



**Wednesday, June 22, 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- 168 Minutes of the Joint Work Session with Depoe Bay City Council and Lincoln County Board of Commissioner April 6, 2016
2. Order #6-16- 169 Board of Commissioner Meeting Minutes for April 6, 2016

**B. Commission Appointments and Resignations**

**C. License Applications or Renewals**

**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. Order #6-16- 170 Professional Service Agreement for Juvenile Detention Services between Lincoln County and Tillamook County (Terms; \$145 per day, agreement expires 6/30/17)

2. Order #6-16-171 Professional Service Agreement for Juvenile Shelter Services between Lincoln County and Tillamook County (Terms; \$80 per day, agreement expires 6/30/17)
3. Order #6-16-172 Extension of Lease between Sheila Swadell, (Broker-Yaquina Bay Property Management, Inc.) and Lincoln County Board of Commissioners for property located at 611 SW Hurbert, Suite C., Newport (Terms; \$664 per month, agreement expires 6/30/17)
4. Order #6-16-173 Agreement between Lincoln County and Day Wireless Systems to provide annual maintenance to Lincoln County's Communication system. (Terms; \$29,640 per year, agreement expires 6/30/17)

**H. Execution of Documents**

**V. PUBLIC HEARING**

- A. Resolution # 16-22-6A Adopting the 2016-17 Budget, Making Appropriations, Levying Taxes, and Categorizing the Levy (Extension Service District Fund) – *presented by Janice Riessbeck and Kaety Jacobson*
- B. Resolution # 16-22-6B Adopting the 2016-17 Budget and Making Appropriations (Solid Waste Disposal District Fund) – *presented by Janice Riessbeck and Mark Saelens*
- C. Resolution # 16-22-6C Adopting the 2016-17 Budget, Making Appropriations, Levying Taxes, and Categorizing the Levy (Transportation Service District Fund) – *presented by Janice Riessbeck and Cynda Bruce*
- D. Resolution # 16-22-6d Adopting the 2016-17 Budget, Making Appropriations, Levying Taxes, and Categorizing the Levy (Animal Services District Fund) – *presented by Janice Riessbeck*
- E. Resolution # 16-22-6e Adopting the 2016-17 Budget, Making Appropriations, Levying Taxes, and Categorizing the Levy (Siletz Area Enhanced Law Enforcement Service District Fund) – *presented by Janice Riessbeck and Sheriff Landers*
- F. Resolution # 16-22-6F Adopting the 2016-17 Budget, Making Appropriations, Levying Taxes, and Categorizing the Levy (Lincoln County) – *presented by Janice Riessbeck*

**VI. DECISION/ACTION**

**VII. DISCUSSION/INFORMATION**

- A. Proposed changes to Lincoln County Fee Schedule for the 2016-17 Fiscal Year –  
*Presented by Kristin Yuille***
- B. Vacation Rental Dwellings – *Presented by Bill Hall and Wayne Belmont***
- C. Lincoln County Commons Update – *Presented by Bill Hall***

**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. 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 27, 2016 – 10:30 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 29, 2016 – 5:00 p.m. – Joint Work Session with Lincoln City Council** at Lincoln City Hall, 801 SW Highway 101, Lincoln City, Oregon

**Wednesday, June 29, 2016 – Immediately Following the Joint Work Session - Board of Commissioners Meeting** at Lincoln City City Hall, 801 SW Highway 101, Lincoln City, Oregon

***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.***

**BEFORE THE GOVERNING BODY OF THE LINCOLN COUNTY  
EXTENSION SERVICE DISTRICT**

In the Matter of:	}	
Adopting the 2016-17 Budget,	}	RESOLUTION NO. _____
Making Appropriations, Levying	}	
Taxes, and Categorizing the Levy	}	

BE IT RESOLVED THAT the governing body of the Lincoln County Extension Service District hereby adopts the budget for the fiscal year 2016-17 in the total amount of **\$713,799** as approved by the Budget Committee of the Lincoln County Extension Service District.

BE IT FURTHER RESOLVED THAT the amounts for the fiscal year beginning July 1, 2016 and for the purposes shown below are hereby appropriated as follows:

**EXTENSION SERVICE DISTRICT FUND**

Materials & Services		533,799	
TOTAL APPROPRIATIONS		\$ 533,799	
Unappropriated Ending Balance		\$ 180,000	
FUND TOTAL		\$ 713,799	

BE IT FURTHER RESOLVED THAT the Board of County Commissioners of Lincoln County hereby imposes the taxes provided for in the adopted budget at the permanent rate of \$0.0451 (4.51 cents per \$1,000); and that these taxes are hereby imposed and categorized for the tax year 2016-17 upon the assessed value on all taxable property within the County in accordance with the law. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution constitutes the above aggregate levy

	SUBJECT TO GENERAL GOVERNMENT LIMITATION	EXCLUDED FROM THE LIMITATION
Extension Service District Fund	\$0.0451/\$1000	\$0

Approved and declared adopted on this 22nd day of June 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
BILL HALL, CHAIR

\_\_\_\_\_  
DOUG HUNT, COMMISSIONER

\_\_\_\_\_  
TERRY THOMPSON, COMMISSIONER

# Certificate of Appropriation of Funds

## In Support of Oregon State University Extension Service

This is to certify that pursuant to the provisions of ORS 566.220, the County of Lincoln, State of Oregon, has allocated and approved an appropriation of **\$533,799** for the fiscal year of 2016-17 for the purpose of providing support and funding for Extension educational programs within the County.

Be it further understood that the County has authority to transfer to the OSU Extension Service a sum up to **\$478,799** support of cost incurred by the University on behalf of the County as invoiced by the university.

It is understood that all funds allocated for Extension by the County, whether disbursed directly by County or by OSU, will be in support of the Extension Programs.

In Witness Whereof, We have hereunto set our hands on this 22nd day of June, 2016.

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BILL HALL, CHAIR

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DOUG HUNT, COMMISSIONER

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TERRY THOMPSON, COMMISSIONER

**BEFORE THE GOVERNING BODY OF THE LINCOLN COUNTY SOLID WASTE DISPOSAL  
SERVICE DISTRICT**

In the Matter of: }  
Adopting the 2016-17 Budget } RESOLUTION NO. \_\_\_\_\_  
And Making Appropriations }

BE IT RESOLVED that the governing body of the Lincoln County Solid Waste Disposal Service District hereby adopts the budget for the fiscal year 2016-17 in the amount of **\$338,979** as approved by the Budget Committee of the Lincoln County Solid Waste Disposal Service District.

BE IT FURTHER RESOLVED THAT the amounts for the fiscal year beginning July 1, 2016 and for the purposes shown below are hereby appropriated as follows:

**SOLID WASTE DISPOSAL DISTRICT FUND**

Personnel Services	\$118,349
Materials & Services	162,538
Contingency	<u>50,156</u>
TOTAL APPROPRIATIONS	\$331,043
Unappropriated Balance	<u>7,936</u>
TOTAL FUND	\$338,979

There is no tax levy or other taxes as defined under the provisions of Section 11b, Article XI of the Oregon Constitution to be allocated.

Approved and declared adopted on this 22nd day of June 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
BILL HALL, CHAIR

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DOUG HUNT, COMMISSIONER

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TERRY THOMPSON, COMMISSIONER

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**BEFORE THE GOVERNING BODY OF THE LINCOLN COUNTY  
TRANSPORTATION SERVICE DISTRICT**

In the Matter of: }  
 Adopting the 2016-17 Budget, }  
 Making Appropriations, Levying }  
 Taxes, and Categorizing the Levy }

RESOLUTION NO. \_\_\_\_\_

BE IT RESOLVED THAT the governing body of the Lincoln County Transportation Service District hereby adopts the budget for the fiscal year 2016-17 in the total amount of **\$5,099,104** as approved by the Budget Committee of the Lincoln County Transportation Service.

BE IT FURTHER RESOLVED THAT the amounts for the fiscal year beginning July 1, 2016 and for the purposes shown below are hereby appropriated as follows:

**TRANSPORTATION SERVICE DISTRICT FUND**

Personnel Services		\$1,552,347
Materials & Services		895,007
Capital Outlay		1,257,600
Contingency		<u>337,691</u>
	TOTAL APPROPRIATIONS	\$4,042,645
Unappropriated Ending Balance		<u>\$ 1,056,459</u>
	FUND TOTAL	\$5,099,104

BE IT FURTHER RESOLVED THAT the Board of County Commissioners of Lincoln County hereby imposes the taxes provided for in the adopted budget at the permanent rate of \$0.0974 (9.74 cents per \$1,000); and that these taxes are hereby imposed and categorized for the tax year 2016-17 upon the assessed value on all taxable property within the County in accordance with the law. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution constitutes the above aggregate levy

	SUBJECT TO GENERAL GOVERNMENT LIMITATION	EXCLUDED FROM THE LIMITATION
Transit Service Fund	\$0.0974/\$1000	\$0

Approved and declared adopted on this 22nd day of June 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
 BILL HALL, CHAIR

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 DOUG HUNT, COMMISSIONER

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 TERRY THOMPSON, COMMISSIONER

**BEFORE THE GOVERNING BODY OF THE LINCOLN COUNTY  
ANIMAL SERVICES DISTRICT**

<b>In the Matter of:</b> <b>Adopting the 2016-17 Budget,</b> <b>Making Appropriations, Levying</b> <b>Taxes, and Categorizing the Levy</b>	} } } }	<b>RESOLUTION NO. _____</b>
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BE IT RESOLVED THAT the governing body of the Lincoln County Animal Services District hereby adopts the budget for the fiscal year 2016-17 in the total amount of **\$1,168,221** as approved by the Budget Committee of the Lincoln County Animal Services District.

BE IT FURTHER RESOLVED THAT the amounts for the fiscal year beginning July 1, 2016 and for the purposes shown below are hereby appropriated as follows:

**ANIMAL SERVICES DISTRICT FUND**

Personnel Services		\$	632,336
Materials & Services			279,600
Capital Outlay			20,000
Contingency			223,190
	TOTAL APPROPRIATIONS		\$ 1,115,126
Unappropriated Ending Balance		\$	13,095
	FUND TOTAL	\$	1,168,221

BE IT FURTHER RESOLVED THAT the Board of County Commissioners of Lincoln County hereby imposes the taxes provided for in the adopted budget at the permanent rate of \$0.11 (11 cents per \$1,000); and that these taxes are hereby imposed and categorized for the tax year 2016-17 upon the assessed value on all taxable property within the County in accordance with the law. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution constitutes the above aggregate levy

	SUBJECT TO GENERAL GOVERNMENT LIMITATION	EXCLUDED FROM THE LIMITATION
Animal Services Fund	\$0.11/\$1000	\$0

Approved and declared adopted on this 22nd day of June 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
BILL HALL, CHAIR

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DOUG HUNT, COMMISSIONER

\_\_\_\_\_  
TERRY THOMPSON, COMMISSIONER

**BEFORE THE GOVERNING BODY OF SILETZ AREA ENHANCED LAW ENFORCEMENT SERVICE DISTRICT**

In the Matter of: }  
 Adopting the 2016-17 Budget, } RESOLUTION NO. \_\_\_\_\_  
 Making Appropriations, Levying }  
 Taxes, and Categorizing the Levy }

BE IT RESOLVED THAT the governing body of the Siletz Area Enhanced Law Enforcement Service District hereby adopts the budget for the fiscal year 2016-17 in the total amount of ~~\$440,368~~ as approved by the Budget Committee of the Siletz Area Enhanced Law Enforcement Service District.

BE IT FURTHER RESOLVED THAT the amounts for the fiscal year beginning July 1, 2016 and for the purposes shown below are hereby appropriated as follows:

**SILETZ AREA ENHANCED LAW ENFORCEMENT SERVICE DISTRICT FUND**

Personnel Services	\$259,568
Materials & Services	74,800
Capital Outlay	106,000
<b>TOTAL APPROPRIATIONS/FUND TOTAL</b>	<b>\$440,368</b>

BE IT FURTHER RESOLVED THAT the Board of County Commissioners of Lincoln County hereby imposes the taxes provided for in the adopted budget at the permanent rate of \$1.3100 per \$1,000 of taxable property value; and that these taxes are hereby imposed and categorized for the tax year 2016-17 upon the assessed value on all taxable property within the District in accordance with the law. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution constitutes the above aggregate levy

	SUBJECT TO GENERAL GOVERNMENT LIMITATION	EXCLUDED FROM THE LIMITATION
Siletz Area Enhanced Law Enforcement Service District Fund	\$1.31/\$1000	\$0

Approved and declared adopted on this 22nd day of June 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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BILL HALL, CHAIR

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DOUG HUNT, COMMISSIONER

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TERRY THOMPSON, COMMISSIONER

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR LINCOLN COUNTY OREGON**

<p><b>In the Matter of:</b> }  <i>Adopting the 2016-17 Budget,</i> }  <i>Making Appropriations, Levying</i> }  <i>Taxes, and Categorizing the Levy</i> }</p>	}	<p><b>RESOLUTION NO.</b> _____</p>
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BE IT RESOLVED THAT the Board of County Commissioners of Lincoln County hereby adopts the budget for the fiscal year 2016-17 in the total amount of **\$94,930,478** as approved by the Budget Committee of Lincoln County and further adjusted within the statutory limitations during the public budget hearing held commencing June 22, 2016.

BE IT FURTHER RESOLVED THAT the amounts for the fiscal year beginning July 1, 2016 and for the purposes shown below are hereby appropriated as follows:

**GENERAL FUND (101)**

General Government	11,322,464	
Debt Service	409,634	
Public Safety	19,087,708	
Community Services	2,394,032	
Transfer to Public Health Fund	307,500	
Transfer to Radio Communications Fund	95,630	
Contingency	2,150,000	
	TOTAL APPROPRIATIONS	35,766,968
Unappropriated Ending Balance		3,650,218
	FUND TOTAL	39,417,186

**ECONOMIC DEVELOPMENT FUND (102)**

Materials & Services	261,650	
Contingency	181,220	
	FUND TOTAL	442,870

**VEHICLE REPLACEMENT FUND (103)**

Materials & Services	3,000	
Capital Outlay	337,000	
Contingency	350,215	
	FUND TOTAL	690,215

**ROAD FUND (201)**

Personnel Services	3,025,197	
Materials & Services	2,209,420	
Capital Outlay	3,376,000	
Debt Service	7,642	
Transfer to Radio Communications Fund	20,852	
Contingency	1,000,000	
	TOTAL APPROPRIATIONS	9,639,111
Unappropriated Ending Balance		9,301,924
	FUND TOTAL	18,941,035

COUNTY FAIR FUND (203)		
Materials & Services		151,561
Contingency		11,477
	FUND TOTAL	<u>163,038</u>
LAW LIBRARY FUND (205)		
Materials & Services		42,580
Contingency		77,205
	FUND TOTAL	<u>119,785</u>
CLERK RECORDS FUNDS (207)		
Personnel Services		54,733
Materials & Services		102,370
	FUND TOTAL	<u>157,103</u>
HEALTH & HUMAN SERVICES FUND (208)		
Personnel Services		4,393,983
Materials & Services		1,512,930
	FUND TOTAL	<u>5,906,913</u>
MENTAL HEALTH FUND (209)		
Personnel Services		6,881,512
Materials & Services		3,782,344
Capital Outlay		245,000
Transfer to Public Health Fund		50,000
	TOTAL APPROPRIATIONS	<u>10,958,856</u>
Unappropriated Ending Balance		868,131
	FUND TOTAL	<u>11,826,987</u>
TITLE III/SAFETY NET FUND (213)		
Materials & Services		1,008,368
Capital Outlay		412,878
	FUND TOTAL	<u>1,421,246</u>
SELF INSURANCE FUND (215)		
Personnel Services		60,975
Materials & Services		636,000
Capital Outlay		225,000
Contingency		3,727,029
	FUND TOTAL	<u>4,649,004</u>

COMMUNITY HEALTH CENTER FUND (216)		
Personnel Services		3,477,092
Materials & Services		2,041,893
	FUND TOTAL	<u>5,518,985</u>
CORNER PRESERVATION FUND (217)		
Personnel Services		33,483
Materials & Services		132,200
Capital Outlay		35,000
Contingency		112,745
	FUND TOTAL	<u>313,428</u>
CAPITAL PROJECTS FUND (219)		
Materials & Services		117,500
Capital Outlay		616,250
Contingency		1,871,275
	FUND TOTAL	<u>2,605,025</u>
RADIO COMMUNICATIONS SYSTEMS FUND (291)		
Materials & Services		137,640
Contingency		94,575
	FUND TOTAL	<u>232,215</u>
DUII FUND (601)		
Materials & Services		15,000
Contingency		2,452
	FUND TOTAL	<u>17,452</u>
AGATE BEACH DISPOSAL SITE CLOSURE FUND (603)		
Materials & Services		685,482
Capital Outlay		15,000
	FUND TOTAL	<u>700,482</u>
FAIR FACILITIES FUND (607)		
Materials & Services		152,500
Capital Outlay		1,655,009
	FUND TOTAL	<u>1,807,509</u>
	TOTAL APPROPRIATIONS	81,110,205
	TOTAL UNAPPROPRIATED	<u>13,820,273</u>
	TOTAL ALL FUNDS	94,930,478

BE IT FURTHER RESOLVED THAT the Board of County Commissioners of Lincoln County hereby imposes the taxes provided for in the adopted budget at the permanent rate of \$2.8202 per \$1,000 for general operations; and that these taxes are hereby imposed and categorized for the tax year 2016-17 upon the assessed value on all taxable property within the County in accordance with law as of 1:00 A.M. July 1, 2016. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution constitutes the above aggregate levy.

	SUBJECT TO GENERAL GOVERNMENT LIMITATION	EXCLUDED FROM THE LIMITATION
General Fund	\$2.8202/\$1000	\$0

Approved and declared adopted on this 22nd day of June 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
BILL HALL, CHAIR

\_\_\_\_\_  
DOUG HUNT, COMMISSIONER

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TERRY THOMPSON, COMMISSIONER

**2016-17 APPROVED BUDGET TO ADOPTED BUDGET CHANGES**

<u>FUND/DEPARTMENT</u>	<u>LINE ITEM</u>	<u>APPROVED</u>	<u>ADOPTED CHANGE</u>	<u>CHANGE AMOUNT</u>	<u>NOTES</u>
<u>GENERAL FUND/CENTRAL ADMINISTRATION:</u>					
MAINTENANCE AGREEMENTS	101-010-93301	2,400	5,500	3,100	to add copier lease payment
CONTRACTUAL SERVICES	101-010-93901	35,000	45,000	10,000	additional expense anticipated
<u>GENERAL FUND/OTHER PUBLIC SAFETY:</u>					
SANE PROGRAM	101-992-93975	-	5,000	5,000	to add Sexual Assault Nurse Examiner Program
<u>GENERAL FUND/GEN GOVT - OTHER:</u>					
LINCOLN SOIL & WATER CONSERVATION DISTRICT - ISCP	101-991-93976	-	8,000	8,000	to add Invasive Species Control Program
UNAPPROPRIATED ENDING FUND BALANCE	101-991-99699	3,676,318	3,650,218	(26,100)	To balance out other adjustments
<b>TOTAL GENERAL FUND CHANGES</b>		<b>3,713,718</b>	<b>3,713,718</b>	<b>-</b>	
<u>ECONOMIC DEVELOPMENT FUND:</u>					
ECONOMIC DEVELOPMENT PROJECTS	102-102-96610	55,000	45,000	(10,000)	to add specific RAIN Project budget amount
RAIN PROJECT	102-102-96618	-	10,000	10,000	to add specific RAIN Project budget amount
<b>TOTAL ECONOMIC DEVELOPMENT FUND CHANGES</b>		<b>55,000</b>	<b>55,000</b>	<b>-</b>	
<u>VEHICLE REPLACEMENT FUND:</u>					
MOTOR VEHICLES	103-103-98301	309,000	337,000	28,000	additional vehicle for Code Enforcement Officer
CONTINGENCY	103-103-99501	378,215	350,215	(28,000)	
<b>TOTAL VEHICLE REPLACEMENT FUND CHANGES</b>		<b>687,215</b>	<b>687,215</b>	<b>-</b>	
<u>PUBLIC HEALTH FUND/PUBLIC HEALTH PREVENTION:</u>					
CRC GRANT	208-407-33126	-	(25,000)	(25,000)	new revenue source
SEARCH GRANT (IHN CCO)	208-407-33183	-	(49,376)	(49,376)	new revenue source
PROMOTION PROGRAM MANAGER	208-407-90267	13,570	30,533	16,963	
HEALTH EDUCATOR	208-407-90360	9,926	39,702	29,776	
FICA	208-407-90801	4,729	5,373	644	
401(K) RETIREMENT	208-407-90802	6,800	7,726	926	
LIFE INSURANCE	208-407-90806	76	90	14	
LTD INSURANCE	208-407-90807	148	176	28	
WORKER'S COMPENSATION	208-407-90808	1,095	3,203	2,108	
UNEMPLOYMENT	208-407-90809	618	702	84	
PROGRAM RETENTION	208-407-95614	3,419	27,252	23,833	
<u>PUBLIC HEALTH FUND/MENTAL HEALTH FIRST AID:</u>					
HEALTH EDUCATOR	208-408-90360	36,030	31,067	(4,963)	
FICA	208-408-90801	2,303	2,377	74	
401(k) RETIREMENT	208-408-90802	3,311	3,417	106	
WORKERS' COMPENSATION	208-408-90808	407	1,417	1,010	
UNEMPLOYMENT	208-408-90809	301	311	10	
OTHER SUPPLIES	208-408-95901	4,811	8,574	3,763	
<u>PUBLIC HEALTH FUND/OPIOID PREVENTION :</u>					
HEALTH PROMOTION PROGRAM MANAGER	208-409-90267	23,748	6,785	(16,963)	

**2016-17 APPROVED BUDGET TO ADOPTED BUDGET CHANGES**

<b>FUND/DEPARTMENT</b>	<b>LINE ITEM</b>	<b>APPROVED</b>	<b>ADOPTED CHANGE</b>	<b>CHANGE AMOUNT</b>	<b>NOTES</b>
HEALTH EDUCATOR	208-409-90360	47,759	60,166	12,407	
FICA	208-409-90801	5,499	5,122	(377)	
401(k) RETIREMENT	208-409-90802	7,906	7,365	(541)	
LIFE INSURANCE	208-409-90806	86	83	(3)	
LTD INSURANCE	208-409-90807	169	162	(7)	
UNEMPLOYMENT	208-409-90809	76	669	593	
PROGRAM RETENTION	208-409-95614	2,811	7,702	4,891	
<u>PUBLIC HEALTH FUND/MATERNAL-CHILD HEALTH HOME VISITING:</u>					
BABIES FIRST/AFS	208-411-34583	(160,800)	(174,167)	(13,367)	additonal revenue
<u>PUBLIC HEALTH FUND/TOBACCO USE PREVENTION:</u>					
HEALTH EDUCATOR	208-414-90360	35,108	40,219	5,111	
FICA	208-414-90801	2,746	3,339	593	
401(K) RETIREMENT	208-414-90802	3,948	4,797	849	
LIFE INSURANCE	208-414-90806	52	61	9	
LTD INSURANCE	208-414-90807	102	120	18	
WORKER'S COMPENSATION	208-414-90808	188	1,989	1,801	
UNEMPLOYMENT	208-414-90809	359	436	77	
OFFICE SUPPLIES	208-414-94101	1,762	150	(1,612)	
OTHER SUPPLIES	208-414-95901	2,888	-	(2,888)	
<u>PUBLIC HEALTH FUND/ADDICTIONS PREVENTION:</u>					
HEALTH EDUCATOR	208-430-90360	30,225	37,669	7,444	
FICA	208-430-90801	2,636	3,206	570	
401(K) RETIREMENT	208-430-90802	3,790	4,609	819	
HEALTH INSURANCE	208-430-90804	14,308	15,500	1,192	
DENTAL INSURANCE	208-430-90805	939	1,100	161	
LIFE INSURANCE	208-430-90806	68	54	(14)	
LTD INSURANCE	208-430-90807	134	54	(80)	
WORKER'S COMPENSATION	208-430-90808	1,204	1,911	707	
UNEMPLOYMENT	208-430-90809	345	419	74	
PROGRAM RETENTION	208-430-95614	25,199	17,256	(7,943)	
<u>PUBLIC HEALTH FUND/MATERNAL-CHILD POPULATION HEALTH:</u>					
PROGRAM RETENTION	208-461-95614	7,465	13,944	6,479	
<b>TOTAL PUBLIC HEALTH FUND CHANGES</b>		<b>148,264</b>	<b>148,264</b>	<b>-</b>	
<u>MENTAL HEALTH FUND/CO-OCCURRING DISORDERS:</u>					
MEDICAID OPEN CARD	209-427-34534	(90,000)	(100,000)	(10,000)	additonal revenue
MEDICAID WRAP AROUND	209-427-34593	(116,000)	(151,000)	(35,000)	additonal revenue
CARE COORDINATOR	209-427-90353	5,238	50,238	45,000	
<b>TOTAL MENTAL HEALTH FUND CHANGES</b>		<b>(200,762)</b>	<b>(200,762)</b>	<b>-</b>	



*HEALTH & HUMAN SERVICES<sup>12</sup>*

PUBLIC HEALTH DIVISION

Food Service<sup>13, 14</sup>

ORS 624.510/BOC

Restaurant\*

0-15 seats	\$573-590
16-50 seats	\$629 648
51-150 seats	\$749 771
150 or more seats	\$848 873

\* Pro rata fee for new full service restaurants or change of operator;  
50% of annual fee from October 1<sup>st</sup> to December 31<sup>st</sup>.

Limited service restaurant	\$318 328
Vending units (1-10)	\$41 42
Mobile units/pushcarts (1-10)	\$227 234
Commissary	\$399 411
Warehouse	\$159 164
Bed & breakfast food service	\$251 259
Benevolent organization restaurant serving needy population	No charge

Swimming Pools and Spas<sup>13</sup>

ORS 448.100/BOC

First pool or spa	\$402 414
Each additional pool or spa on the same site	\$267 275

**Other Food Service Fees**

<sup>12</sup> The fees for supplies and procedures provided at county health clinics are based upon actual cost, and therefore vary according to cost. ORS 431.415. Behavioral Health fees are determined by an annual cost report; Health fees are based on Relative Value Units and actual supply costs. A sliding fee scale is applied to all charges other than for supplies. The Health & Human Services Department maintains a list of current fees. All fees, including, but not limited to, outstanding re-inspection fees, late payment penalty fees, and returned check fees, must be fully paid prior to issuance or renewal of a license.

<sup>13</sup> For full service and limited service restaurants, and bed and breakfast facilities, Oregon law provides that a “license expires annually on December 31.” ORS 624.020(2). (2) Except as provided in this subsection, to reinstate an expired license the operator must pay a reinstatement fee of \$100 in addition to the license fee. If the operator reinstates the license more than 30 days after the expiration date, the reinstatement fee shall increase by \$100 on the 31st day following the expiration date and on that day of the month in each succeeding month until the license is reinstated. Ors 624.490(2). Payment for license fees must be received in the office of the Public Health Division office by December 31 to avoid a reinstatement fee. Under Oregon law, a license is not transferable between operators or locations, and no refund can be issued for any unused portion of a license. ORS 624.020(6).

A license that is not renewed on or before the expiration date of the license is delinquent. To be renewed in a timely manner, payment must be received in the Public Health Division office on or before the due date.

For all Public Health Division licenses, a license shall not be issued to an applicant/operator until all fees, including all reinspection fees, reinstatement fees, and other fees due and owing to the Public Health Division for current and expired licenses held by the applicant/operator have been fully paid.

<sup>14</sup> The fees listed in this category **include** a remittance assessed by the Oregon Health Authority. ORS 624.510(2), ORS 448.100(2).

Re-inspection of "Critical Item" in restaurant (1 <sup>st</sup> re-inspections no charge)	\$95 98
Re-inspection of restaurant following "Failed to Comply" inspection	\$223 230
Temporary restaurant	
Single Event	\$147 151
Single Event (if paid one week or more before event)	\$112 115
Intermittent (30 days) or Seasonal (90 days)	\$188 194
Intermittent or Seasonal (if paid one week or more before event)	\$153 158
Operational Plan Review	\$77 79
(for intermittent and seasonal temporary restaurants)	
Mobile units licensed by another Oregon county	\$25

Other Fees:

Plan review		
Initial construction		
Full service restaurant	\$418	431
Organizational Camp including food	\$431	
Bed & breakfast	\$125	129
Commissary	\$209	215
Warehouse	\$83	85
Limited service restaurant	\$125	129
Mobile unit	\$125	129
Remodeling		
Full service restaurant	\$168	173
Organizational Camp without food	\$173	
All other facilities	\$83	85
Food handler training	ORS 624.570(5)/BOC	
Training/certificate	OAR 333-175-0001	\$10
Duplicate certificate		\$5
Travelers' Accommodations/Bed & Breakfasts/Recreational "RV" Parks <sup>15, 16</sup>	ORS 446.425/BOC	
Hotels/Bed & Breakfasts:		
1-10		\$102 105
11-25		\$184 190
26-50		\$343 353
51-75		\$493 508
76-100 and over		\$630 + \$2.97 for every space over 100
Recreational "RV" Parks		\$649 + \$3

<sup>15</sup> The fees listed in this category include a remittance assessed by the Oregon Health Authority. ORS 446.425(2)

<sup>16</sup> ORS 446.323: (2) Any person, initially licensed under ORS 446.310 to 446.350 for engaging in the recreation park or travelers' accommodation business who has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50 percent of the annual license fee shall be added. The penalty fee shall be increased by 50 percent of the license fee on the first day of each succeeding month of delinquency.

1-10	\$107	110
11-25	\$195	201
26-50	\$365	376
51-75	\$523	539
76-100 and over	\$669 + \$2.97	\$689 + \$3

for every space over 100

Organizational Camps	ORS 446.425/BOC	\$157162
Daycare/Other Requested Inspections	ORS 329A.400/BOC	\$92 95

Vacation Rental Dwellings/Business Licensing  
Decision Points  
June 22, 2016

Here are the decision areas identified from our previous public meetings and board discussions concerning the establishment of a Vacation Rental Dwelling Business Licensing Program. Once you have provided direction to staff on these matters we will incorporate any changes into the proposed code and provide for a first reading of the ordinance as soon as June 29, 2016. The list is not intended to be exhaustive, and you have received several pieces of correspondence and other input on the proposal to consider.

1. **Local Contact** - - Current version provides contact name, but does not require that to be local person. If so determined by Board, would define local as person who permanently resides within Lincoln County or is a business that provides rental management services or private security services with a physical office open to the public within Lincoln County. In all cases, the person or business must provide a name, address, and all hours telephone number (weekdays, after business hours, and weekends) of the local contact.
2. **Contact** - - Current version leaves it to VRD licensee to notify adjoining property owners of contact information. Suggestion was to have County, through license process, collect information and mail it to property owners. We would increase fees to do so, and would add additional fee for notifying property owners of any changes in contact information during license period. Secondary issue is how far notice should be provided. Currently we propose properties within 250 feet as the notification area. City of Lincoln City uses 250 feet and Newport uses 200 feet for notification purposes.
3. **Response Time** - - Current version requires response to complaint with 20 minutes of complaint. Lincoln City requires response “within a timely manner as may be considered reasonable depending on the circumstances . . .” with purpose to ensure compliance with license standards. Newport requires response within 24 hours. Clearly this is all over the map. We would recommend you combine the two by revising response time as follows:
  - (d) The owner or contact person shall contact a renter by phone or in person or otherwise respond within a reasonable period of time which shall normally be within 1 hour, unless circumstances would require a lesser or greater time, upon receiving any complaint from a neighbor, the local fire department or the Sheriff’s Office concerning the conduct of a renter.
4. **Garbage Service** - - Current version requires appropriate level of garbage service but provides for alternative. I have confirmed with the franchise haulers that they can (and already do) work with VRDs for custom service as needed (either with extra pickups, “concierge” or “valet” service that includes picking up and returning containers on site, or

reductions in service for periods when not as heavily used). I would recommend the alternative language be deleted to assure uniform provision of services.

5. **Occupancy Limits** - - Current version provides for an occupancy limit of 3 persons per sleeping area, plus 2 with a maximum limit of 16 persons per dwelling. For comparison, Lincoln City's proposed code will provide for 2 persons per bedroom, plus 1 more. Lincoln City's attorney indicated to me that will result in a defacto cap of 11 persons, as the building code has been interpreted to allow for 5 bedrooms in a single family dwelling. Newport defines vacation dwellings as units containing not more than five (5) guest rooms. Newport further limits maximum occupancy to 2 persons per bedroom, plus an additional 2 people. That effectively establishes a cap of 12 persons. These limits are consistent with those guidelines in the landlord tenant arena and norm for property management in Oregon for residential properties subject to the landlord tenant laws.<sup>1</sup> We have heard from several property owners asking that higher caps be allowed for specific properties, either through some type of flexible cap limits or grandfathering of existing VRDs. Suggested factors for flexible limits would be dependent on the size of property, off-street parking availability and other factors. Options available to the Board are several fold:

- a. Limitation as proposed. This is the recommended option.
- b. An alternative maximum limit (higher or lower).
- c. Flexible standards. We could allow for a greater maximum occupancy if off street parking commensurate with the occupancy were required. E.G. if a person proposes 8 bedrooms (sleeping areas) and a maximum of 25 persons, the property would need to provide 9 off-street parking spaces. The flexible standard could be combined with a requirement it only be allowed for existing VRDs (combining grandfathering with conditions).
- d. Grandfather in VRDs existing at time ordinance becomes effective and when first licenses are issued. Maximum occupancy would be set at time of issuance of first license. If a potential grandfathered VRD does not obtain timely first license, would lose right to grandfather in occupancy in the future. All other VRDs not grandfathered through licensing would meet license occupancy requirements.

6. **Miscellaneous changes** - -we've cleaned up several sections of the code. First, we will issue licenses within 30 days of a "completed" application, which includes the application form, the notice information, and certification of transient room tax compliance. Next the notices required to be posted must be visible from the street (contact information) and for renters be posted prominently within the dwelling (notice to renters of rules). I've also cleaned up some other references in the code. Finally, we need to decide the effective date of the ordinance. I recommended 90 days from adoption initially, but would prefer a date certain. You can address the issue of current commitments which are outside the license requirements by setting an effective date of January 2, 2017 which would allow all summer/ fall season and holiday commitments to be honored. Or you can choose another date as long as it is at least 30 days after adoption.

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<sup>1</sup> One party has asserted that Fair Housing Laws apply to these short term rentals. They do not. This is offered only to show that a 2 person per bedroom plus 1 occupancy is an accepted guideline in other residential situations.

7. **Fees** - - Upon further consideration of the fee recommendations, and if the Board decides to place notification responsibility with the County as recommended, I would suggest that fees be set initially as \$250 for the initial license, \$125 for the annual renewal, and \$75 for a change in local contact information. We will incorporate those fees into the fee schedule as soon as possible, but set by Board Order otherwise.

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June 17, 2016

Via Email only: [tagraham@co.lincoln.or.us](mailto:tagraham@co.lincoln.or.us)  
Lincoln County Board of Commissioners  
(via email c/o Tanya Graham, Administrative Assistant)  
225 West Olive Street, Room 110  
Newport, Oregon 9736

RE: Public Comment for **June, 22nd Board of Commissioners Meeting**, Proposed  
Vacation Rental Dwellings Ordinance

Dear Honorable Chair and Members of the Board of Commissioners:

I represents Peter and Anna Sam, owners of a mansion like 9 bedroom home they rent on a short term basis to Lincoln County visitors who gather together for large family gatherings.

The comments below are intended to supplement and highlight the comments made at previous public meetings.

One of the principles the Board should consider is one of **fairness and reasonable expectations**. When the Sams purchased the home, it was available and used as a vacation rental dwelling, and the fact the home could be rented was a factor in their purchase. I am sure many other "second homes" in the County have been purchased on the basis that the home could be rented, and such fact effected the price the purchaser was willing to pay. Your ordinance, as currently written, goes beyond the reasonable scope of a VRD ordinance to manage such issues as parking and garbage issues that can arise with VRD's, and goes on to limit potential uses of large homes, like the Sam's home, ultimately significantl deflating the property values of such a home.

There aren't many homes like it in the county and so it is a unique visitor recreation amenity. There are not many homes as large as the Sams home which can attract large families or family reunions. The home has a spectacular ocean view and superior ocean access. Of itself, it attracts visiting families from all over the world to Lincoln County. It is located at 4745 Lincoln Ave., Depoe Bay, in the Lincoln Beach area. The home is rented through Oregon Shores Vacation Rentals that manages the visitors and this home for the Sam family. For convenience our clients are collectively referred to in this letter as "The Owners" or "Owners" as the context requires. Please include this letter (as well as previous correspondence attachments) in the record of the above referenced matter.

The Owners commend you for thoughtfully considering public input on the "Vacation Rental Dwellings Ordinance". With all due respect, The Owners request that you do **not** adopt

the ordinance as proposed. Instead, you should make two amendments: (1) remove the ultimate 16 person occupancy limit that is proposed in the ordinance to apply regardless of the number of existing bedrooms or size of the house, and (2) acknowledge that existing single family dwellings used as short term rentals may continue to be used as vacation rentals and, with respect to occupancy, that they are subject only to the limit imposed in other cities and counties in the state of 3 persons per bedroom plus 2 overall.

### **Proposed Ordinance More Extreme and Restrictive than any other in the State**

The proposed ordinance is among the most or perhaps the most extreme and restrictive short term rental ordinance in Oregon. There are two features of the proposed ordinance that set it apart from any others: (1) an ultimate occupancy limit on single family residences regardless of the number of bedrooms and size of the home, and (2) failure to recognize the state law requirement in ORS 215.130(5) that lawful nonconforming uses are allowed to continue. The proposed Lincoln County ordinance imposes restrictions more onerous than are imposed in the codes of places like the City of Portland, City of Bend, Tillamook County, City of Newport and others. Ordinances of these other jurisdictions have previously been provided in written testimony at prior hearings.

It appears from the transcript of the March 30, 2016 forum that your staff is under the misimpression that the ordinance is like Tillamook County's or merely carries out the state building code or that it is moderate in its prescriptiveness. Nothing could be further from the truth. Tillamook County's ordinance occupancy limit is not a fixed limit; it is based on the number of people that can be accommodated in the particular home:

- (P) The maximum occupancy for a short term rental unit shall be calculated on the basis of an average of three (3) persons per sleeping area plus an additional two (2) persons. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short term rental.

This is the occupancy limit you should impose.

### **Proposal Misapplies the State Building Code to be Basis for Prescriptive Occupancy Limitation No other City or County Imposes in Their Codes**

You are being asked to prohibit a large family in excess of 16 persons from occupying a single family dwelling, regardless of the number of bedrooms or the size of the home. The sole reason you are being asked to impose that restriction is a claim that this is what the state building code requires. The building code imposes no such occupancy limit on short term rentals of a single family dwelling. Expert Opinions have been included in the record in prior submissions to Public Hearings. The State Building Codes division has never supported such a reading of the building code and no other jurisdiction in the state reads the building code that way other than the City of Lincoln City. And even there, Lincoln City's *code* is not written to impose such a limit but has only been *interpreted* to apply a 16 person occupancy limit on all short term rentals.

The proposal incorrectly applies the state building code and, in so doing sets a precedent it will difficult for the county to come back from while sending a message to certain classes of

visitors (organizers of and participants in large family gatherings) that Lincoln County is not open for their business.

### **Unnecessary and Harmful Proposed Occupancy Restriction to 16 Persons Should be Removed**

We strongly recommend that you remove the last sentence of Section 6, as shown below:

~~“(6) Limits on Occupancy. The maximum occupancy for a short term rental unit shall be calculated on the basis of an average of three (3) persons per sleeping area plus an additional two (2) persons. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. Accessory structures, tents and recreational vehicles and similar sleeping arrangements shall not be used to increase the number of people approved to occupy a short term rental. Notwithstanding the forgoing, no more than 16 persons shall occupy the short term rental unit at any one time, consistent with the limitation contained the Oregon Structural Specialty Code for lodging houses.”~~

Please consider whether there is any purpose to be served by the 16 person occupancy limit on short term rentals. If you agree that there is not one then it should be removed. The purpose is clearly not to avoid adverse neighborhood impacts at all -- other parts of the proposed ordinance limit short term rental dwelling parking, ensure emergency vehicle access, limit noise, ensure garbage collection and limit the number of people who can occupy a sleeping area. The limit is not applied to medium or long term rentals, even though on a long term basis large dwellings are more likely to be rented to unrelated people and are more likely to cause unregulated neighborhood impacts. The occupancy limit in fact has no stated purpose other than service of an incorrect reading of the building code. You should not base important public policy on an incorrect reading of the building code.

If the proposed ordinance is adopted, for no reason and to serve no purpose, visitors to Lincoln County will no longer have *any* home in which large families composed of more than 16 people can gather together for special occasions. We can fathom no legitimate purpose to say a large family that wishes to gather together for a week in a house is to be unlawful in the county, but the same large family is allowed in the county if they rent a house for a month or year. Thus, the proposal is not only pointless, but probably violated both State and the Federal Fair Housing Act, Federal and state constitutional and statutory law protecting families from discrimination due to their size, guaranteeing owners equal protection under the law, the rights of the rights of people to associate and gather together, constitutional law respecting the avoidance of irrational interference with interstate commerce, impairing the obligation of contracts and constitutional rights to substantive due process against arbitrary and capricious laws having no rational basis. Under Federal and State fair housing laws, a property owner cannot discriminate based on familial status. The ordinance, as written, would compel property owners to refuse to rent to persons who had families larger than 16 persons. Your ordinance would open a litigation “can of worms”, since the location ordinance would be contrary to the Federal and State law; prohibiting such discrimination, but your local ordinance would apparently compel the property owners to violate those federal and state laws.

The Owners never rent rooms or beds to different people. They always rent the entire structure to one person who is related by blood, marriage, adoption, and sometime close personal bond to the other vacationers.

### **Proposal is Contrary to ORS 215.130(5)**

The Ordinance should also expressly recognize the right guaranteed by ORS 215.130 that the Ordinance cannot retroactively prohibit preexisting uses. Preexisting uses allowed by prior law might become “nonconforming uses (“NCU’s”) with the passage of new ordinances; however, those NCU’s must be allowed to continue under the new Ordinance both as required by ORS 215.130 and to avoid an owner’s preexisting property rights being wrongfully condemned or taken by the County’s new Ordinance.

ORS 215.130(5) guarantees existing lawful uses to continue. The Owners use of their home in the R-1 zone, as a short term rental of a 9 bedroom home that can accommodate up to 29 related people, is wholly lawful. The Owners may lawfully rent it as a short, medium and long term rental now and in the future on the basis of this state law right. The proposal to restrict their use of the home to families smaller than 16 is contrary to ORS 215.130(5). If alterations are required to enable the dwelling to comply with building codes then ORS 215.130(5) requires the county to allow those alterations.

The fact that the VRD ordinance does not call itself a land use regulation does not change the fact that some elements of the VRD have a significant effect on land use, and therefore becomes a land use regulation. The occupancy limit in the VRD does have a significant effect on land use – it would restrict all residences to families smaller than 16; that is a significant land use restriction, and effectively constitutes a land use regulation. To argue that a restriction on the maximum number of persons that can occupy a home in a district is not a land use restriction would be to argue form over substance.

The Ordinance should acknowledge that existing single family dwellings used as short term rentals may continue to be used as vacation rentals and, with respect to occupancy, that they are subject only to the limit imposed in other cities and counties in the state of 3 persons per bedroom plus 2 overall. (An express provision in the Ordinance would avoid the need to have litigation in the future declare that such nonconforming use rights survive the passage of the ordinance, in the event there was an attempt to enforce the ordinance against lawful preexisting uses).

### **Proposal Impairs the Obligation of Contract and Hurts Visitors Who May not be Able to Re-book Something Else**

The federal constitution guarantees citizens the right to expect that government will not interfere with their contracts. Here, The Owners have binding contractual obligations to lawfully rent the dwelling – all 9 bedrooms and up to 29 people through summer 2017. The proposal would ostensibly impair those contracts and make the contractual object unlawful. This not only violates the federal and state constitution but also is bad policy and precedent. The families that have rented The Owners’ house have relied on its availability as an integral part of weddings, family reunions, memorials for fallen loved ones, and other important events where rebooking to find something else at this late date may be impossible or prohibitively expensive. Thus, the

County for again, no good reason, will significantly harm these visitors who will not soon forget their bad experience in Lincoln County.

### **REQUEST FOR NOTICE OF DECISION**

Once a decision is made on this matter, please provide me a Notice of Decision. I believe the adoption of the VRD ordinance with occupancy restrictions is a post acknowledgment amendment of the County's comprehensive plan or land use regulations, and REQUEST FOR NOTICE (see, ORS 197.615) of such action is hereby formally requested.

### **CONCLUSION**

The 16 person occupancy limit (or any other occupancy limit that is not based upon the size or number of bedrooms in the residence) is an arbitrary provision that:

1. Does not address the issues that the VRD ordinance was designed to address, such as parking, noise and garbage issues; the VRD addresses those legitimate concerns in other clauses, making the occupancy limit unnecessary.
2. Is unfair to persons who have previously acquired property, and devalues property, that has previously been rented to large families.
3. Is a violation of, or requires property owners to violate, federal and state laws that prohibit discrimination based upon family status or size.
4. Fails to recognize State law that requires preexisting uses to continue after passage of a new restriction on use of a property.
5. Is more restrictive than other jurisdiction's vacation rental ordinances, and would prohibit large families from being able to come to Lincoln County (and cause the County to lose the economic benefits that such visitors provide)
6. Would deny previously booked reservations from being able to rent due to their family size.

The arbitrary 16 person VRD occupancy restriction should be removed, and, for clarification purposes, the Ordinance should recognize that existing single family dwellings used as short term rentals may continue to be used as vacation rentals and, with respect to occupancy, that they are subject only to the limit imposed in other cities and counties in the state of 3 persons per bedroom plus 2 overall.

Very truly yours,

David R. Nepom

DRN/kkp

CC: clients

Jim Nordell

Wayne Belmont, county Counsel, via email

June 22, 2016

Honorable Chair and Members of the Lincoln County Board of Commissioners:

I will be brief. This follows my submission to you of March 4, 2016 (copy attached).

*The Sandcastle is a **landmark, historic structure from 1939**. It is deeply renown.*

- **It is unique, distinctive, inimitable** – a matchless work of hand-hewn timbers. This has been a vacation home to families, church groups, and diverse organizations for decades. It had been the center of Waldport’s community social life as a commercial use (restaurant, dance hall, inn, and guest house) for at least fifty years. There is no place on the Central Coast with its capacity under one roof. *Only The Sandcastle can accommodate these large family reunions.*
- In my eleven years at its helm, **there has not been one public complaint**, ever.
- The Sandcastle has an **immense parking lot on its premises**: 15 vehicles, easy.
- The **Sandcastle sits alone** facing forestland and seacoast; noise is a non-issue.
- The Sandcastle **contracts large lidded trash receptacles** picked-up weekly.

These are the characteristics of an asset to the community, one that contributes revenue in so many ways, which raises the value of neighbors’ properties by its immaculately maintained septic system, well-cared structure, and aesthetic allure.

The Sandcastle is proudly rooted in its unique identity to the Central Coast. The Sandcastle’s approximately 4500 square feet of living space is noble in both its purpose and its role in the local community: *it contributes at no cost to others.*

Therefore, as an example of civilized vacation accommodations, The Sandcastle humbly asks this Honorable Commission that it be allowed to live and let live. It asks that the dozens of families under its hospitality, families who are faithful yearly guests, be allowed to perpetuate their tradition of their annual return “home.”

On behalf of our Sandcastle, thank you for understanding: one size does not fit all.

Respectfully submitted,

Lawrence and Sarah Morrow

May 4, 2016

Honorable Chair and Members of the Lincoln County Board of Commissioners:

This letter is respectfully presented to you in furtherance of your deliberations towards the "Vacation Rentals Dwellings Ordinance." My name is Lawrence Morrow and I have owned a vacation short-term rental in Waldport for over a decade.

### **Introduction to "The Inn at Sandcastle Beach"**

Almost eleven years ago I purchased a Waldport landmark built around 1939 and well known by practically everyone who grew up on The Coast since the Second World War. It was called "The Sandcastle" and has been in continuous use as an inn of sorts for some five decades. It was in unsightly shambles: it spewed raw sewerage on to the beach, attracted rodents and vermin, and hosted unsavory types as paying guests. Neighbors hated it; weekly complaints of the sewerage were quite common.

It brought down the entire neighborhood; the neighbors saw no hope in sight.

I completely rehabilitated this noble structure by first installing a state-of-the-art "engineered" septic system, actually a water treatment plant, the first residential application of its kind in Lincoln County. It saved the huge parking lot, which a conventional septic system would have substantially occupied. This cost over 50 grand then, and now tops 70K. Next, I created new drainage systems; added dual-paned windows; painted inside and out; re-graded the extensive parking lot; totally new roofings and siding; and for everyone in the neighborhood restored our beach path with pressure-treated poles and stairs. Hedges, decorative boulders, and outdoor decking and Trex-stairs were added. Electric was upgraded and plumbing modernized. Finally, I renovated every bedroom and added a new full bathroom.

Each of two levels has a totally-equipped kitchen; there are four exits to the street; 5 ½ bathrooms; 220 baseboard and wall heaters; and, separate water heaters. Besides indoor ping-pong and billiards, six televisions plus two music systems assure entertainment. Conference-style seating and audio invite diverse groups.

In summary, I took an eyesore nuisance and transformed it into a handsome public asset. To see it is to believe it, and I invite you to visit. And in these past eleven years, after hundreds of rentals, we have *not had even one public complaint* for any reason whatsoever. Some 4500 square feet of oceanfront living, families from all over the region regularly call "The Inn at Sandcastle Beach" their vacation "home."

The Sandcastle has Wi-Fi, new mattresses/appliances. And it's booked through 2017. This one of very few such large vacation rental homes on the Central Oregon Coast, and therefore, is in high demand serving tourism visiting Lincoln County.

## **Brief Legal Discussion**

ORS 215.130(5) is clear that nonconforming uses are allowed to continue. “The Sandcastle” has been a vacation rental for over twenty years. It has been a public inn of some type virtually since its inception. With reason, Yachats exempted existing vacation rentals in its 2014 ordinance in order to *balance* competing interests. If any property fits the rational for non-conforming use exemption it’s The Sandcastle.

For your information, the city of Bend recently considered this issue and its City Attorney agreed that short-term rental owners have non-conforming use rights.

By now, no one doubts a legal challenge commencing with an injunction is bound to ensue. On the Federal level, the Fair Housing Act’s violation is but one basis for enjoining the proposed ordinance. A “taking without just compensation” is another, as the redundancy and unnecessary proscriptions within the proposed ordinance undermine any claim of a “rational relationship to a legitimate [state] interest.” But legal contention is completely unnecessary in light of our shared interests.

The Building Code’s R-1 occupancy itself was recently plainly misinterpreted: detached single-family residences clearly do *not* fall within its purview.

Rather than precipitate litigation, both costly and needless, cooperation is in everybody’s interests to accommodate the families and groups desirous of sharing their time at the Central Coast, together, under one roof. *We can* work together.

The business of government, after all, is business.

Respectfully submitted,

Lawrence Morrow, Trustee  
The Morrow Family Trust  
lawmorrow@gmail.com

