appraisers	0.00	0.00	0.00
Personal property clerks	0.50	0.50	0.00
Sales data analyst	0.15	0.15	0.00
Data gatherers and appraisal techs	0.00	0.00	0.00
Total valuation and appraisal staff	3.75	5.00	1.25
C. Board of Property Tax Appeals (BoPTA)	0.06	0.06	0.00
D. Tax collection and distribution administration			
Administration, deputy, etc.	0.20	0.20	0.00
Support and collection	0.70	0.70	0.00
Tax distribution	0.33	0.33	0.00
Foreclosure and garnishment	0.20	0.20	0.00
Total tax collection and distribution	1.43	1.43	0.00
E. Cartography and GIS administration			
Cartographic/GIS supervisor	0.00	0.00	0.00
Lead cartographers	0.00	0.00	0.00
Cartographers	0.00	0.00	0.00
GIS specialists	0.00	0.00	0.00
Total cartographic and GIS staff	0.00	0.00	0.00
F. Dedicated IT services for A&T	0.00	0.00	0.00
G. Total assessment and taxation staffing	7.89	9.39	1.50

I confirm the information contained on this form is complete and accurate to the best of my knowledge.

CAFFA
2018-19 Pilot
FORM 2

EXPLANATION OF STAFFING ISSUES

Tax Collection is combined with Assessment [per Form 5(15)]

Staffing in the assessor's office is increased by 1.50 FTE this year assuming State E-Board approves funding Curry County Pilot Project in May. Most (1.25 FTE) of the increase is in valuation.

Workload has not fully recovered from recession limiting property sales, segregations and new construction. We expect to adequately turn the assessment roll and collect the taxes in 2018-19.

With the additional valuation FTE we expect to accelerate our physical reappraisal in maintenance areas such that we expect reappraisal cycle to reduce from current 16-17 year pace to a 6-8 year pace. History shows us that this effort will more than compensate the districts and the state for the cost of the additional resource (\$125,000) provided by the Pilot Project through the increased acquisition of omitted (non-permitted) property. After 7 to 8 years the payback to districts is expected to be at a ratio of three to five to one of the annual resource provided. Also we expect to improve our performance in commercial, industrial and farm/forest appraisal.

The resource should help us to clean up our data and increase our confidence in the overall assessment roll. As part of the Pilot 1 FTE is being shifted to appraisal resource and is already trained and experienced. Another current employee will be shifted to that vacated position. A new employee will be hired to fill that shifted vacancy. It is likely we will have to fully train the two people in new positions so progress will be slow initially.

Edit

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**Form 3
General Comments**

2018-2019

Use this form to describe any issue in your budget that needs further clarification. Examples include significant changes on Form 7, purchase of a new data processing system, salary increases, new car purchases, personnel services, cost for mapping, etc. You can also use this form to document any miscellaneous comments about this grant application.

Curry County has not yet determined what level of resource will be available for 2018-19 budget. It is possible that projections contained in this grant application could change.

Form 5 does not allow for "Yes" answers for both questions #13 and #14, although our county does both. We did mark "No" for question #14 as suggested by DOR.

Also see Caffa Form 2.

I confirm the information contained on this form is complete and accurate to the best of my knowledge.

Oregon Department of Revenue 955 Center Street NE, Salem, Oregon 97301-2555
Email: questions.dor@oregon.gov | Phone: (503) 378-4988

[Department of Revenue](#) [Accessibility](#) [Privacy Policy](#) [Return & Refund Policy](#)

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Form 4 Valuation and Appraisal Resources

2018-2019

	Number of accounts by activity		Number of FTE by activity	
	Actual (2017-2018)	Estimated (2018-2019)	Actual (2017-2018)	Estimated (2018-2019)
1. Real property exceptions, special assessments and exemptions				
New construction	1,100	1,250	1.00	1.00
Zone changes	0	0	0.00	0.00
Subdivisions, segregation, and consolidations	291	400	0.20	0.20
Omitted properties	15	50	0.05	0.05
Special assessment qualification and disqualifications	86	200	0.10	0.30
Exemptions	37	40	0.05	0.05
Subtotal	1,529	1,940	1.40	1.60
2. Appeals and assessor review				
Assessor review and stipulations	250	300	0.15	0.15
BOPTA	5	20	0.10	0.10
Department of Revenue	0	0	0.00	0.00
Magistrate Division of the Oregon Tax Court	2	5	0.05	0.05
Regular Division of the Oregon Tax Court	0	0	0.00	0.00
Subtotal	257	325	0.30	0.30
3. Real property valuation				
Physical reappraisal	1,200	2,450	1.00	2.00
Recalculation only - no appraisal review	18,723	17,550	0.40	0.35
Subtotal	19,923	20,000	1.40	2.35
4. Business personal property (returns mailed)	1,012	1,050	0.50	0.50
5. Ratio			0.15	0.15
6. Continuing education			0.05	0.05
7. Other valuation - appraisal activity			0.05	0.05
8. Total valuation and appraisal staff (FTE)			3.85	5.00

I confirm the information contained on this form is complete and accurate to the best of my knowledge.

Edit

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Home CAFFA Grant **Edit**

PLEASE NOTE: This application will time out after 15 minutes of inactivity.

- | | | | | |
|------------------------------|-----------------------------------|---------------------------|---------------------------------------|--|
| 1. Application Staffing Form | 2. Explanation of Staffing Issues | 3. General Comments | 4. Valuation Appraisal Resources | 5. Tax Collection/Distribution Work Activity |
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Form 5 Tax Collection and Distribution Work Activity

2018-2019

**Number of accounts
 by activity**

	Actual (2017-2018)	Estimated (2018-2019)
1. Number of accounts requiring roll corrections		
Business personal property	<input type="text" value="20"/>	<input type="text" value="20"/>
Personal property manufactured structures	<input type="text" value="7"/>	<input type="text" value="50"/>
Real property	<input type="text" value="64"/>	<input type="text" value="100"/>
2. Number of accounts requiring a refund		
Business personal property	<input type="text" value="1"/>	<input type="text" value="2"/>
Personal property manufactured structures	<input type="text" value="11"/>	<input type="text" value="25"/>
Real property	<input type="text" value="98"/>	<input type="text" value="150"/>
3. Number of delinquent tax notices sent		
Business personal property	<input type="text" value="265"/>	<input type="text" value="265"/>
Personal property manufactured structures	<input type="text" value="1,501"/>	<input type="text" value="1,501"/>
Real property	<input type="text" value="1,185"/>	<input type="text" value="1,185"/>
4. Number of foreclosure accounts processed		
Real property only	<input type="text" value="123"/>	<input type="text" value="150"/>
5. Number of accounts issued redemption notices		
Real property only	<input type="text" value="22"/>	<input type="text" value="22"/>
6. Number of warrants	<input type="text" value="56"/>	<input type="text" value="70"/>
7. Number of garnishments	<input type="text" value="0"/>	<input type="text" value="0"/>
8. Number of seizures	<input type="text" value="0"/>	<input type="text" value="0"/>
9. Number of bankruptcies	<input type="text" value="11"/>	<input type="text" value="11"/>
10. Number of accounts with an address change processed	<input type="text" value="700"/>	<input type="text" value="700"/>
11. How many second trimester statements do you mail?		<input type="text" value="3,124"/>
12. How many third trimester statements do you mail?		<input type="text" value="3,086"/>
13. Does the county contract for lock box service?		Yes <input checked="" type="radio"/> No <input type="radio"/>
14. Does the county use in-house remittance processing?		Yes <input type="radio"/> No <input checked="" type="radio"/>
15. Is tax collecting combined with another county function? If yes, describe that function on Form 2.		Yes <input checked="" type="radio"/> No <input type="radio"/>

I confirm the information contained on this form is complete and accurate to the best of my knowledge.

Edit

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- | | | | | |
|------------------------------|-----------------------------------|---------------------------|---------------------------------------|--|
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Form 6
Assessment and Administrative
Support and Cartography
Work Activity

2018-2019

Assessment and administrative
support work activity

Numbers by activity

	Actual (2017-2018)	Estimated (2018-2019)
1. Number of deeds worked	2,100	2,150

Cartography work activity

Numbers by activity

	Actual (2017-2018)	Estimated (2018-2019)
1. Number of new tax lots	64	70
2. Number of lot line adjustments	30	40
3. Number of consolidations	171	200
4. Number of new maps	12	25
5. Number of tax code boundary changes	14	25

I confirm the information contained on this form is complete and accurate to the best of my knowledge.

Oregon Department of Revenue 955 Center Street NE, Salem, Oregon 97301-2555
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Form 7 Summary of Expenses

2018-2019

Current operating expenses	A. Assessment Administration	B. Valuation	C. Board of Property Tax Appeals (BoPTA)	D. Tax collection and distribution administration	E. Cartography and GIS administration	F. Dedicated IT services for A&T	Totals
1. Personnel services	194,872	342,200	4,159	109,684	0	0	650,915
2. Materials and services	54,463	95,637	714	58,000	24,500	12,700	246,014
3. Transportation	600	4,700	605	409	0	0	6,314
4. Total current operating expenses	249,935	442,537	5,478	168,093	24,500	12,700	903,243

* Include approved grant funding for ORMAP

5. Total direct expenses (line 4)	903,243
6. If you use the 5 percent method to calculate your indirect expenses, enter 0.05 in this box.	0.05
Total indirect expenses (line 5 multiplied by line 6)	45,162
6A. If you use a percentage amount approved by a federal agency to calculate your indirect expenses, enter that percentage in this box	0.00000
Total indirect expenses (line 6A multiplied by the direct expenses amount for the category or categories that your certificate allows)	0
7. Total Indirect Expenses	45,162

Capital outlay	Assessment Administration	Valuation	BOPTA	Tax Collection & Distribution	Cartography	Data Processing Support (IT, AT)	Total capital outlay without regard to limitation
8. Enter the actual capital outlay without regard to limitation	0	0	0	0	0	0	0
9. Total direct and indirect expenses (sum of lines 4 and 7)							948,405
10. Direct and indirect expenses multiplied by 0.06							56,904
11. The greater of line 10 or \$50,000							56,904
12. Capital outlay (the lesser of line 8 or line 11)							0
13. Total expenditures for CAFFA consideration (sum of lines 4, 7, and 12)							948,405

I confirm the information contained on this form is complete and accurate to the best of my knowledge.

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**Form 8
Grant Application Resolution**

2018-2019

CURRY County is applying to the Department of Revenue to participate in the County Assessment Function Funding Assessment Program.

This state grant provides funding for counties to help them come into compliance or remain in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

CURRY County has undertaken a self-assessment of its compliance with the laws and rules that govern the Oregon property tax system. The County is generally in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and all requiring equity and uniformity in the system of property taxation.

CURRY County agrees to appropriate budgeted dollars based on 100 percent of the expenditures certified in the grant application. The total expenditure amount for consideration in the grant is \$948,405. If 100 percent isn't appropriated, no grant shall be made to the county for each quarter in which the county is out of compliance.

The County designates the following individual as the contact for this grant application.

<input type="text" value="JIM KOLEN"/>	<input type="text" value="kolenj@co.curry.or.us"/>	<input type="text" value="(541) 247-3257"/>	<input type="text"/>
Name	Email	Phone	Extension

County Approval

By selecting the "I Accept" checkbox, you are signing this Resolution electronically and certifying the Resolution has been approved by the board. You agree your electronic signature is the legal equivalent of your manual signature.

I Accept

<input type="text" value="SUE GOLD"/>	<input type="text" value="COMMISSIONER CHAIR"/>	<input type="text"/>
Chair/Judge or Appointee	Title	Sign Date

I confirm the information contained on this form is complete and accurate to the best of my knowledge.

Oregon Department of Revenue 955 Center Street NE, Salem, Oregon 97301-2555
Email: questions.dor@oregon.gov | Phone: (503) 378-4988

Department of Revenue Accessibility Privacy Policy Return & Refund Policy

Edit

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Home CAFFA Grant **Edit**

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Racial and Ethnic Impact Statement

2018-2019

Chapter 600 of the 2013 Oregon Laws require applicants to include with each grant application a racial and ethnic impact statement. The statement provides information as to the disproportionate or unique impact the proposed policies or programs may have on minority persons in the State of Oregon if the grant is awarded to a corporation or other legal entity other than natural persons.

1. The proposed grant project policies or programs could have a disproportionate or unique positive impact on the following minority persons:

Indicate all that apply:

- Women
- Persons with Disabilities
- African-Americans
- Hispanics
- Asians or Pacific Islanders
- American Indians
- Alaskan Natives

2. The proposed grant project policies or programs could have a disproportionate or unique negative impact on the following minority persons:

Indicate all that apply:

- Women
- Persons with Disabilities
- African-Americans
- Hispanics
- Asians or Pacific Islanders
- American Indians
- Alaskan Natives

3. The proposed grant project policies or programs will have no disproportionate or unique impact on minority persons.

If you checked numbers 1 or 2 above, on a separate sheet of paper, provide the rationale for the existence of policies or programs having a disproportionate or unique impact on minority persons in this state. Further provide evidence of consultation with representative(s) of the affected minority persons.

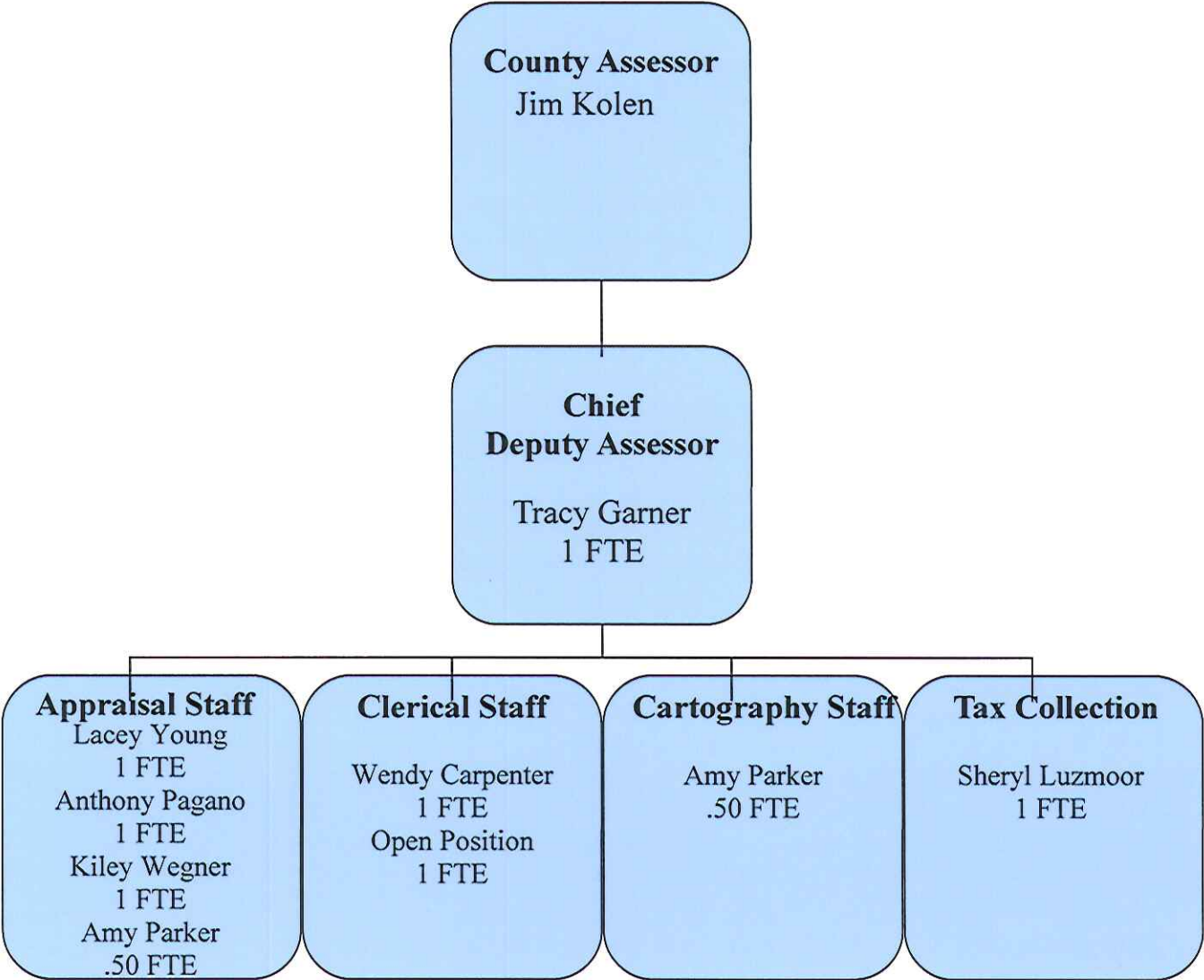
I HEREBY CERTIFY on this day of , , the information contained on this form and any attachment is complete and accurate to the best of my knowledge.

JULIE SWIFT

Name

CURRY COUNTY ASSESSOR'S OFFICE - ORGANIZATIONAL CHART

2018-19



CURRY COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM ROUTING SLIP
FORM 10-001.1 Rev. 01-13-2017

PART I – SUBMITTING DEPARTMENT: RETURN TO BOC_OFFICE@CO.CURRY.OR.US

AGENDA ITEM TITLE: This item was covered at the 3/21/18 General Meeting. The consensus was to discuss at a Workshop, "Completing the 2013 CC BOC Adoption -- Curry County Code 'Coordination with Federal Agencies'"

AGENDA DATE^a: 4-25-18 **DEPARTMENT:** Commissioner's **TIME NEEDED:** 15 minutes

^aSubmit by seven days prior to the next General Meeting (eight days if a holiday falls within that seven day period)

CONTACT PERSON: Court Boice **PHONE/EXT:** 3229 **TODAY'S DATE:** 4/16/18

BRIEF BACKGROUND OR NOTE^b: This ordinance, known as 13-03 amends the Curry County Code. Our Board wishes to update and coordinate with Federal Resource Agencies action that affects the County and its residents. Then signed by Commissioners David Brock Smith, Susan Brown and David Itzen on 8-7-13. Also, Please See Attached ...

^bIndicate if more than one copy to be signed

FILES ATTACHED:

SUBMISSION TYPE: Ordinance

- (1)yes
- (2)

Are there originals in route (paper copies with pre-existing signatures) Yes No

QUESTIONS:

1. Would this item be a departure from the Annual Budget if approved? Yes No
(If Yes, brief detail)
2. Does this agenda item impact any other County department? Yes No
(If Yes, brief detail)
3. If Land Transaction, filed with the clerk? Yes No N/A

INSTRUCTIONS ONCE SIGNED:

No Additional Activity Required

OR

File with County Clerk

Name:

Send Printed Copy to:

Address:

Email a Digital Copy to:

City/State/Zip:

Other

Phone:

Due date to send: / /

Email:

***Note: Most signed documents are filed/recorded with the Clerk per standard process.**

PART II – COUNTY CLERK REVIEW

EVALUATION CRITERIA:

CLERK ASSESSMENT: Does this agenda item meet filing/recording standards? Yes No N/A
(If No, brief detail)

PART III - FINANCE DEPARTMENT REVIEW

EVALUATION CRITERIA 1-4:

1. Confirmed Submitting Department's finance-related responses Yes No
Comment:
2. Confirmed Submitting Department's personnel-related materials Yes No N/A
Comment:
3. If job description, Salary Committee reviewed: Yes No N/A
4. If hire order requires an UA, is it approved? Yes No Pending N/A

PART IV – COUNTY COUNSEL REVIEW

AGENDA ASSIGNMENT TYPE: (Select)

LEGAL ASSESSMENT: Does this agenda item have a legal impact? Yes No
(If Yes, brief detail)

PART V – BOARD OF COMMISSIONER REVIEW/COMMENT

LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:

Commissioner Thomas Huxley Yes No

Commissioner Sue Gold **Yes** **No**

Commissioner Court Boice **Yes** **No**

Not applicable to Sheriff's Department since they do not have a liaison

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amendment)
to the Curry County Code Adding)
a New Article One Division)
Fourteen Relating to a Federal)
Coordination Policy)

ORDINANCE NO. 13-03

SECTION 1 TITLE

This ordinance shall be known as Ordinance 13-03, an ordinance amending the Curry County Code.

SECTION 2 FINDINGS

The Board of Commissioners for Curry County wishes to coordinate with federal resource agencies regarding agency action that affects the County and its residents.

SECTION 3 ADOPTION

Exhibit "A" attached hereto and incorporated by reference, is adopted as an amendment to the Curry County Code, to wit, as a new Article One Division Fourteen.

SECTION 4 SEVERANCE CLAUSE

If any section, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance. It is expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

DATED this 7 day of August, 2013.

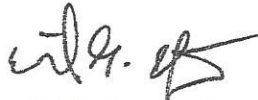
BOARD OF CURRY COUNTY COMMISSIONERS



David Brock Smith, Chair

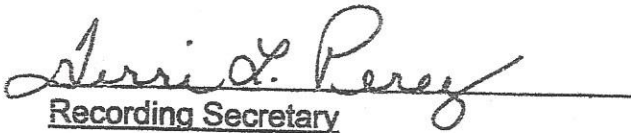


Susan Brown, Vice Chair

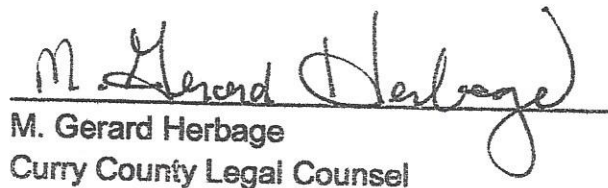


David G. Itzen, Commissioner

Attest:


Recording Secretary

Approved as to Form:


M. Gerard Herbage
Curry County Legal Counsel

First Reading: May 1, 2013

Second Reading: May 15, 2013

Third – Sixth Readings: June 5, 2013, June 19, 2013, July 10, 2013, August 7, 2013

Emergency Adoption: No

Effective Date: November 5, 2013

EXHIBIT "A"

ARTICLE ONE

DIVISION FOURTEEN FEDERAL COORDINATION POLICY

SECTION 1.14.010 BACKGROUND.

(1) Federal Coordination Laws. Federal law requires several federal agencies to coordinate with affected local governments regarding their respective planning and permitting activities and other federal actions. Most coordination laws address land and resource management planning on federal lands. Federal agencies are also required to seek comments from affected local governments regarding designating critical habitat for endangered species, licensing energy projects, and evaluating the environmental impacts of major federal actions.

Most federal coordination laws specify only that an agency must coordinate with local governments without providing further guidance. However, some of the federal land management statutes impose more detailed coordination requirements. For example, the Federal Land Policy Management Act (FLPMA) and the regulations promulgated thereunder describe federal coordination in more detail. The FLPMA and the regulations promulgated thereunder impose more detailed coordination requirements on the Bureau of Land Management (BLM), including:

- (a) Keeping apprised of local land use plans;
- (b) Considering local land use plans in developing federal land use plans;
- (c) Resolving any inconsistencies between local and federal land use plans to the extent practical and;
- (d) Providing for meaningful local government involvement in the development and revision of land use plans, land use regulations, and land use decisions regarding public lands.

In addition to the FLPMA, the regulations promulgated under the National Forest Management Act (NFMA) require the Forest Service to "provide early and frequent opportunities for...local governments to participate in the planning process."

To commence federal coordination, Curry County hereby exercises its right to coordinate regarding federal actions affecting its jurisdiction and its right to be notified of

such actions. When a federal agency contemplates such an action, the agency must notify Curry County of such action so Curry County can monitor, analyze and comment on the process and the local effects of the action. The federal agency should also seek consistency between the proposed action and the Curry County laws and plans.

(2) Federal Coordination Policy Function. The function of this Federal Coordination Policy is to provide a sound policy basis to negotiate formal coordination procedure agreements with individual federal agencies and communicate the Board of Commissioners' policy positions on federal policy and actions that affect Curry County.

(a) Relationship to Other County Departments and Policies. This Federal Coordination Policy is not a land use decision or comprehensive plan as these terms are defined in Oregon Revised Statutes (ORS) Chapter 197. The Federal Coordination Policy is only applicable where federal land ownership, federal projects, and/or federal permitting requirements assign land use decision-making to the federal government. In this way, the Federal Coordination Policy is a limited scope document that functions only to guide federal policies and activities.

(b) Federal Coordination Policy Organization. This Federal Coordination Policy is divided into three sections: overarching policies, federal land management and federal projects. The first section addresses Curry County's general policies relating to the process for coordination between Curry County and the federal agencies and the development of and modifications to federal policy. This section provides a set of overarching policies that are intended to apply to all other policies and to which all other policies are subservient. The second section addresses federal land management policies. This section provides policies relating to the executive administration of federal land management laws, rules and policies. The third section addresses federal projects. Projects are very different from policies, plans, laws, and rules, because they involve physical actions. This section provides policies relating to both the process for coordinating on projects generally and the methods for coordination actions on specific projects.

(3) Amendments and Updates to the Federal Coordination Policy. The Federal Coordination Policy contemplates that updates will be required from time to time to respond to changes in federal laws, rules and coordination procedures and with Curry County's economic, social and political priorities. Minor updates may be scheduled on an annual or bi-annual basis. The Federal Coordination Policy contemplates that major policy reviews will occur every 5-7 years. The Federal Coordination Policy contemplates that Curry County Coordination comments on specific projects or management policy proposals will be ongoing and these constitute implementation of the Federal Coordination Policy.

SECTION 1.14.020 OVERARCHING POLICIES

Subsequent sections of this Federal Coordination Policy are subservient to the overarching policies and implementation strategies contained in this section. The policies in the subsequent sections should be interpreted consistent with this section.

(1) Purpose of the Federal Coordination Policy.

- (a) Curry County asserts its maximum rights to coordination, as provided by law, with all federal agencies conducting activities in or affecting Curry County.
- (b) The policies contained in the Federal Coordination Policy are enacted with the express intent of developing meaningful and productive relationships with the federal agencies that coordinate with Curry County.

(2) Coordination Agreement.

- (a) Curry County will transmit a formal request to initiate immediate and ongoing coordination with federal agencies that the Curry County Board of Commissioners find conduct activities in or that may affect Curry County. These agencies include, but are not limited to, the following: USDA Forest Service; Bureau of Land Management (BLM); Bureau of Reclamation (Reclamation); US Fish and Wildlife Service (FWS); NOAA's National Marine Fisheries Service (NOAA Fisheries); Army Corps of Engineers; Federal Regulatory Energy Commission (FERC); and Natural Resource Conservation Service.
- (b) In its transmittal requesting coordination, Curry County may consider making a request to a respective recipient agency to develop a formal coordination agreement with Curry County. The agreement may include, but is not limited to, the following: mechanisms for agreement amendments; policy development notification procedure; policy development review and comment; policy development conferences; project notification; project review and comment; and project coordination conferences.

(3) Federal Policy Changes. Curry County recognizes and respects that the federal government has many policy priorities that change over time and that these changes affect federal land management. Political, cultural, economic, environmental, and national security dynamics are in constant states of change and these changes sometimes translate into land management changes. This section describes Curry County's general policies regarding changes to federal land management. This section applies only to changes in federal ownership interests and does not extend to leasehold interests or mining claims.

- (a) Curry County supports changes to coordination laws, rules and administrative procedures that will strengthen requirements for coordination and consistency between federal and local plans and policy.
- (b) Curry County opposes major land management policy actions enacted by the executive branch of the federal government outside of the ordinary land management planning and policy development process and deem such actions to subvert the coordination requirements otherwise required.
- (c) Coordinating federal agencies are expected to notify Curry County of any proposed changes to any administrative rule or guidance regarding coordination procedures within 42 days of project initiation and that provides for not less than 60 days for response and comment from Curry County on the proposed changes. The agency and Curry County may consider amending their coordination agreement, if such agreement exists, accordingly to reflect any resulting changes.
- (d) Coordinating federal agencies are expected to notify Curry County of any land management policy changes contemplated by the agency at the earliest practicable point in the policy development process and not later than 60 days from project initiation, consistent with any coordination procedure agreement between Curry County and the respective coordinating federal agency. Curry County will exercise its rights to coordinate and participate in policy development relating to any policy changes that are material to the interests of Curry County.

(4) Federal Land Ownership Changes. There are many federal interests associated with federal land holdings in Curry County. Curry County recognizes that changes to the federal government's land holdings may occur from time to time. Curry County, similarly, has a wide array of interests that are affected by changes in federal land holdings in Curry County. This section describes Curry County's overarching policies regarding changes to the federal government's land holdings in Curry County.

- (a) Curry County finds that changes to federal land holdings may function to support economic development opportunities in areas such as renewable energy production, transportation, and tourism. Curry County supports federal land holding changes to capitalize on economic development opportunities that are otherwise appropriate.
- (b) Curry County finds that federal land holding changes may function to preserve or enhance historic and cultural assets. Curry County supports land holding changes that advance these interests and are otherwise appropriate.
- (c) Curry County finds that federal land holding changes may function to improve the environment and make land management more effective.

Curry County supports land holding changes that make management more efficient and better balance environmental asset preservation with land use and utility and are otherwise appropriate. Land exchanges or donations should not result in a net loss of general fund revenue to Curry County as a result of property taxes that would have otherwise accrued.

- (d) Curry County finds that federal land holding changes may function to support developed recreation and Curry County's tourist economy. Curry County supports land holding changes that support developed recreation investments and are otherwise appropriate for the area.
- (e) Curry County finds that national security is the most important national interest. Curry County supports changes in federal land holdings that serve national security interests and are otherwise appropriate.

SECTION 1.14.030 FEDERAL LAND MANAGEMENT POLICY

This section describes Curry County's policies regarding the federal government's management of lands it owns or controls. Subsequent sections address policies for federal projects. Although the policies include references to target agencies as examples, the policies are not exclusive to those agencies and apply to any other agencies under similar circumstances.

(1) Forestland and Rangeland Management Policies. This section describes Curry County's policies regarding federal land management plans that affect forestland and rangeland in Curry County.

- (a) Curry County supports forest planning that will result in sustainable timber yields from lands in Curry County. Calculations of sustainable yields should be based upon the best science and forest management practices available and should adequately account for lands that have environmental restrictions or other similar constraints.
- (b) Curry County supports forest management plans, such as the Curry County Healthy Forest Collaborative, that provide for effective and efficient timber harvests and achieve planned timber yields. Forest management plans should encourage timber harvest proposals that are likely to withstand legal challenges.
- (c) Curry County supports forest management plans that contain policies and implementation that will achieve timber sales and begin harvests within 12 months of wildfire events. This policy applies to any area where the forest management plan otherwise supports timber harvests as an appropriate land utilization.

- (d) Curry County supports forest planning that will improve forest health and decrease the risk of wildfires, especially in the urban-wildland interface areas of Curry County. Curry County recognizes and supports forest plans that include components for stewardship, small diameter logging and similar active management practices as well as road access for firefighting.
- (e) Curry County supports continued maintenance and operation of most, if not all, of the existing Forest Service and BLM roads. Curry County recognizes that some roads and roadway networks may become obsolete or cost prohibitive and that management must prioritize the needs of its system. To provide funds for continued operation and maintenance of existing roads, Curry County encourages forest planning that can be expected to generate sufficient revenue to support the existing Forest Service and BLM road network in Curry County.
- (f) Curry County supports rangeland management planning that does not decrease the level of federal grazing allotments (and/or grazing leases) that existed on January 1, 2011, to local area ranchers. Curry County supports the creation of offsetting allotments of comparable or superior quality to assure no net-loss of grazing allotments for any proposed management policy change that would reduce the total gross acreage of grazing allotments in Curry County.
- (g) Curry County supports rangeland management planning that would return the level of federal grazing allotments (and/or grazing leases) to those that existed on January 1, 2000, to local area ranchers. Curry County supports the creation of offsetting allotments of comparable or superior quality to assure no net-loss of grazing allotments for any proposed management policy change that would reduce the total gross acreage of grazing allotments in Curry County.
- (h) When an agency that is required to coordinate with Curry County initiates any evaluation of a proposal for land preservation within Curry County, Curry County seeks the highest level of coordination practicable and requests all information generated by or provided to the agency on the proposal be provided as early as practicable. Preservation actions include, but are not necessarily limited to the following:
 - i. Study areas to be forwarded to Congress for consideration as Wilderness.
 - ii. Areas being considered for National Park designation.
 - iii. Areas being considered for executive land management and policy actions outside the ordinary land management planning and policy

development process such as monument designation or secretarial wildlands designations.

(2) O&C Land Act Specific Policies. In addition to the general policies regarding all federal land management policy choices, Curry County has specific interest in regard to the O&C Lands. Implementation of the O&C Lands Act has significant implications for the general fund and Curry County's financial health. For this reason, Curry County adopts the following policies specific to the management of O&C Lands.

- (a) Curry County recognizes that federal agencies manage O&C Lands subject to the Federal Land Management Policy Act (FLMPA) for lands managed by BLM and the National Forest Management Act (NFMA) for lands managed by the Forest Service. Curry County also recognizes that FLMPA and NFMA require federal agencies to coordinate with local governments affected by amendments to federal land management plans. Accordingly, Curry County asserts its right to coordinate with federal agencies regarding any change in management policies relating to O&C Lands, including but not exclusive of any change in the annual sustained timber yield capacity for O&C Lands.
- (b) Curry County recognizes that the primary purpose of the O&C Lands under the O&C Lands Act is timber production. Curry County supports the minimization of projects for purposes other than the management of a sustained yield of timber on O&C Lands. When considering a use for O&C Lands other than timber production, federal agencies should evaluate non-O&C Lands as alternatives and utilize non-O&C Lands whenever the management objective can otherwise be advanced without the utilization of O&C lands. Because the O&C Lands Act includes lands managed by multiple agencies, this alternative analysis should include inter-agency coordination and alternative sites for land managed by any agency that manages land under the O&C Lands Act.
- (c) Curry County recognizes that the federal agencies establish an annual sustained yield capacity for O&C Lands under the O&C Lands Act. Curry County also recognizes that actual timber sales may be significantly reduced from the sustained yield adopted in the management plan as a result of the individual environmental review processes necessary for each harvest project. Curry County supports the maximization of timber sales within the annual sustained yield capacity. To account for the reduction from planning to actual timber harvest, Curry County supports harvest planning and environmental review processes that will be sufficient to meet the annual sustained yield capacity; the planning and environmental review process may need to include significantly greater acreages with more aggregate timber production potential than the planned sustained yield in any given year to assure that actual timber harvests in any given

year can properly account for delay or reduction which often occurs during the environmental review process.

(3) Mining Policies. Existing and potential sources of minerals and aggregates are affected by federal policies. Mining can provide significant economic development and employment opportunities. The Forest Service, BLM, and other agencies have resources and policy jurisdictions related to mining activities. However, like energy production and transmission, mining activities can have significant negative externalities such as pollution, aesthetic impacts, and environmental changes. This section describes Curry County's policies regarding mining on federal land.

- (a) Curry County supports the rights of existing mining claims and the acquisition of new rights to newly discovered resources or where technologically advances provide increased access to existing resources.
- (b) Curry County supports the minimization of negative externalities to a practical extent. Curry County supports requirements for appropriate reclamation of any mining site at the conclusion of mining activity.
- (c) Curry County supports the reclamation of abandoned mines and the prioritization for reclamation of abandoned mines that pose a significant health or environmental hazard.

(4) Recreation Policies. Recreation on federal lands is important to Curry County. The Forest Service, BLM, BOR, the Army Corps of Engineers, and other agencies have resources and policy jurisdictions that affect recreation in Curry County. Recreation on federal land in Curry County provides economic development through tourism. Recreation on federal land also serves long-term economic development in Curry County because recreation opportunities support migration and associated investment decisions. Recreation opportunities on federal land range from low impact, low intensities and nominal investments, to high impacts, intensive, and high levels of investment. This section describes Curry Counties' policies regarding recreation opportunities and associated land uses on federal lands.

- (a) Developed Recreation/Enrichment. Developed recreation includes uses where significant physical improvements and investments are made on federal land to support the recreation uses. Developed recreation opportunities on federal land may include, but are not necessarily limited to, the following: nordic and/or alpine ski areas; trails; privately held long-term leased and short-term leased forest cabins; reservoirs; campgrounds and picnic areas; marinas; educational facilities and research stations (e.g., telescopic observatories and interpretive centers).
 - i. Curry County recognizes that some areas are appropriate for developed recreation and that other areas are not. Curry County

supports federal land planning for developed recreation in appropriate locations. To evaluate suitable locations for developed recreation, federal agencies should review Curry County's Destination Resort Map and align federal plans with local land use plans that support large-scale developed recreation investments.

- ii. Curry County generally supports planning and designation for developed recreation in locations where developed recreation improvements already exist. Curry County prioritizes these areas for reinvestment and expansion to meet existing and future needs.
- iii. Curry County supports opportunities for additional developed recreation in Curry County. Curry County-wide level of developed recreation should not be decreased. Any decreases in the level of a major developed recreation amenity in Curry County should be offset by a corresponding replacement or increase of a similar type of developed recreation opportunity elsewhere in Curry County.

(b) Low-Impact Recreation Uses. Low-impact recreation uses generally involve relatively small scale physical improvements and low-levels of investments on federal land to support the recreation uses. Low-impact recreation opportunities on federal land may include, but are not necessarily limited to, the following: horseback riding; hiking; hunting; fishing; unregistered boating (boats not requiring registration under Oregon law); and bird-watching.

- i. Curry County supports most all low-impact recreation uses.
- ii. Curry County supports the preservation and maintenance of existing physical improvements that support low impact recreation uses, such roads to trailheads, boat ramps and similar infrastructure.

(c) High-Impact Recreation Uses. High-impact recreation uses may or may not require significant physical improvements and investments on federal land to support the recreation uses and may affect the natural environment to varying degrees. Impacts on the natural environment may include erosion, noise, permissible levels of pollution discharge, and similar impacts. Intensive recreation opportunities on federal land may include, but are not necessarily limited to, the following: registered boating (boats requiring registration under Oregon law); off-highway vehicles; snow-machines; and motorized commercial recreation, such as snow-cat tours, snow-cat skiing, and jet-boat tours.

- i. Curry County recognizes that some areas are appropriate for high-impact recreation activities while other areas are not. Curry County

supports federal land planning for high-impact recreation in appropriate locations.

- ii. Curry County prioritizes locations with existing intensive recreation uses for reinvestment and expansion to meet existing and future needs.

(5) National Security. Agencies such as the Department of Defense and the Department of Homeland Security use lands to meet the security needs of the United States of America. Local concerns or issues are usually secondary to investment and strategic decisions about federal lands for national security.

- (a) Curry County recognizes that priorities and investments in our national defense will change over time and that national security investment and strategic decisions must take precedent over local concerns or issues. Where local issues and concerns can reasonably be addressed without compromise to national security interests, then Curry County supports the minimization of local conflicts and potential adverse impacts.

SECTION 1.14.040 AIR AND WATER RESOURCES

In addition to other requirements and obligations imposed by federal and state law, this section describes Curry County's policy regarding land use management planning and Federal projects affecting air and water resource issues.

- (1) When Curry County coordinates on projects that implicate air and water resources, Curry County will rely on approved implementation plans, permit requirements, and adopted processes to determine whether water and air resource issues are adequately addressed by the project.

SECTION 1.14.050 ENDANGERED SPECIES

(1) Species Listing. Species listing can occur either by agency initiated action or by private petition. The applicable agency (FWS or NOAA Fisheries) reviews the data to make one of three determinations for the species: not warranted, warranted but precluded, and warranted. This section describes Curry Counties' policies regarding the listing of species occurring in Curry County under the Endangered Species Act (ESA).

- (a) The agency will notify the County of any petitions submitted for species and the lists of candidate species occurring in Curry County. If Curry County determines a petition for listing or candidate species is vital to Curry County's interests, then Curry County may, if feasible, collaborate with others and/or take a leadership role in the listing evaluation process. Leadership activities may include but are not limited to the following:

- i. Review of scientific data and development of data supplements if determined appropriate.
- ii. Determine if it is appropriate for Curry County to be the permit holder for a Programmatic Candidate Conservation Agreement with Assurances (PCCAA) as a pre-emptive measure to accomplish ESA objectives through habitat preservation and other negotiated species support actions.

(2) Critical Habitat Designation. When commenting on proposed critical habitat designations, Curry County may take into account potential benefits by considering qualified scientific professionals, economists and/or environmental law experts in the development of Curry County's comments on the proposed designation.

(3) Habitat Conservation Plans. Habitat Conservation Plans (HCP) are planning documents required as part of an application for an incidental take permit. Certain HCP may be beneficial depending on the species and the types of actions and specific locations affected by the specific species listing. Curry County may consider proposals to collaborate on and/or be the lead agency for the development of HCP for listed species known to exist or with habitat in Curry County. At a minimum, any such proposal brought to Curry County by a third party must include the following:

- (a) Timeline to complete the HCP.
- (b) Contact information and any preliminary communications with the applicable FWS or NMFS field or regional office agent who is expected to be assigned staff support for the project.
- (c) Estimated costs to file the HCP and the proposed responsible party(s) for the project costs. Costs should be itemized according to major categories like – GIS Habitat Mapping, Field Data Collection, Plan Preparation, Other Agency Permits, Draft NEPA Documentation, etc.

For the HCP related to a specific project, Curry County will apply applicable policies herein,, but may provide additional comment through the NEPA review that relate specifically to the HCP aspect of the project.

(4) Safe Harbor Agreements. A Safe Harbor Agreement (SHA) is an agreement between the agency and a private landowner, providing that where a baseline habitat condition is established, actions that may enhance the habitat conditions and increase species prevalence on the property will not result in additional use restrictions beyond those that would have been applicable under the baseline condition. A Programmatic SHA provides a process to establish a baseline and details a list of actions that could be taken to support the species and then prescribes the "programmatic" or "blanket safe harbors" that will apply for any property owner who elects to participate.

- (a) Curry County's policy is that Programmatic SHAs may be beneficial depending on the species and the types of actions and specific locations affected by the specific species listing. Curry County may consider proposals to collaborate on and/or be the lead agency for the development of a Programmatic SHA for listed species known to exist or with habitat in Curry County. At a minimum, any such proposal brought to Curry County by a third party must include the following:
- i. Timeline to complete the Programmatic SHA.
 - ii. Contact information and any preliminary communications with the applicable FWS or NMFS field or regional office agent who is expected to be assigned staff support for the project.
 - iii. Estimated costs to develop the Programmatic SHA and the proposed responsible party(s) for the project costs. Costs should be itemized according to major categories like – GIS Habitat Mapping, Field Data Collection, Agreement Preparation, etc.

SECTION 1.14.060 FEDERAL PROJECT REVIEW

Certain projects that are federally funded, located on federal land, or require federal permitting are considered "major federal actions" and require the agency to perform an environmental review under the National Environmental Policy Act (NEPA). Projects subject to this section include both federal, state or local government project and private projects subject to federal requirements.

(1) Federal Projects. This section describes Curry County's general policies regarding federal actions subject to environmental review under NEPA.

- (a) If the project is of material interest to Curry County (as determined by Curry County leadership), then Curry County may request a role in the NEPA project scoping that may include, but not necessarily be limited to the following:
- i. Curry County and the relevant agency(s) will follow any procedures contained in a mutually adopted coordination agreement.
 - ii. Curry County will make reasonable efforts to provide constructive input to the agency(s) on the project purpose and need.
 - iii. Curry County will make reasonable efforts to provide constructive input to the agency(s) on the initial alternatives to be analyzed.

- iv. Curry County will make reasonable efforts to identify data needs and technical analysis the County believes are essential to the NEPA process during the scoping and project development stage. Examples of data needs and technical analysis that is of interest to Curry County may include, but is not limited to, issues such as: proliferation of invasive species; impacts to water quality or quantity; risk of wildfire; impacts to air quality; habitat mapping; and carbon emissions.
 - (b) Curry County supports maximizing net benefits to Curry County and minimizing adverse environmental impacts of the project.
 - (c) Curry County supports project alternatives that demonstrate the optimum economically achievable balance between national benefits, local benefits, and minimized adverse environmental impacts.
- (2) Selected Project Types. The policies in this section are directed at typical or common project types often located on Federal land. These project types should not be construed to represent the universe of potential project types or impair or limit the need for specific positions on the types of projects addressed in this section.
- (a) Waterworks.
 - i. Curry County supports waterworks facilities that expand access to low-cost domestic and/or agricultural water, create new tax revenue sources, provide employment, encourage technological development, improved public safety, provide aqueduct lease payments, and increase flood control.
 - (b) Recreation Development.
 - i. Curry County supports recreation facilities that expand recreation opportunities for local residents, create economic development opportunities, and enhance alternative recreation uses that currently exist or which would be suitable for the area.
 - (c) Transportation.
 - i. For transportation projects subject to transportation system planning under Oregon's land use laws, Curry County support will limit comments to the evaluation of NEPA alternatives for the planned projects.
 - ii. For projects that are not subject to transportation system planning under Oregon's land use laws, Curry County will evaluate projects based on the benefit to Curry County. These benefits may include

expanded access to federal lands, reduced travel times, and improved integration with the existing transportation system. For proposed closures or relocations, Curry County will consider how access will be retained, why the action is necessary to implement the management plan for the area, and what changes may occur on the existing transportation system in the affected area.

(d) Historic and/or Cultural Preservation.

- i. Curry County supports cultural and historic preservation projects that do not prevent implementation of other types of needed projects in the area. Where cultural and historic preservation prevents the implementation of other projects, Curry County will carefully consider the competing interests and related benefits to Curry County.

(e) Public Safety, Security and/or Property Protection.

- i. Curry County recognizes that public safety is of paramount importance and supports projects that protect life and property. Curry County supports all public safety, security and property protection projects that do not negate opportunities for other very high priority project.

(f) Timber Harvests.

- i. Curry County supports timber harvests that expand access to low-cost lumber for consumers and businesses, create new tax revenue sources, provide employment, improve public safety, and improve forest health.

(3) Application of the Federal Coordination Policy to Other Projects. The Federal Coordination Policy is not intended to restrict Curry County's participation in and comment on federal actions not specifically described in the preceding sections. The Federal Coordination Policy may function as a guide in such instances, but shall not be considered determinative. Moreover, many of such projects also require review by Curry County under state and local land use laws and regulations, in which case the Federal Coordination Policy shall not have precedence over any other type of information that may be submitted to the record during the course of a land use proceeding by Curry County. Such land use proceedings, and any decisions made therein, must be based on the requirements of state and local land use laws and regulations including, but not limited to, Curry County's Comprehensive Plan and Land Development Ordinance.