

APPROVED BY ORDER # 6-07-619

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

MEETING OF JUNE 20, 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 Gretchen Ammerman, Solid Waste Disposal Service District Program Manager; Terry Dillman from the Newport News-Times; Kiera Morgan from KNPT radio; Michael Rich, Finance Director; Matt Spangler, Planning Director; and Lori Vegas, Accountant, OSU Extension Service District.

ROLL CALL - ESTABLISHMENT OF A QUORUM

RECOGNITION/PROCLAMATION

ADOPTION OF CONSENT CALENDAR

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

**MOTION TO APPROVE CONSENT CALENDAR
OF JULY 20, 2007**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

6-07-610 BOC Meeting Minutes of June 13, 2007

Commissioner Appointments & Resignations

6-07-611 Reappointment of Julie Hanrahan to the Housing Authority of Lincoln County

License Applications or Renewals

6-07-612 Issuance of a temporary Oregon Liquor Control Commission liquor license to Samaritan House

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

General Budget Resolutions

07-20-06A Approval of grants for the Human Services Fund Budget and appropriations for the fiscal year ending June 30, 2007

Acting as Governing Body of County Wide Service Districts

Documents and Recording Matters in the Commissioners Journal

Recordation of:

6-07-613 Agreement to Dissolve the Lincoln Interagency Narcotics Team (LINT) as a separate entity

6-07-614 Intergovernmental Agreement between Oregon State Police, Newport Police Department, Lincoln City Police Department, Lincoln County Sheriff's Office, and Lincoln County District Attorney's Office to reform the Lincoln Interagency Narcotics Team (LINT) as a cooperative

6-07-615 Juvenile Crime Prevention Basic Services and Diversion Agreement with the Oregon Youth Authority and Lincoln County

Execution of:

Grant agreement # 23987 between Oregon Department of Transportation Public Transit Division and Lincoln County Transportation Service District for general public transportation operations

PUBLIC HEARING

Public hearing to take comment on and adopt the Lincoln County Solid Waste Disposal Service District Budget for FY 2007-2008

Chair Hall opened the public hearing. Gretchen Ammerman, Lincoln County Solid Waste Disposal Service District Program Manager, stated that the District had no proposed changes to the approved budget. The budget committee members had approved the budget as presented. Chair Hall invited comment from the Board, of which there was none. He invited public comment, of which there was none. He closed the public hearing and opened for Board deliberations. Commissioner Thompson made a motion to execute and record Resolution # 07-20-06B adopting the 2007-2008 Lincoln County Solid Waste Disposal Service District budget as presented, and making appropriations. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
RESOLUTION # 07-20-06B ADOPTING THE 2007-
2008 LINCOLN COUNTY SOLID WASTE
DISPOSAL SERVICE DISTRICT BUDGET AS
PRESENTED, AND MAKING APPROPRIATIONS**

Public hearing to take public comment on and adopt the Lincoln County Extension Service District Budget for FY 2007-2008

Chair Hall opened the public hearing. Lori Vegas, Accountant for the OSU Extension Service District, reported that there were no changes to the budget as approved. Chair Hall invited comment from the Board, of which there was none. He invited public comment, of which there was none. He closed the public hearing and opened for Board deliberations. Commissioner Lindly made a motion to adopt the Certificate of Appropriation of Funds under ORS 566.220 for the OSU Extension Program in Lincoln County. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

MOTION TO ADOPT THE CERTIFICATE OF APPROPRIATION OF FUNDS UNDER ORS 566.220 FOR THE OSU EXTENSION PROGRAM IN LINCOLN COUNTY

Commissioner Lindly made a motion to execute and record Resolution # 07-20-06C adopting the 2007-2008 Lincoln County Extension Service District budget as presented, making appropriations, levying taxes, and categorizing the levy. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

MOTION TO EXECUTE AND RECORD RESOLUTION # 07-20-06C ADOPTING THE 2007-2008 LINCOLN COUNTY EXTENSION SERVICE DISTRICT BUDGET AS PRESENTED, MAKING APPROPRIATIONS, LEVYING TAXES, AND CATEGORIZING THE LEVY

Public hearing to take public comment on and adopt the Lincoln County Transportation Service District Budget for FY 2007-2008

Chair Hall opened the public hearing. Mike Rich, Finance Director, was present in place of Cynda Bruce, Transit Service District Coordinator. He stated that there were no changes to the Transportation Service District budget as approved. The total budget is for \$3.492 million. Chair Hall invited comment from the Board, of which there was none. He invited public comment, of which there was none. He closed the public hearing and opened for Board deliberations. Commissioner Lindly made a motion to execute and record Resolution # 07-20-06D adopting the 2007-2008 Lincoln County Transportation Service District budget as presented, making appropriations, levying taxes, and categorizing the levy.

MOTION TO EXECUTE AND RECORD RESOLUTION # 07-20-06D ADOPTING THE 2007-2008 LINCOLN COUNTY TRANSPORTATION SERVICE DISTRICT BUDGET AS PRESENTED, MAKING APPROPRIATIONS, LEVYING TAXES, AND CATEGORIZING THE LEVY

Public hearing to take public comment on and adopt the Lincoln County Budget

Chair Hall opened the public hearing. Mr. Rich stated that the County budget has changed since the budget was approved. He provided a written copy of the changes and described the changes, which total a decrease of approximately \$671,000. The biggest reductions were in Community Corrections and the Lincoln Commission on Children and Families. There were increases in the Capital Improvement Fund. Chair Hall invited public comment, of which there was none. He closed the public hearing and invited Board deliberations. There was discussion regarding the approval of the Community Corrections budget at the State level. Counsel Belmont explained that the County can approve resolutions for unexpected budget changes, as they might occur after the budget is adopted by the Board. Title III might have changes at the federal level, as well. There was discussion regarding staffing changes within Community Corrections, and changes to other funds. Chair Hall read the budget totals so people could have a better understanding of exactly how much it costs to run a county. The budget total is \$84,606,559 for fiscal year 2007-2008.

Commissioner Lindly made a motion to execute and record Resolution # 07-20-06E adopting the 2007-2008 Lincoln County Budget as amended, making appropriations, levying taxes, and categorizing the levy. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously. Commissioner Lindly noted that this is an ongoing process, as the budget continues to be adjusted and reviewed throughout the year.

**MOTION TO EXECUTE AND RECORD
RESOLUTION # 07-20-06E ADOPTING THE 2007-
2008 LINCOLN COUNTY BUDGET AS
AMENDED, MAKING APPROPRIATIONS,
LEVYING TAXES, AND CATEGORIZING THE
LEVY**

DECISION/ACTION

Counsel Belmont discussed the aerial photography project in the Information Technology Department. Project proposals have been sought and received. A vendor has been recommended for Board approval. The total cost for the project is \$183,685. Mr. Belmont described the project, which will enhance GIS capabilities and will benefit Emergency Services, Search and Rescue, local fire departments, land use planning, mapping, roads, and more. Planning Director Matt Spangler explained that it is beneficial to have the aerial photographs updated every five years, and the last time the County's were updated was in 2000. Commissioner Thompson made a motion authorizing awarding and executing a contract to 3di/David C. Smith and Associates Consortium as the successful proposer in the County Aerial Photography Project . Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION AUTHORIZING AWARDING AND
EXECUTING A CONTRACT TO 3DI/DAVID C.
SMITH AND ASSOCIATES CONSORTIUM AS
THE SUCCESSFUL PROPOSER IN THE
COUNTY AERIAL PHOTOGRAPHY PROJECT**

Measure 37 Claims

Counsel Belmont pulled one of the claims scheduled for action today, that of Roland Hendricks, Diane Kent, Jerry and Judith Kinney, claimants, Case file # 144-LURCC-06. The remaining three claims have been presented by staff at a previous meeting. Mr. Belmont summarized some information pertaining to date of acquisition on the Rowley and Tenderella claims. Staff had recommended denial of the Phillips claim.

Commissioner Lindly made a motion to execute and record Order # 6-07-616 regarding the Ballot Measure 37 claim of Michael Rowley, claimant, Case file # 143-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
6-07-616 REGARDING THE BALLOT MEASURE
37 CLAIM OF MICHAEL ROWLEY, CLAIMANT,
CASE FILE # 143-LURCC-06**

Commissioner Thompson made a motion to execute and record Order # 6-07-617 denying the Ballot Measure 37 claim of Sean and Julie Phillips, claimants, Case file # 145-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
6-07-617 DENYING THE BALLOT MEASURE 37
CLAIM OF SEAN AND JULIE PHILLIPS,
CLAIMANTS, CASE FILE # 145-LURCC-06**

Commissioner Thompson made a motion to execute and record Order # 6-07-618 regarding the Ballot Measure 37 claim of Larry Tenderella, claimant, Case file # 146-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
6-07-618 REGARDING THE BALLOT MEASURE
37 CLAIM OF LARRY TENDERELLA,
CLAIMANT, CASE FILE # 146-LURCC-06**

DISCUSSION/INFORMATION

Consideration of Planning Director's report and recommendations for the following Land Use Regulation Compensation (Measure 37) claims:

Mr. Spangler stated that the following claims have been subject to public hearings in accordance with statute.

Case File # 95-LURCC-06, Vivian Lematta, claimant, Jeff Evans, agent

Planning Director Matt Spangler described the subject property, which is currently zoned A-C, T-C, and RR-5, and was acquired through inheritance in 1938, when there were no land use regulations in effect.

Mr. Spangler discussed some issues and subsequent responses that had been raised by US Forest Service District since part of the property is in Cascades Head Scenic Research Area. Staff's conclusion was that it concurs with the analysis provided by the claimant's representative, staff found the claim valid, and recommended the non-application of current land use restrictions of A-C, T-C, and RR-5 zones applicable to the subject property. Counsel Belmont added that, though he concurs with the recommendations, staff is not ready to bring this claim forward for action until additional research on the issues can be completed. There was additional discussion regarding forest use, use of wetlands, and potential development if the claim is approved.

Case File # 107-LURCC-07, Ungers' Co., claimant, Dawn Pavitt, agent

Mr. Spangler described the subject property, which is currently zoned T-C, and is a portion of larger ownership. This parcel was acquired by the Ungers' Co. in 1978, when the zoning was the County's old A-1 natural resource zone, which allowed the creation of 5-acre parcels. Staff found the claim to be valid, and recommended the T-C minimum parcel size and restrictions on dwellings no be applied in order to allow the claimant to divide the property into up to four parcels. The Board gave consensus to move forward.

Case File # 108-LURCC-07, Ungers' Co., claimant, Dawn Pavitt, agent

Mr. Spangler described the subject property, which is currently zoned A-C and T-C. The property was acquired in three different transactions by the Ungers' Co: 1962, 1968, and 1971, when there were no County zoning or land use regulations in effect. Staff found the claim to be valid and recommended the non-application of current restrictions on dwellings and land divisions, which would allow the claimants to create up to 23 parcels, each with a home site. There was discussion regarding the abutment of property against natural resource areas; the original intent of the measure; potential development of the property; and the eventual effect on the County. The Board agreed with the staff recommendations and gave consensus to move forward.

Case File # 117-LURCC-06, Roger and Julee Grady, claimants, Dennis Bartoldus, agent

Mr. Spangler described the subject property, which is currently zoned RR-5, and was acquired by the claimants in 1976, when it was zoned A-2. Staff found the claim to be valid and recommended the non-application of minimum lot size requirements in the RR-5 zone, limiting land divisions to the one-acre minimum that was in effect at the time of acquisition in 1976. The Board gave consensus to move forward.

Case File # 118-LURCC-06, Phyllis Troyer, claimant, Dennis Bartoldus, agent

Mr. Spangler described the subject property, which is currently zoned A-C, and was acquired by the claimant in 1980 and another portion in 1992, when zoning permitted the creation of ten-acre parcels, each with a home site. Staff found the claim to be valid, and recommended the non-application of current zoning restrictions, thus allowing the division of ten-acre parcels with a home site on each. Mr. Spangler discussed the testimony that was given in opposition at the public hearing regarding potential in impacts of development and regarding the dates of acquisition, which were verified for accuracy. Counsel Belmont stated that a letter was received from the claimant's agent concerning incorrect spelling

of the claimant's name, as well as the need for an additional address in the staff report. Staff will adjust the name and address accordingly in the Order. The Board gave consensus to move forward.

Case File # 128-LURCC-06, Jeffrey and Cynthia Mitchell, Geoffrey and Linda Williams, claimants

Mr. Spangler described the subject property, which is currently zoned A-C and T-C, and was acquired by the claimants in 1978 and 1982. Staff found the claim to be valid, and recommended for claimants Jeffrey and Cynthia Mitchell and Geoffrey Williams the non-application of restrictions on land divisions and dwellings in order to allow the creation of parcels to five acres each with a home site. Claimant Williams would be subject to restrictions in effect in 1982, which would be the 40-acre minimum parcel size. There was discussion about the development and division of property, and the issue of joint ownership. The Board gave consensus to move forward.

Case File # 147-LURCC-06, Robert and Janice Foley, claimants

Mr. Spangler described the subject property, which is currently zoned A-C, and was acquired by the claimants in 1950, when there were no zoning regulations in effect. Staff found the claim to be valid, and recommended the non-application of minimum parcel size and dwelling restrictions in the A-C zone, allowing creation of up to nine parcels, each with a home site. The Board gave consensus to move forward.

Case File # 148-LURCC-06, Leroy Whitney, claimant, Dennis Bartoldus, agent

Mr. Spangler described the subject property, which is currently zoned RR-2, and was acquired by the claimant in 1987, when the property was zoned RR-1-2, which allowed the division of one-acre parcels, based on the provisions of community water. Staff found the claim to be valid, and recommended the non-application of current minimum parcel size restrictions in the RR-2 zone, allowing the creation of up to two parcels, based on the provisions of community water. There is currently not a system of community water. Mr. Spangler discussed the testimony that was given in opposition at the public hearing, which primarily dealt with the impacts of development. The Board gave consensus to move forward.

Excluding the 64 Plum Creek Timber claims, the County still has approximately 21 claims to act on, and have acted on approximately 100 claims thus far.

BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS

REPORTS

Commissioner Thompson announced a meeting between the Lincoln County Board of Commissioners and the Tillamook Board of Commissioners on Monday, July 2 at 10:30 a.m. to discuss marine reserves and wave energy along the Oregon coast.

Counsel Belmont mentioned the community wave energy forum at the Newport High School Boone Center on Monday, June 25 at 6:30 p.m.

Commissioner Thompson discussed the New Carissa Mitigation funds, which will help protect the marbled murrelet habitat.

Commissioner Lindly stated that legislature approved Connect Oregon II Intermodal Transportation Bill which uses bonded lottery funds in the amount of \$100 million. A couple of the projects are out of Lincoln County, including the commuter air program and the Port of Toledo rail connection. Senators Wyden and Smith have proposed a five-year extension of the existing bill for the County Payments Program. The commissioners expressed their appreciation over the senators' efforts. Neither the House nor the President has approved the extension.

CONSTITUENT INPUT

Greg Chaimov, an attorney with the Davis Wright Tremaine Law Firm, spoke on behalf of the Lematta claim, and acknowledged the firms' willingness to help alleviate any legal concerns over the claim. He described his prior work with Commissioner Thompson at the State level.

There will be no Board of Commissioners meeting on July 4, in observance of the Independence Day holiday.

EXECUTIVE SESSION

ADJOURNMENT

The meeting adjourned at 10:40 a.m. These meeting minutes were read and approved this 27th day of June 2007.

LINCOLN COUNTY BOARD OF COMMISSIONERS

BILL HALL, Chair

TERRY N. THOMPSON, Commissioner

DON LINDLY, Commissioner