

1. Agenda

Documents:

[11-10_CC_AGENDA_11-10-16.PDF](#)

2. Meeting Materials

Documents:

[11-10_ADMINISTRATIVE_POLICY__23-_NO_FRAGRANCES_-_CHEMICALS_-_SMOKE_POLICY.PDF](#)
[11-10_CITY_ADMINISTRATOR_OCT_2016_REPORT.PDF](#)
[11-10_EMERGENCY_PREPAREDNESS_NOVEMBER_2016_REPORT.PDF](#)
[11-10_GAGNE_CORRESPONDENCE.PDF](#)
[11-10_LEAGUE_LETTER_OF_THANKS.PDF](#)
[11-10_MAYOR-COUNCIL-ADMINISTRATOR_DUTIES.PDF](#)
[11-10_NUISANCE_ABATEMENT_PROPERTY_AND_CODES.PDF](#)
[11-10_OCTOBER_2016_PW_REPORT.PDF](#)
[11-10_SHEPHERDING_PROGRESS_MATRIX_2016_UPDATED_11-07-16.PDF](#)
[11-10-16_LETTER_-_LINCOLN_CO_ADDICTION.PDF](#)
[11-10-16_OCTOBER_CODE_ENF_REPORT.PDF](#)
[12-08_CC_MINUTES_11-10-16.PDF](#)

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.



CITY OF YACHATS

CITY COUNCIL MEETING

441 Hwy 101N, Yachats Commons, Room 1

Thursday, November 10, 2016 at 2:00pm

AGENDA

- I. Announcements and Correspondence
 - Request from Ken Gagne for support of beach safety proposal
 - Email from Lincoln Co. Addiction Prevention and Recovery Committee
 - Thank-you note from Lincoln Co. League of Women Voters
- II. Citizen's Concerns
- III. Consent Agenda
 - A. Minutes: 10/11/16 Work Session; 10/13/16 Council Meeting; 10/14/16 Special Meeting
 - B. Bills for Approval
- IV. Reports
 - A. Council
 - B. Written Reports:
 - Administrator, Code Enforcement, Public Works, Emergency Planning Committee
- V. Public Hearing Continued – Ordinance 346: Amendments to Yachats Municipal Code Chapter 9
- VI. Business
 - A. Tobacco-free and fragrance-free policy VOTE
 - B. Mayor Transition/Council Goals – adopt for City Council Rules VOTE
 - C. Nuisance abatement – specific property VOTE
 - D. Appoint interim Council President/Mayor – 10 days only due to absences VOTE
 - E. Affordable Housing/Construction Excise Tax – council position VOTE
 - F. Review of Progress Matrix/Shepherding Goals – moved from work session
- VII. Other Business
 - A. From the Council
 - B. From the Staff

This meeting is open to the public and all interested persons are invited to attend. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. Minutes of all public meetings are available for review at City Hall, or on the City website at www.yachatsoregon.org.

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 Nov. 9, 2016



CITY OF YACHATS ADMINISTRATIVE POLICY NO. 23 NO FRAGRANCE/NO CHEMICALS/NO SMOKING POLICY
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OBJECTIVES

To state City of Yachats policy on use of fragrances, chemicals and smoking on City property.

General Statement of Policy

To reasonably accommodate employees and visitors who have chemical sensitivity to perfume, scents, cleaning chemicals and smoke, City of Yachats strives to ensure the comfort and safety of staff and visitors, by encouraging a fragrance-free/chemical-free/smoking-free environment.

Policies

Given that chemically-sensitive individuals may react to different products with widely varying degrees of severity, it is very difficult to ensure a consistently comfortable and accommodating environment under every conceivable set of circumstances. Even so, it is the intent and desire of the Yachats City Council, to the extent possible, to remove the barriers and difficulties experienced in City buildings and on City property by both employees and clients subject to chemical/fragrance sensitivities. City of Yachats requests that all City-owned offices and open spaces remain free of scented, chemical-based or tobacco-related products.

Staff and visitors are asked to minimize the use of hairsprays, lotions, aftershave or colognes, and to refrain from using any air fresheners in City buildings, because the use of such products may trigger allergic reactions and create health problems for others. This does not include deodorant or bath soap. Use of tobacco-derived and tobacco-containing products, including, but not limited to, cigarettes, electronic cigarettes, cigars and cigarillos, hookah-smoked products and pipes are not allowed on City property. It also includes any product intended to mimic tobacco products or the smoking of any other substance.

Signs are posted in various places throughout City buildings, stating that this is a fragrance-free environment. All vaping instruments and tobacco products are included in the policy of non-use. This request is also included in rental agreements, newsletters and notices.

Sanctions

Successful enforcement of this policy will depend on the cooperation of all staff and visitors not only to comply with the policy, but also to encourage others to comply, in order to promote a healthy environment in which to work, study, and live. Civility and respect are expected by all members of the community in regards to this policy.

Violations of the policy should be referred to City Hall for review and action. Violations of tobacco use by minors may also result in a citation by law enforcement, under Oregon law.

CITY ADMINISTRATOR REPORT 10/14/16 – 11/09/16

DEPARTMENT	SUBJECT	DESCRIPTION
Streets	Storm clean-up	Created and executed a contract with property owner on Horizon Hill so that fallen trees could be removed by contractor. Advised public of chips, tree limbs available.
Streets	Road maintenance	Several discussions with resident concerning graveled road; coordination with Public Works
Public Works Buildings	Insurance coverage	Worked with insurance agents, toured buildings, corrected errors in coverage, gave Public Works evaluation sheets to correct; met with Trails Committee concerning coverage for storage room at Public Works; had fuel containers removed; resolved.
Parks & Commons	Insurance coverage	Met with Lunch Bunch and Friends of Commons multiple times to discuss insurance coverage; researched solutions; coordinated with risk management and insurance provider
Public Works	Vehicle Repair	Received bids for vehicle repair; obtained insurance approval for repair; transported worker to get repaired truck back to City
CIP Streets	Hwy 101	Multiple meetings, phone calls, emails with engineer, contractor, utilities, workers in reference to continuing highway project, new costs, resolution of issues. Submitted draft easements for rights-of-way to City Attorney for approval; worked with attorney and City Planner to get documents to property owners; obtained lot book reports on property and legal descriptions.
Water	Water service calls	Coordinated complaints concerning water issues; responded to emails.
Water CIP	South Reservoir	Working with engineer, planner, owner on obtaining EIS, geo-tech report, etc., and scheduling public hearing for zone change. The geo-tech report will be done by mid-November, followed by public hearing Dec. 6.

Accounting	Training and changes	Multiple trainings for entire staff for new accounting system; accountant and staff making corrections, creating new documents, revenue/expenditure tracking updated. Multiple meetings, emails, phone calls with banking reps, access to systems, deposits
Sewer	Wastewater surcharge and committee formation	Working with WW lead on continued research on equitable rate charge for wastewater “stronger than normal” as well as incorporating the City FOG Program. Advisory Group met; will meet again in Dec.
Sewer F.O.G.	Grease removal	Have observed FOG blockage in multiple lines, manholes; wrote newsletter articles; provided photos of FOG and the grease containers for sale at City Hall.
Sewer	I&I CCTV	Reviewed two videotapes of wastewater line along Hwy 101. Discussed pumping options, hiring vac trucks for 101 project.
Building issues	Events, repairs, issues, resolutions	Multiple meetings concerning increased use of The Commons and 501 Building, repairs to doors, utilization of space, restroom monitors. Having window cut in interior office for utilities payments; adding short wall to counter
Sewer/Water	Weekly meetings	Meet with Public Works, Code Enforcement, Facilities Management, msc groups regularly.
Housing/Vacation Rentals/Goals	Research	Continuing research on current City issues, including work-force housing, vacation rentals, goals of the council, transition of mayoral and council positions

To: Yachats City Council
From: Bob Bennett, Emergency Planning Committee
Subject: November 2016 Status Report

November 9, 2016

Rick McClung sent some suggested images of signs and street templates. The Committee suggested adoption of the following images:



Frankie Petrick will be invited to the December meeting to begin discussing for review of the current assembly areas. Approval to construct a new fire station outside the Tsunami zone should change some of the assembly locations.

Bob Bennett met with the Parks and Commons Commission and the Yachats Trails Committee about improving the crossing between Marine Drive and the City Trail and the Ya'Xaik trail head. Both were interested in further review of both issues but there are some obstacles to overcome. Crossing the drainage ditch will require ODOT approval. The Trail head is based on a limited easement granted by the land owner and the top of the current stairs don't lead to a large enough area for many people to stand. There are also funding issues.

December 8th at 10-2 is still set for a work party to help re-balance the supplies in the two storage containers. Don, will help. Other volunteers are welcome.

Bob and Bill plan to attend a Tsunami Conference held in Florence at the Events Center on December 7th and 8th.

Jenny Demaris is still revising Everbridge procedures. A new EP and Debris Management Plan is pending which may server as a new model for US EP document. This may require Yachats to redraft the current Emergency Plan.

Upcoming work:

- Recommendations on any potential signage improvements. This may become a joint ODOT and Lincoln County effort.
- Complete work on the updated Appendixes for the Emergency Plan from the last table top. This work will begin in January 2017.
- Begin draft of Emergency Debris Management Plan for Yachats. (Hold on this pending the work underway at the County level)
- Add new Appendix for the Emergency Plan covering working relationship between City and YRFPD.

CC: Emergency Planning Committee, Larry Nixon, Don Goth, Bill Watson, Joan Davies, Rick McClung, Kimmie Allison, Frankie Petrick, Jenny Demaris

11-07-16

Ken Gagne, Yachats, called and asked if the Council would consider providing him with a letter of support, as he approaches the State Parks about a beach safety program he is designing.

It is still in the prototype stages, but he has 50 letters of support from the community, as well as a letter from Lincoln County Commissioner Bill Hall, encouraging him to pursue the education of the public about sneaker waves, unsafe areas and general beach safety rules.

Ken plans to establish a pilot program for the Yachats area, and hopes it will be adopted up and down the coast.

He provided copies of two of the letters of support he has received, and has a number of personal anecdotes about people he helped to save when they turned their backs on the ocean, or went out too far on the rocks.

Joan Davies

From: Ken Gagne <ken.gagne@gmail.com>
Sent: Tuesday, October 18, 2016 4:12 PM
To: Joan Davies
Subject: Fwd: Sneaker Waves

Another letter. Appreciate your help in this endeavor.

----- Forwarded message -----

From: KARIN DUNKER <kgdunker@msn.com>
Date: Wed, Oct 12, 2016 at 9:18 AM
Subject: Sneaker Waves
To: Ken Gagne <ken.gagne@gmail.com>

To whom it may concern:

Formerly living in Eugene, my family and I would spend time on the beach in Yachats over the span of 50 years. We never heard of the term sneaker wave till tragedy struck on February 5, 2011 at Smelt Sands, north of Yachats. On this beautiful sunny day two fine young teenagers got knocked down by a sneaker wave and were swept out to the sea and drowned. I knew one of the boys, Jack Harnsongkram, since his mother Sarah is a friend of mine. The boys did not have a chance for survival, they were gone within 3 minutes even though the wave that hit them was no higher than their knees.

Sara meanwhile was able with the help of friends and other contributors, to erect a marker on the site of the drownings warning people about the unsuspected force of the rapidly encroaching sneaker waves.

Ken Gagne would like to make sure that the presence and deadly effect of sneaker waves is more widely known here on the Pacific coast. I whole heartedly endorse him in this extremely important endeavor. These deaths should not have happened, they could have been prevented if more people were aware of the existence of these deadly waves.

I support advertising this danger in any way possible and hope you do like wise.

Karin Dunker

P.S. There is an excellent article about the sneaker wave in the New Yorker in 2011, I cannot remember which exact issue.

303 Highway 101 S.
Yachats, OR 97498
October 10, 2016

To Whom It May Concern:

We are a community of many who no longer run quickly, and a community that welcomes visitors. This combined with our unique coastal geology, can be a hazardous and sometimes deadly combination. An educational program will address some of the high risk behaviors people unknowingly engage in.

Yachats has a sandy bay with very little slope, and sand bars, that look tranquil until a high energy wave hits them. This bay shoreline is surrounded by steep banks with large logs at the bottom. Such a basin can quickly fill with water and become hazardous. Beach goers also need a reminder of the special situations sandbars can create. The sandbar routinely fills with water on the shore side trapping people on the ocean side. It also produces rip tides; visitors remark how strange the water is moving sideways so fast, but they don't understand the dynamics nor consequences if they were to walk in it.

We also have steep basalt shores that even young, able bodied cannot climb quickly. These can be especially dangerous when a larger than expected wave arrives. Sneaker waves are something that even long-term residents don't take cautions for until they've seen one, or a video of one. Visitors especially, routinely walk between the waves and basalt formations with their back turned to the ocean. They balance on the edge of the basalt for a pic of crashing waves behind them; only a few inches of wave power more and they would be swept off.

Our basalt shores also are best navigated with good tread shoes, not flip flops. Save sandals for sandy beaches. Last winter at Yachats State Park, 7AM, I heard a faint 'help' but couldn't see anything in the rain. I walked to the arch area and found a female trying to pull herself out of the hole by the arch. She mostly got herself out of the pit, but with a broken ankle and she had to lie on the beach for at least 20 min. Fortunately she didn't hit her head. There are a lot of falls with people wearing sandals. In this case it wasn't a wave that knocked her off the arch; she just slipped. Visitors need a good shoe tread reminder and also a beware of green rocks reminder.

I urge strong consideration for support of a beach safety program that addresses the hazards Yachats' shoreline has; sneaker waves, sand bars, and rough basalt terrain.

Regards,

Shirley VanGarde

Sterling05@frontier.com

The League of Women Voters
of Lincoln County thanks
you and the city for your
generous support of the
candidate forum in Yachats
on October 13.

Special thanks to
Joan for her help and
to Leon for his assistance.

We were heartened by
the number who attended
on such a blustery, windy,
rainy evening, showing

once again how special
Yachats is.

Again, Many Thanks

Jean Cowan
Pres. LCLWV

2016-17 TRANSITION OF POSITIONS AND MAYOR; GOALS OF COUNCIL

This memorandum was created to record the multi-layer changes to the operations of the City of Yachats during the fiscal year of 2016-17, when the administrative duties of the Mayor, City Recorder and Public Works Director were moved to a newly-created position of City Administrator. Once the language of the Municipal Code and various documents can be changed to reflect "Administrator" where it currently denotes "Public Works Director" or "City Recorder", the listed duties will be moved into the list for City Administrator. This memorandum was approved by the Council on Nov. 10, 2016 as an addendum to the City Council Handbook.

MAYOR - COUNCIL PRESIDENT - COUNCIL - ADMINISTRATOR - STAFF

Mayor is the political head of the five-member council (Mayor plus four)

Council has legislative, administrative and quasijudicial authority

Different audiences dictate leadership roles of mayor/council members

Partnership is essential between Mayor and council members

Rotate assignments of issues/goals between Mayor, council members

Council members may help train future mayors

Council members may act as a mentor for new members

Mayor, Council President, Administrator work with attorney, engineer

Mayor, Council President, Administrator work with planner, insurance

Mayor, Council, Administrator, City Clerk III may all sign checks

Mayor, Council, Administrator, staff will attend meetings as City needs

Mayor, Council, Administrator may monitor committees/commissions

Mayor will assign commission/committee seats, as approved by council

Mayor, Council represent City in various aspects and authorities

Mayor, Council, staff will research, present written reports in meetings

Mayor maintains relationships with other governmental entities

Mayor participates in meetings with organizations on behalf of City

Mayor is encouraged to participate in LOC, COG, OCZMA, OCWCOG

Mayor, Council President act as first-line supervisors to Administrator

Mayor, Council represent City at social functions, information meetings

Mayor, Council maintain phones and/or email to facilitate emergencies

Mayor, Council advise Administrator of planned absences, availability

MAYOR - Elected to serve a two-year term

Presides over & facilitates meetings

Preserves order, enforces council rules

Determines order of business, under council rules

Has a vote on the council

Does not have veto authority

Appoints commission/committee members, with consent of council

Must sign all records of council decisions

Serves as the political head of the city government

Substituted for by council president, elected by council

Is elected to two-year term

Must be a qualified elector under state law			
Must reside within the city for at least one year before takes office			
May not be employed by the city			
COUNCIL - Elected to serve a four-year term each			
Council consists of the Mayor and four other councilors			
At its first meeting of the year, must elect a president from council			
Has legislative, administrative, quasijudicial authority			
Legislative = ordinance; administrative = resolution; quasijud = order			
May not delegate its authority to adopt ordinances			
Must adopt rules by resolution to govern its meetings			
Must meet at least once a month, at a place designated by rule			
May meet at other times, in accordance with the rules			
A majority of members is a quorum to conduct business			
A small number may meet, compel attendance of absent members			
Express approval of majority of quorum required for council decision			
A majority of the council may be required by Charter on occasion			
A record of meetings must be kept according to council rules			
COUNCIL PRESIDENT			
Presides in the absence of mayor, or Mayor's inability to act			
Acts as first-line supervisor of Administrator, in the absence of Mayor			
Works closely with City Administrator, staff as-needed on projects			
Represents City in meetings, intergovernmental projects, as needed			
	City	Public	City
CITY RECORDER - Position removed; Administrator has duties	Admin.	Works	Hall
Implements policy under general direction of council	X		
Administers, plans, directs overall budgeting & finance functions	X		X
Oversees and/or performs work relating to maintaining records	X		X
Acts as Chief Financial Officer and operates under law/council rules	X		
Works with department heads and city council	X		X
Attends all city council meetings	X		
Ensures minutes and journal of proceedings are kept	X		X
Counter-signs all writings authorized by the council	X		
Confers with all department heads on programs, procedures, issues	X		
Meets with reps of various governmental agencies on problems	X		
Coordinates flow of information between other agencies, public	X		X
Coordinates flow of information between council, employees, etc.	X		X
Provides administration for grants and contracts	X		
Develops and revises city policies for approval by council	X		
Analyzes administrative problems, recommends solutions to council	X		
Attends public entity meetings as a rep of the muni government	X	X	X
Maintains thorough and up-to-date knowledge of Legislative action	X		
Maintains a thorough and up-to-date knowledge of all laws re: cities	X		
Assists citizens seeking info or making complaints	X	X	X
Attempts to dispose of complaints to best advantage of all parties	X	X	X
Maintains cooperative working relationship with staff and public	X	X	X

Follows all safety rules and procedures for work areas	X	X	X
Provides ordinance enforcement	X		
Issues citations and provides info to Muni Court re: infractions	X		
City Elections Officer, prepares canvass of votes, posts notices	X		
Prepares ordinances and resolutions for review by city attorney	X		
Supervises management of all City records and archives	X	X	X
Oversees publication of City newsletter	X		X
Prepares council agendas, provides info and documents for agendas	X		
Maintains insurance records on all City property; confers with agents	X		
Attends all meetings, produces minutes, case files, public notices	X		X
Drafts or finalizes staff reports, forwards to Council	X	X	X
Prepares agendas in coordination with chair of each body	X		X
Researches, provides materials, supporting data for agenda items	X	X	X
Performs follow-up action, as necessary	X	X	X
Approve and suggest training for all department employees	X	X	X
Assign and approve all overtime accruals	X	X	
Annual evaluation of employees	X	X	
Discipline employees within guidelines of rules and contracts	X		
Investigate complaints against persons supervised	X		
Periodic review of position descriptions	X	X	X
Hire and terminate employees in the department	X		
Budget Officer, supervises preparation of annual budgets	X		
Approves departmental needs, transmits to Budget Committee	X		
Prepares Budget Message	X		
Supervises recording of assessment liens and collections	X		X
Invests City funds; supervises all financial processes	X		
Maintains knowledge of grant programs available	X		
Supervises preparation of grant application, administers all grants	X		
Fiscal supervision over City Budget and expense control	X		
Direct supervision of all clerical, finance personnel in City office	X		
CITY ADMINISTRATOR			
Chief Administrative Officer	X		
Work with community leaders, City employees, contractors, public	X	X	X
Act on broad policy, planning and budget decisions for operations	X		
Advise Mayor and Council of affairs and needs of the City	X		
Provide for all ordinances to be administered	X		
Ensure that all terms of franchises, leases, contracts are fulfilled	X		
Supervise and control personnel in their service to the City	X		
Organize or reorganize the departmental structure of City	X		
Prepare and transmit to Council an annual budget	X		
Supervise City contracts and operations of all City properties	X		
Sit with the Council and take part in Council discussions	X		
Plan and direct activities of all City departments	X		
May also serve as City Recorder	X		
Control, general supervision over employees, appointive officers	X		
Delegates assignments, evaluates work of all City employees	X		

All staff and contractors report to CA, under general supervision	X		
Employ, discipline, reward or dismiss any employee, under rules	X		
Attend all council meetings, unless excused	X		
Authorize vendors and all purchases, under guidelines	X		
Analyze, interpret, prepare, proposed to Budget Committee	X		
Provide supporting exhibits for comprehensive financial plan	X		
Supervise all public utilities and properties owned by City	X		
Business agent for sale of real or personal property	X		
Accountable for all City operations	X		
Analyze, supervise committee functions, commissions, services	X		
Develop and organize projects and programs, assist in conclusion	X		
Chair Finance Committee and annual CIP process, with input	X		
Custodian of record for all personal, intellectual, real property	X		
Analyze, create, discover, implement leading efficiency practices	X		
Exercise tact, patience, professional courtesy on behalf of City	X	X	X
Attend various meetings as representative of City	X		
Supervise City employees, directly or indirectly; set goals, evaluate	X		
Perform such other related duties as assigned	X		
PUBLIC WORKS DIRECTOR - Position removed; Administrator has duties			
Supervise and control all public works personnel and contractors	X		
Responsible for public works programs and facilities	X	X	
Plan and organize the work of all persons and functions		X	
Direct, schedule work of all persons and functions supervised		X	
Personnel management duties of a supervisor	X		
Prepare training programs		X	
Assign, approve overtime	X	X	
Annual evaluations of employees	X	X	
Discipline employees under rules and contract	X		
Investigate complaints against persons supervised	X		
Periodic review of position descriptions	X	X	
Hire/terminate employees in the department	X	X	
Obtain estimates, quotes or bids from contractors	X		
Coordinate department work with affected business or agencies	X	X	
Advise public of service interruptions and emergencies	X	X	
Investigate reports and complaints of service failures, resolve	X	X	
Maintain accurate and orderly records of work accomplished	X	X	
Maintain maps, diagrams, correspondence, written reports	X	X	
Report to City Administrator or Council, as appropriate	X	X	
Recommend legislation to improve compliance with operations	X	X	
Attend Council or committee meetings as assigned	X	X	
Assist Budget Officer in preparing annual budget for department	X	X	
Maintain cooperative working relationship with staff, public	X	X	
Follow , ensure all safety rules and procedures for work areas	X	X	
Perform other work as directed by City Administrator, Council	X	X	
Work with City Engineer on projects, land development	X	X	
Not required to work with crew, have CDL or operate equipment	X		



14-12-27-DA-06600-00 W. 3rd St., Yachats

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R158029	Neighborhood:		Owner and	DOYLE MARK J
Map Taxlot:	14-12-27-DA-06600-00	Y216		Mailing Address:	PO BOX 789 YACHATS, OR 97498
Tax Map:	14s12w27DA	Property Class:	201	Site Address(es):	333 HWY 101 N YACHATS, OR 97498
Web Map:	View Map				
Info:	YACHATS - 3RD ADDN, BLOCK 1, LOT 1, MF222-0346				
Tax Code:	328				
Acres:					

Improvements						Value History				
Description	Area	Yr Built	Found Heat	Plumb	BDMS Value	YearImp.	Land	Total Market	Total Assessed	
MAIN AREA	2058 sq ft	1925	P	B2	2	\$75,280				
MAIN AREA 2ND FLOOR	880 sq ft	1925				\$0	201578,670	175,700	254,370	151,990
COVERED PORCH	246 sq ft					\$3,390	201478,670	175,700	254,370	147,570
Foundation Code List							201382,270	183,100	265,370	143,280
Heating/AC Code List							201292,040	205,920	297,960	139,110
Plumbing Code List							201128,720	228,720	257,440	135,060
							201028,720	240,440	269,160	131,130
Sales History										
Sale Date	Price	Document	Type	Code						
09/20/1990	\$105,000	MF222-0346	30	WD						

Land				Related Accounts		Disclaimer	
Description	Acres	Market Value	Special Use Value			This report was produced using the Lincoln County assessment information. This information is maintained by the county to support its governmental activities. The County is not responsible for errors, omissions, misuse or misinterpretation. Tax data exported 10/2015.	
COMMERCIAL DEV SITE	0.18	168,860					
COMMERCIAL SITE		6,840					
DEVELOPMENT							

Today's Date: 11/09/2016

Chapter 5.08 - Nuisances

Sections: (Excerpt)

5.08.010	Definitions.
5.08.050	Nuisances affecting public health.
5.08.060	Maintenance of property--Nuisances.
5.08.070	Creating a hazard prohibited.
5.08.080	Attractive nuisances.
5.08.100	Junk.
5.08.120	Scattering rubbish.
5.08.180	Unenumerated nuisances.
5.08.190	Notice of nuisance determination.
5.08.200	Notice--Posting and contents.
5.08.210	Abatement by the person responsible.
5.08.220	Joint responsibility.
5.08.230	Abatement by the city.
5.08.240	Assessment of costs.
5.08.250	Summary abatement.
5.08.260	Penalty.
5.08.270	Separate violations.

Section 5.08.010 Definitions.

As used in this chapter:

"Person" means a natural person, firm, partnership, association or corporation.

"Person in charge of property" means an agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.

"Person responsible" means the person responsible for abating a nuisance and includes:

1. The owner;
2. The person in charge of property, as defined in this section;
3. The person who caused a nuisance, as defined in this chapter or another ordinance of the city, to come into or continue in existence.

"Public place" means a building, way, place or accommodation, publicly or privately owned, open and available to the general public.

"Private place" means any place other than a public place as defined above. (Ord. 174 § 1, 1995)

Section 5.08.050 Nuisances affecting public health.

No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person. The following are nuisances affecting public health and may be abated as provided in this chapter:

- A. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of any person;
- B. Stagnant water that affords a breeding place for mosquitoes and other insect pests;
- C. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial waste or other substance placed in or near the water in a manner that will cause pollution of the water;
- D. Decayed or unwholesome food offered for human consumption;
- E. Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition;
- F. Drainage of liquid wastes from private premises;

G. Cesspools or septic tanks that are in an unsanitary condition or that cause an offensive odor;

H. Mastics, oil, grease or petroleum products allowed to be introduced into the sewer system by a user connected to the sewer system. (Ord. 174 § 9, 1995)

Section 5.08.060 Maintenance of property--Nuisances.

It is declared a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city:

A. To so maintain such premises as to permit the same to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes appreciable harm or is materially detrimental to proximal properties or improvements; or

B. To keep or maintain such premises so out of harmony or conformity with the landscaping and maintenance standards of adjacent properties, as to cause substantial diminution in the enjoyment, use or property value of such adjacent properties;

C. To allow a construction site where there has been no noticeable progress toward completion for a period of six months or more to become unsightly with construction debris, mud, standing water, overgrown vegetation, open ditches, or uneven bare ground;

To keep or maintain a structure in such condition that it would be considered a "dangerous building" under the following definitions:

1. A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially susceptible to fire and which is so situated or occupied as to endanger any other building or property or human life,

2. A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or flammable substance of any kind especially liable to cause fire or other danger to the safety of such building, premises or to human life,

3. A structure which has been damaged by fire, earthquake, wind, flood or other natural force to a point that it is a danger to other buildings, property or human life,

4. A structure which is kept or maintained in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases,

5. A structure in such weak or weakened, dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.

D. To keep or maintain such premises in a manner as to constitute a violation of any provision of Title Nine, the Zoning and Land Use provisions of the Yachats Municipal Code.

(Ord. 290, Amended, 04/12/2010; Ord. 274, Amended, 08/28/2007) (Ord. 174 § 10, 1995)

Section 5.08.070 Creating a hazard prohibited.

No person shall create a hazard by:

A. Maintaining or leaving, in a place accessible to children, a container with a compartment of more than one and one-half cubic feet capacity and a door or lid that locks or fastens automatically when closed and that cannot be easily opened from the inside;

B. Being the owner or otherwise having possession of property on which there is a well, cistern, cesspool, excavation or other hole of a depth of four feet or more, and a top width of twelve (12) inches or more and failing to cover or fence it with a suitable protective construction. (Ord. 174 § 16, 1995)

Section 5.08.080 Attractive nuisances.

No owner or person in charge of property shall permit on the property:

A. Unguarded machinery, abandoned vehicles, equipment or other devices that are attractive, dangerous and accessible to children.

B. Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.

This section does not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children. (Ord. 174 § 17, 1995)

Section 5.08.100 Junk.

A. No person shall keep junk outdoors on a street, lot, or premises or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress.

B. The term "junk" as used in this section, includes, but is not limited to, all motors, motor vehicle parts, abandoned or discarded vehicles, machinery, machinery parts, appliances, iron or other metal, glass, paper, lumber, wood or other waste or discarded material.

C. This section does not apply to junk kept in a licensed junk yard or automobile wrecking facility. (Ord. 174 § 19, 1995)

Section 5.08.120 Scattering rubbish.

A. No person shall deposit, on public or private property, rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or a fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling on a public way. (Ord. 174 § 21, 1995)

B. No person shall deposit into public trash, rubbish, debris, or refuse which was generated from a residence or business into public trash receptacles in city parks.

C. No person shall store or hold trash in such a manner which enables animals, wild or domestic, to scatter trash. No person shall scatter or deposit any food or other attractants on public or private property with the intent of attracting and/or feeding wild animals, including but not limited to bears, raccoons, and deer. This section shall not apply to bird feed held in receptacles which are reasonably designed to avoid access by wild animals such as bears, raccoons and deer or scattering food for wild birds which is consumed immediately and in the presence of the person intending to feed the wild birds.

D. No person shall deposit, on public or private property oceanward of the ocean bluff line, yard debris, lawn clippings, or any form of rubbish, trash or refuse. (Ord. 254, Amended, 07/15/2005; Ord. 240, Amended, 10/14/2003)

Section 5.08.180 Unenumerated nuisances.

A. The acts, conditions or objects specifically enumerated and defined in Sections 5.08.020 through 5.08.170, are declared public nuisances and may be abated by the procedures set forth in Article VII of this chapter.

B. In addition to the nuisances specifically enumerated in this chapter, the city council may declare every other thing, substance or act that is determined by it to be injurious or detrimental to the public health, safety or welfare of the city to be a public nuisance and such public nuisance may be abated as provided in this ordinance. (Ord. 174 § 34, 1995)

Section 5.08.190 Notice of nuisance determination.

At least ten days prior to the hearing at which the nuisance determination shall be made, the city recorder shall notify the owner or person in charge of the property involved of the time and place of the hearing. For the purposes of this section, notice is sufficient if it is:

A. Mailed by certified mail to the last known address of record of the owner or person in charge; and

B. Posted at the site of the property involved. (Ord. 174 § 35, 1995)

Section 5.08.200 Notice--Posting and contents.

A. On determination by the city council that a nuisance exists, the city recorder shall:

1. Cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance;

2. Cause a copy of the notice to be forwarded, certified mail, to the person responsible at the

person's address of record or if there is no address of record then to the last known address of the person.

B. The notice above shall contain:

1. A description of the real property, by street address on which the nuisance exists;
2. A direction to abate the nuisance within ten days from the date of the notice;
3. A description of the nuisance;
4. A statement that, unless the nuisance is removed the city may abate the nuisance and the cost of abatement will be charged to the person responsible;
5. A statement that failure to abate a nuisance may warrant imposition of a fine and that a lien shall be placed upon the property of the person;
6. A statement that the person responsible may protest the order to abate by giving notice to the city recorder within ten days from the date of the notice.

C. If the person responsible is not the owner, an additional notice shall be sent to the owner at his or her address of record, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the real property.

D. Upon completion of the posting and mailing, the person posting and mailing shall execute an affidavit stating the date and place of the mailing and posting.

E. An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient. (Ord. 174 § 36, 1995)

Section 5.08.210 Abatement by the person responsible.

A. Within ten days after the posting and mailing of notice as provided in Section 5.08.200, the person responsible shall remove the nuisance or request a hearing on the basis that no nuisance exists.

B. A person responsible, protesting that no nuisance exists, shall file a written statement that specifies the basis for the protest with the city recorder.

C. The statement shall be referred to the city council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the city council. The city council shall determine whether a nuisance in fact exists, and the determination shall be required only in cases where a written protest that no nuisance exists has been filed as provided.

D. If the city council determines that a nuisance in fact exists, the person responsible shall abate the nuisance within ten days after the council determination or such later period as the council may allow in its discretion. (Ord. 174 § 37, 1995)

Section 5.08.220 Joint responsibility.

If more than one person is a person responsible, they shall be jointly and severally responsible for abating the nuisance. (Ord. 174 § 38, 1995)

Section 5.08.230 Abatement by the city.

A. If the nuisance has not been abated by the person responsible within the time allowed, the city council may cause the nuisance to be abated.

B. The city official or designee charged with abatement of the nuisance shall have the right to enter into or upon property at reasonable times to investigate or cause the removal of a nuisance.

C. The city recorder shall keep an accurate record of the expenses incurred by the city in physically abating the nuisance and shall include a charge of fifteen (15) percent of actual expenses for administrative costs. (Ord. 174 § 39, 1995)

Section 5.08.240 Assessment of costs.

A. The city recorder shall forward to the owner and the person responsible, by registered or certified mail, a notice stating:

1. The total cost of abatement, including the administrative costs;
2. That the costs as indicated will be assessed to and become a lien against the property

unless paid within thirty (30) days from the date of the notice;

3. That if the owner or the person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the city recorder not more than ten days from the date of notice.

B. No sooner than thirty (30) days after the date of the notice, the city council, in the regular course of business, shall hear and make a decision on the objections to the costs assessed.

C. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs, as stated or as decided by the city council, shall be made by resolution and shall be entered in the docket of the city liens. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.

D. The lien shall be enforced in the same manner as other city liens are enforced and shall bear interest at the maximum allowed at the time of the lien. The interest shall begin to run from the date of entry of the lien in the lien docket.

E. An error in the name of the owner or the person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property. (Ord. 174 § 40, 1995)

Section 5.08.250 Summary abatement.

The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances. Any city official may proceed summarily to abate a health or other nuisance which exists and which in the opinion of the city official imminently endangers human life or property. (Ord. 174 § 41, 1995)

Section 5.08.260 Penalty.

A. Any person who violates any of the provisions of Sections 5.08.050 through 5.08.080 and 5.08.100 commits a Class A civil infraction.

B. Any person who violates any of the provisions of Sections 5.08.090, 5.08.150 and 5.08.180 commits a Class B civil infraction.

C. Any person who violates any of the provisions of Sections 5.08.020 through 5.08.040, 5.08.110 through 5.08.140 and 5.08.160 commits a Class C civil infraction.

D. Any person who violates any of the provisions of Section 5.08.170 commits a Class D civil infraction. (Ord. 174 § 42, 1995)

Section 5.08.270 Separate violations.

A. Each day's violation of a provision of this chapter constitutes a separate offense.

B. The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. However, abatement of a nuisance within ten days of the date of notice to abate, or if a written protest has been filed, then abatement within ten days of city council determination that a nuisance exists, will relieve the person responsible from the imposition of a fine under Section 5.08.260. (Ord. 174 § 43, 1995)



Date: November 3, 2016
To: Joan Davies; City Administrator
From: Rick McClung & David Buckwald; Public Works Leaders
Re: October 2016 Public Works Report
Subject: Utility Production and Work Outside of Normal Operations

Department	Subject	Description
Water Plant	October water demand	3,853,3000 Gallons
Wastewater Plant	October wastewater treated	7,436,000 Gallons
Streets	Storm clean-up	Cut and cleared fallen trees from Yachats Ocean Road and Horizon Hill. Contracted with R&R Tree Service to remove four other trees on Horizon Hill.
Streets	Road maintenance	Filled potholes on Overlook, Shellmidden, Mitchell Ln, Pacific View and E. 6 th St. Bladed Shellmidden and Pacific View Repaired a work site at 10 th & King St. until Pioneer Telephone paves it in the Spring.
Streets	Map updating	Utility maps were updated by an employee on light duty.
Parks & Commons	Roof leak	Patched a leak around the chimney at the Commons.
Public Works	Vehicle Repair	Vac truck was repaired and back in service. Problems with the power steering now. 5yd Dump Truck needs radiator repaired. May be able to do repair in-house.

CIP Streets	Hwy 101	Public Works has been assisting PacEx to investigate the location of underground utilities with a method call "potholing". We have been using City crew and the City vac truck to vacuum up small holes above the buried utilities to confirm their location, then burying it again. This needs to be done before PacEx begins the new 101 storm drain improvements, because so many utilities are on the same side (eastern) of 101. 47 man hours and 23.5 vac truck hours spent hydro-excavating (pot-holing)
Water	Water service calls	Responded to the following service calls: Lincoln St.- Low water pressure. Pressure tested successfully. King St.- Water leak on customer side of meter. E. 2 nd St.- Water leak on customer side of meter.
Water	Raw water	Cleaned Reedy Creek intake and flushed the in line cleanout screen twice.
Water	Water Plant Maintenance	Purchased and installing new polymer pump skid.
Water	Water line repair	Repaired a two-inch water line damaged by heavy equipment on Cape Ranch Road.
Water	Meter reading	Read meters twice due to vendor software malfunction
Water	Mid-Coast Water Planning	Rick was selected to serve on the Coordinating Committee for the Mid-Coast Water Planning Partnership. See attachment
Water CIP	South Reservoir	New property purchase is almost complete; it has been very nice to have a City Administrator to handle this portion of the project. The geo-tech report will be done by mid-November, followed by a public hearing for land use on Dec. 6. Overall, the project is going great and we expect to begin construction in spring 2017.

Sewer CIP	SCADA System	The SCADA System has been ordered and should be received within eight to nine weeks
Sewer	Wastewater Surcharge	Continued research on equitable rate charge for wastewater “stronger than normal” as well as incorporating the City FOG Program. Advisory Group met; will meet again in Dec.
Sewer F.O.G.	Grease removal	14 man hrs. removing grease from five pump stations.
Sewer	I&I CCTV	Videotaped 500’ of sewer line on Aqua Vista. Found three possible leakers.
Sewer	WWTP	UV hoist structure in UV building complete. Building cat walk over digesters to enable safe removal of gear box for annual maintenance
Sewer	Bio solids	16,185 gallons of bio solids were processed and sent to the land fill.
Sewer/Water	Weekly meetings	Meet with City Administrator regularly.

COUNCIL PROGRESS MATRIX 2016		GOAL: To provide for the effective governance of the City of Yachats	
Goal/Objective	Individual or Team Assigned	Shepherd	Progress
1. Convene a team to consider City management of the State Park facilities in Yachats. a. Yachats State Park b. Smelt Sands c. Yachats Ocean Road d. 804 Trail	Team to be convened	Brean	06-01-16 Discussed possibility of City taking over State Park. A future meeting needed. 05-09-16 Conversations with State Parks Regional Director.
2. Hire and work with City Administrator for fully coordinated transition to the new structure and evaluate staff roles as it relates to the organizational study.	City Administrator	Frye	05-09-16 City hired City Administrator COMPLETED
3. Convene an ad-hoc committee to consider appropriate uses of Visitor Amenities funds to attract visitors and to serve the needs of the residents as well. (Public art, visitors serving facilities, marketing efforts, festival support, etc.). Committee will make recommendations Council.	Committee to be convened	Brean	09-07-16 Ongoing Administrator working with Events Coordinator/Facility Manager on events 05-09-16 Approved \$50k in 2016-17 budget for projects and a contract with Chamber to hire coordinator. Task Force still needs to convene.
4. Continue development of emergency plans and resilience preparedness.	Emergency Preparedness Committee	Glenn	06-01-16 Worked with committee, media on notices for drill 05-09-16 Coordinated with the media for the June 10 Drill
5. Form an ad-hoc committee to consider methods of more effectively communicating the programs, activities, policies, processes, topics of council discussion to the citizens of Yachats. Recommendations of this committee will be made to Council, including general communications, social media considerations and new ideas. This committee will be chaired by City Administrator.	Committee to be convened	Glenn	09-07-16 Still waiting to hear from Chamber about social media position; using multiple sites for info outlets
6. Develop plans for diversifying revenue opportunities. a. Franchise fees b. Street district or utility fee c. Grant writing d. Methods for funding workforce housing	Finance Committee	Brean (Glenn assisting with item d.)	06-01-16 Glenn asked Planner to look into inclusionary housing. Brean: talked with County regarding workforce housing on two small lots as part of 804 Trail Settlement Agrmnt. Brean: possible street fee to put within water/sewer bill, not as an increase. Money could be used for streets now, transferred to reserves accounts if not needed later.
7. Work with Library Commission to develop/revise a strategic plan. a. Library operations b. Library location c. Funding strategies d. Bequest allocation	Library Commission	Dunn	05-09-16 Library sub-committees set up to meet more often to work on plan. 04-11-16 Library Commission will meet more often to begin work on updating strategic plan. Task Force to start needs assessment.

8. New accounting software	IT Committee	Scott	12-15-16 cash register and technical set-up scheduled 10-19/20-16 trained in new software for accounting system 09-07-16 Scott has reviewed several programs and has found one that fits City's needs; working on coordination now
	Marketing Committee	Dunn	04-11-16 Agreed to hire a graphic artist to design logo COMPLETED
10. Database development	IT Committee	Scott	09-7-16 Integrating data. Google log-in process completed for the City's database site and the Facebook capabilities will be done shortly. He is also working on the integration of data to the City's database from the MuniBilling records
11. Continue improvements in IT capabilities 12. Develop and implement service satisfaction instruments	City Administrator and IT Team	Scott	06-01-16 Scott has been researching online survey capabilities for the service satisfaction instrument and found one that is reasonable. Mayor to develop survey questions.
13. Use of the 501 bank building	Bank Team	Glenn	Now scheduling events with Events Coordinator and Facilities Manager 09-07-16 HVAC, window cleaning, electrical outlets, grounds and tree care done. Next is plumbing repairs. 06-01-16 Working on interviews for remodeling – on hold 05-09-16 Recommendations for 501 Building Study Group is on May 12, 2016 agenda
14. Complete Highway 101 improvements including undergrounding of electric service	Public Works	City Council	11-07-16 Project underway 09-07-16 Project to begin 09-12-16

15. Complete south city reservoir project	Public Works	City Council	12-06-16 public hearing; EIS received; awaiting geo-tech 10-07-16 Purchase offer accepted; awaiting geo-tech testing 09-07-16 Negotiating with owners; exec session 09-15-16. Appraisal completed 06-01-16 McClung reported on the alternative site and the cost savings if built there
16. Increase parking in the core business area	City Planner	Frye	5-9-16 Brean reported that City is looking at a lot, need an agreement with an adjoining property owner for access, to increase available spaces and make the lot easier to develop for parking.
17. Complete south city entrance sign	Public Works	Dunn	On hold
18. Work with the County to complete upgrade and repairs to Ocean View Drive and the 804 south trail	Public Works	Brean	06-01-16 Brean working with State and County on Ocean View Drive improvements that would allow City to take over jurisdiction. State Park naturalists want to move the camas. The archaeologists also need to assess area before road can be moved.
19. Participate in programs that seek to bring health care services to Yachats.	Frye	Frye	09-07-16 Info meeting held 08-28 at 501; 45 attended; good interaction with LCHC staff 05-09-16 Lincoln Community Health Clinic conducted a site visit to look at potential places for clinic. Board Meeting May 10. They liked the space in the Commons if City Hall moved to the 501.
20. Revisit backyard chicken concept	Brean	Brean	05-09-16 Council agreed to pilot program. Res. 2016-05-05 adopted on 05-12-16.
21. Continue efforts to develop public transportation options to the south	Dunn	Dunn	05-09-16 Grant received for a pilot Lincoln County-Florence transportation connection project. Money comes July 1.
22. Continue to participate and provide leadership in marketing endeavors that enhance business opportunities and that provide benefit to Yachats residents, as well.	Marketing Team	Dunn	09-07-16 Team working on events for 50/100 anniversary.

23. Find appropriate means of protecting the character of Yachats from the negative implications of formula business models.	Planning Commission	Frye	11-15-16 public hearing for formula business proposal 09-07-16 Planning Comm still working on ordinance language
24. Improve the visual appeal of Yachats: a. Address "blight" appearance in neighborhoods and business areas. b. Devise a method of encouraging and displaying public art, especially kinetic art.	Convene an ad-hoc Committee	Glenn	6-1-16 Glenn is putting together a list of names for ad-hoc committee to improve City visual appeal. Glenn thinks City needs public art plan, but planters have already been installed and fund raising going for "Portia" statue. 05-09-16 Glenn: not sure who should convene committee; now he knows he is authorized, he will.
25. Re-visit and solidify City policies related to vacation rentals	City Council	City Council	09-07, 10-07, 11-07-16 Vacation rentals on agenda 05-09-16 City Council began discussion regarding possible cap on the number.
26. Participate in alternative energy projects. a. Encourage solar systems. b. Explore opportunities for city participation in EIP wind energy project.	Finance Committee	Brean	06-01-16 Brean said he and others met with PUD regarding the preliminary plans. Burkle device can actually store energy even if power is made by Bonneville. 05-09-16 Met with PUD to talk about Burkle's energy machine.
27. Work with Planning Commission to develop appropriate policies for industrial businesses.	Planning Commission	Scott	05-09-16 Still working on definition. 06-01-16 Plan Comm working on definition of "light industrial" Will hold public hearing; wants any industrial use to include retail space.
28. Work with other governmental entities to explore more efficient and productive use of wastewater bio-solids.	Public Works	Brean	
29. Plan for the long-term development of additional raw water storage.	Finance Committee and Public Works	Brean	09-07-16 McClung and Davies met 08-17-16 with IFA and Water Source Protection 06-01-16 McClung said the City could qualify for a matching grant to develop additional raw water storage. There are some steps the City will need to take first, such as a water source protection plan and a feasibility study. May be a small grant for study.

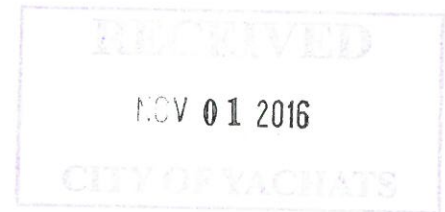
30. Work with the Planning Commission on developing policies that might lead to certification as an International Dark Sky Community.	Planning Commission	Scott	09-07-16 Dark Sky considerations included in Hwy 101 project lighting considerations. No Commission changes yet. 06-01-16 working on formula businesses and new steep slope building regulations, so it may be some time before they get to Dark Sky. 05-09-16 Planning Commission will add Dark Sky to agenda.
31. Affordable housing	Glenn	Glenn	10-07-16 Glenn requested to be assigned affordable housing

Created date: March 29, 2016

Last update: November 7, 2016

Kimie Jackson

From: Chandler Davis <chandler@chandlerdavis.com>
Sent: Wednesday, November 02, 2016 12:11 AM
To: Kimie Jackson
Subject: Proposed retail marijuana tax



Mayor Brean;

I am writing to you and to the other Mayors and County Commissioners in Lincoln County on behalf of the Lincoln County Addiction Prevention and Recovery Committee (APARC), which is the local state-mandated citizens advisory committee on addiction and other drug-related issues.

We did not take a position either for or against the legalization of retail marijuana sales, and are not taking a position on the current local marijuana tax proposals. But, as you may know, we have expressed serious concerns about preventing any negative consequences that may occur – especially for the children of Lincoln County -- as a result of increased access to marijuana.

We have advocated for stepped-up objective, evidence-based education about the effects of marijuana on young brains and bodies, for example, and about the dangers of accidental deadly exposure to cannabis products.

But this increased educational challenge will require additional resources and we are asking that any new revenue from the proposed three percent tax on marijuana sales on this month's ballot in your jurisdiction be specifically dedicated (if the measures pass) to youth substance use education to prevent the potential harmful effects of the greater availability and public acceptance of marijuana.

There have already been reports of children accessing edible marijuana products that have been carelessly left out where they can reach them, for example. Research has found that young teenagers in Lincoln County have easy access to marijuana and a limited awareness of its dangers.

A survey of Lincoln County students found that the majority of 8th and 11th graders did not consider regular weekly use of marijuana to pose a "great" or even "moderate" threat to their health. Nearly 11 percent of 8th graders and more than 16 percent of 11th graders reported using marijuana within the previous 30 days.

Our membership reflects the experience and expertise of addiction and mental health treatment providers, health education and prevention professionals, medical and hospital personnel, people in recovery, community support group leaders, law enforcement and judicial system officials, and concerned private citizens.

We work closely with the Tribe, with private providers, and with county and municipal law enforcement agencies, as well as the Lincoln County Department of Health and Human Services. Our mandate is to monitor local response to addiction and substance use issues at all levels within the private and governmental sectors of the community.

The county health department has made a similar budget request to the county commissioners. We support that request and urge all local municipal jurisdictions to dedicate all or a major portion of any retail marijuana tax revenues to protecting the health of our children and youth.

Chandler Davis,

Chair, Lincoln County Addiction Prevention and Recovery Committee

 [Facebook](#)

Chandler Davis
Mail: 437 NE 1st Street
Newport OR 97365-2839
Phone: 541-272-4615
Reply to: chandler@chandlerdavis.com

It is Halloween and almost the first of November. This year has gone by very fast. Things slow down a bit and we have a chance to catch our breath. We'll have some busy weekends; Arts and Crafts Festival, Yachats Celtic Music Festival, Thanksgiving, Solstice Celebration and Bonfire, Christmas and New Years, the Agate Festival and other events.

- Type up list on the status of overgrown properties and submit to City Administrator.
- Vacation Rental inspection on Aqua Vista Loop, passed.
- Left card on vehicle parked at the end of W. 4th Street. Vehicle was moved.
- Email to resident on Cedar Street regarding a vacation rental property next door.
- Attend City Council work session.
- Attend Finance Committee meeting.
- Took a call from a property owner regarding the vacation rental process.
- Write article for the City newsletter.
- Made Hotel arraignments for the spring OCEA conferencew.
- Fill doggie bag dispensers with remaing doggie bags. City Hall is reordering.
- Vacation rental inspection on Greenhill Drive. Passed.
- Check out excavator on Shell Street. Contact City Planner regarding site preparation permit and named water way.
- Talked to manager at Yachats Inn about exterior lighting bothering a neighbor. Manager agreed to check it out, adjust lighting and shroud the lights.
- Talked to a property owner and crew clearing a lot on Rock Street. No City Business license. Property said he would take care of it.
- City Public Works said they would contact the owner of the excavator on Shell Street.
- Meet with Joan Davies.
- Fill all doggie bag dispensers.
- Bolt doggie bag dispense on sport field fence on W. 6th Street.

Respectfully Submitted

Donald W. Niskanen, CEP
Code Enforcement Officer

Regular Meeting of the Yachats City Council
November 10, 2016
MINUTES

The regular meeting of the City Council was called to order by Mayor Ronald Brean at 2pm in the Civic Meeting Room at the Yachats Commons. Council members present: Barbara Frye, Max Glenn and Sandy Dunn; Greg Scott was excused. Also attending: City Administrator Joan Davies, Water Department Lead Rick McClung; Code Enforcement Officer Don Niskanen, and an audience of 8.

I. Announcements and Correspondence

Mayor Brean read a card from the League of Women Voters, thanking the City for hosting a candidates' forum prior to the General election. He also shared an email from the Lincoln County Addiction Prevention and Recovery Committee, in reference to marijuana use.

Yachats resident Ken Gagne had requested support for a beach safety program he is putting together. Councilor Frye said she supported the basis of the concept. Councilor Dunn supports the concept initially, and will have more to say when she sees the proposal. Mayor Brean said he appreciates Gagne's efforts and looks forward to seeing more details.

Councilor Dunn said that in the absence of Councilor Scott, she would move to approve the consent agenda; all ayes, motion carried.

Councilor Glenn said he would usually report on the Land Trust at this time. They have been discussing work force housing, and purchasing existing stock, process as needed, get it to the people who need it, and create a revolving fund. The cities of Newport and Lincoln City have entered into an agreement with the Land Trust to provide surplus lots the cities own.

Mayor Brean said there are two undersized pieces by Marine Drive and Aqua Vista Loop that join the 804 Trail. It would potentially be available for some other use. He has talked with County Counsel Wayne Belmont before about workforce housing, and those might be a good target for subsidized housing. Councilor Dunn asked if it is big enough to build on and whether there would be access to the beach. The County owns them and needs to get some money out of them as part of the 804 Settlement. They would probably go for less, because of the lots being undersized.

Councilor Glenn and Mayor Brean attended the OCWCOG meeting about cities and banking. They talked about ways to pool resources to get attention from the banking industry. Interested cities need a Memorandum of Understanding to say they are willing to explore the possibilities, along with Brownsville, Scio, Lincoln City, Benton, and Mill City. Mayor Brean said Brownsville was backing away from it, yesterday. The City of Scio

is entertaining a deal with an out-of-town bank, which allows online and smart phone banking. It would be an opportunity for the bank to have a “remote teller” at the ATM, but you could still talk to a person in the auto teller, for example. When you need cash, you would have the ability to get it. Councilor Dunn asked why Siletz isn’t on the list, since it is closer to Yachats than some of the other cities listed. Mayor Brean said he didn’t know. Mayor Brean met with local mayors yesterday and they mostly talked about the election. Last weekend, he went to a celebration of the Pendleton mayor for 28 years of service. Four past presidents of the League of Oregon Cities and various officials from all over the state attended.

II. Citizen’s Concerns
(None)

III. Consent Agenda
A. Minutes of 10/13/16 Council Meeting
B. Bills for Approval

IV. Reports
A. Council Reports
B. Written Reports:
Administrator, Code Enforcement, Public Works, Emergency Planning Committee

V. Public Hearing Continued for Ordinance 346: Amendments to YMC Chapter 9

Continued hearing—no comments.

VI. Business
A. Tobacco-free and fragrance-free policy

Administrator Joan Davies advised the Council that she had met with Leon Sterner, Kimmie Jackson, Bobbie Benson, Violet Young and Jean Hearn, to discuss festivals held in City buildings, and the Council’s desire to establish a policy to limit fragrance, chemical and tobacco use on City property. It does apply to all City property, but there is no penalty, unless it happens to be a juvenile with tobacco. Pam Lauritzen asked if the policy includes flowers, as she has seen signs in clinics that ban fresh flowers. Mayor Brean suggested not addressing fresh flowers at this time, since they have not yet been an issue. Councilor Dunn said to add a paragraph about no sale in City buildings of any products that fall under these categories, and moved to adopt the policy; all ayes, motion carried.

B. Mayor Transition/Council Goals

A matrix of duties and authority for Mayor, Council, City Administrator and employees was prepared by Administrator Davies, following a special meeting of the Council and a

second review. Councilor Glenn moved to approve the matrix and attach it as an addendum to the City Council Rules; all ayes, motion carried.

C. Nuisance abatement - specific property

Administrator Davies advised the Council of a property on W. Third Street that had been identified as a nuisance, which would require the owner to rectify the code violations, and the occupant to move from the building he occupies. Mayor-Elect Gerald Stanley said this distresses him, to declare where someone is living a “nuisance”. He said it seems really heavy-handed. Mayor Brean said he had not realized the person was living there, but it is an unauthorized dwelling. Councilor Glenn said the property recently sold and the new owner needs this done in order to proceed with her plans. She has offered the occupant \$1,000.00 to move, but he has refused. Mayor Brean said nothing prohibits the owner from tearing it down. Her attorney is asking the City for the nuisance abatement, and it is the City’s obligation to enforce Municipal Code. Councilor Glenn moved to declare the property to be a nuisance 14-12-27-DA-06600-0-00; all ayes, motion carried.

D. Appoint interim Council President/Mayor for a 10-day period, due to absences

Mayor Brean said he will be in Florida and Councilor Scott will be in Antarctica, so they need a council member to step in as a pro-tem Mayor. Councilor Glenn moved to have Councilor Dunn act in that capacity; all ayes, motion carried.

E. Affordable Housing/Construction Excise Tax-council position

Developer Layne Morrill was in Arizona, so he was allowed to participate by phone. He had asked to be able to participate in the work session, but was told it was premature, because there were options the Council has not researched. Councilor Glenn just talked about the Land Trust Proposal and is getting information from the League of Oregon Cities and a lot of other cities. Administrator Davies is researching Construction Excise Tax use in Oregon by other cities, as well as other states, and how it has been used.

Mr. Morrill said he’s asked about the waiver of systems development charges, in light of the crisis in Affordable Housing. SDC are recognized as a barrier to Affordable Housing, and the City Council should adopt a deferral of SDC during the period of affordability. He gave examples of cities that have done it, with Ashland being one of those cities. The house can go to market rates at the end of the Affordable Housing period. It’s not just for one particular project. He didn’t recall that the SDC deferrals were listed on our list and that’s a big question for any project. There is a flat rate per lot. The deferral should be done, regardless of any project being looked at. Councilor Dunn asked for clarification on what the period of affordability is. Mr. Morrill said it is required to be 30 years, because of the tax credits involved.

As far as the Construction Excise Tax, Mr. Morrill had provided citations referring to the number of cities that have used them. Bend has had a CET for ten years, because it was established before the Legislature banned them, with great success. It doesn't make sense to not grab the revenue as long as it goes to Affordable Housing and not limited to one project. The delay will mean some loss of revenue, sales will be subject to tax, and it will generate revenue if you wait until the projects are done. It's been 75 days that the Council has been reviewing the project, Mr. Morrill pointed out, and said that if he can't get support from the City, he might as well give up. It's one thing that the State does look at - City support. He'd rather know now and scrap the project.

Mayor Brean said the CET will increase the cost of any project and the Council needs to consider the "greatest good for the greatest number", and it is more important to provide housing to 21 families, than to consider future homeowners who will pay one per cent more in building costs. Councilor Dunn asked if it was 50% to HUD and 50% to City, with 0% to Streets and 0% to future housing. Mr. Morrill said that residential construction is 15% to the State, after 4% is taken off the top, and after the project is done. Then of the 85% that remains, 50% goes to fund developer incentives for Affordable Housing. The remaining 35% can go to any other program related to Affordable Housing. Commercial construction is 50% to any kind of housing program after the 4% is taken off of the top. Then, 50% to anything and the City can do anything with that money. Only the Commercial percentage would go to Streets, or the Council's choice.

Mayor Brean questioned the durability of CET in terms of long-term outcome. Property will be built out, and there is less chance of collecting that much per year. Mr. Morrill said the commitment goes away when the funds so it wouldn't be prudent to say "to the extent of money from this tax, you will get this grant". Mayor Brean argued that Mr. Morrill is asking for a period of some duration, though. Councilor Dunn said it was 15 years, and questioned what would happen, if at Year 10, there is no money in the fund? Mr. Morrill said that it is drafted so that the City is not paying out of the General Fund, so if there is a limit to a source of funds, then you have no commitment, if the source goes dry. For implementation of the CET, the City needs an intergovernmental agreement with Lincoln County, and he had provided drafts.

Councilor Dunn questioned the referral to school district tax which is tax by the square foot, and why this one goes by value. Mr. Morrill said the legislative authorization was to tax up to the cost of the construction, and he doesn't know why it is different from the schools. The value of construction is determined by the building department, as a basis for their permits, anyway.

Councilor Dunn said she heard the school district is considering raising their CET, as they haven't raised it for eight years, and that would be a double-whammy for builders. She also noted that if the SDC is deferred, it is not really money out of City funds, and the City wouldn't get that amount anyway, unless the property was sold to a new owner. Councilor Dunn said it's just a deferral, not forgiveness, so we get the benefits from the tax, but take nothing out of the General Fund.

Mr. Morrill said absolutely not. Mayor Brean indicated the talk around town is building for more bang for the buck. In my letter of 10/14/16, Linda Hetzler seized one fact, "\$250,000.00 per unit", but what she didn't realize or explain is that one-half of the money comes from State subsidies. The buildings will still be there when it ends. It is \$139,000.00 per unit, net cost.

Mayor Brean said one "bang for the buck" being discussed is to do something to leverage part of the Food & Beverage Tax, to create a similar fund, with less restrictions. Tom Lauritzen said the City currently allow a five per cent discount to the business owner for the collection of Transient Rental Tax (TRT) and Food & Beverage Tax. Since this is supposed to be Work Force Housing, if the employers would forego the five per cent, the City could create similar funding without creating a CET. If there's no commitment from employers, why would the City be interested in building Work Force Housing? Mr. Morrill said the total tax is about \$1 million; five per cent equals about \$50,000.00, and asked if the City would do a partial or a full discount. Mayor Brean said it would be negotiable.

Linda Hetzler said the Work Force Housing is best left to businesses because of what happened with Fistera Gardens - the housing got filled up by people other than local workers. She is not opposed to Layne Morrill's project, but asked that they not call it "Work Force Housing". She doesn't think the City should put the burden of a CET on someone who just wants to live here. Adobe Resort & Restaurant, Overleaf Lodge, Ona Restaurant and she have talked about doing something. She said they don't need a tax, because they can come up with something else. It's whatever you folks want to do, Ms. Hetzler said, and explained that she didn't mean to negate Mr. Morrill's numbers, but she doesn't think they should do both the CED and forgive (sic) SDC fees.

Mayor-Elect Gerald Stanley said he sees the value of having the City plan to do this and how it works in with Mr. Morrill's plan, but the "goodness" of the idea should first be decided upon.

Mr. Morrill said the issue about Fistera Garden Apartments is easily explained because there was no owner support of preference. The employees were told they had to get their applications in as it was on a first-come, first-served basis, but they failed to do so. The new project will be owner support preference driven. If you have a job or an offer of a job, you go to the top of the list, even if 100 from the Valley applied sooner. He understands Linda Hetzler's issue is that some of her employees make more than 60% with tips, and they couldn't qualify to live in the new place. He's sure the intentions of local employers are good and pure, but it's been at least 10 years since he's been a part of Yachats, and nothing has been done. Four years ago, the housing crisis was already here, and still nothing's been done. To reject 21 houses because employers are "talking about doing something" is not viable. They will never develop 21 houses themselves.

Mr. Morrill went on to say that he is asking local employers and others to make an investment of \$399,000.00 in this project, which will be repaid. Before the commitment of Food and Beverage tax percentage could be tested, he would have the housing built. If they want to use five per cent, fine. A \$19,000.00 investment is better than a

\$200-300,000.00 investment. This can be accomplished because of funds from the State, of \$2.5 million. He needs to show the State that the City is serious about it. He doesn't see what the City has to lose, and it has a lot to gain.

Mayor Brean repeated Mayor-Elect Gerald Stanley's question: "Should the City support the project?" He thinks the City should. Should the City participate in the financing? We don't know. What are other cities doing for financing and programs? Where should the money come from to do that? The CET has a few built-in concerns. Funding comes from a distinct source. Can we use Transient Rental Taxes for that? Should we defer the SDC, when there's an increase to the system? By deferring for this project, are we setting aside money that could break any given project? We need to build a raw water storage and where should that money come from?

Councilor Dunn said that if the City isn't getting SDC now anyway, she is not concerned about it, but they should be deferred, and not excused altogether. Even if the 21 units turn into low income housing units, they are still needed. If the City can help 21 new rentals being placed, since there is no General Fund money, or expenses, she thinks it's worth pursuing a study of the CET and TRT.

Councilor Frye asked, if this is "Work Force Housing", is this going to fix it? Maybe, maybe not. Businesses should play a role and they have done nothing in the past few years. Yachats needs housing, but there are all kinds of issues, like maintaining the character of the city, with 21 units being built. We aren't talking about huge amounts of money.

Councilor Glenn said it is helpful to have it categorized, and although he is in favor of Work Force Housing, he doesn't see that Mr. Morrill will provide dedicated Work Force Housing. There's negativity from the community. Do we want to create a low-income ghetto on the north side of town? Parking for 21 units and their visitors could be an issue. He wants to see employer participation; likes the 5% F&B Tax proposal, and no money spent out of the General Fund. He also understands that Mr. Morrill and his investors want to get their money out of the proposed 21 units of low-income housing, but he is not sure it will be dedicated to "Work Force Housing".

Councilor Frye said that the Council is missing Councilor Greg Scott today. He has a lot of history and analytical thinking skills, that she would find beneficial in this matter. Councilor Dunn said there is a process in place to give power to employers. If no one has a job, they won't be there. Ones that don't want to live in a townhouse, or are making too much money, won't be there.

Mr. Morrill said that at an earlier meeting, Yachats resident Fran Morse asked him to run the numbers on dedicated Work Force Housing, and he had done that. It would cost about \$500,000.00 in State funds to convert five units to dedicated units. He said there is no absolute guarantee it will be Work Force Housing, but there are at least 90 workers in this town earning at 60% income, who would be eligible for the 21 units.

Mayor Brean pointed out that those 90 workers didn't show up for Fistera Gardens Apartments. Mr. Morrill said some did, but it was too late. It was filled with motel workers and assisted living employees. Mayor Brean asked if they could apply if they were only employed for six months, recalling he had spent his days in low-income jobs, and it's hard to plan ahead. Mr. Morrill said the Aqua Vista Square project is very successful and there are no shortages. There is someone there now who was living in a tent while working and is now in a nice apartment. If they have to ride the bus to work, as opposed to living next door to work, they would live next to work. Surveys of workers at the Overleaf and Sea Aire Assisted Living were done, and the employees are excited about the project. He said he believes it will become housing for workers. Councilor Glenn reiterated that they have to sign a one-year lease and asked if it is possible to change, because the job is not guaranteed. Mr. Morrill said they probably would be unable to change the lease.

Councilor Glenn asked if the lease goes away in one year, why couldn't it start now? Mr. Morrill responded that it is required by either HUD or Fair Housing, and he will have to check. It was required at Fistera Gardens, too. Councilor Frye said that when she was young, the idea of a one-year lease would have freaked her out. Linda Hetzler said it's the same for people now, and most local jobs last six months. She asked the Council if they would do it for others, if they do it for Mr. Morrill (developer incentives). Councilor Frye said it's important to not make it just for Mr. Morrill, so it doesn't penalize others. They want a good, solid project, as there's only so much money.

Mr. Morrill said his proposed ordinances make it for all, not strictly for his project. First decide on the ordinance about the SDC, then decide on the ordinance about the CET dedicated to Work Force Housing. Then if adopted, he will ask for a grant of \$15,000.00 for 15 years. Adopt the ordinance first and then deal with the Fistera Gardens Townhouses project later.

Mayor Brean said he knows Mr. Morrill is anxious to get an answer, but the Council needs to do their due diligence. Mr. Morrill said he will help with focus groups or respond to questions, and requested that this be on the December agenda. Mayor Brean asked to have two council members, Mr. Morrill, food industry representatives and the Mayor-Elect on a task force to discuss the proposals. Councilor Dunn, Councilor Frye, Linda Hetzler and Gerald Stanley volunteered.

Tom Lauritzen said there are multiple components to the SDC. If the Council is entertaining the deferral, it should not necessarily be for 100%. SDC is reimbursing your share and then preparing for the future. He suggested not deferring the whole thing. Mayor Brean asked Mr. Lauritzen to explain the rate structure sheet in their packet. He said he looked at the three preceding years, February-October. Accumulation was approximately \$80,000.00 before. The goal is \$100,000.00. The City is on track to achieving \$100,000.00. The model worked and the results are directionally correct, and will exceed the goal, but not by much.

F. Review of Progress Matrix/Shepherding Goals-moved from work session

Councilor Frye asked if the Council was going to wait for the newly-elected members, or assign goals now. She said she wants outgoing Councilor Dunn's assignments, especially the Library Commission and South Gateway Sign, and public transportation. Mayor Brean said he has nothing new on the 804 Trail subject. Camas plants, cultural site, archaeology have complicated the discussion. Visitor Amenities will be discussed with the new Mayor.

Councilor Glenn brought up Bob Bennett's memo and the committee recommends two images for tsunami warnings. Rick McClung said they will paint a blue line at 100' on streets going up the hill, with a symbol on one side that says "Leaving Tsunami Zone". Councilor Dunn asked if there was any gravel to worry about. Rick McClung said Crestview is gravel, but they can put up a sign. A consensus was reached that Councilor Glenn will have a work party on December 8 at the two storage containers. Don Groth said it might have to be moved to December 15. Rick McClung said they need to split the food into all of the containers, one by the big reservoir on Radar Road and the other on Crestview. Right now, the basic City key unlocks the containers.

Councilor Glenn said a pre-management plan is underway as part of the County plan. He had nothing on the communications or finances goals. It mostly comes from TRT, constantly trying to figure out streets funding. Councilor Dunn said there is progress, as the committee was formed.

Councilor Frye said the Library needs help; they need a bigger vision. Councilor Dunn said she was unable to attend the last library meeting, because it was at the same time as another meeting.

The banking goal was covered earlier in the meeting and the 101 project was discussed. There is nothing new on parking or Alder, and the South Gate sign is on hold, Councilor Dunn reported. Oceanview Drive and 804 Trail were mentioned earlier. Nothing new on health care, although they are concerned about the repeal of Obamacare. Councilor Dunn has sent emails to the transit people, but has had no reply. Gerald Stanley said there is a transportation meeting in January. Nothing new on bio-solids from the other cities, Mayor Brean reported, and nothing on raw water storage. Dark Sky initiative is a worthy goal, but the Planning Commission has been focusing on other issues. Councilor Glenn asked to have the housing goal changed to "Work Force".

VII. Other Business

A. From the Council

A special meeting is set for January at the Work Session to swear in the new Mayor.

B. From the Staff

There being no further business before the City Council, the meeting was adjourned at 4:44pm.

Ronald L. Brean, Mayor

Attest:

Joan Davies, City Administrator