

1. Agenda

Documents:

[2020-10-01 Council Agenda.pdf](#)

2. Meeting Materials

Documents:

[2020-10-01 Memo Wastewater Surveillance .Pdf](#)

[2020-09 COVID Williamson.pdf](#)

[ORD 366 Amending YMC 7.20.Pdf](#)

[ORD 364 Amending YMC 4.08.Pdf](#)



**CITY OF YACHATS
CITY COUNCIL WORK SESSION & COUNCIL MEETING**

441 Hwy 101 N., Yachats OR

Thursday, October 1, 2020 at 9:30 am

To Be Held Via Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/83310136094?pwd=Y0V3N0EvckdBZ0UreG5KeituZVRxUT09>

Meeting ID: 833 1013 6094

Passcode: 461144

One tap mobile

+13462487799,,83310136094#,,,,,0#,,461144# US (Houston)

+16699006833,,83310136094#,,,,,0#,,461144# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 833 1013 6094

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Find your local number: <https://us02web.zoom.us/j/83310136094?pwd=Y0V3N0EvckdBZ0UreG5KeituZVRxUT09>

Work Session

- I. Wastewater Surveillance Test Results

Guest: Dr. Ken Williamson

Regular Council Meeting

- I. Announcements, Correspondence, Proclamations
- II. Public Comment: **Topics not listed on the agenda**
5-minute limitation per person
- III. New Business
 - a. Public Hearing: Updates to Yachats Municipal Code 7.20 Sidewalk Maintenance
- IV. Old Business
 - a. Public Hearing: Update to Yachats Municipal Code 4.08 Vacation Rental Ordinance
 - b. Update on Driftwood Paving Project
- V. Other Business
 - a. From Mayor
 - b. From Council
 - c. From Staff

The Yachats City Council meetings 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 09/25/2020



CITY OF YACHATS MEMORANDUM

DATE: October 1, 2020
TO: W. John Moore, Mayor
Yachats City Council
FROM: Shannon Beaucaire, City Manager
SUBJECT: Wastewater Surveillance Test Results

Dr. Ken Williamson will present his findings of the Wastewater Surveillance testing approved by Council on June 24, 2020 (Resolution 2020-127)

Yachats, Newport, and Depoe Bay SARS-CoV-2 Testing

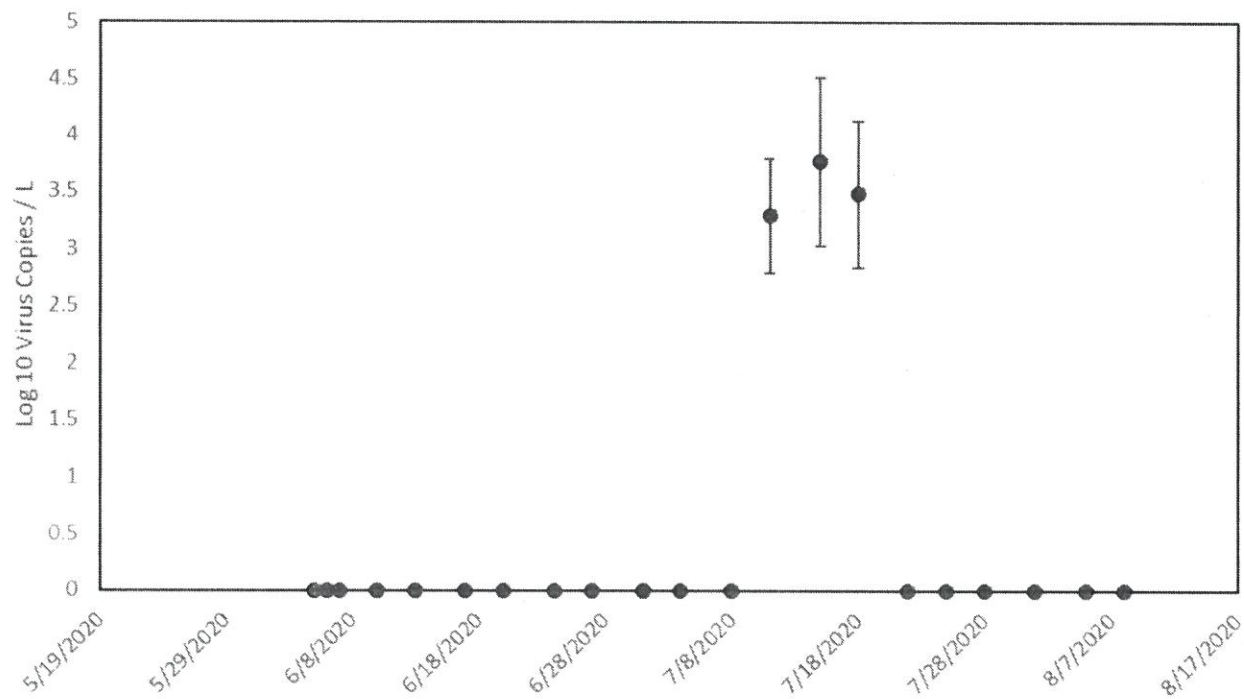
WWTP Influent Results

Kenneth Williamson
Director
Research and Innovation



Yachats

Yachats Influent Results



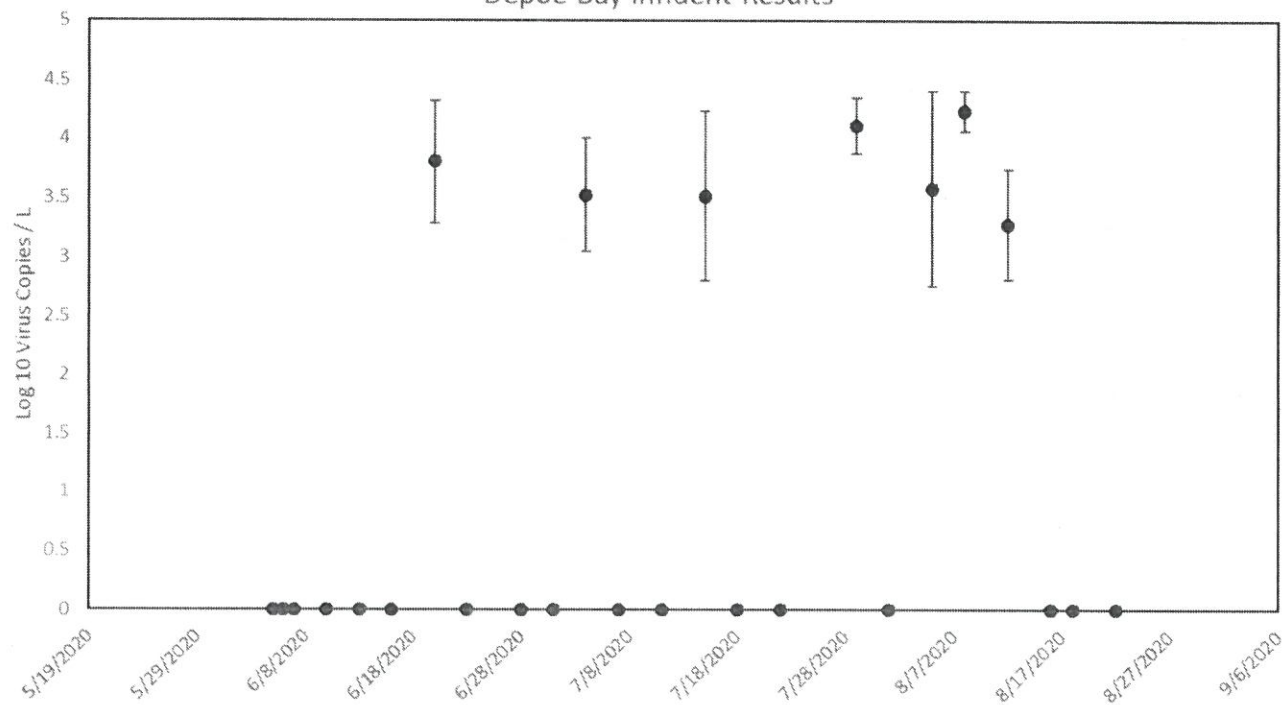
OHA Data –
Cumulative Cases

	Yachats (97498)
5/5/2020	0
5/19/2020	0
5/27/2020	0
6/3/2020	0
6/10/2020	0
6/17/2020	0
6/24/2020	0
7/1/2020	0
7/8/2020	0
7/15/2020	<10
7/22/2020	<10
7/29/2020	<10
8/5/2020	<10
8/12/2020	<10
8/19/2020	<10
8/26/2020	<10
9/2/2020	<10



Depoe Bay

Depoe Bay Influent Results

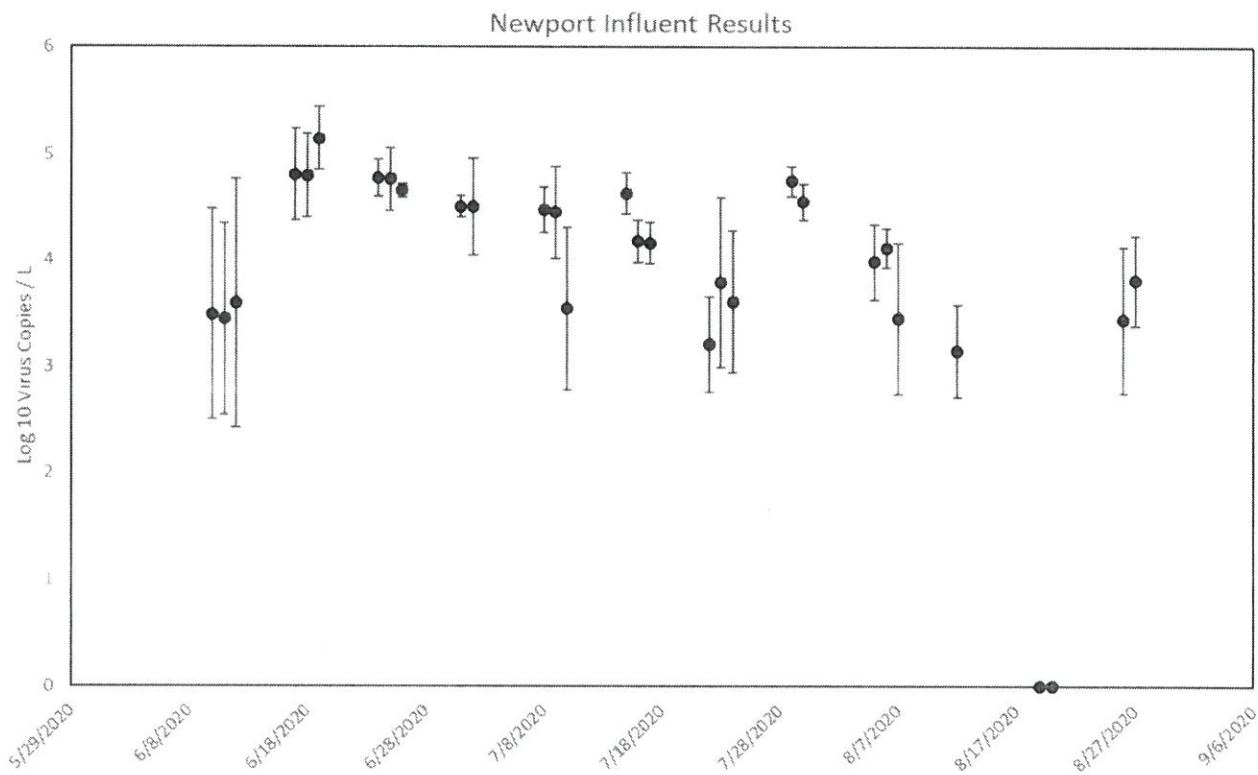


OHA Data – Cumulative Cases

	Depoe Bay (97341)
5/5/2020	<10
5/19/2020	<10
5/27/2020	<10
6/3/2020	<10
6/10/2020	<10
6/17/2020	<10
6/24/2020	<10
7/1/2020	<10
7/8/2020	<10
7/15/2020	<10
7/22/2020	<10
7/29/2020	<10
8/5/2020	<10
8/12/2020	<10
8/19/2020	<10
8/26/2020	<10
9/2/2020	<10



Newport

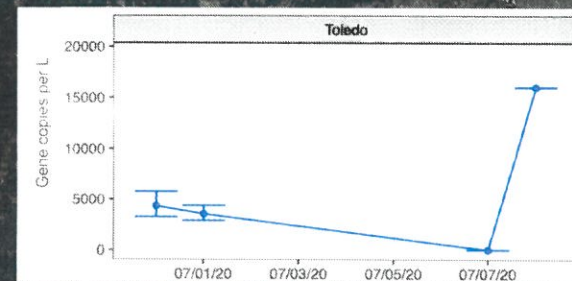
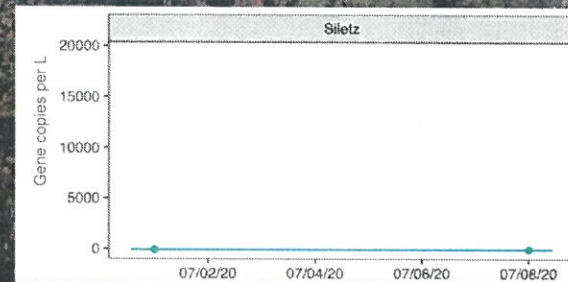
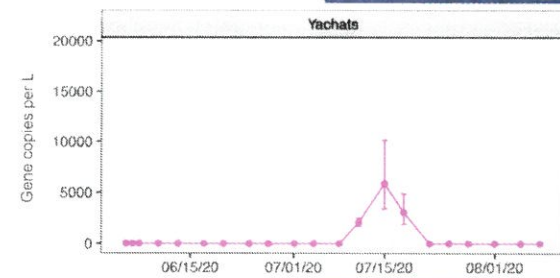
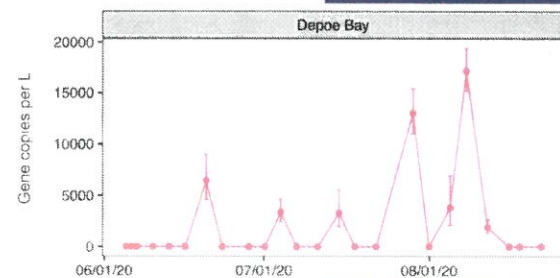
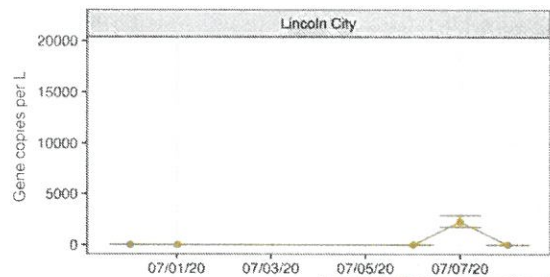


OHA Data – Cumulative Cases

	Newport (97365)
5/5/2020	<10
5/19/2020	<10
5/27/2020	<10
6/3/2020	<10
6/10/2020	144
6/17/2020	187
6/24/2020	246
7/1/2020	265
7/8/2020	298
7/15/2020	296
7/22/2020	299
7/29/2020	305
8/5/2020	309
8/12/2020	310
8/19/2020	314
8/26/2020	313
9/2/2020	315



DID THE NEWPORT OUTBREAK SPREAD?



© 2020 Google
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
Image Landsat / Copernicus

Google Earth

lat 44.639466° lon -123.664518° elev 0 ft eye alt 76.89 mi



CITY OF YACHATS MEMORANDUM

DATE: October 1, 2020
TO: W. John Moore, Mayor
Yachats City Council
FROM: Shannon Beaucaire, City Manager
SUBJECT: Sidewalk Ordinance

The City's insurance company, CIS, is requiring the City to specify the obligation to repair and maintain public sidewalks within the City. The City attorney reviewed the model policies CIS provided from Florence and Oakridge, as well Eugene's ordinance, and drafted the attached ordinance. Some of the language in the ordinance is required by CIS.

In the attached ordinance sidewalk is broadly defined to include areas that do not have concrete sidewalks. The inclusion is all the area between the pavement and the owner's property line – developed or not.

Per City of Yachats charter:

Adoption of an ordinance requires approval by a majority of the council at two (2) meetings, except the council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance.

Council Action:

Upon review and discussion, I recommend Council move to adopt Ordinance 366 amending the Yachats Municipal Code Chapter 7.20 related to sidewalk maintenance

**CITY OF YACHATS
ORDINANCE NO. 366**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 7.20
RELATED TO SIDEWALK MAINTENANCE**

Whereas, the City has jurisdiction to control all rights-of-way within the City; and

Whereas, public sidewalks within the City's rights-of-way are within the City's jurisdiction to control but not necessarily within the City's obligation to repair or maintain; and

Whereas, because current City regulations do not specify the obligation to repair and maintain public sidewalks within the City, the City Council now wishes to assign those obligations through an amendment to the Yachats Municipal Code; and

Whereas, the City Council wishes to update YMC Chapter 7.20 to reference the obligation to repair and maintain public sidewalks within the City so that each property owner within the City understands their duties to the community,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 7.20.

Yachats Municipal Code 7.20 is amended to add a new Section 7.20.060 as follows:

Section 7.20.060 Sidewalk and curb maintenance.

A. For purposes of this section, the term "sidewalk" means the part of the public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines and includes any culvert, access connection, and planting strip.

B. The owner of land abutting a sidewalk shall maintain the sidewalk and curb in good repair and safe condition.

C. The owner of real property abutting a sidewalk shall be liable to any person injured because of failure by the owner to maintain the sidewalk or curb in good repair or safe condition. The City shall not be liable for injury, damage or loss to any person or property caused in whole or in part by the defective or dangerous condition of any sidewalk or curb. If the City is required to pay damages for personal injury or property damage relating to the condition of a sidewalk, the adjacent property owner shall compensate the City for the full amount of the damages paid and the City's legal fees

D. Sidewalks and curbs shall be constructed, altered and repaired in accordance with standards and specifications adopted by the City. Sidewalk and curb construction shall provide an accessible pedestrian circulation system that includes access ramps for street crossings compliant with Title II of the Americans with Disability Act and in accordance with City specifications. No person shall construct, alter or repair a sidewalk or curb without first submitting the plans and specifications for the work and obtaining a permit. The City may issue a permit for the proposed work upon finding that the plan conforms with the applicable City standards and specifications.

E. The City may serve notice on a property owner to reconstruct or repair the abutting or adjoining sidewalk or curb as conditions may require. Neither the duty of the owner to maintain the sidewalk and curb in good repair and safe condition, nor liability for owner's failure to do so is dependent upon a notice from the City to reconstruct or repair.

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 _____, 2020.

W. John Moore, Mayor

Attest: _____
Shannon Beaucaire, City Manager



CITY OF YACHATS MEMORANDUM

DATE: October 1, 2020
TO: W. John Moore, Mayor
Yachats City Council
FROM: Shannon Beaucaire, City Manager
SUBJECT: Vacation Rental Program

At its September 3, 2020 meeting, the City Council agreed to make the following changes to section 4.08 of the Vacation Rental ordinance.

1. Section 4.08.030 Standards, paragraph D

Last sentence reads: "The listing must be provided to the City as part of the annual license renewal for the vacation rental."

Changed to read: "The City may request that the list be provided to the City as part of the annual license renewal for the vacation rental." (Nov 7, 2019)

2. Section 4.08.030 Standards, paragraph I

Change the second sentence to read: "A sufficient number of suitable garbage receptacles shall be provided and must have bear-proof mechanisms if available." (Dec. 18, 2019)

3. Section 4.08.030 Standards, paragraph N

Currently reads: "Licensees shall keep all information on the Go Yachats website current..."

Change to read: "Licensees shall keep all information on the City website current..." (Dec. 18, 2019)

4. Stipulate that no trailer should extend beyond the boundaries of the allotted parking spaces and add a definition of a parking space to be 9 by 18 feet

The attached ordinance incorporates those changes. Per City of Yachats charter:

Adoption of an ordinance requires approval by a majority of the council at two (2) meetings, except the council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance.

Attached, are a track changes version comparing the current code with the changes and the ordinance without all the marked up changes for adoption consideration.

Council Action:

Upon review and discussion, I recommend Council move to adopt Ordinance 364 amending the Yachats Municipal Code Chapter 4.08 related to vacation rentals.

**CITY OF YACHATS
ORDINANCE NO. __**

**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 will~~ City may request that the list be provided to the City, ~~upon request~~, as part of the annual license renewal for the vacation rental.

E. Off-street parking shall be provided that meets the standards in YMC 9.48.010. (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, so long as the trailer does not extend beyond the boundaries of the parking space.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided, ~~with each receptacle either having a bear-resistant mechanism or being stored in a bear-resistant location, and must have bear-proof mechanisms if available from the local disposal company.~~ If a residence does not have a bear-proof receptacle, but experiences repeated complaints of bear activity, the City may require the owner to obtain a bear-proof receptacle. 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 City 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. Subject to license caps and procedures under Section 4.08.040(C), licenses 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. To obtain a vacation rental license, an applicant is not required to also pay a business occupation license fee in addition to the annual vacation rental 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 Manager 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. All other violations of YMC Chapter 4.08 are Class C 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 _____, 2020.

W. John Moore, Mayor

Attest: _____
Shannon Beaucaire, City Manager

**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 City may request that the list be provided to the City as part of the annual license renewal for the vacation rental.

E. Off-street parking shall be provided that meets the standards in YMC 9.48.010. (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, so long as the trailer does not extend beyond the boundaries of the parking space.

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 if available from the local disposal company. If a residence does not have a bear-proof receptacle, but experiences repeated complaints of bear activity, the City may require the owner to obtain a bear-proof receptacle. 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 City 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. Subject to license caps and procedures under Section 4.08.040(C), licenses 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. To obtain a vacation rental license, an applicant is not required to also pay a business occupation license fee in addition to the annual vacation rental 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 Manager 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. All other violations of YMC Chapter 4.08 are Class C 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 _____, 2020.

W. John Moore, Mayor

Attest: _____
Shannon Beaucaire, City Manager

Historical Materials



DATE: September 3, 2020

TO: W. John Moore, Mayor
Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Vacation Rental Program

At the August 5, 2020 meeting, Council decided to:

1. Provide education on responsibilities and how to file complaints at the Sept 3 meeting;
2. Review what had been discussed prior to COVID and determine to finalize that portion or continue public input with the additional research; and
3. Given the changes nationally and locally researching other cities listed in the previous memo and receiving public input on to create a fair and equitable vacation rental program for residents and renters (but not limited to): Will it remain a business license, change to a land use process, or a mixed program? Review of the complaint section, enforcement, and penalties associated with the citation

Council Question:

After review and discussion, would the Council like to continue researching and engaging other communities on best practices other communities have discovered in creating a fair and equitable program for residents and renters alike?



DATE: August 5, 2020

TO: W. John Moore, Mayor
Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Vacation Rental Program Discussion

In preparation to address concerns about vacation renters disturbing the neighborhoods they are located in; I have inquired about other entities that have detailed short term rental programs that Council could review and bring back ideas for discussion. Many of these have been reviewed previously but in light of COVID and is again a good review. The following programs were suggested:

Lincoln City: A mix of business and land use regulations that regulate short-term rentals. Very detailed staff-intensive approach to regulation
<https://www.codepublishing.com/OR/LincolnCity/#!/LincolnCity05/LincolnCity0514.html#5.14>

Cannon Beach: Regulated within their land use code

Cannon Beach has a 14-day program and a 5-year program. Forms for each program are here: <https://www.ci.cannon-beach.or.us/forms>

Short term rentals within its land use code (Chapter 17.77), which can be accessed here: <http://www.qcode.us/codes/cannonbeach/>

Bend:

The City of Bend has a robust short-term rental program. They use both land use regulations and business licenses. Bend has a big vacation industry, and some master-planned developments that cater to vacationing. As a result, Bend even works in some short-cuts for short-term rentals within certain developments.

The Bend program is explained here:

<https://www.bendoregon.gov/government/departments/community-development/licenses-and-permits/short-term-rental-program>

Council Question:

How does the Council wish to pursue reviewing programs and scheduling a work session to discuss options from each of the programs?