

**APPROVED BY ORDER # 12-08-326**

**MINUTES OF THE  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MEETING OF NOVEMBER 26, 2008**

**CALL TO ORDER**

Chair Terry Thompson convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Commissioner Don Lindly, Commissioner Bill Hall, County Counsel Wayne Belmont, PIO Casey Miller, and Recorder Julie Kay. (Minutes transcribed by Judy Eames, Board of Commissioners Office.)

**ROLL CALL - ESTABLISHMENT OF A QUORUM**

**RECOGNITION/PROCLAMATION**

*City/County Insurance Services Wellness Promotion and Gold Safety Awards to Lincoln County*

The commissioners recognized the efforts of Gina Tapp, Lincoln County Personnel Director, and Leslie Morgan, Wellness Coordinator, in promoting voluntary enrollment by county employees in the City/County Insurance Services (CCIS) Healthy Benefits Program. Due to 88% participation by its employees, Lincoln County was the recipient of a CIS Wellness Promotion Award presented at the Association of Oregon Counties annual conference during the week of November 17.

Commissioner Lindly highlighted the efforts of Deane Bristow, Lincoln County Safety and Risk Management Safety Coordinator, in helping to lower the county's injury frequency rate to 0.89% during the last fiscal year. Because of the low injury rate, Lincoln County was one of only two counties that received CIS's Gold Safety Award, which was also presented during the AOC conference.

**ADOPTION OF CONSENT CALENDAR**

Chair Thompson introduced the Consent Calendar items. There were no items highlighted or deleted. Commissioner Hall 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 by a vote of 3-0.

**MOTION TO APPROVE CONSENT  
CALENDAR OF NOVEMBER 26, 2008**

**CONSENT CALENDAR ITEMS**

*Minutes of the Board of Commissioners Meeting*

- 11-08-318 Minutes of BOC Joint Session with City of Toledo City Council of November 12, 2008
- 11-08-319 BOC Meeting Minutes of November 12, 2008

*Commissioner Appointments & Resignations*

- 11-08-320 Reappointment of Harry Roby as a Member of the For Far Special Road District Board
- 11-08-321 Reappointment of Adrian Sliedrecht as a Member of the Pacific Shores Special Road District Board
- 11-08-322 Reappointment of Ken Dennis as a Member of the Lincoln County Bicycle and Pedestrian Advisory Committee

*General Budget Resolutions*

- 08-26-11A Adjusting the 2008-2009 Adopted Budget Appropriations for Lincoln County (Fund 218 Meth Initiative)
- 08-26-11B Adjusting the 2008-2009 Adopted Budget Appropriations for Lincoln County (Fund 101 911 FINE Grant)
- 08-26-11C Adjusting the 2008-2009 Adopted Budget Appropriations for Lincoln County (Human Services Fund)

*Documents and Recording Matters in the Commissioners Journal*

- 11-08-323 Intergovernmental Agreement between Lincoln County and OCZMA for funding FINE Activities
- Execution: Amendment #3 to Intergovernmental Agreement Contract between Department of Consumer and Business Services, Building Codes Division and Lincoln County extending term to June 30, 2009

## **PUBLIC HEARING**

### *2006 Lincoln County Housing Rehabilitation Program*

Counsel Belmont outlined the procedure for the hearing and submitted affidavits of publication of notice of hearing from the *Newport News Times* and the *Lincoln City News-Guard* into the record. Chair Thompson opened the final hearing regarding Lincoln County's 2006 Housing Rehabilitation Program. Tom Hatley, Director of Housing for the Community Services Consortium (CSC), noted that one of the requirements under the terms of the Oregon Community Development Block Grant received by Lincoln County in 2006 was to hold a final hearing to obtain citizen comments on housing projects and the county's performance under the terms of the grant. Twenty-one families in Lincoln County whose incomes are below 80% of the median family income received low-interest deferred loans for house repairs. Six of these families included a disabled member, 10 homeowners were elderly, and 13 were female heads of households. The average loan under the program was \$15,000. Mr. Hatley noted that while the grant program is becoming more competitive statewide, CSC has 20-25 applications on hand for future loans. Receiving no additional public comments, Chair Thompson closed the hearing.

### *Petition to Vacate Portion of NW Vorton Street, Plat of "Seal Rock Resort"*

Chair Thompson opened the hearing concerning a petition to vacate a portion of NW Vorton Street in the Plat of "Seal Rock Resort" located in Section 10, Township 11 South, Range 11 West, Willamette Meridian (File # V-156). Lincoln County Public Works Director Jim Buisman entered affidavits of service and posting into the record, as well as a copy of a map showing the area in question. Counsel Belmont entered proof of publication of the notice of hearing into the record. Mr. Buisman referred to his report filed on September 17, 2008, in accordance with the provisions of ORS 368.346, setting out his opinion that the requested vacation would not negatively impact the public now or in the future. He stated that there is a Central Lincoln PUD pole located on the property to be vacated, which may contain other utilities as well and recommended that if the request were granted, an easement to Central Lincoln PUD and any other existing utilities located on the pole be preserved. The Seal Rock Fire District, the Seal Rock Water District, and Central Lincoln PUD received notices sent by certified mail of the petition request; none of the entities submitted comments, nor were comments received from any interested party. Mr. Buisman noted that granting the requested vacation would not landlock any lots, as other accessible access exists, and that the location of a wetlands area which lies between the proposed vacation and Highway 101 would make any future road development extremely difficult. In response to a question from Commissioner Thompson, petitioner Karl Kowalski indicated there was no realistic potential for sewer development in this area due to location of the wetlands, which includes a 30-foot wide pond, and steep terrain. Hearing no further testimony, Commissioner Thompson closed the hearing. Commissioner Hall made a motion to approve the petition to vacate a portion of NW Vorton Street in the Plat of "Seal Rock Resort," File # V-156, reserving an easement for existing utilities located on the property. Commissioner Lindly

seconded the motion. The vote was taken, and the motion passed by a vote of 3-0. The commissioners directed Counsel Belmont to prepare the necessary documents for approval at a future meeting.

**MOTION TO APPROVE PETITION TO VACATE  
PORTION OF NW VORTON STREET, PLAT OF  
“SEAL ROCK RESORT,” CASE FILE # V-156,  
RESERVING EASEMENT FOR EXISTING  
UTILITIES**

*Petition to Vacate Portion of SE 5<sup>th</sup> Street (formerly 1<sup>st</sup> Street)*

Chair Thompson opened the hearing concerning a petition to vacate a portion of SE 5<sup>th</sup> Street, formerly 1<sup>st</sup> Street, Plat of Buford's 2<sup>nd</sup> Addition to Alexandria located in Section 10, Township 11 South, Range 11 West, Willamette Meridian. This area is located approximately two miles east of Newport off of John Nye Road. Lincoln County Public Works Director Jim Buisman entered affidavits of service and posting into the record, as well as a copy of a map showing the area in question. Counsel Belmont entered proof of publication of the notice of hearing into the record. Mr. Buisman referred to his report filed on September 17, 2008, in accordance with the provisions of ORS 368.346, setting out his opinion that the requested vacation would not negatively impact the public now or in the future. He noted that Buford's 2<sup>nd</sup> Addition cannot be developed as originally platted in 1884 and that numerous areas and streets within Buford's and Buford's 2<sup>nd</sup> Addition have been vacated by earlier board action. Commissioner Thompson raised the question of whether part of the portion of the area to be vacated might be used by the county in the future to widen John Nye Road. Mr. Buisman stated that although there are no plans to alleviate the curves on John Nye Road, the vacation description could be modified to preserve a portion of the property for this purpose. A discussion took place on the feasibility of vacating all the roads in both Buford's and Buford's 2<sup>nd</sup> Addition to Alexandria. Counsel Belmont cautioned that he did not believe statutory authority existed for vacation of an entire plat where some development has taken place. Petitioner Michelle Branam agreed to modification of the area to be vacated. Hearing no further testimony, Chair Thompson closed the hearing. Commissioner Hall made a motion to approve the petition to vacate a portion of SE 5<sup>th</sup> Street, formerly 1<sup>st</sup> Street, Plat of Buford's 2<sup>nd</sup> Addition to Alexandria, File # V-157, with modification to the description of the area to be vacated to preserve a segment of the most easterly portion of the area for future right-of-way purposes for John Nye Road. Commissioner Lindly seconded the motion. The vote was taken, and the motion passed by a vote of 3-0. The commissioners directed Counsel Belmont to prepare the necessary documents for approval at a future meeting.

**MOTION TO APPROVE PETITION TO VACATE  
PORTION OF SE 5<sup>th</sup> STREET (FORMERLY 1<sup>st</sup>  
STREET PLAT OF BUFORD'S 2<sup>nd</sup> ADDITION TO  
ALEXANDRIA, CASE FILE # V-157, WITH**

**MODIFICATION OF DESCRIPTION OF AREA TO  
BE VACATED FOR PRESERVATION OF RIGHT-  
OF-WAY**

**DECISION/ACTION**

*Petitions to Form Tawn Mar and Bear Creek Hideout No. 2 Special Road Districts*

Assistant County Counsel Rob Bovett explained the process outlined under Oregon Revised Statutes for formation of special road districts. After verification from the Clerk's Office and Assessor's Office that the required number of signatures of land owners representing at least 10 percent of acreage in each of the proposed districts were received, public hearings were held on August 2 and August 27, 2008 to consider the formation of the Tawn Mar Special Road District and the Bear Creek Hideout No. 2 Special Road District and to take public testimony. The Board of Commissioners found that the criteria in ORS 199.462 were met and that the areas described in the petitions could benefit from formation of the districts. The commissioners directed that elections take place on November 4, 2008 on the question of formation of the two districts. The vote was unanimous (20-0) in favor of the formation of the Bear Creek Hideout No. 2 Special Road District, located at the north end of the county. Mr. Bovett advised that a draft order has been prepared for board adoption that will approve the formation of the Bear Creek Hideout No. 2 Special Road District and call for an election of its first Board of Directors on May 19, 2009. Three elected directors will take office on July 1, 2009.

A tie vote (4-4) in the formation of the Tawn Mar Special Road District, located north of Waldport off of Highway 101, resulted in an automatic recount, which verified votes were cast 4 in favor, 4 against formation. Because a majority vote plus 1 in favor of formation must be received in order to form a special road district, the petition to form the Tawn Mar Special Road District must be dismissed by the Board of Commissioners. Commissioner Lindly made a motion to approve Order # 11-08-324 dismissing a petition to form Tawn Mar Special Road District. The motion was seconded by Commissioner Hall. The vote was taken, and the motion passed by a vote of 3-0.

**MOTION TO APPROVE ORDER # 11-08-324  
DISMISSING A PETITION TO FORM THE TAWN  
MAR SPECIAL ROAD DISTRICT**

Commissioner Lindly made a motion to approve Order # 11-08-325 forming the Bear Creek Hideout No. 2 Special Road District and calling for an election of its first board of directors on May 19, 2009. The motion was seconded by Commissioner Hall. The vote was taken, and the motion passed by a vote of 3-0.

**MOTION TO APPROVE ORDER # 11-08-325  
FORMING THE BEAR CREEK HIDEOUT NO. 2  
SPECIAL ROAD DISTRICT AND CALLING FOR AN**

**ELECTION OF ITS FIRST BOARD OF DIRECTORS  
ON MAY 19, 2009**

**DISCUSSION/INFORMATION**

*Port of Newport's Terminal Dock Project*

An update on the Port of Newport's Terminal dock project was presented by Ginny Goblirsch and Dean Fleck, commissioners for the Port of Newport. Ms. Goblirsch reported that after an extensive screening process, PFF Consulting Engineers, a highly qualified engineering firm specializing in structural and civil engineering in marine environment, was hired. The Natt McDougall Company was chosen as contractor, with the understanding that whenever possible, subcontracting would be given to local companies. Because of accelerating failure of the Pasley, which serves as the foundation of the cargo dock, the Port declared an emergency in May of 2008. Approximately 8,000 gallons of oil has already been removed from the Pasley, but stabilization of the hull needs to occur before the remaining contaminants are removed. Recent testing has also revealed that the hull of the SS Hennebique, a sister ship that was sunk with the Pasley, will begin to fail in three to five years. The Port is working with ten different agencies in a joint permitting process to explore which of three alternatives for removal of contaminants should be chosen: converting the Pasley into a retaining wall, converting the Pasley into fill, or removal of the Pasley. Evaluation criteria used in considering the alternatives included: environmental hazard mitigation, permanent and temporary environmental impacts, safety, constructability, cost, schedule, long-term maintenance, lifespan, function, operation, and flexibility for cargo and fishing boat use. Because of the enormous costs involved in removing the ship and the risk of environmental problems during demolition, the Commission accepted the preferred alternative of cleaning and/or removing contaminants before backfilling, compacting and sealing the hulls to serve as fill for the reconstructed pier. As it is anticipated that habitat mitigation will be of concern, money has been set aside to provide for five feet of habitation replacement. Ms. Goblirsch stressed the importance of participation by the city, county and Marine Science Center officials in the permitting process. A public meeting with permitting agencies has been scheduled for December 11 at 5:30 p.m. at Newport City Hall.

Mr. Fleck and Ms. Goblirsch also emphasized the need for support of the Port's application to become the new home port for six National Oceanic and Atmospheric Administration (NOAA) ocean-going vessels. They noted that if NOAA views the application as a community initiative, it will have a better chance of succeeding.

**REPORTS**

County Counsel Belmont introduced Kristin Yuille who has been hired as the county's Assistant County Counsel. She will be filling the vacancy created when Rob Bovett assumes his duties as newly elected District Attorney in January 2009. Ms. Yuille is a native of Michigan, but expressed gratitude at the opportunity to become an Oregonian. In time-honored, lawyerly

tradition, the three attorneys in attendance provided three different opinions on the pronunciation of “Heceta.”

### Commissioners

Commissioner Hall noted that Lisa Higgins, the newly hired coordinator of the Drug Free Communities Grant, and Barbara Dougherty, Director of the Lincoln Commission on Children and Families, had been in the audience earlier in the Board meeting. The commissioners suggested that Ms. Higgins be asked to attend a future meeting in order to be introduced.

Commissioner Lindly stated that Jan Kaplan, Lincoln County’s Health and Human Services (H&HS) Director for the past ten years, submitted his resignation earlier in the week, effective January 2, 2009. Paula Sampson, a dedicated health professional who has worked for the county for 36 years and who is currently the Public Health Division Manager, has agreed to become the Acting Director of the Department. Challenges in funding face H&HS, which is expecting additional state cutbacks due to the huge shortfall in state revenues. The commissioners expressed their thanks to Mr. Kaplan for his dedicated service to the county, and their gratitude to Ms. Sampson for her willingness to assume additional duties.

Chair Thompson reported that after more than three years of working on the issue of establishing marine reserves off the Oregon coast, the Ocean Policy Advisory Commission (OPAC) will be making recommendations to the Governor’s Office. OPAC members met on November 17 and 18 and agreed to recommend two areas as marine reserves: one off Otter Rock and one off Port Orford. Four other proposals for sites located at Cape Falcon, Cascade Head, Cape Perpetua, and Coos Bay, will receive high priority in the future. The question of whether the legislature will fund marine reserves is yet to be determined.

Commissioner Lindly noted that as a member of the Board of Directors of City/County Insurance Services (CIS), he will be attending CIS’s annual planning session during the week of December 1 and will be unable to attend the joint workshop with Newport City Council members on Wednesday, December 3, or the regularly scheduled Board of Commissioners meeting that will follow the workshop. The workshop will begin at 6:00 p.m. at Newport City Hall.

### **EXECUTIVE SESSION**

Counsel Belmont stated that the executive session scheduled on the agenda was no longer necessary.

**ADJOURNMENT**

The meeting adjourned at 10:49 a.m. These meeting minutes were read and approved this 3<sup>rd</sup> day of December, 2008.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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TERRY N. THOMPSON, Chair

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EXCUSED  
DON LINDLY, Commissioner

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BILL HALL, Commissioner