BEFORE THE BOARD OF COMMISSIONERS
County of Lake County
State of Oregon

REGULAR SESSION

The Lake County Board of Commissioners met in Regular Session on Wednesday, July 1, 2015 at 10:00 a.m. The following members were present: Chair Bradley J. Winters, Vice-Chair Ken Kestner and Commissioner Dan Shoun. Also present: Administrative Assistant Denise Thorsted, Planning Director Darwin Johnson, Business Manager Jay Collins, Asst. Building Director Jennifer Stephens and Member of the Press Jimmy Hall. Number of Public present: 0.

Additions: Building Official Contract/Klamath County, Action/Consideration
Deletions: SAIF Quote

The Regular Session was called to order by Chairman Winters and the Pledge of Allegiance was recited.

10:00 am – Public Comment

No public comment was received.

Addition:
Building Official Contract/Klamath County, Action/Consideration:

Confirmation was given by Asst. Building Director Jennifer Stephens that an updated draft was anticipated from Klamath County to include new wording related to termination. This change was to reflect no actual termination date but rather a clause for thirty (30) day request from either party. Conversation occurred on possible verbiage for future payment changes to be negotiated if it were to become necessary. Confirmation was given any future change would require an amendment. No decision was made during today’s session as final draft was not available.

Other Business:
Patrol Sergeant Position, Action/Consideration:

Chair Winters provided a brief overview of the request presented by Undersheriff Havel the previous day on this proposal. Request at this time was for approval of an exempt supervisory position to be promoted from within with no new hires anticipated. Job description for this position was to be submitted in the near future for consideration.

Commissioner Kestner moved to approve the recommendation to accept the Sergeant exempt position as presented. Commissioner Shoun second. Motion carried.
**Juvenile Detention IGA/Klamath County, Action/Consideration:**

Confirmation was given that this IGA was a continuation from past years for juvenile detention beds between Klamath and Lake Counties.

Commissioner Shoun moved to approve Juvenile Detention Intergovernmental Agreement between Klamath and Lake County as presented. Commissioner Kestner second. Motion carried.

**2015-2017 Biennial Special Transportation Provider Agreement(s), Action/Consideration**

Confirmation was given that the provider contracts presented coincided with the previously approved contract with Oregon Department of Transportation for Special Transportation and 5310 (federal) funding.

Commissioner Shoun moved to approve the Special Transportation Fund Services Agreement between Lake County Lake County Senior Citizens Association as presented for the 2015-2017 biennium. Commissioner Kestner second. Motion carried.

Commissioner Kestner moved to approve the Special Transportation Fund Services Agreement between Lake County and Southern Oregon Goodwill as presented for the 2015-2017 biennium. Commissioner Shoun second. Motion carried.

Commissioner Winters moved to approve the Special Transportation Fund Services Agreement between Lake County and Paisley Inner Court Family Center as presented for the 2015-2017 biennium. Commissioner Kestner second. Commissioner Shoun abstained. Motion carried.

**Meeting Minutes, Action/Consideration:**

Commissioner Winters moved to approve the May 19, 2015 Work Session Meeting Minutes as presented. Commissioner Shoun second. Commissioner Kestner abstained. Motion carried.

Commissioner Winters moved to approve the June 2, 2015 Work Session Meeting Minutes as presented. Commissioner Shoun second. Commissioner Winters abstained. Motion carried.

Commissioner Winters moved to approve the June 3, 2015 Regular Session Meeting Minutes as presented. Commissioner Shoun second. Commissioner Winters abstained. Motion carried.

Break: 10:14 am
Resume: 10:18 am

**Legal Updates:**

Marijuana Legalization – An update was provided on legislation concerning the now legal use of marijuana in “non-public” areas. As of today, July 1st, it was legal to consume and possess small amounts of marijuana, out of the public and out of the view of the public.

Legislation was being considered for counties having voted 55% or more against legalization of marijuana to “opt out” by either limiting or not allowing use or any retail sale within county boundaries.
The Association of Oregon Counties was currently drafting an Ordinance for those counties wishing to prohibit the substance within the guidelines listed in the legislation being considered. Conversation occurred on growing allowances such as out of public view and limit of four plants per residence. Issues such as smell/odor could likely be managed through the County Nuisance Ordinance. Smell per Legal, was likely not to be a significant issue as large grows were prohibited by law.

Medical card regulations were not within County Jurisdiction per Legal Counsel. Taxing of this substance was continuing to be discussed and expected to be decided on at the State level by the end of 2016. Commissioner Winters discussed potential financial impacts to County services from the passage of Measure 91 and considerations to be made to law enforcement, District Attorney, Community Corrections and other departments with the passing of a potential Ordinance on this matter.

10:30 am – Public Hearing/Ordinance No. 110 Model Code Update, Action/Consideration
Public Hearing Open: 10:30 am
Hearing remained open until later in today’s session.

Legal Updates cont.:
Marijuana Legalization cont. -
In terms of taxing, potential was for counties to impose their own tax on wholesale/retail sales; counties would not have the right to tax or share in state tax revenue on marijuana sales if the county were to prohibit sales. District Attorney Stapleton confirmed that fifteen neighboring counties (with the exception of Deschutes) fell into this same position with the 55% consideration allowance. Information was given on the types of cases tasked with by the County.

DA Stapleton did not see any additional impacts to law enforcement as the majority of current cases were related to large quantity offenses. This was not expected to change as the law only allowed for one ounce be on a person in public and eight ounces within their residence. Intent was to encourage law enforcement to cite those individuals smoking/growing in public view. Repercussions for offenders were expected to be even tougher than in the past. Conversation occurred on law enforcement, Ordinance enforcement and public education pertaining to the new laws. Concern was expressed for potential marketing to juveniles and edibles production.

Legal Counsel confirmed that commercial grows were currently not allowed, retail sales were to be allowed beginning October. Conversation occurred on potential land use permitting issues and processes to be followed.

10:30 am – Public Hearing/Ordinance No. 110 Model Code Update, Action/Consideration
(10:48 am) Overview of model code update process to date was provided by Planning Director Darwin Johnson. Confirmation was given that the Oregon Department of Land Conservation and Development would also be offering a grant opportunity in the next few months for updating the Comprehensive Plan.

Today’s discussion was related to areas of the Plan pertaining to exclusive farm use zones (A1 & A2) and forest use zones (known as resource zones) to determine necessary changes for meeting State of Oregon requirements. Information was provided and discussed titled “Land
Use Zoning Ordinance – Procedures Chapter xx” which outlined for Planning Commissions the processes and procedures to be followed for land use considerations including appeals processes.

Per Mr. Johnson, two issues were still in need of resolve:

- Subdivision Developments – the current Comprehensive Plan did not mirror the Zoning Ordinance in terms of mapping. Map copies were provided as examples highlighting the issue. For correcting this issue the mapping process would need to move forward with Public Hearing process. Mr. Johnson confirmed disagreement as areas were already noted as “exception” areas. Conversation occurred.

- Article II/Farm (page 26) – Section 2.09 had an issue with wording language even though it was taken straight from Statute. Lake County had approved in the past 80 – 160 acre minimums versus the new language (per State requirement) reflecting a minimum of 160 acres. Mr. Johnson felt this change would not fit for Lake County and was the largest change presented for the model code update.

Confirmation was given that the changes presented were not anticipated to be in effect until January 2016. This period of time was expected to allow the County to work with the State for allowances as had been included in the County Ordinance since the 1970s.

No Public Comment was received during the public hearing process.

Public Hearing Closed: 11:10 am

Confirmation was given that this update and Ordinance No. 110 did not include either sage-grouse or marijuana but may require something in the future. Approval of Ordinance No. 110 was necessary to show compliance with the State of Oregon but would not go into effect until January 1st, 2016 allowing the County time to make additional considerations if needed. Recommendation was for the model code to read as it had previously in relation to the 80-160 acre and work through process with the State of Oregon. Conversation occurred on the two issues presented.

Legal Counsel’s recommendation was to wait to adopt until all questions could be answered and clarified. Mr. Johnson confirmed a request for extension could be made on this matter even though the recommendation from the Planning Commission was to adopt with full understanding of the mapping change issue. Concern was expressed for effects on landowners from remapping to occur and proper notifications to be forwarded.

Following conversation, the Board agreed to postpone adoption on this matter until these questions could be answered:

- Correspondence from the State of Oregon confirming 160-320 acreage rule change to 80-160 acreage allowance as was previously stated in the County’s zoning code
- Potential mapping change impacts on land owners identified including possible changes in tax status

Hearing continued until July 15th at 10:30 am with possible discussion July 14th.

Legal Updates cont.:
Legal Counsel added he was continuing to work with Business Manager and Undersheriff for drafting of sergeant job description. In addition Legal Counsel had worked with Business Manager on questions related to possible new hire for another department.

Conversation occurred on Senate Bill 941 recently passed requiring back ground checks when selling firearms to family members. Commissioner Winters discussed possibly following suit with Linn County on Resolution passed. Legal Counsel asked to review and discuss further with Commission Winters.

SAIF Quote, Action/Consideration:
Item deleted. Decision made during previous day Work Session.

Department Updates:
No Department Updates were provided during today’s session.

Liaisons:
No Liaisons were provided during today’s session.

Executive Session 192.660 (2) ():
No Executive Session was held during today’s Regular Session meeting.

There being nothing further to come before the Lake County Board of Commissioners, this meeting adjourned at 11:50 a.m.

Respectfully Submitted,

Denise Thorsted
Administrative Assistant

Board Approval,

Bradley J. Winters
Chairman

Ken Kestner
Vice Chairman

Dan Shoun
Commissioner