



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
AUGUST 6, 2019**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, August 6, 2019.

Those present at various times for the matters as indicated below were: Doug Marteeny, Linn County District Attorney; Russ Williams, Linn County General Services and Property Management Director; Lindsey Hart, Office Specialist II, Linn County General Services Department; Chuck Knoll, Engineer, Linn County Road Department; Robert Wheeldon, Linn County Planning & Building Director; Alyssa Boles, Linn County Senior Planner, Linn County Planning and Building Department; Lynn Merrill, Representative for the Applicant; other audience members; Rich Kellum; Alan Kwan and Caitlyn May, Reporter for the *Democrat-Herald*.

1, 2, 3. At 9:30 a.m. Vice-Chairman John K. Lindsey called the meeting to order. The flag salute and roll call followed. Commissioner John K. Lindsey, Vice-Chairman and Will Tucker were present, as well as, Ralph Wyatt, Linn County Administrative Officer and Marsha Meyer, Recorder for the Board of Commissioners. Commissioner Nyquist was out of the office.

4. Approval of Agenda.

Action – Commissioner Tucker moved to approve the agenda. The vote was called. The motion passed.

5. Approval of the July 30, 2019 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved to approve the July 30, 2019 Commissioners' Meeting Minutes. The vote was called. The motion passed.

6. Reports of Staff and Committees: There were no reports of Staff and Committees.

7. District Attorney – Doug Marteeny, Linn County District Attorney.

A. Resolution 2019-243 approving an Updated Physical Force Plan for Linn County.

Mr. Marteeny provided information in regard to this plan and indicated that there were no substantive changes made but there were changes made to the citations using the Oregon Revised Statutes instead of Senate Bill 111, along with, a few headings reorganized and renamed to provide a better reflection of the information contained in the paragraphs. Mr. Marteeny stated the changes were unanimously approved by the City of Albany and City of Lebanon and, now, he was before the Board to get their approval before forwarding the Plan to the Attorney General.

Action – Commissioner Tucker moved to approve Resolution 2019-243. The vote was called. The motion passed.

8. General Services – Russ Williams, Linn County General Services and Property Management Director.

A. Sealed Bid Openings – Account Nos. 928166 and 6466.

Mr. Williams stated that he received one bid for Account No. 928166 which was up for auction but did not sell. Mr. Williams then opened the sealed bid as follows:

The minimum bid was \$43,857 and the bid was received from Izzy Works 401K PSP David Allen Israel for \$44,000 which was over the minimum bid and included a check for the deposit. Mr. Williams recommended that the Board accept this bid.

Action – Commissioner Tucker moved that they sell the property with Tax Lot ID No. 928166 to Izzy Works 401K PSP David Allen Israel for the amount of \$44,000. The vote was called. The motion passed.

Next, in regard to Account No. 6466, Mr. Williams indicated that he received one bid. The Real Market Value was \$200 and there was no minimum bid. Mr. Williams added, for history sake, that the County had bought this property for \$1 in 1968. The Board asked why the County was selling it and Mr. Williams stated that the person (who they assumed was bidding on the property) owned the other lots surrounding this piece of property.

Mr. Williams opened the bid as follows:

The offer was for \$5 from Maryann Meredith and she included a Consolidated Tax Lot Request to consolidate the tax lots around this property.

Action – Commissioner Tucker moved to accept the bid of \$5 from Maryann Meredith for Tax Lot ID No. 6466. The vote was called. The motion passed.

B. Resolution & Order 2019-240 approving the sale of tax foreclosed properties for Account Nos. 25565, 44699, 69506, 111241, 199774, 271524 and 383865.

Mr. Williams stated that this Resolution & Order was for the deeds for the properties sold at auction.

Commissioner Tucker thanked Mr. Williams for getting this money back to Linn County and on the tax roll.

Action – Commissioner Tucker moved to approve the following deeds of property that were sold at the public auction:

Tax ID No. 25565 - \$115,000 to Freres Timber Inc.;

Tax ID No. 44699 - \$65,000 to James Newman;

Tax ID No. 69506 - \$85,000 to Sharon & Haywood Banks;

Tax ID No. 111241 - \$42,000 to Floyd Zumwalt;

Tax ID No. 199774 - \$14,000 to William Lamear;

Tax ID No. 271524 - \$64,500 to Pacific Northwest Investments, LLC;

Tax ID No. 383865 - \$37,700 to 3Lifestyle Holdings, LLC

and approved Resolution & Order 2019-240. The vote was called. The motion passed.

C. Resolution & Order 2019-242 approving an Access Agreement between Weyerhaeuser and Linn County and delegating authority to execute originals.

Mr. Williams indicated that the Access Agreement had expired. He stated that there was a legal review and Weyerhaeuser approved an extension of the Agreement for two years.

Action – Commissioner Tucker moved to approve Resolution & Order 2019-242 authorizing Russ Williams to sign the Access Agreement Lease between Linn County and Weyerhaeuser. The vote was called. The motion passed.

Commissioner Lindsey recessed the regular Board meeting at 9:49 a.m.

Commissioner Lindsey reconvened the regular Board meeting at 10:00 a.m.

9. Public Hearing – *Continued from Tuesday, June 25, 2019* – BC19-0002: Applications by Ronald & Virginia Henthorne for a Comprehensive Plan (Plan) Map Amendment and Zoning Map Amendment on a 108.59-acre property – Alyssa Boles, Linn County Senior Planner, Linn County Planning and Building Department.

Commissioner Lindsey stated that this was a continued hearing and called upon Ms. Boles to provide any additional information.

Ms. Boles stated that there were three memos to accept into the record: one dated July 10, 2019 with additional comments for the record received between June 25, 2019 and July 9, 2019; a memo dated July 17, 2019 with written responses; and, a memo dated July 24, 2019 with the Applicant's rebuttal. Ms. Boles stated that there were additional comments received after the cut-off date and they are not part of the record but are part of the Planning file.

Action – Commissioner Tucker moved to accept into the record the set of three documents collected and stamped as of July 10, 17 and 24, 2019. Commissioner Lindsey stated that the Recorder would stamp and exhibit the documents as she deemed appropriate. By consensus, the Board accepted the documents into the record.

Commissioner Lindsey closed the record.

Several audience members lifted up signs which read "Deny BC19-0002".

Commissioner Tucker stated that this decision was a hard one for him but his questions and concerns had been answered.

Action – Commissioner Tucker moved to approve the application by Ronald and Virginia Henthorne for a Comprehensive Plan Amendment and a Zone Map Amendment for a 5-acre minimum non-resource plan.

Commissioner Lindsey stated that he would not second the motion as he was having a hard time because there was still an issue he was not certain about. Commissioner Tucker stated that he had made a motion and asked if Commissioner Lindsey wanted to second the motion in order to be able to discuss his concerns.

Commissioner Lindsey seconded the motion.

Commissioner Lindsey stated that the issue he was having was a problem with the intensity of development. He stated he did not have a problem, per se', with the zoning change but he had a problem with the 5-acre site. He stated that the Board was only deciding on the zone change and setting minimums which are not part of the planning process. Commissioner Lindsey stated that the Board was only looking at the zoning and Commissioner Tucker agreed. Commissioner Tucker stated that, as he looked and read the material, he didn't believe that any of the lots would be 5-acres because they have to plot in roads, wells, septic systems and ways around both the elk and pigeon setbacks. With the challenges that will face the developer, Commissioner Tucker stated that this would be a difficult one to plot; this was not a plan for development but an approval of parcel site minimums and he believed the Applicant needed some flexibility and, this is why he moved for a 5-acre minimum.

Commissioner Lindsey stated that it didn't matter what was in the plan it's a zoning issue and the Board was just setting a minimum zone. Commissioner Lindsey duly noted that the Board would have difficulty with the road and there would be a lot of discussion about that and it would be heavily scrutinized. Commissioner Tucker agreed.

Commissioner Lindsey called the vote. The motion passed by consensus.

Commissioner Tucker directed Staff to create findings from the record and come back before the Board on Tuesday, September 17, 2019 with the Resolution & Order and Ordinance for their approval. Commissioner Lindsey agreed.

10. Correspondence: There was no correspondence to come before the Board.

11. Special Orders:

A. Personnel Action Forms were read into the record for: Melissa Kometz (Developmental Disabilities); Gregg Wren (Road Department) and Lisa Wilson (Veteran's Services).

Action – Commissioner Tucker moved to accept the Personnel Action Forms as read into the record. The vote was called. The motion passed.

B. Resolution 2019-250 reappointing members to the Linn County Local Public Safety Coordinating Council.

Action – Commissioner Tucker moved to approved Resolution 2019-250. The vote was called. The motion passed.

12. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars.

13. New Business: There was no new business to come before the Board.

14. Announcement: There will be an Elected Officials meeting held on Wednesday, August 7, 2019 at Noon at the Linn County Fair/Expo Center in Conference Room.

15. Business from the Public (3 minute limit per speaker): Mr. Rich Kellum stated that he had questions about Goldfish Farm Road. Commissioner Tucker recommended that Mr. Kellum speak with Russ Williams, Linn County General Services and Property Management Director. Chuck Knoll, Engineer, Linn County Road Department stated that he could respond to Mr. Kellum's questions and provided a brief explanation.

16. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:09 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, August 13, 2019.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS
 Chairman
 Commissioner
John K. Lindsey, Commissioner
 Commissioner
William C. Tucker, Commissioner
Date 8-13-2019