



LINN COUNTY SHERIFF'S OFFICE

Michelle Duncan, Sheriff

1115 Jackson Street SE, Albany, OR 97322

Phone: 541-967-3950

www.linnsheriff.org

MEMORANDUM

To: Linn County Board of Commissioners

From: Captain Andy Franklin

Date: May 27, 2025

Re: Resolution & Order No. 2025-167, 2025-168, 2025-169, 2025-170, 2025-171

Resolution & Order No. 2025-167: This Resolution and Order is a temporary employment agreement with Sgt. Dusty Frenzel. Sgt. Frenzel is currently working under a temporary employment agreement that expires June 30, 2025. This is a one-year renewal contract allowing Sgt. Frenzel to continue working in the capacity of a full-time Patrol Sergeant.

Resolution & Order No. 2025-168: This Resolution and Order is a Temporary Part-Time Employment Agreement with retired Sergeant Brad Kelley. Brad is currently contracting back as a Firearm's Instructor and his contract term ends June 30, 2025. This is a one-year renewal contract.

Financial Impact: None

Resolution & Order No. 2025-169:

This is a Resolution and Order to approve the purchase of two vehicles by the Sheriff's Office. The first vehicle is a 2025 Ford F350 that will replace a similar vehicle currently in the fleet, used for forest patrol, that is scheduled to be rotated out due to high mileage. This purchase was built into the Linn County Sheriff's Office budget this fiscal year. The total price of this vehicle is \$56,775.12. The second vehicle is a 2025 Ford F350 that will be replacing a vehicle for animal control. This purchase was built into the Linn County Sheriff's Office budget this fiscal year. The total price of this vehicle is \$53,648.15. Both vehicles will be purchased under a State of Oregon Cooperative price agreement with Gresham Ford.

Resolution & Order No. 2025-170:

This Resolution and Order is for a Temporary Part-Time Employment Agreement with Heidi Ferguson for the position of Background Investigator.

Resolution & Order No. 2025-171:

This Resolution and Order is a three-year renewal with the company 10D Tech for the Sheriff's Office Avaya phone system. The total cost of the renewal over the three years is \$108,055.35 which is built annually into the Sheriff's Office budget.



LINN COUNTY SPECIAL/RURAL TRANSPORTATION

PO Box 100, Albany OR 97321-0031 maudlin@co.linn.or.us Phone (541)409-4494

BOARD OF COMMISSIONERS

Roger Nyquist
Sherrie Sprenger
Will Tucker

REAGAN MAUDLIN

Special/Rural Transportation Coordinator

May 27th 2025 Agenda Item

To: Board of Commissioners
From: Reagan Maudlin, Linn County Special/Rural Transportation Coordinator
Date: May 27th, 2025
RE: Sub-recipient Agreement for ODOT Agreement No. 35696 Capital 5339 funds

| <u>Recipient</u> | <u>Resolution & Order</u> | <u>Action</u> |
|------------------------------------|-------------------------------|---------------------------------|
| Senior Citizens of Sweet Home, Inc | 2025-095 | Approve Sub-recipient Agreement |

Recommendation:

It is respectfully requested that the Board of Commissioners for Linn County approve this request to enter into **Sub-recipient Agreement 2025-095** with Senior Citizens of Sweet Home, Inc to receive **Capital 5339 Funding** for project period 2025-2028, not to exceed **\$259,250.00**.

Background:

ODOT Agreement 35696 was previously reviewed and entered into by the Board of Commissioners at a meeting held on February 25th, 2025 designating Linn County as the primary recipient of funds. This sub-recipient agreement allows Linn County to pass down the 5339 funds to the intended recipient once they have demonstrated completion of the statement of work, have supplied required documentation of such, and when Linn County has received the funding from the source.

5339 funds are a single project fund that will support the Senior Citizens of Sweet Home/Linn Shuttle/Dial-A-Bus program acquire a new vehicle for their services. This program funds the replacement and purchase of buses, bus equipment, and bus-related facilities for transportation providers in small urban and rural areas with population of 199,999 or less. Funding is provided by FTA's 5339 Bus and Bus Facilities Program which is distributed to states in an amount set by Congress. Distribution to local agencies is done through an ODOT discretionary selection process.

Entering into this Sub-recipient agreement allows Linn County to serve in their role, bridging the gap between Federal/State resources and the local programs that need them. Senior Citizens of Sweet Home extends their gratitude for the ongoing efforts of Linn County and the Board of Commissioners in assisting their program to meet the needs of public transportation in our county.



LINN COUNTY PROPERTY MANAGEMENT

104 SW 4th Avenue, Room 123 Albany, Oregon 97321

Phone: (541) 967-3807

Date: May 27, 2025

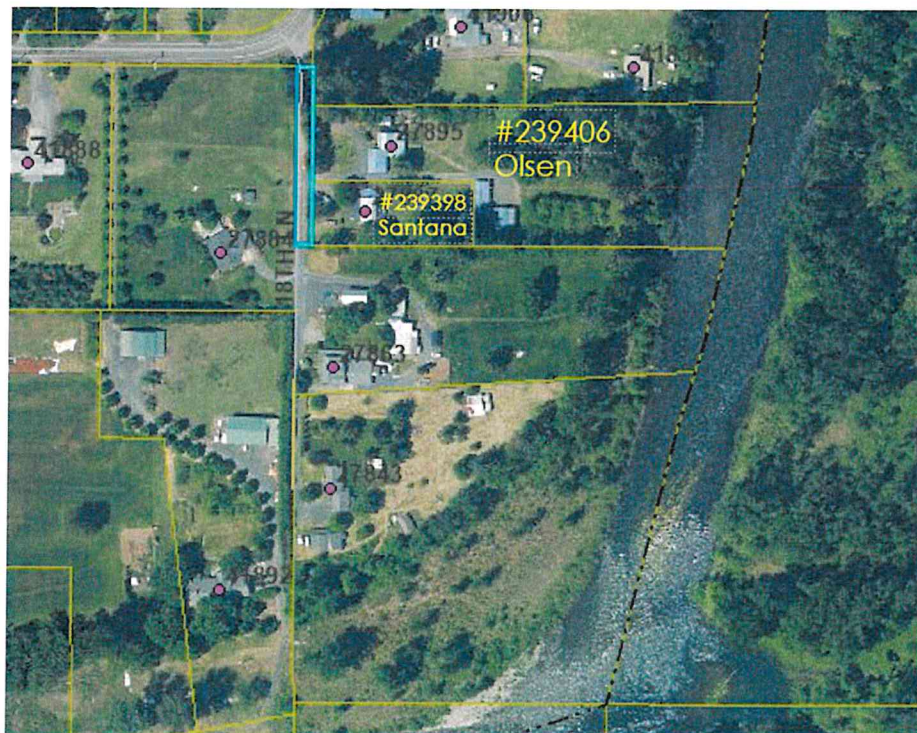
To: Board of Commissioners

From: Rachel Adamec, Real Property Program Manager

RE: **Resolution & Order 2025-173** – In the Matter of the Sale of Tax Foreclosed Property by Private Sale

Resolution & Order 2025-177 – In the Matter of an Office Lease Agreement Between Ball Metal Beverage Container Corp. and Linn County

R&O 2025-173 approves the conveyance of property account #723805 (13S-1E-29-1499) to Ramiro M. Santana. A sealed bid of \$250 from Mr. Santana was accepted on May 6, 2025.





Linn County Health Services

"Working Together to promote the health and well-being of all Linn County residents"

Toll Free: 800.304.7468

PO Box 100, Albany, OR, 97321

TTY/Oregon: 800.735.2900

linncountyhealth.org

Board Summaries for May 27, 2025

R&O 2025-122

This Grant Agreement is entered into between Linn County and United Way of Linn, Benton, and Lincoln Counties. Under the terms of this agreement, Linn County will provide United Way with funding not to exceed \$250,000. These funds originate from the Oregon Health Authority (OHA) and must be expended by June 30, 2025; any unspent funds will be returned to OHA.

United Way will distribute these funds through eight sub-grants to local community partners—five grants in the amount of \$25,000 each, and three grants in the amount of \$50,000 each—to support eligible programs and initiatives within Linn County.

Administration

M: 541.704.3004 F: 541.924.6904
toddnoble@linncountyhealth.org

Alcohol & Drug Treatment

M: 541.967.3819 F: 541.967.7259
justinthomas@linncountyhealth.org

Developmental Disabilities

M: 541.967.3890 F: 541.924.6905
chrissycliburn@linncountyhealth.org

Environmental Health

M: 541.967.3821 F: 541.924.6904
shanesanderson@linncountyhealth.org

Mental Health

M: 541.967.3866 F: 541.928.3020
sandyminta@linncountyhealth.org

Public Health

M: 541.967.3888 F: 541.926.2102
shanesanderson@linncountyhealth.org

LINN COUNTY BOARD OF COMMISSIONERS HEARING STAFF REPORT

PRESENTED BY: Alyssa Boles, Planning Manager

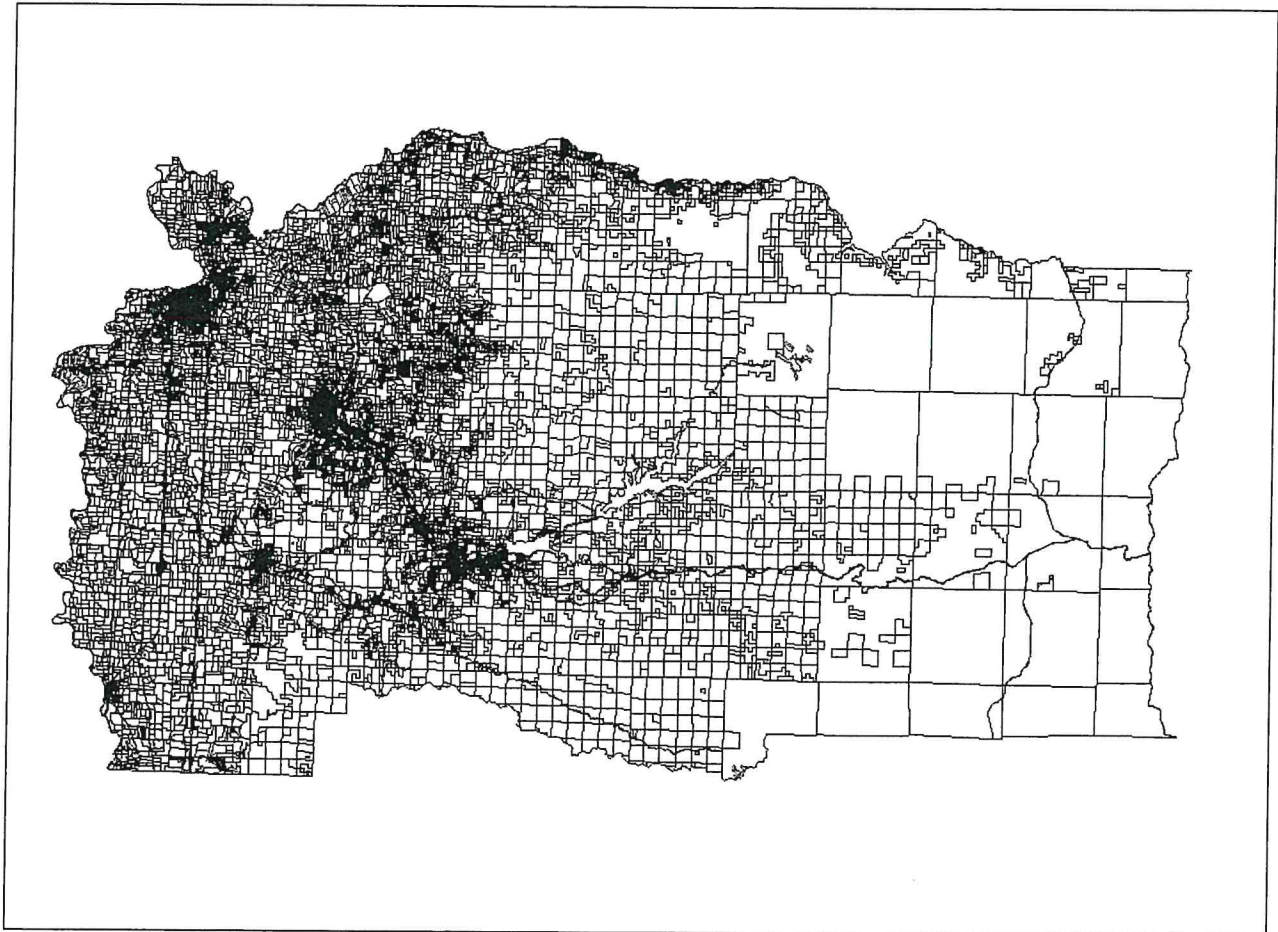
DATE ISSUED: May 19, 2025

HEARING DATE: May 27, 2025



APPLICATION: **PD25-0118:** A Code text amendment application by Linn County to amend Linn County Code 933.705. The proposed amendments are to align current language in Code to be consistent with state law.

CRITERIA: This application will be reviewed and a decision will be made using the decision criteria in Section 921.824 of the Linn County Land Development Code.



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Linn County Planning & Building Department

Date: 05/30/2024

I. INTRODUCTION

A. PROJECT SUMMARY

The Code text amendment application contains proposed text amendments to Linn County Code (LCC) Section 933.705 (Pre-85 single-family dwellings; generally). This section of Code is located within the *Linn County Conditions, Requirements, and Decision Criteria Code*, which contains decision criteria applicable to various Type IIA conditional uses permitted in various zoning districts.

LEGISLATIVE HISTORY

LCC Chapter 933 was established in 1998, when the Linn County Code was codified (Ordinance 98-002 §3 eff 3/4/98). Previous versions of the *Conditions, Requirements, and Decision Criteria Code* (prior to 1998) are contained in the Linn County Zoning Ordinance on file with the Linn County Clerk's Office and retained in the Planning and Building Department library.

The decision criteria applicable to a pre-1985 single family dwelling was adopted into State law in 1993 per House Bill (HB) 3661. HB 3661 was a comprehensive bill to revise Oregon land use provisions for the protection of farm and forest lands and to permit lot-of-record dwellings on such lands, and other amendments not related to this application. The revisions from HB 3661 were codified in Oregon Revised Statute (ORS) 215.705. Subsequent amendments were made to Oregon Administrative Rules (OAR) implementing the provisions of ORS 215.705. The applicable provisions can be found in various sections of OAR 660-033. The applicable decision criteria can be found in OAR 660-033-0130(3)(a). County Code was amended to implement the provisions of HB 3661 pursuant to Ordinance No. 1994-200. The adoption of the language in 1994 aligned with State law. The Code was amended to the current language in 1998 (Ordinance No. 98-200).

While statewide goals provide a framework, local governments can impose stricter regulations than the goals themselves, particularly in areas like farm and forest lands to ensure long term compliance with the goals and minimize potential conflicts to farm and forest land. At the time, Linn County chose to adopt language in LCC 933.705 that was more restrictive than the provisions in ORS 215.705 and OAR 660-033-0130. The proposed amendments would align the current language in the County Code to the language in OAR.

PROPOSED AMENDMENTS

The proposed Code text amendments would affect properties in the Exclusive Farm Use (EFU) zoning district and properties in the Farm/Forest (F/F) zoning district. Pre-1985 single-family dwellings, also known as lot-of-record dwellings, are a Type IIA conditional use in the EFU and F/F zoning districts. The definition of the various types of Pre-1985 dwellings are defined in LCC 920.100(B)(244-248). The essential criterion for this type of review is that the unit of land on which the dwelling will be sited was lawfully created and was acquired and was owned continuously by the present owner:

(a) Since prior to January 1, 1985; or (b) By devise or by intestate succession from a person who acquired and had owned continuously the authorized unit of land since prior to January 1, 1985. To summarize, if a property has been in the same ownership by an owner as defined below since January 1, 1985, it may qualify to apply for a conditional use permit for a pre-1985 dwelling.

"Owner" is defined as the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members. If the ownership remains within the relationships listed above, the property continues to qualify to apply for a conditional use permit for a pre-1985 dwelling.

The current language in Code limits an applicant from qualifying for a pre-1985 dwelling if the property was part of a tract in 1993, and the tract at that time contained a dwelling. The proposed language clarifies that the property as it exists today does not contain a dwelling and that if the property was part of a tract in 1993 that contained a dwelling, that no other property in the tract, excluding the subject property, contained a dwelling.

Staff believes these amendments will benefit citizens of Linn County while still being consistent with the farm and forest protections in place in State law and County Code, along with continuing to be consistent with the applicable language in ORS and OAR. It is unknown exactly how many properties may be affected by the proposed amendments without completing a deed history and ownership review for all properties zoned EFU and F/F throughout the County. Department staff would complete a deed history and ownership review for an individual property at the time of an application for a Step One Review.

Deleted text is written with a ~~strikethrough~~ and added text is underlined. All changes are in red. **Exhibit A** contains the portions of LCC 933.705 that are proposed to be amended. A copy of the complete application is attached to this report in **Exhibit A**.

B. PLANNING COMMISSION RECOMMENDATION

The Planning Commission (Commission) conducted a public meeting at 7:00 p.m., May 13, 2025, to review the proposed amendments. After considering the staff analysis at the Commission hearing and the information contained in the record, the Commission voted 4-0 to adopt a motion to recommend that the Board approve the text amendments, as proposed.

C. DECISION CRITERIA

The proposed Code text amendments are classified as a Type IIIA Legislative application. The application is reviewed as set forth in LCC 921.130: *Type IIIA Legislative Procedure*.

LCC 921.824 contains the applicable decision criteria for a Code text amendment. LCC 921.824 requires that a proposed Code text amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code and consistent with the intent of the policies within the applicable section(s) of the *Comprehensive Plan*.

II. PROPOSED CODE AMENDMENTS AND ANALYSIS

The Planning and Building Department (Department) is presenting for Board consideration draft amendments to *Linn County Code (LCC)* Chapter 933.705. The proposed amendments are contained in **Exhibit A**.

Deleted text is shown with a ~~strikethrough~~ and added text is underlined. All changes are in red. **Exhibit A** contains the sections of Chapter 933 that are proposed to be amended. The proposed Code amendments are identified below. The proposed Code text amendments are draft language.

LCC Chapter 933.705

| Section | Amendment |
|---------------------|--|
| LCC 933.705(B)(2) | Amends language to be consistent with language in state law. |
| LCC 935.705(B)(4-8) | Amends number citations |

III. NOTICE TABLE AND PROCEDURE

A. NOTICE

Adoption of Land Development Code text amendments is legislative rather than quasi-judicial. Therefore, notice to individual property owners is not required to be provided, as the proposed Code text amendments apply to general classes of property rather than to individual properties. Because the proposed amendments would not restrict existing uses, a Measure 56 notice is not applicable. Notice was published in the Albany Democrat Herald at least 21 days prior to the first evidentiary hearing. Notice was provided to the Department of Land Conservation and Development at least 35 days before the first evidentiary hearing. Copies of the public notices provided can be found in **Exhibit B**.

B. PROCEDURE

The proposed Code text amendments are classified as a Type IIIA Legislative application. The public notice, evidentiary, and legislative hearing processes will be conducted as set forth in LCC 921.130: *Type IIIA Legislative Procedure*. The "hearing authority" in a Legislative Code text amendment is the Board of County Commissioners for Linn County (Board).

The Planning Commission (Commission) conducted one public hearing on this matter on **May 13, 2025**. At the close of the hearing, the Planning Commission made a recommendation to the Board. The Board will hold a public hearing on **May 27, 2025**. The Board will make a final decision after the close of the hearing.

The Commission and the Board shall provide opportunity for the presentation of evidence and testimony. All testimony must be directed toward the applicable decision criteria including applicable criteria in the Comprehensive Plan or other land use regulations. Failure to raise an issue before the close of the record or failure to provide statements or evidence sufficient to afford the decision maker(s) and the parties an adequate opportunity to respond to each issue raised precludes an appeal to LUBA based on that issue.

If the Board hearing is continued or tabled, the chairperson shall state on the record the date and time for which the hearing is rescheduled, the place where the hearing will be conducted, and what limitations exist on further comment or submissions of written materials. Once the hearing is closed to public input, the Board shall begin deliberations on a decision or announce the time, date and place when the decision will be made. The Board shall make a decision conforming to the requirements of LCC 921.140 not more than 42 calendar days from the close of the public hearing.

IV. EXHIBITS

- A. Application and proposed amendments to LCC Chapter 933.705
- B. Public Notice
- C. Decision Criteria