



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
THURSDAY, JUNE 20, 2024**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Thursday, June 20, 2024.

Those present at various times for the matters as indicated below were: Steve Wills, Linn County Planning and Building Director; Alyssa Boles, Planning Manager, Linn County Planning and Building Department; Gene Karandy, County Attorney for Linn County; Phillip Van Leuven, Deputy County Attorney for Linn County; Alex Paul, Linn County Communications Officer; numerous audience members for the Public Hearing; Shayla Escudero, Reporter for *Democrat-Herald* and Bill Poehler, Reporter for *Statesman Journal*.

1 and 2. At 10:00 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 Courtney Leland, Recorder for the Board of Commissioners.

3. Public Hearing – *Deliberation and Decision – Continued from Tuesday, June 18, 2024* – PD23-0670 – Legislative Code Text Amendment Application by Linn County to amend sections of Linn County Code (LCC) Chapters 920, 928 and 934. The proposed amendments are to implement portions of Senate Bill 85 (2023) relating to the establishment of new large confined animal feeding operations – Alyssa Boles, Planning Manager, Linn County Planning and Building Department.

Commissioner Nyquist called upon Ms. Boles for background information on the matter.

Ms. Boles indicated that, at a regularly scheduled Board meeting held on Tuesday, June 11, 2024, the Board voted unanimously to re-open the Public Hearing for PD23-0670 and accept only written testimony regarding the matter; those comments were due by 5:00 p.m. on Monday, June 17, 2024. She indicated that there were four sets of comments delivered to the Board: a Memorandum dated Monday, June 17, 2024 with written testimony received between Tuesday, June 11, 2024 and Sunday, June 16, 2024 at 5:30 p.m.; a Memorandum dated Monday, June 17, 2024, with written testimony

submitted by email and received by the Linn County Planning and Building Department Staff between Saturday, June 16, 2024 at 5:30 p.m. and Monday, June 17, 2024 at 12:00 p.m.; another Memorandum dated Monday, June 17, 2024 with written testimony submitted to the Linn County Board of Commissioners' Office on Monday, June 17, 2024 at 12:00 p.m.; and, a final Memorandum dated Monday, June 17, 2024 with written testimony submitted between 12:00 p.m. and 5:00 p.m., to both, the Linn County Planning and Building Department and the Linn County Board of Commissioners' Office. Ms. Boles noted that there were three comments included in the record that weren't listed on a Memorandum which were comments from Leland Peterman, Willamette Riverkeepers and Dave Dillon.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to close the Public Hearing for PD23-0670. The vote was called. The motion passed unanimously.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept into the record the following documents:

- A Memorandum dated Monday, June 17, 2024 with comments received between Tuesday, June 11, 2024 and Sunday, June 16, 2024 at 5:30 p.m.;
- A Memorandum dated Monday, June 17, 2024 with comments received by the Linn County Planning and Building Department Staff between Sunday, June 16, 2024 at 5:30 p.m. and Monday, June 17, 2024 at 12:00 p.m.;
- A Memorandum dated, Monday, June 17, 2024 with written comments received by the Linn County Board of Commissioners' Office as of Monday, June 17, 2024 at 12:00 p.m.;
- And, a Memorandum dated, Monday, June 17, 2024 with comments submitted between 12:00 p.m. and 5:00 p.m., to both, the Linn County Planning and Building Department and the Linn County Board of Commissioners' Office on Monday, June 17, 2024 between 12:00 p.m. and 5:00 p.m.

The vote was called. The motion passed unanimously.

Commissioner Tucker indicated that he was ready to make a motion to start discussion but first wanted to express that he was surprised by the outreach from across the nation. Commissioner Sprenger indicated that, she had concern with a motion because she didn't know their position and wanted the Board to share thoughts; she started the discussion.

Commissioner Sprenger indicated that this was one of the most challenging issues that she had faced and that the matter directly impacted her family because they neighbor a property that could have a large confined animal feeding operation (CAFO). She clarified that any decision made today wouldn't impact an existing (CAFO) from expanding and Ms. Boles agreed. Commissioner Sprenger indicated that there was a difference between chickens and cattle and that she had concern with cattle being included in the setback. She indicated that the original request proposed a half mile setback and there were a handful of participants that requested a one-mile setback and

that her decision, at that time, was based off two maps that showed available property at the different setbacks. Commissioner Nyquist indicated that the Board was put in a position to be involved when the application that came from the State of Oregon to build a new (CAFO) required a sign-off by the Linn County Planning and Building Department. The Board advised applicants, at that time, to take their concern to the Legislature and the Law changed.

Commissioner Nyquist disclosed, for exparte purposes, that he read almost every newspaper article regarding the matter and had conversations with the general public after he thought the matter was resolved. He indicated that he took a tour of a large (CAFO) facility and, during that tour, proponents were discussing how well the facility ran and, at the end of the tour, they would say "this isn't that bad, don't get me wrong, I wouldn't want one next to me but, it's not that bad". He stated that, once the law for Senate Bill 85 was changed, how would the Board minimize the impacts and create a land-use process that allowed for collaboration between people. Commissioner Nyquist indicated that, as the landscape existed in Linn County, a setback of one-mile still allowed for up to 90 potential sites; no one had come to him and indicated that they had gone out and looked at any of those 90 sites. In addition, there would be a waiver offered in case the Board was missing something. Having said all of that, he stated that as it came before the Board there was no evidence that related to cattle or livestock and he later understood that the Board's determination included that. Commissioner Nyquist stated that, he would favor continuing the Ordinance as it was passed, however, exclude anything other than poultry from the one-mile setback. Commissioner Tucker indicated that everything provided to him on the matter pertained to chickens and that there would still be a variance process that the Board would support should the surrounding neighbors determine to allow a CAFO facility near them. He indicated that he spoke with Staff to change the word from chicken to fowl but they informed him that all of the testimony revolved around chickens; he was trying to eliminate having a conversation for each species.

Commissioner Tucker indicated that he was ready to make a motion that pertained only to chickens since that's what the Board was prepared for.

Commissioner Nyquist asked, for the record, if there was any exparte communication or conflict of interests to declare.

Commissioner Sprenger indicated that she had conversations with constituents but didn't have any conflict of interests that would impact her monetarily.

Commissioner Tucker indicated that he hadn't had any exparte communication or conflict of interests to declare but when he thought the matter was resolved, he did have conversations with people regarding the matter.

Commissioner Sprenger asked for clarification from Commissioner Tucker on the setback distance that he supported. Commissioner Tucker indicated that his motion would include a one-mile setback for a new large chicken (CAFO). Commissioner Sprenger indicated that she could throw a rock to property that would qualify for a large (CAFO) by her residence; a one-mile setback was a huge statement. As much as she

wasn't a fan of these in her backyard, it also related to food supply; reducing the setback provided more parcels than a one-mile setback. Her concern with the variance process was, with as much controversy as there had been over the matter, she believed it would be extremely hard to get a variance.

Action – Commissioner Tucker moved and Commissioner Nyquist seconded the motion to approve PD23-0670, a Legislative Code Text Amendment Application by Linn County to amend sections of Linn County Code Chapters 920, 928 and 934; Approve the amendments as proposed applying only to new large chicken CAFO's; new large chicken CAFO's are subject to a property line setback of one-mile if the property is adjacent to a property that contains a residential structure or structure associated with a lawfully established pre-existing or non-conforming use. Approve that the proposed amendments in 928.310(B)(18)(a) and 928.610(B)(27)(a) and include the verbiage "new large chicken CAFO", and the amendments in 934.530(C) be amended to specify "new large chicken CAFO", as well as, that other proposed language approved by the Board at the December 12, 2023 hearing be upheld. The vote was called. The motion passed 2-1 with Commissioner Sprenger voting in opposition.


4. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:27 a.m. by unanimous consent.


The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. Tuesday, June 25, 2024.

 Recorder
For Board of Commissioners
Courtney Leland

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chair


William C. Tucker, Vice-Chair


Sherrie Sprenger, Commissioner

Date 7-9-2024