



# 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 13, 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. **New Hire Introductions** – Presented by Bridget Robertson

**IV. ADOPTION OF CONSENT CALENDAR**

**A. Minutes of Board of Commissioners Meeting**

1. Order #7-16- 193 Lincoln County Board of Commissioners Joint Work Session with Lincoln City Minutes of June 29, 2016
2. Order #7-16- 194 Board of Commissioners Meeting Minutes of June 29, 2016
3. Order #7-16- 195 Board of Commissioners Meeting Minutes of July 6, 2016
4. Order #7-16- 196 Lincoln County Budget Committee Meeting Minutes of May 18, 2016
5. Order #7-16- 197 Lincoln County Budget Committee Meeting Minutes of June 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 #7-16- 198 Agreement between Lincoln County and Reconnections for contract services providing addiction services for qualified indigent clients (Terms; Effective 7/1/16 – 6/30/17, \$30,000 year)
2. Order #7-16- 199 Intergovernmental Agreement between Lincoln County and Lincoln County School District for the safety of food service in the Lincoln County Schools (Terms; Effective 7/1/16 – 6/30-17, \$181.00 site inspection charge)

**H. Execution of Documents**

**V. PUBLIC HEARING**

- A. Microenterprise Assistance Project – Oregon Community Development Block Grant #M14007 – Presented by: Julie Kay and David Price**

**VI. DECISION/ACTION**

- A. Ordinance # 487** Relating to Short Term Rentals of Dwelling Units; Creating New provisions (*First Reading*)

**VII. DISCUSSION/INFORMATION**

- A. Resolution # \_\_\_\_\_** Approving Referral to the Electors of Lincoln County the Question of Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer within the Unincorporated Areas of Lincoln County –  
*Presented by Jerry Herbage*

**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 18, 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 20, 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.***



**OFFICE OF LINCOLN COUNTY LEGAL COUNSEL**

225 West Olive Street, Room 110

Newport, Oregon 97365

(541) 265-4108

Fax: (541) 265-4176

**Wayne Belmont**

County Counsel

**Kristin Yuille**

Assistant County Counsel

**Janet Harrison**

Paralegal

**Julie Kay**

Grants Administrator

**PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING**

Lincoln County is completing a Microenterprise Assistance project, OCDBG No. M14007, funded with Community Development Block Grant funds from the Oregon Business Development Department. Community Development Block Grant funds come from the U.S. Department of Housing and Urban Development. The project has taken place throughout Lincoln County. It is estimated that as of March 5, 2016 the project has benefited at least 52 clients of whom 50% are low or moderate income.

A public hearing will be held by the Lincoln County Commissioners at **9:30 a.m.** on **Wednesday, July 13, 2016** at the Lincoln County Commissioners Meeting Room, Room 108, 225 West Olive Street, Newport, Oregon. The purpose of this hearing is for the Board of Commissioners to obtain citizen views about the project and to take comments about the local government's performance.

Written comments are also welcome and must be received by **9:30 a.m.** on **July 13, 2016**, at 225 West Olive Street, Room 110, Newport, Oregon 97365. The Commissioners will review both oral and written comments. The location of the hearing is accessible to the disabled. Please contact BOC Office at (541) 265-4100 if you will need any special accommodations to attend or participate in the meeting.

More information about Oregon Community Development Block Grants and the project is available for public review at Room 110, 225 West Olive Street, Newport, Oregon during regular office hours. Advance notice is requested. If special accommodations are needed, please notify BOC office at (541) 265-4100 so that appropriate assistance can be provided.

DATED: June 29, 2016





May 23, 2016

Melissa Murphy  
Regional Coordinator  
Oregon Business Development Department  
775 Summer Street NE  
Salem, OR 97301-1280

Copy

Dear Ms. Murphy:

This is the final narrative for the 2014 Community Development Block Grant project for Lincoln County/Oregon Coast Community College SBDC (Subrecipient). The contract for #M14007 was executed on Jan. 13, 2015, for \$50,000. On July 30, 2015, the IFA generously agreed to an extension of the Project through July 1, 2016. This was critical as the original calendar-year Project did not align ideally with the academic year through which many of our CDBG-supported low- and moderate-income Microenterprise owners participate. We appreciate the ability to extend the program over the 18 months.

This final narrative is the first submitted since February 2016, when we reported through the thirteenth month of the Project (through Jan. 31, 2016.) This report summarizes the entire Project duration – and we anticipate no further activity in the Project through June 2016. During this Project period, we enrolled forty-seven (47) total Low/Mod Income participants in various programs, classes and workshops. Attached is a list of the classes presented during the Project year year to Lincoln County CDBG Micro-Entrepreneurs. It lists the total number of participants in each class and, of those, how many were Low-Mod CDBG enrollees.

Attached are two documents:

- 1) A breakdown of the CDBG participants for Project #M14007
- 2) The classes, workshops and programs which Project-funded participants completed. At the start of the Fall term, and continuing through Winter and Spring, the focus for participants became our robust, 510-hour Small Business Management program, a 20-year-old intensive business education program. *(Note that this summary does not include the confidential one-on-one business advising these clients received at least once (at Project Intake) and often followed up with repeated visits with our advising team (which includes Craig Grant, Ron Spisso, Misty Lambrecht and Dave Price).*

As ever, please don't hesitate to contact me with any questions or concerns. We appreciate the Infrastructure Finance Authority's stalwart support of Lincoln County's microenterprises.

Best Regards,

A handwritten signature in black ink, appearing to read "D. Price", with a small dot at the end.

Dave Price, Microenterprise Director

CC: Wayne Belmont; Julie Kay; Robin Gintner

SOUTH COUNTY CENTER  
3120 Crestline Drive  
Waldport, Oregon 97394  
541-563-4502

CENTRAL COUNTY CAMPUS  
400 SE College Way  
Newport, Oregon 97366  
541-265-2283

NORTH COUNTY CENTER  
3788 SE High School Drive  
Lincoln City, Oregon 97367  
541-994-4166

OCCC SBDC Community Development Block Grant: Jan 1 '15 – Jun 30 '16 (6 Month Extension; 18 Mo. Total Project Duration.)

Students	Term	Improved or New	Last	First	Intake Date	Ethnicity	Gender	Income	City	In Business?	Category	Spec. Business	Bus. Name	Preventure or Existing
<b>Winter</b>														
1	Imp				1/10/15	White	F	Low	Waldport	Yes	Services	Fitness		Existing
2	Imp				1/5/15	White	F	Mod	Newport	Yes	Services	Hm Repair		Existing
3	Imp				1/5/15	White	M	Mod	Newport	Yes	Services	Hm Repair		Existing
4	New				1/9/15	White	F	Low	Waldport	Yes	Retail	Sewing/Create		Existing
5	New				1/12/15	White	F	Mod	Waldport	Yes	Services	Massage		Existing
6	New				1/7/15	White	F	Low	Lincoln City	No	Services	HmCare		Preventure
7	New				1/6/15	White	M	Low	Toledo	No	Retail	Art/Craft		Preventure
8	Imp				1/7/15	White	M	Mod	Newport	Yes	Services	WindowCleaner		Existing
9	New				1/16/15	Wh	M	Low	Newport	No	Retail	Coffee/Internet		Preventure
10	New				1/16/15	Wh	M	Low	Newport	No	Retail	Coffee/Internet		Preventure
<b>Spring</b>														
11	Imp				3/19/15	White	F	Low	Lincoln City	Yes	Services	Yoga Instr		Existing
12	New				3/25/15	Multi	M	Low	Lincoln City	No	Services	Constr.		Preventure
13	New				3/6/15	Wh/Asian	F	Low	Lincoln City	No	Services	Artist		Preventure
14	New				3/16/15	Wh/AmIndia:	F	Med	Lincoln City	No	Retail	Fashion		Preventure
15	New				4/13/15	Wh	M	Mod	Lincoln City	No	Services	Constr.		Preventure
16	New				4/25/15	Wh	F	Mod	Newport	No	Retail	Soother Sales		Preventure
17	Imp				5/4/15	Wh	M	Low	Newport	Yes	Services	B&B		Existing
18	New				5/20/15	Wh	F	Low	Waldport	Yes	Services	PowderCoating		Existing
<b>Fall</b>														
19	New				9/9/15	Wh/NAM/Bl	F	Low	Newport	Yes	Services	Hair Salon		Existing
20	Imp				7/28/15	Wh	M	Mod	Newport	Yes	Services	Dive Shop		Existing
21	New				9/22/15	Wh/NAM/Bl	F	Low	Waldport	Yes	Retail	Food Vendor		Existing
22	Imp				8/10/15	Wh	F	Low	Lincoln City	Yes	Services	MassageTherapy		Existing
23	New				9/15/15	Wh	F	Mod	Lincoln City	Yes	Services	MassageTherapy		Existing
24	New				8/26/15	Wh	F	Low	South Beach	Yes	Retail	Author		Existing
25	Imp				7/27/15	Wh	M	Low	Newport	Yes	Services	Landscape		Existing
26	Imp				7/24/15	Wh	F	Mod	Newport	Yes	Services	Event Rentals		Existing
27	Imp				8/3/15	Wh	F	Mod	Toledo	Yes	Retail	Art		Existing
28	New				9/9/15	Wh	M	Low	Newport	Yes	Retail	Woodwaor		Existing
29	Imp				9/22/15	Wh/Hs	M	Low	Newport	Yes	Ret/Svs	Motorized		Existing
30	New				9/4/15	Wh	M	Low	Lincoln City	Yes	Services	Travel		Existing
31	New				8/11/15	Wh	F	Low	Waldport	Yes	Retail	Candy		Existing
32	Imp				7/17/15	Wh	M	Low	Depoe Bay	Yes	Services	CharterFishing		Existing
33	Imp				7/7/15	Wh	F	Low	Newport	Yes	Services	Accomodations		Existing
34	New				9/9/15	Wh	F	Mod	Seal Rock	No	Retail	Choc/Foods		Preventure
35	New				1/20/16	Wh	F	Low	Newport	Yes	Services	Security		Existing
<b>Depoe Bay</b>														
36	New				5/12/15	Wh	M	Low	Depoe Bay	No	Varley (Youth Ent.)			Pre

37	New	4/13/15 Wh	M	Low	Lincoln City	No	Variety (Youth Ent.)	Pre
38	New	4/13/15 Wh	M	Low	Lincoln City	No	Variety (Youth Ent.)	Pre
39	New	4/13/15 Wh	F	Low	Lincoln City	No	Variety (Youth Ent.)	Pre
40	New	4/13/15 Wh	F	Low	Lincoln City	No	Variety (Youth Ent.)	Pre
41	New	5/8/15 Wh	F	Low	Depoe Bay	No	Variety (Youth Ent.)	Pre
42	New	12/2/15 Wh	M	Low	Otis	No	Variety (Youth Ent.)	Pre
43	New	12/2/15 Wh	M	Low	Lincoln City	No	Variety (Youth Ent.)	Pre
44	New	12/2/15 Wh	M	Low	Lincoln City	No	Variety (Youth Ent.)	Pre
45	New	10/2/15 Wh	Trans	Low	Lincoln City	No	Variety (Youth Ent.)	Pre
46	New	12/2/15 Wh	M	Low	Lincoln City	No	Variety (Youth Ent.)	Pre
47	New	12/2/15 Wh/NAm	F	Low	Lincoln City	No	Variety (Youth Ent.)	Pre

## Training Summary: Project #M14007

### 2015

Class Title	#Low/Mod	Form of Payment
1) Depoe Bay NFK Youth Entrepreneurship Program	12	Instruction & Materials

### Winter 2015

Class Title	#Low/Mod	Form of Payment
1) Build Your Own Website	2	Scholarship
2) Business Start-Ups & Tune Ups	5	Instruction & Materials
3) Instagram & Pinterest for Business	1	Scholarship
4) Winning with Google	1	Scholarship
5) Facebook Marketing for Beginners	1	Scholarship

### Spring 2015

Class Title	#Low/Mod	Form of Payment
1) Business Start-Ups & Tune Ups	3	Instruction & Materials
2) Start Your Online Store	1	Scholarship
3) Facebook for Beginners	1	Scholarship
4) Quickbooks Tips & Tricks	1	Scholarship
5) Build Your Own Website	2	Scholarship
6) Facebook Marketg. for Advanced Users	1	Scholarship

### Fall 2015/16

Class Title	#Low/Mod	Form of Payment
1) QuickBooks 5-Part Series	1	Scholarship
2) Build Your Own Website	3	Scholarship
3) Shoebox Bookkeeping	2	Scholarship
4) Business Start-Ups & Tune-Ups	2	Scholarship
5) Small Business Management	16	Scholarship

### Winter 2016

Class Title	#Low/Mod	Form of Payment
1) Shoebox Bookkeeping	1	Scholarship
2) Small Business Management	13	Scholarship
3) QuickBooks 5-Part Series	1	Scholarship

### Spring 2016

Class Title	#Low/Mod	Form of Payment
1) Build Your Own Website	1	Scholarship
2) Social Media Open Lab	1	Scholarship
3) WordPress Beginners	1	Scholarship
4) QuickBooks Online	1	Scholarship
5) Small Business Management	12	Scholarship

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## 2015 Performance

*Oregon Coast Community College SBDC*

### **Counseling**

Long-Term 5+ hours	57
Counseling Clients	195
Total Counseling Hours	1052.46
Online Counseling Hours	96.5

### **Training**

Training Events  
Training Attendance

### **Economic Impact-Verified Only**

Capital Infusion	\$993,000
Business Starts	4
Jobs Created	20
Jobs Retained	32
Increased Sales	\$233,000
Technology Improvement	6

### **Counseling Characteristics**

Pre-Venture	93
Existing	116
International Trade	
Minority-Owned	17
51% Women Owned	47
10-99 Employee Firm Course	9
Session Entry Delay	135
Growth Wheel Clients	48

1                                   **BEFORE THE BOARD OF COMMISSIONERS**  
2                                   **FOR LINCOLN COUNTY, OREGON**

3   ORDINANCE # 487

4 \_\_\_\_\_  
5  
6 **Relating to short term rentals of dwelling units; creating new provisions.**  
7 \_\_\_\_\_

8           The Lincoln County Board of Commissioners ordains as follows:

9           **SECTION 1.**

10           Sections 2 through 12 of this ordinance are added to and made a part of LCC Chapter  
11 4, Business Regulation as indicated.

12           **SECTION 2.**

13                                   **SHORT TERM RENTAL OF DWELLING UNITS**

14           **4.405 Findings and Purpose**

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

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

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

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

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

5           **SECTION 3.**

6           **4.410 Applicability**

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

11           **SECTION 4.**

12           **4.415 Definitions**

13           **For the purpose of LCC 4.405 through 4.460**

14           **(1) "Accessory structure or accessory use" means a structure or use incidental**  
15 **and subordinate to the main use of a property and located on the same lot as the main**  
16 **use.**

17           **(2) "Contact Person" means:**

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

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

21           **(3) "Dwelling Unit" means:**

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

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

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

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

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

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

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

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

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

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

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

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

8           SECTION 5.

9           4.420 Licenses

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

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

20           SECTION 6.

21           4.425 Application for License; Fee

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

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

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

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

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

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

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

25           **SECTION 7.**

26           **4.430 Issuance of License**

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

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

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

15           **SECTION 8.**

16           **4.440 Operating Standards**

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

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

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

25           **(b) In addition, the owner shall provide the contact person's name and phone**  
26 **number in writing to the local fire chief and the Lincoln County Sheriff's Office. The**  
27 **Sheriff's Office shall supply this information to each property owner as shown on the**

1 **Lincoln County Assessor's records located within two hundred fifty feet (250') of the**  
2 **short term rental property.**

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

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

14 **(2) Quiet Time. In accordance with the requirements of LCC 2.2000 through**  
15 **2.2045, the hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time.**  
16 **Renters who violate this standard may be issued enforcement mechanisms available to**  
17 **the County under LCC 2.2045 and LCC Chapter 10. In addition multiple violations of**  
18 **the quiet time requirements by short term dwelling renters may subject the licensee to**  
19 **revocation or nonrenewal of the license as provided in LCC 4.450. The owner or**  
20 **contact person shall notify every renter, in writing, of the quiet times and that a renter**  
21 **may be subject to sanction and penalties under the County Code.**

22 **(3) Garbage Service. The owner shall be required to maintain adequate**  
23 **garbage service, with required secure containers, from the franchised waste disposal**  
24 **service company serving its property. The service must be at a level commensurate**  
25 **with the garbage generated at the dwelling, but no less than weekly service when the**  
26 **short term rental is being rented. Owners shall notify all guests of the garbage services**  
27 **and requirements for the dwelling.**

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

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

16           **(6) Limits on Occupancy.** The maximum occupancy for a short term rental unit  
17 shall be calculated on the basis of an average of three (3) persons per sleeping area plus  
18 an additional two (2) persons. For the purpose of maximum occupancy, those under  
19 two (2) years of age shall not be counted. Accessory structures, tents and recreational  
20 vehicles and similar sleeping arrangements shall not be used to increase the number of  
21 people approved to occupy a short term rental. Notwithstanding the forgoing, no more  
22 than 16 persons shall occupy the short term rental unit at any one time.

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

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

20           **(7) Notices to Renters. The owner must provide to each renter and post in a**  
21           **prominent location in the dwelling, a list of rules including, but not limited to, rules on**  
22           **required quiet times, available garbage service, parking locations and limitations on**  
23           **occupancy.**

24           **SECTION 9.**

25           **4.445 Complaint Procedure**

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

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

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

12           **(3) Step Three. If the response from the contact person is not satisfactory to the**  
13 **complaining party or the contact person does not believe that the problem violates this**  
14 **Chapter, either party or both parties may next provide a written complaint to the**  
15 **Lincoln County Licensing Authority, with a copy of the written complaint provided to**  
16 **the other party by the complainant or the contact person. The written complaint shall**  
17 **describe all efforts to resolve the problem. The Licensing Authority shall then attempt**  
18 **to resolve the complaint with parties. The Licensing Authority may use community**  
19 **mediation resources if it determines such resources are available and would help**  
20 **resolve the complaint. If not mutually resolved by the parties, the Licensing Authority**  
21 **shall issue a written determination to both parties to resolve the problem. If the**  
22 **Licensing Authority finds that a violation of this Chapter occurred, the Licensing**  
23 **Authority may undertake enforcement action as authorized in this Chapter and LCC**  
24 **Chapter 10.**

25           **(4) Step Four. Either party may appeal the determination of the Licensing**  
26 **Authority by filing a written appeal to the Board of Commissioners within thirty (30)**

1 days of the Authority’s determination. The Board of Commissioners, or its designee,  
2 shall hold an informal hearing on the appeal and issue a final decision.

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

5 **SECTION 10.**

6 **4.450 Denial, Revocation or Nonrenewal of a License; Hearing**

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

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

15 (a) Three or more violations of this chapter or other provisions of the Lincoln  
16 County Code related to the same short term rental within one (1) year. Violations  
17 include, but are not limited to, complaints identified in LCC 4.445 which reached step  
18 4 and a final determination was made that the problem as unresolved violated  
19 provisions of this Chapter. Violations may also be determined by the Licensing  
20 Authority for noncompliance with the provisions of this Chapter or other provisions of  
21 the Lincoln County Code.

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

23 (3) The County shall conduct a hearing if it wishes to consider the revocation or  
24 nonrenewal of a short term rental license. The County will also hold a hearing if an  
25 owner appeals denial of a license. All hearings will be conducted by the Board of  
26 Commissioners or its designee. The County shall give thirty (30) days written notice to  
27 all relevant parties of the time, date and place of the hearing, that the short term rental

1 permit may be revoked as a result of the hearing and of the allegations and violations  
2 upon which revocation will be considered. At the hearing, each party shall have an  
3 opportunity to be heard and present such witnesses, testimony and other evidence as  
4 that party deems relevant to the issues. The procedure will be informal and no cross  
5 examination will be allowed. The hearing may be continued at the discretion of the  
6 County. At the conclusion of the hearing process, the Board of Commissioners or its  
7 designee shall consider the evidence and issue a written order revoking the license, or  
8 not renewing it, or denying the application as the situation warrants.

9 **SECTION 11**

10 **4.455 Nonliability of County**

11 Neither the County nor any official or employee of the County, including the  
12 Lincoln County Licensing Authority shall be liable for any damages, claims from any  
13 owner or third party relating to enforcement of any provision of LCC 4.405 through  
14 4.460.

15 **SECTION 12**

16 **4.460 Severability**

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

21 **SECTION 13**

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

23  
///  
///

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.

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

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

3 In the Matter of:

4 *Approving Referral to the Electors of Lincoln County the )*  
5 *Question of Imposing a Three Percent Tax on the Sale of )* RESOLUTION NO. \_\_\_\_\_  
6 *Marijuana items by a Marijuana Retailer within the )*  
7 *Unincorporated Areas of Lincoln County )*

8 WHEREAS, ORS 475B.345 provides that a county governing body may adopt an ordinance to be  
9 referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items in  
10 the unincorporated area of the county; and

11 WHEREAS, the Lincoln County Board of Commissioners adopted Ordinance No. \_\_\_\_\_, which  
12 imposes a tax of three percent on the sale of marijuana items by a marijuana retailer in the  
13 unincorporated areas of the county;

14 NOW, THEREFORE, THE BOARD OF COMMISSIONERS DOES HEREBY RESOLVE AND  
15 ORDER AS FOLLOWS:

- 16 1. A measure election is hereby called for the purpose of submitting to the electors of  
17 Lincoln County a measure imposing a three percent tax on the sale of marijuana items  
18 by a marijuana retailer in the unincorporated areas of the county, a copy of which is  
19 attached hereto as “Exhibit 1”, and incorporated by reference.  
20
- 21 2. This measure election shall be held in Lincoln County on November 8, 2016, for the  
22 next general election. As required by ORS 254.465, the measure election shall be  
23 conducted by mail by the Lincoln County Clerk, according to the procedures adopted by  
24 the Oregon Secretary of State.  
25
- 26 3. The Lincoln County Board of Commissioners authorizes County Counsel to act on  
27 behalf of the county and to take such further action as is necessary to carry out the intent  
28 and purposes set forth herein, in compliance with the applicable provisions of the law.  
29
- 30 4. The Lincoln County Board of Commissioners hereby approves the ballot title for the  
31 measure, which is referenced in 1) above, and which is attached hereto as “Exhibit 1”,  
32 and incorporated by reference. County Counsel is authorized to deposit the ballot title  
33 with the County Clerk within the times set by law. County Counsel is authorized to  
34 make minor adjustments to the ballot title upon review with the County Clerk.

- 1           5. Upon receiving the ballot title for this measure, the County Clerk shall publish in the  
2           next available edition of a newspaper of general circulation in the county a notice of  
3           receipt of the ballot title, including notice that an elector may file a petition for review  
4           of the ballot title.  
5  
6           6. The explanatory statement for this measure, which is attached hereto as “Exhibit 2”, and  
7           incorporated by reference, is hereby approved. County Counsel is authorized to make  
8           minor adjustments to the explanatory statement upon review with the County Clerk.  
9  
10          7. The Notice of Measure Election shall be delivered to the County Clerk for Lincoln  
11          County for inclusion on the ballot for the November 8, 2016 election.  
12  
13          8. This resolution is effective upon its adoption.

DATED this \_\_\_\_ day of July, 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Bill Hall, Chair

\_\_\_\_\_  
Terry N. Thompson, Commissioner

\_\_\_\_\_  
Doug Hunt, Commissioner

“Exhibit 1”

TO

LINCOLN COUNTY RESOLUTION NO. \_\_\_\_\_

**BALLOT TITLE**

**CAPTION**

Imposes county tax on marijuana retailer’s sale of marijuana items

**QUESTION**

Shall Lincoln County impose three percent tax on the sale of retail marijuana items in unincorporated areas of the county?

**SUMMARY**

Under state law, a county governing body may adopt an ordinance to be referred to the voters of the county imposing up to a three percent tax or fee on the sale of retail marijuana items in unincorporated areas of the of the county by a state licensed marijuana retailer. The Lincoln County Board of Commissioners adopted Ordinance No. \_\_\_\_\_ on July \_\_\_\_\_, 2016, which imposes a three percent tax on the sale of marijuana items by a marijuana retailer and referring the ordinance to the voters at the General Election to be held on November 8, 2016.

Approval of this measure would impose a three percent tax on the sale of marijuana items in the unincorporated areas of the county by a state licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer.

“Exhibit 2”

To

LINCOLN COUNTY RESOLUTION NO. \_\_\_\_\_

### **EXPLANATORY STATEMENT**

Approval of this measure would impose a three percent tax on the sale of marijuana items by a marijuana retailer within the unincorporated areas of Lincoln County. If approved the estimated revenues from this tax are unknown. There are no restrictions on how the county may use the revenues generated by this tax.

Under Measure 91, adopted by Oregon voters in November of 2014, codified in ORS Chapter 475B and amended by the Legislature in 2015 and 2016, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. ORS 475B.345 provides that a county governing body may adopt an ordinance imposing up to a three percent tax on the sale of marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the unincorporated areas of the county, but the ordinance must be referred to the county voters at a statewide general election. The Lincoln County Board of Commissioners has adopted an ordinance imposing a three percent tax on the sale of marijuana items by a retail licensee in the unincorporated areas of the county, and as a result, has referred this measure to the county voters.

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # \_\_\_\_\_

4  
5  
6 **Relating to taxes imposed on the recreational sale of marijuana items; creating new**  
7 **provisions beginning with LCC 5.305; and referring the ordinance to the voters for**  
8 **approval.**  
9

---

10  
11 Findings:

12 WHEREAS, ORS 475B.345(2) provides in part that a governing body of a county may  
13 adopt an ordinance to be referred to the voters that imposes a tax or fee on the sale of marijuana  
14 items sold in the unincorporated area subject to the jurisdiction of a county by a person that holds  
15 a license under ORS 475B.110 (marijuana retailer); and

16 WHEREAS, ORS 475B.345(4) limits the tax or fee referenced above to 3%; and

17 WHEREAS, ORS 475B.310(3) indicates that if a governing body of a county adopts an  
18 ordinance as referenced above, the governing body shall refer the measure of the ordinance to the  
19 electors of the county for approval at the next statewide general election; and

20 WHEREAS, the Board of Lincoln County Commissioners wants to impose a tax on the  
21 sale of marijuana items by a marijuana retailer in the unincorporated area subject to the  
22 jurisdiction of the county.

23 The Lincoln County Board of Commissioners ordains as follows:

24 SECTION 1.

25 Provided that this ordinance is approved by electors of Lincoln County on November 8,  
26 2016, Chapter 5 of the Lincoln County Code (LCC) is amended by adding the following sections  
27 as outlined below.

28 **5.305 Definitions**

29 **As used in LCC 5.305 to 5.315, unless the context requires otherwise:**

30 **(1) "Marijuana items" has the meaning given that term in ORS 475B.015(16).**  
31

Page 1 of 2 – ORDINANCE # \_\_\_\_\_

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New sections are in **boldfaced** type.

1           **(2) “Marijuana retailer” means a person who sells marijuana items to a**  
2 **consumer in this state.**

3  
4           **(3) “Retail sale price” means the price paid for a marijuana item, excluding tax,**  
5 **to a marijuana retailer by or on behalf of a consumer of the marijuana item.**

6           **5.310 Tax Imposed**

7           **As described in ORS 475B.345, Lincoln County hereby imposes a tax of 3 percent**  
8 **on the retail sale price of marijuana items by a marijuana retailer in the unincorporated**  
9 **area of Lincoln County.**

10          **5.315 Collection**

11          **The tax shall be collected at the point of sale of a marijuana item by a marijuana**  
12 **retailer at the time at which the retail sale occurs and remitted by each marijuana retailer**  
13 **that engages in the retail sale of marijuana items.**

14          SECTION 2.

15          This ordinance shall be referred to the electors of Lincoln County at the next statewide  
16 general election on Tuesday, November 8, 2016.

17          SECTION 3.

18          This ordinance shall be effective immediately upon certification of the election results if  
19 approved by the electors of Lincoln County at the election of November 8, 2016.

DATED this \_\_\_\_\_ day of July, 2016.

LINCOLN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Bill Hall, Chair

\_\_\_\_\_  
Terry N. Thompson, Commissioner

\_\_\_\_\_  
Doug Hunt, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:

\_\_\_\_\_  
Tanya Graham, Recorder

\_\_\_\_\_  
Wayne Belmont, County Counsel

Page 2 of 2 – ORDINANCE # \_\_\_\_\_

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New sections are in **boldfaced** type.



Michael Herbage &lt;mherbage@co.lincoln.or.us&gt;

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## Recreational Marijuana Tax

1 message

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**Michael Herbage** <mherbage@co.lincoln.or.us>

Tue, Jun 14, 2016 at 4:37 PM

To: Wayne Belmont &lt;wbelmont@co.lincoln.or.us&gt;, Janet Harrison &lt;jharrison@co.lincoln.or.us&gt;

Wayne, on behalf of the Commissioners, you have asked that I inquire of the cities of Lincoln City, Newport, Toledo and Waldport as to how they are approaching the opportunity to adopt a recreational marijuana tax ordinance and to place the recreational marijuana tax measure on the ballot in November of 2016 pursuant to ORS 475B.345. In particular, I am to inquire as to whether the individual cities will be placing a measure on the ballot for the statewide general election, and whether any such measure calls for a full 3% tax (or something less), and whether the revenue raised will be earmarked, or will simply be designated for the general fund.

Lincoln City- Contact Richard Appocello

Lincoln City previously adopted a recreational marijuana tax of 10%. The City is in the process of adopting an ordinance to repeal the 10% tax and impose a 3% tax instead. Under the new ordinance, the 3% would go to the general fund; it would not be earmarked for any particular use. The second reading on the ordinance is scheduled for June 27, 2016.

Newport- Contact Steve Rich

The City of Newport has adopted Ordinance No. 2097, "An Ordinance of the City of Newport Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance No. 2097 to the Voters at the General Election to Be Held on November 8, 2016". The City has just sent to the Lincoln County Clerk Dana Jenkins the measure and paperwork to place this on the ballot for the November 2016 election. As you can see, the measure is for the full 3% tax, and I have been advised that any revenue generated would go to the general fund.

Toledo- Contact Michael Adams

The City of Toledo in 2014 previously imposed a tax- 3% on recreational marijuana and 3% on medical marijuana. The 3% recreational marijuana tax is not earmarked; it will go to the general fund. (The City of Toledo has not collected the tax yet). Because it has previously adopted a marijuana tax, the City of Toledo will not be placing any recreational marijuana tax measure on the November ballot.

City of Waldport- Contact Kerry Kemp

The City Council for Waldport discussed the possibility of a recreational marijuana tax at its monthly meeting on June 9, 2016. It is expected to address an ordinance at its July 14, 2016, meeting. Reportedly, the Council will be considering a 3% tax which is not earmarked (revenues to go to the general fund). However, all the proceedings are at the beginning stages, and it is of course unknown what the City Council will ultimately do.

Wayne, should you have any questions regarding this matter, please let me know. Thanks.

