



March 8, 2023

Kaety Jacobson, Chair
Lincoln County Board of Commissioners
225 W. Olive St., Room 110
Newport, OR 97365

Via Email

Re: Don Lindly Park development options

Dear Chair Jacobson and members of the Commission,

Oregon Coast Alliance (ORCA) is an Oregon nonprofit corporation whose mission is protection of coastal natural resources and enhancing community livability.

We write you today concerning the future of Don Lindly Park, an approximately 9-acre park on the Alsea River, owned by the Oregon Department of Fish and Wildlife since its purchase in 2014, but leased to Lincoln County.

The future of the park's development is up in the air. Past proposals by the Oregon State Marine Board have included a boat ramp with some twenty-five trailer spaces, and a subsequent, much larger, proposal of fifty trailer spaces and twenty vehicles in a greatly expanded parking area. This last, and largest, proposal has been scrapped due to the Department of State Lands refusing to approve the project, as it would encroach on a mature forest tidal wetland.

At the moment the park remains in the rustic state it was when purchased, with no campground, a small gravel parking lot, and an extensive day use area; principal users include bank fishermen and kayakers. There are no current approved plans for park development, nor is there an existing conditional use permit.

ORCA has reviewed most of the known documents on this project, because it seems to be a complex one, with many players. The park has often been mentioned as a one whose development has a predetermined outcome that will include a boat ramp for motorized craft, and expanded parking with a paved parking area.

Our review of the documents, however, does not indicate that Lincoln County, the lessee, is obligated to build a boat ramp, expand the parking or do any development at all, except perhaps provide some kind of boat access. Current access to kayakers and canoeists provides such access.

Instead, all the documents indicate that the initial parties set up the framework to make the motorized boat launch and expanded parking development the easiest option, and free of legal encumbrances to the extent possible; but the county is not legally required to implement this vision. Any development at Lindly Park hinges on Lincoln County granting a conditional use permit. The county is free to grant or deny such a permit. The previously granted conditional use permit, issued in 2019, has now expired.

A key partner pushing for the boat launch, expanded parking and public use has been the Marine Board. They provided the technical assistance in the past for the development designs. But having provided that assistance does not give the Marine Board any right to insist that any project proposed or encouraged by them becomes reality. Technical assistance is often paid for and then not used because of changing circumstances, budgets or community desires.

Purchase of the property: ODFW's purchase agreement for the property, dated February 20, 2014, provides that among the buyer's conditions is #6.6, which reads: "Buyer entering into an agreement (the "Intergovernmental Agreement") acceptable to Buyer in Buyer's sole opinion, with Lincoln County, Oregon under which Lincoln County will maintain and operate the public boat ramp to be constructed on the Property."

In other words, the purchase and sale agreement asserts a public boat ramp is "to be constructed," but does not make its construction a *condition* of purchasing the property. ODFW merely has to have entered into an intergovernmental agreement, which it did, with Lincoln County, under which the county would maintain and operate the boat ramp.

County lease on the property: ODFW and Lincoln County subsequently entered into the intergovernmental agreement for this land as required in the purchase agreement, dating from January 6, 2015. But it too makes clear that no single development scenario is favored, and none are specifically described. The lease states, "It is further understood that this Lease is subject to the Lessee [Lincoln County] gaining approval for a conditional use permit by the Lincoln County Department of Planning and Development. If Lessor does not obtain a conditional use permit by December 31, 2016, this lease will automatically terminate." As stated before, there is no active conditional use permit for this park.

The original proposals, all centering on the concept of a motorized boat launch and expanded, paved parking, may no longer be the will of county residents, as it was ten years ago. The most productive thing Lincoln County could do now is hold workshops and hearings on what county residents would like to see as the future of Lindly Park. The county does not appear to have any legally binding obligation to do any development of the kinds once envisioned. But there is much interest in maintaining the mature, forested tidal

wetland – in which the Department of State Lands concurs – and in keeping Lindly as a small-scale, quiet, mostly undeveloped park. Boat access is already provided for by the use of kayakers and canoeists. For example, Lincoln County could provide a much more limited development by building a small, unobtrusive dock for non-motorized users, and a restroom.

ORCA supports the vision of keeping Lindly quiet, rural and ecologically intact, most especially the forested tidal wetland – a rare habitat that needs protection. We would like to see Lincoln County take the leadership to assess county residents' thoughts, and provide a future for Lindly more in keeping with current concerns of ecological integrity and non-intrusive recreation options.

Sincerely,

/s/ Cameron La Follette

Cameron La Follette
Executive Director

