

APPROVED BY ORDER # 6-06-198

MINUTES OF THE

LINCOLN COUNTY BOARD OF COMMISSIONERS

MEETING OF MAY 31, 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, Commissioner Terry Thompson, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Public Works Director Jim Buisman; Joel Gallob from the *News-Times*; Pat Jacobitz, executive director of the School-Based Health Centers; Health and Human Services Director Jan Kaplan; Melinda McComb, constituent; Kiera Morgan from KNPT radio; Rick Prest; Planning Director Matt Spangler; Sarah Paeth, student; Superintendent Tom Rinearson; Bob Speaker; and Iris Young.

ROLL CALL - ESTABLISHMENT OF A QUORUM

RECOGNITION/PROCLAMATION

Proclaiming June 5-9, 2006 “School-Based Health Center Week” in Lincoln County

Chair Lindly read the proclamation in full. Health and Human Services Director Jan Kaplan stated that the County has been operating the School-Based Health Center (SBHC) for twenty years with contributions from the school district and community support. He described services provided through the centers. Pat Jacobitz, executive director of the SBHC, announced that from 12:00 noon - 1:00 p.m. all week long, the SBHC will hold open houses for the public. Mr. Kaplan acknowledged Sandy Adams for her hard work over the years in gaining support for the centers. Sarah Paeth, a sophomore at Toledo High School, discussed the benefits of having the health centers and dental vans available for students. She raved about their services, and mentioned specific cases in which people’s health was positively affected by the services provided.

Commissioner Thompson recognized the Siletz and Grande Ronde Tribes for their contributions to the SBHC’s over the years. He mentioned the importance of proper dental care for one’s overall health. School Superintendent Tom Rinearson added that this community proves its dedication to children through support of the SBHC.

Commissioner Thompson requested that Mr. Kaplan explain the status of the Federally Qualified Health Center (FQHC). Mr. Kaplan responded that the process is moving along, and the community facilities will open around July 1, 2006. The SBHC will be automatically incorporated into the FQHC with the additional funding. He discussed departmental shifts in job

duties as a result of the inception of the FQHC. Ms. Jacobitz added that the FQHC will strengthen the services that the SBHC is able to provide, including the addition of psychiatric nurse practitioners in the fall, and expansion of behavioral health services. Commissioner Thompson discussed the change in Lincoln County's mental health statistics in students over the years as a result of the SBHC.

Commissioner Hall made a motion to adopt Resolution # 06-31-05A proclaiming June 5-9, 2006 "School-Based Health Center Week" in Lincoln County. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously. Chair Lindly announced the times for the open houses at each clinic.

MOTION TO ADOPT RESOLUTION #06-31-05A PROCLAIMING JUNE 5-9, 2006 "SCHOOL-BASED HEALTH CENTER WEEK" IN LINCOLN COUNTY

ADOPTION OF CONSENT CALENDAR

Chair Lindly 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. Commissioner Hall seconded the motion. The vote was taken and the motion passed unanimously.

MOTION TO APPROVE CONSENT CALENDAR OF MAY 31, 2006

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

5-06-188 BOC Meeting Minutes of May 17, 2006

Commission Appointments & Resignations

5-06-189 Recording the reappointment of Larry Watts as a member of the Lost Creek Park Special Road District Board

5-06-190 Appointment of Jim White as a member of the Lincoln County Compensation Board

License Applications or Renewals

5-06-191 Issuance of an Oregon Liquor Control Commission liquor license to Siletz Resorts, LLC, dba Chinook Bend RV Resort Store

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

Execution and recordation of:

5-06-192 Amended Cooperative Operational Agreement between Lincoln County and Lincoln Community Health Council for the Lincoln Community Health Center
06-31-05B Approving of Waldport Urban Renewal Plan #2 (so a small portion of Crestline Drive and Range Drive lying outside of city limits can be included in the Plan)

Recordation of:

5-06-193 Award letter to Lincoln County Transit awarding a grant of \$65,668 from the 2006-2007 Special Transportation Funds received and disbursed by Lincoln County per BOC Order # 10-05-177 dated 5/10/06

5-06-194 Award letter to Lincoln County Public Works in an amount not to exceed \$37,000 to help fund the Community Wildlife Protection Plan – Rapid Assessment from “The Rural Schools and Community Self-Determination Act of 2000,” Title III of Public Law 106-393, BOC Order # 4-06-151

5-06-195 Award letter to Lincoln County Public Works in an amount not to exceed \$61,204 to help fund the Summer Natural Resource Crew Program from “The Rural Schools and Community Self-Determination Act of 2000,” Title III of Public Law 106-393, BOC Order # 4-06-151

Execution of:

Amendment #1 to Intergovernmental Agreement # 3234 between the State of Oregon Department of Corrections and Lincoln County amending duties and responsibilities of the county

PUBLIC HEARING

Public hearing regarding a request for a Comprehensive Plan map amendment from Agricultural Land to Dispersed Residential and a zone change from Agricultural Conservation (A-C) to Rural Residential (RR-10), and taking a “committed lands” exception to Statewide Planning Goal 3, Agricultural Lands, by applicant Isabel Bentley (File No. 1-LUPC-PC-06). For purposes of rezoning the property to RR-10, the applicant concurrently requests a legislative text amendment to the Lincoln County Code to create an RR-10 zone designation (File No. 1-TA-06).

FIRST HEARING

Chair Lindly announced that there will be two hearings today. Counsel Belmont stated that the first hearing will be the legislative hearing on the text amendment to the Lincoln County Code. The second hearing will be the quasi-judicial hearing on the comprehensive plan amendment.

Chair Lindly opened the first hearing. He explained the initiation process and purpose for the hearing. The hearing is based on the Planning Commission’s recommendations. He explained the procedures the Board will be following, and requested that if people are going to comment or testify, they should come to the table and present themselves for the record. Any written materials are to be submitted to the recorder. Chair Lindly invited Planning Director Matt Spangler to present the staff report.

Mr. Spangler stated the purpose of the hearing. The amendment process was initiated by the Planning Commission in accordance with Lincoln County Code, and at the request of Rick Prest and Bob Speaker, who represent property owner Isabel Bentley. The need for the amendment stems back to an administrative rule by LCDC that specifies requirements and limitations for zoning of rural residential exception areas. He discussed further administrative rules that require the zoning applied by counties to any newly designated rural residential exception areas have a minimum parcel size of not less than ten acres without an exception to Goal 14. Mr. Spangler stated that Lincoln County does not have such a zone at this time in the Lincoln County Code. The two zones the county has include a two-acre minimum and a five-acre minimum. In order to consider the designation of any new rural residential areas that would not be subject to Goal 14 exceptions, the county would need a zoning designation with a minimum ten-acre parcel size which could be applied to these newly designated areas. Based on that need, the Planning Commission directed the creation of the RR-10 zone. The Commission reviewed that proposal at a public hearing on May 8, 2006, and based on its evaluation of the draft and testimony provided, the Commission recommends the proposal submitted to the Board at today’s hearing. Mr. Spangler added that the proposed action before the Board today would simply create the zone in the text of the Lincoln County Code. The actual application of the zone to any land parcels in the county would be done on an individual basis for plan map or zone amendments.

Commissioner Hall asked how many counties currently have this zone, to which Mr. Spangler responded that it is fairly common, and a majority of the counties have the designation. Counsel Belmont noted that notice was provided before the Planning Commission's first hearing considering this request to DLCDC, as required under the administrative rules. Mr. Spangler stated that his office did not receive any comment from DLCDC on this proposal. The only public testimony that was received has already been submitted into the record.

Chair Lindly invited public comments and/or testimony. Bob Speaker, speaking on behalf of property owner Isabel Bentley, requested the Board view this application for text amendment independent of the second hearing. He commented on the difficulty of complying with the current RR-2 and RR-5 zoning requirements. Iris Young, the applicant's neighbor, commented on her neighbor's property. She did not object to the ten-acre proposal. There was no additional public comment.

Chair Lindly closed the public hearing and requested Board deliberations. Commissioner Hall commented that the proposal seemed reasonable and expressed his support. Commissioner Thompson agreed. Chair Lindly concurred and directed staff to move forward. Counsel Belmont stated that staff will draft the ordinance for consideration at the June 14, 2006 Board meeting.

SECOND HEARING

Chair Lindly opened the second hearing, and asked if the commissioners wished to declare any conflicts, abstentions, or ex-parte contacts, of which there were none. Chair Lindly stated that the public hearing is for Case File Number 1-LUPC-PC-06 to consider recommendations from the Lincoln County Planning Commission to approve three requests by applicant Isabel Bentley for property identified on Lincoln County Assessor's Map 10-10-1A as Tax Lot 1100. The property is located approximately four miles east of Siletz on Logsdan Road. Chair Lindly listed the three requests. He stated that there was no appeal of the Planning Commission's decision and recommendation on this request, but because this matter involves a comprehensive plan amendment and an exception to the statewide planning goals, the Board of Commissioners is also required to hold a public hearing.

Counsel Belmont entered into the record the public notice for this hearing, as well as the Planning Department's file. He described the hearing procedure. Mr. Spangler stated the request by Ms. Bentley and described the subject property. He explained that this property was the subject of a Measure 37 claim in 2005 that was approved by the Board of Commissioners since her ownership dates back to the 1940s, but the claim is not directly relevant to the approval criteria that need to be applied to this particular request. Mr. Spangler discussed the approval criteria for a plan and zone map amendment. He stated that the Planning Commission's analysis focused on the Goal 2 exception requirements for an exception to Goal 3 in conformance with the statewide planning goals. Mr. Spangler added that the chain of logic is that if the property was determined to be qualified for the Goal 2 exception process, it would then follow that the property was originally designated agricultural land in error. He summarized the information

before the Board, stating that the Commission concluded that the property was irrevocably committed to non-resource use. The Commission determined that the property had originally been designated AC in error, and should have been designated RR. The finding translates into a recommendation for designation of dispersed residential, and a zoning recommendation of RR-10.

Chair Lindly commented that the surrounding neighborhood appears to contain parcels with less than ten acres in each. Commissioner Hall asked if this parcel, if approved for RR-10 zoning, would be in keeping with the character of the area, to which Mr. Spangler responded that the Planning Commission found it to be so.

Chair Lindly requested applicant's testimony. Rick Prest, Power of Attorney for applicant Isabel Bentley, discussed his history of involvement with the applicant, and her needs with the property. Bob Speaker discussed the timeline of events that pertain to Ms. Bentley's land, including her Measure 37 claim. He stated that the Measure 37 subdivision claim on the lot has been completed, dividing the property into seven lots. He discussed the issue of transferability of the subject property (which is still unclear in the Measure 37 guidelines), and the issue of farming on the property (which was found not practicable). He mentioned that the basis for the conclusion that the property is impracticable to farm is summarized in the findings before the Board. He discussed the level of development in the area and referred to past farming practices on the subject property. He agreed that the property meets the standards for the RR-10 zone.

Chair Lindly requested comments in opposition. Iris Young requested clarification of whether the subject property would be divided into four-acre parcels or ten-acre parcels. Chair Lindly explained that for the hearing, the request was to change the zoning to RR-10. Mr. Spangler added that, pursuant to the approved Measure 37 claim last year, the property had already been divided into parcels of roughly 4.5 acres in size. The purpose of proceeding with the designation of RR-10 is to facilitate the transferability of the divided parcels.

Chair Lindly closed the public hearing and requested Board deliberations. Commissioner Hall commented on the reasonability of establishing the RR-10 zone, and expressed his support of the proposal. Commissioner Thompson stated his support, but for different reasons. He expressed his opinion of the land use system and the need to move more people inland. Chair Lindly concurred with the Planning Commission's recommendations. Counsel Belmont stated that the County Code needs to be created before the request is approved.

Commissioner Hall made a motion to approve the application, subject to the adoption of the RR-10 code provision, for a comprehensive plan amendment and zone change including an exception to Goal 3, Case File Number 1-LUPC-PC-06 and direct staff to prepare the necessary ordinance, with findings, to implement this decision. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously. This item will be presented to the Board for adoption at the June 14, 2006 Board meeting.

**MOTION TO APPROVE THE APPLICATION,
SUBJECT TO THE ADOPTION OF THE RR-
10 CODE PROVISION, FOR A
COMPREHENSIVE PLAN AMENDMENT
AND ZONE CHANGE INCLUDING AN
EXCEPTION TO GOAL 3, CASE FILE
NUMBER 1-LUPC-PC-06 AND DIRECT
STAFF TO PREPARE THE NECESSARY
ORDINANCE, WITH FINDINGS, TO
IMPLEMENT THIS DECISION**

DECISION/ACTION

Chair Lindly stated that his item was brought to the Board for discussion at the May 17, 2006 Board meeting. The Board received a recommendation list from the Non-Profit Social Service Allocation Advisory Committee, with designated funds listed with each recommended agency. Chair Lindly discussed restrictions associated with two of the recommended agencies. The allocation total for this year is \$130,000. Commissioner Hall expressed appreciation for the work of the advisory committee and commented on the restoration of most of the allocation funds that had been depleted in previous years. Commissioner Thompson commented on the great impact these funds have had on county services over the years. Chair Lindly stated that the role of supporting these services is very important to the County. He commented on specific agencies and the need they have for funding to provide their valuable services.

Commissioner Hall made a motion to execute and record Order # 5-06-196 adopting Private Non-Profit Social Service Allocation Program funding allocations for FY 2006-2007. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
ORDER # 5-06-196 ADOPTING PRIVATE
NON-PROFIT SOCIAL SERVICE
ALLOCATION PROGRAM FUNDING
ALLOCATIONS FOR FY 2006-2007**

Chair Lindly stated that the County was successful in securing an \$800,000 Oregon Community Development Block Grant for a Head Start facility in Newport. The next step is to continue some of the fundraising efforts to provide for playground equipment, purchase equipment for the facility, and more. Chair Lindly discussed future plans for the facility. Commissioner Thompson commented on the community's success in making this program progress so quickly through the channels. Chair Lindly added that next week Community Services Consortium will be interviewing finalists for the Head Start Director position.

Commissioner Hall made a motion to execute and record Order # 5-06-197 designating Wayne Belmont as Certifying Officer for Lincoln County for Oregon Community Block Grant Project # C06007, Newport Head Start Center. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
ORDER # 5-06-197 DESIGNATING WAYNE
BELMONT AS CERTIFYING OFFICER FOR
LINCOLN COUNTY FOR OREGON
COMMUNITY BLOCK GRANT PROJECT #
C06007, NEWPORT HEAD START CENTER**

DISCUSSION/INFORMATION

Discussion regarding authorization to acquire temporary and permanent easements necessary for the replacement of Canal Creek (Alder Springs Road) Bridge

Public Works Director Jim Buisman stated that this is discussion for the official authorization for the acquisition of temporary and permanent easements necessary for the replacement of Canal Creek Bridge. This project has been progressing for a while, and this is part of the paperwork filing process. Mr. Buisman responded to a question about cost. This item will be added to next week's Consent Calendar for approval.

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

REPORTS

Chair Lindly announced that the Yaquina Bay Economic Foundation Board will be holding its annual meeting tonight at the Oregon Coast Aquarium. The new ODOT Director, Matthew Garrett, will be the featured speaker.

CONSTITUENT INPUT

Melinda McComb, resident of the unincorporated part of the county along Highway 20, expressed concern over the pipelines carrying industrial effluent that are running from Georgia Pacific through the county, and her inability to locate any maps detailing their exact locations. Ms. McComb distributed a letter to the Board, from which she read, outlining all her concerns regarding this issue. Mr. Buisman approached the Board to report on his knowledge of her concerns. Ms. McComb requested that the Board direct staff to help her locate the maps and make them available for public use.

Chair Lindly announced that next week's meeting will be on June 7, immediately after the joint work session with the City Council of Lincoln City, which begins at 6:00 p.m. in the City Council chambers.

EXECUTIVE SESSION

The Board held an executive session pursuant to ORS 192.660(2)(d) concerning labor negotiations.

ADJOURNMENT

The meeting adjourned at 12:00 p.m. These meeting minutes were read and approved this 7th day of June 2006.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DON LINDLY, Chair

BILL HALL, Commissioner

TERRY N. THOMPSON, Commissioner

APPROVED