

**APPROVED BY ORDER # 4-09-64**

**MINUTES OF THE  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MEETING OF MARCH 25, 2009**

**CALL TO ORDER**

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

**ROLL CALL - ESTABLISHMENT OF A QUORUM**

**ADOPTION OF CONSENT CALENDAR**

Chair Lindly 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 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 MARCH 25, 2009**

**CONSENT CALENDAR ITEMS**

*Minutes of the Board of Commissioners Meeting*

3-09-60 BOC Meeting Minutes of March 18, 2009

*Commissioner Appointments & Resignations*

3-09-61 Recording Changes on the Lincoln County Compensation Board

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

3-09-62 Corrected Quitclaim Deed from Lincoln County to will Harris for Tax Lot 400, Lincoln County Assessor's Map 11-8-4 (purchase price: \$25,000)

*Documents and Recording Matters in the Commissioners Journal*

3-09-63 Amending Intergovernmental Agreement # 10779 for Juvenile Crime Prevention Basic Services and Diversion with the Oregon Youth Authority

Execution: Amendment #2 to Contract # 10984 between Oregon Youth Authority and Lincoln County Juvenile Department for Shelter Services

## **PUBLIC HEARING**

### **Comprehensive Plan Map Amendment and Zone Change, File #1-LUPC-ZC-08**

Counsel Belmont advised that the public hearing requested by applicants Patrick and Sylvia White for a Comprehensive Plan Map amendment from Water Dependent/Water Related to Dispersed Residential and Zone Change from M-P (Planned Marine) to RR-10 (Rural Residential) on Tax Lot 207, Lincoln County Assessor's Map 11-11-27, File # 1-LUPC-ZC-08, was scheduled for and opened on March 11, 2009. At that time, the hearing was continued to March 25 at the request of applicants' agent, Joan Chambers. Chair Lindly called for declarations of conflict, ex-parte contacts, or abstentions. Hearing none, Chair Lindly opened the public hearing. Counsel Belmont entered the affidavit of legal notice and mailing notice into the record.

Lincoln County Planning Director Matt Spangler used two oversized exhibits to show the location of the subject property. He reported that the Lincoln County Planning Commission, after holding a public hearing, found that that the application met the criteria in Lincoln County Code (LCC) Section 1.1235 for granting a quasi-judicial amendment to the Comprehensive Plan and Zoning maps and voted unanimously to recommend approval of applicants' request. The Planning Commission received no written letters or testimony in opposition to the request. Mr. Spangler provided a brief background on the property, which was part of a larger tract of land originally zoned RR1-2 (Rural Residential), but that was changed to M-P (Planned Marine) in 1982. The owner of the property at that time intended to expand the marina and develop a recreational vehicle park on tax lot 207 (the subject property). The RV park was never developed, the small marina was eventually abandoned, and the tract was disaggregated and sold to separate parties. The current request, if approved, would allow one residential dwelling.

Joan Chambers, agent for applicants, reiterated that the requested change would allow one residential dwelling. A spring is located on the property, which could possibly be used to supply water. Single-family dwellings are located to the north and northeast of the subject property. Commissioner Thompson questioned the statement on page 5 of the Planning Commission's findings that there has been "a significant downturn in . . . commercial . . . fisheries," noting that the commercial fishing industry is stable. Ms. Chambers advised that recreational fishing was the focus of the discussion before the Planning Commission and that the reference to commercial fisheries could be stricken. She stated that the Water Dependent/Water Related plan designation was requested for the marina, which was originally part of a large parcel that included the subject property; however, the property is no longer in common ownership and the waterfront property of the parcel is currently the site of storage units. No other testimony was offered in favor of the request.

Chair Lindly called for testimony in opposition to the request. Don Mann, General Manager of the Port of Newport, and Kevin Hill, a property owner operating a marine repair facility located within 200 yards of the subject property, expressed concern that people moving into an area in close proximity to marine facilities often object to the noise, odors, and congestion and parking problems originating from these facilities. They also voiced objections to the loss of Marine Planned property. Mr. Spangler advised that there was no discussion regarding compatibility of property uses at the Planning Commission hearing and that no opposition to the proposed change had been received. A brief discussion on location of wetlands on the subject property and elevation of the property was held. Mr. Mann estimated that the fishing industry brings in a total of \$27 to \$30 million in the community annually. There was no additional testimony in opposition to the request.

Ms. Chambers submitted three photographs into the record of the storage units located across the Yaquina Bay Road from the subject property where the small marina had been located. She advised that the applicants would be willing to sign a declaration stating they are aware of the ongoing marine uses on adjacent properties. She noted that because of the restriction in zoning laws, rampant residential development cannot occur in this location. She stated that due to the location of the marsh on the property and its elevation, the applicants are restricted in the placement of a residence.

Hearing no further testimony, Chair Lindly closed the hearing and opened Board deliberations. Commissioner Thompson stated that it was his opinion granting the request would set a precedence for allowing residential development in the area and that he would vote against it. Commissioners Hall and Lindly agreed to support the request, subject to a deed declaration that makes any property owner aware of the surrounding land uses (marine repair and port), based on the substantial change in the character of the area since the zoning was adopted in 1982, the dissegregation of the original parcel into smaller lots and multiple ownerships, and the predominantly rural residential zoning on surrounding properties. Mr. Belmont stated the final ordinance will include deletion of references to commercial fishing in the findings. Commissioner Hall made a motion to approve the Lincoln County Planning Commission's recommendation, findings and conclusions, to approve the Comprehensive Plan Map amendment from Water Dependent/Water Related to Dispersed Residential and Zone Change from M-P (Planned Marine) to RR-10 (Rural Residential) on Tax Lot 207, Lincoln County Assessor's Map 11-11-27, by applicants Patrick and Sylvia White, File # 1-LUPC-ZC-08, with the additional condition that a deed declaration be recorded by the applicants noting the surrounding property uses. Chair Lindly seconded the motion. The vote was taken, and the vote was 2-1 with Chair Lindly and Commissioner Hall voting in favor of the motion and Commissioner Thompson voting in opposition to the motion.

**MOTION TO APPROVE THE LINCOLN COUNTY  
PLANNING COMMISSION'S RECOMMENDATION  
TO APPROVE THE COMPREHENSIVE PLAN MAP  
AMENDMENT FROM WATER DEPENDENT/**

**WATER RELATED TO DISPERSED RESIDENTIAL  
AND ZONE CHANGE FROM M-P (PLANNED  
MARINE) TO RR-10 (RURAL RESIDENTIAL) ON  
TAX LOT 207, LINCOLN COUNTY ASSESSOR'S  
MAP 11-11-27, APPLICANTS PATRICK AND  
SYLVIA WHITE, FILE # 1-LUPC-ZC-08**

**DECISION/ACTION**

**Lincoln County Community and Economic Development Fund Grant Awards**

Chair Lindly summarized the applications received and recommendations made by the Economic Development Alliance (EDA) Board for the newest round of Lincoln County Community and Economic Development Fund Grants. Applications for 51 projects were received for the \$100,000 in available funds; 16 were recommended by the EDA and were discussed by the commissioners on March 18. After discussion and agreement in awarding up to an additional \$30,000, the commissioners agreed to fund four additional projects in addition to those recommended by the EDA: (1) 4C's Coastal Communities Cultural Center application for auditorium renovation in the amount of \$8,000; (2) Depoe Bay Fire District's application for the station's new roof in the amount of \$10,000; (3) Harlan Community Hall Corporation for the Harlan Community Hall renovation in the amount of \$10,000; and (4) Yaquina Pacific Railroad Historical Society for the Harry R. Dangler Memorial Railroad and Logging Research Library in the amount of \$1,000, making a total for all awards of \$129,000. Mr. Belmont noted additional conditions may apply to some of the awards. Commissioner Hall made a motion to award \$100,000 as recommended by EDA together with the changes made today (an additional four grants discussed for a total award of \$129,000). Commissioner Thompson seconded the motion. The vote was taken, and the motion approved unanimously by a vote of 3-0. Mr. Belmont added that a formal order making the awards and including the conditions will be prepared for the Board's adoption next week.

**MOTION TO AWARD GRANTS IN THE AMOUNT  
OF \$100,000 AS RECOMMENDED BY THE  
ECONOMIC DEVELOPMENT ALLIANCE AND AN  
ADDITIONAL \$29,000 TO FOUR OTHER  
PROJECTS FROM THE LINCOLN COUNTY  
COMMUNITY AND ECONOMIC DEVELOPMENT  
FUND**

Commissioner Hall was excused from the meeting to leave to provide testimony before the legislature in Salem.

**REPORTS**

**Community Services Consortium Update**

Community Services Consortium (CSC) Executive Director Martha Lyon reported on current CSC activities, including low-income housing projects; community block grant applications; an open house planned for May 27 at 12:30 p.m. at the Newport Head Start building; and projected plans for use of federal stimulus money, such as employment training and youth summer crews.

**Commissioners**

Both Chair Lindly and Commissioner Thompson reported on pending state legislation and various task force meetings.

**ADJOURNMENT**

The meeting adjourned at 11:00 a.m. These meeting minutes were read and approved this 1<sup>st</sup> day of April, 2009.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

---

DON LINDLY, Chair

---

BILL HALL, Commissioner

---

TERRY N. THOMPSON, Commissioner