

BEFORE THE DOUGLAS COUNTY BOARD OF COMMISSIONERS
Douglas County Courthouse, Room 216, Roseburg, Oregon
BUSINESS MEETING SUMMARY

JAN 23 2019

PATRICIA K. HITT, COUNTY CLERK

DATE: January 16, 2019 - 9:00 a.m.

CHAIR: Tim Freeman

COMMISSIONER: Tom Kress

COMMISSIONER: Chris Boice

Contact Email: commissioners@co.douglas.or.us**1. PLEDGE OF ALLEGIANCE**

"I **pledge allegiance** to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

2. APPROVAL OF THE MINUTES OF January 9, 2019

Commissioner Boice motioned to approve the meeting minutes of January 9, 2019. Commissioner Kress seconded. Motion carried. **FILED DOCUMENT: BOOK 2019/PAGE 47**

3. PROCLAMATION – Douglas County School Choice Week (Commissioner Boice)

Commissioner Boice read the Proclamation. **FILED DOCUMENT: BOOK 2019/PAGE 53**

4. CITIZEN PARTICIPATION ON AGENDA ITEMS ONLY

- None

5. PUBLIC HEALTH – Amendment to Intergovernmental Agreement (Dr. Dannenhoffer)

Twelfth Amendment to Agreement #154110 between Douglas County and Oregon Health Authority. Increases funding by \$88,540.00 for Public Health Preparedness and Response Program, Prescription Drug Overdose program and the Public Health Modernization Implementation program.

Dr. Dannenhoffer presented the agenda item. Commissioner Kress motioned to approve the amendment. Commissioner Boice seconded. Motion carried unanimously. **FILED DOCUMENT: Sent to State for Signature**

6. ASSESSOR – Roll Correction Refund (Heather Coffel)

County tax roll correction per ORS 311.205(1)(a) resulting in a refund to R125315. Total refund amount including interest is: \$5,892.46.

Heather Coffel presented the agenda item. Commissioner Boice motioned to approve the roll correction refund. Commissioner Kress seconded. Motion carried unanimously. **FILED DOCUMENT: BOOK 2019/PAGE 54**

7. ASSESSOR – Roll Correction Refund (Heather Coffel)

County tax roll correction per ORS 311.205(1)(b)(C) resulting in a refund to R132997. Total refund amount is: \$3,053.31 (Interest does not apply).

Heather Coffel presented the agenda item. Commissioner Boice motioned to approve the roll correction refund. Commissioner Kress seconded. Motion carried unanimously. **FILED DOCUMENT: BOOK 2019/PAGE 52**

8. COUNTY COUNSEL – Public Hearing (Paul Meyer)

Board Order designating property R17759 and R17775 as county forest.

Paul Meyer presented the agenda item. Commissioner Freeman opened the Public Hearing.

Public Comments:

- John Hunter made a suggestion to the way the item is posted on the agenda.
- Dave Davis asked to place this information in other media outlets.

Commissioner Freeman closed the public hearing.

Commissioner Boice motioned to approve the board order. Commissioner Kress seconded.

Commissioner Freeman clarified with legal counsel that we are posting per the regulatory requirements correctly. Counsel replied in the affirmative. Commissioner Boice stated he is willing to hear suggestions of better ways to get this information disseminated. Commissioner Kress let Mr. Hunter know that he'd be happy to sit down and show him how to use the Assessors website to look up the information.

Motion carried unanimously. **FILED DOCUMENT: BOOK 2019/PAGE 50**

9. JUVENILE – Amendment to Intergovernmental Agreement (Aric Fromdahl)

Fourth Amendment to Intergovernmental Agreement #144373 between State of Oregon, Oregon Health Authority and Douglas County. Expiration date: December 31, 2020.

Aric Fromdahl presented the agenda item. Commissioner Kress motioned to approve the amendment. Commissioner Boice seconded. Motion carried unanimously. **Item being revised.**

10. LAND DEPARTMENT – Permit of Entry (Janet Coleman)

Permit of Entry for 341 Zeigler Court, Roseburg, Oregon 97471.

Janet Coleman presented the agenda item. Commissioner Kress motioned to approve the permit of entry.

Commissioner Boice seconded. Motion carried unanimously. **FILED DOCUMENT: BOOK 2019/PAGE 51**

11. MISCELLANEOUS – Reappointments to Standley Estates Special Road District (Commissioner Boice)

Recommendation for reappointments of Ron Card and James Wilson to the Standley Estates Special Road District. Term expiration: June 30, 2022.

Commissioner Boice presented and motioned to approve the reappointments. Commissioner Kress seconded. Motion carried unanimously. **FILED DOCUMENT: BOOK 2019/PAGE 48 & 49**

12. PUBLIC WORKS – Contract Modification (Josh Heacock)

Fourth Modification of Contract #30282 between Douglas County and HDR Engineering, Inc. Increases existing contract amount by \$7,000.00, which will be funded within the adopted FY18-19 Water Development Fund 215 budget for materials and services. Extends Contract term to December 31, 2019.

Josh Heacock presented the agenda item. Commissioner Boice motioned to approve the contract modification. Commissioner Kress seconded. Motion carried unanimously. **FILED DOCUMENT: BOOK 2019/PAGE 55**

13. CITIZEN PARTICIPATION

- Francis Eatherington made comments and inquiry in opposition to the tree removal project at Whistlers Bend Park.
 - Commissioner Boice responded to Ms. Eatherington's comments by stating that all trees were not removed. The trees that were removed are those at risk to public safety. He stated that the work is being done now as it's off season and there is less public use this time of year.
- Spencer Gausnell made comments and inquiry in opposition to the tree removal project at Whistlers Bend Park. He also asked if the park is going to be cleaned up in a timely matter.
- Diana Pace made comments in opposition to the tree removal project at Whistlers Bend Park.

- Dave Davis made comments regarding solid waste fee waivers, the change of members of the Solid Waste Advisory Committee and on the potential closure of the Glide transfer station.
- John Hunter made comments and suggestions in opposition to the tree removal project at Whistlers Bend Park and the Parks Advisory Board.
- Sidney Woodard, arborist, encouraged facts surrounding hazardous trees at Whistlers Bend Park. He stated that disease and pests can spread if not taken care of.
- Peter Knight asked if permits were submitted for the Whistlers Bend project, the logging company's name, the name of any future company that will be processing the logs and how many arborists were brought in to address the issues.
- Diana Larson made comments in opposition to the recent Solid Waste fee waiver, advisory committee appointments, the need for an ethics board, commissioner workloads and removal of trees from parks.
- Diana Pace commented that Whistlers Bend Park is a national tourist attraction.
- Lisa Childs recommended a book to read.
- Robert Woodard commented on the beauty of Oregon and the need to take care of hazardous trees as they can be destructive and unsafe.
- Neil Daniels made a comment suggesting allowing public comments when data has changed.
- Ben Erickson made a comment regarding transparency and stated the disc golf course is world renowned.
- Jenny Council made comments regarding the notice of operations submission and the plan for the logs.
- Spencer Gausnell asked if the logging has been completed and stated that people come from all over the world come to play disc golf at Whistlers Bend Park.
- Dave Davis asked if the county can help the disc golf community that uses Whistlers Bend Park.
- Michael Cook asked if the logging is complete.
- Kat Stone made comments regarding trees in parks and OHV use.
- Brandy Stone made a comment regarding showing emotions.
- Denise Backman asked questions regarding grant funding and operations.
- Jenny Council asked questions regarding the bidding process, the costs and income, the volume of logs and if there will be further evaluation at Whistlers Bend Park.
- Lisa Childs asked if notes were being taken and if the commissioners are going to answer questions.

Rocky Houston stated there are eight more trees currently being reviewed at Whistlers Bend Park. There is no contract in place to sell the trees and it is unknown if the trees are worth anything.

Commissioner Freeman stated that the county is self-insured and our risk manager's job is to limit risk.

Rocky commented that they are currently reviewing the risk level of the trees. He shared improvement plans for the disc golf course along with other plans that are going into place to promote the Whistlers Bend Recreation area.

Commissioner Boice asked Rocky to explain how much of the project the Board of Commissioners had influence over.

Rocky responded with, "none".

Commissioner Boice asked Rocky if he has anything personally against trees.

Rocky responded with, "no".

Commissioner Freeman asked Rocky to discuss the cost of the project.

Commissioner Boice asked if there was any potential revenue.

Rocky stated that he is hoping to cover the cost of his faller, but does not anticipate that it will cover all costs.

Commissioner Kress asked Rocky to address the debris clean up.

Rocky stated that staff will be adding top soil, grass seed and straw to help reestablish the park. There will also be trees replanted.

14. COMMISSIONERS COMMENTS

- Commissioner Kress responded to the name calling and stated he is none of the accusations and that is not the way to get his attention. He also stated that he will happily sit down and speak with anybody who is respectful.
- Commissioner Boice responded to the question regarding grants by giving an overview of the Douglas County Industrial Development Board (DCIDB) and stated that they are the ones involved in the grant applications. Commissioner Boice then responded to the solid waste questions. He stated that there have been no decisions made regarding the closure of any of the transfer stations. Commissioner Boice gave an overview of the solid waste department finances, operations and regulations. Commissioner Boice also responded to the questions regarding the changes in the Solid Waste Advisory Committee and reviewed what their scope of work is. Commissioner Boice explained, in great detail, the reasons surrounding the approvals of fee waivers. He stated that the citizens of Douglas County have demanded economic development for over 30 years and the fee waiver tool is a way that the commissioners can help spur that. He closed by stating that he is a taxpayer first and has nothing to gain by closing transfer stations or any other services. However, the county has large financial constraints that make these tough decisions necessary.
- Commissioner Freeman reminded everybody that keeping the meetings respectful is important and helps with the meeting process. He appreciates people coming forward, but to please try and be respectful and understand that there can be a difference in opinion that is nothing more than just that. Commissioner Freeman responded that there hasn't been much discussion about past fee waivers as up until 3 years ago, the landfill was free. He provided additional information on how the fee waiver process evolved and outlined the methodology of the Windmill Inn waiver decision. Commissioner Freeman explained the training opportunities for public safety services that were allowed on the Windmill Inn property and stated how invaluable that training is to citizen safety. Commissioner Freeman stated that he attended an all-day Oregon Mass Timber Development Summit followed by an Oregon Gun Owners board meeting yesterday and commented that commissioners routinely work long hours. Commissioner Freeman read an excerpt of a letter from Governor Brown explaining the importance of the Mass Timber Development Summit and Oregon being a leader in this new building material technology. He showed the audience an example of cross laminated timber made from DR Johnson of Riddle, OR and stated that building codes have been adopted locally and nationally to allow buildings be constructed with cross-laminated timber. He is proud of DR Johnson in leading the nation in this new technology.

15. PLANNING – Public Hearing (Joshua Shaklee)

Appeal of Planning Commission denial of conditional use permit request to allow mining and processing of Aggregate.

Commissioner Freeman opened the public hearing and announced the nature and purpose of the hearing. The Board of Commissioners disclosed any conflicts of interest, bias, ex parte contact or site visits related to the matter.

Commissioner Freeman asked if there were any issues from either party regarding the commissioners' conflicts of interest, bias, ex parte contact or site visit disclosures.

- Valynn Currie thanked the commissioners for addressing the potential conflicts.

Joshua Shaklee presented the staff report. Commissioner Kress asked Mr. Shaklee for clarification on one of the options in further detail. Commissioner Boice asked who renders the final decision. Mr. Shaklee responded that the Board of Commissioners would make the final decision and if that decision is appealed it would go to Oregon Land Use Board of Appeals (LUBA).

Joshua Shaklee read the list of recognized parties. Only these parties have legal standing in today's hearing. Commissioner Freeman announced they would hear from the appellant party first.

- Souvanny Miller, attorney for appellant, spoke on behalf of the property owner/appellant and gave testimony in support of the application.

Commissioner Boice asked Planning Director Joshua Shaklee for clarification of applicable criteria.

Commissioner Freeman asked for other arguments in support of the request.

- None

Commissioner Freeman asked for arguments in opposition of the request.

- Valynn Currie stated she is representing multiple parties and gave testimony opposing the application. She read from a prepared memorandum that was previously entered into the record and provided to the Board of Commissioners.

Commissioner Freeman stated that portions of the memorandum provided to the Board were redacted by staff in order to avoid introducing evidence not previously entered into the record and that Ms. Currie's testimony could not include the redacted portions. Commissioner Boice requested that testimony be limited to applicable criteria. Paul Meyer responded by advising the Board of Commissioners on the scope of items they could consider in making their decision.

- John Holing gave testimony in opposition of the application.
- Terry Holing gave testimony in opposition of the application.
- James Black gave testimony in opposition of the application.
- Rolf Helber gave testimony in opposition of the application.

Commissioner Freeman requested Paul Meyer review the scope of items the Board of Commissioners can consider in making their decision.

- Terrell Rudolf gave testimony in opposition of the application.
- John Hunter stated his support of the decision made by the Douglas County Planning Commission.
- Kat Stone gave testimony in opposition to the application.

Commissioner Freeman asked for rebuttal testimony from parties in support of the application.

- Souvanny Miller, attorney for appellant, spoke on behalf of the property owner and gave rebuttal testimony in support of the application.

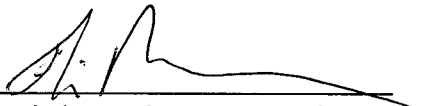
Commissioner Freeman asked for rebuttal testimony from parties in opposition to the application.

- Rolf Helber gave rebuttal testimony in opposition of the application.
- Valynn Currie gave rebuttal testimony in opposition of the application.
- Kat Stone gave rebuttal testimony in opposition of the application.

Commissioner Freeman closed the public hearing. Deliberation of the board ensued. Commissioner Boice offered clarifying comments regarding the scope of the project. Commissioner Kress asked Joshua Shaklee to restate what the zoning of this property and adjacent properties are and if it can be considered. Joshua Shaklee confirmed that it could be considered. Commissioner Freeman reiterated that the Board of Commissioners only charge was to consider compatibility of land uses. The other agencies will still need to do their part and he is confident these agencies will each do their part. Commissioner Boice made a motion to reverse the Planning Commission decision and grant the requested Conditional Use Permit to allow the mining and processing aggregate subject to the following conditions of approval in addition to those found in the staff report. Additional Conditions: To remain compliant with all of the other regulatory agencies. Commissioner Freeman seconded. Commissioner Kress expressed his concerns with compatibility of adjacent properties. Joshua Shaklee read the conditions of approval from the written staff report, which would be adopted as part of the Board decision if the motion on the table were carried. Motion carried unanimously.

16. ADJOURNMENT AND NEXT MEETING

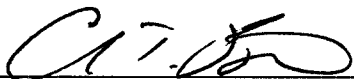
The next regularly scheduled Board meeting will be held January 23, 2019 at 9:00 a.m. in Room 216 of the Douglas County Courthouse, Roseburg, OR.



Commissioner Tim Freeman, Chair



Commissioner Tom Kress



Commissioner Chris Boice

Respectfully submitted,



Heidi Gallego, Recording Secretary

Douglas County may video/audio record the proceedings of this meeting for future broadcast or other purposes. A copy of any video/audio recording is available upon written request made to the Information Technology department. Cost is \$5 per DVD or cd copy plus \$2 shipping costs. Send a money order to: Douglas County Information Technology, 1036 SE Douglas, Room 123, and Roseburg, OR 97470. Please include dates of requested DVD's or cd's and shipping address.