

APPROVED BY ORDER # 12-09-320

**MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING OF DECEMBER 9, 2009**

CALL TO ORDER

Chair Don Lindly convened the adjourned session of the Lincoln County Board of Commissioners.

ROLL CALL - ESTABLISHMENT OF A QUORUM

Also present at the meeting were Commissioner Bill Hall, Commissioner Terry Thompson, County Counsel Wayne Belmont, PIO Casey Miller, and Recorder Judy Eames.

ADOPTION OF CONSENT CALENDAR

Chair Lindly introduced the Consent Calendar items. Commissioner Thompson highlighted Item IV.H.2., a Memorandum of Understanding (MOU) for the potential establishment of a marine reserve at Otter Rock, noting the long, complicated work involved in establishing the MOU. He thanked County Counsel Belmont for his assistance, along with the other partners of the county. Chair Lindly highlighted Item IV.G.1., an amendment to the agreement for jurisdictional transfer of old Highway 20 to the county. The state will bring the road up to acceptable standards before the county accepts the transfer. Commissioner Hall made a motion to approve the Consent Calendar in its entirety. Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE CONSENT CALENDAR OF
DECEMBER 9, 2009**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

- 12-09-313 BOC Joint Session with Newport City Council Meeting Minutes of December 2, 2009
- 12-09-314 BOC Meeting Minutes of December 2, 2009

License Applications or Renewals

12-09-315 Issuance of an OLCC License to Lauren Stenzel dba Café Bella Mar

Documents and Recording Matters in the Commissioners Journal

- 12-09-316 Amendment #1 to Agreement #759 Jurisdictional Transfer Agreement between Oregon Department of Transportation and Lincoln County -- Pioneer Mountain – Eddyville MP 16.4-24.2 Section (signed by BOC on 10/21/09)
- 12-09-317 Eighth Amendment to Agreement #127307 2009-2011 Intergovernmental Agreement for Financing of Mental Health, Developmental Disability and Addiction Services between Oregon Department of Human Services and Lincoln County
- 12-09-318 Eleventh Amendment to Intergovernmental Agreement #124839 for 2008-2009 Financing of Public Health Services
- 12-09-319 Lease between Richmond Family Trust and Lincoln County for Office Space Located at 611 SW Hurbert, Suite C, Newport (Veterans Office) to run from 11/1/09-6/30/10 (\$630 per month)

Execution Only

1. Amendment #2 to Intergovernmental Agreement #LINC0911 between Oregon Commission on Children and Families and Lincoln County for 2009-2011 Funding (Healthy Start)
2. Memorandum of Understanding between Lincoln County, City of Depoe Bay (including Depoe Bay Harbor and near Shore Action Team), City of Newport, Port of Newport, Lincoln County Fishermen Involved in Natural Energy (FINE), and the Oregon Department of Fish and Wildlife – Potential Establishment of a Marine Reserve (Otter Rock Marine Reserve)

PUBLIC HEARING

Request for Comprehensive Plan Map Amendment and Zone Change – #2-LUPC-ZC-09

Chair Lindly opened the hearing regarding the request by applicant David Peterson (Agent Gary Hamilton) for a comprehensive plan map amendment from Farm Land to Forest Land and a zone change from A-C (Agricultural Conservation) to T-C (Timber Conservation) on property located approximately one mile south on the east side of South Beaver Creek Road. The property is further described as Tax Lot 1000, Assessor's Map 12-11-29, and Tax Lots 1300 and 1303, Assessor's Map 12-1-28. On September 28, the Lincoln County Planning Commission

unanimously voted to recommend approval of the request and adopted findings and conclusions to support their recommendation. Chair Lindly called for abstentions, declarations of ex-parte contacts, or conflicts of interest; none were declared.

Counsel Belmont outlined the hearing procedure and entered into the record proof of publication of the hearing and notice of mailing to interested parties and adjacent property owners. Senior Planner Jessica Bondy presented the staff report and entered into the record two oversized exhibits: an aerial photograph of the subject property and a map showing zone designations of the subject property and adjacent properties. She discussed the applicable criteria and the the planning commission's conclusions that the property historically had been predominantly managed for forest uses, that the proposed amendment is in accordance with the comprehensive goals and policies and statewide planning goals, and that the property had been zoned in error. Ms. Bondy noted that no opposition to the request had been received and that the planning commission members voted unanimously to recommend approval of the request to the Board of Commissioners. She advised that approval of the request would allow establishment of an additional dwelling.

Applicant's agent Gary Hamilton introduced himself. Applicant David Peterson confirmed that the east side of his family farm had been logged several times and had never been fenced or farmed.

Chair Lindly called for other testimony in favor of the request. Hearing none, he called for testimony in opposition of the request. Hearing none, he closed the hearing. It was the consensus of the Board that the original classification of the property as Farm Land – Agricultural Conservation had been made in error. Commissioner Hall made a motion to approve applicant's request and to have staff draft an ordinance for adoption on December 16, 2009. Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

MOTION TO APPROVE REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT FROM FARM LAND TO FOREST LAND AND A ZONE CHANGE FROM A-C (AGRICULTURAL CONSERVATION) TO T-C (TIMBER CONSERVATION) ON PROPERTY IDENTIFIED AS TAX LOT 1000, ASSESSOR'S MAP 12-11-29, AND TAX LOTS 1300 AND 1303, ASSESSOR'S MAP 12-1-28 (CASE FILE #2-LUPC-ZC-09) AND DIRECTING STAFF TO DRAFT ORDINANCE FOR ADOPTION ON DECEMBER 16, 2009

DECISION/ACTION

Approval of Collective Bargaining Agreement between Lincoln County and the Federation of Parole and Probation Officers for the period July 1, 2009 through June 30, 2012

Counsel Belmont outlined changes in the new Collective Bargaining Agreement (CBA) between the county and the Federation of Parole and Probation Officers, which is retroactive to July 1, 2009 and will run through June 30, 2012. Commissioner Thompson made a motion to approve the CBA between Lincoln County and FOPPO for the period July 1, 2009 through June 30, 2012. Commissioner Hall seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

MOTION TO APPROVE COLLECTIVE BARGAINING AGREEMENT BETWEEN LINCOLN COUNTY AND THE FEDERATION OF PAROLE AND PROBATION OFFICERS FOR THE PERIOD JULY 1, 2009 THROUGH JUNE 30, 2012

DISCUSSION/INFORMATION

Lincoln County Community & Economic Development Grant Recommendations

Chair Lindly announced that 33 applications totaling \$372,937 in grant requests were received in the newest round of Lincoln County Community and Economic Development grant funding. He read the list of the 10 applicants and proposed projects recommended by the Economic Development Alliance totaling \$100,000. After discussion, the commissioners reached consensus to continue this item to December 16, 2009, to allow additional time to study the applications and to ascertain if other projects might be identified for funding up to an additional total of \$25,000.

REPORTS

Tobacco Advisory Council Report

Lincoln County's Tobacco Prevention Education Program Coordinator Ann Way distributed copies of "Oregon Tobacco Facts & Laws," compiled by the Oregon Department of Human Services Tobacco Prevention and Education Program and talked about tobacco use and health-related statistics within the county. The state has mandated an independent Tobacco Advisory Council, which previously had been included with the Chronic Care and Public Health Advisory Committees, and formation of the county's independent Tobacco Advisory Council is currently underway.

REPORTS – continued

Commissioners

Commissioner Hall reported on plans to attend a meeting of the Oregon Department of Human Services Transition Stakeholders in Salem on Thursday, December 10, 2009; Commissioner Thompson noted he has been appointed to serve on two marine reserve committees looking at the Cascade Head and Cape Perpetua proposed marine reserve sites; Chair Lindly advised he attended a recent meeting of the Lincoln Community Health Council regarding development of a strategic plan for the county's Federally Qualified Health Center and noted he will be attending a City County Insurance Services Trustee meeting later in the week.

CONSTITUENT INPUT

None.

The meeting was recessed at 10:24 a.m. and reconvened at 10:30 a.m. for an Executive Session.

EXECUTIVE SESSION

An executive session was held pursuant to ORS 192.660(2)(d) to discuss labor negotiations.

ADJOURNMENT

The meeting adjourned at 11:15 a.m. These meeting minutes were read and approved this 16th day of December, 2009.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DON LINDLY, Chair

BILL HALL, Commissioner

TERRY N. THOMPSON, Commissioner