Wednesday, January 8, 2020

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
A. Order #1-20 Appointing the Chair and Vice Chair of the Lincoln County Board of Commissioners

III. RECOGNITION/PROCLAMATION
A. Employee Recognitions
   a. Dora Young – Sheriffs – 5 years
   b. Robert Bertelson – Juvenile – 10 years
   c. Hugh Smith – Sheriffs – 10 years
   d. Cathy Steere – Clerks – 10 years
   e. Nan Buck – HR – 15 years
   f. Toni Jolley – Clerks – 15 years
   g. Joanne Sinclair – Clerks – 20 years
B. New Hire Introductions – Presented by Nicole Kendall

IV. ADOPTION OF CONSENT CALENDAR
A. Minutes of Board of Commissioners Meeting
   1. Order #1-20 BOC Meeting Minutes 12.18.19
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
I. Order #1-20 Agreement between Assurex Health, Inc and Lincoln County for Genesight Services

H. Execution of Documents
1. Intergovernmental Agreement No. 159283 between Oregon Health Authority and Lincoln County for Choice Model Services (Terms: 07.01.19-12.31.20; not to exceed $154,083.75)

V. PUBLIC HEARING
A. Petition by Property Owner to Withdraw from the Bear Valley Special Road District – Presented by Kristin Yuille, Assistant County Counsel

B. First Reading of Ordinance No. 514, Amending Ordinance No. 495, Related to Mass Gatherings (Small, Outdoor and Extended) – Presented by Jerry Herbage, Assistant County Counsel

VI. DECISION/ACTION
A. Order #1-20- Initiating Proceedings to Transfer Jurisdiction over Logan Road to the City of Lincoln City – Presented by Wayne Belmont, County Counsel

VII. DISCUSSION/INFORMATION

VIII. BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF COUNTY-WIDE SERVICE DISTRICTS (see above)

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. Under ORS 192.660 (2)(e) to discuss real property transactions.

XII. ADJOURN

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD
Monday, January 13, 2020 – 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, January 15, 2020 – 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.

Updated: January 7, 2020, 9:16 AM
BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

In the Matter of Designating the Chair and Vice Chair of the Lincoln County Board of Commissioners

ORDER NO.__________

COMES ON NOW FOR CONSIDERATION the matter of the Board of Commissioners designating one of its members to serve as the Chair of the Board for the year 2020;

NOW, THEREFORE IT IS HEREBY ORDERED that Kaety Jacobson be designated as Chair of the Lincoln County Board of Commissioners for the year 2020, effective January 8, 2020, and to serve until the first Wednesday in January 2021, pursuant to ORS 203.240; and

IT IS FURTHER ORDERED that Doug Hunt be designated to serve as Vice Chair of the Board of Commissioners for the year 2020, effective January 8, 2020.

DATED this 8th day of January 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS

____________________
CLAIRE HALL, Chair

____________________
KAETY JACOBSON, Commissioner

____________________
DOUG HUNT, Commissioner
PETITION FOR WITHDRAWAL OF REAL PROPERTY
BEAR VALLEY SPECIAL ROAD DISTRICT

PURSUANT TO ORS 198.870, Mark S. Baete and Regina F. Baete, Trustees of the Baete Living Trust dated May 8, 2019, and any amendments thereto, the owners of the real property described below (the "Property"), hereby petition the Lincoln County Board of Commissioners to withdraw the Property from the Bear Valley Special Road District ("Bear Valley SRD").

A. Property Information:
   i. Address: 366 N. Bear Creek Rd., Otis, OR 97368
   ii. Map/Taxlot #: 07-10-03-A0-01301-00
   iii. Legal Description: See Exhibit A, attached hereto.
   iv. Map: See Exhibit B, attached hereto.

B. The name of the owners of the Property is: Mark S. Baete and Regina F. Baete, Trustees of the Baete Living Trust dated May 8, 2019, and any amendments thereto ("Baete").

C. Baete’s mailing address is 366 Bear Creek Road, Otis, OR 97368.

D. Baete’s phone number is (541) 996-3606.

E. The reason for this petition is that it has not been and is not feasible for the Property to receive service from the Bear Valley SRD, as demonstrated by the following:
   i. The driveway to the residence and other buildings on the Property is accessed from N. Bear Creek Road as shown in Exhibit C, attached hereto. N. Bear Creek Road is not and has not been part of the Bear Valley SRD road system. See Exhibit D, attached hereto.
   ii. Baete accesses the Property exclusively from N. Bear Creek Road. Accessing the Property from N. Deer Drive is not practical given the location of the residence and buildings on the Property.
   iii. Although a small portion of the Property fronts N. Deer Drive, which is part of the Bear Valley SRD road system, Baete and others do not access the Property from N. Deer Drive.
   iv. There is a gate on the west side of the Property facing N. Deer Drive. Baete and others do not use this gate to access to the Property. Rather, Baete only uses the gate to get to the grass on the side facing N. Deer Drive to mow it.
   v. The Bear Valley SRD recently made construction and improvements to the Bear Valley SRD’s road system, including N. Deer Drive. These improvements included aprons along the access frontage to other properties within the Bear Valley SRD. However, no improvements were made to the access frontage from the Property to N. Deer Drive. See Exhibit E, attached.
F. The Board of the Bear Valley Special Road District Board HAS NOT approved of this petition as shown in Exhibit F, attached hereto.

BAETE LIVING TRUST DATED MAY 8, 2019

Mark S. Baete, Trustee
Date: 11-6-19

Regina F. Baete
Date: 11-6-19
EXHIBIT A
LEGAL DESCRIPTION

Parcel 1 of Partition Plat No. 1996-24 filed for record April 26, 1996 in Lincoln County Plat Records.

Property is free from encumbrances except:

1. An easement created by instrument, including the terms and provisions thereof,
   Recorded : January 24, 1955   Book: 168   Page: 498
   (Exact location unknown)

2. An easement created by instrument, including the terms and provisions thereof,
   Dated : March 21, 1985
   Recorded : April 23, 1985   Book: 160   Page: 646
   In Favor of : Pacific Power and Light Company
                Construction and distribution lines
   (Exact location unknown)


4. Reciprocal easements with maintenance language, including the terms and provisions thereof,
   Dated : May 3, 1996
   Re-recorded : May 13, 1996   Book: 317   Page: 1787
   First Party : Marcella D. Rhoades
   Second Party : Bruce F. Rudan, and heirs and assigns
EXHIBIT B
TAX MAP – 366 N. BEAR CREEK ROAD
EXHIBIT C
TAXLOT/PHOTO OVERLAY OF 366 N. BEAR CREEK RD.
EXHIBIT E
PHOTOGRAPHS OF ACCESS TO
N. DEER DRIVE FROM PROPERTY
Access to Property from N. Bear Creek Rd.
Comparison: Improvement to Neighboring
Property Frontage Along N. Deer Drive
EXHIBIT F

The Board of Directors of the Bear Valley Special Road District hereby approves of this petition by endorsement:

ENDORSEMENT BY THE
BOARD OF DIRECTORS
OF THE
BEAR VALLEY SPECIAL ROAD DISTRICT

Randall C. Neal
Date: 10/15/2019

James R. Sweitz
Date: 10-15-19

Adena Harmon
Date: 10/15/2019
MAIL TAX STATEMENTS TO:
Mark S. and Regina F. Baete, Trustees
Baete Living Trust
366 Bear Creek Road
Otis, OR 97368

AFTER RECORDING RETURN TO:
Freeman Green, Attorney
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308

WARRANTY DEED

Mark S. Baete and Regina F. Baete, as tenants by the entirety, Grantors, convey to Mark S.
Baete and Regina F. Baete, Trustees of the Baete Living Trust dated May 8, 2018, and any amendments thereto, Grantee, the following described real property situated in the
County of Lincoln, State of Oregon:

See Exhibit ‘A’ attached hereto and made a part hereof.

Grantors covenant that Grantors are seized of an indefeasible estate in the real property
described above in fee simple, that Grantors have good right to convey the property, that the property
is free from encumbrances except as specifically set forth herein, and that Grantors warrant and will
defend the title to the property against all persons who may lawfully claim the same by, through, or
under Grantors, provided that the foregoing covenants are limited to the extent of coverage available to
Grantors under any applicable standard or extended policies of title insurance, it being the intention of
the Grantors to preserve any existing title insurance coverage.

This deed is executed to partially fund a trust of Grantors, and the true and actual consideration
stated in terms of dollars is ZERO.

The following is the notice as required by Oregon law: “BEFORE SIGNING OR ACCEPTING THIS
INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS,
IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,
OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO
7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS
DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS
30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER
ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS
2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8,
OREGON LAWS 2010.”

WARRANTY DEED (366 BEAR CREEK ROAD, OTIS) 4811-1487-3187, v. 1
WITNESS Grantors' hand this 8th day of May, 2018.

Mark S. Baete  
Regina F. Baete

STATE OF OREGON  )
COUNTY OF MARION ) ss.

On this 8th day of May, 2018, personally appeared the above named Mark S. Baete and Regina F. Baete and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

[Notary Public Seal]

Notary Public for Oregon
My Commission Expires: 1-7-2020
Exhibit ‘A’

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Property is free from encumbrances except:

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   Re-recorded : May 13, 1996   Book: 317   Page: 1787
   First Party : Marcella D. Rhoades
   Second Party : Bruce F. Rudan, and heirs and assigns
BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

Ordinance #

Amendments to Ordinance #495, Codified in Sections 4.505 to 4.610 as Mass Gatherings (Small, Outdoor and Extended) in the Lincoln County Code

Findings:

WHEREAS, on August 16, 2017, the Lincoln County Board of Commissioners (hereinafter, “the Board”) adopted Ordinance #495, (hereinafter, “the Ordinance”) relating to small gatherings, outdoor mass gatherings and extended outdoor mass gatherings permits; and

WHEREAS, the purpose of the Ordinance was to establish reasonable health and safety rules for outdoor gatherings of large groups of people for extended periods of time; and

WHEREAS, the Ordinance was subsequently codified into the Lincoln County Code (LCC), and in this process, sections were renumbered to preclude conflicts with numbering already within the LCC; and

WHEREAS, to avoid confusion, any references within this Ordinance shall be made to the numbering system within the LCC; and

WHEREAS, during the calendar years of 2018 and 2019, Lincoln County received a number of applications for small gatherings, and Planning Director Onno Husing issued permits under the Ordinance, and the events were held as scheduled; and

WHEREAS, Section 4.610 of the Ordinance states that: “Prior to December 31, 2018, the Lincoln County Board of Commissioners shall review this Ordinance for possible amendments”; and

WHEREAS, on December 5, 2018, in anticipation of the requirement of Section 4.610 of the Ordinance, Onno Husing issued a report to the Board based upon his experiences of processing permits under the Ordinance; and

WHEREAS, the report indicated that that the Ordinance worked well, and provided a functional format for reviewing and processing permits; and

WHEREAS, the Board, following public meeting notice, took public comment on the Ordinance on December 12, 2018, as required by Ordinance Section 4.610; and
WHEREAS, the Board delayed taking action to amend Ordinance #495 in 2019 in part because the Oregon Legislature, through HB 2790, made amendments to the statutes on Mass Gatherings during the 2019 Legislative Session;

WHEREAS, as required by law, the Board took public comment on this Ordinance at Commissioner meetings in two different readings spaced out more than 13 days apart; and

WHEREAS, the Board found that the Ordinance needs only minor amendments, and asked the staff to consider the comments that had been made by the public;

NOW, THEREFORE, the Lincoln County Board of Commissioners ordains as follows:

SECTION 1- AMENDMENTS
Sections 4.505 to 4.610 of the LCC are amended as outlined in Exhibit “A”, which is attached hereto and incorporated by reference.

SECTION 2- EFFECTIVE DATE
The Ordinance amendments outlined in Section 1 above shall be effective 90 days after passage of this Ordinance.

DATED this ____ day of January, 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS

________________________________________
Kaety Jacobson, Chair

________________________________________
Doug Hunt, Commissioner

________________________________________
Claire Hall, Commissioner

APPROVED AS TO FORM: ATTESTED TO:

________________________________________  ________________________________________
M Gerard Herbage Kuysi Peter
Assistant County Counsel
# CHAPTER 4

**Business Regulation**

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1 Pursuant to the authority granted under LCC 0.130, Counsel has provided titles and renumbered sections and parts of sections of Ordinance 495 to preclude conflicts with numbering already within the LCC.

**2018 LCC CHAPTER 4 -- PAGE 1**

**NOTE:** Matter in **boldfaced** type is new; matter in *strike* is existing ordinance to be omitted. New sections are in **boldfaced** type.
4.505 Definitions
As used in LCC 4.505 to 4.605, unless the context requires otherwise:

1. “Assembly of Persons” means any gathering of any person, including but not limited to spectators, attendees, organizers, performers and participants on any given day.
2. “Board” means the Lincoln County Board of Commissioners, or its designee.
3. “Department” means the Lincoln County Planning Department.
4. “Director” means the Director of Lincoln County Planning, or his or her designee.
5. “Extended Outdoor Mass Gathering” (hereinafter “EMG”) means and includes an Assembly of Persons, including but not limited to spectators, for which the actual cumulative number is or is reasonably expected to be more than 3,000 persons for a period that continues to be for more than 120 hours, including set-up, placement, storage and removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth, within any continuous three-month period, and that is primarily held in open spaces and not in any permanent structure within the unincorporated area of Lincoln County. The duration begins on the earlier of when the first attendee can or is anticipated to arrive at the assembly and when the last attendee has left the assembly.
6. “Hearings Body” means the following:
   a. For Outdoor Mass Gatherings, the Board;
   b. For EMGs, the County Planning Commission;
   c. For appeals of a decision of the County Planning Commission, the Board;
   d. For appeals of a decision of the Director or Board, the Lincoln County Circuit Court.
7. “Organizer” includes any person who conducts, stages or sponsors a Small Gathering, Outdoor Mass Gathering or EMG, and the owner, lessee, or possessor of the real property upon which the Small Gathering, Outdoor Mass Gathering or EMG is to take place.
8. “Outdoor Mass Gathering” (hereinafter, “MG”) means and includes an assembly of persons, including but not limited to spectators, and whose number is or is reasonably anticipated to be more than 3,000 persons for a period that continues or can reasonably be expected to continue for more than 24 hours, but less than 120 hours, excluding set up, placement, storage and removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth, within any continuous three-month period and which is primarily held in open spaces, but not in any permanent structure within the unincorporated area of Lincoln County. The duration begins on the earlier of when the first attendee can or is anticipated to arrive at the assembly, and when the last attendee has left the assembly.
9. “Permanent Structure” includes a stadium, an arena, an auditorium, a coliseum, a fairground, a commons, or other similar established places for assemblies and public gatherings.

2018 LCC CHAPTER 4 -- PAGE 2

NOTE: Matter in **boldfaced** type is new; matter in **strike-through** is existing ordinance to be omitted. New sections are in **boldfaced** type.
(10) “Person” or “Persons” means any individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, fraternity, sorority, non-profit organization, estate, trust, receiver, trustee, syndicate or other group, organization or combination acting as a unit.

(11) “Sheriff” means the Lincoln County Sheriff or his/her designee.

(12) “Small Gathering” (hereinafter, “SG”) means and includes an assembly of persons, including but not limited to spectators, whose actual cumulative number is or is reasonably anticipated to be less than 3,001 persons but more than 300 persons for a period that continues or can reasonably be expected to continue for more than 6 hours but not more than 120 hours, including set-up, placement, storage and removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth within any continuous three month period, and that is held primarily in open spaces and not in any permanent structure within the unincorporated area of Lincoln County. The duration begins on the earlier of when the first attendee can or is anticipated to arrive at the assembly and when the last attendee has left the assembly.

(13) “Spectator” means any person located within, alongside or near the SG, MG or EMG, whether or not that person pays a fee to participate in the SG, MG or EMG.

(14) “Sponsor” means any person that allows, promotes or causes an SG, MG or EMG.

(15) “Temporary Structure” includes stages, tents, trailers, chemical toilet facilities and other non-permanent structures customarily erected or sited for temporary use.


4.510 SG, MG and EMG Exclusions/ Waiver

(1) The requirements in this Code for SGs, MGs and EMGs shall not apply to any regularly scheduled religious service or religious organized activity that takes place on institutional property, regularly organized and supervised school district activity or program that takes place on school property, any activities at the Lincoln County Fairgrounds or Commons, any activity at a County park, or any activity of a municipal corporation or governmental agency.

(2) The Director or Hearings Body, as applicable, may waive all or part of the permit requirements for certain limited SGs, upon a showing by the Organizer of good cause, when no significant public health, safety or welfare issues are involved or when the Director or Hearings Body determines that no County law enforcement or other County resources are necessary. Notwithstanding the above, there shall be no waiver of fire protection standards (Section 4.550).

4.515 SG, MG and EMG Permit Required

(1) No Organizer shall hold, conduct advertise or otherwise promote an SG, MG or EMG or allow an SG, MG or EMG to be held on real property in the unincorporated areas of Lincoln County unless the Organizer obtains a permit to hold such an SG, MG or EMG.

(2) No permit for an SG, MG or EMG shall be issued unless the landowner of the property that is the site of the SG, MG or EMG also signs the application.

(3) All SGs and MGs are exempt from the requirements of Chapter 1 of the Lincoln County Code, except where noted.

(4) One permit shall be required for each SG, MG or EMG.

2018 LCC CHAPTER 4 — PAGE 3

NOTE: Matter in boldfaced type is new; matter in strikethrough is existing ordinance to be omitted. New sections are in boldfaced type.
(5) A permit issued under these provisions does not entitle the SG, MG or EMG Organizer to construct any permanent physical alterations to or on the real property which is the site of the SG, MG or EMG.

(6) The Organizer of a proposed SG, MG or EMG shall file an application with the Department at least 90 days prior to the SG, MG or EMG.

(7) The application shall include the following:
   (a) Name and mailing address, email address and phone number of the Organizer (and of
       the Property Owner, Lessee, or Possessor, if different).
   (b) Legal description and address, if any, of the location of the proposed SG, MG or
       EMG.
   (c) A map of the SG, MG or EMG showing access roads and assembling and disbanding
       points.
   (d) The date or dates of the proposed SG, MG or EMG.
   (e) The proposed starting and ending time(s) of the SG, MG or EMG.
   (f) The estimated number of persons, vehicles and animals that will be attending,
       participating in or viewing the SG, MG or EMG.
   (g) The nature of the proposed SG, MG or EMG.
   (h) A sketch, and other detailed information showing the type, number and location of all
       toilets, washing facilities, water supply, food preparation, food service facilities and solid waste
       collection locations.
   (i) The name and phone number of the contact person who shall be easily identified and
       who shall remain at the SG, MG or EMG site at all times.
   (j) Approval by the authorized representative of the rural fire protection district under
       ORS Chapter 478, or State Fire Marshal, or State Forester, as applicable.
   (k) A water supply plan showing compliance with OAR 333-039-0010; a drainage plan
       showing compliance with OAR 333-039-0020; a sewerage plan showing compliance with OAR
       333-039-0025; a refuse storage and disposal plan showing compliance with OAR 333-039-0030;
       a food and sanitary food service plan showing compliance with OAR 333-039-0035, an
       emergency medical facilities plan showing compliance with OAR 333-039-0040; a fire
       protection plan showing compliance with OAR 333-039-0045; a security personnel plan showing
       compliance with OAR 333-039-0050; and a traffic plan showing compliance with OAR 333-
       039-0055.
   (l) A copy of the proposed participant entry form for the SG, MG or EMG, including a
       release agreement releasing Lincoln County, its officers, agents, employees or volunteers from
       liability for any or all injuries.
   (m) A signed indemnity agreement on a form provided by the County.
   (n) Information on whether alcohol will be part of the SG, MG or EMG, and if so, in
       what way, and what arrangements have been made for appropriate licensing.
   (o) Such other appropriate information as the Director or Board may require in order to
       ensure compliance with the provisions of this chapter, as well as the rules of the Oregon
       Department of Human Services.

2018 LCC CHAPTER 4 — PAGE 4

NOTE: Matter in **boldfaced** type is new; matter in *strikethrough* is existing ordinance to be omitted. New sections are in **boldfaced** type.
(8) The application for an SG, MG or EMG shall be accompanied by the appropriate fee pursuant to the County fee schedule. Except as provided in subsection (9) below, no rebate or refund of money paid for a permit shall be made.

(9) Incomplete applications shall be denied and the application fee, less County costs, shall be returned to the permit applicant.

(10) If the application is submitted fewer than 90 days prior to the event and the Director or Board accepts the application, the processing fee shall be double.

(11) The Director shall furnish a copy of the SG, MG or EMG permit to the Sheriff and to any other jurisdiction with regulatory authority in which the SG, MG or EMG takes place.

(12) If a permit for a proposed event under this Ordinance cannot be issued because the proposed event does not meet the definition of an SG, MG or EMG, the proposed event shall not be authorized unless it otherwise complies with Chapter 1 of the Lincoln County Code.

(13) No more than one SG, MG, or EMG may be held at the same location within a three month period.

4.520 SG, MG and EMG Permit Processing/When Hearings Are Required
(1) SG permits shall be processed administratively by the Director without a hearing.

(2) No application for an MG permit shall be approved without review by the Board following a public hearing.

(3) No application for an EMG permit shall be approved without review by the Planning Commission following a public hearing in accordance with ORS 433.763.

(4) Public hearings shall be set at the discretion of the Director, but, in no case, earlier than 10 days from the date of the application.

4.525 SG, MG and EMG Departmental and Agency Notice
(1) The Director shall send notice of the application to the following officers at least 10 calendar days prior to the administrative decision (for the SG) or hearing (for the MG or EMG): Lincoln County Counsel (serving as Risk Manager), County Sheriff, the Director of Lincoln County Health and Human Services Health Department Director, the County Public Works Director Roadmaster, and the Chief of the Fire District, if there is one, in which the SG, MG or EMG is proposed, the State Fire Marshal and the State Forester.

(2) At least 10 calendar days prior to the administrative decision (for the SG), the Director shall publish in a newspaper of general circulation in the county, notice of the application along with an invitation for the public to submit comment to the Director on the application before the date of the administrative decision.

(2)(3) The Director shall publish notice of his or her administrative decision for an SG in a newspaper of general circulation in the County within 10 calendar days of the date of his or her decision.

(3)(4) The Director shall publish notice of the hearing for an MG or EMG permit at least 10 calendar days before the hearing in a newspaper of general circulation in the County.

4.530 SG, MG and EMG Approval Criteria

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NOTE: Matter in boldfaced type is new; matter in strikethrough 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) An SG, MG or EMG permit shall be approved upon demonstration by the Organizer of compliance with or the ability to comply with the provisions of this chapter, as well as all health and safety rules adopted by the Oregon Department of Human Services, as applicable.

(2) Each public official receiving notice of the application for an SG who wishes to comment on the application shall submit such comment in writing to the Director within 10 days of receiving notice of the application. Each public official receiving notice of the application for an MG or EMG permit who wishes to comment on the application shall submit such comment in writing to the Hearings Body no later than the date and time for the hearing.

(3) The comment from any public official regarding an SG, MG or EMG permit may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed.

(4) The Director or Hearings Body shall consider the imposition of any suggested changes submitted by the public officials who received notice of the proposed gathering.

(5) The Director, in making an administrative decision, shall consider the public comment he/she has received.

(5)(6) The Director or Hearings Body may consider and impose any reasonable condition on a permit under this chapter.

4.535 SG, MG and EMG Appeals

(1) When the County Planning Commission is the Hearings Body, any person who participated in the hearing before the Planning Commission shall be deemed a party and may appeal the decision to the Board.

(2) All SG decisions of the Director and MG decisions of the Board shall be reviewable only by the Lincoln County Circuit Court for the State of Oregon only by writ of review under the provisions of ORS 34.010 to 34.100.

(3) All EMG rulings of the Board are appealable to the Land Use Board of Appeals.

4.540 SG, MG and EMG Insurance

(1) If the Director, Board or Planning Commission, as applicable, determines that the SG, MG or EMG creates a potential for injury for persons or property, they may require Organizers to obtain a commercial general liability insurance policy in an amount commensurate with the risk, with single limit policy limits of not less than $2,000,000.

(2) The insurance policy may not be cancelable and shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the SG, MG or EMG.

(3) The insurance policy must be an “occurrence” policy, or its equivalent, that provides for payment of claims made during the 180 day period after the scheduled termination of the SG, MG or EMG.

(4) The Organizer shall furnish the Director with an insurance certificate and a copy of the insurance policy naming the County as an additional insured under the policy, at least 14 days before the first day of the SG, MG or EMG.

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NOTE: Matter in **boldfaced** type is new; matter in strikethrough is existing ordinance to be omitted. New sections are in **boldfaced** type.
(5) The permit for an SG, MG or EMG shall be voided by the Director if the Organizer does not file proof of the non-cancelable insurance required by this section with the Director at least 14 days before the first day of the SG, MG or EMG.

(6) The Organizer must agree in writing to indemnify, defend and save and hold harmless the County, its commissioners, boards, officers, employees and agents, from all suits, actions, damages or claims to which the County may be subjected to of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of such SG, MG, or EMG and the activities permitted in connection therewith.

4.545 SG, MG and EMG Sanitary Facilities and Food Preparation

(1) The County Environmental Health Division shall have the responsibility for approving reviewing all sanitation and related facilities required by the Director or Hearings Body for an SG, MG or EMG permit to ensure that reasonable minimum standards have been or will be met by the Organizer, in accordance with the procedures outlined in this chapter and OAR 333-039.

(a) Water. An adequate supply of water meeting state drinking water standards for chemicals and bacteria shall be provided.

(b) Food Service Facilities. Food service facilities shall comply with the Oregon Department of Human Services regulations that pertain to the operation of temporary restaurants. All food service providers must be validly licensed.

(2) Such approval review of an SG, MG or EMG permit by the County Environmental Health Department shall indicate the number, type, and location, when appropriate, of the various sanitary facilities and shall include a description of the specific type of food preparation and food service facilities to be provided.

4.550 SG, MG and EMG Fire Protection Standards

(1) No SG, MG or EMG permit shall be granted under this chapter unless the Organizer has shown that the authorized representative of the rural fire protection district under ORS Chapter 478 has approved the type, size, number and location of fire protection devices and equipment available at, in or near any location, including outdoor sites, buildings, tents, stadium or enclosure, during the course of an SG, MG or EMG for which a permit is required under this chapter.

(2) If the site for which the permit is applied for is located outside a fire protection district, the Organizer must show approval from the Office of the State Fire Marshal, or State Forester, as applicable.

4.555 SG, MG and EMG Medical Service

(1) Sheriff shall have responsibility for approving reviewing plans as to medical service required for the SG, MG or EMG.

4.560 SG, MG and EMG Public Safety

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NOTE: Matter in boldfaced type is new; matter in strikethrough is existing ordinance to be omitted. New sections are in boldfaced type.
(1) The Organizer must submit plans for public safety at the SG, MG or EMG demonstrating the following:
(a) Adequate traffic control and crowd protection policing shall be contracted for or otherwise provided by Organizer.
   (A) There shall be provided one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time during the SG, MG or EMG.
   (B) Further, there shall be provided one crowd control person for each 100 persons expected or reasonably expected to be in attendance at any time during the SG, MG or EMG.
(b) The Organizer shall submit the names and necessary background information as required by the Director or Hearings Officer for all traffic-control and crowd-control personnel to be utilized during the MG or EMG.
   (c) All such personnel must meet the following minimum standards in order to be approved as suitable:
      (A) Be at least 18 years of age;
      (B) Must have the physical capability to perform the traffic control and traffic control responsibilities;
      (C) Have training or experience acceptable to the County to conduct traffic and or crowd control duties.
(2) All of the traffic control and crowd control personnel must wear appropriate safety vests or jackets.
(3) The required number of crowd control personnel must be on duty during the entire SG, MG or EMG unless a relief schedule has been planned and approved.
(4) A relief schedule will be approved only when sufficient crowd control strength on duty has been maintained to meet the minimum strength standards set forth in this chapter.
(5) It is the duty of the crowd control personnel to report any violations of the law to the Sheriff.

4.565 SG, MG and EMG Parking Facilities
(1) Prior to or on the date of application for an SG, MG or EMG, the Organizer shall provide a scale drawing showing that adequate parking facilities have been made available within or adjacent to the location for which the permit is requested.
(2) Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably expected to attend.
(3) Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area of the SG, MG or EMG.
(4) Should buses be used to transport the public to the SG, MG or EMG, it shall be shown that adequate parking is available at any site from which buses are scheduled to pick up persons to transport them to the SG, MG or EMG.
(5) The Organizer should consider installing no parking signs in areas where it is appropriate to do so.

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NOTE: Matter in **boldfaced** type is new; matter in **strike-through** is existing ordinance to be omitted. New sections are in **boldfaced** type.

Office of Lincoln County Legal Counsel
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Newport, Oregon 97365
(541) 265-4108
4.570 SG, MG and EMG Permit Display and Set Up and Clean Up Requirements
(1) The Organizer of an SG, MG or EMG shall have a copy of the permit available for
inspection upon request.
(2) Any permit for an SG, MG or EMG shall not be transferrable or assignable without
the consent of the Director or Board.
(3) Any permit for an SG, MG or EMG shall be kept posted in a conspicuous place upon
the premises of such assembly.
(4) All onsite activities required to prepare the assembly site must occur within 72 hours
prior to the advertised time the assembly is scheduled to begin. The Director or Hearings Body
may, upon a showing of necessity, allow preparation to begin more than 72 hours before the
advertised time of the assembly but those activities are limited to set up only and not commercial
vending, rehearsals or sound checks. All of the facilities shall be in place at least 2 hours before
the SG, MG or EMG begins.
(5) The organizer must remove and repair all remaining residue, debris, or damage to
property resulting from the assembly 72 hours after termination of the assembly.

4.575 SG, MG and EMG Inspection of Premises
(1) No SG, MG or EMG permit shall be granted unless the Organizer shall, in writing,
upon the application for such permit, consent to allow the Director, law enforcement, public
health and fire control officers to come upon the premises for which the permit has been granted
for the purpose of inspection and enforcement of the terms and conditions of the permit and this
chapter and any other applicable laws or ordinances.
(2) If any inspections reveal deficiencies in compliance with State or local law, the
inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are
not cured or cannot be cured, the Sheriff may suspend or terminate the SG, MG or EMG.

4.580 SG, MG and EMG Restricted Hours of Operation / Noise
(1) No SG, MG or EMG shall be conducted, including set-up, placement, storage,
staging, removal or similar action of any equipment, materials, structures, vehicles, supplies and
so forth, between the hours 1:00 A.M. and 9:00 A.M.
(2) Notwithstanding the above, security operations including use of security
personnel may operate 24/7.
(2) (3) The gathering must comply with the Lincoln County Noise Ordinance (Lincoln
County Code Sections 2.2000 to 2.2045).

4.585 SG, MG and EMG Enforcement
(1) The Organizer shall provide a contact person who shall be easily identifiable with
readily visible ID and who shall remain at the SG, MG or EMG site at all times.
(2) If any Organizer of an SG, MG or EMG violates any provisions of this chapter, the
Sheriff may immediately suspend, revoke or terminate any permit for an SG, MG or EMG and
may seek any legal remedy available.

NOTE: Matter in boldfaced type is new; matter in strikethrough is existing ordinance to be omitted. New sections are in boldfaced type.
(3) The SG, MG or EMG Organizer shall keep a reasonable count of persons and vehicles entering and leaving the SG, MG or EMG. The Organizer shall provide Director with a total count of persons within 10 days of the last day of the SG, MG or EMG.

(4) If, at any time during the SG, MG or EMG held under a valid permit, the number of persons or vehicles attending the SG, MG or EMG exceeds by 10% or more the number of persons or vehicles estimated in the permit application, the Sheriff has the authority to require the Organizer to limit further admissions until a sufficient number of individuals or vehicles have left the site to bring the actual attendance down to the number estimated by the Organizer.

(5) For any SG, MG or EMG held under a valid permit, the Sheriffs has the authority to order the crowd to disburse and leave the SG, MG or EMG site if the Organizer cannot maintain order and compliance with all applicable State and local laws or refuses or is unable to adhere to the terms and conditions of the permit.

(6) In addition to the State law provisions in ORS Chapter 433, including ORS 433.990(7), the County Counsel or District Attorney for Lincoln County may maintain an action in any court of general jurisdiction to restrain or enjoin any violation of this Ordinance.

(7) If persons remain on site after the scheduled end of the permitted SG, MG or EMG, or if the Organizer fails to remove all debris or residue within 72 hours after termination of the SG, MG or EMG, or if the Organizer fails to remove all temporary structures within three weeks after the termination of the SG, MG or EMG, the County may issue citations to the Organizer, all persons remaining at the site, and/or all persons who have left debris behind.

(8) In addition to any other remedies provided, if the SG, MG or EMG site is not restored to its previous condition, or better, the County may arrange for cleanup of the site, and then file an action for damages against the Organizer or successor landowner.

4.590 SG, MG and EMG Intoxicating Liquor Prohibition

(1) No Organizer, nor any person having charge or control thereof at any time when an SG, MG or EMG is being conducted shall permit any person to bring into such SG, MG or EMG or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during such time shall take or carry onto such premises or drink thereon intoxicating liquor.

(2) Subsection (1) of this section shall not apply to the sale and consumption of intoxicating liquor from a facility located on the premises of an SG, MG or EMG when validly licensed by the State.

4.595 SG, MG and EMG Unlawful Controlled Substances Prohibition

No firm, person, society, association or corporation conducting an SG, MG or EMG, nor any person having charge or control thereof at any time when an SG, MG or EMG is being conducted shall permit any person to possess any controlled substances that are unlawful under Oregon law.

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NOTE: Matter in **boldfaced** type is new; matter in _strikethrough_ is existing ordinance to be omitted. New sections are in **boldfaced** type.
4.600 SG, MG and EMG Compliance Required
Compliance with the terms and conditions of this chapter shall constitute minimum health, sanitation and safety provisions; and failure to comply with the terms and conditions of this chapter or state laws shall constitute a public nuisance and shall be subject to all criminal, civil and equitable remedies as such.

4.605 SG, MG or EMG Violation Enforcement
For an SG, MG or EMG, violation of this chapter is subject to enforcement pursuant to Chapter 10 of the Lincoln County Code, and other legal remedies available under the law.

4.610 Review of Ordinance # 495
Prior to December 31, 2018; Periodically the Lincoln County Board of Commissioners shall review this Ordinance for possible amendments. [2017 o.495 §1]
BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

In the Matter of

ORDER # ______________

INITIATING PROCEEDINGS TO
TRANSFER JURISDICTION OVER
LOGAN ROAD TO THE
CITY OF LINCOLN CITY

WHEREAS the County and the City of Lincoln City have discussed the transfer of jurisdiction of Logan Road, County Road # 814 to the City of Lincoln City\(^1\); and

WHEREAS County and City have determined that this right-of-way is better suited to be a City street rather than a County road; and

WHEREAS transfer can be initiated in accordance with ORS 373.270. The County will initiate this process under ORS 373.270(2) by providing notice in accordance with law, holding a required hearing, and determining the terms of the offer of surrender of jurisdiction.

IT IS HEREBY ORDERED THAT:

(1) Proceedings are initiated to transfer jurisdiction, in accordance with ORS 373.270(2) et. seq., to the City of Lincoln City that portion of Logan Road, County Road #100, further described and depicted in Exhibit “A”.

(2) A public hearing on this matter shall be conducted by the Board of Commissioners at a regularly scheduled Board meeting as set in the notice of hearing.

(4) The County shall cause notice of the hearing to be made in accordance with ORS 373.270(2).

\(^1\) A portion of Logan Road was transferred by the County and accepted by the City of Lincoln City in 2009. Lincoln County Board of Commissioners Records Book 074, Page 1441. This action when completed would transfer the remainder of Logan Road to the City.
(5) A copy of this order shall be provided to Lincoln City, City Manager Ron Chandler; Lincoln County Public Works Director Roy Kinion; and Lincoln County Counsel Wayne Belmont.

DATED this ____ day of ____, 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS

____________________________________
Chair

____________________________________
Commissioner

____________________________________
Commissioner
LOGAN ROAD – COUNTY ROAD #100
JURISDICTIONAL TRANSFER

Beginning at the northerly limit of that section of Logan Road – County Road #100 which was previously transferred to the jurisdiction of the City of Lincoln City as described in Lincoln County Board of Commissioners Order #6-09-135 recorded in Book 074, Page 1441, Lincoln County Commissioner’s Records; thence northerly to the northern terminus of said Logan Road in Section 26, Township 6 South, Range 11 West, W.M., Lincoln County, Oregon.
Lincoln County government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability. Printed 12/17/2019