



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
OCTOBER 23, 2018**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, October 23, 2018.

Those present at various times for the matters as indicated below were: Torri Lynn, Linn County Juvenile Department; Brian Carroll, Linn County Parks & Recreation Director; Darrin Lane, Linn County Roadmaster; Robert Wheeldon, Linn County Planning and Building Director; Alyssa Boles, Senior Planner, Linn County Planning and Building Department; Rich Kellum; Alan Kwan; Art Martinak; Cory Koos; Telly Wirth; Paul Harcombe; Joanne Manson, Oregon Military Department (OMD); Stan Hutchison, OMD; Chris Schrock; Stephanie Newton 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; John K. Lindsey, Vice-Chairman and Will Tucker were present, as well as, Ralph Wyatt, Linn County Administrative Officer and Heather Gravelle, Recorder for the Board of Commissioners.

4. Approval of Agenda.

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

5. Approval of the October 16 and 17, 2018 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the October 16 and 17, 2018 Commissioners’ Meeting Minutes. The vote was called. The motion passed unanimously.

6. Reports of Staff and Committees:

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

Mr. Lynn provided the Board with a Juvenile Update for the month of September, 2018. The update is on file in the Linn County Clerk’s Office in the Commissioners’ Staff File.

Mr. Lynn provided the statistics for youth being held in Linn and Benton Juvenile Detention Center; the number of youth on probation; how many hours were completed by Tier 1 and 2 of the Work Crew; reported there were no youth in the Time for Change Program and there was one youth held under Measure 11.

Commissioner Lindsey asked what the average age of dependency cases was and Mr. Lynn responded that he didn’t have that information with him but that he would check and get back to him. Next, Mr. Lynn stated that they had hired a part-time person to oversee the New Beginnings Garden and Native Nursery Project. The Detention School Program has incorporated horticulture as part of their learning methods and provides youth the opportunity to learn horticulture skills. Brief discussion followed.

Commissioner Nyquist pointed out the chart in the staff report regarding drug and alcohol offenses within a 12 month period and asked about marijuana offenses. Mr. Lynn responded that since marijuana was legalized in 2015, referrals had gone up about 150 percent and that half of those youth are between the ages of 13 - 15. Discussion followed. Commissioner Nyquist asked if Mr. Lynn could forward him any data that he had on the matter and Mr. Lynn stated that he would.

Lastly, Commissioner Tucker noted that all three Commissioners had participated in the Runaway Pumpkin Half Marathon this year and that he appreciated the Juvenile Department’s Work Crew being there to assist with the clean-up; they did an excellent job.

B. Resolution & Order 2018-238 approving an Intergovernmental Agreement for the Juvenile Detention Facility between Yamhill County and Linn County.

Mr. Lynn provided the Board with an overview of Resolution & Order 2018-238.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2018-238. The vote was called. The motion passed unanimously.

7. Parks & Recreation Department – Brian Carroll, Linn County Parks & Recreation Director.

A. Director’s Recommendation to move forward with the 092 Linn County Kinney Creek Timber Sale.

Mr. Carroll provided the Board with background information regarding the matter. He stated that a competitive bid process was held, four bids were received and Freres Lumber Company had submitted the highest bid. Brief Discussion followed.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the Director’s Recommendation. The vote was called. The motion passed unanimously.

B. Resolution & Order 2018-335 accepting a timber sale bid and delegating authority to the Linn County Parks and Recreation Director to execute a contract on behalf of Linn County.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2018-335. The vote was called. The motion passed unanimously.

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

A. Resolution 2018-341 delegating authority to Darrin L. Lane Roadmaster, to purchase a four-wheel hydrostatic drive chip spreader.

Mr. Lane provided the Board with background information regarding Resolution 2018-341.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2018-341. The vote was called. The motion passed unanimously.

Commissioner Lindsey thanked Mr. Lane for his work and mentioned that he had received “kudos” from a citizen in regard to a site issue that the Road Department resolved on Powell Hill.

Commissioner Nyquist recessed the Regular Board meeting at 9:52 a.m.

Commissioner Nyquist reconvened the Regular Board meeting at 9:59 a.m.

9. Public Hearing – BC18-0003 – Applications by the Oregon Military Department (OMD) for a Comprehensive Plan (Plan) Text Amendment to adopt a Reasons Exception to Statewide Planning Goal 3, along with concurrent Plan Map and Zoning Map amendments, affecting approximately 34-acres of land – Robert Wheeldon, Linn County Planning and Building Director.

Commissioner Nyquist read, into the record, the process for the Public Hearing and then called upon Robert Wheeldon to provide the Board further information on the matter.

Mr. Wheeldon provided the Board with background information and referred to the Staff Report he submitted to the Board which is on file in the Linn County Clerk’s Office in the Commissioners’ Staff File.

Commissioner Nyquist opened the Public Hearing.

Commissioner Nyquist asked the Board if they had any exparte communication regarding this matter and they all indicated that they did not have any exparte communication. Commissioner Nyquist noted that he has had a few conversations over the years regarding the matter; but nothing specific on the criteria and that he could participate in a fair and unbiased manner.

Commissioner Tucker shared that he called the Oregon Department of Land Conservation and Development (DLCDC) and left messages but had not received a call back. He added that someone from Governor Brown’s Office did call him and they told him that he would not be receiving any communication from DLCDC on the matter for fear that it could be construed as exparte contact.

Next, Commissioner Nyquist noted, for the record, that the Public Hearing had been dutifully advertised. Commissioner Nyquist stated that there several people signed up to speak and called upon the Applicant.

Stanley Hutchison, Deputy Director, Installations Division, Oregon Military Department - Applicant.

Mr. Hutchison provided the Board with written testimony and it is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Next, he made the following points: The Oregon National Guard has proven that they were compatible with farm-use and that agricultural uses, as an adjacent activity, has been a preferred neighbor for them; the traffic concerns raised by farmers at the Planning Commission meeting were addressed and explained. Drainage concerns - the 30-acre parcel provides them with a number of opportunities to address drainage while also preserving space for development – they were approaching the project with a goal to not negatively affect upstream or downstream neighbors and, after development, it would likely improve drainage in the area.

Mr. Hutchison stated that the Oregon Military Department has historically demonstrated that it was not an urban activity and that they manage a significant number of armories outside of an urban growth area; many of the communities where the armories reside were similar to the Lebanon and Albany facilities and that the parcel that was proposed for the new facility would accommodate the soldiers needs without impacting residential or other businesses.

Commissioner Nyquist thanked Mr. Hutchison for his presentation and his testimony. He then called upon the next person signed up to speak in support.

Rich Kellum, 4085 Commercial Way, Albany, Oregon – Support.

Mr. Kellum stated that that he was speaking on "two levels" today: one as an individual member of the Parks Commission, as well as, an individual member of the Albany City Council. As a member of the Parks Commission, he thinks it was a great idea. As an individual member of the Albany City Council, he believed that traffic on Goldfish Farm Road, Knox Butte Road and Airport Road would all be lessened dramatically once they move the Armory facility. He added that if the National Guard needed to leave the facility in a hurry, access to the freeway would be much faster at the new location. Mr. Kellum explained that he thought that the proposal would be the highest and best use of the property.

Commissioner Nyquist thanked Mr. Kellum for his testimony and called upon the next person signed up to speak in support

Darrin Lane, 4639 Terri Lane NE, Albany, Oregon – Support.

Mr. Lane stated that he was speaking in support as a citizen of Linn County and not as the Linn County Roadmaster, although his experience does lend him expertise on transportation and drainage related matters. Mr. Lane explained that many of the opponents concerns had been addressed when the property in question was approved for a park years ago. He stated that he wanted the Board to pay attention to the criteria requirements, which he believed had been met, especially in regard to drainage. Mr. Lane stated that a lot of farmland in the valley had been significantly altered over many years and with the development of anything on the site you would likely see significant improvement with the drainage in and around the developed area. He added that in regard to transportation concerns, he believed that there would be no significant impact to Seven Mile Lane, Tangent Drive or Hwy 34. Brief discussion followed.

Commissioner Nyquist thanked Mr. Lane and asked if there was anyone else wishing to speak in support and there was not. He then called upon those listed in opposition.

Art Martinak, PO Box 226, Tangent, Oregon – Oppose.

Mr. Martinak stated that as an adjacent property owner, one concern he had was the potential public use of the proposed facility and the impacts on the surrounding properties/neighbors. He then mentioned that the current drainage path was 60' from his property line and he had concerns with it being modified. Mr. Martinak added that another concern he had was lighting issues - if the new facility had lights illuminating the property, it would likely illuminate his property as well; he was a firm believer that you let the criminal bring his own lights - you don't provide the lights for them.

Cory Koos, 38155 Scrael Hill Road, Albany, Oregon – Oppose.

Ms. Koos provided the Board with written testimony which is on file in the Linn County Clerk's Office in the Commissioners' Staff File. Ms. Koos shared that she understood the need for the facility but that her strawberry farm was directly behind Mr. Martinak's property, east of the proposed site. She stated that the property was zoned farmland for a reason and expressed there would be conflicts with traffic, water use, drainage, noise and light pollution which would negatively affect their normal farming activities. Ms. Koos stated that the applicant had a number of alternate sites available that had not been considered and she urged the Board to deny the application.

Telly Wirth, 32792 Seven Mile Lane, Tangent, Oregon – Oppose.

Mr. Wirth provided the Board with written testimony and a letter from his attorney, both of which are on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Wirth explained that he owned property adjacent to the proposed site and that it would cause many problems for his family farm. He stated that he supported the National Guard but he had concerns that included: increased traffic on Seven Mile Lane and Tangent Drive; a ten-year old traffic study that was not adequate for the project and the availability of groundwater on the site. He added that he had found several alternate locations that may work for the proposed use and felt that those should be investigated.

Mr. Wirth shared that his farm runs 24 hours a day, seven days a week during peak season and that he moves equipment and operates at specific times to minimize conflict with the general public; the proposed facility would be its busiest on weekends and that is when he does the majority of his work. He stated that agriculture was an essential part of the community and he requested that the Board consider how this site would affect farming in the area.

Paul Harcombe, 30680 Horseshoe Drive SW, Albany, Oregon – Oppose.

Mr. Harcombe provided the Board with written testimony which is on file in the Linn County Clerk's Office in the Commissioners' Staff File. Mr. Harcombe stated that he represented 1000 Friends of Oregon and the Friends of Linn County. He stated that the proposed site was farmland, was a diminishing resource that was critical to the economy and that the Planning Commission had recommended that the application be denied. He added that he understood the importance of adequate facilities to serve the Oregon Military Department and providing for the public's safety of Oregon's residents, but that the proposal does not meet the high bar for converting agricultural land to non-farm uses and he recommended that the Board deny the application.

Chris Schrock, 33325 Seven Mile Lane, Albany, Oregon – Oppose.

Mr. Schrock stated that he owned property next to the proposed site and that he was a 5th generation farmer and had the same concerns as the previous testimony of his neighbors that included the increased lighting and the possibility of the military potentially telling him what he can and cannot do in regard to his bees, spraying, airplane travel etc. He added that the proposed site was a bad location and it was out of balance of the current use.

Commissioner Nyquist concluded the testimony in opposition and explained that Brian Vandetta was there to testify on the matter as a neutral party and called him up to speak.

Brian Vandetta, Udell Engineering and Land Surveying, LLC – Neutral.

Mr. Vandetta explained that in 2009 the Linn County Parks Department hired him to do a preliminary drainage study on the property. He stated that the applicant and Mr. Lane were correct - drainage on property was improved overall once it was developed. He explained that three key points to look out for were: to insure the drainage was maintained on the upstream properties; insure there were no adverse impacts on the downstream properties and mitigating any impacts to drainage on the property in general during the development; all of which it sounds like the applicants were aware of and would be mindful of. He stated that, in summary, his conclusion after his preliminary drainage study was that with the proper design and attention paid to historic perimeters, development of this property would enhance the drainage situation.

Commissioner Nyquist thanked Mr. Vandetta for his testimony and called upon the applicant for their rebuttal.

Mr. Hutchison stated that he was a Linn County resident and had a 700-acre family farm in Scio. He added that he had been a member of the National Guard for 21 years and had over 38 years total of military service and worked full time for the headquarters of the National Guard; he was part of this community. Mr. Hutchison explained that it was not uncommon for folks to say that the National Guard was a good organization, especially when they were needed; however, they also experience “not in my backyard” which was a struggle. He added that they were compatible with farm-use and they had been great neighbors in other counties and have determined how to co-exist and work together with the neighbors as a team.

Mr. Hutchison stated that in respect to any lighting issues, the Oregon National Guard was selected as a pilot state for an energy reduction and renewable program and they have been given recognition for that; they will continue to maximize their efforts to provide a low impact in that regard. Next, he stated that traffic would not increase in the area at all due to the development. In reference to the potential public use of the building, it may lend itself to community use as they were mandated by the Oregon Legislature to conserve state resources and that included making facilities available to the needs of the community; local farmers typically use their accommodations for a meeting space.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to close the Public Hearing. The vote was called. The motion passed unanimously.

Commissioner Nyquist commented that the Oregon National Guard wants to put a facility in Linn County and we are attempting to offer them 30-acres at no charge for them to do that. Another state agency, under the direction of the Governor, submitted testimony (that they later acknowledged was not correct) and have refused to correct it for the record. He stated that it was troubling when they were attempting to have an honest discussion; it was unfortunate.

Commissioner Nyquist stated that he did not want to close the record on the matter yet as there could be those who want to submit items for the record and the applicant would need time to respond to those comments.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to accept the Staff Report dated October 23, 2018 and written testimony received from R. Foster dated October 22, 2018 and the following written testimony all received on October 23, 2018 from: Stanley Hutchison, Oregon Military Department; Paul Harcombe, 1000 Friends of Oregon/Friends of Linn County; Carrie Richter, Attorney, Bateman/Seidel; Sarah Liljefelt, Attorney, Schroeder Law Offices; Telly Wirth and Cory Koos; an email from Andrea Wagner, U.S. Army Corps of Engineers dated October 15, 2018 and a letter to Oregon Governor Kate Brown from Roger Nyquist, Chairman, Linn County Board of Commissioners dated October 19, 2018, into the record. The vote was called. The motion passed unanimously.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to leave the record open to receive written comments until Friday, October 26, 2018 by 5:00 p.m. and the applicant's response to any comments due Monday, October 29, 2018 by 5:00 p.m. The vote was called. The motion passed unanimously.

Commissioner Nyquist stated that the hearing would be continued to Tuesday, October 30, 2018 at 10:00 a.m.

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

11. Special Orders:

A. Personnel Action Forms were read into the record for: Kevan McCulloch (County Counsel); Ronda Sherman (Expo); Steven Blench, Christopher Jernigan and Mary Zippler (Parks and Recreation) and Vikram Goldfield (Planning & Building).

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

B. Resolution 2018-342 appointing a member to the Linn County Mental Health Advisory Board.

Commissioner Lindsey noted that he would like to speak to the Linn County Health Services Administrator regarding the matter before making a decision. The Board agreed to hold it until the Tuesday, October 30, 2018 Board meeting.

C. Wrecking License Approval for G & R Auto Wreckers, Inc. with Letter of Understanding.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the Wrecking License Renewal for G & R Auto Wreckers Inc. The vote was called. The motion passed unanimously.

12. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars and Commissioner Tucker noted that both he and Commissioner Lindsey were scheduled to attend the Forest Trust Land Advisory Committee meeting on Friday, October 26, 2018.

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

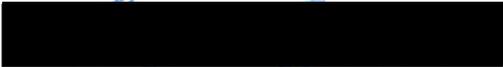
14. Announcements: There were no announcements.

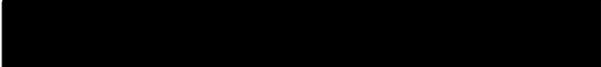
15. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 11:55 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, October 30, 2018.

 Recorder
For Board of Commissioners
Heather Gravelle

LINN COUNTY BOARD OF COMMISSIONERS


• Roger Nyquist, Chairman


John K. Lindsey, Commissioner


William C. Tucker, Commissioner

Date 10-30-2018