

1 **BEFORE THE BOARD OF COMMISSIONERS**
2 **FOR LINCOLN COUNTY, OREGON**

3
4 In the Matter of)
5) **ORDER NO. 3-23-85**
6 *Exercising Authority to Act to Protect Lincoln County*)
7 *Citizens and Minimize the Effects of the COVID-19*)
8 *Emergency*)
9

10 WHEREAS Lincoln County, by Resolution dated March 13, 2020 and ratified and
11 extended by the Board of Commissioners on March 18, 2020¹, declared an emergency in
12 Lincoln County created by the COVID -19 pandemic crisis which is threatening citizens
13 of Lincoln County²; and

14 WHEREAS the Cities of Lincoln City³, and Newport⁴, have also declared
15 emergencies and the Cities of Toledo, Depoe Bay, Yachats and Waldport have recently
16 adopted declarations or are planning to adopt declarations and/or have taken precautionary
17 actions including closing public facilities to address the crisis; and

18 WHEREAS the Governor of the State of Oregon declared a state of emergency for
19 the entire state on March 8, 2020 finding that COVID-19 has created a threat to public
20 health and safety and constitutes a statewide emergency under ORS 401.025(1)⁵; and

¹ Resolution # 20-18-3A, signed by Chair Jacobson on March 13, 2020, ratified by the full Board on March 18, 2020. Resolution # 20-18-3B adopted by the Board on March 18, 2020 extended the declaration through April 30, 2020.

² The Declaration of an Emergency applies throughout Lincoln County since this health issue is not confined to specific geographic portions of the County but threatens county residents across the entire County. On March 11, 2020 the US Center for Disease Control (CDC) declared the threat pandemic in the US and cases have been reported in all 50 states.

³ Resolution No. 2020-06 dated March 16, 2020.

⁴ Affirmed by the City Council on March 16, 2020.

⁵ Executive Order No. 20-3

1 WHEREAS the President of the United States signed a proclamation declaring a
2 national emergency concerning the novel coronavirus disease (COVID -19) outbreak on
3 March 13, 2020; and

4 WHEREAS local, state and national public health agencies⁶ have instituted
5 guidelines, recommendations and actions to curb the spread of the disease in an attempt to
6 “flatten the curve” of the disease’s progression in the United States. Many of those
7 recommendations have been adopted by States and local governments across the country.
8 In Oregon, the Governor has issued Executive Orders 20-3 through 20-20 to slow the
9 spread of the virus through closure of schools, restricting restaurants and bars to carry out
10 and delivery dining, limitations on public gatherings, higher education restrictions and
11 other requirements; and

12 WHEREAS the Governor has directed Oregonians to “stay at home to stay healthy”⁷
13 through social distancing actions undertaken by each Oregonian. Social distancing
14 includes taking “staycations” (stay at home) during what is normally the spring break
15 season in Oregon and surrounding states. This also includes voluntarily limiting trips and
16 contact with other people⁸; and

17 WHEREAS the implementation of the Governor’s social distancing order and public
18 campaign has not proven effective on the Central Oregon Coast in Lincoln County as
19 significant out of county visitors have continued to come to the Coast in recent days despite
20 the stay at home order/directive. Repeated instances of violation of the social distancing
21 norms have placed county resources and residents at much greater risk of the spread of the

⁶ Including but not limited to Lincoln County Public Health, a division of the Lincoln County Health and Human Services Department (County Public Health), the Oregon Health Authority (OHA), and the federal Center for Disease Control (CDC).

⁷ Characterized as an order and public awareness campaign according to the Governor in a press conference held March 20, 2020 with the Mayor of Portland and Chair of the Multnomah County Commissioners.

⁸ As recommended by Public Health Officials in Washington, Multnomah, Clackamas, Columbia and Clark County Washington in a press conference on March 19, 2020.

1 virus. Closure of short term rentals in northern parts of the Oregon Coast⁹ threaten to
2 move significant vacationers south to Lincoln County if no actions are taken; and

3 WHEREAS numerous public and private health officials in the state of Oregon¹⁰ and
4 beyond have called for more stringent and aggressive social distancing measures including
5 stay at home/shelter at home mandates because the voluntary social distancing actions are
6 not being followed in many areas including the Central Oregon Coast; and

7 WHEREAS the Lincoln County Public Health Administrator and Local Health
8 Officer both confirm that continued influxes of visitors, turning over on a short term basis,
9 increases the likelihood of the spread of the coronavirus more than longer term tenancies
10 and threatens the limited health care resources available in Lincoln County and therefore
11 recommend the County consider temporarily limiting short term visitors to the County
12 until the crisis ends; and

13 WHEREAS it is necessary that a coordinated and collaborative action be taken by
14 all impacted jurisdictions in Lincoln County and therefore concurrence of the city councils
15 of all County coastal cities (Lincoln City, Depoe Bay, Newport, Waldport, Siletz, Toledo
16 and Yachats) is necessary to full implement the action authorized by this Order and desired
17 from the cities of Siletz and Toledo to evidence the full support of Lincoln County entities;
18 and

19 WHEREAS pursuant to the authority granted the Lincoln County Board of
20 Commissioners under ORS Chapter 401, ORS Chapter 431 as the Local Public Health
21 Authority, Lincoln County Ordinance # 502¹¹ (Emergency Services) and the Lincoln

⁹ To date, the Cities of Warrenton, Seaside, Astoria, and Tillamook and Clatsop counties have all acted to limit or prohibit short term occupancies in their respective jurisdictions during this emergency.

¹⁰ Including but not limited to the Oregon Public Health Association, the Oregon Nurses Association, and the Oregon Academy of Family Physicians.

¹¹ Not yet codified in the Lincoln County Code.

1 County Emergency Operations Plan¹², the Board of Commissioners deems it necessary to
2 institute a temporary order closing hotels, motels, short-term rentals and homestay lodging,
3 RV parks and public and private campgrounds to recreational visitors.

4 NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

5 1. State parks are closed by Order of the Governor. County and city parks are closed
6 to camping except for camp hosts or other persons authorized by the County or City for stays
7 30 days or longer until the emergency ends.

8 2. All short term rentals, defined as rentals of a duration of less than 30 days, in
9 vacation rental dwellings or short term dwellings and homestay lodgings, are prohibited in
10 Lincoln County until the declared emergency ends (April 30, 2020) or this prohibition is
11 otherwise ended or modified by separate Order of the Board of Commissioners, whichever
12 occurs first.

13 3. All hotels and motels, RV Parks and Private Campgrounds and similar lodgings or
14 housing not identified above are closed to short term rentals of less than 30 days except as
15 follows:

- 16 a. Stays for 30 days or longer are allowed.
- 17 b. Local county residents effecting a COVID-19 self-quarantine or who have moved
18 from their local residence in order to allow a family member or roommate to self-
19 quarantine in their local residence.
- 20 c. Families or individuals residing in lodging for less than 30 days if this is their
21 only means of shelter. Includes, but is not limited to, vouchers for stay provided
22 by local or regional governments or nonprofit agencies.
- 23 d. Employees of the facility provided lodging as a requirement or benefit of their
24 employment.
- 25 e. Patients or families of patients receiving medical care at local facilities.

¹² Adopted by Order NO. 8-18-206.

1 f. Essential workers, including but not limited to doctors, nurses, other health staff,
2 home and health care workers, Coast Guard members, truck drivers and supply
3 providers, workers in the county whose employer pays for lodging, construction
4 workers on local projects (including public contractors), utility crews, and other
5 persons whose work in the county requires temporary accommodations.

6 g. Other persons or categories of people who City managers or County Counsel
7 deem consistent with the intent of this Order, after consultation with the Local
8 Public Health Administrator.

9 4. All pools, spas and other public bathing facilities are closed at lodging properties for
10 the duration of this Order.

11 5. Lodging property owners or managers are required to keep a log of what exception
12 is met by current lodgers. This list will be made available upon request to city and county
13 officials.

14 6. This Order takes effect upon adoption by the County. Property owners and
15 managers of properties effected by paragraphs 1-3 above shall take all reasonable steps to
16 terminate current occupancy of any guests not exempted herein by no later than 12:00 (noon)
17 on Wednesday March 25, 2020. No new occupancies in violation of this Order may be rented
18 effective 8:00 am Tuesday March 24, 2020.

19 7. This Order may be modified, rescinded or extended by authority of the Board of
20 Commissioners in consultation with the Cities and Local Public Health Administrator. If so
21 modified, a copy shall be provided to the Cities of Lincoln City, Depoe Bay, Newport,
22 Toledo, Siletz, Waldport and Yachats.

23 8. This Order was presented and concurred to by either authorized city personnel or
24 the direct action of the City Councils of the City of Lincoln City, Depoe Bay, Newport,
25 Waldport and Yachats on March 23, 2020 at a joint public meeting with the Board of
26 Commissioners and therefore applies within the incorporated boundaries of those cities. At
27 any time, the City Council of any of these cities may opt by Council Action to rescind that

1 concurrence, at which time the Order will have no effect within the boundaries of that city
2 without necessity of any further action.

3 9. Copies of this Order shall be provided to Jenny Demaris, Emergency Manager,
4 Wayne Belmont, County Counsel, and representatives of each of the cities listed above.

DATED: March 23, 2020

LINCOLN COUNTY BOARD OF COMMISSIONERS

Kaety Jacobson, Chair

Doug Hunt, Commissioner

Claire Hall, Commissioner