



# 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, August 3, 2016**

## **Immediately Following Joint Session with Siletz City Council**

**Siletz City Hall  
215 West Buford  
Siletz, OR 97380**

**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 #8-16-204 BOC Meeting Minutes of July 27, 2016

**B. Commission Appointments and Resignations**

1. Order #8-16-205 Changes in membership to the Lincoln Community Health Council
2. Order #8-16-206 Changes in membership to the Lincoln County Mental Health Advisory Committee.
3. Order #8-16-207 Changes in membership to the Local Alcohol Drug Abuse and Planning Committee

**C. License Applications or Renewals**

1. Order #8-16-208 The Issuance of an Oregon Liquor Control Commission Liquor License to the Silver Surf Motel
2. Order #8-16-209 The Issuance of an Oregon Liquor Control Commission Liquor License to Stone Crest Cellars Catering

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 #8-16 210      Amendment to State of Oregon Intergovernmental Agreement (148517-1) for Mental Health Services. (Effective 7/1/15-6/30/17; \$102,722.51)
2. Resolution #16-3-8 A      In the Matter of Authorizing Disposal of Public Works Fleet Vehicle #381 Totaled out in a Single Vehicle Accident

H. **Execution of Documents**

V. **PUBLIC HEARING**

VI. **DECISION/ACTION**

- A. Order #8-16-211      Bid Award: 2016 Overlay with Asphalt Concrete
- B. Ordinance # 487      Relating to Short Term Rentals of Dwelling Units; Creating New provisions (*second reading and adoption*)
- C. Ordinance # 488      Relating to Taxes Imposed on the Recreational Sale of Marijuana Items; Creating new Provisions Beginning with LCC 5.305; and Referring the Ordinance to the Voters for Approval (*second reading and adoption*)
- D. Resolution #16-3-8 B      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
- E. Order #8-16-212      Rate Schedule for North Lincoln Sanitary Service North County

VII. **DISCUSSION/INFORMATION**

VIII. **BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF COUNTY-WIDE SERVICE DISTRICTS**

IX. **REPORTS**

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

B. **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**

**Wednesday, August 3, 2016 – 1:00 p.m. – Review of Applications for Personnel Director** in the Commissioner’s Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport.

**Monday, August 8, 2016 – 9:00 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, August 10, 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.***

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

5 In the Matter of )  
6 ) **ORDER NO.** \_\_\_\_\_  
7 )  
8 *Awarding Bid for 2016 Asphalt Concrete* )  
9 *Overlays* )  
10

11 WHEREAS the Lincoln County Public Works Department received and opened  
12 bids on July 20, 2016 for the overlay of 2 miles of county roads within Lincoln County.  
13 The project requires the application of approximately 3,385 tons of asphalt concrete and  
14 associated tasks on Bear Creek Road; and

15 WHEREAS notice and solicitation of bids was made in accordance with County  
16 Code and state law, and three bids were received and opened. The bids were reviewed by  
17 the Public Works Department and accepted. The bid from Road and Driveway is the  
18 apparent low responsive bid and Public Works recommends the project be awarded to  
19 that firm in the amount of \$248,847.38. This is about 15% lower than the Engineer's  
20 Estimate of \$292,223.00. The difference was explained as within the variances of unit  
21 costs of asphalt from the received bids.

22 NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

23 1. That the bid for the 2016 Asphalt Concrete Overlays be awarded to Road and  
24 Driveway as the lowest responsible bidder in the amount of \$248,847.38. The award is  
25 supported by the recommendations of the Public Works Director.

26 2. That the Public Works Director is authorized to execute the necessary documents  
27 and contracts to undertake this project on behalf of the County.  
28

- 1           3. That copies of this order be provided to Roy Kinion, Public Works Director; Steve  
2 Hodge, Asst. Public Works Director; and to Wayne Belmont, County Counsel.

DATED: August 3, 2016

LINCOLN COUNTY BOARD OF COMMISSIONERS

---

BILL HALL, Chair

---

DOUG HUNT, Commissioner

---

TERRY N. THOMPSON, Commissioner



Lincoln County Public Works  
Roy Kinion  
Public Works Director

880 N.E. 7th Street  
Newport, Oregon 97365-2599  
Phone (541) 265-5747  
FAX (541) 574-1295

**MEMORANDUM**

DATE: 7/25/2016  
TO: Board of Commissioners  
FROM: Roy Kinion, Public Works Director *RK*  
RE: **Bid Award: 2016 Overlay with Asphalt Concrete**

Bids were received on July 20, 2016 at 2 pm and publicly read at that time for the overlay of 2 miles of asphalt overlay within Lincoln County. This project requires the application of 3,385 tons of asphalt concrete and other associated tasks on Bear Creek Road. Three qualified contractors submitted bids for this work with the low apparent bid submitted by Road and Driveway. Bid amounts were as follows:

Bidder	Amount
Road and Driveway	\$ 248,847.38
North Santiam Paving	\$ 302,760.35
Roy Houck Const. LLC	\$ 346,556.85

I have examined the bids and found no irregularities. The low bid is approximately 15% less than the engineer's estimate (\$292,223.00). This variance is primarily due to the range of the unit cost of asphalt. Road and Driveway's unit cost, while competitive, is within the range awarded for similar work completed in the past couple of years. It is my recommendation that a contract be awarded to Road and Driveway in the amount of their bid.

Please contact me should you have any questions.

XC: Legal Counsel  
File.

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.**

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  
22 **SECTION 13**

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

///  
///

First Reading: 7/13/16

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  
2  
3 **BEFORE THE BOARD OF COMMISSIONERS**

4 **FOR LINCOLN COUNTY, OREGON**

5 **ORDINANCE # 488**

6  
7  
8 **Relating to taxes imposed on the recreational sale of marijuana items; creating new**  
9 **provisions beginning with LCC 5.305; and referring the ordinance to the voters for**  
10 **approval.**  
11  
12

13 Findings:

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

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

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

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

25 The Lincoln County Board of Commissioners ordains as follows:

26 **SECTION 1.**

27 Provided that this ordinance is approved by electors of Lincoln County on November 8,  
28 2016, Chapter 5 of the Lincoln County Code (LCC) is amended by adding the following sections  
29 as outlined below.

30 **5.305 Definitions**

Page 1 of 3 – ORDINANCE # \_\_\_\_\_

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

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

3  
4 (2) "Marijuana retailer" means a person who sells marijuana items to a  
5 consumer in this state.

6  
7 (3) "Retail sale price" means the price paid for a marijuana item, excluding tax,  
8 to a marijuana retailer by or on behalf of a consumer of the marijuana item.

9 **5.310 Tax Imposed**

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

13 **5.315 Collection**

14 The tax shall be collected at the point of sale of a marijuana item by a marijuana  
15 retailer at the time at which the retail sale occurs and remitted by each marijuana retailer  
16 that engages in the retail sale of marijuana items.

17 SECTION 2.

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

20 SECTION 3.

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

///

///

First Reading: 7/20/16

Second Reading: \_\_\_\_\_

DATED this \_\_\_\_\_ day of August, 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 3 of 3 – ORDINANCE # \_\_\_\_\_

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.

Office of Lincoln County Legal Counsel  
225 West Olive Street, Room 110  
Newport, Oregon 97365  
(541) 265-4108

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 )*  
6 *Marijuana items by a Marijuana Retailer within the )*  
7 *Unincorporated Areas of Lincoln County )*

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

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 August, 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 August \_\_\_\_\_, 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  
4 In the Matter of ) ORDER NO. \_\_\_\_\_  
5 )  
6 *RATE SCHEDULE FOR NORTH LINCOLN* )  
*SANITARY SERVICE (North County)* )

7 WHEREAS Lincoln County instituted changes to its solid waste code provisions by  
8 the adoption of a uniform rate reporting format (URRF) found at Lincoln County Code  
9 (LCC) Sections 2.1122 through 2.1126; and

10 WHEREAS North Lincoln Sanitary Service, a franchisee for Lincoln County solid  
11 waste collection, has provided information for the annual review of the rate structure for  
12 its county franchise area for North County under this rate reporting format. The report  
13 and other information was reviewed by the Board on July 27, 2016 at the regular  
14 Commissioner's meeting on that date; and

15 WHEREAS Lincoln County has accepted this report as the documentation for a rate  
16 structure under the Code. The parties understand that further review of the rate structure  
17 and clarification of the rate reporting format may be forthcoming in subsequent years; and

18 WHEREAS the franchisee has proposed changes in rates under the URRF for the  
19 next year (beginning September 1, 2016); and

20 WHEREAS at its meeting on August 3, 2016 the Board voted unanimously to adopt  
21 the new rates effective September 1, 2016;

22 NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

23 1. Effective September 1, 2016, the rates set for North Lincoln Sanitary Service's  
24 County Solid Waste Disposal Franchise shall be as set forth in the Attached Exhibit "A"  
25 (note: rate set by this Order is column entitled "proposed rate with franchise") and shall  
26 continue until the next adjustment is made. The next adjustment in the rates shall be made  
27

28  
29 PAGE 1—ORDER NO. \_\_\_\_\_

1 in accordance with the uniform rate reporting requirements contained in Lincoln County  
2 Code Chapter 2.

3 2. That these rates shall be subject to the franchisee provisions of LCC Section  
4 2.1105.

5 3. That a copy of this order be forwarded to Lincoln County Solid Waste  
6 Administrator Amy Chapman; Lincoln County Solid Waste District Manager Mark  
7 Saelens; County Counsel Wayne Belmont; and Tina French, North Lincoln Sanitary  
8 Service, 1726 SE Hwy 101, Lincoln City, OR 97367.

9  
10 DATED this 3rd day of August, 2016.

11  
12 **LINCOLN COUNTY BOARD OF COMMISSIONERS**

13  
14  
15 \_\_\_\_\_  
16 BILL HALL, Chair

17  
18 \_\_\_\_\_  
19 TERRY N. THOMPSON, Commissioner

20  
21 \_\_\_\_\_  
22 DOUG HUNT, Commissioner

23  
24  
25  
26  
27  
28  
29 PAGE 2—ORDER NO. \_\_\_\_\_

Lincoln County					
9/1/2016					
Service	Current Rate	Collection	Disposal	Franchise	Proposed Rate with Franchise
1C1XWRS	19.25	14.05	4.82	0.42	\$ 19.29
1C2XMRS	14.25	11.60	2.35	0.35	\$ 14.30
1C1XMRS	11.50	10.13	1.12	0.30	\$ 11.55
ON CALL	7.25	6.03	1.12	0.18	\$ 7.33
1C2XWRS	35.00	19.78	14.56	0.59	\$ 34.94
1C3XWRS	49.25	28.92	19.42	0.87	\$ 49.20
1C1XWCO	24.50	19.18	4.82	0.58	\$ 24.57
1C2XMCO	17.50	14.76	2.35	0.44	\$ 17.56
1C1XMCO	13.75	12.31	1.12	0.37	\$ 13.80
ON CALL CO	7.50	6.22	1.12	0.19	\$ 7.53
32RC1XWRS	19.25	14.05	4.82	0.42	\$ 19.29
32RC2XMRS	14.25	11.60	2.35	0.35	\$ 14.30
32RC1XMRS	11.50	10.13	1.12	0.30	\$ 11.55
ON CALL 32RC	7.25	6.03	1.12	0.18	\$ 7.33
ON CALL 32REC	6.25	6.10	0.00	0.18	\$ 6.28
32RC1XWCO	24.50	19.18	4.82	0.58	\$ 24.57
32RC2XMCO	17.50	14.77	2.35	0.44	\$ 17.57
32RC1XMCO	13.75	12.30	1.12	0.37	\$ 13.79
ON CALL 32RCC	7.50	6.22	1.12	0.19	\$ 7.53
ON CALL 32RECO	6.50	6.34	0.00	0.19	\$ 6.53
64RC1XWRS	28.50	20.21	7.81	0.61	\$ 28.62
64RC2XMRS	19.25	15.07	3.81	0.45	\$ 19.33
64RC1XMRS	15.25	13.10	1.82	0.39	\$ 15.31
ON CALL 64RC	9.75	7.75	1.82	0.23	\$ 9.79
ON CALL 64REC	8.00	7.80	0.00	0.23	\$ 8.03
64RC1XWCO	34.25	25.81	7.81	0.77	\$ 34.39
64RC2XMCO	22.75	18.48	3.81	0.55	\$ 22.85
64RC1XMCO	17.75	15.54	1.82	0.47	\$ 17.83
ON CALL 64RCC	13.50	11.41	1.82	0.34	\$ 13.56
ON CALL 64RECO	11.75	11.46	0.00	0.34	\$ 11.81
96RC1XWRS	39.00	25.53	12.79	0.77	\$ 39.09
96RC2XMRS	24.25	17.55	6.25	0.53	\$ 24.32
96RC1XMRS	19.00	15.63	2.97	0.47	\$ 19.07
ON CALL 96RC	14.50	11.24	2.97	0.34	\$ 14.55
ON CALL 96REC	12.00	11.70	0.00	0.35	\$ 12.05
96RC1XWCO	45.00	31.38	12.79	0.94	\$ 45.11
96RC2XMCO	27.50	20.71	6.25	0.62	\$ 27.58
96RC1XMCO	20.75	17.33	2.97	0.52	\$ 20.83
96RC2XWCO	82.50	55.25	25.78	1.66	\$ 82.69
96RC3/WCO	116.50	75.80	38.66	2.27	\$ 116.74
ON CALL 96RCC	16.50	13.20	2.97	0.40	\$ 16.57
ON CALL 96RECO	14.00	13.65	0.00	0.41	\$ 14.06

## Lincoln County

9/1/2016

Service	Current Rate	Collection	Disposal	Franchise	Proposed Rate with Franchise
1.0YD1XW	90.75	65.63	23.75	1.97	\$ 91.35
1.0YD2XW	171.75	121.44	47.87	3.64	\$ 172.95
1.0YD3XW	245.25	170.07	71.80	5.10	\$ 246.98
1.0YD4XW	324.75	224.58	95.74	6.74	\$ 327.05
1.0YD5XW	392.00	267.12	119.67	8.01	\$ 394.81
1.0YD6XW	465.50	315.77	143.61	9.47	\$ 468.86
1.0YD2XM	56.50	43.95	11.60	1.32	\$ 56.86
1.0YD1XM	34.50	28.33	5.52	0.85	\$ 34.70
each addt'l @ 1/W	55.00	30.79	23.75	0.92	\$ 55.46
1.5YD1XW	129.00	91.52	35.63	2.75	\$ 129.89
1.5YD2XW	245.25	170.07	71.80	5.10	\$ 246.98
1.5YD3XW	355.50	243.04	107.71	7.29	\$ 358.04
1.5YD4XW	471.75	321.87	143.61	9.66	\$ 475.13
1.5YD5XW	581.75	394.58	179.51	11.84	\$ 585.93
1.5YD6XW	698.00	473.40	215.41	14.20	\$ 703.01
1.5YD2XM	80.00	61.26	17.40	1.84	\$ 80.50
1.5YD1XM	43.25	34.21	8.29	1.03	\$ 43.52
each addt'l @ 1/W	77.00	40.82	35.63	1.22	\$ 77.67
4.0YD1XW	331.00	231.37	95.00	6.94	\$ 333.31
4.0YD2XW	655.50	454.98	191.48	13.65	\$ 660.10
4.0YD3XW	949.25	649.32	287.22	19.48	\$ 956.01
4.0YD4XW	1255.50	855.85	382.95	25.68	\$ 1,264.48
4.0YD5XW	1530.75	1032.15	478.69	30.96	\$ 1,541.80
4.0YD6XW	1837.00	1238.66	574.43	37.16	\$ 1,850.25
4.0YD2XM	190.25	140.87	46.40	4.23	\$ 191.49
4.0YD1XM	108.25	84.29	22.09	2.53	\$ 108.91
each addt'l @ 1/W	207.50	110.96	95.00	3.33	\$ 209.29
5.0YD1XW	416.75	292.14	118.75	8.76	\$ 419.65
5.0YD2XW	796.25	546.18	239.35	16.39	\$ 801.92
5.0YD3XW	1194.25	819.14	359.02	24.57	\$ 1,202.73
5.0YD4XW	1561.75	1062.36	478.69	31.87	\$ 1,572.92
5.0YD5XW	1929.00	1305.35	598.37	39.16	\$ 1,942.88
5.0YD6XW	2326.75	1578.07	718.04	47.34	\$ 2,343.45
5.0YD2XM	227.00	165.56	58.00	4.97	\$ 228.52
5.0YD1XM	135.00	105.06	27.62	3.15	\$ 135.83
each addt'l @ 1/W	223.00	103.23	118.75	3.10	\$ 225.08
6.0YD1XW	490.25	340.96	142.50	10.23	\$ 493.69
6.0YD2XW	949.25	649.32	287.22	19.48	\$ 956.01
6.0YD3XW	1408.50	958.98	430.82	28.77	\$ 1,418.58
6.0YD4XW	1867.75	1268.64	574.43	38.06	\$ 1,881.13
6.0YD5XW	2326.75	1578.07	718.04	47.34	\$ 2,343.45
6.0YD6XW	2817.00	1917.96	861.65	57.54	\$ 2,837.15
6.0YD2XM	270.00	196.33	69.59	5.89	\$ 271.81
6.0YD1XM	159.75	123.89	33.14	3.72	\$ 160.75
each addt'l @ 1/W	289.00	144.74	142.50	4.34	\$ 291.58

Lincoln County					
9/1/2016					
Service	Current Rate	Collection	Disposal	Franchise	Proposed Rate with Franchise
10yd Compactor	527.50	276.26	246.56	8.29	\$ 531.10
15yd Compactor	662.50	303.52	352.49	9.11	\$ 665.11
20yd Compactor	795.25	417.75	369.57	12.53	\$ 799.85
30yd Compactor	1161.25	730.21	415.54	21.91	\$ 1,167.66
10yd Dump Trailer	283.50	163.91	115.75	4.92	\$ 284.58
10yd Drop Box	283.50	163.93	115.75	4.92	\$ 284.59
20yd Drop Box	383.50	177.62	201.94	5.33	\$ 384.90
30yd Drop Box	489.75	191.88	293.87	5.76	\$ 491.50
40yd Drop Box	640.75	212.56	424.07	6.38	\$ 643.00
45yd Drop Box	701.75	220.80	477.08	6.62	\$ 704.50
Extra Can RS	4.25	3.05	1.12	0.09	\$ 4.26
Extra Can CO	4.75	3.54	1.12	0.11	\$ 4.77
Valet	2.50	2.44	0.00	0.07	\$ 2.51
Extra Yd of Refuse	26.50	20.53	5.52	0.62	\$ 26.67
1.0yd Temp Cont	28.50	22.48	5.52	0.67	\$ 28.67
1.5yd Temp Cont	34.25	25.43	8.29	0.76	\$ 34.48
Note for Extra Dist: multiply the amount by the number of RC's					
Extra Dist & Drive In note: Rate is the monthly fee based on time to walk 25' (in/out) or drive 15 sec one way * truck rate * 1-RC Recy 2/M freq					
Extra Dist/25' 1/WCO					\$ 2.15
Extra Dist/25' 2/MCO					\$ 1.41
Extra Dist/25' 1/MCO					\$ 1.04
Note for Drive In: this is a single fee regardless of # of RC's & only apply the time to drive in (not round trip).					
Extra Dist/15 sec 1/W DriveIn					\$ 5.87
Extra Dist/15 sec 2/M DriveIn					\$ 3.85
Extra Dist/15 sec 1/M DriveIn					\$ 2.84
KT Monthly Fee					\$ 25.00
On Call Monthly Fee					\$ 5.00
WWRP					
10yd Drop Box					\$ 228.85
20yd Drop Box					\$ 302.94
30yd Drop Box					\$ 377.64
40yd Drop Box					\$ 458.93
45yd Drop Box					\$ 497.43
Inerts					
10yd Drop Box					\$ 198.85
20yd Drop Box					\$ 242.94
30yd Drop Box					Too Large for Inerts
Asphalt Shingles-clean loads					
10yd Drop Box					\$ 248.85
20yd Drop Box					\$ 342.94

