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**RESOLUTION NO. 2021-03**

**A RESOLUTION OF THE CITY OF LINCOLN CITY,  
DECLARING AN EMERGENCY AS A RESULT OF A HOUSING SHORTAGE  
CAUSED TO THE ECHO MOUNTAIN COMPLEX FIRE AND AUTHORIZING  
EMERGENCY OPERATIONS USES (TEMPORARY HOUSING) ON LISTED  
TRIBE PROPERTIES IN ACCORDANCE WITH THIS RESOLUTION**

**RECITALS**

**WHEREAS**, in 2018, as part of the City's Emergency Operations Plans, the Lincoln City City Council adopted Ordinances 2018-14 and 2018-15, which, among other things, authorized Temporary Emergency Operations Uses as permitted uses in any zone, (except Open Space), subject to authorization in an Order or Resolution under authority of Chapter 2.72 (Emergency Operations Ordinance); and

**WHEREAS**, LCMC 17.80.140 provides:

A. Temporary Emergency Operations Uses are permitted in any zone, except Open Space, and are not required to comply with the minimum lot size, parking, landscaping, city services availability, or yard requirements of the zone in which they are located. Notwithstanding the above, emergency operations uses shall not be located on environmentally sensitive lands and resources, including but not limited to Goal 5 resources, coastal shorelands, beaches and dunes, or estuarine resource areas.

B. Temporary Emergency Operations Uses are not required to comply with the requirements of LCMC 17.52.240 (Site Plan Review). (Now LCMC 17.77.070 & LCMC 17.76.040.)

C. Temporary Emergency Operations Uses are of limited duration and are intended to terminate when the emergency has ended. In no event will an emergency operations use be permitted to remain past the time needed to demobilize, or sixty (60) days past the end of the declared emergency under LCMC 2.72, whichever is less.

D. Emergency Operations Uses must be authorized by the Emergency Order under LCMC 2.72 and may be sited on city property, except for Open Space properties, when the property or buildings thereon meet the need created by the emergency. Private property or other public property may, with permission

1 of the owner, be used for such temporary emergency operations purposes.  
2 Emergency operations uses include, but are not limited to, emergency facilities,  
3 shelters, overnight shelters, bivouacs, mess halls, emergency campgrounds,  
4 staging areas, inoculation centers, distribution centers, or similar emergency  
5 operation uses.

6  
7 **WHEREAS**, the City has previously authorized by various Orders and Resolutions  
8 certain emergency operations uses (emergency sheltering/ housing) on specifically  
9 listed properties based on a housing crisis caused in part from the loss of over 300  
10 homes in the recent ECHO MOUNTAIN COMPLEX FIRE. Specifically Resolution 2020-  
11 22, authorized emergency operations uses (temporary recreational vehicle parks) in  
12 accordance with resolution terms and conditions on specified properties in the City;  
13 and

14  
15 **WHEREAS**, since the adoption of Resolution 2020-22, the Federal Emergency  
16 Management Agency (FEMA) approached the City and requested that a specific  
17 City-owned property be designated for emergency operations uses, (temporary  
18 housing); A Resolution authorizing such use (Resolution 2020-24) was adopted, but  
19 subsequently the property (Fernwood) has been determined to be less desirable than  
20 other nearby property owned by the Tribe.

21  
22 **WHEREAS**, the City Council desires to authorize FEMA use of property owned by the  
23 Confederated Tribes of the Siletz Indians (Tribe) for emergency operations uses in  
24 accordance with this Resolution. Said use is subject to the property owner's consent  
25 and written agreement with FEMA for such use, including but not limited to rental  
26 payments or other consideration to facilitate the temporary emergency housing use;  
27 and

28  
29 **WHEREAS**, on September 28, 2020, December 14, 2020, and January 11, 2021, the  
30 City Council heard a report from the City Manager concerning a request to declare an  
31 emergency due to the housing crisis caused by the ECHO MOUNTAIN COMPLEX FIRE  
32 and COVID emergencies. The prior reports are incorporated herein by this reference.  
33 The conditions as reported by the City Manager are detailed herein.

34  
35 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**  
36 **LINCOLN CITY, AS FOLLOWS:**

37  
38 **SECTION 1. RECITALS.** The above recitals are true and correct and are  
39 incorporated herein by this reference.  
40

1 **SECTION 2. EMERGENCY DECLARATION.** The City of Lincoln City does hereby  
2 declare a State of Emergency to exist in the City of Lincoln City, and under the  
3 authority of Oregon Revised Statutes, the Lincoln City City Charter and LCMC Chapter  
4 2.72, the City Council does hereby Order as follows:  
5

6 **A. A description of the nature of the emergency;**

7 The Manager reports that the following conditions have resulted in the need  
8 for a declaration of a state of emergency:  
9

- 10 • As a result of the Echo Mountain Complex Fire, residents in North Lincoln  
11 County have been driven from their homes and are in need of temporary  
12 shelter while homes are repaired or reconstructed. Additionally, renters of  
13 destroyed homes not being reconstructed have been permanently displaced  
14 and need shelter while they look for alternative housing. A large number of  
15 homes (over 300) were destroyed by area fires, with many more homes having  
16 been destroyed by fires in other parts of Oregon; and
- 17 • Displaced residents have been observed sleeping in cars and recreational  
18 vehicles in Lincoln City and Lincoln County. Hotels, motels and VRDs are  
19 experiencing high occupancy levels, and rental units have historically been in  
20 short supply in the City of Lincoln City; Illegal camping on public and private  
21 property is a continuing problem; and
- 22 • The unknown duration of the shortage of affordable temporary housing will  
23 have significant financial impact to the community.
- 24 • Pursuant to ORS 401.309(1), the governing body of a city may declare, by  
25 Ordinance or Resolution, that a State of Emergency exists within a city.
- 26 • Pursuant to Lincoln City Municipal Code Section 2.72.040, the City Council of  
27 the City of request may declare an emergency at a regular, special or  
28 emergency meeting of the City Council. All declarations must address the  
29 required terms as set forth in LCMC 2.72.060.
- 30 • The Council must ratify a declaration by the Order of the City Manager within 7  
31 days (This Resolution ratifies the City Manager’s Order dated December 7,  
32 2020).
- 33 • This Emergency Declaration will Replace Resolution 2020-24 which designated  
34 City property (Fernwood) for emergency operations uses.

1 **B. The geographic boundaries of the area where the emergency exists as**  
2 **well as the portions lying within the city’s boundaries and areas to be**  
3 **subject to emergency powers/controls:**

4  
5 The geographic boundaries of the emergency are:

6  
7 The boundaries of the emergency are the city limits of the City of Lincoln  
8 City.

9  
10 **C. An estimate of the number of individuals at risk, injured or killed; and**

11  
12 The emergency impacts the entire population of the City of Lincoln City,  
13 including residents, visitors and the homeless. Emergency Management  
14 estimates approximately 300 families are impacted by local fires with many  
15 more impacted by other Fires in Oregon.

16  
17 **D. A description of the actual or likely damage caused by the emergency;**  
18 **and**

19  
20 Public health and safety risks, and risks to person and property caused by  
21 inadequate shelter and access to sanitary facilities.

22  
23 **E. A statement of the type of assistance or resources required to respond**  
24 **to the emergency; and**

- 25  
26 • Designation of specified Tribe property for emergency operations uses,  
27 including temporary housing and other sheltering as specified herein.

28  
29 **F. An estimate of the length of time during which the designated area**  
30 **will remain under the emergency declaration; and**

31  
32 January 11, 2023, (plus a 60 day demobilization period) to accommodate  
33 the installation of temporary housing and the process of repairing,  
34 rebuilding and reconstructing homes destroyed or damaged by fire in an  
35 area with a shortage of suitable contractors for such works. The duration of  
36 the emergency may be extended by the City Manager without further  
37 Order of the Council so that the total duration of the emergency shall be  
38 not more than two years from first occupancy of the FEMA provided  
39 temporary housing on the subject Tribe property.

40

1 **G. Any special regulations or emergency measures, powers or orders**  
2 **imposed as a result of the declared emergency; and**

3 The City Manager, and designees, (hereinafter Designated City Staff) are  
4 authorized, without further Order of the City Council to use any and all  
5 emergency powers, including those specifically listed in Lincoln City  
6 Municipal Code [LCMC 2.72.070] to appropriately assist the Tribe and FEMA  
7 in the response to this emergency.

8 Designated City Staff are to assist in the implementation of any order of the  
9 federal government, the Governor, State Officer, County or Special District  
10 related to emergency, as directed, ORS 401.165, or other applicable statute  
11 or order.

12 The Emergency Preparedness Coordinator is expressly authorized to take all  
13 actions authorized by law to coordinate the City's response to this  
14 emergency, including but not limited to requesting assistance from State,  
15 County, Federal, and Tribal authorities.

16 The following emergency powers are operative, without limitation or  
17 prejudice to other authorized powers:

- 18 • Pursuant to LCMC 17.80.040, the City Council hereby designates the  
19 below listed Tribe property for specified temporary emergency  
20 operations uses, specifically for use as FEMA-provided temporary  
21 housing (whether the temporary housing is provided as manufactured  
22 dwelling, recreational vehicles, trailers or other similar housing)
- 23 • The duration of such authorized use is only during the specified period  
24 of the emergency as set forth herein (to January 11, 2023) and for a  
25 reasonable period of time (60 days) after the end of the declared  
26 emergency for demobilization. (This duration may be extended by the  
27 City Manager).
- 28 • The following Tribe property is designated for the above-referenced  
29 emergency operations uses:
  - 30
  - 31 ○ The limits of the Logan Park RV Park located at 4800 NE  
32 Logan Road, Lincoln City, Oregon. (+/-20.37 acres)
  - 33
- 34 • The emergency use authorization for the Logan Park RV Park property is  
35 expressly subject to the owner's consent and execution of a written  
36 agreement between the owner and FEMA, limiting the authorized use to

1           the temporary emergency housing use of the subject property as  
2           specified in this Resolution.

- 3           • Consistent with LCMC 17.80.140, all wetland and upland preservation  
4           'natural' areas within and adjacent to subject property shall be  
5           delineated and protected with appropriate barricades during  
6           construction and use.
- 7           • Except as noted in LCMC 17.80.140 for development review approvals,  
8           this resolution does not waive, excuse or alter any applicable approvals,  
9           building permits, fees or charges from applicable governmental entities,  
10          including specifically charges and permits for public utilities and  
11          services.
- 12          • Notwithstanding the above limited designation, all City Emergency  
13          Powers as specified in LCMC 2.72 are operative and available for use by  
14          the City Manager, as necessary with regard to this emergency. The City  
15          Manager or his designee may take such other measures [by written  
16          order] as are found to be necessary for the protection of life, property,  
17          infrastructure, the environment, or for the recovery from the emergency.

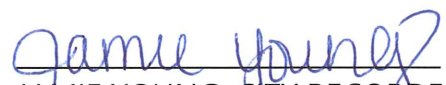
18       **SECTION 3. RATIFICATION / REPEAL.** This Resolution ratifies any Order of the  
19       City Manager concerning this emergency taken within the previous seven days. This  
20       Resolution repeals Resolution 2020-24.

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

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24       PASSED AND ADOPTED by the City Council of the City of Lincoln City this 11th day of  
25       JANUARY, 2021.

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30       JUDY CASPER, COUNCIL PRESIDENT

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32       ATTEST:

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36       \_\_\_\_\_  
37       JAMIE YOUNG, CITY RECORDER