

**APPROVED BY ORDER # 6-06-221**

**MINUTES OF THE  
LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MEETING OF JUNE 14, 2006**

**CALL TO ORDER**

Vice-Chair Bill Hall convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Chair Don Lindly (via phone), Commissioner Terry Thompson, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Senior Planner Jessica Bondy; Assistant County Counsel Rob Bovett; Environmental Health Manager Amy Chapman; Joel Gallob from the *News-Times*; Kiera Morgan from KNPT radio; Tom Hatley from Community Services Consortium; Budget Officer Glen Morris; Planning Director Matt Spangler; and Rhonda Walker, Director of Progressive Options.

**ROLL CALL - ESTABLISHMENT OF A QUORUM**

Chair Lindly attended the meeting via phone, as he was in Salem attending an allocation committee meeting for the Local Government Park Grant Program. He explained that the voters voted for a measure that dedicates a certain amount of money to local state parks, and the allocation committee is meeting to deliberate on the applications.

**RECOGNITION/PROCLAMATION**

**ADOPTION OF CONSENT CALENDAR**

Vice-Chair Hall introduced the Consent Calendar items. There were no items highlighted or deleted. Commissioner Thompson 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 JUNE 14, 2006**

**CONSENT CALENDAR ITEMS**

*Minutes of the Board of Commissioners Meeting*

- 6-06-210      Joint Session meeting minutes of June 7, 2006 between the City Council of Lincoln City and the Lincoln County Board of Commissioners
- 6-06-211      BOC Meeting Minutes of June 7, 2006
- 6-06-212      Amending Order # 5-06-178 recording minutes of the May 10, 2006 Joint Session with the City of Yachats City Council and the Lincoln County Board of Commissioners

Commissioner Appointments & Resignations  
License Applications or Renewals

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

6-06-213 Land Sales Contract from Lincoln County to Will Harris, Map 11-8-4, Tax Lot 400, purchase price \$25,000

General Budget Resolutions

06-14-06A In the matter of approval of transfer of Insurance Operating Contingencies to Workers Compensation expense for fiscal year ended June 30, 2006

06-14-06B In the matter of approval of grant for the Human Services Fund Budget and Appropriations for the fiscal year ending June 30, 2006

Acting as Governing Body of County Wide Service Districts

Documents and Recording Matters in the Commissioners Journal

Execution and recordation of:

6-06-214 Designating Michael Rich as the Plan Administrator for the County's 401(K) and 457 retirement plans

6-06-215 Authorizing partial refund of filing fees for the vacation request of a portion of Bella Beach Circle, Bella Beach Phase 2

Recordation of:

6-06-216 State Marine Board Facility Grant Cooperative Agreement, Facility Grant # 1289, Siletz River Property Acquisition

6-06-217 Practice Management Agreement between Lincoln County and the Oregon Community Health Information Network, Inc. for provision of software and technical support

6-06-218 Amended corporate bylaws for the Lincoln Community Health Council

6-06-219 Amendment # 20 to Intergovernmental Agreement # 113007 between Department of Human Services and Lincoln County Health and Human Services

6-06-220 Amendment # 21 to Intergovernmental Agreement # 113007 between Department of Human Services and Lincoln County Health and Human Services

**DECISION/ACTION**

Vice-Chair Hall explained that some of the items on the agenda will be moved out of order in order to accommodate the availability of some of the presenters.

Planning Director Matt Spangler presented two proposed ordinances for adoption that were discussed at the May 31, 2006 Board meeting concerning applicant Isabel Bentley. As there were no requests for Ordinance # 439 to be read in full, Vice-Chair Hall read the ordinance by title only. Commissioner Thompson made a motion to execute and record Ordinance # 439 "Relating to land use planning; creating new provisions; and declaring an emergency." Chair Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD  
ORDINANCE # 439 "RELATING TO LAND USE  
PLANNING; CREATING NEW PROVISIONS;  
AND DECLARING AN EMERGENCY"**

As there were no requests for Ordinance # 440 to be read in full, Vice-Chair Hall read the ordinance by title only. Commissioner Thompson made a motion to execute and record Ordinance #440 "Amending the Lincoln County Comprehensive Plan from Agricultural Land to Dispersed Residential and the Lincoln County Zoning Map from AC (Agricultural Conservation) to RR-10 (Rural Residential – 10-acre minimum parcel size), and granting a 'Committed Lands' Exception to Statewide Planning Goal 3, Agricultural Lands, on property identified as Tax Lot 1100, Lincoln County Assessor's Map 10-10-1A, and declaring an emergency." Chair Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD  
ORDINANCE #440 "AMENDING THE LINCOLN  
COUNTY COMPREHENSIVE PLAN FROM  
AGRICULTURAL LAND TO DISPERSED  
RESIDENTIAL AND THE LINCOLN COUNTY  
ZONING MAP FROM AC (AGRICULTURAL  
CONSERVATION) TO RR-10 (RURAL  
RESIDENTIAL – 10-ACRE MINIMUM PARCEL  
SIZE), AND GRANTING A 'COMMITTED  
LANDS' EXCEPTION TO STATEWIDE  
PLANNING GOAL 3, AGRICULTURAL LANDS,  
ON PROPERTY IDENTIFIED AS TAX LOT 1100,  
LINCOLN COUNTY ASSESSOR'S MAP 10-10-1A,  
AND DECLARING AN EMERGENCY."**

Chair Lindly provided an additional item to the Decision/Action section of the agenda. At last week's Board meeting, the Board discussed the salmon closure issue and possible ways for the County to assist the local fishermen who might be affected financially by the early closure. The Board attended the Governor's Salmon Summit and learned that there are a number of initiatives at the state and federal levels that have not come through with assistance thus far. Chair Lindly mentioned that the County could show support for the distressed salmon fishery by providing some financial assistance to those who are most affected. The Community and Economic Development Fund is not only used for supporting small business development, but also to help retain existing businesses in the community. He discussed the

idea with the Port of Newport, Port of Toledo, and Port of Depoe Bay. Chair Lindly mentioned the number of vessels at the ports, and how much their moorage fees are per year (approximately \$1,100). He expressed that this is an opportunity for the Board to step forward and help the community by dedicating funds to provide assistance. Though it won't offset the loss many of the fishers will experience, it shows that the County will help them get through this rough time. Vessel owners must apply for the assistance, the County will require specific documentation, and will work with the ports to consolidate payments at certain times of the year to cover the moorage fees.

Chair Lindly made a motion to dedicate up to \$75,000 from the Lincoln County Community and Economic Development Fund to pay moorage payments for the most severely affected salmon fishers for the next 12 months. The aid will extend to fishers who are Lincoln County residents and who house their boats at ports and marinas of Lincoln County. Vice-Chair Hall repeated an observation he made last week, stating his hope that the state or federal funding also comes through, and seconded the motion. Commissioner Thompson added that he owns a commercial fishing vessel, and will therefore abstain from voting. He clarified that even if he did qualify for the aid, he would not participate. He expressed his support for the commissioners' recommendations of assistance for the local fishers.

Vice-Chair Hall explained that the funds the County would be using are the local share of lottery proceeds from video poker. Commissioner Thompson reiterated the importance of sustaining the existing businesses in the county. Vice-Chair Hall added that the salmon industry is not only a means of sustenance for many families, but it is representative of Lincoln County's history. Vice-Chair Hall called for the vote. Commissioner Thompson abstained. A vote was taken and the motion passed.

**MOTION TO DEDICATE UP TO \$75,000 FROM  
THE LINCOLN COUNTY COMMUNITY AND  
ECONOMIC DEVELOPMENT FUND TO PAY  
MOORAGE PAYMENTS FOR THE MOST  
SEVERELY AFFECTED SALMON FISHERS IN  
LINCOLN COUNTY FOR THE NEXT 12  
MONTHS**

**DISCUSSION**

Chair Lindly stated that since this was not an item the Board would be acting on today, he would be returning to the meeting he was attending in Salem. He agreed to review the record in full and apologized to the claimants for having to leave this Board meeting.

**Consideration of Planning Director's report and recommendation for Land Use Regulation Compensation (Measure 37) claim, Case File # 19-LURCC-05, Matthew and Alice Gruber, Merrick Kriz, Cynthia Condon, claimants**

Planning Director Matt Spangler described the claim as listed above, and described the size of the three parcels involved in this claim. The basic issue concerning this claim is the date of acquisition of the subject property. Under the provisions of Measure 37, there are two separate inquiries involved in determining the date of acquisition: One involves the determination of the earliest date of acquisition by the claimant, family member, or legal entity that controls the property; the other involves the date of acquisition by the present owner. That date is required in order to apply the waiver of the regulations.

For the purposes of the waiver remedy, only the date of acquisition of the present owner is applicable. Mr. Spangler summarized staff's findings. For purposes of compensation, the date of acquisition of Parcel 1 was determined to be May 5, 1966, when there was no zoning in place. Parcels 2 and 3 have a date of acquisition of October 1986, when the parcels were subject to RR-5 zoning. He discussed zoning for each parcel. Staff found the claim to be valid. The recommendation is for the modification or removal of land use regulations. With a waiver, the operative dates are as follows: Claimants Matthew and Alice Gruber acquired their current interest in Parcel 1 in 1980 and in Parcel 3 in 2000. Claimants Kriz and Condon acquired their interest in Parcel 2 in 1996.

Vice-Chair Hall inquired about the potential total impact if the waiver were issued. Mr. Spangler responded that the most significant impact would be on Parcel 1, which had RR-3 zoning on the date of acquisition, allowing for considerable additional density beyond the five-acre zoning that is currently in place. He discussed the other two parcels, as well, whose zoning would not change too much from what they currently have. Vice-Chair Hall inquired about the opposition that was indicated in the staff report. Mr. Spangler responded that there was testimony in the record on behalf of an adjoining property owner. Counsel Belmont stated that if they would like, the commissioners can direct staff to move forward and prepare an Order with the recommendations included in the staff report. Vice-Chair Hall gave the directive.

### **PUBLIC HEARING**

#### **Public hearing concerning:**

- **The 2004 Lincoln County Housing Rehabilitation Project**
- **Community Development and Housing Needs, especially the needs of low and moderate income persons**
- **Other needs in the community that might be assisted with the Community Development Block Grant Project**
- **Proposed 2006 Lincoln County Housing Rehabilitation Project to assist low and moderate income households to repair their homes**

Counsel Belmont stated that this is a public hearing and noted that no written comments were received in the Board of Commissioners nor the County Counsels Offices. A notice of hearing was published, and letters were sent to agencies in the community that serve low and moderate income clients. This is a requirement under the block grant program, and approximately \$13 million will be awarded in Oregon to non-metropolitan areas in 2006. The maximum grant a city or county can receive is \$1 million. The 2004 project was undertaken through a contract with Community Services Consortium (CSC). There will be opportunities for public comment. Counsel Belmont noted that the County currently has another block grant for the Newport Head Start facility. Vice-Chair Hall noted that the City of Lincoln City secured a block grant for construction of a new shelter for My Sisters' Place.

Tom Hatley of CSC discussed the following: CSC received a \$375,000 community block grant for housing rehabilitation; CSC makes low-interest deferred loans; Lincoln County households served in 2004; percentages of low income and moderate income households serviced; future projects and grant opportunities; requested the County support an application for a community development block grant; and revolving loan funds.

Vice-Chair Hall commented on the importance of creating new jobs and retaining existing jobs. The County encourages the construction of new housing. He formally opened the public hearing, and invited public comment. Rhonda Walker, the director of Progressive Options, an independent living center in Newport, discussed the need for housing assistance for low income individuals and families and restoration funding on the coast. She thanked Lincoln County for its support of housing issues. Commissioner Thompson inquired about rental availability and rates. Ms. Walker discussed the increase in availability and rental rates that make it difficult for low income people to find affordable housing. There was discussion regarding market trends in the area.

Vice-Chair hall closed the public hearing. Counsel Belmont stated that this hearing allows the County to close out the 2004 grant.

### **Public hearing to discuss the 2006-2007 Lincoln County budget as approved by the Lincoln County Budget Committee**

Budget Officer Glen Morris described changes to the Lincoln County budget as approved by the Lincoln County Budget Committee. Because of the significance of changes to the Federally Qualified Health Center (FQHC) fund, a separate budget hearing is required at next week's Board meeting to reflect the changes prior to adopting the final budget. ORS 294.435 requires that any changes in the budget that result in an increase exceeding 10% in the fund must be republished. At the time the committee met, the extent of the changes were not known, and now they are. Mr. Morris listed the changes to the FQHC fund.

Vice-Chair Hall stated that it is usual for these types of adjustments to be made at this point in the process. There will be a separate hearing on the FQHC fund next week, with the adoption of the entire Lincoln County budget immediately following. Vice-Chair Hall opened the public hearing for public comment, of which there was none. He closed the public hearing. There was no further Board deliberation.

### **DISCUSSION/INFORMATION**

Regarding Measure 37 claim of Matthew and Alice Gruber, Counsel Belmont explained that on the staff report that was issued, the applicants have some differences about which they would like to discuss with their attorney. Counsel Belmont requested the Board allow the Grubers two weeks to deliberate with their attorney, and staff will submit the final Board Order for approval at the June 28 Board meeting. The Board agreed to wait the two weeks. Counsel Belmont confirmed that the two weeks will not surpass the 180-day timeline for acting on a Measure 37 claim.

### **Discussion related to proposed changes to the Lincoln County Fee Schedule for the 2006-2007 fiscal year**

Assistant County Counsel Rob Bovett discussed the history behind the annual fee schedule review. He submitted each department's proposed changes. The Health and Human Services Department, Planning and Development Department, and the Sheriff's Office have substantial fees across the board. The Surveyor's Office, who doesn't present changes every year, also has some minor fee adjustments. Mr. Bovett noted that a public comment was received in the Health Department from Liberty Inn concerning fees associated with restaurant licensing.

Procedurally in the past, the Board does not take action at the meeting the following week of the presented proposals, but two weeks after the submitted proposals. Action will have to be taken at the June 28 meeting since that is the last meeting before the end of the fiscal year.

Senior Planner Jessica Bondy explained the proposed fee adjustments within the Planning and Development Department. She stated that the proposals were presented to the Planning Commissioners, and these are their recommendations.

Environmental Health Manager Amy Chapman discussed the proposed fee changes within the Health and Human Services Department. She addressed the letter submitted by Mr. Kornfeld of Liberty Inn, in which he commented on the restaurant licensing fees. There was discussion concerning the definitions of "restaurant" and "continental breakfast."

Assistant County Counsel Rob Bovett discussed the proposed fee changes within the Sheriff's Office. There was discussion regarding the proposal of a booking fee in the jail. This item will be placed on the agenda for action at the June 28, 2006 Board meeting.

**Discussion regarding a petition for Paving and Related Improvement of SE Nelson Wayside Drive, SE Keiski Lane, SE Hawley Lane, and SE Shasta Way**

Assistant County Counsel Rob Bovett described the process for the LID process. The County received a petition to pave these roads that lie just to the east of Waldport. An Order will be placed on the agenda for next week accepting the petition and referring it to Jim Buisman, County Public Works Director. Mr. Buisman will investigate the roads, estimate the cost for paving and related improvement, submit the estimate to the Board, and then put the project on the ballot for election. The voters choose to move forward with the project or vote against it.

**BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS**

**REPORTS**

**CONSTITUENT INPUT**

**EXECUTIVE SESSION**

The Board held one executive session pursuant to ORS 192.660(2)(h) concerning potential litigation, and another pursuant to ORS 192.6670(2)(d) to discuss labor negotiations.

**ADJOURNMENT**

The meeting adjourned at 11:20 a.m. These meeting minutes were read and approved this 21<sup>st</sup> day of June 2006.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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**DON LINDLY, Chair**

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**BILL HALL, Commissioner**

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**TERRY N. THOMPSON, Commissioner**

Approved