

APPROVED BY ORDER # 11-06-373

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

MEETING OF NOVEMBER 1, 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 Tom Clancey-Burns, Executive Director, Community Services Consortium; Kiera Morgan from KNPT radio; Nancy Perrin, Director, Head Start; and Matt Spangler, County Planning Director.

ROLL CALL - ESTABLISHMENT OF A QUORUM

RECOGNITION/PROCLAMATION

ADOPTION OF CONSENT CALENDAR

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

**MOTION TO ADOPT CONSENT CALENDAR OF
NOVEMBER 1, 2006**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

11-06-365 BOC Meeting Minutes of October 25, 2006

Commissioner Appointments & Resignations

License Applications or Renewals

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

11-06-366 Land Sales Contract from Lincoln County to Kelli Duhamel and Eric Duhamel, Map 7-10-10-AB, Tax Lots 3301, 3401, and 3501, purchase price \$8,500

11-06-367 Quitclaim Deed from Lincoln County to David W. Weiss and Amanda J. Weiss, Map 7-11-35-BB, Tax Lot 2200, purchase price \$3,000

General Budget Resolutions

Acting as Governing Body of County Wide Service Districts

Documents and Recording Matters in the Commissioners Journal

Execution and recordation of:

11-06-368 Designating Wayne Belmont as Certifying Officer for Lincoln County regarding Oregon Community Development Block Grant Contract #HR757, HR Project #606 (Lincoln County Housing Rehabilitation Program)

Recordation of:

11-06-369 Amendment #31 to IGA #113007 between Department of Human Services and Lincoln County Health and Human Services

11-06-370 Amendment #32 to IGA #113007 between Department of Human Services and Lincoln County Health and Human Services

11-06-371 Amendment #1 to Grant Contract with Oregon Economic and Community Development Department for the Newport Head Start Facility, Project # C06007

11-06-372 Amendment #1 to the Oregon Department of Transportation Agreement #22740 with Lincoln County

Execution of:

Grant Contract #HR757 regarding Community Development Block Grant #HR606 for Lincoln County's 2006 Housing Rehabilitation Program

PUBLIC HEARING

DECISION/ACTION

DISCUSSION/INFORMATION

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

Case File #06-LURCC-06, Walter and Sara Maguire, claimants

Planning Director Matt Spangler described the location of the subject properties. He distributed photos of the properties. Mr. Spangler stated that the current zoning for the properties is RR-2, which means there is a two-acre minimum parcel size requirement. The property was acquired by the claimants in 1990, when the zoning permitted the creation of one-acre parcels. Mr. Spangler noted that the claim cites plan development restriction on clustering, which is a State-administered rule, not a County ordinance. He discussed the estimated value of the claim as estimated by the claimants. A public hearing on this

matter was held on September 15, 2006. There were two pieces of opposition testimony that were entered into the record. The opposition addressed the development issues that might ensue if the claim is approved; they did not address the claim itself directly. Commissioner Thompson commented on the wetland brush on the subject property, much of which is not buildable due to wetland regulations. Mr. Spangler clarified that the issue before the Board today deals only with whether or not the claimants are entitled to begin a process based on zoning in 1990 versus zoning in effect today. The wetland regulations are not subject to claims under Measure 37 as they are federally mandated.

Commissioner Hall requested clarification about whether the claimants could potentially gain up to 40 homesites if the waiver is approved, but given the wetland regulations, it would actually be much lower than 40. Mr. Spangler expressed difficulty in speculation, but did confirm the presence of limitations on the subject property.

Staff found the claim to be valid and recommended the Board resolve the claim through the non-application of the two-acre minimum parcel size restriction in the RR-2 zone.

Commissioner Hall asked about a past application for development on this parcel. Mr. Spangler discussed previous ownership of the subject properties. The Board gave consensus to move this claim forward to next week's Board meeting for action.

Case File #08-LURCC-06, John and Becky Palmer, claimants

Mr. Spangler described the location of the subject properties. The property is split-zoned, with a portion in A-C and a portion in T-C, both of which have an 80-acre minimum parcel size restriction. The property was acquired by the claimants in 1992, when the zoning was the same as today, but the provisions of the zones at that time permitted creation of 40-acre parcels. He discussed the value of the claim as estimated by the claimants. This case was subject of a public hearing on September 15, 2006. There was no testimony in opposition. Staff found the claim to be valid, and recommended the Board resolve the claim by not applying the current zoning regulations, and instead default to the application of regulations that were in effect in 1992.

Commissioner Hall inquired if one additional home site would be permitted if the waiver was approved. Mr. Spangler responded that it is not entirely clear at this point since A-C nor T-C zoning does not allow outright dwelling places. He discussed some of the confusion surrounding the potential for building an additional home site on the subject property. There is currently a residence on the A-C zoned portion of the property.

The Board gave consensus to move this claim forward to next week's Board meeting for action.

There was discussion regarding the number of claims submitted and the number pending. Mr. Spangler discussed the two-year deadline for filing a claim, which is approaching on December 2, 2006. There was confusion regarding the deadline for filing a claim since there is language in the measure that accommodates additional time following the December 2, 2006 deadline.

BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS

REPORTS

Tom Clancey-Burns, Executive Director, Community Services Consortium, and Nancy Perrin, Director, Head Start, provided updates to the Board on their respective programs. Ms. Perrin discussed statistics associated with the children enrolled in Head Start; the different health screenings recently administered; and additional childhood assessments required by the State. Wednesday, November 8 is the “Fight Crime, Invest in Kids” Oregon campaign at the Toledo Center. Ms. Perrin stated that two vacant positions on the Head Start Advisory Council were recently recommended for reappointment, and there is another community representative position open. The Newport Head Start facility received a \$75,000 award from the Paul Allen Foundation, putting CSC at approximately \$1.3 million for the capital campaign. Chair Lindly clarified an upcoming canceled meeting date.

Tom Clancey-Burns expressed his joy for having Ms. Perrin on the CSC team. He discussed the county food boxes; the housing and rehabilitation loan program; focus groups with homeless people; the state of hunger in Oregon; sustainable planning; My Sisters’ Place final design and construction; and future meeting dates.

CONSTITUENT INPUT

EXECUTIVE SESSION

ADJOURNMENT

The meeting adjourned at 10:10 a.m. These meeting minutes were read and approved this 8th day of November 2006.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DON LINDLY, Chair

BILL HALL, Commissioner

TERRY N. THOMPSON, Commissioner