



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
TUESDAY, AUGUST 1, 2023**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, August 1, 2023.

Those present at various times for the matters as indicated below were: Stacey Whaley, Linn County Parks & Recreation Director; Wayne Mink, Linn County Roadmaster; Torri Lynn, Linn County Juvenile Department Director; Michelle Hawkins, Linn County Treasurer; Kevan McCulloch, Deputy County Attorney for Linn County; Alyssa Boles, Linn County Planning Manager, Linn County Planning and Building Department; Steve Wills, Linn County Planning and Building Director; Sean Fowler, Assistant Planner, Linn County Planning and Building Department; Alysia Rodgers, Economic Development Catalyst, City of Lebanon; Norman Bickell, Representative for Applicant; Yvonne Scott; Lori McGowan; other audience members and Alex Paul, Linn County Communications Officer.

1, 2, 3. At 9:30 a.m. Vice-Chair Tucker called the meeting to order. The flag salute and roll call followed. Commissioner Will Tucker, Vice-Chair and Commissioner Sherrie Sprenger were present, as well as, Darrin Lane, Linn County Administrative Officer and Courtney Leland, Recorder for the Board of Commissioners. Commissioner Roger Nyquist, Chair was excused.

4. Approval of Agenda.

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

5. Approval of the July 25, 2023 Commissioners' Meeting Minutes.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve the July 25, 2023 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

6. Reports of Staff and Committees: None.

7. Parks and Recreation Department – Stacey Whaley, Linn County Parks & Recreation Director.

A. Resolution & Order 2023-284 approving a Contract between CXT, Inc. and Linn County and delegating authority to Stacey Whaley, Linn County Parks and Recreation Director, to purchase a CXT prefabricated concrete restroom.

Ms. Whaley indicated that this was part of the Lewis Creek Master Plan approved by the Board in 2022 and a grant covers half of the cost.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve Resolution & Order 2023-284. The vote was called. The motion passed unanimously.

8. Road Department – Wayne Mink, Linn County Roadmaster.

A. Resolution & Order 2023-278 approving a Supplemental Project Agreement for the Cox Creek, Waverly Drive Bridge Project between the State of Oregon Department of Transportation (ODOT), the City of Millersburg and Linn County.

Mr. Mink indicated that this bridge is under the jurisdiction of the City of Millersburg and, during the state certification process, it was determined that Linn County would do the design and labor on the project.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve Resolution & Order 2023-278. The vote was called. The motion passed unanimously.

9. Treasurer – Michelle Hawkins, Linn County Treasurer.

A. Order 2023-293 accepting an expenditure and a revenue increase within the General Fund for wildfire reimbursement, \$100,000.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve Order 2023-293. The vote was called. The motion passed unanimously.

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

11. Special Orders:

A. Personnel Action Forms.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to accept the Personnel Action Forms list as Exhibit 1. The vote was called. The motion passed unanimously.

Darrin Lane, Linn County Administrative Officer presented the following item.

B. Resolution & Order 2023-183 approving a Memorandum of Understanding between Linn County Juvenile Detention Association and Linn County and delegating authority to execute originals.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve Resolution & Order 2023-183. The vote was called. The motion passed unanimously.

C. Resolution & Order 2023-285 approving a First-Time Youth Wage Grant Agreement between Linn County and Glenn Miller Seed, Inc.

Action taken below.

D. Resolution & Order 2023-287 approving a First-Time Youth Wage Grant Agreement between Linn County and Kirk Century Farms, Inc.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve Resolution & Orders 2023-285 and 287. The vote was called. The motion passed unanimously.

E. Resolution 2023-290 approving the appointment of a Linn County Budget Officer.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve Resolution 2023-290. The vote was called. The motion passed unanimously.

12. Unfinished Business and General Orders:

A. Calendar Update: Commissioner Tucker indicated that there would be an Elected Officials meeting held on Wednesday, August 2, 2023.

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

14. Announcements: There will be an Elected Officials meeting from Noon to 2:00 p.m. on Wednesday, August 2, 2023 at the Linn County Fair and Expo Center in Conference Room 4.

15. Business from the Public (3-minute limit per speaker): Yvonne Scott, 33864 Mt. Tom Dr., Harrisburg, OR.

Ms. Scott expressed her concerns with the Solar Facility Project, the concrete project in Harrisburg and other projects regarding the use of Exclusive Farm Land in Linn County. She emphasized the heritage of the land. She stated that she wasn't notified of the solar project because she doesn't reside within a certain distance of the facility and she expressed that everyone in the area should have been notified regarding these projects because of the impact to the community. Ms. Scott expressed her concerns in how it would change the landscape, impact the wildlife and animal species and impact the water source of Muddy Creek which runs into the Willamette River. Ms. Scott indicated that she and a few others were going to start a group called "The Friends of Mt. Tom"; after just two hours of phone calls, they obtained 139 signatures in support of the group.

Commissioner Tucker expressed that the concrete plant project in Harrisburg had already gone through the process and a Public Hearing was held a week or so ago in Brownsville and the Planning Commission had also reviewed the project; both public bodies gave their approval. Commissioner Tucker suggested Ms. Scott speak with the Linn County Planning and Building Department about the appeal process. He also expressed that, in regard to the Solar Facility; that on any large solar, wind, nuclear or any facility over a certain megawattage of production is sited by the State of Oregon, Department of Energy and their Energy Siting Commission. He indicated he could connect her with someone from the State.

Commissioner Sprenger suggested that a link be posted to the Linn County Website under the Planning and Building Department for the community to access the process for these projects.

Commissioner Tucker recessed the regular Board meeting at 9:51 am

Commissioner Tucker reconvened the regular Board meeting at 9:59 a.m.

16. Public Hearing – PLN 2023-00192: concurrent applications by Dan Hafner for a Comprehensive Plan (Plan) Map Amendment and a Zoning Map Amendment. The amendments are proposed as part of an Urban Growth Boundary (UGB) Amendment approved by Lyons to add 28.12 acres to the Lyons UGB. The amendments would remove 28.12 acres from the County Plan Zoning Map – Alyssa Boles, Linn County Planning Manager, Linn County Planning and Building Department.

Commissioners' Tucker and Sprenger indicated that neither of them had any exparte communication, conflicts of interest or possible appearance of conflicts of interest regarding this matter.

Commissioner Tucker then called upon Ms. Boles to review her Staff Report with the Board. A copy of her report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Ms. Boles indicated that this hearing was for three properties which were approved by the City of Lyons to add 28.12 acres to the Urban Growth Boundary (UGB) and remove 28.12 acres from the County Plan Zoning Map. The City of Lyons approved these amendments per city Ordinance 244-2023 which was adopted on March 28, 2023. If these applications are approved by the Board, the properties proposed would be annexed into city limits and zoned as Single Family Residential (SFR). Ms. Boles stated that the Ordinance included findings that the proposed amendments were found to be consistent with the Lyons Comprehensive Plan, the Development Code and Oregon Administrative Rule 660 Division 24.

Ms. Boles indicated that the surrounding property owners were notified and there were no comments from them. She did indicate that there was one comment from the Linn County Road Department which was "no comment", as well as, a comment from the Department of State Plans indicating the potential need to do a wetlands analysis on portions of the property upon development. The Planning Commission held a meeting on Tuesday, July 11, 2023 and voted unanimously to recommend the Board approve the applications.

Commissioner Sprenger asked for clarification on the City of Lyons Urban Growth Boundary (UGB) amendment. Ms. Boles indicated that the City of Lyons amendment was done between 2018-2019 which added about 1-acre of land as part of their analysis. The City of Lyons did a housing/needs analysis and determined that they needed about 30 acres of land available for housing. Commissioner Sprenger asked if there was any opposition to that determination and Ms. Boles indicated there had been none regarding this application.

Commissioner Tucker asked for clarification on the distance of the notice area. Ms. Boles indicated that the Linn County Code states the notice area is for properties within 1,000 feet of the property, which is twice the required notice area.

Commissioner Tucker then read the hearing criteria into the record and called upon the Representative for the Applicant.

Norman Bickell, Representative for the Applicant - 2232 42nd Ave S.E. Salem, OR 97317.

Mr. Bickell expressed that the original proposal was to annex tax lot 2 but, after meeting with the Linn County Planning and Building Department staff, it was determined that both tax lots were considered a single parcel for land use purposes. He indicated that the application to the City of Lyons was modified to then include both tax lots in the Urban Growth Boundary and the application was filed Tuesday, July 5, 2022 with a proposal to include both tax lots and rezone the lots to Single Family Residential (SFR). He stated that, during the process the property located at 45407 Dogwood St., just South of the Hafner property was in foreclosure and it was requested to include that 5.42 acres in the process as well. Mr. Bickell indicated that throughout the process there were several hearings and work sessions held with the City of Lyons and at no time were there any objections to the proposal.

Commissioner Tucker asked if there was anyone in the room wishing to testify in support of the matter. There was no one wishing to testify in support.

Commissioner Tucker read into the record the criteria in regard to opposing testimony and asked if there was anyone wishing to speak.

Yvonne Scott, 33864 Mt. Tom Dr. Harrisburg, OR – Opposed.

Ms. Scott spoke in opposition of the matter. She asked for clarification on whether or not the wetland analysis had been done and expressed her concerns with the wetland grounds and the damage that building in those areas would do to our forest. She referenced the Solar Project in Harrisburg and shared a picture with the Board. Commissioner Tucker clarified that her concerns were not related to this application directly.

Commissioner Tucker asked if there were anyone else wanting to speak in opposition to this matter. There was no one wishing to speak. Commissioner Tucker then called upon the Representative for the Applicant for his rebuttal.

Mr. Bickell indicated in reference to wetland, that there were wetlands on the property and that the State of Oregon would have to address those issues if any development were to take place.

Commissioner Sprenger asked for clarification on the current use of the land and if it was a forest. Mr. Bickell indicated that it was a partial orchard. She then asked, what was the class of the soil. Mr. Bickell indicated that it was predominantly poor soil; class 4-6, but did sustain an orchard. Ms. Boles clarified that class 4-6 was not high value farm land.

Commissioner Tucker asked what the pleasure of the Board would be. Commissioner Sprenger indicated that she was ready to move forward with a decision.

Commissioner Sprenger asked for clarification from Ms. Boles on the availability of the Staff Report to the public. Ms. Boles indicated that the Staff Report was available as of Tuesday, July 25, 2023 and it's available by mail, email or in-person.

After additional discussion, Commissioner Sprenger stated that she was willing to leave the record open for written comments.


Action - Commissioner Sprenger moved and Commissioner Tucker seconded the motion to leave the record open for one week for written comments until Monday, August 7, 2023 at 5 p.m. and to continue the hearing to Tuesday August 8, 2023 at 10:00 a.m. The vote was called. The motion passed.

Commissioner Tucker asked if there were any additional documents to be accepted into the record.


Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to accept into the record the Staff Report dated Tuesday, July 25, 2023. The vote was called. The motion passed unanimously.

17. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:22 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. on Tuesday, August 8, 2023.

, Recorder
For Board of Commissioners
Courtney Leland

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chair


William C. Tucker, Vice Chair


Sherrie Sprenger, Commissioner

Date 8-8-2023