

APPROVED BY ORDER # 11-17-340

MINUTES OF THE  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MEETING OF October 18, 2017

**CALL TO ORDER**

Chair Thompson 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 Doug Hunt, County Counsel Wayne Belmont, Commissioner Bill Hall, Public Information Officer Casey Miller and Recorder Kristi Whitaker.

**ADOPTION OF CONSENT CALENDAR**

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

**APPROVAL OF THE CONSENT CALENDAR  
OF OCTOBER 18, 2017**

***CONSENT CALENDAR ITEMS:***

*Minutes of Board of Commissioners Meeting*

- Order #10-17-323**                      **Board of Commissioner's Meeting Minutes September 13, 2017**
- Order #10-17-324**                      **Board of Commissioner's Meeting Minutes October 4, 2017**
- Order #10-17-325**                      **Board of Commissioner's Meeting Minutes October 11, 2017**

*License Applications or Renewals*

- Order #10-17-326**                      **Issuance of an Oregon Liquor Control Commission Temporary License to The Flying Dutchman Winery**

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

- Order #10-17-327**                      **Execution of Quitclaim Deed to Frog Willows, LCC for the purchase of County Tax Foreclosed Property 11-11-22-C0-00800**
- Order #10-17-328**                      **Amendment to Quitclaim Deed for James W. Drayton, Trustee of the James W. and Patricia B. Drayton Family Trust**
- Order #10-17-329**                      **Redeed County Tax Foreclosed Property 06-10-35-BD-00100 to Robert W. Benbow and Brenda E. Benbow**

*Documents and Recording Matters in the Commissioners Journal*

- Order #10-17-330**                      **Intergovernmental Agreement #5468 between the State of Oregon and**

**Lincoln County Parole & Probation (Terms: Effective 7-1-17 to 6-30-19, Not to Exceed \$3,993,789)**

- Order #10-17-331**                    **Criminal Justice Commission Specialty Courts Grant Program Grant Agreement for Lincoln County Adult Drug Program (Terms: Not to Exceed \$262,800)**
- Order #10-17-332**                    **Agreement between Karen Cox and Lincoln County Parole and Probation for Sex Offender Assessments (Term: Effective: 12-1-17 to 6-30-19, Not to Exceed \$10,000)**
- Order #10-17-333**                    **Department of Justice Matching Grant for Lincoln County Sheriff's Office Body-Worn Camera Policy and Implementation Program (Terms: 10-1-17 to 9-30-19, Not to exceed \$20,368)**

**PUBLIC HEARING**

**Legalization of Ocean View Dr., Yachats – Presented by: Roy Kinon**

Commissioner Thompson opened the public hearing. This is the first public hearing regarding County Road 813 in the City of Yachats. Wayne Belmont, County Counsel, stated the legalization of a portion of Ocean View Dr. is a continuation of litigation regarding County Road No. 804. The arrangement agreed upon was the vacation of county road No. 804, but Ocean View/Marine Dr. remains the primary road of travel through that part of Yachats. Part of the settlement arrangement was the county would later transfer Ocean View/Marine Dr. to Yachats. There are some concerns over the legalization; the county is exploring options to complete the transfer potentially, without having to do the legalization or do just a portion of the legalization. Mr. Belmont entered into record that affidavits of service were provided to the necessary property owners, the affidavit of posting and the proof of publication for the notice of this hearing in accordance with law. Wayne Belmont recommended continuing the hearing at the Board of Commissioners Meeting on January 10, 2018 to allow time for further conversations to take place with the City of Yachats.

Roy Kinon, Public Works Director, provided a map displaying the proposed legalization from 4<sup>th</sup> street down to Pontiac. There are seven property owners and state park property that are adjacent to the road. The county has received letters from several of the property owners, recorded as Kerry Kemp, Clea Neidert, Yvonne Misterek, Judy Kauffman, William Kauffman, and Richard Urbanski. Mr. Kinon spoke on the phone to Sandy Sturges. The county has not heard back from the state parks. Preliminary work by the County Surveyor's office reveals defects in this portion of the road. A major concern for property owners is that their lots are already substandard and by moving ride away lines it affects the setback requirements on their structures.

Commissioner Terry Thompson called for public comment and none was given.

With no further comment, Chair Thompson closed the public hearing.

Commissioner Doug Hunt moved and Commissioner Thompson seconded to continue the hearing on January 10, 2018. A vote was taken and passed unanimously.

**Petition from Greg Torland and Mary Holbert to Withdraw from the Toledo Rural Fire Protection District. – Presented by: Jerry Herbage**

Chair Thompson opened the public hearing. Assistant County Counsel, Jerry Herbage, reported this is the first hearing on the petition. Greg Torland's property is on the extreme edge of the district and there would be a long delay before medical first responders or fire fighters could make it to the property. The county received a letter from the Toledo Fire Protection District signed by the Chief indicating the board met and approved the request. The request to withdraw is consensual.

Commissioner Doug Hunt inquired of any tax or insurance consequence to the county. Jerry Herbage stated there would be none.

Commissioner Terry Thompson inquired of insurance cost to Greg Torland. Greg Torland responded that until fire district improvements were made, such as a fire hydrant or a rural station, there would be no financial benefit or burden from withdrawing.

Chair Thompson called for public comment and none was given.

With no further comment, Chair Thompson closed the hearing.

Commissioner Thompson moved and Commissioner Hunt seconded to hold second hearing on November 15, 2017. A vote was taken and passed unanimously.

**APPROVAL OF ORDER #10-17-334  
WITHDRAWAL OF A PARCEL OF REAL  
PROPERTY FROM THE TOLEDO RURAL  
FIRE PROTECTION DISTRICT**

**DISCUSSION/INFORMATION**

**Ordinance #498**

**Relating to Special Road Districts; Amending LCC 6.480 to  
Convert Starr Creek Special Road District from Appointed to an  
Elected Governing Board (Second Reading) – Presented by: Jerry  
Herbage**

Wayne Belmont, County Counsel, asked if anyone would like the ordinance read in full, hearing no request that the Ordinance be read in full, Wayne Belmont read Ordinance #498 by title only. Jerry Herbage reported that the proposed ordinance was previously reviewed on October 4<sup>th</sup>; this is the second reading to adopt the ordinance. Two things happen with respect to the current code 6.480: (1) Starr Creek would be added as a special road district where the board members are placed in office by

election, and (2) the election would be set for the third Tuesday in 2018. The initial term would be shortened so the board elections would coincide with special districts which have elections on odd years.

Chair Thompson called for public comment and none was received.

Commissioner Doug Hall moved and Commissioner Thompson seconded to adopt Ordinance #498. A vote was taken and passed unanimously.

**Resolution #17-18-10** \_\_\_\_\_ **Adopting the Provisions of ORS 307.540 through 307.548 for Exemption from Property Tax for Nonprofit Corporation Low Income Housing in the City of Newport (Implementing City Ordinance No. 2116)**

Wayne Belmont, County Counsel, stated that this item has been discussed multiply times; the board had previously received a presentation by the City of Newport on the provisions of their Ordinance No. 2116 that made opportunity for property tax exemptions available within city limits. By adopting the resolution it would allow for tax exemption for total property. Provisions of the resolution include: the exemptions would only apply within the city limits, the city would be responsible for processing the application and the resolution had a sunset of 2028 allowing for a ten year initial examination period. Projects approved within the ten years would continue to be exempt after the sunset, but would not allow any new projects after that time until the resolution had been extended.

**Resolution #17-18-10** \_\_\_\_\_ **Adopting the Provisions of ORS 307.600 to 307.637 for Exemption from Property Tax for Qualifying Multi-Unit Properties in Portions of the City of Newport (Implementing City Ordinance No. 2115)**

County Counsel, Wayne Belmont stated this draft resolution applies to multiple family rental housing. No condos or VRDs will be considered. It is similar to the previously discussed resolution but would only apply to certain properties. Requirements include zoning, specific distance to transit system, meet green building requirements, and maintain a percentage of the housing available for defined low income families. The resolution is designed to add more affordable housing to the city. Under this resolution the property would not be totally exempt; the land would not be exempt. In addition, this program would be available for 10 years and could be extended based on its success. It would be up to the City of Newport's City Council to grant the tax exemptions but will provide the county a courtesy copy of any applications received for county review.

## **REPORTS**

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

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

1. Regional Accelerator and Innovation Network (RAIN), a report on activities –  
*Presented by: David Youngentob of RAIN and Caroline Bauman of Economic Development Alliance*

David Youngentob, Venture Catalyst, thanked the board for financial support. David stated that the company's purpose is to catalyze people and programs that help advance the region's start up economy and provided a slideshow reviewing the accomplishments over the past year. The company has launched a pre-accelerator program and a mentoring program in Lincoln County and host meetups and seminars to help gather, educate and support entrepreneurs and innovators.

**Commissioners Report**

**Commissioner Doug Hunt**, as Chair of The Cascade West Area on Transportation, will be at the Oregon Transportation Commission meeting on Thursday, October 19th in Silverton as a member of the panel speaking about steps for the development of the 2021-2024 State Transportation Improvement Plan (STIP).

**Commissioner Terry Thompson** was at the State Land Board meeting on Tuesday, October 17<sup>th</sup> speaking about the ocean planning rule making process, after he listened to the hearing on carbon tax credit.

**CONSTITUENT INPUT**

Chair Thompson called for constituent input and none was given.

**ADJOURNMENT**


The next meeting of the Board of Commissioners will be held on October 25, 2017 at 9:30 a.m. in Room 108 of the Lincoln County Courthouse.

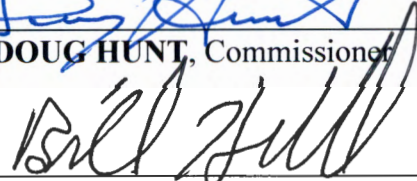
The meeting adjourned at 10:37 a.m.

These meeting minutes were read and approved this 1<sup>st</sup> day of November, 2017.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

EXCUSED  
\_\_\_\_\_  
**TERRY N. THOMPSON, Chair**

  
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**DOUG HUNT, Commissioner**

  
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**BILL HALL, Commissioner**