

APPROVED BY ORDER # 2-17-40

MINUTES OF THE  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MEETING OF January 11, 2017

**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.

**Order #1-17-12      Appointing the Chair and Vice Chair of the Lincoln County Board of Commissioners**

Chair Hall called for nominations for the Chair position. Commissioner Hunt nominated Terry Thompson for Chair. Bill Hall seconded the nomination. The vote was taken and passed unanimously. The gavel was passed to Chair Thompson who called for nominations for the Vice Chair position. Commissioner Bill Hall nominated Doug Hunt for Vice Chair. Chair Thompson seconded the nomination. The vote was taken and passed unanimously.

**APPROVAL OF ORDER 1-17-12 APPOINTING  
TERRY THOMPSON AS CHAIR AND DOUG HUNT  
AS VICE CHAIR OF THE LINCOLN COUNTY  
BOARD OF COMMISSIONERS**

**ADOPTION OF CONSENT CALENDAR**

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

**APPROVAL OF THE CONSENT CALENDAR OF  
January 11, 2017**

***CONSENT CALENDAR ITEMS:***

***Minutes of Board of Commissioners Meeting***

**Order #1-17-13      Board of Commissioners Meeting Minutes December 14, 2016**

***Commission Appointments and Resignations***

**Order #1-17-14      Change in Membership to the Gleneden Beach Special Road District**

***Documents and Recording Matters in the Commissioners Journal***

**Order #1-17-15      Single Case Agreement Between Health Share of Oregon and Lincoln County Health and Human Services (Terms: Effective 10/27/16)**

- Order #1-17-16**      **Agreement Between Lincoln County Health and Human Services Mental Health Treatment Services Division and PROTOCOL Services Inc. for Telephone Access for Assessment, Intervention and Intake Services (Terms: Effective 11/25/2013; with a rate increase effective 7/1/16)**
- Order #1-17-17**      **Agreement Between RN Network and Lincoln Community Health Center for Traveler Nurse Coverage and Temporary Nurse Staffing Services (Terms: Effective date and continue for a period of (1) year)**
- Order #1-17-18**      **In the Matter of the Refund of Taxes Paid (Map No. 11-11-17-A0-00400-L1)**

Execution of Documents

**Amendment 9 for 2015-17 Public Health Services Agreement #148019 Between the State of Oregon and Lincoln County. (Terms: Effective 7/1/15 – 6/30/17; Total Increase of \$10,589)**

**Amendment 14 for 2015-2017 Community Addictions & Mental health Services Agreement #147795 Between the State of Oregon and Lincoln County. (Terms: Effective 7/1/15 – 6/30/17)**

**PUBLIC HEARING**

**Dissolving the Olalla Acres Subdevelopment Sanitary District – Presented by: Jerry Herbage**

**Order 1-17-19**      **An Order Dissolving the Olalla Acres Subdevelopment Sanitary District**

Chair Thomson opened the public hearing. Jerry Herbage, Assistant County Counsel updated the Board on the dissolution process of Olalla Acres Subdevelopment Sanitary District.

Chair Thompson called for public testimony and none was given.

Chair Thompson closed the hearing.

Commissioner Hunt moved and Commissioner Hall seconded to approve the dissolution of the Olalla Acres Subdevelopment Sanitary District. The vote was taken and passed unanimously.

**APPROVAL OF ORDER 1-17-19 AN ORDER  
DISSOLVING THE OLALLA ACRES  
SUBDEVELOPMENT SANITARY DISTRICT**

**Jurisdictional Transfer of Big Creek Road, County Road #402, to the City of Newport – Presented by: Wayne Belmont**

**Order 1-17-20**      **Jurisdictional Transfer over Big Creek Road, County Road #402, to the City of Newport**

Chair Thomson opened the public hearing. Wayne Belmont, County Counsel updated the Board on the transfer process of Big Creek Road. All pretransfer activities have been completed.

Chair Thompson called for public testimony.

**Norm Ferber** resides on Big Creek Road and voiced concern about the public notice process for the various meetings concerning the road transfer. Roy Kinion, Public Works Director, stated that the notices were posted east of the city park as well as the courthouse and the Newport City Hall. Norm is concerned with the maintenance of the road. Roy explained that once the transfer is complete the City of Newport will be responsible for the maintenance.

Chair Thompson closed the hearing.

Commissioner Hall moved and Commissioner Hunt seconded to approve the jurisdictional transfer over Big Creek Road, County Road #402, to the City of Newport. The vote was taken and passed unanimously.

**APPROVAL OF ORDER 1-17-20 JURISDICTIONAL  
TRANSFER OF BIG CREEK ROAD, COUNTY ROAD  
#402, TO THE CITY OF NEWPORT**

**Continuation – Legalization of SE 23<sup>rd</sup> Street in Lincoln City (County Road #107) – Presented by: Roy Kinion and Eathan Nicley**

Chair Thomson reopened the public hearing. Roy Kinion reported to the Board that SE 23<sup>rd</sup> Street is listed as a functional class - “Major Collector” road. In the County Transportation System Plan this class is required to have a right-of-way width of 60-80 feet. Roy Kinion also stated that in the Lincoln City Transportation System Plan the required right-of-way width for SE 23<sup>rd</sup> Street is 55-71 feet. Currently the right-of-way is set at 60 feet.

Chair Thompson recessed the Public Hearing

Chair Thompson allowed constituent input.

**David Peltier** voiced concern about the homeless population in Lincoln County and requested that the Board of Commissioners help find a solution to the problem.

Chair Thompson reopened the public hearing. A discussion occurred concerning placement of future utilities. Roy Kinion explained that when the utilities are put in, the current road will need to be partially torn up.

Eathan Nicley reviewed with the Commissioners the historical surveys that have been completed on SE 23<sup>rd</sup> Street and the current survey aligns with the historical surveys dating back to 1976. Roy Kinion

stated that the legalization of SE 23<sup>rd</sup> Street could potentially be broken into two pieces; the west end and the east end.

Chair Thompson called for public testimony.

**Jeff Ouderkirk**, attorney for Larry Morris, stated that there has been an agreement entered into between Oregon Department of Transportation and Donald H. Morris Family Trust regarding the relocation of SE 23<sup>rd</sup> Street to its deeded right of way as shown on Loomis Survey #17903. This agreement was finalized in 2011. At this time, Mr. Morris is requesting that SE 23<sup>rd</sup> Street not be legalized outside of its deeded right of way as it abuts his property (west end of street).

**Dennis Bartoldeous**, attorney for Mike Philips, stated that his client owns property that abuts SE 23<sup>rd</sup> Street. Mr. Philip's parcel is long and narrow (east end of street) and he believes his property could be significantly impacted by the proposed legalization. Mr. Philips is requesting that the County legalize the road right of way to a width of 30 feet and keep the legalization in close proximity to the existing paved road.

Chair Thompson closed the hearing.

The Board would like more information from staff concerning the feasibility of making the right of way 60 feet but moving it to the south of the proposed right of way. They would also like to see written consent and/or support from all utility companies and other property owners concerning the option of moving the right of way to the south.

Commissioner Hall moved and Commissioner Hunt seconded to approve not proceeding with the proposed legalization of SE 23<sup>rd</sup> Street and referring it back to staff for further review. The vote was taken and passed unanimously.

**APPROVAL TO NOT PROCEED WITH THE  
PROPOSED LEGALIZATION OF SE 23<sup>RD</sup> STREET  
AND REFERING IT BACK TO STAFF FOR  
FURTHER REVIEW.**

Commissioner Hunt moved and Commissioner Hall seconded to approve continuing the public hearing concerning the Legalization of SE 23<sup>rd</sup> Street in Lincoln City (County Road #107) on April 5, 2017. The vote was taken and passed unanimously.

**APPROVAL TO CONTINUE THE PUBLIC HEARING  
CONCERNING THE LEGALIZATION OF SE 23<sup>RD</sup>  
STREET IN LINCOLN CITY (COUNTY ROAD #107)  
ON APRIL 5, 2017.**

**DECISION/ACTION**

**Ordinance #492**      **Amending Temporary Regulations for Recreational Marijuana Facilities adopted in Ordinance #484 and Declaring an Emergency - Presented by: Wayne Belmont**

Wayne Belmont explained that on December 21, 2016 the Planning Commission recommended to the Board of Commissioners that the minimum acreage of 20 acres for a property to be eligible to produce recreational marijuana outdoors on Agricultural Conservation A-C zoned properties be maintained. At that meeting, the Board of Commissioners approved (by a vote of 2-1 – Commissioner Hunt voting no) 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. The ordinance presented today amends Ordinance #484 reflecting the change.

Wayne Belmont asked if there were any requests to have the ordinance read in full. Hearing none, Chair Thompson read the ordinance by title only. Commissioner Hall moved and Chair Thompson seconded to approve Ordinance #492 Amending temporary regulations for recreational marijuana facilities adopted in Ordinance #484 and declaring an emergency. The vote was taken and passed unanimously.

**APPROVAL OF ORDINANCE #492 AMENDING  
TEMPORARY REGULATIONS FOR RECREATIONAL  
MARIJUANA FACILITIES ADOPTED IN  
ORDINANCE #484 AND DECLARING AN  
EMERGENCY**

**Order #1-17-21**      **Annexing Certain Property into the Newport Rural Fire Protection District at the Request of the Property Owner – Presented by: Wayne Belmont**

Wayne Belmont reported that on November 18, 2016 the Lincoln County Board of Commissioners received a petition to annex property into the Newport Rural Fire Protection District and on January 4, 2017 there was a hearing on the petition. During the hearing, the Board found that the criteria for annexation had been met.

Commissioner Hunt moved and Commissioner Hall seconded to approve Order #1-17-21 Annexing of certain property into the Newport Rural Fire Protection District at the request of the property owner. The vote was taken and passed unanimously.

**APPROVAL OF ORDER #1-17-21 ANNEXING  
CERTAIN PROPERTY INTO THE NEWPORT RURAL  
FIRE PROTECTION DISTRICT AT THE REQUEST  
OF THE PROPERTY OWNER**

## **REPORTS**

**Bill Hall** responded to David Peltier's concerns stating that the County has been very active in trying to help with the homeless issues. The homeless problem seems to be getting worse everywhere and the County is doing the best they can with the resources they have. This is a huge problem that did not develop overnight and it cannot be solved overnight.

Bill Hall also reported that he was in Washington DC with Mike McArthur, the Executive Director of the Association of Oregon Counties attending the National Association of Counties meeting. While there, they spend time on Capitol Hill speaking with 6 of our 7 Congressional Delegates. After returning to Oregon, Commissioner Hall then Chaired the Legislative Committee for the Association of Oregon Counties. One item of concern is the Governor's proposed budget to cut State funding for wildlife services.

**Doug Hunt** thanked Commissioner Hall for taking the lead on housing issues but wanted to make sure the public understands that all three Commissioners are very interested in the housing issues and are diligently working to help find solutions.

Doug Hunt also reported that he attended the Association of Oregon Counties meeting and Co-Chaired the Governance Committee meeting. During the meeting the Committee addressed 18 different Bills involving labor, employment, public contracting, taxation and legislation process.

At the AOC conference in November 2016, Lincoln County received the Gold Safety Award from City County Insurance Services for having an injury frequency rate of .84 in fiscal year 15-16 with 457 full-time employees. Lincoln County was the only county of its size category to receive the award.

**Terry Thompson** reported that the Marine Debris Action Plan for the State of Oregon will be out for review soon and it will begin to address inland marine debris. Additionally, Terry Thompson is working with AOC on trying to preserve the Wildlife Services budget across the State. The Wildlife Services budget is managed through the Oregon Department of Agriculture.

Terry Thompson also reported that there will be a Pacific Marine Energy Center update report and a presentation on Remotely Operated Platform for Ocean Sciences at the January 25<sup>th</sup> Board of Commissioners meeting.

## **CONSTITUENT INPUT**

Chair Thompson called for constituent input and none was given.

## **EXECUTIVE SESSION**

An executive session was convened at 11:35 a.m. pursuant to:  
ORS 192.660(2) (h) to discuss litigation matters

## **ADJOURNMENT**

The next meeting of the Board of Commissioners will be held on January 17, 2017 at 9:30 a.m. in Room 108 of the Lincoln County Courthouse.

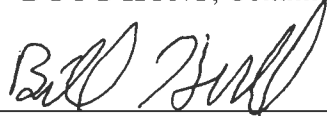
The meeting adjourned at 11:35 a.m.

These meeting minutes were read and approved this 1 day of February, <sup>2017</sup>~~2016~~.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

  
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**TERRY N. THOMPSON**, Chair

excused  
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**DOUG HUNT**, Commissioner

  
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**BILL HALL**, Commissioner