

**CITY OF LINCOLN CITY
CITY COUNCIL AGENDA**

MONDAY JANUARY 23, 2023, 6:00 PM

6:00 PM - The Lincoln City Council will hold a regular meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by telephone.

Public comments submitted by email to publiccomment@lincolncity.org will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online agenda packet.

****PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL SENT TO publiccomment@lincolncity.org****

Citizens requesting to give public comment via Zoom or telephone must email publiccomment@lincolncity.org no later than **noon** on the meeting day. The request must include the person's name, the subject the person wishes to address, and the screenname the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons who will give public comment via Zoom will need to leave the microphone muted and camera off until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at [541-996-1013](tel:541-996-1013) or kmattias@lincolncity.org. Visit the [ADA Accessibility | City of Lincoln City, OR](#) webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Government" then select "Public Meeting, Agendas, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour. If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – January 9, 2023, 6:00 PM
2. Regular Meeting – Minutes of Work Session – January 11, 2023, 3:30 PM
3. Request for Waiver under terms of 2020 Promissory Note

E. COUNCIL DELIBERATIONS

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

G. PRESENTATIONS

4. North Lincoln Sanitary Presentation

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Public Hearing Pursuant to ORS 221.725 / ORS 271.330 On Proposed Disposition of Real Property to Northwest Coastal Housing for Tiny Home Development
2. Delake Heights Local Improvement District Public Hearing
3. Public Hearing ORS 221.725 Proposed Grant of Underground ROW Easement for Electric Utility
4. Public Comment Resolution 2023-03 Proposed Revisions to City Master Fee Schedule

J. ORDINANCES

5. ORDINANCE NO. 2023-01 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (CITY OF LINCOLN CITY BUILDING CODE) AMENDING SECTIONS 15.04.020, (PURPOSE), 15.04.030 (SCOPE), 15.04.040 (DEFINITIONS), 15.04.050 (ALTERNATIVE MATERIALS AND METHODS), 15.04.060 (MODIFICATIONS), 15.04.070 (TESTS), 15.04.090 (CONSTRUCTION DOCUMENTS AND PERMITS), 15.04.100 (INSPECTIONS), 15.04.115 (OPTIONAL LOCAL AMENDMENTS), 15.04.120 (CONSTRUCTION-RELATED CODES ADOPTED) AND SECTION 15.04.140 (APPEAL PROCEDURES) AND ADDING A NEW SECTION 15.04.045 (SPECIAL APPEAL PROCEDURES), AND AMENDING LCMC CHAPTER 12 (BUILDING BOARD OF APPEALS) TO ADDRESS RECOMMENDED CHANGES FROM THE CONTRACT BUILDING OFFICIAL

K. RESOLUTIONS

6. RESOLUTION 2023-01 A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING AND DIRECTING DISPOSITION OF CITY REAL PROPERTY TO NORTHWEST COASTAL HOUSING FOR TINY HOME PROJECT

7. RESOLUTION NO. 2023-02 A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING AND DIRECTING DISPOSITION OF AN EASEMENT INTEREST IN CITY REAL PROPERTY FOR PURPOSES OF UNDERGROUND ELECTRIC UTILITY LINES / EQUIPMENT TO SERVICE CITY FACILITIES.
8. RESOLUTION NO. 2023-03 A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING REVISIONS TO THE CITY-WIDE FEE SCHEDULE

L. SPECIAL ORDER OF BUSINESS

9. Budget Committee Interview - Laspa/Neighorn
10. Appointment to Arts Committee - Applicant Holly Laspa
11. Request for Appointment to Driftwood Public Library Board - Holly Laspa
12. Appointment to Parks and Recreation Board - Multiple Applicants
13. Appointment to Sustainability Committee - Multiple Applicants
14. Update: Proposed Nelscott Urban Renewal Plan
15. New Community Park in Taft Design/Build Contract Award
16. Letter from Mayor Wahlke on behalf of the entire Lincoln City, City Council to Governor Tina Kotek regarding Executive Orders 23-02 and 23-03 addressing homelessness

M. CITY MANAGER/CITY ATTORNEY REPORTS

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

January 9, 2023, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	Councilor Ward 1	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Chief Broderick, Lincoln City Police Department; David Twigg, I.T. Support Specialist; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Elaine Starmer, Councilor Ward I
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed

1. Regular Meeting – Minutes of Regular Meeting – November 14, 2022, 6:00 PM
2. Regular Meeting – Minutes of Work Session – December 7, 2022, 3:30 PM
3. Regular Meeting – Minutes of Regular Meeting – December 12, 2022, 6:00 PM
4. Proposed Annual Meeting Dates 2023

E. OATH OF OFFICE CEREMONY AND SEATING OF MAYOR WAHLKE AND COUNCILORS PARSONS, KASNER, AND MARK

The City Recorder gave the oath of office to Mayor Wahlke. The City Recorder gave the oath of office to Councilors Kasner, Mark, and Parsons.

1. Oath of Office Ceremony and Seating of Mayor Susan Wahlke

F. RECESS MEETING- RECEPTION IN HALL FOR MAYOR AND COUNCILORS

Council Meeting was recessed from 6:09 PM until 6:26 PM.

G. RECONVENE MEETING

Mayor Wahlke called the meeting to order at 6:26 PM.

H. COMMENTS FROM NEWLY ELECTED COUNCILORS & MAYOR

Councilor Mark spoke about being re-elected to Ward III.

Councilor Parsons spoke about being re-elected to Ward I.

Councilor Kasner spoke about being re-elected to Ward II.

Mayor Wahlke spoke about being re-elected to the Mayor seat.

I. COUNCIL DELIBERATIONS

NONE

J. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Mayor Wahlke read a comment from Chester Noreikis thanking Council for their service. Mr. Noreikis also Staff for all of their work.

Roger Robertson of Lincoln City thanked Council and the Mayor. Mr. Robertson spoke about the dim lighting on Holmes Road and the need for sidewalks as well.

Tessa Bonelli-Sanquist of Lincoln City spoke about being Teen Lincoln City and the volunteer work that she completed. Ms. Bonelli-Sanquist spoke about her next pageant in Lane County. Ms. Bonelli-Sanquist also spoke about the upcoming play "Grease" at the Lincoln City Cultural.

K. PRESENTATIONS

NONE

L. PUBLIC HEARING / ORDINANCE

NONE

M. PUBLIC HEARINGS / PUBLIC COMMENTS

NONE

N. ORDINANCES

NONE

O. RESOLUTIONS

NONE

P. SPECIAL ORDER OF BUSINESS

1. Election of Council President

MOTION:	Motion to Elect Councilor Casper as Council President
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed by Roll Call Vote

Councilor Mark nominated Councilor Casper as the Council President and Councilor Parsons seconded. Councilor Mark closed the nominations and Councilor Parsons seconded.

2. Outside City Committee and City Committee Appointments

Mayor Wahlke said that she confirmed the Mid-Willamette Valley Area Commission on Transportation does not include our area. The City Recorder will remove from the 2023 Outside Committee list. Councilor Casper offered to give her seat on the Solid Waste Advisory Committee. Councilor Starmer moved from alternate to the representative seat. Councilor Parsons will become the alternate. The remaining seats will stay the same as the 2022 Outside Committee list. The City Committee list will remain the same as in 2022.

3. Appointment of Subcommittee for Review of Outside Agency Requests

Mayor Wahlke, Councilor Parson, and Councilor Starmer will sit on the subcommittee for the 22-23 budget year, to review grant applications.

Q. CITY MANAGER/CITY ATTORNEY REPORTS

Daphnee Legarza, City Manager, said that the HB4123 meeting is located in Lincoln City at the Oregon Coast Community College, Wednesday the 11th from 1 pm until 3 pm.

City Attorney reminded Council of the work session on Wednesday 3:30-5:00 PM.

R. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION**4.**

Council and Staff had a discussion regarding the motion.

MOTION:	Motion to Direct Staff to Amend the Lincoln City VRD Ordinance to Allow Two Occupants Per Bedroom Plus One, with a Maximum of Five Bedrooms for a Total Maximum Occupancy of Eleven Occupants in Residential Zones
MOVER:	Elaine Starmer, Councilor Ward 1
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Starmer, Kasner, Casper, Parsons
NAYS:	Wahlke, Hoagland, Mark
RESULT:	Passed by Roll Call Vote

S. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

NONE

T. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Casper spoke about Helping Hands contacting her for a person of contact. Ms. Legarza advised they could contact her.

Councilor Parsons spoke about the D River Stakeholder meeting that will be held at the Culinary Center, Friday, January 13th.

Mayor Wahlke spoke about the Pete Beeman Art Dedication ribbon cutting on January 10th at the Cultural Center. Mayor Wahlke spoke about the ribbon cutting at NW Natural on NE 36th Street. Mayor Wahlke also spoke about the Senator Merkley

U. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 7:12 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

COUNCIL MINUTES OF THE WORK SESSION MEETING

January 11, 2023, 3:30 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE:

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	3:30 PM
Elaine Starmer	Councilor Ward 1	Present	3:30 PM
Sydney Kasner	Councilor Ward 2	Late	3:30 PM
Judy Casper	Councilor Ward 3	Present	3:30 PM
Riley Hoagland	Councilor Ward 2	Present	3:30 PM
Rick Mark	Councilor Ward 3	Present	3:30 PM
Mitch Parsons	Councilor Ward 1	Excused	3:30 PM

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Abigail Edwards, Human Resources Director; Alison Robertson, Economic Development and Urban Renewal Director; Anne Marie Skinner, Planning and Community Development Director; David Twigg, I.T. Support Specialist; Liz Francis, in place of the City Recorder.

2. DISCUSSION ITEMS

A. Projects and Priorities

Richard Appicello, City Attorney, shared his task and project list and discussed key projects currently underway. Mr. Appicello described in detail the history and current status of his projects which he had organized into categories based on Council priorities. Projects included housing and homelessness, intergovernmental relations, real property, enforcement, etc. Council was given the

opportunity to ask questions about these projects and was told they could make motions at the next council meeting if there was a project needing specific attention.

Daphnee Legarza, City Manager, provided supplemental information on several projects, including the homelessness and housing sections.

B. Miscellaneous

No other discussion items were brought up.

3. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 5:10 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Request for Waiver Under Terms of Promissory Note

Meeting Date:	January 23, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

Question:

Should the City Council grant the installment payment relief requested under the terms of the March 2020 Promissory Note?

Staff Recommendation:

Due to the applicant meeting all the requirements specified in the 2020 Note, staff recommends that Council grant the relief requested.

Authority: (*emphasis added*)

See January 13, 2020 Resolution 2020-02

Background:

In March 2020, the City (Lender) and Helping Hands (Debtor) signed a Note and Trust Deed for the \$400,000.00, representing the purchase price for the Helping Hands property located at 3454 NE Hwy 101, Lincoln City, OR 97367 & 2201 NE 34th Street, Lincoln City, OR 97367. Under the terms of the note, Paragraph 1(b) provides for waiver application to be filed in January for relief from the March installment payment requirement. Council has previously approved waiver [for 2021 and 2022] based on demonstrated compliance with the requirements of the Note.

In the pertinent part, the Note provides:

DATE: March 13, 2020 (Closing Date)
 PARTIES: The City of Lincoln City, Oregon (hereafter "LENDER")
 Helping Hands Re-Entry Outreach Centers (hereafter "DEBTOR")
 FOR VALUE RECEIVED LENDER and DEBTOR hereby agree as follows:

(1)(a) Subject to Paragraph 1(b) below, Helping Hands Re-Entry Outreach Centers promises to pay to the order of LENDER located at 801 SW Highway 101, Lincoln City, Oregon 97367, the sum of Four Hundred Thousand Dollars, (\$400,000.00), with interest thereon at the rate of 0.0%

per annum from the date of disbursement (closing) of such loan – (purchase price of Subject Property) until fully paid, payable in yearly installments for a total annual payment of \$13,333.33; said installment payment shall be paid once per year; the first payment to be made on the first (1st) day of the month (March) of the one year anniversary month of this Note (closing date); like payments on the first (1st) day of the month (March) of each anniversary date thereafter, until either the whole sum, principal and interest has been paid or the maturity date has been reached; if any of said installments is not so paid, all principal and interest to become immediately due and collectible at the option of the holder of this note. *Annual payment shall be made to City of Lincoln City, [Attn: Finance Department] 801 SW Highway 101, [P.O. Box 50] Lincoln City, Oregon 97367.

(1)(b) An annual installment payment due on March 1 of each year as detailed in Paragraph 1(a) above, may be waived by the City Council upon prior approval of a yearly waiver application made to the City Council in January of each year that an installment payment is due and payable. The waiver application shall demonstrate continuous operation of the Helping Hands Transitional Housing program at the subject property, said program serving the homeless population of Lincoln City, as more particularly detailed and approved by the Lincoln City Planning Commission in CUP 2019-04. In addition, the following conditions must be demonstrated as part of the January waiver application: (1) Helping Hands Re-Entry Outreach Centers must maintain 501(c)(3) nonprofit status; (2) Helping Hands Re-Entry Outreach Centers must not be delinquent on repayment of any other City/URA loans (e.g. Debtor is in process of applying for \$350,000.00 rehabilitation loan); (3) Helping Hands Re-Entry Outreach Centers must substantially complete improvements and commence the use per the conditional use approval timetable; any extensions of the conditional use timetable shall only be as provided under the Municipal Code; (4) Helping Hands Re-Entry Outreach Centers shall actively provide Transitional Housing services at the Subject Property to homeless in this community within one year of closing; however, it is agreed and understood that the one year timetable contemplates the subject property will be under construction (rehabilitation) and that construction extensions may be authorized per the Code to facilitate the approved (CUP 2019-04) use of the property; and (4) Helping Hands Re-Entry Outreach Centers will obey all laws and not be cited for any Lincoln City Municipal Code violations. The Subject Property is located at 3454 NE Hwy 101, Lincoln City, Oregon and 2201 NE 34th Street, Lincoln City, Oregon said property being identified as 07-11-02CC Tax Lots 300 and 500. Upon review of the application and demonstration of continuous Transitional Housing operation, together with satisfaction of the other conditions noted herein, the Council shall waive the required installment payment for that year. Such annual application and Council determination shall also be the annual determination of compliance with the fee simple determinable deed condition.

The attached January 9 2023 correspondence from the Applicant's legal counsel demonstrates compliance with the terms of the Note. [note we corrected the date] The applicant's 501(c)(3) status has been maintained. The applicant is not in default of any city loans. The applicant has obtained a time extension (COVID extension) from the Planning Director, so the time for completion of construction and remodeling has been lawfully extended. The approval

contemplates operations cannot commence until all construction is complete. The applicant has not been cited for violation of any laws.

- Council Options:**
1. Find the request meets the requirements /waive installment payment.
 2. Specify noncompliance with requirements as _____ and do not approve the request.

Council Motion:

Motion to approve waiver of the 2023 installment payment per the terms of Paragraph 1.b. of the March 2020 Promissory Note.

Attachments:

20230111150447269 (PDF)

Scott A. McKeown
Attorney at Law
8700 SW Barbur Court, Suite S
Portland, Oregon 97219
(503) 224-1937 scottmckeown@comcast.net

January 9, 2023

Mr. Richard Appicello
 City Attorney
 City of Lincoln City
 PO Box 50
 Lincoln City, OR 97367

Re: 3454 NE Highway 101 and 2201 NE 34th Street

Dear Mr. Appicello:

May this letter serve as Helping Hands Re-Entry Outreach Centers' application to the Lincoln City City Council for a waiver of Helping Hands' ²⁰²³2022 installment payment. Regarding its March 13, 2020 Note Paragraph (1)(b):

- (1) Helping Hands Re-Entry Outreach Centers has maintained its 501 (c)(3) nonprofit status.
- (2) Helping Hands Re-Entry Outreach Centers has a construction loan. Interest accrues. The loan does not require monthly payments. The debtor is not in default of its construction loan.
- (3) The COVID pandemic delayed Helping Hands' construction and remodel. I read CUP 2019-04 as contemplating delays and allowing construction extensions. My client's construction permits are valid through July 5, 2023. See enclosure. Once construction and remodeling are complete Helping Hands Re-Entry Outreach Centers will continuously provide transitional housing services on the premises.
- (4) Helping Hands Re-Entry Outreach Centers has obeyed all laws and not be cited for any Lincoln City Municipal Code violations.

Please call me with any questions you may have.

Very truly yours,



Scott A. McKeown

Enclosure

cc: Helping Hands Re-Entry Outreach Centers

COVID TIMETABLE EXTENSION
(Per LCMC 17.76.155, effective on August 11, 2021)

Upon application and payment of the \$50.00 application fee, the Director shall grant an eighteen (18) month timetable extension for any eligible existing land use permit or planning action as defined below. To meet the eligibility requirement for an extension, the following must be demonstrated:

1. The permit or planning action must have been finally approved by a City decision-maker prior to April 1, 2020; and
2. The permit or planning action must have been current and unexpired as of June 28, 2021; and
3. The permit or planning action must be the type of approval, (Type II or Type III) that is eligible for a time table extension under Title 17; and

This extension is a ministerial decision and is in addition to any other time extension previously granted or that may be granted under LCMC 17.76.150 or other applicable provision of the municipal code. The Director is authorized to make the time table adjustment regardless of the original approval authority.

THE TITLE OF THE PROJECT

Helping Hands Transitional Housing (CUP 2019-04)

DATE OF APPROVAL

December 17, 2019

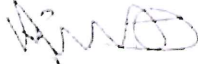
EXPIRATION DATE

Original December 17, 2020; extended to January 5, 2021 via EXT 2020-01

THE TYPE OF APPROVAL

Type II _____ Type III CUP 2019-04 -Type III

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR


October 18, 2021

Signature Date

The timetable of the upper-stated project is hereby extended to:

July 5, 2023 (18 month from January 5, 2021)



Council Communication

North Lincoln Sanitary Presentation

Meeting Date:	January 23, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	Daphnee Legarza
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Colin Teem will be presenting on behalf of North Lincoln Sanitary about their recycling program.

Council Communication

Public Hearing: Disposition of Real Property for Tiny Home Development

Meeting Date: January 23, 2023 Primary Staff Contact: Richard Appicello
 Department: City Attorney E-Mail: RAppicello@lincolncity.org
 Secondary Dept: Economic Development Secondary Contacts: Alison Robertson
 Approval: Daphnee Legarza Estimated Time: 15 minutes

Question:

Should the City Council approve Resolution 2023-01 (later on Agenda) authorizing and directing the disposition of City-owned property to Northwest Coastal Housing for a Tiny Home development (low income housing)?

Staff Recommendation:

Staff recommends Council conduct the Public Hearing.

[**Note:** ORS 221.725 provides that any resident of the City must be provided with an opportunity to present oral or written testimony on the subject of the disposition of city property.]

[**Note:** See supporting materials under Resolution 2023-01 later on this Agenda]

Authority: (emphasis added)

221.725 Sale of city real property; publication of notice; public hearing. (1) Except as provided in ORS 221.727, when a city council considers it necessary or convenient to sell real property or any interest therein, the city council shall publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, **a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property.** Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents

a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) **The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.**

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

271.330 Relinquishing title of property not needed for public use. (1) Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property not needed for public use to any governmental body, providing the property shall be used for not less than 20 years for a public purpose by the governmental body in the State of Oregon. These transfers for public purposes may include transfers without consideration of property held by counties as a result of tax foreclosures.

(2)(a) **Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property to a qualifying nonprofit corporation or a municipal corporation for the purpose of providing any of the following:**

(A) Low income housing;

(B) Social services; or

(C) Child care services.

(b) As used in this subsection:

(A) **"Qualifying nonprofit corporation" means a corporation that is a public benefit corporation as defined in ORS 65.001 (35) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.**

(B) "Social services" and "child care services" include but are not limited to education, training, counseling, health and mental health services and the provision of facilities and administrative services to support social services and child care services.

(3) Any political subdivision is granted express power to convey real property to a nonprofit or municipal corporation to be used by the nonprofit or municipal corporation for the creation of open space, parks or natural areas for perpetual public use. The instrument conveying the real property **shall include a restriction on the use of the property** that limits the uses of the property to those uses described in this subsection. The instrument conveying the property shall also contain a provision **for the reversion of the property to the political subdivision if the property is not used in conformance with the restriction.** Real property conveyed under this subsection may include real property held by a political subdivision as a result of tax foreclosures.

Background:

Supporting materials for this public hearing (including a proposed Resolution) appear later on this Agenda (Resolution 2023-01). The Resolution includes proposed findings consistent with ORS 221.725 and ORS 271.330.

Council Options:

1. Conduct the public hearing.
2. Approve Resolution 2023-01, with or without modifications.
3. Postpone for additional information.
4. Do not approve the property disposition

Potential Motions:

See Resolution

Attachments:

01232023 Tiny Homes Ad (DOCX)
FW_City Public_Legal Notice (PDF)

**CITY OF LINCOLN CITY NOTICE OF HEARING
SALE/DISPOSITION OF CITY PROPERTY**

On January 23, 2023 at 6:00 pm or as soon thereafter as the matter may be heard, the City Council, in the Council Chambers located at City Hall, 801 SW Hwy 101, 3rd Floor, Lincoln City, Oregon will conduct a public hearing to consider the sale / disposition of city property, said real property being located at east of NE Keel Ave. and NE 10th Street Intersection in Lincoln City, Oregon, consisting of City –owned Tax lots 07-11-10-DD-12300-00 [R299582] and associated immediately adjacent vacated right-of-way, if any, [adjacent to Coast Vineyard Church 1505 NE 6TH DR]. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

The proposed use of the subject property is for a Tiny Home Development (consisting of seven tiny homes sited on City property and five additional homes sited on property leased from Coast Vineyard Church. Said Tiny Home Project being subject to land use authorization in DEV REV 2023-01. The reason the City Council finds it necessary or convenient to sell/convey the property to not-for-profit "Northwest Coastal Housing" is that the City Council desires to provide housing opportunities to the City of Lincoln City's homeless population, including survivors of the wildfires in Lincoln County that destroyed over 300 homes. These Tiny Homes are primarily to serve this population. The sale/conveyance from the City to the not-for-profit will include a fee simple determinable condition in the deed that the property must be used for Tiny Homes, be income restricted, and shall be operated as approved in the DEV-REV 2023-01 land use approval. In addition, a note and trust deed will be required for the purchase price of the property [not less than \$154,050]. Similar to the Helping Hands conveyance in 2020, the annual installment payment for the purchase price shall be excused based on satisfactory operation of the facility in accordance with the land use approval, promissory note and deed restriction.

The staff report and supporting materials may be reviewed on the City of Lincoln City's website under "Agenda, Packets and Video" "Upcoming Meetings" "January 23, 2023."

From: [Liz Francis](#)
To: [Richard Appicello](#)
Subject: FW: City Public/Legal Notice
Date: Thursday, January 12, 2023 5:17:00 PM
Attachments: [image001.png](#)
[01232023 Sale of Property Notice PacificCorp \(002\).docx](#)
[01232023 Tiny Homes.docx](#)

Here is the email chain of the ads being accepted by the News Guard. The submissions are attached.

Liz 😊



Liz Francis

EXECUTIVE ADMINISTRATIVE LEGAL ASSISTANT

—
City of Lincoln City | Economic Development/Urban Renewal/City Attorney
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1003 | P: 541-557-1127
E: lfrancis@lincolncity.org | W: LincolnCity.org

From: Newsguard Classifieds <classifieds@thenewsguard.com>
Sent: Thursday, January 12, 2023 11:41 AM
To: Liz Francis <lfrancis@lincolncity.org>
Subject: Re: City Public/Legal Notice

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Liz,

I have these set to run in the News Guard on 1/17/23. The cost for the "Sale of Property" is \$150.35. The cost for the "Tiny Homes" is \$168.95. I will send the affidavits out after it publishes.

Kelli Nicholson
Office Manager
Classifieds/Legals/Obituaries
541.994.2178
classifieds@thenewsguard.com
legals@thenewsguard.com

From: Liz Francis <lfrancis@lincolncity.org>

Sent: Thursday, January 12, 2023 9:08 AM
To: Newsguard Classifieds <classifieds@thenewsguard.com>
Cc: Richard Appicello <rappicello@lincolncity.org>
Subject: RE: City Public/Legal Notice

Hi Kelli!

Both of the attached ads needs to published in the physical/printed paper in the Wednesday, January 18, 2023 addition. We will also need an Affidavit of Publish for both of them.

Thank you so much!

Liz ☺



Liz Francis
EXECUTIVE ADMINISTRATIVE LEGAL ASSISTANT

City of Lincoln City | Urban Renewal/Economic Development/City Attorney
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1003 | P: 541-557-1127
E: lfrancis@lincolncity.org | W: LincolnCity.org

Council Communication

Delake Heights Local Improvement District Public Hearing

Meeting Date:	January 23, 2023	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	30 minutes

Question:

Should the City Council open and conduct the advertised public hearing for the proposed Delake Heights Local Improvement District (LID)?

Staff Recommendation:

Staff recommends the Council conduct the public hearing and take input from benefitted property owners within the proposed local improvement district.

Authority:

13.04.050 Hearing – Decision by council.

A. At the time of the public hearing, the council shall hear and consider testimony, both oral and written, on the proposed local improvement; and may continue the hearing as it deems necessary. After such hearing the council may, in its discretion, order the improvement to be made. If the council elects to order such improvement, it shall, within 90 days after the date of the hearing, provide by resolution for the establishment of the local improvement district and the construction of the improvement.

B. Notwithstanding the fact that the proposed improvement was petitioned for by the owners of 50 percent of the property to benefit, the council may refuse to proceed with the improvement if it finds the proposed improvement to be untimely or not in the best interests of the city.

C. At the public hearing, the council may direct a modification of the proposed local improvement by revising the scope of the improvement, by reducing or enlarging the local improvement district which it deems will be benefitted by the improvement, or may make such other modifications in the proceedings as it finds reasonable. If the council modifies the scope of the improvement so that assessment is likely to be substantially increased upon one or more lots, or if the council enlarges the local improvement district, or if the council causes a substantial change in any of the particulars contained in the improvement resolution, a new improvement resolution shall be adopted, new estimates made and new notices mailed to the owners within the proposed local improvement district. However, no new publication shall be required. (Ord. 84-15 § 4)

Background:

The first steps in the LID process is the Intention Resolution. Resolution 2022-43 declares an intent to construct sanitary sewer & roadway improvements throughout the Delake Heights neighborhood. See attached report from Public Works Director and City Engineer, Stephanie Reid.

Council initiated this local improvement district by approving Resolution 2022-43 with the attached engineering report at the December 12, 2022 meeting. Written notice was mailed to property owners within the Local Improvement District boundary on December 15, 2022. Public Hearing notice was published on December 23, 2022.

The circumstances where the Council may not move forward are as follows:

The council shall not consider any improvement for the formation of a local improvement district unless the total assessed valuation of the area in the district to be specially benefitted by the improvements is at least double the estimated cost of the improvement, including any legal, administrative, and engineering costs attributed thereto, unless council excepts said project from the requirements of this subsection based on findings that indicate the estimated amount of the improvement costs that will be assessed and paid in installments shall not exceed one-half the assessed valuation of the area specifically benefitted by the improvements.

A comparison of the Local Improvement District assessment and the 2021 Total Valuation Assessments from Lincoln County have been included as an attachment.

Total assessed valuation within the project area is \$12,358,000.00. Assessment of the full ~\$2,000,000.00 project cost represents 16% of the total assessed valuation of the district. The total assessed valuation "is at least double" the estimated cost of the improvement.

Council Options:

The City Council may:

- Hear and consider testimony, both oral and written, on the proposed local improvement district
- Continue hearing or leave the record open to a date certain, as Council deems necessary;
- Direct a modification of the proposed local improvement by revising the scope of the improvement, reducing or enlarging the local improvement district area

which council deems will be benefitted by the improvement, or may take such other modifications in the proceedings as it finds reasonable; [some modifications trigger re-notice]

- Order the improvement be constructed by directing staff to prepare a formation resolution and return within 90 days for approval of the formation resolution.

Recommended Council Motions:

Move to direct staff to return with a formation resolution, with or without revisions to the local improvement district scope and/or boundary, to order the construction of the local improvement and assess the costs against benefitted property owners.

Attachments:

- 2021 Assessed Valuations & Proposed Assessments [PDF]
- Notice of Public Hearing (*mailed 12-15-2023*) [PDF]
- Preliminary Engineer’s Report – Delake Heights LID [PDF]

Attachments:

- 2021 Assesed Valuations & Proposed Assessments (PDF)
- Notice of Public Hearing (PDF)
- Delake Heights LID - Engineer's Report (PDF)

2021 Total Valuations & Proposed Assessments (Delake LID)

Map & Taxlot #	Address (If Existing)	Owner	2021 Total Valuation		Sanitary & Water
			(per county assessment data)	Total Assessment	Assesment to Valuation Ratio (%)
07-11-23-BB-00100-00	1442 SE OAR AVE	OKEEFE GREGORY F & TUGMAN SARAH J	\$369,150.00	\$34,172.41	9%
07-11-23-BB-00200-00	BLK M3, LOT 2	MORGAN ROBERT J PC	\$42,440.00	\$34,172.41	81%
07-11-23-BB-00300-00	2171 SE 15TH ST	REDD ELAYNEA N & REDD CHRISTOPHER D	\$420,960.00	\$34,172.41	8%
07-11-23-BB-00400-00	2211 SE 15TH ST	GARDNER JULIA & GARDNER KERRY	\$433,760.00	\$34,172.41	8%
07-11-23-BB-00900-00	1431 SE OAR AVE	NEWMAN MICHELLE A	\$475,850.00	\$34,172.41	7%
07-11-23-BB-01400-00	BLK E3, LOT 6	TER SARKISSOFF MICHEL & TER SARKISSOF RITA	\$52,340.00	\$34,172.41	65%
07-11-23-BB-01601-00	1721 SE OAR DR	GOULET KEN	\$378,480.00	\$34,172.41	9%
07-11-23-BB-01602-00	1739 SE OAR DR	ALEXANDER PATRICK J & EDDY KRISTA L	\$211,320.00	\$34,172.41	16%
07-11-23-BB-02000-00	1501 SE OAR AVE	GREENWOOD-GEER TODD D	\$356,960.00	\$34,172.41	10%
07-11-23-BB-02100-00	1531 SE OAR AVE	THURSTON STREET LLC ATTN KATHLEEN ARONSON	\$582,510.00	\$34,172.41	6%
07-11-23-BB-02300-00	1623 SE OAR DR	COVERT JAMES K TRUSTEE	\$584,200.00	\$68,344.83	12%
07-11-23-BB-02400-00	1639 SE OAR DR	QUILLMAN LAURA TSTEE & ROVA STEVE TSTEE	\$258,460.00	\$34,172.41	13%
07-11-23-BB-02401-00	1649 SE OAR DR	OAR LLC	\$319,040.00	\$34,172.41	11%
07-11-23-BB-02500-00	1626 SE OAR DR	LEE INKEE & LEE SAM	\$373,560.00	\$34,172.41	9%
07-11-23-BB-02600-00	1636 SE OAR DR	HARRIS BRIAN & HARRIS ABBY	\$587,460.00	\$34,172.41	6%
07-11-23-BB-02700-00	1720 SE OAR DR	BAKER DONALD M	\$366,270.00	\$70,845.83	19%
07-11-23-BB-02800-00	1740 SE OAR DR	DOVER JEFFREY K	\$285,710.00	\$34,172.41	12%
07-11-23-BB-02900-00	BLK E1, LOT 4	DOVER JEFFREY K	\$131,800.00	\$34,172.41	26%
07-11-23-BB-03400-00	BLK M1, LOT 1	WILLIAMS MICHAEL & WILLIAMS SETH JUSTIN	\$111,190.00	\$73,346.83	61%
07-11-23-BB-03600-00	1703 SE PORT DR	ANTHONY ELIZABETH & HAGAN TODD	\$56,080.00	\$34,172.41	61%
07-11-23-BB-03700-00	1793 SE PORT DR	QUINN FRANK WILLIAM & QUINN MARY ANN	\$63,470.00	\$34,172.41	54%
07-11-23-BB-03800-00	1801 SE PORT DR	ERNST GREGORY S TSTEE	\$470,930.00	\$34,172.41	7%
07-11-23-BB-03900-00	BLK M1, LOT 6	LIU CURTIS R	\$56,080.00	\$36,673.41	61%
07-11-23-BB-04000-00	1941 SE PORT DR	TJULANDER RICHARD C & TJULANDER JOANNE T	\$56,080.00	\$36,673.41	61%
07-11-23-BB-04100-00	BLK M1, LOT 8	NELSON STEVEN W & NELSON ANTOINETTE L COTRUSTEES	\$53,900.00	\$36,673.41	63%
07-11-23-BB-04200-00	1540 SE OAR AVE	DAHLMAN ROBERT S JR & DAHLMAN TRACY A	\$624,870.00	\$34,172.41	5%
07-11-23-BB-04300-00	1554 SE PORT DR	ANGERSTIEN KRISTEN DERYN & ANGERSTIEN ROBERT E JR	\$581,310.00	\$34,172.41	6%
07-11-23-BB-04400-00	1505 SE QUAY PL	BROWN JERRY W & BROWN JERITHA M	\$355,660.00	\$34,172.41	10%
07-11-23-BB-04500-00	BLK M2, LOT 4	DAHLMAN ROBERT S JR & DAHLMAN TRACY A COTRUSTEES	\$42,830.00	\$34,172.41	80%
07-11-23-BB-04600-00	1602 SE PORT DR	SHIRLEY MARY ELIZABETH & SHIRLEY MELVIN V & SHIRLEY BARBARA L	\$433,110.00	\$34,172.41	8%
07-11-23-BB-04700-00	1642 SE PORT DR	KNUDSON DENNIS S	\$483,350.00	\$34,172.41	7%
07-11-23-BB-04800-00	1660 SE PORT DR	PYATT LEZLIE A	\$498,890.00	\$34,172.41	7%
07-11-23-BB-04900-00	1710 SE PORT DR	CROSBY RICHARD MILTON & CROSBY MAE GAURANA	\$593,720.00	\$34,172.41	6%
07-11-23-BB-05000-00	BLK M2, LOT 9	EDWARDS ANDREW J & EDWARDS LAURA J	\$35,310.00	\$34,172.41	97%
07-11-23-BB-05100-00	BLK M2, LOT 10	EDWARDS ANDREW J & EDWARDS LAURA J	\$35,900.00	\$34,172.41	95%
07-11-23-BB-05200-00	1798 SE PORT DR	EDWARDS ANDREW J & EDWARDS LAURA J	\$602,870.00	\$34,172.41	6%
07-11-23-BB-05300-00	BLK M2, LOT 12	EDWARDS ANDREW J & EDWARDS LAURA J	\$58,900.00	\$34,172.41	58%
07-11-23-BB-05400-00	BLK M2, LOT 13	HANSEN JIM	\$44,650.00	\$36,673.41	77%
07-11-23-BB-05500-00	BLK M2, LOT 14	HANSEN JIM	\$40,660.00	\$36,673.41	84%
07-11-23-BB-05600-00	1939 SE PORT DR	SKYE WILLOW M & SKYE DUSTIN A	\$431,740.00	\$34,172.41	8%
07-11-23-BB-05700-00	BLK M2, LOT 16	HASAN WASIMUL & HASAN SHAGUFTA A	\$24,310.00	\$34,172.41	141%
07-11-23-BB-05800-00	BLK M2, LOT 17	CHIBA SHARON NAOMI	\$24,970.00	\$34,172.41	137%

07-11-23-BB-05900-00	BLK M2, LOT 18	OCONEILL MARK	\$25,620.00	\$34,172.41	133%
07-11-23-BB-06000-00	BLK M4, LOT 1	KLIEVER ROBERT H RLT LLC	\$34,380.00	\$34,172.41	99%
07-11-23-BB-06100-00	BLK M4, LOT 2	GOSSETT CONNOR	\$37,760.00	\$34,172.41	90%
07-11-23-BB-06200-00	BLK M4, LOT 3	SADANG ESMENIA P	\$26,970.00	\$34,172.41	127%
07-11-23-BB-06300-00	BLK M4, LOT 4	MONAHAN JEFF & BAN YANXIA	\$17,730.00	\$34,172.41	193%
07-11-23-BB-06400-00	BLK M4, LOT 5	DRAYTON JAMES W TRUSTEE	\$27,730.00	\$34,172.41	123%
07-11-23-BB-06500-00	BLK M4, LOT 6	DRAYTON JAMES W TRUSTEE	\$27,730.00	\$34,172.41	123%
07-11-23-BB-06600-00	BLK M4, LOT 7	DRAYTON JAMES W TRUSTEE	\$24,050.00	\$34,172.41	142%
07-11-23-BB-06700-00	BLK M4, LOT 8	DRAYTON JAMES W TRUSTEE	\$26,260.00	\$34,172.41	130%
07-11-23-BB-06800-00	BLK M4, LOT 9	GOLOMBEK BRIAN & GOLOMBEK HEIDI	\$26,260.00	\$34,172.41	130%
07-11-23-BB-06900-00	BLK M4, LOT 10	GOLOMBEK BRIAN W & GOLOMBEK HEIDI	\$27,720.00	\$34,172.41	123%
07-11-23-BB-07000-00	BLK M4, LOT 11	PETERS DONALD E JR & PETERS SUSAN R	\$26,260.00	\$34,172.41	130%
07-11-23-BB-07100-00	BLK M4, LOT 12	PETERS DONALD E JR & PETERS SUSAN R	\$19,090.00	\$34,172.41	179%
TOTALS:			\$12,358,610.00	\$2,002,008.00	16%

**NOTICE OF PUBLIC HEARING
FORMATION OF LOCAL IMPROVEMENT DISTRICT
FOR DELAKE HEIGHTS LID
LINCOLN CITY, OREGON**

Notice is hereby given that the City Council of Lincoln City will hold a public hearing to consider formation of a Local Improvement District (LID) to construct sewer and roadway improvements to properties on SE Port Dr and SE Quay Pl from SE 14th St to SE 20th St, SE Oar Ave, SE 15th St, and the 1400 to 1800 blocks of SE Oar Dr, all within the boundaries of the City of Lincoln City.

Improvement Description: The proposed LID improvements consist of a sanitary sewer and roadway improvements. Gravity sanitary sewer will be provided to SE Oar Ave, SE Oar Dr, to SE Port Dr, SE 15th St, and the majority of SE Quay Pl. Low pressure sewer will be provided to the 5 lots on the south end of SE Quay Pl not able to be served by gravity sewer. Roadway improvements will include roadway paving, drainage improvements, and partial sidewalk improvements on one side of each roadway.

District Boundaries: The boundary of the proposed district is generally between SE 14th St and SE 20th St, from SE Oar Dr to SE Quay Pl; The 1800 - 2000 blocks of SE Oar Dr are served by sewer utilities and improved roadways and are not included. This boundary includes 56 tax lots.

Estimated Cost to Be Assessed: The estimated cost of the project is \$1,982,000. The construction and engineering costs are proposed to be paid by assessments to property owners within the proposed district. Estimated assessments are based on potential for lot subdivision and the subsequent number of proposed sanitary connections according to Lincoln City Municipal code 17.16.

Project Information: “*Delake Heights Local Improvement District*”, dated October 2022 and prepared by city staff, may be viewed under the Public Works page on Lincoln City’s website. (www.lincolncity.org/departments/public-works/projects-in-progress) Copies of the report may also be obtained by contacting Lincoln City Public works at (541)-996-2154.

Public Hearing Information

Date: Monday, January 23, 2023

Time: *City Council Meeting, 6:00 PM

Place: City Council Chambers, 801 SW Highway 101, 3rd Floor
Lincoln City, Oregon

**(This is a regularly scheduled City Council meeting, and the public hearing will not be the first item on the agenda.)* Comments must be submitted in writing by Noon on January 20, 2023 to be included in the City Council packet. Written comments received after January 20, 2023 will be provided to City Council at the hearing. Any person may provide oral or written comments to the City Council at the January 23, 2023 hearing.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by Zoom invitation. Citizens requesting to give public comment via Zoom should email publiccomment@lincolncity.org no later than 12pm on the meeting day. The request must include the person’s name, subject the person wishes to address, and Zoom screen name intended for use during the meeting.

**Date Mailed: December 15, 2022
Date of Publication: December 20, 2022.**

PROPOSED ASSESSMENTS, DELAKE HEIGHTS LOCAL IMPROVEMENT DISTRICT PROJECT

MAP NO. & TAX LOT	OWNER	ADDRESS / DELAKE HEIGHTS BLOCK/LOT	ESTIMATED ASSESSMENT
07-11-23-BB-00100-00	OKEEFE GREGORY F & TUGMAN SARAH J	1442 SE OAR AVE	\$34,172.41
07-11-23-BB-00200-00	MORGAN ROBERT J PC	BLK M3, LOT 2	\$34,172.41
07-11-23-BB-00300-00	REDD ELAYNEA N & REDD CHRISTOPHER D	2171 SE 15TH ST	\$34,172.41
07-11-23-BB-00400-00	GARDNER JULIA & GARDNER KERRY	2211 SE 15TH ST	\$34,172.41
07-11-23-BB-00900-00	NEWMAN MICHELLE A	1431 SE OAR AVE	\$34,172.41
07-11-23-BB-01400-00	TER SARKISSOFF MICHEL & TER SARKISSOF RITA	BLK E3, LOT 6	\$34,172.41
07-11-23-BB-01601-00	GOULET KEN	1721 SE OAR DR	\$34,172.41
07-11-23-BB-01602-00	ALEXANDER PATRICK J & EDDY KRISTA L	1739 SE OAR DR	\$34,172.41
07-11-23-BB-02000-00	GREENWOOD-GEER TODD D	1501 SE OAR AVE	\$34,172.41
07-11-23-BB-02100-00	THURSTON STREET LLC ATTN KATHLEEN ARONSON	1531 SE OAR AVE	\$34,172.41
07-11-23-BB-02300-00	COVERT JAMES K TRUSTEE	1623 SE OAR DR	\$68,344.83
07-11-23-BB-02400-00	QUILLMAN LAURA TSTEE & ROVA STEVE TSTEE	1639 SE OAR DR	\$34,172.41
07-11-23-BB-02401-00	OAR LLC	1649 SE OAR DR	\$34,172.41
07-11-23-BB-02500-00	LEE INKEE & LEE SAM	1626 SE OAR DR	\$34,172.41
07-11-23-BB-02600-00	HARRIS BRIAN & HARRIS ABBY	1636 SE OAR DR	\$34,172.41
07-11-23-BB-02700-00	BAKER DONALD M	1720 SE OAR DR	\$70,845.83
07-11-23-BB-02800-00	DOVER JEFFREY K	1740 SE OAR DR	\$34,172.41
07-11-23-BB-02900-00	DOVER JEFFREY K	BLK E1, LOT 4	\$34,172.41
07-11-23-BB-03400-00	WILLIAMS MICHAEL & WILLIAMS SETH JUSTIN	BLK M1, LOT 1	\$73,346.83
07-11-23-BB-03600-00	ANTHONY ELIZABETH & HAGAN TODD	1703 SE PORT DR	\$34,172.41
07-11-23-BB-03700-00	QUINN FRANK WILLIAM & QUINN MARY ANN	1793 SE PORT DR	\$34,172.41
07-11-23-BB-03800-00	ERNST GREGORY S TSTEE	1801 SE PORT DR	\$34,172.41
07-11-23-BB-03900-00	LIU CURTIS R	BLK M1, LOT 6	\$36,673.41
07-11-23-BB-04000-00	TJULANDER RICHARD C & TJULANDER JOANNE T	1941 SE PORT DR	\$36,673.41
07-11-23-BB-04100-00	NELSON STEVEN W & NELSON ANTOINETTE L COTRUSTEES	BLK M1, LOT 8	\$36,673.41
07-11-23-BB-04200-00	DAHLMAN ROBERT S JR & DAHLMAN TRACY A	1540 SE OAR AVE	\$34,172.41
07-11-23-BB-04300-00	ANGERSTIEN KRISTEN DERYN & ANGERSTIEN ROBERT E JR	1554 SE PORT DR	\$34,172.41
07-11-23-BB-04400-00	BROWN JERRY W & BROWN JERITHA M	1505 SE QUAY PL	\$34,172.41
07-11-23-BB-04500-00	DAHLMAN ROBERT S JR & DAHLMAN TRACY A COTRUSTEES	BLK M2, LOT 4	\$34,172.41
07-11-23-BB-04600-00	SHIRLEY MARY ELIZABETH & SHIRLEY MELVIN V & SHIRLEY BARBARA L	1602 SE PORT DR	\$34,172.41
07-11-23-BB-04700-00	KNUDSON DENNIS S	1642 SE PORT DR	\$34,172.41
07-11-23-BB-04800-00	PYATT LEZLIE A	1660 SE PORT DR	\$34,172.41
07-11-23-BB-04900-00	CROSBY RICHARD MILTON & CROSBY MAE GAURANA	1710 SE PORT DR	\$34,172.41
07-11-23-BB-05000-00	EDWARDS ANDREW J & EDWARDS LAURA J	BLK M2, LOT 9	\$34,172.41
07-11-23-BB-05100-00	EDWARDS ANDREW J & EDWARDS LAURA J	BLK M2, LOT 10	\$34,172.41
07-11-23-BB-05200-00	EDWARDS ANDREW J & EDWARDS LAURA J	1798 SE PORT DR	\$34,172.41
07-11-23-BB-05300-00	EDWARDS ANDREW J & EDWARDS LAURA J	BLK M2, LOT 11	\$34,172.41
07-11-23-BB-05400-00	HANSEN JIM	BLK M2, LOT 13	\$36,673.41
07-11-23-BB-05500-00	HANSEN JIM	BLK M2, LOT 14	\$36,673.41
07-11-23-BB-05600-00	SKYE WILLOW M & SKYE DUSTIN A	1939 SE PORT DR	\$34,172.41
07-11-23-BB-05700-00	HASAN WASIMUL & HASAN SHAGUFTA A	BLK M2, LOT 16	\$34,172.41
07-11-23-BB-05800-00	CHIBA SHARON NAOMI	BLK M2, LOT 17	\$34,172.41

07-11-23-BB-05900-00	OCONNELL MARK	BLK M2, LOT 18	\$34,172.41
07-11-23-BB-06000-00	KLIEVER ROBERT H RLT LLC	BLK M4, LOT 1	\$34,172.41
07-11-23-BB-06100-00	GOSSETT CONNOR	BLK M4, LOT 2	\$34,172.41
07-11-23-BB-06200-00	SADANG ESMENIA P	BLK M4, LOT 3	\$34,172.41
07-11-23-BB-06300-00	MONAHAN JEFF & BAN YANXIA	BLK M4, LOT 4	\$34,172.41
07-11-23-BB-06400-00	DRAYTON JAMES W TRUSTEE	BLK M4, LOT 5	\$34,172.41
07-11-23-BB-06500-00	DRAYTON JAMES W TRUSTEE	BLK M4, LOT 6	\$34,172.41
07-11-23-BB-06600-00	DRAYTON JAMES W TRUSTEE	BLK M4, LOT 7	\$34,172.41
07-11-23-BB-06700-00	DRAYTON JAMES W TRUSTEE	BLK M4, LOT 8	\$34,172.41
07-11-23-BB-06800-00	GOLOMBEK BRIAN & GOLOMBEK HEIDI	BLK M4, LOT 9	\$34,172.41
07-11-23-BB-06900-00	GOLOMBEK BRIAN W & GOLOMBEK HEIDI	BLK M4, LOT 10	\$34,172.41
07-11-23-BB-07000-00	PETERS DONALD E JR & PETERS SUSAN R	BLK M4, LOT 11	\$34,172.41
07-11-23-BB-07100-00	PETERS DONALD E JR & PETERS SUSAN R	BLK M4, LOT 12	\$34,172.41

l.2.b

CITY ENGINEER'S PRELIMINARY REPORT
DELAKE HEIGHTS LOCAL IMPROVEMENT DISTRICT

October 6, 2022

Background

Lincoln City Public works has received repeated inquiries for sanitary service within the "Delake Heights" subdivision. This subdivision was platted in 1946 no utility service. The city installed water service in select areas in 1992. Since then, some additional water service has been added through individual lot development. Other utilities (power, communication, and gas) are largely present, streets are constructed with surfacing of ~60% gravel, ~40% asphalt.

In 2007 a hardship case regarding a failed septic system was submitted to the city's public works department. This led to a quarter-mile long, 4-inch sewer lateral allowed to be installed as a temporary connection. This runs from 1839 SE Port, to the sanitary sewer manhole at SE 14th and Oar. (~1,500 feet).

Since the installation of this lateral the city has received requests from numerous homes to utilize this as a temporary connection for sanitary sewer service. Thus far, there are 4 separate residences utilizing this for service, with more requests for new connections coming in regularly.

Pursuant to the City of Lincoln City's Municipal Code of Ordinances Chapter 13.04, the City Engineer is submitting the following report pertaining to the formation of a local improvement district. Within the proposed LID area there are 34 Deferred Improvement Agreements that specifically reference formation of an LID for installation of sanitary sewer and roadway improvements.

Location of the Improvements

Exhibit "A" presents a map outlining the Local Improvement District boundary.

Wastewater Facilities Plan

The proposed Delake Heights Sanitary Sewer LID flows to the SE 3rd St. Pump Station. This pump station is part of the "System Backbone" and has a current capacity rating of 4000 gallons per minute. The identified flow in 2004 was 2800 gallons per minute.

The addition of Variable Frequency Drives (VFDs) to the SE 3rd street pump station were completed during the 2021-2022 fiscal year. Additional budget for the design,

maintenance, and improvement of this pump station has been put forward for the 2022-2023 fiscal year.

Description of the Sanitary Sewer Improvements

A concept plan of the Local Improvement District design is put forward in Exhibit "B"; the design is adequate for cost estimating & proof-of-concept, but will likely change with the addition of survey information, additional utility data, and property owner input.

The planned improvement include 3,155 feet of gravity sewer, with an estimated additional 263 feet of low pressure sewer where gravity sewer installation is no longer feasible. The gravity main will be 8" PVC. 4" gravity sewer laterals will provide service to each lot of record at the time of construction; an additional lateral will be provided for the two (2) lots with the potential to subdivide. 1-1/4", HDPE laterals with backflow devices will be provided to the five (5) estimated properties served by low-pressure sewer. Property owners for these areas will need to install an E-One grinder pump when connecting to the provided lateral connection.

Description of the Roadway Improvements

Per LCMC 13.04.095 alternate local improvement street standards may be considered. The current LID proposes improving the roadway with 20' of paving, sidewalk on one side of the roadway, and installation of necessary roadway drainage improvements. Council may authorize payment for a portion of local improvement cost when warranted by characteristics of the work in accordance with LCMC 13.04.110[A].

Project Cost Summary

Estimated costs of both the sanitary sewer and roadway improvements are shown in Exhibit "C".

The estimated total cost of the LID is \$1,982,000. This includes the additional project costs of construction administration, survey, and design assistance.

Zoning and Method of Assessment

Within the local improvement district there are 55 properties. These vary in size from 5964 – 18,934 square feet. All properties benefitting are zoned Residential, 1-7.5 (R-1-7.5).

Fifty-two (52) of the benefitting lots have existing single family homes and/or development potential requiring only 1 standard lateral connection. Three (3) of the benefitting lots have the potential for subdivision into one (1) additional lot each, under current R-1-7.5 requirements; Staff has designed additional lateral connections on these lots and proposed an additional portion of LID costs assessed to these lots.

Staff proposes that the LID assessment be divided among the 58 proposed connections; this results in a cost of \$34,172.41 per connection for both sanitary sewer and roadway improvements. This number is based on the estimated construction and administrative cost; the actual construction cost, will be used to calculate the final reimbursement amount. The full list of property owners and assigned costs is shown in Exhibit "D"

Sanitary cost appears higher than previous, recent LID payments, but is off-set by the provision of gravity sewer, rather than the low-pressure sewer provided to previous districts. In comparison, this reduces the property owner cost of connection by the cost of the E-one pump & installation. *(This is roughly \$6,000 – \$8,000.00)*

Financing

Each lot owner will be given the option to finance the cost of the Local Improvement District. The City will finance up to 20 years, at a rate 2% over the current Local Government Investment Pool (LGIP) rate. The LGIP rate is 1.90% as of October 6, 2022. Each property's monthly cost for 20 year financing at 3.9% has been estimated using the project estimate. See Exhibit "D".

The City will place a lien on the property until the LID cost is paid in full. The City assessment lien shall be superior to all other liens or encumbrances on property insofar as Oregon Law permits. The property owner will have 60 days after the final assessment public hearing to either pay the LID assessment off in full or apply for the City financing. Property owners must pay or finance at least the base unit cost. Additional assessment may then be deferred until property sale or issuance of a building permit.

When a property has applied for financing of the LID cost, the owner shall pay at the time of submission of the application a processing fee in the amount of \$100.00. The property owner will also pay the amount for the county recording fee, if any, for the assessment lien.

If the property owners have signed applications to pay in installments, the owner at any time may pay to the City the unpaid balance of the amount of the assessment. This includes interest to the next installment date, charges, and lay payment penalties and/or charges accrued to the date of payment. LID lot assessments must be paid in full at (1) change in ownership of the property or (2) issuance of a building permit.

The estimated \$34,172.41 per connection is to reimburse the City for the cost to install the public sewer and roadway improvements. The total cost of sewer connections would additionally include the following items, additionally outlined in Exhibit "C":

- System Development Charges (\$4,475.00 in 2022)
- Inspection Fees/Permit Fees
- On-site construction costs
- Abandoning existing septic tank (if applicable)

SEWER CONNECTION MANDATES

Existing developed properties in the LID will be required to connect to the sewer system under the following circumstances:

1. Septic tanks must be inspected at 5, 10, and 15 years. If the septic system fails an inspection, the owner will not be allowed to fix the septic system but must connect to the public sewer system
2. If an existing home is sold, a condition of the sale is for the home to be connected to the public sewer system.
3. If an existing home is remodeled or enlarged more than 50% of the existing value, or the remodel requires the expansion of the septic system, the home will be required to connect to the public sewer system.
4. All existing homes within the LID must connect to the public sewer system within the LID financing period of 20 years.

City Engineer's Signature:

Council Communication

Public Hearing: Grant of Easement to Pacific Power Electric Utility

Meeting Date: January 23, 2023	Primary Staff Contact: Richard Appicello
Department: City Attorney	E-Mail: RAppicello@lincolncity.org
Secondary Dept:	Secondary Contacts:
Approval:	Estimated Time: 10 minutes

Question:

Should the City Council approve Resolution 2023-02 (later on Agenda) authorizing and directing the conveyance of an easement interest in City of Lincoln City property for the purpose of underground electric power lines and facilities to serve the City's future pump station?

Staff Recommendation:

Staff recommends Council conduct the Public Hearing and thereafter approve the Resolution later on this Agenda:

[Note: ORS 221.725 provides that any resident of the City must be provided with an opportunity to present oral or written testimony on the subject of the disposition of city property, or an interest therein.

Authority: (emphasis added)

221.725 Sale of city real property; publication of notice; public hearing. (1) Except as provided in ORS 221.727, when a city council considers it necessary or convenient to sell real property **or any interest therein**, the city council shall publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, **a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property.** Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) **The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully**

disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

Background:

Supporting materials for this public hearing (including a proposed Resolution) appear later on this Agenda. The Resolution includes proposed findings consistent with ORS 221.725 and ORS 271.310.

Council Options:

1. Conduct the public hearing.
2. Approve Resolution 2023-02, with or without modifications.
3. Postpone for additional information.
4. Do not approve the grant of an easement

Potential Motions:

See Resolution on this Agenda.

Attachments:

01232023 Easement PacificCorp AD (002) (DOCX)
FW_ City Public_Legal Notice (PDF)

**CITY OF LINCOLN CITY NOTICE OF HEARING
CONCERNING PROPOSED GRANT OF EASEMENT TO PACIFICORP
FOR UNDERGROUND ELECTRIC DISTRIBUTION AND COMMUNICATION
LINES AND APPURTENANCES**

On January 23, 2023 at 6:00 pm or as soon thereafter as the matter may be heard, the Lincoln City City Council, in the Council Chambers located at City Hall, 801 SW Hwy 101, 3rd Floor, Lincoln City, Oregon will conduct a public hearing to consider granting an easement to Pacific Power for the purpose of construction, operation and repair of underground electric distribution and communication lines. The subject real property on which the easement is proposed is located at the City water tank off SE Lee Ave, SE ¼ of the NE ¼ of Section 22, Township 8S, Range 11W of the Willamette Meridian, Lincoln County, State of Oregon Tax Lot 07-11-22-AD-00100-00. Pursuant to ORS 221.725, any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

The proposed use of the subject property [grant of a ten foot by thirty foot easement for underground electric utilities and associated equipment]. The reason the City Council finds it necessary or convenient to sell / convey the interest in real property is to facilitate safe provision of electric power and operation of City utilities. The proposed terms of the sale/conveyance will be fully disclosed at the hearing; however, at this time the principal term is that the electric utility facilities will be underground. Notwithstanding the proposed easement, because of security issues associated with the delivery of potable water, the easement will not include the blanket right of ingress and egress "from adjacent lands" but will have more controlled access.

The staff report and supporting materials may be reviewed on the City of Lincoln City's website under "Agenda, Packets and Video" "Upcoming Meetings" "January 23, 2023."

From: [Liz Francis](#)
To: [Richard Appicello](#)
Subject: FW: City Public/Legal Notice
Date: Thursday, January 12, 2023 5:17:00 PM
Attachments: [image001.png](#)
[01232023 Sale of Property Notice PacificCorp \(002\).docx](#)
[01232023 Tiny Homes.docx](#)

Here is the email chain of the ads being accepted by the News Guard. The submissions are attached.

Liz 😊



Liz Francis

EXECUTIVE ADMINISTRATIVE LEGAL ASSISTANT

City of Lincoln City | Economic Development/Urban Renewal/City Attorney
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
 P: 541-996-1003 | P: 541-557-1127
 E: lfrancis@lincolncity.org | W: LincolnCity.org

From: Newsguard Classifieds <classifieds@thenewsguard.com>
Sent: Thursday, January 12, 2023 11:41 AM
To: Liz Francis <lfrancis@lincolncity.org>
Subject: Re: City Public/Legal Notice

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Liz,

I have these set to run in the News Guard on 1/17/23. The cost for the "Sale of Property" is \$150.35. The cost for the "Tiny Homes" is \$168.95. I will send the affidavits out after it publishes.

Kelli Nicholson
 Office Manager
 Classifieds/Legals/Obituaries
 541.994.2178
classifieds@thenewsguard.com
legals@thenewsguard.com

From: Liz Francis <lfrancis@lincolncity.org>

Sent: Thursday, January 12, 2023 9:08 AM
To: Newsguard Classifieds <classifieds@thenewsguard.com>
Cc: Richard Appicello <rappicello@lincolncity.org>
Subject: RE: City Public/Legal Notice

Hi Kelli!

Both of the attached ads needs to published in the physical/printed paper in the Wednesday, January 18, 2023 addition. We will also need an Affidavit of Publish for both of them.

Thank you so much!

Liz ☺



Liz Francis
EXECUTIVE ADMINISTRATIVE LEGAL ASSISTANT

City of Lincoln City | Urban Renewal/Economic Development/City Attorney
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1003 | P: 541-557-1127
E: lfrancis@lincolncity.org | W: LincolnCity.org

Council Communication

Public Comment Resolution 2023-03 Fee Revisions

Meeting Date:	January 23, 2023	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

See staff memo under Resolution 2023-03

Council Communication

Ordinance 2023-01 (formerly 2022-45)- Amend Building Code

Meeting Date: January 23, 2023	Primary Staff Contact: Richard Appicello
Department: City Attorney	E-Mail: RAppicello@lincolncity.org
Secondary Dept: Planning Department	Secondary Contacts: AnneMarie Skinner
Approval: Daphnee Legarza	Estimated Time: 10 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2023-01 entitled:

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (CITY OF LINCOLN CITY BUILDING CODE) AMENDING SECTIONS 15.04.020, (PURPOSE), 15.04.030 (SCOPE), 15.04.040 (DEFINITIONS), 15.04.050 (ALTERNATIVE MATERIALS AND METHODS), 15.04.060 (MODIFICATIONS), 15.04.070 (TESTS), 15.04.090 (CONSTRUCTION DOCUMENTS AND PERMITS), 15.04.100 (INSPECTIONS), 15.04.115 (OPTIONAL LOCAL AMENDMENTS), 15.04.120 (CONSTRUCTION-RELATED CODES ADOPTED) AND SECTION 15.04.140 (APPEAL PROCEDURES) AND ADDING A NEW SECTION 15.04.045 (SPECIAL APPEAL PROCEDURES), AND AMENDING LCMC CHAPTER 12 (BUILDING BOARD OF APPEALS) TO ADDRESS RECOMMENDED CHANGES FROM THE CONTRACT BUILDING OFFICIAL

Staff recommends Council conduct First and Second Reading of Ordinance 2023-01 (formerly 2022-45). Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

First Reading of Ordinance 2022-45 was approved on December 12, 2022. The Ordinance has now been renumbered to 2023-01. Staff asks that Council repeat first reading and conduct second reading. Northwest Code Professionals recommends changes to the City Building Code based upon Oregon Administrative Rules flowing from SB 866. The City amended the Building Code in February 2022 to address these same regulations. Additional language has been added after consultation with the contract Building Official. Specifically, staff added:

Notwithstanding LCMC 2.06.045 (Hearing Officer Appointment) and LCMC 2.06.065 (Powers and Duties), a Hearing Officer is not available to hear appeals of the discretionary decisions of the contract Building Official. The Building Code Hearing Board for Lincoln County or for an adjoining County may hear such appeal, if the body meets the requirements of the administrative rule and is consistent with LCMC 12.12.020.

Financial Impact:

None expected.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to February 13, 2023, [or]

3. Continue First Reading to February 13, 2023.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (CITY OF LINCOLN CITY BUILDING CODE) AMENDING SECTIONS 15.04.020, (PURPOSE), 15.04.030 (SCOPE), 15.04.040 (DEFINITIONS), 15.04.050 (ALTERNATIVE MATERIALS AND METHODS), 15.04.060 (MODIFICATIONS), 15.04.070 (TESTS), 15.04.090 (CONSTRUCTION DOCUMENTS AND PERMITS), 15.04.100 (INSPECTIONS), 15.04.115 (OPTIONAL LOCAL AMENDMENTS), 15.04.120 (CONSTRUCTION-RELATED CODES ADOPTED) AND SECTION 15.04.140 (APPEAL PROCEDURES) AND ADDING A NEW SECTION 15.04.045 (SPECIAL APPEAL

PROCEDURES), AND AMENDING LCMC CHAPTER 12 (BUILDING BOARD OF APPEALS) TO ADDRESS RECOMMENDED CHANGES FROM THE CONTRACT BUILDING OFFICIAL

Council:

Motion to approve First Reading of Ordinance 2023-01.

If unanimous: City Attorney conducts Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2023-01.

[or]

2. Motion to set Second Reading for February 13, 2023.

Attachments:

Ordinance 2023-01 Building code (DOCX)

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 15 (BUILDINGS AND CONSTRUCTION), CHAPTER 15.04 (CITY OF LINCOLN CITY BUILDING CODE) AMENDING SECTIONS 15.04.020, (PURPOSE), 15.04.030 (SCOPE), 15.04.040 (DEFINITIONS), 15.04.050 (ALTERNATIVE MATERIALS AND METHODS), 15.04.060 (MODIFICATIONS), 15.04.070 (TESTS), 15.04.090 (CONSTRUCTION DOCUMENTS AND PERMITS), 15.04.100 (INSPECTIONS), 15.04.115 (OPTIONAL LOCAL AMENDMENTS), 15.04.120 (CONSTRUCTION-RELATED CODES ADOPTED) AND SECTION 15.04.140 (APPEAL PROCEDURES) AND ADDING A NEW SECTION 15.04.045 (SPECIAL APPEAL PROCEDURES), AND AMENDING LCMC CHAPTER 12 (BUILDING BOARD OF APPEALS) TO ADDRESS RECOMMENDED CHANGES FROM THE CONTRACT BUILDING OFFICIAL

Annotated to show deletions and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **bold underlined**.

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

2.1 Powers of the City

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, in February 2022, the City Council amended Chapter 15.04 in Ordinance 2022-04 to address SB 866 and associated Oregon Building Codes Division (BCD) rulemaking; and

WHEREAS, Northwest Code Professionals (NWCP), the City's third-party company for building department services, has presented the city Planning director with proposed code changes to assist the city in the operation of the Building Inspection Program and to comply with ORS and OAR requirements; and

Ordinance 2023—01 formerly 2022-45 [Amend LCMC Chapter 15.04]

1 **WHEREAS**, Council desires to make the recommended changes; and

2

3 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

4

5 **SECTION 1.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.020 (*Purpose*) is
6 hereby amended as follows:

7

8 15.04.020 Purpose.

9

10 **The purpose of this title is, consistent with available resources, to establish uniform**
11 **performance, minimal standards, enforcement procedures, and administrative**
12 **standards in order to provide reasonable safeguards for the health, safety, welfare,**
13 **comfort and security of the residents of this jurisdiction, and to provide for the use**
14 **of modern methods, devices, materials, techniques, practicable maximum energy**
15 **conservation standards, and fire and life safety features in the construction and use**
16 **of structures.**

17

18 ~~The purpose of this code is to establish minimum uniform performance standards~~
19 ~~providing reasonable safeguards for public health, safety, welfare, comfort and~~
20 ~~security of the residents of this jurisdiction through structural strength, means of~~
21 ~~egress facilities, stability, sanitation, adequate light, and ventilation, energy~~
22 ~~conservation and safety to life and property from fire and other hazards attributed~~
23 ~~to the built environment and to provide safety to fire fighters and emergency~~
24 ~~responders during emergency operations.~~

25

26 **SECTION 2.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.030 (*Scope*) is
27 hereby amended as follows:

28

29 15.04.030 Scope.

30

31 **A. This code shall apply to new and existing construction and premises, and**
32 **construction-related activities including, but not limited to, installation of:**
33 **mechanical, energy, grading, accessibility (disability access), alteration, moving,**
34 **demolition, repair, maintenance, fire and life safety, and work associated with any**
35 **building, structure, premises, property, or license regulated by this title, mandated**
36 **under any of the Oregon Specialty Codes, rules, or statutes, and/or regulated by**
37 **various other codes of the City of Lincoln City, including zoning or land use**
38 **regulations. The City of Lincoln City enforces the State Building Code as per ORS**
39 **Chapter 455 and the rules adopted thereunder.**

40

41 **B. Where, in any specific case, different sections of this code specify different**
42 **materials, methods of construction or other requirements, the most restrictive shall**
43 **govern, except in cases where the minimum/maximum provisions of the State**

1 **Building Code apply. Where there is a conflict between a general requirement and**
2 **a specific requirement, the specific requirement shall be applicable.**

3
4 **C. Notwithstanding the above, demolition of buildings and structures is addressed in**
5 **Chapter 15.06 LCMC, and moving of buildings is addressed in Chapter 15.12 LCMC.**

6
7 ~~**A. This code shall apply to the construction, alteration, repair, maintenance and**~~
8 ~~**work associated with any building or structure except those located in a public**~~
9 ~~**way, or work associated with hydraulic flood control structures or public utility**~~
10 ~~**poles and towers.**~~

11
12 ~~**B. Where, in any specific case, different sections of this code specify different**~~
13 ~~**materials, methods of construction or other requirements, the most restrictive shall**~~
14 ~~**govern. Where there is a conflict between a general requirement and a specific**~~
15 ~~**requirement, the specific requirement shall be applicable.**~~

16
17 ~~**C. Where, in any specific case, there is a conflict between this code and any Oregon**~~
18 ~~**Revised Statute, the statute shall govern.**~~

19
20 ~~**D. These procedures apply to all codes contained in this title. If, in a specific case,**~~
21 ~~**there is a conflict between the administrative procedures of this chapter and a**~~
22 ~~**given code or administrative rule, the procedures within this code shall govern. If,**~~
23 ~~**in a specific case, there is a conflict between the technical provisions of this chapter**~~
24 ~~**and a given code or administrative rule, the provisions within that code shall**~~
25 ~~**govern.**~~

26
27 ~~**E. Demolition of buildings and structures is addressed in Chapter 15.06 LCMC.**~~
28 ~~**Moving buildings is addressed in Chapter 15.12 LCMC.**~~

29
30 **SECTION 3.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.040 (*Definitions*) is
31 hereby amended as follows:

32
33 15.04.040 Definitions.

34
35 **In addition to the definitions provided in the applicable building codes, for** ~~**For**~~ **the**
36 **purpose of this chapter, the following definitions shall apply:**

37
38 "Agency" shall mean the Lincoln City building department.

39
40 **"Approved" means approved by the Building Official.**

41
42 Building Code Hearings Officer shall mean a Qualified Employee designated to hear
43 appeals of decisions of the Contract Building Official.

1 **“Building official” shall mean the Lincoln City Contract Building Official or Deputy**
 2 **thereof, with powers granted by ORS 455.153.**

3
 4 ~~**“Building official” shall mean the Lincoln City building official.**~~

5
 6 **“Building service equipment” means all support systems/equipment such as piping,**
 7 **ducts, vents, and other components of systems other than portable appliances that**
 8 **are permanent in place to serve the building.**

9
 10 **“Certificate of occupancy” means a certificate of approval issued by the Building**
 11 **Official, as required by the applicable code, after all provisions of the building**
 12 **code, laws, codes and conditions of approved enforced by the Building Official are**
 13 **met for a building intended for occupancy.**

14
 15 ~~**“Construction documents” shall mean written, graphic and pictorial documents**~~
 16 ~~**prepared or assembled for describing the design, location and physical**~~
 17 ~~**characteristics of the elements of a project necessary for obtaining a permit.**~~

18
 19 “Contract building official” means an owner, manager or employee of a person that the
 20 director of the state of Oregon Department of Consumer and Business Services has
 21 licensed to perform specialty code inspections and plan reviews under ORS 455.457 and
 22 that engages in the business of providing the services described in ORS 455.148(3)
 23 and 455.150(3) to one or more municipalities to which the director of the state of
 24 Oregon Department of Consumer and Business Services has delegated a building
 25 inspection program. (See OAR 918-020=0015 (2).
 26

27 “Discretionary decision” means a decision on whether to waive a plan review, an
 28 inspection, or a provision of the state building code; or to allow an alternative material,
 29 design, or method of construction. (See Per OAR 918-020-0015 (4).
 30

31 **“Enforcement action” means an action in which an order to correct has been**
 32 **issued, or which seeks or results in a civil penalty.**

33
 34 **“Imminent danger” or “imminent hazard” means a condition which could cause**
 35 **serious or life threatening injury or death at any time.**

36
 37 **“Nonconforming” means any building, premises, or structure which lawfully**
 38 **existed prior to the effective date of the ordinance codified in this code, but which,**
 39 **due to the requirements adopted herein, no longer complies with one or more**
 40 **provisions of this code.**

41
 42 **“Operating plan” means a state-mandated document, as required by OAR 918-020-**
 43 **0080, created and maintained by the Building Official, that outlines policies.**

1 **procedures, rules, timelines, hours of operation, and general administrative**
2 **procedures describing the operation of the building division.**

3
4 **“Public way” means any street, alley, or similar piece of land essentially**
5 **unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise**
6 **permanently appropriated to the public for public use.**

7
8 “Qualified employee” is an individual that the municipality employs and has been
9 designated to ratify or disapprove a contract building official’s discretionary decisions
10 (OAR 918-020-0015 (7)).

11
12 **“State Building Code’ means all of the combined specialty codes together,**
13 **including the electrical, plumbing, and mechanical codes, as provided in ORS**
14 **455.010(8).**

15
16 **SECTION 4.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.050 (*Alternate*
17 *materials and methods*) is hereby amended as follows:

18
19 15.04.050 Alternate materials and methods.

20
21 A. The provisions of this code are not intended to prevent the use of any alternate
22 material, design or method of construction not specifically ~~prescribed~~ ~~proscribed~~ by
23 this code, provided such alternate **material, design, or method** has been approved and
24 its use authorized by the building official.

25
26 B. The building official may approve any such alternate material, design or method,
27 provided the building official finds that the proposed material, design or method
28 complies with the provisions **and intent** of this code and that it is, for the purpose
29 intended, at least the equivalent of that prescribed in this code in suitability, strength,
30 effectiveness, fire resistance, durability, safety and sanitation.

31
32 C. The building official ~~may shall~~ require that evidence or proof be submitted to
33 substantiate any claims that may be made regarding **the use of such alternate**
34 **material, design, or method.** ~~its use.~~ The details of any approval of any alternate
35 material, design, or method shall be ~~recorded and~~ entered in the files of the **city**
36 **agency.**

37
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42

1 **SECTION 5.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.060 (*Modifications*)
2 is hereby amended as follows:

3
4 15.04.060 Modifications.

5
6 **When there are practical difficulties in carrying out the provisions of the technical**
7 **codes or this code, the Building Official may grant modifications for individual**
8 **cases, provided the Building Official finds that the modification is in conformance**
9 **with the intent and purpose of the technical codes or this code and that said**
10 **modification does not lessen any health, life safety, or fire-protection**
11 **requirements, nor any degree of structural integrity. The details of any approved**
12 **modification shall be entered in the files of the city.**

13
14 ~~Wherever there are practical difficulties in carrying out the provisions of this code,~~
15 ~~the building official may grant modifications for individual cases, upon application~~
16 ~~of the owner or owner’s representative, provided the building official first finds the~~
17 ~~special individual reason that makes the strict letter of this code impractical, and~~
18 ~~the modification is in conformance with the intent and purpose of this code, and~~
19 ~~that the modification does not lessen health, accessibility, life and fire safety or~~
20 ~~structural requirements. Any action granting modification shall be recorded in the~~
21 ~~files of the agency.~~

22
23 **SECTION 6.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.070 (*Tests*) is
24 hereby amended as follows:

25
26 **15.04.070 Tests.**

27
28 A. Whenever there is insufficient evidence of compliance with the provisions of this code
29 or **the technical codes, or** that any material, method or design does not conform to the
30 requirements of this code **or the technical codes**, the building official may require tests
31 **or engineering reports** as proof of compliance to be made at no expense to this
32 jurisdiction.

33
34 B. Test methods shall be as specified by this code, **the technical codes**, or by other
35 recognized test standards. If there are no recognized and accepted test methods for the
36 proposed alternate, the building official shall determine test procedures.

37
38 C. All tests shall be made by **a testing agency approved by the building official. an**
39 ~~**approved testing agency.**~~ **The building official shall retain reports** Reports of such
40 tests ~~**shall be retained by the building official**~~ for the period required for the retention
41 of public records.
42

1 **SECTION 7.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.090 (*Construction*
2 *documents and permits*) is hereby amended as follows:

3 **15.04.090 Construction documents and permits.**

4
5 **A. Permits – Generally.**

6
7 **It is unlawful for any person, firm, or corporation to engage in any work,**
8 **conduct, or activity for which a permit, certificate, label, or other formal**
9 **authorization is required by this code or other regulation without first**
10 **obtaining such permit, certificate, label, or other formal authorization. Permits**
11 **are required for any work that is regulated under the State Building Code as per**
12 **ORS Chapter 455 and the rules adopted thereunder, as well as any work,**
13 **activity, use, or review required by any code, policy, or procedure within this**
14 **jurisdiction that is enforced by the building official, which may include**
15 **occupancy reclassifications, grading, signs, demolition, new parking lots, or**
16 **regrading and parking lot resurfacing/stripping.**

17
18 **B. Application for a Building Permit. To obtain a permit, the applicant shall first**
19 **apply to the city of Lincoln City Building Division through the electronic**
20 **permitting system.**

21
22 **C. Submittal documents.**

- 23
24 **1. Plans, specification, engineering calculations, diagrams, soil investigation**
25 **reports, special inspection and structural observation programs, and other**
26 **data shall constitute the submittal documents and shall be uploaded in pdf**
27 **form with each application for a permit. When such plans are not prepared**
28 **by a licensed architect or licensed engineer, the Building Official may**
29 **require the applicant submitting such plans or other data to demonstrate**
30 **that state law does not require that the plans be prepared by a licensed**
31 **architect or licensed engineer. The building official may require plans,**
32 **computations, and specifications to be prepared and designed by an**
33 **architect or engineer licensed by the state to practice as such, even if not**
34 **required by state law.**
- 35
36 **2. The building official may waive the submission of plans, calculations,**
37 **construction inspection requirements, and other data if it is found that the**

1 nature of the work applied for is such that reviewing of plans is not
 2 necessary to obtain compliance with this code.

3
 4 **D. Permit issuance.**

- 5
 6 **1. The application, plans, specifications, computations, and other data filed by**
 7 **an applicant for permit shall be reviewed by the building official or**
 8 **designee. Such plans shall be reviewed by other departments of this**
 9 **jurisdiction and North Lincoln Fire and Rescue District #1 to verify**
 10 **compliance with any applicable laws under their jurisdiction. If the building**
 11 **official finds that the work described in an application for a permit and the**
 12 **plans, specification, and other data filed therewith conform to the**
 13 **requirements of this code and the technical codes and other pertinent laws**
 14 **and ordinances, and that the applicable fees have been paid, the building**
 15 **official shall issue a permit therefor to the applicant.**
- 16
 17 **2. When the building official issues a permit where plans are required, the**
 18 **building official shall endorse in writing or stamp the plans and**
 19 **specifications "REVIEWED." Such plans and specifications shall not be**
 20 **changed, modified, or altered without authorization from the building**
 21 **official, and all work regulated by this code and the technical codes shall be**
 22 **done in accordance with the approved plans.**

23
 24 **E. Deferred submittals and phased construction.**

- 25
 26 **1. Deferred submittal of plans and phased construction may be permitted,**
 27 **subject to the approval of the building official, when the deferred**
 28 **submittals or phasing of construction is not likely to result in mistakes,**
 29 **faulty construction, or violation of any local or state codes or laws. Requests**
 30 **for deferred submittals must be made in writing and noted on the**
 31 **construction documents. Construction associated with phased, partial, or**
 32 **deferred submittals and permits shall be done at the risk of the permit**
 33 **holder, applicant, and property owner.**
- 34
 35 **2. The building official may issue a permit for the construction of part of a**
 36 **building or structure before the entire plans and specifications for the whole**
 37 **building or structure have been submitted or approved, provided adequate**
 38 **information and detailed statements have been filed complying with all**
 39 **pertinent requirements of this title. If the holder of a partial permit elects to**

1 proceed, they shall do so without assurance that the permit for the entire
 2 building or structural will be granted.

- 3
 4 3. Additional costs for partial permits and/or deferred submittals shall be in
 5 accordance with the fee schedule and charged to the applicant at the time
 6 of initial permit issuance.

7
 8 F. Retention of plans, permits, and documentation.

9 One set of approved plans, specifications, computations, and permits shall be
 10 retained by the building official and shall be stored and retained by the
 11 jurisdiction as required by the state archivist. The applicant shall be responsible
 12 for keeping one approved set of plans and specifications on the site of the
 13 building or work at all times, and available to the inspector, during which the
 14 work authorized thereby is in progress. Such set shall be kept in good order and
 15 in clean, legible condition.

16
 17 G. Validity of permit.

- 18
 19 1. The issuance of a permit or approval of plans, specifications, and
 20 computations shall not be construed to be a permit for, or an approval of,
 21 any violation of any of the provisions of this code or of any other code of
 22 the jurisdiction, or any other federal, state, or local law, statute, rule,
 23 regulation, or code. Permits presuming to give authority to violate or cancel
 24 the provisions of this code or other codes or ordinances of the jurisdiction
 25 shall not be valid.
- 26
 27 2. The issuance of a permit based on plans, specifications, and other data shall
 28 not prevent the building official from thereafter requiring the correction of
 29 errors in said plans, specifications, and other data requiring additional
 30 engineering data, or from preventing building operations being carried on
 31 thereunder when in violation of this code or of any other codes of this
 32 jurisdiction.

33
 34 H. Expiration of application for a permit.

35
 36 Applications for which no permit is issued within 180 days following the date of
 37 the application shall expire by limitation, and plans and other data submitted
 38 for review may be discarded by the building official. The building official may
 39 extend the time for action by the applicant for a period not exceeding 180 days
 40 upon written request by the applicant showing that circumstances beyond the
 41 control of the applicant have prevented action from being taken. No
 42 application shall be extended more than once, unless expressly authorized by
 43 the building official. In order to renew action on an application after expiration,

1 the applicant shall submit plans again through the electronic permitting system
 2 and pay a new plan review fee. When an applicant applies for concurrent
 3 review, the applicant assumes the responsibility and risk of obtaining all
 4 approvals required by other departments or jurisdictions within the 180-day
 5 period.

6
 7 **I. Permit expiration.**

8
 9 **1. Every permit issued by the Building Official, under the provisions of this**
 10 **code and the technical codes, shall expire by limitation and become null and**
 11 **void 180 days from the date of such permit issuance if the building or work**
 12 **authorized by such permit is not commenced, or pursuant to any time limits**
 13 **designated by conditions of approval, or after the building or work authorized**
 14 **by such permit is suspended or abandoned for 180 consecutive days at any time**
 15 **after the work is commenced. The work shall not be considered suspended or**
 16 **abandoned where the permittee has pursued activities deemed by the Building**
 17 **Official to indicate the intent to start and complete the project. The Building**
 18 **Official may require the permittee to document these activities.**

19
 20 **2. Any permittee holding an unexpired permit may apply to the Building**
 21 **Official for an extension of the time within which work is to be completed**
 22 **under that permit when the permittee is unable to complete work within the**
 23 **time required by this section for good and satisfactory reasons. The Building**
 24 **Official may extend the time for action by the permittee for a period not**
 25 **exceeding 180 days on written request by the permittee showing that**
 26 **circumstances beyond the control of the permittee have prevented work from**
 27 **being completed. No permit shall be extended more than once, unless expressly**
 28 **authorized by the Building Official.**

29
 30 **3. Where a permit has expired, the permit may be reinstated and the work**
 31 **authorized by the original permit can be recommenced, provided the original**
 32 **permit expired less than one year from the request to reinstate.**

33
 34 **4. The fee for a reinstated permit shall be one-half the amount required for a**
 35 **new permit plus any costs incurred as a result of investigations. Where the**
 36 **request for reinstatement does not comply with the preceding criteria, a new**
 37 **permit, at full permit fees and review, shall be required.**

38
 39 **J. Investigation.**

40 **1. Whenever any work for which a permit is required by this code or the**
 41 **technical codes has been commenced without first obtaining said permit, an**
 42 **investigation shall be made before a permit may be issued for such work.**

1 ~~3. The building official may issue a permit for the construction of part of a~~
2 ~~building or structure before the entire construction documents for the whole~~
3 ~~building or structure have been submitted or approved, provided adequate~~
4 ~~information and detailed statements have been filed complying with all~~
5 ~~pertinent requirements of this code. The holder of a partial permit shall~~
6 ~~proceed without assurance that the permit for the entire building or structure~~
7 ~~will be approved.~~

8
9 ~~4. The building official is authorized to promulgate additional administrative~~
10 ~~rules and regulations related to the efficient administration and review of~~
11 ~~partial permits. Elements for partial permits shall include but not be limited to~~
12 ~~deferred submittals, temporary permits and phased construction.~~

13
14 ~~5. When it is required that documents be prepared by a registered design~~
15 ~~professional, the building official shall be authorized to require the owner to~~
16 ~~engage and designate on the building permit application a registered design~~
17 ~~professional who shall act as the registered design professional in responsible~~
18 ~~charge. The registered design professional in responsible charge shall be~~
19 ~~responsible for reviewing and coordinating submittal documents prepared by~~
20 ~~others, including phased and deferred submittal items, for compatibility with~~
21 ~~the design of the building. The registered design professional in responsible~~
22 ~~charge shall review the submittals and forward them to the building official~~
23 ~~with a notation indicating that the documents have been reviewed and been~~
24 ~~found to be in conformance to the design of the building. The phased or~~
25 ~~deferred submittal items shall not be installed until the design and submittal~~
26 ~~documents have been approved by the building official.~~

27
28 ~~**B. Retention of Construction Documents.** One set of approved construction~~
29 ~~documents shall be retained by the building official for a period specified by~~
30 ~~Oregon Administrative Rules. One set of approved construction documents shall be~~
31 ~~returned to the applicant, and the set shall be kept on the site of the building or~~
32 ~~work at all times during which the work authorized thereby is in progress.~~

33
34 ~~**C. Validity of Permit.**~~

35
36 ~~1. The issuance or granting of a permit or approval of construction documents~~
37 ~~shall not be construed to be a permit for, or an approval of, any violation of~~
38 ~~any of the provisions of this code or of any other ordinance of the jurisdiction~~
39 ~~or any other federal, state, or local law, statute, rule, regulation, or ordinance.~~

40
41 ~~2. The issuance of a permit based on construction documents and other data~~
42 ~~shall not prevent the building official from thereafter requiring the correction~~
43 ~~of errors in the construction documents and other data, or from preventing~~

~~building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction.~~

~~**D. Expiration of Plan Reviews.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.~~

~~**E. Permit Expiration, Extension, and Reinstatement.**~~

~~1. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

~~2. Where a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:~~

~~a. The building code under which the original permit was issued and other laws which are enforced by the agency have not been amended in any manner which affects the work authorized by the original permit;~~

~~b. No changes have been made or will be made in the original construction documents for such work;~~

~~c. The original permit expired less than one year from the request to reinstate.~~

~~The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.~~

~~**F. Work Without a Permit—Investigation Fees.**~~

~~1. Whenever any work for which a permit is required by this code has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work.~~

~~2. An investigation fee shall be collected whether or not a permit is then or subsequently issued. Investigation fees are based on the actual cost of the~~

~~jurisdiction, to bring the violation into compliance. The loaded hourly rate of all parties involved shall be multiplied by the number of hours worked. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.~~

~~3. Any person, firm or corporation performing, or found to have performed work, prior to obtaining a permit where a permit is required for such work, shall be subject to the penalties of LCMC 15.04.150.~~

~~4. Exception to This Section. The person, firm or corporation is working under a preapproved process as defined by a specific administrative policy of the agency or building official.~~

~~G. Not Transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder, unless specifically authorized by the permit holder and the jurisdiction.~~

~~H. Suspension—Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the city code.~~

SECTION 8. Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.100 (*Inspections*) is hereby amended as follows:

15.04.100 Inspections.

A. Inspections – Generally.

(1) Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall have special or continuous inspection as specified in the State Building Code.

(2) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code, the technical codes, or of other ordinances or codes of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code, the technical codes, or of other ordinances or codes of the jurisdiction shall not be valid.

1 **(3) It shall be the duty of the permit applicant to cause the work to remain**
 2 **accessible and exposed for inspection purposes and shall ensure that the reviewed**
 3 **construction documents are on site and available for the inspector. Neither the**
 4 **Building Official nor this jurisdiction shall be liable for expense entailed in the**
 5 **removal or replacement of any material required to allow inspection.**

6
 7 **(4) A survey of the site may be required by the Building Official to verify that the**
 8 **structure is located in accordance with the approved plans.**

9
 10 **B. Inspection requests.**

11
 12 **(1) It shall be the duty of the person doing the work authorized by a permit to**
 13 **notify the Building Official that such work is ready for inspection, and to make**
 14 **provision for access during normal business hours. Inspection requests shall be**
 15 **requested at least one working day before such inspection is desired and in**
 16 **accordance with the specific times described in the Operating Plan.**

17
 18 **(2) It shall be the duty of the person requesting any inspections required by this**
 19 **code to provide safe access to and means for inspection of such work, including**
 20 **any and all required special equipment, tools, ladders, belts, clothes, or other**
 21 **protective equipment or devices.**

22
 23 **(3) It shall be the duty of the permit holder or authorized agent to request all**
 24 **inspections that may be necessary, or otherwise required, in a timely manner, to**
 25 **provide access to the site, and to provide all equipment as may be deemed**
 26 **necessary or appropriate by the Building Official. The permit holder shall not**
 27 **proceed with construction activity until authorized to do so by the Building**
 28 **Official.**

29 **C. Inspections required.**

30
 31 **(1) All construction or work for which a permit is required shall be subject to**
 32 **inspection by the Building Official and all such construction or work shall remain**
 33 **accessible and exposed for inspection and test purposes until approved by the**
 34 **Building Official. The address must be posted. No work shall be covered until**
 35 **approved and signed off for that stage of the project or work.**

36
 37 **(2) It shall be the duty of the permit applicant to cause the work to remain**
 38 **accessible and exposed for inspection purposes including providing any necessary**
 39 **ladders, walkways, lighting, carpet runners for protection of carpet or other**
 40 **equipment necessary for safe access and inspection. Neither the Building Official,**
 41 **deputies nor the jurisdiction shall be liable for expense entailed in the removal,**
 42 **cleaning, or replacement of any equipment or material required to allow**
 43 **inspection.**

1 **(3) Inspection and approval by the Building Official is not to be construed as**
2 **relieving the permit holder of his/her responsibility to correct any deficiencies that**
3 **are later discovered, even though they may have existed at the time of the original**
4 **inspection and approval.**

5
6 **D. Re-inspections.**

7
8 **(1) A re-inspection fee, in accordance with the fee schedule, may be assessed for**
9 **each inspection or re-inspection when such portion of work for which inspection is**
10 **called is not complete or when corrections called for are not made.**

11
12
13 **(2) Re-inspection fees may be assessed when the approved plans are not readily**
14 **available to the inspector, for failure to provide access on the date for which**
15 **inspection is requested, when the address for the site is not posted, or for**
16 **deviating from plans requiring the approval of the Building Official.**

17
18 **(3) In instances where re-inspection fees have been assessed, no additional**
19 **inspection of the work will be performed until the required fees have been paid,**
20 **unless authorized by the Building Official.**

21
22 **E. Other inspections.**

23
24 **In addition to the called inspections specified above, the Building Official may**
25 **make or require other inspections of any construction work to ascertain**
26 **compliance with the provisions of this code and other laws which are enforced by**
27 **the City.**

28
29 **F. Special inspections and Structural Observations.**

30
31 **Special inspections and Structural Observations shall be conducted as required**
32 **by the State Building Code. Additional special inspections and/or structural**
33 **observations may be determined necessary and required by the Building Official.**
34 **Special inspectors are required to be approved by the Building Official prior to any**
35 **inspections. All special inspections shall be conducted prior to the regular and**
36 **corresponding city inspection. It shall be the responsibility of the permit holder to**
37 **ensure that the results of the special inspection are made available to the Building**
38 **Official and the city inspector at the job site prior to, and at the time of, the city**
39 **inspection.**

1 **G. Approval required.**

2
3 **(1) Work shall not be done beyond the point indicated in each successive**
4 **inspection without first obtaining the approval of the Building Official. The**
5 **Building Official, upon notification, shall make the requested inspections and shall**
6 **either indicate that that portion of the construction is satisfactory as completed, or**
7 **shall notify the permit holder, or an agent of the permit holder, wherein the same**
8 **fails to comply with this title. Any portions which do not comply shall be corrected**
9 **and such portion(s) shall not be covered or concealed until authorized by the**
10 **Building Official.**

11
12 **(2) Unless an alternate method of notification is approved by the Building**
13 **Official, the form of notification shall be a minimum of a written notice left at the**
14 **job site. Any work that does not comply with this code and/or the technical codes**
15 **shall be corrected and such work shall not be covered or concealed until authorized**
16 **by the Building Official.**

17
18 **(3) Prior to occupancy, there shall be a final inspection and approval of all**
19 **buildings and structures when completed and ready for occupancy and use.**

20
21 **H. Certificate of occupancy.**

22
23 **(1) Except for work exempt from permits and residential accessory buildings, no**
24 **building or structure shall be used or occupied, and no change in the existing**
25 **character, use, or occupancy classification of a building or structure or portion**
26 **thereof shall be made until the Building Official has issued a certificate of**
27 **occupancy.**

28
29 **(2) The certificate of occupancy for buildings other than single-family dwellings**
30 **and U occupancies shall be posted in a conspicuous place and shall not be removed**
31 **except by the Building Official.**

32
33 **(3) In cases where there are outstanding corrections and/or deficiencies that do**
34 **not present a hazard or immediate public concern, or where no outstanding**
35 **corrections exist, the building official may grant a partial and/or temporary**
36 **certificate of occupancy upon request. When granting a temporary certificate of**
37 **occupancy, the Building Official shall provide the permit holder with conditions**
38 **and time restrictions for compliance and final approval. The fee for partial and/or**
39 **temporary certificate of occupancy shall be in accordance with the fee schedule.**

40
41 **(4) Upon failure to obtain final approval and a certificate of occupancy, when**
42 **applicable, and/or upon the expiration of the permit, the Building Official, in**
43 **addition to other remedies, may file a notice of noncompliance with the County**

1 Recorder. To remove the notice, proof of compliance must be provided and all
 2 enforcement costs, recording costs, and filing costs determined by the Building
 3 Official must be paid by the permit holder.

4
 5 (5) Changes in the character or use of a building shall not be made except as
 6 specified in the Building Code.

7
 8 (6) Issuance of a certificate of occupancy shall not be construed as an approval
 9 of a violation to the provisions of this code or of other City ordinances. The
 10 Building Official may, in writing, suspend or revoke a certificate of occupancy
 11 issued under the provisions of this title when the certificate is issued in error, or on
 12 the basis of incorrect information, or when it is determined that the building or
 13 structure, or portion thereof, is in violation of an ordinance, regulation, or the
 14 provisions of this title.

15 I. Proceeding without inspection or approval.

16
 17 Work performed without approval shall be required to be exposed for inspection,
 18 and any costs due to damage, such as the repair to sheetrock, masonry, concrete,
 19 siding, and any investigation or penalties shall be the responsibility of the
 20 permittee and/or owner.

21 I. Inspections.

22
 23
 24 ~~1. It shall be the duty of the permit holder or authorized agent to request all~~
 25 ~~inspections that may be necessary or otherwise required in a timely manner,~~
 26 ~~provide access to the site, and to provide all equipment as may be deemed~~
 27 ~~necessary or appropriate by the building official. The permit holder shall not~~
 28 ~~proceed with construction activity prior to permit issuance or until receiving~~
 29 ~~specific written authorization to do so by the building official. It shall be the~~
 30 ~~duty of the permit holder to cause the work to remain accessible and exposed~~
 31 ~~for inspection purposes. Any expense incurred by the permit holder to remove~~
 32 ~~or replace any material required for proper inspection shall be the~~
 33 ~~responsibility of the permit holder or the permit holder's agent.~~

34
 35 ~~2. Work requiring a permit shall not be commenced until the permit holder or~~
 36 ~~an agent of the permit holder has made available on site, a copy of the permit~~
 37 ~~authorizing such work and supporting documents such as city-approved~~
 38 ~~construction documents. This permit and supporting documents shall be~~
 39 ~~maintained available by the permit holder until final approval has been granted~~
 40 ~~by the building official.~~

1 **SECTION 9.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.115 (*Optional local*
2 *amendments to adopted codes*) is hereby amended as follows:

3
4 **15.04.115 Optional local amendments to adopted codes.**

5
6 Notwithstanding the adoption of the Oregon Structural Specialty Code (OSSC) in LCMC
7 15.04.110(A), the Oregon Residential Specialty Code (ORSC) in LCMC 15.04.110(F), and
8 the permit exemptions contained therein, the city of Lincoln City specifically requires a
9 permit for the following listed items. In addition, the construction standards of the OSSC
10 or ORSC, as applicable, remain applicable for these items.

11
12 A. Protection of adjoining property, as defined by Chapter 1 of the OSSC.

13
14 B. Retaining walls as defined by Chapter 1 of the OSSC and ORSC, as applicable (i.e.,
15 walls greater than four feet in height and retaining walls where the wall supports
16 ascending slopes exceeding 3:**1 or where the retaining wall supports a non-soil**
17 surcharge).

18
19 C. Fences, as defined by Chapter 1 of the OSSC and ORSC, as applicable (i.e., fences
20 constructed of wood, wire, mesh or chain link, when such fences are greater than seven
21 feet in height; fences constructed of materials other than wood, wire, mesh or chain link,
22 require a permit regardless of height).

23
24 D. Tanks as defined by Chapter 1 of the OSSC and ORSC, as applicable (i.e., exterior to
25 and not attached to a regulated building).

26
27 E. Flagpoles as defined by Chapter 1 of the OSSC (i.e., poles not attached to or supported
28 by a regulated building provided the flagpole is greater than 25 feet in height).

29
30 F. Ground-mounted photovoltaic systems, as defined by Chapter 1 of the OSSC and
31 ORSC, as applicable (i.e., greater than 10 feet in height).

32
33 G. Signs as defined by Chapter 1 of the OSSC (i.e., not located in a public right-of-way
34 and not attached to or supported by a regulated building).

35
36 **SECTION 10.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.120
37 (*Construction-related codes adopted*) is hereby amended as follows:

38
39 **15.04.120 Construction-related codes adopted.**

40
41 A. Dangerous Building Code. Except as modified in subsection (B) of this section, the
42 city of Lincoln City adopts, administers, and enforces the Uniform Code for the
43 Abatement of Dangerous Buildings, 1997 Edition, by the International Conference of

1 Building Officials (UCADB), a copy of which is on file and available for reference with
 2 the city building official.

3
 4 B. Local Amendments **to the UCADB.**

5 1. The following supplementary definitions are added:

- 6 • Board of Appeals. Board of appeals established by Chapter 2.12 LCMC.
- 7 • Clerk. The city recorder of the city of Lincoln City.
- 8 • Director of Public Works. The city engineer of the city of Lincoln City.
- 9 • Health Official. The Lincoln County sanitarian or other designee.

10 2. UCADB, Chapter 4, Section 403, Section 1.3 is not an available remedial option for
 11 a building declared to be dangerous under this code, except that any repair order
 12 (Section 1.1) or demolition order (Section 1.2) of the building official may require a
 13 premises to be secured and maintained against entry during the period when repair
 14 is authorized or prior to scheduled demolition.

15 3. All references in the UCADB to the "Building Code" shall mean the applicable
 16 Oregon State Building Code in effect, including all currently enforced specialty codes
 17 or, when the context requires, the applicable predecessor code.

18 4. Notwithstanding Section 401.2.5 of the Uniform Code for the Abatement of
 19 Dangerous Buildings as adopted by subsection (A) of this section, the time period for
 20 appeals from notices, orders, or actions of the building official shall be 10 days.

21
 22 C. Unsafe Buildings.

23 1. All buildings or structures regulated by this code which are unsafe under the terms
 24 of the Uniform Code for the Abatement of Dangerous Buildings are hereby
 25 designated as unsafe buildings, structures, or appendages.

26 2. All such unsafe buildings, structures or appendages are hereby declared to be
 27 public nuisances and shall be abated by repair, rehabilitation, demolition or removal
 28 in accordance with the procedures set forth in this chapter and the Uniform Code for
 29 the Abatement of Dangerous Buildings or such alternate procedures as may have
 30 been or as may be adopted by this jurisdiction. As an alternative, the building official,
 31 or another employee or official of this jurisdiction as designated by the governing
 32 body, may institute any other appropriate action to prevent, restrain, correct or
 33 abate the violation.

34 3. Notwithstanding the provisions of LCMC Title 8, appeals of dangerous building
 35 determinations/declarations, or determinations/declarations of a nuisance in
 36 subsection (C)(2) of this section, shall be appealed to the board of appeals as
 37 specified in this chapter.

1 **SECTION 11.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.140 (*Appeal*
2 *procedures*) is hereby amended as follows:

3
4 15.04.140 Appeal procedures.

5
6 A. A person, firm, corporation or other entity, however organized, and aggrieved by an
7 administrative action of the building official taken pursuant to any section of this
8 Chapter that authorizes an appeal under this section, including a discretionary
9 decision of the Contract Building Official, may, within 15 days (unless a **different**
10 **shorter** time is provided) after the date of notice of the action, appeal in writing to
11 the Building Board of Appeals (Appeal Authority) **LCMC Chapter 12.12**.
12 Notwithstanding the above, the appeal period shall be 30 days if the appeal is from
13 a discretionary decision of the Contract Building Official [OAR 918-020-0260]. **Such**
14 **appeals are subject to strict compliance with the additional requirements of**
15 **LCMC 15.04.145 below. Such appeal shall include a statement that shall**
16 **describe the basis for the appeal, and shall first be filed with the Building**
17 **Official.** The written appeal shall be accompanied by a \$100.00 appeal fee payable
18 to the city of Lincoln City and shall include:

- 19
20 1. The name and address of the appellant;
21 2. The nature of the determination being appealed;
22 3. The reason the determination is incorrect; and
23 4. What the correct determination of the appeal should be.
24

25 An appellant who fails to file such a statement within the time permitted waives
26 the objections, and the appeal shall be dismissed. All appeal requirements shall
27 also be met; any defect is jurisdictional.
28

29 B. If a person, firm, corporation or other entity however organized appeals a civil
30 penalty to the building board of appeals, or, if the building board of appeals lacks
31 sufficient members to constitute a quorum, to the Building Code Hearings Officer
32 (hereinafter Appeal Authority), the penalty shall become final, if at all, upon issuance
33 of a decision of the Appeal Authority affirming the imposition of the administrative
34 civil penalty.
35

36 C. If a notice of revocation of a license or permit is the subject of the appeal, the
37 revocation does not take effect until final determination of the appeal.
38 Notwithstanding this subsection, an emergency suspension shall take effect upon
39 issuance of, or such other time stated in, the notice of suspension.
40

41 D. Unless the appellant and the city agree to a longer period, an appeal shall be heard
42 by the Appeal Authority within 30 days of the receipt of the notice of intent to

1 appeal. At least 10 days prior to the hearing, the city shall mail notice of the time
2 and location of the hearing to the appellant.

- 3
- 4 E. The Appeal Authority shall hear and determine the appeal on the basis of the
5 appellant's written statement and any additional evidence the Appeal Authority
6 deems appropriate. At the hearing, the appellant may present testimony and oral
7 argument personally or by counsel. The burden of proof shall be on the building
8 official. The rules of evidence as used by courts of law do not apply.
9 Notwithstanding the above, in an appeal concerning a discretionary decision of the
10 contract building official, the permit applicant has the burden to establish by a
11 preponderance of the evidence that overturning the discretionary decision of the
12 contract building official will not create a dangerous or unsafe condition or decrease
13 the minimum fire and life safety standards set forth in the relevant code.
14
- 15 F. ~~The Appeal Authority shall issue a written decision within 10 days of the~~
16 ~~hearing date. The written decision of the Appeal Authority is the final decision~~
17 ~~of the city. The decision of the Building Board of Appeals for an appeal of a~~
18 ~~Contract Building Official's Discretionary Decision shall be rendered within 30~~
19 ~~days of receipt of the appeal. The decision of the Building Board of Appeals on~~
20 ~~other appeals shall be rendered within 60 days of the Building Official's receipt~~
21 ~~of the appeal, unless both parties stipulate to an extension of time The~~
22 ~~Building Board of Appeals' decision shall be in writing and shall be final upon~~
23 ~~receipt. All notices given by the Board shall be given to the appellant by first-~~
24 ~~class mail at the address indicated by the appellant on the notice of appeal and~~
25 ~~shall be deemed received three days after mailing.~~
26
- 27 G. An appeal of the Building Board of Appeals' decision relative to the
28 application, enforcement, and interpretation of provisions of this title which
29 are not governed by the State Building Code, shall be made in writing
30 pursuant to the Uniform Administrative Appeals Ordinance to the Lincoln City
31 City Council within 14 days of the Board's notice of said decision. An appeal of
32 the Building Board of Appeal's decision relating to technical and scientific
33 determinations regarding any provision of the state specialty codes regulated
34 by the municipality shall be appealed to the appropriate advisory board within
35 30 days of the Board of Appeals' decision per OAR 918-080-0120(6). All work
36 which is the subject of a permit, interpretation, or other matter under appeal
37 shall be suspended pending resolution of the appeal.
38
- 39 H. Other than as provided in this subsection, the appeal fee is not refundable. The
40 Appeal Authority may make a determination on the motion of the appellant that the
41 appeal fee shall be refunded to the appellant upon a finding by the Appeal
42 Authority that the appeal was not frivolous.
43

- 1 I. Failure to pay a penalty imposed under this chapter within 10 days after the penalty
2 becomes final shall constitute a violation of this code. Each day the penalty is not
3 paid shall constitute a separate violation. The city is authorized to collect the penalty
4 by any administrative or judicial action or proceeding authorized by LCMC Chapter
5 15.04 or other provisions of this code, or state statutes.
6

7 **SECTION 12.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.145 (*Special*
8 *Appeal Requirements for Discretionary Decision of the Contract Building Official*) is hereby added
9 as follows:

10
11 **15.04.145 Special appeal procedures and requirements for Discretionary Decision**
12 **of Contract Building Official. [OAR 918-020-0230(2)(b), 918-020-0250 and 918-**
13 **020-0260].**

- 14
15 **A. These special procedures are limited, per OAR 918-020-0015(4) to a**
16 **Discretionary Decision of the Contract Building Official, which means a**
17 **decision on whether to waive a plan review, an inspection or a provision of**
18 **the state building code; or to allow an alternative material, design or**
19 **method of construction.**
- 20
21 **B. For appeals of a Discretionary Decision made by the Contract Building**
22 **Official, the Building Board of Appeals [LCMC Chapter 12.12] shall comply**
23 **with the requirements of OAR 918-020-0250 and 918-020-0260 as outlined**
24 **in LCMC 15.04.140, LCMC 15.04.145 and LCMC 12.12.060.**
- 25
26 **C. In accordance with OAR 918-020-230(2), within five (5) business days from**
27 **making a discretionary decision, the Contract Building Official must:**
- 28 • **Notify a Qualified employee in writing of the discretionary decision;**
29 **and,**
 - 30 • **Notify the permit applicant in writing of the discretionary decision**
31 **that relates to the permit application. This notice must list and**
32 **describe available opportunities for a hearing and appeal of the**
33 **decision.**

34
35 **The Qualified Employee must review and ratify or disapprove a contract**
36 **building official's discretionary decision, in writing, to the contract building**
37 **official and the permit applicant/aggrieved person within thirty (30) days**
38 **after receiving notice of the decision. The notification shall also inform the**
39 **permit applicant/aggrieved person that the decision of the building official**
40 **can be appealed in accordance with ORS 455.475.**

41
42 **Note: Before exercising oversight over a contract building official, the**
43 **Qualified Employee is required to complete the basic training and obtain**

1 applicable certification or other evidence of completion, as defined by
 2 Oregon Building Codes Division. Within 180 days after being designated as
 3 the Qualified Employee, the employee is required to complete the advanced
 4 training and obtain applicable certification or other evidence of completion,
 5 as defined by Oregon Building Codes Division.

6
 7 **D. In accordance with OAR 918-020-0260, for an appeal of a Contract Building**
 8 **Official's Discretionary Decision:**

- 9
 10 1. After receiving notice of the building official's discretionary decision,
 11 a permit applicant has 30 days to submit an appeal to the local
 12 board.
 13 2. In an appeal before the local board, the permit applicant has the
 14 burden of establishing by a preponderance of the evidence that
 15 overturning the discretionary decision of the contract building
 16 official will not create a dangerous or unsafe condition or decrease
 17 the minimum fire and life safety standards set forth in the relevant
 18 code.
 19 3. Upon receipt of a notice of appeal, the local board has 30 days to
 20 review the appeal and issue a determination.
 21 4. The appeal rights to which a permit applicant is entitled before a
 22 local board is in addition to, and not in lieu of, any other rights of
 23 appeal the permit applicant may have.
 24 5. The Board of Appeals makes determinations on a case-by-case basis,
 25 and shall have no authority relative to interpretation of the
 26 administrative provisions of this title, nor shall the board be
 27 empowered to waive requirements of this title. For example, the
 28 Board of Appeals may review the Building Official's discretionary
 29 determination that a structure is dangerous, but not the ensuing
 30 remedy.
 31 6. Notwithstanding LCMC 2.06.045 (Hearing Officer Appointment) and
 32 LCMC 2.06.065 (Powers and Duties), a Hearing Officer is not available
 33 to hear appeals of the discretionary decisions of the contract
 34 Building Official. The Building Code Hearing Board for Lincoln
 35 County or for an adjoining County may hear such appeal, if the body
 36 meets the requirements of the administrative rule and is consistent
 37 with LCMC 12.12.020.

38
 39 **SECTION 13.** Chapter 12.12 (*Building Board of Appeals*), Section 12.12.020 (*Membership*
 40 *Qualifications*) is hereby amended as follows:

41
 42 2.12.20 Membership – Qualifications.
 43

- 1 A. The building board of appeals shall consist of ~~three~~ **five** members to serve at the
- 2 pleasure of the mayor and council. **Such members shall be qualified by experience**
- 3 **and training to pass on matters pertaining to building construction.** When an
- 4 appeal concerns a discretionary decision of the Contract Building Official, as defined in
- 5 LCMC 15.04, the Building Board of Appeals shall include the Building Official for Lincoln
- 6 County or the Building Official of an adjacent County. **IOAR 918-020-0250**.
- 7
- 8 B. The Board may include an individual who engages in the business of building design or
- 9 construction, but may not hear an appeal of a contract building official’s discretionary
- 10 decision concerning a project that involves a business, or competitor of a business that;
- 11
- 12 i. The individual owns or manages or for which the individual provides services as
- 13 an employee, agent or contractor; or
- 14
- 15 ii. A family member or a member of the individual’s household owns or manages or
- 16 for which the family member or member of the household provides services as an
- 17 employee, agent or contractor.
- 18
- 19 C. The Board shall not include;
- 20
- 21 iii. Any contract building official; or
- 22
- 23 iv. An owner, manager, director, officer or employee of a person, other than an
- 24 employee of the municipality that performs building inspections.
- 25

26 **SECTION 14. Findings adopted.** Findings contained in the Whereas Clauses of this ordinance,
 27 as well as the competent substantial evidence in the whole record of this legislative proceeding
 28 are incorporated into this section by reference as if fully set forth herein, and are adopted in
 29 support of this legislative action.

30
 31 **SECTION 15. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
 32 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
 33 validity of the remaining sections, subsections, paragraphs and clauses.

34
 35 **SECTION 16. Savings.**
 36
 37 Notwithstanding the amendment to this Title, the existing Title remains valid and in full force
 38 and effect for purposes of all criminal, civil or administrative code enforcement cases or
 39 applications filed or commenced during the time said ordinances were operative. Nothing in
 40 this Ordinance affects the validity of prosecutions commenced and continued under the laws in
 41 effect at the time the matters were originally filed.
 42

1 **SECTION 17. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
2 takes effect 30 days after the date of its adoption.

3
4 **SECTION 18. Codification.** Provisions of this Ordinance shall be incorporated in the City of
5 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
6 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
7 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 14-18)
8 need not be codified and the City Recorder is authorized to correct any cross-references and
9 any typographical errors.

10
11 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
12 9.2 of the City of Lincoln City Charter on the 23rd day of January, 2023 (First Reading) and on the
13 23rd day of January, 2023 (Second Reading).

14
15 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 23rd day of
16 January, 2023.

17
18 _____
19 SUSAN WAHLKE, MAYOR

20
21 ATTEST:
22
23 _____
24 JAMIE YOUNG, CITY RECORDER

25
26 APPROVED AS TO FORM:
27
28 _____
29 RICHARD APPICELLO, CITY ATTORNEY
30

Council Communication

Resolution 2022- 01 (Disposition of Real Property for Tiny Home Project)

Meeting Date:	January 23, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	Alison Robertson
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

Question:

Should the City Council approve Resolution 2023-01 authorizing and directing the disposition of real property to Northwest Coastal Housing for Tiny Home project?

Staff Recommendation:

Recommend approval of Resolution 2023-01.

Authority: (*emphasis added*)

221.725 Sale of city real property; publication of notice; public hearing.

(1) Except as provided in ORS 221.727, when a city council considers it necessary or convenient to sell real property or any interest therein, the city council shall ***publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.***

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, ***a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property.*** Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) ***The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing.*** Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

271.310 Transfer or lease of real property owned or controlled by political subdivision; procedure in case of qualified title; notice; rules. (1) Except as provided in subsection (2) of this section and subject to subsection (3) of this section, whenever any political subdivision possesses or controls real property ***not needed for public use, or whenever the public interest may be furthered, a political subdivision may sell, exchange, convey*** or lease for any period not exceeding 99 years ***all or any part of the political subdivision's interest in the property to a governmental body or private individual or corporation. The consideration for the transfer or lease may be cash or real property, or both.***

* * *

(4) Unless the governing body of a political subdivision determines under subsection (1) of this section that the public interest may be furthered, real property needed for public use by any political subdivision owning or controlling the property may not be sold, exchanged, conveyed or leased under the authority of ORS 271.300 to 271.360, except that it may be exchanged for property that is of equal or superior useful value for public use. Any such property not immediately needed for public use may be leased if, in the discretion of the governing body having control of the property, the property will not be needed for public use within the period of the lease.

* * *

271.330 Relinquishing title of property not needed for public use. (1) Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property not needed for public use to any governmental body, providing the property shall be used for not less than 20 years for a public purpose by the governmental body in the State of Oregon. These transfers for public purposes may include transfers without consideration of property held by counties as a result of tax foreclosures.

(2)(a) ***Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property to a qualifying nonprofit corporation or a municipal corporation for the purpose of providing any of the following:***

(A) Low income housing;

(B) Social services; or

(C) Child care services.

(b) As used in this subsection:

(A) ***"Qualifying nonprofit corporation" means a corporation that is a public benefit corporation as defined in ORS 65.001 (35) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.***

(B) "Social services" and "child care services" include but are not limited to education, training, counseling, health and mental health services and the provision of facilities and administrative services to support social services and child care services.

(3) Any political subdivision is granted express power to convey real property to a nonprofit or municipal corporation to be used by the nonprofit or municipal corporation for the creation of open space, parks or natural areas for perpetual public use. The instrument conveying the real property shall include a restriction on the use of the property that limits the uses of the property to those uses described in this subsection. The instrument conveying the property shall also contain a provision for the reversion of the property to the political subdivision if the property is not used in conformance with the restriction. Real property conveyed under this subsection may include real property held by a political subdivision as a result of tax foreclosures.

Background:

Terms of disposition of property to Northwest Coastal Housing.

The disposition terms and conditions are the subject of the public hearing.

221.725 Sale of city real property; publication of notice; public hearing.

(1) Except as provided in ORS 221.727, when a city council considers it necessary or convenient to sell real property or any interest therein, the city council shall **publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.**

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, **a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property.** Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) **The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.**

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

City legal staff noticed this public hearing in accordance with ORS 221.725. The public hearing notice was published in the News Guard on Wednesday January 18, 2023. [See Proof of publication ORS 193.070, in the record].

- *The property interest to be conveyed / sold is the real property located east of NE Keel Ave. and NE 10th Street Intersection in Lincoln City, Oregon, consisting of City –owned Tax lot 07-11-10-DD-12300-00 [R299582] and associated immediately adjacent vacated right-of-way, if any, [adjacent to Coast Vineyard Church 1505 NE 6TH Dr].*
- *The proposed use of the property and improvements is “Coastal Vineyard Tiny Home Village” (See DEV REV 2023-01).*
- *The reasons why the City finds it necessary or convenient to convey / sell the property to “Northwest Coastal Housing” is the City Council’s desire to provide low income housing to City of Lincoln City’s homeless population, including wildfire survivors.*

The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the City Council at the public hearing.

The nature of the proposed sale / conveyance is a sale / conveyance to a domestic non-profit corporation of a real property adjacent to the Coast Vineyard Church. The consideration for the conveyance will include a deed restriction (fee simple determinable) on the subject property - that the property must be used for income restricted tiny home project – and if not so used, the property will automatically revert to the City.

Attached to this agenda item is the Lincoln County Property Report for the subject lots which are the subject of this request –assessed value \$154,050.00.)

Optional Consideration (likely to be imposed by Council): As additional consideration for this transaction, the City Council may sell the \$154,050.00 property to the domestic nonprofit and retain a note and trust deed for \$154,050.00. The note and trust deed would require an annual installment payment from Northwest Coastal Housing of +/- \$15,000 per year, which payment will be waived, if and only if, the non-profit operates the facility as approved. There will be income restrictions associated with the project as a requirement of this conveyance.

271.330 Relinquishing title of property not needed for public use.

** * **

(2)(a) **Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property to a qualifying nonprofit corporation or a municipal corporation for the purpose of providing any of the following:**

(A) Low income housing;

(B) Social services; or

(C) Child care services.

(b) As used in this subsection:

(A) **"Qualifying nonprofit corporation" means a corporation that is a public benefit corporation as defined in ORS 65.001 (35) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.**

(B) "Social services" and "child care services" include but are not limited to education, training, counseling, health and mental health services and the provision of facilities and administrative services to support social services and child care services.

The attached Resolution includes proposed findings consistent with ORS 221.725 and ORS 271.310 and 271.330. In sum:

It appears the Council can find that the property is not needed for public use or that the conveyance of the property "furthers the public interest." It appears the operator "**Northwest Coastal Housing**" is a registered domestic non-profit organization. [Registration number 247962-86.] The purpose of the conveyance is for the provision of affordable low income housing for wildfire survivors and the City's homeless population. It is unclear whether ORS 271.330 (2)(b)(B) (social services) will be provided..

While it appears the City can "relinquish title" (without consideration) there is no requirement that the City do so. The conveyance can be for other real property or cash. The City is proposing one or more mechanisms to protect the City's investment in, and commitment to this affordable housing project. First, the conveyance to the operator will be by deed with a fee simple determinable condition. This consideration for the conveyance, requires that the property be used to provide income restricted tiny home project (those in need in this community – not for vacation tiny homes or rentals for wealthy valley residents). The deed restriction operates to automatically revert the property to city ownership, in the event the income restricted housing use ends. The City has some experience with this "textbook" automatic reverter:

• "... to the City of Oceanlake . . . only so long as used . . . for the purpose of providing the Grantee with a sewage drying basin . . . , and this conveyance shall be for only so long as used for this purpose." Oceanlake has a fee simple

determinable because the grant contains the words "so long as" and the language makes clear that the duration of the fee is limited by its use as a sewage-drying basin. This grant is in a deed from the State Highway Commission to Oceanlake (now Lincoln City), recorded June 6, 1961, at book 216, page 386, Lincoln County Oregon Deed Records, Lincoln County, Oregon.

See Oregon State Bar, Oregon Real Estate Deskbook Chapter 4 (Estates in Land) p. 4-11 Note: a few years back ODOT made it clear that since the City has failed to use the above referenced property as a "sewage-drying basin", the property reverted to ODOT.

A Bargain and Sale deed (or Statutory Warranty deed) with the Fee simple determinable condition will be executed by the City Manager and approved as to form by City Attorney (see delegation in Resolution).

With this condition, it is possible for Council to make the finding that the conveyance furthers the public interest.

Optional Consideration. The City Council will also likely require that the property value be paid by Northwest Coastal Housing and secured by a note, guaranty and a trust deed. Staff has provided notice of this possible additional consideration in the required notice. This additional measure to protect the City's investment would include a note and trust deed for the purchase price. The City may convey the property to the operator secured by a note and Trust Deed for the purchase price of \$154,050.00. The note and Trust deed would provide that the City would require an annual installment payment from the operator every year. (Assuming +/- \$15,000.00) This installment payment would however be waived if the non-profit operator meets certain minimum operational conditions such as: (1) Operator must maintain nonprofit status; (2) Operator must not be delinquent on repayment of any City /URA loans (3) Operator must commence use and provide housing to this community within one year, unless extended; (4) Operator must operate the facility on a continuous basis; and (5) Operator will obey all laws and not be cited for any City code violations;

The City Manager and City Attorney are delegated the authority to approve the form of Trust Deed and Note to secure the \$400,000.00 purchase price (or land sale contract if desired).

With these conditions, it is possible for Council to make the finding that the conveyance furthers the public interest.

Council may also wish to execute a standard purchase and sale agreement with the non-profit, and such documentation is similarly delegated to the City manager and attorney to approve.

Council Options:

1. Approve the Resolution, with or without modifications.
3. Postpone for additional information.
4. Do not approve the resolution or proceed with the transaction.

Potential Motions:*Council:*

1. Motion to approve Resolution 2023-01.

Attachments:

20230112155333700 property report (PDF)
Resolution 2023-01 (DOC)

Property Owner
R299582 CITY OF LINCOLN CITY - Property Address
 2023 In Process Real Market Value
\$154,050

2023 GENERAL INFORMATION

Property Status A Active
 Property Type RP Residential
 Legal Description RAYMOND TOWNSITE, BLOCK 37, LOT 6 & 7, PTNS OF, DV137-0077
 Alternate Account Number -
 Neighborhood LNNB: NORTH LINCOLN CITY RESIDENTIAL LAND
 Map Number 07-11-10-DD-12300-00
 Property Use 940: EX - CITY VACANT
 Levy Code Area **402**
 Zoning R-M

RELATED PROPERTIES

Linked Properties -

Print property information

2023 OWNER INFORMATION

Owner Name CITY OF LINCOLN CITY
 Mailing Address PO BOX 50 LINCOLN CITY, OR 97367

EXEMPTIONS/DEFERRALS

EXEMPTION CODE	EXEMPTION DESCRIPTION	EXPIRATION YEAR
CITY	CITY: CITY OWNED	-

2023 LAND SEGMENTS

STATE CODE	SEGMENT TYPE	LAND SIZE
L1	LU: UNDEV RES LOT	0.28 Acres

L2 LU: UNDEV RES LOT 0.28 Acres
 TOTALS 24393.60 Sq. ft / 0.56 acres

CERTIFIED / IN PROCESS VALUES

YEAR	IMPROVEMENTS	LAND	RMV	SPECIAL USE	ASSESSED VALUE
2023 (In Process)	\$0	\$154,050	\$154,050	\$0	\$0
2022	\$0	\$154,050	\$154,050	\$0	\$0
2021	\$0	\$107,540	\$107,540	\$0	\$0
2020	\$0	\$96,040	\$96,040	\$0	\$0
2019	\$0	\$96,040	\$96,040	\$0	\$0
2018	\$0	\$100,040	\$100,040	\$0	\$0
2017	\$0	\$80,140	\$80,140	\$0	\$0
2016	\$0	\$74,120	\$74,120	\$0	\$0

SALES HISTORY

SALE DATE	SELLER	BUYER	INST #	SALE PRICE	INST TYPE
	CITY OF OCEANLAKE	CITY OF LINCOLN CITY	M-8152	-	MISC MISCELLANEOUS

• If applicable, the described property is receiving special valuation based upon its use. Additional rollback taxes which may become due based on the provisions of the special valuation are not indicated in this listing.

TAX SUMMARY

Effective Date: 1/12/2023 [Details](#)

TAX YEAR	TOTAL BILLED	AD VALOREM	SPECIAL ASMT	PRINCIPAL	INTEREST	DATE PAID	TOTAL OWED
2022	\$0.00	\$0.00	\$0	\$0.00	\$0.00	-	\$0.00
2021	\$0.00	\$0.00	\$0	\$0.00	\$0.00	-	\$0.00

TOTAL TAXES DUE	Current Year Due	Past Years Due	Total Due
	\$0.00	\$0.00	\$0.00

2020	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2019	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2018	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2017	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2016	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2015	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2014	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2013	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2012	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2011	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2010	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2009	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2008	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2007	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2006	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2005	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2004	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2003	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2002	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2001	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
2000	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
1999	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
1998	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00
1997	\$0.00	\$0.00	\$0	\$0.00	\$0.00	\$0.00	-	\$0.00

Payment History for R299582 not found.
Please contact the Assessor's office if you have further questions.

RESOLUTION NO. 2023-01

A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING AND DIRECTING DISPOSITION OF CITY REAL PROPERTY TO NORTHWEST COASTAL HOUSING FOR TINY HOME PROJECT

RECITALS

- A. The City owns real property east of NE Keel Ave. and NE 10th Street Intersection in Lincoln City, Oregon, consisting of City-owned Tax lot 07-11-10-DD-12300-00 [R299582] and associated immediately adjacent vacated right-of-way, if any, [adjacent to Coast Vineyard Church 1505 NE 6TH DR], being more particularly described and shown in Exhibit A attached hereto and made a part hereof by this reference.
B. On January 23, 2023, the Lincoln City City Council, at the Council Chambers at 801 SW Highway 101, Lincoln City, Oregon conducted an advertised public hearing on the proposed sale / conveyance of the subject property pursuant to ORS 221.725, ORS 271.310 and ORS 271.330.
C. The advertised purpose of the conveyance / sale, and the reason the City Council finds it necessary or convenient to sell the property, to the domestic non-profit organization "Northwest Coastal Housing" is the City Council's desire to provide affordable housing (Tiny home development) to the City of Lincoln City's homeless population, including wildfire victims.
D. The nature of the sale / conveyance was advertised as a conveyance to a domestic non-profit corporation of a \$154,050.00 City-owned property with a deed restriction (fee simple determinable) that the property must be used for income restricted tine home project consistent with Dev REV 2023-01, to benefit the City's homeless population, - and if not, the property automatically reverts to the City. As additional security, the City shall retain a note, guaranty and trust deed for the purchase price (property value) of \$154,050 and require an annual payment of +/- \$15,000,00 per year which payment shall be waived annually if the non-profit entity operates an income restricted tiny home project on the subject property meeting the development approval [DEV REV 2023-01] requirements and income restrictions. Operator will also be require to apply income restrictions, stay current on any City or Urban Renewal loans, and maintain not-for profit status.

1 E. The January 23, 2023 City Council Public Hearing and Resolution staff reports,
2 including findings included therein, are incorporated herein by this reference. All
3 evidence of market value was fully disclosed and entered into the record at the
4 public hearing on January 23, 2023.

5
6 F. Pursuant to ORS 221.725, any resident of the City was provided with an
7 opportunity to present oral or written testimony on the subject of the sale to the
8 City Council at the public hearing.

9
10 G. After hearing the staff report and public input, Council closed the hearing and
11 record. On January 23, 2023, after due deliberation, Council made the findings of
12 fact set forth herein and directed the sale / conveyance of the real property with
13 the conditions identified in the staff report and this Resolution.

14
15 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**
16 **LINCOLN CITY, AS FOLLOWS:**

17
18 **SECTION 1. RECITALS.** The above recitals are true and correct and are
19 incorporated herein by this reference.

20
21 **SECTION 2. FINDINGS.**

22
23 The Council finds and determines that the relevant statutory criteria for disposition
24 of City real property are found in or referenced in ORS Chapter 271 (specifically ORS
25 271.310 and ORS 271.330) as well as ORS 221.725.

26
27 **ORS 271.310. Transfer or lease of real property owned or controlled**
28 **by political subdivision; Procedure in case of qualified title.**

29
30 (1) Except as provided in subsection (2) of this section, whenever any
31 political subdivision possesses or controls real property not needed for
32 public use, or whenever the public interest may be furthered, a political
33 subdivision may sell, exchange, convey or lease for any period not
34 exceeding 99 years all or any part of their interest in the property to a
35 governmental body or private individual or corporation. The
36 consideration for the transfer or lease may be cash or real property, or
37 both.

38
39 ***

1 (4) Unless the governing body of a political subdivision determines under
2 subsection (1) of this section that the public interest may be furthered,
3 real property needed for public use by any political subdivision owning or
4 controlling the property shall not be sold, exchanged, leased or conveyed
5 under the authority of ORS 271.300 to 271.360, except that it may be
6 exchanged for property which is of equal or superior useful value for
7 public use. Any such property not immediately needed for public use may
8 be leased if, in the discretion of the governing body having control of the
9 property, it will not be needed for public use within the period of the
10 lease.

11
12 **271.330 Relinquishing title of property not needed for public use.**

13
14 * * *

15
16 (2)(a) Any political subdivision is granted express power to relinquish the
17 title to any of the political subdivision’s property to a qualifying nonprofit
18 corporation or a municipal corporation for the purpose of providing any of the
19 following:

- 20 (A) Low income housing;
- 21 (B) Social services; or
- 22 (C) Child care services.
- 23 (b) As used in this subsection:

24 (A) “Qualifying nonprofit corporation” means a corporation that is a public
25 benefit corporation as defined in ORS 65.001 (35) and that has obtained a
26 ruling from the federal Internal Revenue Service providing that the corporation
27 is exempt from federal income taxes under section 501(c)(3) of the Internal
28 Revenue Code.

29 (B) “Social services” and “child care services” include but are not limited to
30 education, training, counseling, health and mental health services and the
31 provision of facilities and administrative services to support social services and
32 child care services.

33
34 **221.725 Sale of city real property; publication of notice; public hearing.**

35
36 (1) Except as provided in ORS 221.727, when a city council considers it
37 necessary or convenient to sell real property or any interest therein, the city
38 council shall publish a notice of the proposed sale in a newspaper of general
39 circulation in the city, and shall hold a public hearing concerning the sale prior
40 to the sale.

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property. Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

The Council finds that it has received all information necessary to make a decision based on the Staff Report, public hearing testimony and the exhibits and evidence received. The Staff Report and the findings therein are specifically incorporated herein by this reference.

The Council finds and determines that this proposal to sell / convey the subject property to "Northwest Coastal Housing," a "Qualifying non-profit corporation", with the imposition of conditions as noted herein, meets all applicable statutory minimum criteria for eligibility to sell real property, as more fully set forth herein. Further the City Council finds and determines that the proposed disposition of real property, with conditions, is deemed "necessary or convenient" to the City, and "furthers the public interest" as the sale will further the City Council's desire to provide affordable housing options to the City of Lincoln City's homeless population, including fire victims. The property shall be income restricted consistent with 271.330(2)(a) A. No vacation rental or vacation home use is authorized. The Council further finds and determines that the property identified herein is not necessary for City use. The findings herein are supported by competent substantial evidence in the whole record, incorporated herein by this reference.

1 **SECTION 3. ORDER.** Based on the above Findings set forth or incorporated herein
 2 and based upon the evidence in the whole record, the City Council hereby
 3 approves and directs the sale / conveyance of the subject property to Northwest
 4 Coastal Housing, subject to all identified conditions, included or referenced (e.g. Staff
 5 Report conditions) herein. The real property sale / conveyance is delegated to
 6 the City Manager and City Attorney who are authorized to execute such purchase
 7 and sale agreements, contracts, security instruments (trust deed, guaranty and note),
 8 deeds restrictions and covenants and other documents necessary to complete the
 9 sale / conveyance. The City Attorney must approve all documents as to form. The
 10 Manager is expressly delegated the authority to sign documents for the City. The
 11 Manager and Attorney are authorized to expend funds necessary to effectuate the
 12 sale/conveyance, including but not limited to purchase of real estate and title
 13 company services and products. When not specifically allocated to a party, closing
 14 costs are split between the parties. Closing shall occur within 90 days or this
 15 authorization of this Resolution shall be null and void. The sale/conveyance is
 16 subject to final land use approval, including all appeals. The real property sale is, as
 17 is, and subject to all encumbrances of record.

18
 19 **SECTION 4. EFFECTIVE DATE.** This resolution is effective as of the date of its
 20 adoption and signature by the Mayor.

21
 22 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 23rd day of
 23 January, 2023.

24
 25
 26 _____
 27 SUSAN WAHLKE, MAYOR

28
 29 ATTEST:

30
 31
 32 _____
 33 JAMIE YOUNG, CITY RECORDER

34
 35 APPROVED AS TO FORM:

36
 37
 38 _____
 39 RICHARD APPICELLO, CITY ATTORNEY

40

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EXHIBIT A
LEGAL DESCRIPTION

RAYMOND TOWNSITE, BLOCK 37, LOT 6 & 7, PTNS OF DV137-0077

Council Communication

Resolution 2023-02 Grant of Easement Interest to PacifiCorp

Meeting Date:	January 23, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question:

Following the public hearing, should the City Council approve Resolution 2023-02 authorizing and directing the grant of an interest in real property (easement) for the purpose of underground power lines and facilities to service the City property?

Staff Recommendation:

Staff recommends approval of the Resolution.

Authority: (*emphasis added*)

221.725 Sale of city real property; publication of notice; public hearing.

(1) Except as provided in ORS 221.727, when a city council considers it necessary or convenient to sell real property ***or any interest therein***, the city council shall ***publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.***

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, ***a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property.*** Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) ***The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing.*** Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

271.310 Transfer or lease of real property owned or controlled by political subdivision; procedure in case of qualified title; notice; rules. (1) Except as provided in subsection (2) of this section and subject to subsection (3) of this section, whenever any political subdivision possesses or controls real property ***not needed for public use, or whenever the public interest may be furthered, a political subdivision may sell, exchange, convey*** or lease for any period not exceeding 99 years ***all or any part of the political subdivision's interest in the property to a governmental body or private individual or corporation. The consideration for the transfer or lease may be cash or real property, or both.***

* * *

(4) Unless the governing body of a political subdivision determines under subsection (1) of this section that the public interest may be furthered, real property needed for public use by any political subdivision owning or controlling the property may not be sold, exchanged, conveyed or leased under the authority of ORS 271.300 to 271.360, except that it may be exchanged for property that is of equal or superior useful value for public use. Any such property not immediately needed for public use may be leased if, in the discretion of the governing body having control of the property, the property will not be needed for public use within the period of the lease. * * *

Background:

As a consequence of the future construction of a pump station on the subject property, PacifiCorp has proposed an easement for electric utility lines and facilities on City property.

Terms of disposition of an interest in City property to PacifiCorp

The disposition terms and conditions are the subject of this public hearing.

221.725 Sale of city real property; publication of notice; public hearing.

(1) Except as provided in ORS 221.727, when a city council considers it necessary or convenient to sell real property ***or any interest therein***, the city council shall ***publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.***

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, ***a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city***

council considers it necessary or convenient to sell the property. Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

City legal staff noticed this public hearing in accordance with ORS 221.725. The public hearing notice was published in the *News Guard* on Wednesday January 18, 2023. [See Proof of publication ORS 193.070, in the record].

- The property interest to be conveyed / sold is only an easement interest, not the entire fee interest. The easement is solely for the purpose of underground power lines and facilities. The Ad specifically references the Tax Assessor map Tax Lot 07-11-22-AD-00100-00. The easement is 10 feet in width and is 30 feet in length.
- The proposed use of the easement property is solely for underground electric facilities to service the future pump station.
- The reasons why the City finds it necessary or convenient to convey / sell the easement interest in City property to PacifiCorp is the City Council's desire to provide reliable water utility service and to secure electric facilities for same.

The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council / urban renewal district at the public hearing.

The nature of the proposed sale / conveyance is conveyance of an easement interest to a corporation operating an electric utility in the City for the sole purpose of underground power lines and facilities.

The evidence of market value for the easement is some portion of the assessed value of the City property (total assessed value is \$469,000.00 for 71438.40 sq. ft.). The property value for the fee interest for 300 square feet is approximately \$ 1,900.00. However, this is only an easement interest, not a fee interest in the property. The consideration the city will receive for the easement is the value of the electric lines and facilities to serve the city facility (pump station).

The attached Resolution includes proposed findings consistent with ORS 221.725 and ORS 271.310. In sum:

It appears the Council/Agency can find that the underground easement interest in the property is not needed for public use or that the conveyance of the property "furthers the public interest." The purpose of the conveyance is for underground power lines and facilities to service the proposed pump station which will further public water service.

The City Manager and City Attorney are delegated the authority to execute the Easement on behalf of the City.

With this condition, it is possible for Council to make the finding that the conveyance furthers the public interest.

Council Options:

1. Conduct the public hearing.
2. Approve the Resolution, with or without modifications.
3. Postpone for additional information.
4. Do not approve the resolution or proceed with the transaction.

Potential Motions:

Council:

1. Motion to approve Resolution 2023-02.

Attachments:

Resolution 2023-02ra (DOC)
20230117094853444 (PDF)

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RESOLUTION NO. 2023-02

**A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING
AND DIRECTING DISPOSITION OF AN EASEMENT INTEREST IN
CITY REAL PROPERTY FOR PURPOSES OF UNDERGROUND
ELECTRIC UTILITY LINES / EQUIPMENT TO SERVICE CITY FACILITIES.**

RECITALS

- A. The City of Lincoln City is the legal owner of real property with improvements located at located at the City water tank off SE Lee Ave, SE ¼ of the NE ¼ of Section 22, Township 7S, Range 11W of the Willamette Meridian, Lincoln County, State of Oregon Tax Lot 07-11-22-AD-00100-00 (hereinafter subject property) being more particularly described and shown in Exhibit A and B of the Underground Right of Way Easement attached hereto and made a part hereof by this reference (Attached).
- B. PacifiCorp and City desire to install underground electric facilities to service the City’s future pump station on the subject property and PacifiCorp requires an easement for such purposes;
- C. On January 23, 2023, the Lincoln City City Council, in the Council Chambers at 801 SW Highway 101, Lincoln City, Oregon conducted an advertised public hearing on the proposed sale / conveyance of an easement interest in the subject property, pursuant to ORS 221.725, and ORS 271.310.
- D. The advertised purpose of the conveyance /sale, and the reason the City Council finds it necessary or convenient to sell /convey the property, to PacifiCorp is the City’s desire to provide safe and efficient provision of electrical service to the City’s pump station property.
- E. The nature of the sale / conveyance of an easement interest was duly advertised as a conveyance to PacifiCorp of an easement interest ten feet wide and 30 feet in length, generally perpendicular to S.E. Lee Ave.
- F. The January 23, 2023 City Council public hearing and Resolution staff reports are incorporated herein by this reference. All evidence of market value was fully disclosed and entered into the record at the public hearing on January 23, 2023.
- G. Pursuant to ORS 221.725, any resident of the City was provided with an opportunity to present oral or written testimony on the subject of the sale to the City Council at the public hearing.

1 H. After hearing the staff report, public input, and due deliberation, Council made the
2 findings set forth herein and directed the sale / conveyance of the easement interest in
3 City real property with the conditions identified in the staff report and this Resolution.
4

5 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN**
6 **CITY, AS FOLLOWS:**

7
8 **SECTION 1. RECITALS.** The above recitals are true and correct and are incorporated
9 herein by this reference.

10
11 **SECTION 2. FINDINGS.**

12
13 The Council finds and determines that the relevant statutory criteria for disposition of City
14 real property are found in or referenced in ORS Chapter 271 (specifically ORS 271.310) as
15 well as ORS 221.725.

16
17 **ORS 271.310. Transfer or lease of real property owned or controlled by**
18 **political subdivision; Procedure in case of qualified title.**

19
20 (1) Except as provided in subsection (2) of this section, whenever any political
21 subdivision possesses or controls real property not needed for public use, or
22 whenever the public interest may be furthered, a political subdivision may sell,
23 exchange, convey or lease for any period not exceeding 99 years all or any part
24 of their interest in the property to a governmental body or private individual or
25 corporation. The consideration for the transfer or lease may be cash or real
26 property, or both.

27
28 ***

29
30 (4) Unless the governing body of a political subdivision determines under
31 subsection (1) of this section that the public interest may be furthered, real
32 property needed for public use by any political subdivision owning or controlling
33 the property shall not be sold, exchanged, leased or conveyed under the
34 authority of ORS 271.300 to 271.360, except that it may be exchanged for
35 property which is of equal or superior useful value for public use. Any such
36 property not immediately needed for public use may be leased if, in the
37 discretion of the governing body having control of the property, it will not be
38 needed for public use within the period of the lease.

39
40 **221.725 Sale of city real property; publication of notice; public hearing.**

41
42 (1) Except as provided in ORS 221.727, when a city council considers it necessary
43 or convenient to sell real property or any interest therein, the city council shall publish

1 a notice of the proposed sale in a newspaper of general circulation in the city, and
2 shall hold a public hearing concerning the sale prior to the sale.

3 (2) The notice required by subsection (1) of this section shall be published at least
4 once during the week prior to the public hearing required under this section. The
5 notice shall state the time and place of the public hearing, a description of the
6 property or interest to be sold, the proposed uses for the property and the reasons
7 why the city council considers it necessary or convenient to sell the property. Proof of
8 publication of the notice may be made as provided by ORS 193.070.

9 (3) Not earlier than five days after publication of the notice, the public hearing
10 concerning the sale shall be held at the time and place stated in the notice. Nothing in
11 this section prevents a city council from holding the hearing at any regular or special
12 meeting of the city council as part of its regular agenda.

13 (4) The nature of the proposed sale and the general terms thereof, including an
14 appraisal or other evidence of the market value of the property, shall be fully
15 disclosed by the city council at the public hearing. Any resident of the city shall be
16 given an opportunity to present written or oral testimony at the hearing.

17 (5) As used in this section and ORS 221.727, "sale" includes a lease-option
18 agreement under which the lessee has the right to buy the leased real property in
19 accordance with the terms specified in the agreement.

20
21 The Council finds and determines that it has received all information necessary to make a
22 decision based on the Staff Report, public hearing testimony and the exhibits and evidence
23 received.

24
25 The Council finds and determines that this proposal to sell / convey an easement interest in the
26 subject property to PacifiCorp for the purpose of providing underground utility service to the City's
27 property and future pump station meets all applicable statutory minimum criteria for eligibility to
28 sell / convey real property (or an interest therein), as more fully set forth herein. Further the City
29 Council finds and determines that the proposed disposition of an easement interest in real
30 property is deemed "necessary or convenient" to the City, and "further the public interest" as
31 the sale will further the City Council's desire to provide safe and efficient provision of electric power
32 to essential City utility facilities (future pump station). The Council further finds and determines that
33 the easement portion of the City property identified herein is not necessary for City use. The
34 findings herein are supported by competent substantial evidence in the whole record,
35 incorporated herein by this reference.

36
37 **SECTION 3. ORDER.** Based on the above Findings set forth herein and based upon the
38 evidence in the whole record, the City Council hereby approves and directs the sale /
39 conveyance of an easement interest in the subject real property, subject to all identified
40 conditions, included or referenced herein. The real property sale / conveyance of an
41 easement interest is delegated to the City Manager and City Attorney who are
42 authorized to execute such easement agreements, contracts, deeds and other documents
43 necessary to complete the authorized disposition of an interest in real property. The
44 manager is authorized to restrict access to adjacent lands (contrary to the general language

of the proposed easement). The City Attorney must approve all documents as to form. The Manager is expressly delegated the authority to sign documents for the City. The Manager and Attorney are authorized to expend funds necessary to effectuate the sale/conveyance, including but not limited to purchase of insurances and other title company services and products. When not specifically allocated to a party, costs are split between the parties.

SECTION 4. EFFECTIVE DATE. This resolution is effective as of the date of its adoption and signature by the Mayor.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 23rd day of January 2023.

SUSAN WAHLKE, MAYOR
City of Lincoln City

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM

RICHARD APPICELLO, CITY ATTORNEY

Return to: Pacific Power
PO Box 788 / 416 NE Hwy 101
 Lincoln City, OR 97367

CC#: 11236 WO#: 8134856

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *City of Lincoln City, a municipal corporation* ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **10** feet in width and **30** feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in *Lincoln* County, State of *Oregon*, as more particularly described as follows and/or shown on Exhibit(s) *A and B* attached hereto and by this reference made a part hereof:

A portion of:

That real property more particularly described on Exhibit "B"

Assessor's Map No.: ***07-11-22-AD***

Parcel No.: ***00100-00***

Together with the right of ingress and egress for Grantee, its contractors, or agents, to the right of way ~~from adjacent lands of Grantor~~ for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor conduct or permit any ground penetrating activity or excavation in the right of way without the express written consent of the Grantee. Subject to the foregoing limitations, the right of way may be used for other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

JURY WAIVER. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE, OR TO REQUEST THE CONSOLIDATION OF, ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH

A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THIS PARAGRAPH WILL SURVIVE THE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

Grantor represents and warrants that it possesses all right, title and interest in and to the right of way area, free and clear of any lien, security interest, encumbrance, claim, license or other restriction that would interfere with Grantee's use of the right of way area for the purposes contemplated hereunder.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this 23rd day of December, 20__.

CITY OF LINCOLN CITY

By: _____

Its: _____ GRANTOR

REPRESENTATIVE ACKNOWLEDGEMENT

State of _____ }
County of _____ } SS.

This instrument was acknowledged before me on this ____ day of _____, 2____,

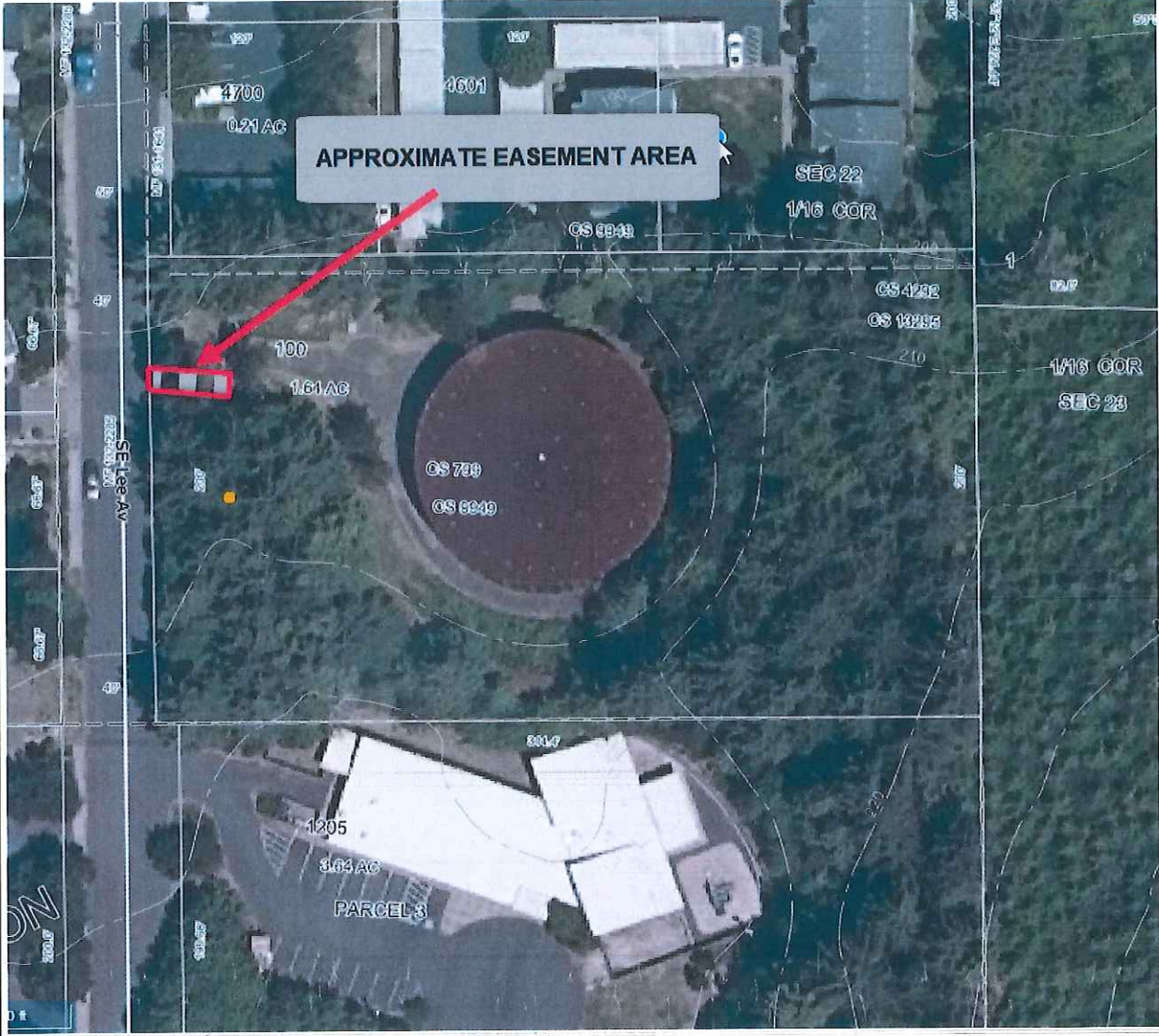
by _____, as _____,
Name of Representative Title of Representative

of _____.
Name of Entity on behalf of whom this instrument was executed

Notary Public
My commission expires: _____

PROPERTY DESCRIPTION

In the S.E. 1/4 OF THE N.E. 1/4 of Section 22, Township 7S, Range 11W of the Willamette Meridian, Lincoln County, State of Oregon.
Map / Tax Lot or Assessor's Parcel No.: 07-11-22-AD-00100-00



CC#: 11236 WO#: 8134856 ROW#:
Landowner: City of Lincoln City
Drawn by: J. Lee

This drawing should be used only as a representation of the location of the easement area. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

EXHIBIT A



PROPERTY DESCRIPTION

A portion of:

Beginning at a point which is 7.8 feet North and 945.46 feet East from the Southwest corner of the Northeast quarter of the Northeast quarter of Section 22, Township 7 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence East 373.9 feet; thence South and parallel with the East line of said Section 22, 200 feet; thence West 373.9 feet to a point that is South of the point of beginning; thence North 200 feet to the point of beginning, reserving and excepting nevertheless the Westerly 20 feet of said property for purposes of ingress and egress as a public roadway.

TOGETHER WITH an easement described as follows:

Beginning at a point which is North 207.8 feet and East 965.46 feet from the Southwest corner of the Northeast one quarter of the Northeast one quarter of Section 22, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence South parallel to the East line of Section 22, 400 feet; thence West 40 feet; thence North parallel to the East line of said Section 22, 400 feet; thence East 40 feet to the point of beginning, for the purposes of ingress and egress and for public roadway purposes.

CC#: 11236 WO#: 8134856

Grantor Name: City of Lincoln City

EXHIBIT B

PACIFIC POWER
A DIVISION OF PACIFICORP

Council Communication

Resolution 2023-03: Revisions to Master Fee Schedule

Meeting Date:	January 23, 2023	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 Minutes

Question:

Should the City Council approve revisions to the City's master fee schedule ?

Staff Recommendation:

Staff recommends the Council approve the revised fee schedule as submitted.

Authority:

294.160 Opportunity for public comment on new fee or fee increase. (1) The governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated.

Background:

Staff is requesting revisions to four (4) departmental fee schedules.

Parks and Recreation: Rate increases are necessary to keep the Community Center and Parks operating effectively, to sustain operational costs, and to contain how much general fund resources are needed to support the Community Center. A rate comparison was completed with other comparable parks and recreation departments; the City rates continue to be lower than all of the comparators.

Police Department: Addition of a fee for video redaction is requested at \$98 per 10 minutes. Also, staff is requesting a fee change for CD's and DVD's \$15.00 to \$26.00. No other changes are requested.

Planning and Community Development: Staff is requesting addition of four fees, which should be on the fee schedule:

Agreement to Delay Landscaping installation	\$150.00
Bed & Breakfast Application	\$ 50.00
Time Extension Application	\$150.00
Tree Removal Permit Application	\$ 50.00

Explore Lincoln City: Staff is requesting removal of two fees that are obsolete, and addition of fee for usage of City Logo for \$50.00

Council Options:

1. Approve Resolution 2023-03 as submitted
2. Approve Resolution 2023-03 as amended
3. Do not approve Resolution 2023-03

Potential Motions:

Motion to approve Resolution 2023-03.

Attachments:

2023-03 Revised Fee Schedule (PDF)

RESOLUTION NO. 2023-03

A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING REVISIONS TO THE CITY-WIDE FEE SCHEDULE

WHEREAS, the City of Lincoln City offers a number of administrative services for which it is appropriate or necessary to charge a reasonable fee to recover costs of such services; and

WHEREAS, the City of Lincoln City has a municipal code and ordinances requiring the imposition of fees in an amount to be set by Council for a number of city services; and

WHEREAS, the code and ordinances provide that the City shall set administrative fees and revise those fees as necessary by resolution of the City Council.

NOW, THEREFORE, the City Council of the City of Lincoln City hereby adopts the attached revisions to the master fee schedule effective February 1, 2023:

- Exhibit A – Parks and Recreation Fee Schedule
- Exhibit B – Police Department
- Exhibit C – Planning and Community Development
- Exhibit D – Explore Lincoln City
- Exhibit E – Conference/Meeting Rooms

PASSED AND APPROVED by the City Council of the City of Lincoln City, this 23rd day of January 2023.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG
CITY RECORDER

**CITY OF LINCOLN CITY
FEE SCHEDULE**

	A	H	I
	EXHIBIT A	CURRENT	PROPOSED
	PARKS AND RECREATION - Community Center:	FEE	NEW FEE
216			
217			
218	Admission - Daily:		
222	Swim (Now All Access):		
223	Youth (Ages 2-17) General Admission Drop-in	\$3.00	\$3.25
224	Youth (Ages 2-17) Resident Discount Drop-in	\$3.00	\$3.25
225			
226	Adult (Ages 18-61) General Admission Drop-in	\$7.50	\$8.00
227	Adult (Ages 18-61) Resident Discount Drop-in	\$4.50	\$5.00
228			
229	*Senior (Ages 62+) General Admission Drop-in	\$6.00	\$6.50
230	*Senior (Ages 62+) Resident Discount Drop-in	\$4.00	\$4.25
231	*Includes Disabled & Veterans		
232			
233	All Access Pass - Annual		
234	All Access Youth (Ages 2-17)	\$240.00	\$259.25
235	All Access Youth (Ages 2-17) w/ Resident Discount	\$240.00	\$259.25
236			
237	All Access Adult (Ages 18-61)	\$479.00	\$517.25
238	All Access Adult (Ages 18-61) w/ Resident Discount	\$348.00	\$375.75
239			
240	All Access *Senior Pass (Ages 62+)	\$356.00	\$384.50
241	All Access *Senior Pass (Ages 62+) w/ Resident Discount	\$278.00	\$300.25
242			
243	All Access Family Pass	\$1,018.00	\$1,099.50
244	All Access Family Pass w/ Resident Discount	\$756.00	\$816.50
245	*Includes Disabled & Veterans		
246	All Access Pass - Quarterly		
247	All Access Youth (Ages 2-17)	\$80.00	\$86.50
248	All Access Youth (Ages 2-17) w/ Resident Discount	\$80.00	\$86.50
249			
250	All Access Adult (Ages 18-61)	\$155.00	\$167.50
251	All Access Adult (Ages 18-61) w/ Resident Discount	\$116.00	\$125.25
252			
253	All Access *Senior Pass (Ages 62+)	\$128.00	\$138.25
254	All Access *Senior Pass (Ages 62+) w/ Resident Discount	\$92.00	\$99.25
255			
256	All Access Family Pass	\$339.00	\$366.25
257	All Access Family Pass w/ Resident Discount	\$252.00	\$272.25
258	All Access Pass - 4 Weeks		
259	All Access Youth (Ages 2-17)	\$30.00	\$32.50
260	All Access Youth (Ages 2-17) w/ Resident Discount	\$30.00	\$32.50
261			
262	All Access Adult (Ages 18-61)	\$60.00	\$64.75
263	All Access Adult (Ages 18-61) w/ Resident Discount	\$44.00	\$47.50
264			
265	All Access *Senior Pass (Ages 62+)	\$45.00	\$48.50
266	All Access *Senior Pass (Ages 62+) w/ Resident Discount	\$35.00	\$37.75
267			
268	All Access Family Pass	\$128.00	\$138.25
269	All Access Family Pass w/ Resident Discount	\$95.00	\$102.50
270	15-Use Punch Passes		
271	15-Use Punch Pass Youth (Ages 2-17)	\$40.00	\$43.25
272	15-Use Punch Pass Youth (Ages 2-17) w/ Resident Discount	\$40.00	\$43.25
273			
274	15-Use Punch Pass Adult (Ages 18-61)	\$98.00	\$105.75
275	15-Use Punch Pass Adult (Ages 18-61) w/ Resident Discount	\$59.00	\$63.75
276			
277	15-Use Punch Pass *Senior (Ages 62+)	\$78.00	\$84.25
278	15-Use Punch Pass *Senior (Ages 62+) w/ Resident Discount	\$50.00	\$54.00
279	*Includes Disabled & Veterans		

**CITY OF LINCOLN CITY
FEE SCHEDULE**

	A	H	I
280	Medicaid/Medicare		
281	Enrolled membership (new)		minimum of \$3.80/visit
282	Showers - Drop-in Price:		Current
283	Resident	\$4.50	N/A
284	Non-resident	\$7.50	N/A
285	Swim Lessons:		Current
286	Resident	\$48.00	\$52.00
287	Non-resident	\$60.00	\$65.00
288	Private - one student	\$30.25	\$33.00
289	Private - two students	\$48.50	\$52.50
290	Rec Kids (Price is per Contact Hour)		
291	Summer Camp Weekly Resident & Winter Break Camp	\$3.00	\$3.25
292	Summer Camp Weekly Non-Resident & Winter Break Camp	\$3.50	\$3.75
293	Annual School Year and No School Days Resident	\$3.00	\$3.25
294	Annual School Year and No School Days Non-Resident	\$3.50	\$3.75
295	Youth Sports:		
296	Resident (Local Leagues)	\$50.00	\$55.00
297	Non-Resident (Local Leagues)	\$55.00	\$60.00
298	County Leagues	\$50.00	\$55.00
299	PARKS AND RECREATION - Center Permits for Exclusive Use of a Community Center Area:		
300	** Meeting room policy fee for non-operating building hours.	\$35.00	\$38.00
301	Application Fee - Non refundable		
302	For permits for exclusive use of a Community Center area.	\$10.00	<i>no change</i>
303			
304	Concessions - Code requires 10% Gross sales		
305	or Flat Rate		
306	Interim Daily Rate	\$50.00	<i>no change</i>
307	(Not available for concessions exceeding 180 days)		
308	Interim Monthly Rate	\$1,000.00	<i>no change</i>
309	(Not available for concessions exceeding 180 days)		
310			
311	GYM Rental:		
312	Commercial Groups <i>(subject to availability, fee per hour)</i>	\$91.00	\$99.00
313	Commercial Groups <i>(subject to availability, fee per day)</i>	\$347.00	\$375.00
314	Non-Profit Groups <i>(Fee per hour)</i>	\$54.00	\$58.00
315	Non-Profit Groups <i>(Fee per day)</i>	\$260.00	\$281.00
316	Private Groups <i>(Subject to availability, fee per hour)</i>	\$62.00	\$67.00
317	Private Groups <i>(Subject to availability, fee per day)</i>	\$289.00	\$312.00
318			
319	Kitchen Rental		
320	Refundable deposit for kitchen rentals	\$55.00	\$60.00
321	Locker Rental:		
322	Quarter Small	\$26.00	\$28.00
323	Quarter Large	\$31.00	\$33.50
324	Annual Small	\$79.00	\$85.25
325	Annual Large	\$105.00	\$113.50
326	** Meeting Room - Large (Non-profit Groups) :		
327	Fee Per Hour With Kitchen	\$26.00	\$28.00
328	Fee Per Hour Without Kitchen	\$19.00	\$21.00
329	** Meeting Room - Large (Private Groups) :		
330	Fee Per Hour With Kitchen	\$33.00	\$36.00
331	Fee Per Hour Without Kitchen	\$24.00	\$26.00
332	** Meeting Room - Large (Commercial) :		
333	Fee Per Hour With Kitchen	\$50.00	\$54.00
334	Fee Per Hour Without Kitchen	\$37.00	\$40.00
335	** Meeting Room - Small (Non-profit groups) :		
336	Fee Per Hour	\$14.00	\$15.00
337	** Meeting Room - Small (Private) :		
338	Fee per hour	\$20.00	\$22.00

**CITY OF LINCOLN CITY
FEE SCHEDULE**

K.8.a

	A	H	I
339	** Meeting Room - Small (Commercial Group) :		
340	Fee per hour	\$29.00	\$32.00
341			
342	Refundable deposit for rentals with more than 50 participants	\$50.00	\$54.00
343			
344	** Meeting room policy - if the building is opened during non-operating		
345	hours, rental shall be subject to actual personnel costs required to		
346	open, staff, or close the building. ** Room rental shall be subject to a		
347	two hour minimum	\$35.00	\$38.00
348			
349	Pool Rental - Private Parties :		
350	First 25 Swimmers (per hour)	\$84.00	\$91.00
351	For each additional 25 swimmers (per hour)	\$23.00	\$25.00
352	Pool Rental - Private Schools :		
353	Pool Time	\$23.00	\$25.00
354	For Guard or Instructor (per hour)	\$38.00	\$41.00
355	Pool Rental - Lincoln County School District :		
356	Pool	Free	no change
357	For Guard or Instructor (per hour)	\$38.00	\$41.00
358	Rock Climbing		
359	Hourly Rental-Resident	\$38.00	\$41.00
360	Hourly Rental-Non-Resident	\$46.00	\$50.00
361	Youth (per session)	\$5.00	no change
362	Adult Non-Resident (per session)	\$8.50	no change
363	Adult Resident Discount (per session)	\$6.50	no change
364	PARKS AND RECREATION - Park Permits for Exclusive Use of a Public Park Area		
365	* Day rate based on 8 hours continuous use;		
366	extra time billed at hourly rate		
367			
368	Note - Cleanup fee to be billed at time and materials for groups not leaving facilities in a clean condition.		
369			
370	Application Fee - Non refundable		
371	For permits for exclusive use of a Public Park area.	\$10.00	no change
372			
373	Community Center - Outdoor Basketball Court		
374	w/picnic tables		
375	Fee Per Hour (two hour minimum)	\$17.00	\$19.00
376			
377	Concessions - Code requires 10% Gross sales		
378	or Flat Rate		
379	Interim Daily Rate	\$50.00	no change
380	(Not available for concessions exceeding 180 days)		
381	Interim Monthly Rate	\$1,000.00	no change
382	(Not available for concessions exceeding 180 days)		
383			
384	Dorchester Park - Picnic Shelter		
385	Small Shelter - Per Hour with 2-hour minimum	\$17.00	\$19.00
386			
387	Dorchester Park - Tennis/Pickleball Courts (2)		
388	Per Court: Non-profit Group - Hourly	\$13.00	\$15.00
389	Per Court: * Non-profit Group - Daily	\$50.00	\$54.00
390	Per Court: Private Group - Hourly	\$25.00	\$27.00
391	Per Court: * Private Group - Daily	\$101.00	\$110.00
392	Per Court: Commercial Group - Hourly	\$32.00	\$35.00
393	Per Court: Commercial Group - Daily	\$126.00	\$137.00
394			
395	Ed Johann Plaza (new)		\$19.00
396			
397	Holmes Road Park - Picnic Tables		

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**CITY OF LINCOLN CITY
FEE SCHEDULE**

K.8.a

	A	H	I
398	Fee Per Hour (two-hour minimum)	\$17.00	\$19.00
399			
400	Josephine Young Memorial Park - All Picnic Tables		
401	Fee Per Hour (two-hour minimum)	\$17.00	\$19.00
402			
403	Kirtsis Park		
404	Individual Fields Non-Profit Group (<i>per hour</i>)	\$48.00	\$52.00
405	* Individual Fields Non-Profit Groups (<i>per day</i>)	\$312.00	\$337.00
406	Individual Fields Private Groups (<i>per hour</i>)	\$54.00	\$59.00
407	* Individual Fields Private Group (<i>per day</i>)	\$347.00	\$375.00
408	Individual Fields Commercial Groups (<i>per hour</i>)	\$84.00	\$91.00
409	* Individual Fields Commercial Groups (<i>per day</i>)	\$416.00	\$450.00
410	Light Use fee at Kirtsis Park (<i>per night</i>)	\$35.00	\$38.00
411			
412	Nelscott Deck (Scott Plaza) Rental:		
413	Fee Per Hour (two-hour minimum)	\$19.00	\$21.00
414			
415	Regatta Park - Picnic Shelter		
416	Small Shelter - Fee Per Hour (two-hour minimum)	\$17.00	\$19.00
417			
418	Regatta Park - Stage		
419	Fee Per Hour (two-hour minimum)	\$41.00	\$45.00
420			
421	Sandpoint Park - 3 Picnic Tables		
422	Fee Per Hour (two-hour minimum)	\$17.00	\$19.00
423			
424	Siletz Bay - Picnic Shelter		
425	Small Shelter - Per Hour (two-hour minimum)	\$17.00	\$19.00
426			
427	Skateboard Park Rental - Special Event Permit Required:		
428	Non-profit Groups - Hourly	\$42.00	\$46.00
429	* Non-profit Groups - Daily	\$347.00	\$375.00
430	Private Groups - Hourly	\$48.00	\$52.00
431	* Private Groups - Daily	\$520.00	\$562.00
432	Commercial Groups - Hourly	\$84.00	\$91.00
433	* Commercial Groups - Daily	\$693.00	\$749.00
434	Taft Waterfront Park SW 51st Street - Picnic Shelter		
435	Large Shelter - Per Hour (two-hour minimum)	\$41.00	\$45.00
436			
437	New Taft Park		
438	Individual Fields Non-Profit Group (<i>per hour</i>)		\$52.00
439	* Individual Fields Non-Profit Groups (<i>per day</i>)		\$337.00
440	Individual Fields Private Groups (<i>per hour</i>)		\$59.00
441	* Individual Fields Private Group (<i>per day</i>)		\$375.00
442	Individual Fields Commercial Groups (<i>per hour</i>)		\$91.00
443	* Individual Fields Commercial Groups (<i>per day</i>)		\$450.00
444			
445	Wecoma Park - 2 Picnic Tables		
446	Fee Per Hour (two-hour minimum)	\$17.00	\$19.00

**CITY OF LINCOLN CITY
FEE SCHEDULE**

K.8.a

	A	H	I
513	EXHIBIT B	CURRENT	PROPOSED
514	POLICE DEPARTMENT - ADMINISTRATIVE	FEE	NEW FEE
515	Code Enforcement Fees/Assessments	10% of fine	<i>no change</i>
516	Copies of Police Reports:		
517	First 5 pages	\$15.00	<i>no change</i>
518	Each additional page	\$0.30	<i>no change</i>
519	CD's and DVD's	\$15.00	\$26.00
520	Video Redaction (per 10 minutes)		\$98.00
521	Fingerprinting:		
522	Children (free as public service)	Free	<i>no change</i>
523	First Two Cards	\$30.00	<i>no change</i>
524	Each Additional Card	\$5.00	<i>no change</i>
525	Impound Fee	\$100.00	<i>no change</i>
646			

**CITY OF LINCOLN CITY
FEE SCHEDULE**

K.8.a

	A	H	I
449	EXHIBIT C	CURRENT	PROPOSED
450	PLANNING AND COMMUNITY DEVELOPMENT:	FEE	NEW FEE
451	Adjustment- Design Standard	\$150.00	<i>no change</i>
452	Administrative Adjustment (AA)	\$400.00	<i>no change</i>
453	Agreement to Delay Landscaping Installation		\$150.00
454	Annexation	\$1,000.00	<i>no change</i>
455	Appeals	\$250.00	<i>no change</i>
456	Bed & Breakfast Application		\$50.00
457	Comprehensive Plan Map Amendment	\$2,500.00	<i>no change</i>
458	Conditional Use Permit (CUP)	\$900.00	<i>no change</i>
459	Development Review	\$1,000.00	<i>no change</i>
460	Director's Interpretation	\$500.00	<i>no change</i>
461	Floodplain Development Permit	\$250.00	<i>no change</i>
462	Geologic Hazard Report/Beach Protective Structure Review	\$500.00	<i>no change</i>
463	Land Use Compatibility Statement (LUCS)/Zoning Confirmation	\$50.00	<i>no change</i>
464	Miscellaneous (Describe):	Varies:	<i>no change</i>
465	Mobile Food Unit Land Use Review	\$150.00	<i>no change</i>
466	Modification of Approved Type II Application	\$250.00	<i>no change</i>
467	Modification of Approved Type III Application	\$600.00	<i>no change</i>
468	Natural Resource Development Review	\$500.00	<i>no change</i>
469	Natural Resource Development Variance	\$900.00	<i>no change</i>
470	Nonconforming Determination	\$350.00	<i>no change</i>
471	Nonconforming Restoration Type II	\$350.00	<i>no change</i>
472	Nonconforming Restoration Type III	\$800.00	<i>no change</i>
473	Partition	\$350.00	<i>no change</i>
474	Planned Unit Final Master Plan	\$1,000.00	<i>no change</i>
475	Planned Unit Preliminary Master Plan	\$2,000.00	<i>no change</i>
476	Planning Re-inspection (per re-inspection)	\$50.00	<i>no change</i>
477	Planning Review for Building Permits	\$300.00	<i>no change</i>
478	Pre-Application Conference	\$250.00	<i>no change</i>
479	Property Line Adjustment (PLA)	\$350.00	<i>no change</i>
480	Statutory Development Agreement	\$1,500.00	<i>no change</i>
481	Subdivision Final Plat	\$500.00	<i>no change</i>
482	Subdivision Preliminary Plat	\$1,000.00	<i>no change</i>
483	Text Amendment	\$1,500.00	<i>no change</i>
484	Time Extension Application		\$150.00
485	Tree Removal Permit Application		\$50.00
486	Urban Growth Boundary (UGB) Amendment	\$2,500.00	<i>no change</i>
487	Vacation Rental Dwelling (VRD) Accessory to Unlimited	\$300.00	<i>no change</i>
488	Vacation Rental Dwelling (VRD) Land Use Review	\$590.00	<i>no change</i>
489	Vacation Rental Dwelling (VRD) Unit Re-inspection	\$100.00	<i>no change</i>
490	Variance	\$900.00	<i>no change</i>
491	Verbatim Written Transcript	\$500.00	<i>no change</i>
492	Zoning Change (ZC)	\$2,500.00	<i>no change</i>
493	Zoning Sign Permit	\$100.00	<i>no change</i>

**CITY OF LINCOLN CITY
FEE SCHEDULE**

K.8.a

	A	H	I
627	EXHIBIT D	CURRENT	PROPOSED
628	EXPLORE LINCOLN CITY:	FEE	NEW FEE
630	Pre-Application Meeting	\$20.00	<i>Fee Removed (obsolete)</i>
631	Renewal/Temporary Sales/Temporary Use of Annual License	\$35.00	<i>Fee Removed (obsolete)</i>
632	Renewal/Temporary Sales/Temporary Use of Annual Logo License		\$50.00

**CITY OF LINCOLN CITY
FEE SCHEDULE**

K.8.a

	A	H	I
150	EXHIBIT E	CURRENT	PROPOSED
151	CONFERENCE/MEETING ROOMS:	FEE	NEW FEE
152	<i>Meeting rooms rental policy: If the building is opened during non-operating hours, rental shall be subject to actual personnel cost required to open, staff, or close the building. Any use of the City's technology in Council Chambers, whether during operating hours or non-operating hours, will also be subject to actual personnel cost required to utilize the technology. Room rental shall be subject to a two-hour minimum.</i>		Added wording to include labor costs to utilize technology in the Council Chambers
153	City Council Chambers <i>(fee per hour with 2 hour minimum)</i>	\$15.00	<i>no change</i>
154	City Council Chambers <i>(fee per day)</i>	\$100.00	<i>no change</i>
155	Computer Lab <i>(fee per hour)</i>	\$10.00	<i>no change</i>
156	Computer Lab <i>(fee per day)</i>	\$75.00	<i>no change</i>
157	Driftwood Library Meeting Room		
158	Commercial Groups <i>(fee per hour)</i>	\$30.00	<i>no change</i>
159	Commercial Groups <i>(fee per day)</i>	\$200.00	<i>no change</i>
160	Private Groups <i>(fee per hour)</i> - Meeting not open to public	\$10.00	<i>no change</i>
161	Private Groups <i>(fee per day)</i> - Meeting not open to public	\$65.00	<i>no change</i>
162	Northwest Conference Room <i>(fee per hour)</i>	\$10.00	<i>no change</i>
163	Northwest Conference Room <i>(fee per day)</i>	\$75.00	<i>no change</i>
164	Public Works Conference Room <i>(fee per hour)</i>	\$10.00	<i>no change</i>
165	Public Works Conference Room <i>(fee per day)</i>	\$75.00	<i>no change</i>

Council Communication

Interview for Budget Committee- Laspa/Neighorn

Meeting Date:	January 23, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 Minutes

Question:

Should the City Council appoint Jules Laspa and/or Mark Neighorn to a position on the Budget Committee?

Staff

Recommendation:

Staff recommends that Council conduct public interviews of two applicants for the two vacant positions.

Authority:

Appointment to the Lincoln City Budget Committee is authorized under LCMC Chapters 2.06 and 2.70.

Background:

There are two City Resident positions on the Budget Committee that became vacant on December 31, 2022. Two applications were submitted for the two vacant positions as follows:

Jules Laspa
Mark Neighorn

Both have successfully completed the background check and residency requirements.

Council

Options:

After the public interview process is complete, you can make a motion to appoint one or both to the vacant positions.

Possible Motion:

I move to appoint (insert name) to the City Resident position on the Budget Committee with a partial term ending 12/31/23.

I move to appoint (insert name) to the City Resident position on the Budget Committee full term ending 12/31/25.

Attachments:

Laspa, Jules_Application_Redacted.pdf (PDF)

Jules Laspa-Ref 1 completed_Redacted.pdf (PDF)

Commission applicant-Jules Laspa ref 1 - Google Docs.pdf-Completed.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-Jules Laspa.pdf (PDF)

Neighorn, Mark_Budget App_Redacted.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-Mark Neighorn.pdf (PDF)

Reference Check - Budget Committee - Mark Neighorn.pdf (PDF)

Budget committee questions.pdf (PDF)



CITY OF LINCOLN CITY
Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|--|---|
| <input type="checkbox"/> Arts Committee
<input checked="" type="checkbox"/> *Budget Committee
<input type="checkbox"/> Community Sustainability Committee
<input type="checkbox"/> URA Ad Hoc Committee | <input type="checkbox"/> Parks and Recreation Board
<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Library Board |
|--|---|

RECEIVED
 DEC 15 2022

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Jules Laspa	DATE:	12/15/2022
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City, Oregon, 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	[REDACTED]	CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: Yes Length of Time 1+ Year
- Do you reside within the Urban Growth Boundary? Yes Length of Time _____
- Do you reside within the Lincoln County School District North: Yes No
- Are you a registered voter in Lincoln County? Yes No
- Are you a Lincoln City business owner or Manager? Yes No
- If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

Managed overall businesses and budgets from a professional lens.
Owned PnLs from startups to established businesses in excess of 50 million.
Work as consultant help corporations through change management and generate add. profit.

List names of volunteer/work supervisors:

Boone Marker

Please provide any previous experience with committees, boards or commissions and positions held:

Been leads of several different committees from professional perspective.

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

None

Explain why you would like to serve on this board, commission, or committee:

I would like to serve on the budget committee to serve Lincoln City to my best capacity.
My partner and I love living in Lincoln City and want to be more involved with the community.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Judith Reel Phone: [Redacted]
Name: Holly Laspa Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[Redacted Signature] 12/13/22
SIGNATURE **DATE**



City Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Jules Laspa
START DATE:	--
NAME OF COMMITTEE, BOARD, OR COMMISSION:	--
CITY STAFF REPRESENTATIVE:	--
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	
HOME PHONE:	[REDACTED]
CELL PHONE:	
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	12/15/2022
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

SIGNATURE

[Redacted signature]

DATE

12/15/22

Nina Graham

From: Judith Reel [REDACTED]
Sent: Monday, December 19, 2022 10:16 AM
To: Nina Graham
Subject: Re: Jules Laspa-Committee applicant-Budget Committee

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ms. Graham,

Due solely to my lack of computer skills, rather than "fill out" the reference form I thought I would provide this narrative with the information you seek.

I have known Jules Laspa for approximately seven years and worked with him as a volunteer for our local library, and in particular on efforts to build a new library in Ridgefield.

While I do not have personal knowledge of Jules' serving on a board, I have complete confidence in his ability to be a productive and valued board member. Jules has wonderful analytical abilities and a willingness to explore others' points of view. He is also articulate, and to this day people who were at a public meeting to discuss our new library talk about his persuasiveness.

Jules is responsible and reliable and I strongly recommend him to serve on the Lincoln City Budget Committee.

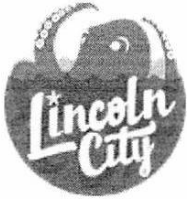
Judith Reel

On Mon, Dec 19, 2022 at 9:53 AM Nina Graham <ngraham@lincolncity.org> wrote:

Hello-

Please see attached reference form for Jules Laspa who is applying for our Budget Committee. Please fill out and send back to me at your earliest convenience.

Thank you,



Niña Graham, HR Supervisor

City of Lincoln City | Administration

801 SW Hwy 101 | PO Box 50 | Lincoln City, OR

P: 541-557.1139 | F: 541-557.1139

E: ngraham@lincolncity.org | W: LincolnCity.org

Office Hours: Mon & Wed-Remote; In office-Tues, Thurs. & Friday



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Jules Laspa (Budget Committee)

Reference: Holly Laspa

Reference taken by; date / time: December 19, 2022

- What is your professional relationship with the applicant?

Volunteered together with Fort Vancouver Regional Library and at several events with the City of Ridgefield.

- How long have you known him/her? **8 years**
- How long have you worked / served with him/her? **8 years**
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? **I did not hire Jules, we worked as colleagues. Given the opportunity I would not hesitate to hire him for a role.**

- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Budget Committee be a good match based on your knowledge of the applicant? **I have not worked directly on a board with Jules, but I do believe he would be a good fit for the Budget Committee. Jules has proven himself to be reliable and trustworthy, and has a way with understanding numbers and preparing spreadsheets.**

Would you recommend him/her for the Budget Committee? Does the applicant possess good decision making / reasoning skills? **For the 8 years I have known Jules he has always been a careful thinker and does his research prior to making a decision. He is risk tolerant when it makes sense, and is always careful to review all sides of a situation before making a final decision.**

- Does the applicant have good communication / interpersonal skills? **He is very charismatic and works well with people, and follows the belief that it is best to over-communicate rather than leave things up to chance.**
- Is he/she responsible and reliable? **Yes**
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills? **Jules values the time of those he interacts with, follows deadlines, is a quick learner, and has a passion for data and data analysis.**
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? **Moved out of the area**
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget Committee? **Clear expectations/deadlines, open communication, written followup/meeting minutes.**

City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541-557-1139 | Lincolncity.org



Human Resources

- Do you have any other feedback you could provide that would help us make a decision? **Jules is a great addition to any team and cares deeply about Lincoln City and the community.**



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: December 27, 2022
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Jules Laspa
Position Applied For: Budget Committee

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director



CITY OF LINCOLN CITY
Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|--|---|
| <input type="checkbox"/> Arts Committee
<input checked="" type="checkbox"/> *Budget Committee
<input type="checkbox"/> Community Sustainability Committee
<input type="checkbox"/> URA Ad Hoc Committee | <input type="checkbox"/> Parks and Recreation Board
<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Library Board |
|--|---|

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	MARK NEIGHORN	DATE:	1-3-23
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	SAME		
CITY, STATE, ZIP:	Lincoln City OR 97367-3526		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:		CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 40+ years

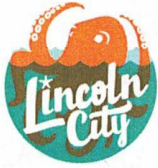
Do you reside within the Urban Growth Boundary? Yes Length of Time _____

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

FORMER OWNER OF REAL ESTATE 100 (30+ years)

List names of volunteer/work supervisors:

IN the 1980's - 1990's

Please provide any previous experience with committees, boards or commissions and positions held:

City Council
Budget Committee
Library Board
Park and Rec. Board.

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

Ø

Explain why you would like to serve on this board, commission, or committee:

I feel compelled to offer service to my community
I'm retired now and have time to offer.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

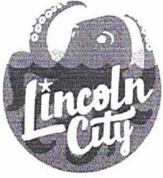
Name: Mike Roy Phone: [Redacted]

Name: Felecia McDougal Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[Redacted Signature] SIGNATURE

1-3-23 DATE



City Recorder
 City of Lincoln City
 PO Box 50
 Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	MARK W. HEIGHORN
START DATE:	2023
NAME OF COMMITTEE, BOARD, OR COMMISSION:	CITY BUDGET COMMITTEE
CITY STAFF REPRESENTATIVE:	CITY MANAGER
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	SAME
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	1-3-23
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



**FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR
BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED
BODY**

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

SIGNATURE

1-3-23
DATE



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: January 17, 2023
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Mark Neighorn
Position Applied For: Budget Committee

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Mark Neighorn (**Budget Committee**)

Reference: Mike

Reference taken by; date / time: January 10, 2023

- What is your professional relationship with the applicant? *we both served on the Lincoln County Board of Realtors together.*
- How long have you known him/her? *15 YEARS.*
- How long have you worked / served with him/her? *10 YEARS.*
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? *I did not hire or select him but would do so given the opportunity.*
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Budget Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Budget Committee? Does the applicant possess good decision making / reasoning skills?
- He served as the Treasurer for the Lincoln County Board of Realtors for over 10 years & I would definitely recommend him for the Budget Committee
- Does the applicant have good communication / interpersonal skills?
Yes, he has excellent communication, interpersonal & reasoning skills.
- Is he/she responsible and reliable?
Yes he is very responsible & reliable. - Always early for meetings!
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills? *Very analytical and organized.*
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? *Not applicable*
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget Committee? *Just give ~~him~~ him plenty of opportunity to provide input and feedback.*



Human Resources

- Do you have any other feedback you could provide that would help us make a decision?

He has many years of ~~experie~~ experience and knowledge including previously ~~was~~ serving on the Lincoln City Budget Committee. I highly recommend him!

BUDGET COMMITTEE APPLICANT QUESTIONS

- 1) Tell us about yourself and why you are interested in serving on the budget committee.
- 2) If you could eliminate one Lincoln City service, what would it be?
- 3) How can Lincoln City better engage the public in the budget process?
- 4) When one reads the budget, what should it tell them?
- 5) How do you know if the City is spending too much or too little on a City service?
- 6) What are the biggest opportunities and challenges facing Lincoln City?
- 7) How do you prioritize where the City spends its funds?

Council Communication

Appointment to Arts Committee - Applicant Laspa

Meeting Date:	January 23, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question:

Should the City Council approve the appointment of Holly Laspa for a "City Resident" position on the Public Arts Committee?

Staff Recommendation:

Ms. Laspa was interviewed by Councilor Hoagland and Councilor Kasner on January 18, 2023.

Authority:

LCMC 2.06.015 (F)

F. Appointment. At a regular or special meeting of the city council the question of appointment of one or more applicants for appointive bodies can be placed on the agenda for consideration. No applicant will be placed on the agenda until completion of the interview, background and reference check process. At the time the matter is considered the individual interviewers may give their recommendation, or, as applicable, an interview subcommittee member may give the recommendation of the subcommittee. The council may use the ballot nomination process to narrow the applicant field. Notwithstanding any other provision in the municipal code, all appointments shall be by motion, approved by majority vote of the governing body.

Background:

The Public Arts Committee has one (1) vacant position. This vacant position have been advertised.

Council Options:

Review and discuss the recommendation for appointment of Holly Laspa to a "City Resident" position on the Public Arts Committee for a partial term expiring December 31, 2024.

Potential Motions:

- 1. I move to appoint Holly Laspa to the Public Arts Committee for a "City Resident / LCSD- North" position with a partial three-year term. The term expires 12/31/2024.**

Attachments:

Laspa, Holly_Application_Redacted.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-Holly Laspa.pdf (PDF)

Holly Laspa-ref 1 completed_Redacted.pdf (PDF)



CITY OF LINCOLN CITY Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Arts Committee ^{2nd}
<input type="checkbox"/> *Budget Committee
<input checked="" type="checkbox"/> Community Sustainability Committee ^{1st}
<input type="checkbox"/> URA Ad Hoc Committee | <input checked="" type="checkbox"/> Parks and Recreation Board ^{3rd}
<input type="checkbox"/> Planning Commission
<input checked="" type="checkbox"/> Library Board ^{3rd} |
|--|---|

RECEIVED
DEC 15 2022

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Holly Laspa	DATE:	11/29/2022
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City, OR, 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:		CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 1 yr 5 month

Do you reside within the Urban Growth Boundary? Yes Length of Time 1 yr 5 mo

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

9+ years fintech work experience, 10+ years classroom volunteer, 5+ years library volunteer, 6 month Driftwood Library volunteer. Passionate about the community, environment, and our sustainable future. I am reliable, engaged with the community, and excited.

List names of volunteer/work supervisors:

Driftwood Library - Rachel Humpert

Fort Vancouver Regional Library - Judy Reel

Head Start/EOCF - Gini Engh

Please provide any previous experience with committees, boards or commissions and positions held:

Engagement Committee - Vice President

Jr Kiwanis Club - Vice President

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

N/A

Explain why you would like to serve on this board, commission, or committee:

I have a strong passion for our community and relish the opportunity to enhance the future of our city. I plan to reside in LC for many years and have a great interest in shaping and nurturing the area to be somewhere we all love.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Judy Reel [Redacted] Phone: [Redacted]

Name: Rachel Humpert [Redacted] Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

SIGNATURE

DATE

12/14/22



City Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Holly Laspa
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
	Lincoln City, OR
	97367
MAILING ADDRESS:	[REDACTED]
	[REDACTED]
HOME PHONE:	
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	12/14/22
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

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To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

[Redacted Signature]

SIGNATURE

12/14/22

DATE



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: December 27, 2022
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Holly Laspa

Position Applied For: Community Sustainability Committee, Arts Committee,
Parks and Recreation Board, Library Board

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information;
- One reference provided a response.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director

Nina Graham

From: [REDACTED]
Sent: Monday, December 19, 2022 10:24 AM
To: Nina Graham
Subject: Re: Holly Laspa-Committee applicant reference check-Community Sustainability Committee

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ms. Graham,

Due solely to my lack of computer skills, rather than "fill out" the reference form I thought I would provide this narrative with the information you seek.

I have known Holly Laspa for approximately seven years and worked with her as a volunteer for our local library.

I have complete confidence in Holly's ability to be a productive and valued board member. Holly is analytical, articulate and analyzes problems thoroughly. Equally important to me is her reliability. When Holly volunteers for a project, she is creative about how to see the project to completion and follows through responsibly and reliably.

Holly is very good at listening to others and trying to reach a consensus, which I believe are critical skills for board members. I strongly recommend Holly Laspa to serve on Lincoln City public committees.

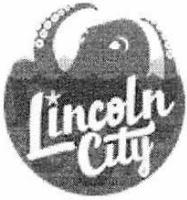
Judith Reel

On Mon, Dec 19, 2022 at 9:59 AM Nina Graham <ngraham@lincolncity.org> wrote:

Hello-

Please see attached reference form for Holly Laspa who is applying for our Community Sustainability Committee/Arts Committee/Parks and Recreation/Library. Please fill out and send back to me at your earliest convenience.

Thank you,



Niña Graham, HR Supervisor

City of Lincoln City | Administration

801 SW Hwy 101 | PO Box 50 | Lincoln City, OR

P: 541.557.1139 | F: 541.557.1139

E: ngraham@lincolncity.org | W: LincolnCity.org

Office Hours: Mon & Wed-Remote; In office-Tues, Thurs. & Friday

Council Communication

Appointment to Library Board - Laspa

Meeting Date:	January 23, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 Minutes

Question:

Should the City Council approve the appointment of Holly Laspa for a position on the Driftwood Public Library Board?

Staff Recommendation:

Staff recommends the Council appointment of Holly Laspa. She has successfully completed the interview/background process, and qualifies for the City Resident position.

Background:

The Library Board currently has one (1) vacant position with a term expiring 6/30/24. Councilor Casper and Councilor Mark interviewed Ms. Laspa. Councilor Casper and Councilor Mark recommends Ms. Laspa move forward for appointment.

Council Options:

Review and discuss the recommendation for appointment of Holly Laspa to the City Resident position on the Driftwood Public Library Board, for a partial term ending 6/30/24.

Potential Motions:

- 1. I move to appoint Holly Laspa to the Driftwood Public Library Board with a term expiring 6/30/2024.**

Attachments:

Laspa Holly_Application_Redacted.pdf (PDF)
 Holly Laspa-ref 1 completed_Redacted.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-
Holly Laspa.pdf (PDF)



CITY OF LINCOLN CITY Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Arts Committee ^{2nd}
<input type="checkbox"/> *Budget Committee
<input checked="" type="checkbox"/> Community Sustainability Committee ^{1st}
<input type="checkbox"/> URA Ad Hoc Committee | <input checked="" type="checkbox"/> Parks and Recreation Board ^{3rd}
<input type="checkbox"/> Planning Commission
<input checked="" type="checkbox"/> Library Board ^{3rd} |
|---|---|

RECEIVED
DEC 15 2022

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Holly Laspa	DATE:	11/29/2022
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City, OR, 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:		CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 1 yr 5 month

Do you reside within the Urban Growth Boundary? Yes Length of Time 1 yr 5 mo

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

9+ years fintech work experience, 10+ years classroom volunteer, 5+ years library volunteer, 6 month Driftwood Library volunteer. Passionate about the community, environment, and our sustainable future. I am reliable, engaged with the community, and excited.

List names of volunteer/work supervisors:

Driftwood Library - Rachel Humpert

Fort Vancouver Regional Library - Judy Reel

Head Start/EOCF - Gini Engh

Please provide any previous experience with committees, boards or commissions and positions held:

Engagement Committee - Vice President

Jr Kiwanis Club - Vice President

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

N/A

Explain why you would like to serve on this board, commission, or committee:

I have a strong passion for our community and relish the opportunity to enhance the future of our city. I plan to reside in LC for many years and have a great interest in shaping and nurturing the area to be somewhere we all love.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Judy Reel

Phone: [Redacted]

Name: Rachel Humpert

Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

SIGNATURE

DATE



City Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Holly Laspa
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	[REDACTED]
HOME PHONE:	
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	12/14/22
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL

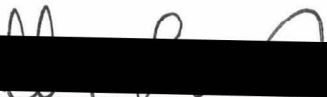



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.



SIGNATURE

12/14/22

DATE

Nina Graham

From: Judith Reel [REDACTED]
Sent: Monday, December 19, 2022 10:24 AM
To: Nina Graham
Subject: Re: Holly Laspa-Committee applicant reference check-Community Sustainability Committee

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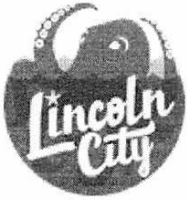
Judith Reel

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Thank you,



Niña Graham, HR Supervisor

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E: ngraham@lincolncity.org | W: LincolnCity.org

Office Hours: Mon & Wed-Remote; In office-Tues, Thurs. & Friday



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: December 27, 2022
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Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Holly Laspa

Position Applied For: Community Sustainability Committee, Arts Committee,
Parks and Recreation Board, Library Board

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information;
- One reference provided a response.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director

Council Communication

Appointment to Parks and Recreation Board - Multiple Applicants

Meeting Date:	January 23, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question:

Who should the City Council appoint for the vacant "City Resident" and "Outside City Resident" positions on the Parks and Recreation Board?

Staff Recommendation:

Ms. Prins has not served on the Parks and Recreation Board. Councilor Starmer and Councilor Parsons interviewed Ms. Prins via Zoom on January 12, 2023. Both Councilor Starmer and Councilor Parsons independently asked to move Ms. Prins' application forward for consideration of a position on the Parks and Recreation Board. Ms. Prins qualifies for both positions as a City Resident.

Ms. Wood has not served on the Parks and Recreation Board. Councilor Starmer and Councilor Parsons interviewed Ms. Wood via Zoom on January 12, 2023. Both Councilor Starmer and Councilor Parsons independently asked to move Ms. Wood's application forward for consideration of a position on the Parks and Recreation Board. Ms. Wood qualifies for both positions as a City Resident.

Mr. Zantello has not served on the Parks and Recreation Board. Councilor Parsons & Councilor Starmer interviewed Mr. Zantello via Zoom on January 18, 2023. Councilor Parsons & Councilor Starmer independently asked to move Mr. Zantello's application forward for consideration of a position on the Parks and Recreation Board. Mr. Zantello qualifies for both positions as a City Resident.

Background:

The Parks and Recreation Board currently has two (2) vacant positions that expire December 31, 2025.

Council Options:

Review and discuss the recommendation for appointment of both positions on the Parks and Recreation Board for a term expiring December 31, 2025.

Potential Motions:

- 1. I move to appoint _____ to the Parks and Recreation Board for a "City Resident" position with a three-year term. The term expires December 31, 2025.
- 2. I move to appoint _____ to the Parks and Recreation Board for an "City Resident" position with a three-year term. The term expires December 31, 2025.

<u>Applicants</u>	<u>Interview Date</u>
<i>Joan Prins</i>	<i>01/12/2023</i>
<i>Shawn Wood</i>	<i>01/12/2023</i>
<i>Joshua Zantello</i>	<i>01/18/2023</i>

Attachments:

- Prins, Joan_Application_Redacted.pdf (PDF)
- MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-Joan Prins.pdf (PDF)
- Commission applicant-Joan Prins ref 1.pdf-completed.pdf (PDF)
- Commission applicant-Joan Prins ref 2.pdf-Completed.pdf (PDF)
- Wood, Shawn_P&R App.pdf (PDF)
- MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-Shawn Wood.pdf (PDF)
- Shawns reference.docx completed.pdf (PDF)
- Zantello, Joshua_P&R App_Redacted.pdf (PDF)
- MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-Joshua Zantello.pdf (PDF)
- Commission applicant Zantello ref 1.pdf COMPLETED.pdf (PDF)



CITY OF LINCOLN CITY
Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|---|--|
| <input type="checkbox"/> Arts Committee
<input type="checkbox"/> *Budget Committee
<input type="checkbox"/> Community Sustainability Committee
<input type="checkbox"/> URA Ad Hoc Committee | <input checked="" type="checkbox"/> Parks and Recreation Board
<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Library Board |
|---|--|

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Joan Prins	DATE:	12/15/2022
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	[REDACTED]	CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: Yes Length of Time 27 Years
- Do you reside within the Urban Growth Boundary? Yes Length of Time _____
- Do you reside within the Lincoln County School District North: Yes No
- Are you a registered voter in Lincoln County? Yes No
- Are you a Lincoln City business owner or Manager? Yes No
- If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

Office Manager for Lincoln County Foot Health Center 1995-2016 Now Retired
Currently Bookkeeper for Lincoln City Chamber of Commerce and Rotary of LC. I have lived in town for 27 years and am familiar with open spaces and projects planned for the future.

List names of volunteer/work supervisors:

Leslie James, SNLH Foundation Director, Lori Arce-Torres, Director LC Chamber
Lissa Parker, Lincoln City Swim Club Coach, Austin Kasner, Rotary Board President
Josh Zantello, Lincoln City Kiwanis Club Board President

Please provide any previous experience with committees, boards or commissions and positions held:

North Lincoln Hospital Foundation Board of Trustees 2020-2022, Coach & Finance Manager for Special Olympics Lincoln County 2016-2021, Past Treasurer for Lincoln City Swim Club. Bookkeeper/Treasurer for Faith Baptist Church. Rotary & Chamber. Kiwanis Board Member

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

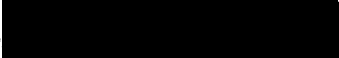
Kiwanis member with Mayor Susan Wahlke and Recreation Supervisor Boone Marker
Rotarian member with Jeanne Sprague

Explain why you would like to serve on this board, commission, or committee:


I am a frequent user of the community center and an avid user of many of the open spaces in and around Lincoln City. I believe I can bring fresh ideas and experience to your board. I like to be an active contributor to my community. I have also successfully written two grants.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Jeanne Sprague Phone: (541) 996-1222

Name: Boone Marker Phone: 

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.


SIGNATURE

12/15/2022
DATE

City Recorder
 City of Lincoln City
 PO Box 50
 Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Joan S. Prins
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
	Lincoln City, OR 97367
MAILING ADDRESS:	[REDACTED]
	Lincoln City, OR 97367
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	12/15/2022
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION

The City of Lincoln City ("the City") to which you have applied for employment, may request an investigative consumer report about you from a third party consumer reporting agency, in connection with your employment, or application for employment (including independent contractor or volunteer assignments, as applicable).

An "investigative consumer report" is a background report that includes information from personal interviews (except in California, where that term includes background reports with or without information obtained from personal interviews). The most common form of an investigative consumer report in connection with your employment is a reference check through personal interviews with sources such as your former employers and associates, and other information sources. The investigative consumer report may contain information concerning your character, general reputation, personal characteristics or mode of living. You may request more information about the nature and scope of an investigative consumer report, if any, by contacting the City.

You have the right, upon written request made within a reasonable time, to request (1) whether an investigative consumer report has been obtained about you, (2) disclosure of the nature and scope of any investigative consumer report and (3) a copy of your report. These reports will be conducted by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Phone: 1-800-955-5306;** . The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306;** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.


SIGNATURE

12/15/2022

DATE



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: December 27, 2022
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Joan Prins
Position Applied For: Parks and Recreation Board

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Joan Prins (Parks and Recreation Board)

Reference: Jeanne Sprague

Reference taken by; date / time: December 19, 2022

- What is your professional relationship with the applicant? Joan is on the LC Pickleball Club Board, and conducts Finances for the Rotary Club of LC, both organizations that I work with.
- How long have you known him/her? 4+ years
- How long have you worked / served with him/her? 2+ years
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? No, I did not hire her. Yes, she is a solid selection.
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. Yes, I have worked with her via 2 Boards, and she is efficient, dependable, knowledgeable, enthusiastic, and follows through on responsibilities. If not, would serving on our Parks and Recreation Board be a good match based on your knowledge of the applicant? N/A. Would you recommend him/her for the Parks and Recreation Board? Yes. Does the applicant possess good decision making /reasoning skills? Yes.
- Does the applicant have good communication / interpersonal skills? Yes.
- Is he/she responsible and reliable? Yes.
- What are his/her strongest skills? She is community-minded, dependable, open to new ideas, and collaborative. Does he/she possess any special skills? Yes, she is great with finances.
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? N/A



Human Resources

- Are there any areas he/she could use help in developing (i.e. written communication, organization)? No. What do we need to provide to help him/her succeed on the Parks and Recreation Board? N/A.
- Do you have any other feedback you could provide that would help us make a decision? Joan has the community knowledge, personal parks & rec experience, and passion to be a Parks and Recreation Board member.



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Joan Prins (Parks and Recreation Board)

Reference: Boone Marker

Reference taken by; date / time: December 19, 2022

- What is your professional relationship with the applicant?
Joan and I serve on Kiwanis Club and have both been board members.
- How long have you known him/her?
6 years
- How long have you worked / served with him/her?
Approx. 6 years
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? Yes I would hire! Joan is a hard working and community driven person.
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Parks and Recreation Board be a good match based on your knowledge of the applicant? Would you recommend him/her for the Parks and Recreation Board? Does the applicant possess good decision making / reasoning skills?
Yes, Joan has been on the BOD for LC Kiwanis, and is the treasurer for Rotary.
- Does the applicant have good communication / interpersonal skills?
Yes, Joan is a great communicator.
- Is he/she responsible and reliable?
Yes, Joan is very responsible and reliable.
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?
Joan is creative and community minded. She has great input and works to get the job done.
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together?
Board term expired.



Human Resources

- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Parks and Recreation Board?

Joan just needs the proper tools to know what the job entails. She is very organized and a excellent communicator.

- Do you have any other feedback you could provide that would help us make a decision?

I believe Joan would be a great addition to the Parks & Rec Board.



CITY OF LINCOLN CITY
Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|---|--|
| <input type="checkbox"/> Arts Committee
<input type="checkbox"/> *Budget Committee
<input type="checkbox"/> Community Sustainability Committee
<input type="checkbox"/> URA Ad Hoc Committee | <input checked="" type="checkbox"/> Parks and Recreation Board
<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Library Board |
|---|--|

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NAME:	SHAWN WOOD	DATE:	12-21-22
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	SAME		
CITY, STATE, ZIP:	LINCOLN CITY, OR 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	[REDACTED]	CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 6 months

Do you reside within the Urban Growth Boundary? Yes Length of Time SAME

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? _____

***JUST AN FYI I DID DO A BACKGROUND CHECK IN AUGUST FOR VOLUNTEERING WITH THE PRAIRIWOOD PUBLIC LIBRARY.**



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

I WORKED IN PURCHASING & RETAIL FOR MANY YEARS AND MUCH OF MY WORK INVOLVED LOGISTICS - PLANNING FOR THE FUTURE, BEING TWO OR THREE STEPS AHEAD. AS FOR HOBBIES, I LOVE VOLUNTEERING AND BEING OUTDOORS. I USED TO RUN 1/2 MARATHONS. BUT NOW I AM AN AVID WALKER, AND I'M REALLY ENJOYING THE WALKABILITY OF WHERE I LIVE.

List names of volunteer/work supervisors:
KRISTA EDDY - LINCOLN CITY CULTURAL CENTER (ART KIT PROGRAM)
RACHEL HUMPERT DRIFTWOOD LIBRARY (SHE HAS LEFT AS OF DECEMBER, BUT I CURRENTLY VOLUNTEER AT THE LIBRARY)

Please provide any previous experience with committees, boards or commissions and positions held:

THE NATIONAL SCLERODERMA FOUNDATION, OREGON CHAPTER BOARD OF DIRECTORS

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

DUNNA EDDY - PARKS & REC BOARD (WE VOLUNTEER TOGETHER AT THE CULTURAL CENTER)

Explain why you would like to serve on this board, commission, or committee:

I HAVE PARTICIPATED IN ACTIVITIES PROVIDED BY PARKS & REC AND I ATTEND GENTLE YOGA AT THE REC CENTER. I HAVE BEEN SO IMPRESSED BY WHAT PARKS & REC IS DOING FOR THE COMMUNITY AND THEIR WORK TO CONTINUE TO IMPROVE, CREATE OPPORTUNITIES, AND ENGAGE THE COMMUNITY.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: ~~_____~~ Kim Dwyer Phone: _____

Name: CHERYL DAVIS Phone: _____

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

SIGNATURE

12-21-2022
DATE



City Recorder
 City of Lincoln City
 PO Box 50
 Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	SHAWN WOOD
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	PARKS AND RECREATION
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
	LINCOLN CITY, OR 97367
MAILING ADDRESS:	SAME
HOME PHONE:	
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]
EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
DATE:	12-21-2022
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

SIGNATURE

12-21-2022
DATE



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: January 5, 2022
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Shawn Wood

Position Applied For: Parks and Recreation Board

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information.

Reference responses we received have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director

Human Resources City of Lincoln City

801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.557.1139 | LincolnCity.org

REFERENCE CHECK- COMMITTEES Reference regarding: Shawn Wood (Parks and Recreation Committee) Reference: Krista Eddy Reference taken by; date / time: December 29, 2022

- What is your professional relationship with the applicant? -Shawn is one of the volunteers that help us make Art Kits here at the Lincoln City Cultural Center. This group meets every Thursday.
- How long have you known him/her? -About half a year.
- How long have you worked / served with him/her? – Also about half a year.
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? I did not hire or select Shawn because this is a volunteer activity, BUT I **would** hire or select Shawn in a heartbeat! She is hard working, easy to get along with, very intelligent and thoughtful. She has added greatly to our group.
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Parks and Recreation Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Parks and Recreation Committee? Does the applicant possess good decision making / reasoning skills? – I have a bit of personal knowledge due to all the sharing we tend to do while making art kits and I would definitely recommend her for the Parks and Rec Committee. I think she would strive to fully understand each item, ask good questions, and make excellent decisions.
- Does the applicant have good communication / interpersonal skills? Yes! She is a joy to have around and very easy going. She gets along well with all of the other volunteers. We are so lucky to have her.
- Is he/she responsible and reliable?- Yes.
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?- Many times she has made suggestions that have helped in the process or making of the art kits. She is very good at analyzing a situation and coming up with good suggestions in a nonthreatening way.
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? – She has not left...and you better not steal her away...hehe.
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Parks and Recreation Committee? -???
- Do you have any other feedback you could provide that would help us make a decision?- You are getting a gem with Shawn.



CITY OF LINCOLN CITY
Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|---|--|
| <input type="checkbox"/> Arts Committee | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> *Budget Committee | <input checked="" type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> Building Board of Appeals | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Transient Room Tax Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Explore Lincoln City Committee |

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Joshua D. Zantello	DATE:	12/22/2022
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	[REDACTED]	CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: Yes Length of Time 3 years
- Do you reside within the Urban Growth Boundary? Yes Length of Time 10 years
- Do you reside within the Lincoln County School District North: Yes No
- Are you a registered voter in Lincoln County? Yes No
- Are you a Lincoln City business owner or Manager? Yes No
- If yes, please indicate which business you own/manage? Zantello Law Group



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

I coach youth sports (t-ball, soccer, and basketball); I use all the parks & recs facilities often (community center, open spaces, parks, beach accesses); I participate in parks & rec activities (volleyball, ocean's edge 5k, jingle bell jog); I sponsor youth sports teams.

List names of volunteer/work supervisors:

Mike Davies - Recreation Manager - supervises youth sport coaches

Please provide any previous experience with committees, boards or commissions and positions held:

Kiwanis Club of Lincoln City - Board since 2014; VP, Pres Elect, and now President
Board Member of Lincoln City Chamber of Commerce (2022-Present), Coastal Support Solutions (2022-Present), First Baptist Church (2014 - 2017 President); Warming Shelter ('18)

Dan Wentz - friend; Weston Fritz - friend

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee: Jeanne Sprague - fellow Board Chamber and softball teammate
Susan Wahlke - friend; Kiwanian; former co-worker; Mitch Parsons - fellow board member with Chamber, and softball teammate; Sydney Kasnar - fellow board Coastal Support Service
Rick Mark - friend; co-worker; Coach Boone Marker and Ed Dreistadt - friend; Kiwanian

Explain why you would like to serve on this board, commission, or committee:

My kids and I love what Parks & Rec have been doing the past few years; Jeanne Sprague is making a big impact in this community; I'd like to help out however I can and continue the great progress I've seen the past several years.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Geoff Petersen [redacted] Phone: [redacted]

Name: Boone Marker [redacted] Phone: [redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[redacted signature]
SIGNATURE

12/22/2022
DATE



City Recorder
 City of Lincoln City
 PO Box 50
 Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Joshua D. Zantello
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Parks & Recreation Committee
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	12/22/2022
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

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To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.



SIGNATURE

12/22/2022

DATE



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: December 30, 2022
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Joshua Zantello
Position Applied For: Parks and Recreation Board

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Joshua Zantello (**Parks and Recreation Committee**)

Reference: Geoff Petersen

Reference taken by; date / time: December 29, 2022

- What is your professional relationship with the applicant?

Joshua and I are members of Kiwanis Club Lincoln City.

- How long have you known him/her?

4 years

- How long have you worked / served with him/her?

4 years

- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?

Josh was a member of KCLC when I joined. However, I would be willing to select Josh for service in an instant.

- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Parks and Recreation Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Parks and Recreation Committee? Does the applicant possess good decision making / reasoning skills?

Josh has served on the board of directors with KCLC. As an attorney, Josh possesses all the skills we need in a good community board member. He is excellent in his reasoning and decision making skills, very intelligent, and is very thoughtful in his actions.

- Does the applicant have good communication / interpersonal skills?

Josh has impeccable communication and interpersonal skills.

- Is he/she responsible and reliable?

Josh is very responsible and reliable. He is always on time and ready to get started on whatever we may be facing. If he is unable to attend an event, or needs to reschedule, he always does so with as much notice as possible.

- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?

It is difficult to discern his strongest skills as he is a very well rounded individual. I would have to say his communication skill would certainly be one. He is very good at addressing a group and presenting information. I think his next strongest skill would be organization. He is very organized and manages his time very well.

A special skill for Josh I think would be his leadership skills. While many people possess this skill, Josh has mastered it. He is President of KCLC, owns his own law firm, and is a major in the National Guard, as well as a father of two wonderful boys. He carries out all these roles with a sense of pride that make those around him want to rise to the occasion as well. Josh is a natural born leader.

- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together?

NA. Josh is still the active President of KCLC.

- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Parks and Recreation Committee?

Josh needs no accommodations. He is a perfect fit for this role.

- Do you have any other feedback you could provide that would help us make a decision?

In my time working with Joshua Zantello, I have been very impressed by him. He carries himself with pride and professionalism, inspires others, and cares for all. I feel the City of Lincoln City would be remiss to pass up such an individual for service to this community.

Council Communication

Appointment to Sustainability Committee - Multiple Applicants

Meeting Date:	January 23, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question:

Should the City Council approve the appointment of Holly Laspa or Monica Spady for a "City Resident" position on the Sustainability Committee?

Staff Recommendation:

Ms. Laspa and Ms. Spady would serve on the Sustainability Committee. The term would expire on October 7, 2025. Mayor Wahlke and Councilor Hoagland interviewed Ms. Laspa and Ms. Spady. Mayor Wahlke asked to move Ms. Laspa and Ms. Spady's applications forward for consideration of a position on the Sustainability Committee. Both Ms. Laspa and Ms. Spady qualifies for a "City Resident" position.

Background:

The Sustainability Committee currently has one (1) vacant position. The position has a term that will expire October 7, 2025.

Authority:

LCMC 2.06.015 (F)

F. Appointment. At a regular or special meeting of the city council the question of appointment of one or more applicants for appointive bodies can be placed on the agenda for consideration. No applicant will be placed on the agenda until completion of the interview, background and reference check process. At the time the matter is considered the individual interviewers may give their recommendation, or, as applicable, an interview subcommittee member may give the recommendation of the subcommittee. The council may use the ballot nomination process to narrow the applicant field. Notwithstanding any other provision in the municipal code, all appointments shall be by motion, approved by majority vote of the governing body.

G. Reappointment. Requests for reappointment of appointive public officers (only for those who have previously completed the interview, reference and background check) may be processed using this abbreviated procedure. The council, by motion, may direct the city recorder to place appointive officers on the agenda for reappointment, subject only to an update of the background investigation (pursuant to a current release). Unless council by motion directs the use of the abbreviated procedure, all reappointments shall follow the procedure identified herein for original applicants.

Council Options:

Review and discuss the recommendation for appointment of Crista Wray to the "City Resident" position on the Sustainability Committee for a term expiring October 7, 2025.

Potential Motions:

1. **I move to appoint _____ to the Sustainability Committee for a "City Resident" position with a partial three-year term. The term expires 10/07/2025.**
2. **I move to leave the position open for the Sustainability Committee for (amount of time).**

Attachments:

Laspa, Holly_Application_Redacted.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-Holly Laspa.pdf (PDF)

Holly Laspa-ref 1 completed_Redacted.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS_FAIL DETERMINATION-Monica Spady.pdf (PDF)

Ref 1 completed-Spady_Redacted.pdf (PDF)

Spady PDF.pdf (PDF)



CITY OF LINCOLN CITY Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Arts Committee ^{2nd} | <input checked="" type="checkbox"/> Parks and Recreation Board ^{3rd} |
| <input type="checkbox"/> *Budget Committee | <input type="checkbox"/> Planning Commission |
| <input checked="" type="checkbox"/> Community Sustainability Committee ^{1st} | <input checked="" type="checkbox"/> Library Board ^{3rd} |
| <input type="checkbox"/> URA Ad Hoc Committee | |

RECEIVED
DEC 15 2022

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Holly Laspa	DATE:	11/29/2022
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City, OR, 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:		CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 1 yr 5 month

Do you reside within the Urban Growth Boundary? Yes Length of Time 1 yr 5 mo

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

9+ years fintech work experience, 10+ years classroom volunteer, 5+ years library volunteer, 6 month Driftwood Library volunteer. Passionate about the community, environment, and our sustainable future. I am reliable, engaged with the community, and excited.

List names of volunteer/work supervisors:

Driftwood Library - Rachel Humpert

Fort Vancouver Regional Library - Judy Reel

Head Start/EOCF - Gini Engh

Please provide any previous experience with committees, boards or commissions and positions held:

Engagement Committee - Vice President

Jr Kiwanis Club - Vice President

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

N/A

Explain why you would like to serve on this board, commission, or committee:

I have a strong passion for our community and relish the opportunity to enhance the future of our city. I plan to reside in LC for many years and have a great interest in shaping and nurturing the area to be somewhere we all love.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Judy Reel [Redacted] Phone: [Redacted]

Name: Rachel Humpert [Redacted] Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[Handwritten Signature]
[Redacted Signature Area]

SIGNATURE

12/14/22

DATE



City Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Holly Laspa
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
HOME PHONE:	
CELL PHONE:	[REDACTED] [REDACTED] [REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	
CELL PHONE:	[REDACTED]

DATE:	12/14/22
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.


SIGNATURE

12/14/22

DATE



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: December 27, 2022
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Holly Laspa

Position Applied For: Community Sustainability Committee, Arts Committee,
Parks and Recreation Board, Library Board

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information;
- One reference provided a response.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director

Nina Graham

From: [REDACTED]
Sent: Monday, December 19, 2022 10:24 AM
To: Nina Graham
Subject: Re: Holly Laspa-Committee applicant reference check-Community Sustainability Committee

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ms. Graham,

Due solely to my lack of computer skills, rather than "fill out" the reference form I thought I would provide this narrative with the information you seek.

I have known Holly Laspa for approximately seven years and worked with her as a volunteer for our local library.

I have complete confidence in Holly's ability to be a productive and valued board member. Holly is analytical, articulate and analyzes problems thoroughly. Equally important to me is her reliability. When Holly volunteers for a project, she is creative about how to see the project to completion and follows through responsibly and reliably.

Holly is very good at listening to others and trying to reach a consensus, which I believe are critical skills for board members. I strongly recommend Holly Laspa to serve on Lincoln City public committees.

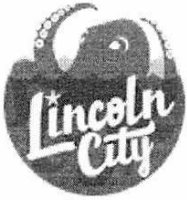
Judith Reel

On Mon, Dec 19, 2022 at 9:59 AM Nina Graham <ngraham@lincolncity.org> wrote:

Hello-

Please see attached reference form for Holly Laspa who is applying for our Community Sustainability Committee/Arts Committee/Parks and Recreation/Library. Please fill out and send back to me at your earliest convenience.

Thank you,



Niña Graham, HR Supervisor

City of Lincoln City | Administration

801 SW Hwy 101 | PO Box 50 | Lincoln City, OR

P: 541.557.1139 | F: 541.557.1139

E: ngraham@lincolncity.org | W: LincolnCity.org

Office Hours: Mon & Wed-Remote; In office-Tues, Thurs. & Friday



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: December 23, 2022
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have passed the background check.

Name: Monica Spady

Position Applied For: Community Sustainability Committee

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information;
- One reference provided a response.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director

Nina Graham

From: [Redacted]
Sent: Wednesday, December 21, 2022 8:11 AM
To: Nina Graham
Subject: Re: Committee applicant reference check-Community Sustainability Committee
Attachments: image001.png; Commission applicant-Spady ref 1.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Nina,

I am responding in reference to Monica Spady and the opening on the Community Sustainability Committee.

I have known Monica for over 20 years. Her husband manages the small manufacturing company I have owned in Portland for more than 40 years. She often sits in on our corporate meetings. Her advice and consult is invaluable due to her extensive knowledge of the manufacturing operations.

Monica has always been mature beyond her years. As a college student she started a successful manufacturing business making jackets. She has always been the youngest person in her area of expertise.

My wife and I have been full time residents of Lincoln City for more than 27 years. Monica and her husband visited many times until they purchased their first home on Devils Lake. She is extremely interested in the history of this area as well as the day to day growth of the city.

Monica would be a great asset to your committee as she always shows total interest and offers support to any project she pursues.

Please feel free to contact me about any questions regarding Monica and her ability to perform as a committee member.

Roger

Roger Smith

[Redacted]

[Redacted]

On Dec 19, 2022, at 9:36 AM, Nina Graham <ngraham@lincolncity.org> wrote:

Hello-

Please see attached reference form for Monica Spady who is applying for our Community Sustainability Committee. Please fill out and send back to me at your earliest convenience.

Thank you,

Niña Graham, HR Supervisor

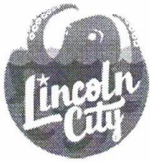
City of Lincoln City | Administration

801 SW Hwy 101 | PO Box 50 | Lincoln City, OR

P: 541.557.1139 | F: 541.557.1139

E: ngraham@lincolncity.org | W: LincolnCity.org

Office Hours: Mon & Wed-Remote; In office-Tues, Thurs. & Friday



CITY OF LINCOLN CITY
Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|--|---|
| <input type="checkbox"/> Arts Committee
<input type="checkbox"/> *Budget Committee
<input checked="" type="checkbox"/> Community Sustainability Committee
<input type="checkbox"/> URA Ad Hoc Committee | <input type="checkbox"/> Parks and Recreation Board
<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Library Board |
|--|---|

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Monica Spady	DATE:	12/13/2022
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	same		
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:		CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 9 years

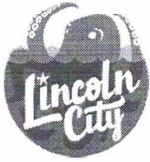
Do you reside within the Urban Growth Boundary? Yes Length of Time _____

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

Chartered Sustainable & Responsible Investing Counselor (CSRIC)
ESG CFA Certification student - exam to be taken March 2023
UBS AM's Global Sustainable Engagement Committee

List names of volunteer/work supervisors:

Please provide any previous experience with committees, boards or commissions and positions held:

No previous boards I've been on...I travelled full time for the last 20 years before Covid.
I do have however, have extensive experience presenting & communicating with boards as that is part of my current job and why I traveled extensively.

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

None.

Explain why you would like to serve on this board, commission, or committee:

I have extensive background in ESG/SI education and would like to utilize this background to support my local community not only because I am a current resident but for future generations to come.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Roger Smith (Lincoln City neighbor) Phone: _____

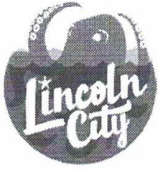
Name: Bill & Julie Sexton Phone: _____

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

SIGNATURE

12/13/2022

DATE



City Recorder
 City of Lincoln City
 PO Box 50
 Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Monica Elizabeth Spady
START DATE:	01/01/2023
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	same
HOME PHONE:	
CELL PHONE:	
PERSONAL E-MAIL ADDRESS:	

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	
CELL PHONE:	[REDACTED]

DATE:	12/13/2022
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



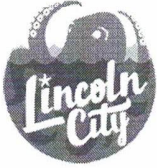
FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION

The City of Lincoln City ("the City") to which you have applied for employment, may request an investigative consumer report about you from a third party consumer reporting agency, in connection with your employment, or application for employment (including independent contractor or volunteer assignments, as applicable).

An "investigative consumer report" is a background report that includes information from personal interviews (except in California, where that term includes background reports with or without information obtained from personal interviews). The most common form of an investigative consumer report in connection with your employment is a reference check through personal interviews with sources such as your former employers and associates, and other information sources. The investigative consumer report may contain information concerning your character, general reputation, personal characteristics or mode of living. You may request more information about the nature and scope of an investigative consumer report, if any, by contacting the City.

You have the right, upon written request made within a reasonable time, to request (1) whether an investigative consumer report has been obtained about you, (2) disclosure of the nature and scope of any investigative consumer report and (3) a copy of your report. These reports will be conducted by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Phone: 1-800-955-5306; www.pinnacleprof.com**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.



**FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR
BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED
BODY**

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

SIGNATURE

12/13/2022

DATE

Council Communication

Update: Proposed Nelscott Urban Renewal Plan

Meeting Date:	January 23, 2023	Primary Staff Contact:	Alison Robertson
Department:	City Council	E-Mail:	alisonr@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 Min

Objective:

Provide update to Council on the Proposed Nelscott Urban Renewal Plan.

Background & Next Steps:

On April 27th, 2019, Council directed staff to move forward with creating two new Urban Renewal Plans. The City has a contract with Elaine Howard Consulting to provide expertise and assist with the formation of these Areas. The Roads End/Villages at Cascade Head Plan was adopted in 2020. For the Nelscott (Nelscott SE 23rd Street Industrial/Mixed-Use) Area, staff has been doing needed preparation in advance of moving forward with a proposed Plan. That included cleaning up discrepancies regarding the Urban Growth Boundary. With that work complete, Council directed staff at their July 24th, 2022 regular meeting to assemble an Ad-Hoc Committee to advise on the creation of a Nelscott Urban Renewal Plan.

The Nelscott Urban Renewal Plan Advisory Committee was fully seated in December 2022 and meetings will begin on February 1, 2023. The committee consists of 12 members including City and taxing district representatives and community members. There will be a total of four Advisory Committee Meetings and two Community Open Houses that will be hosted after Advisory Committee Meeting #2 and #3. All meetings are open to the public. It is anticipated that the committee work will be completed by April 26, 2023. The Committee members and meeting schedule with topics is attached. Besides the Advisory Committee Meetings and Open Houses, there will be other meetings on this subject for Planning Commission, City Council, the Urban Renewal Agency, and the County. Staff will bring back updates to keep City Council and the public informed.

Council Action:

None needed. For informational purposes only.

Attachments:

AdvisoryCommittee_MeetingSchedule_2023_0114 (PDF)

Meeting Schedule Urban Renewal Draft Nelscott Plan Advisory Committee - (as of 1-14-2023)

Date (Wednesdays)	Time	Location	Meeting	Agenda Items
February 1st	3:30 - 5:00 PM	City Hall, Third Floor (801 SW Hwy 101)	Advisory Committee Meeting #1	Urban Renewal 101 Urban Renewal in Lincoln City Nelscott Feasibility Study Nelscott Boundary (Proposed)
February 15th	3:30 - 5:00 PM	City Hall, Third Floor (801 SW Hwy 101)	Advisory Committee Meeting #2	Nelscott Boundary (Confirm) Projects List
February 15th	6:00 - 7:00 PM	Location To Be Determined	Community Open House #1	Urban Renewal 101 Urban Renewal in Lincoln City Projects List - Community Input
March 15th	3:30 - 5:00 PM	City Hall, Third Floor (801 SW Hwy 101)	Advisory Committee Meeting #3	Review Community Input Financial Projections
March 15th	6:00 - 7:00 PM	Location To Be Determined	Community Open House #2	Community Input
April 26th	3:30 - 5:00 PM	City Hall, Third Floor (801 SW Hwy 101)	Advisory Committee Meeting #4	Review Community Input Review Draft Plan

Please note: The dates and times for these meetings and open houses are part of a much larger Adoption Timeline and these dates have been strategically selected in order to keep the project moving forward in a timely manner ultimately resulting in City and County consideration of the Adoption of the Urban Renewal Plan by September 2023. Though we will have a little room to move these meetings around, it is our intention to stick to this timeline as closely as possible. Your flexibility will be appreciated.

12 member Advisory Committee includes: Lincoln City Mayor; Lincoln City Urban Renewal Agency Chair; Lincoln City Planning Commission Chair; Lincoln City, City Manager; Lincoln City Finance Director; Lincoln County Commissioner Representative; North Lincoln Fire & Rescue, Fire Chief or delegate; Lincoln County School District, Superintendent or delegate; Confederated Tribes of Siletz Indians, Planner or delegate; and three Lincoln City community members.

Council Communication

New Community Park in Taft Design/Build Contract Award

Meeting Date:	January 23, 2023	Primary Staff Contact:	Jeanne Sprague
Department:	Parks and Recreation	E-Mail:	JSprague@lincolncity.org
Secondary Dept:	Public Works	Secondary Contacts:	Jeanne Sprague
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

Question

Should the City Council award the Progressive Design-Build Services for the new Community Park Project in Taft to K&E Excavating, Inc.?

Staff Recommendation:

City Council should award the Progressive Design-Build Services for the new Community Park in Taft Project to K&E Excavating, Inc.

Authority:

LCMC 2.05.060. (Public improvement contracts shall be awarded by competitive bid or as provided by the Public Contracting Code or these rules) In this case, the Council approved the exemption from competitive bid.

Background:

Staff advertised for Proposals for Progressive Design-Build Services for the new Community Park in Taft on November 7, 2022 with a deadline to submit of December 22, 2022. We received four proposals from:

- Emery and Sons Construction Group, LLC
- Helligso Construction Company
- Bateson Enterprises, LLC
- K&E Excavating, Inc.

The selection team reviewed the proposals and found all four proposals included complete teams and demonstrated that they were qualified to perform the work. We chose to interview two of the four teams, Emery and Sons Construction Group, LLC and K&E Excavating, Inc. Staff is recommending the project be awarded to K&E Excavating, Inc.

The selected team included DOWL (Civil, Environmental Engineering and Surveying), Understory Landscape Architecture, Bearing Architecture and Shannon & Wilson Geotechnical Engineering.

Financial Impact:

The total funds committed to this project to date is \$2,450,000. We recommend this amount be awarded under this contract. We will design and construct each phase to the available funds.

During the first phase, K&E will develop a 30% design for the complete park construction and provide a cost estimate for future phases of the project.

Potential Motions:

Move to award the Progressive Design-Build Services for the new Community Park in Taft Project to K&E Excavating, Inc. in the amount of \$2,450,000.

Council Communication

Letter to Governor Kotek regarding Executive Orders 23-02 & 23-03

Meeting Date: January 23, 2023	Primary Staff Contact: Daphnee Legarza
Department: City Council	E-Mail: DLegarza@lincolncity.org
Secondary Dept:	Secondary Contacts:
Approval:	Estimated Time: 10 Minutes

Question:

Should the City Council approve the letter?

Staff Recommendation:

Staff recommends the Council to approve the letter.

Attachments:

Draft Lincoln City City Council Letter to Governor Kotek (PDF)
Lincoln County Board of Commissioners Letter to Governor Kotek (PDF)
Oregon Coastal Caucus Letter to Governor Kotek (PDF)
Executive Order No. 23-02 - Declaring State of Emergency Due to Homelessness
Executive Order No. 23-03 - Directing State Agencies to Prioritize Reducing Homelessness

January 23, 2023

The Honorable Tina Kotek
Office of the Governor
900 Court Street NE, Suite 254
Salem, OR 97301

RE: Executive Orders 23-02 & 23-03

Madam Governor:

The City Council of the City of Lincoln City thanks you for your efforts to address homelessness in Oregon by taking quick and decisive action through Executive Orders 23-02 and 23-03. However, we are disappointed that the criteria used to determine areas to be assisted did not take into consideration the reality of life here on the Oregon coast. As a result, our coastal community may not benefit from your recent Executive Orders.

We feel there is important data missing from the parameters of your emergency declaration. Lincoln City, and north Lincoln County, have seen a large increase in the number of unhoused individuals and families. In fact, it is estimated that one in five of our school-aged children are experiencing homelessness. Our families' average income is so low, that all children in our school district receive free breakfast and lunch. We have non-profits in our area that help to provide these students with food when they are not attending school. We note that the Point In Time (PIT) surveys exclude homeless students who may be temporarily sheltered. Many of these students are living involuntarily doubled-up on couches, living room floors, or in basements. They deserve a safe, secure, long-term place to sleep. Tragically, these students are often disproportionately young people of color and members of the LGBTQ+ community.

Lincoln County is one of eight pilot projects in the State designated in HB 4123 to conduct a homeless plan. That designation indicates that Lincoln County has a homeless crisis and is in need of assistance by the State.

As you acknowledged in the text of EO 23-03, the PIT counts used to determine eligibility for assistance are an "underestimate of total need." The use of outdated, potentially unreliable, and Continuum-aggregated PIT counts has led to the exclusion of Lincoln County from the attention and resources our community will require to address serious homelessness needs.

We are pleased that your order Directing State Agencies to Prioritize Reducing Homelessness (23-03) is intended to reach all areas of the state. However, that order references "spans across Eastern Oregon, parts of the Columbia River Gorge, portions of Southern Oregon, and the Southern Oregon Coast". We are troubled that the Central Coast was excluded. In an era of increasing rural-urban divides, we urge you to consider providing the same level of care and attention to the Rural Oregon Continuum as you have demonstrated to the rest of the State. Homelessness is not just an urban issue, but an Oregon issue.

We understand that you look forward to meeting with the League of Oregon Cities and the Oregon Mayors Association to discuss the OMA's Homeless Taskforce's proposal regarding funding to cities to

The Honorable Tina Kotek
January 23, 2023
Page 2

address homelessness. That is encouraging and we are hopeful that those meetings are productive. The OMA's proposal will help immensely, but further assistance is needed.

We also understand that you have urged the 2023 legislature to take up this investment package as quickly as possible, and to build upon it with a comprehensive housing and homelessness package by the end of the session. We respectfully request amendment to your homelessness emergency declaration to include Lincoln County and other counties that have also seen a large increase in homelessness. Oregon's homelessness issue must be addressed, and rural areas cannot be ignored.

Thank you again for your action on this important issue, and we hope that you see the need for an amendment to Executive Orders 23-02 and 23-03.

Sincerely,

Susan Wahlke, Mayor
on behalf of the entire Lincoln City City Council



Board of Commissioners

Courthouse, Room 110
225 W. Olive Street
Newport, Oregon 97365
(541) 265-4100
FAX (541) 265-4176

January 12, 2023

Governor Tina Kotek
Office of the Governor
900 Court Street
Suite 254
Salem, OR 97301

Governor Kotek:

The Lincoln County Board of Commissioners appreciates your efforts to address homelessness. However, Lincoln County as both a rural and coastal county has seen, felt, and tried to respond to the significant increases in homelessness. As such, we are troubled and upset we were not included in the declaration.

While we understand the criteria used to declare a state of emergency, we feel there are important data sets missing from the establishment of this emergency. First Lincoln County has seen a large increase in the amount of homelessness, but we believe we peaked early, before the dates you selected to determine eligibility for your state of emergency. Second, the criterion used does not seem to include homeless youth unless they happened to be counted in a PIT count. We have one of the largest homeless student populations in the state with roughly 1/5 of our k-12 population experiencing homelessness. These students are typically not counted in a PIT count.

We respectfully request an amendment to your homelessness emergency declaration to include Lincoln County and other counties who have also seen a large increase in homelessness. Homelessness is not an urban problem, it is unfortunately, an Oregon problem, and the more counties that can be included in this important endeavor the more deep and systematic changes we can make in our state to address this issue. Beyond the inclusion of Lincoln County in your declaration, we also encourage you to look at other possible tools such as: Initiating a legislative amendment of the use and set aside of 25% of tax increment financing districts to use funds to address housing and homelessness or the creation of syndications with Community Development Financial Institutions to seek financial assistance for homeless housing and more importantly state resources to help enhance business opportunities for rural and coastal homeless service providers.

We hope that you appreciate our concerns and opportunities. Should you have any questions, we are available at your convenience to support Oregon. Thank you again for your action on this important issue.


Kaety Jacobson
Chair



Claire Hall
Commissioner



Casey Miller
Commissioner



Oregon Coastal Caucus

Rep. David Gomberg, Chair
Sen. Dick Anderson, Vice Chair
Sen. Designee David Brock Smith
Sen. Suzanne Weber
Rep. Boomer Wright
Rep. Cyrus Javadi

January 11, 2023

The Honorable Tina Kotek
Office of the Governor
900 Court Street NE, Suite 254
Salem, OR 97301

RE: Executive Orders 23-02 & 23-03

Madam Governor,

The members of the Oregon Legislative Coastal Caucus thank you for taking swift and decisive action to address the rising rates of homelessness in Oregon through Executive Orders 23-02 and 23-03. We agree that there is a pressing problem. But we are disappointed that the Balance of State Continuum of Care (Rural Oregon Continuum) was not designated to receive emergency support through Executive Order 23-02. As a result, the vast majority of our coastal communities will not be benefitted by the Order.

Across the Rural Oregon Continuum, you find Oregon's least populous counties and smallest cities. It is important to note that smaller communities such as ours have fewer resources to complete a thorough and accurate Point In Time (PIT) count. In 2022 for example, with a COVID surge looming, Lincoln County relied on a simple "windshield survey" in which volunteers were tasked with driving up and down Highway 101 to survey for individuals contending with unsheltered homelessness.

However, even in the best conditions, PIT counts have their limitations. As you acknowledged in the text of EO 23-03, these PIT counts are an "underestimate of total need." Knowing this, we are concerned that the methodology behind the exclusion of the Rural Oregon Continuum from EO 23-02 may ultimately lead to our coastal and rural communities being overlooked and underserved throughout this process.

While most Continuums are comprised of one or two counties, the Rural Oregon Continuum contains twenty-five. Aggregating PIT counts across the Oregon Coast, Eastern Oregon, Gorge regions, and much of Southern Oregon will statistically invalidate unique local circumstances which are not lost in more compact Continuums and likely result in outcomes that underrepresent homelessness in western regions.

Weather patterns, the economy, and visitor dynamics are dramatically different between Harney and Clatsop County. Fewer unsheltered individuals linger in sub-zero regions. And the hospitality industry suffered closures and layoffs during the pandemic which left coastal residents disproportionately homeless.

Finally, we note that the Point In Time surveys exclude homeless students who may be temporarily sheltered. The 2022 Lincoln City PIT Count Report indicates the count does not tell us how many



Oregon Coastal Caucus

Rep. David Gomberg, Chair
Sen. Dick Anderson, Vice Chair
Sen. Designee David Brock Smith
Sen. Suzanne Weber
Rep. Boomer Wright
Rep. Cyrus Javadi

students may be living involuntarily doubled-up on couches, living room floors, or in basements. As many as one-in-five coastal students do not have a safe, secure, long-term place to sleep, and tragically, these students are often disproportionately young people of color and members of the LGBTQ+ community.

We are pleased that your order Directing State Agencies to Prioritize Reducing Homelessness (23-03) is intended to reach all areas of the state. However, that order references “spans across Eastern Oregon, parts of the Columbia River Gorge, portions of Southern Oregon, and the Southern Oregon Coast”. We are troubled that the North Coast and Central Coast were excluded.

The use of outdated, potentially unreliable, and Continuum-aggregated PIT Counts has led to the exclusion of Coastal Oregon from the attention and resources our communities will require to address serious homelessness needs.

In an era of increasing rural-urban divides, we members of the Legislative Coastal Caucus urge you to consider providing the same level of care and attention to the Rural Oregon Continuum as you have demonstrated to the rest of the State. Homelessness is not just an urban issue, but an Oregon issue.

Providing a pathway for counties and cities within the Rural Oregon Continuum to opt-in to receive the same level of emergency response and resources outlined in EO 23-02 would send a clear message to rural Oregonians that their communities have not been forgotten.

Sincerely,

Rep. David Gomberg, Chair

Sen. Dick Anderson, Vice Chair

Senate-Designee David Brock Smith

Sen. Suzanne Weber

Rep. Boomer Wright

Rep. Cyrus Javadi