AGENDA COVER MEMO

Memorandum Date: February 4, 2025

Meeting Date: February 11, 2025

TO:	Board of County Commissioners
DEPARTMENT:	Public Works
PRESENTED BY:	Amber Bell, Planning Director
AGENDA ITEM TITLE:	ORDER 25-02-11-03/ IN THE MATTER OF APPOINTING DAVID F. DOUGHMAN AS HEARINGS OFFICIAL ORDER 25-02-11-04/ IN THE MATTER OF APPOINTING M. JOSEPH TURNER AS HEARINGS OFFICIAL

I. MOTION

Move approval of ORDER 25-02-11-03 to appoint David F. Doughman, and of ORDER 25-02-11-04 to appoint M. Jospeh Turner, as Hearings Official.

II. AGENDA ITEM SUMMARY

Pursuant to Lane Manual 3.100.015.A, the Board is being asked to appoint David F. Doughman and M. Joseph Turner as Hearings Officials, upon recommendation by the County Administrator and on the bases of the Hearings Officials' qualifications, training, and experience.

The Orders are necessary to assure the uninterrupted coverage of Hearings Official duties for land use appeals and hearings, which must adhere to State and local-mandated timelines.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

There is no previous Board action on these recommended appointments.

A contract for Hearings Official services to be provided by David F. Doughman has been

fully executed.

Lane County currently holds an intergovernmental agreement with Lane Council of Governments (LCOG) for Hearings Official Services. The County continues to rely on LCOG for said services. However, there has recently been a lack of coverage to carry out the duties of the Hearings Official.

B. Policy Issues

Pursuant to Lane Manual 3.100.015.A. Appointment:

1. The Hearings Official will be appointed by the Board upon recommendation from the County Administrator and serve at the pleasure of the Board; and

2. The Hearings Official will be appointed solely on the basis of said Hearings Official's qualifications for the duties of the office and will have such training and experience as will qualify said Hearings Official to conduct administrative and quasi-judicial hearings, and to discharge the other functions conferred upon the office.

Further, Lane Manual 3.100.015.C.5 provides:

5. When, for whatever reason, the Hearings Official is unable to fulfill the responsibilities prescribed herein, the County Administrator will appoint a substitute Hearings Official to discharge the Hearings Official's responsibilities.

To the extent that their appointment should follow the procedure of A.1, David F. Doughman and M. Joseph Turner are being recommended for appointment by the Board of County Commissioners. See Exhibit A to the attached Orders.

C. Board Goals

The Hearings Official provides findings and conclusions for the approval or rejection of land use applications as provided for in adopted Lane Code and other applicable law. Strategic Plan priorities are implemented by the Hearings Official only inasmuch as existing Lane Code and law relate to the Strategic Plan. Therefore, the appointment of Hearings Official does not directly relate to the Strategic Plan priorities.

D. Financial and/or Resource Considerations

The Hearings Official billing rates are established through the contracting process. There are no immediate financial or resource implications related to the appointment process itself.

E. Health Implications

There are no immediate health implications related to a Hearings Official appointment.

IV. ANALYSIS

To the extent applicable, pursuant to Lane Manual 3.100.015.A, the Hearings Official will be appointed solely on the basis of said Hearings Official's qualifications for the duties of the office and will have such training and experience as will qualify said Hearings Official to conduct administrative and quasi-judicial hearings, and to discharge the other functions conferred upon the office.

David F. Doughman, J.D., responded to the Request for Proposals, published from November 1 to November 22, 2024, on November 22, 2024. This was the second RFP published to ensure adequate coverage of services, and for this RFP, the only proposal that was submitted. David F. Doughman was awarded the contract based on his approximately 24 years of experience, of which a significant amount of time has been on land use matters. Mr. Doughman has served dozens of local governments including cities of Hillsboro, Sandy, Redmond, Gervais, and Willamina, as well as Hood River and Washington, Gilliam, and Crook counties. He has experience with a wide variety of county land use application and hearing types. See **Attachment 1, Exhibit A**.

M. Joseph Turner, J.D., was recommended by Mr. Doughman to provide short term coverage for an appeal of a Type II decision issued for the CleanLane facility on Goshen Light Industrial Lands. When working to identify a Hearings Official for this hearing, it has been a challenge to find an attorney who is qualified and due to some ties to the project or another, has no appearance of partiality and no actual or potential conflicts of interest (or the perception thereof). Mr. Turner has decades of experience as a land use hearings official in many jurisdictions throughout the Portland metro area and southwest Washington. See **Attachment 2, Exhibit A**.

V. RECOMMENDATION

The County Administrator recommends that Board adopt the attached Orders. The Orders are necessary to assure the uninterrupted coverage of Hearings Official duties for land use appeals and hearings, which much adhere to State and local-mandated timelines and procedural requirements.

VI. TIMING/IMPLEMENTATION

If approved, Hearings Officials will be notified of their appointment and their appointments will be effective immediately.

VII. FOLLOW-UP

Regular reporting of Hearings Official decisions is currently provided to the Board.

VIII. ATTACHMENTS

1. Board Order
    a. Exhibit A – Resume
2. Board Order
    a. Exhibit A – Resume

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO:	In the Matter of Appointing David F. Doughman as Hearings Official

WHEREAS, the appointment of Hearings Official is necessary to assure uninterrupted coverage of Hearings Official duties for land use appeals and hearings, which much adhere to State and local-mandated timelines and procedural requirements; and

WHEREAS, pursuant to Lane Manual 3.100.015.C.5, when, for whatever reason, the Hearings Official is unable to fulfill the responsibilities prescribed herein, the County Administrator will appoint a substitute Hearings Official to discharge the Hearings Official's responsibilities; and

WHEREAS, pursuant to Lane Manual 3.100.015.A, the Board appoints the Hearings Official upon recommendation from the County Administrator, based on the candidate's qualifications for duties of the office and training and experience to conduct administrative and quasi-judicial hearings and discharge other functions conferred upon the office; and

WHEREAS, David F. Doughman responded to the Request for Proposals, published from November 1 to November 22, 2024, on November 22, 2024, and was awarded a contract; and

WHEREAS, David F. Doughman has provided a resume, which demonstrates he has the necessary qualifications for duties of the office and training and experience; and

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

David F. Doughman is appointed as Hearings Official.

ENACTED this ___ day of_____, 2025.

_____
David Loveall, Chair
Lane County Board of Commissioners

DAVID F. DOUGHMAN
DFD LAW LLC
OSB No. 002442
WSBA No. 42331
david@dfd-law.com | 971-322-1803

EXPERIENCE

NOVEMBER 2024 - PRESENT

MEMBER, DFD LAW LLC

Provide hearings officer services to governmental clients throughout the Pacific Northwest.

MARCH 2004 – OCTOBER 2024

ASSOCIATE, PARTNER, AND OF COUNSEL, BEERY ELSNER & HAMMOND, LLP

Served as a hearings officer for cities and counties in Oregon. Represented public entities in Oregon and Washington on a wide variety of legal issues, with a focus on land use, real estate transactions and public contracting. Was one of three partners running the firm from 2009-2021.

EDUCATION

MAY 2000

JURIS DOCTOR, UNIVERSITY OF OREGON SCHOOL OF LAW

- Graduated in Top Third of Class
- Oregon Law Students Public Interest Fund, Board Member
- Campus Radio KWVA, Board Member
- Hosted Weekly Radio Show

JUNE 1995

BACHELOR OF ARTS, UNIVERSITY OF MINNESOTA HONORS PROGRAM

- Graduated *Summa Cum Laude*
- Dean's List (various quarters)
- Held Work-Study Position

SKILLS

- Excellent Communicator
- Strong Writer
- Technologically Savvy
- Skilled Public Speaker

ACTIVIES AND AWARDS

My peers have consistently included me in *U.S. News and World Report's Best Lawyers®* list in the practice areas of Land Use and Zoning Law and Municipal Law. I currently serve on the OSB's Disciplinary Board and the executive committee of OSB's Government Law section. I have previously served on the Bar Press Broadcasters Council and the Unlawful Practice of Law Committee. I enjoy speaking at CLE events and mentoring new attorneys. I live in NE Portland with my spouse, two children and one pug. I relate best to people who know that there is no better sport than hockey.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO:	In the Matter of Appointing M. Joseph Turner as Hearings Official

WHEREAS, the appointment of Hearings Official is necessary to assure uninterrupted coverage of Hearings Official duties for land use appeals and hearings, which much adhere to State and local-mandated timelines and procedural requirements; and

WHEREAS, pursuant to Lane Manual 3.100.015.C.5, when, for whatever reason, the Hearings Official is unable to fulfill the responsibilities prescribed herein, the County Administrator will appoint a substitute Hearings Official to discharge the Hearings Official's responsibilities; and

WHEREAS, pursuant to Lane Manual 3.100.015.A, the Board appoints the Hearings Official upon recommendation from the County Administrator, based on the candidate's qualifications for duties of the office and training and experience to conduct administrative and quasi-judicial hearings and discharge other functions conferred upon the office; and

WHEREAS, M. Joseph Turner has provided a resume, which demonstrates he has the necessary qualifications for duties of the office and training and experience; and

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

M. Joseph Turner is appointed as Hearings Official.

ENACTED this ___ day of_____, 2025.

_____
David Loveall, Chair
Lane County Board of Commissioners

M. JOSEPH TURNER, ESQ.

MEMBER OF THE OREGON AND WASHINGTON STATE BARS AND
AMERICAN INSTITUTE OF CERTIFIED PLANNERS

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Telephone (503) 663-7092 • Facsimile (503) 663-7289 • E-mail: *jtpc@frontier.com*

EXPERIENCE

Planner and Attorney at Law •

JOE TURNER P.C., MUNICIPAL HEARINGS OFFICIAL, Gresham, OR (2004 - current).

I serve as a land use and enforcement hearings official for the following jurisdictions in Oregon and Washington.

In Washington: Clark County (2000-current) • City of La Center (2001-current) • City of Vancouver (2001-2010 & Alternate 2010 - current) • City of Washougal (2003-current) • City of Camas (2006 –current) • City of Woodland (2009-current) • City of Ridgefield (2009-current) • City of Battle Ground (2011-current) • City of Stevenson (2015 - current) • City of North Bonneville (2015 - current) • Skamania County (Alternate 2016 - current) • City of White Salmon (2019 - current) • City of Kalama (2019 - current) • City of Long Beach (2022 - current)

In Oregon: City of Gresham (2000- current) • City of Tigard (2004 –current) • City of Sherwood (2009-current) • Clackamas County Animal Control and Sheriff's Hearings (2009 - current) • Clackamas County Land Use (1998-2004, 2006 & Alternate 2009 - current) • Metro (2008 –2018) • Washington County (2013-current) • City of Hillsboro (2015 - current) • City of Happy Valley (2016 - current) • City of Portland (2015 - 2018) • Multnomah County (2015 - current) • City of West Linn ELD Referee (2018 - current) • City of Lake Oswego ELD Referee (2018 - current)

LARRY EPSTEIN, PC, Portland, OR (1995 - 2004).

I represented public and private clients in Oregon and Washington in land use matters as well as serving as hearings official in many of the jurisdictions listed above.

EDUCATION

Bachelor of Science (Biology) • Oregon State University, Corvallis, OR (1986).

Juris Doctor cum laude • Northwestern School of Law of Lewis & Clark College, Portland OR (1993).

Master of Urban and Regional Planning • Portland State University (2000).

AFFILIATIONS

Oregon State Bar Association
Washington State Bar Association
American Institute of Certified Planners