

CITY OF LINCOLN CITY  
CITY COUNCIL AGENDA

**MONDAY SEPTEMBER 12, 2022 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](mailto:publiccomment@lincolncity.org), by attending the City Council meeting, or by telephone.

Public comments submitted by email to [publiccomment@lincolncity.org](mailto: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](mailto:publiccomment@lincolncity.org)\*\***

Citizens requesting to give public comment via telephone must email [publiccomment@lincolncity.org](mailto: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 phone number 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 telephone will need to leave the microphone muted 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](mailto: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](http://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 Special Meeting – August 19, 2022, 10:30 AM
2. Regular Meeting – Minutes of Regular Meeting – August 22, 2022, 6:00 PM
3. Regular Meeting – Minutes of Work Session – August 24, 2022, 3:30 PM

**E. COUNCIL DELIBERATIONS**

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

**G. PRESENTATIONS**

4. Introduction of Chief Executive Officer at Samaritan North Lincoln Hospital and the Costal STARS project.

**H. PUBLIC HEARING / ORDINANCE**

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. PUBLIC COMMENT ON RESOLUTION NO. 2022-39

**J. ORDINANCES**

2. ORDINANCE NO. 2022-33 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 8 (HEALTH AND SAFETY), AMENDING CHAPTER 8.16 (SOLID WASTE), MODIFYING SECTIONS 8.16.050, 8.16.100 8.16.110 TO RECOGNIZE MONTHLY GARBAGE SERVICE AS AN OPTION, NOT AN EXCEPTION, TO THE ORDINANCE.

**K. RESOLUTIONS**

3. RESOLUTION 2022-38 A RESOLUTION OF THE CITY OF LINCOLN CITY APPROVING AN APPLICATION FOR EXCEPTION TO THE LIMITATION ON PROVIDING WATER SERVICE OUTSIDE THE CITY LIMITS UNDER LINCOLN CITY MUNICIPAL CODE SECTION 13.12.050.B.(6), AFFECTING PROPERTY ON SCHOONER CREEK ROAD, LINCOLN COUNTY, IDENTIFIED AS LINCOLN COUNTY TAX LOT 07-11-25-00-00115-00, APPLICANT KREUTZER.
4. RESOLUTION NO. 2022-39 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING / CLARIFYING WATER RATES FOR FIRE FLOW TESTING AND ASSOCIATED FEES
5. RESOLUTION NO. 2022-40 A RESOLUTION RESCINDING RESOLUTION NO. 2021-39 OF THE CITY OF LINCOLN CITY; AND REDESIGNATING BANK DEPOSITORIES AND AUTHORIZED SIGNATORIES FOR CHECKS AND DRAFTS OF THE CITY OF LINCOLN CITY

**L. SPECIAL ORDER OF BUSINESS**

6. Appointment to Sustainability Committee - Applicant Crista Wray

**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 SPECIAL MEETING

August 19, 2022, 10:30 AM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at [www.lincolncity.org](http://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 10:30 AM.*

**B. ROLL CALL**

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

*Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Lt. Winn, Lincoln City Police Department; Debbie Bridges, Finance Director; Jamie Young, City Recorder.*

**C. RESOLUTIONS**

1.

<b>MOTION:</b>	<b>Motion to Amend Resolution 2022-37 to Reflect an Increase 9.5% to 10.5%, Instead of 12%</b>
<b>RESULT:</b>	<b>Died Without a Second</b>

2. RESOLUTION NO. 2022-37 A RESOLUTION OF THE CITY OF LINCOLN CITY SUBMITTING TO THE VOTERS THE QUESTION OF AMENDING THE LINCOLN CITY CHARTER TO INCREASE THE TRANSIENT ROOM TAX FROM NINE AND ONE-HALF PERCENT (9.5%) TO TWELVE PERCENT (12%) FOR PUBLIC SAFETY, GENERAL GOVERNMENT AND TOURISM-RELATED FACILITIES.

<b>MOTION:</b>	<b>Motion to Approve Resolution 2022-37 TRT Increase as Written</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>AYES:</b>	Wahlke, Starmer, Casper, Parsons
<b>NAYS:</b>	Hoagland, Mark
<b>ABSENT:</b>	Kasner
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Council and Staff had a discussion regarding the TRT increase from 9.5% to 12%. Ms. Bridges said an increase from 9.5% to 10% would fund the LINT Detective Position.*

#### **D. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 11:00 AM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

August 22, 2022, 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](http://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; Lt. Winn, Lincoln City Police Department; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; Debbie Bridges, Finance Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

**C. PLEDGE OF ALLEGIANCE**

Mayor Wahlke led The Pledge of Allegiance.

**D. CONSENT AGENDA**

1. Regular Meeting – Minutes of Regular Meeting – August 8, 2022, 6:00 PM

**E. COUNCIL DELIBERATIONS**

*None*

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

*None*

**G. PRESENTATIONS**

2. Housing Needs Analysis (HNA) Update

*Tim Wood & Todd Chase from 3J Consulting presented the Housing Needs Analysis. Council discussed regarding the Portland State University number. Mr. Chase said there is a requirement by the State to use these forecasts. Ms. Skinner spoke about the buildable lands inventory. Mayor Wahlke corrected the presentation to include Nelscott, Taft, and Cutler City within City limits. Council and Staff had a discussion regarding affordable housing as well as inspections of short and long-term rentals.*

3. Comprehensive Plan Update - May 2022 Questionnaire Results

*Anne Marie Skinner, Planning and Community Development Director, presented the results of the May 2022 questionnaire results.*

4. Cascade Head Overview Presentation

*Duncan Berry and Dan Twitchell both residents of Cascade Head, gave a presentation on the Cascade Head Biosphere Collaborative (CHBC) and their upcoming 5-year plan. Councilor Kasner requested a copy of the volunteer spreadsheet.*

5. Motion to Waive the Fees for the Lincoln City Senior Center FY 2022-23

*Tamara Staples and Antonio Pores from the Lincoln City Senior Center gave a presentation regarding the Senior Center activities and the August calendar. Ms. Staples asked Council to waive the fees for the 2022-23 fiscal year. Council and Staff had a discussion regarding the capacity used and hours open. Councilor Hoagland asked if there was a charge for bingo and if they have the rights to play the movies. Councilor Hoagland asked about the Texas Holdem games. Mr. Pores said they are working on the gambling permit. Councilor Hoagland said he wants everything to be legal. Councilor Casper asked how long it will take. Mr. Pores thought it would be a few weeks. Councilor Kasner asked when they are planning to have the speakers and offered resources. Councilor Hoagland spoke about the vision statement the Newport Senior Center put out. Mayor Wahlke said that was part of their award.*

**H. PUBLIC HEARING / ORDINANCE**

*None*

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. CPA ZC 2022-07 Spyglass Ridge (public hearing continued to October 24, 2022)

The public hearing continued to Oct 24, 2022, with unanimous consent.

2. Alternative Contracting Method for Pool Re-Grouting Project - Resolution 2022-35

No Citizens were present for comment. Ms. Sprague and Ms. Reid spoke about the chipping of the grout on the inside and bottom of the pool. Councilor Hoagland asked why Staff was not used instead of contracting. Ms. Sprague explained this was more complicated and needs to have an expert.

## J. ORDINANCES

## K. RESOLUTIONS

3. RESOLUTION NO. 2022-31 A RESOLUTION OF THE CITY OF LINCOLN CITY IMPLEMENTING LCMC 13.08.095 REGARDING DEFERRAL OF SYSTEM DEVELOPMENT CHARGES; APPROVING AN APPLICATION BY HABITAT FOR HUMANITY OF LINCOLN COUNTY FOR THE DEFERRAL OF PAYMENT OF SYSTEM DEVELOPMENT CHARGES FOR DEVELOPMENT OF TWO SINGLE-UNIT DWELLINGS APPROVED UNDER PERMIT NUMBERS 521-21-000687-STR AND 521-21-000688-STR ON REAL PROPERTY ADDRESSED AS 4647 NE UNION LOOP AND 4668 NE UNION LOOP, LINCOLN CITY, OREGON, RESPECTIVELY.

<b>MOTION:</b>	<b>Motion to Approve Resolution 2022-31 SDC Deferral 4647 and 4669 NE Union Loop</b>
<b>MOVER:</b>	<b>Judy Casper, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>AYES:</b>	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
<b>AWAY:</b>	Starmer
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

4. RESOLUTION NO. 2022-32 A RESOLUTION OF THE CITY OF LINCOLN CITY IMPLEMENTING LCMC 13.08.095 REGARDING DEFERRAL OF SYSTEM DEVELOPMENT CHARGES; APPROVING AN APPLICATION BY STEWARDSHIP DEVELOPMENT LLC FOR THE DEFERRAL OF PAYMENT OF SYSTEM DEVELOPMENT CHARGES FOR DEVELOPMENT OF AFFORDABLE HOUSING ON REAL PROPERTY 07-11-11-BB-00102-00 AND 07-11-BB-00100-00, LOCATED AT THE NORTHEAST CORNER OF NE HIGHWAY 101 AND NE 29TH STREET, LINCOLN CITY, OREGON.

<b>MOTION:</b>	<b>Motion to Approve Resolution 2022-32 - SDC Deferral Wecoma Place</b>
<b>MOVER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>SECONDER:</b>	<b>Sydney Kasner, Councilor Ward 2</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

Councilor Mark asked how the cost is made up for giving the SDC deferral. Mr. Appicello spoke about the ordinance that was done for the SDC deferral. Councilor Mark asked that the impact be brought forward with potential resolutions in the future. Mr. Appicello said that alternate options can be proposed instead of complete deferral. Ms. Bridges appeared by phone to answer the SDC question. Mayor Wahlke said that Council will have to look into fund methods later.

5. RESOLUTION 2022-34 A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET OF THE CITY OF LINCOLN CITY, OREGON, FOR THE FISCAL YEAR 2022-2023, AS APPROVED BY THE CITY COUNCIL, AND MAKING APPROPRIATIONS

**MOTION:** Motion to Approve Resolution 2022-34: Supplemental Budget  
**MOVER:** Sydney Kasner, Councilor Ward 2  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

6. RESOLUTION NO. 2022-35 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FINDINGS FOR A PUBLIC CONTRACT EXEMPTION AND AUTHORIZING AN ALTERNATIVE CONTRACTING METHOD FOR THE LINCOLN CITY COMMUNITY CENTER POOL RE-GROUTING PROJECT

**MOTION:** Motion to Approve Resolution 2022-35 Exemption Pool Re-Grouting  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Sydney Kasner, Councilor Ward 2  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

7. RESOLUTION NO. 2022-36 A RESOLUTION OF THE CITY OF LINCOLN CITY APPROVING SUBMITTAL OF A BUREAU OF RECLAMATION WATERSMART WATER AND ENERGY EFFICIENCY GRANT APPLICATION.

**MOTION:** Motion to Approve Resolution 2022-36 Grant application  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**NAYS:** Hoagland  
**RESULT:** Passed by Roll Call Vote

*Ms. Reid explained the grant application to the Bureau of Reclamation to fund the radio read. Ms. Reid said the total cost is 4 million dollars and they are asking for 2 million dollars. Councilor Hoagland asked how much additional this will be. Ms. Reid said this will cost less as they will phase out the meter reading contract.*

#### L. SPECIAL ORDER OF BUSINESS

8. Ec Dev Local Program Support Grant: Small Business Development Center (SBDC) Grant Report (2021-22) & Application (2022-23)

**MOTION:** Motion to Approve OCCC SBDC Local Program Support Grant 21-22 Report and 22-23 Application  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons  
**RESULT:** Passed by Roll Call Vote

*Dave Price from the Oregon Coast Community College (OCCC) and Small Business Development Center (SBDC), gave an update regarding the local program support grant. Mr. Price asked for \$24,900 to fund FY2022-23.*

#### M. CITY MANAGER/CITY ATTORNEY REPORTS

*Mr. Appicello said the County notified the last day to challenge the ballot title is Aug 30th.*

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

*None*

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

*Ms. Legarza summarized a comment from Deborah Gerber regarding a lawsuit with Olivia Beach.*

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

*Councilor Hoagland made an apology for talking over the Mayor.*

*Councilor Mark gave a summary of his activities and his lunch at the Senior Center. Councilor Mark spoke about the TRT resolution and said he is displeased. Mr. Appicello explained the process of the TRT ballot measure. Council and Staff had a discussion on the use of the TRT funds.*

*Councilor Casper asked about the LED lighting evaluation that was brought to the attention of staff in 2019. Ms. Reid said they will start the process again evaluating. Councilor Casper thanked the biosphere group.*

*Councilor Kasner missed the last regular meeting and also spoke about the number of traffic accidents occurring. Councilor Kasner asked about traffic cameras. Lt. Winn spoke regarding the red-light cameras.*

*Mayor Wahlke spoke about committee vacancies. Mayor Wahlke said two interviewers are needed and appointed Councilor Mark and Councilor Casper.*

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 8:59 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

August 24, 2022, 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](http://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**

*Council President Casper called the meeting to order at 3:34 PM.*

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Late	4:04 PM
Elaine Starmer	Councilor Ward 1	Present	3:30 PM
Sydney Kasner	Councilor Ward 2	Absent	3:30 PM
Judy Casper	Councilor Ward 3	Present	3:34 PM
Riley Hoagland	Councilor Ward 2	Absent	3:30 PM
Rick Mark	Councilor Ward 3	Present	3:30 PM
Mitch Parsons	Councilor Ward 1	Present	3:30 PM

**2. DISCUSSION ITEMS**

**A. Public Works- Home Serve USA**

*Stephanie Reid, Public Works Director, gave a presentation about waterline insurance. Council and Staff discussed the options of partnering with HomeServe USA.*

**B. Public Works- Delake Heights Local Improvement District**

**1. Work Session Presentation August 24, 2022**

*Stephanie Reid, Public Works Director, introduced Dan Wentz, City Employee. Ms. Reid spoke about local improvement districts (LID) and the 19 areas that do not have sanitary sewer. Mr. Wentz spoke*

*about the cost of the LID. Ms. Skinner spoke about the zoning of the area and is looking at it as part of the comprehensive plan update. Ms. Reid gave a presentation on the Delake Heights Local Improvement District. Ms. Reid and Council discussed The Cove subdivision. Ms. Bridges said when you stretch payments over time, it will take longer to get the money back for other projects.*

**C. Miscellaneous**

*Councilor Casper said she would like to have the items ahead to make notes. Mayor Wahlke spoke about her tour of the Newport Senior Center.*

**3. ADJOURNMENT**

*Councilor Casper adjourned the meeting at 5:17 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

## Council Communication

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### **Samaritan Treatment & Recovery Services for Lincoln County**

Meeting Date: September 12, 2022      Primary Staff Contact: Daphnee Legarza  
Department: Administration              E-Mail: DLegarza@lincolncity.org  
Secondary Dept:                              Secondary Contacts:  
Approval: Daphnee Legarza              Estimated Time: 15 Minutes

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Dr. Lesley Ogden, Chief Executive Officer, at Samaritan North Lincoln Hospital & Samaritan Pacific Communities Hospital will present information regarding their Coastal STARS project.

#### **Attachments:**

Coastal STARS Summary (PDF)



# Stronger Together

## Samaritan Treatment & Recovery Services for Lincoln County

### A residential treatment facility for substance use disorder

**Who this serves:** Adults 18+ with substance use disorder from across Oregon, with priority to residents of Lincoln County. We expect to serve 200 residential patients and 600 outpatients each year. As a nonprofit health care provider, Samaritan doesn't turn anyone away for inability to pay or insurance type.

**What:** Establish a 16-bed Samaritan Treatment & Recovery Services facility in Lincoln County to provide residential treatment and intensive outpatient programs, including group and individual therapy, medication-assisted treatment and peer-delivered services. The Pacific Communities Health District purchased a facility and funds are being raised to build an addition for a commercial kitchen, a medical exam room, meeting spaces and offices as well as to remodel the existing living space. Samaritan Health Services is committed to operating the facility.

**Where:** In Newport.

**When:** Completion of the facility is expected in late 2023 based on available funding for construction. Residential services will be offered 24 hours a day, seven days per week. Outpatient services are offered Monday through Friday, including evening sessions.

### Why:

- **Residents in need:** Data gathered by our Regional Mental Health/Substance Use Coalition shows that between March and August 2021, 12,225 Lincoln County residents were screened for substance use disorder, with 1,297 individuals screening positive for drugs, including alcohol, and 886 people were diagnosed with substance use disorder.
- **No residential treatment in Lincoln County:** According to the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health & Human Services, Oregon ranks second in the country for substance use disorder, with 18.2% of the population addicted to drugs or alcohol. Yet, Oregon ranks 50<sup>th</sup> in the nation for access to treatment programs. Inpatient treatment is a critical first step in the recovery process for many individuals, but there are currently no inpatient services in Lincoln County, and limited outpatient services.



- **Death and overdoses rising:** The state’s Chief Medical Examiner, Dr. Sean Hurst, recently testified to the Oregon Legislature that between, 2019 and 2020 alcohol-related deaths in Oregon increased 73% and drug overdoses were up 39%.
- **Economic imperative:** According to [surgeongeneral.gov](https://www.surgeongeneral.gov), addressing “substance misuse and substance use disorders effectively for all Americans aligns with a strong economic imperative. Substance misuse is estimated to cost society \$442 billion each year in health care costs, lost productivity, and criminal justice costs.”

**Campaign goal:** Historically, inpatient treatment centers require financial partnerships to create and sustain. As part of its mission, Samaritan Health Services is committed to operating the treatment and recovery center in Lincoln County but needs partners to finance the facility itself. Expected cost to build the addition and remodel the facility is \$6 million.

You can help create this vital service.

**“I didn’t have a plan to die but I didn’t have a plan to live either.” That was how Gina Myers – mother of five children – described her life before entering residential treatment. She now has custody of her children and is a certified drug and alcohol counselor and doula specializing in helping pregnant women who are incarcerated.**

If you would like to help people like Gina rebuild their lives and families and strengthen Lincoln County, visit [samhealth.org/NLHF](https://samhealth.org/NLHF) and type STARS in the comments Or mail your gift made payable to the North Lincoln Hospital Foundation to the Samaritan Foundations Central Office. For more information, contact: Leslie James Associate Director, [lejames@samhealth.org](mailto:lejames@samhealth.org), 541-557-6434.

Samaritan Foundations Central Office  
815 NW Ninth St., Suite 136  
Corvallis, OR 97330



# Council Communication

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## Public Comment Resolution 2022-39 (Fire flow test fee and rate)

Meeting Date:	September 12, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 Minutes

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### Question:

Shall the Council take public comment on proposed fees in Resolution 2022-39?

### Staff Recommendation:

Staff recommends the City Council take public comment.

### Authority:

Related - See Resolution 2022-39 also on this Agenda

### LCMC ORS 294.160 (Public comment required).

**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.

(2) Where a local government exercises authority to assume the responsibility for a program delivered by the state, the local government shall provide an opportunity to comment on the difference between the fee amount charged by the state for such service and the proposed local fee for the service.

### Background:

Resolution 2022-39 adopts rates and fees associated with fire flow testing. Property owners must pay for water used at the then current rate and must reimburse the City for Water Distribution Supervisor or Designee's time. No fee or charges appears to have been previously set.

### Council Options:

Receive public comment

## Council Communication

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### Ordinance 2022-33 Amending Chapter 8.16 (SOLID WASTE)

Meeting Date:	September 12, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

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#### Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2021-06 entitled:

#### ORDINANCE NO. 2022-33

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 8 (HEALTH AND SAFETY), AMENDING CHAPTER 8.16 (SOLID WASTE), MODIFYING SECTIONS 8.16.050, 8.16.100 8.16.110 TO RECOGNIZE MONTHLY GARBAGE SERVICE AS AN OPTION, NOT AN EXCEPTION, TO THE ORDINANCE.**

#### Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2021-06 and, *if unanimous*, Conduct and approve Second Reading and adopt the Ordinance. 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:

**Council passed a motion on August 8, 2022 directing the City Attorney to draft an ordinance making monthly garbage collection a regular option (as opposed to an exception) under the ordinance.**

**The proposed amendment provides:**

**SECTION 1.** Lincoln City Municipal Code, Title 8 (*Health and Safety*), Chapter 8.16 (*Solid Waste*), Section 8.16.050 (Responsibilities of persons receiving and providing service), Paragraph B., is hereby amended to read as follows:

*B. Every person who generates or produces solid waste or wastes shall remove or have removed all putrescible wastes at least every fourteen (14) days. Notwithstanding the foregoing, Regular Residential Service shall require removal of such wastes at least every twenty eight (28) days, subject to the remainder of this section and LCMC 8.16.100. More frequent removal may be required where a facility or service involves the public health. All wastes shall be removed at sufficient frequency as to prevent health hazards, nuisances, or pollution.*

**SECTION 2** Lincoln City Municipal Code, Title 8 (*Health and Safety*), Chapter 8.16 (*Solid Waste*), Section 8.16.100 (*Minimum level of service*) is hereby amended to read as follows:

***8.16.100 Minimum level of service.***

*The minimum level of service to any dwelling (regular residential service) shall be one pickup of solid waste container every twenty-eight (28) days. For ~~or~~ other property, including commercial uses, the minimum level of service is one pickup of solid waste container per two-week interval, (fourteen days), except as provided in LCMC 8.16.110 and 8.16.120. The minimum level of service, however, is subject to the provisions of Oregon Revised Statutes, and regulations promulgated pursuant thereto, and the provisions of LCMC 8.16.050 and 8.16.110 as they relate to the public responsibility to prevent health hazards, nuisances or pollution.*

**SECTION 3** Lincoln City Municipal Code, Title 8 (*Health and Safety*), Chapter 8.16 (*Solid Waste*), Section 8.16.110 (*Residential reduction or elimination of service*) is hereby amended to read as follows:

***8.16.110 Residential ~~reduction or~~ elimination of service.***

***A. Residential Reduction in Service.***

*~~1. Upon proof by affidavit of a lack of need for full residential service, a person may be allowed to reduce full residential service to once a month. Evidence of a lack of need may include showing that recycling, mixed compostables or other environmentally accepted methods of disposal are being used, and such evidence must accompany the affidavit.~~*

~~2. Applicants for a reduction in full residential service shall submit an affidavit and receipts showing full residential service at the principal residence (e.g., for second home owners) or receipts showing the proper disposal of solid waste, mixed compostables and recycling at identified appropriate disposal sites.~~

**B.** Residential Elimination of Service. Upon proof by affidavit of a lack of need for any residential service, a person may be allowed to eliminate full residential service under the following circumstances:

1. Commercial Subscription. By subscribing to commercial grade service at another location within the city. This exemption, which requires a commercial subscription at a business in the city, operates to excuse full residential service charges (including mixed compostables and recycling) at a residential location in the city; or

2. Transport waste/mixed compostables/recycling or other full residential service subscription. By transporting residential solid waste at least on a weekly basis to the franchisee or to an identified appropriate solid waste disposal site. This exemption excuses full residential service upon demonstration by affidavit, with supporting evidence that either the applicant has full residential service elsewhere (second home owner) or the applicant regularly transports residential solid waste to an approved location. Applicants for this exemption must submit an affidavit and receipts showing full residential service (solid waste, mixed compostables and recycling) at the principal residence (e.g., for second home owners). Alternatively, applicants may submit an affidavit and receipts showing the proper disposal of solid waste, mixed compostables and recycling at franchisee's location or other identified appropriate disposal sites. Transportation of solid waste, as opposed to mixed compostables or recycling, must occur at least weekly; or

3. On-Site Composting Use and Proper Disposal. By using recycling, composting, or other environmentally accepted methods of disposal of solid waste and transporting, at appropriate intervals, any solid waste that cannot be recycled, composted, or disposed of in an environmentally safe manner to the franchisee or to an identified appropriate solid waste disposal site. This exemption excuses full residential service upon demonstration by affidavit with supporting evidence that the applicant produces and uses compost on site and regularly transports all other residential waste to an approved location. Applicants for this exemption shall submit an affidavit and receipts showing the proper disposal of solid waste and recycling at franchisee's location or other identified appropriate disposal sites. Transportation of recycling and solid waste must be at appropriate intervals. Composting must occur on site and be used on site. Verification of composting on site shall be established by inspection.

~~C.~~ **B.** Affidavit Renewal Requirement. An elimination ~~or reduction~~ of service affidavit

*must be renewed every three years. Affidavits must be filed in the city finance department. Existing exemptions as of the date of this chapter must be renewed within one year of the adoption of this chapter. For purposes of this section, "affidavit" refers to a sworn written instrument, executed under penalty of perjury and false swearing, that the statements in the affidavit are true and correct.*

*~~D.~~ C. Decisions and Appeals. The city manager or a designee shall make the determination regarding an reduction or elimination of residential service, and that decision shall be final unless appealed in writing to the city council within 10 days from notice of the determination.*

**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 September 26, 2022 [or]
3. Continue First Reading to September 26, 2022.
4. Do not proceed with proposed ordinance. [Staff's recommendation]

**Potential Motions:**

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

**ORDINANCE NO. 2022-33**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 8 (HEALTH AND SAFETY), AMENDING CHAPTER 8.16 (SOLID WASTE), MODIFYING SECTIONS 8.16.050, 8.16.100 8.16.110 TO RECOGNIZE MONTHLY GARBAGE SERVICE AS AN OPTION, NOT AN EXCEPTION, TO THE ORDINANCE.**

*Council:*

1. Motion to approve First Reading of Ordinance 2022-33.

*If unanimous: conduct Second Reading*

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

*Council:*

1. Motion to approve Second Reading and adopt Ordinance 2022-33.

**[or]**

2. Motion to set Second Reading for September 26, 2022.

**Attachments:**

Ordinance 2022-33 monthly (DOCX)

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**ORDINANCE NO. 2022-33**

**AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 8 (HEALTH AND SAFETY), AMENDING CHAPTER 8.16 (SOLID WASTE), MODIFYING SECTIONS 8.16.050, 8.16.100 8.16.110 TO RECOGNIZE MONTHLY GARBAGE SERVICE AS AN OPTION, NOT AN EXCEPTION, TO THE ORDINANCE.**

*Annotated to show deletions and additions to the code sections being modified. Deletions are **~~bold 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**, the City Council solid waste ordinance has included a provision allowing a reduction in the minimum residential service to once a month; and

**WHEREAS**, Council directed that once a month service be added to the ordinance as a regular option, not just an exception; and

**WHEREAS**, despite the option for once a month service, public health and safety may require garbage collection of putrescible wastes more often than once a month; the owner remains liable for avoiding health hazards, pollution and nuisances.

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

2  
3 **SECTION 1.** Lincoln City Municipal Code, Title 8 (*Health and Safety*), Chapter 8.16 (*Solid Waste*),  
4 Section 8.16.050 (Responsibilities of persons receiving and providing service), Paragraph B., is  
5 hereby amended to read as follows:

6  
7 *B. Every person who generates or produces solid waste or wastes shall remove or have*  
8 *removed all putrescible wastes at least every **fourteen (14) days. Notwithstanding the***  
9 ***foregoing, Regular Residential Service shall require removal of such wastes at least***  
10 ***every twenty eight (28) days, subject to the remainder of this section and LCMC***  
11 ***8.16.100. More frequent removal may be required where a facility or service involves the***  
12 *public health. All wastes shall be removed at sufficient frequency as to prevent health*  
13 *hazards, nuisances, or pollution.*

14  
15 **SECTION 2** Lincoln City Municipal Code, Title 8 (*Health and Safety*), Chapter 8.16 (*Solid Waste*),  
16 Section 8.16.100 (*Minimum level of service*) is hereby amended to read as follows:

17  
18 **8.16.100 Minimum level of service.**

19  
20 *The minimum level of service to any dwelling (**regular residential service**) shall be one*  
21 ***pickup of solid waste container every twenty-eight (28) days. For ~~or~~ other property,***  
22 *including commercial uses, **the minimum level of service** is one pickup of solid waste*  
23 *container per two-week interval, **(fourteen days)**, except as provided in LCMC 8.16.110*  
24 *and 8.16.120. The minimum level of service, however, is subject to the provisions of Oregon*  
25 *Revised Statutes, and regulations promulgated pursuant thereto, and the provisions of*  
26 *LCMC 8.16.050 and 8.16.110 as they relate to the public responsibility to prevent health*  
27 *hazards, nuisances or pollution.*

28  
29 **SECTION 3** Lincoln City Municipal Code, Title 8 (*Health and Safety*), Chapter 8.16 (*Solid Waste*),  
30 Section 8.16.110 (*Residential reduction or elimination of service*) is hereby amended to read as  
31 follows:

32  
33 **| 8.16.110 Residential ~~reduction or~~ elimination of service.**

34  
35 **A. Residential Reduction in Service.**

36  
37 ~~**1. Upon proof by affidavit of a lack of need for full residential service, a**~~  
38 ~~**person may be allowed to reduce full residential service to once a month.**~~  
39 ~~**Evidence of a lack of need may include showing that recycling, mixed**~~  
40 ~~**compostables or other environmentally accepted methods of disposal are**~~  
41 ~~**being used, and such evidence must accompany the affidavit.**~~

42  
43 ~~**2. Applicants for a reduction in full residential service shall submit an**~~

~~affidavit and receipts showing full residential service at the principal residence (e.g., for second home owners) or receipts showing the proper disposal of solid waste, mixed compostables and recycling at identified appropriate disposal sites.~~

**B.** Residential Elimination of Service. Upon proof by affidavit of a lack of need for any residential service, a person may be allowed to eliminate full residential service under the following circumstances:

1. Commercial Subscription. By subscribing to commercial grade service at another location within the city. This exemption, which requires a commercial subscription at a business in the city, operates to excuse full residential service charges (including mixed compostables and recycling) at a residential location in the city; or

2. Transport waste/mixed compostables/recycling or other full residential service subscription. By transporting residential solid waste at least on a weekly basis to the franchisee or to an identified appropriate solid waste disposal site. This exemption excuses full residential service upon demonstration by affidavit, with supporting evidence that either the applicant has full residential service elsewhere (second home owner) or the applicant regularly transports residential solid waste to an approved location. Applicants for this exemption must submit an affidavit and receipts showing full residential service (solid waste, mixed compostables and recycling) at the principal residence (e.g., for second home owners). Alternatively, applicants may submit an affidavit and receipts showing the proper disposal of solid waste, mixed compostables and recycling at franchisee’s location or other identified appropriate disposal sites. Transportation of solid waste, as opposed to mixed compostables or recycling, must occur at least weekly; or

3. On-Site Composting Use and Proper Disposal. By using recycling, composting, or other environmentally accepted methods of disposal of solid waste and transporting, at appropriate intervals, any solid waste that cannot be recycled, composted, or disposed of in an environmentally safe manner to the franchisee or to an identified appropriate solid waste disposal site. This exemption excuses full residential service upon demonstration by affidavit with supporting evidence that the applicant produces and uses compost on site and regularly transports all other residential waste to an approved location. Applicants for this exemption shall submit an affidavit and receipts showing the proper disposal of solid waste and recycling at franchisee’s location or other identified appropriate disposal sites. Transportation of recycling and solid waste must be at appropriate intervals. Composting must occur on site and be used on site. Verification of composting on site shall be established by inspection.

**C. B.** Affidavit Renewal Requirement. An elimination ~~or reduction~~ of service affidavit must be renewed every three years. Affidavits must be filed in the city finance department.

1 Existing exemptions as of the date of this chapter must be renewed within one year of the  
2 adoption of this chapter. For purposes of this section, "affidavit" refers to a sworn written  
3 instrument, executed under penalty of perjury and false swearing, that the statements in  
4 the affidavit are true and correct.

5  
6 ~~D. C.~~ **C.** Decisions and Appeals. The city manager or a designee shall make the  
7 determination regarding ~~an reduction or~~ elimination of residential service, and that  
8 decision shall be final unless appealed in writing to the city council within 10 days from  
9 notice of the determination.

10  
11 **SECTION 4. Findings Adopted.**

12  
13 The findings contained in the Whereas Clauses of this Ordinance, as well as the competent  
14 substantial evidence in the whole record of this legislative proceeding are incorporated into this  
15 section by reference as if fully set forth herein, and are adopted in support of this legislative  
16 action.

17  
18 **SECTION 5. Severability.**

19  
20 The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity  
21 of one section, subsection, paragraph, or clause shall not affect the validity of the remaining  
22 sections, subsections, paragraphs and clauses.

23  
24 **SECTION 6. Ordinance Effective Date.**

25  
26 Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its  
27 adoption.

28  
29 **SECTION 7. Codification.**

30  
31 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and  
32 the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word,  
33 and the sections of this Ordinance may be renumbered, or re-lettered, provided that any  
34 Whereas clauses and boilerplate provisions (i.e. Sections 4-7) need not be codified and the City  
35 Recorder is authorized to correct any cross-references and any typographical errors.

36  
37 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
38 9.2 of the City of Lincoln City Charter on the 12<sup>th</sup> day of September, 2022 (First Reading) and on  
39 the 12<sup>th</sup> day of September, 2022 (Second Reading).

40

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 12<sup>th</sup> day of September,  
2 2022.

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SUSAN WAHLKE, MAYOR

10 ATTEST:

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JAMIE YOUNG, CITY RECORDER

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17 APPROVED AS TO FORM:

18  
19  
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\_\_\_\_\_

RICHARD APPICELLO, CITY ATTORNEY

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# Council Communication

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## Resolution 2022-38 Approving Extraterritorial Water Service

Meeting Date: September 12, 2022      Primary Staff Contact: Richard Appicello  
 Department: City Attorney              E-Mail: RAppicello@lincolncity.org  
 Secondary Dept: Planning Department      Secondary Contacts: Daphnee Legarza  
 Approval: Daphnee Legarza              Estimated Time: 15 minutes

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### Question(s):

Should the City Council approve Resolution 2022-38 approving extraterritorial water service for the applicant?

### Staff Recommendation:

Staff recommends Council approve Resolution 2022-38.

### Authority:

Lincoln City Municipal Code (LCMC) Section 13.12.050.B.1 provides (**emphasis added**):

1. Outside City Limits. The utility is not required to construct or provide service to water mains specifically for uses outside the city limits, except where required to do so by written agreement. Individual service connections may be permitted, by option of the utility, on those mains owned and operated by the utility outside the city limits.

As amended by Ordinance 2022-03, LCMC 13.12.050.B.6 provides:

6. Limitation on Properties to which Service Will Be Provided. Except where service is required by written agreement, connections to the water system shall be limited to one connection serving one residential dwelling or its equivalent, for each lot as in existence on August 5, 1980, or, if within the boundaries of the **former** Roads End Sanitary District, as in existence on June 28, 2003, unless the city council by resolution has approved an application for an exception to this limitation as applied to a particular property. In deciding whether to approve an exception, the city council shall consider those factors it deems appropriate to the particular proposed exception, including but not limited to:

- a. Whether the proposed exception will enhance the city's ability to annex land within the urban growth boundary at such time that the city determines that annexation is in the best interests of the city;
- b. Whether the proposed annexation will enhance the city's ability to provide public facilities and services in a timely, orderly, and efficient manner; and

c. Whether the proposed exception, on balance, will enhance the city's ability to implement relevant goals and policies of the city's comprehensive plan.

**Notwithstanding any other provision of this code, an exception for water service outside the Urban Growth Boundary shall not be permitted by Council, unless the Planning Director, has first determined in a properly noticed land use decision (LCMC 17.77.080), that the request for extension of water service does not violate OAR 660-011-0065 (Water Service to Rural Lands).**

**Background:**

See Recitals in attached Resolution

**Financial Impact:**

City will receive one additional extraterritorial account. This property does not appear to be on the surcharge line.

**Council Options:**

1. Approve Resolution.
2. Continue Resolution and request additional evidence.
3. Deny the Resolution.

**Potential Motions:**

1. Motion to approve Resolution 2022-38.
2. Motion to continue Resolution 2022-38 to September 26, 2022.

**Attachments:**

Resolution 2022-38 Kreutzer ra (DOCX)

DI 2022-01 Application\_Redacted (PDF)

DI 2022-01 Kreutzer - Staff Report-signed (PDF)

RESOLUTION NO. 2022-38

A RESOLUTION OF THE CITY OF LINCOLN CITY APPROVING AN APPLICATION FOR EXCEPTION TO THE LIMITATION ON PROVIDING WATER SERVICE OUTSIDE THE CITY LIMITS UNDER LINCOLN CITY MUNICIPAL CODE SECTION 13.12.050B(6) AFFECTING PROPERTY ON SCHOONER CREEK ROAD, LINCOLN COUNTY, IDENTIFIED AS LINCOLN COUNTY TAX LOT 07-11-25-00-00115-00, KREUTZER, APPLICANT

Recitals

A. Lincoln City Municipal Code (LCMC) Section 13.12.050B provides that:

1.Outside City Limits. The utility is not required to construct or provide service to water mains specifically for uses outside the city limits, except where required to do so by written agreement. Individual service connections may be permitted, by option of the utility, on those mains owned and operated by the utility outside the city limits.

B. LCMC Section 13.12.050B(6) provides in pertinent part:

6. Limitation on Properties to which Service Will Be Provided. Except where service is required by written agreement, connections to the water system shall be limited to one connection serving one residential dwelling or its equivalent, for each lot as in existence on August 5, 1980, or, if within the boundaries of the former Roads End Sanitary District, as in existence on June 28, 2003, unless the city council by resolution has approved an application for an exception to this limitation as applied to a particular property. In deciding whether to approve an exception, the city council shall consider those factors it deems appropriate to the particular proposed exception, including but not limited to:

a. Whether the proposed exception will enhance the city's ability to annex land within the urban growth boundary at such time that the city determines that annexation is in the best interests of the city;

b. Whether the proposed annexation will enhance the city's ability to provide public facilities and services in a timely, orderly, and efficient manner; and

c. Whether the proposed exception, on balance, will enhance the city's ability to implement relevant goals and policies of the city's comprehensive plan.

Notwithstanding any other provision of this code, an exception for water service outside the Urban Growth Boundary shall not be permitted by Council, unless the Planning Director, has first determined in a properly noticed land use decision (LCMC 17.77.080), that the request for extension of water service does not violate

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C. Applicant, through legal counsel, has submitted a letter to the City of Lincoln City requesting a connection to city water, despite being outside the city limits and outside the urban growth boundary. The applicant has water from a small creek, but the water source is not reliable.

D. The prerequisite land use decision that the extension of water service to this property will not violate OAR 660-011-0065 (*Water Service to Rural Lands*) has been made by the Planning Director. No appeal has been filed before the September 5, 2022 appeal deadline.

E. The City Code provides the following guidance for the Council's decision:

*In deciding whether to approve an exception, the city council shall consider those factors it deems appropriate to the particular proposed exception, including but not limited to:*

*a. Whether the proposed exception will enhance the city's ability to annex land within the urban growth boundary at such time that the city determines that annexation is in the best interests of the city;*

*b. Whether the proposed annexation will enhance the city's ability to provide public facilities and services in a timely, orderly, and efficient manner; and*

*c. Whether the proposed exception, on balance, will enhance the city's ability to implement relevant goals and policies of the city's comprehensive plan.*

F. The City Council finds the proposed exception will permit the lawful connection and the delivery of water service as a special service to the existing dwelling at 2515 S. Schooner Creek Road and may be approved for good cause. Water service is available at the location and the situation presents a hardship.

G. The Council has considered the factors listed in LCMC 13.12.050B.6 (and finds and determines that factors (a) and (b) above are not appropriate considerations for this request, as the subject property is outside the city limits and not likely to be annexed, unless brought into the urban growth boundary. The proximity of the water trunk line to the residence is owing to practical aspects of siting and developing a water plant and water line on Schooner Creek and not on a plan for the efficient expansion of services within the urban growth boundary.

H. The connection of the subject property on balance will enhance the city's ability to implement relevant goals and policies of the comprehensive plan, specifically,

1 Council finds and determines that it is efficient to 'infill" water connections to the  
2 existing line and Council finds that Urbanization Policy 5j: "Lincoln City will not  
3 provide utility services outside the UGB to properties beyond existing connection,  
4 (1979)." is not violated, because the property to be served is within the boundaries of  
5 existing connections on Schooner Creek. (i.e., it is closer to the City limits than  
6 connections made in Resolution 2019-05 and Ordinance 2012-14 (adding water  
7 service via a surcharge to seven properties located "further out").  
8

9 I. The applicant will pay all applicable City system development charges, to include  
10 water and parks and recreation SDCs pursuant to LCMC Section 13.08.050; therefore  
11 approval of the exception will enhance the City's ability to provide public facilities  
12 and services in a timely, orderly, and efficient manner.  
13

14 J. The City Council finds that the proposed exception on balance will enhance the City's  
15 ability to implement relevant goals and policies of the City's comprehensive plan.  
16

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

19  
20 **Section 1.** The recitals set forth above are true and correct, are adopted by Council and  
21 incorporated herein by this reference.  
22

23 **Section 2.** The City Council approves the application by Ms. Linda Kreutzer for exception under  
24 LCMC Section 13.12.050. B. (6) for good cause based on the Findings adopted in Section 1.  
25

26 **Section 3.** Lincoln City will provide water service to the property described in Exhibit A upon  
27 the terms and conditions set forth in a written agreement and meeting all requirements under  
28 City ordinances for delivery of water service as a special service outside the City and the UGB, to  
29 be executed between Applicant and the City of Lincoln City.  
30

31 **Section 4.** This resolution shall be recorded in the deed records of Lincoln County, Oregon,  
32 with respect to the property described in Exhibit A.  
33

34 **Section 5. Effective Date.** This resolution shall take effect immediately upon its passage and  
35 remain effective until replaced.  
36

37 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City this 12<sup>th</sup> day of  
38 September, 2022.  
39

40 \_\_\_\_\_  
SUSAN WAHLKE, MAYOR

41 ATTEST:  
42 \_\_\_\_\_  
43 JAMIE YOUNG, CITY RECORDER  
44

# Director's Interpretation Application

**APPLICANT:**

NAME:  
ADDRESS:

PHONE:  
E-MAIL:

**SITE INFORMATION (if applicable):**

ZONING DISTRICT: T-C Timber Conservation.  
TAX MAP AND LOT: 07-11-25-00-00115-00  
SITE ADDRESS: 2515 S. Schooner Creek Road Lincoln City, OR.  
SITE LOCATION: 2 1/2 miles EAST of Hwy 101 (at 48th St.)  
Located on corner of Schooner Creek Rd and Anderson Cr. Rd.

The purpose of the Director's Interpretation Application is to provide a process to clarify terms or phrases within this title which may require further interpretation. The application also provides a means to assign new or non-categorized uses to permitted, accessory, or conditional uses in a zone. Interpretations of code terms, intent, or meaning are different from other land use applications in that they are an interpretation of language and policy, as opposed to an evaluation of a use or development. The application may be submitted in advance of, or concurrent with, an application, permit, or other action.

What is the requested interpretation? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*The director has the authority to consider the request for an interpretation, and shall respond within 30 days following the date of the request, as to whether or not a requested interpretation will be issued. The director may issue or decline to issue a requested interpretation. The director's decision to decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation. The decision to decline to issue an interpretation is not subject to local appeal.*

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information is true, complete, and accurate.

**SIGNATURE:**

Applicant \_\_\_\_\_

7-18-22  
Date





**ZANTELLLO  
LAW GROUP**

Isaac Ersoff  
Joshua D. Zantello  
David V. Cramer  
Jack A. Wray  
Brian D. Green, *of Counsel*

May 13, 2022

VIA EMAIL ([D.Legarza@lincolncity.org](mailto:D.Legarza@lincolncity.org)) ONLY

City of Lincoln City  
Attention: Daphne Legarza, City Manager  
PO Box 50  
Lincoln City, OR 97367

**Re:**

***Water Connection Application***

Dear Ms. Legarza:

**Purpose.** The purpose of this letter is to request water service for Lincoln City, OR 97367.

**Water Connection.** Please find enclosed, a letter from Kevin Mattias, Administrator Coordinator for the City Public Works Department to our client, [REDACTED]. As you will read in Mr. Mattias' letter, [REDACTED] residence is located outside the urban growth boundary of Lincoln City and is not initially eligible for water service. However, due to the fact that there is a water main that runs along Schooner Creek Road, water is available at Ms. [REDACTED] location. Mr. Mattias instructed [REDACTED] to write to you in order to explain her situation and any hardship that would prevent her from obtaining water from other sources. The purpose of this letter is to provide that written explanation.

**Current Water Source is a Hardship.** [REDACTED] current water source is a small creek that runs along her property. The water level in the creek is becoming lower. [REDACTED] had to build a dam in the creek in order to get enough water. This current dam system requires consistent maintenance. [REDACTED] must put on chest high waders and use a shovel to muck out the sediment that builds up and blocks her water source. This needs to be done at least five times a year. In the past, [REDACTED] husband was able to perform the maintenance. Unfortunately, [REDACTED] passed away. [REDACTED] has continued the maintenance on her own. However, her age and health now make the maintenance a hardship on her, and she is no longer able to perform the maintenance.

**Alternate Water Source is a Hardship.** [REDACTED] requested bids to drill a well on her property. The estimate she received amounts to \$27,496.00. A copy of the estimate is enclosed for your reference. This amount of money is out of reach for [REDACTED] and is a financial burden that she is unable to bear. Thus, [REDACTED] only alternate water source is a hardship.

Daphne Legarza  
 May 13, 2022  
 Page 2 of 2

**Similar Exceptions Have Been Granted.** All of the properties that surround [REDACTED] property are currently connected to city water, including (1)

[REDACTED]. Maps showing these properties' respective locations compared to [REDACTED] property are enclosed for your reference. As you will see, all three of these surrounding properties are actually a little bit further out from the city than [REDACTED] property. Since the City granted similar exceptions to these properties, it makes sense to grant [REDACTED] an exception as well.

**No Net Loss in Water.** The creek that runs through [REDACTED] property is a tributary to Schooner Creek. Thus, if [REDACTED] no longer pulls water from the creek, more water will flow from her creek into Schooner Creek, increasing the amount of water in Schooner Creek, resulting in an overall zero net loss of water.

**Conclusion.** After reviewing the above and the enclosed I am sure you will agree that (1) current water source is a hardship, (2) her only alternate water source is a hardship, (3) the City has granted similar exceptions in the past, (4) an exception for [REDACTED] would result in a zero net loss of water in the area, and (5) under the totality of the circumstances, it makes sense to allow [REDACTED] to access city water service. Please provide us with your written approval for [REDACTED] to connect to city water so that she can make the necessary arrangements with Mr. Mattias' office.

**Point of Contact.** If you have any questions or concerns, please feel free to contact me directly at [Joshua@ZantelloLawGroup.com](mailto:Joshua@ZantelloLawGroup.com) or 541-994-7350.

Sincerely,

/s/ Joshua D. Zantello

Joshua D. Zantello

JDZ/mh

Encls: 1. Letter from Kevin Mattias, Public Works Department  
 2. Bid  
 3. Maps

cc (w/ encls):  
 220513.LTR.JDZ.LEGARZA.docx



ZANTELLO  
 LAW GROUP

2941 NW Highway 101, Lincoln City, OR 97367  
 (541) 994-7350 | [info@ZantelloLawGroup.com](mailto:info@ZantelloLawGroup.com)

June 18, 2020

**RE: Water Connection Application**

**Due to the fact that your residency is located outside the Urban Growth Boundary of Lincoln City, your house is not eligible for a water service.**

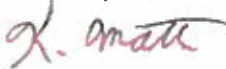
**But due to the fact that there is a water main that runs along Schooner Creek Road, water is available at that location. In order for you to become eligible for a water service, you will need to write a letter to our City Manager, Ron Chandler, explaining your situation and any hardships that would prevent you from obtaining water from other sources. This would include why you are unable to continue to receive water from your current source.**

**You will want to mail your letter to:**

**City Manager  
PO Box 50  
Lincoln City, OR 97367**

**If you do become eligible for a water service, the cost to connect to water in 2020 is \$4,703.00.**

Thank you,



**Kevin Mattias  
Administrator Coordinator  
Public Works Dept.**



City of Lincoln City | 801 SW Highway 101 PO Box 50 Lincoln City, OR 97367 541.996.2154  
Public Works Department lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

# Aqua Pro Pump Service

35967 Plagmann Dr. NE  
 Albany, OR 97322  
 Albany (541) 791-4202  
 Salem (503) 364-1516  
 Email: carie@aquapropumpservice.net  
 Email: shayne@aquapropumpservice.net  
 website: www.AquaProPumpService.com



CCB# 206120

Estimate	
Date	Estimate #
5/11/2022	3563

Name / Address / Phone

Job Site Address

Qty	Description	Rate	Total
1	7GS07 Goulds Pump Complete with 1ph Franklin motor	1,245.00	1,245.00
180	1" Schedule 80 Drop Pipe with Stainless Steel Couplings	3.15	567.00
185	#10 Flat Sub Cable Wire	2.95	545.75
1	1 1/4" x 1" Stainless Steel Bushing	15.00	15.00
2	1" Stainless Steel Check Valve	55.00	110.00
1	Wire Splice Kit	10.00	10.00
11	Torque Arrestor	20.00	220.00
1	6" x 1" Well Seal	75.00	75.00
1	Well Vent	6.00	6.00
1	1" Stainless Steel Well Head Fittings	125.00	125.00
1	1" Conduit Well Head Fittings- 90's, Male Adaptor, Female Adaptor, Coupling, Wire nuts.	20.00	20.00
1	3/4HP Franklin Control Box	115.00	115.00
1	Ground Casing Lug	20.00	20.00
1	Pump Tech- Protection for pump/motor to ensure not overpumping the well	275.00	275.00
1	FL-28 Flexlight Pressure Tank- 82 Gallons	925.00	925.00
1	Brass Tank Tee	55.00	55.00
1	3/4" Non-Adj Pressure Relief Valve	15.00	15.00
1	3/4" No kink Hose Bib	12.25	12.25
1	0- 100 1/4" Liquid Filled Stainless Steel Pressure Gauge	25.00	25.00
1	FSG2 40-60 Pressure Switch	35.00	35.00
1	1/4" x 4" SS Nipple	8.00	8.00
1	1" Brass Ball Valve	35.00	35.00
1	1" x Close SS Nipple	7.00	7.00
1	Temporary Pallet 3'x4'	15.00	15.00
1	Misc. Uponor Plumbing/ Electrical Fittings	250.00	250.00
1	Glue, Sealants & Bleach- Electrical Tape, pipe dope, primer, glue & bleach for well sanitation.	40.00	40.00
7	2 Men 7 hours labor	175.00	1,225.00

THE PRICE BELOW IS AN ESTIMATE ONLY. SHOULD LESS MATERIALS OR LABOR BE NEEDED TO COMPLETE THE PROJECT THEY WILL BE REMOVED FROM THE FINAL INVOICE. IN THE CASE THAT A SIGNIFICANT AMOUNT OF LABOR OR MATERIALS ARE NEEDED TO COMPLETE THE PROJECT BECAUSE OF UNKNOWN'S OR PROBLEMS, AQUA PRO PUMP SERVICE WILL LET THE CUSTOMER KNOW AND THEY WILL BE ADDED TO THE FINAL INVOICE.

**ESTIMATE TOTAL**

**\*FULL PAYMENT IS DUE UPON COMPLETION OF WORK\*. All materials and workmanship are guaranteed. A 1 year labor warranty is provided to all customers from the date of installation on all materials installed by Aqua Pro Pump Service. Certain materials are warranted for a specific amount of time based on the manufacturer's warranty (CCB #206120 CPI Pump Installers License #CPI102) \* 3% CREDIT CARD FEE WILL APPLY TO ALL CARD PAYMENTS \***

TO ACCEPT ESTIMATE, PLEASE SIGN AND RETURN TO OUR OFFICE. IF NOT ACCEPTED WITHIN 30 DAYS FROM ABOVE DATE, THIS ESTIMATE MAY BE REVOKED. THIS ESTIMATE IS VALID FOR A LIMITED PERIOD OF WEEKLY BASIS DUE TO THE SUPPLY & DEMAND BECAUSE OF COVID-19.

Signature

# Aqua Pro Pump Service

35967 Plagmann Dr. NE  
 Albany, OR 97322  
 Albany (541) 791-4202  
 Salem (503) 364-1516  
 Email: carie@aquapropumpservice.net  
 Email: shayne@aquapropumpservice.net  
 website: www.AquaProPumpService.com



CCB# 206120

## Estimate

Date	Estimate #
5/11/2022	3563

Name / Address / Phone

Job Site Address

Qty	Description	Rate	Total
	<p><b>*ALL MATERIALS, LABOR, DRIVE TIME, SET UP AND CLEAN UP TO INSTALL NEW PUMPING SYSTEM IN NEWLY DRILLED WELL AND PRESSURE SYSTEM SET UP AT TEMPORARY WELL HEAD LOCATION. ESTIMATE IS BASED ON GUESSTIMATED FIGURES FROM WELL DRILLER, ONCE WELL IS DRILLED AND EXACT DEPTH AND GALLONS PER MINUTE IS DETERMINED, ESTIMATE WILL BE ADJUSTED ACCORDINGLY.</b></p>		

THE PRICE BELOW IS AN ESTIMATE ONLY. SHOULD LESS MATERIALS OR LABOR BE NEEDED TO COMPLETE THE PROJECT THEY WILL BE REMOVED FROM THE FINAL INVOICE. IN THE CASE THAT A SIGNIFICANT AMOUNT OF LABOR OR MATERIALS ARE NEEDED TO COMPLETE THE PROJECT BECAUSE OF UNKNOWNNS OR PROBLEMS, AQUA PRO PUMP SERVICE WILL LET THE CUSTOMER KNOW AND THEY WILL BE ADDED TO THE FINAL INVOICE.

**ESTIMATE TOTAL**     \$5,996.00

**\*FULL PAYMENT IS DUE UPON COMPLETION OF WORK\*. All materials and workmanship are guaranteed. A 1 year labor warranty is provided to all customers from the date of installation on all materials installed by Aqua Pro Pump Service. Certain materials are warranted for a specific amount of time based on the manufacturer's warranty. (CCB #206120 CP! Pump Installers License #CPI102) \* 3% CREDIT CARD FEE WILL APPLY TO ALL CARD PAYMENTS \***

TO ACCEPT ESTIMATE, PLEASE SIGN AND RETURN TO OUR OFFICE. IF NOT ACCEPTED WITHIN 30 DAYS FROM ABOVE DATE, THIS ESTIMATE MAY BE REVOKED AND WE WILL BE RESPONSIBLE FOR THE COST OF THE WORK ON A WEEKLY BASIS DUE TO THE SUPPLY & DEMAND BECAUSE OF COVID-19.

<b>Signature</b>	
------------------	--

# Contract Corvallis Drilling Co., Inc.

3440 S.W. 3rd Street  
Corvallis, Oregon 97333  
Phone 541-753-8991

NAME.....

ADDRESS.....

WORK AT (Property location legal description).....

PHONE.....

ADDRESS.....

DESCRIPTION OF WORK REQUESTED	CHARGE
1. Minimum set-up charge.	
2. Drill well <u>6</u> in diameter from surface to maximum depth of <u>200</u> feet at cost of <u>25.00</u> per foot.	5,000 00
3. (Optional) Extend to depth of ..... feet if sufficient water supply not reached at first agreed depth. @ ..... per foot.	
4. Material to be FURNISHED BY DRILLING CONTRACTOR at job site:	
A. Casing @ \$ <u>50.00</u> per lineal foot (installed) <u>60</u>	3,000 00
B. Liner @ \$ <u>10.00</u> per lineal foot (Installed) <u>200</u>	2,000 00
C. Drive shoe	
D. Sanitary well seal	
E. Screen (Type & Size) ..... (Installed)	
F. <u>10</u> Surface seal Const. <u>STATICARD FEE / IMPAL FEE</u>	500 00
G. ....	
H. ....	
Estimate Total	15,000 00

**\*\*NOTE\*\*** Oregon Water Resources will be sending you a letter stating that your well needs to be registered with them. They will be requesting a \$300.00 fee to do this registration.

### TERMS

1. Oregon State law requires well shall be 50' or more from septic tank and 100' from any open leach line or drain field. The customer realizing that the driller would have to dig up customers property to personally ascertain location of sewer installations, agrees to assume full responsibility for legal location of well.
2. Customer hereby permits the Drilling Contractor to dump all drill cuttings, water and debris taken out of the hole during progress of the work, around and about the drill site at such place and in such manner as the Drilling Contractor may choose and the Drilling Contractor shall not be obligated to remove the same.
3. The Drilling Contractor shall drill the hole with the diameter and casing sizes as specified above as long as, in the opinion of the Drilling Contractor, it remains practicable to do so considering the nature of the material being drilled. The Drilling Contractor does guarantee that the hole drilled shall be of sufficient diameter and plumb and straight enough to permit installation of pump.
4. Payment shall be made on demand for all holes drilled and material used. The Drilling Contractor does not agree to find or develop water, nor does he represent, warrant or guarantee the quantity, quality or kind of water, if any, which shall be encountered. Failure of the Drilling Contractor to strike water shall in no way release the Customer from payment of the full contract price.
5. In case of suit or action to collect any sum due under this order. Customer shall pay attorney's fees and cost of suit together with interest on the sum due at the rate of one and one quarter percent (1 1/4%) per month from the date of discontinuence of drilling.

(signed) ..... Drilling Contract 5-10-2022 Date

..... Customer ..... Date

# Estimates For Install a well

Corvillis Driller \$15,000

Ignat Pro Pump Co \$5,996

Willamette Valley  
Underground \$5,000

(trench) 25,996

Plumber \$1,500

(to connect) \$27,496



Y075632

# Estimate

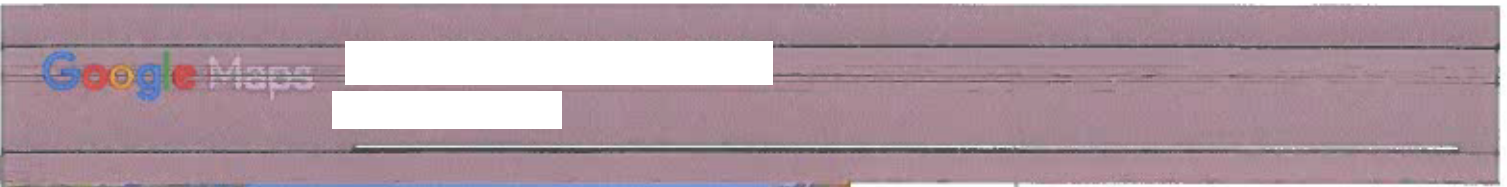
Willamette Valley  
Underground

(to dig a line (including  
PIPE)

From well to house

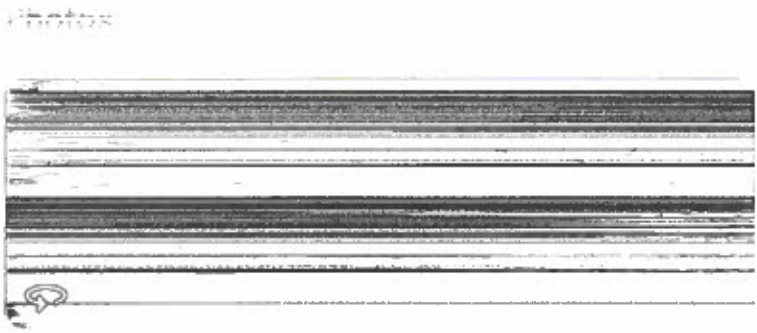
\$5,000

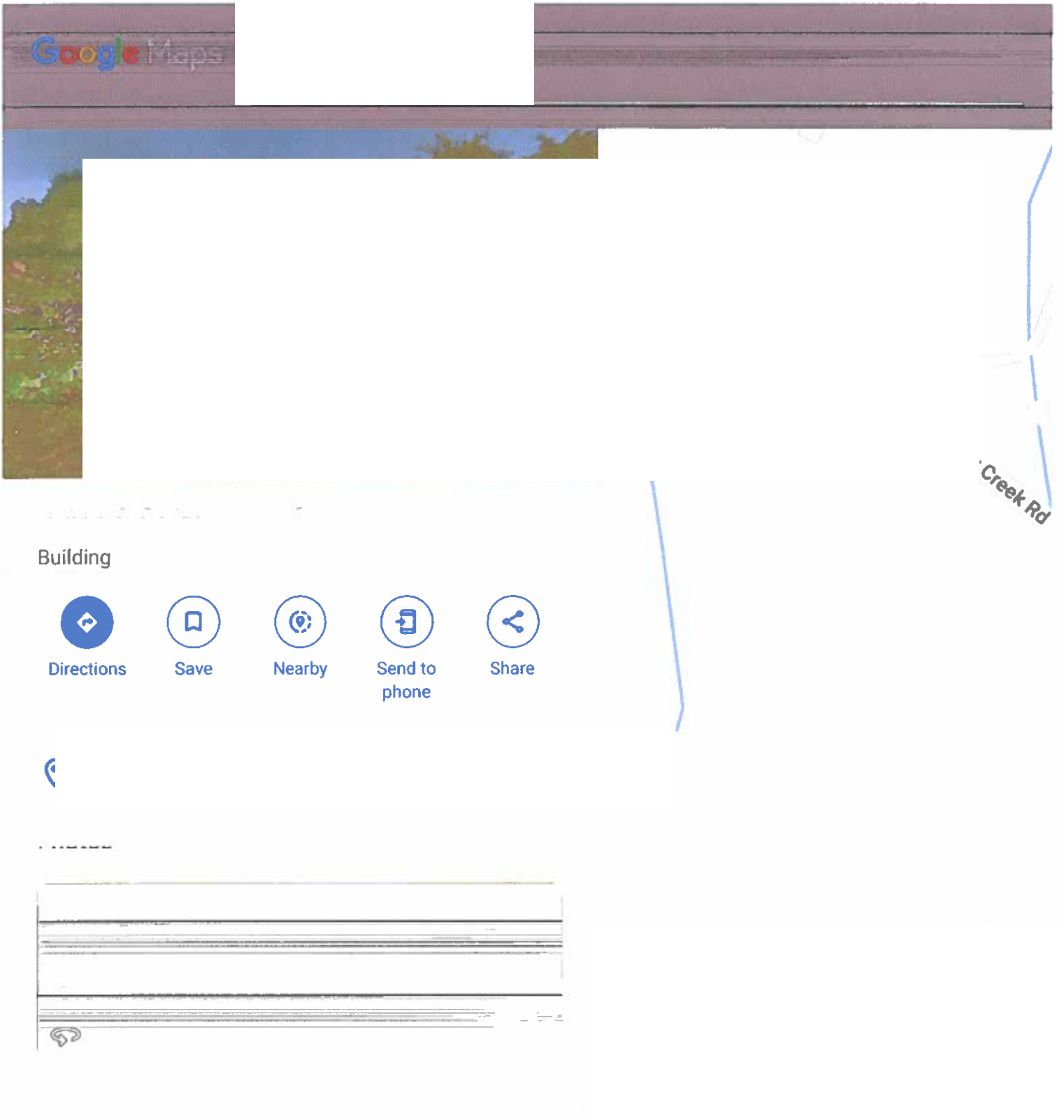
(Verbal) -








- Directions
- Save
- Nearby
- Send to phone
- Share

W2QF+G5 Lincoln City, Oregon







-  Directions
-  Save
-  Nearby
-  Send to phone
-  Share

Photos



## Director's Interpretation Staff Report, Decision, and Conditions of Approval Case File DI 2022-01 Kreutzer

<b>Date:</b>	August 22, 2022
<b>Case File:</b>	DI 2022-01 Kreutzer
<b>Project Contact:</b>	Joshua D. Zantello Zantello Law Group
<b>Property Owner:</b>	Linda J. Kreutzer
<b>Situs Address:</b>	2515 S Schooner Creek Rd
<b>Location:</b>	Northeast corner of S Schooner Creek Rd/S Anderson Creek Rd intersection, approximately 2 ½ miles east of Hwy 101
<b>Tax Map and Lot:</b>	07-11-25-00-00115-00
<b>Comprehensive Plan Designation:</b>	No city designation – located in unincorporated Lincoln County
<b>Zoning District:</b>	No city zoning district – located in unincorporated Lincoln County (county zoning of Timber Conservation)
<b>Site Size:</b>	3.63 acres (per Lincoln County Assessor)
<b>Proposal:</b>	Request for municipal water service for property outside of city limits and urban growth boundary
<b>Surrounding Land Uses and Zones:</b>	North: House and forest; Lincoln County South: Undeveloped; Lincoln County East: Forest; Lincoln County West: House; Lincoln County
<b>Authority:</b>	Table 17.76.020-1 of Lincoln City Municipal Code (LCMC) 17.76.020 lists a director's interpretation application as a Type II procedure with the Planning and Community Development Director (Director) listed as the review authority. LCMC 17.76.040.A states that Type II procedures apply to administrative permits and applications and that decisions on administrative applications are made by the Director, based on reasonably objective approval criteria that require only limited discretion.
<b>Procedure:</b>	The application was received on July 20, 2022. The application was deemed complete on July 21, 2022. On July 22, 2022, pursuant to LCMC 17.76.040.E, the Planning and Community Development Department mailed a notice of application to property owners within 250 feet of the subject property.



<b>Applicable</b>	LCMC Section 13.12.050 Water Service Extensions, Connections and Equipment
<b>Substantive</b>	LCMC Section 17.76.040 Type II Procedure
<b>Criteria:</b>	LCMC Section 17.77.080 Director’s Interpretation
	Oregon Administrative Rule (OAR) 660-011-0065 Water Service to Rural Lands

### **BACKGROUND**

The subject property (site) is addressed as 2515 S Schooner Creek Rd in Lincoln County’s Timber Conservation (T-C) zone. The tax lot number is 07-11-25-00-00115-00, and the assessed site size is 3.63 acres. The site’s south boundary is S Schooner Creek Rd, and the site is at the northeast corner of the S Schooner Creek Rd/S Anderson Creek Rd intersection. The site contains a detached two-story single-unit dwelling that was constructed in 1983 and a shed that was constructed in 1994. (Dates of construction are from the records of the Lincoln County Assessor’s Office.)

The site is in unincorporated Lincoln County and is outside of both Lincoln City’s city limits and urban growth boundary.

The proposal is to obtain the use of municipal water for the site via a new municipal water service. There is an existing pressurized water main line in S Schooner Creek Rd.

### **COMMENTS**

No comments were received from the public.

### **ANALYSIS**

*Chapter 13.12 Water and Sewer System Rates and Charges*

*13.12.050 Water service extensions, connections and equipment – Installation and maintenance responsibility*

- A. *Water Main Extensions Within the City Limits.*
- B. *Service Outside City Limits.*
  - 1. *Outside City Limits.*
  - 2. *Discontinuation of Service and Guarantee of Supply.*
  - 3. *Application and Rates.*
  - 4. *Consents to Annexation.*
  - 5. *Consents to Annexation for Continued Service.*
  - 6. *... Notwithstanding any other provision of this code, an exception for water service outside the Urban Growth Boundary shall not be permitted by Council, unless the Planning Director has first determined in a properly noticed land use decision (LCMC 17.77.080), that the request for extension of water service does not violate OAR 660-011-0065 (Water Service to Rural Lands).*

**Finding:** As discussed below, this staff report details the properly noticed land use decision of the director’s interpretation that the request for extension of water service does or does not violate OAR 660-011-0065.

*OAR 660-011-0065*

*Water Service to Rural Lands*

- (1) *As used in this rule, unless the context requires otherwise:*
  - (a) *“Establishment” means the creation of a new water system and all associated physical components, including systems provided by public or private entities;*
  - (b) *“Extension of a water system” means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing water system in order to provide service to a use that was not served by the system on the applicable date of this rule, regardless of whether the use is inside the service boundaries of the public or private service provider.*

- (c) “Water system” shall have the same meaning as provided in Goal 11, and includes all pipe, conduit, pipeline, mains, or other physical components of such a system.

**Finding:** The site’s property owner desires to install a new water service at the site to connect to the municipal water system and utilize municipal water.

- (2) Consistent with Goal 11, local land use regulations applicable to lands that are outside urban growth boundaries and unincorporated community boundaries shall not:
- (a) Allow an increase in a base density in a residential zone due to the availability of service from a water system;

**Finding:** The site is not located in a residential zone; rather, the site is located in Lincoln County’s Timber Conservation (T-C) zone. The uses permitted outright are listed in Lincoln County Code (LCC) 1.1375(1) and do not include residential uses. Conditional uses are listed in LCC 1.1375(2) and one single-family dwelling on a tract meeting certain qualifications is allowed or one single-family template dwelling is allowed. The site contains one dwelling that was constructed in 1983 (per records of the Lincoln County Assessor). No additional dwellings are allowed under LCC 1.1375. The request is to utilize the municipal water system for the existing dwelling. The request will not allow an increase in the base density allowed in the T-C zone. This criterion is met.

- (b) Allow a higher density for residential development served by a water system than would be authorized without such service; or

**Finding:** The site is located in Lincoln County’s Timber Conservation (T-C) zone. The uses permitted outright are listed in Lincoln County Code (LCC) 1.1375(1) and do not include residential uses. Conditional uses are listed in LCC 1.1375(2) and one single-family dwelling on a tract meeting certain qualifications is allowed with conditional use approval or one single-family template dwelling is allowed with condition use approval. The site contains one dwelling that was constructed in 1983 (per records of the Lincoln County Assessor). Regardless of the type of water system, no additional dwellings are allowed under LCC 1.1375 in the T-C zone. This criterion is met.

- (c) Allow an increase in the allowable density of residential development due to the presence, establishment, or extension of a water system.

**Finding:** The site is located in Lincoln County’s Timber Conservation (T-C) zone. The uses permitted outright are listed in Lincoln County Code (LCC) 1.1375(1) and do not include residential development. Conditional uses are listed in LCC 1.1375(2) and one single-family dwelling on a tract meeting certain qualifications is allowed or one single-family template dwelling is allowed. The site contains one dwelling that was constructed in 1983 (per records of the Lincoln County Assessor). Regardless of the type of water system, the allowable density of residential development in the T-C zone is one dwelling per tract, with conditional use approval and if certain qualifications are met. Obtaining municipal water service will not change the requirements of LCC 1.1375, nor will it change the site’s zone to something other than T-C. This criterion is met.

- (3) Applicable provisions of this rule, rather than conflicting provisions of local acknowledged zoning ordinances, shall immediately apply to local land use decisions filed subsequent to the effective date of this rule.

**Finding:** It is acknowledged that the applicable provisions of OAR 660-011-0065 immediately apply.

Chapter 17.76 Procedures  
17.76.040 Type II procedure

- A. *General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.*
- B. *When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required for Type II procedures.*

**Finding:** A pre-application conference is not required.

- D. *Application Requirements. Type II applications shall:*
  - 1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
  - 2. *Be accompanied by the required fee as adopted by city council resolution.*
  - 3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

**Finding:** The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110.D and E.

- E. *Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.*
  - 1. *After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
    - a. *The applicant and applicant's representative;*
    - b. *The owners of record of the subject property;*
    - c. *Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
    - d. *Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*

**Finding:** The Planning and Community Development Department mailed the public notice of a complete application to the parties noted in LCMC 17.76.040.E.1.a through d.

- 2. *The written public notice shall include the following:*
  - a. *A brief description of the request;*
  - b. *The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
  - c. *The street address or other easily understood geographical reference to the subject property;*
  - d. *Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
  - e. *The name of a department staff member to contact and the telephone number where additional information may be obtained; and*

- f. *Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
- 3. *The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.*
- 4. *Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

**Finding:** The written public notice contained all the information required in LCMC 17.76.040.E.2.a through f. The written public notice included the written comment period of 14 days.

*F. Review Authority. The review authority for Type II applications shall be the director.*

**Finding:** The Director reviewed the submitted Type II application.

*G. Decision.*

- 1. *Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

**Finding:** The relevant approval criteria are addressed in detail throughout this staff report. Consideration of the written comments received, if any, is given at the beginning of this report.

- 2. *The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
  - a. *The applicant and applicant's representative;*
  - b. *The owners of record of the subject property;*
  - c. *Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
  - d. *Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

**Finding:** Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by the Planning and Community Development Department, pursuant to LCMC 17.76.040.G.2.

- 3. *The notice of the decision shall include the following:*
  - a. *A brief description of the request;*
  - b. *A statement of the decision and the applicable approval criteria used in making the decision;*
  - c. *The street address or other easily understood geographical reference to the subject property;*
  - d. *A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*
  - e. *The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
  - f. *A statement that the complete file is available for review; and*
  - g. *The name of a department staff member to contact and the telephone number where additional information may be obtained.*

**Finding:** The Planning and Community Development Department will issue the notice of decision that shall contain all the information noted in subsection 17.76.040.G.3.a through g.

*Chapter 17.77 Applications*  
*17.77.080 Director's Interpretation*

- A. Purpose.*
- B. Director's Authority to Initiate an Interpretation.*
- C. Director's Authority to Decline an Application.*
- D. Procedures. A director's interpretation not specific to a particular property or circumstance is subject to the Type I procedure, as described under LCMC 17.76.030. A director's interpretation for a particular property is subject to the Type II procedure, as described in LCMC 17.76.040.*

**Finding:** The request is for a specific site, so the request is subject to the Type II procedure.

- E. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030. Type II application submittal requirements are set forth in LCMC 17.76.040. More specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

**Finding:** The required documents and completed application forms were submitted.

- F. Standards for Assignment of a Use.*

**Finding:** This is not specifically applicable. The site is located outside of city limits and the urban growth boundary. LCMC 13.12.050 requires the director's interpretation of violation of OAR 660-011-0065.

- G. Standards for Interpretation.*

**Finding:** This is not specifically applicable. The site is located outside of city limits and the urban growth boundary. LCMC 13.12.050 requires the director's interpretation of violation of OAR 660-011-0065.

- H. Limitations on Director's Interpretation.*

**Finding:** The decision is not a legal opinion or interpretation of case law. The decision does not establish precedent and does not bind any review authority in current or future decisions regarding the site or application or similar properties or applications. The decision does not run with the land unless the development is substantially consistent with the description in the director's interpretation.

- I. Expiration of a Decision. A director's interpretation does not expire unless superseded by a subsequent director's interpretation, comprehensive plan amendment, or ordinance amendment.*


**Finding:** A director's interpretation does not expire as noted above.

- J. Appeal of a Decision. Refer to LCMC 17.76.180.*

**Finding:** The required notice of decision was given as required by LCMC Chapter 17.76 to afford opportunity for appeal.

**DECISION**

Based upon an analysis of the submitted application and accompanying materials against applicable criteria, the Director concludes that the request for extension of municipal water service to 2515 S Schooner Creek Rd does not violate OAR 660-011-0065 Water Service to Rural Lands.

Approved by:   
\_\_\_\_\_

Anne Marie Skinner, Director  
Planning and Community Development

August 22, 2022

Date

# Council Communication

---

## Resolution 2022-39 (Fire Flow Test Fee and Rates)

Meeting Date:	September 12, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Public Works	Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 Minutes

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### Question:

After the opportunity for public comment, should the City Council approve Resolution 2022-39 approving / clarifying rates, fees, and charges for fire flow testing?

### Staff Recommendation:

Staff recommends the Council approve Resolution 2022-39.

### Authority:

**LCMC ORS 294.160** (Public comment required).

**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.

(2) Where a local government exercises authority to assume the responsibility for a program delivered by the state, the local government shall provide an opportunity to comment on the difference between the fee amount charged by the state for such service and the proposed local fee for the service.

### Background:

Resolution 2022-39 was requested by City Administration to clarify that water used during fire flow testing is to be paid for by the property owner requesting the test. The rate is the then current water rate for the subject property and use. Similarly, if the City Water Distribution Supervisor or Designee's services are required, the property owner shall reimburse the City at the appropriate actual cost.

### Council Options:

The City Council may:

Approve attached Resolution 2022-39.

Do not approve the attached Resolution.

**Attachments:**

Resolution 2022-39 (DOCX)

Exhibit A (DOCX)

**RESOLUTION NO. 2022-39**

**A RESOLUTION OF THE CITY OF LINCOLN CITY,  
ADOPTING / CLARIFYING WATER RATES FOR FIRE FLOW TESTING AND  
ASSOCIATED FEES**

**WHEREAS**, the City of Lincoln City has established rates, fees and charges for various services and products; and

**WHEREAS**, the City has recently been requested by the Fire Marshal to require the performance of various fire flow testing pursuant to the requirements of the Oregon Fire Code; and

**WHEREAS**, the City has does not have clearly established fees / charges concerning such testing; and

**WHEREAS**, ORS 294.160 mandates that the City provide an opportunity for public comment when fees or charges are established or increased; and

**WHEREAS**, on September 12, 2022, the City Council provided an opportunity for public comment on the proposed new fees and charges proposed by this Resolution; and

**WHEREAS**, Council desires to establish fees to recover the cost of any use of the Water Distribution Supervisor or Designee’s time and to clarify that the property owner is responsible to pay for water used during required testing at the then current water rate;

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

**Section 1.** The recitals set forth above are true and correct and incorporated herein by this reference.

**Section 2.** If the Water Distribution Supervisor or Designee is called to a fire flow test, the property owner for whom the test is performed shall be responsible for reimbursing the City for the actual cost of the Supervisor or Designee’s time on-site. Actual cost is calculated based on the Supervisor or Designee’s rate, including salary and benefits [loaded rate].

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**Section 3.** The property owner for whom the test is performed shall be responsible for paying for all the water used during the fire flow test at the then current water rate applicable to the subject property and use.

**Section 3.** The attached **Exhibit A** schedule of rates, fees and charges is hereby adopted as the current rates, fees and charges for the any Fire Flow testing, and such schedule is incorporated herein by this reference.

**Section 4.** The above referenced fees and charges will be incorporated into the omnibus fee resolution to be adopted later this year.

**Section 5.** This Resolution is effective as of the date of its adoption.

**PASSED AND APPROVED** by the City Council of the City of Lincoln City,

Oregon, this 12<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
SUSAN WAHLKE  
MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG  
CITY RECORDER

APPROVED AS TO FORM

\_\_\_\_\_  
RICHARD APPICELLO  
CITY ATTORNEY

**RESOLUTION 2022-39 FEE ATTACHMENT – EXHIBIT A**

<b>Name of City of Lincoln City Fee</b>	Amount
Water used during Fire Flow Test	Current Established Water Rate for Subject Property and Use
Actual Cost of Water Distribution Supervisor or Designee's time on site	Loaded Hourly Rate

## Council Communication

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### Resolution 2022-40: Redesignating Bank Signatures

Meeting Date:	September 12, 2022	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

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#### Question:

Should the City Council adopt Resolution 2022-40 redesignating Bank signatures?

#### Staff Recommendation:

Staff recommends the Council adopt Resolution 2022-40.

#### Authority:

Resolution 2021-39 designates the City's bank depositories and authorized signatories for checks and drafts of the City of Lincoln City.

#### Background:

Resolution 2021-39 authorizes First Interstate Bank, Lincoln City Branch, as a designated depository of the City of Lincoln City, OR. This resolution 2022-40 removes the Council President, Police Lieutenant, and Human Resources Director as bank signers, and adds the Economic Development Director as a Bank signer. Total bank signers is changed from seven to five.

#### Council Options:

1. Motion to approve Resolution 2022-40 rescinding Resolution 2021-39 redesignating bank depositories and authorized signatories for checks and drafts of the City of Lincoln City.
2. Do not approve Resolution 2022-40.

#### Attachments:

Resolution 2022-40 Bank Signatures (DOC)

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**RESOLUTION NO. 2022-40**

**A RESOLUTION RESCINDING RESOLUTION NO. 2021-39 OF THE CITY OF LINCOLN CITY; AND REDESIGNATING BANK DEPOSITORIES AND AUTHORIZED SIGNATORIES FOR CHECKS AND DRAFTS OF THE CITY OF LINCOLN CITY**

WHEREAS, Deborah A. Bridges, is the Finance Director for the City of Lincoln City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, OREGON, AS FOLLOWS:

**Section 1.** Effective September 12<sup>th</sup>, 2022, First Interstate Bank, Lincoln City Branch; Bank of the West, Lincoln City Branch; and the Local Government Investment Pool are designated depositories of the City of Lincoln City, Oregon. Funds deposited at such institutions may be withdrawn upon a check, draft, or other order of the City.

**Section 2.** All checks, drafts, or orders drawn against City accounts may be signed by the Finance Director, City Manager, Mayor, Economic Development Director, and/or the Chief of Police/ Interim Chief of Police. All signatures of these persons shall be duly certified to said banks, and/or the Local Government Investment Pool. No checks, drafts, or other orders drawn against said banks shall be valid until so signed.

**Section 3.** Said banks, and/or the Local Government Investment Pool are authorized and directed to honor and pay any checks, drafts, or orders so drawn, whether or not such checks, drafts, or orders are payable to the order of any such person signing and/or countersigning such checks, drafts, or other orders, or any of such persons in their individual capacities, and whether or not such checks, drafts, or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts or orders of the City.

**Section 4.** This Resolution shall continue in force and said banks may consider the facts concerning the holder of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Recorder accompanying a copy of the Resolution when delivered to said banks, or the Local Government Investment Pool, or in any similar subsequent certificate, until written notice from City withdrawing such certification is duly served on such bank or banks.

1           **Section 5. This resolution is effective as of September 12<sup>th</sup> 2022.**

2           PASSED AND APPROVED by this City Council of the City of Lincoln City this 12<sup>th</sup> day of  
3   September 2022.

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\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER

## Council Communication

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### Appointment to Sustainability Committee - Applicant Crista Wray

Meeting Date:	September 12, 2022	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

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#### Question:

Should the City Council approve the appointment of Crista Wray for a "City Resident" position on the Sustainability Committee?

#### Staff Recommendation:

Ms. Wray would serve on the Sustainability Committee. Her term would expire on October 7, 2025. Mayor Wahlke and Councilor Hoagland interviewed Ms. Wray. Mayor Wahlke and Councilor Hoagland asked to move Ms. Wray's application forward for consideration of a position on the Sustainability Committee. Ms. Wray qualifies for a "City Resident" position.

#### Background:

The Sustainability Committee currently has two (2) vacant position- the positions left vacant by resignation with terms that will expire 12/31/2022.

#### 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 Crista Wray to the Sustainability Committee for a “City Resident” position with a partial plus a full 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:**

Wray Crista\_ Application\_Redacted.pdf (PDF)

Commission applicant-Crista Wray-Ref Eisenstadt.-completed.pdf (PDF)

Crista - REFERENCE CHECK-completed.pdf (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-Crista Wray-signed.pdf (PDF)



RECEIVED

**CITY OF LINCOLN CITY**  
**Committee / Board / Commission Application**

AUG 17 2022  
 CITY OF LINCOLN CITY  
 LINCOLN CITY OR

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

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

<b>NAME:</b>	Crista Wray	<b>DATE:</b>	08/17/2022
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	Same		
<b>CITY, STATE, ZIP:</b>	Lincoln City, OR 97367		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	[REDACTED]	<b>CELL PHONE:</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

- Do you reside within the City limits:  Yes Length of Time 2.5 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:

See Attached

List names of volunteer/work supervisors:

See Attached

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

See Attached

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:

See Attached

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

Name: Chris Barnett, [Redacted] Phone: [Redacted]

Name: Emily Eisenstadt, [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**

8/17/22  
\_\_\_\_\_  
**DATE**



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

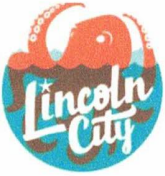
### COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

<b>FULL NAME:</b>	Crista Wray
<b>START DATE:</b>	
<b>NAME OF COMMITTEE, BOARD, OR COMMISSION:</b>	
<b>CITY STAFF REPRESENTATIVE:</b>	
<b>HOME ADDRESS:</b>	[REDACTED]
	Lincoln City, OR 97367
<b>MAILING ADDRESS:</b>	Same
<b>HOME PHONE:</b>	
<b>CELL PHONE:</b>	08/17/22
<b>PERSONAL E-MAIL ADDRESS:</b>	[REDACTED]

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

<b>DATE:</b>	8/17/22
<b>VOLUNTEER SIGNATURE:</b>	[REDACTED]

**ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL**



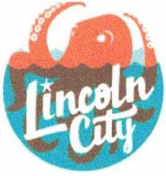
## **FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY**

### **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](http://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](http://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

8/17/22  
\_\_\_\_\_  
DATE

Crista Wray

Committee Application – Continued

Relevant Experiences:

My educational and professional background is in Higher Education and Adult Education. Sustainability is both a collective community action and individual action – I believe that my experience in education would serve me well in collaborating with the city on efforts to educate the community on both collective and individual efforts to be more sustainable. I have a bachelor's degree in history and a master's degree in Higher Education. For the last 7 years I have worked in the vocational education space where I have helped people transition careers and transform their lives.

Volunteer / Work Supervisors:

Michael Middleton – Current Supervisor at Ascent

Christopher Barnett – Galvanize Supervisor for 2 years

Carolyn Reil – Volunteer Liaison / Support person at Pi Beta Phi for 5 years

Previous Experience with Boards / Committees:

At work, I have served on many boards and committees – from organizing large conference events, to launching new educational programs. I especially enjoy organizing and planning. Outside of work I have served in various advisor committee positions with my national sorority, ultimately as the Chair of the advisory committee for the chapter at Willamette University for 5 years. In this position I lead a group of advisors to support the local chapter, organizing meetings, advising individuals and recruiting more advisors as needed on a volunteer capacity. On a one-off basis I have volunteered at many events over the years both as an individual and as part of various groups.

Why this committee:

Raising a young child, I am working on sharing the joy of living on the coast and embedding in her a sense of responsibility for our community and planet. I would love to help the community in any way I can, on the sustainability committee or wherever my experience and talents could be best utilized. I am interested in the sustainability committee because my experience in education, I believe, could be an asset to the group. I have a significant amount of experience planning educational experiences, events, and materials that I would like to share with the community. That being said, I am open to other committees including the Library Board, Arts, and Parks and Rec.



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding: Crista Wray (Community Sustainability Committee)**

**Reference:** Emily Eisenstadt

**Reference taken by; date / time:** August 19, 2022

- What is your professional relationship with the applicant?

Crista and I were in the same graduate program and worked on several events, committees, and projects together. Years later, Crista became my supervisor for an 18 month period.

- How long have you known him/her?

I have known Crista for 9 years.

- How long have you worked / served with him/her?

Crista was my supervisor at Galvanize/Hack Reactor for about 18 months.

- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?

I absolutely would hire Crista. She is a hard worker, dedicated to causes and initiatives she believes in, and is a creative thinker who enjoys finding solutions to problems or challenges.

- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Community Sustainability Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Community Sustainability Committee? Does the applicant possess good decision making / reasoning skills?

I know Crista has had experience serving on Alumni boards/committees for her sorority Pi Beta Phi. I do recommend her for the Community Sustainability Committee. I know she deeply cares about Lincoln City, and is looking for ways to invest in the community that she has lived in for years now. Crista does have good decision making and reasoning skills. Personally and professionally, when I'm challenged with a problem, Crista is one of the first people I turn to because she is level headed, looks at a situation from many sides, and I really trust her judgement.



## Human Resources

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- Does the applicant have good communication / interpersonal skills?

Crista has great communication skills. She's a strong writer and public speaker.. She can talk to anyone and find communality. She genuinely enjoys talking with people and would be a great representative for the work the committee does.

- Is he/she responsible and reliable?

Crista is very responsible and reliable. If she says she will do something, she will do it quickly and thoroughly.

- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?

Crista's people skills are very strong. She is an active listener who asks good questions and works hard to make people feel valued and included. She works to find connections with people and she is very open with herself to others.

- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? N/A
- 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 Community Sustainability Committee?

Crista hasn't been on a local government committee before, so I'm sure helping her figure out the dynamics at play would be helpful to her.

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

Crista would be a great addition to the committee and I hope she is chosen!



## Human Resources

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### REFERENCE CHECK- COMMITTEES

Reference regarding: **Crista Wray (Community Sustainability Committee)**

Reference: Chris Barnett

Reference taken by; date / time: **August 19, 2022**

- What is your professional relationship with the applicant? **Crista and I worked together for several years at Hack Reactor and Galvanize – which are both providers of immersive software engineering training programs, now owned by Stride, Inc. She reported to me as the Director of Regulatory Operations from January of 2020 through April of 2022.**
- How long have you known him/her? **I first met Crista in late 2017 while she was working as a National Career Coach for Hack Reactor.**
- How long have you worked / served with him/her? **We worked at the same company since early 2016 – however we began working closely together in late 2019.**
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? **I selected Crista to help me build out the regulatory operations team based on her performance in a different role in the company. I was sad to see her go, and would hire her 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 Community Sustainability Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Community Sustainability Committee? Does the applicant possess good decision making / reasoning skills? **Crista served as a founding board member, helped shape the mission of the Council for Integrity in Reporting Results, an industry organization that aimed to create uniform student outcomes reporting standards for coding schools. When our company made the decision to withdraw from CIRR – Crista handled herself professionally – and maintained good relationships with her former Board members. She was adept at working with different levels of stakeholders in our org on a wide array of projects, and would be a productive and valued addition to your Community Sustainability Committee.**
- Does the applicant have good communication / interpersonal skills? **Yes, Crista was able to communicate clearly and concisely about matters that often-required high levels of**



## Human Resources

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understanding. She is a warm and caring manager whose employees felt open and comfortable sharing with her.

- Is he/she responsible and reliable? **Yes. Crista was normally ahead of the curve when it came to planning for future deadlines and projects. She would see projects through to completion without reminders or oversight.**
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills? **Crista is able to think critically, synthesize and simplify complexity, and possesses high emotional intelligence. She excels at building and maintaining good relationships with her colleagues and contemporaries.**
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? **A great opportunity to advance her career.**
- 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 Community Sustainability Committee? **None come to mind. Crista has always been able to rise to new challenges.**
- Do you have any other feedback you could provide that would help us make a decision? **Crista would be a great addition to your Committee.**



## MEMORANDUM

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**To:** City of Lincoln City Mayor and Council  
**From:** Abigail Edwards, Human Resources Director  
**Date:** August 29, 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: Crista Wray  
Position Applied For: Community Sustainability Committee

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

Respectfully,

Abigail Edwards  
HR Director