

APPROVED BY ORDER # 5-07-581

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

MEETING OF MAY 9, 2007

CALL TO ORDER

Chair Bill Hall convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting, located in Yachats, were Commissioner Terry Thompson, Commissioner Don Lindly, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Laura Eberly from the *Newport News-Times*; Marie Jones, Community Services Consortium; George Kehl, Seal Rock resident; Casey Miller, Ocean 18 Media; and Planning Director Matt Spangler.

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 ADOPT CONSENT CALENDAR
OF MAY 9, 2007**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

Commissioner Appointments & Resignations

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

Recordation of:

5-07-570 Amendment #43 to IGA #113007 between Lincoln County Health and Human Services and Department of Human Services

Execution of:

Amendment to Local Agency Agreement # 19,428-02 regarding updated proposed Canal Creek Bridge Local Improvement District Investigation and Estimation of Improvement Costs

Adoption of revised bylaws to the Lincoln County Local Alcohol and Drug Abuse Planning Committee

PUBLIC HEARING

DECISION/ACTION

Counsel Belmont stated that the Board received the staff report on this claim two weeks ago. At the time of receipt of the staff report, additional information came in related to owner information of the subject property. A land sales contract was reviewed, and staff changed recommendations on the matter. Counsel Belmont discussed details of the waiver recommendation. This will only apply to the applicant Joseph Steere, since his wife Cathy Steere's interest in the property came years later. Staff recommended adoption of the Order. Commissioner Lindly made a motion to execute and record Order # 5-07-571 regarding the Ballot Measure 37 claim of Joseph & Cathy Steere, claimants, Case File #110-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
ORDER # 5-07-571 REGARDING THE
BALLOT MEASURE 37 CLAIM OF JOSEPH &
CATHY STEERE, CLAIMANTS, CASE FILE #110-
LURCC-06**

Counsel Belmont stated that since the County is approaching the deadline for the Measure 37 claim filing period, it will need to hear a couple staff reports for claims and take action on them today, instead of the usual process of hearing the staff report first and acting on it at a later date.

Planning Director Matt Spangler introduced the first claim, Case File #16-LURCC-06, Lester Hall, claimant, Dawn Pavitt, agent. He described the location of the subject property, which is currently zoned A-C, and was acquired by the claimant in 1946, when no land use regulations

were in effect. Mr. Spangler discussed the ownership history. Staff found the claim to be valid, and recommended that the County not apply land division and dwelling restrictions that currently affect A-C zoning, thus allowing the claimant to create three parcels, each with a home site. Counsel Belmont added that staff prepared an Order reflecting that recommendation. Commissioner Lindly made a motion to execute and record Order # 5-07-572 regarding the Ballot Measure 37 claim of Lester Hall, claimant, Dawn Pavitt, agent, Case File #16-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
ORDER # 5-07-572 REGARDING THE
BALLOT MEASURE 37 CLAIM OF LESTER
HALL, CLAIMANT, DAWN PAVITT, AGENT,
CASE FILE #16-LURCC-06**

Mr. Spangler introduced the next claim, Case File #22-LURCC-06, John Ucolano and Jenny Scholl, claimants, George Heilig, agent. He described the subject property, which is currently zoned T-C, and was acquired in 1971 by the two claimants when there were no zoning restrictions in effect. The claimants are limited to Ucolano and Scholl, even though there are other ownership interests in the property. Staff found the claim to be valid, and recommended that the County not apply current zoning restrictions in order to permit the creation of up to eight parcels. Counsel Belmont added that staff prepared an Order for approval, and reiterated that the claim only applies to Ucolano and Scholl. Commissioner Thompson made a motion to execute and record Order # 5-07-573 regarding the Ballot Measure 37 claim of John Ucolano and Jenny Scholl, claimants, George Heilig, agent, Case File #22-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
ORDER # 5-07-573 REGARDING THE
BALLOT MEASURE 37 CLAIM OF JOHN
UCOLANO AND JENNY SCHOLL,
CLAIMANTS, GEORGE HEILIG, AGENT,
CASE FILE #22-LURCC-06**

Mr. Spangler introduced the next claim, Case File #139-LURCC-06, Ray Drayton, claimant, dba Pacific Lands, Russell Baldwin, agent. He described the subject property, which is currently zoned R-1, and was acquired in 1987, when zoning was already in effect. Under the provisions of Measure 37, staff found the claim to be invalid, and recommended the claim to be denied. Counsel Belmont added that staff drafted an Order reflecting the staff's recommendation for denial. Commissioner Lindly made a motion to approve Order # 5-07-574, denying the Measure 37 claim of Ray Drayton, claimant, dba Pacific Lands, Russell Baldwin, agent, Case File #139-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO APPROVE ORDER # 5-07-574,
DENYING THE MEASURE 37 CLAIM OF
RAY DRAYTON, CLAIMANT, DBA PACIFIC
LANDS, RUSSELL BALDWIN, AGENT, CASE
FILE #139-LURCC-06**

DISCUSSION/INFORMATION

Presentation of Proposed Title III Projects related to Safety-Net Payments under PL 106-393, Secure Rural Schools and Community Self-Determination Act of 2000

Counsel Belmont provided background on the Act. Title III provides for specific categories of funding that the County is required to allocate between Title II and Title III. Money is available on an annual basis. For the last six years, the County has solicited proposals from qualifying applicants to bring forward projects to spend this money on. The applications are reviewed and submitted in a list to the public for a 45-day comment period. After that period, the Board can proceed with the projects. This year, there are \$514,208 in requests, and there are \$500,000 available to allocate. Counsel Belmont summarized each applicant's request. Commissioner Thompson inquired about the reduction of the \$14,208 if the list is approved. Counsel Belmont recommended the County reduce the allocation to the Lincoln Land Legacy Program. The Board commented on the benefits of this funding process, and the unfortunate loss of PL 106-393 funding in the future.

Chair Hall invited Marie Jones from Community Services Consortium to speak before the Board. Ms. Jones commented on the value of this funding which has allowed for an increase in several jobs, education, and conservation efforts. The commissioners gave consensus to move forward with the process. Counsel Belmont noted the consensus to move forward, with the adjustment to the Lincoln Land Legacy Program allocation in order to balance the total money available to the requests.

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

Mr. Spangler described the Ballot Measure 37 claim of Gary and Patricia Tryon, Robert Tryon, and Vernon Tryon, claimants; Dennis Bartoldus, agent, Case file #119-LURCC-06. The subject property is currently zoned RR-2, and was acquired by the claimants in 1976, when the zoning would have permitted the creation of lots as small as 7,500 square feet for single family residences. Staff found the claim to be valid, and recommended the non-application of minimal lot size requirements in the RR-2 zone, allowing division of the property for up to three parcels. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Darrell Linzy, claimant; Dennis Bartoldus, agent, Case file #120-LURCC-06. The subject property is currently zoned A-C, and was acquired by the claimants in 1973, when there were no land use regulations. Staff found the claim to be valid, and recommended the non-application of current restrictions in the A-C zone, allowing the owner to create up to 20 parcels with homesites. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Darrell Linzy and Lewis Linzy, claimants; Dennis Bartoldus, agent, Case file #121-LURCC-06. The subject property is currently zoned T-C, and was acquired by the claimants in 1977, when the property was zoned A-1. Staff found the claim to be valid, and recommended the non-application of current T-C zone restrictions; rather, revert to the original A-1 restrictions. Mr. Spangler stated that it is currently not clear what the claimants plan to develop. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Charles P. Wilson, claimant; Dennis Bartoldus, agent, Case file #122-LURCC-06. The subject property is currently zoned A-C, and was acquired by the claimant in 1975, when the zoning was A-1. Staff found the claim to be valid, and recommended non-application of current A-C zone restrictions, which would allow the claimant to establish two parcels, each with a homesite. Chair Hall noticed that this is the second applicant tonight who is asking for less than what he could be eligible for. Commissioner Lindly commented on these types of applications as suited for Measure 37, as they are simply trying to add homes to their land for family use, not large-scale development. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Charles P. Wilson, claimant; Dennis Bartoldus, agent, Case file #123-LURCC-06. The subject property is currently zoned T-C, and was acquired by the claimant in 1974. Staff found the claim to be valid, and recommended the non-application of T-C restrictions in order to allow for the creation of one additional parcel and homesite. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Chester and Mary Clark, Bradley and Mary Louise Clark, claimants; Richard Fidlin and Dennis Bartoldus, agents, Case file #141-LURCC-06. The subject property is currently zoned T-C. There are two sets of acquisition dates on this claim. Chester and Mary Clark acquired their interest in the property in 1971, when it was not zoned. Bradley and Mary Louise Clark acquired their interest in the property in 1984, when T-C zoning was in effect, albeit in a slightly different form. Staff found the claim to be valid, and recommended a waiver to the T-C zone restrictions based on the pre-zoning acquisition date of Chester and Mary Clark, which would allow the creation of up to four parcels. The waiver for Bradley and Mary Louise Clark would not apply any regulations enacted since their March 13, 1984 date of acquisition. Counsel Belmont addressed the issue of ownership and

transferability as it pertains to Measure 37 claims. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Michael Rowley, claimant; Wes Chadwick, agent, Case file #143-LURCC-06. The subject property is currently zoned RR-2, and was acquired by the claimant in 1990, transferred to other family members, and re-transferred back to the claimant in 1998. Staff found the claim to be valid, and recommended the non-application of restrictions in the RR-2 zone that were in effect in 1998. This would allow for the creation of a ten one-acre homesites. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Roland Hendricks, Diane Kent, Jerry and Judith Kinney, claimants; Dennis Bartoldus, agent, Case file #144-LURCC-06. The subject property is currently zoned A-C. Claimants Hendricks and Kent acquired their interest in the property in 1974 when the zoning was A-2, and claimants Jerry and Judith Kinney acquired their interest in 1998, with the current zoning of A-C. Staff found the claim to be valid, and recommended the waiver of regulations that would extend back to July 1, 1974 for claimants Hendricks and Kent, and the waiver back to June 11, 1998 for the Kinneys. The desired resolution is one homesite. Chair Hall noted that there was testimony in opposition to this claim at its hearing. Mr. Spangler responded that the testimony was directed toward what might occur in a subsequent application, and it didn't relate to the validity of the claim. He noted that those who testified in opposition will have an opportunity, however, to weigh in on any subsequent applications that might come forward as a result of whatever action the Board takes on the claim. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Sean and Julie Phillips, claimants, Case file #145-LURCC-06. The subject property is currently zoned T-C, and was acquired by the claimants in 2004, and no new regulations have been enacted since the date of acquisition. Staff found the claim to be invalid, and recommended denial of the claim. There was testimony in opposition to the claim at the hearing. Mr. Spangler verified that the date of acquisition was correct. The Board concurred with the staff recommendation of denying the waiver, and recommended staff to move forward with this claim.

Mr. Spangler described the Ballot Measure 37 claim of Larry Tenderella, claimant; Dennis Bartoldus, agent, Case file #146-LURCC-06. The subject property is currently zoned RR-2, and was acquired by the claimant in 1997, when the zoning was RR-1. Staff found the claim to be valid, and recommended non-application of restrictions enacted after 1997, allowing for one additional homesite. There was testimony in opposition at the hearing, and it was noted for the record in the staff report. He also noted that the zoning in place in 1997 would not allow anything other than the one additional home. The Board concurred with the staff recommendation, and recommended staff to move forward with this claim.

Chair Hall commended all staff involved in processing the Measure 37 claims. Mr. Spangler stated that there are 16 claims coming to the Board for discussion next week, with 14 claims presented for discussion on the 23rd. After all those are acted on, that will finalize all claims, other than the ones approved for the time extension. Mr. Spangler added that there might be a vote on the Senate floor regarding a “fix” to the Measure that could be referred to the voters, and another on a possible one-year time extension for processing measures. Other counties still have thousands of claim to process.

BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS

REPORTS

CONSTITUENT INPUT

George Kehl, Seal Rock resident, discussed a County cemetery of which he would like to purchase a segment for personal use. He provided details of his proposal.

EXECUTIVE SESSION

ADJOURNMENT

The meeting adjourned at 8:25 p.m. These meeting minutes were read and approved this 23rd day of May 2007.

LINCOLN COUNTY BOARD OF COMMISSIONERS

BILL HALL, Chair

TERRY N. THOMPSON, Commissioner

DON LINDLY, Commissioner