



AGENDA

Lincoln County Board of Commissioners

Board of Commissioners
225 West Olive Street
Room 110
Newport, OR 97365
Phone: 541.265.4100
FAX: 541.265.4176

Wednesday, July 6, 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

A. Employee Recognitions:

1. Linda Pilson – Treasurer – 30 Years of Service
2. Melisa Baker – Health and Human Services – 10 Years of Service
3. John Reed – Veteran's Services – 10 Years of Service
4. Jennifer Monroe – District Attorney's Office – 10 Years of Service
5. Gregory Lundy – Transit District – 10 Years of Service

IV. ADOPTION OF CONSENT CALENDAR

A. Minutes of Board of Commissioners Meeting

1. Order #7-16- 189 Board of Commissioners Meeting Minutes for April 13, 2016
2. Order #7-16- 190 Board of Commissioner Meeting Minutes for June 22, 2016

B. Commission Appointments and Resignations

1. Order #7-16- 191 Changes in Membership to the Pacific Shores Special Road District Board

2. Order #7-16- 192 Changes in Membership to the Lincoln County Solid Waste Disposal Service District Advisory Committee

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**

H. **Execution of Documents**

1. Lease between Lincoln County and Newport Coast Investments, LLC for property at 34 SW Coast Highway (Terms: 7/1/16 – 6/30/19; \$4,290 per month)

V. **PUBLIC HEARING**

VI. **DECISION/ACTION**

VII. **DISCUSSION/INFORMATION**

- A. **Senate Bill 1513** **Relating to Property Tax Exemptions for Homesteads of the Surviving Spouses of Certain Public Safety Officers – Presented by Sheriff Landers**

- B. **Ordinance # 487** **Relating to Short Term Rentals of Dwelling Units; Creating New provisions – Presented by Bill Hall and Wayne Belmont**

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**

XII. ADJOURNMENT

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

Monday, July 11, 2016 – 9:30 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, July 13, 2016 – 9:30 a.m. – Board of Commissioners Meeting in the Commissioner’s Meeting Room, Lincoln County Courthouse Room #108, 225 West Olive Street, Newport,

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.

Enrolled
Senate Bill 1513

Sponsored by Senators GIROD, COURTNEY, KNOPP, JOHNSON (Presession filed.)

CHAPTER

AN ACT

Relating to a property tax exemption for the homesteads of the surviving spouses of certain public safety officers; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Fire service professional," "police officer" and "reserve officer" have the meanings given those terms in ORS 181A.355.

(b) "Homestead" means the owner-occupied principal dwelling, either real or personal property, owned by a surviving spouse and the tax lot upon which the dwelling is located.

(c) "Surviving spouse" means the spouse of a fire service professional, police officer or reserve officer killed in the line of duty who has not remarried after the death of the fire service professional, police officer or reserve officer.

(2)(a) A county may provide, by ordinance or resolution, that up to \$250,000 of assessed value of each homestead located in the county shall be exempt from ad valorem property taxes imposed by all taxing jurisdictions on the homestead.

(b) An exemption granted under this section applies solely to the period preceding the date of the first remarriage of the surviving spouse after the death of the fire service professional, police officer or reserve officer and ends on the date of remarriage.

(3)(a) A surviving spouse seeking an exemption granted pursuant to this section must file an application with the county assessor on or before April 1 preceding the property tax year for which the exemption is sought.

(b) If the homestead designated in the claim for exemption is acquired after March 1 and before July 1, the claim for that year must be filed within 30 days after the date of acquisition.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, a claim may be filed for the current tax year:

(A) On or before December 31 of the tax year, if the claim is accompanied by a late filing fee in an amount equal to the greater of \$200 or one-tenth of one percent of the real market value as of the most recent assessment date of the homestead to which the claim pertains.

(B) On or before April 1 of the tax year, if the claim is accompanied by a late filing fee of \$200 and the claimant is a first-time filer, as defined in ORS 307.162, or demonstrates good and sufficient cause, as defined in ORS 307.162, for failing to file a timely claim.

(4)(a) An application for an exemption granted pursuant to this section must:

(A) Be made on a form prescribed by the Department of Revenue;

(B) Designate the property for which the exemption is claimed and be accompanied by documentation showing the surviving spouse's ownership of the homestead;

(C) Include a statement setting forth the basis for eligibility for the exemption;

(D) Be accompanied by a document that:

(i) Is issued by the fire service agency or law enforcement unit that employed or utilized the fire service professional, police officer or reserve officer at the time of death; and

(ii) Certifies that the fire service professional, police officer or reserve officer was killed in the line of duty; and

(E) Include a written statement signed by the surviving spouse affirming that all information contained in the application is true.

(b) A timely application shall be approved if all requirements for the exemption are met.

SECTION 2. This 2016 Act takes effect on the 91st day after the date on which the 2016 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.

Passed by Senate February 19, 2016

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House February 29, 2016

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2016

Approved:

.....M.,....., 2016

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2016

.....
Jeanne P. Atkins, Secretary of State

1 **DRAFT**

2 **June 29, 2016**

3 **BEFORE THE BOARD OF COMMISSIONERS**

4 **FOR LINCOLN COUNTY, OREGON**

5 ORDINANCE # _____

6 _____
7
8 **Relating to short term rentals of dwelling units; creating new provisions.**
9 _____

10 The Lincoln County Board of Commissioners ordains as follows:

11 **SECTION 1.**

12 Sections 2 through ____ of this ordinance are added to and made a part of LCC
13 Chapter 4, Business Regulation as indicated.

14 **SECTION 2.**

15 **SHORT TERM RENTAL OF DWELLING UNITS**

16 **4.405 Findings and Purpose**

17 **(1) The Lincoln County Board of Commissioners finds that:**

18 **(a) The growth in the number of short term rental of dwelling units within the**
19 **County has been accompanied by increased problems of excessive noise, spilled**
20 **garbage, shortages of parking, and overcrowded accommodations;**

21 **(b) The best way to regulate these impacts is to establish conditions for**
22 **operation of these rentals and to implement a licensing program by the County to**
23 **ensure compliance with those standards; and**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (c) The conditions established herein will allow operation of such rentals in a
2 manner that respects and protects the livability of the neighborhoods in which these
3 rentals are located.

4 (2) The purpose of LCC 4.405 through 4.460 is to provide for the peace, health,
5 safety and livability of residents of, and visitors to, Lincoln County. This is not a land
6 use ordinance and is not made a part of Lincoln County Code Chapter 1, Land Use
7 Planning.

8 **SECTION 3.**

9 **4.410 Applicability**

10 LCC 4.405 through 4.460 shall apply to the unincorporated areas of Lincoln
11 County. These provisions shall not apply to Bed and Breakfast Inns, Hotels, Lodges,
12 Motels, Resorts, Recreational Vehicle Parks, Campgrounds, or other similar lodging
13 units which are regulated by LCC Chapter 1.

14 **SECTION 4.**

15 **4.415 Definitions**

16 For the purpose of LCC 4.405 through 4.460

17 (1) "Accessory structure or accessory use" means a structure or use incidental
18 and subordinate to the main use of a property and located on the same lot as the main
19 use.

20 (2) "Contact Person" means:

21 (a) The owner(s) of the dwelling unit; or

22 (b) The agent of the owner(s), authorized to act for the owner(s) as designated
23 on the license application.

24 (3) "Dwelling Unit" means:

25 (a) A single unit providing complete, independent living facilities for one or
26 more persons including permanent provisions for living, sleeping, eating, sanitation
27 and only one cooking area.

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1 **(b) A "single family dwelling" means a structure of which all habitable portions**
2 **thereof are connected structurally and comprise one dwelling unit, including but not**
3 **limited to factory built dwellings, mobile homes and site built dwellings.**

4 **(c) A "two family dwelling" means a structure of which all habitable portions**
5 **thereof are connected structurally and comprise two dwelling units including but not**
6 **limited to factory built dwellings, mobile homes and site built dwellings.**

7 **(d) A "multi-family dwelling" means a structure of which all habitable**
8 **portions thereof are connected structurally and comprise three or more dwelling units,**
9 **including, but not limited to, factory built dwellings, mobile homes and site built**
10 **dwellings.**

11 **(4) "License" means a short term rental license issued by Lincoln County and**
12 **maintained in good standing by the Owner(s) or agent of the Owner(s) in accordance**
13 **with the provisions of the Lincoln County Code.**

14 **(5) "Owner(s)" means the person or people, partnership, corporation,**
15 **association, or other legally recognized person(s) or entity holding title to the dwelling**
16 **unit in accordance with law.**

17 **(6) "Person" includes any natural person(s), firm, partnership, association,**
18 **social or fraternal organization, corporation, business or any other group or**
19 **combination acting as a unit.**

20 **(7) "Rental Agreement" means any agreement, whether or not in writing,**
21 **granting the use of a dwelling unit to a person. Use of a dwelling unit by a recorded**
22 **owner or other person or persons without monetary consideration shall not be**
23 **considered to be a rental under this chapter.**

24 **(8) "Rent" means the authorization of use of a dwelling unit granted to a**
25 **person(s) in exchange for monetary consideration.**

26 **(9) "Renter" is a person who rents a short term rental.**

1 (10) "Short Term Rental" means the renting of a dwelling unit (including any
2 accessory guest house on the same property) to any person(s) on a day to day basis or
3 for a period of time of up to thirty (30) consecutive nights.

4 (11) "Sleeping Area" is a room or other space within a dwelling unit ~~for~~
5 ~~accessory structure(s)~~ designed, intended or used for sleeping. Roll out beds, fold out
6 couches, or other temporary sleeping accommodations including tents and recreational
7 vehicles shall not be considered a sleeping area, and may not be used to increase the
8 allowed occupancy of a short term rental as provided in LCC 4.404 through 4.460.
9 Determinations as to the number of sleeping areas within a dwelling unit is reserved to
10 the Lincoln County Licensing Authority and all determinations are final.

11 SECTION 5.

12 4.420 Licenses

13 (1) It shall be unlawful to rent any dwelling unit as a short term rental without
14 obtaining and maintaining a current license as provided in LCC 4.405 through 4.460.
15 All dwelling unit owners shall obtain a license prior to using the dwelling unit as a
16 short term rental.

17 (2) No license granted under the provisions of LCC 4.405 through 4.460 shall be
18 assignable. If the dwelling unit is sold or transferred by any means, a new license is
19 required of the subsequent owner(s) who desire to continue short term rental
20 operation; provided, however, that the Board of Commissioners may set a pro rata
21 lower fee for the first year. The subsequent owner(s) will be required to fill out a new
22 application and agree in writing to comply with the requirements of this Chapter.

23 SECTION 6.

24 4.425 Application for License; Fee

25 (1) Applications for a license, renewal of a license, or license caused by a change
26 in ownership shall be made upon forms provided by the County.

1 **(2) Every license application, renewal license or license caused by a change in**
2 **ownership shall be accompanied by annual fee(s) in amounts as set, and periodically**
3 **reviewed and amended, by order of the Board of Commissioners.**

4 **(3) Every application shall be processed by the Department or Office designated**
5 **by the Lincoln County Board of Commissioners (hereafter County Licensing**
6 **Authority). Upon receipt of the completed application the County will review the**
7 **application and certify that:**

8 **(a) Based on a viewing of the property, the short term rental complies with**
9 **standards found in LCC 4.440(1) in posting contact person information and providing**
10 **that information to the local fire department and Lincoln County Sheriff's Office.**

11 **(b) Determine the maximum occupancy for the short term rental as defined by**
12 **LCC 4.440(6).**

13 **(c) Receive and review the certified statement of the owner that the owner of**
14 **the short term rental has met and will continue to comply with the requirements of this**
15 **Chapter.**

16 **(d) Transient Room Tax Compliance Required. Notwithstanding any other**
17 **provision of this Chapter or the Lincoln County Code, and as a separate stand-alone**
18 **requirement and criteria for holding a valid license, the owner shall provide a certified**
19 **statement that the owner will comply with LCC Chapter 5.005 through 5.070**
20 **Transient Room Taxes. If the owner cannot demonstrate compliance with Chapter 5**
21 **Transient Room Taxes, or the County determines that the owner is not in compliance**
22 **with the provisions of that Chapter, the license shall not be issued, or may be**
23 **suspended or revoked, or may denied upon renewal, until such time as the**
24 **noncompliance is resolved to County's satisfaction. Compliance includes, but is not**
25 **limited to, failure to report, improper reporting, failure to collect or failure to remit**
26 **required transient room taxes. Any of these actions not timely made is also grounds**
27 **for noncompliance.**

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1 **SECTION 7.**

2 **4.430 Issuance of License**

3 **(1) Authority to issue licenses rests with the Lincoln County Licensing**
4 **Authority as designated by the Board of Commissioners. In addition, an issued license**
5 **is subject to revocation or refusal to renew the license for failure to meet, maintain or**
6 **operate the short term dwelling in conformance with the requirements of this Chapter**
7 **and the procedures as provided in LCC 4.425.**

8 **(2) Within sixty (60) days of receipt of a completed application, the payment of**
9 **required fees, and the determination or certification of compliance with the**
10 **requirements of LCC 4.440 (Operational Standards) and LCC 4.425 (Application for**
11 **License; Fee), a license shall be issued by the Lincoln County Licensing Authority to**
12 **the owner which shall be good for one (1) year from the date of issuance.**

13 **(3) If an application for a permit or the renewal of a permit is denied, or a**
14 **permit is revoked, cancelled or not renewed the owner may appeal denial or revocation**
15 **or nonrenewal under LCC 4.450. Unless and until a permit is finally revoked or not**
16 **renewed as provided in this Chapter, a short term rental may continue to operate.**

17 **SECTION 8.**

18 **4.440 Operating Standards**

19 **As used in LCC 4.405 through 4.460, all short term rentals shall comply with**
20 **the following operating standards and conditions:**

21 **(1) Contact Person(s). The name and phone number of the contact person(s)**
22 **shall be posted, provided and updated in the following manner:**

23 **(a) If the short term rental has a sign identifying it as a short term rental, then**
24 **the current name and phone number of the contact person shall either appear on the**
25 **sign or otherwise be conspicuously posted near the sign so that it is visible from the**
26 **street and from outside the front entrance of the short term rental.**

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1 **(b) In addition, the owner shall provide the contact person's name and phone**
2 **number in writing to the local fire chief and the Lincoln County Sheriff's Office. The**
3 **Sheriff's Office shall supply this information to each property owner as shown on the**
4 **Lincoln County Assessor's records located within two hundred fifty feet (250') of the**
5 **short term rental property.**

6 **(c) The owner shall update the posted notice and provide a new written notice**
7 **to the local fire chief and Lincoln County Sheriff's Office each time there is a change to**
8 **the name or phone number of the contact person. An additional fee, as set by the**
9 **Board, shall accompany the new written notice provided to the Sheriff to offset costs**
10 **of the Sheriff's Office in supplying this new information to property owners in**
11 **accordance with LCC 4.440(1)(c) above.**

12 **(d) The owner or contact person shall contact a renter by phone or in person or**
13 **otherwise respond within a reasonable period of time which shall normally be within**
14 **one hour, unless circumstances would require a lesser or greater time, upon receiving**
15 **any complaint from a neighbor, the local fire department or the Sheriff's Office**
16 **concerning the conduct of a renter.**

17 **(2) Quiet Time. In accordance with the requirements of LCC. 2.2000 through**
18 **2.2045, the hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time.**
19 **Renters who violate this standard may be issued enforcement mechanisms available to**
20 **the County under LCC 2.2045 and LCC Chapter 10. In addition multiple violations of**
21 **the quiet time requirements by short term dwelling renters may subject the licensee to**
22 **revocation or nonrenewal of the license as provided in LCC 4.450. The owner or**
23 **contact person shall notify every renter, in writing, of the quiet times and that a renter**
24 **may be subject to sanction and penalties under the County Code.**

25 **(3) Garbage Service. The owner shall be required to maintain adequate**
26 **garbage service, with required secure containers, from the franchised waste disposal**
27 **service company serving its property. The service must be at level commensurate with**

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1 the garbage generated at the dwelling, but no less than weekly service when the short
2 term rental is being rented. ~~This requirement may be waived upon submission of an~~
3 ~~acceptable alternative plan; provided however that if complaints of garbage not being~~
4 ~~properly and timely disposed of are verified, the owner will be required to immediately~~
5 ~~obtain franchised services.~~ Owners shall notify all guests of the garbage services and
6 requirements for the dwelling.

7 (4) **Parking.** The owner must provide one (1) parking space for each approved
8 sleeping area in a short term rental, plus one (1) additional parking space per unit.
9 For dwellings constructed on or after July 1, 2016 all required parking shall be
10 provided off street. For dwellings constructed prior to July 1, 2016, off-street parking
11 must be used if physically available. If a sufficient number of off-street parking spaces
12 are not available for the authorized number of vehicles, then on-street parking may be
13 used unless otherwise prohibited. Parking shall not, under any circumstances, hinder
14 the path of any emergency vehicle. Renters may be cited and fined under existing State
15 or County law in the event they park illegally. Repeated violations of prohibited
16 parking by renters of the short term rental may be grounds for enforcement against
17 the Owners under LCC 4.460. The owner or contact person shall notify every renter in
18 writing of the required off-street parking and other parking spaces available to serve
19 the short term rental.

20 (5) **House Number.** A house number, visible from the street, shall be installed
21 and maintained by the Owners.

22 (6) **Limits on Occupancy.** The maximum occupancy for a short term rental unit
23 shall be calculated on the basis of an average of three (3) persons per sleeping area plus
24 an additional two (2) persons. For the purpose of maximum occupancy, those under
25 two (2) years of age shall not be counted. Accessory structures, tents and recreational
26 vehicles and similar sleeping arrangements shall not be used to increase the number of

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1 people approved to occupy a short term rental. Notwithstanding the forgoing, no more
2 than 16 persons shall occupy the short term rental unit at any one time.

3 Notwithstanding the foregoing limits, a dwelling built and operated as a
4 short term rental unit on July 1, 2016 may be grandfathered in at a higher maximum
5 occupancy level, not to exceed 3 persons per sleeping area plus 2 additional persons,
6 under the following conditions:

- 7 a. The owner applies for a higher occupancy limit in the initial application
8 for a short term rental license, which application must be received no
9 later than December 31, 2016. No dwelling will be allowed a higher
10 occupancy limit unless the owner applies and qualifies during this
11 application period.
- 12 b. The owner provides proof (rental agreements, ads, or other reasonable
13 evidence) that the unit has historically been rented and occupied by more
14 than 16 persons;
- 15 c. The property on which the dwelling unit is located can provide, within
16 all applicable laws, off-street parking as required under LCC 4.440(4)
17 above. That requirement is one parking space per sleeping area, plus
18 one more.
- 19 d. For illustrative purposes, a dwelling with six sleeping areas may be
20 allowed a maximum of 20 persons (three per sleeping area, plus two
21 more) if a total of seven (7) lawful off-street parking spaces are provided.
- 22 e. Review of the request for a higher occupancy limit shall be made by the
23 County Licensing Authority which at its sole discretion shall make all
24 determinations as to whether or not to grant, partially grant, or deny a
25 request for higher occupancy.

26 (7) Notices to Renters. The owner must provide to each renter and post in a
27 prominent location in the dwelling, a list of rules including, but not limited to, rules on

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1 required quiet times, available garbage service, parking locations and limitations on
2 occupancy.

3 **SECTION 9.**

4 **4.445 Complaint Procedure**

5 All complaints will initially proceed through the informal resolution process
6 provided herein. If the complaint is unresolved, then the more formal process shall be
7 utilized as set forth below:

8 (1) Step One. The complaining party shall attempt to communicate with the
9 contact person designated on the license, communicated in writing to the neighbor, and
10 posted at the short term dwelling. The complainant shall describe the problem and the
11 requested resolution.

12 (2) Step Two. The contact person shall promptly respond to the complainant
13 and make reasonable efforts to remedy any situation that is out of compliance with the
14 provisions of this Chapter. If that resolves the matter, the complaint process
15 terminates.

16 (3) Step Three. If the response from the contact person is not satisfactory to the
17 complaining party or the contact person does not believe that the problem violates this
18 Chapter, either party or both parties may next provide a written complaint to the
19 Lincoln County Licensing Authority, with a copy of the written complaint provided to
20 the other party by the complainant or the contact person. The written complaint shall
21 describe all efforts to resolve the problem. The Licensing Authority shall then attempt
22 to resolve the complaint with parties. The Licensing Authority may use community
23 mediation resources if it determines such resources are available and would help
24 resolve the complaint. If not mutually resolved by the parties, the Licensing Authority
25 shall issue a written determination to both parties to resolve the problem. If the
26 Licensing Authority finds that a violation of this Chapter occurred, the Licensing

1 Authority may undertake enforcement action as authorized in this Chapter and LCC
2 Chapter 10.

3 (4) Step Four. Either party may appeal the determination of the Licensing
4 Authority by filing a written appeal to the Board of Commissioners within thirty (30)
5 days of the Authority's determination. The Board of Commissioners, or its designee,
6 shall hold an informal hearing on the appeal and issue a final decision.

7 (5) This procedure is separate from but complimentary with the procedures
8 used to revoke, cancel or deny renewal of a license, LCC, 4.450.

9 **SECTION 10.**

10 **4.450 Denial, Revocation or Nonrenewal of a License; Hearing**

11 Owners of short term rental units who hold a valid license under this Chapter
12 are required to comply with all applicable provisions of this Chapter and the Lincoln
13 County Code. In addition to the penalties for violation of any provision of LCC 4.405
14 through 4.460 punishable pursuant to LCC Chapter 10, failure to comply may subject
15 the owner to revocation or nonrenewal of a License as provided for in this section.
16 Appeal of denial of a license is also governed under these provisions.

17 (1) The following shall be grounds for considering revocation or nonrenewal of
18 the license:

19 (a) Three or more violations of this chapter or other provisions of the Lincoln
20 County Code related to the same short term rental within one (1) year. Violations
21 include, but are not limited to, complaints identified in LCC 4.445 which reached step
22 4 and a final determination was made that the problem as unresolved violated
23 provisions of this Chapter. Violations may also be determined by the Licensing
24 Authority for noncompliance with the provisions of this Chapter or other provisions of
25 the Lincoln County Code.

26 (2) Denial of a license may be appealed under the procedures set forth below.

1 **(3) The County shall conduct a hearing if it wishes to consider the revocation or**
2 **nonrenewal of short term rental license. The County will also hold a hearing if an**
3 **owner appeals denial of a license. All hearings will be conducted by the Board of**
4 **Commissioners or its designee. The County shall give thirty (30) days written notice to**
5 **all relevant parties of the time, date and place of the hearing, that the short term rental**
6 **permit may be revoked as a result of the hearing and of the allegations and violations**
7 **upon which revocation will be considered. At the hearing, each party shall have an**
8 **opportunity to be heard and present such witnesses, testimony and other evidence as**
9 **that party deems relevant to the issues. The procedure will be informal and no cross**
10 **examination will be allowed. The hearing may be continued at the discretion of the**
11 **County. At the conclusion of the hearing process, the Board of Commissioners or its**
12 **designee shall consider the evidence and issue a written order revoking the license, or**
13 **not renewing it, or denying the application as the situation warrants.**

14 **SECTION 11**

15 **4.455 Nonliability of County**

16 **Neither the County nor any official or employee of the County, including the**
17 **Lincoln County Licensing Authority shall be liable for any damages, claims from any**
18 **owner or third party relating to enforcement of any provision of LCC 4.405 through**
19 **4.460.**

20 **SECTION 12**

21 **4.460 Severability**

22 **Each section, sentence, clause, and phrase hereto is declared severable. If any**
23 **section, sentence, clause, or phrase of this chapter is adjudged by a court of competent**
24 **jurisdiction to be invalid, the decision shall not affect the validity of the remaining**
25 **portions of this Chapter.**

26 **SECTION 13**

27 **This Ordinance takes effect December 1, 2016.**

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First Reading: _____

Second Reading: _____

DATED this ____ day of _____, 2016

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bill Hall, Chair

Terry N. Thompson, Commissioner

Doug Hunt, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:

Recorder

Wayne Belmont, County Counsel

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