

1. Agenda

Documents:

[07-12 COUNCIL AGENDA.PDF](#)

2. Meeting Materials

Documents:

[CITY-LIBRARY MOU.PDF](#)
[COUNCIL MINUTES 6-7-17.PDF](#)
[COUNCIL MINUTES 6-14-17.PDF](#)
[LIBRARY PLAN 2017 FINAL.PDF](#)
[LIB-VR COMMENTS SCHANBACK.PDF](#)
[PW RPT 12-17.PDF](#)
[VR COMMENTS-1 12-17.PDF](#)
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[VR COMMENTS-JOHNSTONE.PDF](#)
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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, **Multi-purpose Room**



Wednesday, July 12, 2017 at 6:00pm

AGENDA

- I. Business
 - PUBLIC INPUT, COUNCIL DISCUSSION, VOTE
 - A. 501 Building Use (Potential to move Library there) VOTE
 - PUBLIC INPUT, COUNCIL DISCUSSION, POSSIBLE VOTE
 - B. Vacation Rentals – proposed ordinance changes VOTE
- II. Announcements and Correspondence
- III. Proclamations
- IV. Public Comment (topics not listed on the agenda; 5-minute limitation per person)
- V. Minutes and Accounts Payable
 - A. Minutes: 06/07/17 Work Session; 06/14/17 Council; 6//28 Work Session VOTE
 - B. Accounts Payable for Approval VOTE
- VI. Reports
 - A. Council Reports
 - B. Department Reports: Manager, Public Works, Emergency Planning, Code Enforcement
- VII.
- VIII. 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 July 10, 2017

MEMORANDUM OF UNDERSTANDING
JULY 12, 2017

Between

CITY OF YACHATS (City)
and
YACHATS CITY LIBRARY (Library)

A. PURPOSE

The purpose of the Memorandum of Understanding (MOU) is:

1. To outline the Terms and Conditions of the MOU between City and Library that are related to moving Library to the City-owned building at 501 Hwy 101N, Yachats.
2. To identify the shared outcomes and principles which will guide future discussions on the specific collaborative initiative relating to the City-Library project, as well as creating an understanding of the key agreement components for legal, design, construction, capital funding and operations.
3. To express the intentions of the representatives of City and Library, in advance of completing the due diligence required, and final project approvals, as a formal agreement.
4. To express a convergence of will between the parties, indicating an intended common line of action, but not to imply a legal commitment.

B. OUTCOMES

The goals of this cooperative project are as follows:

1. To support the Library in providing quality of service delivery to its patrons.
2. To provide a quality facility for the benefit of the Yachats community and visitors.
3. To develop the ability to adapt to expanding and changing community needs.
4. To encourage the volunteers who operate the Library to explore new service methods.
5. To recognize and utilize the expertise and talent of the volunteers, in library operations.
6. To realize the provision of desired services to the Yachats community and visitors.

C. GENERAL PRINCIPLES

Both parties agree on the importance of the following:

1. Access – the equitable provision and access to services in terms of economic status, age, gender, ability, race and religion; e.g., “non-exclusive uses”.
2. Program cooperation – the expansion and diversification of programs and services offered to the community, along the same lines as current programs and services.
3. Community involvement – the participation by volunteers in the planning, implementation and operation of programs and services.
4. Market orientation – the concept that projects must be operationally sound and economically viable, as primarily determined by Library.
5. Sustainability – the planning and implementing of programs and services to sustain the development of the Library and service to the community, in the long term.
6. Flexibility – the use of flexible terms that allow dealing with unforeseen future issues.

D. LEGAL TERMS

1. "City" refers to City of Yachats.
2. "City Council" refers to five elected officials, including the Mayor, on the Yachats Council.
3. "City Manager" refers to the appointed position with responsibility for city operations.
4. "Library" refers to Yachats Public Library.
5. "Library Commission" refers to five residents who are appointed by City Council to operate and manage Library; formulate rules, regulations and standards for operation Library; receive bequests, gifts, grants and devises to carry out the purpose of Library; prepare and submit budgets.
6. "Librarians" refer to the volunteers who operate Library, especially the head librarians.

E. DESIGN AND CONSTRUCTION

1. City will endeavor to construct and provide new, expanded and/or renovated spaces for Library in the City-owned building at 501 Hwy 101N, and to arrange for the maintenance and care of the building and the real property upon which it is situated.
2. City, represented by two members of the City Council, and Library, represented by two members of the Library Commission, will participate in a joint design and construction working committee, with regular input from the head librarians.
3. City will provide overall project management for the design and construction process, with all changes to plans subject to City approval. City Manager will be in charge of the project, coordinating with City Council, Library and head librarians.
4. City, Library and head librarians will actively participate to ensure the size, scope and relationships of the program spaces are sufficient and efficient to sustain Library operation.
5. It is the intention of City and Library, subject to financial considerations, that the building remodel and design will be completed by a professional who specializes in library design.
6. All Oregon state and municipal building code and architectural design standards will be met.
7. City commits to financing the preliminary design stage costs, upon execution of this Memorandum of Understanding. City and Library must then mutually agree to proceed to the second phase of the design process (detailed design).
8. City and Library mutually agree that the following elements will be incorporated into the project: a well-designed, large, bright, functional and flexible space with dedicated areas or rooms for reading, computers, meetings, storage, office space and staff break room, at a minimum. City and Library estimate the total floor area of the building to be in excess of 4,500 square feet, and mutually agree to prioritize library uses to best serve the programs and needs of Library for the benefit of the Yachats community and visitors.
9. External signage will be appropriately visible and recognizable and will ensure that City and Library are adequately represented.
10. City and Library agree that construction timing for the project must be reviewed relative to cash flow considerations. Both parties mutually agree to the possibility of remodeling as a single-phase construction project, or allowing a multi-phase remodel, for the sake of moving the Library contents and operations prior to the onset of inclement weather.

F. OPERATIONS

1. The relationship between City and Library provides for Library to deliver library services to the Yachats community and visitors. Each party recognizes its own separate responsibilities, as well

as associated obligations, and that from time to time the scope of services offered to the community may change.

2. City and Library will ensure the Library's programs and services are inclusive and accessible to patrons in the greater Yachats community, as well as to visitors.
3. City and Library agree that Library will be responsible for programming and non-exclusive uses of spaces within the facility.
4. Subject to the availability of budgeted funds each year, City agrees to pay the costs of building and grounds maintenance, as well as repair of mechanical and electrical systems.
5. City and Library agree to constructively work together on any issues relating to building usage, and to seek input from head librarians and volunteers on a regular basis.
6. City will endeavor to ensure that Library and Library's contents are the only occupants of the building at 501 Hwy 101N, but that is subject to future conditions and financing of City.
7. Library will accommodate artwork and information displays similar to what is allowed now.

G. CONDITIONS

1. Approval of this Memorandum of Understanding, signed by City and Library representatives.
2. Availability of sufficient funds and City Council approval of financing for remodel and move.
3. City and Library agree that City is in control of, and has final approval of, expenditures under the \$150,000 John L. Hall bequest; and further agree that the gift will be used for something beyond infrastructure costs, such as, but not limited to, equipping a reading room; providing specific equipment, art or furnishings; and developing new programs.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the dates shown below.

CITY OF YACHATS

YACHATS LIBRARY COMMISSION

By: _____
Gerald F. Stanley, Mayor

By: _____
David Dunsdon, Chair

Attested to by:

Joan Davies, City Manager

1 CITY OF YACHATS
2 CITY COUNCIL WORK SESSION AND REGULAR MEETING
3

4 June 7, 2017

5 Minutes
6

7 Mayor Gerald Stanley called the June 7, 2017 work session and regular meeting of the City
8 Council to order at 9:30 am in Room 1 of the Yachats Commons. Council members present:
9 Mayor Gerald Stanley, Barbara Frye, Jim Tooke, Greg Scott and Max Glenn. Staff present: City
10 Manager Joan Davies, City Clerk II Kimmie Jackson, Water Treatment Lead Rick McClung.
11 Audience: 15.
12

13 **I. Work Session Discussion Topics**

14 Mayor Stanley welcomed the audience and noted the meeting room has been painted.
15

16 **A. 501 Building – uses and proposals**

17 Wendy Weimer (35 E Eckman Creek, Waldport) distributed a handout on her proposal to buy
18 the City-owned 501 Building (at 501 Hwy 101N). Weimer stated she has been a realtor since
19 2007 and is ready to expand her business. Weimer had discussed with Vicki at the Visitor's
20 Center about space availability. Her vision is to have three sections with each business having
21 its own exterior entrance. Weimer's understanding was that the 501 Building was purchased for
22 the addition of parking spaces. Mayor Stanley clarified it was purchased for both parking and a
23 potential new bank. Weimer is willing to put an easement in place to give the City the parking.
24 Weimer highlighted the transaction would result in monthly income, remove the burden of
25 maintenance, and provide additional space for businesses.
26

27 Councilor Glenn noted it was too late to accept an offer and was insulted at the offer of
28 \$100,000 on a property the City paid \$500,000 for. Councilor Tooke believed the offer price
29 was very low. Councilor Frye reviewed that the Council has spent a great deal of time on
30 exploring uses for the building and appreciated the proposal.
31

32 Mayor Stanley noted the City is looking at two alternatives of selling the building or having the
33 library move into the facility. Glenn did not recall the Council ever considering selling the
34 building. Glenn noted two options of a lease to EIP or to move the library. Frye was open to an
35 offer for the building, if it was significant.
36

37 Tom Bedell asked if the Council had considered a bank for the space. Councilor Scott stated
38 Glenn has done extensive research on banks going into the space, without success.
39

40 Weimer noted her price was based on her using only 20% of the property, and she is willing to
41 discuss leasing. Mayor Stanley stated Weimer could present another offer to the Council.
42

43 **B. Vacation Rentals – policies and proposed changes**

44 Scott recalled he was expecting a public input meeting in July on this topic and was not
45 expecting the topic to be on the agenda. Manager Davies clarified she included the topic as
46 there were persons at the last meeting who did not know they could comment. Mayor Stanley
47 apologized for not welcoming comments from the audience at the last meeting. Scott believed
48 the last meeting was for the Council to discuss the topic, not to collect public input. Frye
49 commented that she did not understand the meaning of a work session until she was on the
50 Council and suggested they educate citizens on what work sessions are for, perhaps at the

1 beginning of meetings. Glenn understood the last meeting was for the Council to give feedback
2 to the work group who had developed the proposal.

3
4 Manager Davies explained the photo she had distributed to the Council was from a property
5 owner who indicated this was a photo of his family, as an example of who used their vacation
6 rental for family events, but did not pay rent for it. That was a question that the Council had
7 discussed, when some owners claim they are not receiving rent, but the house is occupied.

8
9 Frye asked Scott where the input process stood. Scott said public input is set for July 12, 2017.

10
11 Mayor Stanley clarified his position on not being in favor of people buying homes in the city for
12 the sole purpose of using them as an investment vacation rental (VR) with no intention of living
13 in Yachats. Frye asked Mayor Stanley why he was opposed to caps on the number of VRs.
14 Stanley stated he is not convinced capping the VRs would result in more affordable housing
15 being available, noting many of the VR homes are high-cost properties. Stanley noted an
16 exception of a recent home conversion to a VR that had been a long-term rental and had a low
17 sales price (est. \$150,000). Stanley wanted to avoid the adversarial situation that occurred in
18 another city around VRs. Stanley believed there should be more discussion about how to
19 manage the rentals.

20
21 Frye referred to her past work with former councilor Sandy Dunn in assessing what makes
22 Yachats a special, livable and unique place to live. Her research indicated volunteers are
23 crucial to quality of life and having VRs as neighbors is a detriment to quality of life. Frye
24 believed there is urgency to address the cap issue.

25
26 Scott took exception to the Mayor's statement that they do not have a handle on which VRs are
27 available. He noted the current system does not allow for the City to withdraw a VR license
28 because of inactivity. Scott noted the work group purposefully tried to take a balanced
29 approach in examining the pros and cons.

30
31 Glenn recalled that the previous mayor and councils have had a long-time consensus that there
32 would eventually need to be a cap. Glenn believes now is the time to create a cap, as the
33 number of VRs has stabilized in the past few years. Glenn did not see that Yachats was in the
34 same circumstance as other cities and their controversies.

35
36 Tooke stated he recalled the Mayor's concern about a cap and expected pushback on the
37 matter from citizens. Tooke wanted more input on the topic. Tooke emphasized the importance
38 of enforcement to make any system work.

39
40 Manager Davies noted there are five vacation rental licenses pending since last month.

41
42 Paul Thompson (1153 Driftwood Lane) stated he has lived in Yachats for seven years and has
43 complained numerous times about VRs. He was in favor of the new proposal. Thompson
44 agreed with Tooke that enforcement is a serious problem. Thompson noted that parking,
45 garbage and noise are the main problems, and there has not been enforcement around these
46 issues. Thompson stated his neighbors have complained, to no avail, as well. Thompson
47 argued there is right-of-way five feet from the road into the driveway and cars consistently park
48 in this area. Thompson praised Manager Davies for her responses to his complaints. Scott
49 stated there is a parking inventory in the city database, which Thompson could use to determine
50 legal parking for each property. Frye believed enforcement has not been up to par, but there is
51 a need to educate people that their complaints need to be formally filed with the City.

C. IT Program Budget Review

Mayor Stanley stated the Budget Committee had asked for more information about the IT Program. Scott noted his report to the Council. Scott argued that poor information access inhibits the Council and staff's ability to work, and paper data systems are outdated. Scott believed there is a need for customized data work as off-the-shelf software products are not adequate. Scott noted many of the software programs are very expensive and the current City database does not replicate systems that already exist. Scott noted Yachats is unique with its online document library. Scott read the main components in the data system, referencing the improvements for business tax filing and the online room reservation system. Scott emphasized the net cost to the City is currently \$1,250 per month to maintain and develop the database.

Scott noted the largest gap in the data system is missing data. Scott noted Helen Anderson had previously cleaned up the tax lot information. Scott asked of the Council to:

- (1) Authorize Scott as a city official to talk with Munibilling to get their data compatible. The numbers in the database became inaccurate in February 2016 when the Munibilling system was implemented.
- (2) Designate the property inventory as the official record of property records.
- (3) Instruct staff to use the new system.

Scott noted staff wants to be able to track payments and indicated he could provide that service.

Glenn stated after the Budget Committee meeting in May he realized there is a lot of information in the document library that is not being used. Glenn summarized his philosophy, "What people are not up on, they will be down on." Glenn's questions were: 1. What did we try to automate? 2. What is not yet working properly? 3. What more should be automated? Glenn met with staff to better understand their concerns. Scott, Glenn and Manager Davies are having an automation specialist review what has been done and what could be done. Glenn is pleased with the current website, and strongly recommends the Council not eliminate this component.

Frye was unaware of bringing in a systems specialist. Frye was impressed with all the work Scott has done. Frye was concerned about a conflict of interest in having a City Councilor be the IT Manager. Frye argued she never sees finished products and would like to see firm deadlines for completing tasks. Frye wants to see clearer planning and specific priorities and progress on those priorities. Scott noted the City Manager provides the prioritization input.

Scott cited an example of the Parks and Commons Commission talking about room rentals. He reported he is providing a way to computerize that and is also computerizing the vacation rental complaint system. Scott indicated he has hired a third developer to help on the project to speed up progress. Scott indicated the new document library will go online within a week and will allow for "Google type" searching. Frye would like to see an IT person on staff.

Tooke stated he is not an IT expert but has an appreciation of what is involved in development. Mayor Stanley stated he is impressed with Scott's work, especially his latest written report.

Frye restated she believed the current system is not good and is not supportive of spending money on the work. Frye argued a good system is one that people can use, is accessible, is reliable, and people understand.

D. Award Bid for South Tank Project

Manager Davies reported the City had received four bids, the highest at \$1.4 million and the lowest at \$1.085 million. The engineers have done their due diligence on ensuring the low bidder, Clackamas Construction, met all the project requirements.

1 Manager Davies read into the record the Notice of Award to Clackamas Construction in Boring,
2 OR. Manager Davies noted by contract they have 300 days to complete the project, which
3 would put the end in April 2018. This timeline is consistent with the financing requirements.
4

5 Scott asked if there were any reasons not to proceed with this contact. Frye asked about safety
6 issues being adequately addressed. McClung stated he is confident with the safety of project.
7

8 **E. Cape Perpetua Program Proposal – Paul Engelmeyer.**

9 Paul Engelmeyer introduced project partner Charlie Plybon from the Surfrider Foundation.
10 Engelmeyer reviewed the mission of the Cape Perpetua Foundation as presented in his written
11 report and request for \$10,000 of support. The Cape Perpetua Foundation partners with
12 Discovery Northwest (Seattle) in facilitating education, visitor amenities and conservation.
13

14 Plybon reported many non-profits have been making investments in conservation and
15 communication efforts in the Cape Perpetua area. Plybon stated they wanted to more formally
16 establish a collaborative and would like to hire a coordinator to link to the City of Yachats. They
17 also want the City to become a more active part of the collaborative.
18

19 Engelmeyer explained how the various efforts are moving forward (e.g., docents at lighthouse
20 and visitor center, whale watching program). He stated they need to prioritize their deliverables
21 and hoped the Council would help with that. There were several letters of support in the packet.
22

23 Scott asked if there was anyone on the Council who does not support this proposal. Mayor
24 Stanley asked about the title, "coordinator," and whether "liaison" would be more appropriate.
25 Engelmeyer clarified the Coordinator covers more than just Yachats. Stanley was in favor of a
26 more active role for Yachats and would like to see regular progress reports. Frye asked what
27 the \$10,000 request would cover. Plybon explained funds are needed to cover the gap until a
28 formal system is in place and agreed clarifying expectations are important. Marc Courtenay,
29 Yachats resident, stated he previously served in this same capacity in the Santa Barbara area.
30 Courtenay would like to volunteer as the "warm body" to work with Engelmeyer's group.
31

32 Glenn wanted clarification on how the group would communicate with the Yachats Visitors
33 Center. Plybon noted Cape Perpetua gets 143,000 visitors each year, and the collaborative
34 wanted to help make those people aware of Yachats.
35

36 **F. Job Listing for City Manager – review Prothman recruit**

37 Mayor Stanley stated the Council needs to select a council liaison that will coordinate the City
38 Manager search with Prothman. Glenn volunteered. Frye asked for clarification on what the
39 liaison will do. Manager Davies noted that last time, Prothman interviewed candidates via
40 Skype prior to giving the City its recommendations. Prothman has advertised with the League
41 of Oregon Cities, as well as throughout the nation. Glenn would like to see a meet and greet
42 with prospective candidates as was done last time.
43

44 **G. Open Contracts – Code Enforcement Officer and Commons Custodian**

45 Manager Davies summarized the open positions of Code Enforcement Officer and Commons
46 Custodian. She reported Sterner had submitted his resignation as custodian and Don Niskanen
47 had retired earlier in the year. Davies noted she has advertised in the newspaper but cannot
48 advertise the positions on the State employment website because these are contracted
49 positions. Waldport and Toledo are both ending a contract with their code enforcement
50 company in September, and are interested in sharing a person or company. Manager Davies

1 summarized her recruiting efforts to date. Bette Perman suggested posting the openings on
2 Facebook and the Oregon Coast Craigslist.

3
4 Glenn noted that the previous Code Enforcement Officer had contacted owners of vacant lots
5 that are overgrown around this time of year. Davies indicated she has been sending notices
6 and asked the Council about how they have handled private lots that have never been cleared.
7 The current code does not differentiate between never-cleared lots and lots in more developed
8 areas. Davies suggested adding multiple definitions to the code to allow for keeping never-
9 developed lots as-is. Scott agreed with Glenn in wanting to keep the town green. Scott noted
10 Quiet Water requires lot maintenance and the homeowner's associate maintains them. Stanley
11 asked Manager Davies for a recommendation on new language for the code. Scott asked
12 Davies to consult with Wally Orchard for his perspective on how to manage the situation.

13 14 **H. Council Shepherding Goals - reports**

15
16 Frye stated:

- 17 1. She would like parking spaces put on the agenda. Frye wants the council to be more
18 aggressive in finding additional parking now that the highway project is coming to an
19 end. Frye believes the Council also needs to address the future of the ball field.
- 20 2. The Library Commission has completed a strategic plan and will have a public
21 hearing on the document. Scott noted the document is not really a strategic plan.
- 22 3. The MOU for the Health Clinic was approved by Lincoln County. Frye noted many
23 people came to the Lincoln County Health table at the Yachats Pride picnic.
- 24 4. The Florence bus service has been delayed to August.
- 25 5. Davies and Frye have been working with City Attorney to get the Planning
26 Commission's draft on formula businesses in a more usable form.

27
28 Glenn stated:

- 29 1. He has been monitoring community pages on the discussions of the 101 Project.
30 Glenn commended the efforts of Jason Klohk from Pac Ex to address issues.
- 31 2. Work with the Emergency Planning Commission is continuing.
- 32 3. He is still planning to convene a workgroup on public art and removal of blight.

33
34 Stanley stated:

- 35 1. He and Glenn attended a meeting with the county Economic Development Alliance
36 and he would like Glenn to continue working with this group. Stanley noted the
37 EDA's highest priority was housing. Glenn stated he would follow the housing study
38 and Alliance's recommendations to see what can be brought to Yachats.

39
40 Scott stated:

- 41 1. He has met with EIP. There are no action items at this time.
- 42 2. The new streetlights are dark-sky compliant. Scott noted some businesses want to
43 put lights on the new posts that are part of the retaining wall in front of the stores
44 in the C&K pavilion. He told shop owners the lights must be dark-sky compliant.

45
46 Tooke stated:

- 47 1. He discussed with Dave Buckwald what grants are available for removal of aging
48 septic tanks and other projects. A plan is needed before applying for grants.
- 49 2. Projects with the State Parks are inactive at this time.
- 50 3. He will be working with McClung on the South Tank Project.

1 Stanley stated:

- 2 1. He is waiting on information from the State legislature on the Visitor Amenities Fund.
- 3 2. The Marketing Committee meets soon on plans for the 50/100 City Anniversary.

4
5 Frye noted last week was the first Yachats Pride event, and it was well organized, well attended,
6 and enormously successful. Stanley stated the picnic was wonderful and set a high standard.

7
8 **G. Approve Agenda for June 14, 2017 City Council meeting**

9 Glenn would like to add a proclamation for the 37th and final year of the Music Festival. He
10 would like to see the Mayor read the proclamation at the beginning of the festival.

11
12 Frye would like a more formal update on the Highway 101 Project. Frye reported installation of
13 the art banners was delayed because a truck had run over the banners when they were drying.
14 Stanley noted there would be American flags flying on the other side of the streetlights by July
15 4th. Glenn asked about requirements for placement of the American flag.

16
17 The Work Session concluded at 12:03 pm.

18
19 **REGULAR MEETING**

20
21 **II. Business**

22
23 **A. Award Bid for South Tank Project**

24 Glenn moved to authorize the City Manager to award the contract for the South Tank Project to
25 Clackamas Construction of Boring, OR for \$1.085 million: Aye – 5; No - 0.

26
27 **B. Cape Perpetua Program Proposal**

28 Scott moved to approve and award \$10,000 from the Visitor Amenities Fund to Tourism and
29 Conservation at the Cape Perpetual Visitor Center: Aye – 5; No - 0.

30
31 The council indicated consensus to partner with the Cape Perpetua Collaborative.

32
33 **C. Approve Applicants to Public Works and Streets Commission**

34
35 Marc Courtenay stated he had been looking for ways to be of service to the community and to
36 the Council. His experience included being a liaison and an advocate, and to be of service.
37 Scott liked the idea of having a generalist and non-technical person on the Commission.
38 Courtenay stated he has been noticing changes in surface areas on sidewalks and streets and
39 would be willing to address issues that arise. He attended last month's PWS meeting.

40
41 Glenn moved to appoint Courtenay to Public Works and Streets Commission: Aye – 5; No - 0.

42
43 Tom Bedell (25 E Windy Way) stated he has spent his life in public works and is familiar with the
44 wholesale supply process to water and sewer treatment plants. Bedell noted he was the
45 longest serving member of the Plumbing Heating and Cooling Contractors Association, was on
46 the Executive Board of the PHCC for the eleven Western states, and was appointed by the
47 Governor to the Oregon State Plumbing Board. He attended last month's PWS meeting. Glenn
48 appreciated that Bedell might have expertise in understanding major equipment purchases.

49
50 Frye noted some Commissions are in a transition regarding their roles in city operations and
51 providing vision. Bedell stated he was willing to remove his application if the Council believed

1 his expertise would interfere with staff work. Frye clarified her comments about the
2 commission-staff relationship and noted she thought it was fabulous to have a person with
3 Bedell's background on the Commission. Scott reinforced the position that their needs on the
4 Commission are not about the details of how work is conducted but instead about vision to
5 determine if a project makes sense for community.
6

7 McClung stated he believed these new applicants would be a great addition to the Commission.
8

9 Scott moved to appoint Bedell to Public Works and Streets Commission: Aye – 5; No - 0.
10

11 **III. Other Business**

12 Tom Lauritzen asked to make a comment on the IT Program. Lauritzen stated he initiated the
13 conversation at the Budget Committee meeting to review funding for IT. Lauritzen was
14 concerned about a lack of implementation of the elements of the IT system and unfinished
15 components still needing "tweaking." Lauritzen argued most of the system components are not
16 used to their capacity or design. Lauritzen noted the amount of time staff is using on trying to
17 use and implement system components, specifically on the reservation system, the transient
18 rental tax system, and the property inventory and water data. He noted there needs to be more
19 clear explanations on how the components are to be used. Lauritzen believed there are
20 solutions that do not require more development but instead focus on fixing the implementation
21 and user interface. Lauritzen added that if not implemented correctly, money is wasted.
22

23 Frye thanked Lauritzen for expressing more eloquently her frustrations with the system. Frye
24 raised the issue of hiring a consultant to evaluate the IT functionality. Manager Davies and
25 Glenn explained the reasons for reaching out to a consultant, most notably their own lack of
26 technical expertise. Lauritzen posited that the qualifications of the proposed consultant were
27 not a good fit with addressing the implementation problems.
28

29 Scott clarified the Munibilling data problems are a result of Munibilling sending "bad" data, while
30 Lauritzen added that Munibilling is no longer responding to staff calls, due to frustration. Scott
31 believed some staff are resistant to learning the new system.
32

33 Glenn moved to authorize Scott to talk to Munibilling about errors in the data for water
34 consumption, to designate the property inventory as the official city property database, and to
35 instruct the City Manager to transition away from the internal database (Access) and transition
36 to the property management system, by the end of September 2017: Aye – 4; No – 1 (Frye)
37

38 Stanley wanted to clarify with Manager Davies that when the Council votes on the budget at the
39 next meeting, the IT budget will be included. Davies affirmed the inclusion of the IT funds.
40

41 With no further business before the council, Mayor Stanley adjourned the meeting at 12:58 pm.
42
43
44

45 _____
46 GERALD F. STANLEY, Mayor

47 ATTEST:
48
49

50 _____
Joan Davies, City Manager

Date

CITY OF YACHATS
CITY COUNCIL MEETING
June 14, 2017

Minutes

Mayor Gerald Stanley called the June 14, 2017 regular meeting of the City Council to order at 2:00 pm in Room 1 of the Yachats Commons. Council members present: Mayor Stanley, Barbara Frye, Jim Tooke and Max Glenn. Excused: Greg Scott. Staff present: City Manager Joan Davies, City Clerk Judy Richter, Water Lead Rick McClung, Wastewater Lead Dave Buckwald. Audience: 19.

I. Announcements

A. Mayor Stanley

Mayor Stanley began the meeting with a moment of silence due to the attempted assassination of a US Congressman and a shooting at an UPS facility in San Francisco.

Stanley noted this weekend is Beachcomber's Days in Waldport. Stanley also noted Governor Kate Brown has restored the Arts Commission Awards for a citizen who makes an outstanding contribution to Oregon through the arts and suggested someone could nominate a local artist.

II. Proclamations and Special Recognitions

A. "Yachats Music Festival Days, July 7-9, 2017 – The Grand Finale" proposed by Max Glenn. Manager Davies read the proclamation into the record. Joanne Kittel (Yachats) reported this is the 37th year of the festival. Kittel and her late husband, Norm, started going in 1988 and never missed one. Kittel noted internationally-renown artist Leon Bates has performed at every festival, requiring multi-year advance booking. Glenn added that the organization had adopted Yachatian Milo Graamans as a performer/participant.

Glenn moved to approve the Proclamation proclaiming July 7-9, 2017 – The Grand Finale" Aye 4; No – 0.

B. ASK (Asking Saves Kids) Day - proposed by Bob Barrett

Manager Davies read the proclamation into the record, in reference to asking if a home has a loaded gun in it, prior to allowing your child to go there to visit.

Tooke moved to approve the proclamation proclaiming June 21, 2017 to be ASK Day: Aye 4; No – 0.

III. Public Comment

A. Chuck Lerwick, Dahl Disposal Operations Manager: Not in attendance.

B. Michelle Brannon, Lincoln County District Attorney: Brannon stated she wanted to reach out to counties and introduce herself. She noted she has been DA for three years and has been a deputy DA for 15 years. Brannon began her career with juvenile and child abuse cases, but was recently lead prosecutor on a murder case. Brannon explained the awkwardness of seeing people in public and not asking about how they are, as they often meet her in a very uncomfortable situation coming into her office. Brannon seeks transparency and wants to ensure Lincoln County remains a wonderful place to live. Mayor Stanley summarized his meeting with DA Brannon. Kittel added that Brannon has been an exceptional DA and advocate for children and the vulnerable.

C. Maxine Johnstone (330 King St): Johnstone, a 24-year Yachats resident, read a letter she wrote to Council in 2015 requesting businesses reduce outside music on the 4th of July to under

1 the recommended 85 dB level recommended by public health agencies. Johnstone noted nothing
2 was done by previous council or mayor, in response to her multiple requests. She respectfully
3 asked the council to “do something” and possibly pass an ordinance to limit sound levels. Frye
4 stated she was embarrassed that the Council had not responded to her, but Council did discuss
5 them matter, and noted the difficulty around how noise is measured and enforcement. She noted
6 that the former mayor had experience with measuring noise, and he had told them how complicated
7 that would be. Frye did not have a solution. Johnstone had no issue with the fireworks, just the
8 ongoing music, which travels uphill from the downtown area. Johnstone believed a request from
9 Council would impact the behavior of local businesses. Glenn stated he shared Johnstone’s
10 concerns, but asked for clarification on “no music” versus “lower volume music.” Johnstone stated if
11 they cannot enforce or measure the lower volume, then she would prefer a ban.

12
13 Manager Davies noted she did not know about this issue in advance of this meeting or she would
14 have researched it, but noted that Section 5.08.160(i) of City Code addresses noise. She noted
15 there is Code on sound-amplifying devices that could be modified, and advised the audience that
16 she can research issues if she gets advanced notification, so that a response is more timely.

17
18 Mayor Stanley suggested making a statement in the July newsletter about section 5.08.160.i and
19 about respecting noise levels. Frye stated she could not support a recommendation of no outdoor
20 music in town on that day, but would be in favor of trying to control volume.

21
22 June O’Connor (1618 Highway 101) noted in 1989 the Presbyterian Church put up carillons directed
23 at her home. O’Connor reported the County Health Department came to Yachats to measure noise
24 output. Davies asked O’Connor about her thoughts on the possible carillon at the Little Log Church.
25 O’Connor said her opinion would depend on the sound output and suggested they test noise levels
26 using speakers, before purchasing the carillon.

27 28 **IV. Consent Agenda**

29 **A. Minutes**

30 May 3, 2017 Work Session

31 May 10, 2017 Council Meeting

32 May 15, 2017 Budget Committee

33 34 **B. Accounts Payable**

35 Councilor Scott has previously reviewed this report.

36
37 By virtue of the Consent Agenda, the above minutes and accounts payable are approved.

38 39 **V. Reports**

40 **A. Council Reports**

41 Glenn, Frye, and Tooke noted they had nothing new to report since the June 7, 2017 Work Session.
42 Mayor Stanley attended an Economic Development Alliance meeting, led by Yachatan Caroline
43 Bauman, and praised the group for its efforts and efficiency. Frye offered to answer questions about
44 the Yachats-to-Florence transport and reported there is a delay of the start to August or September.
45 She noted discussion about the stops is ongoing, and persons can complete a survey online about
46 what services and stops are desired. The survey website address is: ltd.org/connector

47 48 **B. Department Reports**

49 **1. City Manager:** Manager Davies summarized the report in the meeting packet.

50 Frye asked about ADA access at the grocery store parking lot. Manager Davies stated access is via
51 traffic turn-ins and from the sidewalk onto W. 2nd St. She noted access by Planet Yachats on 3rd St is

no longer available. Frye asked why a curb was necessary on 3rd St blocking access. Davies noted the design is in accordance with ODOT standards and an access point would have to be done by the private property owner. Frye believed this issue should be monitored. Sherry Dickenson posited that a person could challenge significant changes to access to a property that is not ADA-compliant. Manager Davies noted the lot itself is ADA-compliant. Loren Dickenson asked whether the work in the C&K lot was part of the City contract or done by the private property owners. Manager Davies stated that work is part of the ODOT project, and asked which part he was referring to.

Shelly Shrock noted she has observed three people trip in the curb area on E. 2nd Street, between the Green Salmon and Drift Inn. She noted there is a step where one expects a slope. Mayor Stanley noted nuances with wheelchair access in the flashing crosswalk that is at the same location. Manager Davies will investigate the reason why the step was put into place rather than a slope.

Frye asked about plans to pave E. 2nd and Prospect Streets. Manager Davies indicated they had hoped to have funds left over to widen and pave 2nd St to Prospect, but they are not available.

Frye commended Manager Davies for her work, especially during this month of intense work on Hwy 101. Mayor Stanley also expressed his appreciation of her contributions.

2. Emergency Planning: Manager Davies noted Emergency Planning report and added committee are still working on tsunami signage to mark escape routes. Manager Davies summarized ongoing efforts in the community to plan for the August 2017 eclipse.

3. Code Enforcement: Manager Davies summarized the incidents in the report, noting how grass and weeds are overgrown, due, in part, to the heavy winter rains. Manager Davies noted there is a July 1, 2017 deadline for cutting vegetation. That will reduce fire danger in the summer.

2. Public Works: Manager Davies noted a high wind advisory has been issued for tonight, so Wastewater Lead David Buckwald was currently taking down the banners from the lamp posts. Water Lead McClung summarized the Public Works report. McClung noted the Dollar General construction crew hit the 4-inch water main on-site and dumped 33,000 gallons of water in ten minutes, explained screw press now enables direct dumping of bio solids into dump truck, reported Pac Ex has been easy to work with on the 101 Project, and noted the City has been contracting out use of vac truck. The mounds of gravel on W. 4th Street are asphalt grindings from the highway project. Piling it there is saving the city \$5,000 in haul-away fees and providing \$10,000 in materials acquisition. McClung noted this gravel provides excellent street coverage, and Public Works plans to apply it to W. 4th Street, Pontiac Street, and along the east and north sides of the ball field, before July 4th, when parking spaces are needed.

Mayor Stanley asked about possibility of including a white line on side streets connected to Hwy 101 to help drivers see the lane widths. McClung proposed they wait until the regular "stop bar" lines are painted, then assess situation. Glenn asked when Central Lincoln PUD would take down utility poles. McClung replied that PUD is waiting on Spectrum//Charter Internet to finish their infrastructure. Frye asked when the flashing pedestrian light would be installed. McClung explained the crosswalk would be painted first, then the light installed. He noted he had been in error when he said there would be two flashing lights for 101 crosswalks. There will only be one, at 2nd Street. Bette Perman asked that asphalt grindings also be used on the shoulders of E 2nd, since that road will not be widened and it is again in a state of disrepair.

Frye asked when landscaping on the 101 project will be done. Manager Davies indicated dirt will arrive tomorrow and implementation is still a work in progress. She reported local gardening experts told her that planting for long-term should be done in the fall, not now. Frye asked about the location

1 of the mosaic planters. Manager Davies indicated that moving them to the area by Toppers had
2 been considered, but they could not block views for drivers, and the complex owner was not really in
3 favor of utilizing the space there with them. For right now, they will stay where they are, by the 501,
4 but can be looked at later. Manager Davies stated "Portia" the sea lion art statue will go on the
5 corner of W. 4th and Highway 101.
6

7 **VI. Public Hearings**

8 Mayor Stanley opened the Public Hearing on Resolutions .

9 **A. Resolution 2017-06-01 Declaring City's Election to Receive State Revenues**

10 Manager Davies summarized the Resolution noting the total amount is relatively small (\$10,000-
11 15,000), and just goes into the General Fund. Mayor Stanley would like to see some of these funds
12 go into addiction recovery programs. Frye moved to adopt Resolution 2017-06-01 Declaring City's
13 Election to Receive State Revenues: Aye - 4; No - 0.
14

15 **B. Resolution 2017-06-02 Adopt 2017-18 Urban Renewal Agency Budget**

16 Manager Davies read the Resolution into the record. Glenn moved to adopt Resolution 2017-06-02
17 Adopting the 2017-18 Urban Renewal Agency Budget: Aye - 4; No - 0.
18

19 **C. Resolution 2017-06-03 Adopting 2017-18 City Budget, Making Appropriations, 20 Levying Taxes, and Categorizing Taxes**

21 Manager Davies read the Resolution into the record. Tooke moved to adopt Resolution 2017-06-03
22 Adopting the 2017-18 City Budget, Making Appropriations, Levying Taxes, and Categorizing Taxes:
23 Aye - 4; No - 0.
24

25 Mayor Stanley closed the Public Hearing.
26

27 **VII. Business**

28 **A. Resolution 2017-06-04 Extending Worker's Compensation Coverage to Volunteers**

29 Manager Davies noted all volunteers must be covered by Worker's Compensation, and it has been a
30 massive effort to get the rosters brought current and remove inactive volunteers, so that the City is
31 not paying for coverage for them. Glenn moved to adopt Resolution 2017-06-04 Extending Worker's
32 Compensation Coverage to Volunteers: Aye - 4; No - 0.
33

34 **B. Resolution 2017-06-05 Accepting Certain Identified Unanticipated Revenues to be added to the General Fund**

35 Manager Davies read the Resolution into the record. Manager Davies also noted a \$1 million check
36 from ODOT is in the mail. Mayor Stanley asked for clarification on the \$480,000 from ODOT that
37 was not budgeted in the previous year. Glenn moved to adopt Resolution 2017-06-05 Accepting
38 Certain Identified Unanticipated Revenues to Be Added to the General Fund: Aye - 4; No - 0.
39

40 **C. Resolution 2017-06-06 Authorizing Transferring of Monies between Objects of 41 Expenditure**

42 Manager Davies explained the complexity of this resolution and the justifications for the line items.
43 Davies noted that the previous City Recorder funded items through multiple supplemental budgets,
44 but she did not do any prior to her retirement, creating some unanticipated overages at the end of
45 the year. Glenn moved to adopt Resolution 2017-06-06 Resolution 2017-06-06 Authorizing
46 Transferring of Monies between Objects of Expenditure: Aye - 4; No - 0.
47

48 **D. Ordinance 347 – not ready for today's discussion; postponed**

49 **E. Late Request For Funds** 50

1 Manager Davies reported there were two grants last year for LED lighting applied for by the Friends
2 of the Commons. They got one, which covered the installation of LED lighting in the Multipurpose
3 Room and Room 8. The City had agreed to pay \$10,000 in matching funds, but because one grant
4 was not received, the City did not have to contribute. No one had notified her that the grant was
5 being reapplied for, until four days ago, so it was not secured in the 2017-18 budget. The Friends
6 are asking again for \$10,000 in match, for the new application for LED lighting for the rest of The
7 Commons. Manager Davies noted the Council has the authority to authorize the funding later in the
8 year, if the grant is awarded. Frye wanted clarification of the granting sequence, so FYC Chair Rose
9 Valentine reiterated the sequence of events. Glenn asked if this was for matching funds, and
10 Valentine said both the Friends and the City's contributions would be matched. Mayor Stanley
11 asked Parks and Commons Chair John Moore if he approved this request. Moore indicated
12 approval. Glenn moved to authorize the Friends of the Commons to include \$10,000 of City
13 matching funds for a grant to complete LED lighting for The Commons: Aye - 4; No - 0.

14 **F. 501 Building Uses**

15 Mayor Stanley noted the Library Commission would not be presenting their plan at this meeting.

16
17
18 Real estate agent Wendy Weimer explained her offer to purchase the 501 Building. Weimer
19 planned to break the building into three sections for different businesses, and was willing to allow the
20 City to retain parking rights on the property. Weimer summarized the terms of her offer of \$250,000,
21 with \$25,000 down and the City carry the contract for three and a half years. Weimar argued that
22 the City recovers half of their investment and the equal value of retaining the majority of the parking.

23
24 Frye thanked Weimer for her offer and asked for clarification on the drive-through operation for food
25 service. Weimer noted real estate market is going strong and she is eager to proceed.

26
27 Manager Davies explained what public input could be made at present, what would be discussed in
28 executive session, what could be voted on following the executive session. Tooke and Mayor
29 Stanley believed the offer was interesting. Glenn asked for clarification on the comp data provided
30 in Weimer's information packet, on the proposed map of the building, and how bathrooms would be
31 accessed from the various building sections. Tooke asked if food would be by a franchise (no).

32
33 Shelly Shrock (121 Greenhill) strongly believed the Library is a much better use for 501 Building.
34 O'Connor (1618 N Hwy 101) asked for the interest rate. Dickenson (323 Jennifer Dr) expressed
35 concerned about joint use of parking and how that would be incorporated with City code
36 requirements. Perman believed the potential use of the 501 Building for the Library is more
37 consistent with the City vision. Shrock was concerned about if the business does not do well.

38
39 Frye asked Weimer why she proposed buying rather than leasing. Weimer explained she would
40 have to invest in remodeling, because she does not need the full space for her real estate business.
41 That could not be done with just a lease. Frye asked Weimer if she had looked at other available
42 properties in Yachats and encouraged Weimer to do so.

43
44 Mayor Stanley ended this section of the public meeting to go into executive session at 4:15 pm.

45 **VIII Executive Session**

46
47
48 Mayor Stanley reopened the public portion of this meeting at approximately 5:20 pm.

49 **IX. 501 Building Use**

50

1 Mayor Stanley reported there was a consensus of the Council to not accept the offer from Wendy
2 Weimer to purchase the 501 Building.
3

4 **X. 2017-22 AFSCME Collective Bargaining Agreement**

5 Frye moved to reject the current AFSCME collective bargaining agreement and to instruct Manager
6 Davies to recommence bargaining discussions: Aye – 4; No – 0.
7

8 **XI. Other Business**

9 **A. From Mayor** - none

10
11 **B. From Staff** – none

12
13 **C. From Council** - none
14

15 The meeting was adjourned at approximately 5:25 pm.
16
17

18
19 _____
20 GERALD F. STANLEY, Mayor
21

22 ATTEST:
23
24

25
26 _____
27 Joan Davies, City Manager
28

Date

Yachats Library Strategic Plan 2017-2022

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.

Mission: The Yachats Public Library is a lending library that provides its users with the facility and the resources to access and share information that entertains and/or enlightens.

Goal 1: Succession – Ensure and enhance the sustainability of current operations.

Objective 1: Continue and enhance the support, training and rewards for volunteers.

Objective 2: Adopt a formal organization chart establish position descriptions and develop written policies and procedures to document library operations and programs.

Goal 2: Programs – Ensure and enhance the sustainability of current programs and examine the feasibility of developing new programs related to reading, viewing, and listening for pleasure and enlightenment.

Objective 1: Continue to expand reading programs for children.

Objective 2: Continue and enhance outreach programs to hard-to-serve populations and the community in general.

Objective 3: Explore the possibility of developing an adult reading program.

Objective 4: Explore the possibility of collaborating with local organizations, such as the Academy of Arts and Sciences, by supporting and contributing to their programs or in developing and promoting joint educational programs.

Goal 3: Technology – Ensure that library technology is adequate to the needs of patrons and staff.

Objective 1: Enhance and maintain the systems and programs available to patrons for using the computers, accessing the internet, and obtaining information and other services electronically.

Objective 2: Enhance and maintain the systems used by staff to perform the functions necessary for the effective and efficient operation of the library.

Goal 4: Going Forward – Anticipate and plan for future needs and interests.

Objective 1: Explore the possibilities of establishing relationships and/or joining with library associations and groups such as the Oregon Library Association and the Chinook Library Network in order to expand services and opportunities available to patrons and staff.

Objective 2: Develop options and initiate discussions with library staff and volunteers, the city council and the community as a whole on the needs that should drive any future expansion of library facilities.

Objective 3: Develop and pursue a long-range plan to: a) assess the need for establishing paid positions in library management, the children's library, and/or technical support, and b) identify sources of funding for any proposed positions.

Objective 4: Develop policies and procedures for managing funds received in the form of gifts and bequests to ensure: a) that the receipt of such funds is appropriately acknowledged; b) that the funds are used only in accordance with the restrictions, if any, established by the donor, and c) that all unrestricted funds are used only in a manner that contributes significantly to the long term value and integrity of the library.

Objective 5: Identify and establish a relationship with an experienced grants professional who can provide the expertise necessary for: a) discovering appropriate grant opportunities; b) preparing and submitting grant applications and documents and, c) managing grant funds.

From: jschanback@gmail.com
Subject: 2 issues Library Move and Vacation Rentals
Date: July 11, 2017 at 9:03 AM
To: cityhall@YachatsMail.org
Cc: Jim Schanback jschanback@gmail.com



1. I support the library moving to the 501 building but I believe that the old library should be cleaned up and made ready to sell to offset the income that could have been gotten from the sale of the 501 building. The argument of waiting 2 yrs to see IF we can get a health clinic to house it in the old library building is not a good one. If and when a new clinic is more probable, then that is the time to consider a facility that would house it. We have a very good health clinic only 7 miles away from our town in Yachats. Even in major cities that distance is not uncommon. Also, we have public transportation to Waldport. For the few folks who need special help, our city can provide assistance directly or indirectly through volunteers/other new ideas, as we currently do to some degree. That can be studied and considered ongoing. Maybe, we can encourage the old model of a town doctor or see if the Samaritan Clinic in Waldport would support a doctor traveling to Yachats to meet our needs! Just a thought but maybe doable.
2. I have not been presented any compelling proof that our Vacation Rentals need to have government intervene for abusive reasons as to capping their potential to exist. I live near 2 of the biggest and most used in Yachats and we have relatively few, if any problems, as to use/abuse. I and others who have retired here in Yachats bought homes and live here now due to our renting a vacation rental and that giving us a chance to experience Yachats and look around to buy a property. It definitely helps our realtors in town along with the Vacation Rental agencies which provides ongoing exposure to our town. It is good for our property values and the City gets more taxes to support the City and reduce the increases/taxes that it takes to support our City. This helps the poor the most as the increases are harder on them than those who the money is not as impacting. I do not believe there is not any connection that having more vacation rentals makes it harder for the relatively few homeless in our town to get affordable housing. There are other more worthy solutions to the perceived/real problem of a degree of homeless folks in town. Recently, my son, relocated here and has a room for \$540/month which includes utilities. We, as a City, have provided low cost income housing and addressed that problem. If the vacation rental is truly an issue supported by data as to too much or the threat of too much, then present it, and then consider maybe only capping the commercial agencies and reassure the retirees who occasionally rent their homes out while traveling or visiting family and friends that they will not be affected. I do support that the ordinances that we have in place are enforced vigorously to hold abusive ones accountable.

In closing, I am for less government and judicious use of our collective funds that come from each homeowners taxes. Every time I make a decision with my money it has the financial impact upper most in my mind. Government gets criticized for spending collective money in a way that is capricious or ill thought out, as if it were their own personal monies. Also, sometimes, there are government representatives who are not good at managing their own monies and carry that over into their ideas/votes supposedly representing the good of the all. That said, I hope and pray that we continue to do our due diligence and move slowly and conscientiously in all efforts to move our City forward.

I have lived in Yachats for 10 yrs and owned for 16yrs. Recently, the last 3 yrs, we homeowners have had 2 bonds pass(hospital and firestation) and had our water rates go up. Seeing the "base rate" for water go up is one for increase and although it seems to be low/insignificant, it is the collective increases that are disturbing. Even more so, implementing a system that bases increases on an index rather than the reality of true need each year does not feel prudent. Of course, if this index does not reflect an increase where the average over time is fair or responsive to our needs, then it works out. But, when it increase yearly and compounds unfairly, then we have a problem. Not a perfect analogy, if the yearly Oregon property tax percentage increase, that compounds yearly! These type of systems tend to push me away from wanting to live in Oregon/Yachats in spite of the beauty and wonderful people.

Thank you for your service,
James C Schanback
551 Lemwick Lane

PS I appreciate and support the highway project and look forward to ongoing modifications(safety) that become apparent. Even though this is an example of "more", generally, I favor the idea of "less is more" especially when it involves the use of collective monies.

Sent from [Mail](#) for Windows 10



Virus-free. www.avast.com

Date: July 9, 2017
To: Joan Davies City Manager
From: Public Works
Re: June 2017 Public Works Report

Total Rain fall for the month of June 2017: **2.86** inches
Wastewater treated for the month of June 2017: **3,936,000** gallons
Water production for the month of June 2017: **4,083,600** gallons

Streets:

- Installed and removed US flags & banners 3x
- Used street grindings to rock & blade E. 2nd St., Crestview, Overlook, Top of Radar, 1st, W. 6th, Rock Drive, Cape View and Shellmidden.
- Rocked parking areas on 4th St.
- Speed signs repair
- Flail side arm mowing on Radar Rd. and King St.
- Brush cut corner of Yachats River Road and Hwy 101 for safety

Water:

- Water plant maintenance

Distribution Sys:

- Repaired two inch water line next of the Drift Inn
- Repaired water leak on Crestview

Sewer:

- Wastewater Plant Maintenance
- One load of biosolids to Heard Farms

Sewer CIP:

- Screw Press CIP complete and operational. Small details on fence to be completed spare time
- SCADA System operational 95% complete. Finish work continues. No added cost yet.

Collection Sys:

- Installed temporary sewer lateral on Crestview
- Greased Main, Pontiac and Parkside lift stations

Storm Drainage:

- Installed forty feet of culvert in the baseball storm drain

Parks & Commons:

- Trimmed trees from sidewalks at the Commons
- Moved ADA sign at the Commons
- Installed sea lion in front of the Commons

Public Works

- Cleaned up sand from 4th of July fireworks

Hwy 101 Project:

- Painted safety zones on new sidewalks on Hwy 101
- Watered new flowers and grass seed in the Hwy 101 sidewalk zone
- 7.5 man hours and Vac truck service.

July, 10, 2017

To: Yachats City Council – July 12th meeting

From: Debby Washington, Yachats home owner

RE: **Proposed Cap on the number of Vacation Rental Homes –**

PLEASE NOTE: This will create an Extreme Hardship for me if a cap is set before I have the opportunity to apply for my rental license.

For many years I was licensed by the city to use my home as a part time vacation rental. When I retired 4 years ago I decided to take my house off the rental market so I could enjoy it myself more, and did not renew my license.

Now living on a fixed income, I find it necessary to again rent my house out on a part time basis. I contacted the City last fall about the procedure to re-apply for a license and was told the application was now on line. I made a decision to do some interior cosmetic updating before re-submitting my application.

I took my time doing the updating and contacted the city three months ago and was told the same thing, to apply on line and an inspection would be scheduled. In the meantime, I have prepared a “parking map” and a “fire escape plan “to be submitted with my application.

I wanted my house to be perfect and started scheduling contractors to update sheetrock, light fixtures, new paint, new flooring, window treatments and new furniture, which is currently being done now. When I heard from a neighbor a few weeks ago that the city was thinking about limiting rentals I called the city to schedule an inspection so that I could apply immediately and was told that the house needed to be completely “Rental Ready” on the same day as the inspection. The work is still not finished so now I can not apply before the new change on rental unit limits may take effect. This could mean I might be denied a new license if the “cap” has been set and the limit already met. I think this is very unfair and quite frustrating.

At no time during the two conversations with the city was I told that the city council was considering limiting the number of Vacation Rental Licenses. If I would have known this was in the works, I would have applied then, had the inspection and obtained my license to rent several months ago, before I started any updating. Now I’m stuck in a waiting period because the work will not be completed for at least another three weeks, and can not be inspected until then. It sounds like I won’t make the deadline before the council vote and I’m really very concerned.

Page 2

To further explain how a “Rental Cap” will create a HARDSHIP for me:

For many years I have planned on the part time rental of my property to supplement my income when I retired. In addition, I have already used a considerable portion of my retirement funds to complete this update and I planned on the rental income to be put back into my retirement account ASAP.

Now I’m not sure what I will do, and I’m really afraid that what I have always counted on to supplement my retirement years will be taken away from me. Without being able to rent my house on a part time basis it will be very difficult for me to make ends meet.

I do not want to rent my house out full time because I still want to enjoy time there myself and I could never afford to put my furniture and belongings in storage.

Thank you for your time and consideration in this matter. I hope that you will understand and have compassion for my situation as a long time (24 year) Yachats property owner/ taxpayer.

I can be reached at 503-260-5040 fur further discussion.

TO: Yachats Mayor and City Council

FROM: Kathy Hubbell

Owner, Chickadee Cottage Vacation Rental

RE: Proposed vacation rental actions, July 12 City Council Meeting

July 11, 2017

Please accept this memo to be included in remarks for the Mayor and City Council to consider at the July 12, 2017 City Council meeting.

I can only speak for myself, not for other vacation rental homeowners, but I do want my voice to be heard and to count in this process. The vacation rental I own, the Chickadee Cottage at 181 Reeves Circle, is a tiny 485 sq. ft. cottage, with a large deck on a 70' X 100' lot. There is parking on a gravel area adjacent to the street, and there is also parking for the cottage at the top of the driveway shared with the yellow house next door, called the Sea Star. There has never been a complaint lodged with this city against the Chickadee Cottage, either during the 11 years that I've owned it, or the 13 years or so before that when Tom and Anita Morris owned it.

I'll take your questions one at a time:

1. Should we limit the number of vacation rentals? Given the city's oft-repeated complaints that the character of Yachats is changing for the worse as the number of vacation rentals grows, this might be a good idea. It needs to be weighed against the city's revenue needs, however, since vacation rentals make up about 70 percent of the city's general fund – at least that was the case when I last did my research about two years ago. I would assume that those of us who already own vacation rentals would be allowed to continue our operations.
2. Should we increase the annual license fee? You just did a little while ago. In one year, you increased it from \$40 to \$100 – a sudden increase of 250 percent. No gradual increase; no step-by-step over a period of years. Just a 250 percent increase all at once. No, you should not increase the annual license fee. What for? I suspect it's because of the love/hate relationship the city has with the vacation rentals. You see them as a source of needed revenue, and at the same time create punitive measures for the homeowners. You can't have it both ways. We are not bottomless pits full of cash. Many of us can only afford to keep our properties by renting them out – and we hang onto the properties in hopes of being able to retire there and become permanent citizens. A good way to discourage long-term, permanent residents of the city is to discourage them at every turn from hanging on to their vacation rentals. An increase in license fees will do nothing to encourage better vacation rentals. Wealthy individuals do not necessarily correlate with better behavior or compliance with the laws. See next answer for some ideas.
3. Are current fine amounts sufficient to encourage compliance? I have no idea, having never been fined. However, I don't believe the answer necessarily lies in fines. I believe there are two other areas which might help ensure compliance: 1), proper training and screening procedures should be provided to third-party property managers, so that they can encourage proper behavior by their renters, and 2), the same system of training, fines and any other part of a compliance system should be applied to permanent homeowners as well. Included in any compliance training should be training on what makes Yachats the special place that it is. Every community undergoing change is wise to make sure all its residents, both temporary and permanent, have

an introduction to, and updated information about, the community itself, renewed every so often. The newsletter alone won't do it; vacation renters don't get the newsletter.

I make that last point because it's not normally vacation renters that cause a compliance problem in my neighborhood on Reeves Circle. The house on my north side, on the other side of the Reeves Circle loop, is one I've reported to authorities about three times so far. One was for a party that extended quite loudly until about 3 a.m.; I called the sheriff's department. The second was for a rooster that was crowing at 4 and 5 a.m. And the third was for chickens running loose. Yes, I've gone over there and talked to the residents in person (two young women, one a single parent, renting from a father). But the problems persist. What rules apply to them? Are they the same rules that apply to vacation rental owners?

The other neighborhood noisemaker happens to be the Yachats Inn, when they allow outdoor parties at their facility – often complete with fireworks. The noise carries right up the hill. Sleep is impossible. I've called the sheriff about those fireworks as well.

A couple of times I've had to confront vacation renters at the Sea Star house next door, which shares the driveway with the Chickadee. There is a hot tub at the Sea Star, and every so often, a hot tub party will extend into the small hours of the night. It's not often, but it does happen. I usually just go out and talk with them directly; only once in 11 years have I had someone deliberately ignore a request to quiet down. I don't consider that to be a general nuisance to the neighborhood or the city, and I haven't reported that house to authorities.

To repeat: I do understand about the need for compliance, but in my neighborhood, it's not the vacation renters who are the consistent problem.

I do have one other strong complaint about compliance, and that is weed control. The Sea Star has had a terrible weed problem for several years. A once-beautiful yard is now pretty well trashed through neglect. Likewise, the empty lot directly below the Chickadee is completely overrun with blackberry bushes and cucumber vines. There seems to be absolutely no one at the city enforcing any kind of compliance with property upkeep and weed abatement, and my neighbor across the street, Don Groth, and I have both complained about this. Both these properties – the Sea Star and the vacant lot – are owned by trusts for estates, as far as I know, so it will probably take some extra effort to get compliance. But not only are both properties an eyesore, they are a hazard during any time of drought. The last thing any of us needs when the weather is too dry is a spark on a very brown patch of ground.

During the summer months, I pay \$400/month and more for upkeep on my property, including weed abatement, trimming and mowing; and at least \$200/month in the off season. My philosophy is that when people see the property is well cared for in the yard as well as inside the house, then renters are more likely to take good care of it – and that seems to be born out quite well. Will there be enforcement of the rules with these other properties?

4. Is licensure process adequate and efficient? It's very convenient and easy at my end.
5. How do we identify homes that are operating outside the Code? When I was researching this issue of vacation rentals a couple of years ago, it seemed that there were only a few vacation rentals out of the lot that were really causing problems, and these particular properties were well known to the city. It seems to me that recorded complaints with the city will be a pretty clear indication as to which homes are operating outside the Code. But once again, I would note and request that permanent homeowners are also scrutinized as to whether they are abiding by applicable codes and laws.

6. What process can differentiate between “family use” and “renters?” Well, again, isn’t everyone going to be held to the same standards? If they are, there is no need for this. But if there are two different sets of standards at work here, then you really can’t differentiate. For example, my property managers know when I’m at the Chickadee. But I also allow certain friends and family members to use it for free at various times throughout the year – so they aren’t renters. They are my guests, even if I’m not there, and would be considered “family use.” Whether it’s me there, or my guests, or renters, we all adhere to the same set of standards. I’m lucky in that the Chickadee is so small that it’s not a “party” house and can’t accommodate more than four people at a time. As a result, we don’t have the problems others have. Still, it seems only logical to hold everyone to the same standards. The old idea of requiring people to register license plates with the city is not only impractical, but laughable. What if I had family members from out of state at the cottage – with out-of-state plates? Would you then assume they were renters? Probably. Is it any of your business whether they are my friends or family members? No.
7. How do we get better compliance from owners to control noise and parking violations? Again – work through the property managers where possible; and provide training to owners, renters and property managers as to what is expected. AND apply the same standards to permanent homeowners, because they are not necessarily less of a problem. Assuming that permanent renters are always in compliance and understand what is expected in the community is a dangerous assumption: remember the lady who fed the bears?

There needs to be a community-wide effort at better communication, more understanding, and neighborliness extended to and from all parties in this issue. This mentality of acting with punitive measures toward vacation rentals is itself causing ongoing problems and resentment; and the lack of applying the same standards to permanent homeowners perpetuates an “us vs. them” mentality that does no one any good. My neighbors and I make it a point to know each other and quite often, to know the renters. It makes a huge difference in people acting as genuine neighbors. It’s like social media in a way: you say stuff on social media you’d never say to someone face-to-face. Likewise, when you see people as the “other,” you’re more likely to act or talk against them. Face-to-face, however – a welcoming attitude with needed information for a successful visit – results in a far different attitude.

Thank you for your time and consideration.

Sincerely,



Kathryn D. Hubbell
Owner, Chickadee Cottage, 181 Reeves Circle
2905 SW Redfern Pl. – Gresham, OR 97080
PH: 503-669-8100 Cell: 406-531-9355
Email: kathy@adscripts.com

Joan Davies

From: jschanback
Sent: Tuesday, July 11, 2017 9:04 AM
To: City Hall
Cc: Jim Schanback
Subject: 2 issues Library Move and Vacation Rentals

1. I support the library moving to the 501 building but I believe that the old library should be cleaned up and made ready to sell to offset the income that could have been gotten from the sale of the 501 building. The argument of waiting 2 yrs to see IF we can get a health clinic to house it in the old library building is not a good one. If and when a new clinic is more probable, then that is the time to consider a facility that would house it. We have a very good health clinic only 7 miles away from our town in Yachats. Even in major cities that distance is not uncommon. Also, we have public transportation to Waldport. For the few folks who need special help, our city can provide assistance directly or indirectly through volunteers/other new ideas, as we currently do to some degree. That can be studied and considered ongoing. Maybe, we can encourage the old model of a town doctor or see if the Samaritan Clinic in Waldport would support a doctor traveling to Yachats to meet our needs! Just a thought but maybe doable.
2. I have not been presented any compelling proof that our Vacation Rentals need to have government intervene for abusive reasons as to capping their potential to exist. I live near 2 of the biggest and most used in Yachats and we have relatively few, if any problems, as to use/abuse. I and others who have retired here in Yachats bought homes and live here now due to our renting a vacation rental and that giving us a chance to experience Yachats and look around to buy a property. It definitely helps our realtors in town along with the Vacation Rental agencies which provides ongoing exposure to our town. It is good for our property values and the City gets more taxes to support the City and reduce the increases/taxes that it takes to support our City. This helps the poor the most as the increases are harder on them than those who the money is not as impacting. I do not believe there is not any connection that having more vacation rentals makes it harder for the relatively few homeless in our town to get affordable housing. There are other more worthy solutions to the perceived/real problem of a degree of homeless folks in town. Recently, my son, relocated here and has a room for \$540/month which includes utilities. We, as a City, have provided low cost income housing and addressed that problem. If the vacation rental is truly an issue supported by data as to too much or the threat of too much, then present it, and then consider maybe only capping the commercial agencies and reassure the retirees who occasionally rent their homes out while traveling or visiting family and friends that they will not be affected. I do support that the ordinances that we have in place are enforced vigorously to hold abusive ones accountable.

In closing, I am for less government and judicious use of our collective funds that come from each homeowners taxes. Every time I make a decision with my money it has the financial impact upper most in my mind. Government gets criticized for spending collective money in a way that is capricious or ill thought out, as if it were their own personal monies. Also, sometimes, there are government representatives who are not good at managing their own monies and carry that over into their ideas/votes supposedly representing the good of the all. That said, I hope and pray that we continue to do our due diligence and move slowly and conscientiously in all efforts to move our City forward.

I have lived in Yachats for 10 yrs and owned for 16yrs. Recently, the last 3 yrs, we homeowners have had 2 bonds pass(hospital and firestation) and had our water rates go up. Seeing the "base rate" for water go up is one for increase and although it seems to be low/insignificant, it is the collective increases that are disturbing. Even more so, implementing a system that bases increases on an index rather than the reality of true need each year does not feel prudent. Of course, if this index does not reflect an increase where the average over time is fair or responsive to our needs, then it works out. But, when it increase yearly and compounds unfairly, then we have a problem. Not a perfect

analogy, if the yearly Oregon property tax percentage increase, that compounds yearly! These type of systems tend to push me away from wanting to live in Oregon/Yachats in spite of the beauty and wonderful people.

Thank you for your service,
James C Schanback
551 Lemwick Lane

PS I appreciate and support the highway project and look forward to ongoing modifications(safety) that become apparent. Even though this is an example of "more", generally, I favor the idea of "less is more" especially when it involves the use of collective monies.

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From: Maxine Sheets-Johnstone msj@uoregon.edu
Subject: Vacation Rentals
Date: July 12, 2017 at 3:00 PM
To: cityhall@YachatsMail.org

MS

To the City Council re Vacation Rentals:

We strongly support limiting the number of vacation rentals in Yachats—and by extension both recognizing permanent residents of Yachats and preserving Yachats as a village and not a resort.

We also strongly urge the Council to implement ways of holding owners responsible for noise and parking violations, whether by assessing them excessive fines that affect their well-being as the noise and parking violations affect the well-being of their neighbors or whether by revoking their vacation rental contract with the city altogether.

Maxine Sheets-Johnstone
Bert Johnstone
330 King St.

From: Randall Rapetti randallrapetti@gmail.com
Subject: ATTN: Mayor Gerald Stanley - Vacation Rental Issue
Date: July 12, 2017 at 10:04 AM
To: cityhall@yachatsmail.org

RR

Hello Mayor Stanley and City Council,

Thank you for the "Information Mailer" dated July 7, 2017. I appreciated the notice but was shocked to see I had almost no time to respond since I received the mailer in California.

My wife and I own a vacation rental in Overleaf Village. We plan to live in this home several months of the year upon our retirement. In the meantime, it is one of eight vacation rentals in Overleaf Village, and I have been told, that it is one of the most sought after vacation rentals in the City of Yachats. There has never been an incident of inappropriate behavior, noise, or violation of compliance at our home. I believe one important reason for this is that the home is within the authority and control of the management at Overleaf Lodge. It would seem to me that some exception to additional regulations should be made to those rental units that have 24 hour, onsite management, as Overleaf does.

I cannot imagine that the City Council sees Overleaf Vacation Rentals as anything other than a positive aspect to the City of Yachats. The clientele these homes attract is responsible, respectful, and honoring of the sweet environment Yachats portrays. When it comes to vacation rentals, the Overleaf product is outside the issues and concerns described in your mailer.

I just learned of a letter submitted to you by Drew Roslund, Of Overleaf Lodge. I am full support of the content of that letter.

Thank you for your care and concern for our beautiful little city by the sea.

Sincerely,

Randall and Paula Rapetti
Amanda Cottage, Overleaf Village

From: Deb and Curt Rose rosebowk@gmail.com
Subject: Vacation Rental Questions
Date: July 12, 2017 at 3:07 PM
To: cityhall@yachatsmail.org



Thanks for the opportunity to weigh in on questions regarding vacation rentals. We have owned a small 900 square foot 1930's vintage cottage on Ocean View Drive in Yachats since 1998. While we enjoy visiting our home when we can and take great pride in it, we have made our home available as a licensed vacation rental to tourists interested in spending some time exploring magical Yachats for nearly 20 years -- without any problems or incidents. We were aware of some isolated issues with a small number of vacation rentals in Yachats a few years ago, but were under the impression that these issues were largely resolved, with the code enforcement officer reporting very few complaints or problems over the past few years.

Accordingly, it was somewhat surprising to see the topic of Vacation Rentals bubble up again with such a prominent position on the agenda for Wednesday's City Council meeting. What problem are we (collectively, as a community) trying to solve here? This was not at all clear in the Information Mailer.

Without this context, it seems unfair to expect thoughtful comments on the 7 questions posed in the Information Mailer, particularly questions 1, 2, 3, 4, and 7. Questions 5 and 6 would seem to be already within the purview of the code enforcer, who we understood was conducting internet searches of property offered for vacation rentals in Yachats (e.g., VRBO, AirBNB, vacation rental property management agencies, etc) and comparing to the list of licensed vacation rentals, as well as acting on tips from neighbors or others aware of possible unlicensed activities.

When this topic was discussed at length a few years ago, there seemed to be some misconceptions that the vacation rental business is very lucrative for owners. Our personal experience tells a very different story. Even though our property is right on the ocean and is popular, our income from this rental just covers some (but not all) of our expenses. In 20 years, we have never actually made a profit renting out our house. Like most vacation rental properties on the Oregon Coast, our rentals have been very seasonal, with most rentals occurring in July and August and very few rentals occurring during the winter, early spring, and late fall. Nevertheless, sharing our home with tourists over the past 20 years has undoubtedly resulted in a positive economic impact for Yachats, through the tax revenue received, the payments to the local property management company and cleaning staff, and the many visits our renters have made to Yachats' fine shops and restaurants. As property owners, we all benefit from lower property taxes than would be necessary without the income from vacation rentals. Any consideration of changing the way Yachats handles vacation rentals should take this economic impact into careful consideration.

If there is serious discussion of increasing the annual licensing fee, we would propose that the licensing fee vary based on number of bedrooms in the house, where for example the licensing fee for a 4 bedroom house is at least twice the licensing fee of a 2 bedroom house. While still rare, it seems that the larger houses have had more issues with compliance than the smaller houses. Our little cottage is popular with older couples and families with small children - renters that historically do not cause any problems and come here simply to enjoy Yachats. It would be a shame to punish them (and us) for a problem they did not cause, and may not even be a problem worth addressing at all.

Regards,

Curt and Deb Rose

rosebowk@gmail.com

From: Tim Smith fugueman@gmail.com
Subject: Fwd: Public meeting on Vacation rentals - July 1`2 -- letter submitted
Date: July 12, 2017 at 5:44 PM
To: cityhall@yachatsmail.org

TS

Dear Mayor Stanley,

I very much appreciated the opportunity to meet you this summer. This meeting helped me to see that you really do genuinely want to solve problems and to serve the people of Yachats.

In that spirit, please allow me to represent my concerns with respect to the agenda of tonight's meeting

My wife and I have operated a vacation rental at 2065 Overleaf Loop for 11 years. Our property is managed by Overleaf Lodge.

We maintain this enterprise, at a small operating loss each year, and have for all eleven. This is to say that we are subsidizing the business and the tax revenue stream that the City of Yachats receives from it. In addition, we are subsidizing, by our estimate, one full time job in Yachats (gardening, housekeeping, management, etc).

The city is now considering raising our costs. The net result of this will be to raise our business loss and,, in consequence, the subsidy.

Needless to say, we speak against this and add our voices in opposition to any pending increase in the rental license fee.

With sincere appreciation for your service to the City, Mayor Stanley, and all honorable council members.

Respectfully

Dr. & Mrs. Timothy A. Smith

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Sent from Gmail Mobile

Public Input To Yachats City Council Regarding Proposed Changes To Vacation Rental (VR) Ordinance

Comments Submitted By:

Cedric L Tracy, P O Box 509, 178 Yachats Ocean Road, Yachats OR 97498

Res: 541-547-3728 Cell: 817-320-9138 Email: Duketracy@sbcglobal.net

General comments:

There has been a lack of adequate notice to all Yachats property owners affected by the proposed changes. Why? Does the city council seriously consider a notice mailed on Friday, July 7, 2017, received locally on Saturday, July 9, requesting public input via email by 5:00 PM, Wednesday, July 12, or appearance at a public hearing at 6:00 PM Wednesday July 12, to be considered genuine for local as well as out of town and absentee property owners? I consider it disingenuous approach to input. I do; however, wish to acknowledge one city council member with whom I did have a constructive discussion regarding the proposed VR changes.

FYI, the City Council's web site on July 7, showed the wrong time for the public hearing on July 12.

Why is the full factual history and documentation of VR complaints not available for review and consideration by the public and for their use in formulating their "requested" input? What specific factual information was available to those coming up with the proposed changes that has not been made available to the general public?

Guiding Principles:

Why did the guiding principles omit the effectiveness of VR rules and incenting desired behavior?

Why was the impact on property values and the income producing potential of property that would be prohibited from future VR not a guiding principle? This affects the potential financial planning and wellbeing of all Yachats property owners, creating some "winners" and some "losers". Clearly it creates a competitive advantage for all existing motels, B&B's and VRs. The attempt to social engineer more low income and long term rentals in Yachats into the justification and decision making values for the proposed VR ordinance changes is misplaced. The Council's VR committee specifically acknowledged the increased value potential of VRs in their earlier recommendation drafts. It would seem clear a council vote to cap rentals is a vote to reduce property values of at least some residences and undeveloped property.

Yachats is a unique, desirable village. It has been and is a destination city for tourists and visitors as evidenced by the plethora of long term restaurants, motels, B&B's, VRs and programs

at The Commons and around town. To justify the cap on VR's in Yachats by comparing to the City of Newport, is misplaced and inappropriate as the towns each have unique characters and values.

Not stated as one of the committee's guiding principles is their stated desire to "reduce the impact of VR activity in residential neighborhoods". This appears to be a disingenuous, preconceived principle and objective. Where does this slippery slope end? Are the laws of property owners subject to the arbitrary decisions of elected officials currently in office that have "the power"? Do the citizens and property owners of Yachats have no true property rights?

Likewise, the Committee's justification for a rental cap based on, "The license count has been stable the last four years. This suggests now might be a good time to impose a limit on the number of licenses without impacting existing license holders." This clearly indicates the Council's premeditated judgement and intent to limit VR's without acknowledging it as one of their primary goals and a guiding principle in their "evaluation". To me, a stable count suggests the opposite. There is no need to limit the number of VRs, even if there had been an official public referendum and legal finding it was somehow beneficial to do so. This does not justify the denial of current non-VR property owners the rights and earnings opportunities enjoyed by their neighbors and current VR owners.

Just because some people may not like VRs, it is not justification to deny residential property owners their rights. Again, adopting such solutions based on personal likes and dislikes and beliefs start us down another slippery slope. A slope that is not consistent with the history or stated vision of this town.

Maybe it's time to admit the real "legal" problem that exists. There is a problem with VR code enforcement with some existing VRs and perhaps with some current VR rules and administration. I suspect there may also be a problem with code enforcement with existing non-VR properties. Directly and effectively fix that problem and be realistic about expected results and consequences of bad choices.

Specific Comments Regarding The VR Specific Questions Raised By the City Council In Their July 7, 2017, Information Mailer:

Q 1. Should we limit the number of vacation rentals? NO

Please refer to the above general comments and guiding principles discussions as well as the following partial list of supporting comments to not limit the number of VRs:

Current non-VR residential properties have future financial and estate contingency plans to become VRs. For example:

- A. Increased income for fixed income individuals and retirees – I know specifically of one retired couple that is in the process of remodeling their Yachats home to once again be

a VR. They are using a portion of their retiree savings to fund the remodel in an effort to improve their income in retirement.

- B. Upon death, long term convalescence, legal incompetence of the existing property owner to provide an improved opportunity for heirs to retain Yachats property (My house was a former VR for this specific purpose and is currently planned to be again by my beneficiaries.)
- C. Future severe inflation
- D. High future medical bills
- E. Loss of income from job / other sources

Capping the number of VRs will provide a competitive advantage to existing VRs by reducing competition for such rentals and over time increasing their price. In essence, by closing the market to new entrants when the cap is reached. It will also reduce the employment opportunities for locals to maintain and service those facilities and patrons. It will also harm real estate agents and property owners in the marketing of developed and undeveloped non-VR property in town, while boosting the fortunes of others immediately outside the city's jurisdiction.

Capping the number of VRs will reduce the income generation opportunities of properties denied such opportunities. This in turn should reduce the market and property tax value of such non-VR properties while raising the value of existing VR properties. This will be argued before city and county tax authorities and real estate and appraisal professionals with appropriate equity adjustments sought and expected from both county and city officials.

Some Yachats neighborhoods are clearly characterized as VR neighborhoods. My house was a former vacation rental, as was the house next door to the north. The house on the other side is a current VR, as is the house next door to it and the house two doors down, as well as four on the short non-through half street behind me. In all there are 9 VRs (according to a 10/16, map the city provided) within what I consider a one block area, plus a current motel within approximately 100 yards in one direction and a former motel (now multiple single homes on reconfigured small lots with approved minimal building line clearances) within 100 yards in the other direction. To deny me those same rights at any time of my or my heirs choosing via a cap on VRs is a serious equity and fairness issue.

Interestingly, I am not aware of any formal or informal VR complaints in my immediate area. VR complaints have not been a source of neighborhood concern that I have been witness to. I realize that may not be the case with all VRs and neighbors, but that is an enforcement problem, as it is with noisy or other "problem" non-VR / non-ordinance abiding neighbors in any neighborhood. Capping the number of VRs does not eliminate those problems and only penalizes the many, or the one, because of a few bad actors or a few that may be less tolerant of legitimate ordinance abiding differences. It would be like adopting an ordinance to cap the number of existing non-VR houses and neighbors, because of a few.

Given the wide range of property values in Yachats, it seems highly doubtful that many higher value properties would generate a monthly rental rate sufficient to cover their carrying and opportunity costs or become low income rentals. Yet, those same properties may come closer to covering their costs as VRs, while providing their owners the opportunity to also use their property at times of their choosing. If the city wishes to promote low income housing and long term rentals it needs to find other social engineering ways to do so.

Denying 72% of property owners the rights that 28% enjoy raises interesting discrimination questions. Selective discrimination of selective senior citizens' property will raise other issues.

Q. 2. Should we increase the annual license fee?

Without knowing the City's cost of administering and enforcing the VR ordinance, it's difficult to judge the adequacy and level of the various fees. Furthermore, what Yachats public policy determination has been made about what portion, if any, of the occupancy taxes collected from VR tenants should be "credited" toward covering the City's VR costs?

Given that, I think some guiding principles are needed here too. For example:

1. The cost causer should be the rate payer. The fees for VR activities should cover the costs of those activities, some perhaps individually, and certainly all collectively. I would also include complaint handling and fines under this umbrella, with fines varying based on severity of offence, recurrence, costs to enforce and designed to encourage full compliance, responsible management, and good neighbor behavior. If the City's financial records and analysis do not include sufficient detail to reasonably estimate these costs, then some effort should be made to do so.
2. The Public should financially benefit from a portion of the VR occupancy taxes collected. Some portion of the occupancy fees collected should benefit the City and its citizens for the use of its public infrastructure, governance, and various sponsored programs which benefit guests / residents. This is a public policy determination and should recognize historical practices if a change is made to soften the blow. With some creativity this would also be a way to reward VRs that operate within the rules and contribute to the City's coffers versus the unproductive rentals the committee expressed concerns about.
3. If the city needs to add people, or contract services to have an effective VR administration and enforcement program, it should do so with the costs passed on to VR owners and occupants.

Q. 3. Are fine amounts sufficient to encourage compliance?

Please refer to the response to Q2. If the city is receiving recurring complaints from the same VR properties, this suggests the fine structure and adequacy and consistency of enforcement need improvement. At a minimum, fines should cover their costs to administer and enforce.

Q. 4. Is licensure process adequate and efficient?

Given the problems expressed by the committee, it appears not. I would add “effective” to this question too.

VR activity should be transparent and readily available to the public. A public accessible data base of each VR location and relevant information and activity would help insure this. I like tying to tax, licensing and property data bases of the city and county that are available to the public.

I do not agree that an independent professional property manager is needed for the reasons delineated by the committee. Owners should have the opportunity to self-market / use other professional marketing sources and manage their property as well as contract for various services to insure full compliance. Owners should also be held accountable – again a compliance requirement. My experience has been that some professional managers are expensive for the services provided. I previously used one because that worked best for my circumstances, but I don’t believe responsible owners should be required to do so and incur such costs. Owners should be permitted to manage their costs and make use of current and emerging technology.

What are the duties and fees to become a professional property manager as the council views them? Does a professional property manager have to reside or have offices locally? While some compliance items require local contacts, VR owners should be allowed to separately contract for them without the necessity of hiring a full blown independent property manager.

Q. 5. How do we identify homes that are operating outside the Code?

Some of the proposed changes, such as capping the number of VRs, pit neighbors and citizens against each other and create more community discord. If the City’s future and improved administration and enforcement mechanisms are inadequate to accomplish expected enforcement, why not go all in and adopt a “whistle blower” program with rewards to whistle blowers? While I don’t particularly like pitting neighbors against each other and creating more community division, the council has already entered down this path with its capping proposal and ineffective enforcement.

Not all vacation homes are alike. Some have dorm like bedroom set ups and can comfortably accommodate more than the suggested 2 per bedroom plus 2 proposal. I agree that each VR should have an occupancy limit, but there needs to be a legitimate exception approval process for property differences. VR renter’s deposits via the VR property owner, should be held accountable for compliance.

Q. 6. What process can differentiate between “family use” and “renters”?

I do not agree that when property owners use their property that they should be bound by restrictions, requirements or fees that non-VR owners are not subject to, held accountable for and enforced. Specifically, I do not believe they should be limited to the number of guests, the placement and removal of trash cans, parking cars, or noise limitations that non-VR residential properties are not similarly limited.

See comments regarding Q. 5.

Q. 7. How do we get better compliance from owners to control noise and parking violations?

Encourage VR owners to meet with and discuss unusual circumstances, issues and resolution with their neighbors. The same as non-VR owners should be encouraged to do. Enforce the rules and fine owners for non-compliance. Require written an oral VR “rental contracts” to include a description of and expected tenant compliance with noise, parking, trash, etc. regulations.

See related comments in other sections of these comments.

Vacation Rental (VR) Recommended Ordinance Changes

July 8, 2017

The Yachats city council has reviewed and discussed the following ordinance changes. A public hearing will be scheduled for the evening council meeting in July. Before the public hearing occurs, it seems prudent to request a review of the draft recommendations by the city attorney. If the city attorney identifies a legal issue with any of these recommendations, we would appreciate alternate language or suggestions to achieve the desired outcome.

Guiding principles used while evaluating options:

- The city needs to improve the way we track and analyze VR activity.
- Minimize the need for staff workload increases
- Where possible & appropriate, make issue & solution information available to the public
- Seek a reasonable balance between the desires of VR property owners & their neighbors
- Solutions need to be simple, easy to understand, administer and enforce

◆ Should Yachats limit the number of VRs?

- ◆ There is a growing awareness about the lack of available long term rental property in Yachats. Capping the number of VRs could make more property available for long term renting and reduce the impact of VR activity in residential neighborhoods. The license count has been stable the last four years. This suggests now might be a good time to impose a limit on the number of licenses without impacting existing license holders. The current license count is 127 with 5 license requests pending. (as of 7-8-17)
- ◆ We have data for the current neighborhood distribution. (see attached) Recommend a VR limit of 135 units. This represents 17.6% of single family homes in Yachats.
- ◆ Recommend an effective date of Nov. 1, 2017 so it is effect for the next cycle of license applications. Priority will be given to existing license holders. If licenses have not been renewed by Dec. 29, 2017 and there is a waiting list, new licenses will be considered in the order they were received subject to proof of ownership.

◆ Are license fees appropriate?

- ◆ Current license fees do not cover the cost of VR management, enforcement and administration.
- ◆ Recommend new license applicants have to submit all the required information along with a check for the license fee and inspection at the time they make the initial license application. If after 30 days, the applicant has failed to provide the required information, the application will be considered terminated and the fee will be forfeited.
- ◆ Recommend new applicants provide proof of ownership with license application. A paid water bill will be sufficient.
- ◆ Recommend increasing a vacation rental license to \$300 each year.
- ◆ Recommend inspection fees be increased to \$100 the first year and \$50 for subsequent years. If more than two trips are required, there should be an additional \$50 for each inspection trip.

- ◆ Recommend an effective date of Nov. 1, 2017 for all items in this section.
- ◆ **Are fines for VR license violations sufficient to encourage compliance?**
- ◆ There are several code areas that could be reviewed to eliminate gray areas and encourage license compliance. This topic also includes the effectiveness of management oversight.
 - ◆ Recommend increasing the fine for operating a VR without a license to \$1,000 per incident (per day).
 - ◆ Recommend a fine for advertising higher occupancy than what is approved for their property.
 - ◆ Change how repeat offenders are held accountable. Within any 12 month period, first offense receives a written warning; second offense citation with a potential fine; third offense license suspension for a full year.
- ◆ Recommend an effective date of Jan. 1, 2018 for all items in this section.
- ◆ **Is VR complaint process adequate / transparent / efficient?**
- ◆ The current VR complaint process and historical data isn't transparent and oversight is difficult because of the manual nature of the data.
 - ◆ Recommend that all VRs be managed by a professional property manager. This is necessary to effectively respond to issues like garbage, parking, and noise. It also ensures that an independent party is tracking use and timely payment of fees and taxes.
 - ◆ Recommend the current complaint process be replaced by developing a new complaint tracking system that ties to the existing license / tax / property database. This solution could address several other issue areas while providing the most cost effective and transparent solution for the long term.
- ◆ Recommend an effective date of Jan. 1, 2018.
- ◆ **Valid e-mail address(es), contact name & contact phone number needs to be a condition for retaining a license**
- ◆ Yachats operates with a very small staff. To avoid having to add staff to address VR issues, requires owners to keep the city current on changes in e-mail addresses. Making this a condition of retaining their license could address this problem.
 - ◆ Recommend that a condition for receiving and retaining a VR license is that the owner is required to provide current e-mail address for each of the following: Owner; local contact; property manager; tax reporting. In addition the current information is required for local contact: name and phone number for the owner and local contact.
- ◆ Recommend an effective date of Nov. 1, 2017.

- ◆ **A few properties claim they are not renting homes while a steady flow of different vehicles and people arrive and depart every week.**
- ◆ All the evidence suggests these are vacation rentals. They have regular garbage, landscaping services and a property manager. If vehicle traffic is very high, sometimes as many as 4 to 6 cars are present, there may be a violation. The city may be unsuccessful in establishing an exchange of cash, although the property agent may accept donations to pay expenses. The city has an interest in regulating traffic, parking, noise, trash and other activities related to visitors staying in town.
- ◆ Current Vacation Rental definition: "Vacation rental" means a single-family dwelling, duplex or triplex which is rented or available for rent for a period 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 home 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."
- ◆ Recommend an ordinance change to create code for vacation rentals that establishes a process for identifying vacation rentals operating without a license. If property is owned by a non-resident, and is visited by different vehicles over the course of a month, and this pattern is repeated for more than three months and can be documented by photo evidence of different vehicles, it shall be considered a vacation rental and required to have a license and pay a vacation rental tax. Add a new definition for "compensation" to include non-cash exchanges of value.
- ◆ Recommend a \$30 a day fee in-lieu-of a tax when there is no documented exchange of value. Part of the rationale here is the city council has an interest in regulating traffic, parking, trash and recycling cans, noise, and other activities inconsistent with a Yachats residential neighborhood. The minimum fee in-lieu-of a tax should be high enough to encourage collection and payment of taxes due the city.
- ◆ Recommend an effective date of Jan. 1, 2018.
- ◆ When vacation rentals are used by the owner or other family members, it is very difficult for code enforcement staff to differentiate between renters and owners when they see VR violations.
 - ◆ Recommend an ordinance change that states, "when a property owner elects to rent their property, they are agreeing to abide by all the vacation rental conditions and restrictions when they and family and friends are using the property".
 - ◆ Recommend this be included in the 2018 license application and made effective Jan 1, 2018.
- ◆ VR properties need to have a house number visible from the street.
 - ◆ Recommend that all VR properties have an easy to read house number from the street and that this requirement be included in the regular inspection process.
 - ◆ Recommend an effective date of Nov. 1, 2017.

[illegible]