

CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY JULY 26, 2021 6:00 PM

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

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 the City Recorder, 541-996-1203.

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

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

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – July 12, 2021 6:00 PM
2. Council Consent for Personnel Appointment

E. COUNCIL DELIBERATIONS

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

G. PRESENTATIONS

3. D-River Wayside/Cultural Center State Infrastructure Funding
4. Police Department 4th of July Report

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Public Comment on City Manager Recruitment Information

J. ORDINANCES

2. ORDINANCE 2021-12 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTION 9.08.045 (HUMANE CAMPSITE REMOVAL POLICY AND PROCEDURES) TO ADDRESS CHANGES IN OREGON STATE LAW
3. ORDINANCE 2021-15 AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTION 9.08.055 (PERMITTED OVERNIGHT CAMPING/SLEEPING) TO ADDRESS CHANGES TO ORS 203.082 IN SECTION 6 OF HB 2006 (2017)

K. RESOLUTIONS

4. RESOLUTION 2021-35 A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING TRAFFIC CONTROL MEASURES FOR THE INTERSECTION OF SW FLEET AVENUE AND SW 12th STREET
5. RESOLUTION 2021-36 A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING TRAFFIC CONTROL MEASURES FOR SW 28TH STREET BETWEEN SW ANEMONE AVE AND SW COAST AVE.
6. RESOLUTION NO. 2021-37 A RESOLUTION OF THE CITY OF LINCOLN CITY AMENDING RESOLUTION 2021-34 PROVIDING FOR LIMITED EXCEPTIONS TO CLOSURE FOR PREVIOUSLY APPROVED EVENTS PERMITTED BY THE OREGON PARKS AND RECREATION DEPARTMENT

L. SPECIAL ORDER OF BUSINESS

7. Transportation Growth Management Grant for a North End Traffic Study

M. CITY MANAGER/CITY ATTORNEY REPORTS

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

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

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

July 12, 2021, 6:00 PM

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

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM. Mayor Wahlke advised the public there are now three ways to provide public comment.

1. Comments can be made through email to publiccomment@lincolncity.org;
2. Comments can be made via Zoom if a request is emailed to publiccomment@lincolncity.org by noon on the meeting day;
3. Comments can be made in person at the Council Chambers (COVID-19 precautions are taken).

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	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
Anne Marie Skinner	Councilor Ward 2	Present	6:00 PM
Vacant	Councilor Ward 1		

Staff Present: Lila Bradley, Interim City Manager; Richard Appicello, City Attorney; Lt. Winn, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Ed Dreistadt, ELC Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, City Engineer; Sungman "Simon" Kim, Planning and Community Development Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Voice Vote

1. Regular Meeting – Minutes of Special Meeting – June 23, 2021, 5:15 PM
2. Regular Meeting – Minutes of Regular Meeting – June 28, 2021, 6:00 PM
3. Consent for Personnel Appointment

E. COUNCIL DELIBERATIONS

NONE

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

Colin Teem from North Lincoln Sanitary spoke regarding the free hazardous waste disposal event on July 31st at the Recycle Center from 9 AM to 2 PM. Mr. Teem also left a flyer to be added to the record.

Ms. Bradley summarized a voicemail from Kathy about ZOA 2021-03; public comment from Judy about beach access closure for NW 34th Ct. Mr. Appicello asked for clarification the public comments were actually for ZOA Ordinance 2021-03.

G. PRESENTATIONS

NONE

H. PUBLIC HEARING / ORDINANCE

4. Public Hearing: Zoning Ordinance Amendment (ZOA 2021-03) (Ordinance 2021-14) RM and GC Amendments

Mayor Wahlke opened the public hearing for ZOA 2021-03 RM and GC at 6:22 PM. Mr. Kim, PhD., Planning and Community Development Director, presented Ordinance 2021-14 (RM and GC). Councilor Skinner suggests the Ordinance be split into two votes, considering chapter 17.20 at the current meeting and chapter 17.32 at the meeting in August. Mayor Wahlke confirmed with Councilor Parson that there is no bias. Mr. Appicello asked that the voicemail mentioned by Ms. Bradley be entered into the record. Council gave unanimous consent. Deloris Lashbrook gave testimony in favor of the ordinance.

5.

MOTION:	Motion to Separate the Two Ordinances, Continuing the GC Issue to August 23, 2021
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Voice Vote

6.

MOTION:	Motion to Close Public Hearing on Chapter 17.20 RM Ordinance 2021-14
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Voice Vote

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Proposed City Manager Job Description for Public Comment

No Citizens present to comment for the hearing.

J. ORDINANCES

2. ORDINANCE NO. 2021-09 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), ADDING A NEW SECTION LCMC 17.76.155, (COVID TIMETABLE EXTENSION) TO CREATE A PROCESS TO GRANT ALL ELIGIBLE APPROVALS AN 18 MONTH TIMETABLE EXTENSION DUE TO THE ECONOMIC IMPACT OF COVID 19

MOTION:	Motion to Pass Second Reading of Ordinance 2021-09 COVID Time Table Extension
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons
NAYS:	Skinner
RESULT:	Passed by Roll Call Vote

3. ORDINANCE NO. 2021-14 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.20 (MULTI-UNIT RESIDENTIAL (R-M) ZONE), TO RESTORE SINGLE-FAMILY UNITS AS PERMITTED USES UNDER LIMITED CIRCUMSTANCES; AMENDING CHAPTER 17.32 (GENERAL COMMERCIAL (GC) ZONE) TO PERMIT CONVERSION OF EXISTING HOTELS/MOTELS/RESORT UNITS TO MULTI-UNIT RESIDENTIAL WITH A PERCENTAGE DEDICATED TO WORKFORCE HOUSING

MOTION:	Motion to Pass First Reading of Ordinance 2021-14 (RM Amendment)
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

- 4.

MOTION:	Motion to Pass Second Reading and Adoption of Ordinance 2021-14 (RM Amendment)
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

5. ORDINANCE NO. 2021-13 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.68 (TRANSIENT LODGINGS TAX REVIEW COMMITTEE), AMENDING CHAPTER 3.04 (TRANSIENT ROOM TAX) TO REPLACE TRT REVIEW COMMITTEE WITH TAX HEARING OFFICER, AMENDING CHAPTER 2.24 (VISITOR AND CONVENTION COMMITTEE); REMOVING COMMITTEE PROVISIONS FROM THE MUNICIPAL CODE

MOTION: Motion to Pass First Reading Ordinance 2021-13 Amending LCMC Chapters 2.68, 3.04 and 2.24
MOVER: Anne Marie Skinner, Councilor Ward 2
SECONDER: Judy Casper, Councilor Ward 3
AYES: Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Roll Call Vote

6.

MOTION: Motion to Pass Second Reading and Adoption Ordinance 2021-13 Amending LCMC Chapters 2.68, 3.04 and 2.24
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Anne Marie Skinner, Councilor Ward 2
AYES: Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Roll Call Vote

Mayor Wahlke confirmed the meeting for the Explore Lincoln City Committee would be canceled.

K. RESOLUTIONS

7. RESOLUTION NO. 2021-34 A RESOLUTION OF THE CITY OF LINCOLN CITY EXTENDING ESTABLISHED TEMPORARY PARKING AND TRAFFIC CONTROL MEASURES FOR A PORTION OF NW 15TH STREET AND A PORTION OF NW 34th COURT, PROHIBITING VEHICULAR TRAFFIC EXCEPT FOR EMERGENCY VEHICLES

Councilor Mark said that he is all for this motion and asked about alternate access to the beaches. Ms. Bradley said there is a map at NW 15th Street and there is a list on the website and social media. Councilor Casper asked when it expires if the beach accesses would be open again. Mr. Appicello said the road closure will end and the beach accesses will be up to the State.

MOTION: Motion to Approve Resolution 2021-34 Traffic Control 15th Street and 34th Court Extension
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Anne Marie Skinner, Councilor Ward 2
AYES: Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

NONE

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Bradley said the Senior Center has signed the agreement. Mr. Appicello said that Council would need to make a motion to waive the fees for this fiscal year and pass with a roll call vote.

Ms. Bradley gave a recap of the 4th of July for Chief Palmer.

Ms. Bradley spoke about the American Rescue Plan Funds; the Department of Administration will be sending out more information on July 19th regarding the 2 million dollars for Lincoln City. Ms. Bradley also said that she is working on scheduling the Revenue Stream Workshop for Council in the middle of August at 5:30 PM.

Ms. Bradley said there was a letter of resignation for Patty Kroen's position on the Planning Commission. Mayor Wahlke read the letter from Ms. Kroen. Mayor Wahlke read the letter aloud and accepted the resignation.

No items for the City Attorney,

8.

MOTION:	Motion to Approve the Waiver of the Fees for the Senior Center During FY2021-2022
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

Councilor Hoagland asked what the amount of the waiver would be. Ms. Sprague mentioned they are asking for a 5-year contract, the approximate cost is \$150,000. Ms. Bradley said the fee would have to be visited annually. Ms. Sprague said there was an agreement made this will be a shared space. Mr. Hoagland asked about the exclusive use permit and has Council received it. Mayor Wahlke said that the Council does not usually approve these permits.

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

9.

MOTION:	Motion to Approve the Job Description with Corrections
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Wahlke, Casper, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

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

NONE

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Council Hoagland asked Mr. Appicello about the Ordinance on the Uber update. Councilor Hoagland asked for good thoughts for Chief Palmer and his family.

Councilor Mark spoke about the Senior Center and banning firework sales in the City.

Councilor Casper was at the Regional Sanitary Waste Advisory Committee meeting. Councilor Casper said that there is a Forest Service Officer that handles the removal of waste on the forest service land. The officer said they are no longer looking at refrigerators and appliances, now it is RVs. Councilor Casper said money has been added to the budget to help the Sheriff's office remove these vehicles. Councilor Casper also asked about the final outcome of the parking situation. Mr. Appicello said the Engineering Staff have completed the studies and will be moving forward with traffic control resolutions.

Councilor Parson asked Ms. Bradley for copies of the two documents delivered by the Parks Board. Councilor Parsons said with Council's consent he would like to have the Parks Board come and present the documents. Council gave unanimous consent. Mr. Parsons asked about the Evacuation Policy and Procedure plan. Ms. Bradley said that Mr. Murphy is still working on the plan. Councilor Parsons said the Council had started the discussion about HB3115 (camping on public property) and wanted to know the status. Mr. Appicello said there have been talks about responses and there will probably be a work session after staff brainstorms. Councilor Parsons also asked about the opening date of Helping Hands. Mr. Appicello said there was a one-year extension of their timetable and will come back with that information.

Councilor Skinner spoke about the delinquent water billing and asked for Council's thoughts. Ms. Bradley said the Finance Department is working with people on payments and have not been charging fees but will reinstate that as of July 1, 2021. Ms. Bradley will bring more information to Council. Councilor Skinner thanked Ms. Sprague, Ms. Bradley, and the Seniors for coming together on an agreement.

Mayor Wahlke said the LOC is having a conference for City Councilors October 21st-23rd in Bend. Mayor Wahlke is encouraging Citizens to contact the Councilor of their ward with issues, also is keeping office hours. Mayor Wahlke is in favor of banning the sale of fireworks and having a further discussion. Mayor Wahlke also reminded the Citizens that ADA Chair available for use to the beach by contacting The Parks and Recreation Department. Mayor Wahlke said there is \$50,000 in the budget for non-profits and asked that Council review the application before it is sent out.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 7:43 PM

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Personnel Appointment Consent

Meeting Date: July 26, 2021 Primary Staff Contact: Abigail Edwards
 Department: Human Resources E-Mail: ADonowho@lincolncity.org
 Secondary Dept: Secondary Contacts: Abigail Edwards
 Approval: Lila Bradley Estimated Time: 5 minutes

To the Honorable Mayor and City Council:

As required by the City Charter, in the Lincoln City Municipal Code Chapter 5, Section 2.9, when an interim City Manager is in place, the appointment or removal of personnel must be approved by the Council.

Interviews were conducted, and the following recommendation has been reviewed and approved by the Interim City Manager. Please consider the following personnel appointment for ratification upon successful completion of pre-employment conditions:

Name: Samantha Daniels
 Position Applied For: Dispatcher
 Background Check: Complete/Passed
 Pre-Employment Physical/Psychological Evaluation: Complete/Passed

Name: David Shattuck
 Position Applied For: W/WTP Operator I
 Background Check: Complete/Passed
 Pre-Employment Physical: Pending

Name: Sergio Garcia-Montes
 Position Applied For: Parks Maintenance Worker
 Background Check: Complete/Passed
 Pre-Employment Physical: Pending
 Pre-Employment Drug Screen (Safety Sensitive Position): Complete/Passed

Name: Isaac Gilbert
 Position Applied For: Parks Maintenance Worker
 Background Check: Complete/Passed
 Pre-Employment Physical: Pending
 Pre-Employment Drug Screen (Safety Sensitive Position): Complete/Passed

Thank you!

Respectfully,

A handwritten signature in black ink that reads "Abigail Edwards". The signature is written in a cursive style with a large initial "A".

Abigail Edwards
HR Director

Potential Motions:

A motion to approve the personnel appointments, upon successful completion of pre-employment conditions, as recommended by staff.

Council Communication

Senator Anderson/Representative Gomberg

Meeting Date:	July 26, 2021	Primary Staff Contact:	Lila Bradley
Department:	Administration	E-Mail:	LBradley@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	20 minutes

Objective:

Inform City council about State allocation of more than \$4 million to Infrastructure projects in Lincoln City

Council Communication

Police Department 4th of July Report

Meeting Date: July 26, 2021

Department: Public Works

Secondary Dept:

Approval: Lila Bradley

Primary Staff Contact: Lila Bradley

E-Mail: LBradley@lincolncity.org

Secondary Contacts:

Estimated Time: 10 minutes

Council Communication

City Manager Hiring Criteria for Public Comment

Meeting Date:	July 26, 2021	Primary Staff Contact:	Abigail Edwards
Department:	Human Resources	E-Mail:	ADonowho@lincolncity.org
Secondary Dept:		Secondary Contacts:	Abigail Edwards
Approval:	Lila Bradley	Estimated Time:	5-10 minutes

Background:

As part of the City Manager Recruitment Process, public comment is permitted on proposed hiring criteria.

Attachments:

Lincoln City City Manager Profile DRAFT (PDF)



Oregon

CITY MANAGER

\$XXX - \$XXX

Plus Excellent Benefits

Apply by

August 29, 2021

(First Review, Open Until Filled)

PROTHMAN



WHY APPLY?



Located on the scenic Oregon Coast, Lincoln City borders the 680-acre Devils Lake and the Coast Range on the east and the Pacific Ocean on the west. Its stunning natural scenery and outdoor recreational opportunities make the city a popular tourist destination. Residents enjoy the perks of small-town life with major urban cities nearby, such as Salem, 58 miles to the east, and Portland, 88 miles to the northeast. Lincoln City is committed to maintaining its character, preserving its charm, and protecting its natural beauty, while growing its economy and enhancing what makes it a special Pacific Northwest coastal town. If you are an experienced management professional looking for a challenging and rewarding career opportunity in a community well on its way to a bright and exciting future, this is the right position for you!

Incorporated in 1965, Lincoln City has a population of approximately 9,000 which can grow up to 40,000 at peak tourist season. The city boasts 7.5 miles of beautiful, clean sandy beaches, with the Salmon River and Cascade Head to the north and the Siletz Bay National Wildlife Refuge to the south. The city also enjoys a mild maritime climate with rain and excellent air quality. The consistent breeze on the beaches makes Lincoln City one of the best places in the world to walk on the beach and fly a kite. Surfing and kite-boarding conditions are also world-class. Residents and visitors also enjoy golfing, hiking, fishing, skiing, rock hunting, bird watching, tide pooling and boating. The Confederated Tribes of the Siletz Indians are an important part of the City's past and present. They own and operate the Chinook Winds Casino, a 24-hour resort which offers gambling, golfing, concerts, a convention center, and restaurants. Lincoln City has a flourishing arts community with several glass blowing shops and a state-of-the-art culinary center that features seasonally inspired cooking and focuses on the abundant foods of the Pacific Northwest. The Lincoln City Cultural Center offers classes in art, dance, music, literature, and theater for all ages. Founded in 1970, the Sitka Center for Art and Ecology fosters creativity, intellectual inquiry, and education.

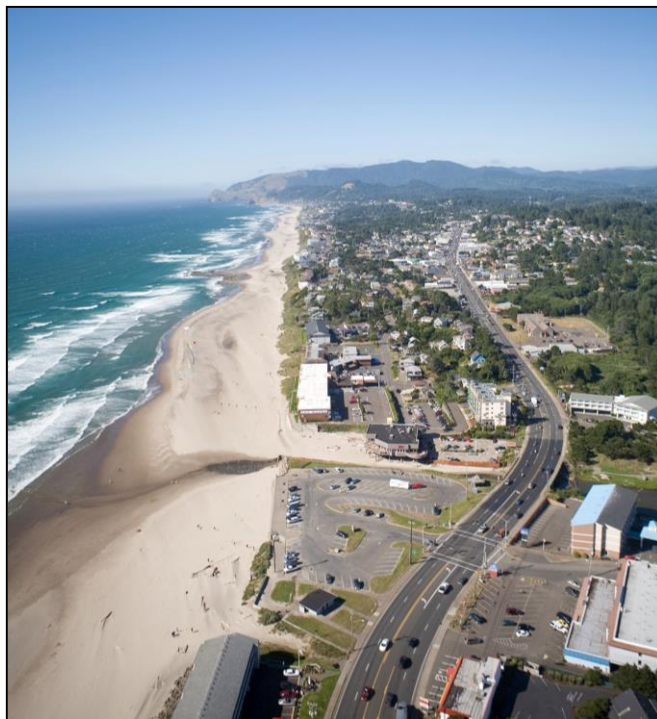
THE COMMUNITY

The City of Lincoln City operates under the Council/Manager form of government. The City Council is comprised of six Council Members elected from three wards and the Mayor is elected at large. They have staggered four-year terms. The annual budget for 2021 is \$68.7 million, including the General Fund budget of \$20.2 million. Roughly 150 FTEs offer a full range of city services, including water, sewer, streets, police, emergency services dispatch, urban renewal, parks and recreation, court, planning and community development, a library, and a tourism promotion department called Explore Lincoln City. Fire/medical services are operated by an overlapping district.



THE CITY

The City of Lincoln City operates under the Council/Manager form of government. The City Council is comprised of six Council Members elected from three wards and the Mayor is elected at large. They have staggered four-year terms. The annual budget for 2021 is \$68.7 million, including the General Fund budget of \$20.2 million. Roughly 150 FTEs offer a full range of city services, including water, sewer, streets, police, emergency services dispatch, urban renewal, parks and recreation, court, planning and community development, a library, and a tourism promotion department called Explore Lincoln City. Fire/medical services are operated by an overlapping district.



THE POSITION

Under the general supervision of the City Council, the City Manager is responsible for the overall management of the City's organization and operations. The City Manager will plan and direct the activities of all City departments and functions through subordinate department directors and others, provide information to the City Council and act as their policy adviser, and serve as the City's Chief Administrative Officer and Budget Officer. The City Manager will have fifteen (15) direct reports including a full time Urban Renewal Director and a full-time tourism promotion director.

For a full job description, please view the attachment found [here](#).

OPPORTUNITIES & CHALLENGES

1. The City Manager will be a leader in developing a crisis communication plan.
2. There are approximately 4,500 hotel/motel rooms in town, and several thousand vacation home rentals. The city is the largest concentration of visitor lodging between Portland and San Francisco. Short term rental enforcement will be a priority for the incoming Manager.
3. There is a Casino and Outlet Mall located in town, which offer many small shops, but no "big box" stores. The City Manager will build stronger relationships with the local Native American tribe, which operates the casino in town.
4. The City owns several hundred acres of property that has development potential. In addition, the City's Master Plan, Comprehensive Plan and System Development charge need updating. There has also been a formation of two new Urban Renewal Areas, each which needs a plan. The City Manager will play a major role in these projects.
5. Tourism is the economic focus in Lincoln City, and long-term rental housing can be sparse due to the abundance of vacation rental dwellings that make up the housing inventory. However, an array of delightful homes for sale can be found beachside, lakeside, or hillside, and are in the median price range of \$315,000. Job opportunities outside of the visitor service industry are fewer and farther between. This may be a consideration for anyone relocating to the community with a working spouse.

IDEAL CANDIDATE PROFILE

Education and Experience:

A bachelor's degree in public administration, business administration, or a related field, and a minimum of five (5) years of progressively responsible senior management or supervisory experience, preferably in the Oregon public sector for a municipality is required. Related Oregon experience must be within the last ten (10) years.

Any satisfactory equivalent combination of education, experience and training will be considered.

The ideal candidate will have previous experience in the public sector, and have a master's degree in public administration, business, or a related field. Other sought traits include skills and experience in managing an organization or large department with diverse services, strong knowledge of municipal public works and Oregon land use planning, and strong knowledge and experience with public budgeting, finance, reporting, personnel management, and labor law.

Necessary Knowledge, Skills and Abilities:

- The new City Manager should focus on the needs of residents, be active in the community, and have experience developing community engagement programs.
- The ideal candidate will be a proven advocate for parks, open space.
- The ability to communicate the need for new revenue to the community.
- Strong leadership skills, the ability to treat people with respect, and experience as a team builder and team leader.
- Experience managing diverse personalities and skill sets.
- Skill with conflict resolution, and experience as a mediator.
- Past experience working in a Council/Manager city.
- The ideal candidate will have experience working in a city with tourism-based economy.

Candidates may possess any combination of relevant education and experience that demonstrates their ability to perform the essential duties and responsibilities.

COMPENSATION & BENEFITS

- **\$XXX - \$XXX DOQ**
- Cell Phone Allowance or City-provided cell phone
- Medical, Dental, Vision & Prescription
- 10 Paid Holidays
- Two Weeks' Vacation the first year, additional accruals depending on tenure
- 12 Days' Sick Leave per year
- Oregon PERS—City-paid pension and additional pick-up of 6% IAP member contribution
- City-paid Long-Term Disability Insurance
- City-paid \$50,000 Basic Life Insurance Policy
- Voluntary Additional Supplemental Life and Spouse Life Insurance with guarantee issue amounts
- \$10,000 Voluntary Dependent Life Insurance
- Voluntary Flexible Spending Accounts for qualifying pre-tax medical and dependent care expenses
- Additional Voluntary Deferred Compensation (457(b) Retirement Plans)
- Employee Assistance Program through Cascade Centers
- Community Center Membership for household members
- Tickets at Work (www.ticketsatwork.com)
- Voluntary Pet Insurance
- Voluntary Legal Shield and Identity Shield Coverage
- Voluntary AFLAC Coverage
- Voluntary Plans for Accident, Hospital Indemnity, Trauma, and Major Illnesses



For more information on Lincoln City,
please visit:
www.lincolncity.org



The City of Lincoln City is an Equal Opportunity Employer. All qualified candidates are strongly encouraged to apply by **August 29, 2021** (first review, open until filled). Applications, supplemental questions, resumes and cover letters will only be accepted electronically. To **apply online**, go to www.prothman.com and click on "Open Recruitments", select "City of Lincoln City, OR – City Manager", and click "Apply Now", or click [here](#). Resumes, cover letters and supplemental questions can be uploaded once you have logged in. If you are a veteran and wish to request veterans' preference credit, please indicate that in your cover letter, and complete and submit the veterans' preference form posted on the website as instructed on the form.



www.prothman.com

371 NE Gilman Blvd., Suite 310
Issaquah, WA 98027
206.368.0050

Council Communication

Ordinance 2021-12 Amends 9.08.045

Meeting Date:	July 26, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2021-12 entitled:

ORDINANCE 2021-12

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTION 9.08.045 (HUMANE CAMPSITE REMOVAL POLICY AND PROCEDURES) TO ADDRESS CHANGES IN OREGON STATE LAW

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2021-12 and, *if unanimous*, Conduct and approve Second Reading. 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:

Enrolled HB 3124 was signed by Governor Brown on June 23, 2021. (See attached HB 3124). Changes to our ordinance, codified at Section 9.08.045, are made necessary by this bill.

Note: the bill states that “any law or policy of a county or city that is **more specific** or offers greater protections to homeless individuals subject to removal from an established camping site preempts contrary provisions of this section.” **(emphasis added)**

Financial Impact:

None.

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 August 9, 2021 [or]
3. Continue First Reading to August 9, 2021.

Potential Motions:

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

ORDINANCE 2021-12

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 9.08
(OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTION 9.08.045 (HUMANE
CAMPSITE REMOVAL POLICY AND PROCEDURES) TO ADDRESS CHANGES IN
OREGON STATE LAW**

Council: Motion to approve First Reading of Ordinance 2021-12.

If unanimous: City Attorney conducts Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2021-12.

[or]

2. Motion to set Second Reading for August 9, 2021.

Attachments:

Ordinance 2021-12 LCMC 9.08.045 amendment 7.19.21Richard (DOC)
Enrolled HB 3124 (PDF)

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ORDINANCE 2021-12

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER
9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTION 9.08.045
(HUMANE CAMPSITE REMOVAL POLICY AND PROCEDURES) TO ADDRESS
CHANGES IN OREGON STATE LAW**

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

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.

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, House Bill 3124 (2021) amended ORS 203.079 which forms the basis for the City's Humane campsite removal policy and procedures set forth in LCMC 9.08.045; and

WHEREAS, the City of Lincoln City desires to update and clarify and amend LCMC 9.08.045 to conform to the changes made by HB 3124; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 9 (*Public Peace, Morals and Welfare*), Chapter 9.08 (*Offenses Against Public Order*), Section 9.08.045 (*Humane campsite removal policy and procedures*) is hereby amended to read as follows:

9.08.045 Humane campsite removal policy and procedures.

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A. Prior to removing a campsite as defined in LCMC 9.08.050, the city shall post a **written** notice **24 at least 72** hours in advance of removal. If the campsite is a vehicle, tow procedures shall also be observed. All posted notices shall be in English and Spanish. **The written notice required must be posted at all entrances to the camping site to the extent that the entrances can reasonably be identified, and state at a minimum:**

- **Where unclaimed personal property will be stored;**
- **A phone number that individuals may call to find out where the property will be stored; or**
- **If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.**

A city enforcement officer shall not issue a citation for violation of LCMC 9.08.050 if the citation would be issued within 200 feet of the notice and within two hours before or after the notice was posted.

B. At the time that a **24-72**-hour notice is posted, the city shall inform a local agency that delivers social services to homeless individuals where the notice has been posted.

C. The local agency may arrange for outreach workers to visit the campsite **that is subject to posted removal notice where a notice has been posted** to assess the need for social service assistance in arranging shelter and other assistance.

D. All **unclaimed** personal property **at the camping site that remains unclaimed after removal** shall be given to the police department **or to a local agency that delivers social services to homeless individuals, an outreach worker, local agency official or a person authorized to issue a citation (designated city enforcement officer)** whether **24 the minimum 72** hour notice is required or not. The property **removed from camping sites** shall be stored **in a facility located in the same community as the camping site from which it was removed. The property shall be stored** for a minimum of 30 days during which it **shall will** be reasonably available to any individual claiming ownership. **Unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.** Any personal property that remains unclaimed for 30 days may be disposed of consistent with state law and city code for disposition of found, lost, unclaimed or abandoned property, as applicable. **Unclaimed property may be donated to a 501(c)(3) organization.**

1 For purposes of this subsection, "personal property" means any item that can
 2 reasonably be identified as belonging to an individual and that has apparent
 3 value or utility. is reasonably recognizable as belonging to a person and that
 4 has apparent utility. Items that have no apparent value or utility or are in an
 5 insanitary unsanitary or putrescent condition may be immediately discarded
 6 upon removal of the homeless individuals from the camping site. Weapons,
 7 controlled substances other than prescription medication drug
 8 paraphernalia and items that appear to be either stolen or evidence of a crime
 9 shall be given to or retained by the police department.

10 E. Following the removal of a camping site on public property, the law
 11 enforcement officials, local agency officials and outreach workers may meet to
 12 assess the notice and removal policy, to discuss whether the removals are
 13 occurring in a humane and just manner and to determine if any changes are
 14 needed in the policy.

15 F. The **24 minimum 72**-hour notice required under subsection (A) of this section
 16 shall not apply:

17 1. When there are grounds for law enforcement officials to believe that
 18 illegal activities other than camping are occurring at an established
 19 camping site.

20 2. In the event of an exceptional emergency such as possible site
 21 contamination by hazardous materials or when there is immediate danger
 22 to human life or safety.

23 **3.If a funeral service is scheduled with less than 72 hours' notice at a**
 24 **cemetery at which there is a camping site, or a camping site is**
 25 **established at the cemetery less than 72 hours before the scheduled**
 26 **service, the written notice required under subsection A. of this section**
 27 **may be posted at least 24 hours before removing homeless individuals**
 28 **from the camping site.**

29 **3.4.** The site is public property designated for day use recreation.

30
 31 **4.5.** The site is public property designated as a campground and occupied
 32 by an individual under an agreement or pursuant to authorization specified
 33 in LCMC 9.08.055, Permitted overnight camping/sleeping.

1 **SECTION 2. Findings Adopted.** The findings in the Whereas Clauses and otherwise in
2 the record of this legislative proceeding are adopted and incorporated herein by this
3 reference.

4
5 **SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this
6 ordinance are severable. The invalidity of one section, subsection, paragraph, or clause
7 shall not affect the validity of the remaining sections, subsections, paragraphs and
8 clauses.

9
10 **SECTION 4. Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance takes
11 effect 30 days after the date of its adoption.

12
13 **SECTION 5. Codification.**

14
15 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
16 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
17 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
18 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not
19 be codified and the City Recorder is authorized to correct any cross-references and any
20 typographical errors.

21
22 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
23 Section 9.2 of the City of Lincoln City Charter on the 26th day of July, 2021 (First Reading).
24 The Ordinance was again read by title only on the 26th day of July, 2021 (Second
25 Reading) and Council approved Second Reading and adoption of the Ordinance.

26
27 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 26th
28 day of July, 2021.

29
30
31 _____
32 SUSAN WAHLKE,
33 MAYOR

34 ATTEST:

35 _____
36 JAMIE YOUNG, CITY RECORDER

37
38 APPROVED AS TO FORM:

39 _____
40 RICHARD APPICELLO, CITY ATTORNEY
41

Enrolled
House Bill 3124

Sponsored by Representative LIVELY; Representatives POWER, WILDE, Senator GORSEK

CHAPTER

AN ACT

Relating to homelessness; amending ORS 203.079 and section 1, chapter 21, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 203.079 is amended to read:

203.079. (1) A policy developed pursuant to ORS 203.077 shall *[include, but is not limited to,]* **conform, but is not limited, to** the following^[.] provisions.

(2) **As used in this section, “personal property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.**

^[(a)] (3) ***[Prior to]* Except as provided in subsection (9) of this section, at least 72 hours before** removing homeless individuals from an established camping site, law enforcement officials shall post a **written** notice, *[written]* in English and Spanish, *[24 hours in advance]* **at all entrances to the camping site to the extent that the entrances can reasonably be identified.**

^[(b)] (4)(a) *[At the time that a 24-hour]* **When a 72-hour** notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals **as to** where the notice has been posted.

^[(c)] (b) The local agency may arrange for outreach workers to visit the camping site *[where a notice has been posted]* **that is subject to the notice** to assess the need for social service assistance in arranging shelter and other assistance.

^[(d)] (5)(a) All *[unclaimed]* personal property **at the camping site that remains unclaimed after removal** shall be given to *[law enforcement officials whether 24-hour]* **a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (10) of this section, whether** notice is required **under subsection (3) of this section** or not.

(b) **The unclaimed personal property must be stored:**

(A) **For property removed from camping sites in counties other than Multnomah County, in a facility located in the same community as the camping site from which it was removed.**

(B) **For property removed from camping sites in Multnomah County, in a facility located within six blocks of a public transit station.**

(c) **Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.**

(d) **Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.**

(6) The written notice required under subsection (3) of this section must state, at a minimum:

(a) Where unclaimed personal property will be stored;

(b) A phone number that individuals may call to find out where the property will be stored; or

(c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

(7)(a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(b) The property shall be stored for a minimum of 30 days during which it [will] shall be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed [for] after 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020. [For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.]

[(e)] (8) Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

[(2)] (9)(a) The [24-hour] 72-hour notice [required] requirement under subsection [(1)] (3) of this section [shall] does not apply:

[(a)] (A) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established camping site.

[(b)] (B) In the event of an exceptional emergency [such as] at an established camping site, including, but not limited to, possible site contamination by hazardous materials [or when there is], a public health emergency or other immediate danger to human life or safety.

(b) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (3) of this section may be posted at least 24 hours before removing homeless individuals from the camping site.

[(3)] (10) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of [the] a notice [described in] required under subsection (3) of this section and within two hours before or after the notice was posted.

(11) Any law or policy of a city or county that is more specific or offers greater protections to homeless individuals subject to removal from an established camping site preempts contrary provisions of this section.

SECTION 1a. If Senate Bill 410 becomes law, section 1 of this 2021 Act (amending ORS 203.079) is repealed and ORS 203.079, as amended by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 410), is amended to read:

203.079. (1) A policy developed pursuant to ORS 203.077 shall [include, but is not limited to,] conform, but is not limited, to the following[:] provisions.

(2) As used in this section, "personal property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

[(a)] (3) [Prior to] Except as provided in subsection (9) of this section, at least 72 hours before removing homeless individuals from an established camping site, law enforcement officials

shall post a **written** notice, *[written]* in English and Spanish, *[24 hours in advance]* **at all entrances to the camping site to the extent that the entrances can reasonably be identified.**

[(b)] **(4)(a)** *[At the time that a 24-hour]* **When a 72-hour** notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals **as to** where the notice has been posted.

[(c)] **(b)** The local agency may arrange for outreach workers to visit the camping site *[where a notice has been posted]* **that is subject to the notice** to assess the need for social service assistance in arranging shelter and other assistance.

[(d) Except as otherwise provided in paragraph (e) of this subsection:]

[(A)] **(5)(a)** All *[unclaimed]* personal property **at the camping site that remains unclaimed after removal** shall be given to *[law enforcement officials whether 24-hour]* **a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (10) of this section, whether** notice is required **under subsection (3) of this section** or not.

(b) The unclaimed personal property must be stored:

(A) For property removed from camping sites in counties other than Multnomah County, in a facility located in the same community as the camping site from which it was removed.

(B) For property removed from camping sites in Multnomah County, in a facility located within six blocks of a public transit station.

(c) Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.

(d) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.

(6) The written notice required under subsection (3) of this section must state, at a minimum:

(a) Where unclaimed personal property will be stored;

(b) A phone number that individuals may call to find out where the property will be stored; or

(c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

(7)(a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(b) The property shall be stored for a minimum of 30 days during which it *[will]* shall be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed *[for]* after 30 days may be disposed of **or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.**

[(B) For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.]

[(C) Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.]

[(e) For unclaimed personal property located in Multnomah County:]

[(A) All unclaimed personal property shall be given to a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (3) of this section, whether 24-hour notice is required or not.]

[(B) Facilities for storage of personal property under paragraph (d) of this subsection must be located within six blocks of a public transit station.]

[(f)] **(8)** Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

[(2)] **(9)(a)** The [24-hour] **72-hour** notice [required] **requirement** under subsection [(1)] **(3)** of this section [shall] **does** not apply:

[(a)] **(A)** When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring **at an established camping site**.

[(b)] **(B)** In the event of an exceptional emergency [such as] **at an established camping site, including, but not limited to,** possible site contamination by hazardous materials [or when there is], **a public health emergency or other** immediate danger to human life or safety.

(b) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (3) of this section may be posted at least 24 hours before removing homeless individuals from the camping site.

[(3)] **(10)** A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of [the] a notice [described in] **required under subsection (3) of this section** and within two hours before or after the notice was posted.

(11) Any law or policy of a city or county that is more specific or offers greater protections to homeless individuals subject to removal from an established camping site preempts contrary provisions of this section.

SECTION 2. Section 1, chapter 21, Oregon Laws 2018, is amended to read:

Sec. 1. (1) The Department of Transportation may enter into an intergovernmental agreement with a city that has a population of 500,000 or more for the removal, storage and disposition of personal property deposited, left or displayed on property that is owned by the department.

(2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered into under this section may provide alternative provisions related to the removal, storage and disposition of personal property if the alternative provisions conform with the requirements for local government policy for removal of homeless individuals and personal property [described] under ORS 203.079, *except that under this section the notices described in ORS 203.079 must be posted 48 hours in advance*.

(3) In addition to the requirements described in subsection (2) of this section, an intergovernmental agreement entered into under this section must include the following:

(a) Requirements for posting notice before the removal of personal property, including but not limited to the following:

(A) That the notice is created using durable materials and securely posted within 30 feet of the personal property to be removed;

(B) That the notice must provide the date the notice begins and the date upon which the city may begin removing personal property; and

(C) That the notice must provide a description of:

(i) How an individual may access personal property that is removed and stored; and

(ii) The length of time the city will store personal property before the city disposes of it.

(b) A requirement that the notice expires 10 days after the city posts the notice.

(c) A severe weather protocol regarding the weather conditions under which the city will not remove personal property.

(d) Provisions related to inventorying and storing the personal property to be removed.

(e) Provisions related to the city relinquishing unclaimed personal property after the storage period to the city's designated agent.

(f) Provisions related to when the city will provide impact reduction services, including but not limited to trash collection.

(4) The [48-hour] **72-hour** notice **under ORS 203.079** required under subsection (2) of this section does not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring;

(b) Where there is an exceptional emergency, such as possible site contamination by hazardous materials; or

(c) When there is immediate danger to human life or safety.

(5) Before the city adopts an intergovernmental agreement under this section or changes to the agreement, the city shall invite public comment on the proposed agreement or the proposed changes to the agreement.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 19, 2021

Received by Governor:

Repassed by House June 9, 2021

.....M.,....., 2021

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2021

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 8, 2021

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M.,....., 2021

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Shemia Fagan, Secretary of State

Council Communication

Ordinance 2021-15 Amends 9.08.055

Meeting Date:	July 26, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2021-15 entitled:

ORDINANCE 2021-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTION 9.08.055 (PERMITTED OVERNIGHT CAMPING/SLEEPING) TO ADDRESS CHANGES TO ORS 203.082 IN SECTION 6 OF HB 2006 (2017)

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2021-15 and, *if unanimous*, Conduct and approve Second Reading. 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:

Enrolled HB 2006 was signed by Governor Brown in May 2021. (See attached HB 2006). Changes to our ordinance, codified at Section 9.08.055, are made necessary by Section 6 of this new legislation.

In short, the legislature removed the limitation in ORS 203.082 to religious institutions, which was always problematic. This ordinance expands the City's allowance for such overnight in-vehicle camping to all nonprofit organizations. Reasonable conditions are now expressly authorized by statute. The ordinance continues the existing limitations in the code to three vehicles per site, no fees or charges, and adds alcohol and controlled substance prohibitions.

Financial Impact:

None.

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 August 9, 2021 [or]
3. Continue First Reading to August 9, 2021.

Potential Motions:

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

ORDINANCE 2021-15

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 9.08
(OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTION 9.08.055 (PERMITTED
OVERNIGHT CAMPING/SLEEPING) TO ADDRESS CHANGES TO ORS 203.082 IN
SECTION 6 OF HB 2006 (2017)**

Council: Motion to approve First Reading of Ordinance 2021-15.

If unanimous: City Attorney conducts Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2021-15.

[or]

2. Motion to set Second Reading for August 9, 2021.

Attachments:

Ordinance 2021-15 revised (DOC)

Enrolled HB2006 (PDF)

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ORDINANCE 2021-15

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER
9.08 (OFFENSES AGAINST PUBLIC ORDER), AMENDING SECTION 9.08.055
(PERMITTED OVERNIGHT CAMPING/SLEEPING) TO ADDRESS CHANGES TO
ORS 203.082 IN SECTION 6 OF HB 2006 (2017)**

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

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.

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, HB 2006 (2021), Section 6, amends ORS 203.082 concerning the allowance for religious institutions to permit homeless camping in vehicles under certain conditions; and

WHEREAS, HB 2006 removed the limitation on the allowance to religious institutions and specifically authorized local government imposition of reasonable conditions upon offering such camping spaces; and

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WHEREAS, the City Council in 2016 expressly acknowledged the allowance in state law for camping in religious institution parking lots by adding it to the municipal code in Section 9.08.055; and

WHEREAS, the City Council desires to clarify and amend Chapter 9.08, Section 9.08.055 consistent with HB 2006 (2021) to remove the limitation to religious institutions and impose reasonable conditions; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 9 (*Public Peace, Morals and Welfare*), Chapter 9.08 (*Offenses Against Public Order*), Section 9.08.055 (*Permitted overnight camping/sleeping*) is hereby amended to read as follows:

9.08.055 Permitted overnight camping/sleeping.

A. The prohibitions in LCMC 9.08.050 are inapplicable in the following circumstances:

1. The property involved is appropriately zoned and has all necessary approvals for the proposed use of overnight camping, in a vehicle or otherwise (for example, a recreational vehicle park in a recreation-commercial zone with a conditional use approval or state-owned public campground in the park zone);

2. The city council or manager, by emergency declaration, has authorized overnight camping, in a vehicle or otherwise, in accordance with the limitations, terms and conditions of such declaration;

3. A special event permit pursuant to Chapter 5.16 LCMC, traffic control order, pursuant to Chapter 10.08 LCMC, or other parks permit or order pursuant to Chapter 12.16 LCMC authorizes overnight camping in a vehicle or otherwise, in accordance with the limitations, terms and conditions of such permit;

4. Subject to conditions specified in subsection (B) of this section, and notwithstanding any other provision of this code, any **non-profit entity religious institution** located in the city of Lincoln City may offer overnight camping or sleeping space on **entity institution** property to homeless persons living in vehicles. Homeless persons

1 may sleep overnight in a vehicle in an **improved** parking lot of a
 2 **non-profit entity religious institution** that owns or leases property
 3 on which a parking lot is located only with written permission of the
 4 property owner ~~or the owner's representative~~. The property owner
 5 may not grant permission for more than three vehicles used for
 6 camping or sleeping at any one time. For purposes of this subsection
 7 (A), the term "vehicle" includes a car, truck, van, camper, and camp
 8 trailer, or Conestoga wagon provided by the **nonprofit entity**
 9 **institution**.

10 B. A **religious institution non-profit entity** who allows a person or
 11 persons to camp/sleep overnight in a vehicle on a property **owned or**
 12 **controlled by the entity**, pursuant to subsection (A)(4) of this section
 13 shall:

14 1. Provide or make available sanitary facilities, including but not
 15 limited to toilet and hand washing facilities;

16 2. Provide trash disposal facilities to such persons consistent with
 17 LCMC 8.16.06;

18 3. **Not permit more than three (3) vehicles used for camping or**
 19 **sleeping at any one time.**

20 4. Require such camping/sleeping space be not less than five feet
 21 away from any property line; and

22 ~~4.~~ 5. Not require payment of any fee, rent or other monetary **or non-**
 23 **monetary** charge for overnight camping/sleeping, as authorized by
 24 this section; **and**

25 **6. Not permit the consumption of alcohol or controlled**
 26 **substances (excluding prescription medications) on the**
 27 **premises used for overnight in-vehicle camping/sleeping.**

28 C. An ~~institution~~ **non-profit entity** who permits overnight
 29 camping/sleeping pursuant to subsections (A)(4) and (B) of this section
 30 may revoke that permission at any time and for any reason. Any person
 31 who receives permission to camp/sleep on that property as provided in
 32 this section shall leave the property immediately after permission has
 33 been revoked.

34 D. Notwithstanding any other provision of this section, the city manager or
 35 the manager's designee may revoke permission for a **non-profit entity**

1 ~~religious institution~~ to offer overnight camping/sleeping in vehicles or
2 revoke permission of a person to sleep overnight on such properties, if the
3 city finds that the non-profit entity institution, owner, or person has
4 violated any criminal law, or other applicable law, ordinance, rule,
5 guideline or agreement permitting camping on the site, or that the
6 activity constitutes a public nuisance or other threat to the public welfare.

7 ~~E. The city manager or the manager’s designee may impose~~
8 ~~administrative civil penalties on responsible parties who fail to~~
9 ~~comply with the requirements of this section, Violations of the~~
10 ~~provisions of this section may be enforced against responsible~~
11 ~~parties, by citation~~ as provided in Chapter 1.16 LCMC.

12 F. In addition to any other penalties that may be imposed, any site used
13 for overnight camping/sleeping in a manner not authorized by this section
14 or other provisions of this code shall constitute a nuisance and may be
15 abated as such. As used in this section, “campsite” has the meaning given
16 in LCMC 9.08.050. As used in this section, “nonprofit entity” means
17 an organization registered to do business in the State or Oregon and
18 in Lincoln City with a current 501(c)(3) tax exemption status.

19 G. Nothing in this section creates any duty on the part of the city or its
20 agents to ensure the protection of persons or property with regard to
21 permitted overnight camping/sleeping.

22 **SECTION 2. Findings Adopted.** The findings in the Whereas Clauses and
23 otherwise in the record of this legislative proceeding are adopted and
24 incorporated herein by this reference.
25

26 **SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of
27 this ordinance are severable. The invalidity of one section, subsection, paragraph,
28 or clause shall not affect the validity of the remaining sections, subsections,
29 paragraphs and clauses.
30

31 **SECTION 4. Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
32 takes effect 30 days after the date of its adoption.
33

34 **SECTION 5. Codification.**

35
36 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
37 Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter”
38 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,

1 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not
2 be codified and the City Recorder is authorized to correct any cross-references and any
3 typographical errors.

4
5 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
6 Section 9.2 of the City of Lincoln City Charter on the 26th day of July, 2021 (First Reading).
7 The Ordinance was again read by title only on the 26th day of July, 2021 (Second
8 Reading) and Council approved Second Reading and adoption of the Ordinance.

9
10 PASSED AND ADOPTED by the City Council of the City of Lincoln City this
11 26th day of July, 2021.

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SUSAN WAHLKE,
MAYOR

20 ATTEST:

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22

JAMIE YOUNG, CITY RECORDER

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24
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26 APPROVED AS TO FORM:

27
28

RICHARD APPICELLO, CITY ATTORNEY

29

Enrolled House Bill 2006

Sponsored by Representative KOTEK; Representatives CAMPOS, DEXTER, EVANS, FAHEY, GRAYBER, HOLVEY, KROPF, LEIF, MARSH, MCLAIN, MEEK, MORGAN, NATHANSON, NERON, NOBLE, REARDON, SOLLMAN, WILDE, WILLIAMS, ZIKA, Senator PATTERSON

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 203.082, 446.265 and 458.650; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section, “emergency shelter” means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.

(2) A building or cluster of buildings used as an emergency shelter under an approval granted under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session):

(a) May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).

(b) May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.

(3) An approval of an emergency shelter under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session) is void unless the shelter is operating within two years following the approval.

SECTION 3. (1) A local government shall approve an application for the development or use of land for an emergency shelter, as defined in section 2 of this 2021 Act, on any property, notwithstanding ORS chapter 195, 197, 197A, 215 or 227 or any statewide plan, rule of the Land Conservation and Development Commission or local land use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive plan, if the emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;

(d) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, in-

cluding flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;

- (e) Has adequate transportation access to commercial and medical services; and
- (f) Will not pose any unreasonable risk to public health or safety.

(2) An emergency shelter allowed under this section must be operated by:

(a) A local government as defined in ORS 174.116;

(b) An organization with at least two years' experience operating an emergency shelter using best practices that is:

(A) A local housing authority as defined in ORS 456.375;

(B) A religious corporation as defined in ORS 65.001; or

(C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or

(c) A nonprofit corporation partnering with any other entity described in this subsection.

(3) An emergency shelter approved under this section:

(a) May provide on-site for its clients and at no cost to the clients:

(A) Showering or bathing;

(B) Storage for personal property;

(C) Laundry facilities;

(D) Service of food prepared on-site or off-site;

(E) Recreation areas for children and pets;

(F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or

(G) Any other services incidental to shelter.

(b) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(4) An emergency shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

(5) The approval of an emergency shelter under this section is not a land use decision and is subject to review only under ORS 34.010 to 34.100.

SECTION 4. (1) Section 3 of this 2021 Act is repealed on July 1, 2022.

(2) The repeal of section 3 of this 2021 Act by subsection (1) of this section does not affect an application for the development of land for an emergency shelter that was completed and submitted before the date of the repeal.

SECTION 5. ORS 446.265 is amended to read:

446.265. (1) Inside an urban growth boundary, a local government may authorize the establishment of transitional housing accommodations used as individual living units by one or more individuals. Use of transitional housing accommodations is limited to *[persons]* **individuals** who lack permanent or safe shelter and who cannot be placed in other low income housing. A local government may limit the maximum amount of time that an individual or a family may use the accommodations.

(2) Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations, **as well as areas in parking lots or facilities for individuals or families to reside overnight in a motor vehicle, without regard to whether the motor vehicle was designed for use as temporary living quarters.** The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities.

The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

(3) Transitional housing accommodations are not subject to ORS chapter 90.

(4) As used in this section, “yurt” means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat.

SECTION 6. ORS 203.082 is amended to read:

203.082. *[(1) Any political subdivision in this state may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.]*

[(2) In addition to any conditions or limitations imposed by a political subdivision, a religious institution located within the political subdivision and offering camping space described under subsection (1) of this section must:]

[(a) Limit camping space at the institution site to three or fewer vehicles at the same time; and]

[(b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities.]

(1) Any political subdivision may allow any public or private entity to allow overnight camping by homeless individuals living in vehicles on the property of the entity.

(2) A political subdivision may impose reasonable conditions upon offering camping space under this section, including establishing a maximum number of vehicles allowed.

(3) Entities providing camping spaces under this section must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities.

SECTION 7. ORS 458.650 is amended to read:

458.650. (1) The Emergency Housing Account *[shall be]* **is** administered by the Housing and Community Services Department to assist homeless *[persons]* **individuals** and those *[persons]* **individuals** who are at risk of becoming homeless. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 is dedicated for expenditure for assistance to veterans who are homeless or at risk of becoming homeless. For purposes of this section, “account” means the Emergency Housing Account.

(2) The Oregon Housing Stability Council, with the advice of the Community Action Partnership of Oregon, shall develop policy for awarding grants to organizations that shall use the funds:

(a) To provide to low and very low income *[persons]* **individuals**, including but not limited to, *[persons]* **individuals** more than 65 years of age, persons with disabilities, farmworkers and Native Americans:

(A) Emergency shelters and attendant services;

(B) Transitional housing services designed to assist *[persons]* **individuals** to make the transition from homelessness to permanent housing and economic independence;

(C) Supportive housing services to enable *[persons]* **individuals** to continue living in their own homes or to provide in-home services for such *[persons]* **individuals** for whom suitable programs do not exist in their geographic area;

(D) Programs that provide emergency payment of home payments, rents or utilities; or

(E) Some or all of the needs described in subparagraphs (A) to (D) of this paragraph.

(b) To align with federal strategies and resources that are available to prevent and end homelessness.

(3)(a) The council shall require as a condition of awarding a grant that the organization demonstrate to the satisfaction of the council that the organization has the capacity to deliver any service proposed by the organization.

(b) Any funds granted under this section *[shall]* **may** not be used to replace existing funds. Funds granted under this section may be used to supplement existing funds. An organization may use funds to support existing programs or to establish new programs.

(c) The council, by policy, shall give preference in granting funds to those organizations that receive grants from the Housing Development Grant Program established under ORS 458.625.

(4) The department may expend funds from the account for:

(a) The administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department.

(b) The development of technical assistance and training resources for organizations developing and operating emergency shelters as defined in section 2 of this 2021 Act and transitional housing accommodations as described in ORS 446.265.

SECTION 8. Section 9 of this 2021 Act is added to and made a part of ORS 458.600 to 458.665.

SECTION 9. (1) As used in this section, “low-barrier emergency shelter” means an emergency shelter, as defined in section 2 of this 2021 Act, that follows established best practices to deliver shelter services that minimize barriers and increase access to individuals and families experiencing homelessness.

(2) The Housing and Community Services Department shall award grants and provide technical assistance to organizations to fund:

(a) The construction, purchase or lease of facilities to be used as low-barrier emergency shelters;

(b) The operation, use or staffing of low-barrier emergency shelters, including the costs to provide clients with access to the shelters;

(c) The development or use of amenities or facilities that provide no-cost services to individuals and families who are homeless, including restroom and hygiene facilities, laundry facilities, dining facilities, storage for personal property, meeting or gathering spaces and facilities providing case management services; or

(d) Rapid rehousing services and supports for individuals and families.

(3) In awarding grants and providing technical assistance under this section, the department shall:

(a) Ensure that funds are distributed among different regions of the state; and

(b) Prioritize funding areas of highest need as identified in the August 2019 Oregon Statewide Shelter Study.

(4) Grants under this section must be awarded:

(a) Through a competitive process that emphasizes collaborative proposals; or

(b) To one or more community action agencies.

SECTION 10. (1) As used in this section, “navigation center” means a low-barrier emergency shelter, as defined in section 9 of this 2021 Act, that is open seven days per week and connects individuals and families with health services, permanent housing and public benefits.

(2) The Oregon Department of Administrative Services may award grants to local governments to:

(a) Plan the location, development or operations of a navigation center;

(b) Construct, purchase or lease a building for use as a navigation center;

(c) Operate a navigation center that has been constructed, purchased or leased under paragraph (b) of this subsection; or

(d) Contract for the performance of activities in this subsection.

(3) The department shall require that each local government receiving a grant under this section agree to return all moneys granted unless the local government has developed a navigation center that is operating on or before July 1, 2022.

SECTION 11. Notwithstanding ORS 458.650 (2) and (3), the Housing and Community Services Department may expend funds from the Emergency Housing Account to award grants and provide technical assistance under section 9 of this 2021 Act.

SECTION 12. Sections 9, 10 and 11 of this 2021 Act are repealed on January 2, 2024.

SECTION 13. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 5, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 3, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Shemia Fagan, Secretary of State

Council Communication

Resolution 2021-35 Traffic Control SW Fleet and SW 12th

Meeting Date:	July 26, 2021	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	10 minutes

Question:

Should the City Council approve Resolution 2021-35 concerning changing the intersection at SW Fleet Avenue and SW 12th Street to an All-Way Stop.

Staff Recommendation:

Staff recommends approval of Resolution 2021-35.

Authority:

10.08.010 Powers of the city council.

A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by this title or another ordinance.

B. The powers of the council, which may be exercised **by resolution**, include, but are not limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;
5. Designation of certain streets as bridle paths and prohibition of horses and animals on other streets, parks or property;
6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
7. Initiation of proceedings to change speed zones;
8. Establishment and revision of speed limits and traffic regulations in parks;
9. Temporary blocking or closing of streets;
10. Establishment of bicycle lanes, paths, and traffic controls for such facilities;
11. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
12. Authorization of issuance of oversize or overweight vehicle permits;
13. Establishment, maintenance, removal or alteration of the following classes of traffic controls:

- a. Crosswalks, safety zones and traffic lanes,
- b. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when such prohibitions apply,
- c. Parking, including but not limited to truck parking areas, parking for disabled persons, parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal), prohibited parking areas (one or both sides of the street), parking permits and metered parking,
- d. Loading zones and stops for vehicles,
- e. Traffic-control signals.

Background

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic and Parking Control authority by Resolution of the Council. The establishment of parking controls, including but not limited to traffic controls is expressly listed as within the authority of the City Council. The City Council has mandated in the Code that the exercise of municipal traffic control and parking authority be based upon engineering and safety considerations, and not on any other basis:

C. Engineering Basis for Decisions. In exercising its municipal traffic authority pursuant to this chapter, the city council or its designee shall be guided by adopted street design and constructions standards, including but not limited to the 2015 Lincoln City Transportation Plan. Where appropriate, variations or alternatives to standard design and constructions standards may be approved in the discretion of the city engineer. Traffic control and parking measures are imposed based on the engineering considerations and public safety such as the adequacy of the right-of-way width and suitable shoulder base, and not on any other basis. (Ord. 2021-04 §§ 1, 2; Ord. 88-8 § 4.01)

The Manual for Uniform Traffic Control Devices (MUTCD) defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets. The criteria from the MUTCD that applies to this location is:

- A. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop;

The sight distance at the intersection of SW 12th Street and SW Fleet Avenue is limited and would benefit from an all-way stop.

Advance warning signs "Stop Ahead" will also be installed on SW Fleet Avenue.

The City Engineer recommends an exercise in Parking and Traffic Control authority by the Council to establish an all-way stop at the intersection at SW Fleet Avenue and SW 12th Street.

Council Options:

Approve the Resolution.

Do Not approve the Resolution.

Approve the Resolution (with amendments).

Financial Impact

No financial impact except materials and crew time.

Potential Motions:

Move to approve Resolution 2021-35.

Move to approve Resolution 2021-35, with the following amendments.

Move to reject the proposed Resolution.

Attachments:

Resolution 2021-35 Traffic Control Fleet & 12th 7-26-2021 (DOC)

RESOLUTION NO. 2021-35

A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING TRAFFIC CONTROL MEASURES FOR THE INTERSECTION OF SW FLEET AVENUE AND SW 12th STREET

RECITALS

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic and Parking Control authority by Resolution of the Council; and

The establishment of traffic controls, including but not limited to traffic control signals, is expressly listed as within the authority of the City Council; and

The City Council has mandated in the code that the exercise of municipal traffic control and parking authority be based upon engineering and public safety considerations, and not on any other basis; and

The City Engineer has reviewed the intersection of SW Fleet Avenue and SW 12th Street. Based upon engineering considerations and public safety, including the applicable portions of The Manual for Uniform Traffic Control Devices (MUTCD), the City Engineer has determined that it is appropriate to install an All-Way stop at the above location. The City Engineer recommends to the City Council an exercise in Parking and Traffic Control authority to mandate All-Way stop for the above intersection.

Based on the engineering review as discussed in the staff report, the City Council finds and determines that there exists an engineering and public safety basis for an exercise of municipal parking and traffic control authority, specifically to mandate an All-Way stop at the above intersection of SW Fleet Avenue and SW 12th Street.

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

SECTION 1. RECITALS.

The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. IMPOSING TRAFFIC CONTROL.

Effective upon posting of stop signs by the City Public Works Department, the requested exercise of parking and traffic control authority is hereby approved, specifically all-way stop at the intersection of SW Fleet Avenue and SW 12th Street.

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SECTION 3. POSTING OF SIGNAGE & NOTICE TO ENFORCEMENT OFFICERS.

The Public Works Department is directed to erect stop signs and warning signs in the appropriate locations and City police and code enforcement officers are to be advised of the new traffic control restrictions by City Administration.

SECTION 4. EFFECTIVE DATE. 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 26th day of July, 2021.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Resolution 2021-36 - Traffic Control SW 28th Street

Meeting Date: July 26, 2021
 Department: Public Works
 Secondary Dept:
 Approval: Lila Bradley

Primary Staff Contact: Stephanie Reid
 E-Mail: SReid@lincolncity.org
 Secondary Contacts:
 Estimated Time: 5 min

Question:

Should the City Council approve Resolution 2021-36 concerning the exercise of parking and traffic control authority (prohibited parking) on a portion of SW 28th Street?

Staff Recommendation:

Staff recommends approval of Resolution 2021-36.

Authority:

10.08.010 Powers of the city council.

A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by this title or another ordinance.

B. The powers of the council, which may be exercised **by resolution**, include, but are not limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;
5. Designation of certain streets as bridle paths and prohibition of horses and animals on other streets, parks or property;
6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
7. Initiation of proceedings to change speed zones;
8. Establishment and revision of speed limits and traffic regulations in parks;
9. Temporary blocking or closing of streets;
10. Establishment of bicycle lanes, paths and traffic controls for such facilities;
11. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;

12. Authorization of issuance of oversize or overweight vehicle permits;
13. Establishment, maintenance, removal or alteration of the following classes of traffic controls:
 - a. Crosswalks, safety zones and traffic lanes,
 - b. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when such prohibitions apply,
 - c. Parking, including but not limited to truck parking areas, parking for disabled persons, parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal), prohibited parking areas (one or both sides of the street), parking permits and metered parking,
 - d. Loading zones and stops for vehicles,
 - e. Traffic-control signals.

Background

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic and Parking Control authority by Resolution of the Council. The establishment of parking controls, including but not limited to parking areas and time limitations, prohibited parking, parking permits and metered parking is expressly listed as within the authority of the City Council. The City Council has mandated in the Code that the exercise of municipal traffic control and parking authority be based upon engineering considerations, and not on any other basis:

C. Engineering Basis for Decisions. In exercising its municipal traffic authority pursuant to this chapter, the city council or its designee shall be guided by adopted street design and constructions standards, including but not limited to the 2015 Lincoln City Transportation Plan. Where appropriate, variations or alternatives to standard design and constructions standards may be approved in the discretion of the city engineer. Traffic control and parking measures are imposed based on the engineering considerations and public safety such as the adequacy of the right-of-way width and suitable shoulder base, and not on any other basis. (Ord. 2021-04 §§ 1, 2; Ord. 88-8 § 4.01)

Recently the City Council approved designating SW Beach Ave as no parking; we now have people parking on SW 28th Ave around the corner from SW Beach Ave. The City Engineer has reviewed the on-street parking on SW 28th Street between SW Anemone Ave TO SW Coast Ave (approximately 500 feet). The review found that the width of the right-of-way is 40 feet. The street is paved with sidewalks on both sides (with the exception of a 200-foot section on the south side). The width of the asphalt, curb line to curb line is 22 feet. The City standards per LCMC 16.12.030 require a minimum

twenty (20) foot travel lane. The minimum width of asphalt needed to allow parking on one side is 28 feet. Accordingly, the City Engineer has determined that there is inadequate street width to permit on-street parking in the above location.

The City Engineer recommends an exercise in Parking and Traffic Control authority by the Council to prohibit on-street parking on both sides of the street for the above street segment.

Recommendation

Staff recommends approval of Resolution 2021-36.

Council Options:

Approve the Resolution.

Do Not approve the Resolution.

Approve the Resolution (with amendments).

Financial Impact

No financial impacts to City.

Potential Motions:

Move to approve Resolution 2021-36.

Move to approve Resolution 2021-36, with the following amendments.

Move to reject the proposed Resolution.

Attachments:

Resolution 2021-36 (Parking and Traffic Control - 28th) (DOC)

RESOLUTION NO. 2021-36

A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING PARKING AND TRAFFIC CONTROL MEASURES FOR A PORTION OF SW 28th STREET

RECITALS

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic and Parking Control authority by Resolution of the Council; and

The establishment of parking controls, including but not limited to parking areas and time limitations, prohibited parking, parking permits and metered parking is expressly listed as within the authority of the City Council; and

The City Council has mandated in the code that the exercise of municipal traffic control and parking authority be based upon engineering considerations, and not on any other basis; and

The City Engineer has reviewed the on-street parking on SW 28th Street between SW Anemone Ave TO SW Coast Ave (approximately 500 feet). The review found that the width of the right-of-way is 40 feet. The street is paved with sidewalks on both sides (with the exception of a 200-foot section on the south side). The width of the asphalt, curb line to curb line is 22 feet. The City standards per LCMC 16.12.030 require a minimum twenty (20) foot travel lane. The minimum width of asphalt needed to allow parking on one side is 28 feet. Accordingly, the City Engineer has determined that there is inadequate street width to permit on-street parking in the above location. The City Engineer recommends an exercise in Parking and Traffic Control authority by the Council to prohibit on-street parking on both sides of the street for the above street segment.

Based on the engineering review, the City Council finds and determines that there exists an engineering basis for an exercise of municipal parking and traffic control authority, specifically to prohibit on-street parking on both sides of SW 28th Street between SW Anemone Ave TO SW Coast Ave (approximately 500 feet).

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

SECTION 1. RECITALS.

The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. IMPOSING TRAFFIC CONTROL.

1 Effective upon posting of no parking signage by the City Public Works Department, the
2 requested exercise of parking and traffic control authority is hereby approved, specifically
3 on-street parking is prohibited on both sides of SW 28th Street between SW Anemone
4 Ave TO SW Coast Ave (approximately 500 feet).

5 **SECTION 3. POSTING OF SIGNAGE & NOTICE TO ENFORCEMENT OFFICERS.**

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7 The Public Works Department is directed to erect no parking signs in the appropriate
8 locations and City police and code enforcement officers are to be advised of the new parking
9 restrictions by City Administration.

10 **SECTION 4. EFFECTIVE DATE.** This Resolution is effective as of the date of its adoption.

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12 **PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this 26th
13 day of July, 2021.

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SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Resolution 2021-37 Amending Resolution 2021-34- Traffic Control 15th Street and 34th Court

Meeting Date:	July 26, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Lila Bradley	Estimated Time:	5 minutes

Question:

Should the City Council approve Resolution 2021-37 entitled:

RESOLUTION NO. 2021-37

A RESOLUTION OF THE CITY OF LINCOLN CITY AMENDING RESOLUTION 2021-34 PROVIDING FOR LIMITED EXCEPTIONS TO CLOSURE FOR PREVIOUSLY APPROVED EVENTS PERMITTED BY THE OREGON PARKS AND RECREATION DEPARTMENT

Staff Recommendation:

Staff recommends approval of Resolution 2021-37.

Authority:

10.08.010 Powers of the city council.

- A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by this title or another ordinance.
- B. The powers of the council, which may be exercised **by resolution**, include, but are not limited to:
1. Designation of through streets;
 2. Designation of one-way streets;
 3. Designation of truck routes;
 4. Designation of parking meter zones;
 5. Designation of certain streets as bridle paths and prohibition of horses and animals on other streets, parks or property;
 6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
 7. Initiation of proceedings to change speed zones;

8. Establishment and revision of speed limits and traffic regulations in parks;
9. Temporary blocking or closing of streets;
10. Establishment of bicycle lanes and paths and traffic controls for such facilities;
11. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
12. Authorization of issuance of oversize or overweight vehicle permits;
13. Establishment, maintenance, removal or alteration of the following classes of traffic controls:
 - a. Crosswalks, safety zones and traffic lanes,
 - b. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when such prohibitions apply,
 - c. Parking, including but not limited to truck parking areas, parking for disabled persons, parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal), prohibited parking areas (one or both sides of the street), parking permits and metered parking,
 - d. Loading zones and stops for vehicles,
 - e. Traffic-control signals.

Background

Resolution 2021-34 is being amended solely to permit the Interim City Manager to grant limited exceptions to persons with events previously permitted by the Oregon Parks and Recreation Department. For example, a wedding event on the beach previously permitted by the State of Oregon will not be permitted to drive on the beach to set up for the event without the grant of an exception.

Council Options:

Approve the Resolution.

Do Not approve the Resolution.

Approve the Resolution (with amendments).

Financial Impact

No financial impact except materials and crew time.

Potential Motions:

Move to approve Resolution 2021-37.

Move to approve Resolution 2021-37, with the following amendments.

Move to reject the proposed Resolution.

Attachments:

Resolution 2021-37 amendment (DOC)

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RESOLUTION NO. 2021-37

A RESOLUTION OF THE CITY OF LINCOLN CITY AMENDING RESOLUTION 2021-34, PROVIDING FOR LIMITED EXCEPTIONS TO CLOSURE FOR PREVIOUSLY APPROVED EVENTS PERMITTED BY THE OREGON PARKS AND RECREATION DEPARTMENT

RECITALS

Pursuant to LCMC 10.08.010, the City Council passed Resolution 2021-34 which concerns an exercise of Traffic and Parking Control authority in temporarily closing portions of NW 15th Street and NW 34th Court; and

The street closures effectively preclude vehicular access to the beach; and

The Oregon Parks and Recreation Department has previously issued permits for events on the beach which require vehicular access (e.g. a wedding); and

The Council desires to amend Resolution 2021-34 to authorize the Interim City Manager to grant limited exceptions permitting vehicular access when such access is necessary for the conduct of such previously permitted events; and

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

SECTION 1. RECITALS.

The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. AUTHORITY TO GRANT LIMITED EXCEPTIONS.

The Interim City Manager is authorized to grant limited exceptions, in writing, to the street closures set forth in Resolution 2021-34, permitting limited vehicular access when such access is necessary for the conduct of a previously authorized (by State Parks permit) event; and

SECTION 3. NO OTHER CHANGES TO RESOLUTION 2021-34.

Except for the authorized exception authority noted herein, Resolution 2021-34 remains in full force and effect. City police and code enforcement officers are to be

1 advised of any exceptions granted by the Manager, including the limits of the State
2 Park permit recognized in the exception. City Administration shall post any exception
3 granted on the City’s webpage. Failure to observe the limits of any exception granted
4 is a Class B violation and may be cited under Lincoln City Municipal Code Chapter
5 1.16.

6 **SECTION 4. EFFECTIVE DATE.** This Resolution is effective as of the date of its
7 adoption.

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9 **PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this
10 26th day of July, 2021.

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SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Council Communication

TGM Grant Letter of Support

Meeting Date: July 26, 2021
 Department: Public Works
 Secondary Dept:
 Approval: Lila Bradley

Primary Staff Contact: Stephanie Reid
 E-Mail: SReid@lincolncity.org
 Secondary Contacts:
 Estimated Time: 5 min

Question:

Should the City Council authorize Staff to apply for a Transportation Growth Management Grant and provide a letter of support?

Staff Recommendation:

City Council should authorize Staff to apply for a Transportation Growth Management Grant and provide a letter of support.

Authority:

Lincoln City Charter, Section 2.1 and 2.2

Background:

The Confederated Tribes of Siletz Indians (CTS) and the City are jointly applying for a \$100,000.00 grant to update the City's Transportation System Plan by developing an Area Plan. The City's TSP identifies a project to construct a connector road between NE 47th and NE 44th and Logan Road. This plan would complete a traffic analysis of this area and review pedestrian and bike routes; and will consider traffic enhancements that distribute traffic flows to minimize congestion on Hwy 101 and its intersections with Logan Road and West Devils Lake Road. The goal is to provide a safe route for cars, pedestrians, and bikes.

Council Options:

Approve the letter of support as written and approve the matching funds of \$6,850.00
 Approve the letter of support with changes and the matching funds of \$6,850.00.
 Not approve the letter of support or the matching funds of \$6,850.00

Financial Impact

The grant amount is \$100,110.00 with a consultant fee of \$86,400.00 and a local reimbursement of \$13,700.00 (the match is approximately 13.6%). CTS is offered to pay half of the match and the City would pay the other half (\$6,850.00 each).

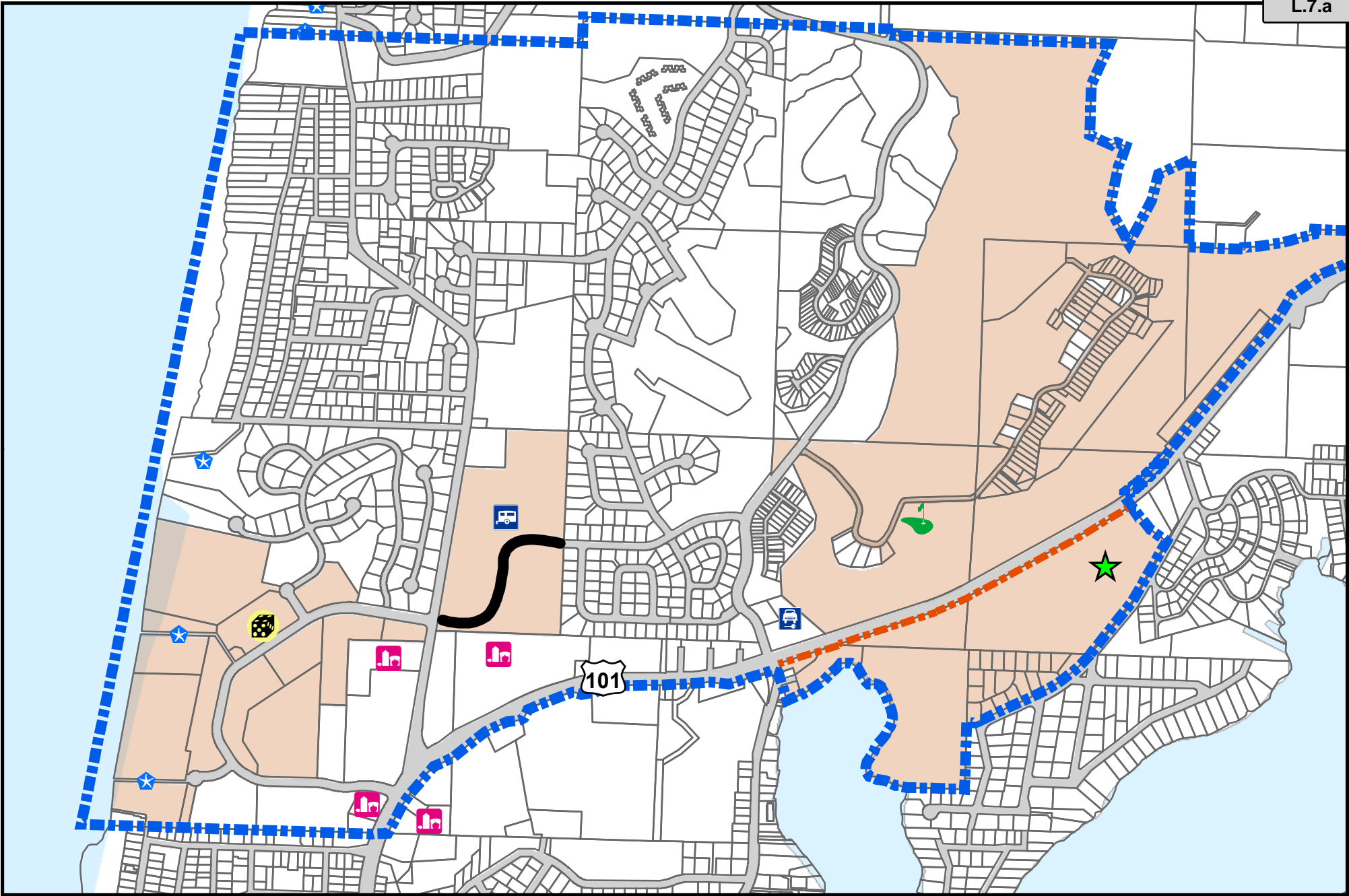
The \$6,850.00 would come from the Street Operations budget under Misc. Contracted Services (201-000-6201119) which was approved for \$30,000.00 for fiscal year 2021-2022.

Potential Motions:

1. Motion to authorize Staff to apply for a Transportation Growth Management Grant and submit the letter of support provided.
2. Motion to authorize Staff to apply for a Transportation Growth Management Grant and submit the letter of support as amended.
3. Motion to authorize NOT Staff to apply for a Transportation Growth Management Grant.

Attachments:

NE 47th Connector Grant 2021 (PDF)
Letter of Support (DOCX)



NE 47th St Connector Vicinity



- Nechesna
- Casino

- Groceries
- DMV

- Golf Course
- RV Park

- Beach Access
- Proposed Connector

- Proposed Neotsu Path
- Tribal Land

- Study Area



June 2021



**The Office of
MAYOR**

July 26, 2021

TGM Program Coordinator
Transportation & Growth Management Program
Oregon Department of Transportation
555 13th Street NE

Dear TGM Grant Reviewers,

On behalf of the City Council, I am writing this letter to amplify our support and need for the Area Plan as described in our application for an Oregon Transportation & Growth Management Program grant. Long-standing mobility problems in the study area are becoming worse as our City's residential and visitor population grows.

We are excited to continue working with The Confederated Tribes of Siletz Indians, with whom we have a history of cooperation and support. We are currently working with the Tribe on a shared path project on Hwy 101 near the proposed study area; the team members from the Tribe have brought valuable skills and insight to this project. We look forward to continue working with the Tribe to make much needed improvements for the safety of pedestrians, bicyclists, and traffic in this area.

Thank you for considering our application and all of the benefits the Transportation & Growth Management Program provides.

Sincerely,

Susan Wahlke, Mayor
City of Lincoln City

