



CITY OF YACHATS
CITY COUNCIL REGULAR MEETING
SUMMARY MINUTES
November 21, 2024

The regular meeting of the City Council was called to order by Mayor Craig Berdie at 1:00 p.m. in the Civic Meeting Room of the Yachats Commons. Members present: Mary Ellen O'Shaughnessy, Council President, Councilor Barry Collins, Councilor Anthony Muirhead (via Zoom), and Catherine Whitten-Carey; Staff: City Manager Bobbi Price, Recorder Kimmie Jackson.

I. Announcements

The Mayor and City Manager were able to attend the LOC Small Cities Conference.

The Public Works Lead addressed the recent wastewater incident and reviewed emergency protocols. Public Works followed their plan effectively, with a commendation for the city manager's coordination. The actions taken were to apply lime for pathogen control as per DEQ requirements. Improved procedures, such as implementing redundant measures to prevent future issues. The plan moving forward is to establish baseline water quality testing in the Yachats River, potentially address failed septic systems upriver, and collaborate with the county for public outreach and ordinance enforcement.

II. Citizens' Concerns – None at this time

III. Public Hearings

Yachats Municipal Code Chapter 8.22 Water Shortage 2nd Hearing - Chapter 8.22: The Mayor led the hearing by discussing the city's water shortage emergency regulations. The council proposed amendments to YMC Chapter 8.2.2, allowing contractors to apply for a conditional emergency water use permit during the warning phase. The amendments were approved with an additional paragraph added: "Property owners may apply to the Public Works Director for conditional emergency water use permit for water in excess of the allowed amounts and time specified during a water shortage emergency. This permit may be sought when there is a critical need for additional water. 1) Applications must be in writing, demonstrate a compelling reason for the conditional emergency water usage and 2) show that the applicant has taken and will take all necessary steps to conserve water during the shortage. The conditional water permit use must be requested during a Warning Phase no conditional water use variance may be requested during Phases 1 – 3".

The Motion was made to adopt the proposed revisions to Chapter 8.2.2, including the additional provisions for conditional emergency use.

The vote was called. Aye's: O'Shaughnessy, Collins, Whitten-Carey, Berdie; Absent: Muirhead. Therefore, the motion has passed.

Title 9 Amendments 2nd Hearing The council discussed Chapter 9.0.4, General Provisions and Definitions, specifically focusing on refining the city's zoning and development codes, including conditional use permits, site plans, and new standards for hotels, motels, and resorts, residential and retail commercial zones, supplemental use in design standards, and conditional uses in Yachats.

Resident Theilacker described the amendments put forward by the planning commission which they have worked on for over three years and gave a bit of history behind the changes. The motion was called to approve the changes as proposed, with a specific amendment to strike the proposed reference to the City Planner.

The motion was made to adopt the revisions of Title 9.

The Vote was called. Aye's: O'Shaughnessy, Collins, Whitten-Carey, Berdie; Absent: Muirhead. Therefore, the motion has passed.

Closed Public Hearing

VI. Consent Agenda:

The consent agenda was reviewed on city projects, and updates. The city manager highlighted the following items from the staff report. Recognition was given to the Public Works team for their response to a sanitary sewer overflow, emphasizing teamwork and the quick adoption of protocols to prevent future occurrences; the library Project Update Efforts to comply with Oregon procurement laws delayed the contractor hiring process for the library renovations and an RFP will be issued, and concerns about retaining grant funding were acknowledged; a grant was applied for to construct an ADA-compliant bathroom in the Commons, which would benefit library users and enhance accessibility for all community members; and the Tourism Marketing Plans to shift to a \$15,000 contract with Oregon Public Broadcasting for targeted marketing were outlined, focusing on sustainable tourism and local producers for content creation; and lastly mentioned the Landmark O'Neill Property, that the final steps are underway to secure this property with a conservation easement. Historical signage and ADA parking will be added as part of the agreement.

The motion was made to approve the consent agenda.

The Vote was called. Aye's: O'Shaughnessy, Collins, Whitten-Carey, Berdie; Absent: Muirhead. Therefore, the motion has passed.

V. New Business

1 The Mayor discussed the progress of various activities and the need for more people to step
2 forward for Council and Commission open positions. The City Manager proposed a State of
3 the City preparation conversation for the upcoming year, suggesting it should be held after
4 the goal-setting session.

5
6 The Council discussed the City's progress on various goals, including water sustainability,
7 safe access to city infrastructure, and environmental responsibility; highlighted the
8 achievement of a long-term agreement with South Lincoln Water District and the
9 development of a tracking system for Council goals; the ongoing conversation about cost-
10 sharing activities and the importance of the civic master plan; the progress in improving
11 crosswalk safety and the development of a workforce housing survey; discussed the need to
12 update City policies and administrative rules, and the ongoing work on the food and
13 beverage penalty rate and occupancy tax; and concluded by expressing appreciation for the
14 Council's attention to the goals and the importance of monitoring them.

15 16 **Citizens' Survey Results and Priorities**

17 The City Manager presented the results of a survey conducted to gauge citizens' opinions on
18 various aspects of the city. It was noted that the response was generally positive, with 85.6%
19 of respondents satisfied with the current services provided by the city. However, there were
20 concerns about the city's communication with residents, with 45% reporting good
21 communication and 7.5% reporting bad communication; highlighted the importance of
22 investing in tourism and economic development, with 47% of respondents considering it
23 important; revealing concerns about the city's natural beauty and cultural heritage, with
24 70% of respondents agreeing that the city is effectively preserving and promoting these
25 aspects; and concluded by mentioning the top themes that emerged from the survey,
26 including the need for better infrastructure, public safety, and environmental sustainability.

27
28 Discussion continued about the City's infrastructure, public safety, and environmental
29 sustainability. The participants suggested improvements such as affordable housing
30 developments, safety measures, and water storage tanks. They also discussed the need for
31 better communication about the city's initiatives and projects. The City Manager mentioned
32 that the city has made significant strides in code enforcement and water sustainability. The
33 respondent also discussed the need for more recreational opportunities. The city manager
34 will gather dates to set for goal setting for the council For January 2025.

35 36 **Municipal Judge Appointment**

37 Donna Bader has volunteered to become the Municipal Judge and was present to answer
38 questions from the City Council. The council expressed interest in Donna's qualifications and
39 her vision for the role and mentioned the challenges and potential conflicts of interest she
40 might face as a Municipal Judge and would have to transfer cases to Newport if there were
41 any conflicts of interest. The process of becoming a judge includes the need to register with
42 the Department of Revenue and file a declaration with the Oregon Supreme Court.

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44 ***The motion was made to appoint Donna Bader as Municipal Judge.***
45

1 *The Vote was called. Aye's: O'Shaughnessy, Collins, Whitten-Carey, Berdie; Absent:*
2 *Muirhead. Therefore, the motion has passed.*

3 4 **Ongoing Business**

5 **Rocha 25-year Lease Update** – The City Manager reported the final agreement regarding
6 the Rocha property discussed in the document involves securing the land for conservation
7 purposes and ensuring its protection as open space. These groups advocated for preserving
8 the property as open space, with a conservation easement being part of the agreement.
9 Provisions include historical signage to honor Native peoples and the 804 trail's history,
10 alongside a requirement for ADA-accessible parking. The County Board of Commissioners is
11 expected to execute the agreement shortly. Once complete, \$305,000 will be released for the
12 property purchase, leaving \$150,000 as the city's responsibility. These steps align with
13 community conservation and accessibility priorities, ensuring the property's preservation
14 and historical recognition.

15 **FEMA Pre-Implementation Compliance Measures** - (PICMs), focus on ensuring flood
16 insurance compliance with the Endangered Species Act. This arose after FEMA lost lawsuits
17 alleging inadequate consideration of endangered habitats. Cities participating in the National
18 Flood Insurance Program must choose one of three temporary compliance options by
19 December 1, 2025:

- 20 1. **Adopting a Model Code:** Implementing FEMA's pre-designed code with public
21 hearings and amendments, though it may already largely align with existing codes.
- 22 2. **Permit-by-Permit Assessment:** Each new development would require extensive
23 habitat and biological assessments, potentially increasing costs significantly.
- 24 3. **Moratorium on Floodplain Development:** Halting development in floodplains,
25 though many communities resist this due to potential legal risks.

26 The City Council discussed adopting a new flood ordinance to comply with FEMA
27 requirements. The City Planner explained that FEMA is still revising the model ordinance
28 and habitat assessment code, but as long as the city communicates its plan by December 1st.
29 One option being considered is to adopt a temporary moratorium on new permits from
30 December 1st until the new code is adopted, and then operate under the new code. The
31 Council seems inclined to pursue the model ordinance option but is waiting for FEMA's final
32 version before formally adopting it. Discussed the potential impacts of adopting the FEMA
33 model code and the temporary moratorium on development in the Special Flood Hazard
34 Area (SFHA). The City Planner clarified that the moratorium would apply to new building
35 permits, not existing ones and that it would not affect ongoing construction projects. The
36 decision was made to place a temporary moratorium on development "In the Special Flood
37 Hazard Area (SFHA)." While working towards adopting the FEMA model code, city staff
38 would manage the implementation of this decision. After discussion, it was the sense of the
39 council that the city should proceed with a temporary moratorium.

40 *The motion was made to implement the temporary moratorium and adopt the FEMA*
41 *model code.*

1 ***The Vote was called. Aye's: O'Shaughnessy, Collins, Whitten-Carey, Berdie; Absent:***
2 ***Muirhead. Therefore, the motion has passed.***

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4 **SDC Admin Policy #15** – The City Council discussed terminating the practice of prepayment
5 of System Development Charge (SDC) fees and developing an administrative policy to tie SDC
6 fees to building permits, which the council agreed to.

7 The council discussed the policy on system development charges (SDCs). They agreed to
8 modify the policy to ensure that SDCs are not accepted without an active year, a building
9 permit, and a bill. They also decided that any lots with prepaid SDCs when they go to connect
10 will be held responsible for the balance from the previous payment to the current going rate.
11 Kimmie suggested that any lots with prepaid SDCs when they go to connect will be held
12 responsible for the balance from the previous payment to the current going rate.

13 **Yachats Area Trolley** - The discussion about the trolley in the council meeting focused on a
14 proposal to create a seasonal trolley service aimed at alleviating parking congestion and
15 reducing carbon emissions in the Yachats area. The trolley, a 14-passenger vehicle, was
16 introduced as a solution to address local mobility issues, catering to both residents and
17 tourists.

18 The concept was first brought up in August 2023 by the Yachats Area Chamber of Commerce
19 and was met with favorable public support through surveys. The city sought funding through
20 grants, with the Chamber receiving \$100,000 from Travel Oregon, although the city's grant
21 application was not successful. However, the Oregon Coast Visitors Association (OCVA) has
22 since offered to contribute the remaining \$100,000 to cover the trolley's purchase.

23 The council discussed potential operational logistics, including the use of transient lodging
24 tax for ongoing costs, such as driver salaries, maintenance, and insurance. There was also
25 talk of contracting out operations to avoid staffing challenges. The trolley's operation would
26 be seasonal, running from Memorial Day to Labor Day, with potential extensions for special
27 events.

28 ***The motion called to move forward with the purchase and collaboration, with the city***
29 ***agreeing to take ownership of the trolley and assume responsibility for providing***
30 ***maintenance and operation provided OCVA and the Chamber provided the purchase of***
31 ***the trolley.***

32 ***The Vote was called. Aye's: O'Shaughnessy, Collins, Whitten-Carey, Berdie; Absent:***
33 ***Muirhead. Therefore, the motion has passed.***

34 Next Steps for reference:

- City staff to place a temporary moratorium on development in the Special Flood Hazard Area (SFHA) while working toward adopting the FEMA model code.
- City staff to draft the final version of the System Development Charges policy incorporating Council feedback.

- Councilor Carey to serve on the advisory group for the Sharon Design civic master plan project.
- City Manager to collaborate with the Chamber of Commerce and Oregon Coast Visitors Association on the purchase of a 14-passenger hybrid trolley.
- City Manager to establish a committee to determine trolley route and operational details.
- City Manager to explore contracting out trolley operations.
- City staff to finalize agreement with new Municipal Judge Donna Bader.
- Council to complete City Manager performance evaluation by December 6th.
- City staff to schedule a goal-setting work session in January with the new Council.
- City staff to add Councilor initials to goal tracking document for assigned goals.
- City staff to update water shortage emergency regulations with approved amendments.
- City staff to update municipal code chapters with approved amendments.
- City Manager to follow up on finalizing Rocha property agreement.
- City staff to explore baseline water quality testing for Yachats River.
- City Manager to reach out to Lincoln County about septic system education for upstream residents.

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2 Adjourned at 4:15 pm
3 Kimmie Jackson Recorder