

1. Agenda

Documents:

[COUNCIL AGENDA 091317.PDF](#)

2. Meeting Materials

Documents:

[08-02-17 WS COUNCIL MINUTES.PDF](#)
[08-09-17 CITY COUNCIL MINUTES.PDF](#)
[09-13 COUNCIL GOALS.PDF](#)
[AMNESTY OPTION.PDF](#)
[IT REPORT SEPT 2017.PDF](#)
[NAVY EIS.PDF](#)
[OLCC LICENSE RENEWALS.PDF](#)
[ORD 347-AMEND YMC CH-4-08.PDF](#)
[SL AQUATIC CENTER REQUEST.PDF](#)

Yachats City Council Vision

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



CITY OF YACHATS

CITY COUNCIL MEETING

441 Hwy 101N, Yachats Commons, Room 1



Wednesday, Sept. 13, 2017 at 6:00pm

AGENDA

- I. Announcements, Correspondence and Proclamations
 - A. Introduction of Dr. Lesley Ogden – new CEO for Samaritan Pacific Communities Hospital
 - B. Port of Alsea activities and proposed bond measure - Port Manager Roxie Cuellar
 - C. South Lincoln Aquatic Center Steering Committee – request for support letter
 - D. US Navy Notice of EIS for training and testing off Oregon shore – comments due 9/21
- II. Public Comment (topics not listed on the agenda: 5-minute limitation per person)
- III. Minutes and Accounts Payable
 - A. Minutes: 08/02/17 Work Session & Regular; 08/09/17 Regular Meeting VOTE
 - B. Accounts Payable for Approval VOTE
- IV. Reports
 - A. Council Reports
 - B. Department Reports: Manager, Public Works, Code Enforcement, IT
- V. Business
 - A. 804 Trail and Oceanview Drive project – special presentation by Joanne Kittel DISCUSS
 - B. Evans/Betz property project – special presentation by Andrea Scharf/Jim Adler DISCUSS
 - C. City commitment to matching funds for Evans/Betz property project VOTE
 - D. Amnesty Option for non-compliant vacation rental property owners DISCUSS
 - D. Ordinance 347 – Yachats Municipal Code 4.08 - Vacation Rental amendments VOTE
 - E. OLCC License Renewals VOTE
 - F. Bid award for backhoe VOTE
 - G. 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 September 9, 2017

CITY OF YACHATS
CITY COUNCIL WORK SESSION
August 2, 2017
Minutes

Mayor Gerald Stanley called the August 2, 2017 City Council Work Session to order at 9:30am in Room 1 of the Yachats Commons. Council members present: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, Max Glenn, Greg Scott. Water Lead Rick McClung attended. Audience: 11.

Mayor Stanley noted the work session is generally for discussion among Council members, but that at this meeting, public input on vacation rentals would be taken.

A. South Tank Site

Dean and Shelly Shrock submitted a letter dated July 27, 2017 regarding the siting of the south water tank, and Dean Shrock was present at the meeting. Project engineer Andrea Stancliff responded to their concerns about the location and number of trees that would be removed. She noted the actual elevation of the tank would be lower than where the stakes currently sit and backfill will be required on one side. Stancliff reported the City would reexamine the site after construction to determine if additional trees need to be planted. Stancliff stated there was discussion on moving the tank back, so as to require less vegetation to be removed, but moving the tank would require the retaining wall to go from 14.5 feet to 20.5 feet. Additionally, the current positioning is ideal for the site elevation, soil composition, and access. Manager Davies noted the tank placement could not violate the existing easements.

Dean Shrock said he appreciated the quick response, but noted it could take five years for trees to grow large enough to hide the tank and, given the deciduous nature of the trees, the tank will be exposed for half of the year. Shrock believed the cover would be much more effective if the tank were moved to the east. Stancliff stated it could be difficult to visualize the site, given the amount of excavation that will occur.

Mayor Stanley asked about the stability of the area where the tank will be. Stancliff indicated the soil in that area has been examined and is substantial enough to remain stable.

Shrock argued that the current positioning of the stakes indicate the tank will overhang the western side and that moving the tank to the east would be better. Stancliff noted they do not have geotechnical information on the soils to the east and would need to do further analysis to entertain such a move. Stancliff did not believe the cost of additional analysis and design changes to move the tank a few feet back was warranted, to save a few trees. Councilor Frye clarified that the addition of trees would be advantageous to protecting the view. Stancliff recalled the challenges of finding a site that met all of the requirements of building a tank and the current location is the most ideal.

Councilor Glenn posited that the tank being visible might have a positive impact on the community, as it indicates the residents have water. He did not believe tank visibility was negative. Shrock asserted residents of Yachats place great value in preserving the view shed and more people would rather look at trees than a tank. Michael Hempen suggested there was a disconnect between what Shrock was seeing on site and the images presented in the proposal. Councilor Scott was satisfied the engineers had done their due diligence.

Manager Davies told the Council she just wanted to hear them say that they were committed to planting large trees to help shield the tank after the building is completed. They all agreed.

B. Vacation rentals and proposed changes to Code

Mayor Stanley opened the floor for public input.

1. Cedric “Duke” Tracy (178 Yachats Ocean Road): a. Does Yachats have a comprehensive affordable housing plan? b. What percentage of city revenues go to support affordable housing? c. Under current city ordinances, are vacation rental licenses transferrable to a new owner? d. Does the proposal require that the professional property manager be local, different from the local contact person? e. Is there other quantifiable data on vacation rentals the Council used in making their recommendation that has not been made publicly available?

The Council answered: No. None. No. No. Scott indicated Newport has 135 VRs (population 10,300/1.29% VRs); Lincoln City, 473 VRs (population 8,700/5.42% VRs); Yachats, 127 VRs (population 700/19% if 133 VRs).

Mayor Stanley asked Councilors to try to reach consensus on the sections of the VR proposal before making motions for amendments or a motion to vote on the whole proposal.

Scott noted recent changes in the draft proposal including establishing a cap based on current licenses and pending applications that through attrition would drop to 125, changing the licensing fee based on the number of beds, adjusting language based on city attorney recommendations, and removing proposed target dates. Scott summarized his assessment that input at the public hearing was largely about economic interests in written testimony and about neighborhoods/quality of life issues in the oral testimony. Manager Davies clarified that state law stipulates an ordinance will go into effect 30 days from the date it is passed, unless the City justified emergency status for immediate passage, which is not the case. The initial proposals involved a number of effective dates, and she had asked for just one date for all changes.

Frye asked if licenses would be dropped for inactivity and when applicants would be granted a new license in the event one becomes available. Councilors discussed situations where licenses would become available. Frye and Mayor Stanley had reservations about the 125 cap if the initial cap was above that number. Councilor Tooke raised the possibility of having license applications go through the conditional use process by the planning commission, which would allow for neighbors to have input before a license was issued.

Glenn summarized what he heard from the public hearing to be the impact on neighborhoods is important, a need to clarify code to make regulations enforceable, a need to have better follow up on complaints, and more people wanting a cap than not wanting a cap.

Mayor Stanley stated he was expecting the licensing fee to drop for the smaller VR units, not raised like the larger units. Scott responded the existing fee levels are not even close to covering staff costs of administering the process and operating costs should not be recovered through fines. Frye asked where the fine levels were explained and would like to see a clearer reference to fine amounts in this proposal. Manager Davies indicated the four levels of fines are already in the City Code.

Glenn emphasized the need to have an actual name and phone number for 24-hour response to complaints. Mayor Stanley asked about the differences in required standards for vacation rental homes, as opposed to owner/occupied homes. Scott concurred regulations are more stringent on vacation rentals.

C. Traffic flow on E 2nd St and Prospect Ave

Manager Davies explained the current traffic issues on E 2nd St:

1. In order to access the trash receptacle for the Green Salmon, Dahl must enter 2nd Street from Hwy 101, which is opposite to designated traffic flow.
2. Ideally, Prospect and 2nd Street would be two-way streets to allow for the most convenient access to stores, hotels, and restaurants; however, the streets may not be wide enough to accommodate two-way traffic.
3. The hope had been there would be money from the Hwy 101 project to pave 2nd St but there was not; the City can come up with money, but is paving what the Council wants to spend the sizeable amount of money on.

Mayor Stanley noted he was originally in favor of a reversal of direction on 2nd Street, but no longer believes the change to be necessary. Scott suggested the topic is better addressed through Public Works. Bette Perman (E 2nd Street resident) reported she, Councilor Frye and Linda Hetzler had walked the area and observed traffic patterns. They concluded E 2nd cannot accommodate two-way traffic; Prospect could have two-way traffic; and entry from the side street onto Hwy 101 is safest coming out of Prospect onto the Highway. They strongly suggest paving of 2nd Street and painting lines for the angled parking along the south side of 2nd St. McClung recommended paving 2nd St, because it would help protect the shallow water line.

D. Non-resident participation on commissions and committees

Mayor Stanley noted there are already non-residents on two of the commissions. Manager Davies reported the Library Commission handbook and the City policies book both said only residents could be on the Commission, but she had found that the Council passed an ordinance in 2005 allowing for that commission to have one non-resident. She noted Parks and Commons has one non-resident, and recently had two non-residents apply for open positions, but only one could be allowed to join. Davies stated state law requires the Planning Commission to only have residents. She asked the Council to allow all of the commissions to have one non-resident seat. She reported volunteers are often in shortfall, and opening up the positions to the community at large would help. John Moore, who is chair of both the Parks and Commons and Public Works and Streets commissions, supported having one non-resident on each commission.

E. Making Committees official in City policy and procedures and Code

Manager Davies reported none of the Committees that support the Council are addressed in any documentation. She identified four committees: Trails, Emergency Planning, Little Log Church, and Marketing. Mayor Stanley suggested that Emergency Planning be elevated to Commission status, but no one agreed that the scope of work justified status as a Commission.

Manager Davies asked the Council officially establish these long-standing committees as officially serving the City. Each would be linked to a Commission. Little Log Church & Museum has a board, but there is no City recognition of them as such. Leon Sterner indicated the Board meets monthly and there is a Friends of the Little Log Church group. Frye did not believe they had enough information to make a decision about establishing the Little Log Church as a Committee. Mayor Stanley asked if the gardens around the Little Log Church were a City park. They are not. Sterner believes the Little Log Church should have some recognition as an entity. Bette Perman suggested that since the LLC&M is part of the City campus it would fall under the Parks and Commons Commission.

Scott hesitated to grant the Marketing Committee full status. Frye and Scott remembered the marketing group as just an ad hoc interface between the City and the Chamber of Commerce, and didn't realize they still met regularly. Mayor Stanley stated he is the shepherd for the marketing group and does not believe it should be a City committee. Manager Davies did not believe the group operates as an ad hoc. Scott did not know what the marketing group does for

the City. Glenn was in favor of recognizing the group, as it is a collaboration between the City and the Chamber. Manager Davies noted the group does not report to the City or the Chamber.

F. IT Report

Scott noted his report in is the meeting packet, showing they made changes to the document library, the principal one being having documents open in a new window. Scott reported Glenn had asked for documentation on the availability of the code developer to fill in for Scott, should Scott become incapacitated. Scott reported he is looking for another developer, and is also working on getting the reservation system into the data system. He has created a draft of an online complaint system, which he will have the new coder work on.

G. Council Shepherdding Goals

Glenn noted the Planning Commission's report on tiny houses and summarized some of the Emergency Planning Committee's work. Glen believed communication is improving. There will be a public meet-and-greet for City Manager applicants August 27, 2017, from 4:30-6pm.

Frye reported the joint Library Commission-Council Committee will be meeting next week. She and Manager Davies are still working on the formula business code ordinance language.

Mayor Stanley reported the legislature did not extend the alternative uses of Visitor Amenities Funds. He indicated he would talk with Manager Davies about how to proceed with his goal.

Tooke attended the Mid-Coast Water Planning Partnership meeting in Newport. They are planning a visit to the Yachats area in September.

H. Approve Agenda for August 9, 2017

The Council consented to the August 9, 2017 Agenda, as presented.

Mayor Stanley adjourned the work session at 12:05 pm, declared a break, and then opened the regular meeting at 12:12pm.

A. Vacation Rental Changes to Code

Councilor Glenn moved to adopt the recommended changes to the municipal code for vacation rentals regulation, and to authorize the City Manager to prepare an ordinance for review by the City Attorney. The proposed changes are as follows:

Limit vacation rental licenses to 135 total.

No applications will be accepted until the total drops below 125.

The City will then publicly announce they are accepting applications.

Priority for licensure will be given to existing license holders

Any license not renewed by December 29, 2017, and pending applications for new licenses that meet all requirements will be considered in the order they were received.

New license applicants must submit all required information, along with a check for the license fee and inspection, at the time they make initial licensure application. Proof of ownership of the rental property must be provided at that time.

Annual licensure rates:

\$200 per year for two bedrooms or less

\$250 per year for three bedrooms

\$300 per year for four bedrooms

1 \$400 per year for more than four bedrooms (grandfathered-in properties only)

2
3 Inspection fees:

4 \$100 for the first year

5 \$50 for all subsequent years of a renewed license

6 \$50 for any additional inspection trip to property

7
8 Fines and penalties for violation of Code:

9 \$1,000 per incident (per day)

10 Advertising a higher occupancy capacity than approved is a violation

11 Within any 12-month period, first offense receives a written warning; second

12 offense, cited with potential fine; third offense, license suspension for a full year

13
14 Property management company must be hired for each property. One local contact to
15 respond to complaints has not been sufficient.

16
17 Complaint tracking system tied to the existing license/tax/property database will be
18 established.

19
20 Valid email address(es), mailing address, contact name and contact phone number
21 for owner, property manager and tax reporting must be kept current by licensee, as a
22 condition of retaining licensure.

23
24 Definition of "vacation rental":

25 A single-family dwelling, duplex or triplex which is rented for periods of less than
26 30 days, such as by the day or week, or which is held out as available for rent or
27 donation, for periods of less than 30 days. The dwelling may consist of individual units or
28 be in a contiguous form to be considered a vacation rental dwelling. However, each
29 individual unit is to be considered separately for licensing and regulation purposes. A
30 home which is listed with an agent as a vacation rental, advertised, available by referral,
31 word of mouth, commendation and reputation are some of, but not limited to, the ways of
32 identifying a vacation rental.

33 If property is visited by different vehicles over the course of a month, and this
34 pattern is repeated for more than three months, and can be documented by photo
35 evidence, it may be considered a vacation rental and required to have a license and pay
36 a vacation rental tax.

37
38 Definition of "compensation":

39 Compensation includes non-cash exchanges of value, including barter.

40
41 Fee in lieu of tax:

42 Any apparent vacation rental for which there is no documented exchange of
43 value shall pay to the City a \$30 per day fee in lieu of tax, if no license was obtained.

44
45 Family/friend use of licensed vacation rental:

46 If a property is licensed as a vacation rental and the property owner elects to use
47 the property themselves, or allow free use by family and/or friends, vacation rental
48 conditions and restrictions still apply (see section on noise, parking, garbage, etc.)

49
50 House numbers:

1 For safety reasons, house numbers of at least six inches in height shall be
2 displayed on the front of each vacation rental, easily visible from the street.
3

4 Mayor Stanley interjected that many people buy a home in Yachats to retire, although he does
5 recognize that some purchases are merely investments. He does not believe that capping the
6 number of licenses will make a difference, and classified it as a judgment call. He had heard of
7 realtors wooing home owners to convert to vacation rentals, and then learned of at least one
8 worker who lost their long-term rental when the owner changed it to a vacation rental. He
9 believed that capping the VR licenses has the possibility of creating a right, or unintended
10 consequences. He added that conversely, he could see that lack of a cap might do the same.
11

12 Councilor Tooke objected to the proposals because there was no way for neighbors to have any
13 input into what gets licensed as a vacation rental. He has long favored the conditional use
14 process for licensure. Councilor Scott warned that if it was made a land use issue, the
15 applicants would have to go through the planning commission, which slows down the process.
16 Councilor Tooke argued that the current Code allows commercial businesses in residential
17 areas. Councilor Scott continued that making a major change like requiring conditional use
18 permits would open a can of worms, and said the change in regulations is a series of small
19 steps, not the end of the journey with the VR subject.
20

21 Councilors Scott, Glenn and Frye voted to approve the motion made by Councilor Glenn. Mayor
22 Stanley and Councilor Tooke voted against it. Motion carried.
23

24 Then Mayor Stanley moved to drop the concept of requiring the total number of licenses to
25 decrease to from 135 to 125 before taking new license applications. Councilor Scott countered
26 that he did not see how the Mayor could advocate for any kind of housing, if he was making that
27 motion. He reminded the Council that they had heard residents say their quality of life is being
28 affected by the vacation rentals in their neighborhoods.
29

30 Mayor Stanley explained that his argument was that having residents wait to get licensed would
31 cause a great deal of problems. Councilor Glenn called for the vote and only Mayor Stanley and
32 Councilor Tooke voted for the amendment. Councilors Frye, Glenn and Scott voted against it.
33 Motion failed.
34

35 A second motion by Mayor Stanley was to propose staggered rates for the licenses and limit the
36 amounts to \$150 for a two-bedroom and \$200 for all others. Councilor Scott asked what would
37 pay for the extra enforcement people have said is needed. Councilor Tooke called for the vote.
38 Only Mayor Stanley voted for the motion. Councilors Scott, Glenn, Frye and Tooke voted
39 against it. Motion failed.
40

41 **B. Committees changes to Code**

42 In the matter of allowing commissions to have one seat filled by a community member, rather
43 than requiring City residence, Councilor Scott so moved; all ayes, motion carried.
44

45 Councilor Frye then moved to recognize Emergency Planning, Trails and Little Log Church &
46 Museum as official committees serving the City; all ayes, motion carried.
47

48 Councilor Scott moved to designate Emergency Planning Committee as reporting to Public
49 Works & Streets Commission; Trails and LLC&M committees as reporting to Parks and
50 Commons Commission; all ayes, motion carried.
51

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GERALD F. STANLEY, Mayor

ATTEST:

Joan Davies, City Manager

CITY OF YACHATS
CITY COUNCIL REGULAR MEETING
August 9, 2017
Minutes

Mayor Gerald Stanley called the August 9, 2017 regular meeting of the City Council to order at 6:00 pm in the Multi-purpose room of the Yachats Commons. Council members present: Mayor Gerald Stanley, Barbara Frye, Jim Tooke, Max Glenn. Excused: Greg Scott. Audience: 40.

I. Announcements, Correspondence and Proclamations

Mayor Stanley announced that comments regarding vacation rentals would occur on the agenda as noted, but invited other topics that were not on the agenda. Leon Sterner announced Karen Heere will talk about the eclipse on Sunday, August 13, 2017 at 2 pm in the multipurpose room.

II. Public Comment - none

III. Minutes and Accounts Payable

A. Minutes

Councilor Frye moved to approve the July 5, 2017 Regular Meeting, July 12, 2017 Joint Meeting with the Library Commission, and July 25, 2017 Special Meeting minutes: Aye – 4; No – 0.

B. Accounts Payable for Approval – Councilor Scott was absent, so no review

IV. Reports

A. Council Reports

Frye reported:

1. The Library Relocation Committee (“2+2 Committee”) had their first meeting on planning the Library move to the 501 Building. They have a meeting schedule established.
2. Lincoln County Health Center director is working on a timeline for establishing a clinic.
3. There is no news to report on the Yachats-Florence bus service.

Councilor Glenn reported:

1. He has attended two meetings of the Emergency Planning Committee. Glenn reminded everyone to register for the County emergency alert system for their cell phones.
2. There will be an Emergency Steering Committee table top exercise at 8:30 on August 10, 2017, where cities and the county will test the response system.
3. Jobs Corps will have their annual open house and community meal on Thursday, August 10, 2017 (11 am at Angell Jobs Corps). Attendees need to RSVP.
4. Glenn, Manager Davies and Mayor Stanley recently attended a Jobs Corps meeting.
5. A public meet-and-greet for City Manager candidates on Aug. 27, 2017 4:30 – 6:00 pm.

Councilor Tooke:

1. Attended the Library Relocation Committee meeting.
2. Attended the Mid-coast Water Advisory Council meeting.
3. Reminded people of the need in south Yachats for construction of the south tank.

Mayor Stanley:

1. Attended the Lincoln County Public Safety Coordinating Committee.
2. Toured the new the 22-bed apartment complex in Newport for recently released inmates.
3. Attended South Lincoln County Pollinator Habitat meeting. Mayor Stanley noted the pilot project where the State has not sprayed from the south of end of the Newport bridge

to the south county line has ended. There is a proposal to make that section a habitat for pollinator bees, which would result in a continued absence of spraying. ODOT has stated they no longer want to partner with private agencies.

B. Department Reports

City Manager: Manager Davies read into the record her report, included in the meeting packet.

Public Works: Report included in meeting packet

Code Enforcement: Report of violations in meeting packet

IT: Councilor Scott absent

Visitors Center: Glenn noted logged visitor count was up 5.6% (n=4,247).

V. Business

A. 804 Trail and Ocean View Drive project

Joanne Kittel explained the 804 South Trail project involves Ocean View Dr from Marine Dr to the Landmark building, where the trail is in various states from non-existent to gravel that people do not like to walk on. The area involves State Parks, Lincoln County, and the City. The Trails Committee had a retreat in June and set priorities, one of which was to jump-start this section of the 804 Trail. The Trails group consulted with City Planner Larry Lewis.

Trails members Joanne Kittel, Wally Orchard and Loren Dickenson, attended a July 17, 2017 meeting with Wayne Belmont, Lincoln County Counsel; Jeff Wagner, Operations Engineer, Oregon State Parks and Recreation Department (OPRD); Al Friedenthal, Central Coast Supervisor, OPRD; Preston Phillips, Central Coast Manager, OPRD; Dennis Comfort, OPRD Director; Roy Kinion, County Roads Department; Molly Manion, Coast Archeologist, OPRD.

The group discussed:

1. Repairing and resurfacing portions of the road. The area has a lot of archeological material and would require extensive digging and sampling, which means every 20 meters an archeological site evaluation is necessary. If the archeologist finds something significant in the 20-meter digs, there must be a more comprehensive site evaluation.

2. Establishing a paved trail, which would require the 20-meter archeological site valuations. An alternative would be to have the path could be covered with gravel more suitable to walking.

3. The County wants the City to make the decision on road directionality, as their intention is to turn the road over to the City. Kittel noted if it goes to one-way, they could just resurface the road and use part of it as a paved trail. If it is kept two-way, they will incur much greater costs because of archeological monitoring along the side.

4. Kittel noted the county is willing to pave Ocean View with two inches of asphalt, but the City Manager had said it would take more extensive repairs than a two-inch overlay. She asked if the City could use 804 mitigation funds for the repairs if the County cannot afford it.

5. The section between the former Landmark and the Pub has no trail, but the State has mandated that the 804 Trail be completed. That section will require three site archeological evaluations which would not be covered by State Parks, mitigation funds, or Lincoln County. She suggested looking into the option of securing grants, noting Travel Oregon has created new grants and the Oregon Coast Trail is one of their priorities.

Tooke stated the City taking over Ocean View Rd is not in the City's best interest, as it would be a long-term money drain. Glenn agreed with Tooke about not wanting to take over the road.

1 Glenn suggested separating the trail completion from the jurisdiction of the road. Kittel
2 suggested letting the County know the City's intentions, as the County assumes the City will
3 take it over. Frye noted the road transfer was on condition of having the road fixed. Frye
4 believed the city was in a good position to negotiate with the county on proper repair.

5
6 Kittel noted if the City were to not take responsibility, the County has no incentive to repair the
7 road beyond a resurfacing. Mayor Stanley noted the future of the Landmark is not certain and
8 might impact how the road is managed. Kittel asked the Council to make a decision about the
9 one-way flow, sooner than later. Frye wanted to wait until a new City Manager is in place.

10 11 **B. Evans/Betz property project**

12 Andrea Scharf reviewed the Evans/Betz Property Acquisition project history. Scharf highlighted
13 the difficulty in securing funding. Potential grants would require matching funds, which would
14 amount to \$200,000 from the City. She noted the roles of View the Future and Parks and
15 Commons Commissions. Parks and Commons Commissioners toured the north parcel and
16 were impressed with potential uses. Scharf noted Google Maps has recently updated their
17 images and interested parties can now get a better view of it.

18
19 Scharf recently presented to the Finance Committee, and the Finance Committee expressed
20 informal support of the project and discussed the potential use of Visitor Amenities funds to
21 back it. Scharf noted the City has discussed having a raw water storage area and this parcel
22 would give the City an access point to the area.

23
24 Scharf explained there is a Shamrock Lodgettes cabin on the south parcel which could be sold.
25 Tammy Gagne (365 E 3rd St), a realtor, noted the cabin would likely sell for at least \$200,000.

26
27 Glenn asked the Council if the Parks and Commons Commission could develop a proposal and
28 present to the Council. Mayor Stanley asked Parks and Commons to pursue the matter.

29
30 Janelle Munns (370 Hill Court) asked where the remaining funds would come from to purchase
31 the million-dollar property. Scharf noted the difference would be covered with grant monies.

32 33 **C. Emergency Planning Committee Appointment – Courtenay**

34 Marc Courtenay (900 Hanley Dr) stated he has had experience on a Certified Emergency
35 Rescue Team (CERT) in Salem and believed his experience to be a good fit with the
36 Committee. Glenn asked about Courtenay's experience in Emergency Response. He indicated
37 they go through varied scenarios and drills that simulate the trauma caused by the event and
38 noted emergency preparedness is partly about managing the emotional shock. Glenn moved to
39 appoint Marc Courtenay to the Emergency Planning Committee: Aye – 4; No – 0.

40 41 **F. Ordinance 349 – Vacation Rental Licenses**

42 Highlights from audience members:

43
44 1. Todd Korgan (Sweet Homes Rentals): Sweet Homes manages 60 properties, 26 in City
45 limits. Korgan asserted changes would decrease property values, bring economic hardship, and
46 not address affordable housing issues. Korgan testified, "no one knew about this [meeting]" and
47 expressed displeasure at this issue arising during the busiest time of their season.

48
49 2. Chantelle Charpentier (Vacasa, 1806 Dolphin Lane, Waldport): Vacasa manages 50 units.
50 Charpentier asserted vacation rental companies offer much to the community; people who have
51 second homes do not want long-term renters; vacation rental homes employ many workers for

1 maintenance, gardening, and managing; and Vacasa does not want to be bad neighbors. She
2 asked people to call them if there is a problem with one of their rentals.

3
4 3. Peter Leer (33 Crestview Drive, Ocean Odyssey): Leer did not feel he is being heard and
5 does not think the City responds to complaints. He believed VRs helped the City through a
6 major recession. Leer wanted the VR license to transfer with the sale of a home, and believed
7 the only problem is the City's lack of responding to complaints.

8
9 4. Fran Morse (636 Marine Dr.) Morse thanked VR representatives for thoughtful responses.
10 Morse asserted long-term rentals and complaints are only part of the problem. Morse argued
11 for supporting the quality of the neighborhood, which is adversely affected by VRs.

12
13 5. Jamie Michele (Sweet Homes): Michele noted they have been in business for eight years,
14 ran the laundromat for several years, purchased the old Miller's building, and employ 35 local
15 people. She does not believe her business can thrive in Yachats if a cap is put in place and
16 believes a cap would have a serious detrimental effect on the real estate market. She argued
17 the second homes would sit vacant if not used by VR renters. She asked people to call Sweet
18 Homes in the middle of the night, and they will respond. She estimated one-third of current
19 homebuyers in Yachats are wanting to be licensed as VRs.

20
21 Frye asked Michele about their growth expectations, noting she had three different groups of
22 renters next door to her during the past week. Frye noted that what was being called a "secret
23 meeting" had 77 people in attendance, so they managed to know about it. VRs create a lot of
24 traffic, and residents buy houses to live in a neighborhood, not be surrounded by VRs. Also,
25 VRs are businesses in residential zones. Frye argued this issue has been discussed for years.

26
27 Glenn expressed his displeasure for the email that was circulating today, calling the Council
28 "sneaky, sleazy and undermining", when they had given plenty of notice about the discussions.

29
30 Lizzie Schloss (230 Windsong): Schloss indicated she had written one of the emails. She has
31 no opinion about caps, but was concerned about raising the fees.

32
33 Dean Shrock (121 Greenhill): Shrock agreed that this is not a new issue and stated his concern
34 was about the impact on community. He asserted Yachats has the highest percentage of VRs
35 in the state. He stressed the essential role of volunteers to the City, and asserted VRs do not
36 bring volunteers to Yachats.

37
38 Quinton Smith (487 Lemwick Ln): Smith noted this is a problem for many towns. His street has
39 14 homes, two of which are large VR units at the end of the street. He encouraged the Council
40 to help neighbors with complaints and to provide contact information for a local person to call
41 during late night infractions.

42
43 Carly Kerr (248 Lincoln Ave): A neighbor who had been renting a home on her street for \$650
44 per month was evicted so the house could become a VR. She reported the VR at 200 Cedar is
45 very problematic, noting an 82-year-old neighbor confronting the noisy VR renters at 3 am was
46 met with expletives. She rented a VR for her children from Vacasa, but was unable to use the
47 outdoor area, because of bees. She said she called Vacasa three times, with no reply.

48
49 Qahira Lynne (4073 W 3rd): Lynne has lived in Yachats for 16 years. She was evicted from a
50 long-term rental after renting for 12 years and believes her landlord was harassed by a vacation
51 rental company to convert the property to a VR. She now lives in fear of eviction. She believes

1 properties values are artificially inflated to encourage buyers to spend beyond their means and
2 use VR income as a way to finance.

3
4 Tom Lauritzen (204 Shell St): Lauritzen stated he lives in an R-1 zone and there are eight VRs
5 on his street. Lauritzen argued the Yachats Municipal Code states businesses cannot operate
6 in R-1 zones and believes VRs are "businesses". He suggested licenses be regulated as
7 businesses, requiring conditional use permits, which would give neighbors a chance for input.

8
9 Tooke asserted a potential homebuyer should not be promised they can get a VR license,
10 because the license does not transfer with property. He is in favor of conditional use permits.
11 Tooke noted an ordinance brought before Council on VRs being classified as an outright use in
12 residential zones was not adopted last year.

13
14 Mayor Stanley noted he had met with Vacasa and Sweet Homes representatives and they do
15 support the community. He reminded the audience the vote on this proposal was 3-2, not
16 unanimous. Mayor Stanley argued all decisions are personal and subjective at some level.

17
18 Manager Davies told Mr. Korgan (in response to his statement that the City used to notify them
19 personally by email, when vacation rentals were being discussed) that there is no information
20 reflecting that, and she was never informed of such a list by the retiring City Recorder. She said
21 that she had sent him copies of the agendas for 18 meetings since May 2016 in which "vacation
22 rentals" had been discussed, as well as a copy of a flyer mailed in July, as a courtesy.

23
24 Frye asked Mayor Stanley to postpone the discussion on the rest of the agenda, due to meeting
25 length. Those subjects will be added to the next agenda.

26
27 Glenn said that he wanted to recommend the Marketing Committee be added as an official
28 committee that reports to the City Manager, as part of the new ordinance addressing
29 committees that serve the City.

30
31 Mayor Stanley adjourned the regular meeting at 8:18 pm.

32
33
34 _____
35 GERALD F. STANLEY, Mayor

36 ATTEST:

37
38
39 _____
40 Joan Davies, City Manager
41

COUNCIL GOALS WITH SHEPHERDING TASKS - 2017

DATED 08-02-17

Page 1	GOAL: Provide for the effective governance of the City of Yachats			
	OBJECTIVES	TEAM ASSIGNED	SHEPHERD	PROGRESS
1	City management of State Park facilities: Yachats State Park, Smelt Sands, Yachats Ocean Road, 804 Trail		J Tooke	
2	Appropriate uses for Visitor Amenities Funds (public arts/facilities/marketing)		G Stanley	
3	Housing development for all levels; incentives	Glenn/Stanley	M Glenn	
4	Diversify revenue opportunities: grant writing, utility fees, franchise fees, street fees. Coord w/Finance Com		J Tooke	
5	Continue development of emergency planning and resilience preparedness		M Glenn	
6	Communicating programs/activities/policies/topics/processes to citizens		M Glenn	
7	Library Commission strategic plan, including operations/location/funding/bequest		B Frye	2-2 Committee meeting to develop plan for remodeling and moving Library
	GOAL: Improve administrative processes to maintain and surpass previous high standards			
8	Database and IT capabilities development		G Scott	
9	Develop/implement satisfaction survey		G Scott	
10	Marketing committee leadership		G Stanley	
	GOAL: Improve City infrastructure			
11	Increase parking in core business area		B Frye	

Page 2	OBJECTIVES	TEAM ASSIGNED	SHEPHERD	PROGRESS
12	South Reservoir project - construction oversight		J Tooke	Construction ongoing
13	Work with County to complete upgrade and repairs to Ocean View Drive and 804 Trail South		G Stanley	
14	South Gate creation and placement (city limits)		B Frye	Funded - need placement and design
	<i>Provide/facilitate opportunities for self-growth, education and participation in programs/projects to enhance quality of life</i>			
15	Health care services program for Yachats		B Frye	
16	Transportation options south to Florence		B Frye	
17	Formula business models ordinance		B Frye	
18	Visual appeal of City; remove "blight"; facilitate the public display of art, especially kinetic		M Glenn	
19	Vacation rentals issue	All council	G Stanley	Changes proposed, second vote 09-13
	<i>Foster "Seventh Generation" thinking</i>			
20	Encourage alternative energy projects		G Scott	
	Explore EIP wind energy project			
21	Raw water storage long-term development		J Tooke	
22	Dark Sky Community certification		G Scott	
23	Wastewater bio-solids: work with other governments on more effective uses		J Tooke	
24	Banking services for the community		M Glenn	

STANLEY: 2, 10, 13, 19; SCOTT: 8, 9, 20, 22; FRYE: 7, 11, 14, 15, 16, 17; GLENN: 3, 5, 6, 18, 24; TOOKE: 1, 4, 12, 21, 23

As the recent vacation rental changes go into effect, it is reasonable & desirable to seek a voluntary path that encourages rentals operating without a license to come forward & obtain a license. It is the city's goal to achieve full compliance for all vacation rentals. An amnesty program could include the following elements:

- ✦ The amnesty period would end by close of city business on October 15, 2017
- ✦ Property owners would have to apply for amnesty before the end of the amnesty period
- ✦ All amnesty applicants must provide all the required documents & information for licensing at the time of application
- ✦ The rental unit must pass the inspection process & the inspection fee must be paid
- ✦ The owner & the property must meet all ordinance requirements
- ✦ A formal record of the rental income for 2017 would be made available to city staff
- ✦ An amount equal to the 2017 tax the city would have collected must be paid in full
- ✦ The 2017 license must be paid based on the new rates
- ✦ The application process must be completed & fees must be paid no later than 30 days after the close of the amnesty period
- ✦ The property owner must agree in writing to abide by the final decision of city staff
- ✦ Failure to abide by the conditions of the amnesty program will subject the property owner to a \$1,000 per day fine for future rental activity

- ✦ Work on the Document Library help system is moving a bit slower than anticipated.
- ✦ Work with staff Wednesday afternoons continues when I am in town. The exchange of information has been helpful all around. Much of the discussion has focused on data quality and how it impacts vacation rental and other research.
- ✦ Database & e-mail accounts have been setup for the new city manager.
- ✦ Completed recruitment of an experienced database developer. He is currently working on the staff recurring task scheduler. Design work is finished. Coding of the user interface is 80% complete while the back-end programming tasks are around 50% complete. Database schema is complete although there may be some small changes when things are tested. He anticipates finishing the programming work enough for light testing in the next few days exceeding my original expectations.
- ✦ The Document Library administrative help page has been updated to include additional information for staff when adding documents. This should prove helpful for the new city manager.
- ✦ Clean up work on Document Library categories continues. I estimate that approx. 500 unnecessary category entries have been eliminated. The largest problem area is agendas where over 2,600 entries remain.
- ✦ Staff have identified a couple of new fields that are needed. These include Geo Tech reports and next VR inspection date. In addition, vacation rental fields for number of bedrooms, occupancy, inside and outside parking are not visible in the property inventory. With the exception of the inspection date, these problems has been resolved. The inspection date will be included in the next update. Adding the fields to the property inventory will facilitate VR analysis and tracking.
- ✦ I am currently reviewing the specifications for the new complaint system anticipating starting work in early October.



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0952
August 21, 2017

Dear Sir or Madam:

**SUBJECT: NOTICE OF INTENT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT
STATEMENT FOR NORTHWEST TRAINING AND TESTING**

This letter is to inform you that the Department of the Navy (Navy) is preparing a supplement to the 2015 Northwest Training and Testing (NWTT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to assess the potential environmental effects associated with ongoing and future at-sea military readiness activities conducted within the NWTT EIS/OEIS Study Area (hereafter referred to as the "Study Area"). Military readiness activities include training and research, development, testing, and evaluation (hereafter referred to as "training and testing"). The Navy is requesting your comments on the scope of the analysis, including potential environmental issues and viable alternatives to be considered during the development of the Draft Supplemental EIS/OEIS.

The Navy previously completed an EIS/OEIS in 2015, for which a Record of Decision was signed in October 2016, for at-sea training and testing activities occurring within the Study Area. The supplement to the 2015 Final EIS/OEIS is being prepared to support ongoing and future activities conducted at sea within the Study Area beyond 2020. Proposed training and testing activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS and are representative of activities the Navy has been conducting in the Study Area for decades.

The Supplemental EIS/OEIS will include an analysis of training and testing activities using new information available after the release of the 2015 Final EIS/OEIS. New information includes an updated acoustic effects model, updated marine mammal density data, and evolving and emergent best available science. As part of this process, the Navy will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and the Endangered Species Act to support ongoing and future at-sea military readiness activities within the Study Area beyond 2020.

The Study Area remains unchanged since the 2015 Final EIS/OEIS (Enclosure 1). The Study Area is comprised of established maritime operating areas and warning areas in the northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters, air and water space outside state waters of Oregon and Northern California, and Navy pierside locations where sonar maintenance and testing occur. In the supplement to the 2015 Final EIS/OEIS, the Navy will only analyze those training and testing activities conducted at sea within the Study Area.

The Proposed Action is to conduct at-sea training and testing activities within the Study Area. Activities include the use of active sonar and explosives while employing marine species protective mitigation measures. The purpose of the Proposed Action is to maintain a ready force, which is needed to ensure the Navy can accomplish its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 5062 of Title 10 of the U.S. Code.

To achieve and maintain military readiness, the Navy proposes to:

- Conduct at-sea training and testing activities at levels required to support military readiness requirements beyond 2020; and
- Accommodate evolving mission requirements, including those resulting from the development, testing, and introduction of new vessels, aircraft, and weapons systems into the fleet.

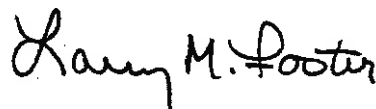
Public comments will be accepted during the 30-day scoping period beginning August 22, 2017 and extending through September 21, 2017. Comments must be postmarked or received online by **September 21, 2017** for consideration in the development of the Draft Supplemental EIS/OEIS. Comments may be submitted online at www.NWTTEIS.com, or by mail to:

Naval Facilities Engineering Command Northwest
Attention: NWTT Supplemental EIS/OEIS Project Manager
3730 North Charles Porter Avenue, Building 385
Oak Harbor, WA 98278-3500

For more information, please visit the project website at www.NWTTEIS.com or contact Ms. Jackie Queen, NWTT Supplemental EIS/OEIS Project Manager, at 360-257-3852, or email jackie.queen@navy.mil.

Please help the Navy inform the community about the intent to prepare the Supplemental EIS/OEIS for at-sea training and testing in the Pacific Northwest by sharing this information with your staff and interested individuals.

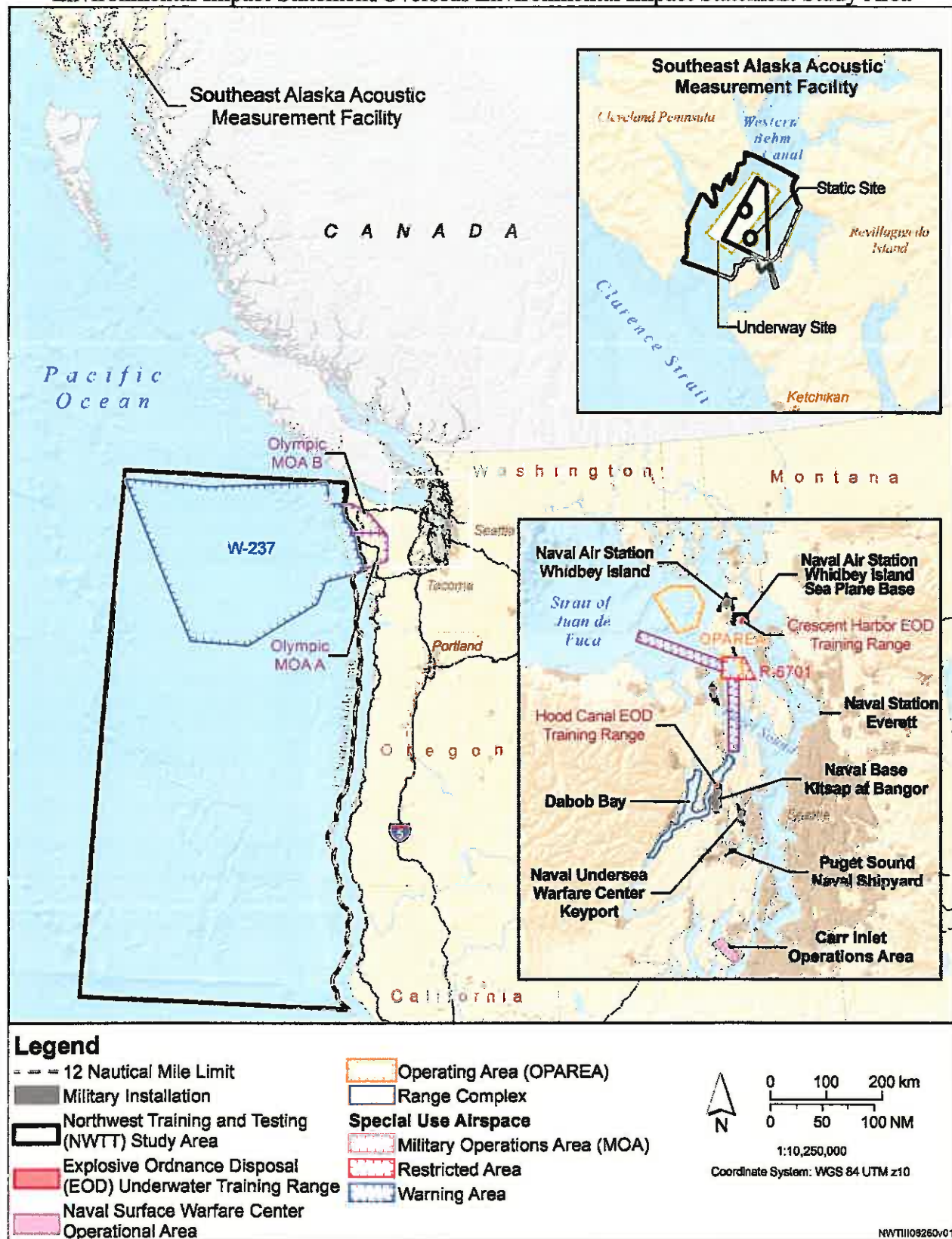
Sincerely,



L. M. FOSTER
By direction

Enclosure: 1. Northwest Training and Testing Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement Study Area

Enclosure 1: Northwest Training and Testing Supplemental
Environmental Impact Statement/Overseas Environmental Impact Statement Study Area



License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	257022	C & K MARKET #77	231 HWY 101	850 O'HARE PKWY #100
Prem.	46738	C & K MARKET INC O - OFF-PREMISES SALES	YACHATS, OR 97498 541-547-4562	MEDFORD, OR 97504
Lic.	256795	DRIFT INN	124 HWY 101 N	PO BOX 128
Prem.	35002	DRIFT INN INC F-COM - FULL ON-PREMISES SALES	YACHATS, OR 97498 541-547-4477	YACHATS, OR 97498
Lic.	259121	FIRESIDE MOTEL	1881 HWY 101 N	320 SW CENTURY DR
Prem.	47802	FIRESIDE HOSPITALITY LLC O - OFF-PREMISES SALES	YACHATS, OR 97498 541-547-3636	BEADON OR 97702
Lic.	257594	HEIDI'S ITALIAN DINNERS	84 BEACH ST	PO BOX 154
Prem.	38590	GRAND OCCASIONS CATERING LLC L - LIMITED ON-PREMISES SALES	YACHATS, OR 97498 541-547-4409	YACHATS, OR 97498
Lic.	257595	HEIDI'S ITALIAN DINNERS	84 BEACH ST	PO BOX 154
Prem.	38589	GRAND OCCASIONS CATERING LLC O - OFF-PREMISES SALES	YACHATS, OR 97498 541-547-4409	YACHATS, OR 97498
Lic.	258792	LUNA SEA FISHHOUSE & VILLAGE FISHMONGER	153 HWY 101	2250 NE EVANS CT
Prem.	45932	LUNA SEA PRODUCTS LLC	YACHATS, OR 97498 541-547-4794	YACHATS, OR 97498
Lic.	256076	ONA RESTAURANT AND LOUNGE	131 HWY 101 N	PO BOX 870
Prem.	47533	ONA PLATE LLC F-COM - FULL ON-PREMISES SALES	YACHATS, OR 97498 541-547-6627	YACHATS, OR 97498
Lic.	256080	ONA RESTAURANT AND LOUNGE	131 HWY 101 N	PO BOX 870
Prem.	47533	ONA PLATE LLC O - OFF-PREMISES SALES	YACHATS, OR 97498 541-547-6627	YACHATS, OR 97498
Lic.	257997	OUTTA GAS PIZZA	1685 HWY 101 N	
Prem.	50388	OUTTAGAS PIZZA LTD O - OFF-PREMISES SALES	YACHATS, OR 97498 541-547-4424	
Lic.	259672	OUTTA GAS PIZZA	1685 HWY 101 N	
Prem.	50389	OUTTAGAS PIZZA LTD L - LIMITED ON-PREMISES SALES	YACHATS, OR 97498 541-547-4424	
Lic.	259120	OVERLEAF LODGE	280 OVERLEAF LODGE LN	320 SW CENTURY DR
Prem.	27038	GRAND PACIFIC LLC L - LIMITED ON-PREMISES SALES	YACHATS, OR 97498 541-547-4880	BEADON OR 97702
Lic.	257190	THE ADOBE	1555 HWY 101 N	PO BOX 219
Prem.	3746	THE ADOBE MOTEL INC F-COM - FULL ON-PREMISES SALES	YACHATS, OR 97498 541-547-3141	YACHATS, OR 97498
Lic.	255736	THE DUBLIN HOUSE	251 W SEVENTH ST	PO BOX 716
Prem.	26608	DANIEL A. SERBU O - OFF-PREMISES SALES	YACHATS, OR 97498 541-547-3703	YACHATS, OR 97498
Lic.	259426	YACHATS BREWING AND FARM STORE	348 HWY 101 N	PO BOX 308
Prem.	51419	YACHATS FARM STORE LLC BP - BREWERY - PUBLIC HOUSE	YACHATS, OR 97498 541-547-3884	YACHATS, OR 97498

License No./ Premises No.		Tradenname/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	259426	YACHATS BREWING AND FARM STORE	348 HWY 101 N	PO BOX 308
Prem.	51419	YACHATS BREWING LLC BP - BREWERY - PUBLIC HOUSE	YACHATS, OR 97498 541-547-3884	YACHATS, OR 97498
Lic.	257820	YACHATS UNDERGROUND PUB & GRUI	125 OCEANVIEW DR	PO BOX 1089
Prem.	47143	YACHATS UNDERGROUND LLC F-COM - FULL ON-PREMISES SALES	YACHATS, OR 97498 541-547-4600	YACHATS, OR 97498

Count for YACHATS

15

**CITY OF YACHATS
ORDINANCE NO. 347
AN ORDINANCE AMENDMENT TO
YACHATS MUNICIPAL CODE CHAPTER 4.08 RELATED TO VACATION RENTALS**

Whereas, the City has regulated vacation rentals for over twenty years so it has been able to observe the impact of the regulations on the community and observe what areas of the regulations could be improved to better obtain the desired results; and

Whereas, the City desires to maintain a strong sense of community and not overwhelm neighborhoods with short-term rentals that impact livability for owner-occupied and long-term rental homes; and

Whereas, the City has a record of responding to complaints related to vacation rentals and the impacts that these rentals have on neighborhoods, including noise, excessive trash, and parking problems; and

Whereas, setting a cap on the total number of vacation rental licenses within the City will help to maintain the community feel of our City by controlling the number of vacation rental licenses issued in the City; and

Whereas, the City has limited resources and staff that can be devoted to enforcement of vacation rental complaints, so limiting the total number of vacation rental licenses will ease the burden on City resources; and

Whereas, the City understands the needs of owners that choose to rent out their homes on a short-term basis, so the City seeks to balance the wants of such owners with the wants of their neighbors that deal with the nuisance impacts that can result from vacation rentals; and

Whereas, in order to ease the burden of vacation rentals on City staff and neighbors, so that complaints are responded to within two hours of notification, each vacation rental must have a local contact person that has authority to act in relation to the vacation rental; and

Whereas, the City wants to encourage all those property owners that engage in short-term renting of their property to license their activities so that all property owners are operating under the same rules,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 4.08.

Yachats Municipal Code Chapter 4.08 shall be amended to read as follows:

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health,

safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in the addition to City ordinances and federal and state laws and regulations. The purpose of an inspection is to ensure the health and welfare of the occupants. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291a, 2010; Ord. 148 § 1, 1992)

Section 4.08.020 Definitions.

“Dwelling unit” means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

“Incident” means an offensive activity or breach of the standards.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

“Local contact person” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Rental occupant” means a person over the age of four years who occupies a rented dwelling unit.

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than 30 days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling, however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four different vehicles over the course of a month, for three consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than 30 days. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291a, 2010; Ord. 226, 2002; Ord. 148 § 1, 1992)

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual units located on the same property, such as a duplex or triplex as defined above in Section 4.08.020, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within 30 days.

B. Vacation rentals in residential zones shall have no more than four bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within 10 miles of the City of Yachats and be available for response to alleged violations, within two hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 am to 11:00 pm.) and respond within two hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current.

E. One on-property parking space, as defined in Section 9.04.030 for off-street parking, shall be provided for each bedroom in the dwelling, but in no event shall fewer than two spaces be provided for the vacation rental. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance all parking must be contained on the rental property. Owners are required to provide parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of overnight vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six vehicles, whichever is less. Daytime parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of overnight occupants shall be two persons per sleeping area plus two additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer of moderate size, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided and must have bear-proof mechanisms. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the GoYachats website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contacting information current shall constitute a violation of this Chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

(Ord. 328, 2014; Ord. 324, 2013; Ord. 311, 2012; Ord. 291, 2010; Ord. 237, 2003; Ord. 226, 2002; Ord. 191, 1997; Ord. 148 § 3, 1992)

Section 4.08.040 Inspection, license and annual fee.

A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. If a license is renewed annually until at least five consecutive years have elapsed the City will re-inspect before issuing a license for the sixth year. The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each five-year inspection completed by the City. A vacation rental licensee shall not be required to pay a business occupation license fee in addition to the annual license fee. The annual license and inspection fees shall be set by resolution of the City council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. Upon the effective date of this ordinance, the City shall stop issuing new vacation rental licenses, and establish a cap of 125 licenses. City staff shall process fully-completed applications that have been submitted up to that date. Applications submitted prior to the effective date of this ordinance that are missing information or are otherwise incomplete as of the effective date of this ordinance shall not be processed. The provisions in this subsection on issuing new licenses shall be in effect from October 15, 2017 through October 14, 2019. Prior to that date, City Council will consider the status of current vacation rental licenses and may consider whether to begin accepting applications for new licenses. That determination must be made of record prior to the

expiration of this provision, in the form of an ordinance amendment. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below 125 in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come-first-served basis, with process identified through administrative policy. (Ord. 328, 2014; Ord. 311, 2012; Ord. 291, 2010; Ord. 284, 2009; Ord. 199 § 1, 1997; Ord. 148 § 4, 1992)

Section 4.08.050 Complaints.

All complaints shall be in writing on a form provided by the City and signed by the complainant. The complainant must show or attest that they have made a timely attempt to resolve the issue with the person representatively responsible for management of the property. The complainant is expected to initiate the process while the out of compliance incident is occurring or when they first become aware that a property is not in compliance with the regulations. All complaints filed with the City shall be verified by the City for validity.

A. When a complaint is filed that is verified by the City to be valid, the owner and local contact person will be notified in writing by mail or email, and provided with a copy of the complaint. Either the owner or the local contact person will be required to meet with a City representative to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, City staff will prepare a report for City council action.

B. Upon a second complaint that is verified by the City to be valid, the owner and local contact person will again be notified in writing by mail or email and provided with a copy of the complaint. Either the owner or local contact person will again be required to meet with a City representative to further discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time the City recorder will prepare a report for City council action.

C. Upon a third complaint within a 90-day period that is verified by the City to be valid, the owner and agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint.

- a. City staff may schedule a hearing and prepare a report for City council action.
- b. The City council may schedule a hearing.
- c. Either the City Manager or City Council may, without a hearing, revoke the license immediately.
- d. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the council shall be filed with the City within 15 days of the notice of revocation.

- D. Standards of judging complaints shall include, but are not limited to, the following:
1. Noncompliance with vacation rental license standards as stated in Section 4.08.030;
 2. Monopoly of on-street parking;
 3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose.

E. The City Council, upon hearing the evidence, may (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license. (Ord. 328, 2014; Ord. 311, 2012; Ord. 226, 2002; Ord. 148 § 5, 1992)

Section 4.08.060 Violations—Penalties.

It is unlawful for any person so required to fail or refuse to apply for a license, or operate without a license as required herein. Any person who violates any provisions of this chapter is subject to a fine of up to \$1,000 per violation, with each day of a continuing violation constituting a separate violation. The third violation within any consecutive twelve month period shall result in revocation of the vacation rental license for twelve months, after which time the owner may reapply for a new license, in accordance with Section 4.08040(C). Violations shall be subject to the procedures and penalties of Chapter 1.12, as now constituted or hereafter amended or revised. (Ord. 328, 2014; Ord. 185 § 4, 1996; Ord. 148 § 6, 1992)



South Lincoln Aquatic Center Steering Committee
PO Box 333 Yachats Oregon 97498 email: slaquaticcenter@gmail.com

August 18, 2017

Dear Mayor Stanley,

We are a group of South Lincoln County Oregon residents who have come together to explore the feasibility of an indoor aquatic facility in our area.

Our interest is in promoting the health of our communities and we believe an aquatic facility would contribute a great deal toward that goal, as well as making a positive impact to community vitality. Currently, there are no public swimming pools in South Lincoln County. During our long, wet, winter months when out-door activities become difficult, a pool would offer healthy exercise and water therapy options for young people, adults and seniors. Additionally, a public pool could offer swim lessons and water safety lessons important for all individuals. We anticipate the vitality of South County could be enhanced by providing year-round healthy exercise options which would attract residents and visitors of all ages to our area.

We are at the beginning of what we understand to be a long and complicated journey, yet are committed to the goal of bringing a swimming pool to South Lincoln County. To that end, we have formed a Steering Committee and selected the name "South Lincoln Aquatic Center" (SLAC). Our first steps included surveying local residents and visitors to determine interest beyond our group. The results revealed strong interest in having a swimming pool located in South Lincoln County. We are now in the process of assessing interest and support from our various community and government entities. In that process we ask your assistance in responding to the following questions:

- Do you have any information you can share with us that may assist us toward our goal of an aquatic facility in South Lincoln County?
- Do you have any concerns you would like to share with us related to construction of an aquatic center in South Lincoln County?
- Would you or your representative be willing to meet with members of our Committee to further discuss this project and your potential involvement?
- Will you provide a written general statement in support of the idea to bring an aquatic facility to South Lincoln County?

We look forward to hearing your response to our questions, and any other comments you may have. Please mail or email communication to our address at the top of this letter. We would appreciate receiving your response by September 30, 2017.

Thank you for your time and attention.
Sincerely,

A handwritten signature in cursive script, reading "Katherine Guenther".

Member, South Lincoln County Steering Committee

SLAC Steering Committee Members: Bette Perman, Monica Ihnat, Katherine Guenther, Craig Berdie, Noel McIntosh, Linda Hetzler, Janet Rackleff, Susan Babilon, Barbara E. Frye & Karen Symms