

1. 2:00 P.M. City Council Agenda

Documents:

[2019-12-18 City Council Agenda .Pdf](#)

2. City Council Meeting Materials

Documents:

[2019-12-19 Proclamation Pioneer And Sponsors.pdf](#)
[2019-12-11 RES Gimlet Lane.pdf](#)
[2019-11-07 City Council Minutes.pdf](#)
[2019-11-20 City Council Minutes.pdf](#)
[2019-12-18 Non Profit Memo.pdf](#)
[2019-12-18 Vacation Rental Ordinance Revisions.pdf](#)
[2019-12-18 October Financial Report.pdf](#)
[2018-19_SDC_Annual_Report.pdf](#)
[2019-12-18 City Manager Report.pdf](#)
[2019-12-18 Land Use Aspects Of VR.pdf](#)
[2019-12-18 Quick Response Program Inquiry.pdf](#)



CITY OF YACHATS

CITY COUNCIL REGULAR COUNCIL MEETING 441 Hwy 101 N., Yachats Commons, Room 1, Yachats OR

Wednesday, December 18, 2019 at 2:00pm

REGULAR COUNCIL MEETING

- I. Announcements, Correspondence and Proclamations
- II. Public Comment: **Topics not listed on the agenda:** 5-minute limitation per person
- III. Consent Agenda
- IV. New Business:
 - A. Ocean View Drive
 - i. Discussion of property between Marine Drive and Aqua Vista Guest: Wayne Belmont
 - B. PERS Incentive Fund Update
 - C. Discussion of Non-profit request for exclusion from Vacation Rental License Requirement
 - D. Discussion of Vacation Rental Waiting List
- V. Public Hearing:
 - A. Continuation of public hearing on modifications to Yachats Municipal Code 4.08 Vacation Rental Licenses
- VI. Reports:
 - A. Financial
 - B. Council
 - C. City Manager
- VII. Other Business:
 - A. From Mayor
 - B. From Council
 - C. From Staff

The work session and regular council meeting are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 (TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance. **Posted December 11, 2019**

Yachats City Council Vision

Our village is a place where natural resources are valued and protected, where diversity is celebrated, and where a vibrant economy and sense of community pride create and recreate a living spirit. Yachats cares not just for its citizens' basic needs but also supports them in their efforts to excel mentally, physically, artistically, and spiritually. It is a community with an enduring sense of itself.



**A PROCLAMATION
ON BEHALF OF THE PEOPLE OF THE CITY OF YACHATS
BY HIS HONOR, THE MAYOR W. JOHN MOORE**

Whereas, a community rich with dedicated community service partners who dedicate their time and service to making significant and positive changes; and

Whereas, community partnerships have been a significant part of the heritage of Yachats and is critical to preserving and improving the quality of life for the citizens of our communities;

Whereas, Pioneer generously volunteers their time and equipment to the placement of the Annual community tree and placement of lights on the tree every year; and

Whereas, the following individuals and businesses graciously donated their time and resources to making the 2019 community tree lighting a magical, overwhelming success:

	Lisa Fogg
Coastal Homes and Lands, Wendy Snidow	Dan & Polly Piraino
Information Station, Erich & Wendy Knudson	TiAnne Rios
Mark Shepherd	Ice Husband, Waldport Business Centre
Phil Spulnik, community tree donation	Markaye Simpson
Pioneer Connect, Gary Paben & Don Myers	Laura Rains
C&K Market	Marty Woodruff
Ocean Odyssey	Carol Cassidy
Mr. Wizards	Tonisha Muster and kids, JJ and Amby
Just local	Noel Evans
Mari's Books	Bob Barrett, Santa
Judith's Kitchen tools	Yachats Rural Fire Department
Yachats Video, Vicky Prince	

Tim Chase -Waldport High School music teacher and students for providing the live music

NOW, THEREFORE, we, the Mayor and City Council, do publicly recognize Pioneer and Volunteers for their generous contributions to the City of Yachats.

Dated this December 18, 2019

W. JOHN MOORE, Mayor



**CITY OF YACHATS
RESOLUTION NO. 2019-102
A RESOLUTION OF THE CITY OF YACHATS, OREGON
REGARDING GIMLET LANE**

WHEREAS, on April 16, 2019, the Council was requested to review opening the gated section of Gimlet Lane for emergency access purposes;

WHEREAS, after review and research it was determined that the City did not own the gated section of Gimlet Lane (Attachment A);

WHEREAS, after consideration of the professional opinions of the City's engineer, attorney, planner, and public works, the City Council again discussed the recommendations and research at its December 5, 2019 meeting,

NOW THEREFORE, the City of Yachats resolves as follows:

- That the City erect signage on city property indicating that the portion of the road not owned by the City is privately owned and caution should be utilized;
- The City is to work with the Blackstone homeowner's association to turn over gate keys and establish a utility easement; and
- The City will encourage the homeowner's association to work with appropriate entities to encourage safe access for emergency purposes.

This Resolution memorializes action taken by the Council on December 5, 2019 and is effective as of that date.

CITY OF YACHATS

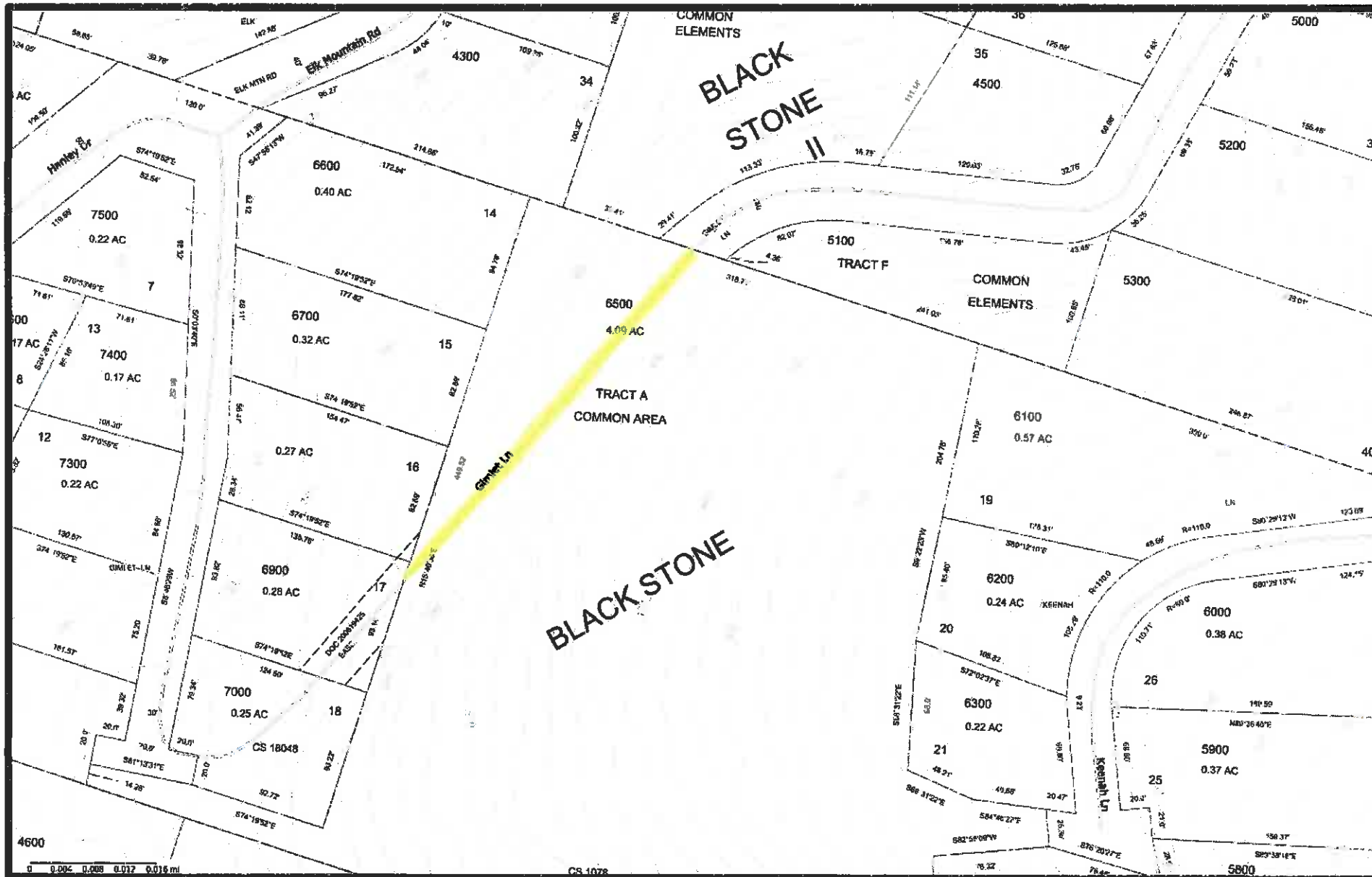
By: _____
W. John Moore, Chair

ATTESTED TO BY:

Shannon Beaucaire, City Manager

Gimlet Lane

Attachment A



Printed 12/11/2019

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CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

November 7, 2019

Draft Minutes

I. Meeting Call to Order

Mayor W. John Moore called the November 7, 2019 work session and regular meeting of the City Council to order at 9:30 am in the Multipurpose Room of the Yachats Commons. Council members present: W. John Moore, Max Glenn, James Kerti, Jim Tooke, and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire, Water Treatment Plant Lead Rick McClung, and Clerk Kimmie Jackson. Audience: 23.

II. Discussion Topics

A. Potential Uses for Lot between Marine and Aqua Vista Drive

Mayor Moore reported he spent time with the manager from Habitat for Humanity who indicated they had done projects in every city in Lincoln County except Yachats. He indicated they would require participation from the citizens in the form of time and money. He stated they typically build houses between 1,800 to 2,000 square feet with two/three bedrooms and two baths. Mayor Moore indicated the City would need to find out if residents were interested in participating in such a project.

Mayor Moore suggested the discussion be postponed to next month when Lincoln County Counsel, Wayne Belmont, could participate.

B. Vacation Rental Discussion

1. Conditional Uses. Mayor Moore explained the City Attorney had stated this change would be a Title 9 change and should be done through a separate ordinance for Title 9.

2. Inspection Frequency. Mayor Moore stated Council had previously agreed by consensus to change inspections from every five years to every two years. Councilor Vaaler stated two years was not extreme and Tillamook does it every year. Councilors Glenn and Kerti concurred with two years. Mayor Moore and Councilor Tooke were open to three but would be ok with two.

Kerti noted that Vaaler had concern over staggering the inspections so that staff was not overloaded with the change. Vaaler suggested Manager Beaucaire could address the issue. Manager Beaucaire stated she has asked Matt Phillips and Clerk Kimmie Jackson to provide her with information on what has been done in the past and what would be reasonable to accomplish in a given period of time. Clerk Jackson indicated staff was typically completing four

1 inspections in a day. She suggested staff could complete four to six per day. Mayor Moore
2 indicated managing this task was an administrative matter which Manager Beaucaire could
3 handle.

4
5 3. License Fees. Mayor Moore noted the license fees were increased two years ago. He recalled
6 he had previously proposed increases to generate \$72,000 per year. He reviewed the matter and
7 noted there was \$80,000 budgeted for code enforcement. He speculated that a \$100 increase
8 would generate about half of code enforcement costs, but less than half of the code enforcer's
9 time was spent on vacation rentals. He suggested they could leave the fees as is.

10
11 Mayor Moore indicated that currently one-bedroom and two-bedroom homes are assessed a \$200
12 annual fee, three-bedroom homes are \$250, four-bedroom homes are \$300, and five-bedroom or
13 more homes are \$400. He added there were 19 one-bedroom, 64 two-bedroom, 47 three-
14 bedroom, 5 four-bedroom, and 5 five-bedroom or more rentals.

15
16 Vaaler noted code enforcement was only one area that was a cost for the City around vacation
17 rentals, such as emergency management. Vaaler was comfortable with raising fees. Kerti
18 wanted to keep the fees where they currently are. He noted they do not currently know what
19 their code enforcement needs were and wanted to reassess when this information was available.
20 Tooke agreed with Kerti but could be comfortable with some increase. Glenn favored leaving
21 the fees where they were until they get more information. Mayor Moore suggested Council
22 revisit all fees next year.

23
24 Vaaler suggested that when they consider raising fees, they consider raising the transient rental
25 tax. She argued that Council has been timid to raise fees but not to increase spending. Mayor
26 Moore recalled they got considerable input from hotel owners and others and learned they should
27 better specify how the monies would be used if they were to reexamine this.

28
29 Council consented to keep the fees at the current amounts.

30
31 4. Submitting Complaints. Mayor Moore recalled they had a stipulation that vacation rental
32 owners submit a list of complaints when licenses are renewed. He suggested they only stipulate
33 that the City has the right to request that list. He noted there was no need to subject everyone to
34 this requirement when only a few have complaints.

35
36 Council agreed to this change.

37
38 5. Trailer Size. Mayor Moore explained that people could have a trailer that counted for one of
39 the allotted parking spots. Kerti suggested that a trailer that takes up a parking space should be
40 treated as one occupied parking space. Tooke had an issue with allowing trailers of any size,
41 trailer. Mayor Moore noted the current code stipulated a trailer of "moderate size" was allowed
42 and the attorney suggested they quantify "moderate size." Council discussed what exactly they
43 were trying to control, such as the maximum size of the trailer or the number of parking spaces
44 occupied by a trailer. Kerti added that even a smaller trailer should take up a parking spot.

45
46 Vaaler noted there was a definition of a parking space in the code and it would make sense to
47 have trailers of up to 18 feet take up one spot and trailers of more than 18 feet would take up
48

1 more spaces. Mayor Moore clarified with Helen Anderson that a standard parking space was 9
2 by 18 feet in section 9.04.030. Jamie Michelle from Sweet Homes indicated that it would be
3 reasonable to stipulate that vehicles and trailers together take up only the required parking spots.
4 Vaaler suggested they stipulate that vehicles not stick out beyond the defined parking area.

5
6 Mayor Moore summarized they would ask the attorney to draft language to stipulate that no
7 trailer should extend beyond the boundaries of the allotted parking spaces and to add a definition
8 of a parking space to be 9 by 18 feet.

9
10 6. Fines. Mayor Moore reported the current code stipulated a fine of up to \$1,000 per day and
11 the attorney stated this amount could be seen as excessive. Vaaler stated she saw a jurisdiction
12 that had one fee for a first violation of illegal renting and a different fee for those who were
13 illegal renting after they had received a first notice of violation. Vaaler noted the current code
14 stipulation of a penalty of losing the license for a third-time violation would not be punitive to
15 someone who did not have a license in the first place.

16
17 Manager Beaucaire noted the classifications for penalties in Chapter 1.12 of the code and
18 indicated she would get recommendation from the attorney on what the penalty should be.

19
20 7. Zones. Mayor Moore stated that the vacation rental code applied to all zones. He suggested
21 that commercial zones should not be restricted. He also noted that the hotels are in zone R-4,
22 and it made sense to allow vacation rentals in those zones as well. Mayor Moore stated there
23 were currently seven rentals in C-1 and eighteen rentals in R-4. Vaaler strongly opposed
24 allowing unlimited rentals in any zone. She wanted to have properties in C-1 and R-4 to go to
25 the top of a vacation rental waiting list. She worried an unlimited amount would contradict what
26 they were trying to achieve with regulating vacation rentals. Mayor Moore suggested that if they
27 make C-1 and R-4 unlimited, they should lower the cap in the other zones, such as to 100, which
28 is the 125 cap minus the number of rentals in zones C-1 and R-4. Vaaler wanted to know how
29 many properties were in the C-1 and R-4 zones that could become vacation rentals and to get
30 input from people living in zones R-4 and C-1 on the possibility of having unlimited vacation
31 rentals.

32
33 Glenn indicated he could agree with the proposal if they did cap the other zones to 100. Kerti
34 was not certain whether the existing zoning had considered vacation rentals, but he could be
35 amenable to opening up C-1 and R-4 as long as the cap was reduced in the other zones. He had
36 questions regarding the implementation of such a policy. Tooke wanted to study this issue more
37 as it had significant implications for neighbors in those areas. He noted other jurisdictions had
38 studied this issue in more detail through various means such as questionnaires.

39
40 Mayor Moore suggested Council could have a public hearing on this topic and make this change
41 later, should the public support such a change. Vaaler noted this issue impacted the
42 administrative policy on how the waiting list was handled and felt some pressure to make a
43 decision sooner than later.

44
45 Mayor Moore suggested they schedule a public meeting very soon and keep the cap at 125 for
46 now.

1 8. Conditional Use. Mayor Moore suggested they postpone the discussion on conditional uses as
2 that would be impacted by the zone issue.

3
4 9. Waiting List. Kerti wanted to know what would be entailed in getting on a waiting list, such
5 as whether it was just submitting a name or completing an application and paying a fee. Clerk
6 Jackson stated in the past an applicant would pay an inspection fee whether or not they get a
7 license, and they pay the license fee after they are approved. Kerti suggested there be some
8 application fee. Jackson stated she gets daily emails on people who are pending approval.
9 Vaaler noted the current application system would change with the new ordinance.

10
11 Mayor Moore stated he would hold off on this issue until the number of licenses drops below the
12 cap. Vaaler suggested the attorney indicated they attorney thinks they already have a waiting
13 list. Mayor Moore and Manager Beaucaire believed the waiting list was triggered by the licenses
14 falling below the cap.

15 16 **C. Catch Basins**

17 Nathan Bernard stated he suggested looking at rainwater collecting and storage to help address
18 water resources during the dry season. He stated he was suggesting the City have some
19 incentives to encourage businesses and residents to pursue the process. McClung indicated that
20 for municipalities, he has seen these systems implemented when source water was polluted. He
21 indicated that homeowners would need to put in pumps and filtration systems for potable water
22 but could see rainwater harvesting for uses such as gardens. McClung indicated he would be
23 open to helping Bernard with ideas.

24
25 Bernard stated that the peak demand and minimum supply occur at the same time. He explained
26 how rain harvesting systems would work, such as diverting the first pass off the roof to flush
27 impurities and filtering subsequent rainfall to supply uses such as laundry. He noted the focusing
28 on the laundry area does not require requiring replumbing of the entire hotel.

29
30 McClung stated the City has been looking for ways to store raw water. He noted the City uses
31 250,000 gallons per day during the peak season. Bernard noted he can get 60,000 gallons from a
32 9,000 square foot building during one rain event. He suggested the City look at the highest water
33 users to assess the potential benefit derived.

34
35 Manager Beaucaire stated the State of Oregon Building Codes Division had information
36 harvesting, filtration systems, above ground and cistern storage. She suggested the County
37 Planning Department might have information to be included in the conversation. Mayor Moore
38 wanted to know what other cities have done to incentivize these programs.

39
40 Mayor Moore adjourned the work session at 10:50 am.

41 42 **REGULAR MEETING**

43 Mayor Moore opened the regular meeting of the City Council at 10:55 am.

44 45 **III. Announcements, Correspondence and Proclamations**

46 Mayor Moore announced Councilor Curt Schrader was in town and they toured the Farm Store,
47 visited businesses, met with hotel owners, toured the 804 Trail, and visited Earthworks Gallery.

1 They also visited the early seismic warning station on Horizon Hill, and Mayor Moore noted
2 there were only 20 stations currently in Oregon.

3 4 **IV. Public Comment (topics not on the agenda)**

5 Laura Thurber (260 Highway 101 S) stated the community and Council have changed greatly
6 over the last five years with a large increase in legislation. She did not favor the vacation rental
7 cap. She wanted to see more civility in the community.

8
9 Jacqueline Danos (Springhill Road) reported the City donated the bottles for the water station at
10 the Fire Department open house last week. She reported a board member stated they greatly
11 appreciated the effort and noted this was one of the first times the City had reached out to show
12 appreciation for the firefighters, volunteer firefighters, and employees at the Fire Department.
13 She also thanked the Council for considering Nathan Bernard's water capturing system ideas.

14
15 Tom Lauritzen (Shell Street) recalled a letter he sent to mayoral candidates one year ago about
16 issues he raised around billing errors in the water system. He reviewed how frequently he has
17 raised these issues with the City. He had concern that records would soon be gone.

18
19 Mayor Moore recalled the consensus of Council was to do one rate adjustment after the City
20 received the results of the water rate study. Manager Beaucaire indicated that Tim Tice indicated
21 he hoped to have results from the study by the end of the year. Lauritzen noted the study would
22 not address the errors in billing.

23
24 Kerti recalled Council had decided on the water rate study but not Lauritzen's issue. Manager
25 Beaucaire stated it was her recollection that the decision was to make all adjustments in water
26 rates at one time.

27 28 **V. Consent Agenda**

- 29 A. Resolution 2019-95 Adopting CIP Goal in Utility Rates
30 B. Resolution 2019-96 Adopting Changes to the Commons Fee Schedule
31 C. Resolution 2019-97 Adopting Recommendations from the Library Commission

32
33 **Vaaler moved to approve the Consent Agenda: Aye – 5; No – 0.**

34 35 **VI. New Business**

36 Glenn stated Council had an executive session to evaluate the City Manager. Mayor Moore
37 stated the Council was very happy with the City Manager's performance.

38
39 **Glenn moved to give the City Manager a \$5,000 bonus: discussion**

40
41 Vaaler stated that she could not support this motion as Council was again spending without
42 finding resources. Mayor Moore stated the City Manager had negotiated a reduction in costs on
43 the South Tank for over her annual salary and she had negotiated with the County for
44 improvements around Ocean View Drive for greater than twice her salary.

45
46 **Call for a vote: Aye – 4; No – 1 (Vaaler).**

1 **VII. Public Hearing**

2 **A. Ordinance 364 Amending YMC Chapter 4.08 Related to Vacation Rentals**

3 Mayor Moore opened the Public Hearing on Ordinance 364 at 11:10 am.

4
5 Mayor Moore opened the floor for public testimony.

6 1. Jacqueline Danos thanked Council for their discussion today. She asked that they keep
7 vacation rental licenses limited to one per person.

8
9 2. Joel Keller thanked Council for their hard work on the vacation rental topic and recognized the
10 difficult position of pleasing both sides.

11
12 Kerti noted there were people present today who were wanting to give input and asked what the
13 next steps were for proceeding with this ordinance. Mayor Moore indicated the next step would
14 be a public meeting on the R-4 and C-1 zones.

15
16 Mayor Moore closed the public hearing at 11:13 am.

17
18 **B. Ordinance 363 Amending YMC Sections 9.04030, 9.52.030, and 9.64.010 on**
19 **Design Standards for Street Construction and Design**

20 Mayor Moore opened the public hearing at 11:14 am.

21
22 No public testimony received.

23
24 Glenn asked Planning Commission Chair Helen Anderson about a person who had a hedge on
25 Highway 101 that served as a barrier to the highway traffic. Anderson stated that technically the
26 person would have to comply with the three-foot limit, but they could apply for a variance with
27 the Planning Commission if they have an unusual circumstance such as serving as a sound
28 buffer. Glenn asked if a statement exempting hedges on the highway from this regulation.

29
30 Kerti reported he has had three people living on Highway 101 who had a concern about this
31 issue. Mayor Moore clarified with Anderson that an additional hearing was not needed should
32 they make this change. Vaaler asked about making a blanket exception for a hedge that could be
33 in the clear sight area at an intersection with Highway 101 and a side street. Anderson stated that
34 the Planning Commission could look at the matter to determine the language to allow for an
35 exception and to maintain the clear sight area at the intersection.

36
37 Vaaler asked if the Planning Commission was prepared to process numerous variance requests
38 for this ordinance. Anderson explained that currently the code enforcement part would be
39 complaint driven, so unless an owner wanted to get a variance on their own, the only
40 enforcement would be through a complaint. Anderson stated if Council exempted hedges along
41 Highway 101, they would be exempt for their entire length. Planning Commissioner Lance
42 Bloch stated they could add a statement such as, except where the hedge would conflict with a
43 clear sight regulation.” Anderson noted the clear vision was in Section 9.64.010(A)3.

44
45 Glenn moved to approve Ordinance 363 with the addition of the statement to section 9.64.010(B)
46 as follows, “Hedges that front Highway 101 are exempt from this height requirement as long as

1 the height does not interfere with clear vision requirements in section 9.64010(A)3.”: Aye – 5;
2 No – 0.
3

4 Mayor Moore closed the public hearing at 11:26 am.
5

6 **VIII. Other Business**

7 **A. From the Mayor** - none

8 **B. From the Council** - none

9 **C. From Staff** - none
10

11 Mayor Moore adjourned the meeting at 11:27 am.
12
13

14 ATTEST:
15
16
17
18

19 _____
20 W. JOHN MOORE, Mayor
21
22

Shannon Beaucaire, City Manager
23
24

Date



CITY OF YACHATS

CITY COUNCIL MEETING

November 20, 2019, 2019

Draft Minutes

Meeting Call to Order

Mayor W. John Moore called the November 20, 2019 regular meeting of the City Council to order at 2:00 pm in Room 1 of the Yachats Commons. Council members present: W. John Moore, Max Glenn, James Kerti and Leslie Vaaler. Staff present: City Manager Shannon Beaucaire. Audience: 20.

I. Announcements, Correspondence, and Proclamations

No announcements or correspondence. A Proclamations will be read later in the meeting.

II. Public Comment - none

III. Consent Agenda

A. October 2 and 16, 2019 Minutes

Councilor Vaaler moved to approve the consent agenda: Aye – 5; No – 0.

IV. New Business

A. F-Y19 Audit Update – Theresa Hanford, Auditor

Theresa Hanford reported the audient is nearly complete and it was going very well. She noted improvements in internal controls and that they are having to make many fewer adjustments.

Hanford reported they are conducting an audit of the URD based on discussions with the Secretary of State. She noted they will be auditing the FY17 URD audit as well. She noted the FY18 was under \$150,000 and therefore did not need an audit. Hanford explained a “review” is less extensive than a full “audit,” where in a review they do not look at the source documents.

Mayor Moore asked about costs going forward. Hanford indicated they were going to try to integrate the audits for the URD and the City so she estimated \$2,500 to \$3,000 per audit. She indicated they would combine what they could, but they have to do certain aspects for every audit.

Mayor Moore clarified the City could have the URD expend over \$150,000 every other year, as it was a City decision as to handle that.

B. PERS Employer Incentive Fund

1 Manager Beaucaire explained there was an opportunity to get a 25% match for unfunded
2 actuarial liability (UAL) through the Employer Incentive Fund (EIF). Martha noted the City was
3 a 139%, which was not as high as many other cities. Martha indicated she needed permission
4 from the City to submit the application, which is done through survey monkey. The City could
5 later decide not to deposit the funds with no consequence. She noted the handout had the most
6 current information on the projected rates. She noted the City would need to decide if they
7 wanted to use the PERS account investment pool or invest the money in their own fund.

8
9 Vaaler asked if the 7.2% annual return was guaranteed. Martha indicated that number was their
10 estimate and not a guarantee.

11
12 Sue Forty indicated the most important issue at present was whether they wanted to complete the
13 application and noted an application did not mean the City was committed to taking the money.

14
15 Mayor Moore asked about the timeline for needing to move the money into savings. Martha
16 indicated monies given before this fiscal year would impact FY21 and money after July 1, 2020
17 would show in FY22. She noted this was the first year the State has offered a 25% match.

18
19 Mayor Moore asked Manager Beaucaire what the City could afford set aside. Manager
20 Beaucaire stated she found documentation indicating the City has already set aside \$63,000. She
21 noted they could look at the current interest rate on the LGIP. Vaaler reported she spoke with
22 Judy Richter from Toledo who indicated the LGIP rates had dropped below 3%. Martha
23 indicated the minimum contribution was \$25,000.

24
25 Councilor Tooke clarified this system runs through 2035. Mayor Moore noted the PERS average
26 yield has been better than the current LGIP fund. Vaaler noted there was a \$1,500 fee to set up
27 the PERS fund and \$500 per year thereafter, and there was no guarantee the fees for this fund
28 would not go up. She added the legislature currently caps the annual fee at \$2,500 per year.

29
30 Martha explained from her chart that if the City were to contribute \$100,000, the savings would
31 be 1.65%, or \$6,689, of what they would need to contribute the PERS.

32
33 Councilors agreed it was appropriate to go forward with the application, and Vaaler added that
34 she wanted to look more closely at the information.

35
36 Vaaler read from a letter from a state actuarial business specialist that stated the City currently
37 had a -1.8% transition surplus which was assigned when the City joined the pool. However, the
38 transition surplus would be fully amortized at the end of December 2027 at which time rates
39 would substantially increase.

40
41 **Glenn moved to direct the City Manager to authorized staff to apply for the matching 25% for**
42 **the PERS Employer Incentive Fund: Aye – 5; No – 0.**

43
44 Forty reported the Finance Committee met last week and was recommending that financial
45 reports be issued when the books had been closed. She explained the change from a cash to a
46 modified-accrual system necessitates allowing the books to be kept open past the last day of the
47 month until the month's bills have been processed. She also reported she met with each

1 Councilor to set up accounts so they can log into the accounting system and access more detailed
2 information.

3
4 Forty reported she was working with Manager Beaucaire on getting the last of the old budget
5 into the new system. She highlighted the efforts to be able to see reports on the true costs of
6 operating different components of the City.

7 8 **I. Proclamations - continued**

9 Mayor Moore read a proclamation honoring Janet Rackleff and Janet Hickam for their service to
10 the Yachats Public Library and the Yachats community.

11 12 **IV. Public Hearing**

13 **A. Vacation Rentals in Zones C-1 and R-4 Input from Citizens**

14 Mayor Moore opened the Public Hearing on a discussion of removing the vacation rental cap in
15 zones C-1 and R-4 at 2:33 pm.

16
17 Mayor Moore noted the commercial zone already allows for business and the R-4 zone allows
18 for hotels. Mayor Moore reviewed the boundaries of the C-1 and R-4 zones. He highlighted that
19 R-4 zones on the north end of the City are were on the west side of Highway 101 where the
20 Overleaf/Fireside and Adobe hotels were located, and the R-4 zones on the south end of the City
21 included the Koho tract and properties at the south end of Yachats Ocean Road.

22
23 1. Drew Roslund (Overleaf Loop) reviewed the history of the Overleaf community and
24 highlighted the minimal complaints and their patrolling their own community.

25
26 2. Letter read by Roslund: Randall and Paula Rapetti (2130 Overleaf Loop) expressed support
27 for allowing vacation rentals in the Overleaf area due, in part, for the oversight provided by the
28 Overleaf Lodge staff.

29
30 3. Letter read by Roslund: Timothy A Smith (2065 Overleaf Loop) supported the removal of the
31 cap on vacation rentals in the R-4 and C-1 zones. He was not in favor of any cap on vacation
32 rentals.

33
34 4. Letter read by Roslund: (Stephen LaSky – two homes in Overleaf area that not currently
35 vacation rentals) expressed disfavor with any cap on vacation rentals.

36
37 5. Mike Ruane (591 Aqua Vista Loop) did not like that R-4 zone homes would get special
38 treatment. He opposed any cap on vacation rentals.

39
40 6. Candy Neville (Eugene residence; 1430 King Street vacation rentals) asked that Council go
41 back to having evening meetings. She read a letter into the record that indicated there should be
42 no cap on vacation rentals.

43
44 7. Charles Moreland (88448 Tokyo Lane, Bandon) recalled some history of planning the 804
45 Trail and the conflict that resulted. He did not think he should need a license to have a vacation
46 rental license in a commercial zone.

1 8. Ariana Carlson (1750 Highway 101 N) wanted her rent to not be so high and asked how the
2 City could grow to allow more people live in the City at affordable rents.

3
4 9. Jamie Michelle (operations manager at Sweet Homes Vacation Getaways) suggested the City
5 not create a class of vacation rentals. She supported not having a cap in the R-4 and C-1 zones.
6 She asked that the cap on R-1 through R-3 zones not be lowered.

7
8 Mayor Moore closed the public testimony at 3:15 pm

9
10 1. Cap in Commercial zone: Vaaler noted the competing considerations. She suggested that
11 opening up the cap in R-4 and C-1 would further “pit neighbor against neighbor” and would have
12 unintended consequences. She suggested it would be hasty to make this decision now.

13
14 Kerti noted the current zoning map was last amended in 1992 and asked if the City could
15 reexamine the zoning map. He stipulated that it made intuitive sense to allow vacation rentals in
16 R-4 and C-1 zones but that the location of some of these zone areas would significantly impact
17 residential neighborhoods. He also favored delaying this particular decision. He indicated he
18 could support removing the cap for C-1 only.

19
20 Glenn asserted the greatest consequences were happening in R-1 zones. He believed the
21 business of operating a vacation rental home was consistent with the R-4 and C-1 standards with
22 the understanding of reducing the overall cap to 100.

23
24 Tooke stated C-1 are for businesses and it made sense to exempt from the cap. He noted a
25 license would still be required. Tooke stated the vacation rental issue was never about affordable
26 housing. He suggested the greatest limitation for growth in Yachats would be water. Tooke
27 noted that the goal was to have vacation rentals negatively impact the character of a
28 neighborhood. He also supported lifting the cap in R-4 zones. He was not certain about
29 reducing the cap for the other residential zones.

30
31 Mayor Moore supported a cap in general to keep a balance between residences and businesses.
32 He had a hard time justifying a cap in a commercial zone. He also favored removing the cap in
33 the R-4 zone. He acknowledged that there would be unintended consequence for any decision.

34
35 Vaaler did not believe that the issue had been adequately advertised to local people. She thought
36 they should get more input from people who live next to these zones. Glenn suggested that
37 prolonging the decision would only make things more devising.

38
39 **Glenn moved to remove the cap on vacation rentals in zones R-4 and C-4: Aye – 3; No – 2 (Kerti**
40 **and Vaaler).**

41
42 Mayor Moore explained there were 18 vacation rentals in C-1 and 7 in R-4 for a total of 25. He
43 explained reducing the cap from 125 to 100 would not reduce the cap in zones R-1, R-2, and R-
44 3. Glenn and Kerti agreed with this approach. Vaaler suggested that they consider going below
45 100 in these other residential zones, noting the vacation rentals in the R-4 and C-1 would
46 increase. She suggested lowering the cap for zones R-1, R-2, and R-3 to 90. Tooke indicated he
47 would go with the consensus of the Council. Mayor Moore did not favor lowering the cap to 90,

1 in part, because the complaints are mostly coming from the residential zones. Mayor Moore
2 wanted the cap to change to 100 for zones R-1, R-2, and R-3.

3
4 Kerti moved to adjust the cap in zones R-1, R-2, and R-3 to 100: Aye – 4; No – 1 (Vaaler).

5
6 Conditional Use for New Licenses: Vaaler suggested that all vacation rentals get a conditional
7 use in all zones. Vaaler asked Planning Commission Chair Helen Anderson about conditional
8 uses in these zones. Anderson noted there already was a conditional use required to operate a
9 hotel for R-4 zones and it would be harder to deny a conditional use in a C-1.

10
11 Morgen Brodie (258 W 2nd Street) asked if the City had looked at density of rentals rather than
12 an absolute cap.

13
14 Glenn moved to require conditional uses in all residential zones and referred the matter to the
15 Planning Commission: Aye – 5; No – 0.

16
17 Starting the Waiting List: Vaaler asked how long they would keep open the time to submit
18 names to a waiting list. Kerti suggested opening the list around February 1, 2020 was reasonable
19 but believed they should start discussing the process before then. Kerti asserted that the waiting
20 list should not have to wait until the number of licenses drops below the cap. He explained
21 getting information about how many people want to be on a waiting list would help their
22 decision making and management of the process.

23
24 Manager Beaucaire explained factors impacting staff should a waiting list be implemented,
25 including whether applicants have to submit information annually to remain on the list, time to
26 determine whether people at the top of the list were still interested, and how interactive and
27 involved the list should be. Glenn suggested that if people were on a list, they might call more
28 frequently about their status. Tooke suggested they discuss the process before February 1, 2020.

29
30 Mayor Moore suggested they could finalize the vacation rental ordinance and hold the waiting
31 list procedure until later.

32
33 Vaaler asked about the requirement to have the phone number of the property manager visible at
34 the street. Duke Tracy indicated there were other vacation rentals with longer driveways in the
35 City. Tom Lauritzen indicated when he and Joan Davies did their survey on vacation rentals,
36 over 100 homes were in violation of having the sign visible from the street. Manager Beaucaire
37 noted there was a list on the website with house and phone numbers. Kerti indicated he preferred
38 to keep the language as is, noting some driveways have multiple houses on a driveway.

39
40 Mike Ruane asked that the City remove the requirement for bear proof trash cans for vacation
41 rentals, noting they were no longer available from Dahl.

42
43 Mayor Moore closed the hearing at 4:05 pm

44 45 **VI. Reports**

46 **A. Financial Report** – addressed earlier

47

1 **B. Council Reports**

2 Vaaler reported that she had a request from a citizen to have the audio tape available on the
3 website.

4
5 Kerti reported he will be attending the Parks and Commons Commission meeting on November
6 21, 2019 and the Commission had asked for more specific direction on the 804 Trail
7 beautification project.

8
9 **C. City Manager Report**

10 Manager Beaucaire highlighted:

- 11 1. The City was awarded a \$20,000 grant for the wastewater master plan update
12 2. The City was awarded a \$100,000 grant to pave Driftwood
13 3. There was a spreadsheet outlining risk items for insurance purposes and critical items were
14 based on OSHA criteria.
15 4. There have been discussions on improved traffic flow signage for Ocean View Drive, the
16 archeological study has had a short delay, and Lincoln County Counsel, Wayne Belmont,
17 will be at the second meeting in December.
18 5. She was expecting drawings for the City Hall move project on Friday, November 22, 2019
19 6. The City was extensively researching what trees to plant in the four sidewalk wells.

20
21 **VI. Other Business**

22 **A. From Mayor** - none

23 **B. From Council** - none

24 **C. From Staff** - none
25

26 Mayor Moore adjourned the meeting at 4:10 pm.
27

28 ATTEST:
29
30
31

32 _____
33 W. JOHN MOORE, Mayor
34
35

Shannon Beaucaire, City Manager

Date: _____



DATE: December 18, 2019

TO: W. John Moore, Mayor
Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Request from non-profit, Restless Surf, for exclusion from vacation rental regulations

On December 5, 2019, Carol Klopfenstein of the Apostolic Christian Churches of Oregon indicated that the church wanted to form a nonprofit to manage the property. Ms. Klopfenstein wanted to clarify how this property would fit with the City's vacation rental regulations. Ms. Klopfenstein indicated their attorney asked for a written statement that the church would not be subject to the vacation rental regulation. Ms. Klopfenstein indicated there was a suggested donation for stays, and she did not think the Church had been paying any transient rental taxes.

Chapter 4.08.020 of the Yachats Municipal Code states that a vacation rental is defined as (emphasis added):

*"Vacation rental" means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, **word of mouth**, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. **It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.***

It should be noted, that the exchange of consideration is not necessary if the dwelling is otherwise available for occupancy for less than 30 days. Based upon the description provided, Restless Surf can meet the definition of a Vacation Rental as defined in the City's Municipal Code.

Currently, there is no provision in the current Code for the Council to grant a waiver. Therefore, the Council has the following options:

1. Take Legislative action to change the Code to either:
 - a. Expressly provide that non-profits and/or other certain groups are excluded from regulation under the vacation rental provisions of the Code, or
 - b. Establish a waiver process and procedure for Council to hear cases for exclusion.

Otherwise, there is no current role for the Council at this time.

In coordination with the City attorney, a waiver system is not recommended. Even with an established set of criteria, such a system is full of potential complications. Should the Council decide to exclude certain groups from regulation, the Code should provide for those exclusions, and the exclusions should be based on reasonable governmental interests (public health and welfare).

The City Manager has requested the letter from the Apostolic Church's attorney requesting the waiver from the vacation rental regulations with the rationale for justifying the waiver.



DATE: December 18, 2019

TO: W. John Moore, Mayor
Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Vacation Rental 4.08 Ordinance Updates

Based upon Council discussions, attached is a revision of 4.08 of the Yachats Municipal Code. First is a version that shows the changes in the Ordinance and the second is a clean copy of the ordinance.

Please note that Section 4.08.060 still requires Council discussion. Item B needs Council discussion and decision on which violations, if any, meet the standard of a Class C infraction as defined in Chapter 1.12 of the Yachats Municipal Code.

Discussion about the land use portion of the City Council's discussion will be forthcoming.

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations. ~~The purpose of an inspection is to ensure the health and welfare of the occupants.~~

Section 4.08.020 Definitions.

“Dwelling unit” means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

“Incident” means an offensive activity or breach of the standards in Section 4.08.030.

“Local contact person” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Occupant” means a person over the age of four (4) years who occupies a rented dwelling unit.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

~~“Rental occupant” means a person over the age of four (4) years who occupies a rented dwelling unit.~~

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual dwelling units located on the same property, such as a duplex or triplex ~~as defined above in Section 4.08.020~~, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within thirty (30) days.

B. Vacation rentals in residential zones shall have no more than four (4) bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within ten (10) miles of the City of Yachats and be available for response to alleged violations within two (2) hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 a.m. to 11:00 p.m.) and respond within two (2) hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four (4) inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current. The local contact person must maintain an accurate listing of complaints received about the vacation rental. The listing must document the date of each complaint received, the nature of the complaint and how the complaint was resolved. The listing must be provided to the City as part of the annual license renewal for the vacation rental.

E. One on-property parking space, as defined in Section 9.04.030 for off-street parking, shall be provided for each bedroomsleeping area in the dwelling, but in no event shall fewer than two (2) spaces be provided for the vacation rental. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance, all parking must be contained on the rental property. Owners are required to provide

parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of ~~overnight~~ vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six (6) vehicles, whichever is less. ~~Daytime parking~~ Parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of ~~overnight~~ occupants shall be two (2) persons per sleeping area plus two (2) additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer ~~of moderate size~~ under twenty feet in total length, including tongue, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided and must have bear-proof mechanisms. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the GoYachats website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email

addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contact information current shall constitute a violation of this chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

Section 4.08.040 Inspection, license and annual fee.

A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. ~~If a license is renewed annually until at least five (5) consecutive years have elapsed, the City will re-inspect before issuing a license for the sixth (6th) year. The vacation rental will be subject to inspection every two years.~~ The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each ~~five (5)~~ two (2) year inspection completed by the City. A vacation rental licensee shall not be required to pay a business occupation license fee in addition to the annual license fee. The annual license and inspection fees shall be set by resolution of the City Council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. A total of one hundred twenty-five (125) licenses will be available at any one time. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below one hundred twenty-five (125) in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come first-served basis, with process identified through administrative policy.

Section 4.08.050 Complaints.

All complaints shall be in writing on a form provided by the City and signed by the complainant. The complainant must show or attest that they have made a timely attempt to resolve the issue with the local contact person ~~representatively~~ responsible for management of

the property. The complainant is expected to initiate the process while the out of compliance incident is occurring or when they first become aware that a property is not in compliance with the regulations. All complaints filed with the City shall be verified by the City for validity.

A. When a complaint is filed that is verified by the City to be valid, the owner and local contact person will be notified in writing by mail or email, and provided with a copy of the complaint. Either the owner or the local contact person will be required to meet with a City representative to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, City staff will prepare a report for City Council action.

B. Upon a second complaint that is verified by the City to be valid, the owner and local contact person will again be notified in writing by mail or email and provided with a copy of the complaint. Either the owner or local contact person will again be required to meet with a City representative to further discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, the City Recorder will prepare a report for City Council action.

C. Upon a third complaint within a ninety (90) day period that is verified by the City to be valid, the owner and agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint.

1. City staff may schedule a hearing and prepare a report for City Council action.

2. The City Council may schedule a hearing.

3. Either the City Manager or City Council may, without a hearing, revoke the license immediately.

4. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the Council shall be filed with the City within fifteen (15) days of the notice of revocation.

D. Standards of judging complaints shall include, but are not limited to, the following:

1. Noncompliance with vacation rental license standards as stated in Section 4.08.030;

2. Monopoly of on-street parking;

3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose.

E. The City Council, upon hearing the evidence, may: (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license.

Section 4.08.060 Violations—Penalties.

It is unlawful for any person ~~so required to fail or refuse to apply for a license, or operate without a license as required herein. Any person who violates any provisions of this chapter is subject to a fine of up to one thousand dollars (\$1,000) per violation, with each violate the requirements of YMC Chapter 4.08. Each day of a continuing violation constituting~~ constitutes a separate violation. ~~The Violations of this Chapter shall be subject to the procedures and penalties of YMC Chapter 1.12. In addition to the specific penalties set out in this Section, the third violation within any consecutive twelve (12) month period shall result in revocation of the vacation rental license for twelve (12) months, after which time the owner may reapply for a new license, in accordance with Section 4.08.040(C). Violations shall be subject to the procedures and penalties of Chapter 1.12, as now constituted or hereafter amended or revised.~~

A. Failing or refusing to apply for a license, or operating without a license as required herein is a Class B infraction.

B. Violation of YMC 4.08. [set out specific provisions] is a Class C infraction.

C. All other violations of YMC Chapter 4.08 are Class D infractions.

**CITY OF YACHATS
ORDINANCE NO. 364**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 4.08
RELATED TO VACATION RENTALS**

Whereas, the City has regulated vacation rentals for over twenty years so it has been able to observe the impact of the regulations on the community and observe which areas of the regulations could be improved to better obtain the desired results; and

Whereas, the City desires to maintain a strong sense of community and not overwhelm neighborhoods with short-term rentals that impact livability for owner-occupied and long-term rental homes; and

Whereas, the City has a record of responding to complaints related to vacation rentals and the impacts that these rentals have on neighborhoods, including noise, excessive trash, and parking problems; and

Whereas, the City understands the needs of owners that choose to rent out their homes on a short-term basis, so the City seeks to balance the wants of such owners with the wants of their neighbors that deal with the nuisance impacts that can result from vacation rentals; and

Whereas, the City wants to encourage all those property owners that engage in short-term renting of their property to license their activities so that all property owners are operating under the same rules; and

Whereas, the City wishes to make select changes to its vacation rental regulations based upon its review of recent complaints, examples from other jurisdictions, and reflection on its current practices,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 4.08.

Yachats Municipal Code Chapter 4.08 shall be amended to read as follows:

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.

Section 4.08.020 Definitions.

“Dwelling unit” means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

“Incident” means an offensive activity or breach of the standards in Section 4.08.030.

“Local contact person” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Occupant” means a person over the age of four (4) years who occupies a rented dwelling unit.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual dwelling units located on the same property, such as a duplex or triplex, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within thirty (30) days.

B. Vacation rentals in residential zones shall have no more than four (4) bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within ten (10) miles of the City of Yachats and be available for response to alleged violations within two (2) hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 a.m. to 11:00 p.m.) and respond within two (2) hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four (4) inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current. The local contact person must maintain an accurate listing of complaints received about the vacation rental. The listing must document the date of each complaint received, the nature of the complaint and how the complaint was resolved. The listing must be provided to the City as part of the annual license renewal for the vacation rental.

E. One on-property parking space, as defined in Section 9.04.030 for off-street parking, shall be provided for each sleeping area in the dwelling, but in no event shall fewer than two (2) spaces be provided for the vacation rental. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance, all parking must be contained on the rental property. Owners are required to provide parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six (6) vehicles, whichever is less. Parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of occupants shall be two (2) persons per sleeping area plus two (2) additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer under twenty feet in total length, including tongue, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided and must have bear-proof mechanisms. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the GoYachats website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contact information current shall constitute a violation of this chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

Section 4.08.040 Inspection, license and annual fee.

A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. The vacation rental will be subject to inspection every two years. The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each two (2) year inspection completed by the City. A vacation rental licensee shall not be required to pay a business occupation license fee in addition to the annual license fee. The annual license and inspection fees shall be set by resolution of the City Council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. A total of one hundred twenty-five (125) licenses will be available at any one time. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below one hundred twenty-five (125) in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come first-served basis, with process identified through administrative policy.

Section 4.08.050 Complaints.

All complaints shall be in writing on a form provided by the City and signed by the complainant. The complainant must show or attest that they have made a timely attempt to resolve the issue with the local contact person responsible for management of the property. The complainant is expected to initiate the process while the out of compliance incident is occurring or when they first become aware that a property is not in compliance with the regulations. All complaints filed with the City shall be verified by the City for validity.

A. When a complaint is filed that is verified by the City to be valid, the owner and local contact person will be notified in writing by mail or email, and provided with a copy of the complaint. Either the owner or the local contact person will be required to meet with a City representative to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, City staff will prepare a report for City Council action.

B. Upon a second complaint that is verified by the City to be valid, the owner and local contact person will again be notified in writing by mail or email and provided with a copy of the complaint. Either the owner or local contact person will again be required to meet with a City representative to further discuss means by which further complaints may be avoided. If the

licensee fails to meet this requirement within a reasonable amount of time, the City Recorder will prepare a report for City Council action.

C. Upon a third complaint within a ninety (90) day period that is verified by the City to be valid, the owner and agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint.

1. City staff may schedule a hearing and prepare a report for City Council action.

2. The City Council may schedule a hearing.

3. Either the City Manager or City Council may, without a hearing, revoke the license immediately.

4. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the Council shall be filed with the City within fifteen (15) days of the notice of revocation.

D. Standards of judging complaints shall include, but are not limited to, the following:

1. Noncompliance with vacation rental license standards as stated in Section 4.08.030;

2. Monopoly of on-street parking;

3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose.

E. The City Council, upon hearing the evidence, may: (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license.

Section 4.08.060 Violations—Penalties.

It is unlawful for any person to violate the requirements of YMC Chapter 4.08. Each day of a continuing violation constitutes a separate violation. Violations of this Chapter shall be subject to the procedures and penalties of YMC Chapter 1.12. In addition to the specific penalties set out in this Section, the third violation within any consecutive twelve (12) month period shall result in revocation of the vacation rental license for twelve (12) months, after which time the owner may reapply for a new license, in accordance with Section 4.08.040(C).

A. Failing or refusing to apply for a license, or operating without a license as required herein is a Class B infraction.

B. Violation of YMC 4.08.____ [set out specific provisions] is a Class C infraction.

C. All other violations of YMC Chapter 4.08 are Class D infractions.

Section 2. Effective date.

Pursuant to the Yachats Charter, this ordinance shall take effect 30 days after adoption.

Passed and adopted by the City Council of the City of Yachats on this ____ day of _____, 2019.

	YES	NO	NOT PRESENT
John Moore, Mayor	☐	☐	☐
Max Glenn	☐	☐	☐
James Kerti	☐	☐	☐
Jim Tooke	☐	☐	☐
Leslie Vaaler	☐	☐	☐

W. John Moore, Mayor

Attest: _____
Shannon Beaucaire, City Manager

Yachats Financial Report notes for October 2019

Overall

- Budget is completed in Springbrook for FY2020.
- Transfers have not been made to/from reserve accounts. This will impact revenue in future reports.
- Revenue and expense lines with transactions and no budget information will be reviewed and adjusted as needed for November journal entries.
- Journal entries to move all wages and benefits to correct budget lines will be completed for November financials.

Governmental Funds

- Marijuana tax is paid quarterly and is a percentage of total state income.
- Property taxes and other tax income is paid in October/November timeframe
- Overall expenses in line with budget expectations.
- Need to review Board/Committee education and travel expense. Higher than budgeted.
- Annual insurance payment in Q1 of FY2020. Finance team is working with CIS to review worker's compensation invoice.
- Auditor expense will be adjusted due to additional Urban Renewal audit required by the State. Supplemental budget may be required.
- Advertising expense for Q1 of FY2020 is higher than expected will review and adjust as needed.
- Grounds/Trees were higher percentage than budgeted. Mowing/Grounds contract should be reviewed. Mowing invoices higher in summer.
- Debt service under review with new information from Auditor on state standards.

Enterprise funds

- Phone and office supply expense is higher than expected will review transactions for large purchases not accounted for in original budget
- Main Plant parts & consumables and outside services and Parts expense is higher than expected will review transactions for large purchases that may need to be assigned to CIP.

Consolidated Revenue and Expense Statement

Enterprise Funds 660, 670

For Period Ended October 31, 2019

Printed: 12/3/2019 11:41:48 AM
Period 04 - 04
Fiscal Year 2020

Acct No	Description	Budget	Prior Period	Current Period	YTD Bal	YTD %	
300101	Beginning Balance	\$ 1,099,665.00	\$ -	\$ -	\$ -	0.00%	
304310	Water/Wastewater Services	\$ 1,196,000.00	\$ 484,990.81	\$ 100,984.00	\$ 585,974.81	48.99%	
304312	Capital Reserve Fee	\$ 80,000.00	\$ 25,419.21	\$ 6,329.88	\$ 31,749.09	39.69%	
304320	Installation Charges	\$ 5,500.00	\$ 2,450.00	\$ -	\$ 2,450.00	44.55%	
304335	Rents or Fees	\$ -	\$ 1,504.19	\$ 10.00	\$ 1,514.19	0.00%	
314874	Wastewater Reserve	\$ 80,000.00	\$ -	\$ -	\$ -	0.00%	Transfers have not been made to/from reserve accounts. This will impact revenue in future reports.
314875	Transfer Water Reserves	\$ 100,000.00	\$ -	\$ -	\$ -	0.00%	
314879	Transfer from SDC	\$ 45,000.00	\$ -	\$ -	\$ -	0.00%	
314883	Revenue from Urban Renewal	\$ 25,000.00	\$ -	\$ -	\$ -	0.00%	
	TOTAL REVENUE	\$ 2,631,165.00	\$ 514,364.21	\$ 107,323.88	\$ 621,688.09	23.63%	
105110	Water Lead	\$ -	\$ 19,975.19	\$ 7,074.15	\$ 27,049.34	0.00%	
105111	Wastewater Lead	\$ -	\$ 19,876.55	\$ 6,729.73	\$ 26,606.28	0.00%	
105112	Field Utility 2	\$ -	\$ 18,050.47	\$ 5,688.24	\$ 23,738.71	0.00%	
105113	Field Utility 1	\$ -	\$ 27,920.14	\$ 9,820.61	\$ 37,740.75	0.00%	
105140	Fringe Benefits	\$ -	\$ 9,517.56	\$ 3,251.49	\$ 12,769.05	0.00%	Journal entries to move all wages and benefits to correct budget lines will be completed for November financials.
105141	Insurance Benefits	\$ -	\$ 33,048.93	\$ 11,097.52	\$ 44,146.45	0.00%	
105142	Regular PERS System	\$ -	\$ 13,104.31	\$ 4,413.57	\$ 17,517.88	0.00%	
105150	Capitalized Labor	\$ 3,000.00	\$ -	\$ -	\$ -	0.00%	
105160	Allocated Labor	\$ 643,000.00	\$ -	\$ -	\$ -	0.00%	
	PERSONNEL	\$ 646,000.00	\$ 141,493.15	\$ 48,075.31	\$ 189,568.46	29.34%	
205210	Dues & Memberships	\$ 3,000.00	\$ 1,024.00	\$ 626.00	\$ 1,650.00	55.00%	
205211	DEQ Fees	\$ 4,500.00	\$ 2,415.00	\$ -	\$ 2,415.00	53.67%	
205212	Fee Expense	\$ 8,000.00	\$ 56.77	\$ -	\$ 56.77	0.71%	
205222	Insurance	\$ 39,000.00	\$ 28,342.43	\$ 1,569.92	\$ 29,912.35	76.70%	Annual payment
205240	Office Materials & Supplies	\$ 15,200.00	\$ 4,723.21	\$ 1,219.47	\$ 5,942.68	39.10%	
205251	Telephones/Cell Phones/DSL	\$ 16,000.00	\$ 4,486.21	\$ 1,224.80	\$ 5,711.01	35.69%	
205253	Postage	\$ 6,600.00	\$ 2,741.82	\$ 2,779.96	\$ 5,521.78	83.66%	Due to mailings on UB billing conversion, rate change, water shortage, water release, etc.
205255	Education and Training	\$ 8,500.00	\$ 2,594.77	\$ 88.00	\$ 2,682.77	31.56%	
205260	Contract Expense (all Professional, IGA & Personal Svcs)	\$ 59,000.00	\$ 5,617.52	\$ 14,121.56	\$ 19,739.08	33.46%	
205261	Auditor	\$ 14,000.00	\$ 3,000.00	\$ 1,200.00	\$ 4,200.00	30.00%	
205262	Legal	\$ -	\$ 588.66	\$ -	\$ 588.66	0.00%	
205270	Travel	\$ 6,000.00	\$ -	\$ -	\$ -	0.00%	
205282	Software	\$ -	\$ 2,867.20	\$ -	\$ 2,867.20	0.00%	
205283	Tools and Small Equipment	\$ -	\$ -	\$ -	\$ -	0.00%	
205311	Equipment Lease and Rental	\$ 5,000.00	\$ 1,479.71	\$ 292.00	\$ 1,771.71	35.43%	
205312	Equipment Fuel/Tires/Parts	\$ 11,500.00	\$ 2,304.40	\$ 539.52	\$ 2,843.92	24.73%	
205313	Equipment Repair	\$ 14,000.00	\$ 238.95	\$ 459.37	\$ 698.32	4.99%	

205317	Tools and Small Equipment	\$	4,500.00	\$	221.48	\$	17.47	\$	238.95	5.31%	
205330	Building and Land Maintenance	\$	6,500.00	\$	100.00	\$	50.00	\$	150.00	2.31%	
205335	Custodial Support/Supplies	\$	1,100.00	\$	232.61	\$	-	\$	232.61	21.15%	
205342	Plant Utilities	\$	53,000.00	\$	11,240.27	\$	3,954.21	\$	15,194.48	28.67%	
205351	Main Plant Parts	\$	30,000.00	\$	13,961.22	\$	185.00	\$	14,146.22	47.15%	Main Plant parts & consumables and outside services and Parts expense is higher than expected will review transactions for large purchases that may need to be assigned to CIP.
205352	Main Plant Consumables	\$	22,000.00	\$	8,520.33	\$	344.08	\$	8,864.41	40.29%	
205353	Main Plant Outside Services	\$	52,000.00	\$	9,060.28	\$	12,534.83	\$	21,595.11	41.53%	
205361	Parts	\$	19,000.00	\$	9,456.09	\$	5,026.93	\$	14,483.02	76.23%	
205362	Consumables	\$	4,500.00	\$	899.53	\$	79.14	\$	778.67	17.30%	
205363	Outside Services	\$	26,500.00	\$	846.88	\$	3,254.51	\$	4,101.39	15.48%	
205364	Collection I & I	\$	5,000.00	\$	-	\$	-	\$	-	0.00%	
205470	Equipment Repair/Maintenance	\$	3,000.00	\$	-	\$	-	\$	-	0.00%	
205474	Mowing/Trimming/Removal	\$	11,000.00	\$	4,657.00	\$	1,517.00	\$	6,174.00	56.13%	Grounds/Trees were higher percentage than budgeted. Mowing/Grounds contract should be reviewed. Mowing higher in summer than winter. Numerous trees have had to be removed and PW&S is reviewing a recommendation for a policy on ROW trees
208000	Operating Contingency	\$	120,000.00	\$	-	\$	-	\$	-	0.00%	
	MATERIALS AND SUPPLIES	\$	568,400.00	\$	121,476.34	\$	51,083.77	\$	172,560.11	30.36%	
217121	Transfer to Streets	\$	5,000.00	\$	-	\$	-	\$	-	0.00%	
217126	Interfund Transfer - Capital Reserve	\$	180,000.00	\$	-	\$	-	\$	-	0.00%	
217129	Transfer to Debt Services	\$	60,000.00	\$	-	\$	-	\$	-	0.00%	
217131	Interfund Transfer - Street Capital Reserve	\$	5,000.00	\$	-	\$	-	\$	-	0.00%	
217136	Interfund Transfer Restricted	\$	43,000.00	\$	-	\$	-	\$	-	0.00%	
	TRANSFERS	\$	293,000.00	\$	-	\$	-	\$	-	0.00%	
407921	Capital Outlay - Infrastructure Systems	\$	276,000.00	\$	6,311.41	\$	225.66	\$	6,537.07	2.37%	
407941	Capital Outlay - Equipment	\$	203,000.00	\$	2,903.00	\$	-	\$	2,903.00	1.43%	
407948	Capital Outlay - Water systems	\$	273,000.00	\$	-	\$	2,674.50	\$	2,674.50	0.98%	
	CAPITAL OUTLAY	\$	752,000.00	\$	9,214.41	\$	2,900.16	\$	12,114.57	1.61%	
	TOTAL EXPENSE	\$	2,259,400.00	\$	272,183.90	\$	102,059.24	\$	374,243.14	16.56%	
	NET GAIN/(LOSS)	\$	371,765.00	\$	242,180.31	\$	5,264.64	\$	247,444.95		

Consolidated Revenue and Expense Statement

Governmental Funds 100, 150, 155, 160

For Period Ended October 31, 2019

Printed: 12/3/2019 11:51:09 AM

Period 04 - 04

Fiscal Year 2020

Acct No	Description	Budget	Prior Period	Current Period	YTD Bal	YTD %	Notes
300101	Beginning Fund Balance	\$ 4,423,751.00	\$ -	\$ -	\$ -	0.00%	
300105	Hall Bequest	\$ 150,000.00	\$ -	\$ -	\$ -	0.00%	
301500	Interest Earned	\$ -	\$ 28,834.29	\$ 8,588.43	\$ 37,422.72	0.00%	Research budget for interest
301540	Tax - Transient Lodging	\$ -	\$ -	\$ 2,445.41	\$ 2,445.41	0.00%	Need to research classification. May be mis-classified.
304110	Tax - Property Current	\$ 45,000.00	\$ 1,063.84	\$ -	\$ 1,063.84	2.36%	
304120	Tax - Property Past due	\$ 1,000.00	\$ 895.83	\$ -	\$ 895.83	89.58%	Revenue higher than expected.
304210	License Business	\$ 11,000.00	\$ 360.00	\$ 160.00	\$ 520.00	4.73%	
304211	License Vacation Rental	\$ 30,000.00	\$ -	\$ -	\$ -	0.00%	
304221	Franchise Cable	\$ 20,000.00	\$ 5,566.46	\$ -	\$ 5,566.46	27.83%	
304222	Franchise Telephone	\$ 4,000.00	\$ -	\$ -	\$ -	0.00%	
304223	Franchise Disposal Services	\$ 13,000.00	\$ 3,569.29	\$ 3,523.54	\$ 7,092.83	54.56%	
304224	Franchise Electricity	\$ 44,000.00	\$ 9,570.70	\$ 3,119.63	\$ 12,690.33	28.84%	
304230	Permits/Filing Fee	\$ 200.00	\$ 600.00	\$ 700.00	\$ 1,300.00	650.00%	Revenue higher than expected.
304240	Tax - Transient Lodging	\$ 950,000.00	\$ 236,747.15	\$ 412,251.37	\$ 648,998.52	68.32%	
304245	Tax - Food and Beverage Tax	\$ 370,000.00	\$ 101,970.59	\$ 150,445.43	\$ 252,416.02	68.22%	
304335	Rents or Fees	\$ 27,500.00	\$ 225.00	\$ 150.00	\$ 375.00	1.36%	
304341	SDC Water Improvements	\$ 15,000.00	\$ 5,296.26	\$ 2,648.13	\$ 7,944.39	52.96%	
304342	SDC Water Reimbursements	\$ 20,000.00	\$ 3,282.30	\$ 1,641.15	\$ 4,923.45	24.62%	
304343	SDC Wastewater Reimbursement	\$ 60,000.00	\$ 13,283.50	\$ 6,641.75	\$ 19,925.25	33.21%	
304344	SDC Storm Drain Improvement	\$ -	\$ -	\$ -	\$ -	0.00%	
304344	SDC Storm Drain Improvement	\$ 19,000.00	\$ 2,585.30	\$ 1,292.65	\$ 3,877.95	20.41%	
304345	Wastewater Improvements	\$ -	\$ -	\$ -	\$ -	0.00%	
304346	Water Improvements	\$ -	\$ -	\$ -	\$ -	0.00%	
304347	Storm Drain Improvements	\$ -	\$ -	\$ 195.19	\$ 195.19	0.00%	
304435	Local Improvement District Assessment	\$ 10,000.00	\$ 1,270.23	\$ 3,185.09	\$ 4,455.32	44.55%	
304460	Inventory Sale	\$ -	\$ 52.00	\$ 32.00	\$ 84.00	0.00%	
304461	Rental Income	\$ 17,800.00	\$ 10,191.83	\$ 2,825.00	\$ 13,016.83	73.13%	
304480	Gifts/Donations	\$ 3,400.00	\$ 3,419.00	\$ 971.50	\$ 4,390.50	129.13%	
304481	Grant	\$ 100,000.00	\$ -	\$ -	\$ -	0.00%	
304484	Misc Revenue	\$ -	\$ 519.39	\$ 19.00	\$ 538.39	0.00%	
304491	Other Local Resources	\$ 3,000.00	\$ 1,335.92	\$ 472.77	\$ 1,808.69	60.29%	
304610	Tax - State Tobacco	\$ 700.00	\$ 297.84	\$ 69.66	\$ 367.50	52.50%	
304620	Tax - State OLCC	\$ 10,000.00	\$ 3,246.72	\$ 1,217.36	\$ 4,464.08	44.64%	
304622	Tax - Marijuana	\$ 3,000.00	\$ -	\$ 4,462.73	\$ 4,462.73	148.76%	Marijuana tax is paid quarterly
304630	State Revenue Share	\$ 9,000.00	\$ 4,258.98	\$ -	\$ 4,258.98	47.32%	
304650	Tax - State Highway	\$ 44,000.00	\$ 13,560.22	\$ 4,657.51	\$ 18,217.73	41.40%	
304690	Other State Sources	\$ 1,000.00	\$ -	\$ 275.00	\$ 275.00	27.50%	
304810	Transfer in URD Admin Reimb	\$ 13,000.00	\$ -	\$ -	\$ -	0.00%	
304864	Street Reserve Generated	\$ 3,000.00	\$ -	\$ -	\$ -	0.00%	
304865	50 Cent Per Wastewater Meter	\$ 5,000.00	\$ -	\$ -	\$ -	0.00%	

304866	50 Cent Per Wastewater Meter	\$	5,000.00	\$	-	\$	-	0.00%	
314861	Transfer from Capital Reserve	\$	689,070.00	\$	-	\$	-	0.00%	Transfers have not been made to/from reserve accounts.
314863	Transfer Visitor Amenities Support	\$	160,432.00	\$	-	\$	-	0.00%	This will impact revenue in future reports.
314864	Transfer from Little Log Museum and Church Reserve	\$	4,600.00	\$	-	\$	-	0.00%	
314869	Transfer Parks and Commons Reserves	\$	27,000.00	\$	-	\$	-	0.00%	
314870	Transfer from Library Oper	\$	3,600.00	\$	-	\$	-	0.00%	
314875	LID Repmts Transf from Reserve	\$	25,294.00	\$	-	\$	-	0.00%	
314885	Bank Purchase Loan Repay	\$	20,323.00	\$	-	\$	-	0.00%	
314890	Water System Transfer	\$	43,000.00	\$	-	\$	-	0.00%	
	TOTAL REVENUE	\$	7,404,670.00	\$	452,002.64	\$	611,990.30	14.37%	
105101	City Manager	\$	-	\$	24,228.00	\$	8,076.00	0.00%	
105104	City Clerk 2	\$	-	\$	15,315.11	\$	4,735.49	0.00%	
105140	Fringe Benefits	\$	-	\$	4,402.88	\$	1,426.74	0.00%	
105141	Insurance Benefits	\$	-	\$	6,494.74	\$	2,166.04	0.00%	Journal entries to move all wages and benefits to correct budget lines will be completed for November financials.
105142	Regular PERS System	\$	-	\$	3,926.62	\$	1,272.18	0.00%	
105150	Capitalized Labor	\$	13,000.00	\$	-	\$	-	0.00%	
105160	Allocated Labor	\$	182,500.00	\$	-	\$	-	0.00%	
105165	Payroll Expense Capitalized	\$	128,200.00	\$	-	\$	-	0.00%	
	PERSONNEL	\$	323,700.00	\$	54,367.35	\$	17,676.45	22.26%	
205202	Visitor Center Operations	\$	65,000.00	\$	16,191.25	\$	-	24.91%	
205209	Emergency Prep & Public Safety	\$	7,000.00	\$	264.48	\$	80.64	4.93%	
205210	Dues & Memberships	\$	12,000.00	\$	1,798.11	\$	861.87	22.17%	
205213	Board/Comm/Meeting Education, Travel, & Expense	\$	2,000.00	\$	1,799.98	\$	1,135.76	146.79%	Need to review. Fall conferences impacted line item
205214	Marketing	\$	25,250.00	\$	2,490.42	\$	1,495.00	15.78%	
205220	Marketing/Road Sign	\$	200.00	\$	-	\$	-	0.00%	
205222	Insurance	\$	27,600.00	\$	15,389.88	\$	784.96	59.69%	Annual payment
205224	Trails Maintenance/Supplies/Services	\$	2,000.00	\$	1,159.15	\$	313.41	73.63%	Review with Trail volunteer(s)
205240	Office Materials & Supplies	\$	12,500.00	\$	1,581.41	\$	810.03	19.13%	
205241	Computer Equipment and Maintenance	\$	-	\$	2,307.43	\$	-	0.00%	
205251	Telephones/Cell Phones/DSL	\$	6,100.00	\$	1,311.97	\$	405.22	36.35%	Watch for equipment purchases vs. services. Examination of governmental contract to be done.
205252	Utilities	\$	14,550.00	\$	2,309.81	\$	653.82	21.74%	
205253	Postage	\$	200.00	\$	-	\$	-	0.00%	
205255	Education and Training	\$	7,000.00	\$	2,330.82	\$	22.00	37.90%	
205260	Contract Expense (Prof Serv)	\$	213,300.00	\$	46,102.92	\$	25,297.70	33.47%	
205261	Auditor	\$	4,000.00	\$	1,500.00	\$	-	37.50%	Auditor expense will be adjusted due to additional Urban Renewal audit required by the State. Supplemental budget may be required.
205262	Legal	\$	-	\$	4,571.34	\$	-	0.00%	
205270	Travel	\$	11,500.00	\$	274.94	\$	260.42	4.66%	
205282	Software	\$	3,500.00	\$	1,433.60	\$	-	40.96%	
205311	Equipment Lease and Rental	\$	3,500.00	\$	419.39	\$	146.00	16.15%	
205312	Equipment Fuel/Tires/Parts	\$	6,500.00	\$	639.95	\$	211.96	13.11%	
205313	Equipment Repair	\$	8,500.00	\$	500.00	\$	15.42	6.06%	
205317	Tools and Small Equipment	\$	5,000.00	\$	47.84	\$	21.99	1.40%	

205320	Fireworks	\$	2,000.00	\$	2,000.00	\$	2,000.00	100.00%	
205325	Yard Debris Dumpster	\$	7,000.00	\$	1,578.07	\$	1,936.27	27.66%	
205330	Building and Land Maintenance	\$	92,503.00	\$	10,358.66	\$	11,414.66	12.34%	
205335	Custodial Support/Supplies	\$	28,000.00	\$	5,365.11	\$	7,296.03	26.06%	
205340	Operating Materials & Supplies	\$	1,500.00	\$	519.71	\$	519.71	34.65%	
205345	Books and Periodicals\Children's Books/Programs	\$	13,000.00	\$	1,698.20	\$	2,161.24	16.62%	
205361	Parts	\$	3,500.00	\$	868.00	\$	868.00	24.80%	
205362	Consumables	\$	500.00	\$	71.96	\$	71.96	14.39%	
205363	Outside Services	\$	5,000.00	\$	-	\$	-	0.00%	
205367	Storm Drain Parts	\$	6,000.00	\$	-	\$	-	0.00%	
205368	Storm Drain Consumables	\$	500.00	\$	-	\$	-	0.00%	
205411	Street Lighting	\$	18,500.00	\$	4,319.60	\$	5,934.67	32.08%	
205421	Parks/Grounds Maintenance	\$	3,000.00	\$	-	\$	298.06	9.94%	
205422	Advertising\Legal Notice	\$	1,000.00	\$	1,453.35	\$	1,843.35	184.34%	Need to review invoices to confirm
205439	Community Support	\$	67,850.00	\$	8,858.00	\$	20,058.00	29.56%	
205440	Equipment & Furniture	\$	600.00	\$	-	\$	360.00	60.00%	
205445	Rent	\$	17,800.00	\$	-	\$	-	0.00%	
205470	Equipment Repair Maint	\$	500.00	\$	-	\$	-	0.00%	
205474	Mowing/Trimming/Removal	\$	25,000.00	\$	13,725.00	\$	15,947.00	63.79%	Grounds/Trees were higher percentage than budgeted. Mowing/Grounds contract should be reviewed. Mowing higher in summer months.
205490	Material and Services	\$	14,700.00	\$	1,641.08	\$	2,386.07	16.23%	
208000	Operating Contingency	\$	26,000.00	\$	-	\$	-	0.00%	
	MATERIALS AND SUPPLIES	\$	771,653.00	\$	158,481.43	\$	53,154.48	27.43%	
217121	Transfer to Streets	\$	2,000.00	\$	-	\$	-	0.00%	
217122	Transfer to Library	\$	99,941.00	\$	-	\$	-	0.00%	
217123	OP Transfer - Museum	\$	21,115.00	\$	-	\$	-	0.00%	
217124	OP Transfer - Commons	\$	160,507.00	\$	-	\$	-	0.00%	
217126	Interfund Transfer - Capital Reserve	\$	83,200.00	\$	-	\$	-	0.00%	Transfers have not been made to/from reserve accounts. This
217127	Transfer to City Hall	\$	20,000.00	\$	-	\$	-	0.00%	will impact revenue in future reports.
217128	Transfer to Parks & Trails	\$	55,888.00	\$	-	\$	-	0.00%	
217129	Transfer to Debt Services	\$	40,000.00	\$	-	\$	-	0.00%	
217133	Transfer to Storm Drains	\$	44,663.00	\$	-	\$	-	0.00%	
217142	OP Transfer - Capital Project	\$	25,000.00	\$	-	\$	-	0.00%	
	TRANSFERS	\$	552,314.00	\$	-	\$	-	0.00%	
407922	Capital Outlay - Improvement	\$	40,000.00	\$	-	\$	-	0.00%	
407941	Capital Outlay - Equipment	\$	114,000.00	\$	598.00	\$	12,750.00	11.71%	
407942	Capital Outlay - City Amenities	\$	240,585.00	\$	4,800.00	\$	4,800.00	2.00%	
407945	Capital Outlay - Gateway Sign	\$	-	\$	4,312.50	\$	4,312.50	0.00%	
407946	Capital Outlay - Parking; Paving	\$	25,000.00	\$	-	\$	-	0.00%	
407947	Capital Outlay - Street Projects	\$	300,000.00	\$	124,526.98	\$	125,986.72	42.00%	
	CAPITAL OUTLAY	\$	719,585.00	\$	134,237.48	\$	14,209.74	20.63%	
205720	Interest Expense	\$	13,792.00	\$	7,006.87	\$	63,341.87	459.27%	Debt service under review with new information from Auditor
207630	Principal Payments	\$	29,058.00	\$	14,418.32	\$	183,263.32	630.68%	on state standards.

DEBT SERVICES	\$	42,850.00	\$	21,425.19	\$	225,180.00	\$	246,605.19	575.51%
TOTAL EXPENSE	\$	2,410,102.00	\$	368,511.45	\$	310,220.67	\$	678,732.12	28.18%
NET GAIN/(LOSS)	\$	4,994,568.00	\$	83,491.19	\$	301,769.63	\$	385,260.82	7.71%

Consolidated Revenue and Expense Statement

Urban Renewal, 900

For Period Ended October 31, 2019

Printed: 12/3/2019 11:42:10 AM
Period 04 - 04
Fiscal Year 2020

Acct No	Description	Budget	Prior Period	Current Period	YTD Bal	YTD %	
300101	Beginning Balance	\$ 274,756.00	\$ -	\$ -	\$ -	0.00%	
304110	Tax - Property Current	\$ 303,000.00	\$ 4,059.54	\$ -	\$ 4,059.54	1.34%	Property tax bills went out in October
304120	Tax - Property Past due	\$ 5,000.00	\$ 2,735.22	\$ -	\$ 2,735.22	54.70%	
	TOTAL REVENUE	\$ 582,756.00	\$ 6,794.76	\$ -	\$ 6,794.76	1.17%	
205210	Dues & Memberships	\$ 300.00	\$ -	\$ -	\$ -	0.00%	
205261	Auditor	\$ 2,000.00	\$ 1,500.00	\$ 600.00	\$ 2,100.00	105.00%	Auditor expense will be adjusted due to additional Urban Renewal audit required by the State. Supplemental budget may be required.
	MATERIALS AND SUPPLIES	\$ 2,300.00	\$ 1,500.00	\$ 600.00	\$ 2,100.00	91.30%	
217129	Transfer to Wastewater Plant	\$ 95,000.00	\$ -	\$ -	\$ -	0.00%	
217130	Interfund Transfer Wastewater	\$ 25,000.00	\$ -	\$ -	\$ -	0.00%	Transfers have not been made to/from reserve accounts. This will impact revenue in future reports.
217137	Trans to South Tank Debt	\$ 100,000.00	\$ -	\$ -	\$ -	0.00%	
217140	Admin Fee Trans to General Fund	\$ 13,000.00	\$ -	\$ -	\$ -	0.00%	
	TRANSFERS	\$ 233,000.00	\$ -	\$ -	\$ -	0.00%	
	TOTAL EXPENSE	\$ 235,300.00	\$ 1,500.00	\$ 600.00	\$ 2,100.00	0.89%	
	NET GAIN/(LOSS)	\$ 347,456.00	\$ 5,294.76	\$ (600.00)	\$ 4,694.76	1.35%	

SYSTEM DEVELOPMENT CHARGES ANNUAL REPORT

DATE: December 18, 2019

As per ORS 223.311(1), an annual report shall be produced which lists the projects funded in whole or in part with System Development Charges revenues during the preceding year; the amount of money spent on each project; and the amount of System Development Charges revenue collected.

In City of Yachats, all System Development Charges revenues and expenses are segregated and accounted for in Fund 160 of the Municipal Budget and Accounting Records. At the time the charges are collected they are posted to the following accounts:

Water System Improvements
Water System Reimbursements
Sewer System Improvements
Sewer System Reimbursements

The amount for each of these charges is based on the existing capacity of city-owned infrastructures (reimbursements) and the costs to build future capacity to serve future users (improvements), based on a methodology adopted by City Council. System Development Charges may not be used for operations or maintenance of the systems.

Attached is a complete report of the activity in Fund 160 for the 2018-2019 Fiscal Year.

\$236,321.34 was carried forward from the previous year; \$387,054.34 was received in charges for the year.

\$40,000 was transferred to the Sewer Debt Service Fund and \$170,000 transferred to Capital Reserves

Ending System Development Charges Fund Balance per audit is \$413,285 and Chaves system is \$413,376 (difference =90.68) as of June 30, 2019.

9/26/19
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MELISSA

CITY OF YACHATS

TRIAL BALANCE
7/01/18 TO 6/30/19

PAGE 10
G11811
G118- 1S

160 SYSTEM DEVELOPMENT CHARGE	BUDGET#	BEGINNING	DEBIT	CREDIT	ENDING	
160-100-1101500		35,191.96	398,933.52	210,000.00	224,125.48	CASH ON HAND
160-100-1851535		200,964.65	.00	.00	200,964.65	INVESTMENT POOL
160-100-1851536		164.73	.00	.00	164.73	RETIREMENT TRUST
160-100		236,321.34	398,933.52	210,000.00	425,254.86	ASSETS
160-100-3010101		236,321.34	.00	.00	236,321.34	BEGINNING FUND BALANCE
160-100-3304341		.00	1,594.90	28,729.20	27,134.30	SDC WATER IMPROVEMENTS
160-100-3304342		.00	2,573.50	46,342.40	43,768.90	SDC WATER REIMBURSEMENTS
160-100-3304343		.00	6,454.56	116,175.66	109,721.10	SDC SEWER REIMBURSEMENTS
160-100-3304344		.00	1,256.22	25,257.43	24,001.21	SDC STORM DRAIN IMPROVEME
160-100-3304430		.00	.00	2,814.63	2,814.63	LID ASSESSMENTS
160-100-3304435		.00	.00	14,946.20	14,946.20	LID INSTALL PMT INVOICED
160-100-3604875		.00	.00	164,668.00	164,668.00	CAPITAL RESERVE TRANSFER
160-100		236,321.34	11,879.18	398,933.52	623,375.68	REVENUE
160-100-5607126		.00	170,000.00	.00	170,000.00	TRANSF- CAPITAL RESERVES
160-100-5607129		.00	40,000.00	.00	40,000.00	TRANS TO DEBT SERVICE
160-100		.00	210,000.00	.00	210,000.00	EXPENDITURES
160-100-6803380		.00	.00	.00	.00	F/E FUND BAL OTHER SOURCE
160-100-6999999		.00	.00	.00	.00	ADJ TO BALANCE BAL SHEET
160-100		.00	.00	.00	.00	LIABILITIES
160-100		472,642.68	620,812.70	608,933.52	484,521.86	NON DEPARTMENTAL
160		472,642.68	620,812.70	608,933.52	484,521.86	SYSTEM DEVELOPMENT CHARGE



City Manager's Report December 18, 2019

Dear Mayor Moore and Councilors,

It is my pleasure to update you on some of our current project highlights.

- **Ocean View Drive:**

- o **Street Condition/Paving:**

- Paving is complete! The County has graveled the edges of new pavement. Striping will be added when the weather warms. Council decided at their August 7 meeting to utilize temporary tape striping until the transportation system plan (TSP) is completed. Council authorized pursuing grant funding for the TSP. The grant application is due in Spring of 2020.
 - ODOT Quick Response Program: A meeting was held with the Quick Response program December 3. We explained the curbs, Oceanview Drive directionality, the speed reduction, and crosswalk north of town. The supervisor was unclear if those met the criteria for quick response and would be meeting with their team and letting us know.

Council also made decisions on sections of Ocean View Drive as follows:

- Pontiac to the State Park: leave as 2-way traffic but increase signage for one-lane road and stripe to delineate a pedestrian path,
 - 2nd – 7th Street: stripe for one-way southbound with signage for a one-way road, and stripe to delineate a pedestrian path.
 - o **Background:** In October 2001, the City of Yachats entered into a settlement agreement. One of the items in the settlement agreement was for the County to transfer Marine and Ocean View Drive, and the trail to the City for transportation and pedestrian usage and to implement the Village Circulation Plan adopted by the City. This agreement is in the document library.

Work on this project paused around April 2017 due to attention required on other City and County projects. However, at the City Manager's request, monthly meetings to resume progress on this project began in October 2017.

 - o **Property Easements:** The County is making some adjustments to accommodate some resident requests. Finalization is in the works. The County has offered to cover the costs of recording the easements.
 - o **Archeologist:** On September 3, individuals from the County, trails committee, parks and commons commission, Council and myself met with the archeologist for an update. It is anticipated that the area impacting guardrails, boardwalk, etc. in the Oceanview drive will be completed in the next couple of months.



City Manager's Report December 18, 2019

- o Guardrails: Subsequent to the Archeological Study findings, new guardrails will be installed before the overlay is completed. The original Mid-March timeline is delayed until the archeological study can be completed.
- o Culverts: Yachats PWD identified 9 culverts running under Oceanview Drive. One of the culverts runs underneath Highway 101. The City and County have identified culverts that have the most wear and inserts have been placed in those culverts to extend the life of the culverts.
- o 804 Trail Improvements:
 - The County, City, and Trails Committee discussed, and agreed, to find and compact a better material to provide greater stability on the Trail.
 - The County, City, and Trails Committee discussed improving signage along the trail and including educational, wayfinding, and distance signage. Additional meetings are occurring to discuss these items and develop a signage plan.
 - The County, City, and Trails Committee discussed the Boardwalk that was taken to Council in 2018. The archeological study noted above will review this area.
 - The County, City, and Trails Committee discussed the possibility of having viewing decks at the park at 7th and Oceanview Drive and the property towards the end of Oceanview Drive where the pump house is located. A member of the Trails Committee will draw a rendering of the decks and the City and County will work together utilizing mitigation funds.
- o Property Connection between Marine Drive: The 804 Trail is connected from Aqua Vista to Marine/Oceanview Drive through a property that links the 2 streets. The County has asked the City for input on ideas for the Property. The trail easement would be maintained; however, the question is what ideas would look like for the remainder of the property. Ideas ranged from affordable housing to selling the properties (retaining the trail easement) for development and placing those funds into the mitigation account.
 - City Planner, Larry Lewis provided renderings about what could be built on each lot with current code setback requirements. The lot on Marine Drive could do a footprint of approximately 1800 square foot building footprint and the lot on Aqua Vista could hold a 2450 square foot building footprint (document located in the December 12, 2018 City Manager's Report). Council reviewed options at its Oct 2 meeting and will continue affordable housing discussion in November
- City Hall Proposal:
 - o Background: At the direction of Council, the City Manager presented a proposal for architectural work to develop a conceptual design for City Hall at the 501 Building. The City Manager eliminated the multiple designs and 2 in-person trips by the architect, reducing the initial proposal by \$3400. We have received a \$91,300 grant from the USDA. A bid document will be drafted, along with designs for Council approval.
 - o The Engineer is finalizing drawings to be approved by the USDA architect.



City Manager's Report December 18, 2019

- o **Little Log Church and Museum Repairs:**
 - o **Background:** The Little Log Church walls are made from natural logs, setting on a post and beam foundation system. The original log structure was completed in 1930. Modifications to the exterior church walls were made in the mid 1990's, which consisted of replacing selected wall logs with new peeled logs. The attached museum structure has walls made from log siding material. The museum foundation has a concrete stem wall and footing around the perimeter, and interior post and beam floor support. There is a crawl space access on one side of the building, with a narrow opening for access. The full engineer's analysis is in the document library labeled *LLC&M Engineers Analysis*. We had been utilizing Red Hat Construction to narrow down options for the LLC&M, but due to the demands of the Contractor and concerns about the continued deterioration of the LLC&M, we moved forward with the Engineer's Analysis.
 - o Working with Parks & Commons and the Little Log Church & Museum Board to develop funding plans and a strategy for the preservation of our historical property.
- o **Library Expansion/Remodel:**
 - o Commission is working on contacting consultants for needs assessments for the Library
- o **CIS Facility Reviews & Updates:**
 - o Ranked items are being addressed by team members in each building
- **FY19 Accomplishments:**
 - o Grants:
 - \$20,000 - The City was awarded a grant for our Water Master Plan update by the Oregon Infrastructure Finance Authority.
 - \$30,000 – the City was awarded a grant for our Source Water Protection Plan. Work to commence December 2019 – August 2021.
 - \$91,300 – the City was awarded a Grant from the USDA for City Hall relocation to the 501 building.
 - \$100,000 - The City was awarded an ODOT Small City Allotment grant towards the East 2nd Street Improvement Project. A copy of the grant is in the document library attached to the December 12, 2018 City Manager Report.
 - o Multi-purpose room flooring completed (April 2019).
 - o City Entrance Signs completed (June 2019)
 - o Website and Reservation System Upgrade (July 2019)
 - o Integrated Financial & Utility Billing System Upgrade (July 2019)
 - o Lincoln County Housing Strategy Implementation Plan Stud (September 2019)
- **FY20 Accomplishments:**
 - o Grants:
 - \$20,000 - The City was awarded a grant for our Wastewater Master Plan update by the Oregon Infrastructure Finance Authority.
 - \$100,000 - The City was awarded an ODOT Small City Allotment grant towards the Driftwood Street Improvement Project.



**City Manager's Report
December 18, 2019**

- \$1,000 – From DLCD for Planning Projects

Public Works Report:

Date: December 2, 2019
To: Shannon Beaucaire, City Manager
From: Public Works Department
Re: November 2019 Public Works Report

Rain fall at Yachats Public Works:

	<u>Inches</u>			
Year	2019	2018	2017	2016
November	2.38	7.10	10.83	14.76
Rain year to date:	43.17	49.13	71.90	62.89

Total water production: 4,831,400 gallons ? % efficient.

Total wastewater treated: 3,122,000 gallons

The following is a list of what was done by Public Works staff outside of normal operations:

Streets:

- Installed stop sign at intersection of Pacific View and Crestview Drive.
- Side arm mowing on E.3rd St.
- Soliciting tree removal contractors.
- Dead end sign on top of Horizon Hill.
- Stop sign replaced at intersection of Driftwood and Marine.
- Pot holes filled on Shellmidden Way.

Drainage:

- None



City Manager's Report December 18, 2019

Water:

- Plant maintc.
- WTP clarifier take down.
- Salmon Creek headworks cleaned out.
- Reedy Creek headworks clean-up.

Distribution Sys:

- Meter maintc. 4 replacements.
- Meter installs on Village Lane and Combs Circle.
- Searched for water leaks in the distribution system.
- Tested water meter on Coolidge Lane.
- Fire hydrant maintc.
- Meter reading.
- Leak detection company contracted to find leaks in water distribution system. Major leak found on E.2nd St., est. 35 gallon per minute.

Sewer:

- Plant maintc. & clean-up.

Collection Sys:

- Jetted 320ft of sewer main Greenhill Drive to Crestview Drive along Hwy 101.
- New pump installed at Riverside lift station.
- CCTV'd 90ft of sewer main on Center Way.
- Jetted 390ft of sewer main on Diversity Drive.
- Root intrusion removed from sewer main on Center Way. (see photo)
- Quiet Water lift station repair. (Would not prime).
- Degreased Main lift station.

Public Works:

- Shop maintc.
- Fleet maintc.



City Manager's Report December 18, 2019

- Equipment maintc.
- Multiple work orders.
- Restocked service truck.
- Replaced exterior light at the Commons.
- Vac-truck repair in house.

Parks & Trails:

- Piles picked up for trails.
- Moved bleachers from ballfield to picnic shelter.

City Hall

- Moved boxes from City Hall to Public Works.

City Beautification:

- Installed and removed U.S. flags.
- Replaced light on North entry city sign.
- Lights and banners installed.

Sewer & Water CIP:

- Working on Pole Bldg., Sliding doors for U.V. system and Slide Gate for Public Works.



City Manager's Report December 18, 2019

WTP 1234-1 DEF
1234-2 on

Nov-2019

SM OH

RUSS - OFF DEC. 5th

Keunoff
Dove off 11/25 29-209/123-2) port

Rick AS

TO do list

- Ready CK clean up
- Test clean sewer mains south of bridge
- OSHA (GIS) list
- Degrease L.S. before Thanksgiving

- | | | | |
|-------|---|-------|---|
| 11-1 | Slide gate pils and measurements | 11-20 | Water truck repair
Quiet water P.S. pump repair
Meters
Leak detection
WTP pole w/ly visit |
| 11-4 | Service truck restock
Piles picked up for trails
Bladders moved @ ball field
Water service install @ Village Ln | 11-21 | Salmon CK clean out
Leak detection
meter repairs |
| 11-5 | Water test search
WTP meters
WTP ball cones moved
Coolidge lane meter test | 11-22 | Lights + banners up
Leak Detection
Piles of brush picked up
meter changed |
| 11-6 | Plant maint.
changed lights at Commons
Tested sewer mains south of bridge
Installed sign post on Pacific Dr. | 11-25 | Shellman valves fill
New water service and
Camps Cr.
DEGREASE Pump str. |
| 11-8 | US Flaps up
New pump installed at Riverside P.S.
Stop maint. | 11-26 | Ready Cr. finish work on
Dam, Shop Ctr. |
| 11-12 | Meter maint. 3 replacements
Hydant maint.
Side arm moving on E. 3rd
Tree contractors | 11-27 | Main pump str. (Degrease) |
| 11-13 | Dead end sign on top of H.L.
Replaced light on N. entry sign
Stop sign replaced on Dyrnash machine
CCTV @ 90' main line sewer on center way
Clean fire stream | | |
| 11-14 | Root intrusion removed from center way
Water truck repair
Prop for WTP Clarifier take down
Activated root cutter to Newport | | |
| 11-15 | WTP clarifier take down
Water feeding | | |
| 11-18 | Water truck repair
Leak detection
Meter feeding | | |
| 11-19 | Water truck repair
Leak detection | | |

Misc. work

Degrease Pump Stations
Ready CK clean-up fall port
7th + KING, VALVE STACK GOING SOUTH
Spore Ave. 2" water line needs isolate

Speed sign on King St N.
Dead end sign on top of Buckstone

CIP Projects

- (cont) port for Bore Wind
- 13 Buckstone to Rocky Pipe units
- Horizon Hill 2" water line
- E. 2nd 4" N. water line to Spore Ave.
- INCREASE VOLUME ON H-H PRESSURE SIDE
- N. Aqueduct, ABANDON
- OLD 2" ON N. SIDE ROAD
- ABANDON 2" ON OCEAN Dr.
- from back to last house
- WEST SIDE
- ROUTINE COMPLETE TIE-INS
- ON BOTH 2ND TO 3RD TO
- WITH TOWN ON 7th Repair



**City Manager's Report
December 18, 2019**

Root clumps were on opposite sides of the sewer pipe. 3 inches thick, 5 inches wide and 24 inches long.





**City Manager's Report
December 18, 2019**

Planning Report:

To: Yachats City Mayor and Council Members
From: Dave Mattison, City Planner *DRM*
Date: December 6, 2019
Re: November/December Planning Activities

Building Permits

The number of permits has calmed for the last months of the year. There has been one building permit I have dealt with. This permit that was approved by the City in early November for a temporary/mobile Real Estate Office at the Alder Building parking lot has been temporarily withdrawn.

Some issues regarding the Lincoln County Building Division Building codes – the mobile unit was proposed to be larger than the exempt 120 square feet and building code temporary requirements, and an annual reissuance of a building permit.

Land Use Issues/Applications

The Drift Inn Parking Variance application and hearing is scheduled for December 17th.

As you may be aware, over the past 5 years, the Drift Inn has made many changes.

- On August 9, 2014, a Conditional Use Permit (#1-CU-PC-14) was approved to operate a hotel with up to 15 units with the existing outright permitted uses to remain, including the Drift Inn Restaurant, Mercantile Store, and residences. Tax Lot 3100 (northwest corner of E. 2nd Street and Prospect Avenue) with the existing manufactured home and proposed additional parking to serve the hotel and retail uses was included as part of this Conditional Use Permit. The home was planned to eventually be removed and additional parking will be provided.
- In August 2017 the applicant reviewed the Conditional Use Permit and discussed future plans with the Planning Commission. The applicant informed the Commission of plans to expand the hotel.



City Manager's Report December 18, 2019

- On November 28, 2017, a second Conditional Use Permit (#1-CU-PC-17) was approved to add four (4) hotel units to an existing 15-unit hotel. The four additional hotel units are located on the second floor of the existing building on Tax Lot 3500 with the hotel office, laundry facilities for the hotel, and storage on the first level. With approval of this request, the on-site parking requirements were satisfied, the applicant maintained the manufactured home on Tax Lot 3100 to provide work force housing for employees.
- In September of 2018, a request was made by the City Planning Commission, for an evaluation of the parking at Drift Inn. The request for the evaluation originated because outdoor seating was added to the restaurant, and new construction on the former laundromat site removed two (2) parking space onsite.
- City staff has estimates that outdoor seating at the Inn occupies approximately 600 square feet. Six (6) parking spaces are required by code for the new seating area. In addition, it appears that with the addition of an awning there are only three (3) parking spaces available in front of the former laundromat, instead of the proposed five (5) parking spaces. Two (2) off-street parking spaces were removed and therefore two (2) additional space are needed with the building remodel. A total of eight (8) new spaces are needed.
- The required off-street parking spaces have been reviewed and evaluated. The applicant, Linda Hetzler, is requesting a variance for six (6) of the additional eight (8) required spaces needed.

A land use application for the rezoning of the Fire Station is in the process of review and PC hearing in 2020.

Daily Correspondence and Other Items

I have been corresponding with the applicant – Wendy Weimer – and the County numerous times in regard to the mobile Real Estate Office at the Alder Building parking lot. The mobile unit she is requesting to place on the property is approximately 160 square feet and would require permitting and inspection by the County, and by code would only be allowed to remain for a period of 180 days.

Several calls have come to me regarding questions on uses/setbacks allowed in City zones for certain properties – such as the property for sale at 1048 Hwy 101 and new houses on Horizon Hill.

I have also received calls in regard to the possibility of establishing new vacation rentals in the City, transferring ownership of a vacation rental, and if the updated vacation rental rules are complete.

I am including an additional memo regarding the pro's and con's of possibly vacating a portion of Lincoln Avenue. This steep/overgrown area of the Lincoln Avenue Right-of-Way has been part of a heated debate leading back to 2016 regarding a tree removal.



City Manager's Report December 18, 2019

Conferences/Land Use Training

I attended the Fall OCZMA meeting on Tuesday, December 3rd. This meeting was held in Florence. A State Community Solutions Representative was there and one of the items he discussed was the Oregon Coast Trail and the importance of each coastal community having reference to the trail in their Comprehensive Plan.

I am still working with John Morgan to set up a training session for Planning Commission, Council, Committee Members and Staff sometime this upcoming winter season. A weekend may be the best.....

Code Enforcement Report

November 5th -December 5th

Code Enforcement Summary:

All the restaurants have been inspected for the FOG (Fats, Oils and Grease) program and all are compliant. We will be doing re-inspections every 3 Months to make sure standards are current.

I am still working on multiple lots around the City for Weed Abatement. Many homeowners have been in touch with Code Enforcement and are removing the noxious vegetation in a timely manner. I have issued another 10 notices to homeowners since November 4th 2019. I have issued a total of 26 letters since September and 12 have come into compliance, along with other homeowners clearing their lots voluntarily.

I have been setting up appointments with Vacation Rental owners and working with the various Vacation Rental Management companies to schedule all the inspections. The Vacation Rental Inspections themselves have been going quite well. One issue that's a little complicated and time consuming is trying to schedule appointments for the inspections. It takes a lot of back and forth emails, phone calls to actually set a date and time to do the inspection. Timing is the key and trying to get homeowners or management companies on board in a timely manner is a challenge. Another issue is the Local Contact form must have signatures from both the homeowner and the local contact. It might suit the City to have this form on the City website so the owners and local contacts can fill this out. I have tried to email it to people and have also resorted to physically mailing copies to owners. I will then have to get ahold of the Local Contact to sign the copy, which is very time consuming. I have inspected 73 Vacation Rentals, as of 12/4/19. I only have 6 more to inspect and should be completed by the 2nd week in December.



City Manager's Report December 18, 2019

Other issues/calls that have come up for Code Enforcement:

Communication Logs - Concerned citizen asking about home being used as a Vacation Rental.

- Homeowners VR license does not transfer when home is sold.
- Anonymous call about Transient camping in City Limits.
- Contractor's needing Business License for City Limits and driveway/culvert permits.
- Homeowners wanting clarification about Weed Abatement notices.
- Homeowner called about abandoned vehicle on his property.
- Concerned citizen asking about Real estate companies advertising of Vacation Rental.
- Citizen complaint about Vacation Rental, renting a trailer that is not a VR.
- Citizen complaint about Fistera Assoc. at townhouses, giving tickets for parking.
- Complaint about Vacation rental guest dog off leash
- Homeowner wants paving done on her driveway that was removed by next door neighbor.
- Public works asked for me to contact homeowner about construction debris left in the right of way. Home owner removed debris.
- Various complaints about property owners needing to remove Noxious weeds.

I have also closed several complaints in the Citizen Request tracker, and addressed any new complaints I have received.



**City Manager's Report
December 18, 2019**

REQUEST TRACKER REPORT

Summary							
Category Name	6/26/2019 - 12/6/2019					As of 12/6/2019	
	Total Requests		Average Requests Per Day		Avg. Time to Close a Request (hours)	Summary	
	Submitted	Closed	Submitted	Closed		Open	Closed
iPhone	0	0	0	0	0	0	0
IT Issue	3	1	0.018	0.006	220	2	1
Miscellaneous	13	12	0.079	0.073	209	1	12
Noise	3	2	0.018	0.012	247	1	2
Public Records Request	6	6	0.037	0.037	123.5	0	6
Sewer	0	0	0	0	0	0	0
Storm Drains	2	2	0.012	0.012	50.5	0	2
Streets	29	18	0.177	0.11	613.778	11	18
Trash or Litter	1	1	0.006	0.006	49	0	1
Vacation Rentals	7	7	0.043	0.043	250.714	0	7
Vegetation Issues	7	5	0.043	0.03	1091.2	2	5
Vehicles and Parking	0	0	0	0	0	0	0
Water	2	2	0.012	0.012	129	0	2
Total:	73	56	0.445	0.341	404.107	17	56

Memo

To: Yachats City Council
Shannon Beaucaire

From: Ross Williamson

Date: December 16, 2019

Re: Land Use Aspects of Vacation Rental Proposal

Background

In its last session considering changes to YMC Chapter 4.08, the Council arrived at a consensus to explore additional changes that would accomplish the following goals:

- 1) Exclude vacation rentals in the commercial zone from the license cap.
- 2) Exclude vacation rentals in the R-4 zone from the license cap.
- 3) Reduced the cap on the number of vacation rentals in R-1, R-2 and R-3 zones to a maximum of 100.
- 4) Require new license requests in all residential zones to obtain a conditional use permit.

This proposal brings about land use issues. The purpose of this memo is to explain some of the ramifications of creating a land use regulatory scheme for vacation rentals.

Incorporating Proposal into YMC Chapter 4.08

The proposal would regulate vacation rentals within the context of the City's zoning and within the context of existing land use procedures (e.g., the conditional use process). As a result, the proposal constitutes a land use regulation and is therefore governed by Oregon's system of land use laws. (A regulation does not need to be located in YMC Title 9 to be classified as a land use regulation.) To incorporate the proposal into YMC Chapter 4.08 would likely turn the existing business regulations into land use regulations subject to all the procedures and requirements.

The City does not want to subject its business license regulations to land use requirements and procedures. The City's existing business license regulations were not created to comply with land use procedures and to force such compliance would be a significant burden. A solution here would be to incorporate the proposal into the City's existing land use regulations found in YMC Title 9. The product of this solution would be subjecting the City's vacation rentals to two regulatory schemes – one scheme under the existing business license regulations and a second scheme under a new land use regulatory scheme.

Creating a land use regulatory scheme for vacation rentals

The proposal for creating license caps based upon City zoning and creating a conditional use process will require a separate ordinance to make changes to YMC Title 9. This separate ordinance will be a legislative land use amendment and will need to follow the legislative land use procedures established in YMC Title 9 and state law. Under YMC 9.84.020, the City's Planning Commission starts the process and then makes a recommendation to the City Council.

To aid the Planning Commission in its duties, the City Council should provide more guidance as to what it wants for the conditional use permit process. For example, what requirements does the Council want in the land use code and what criteria will the applications be judged by? By way of example, YMC 9.72.050 sets out standards for the City's current regulation of conditional uses (e.g., home occupations, bed and breakfasts, etc.). The City will need to develop a similar set of standards to govern this new vacation rental use.

I also foresee some potential coordination issues that will need to be addressed relating to the interplay between business license regulations and land use regulations. Under the Council's proposal to create a conditional use permit process under the City's land use regulations, the City would continue to have its separate vacation rental license regulations under YMC Chapter 4.08. So, if a homeowner wanted to create a vacation rental in the residential zone, they would need to go through a conditional use permit process which can take some time. The homeowner would also need to apply for the vacation rental license and go through that process. The City will want to plan how these two processes interact. For example, will someone be able to maintain their place in line for a license while still going through the conditional use permit process? Is a license required to apply for a conditional use permit? Is a conditional use permit required to apply for a license? How does a change in license ownership impact the non-conforming use analysis under the land use code?



Oregon

Kate Brown, Governor

Transportation and Growth Management Program

A joint program of the Department of Transportation and the

Department of Land Conservation and Development

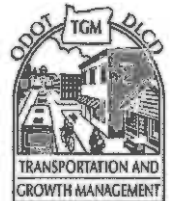
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Salem, Oregon 97301-2540

3-0050

Fax: 503-378-5518

www.oregon.gov/LCD



12 December 2019

Shannon Beaucaire, City Manager
City of Yachats
PO Box 345
Yachats, OR 97498

RE: Quick Response Program Inquiry

Dear Ms. Beaucaire:

Thank you for your inquiry with the Transportation and Growth Management (TGM) Quick Response program. I appreciate you, Mayor Moore, and your staff speaking with me about your need to resolve multimodal issues in your community.

As I understand from our conversations, the City has three main concerns; traffic circulation in the vicinity of Ocean View Drive and the Yachats State Recreation Area, recently built curbs (Oregon Department of Transportation project, 2018) located at the intersection of State Highway 101 and W. 2nd Street, and the need for additional crosswalks on State Highway 101, primarily in the north part of Yachats. I also understand the City does not have an adopted Transportation System Plan (TSP) but rather relies on a Yachats Village Circulation Plan adopted in 1998 (Ordinance 202).

The Quick Response program is generally for site specific, small scale projects, with a focus on facilitating readiness for future development. At this time, we find the City of Yachats needs do not fit the eligibility requirements. The multitude of issues better lends itself to development of a TSP in order to comprehensively address the issues presented.

Rationale for a Transportation System Plan

A TSP for Yachats will establish a comprehensive system of transportation facilities to meet local, regional and state needs. It will serve as a long range (typically 20 year) plan, providing direction for all modes (walking, biking, transit, motor vehicle, freight, air, water, pipelines, etc.) of transportation in your community. It also ensures that planned transportation systems are able to meet the needs of your community and provides a rationale for making transportation investments, land use decisions, and setting system development charges.

The Yachats Village Circulation Plan, (a 1996-1997 TGM funded project) has served as the City's transportation plan. That plan laid a solid foundation for a true multi-modal TSP to serve the city's future transportation needs. A TSP will discuss planning and funding for completion of the sidewalk and pedestrian network, including looping off-street trail systems, an important feature in Yachats. The TSP will also discuss planning and funding for safe and accessible cycling throughout the City.

The City's planned and funded transportation project list will coincide with a 20-year planning horizon. Those projects in the Circulation Plan that are already completed should be removed. Projects deemed to be no longer appropriate because of changing City priorities should be removed or revised.

As part of any TSP process, the City should assess whether additional transportation or planning studies related to the City's comprehensive plan and transportation system are needed. In this case, a circulation study of a one-way system along Ocean View Drive along with a separated pedestrian path may be studied.

In addition, the City will want to work with ODOT Region 2, and ODOT's Freight and Rail Divisions, where appropriate, to identify and incorporate updated multi-modal, access and corridor management strategies. For example, this could include discussion of the curb radius concerns from Highway 101 and the intersection of W. 2nd Street.

Transportation Trends Since the Late 1990s

It is important to note that transportation trends have changed since adoption of the Village Circulation Plan in 1998. Today, vehicle maintenance costs are increasing, people want to live where they can walk places, car ownership amongst young people continues to drop, land uses are mixed so trips are shorter, more people are telecommuting, or choosing other options such as biking. In addition, Yachats has seen an increase in tourism since the late 1990's.

These trends should be evaluated as part of a TSP for Yachats. Other issues to be considered are County or State transportation projects that should be coordinated with, referenced or incorporated in the City's TSP.

Greenhouse Gas Reduction

Greenhouse gas (GHG) reduction is an increasingly important part of the state's energy and environment planning. We note this area of planning ties in well with the City's desire to make the community a more walkable and bikeable place. The City could use this opportunity to begin a discussion of greenhouse gas reduction strategies and ways to reduce reliance on single occupancy motor vehicle travel in and around the city. For example, how GHG reduction relates to the need for pedestrian and bicycle options in Yachats could be part of policy development and implementation. Such a foundational policy discussion could then be included in the TSP to set the stage for future action and planning.

TGM and Other Program Assistance

The ODOT and DCLD joint TGM program has limited funding to assist local jurisdictions with transportation planning through its competitive Grant Program.

(<https://www.oregon.gov/LCD/TGM/Pages/Planning-Grants.aspx>) Generally, funding requests for TSP projects are prioritized for jurisdictions that:

- Are required to have a TSP and are ready for a TSP update;
- Are in critical transportation areas, non-exempt locations, or have unique transportation circumstances; and
- Have an identified local agency project manager.

Typically, an intergovernmental agreement between TGM and the local jurisdiction is required. An ODOT project manager (typically a Region or Transportation Development Division planner) will provide technical assistance with the intergovernmental agreement and the scope of work.

We hope our comments are helpful and assist the City in attaining its transportation planning goals. We recommend coordinating with David Helton, ODOT Region 2 to discuss applying for a TGM grant for the next cycle in the spring of 2020. David can be reached by email at david.helton@state.or.us or by phone at 541-726-2545. Please contact me by phone at 503-934-0048 or by e-mail at stacey.goldstein@state.or.us if you have any additional questions, comments, or concerns.

Sincerely,



Stacey Goldstein
Land Use and Transportation Planner

cc: David Helton, ODOT TGM Planner – ODOT Region 2 (e-mail)
Hue Rodomsky, DLCD Regional Representative (e-mail)