



**MINUTES OF THE REGULAR SESSION OF THE  
LINN COUNTY BOARD OF COMMISSIONERS  
TUESDAY MEETING  
FAIR & EXPO CENTER, HALL B  
3700 KNOX BUTTE RD, NE, ALBANY  
MARCH 7, 2023**

**The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, March 7, 2023.**

Those present at various times for the matters as indicated below were: Steve Wills, Linn County Planning and Building; Alyssa Boles, Planning Manager, Linn County Planning and Building Department; Wayne Mink, Linn County Roadmaster; Kevan McCulloch, Deputy County Attorney for Linn County; Alan Sorem, Special Counsel for City of Millersburg; Matt Straite, Community Development Director, City of Millersburg; Kevin Kreitman, City Manager, City of Millersburg; John Bridges, Representative for Willamette Valley Lands; Paul Kuehne; John Pascone, President, Albany-Millersburg Economic Development Corp.; Rebecca Grizzle, Executive Director, Lebanon Chamber of Commerce; Alysia Rodgers, City of Lebanon; other audience members in attendance for the Public Hearing; Alex Paul, Linn County Communications Officer and Joanna Mann, 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; Will Tucker, Vice-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.

4. Approval of Agenda.

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

5. Approval of the February 28, 2023 Commissioners' Meeting Minutes.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the February 28, 2023 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.**

6. Reports of Staff and Committees: There were no reports of staff and committees to come before the Board.

7. Correspondence: Commissioner Tucker announced that the Board signed a Letter of Support dated March 3, 2023 regarding the Santiam Hospital & Clinics' request for federal funds for two ambulances and a remodel of the Santiam Hospital in Stayton.

8. Special Orders:

A. Personnel Action Forms.

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

9. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars.

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

11. Announcements: There were no announcements.

12. 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.

*Commissioner Nyquist recessed the regular Board meeting at 9:40 a.m.*

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

13. Public Hearing – *(Continued from Tuesday, January 24, 2023)* Deliberation and Decision – PLN-2022-00807: concurrent applications by the City of Millersburg for a Comprehensive Plan (Plan) Map Amendment and Zoning Map Amendment. The amendments are proposed as part of the Urban Growth Boundary (UGB) amendment approved by Millersburg to add and remove properties within the Millersburg UGB. The total area to be added to the UGB is 162.89 acres. The total area to be removed from the UGB is 167.46 acres. The amendments would change the Plan designation and Zoning Map designation on five properties – Alyssa Boles, Planning Manager, Linn County Planning and Building Department.

Commissioner Nyquist stated that on February 17, 2023 he received an email from Zac Young requesting to reopen the record on the hearing that was previously held and noted that not all the information was available at the time of the hearing. Commissioner Nyquist stated that he did not open the link listed in the email but it referenced a story with H.H. Today on the Italian Paper Company with Millersburg Plans. He stated that, additionally, he had a gentleman come to him that morning wanting to give him documents and he did not accept them.

Commissioner Nyquist then stated that the question for the Board was either to deliberate and decide today; or, reopen the record as requested with a set time frame and continue this matter until next Tuesday, March 14, 2023 at 10:00 a.m.

Commissioner Tucker had concerns about reopening the hearing when there was plenty of time for people to submit comments; however, he wanted to be sure there was an open process for collecting information. He stated that he would be interested in reopening the hearing for this topic only, however, after reading the decision criteria, there was nothing directed towards what type of business was coming. The decision criteria were around the City of Millersburg's request to move property in to and out of the urban growth boundary; that's the decision the Board needed to make.

Commissioner Nyquist stated that it was part optics and fairness. At the original hearing, it was unknown who the client/tenant would be and, as they received comments for the record, it wasn't done in a way that would give members of the public an opportunity to speak. Commissioner Nyquist stated, from his view, the record the Board had was either incomplete or not correct. He stated, if he was going to error, he would like to error on the side of inclusion.

Commissioner Sprenger stated that there was a request to reopen the hearing based on information that she didn't know about. A decision of this magnitude, if someone thought there needed to be something added, the Board would evaluate if that is germane to the issue. She stated that she was hesitant to close the door on information when she didn't know what it was; she would get to determine whether or not it applied or met the criteria.

Commissioner Tucker stated that he had heard the will of the Board and stated that he would be happy to leave the record open for one week. He asked that the Board request Mr. Young, or anyone else who would like to send testimony, that they look at the decision criteria. Commissioner Tucker stated that he would ask that it be done within three days and give the Applicant three days to respond and the decision be scheduled one week later.

**Action – Commissioner Tucker moved to leave the record open to receive information about a potential purchaser of the mill and any comments be based upon the decision criteria and leave the record open for 72 hours from today to make that testimony to the Board in writing. Then, the Applicant would have 72 hours after that day to respond to the testimony and tell the Board why it is or is not in response to that testimony and next week to finish.**

Commissioner Nyquist stated, to be clear, at this moment the record was closed and the action would be to reopen the record. Commissioner Tucker stated that it was closed for oral testimony and was left opened only for written testimony; they were at the end of that so it would be reopened for new written testimony on one topic only; that's what his motion was and that it should pertain to the decision criteria.

Commissioner Nyquist stated that one thing the criteria referred to was compatibility and, for better or worse, compatibility could mean different things to different people so

he didn't know how the Board could tell people what they could or could not say; any comments would need to be considered in regard to the criteria. Commissioner Nyquist stated that he did not want to set the stage to create a demonization or witch hunt that would be a campaign to trash somebody who's willing and wanting to come to this community to invest capital and create jobs.

Commissioner Sprenger stated that she was still unclear about the phrase that we reopen the record only to hear testimony related to this issue; the issue being the email from Mr. Young which she hadn't seen prior to the Board meeting. She stated that she was concerned that they could open the record prescribing what kind of testimony could be received. The Board would get to give it the appropriate weight and measure for the criteria.

Commissioner Tucker stated that, by reading the title of the email, it said HH Today (which he believed was Hasso Hering's blog site) an Italian Paper Company has Millersburg Plans. He stated that he was trying to narrow down that the testimony only be about the impact of that purchaser as it pertained to the decision criteria; not going back to rail crossings, flood, irrigation or soil types, but about that one issue. Commissioner Tucker stated that his motion had not been seconded and he would be happy to withdraw his motion to let one of the other Board members make a motion.

**Action – Commissioner Tucker withdrew his motion.**

Commissioner Sprenger stated that she was concerned that allowing another week that this doesn't become a tool as a new tactic each week to come in with a new issue to prolong the decision. Commissioner Nyquist stated that he thought the writer made a fair point.

**Action – Commissioner Nyquist moved that the Board reopen the record for 72 hours for any member of the public to comment on the proposal around information not available to them at the time they previously had a chance to comment. The Applicant would have until Monday, March 13, 2023 at Noon to respond and the Board would meet back at the Fair/Expo for a time certain of 10:00 a.m., hopefully, for deliberation and decision. Commissioner Tucker seconded the motion.**

Commissioner Tucker asked that since the email from Mr. Young referenced one particular link, that all three of the Board members actually take the time to find that link and read whatever this person felt was important for them to see.

**The vote was called. The motion passed unanimously.**

Commissioner Tucker stated that the Board needed to accept into the record the documents received.

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

- Written comments submitted to the Board on Tuesday, January 24, 2023; 39 comments that were handed to the Board at the table after the Public Hearing;
- A Staff Memo dated Thursday, February 16, 2023 including 15 attached documents;
- Applicant's response came as a summarized Staff Memo and there was one single Applicant's response [dated February 16, 2023];
- Comments received from Stephanie Glaser [Hagerty] [as a summarized Staff Memo dated February 21, 2023]. It's the same comment but she handwrote a note on all four so there were actually four documents that were delivered by Stephanie Glaser [Hagerty];
- Opponent response to the comments with a Staff Memo dated Wednesday, February 22, 2023 that had two attached comments;
- The Applicant's final rebuttal with a Staff Memo dated Monday, February 27, 2023 with the attached rebuttal;
- On February 27, 2023 a memo from Staff informing the Board they had three options (approve, deny or modify) and the rules around the modification; and,
- An email [from Zac Young] that came to Chair Nyquist dated Friday, February 17, 2023.

**Commissioner Sprenger seconded the motion. The vote was called. The motion passed unanimously.**

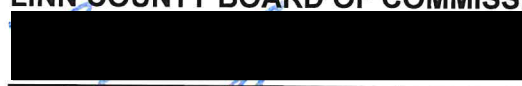
Commissioner Nyquist thanked everyone for attending.

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

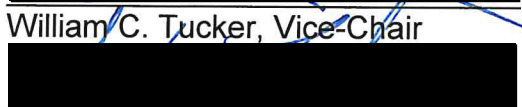
The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. on Tuesday, March 14, 2023.

 Recorder  
For Board of Commissioners  
Marsha Meyer

**LINN COUNTY BOARD OF COMMISSIONERS**

  
Roger Nyquist, Chair

  
William C. Tucker, Vice-Chair

  
Sherrie Sprenger, Commissioner

Date 3-14-2022