

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

3 In the Matter of)
4) **ORDER NO. _____**
5)
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 taken
16 precautionary actions including closing public facilities to address the crisis; and

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

20 WHEREAS the President of the United States signed a proclamation declaring a
21 national emergency concerning the novel coronavirus disease (COVID -19) outbreak on
22 March 13, 2020; 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 Resolution No. _____ dated March 16, 2020.

⁵ Executive Order No. 20-3

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

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

14 WHEREAS the implementation of the Governor’s social distancing order and public
15 campaign has not proven effective on the Central Oregon Coast in Lincoln County as
16 significant out of county visitors have continued to come to the Coast in recent days despite
17 the stay at home order/directive. Repeated instances of violation of the social distancing
18 norms have placed county resources and residents at much greater risk of the spread of the
19 virus. Closure of short term rentals in northern parts of the Oregon Coast⁹ threaten to
20 move significant vacationers south to Lincoln County if no actions are taken; and

21 WHEREAS numerous public and private health officials in the state of Oregon¹⁰ and
22 beyond have called for more stringent and aggressive social distancing measures including

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.

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.

1 stay at home/shelter at home mandates because the voluntary social distancing actions are
2 not being followed in many areas including the Central Oregon Coast; and

3 WHEREAS the Lincoln County Public Health Administrator and Local Health
4 Officer both confirm that continued influxes of visitors increases the likelihood of the
5 spread of the coronavirus and threaten the limited health care resources available in
6 Lincoln County and therefore recommend the County consider temporarily limiting short
7 term visitors to the County until the crisis ends; and

8 WHEREAS it is necessary that a coordinated and collaborative action be taken by
9 all impacted jurisdictions in Lincoln County and therefore concurrence of the city councils
10 of all County coastal cities (Lincoln City, Depoe Bay, Newport, Waldport, and Yachats)
11 is necessary to full implement the action authorized by this Order and desired from the
12 cities of Siltezh and Toledo to evidence the full support of Lincoln County entities; and

13 WHEREAS pursuant to the authority granted the Lincoln County Board of
14 Commissioners under ORS Chapter 401, ORS Chapter 431 as the Local Public Health
15 Authority, Lincoln County Ordinance # 502¹¹ (Emergency Services) and the Lincoln
16 County Emergency Operations Plan¹², the Board of Commissioners deems it necessary to
17 institute a temporary order closing hotels, motels, short-term rentals and homestay lodging,
18 RV parks and public and private campgrounds to recreational visitors.

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

20 1. State parks are closed by Order of the Governor. County and city parks are closed
21 to camping except for camp hosts or other persons authorized by the County or City for stays
22 30 days or longer until the emergency ends.

23 2. All short term rentals, defined as rentals of a duration of less than 30 days, in
24 vacation rental dwellings or short term dwellings and homestay lodgings, are prohibited in
25 Lincoln County until the declared emergency ends (April 30, 2020) or this prohibition is

¹¹ Not yet codified in the Lincoln County Code.

¹² Adopted by Order NO. 8-18-206.

1 otherwise ended or modified by separate Order of the Board of Commissioners, whichever
2 occurs first.

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

- 6 a. Stays for 30 days or longer are allowed.
- 7 b. Local county residents effecting a COVID-19 self-quarantine or who have moved
8 from their local residence in order to allow a family member or roommate to self-
9 quarantine in their local residence.
- 10 c. Families or individuals residing in lodging for less than 30 days if this is their
11 only means of shelter. Includes, but is not limited to, vouchers for stay provided
12 by local or regional governments or nonprofit agencies.
- 13 d. Employees of the facility provided lodging as a requirement or benefit of their
14 employment.
- 15 e. Patients or families of patients receiving medical care at local facilities.
- 16 f. Essential workers, including but not limited to doctors, nurses, other health staff,
17 home and health care workers, Coast Guard members, truck drivers and supply
18 providers, workers in the county whose employer pays for lodging, construction
19 workers on local projects (including public contractors), utility crews, and other
20 persons whose work in the county requires temporary accommodations.
- 21 g. Other persons or categories of people who City managers or County Counsel
22 deem consistent with the intent of this Order, after consultation with the Local
23 Public Health Administrator.

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

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

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

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

10 8. This Order was presented and concurred to by either authorized city personnel or
11 the direct action of the City Councils of the City of Lincoln City, Depoe Bay, Newport,
12 Waldport and Yachats on March 23, 2020 at a joint public meeting with the Board of
13 Commissioners and therefore applies within the incorporated boundaries of those cities. At
14 any time, the City Council of any of these cities may opt by Council Action to rescind that
15 concurrence, at which time the Order will have no effect within the boundaries of that city
16 without necessity of any further action.

17 9. Copies of this Order shall be provided to Jenny Demaris, Emergency Manager,
18 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