



**MINUTES OF THE REGULAR SESSION OF THE  
LINN COUNTY BOARD OF COMMISSIONERS  
TUESDAY AND THURSDAY MEETING  
LINN COUNTY COURTHOUSE – ROOM 200  
JUNE 25 AND 27, 2019**

**The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, June 25, 2019.**

Those present at various times for the matters as indicated below were: Jim Yon, Linn County Sheriff; Paul Timm, Linn County Undersheriff; Greg Klein, Sergeant Criminal Division, Linn County Sheriff's Office; Torri Lynn, Linn County Juvenile Department Director; Mark Volmert, Linn County Special/Rural Transportation Coordinator; Darrin Lane, Linn County Roadmaster; Brian Carroll, Linn County Parks and Recreation Director; Andy Stevens, Linn County Assessment/Tax Collector; 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; Allan Merrill; Debra Branson; Corby and Brenda Wilson; Phillip Callaway; other audience members; Lisa Walker; Andrew Barnett; Alan Kwan and Alex Paul, Reporter for the Democrat-Herald.

1, 2, 3. At 9:30 a.m. Vice-Chairman Lindsey called the meeting to order. The flag salute and roll call followed. Commissioners John K. Lindsey, Vice-Chairman and Will Tucker, Commissioner were present, as well as, Ralph Wyatt, Linn County Administrative Officer and Marsha Meyer, Recorder for the Board of Commissioners. Commissioner Roger 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 June 18, 2019 Commissioners' Meeting Minutes.

**Action – Commissioner Tucker moved to approve the June 18, 2019 Commissioners' Meeting Minutes. The vote was called. The motion passed.**

6. Sheriff's Office – Jim Yon, Linn County Sheriff.

A. Resolution & Order 2019-189 approving an Intergovernmental Agreement for housing inmates in the Linn County Jail between Benton County and Linn County and delegating authority to the Linn County Sheriff.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-189. The vote was called. The motion passed unanimously.**

7. Reports of Staff and Committees:

A. Juvenile Update – Torri Lynn, Linn County Juvenile Department Director.

Mr. Lynn provided the Board with a Juvenile Update for the month of May, 2019. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

He stated that two Measure 11 youths were still at the Juvenile Detention. The Yamhill youth was in the court process and had just hit the one-year mark of being at the Detention Center. Mr. Lynn mentioned that the Governor Brown signed Senate Bill 1008 which would become law in January, 2020; it reforms the Measure 11 charging of juveniles.

8. Special Transportation – Mark Volmert, Linn County Special/Rural Transportation Coordinator.

Mr. Volmert provided the Board with background information regarding Resolution & Orders 2019-198 and 199.

Commissioner Tucker thanked Mr. Volmert for his written report.

A. Resolution & Order 2019-198 approving a Grant Agreement (Contract No. 33427) between Linn County and the Public Transit Division for the Oregon Department of Transportation and delegating authority to execute originals.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-198. The vote was called. The motion passed unanimously.**

Mr. Volmert thanked the County Attorney's office for turning these two agreements around so quickly and doing a good job. He then thanked Marsha Meyer and Heather Gravelle for their efforts in putting together the Agenda and Minutes; they make it look effortless but it is an enormous task.

Mr. Volmert then explained that, generally, they have three other ODOT Agreements; however, after he reviewed them, they contained errors and he sent them back to ODOT for revisions. ODOT usually needs them done by June 30<sup>th</sup> to avoid getting "dinged" so he was working with the County Attorney and Department of Justice to be sure the documents were prepared timely even with ODOT getting the documents to the County extremely late.

B. Resolution & Order 2019-199 approving a Subrecipient Agreement for general transportation services between Linn County and Sweet Home Senior Center/Linn Shuttle.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-199. The vote was called. The motion passed.**

9. Road Department – Darrin Lane, Linn County Roadmaster.

Mr. Lane provided background information on the following items:

A. Resolution & Order 2019-177 approving a Contract Amendment (Change Order No. 1) for the 2019 Overlay Project between North Santiam Paving Company and Linn County.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-177. The vote was called. The motion passed.**

B. Resolution & Order 2019-178 accepting and recording certain real property granted to Linn County for road purposes (County Road Number 0367, Old Salem Road).

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-178. The vote was called. The motion passed.**

C. Resolution & Order 2019-181 approving traffic control regulation on a certain Linn County Road (Queen Avenue) County Road No. 0001 no parking.

Mr. Lane provided the Board with a copy of a map of the area which is filed in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Tucker stated that he had talked to Mr. Lane and that he had driven by the area. He stated that he was okay with no parking for a year but would like to see the results of infractions in that area. He stated that, when there are transients/homeless camping and people leaving their garbage, he is against it. Commissioner Tucker recommended that the Road Department continue to keep looking for access further down the road as he did not like people parking next to bridges and bridge abutments.

Mr. Lane stated that it was temporary since, at any time, the Board could change their mind and direct the Roadmaster, by Board Order, to remove it. He reviewed the map with the Board. Discussion followed.

Commissioner Lindsey asked if this request for traffic control came from the City of Albany and Mr. Lane stated, no, that it was actually initiated by an inquiry.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-181. The vote was called. The motion passed.**

D. Resolution 2019-184 approving the use of Foster Dam Road County Road Number 0938 by the Sweet Home Volunteer Firefighter’s Association for a public fireworks display.

**Action – Commissioner Tucker moved to approve Resolution 2019-184. The vote was called. The motion passed.**

E. Resolution & Order 2019-185 accepting and recording certain real property granted to Linn County for road purposes (County Road Number 0367 Old Salem Road).

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-185. The vote was called. The motion passed unanimously.**

F. Resolution & Order 2019-186 accepting and recording certain real property granted to Linn County for road purposes (County Road Number 0018 Brownsville Road).

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-186. The vote was called. The motion passed.**

10. Parks Department – Brian Carroll, Linn County Parks and Recreation Director.

A. Notice of Intent to Award – County Parks Concessions and Catering Services.

Mr. Carroll recommended the Award be given to NW Mobile Cuisine (N’Reeners). Mr. Carroll stated that N’Reeners would have a food truck at Lewis Creek Park.

Commissioner Tucker stated that he wished there would have been more than one responding to the RFP and, hopefully, others may apply next year.

**Action – Commissioner Tucker moved to accept the recommendation of the Parks Director of the Notice of Intent to Award to NW Mobile Cuisine. The vote was called. The motion passed unanimously.**

11. Assessor's Office – Andy Stevens, Linn County Assessor/Tax Collector.

Mr. Stevens provided background information on the following items:

A. Resolution & Order 2019-201 approving an Intergovernmental Agreement between the Department of Revenue and Linn County and delegating authority to execute originals.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-201. The vote was called. The motion passed.**

B. Resolution & Order 2019-203 approving a Professional Services Contract for Computer Services between Helion Software, Inc. and Linn County and delegating authority to execute originals.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-203. The vote was called. The motion passed.**

Commissioner Lindsey moved to the remaining Agenda Items 13-18 because the Public Hearing was not scheduled until 10:00 a.m.

*Commissioner Lindsey recessed the regular meeting at 9:55 a.m.*

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

12. Public Hearing – 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 read, into the record, the hearing requirements for the Public Hearing.

Commissioner Lindsey called upon Alyssa Boles, Linn County Senior Planner, Linn County Planning and Building Department, to review her Staff Report with the Board. A copy of the Staff Report is on file in the Linn County Clerk's Office in the Commissioners' Staff File. She also reviewed a PowerPoint showing a map of the area involved in this hearing.

Commissioner Lindsey read, into the record, the process for the Public Hearing and then called upon Ms. Boles to provide the Board with further information on the matter. She provided the Board with background information and referred to her Staff Report.

Commissioner Lindsey opened the Public Hearing.

Commissioner Lindsey asked the Board if they had any exparte communication regarding this matter and they both indicated that they did not.

Ms. Boles stated that the Applicant was proposing to amend the plan designation of their property from Farm/Forest to Non-Resource and amend the zoning from Farm/Forest to Non-Resource Five-Acre Minimum. She stated that the criterion applicable to this review was found in the Linn County Code, Section 921.822(A) and 921.874. Ms. Boles stated that notice was sent to those within 1,000 feet of the subject property and the Department received one written comment at the Planning Commission Hearing in opposition (Exhibit F in the Staff Report). She stated that the Board also received a memo yesterday, Monday, June 24, 2019, that contained an email that her Department received on Friday, June 21, 2019 requesting a continuance of the hearing for additional time to review the proposed application, as well as, two additional comments in opposition received yesterday, Monday, June 24, 2019 and one comment earlier this morning, Tuesday, June 25, 2019, which were provided to the Board before the hearing. Ms. Boles stated that notice was sent to 11 agencies and only two provided comments; one from the Linn County Road Department and a comment from the Oregon Department of State Lands which were in the Staff Report (Exhibit E). Ms. Boles then continued with further analysis of her Staff Report.

Ms. Boles stated that the Board would need to consider the application materials, evidence and testimony to determine if the property was not farm land or forest land and consider all the applicable criteria to see if the application complied with those criteria. She informed the Board that, on Tuesday, June 11, 2019, the Planning Commission voted 4-0 to recommend the Board approve the applications.

Commissioner Lindsey clarified that there were two different actions: one was the text amendment to change the zoning; and, the other was to set the minimum lot size criteria. Commissioner Tucker stated one was to change the zoning and the other one was

applying the map amendment. Ms. Boles stated that there was no plan text amendment; the Board was not adopting an exception.

Commissioner Tucker stated that, in the documents he received, there were multiple requests for a continuance from some asking for 14-days; a month and even 90-days. He asked if there was a limit to the number of days they could ask for a continuance. Robert Wheeldon, Linn County Planning and Building Director, stated it was up to the discretion of the Board as there was no time limit.

Commissioner Tucker stated that he had a perceived possible conflict of interest. He stated that Mr. Joel Kalberer, Attorney at Law, Weatherford, Thompson was in the audience and he worked with an Attorney, Andy Bean, from the same law firm. He stated that he had no ongoing relationship with Mr. Kalberer nor had they talked about the case before them today. He stated if that was a problem with any party at today's meeting, he would recuse himself. Commissioner Tucker stated that he had no exparte contact nor did he have any financial gain, investment or interest in this matter.

Commissioner Lindsey stated that he had no interest in ownership or any property or any perceived relationship with any individual in the area of where this property was located; however, he stated that he did have a Federal lawsuit that he filed against an employee of the law firm being represented in this room and indicated that Commissioner Tucker was associated with them as well. Commissioner Lindsey also stated that he grew up in Linn County and, as required by the State Department of Justice, he disclosed that he knows lots of people and may, or may not, have met anyone involved with this case but he did not have any perceived conflict of interest and could make a fair and impartial decision.

Commissioner Lindsey then read the time limits into the record for each party and called upon the Applicant for their testimony.

**Lynn Merrill – Acreage Land Solutions, 3215 Hannah Ave SE, Albany, OR 97322 – Representing the Applicant.**

He stated that this Application was going through the Non-Resource process which is fairly rare. Linn County relies on the individual to bring forward their property that meets the criteria and go through this process to get to where we're at today. It is the owner's right to have a fair shake under the process and the code has been in effect for quite some time.

He stated that he had spent over a year on this application and brought in all the best consultants they could (i.e. best soil scientist; best forest bio-nutritionist) and the owner is a retired Stewardship Forester in charge of reforestation for the Department of Forestry.

Mr. Merrill stated that they did a detailed review and talked with most of the affected agencies such as the Linn County Road Department, Fire Department and others. He stated that this had been a long time in coming and it seemed overwhelming when they saw it all in one shot. Mr. Merrill stated that they have done the pre-application process with the Linn County Planning and Building Department and have gone through the notice process (which are completely compliant with the requirements) with the neighborhoods and Public Hearings with exhaustive testimony and have a recommendation from the Planning Commission. Mr. Merrill stated that he understood the request for an extension and he did not protest that but did believe, given the amount of time that this process has been going and the fact that the report was fairly clear and attaches answers to every approval criteria, he believed that seven (7) days would be sufficient in order for others to put in additional comments in writing. Mr. Merrill stated that he was aware that there were new comments received today and he would like to have time to reply to those comments due to the fact that he saw a lot of factual issues.

Mr. Merrill stated that a lot of the concerns with the opposition did not relate directly to this process and the zoning and map amendment but, actually, related to the development permitting process (partitioning; sub-dividing). Regarding the issues relating to wildlife, there was a process within the code which he has begun with the Fish and Wildlife which affects where homes are and are not allowed and how development is constructed.

Mr. Merrill stated that, in regard to road approaches, he has worked with the Road Department and has had the local "Road Boss" on site. The area they are showing as an approach is a terrible location which we have not chosen but, instead, chosen a location that has a slope with sufficient site distance.

Mr. Merrill stated that, in regard to the mention of a letter from the Linn County Engineer, Chuck Knoll, that letter was actually an email written to Mr. Merrill after he requested Mr. Knoll's input in an informal pre-application process well ahead of this hearing. As Mr. Knoll stated in his email, it is based on GIS and publicly available information that he could see from his computer in his office. It is not as if he went into the field and gathered some new information that someone else couldn't have gone out and picked up. Mr. Merrill stated that it was informative and there was nothing within that that would restrict the zoning change.

Commissioner Tucker stated that his issue before them was very clear and everyone here to testify should be aware that what the testimony for today was not for the plan development; it was multiple separate processes which one of those includes looking at water and septic, etc. and finding the right solution. This was not the place to have those discussions. Commissioner Tucker stated that today's discussion was around whether or

not this was a non-resource land and what zoning overlay was applied. Mr. Merrill thanked Commissioner Tucker for his clarification.

Mr. Merrill stated that there were tens of thousands of dollars that goes into the process after this. He stated that he had Udell Engineering advising them and who will be working with the County Engineer. They will have consultants who will be working with the Fish and Wildlife and who have been on site and walked the entire property tagging important trees and habitat. There was no way to jump to the end point in the rezone process.

Next, Mr. Merrill stated that he knew there were folks in the audience who were opposed (he referred to audience member Corby Wilson) and stated that he did not believe that they could satisfy all of his concerns. He stated that he had offered to him, and anyone else in the neighborhood or stake holders, to sit down with him and personally go through their list of concerns and issues to address them in any way possible and to go through those things while still taking care of his client. He stated that there were things that were brought up that they could deal with. Mr. Merrill stated that Mr. Wilson's home was not within sight of the property; it was down the road from the property. He stated that Mr. Wilson has 2 ¼ acres of paradise right on the river that they built a house on in 2008 and this process and land use for the Henthornes' existed back in 2008 so it was a pre-existing deal. Mr. Merrill stated that Mr. Wilson had tried to exert control over Henthorne's hunting activities which were legally done. At this point, Brenda Wilson interrupted Mr. Merrill and Commissioner Tucker stepped in and informed Mr. Merrill that he needed to stick with the application and the criteria for this case and not get off on other matters. Mr. Merrill stated that, the point being was that the adjacent property owner had various issues and conflicts with Mr. Wilson.

Mr. Merrill then asked the Board if they had any questions he could answer. He stated that it was fairly straightforward but would be happy to provide clarification if the Board needed.

Commissioner Tucker agreed that the matter was pretty straight forward and the availability of water was one thing the Applicant would need to address down the road when going into the stage of development. He stated that, looking at the Henthorne's well logs, it bothered him a bit of what the other sites may offer up for water. Commissioner Tucker suggested that if there were to be a continuance that it may be worth investing the time and money to sink one or two more wells in areas where you may think homes may be located to address that issue. It is something, early on, that the Henthornes need to solve, both the septic and the water issue, if this matter gets approved today. They will need to move those things forward as part of the development. Commissioner Tucker stated that he had read in every letter concerns about those two issues. He described his own experience with wells. Commissioner Tucker stated that

these things being raised, if they have 90-days, they would try and solve one or two of those concerns.

Mr. Merrill stated that one of the problems with drilling a well out there was that the priority is really the septic systems. He stated that he feels, based off the geology, they could drill wherever was convenient for power locations and other layouts. The concern would be the 100-foot setbacks between the well and the potential septic location; any of these sites are non-resource and the soils are always going to be tough and get into your septic and be an issue. Mr. Merrill stated that his hope would be to go through the sanitarian and identify sites that work ahead of coming back in with a division application and, based on that, come back with the wells drilled and all those things in order. Commissioner Tucker stated that he was just making a suggestion regarding the concerns raised regarding this matter and that he could not ask him to solve any of those issues.

Commissioner Lindsey stated that the issue was availability of water which was something he cared about. He stated that, over and over in surrounding areas, there have been mistakes made about doing intensive development in rural areas without one well being drilled; five years after the development goes in there is no water. Commissioner Lindsey asked that, if this was done by certain intense development standards, will there be water down the road. Mr. Merrill replied, yes, and Commissioner Lindsey asked if he could prove that and Mr. Merrill stated, no, and this has always been the issue. Commissioner Tucker stated that they couldn't require that and he was just suggesting they do so. Mr. Merrill stated that he had spoken to well drillers, the pump installers, people that are familiar locally and spoken with a hydrologist about the location, as well as, the Oregon Water Resource Department and the Watermaster for the area. The consensus was that the aquifer tends to recharge up slow but there are literally thousands of acres of untapped areas and there were no irrigation wells in the area that would be tapping and the overall density of the homes in the area are low. On the other side of the river, there are irrigation wells but they are quite far removed and, according to the well logs, they are different systems. All the factors pointed to high static seasonal sag water levels coming all the way up to a high level so there was a head pressure on the aquifer and a good well right on the property surrounded by this property. Mr. Merrill stated that he, personally, drilled an adjacent well on the adjacent property and tested it extensively with pump testing. He stated that he knew of another well out there that was on the property that they have legal rights that would change that. Mr. Merrill stated that they could also take an easement that could be relinquished, if not needed, to the second well on the Henthorne property; it's been a great well and we have tested it with Mr. Henthorne. There are things that can be done to reassure at the phase of zoning.

Commissioner Lindsey called upon Allan Merrill who declined to speak. He then called upon those who signed the sign-in sheet to testify in opposition.

**Debra Branson – 38835 Crawfordsville Dr., Sweet Home OR 97386 – Opposed.**

Ms. Branson stated that she lived below the Henthorne's property. She stated that there were many issues why she was in opposition; however, it was mainly in regard to the water issue.

Ms. Branson stated when she moved there she had water rights to a spring on the Henthorne's property. Mr. Henthorne did some cat work and the spring dried up so he moved her to another spring and said she could use that until she got a well dug. Her well only puts out 10 gallons per minute so that is why water is such a concern to her. Ms. Branson had a letter to submit into the record. Commissioner Tucker asked that she provide them to the Recorder for the Commissioners' to read as he thought they would be doing an extension and would be able to read them at that time. Commissioner Lindsey stated that what she had submitted was the same thing that was received earlier by Ms. Boles so her letter would be submitted into the record at that time.

Ms. Branson stated that she was getting ready to retire and had sunk a lot of money into her place. She loves being out in the country and did not want all the traffic coming in if they develop that area. Their driveway would be right next to her property and it is really frustrating. It's all about the money.

Commissioner Tucker stated it was about the law and they have to follow the law.

**Brenda Wilson – 38784 Crawfordsville Dr., Sweet Home OR 97386 – Opposed.**

Mrs. Wilson stated that she and her husband also had a written response for the Board to consider and asked that it be made a part of the record. She also said that, in addition, there were several attachments including one about the B & B Complex Fire, Santiam Park Fire and the yearly bicycle ride events on Crawfordsville Drive that presents some road safety issues. Commissioner Tucker asked if she had multiple copies for the Board and she indicated that she did not.

Mrs. Wilson stated that their community was low income, some elder and some with the mental capacity that they could not come here today. She stated that they all have concerns that she has spoken about in regard to this development and they have written and signed a letter of concern and had asked Mrs. Wilson to present to the Board today (she stated there were 21 signatures) and have it be made a part of the record. She also stated that they were asking for more time to allow the community to understand the impact of this development on the rest of their community.

Next, Mrs. Wilson stated that she wanted to address the Statewide Planning Goal #1 which was citizen involvement. Commissioner Lindsey asked that Mrs. Wilson keep moving along with her testimony as there was a three-minute time limit. She agreed if she could continue with her testimony. She stated that citizen involvement was a requirement of land use planning in Oregon and the requirement for public participation was written in the first goal of nineteen in the statewide use planning system which she knew the Commissioners were well aware of. Mrs. Wilson stated that, neither Mr. Henthorne nor the developer had yet to approach any of the people in the community; mostly, those hugely impacted that border that property meaning Deb Branson, and her daughter Abby.

Commissioner Tucker interrupted Mrs. Wilson and asked her to not address the audience but to address the Commissioners. She stated that she would. Commissioner Tucker stated for her to keep facing the Board as they did not want people interacting with the public as they find that to cause escalation.

Mrs. Wilson continued stating that her point was that the community had not been involved and not aware or understood the notice. They do not have the capacity to understand it. No one approached them to explain it to them. She stated that Mr. Henthorne, living there as many years as he has who knows these community members, had not spoken to any of them. Only once or twice, two community members were spoken to about a possible easement and maybe some sort of an inclination to build a house for his son. Mrs. Wilson stated that the community she spoke to (she referred to the members on the list she provided to the Board) had not been involved. She asked that the Board please consider postponing any further hearing until the community could truly understand how this would impact them and give them time to talk to the developer and Mr. Henthorne.

Next, Mrs. Wilson stated that, at the Planning Commission meeting, she and her husband listened to Mr. Merrill explain that he would be happy to meet with them. They stood in line along with community members waiting to schedule a meeting with him he said NO; straight up nothing else. She asked the Board to please consider time to...Commissioner Tucker interrupted and stated that, in fact, there was a process the law sets for how the County notices people and when someone thinks about doing something on their property they don't need to ask their neighbors for permission, they look at the law. He stated that the law requires the County to notice the neighbors within an area and he thought that the County had done that but would check with Staff to make sure that notice was properly sent out to all the people that were inside the area that is required by law. Commissioner Tucker stated that they were not required by law to announce that people are thinking about doing something and are having conversation with departments but when the application is deemed complete, and then the County goes

through the process of notifying the neighbors. He said he was sorry that people couldn't understand the notice but would've hoped they would've called the Planning staff and still encouraged them to do so. He stated that he did know that someone had asked for an extension. Commissioner Tucker stated that he heard Mrs. Wilson's concerns about Goal 1. Mrs. Wilson stated that it was important to their community and thanked Commissioner Tucker for hearing that.

Commissioner Lindsey stated that he wanted to point out that the Counties are required to have Planning Commissions in the submittal process and written notification which meets the criteria of citizen involvement. We have had citizen involvement in this entire process and, technically by law, only we can approve this application and we do so through a Planning Commission and a public process to get the public's input. Commissioner Lindsey stated that he noticed a headline that Mrs. Wilson read in regard to the B & B Complex Fire and said that he hoped it didn't have anything to do with this process. Mrs. Wilson stated that article had to do with fire safety concerns. Commissioner Lindsey then explained how that fire impacted the Cascade pass due to poor forest management and had nothing to do with anything on the valley floor. Commissioner Tucker stated that they would read the article and determine if it applied to the decision criteria for this property.

Mrs. Wilson stated that she did have fire safety concerns and Commissioner Lindsey stated that her property was surrounded by one of the best timber companies in the nation for management located in Sweet Home, Oregon and that he would find it very difficult to see any type of disaster happening to federal land anywhere on that corridor. Commissioner Lindsey stated that that should alleviate a lot of people's worries. Mrs. Wilson stated that she appreciated Commissioner Lindsey's comments but that it did not alleviate her worries or concerns.

Mrs. Wilson urged the Board to consider Mr. Chuck Knoll's report as he also had grave concerns. She stated that there was a recent accident on Crawfordsville Dr. involving a bicyclist due to the bike events on that drive. A Crawfordsville resident hit a bicycle rider four weeks ago and seriously injured that rider; they still do not have an update on that person. She stated that she submitted information that showed the bike events that were planned and stated that the last event was a 300 bike ride on Crawfordsville Drive. Mrs. Wilson urged the Board to consider the road and traffic safety concerns as they consider this proposal. Also, she stated that, most importantly, for the Board to consider domestic water and water availability and viability. She stated that she respectfully requested the Board to please postpone any further hearing on this matter for at least 90-days to give the community time to understand more and to meet with Mr. Merrill and for him to stand up to his word to help us all understand.

**Corby Wilson, 38784 Crawfordsville Dr., Sweet Home, OR 97386 – Opposed.**

Mr. Wilson stated that his house was right across from the pigeon habitat. He stated that he was a lifetime Oregonian born and raised in Cottage Grove and came to Linn County in the summer of 1989 when he took a position at the Lebanon Fire District as a resident volunteer. He stated that living at the fire station and running calls gave him experience while becoming a paramedic and full-time engineer until 2015.

Mr. Wilson stated that he lived directly across from the proposed development and his number one concern was fire safety. He brought up the B & B Complex Fire because he was actually on that fire and one of his responsibilities was doing structure protection; he protected a multi-million dollar home on a private lake up there and it was scary. It opened his eyes to a lot of things. Although he may not know the in and outs of things and while Cascade Timber Company may be good at what they do, all he knew was putting that many homes where this is being proposed scared the heck out of him as a structural fire fighter. There is only one way in and, if you look at Chuck Knoll's report about the grades of the roads they are proposing, you're going to have to bring in water and there are no hydrants. Mr. Wilson stated that he didn't care what they said; it is unsafe. He stated that his experience backs him up on that. Just a couple of years ago, there was someone this past fourth of July, who parked their car in that area and lit up a firework which tipped over as they drove off; luckily, he was right there or else it would've burned right up the hill. There was not enough water and the fire department wouldn't get there in time; it is unsafe as his experience as a fire fighter. I care about life safety which is one of the biggest issues on here.

In regard to the wildlife urban interface, Mr. Wilson stated that there was plenty of documentation, not only in his, but in some of his neighbor's documentation. The other big thing was emergency medical response which had not been covered in a lot of these comments. He stated that, as a paramedic for the Lebanon Fire District, he went all over the valley on calls and last year there was a medical call right across the street from the proposed property. One of his neighbors had an anaphylactic reaction and he actually had to save that person's life and give her an epinephrine injection as they waited for medics to get there. Mr. Wilson stated that he could get the call times for the Board. Commissioner Lindsey stated that the Board sets the boundaries so they would be able to get the times. Mr. Wilson recommended the Board get that medical call and find out how long it took for the fire department to get there. Commissioner Lindsey wanted to clarify that Mr. Wilson was not represent the Lebanon Fire Department and Mr. Wilson stated that he was not and was retired from there. He only responded to this call because his neighbor called him. He gave additional details regarding this incident. Commissioner Tucker thanked Mr. Wilson for his service and for taking a personal risk of giving a shot without medical consultation and saving someone's life. Mr. Wilson stated that his point was that Mr. Merrill was going to pay for all of this through

higher taxes with these high-end homes and he did not see how it made sense to get people out there in their community to pay for all that.

Mr. Wilson stated that Mr. Merrill had been working on this proposal for two years and he's been working on this for two weeks.

Next, Mr. Wilson stated that the road was unsafe; you're going to kill people if you put more people on it. Commissioner Tucker stated that he talked to the Linn County Roadmaster on a regular basis and looked at crash data. Mr. Wilson stated, as a paramedic, he had helped people on that road; there are crashes on that road all the time.

Mr. Wilson stated that, since he was attacked by Mr. Merrill, Commissioner Lindsey interrupted and said no personal stuff here; stick to the application. Mr. Wilson stated that none of them were approached by Mr. Merrill but he says he has been in contact and actually made a statement a couple of times that he had been in contact with people about being a part of this. The first time I met this guy was at the Planning Commission meeting the other night. Mr. Wilson stated that Mr. Merrill had been on this piece of property and the other property for three years so why hadn't he come to meet them. He had to tell Ms. Branson that this road was going right through the back of her house and held her as her dreams were being destroyed by these guys; come on, that was not the way this County should work. Mr. Wilson addressed Mr. Merrill and said you wouldn't want that happening to you; come on dude, we have to live there. Commissioner Tucker addressed Mr. Wilson and told him to keep his comments to the Board. Mr. Wilson apologized and said this was their life. Commissioner Tucker stated that he did not want any confrontation here and that Undersheriff, Paul Timm, was in the room and asked Mr. Wilson to keep his comments to the Board.

**Phillip Callaway – 38717 Crawfordsville Dr., Sweet Home, OR 97386 – Opposed.**

Mr. Callaway showed the Commissioner's where his property was located on the map. Commissioner Tucker stated that he did not think that the Board had a letter from Mr. Callaway and he stated that, no, he did not submit a letter. Mr. Callaway stated that his property was 38-acres with the pigeon sprays marked in yellow.

Mr. Callaway stated that he wished to address the public input process. He attended the Planning Commission meeting and was very disappointed in how the public was treated and that the Commission was not interested in what the neighbors had to say; it really bothered him. He stated that he had lost a lot of faith in the County process and, since the County rarely has a rezoning like this and as far as he was told, haven't had one near this size in the last ten years, that you would be paying close attention that there would be good discussion with the Planning Commission about fire safety, roads, pigeon habitat; none of that was discussed. Mr. Callaway stated that he felt like they were ready to rubber stamp it and move it on and was just going through the motions; he was cut off almost immediately. Mr. Callaway had gone from being neutral on this application to being opposed to it because he felt like he had to in order to get the County to listen to him.

Mr. Callaway stated that he was a member of the Oregon Small Woodlands Association and had mature timber on all his property and would be managing his timberland for the health of the forest and conservation of the pigeon habitat. He stated that he was developing a Forest Management Plan and planned on maintaining the mature timber and interested in carbon sequestration.

Mr. Callaway stated that he would like to take his time to address the Decision Criteria No. 2: the amendment will be compatible with the adjacent uses and will not adversely impact the overall use of the pattern in the area. Mr. Callaway stated that, as he understood it as it was briefly discussed at the Planning Commission and at this meeting, the Board was deciding on both the non-resource use and on the 5-acre minimum. Commissioner Lindsey stated yes. Mr. Callaway stated that he was not fighting the non-resource use and that he stood at the counter of the Planning Department and read through all the application and knew Ron Henthorne. He believed that Mr. Henthorne had tried hard to establish a tree farm on his property and he believed that it would not support that. Mr. Callaway stated that he had no problem with re-zoning to non-resource. However, the problem he had was with the 5-acre minimum. He stated that it was entirely inappropriate to put 20 homes at that sight and wanted to, specifically, talk about wildfire risk. He stated that he was sure the Board knew that if there was a wildfire and all his mature timber burned; there was no way to insure he would be compensated. In terms of the pigeon habitat, specifically, he knew that there was a zone overlay but he could not tell how that was affecting the County's decision at all. The pigeons need roosting trees around that mineral spring. Mr. Callaway stated that he had been told that there were only six mineral springs in the whole Willamette Valley and this was the most important one. If all those trees burned up and there were now no trees for those pigeons to roost around that spring, you've destroyed a very important component of their life cycle.

Commissioner Tucker clarified that the Planning Commission members take the time to read the documents, attend seminars and work with the staff to educate themselves but they don't deal with them often. They are a lay body and they attempt to do a great job of educating us. He asked Mr. Callaway that if he would be interested in serving on a County Board or Commission, he would be happy to see him apply for one. Commissioner Tucker stated that he was sorry that, in the process of that evening, Mr. Callaway didn't feel that he was respected as an individual and was not heard. He stated that he had not, and could not; talk to any of the members of the Planning Commission until this process was concluded and could only read their recommendation. Commissioner Tucker stated that he would take Mr. Callaway's' concerns back to the Director and ask that he talk to that Commission's Chair to make sure that they met the law and intent which was to engage the public in this process.

Mr. Callaway stated that he appreciated Commissioner Tucker telling them the specifics of septic systems and wells and he appreciated that; he was trying to directly address the criteria on this decision that 5-acres was not appropriate for 20 homes. He stated that, if the Board was making the decision now, or very soon, about the number acres that will be allowed, 5-acres were not appropriate. Commissioner Tucker stated that he understood as the Board develops property on hillsides and other slopes zoned as 5-acres, sometimes the lot such as a 12-acre lot that they need to get access to well and septic. The septic system and road system is usually the thing that

dictates how many lots are actually allowed. He stated, in this case, he didn't know that yet as the Applicant did not present any draft plan for the Board to see; that may be a good question to ask. Commissioner Tucker stated that when the County says a 5-acre minimum there may be more acres with six lots but they don't know that yet until the Applicant tries to plot roads, water and septic and figure out those processes. The Board will be setting the smallest size that can be allowed there and that is what we are trying to figure out and whether or not it is non-resource. Beyond that, the Board was not looking at the actual development today.

Mr. Callaway stated there was an important comment he meant to make which was there had been discussion of whether or not wildfire risk increased or decreased as a result of this type of development and, what you have now, Ron Henthorne is a retired State Forester and highly aware of Oregon Department of Forestry (ODF) regulations and he has managed it for timber production and worked with commercial timber operators; he is careful and highly aware of timber regulations. You go from that to possibly 20 homeowners, some of which may not know anything about ODF regulations, and you cannot convince me that the fire risks is going to go down; one person, highly aware of ODF regulations to 20 people some of which are likely to not have any awareness. Commissioner Tucker stated that the Board recognized that people drive and recreate and trespass but, in these criteria, he was not being told that it is safer or unsafe or higher risk to have homes. Once the Board makes this a non-resource 5-acre, they have to follow the planning rules for residents and not for farm-forest. Mr. Callaway stated that they will still be subject to ODF fire regulations and it is all about awareness.

Commissioner Lindsey stated that on the 5-acre minimum Mr. Callaway stated that that was really his problem and he asked if there were any other concerns. Mr. Callaway stated, yes, intense development as Commissioner Lindsey termed it. Mr. Callaway did not think an intensive development was appropriate and not compatible with adjacent uses and he thought it would adversely impact the land use pattern of the area. They [other developed lots] are single lots lining the road; there is no sub-division like you're talking about.

Commissioner Lindsey then asked if there was anyone else who would like to speak in opposition. Mrs. Wilson asked if she could add a comment. Commissioner Lindsey allowed it. Mrs. Wilson stated that she wanted to add on to Mr. Callaway's comments and asked the Board to truly consider his comments. She stated that she also wanted the Board to consider what happened at the Planning Commission meeting and there is a recording of that meeting. She stated that it was horrific how they were treated by those members. It didn't seem like a public meeting at all and Mrs. Wilson asked the Board to please listen to the Commission recording as this was not how this process should work. Commissioner Tucker stated that they would not be able to listen to the recording until after this process was completed. Mrs. Wilson stated that she understood.

Commissioner Lindsey then asked the Applicant's representative if he would like to provide a rebuttal.

Mr. Merrill stated that, in regard to the Planning Commission meeting, this meeting had been much, much more civil and less profanity and of a different nature. He also recommended, when

this process was over, that it would be worth the Board listening to the recording to have their own reflection on that process. Commissioner Tucker made a few comments.

Next, Mr. Merrill stated that he wanted to address a few things and also wanted the record to be open for seven (7) days to review the written comments and to reply, in more detail, to the verbal comments made here today. He believed that a lot of those comments could be addressed. Mr. Merrill stated that he did offer to meet with Mr. Wilson and his wife and they refused that meeting for the reason that they wanted a community meeting where he would organize a town hall type meeting and bring everybody; and that was a fact. He stated that he still extends the offer to meet with any of the neighbors, personally, to hear their concerns and try to address them.

Mr. Merrill stated that, as far as fire, it was an important issue and this was an area, in recent years that had poor soil. We've seen this all over Linn County. He stated that he had met with Cascade Timber Company (CTC) and sat down with them to go over what they're doing. They indicated that they had harvested their timber adjacent to two sides because the die off was occurring and it was a fire risks for their other investments up slope. CTC wanted this addressed on the Henthorne property and Ron knows it needs to be addressed and was taking alternate action with his property because he knows it has failed and, climatically, he was not going to be able to establish a Douglas Fir tree farm on that site. Mr. Merrill stated that they have talked with the Sweet Home Fire Chief and went over the plans and talked to Udell Engineering looking at this issue and everyone had the consensus that they needed to remove the dead and dying fir to minimize the fire risks to everyone else in the area. He stated that they had established water storage (referred to the pond in the upper corner of the map) and was working in cooperation with CTC and the fire department to make sure they had access to that for emergency water storage. CTC had requested an easement to that from their property and, in-turn; they were going to provide the Applicant with an emergency fire easement through their property. Mr. Merrill stated that they were discussing doing the same on the other side, as well as, circling the property with a fire trail would be a recreation walking trail and, in an emergency; allow them to have those fire breaks. He stated that they were working with an engineer to design the road layout so that there are areas that are controllable as fire breaks within the area; areas that they can clean enough rock off the ground and strips maintained as the homeowners association to deal with. Mr. Merrill stated that they were working on detailed actions with the other parties. He stated that he would like to hear specific concerns; but, these things were going to happen in a later process in development and design and not necessarily this early in this setting.

In regard to the number of parcels, Mr. Merrill stated that someone mentioned 20 parcels; he stated, if this was a perfectly sloped flat site with just the right amount of slope and we could figure out how not to dedicate County roads and still access everything (which was really a pipe dream), it would be hard to get the number of parcels that they mentioned out of this with a 5-acre zone. We have to dedicate roads on the property which would be County right-of-way. He stated they had been working with the Sweet Home Fire Department to have road grades which meant they had to have switchbacks and cuts; all these different things which creates setbacks from septic systems and where they can put them. We have drainages that have to be protected, as well as, the interest of the fish and wildlife folks that want them to protect certain areas. Mr.

Merrill stated that he didn't anticipate any structures within 600 feet of the spring at all. They are looking at parts of the property that would add to the total acreage of parcels or shifting away from there to find other sites and layouts. He stated that this was a logistical nightmare; you couldn't wave a magic stick and come up with that many parcels and, to take away the flexibility and make this all 10-acres, would actually reduce the flexibility to pick the best sites that fish and wildlife want or be the safest and best location. Mr. Merrill stated that they were asking for the flexibility to have that designation but this all gets addressed in the sub-division process. If there is some reason, within doing the sub-division process, that this doesn't work such as they don't have enough good wells, good septic sites or there is a fire hazard, all of that is caught in that process so it would be presumptuous to jump and say let's go from 5 to 10-acres would not be a magic fix. Mr. Merrill also stated that the properties come out of deferral in this zone so they are not going to be farm to forest so their purpose is to serve wildlife land. Those lands would not be incentivized for that; it would raise the taxes on those few.

Mr. Merrill stated that, as far as the Planning Commission hearing, it was fairly exhaustive and the kind of comments here were the kind of comments they heard before. People will have a chance to make those comments in the sub-division process.

Commissioner Lindsey referred back to something that Mr. Merrill commented on that he was a little bit worried about. Mr. Merrill said fish and wildlife planning out roads. Mr. Merrill said no. Commissioner Lindsey said if there is ever going to be a road his goal in life was that he never wanted to see a slide ever again. So there needs to be a real engineer that actually looks at something and says this is how it needs to be done. Mr. Merrill stated, yes, of course, and that Udell Engineering was working with them on this site and there are no mapped geological hazards. Commissioner Lindsey stated it worried him because Mr. Merrill used the word "fill" which he is talking about a fill heap that ends up in someone else's property because it was not properly constructed. Mr. Merrill stated that he knew the project Commissioner Lindsey was hinting at and it was not his project but a family member's project. He stated that he hasn't had that on any of his driveways in 20 some years of doing this. They were getting advise on all these things; as they layout a road, they go through all the multiple stakeholders, public safety is number one and the Road Department and Road Engineer, plus their engineer, all look at that. Then they're looking at how that affects the septic locations and looking at how that affects big game travel and corridors; how does it affect snags that fish and wildlife have tagged that they want for purchase of birds. Mr. Merrill stated that they have all these different stakeholders and he guessed it gets to his point of, as they are trying to satisfy all these different folks, they need that flexibility on the parcel size to be able to satisfy all those different stakeholders.

Mr. Merrill asked if there were any other questions he could answer. Commissioner Tucker stated that he thought they were good.

Commissioner Tucker asked staff to come up to the podium and, based upon the request he heard to keep things open, he understood that the comment period would be to leave the hearing open for opposition for 14-days written only; allow 7 or 14-days to respond. There are new documents today that have not been seen. Mr. Merrill stated that 7-days would be plenty for them to respond which would start at the end of the 14-days; Commissioner Tucker stated

yes. Mr. Merrill asked if they could make comments during the 14-days and Commissioner Tucker stated, yes, and told him to not send comments to the Board but send it to the people who have been here today so they will receive those documents as well.

Ms. Boles stated that the typical process in the code (and the Board has the discretion to determine the time limit) would be to have a set period for any written comments and then another set period, typically, at least 7-days for any response to those comments. Then a set period of time typically at least 7-days for the applicant to submit rebuttal for all the comments. Commissioner Tucker asked if it was 21 plus 7. Robert Wheeldon, Linn County Planning and Building Director stated 14-days for any party to submit any new written testimony. Then there is another time period for any party to respond only to those new written comments. Then you have a set time period for the applicant to submit his final written rebuttal. Mr. Merrill stated that he would like the option to waive his 7-days at the end. Commissioner Tucker stated he was happy that Mr. Merrill wanted to waive his 7-days but he was looking to staff to give the time periods.

Commissioner Tucker asked Commissioner Lindsey to close the Public Hearing. Mr. Wilson asked if they could request longer because they have members of the community that are actually...Commissioner Lindsey interrupted and stated that what he was about to do was the longest period they had done; so we are done with this.

Commissioner Lindsey closed the oral portion of the Public Hearing.

Commissioner Lindsey then stated that he needed to break-up the calendar because he would suggest that they do the 14-day all written with a 7-day for written response and then 7-days for the rebuttal. Then the Board would have 7-days as there was a lot of reading to do. Commissioner Tucker agreed. Commissioner Lindsey stated that from this date it would take them out five-weeks, however, Commissioner Lindsey would not be available so they looked at the following week and Commissioner Nyquist was scheduled out but Commissioner Tucker stated that it could still be set because Commissioner Nyquist was not a party to these proceedings. Commissioner Lindsey stated that they could postpone any decision, for any reason if needed, until Commissioner Nyquist returned. Commissioner Lindsey wanted to have a back-up date if the Board was unable to reach some sort of decision and Commissioner Nyquist needed to be a part of the proceedings. Ms. Boles stated that Commissioner Nyquist would need to listen to the entire hearing. Commissioner Lindsey stated that, if there was a problem, it would require Commissioner Nyquist's presence. Commissioner Tucker asked if Commissioner Lindsey was worried about a split decision; Commissioner Lindsey stated, yes, and that they needed to have a plan.

Commissioner Lindsey then stated that the Board would not meet on this matter until 10:00 a.m. on Tuesday, August 6, 2019. Commissioner Tucker clarified the time limit: 14-days to come up with new written material; 7-days to rebut that new material and; after that, 21-days, only for the Applicant to respond. Then the Board would have 14-days, because of the Commissioners' vacation calendar, which meant they would meet at 10:00 a.m. on Tuesday, August 6, 2019.

**Action – Commissioner Tucker moved to accept into the record the following items:**

- **Planning Department’s Staff Report dated June 25, 2019 (Exhibit 1)**
- **Document dated June 24, 2019 email from John Ogan received June 21, 2019 (Exhibit 2)**
- **Packet of material received from the Planning Department dated June 25, 2019 including another email from John Ogan (Exhibit 3):**
  - \* **Another email from John Ogan received June 24, 2019;**
  - \* **Public Comment and photos from Debra Branson received June 24, 2019;**
  - \* **Email from Effie Ogan received June 24, 2019;**
  - \* **Public Comment and photos from Effie Ogan received June 24, 2019;**
  - \* **Email and well log from Brandon Higholt received June 25, 2019;**
- **Signatures and a memorandum from citizens and signed document about concerns (Exhibit 4);**
- **Letter to the Board of Commissioners from Corby and Brenda Wilson (Exhibit 5);**
- **Article typed about the Santiam Park Fire from Corby and Brenda Wilson 2-page with second page blank (Exhibit 6);**
- **B & B Complex Fire (seems to be a newspaper article but did not indicate where it is from) submitted by Corby and Brenda Wilson (Exhibit 7); and,**
- **Document from Corby and Brenda Wilson addressed to Corby about yearly bicycle rides (Exhibit 8).**

**Commissioner Lindsey stated that the Recorder would mark these documents as Exhibits as she deemed appropriate.**

Mr. Wheeldon asked the Board to, again, confirm the actual dates. The hearing was closed to all testimony and the written record would be left opened until Tuesday, July 9, 2019 for any party to submit new written testimony, arguments or evidence by 5:00 p.m. to be sent to the Planning and Building Department; then 14-days for any party to respond to any new or written evidence or argument submitted by the Tuesday, July 16, 2019 by 5:00 p.m.; and, then 7-day period for the Applicant to submit final written rebuttal limited issues raised by Tuesday, July 23, 2019 by 5:00 p.m.; and, then a two-week time period for the Board to assemble on Tuesday, August 6, 2019 at 10:00 a.m. at the Linn County Courthouse in Room 201.

Commissioner Tucker stated that Commissioner Nyquist may need to weigh in on this matter so, if need be, he would listen to the entire oral proceedings and read all the documentation submitted only if it became necessary.

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

14. Special Orders:

A. Personnel Action Forms were read into the record for: Ronald Jacobsen, Alondra Padilla Garcia and Pilar Peltier (Juvenile); Amber Viehweg (Parks and Recreation); Renee Green and Megan Simon (Planning and Building); Katrica Bosworth, Laura Jimenez and Brenda Zambrano (Public Health) and James Smith (Road Department).

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

B. Personnel Action Forms – Cost of Living Adjustment for Teamster employees.

**Action – Commissioner Tucker moved to accept the Personnel Action Forms for the Teamster Cost of Living Adjustment for 2.5 percent as Exhibit 1. The vote was called. The motion passed.**

*Later in the meeting, a correction was made to correct the amount approved for the Teamster's Cost of Living Adjustment from 2.5 to 2.25 percent which was correctly noted on the Personnel Action Forms.*

C. Resolution 2019-179 reappointing a member to the Linn County Budget Committee.

**Action – Commissioner Tucker moved to approve Resolution 2019-179. The vote was called. The motion passed.**

D. Resolution 2019-180 appointment of a Linn County Budget Officer.

**Action – Commissioner Tucker moved to approve Resolution 2019-180. The vote was called. The motion passed.**

E. Resolution & Order 2019-192 approving an Intergovernmental Agreement for Census Complete Count Committee between the Oregon Cascades West Council of Governments (OCWCOG) and Linn County and delegating authority to execute originals.

Commissioner Tucker stated that this was an agreement to delegate authority to the Oregon Cascades West Council of Governments to work with the cities to get an accurate count for the census.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-192. The vote was called. The motion passed.**

F. Resolution & Order 2019-200 approving an Amendment No. 1 to a Personal Services Contract between Public Affairs Counsel, Inc. and Linn County.

Ralph Wyatt, Linn County Administrative Officer, stated the Amendment was to correct the breakout totals indicated in the initial contract.

**Action – Commissioner Tucker moved to approve Resolution & Order 2019-200. The vote was called. The motion passed.**

G. Resolution & Order 2019-211 approving a Personal Services Contract between Mark Volmert dba Mark Volmert Consulting and Linn County.

**Action – Commissioner Tucker moved to approve the Resolution & Order 2019-211. The vote was called. The motion passed.**

Commissioner Tucker stated that he greatly appreciated Mr. Volmert's work and experience in combining funds for transportation to get people on bus routes.

H. Request for Refund from Linn County Environmental Health Department to William Eddings in the amount of \$745.

**Action – Commissioner Tucker moved to approve the Request for Refund. The vote was called. The motion passed.**

I. Request for Refund from Linn County Planning and Building Department to Todd Karo in the amount of \$697.82.

**Action – Commissioner Tucker moved to approve the Request for Refund. The vote was called. The motion passed.**

J. Approval of Wrecking License for B & B Auto Wrecking, Inc. with a Letter of Understanding.

Commissioner Tucker stated, for the record, that the Letter of Understanding was a template letter being sent reminding them of the County Code.

**Action – Commissioner Tucker moved to approve the Wrecking License Renewal for B & B Auto Wrecking, Inc. with a Letter of Understanding. The vote was called. The motion passed.**

15. Unfinished Business and General Orders:

A. Calendar Update – The Commissioners updated their calendars. Commissioner Lindsey stated that he would be out of the office Friday and Monday, June 28 and July 1, 2019.

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

17. Announcements: The Board will meet on Thursday, June 27, 2019 to approve the Linn County Annual Budget Adoption, as well as, the Governing Body of the 4-H and Extension Service District will meet to Adopt the 4-H and Extension Service District Annual Budget.

18. Business from the Public – Limited to three-minutes per speaker; state your name and address when called upon. There was no one wishing to use this forum.

19. Adjournment: There being no other business to come before the Board; by unanimous consent, the Board of Commissioners meeting was adjourned at 11:30 a.m. to Thursday, June 27, 2019.

**Minutes of the Linn County Board of Commissioners adjourned meeting, June 25, 2019 continued to June 27, 2019:**

Those present at various times for the matters as indicated below were: Michelle Hawkins, Linn County Treasurer/Budget Officer; many Elected Officials and Department Heads; Alan Kwan and Alex Paul, Reporter for the Democrat-Herald.

20, 21. At 9:30 a.m. Chairman Nyquist called the meeting to order and roll call followed. Commissioners Roger Nyquist, Chairman; 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.

22. Treasurer's Office – Michelle Hawkins, Linn County Treasurer/Budget Officer.

A. Order 2019-220 approving the transfer of certain appropriations within the Health Fund, \$100,000.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Order 2019-220. The vote was called. The motion passed unanimously.**

B. Resolution & Order 2019-204 adopting the 2019-2020 Linn County Annual Budget declaring the Tax Levy and making appropriations.

Ms. Hawkins informed the Board that the only large change within the Budget between approval and now was the authority to borrow money from the Road Fund positioned in departmental so the Board, if they chose to do so, could do with whatever they would like with that money. Commissioner Lindsey asked what the amount of money was and Ms. Hawkins stated it was \$2.5 million which Commissioner Tucker clarified was received in a PILT payment that came in just under the wire.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-204. The vote was called. The motion passed unanimously.**

23. Special Transportation.

Commissioner Tucker stated that the following Resolution & Orders were two contracts of a total four contracts that Mark Volmert, Linn County Special/Rural Transportation Coordinator, stated would be coming before the Board. Commissioner Lindsey stated that these were the two that were not ready when the Board met on Tuesday, June 25, 2019.

A. Resolution & Order 2019-206 approving a Grant Agreement (Contract No. 33494) between Linn County and the Public Transit Division for the Oregon Department of Transportation and delegating authority to execute originals.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-206. The vote was called. The motion passed unanimously.**

B. Resolution & Order 2019-208 approving a Grant Agreement (Contract No. 33584) between Linn County and the Public Transit Division for the Oregon Department of Transportation and delegating authority to execute originals.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-208. The vote was called. The motion passed unanimously.**

Ms. Hawkins asked if she could address the Board. She stated it was regarding the Special Transportation and that she was waiting on the packet from the State of Oregon but it hadn't made it to her office. She stated that she was having the checks cut as she has the money available but she hadn't received the money from the State yet. Her question to the Board was whether or not it was okay to put those checks into the mail so they could get to the agencies. Commissioner Nyquist asked if they could be delivered since it was Thursday, June 27, 2019 (close to the end of the fiscal year). Ms. Hawkins suggested she call the agencies and they could come and pick up the checks. Commissioner Nyquist stated that he would, instead, deliver the checks. Ms. Hawkins stated the checks would be cut tomorrow morning, Friday, June 28, 2019 and would be ready around 9:00 a.m. The Board agreed.

24. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 9:35 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, Tuesday, July 2, 2019.

, Recorder  
For Board of Commissioners  
Marsha Meyer

**LINN COUNTY BOARD OF COMMISSIONERS**



Roger Nyquist, Chairman



John K. Lindsey, Commissioner

**ABSENT**

William C. Tucker, Commissioner

Date 7-16-2019