



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
OCTOBER 22, 2019**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, October 22, 2019.

Those present at various times for the matters as indicated below were: Rob Perkins, Supervising Probation Officer, Linn County Juvenile Department; Russ Williams, Linn County General Services and Property Management Director; Robert Wheeldon, Linn County Planning and Building Director; Alyssa Boles, Senior Planner, Linn County Planning and Building Department; David Coulombe, Attorney for Ken Wachal; Scott Bruslind; Alan Kwan and Alex Paul, Reporter for the Democrat-Herald.

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

4. Approval of Agenda.

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

5. Approval of the October 15, 2019 Commissioners' Meeting Minutes.

Action – Commissioner Lindsey moved to approve the October 15, 2019 Commissioners' Meeting Minutes. The vote was called. The motion passed.

6. Reports of Staff and Committees:

A. Juvenile Update – Rob Perkins, Supervising Probation Officer, Linn County Juvenile Department.

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

Mr. Perkins stated that the Measure 11 Yamhill County youth was released to a Youth Correctional Facility in September, 2019. Commissioner Nyquist asked about the 35 cases that Mr. Perkins stated was unassigned. Mr. Perkins explained that there are cases that have processed in but have not gone to the District Attorney's office for either a legal opinion or language. Commissioner Nyquist stated, to be clear, that it's not that these youth are not getting the attention needed but was due to the turn-around time. He asked Mr. Perkins if he would provide him with a report of where they've been, in regard to the turn-around time, and where they are today. Mr. Perkins stated that he could have that information to him sometime next week and they are always striving to improve the time it takes to get the youth processed. In fact, he stated that Torri Lynn, Linn County Juvenile Department Director, had recently met with the District Attorney regarding this matter.

Commissioner Lindsey asked about the graph showing the person-to-person crimes. Mr. Perkins reviewed the graph with the Board and stated that these were single allegations not multiple allegations per youth. Commissioner Nyquist commented that it was probably due to the new school year starting.

The Board thanked Mr. Perkins for the good work and encouraged him to keep it up.

7. County Attorney – Gene Karandy, County Attorney for Linn County.

Mr. Karandy did not appear before the Board in regard to this matter.

A. Resolution & Order 2019-357 in the matter of annexation of a parcel of land to the Scio Rural Fire Protection District (Jeremy Toews).

Commissioner Lindsey stated that this matter was in regard to the property owner wanting to be placed within the Scio Rural Fire Protection District.

Action – Commissioner Lindsey moved to approve Resolution & Order 2019-357. The vote was called. The motion passed.

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

A. Bid Award – Washington Street Re-roofing Project.

Mr. Williams stated that the bids for this project were reviewed and the leading bid was at a great price and they were from the area which meant less travel time. He also stated that the bids were reviewed by a consultant who recommended the bid be awarded to Umpqua Roofing Company for \$188,790.

Action – Commissioner Lindsey moved to award the Washington Street Re-roofing Project to Umpqua Roofing Company. The vote was called. The motion passed.

B. Resolution & Order 2019-346 approving a Sale of Tax Foreclosed Property by private sale, Account No. 711685.

Action – Commissioner Lindsey moved to approve Resolution & Order 2019-346. The vote was called. The motion passed.

Commissioner Nyquist commented that he had had a conversation with a constituent where the County had sold an alleyway to him for \$300; he didn't want it but accepted it. Now, he has received a tax statement valuing that property for \$2,400. He asked Mr. Williams if they talk with the Assessor's Office when making these sales. Mr. Williams replied that, yes, they do talk with the Assessor's Office regarding value and impact of taxes. Commissioner Nyquist stated that, more than likely, the buyer will appeal his property taxes and, based on what he paid the County for the property, he will win. Discussion followed.

Commissioner Nyquist recommended that Mr. Williams build into his procedures to communicate with the Assessor's Office first in order to avoid this situation in the future and Mr. Williams stated absolutely. Commissioner Nyquist believed that the Assessor's Office was doing a global look at the property without knowing the background.

Commissioner Nyquist recessed the regular Board meeting at 9:50 a.m.

Commissioner Nyquist reconvened the regular Board meeting at 10:02 a.m.

9. Public Hearing – (Continued from Tuesday, September 24, 2019) PD17-0220 – Resolution No. 2018-030; Remand by the Land Use Board of Appeals (LUBA) of Resolution No. 2018-030, which approved a conditional use permit for a farm-relative dwelling issued by Johannes Farr (Applicant) – Alyssa Boles, Senior Planner, Linn County Planning and Building Department.

Commissioner Nyquist called upon Alyssa Boles to provide information regarding this matter. Ms. Boles explained that this was a continuation from the hearing held on Tuesday, September 24, 2019 where the Board left the record open for additional comment, evidence and argument. She stated that the Board received three memos dated as follows:

1. October 3, 2019 Memo (*Exhibit 5*) – Applicant’s floodplain statement; Applicant’s representative Land Evaluation Site Assessment (LESA) statement; a copy of the LEAS publication; Appellant’s post-remand submission letter; the second declaration of Ken Wachal; declaration of Marilyn Wachal; declaration of Patricia James; and, a declaration of Ray James.
2. October 9, 2019 Memo (*Exhibit 6*) – Memo containing written responses to additional comments with one response from the Appellant submitted by the Appellant’s representative.
3. October 17, 2019 Memo (*Exhibit 7*) – The Applicant’s written rebuttal attached to the memo.

Action – Commissioner Lindsey moved to submit into the record the memo containing the documents from October 3, 2019 date stamped October 3, 2019; the memo from October 9, 2019 with attached documents date stamped October 9, 2019; and, the memo dated October 17, 2019 and attached documents date stamped October 17, 2019 and directing the Recorder to mark them as exhibits as she deems appropriate. The vote was called. The motion passed.

Commissioner Lindsey asked what the pleasure of the Chair was. Commissioner Nyquist asked if there was a motion.

Commissioner Lindsey stated that the Remand contained four issues from the Department of Land Conservation & Development (DLCDC) that needed to be addressed:

1. Mr. Farr had to prove that there was adequate water supply and, Commissioner Lindsey’s interpretation of the evidence received, Mr. Farr had proved that with the water right and other tests for potable water.
2. In regard to the floodplain issue, there was a map submitted of the septic system that was approved and constructed with permits for the approval.
3. There needed to be demonstration of the relative farm work and Mr. Farr submitted evidence proving that the main source of income from his farm was from his property and that his age and physical condition necessitated the need for help.

4. The type of farm operation it was, according to evidence submitted and testimony, it was Commissioner Lindsey's view that the commercial farm operation was within the meaning of OAR 660-033-0130(9) that this was a farming operation.

Commissioner Lindsey stated that he believed Mr. Farr had addressed these issues with enough supporting documentation that he would move to approve the Remand.

Action – Commissioner Lindsey moved to approve the Remand of Resolution No. 2018-030 and approve the application and findings.

Commissioner Nyquist stated that this was a hard case for him, in part, because he understood that the contention and assertion that moving to hemp was a different type of operation and there was substantial uncertainty and confusion about the relationship of hemp, marijuana and agriculture. To this date, as he understood the law at this time, hemp was recognized both federally and by the Oregon Department of Agriculture as an agricultural crop. Given that, it was reasonable and prudent for farmers to rotate crops. Commissioner Nyquist stated that should he or the Board rule that the conversion to hemp would, in fact, make it a new application or conditional use permit invalid when they rotated crops would set a chain of events for many conditional use permits that are within the County. Commissioner Nyquist stated that he was going to vote for the motion and do it with some concern about the uncertainty and concern of prospects going forward that there are two constituents, Linn County neighbors/residents, who live in the same area and one hopes would get along and enjoy their lives. The facts are what they are and the Board needs to make a decision.

The vote was called. The motion passed.

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

11. Special Orders:

A. Personnel Action Forms were read into the record for: Spencer Byrd (Developmental Disabilities); Samuel Partipilo (Environmental Health); Kevin Husk and Rhonda Nicholas (Juvenile Detention); Brandi Weaver and Jay Wung (Mental Health); Donovan Faulkner, Christopher Jernigan and Rebecca Szuch (Parks and Recreation).

Commissioner Nyquist noted that the three park employee layoffs were temporary help.

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

B. Resolution & Order 2019-351 approving a Personal Services Contract between Mark Volmert dba Mark Volmert Consulting and Linn County.

Ralph Wyatt, Linn County Administrative Officer, stated that Mark Volmert would continue as Linn County's Special/Rural Transportation Coordinator and handle the County's special transportation matters.

Action – Commissioner Lindsey moved to approve Resolution & Order 2019-351. 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: The Board announced that beginning Tuesday, October 29, 2019 and possibly through Tuesday, November 26, 2019 the Board will be conducting their weekly meetings in the Courthouse Basement Meeting Room (subject to change).

15. Business from the Public (3 minute limit per speaker): There was no one present from the public wishing to use this forum.

16. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:20 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, October 29, 2019 in the Courthouse Basement Meeting Room.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


William C. Tucker, Commissioner

Date 10-30-2019