

**APPROVED BY ORDER # 1-09-10**

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

**MEETING OF JANUARY 7, 2009**

**CALL TO ORDER**

Chair 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 Judy Eames.

**ROLL CALL - ESTABLISHMENT OF A QUORUM**

**DESIGNATING CHAIR AND VICE CHAIR FOR 2008**

Commissioner Hall stated that Commissioner Lindly is the current Vice-Chair, and the Board's standard practice is to move the Vice-Chair into the Chair's position. Commissioner Hall nominated Commissioner Lindly to the position of Chair for 2009. Chair Thompson seconded the nomination. A vote was taken, and the nomination passed unanimously by a vote of 3-0.

Chair Lindly then nominated Commissioner Bill Hall to the position of Vice-Chair for 2009. Commissioner Thompson seconded the motion. A vote was taken, and the nomination passed unanimously by a vote of 3-0.

**MOTION TO APPROVE ORDER # 1-09-01  
DESIGNATING DON LINDLY AS THE CHAIR  
AND BILL HALL AS THE VICE-CHAIR OF  
THE LINCOLN COUNTY BOARD OF  
COMMISSIONERS FOR 2009**

**RECOGNITION/PROCLAMATION**

**Proclaiming January 16, 2009 "Burt and Bobbie Lippman Day" in Lincoln County**

Chair Lindly read Resolution # 09-07-01A proclaiming January 16, 2009 "Burt and Bobbie Lippman Day" in Lincoln County and listing the many contributions the Lippmans have made to their community since becoming residents of Lincoln County. Commissioner Hall moved to approve Resolution # 09-07-01A proclaiming January 16, 2009 "Burt and Bobbie Lippman Day" in Lincoln County. Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE RESOLUTION # 09-07-01A  
PROCLAIMING JANUARY 16, 2009 "BURT  
AND BOBBIE LIPPMAN DAY" IN LINCOLN  
COUNTY**

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**ADOPTION OF CONSENT CALENDAR**

Chair Lindly 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 Hall seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE CONSENT  
CALENDAR OF JANUARY 7, 2009**

**CONSENT CALENDAR ITEMS**

*Minutes of the Board of Commissioners Meeting*

1-09-02 BOC Meeting Minutes of December 31, 2008

*Commissioner Appointments & Resignations*

1-09-03 Appointment of Dale Rutledge to the Gleneden Beach Special Road District Board

1-09-04 Appointment of Ronald A. Blakeley to the Miroco Special Road District Board

1-09-05 Appointment of Joe Ostling to the Starr Creek Special Road District Board

1-09-06 Reappointment of Elizabeth A. Golden as a Member of the Surfland Special Road District Board

*Documents and Recording Matters in the Commissioners Journal*

1-09-07 Designating Newspapers for Publication of Facsimile of Ballot under ORS Chapter 254

1-09-08 Eleventh Amendment to the 2003 Restatement of the Lincoln County Retirement Plan

**PUBLIC HEARING**

**Ordinance # 457 “Amending the Lincoln County Comprehensive Plan granting a ‘Reasons Exception’ under Statewide Planning Goal 2 (Land Use Planning) (implemented by OAR 660-004) to Statewide Planning Goal 16 (Estuarine Resources) to allow placement of fill within an estuary designated as a natural management unit for the Millport Slough Bridge replacement project on Siletz Bay located on U.S. Highway 101 between the intersection of Highway 101**

**and Immonen Road and Highway 101 and OR 229 (milepost 120.84) (Case File # 2-TA-08); and declaring an emergency”**

Counsel Belmont entered the proof of publication and mailing of notice into the record. Chair Lindly opened the hearing and called for abstentions, declarations of ex-parte contacts, or conflicts of interest; none were declared. Counsel Belmont clarified that an update on this proposed project was given by the Oregon Department of Transportation (ODOT) to the Board of Commissioners at an earlier date, prior to the filing of this application, but that this did not constitute an ex-parte contact. Lincoln County Planning Director Matt Spangler pointed out the area in question on two aerial photographs and summarized the application, which would allow replacement of the existing Millport Slough Bridge which crosses the Siletz Bay. The bridge is located in a tidal estuary protected under Statewide Planning Goal 16 and within one of the county's natural management units. Although bridge crossings and pilings replacements are allowed within a natural management unit, fill is not. The application submitted by ODOT is for a plan amendment in order to request approval of a goal exception. On November 10, 2008, the Lincoln County Planning Commission held a public hearing on the application and voted 7-1 to recommend to the Board that the application be approved.

Mr. Spangler noted that the four factors in Goal 2, Exception Requirements, had been addressed by applicant: (1) Due to the proximity of the estuary to the highway, necessary seismic upgrades, and configuration of bridge support structures, ODOT has concluded there is no alternative that does not involve fill in the exception area; (2) long-term environmental, economic, social and energy consequences resulting from the use at the proposed site are not significantly more adverse than would typically result from the bridge being located in other areas requiring a Goal exception; (3) no other sites requiring goal exceptions are being considered because this is not a new use, but the replacement of an existing, structurally deficient bridge within an existing right-of-way, built in 1941; and (4) the proposed uses will be designed to reduce adverse impacts to surrounding uses. Mr. Spangler advised that the National Wildlife Service had submitted a letter into the record in support of the request. He stated that there had been discussion at the Planning Commission hearing regarding the expansion of the bridge from two lanes to four and having the exception apply to the entire Bay area when the highway is expanded, sometime in the future, to four lanes. It was the consensus of seven of the eight Planning Commissioners that the current application applied only to the bridge and that discussions related to future highway projects were premature. Mr. Spangler stated that the need for the replacement bridge is fairly urgent, and the proposal will eliminate the necessity of building a bypass bridge while construction of the new bridge is ongoing.

Chair Lindly opened the hearing and called for any testimony in favor of the application. Serah Overbeek, an agent for ODOT from the Angelo Planning Group, stated she did not believe there were any existing utility lines in the exception area. Chair Lindly called for any testimony in opposition to the application. Hearing none, Chair Lindly closed the hearing. Hearing no request to read Ordinance # 457 in full, Chair Lindly read the ordinance title. Commissioner Hall made a motion to adopt Ordinance # 457 “Amending the Lincoln County Comprehensive Plan granting a ‘Reasons Exception’ under Statewide Planning Goal 2 (Land Use Planning) (implemented by OAR 660-004) to Statewide Planning Goal 16 (Estuarine Resources) to allow placement of fill

within an estuary designated as a natural management unit for the Millport Slough Bridge replacement project on Siletz Bay located on U.S. Highway 101 between the intersection of Highway 101 and Immonen Road and Highway 101 and OR 229 (milepost 120.84) (Case File # 2-TA-08); and declaring an emergency.” Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO ADOPT ORDINANCE # 457  
“AMENDING THE LINCOLN COUNTY  
COMPREHENSIVE PLAN GRANTING A ‘REASONS  
EXCEPTION’ UNDER STATEWIDE PLANNING  
GOAL 2 (LAND USE PLANNING) (IMPLEMENTED  
BY OAR 660-004) TO STATEWIDE PLANNING GOAL  
16 (ESTUARINE RESOURCES) TO ALLOW  
PLACEMENT OF FILL WITHIN AN ESTUARY  
DESIGNATED AS A NATURAL MANAGEMENT UNIT  
FOR THE MILLPORT SLOUGH BRIDGE  
REPLACEMENT PROJECT ON SILETZ BAY  
LOCATED ON U.S. HIGHWAY 101 BETWEEN THE  
INTERSECTION OF HIGHWAY 101 AND IMMONEN  
ROAD AND HIGHWAY 101 AND OR 229 (MILEPOST  
120.84) (CASE FILE # 2-TA-08); AND DECLARING AN  
EMERGENCY”**

## **DECISION/ACTION**

### **Refund of Taxes for FY 2007-2008 to Sprint Nextel**

Lincoln County Assessor Rob Thomas introduced Vera Carriger from the Oregon Department of Revenue (DOR) who presented background information on the refund of taxes ordered by DOR to Sprint Nextel for fiscal year 2007-08. The refund stemmed from the value of “good will,” an intangible included in determination of value allowed under Oregon law, assessed at the time Sprint purchased Nextel. During the first tax year after the sale, Sprint Nextel was assessed \$30 million for “good will;” by the third tax year, the value was set at \$0. A refund of \$15,296.11 in taxes for the second tax year (2007-08) was stipulated to by DOR Supervisory Order PTU #2008-035. Commissioner Hall made a motion to approve Order # 1-09-09 refunding taxes for fiscal year 2007-2008 to Sprint Nextel in the amount of \$15,296.11. The motion was seconded by Commissioner Thompson. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE ORDER # 1-09-09  
REFUNDING TAXES FOR FISCAL YEAR 2007-2008  
TO SPRINT NEXTEL IN THE AMOUNT OF \$15,296.11**

**REPORTS**

**Lincoln County Health and Human Services Department**

Paula Sampson, Interim Director of the Lincoln County Health and Human Services Department, introduced members of the Transition Team charged with the responsibility of restructuring the department, which encompasses Public Health, Behavioral Health, Primary Care and Administrative Services. In order to cut \$1.7 million dollars and balance the department's budget by June 30, 2009, 12 full-time positions and two part-time positions were cut, three open administrative positions will not be filled, and the hours of 28 employees were reduced. County health centers are being restructured to one clinical team that will rotate services in Lincoln City and Newport, and school-based health centers will close on May 31, two weeks earlier than the normal closure date. Expenditures and revenues will be monitored on a monthly basis, and fiscal management for the department will be directed by the county Finance Department. Ms. Sampson thanked the department's leadership and staff for their commitment and dedication to the clients they serve, as well as assistance provided by county administrators. Ms. Sampson commented on the great strength, integrity and human kindness exhibited by those implementing changes and those affected by the changes. The commissioners thanked the transition team members for their work in making these difficult decisions.

**Commissioners**

Commissioner Thompson reported on attending a meeting with the Army Corps of Engineers on January 6. He commented on the massive amount of destruction on forestlands in the north end of the county he observed which resulted from earlier ice storms.

**ADJOURNMENT**

The meeting adjourned at 10:48 a.m. These meeting minutes were read and approved this 14<sup>th</sup> day of January, 2009.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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DON LINDLY, Chair

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BILL HALL, Commissioner

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TERRY N. THOMPSON, Commissioner