BEFORE THE BOARD OF COMMISSIONERS

County of Lake
State of Oregon

REGULAR SESSION

The Lake County Board of Commissioners met in Regular Session Wednesday November 4, 2020. The following members were present: Chair Bradley J. Winters, Vice Chair James Williams, and Commissioner Mark Albertson. Also present: Public Health Director Judy Clarke, Treasurer Ann Crumrine, Planning Director Darwin Johnson, Legal Counsel James Bailey (via phone) and Member of the Press Danielle Jester. Number of Public Present: 7.

10:00 a.m. – The Regular Session was called to order by Chairman Winters and the Pledge of Allegiance was recited.

Additions: Consideration of a Solar Advisory Committee

Deletions: None

Public Comment:

Member of the Public Jim Strong asked the Board to consider two ideas: reconsider the declaration of COVID-19 emergency and the adoption of a resolution condemning the overreach of OSHA. He asked the Board to think about it, and possibly take action at the next meeting.

Public Health Director Judy Clarke provided a COVID-19 update. She is expecting drive up testing to be available mid-November for anyone interested, regardless of whether they have symptoms. She said she will not be surprised if the County is on the State Watchlist soon because of the sharp uptick of positive cases.

OTHER BUSINESS:

Lake County Health Department Services Monitoring Policy

Lake County needs to bolster the Health Department Monitoring Policy to comply with State requirements for monitoring programs funded by federal dollars.

Commissioner Albertson motioned to adopt the Lake County Health Department Services Monitoring Policy. Vice Chair Williams Second. 3 Ayes – Motion Carried.
Subrecipient Monitoring Policy

Building off of the Health Department Policy, this policy would ensure all subrecipient programs are in compliance with metrics from the state and federal government.

Vice Chair Williams motioned to accept the subrecipient monitoring policy. Commissioner Albertson Second. 3 Ayes – Motion Carried.

Road Department Vehicle Purchase

Road Superintendent Kevin Hook proposed a purchase for two new plow trucks for the Road Department. He presented quotes from four different vendors and recommend Dave Smith Dodge at a price of $48,433 for each vehicle. He also wants the plow trucks to double as service trucks. Quotes were requested for box delete pricing, regular with box cab chassis, and with service body if available.

Vice Chair Williams motioned to approve the two Dodge Ram pickup trucks for $48,433 each. Commissioner Albertson Second. 3 Ayes – Motion Carried.

Sheriff Department Transport Vehicle

Fleet Manager Melanie Lasley acquired quotes from two of the three vendors she solicited. She recommended the lowest quote from Gresham Ford for a Ford Expedition in the amount of $38,240.83.

Commissioner Albertson motioned to accept the bid for a transport vehicle from Gresham Ford in the amount of $38,240.83. Vice Chair Williams Second. 3 Ayes – Motion Carried.

IGA with Harney County

Planning Director Darwin Johnson amended the Intergovernmental Agreement with Harney County after the Work Session recommendations that allow for extra projects if approved by the Board of Commissioners and for the agreement to be extended until 2025 if mutually agreeable by Harney and Lake Counties.

Vice Chair Williams motioned to accept the IGA with Harney County for GIS. Commissioner Albertson Second. 3 Ayes – Motion Carried.

Consideration of a Solar Advisory Committee

Consensus of the Board to form an advisory committee for solar development.

Commissioner Albertson motioned to start an advisory committee for solar, to work on solar procedures for the County. Vice Chair Williams Second.

Discussion on representing all interests, and the goals of the committee.

3 Ayes – Motion Carried.
TIMED ITEMS:

11:10 a.m. – Appeal Hearing 20-035-CUP

Appellant Kenny LaPlant on behalf of Flowerree Farms submitted testimony to the Board of Commissioners in opposition to the approval of a non-farm dwelling on a 15-acre parcel described as: T26S R18E S36 TL301 approved by the Planning Commission.

Mr. LaPlant testified that allowing the Conditional Use Permit for a non-farm dwelling will adversely affect future farming growth. He is also concerned on who would become a future neighbor. He said the land is very suitable for agriculture contrary to the determination of the Planning Commission. He also is concerned with future nuisance issues.

Mr. Addington testified that he believed his neighbors have a similar CUP because of the presence of RVS on their property on a five-acre parcel. Also, he said it is speculative who would be the future property owners, therefore unfair to use that as part of the appeal.

11:25 a.m. – Hearing Closed

The Commissioners further discussed: Adversely affecting farming operations, no other farm dwellings in the area, soil suitability, financial ability to properly execute the permit.

Commissioner Albertson motioned to uphold the Planning Commission’s decision. Vice Chair Williams Second. 3 Ayes – Motion Carried.

12:22 p.m. – Recess Open Session

1:00 p.m. – Resume Open Session

1:00 p.m. – Consolidated Remand Hearing for 19-027-CUP and 19-028-CUP

Testimony can only be accepted by appellants.

Remand Topic #1 – Single Project

Elaine Albrich provided testimony to make clear the projects are now distinct. The parcels are now separate and under two separate LLCs. Parcel A is now known as Obsidian Solar and Parcel B is known as Fremont Solar.

Remand Topic #2 – Rodent Migration

Ms. Albrich testified that only adjacent landowners could have any possible rodent impacts. She also said the company will be careful to use appropriate clearing procedures to keep as much vegetation intact as possible.

Mr. Horton said even with mowing the rodents will not have enough feed, and will have to travel to neighboring properties to find food. He said this will probably go on for years until the land impacted by the solar facilities has been restored.

Mr. Reeder provided a statement from Foster’s Natural Resources Contracting.

Ms. Albrich asked for an opportunity to read the new testimony and provide a rebuttal.

Remand Topic #3 – ODFW Mitigation
ODFW and Obsidian reached an agreement on acceptable mitigation.

Discussion on who bears the responsibility of reclamation after the land is no longer utilized for solar harvesting.

The Appellants will have an extension up to November 13th to provide rebuttals to new information.

The Applicants will have an extension up to November 18th to provide rebuttals to new information.

The next hearing will be held December 2, 2020 at 1:00 p.m. for the BOCC to review the rebuttals and new information brought forth.

2:30 p.m. – Recess Open Session

2:40 p.m. – Resume Open Session

OTHER BUSINESS:

Road Vacation – Order of Vacation, Parts of RS 27

Flowerree Farms has requested a vacation for parts of RS 27. They requested this under ORS 368.351 without a hearing. Planning Director Johnson has deemed this request to be suitable because the interior lot line vacation affecting the private property owner complies with applicable land use regulations and facilitates development of the property subject to interior lot line vacation. The proposed vacation on a portion of RS 27 within tax lot 5600 running north and south for 60’. They would also like the language stricken from the Deed Record Book 94, page 386, which currently reads, "all right of way for County Roads and Highways, heretofore designated or which may be hereafter designated by the County Court of Lake County, Oregon and also reserving."

Commissioner Albertson motioned to vacate the requested section requested by Flowerree Farms, and to strike the deeded language requested. Vice Chair Williams Second. 3 Ayes – Motion Carried.

Road Vacation – Order of Vacation, an Alley in Block 3 of Hager Addition

Land Owner Tami Dark requested the vacation of an alley on her property. Planning Director Darwin Johnson recommended a vacation without hearing under ORS 368.351. The interior line vacation affecting private property complies with applicable land use regulations and facilitates development of the property subject to interior lot line vacation. Ms. Dark is the land owner of 100% of the adjoining properties. The proposed vacation lies on Center Street in Silver Lake between 9th and 10th Streets and the alley way between lots 1-4 and 5-8 of block 3 in the Hager Addition cf 28S14E22DB.

Vice Chair Williams motioned to vacate the recommend sections between lots 1-4 and 5-8 of block 3 in the Hager Addition. Commissioner Albertson Second. 3 Ayes – Motion Carried.

Meeting Minutes

11-04-2020 Regular Session Minutes
Minutes from the October 6, 2020 Work Session and October 7, 2020 Regular Session need approval.

Commissioner Albertson motioned to approve the Minutes from 10/6 and 10/7 as presented. Chair Winters Second. 3 Ayes – Motion Carried.

11:45 a.m. - With there being no further discussion, the meeting was adjourned.

Roeootcfuly Submitted,

Melanie Lasley  
Commissioner’s Assistant

Board Approval,

Bradley J. Winters  
Chair

James Williams  
Vice Chair

Mark Albertson  
Commissioner