

APPROVED BY ORDER # 1-17-32

MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING OF December 21, 2016

CALL TO ORDER

Chair Hall called to order the regular session of the Lincoln County Board of Commissioners.

ROLL CALL - ESTABLISHMENT OF A QUORUM

Also present at the meeting were Commissioner Terry Thompson, Commissioner Doug Hunt, County Counsel Wayne Belmont, Public Information Officer Casey Miller and Recorder Tanya Graham.

ADOPTION OF CONSENT CALENDAR

Chair Hall introduced the Consent Calendar and the items were reviewed. Commissioner Thompson moved and Commissioner Hunt seconded to approve the consent calendar. The vote was taken and passed unanimously.

**APPROVAL OF THE CONSENT CALENDAR OF
December 21, 2016**

CONSENT CALENDAR ITEMS:

Minutes of Board of Commissioners Meeting

Order #12-16-326 Board of Commissioner Meeting Minutes June 1, 2016

Order #12-16-327 Board of Commissioner Meeting Minutes June 8, 2016

Commission Appointments and Resignations

Order #12-16-328 Appointment of Lincoln County Surveyor

Documents and Recording Matters in the Commissioners Journal

**Order #12-16-329 An Order Amending the Lincoln County Personnel Rules Regarding
Whistleblower Protection**

PUBLIC HEARING

Public Hearing on Text Amendments to Ordinance #484, which established temporary regulations for recreational marijuana facilities: Case file #02-TA-16

Chair Hall opened the public hearing. Onno Husing and Josh Shaklee came forward to provide staff reports. This purpose of the text amendments is to remedy perceived unintended consequences of certain provisions of Ordinance #484 and to further align Lincoln County ordinances regulating medical marijuana and recreational marijuana facilities. The Planning Commission's recommendations are:

1. The minimum acreage of 20 acres for a property to be eligible to produce recreational marijuana outdoors on Agricultural Conservation A-C zoned properties is maintained.

2. The provision be removed from Ordinance #484 that requires recreational marijuana retail outlets and recreational marijuana wholesale facilities be sited on parcels of land located at a minimum distance of 250 feet from any residentially zoned property (as measured from property boundary to property boundary).
3. Ordinance #484 be amended to apply different separation requirements from marijuana production facilities based on the land use zone in which they are located, as follows;
 - a. Recreational marijuana production facilities on properties zoned Rural Residential RR-5 and Rural Residential RR-10 must be located at least 250 feet from a dwelling not on the subject property.
 - b. In Agricultural Conservation A-C and Timber Conservation T-C zones, indoor recreational marijuana production facilities must be located at least 250 feet from a dwelling not on the subject property.
 - c. In the A-C and T-C zones, outdoor production of recreational marijuana must be located at least 500 feet from a dwelling not on the subject property.
 - d. In the Planned Industrial I-P zone, no set minimum separation is required between a marijuana production facility and a dwelling not on the subject property.

Chair Hall called for public testimony:

Wayne Belmont stated that an email was received from Pat Morford voicing concern about Ordinance #484.

Ryan Bledsoe stated that the industry has been evolving. As an owner/operator; he has done everything that has been required to meet the Department of Agriculture requirements.

Mary Shipley stated that she would like the Commissioners to consider lowering the acreage requirement to 5 acres. She would like to purchase property so she can grow marijuana to supplement her income.

Astraea Morford stated that she would like to grow cannabis outdoors and expecting people to purchase property that fits into the County requirements does not make sense. She would like the acreage requirement completely removed from the ordinance.

Pat Morford stated that the Planning Commission meeting was not advertised (noticed) to the public and that it has been a frustrating process.

Hearing no further testimony, Chair Hall closed the public hearing.

Josh Shaklee stated that notice for the Planning Commission meeting was published in the newspaper as well as online.

Commissioner Thompson stated that the industry is continually changing and we will need to continue to adapt our rules and regulations.

Commissioner Hall stated that the people of Lincoln County voted for this and we need to do what we can to support the people.

Commissioner Hunt stated that he has had a number of citizens voice concern about outdoor grows and the odor that they produce.

Commissioner Thompson moved and Commissioner Hall seconded to approve moving forward with changing the minimum acreage to 10 acres for property to be eligible to produce recreational marijuana outdoors on agricultural conservation A-C zoned properties. The vote was taken and passed with a 2-1 vote. Commissioner Thompson and Commissioner Hall voted yes and Commissioner Hunt voted no.

**APPROVAL TO MOVE FORWARD WITH
CHANGING THE MINIMUM ACREAGE TO 10
ACRES FOR PROPERTY TO BE ELIGIBLE TO
PRODUCE RECREATIONAL MARIJUANA
OUTDOORS ON AGRICULTURAL CONSERVATION
A-C ZONED PROPERTIES.**

Commissioner Thompson moved and Commissioner Hunt seconded to approve moving forward with the Planning Commissions #2 and # 3 recommendations. The vote was taken and passed unanimously.

**APPROVAL TO MOVE FORWARD WITH THE
PLANNING COMMISSIONS #2 AND #3
RECOMMENDATIONS.**

DECISION/ACTION

**Order #12-16-330 Awarding Lincoln County Community and Economic Development Fund
Grants – Presented by: Julie Kay**

Julie Kay reported that 20 applications were received for a total request of \$218,210. The Economic Development Alliance Board reviewed the applications and recommended 8 for funding totaling \$100,000. The Commissioners decided to fund the Port of Alsea's application in full bringing the total awarded to \$105,000. Commissioner Hunt moved and Commissioner Thompson seconded to approve Order #12-16-330 awarding Lincoln County Community and Economic Development Fund Grants. The vote was taken and passed unanimously.

**APPROVE ORDER #12-16-330 AWARDING LINCOLN
COUNTY COMMUNITY AND ECONOMIC
DEVELOPMENT FUND GRANTS**

Order #12-16-331 In the Matter of Awarding a Bid for the 2016 Little Switzerland Road Slide Repair Retaining Wall Project – Presented by: Roy Kinion

Roy Kinion reported that in January 2012 severe storms caused significant damage to Little Switzerland Road. On November 30, 2016 the Public Works Department received and opened bids for repairing the road and constructing a retaining wall. Nine bids were received and the low responsive bid came from Billeter Marine LLC. The Public Works Department recommends that the project be awarded to Billeter Marine LLC in the amount of \$1,316,191.85. This bid is approximately .8% greater than the engineer's estimate of \$1,305,941.67.

Roy Kinion stated that during the bid process, the specs for the project had to be rewritten to meet the "Made in America" FEMA requirements. Additionally two other addendums had to be added to the process. When the nine bids came in, not all addendums were signed but everything else in the packets were in order. Roy is requesting that the Board of Commissioners waive the provision of signature to the addendums and approve the recommended bid.

Commissioner Hunt moved and Commissioner Thompson seconded to approve Order #12-16-331 in the matter of awarding a bid for the 2016 Little Switzerland Road slide repair retaining wall project.

**APPROVE ORDER #12-16-331 IN THE MATTER OF
AWARDING A BID FOR THE 2016 LITTLE
SWITZERLAND ROAD SLIDE REPAIR RETAINING
WALL PROJECT**

Order #12-16-332 Initiating the Formation of the Greater Toledo Pool Recreation District and Adopting a Permanent Rate Levy – Presented by: Wayne Belmont

Wayne Belmont reported that a number of citizens in the greater Toledo area expressed an interest in forming a recreational district under ORS Chapter 266 to maintain, improve and operate the Toledo swimming pool and related facilities.

A petition has been presented to the Board of Commissioners outlining the intended purposes of the Toledo Pool Recreation District, describing the proposed boundaries of the District, requesting that the District Board consist of five members elected at large and proposing a permanent rate levy of \$.77 per \$1,000 of assessed value. If the Commissioners move this forward, there will be two public hearings conducted. One on January 25, 2017 to consider the boundaries of the proposed District and one on February 15, 2017 to proceed with the formation process and refer to the voters at the May 2017 election.

Wayne Belmont stated that if the Board of Commissioners approves initiating the formation of the Greater Toledo Pool Recreation District then on January 4, 2017 the City of Toledo will move forward to consider adoption of a resolution to also initiate the formation process. If the City of Toledo decided against the formation, then the initiation will stop and not move forward.

Commissioner Hunt moved and Commissioner Thompson seconded to approve Order #12-16-332 Initiating the Formation of the Greater Toledo Pool Recreation District and Adopting a Permanent Rate Levy. The vote was taken and passed unanimously.

**APPROVE ORDER #12-16-332 INITIATING THE
FORMATION OF THE GREATER TOLEDO POOL
RECREATION DISTRICT AND ADOPTING A
PERMANENT RATE LEVY.**

Commissioner Hunt stated that he is a resident of the Toledo area and does not necessarily support or oppose the formation of the Greater Toledo Pool Recreation District and adopting a permanent rate levy of \$.77 per \$1000 assessed value.

REPORTS

Samaritan Health Services, Community Health Promotion Coordinated Approach to Child Health program (CATCH) – Presented by: Rich Waller

Rich Waller with Samaritan Health Services gave a presentation on their Coordinated Approach to Child Health (CATCH) program. CATCH core elements consist of physical activity programming, nutrition education and healthier food choices.

CATCH has resulted in an increase in vigorous physical activity levels and activity time after school and on the weekends. It has shown a decrease in TV watching and a sedentary activity, an improvement in standardized test scores and has had a positive effect in increasing bone density.

The main goal of CATCH is to assist children and families of rural communities in Benton, Lincoln and Linn counties attain higher quality lives free of preventable disease related to poor nutrition and obesity.

Commissioners:

Terry Thompson reported that the legislative pre-sessions filings have begun and a large number of Bills have been submitted.

Doug Hunt wished everyone a happy holiday.

Bill Hall reported that the Toxic Exposure Research Act has been passed in the House and Senate. The Act commits the Federal Government to research, outreach and educate with the public concerning toxic exposures to our men and women in the military.

Commissioner Hall also reported that there will not be a Board of Commissioners meeting next week.

CONSTITUENT INPUT

Commissioner Hall called for constituent input and none was given.

ADJOURNMENT

The next meeting of the Board of Commissioners will be held on January 4, 2017 at 9:30 a.m. in Room 108 of the Lincoln County Courthouse.

The meeting adjourned at 11:25 a.m.

These meeting minutes were read and approved this 25th day of January, ~~2016~~ 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS



TERRY N. THOMPSON, Chair



DOUG HUNT, Commissioner



BILL HALL, Commissioner