



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, May 9, 2018

9:30 a.m. Regular Meeting

**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. Resolution #18-9-5A Proclaiming May 6-12, 2018 as National Nurses Week in Lincoln County – Presented by Carol Hall**
 - B. Resolution #18-9-5B Proclaiming May 6-12, 2018 as National Correctional Officers Week in Lincoln County – Presented by Lt. Jamie Russell**
- IV. ADOPTION OF CONSENT CALENDAR**
 - A. Minutes of Board of Commissioners Meeting**
 - 1. Order #5-18-____ Joint Work Session with the City of Depoe Bay Meeting Minutes April 11, 2018
 - 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**
 - H. Execution of Documents**
- V. PUBLIC HEARING**
- VI. DECISION/ACTION**

1. Order #5-18-_____ Adopting the Provisions of ORS 307.540 through 307.548 for Exemption from Property Tax for Non-profit Corporation Low Income Housing for the Fistera Garden Townhomes in Yachats
2. Resolution #18-9-5A Initiating Amendments to the Lincoln County Comprehensive Plan and Land Use Code, Chapter One, to Create Provisions to Allow Accessory Dwelling Units within the UGB

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**
 1. National Stepping Up Day of Action – *Presented by: Sheriff Curtis Landers*
- B. **Commissioners**

X. CONSTITUENT INPUT (Limited to five minutes per constituent)

XI. EXECUTIVE SESSION

XII. ADJOURN

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD
Wednesday, May 16, 2018 – 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.

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

In the Matter of)
) **RESOLUTION #** _____
PROCLAIMING MAY 6-12, 2018 AS)
“NATIONAL NURSES WEEK” IN LINCOLN)
COUNTY)

WHEREAS, in 1974 the President of the United States issued a proclamation declaring “National Nurses Week”, which is traditionally celebrated the week of May 6-12; and

WHEREAS, there are nearly 3.1 million registered nurses in the United States which comprise the nation’s largest single component of the healthcare profession; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, this year’s theme for “National Nurses Week” is “Nursing: the Balance of Mind, Body, and Spirit.”

NOW, THEREFORE, the Lincoln County Board of Commissioners do hereby proclaim the week of May 6-12, 2018, as “National Nurses Week” in Lincoln County and calls upon its citizens to honor nursing students and nurses past and present who, from bedside nursing in hospitals and long-term care facilities, to homes, to public health, behavioral health and primary care clinics, to jails and juvenile facilities, to the military, to the halls of research institutions, state legislatures, and Congress, are and will be meeting the expanding health care needs of American Society.

Dated this 9th day of May, 2018.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DOUG HUNT, Chair

BILL HALL, Commissioner

TERRY THOMPSON, Commissioner

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

In the Matter of)
) **RESOLUTION #** _____
PROCLAIMING MAY 6-12, 2018 AS)
“NATIONAL CORRECTIONAL OFFICERS)
WEEK” IN LINCOLN COUNY)

WHEREAS, the President of the United States has designated the first full week of May as “National Correctional Officers Week”; and

WHEREAS, one of the primary goals for Lincoln County is to provide its citizens with an effective criminal justice system that concentrates on quality for all of our citizens; and

WHEREAS, Correctional Officers’ work includes daily exposure in a hostile environment with many of the most dangerous individuals in society; and

WHEREAS, Correctional Officers have performed their duties in a most professional and dedicated manner, while at the same time being faced with potential harm to themselves from inmates.

NOW, THEREFORE, we, the Lincoln County Commissioners, call upon all citizens of Lincoln County and upon all patriotic, civic and educational organizations to observe the week of May 7-13, 2017 as “National Correctional Officers Week” in Lincoln County in which all of our citizens may honor correctional officers, past and present, who by their faithful and loyal devotion to their responsibilities have provided dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Dated this 9th day of May 2018.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DOUG HUNT, Chair

BILL HALL, Commissioner

TERRY THOMPSON, Commissioner

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 In the Matter of:)
4)
5 *ADOPTING THE PROVISIONS OF*)
6 *ORS 307.540 THROUGH 307.548 FOR*)
7 *EXEMPTION FROM PROPERTY TAX*)
8 *FOR NONPROFIT CORPORATION LOW*)
9 *INCOME HOUSING*)

RESOLUTION No. _____

10
11 WHEREAS ORS 307.540 through 307.548 permits a real property tax exemption for
12 nonprofit corporation owned or leased low income housing; and
13

14 WHEREAS in order to initially qualify for the exemption, the governing body of a taxing
15 district needs to adopt the provisions of ORS 307.540 through 307.548; and
16

17 WHEREAS the County has received an application from Fisterra Gardens Townhomes,
18 Limited Partnership, for a 21 unit low income housing project under the provisions of the law above
19 noted; and
20

21 WHEREAS the County finds that these are qualifying low-income housing properties that
22 meet the purpose of the statute and exemption, to reduce operating costs of qualifying low-income
23 housing projects, thereby reducing the rent required to be paid by low-income tenants; therefore, it is
24 in the interest of the County to authorize the exemption for these qualifying properties; and
25

26 WHEREAS the law provides for a detailed annual application and certification process for the
27 low income nonprofits and a determination of eligibility process for the Board of Commissioners
28 (ORS 307.545 and ORS 307.547, respectively) to insure only qualifying properties can utilize the
29 exemption; and
30

31 WHEREAS the Oregon Legislature and the Board of Commissioners desire to undertake
32 periodic review of the authorization to insure the program is benefiting low-income tenants. The
33 Legislature sunsets the authorizing legislation on June 30, 2027.¹ This resolution therefore will sunset
34 June 30, 2027. If, however, the legislature extends the law beyond that date, a future Board may also
35 consider extending the exemption under the new law;
36

37 NOW, THEREFORE, be it resolved as follows:
38

39 1. The Lincoln County Board of Commissioners adopts ORS 307.540 through ORS 307.548
40 for the property described as the Fisterra Gardens Townhomes.²
41

¹ Section 6, chapter 660, Oregon Laws 1985. See Note following ORS 307.540 in Oregon Revised Statutes.

² More particularly described as Assessor’s Account Nos. R531610 through R531629, 100 to 190 Diversity Drive, Yachats, Oregon.

1 2. That this adoption applies to the following tax levies³ for which the Board of
2 Commissioners acts as the governing body:

3
4 Lincoln County General
5 Lincoln County Extension Service District
6 Lincoln County Transportation Service District
7 Lincoln County Animal Services District
8

9 3. That, in accordance with ORS 307.543(2), the County has requested that the Lincoln
10 County School District Board consider the policy of exemption for the subject properties, and by
11 action taken on May 8, 2018 the School Board so agreed with the policy as applied to these properties
12 and therefore supports the property tax exemption.⁴
13

14 4. That applications for exemption under ORS 307.540 through ORS 307.548 must be
15 annually filed with the Board of Commissioners by March 1 of each year.⁵ The application must
16 include the information required by law, ORS 307.545. The Board chooses ORS 307.540 (2) as the
17 qualifying low income standard to measure the application.
18

19 5. That within thirty (30) days of receipt of the application, the Board will determine whether
20 or not the applicant qualifies for the exemption and certify to the Assessor the exemption if the
21 applicant does qualify, ORS 307.547.
22

23 6. That pursuant to ORS 307.548 the Board reserves the right to terminate the exemption in
24 accordance with law.
25

26 7. That this Resolution shall be effective upon passage and shall remain in effect until June
27 30, 2027, unless otherwise terminated by the Board.
28

29 8. That copies of this resolution be provided to the County Assessor, County Treasurer, and
30 to County Counsel.
31

DATED this 30th day of May 9, 2018

LINCOLN COUNTY BOARD OF COMMISSIONERS

Doug Hunt, Chair

Bill Hall, Commissioner

Terry N. Thompson, Commissioner

³ The Board of Commissioners is acting herein as the governing body of Lincoln County, and as the governing body of the Lincoln County Extension Service District, Lincoln County Transportation Service District, and Lincoln County Animal Services District, respectively.

⁴ Under ORS 307.543(2) the action of the School Board, combined with the County's actions on behalf of the four taxing districts under County control, exceeds 51% of the total combined tax rate for the property, thereby applying the exemption of all taxes on the subject property.

⁵ This date is adjustable by the County, but the exemption can be filed no later than April 1. ORS 307.545



OFFICE OF LINCOLN COUNTY LEGAL COUNSEL

225 West Olive Street, Room 110

Newport, Oregon 97365

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Wayne Belmont

County Counsel

Kristin Yuille

Assistant County Counsel

M. Gerard Herbage

Assistant County Counsel

Janet Harrison

Paralegal

May 8, 2018

Lincoln County School Board

Attn: Ron Beck, Chair

PO Box 1110

Newport, OR 97365

Re: Request to Adopt Property Tax Exemption for Fistera Gardens, Low-Income Housing, Yachats, Oregon

Dear Chair Beck and School Board Members:

Lincoln County is adopting the provisions of ORS 307.540 to ORS 307.548 for the above referenced housing project in Yachats¹ to provide a property tax exemption in support of low income housing. Under the provisions of the law, a nonprofit owner/developer can annually apply and qualify for exemption from property taxes if the housing is occupied by low income residents. In this case, low income is defined as income at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development. This project will provide 21 units on Diversity Drive in Yachats. These include ten two-bedroom and two three-bedroom units which could serve families with children.

Together, the County's several taxing districts (including County General, Extension, Transportation and Animal Services) and the School District constitute more than 51% of the total taxing authority for this property. Under the law, Lincoln County can request that the School District consider the policy behind this exemption, and if the District agrees with the policy as applied in this project, to join with the County to provide the exemption from all property taxes applied to the property. We are making that request and would ask that you join us in agreeing to the exemption for this property.

The state authorizing legislation sunsets on June 30, 2027. We would ask you to join us in authorizing the exemption to that date. The project owners will need to annually

¹ This property is described as Assessor's Account Nos. R531610 through R531629, 100 to 190 Diversity Drive, Yachats, Oregon.



May 8, 2018
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reapply for the exemption by providing the County with current resident income information and a certification that the residents qualify under the income guidelines required by the law. The County would review the application and information and make a determination that the application qualifies for exemption and so certify the determination to the Assessor. No further action would be required from the School District.

I am attaching the draft Resolution that would be adopted by the Board of Commissioners on May 9, 2018 if the School Board agrees with this request. If the request is acceptable, please certify the District's agreement below and we will include a copy of this letter with our Resolution for our records.

Thank you in advance for consideration of our request and for support of low income housing opportunities in Lincoln County.

On behalf of the Lincoln County Board of Commissioners

Wayne Belmont, Lincoln County Counsel

CERTIFICATION:

Pursuant to ORS 307.543(2) and at the request of Lincoln County, the Lincoln County School District agrees with the policy of property tax exemption under ORS 307.540 to ORS 307.548 as applied to the low income housing project Fisterra Gardens, as described in this letter, and therefore supports the exemption from property taxes for this property. This action was approved by the Lincoln County School Board on May 8, 2108.

Ron Beck, Chair
Lincoln County School District



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

In the Matter of)
)
 INITIATING AMENDMENTS TO THE LINCOLN) **RESOLUTION # _____**
 COUNTY COMPREHENSIVE PLAN AND LAND USE)
 CODE, CHAPTER ONE, TO CREATE PROVISIONS TO)
 ALLOW ACCESSORY DWELLING UNITS WITHIN THE)
 THE UGB)

WHEREAS Lincoln County Code (LCC or Code) Chapter 1 contains the County Comprehensive Plan, Zoning, Land Division and other implementing provisions for Land Use Planning; and

WHEREAS the Oregon Legislature in 2017 and 2018 amended ORS 197.312 to authorize Accessory Dwelling Units (ADUs) as a matter of right under certain limitations and with reasonable regulation within residential zoned areas within Urban Growth Boundaries in counties with a population exceeding 15,000 persons. Lincoln County is such a county; and

WHEREAS the Cities of Lincoln City, Newport and Toledo already allow and regulate ADUs within their city limits; the remaining Urban Growth Boundaries within the county do not currently authorize ADUs; and

WHEREAS LCC 1.1230 authorizes the Board of Commissioners, by Resolution, to initiate legislative amendments to the Code, after public hearing by the Planning Commission and receipt of the Commission's recommendations; and

WHEREAS the Board desires that the staff and Planning Commission consider revisions to the adopted Code provisions to comply with the new state law.

NOW, THEREFORE, the Board of Commissioners does resolve:

1. That pursuant to LCC 1.1230, an amendment(s) is initiated to the Lincoln County Comprehensive Plan and Codes to consider revisions (amendments to current provisions and/or creation of new provisions) to the LCC Chapter One addressing new state law requirements found in ORS 197.312. The Planning Director shall set a date for a hearing or hearings before the Planning Commission and provide notice as required under LCC 1.1250 to consider the proposed changes. The Planning Commission shall make a recommendation to the Board after the public hearing(s).

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2. That copies of this Resolution be provided to the Planning Director, who will notify the Planning Commission and DLCD.

DATED this _____ day of May, 2018.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Excused
Doug Hunt, Chair

Terry N. Thompson, Commissioner

Bill Hall, Commissioner