

1. Agenda

Documents:

[CC WS AGENDA 10-04-2017.PDF](#)

2. Meeting Materials

Documents:

[CC AGENDA 10-11-17.PDF](#)

[CET ARTICLE FOR NEWPORT.PDF](#)

[JOHNSTON COMPLAINT 9-24.PDF](#)

[JOHNSTON COMPLAINT 9-25.PDF](#)

[JOHNSTON COMPLAINT 9-27.PDF](#)

[LINCOLN COUNTY LEGALIZATION.PDF](#)

[LOC REQUEST SCHOLARSHIP DONATION.PDF](#)

[MOONEY COMPLAINT 9-22.PDF](#)

[NEWPORT CET RESOLUTION.PDF](#)

[OCEAN VIEW DRIVE ENCROACHMENT ISSUE.PDF](#)

[OCEAN VIEW DRIVE MAP.PDF](#)

[ORD 348 091917 FORMULA BUSINESS REGULATIONS FINAL.PDF](#)

[RES 2017-10-001- VACATION RENTAL FEES.PDF](#)

[SIGN ORDINANCE - A FRAME SECTION.PDF](#)

[TRAILS MAP.PDF](#)

[UGB PILOT PROJECT - HB 4079.PDF](#)

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



CITY OF YACHATS

CITY COUNCIL WORK SESSION, REGULAR COUNCIL MEETING



441 Hwy 101 N., Yachats Commons, Room 1, Yachats OR

Wednesday, October 4, 2017 at 9:30am

WORK SESSION AGENDA

- I. CALL MEETING TO ORDER
- II. WORK SESSION DISCUSSION TOPICS
 - a) Transients living in community; private property and City property issues
 - b) Housing needs (continued)
 - c) Re-examination of Construction Excise Tax
 - d) Update on HB 4079 pilot project for adjusting urban growth boundaries
 - e) Ocean View Drive – County's intention to deed street over to City; pros and cons
 - f) Exemption to sign ordinance – allow sandwich boards for special one-day events

REGULAR COUNCIL MEETING

- I. Public Comment (**topics not listed on the agenda:** 5-minute limitation per person)
- II. Ordinance 348 – Amendments to Yachats Municipal Code: Formula businesses VOTE
- III. Resolution 2017-10-001 – Providing for Increase in Fees for Vacation Rentals VOTE
- IV. League of Oregon Cities request for donation to LOC conference scholarship VOTE
- V. Appointee to Emergency Planning Committee – Crews VOTE
- VI. Manager transition/Council goals – October authorization for Manager VOTE
- VII. Approve agenda for 10/11/17 City Council meeting **at 6:00pm in Room 1** VOTE

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

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance. Posted October 1, 2017

Yachats City Council Vision

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



CITY OF YACHATS

CITY COUNCIL MEETING

441 Hwy 101N, Yachats Commons, Room 1

Wednesday, Oct. 11, 2017 at 6:00pm

AGENDA

- I. Announcements, Correspondence and Proclamations
 - A. Introduction of Dr. Lesley Ogden – new CEO for Samaritan Pacific Communities Hospital
 - B. Ocean View Drive – county to city proposal - Lincoln County Counsel & Public Works Director
- II. Public Comment **(topics not listed on the agenda: 5-minute limitation per person)**
- III. Minutes and Accounts Payable
 - A. Minutes: 09/06/17 Work Session & Regular; 09/13/17 Regular Meeting VOTE
 - B. Accounts Payable for Approval VOTE
- IV. Reports
 - A. Council Reports
 - B. Department Reports: Manager, Public Works, Code Enforcement, Visitors Center
- V. Business

Second of two public hearings on Ordinance 347 and Resolution 2017-10-001

 - A. Ordinance 348 – Yachats Municipal Code - Formula business amendments VOTE
 - B. Resolution 2017-10-001 – Providing for increase in fees for Vacation Rentals VOTE
 - C. First hearing of two for Ordinance 349 – Exception to sign ordinance VOTE
 - D. Amnesty Option for non-compliant vacation rental property owners DISCUSS
 - E. Council Shepherding Goals – review matrix
- VI. Other Business
 - A. From Mayor
 - B. From Staff
 - C. From Council

This meeting is open to the public and all interested persons are invited to attend. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. Minutes of all public meetings are available for review at City Hall, or on the City website at www.yachatsoregon.org. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance.

POSTED October 5, 2017

HOUSING

Committee considers new construction tax policy

BY GLORIA TUCKER
Of the Newport-Times

NEWPORT – A city tax on new construction is in the works.

In the last of four meetings on April 26, an advisory committee ironed out a Construction Excise Tax (CET) and System Development Charges (SDCs) for the Newport City Council to consider.

The tax, 1 percent of estimated construction value (permit value), would be applied to construction that results in additional square footage.

Types of construction that are exempted from the CET are developments of guaranteed affordable housing (60-year guarantees ensuring that units will be kept affordable to families making 80 percent or less of median household income), private school improvements, public improvements including public schools, government buildings and facilities, public and private hospital construction, religious facilities, agricultural buildings, non-profit facilities like long-term care and retirement communities, and mass shelters for the homeless.

"When someone is doing a remodel of existing house and it does not involve expansion of square footage, they are not paying a CET," Planning Director Derrick Tokos said.

The tax revenue, which is estimated at \$181,000 per year, has to be used for affordable housing as defined by state law.

The state receives 15 percent for down payment assistance, and 50 percent goes to local development incentives for affordable housing. The remaining 35 percent goes to other local affordable housing programs.

For the 35 percent of the funds, affordable housing applies to households with incomes equal to or higher than 80 percent median family income for Lincoln County.

"I'm totally in favor of this," said Joanne Troy, executive director of the housing authority. "There's zero funding available for housing above 80 percent median income. There's no source of funds to help above 60 percent median income. Workforce housing is between 80 percent and 125 percent median income. Stuff like this is great because you get much more

mixed use, and you could have tiered affordability."

Dustin Capri, architect with Capri Architecture, said his concern is there wouldn't be a sunset for the program.

"Right now there's a housing problem," he said. "Say in 10 years there's not a housing problem. There probably will be. I'm not saying there won't be. But say it's been solved, we're still going to be collecting that CET."

Tokos said the city council would approve the tax every year and have time to develop a mechanism for distributing the funds because it would take years for enough money to be collected to benefit housing projects.

The tax would be in conjunction with significant decreases in SDCs, charges for water, sewer, stormwater, transportation and parks on new development.

Currently SDCs are the same for all single-family dwellings regardless of how small or large. A single-family detached home is charged \$10,994 in SDCs, including a 90 percent transportation SDC discount and a 50 percent parks SDC discount.

Under the new methodology, homes would be charged

SDCs based on square footage.

Homes less than 1,700 square feet would be charged \$4.39 per square foot. Homes 1,701 square feet to 2,900 square feet would be charged \$3.50 per square foot and homes more than 2,900 square feet would be charged \$3 per square foot.

This means a 1,250-square-foot house would pay \$5,488 in SDCs, a 2,500-square-foot house pays \$10,265 and a 4,200-square-foot house pays \$15,565.

"So say I'm building a 3,600-square-foot house, for the first 1,900 square feet I build I get charged the (small home) rate," Capri explained. "For the additional square feet between 1,900 and 3,500, I'm charged the second rate and for that extra 100 square feet, I'm charged the third rate."

For non-residential SDCs, the new methodology would base water and sewer charges on meter size, transportation charges on vehicle trip generation and stormwater charges on impervious surface area.

The current methodology bases water, sewer and transportation on equivalent dwelling units and stormwa-

ter on a flat fee.

For example, a 2,500-square-foot restaurant currently would be charged \$94,665 in SDCs. Under the new methodology, the same restaurant would be charged \$30,082 in SDCs.

As another example, a new 60-unit apartment complex under the current SDC structure would pay \$264,000. With changes made to SDCs and a CET, the project would pay \$236,000. If a percentage of the apartments were affordable, then the project would be eligible for additional funding from the city.

For SDC credits, the committee agreed a new development can only take advantage of preexisting use for the past 10 years on a property. In addition, credits shall not be transferable from one development to another if not on the same property, and credits shall not be transferable

from one type of capital improvement to another.

Tokos said another problem is that impervious surfaces keep getting added in the city without anyone paying SDCs.

To address that, storm drainage SDCs will be assessed at 50 percent for waterproof surfaces that already exist on a property unless developers can prove the impervious surface existed before 2007.

How all discounts, the percentage of the SDC collected, are applied to SDCs is still to be determined. For example, currently all parks SDCs have a 50 percent discount.

The city council will consider the SDC changes and CET on July 17.

Contact reporter Gloria Tucker at 541-265-8571, ext. 217 or gtucker@newport-times.com



City of Yachats
PO Box 345 (441 Highway 101 N.)
Yachats OR 97498-0345

541-547-3565 ofc
541-547-3063 fax
cityhall@YachatsMail.org

COMPLAINT FORM - Nuisance, Land Use, or other Code Violations

Name of Complainant: Betty Schuster
(Person filing this complaint)

Mailing Address: PO Box 897 Phone Number: 541-547-4434

Name of Defendant: Not Known
(Person against whom this complaint is made)

Address where violation occurred: Behind the Commons Ball Field
(Nearest house number or intersecting street, if no address)

I have reasonable grounds to believe that the named Defendant did unlawfully violate:

- ☒ Title 5, Chapter 5.08 – Nuisances – City of Yachats Municipal Code
☐ Title 9 - Zoning and Land Use – City of Yachats Municipal Code
☐ Title _____ - City of Yachats Municipal Code

I observed this offense at approximately 12:30 a.m./p.m. on the 24 day of Sept.
2017. (Multiple offense dates, if applicable: _____)

This offense occurred within the municipal boundaries of the City of Yachats, Oregon, at this address: Ball Field between 4th & 6th

Or near this address or intersecting street: _____

Write a plain and concise statement of the facts constituting the offense: I take my dog everyday to play & visit with other friends.

I observed a man & woman on the granite bench on the west of the field. The woman moved to the grass appearing to be talking to the dog.

I further declare and certify that the above information is true and correct to the best of my knowledge. I further state that I understand that, as the Complainant, it may be necessary for me to testify in Yachats Municipal Court, as such.

Betty Schuster
Complainant

9/28/2017
Date

PLEASE ATTACH ANY APPLICABLE PHOTOGRAPH(S)

NOTICE: Once filed, this document becomes public information, and may be used in Court.

to take a nap. The man was on the bench
for a few minutes. He got up & laid on top of
the woman and I observed him kissing her. In
a few minutes he got off of her & returned to
the bench. It appeared that all of their
belongings were all around the bench.
I have seen them on many occasions occupying
the bench for long periods of time.
Many people sit on this bench (it is a dedicated
bench), not able to due to the constant
occupation by this man & woman.







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COMPLAINT FORM - Nuisance, Land Use, or other Code Violations

Name of Complainant: Betty Johnston
(Person filing this complaint)
Mailing Address: P.O. Box 897 Phone Number: 541-547-4434

Name of Defendant: not known
(Person against whom this complaint is made)

Address where violation occurred: Covered structure behind Commons
(Nearest house number or intersecting street, if no address)

I have reasonable grounds to believe that the named Defendant did unlawfully violate:

- ☐ Title 5, Chapter 5.08 – Nuisances – City of Yachats Municipal Code
☐ Title 9 - Zoning and Land Use – City of Yachats Municipal Code
☐ Title _____ - City of Yachats Municipal Code

I observed this offense at approximately 6:00 a.m./p.m. on the 25 day of Sept.

2017. (Multiple offense dates, if applicable: _____)

This offense occurred within the municipal boundaries of the City of Yachats, Oregon, at this address: Ball Field - play ground area between 4th & 6th

Or near this address or intersecting street: _____

Write a plain and concise statement of the facts constituting the offense: Arrived at site to walk the dog. The children were playing there with teacher Angie supervising. I noticed that in the building was in view that I had seen the previous day at the beach was now sleeping on a picnic bench w/ a blanket or something like a blanket. I was talking to teacher Angie & she stated that the

I further declare and certify that the above information is true and correct to the best of my knowledge. I further state that I understand that, as the Complainant, it may be necessary for me to testify in Yachats Municipal Court, as such.

Betty Johnston
Complainant

9/28/17
Date

PLEASE ATTACH ANY APPLICABLE PHOTOGRAPH(S)

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Children were not permitted to go in the building because a man was sleeping in there. The children on occasion take their lunch ^{there} & have their lunch, but when people are in the building, meaning about or sleeping. Teacher Annie appeared to be always looking around her surroundings looking to see where her students were at all times.

City Council Presentation

2017

The week of May 23 I was walking my dog on the Broadwalk Path to the ball park. I live on West 6th Street, a few feet from our property is the Broadwalk Path it is to the right, to the left is the Library path. I don't always walk, I drive to post office and then to the ball field to walk my dog. I am there for about 20 to 30 minutes. I am not only there for my dog to exercise, but I enjoy observing my surroundings. On numerous occasions I have seen cars or pick ups parked on the roadway between the ball park and the 501 Bldg. I often see the same car there from 1 to 3 days. One day I noticed two gentleman in a car, one in the drivers seat and one in the back where the seats were down. It looked like he was waking up from a nap. It was 11:30 or so. The fellow in the driver's seat had come to the car a few minutes earlier carrying a paper sack with foodstuffs in it. In my opinion it looked like food from our food pantry. Someone was walking in front of me and the driver opened the car door and ask the man for some money for coffee. The pedestrain said no. I walked the same direction and he opened the door again and ask me for money, I just walked on.

They got out of the car and walked to covered area. There were two other men standing inside the covered area. During this time I was busy with my dog, but I continued to observe the area to see if and what they were doing. They looked unkept and had paper sacks in their hands, putting it up to their mouth on occasion. I then went home.

At 4:30 - 5:00 I went back to the ball field, this time walking on the Broadwalk path. I walked about to the ball field and saw the same men standing under the big spruce tree where there are benches to sit on. My instinct was telling me that I should leave. I follow my instincts and took a quick turn right to the library path and walk to the playground where teachers and pre school children were. I told the teachers about the four men and suggested they not allow the children to go out in the woods that there were 4 men milling around. In my opinion, they looked unkept, being loud and drinking. I felt unsafe for myself and the children. I saw Kim leave in her car for the day and ask if she could talk to me for a moment. I told what I saw and she said to call Don, our code enforcement officer. I also saw Nancy leaving and repeated what I told Kim. She suggested I call the Sheriff.

I returned home to call the Sheriff. A Deputy Eldridge called me back. He suggested some things I could do about what I had seen. He also stated that he or another deputy would really try to patrol Yachats once a day by driving down the city streets. This could happen if there was no other business he had to attend to. He then suggested I call the regional State Parks and talk to them about signage that they have posted that addresses hours that park is open, (dusk to dawn) or no overnight camping allowed.

Dennis Comfort lives in Seal Rock and is the Regional Director of State Park up and down the coast, from California to Washington. Dennis stated that the transient issue is a terribly big problem. As he went on he said that it was a 'social problem'. Some transients use our woods to defecate leaving there wiping materials wherever they are. I have seen this problem happening behind the playground and on the trail where benches might be. Also I have witnessed people in sleeping bags in the covered area sleeping on the picnic tables and using water and/or electrical outlets. The transients stay 1 night or 3 nights. When they leave they don't take their blankets or

their sleeping bags or trash. Don has picked up after them on many occasions. I have seen lots of gross stuff lying around this area. I have seen a teacher take a shovel and plastic bags wearing rubber gloves to pick up feces so the children don't step in it.

Mr. Comfort continued by saying that the state has tried to be compassionate with this issue, but to no avail. He said that idea doesn't work because they have been given blankets, then they leave them there where they sleep. They are given food and leave the trash where they ate the food.

His suggestions were: encourage people not to walk alone in the forest or enclosed areas, post when park is open or closed (dusk to dawn), set-up a task force, set up a neighborhood walk program or neighborhood watch wearing vests that identify the people and what they are doing in the area.

He also told me to call Bandon or Pacific City, these two towns have a huge problem with the transient population.

He also suggested that we make a call to J.R. the District Manager of State Parks and invite him to a meeting informing us what other cities do.

Many Yachadians do not frequent our recreational areas and do not realize that Yachats has a problem. I have seen 8 transients in one day around Yachats.

I do not want to be looking over my shoulder time after time wondering who is not far behind me and wondering if this person is a 'safe' person to be around.

Dennis Comfort 541-563-8502, cell 541-270-8661
Sheriff Deputy Eldridge Newport

JUNE 4, The Eugene Register Guard printed an article. The title, "OREGON STUDENT'S SLAYING PROMPTS OUTCRY"

Haruka Weiser, a freshman at University of Texas from Portland was sexually assaulted and killed.

Alumni and parents of students there are demanding to improve safety by cracking down on homeless people, improving nighttime lighting and improving foot and bike patrols.

Some parents and alumni believe U of T bears a measure of blame for this act. Although the killer is responsible for the crime, UT is equally at fault for failing to provide a safe and secure environment.

One parent stated, "homeless predators who walk across campus at will, stealing, assaulting, urinating in public passed out on benches high or drunk, committing vandalism, etc". He further stated, "It was just a matter of time before a tragedy occurred".

A mother was quoted, "UT should improve lighting, clean up brush, restrict access to buildings and step up enforcement of laws against loitering, trespassing and public intoxication and urination".

Officer Carter, Chief of Police said, "It's not illegal to be homeless or transient" but rules and regulations are needed to keep our children and our citizens safe.

Homelessness is a societal issue that to be addressed collectively, law enforcement is not the solution. What can we do to make sure a tragedy will not happen here?

Oregon Parks and Recreation Department: Rules and Regulations

Department

Contact Us



About Us
Contact Us
Western Snowy Plover
Habitat Conservation
Plan
Scenic waterways
Rulemaking notices
Ocean Shores
Day-use permit
vendors

Address

Oregon Parks and Recreation Department
Ocean Shores/Scenic Waterways
725 Summer St NE, Suite C
Salem OR 97301

Hours of Operation

9:00 AM - 5:00 PM

Contact

park.info@state.or.us

Phone: 503-986-0707

Director's Office

Chris Havel, Director's Office Information, (503) 986-0722

Richard Walkoski, Americans with Disabilities Act and accessibility comments and questions. (503) 986-0748

OREGON.GOV

State Directories
Agencies A to Z
Oregon Administrative Rules
Oregon Revised Statutes
Oregon - an Equal Opportunity
Employer
About Oregon.gov



WEB SITE LINKS

Text Only Site
Accessibility
Oregon.gov
Browser Support
Privacy Policy
Site Map
Web Site Feedback

PDF FILE ACCESSIBILITY

Adobe Reader, or equivalent, is required to view PDF files. Click the "Get Adobe Reader" image to get a free download of the reader from Adobe.





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541-547-3565 ofc
541-547-3063 fax
cityhall@YachatsMail.org

COMPLAINT FORM - Nuisance, Land Use, or other Code Violations

Name of Complainant: Betty Johnston
(Person filing this complaint)
Mailing Address: PO Box 897 Phone Number: 541-547-4434

Name of Defendant: Not Known
(Person against whom this complaint is made)

Address where violation occurred: Ct R Market 2nd & Hwy 101
(Nearest house number or intersecting street, if no address)

I have reasonable grounds to believe that the named Defendant did unlawfully violate:

- ☒ Title 5, Chapter 5.08 – Nuisances – City of Yachats Municipal Code
☐ Title 9 - Zoning and Land Use – City of Yachats Municipal Code
☐ Title _____ - City of Yachats Municipal Code

I observed this offense at approximately 4:40 a.m./p.m. on the 27 day of Sept.
2017. (Multiple offense dates, if applicable: _____)

This offense occurred within the municipal boundaries of the City of Yachats, Oregon, at this address: 2nd & Hwy 101

Or near this address or intersecting street: _____

Write a plain and concise statement of the facts constituting the offense: I arrived at the market as I was walking into the market I observed a man & a woman sitting between the visitors center & the market. They held a sign that said "need money or anything would help". People walking by were not looking at them. They went into the store.

I further declare and certify that the above information is true and correct to the best of my knowledge. I further state that I understand that, as the Complainant, it may be necessary for me to testify in Yachats Municipal Court, as such.

Complainant _____

Date _____

PLEASE ATTACH ANY APPLICABLE PHOTOGRAPH(S)

NOTICE: Once filed, this document becomes public information, and may be used in Court.

for a short period of time & went back to
sit down on side walk. I can identify it
Necessary.

1
2
3
4 **BEFORE THE BOARD OF COMMISSIONERS**
5 **FOR LINCOLN COUNTY, OREGON**
6

7 In the Matter of)
8)

9 **INITIATING PROCEEDINGS FOR**)

10 **LEGALIZING A PORTION OF**)

11 **OCEAN VIEW DRIVE, COUNTY ROAD # 813**)
12

ORDER NO. 8-17-233

13 WHEREAS the Board of Commissioners (BOC) has been advised by the Lincoln
14 County Road Department that a portion of Ocean View Drive, County Road #813 in Yachats
15 needs to be legalized from the centerline of 4th Street southerly and easterly to the westerly
16 right-of-way line of Pontiac Street so that a specific right-of way will be established. This
17 legalization is necessary because of defects in the original survey information for this portion
18 of the road, and/or because the location of the road cannot be accurately determined due to
19 alteration of the road, ORS 368.201(2)(a) and (b). In addition, and as a separate basis for the
20 legalization for a portion of the road, the road as traveled and used for 10 years or more does
21 not conform to the location of the road as described in the County records, ORS 368.201(3);
22 and
23

24 WHEREAS ORS 368.201 provides that the BOC may initiate proceedings to legalize a
25 County road if the aforementioned conditions exist; and
26

27 WHEREAS the Road Department desires to legalize a portion of Ocean View Drive,
28 County Road #813. A copy of the Public Works Director's request is attached hereto and
29 incorporated herein as Exhibit "A";
30

31 NOW, THEREFORE IT IS HEREBY ORDERED THAT:
32

33 1. Proceedings are hereby commenced to legalize a portion of Ocean View Drive,
34 County Road #813, in Yachats Oregon as more particularly described in Exhibit "B" attached
35 hereto and incorporated herein.
36

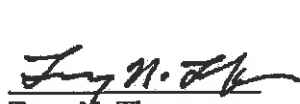
37 2. The portion of the road to be legalized shall be surveyed, and the Public Works
38 Director shall file a report with the Board, including the survey, pursuant to ORS
39 368.206(1)(b).

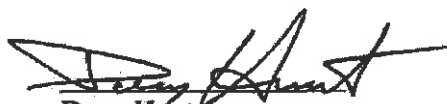
1
2 3. Upon completion of the report and survey, the Public Works Director shall
3 cause notice of the legalization proceeding to be provided in the manner required by law.
4

5 4. A copy of this Order shall be forwarded to the Public Works Director, County
6 Surveyor, County Counsel and to the City of Yachats through the City Administrator.

DATED this 9th day of August, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS


Terry N. Thompson
Chair


Doug Hant
Commissioner


Bill Hall
Commissioner

EXHIBIT "A"



Lincoln County Public Works

Roy L. Kinion
Public Works Director

County of Lincoln

880 NE 7th Street
Newport, Oregon 97365-2599
Phone (541) 265-5747
FAX (541) 574-1295

July 24, 2017

Lincoln County
Board of Commissioners
225 W. Olive
Newport, Oregon 97365

Re: Legalization of a Portion of Ocean View Drive No. 813

Honorable Chair and Commissioners:

The Road Department would like to legalize a portion of Ocean View Drive No. 813, from the centerline of 4th Street southerly and easterly to the westerly right-of-way line of Pontiac Street, so that a specific right-of-way will be established. The County is considering a jurisdictional transfer to the City of Yachats and preliminary work by the County Surveyor's office reveals defects in the original survey information for this portion of the road.

Under ORS 368.201(2)(a) and (b) the governing body may initiate proceedings to legalize a county road if the location of the road cannot be accurately determined due to numerous alterations of the road or if there is a defective survey of the road or adjacent property.

Also, under ORS 368.201(3) the governing body may initiate proceedings to legalize a county road if the road as traveled and used for 10 years or more does not conform to the location of a road described in the county records.

Please contact me if you have any questions or comments.

Sincerely,

Roy Kinion
Public Works Director

xc: John Waffenschmidt, County Surveyor
Wayne Belmont, Legal Counsel
File

EXHIBIT "B"



COUNTY OF LINCOLN

Lincoln County Surveyor's Office
Eathan D. Nicley - *PLS CWRE*
Deputy County Surveyor

880 NE 7th
Newport, Oregon 97365
(541) 265-4147

Legalization Description
for portion of Ocean View Drive
Including portions of Lots 8, 9 and 10, of Block 2
Third Addition to Yachats
owned by
Eric A. Powell
and
Richard Stanley Urbanski

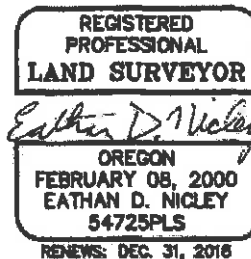
July 17, 2017

Legalization description for a portion of Ocean View Drive, being a street 50 feet in width, as dedicated to the Public in 1933 as Ocean Drive, with the Plat of the Third Addition to Yachats, recorded in Book 7, Page 51, Plat Records, of Lincoln County, Oregon. The center line of said street legalization portion being more particularly described as follows:

Commencing at the Southwest corner of that property described in Book 415, Page 539, in Lincoln County Microfilm Records, said point being marked with a 5/8" rebar as established by surveyor Bud Burdett in 1966, with CS 3131; thence North 86°14'07" West 25.00' to the centerline of Ocean View Drive and the true point of beginning of this portion to be legalized; thence North 04°47'52" East 64.92' to a point; thence North 14°12'37" East 60.67' to a point on the Westerly extension of the South right of way of W 4th Street, also being the North line of Lot 10, of Block 2, of the Third Addition to Yachats (said point being located North 87°16'03" West, 10.51 feet from the Northwest corner of said Lot 10, as marked upon the ground by surveyor Gary Nyhus, with CS 15325 Lincoln County Survey Records).

The side lines of this legalized right of way are to be extended or foreshortened to begin on the existing right of way lines of Ocean View Drive on the South and to end on the Westerly extension of the South right of way of W 4th Street on the North.

Situated in the SE 1/4 of Section 27, Township 14 South, Range 12 West, Willamette Meridian. Bearings are in the Oregon Coordinate System, Oregon Coast Zone, as defined in O. A. R. 734-005-0015.



[C:\Users\Barrakham\Downloads\Legalization Description Urbanski and Powell \(3\).docx](#)

OUR GUARANTEE
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and interpretation for the people of Lincoln County."

EXHIBIT "B"



Lincoln County Surveyor's Office
Eathan D. Nicley - PLS CWRE
Deputy County Surveyor

COUNTY OF LINCOLN

880 NE 7th
Newport, Oregon 97365
(541) 265-4147

SURVEY DESCRIPTION

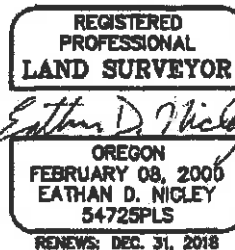
For a portion of
OCEAN VIEW DRIVE
and Additional Right OF Way to be added
through Legalization Procedures
Located within the Plat of the
First Addition to Yachats
Lincoln County, State of Oregon.

July 20, 2017

Legal description for a portion of Ocean View Drive (originally platted and dedicated as Ocean Drive), being a right-of-way of varying width, describing a portion of the original right of way as created by the First Addition to Yachats (recorded as Book 7, Page 14, Lincoln County Plat Records), together with additional right of way to be added by legalization process, said additional right of way being portions of Blocks 1, 2 and 3, of said First Addition. The area within the description beginning at Pontiac Street (originally Lots 15 and 16, of Block 3, of said First Addition), running westerly and then northerly to the north line of said First Addition also being the northerly right of way line of W 3rd Street. Being more particularly described as follows:

Commencing at a 1/2" iron pipe situated the Northeast corner of Lot 14, of Block 3, of the First addition to Yachats, as recorded in Book 7, Page 14, of the Lincoln County Plat Records, thence South 02°45'33" West 52.00 feet along the easterly line of said lot 14, to the true Point of Beginning of this legal description; thence South 79°30'00" West for 15.09 feet; thence North 89°42'00" West for 35.33 feet; thence North 78°58'53" West for 50.46 feet; thence North 86°57'21" West for 24.97 feet; thence North 87°29'53" West for 18.15 feet; thence North 81°49'57" West for 32.05 feet; thence North 83°17'25" West for 25.09 feet; thence North 84°44'24" West for 24.85 feet; thence North 86°01'46" West for 64.61 feet; to the beginning of a horizontal curve, the radius point of which bears North 3°58'14" East, and 50.00 feet, thence along said curve through a central angle of 59°06'48" for 51.59 feet; thence North 26°54'59" West for 17.65 feet; to the beginning of a horizontal curve, the radius point of which bears South 63°05'01" West, and 156.00 feet, thence along said curve through a central angle of 12°35'08" for 34.27 feet; thence North 39°30'07" West for 61.20 feet; to the beginning of a horizontal curve, the radius point of which bears North 50°29'53" East, and 186.00 feet, thence along said curve through a central angle of 42°06'59" for 136.72 feet; to the beginning of a compound horizontal curve, the radius point of which bears South 87°23'08" East, and 66.00 feet, thence along said curve through a central angle of 54°22'14" for 62.63 feet; thence non-tangent to the previous curve North 40°05'32" East for 63.37 feet; to the beginning of a horizontal curve, the radius point of which bears North 2°28'28" East, and 68.00 feet, thence along said curve through a central angle of 37°16'51" for 44.25 feet; thence North 50°14'41" West for 95.86 feet; to the beginning of a horizontal curve, the radius point of which bears North 39°45'19" East, and 206.00 feet, thence along said curve through a central angle of 37°26'47" for 134.63 feet; to the beginning of a horizontal curve, the radius point of which bears North 77°12'05" East, and 15.00 feet, thence along said curve through a central angle of 105°32'22" for 27.63 feet to the southerly right of way of W 3rd Street; thence North to the north line of the said First Addition to Yachats, also being the north right of way line of W 3rd Street; thence westerly along said north line to the west right of way line of said Oceanview Drive being described per said plat "the bank at the east side of the Pacific Ocean; thence with the meanderings along the east bank of said ocean . . . to the north bank of the Yachats River"; thence easterly "with the meanderings along the bank of said river" to a point which is South of the true point of beginning; thence North to said true point of beginning;

Situated in the Southeast quarter of Section 27, Township 14 South, Range 12 West, Willamette Meridian. Bearings are in the Oregon Coordinate System, Oregon Coast Zone, as defined in O. A. R. 734-005-0015.



C:\Users\varrahani\Downloads\2017 Rd 804 Legalization Desc. portion in First Addition v2 (3).docx

OUR GUARANTEE

"Provide friendly, efficient, land records information
and interpretation for the people of Lincoln County."

League of Oregon Cities Foundation

1201 Court St. NE, Suite 200 • Salem, Oregon 97301 • (503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org



September 2017

Dear Mayor:

On behalf of the League of Oregon Cities Foundation, I am writing to your city to invite you to follow the lead of the many cities in Oregon who have contributed to the LOC Foundation over the past several years. Your support of the Foundation funds efforts such as conference and training scholarships that help the League to be the "go-to place for and about cities as a dynamic resource hub for advocacy, education and best practices."

Having the opportunity for the largest and smallest cities to participate allows us all to speak with one voice. We are asking that you consider a donation in order to provide information and education to city officials across the state of Oregon. Our suggestion is that you consider a donation in an amount equal to **five cents per capita**, or any other amount your city can afford.

Your contribution should be written to the League of Oregon Cities Foundation and can be designated for our immediate scholarship use or to the Phillip W. Houk Scholarship fund which will be invested with the Oregon Community Foundation Trust, wherein the interest will be used for scholarships for attending the Oregon Mayors Association, the League of Oregon Cities Conference and/or the League training workshops.

Based on current funds available, the LOC Foundation Board has budgeted the following for FY 2017-18:

- \$1,200 – Scholarships for attending the Oregon Mayors Association Conference
- \$3,000 – Scholarships for attending the League of Oregon Cities Conference
- \$1,500 – Scholarships for League training workshop attendance

When making your donation to the LOC Foundation or the Phillip W. Houk Scholarship fund, please send your check to LOC Foundation, 1201 Court St. NE #200, Salem, OR 97301. The Foundation accepts tax-free donations from private parties as well if you would like to contribute individually.

Thank you for your consideration.

Sincerely,

Phillip W. Houk, President
LOC Foundation Board



City of Yachats
PO Box 345 (441 Highway 101 N.)
Yachats OR 97498-0345

541-547-3565 ofc
541-547-3063 fax
cityhall@YachatsMail.org

COMPLAINT FORM - Nuisance, Land Use, or other Code Violations

Name of Complainant: TONY MOONEY
(Person filing this complaint)

Mailing Address: P.O. Box 1285 - WALAPOL, OR Phone Number: 541-547-4934

Name of Defendant: MALE & FEMALE TRANSIENTS RESIDING @ THE COMMONS.
(Person against whom this complaint is made)

Address where violation occurred: ON THE BOARDWALK NEAR W. 4TH ST.
(Nearest house number or intersecting street, if no address)

I have reasonable grounds to believe that the named Defendant did unlawfully violate:

- ☒ Title 5, Chapter 5.08 – Nuisances – City of Yachats Municipal Code
☐ Title 9 - Zoning and Land Use – City of Yachats Municipal Code
☐ Title _____ - City of Yachats Municipal Code

I observed this offense at approximately 5:30 a.m./p.m. on the 22 day of SEPTEMBER,

2017. (Multiple offense dates, if applicable: _____)

This offense occurred within the municipal boundaries of the City of Yachats, Oregon, at this address: ON THE BOARDWALK, E 200 FT FROM W. 4TH ST - SEATING AREA AT THE SPRUCE TREE

Or near this address or intersecting street: _____

Write a plain and concise statement of the facts constituting the offense:

(PLEASE SEE ATTACHED)

I further declare and certify that the above information is true and correct to the best of my knowledge. I further state that I understand that, as the Complainant, it may be necessary for me to testify in Yachats Municipal Court, as such.

Tony Mooney
Complainant

9/27/17
Date

PLEASE ATTACH ANY APPLICABLE PHOTOGRAPH(S)

NOTICE: Once filed, this document becomes public information, and may be used in Court.

DATE: 09/22/2017

RE: Transient Harassment

Possible Violation of Titles 5.08.120 (Scattering Rubbish) and 5.08.180 (Unenumerated Nuisances)

While walking home from work on the boardwalk near 4th St, on above date at about 0830, I came across a bunch of garbage that had been strewn about in the center of the boardwalk in the area of the Big Spruce. Stuck in the railing of the boardwalk was a large knife with about a 7 inch blade-amongst the debris was two more large knives and a small pocket knife. The other items were food items out of the wrappers, beer bottles, paper napkins (that had been tossed into the pond), tobacco and cigarette butts.

After picking up all of the garbage above and putting it in a garbage bag that was laying in the middle of the boardwalk and removing the knife (I knew that children from the nearby school would be playing there later), a female and a male emerged from the area of the covered area and on to the trail and confronted me stating, "what are you doing with our sh#t?"

I said, "I'm picking up the garbage that you people left."

At this time, the male advanced and continued to walk towards me. The male-about 5' 8", 160, brown hair blue eyes wearing a brown baseball cap with a feather in it continued to yell expletives at me. I told him to stop and threw his garbage bag (or apparently his) to his left. He continued to advance and at the same time, reaching for something in his waist band (I could see nothing). During this time, the female tried to circle behind me. The female is about 5'10", 160, blond, blue eyed wearing a black plastic coat with Sherpa lining and jeans.

I then yelled "Hey, stop, or I'm calling the police and then you're going to jail"-I continued to back up with hands raised at that time. He continued to step towards me, I stepped back and called for police on my radio advising that I was being harassed and the man has access now to knives. At this point, the female walked quickly away onto the ball field and the male then continued to advance and insisted on shaking my hand-I declined for safety reasons. The man eventually turned and walked away, black garbage bag in hand.

I was shaken up pretty good and fearful as now, he has access to weapons as I gave him back his bag.

I then backed down the boardwalk and went home as dispatch told me to make contact with Dep. Davies.

I made phone contact and gave a description, changed into street clothing (as I had been off duty this whole time) and returned on my own to 4th St as I assumed that I would be needed to ID these people. Dep. Davies had stopped the female. I could hear her ranting about how I “stole” her tent and supplies. Dep. Davies then motioned me over-I got out of my private car and went over. She continued to rant as I walked up- I then removed my sunglasses, and Dep. Davies had her identify me as the one who “stole” her tent and “sh#t”. She then said, “that’s the f#*kin f@g#t that stole my sh#t”.

I then said I didn’t take “your sh#t”-Davies then asked her about the other guy-I didn’t hear the response as I turned and left as she continued to call me expletives as I walked away.

I talked to Dep. Davies on the phone later, and his only report back to me was that he had spoken to both of them and I should have just walked away instead of being confrontational about their garbage.

I encountered the male and female while walking on the boardwalk later that day (about 3pm). I was walking on the boardwalk to see if the two had left. They were sitting on the marble bench at the ballfield and yelled at me “Hey, you’re the f#ckin guy from this morning!”

I said with arms raised desperation and somewhat fearful - “Yup, I am!”

Then they both began running to meet me at some juncture of the boardwalk, while I continued my jog in another direction. They continued to yell expletives at me as I continued through the forest with them attempting to pursue me.

Submitted,

Tony Mooney

**CITY OF NEWPORT
RESOLUTION 3787**

**A RESOLUTION ESTABLISHING THE TAX RATES
FOR AN AFFORDABLE HOUSING CONSTRUCTION EXCISE TAX**

WHEREAS, Ordinance No. 2114 enacted Chapter 3.15 of the Newport Municipal Code; and

WHEREAS, Section 3.15.020 requires that the City Council establish by resolution the percentage rate of the excise tax to be levied on the value of commercial, industrial, and residential improvements to fund affordable housing; and

WHEREAS, Section 3.15.055(A) stipulates that the percentage of gross revenues from the construction excise tax reserved for program administration shall be established by resolution and that such amount is not to exceed four percent; and

WHEREAS, Oregon law provides that after deduction of the administrative fees, the net construction excise tax revenues are to be distributed as follows:

- 50 percent to development incentives for affordable housing, which must include (a) whole or partial fee waivers or reductions, (b) whole or partial waivers of system development charges or impact fees; (c) finance-based incentives, or (d) full or partial exemptions from property taxes.
- 35 percent for other affordable housing programs that may include, but are not limited to (a) affordable housing rehabilitation grants, (b) home buyer down payment assistance and buyer education programs, (c) acquisition of land for affordable housing development; or (d) grants to developers for affordable housing.
- 15 percent to Oregon Housing and Community Services to fund the Department's down payment assistance program.

WHEREAS, Oregon law provides that the rate of the construction excise tax on residential construction may not exceed one percent of the permit value of construction, but imposes no limit on the rate of the construction excise tax on commercial and industrial properties.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The rate of taxation under Newport Municipal Code Chapter 3.15.020 shall be one percent for residential construction and one percent for commercial and industrial construction.

Section 2. The fee for administration of the construction excise tax pursuant to Newport Municipal Code Chapter 3.15.055(A) shall be four percent of gross revenues.

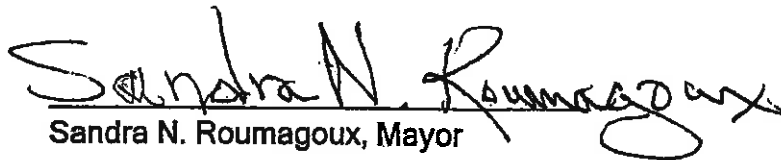
Section 3. An ad hoc work group shall be formed, and approved by the City Council, to determine how to distribute funds collected pursuant to this resolution

Section 4. Construction excise tax funds are to be distributed in accordance with the recommendations of the ad hoc work group as adopted by the City Council.

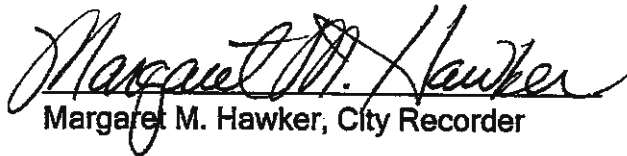
Section 5. The effective date of this resolution is September 6, 2017.

Adopted by a 4-2 vote of the Newport City Council on August 7, 2017.

Signed on August 8, 2017.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:


Steven E. Rich, City Attorney

OCEAN VIEW DRIVE ENCROACHMENT ISSUE

Issue:

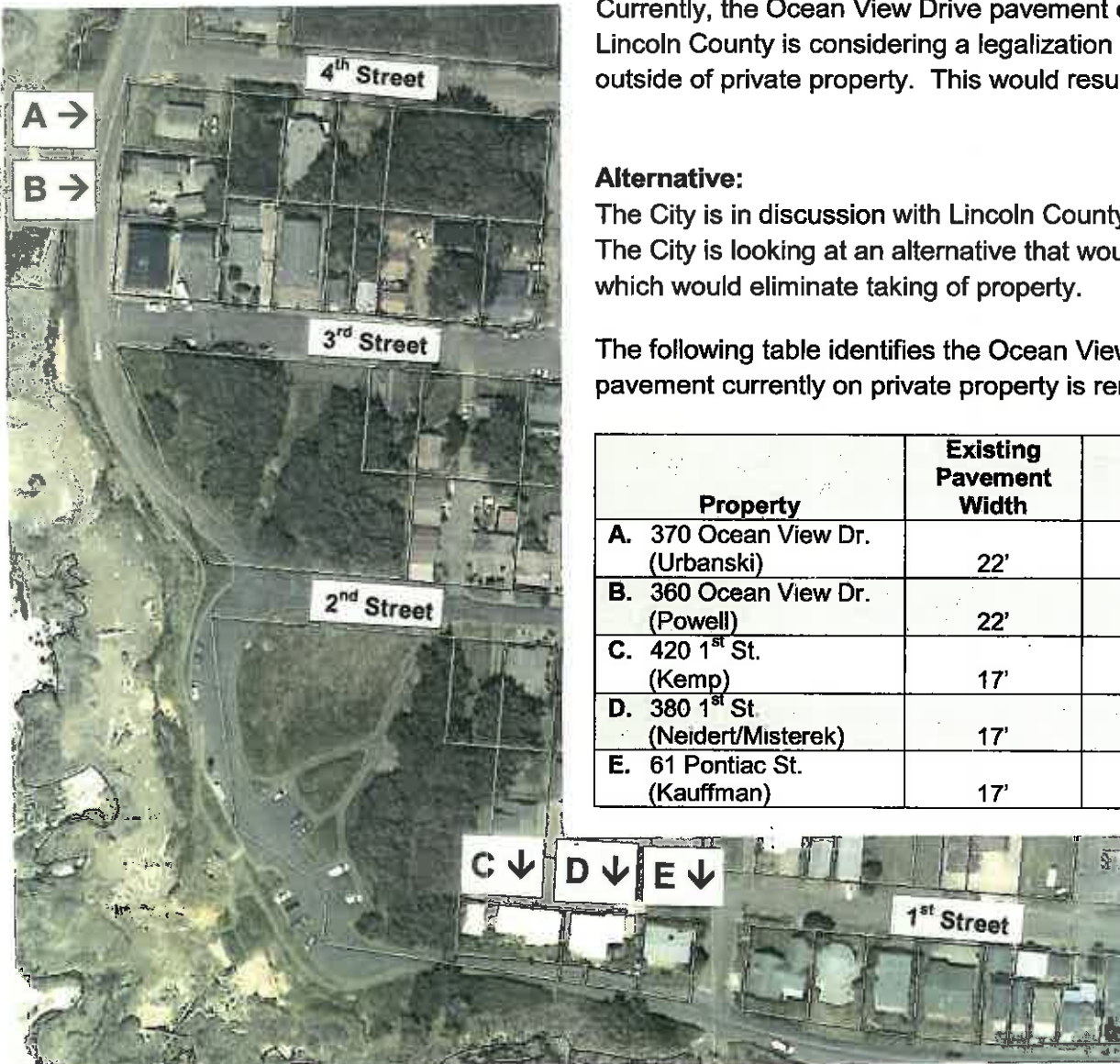
Currently, the Ocean View Drive pavement encroaches on to some private property. To correct this, Lincoln County is considering a legalization procedure that would enable the road surface to be outside of private property. This would result in five properties having a reduced square footage.

Alternative:

The City is in discussion with Lincoln County to transfer jurisdiction of Ocean View Drive to the City. The City is looking at an alternative that would eliminate intrusion of pavement on private property which would eliminate taking of property.

The following table identifies the Ocean View Drive pavement width and ocean side shoulder width if pavement currently on private property is removed and the property boundaries remain the same.

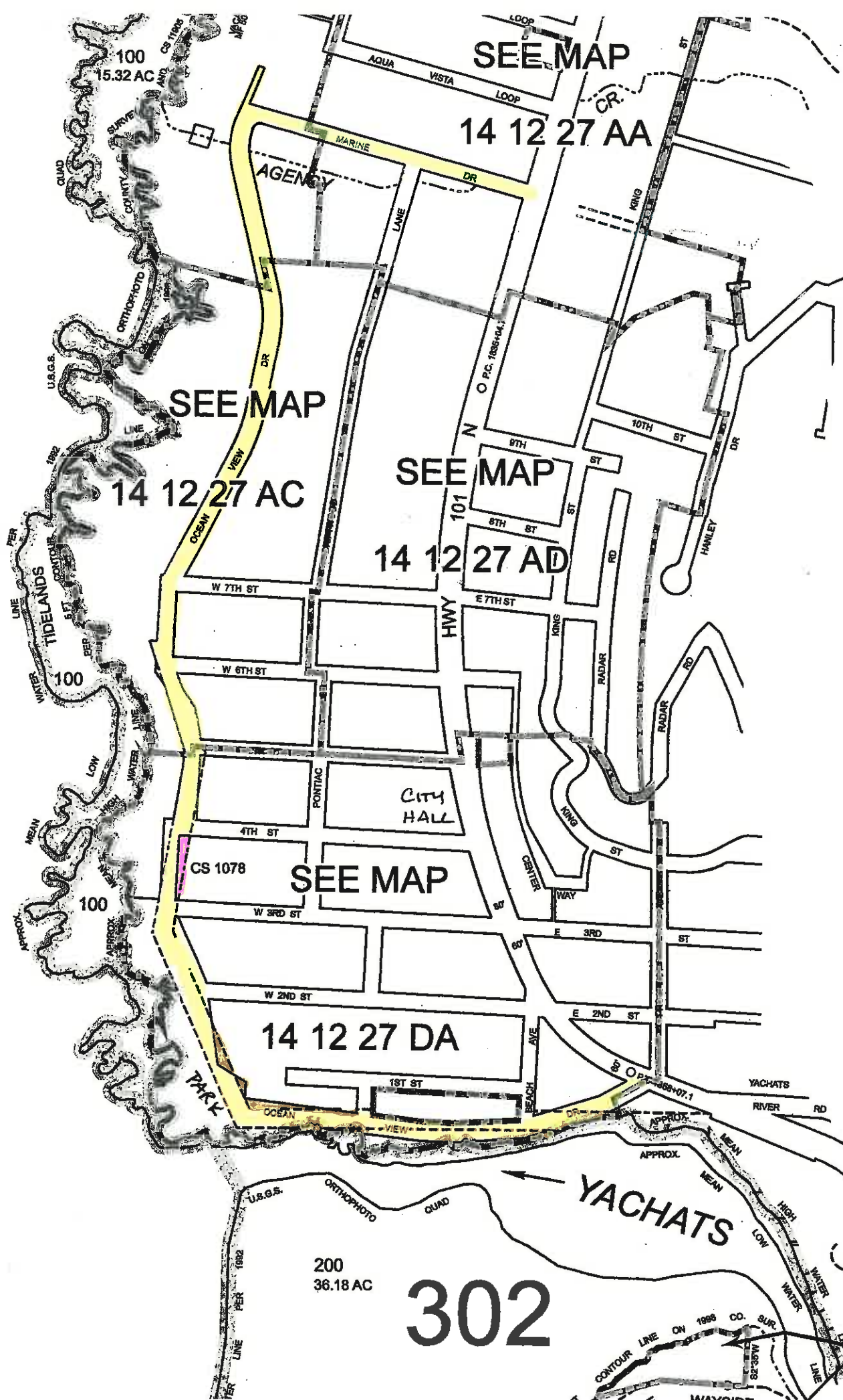
Property	Existing Pavement Width	Min. Pavement Width Excluding Private Property + Ocean Side Shoulder Width = Total Available Width
A. 370 Ocean View Dr. (Urbanski)	22'	$17' + 9' = 26'$
B. 360 Ocean View Dr. (Powell)	22'	$22' + 9' = 31'$
C. 420 1 st St. (Kemp)	17'	$14' + 5' = 19'$
D. 380 1 st St. (Neidert/Misterek)	17'	$17' + 5' = 22'$
E. 61 Pontiac St. (Kauffman)	17'	Min. $10' + 5' = 15'$



302

200
36.18 AC

OCEAN



ORDINANCE NO. 348

AN ORDINANCE AMENDING THE CITY OF YACHATS ZONING AND LAND USE ORDINANCE AND ESTABLISHING SPECIAL CONDITIONAL USE REVIEW CRITERIA FOR FORMULA BUSINESSES

WHEREAS, as described in the Comprehensive Land Use Plan of the City of Yachats, adopted in June 2008, the City's identity as a small-town, coastal community plays a direct role in attracting the City's main industries: retirement, travel, and recreation. Yachats has become a special destination among Oregon coastal cities because the City emphasizes the natural beauty and resources of the ocean, bay, river, and surrounding forests and mountains, rather than commercial development.

WHEREAS, the City finds that an increase in formula businesses within the City's commercial area, if not regulated, would frustrate the City's goals of retaining and enhancing its small-town, ocean side character which in turn supports the economic viability of the City as a retirement, travel, and recreation destination. The community prefers a rural and natural environment over an overly commercialized one. The amendment adopted in this ordinance will ensure that formula businesses that choose to locate in the City are as compatible as possible with existing development and surrounding natural resources, thereby preserving and enhancing the City's identity.

WHEREAS, the City's Comprehensive Land Use Plan is largely dedicated to establishing policies and goals that work to preserve and enhance the City's natural setting along the Oregon coast. The Introduction to the City's Comprehensive Land Use Plan provides that:

The City's comprehensive plan is intended to not only address statewide planning goals, but to take into account local land use planning needs and issues and respond to the desires, needs, and aspirations of the citizens of Yachats.

Land use policies, procedures, and applications shall complement the natural beauty of Yachats' location and its environment, which has led to Yachats' long-standing reputation as "The Gem of the Oregon Coast."

The construction and maintenance of public, commercial, professional, and residential buildings, their siting, design materials, and landscaping, within reasonable variation, shall enhance rather than detract from the quiet coastal ambiance of the City as noted above.

This plan includes background and analytic sections that support recommendations for the protection of natural resources, recreational opportunities, control of urban growth and form, and providing for economic growth, adequate public facilities, housing, transportation and other functions.

WHEREAS, Goal G. Control of Urban Growth and Form includes the following mandatory policies:

6. *The City shall, through development regulations, ensure that new development shall be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.*

7. *The City shall encourage improvement of the community's visual character.*

WHEREAS, Goal H. Provide for Economic Growth includes the following mandatory policies:

1. *The City shall maintain and enhance the economic stability of the City without diminishing the livability of the area.*

4. *The City shall, through development regulations, ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.*

WHEREAS, as of the date of this ordinance, there are only two formula businesses located within the City. One is still in the construction phase. The other is a long-standing grocery store. The majority of the businesses located within the City and within the C-1 Retail Commercial Zone are small, one-story buildings that were constructed pre-1970s. Some businesses within the City have been converted from residences.

WHEREAS, in compliance with the goals and policies of the Comprehensive Plan, the City desires to regulate formula businesses in the City by creating a new conditional use within the C-1 Retail Commercial Zone and new review criterion.

WHEREAS, on November 15, 2016, the Planning Commission held a public hearing on an amendment to the Yachats Zoning and Land Use Code to include Formula Business regulations. One resident submitted a written letter in opposition to the amendment; one non-resident, who operates a business in the City, verbally testified in opposition. The Planning Commission voted to forward the proposed amending language to the Council for adoption.

WHEREAS, on October 4, 2017 and October 11, 2017, the City Council held public hearings on the ordinance amending existing Code.

NOW THEREFORE, THE CITY OF YACHATS ORDAINS AS FOLLOWS:

SECTION 1. The following definition is added to Section 9.04.030 Definitions:

“Formula Business” means a business that is required by contractual or other arrangement to adhere to proscribed standards and features, particularly for exterior color schemes, signs or architectural design.

“Business” means a commercial enterprise carried on for profit.

SECTION 2. The following is added to Section 9.28.020 Conditional uses:

V. Formula Business and any accessory use to a Formula Business for:

- 1. Motel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses.*
- 2. Automobile service stations with direct access to U.S. Highway 101.*
- 3. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments.*
- 4. Financial institutions.*
- 5. All other conditional uses listed in this section that are also Formula Businesses.*

SECTION 3. The following section is added to Chapter 9.28 – C-1 Retail Commercial Zone:

Section 9.28.040 Prohibited uses.

Except as provided in Section 9.28.020 Conditional uses, all Formula Businesses are prohibited in the C-1 Retail Commercial Zone.

SECTION 4. The following is added as a subsection to Section 9.72.050 Standards and procedures governing conditional uses:

F. Standards for Formula Businesses

- 1. An approved formula business shall only be for one of the uses listed in Section 9.28.020 V.*
- 2. A formula business must demonstrate compliance with the criteria listed in this subsection in addition to all other applicable conditional use criteria contained in Section 9.72.050.*
- 3. The applicant shall demonstrate in its application materials that:*
 - i. The building has been designed to be consistent with and to preserve the City's small-town, coastal community character.*
 - ii. The building scale as compared to surrounding development is compatible.*
 - iii. Precautions have been taken to minimize adverse impacts of development and operation on the natural setting and abutting properties; and*

iv. *The business meets the goals of the City's Comprehensive Plan, as applicable.*

SECTION 5. 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 6. EFFECTIVE DATE. This ordinance shall take effect on the 30th day after its adoption.

___ ADOPTED ___ NOT ADOPTED

by vote on October 4, 2017 (___ Aye; ___ No); and
October 11, 2017 (___ Aye; ___ No)

DATED this 11th day of October, 2017.

Gerald F. Stanley, Mayor

ATTESTED TO:

Shannon Beaucaire, City Manager

CITY OF YACHATS

RESOLUTION NO. 2017-10-001

**A RESOLUTION AMENDING RESOLUTION 2014-01-01 BY SETTING
FEES FOR VACATION RENTAL LICENSE, INSPECTION AND RE-
INSPECTION FEES AND VIOLATION PENALTY**

WHEREAS, the City has invested time and money to establish a means by which to license, administer and monitor properties offered as vacation rentals; and

WHEREAS, in an effort to streamline the application and renewal processes, the City is transitioning to an electronic system, contracting for code enforcement and developing a data base to improve the monitoring Code violations, license renewals and tax payments; and

WHEREAS, the fees charged have not been adjusted since 2014, under Resolution 2014-01-01;

NOW THEREFORE, the City of Yachats resolves to set the annual vacation rental license fee, inspection fee, re-inspection fee and violation penalty as follows:

Section 1. License Fees.

- A. All vacation rental fees shall be determined by resolution of the City Council.
- B. When an applicant for a new vacation rental license has not engaged in business during the calendar year until after August 1, the required fee for the license shall be reduced by one-half. The reduced fee shall only apply to a vacation rental that has not had a Yachats vacation rental license in any previous year.
- C. Annual licensure rates, due by December 29 of any given year shall be as follows:
 - 1. \$200 per year for two bedrooms or less
 - 2. \$250 per year for three bedrooms
 - 3. \$300 per year for four bedrooms
 - 4. \$400 per year for more than four bedrooms (grandfathered only)
- D. Inspection fees and re-inspection fees shall be as follows:
 - 1. \$100 for first inspection
 - 2. \$50 for any additional trip required to conclude inspection
 - 3. \$50 for subsequent years (every five years, according to Code)

Section 2. Penalties.

- A. Violation of any provision under Yachats Municipal Code 04.08 (Vacation Rentals):
 - 1. Any apparent vacation rental for which there is no documented exchange of value shall pay to the City a \$30 per day fee, in lieu of tax, if no license was obtained. This includes non-cash exchanges of value, including barter.
 - 2. Within any 12-month period: first violation of any type, property owner

receives a written warning; second violation of any type, property owner is cited with a penalty of up to \$1,000 per incident, per day; third violation of any type, property owner's vacation rental license is suspended for a full year. Renewal of the license after one year is subject to available licenses below the 125 imposed cap.

___ **PASSED AND ADOPTED** this 11th day of October, 2017.

THIS RESOLUTION IS EFFECTIVE ON OCTOBER 15, 2017.

Gerald F. Stanley, Mayor

Shannon Beaucaire, City Manager

- E. Roof Signs. The height of the highest edge or point of a roof sign shall be the lesser of: (1) thirty (30) feet above adjacent grade; or (2) the ridge line of a pitched roof or four feet above a flat roof.
- F. Wall Signs and Mansard Roof Signs.
1. A sign on a mansard roof shall be considered a wall sign.
 2. The area of a wall sign shall not exceed the lesser of: (1) one hundred (100) square foot; or (2) twenty (20) percent of the area of the building wall or the face of the mansard roof to which it is attached.
 3. A wall sign shall not project more than sixteen (16) inches from the wall to which it is attached.
 4. The highest edge or point of a wall sign shall not project higher than the wall to which the sign is attached.
- G. Window Signs. Permanent signs inside windows that can be read from outside the building shall be computed into the total allowable sign area.

* This may be in conflict with Section 9.72.050. It is the council's intention that Section 90.44.030(C) take precedence.

(Ord. 175, 1995; Ord. 73E § 3.010(3), 1992; Ord. 140, 1991)

Section 9.44.040 Prohibited signs.

- A. Signs that blink, rotate, swing, revolve, or otherwise attract attention through movement or flashing of parts, including devices such as strings of lights, or strings of pennants. Event banners, pennants and flags may be permitted, provided they meet all other requirements of this title;
- B. Portable, A-frame, and wheeled signs;
- C. Roof signs painted directly on the roof surface;
- D. Signs painted with phosphorescent or luminescent or sparkling paint;
- E. Signs that violate any law of the state of Oregon;
- F. Signs which imitate or obstruct the view of any official traffic control device or sign;
- G. Signs, other than event signs, displayed on vehicles not incidental to the primary use of the vehicle. (Ord. 211, Amended, 01/15/1999; Ord. 175, 1995; Ord. 73E § 3.010(4), 1992; Ord. 140, 1991)

Section 9.44.050 Signs exempted from permits.

- A. Construction activity signs relating to construction activity occurring, or about to occur, on a property. These signs shall meet the following requirements:
1. A maximum number of three signs on one pole not to exceed four square feet each, oriented to each abutting right-of-way;
 2. May be erected twenty (20) days prior to start of construction of the work. If start of construction is delayed beyond twenty (20) days, the sign(s) shall be removed but may be re-erected when construction actually begins;
 3. Shall be located on the premises of the construction activity;
 4. Must be removed within thirty (30) days of completion of construction.
- B. Credit card, rating or association signs, provided the area of each sign is three square feet or less and provided there are no more than four such signs. These signs shall be attached to the primary sign or displayed in a window.

St. Perpetua Trail

- 1.3 miles one-way
- 40 minutes round trip
- difficult

Follow the trail from the Visitor Center north to the Perpetua Campground, cross the campground, pick-up the trail to the road, cross the road and follow the trail to the scenic ocean viewpoints. The trail climbs 600 feet with switchbacks through Sitka spruce forest. The 800 foot summit is the highest point on the Oregon Coast.

Trail of Restless Waters

- 0.4 miles one-way
- 15 minutes round trip
- easy

Drive .25 miles north of the Visitor Center on Highway 101 to the Devil's Churn parking area. Starting at the lower parking lot the trail descends 50 feet to the Devil's Churn overlook. Continue around the loop along the edges of the Pacific Ocean and back to the parking area or descend stairs to the rocky tidal shelf.

Ya'Xa'ik (YAH-ike) Trail

- 1.15 mile loop
- 45 minutes
- moderate

Beginning at the east end of Diversity Lane (Fisterra Garden Apartments), this trail traverses lush second growth forest and links at the north end to the Gerdemann Botanical Preserve's public footpath. Head south on Highway 101 to complete the loop at Diversity Lane.

**USE CAUTION, STAY BACK FROM EDGES,
LEAVE WILDLIFE ALONE,
WATCH FOR SNEAKER WAVES**

Produced by the Yachats Trails Committee, a committee of the City of Yachats. To learn more about our Trail Crew and Invasive Plant Management efforts call 541.547.3640 or www.GoYachats.com

Yachats & Cape Perpetua Trails Map



The Amanda Statue
created by Sy Meadows
consigned by George Copage

www.FS.Fed.US/R6/Siuslaw
www.GoYachats.com

Joan Davies

From: Manvel, Evan <evan.manvel@state.or.us>
Sent: Tuesday, August 22, 2017 10:33 AM
To: Manvel, Evan
Cc: Howard, Gordon
Subject: Deadline extended for HB 4079 Pilot Program (Expanding UGBs for Affordable Housing)

Deadline Extended for HB 4079 Pilot Program

At the request of various city representatives, the Department of Land Conservation and Development (DLCD) has extended the deadline for pre-applications for its HB 4079 Pilot Program to November 1, 2017.

In 2016, the Oregon Legislature passed House Bill 4079 (HB 4079). HB 4079 aims to boost affordable housing by allowing two cities to develop affordable and market rate housing on lands currently outside urban growth boundaries (UGBs) without going through the normal UGB expansion process. Required pre-applications are basic expressions of interest from cities. DLCD can assist cities in completing them.

For more information, visit: <http://www.oregon.gov/LCD/Pages/HB4079pilotprogram.aspx> or contact Gordon Howard, gordon.howard@state.or.us or (971) 673-0964.

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Expanding UGBs for Affordable Housing HB 4079 Pilot Program

[Download this overview as a PDF](#)[Download the preapplication for the pilot program](#)

Note: at the request of various city representatives, the Department has extended the deadline for pre-applications to November 1, 2017.

Overview



In 2016, the Oregon Legislature passed [House Bill 4079](#) (HB 4079).

HB 4079 aims to boost affordable housing by allowing two cities to develop affordable and market rate housing on lands currently outside urban growth boundaries (UGBs) without going through the normal UGB expansion process.

The law directed the Land Conservation and Development Commission (LCDC) to set up a process and select two pilot projects, one for a city with a population up to 25,000, and one for a city with a population greater than 25,000.

The proposed pilot project sites can be up to 50 acres, cannot be on high value farmland, and must meet other requirements. The pilot project cities must ensure the affordable housing on the sites remains affordable for the next 50 years, and must demonstrate efforts to accommodate and encourage needed housing within their existing UGBs.

LCDC has adopted rules to implement HB 4079. Required pre-applications from interested cities are due ~~September 5, 2017~~ **November 1, 2017 (new deadline)**. Full applications will be due in early 2018, at a date to be determined by the Department.

Eligible Cities

The legislation limits which cities may apply.

Eligible Cities over 25,000 Population: Albany, Bend, Corvallis, Eugene, Grants Pass, McMinnville, Medford, Redmond, and Springfield.

Eligible Cities up to 25,000 Population: Incorporated cities except those in Clackamas, Marion, Multnomah, Polk, and Washington counties and cities in Jefferson County served by the North Unit Irrigation District.

Questions/Contact

Gordon Howard
Principal Urban Planner
gordon.howard@state.or.us
(971) 673-0964



More about the Program Process

Under the rules, **Interested cities must complete a [pre-application](#) to DLCD** with basic information about their proposal, including a site map, current zoning designations, the number and type of proposed housing units, a list of development partners, and a brief statement about how public facilities and services will be provided. Pre-applications are due November 1, 2017.

DLCD staff will be available to answer questions. The Department will review pre-applications and talk to each city applying; additional materials may be submitted if the pre-application is insufficient.

Interested cities must then submit a full application in early 2018 (by a date to be determined by the Department) including a concept plan, resolutions of support from local jurisdictions, consent statements from property owners, data on how the project will serve those needing affordable housing, more information about development partners and public facilities and services, and a demonstration that the city has adopted measures to encourage the development of affordable and needed housing within its existing urban growth boundary. They must also explain why the project could not be developed elsewhere, and how the affordable housing on the site will remain such for 50 years.

The rules require 30% of the housing units to be affordable to households making 80% or less of the area median income (unless the project is for a manufactured dwelling park, in which case 30% of the units must be for those making up to 100% of the area median income). The remaining units may be market rate.

The Department will review full applications to ensure they meet the requirements of the program, soliciting additional information as required.

The Land Conservation and Development Commission will make preliminary selections of two pilot projects that best meet the goals of the program. Selected cities shall provide additional documentation about their projects. Once the form and content of those documents are satisfactory to the Commission, it shall issue a final order selecting the pilot projects.

The selected cities shall then amend their urban growth boundaries, annex the pilot project sites, and adopt needed regulations and measures. They then issue permits for development.

The selected cities shall send the Commission reports on the projected and actual development costs, and annual reports for ten years about the housing units on the site, as well as lessons learned.