Wednesday, March 4, 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

III. RECOGNITION/PROCLAMATION
   A. Employee Recognition
      a. Janice Archuleta – SO Support Services – 5 years
      b. Denise Bentsen -Treasurer – 5 years
      c. Susan Giles – SO Animal Shelter – 5 years
      d. Christopher Read – SO Jail – 5 years
      e. Torrey Bell – SO Jail – 10 years
      f. Grant Jones – SO Jail – 10 years
      g. Ellen Franklin – HHS – 20 years

   B. New Hire Introductions – Presented by Nicole Kendall, Personnel

IV. ADOPTION OF CONSENT CALENDAR
   A. Minutes of Board of Commissioners Meeting
      1. Order #3-20- BOC Meeting Minutes 1.29.2020

   B. Commission Appointments and Resignations

   C. License Applications or Renewals

   D. Tax Foreclosure, Right-of-Way, Sales and Deeds

   E. General Budget Resolutions

   F. Acting as Governing Body of County Wide Service Districts

   G. Documents and Recording Matters in the Commissioners Journal
      1. Order #3-20- Lane County Intergovernmental Agreement #55201 for Food Handlers Cards
         (Effective: 1/1/2020-12/31/2022)

      2. Order #3-20- Data Use and System Access Agreement between Lincoln County Health and
         Human Services and Oregon Public Health Division – Oregon THEO System
         (2/2020 – 2/2022)
3. Order #3-20- Intergovernmental Grant Agreement #162043 between Oregon Health Authority and Lincoln County for the Nurse Family Partnership (Effective: 9.20.19-9.30.20; not to exceed $217,450)

H. Execution of Documents
1. Resolution #20-4-3A Declaring Certain County Owned Vehicles to be Surplus and Authorizing their Disposal
2. Order #3-20- Execution of Amended Contract with Tyler Technologies for Incode

V. PUBLIC HEARING
1. Ordinance #515 Relating to General Administration; amending the Lincoln County Code (LCC) Chapter Seven Regarding Public Contracting – Presented by Jerry Herbage, Assistant County Counsel

VI. DECISION/ACTION
1. Short Term Rental Licensing Program – 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
   1. Update on Hatfield Marine Science Center & Marine Studies Initiative Activities – Presented by Robert Cowen, Oregon State University
   2. Oceanview Drive – Update: May 11th hearing date changed to May 13th – Presented by Wayne Belmont, County Counsel

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
   Monday, March 9, 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, March 11, 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.
BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

ORDINANCE # ____________

Related to General Administration; amending the Lincoln County Code (LCC) Chapter Seven regarding Public Contracting

WHEREAS, Chapter Seven of the Lincoln County Code (LCC) is entitled "General Administration"; and

WHEREAS, LCC Sections 7.060 through 7.085 concern Public Contracting; and

WHEREAS, these sections on public contracting are in need of updating to reflect changes in the Oregon Revised Statutes and Oregon Administrative Rules (the Model Rules of Public Contract Procedure, OAR Chapter 137); and

WHEREAS, these sections are also in need of some "housekeeping" to clarify the language within the Lincoln County Code;

NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

SECTION 1: AMENDMENT OF LCC CHAPTER SEVEN
Chapter Seven of the LCC is amended as outlined in Attachment "A" that is incorporated by reference.

SECTION 2: SEVERANCE CLAUSE
If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance, and it shall be expressly declared that every other section, subsection, provision, clause or paragraph of this
Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 3: EFFECTIVE DATE

This Ordinance shall be effective 90 days after its passage.

DATED this _____ day of March, 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS

________________________________________
Kaety Jacobson, Chair

________________________________________
Doug Hunt, Commissioner

________________________________________
Claire Hall, Commissioner

ATTESTED TO:                                       APPROVED AS TO FORM:

________________________________________
Kristi Peter                                    M. Gerard Herbage
  Recorder                                     Assistant Lincoln County Legal Counsel

Page 2 -- ORDINANCE # ______________________
CHAPTER 7
General Administration

PUBLIC CONTRACTING

7.060  Attorney General Model Rules
7.065  Local Contract Review Board / Designation of Contracting Agency
7.070  Contracts Requiring Board of Commissioners Approval
7.075  Personal or Professional Service Contracts
7.080  Exemption from Competitive Bidding
7.085  Disposal of Surplus Property

PUBLIC CONTRACTING

7.005  [repealed 2005 o.437 §8]
7.010  [1983 o.204 §1; 1999 o.392 §1; repealed 2005 o.437 §8]
7.015  [1998 o.376 §1; repealed 2005 o.437 §8]
7.020  [1991 o.290 §1; 1992 o.308 §1; 1993 o.325 §§ 1 and 2; 1998 o.376 § 2; 1999 o.392 §2; 2000 o.394 §1; repealed 2005 o.437 §8]
7.025  [repealed 2005 o.437 §8]
7.030  [1983 o.204 § 2; repealed 2005 o.437 §8]
7.035  [repealed 2005 o.437 §8]
7.040  [repealed 1999 o.392 § 3]
7.045  [repealed 2005 o.437 §8]
7.050  [repealed 2005 o.437 §8]
7.055  [1983 o.204 § 3; repealed 2005 o.437 §8]

7.060  Attorney General Model Rules
In accordance with ORS 279A.065, the Model Rules of Public Contract Procedure, OAR Chapter 137, adopted by the Attorney General shall apply to county public contracting, except as otherwise provided in this Chapter. [2005 o.437 §2]

7.065  Local Contract Review Board / Designation of Contracting Agency
(1) The Lincoln County Board of Commissioners is designated the Local Contract Review Board under Oregon Public Contracting Code, ORS Chapters 279A, 279B and 279C. The Local Contract Review Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code and the Model Rules.

NOTE: Matter in boldfaced type in an amended section is new; matter in strikethrough is existing ordinance to be omitted. New sections are in boldfaced type.
(2) Elected officials and appointed Department Heads and Program Coordinators, as determined by the Board of Commissioners, are designated as the County’s “Contracting Agency” as that term is defined in ORS 279A.010(1)(b) to exercise powers consistent with the Oregon Public Contracting Code, the Model Rules and this Chapter. Each Contracting Agency designee shall have the authority, with the authorized procedures set forth in this Chapter and the Model Rules, to seek solicitations, proposals, or bids and to make awards or direct appointments, and enter into contracts not to exceed $50,000 for each contract, provided sufficient sums are appropriated, unencumbered, and not restricted in the County, or as appropriate other County affiliated agency or countywide service district, budget and there are sufficient cash resources available to pay the maximum consideration set forth in each and every contract.

(3) All solicitations, appointments, awards and contracts exceeding $5,000 shall be subject to review and approval of the County Counsel’s Office for form and the Department of Finance for funding, under policies developed by each of those departments. [2005 o.437 §3]

7.070 Contracts Requiring Board of Commissioners Approval

Unless otherwise provided for in this Chapter, or upon other authorization of the Board of Commissioners, large procurements, as defined herein, require Board of Commissioners approval and execution. Large procurements mean contracts for the procurements of goods, services, or public improvements with a value in excess of $50,000, and change orders or amendments to such contracts that in the aggregate exceed 10 percent of the original amount. The Board of Commissioners shall also approve and execute all grant or service contracts, whether from public or private sources, that involve the addition of county employees or the subcontracting of employee services to other agencies or nonprofits. In addition, the Board of Commissioners shall be required to approve and execute any contract that by its terms requires governing body approval. [2005 o.437 §4]

7.075 Personal or Professional Service Contracts

(1) Personal or Professional Services Contracts are those contracts, as determined by the Board of Commissioners or the Contracting Agency designee, that involve an independent contractor engaged in services that predominately, but not always, require special training, certification or licenses, or special skills, or unique or specialized knowledge, or the exercise of judgment or skills that are unique to the service provider. Such service providers include, but are not limited to, consultants of all kinds, licensed or certified professionals, accountants, attorneys, medical personnel, computer experts, and similar persons.

(2) Direct appointment of qualified Personal or Professional Service Providers may be made by the Board of Commissioners or Contracting Agency designee where the estimated fee does not exceed $50,000 $75,000 in any one year or $150,000 $250,000 over the term of the work. For services over $150,000 the $75,000/$250,000 limitations, a competitive solicitation process shall be utilized.

(3) Direct appointment of qualified Personal or Professional Service Providers may also be made for installation, maintenance, repair or support of:
   (a) Computer software, hardware or networking systems; or

NOTE: Matter in boldfaced type in an amended section is new; matter in strikethrough is existing ordinance to be omitted. New sections are in boldfaced type.
(b) Telecommunications, video and access control systems.

(4) Direct appointments pursuant to this section shall be based on criteria including, without limitation, the provider’s qualifications and experience, provider’s available resources, project timing and location, provider’s references, and provider’s pricing.

(5) The County may use other methods to select qualified Personal or Professional Service Providers, including requests for proposals, requests for qualifications, listing of qualified providers, competitive bidding, selection from another public contacting agency’s list of qualified providers, or other solicitation methods available under law.

(6) The County shall award contracts to Architects, Engineers, and Surveyors for architectural, engineering, photogrammetric mapping, transportation planning, land surveying and related services providers in accordance with the Model Rules. [2005 o.437 §5]

7.080 Exemption from Competitive Bidding

(1) Lincoln County exempts from standard Competitive Bidding any contract exempted by the Oregon Public Contracting Code or the Model Rules, including but not limited to those under ORS 279A.025(2), ORS 279A.180, ORS 279A.200, ORS 279A.205, 279A.210, 279A.215, and ORS 279A.220.

(2) Lincoln County exempts from competitive bidding or sealed proposals contracts under ORS 279B.055, ORS 279B.060, ORS 279B.070, ORS 279B.075, ORS 279B.080 or ORS 279B.085 and the Model Rules for the following classes of contracts:

(a) Emergency contracts.

(b) Contracts and purchases not exceeding $5,000 $10,000 (direct purchasing allowed).

(c) Contracts and purchases exceeding $5,000 but not exceeding $75,000, where informal solicitation procedures are used in accordance with the Model Rules for Intermediate Procurements.

(d) Contracts exceeding $75,000 $10,000, but not exceeding $150,000, where formal written solicitations or quotes are obtained in accordance with the Model Rules for Intermediate Procurements.

(e) Contracts for a public improvement with a value of less than $5,000.

(f) Contracts for public improvements not exceeding $100,000 ($50,000 for roads, bridges or transportation construction projects) where formal written solicitation or quotes are obtained in accordance with the Model Rules for Intermediate Procurements made under procedures for competitive quotes in ORS 279C.412 and 279C.414.

(2) Amendments to the above referenced contracts are allowed in accordance with the Model Rules.

(2) Lincoln County may exempt additional contracts or classes of contracts through amendment of this Chapter, through Board of Commissioners’ adoption of a resolution exempting a specific contract, or through any other method authorized under the Oregon Public Contracting Code or the Model Rules. [2005 o.437 §6]

7.085 Disposal of Surplus Property

NOTE: Matter in boldfaced type in an amended section is new; matter in strike-through is existing ordinance to be omitted. New sections are in boldfaced type.
Disposal of surplus property shall be conducted in accordance with the provisions of the resolution adopted by the Lincoln County Board of Commissioners declaring the property as surplus. [2005 o.437 §7]
BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

In the Matter of: )
) ORDER #__________
PETITION TO VACATE PORTIONS OF ) V-171
NW NORTH STREET, NW WALLACE STREET, )
NW BERNARD STREET ALL IN PLAT OF )
SEAL ROCK VIEW, LINCOLN COUNTY )

WHEREAS a petition for vacation was filed and fees were paid by Paul Rimola, et. al., requesting that the Board vacate portions of NW North Street, NW Wallace Street, and NW Bernard Street, all in the plat of “Seal Rock View” in Lincoln County Oregon. The public road rights of way are within Section 19, Township 12 South, Range 11 West, Willamette Meridian. The areas proposed to be vacated are more particularly described in the attached Exhibit “A”. The petition is attached as Exhibit “B”\(^1\); and

WHEREAS under ORS 368.341, when the Board of Commissioners receives a petition signed by the owners of 60% of the land abutting the property to be vacated, or 60% of the owners of land abutting the property to be vacated, the Board may initiate proceedings to vacate the property under ORS Chapter 368 by directing the county road official (County Public Works Director) to prepare and file a written report under ORS 368.346. This petition contains the requisite property owners’ signatures to initiate this process.\(^2\).

NOW, THEREFORE, THE BOARD HEREBY FINDS AND ORDERS AS FOLLOWS:

1. That the Public Works Director prepare and file with the Board a written report addressing the requirements of ORS 368.346(1).

2. That copies of this Order also be provided to the Public Works Director, County Counsel and the County Surveyor.

DATED this ___ day of ________________, 2020

LINCOLN COUNTY BOARD OF COMMISSIONERS

_____________________________  ______________________________
Chair  Commissioner  Commissioner

\(^1\) There are numerous other supporting materials that are not attached but will be included in the official file of the vacation, V-171.

\(^2\) The area proposed to be vacated is immediately adjacent to Brian Booth Park owned by the state of Oregon. The Public Works Director and County Counsel are reviewing the request to determine if it must be processed as a land use decision under Oregon Law. The necessary procedure, with concomitant notices, hearings timelines, and standards of approval will be identified in the report provided under ORS 368.346 and/or a supplement report provided by County Counsel.
TO THE NORTHWEST CORNER OF SAID LOT 2 AND THE POINT OF BEGINNING.


BEGINNING THE NORTHWEST CORNER OF Lot 2, Block 1S, "Seal Rock View".

LEGAL DESCRIPTION OF PROPOSED STREET VACATION WITHIN

NYHUS SURVEYING, Inc.

EXHIBIT A
LEGAL DESCRIPTION OF PROPOSED STREET VACATION WITHIN
"SEAL ROCK VIEW"

NW NORTH STREET NORTH OF LOT 6, BLOCK 15, "SEAL ROCK VIEW";
NW WALLACE STREET EAST OF BLOCKS 14 AND 15,
NW BERNARD STREET BETWEEN LOT 10, BLOCK 15 AND LOT 6, BLOCK 14

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 15, "SEAL ROCK VIEW" (BOOK 3, PAGE 7), IN LINCOLN COUNTY, OREGON; THENCE NORTHERLY ON THE EXTENSION OF THE WESTERLY LINE OF SAID LOT 6, 30 FEET, MORE OR LESS, TO THE NORTHERLY BOUNDARY OF "SEAL ROCK VIEW"; THENCE EASTERLY ALONG SAID NORTHERLY BOUNDARY OF "SEAL ROCK VIEW", 293 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF "SEAL ROCK VIEW"; THENCE SOUTHERLY, 1290 FEET, MORE OR LESS, ALONG THE EASTERLY LINE OF "SEAL ROCK VIEW" TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTHERLY BOUNDARY OF LOT 10, BLOCK 14; THENCE WESTERLY ALONG SAID EXTENSION OF THE SOUTHERLY BOUNDARY OF LOT 10, 30 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 10, BLOCK 14; THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID BLOCK 14, 600 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF LOT 6, BLOCK 14; THENCE WESTERLY, 263 FEET, MORE OR LESS, ALONG THE NORTHERLY BOUNDARY OF LOT 6, BLOCK 14, TO THE NORTHWEST CORNER OF LOT 6, BLOCK 14; THENCE NORTHERLY, 60 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 10, BLOCK 15; THENCE EASTERLY, 263 FEET, MORE OR LESS, ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 10, BLOCK 15 TO THE SOUTHEAST CORNER OF SAID LOT 10, BLOCK 15; THENCE NORTHERLY, 600 FEET, MORE OR LESS, ALONG THE EASTERLY BOUNDARY OF BLOCK 15 TO THE NORTHEAST CORNER OF LOT 6, BLOCK 15; THENCE WESTERLY ALONG THE NORTH BOUNDARY OF LOT 6, BLOCK 15, 263 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.
LEGAL DESCRIPTION OF PROPOSED STREET VACATION WITHIN
“SEAL ROCK VIEW”

NW NORTH STREET NORTH OF LOT 6, BLOCK 16, “SEAL ROCK VIEW”

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 16, “SEAL ROCK VIEW” (BOOK 3, PAGE 7), IN LINCOLN COUNTY, OREGON; THENCE NORTHERLY ON THE EXTENSION OF THE WESTERLY LINE OF SAID LOT 6, 30 FEET, MORE OR LESS, TO THE NORTHERLY BOUNDARY OF “SEAL ROCK VIEW”; THENCE EASTERLY ALONG SAID NORTHERLY BOUNDARY OF “SEAL ROCK VIEW”, 263 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF THE AFORESAID LOT 6; THENCE SOUTHERLY, 30 FEET, MORE OR LESS, ALONG SAID EXTENSION OF THE EASTERLY LINE OF LOT 6 TO THE NORTHEAST CORNER OF LOT 6; THENCE WESTERLY, 263 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 6 AND THE POINT OF BEGINNING.
EXHIBIT B

FOR LINCOLN COUNTY, OREGON

IN THE MATTER OF THE VACATION OF )
PART OF N.W.
) WALLACE H. WILCOX

PETITION TO VACATE

I. The undersigned hereby petitions the Lincoln County Board of Commissioners to vacate the following described property:

See Exhibit
See Exhibit

And certifies the information contained on this petition to be true and complete.

II. The reasons for the vacation are:

See Exhibit

III. Names and addresses of all persons holding any recorded interest in the property to be vacated are:

NAME & ADDRESS

DESCRIPTION OF INTEREST

See attached list

(Use separate sheet if more space is needed)
IV. Names and addresses of all persons, including utilities, owning any improvements constructed on the public property to be vacated are:

<table>
<thead>
<tr>
<th>NAMES &amp; ADDRESS</th>
<th>DESCRIPTION OF INTEREST</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
</tr>
</tbody>
</table>

(Use separate sheet if more space is needed)

V. The names and addresses of all persons owning any real property abutting property proposed to be vacated are:

<table>
<thead>
<tr>
<th>NAMES &amp; ADDRESS</th>
<th>DESCRIPTION OF PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Use Tax Lot Number if Available)</td>
</tr>
<tr>
<td></td>
<td>See Attached</td>
</tr>
<tr>
<td></td>
<td>Exhibit A1 - A4</td>
</tr>
</tbody>
</table>

(Use separate sheet if more space is needed)

VI. Attached hereto are ________ pages of signatures, each acknowledged by a notary, of:

( ) Owners of at least 60% of the land abutting the property proposed to be vacated.

( ) At least 60% of the owners of land abutting the property proposed to be vacated.

☒ Owners of 100% of property abutting the public property proposed to be vacated.
The property proposed to be vacated:

X Will not be re-divided in any manner.

( ) Will be re-divided in the manner shown on the attached subdivision or partitioning plan.

In addition to the FIVE HUNDRED DOLLAR fee paid to Lincoln County UPON FILING of this petition, I understand that, as a condition of the processing of the vacation requested, I may be held liable for any additional costs reasonably incurred by Lincoln County in processing this vacation proceeding.

I certify I am an owner of the property abutting the property proposed to be vacated.

Signed and Dated this 21st day of February, 2023.

Kimola

-270- 9488

Phone

P08dx3
11980 NW Ruggan Blvd
Snoqualmie Pass #2856

Address

Same

Work Phone
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road,

Partial Vacation of N 1300' of N Dock St / Wallace St
(Name, number, or description to be vacated)

SEAL ROCK VIEW

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)


12-11-19 - CO - 00400

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this 22 nd day of January 2020

[Signature]

[Signature]

ACKNOWLEDGEMENT

STATE OF OREGON

County of Lincoln

[Signature]

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

[Official Stamp]

Notary Public for Oregon

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road.

Partial Vacation of North St / Wallace St

(Name, number, or description to be vacated)

Sea Rock View.

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

R468166 12-11-19-C0-00200-00

125 11W 19C

11945 NW Riggen Ave
Sea Rock, OR 97376

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this 24th day of January, 2020

Signature

Signature

ACKNOWLEDGEMENT

STATE OF OREGON

County of Lincoln

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

Notary Public for Oregon

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road

(Name, number, or description to be vacated)

Description for property owned that abuts the road proposed to be vacated (use tax lot number or legal description)

[Redacted]

The undersigned owner(s) of the property described above approve of the proposed vacation

Signed this ___ day of ________________, 20__

(Signature)

STATE OF OREGON

County of _________________

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

Notary Public for Oregon

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road.

**Partial Vacation of North St / Wallace St**
(Name, number, or description to be vacated)

**Seal Rock View.**

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

**Seal Rock View, Block 15, Lot 6**

**AKA Map: 12-11-19-C0-00204-00**

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this 9th day of January, 2020

Signature

Signature

ACKNOWLEDGEMENT

STATE OF OREGON

County of Lincoln

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

**Jessica Caldwell**

Notary Public for Oregon
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road,

ODEN AVN to PARTIAL VACATION OF NORTH-WALLACE ST of

(Name, number, or description to be vacated)

PARCELS TO INCLUDE PARTIAL VACATION OF BERNOUX ST

AND WALLACE ST FROM TO REGAN AVE (Two Parcels)

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

12-11-19-CO-05203-00

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this 15th day of January, 2020

Jena Friz
Signature

Weasley Feat
Signature
Jena Friz PUA

ACKNOWLEDGEMENT

STATE OF OREGON  )
County of Oregon ) ss.

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

Scott Young
Notary Public for Oregon

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road.

PARTIAL VACATION OF NORTH ST / WALLACE ST
(Name, number, or description to be vacated)

SEA VIEW ROCK

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

SEA VIEW ROCK
LOCK IS LOT 9

MAP: 12-11-17 CO-002-00

ADDRESS: 11877 NW Legion Dr, Portland OR 97229

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this ___ day of ___ , 20___

[Signature]

[Signature]

ACKNOWLEDGEMENT

STATE OF OREGON

County of Benton

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

[Notary Public for Oregon]

[Official Notary Stamp]

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road,

**Partial vacation of North St / Wallace St**

(Name, number, or description to be vacated)

**Real Rock View.**

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

________________________________________________________________________

**12-11-19-CO-05A02-00**

________________________________________________________________________

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this __________ day of __________, 2020

_____________________________

Signature Bette J. Grimm Trustee

Signature

ACKNOWLEDGEMENT

STATE OF OREGON

County of _______Yamhill______

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act Bette J. Grimm Trustee of the Testamentary Trust created by the will of Joseph P. Grimm deceased

_____________________________

Notary Public for Oregon

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road,

**Partial vacation of Norm St / Wallace St**

(Entry, number, or description to be vacated)

**SCRAB ROCK VIEW**

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

- 12-11-19-00 - 05 201-00

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this 14 day of Jan, 2020

Signature Bette J. Grimm

Signature

ACKNOWLEDGEMENT

STATE OF OREGON )

County of Yamhill )

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act Bette J. Grimm

[Stamp]

CYNTHIA JEAN WILLIS
NOTARY PUBLIC-OREGON
COMMISSION NO. 973672
MY COMMISSION EXPIRES APRIL 28, 2022

Notary Public for Oregon

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road,

**PARTIAL VACATION OF NURCA ST / WALLACE ST**

(Name, number, or description to be vacated)

**CEele ROck VIEw.**

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

\[ S527932 \quad 1\text{-}11\text{-}19\text{-}CO\text{-}00203\text{-}00 \quad 187 \]

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this **13** day of **JANUARY** , 2020

\[ \text{Signature} \]

\[ \text{Signature} \]

ACKNOWLEDGEMENT

STATE OF OREGON )
County of **Lincoln** ) ss.

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

\[ \text{Notary Public for Oregon} \]

\[ \text{Seth Yauburn} \]

\[ \text{Notary Public for Oregon} \]

\[ \text{Seth Yauburn} \]

\[ \text{Expires: 10/9/2022} \]

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road.

**PARTIAL VACATION OF N1/2 ROA ST & WALLACE ST**

(Name, number, or description to be vacated)

**SEAL ROCK VIEW**

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

---

12-11-19 CO 05203-00

---

Signed this **14** day of **January** 2020

[Signature]

[Signature] [POA]

**STATE OF OREGON**

County of **Lincoln**

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

[Signature]

Notary Public for Oregon

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road,

**PARTIAL VACATION OF NORTH ST / WALLACE ST**
(Next, number, or description to be vacated)

**SALT ROCK VIEW**

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

**SALT ROCK VIEW**
**BLOCK 15 LOT 5**

**12-11-19- CO-00 303-00**

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this **21** day of **JAN** **2020**

Signature

Signature

ACKNOWLEDGEMENT

STATE OF OREGON
County of **LINCOLN**

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

Notary Public for Oregon

[Notary Stamp]

Page 4
SIGNATURE SHEET

Signature requires for paragraph VI of the Petition to Vacate a Public Road.

PARTIAL VACATION OF NORD ST / WALLACE ST
(Name, number, or description to be vacated)

SEAL ROCK VIEW

Description for property owned that abuts the road proposed to be vacated (use tax lot number of legal description)

Seal Rock View, Block 14, Lot 8 Seal Rock, OR 97376

12-11-10-00-0 520 14-00

The undersigned owner(s) of the property described above approve of the proposed vacation.

Signed this day of , 20

[Signature]

[Signature]

ACKNOWLEDGEMENT

STATE OF OREGON

County of

I certify that the above named person(s) personally appeared before me and executed this instrument as his/her/their own free act.

NICOLE R. DENVER
Notary Public
State of Washington
License Number 203503
My Commission Expires September 16, 2022
Pay to the Order of Lincoln County $500
Five hundred dollars

Oregon State Credit Union
For

2/21/20
Shore Protection
Lincoln County and Sherkow Property
Part 5 – Section C
Two Secrets that the State and local Staff Don't Want You or the Public to Know

Secret #2 – They Don't Believe in Shore Protection

- DLCD, State Parks, and County Staff do NOT believe in Shore Protection
  - Onno Husing – “For what? To protect a few privately-held homes? Oregonians are not going to support that (especially if they understand most of our beaches most of the time want to migrate naturally to the east).” Email July 2019
  - DLCD – “Maybe we [State] should buy out [unprotected] oceanfront properties.”
  - State Parks – “Our management doesn’t want to protect anything on the oceanfront, including State Parks.”

County Planning Director

- “Rip rap is terrible for a beach. Over time, in many places, when you install rip rap you will lose the beach over time. Over time, if you don't install rip rap, some houses that cannot be moved eastward, to get them out of harm's way, they will be taken by the ocean.”
  - Onno Husing – July 2019 email
- This OPINION doesn't match with the beach health north of my property!
- Is this County policy as adopted by the BOC?

Do Any of the Bureaucrats Have Any Education or Credentials in Subjects Related to Shore Protection?

- Oceanography
- Fluid Mechanics
- Hydrology
- Sand & Sediment Transport
- Wave Physics
- Shore Protection Engineering
- Marine Biology
- Economics & Land Values
- Taxation & Public Finance

NO
How About Putting a Teetotaler in Charge of Rouge Brewing Company?

- Why would these bureaucrats help anyone, any city, any business though the crazy Shore Protection process?
- They start from a position of "NO"

Climate Change - Oregon's Sea Level is Rising

According to SeaLevelRise.Org:
- Sea levels for Oregon are projected to rise 6 inches in the next 16 years due to faster rates of ice melt and increased thermal expansion
- While the state is beginning to plan for sea level rise and mitigate flooding, Oregon will need solutions at the local, state, and federal levels to protect its coastal communities
- #1 STRATEGY - Proactive Protection - every $1 spent on disaster mitigation saves $6 in disaster relief – for shore protection, Home Owners pay for this upfront!

Summary

- They don't want to save anything on the oceanfront!
- They don't believe that shore protection is a good thing – anytime and anywhere!

- Seems to be counter to Climate Change Policy

So...

- The County has abrogated its responsibilities and acquiesced the process to the State for decades
- The County could easily remedy this by:
  1. Affirm a County Policy that staff will help landowners through the Shore Protection process in a timely way and look for positive and creative solutions
  2. Help combat effects of Climate Change
  3. Through the General Plan process, ensure that vital infrastructure is identified, and development "islands" and other dislocations are not caused by shore protection policies
  4. Approve Shore Protection for properties that can protect other properties, facilities, and infrastructure
  5. Create an Ombudsman position to give landowners a place to make their grievances known and get them resolved
  6. Approve a Goal Exception – especially in areas where there are already long stretches of shore protection in place
Next Time

- "Beach Nourishment" and Other Things that Can Be Done
Enclosed is an email from Community Service Officer, Jim Folmar, summarizing incidents reported and enforcement actions taken to date. Additionally, attached is a chart that was previously distributed to the City Council and work group that outlines the enforcement process. We would like to take a few minutes at the meeting to discuss the steps City staff follow when issuing citations and the Municipal Court’s roll, along with that of the City, in the adjudication of citations.

Attachments:
Email from CSO Folmar, dated February 21, 2020
Chart summarizing the STR Enforcement process
Hey Derrick,

Here's the list of enforcement actions, as of 02/21/2020, taken since 08/2019:

Cease & Desist Letters - Inside the Overlay = 29

Cease & Desist Letters - Outside the Overlay = 12

Citation Letters = 12

Violation Letters for Signage = 18

Complaints thru LodgingRevs = 36
  14 - Illegal Rentals
  1 - Occupancy
  9 - Other
  9 - Parking
  3 - Trash

We have 6 properties listed as non-compliant that are in various stages of enforcement. By LodgingRevs calculations we have a 98.27% compliance rate. Hope this information helps.

Jim
**Unlicensed Operator**
- Advertising; renting; using; or offering for use, occupancy or rent; a short-term rental where the owner does not hold a valid endorsement (NMC 4.25.045(A))
- Enforced as a civil infraction pursuant to NMC Chapter 2.15

**Warning Letter**
- Cease and desist letter with evidence attached. Service by first class and certified mail. Two (2) weeks to correct or face citation
- May be issued by third-party vendor (on behalf of city)
- Licensing as corrective step is only an option if lot is within overlay, licenses are available under cap, and standards can be met
- Will issue one of these per owner. Repeat offenders to go straight to citation

**Citation**
- To be provided in writing with date, time, and place the alleged infraction occurred and other information per NMC 2.15.030(B)
- Includes a municipal code summons
- Service by first class and certified mail (NMC 2.15.035)
- Fine of $500 per violation per day (NMC 1.50.010)
- Municipal Court judge decides if alleged infraction was committed and if fine is to be imposed

**Circuit Court**
- Option if property is non-compliant after Municipal Court judgement is issued confirming violation exists
- City Attorney files petition seeking injunction and penalties
- Hearing(s) held before circuit court judge followed by court order
- Enforcement by Circuit Court, which could include fines and, if necessary contempt order and possible jail time

**Progressive enforcement resets every 12 months**

**Licensed Operator**
- Advertising; renting; using; or offering for use, occupancy or rent; a short-term rental that does not comply with the endorsement requirements of NMC Chapter 4.25
- Failure to comply with ongoing operational requirements (NMC 4.25.030(D))
- Failure of owner to pay room taxes per NMC 3.05
- Failure of owner or owners representative to respond to complaints or inquiries (i.e. city cannot reach in 3 attempts in 48-hours) NMC 4.25.045(E)

**Warning Letter**
- For first violation in a 12-month period
- Will be issued, in writing, to the owner, listing the specific section or sections of the ordinance at issue and the evidence being relied upon to establish that a violation occurred
- The letter will further indicate that it serves as a warning letter, will provide a timeframe for correcting the violation, and will advise that failure by the owner to resolve the violation within the specified timeframe will result suspension of license

**License Suspension**
- Second violation in a 12-month period
- Will be issued, in writing, to the owner under City Manager authority. Is to list specific section(s) of the ordinance at issue and the evidence being relied upon to establish a violation occurred
- The letter will further indicate that the license is suspended for 30-days and that violation is to be corrected
- Temporary revocation may be appealed to City Council (NMC 4.05.075)
- Short-term rental use during this period subject to citation

**License Revocation**
- Third violation in a 12-month period
- Will be issued, in writing, to the owner, listing the specific section or sections of the ordinance at issue and the evidence being relied upon to establish that a violation occurred
- Revocation will be by the City Manager and is subject to appeal to the City Council (NMC 4.05.075)
- Cannot reapply for 2 years (NMC 4.25.030(C)(9))
- Owners that operate with revoked license will be subject to a citation
CITY OF NEWPORT
RESOLUTION NO. 3857

RESOLUTION ESTABLISHING
A SHORT-TERM RENTAL ORDINANCE IMPLEMENTATION WORK GROUP

WHEREAS, City of Newport adopted Ordinance No. 2144, effective May 6, 2019, relating to the regulation of short-term rentals within the city limits; and

WHEREAS, Ordinance No. 2144 puts in place a new administrative framework for licensing short-term rentals, establishes siting and safety standards, and imposes limitations on the total number and location where vacation rental dwellings are permitted; and

WHEREAS, Effective implementation of Ordinance No. 2144 will require close coordination between the City’s Finance, Community Development, Police and Fire Departments to ensure the new requirements are followed and enforced; and

WHEREAS, City is further working to secure the services of a third party vendor to supplement its short-term rental enforcement resources and that vendor’s activities will need to be integrated into City’s short-term rental program; and

WHEREAS, Considering complexities inherent to this new regulatory program, and community interest in its successful implementation, it is both appropriate and necessary to establish a work group to evaluate the program for a period of time to determine if desired policy objectives are being achieved.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Short-Term Rental Ordinance Implementation Work Group Established. There is hereby established a Short-Term Rental Ordinance Implementation Work Group. Members shall be appointed by the Mayor and confirmed by the City Council. The Work Group shall be comprised of:

A. Two members of the Newport City Council; and

B. One member of the Planning Commission; and

C. The City Manager of the City of Newport; and

D. One representative of the short-term rental industry; and

E. Two citizens at-large.

Section 2. Work Group Responsibilities. The Short-Term Rental Ordinance Implementation Work Group shall have the following powers, duties, and functions:

A. Collect and evaluate information related to implementation of Ordinance No. 2144, including administrative steps taken by the City to carry out the provisions of the ordinance, legal decisions that may influence implementation, reports on permits issued, status of the waitlist, resolution of complaints, and enforcement actions undertaken by the City; and
B. Provide recommendations to city administration on how implementation of the ordinance, as written, could be improved; and

C. Prepare and present reports to the Planning Commission and City Council summarizing the group's observations related to the effectiveness of Ordinance No. 2144 in achieving policy objectives. Status reports shall be provided on a quarterly basis, with a final report of the Work Group's findings being issued by the end of September 2020. The final report may include recommendations for administrative changes or revisions to the ordinance that the Work Group believes are necessary to better achieve policy objectives.

Section 3. Administrative Support. The Community Development Department shall perform administrative functions for the Short-Term Rental Ordinance Implementation Work Group, with assistance from the City Attorney, Finance, Fire, and Police Departments on an as needed basis.

Section 4. Meeting Schedule and Duration. The Short-Term Rental Work Group shall conduct its first meeting no later than September 30, 2019 and shall meet on at least a quarterly basis thereafter for the period of time the work group is empaneled. The Work Group shall complete its work by December 31, 2020.

Section 5. Effective Date. This resolution shall be effective immediately upon passage.

Adopted by the City Council of the City of Newport on June 3, 2019.

Dean H. Sawyer, Mayor

ATTEST:

Margaret M. Hawker, City Recorder
Lincoln County Board of Commissioners Meeting  
Constituent Input Sign-up Sheet  
(Please only sign-up if you want to offer constituent input at the end of the meeting; constituent input is limited to 5 minutes)

**Date:** 3/4/20

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Please **Print Clearly**