

**APPROVED BY ORDER # 4-11-545**

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

**MEETING OF APRIL 11, 2007**

**CALL TO ORDER**

Chair Bill Hall convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Commissioner Terry Thompson, Commissioner Don Lindly, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were JoAnn Barton, Board Chair, Children's Advocacy Center; James Bassingthwaite, Community Development Director for the City of Newport; Jim Chambers, Parks and Road Maintenance Superintendent; Steven Hamilton, Yachats resident; Kiera Morgan from KNPT radio; Mark Ross, Corrections Deputy in the County Jail; Mary Sasaki, Executive Director, Children's Advocacy Center; Rob Thomas, Assessor; Matt Spangler, Planning and Development Director; and Ken Wetten, Newport resident.

**ROLL CALL - ESTABLISHMENT OF A QUORUM**

**RECOGNITION/PROCLAMATION**

**Lincoln County's Employee of the Year Awards: Jim Chambers, Parks and Road Maintenance Superintendent, and Mark Ross, Sheriff's Office Deputy**

Chair Hall announced the recognition of Lincoln County's two Employees of the Year for 2006, adding that this is the first time recognition is being given at a Board of Commissioners meeting. The winners of this award were chosen by their colleagues by nomination and vote. The 2006 winners are Jim Chambers, Parks and Road Maintenance Superintendent, and Mark Ross, Corrections Deputy in the Lincoln County Jail. Chair Hall read some comments that were submitted by the awardees' colleagues, and invited both forward for presentation of their plaques. The commissioners agreed that this is a perfect example of the caliber of employees that work for Lincoln County.

**"Child Abuse Prevention Month" in Lincoln County**

Commissioner Lindly read the proclamation in full, and invited Mary Sasaki and JoAnn Barton, representing the Lincoln County Children's Advocacy Center (CAC), to come forward. Ms. Sasaki recognized CAC board members Roger Adams, Sheriff Dotson, and Commissioner Don Lindly. She stated that the Center is celebrating its tenth anniversary in 2007. The Center has served more than 1,400 Lincoln County children on site. They are working on a display that will make its way around the county, bringing awareness of CAC's services. There will be a rededication ceremony in the fall. Ms. Barton thanked the Board for the proclamation. She referred to an article published in the *Newport News-Times* in which there was coverage of a recently convicted pedophile in Lincoln County. Ms. Barton commended the work put forth by the District Attorney's Office, and thanked the media for its coverage of such offenders. She described the case in detail, stressing the significance of the child victim's testimony.

Commissioner Thompson commended CAC for its efforts in addressing the issues of child sexual abuse in Lincoln County. Commissioner Lindly reminded everyone of the Center's Family Fun Day this weekend from 1:00 – 4:00 p.m. at CAC. Commissioner Lindly made a motion to execute and record Resolution # 07-11-04A proclaiming April 2007 "Child Abuse Prevention Month" in Lincoln County. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD  
RESOLUTION # 07-11-04A PROCLAIMING  
APRIL 2007 "CHILD ABUSE PREVENTION  
MONTH" IN LINCOLN COUNTY**

**"Epsilon Sigma Alpha International Day" in Lincoln County**

Chair Hall read the proclamation in full. As there was no one present to speak on behalf of the proclamation, Chair Hall stated that the Oregon State Council for Epsilon Sigma Alpha International will be holding its annual convention in Newport on April 27-29, 2007. Commissioner Thompson made a motion to execute and record Resolution # 07-11-04B proclaiming May 1, 2007 "Epsilon Sigma Alpha International Day" in Lincoln County. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD  
RESOLUTION # 07-11-04B PROCLAIMING MAY  
1, 2007 "EPSILON SIGMA ALPHA  
INTERNATIONAL DAY" IN LINCOLN COUNTY**

**ADOPTION OF CONSENT CALENDAR**

Chair Hall introduced the Consent Calendar items. Commissioner Thompson highlighted the item authorizing the County Parks Division to apply for Oregon State Marine Board grants for the purpose of making improvements to the new County park along the Siletz River near Bear Creek. Chair Hall noted that Pat Neal is being reappointed to two committees, and thanked all volunteers who serve on Lincoln County committees. Commissioner Thompson made a motion to approve the Consent Calendar in its entirety. Commissioner Lindly seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO APPROVE CONSENT CALENDAR  
OF APRIL 11, 2007**

**CONSENT CALENDAR ITEMS**

*Minutes of the Board of Commissioners Meeting*

4-07-528      BOC meeting minutes of April 4, 2007

Commission Appointments & Resignations

- 4-07-529 Changes in membership to the Lincoln County Transportation Service District Advisory Committee
- 4-07-530 Reappointment of Pat Neal to the Public Health Advisory Committee
- 4-07-531 Appointment of Pat Neal to the Lincoln County Local Alcohol and Drug Abuse Planning Committee
- 4-07-532 Changes in membership to the Lincoln County Special Transportation Advisory Committee
- 4-07-533 Reappointments of certain members to the Lincoln County Farm Use Review Board
- 4-07-534 Appointment of Barbara Dougherty to the Lincoln County Local Public Safety Coordinating Council
- 4-07-535 Reappointment of Bryan Coleman as a member of the For Far Special Road District board

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

- 07-11-04C Authorizing the County Parks Division to apply for Oregon State Marine Board grants for the purpose of making improvements to the new County park along the Siletz River near Bear Creek
- 4-07-536 Sub-Recipient Agreement between Oregon Coast Community College and Lincoln County for activities authorized by the Oregon Economic and Community Development Department's 2007 CDBG Microenterprise Assistance Grant
- 4-07-537 State Grant Agreement # 22628, amendment 1, between Oregon Department of Transportation and Lincoln County Transportation District

**PUBLIC HEARING**

**First Board of Commissioners Hearing on Assessment and Taxation Grant**

Chair Hall opened the public hearing. Assessor Rob Thomas presented the grant document to the Board on behalf of the Assessor's Office, the Tax Office, the Clerk's Office, and the Information Technology Department. The summary is divided into three sections: this year's summary, last year's summary, and

a history of the grant. This year's summary provides a description on the changes in staffing and reasons for the changes. There is a summary of expenses, which is slightly different than the way it was reported last year. He recalled that last year the Assessor's Office hired two new appraisers, as required by the State. He described the summary in detail page by page. Mr. Thomas will be presenting this summary to the Budget Committee next week, and if the Board accepts the grant document, the Board will adopt a resolution at the April 25 Board meeting. Chair Hall requested comment from the commissioners. Mr. Thomas introduced Vivian Baldwin, Chief Assessor's Office Deputy and Peter Boris, Chief Appraiser, who are key contributors to the grant document. Chair Hall requested public comment, of which there was none. He closed the public hearing.

**Public hearing regarding an Urban Growth Boundary (UGB) map amendment involving a locational adjustment resulting in no net change in land area within the UGB**

Chair Hall stated that approximately 1.8 acres will be added and an equal area removed from the City of Yachats UGB. This amendment has been approved by the City of Yachats. At the same time, the 1.8 acre area removed from the city requires assigning a Lincoln County comprehensive plan designation of Rural Community and a zone change to R-1, single family residential. He described the subject property. The hearing is to consider the adding and removal of the acreage, and assign the comprehensive plan designation and zone change. Public hearings were held on this request, and the City of Yachats recommended approval of the request.

Chair Hall opened the public hearing. Counsel Belmont entered into the record Planning Department Case File # 2-LUPC-CC-06, which includes the minutes of the Planning Commission meeting. He entered the notice of publication of the hearing as well as the affidavit of mailing. Counsel Belmont described the process the Board will take for this hearing. Chair Hall requested any ex parte contact, conflicts of interest, or abstentions, of which there were none. Chair Hall requested the staff report from Matt Spangler, Planning Director.

Mr. Spangler referred to his staff report, in which he indicated that the proposed amendment to the UGB won't net an increase or a decrease to the land area of the boundary; rather it is just adjusting the boundary to line up better with the geography of the area. He described the parcel in the subject area, and the history of the establishment of and changes to the boundary. The proposed adjustment received unanimous approval by the Planning Commission.

The commissioners had no questions for Mr. Spangler. Chair Hall noted that there was a vote by the citizens last March which resulted in an 80:20 vote in favor, or 290 votes in favor, and 50 opposed. Chair Hall requested public comment in favor of the request. Steven Hamilton, Yachats resident, explained his history with the subject property, which he purchased 25 years ago. He described the land and his reasons for keeping the back part of the boundary as is. There was discussion concerning wildfire protection. There was no additional testimony in favor of the adjustment. There was no testimony in opposition. Chair Hall closed the public hearing, and invited Board deliberation.

Commissioner Lindly stated that he read the minutes from the Yachats Planning Commission and the Lincoln County Planning Commission hearings, and noted that the Lincoln County Planning Commission voted seven in favor, with one abstention. He voiced his agreement with the Planning Commission's decision to support the request. Commissioner Thompson and Chair Hall supported the adjustment, as

well. Counsel Belmont stated that he will develop an ordinance that will accomplish the actions required for the boundary adjustment, and have it ready for Board approval at next week's Board meeting.

**Public hearing regarding a UGB amendment for purposes of proceeding with the South Beach Neighborhood Plan recently adopted by the Newport City Council**

Chair Hall stated that this amendment involves removing approximately 309 acres from the UGB and adding back a total of 268 acres as a locational adjustment. This proposal is for an amendment to the boundary only. Zoning of the subject property will not change unless or until the property is annexed into the City. He described the location of the subject property. The Lincoln County Planning Commission published and mailed notice of the public hearing, and voted 5-2 in favor of the request. Chair Hall opened the public hearing. Counsel Belmont entered into the record Case File # 3-LUPC-PC-06, including the minutes and recommendation of the Planning Commission hearing. The affidavit of publication of notice and proof of mailing were submitted. Counsel Belmont described the process the Board will take for this hearing. Chair Hall requested any ex parte contact, conflicts of interest, or abstentions. Chair Hall noted that he met with the owners of the subject property on a couple occasions, but the discussions centered on Chair Hall's interest in affordable housing, not on this application. Counsel Belmont stated that, since there was one ex parte contact, the public is welcome to rebut any of the testimony before the Board today. Chair Hall invited Mr. Spangler to discuss his staff report.

Mr. Spangler noted that the City of Newport undertook an extensive process in development of the plan, and he commended the City for its process. He described the proposed change, referred to the map before the Board, and discussed the reasons for the proposed change. He described the applicable criteria. Mr. Spangler stated that the lands coming into the boundary won't change zoning. There will not be any development until the property is annexed into the City limits. The Lincoln County Planning Commission recommends adopting the amendment.

Chair Hall commented on the controversy of the boundary line around Idaho Point and the slough. Mr. Spangler referred to the locations on the map, and clarified which areas would not be developed. Chair Hall requested testimony in support of the application. James Bassingthwaite, Community Development Director for the City of Newport, re-emphasized that this has been a very public process since 2004, with significant media coverage and public participation. Chair Hall asked why land must be removed from the existing UGB. Mr. Bassingthwaite responded that the removal of land is in compliance with the statewide planning goals. He discussed transportation impacts.

John Stutzman, President of Land Waves, Inc. in Portland, Oregon, and Pat O'Connor, President of Oregon Coast Community College in Newport, approached the Board in support of the application. Mr. Stutzman stated that Land Waves, Inc. and its sister company own approximately 70% of the land area that is under consideration. He described the 20-year plan for development of the area, emphasizing that it won't occur overnight. He described the plan to build a direct access road to the community college property, due east of Mike Miller Park, part of the goal of bringing a public/private infrastructure to the college. He commented on the importance of affordable housing. He described the opportunities to add onto Mike Miller Park; the significant natural resources in the area; high energy efficiency plans; local transportation issues; a more sustainable South Beach area that could minimize the impact on the Yaquina Bridge; and plans to begin construction on 40<sup>th</sup> street this summer, pending approval of the plan. Mr. O'Connor added that OCCC has the funding to build the new campus, and the process has been open to community input for the last 2 ½ years.

Commissioner Thompson commented on the responsible development of the property, and expressed concern of ODOT moving more people over the Yaquina Bridge as the South Beach area develops. Commissioner Lindly echoed Commissioner Thompson's sentiments, adding that, though they aren't proposing a replacement bridge, capacity needs to be added. There was discussion regarding the boundary line of the slough. Ken Wetten, Newport resident, provided his testimony in support of the application, commenting on the effects on local infrastructure.

Chair Hall called for testimony in opposition, of which there was none. Chair Hall closed the public hearing and invited Board deliberations. Commissioner Thompson reiterated comments on how ODOT will deal with an increase of traffic on the bridge. Commissioner Lindly expressed support of the application, as did Chair Hall. Counsel Belmont acknowledged the consensus to move forward with the process. He will draft an ordinance for approval at next week's Board meeting.

### **DECISION/ACTION**

#### **Request to vacate a portion of NW Stone Ave. in the San Marine area, Case File # V-151**

Chair Hall noted that the initial hearing on this issue was held two weeks ago, and since he wasn't present at that hearing and the Board had a split vote, they moved the second hearing to today. Chair Hall reviewed the entire file, including the recorded tapes and minutes of the meeting, and concluded that the request for vacation was not in the public's best interest. Commissioner Thompson made a motion to execute and record Order # 4-07-538 denying the request to vacate a portion of NW Stone Ave. in the San Marine area, Case File # V-151. Commissioner Lindly seconded the motion, but noted his vote in favor of the request. A vote was taken and the motion passed 2-1 denying the request.

**MOTION TO EXECUTE AND RECORD ORDER # 4-07-538 DENYING THE REQUEST TO VACATE A PORTION OF NW STONE AVE. IN THE SAN MARINE AREA, CASE FILE # V-151**

#### **Ballot Measure 37 claims**

Chair Hall stated that he reviewed the case files and listened to the tapes of the discussion since he was not present for that meeting. Counsel Belmont noted that one of the claimants' names was inadvertently left off one of the Orders approved at a previous meeting, so now it is in its amended form to show both names. Commissioner Lindly made a motion to execute and record Order # 4-07-539 amending Order # 4-07-522 in the matter of the Ballot Measure 37 claim of Shari Hall Kiser and Lester Hall, Case File # 19-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER # 4-07-539 AMENDING ORDER # 4-07-522 IN THE MATTER OF THE BALLOT MEASURE 37 CLAIM OF SHARI HALL KISER AND LESTER HALL, CASE FILE # 19-LURCC-06**

Commissioner Thompson made a motion to execute and record Order # 4-07-540 regarding the Ballot Measure 37 claim of John and Nadine Beck, claimants, Case file # 24-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-540 REGARDING THE BALLOT MEASURE  
37 CLAIM OF JOHN AND NADINE BECK,  
CLAIMANTS, CASE FILE # 24-LURCC-06**

Commissioner Thompson made a motion to execute and record Order # 4-07- 541 regarding the Ballot Measure 37 claim of Miami Corporation, claimant, Case file # 26-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07- 541 REGARDING THE BALLOT MEASURE  
37 CLAIM OF MIAMI CORPORATION,  
CLAIMANT, CASE FILE # 26-LURCC-06**

Counsel Belmont noted that there is a name change for this Order. Commissioner Thompson made a motion to execute and record Order # 4-07-542 regarding the Ballot Measure 37 claim of Dell Kelson, Trustee of Dell and Sally Kelson Trust, claimant, Case file # 27-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-542 REGARDING THE BALLOT MEASURE  
37 CLAIM OF DELL KELSON, TRUSTEE OF  
DELL AND SALLY KELSON TRUST,  
CLAIMANT, CASE FILE # 27-LURCC-06**

Commissioner Lindly made a motion to execute and record Order # 4-07-543 regarding the Ballot Measure 37 claim of Craig and Kathleen Kelson, claimants, Case file # 28-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-543 REGARDING THE BALLOT MEASURE  
37 CLAIM OF CRAIG AND KATHLEEN  
KELSON, CLAIMANTS, CASE FILE # 28-LURCC-  
06**

Counsel Belmont requested that the Order approving the Measure 37 claim of Verba Croston and Adrian Croston, claimants, Case file # 29-LURCC-06 be removed so the claimants' names can be confirmed. This item will be revised and put on next week's agenda for approval.

Commissioner Thompson made a motion to execute and record Order # 4-07-544 regarding the Ballot Measure 37 claim of Joe and Janyce Steenkolk, claimants, Case file # 30-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-544 REGARDING THE BALLOT MEASURE  
37 CLAIM OF JOE AND JANYCE STEENKOLK,  
CLAIMANTS, CASE FILE # 30-LURCC-06**

Chair Hall requested an update from Mr. Spangler concerning the Measure 37 claims. Mr. Spangler stated that, not counting the Plum Creek claims, Lincoln County has approximately 55 more claims to bring forward in the next 40 days. Legislature is considering a time extension, but since it hasn't been confirmed, staff is proceeding as if an extension will not be granted. The Board commended the Planning Department and County Counsel staff for their work on the claims. Mr. Spangler stated that if all claims are not processed in the remaining 40 days, by definition of the measure, the claimant has a right to file the claim in circuit court. This could mean significant exposure for lawsuits seeking compensation for attorney's fees.

**DISCUSSION/INFORMATION**

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

**REPORTS**

Commissioner Thompson stated that there is progress on the wave action generator bills before legislation. Chair Hall reminded everyone of the County's first Free-For-All event on April 28 at the Lincoln County Fairgrounds from 10:00 a.m. – 2:00 p.m., sponsored by the County's Solid Waste Service District. The next Board meeting is on April 18 at 9:30 a.m. in the BOC conference room.

**CONSTITUENT INPUT**

**EXECUTIVE SESSION**

**ADJOURNMENT**

The meeting adjourned at 11:00 a.m. These meeting minutes were read and approved this 18<sup>th</sup> day of April 2007.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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**BILL HALL, Chair**

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**TERRY N. THOMPSON, Commissioner**

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**DON LINDLY, Commissioner**