

1. 2:00 P.M. Agenda

Documents:

[2022-08-17 CC Agenda.pdf](#)

2. Meeting Materials

Documents:

[Shell Street Vacation Request 1.Pdf](#)

[LCSD 100th Sign 2.Pdf](#)

[Goal K 3.Pdf](#)

[Finance Committee Draft Including Feb 3 Council Edits 4.Pdf](#)

[City Project Process - Discussion RE Finance Committee 5.Pdf](#)

[Gerald Stanley Pollinator Email 6.Pdf](#)

3. Additional Documents Added After Meeting

Documents:

[LCSD Sign PDF.pdf](#)



**CITY OF YACHATS**  
**CITY COUNCIL WORK SESSION AND REGULAR MEETING**  
Yachats OR  
**Wednesday, August 17, at 2:00 pm**  
**To Be Held Via Zoom**

City of Yachats is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83380335391>

Meeting ID: 833 8033 5391

One tap mobile

+17193594580,,83380335391# US

+12532158782,,83380335391# US (Tacoma)

Dial by your location

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 564 217 2000 US

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

Meeting ID: 833 8033 5391

Find your local number: <https://us02web.zoom.us/j/83380335391>

**Regular Council Meeting**

- I. Announcements, Proclamations, and Correspondence
- II. Public Comment (5-minute limitation per person)
- III. New Business
  - a. Shell Street land vacation request
  - b. School board sign request
- IV. Old Business
  - a. Citizen's submission regarding Comprehensive Land Use
  - b. Finance Committee changes
  - c. Pollinator project request under community support budget
- V. Reports
  - a. City Manager
- VI. Other Business
  - a. From the Mayor
  - b. From Council
  - c. From Staff

*The Yachats City Council meetings are open to the public and interested citizens are invited to attend via Zoom. 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. The meeting are 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. 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 8/15/22**

PARCEL 3  
2.10 AC  
1602

YACHTS INN  
3.47 AC  
1500

PREVIOUSLY  
VACATED

Highway 101

CIRCLE  
REEVES

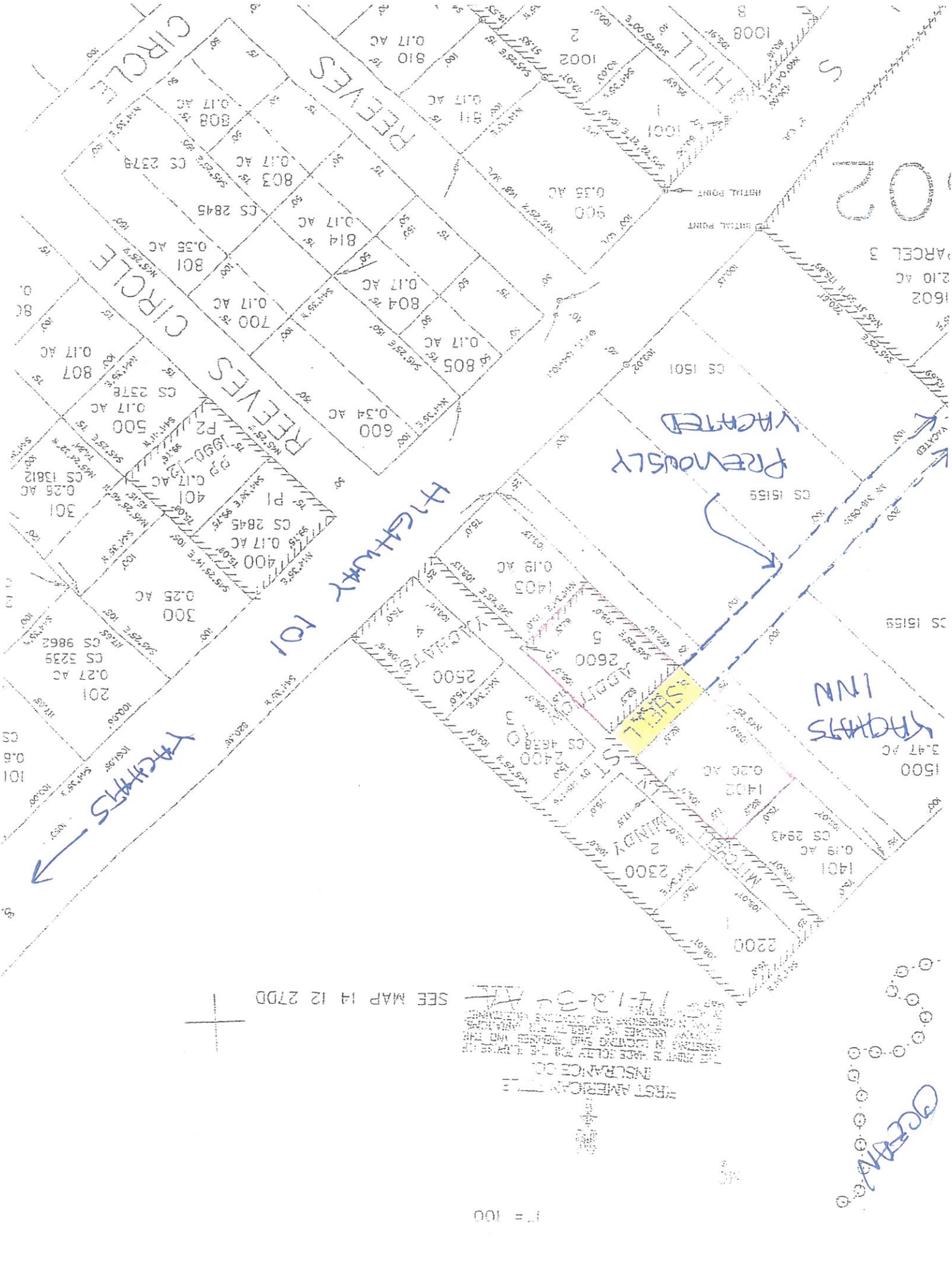
REEVES

FIRST AMERICAN LIFE  
INSURANCE CO.  
THE RIGHT TO MAKE POLICY FOR THE LIFE OF  
AN INDIVIDUAL OR ENTITY IS RESERVED AND THE  
INSURANCE CO. SHALL NOT BE HELD RESPONSIBLE  
FOR THE ACCURACY OF THE INFORMATION  
CONTAINED HEREIN.  
17-12-3-AT

SEE MAP 14 12 27DD

1" = 100'

DETAILED



CITY OF YACHATS  
APPLICATION FOR CONSIDERATION OF A STREET VACATION

\$250 FEE

RECEIVED: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

Area/Street for Vacation

Consideration: \_\_\_\_\_  
Attach a map with area marked

Please state reasons why this vacation should be considered by the City of Yachats:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Street vacations are governed by Oregon Revised Status (ORS) Title 25 sections 271.005 to 271.230.**

Yachats Code states: Proceedings to vacate a public street right-of-way by any abutting property owner shall be initiated by filing an application for consideration with the City Recorder on forms provided by the Recorder. A filing fee of two hundred fifty dollars (\$250.00) shall accompany the application. The city recorder shall refer the application to the Public Works and Streets Commission and, if necessary, the Planning Commission (hereafter "Commission(s)") for initial review. Any costs related to said vacation application and petition process over and above the initial fee shall be paid in full by the applicant.

Following review of the application by the Commission(s), the Commission(s) shall determine whether the vacation of the street as proposed is in the public interest and if there appears to be no reason why the applicant should not commence the petition process. In reviewing the application the Commission(s) shall determine if vacating the right-of-way would adversely effect the general vehicular or pedestrian traffic circulation system of the City and where current or future water and sewer lines and easements are or will be necessary.

The City shall notify the applicant of the Commission(s)'s determination. The determination made by the Commission(s) shall not be considered to be a recommendation, nor shall it be considered by the applicants to be the final determination of the City. Applicants may choose whether to rely on the Commission(s)'s determination in making their decision to pursue the petition process. Following notification, applicants who choose to pursue the vacation shall proceed with the vacation process as set forth in the Oregon Revised Status Title 25, Sections 271.005 to 271.230.

Petitions submitted with sufficient consent by the owners of abutting and area property shall be presented to City Council. The Council may deny the petition after notice to the petitioners, or if there appears to be no reason why the petition should not be allowed in whole or in part, the Council shall fix a time for a formal hearing upon the petition.

## STREET VACATIONS

Proceedings to vacate a public street right-of-way requested by any abutting property owner are initiated by filing an application for consideration with the City Recorder, together with a filing fee of two hundred fifty dollars (\$250.00)<sup>1</sup>.

The City Recorder will refer the application to the Public Works and Streets Commission and, if necessary, the Planning Commission for initial review.

Following review of the application by the Commission(s), will determine whether the vacation of the street as proposed is in the public interest and if there appears to be no reason why the applicant should not commence the petition process. In reviewing the application the Commission(s) will determine if vacating the right-of-way would adversely effect the general vehicular or pedestrian traffic circulation system of the City and where current or future water and sewer lines and easements are or will be necessary.

The City will notify the applicant of the Commission(s)'s determination. The determination made by the Commission(s) should not be considered to be a recommendation to City Council, nor should it be considered by the applicants to be the final determination of the City.

Applicants may choose whether to rely on the Commission(s)'s determination in making their decision to pursue the petition process. Following notification, applicants who choose to pursue the vacation shall proceed with the vacation process as set forth in current Oregon Law (Oregon Revised Statutes) Sections 271.005 to 271.230.

Petitions submitted with sufficient consent by the owners of abutting and area property shall be presented to City Council. The Council may deny the petition after notice to the petitioners, or if there appears to be no reason why the petition should not be allowed in whole or in part, the Council shall fix a time for a formal hearing upon the petition.

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<sup>1</sup> Any costs related to said vacation application and petition process over and above the initial fee shall be paid in full by the applicant.

**From:** Gray, Dr. Karen <karen.gray@lincoln.k12.or.us>

**Sent:** Thursday, August 11, 2022 10:43 AM

**To:** Rod Cross <rod.cross@cityoftoledo.org>; Dean Sawyer <D.Sawyer@newportoregon.gov>; Greg Holland <greg.holland@waldport.org>; wahlke@lincolncity.org <wahlke@lincolncity.org>; Leslie Vaaler <Leslie@YachatsMail.org>

**Subject:** LCSD Centennial

Dear Mayors Sawyer, Wahlke, Cross, Holland and Vaaler,

I hope that you have all had a great summer so far.

Would you be interested in being on the LCSD Centennial Committee? We have pulled together a small team of interested people to help us plan for this year's 100 year celebration of LCSD and would love to have you on the committee. You can meet via zoom if you wish.

We meet once a month on the 3rd Thursday of the month from 5:30 to about 6:45 at the TLC. A lot has already been happening.

Please let me know if you would like to be on the committee and help us reach out to all of our friends and families in the community.

In addition, we would like permission to place a sign that we had made announcing our 100 Year Centennial Celebration at the entrance to your city. It would only be one sign because they are spendy so only one direction and they are very nice looking. You would like them. Please let me know if I need to do something particular to have this happen.

Thank you for your consideration,

Dr. Karen Gray  
Superintendent, Lincoln County School District  
541.265.4403  
[lincoln.k12.or.us](mailto:karen.gray@lincoln.k12.or.us)

Laws are just words on paper. They mean nothing without public servants dedicated to the rule of law, who are held accountable by a community that believes that oaths matter more than politics, money, and tribalism. Yachats doesn't have an inspector general to ensure that our laws are followed and ethical standards maintained. We have only the honor system. We rely on the ethical integrity of our elected leaders, volunteers, and staff, to honor their oaths of office, and administer the rule of law without fear or favor or political interference. To be sure, not every elected official behaves honorably while in office, even in Yachats. Therefore citizens have a duty to hold elected leaders to account for how they comport themselves in office, and in relation to the law. As a citizen of Yachats, I am once again taking the time out of my day, to do my duty, and hold my elected leaders to account.

Section II of the Comprehensive Land Use Plan says: "The goals and policies contained within this plan have the force of law and the City is obligated to adhere to them in implementing the Plan." But the City, ignoring those words, recently declined to implement a public involvement policy of the Comprehensive Land Use Plan. The City declined its legal obligation to adhere to the Plan.

The Comprehensive Land Use Plan is not a finished product. It is merely the basis for more detailed ordinances, plans, and other implementing documents that make our land use policies operational on the ground. The Comprehensive Plan's public involvement policy directs the City to institute a public involvement plan or program – a plan or program to set forth the details of how the public will participate and influence future land use and development decisions in Yachats. And indeed, Goal K claims, falsely however, that the City is using its adopted public involvement plan. The City not only doesn't have or use a public involvement plan, the City Council and Planning Commission have both decline their lawful obligation to create and use a public involvement plan. That is just an unfortunate fact.

Yachats recently held a public land use hearing. If the policies of Goal K were properly implemented, the City would have informed the community about the hearing by following the detail directions contained in the public participation plan. The City instead, relied on YMC 9.88.060 (Notice of Public Hearing) But that code was last updated in 1996, prior to the Comprehensive Plan, and has absolutely no relationship with the policies of the Plan. By following the directions of YMC 9.88.060, the City notification process informed about 1% of the community. And about 90% of those who wrote letters to the Planning Commission, including myself, learned of the proposal through the grapevine.

The public involvement plan that Goal K claims the City is using would be a public document if it were real. Anyone may ask to read it. So ultimately, this failure will land on the City Manager's desk. What is she supposed to do when a citizen asks to read it? Doesn't she also have legal obligations to the community, and doesn't her work environment become just a little more toxic in the face of each upstream failure that lands on her desk?

It is the responsibility of the Citizen Involvement Committee to create and administer the public involvement plan, and the Planning Commission was given that responsibility in 1999. The Planning Commission's main purpose in life is to implement the Comprehensive Land Use Plan, and the public involvement plan is part of that responsibility. And it is the City Council's obligation to make sure they do it. It's just that simple.

There are only few months remaining for this City Council to enact a paradigm shift. Mayor Vaaler, as chief executive of the City, should take care that our laws are not just words on paper. If past is prologue, the City Council will ignore my letter, but I ask that you not ignore the rule of law. I ask that you uphold your obligation and adhere to the Plan

Doug Conner  
490 Lemwick Lane  
Yachats

# DRAFT INCLUDING FEBRUARY 3 COUNCIL MODIFICATIONS

## CITY OF YACHATS ORDINANCE NO. 355 (AMENDED \_\_\_\_)

### AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 3.10

**WHEREAS**, the procedure used to develop the Capital Improvement Plan has become a function of the Finance Committee; and

**NOW THEREFORE**, the City of Yachats ordains that Chapter 3.10 – Capital Improvement Planning shall be amended to read as follows:

#### **Chapter 3.10 – Finance Committee and Capital Improvement Planning**

##### **Sections:**

- 3.10.010 Membership
- 3.10.020 Powers and Duties
- 3.10.030 Capital Improvement Program - Annual Report to City Council
- 3.10.040 Capital Improvement Program - Adoption and Appropriations
- 3.10.050 Capital Improvement Program - Public Report

##### **Section 3.10.010 Membership**

The City Council shall establish and appoint a Finance Committee that shall also serve as the Capital Improvement Planning Committee (CIP Committee). The Finance Committee will work with the Commissions and serves in an advisory role to the City Council.

The City Manager shall serve as the Chair of the Finance Committee.

The Finance Committee shall include 4-6 members skillful in financial analysis.

Nomination for membership will be made jointly by the Mayor, the Council President, and the City Manager in consultation with the Finance Committee. Each representative will be appointed by the City Council for a specified term. Members can be removed from the Committee by City Council for cause.

(Ord. 248, Add, 12/10/2004, Add 1/16/2019)

##### **Section 3.10.020 Powers and Duties**

The Finance Committee's mission is to address the City's long-term financial planning. This may include complex organizational issues that impact Capital Improvement Planning, reserve generation, and other long-term financial planning.

The Finance Committee, at public meetings, shall:

- 1) Provide financial analysis as requested by the City Manager.
- 2) Provide a long-term horizon for fund balance projections (3-5 years) including revenue, capital expenditures, and reserves.
- 3) Provide a "state of the City" financial report to the City Council – This would be a snapshot of how the financial long-term picture looks given certain assumptions.
- 4) Assist the City Manager on special projects including, but not limited to:
  - a. Review and recommend changes to the City Budget document by the Supplemental Budget process

- b. Provide project updates, changes, and substitutions for projects in City's CIP plan
  - c. Advise whether system development charges provide for an equitable share of infrastructure and operational costs
  - d. If requested by the City Manager, advise on how City Manager organizes the Financial Staff
  - e. Advise on creation and maintenance of City's Financial reporting.
- 5) Study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:
- a. are purchased or undertaken at intervals of not less than five years;
  - b. have a useful life of at least five years; and
  - c. cost over \$5,000; and
- 6) Other projects assigned by the City Council.

Each year, commission chairs and staff shall submit capital project requests to the Finance Committee including information for all anticipated projects requiring Council action during the ensuing five to ten years. Submissions shall be on the proscribed forms provided by the City's budget officer. The Finance Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the city.  
(Ord. 248, Add, 12/10/2004 Add 1/16/2019)

### **Section 3.10.030 Capital Improvement Program - Annual Report to City Council**

The Finance Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following four fiscal years. The report shall be submitted to the City Council for its consideration and approval. Following Council approval, the first year amounts shall be included in the proposed budget for the next year for consideration by the Budget Committee.  
(Ord. 248, Add, 12/10/2004 Add 1/16/2019)

### **Section 3.10.040 Capital Improvement Program - Adoption and Appropriations**

Adoption of the City's budget, shall permit the expenditure on Capital Improvement Projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals and the like; but no such expenditure shall be incurred on projects which have not been so approved by the city through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.  
(Ord. 248, Add, 12/10/2004 Add 1/16/2019)

### **Section 3.10.050 Capital Improvement Program - Public Report**

The Finance Committee's report and the City Council's recommended Capital Budget shall be published and made available to the public. The Finance Committee shall deposit its original report with the City Manager's Office.  
(Ord. 248, Add, 12/10/2004 Add 1/16/2019)

**PASSED AND ADOPTED** by the City Council of the City of Yachats on this \_\_\_\_\_ day of \_\_\_\_\_.

Ayes:\_\_\_\_\_ Nays:\_\_\_\_\_ Abstentions:\_\_\_\_\_ Absent:\_\_\_\_\_

**APPROVED** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Leslie Vaaler, Mayor

\_\_\_\_\_  
Heide Lambert City Manager

# City of Yachats Project Process

An Idea

An individual or Commission considers idea and if it fits in the mission and goals of the city, fills out a project request form

## **A Project Request Form**

is brought to the city manager, who can then bring it to the city council to initiate the Discovery Phase or decide to not pursue

### **Discovery Phase:**

The city manager begins the Discovery Phase with the approval of the city council; the project is then brought to the Finance Committee to review and estimate costs to proceed.

1. Create and complete a MOU of participants of the project
2. What are environmental impacts and include community input
3. Create a budget for entire project. Identify potential grants
4. Complete Project Charter: Make timeline, identify project manager, accounting responsibilities and connection to other city projects
5. Prepare presentation for City Council

Council approves project.

Goes to **Contract Phase**; signed by all participating parties

### **Approved Project goes to the CIP** (Capitol Improvement Project)

No funding released until grants are approved

Once funding is confirmed, project is added to budget

Project Completed

## Lincoln County's Pollinator Corridor project

Gerald Stanley <stanley.gerald@gmail.com>

Tue 8/9/2022 3:09 PM

To: Mayor <Mayor@YachatsMail.org>

This a follow-up to a message sent to the City of Yachats by Maxine Centala, the Chair of our now reactivated project. Since 2018, Clare Hall as Lincoln County Commissioner joined with Newport, Waldport, and Yachats in giving an annual donation to support this project, which provides great benefit to our section of the County (no spraying of plants on the Highway, 19 donated areas along the Highway for the planting of pollinator plants). Since 2018 and already now in 2022 Commissioner Hall has again given \$3000 of county funds for the project. The three Cities have given \$1000 each year. The City of Newport has already given \$1000 this year. I am asking that the City of Yachats approve its annual contribution sometime in the coming months of this year. I would appreciate knowing from you if this support can be given. Thank you for attending to this and for all you do for our City.

# **CELEBRATING 100 YEARS OF EXCELLENCE IN EDUCATION**



**LINCOLN COUNTY SCHOOL DISTRICT**  
**2022-23**