

APPROVED BY ORDER # 3-06-70

**MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING OF FEBRUARY 22, 2006**

CALL TO ORDER

Chair Don Lindly convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Commissioner Bill Hall, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Public Works Director Jim Buisman; Joel Gallob from the *News-Times*; Kiera Morgan from KNPT radio; Planning Director Matt Spangler; and numerous constituents.

ROLL CALL - ESTABLISHMENT OF A QUORUM

Commissioner Terry Thompson was excused for jury duty. A quorum was established.

RECOGNITION/PROCLAMATION

ADOPTION OF CONSENT CALENDAR

Chair Lindly introduced the Consent Calendar items. There were no items highlighted or deleted. Commissioner Hall made a motion to approve the Consent Calendar in its entirety. Chair Lindly seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO APPROVE CONSENT
CALENDAR OF FEBRUARY 22, 2006**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

2-06-69 BOC meeting minutes of February 15, 2006

Commissioner Appointments & Resignations

License Applications or Renewals

Tax Foreclosure, Right-of-Way, Sales and Deeds

General Budget Resolutions

Acting as Governing Body of County Wide Service Districts

Documents and Recording Matters in the Commissioners Journal

PUBLIC HEARING

DECISION/ACTION

Lincoln County Economic Development Grant Recommendations

Chair Lindly stated that the Board reviewed the recommendations from the Lincoln County Economic Development Alliance. There were a total of fifty applications submitted, totaling approximately \$600K in requests for the approximately \$100K available in grant funds. He commented on the difficulty of the process and discussed some of the criteria. 13 projects were recommended for funding, plus two projects that were designated as “reserve” if additional money would be made available. Chair Lindly stated that, in talking with the interim finance director, it was determined that there is actually \$120K available instead of the previously designated \$100K. Therefore, with the inclusion of the two projects on reserve, there is an additional \$16,500 that can be allocated toward funding other projects.

On a side note, Chair Lindly stated that the Lincoln County Fair Board approached the Board of Commissioners with a request to aid in the repair of the roof on the horticulture building. The Fair Board does not have any money set aside in its budget for the necessary repairs; therefore, without any financial support, the Fair would have to close that building due to the level of damage. Chair Lindly stated that the County has agreed to allocate \$17K from its contingency fund for a one-time donation to the Fair for emergency repair of the roof. This money will not come out of the Economic Development grant funds.

The Lincoln County Mounted Sheriff’s Posse requested \$15K to replace an existing trailer. Chair Lindly stated that this request is more suitable for federal monies from the Title III funds.

The Board reviewed the applications, and added three projects for funding: Friends of the Newport Aquatic Center requested \$20K and will receive \$5K; Lincoln Soil and Water Conservation District requested \$12,240 for its invasive species community awareness project, and will receive \$5K; and the Port of Newport requested \$20K for repairing the terminal facility, and will receive \$6,500, with the condition that it applies for a larger grant, with this money acting as a match for that grant. If the Port is successful in receiving that grant, the \$6,500 would be made available. Conversely, if the Port does not receive the money from the larger grant, it will not receive the \$6,500 from the Economic Development grant.

With the adjustments, the new total comes to \$120K in funding recommendations. Commissioner Hall emphasized the difficulty in narrowing down the final list of

recommendations. The list meets the key project criteria. He commended the Alliance board for its work during this process. Commissioner Hall made a motion to approve the recommendation list with the amendments, and to direct staff to prepare an order for approval at next week's Board meeting. Chair Lindly seconded the motion. Counsel Belmont clarified the Board's decision to add a condition to the Port of Newport's grant. A vote was taken and the motion passed unanimously.

MOTION TO APPROVE THE LINCOLN COUNTY ECONOMIC DEVELOPMENT ALLIANCE GRANT RECOMMENDATION LIST WITH AMENDMENTS AND TO DIRECT STAFF TO PREPARE AN ORDER FOR APPROVAL AT NEXT WEEK'S BOARD MEETING

DISCUSSION/INFORMATION

Consideration of Planning Director's report and recommendation for Land Use Regulation Compensation (Measure 37) claims

Planning Director Matt Spangler commented on the Oregon Supreme Court's decision regarding litigation concerning whether or not Measure 37 (M-37) would be deemed constitutional or not. The plaintiffs in the case were successful in having the measure overturned on constitutional grounds at the Marion County Circuit Court level. That decision was appealed directly to the Oregon Supreme Court. Oregon Supreme Court reversed the trial court's decision and held M-37 to be constitutional. Mr. Spangler commented on the ambiguity that remains in the details of the application and implementation of the measure. Counsel Belmont added that Lincoln County continued to hold administrative hearings even during the period of uncertainty about the constitutionality of the measure. He stated that the language in the measure still needs to be revised. At a local level, the language in Lincoln County's M-37 Board Order will need to be revised, as well.

D.C. and L.H. Lundstedt, claimants, case file # 23-LURCC-05

Mr. Spangler discussed the location of the subject property, and described the claim. The property was acquired in 1964 when there were no specific zoning regulations in the area. The restrictions now in place lead one to a conclusion that there has likely been an impact on value. A hearing was conducted on this claim on December 8, 2005. There was no testimony in opposition to the claim. Staff's recommendation is to find the claim valid, and not apply the RR-5 zone minimum parcel size restrictions and not apply the provisions of the C-S overlay zone. Commissioner Hall inquired about the level of development that could occur if this claim is found valid. Mr. Spangler responded that there are some limitations that will involve state and/or federal limitations regarding wetlands, sewage disposal, etc., so whatever is developed would

most likely not be out of character with the area. He discussed wetlands regulation as relating to M-37.

Steve Buermann, claimant, case file # 24-LURCC-05

Mr. Spangler discussed the location of the subject property, and described the claim. The property was acquired in 1979. Mr. Spangler described the zoning that was in place during the time of acquisition. A public hearing was held on December 8, 2005. There was no testimony in opposition to the claim. Staff's recommendation is to find the claim valid, and recommends that, in lieu of compensation, the County not apply the restrictions on land divisions and dwellings in the T-C zone. He mentioned the claimant's desired resolution of the claim.

David E. Peterson, claimant, case file # 25-LURCC-05

Mr. Spangler discussed the location of the subject property, and described the claim. The property was acquired in 1973 when there was no zoning in the area. A public hearing was held on December 8, 2005. There was no testimony in opposition to the claim. Staff's recommendation is to find the claim valid, and recommends that, in lieu of compensation, the County not apply the restrictions on land divisions and dwellings in the A-C zone. He mentioned the claimant's desired resolution of the claim. Commissioner Hall questioned whether the addition of new homesites would be in character to the area. Mr. Spangler responded that the claimant would seek rural-acreage parcels.

Otto and Mary Lou Rice, claimants, case file # 26-LURCC-05

Mr. Spangler discussed the location of the subject property, and described the claim. The property was acquired in 1967 when there was no zoning applicable to this area. A public hearing was held on December 8, 2005. There was no testimony in opposition to the claim. Staff's recommendation is to find the claim valid, and recommends that, in lieu of compensation, the County not apply the restrictions on land divisions and dwellings in the T-C zone. He mentioned the claimants' desired resolution of the claim. Chair Lindly inquired about the compatibility of the surrounding area. Mr. Spangler responded.

John and Erma Jantzi, claimants, case file # 27-LURCC-05

Mr. Spangler discussed the location of the subject property (two parcels), and described the claim. The property was acquired in 1962 (one parcel) and 1965 (second parcel) when there was no zoning in place on either date for either property. A public hearing was held on December 8, 2005. There was no testimony in opposition to the claim. Staff's recommendation is to find the claim valid, and recommends that, in lieu of compensation, the County not apply the restrictions on land divisions and dwellings in the a-C zone. He mentioned the claimant's desired resolution of the claim.

Carl and Carolyn Yaeger, claimants, case file # 28-LURCC-05

Mr. Spangler discussed the location of the subject property, and described the claim. The property was acquired in 1979 when the zoning was R-1, without the coastal overlay restrictions that are currently in effect. Mr. Spangler noted a factual error in the staff report, which stated that there was no testimony in opposition to the claim. There was, in fact, testimony in

opposition, provided by Valerie Sovern, an adjoining property owner to this claim. Ms. Sovern submitted written testimony to the record. A revised version of the staff report will be submitted to the Board to include this testimony in the record. Mr. Spangler noted that in Ms. Sovern's testimony, it was stated that the requirements of Statewide Planning Goal 17 were in effect in 1979 at the time of the claimants' acquisition. Staff agreed with that statement; however, the issue is regarding the extent that the County's subsequent regulations further reduced value or had an impact on value beyond the requirements of the statewide planning goals. He stated that if the Board finds this claim to be valid, there could be reasonable inference that the County's regulations did have an impact on value. Staff recommends the County not apply the current C-S overlay zones as resolution to this claim. Current development issues were discussed as pertaining to the overlay restrictions.

Mr. Spangler discussed the state's M-37 timeline for responding to claims. Chair Lindly mentioned that the County has not budgeted any compensation funding for M-37 claims, so the recommendations are to waive the various restrictions. Counsel Belmont stated that staff will prepare orders for each claim and bring them back for adoption at next week's Board meeting.

Discussion of projects/applications for Title III of Public Law 106-393 Rural Schools and Community Self-Determination Act of 2000

Chair Lindly stated that County Public Works Director Jim Buisman is the contact for these applications. Mr. Buisman approached the Board, and mentioned that he has received six applications. Title III funds amount to approximately \$500K this year for distribution. The six requests have a total dollar value of \$341,791. Five of the six applications have applied for funds before. Mr. Buisman described each application and the amount of request. The names and amounts are as follows: Summer Natural Resource Crew: \$61,204; Geographic Location Road System/Emergency Response Facilities: \$75K; Cooperative Wildlife Services Program Title III Pilot Project: \$7,900; 4H Forest Stewards: \$60,687; Community Wildfire Protection Plan-Rapid Assessment: \$37K; Lincoln County Land Legacy Program: \$100K. Since there was money left over after the six requests, this program will also fund the project mentioned earlier by Chair Lindly, for the Lincoln County Mounted Sheriff's Posse, in the amount of \$15K, for a search and rescue project.

Commissioner Hall commented on the projects. Chair Lindly inquired about the current balance of the Lincoln Land Legacy fund. Mr. Belmont responded with an estimate. Chair Lindly discussed conservation easements and the need for citizens to participate in an advisory capacity for the Lincoln Land Legacy Program. Counsel Belmont concurred. There is no requirement for expending these funds in a certain amount of time. Mr. Buisman explained the expenditure process. They discussed the Sheriff's Office search and rescue activities. Counsel Belmont recommended adding another \$150K to the total expenditure amount to include the Sheriff's Office requests, under Category 1. The new total dollar value is \$491,791. There will be a 45-day comment period before the list can be formally approved.

Commissioner Thompson entered the meeting at 9:25 a.m.

The Board was in agreement to move the Title III list ahead for the 45-day comment period.

BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS

REPORTS

Chair Lindly stated that he will be attending the Summit Food Bank, a project that was funded two rounds prior through the Lincoln County Community and Economic Development grant.

EXECUTIVE SESSION

CONSTITUENT INPUT

ADJOURNMENT

The meeting adjourned at 10:38 a.m. These meeting minutes were read and approved this *1st* day of *March 2006*.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DON LINDLY, Chair

BILL HALL, Commissioner

TERRY N. THOMPSON, Commissioner