

1. 2:00 P.M. Agenda

Documents:

[2021-05-19 Council Agenda.pdf](#)

2. Meeting Materials

Documents:

[2021 City Manager Recruitment Brochure.pdf](#)

[2021-05-19 W 2nd St Petition.pdf](#)

[4_20 Email From Mary Aebi.pdf](#)

[Water Restrictions.pdf](#)

[Link For Yachats River Flows.pdf](#)

[Drought Monitor.pdf](#)

[2021_05_17_Water Conditions Report.pdf](#)

[ORD 368 Lighting Ordinance.pdf](#)

[Agreement For Payment Of Land - Fire Station Property.pdf](#)

[Boardwalk_Trail With Retaining Wall.pdf](#)

[Delineator.pdf](#)

[Roy Kinon To Heather Forwarded.pdf](#)



**CITY OF YACHATS
REGULAR CITY COUNCIL MEETING
Yachats OR
Wednesday, May 19, 2021 at 2:00 pm
To Be Held Via Zoom
Join Zoom Meeting**

Join Zoom Meeting

<https://us02web.zoom.us/j/88944916404?pwd=QStYUUJpTTI0RHAXVTRtWTViYiVlQT09>

Meeting ID: 889 4491 6404

Passcode: 432196

One tap mobile

+12532158782,,88944916404#,,,,*432196# US (Tacoma)

+13462487799,,88944916404#,,,,*432196# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 889 4491 6404

Passcode: 432196

Find your local number: <https://us02web.zoom.us/u/kx4R849JO>

REGULAR COUNCIL MEETING

- I. Announcements, Correspondence, and Proclamations
- II. Public Comment:
Topics not listed on the agenda 5 Minute limitation per person
- III. New Business
 - a. Consideration of contract for Pro Tem City Manager Katherine Guenther

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 05/17/2021



- b. City Manager hiring materials
- c. Summer water outlook
- IV. Old Business
 - a. 2nd vote on Lighting Ordinance
 - b. Agreement for payment of land between City And Yachats Rural Fire Protection District at time of sale of old fire station
 - c. Boardwalk/Trail with retaining wall discussion
 - d. Ocean View Drive update
 - e. Financial services
- V. Reports
 - a. Financial
 - b. Council
 - c. City Manager
- VI. Other Business
 - a. Mayor
 - b. Council
 - c. Staff

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CITY OF YACHATS

CITY MANAGER

City of Yachats
PO Box 345
Yachats, OR 97498

Phone: 541-547-3565
Email: CityHall@yachatsmail.org
Website: www.yachatsoregon.org

CITY OF YACHATS

GEM OF THE OREGON COAST

Located on the scenic central Oregon Coast along Highway 101, Yachats borders lush forested mountains to the east and rhythmic Pacific surf to the west. Its stunning natural scenery and outdoor recreational opportunities make Yachats a popular tourist destination.

Residents enjoy the perks of small town life with major urban cities nearby, including Portland just 3 hours to the northeast and Eugene, less than 2 hours to the east.

Yachats is committed to maintaining its unique character and sense of community while enhancing what makes it a special Pacific Northwest coastal town. If you are a public sector professional looking to lead a small community toward a thriving and exciting future while preserving its charm and protecting its natural beauty, this is the right position for you



GOVERNMENT AND ORGANIZATION

City of Yachats operates under a Mayor-Council form of government. The City Council is non-partisan, and comprised of four elected Council Members each serving four-year terms, and an elected Mayor who serves a two-year term. Yachats operates with a General Fund of \$XXXX.

The Council appoints a City Manager to oversee operations to ensure policies are carried out and that City services are effectively, efficiently, and equitably provided.

City Manager has the oversight and accountability of the 7.5 FTEs in Public Works, Planner, and City Hall. The City also employs contract workers for the positions of City Attorney, Municipal Judge, Code Enforcement, Mowing, Custodial, Visitor's Center and Technical Support. Specific responsibilities include interviewing, hiring, supervising, delegating assignments, disciplining, rewarding and evaluating all of these individuals.

Volunteers are in charge of the Yachats Public Library, Little Log Church & Museum, Park & Trail Maintenance, and Invasive Plant Control. Various commissions and committees are charged to work in collaboration with City Council to offer a full range of city services, including Public Works & Streets, Planning, Parks & Commons, Library, Budget, Finance, and Emergency Preparedness. Neither police nor fire services are a City function. They are provided by Yachats Rural Fire District, Oregon State Police and Lincoln County Sheriffs Office.

THE POSITION

CITY MANAGER

With roughly 750 residents that are highly educated, creative and talented, Yachats has a strong feeling of community that is hard to find elsewhere. The locals in the "village" are known to be active participants on every issue regardless of how large or small. As a result, this uniqueness of Yachats demands a City government that is resourceful and resilient. The Council pride ourselves on going above and beyond to serve the residents, placing the community first in our decisions and practices.

The City Manager will be working with a passionate City Council with high standards and expectations. The chosen candidate will be ethical, honest, approachable, and an excellent communicator who is a multi-tasker, ready to roll up their sleeves to contribute to the community's success.

We are small but we get things done. The ideal candidate will advocate to unify, inspire, motivate, and encourage staff to achieve great results, pursue excellence as a high-performing organization, and skillfully evaluate talent and performance. The new City Manager will set clear expectations and priorities, lead with oversight, and hold all staff accountable for delivering exceptional service to the community.

The City Manager is a jack of all trades that is technologically savvy, has a strong financial and budgeting background, and demonstrated to have strong relations across the board and not afraid of facing challenges and providing solutions. It will be important for the chosen candidate to spend quality time learning about critical local issues and creating productive relationships with staff, as well as all the stakeholders involved with important projects including CIPs, housing issues, infrastructures, COVID recovery, and future development.

The ideal candidate will be a proactive and transparent leader who can build trust among staff, the Mayor and Council, and the community.



WHAT TO EXPECT

It will be important for the next City Manager to be scrappy and nimble as they focus on several priorities and initiatives as the manager but also the department head.

- The Staff will benefit from a strong leader to formulate an organizational structure that is cohesive, clear, and provides a clear path to growth.
- It will be important for the next City Manager to work with the Mayor and Council Members to establish clear roles and to maintain an appropriate balance between Council expectations and the staff's capacity to deliver results.
- Begin translating the policy direction of the Council Goals into effective City operations

In addition to the above and the normal day to day expectations, the City Manager must be highly capable of handling any issues or challenges that arise.

CITY COUNCIL GOALS

- 1 Improve timeliness, relevance, quality and effectiveness of city service delivery
- 2 Prioritize and demonstrate environmental responsibility in all actions and decisions
- 3 Strengthen relationships with Community
- 4 Provide a safe environment
- 5 Demonstrate Financial Responsibility
- 6 Address lack of affordable housing

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.

Adopted: April 2, 2009



DESIRED QUALIFICATIONS

The successful candidate should have a bachelor's degree in public or business administration, public policy, finance, or a related field.

The City Manager should have a minimum of **XXX** years of management or administrative experience in a municipal setting. Management and supervisory experience, or a combination of government and private experience would provide the required knowledge, skills, and abilities to lead the City of Yachats.

The ideal candidate will have held leadership roles in comparably sized communities or organizations and have experience in collective bargaining relations, community, Council, intergovernmental relations, and personnel oversight, as well as possess the organizational skills and abilities to directly handle multiple tasks and responsibilities.

Desired Skills and Proven Experience in the following areas:

- **Administrative/Management Abilities:** Knowledge of municipal government organization, powers, functions and relationships. Excellent written and verbal communication skills are essential to take any project from beginning to end.
- **Budget/Finance:** Working knowledge of Oregon Laws to oversee the finances, knowledge of water and sewer rate structures, debt tools for enterprise funds and systems development charges. A successful track record in grantsmanship is a huge plus for this position.
- **Personnel/Human Resources:** Must have knowledge in the area of collective bargaining. The city manager acts as the chief negotiator for the city's labor contracts.
- **Council/Community Relations/Intergovernmental Relations:** A good understanding of local government processes and procedures, board policy development and ability to provide complete information on policy options for matters requiring a decision,
- **Innovations and major achievements in response to COVID-19, environmental regulations, financing services in times of decreasing revenue**

Familiarity with Oregon-specific laws related to budget, land use, purchasing, labor relations, ethics, and public meetings along with experience in performance measurements is a plus. Any combination of education and experience that would provide the knowledge, skills, and abilities needed for the position will be considered.



SPECIFIC RESPONSIBILITIES

BUT NOT LIMITED TO

- The City Manager's responsibilities are divided into these sub-categories: Chief Administrative Officer, Chief Financial Officer, Public Works Director (unclassified), Budget Officer, Information Officer, Human Resources, Elections Officer and City Recorder
- Ensures enforcement of all ordinances of the City including the provisions of all franchises, leases, contracts, grants, permits, licenses and privileges granted by or operating in the City.
- Accountable for the operations of all services of the City. Analyzes and supervises the functions, duties and activities of the various committees / commissions and services of the City. Makes recommendations to the City Council as appropriate.
- Authorizes vendors for all departments of the City. All purchases shall follow the purchasing policies and guidelines of the City of Yachats
- Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such exhibits and analysis necessary to present a comprehensive annual financial plan
- Supervise all public utilities owned and operated by the City and shall have general supervision over all City real, personal and intellectual property
- Act as business agent of the Council for the sale of real estate and matters relating to franchises and leases.
- Develop and organize improvement projects/programs, and assist the City Council in carrying through to a successful conclusion.
- Chairs the finance committee and annual CIP process and includes representatives from all aspects of the city operations as appropriate.
- Custodian of record for all personal and real property owned by the City.
- Create, discover or implement leading practices which in their judgment will increase administrative / operational efficiency.
- Exhibit at all times the highest degree of tact, patience, and professional courtesy in their contacts with everyone.
- Prepare ordinances/resolutions and implement policy with Council direction
- Maintain a thorough knowledge of Municipal law
- Publish monthly newsletter and calendar



COMPENSATION & BENEFITS

01

Salary Range DOQ

03

Family, Medical, Dental and Vision insurance benefits. Long term disability insurance

02

Oregon PERS

04

Paid Holidays, Sick Leave and Paid Time Off

OTHER PERKS

We understand the challenges of relocation and we will assist in ensuring your transition is smooth so you can hit the ground running. We have engaged a Welcome Committee that will provide the following but not limited to:

- Housing Arrangements
- Welcome Basket that includes sampling from local businesses and artisans
- Lunch provided at the office the first week
- Hosted Welcome Dinner and Cocktail hour the second week
- List of local businesses in the community and surrounding areas to take out the guesswork
- List of volunteers to fetch certain items needed the first month
- Personal Guide of the surrounding area



APPLICATION PROCESS

Please submit your cover letter and resume

Online: www.yachatsoregon.org/jobs.aspx

Email: CityHall@yachatsmail.org

Mail:

PO Box 345

Yachats, OR 97498

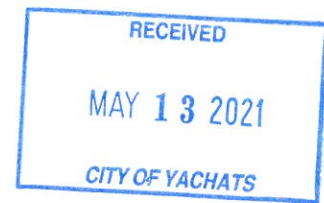
Please direct questions to **XXX** at CityHall@yachatsmail.org or 541-547-3565

This position is open until filled.

The City of Yachats is an Equal Opportunity Employer and values diverse perspectives, backgrounds, and life experiences. We are committed to building a workforce of diverse voices to impact decision making, drive growth, and better serve our community. Applicants selected as finalists for this position will be subject to a comprehensive background check.

Diverse candidates are encouraged to apply





We the Property Owners and Residents of West 2nd Street in Yachats are exhausted with the speeding and amount of Traffic on our once quiet street.

Since the change of Ocean View Drive funneling traffic one way south from 7th St. the amount of traffic dumped onto our residential street has exploded!

We had the State Park give us the traffic count last year and it showed that there was an increase of 56,000 cars for that year!

Can you imagine that going by your home?

For years we have asked for speed bumps at the very least to slow the speeding traffic. We would also like a study as to a possible alternative entrance sign to the State Park besides the one on Highway 101 directing traffic onto West 2nd through the chaotic and dangerous intersection of Highway 101, West 2nd Street and Beach Street. What a complicated mess that is, and it is just a matter of time until someone gets hurt or killed there!

We look forward to a solution!

Aubrey Layne Conner
Dale Elvorne

420/440/446 W. 2ND ST

420/440/446 W 2nd St.

Dominic A. Somp

369 W 2nd St.

Joe V. Kim
Morgan Rodic

270 W 2nd ST
255 W 2nd St

Jay Chambers

393 2nd St

Eileen Lightfoot

" " "

David Bounn

431 W 2nd St #2

Rick Eck

431 W 2nd St. #1

Shelley Klemenschmidt

431 W 2nd St #3

Al Vail - CHAD ANDERSON

431 W 2nd

J. Kristin Anderson

431 W. 2nd

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We look forward to a solution!

Shannon McCarthy
Phillips J Schuster
Marilyn McKenna

289 W. 2nd
290 W 2ND ST.
265 W 2nd St.

We thank you and
Council for helping us
resolve our traffic issues
on West 2ND Street. We
appreciate any efforts.

The Residents of W 2ND

THANK YOU

Tender Thoughts
by american greetings 

Fw: Water Conservation Suggestion

Vaaler, Leslie J <lvaaler@math.utexas.edu>

Tue 4/20/2021 10:28 PM

To: Leslie Vaaler <Leslie@YachatsMail.org>

 1 attachments (15 KB)

Water Restrictions.docx;

From: Mary F Aebi <maryfaebi@gmail.com>

Sent: Tuesday, April 20, 2021 7:09 PM

To: Katherine Guenther <klguenther717@gmail.com>; Vaaler, Leslie J <lvaaler@math.utexas.edu>; O'Shaughnessey, Mary Ellen <oshaughn@illinois.edu>; Greg Scott <coastguy46@gmail.com>

Subject: Water Conservation Suggestion

Attached please find a suggestion for water conservation for the City of Yachats based on the climate change predictions as well as past yearly rainfall.

Thank you for your attention.

Sincerely

Mary and Ken Aebi

A Modest Water Conservation Proposal

(Implementation of a consistent yearly date for Yachats water conservation.)

Based on the water reserves and limited water supply that the City of Yachats presently and in the future will have, the implementation of a consistent water conservation guidelines during the annual dry months would make better use of our natural resources and allow residents to anticipate community water management in advance. Community water management in Yachats on an annual basis on a regular date would make the water management more consistent and allow the residence to anticipate regular water making it much simpler for residence to implementation the management rules.

Rational for the annual water management rules and consistent date for initiation.

- 20 years of decreasing rainfall and drought conditions in the region.
- Ease of use for the residence to anticipate and implement the water regulations.
- Decreased rainfall for the past 8 years from June through the end of September and further in some instances.*.
- Prediction that rainfall will continue to decrease as climate change continues with regional warming and abnormal to moderate drought.
- Consistent demonstration of water conservation by the community.
- Preservation of the limited community water supply.
- Assist in maintaining a consistent and safe water supply for the community.

*A review of weekly precipitation from 2000 to 2020 (droughtmonitor.unl.edu) indicated that the central Oregon Coast experienced 12 years in which there was abnormal to moderate drought from mid-June thru September, and in some instances extending through the end of October or into the beginning of December. From 2012 through 2020 the central coast has consistently experienced abnormal to moderate drought during the afore mentioned months.

Ken and Mary Aebi, Yachats homeowners since 1998, in residence since 2010.

Link for Yachats River Data

https://apps.wrd.state.or.us/apps/sw/hydro_near_real_time/display_hydro_graph.aspx?station_nbr=14306872

U.S. Drought Monitor Oregon

May 11, 2021
(Released Thursday, May. 13, 2021)
Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	91.49	71.73	26.09	3.57
Last Week 05-04-2021	0.00	100.00	88.85	64.54	26.09	3.57
3 Months Ago 02-09-2021	11.55	88.45	75.70	55.26	22.23	0.00
Start of Calendar Year 12-29-2020	8.57	91.43	83.53	68.71	27.74	0.00
Start of Water Year 09-29-2020	6.50	93.50	84.77	65.53	33.59	0.00
One Year Ago 05-12-2020	2.63	97.37	82.11	37.67	8.69	0.00

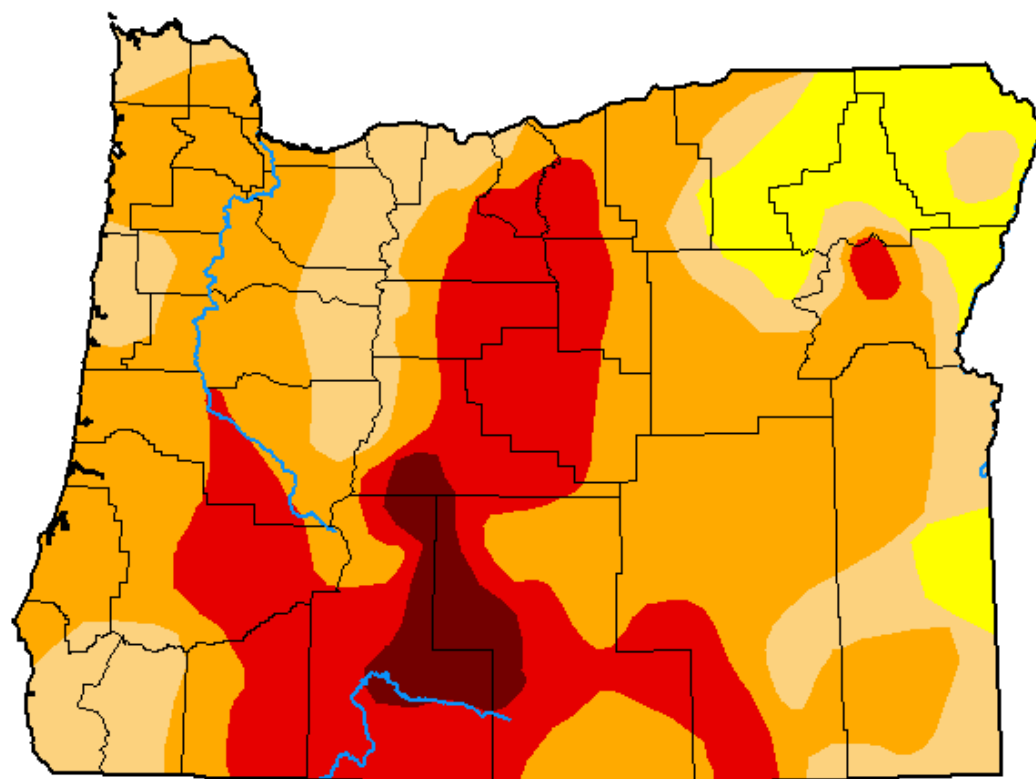
Intensity:

 None	 D2 Severe Drought
 D0 Abnormally Dry	 D3 Extreme Drought
 D1 Moderate Drought	 D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

David Simeral
Western Regional Climate Center



droughtmonitor.unl.edu

Oregon Water Conditions Report



May 17th, 2021

HIGHLIGHTS

Thus far in 2021, [Executive Orders](#) declaring a state of drought emergency have been issued for eight of Oregon's counties. [Local declarations](#) have been issued for an additional five counties (Crook, Harney, Jefferson, Umatilla, and Wallowa). Many of Oregon's counties have been [designated as natural disaster areas](#) by the US Department of Agriculture due to persistent drought conditions. Such designations provide benefits to producers in those counties – [see here for more information](#). See a [drought status update for the Pacific Northwest](#) provided by NIDIS and partners.

Snowpack continues to melt out throughout the state; the Owyhee, John Day, and Lake County-Goose Lake Basins have [completely melted out](#), with Harney and Klamath Basins nearly complete.

Precipitation is currently measuring 84% of the long-term average at [NRCS SNOTEL sites](#) over the water year to date. While most basins are measuring below to well-below average, the Hood-Sandy-Lower Deschutes, Umatilla-Walla Walla-Willow, and Grande Ronde-Burnt-Powder-Imnaha basins are all measuring above 90% of average. [Precipitation over recent weeks](#) has measured below average throughout the state.

[Recent temperatures](#) have measured above average throughout Oregon, with the exception of much of Baker County and portions of the coast. Above average temperatures have contributed to rapid rates of melting snowpack, with some basins completely melting out up to four weeks earlier than average.

[Soil moisture profiles](#) throughout the western US have recently ranked as some of the lowest on record. Recent precipitation deficits and increased temperatures have contributed to worsening wetness profiles.

Streamflows have measured below to well-below average throughout much of the state. Some streams in central and northeastern Oregon are benefitting from above-average flows; however, many sites in western Oregon are measuring [record-low streamflows](#).

Management operations in many reservoir systems are drafting water to meet irrigation demands, although Rogue, Umatilla, and Burnt systems continue to refill. US Bureau of Reclamation Rogue district has scheduled a late start and early end to the irrigation season. Low reservoir contents could also impact recreational activities throughout summer.

Significant fire potential is variable [throughout the state](#) and [Pacific Northwest region](#). There is potential for prescribed burns to end in early June, approximately one month earlier than usual.

DROUGHT CONDITIONS

The [US Drought Monitor](#) indicates 100% of Oregon is experiencing some form of drought conditions. Drought intensity has worsened over recent weeks due to extremely dry soil moisture profiles, a significant lack of precipitation, and warmer temperatures. Coverage of D4 (exceptional drought) conditions has expanded into southern Deschutes County, while D3 coverage has expanded in central Oregon and has extended west into Jackson, Douglas, and Lane Counties.

U.S. Drought Monitor Oregon

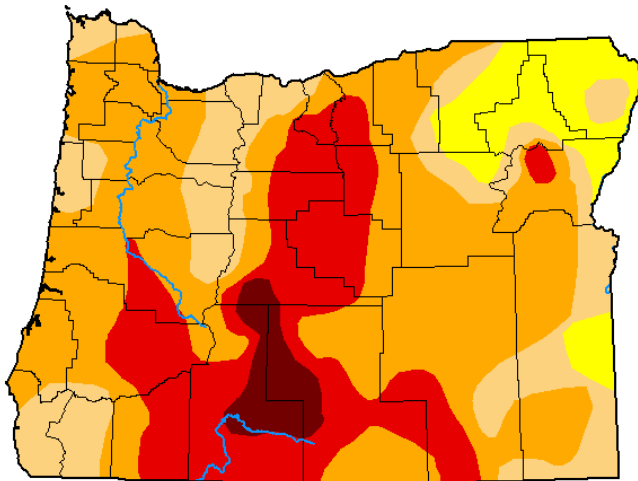
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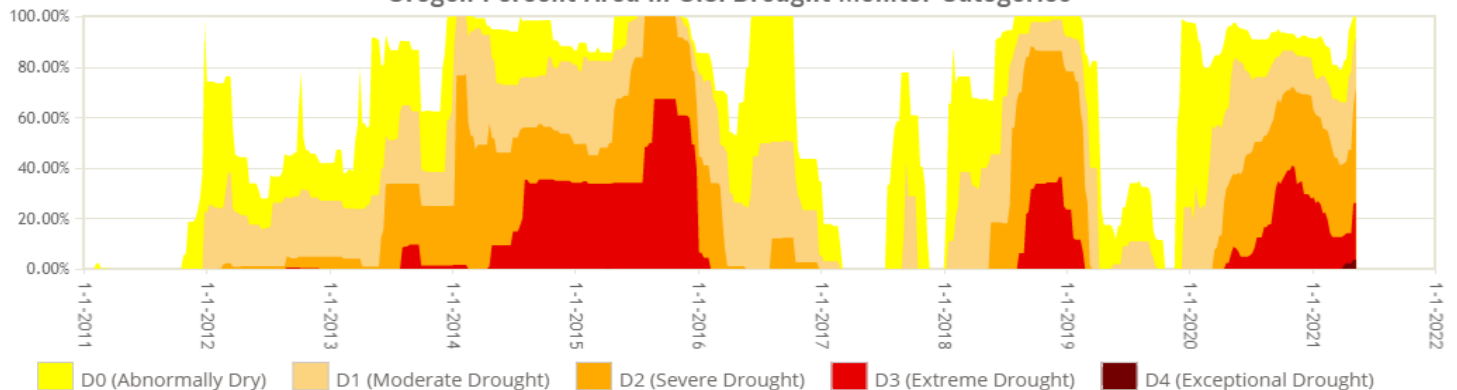
Author:

David Simeral
Western Regional Climate Center

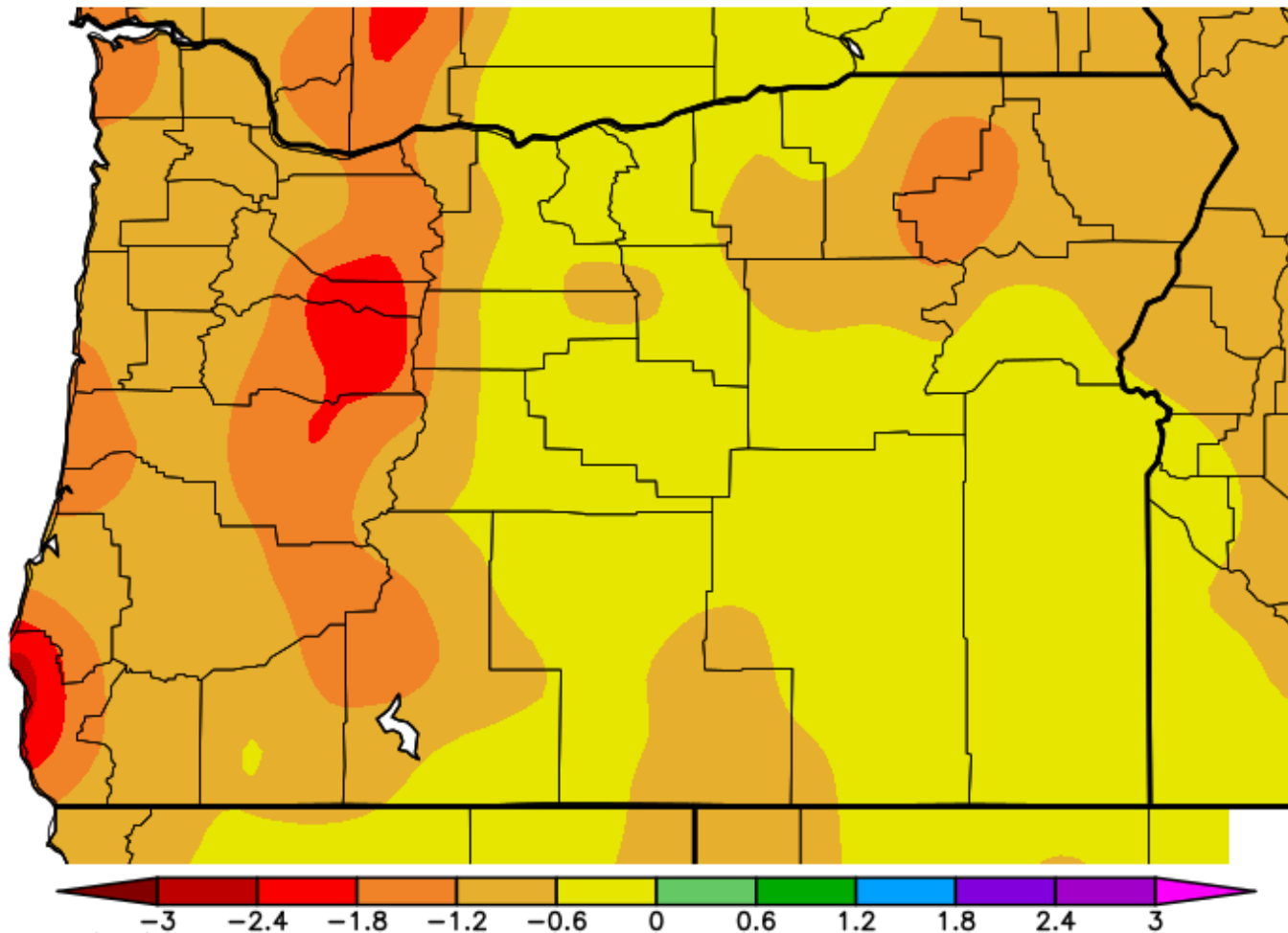


droughtmonitor.unl.edu

Oregon Percent Area in U.S. Drought Monitor Categories



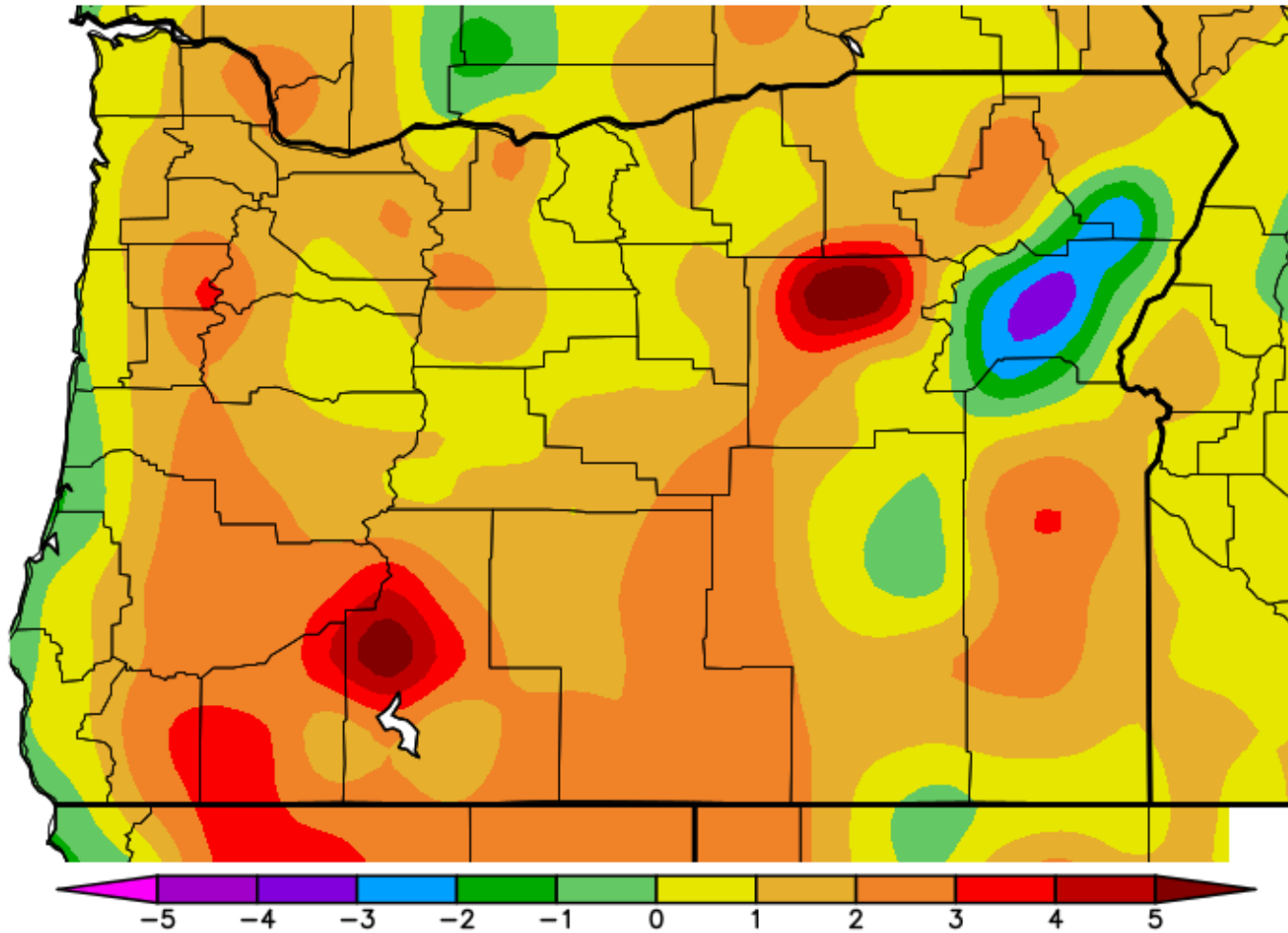
Precipitation Departure from Average (in.)
5/3/2021 – 5/16/2021



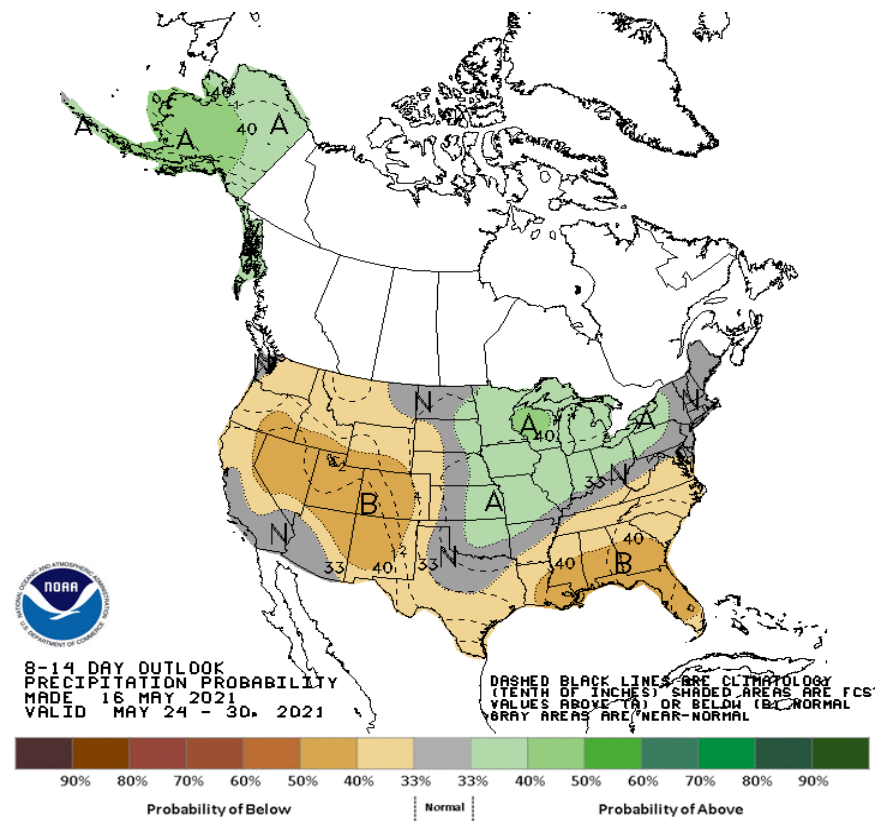
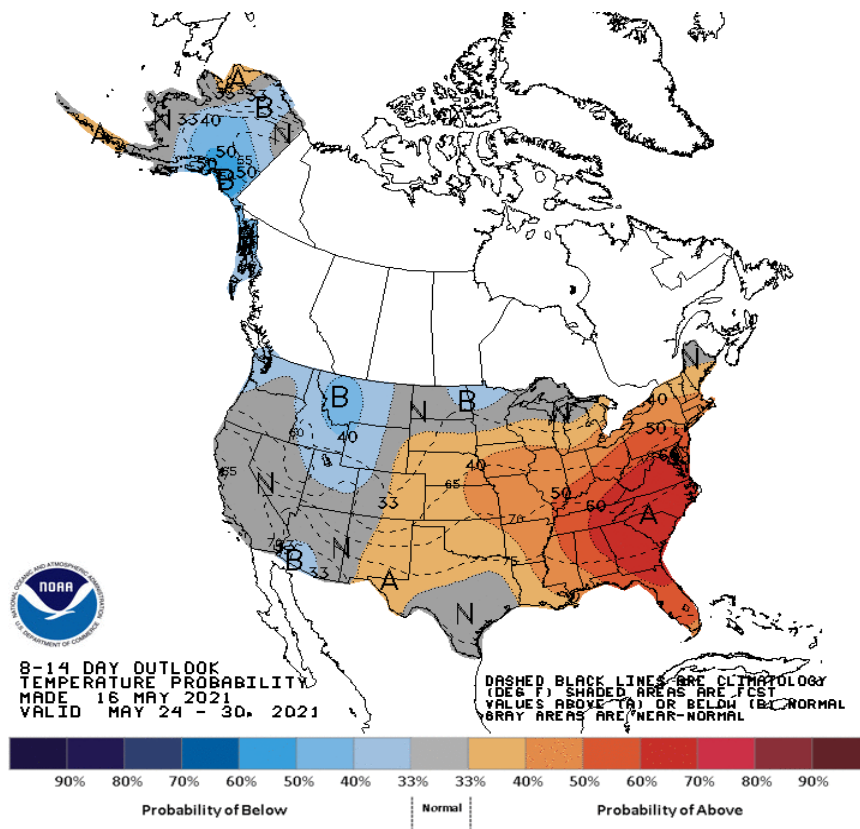
Generated 5/17/2021 at WRCC using provisional data.
NOAA Regional Climate Centers

TEMPERATURE

Ave. Temperature dep from Ave (deg F)
5/3/2021 – 5/16/2021

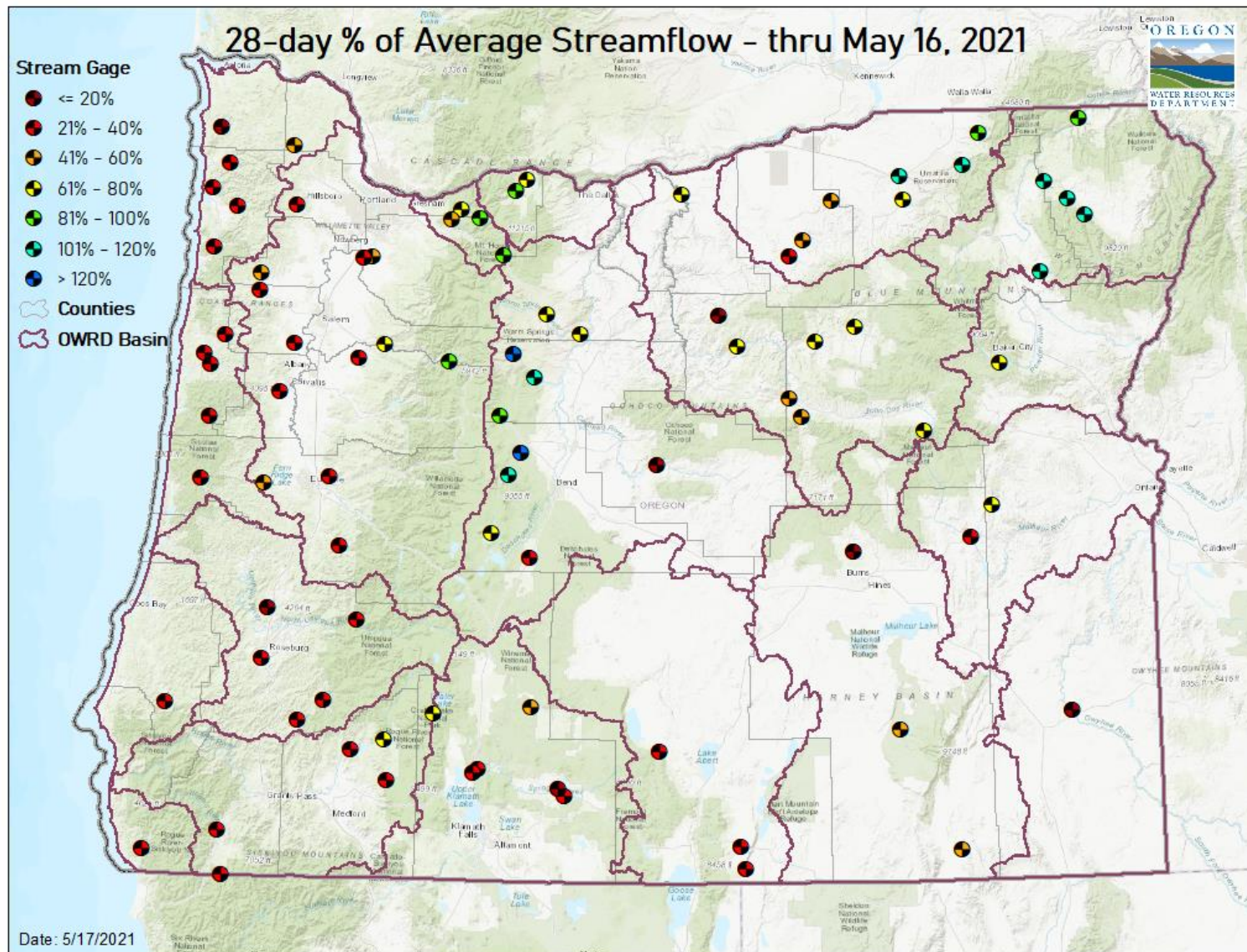


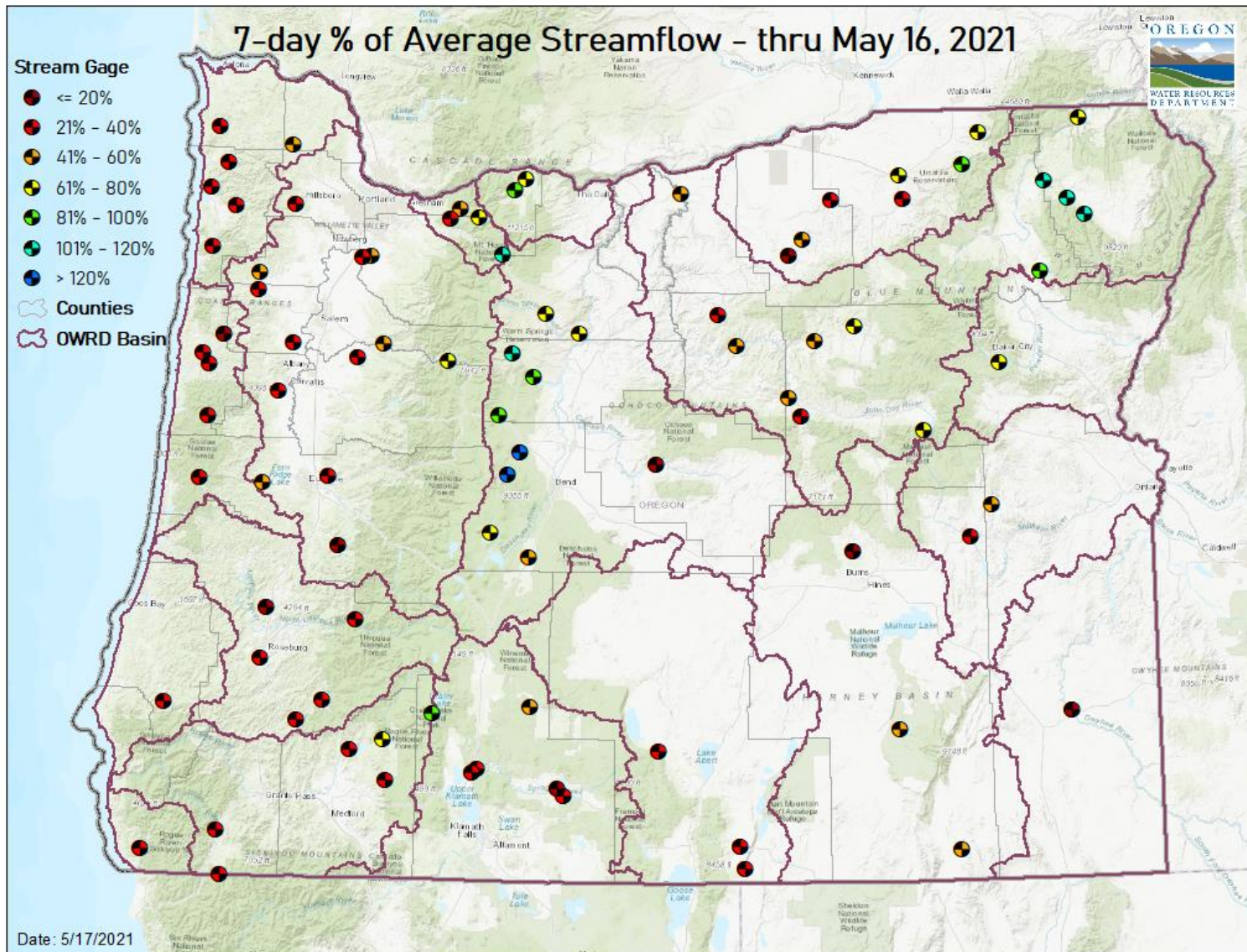
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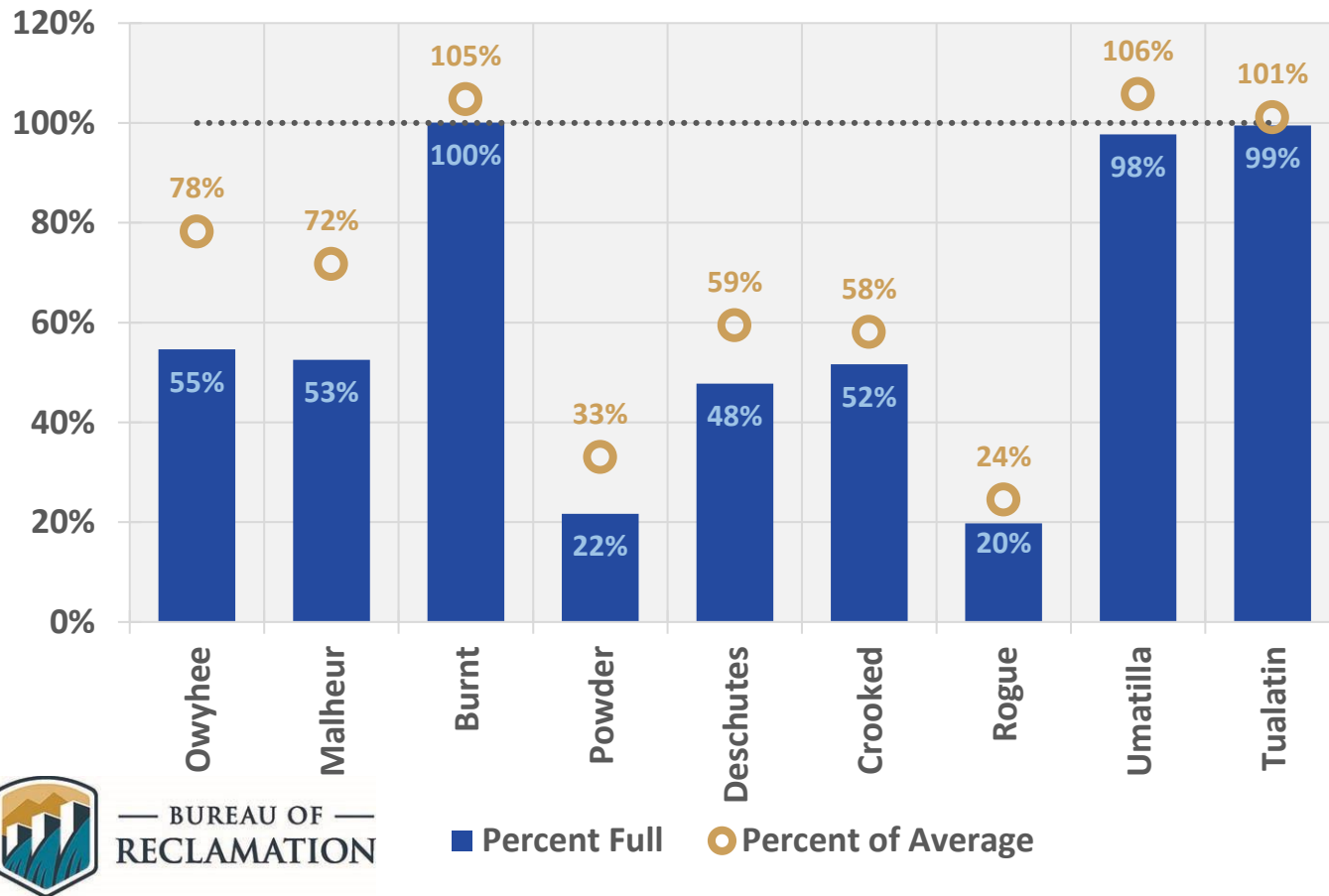
STREAMFLOW

28-DAY



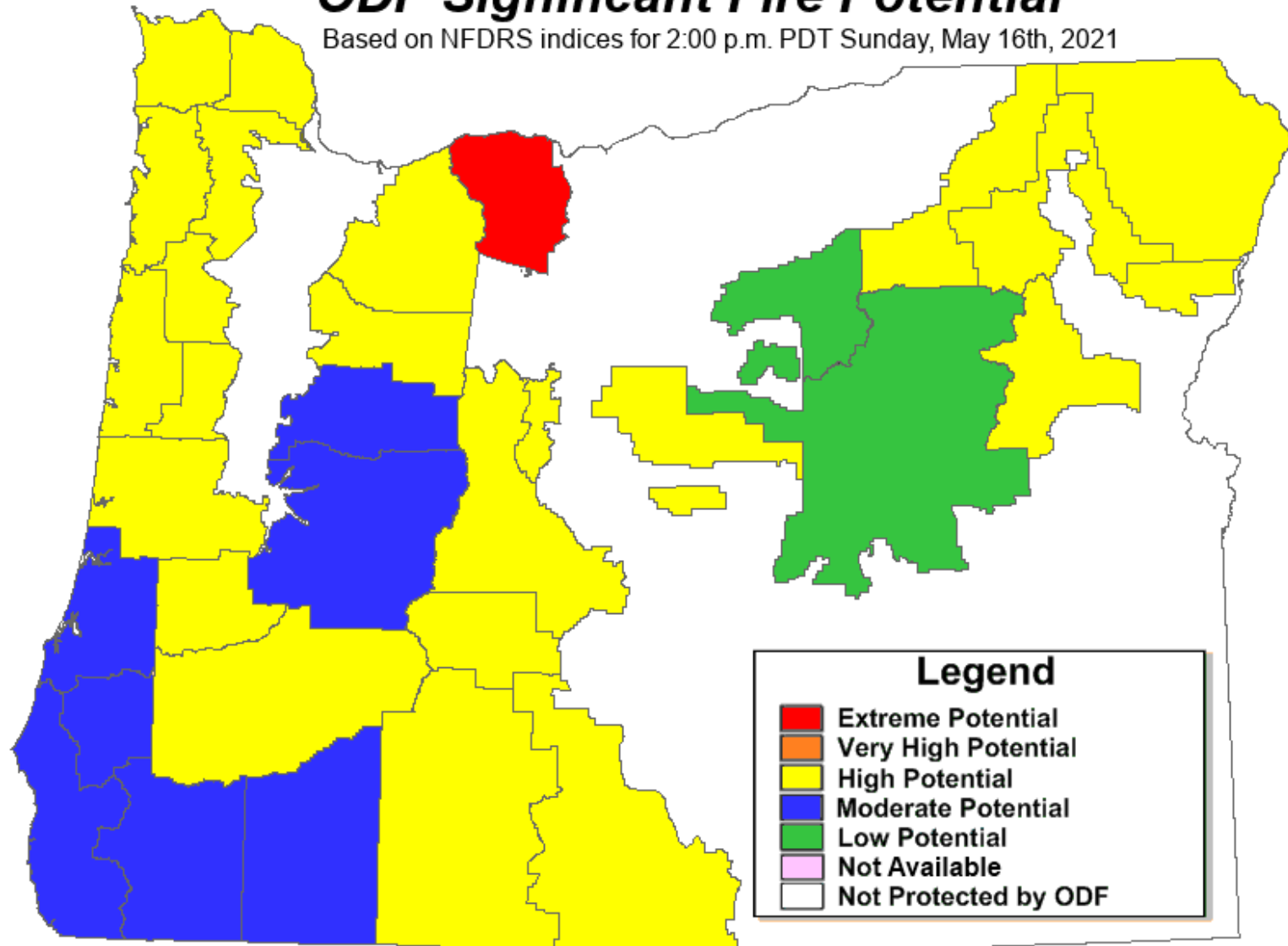


May 8 Reservoir Storage



ODF Significant Fire Potential

Based on NFDRS indices for 2:00 p.m. PDT Sunday, May 16th, 2021



Updated: 9:03 a.m. PDT Monday, May 17th, 2021 (map does not display or represent Fire Danger or Regulated Use Restrictions).

RESOURCES/REFERENCES

Released every Thursday, the [US Drought Monitor](#) provides a weekly assessment of drought conditions. The USDM provides a [network infographic](#) which depicts the network of observers who gather and report information about conditions and drought impacts.

The [NRCS Snow Survey](#) Program provides mountain snowpack data and streamflow forecasts for Oregon and the western United States.

The [WestWide Drought Tracker](#) uses data from [PRISM](#) to provide easy access to fine-scale drought monitoring and climate products, such as the figures depicting climate conditions within this report.

The National Weather Service's [Climate Prediction Center](#) offers [weekly](#), [monthly](#), and [seasonal](#) climate outlooks illustrating the probabilities of temperatures and precipitation.

The [Regional Climate Centers](#) (RCC) working with NOAA partners, deliver climate services at national, regional, and state levels. Climate [anomaly maps of Oregon](#) are updated daily at around noon PST.

NASA's [Gravity Recovery and Climate Experiment](#) (GRACE) provide satellite-based observations of soil moisture conditions that are useful as drought indicators, helpful in describing current wet or dry soil conditions.

USGS [Water Watch](#) provides maps of real-time and average streamflow conditions at USGS sites throughout the state.

Reservoir storage "teacup" diagrams are offered by both the [US Bureau of Reclamation](#) and [US Army Corps of Engineers](#). The diagrams represent the level of fill in the reservoirs as both percent full and as a ratio of volume of water currently in the reservoir to the volume of water in the reservoir when it is full.

Oregon wildfire information can be found through [InciWeb](#) and the Oregon Department of Forestry's [Wildfire News](#), along with the [National Interagency Fire Center](#) which offers outlooks on the significant wildland fire potential.

Oregon Office of Emergency Management maintains a [hydrology/meteorology dashboard](#) which shows state and local drought declarations, as well as hosts many of the data sources to generate this report. Use the selection arrows at the bottom of your browser to navigate through the various sources.

US Department of Agriculture provides the [Weekly Weather and Crop Bulletin](#) as a vital source of information on US and global weather, climate, and agricultural developments, along with seasonally appropriate agrometeorological charts and tables. USDA's [Drought Programs and Assistance](#) offers links to programs and resources to help those struggling with persistent drought.

**CITY OF YACHATS
ORDINANCE NO. 368**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTERS
9.04 – DEFINITIONS AND 9.42 LIGHTING.**

WHEREAS, pursuant to ORS 197.610, the City provided DLCD with Form 1 notice of these proposed YMC Title 9 changes on September 13, 2020;

WHEREAS, notice of the proposed amendments were provided in accordance with procedures established in the Yachats Municipal Code and Oregon Revised Statutes;

WHEREAS, the Planning Commission held a multiple work sessions in 2020, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission and City Council held a work session, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission held a public hearing on October 20, 2020 for the proposed amendments;

WHEREAS, the Planning Commission public hearing was continued to October 28, 2020 for the proposed amendments;

WHEREAS, the Planning Commission followed the text amendment procedures under YMC 9.84.020 and has provided a report to the City Council along with its recommendation to consider the proposed text changes;

WHEREAS, the City Council held a public hearing on these proposed text changes on November 18, 2020 and remanded the Ordinance back to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on December 21, 2020 for the proposed amendments;

WHEREAS, the City Council held a public hearing on January 20, 2021 for the proposed amendments and remanded the Ordinance back to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on February 11, 2021 for the proposed amendments;

WHEREAS, the City Council held a public hearing on April 1, 2021 for the proposed amendments

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. The following definitions are to be added to YMC 9.04.030, in alphabetical order.

CHAPTER 9.04.030 – Definitions

- A. “Cutoff Angle (of a luminaire)” means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- B. “Exterior Lighting” means lighting relating to the outside of a building or structure.
- C. “Fixture” (also called a luminaire or light fixture) means a complete lighting unit including the light source (bulb), mounting, and shielding.
- D. “Floodlight” means a light that produces up to one thousand eight hundred (1,800) lumens and is designed to “flood” a well-defined area with light.
- E. “Foot-candle” means a measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a 60-watt incandescent light (800 lumens) produces an illuminance of one-tenth (0.1) foot candle at a distance of about twenty-five (25) feet.
- F. “Glare” means a light that causes a visual impairment sensation due to excessive brightness from the light source and can interfere with one's ability to see. See Figures 2 and 3 in 9.42.020.
- G. “Hardscape” means permanent hard landscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is ten (10) feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
- H. “High Intensity Lighting” means lamps which produce visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to, metal halide, high-pressure sodium, low-pressure sodium and mercury vapor.
- I. “Individual Lamp Limit” means limit on output of any individual light source as enumerated in Section 9.42.040.C
- J. “Individual Lot Limit” means the maximum for the sum of all exterior individual light sources on a given property as enumerated in 9.42.050.A and 9.42.050.C.
- K. “Light Trespass/Trespass Lighting” means any light emitted from an outdoor luminaire that either shines directly beyond the property on which the luminaire is installed or indirectly shines beyond the property on which the luminaire is installed at a brightness that exceeds one-tenth (0.1) foot candle at twenty five (25) feet from the light source or at the property line, whichever is more restrictive. See Figure 4 in 9.42.020.

- L. “Lighting Source Height” means the distance from finished grade to the top most portion of any light emitting source (e.g., lamp, surface or lens).
- M. “Luminaire” See definition for “fixture”.
- N. “Marine Lighting” means light fixtures directed at the ocean and coastal tide pools, and illuminating the marine area.
- O. “Outdoor Lighting Fixture” means a luminaire outside of an enclosed building or structure, or any luminaire directed such that it primarily illuminates outdoor areas.
- P. “Security Lighting” means minimal lighting for personal and building security and safety after hours.
- Q. “Shielding” means an opaque covering for an Outdoor Lighting Fixture such that no light rays are emitted above the horizontal plane running through the lowest point of the fixture. Shielding can be extended downward to prevent “Light Trespass” as defined above. See examples in Section 9.42.080.D.
- R. “Uplighting” means lighting that is directed in such a manner as to shine light rays above the horizontal plane.
- S. “Seasonal Lighting” means exterior lighting that is specifically directed at a holiday season such as Christmas, Halloween, and others. This will consist of small, low wattage bulbs of less than 10 lumens each.

Section 2. A new Chapter 9.42 is added to the YMC to provide as follows:

9.42.010 Purpose

The purpose of this Ordinance is to provide regulations for outdoor lighting that will accomplish the following goals:

- A. Permit the use of outdoor lighting that promotes health, safety, security, and productivity.
- B. Protect shoreline natural resources and wildlife.
- C. Enhance the view of the ~~dark~~ night sky.
- D. Minimize the adverse effects of bright, outdoor lighting including “light trespass” and “glare”.

9.42.020 Definitions

Types of light are defined in part by their intended use and impact. Full definitions are in 9.04.030. Figure 1 provides basic distinctions between types of light.

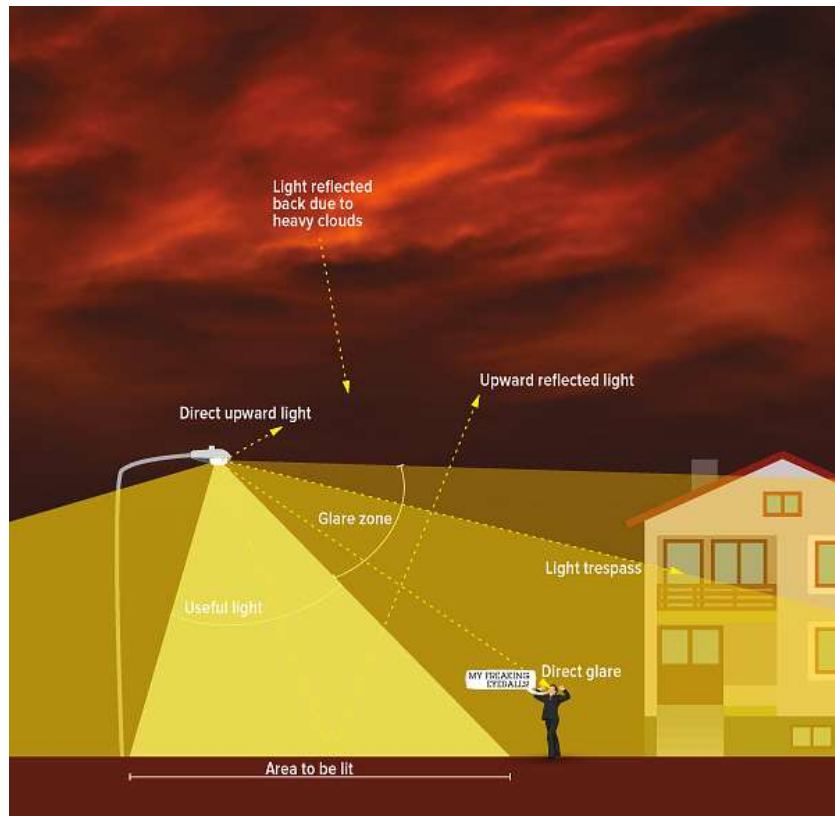


Figure 1. Types of Light

Image by Anezka Gocova, in “The Night Issue”, *Alternatives Journal* 39:5 (2013)



Figure 2: Example of glare from a light pole

Photo: James Lowenthal, Smith College



Figure 3. Example of glare from car headlights



Figure 4. Light Trespass

9.42.030 General Lighting Requirements

- A. Conformance with all applicable codes. All outdoor lighting shall be installed in conformance with the provisions of this Chapter, applicable electrical and energy codes, and applicable sections of the building codes.
- B. Applicability. Except as described below, all outdoor lighting installed after the date of this Chapter shall comply with the requirements specified in section 9.42. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
- C. Exemptions. The following are not regulated by this Chapter:

1. Lighting within the public right-of-way or easement for the principle purpose of illuminating streets.
2. Lighting for public monuments and statuary.
3. Lighting solely for signs (Covered in Chapter 9.44).
4. Repairs to existing luminaires not exceeding twenty-five percent (25%) of the total replacement value of the luminaire.
5. Temporary lighting for theatrical, musical, and other performance areas and construction sites.
6. Underwater lighting in swimming pools.
7. Temporary, seasonal lighting provided that individual lights are less than ten (10) lumens.
8. Lighting that is only used under emergency conditions.
9. Lighting identified and approved in a specific use permit.
10. Lighting required by County, State, or Federal government.

9.42.040 General Standards

- A. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and must be installed at the minimum height necessary so that the cutoff angle does not allow direct lighting of an adjacent property at a level exceeding one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source. See examples in Section 9.42.080.
- B. All trespass lighting/light trespass that exceeds one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source or at the property line is prohibited.
- C. Motion activated security lights must not be triggered by motion on adjacent properties or streets. These lights must be shielded so that they do not shine onto adjacent properties in excess of one-tenth (0.1) foot-candles at the property line.
- D. All new Marine lighting is prohibited.
- E. Mercury vapor lamps, metal halide lamps, and low-pressure sodium lamps are prohibited.
- F. Uplighting of building and landscaping is prohibited.
- G. Lighting on buildings shall not be placed above the eaves.

9.42.050 Standards Based on Use

- A. Single-Family or Two-Family Residential Uses

1. Individual light sources on residential properties are limited to an output of eight hundred (800) lumens each. An eight hundred (800) lumen output is approximately equivalent to:
 - a. One (1) standard incandescent sixty (60) watt bulb
 - b. One (1) compact fluorescent fifteen (15) watt bulb
 - c. One (1) LED eight (8) watt bulb
2. Individual Lot Limit. The sum of the output of all outdoor lighting sources shall not exceed:
 - a. Five thousand six hundred (5,600) lumens on lots greater than zero-point-three (0.3) acres
 - b. Three thousand two hundred (3,200) lumens on lots less than or equal to zero-point-three (0.3) acres
3. Residential light sources shall be less than a color temperature of three thousand (3,000) Kelvin.
4. Lights on free standing poles higher than four (4) feet are prohibited.

B. Multi-Family Uses

1. Individual lamps on multi-family properties are limited to an output of one thousand two hundred (1,200) lumens each, except for parking areas which may be two thousand (2,000) lumens each.
2. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
3. A Requirement of a to-scale area of illumination plan. A to-scale Area of Illumination Plan shall include:
 - a. To-scale plans that accurately indicate the location, type, intensity, and height of luminaires including both building-mounted and ground-mounted fixtures;
 - b. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - c. Photometric data, such as that furnished by the manufacturer superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and
 - d. Additional information as may be required by the city in order to determine compliance with this chapter.
4. Poles for luminaires shall be limited to:
 - a. Sixteen (16) feet in height for parking areas.

- b. Ten (10) feet in height for walkways and pedestrian facilities.

C. Commercial Uses

1. Commercial uses shall not exceed limits on trespass lighting as specified in 9.42.040.B.
2. Except for security lighting for pathways and building doors, outdoor lighting fixtures for commercial properties must be turned off when the business is not open. When businesses are closed, residential lighting requirements apply.
3. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
4. Requirements of a to-scale Area of Illumination Plan
 - a. New developments for commercial uses shall provide an Area of Illumination Plan drawn to scale as part of the Site Plan.
 - b. An area of illumination plan drawn to scale shall be required with a change of commercial use or transfer of property for existing commercial uses.
 - c. An area of illumination plan drawn to scale shall include:
 - i. The location, type, intensity, and height of luminaires including both building- and ground-mounted fixtures;
 - ii. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - iii. Photometric data, such as that furnished by the manufacturer, superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and
 - iv. Additional information as may be required by the city in order to determine compliance with this chapter.
5. High intensity lights shall be limited to two thousand four hundred (2,400) lumens per luminaire. Due to their high energy efficiency, long life, and spectral characteristics, narrow-spectrum amber LED's are the preferred illumination source.
6. Poles for luminaires shall be limited to:
 - a. Sixteen (16) feet in height for parking lots.
 - b. Ten (10) feet in height for walkways and pedestrian facilities.

D. Pedestrian Ways and Parks

1. Illumination: Light shall be directed in such a manner that any changes in elevation of the walkway (e.g., steps or curbs) shall be illuminated such that said features are clearly discernible (without shadow).

2. **Fixture Type:** Pedestrian walkway light fixtures can be a combination of freestanding pole, bollard, in-place step or building-mounted fixtures. For building mounted fixtures, the Planning Director shall ensure that the proposed fixture type will be in scale with the building elevation on which it is to be installed. The Planning Director may refer this latter determination to the Planning Commission.
3. **Fixture Heights:** Light fixtures shall not exceed the following height provisions:
 - a. Freestanding pole - Not greater than fourteen (14) feet as measured from finished grade to the bottom of the light fixture.
 - b. Building-mounted - Shall be located below the roof's eave or up to a height of fourteen (14) feet, whichever is less.
 - c. Bollard - Said fixture type shall not exceed a height of forty-two (42) inches as measured from finished grade to the top of the fixture.

9.42.060 Variances

To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter may produce a hardship, a property owner may apply for a variance pursuant to Chapter 9.80 of this Code

9.42.070 Time to Become Compliant

- A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance, notwithstanding the City's non-conforming use provisions in YMC Chapter 9.76
 1. When violations of 9.42.040 are issued a notice by the enforcement officer and if the violation can be corrected by replacing an existing bulb with a lower intensity bulb, this corrective action is required to be implemented within fourteen (14) days after the notice is issued. Other corrective actions are required to be implemented within sixty (60) days after the notice is issued.
 2. Marine lighting existing prior to the enactment of this ordinance must be:
 - a. During ~~daylight savings time~~ April through September, turned off between 11:00 PM and sunrise each night, and
 - b. During ~~standard time~~ October through March, turned off between 9:00 PM and sunrise each night, and
 - c. Removed, replaced, or disconnected within one (1) year of the enactment of this ordinance.
- B. Compliance based on extent of modification:
 1. New uses and buildings. For all proposed new land uses, developments, buildings, and structures that require a permit, all outdoor lighting installations shall meet the requirements of this Code.

2. Additions and modifications. All building additions or modifications exceeding twenty-five (25) percent in terms of additional dwelling units or gross floor area, and that require a permit, either with a single addition or cumulative additions, shall comply with the requirements of this Chapter. This requirement shall hold for the entire property, including both previously installed and any new outdoor lighting.
 3. If replacement or repair is required to an outdoor lighting fixture due to weather damage, accident, vandalism, or other unforeseen event, the outdoor lighting fixture may be replaced as it was previously built. Compliance to Chapter 9.42 requirements is not required. However, if the design is changed in any way then compliance is required.
- C. Resumption of use following abandonment. If a property or use with non-conforming lighting is abandoned, all outdoor lighting shall be reviewed and brought into compliance with this Chapter before the use is resumed.

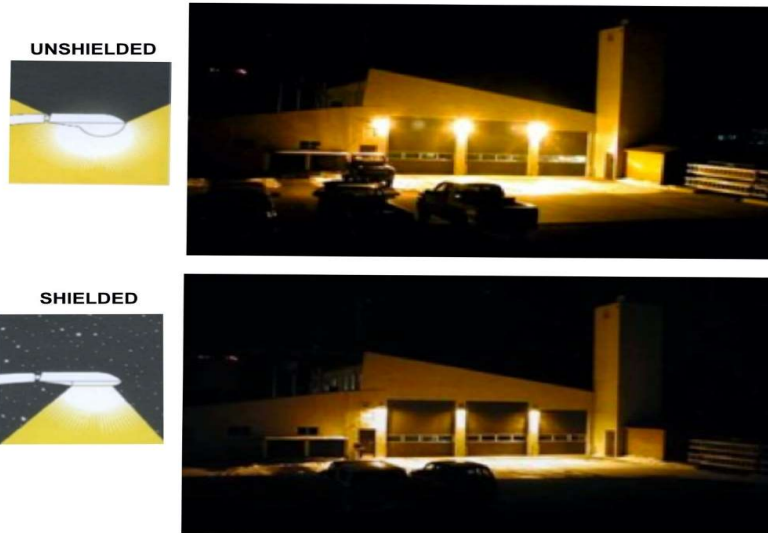
9.42.080 Examples

- A. Example showing that bright lights are not always better for security. Glare from bright wall light masks person standing at gate.



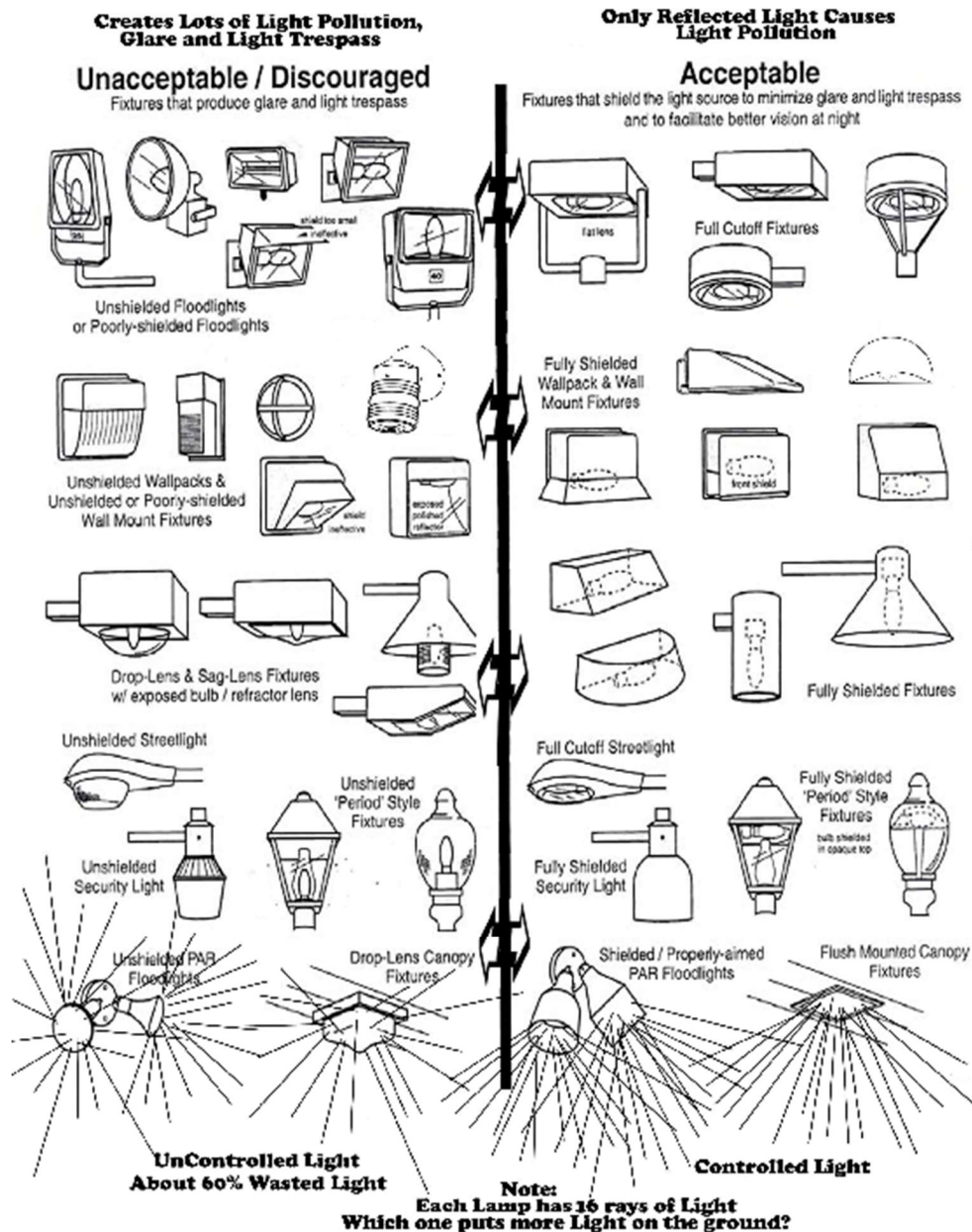
B. Example of before and after with addition of shielding on a street light. Shielded light better illuminates roadway and sidewalks. (Images from International Dark-Sky Association Intro to Lighting public materials.)

C. Example of shielding reducing glare on property and providing for better illumination of area.



- D. Examples of properly shield light fixtures. (Images from International Dark-Sky Association Intro to Lighting Public materials.)

Examples of Light Fixtures



Section 3. Severability. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

Passed and adopted by the Yachats City Council this _____ day of _____, 20____

	YES	NO	NOT PRESENT
Leslie Vaaler, Mayor	☐	☐	☐
Greg Scott	☐	☐	☐
Mary Ellen O'Shaughnessey	☐	☐	☐
Ann Stott	☐	☐	☐
Anthony Muirhead	☐	☐	☐

Leslie Vaaler, Mayor

Attest by:

Lee Elliott, City Manager - Pro Tem

EXHIBIT A
AGREEMENT FOR PAYMENT OF LAND

This agreement is between the City of Yachats, hereinafter called "City", and the Yachats Rural Fire Protection District, hereinafter called "District".

The City is transferring to the District all of its right, title, and interest in Lot 26, Block 1, FIRST ADDITION TO YACHATS, Lincoln County, Oregon. The current District fire station is located partially on that property. The deed transferring the City's interest to the District has a reversionary clause which must be met at such time as the property is no longer being used for fire protection purposes. Based on the above, the parties as follows:

1. At such time as the above-referenced property is no longer used for fire protection purposes and the ownership of that property is transferred by the Yachats Rural Fire Protection District or any successor district, the City shall be entitled to receive an amount equal to the value of the land only at the time of the transfer.
2. The parties agree that this amount shall be established by an independent appraiser at the time of the actual sale. If the parties cannot agree upon an appraiser, the presiding judge of the Circuit Court for Lincoln County shall appoint such an appraiser. The appraiser's determination of value of the land only shall be binding upon all parties. The City and District are to share equally the costs of an appraisal of the property.
3. The District may elect to postpone payment, provided it continues to maintain a fire station within the city limits, after such sale. The City agrees to sign any waiver of interest in the property required for completion of sale. The District agrees to assign to the City a reversionary interest in such substitute property where a new fire station is located, giving the City a right to the proceeds of any sale of that property. Proceeds shall be an amount equal to the appraiser's value established at the time of the original sale of the property, plus the percentage of increase in value based on the increase in the Portland Consumer Price Index (CPI-U) between the time of the original sale and the current sale.

CITY OF YACHATS:

Nancy Reynolds
Mayor

Janice C. Victoria
City Recorder

STATE OF OREGON)
) ss.
County of Lincoln)

This instrument was acknowledged before me on the 20 day of April, 1992, by Nancy L. Reynolds and Janice C. Victoria as Mayor and City Recorder of the City of Yachats.

Gail J. Atkinson
Notary Public for Oregon
My Commission Expires 10/18/93

YACHATS RURAL FIRE PROTECTION DISTRICT:

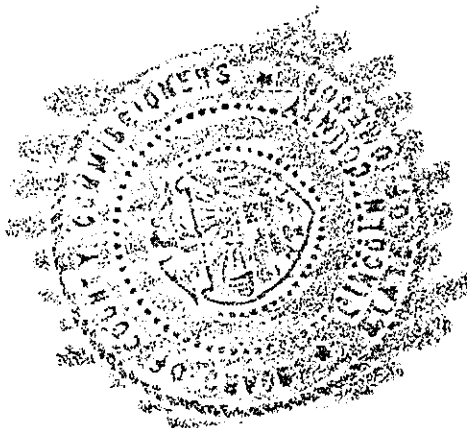
Donna L. Brewer
District

Ray Hicks Jr.
District

STATE OF OREGON)
) ss.
County of Lincoln)

This instrument was acknowledged before me on the 17th day of April, 1992, by DONNA L. BREWER and RAY HICKS, JR. as authorized signers for the Yachats Rural Fire Protection District.

Gail J. Atkinson
Notary Public for Oregon
My Commission Expires 10/18/93



STATE OF OREGON } ss.
County of Lincoln

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby
certify that the within instrument was received for record, and
recorded in the Book of Records of said county at Newport, Oregon.
Book 245 Page 117c

WITNESS my hand and seal of said office affixed.

DANA W. JENKINS, County Clerk

By PK Brink Deputy

Doc : 6079893

Rect : 29429

06/05/1992 11:59:09AM

20.00
WT

EXHIBIT B
BARGAIN AND SALE DEED

The City of Yachats, on behalf of itself and as successor in interest of the Yachats Water District, conveys to Yachats Rural Fire Protection District, the following-described real property:

Lot 26, Block 1, First Addition to Yachats, Lincoln County, Oregon.

THIS INSTRUMENT WILL NOT ALLOW THE USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

RESERVATION: The City reserves the right to receive compensation in an amount equal to the value of the land only at such time as ownership of the property is transferred and it is no longer used for fire protection purposes. Payment will be determined and will be due in accordance with an Agreement for Payment of Land between the parties dated the 20 day of April, 1992.

The true consideration for this conveyance is other than cash.

DATED this 20 day of April, 1992.

GRANTOR:

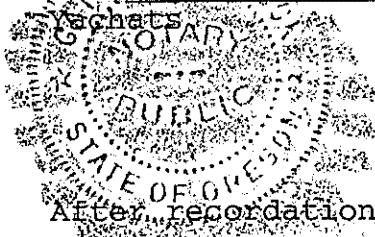
Nancy Reynolds
Mayor, City of Yachats

ATTEST:

Janice C. Victoria
City Recorder

STATE OF OREGON, County of Lincoln) ss.

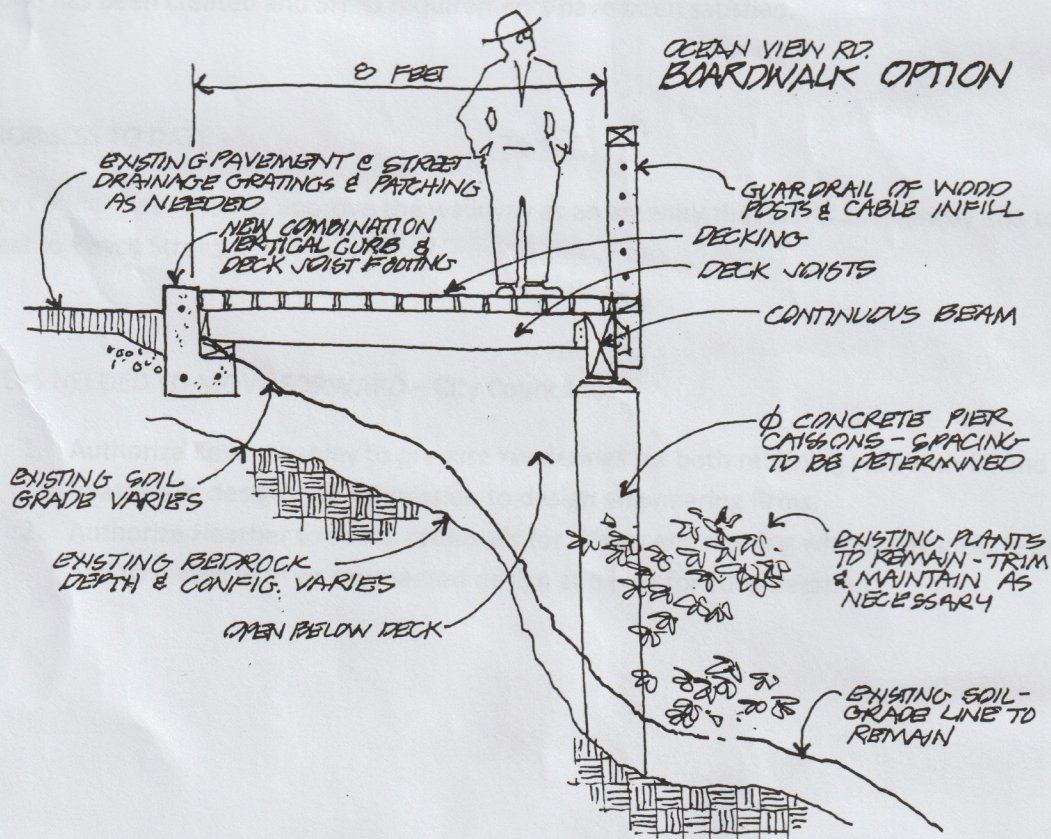
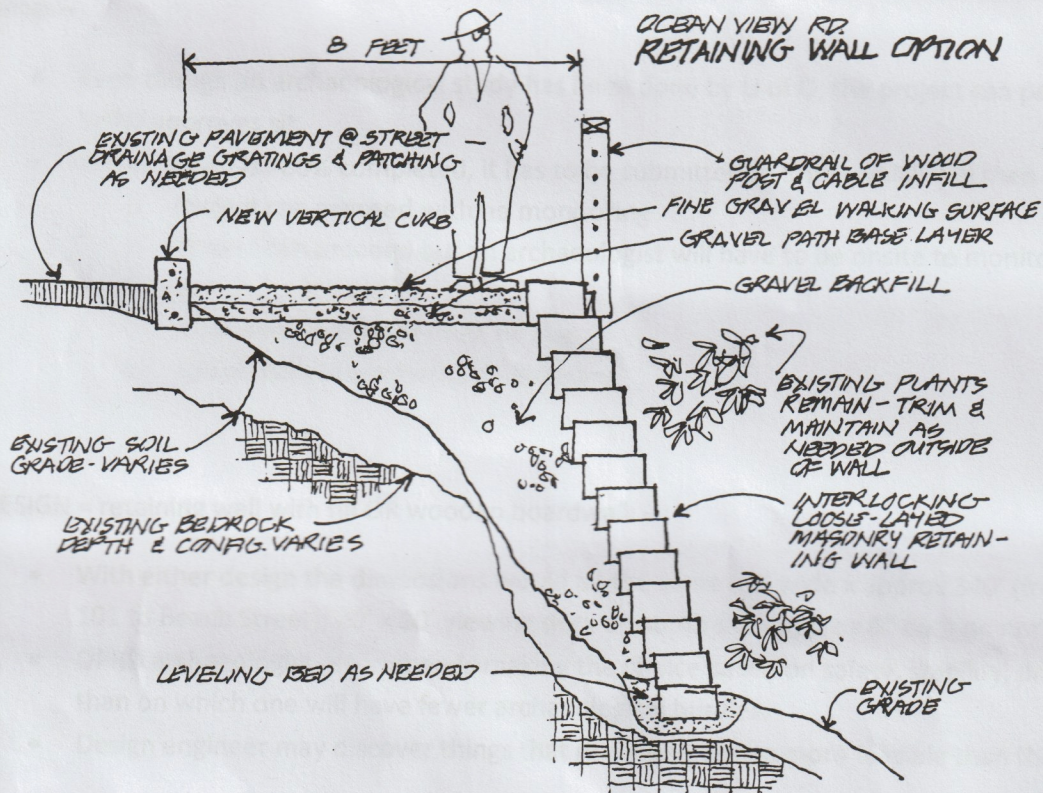
This instrument was acknowledged before me on the 20 day of April, 1992, by Nancy L. Reynolds as Mayor, and Janice C. Victoria as City Recorder of the City of Yachats.



Sail J. Robinson
Notary Public for Oregon
My Commission Expires 10/18/93

After recordation return to:

Yachats Rural Fire Protection District
P.O. Box 1
Yachats, OR 97498



ARCHAEOLOGY - We have been working with the new OPRD archaeologist and have discovered several things –

- Even though an archaeological study has been done by U of O, the project can proceed until SHPO approves sit.
- When design is >80% completed, it has to be submitted to SHPO which will then determine:
 - Project can proceed with no monitoring
 - Project can proceed but an archaeologist will have to be onsite to monitor what comes out of the ground
 - Additional test holes must be dug
 - Additional requirements if necessary

DESIGN = retaining wall with fill OR wooden boardwalk –

- With either design the dimensions would be the same – 8' wide x approx 340' (from Highway 101 to Beach Street); 20' x 20' viewing deck on south side, approx 6" curb on north side
- OPRD archaeologist recommends making the choice based on safety, stability, drainage rather than on which one will have fewer archaeological hurdles.
- Design engineer may discover things that make one design more feasible than the other

COST – it is not possible to determine the cost until an engineered design (including possible geotech work) has been created and SHPO requirements have been satisfied.

PROGRESS TO DATE –

City Council has voted to approve the walkway as an amenity that starts at Highway 101 to and extends west to Beach Street.

STEPS NEEDED TO MOVE FORWARD – City Council to:

1. Authorize Kevin Shanley to prepare renderings for both retaining wall with fill and wooden boardwalk designs for submission to design engineering firms.
2. Authorize Heather to solicit proposals for design engineering which may include geotech work and to return with an engineered design and bids for consideration.

Traffic Safety Store**Traffix Standard Duty Flat-Face Delineators**

On Sale www.trafficsafetystore.com 800-429-9030
 You save 17% regardless of quantity

\$24.75~~**\$29.95**~~

each

Quantity**1-14****\$24.75**~~**\$27.25**~~

each

Quantity**15-49****\$24.75**

each

Quantity**50+****IN STOCK - SHIPS TOMORROW****Quick Facts:**

- 48" Tall, 2" Diameter with 'Flattened' top
- Includes a single 2" x 10" Tall High Intensity (HI) reflective panel
- Bright Orange, White or Yellow

Road tested to 50 impacts at 35 MPH**Available Colors:**

- Orange
- White
- Yellow

Available Post Height:

- 48" Tall Post
- 36" Tall Post
- 42" Tall Post

Available Included Hardware:

- Asphalt - Four (4) 4" x 3/8" Fasteners
- Concrete - Four (4) 2.5" x 3/8" Fasteners
- Adhesive - Two (2) Bundy Pads

Description ^

48" tall Flat Faced Delineators are 2" in diameter with a flattened top portion (3" wide) to allow for the vertical reflective sheeting. Available in bright orange, white, and yellow - all colors come with white High Intensity (HI) reflective sheeting. Flat Faced road markers are tested to 50 impacts at 35 mph.

Fwd: Delineator

Heather Hoen <CommunityServices@yachatsmail.org>

Thu 5/13/2021 3:24 PM

To: Mayor <Mayor@YachatsMail.org>; Lee Elliott <citymanager@YachatsMail.org>

 1 attachments (48 KB)

20210513150426.pdf;

Sent via the Samsung Galaxy S9, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Roy Kinion <rkinion@co.lincoln.or.us>

Sent: Thursday, May 13, 2021 2:59:31 PM

To: Heather Hoen <CommunityServices@yachatsmail.org>

Subject: Delineator

Heather,

I have attached a picture of the type of delineator I was thinking we would use. Maybe not the exact one, 48" seems tall for this application. You can get them shorter.

Roy L. Kinion

Public Works Director

Lincoln County, Oregon

541-574-1211

rkinion@co.lincoln.or.us