



AGENDA

Lincoln County Board of Commissioners

Board of Commissioners
225 West Olive Street
Room 110
Newport, OR 97365
Phone: 541.265.4100
FAX: 541.265.4176

Wednesday, June 15, 2016

9:30 a.m.

**Commissioner's Meeting Room
Lincoln County Courthouse
225 W. Olive Street, Room 108
Newport, Oregon**

I. CALL TO ORDER

II. ROLL CALL - ESTABLISHMENT OF A QUORUM

III. RECOGNITION/PROCLAMATION

IV. ADOPTION OF CONSENT CALENDAR

A. Minutes of Board of Commissioners Meeting

1. Order #6-16-162 Board of Commissioner Meeting Minutes March 30, 2016

B. Commission Appointments and Resignations

1. Order #6-16-163 Changes in Membership to the Sandpiper Special Road District Board

C. License Applications or Renewals

1. Order #6-16-164 The Issuance of an Oregon Liquor Control Commission Liquor License to Chester's Lincoln Beach
2. Order #6-16-165 The Issuance of an Oregon Liquor Control Commission Temporary Liquor License to Roadhouse 101

D. Tax Foreclosure, Right-of-Way, Sales and Deeds

E. General Budget Resolutions

F. Acting as Governing Body of County Wide Service Districts

G. Documents and Recording Matters in the Commissioners Journal

1. Resolution # ~~16-15-6~~ Extending Lincoln County's Workers' Compensation Coverage to Volunteers of Lincoln County
2. Order #6-16-~~166~~ Lincoln Community Health Council Bylaws revisions

H. Execution of Documents

1. Execution of Agreement between Oregon Cascades West Council of Government, Benton County, Linn County, Lincoln County and Intercommunity Health Network Coordinated Care Organization to oversee, support and share the costs of the services of the Community Advisory Council Coordinator (Terms; Effective dates 7/01/16 – 6/30/16; \$20,000)
2. Amendment to the State of Oregon Intergovernmental Agreement 149211 between the Department of Human Services and Lincoln County for provisions of adolescent shelter services approved by Order #7-15-188.

V. PUBLIC HEARING

VI. DECISION/ACTION

- A. Ordinance #486 Correcting a Scrivener's Error in the Numbering of the Ordinance "Amending" Lincoln County Code Chapter 1: creating a new section authorizing Public Park Master Plan Zone (PMP), LCC 1.1379; amending LCC 1.1405 and declaring an emergency" adopted on February 10, 2016, as Ordinance No. 484 and declaring an emergency.
- B. Order # ~~6-16-167~~ Petition to vacate a portion of an Unnamed Right-of-Way Westerly Hacienda Avenue, Plat of "Coronado Shores Division No. 5" – File V-165

VII. DISCUSSION/INFORMATION

VIII. BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF COUNTY-WIDE SERVICE DISTRICTS

IX. REPORTS

A. Elected Officials/Department Directors/Program Coordinators and Consultants

1. Cascadia Rising Update Report – *Presented by: Jenny DeMaris*
2. Commissioners

X. CONSTITUENT INPUT (Limited to five minutes per constituent)

XI. EXECUTIVE SESSION

A. Pursuant to ORS 192.660(2)(e) to discuss real property transactions

B. Pursuant to ORS 192.660(2)(d) to discuss labor negotiations

XII. ADJOURNMENT

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

Monday, June 20, 2016 – 9:00 a.m. – Office Meeting and Board Briefing in the Commissioner's Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport; meeting to cover office priorities, operations, procedures and workflow

Wednesday, June 22, 2016 – 9:30 a.m. – Board of Commissioners Meeting in the Commissioner's Meeting Room, Lincoln County Courthouse Room #108, 225 West Olive Street, Newport,

For special physical, language or other accommodations at Board's meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE # 486**

4
5 **Correcting a Scrivener's Error in the Numbering of the Ordinance "Amending Lincoln**
6 **County Code Chapter 1: creating a new section authorizing Public Park Master Plan Zone**
7 **(PMP), LCC 1.1379; amending LCC 1.1405 and declaring an emergency" adopted on**
8 **February 10, 2016, as Ordinance No. 484 and declaring an emergency**

9 Findings:

10 WHEREAS, on December 30, 2015, the Lincoln County Board of Commissioners
11 approved and adopted County Ordinance # 484 "Creating Temporary Regulations for
12 Recreational Marijuana Facilities and declaring an emergency"; and

13 WHEREAS, on February 10, 2016, the Lincoln County Board of Commissioners
14 approved and adopted a separate County Ordinance which was also (through a scrivener's error)
15 assigned the number 484. This ordinance was entitled "Amending Lincoln County Code Chapter
16 1: creating a new section authorizing Public Park Master Plan Zone (PMP), LCC 1.1379;
17 amending LCC 1.1405 and declaring an emergency"; and

18 WHEREAS, for identification purposes, it is important that each ordinance adopted by
19 the Board be individually identified with a separate number; and

20 WHEREAS, it is appropriate to renumber the ordinance regarding the Public Park Master
21 Plan Zone (PMP) because it was assigned a number that had already been allocated.

22 Now, therefore, the Lincoln County Board of Commissioners Ordains as follows:

23 **SECTION 1.**

24 The ordinance approved and adopted by the Lincoln County Board of Commissioners on
25 February 10, 2016, entitled "Amending Lincoln County Code Chapter 1: creating a new section
26 authorizing Public Master Plan Zone (PMP), LCC 1.1379; amending LCC 1.1405 and declaring
27 an emergency" is hereby amended and corrected by being identified as Ordinance #486 instead
28 of Ordinance #484.

29 **SECTION 2.**

30 This Ordinance, being necessary for the preservation and protection of the public peace,
31 health and safety and general welfare of Lincoln County, and being necessary to correct a

- 1 scrivener's error in the records of Lincoln County, and an emergency having been unanimously
- 2 declared to exist, this ordinance shall take effect upon its passage.

DATED this ____ day of June, 2016

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bill Hall, Chair

Terry N. Thompson, Commissioner

Doug Hunt, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:

Tanya Graham, Recorder

Wayne Belmont, County Counsel

AFTER RECORDING RETURN TO:

Lincoln County
Attn: Amy Howard
880 NE 7th Street
Newport, OR 97365

BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

| | | | |
|---|------------------------------------------|---|---------------|
| 3 | In the Matter of: |) | |
| 4 | |) | |
| 5 | A PETITION TO VACATE A PORTION OF |) | ORDER # _____ |
| 6 | AN UNNAMED RIGHT-OF-WAY |) | |
| 7 | WESTERLY OF HACIENDA AVENUE, |) | V-165 |
| 8 | PLAT OF "CORONADO SHORES DIVISION NO. 5" |) | |

10 WHEREAS, on or around January 14, 2016, Donna B. Houston and Michael T.
 11 McDonald, represented by Dustin Capri, filed a petition with Lincoln County to vacate a portion
 12 of an unnamed right-of-way westerly of Hacienda Avenue, Plat of "Coronado Shores Division
 13 No. 5" in the north Lincoln Beach area of Lincoln County. The requested vacation is located in
 14 the Southwest one-quarter of the Southeast one-quarter of Section 16, Township 8 South, Range
 15 11 West, Willamette Meridian. The request as submitted was for a partial width vacation of
 16 approximately 30 feet wide and 110 feet long. The property proposed to be vacated as outlined in
 17 the petition is shown on the attached Exhibit "A" which is incorporated by reference; and

19 WHEREAS, pursuant to ORS 368.346(1), the Board requested that the County Public
 20 Works/Road Department Director (hereinafter, "the Director") prepare and file a report regarding
 21 the proposed road vacation; and

23 WHEREAS, the Director submitted to the Board a report dated February 29, 2016; and

25 WHEREAS, the Director's report made the following findings:

- 26 1. The purpose of the vacation is to allow the petitioners to add an addition to their
 27 home to provide for garage space and a nicer room for an elderly relative that lives with them;

1
2 2. The area proposed for vacation is undeveloped and covered in vegetation that is
3 typical of the area;

4
5 3. There are no new potential public or private safety issues associated with this project;

6
7 4. No detrimental impacts to the Coronado Shores Community are foreseen;

8
9 5. The unnamed right-of-way proposed to be vacated does not and cannot provide
10 access to the Pacific Ocean beach;

11
12 6. The petition contains valid signature sheets for 3 of the 4 abutting owners and over
13 71% of the abutting property, and thus meets the requirements for a petition under ORS 368.341;

14
15 7. The proposed area is traversed by an overhead power line belonging to Central
16 Lincoln PUD. The Petition contains a statement of consent from Central Lincoln PUD to the
17 vacation provided that a 10 foot (5 feet from both sides of the center line) easement is retained
18 for their line. The Director found the PUD's requested easement to be reasonable and
19 appropriate;

20
21 8. Some issues were found regarding the location of the underlying fee title. As a result,
22 the petitioners indicated that they were willing to reduce the width of the proposed vacation from
23 30 feet to 25 feet. A modified legal description and a modified map of the amended vacation
24 request is attached as Exhibit "B" and incorporated by reference. The petitioners indicated that
25 they can achieve their desired objectives with this modification;

26
27 9. There is not a public need for the portion of the road that is now proposed to be
28 vacated, nor will there be a need for it in the future;

29
30 10. The requested vacation with modifications should be granted.

31
32 **WHEREAS**, as required by ORS 368.346, a hearing was set, legal notice was provided,
33 and hearings were held on May 11, 2016, and June 8, 2016, and interested persons were afforded
34 the opportunity to be heard; and

35
36 **WHEREAS**, at the hearings the petitioners agreed to a reduced width of the proposed
37 vacation as outlined in the WHEREAS recital in 8. from the Director's Report above; and

38
39 **WHEREAS**, at the hearings no one opposed the proposed vacation as modified; and

40
41 **WHEREAS**, based upon the above recitals and the record of the proceedings, the Board
42 now determines, in accordance with ORS 368.356, that the proposed vacation as modified in
43 Exhibit "B" is in the public interest so long as the easement outlined above for the PUD is
44 provided;

1 **NOW, THEREFORE, THE BOARD OF LINCOLN COUNTY COMMISSIONERS**
2 **HEREBY FINDS AND ORDERS AS FOLLOWS:**

3
4 1. The proposed vacation of a portion of an unnamed right-of-way westerly of Hacienda
5 Avenue, Plat of "Coronado Shores, Division No. 5" as modified and shown in Exhibit B, which
6 is attached hereto and incorporated by reference, is in the public interest and is hereby vacated
7 subject to: reservation of a 10 foot (5 feet from both sides of the center line) easement, also
8 shown on Exhibit B, for the benefit of Central Lincoln PUD. Reservation of that right shall not
9 interfere with the abutters' use of the property in any manner allowed by law which does not
10 preclude the reserved rights.

11
12 2. The ownership of the vacated area shall vest in accordance with ORS 368.366.
13 Lincoln County does not warrant or guarantee title to the property so vacated. Abutting property
14 owners and other interested parties shall be responsible for all costs associated with seeking
15 appropriate legal confirmation of status of title and purchase of any title insurance coverage in
16 the vacated portion of the road.

17
18 3. The vacation of this property does not authorize any use or development contrary to
19 the applicable planning, zoning or building laws or regulations of the county, state, or other
20 regulatory agencies.

21
22 4. No additional costs shall be assessed for this vacation.

23
24 5. This order of vacation and its attachments shall be recorded in the Lincoln County
25 deed records, without fee, and copies of this order shall be forwarded to: County Counsel,
26 County Surveyor, County Assessor, County Public Works Director, County Planning Director,
27 Representative Dustin Capri, and Petitioners Michael McDonald and Donna Houston.

DATED this 15th day of June, 2016.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bill Hall, Chair

Terry N. Thompson, Commissioner

Doug Hunt, Commissioner

EXHIBIT "A" PROPOSED VACATION

STREET VACATION SURVEY
 FOR MIKE MCDONALD & DONNA HOUSTON
 LOT 376 BLOCK 15 OF CORONADO SHORES DIV. #5
 IN THE SW 1/4 OF THE SE 1/4 OF SECTION 16
 TOWNSHIP 8 SOUTH, RANGE 11 WEST, WM
 IN LINCOLN COUNTY, OREGON

SURVEYOR'S NARRATIVE

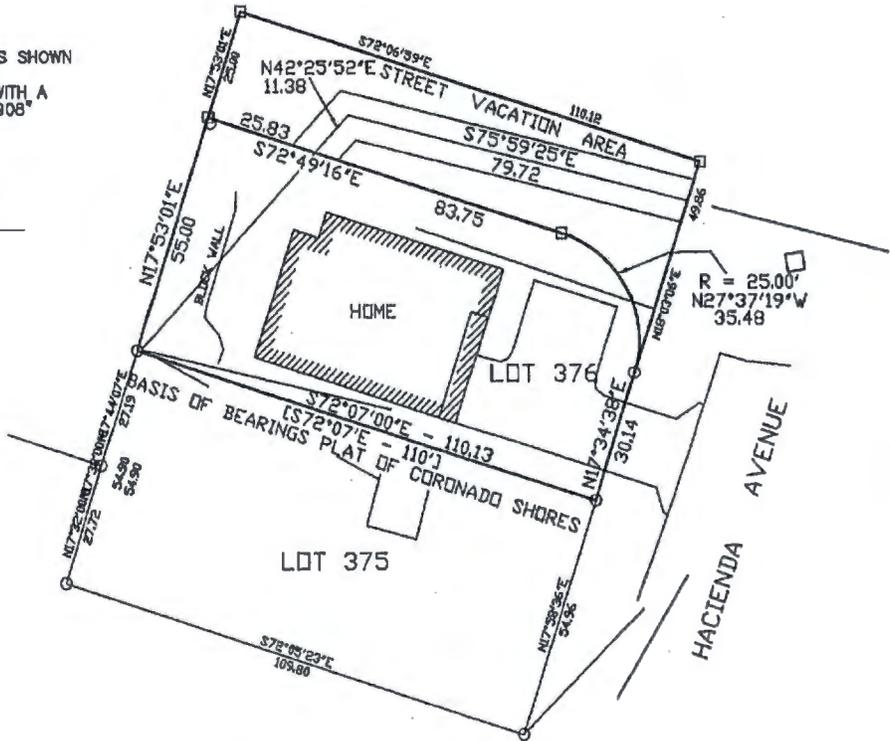
THIS SURVEY WAS DONE TO SHOW THE LOCATION OF THE PROPOSED STREET VACATION IN CORONADO SHORES. THE EXISTING MONUMENTS WERE FOUND AND HELD FOR CONTROL. A TOPCON GPT-3100W ONE SECOND TOTAL STATION AND TDS RECON DATA COLLECTOR WERE USED TO GATHER THE DATA IN THIS SURVEY.

LEGEND

- FOUND SURVEY MONUMENT AS SHOWN
- SET 5/8" x 30" IRON ROD WITH A PLASTIC CAP "LOOMIS PLS 1908"
- CALCULATED POSITION ONLY
- [] RECORD DATA
- PROPERTY DEED BOUNDARY



1" = 40'

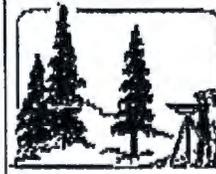


REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 18, 1980
 DAVID A. LOOMIS
 1908
 RENEWAL DATE:
 JANUARY 1, 2017

SURVEY FOR: MIKE MCDONALD & DONNA HOUSTON
 LOCATION: 8-11-16-DC-09300
 LOT 376 BLOCK 5 OF CORONADO SHORES DIV. #5

SURVEYED BY



DAVID LOOMIS SURVEYING
 = DAVID A. LOOMIS LS 1908 =
 459 PIONEER MOUNTAIN LOOP
 TOLEDO, OR, 97391
 541.336.2994 - 541.270.2928
 FAX: 541.336.2994

CHECKED BY: DAL
 DRAWN BY: DAL
 SCALE: 1" = 40'
 DATE: OCT 2015
 No. D115-110

EXHIBIT "A" PROPOSED VACATION

EXHIBIT A

A parcel of land situated in the southeast quarter of the southeast quarter and all of lot 4 in Section 16 T. 8 S. R. 11 w. W.M., in the County of Lincoln and State of Oregon, described as follows, to wit:

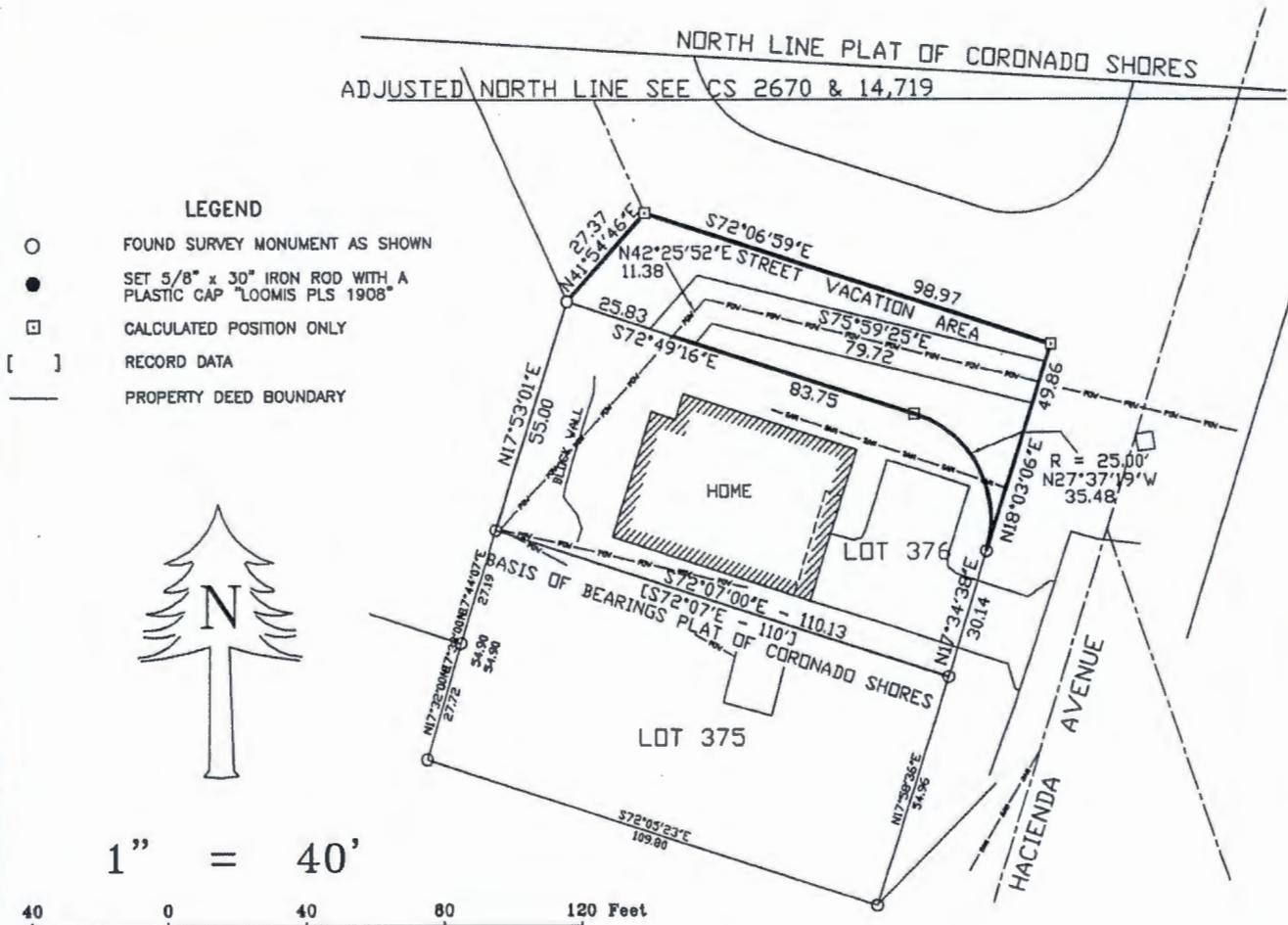
Beginning at the most southeasterly corner of lot 13 in block 4, TRANQUIL VALLEY, Lincoln County, Oregon, thence due West to the High water line of the Pacific Ocean; thence Northerly following the high water line of the Pacific Ocean, to the intersection of the south line of Wallace Street, as shown on the recorded plat of Tranquil Valley, and the high water line of the Pacific Ocean; thence along the south line of Wallace Street in an easterly direction to the most westerly corner of lot 17 in block 4, Tranquil Valley; thence following the southwesterly line of lots 17, 16, 15, 14, and 13 in Block 4, Tranquil Valley in a southeasterly direction to the true point of beginning, EXCEPTING therefrom any portion lying below the mean high water line of the Pacific Ocean, containing 2.09 acres more or less.

EXHIBIT "B" ADOPTED VACATION

STREET VACATION SURVEY
 FOR MIKE MCDONALD & DONNA HOUSTON
 LOT 376 BLOCK 15 OF CORONADO SHORES DIV. #5
 IN THE SW 1/4 OF THE SE 1/4 OF SECTION 16
 TOWNSHIP 8 SOUTH, RANGE 11 WEST, WM
 IN LINCOLN COUNTY, OREGON

SURVEYOR'S NARRATIVE

THIS SURVEY WAS DONE TO SHOW THE LOCATION OF THE PROPOSED STREET VACATION IN CORONADO SHORES. THE EXISTING MONUMENTS WERE FOUND AND HELD FOR CONTROL. A TOPCON GPT-3100W ONE SECOND TOTAL STATION AND TDS RECON DATA COLLECTOR WERE USED TO GATHER THE DATA IN THIS SURVEY.

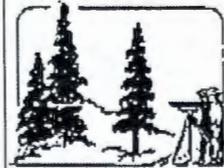


REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
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SURVEY FOR: MIKE MCDONALD & DONNA HOUSTON
 LOCATION: 8-11-16-DC-09300
 LOT 376 BLOCK 5 OF CORONADO SHORES DIV. #5

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CHECKED BY: DAL
 DRAWN BY: DAL
 SCALE: 1" = 40'
 DATE: OCT 2015
 No. D115-110

EXHIBIT "B" ADOPTED VACATION

Area of unnamed Street to be vacated

A tract of ground lying in the Southwest quarter of the Southeast quarter of Section 16, Township 8 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon. More particularly described as:

Beginning at the Northwest corner of Lot 376, Block 15 of Coronado Shores, Division No. 5; thence North $41^{\circ}54'46''$ East 27.37 feet to the center of the street; thence South $72^{\circ}07'00''$ East, 98.97 feet to an extension of the West line of Hacienda Avenue; thence South $18^{\circ}03'06''$ West, 49.86 feet to the Eastern boundary of said Lot 376; thence along the boundary of Lot 376 on an arc with a radius of 25 feet, the long chord of which bears North $27^{\circ}37'19''$ West, 35.48 feet; thence North $72^{\circ}49'16''$ West along the North line of said Lot 376, 83.75 feet to the point of beginning.

Central Lincoln PUD Easement

A 10 foot easement over a portion of an unnamed Street, the centerline described as:

Beginning at a point on the North line of Lot 376, Block 15 of Coronado Shores, Div No. 5, which is 25.83 feet South $72^{\circ}49'16''$ E of the Northwest corner of said Lot 376; thence North $42^{\circ}25'52''$ East, 11.38 feet; thence South $75^{\circ}59'25''$ East, 79.73 feet to the extension of Hacienda Avenue

**Lincoln County
Board of Commissioners Meeting**

Commissioners' Meeting Room
Room 108
Lincoln County Courthouse

Date: June 15, 2016

*******Constituent Input is limited to five minutes*******

Sign Up Sheet (Please Print Clearly)

Print your name:

Mailing Address:

Phone:

Handwritten word: none