



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
TUESDAY, OCTOBER 29, 2024**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, October 29, 2024.

Those present at various times for the matters as indicated below were: Michelle Hawkins, Linn County Treasurer; Micah Smith, Linn County Undersheriff; Todd Noble, Linn County Health Services Administrator; Dr. Adam Brady, Linn County Health Officer; Shane Sanderson, Linn County Public Health Program Manager; Torri Lynn, Linn County Juvenile Department Director; Stacey Whaley, Linn County Parks and Recreation Director; Rachel Adamec, Linn County Real Property Program Manager; Wayne Mink, Linn County Roadmaster; Steve Wills, Linn County Planning and Building Director; Alyssa Boles, Planning Manager, Linn County Planning and Building Department; Kate Bentz, Associate Planner, Linn County Planning and Building Department; Phil Van Leuven, Deputy County Attorney for Linn County; Alex Paul, Linn County Communications Officer and Shayla Escudero, Reporter for *Democrat-Herald*.

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

4. Approval of Agenda.

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

5. Approval of the October 22, 2024 Commissioners' Meeting Minutes.

Action – Commissioner Sprenger moved to approve the October 22, 2024 Commissioners' Meeting Minutes. The vote was called. The motion passed.

6. Sheriff's Office – Michelle Duncan, Linn County Sheriff.

Micah Smith, Linn County Undersheriff, presented the following items on behalf of Sheriff Duncan.

A. Resolution & Order 2024-360 approving an Amendment No. 4 to a Contract for Services between Summit Food Services, LLC and Linn County Sheriff's Office.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-360. The vote was called. The motion passed.

B. Resolution & Order 2024-361 approving an Amendment No. 5 to a Personal Services Contract between Telmate, LLC and Linn County and delegating authority to execute originals.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-361. The vote was called. The motion passed.

7. Board of Health – Todd Noble, Linn County Health Services Administrator.

A. Communicable Disease and Vital Statistics Reports – Dr. Adam Brady, Linn County Health Officer.

Dr. Brady provided the Board with an overview of the Communicable Disease and Vital Statistics Reports for September, 2024. Copies of the reports are on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Sprenger asked Dr. Brady why COVID-19 cases weren't listed under the "Vaccine Preventable" category. Dr. Brady indicated that it no longer appeared on the report because there wasn't an accurate report of cases and they weren't being reported to the State any longer.

B. Environmental Health Monthly Activity Report – Shane Sanderson, Linn County Public Health Program Manager.

Mr. Sanderson provided the Board with an overview of the Environmental Health Monthly Activity Report for September, 2024. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Sanderson provided an answer to a previous question Commissioner Nyquist had regarding the complaint distribution between restaurants and mobile food services. He stated that, right now, it was about 50/50 which was definitely an indicator that there were more complaints for mobiles; there's 110 mobile licenses compared to 300 restaurant licenses. Mr. Sanderson stated that they reported that information to the Oregon Health Authority and asked if it was consistent throughout the State but he hadn't received a reply yet. Discussion followed.

Commissioner Sprenger asked Mr. Sanderson about the number of solid waste complaints. She specifically referred to complaints regarding RV dumping and asked if those numbers were captured in the Environmental Health solid waste complaints. Mr. Sanderson replied that they were if his department was involved in the enforcement; they would be reported under the "On-Site Sewage Disposal" category. Mr. Sanderson stated that, historically, they separated waste water complaints from solid waste and garbage complaints.

Todd Noble, Linn County Health Services Administrator, provided background information on the following items.

C. Resolution & Order 2024-339 approving an Intergovernmental Agreement between the Albany Partnership for Housing and Community Development and Linn County.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-339. The vote was called. The motion passed.

D. Resolution & Order 2024-345 approving an Intergovernmental Agreement between Greater Albany Public Schools (GAPS) and Linn County.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-345.

Commissioner Nyquist disclosed, for the record, that he was a member on the GAPS School Board. He stated that he hadn't been involved in the negotiation of this contract, on either side, and believed it didn't even require his vote. He stated that he had no financial interest or gain in this matter but, in abundance of caution, wanted to disclose that.

The vote was called. The motion passed.

E. Resolution & Order 2024-358 approving an Intergovernmental Agreement between Boise State University and Linn County and delegating authority to execute originals.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-358. The vote was called. The motion passed.

F. Resolution & Order 2024-369 approving a Memorandum of Understanding between the Albany Partnership for Housing and Community Development and Linn County.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-369. The vote was called. The motion passed.

G. Resolution & Order 2024-374 approving an Amendment No. 1 to an Intergovernmental Agreement between the Oregon Health Authority (Agreement No. 181424) and Linn County and delegating authority to execute originals.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-374. The vote was called. The motion passed.

H. Resolution & Order 2024-382 authorizing to purchase and advertise for an Interstate Cooperative Procurement between Sourcewell and Linn County and delegating authority to execute originals.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-382.

Commissioner Sprenger asked Mr. Noble why the 7th Street building needed a generator. Mr. Noble stated that, since the building was a crisis center, they needed to protect vaccines should the building lose power.

Commissioner Nyquist asked Mr. Noble if the County had a funding plan to operate the crisis center. Mr. Noble stated that they're working on it; the Oregon Health Authority was working with legislators to get it funded in order to implement what the Governor intended. Mr. Noble did say that they were partially funded. Commissioner Nyquist stated that he had concerns. Discussion followed.

Commissioner Sprenger asked if the County had the ability to opt in or opt out; do we have a choice. Mr. Noble stated that they were in very aggressive negotiations; it's not in the law but they were negotiating that. He stated that, if they didn't get the funding, Linn County would not be signing the contract. Discussion continued.

The vote was called. The motion passed.

8. Reports of Staff and Committees:

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

Mr. Lynn provided the Board with a Juvenile Department Update for the month of September, 2024. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

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

A. Resolution & Order 2024-379 approving a Grant Agreement for the Oregon Parks and Recreation Department Local Government Grant Program Agreement between the State of Oregon and Linn County.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-379.

Commissioner Nyquist asked Ms. Whaley what the Grant was for and she stated that it was to bring power and water hookups to every site at the John Neal Memorial Park.

The vote was called. The motion passed.

10. Property Management – Rachel Adamec, Linn County Real Property Program Manager.

A. Sealed Bid Opening – Account No. 851749.

Ms. Adamec provided background information.

She opened the sealed bid and stated that it was for \$5,280 received from Kent Blair; he's the property owner on the east side of the property.

Ms. Adamec stated that the property was not properly established and was not buildable until it was legally validated. She stated that the neighboring house was five to six feet over the property line and their septic was also on this property. Therefore, there would need to be a property line adjustment and it would need to be validated through the Planning and Building Department. Ms. Adamec stated that the Bidder, Mr. Blair, was aware there were hurdles in purchasing this property.

Commissioner Nyquist asked, for clarification, if the purchaser was the person with the house and Ms. Adamec stated no, it was from the neighbor on the opposite side. She stated that, in order to record the property line adjustment, all taxes would need to be paid. Commissioner Sprenger stated that she would need legal advice before moving forward with this matter. A lengthy discussion followed.

Commissioner Sprenger asked Phil Van Leuven, Deputy County Attorney for Linn County, to speak about available options.

Darrin Lane, Linn County Administrative Officer, recommended to the Board that they table any action on the bid until they worked on a solution and sought guidance from Staff. The Board agreed, however, Commissioner Nyquist stated that, as a matter of full disclosure, he was not inclined to approve the sale and accept the offer at this time.

Commissioner Nyquist recognized Kent Blair.

Kent Blair, 30998 Santiam Hwy, Lebanon OR 97355 - Bidder.

Mr. Blair stated that he had been dealing with this issue for three years. He's been communicating with the neighbor and had a verbal agreement. He didn't know if that would be sufficient for the Board.

Commissioner Nyquist stated that the Board would need to get more information before moving forward and recommended to Mr. Blair that he work with Staff to get something clean so the Board would be assured that there wouldn't be any issues or problems going forward. Mr. Lane stated that Staff would reach out to Mr. Blair to determine how to proceed with this matter.

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

A. Resolution & Order 2024-372 delegating authority to Wayne E. Mink, Roadmaster to purchase a Peterbilt Truck Tractor Cab and Chassis.

Action – Commissioner Sprenger moved to approve Resolution & Order 2024-372. The vote was called. The motion passed.

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

13. Special Orders:

A. Personnel Action Forms.

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

14. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Nyquist announced that the Board meeting scheduled for Tuesday, November 19, 2024 would be moved to Monday, November 18, 2024 and that there would be no Board meeting the week of November 25, 2024. He stated that the Board would be meeting on Tuesday, November 5 and 12, 2024 at the regularly scheduled time of 9:30 a.m.

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

16. Announcements: There was no announcements.

17. Business from the Public (3-minute limit per speaker): There was no one present from the public wishing to use this forum neither in person or telephonically.

18. Public Hearing – PD24-0172; Combined applications by U.S. Market Enterprises, LLC for a Comprehensive Plan (Plan) Text Amendment, a Zoning Map Amendment and a Code Text Amendment on a +5.06-acre portion of six properties (T15S, R03W, Section 9, Tax Lots 200, 203, 206, 207, 209, 210) – Kate Bentz, Associate Planner, Linn County Planning and Building Department.

Commissioner Nyquist called upon Ms. Bentz to review her Staff Report with the Board.

Ms. Bentz reviewed her Staff Report and indicated that, on Tuesday, October 8, 2024, the Planning Commission heard testimony, reviewed the record and voted 7-0 to adopt a motion to recommend the Board approve the application. Commissioner Nyquist stated that the Staff Report adequately described the nature and purpose of the hearing.

Commissioner Nyquist stated that he had no exparte communication, no conflict of interest, owned no property in the area, had no financial interest nor had he talked to

anyone prior to today's hearing. Commissioner Sprenger stated that she also had no ex parte communication or conflict of interest but she had talked with Staff about this matter.

Commissioner Nyquist then opened the Public Hearing.

Commissioner Nyquist called upon the Applicant and/or their Representative.

Mark Hoyt, Sherman, Sherman, Johnnie & Hoyt, 693 Chemeketa St, NE, Salem, OR 97301 – Attorney for Applicant.

Mr. Hoyt stated that the Applicant was participating via teleconferencing along with other members who worked on this project. Mr. Hoyt then presented a PowerPoint and reviewed it with the Board. A copy of the PowerPoint presentation is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Hoyt stated that the site was a developed interchange; an 18 mile stretch of I-5 where there are no travel services between Halsey and Coburg. Previously, the site had a gas station, convenience store and fast food restaurant. Those uses were paved over some time ago and, currently, Sherman Brothers was occupying the site. Mr. Hoyt stated that, currently, there was no significant development on the site. He referred to site maps in the PowerPoint.

Mr. Hoyt stated that the Applicant wanted to take that property, which currently consists of six properties, and redevelop it as indicated in their proposal. An existing building, just under 10,000 square feet, would contain auto fuel related services, a fast food store and a convenience store. It would provide parking and appropriate circulation. He referenced the PowerPoint.

Mr. Hoyt stated that, because of the location of this property, a portion of I-5 goes through rural lands and, therefore, because its rural lands, it's a unique zone with commercial operations developing around the I-5 Interchange. The County's Comprehensive Plan approach was to spot-zone specific uses in those areas as addressed in the Comprehensive Plan, Zoning Amendment and the Code Text which meant all three would have to be amended because of the location of the commercial site. Mr. Hoyt stated that it would add an Ordinance Number 2024, six tax lots, which would be identified under the Goal Exceptions and the Text Amendments, and would state that they're adding this property and removing the Sherman Brothers' special designation replacing it with a special designation for an auto service, convenience store and fast food location.

Mr. Hoyt referred to the PowerPoint indicating that the Sherman Brothers' approved subject properties were zoned Freeway Interchange Commercial (FIC) with Limited Use Outlay (LUO); the Applicant was asking for the same uses which are automobile and truck service station, restaurant and convenience store. The size limit is 3,750 square feet which, for six lots, could add up to 22,500 square feet. All three existing buildings would be removed and the Applicant was asking for a single consolidated building of 9,900 square feet; it would not create any significance in size. Commissioner Nyquist

asked if the requirements were by the County or the State. Ms. Bentz stated that it was identified in the County's Comprehensive Plan and implemented through the County's Zoning Code. The State does require the County to have policies that limit urban uses on rural lands so this was one of the ways of enacting that.

Commissioner Nyquist stated that, in his view, these were needed transportation services and it didn't make sense to have those restrictions on this parcel of property or, in the future, on what he would call transportation related properties. He requested, going forward, that Staff look at how the County might more efficiently do that in a way that better accommodated those types of applications so there would be fewer hoops to jump through. Staff agreed.

Mr. Hoyt stated that the Oregon Department of Transportation (ODOT) had some comments regarding the Traffic Analysis and the Applicant had responded to those comments. He referred to the PowerPoint.

Mr. Hoyt stated that there was a similar application the Board approved in 2011 and the Applicant believed that the analysis applied to that application should apply to their application. He then referred to the final concept as shown in the PowerPoint.

Commissioner Nyquist asked if there was anyone wishing to speak in support of the application. Hearing none, he asked if there was anyone wishing to speak in support telephonically. There was no one wishing to speak.

Next, Commissioner Nyquist asked if there was anyone wishing to speak in opposition to the application. Commissioner Nyquist asked that the record reflect that there was no one in the room wishing to speak and then asked if there was anyone wishing to speak in opposition telephonically. There was no one wishing to speak.

Lastly, Commissioner Nyquist asked if there was anyone who may have a comment either in support or in opposition to the proposal. There was no one wishing to speak.

Commissioner Nyquist stated that the time allowance for a rebuttal did not apply in this case.

Commissioner Sprenger asked Staff, if during this process, had there been any opposition to this proposal from anyone. Ms. Bentz stated no, they had not received any comments, written or otherwise, from any party in opposition of this project.

Commissioner Nyquist asked if it pleased the Board he would close the Public Hearing.

Commissioner Nyquist closed the Public Hearing.

Action – Commissioner Sprenger moved to accept into the record the Staff Report dated Tuesday, October 22, 2024 by Kate Bentz, Associate Planner. The vote was called. The motion passed.

Commissioner Nyquist indicated that the Board could begin deliberations or announce, on the record, when a decision would be made. Commissioner Sprenger stated she was ready to make a decision. Commissioner Nyquist stated that they would begin deliberations.

It was noted that the Board needed to accept the PowerPoint into the record.

Action – Commissioner Sprenger moved to accept into the record the PowerPoint presented on behalf of the Applicant on Tuesday, October 29, 2024. The vote was called. The motion passed.

Commissioner Sprenger stated that she was ready to move forward and approve the application.

Action – Commissioner Sprenger moved to approve PD24-0172.

Commissioner Sprenger stated it was a good plan and consistent with the uses in the area. Commissioner Nyquist stated that he was keenly aware of the lack of services to the traveling public between Coburg and the Brownsville exit. The more amenities that could be provided to the traveling public, the safer they would be. Commissioner Nyquist stated, for that reason, he was very supportive of this application.

The vote was called. The motion passed.

19. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:45 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. Tuesday, November 5, 2024.

[REDACTED], Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS

[REDACTED]
Roger Nyquist, Chair

[REDACTED]
William C. Tucker, Vice-Chair

[REDACTED]
Sherrie Sprenger, Commissioner

Date 11-5-2024