

1. Agenda

Documents:

[2019-01-16 City Council Agenda.pdf](#)

2. Meeting Materials

Documents:

[2018-12-05 DRAFT City Council Minutes.pdf](#)
[2018-12-12 DRAFT City Council Minutes.pdf](#)
[2019-01-16 Financial Report.pdf](#)
[2019-01-16 URD Annual Report.pdf](#)
[2019-01-16 SDC Annual Report.pdf](#)
[2019-01-16 Lincoln County Housing Plan.pdf](#)
[2019-01-16 City Manager Report.pdf](#)
[2019-01-16 Visitor Center Report.pdf](#)
[2019-01-16 City Charter Draft Edits.pdf](#)
[DRAFT Ordinance 358 Comp Plan.pdf](#)
[RES 2019-54 Commons Manual And Fees.pdf](#)
[DRAFT Ordinance355 Finance Committee Composition.pdf](#)
[RES 2019-50 Audit Action Plan.pdf](#)
[RES 2019-51 Workers Compensation For Volunteers.pdf](#)

Yachats City Council Vision

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



CITY OF YACHATS

CITY COUNCIL MEETING

441 Hwy 101N, Yachats Commons, Room 1

Wednesday, January 16, 2019 at 6:00pm

AGENDA

- I. Call to Order
- II. Announcements, Correspondence and Proclamations
- III. Citizens' Concerns (5-minute limitation per person)
Consent Agenda
 - A. December 5 & December 12 Minutes
- IV. Reports
 - A. Financial Report
 - B. URD Annual Report
 - C. System Development Charges Annual Report
 - D. Guests: Wayne Belmont, Lincoln County discussion of Housing Project MOU
 - E. Council Reports
 - F. City Manager Report
 - G. Visitors Center Report
- V. Unfinished Business
 - A. Approving revisions to the Charter
 - B. Ordinance: Adoption of Comprehensive Plan Updates
 - C. Resolution: Adoption of Commons Manual & Fee Schedule Updates
 - D. Ordinance: Finance Committee Composition
- VI. New Business:
 - A. Resolution: FY18 Audit Plan of Action
 - B. Appointment of Council representative to Finance Committee
 - C. Resolution: Volunteer Workers' Compensation
- VII. Other Business
 - A. From Mayor
 - B. From Council
 - c. From Staff

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 January 11, 2019

CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

December 5, 2018

Draft Minutes

Mayor Gerald Stanley called the December 5, 2018 work session and regular meeting of the City Council to order at 9:30 am in Room 1 of the Yachats Commons. Council members present: Gerald Stanley, Barbara Frye, Craig Berdie, Jim Tooke, and Max Glenn. Absent: none. Staff present: City Manager Shannon Beaucaire, Clerk Kimmie Jackson, and Water Treatment Plant Lead Rick McClung. Audience: 18.

Mayor Stanley asked for a moment of silence for George Herbert Walker Bush.

Mayor Stanley thanked Clerk Kimmie Jackson and Facilities Manager Heather Hoen for the Holiday decorations.

I. Work Session Discussion Topics

A. Ordinance 5.12.020(a) and Fire Department: open flame BBQ and notification to propane owners

Mayor Stanley invited Fire Chief Frankie Petrick to present her request. Chief Petrick asked Council to revisit the burn ordinance, noting the two sides of those wanting to burn debris versus those having negative impacts on breathing from smoke. She noted the Council previously voted to allow barbecues without any permitting. She explained the difficulty for the Fire Department of having to find homes that were still having open flame barbecues during the state-imposed burning ban. She added that home insurance might not cover damage due to illegal burning. If Council decided to adopt permitting, Chief Petrick explained residents would need to get an annual permit and there would be no fee for that permit.

Councilor Berdie asked if there was a difference between charcoal and an open flame. Chief Petrick noted this year the State differentiated between a valve-controlled flame and other means of burning. She noted the state did distinguish between charcoal/briquette and propane fires, and there is a risk difference if turning over the grill would result in the spreading of fire. She explained how the burn ban was issued. The Oregon Department of Forestry can issue a "red flag warning" which can ban propane. The state legislature can impose its own ban of open pit fires on the beaches. Councilor Frye asked what other cities were doing around this issue. Chief Petrick believed Lincoln City was the only city in Lincoln County with a specific ban. Frye asked for clarification on the insurance issue. Chief Petrick explained the homeowner would have legal responsibility for damage resulting from fireworks and illegal barbecues on their property.

Mayor Stanley clarified that a "red flag warning" meant that no one could operate a barbecue. Chief Petrick added that with a permit program, she could inform homeowners of when a ban is in place. Tooke clarified that the Waldport sign for a burn ban at the fire department was a prohibition of burn barrels, which Yachats does not allow.

Mayor Stanley clarified that no change is being requested for the current permitted fires as Petrick has that information on file.

1 Petrick recalled in 1936 a fire set around Angell Jobs Corps burned down to the Yachats River.
2 She also explained how fire districts in other areas rely on other fire departments for equipment
3 and firefighters. She explained that some beach closures were due to the fact that there were
4 not enough fire fighting resources to combat fires on the beach.

5
6 Frye clarified that Chief Petrick wanted to return to the original ordinance where all barbecues
7 would require permitting. She asked to have a decision by June 2019.
8

9 **B. 2nd Phase of Organizational Study and proposed Climate Change Commission**

10 Mayor Stanley explained how this discussion would proceed. Frye explained she, Tom
11 Lauritzen, Greg Scott, Rick McClung, Dave Buckwald, and Kimmie Jackson were on a
12 committee that was charged to look at the organizational structure and staffing needs when they
13 decided to change to a City Manager–Council form of government. She reported they spent a
14 year assessing the duties of the various staff positions. She noted they identified nearly 100
15 different duties for the City Manager. She explained the Council hired a City Manager before
16 the Committee's work was complete.
17

18 Clerk Kimmie Jackson recalled one goal was to spread the workload so one person did not
19 have all of the responsibility. Jackson indicated they wanted to have staff trained in multiple
20 areas so any given task could be done by multiple people. Frye recalled they interviewed staff
21 in other cities.
22

23 Rick McClung added that he was glad to see the Council wanting to continue work on the study.
24

25 Lauritzen explained his presentation was a summary of what has happened since the
26 organizational structure group met. He reviewed that the City had hired a permanent City
27 Leader and appointed Dave Buckwald and Rick McClung to oversee the sewer and water
28 plants.

29 He highlighted the City's responses to previously identified internal factors that were inhibiting
30 progress.
31

32 Lauritzen noted since the above changes, staff turnover, funding major projects, developing
33 technology systems, and accounting issues had arisen. Lauritzen asserted the next step was to
34 review the role and function of Commissions and Committees. He also noted a new external
35 problem of addressing citizen demand for different services.
36

37 Lauritzen asserted, on the external side, there has been a change in citizen demands from the
38 City, arguing the implementation of the City Manager role opened the door for people to make
39 more and different requests of the City and Staff. Regarding internal issues, he indicated there
40 needed to be an evaluation of Committees and Commissions in terms of core competencies
41 and to identify what Council expects of Commissions and Committees.
42

43 Lauritzen suggested the office staff were built to do transactions. He believed the City now
44 needed to identify the other issues that are being brought to City Hall or requested through
45 electronic methods and social media. Lauritzen noted that Manager Beaucaire indicated
46 Yachats gets much more citizen communication than other cities of similar size. He suggested
47 most of the work being requested did not have to do with transactions (e.g., paying water bills,
48 getting licenses, or making other payments). He hypothesized that the citizenry has been
49 trained by Amazon to get immediate feedback.
50

1 Lauritzen summarized his perspective of underlying principles upon which Yachats operates.
2 Berdie noted that Yachats is different in some areas that would mean more services than one
3 would normally expect of a city of 400 people, such as the development and maintenance of
4 trails.

5
6 Lauritzen suggested there could be two parallel tracks of what activity needed to happen next.
7 He highlighted the need to make decisions on what Yachats wants to provide to its residents
8 and pertinent factors. Frye noted how so many decisions have an impact on staff time.
9 Lauritzen suggested the agenda item on forming a Climate Change group could serve as a test
10 of the work this study group could do.

11
12 Mayor Stanley raised concern about the timing of discussion the process of how to implement
13 Lauritzen's suggestions. Frye suggested Lauritzen was only making a recommendation. Glenn
14 asked if this work was a continuation of the old Organizational Structure Study group and when
15 a decision was made to revise that group. Mayor Stanley stated the study group's work was
16 ongoing. Glenn clarified this presentation was the development of Lauritzen, and was reviewed
17 by Manager Beaucaire.

18
19 Frye wanted Lauritzen to continue making his report and suggested the new Council could
20 decide for themselves whether to process with the work. Mayor Stanley expressed great
21 appreciation for Lauritzen's work and asserted the quality of the report was excellent. Mayor
22 Stanley discussed his views of how citizens have worked with him versus the City Manager.

23
24 Berdie stated he observed a lack of clarity between the Commissions and the Council,
25 suggesting that Commission do what they want and bring recommendations to Council. He was
26 very supportive of identifying inputs and outputs and the flow of work. He suggested that the
27 City has many experienced residents and Commission members who could provide some of the
28 input data.

29
30 Glenn believed the report was very helpful, but he had concerns about how this work would fit
31 with the work Manager Beaucaire had done with planning organizational structure. Manager
32 Beaucaire responded that she would work with Lauritzen to ensure their work was integrated.
33 Frye expressed frustration that too often work gets done and then gets overlooked. She did not
34 want to see the work of the Organizational Study Committee or Lauritzen get lost. Lauritzen
35 asserted his work could compliment other work being done.

36
37 Lauritzen continued with his implementation plan and the team that would work on the first
38 phase. He suggested the group to work on this area would best be composed of the two newly
39 elected Council members, the City Manager, and project note taker.

40
41 Regarding the second phase, Lauritzen outlined what information needed to be provided, what
42 staff roles would be, and the deliverables. He suggested decisions in the City tend to be made
43 before all the facts are known. He explained how the process of assessing, deciding, and
44 implementing would work. He suggested the City Manager, Clerk III, Clerk II, note taker, and
45 volunteer citizen should be the group to examine this work. Lauritzen explained how he could
46 help in this area.

47
48 Frye suggested a Council representative should be on each of the groups Lauritzen described.
49 She also suggested a more experienced Council member could be part of the phase one team.
50

1 Glenn asked Tom Kerns if he would be agreeable with the Climate Change group being a
2 Committee, with the understanding that the Chair would be part of the Round Table of
3 Commission Chairs meeting.

4
5 Frye indicated there was excitement over the possibility of having such a group, and added
6 there was no clear definition of what a Commission should be. She saw the group as being
7 able to advise the Council and did not see that this group would fit with existing Commissions.
8 Frye suggested the group work as a "blue ribbon panel," which would report to Council.
9

10 Berdie asked what the deliverables of the group would be. He compared the work of this
11 possible commission to be similar to how e-business has evolved. Frye added that the group
12 could benefit from official recognition from the City. Mayor Stanley explained his vision of this
13 group's work in the form of a task force.

14
15 Tom Kerns noted Dave Baldwin, Michael Hempen, and Bob Langley were present and were
16 part of the group. Kerns stated they were expecting their work would have zero impact on staff
17 and have no monetary costs. He noted they could not brainstorm if they were a Commission
18 due to the quorum issue. He wanted to avoid that kind of structure.

19
20 Kerns identified two deliverables: 1. A summary of what has been in the news delivered to
21 Council and Commissions, and 2. Advice to Council on actions they might take. Kerns
22 suggested they could be some type of advisory group.

23
24 Berdie asked if the group would be able to provide hard data on issues like how many climate
25 refugees to expect or how much rain amounts would change. Dave Baldwin reported they have
26 already started to identify threats that could impact Yachats. He noted one international report
27 identified 467 pathways to threats due to climate change. The group was trying to identify the
28 pathways in which Yachats could be threatened. He noted their first concern was around
29 saving lives and property. Baldwin indicated they could then assess the probabilities of those
30 threats and then assess the damage potential. He stated they narrow down the list to a
31 reasonable number of threats, and then they would research with other cities, universities, and
32 organizations have done to help find solutions. He stated they would then give Council a
33 summary of their findings.

34
35 Baldwin noted it would be easier for this group to work with other entities if they had some
36 gravitas or official standing with the City. He added their work would also impact other coastal
37 towns.

38
39 Berdie suggested they focus on opportunities as well, such as the advantages of cleaner air. He
40 also wanted to enable some access to funding for accessing research or other information.

41
42 Frye asked for clarification on what would be required of the group if they were to represent the
43 City. Manager Beaucaire noted if they were a public body, their activities would fall under public
44 records law. Frye wondered if there was a way around the bureaucracy to enable them to work
45 freely. Kerns suggested they could appoint a single advisor to represent the group. Kerns also
46 suggested looking at public-private partnerships as a relationship.

47 48 **C. Nondiscrimination Statement Resolution 2018-41**

49 Mayor Stanley recalled he looked into this topic when he first became Mayor. He noted a
50 member of the County Commission recently transitioned and the County revised their
51 statement. He also noted the attorney indicated the City also needed to create an actual policy.

1
2 Mayor Stanley recommended adding: Gender identity, Gender expression, Military status,
3 Association or political affiliation, and Genetic information. Frye suggested this matter should
4 be discussed with the Union. Berdie asked if other jurisdictions have encountered any issues
5 with having these distinctions.
6

7 **D. Approve agenda for 12/12/18 Council meeting**

8 Mayor Stanley indicated he was adding a discussion item for declaring Yachats as a Bee City.
9

10 Frye asked to add a reading of the New Year's Peace Hike Proclamation. Manager Beaucaire
11 suggested they could include that reading under announcements.
12

13 Council consented to the agenda.
14
15

16 **REGULAR MEETING**

17 **I. Announcements and Correspondence**

18 James Kerti announced YAAS was hosting a Winter Solstice Bonfire on December 21, 2018 at
19 4:30 pm in the Pavilion.
20

21 Frye announced the following events on Friday, December 7, 2018:

22 Noon - Decorate Tree

23 5:00 pm – Tree Lighting

24 7:00 pm – Declaration of Winter Season at Little Log Church

25 7:30 pm - Sweet Adelines at the Ladies Club
26

27 Mayor Stanley announced:

28 - Pacific Coast Wind Ensemble on Saturday at 2:00 pm in the Multipurpose Room

29 - Christmas Holiday Concert on Sunday at 2:00 pm at the Presbyterian Church
30
31

32 **II. Public Comment/Citizens Concerns**

33 Karli Kerr (248 Lincoln Avenue) read a letter from last year regarding the cutting of heritage
34 trees near her property. Kerr noted she appreciated Manager Beaucaire's letter to R&R Tree
35 Service. However, she did not feel there had been much impact on the tree cutter. Kerr
36 suggested Mayor Stanley had told her she was treated very unjustly. She stated she felt like
37 the City was not doing enough to protect her.
38

39 Berdie asked about the ordinances for removing vegetation on public right-of-way and the
40 process for requesting removal of trees on public right-of-way. Frye noted there was a limit on
41 what government can do, and the remaining option might be to file suit. Glenn wanted
42 clarification on actions taken. Mayor Stanley emphasized the difficulty of the situation. He
43 stated the matter is in the hands of the City Manager.
44

45 Kerr noted a city in Washington fined someone \$15,000 for removing a tree without permission.
46 Mayor Stanley acknowledged Kerr was not satisfied with the City's response.
47

48 Manager Beaucaire noted her letter indicated the County Sheriff would handle additional
49 violations.
50

51 **III. Resolutions**

1 **A. Resolution 2018-41: Updates to EEO/Affirmative Action Nondiscrimination**
2 **Policy**

3 James Kerti note "resolution" and "action" were misspelled.

4
5 Glenn moved to approved Resolution 2018-41 updating the Equal Employment
6 Opportunity/Affirmative Action Nondiscrimination Policy as amended: Aye – 5; No – 0.

7
8 **B. Resolution 2018-45: Memorializing Council Action on Library Remodel and**
9 **Expansion**

10 Frye moved to approve Resolution 2018-45 accepting the recommendation of the Library
11 Commission to remodel and expand the current Library: Aye – 5; No – 0.

12
13 **C. Resolution 2018-46: Memorializing Action on the 501 Building**

14 Glenn moved to approve Resolution 2018-46 memorializing action of Council authorizing
15 exploration of relation of City Hall into the 501 Building and reporting projected sources of
16 revenue: Aye – 5; No – 0.

17
18
19 **IV. Ordinances**

20 **A. Ordinance 355 Amendments to Municipal Code chapter 3.10 Finance**
21 **Committee**

22 Manager Beaucaire explained the process for getting this draft version of Ordinance 355, which
23 reflected changes recommended by Council. Manager Beaucaire explained the difference
24 between a resolution and an ordinance. She noted the attorney identified six policy questions
25 for the Council to address.

26
27 Frye asserted the Council should appoint the members (last sentence in 3.10.010), not the
28 Finance Committee. Frye also asked to change the language of "City Manager's Office" to "a
29 representative from the City Manager's Office."

30
31 Frye clarified the redline version is the City Manager's incorporation of comments from the
32 Resolution passed in November 2018.

33
34 Mayor Stanley raised the issue of both the City Manager and Councilors having a vote on the
35 Committee. Manager Beaucaire noted this was the second question raised by the attorney.
36 Glenn clarified the attorney was only saying the voting issue was of concern for Staff. Frye was
37 opposed to having Council members vote. Manager Beaucaire asserted the attorney was
38 asking Council whether they thought Councilors should be ex-officio or voting members.

39
40 John Moore noted the City Manager serves as Chair of the Finance Committee. Frye asked
41 how that came to pass. Moore clarified that former Mayor Ron Brean previously chaired that
42 Committee and turned that duty over to the new City Manager Joan Davies.

43
44 Tom Lauritzen noted former Mayor Lee Corbin established the Finance Committee in 2001 with
45 himself, Greg Scott, and Mark LeBoss, who were tasked to find ways to set aside annual
46 reserves. The Committee was reformed later to establish the CIP. Former Mayor Sue Smith
47 changed the Committee to Green Ribbon Committee, and then Smith disbanded the group.
48 Brean resurrected the Finance Committee because flow of information for the CIPs had broken
49 down. Brean asked Lauritzen and Keith Perkins to establish a process to integrate the CIPs.
50 Lauritzen believed the current ordinance was established in 2011.

1 Lauritzen noted the Budget Committee approved the operating budget but does not manage the
2 CIPs. Mayor Stanley noted the Budget Committee approved the work of the Finance
3 Committee each year.
4

5 Manager Beaucaire provided her interpretation on attorney's to be that he was only asking if
6 Council wanted the Budget Committee to take on the duties of the Finance Committee. She
7 added that deciding to do this would represent a significant change in how the City currently
8 operated.
9

10 Manager Beaucaire suggested the Ordinance be re-examined at the December 12, 2018
11 meeting to give Councilors time to review the attorney's questions.
12

13 Moore noted if Council wanted the representatives from Commissions on Finance Committee to
14 be City residents, they would need to include that in the language.
15

16 Helen Anderson noted as Council was on the Budget Committee and the Finance Committee
17 meets monthly, the Council would essentially be having a third monthly meeting if they were to
18 transfer the work of the Finance Committee to the Budget Committee.
19

20 Berdie suggested it would be premature to act on this matter before addressing the
21 organizational structure issues.
22

23 Berdie had concern about the definition of "impact" in the last paragraph of Section 3.10.020
24 starting with, "The Finance Committee shall consider the relative need, impact, timing and cost
25 of these expenditures..." He asserted impact should also include investments, as only looking
26 at expenditures was limiting. He also wanted to see a report on the items that were not
27 approved.
28

29 Lauritzen noted the Finance Committee has historically looked at ROI, noting they found
30 changing to new water meters had a ROI of ten years.
31

32 Stanley asked Manager Beaucaire to draft new version of this Ordinance with the three major
33 changes indicated above. Manager Beaucaire asked Councilors to review the attorney's
34 comments. Frye did not think they should be working on these details until they have examined
35 the organizational structure issues.
36

37 **V. New Business**

38 **A. Vote: Ordinance 5.020(a)**

39 Manager Beaucaire asked if Council wanted her redline Chief Petrick's suggestions. Tooke
40 suggested this issue could be addressed in January 2019.
41

42 **B. Vote: 2nd Phase of Organizational Study and Proposed Climate Change** 43 **Commission**

44 Frye moved to accept the "Yachats Org Study Update" from Tom Lauritzen on organizational
45 structure and to recommend consideration of the update to the next Council: Aye – 5: No – 0.
46

47 Tooke suggested it was premature to made a motion on the Climate Change group until Council
48 addresses how the group would be formed.
49

1 Mayor Stanley moved to accept the report of the Climate Change group led by Tom Kerns, to
2 state its support for this concept, and to recommend further study to identify the appropriate
3 structure to advise the City: Aye - 5; No – 0.
4

5 **VI. Other Business**

6 **A. From Mayor** - none

7 **B. From Council**

8 Tooke reported he received an email from Alexander Harris from OregonWild.org and asked
9 others to support this work, suggesting that once land goes private, it would never again be
10 accessible. Tooke suggested Councilors could sign individually or as a group.
11

12 Tooke moved that the City Council endorse the status of public lands in the State of Oregon:
13 Aye - 5; No – 0.
14

15 Tooke suggested people read the article on “The Insect Apocalypse” in the New York Times
16 Magazine.
17

18 **C. From Staff** - none
19

20 Mayor Stanley adjourned the meeting at 1:04 pm.
21
22
23
24

25 _____
GERALD STANLEY, Mayor

26
27 ATTEST:
28
29
30

31 _____
Shannon Beaucaire, City Manager

32 _____
Date

CITY OF YACHATS
CITY COUNCIL MEETING
December 12, 2018

Draft Minutes

Mayor Gerald Stanley called the December 12, 2018 meeting the City Council to order at 6:12 pm in Room 1 of the Yachats Commons. Council members present: Gerald Stanley, Jim Tooke, Barb Frye, Craig Berdie, and Max Glenn. Staff present: City Manager Shannon Beaucaire and Clerk Kimmie Jackson. Audience: 19.

I. Announcements, Correspondence, Proclamations

II. Public Comment

Nathan Bernard (Yachats Brewing) stated he was informed by his tenant two weeks ago that there was a problem with the sewer line at his property on 430 Highway 101 N, and Public Works used their camera to identify the location of a broken pipe. He asserted that the sewer pipe was damaged during the construction of the Highway 101 sidewalks. He reported he was given "several answers from several different people at the City" about what to do, and he resumed repair work on Monday (December 10, 2018). Bernard stated he was told at one point that Central Lincoln PUD was responsible and at another time Pacific Excavation was responsible. He reported he was told he needed to stop work to allow Pacific Excavation to do the repair within 10 days.

Bernard stated he had a licensed plumber complete the work (completed today), and he was told that he had to have a permit to do that sewer line repair. He was also told he needed to retroactively get a permit to replace the roof of that building. Bernard stated he talked to the building division in Salem who told him, according to state law, a building official had discretion as to whether to require a permit for a re-roofing. He noted three roofers had told him they had never had to get a permit for a re-roof. He reported he talked to the County Building Department, and they indicated there was no permit on file for the re-roofing of Commons.

Bernard stated he has told the County that he was willing to comply with "any and all requirements for permits" for any of his properties. He stated he had an electrical permit for the electrical work in the 430 building. Bernard asserted he was the only one in recent history to be asked to get permits for a sewer repair and re-roofing in the Yachats community in recent years. Bernard asked the Council how he should address the damage done resulting from a City project and why he was being singled out for obtaining permits.

Councilor Tooke stated this conversation was the first he had heard of the issue. Councilor Frye suggested that the City hired a City Manager, in part, to handle contracts and legal issues, so she suggested Bernard talk to the City Manager. Bernard indicated he had talked to the City Manager, and based on her response, he anticipated the repair would not be covered as he was told the City would not help him and he was informed of the need to file additional permits. Councilor Berdie indicated he had a sewer repair on his residence and was required to get a permit. Bernard stated the plumbing inspector from Salem informed him that plumbing permits were required for repairs greater than five feet.

1 Bernard reported he pulled eight records on commercial roof work and none had been required
2 to have a permit. He objected to being singled out for getting a roof permit. Councilor Glenn
3 stated this matter was an operations issue and should be addressed with the City Manager.
4

5 Mayor Stanley thanked Bernard for raising the issue with Council. Frye clarified with Mayor
6 Stanley that this issue would not be appropriate for a Council Work Session. Bernard indicated
7 he came to Council because the response of the City Manager and now the Council was
8 passing the matter back to the City Manager. Bernard stated the City Manager was "very
9 confrontational and adversarial throughout the process."
10

11 Mayor Stanley indicated he would give Bernard an additional five minutes to address a separate
12 topic. Bernard stated he read the minutes of the Planning Commission for the past six months,
13 and he believed that the Planning Commission was operating with misinformation regarding
14 permits with the brewery. He quoted from that minutes that work was being done to "give the
15 code teeth" to fight Bernard for failing to get a permit. Bernard explained that at the beginning of
16 this year, he hired both an attorney and an architect who met with the County where it was
17 proposed to the County that Bernard would comply with the requirements to get an occupancy
18 permit. He noted they had initial draft drawings and were waiting for the engineer to provide the
19 "as built conditions" of the building. He acknowledged they moved forward more slowly than
20 they originally indicated they would. Bernard stated the minutes of the Planning Commission
21 indicated no permits had been obtained for that structure. Bernard stated he did get permits for
22 the electrical and plumbing work on that building. He stated there was one issue he did need to
23 address. He did not think the Planning Commission was aware of the process that was
24 occurring regarding his work to be compliant.
25

26 Bernard questioned whether it was appropriate to develop an ordinance to deal with a single
27 business, noting the City Attorney had raised a similar concern of an ordinance to address a
28 single business.
29

30 **III. Minutes**

31 **A. November 7, 2018 Work Session**

32 Page 4, Section B: the vote was not recorded for Section B

33 Page 4, Section D: the vote was not recorded for Section D

34 Page 2, Line 21: "decided" should be "decide"

35 Page 2, Line 34: delete the section starting with, "Berdie noted in section..."

36 Page 6, Line 17-19: remove these lines.

37 Frye moved to approve the November 7, 2018 meeting minutes of the City Council as amended:
38 Aye – 4; No – 0; Abstain – 1 (Tooke not present).
39

40 **B. November 14, 2018 Regular Meeting**

41 Page 4, Line 9: "draught" should be "drought"

42 Page 6, Line 49: "Lincoln County Health" should be "Lincoln Community Health Council"

43 Introduction: "Barb" should be "Barbara"

44 Frye moved to approve the November 14, 2018 meeting minutes of the City Council as
45 amended: Aye – 5; No – 0.
46

47 **A. November 14, 2018 Supplemental Budget Hearing**

48 Glenn moved to approve the November 14, 2018 meeting minutes of the City Council as
49 presented: Aye – 5; No – 0.
50

51 **IV. Resolution 47: Commission Appointments**

1 **A. Jacqueline Danos**

2 Planning Commissioner Kerti stated Danos has regularly attended Planning Commission
3 meetings and has conducted research for the Commission. Planning Commissioner
4 O'Shaughnessey Planning Commissioner Bloch noted Danos' interest in Planning Commission
5 issues and her would be very welcomed. Danos stated planning can be an often-overlooked
6 part of a city but was extremely important. She stressed the importance of addressing issues
7 before they arise.

8
9 **Glenn moved to appoint Jacqueline Danos to the Planning Commission: Aye – 5; No – 0.**

10
11 **B. Christine Orchard**

12 Kerti highlighted Orchard's attention to detail and contributions to Planning in the past.

13
14 **Glenn moved to appoint Christine Orchard to the Planning Commission: Aye – 5; No – 0.**

15
16 **V. New Business**

17 **A. Discussion of Building Processes and Procedures**

18 Manager Beaucaire recalled Council had asked for summary of how the building process
19 worked and the process for obtaining a marijuana dispensary license. She stated she included
20 the City Planner's summary of the building process, a summary of the dispensary approval
21 process, the OLCC Land Use Compatibility Statement, "Life of a License Application" flowchart,
22 OLCC Licensee Required Documents & Postings, and a link to the website for the Business
23 Readiness Guidebook for Recreational Marijuana Operations. She indicated she could take
24 questions back to Planner Lewis.

25
26 Berdie had questions about details of requirements, especially at what point does one need a
27 building permit. He suggested residents might not be aware of when building permits are
28 required.

29
30 Bernard clarified this document was already in the document library. Manager Beaucaire stated
31 the summaries did not distinguish between commercial and residential processes. Bernard
32 asserted the commercial process was very different and Council should be aware of that.

33
34 **B. Bee City Application**

35 Mayor Stanley stated he has been involved in the Pollinator Project and the Honey Lover's
36 Festival, and he wanted to encourage the City to become a Bee City. He cited the following
37 reasons for becoming a Bee City: the impacts of climate change on the bee population, the
38 relationship with Newport and ODOT on pollinator plants along Highway 101, and the fact that
39 Newport and Waldport were already Bee Cities.

40
41 Mayor Stanley indicated that Pat Rollins and Patti Johnson who organized the Honey Lover's
42 Festival are interested in pushing this project through. Frye expressed concerned that this work
43 would create demands of staff that would be cumbersome at this point in time. Berdie
44 concurred with Frye and suggested an ad hoc committee could take on the work to complete
45 the application. Glenn commented that the need for an advocate was essential and that a
46 discussion with Parks and Commons was in order. Tooke agreed with Glenn.

47
48 **VI. Reports**

49 **A. Financial Report**

50 Manager Beaucaire reported as Clerk Richter has been out of the office, she created a report
51 from the accounting system. Manager Beaucaire explained she and Clerk Jackson had worked

1 to get a summary document from the software system. She noted she has been talking with
2 COG, who indicated they have been working with a cloud-based financial services provider,
3 Springbook, to provide an economical and effective accountant software system to
4 governments. She added that this provider also has the ability to handle utility billing, licensing,
5 and tax collection modules.
6

7 Frye asserted the report provided was not helpful. Berdie noted that nondepartmental restricted
8 reserves were significantly over at 113% and the urban renewal amount was at 70% when it
9 should be at around 47%. Manager Beaucaire indicated she would get more information on
10 these issues for Berdie. Mayor Stanley clarified the visitors amenities funds item was a transfer
11 of funds.
12

13 Bernard asked whether a City of 700 needed a financial firm. Manager Beaucaire clarified her
14 statement was about financial software.
15

16 **B. Council Reports**

17 Berdie reported he and Tooke attended the Oregon Source Water Protection workshop today in
18 Tillamook. He took away that every city on the coast had significant water storage issues. He
19 noted a fund for source water projects of \$200,000 that is divided into 17 projects, implying a
20 city would need more than one grant to fund additional storage. Berdie suggested they would
21 need a consultant to organize all the grants. Tooke reported Astoria has a 3,700 acre
22 watershed that was used to generate two million from the State. Tooke and Berdie noted Cape
23 Arch was trying to purchase 2,100 acres for a watershed. Berdie noted some funders want to
24 work more with large parcels. Tooke stressed the State of Oregon was not paying much
25 attention to water issues. Bernard encouraged the City to look into rainwater catchment
26 systems.
27

28 Mayor Stanley reported he went with Manager Beaucaire to a meeting of the Oregon Coast
29 Trail. He expressed much gratitude to Manager Beaucaire for her negotiation with the County
30 on the 804 Trail. He also noted the Travel Oregon Mural Dedication on November 30, 2019
31 brought many elected officials to town. Bernard indicated Jesse Dolens worked tirelessly to
32 bring that mural to Yachats.
33

34 Mayor Stanley also reported he attended the local Public Safety Coordinating Commission,
35 noting Lincoln County was one of seven communities receiving a large grant to help with
36 programs to help people transition from jail back into the community. He also presided over the
37 Winter Celebration on December 7, 2018.
38

39 **C. City Manager Report**

40 Ocean View Drive: Manager Beaucaire recalled the County was previously hesitant to address
41 the guardrails because of the archeological issues. She reported the County received an
42 estimate of \$45,000 to \$70,000 for an archeological study, and they agreed to fund that study
43 out of County funds. She added Trails raised the proposed boardwalk near 101 and Ocean
44 View, and the County agreed to pick up the costs of doing an archeological study for that area
45 as well. She reported the County was finalizing draft of easement documents. She expected
46 the archeological studies would be done in late January 2019 and the new guardrails would be
47 installed in March 2019. Berdie suggested they look into guardrails that were encased in wood.
48 Manager Beaucaire indicated the County would install inserts the nine culverts crossing Ocean
49 View drive (March 2019).
50

1 804 Trail: The Trails Committee spoke with the County about finding a material that could be
2 compacted to provide a smoother walking surface along the entire 804 South Trail. The County
3 also agreed to help to provide signage with the 804 mitigation funds and fund the boardwalk
4 with mitigation funds. It was agreed that a Trails Committee member would draft drawings of
5 viewing decks and then discuss the possibility of using mitigation funds to build them. The
6 County was also willing to work with the City about how to best use the full properties of the
7 trails easements between Marine and Aqua Vista. Berdie clarified that they could use mixed
8 funding for some of these projects.
9

10 Street Grants: Manager Beaucaire reported the City received a \$100,000 grant from ODOT for
11 E 2nd Street improvements from Highway 101 to Prospect. They did not receive a grant for W
12 1st Street, but could apply again in August 2019. Frye asked to follow through on the decisions
13 about changing the traffic flow on E 2nd and Prospect.
14

15 Lincoln County Housing: Manager Beaucaire indicated the MOU between the City and the
16 County was in the meeting packet. She reported the County Attorney, Wayne Belmont, was
17 willing to speak to Council. Berdie suggested that the City consider options other than condo-
18 style housing. Danos added that transportation improvements should be considered as they
19 look at housing options.
20

21 Library: The Library Commission, the Friends, and City Manager met and plans were in place
22 to provide a full report to Council.
23

24 Entrance Sign: Manager Beaucaire explained the estimate for the South Entrance Sign.
25

26 City Hall Project: Manager Beaucaire reported she and the architect worked to find ways to
27 work without his having to come to Yachats more than once. Frye clarified the cost was \$8,000
28 to develop concept plans, preliminary construction cost estimates, refined conceptual plans,
29 schematic design with floor plans, teleconferencing, detailed code research, and refinement of
30 construction cost estimates. Manager Beaucaire noted she also asked the architect to indicate
31 how this work could be done in phases.
32

33 City Planner Position: Manager Beaucaire announced that she and Planner Lewis interviewed
34 David Madison, an independent planner who had worked in Tillamook. She reported he would
35 be meeting again with Planner Lewis in January 8, 2019 to begin work. Madison would work in
36 a temporary capacity until a full-time Planner/Code Enforcer could be hired.
37

38 Bernard asked why the City was looking at full-time planner. Manager Beaucaire explained her
39 approach was to combine Code Enforcement and Planning into one position, and she noted
40 Planner Lewis reported he receives many more inquiries from Yachats than he does from the
41 other cities he works in.
42

43 **VI. Other Business**

44 **A. From Mayor**

45 Mayor Stanley stated that the Council has accomplished significant issues in the two years he
46 has been mayor. He expressed his appreciation to those he has worked with.
47

48 Mayor Stanley read a letter of appreciation to Councilors Frye and Berdie for their contributions,
49 service, and time given.
50

51 **B. From Council**

1 As Council President, Glenn read a letter of appreciation to Mayor Stanley for his service and
2 contributions.

3
4 Berdie thanked the Council for his appointment. He noted the tremendous dedication and hard
5 work required of the position.

6
7 **C. From Staff**

8 Manager Beaucaire thanked the Mayor and Councilors for their service.

9
10 Mayor Stanley adjourned the meeting at 7:45 pm.

11
12
13
14 _____
15 GERALD STANLEY, Mayor

16
17 ATTEST:

18
19
20 _____
21 Shannon Beaucaire, City Manager

22 _____
Date

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

Financial Report update

Question Before Council:

Status of Financial condition of the City

Person/Group Initiating Request:

Judy Richter, City Clerk

Item Summary/Background:

I have prepared the Revenues and Expenditures reports for November and December 2018 and included the recap of Personnel Costs YTD vs. Budget

Issues/Concerns:

Please review and let me know if you have any questions. I will also be glad to go through the budget with anyone (one on one) who would like an overview of the funds included in our financial reporting.

Revenues and Expenditures Fiscal 2018-2019 as of November 30, 2018

Account	Beginning Balance	Budgeted Revenue	Revenue to Date	Difference	% Received	Outliers	Budgeted Expenditures	Expenditures	Difference	% Expended	Outliers
						0.42%					0.42%
General (100)	633,048	1,166,200	839,395	(326,805)	71.98%		649,430	649,430	-	100.00%	?
City Hall							422,000	149,050	272,950	35.32%	
501 Bldg							26,200	8,186	18,014	31.25%	
Marketing		138,000	138,000	0			138,000	46,176	91,824	33.46%	
Visitor Amenities (120)	119,446	369,000	369,000	0	100.00%		435,870	435,870	-	100.00%	?
Capital Reserve (150)	1,535,191	390,000	273,185	(116,815)	70.05%		365,000	365,000	-	100.00%	?
City Hall		40,000	40,000	0			55,000	18,381	36,619	33.42%	
501 Bldg											
Streets		74,000	74,000	0			253,500	488	253,013	0.19%	
Library		46,100	46,100	0			50,000	10,852	39,148	21.70%	
LLCM		116,600	116,600	0			150,000	98	149,903	0.07%	
Commons		27,000	27,000	0			115,000	98,717	16,283	85.84%	
Parks		68,000	68,000	0			60,000	-	60,000	0.00%	
Water		100,000	100,000	0			310,000	3,985	306,015	1.29%	
Sewer		230,000	230,000	0			240,000	63,242	176,758	26.35%	
Restricted Reserves (155)	523,959										
Debt Service (17)		43,000	43,000	0	100.00%		42,850	-	42,850	0.00%	
GO Bond		44,000	30,376	(13,624)	69.04%		44,670	-	44,670	0.00%	
South Tank		100,000	100,000	0			40,000	-	40,000	0.00%	
Sewer Debt (76)		560,000	560,000	0			509,733	261,913	247,820	51.38%	
Sys. Dev. (160)	236,321	235,668	224,755	(10,913)	95.37%		190,000	190,000	-	100.00%	?

Revenues and Expenditures Fiscal 2018-2019 as of November 30, 2018

Account	Beginning Balance	Budgeted Revenue	Revenue to Date	Difference	% Received	Outliers	Budgeted Expenditures	Expenditures	Difference	% Expended	Outliers
						0.42%					0.42%
City Amenities (240)	500										
Library (122)		32,400	30,337	(2,063)	93.63%		32,400	12,541	19,859	38.71%	?
Log Church Museum (123)		15,900	14,386	(1,514)	90.48%		15,900	8,414	7,486	52.92%	?
Commons (124)		162,800	152,525	(10,275)	93.69%		162,800	77,649	85,151	47.70%	?
Parks & Trails (125)		37,000	36,500	(500)	98.65%		37,000	7,569	29,431	20.46%	?
Streets (621)	776,330	121,000	61,938	(59,062)	51.19%		97,700	38,906	58,794	39.82%	?
Storm Drains (630)	86,393	37,000	37,000	0	100.00%		37,000	9,917	27,083	26.80%	?
Water (660)	142,422	642,500	316,058	(326,442)	49.19%		642,500	351,466	291,034	54.70%	?
Water Construction (668)	(35,442)	138,500	438,601	300,101	316.68%		328,500	185,257	143,243	56.39%	?
Sewer (670)	186,507	628,000	302,093	(325,907)	48.10%		615,150	346,951	268,199	56.40%	?
URD (90)	204,015	271,000	227,850	(43,150)	84.08%		229,000	226,083	2,917	98.73%	?
Totals	4,408,691	5,833,668	4,896,698	(936,970)	83.94%		6,295,203	3,566,139	2,729,064	56.65%	

Total Income over Expenditures 1,330,559

All Interfund Transfers are done at the first of the Fiscal Year

Budgeted Expenditures do not include contingencies or beginning balances

Revenues and Expenditures Fiscal 2018-2019 as of November 30, 2018

Account	Beginning Balance	Budgeted Revenue	Revenue to Date	Difference	% Received	Outliers	Budgeted Expenditures	Expenditures	Difference	% Expended	Outliers
						0.42%					0.42%

Labor

	Budgeted	Actual	Difference	% used YTD
City Hall	115,000	42,832	(72,168)	37.25%
501	11,700	3,137	(8,563)	26.81%
Marketing	6,500	415	(6,085)	6.39%
CIP-Streets	15,000		(15,000)	0.00%
CIP-Library	6,000		(6,000)	0.00%
CIP-LLCM	1,000		(1,000)	0.00%
CIP-Commons	1,500		(1,500)	0.00%
CIP-Parks	2,650		(2,650)	0.00%
CIP-Water	45,250	338	(44,912)	0.75%
CIP-Wastewater	12,750	1,047	(11,703)	8.21%
Library	2,000	63	(1,937)	3.15%
LLCM	2,500	992	(1,508)	39.68%
Commons	40,000	13,084	(26,916)	32.71%
Parks	6,000	1,420	(4,580)	23.66%
Streets	33,000	15,208	(17,792)	46.09%
Storm Drains	25,000	9,471	(15,529)	37.88%
Water	285,000	111,186	(173,814)	39.01%
South Tank	7,500	9,448	1,948	125.97%
Wastewater	265,000	129,119	(135,881)	48.72%
Totals	883,350	337,760		38.24%

Revenues and Expenditures Fiscal 2018-2019 as of December 31, 2018

Account	Beginning Balance	Budgeted Revenue	Revenue to Date	Difference	% Received	Outliers	Budgeted Expenditures	Expenditures to Date	Difference	% Expended	Outliers
						0.50%					0.50%
General (100)	633,048	1,166,200	889,428	(276,772)	76.27%		649,430	649,430	-	100.00%	?
City Hall							422,000	171,991	250,009	40.76%	
501 Bldg							26,200	8,637	17,563	32.96%	
Marketing		138,000	138,000	0			138,000	46,823	91,177	33.93%	
Visitor Amenities (120)	119,446	369,000	369,000	0	100.00%		435,870	435,870	-	100.00%	?
Capital Reserve (150)	1,535,191	390,000	273,185	(116,815)	70.05%		365,000	365,000	-	100.00%	?
City Hall		40,000	40,000	0			55,000	18,381	36,619	33.42%	
501 Bldg											
Streets		74,000	74,000	0			253,500	4,859	248,641	1.92%	
Library		46,100	46,100	0			50,000	13,702	36,298	27.40%	
LLCM		116,600	116,600	0			150,000	98	149,903	0.07%	
Commons		27,000	27,000	0			115,000	98,717	16,283	85.84%	
Parks		68,000	68,000	0			60,000	-	60,000	0.00%	
Water		100,000	100,000	0			310,000	3,985	306,015	1.29%	
Sewer		230,000	230,000	0			240,000	63,242	176,758	26.35%	
Restricted Reserves (155)	523,959										
Debt Service (17)		43,000	43,000	0	100.00%		42,850	-	42,850	0.00%	
GO Bond		44,000	39,360	(4,640)	89.45%		44,670	-	44,670	0.00%	
South Tank		100,000	100,000	0			40,000	-	40,000	0.00%	
Sewer Debt (76)		560,000	560,000	0			509,733	261,913	247,820	51.38%	
Sys Dev (160)	236,321	235,668	248,513	12,845	105.45%		190,000	190,000	-	100.00%	?

Revenues and Expenditures Fiscal 2018-2019 as of December 31, 2018

Account	Beginning Balance	Budgeted Revenue	Revenue to Date	Difference	% Received	Outliers	Budgeted Expenditures	Expenditures to Date	Difference	% Expended	Outliers
						0.50%					0.50%
City Amenities (240)	500										
Library (122)		32,400	31,497	(903)	97.21%		32,400	15,164	17,236	46.80%	?
Log Church Museum (123)		15,900	14,586	(1,314)	91.74%		15,900	9,188	6,712	57.78%	?
Commons (124)		162,800	153,528	(9,272)	94.30%		162,800	85,889	76,911	52.76%	?
Parks & Trails (125)		37,000	36,500	(500)	98.65%		37,000	9,380	27,620	25.35%	?
Streets (621)	776,330	121,000	67,070	(53,930)	55.43%		97,700	43,655	54,045	44.68%	?
Storm Drains (630)	86,393	37,000	37,000	0	100.00%		37,000	10,620	26,380	28.70%	?
Water (660)	142,422	642,500	370,418	(272,082)	57.65%		642,500	404,494	238,006	62.96%	?
Water Construction (668)	(35,442)	138,500	438,601	300,101	316.68%		328,500	187,657	140,843	57.13%	?
Sewer (670)	186,507	628,000	353,086	(274,914)	56.22%		615,150	379,480	235,670	61.69%	?
URD (90)	204,015	271,000	295,503	24,503	109.04%		229,000	228,083	917	99.60%	?
Totals	4,408,691	5,833,668	5,159,975	(673,693)	88.45%		6,295,203	3,706,256	2,588,947	58.87%	

Total Income over Expenditures 1,453,719

All Interfund Transfers are done at the first of the Fiscal Year

Budgeted Expenditures do not include contingencies or beginning balances

Revenues and Expenditures Fiscal 2018-2019 as of December 31, 2018

Account	Beginning Balance	Budgeted Revenue	Revenue to Date	Difference	% Received	Outliers 0.50%	Budgeted Expenditures	Expenditures to Date	Difference	% Expended	Outliers 0.50%
---------	----------------------	------------------	-----------------	------------	------------	-------------------	-----------------------	----------------------	------------	------------	-------------------

Labor

	Budgeted	Actual	Difference	% used YTD
City Hall	115,000	52,883	(62,117)	45.98%
501	11,700	3,137	(8,563)	26.81%
Marketing	6,500	415	(6,085)	6.39%
CIP-Streets	15,000	59	(14,941)	0.39%
CIP-Library	6,000		(6,000)	0.00%
CIP-LLCM	1,000		(1,000)	0.00%
CIP-Commons	1,500		(1,500)	0.00%
CIP-Parks	2,650		(2,650)	0.00%
CIP-Water	45,250	338	(44,912)	0.75%
CIP-Wastewater	12,750	1,047	(11,703)	8.21%
Library	2,000	368	(1,632)	18.38%
LLCM	2,500	1,297	(1,203)	51.87%
Commons	40,000	16,129	(23,871)	40.32%
Parks	6,000	1,420	(4,580)	23.66%
Streets	33,000	17,200	(15,800)	52.12%
Storm Drains	25,000	10,174	(14,826)	40.70%
Water	285,000	139,226	(145,774)	48.85%
South Tank	7,500	9,448	1,948	125.97%
Wastewater	265,000	151,858	(113,142)	57.30%
Totals	883,350	404,997		45.85%

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

Yachats Urban Renewal District Annual Report

Question Before Council:

This is the required report for the Urban Renewal Agency. It summarizes revenues and expenditures and is essentially the same information contained in the audit.

Person/Group Initiating Request:

Judy Richter, City Clerk

Item Summary/Background:

As the Board of the Yachats Urban Renewal District, this is the Annual Report. An abbreviated form of this report will also be published in the newspaper on January 16 and January 30.

Issues/Concerns:

Please review and let me know if you have any questions.

Yachats Urban Renewal District
Annual Report and Financial Statement
Fiscal Year July 1, 2017 – June 30, 2018

The City of Yachats has an urban renewal agency (Yachats Urban Renewal Agency) that receives property taxes to pay for projects and programs to improve the Urban Renewal District. Each year, urban renewal agencies provide a summary of their finances for public information. This report is in addition to the annual agency budgets, which are adopted after public hearings. The Annual Report & Financial Statement for the Yachats Urban Renewal Agency has been prepared for fiscal year 2018 based on audited financial information and is on file with the City of Yachats and the Yachats Urban Renewal Agency. Additional information is available to all interested persons by contacting Shannon Beaucaire, City Manager//Recording Secretary for the Yachats Urban Renewal Agency, at Yachats City Hall, 441 Highway 101 N, P.O. Box 345, Yachats, Oregon 97498; telephone (541) 547-3565; e-mail shannon@yachatsmail.org.

Urban renewal funds come from a variety of sources...but the most common source is through tax increment financing. Tax increment financing is the basic means of financing urban renewal projects in the State of Oregon. Tax increment financing becomes available when an urban renewal plan is adopted. The steps in the tax increment process are:

- When a plan is adopted, total assessed value in the renewal area becomes the "frozen base" of assessed value.
- The Assessor re-calculates the total assessed values in the area each year that the renewal plan is in operation.
- Tax increment revenue is produced when total assessed values exceed the frozen base value. The assessor calls this increase over the frozen base "excess value".
- Under Ballot Measure 50, growth in values comes from new construction, and a maximum 3% growth on existing property
- The tax increment revenue must be spent on activities written into the renewal plan
- The tax increment revenue must be spent inside the urban renewal plan boundary

Though urban renewal is a separate item on property tax statements, local property owners pay the same amount of tax whether or not an urban renewal district is established in their area. Basic property tax rates are fixed and will not change. Ballot Measure 50, which was passed by Oregon voters in 1996, requires urban renewal to be specifically shown on tax statements, but taxes shown on the tax statement to other taxing districts and government bodies are reduced by the same amount.

Fiscal Year 2018 Receipts and Expenditures

During the 2017-2018 fiscal year, the Agency received \$281,735.25 in tax revenue under from tax increment financing. The Agency had beginning fund balances of \$68,236.06. Expenditures totaled \$142,538.01 for payments to the City as per an intergovernmental agreement. The payment to the City was used for repayment of the wastewater treatment plant loan and administration and accounting services. \$207,433.00 was carried forward into fiscal year 2018-2019 as a beginning balance.

Impact on Fiscal Year 2018 Tax Collections for Overlapping Taxing Districts

The division of taxes process results in some property taxes, which would otherwise have been received by the overlapping taxing districts, being paid over to the Yachats Urban Renewal Agency. The taxing districts forego a share of the property tax income during the life of an urban renewal plan so that the urban renewal agencies can carry out the activities that increase property values in the long term. The total amount of property taxes levied in fiscal year \$281,735.25 which are subject to the division of taxes, and the estimated amount and percentage of property taxes foregone by the taxing districts as a result of the activities of the Yachats Urban Renewal Agency.

Fiscal Year 2019 Budget Receipts and Expenditures

Budget estimates for fiscal year 2019 show that the Urban Renewal Agency expects to receive \$271,000.00 from the division of taxes.

Anticipated 2019 fiscal year expenditures include a payment to the City of Yachats of \$95,000.00 for debt service for the wastewater treatment plant loan, \$100, 000.00 for debt service for the South Tank, \$18,000 to Capital Reserves for projects, \$13,000.00 for administration and accounting services. \$3,000.00 is budgeted for audit services and legal notices. \$249,433.00 was carried forward into fiscal year 20202 as a beginning balance.

This statement is hereby filed with the City of Yachats on January 10, 2019. Notice of this filing shall be posted and published on January 16 and January 30, 2019. The statement shall be made available to all interested parties.

Shannon Beaucaire
City Manager/Recording Secretary for the Yachats Urban Renewal Agency

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

System Development Charges Annual Report

Question Before Council:

As required by ORS 223.311, here is the annual report giving the revenues collected for Fiscal 2017-2018 for the SDC Fund and the uses of that revenue.

Person/Group Initiating Request:

Judy Richter, City Clerk

Item Summary/Background:

Collections for the year far exceeded what was budgeted. The only expenditure was a transfer to Debt Service for the WWTP.

Issues/Concerns:

Please review and let me know if you have any questions.

SYSTEM DEVELOPMENT CHARGES ANNUAL REPORT

DATE: December 31, 2018

As per ORS 223.311(1), an annual report shall be produced which lists the projects funded in whole or in part with System Development Charges revenues during the preceding year; the amount of money spent on each project; and the amount of System Development Charges revenue collected.

In City of Yachats, all System Development Charges revenues and expenses are segregated and accounted for in Fund 160 of the Municipal Budget and Accounting Records. At the time the charges are collected they are posted to the following accounts:

Water System Improvements
Water System Reimbursements
Sewer System Improvements
Sewer System Reimbursements

The amount for each of these charges is based on the existing capacity of city-owned infrastructures (reimbursements) and the costs to build future capacity to serve future users (improvements), based on a methodology adopted by City Council. System Development Charges may not be used for operations or maintenance of the systems.

Attached is a complete report of the activity in Fund 160 for the 2017-2018 Fiscal Year.

\$149,073.53 was carried forward from the previous year; \$127,247.81 was received in charges for the year.

\$40,000 was transferred to the Sewer Debt Service Fund.

Ending System Development Charges Fund Balance is \$236,321.34 as of June 30, 2018.

7/18/18
9:00 AM
YIJUDY
FUND-160 SYSTEM DEVELOPMENT CHARGE
DEPT-100 NON DEPARTMENTAL

CITY OF YACHTS
REVENUE/EXPENDITURE REPORT
7/01/17 THRU 6/30/18

PAGE 1
01/1/18

ACCOUNT	DESC	BUDGET	MONTH-TO-DATE EXPENSE/REV	YEAR TO DATE EXPENSE/REV	UNENCUMBERED BALANCE	%
R E V E N U E S						
3-01-0101	BEGINNING FUND BALANCE	260,000		149,073.53	110,926.47	57
	REVENUE	260,000		149,073.53	110,926.47	57
3-30-1500	INTEREST EARNED					0
3-30-4341	SDC WATER IMPROVEMENTS	6,000	15,775.56	15,775.56	9,775.56-	263
3-30-4342	SDC WATER REIMBURSEMENTS	3,000	21,431.62	21,431.62	18,431.62-	714
3-30-4343	SDC SEWER REIMBURSEMENTS	18,000	61,921.63	61,921.63	43,921.63-	344
3-30-4344	SDC STORM DRAIN IMPROVEME	8,000	28,119.00	28,119.00	20,119.00-	351
3-30-4430	LID ASSESSMENTS					0
3-30-4435	LID INSTALL PMT INVOICED					0
3-30-4852	TEMP INVEST EARNINGS	2,000			2,000.00	0
	REVENUE	37,000	127,247.81	127,247.81	90,247.81-	344
3-60-4875	CAPITAL RESERVE TRANSFER					0
	OPERATING TRANSFERS					0
T O T A L DEPT 100 R E V E N U E		297,000	127,247.81	276,321.34	20,678.66	93
E X P E N S E S						
5-50-8000	RESERVED FOR FUT EXPEND					0
	OTHER USES					0
5-60-7121	TRANSFER TO HWY 101 PROJ					0
5-60-7126	TRANSF TO CAPITAL RESERVE	40,000	40,000.00	40,000.00		100
5-60-7129	TRANS TO DEBT SERVICE					0
5-60-7176	INTERFUND TRANS- HWY 101					0
	INTERFUND TRANSFERS	40,000	40,000.00	40,000.00		100
	TOTAL PERSONAL SERVICES					0
	TOTAL MATERIAL & SERV					0
	TOTAL CAPITAL OUTLAY					0
	TOTAL ALL OTHER	40,000	40,000.00	40,000.00		100
T O T A L DEPT 100 E X P E N D I T U R E		40,000	40,000.00	40,000.00		100

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

Lincoln county discussion of Housing Project MOU

Question Before Council:

Discussion

Person/Group Initiating Request:

Wayne Belmont, Lincoln County

Item Summary/Background:

Memorandum of Understanding between the Oregon Dept. of Land Conservation
and Development and Lincoln County, Oregon

Memorandum of Understanding between the Oregon Dept. of Land Conservation and Development and Lincoln County, Oregon

Oregon Housing Planning Project – Housing Strategy Implementation Plans

This Memorandum of Understanding explains and memorializes a no-cost working relationship between the Oregon Department of Land Conservation and Development (DLCD) and Lincoln County, Oregon (County). The purpose of this collaboration is to analyze and adopt a housing strategy implementation plan to facilitate the provision of needed housing within urban growth boundary areas in Lincoln County.

BACKGROUND

Every region of Oregon is experiencing housing availability or affordability problems, or both. In some cases, the comprehensive plan for the urban area is out of date so housing needs have not been determined. In other cases, the need may be known but the zoning code presents barriers to development of needed housing or does not allow a variety of housing types to meet the diverse needs of residents. This project will provide assistance for the completion of products used to update comprehensive plans and zoning codes, or adopt other housing strategies and agreements, to help the County, Cities and Tribe address regional housing needs.

This project will provide assistance to increase the supply and affordability of housing within the boundaries of the County. DLCD will provide direct assistance (via a Consultant) to the County to complete the tasks indicated below in Section V.

DLCD has received a special appropriation of funds for 2018-2019 to assist local jurisdictions and tribes in updating their comprehensive plans and land use regulations to promote housing availability and affordability. The Oregon Housing Planning Project is financed with State of Oregon General Funds. State funds are paid under this Agreement by DLCD to Angelo Planning Group (Consultant) who will assist the County as described in the Scope of Work. No funds will be given to the County for tasks outlined in this MOU or any expenses incurred by the County as a result of this project.

PROJECT OBJECTIVE AND MAJOR DELIVERABLES

The primary objective of this project is to prepare a regional housing implementation strategy, with a package of recommended policy amendments that can be adopted individually or collectively by the County, Cities and Tribe. It is understood that the focus of the regional housing implementation strategy will be on current urban growth boundaries in Lincoln County. Major deliverables may vary depending upon the specific housing issue being analyzed. At a minimum, they will include completion of:

- Summary of major tasks and action items and a project schedule
- Background Report and Gap Analysis detailing:
 - Policies or strategies including codes and ordinances employed by one or more partners that have proven to be successful in promoting needed housing, those that

might be most effective if adopted county-wide, and those that might be barriers to promoting needed housing;

- Analysis of housing policies and strategies including codes and ordinances for consistency with current legal requirements;
 - Areas where best practices are not currently being employed;
 - Extent to which housing availability and affordability could be enhanced through full implementation of successful strategies, best practices, and removal of barriers to needed housing (i.e. collectively the housing implementation strategy);
 - Constraints or negatives associated with adoption of the housing implementation strategy;
 - Alternatives analysis for components of the housing implementation strategy where there are options related to cost charges, regulatory standards, or other variables;
 - Actions partners must take to carry out the housing implementation strategy.
- Notes from stakeholder interviews
 - Memo identifying opportunities for strengthening relationships between project partners and non-profits engaged in the provision of needed housing
 - Regional Housing Implementation Strategy, in report format, containing recommendations for policy changes specific enough that they can be readily incorporated into implementing ordinances.
 - Model urban service area agreements suitable for adoption by partner entities.
 - Resolution for project partners to accept receipt of the Regional Housing Implementation Strategy and convey interest pursuing its implementation.

Formal adoption of the Regional Housing Implementation Strategy by the County, Cities or Tribe is not anticipated to occur during the project.

ROLES AND RESPONSIBILITIES

County: Overall management of the Project will be the responsibility of the County. County will appoint a Project Manager to be the County's principal contact person for DLCD's Contract Administrator and the Consultant on all matters dealing with the Project.

Specific project management duties of the County will include:

- a. Coordinating project schedule and deliverables with Consultant;
- b. Coordinating County staff and Consultant work;
- c. Ensuring timely delivery of supporting County data/information to Consultant, if needed;
- d. Reviewing and editing Consultant work;
- e. Appointing one or more project advisory committee(s);
- f. Noticing, scheduling, and managing advisory committee meetings and public official work sessions, and public hearings, if any. Activities include preparing and distributing meeting notices, agendas, and summaries; and assisting the Consultant with meeting facilitation.

DLCD: DLCD will provide financial, administrative, and technical assistance to the Project. DLCD will participate on advisory committees. Additional technical assistance may be provided as requested by the County or Consultant. DLCD will review and approve Consultant's work, invoices, and progress reports. DLCD will review the Consultant's performance and deliverables

with the County prior to paying invoices received by the Consultant. DLCD will assist in the mediation of Consultant/County conflicts, or issues with the project or deliverables.

KEY CONTACTS

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Portland, OR 97205

mhastie@angeloplanning.com
(503) 542-3403

SCOPE OF WORK

The Oregon Housing Planning Project (Project) for the County of Lincoln is composed of the following tasks. The County and Consultant must create interim project deadlines as needed to manage the project (see Task 1). All Consultant work must be completed no later than June 30, 2019. Requests by the County or Consultant to change the Scope of Work outlined in this MOU, intended to modify the tasks or deliverables of the Consultant, must be reviewed and approved by DLCD.

Task 1: Project Kick-Off

County will coordinate with partners to form a Technical Advisory Committee (TAC) and a Policy Advisory Committee (PAC) and, in consultation with Consultant, will arrange for in-person meetings with the TAC and PAC to confirm project goals, objectives, and schedule; identify stakeholders in each community that should be interviewed; review housing and related information the partners are to compile for Consultant; and to understand the area's regional housing needs and concerns. Consultant will verify the action items identified through this initial round of meetings and will develop and share a proposed schedule for the actions required for the

completion of all tasks. The level of detail required for the proposed project schedule should be determined with mutual agreement by the County and the Consultant.

Task 1 Consultant Deliverables:

- Summary of major tasks and action items for the Project
- Confirmed list of stakeholders to interviewed
- Proposed Project schedule
- Advisory Committee meeting notes

Task 1 County Deliverables:

- Advisory committee appointments, meeting materials, notices and agendas
- Copy of relevant comprehensive plan provisions, studies, inventories, urban service area agreements, and related documents from each of the project partners

Deadline: Kick-Off to be held within 30 days of completion of consultant contract and MOU. This task might best be accomplished in one day, with a TAC meeting in the morning and a PAC meeting in the afternoon or early evening. Consultant could update informational materials between meetings.

Task 2: Background Report and Gap Analysis

Consultant will review housing policies, implementation strategies, agreements and related information provided by partners, legal framework for housing policies within the state, and best practices recommended by state/national planning organizations, DLCD, and others to inform the preparation of a background report that:

- Identifies policies or strategies employed by one or more partners that have proven to be successful in promoting needed housing, those that might be most effective if adopted county-wide, and those that might be barriers to promoting needed housing;
- Analyzes housing policies and strategies including codes and ordinances for consistency with current legal requirements;
- Highlights areas where best practices are not currently being employed;
- Assesses the extent to which housing availability and affordability could be enhanced through full implementation of successful strategies, best practices, and removal of barriers to needed housing (i.e. collectively the housing implementation strategy);
- Identifies constraints or negatives associated with adoption of the housing implementation strategy;
- Includes an alternatives analysis for components of the housing implementation strategy where there are options related to cost charges, regulatory standards, or other variables;
- Sets out actions partners must take to carry out the housing implementation strategy.

Consultant to distribute draft report for TAC review and comment before presenting results to the full TAC and PAC, and incorporating their feedback into the final draft.

Task 2 Consultant Deliverables:

- Background Report and Gap Analysis

- Presentation materials to explain preliminary analyses and findings to the TAC and PAC
- Advisory committee meeting notes

Task 2 County Deliverables:

- Advisory committee agendas and meeting materials
- Public meeting notice(s)

Deadline: Background Report and Gap Analysis to be completed, and advisory meetings held, on or before February 28, 2019.

Task 3: Field Work and Stakeholder Interviews

Consultant to tour communities in Lincoln County to obtain a working familiarity with local conditions. The tour is also an opportunity for the County, Cities, and Tribe to highlight successful housing projects, the reasons for that success, and properties that are not developing and the reasons why that is the case. In addition to touring the communities, Consultant will conduct up to twenty (20) interviews with key stakeholders involved, at some level, with the provision of needed housing in Lincoln County. The interviews can occur by phone or in person. Consultant may want to hold TAC/PAC Meeting No. 2, perform field work, and conduct in-person interviews over a consecutive 2-3 day period.

Task 3 Consultant Deliverables:

- Notes from stakeholder interviews

Task 3 County Deliverables:

- Develop tour itinerary in consultation with partners
- Assist Consultant in securing meetings with key stakeholders

Deadline: Field work and interviews to occur on or before February 28, 2019.

Task 4: Consultation with Business Oregon and Non-Profits

County to coordinate up to three (3) meetings between Consultant, partner communities, non-profits, and Business Oregon to discuss current collaborations and opportunities where relationships with non-profits, engaged in the provision of needed housing, could be strengthened. The consultation with Business Oregon will afford partners and Consultant an opportunity to better understand how the Community Development Block Grant (CDBG) program, administered by Business Oregon, could be leveraged with the assistance of non-profits to expand housing related services, including steps that can be taken to make an existing pool of CDBG low-income housing rehabilitation funds available for use throughout the County. Consultant to seek feedback from the TAC and PAC before finalizing recommendations. Information resulting from this task is to be included in the final report.

Task 4 Consultant Deliverables:

- Memo summarizing meeting results and potential follow-up action items
- Presentation materials for TAC and PAC meetings identifying opportunities for strengthening relationships with non-profits engaged in the provision of needed housing

- Advisory committee meeting notes

Task 4 County Deliverables:

- Coordinate meetings between Consultant, Business Oregon, non-profits, and partners
- Advisory committee agendas and meeting materials
- Public meeting notice(s)

Deadline: Consultations to be completed, and advisory meetings held, on or before March 29, 2019.

Task 5: Regional Housing Implementation Strategy (Preliminary Report)

Consultant shall prepare a preliminary report summarizing the work performed in Tasks 2 through 4, including the steps Project partners can take individually or collectively to carry out the regional housing implementation strategy. Recommendations for policy changes are to be specific enough that they can be readily incorporated into implementing ordinances. With respect to urban service area agreements, the report is to include model language suitable for adoption by partner entities. The preliminary report is to be distributed to the TAC and PAC for review and comment, with feedback being incorporated into a final draft.

Task 5 Consultant Deliverables:

- Regional Housing Implementation Strategy (Preliminary Report)
- New or amended housing policies recommended for each of the partners, and the region as a whole (including updates to urban service area agreements)
- Advisory committee meeting notes

Task 5 County Deliverables:

- Advisory committee agendas and meeting materials
- Public meeting notice(s)

Deadline: Preliminary Report to be completed, and advisory meetings held, on or before May 17, 2019.

Task 6: Regional Housing Implementation Strategy (Final Report)

Consultant will provide County with a final report incorporating comments received in Task 5, along with a draft resolution for Partners to formally acknowledge receipt and convey their desire to pursue implementation of the Regional Housing Strategy. County shall coordinate with the Project partners to arrange for presentation of the final report to policy making bodies.

Task 6 Consultant Deliverable:

- Regional Housing Implementation Strategy (Final Report)
- Draft resolution

Task 3 County Deliverables:

- Signed resolutions from Project partners (to be included with final report to DLCD)

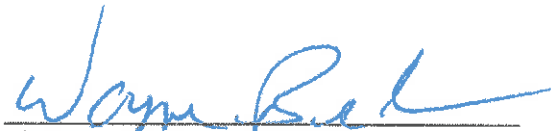
Deadline: Final Report to be completed, and signed resolutions obtained, on or before June 30, 2019.

OTHER CONSIDERATIONS

This agreement will be effective as of the date of the last signature. The termination of this document may occur by mutual consent of the parties with 60 days written notice.

Except as provided herein, nothing in this Memorandum of Understanding shall be construed as obligating the other party to expend funds or obligate future payment of money authorized by law and administratively available for this work.

County of Lincoln



Signature of Official

11/7/18
Date



Printed Name

Department of Land Conservation & Development



Jim Rue, Director

11/14/2018
Date



City Manager's Report January 16, 2019

Dear Mayor Moore and Councilors,

It is my pleasure to update you on some of our current project highlights.

- **Ocean View Drive:**

- **Background:** In October 2001, the City of Yachats entered into a settlement agreement. One of the items in the settlement agreement was for the County to transfer Marine and Ocean View Drive, and the trail to the City for transportation and pedestrian usage and to implement the Village Circulation Plan adopted by the City. This agreement is in the document library.

Work on this project paused around April 2017 due to attention required on other City and County projects. However, at the City Manager's request, monthly meetings to resume progress on this project began in October 2017. If weather conditions permit, it is the goal to complete this long outstanding project by June 30, 2019.

- Through meetings throughout the month of December, the following action items were developed:
 - **Property Easements:** Are with the City Attorney for review. Once approved legally, the City will work with each individual impacted Property Owner.
 - **Archeologist:** The City and County met with the State Archeologist and identified the areas for an archeological study. Requested drawings for the Boardwalk along Oceanview Drive and the guardrails have been submitted to the archeologist. The study is anticipated to occur in late January or February.
 - **Guardrails:** New Guardrails will be installed before the overlay is completed around mid-March.
 - **Culverts:** Yachats PWD identified 9 culverts running under Oceanview Drive. The County was going to send over their supervisor to talk to Yachats PWD about getting inserts ordered for the identified culverts that need them the most. These inserts will extend the life of the culverts. These inserts can be installed around the end of March.
 - **804 Trail Improvements:**
 - The County, City, and Trails Committee discussed, and agreed, to find and compact a better material to provide greater stability on the Trail.
 - The County, City, and Trails Committee discussed improving signage along the trail and including educational, wayfinding, and distance signage. Additional meetings about this item will occur January 24 and 30.
 - The County, City, and Trails Committee discussed the Boardwalk that was taken to Council in 2018. The archeological study noted above will review this area.
 - The County, City, and Trails Committee discussed the possibility of having viewing decks at the park at 7th and Oceanview Drive and the property towards the end of



City Manager's Report January 16, 2019

Oceanview Drive where the pump house is located. A member of the Trails Committee will draw a rendering of the decks and the City and County will work together utilizing mitigation funds.

- Property Connection between Marine Drive: The 804 Trail is connected from Aqua Vista to Marine/Oceanview Drive through a property that links the 2 streets. The County has asked the City for input on ideas for the Property. The trail easement would be maintained; however, the question is what ideas would look like for the remainder of the property. Ideas ranged from affordable housing to selling the properties (retaining the trail easement) for development and placing those funds into the mitigation account.
 - City Planner, Larry Lewis provided renderings about what could be built on each lot with current code setback requirements. The lot on Marine Drive could do a footprint of approximately 1800 square foot building footprint and the lot on Aqua Vista could hold a 2450 square foot building footprint (document located in the December 12, 2018 City Manager's Report)
- Street Condition/Paving:
 - On December 13, 2018 the City's Engineer of Record (Westech), County, and City Representatives met to discuss the condition of Oceanview/Marine upon transfer. These discussions will continue as we develop more information from the archeological studies and warmer paving conditions develop.

- **Lincoln County Housing Strategy Implementation Plans:**

- **Background:** The signed MOU is in the document library attached to the December 12, 2018 City Manager Report. It is also in the January 16, 2019 Council Packet. The MOU memorializes a no-cost working relationship between the Oregon Department of Land Conservation and Development and Lincoln County. The goal is to develop a regional housing implementation strategy for Lincoln County. The final report is to be completed on or before June 30, 2019.

Wayne Belmont is speaking at the January 16, 2019 Council meeting to discuss 2 opportunities for Yachats to participate. Two committees will be convened. The first, the technical advisory committee (TAC), will identify existing reports, data, codes, fees, and similar housing related materials that will be analyzed to see what gaps exist. Initial discussions between the County and the consultants identified planners for most of the jurisdictions as the members of this committee. But it is up to each municipality to identify who might best assist us. It can be more than a single person.

The second committee is the policy advisory committee (PAC) which will review the gap analysis, and the goals and strategies and implementation of the regional plan. The County envisioned this group would be made up of city or tribal managers/executive directors and/or elected officials. It again does not have to be a single individual for each partner, but can



City Manager's Report January 16, 2019

be multiple representatives. Also, there is no reason a person could not serve on both committees.

- **Website Redesign:**

- **Background:** In July 2017 the City issued an RFP for a website re-design. The background leading up to the issuance of the RFP is in the document library labeled *Council IT Memo*. Throughout an extensive process, the City decided to sign a contract with Civic Plus to redesign the City's website and provide a robust integrated reservation system. Civic Plus (www.civicplus.com) specializes in municipal web design and software. The Civic Plus contract is in the document library. The goal is to complete the redesign and reservation system on, or around, June 30, 2019.
- On January 10, 2019 the City Manager was involved in the Kick-off meeting with Civic Plus. Timelines, process, and responsibilities of Civic Plus and the City were discussed. It was also discussed that a separate Civic Plus team will be involved with the development of the integrated reservation system (CivicRes).

The City Manager will be the primary point person for both implementation teams, with lots of assistance from the team to achieve all homework items and keep the process moving forward. During the kick-off call the City Manager adjusted initial project deadlines to allow for other project and meeting deadlines. An updated project timeline is scheduled to be released around January 18, 2019. The City's first homework assignments are due February 15, 2019. The next steps, as outlined are as follows:

Next Steps

- Complete the Team, Audience and Goals tabs in your [Project Workbook](#)
- Upload the following to your project SharePoint in the [Client Deliverables folder](#):
 - Photos for Design
 - Logo(s) & Branding Materials
 - Website Analytics (if available)
- Submit the [Design Discovery Form](#)
- Submit the [DNS Form](#)

Submit the [CP Pay Merchant Services Boarding Form](#) for CivicRec.

We will be utilizing the members of the RFP selection committee to review the project at appropriate points in development. This will allow for public engagement in the process as it continues to move forward.

- **Library Expansion/Remodel:**

- A new rendering, developed and approved by the Librarians and Library Commission, has been discussed at the January 11, 2019 meeting and submitted to the architect to develop plans suitable to going out to RFP. A draft RFP, and funding plan, are being developed for approval by Council.



City Manager's Report January 16, 2019

- **Little Log Church and Museum Repairs:**
 - **Background:** The Little Log Church walls are made from natural logs, setting on a post and beam foundation system. The original log structure was completed in 1930. Modifications to the exterior church walls were made in the mid 1990's, which consisted of replacing selected wall logs with new peeled logs. The attached museum structure has walls made from log siding material. The museum foundation has a concrete stem wall and footing around the perimeter, and interior post and beam floor support. There is a crawl space access on one side of the building, with a narrow opening for access. The full engineer's analysis is in the document library labeled *LLC&M Engineers Analysis*. We had been utilizing Red Hat Construction to narrow down options for the LLC&M, but due to the demands of the Contractor and concerns about the continued deterioration of the LLC&M, we moved forward with the Engineer's Analysis.
 - At the January 11, 2019 meeting with the architect, the City Manager asked if the firm could help with developing a suitable drawing to go out to RFP. The Engineer's Analysis has been submitted and we are awaiting input.
- **Introduction of New Planner:**
 - Upon Larry's retirement, Dave Mattison is serving as our contract planner and code enforcement officer. Dave will be in Yachats on Tuesdays but will also be working remotely during the week to serve our community. Dave comes from an extensive planning background and has already spent the day with Larry learning about current projects. Larry will be available to answer questions as Dave comes on board. I asked Dave to do a little write up to tell a little about himself to the community and that has been posted on the City's Homepage.
- **City Entrance Signs:**
 - Updates to the North and South City entrance signs have been approved in the FY19 City capital improvement plan. The artwork, and \$5,375.00 quote (which is less than the budgeted figure), have been approved by the Parks & Commons Commission and City Council. The quote is attached to the December 12, 2018 City Manager report. Implementation is being scheduled.
- **City Hall Proposal:**
 - **Background:** At the direction of Council, the City Manager presented a proposal for architectural work to develop a conceptual design for City Hall at the 501 Building. The City Manager eliminated the multiple designs and 2 in-person trips by the architect, reducing the initial proposal by \$3400. The proposal includes only 1 in-person trip with multiple teleconferences about special needs and desires for multiple uses within the 501 building. The architect also stated if the City wanted him to come to a Council meeting and/or do a Charette with the public, those would be at additional costs.
 - The City Manager had the first 2-hour teleconference with the architect on Friday, January 11, 2019.
- **King Tide Filming**



City Manager's Report January 16, 2019

- Barry Campbell came into the office on Friday, January 11, 2019 to let us know that he was filming the King Tides in the State Parks with a drone. I asked him if he would give a short summary of what he was doing for the community and that has been posted on the City's homepage.
 - As a FAA Certified Commercial Drone Operator under Part 107 Rules: I am hoping to film with a Drone during the King Tides this month (January 18-23) depending on the weather. I'm filming with permission from the State Parks the coastal areas managed by the State Parks in the Yachats Community. The flights will be of relative short duration all being over the ocean and bay areas, not over people or private land following all FAA Part 107 Regulations.

- **Multi-Purpose Room Flooring:**

- Monday, January 7, 2019 the Contractor discovered that the tile under the old laminate flooring is not stable enough to glue the new flooring to and must be removed – otherwise our new flooring would fail.

Due to a State Law that went into effect January 1, 2019, all building materials that are removed from a building - that were installed prior to 2008 - must be tested for asbestos before they can be removed. Testing results can take up to two weeks. The laminate flooring - that had been laid on top of the tile and had been separating - was installed in 2012-13 so it doesn't need to be tested. As soon as we were made aware of this new development, we reached out to our community partners who were going to be using the building.

We want to make sure that we can continue our valuable community events while we wait for test results, so we have placed a piece of plywood over the small section of exposed tiles by the storage room. We have placed an area rug over the plywood and taped both of those down. Community events and classes have resumed.

We will look at resuming work in March to allow plenty of time for the testing and our community events scheduled throughout January and February. Due to the extra work to remove the tiles underneath, it is anticipated that it will take 2-3 weeks to complete installation of the flooring. This information, as well as updates, will be posted on the City's Homepage.

- **FY19 Financial Accomplishments:**

- The City was awarded \$100,000 ODOT Small City Allotment grant towards the East 2nd Street Improvement Project. A copy of the grant is in the document library attached to the December 12, 2018 City Manager Report.

The City also applied for West 1st Street Improvements. The City did not receive the grant for W 1st street; however, we were notified that applications for 2020 funding will be accepted in a few months.

Public Works Report:



City Manager's Report January 16, 2019

Date: January 2, 2019
To: Shannon Beaucaire, City Manager
From: Public Works Department
Re: December 2018 Public Works Report

Rain fall at Yachats Public Works:

Year	<u>2018</u>	<u>2017</u>	<u>Inches</u>	<u>2016</u>	<u>2015</u>
December	10.53	4.41		7.82	25.63
Rain year to date:	59.66	76.31		70.71	68.33

Total water production: 4,0044,300 gallons
Total wastewater treated: 7,104,000 gallons

The following is a list of what was done by Public Works staff outside of normal operations:

Streets:

- Storm clean-up—street cleaning of storm debris.

Drainage:

- Cleaned culverts after storm.

Water:

- Plant maintenance.

Distribution Sys:

- Hydrant maintenance on hydrant at Mitchell Lane and Yachats Ocean Drive.
- Water leak on Hill Court. **See Attached Report**
- Hydrant repair on hydrant at Hill Court.
- Water main repair on Hill Court.
- Water service repair on E. 3rd St.
- Water service test on Driftwood Lane.
- Installed water service on 8th St.
- Attempted to send water to SLWD.
- Meters read.



City Manager's Report January 16, 2019

Sewer:

- WWTP Maintenance

Collection Sys:

- Pulled pumps at Parkside P.S. for inspection.
- CCTV'd 320 feet of sewer main on 8th St. 120 feet on Hwy 101 N.
- Flushed and cleaned 160 feet of sewer main on 8th St.
- Assisted Nathen Benard with sewer service issue. **See Attached Report**

Sewer & Water CIP:

- Searching for 2000-gallon tanker truck.
- Gathering information for the pole barn company.

Public Works:

- Fueled generators.
- Old jetter motor dismantling.
- Responded to storm issues and power outages.
- Storm clean-up—street cleaning, down tree removal, PW fence repair and culvert cleaning.
- Hauled pallets to the Commons bonfire site.

Commons & City Hall

- Hauled pallets to the Commons bonfire site.
- Replaced Commons roof cover.

Emergency Preparedness:

- Contracted to have 200 feet of the top of Crestview Drive cleared to relocate the South Emergency container.

Hill Court Water Leak Report

12/10/18

4am

Leak begins

5:41am

Received a call from the answering service stating a channel 4 alarm at the water plant.

5:55am

Arrived at the water plant and could not find an alarm on the control panel.

- Checked SCADA alarms and found it flashing red and in alarm mode.
- SCADA system said 250k Reservoir was at a low level alarm.
- Checked another page on the SCADA system and found the South Reservoir was at 9.7 ft and dropping.
- The 1M gallon reservoir showed a level of 18.5 +/- ft.



City Manager's Report January 16, 2019

6:05am Drove to the South Reservoir to investigate and found the level gauge on the side of the tank reading 8 foot.

- Immediate began inspection of the new pipe installation area but did not find anything.

6:12am Called Water lead at home and told him what was happening. Water lead dispatched to City and continued search for the leak.

- Looked on Windy Way working my way North on Hwy 101.

6:38am Saw a “river” water flowing down the ditch on Hill Ct.

- Located an enormous amount of water coming out of the ground around the fire hydrant.
- Called Water lead's work cell and told him the leak is found.
- Water lead arrived to see and I shut the valve to the water line.
- Leak stopped.
- Placed cones around the affected area.

- 3.14 feet was lost from 1,000,000 gallon reservoir equaling 104,666 gallons
- 20.2 feet was lost from new 250,000 gallon reservoir (South Tank) equaling 157,812 gallons – alarm triggered
- A total of 262,478 gallons was lost in the matter of 2.5 hours at the rate of 1,700 gallons per minute.
- Although the major part of the leak was contained, there was still an 8 gpm leak happening while we waited for utility located.

6:50am Drove up to the South Reservoir and saw the staff gauge to be about 3 ft.

7:30am Dispatched 3 team members to assess the problem and make the repair.

Summary of Associated Costs:

12/10/18 06:30am thru 12/12/18 12:00pm = 29.5 hrs x 60min x 8 gpm = 14,160 gallons

Total gallons lost due to the leak event;

104,666 from big reservoir

157,812 gallons from new reservoir

14,160 gallons lost in repair time

276,638 gallon/748 = 369.8 units of water x \$5.18 = \$1,915.50

- 748 are the number of gallons per unit of water



City Manager's Report January 16, 2019

- \$5.18 is the price per gallon without the base rate

Labor cost;

40 hours x \$55 = \$2,200

Total cost of leak:

Labor \$2,200 + Lost water \$1,915.5 = **\$4,115.50**

Conclusion

- Manufacturer of Earthquake valve stated it was calibrated within the parameters and if the valve was adjusted lower it might close during a fire if 2 hydrants were in use. So, PWD is leaving the valve as is.
- Alarm system worked great. Alarm was activated when the reservoir hit 12 feet (alarm set point)
- Public Works staff responded with expertise to save the reservoir storage total.
- It appears that when the fire hydrant was installed (years ago) the bolts, underground, were not tight and that over the years they loosened until the hydrant came off the line.



City Manager's Report January 16, 2019

Sewer Line Report

This timeline incorporates the work that went into the Sewer Issue Property owner raised at December 12, 2018 meeting.

Background: Per PWD property owner said his sewer service was plugged and felt it was caused by work done during the undergrounding of utilities phase of the Hwy 101 Project. When PWD located his service connection, PWD could not give an exact position. There was concern that the blockage may be under the new sidewalk.

City Manager's goal was to identify who was responsible and facilitate resolution for property owner, whether that meant the City taking responsibility or whether that meant facilitating communications between property owner and contractor responsible for the damage.

Thursday, December 6, 2018

- PWD was notified that property owner needed his sewer lateral located for his blue building in front of the Commons.
- PWD CCTV'd the sewer main line and located approximately where property owner connection is. It appeared that dirt was showing in the lateral connection.

Friday, December 7, 2018

- **10:50am** PWD notified by City Office that property owner had exposed his sewer lateral and wanted to talk with me about it.
 - PWD looked at property owner hole dug and discussed with property owner options to find the plug in his sewer lateral.
 - PWD suggested to property owner that he should install a clean-out at his property line and if he did we could use our CCTV to see if the City side was plugged.
 - Updated City Manager
- **2:00pm** property owner called and requested PWD come over with the CCTV because he opened the pipe.
 - 2 PWD workers arrived on site and used the camera to look at the City side of the sewer lateral and found it to be free of debris and sound in structure.
 - PWD then used the camera to examine the sewer lateral going from the opening in the pipe to the property facilities and found it to be collapsed (crushed).
 - property owner expressed concern that tenants that were expecting a sewer inspection the early the following week. He wanted to know if the City was going to fix it or he can do it and bill the City.
 - PWD told property owner that they did not have authority to authorize any work and PWD needed to discuss it the City Manager first.
 - PWD went to City Hall and asked that a message be given to City Manager to call me when she had a chance to.
 - At some point between **4:30pm-5:30pm** City Manager called Wastewater Lead at home. We discussed the situation and that Nathen would fix it and bill the City due to his time line he



City Manager's Report January 16, 2019

was working on. PWD told City Manager that the trench had a 240 volt power line in it and it take time for us to fix it.

- City Manager stated that the City would facilitate the communication between property owner and the contractor responsible to resolve the issue. City Manager instructed PWD to tell property owner that he can come to City Hall the following Monday and talk about resolving the problem.
- **5:46pm** Water Lead read and responded to Wastewater Lead email about the property owner's sewer lateral break that appeared to be caused by the undergrounding of electric utilities during the 101 project.

Saturday, December 8, 2018

- PWD called property owner phone number and left a message. PWD told him the problem was PUD/Pac-Ex issue but the City would help him with resolving it and to come in Monday to discuss it. PWD also told him if he chooses to move forward with fixing it then property owner should document everything.

Monday, December 10, 2018

- **9 AM:** City Manager
 - Visited site with property owner. Explained City not responsible but would facilitate in helping get the situation resolved
 - Researched excavation contract – spoke with City attorney to confirm contract language
 - property owner stated if it took too long he would do repair
- **9:30 AM** City Manager spoke with PWD about 3 potential responsible parties
- **10 AM** – City Manager instructed team to call County to see if permit required to do repair work
- **PWD** Met with property owner. True nature of the lateral blockage is still own known. Owner is excavating and searching for the sewer lateral on the north side of the building.
- **PWD** Contacted Reece Engineering (Engineer of 101 project) – Reece stated past 1 year warranty but would call Pac Ex
- **PWD** Received a phone message from property owner that he had exposed the other end of his collapsed sewer lateral and wanted to know if we could come over with our “Vac truck” to clean the ditch.
- **3:30 PM PWD** spoke with property owner. Property owner had dug back to building and revealed more pipe. Property owner pursuing with fixing issue. Met with property owner and learned the sewer lateral was actually on the south side of the building. Owner excavated the length of the sewer lateral and found that while Pac-Ex(101 project) was under grounding the power from 101 to the building dug through the sewer lateral. It was obvious. Expressed to the owner that if he wanted to be reimbursed for the repair that it would most likely take 1 or 2 weeks for the City to narrow down the exact responsible party. Property owner expressed he needed to get it done sooner and was going to move forward on the repair with the expectations of being reimbursed one way or another. Rick did not notify City Manager of this conversation.
- **4:30 PM** – City Manager received confirmation from attorney. Concerns of documentation, destruction of evidence.



City Manager's Report January 16, 2019

Tuesday, December 11, 2018

- City Manager:
 - **8 AM** – Asked Planner to contact Reece Engineering and see if can get movement past warranty claim.
 - **10 AM** – PWD advised property owner was moving ahead. City Manager called both Planner and PWD in to discuss:
 - Destruction of evidence, other permit and license issues
 - Directed PWD to relay information to Property Owner as PWD was the last to talk to Property Owner about Property owner repairing the sewer himself
 - Planner had gotten Reece engineering to negotiate with PacEx Excavation to repair the work within 10 days.
- **PWD 10:30 AM** Talked with property owner on the phone and told him that PWD and the City manager recommended he should halt the repair work and let the discovery process and search for responsible parties last a little longer.
 - This was unacceptable to the property owner and told PWD he was moving forward.
- **City Manager: 11 – 11:45 AM**
 - Property owner called and claimed city manager was causing trouble with County and selectively enforcing on property owner. Several times City Manager had to ask property owner to stop screaming through the phone. Property owner spoke about his impact on the community, threatened to sue. Property owner circled numerous times in conversation and continued to scream. City Manager stated that it was as simple as getting a permit if needed. Property owner accused City of dragging its heels in resolving matter. City Manager offered to provide number to person that offered to fix the situation. Property owner refused Reece's number because he stated couldn't get along with them.
- **3:30 PM City Manager:** Property owner came into office angry. Accused City of not having roof permit – City Manager stated contractor was to obtain one. Property owner accused again of selective enforcement. City manager stated respect for property owner's opinions but recognized that they saw the "facts" differently. Property owner accused City Manager of not knowing the city and doing her job. After 20 minutes, property owner began circular arguments again and city manager stated need to get to a report that was on a timeline. Property owner stormed out after stating save time at Council tomorrow night for me.
- **3:30 PM Planner** – had call from Al at County. Can't find permit for Commons roof contractor was to obtain. County had permit application by 4:33 PM – contractor needed to get info to County. Planner called contractor
- **4:30 PM Shannon** – Left Voicemail for Property owner, stated City Manager had wrong information about tenant filing land use compatibility statement – City Manager stated they did actually file. Noted that was part of the trouble with rushing information – the research was not actually completed and yielded wrong information until further time and digging allowed. Also stated County informed no permit on file for Commons and City was filing as City needed to meet the law just like everyone else.



City Manager's Report January 16, 2019

Wednesday, December 12, 2018

- Property owner arrived at Council and provided public comment

Thursday, December 13, 2018

- **10 AM Facilities Manager** Confirmed Contractor had talked to County about Commons roof permit
- **10:30 AM PWD** Negotiated with the Reece and PacEx to reimburse the property owner for repairs, they agreed, if the final bill was non-inflated and fair. City Manager directed PWD to contact the property owner and told him the good news. He was happy with that result and told the city thank you. As a courtesy, City Manager directed PWD to inform the owner that all he must do is hand the bill into the City and we will facilitate the reimbursement.

Friday, December 14, 2018

- City Manager emailed county noting we wanted a copy of the final permit for the Commons
- Additionally, City Manager asked for the list of the 8 roofing projects in the City that property owner referred to at council that did not have permits for City to follow up on.

Monday, December 17, 2018

- **9 AM**— County building official. Stated he did not know what property owner was talking about regarding the 8 roofing projects. County stated that he did not talk directly to property owner; however, property owner spoke with another employee and asked about 3 buildings: The Commons (which City fixed), The Drift addition (permitted) and another restaurant remodel - which is also permitted.

Thursday, January 10, 2019

- City Manager had PWD follow up with owner several times to get a copy of the bill. On January 10 it was finally submitted and City forwarded it to PacEx for reimbursement as promised.
- A second issue regarding the storm drain line was discovered this same week and the City has already reached out to PacEx to determine how best to facilitate resolution for the property owner.
- Commons Roof Permit issue is resolved and the City has the permit.

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

Visitor Center Report

Question Before Council:

Informational

Person/Group Initiating Request:

Visitor Center

Item Summary/Background:

Monthly report

CITY OF YACHATS VISITORS CENTER October-December 2018 Activities Report

Submitted by Beverly Wilson, Contract Director

CONTACTS	OCT-DEC '14	OCT-DEC '15	OCT-DEC '16	OCT-DEC '17	OCT-DEC '18
Visitors Logged at VC	1,579	1,631	1,798	1,702	1,646
Yachats Visitor Brochures/maps distributed via outdoor box at VC, at local festivals, to Groups, and Merchants (approximate #)	725	775	850	900	1,400
Phone calls logged	393	379	358	342	333
Info requests from individuals & Travel Interest Leads from OCVA, Travel Shows and leads from TO advertising.	945	996	2,967	2,901	3,044
Total # of Q Contacts with visitors/prospective visitors	3,642	3,781	5,973	5,845	6,423
Not shown in these counts are thousands of contacts made through Yachats.org and VisitYachats social media.					

The Visitor Center was open daily 10 am to 4 pm through October, and on Fridays, Saturdays, and Sundays during November and December. The center was also open Thursday, December 27, and on Monday, December 31, New Year's Eve.

Committee Work and Meetings this Quarter

- *Oregon Coast Visitors Association Film Crew*
Worked with an OCVA film crew producing short vignettes on shoulder and low season travel, food trails and culinary destinations on the Oregon Coast. Provided contacts for cooking demonstration segments, farm and food trails, specialty foods, and scheduled a private expert-led guided mushroom walk and mini-interviews. The crew spent a full day filming here on Saturday during the Yachats Village Mushroom Fest.
- *Oregon Coast Visitors Association – Rural Tourism Studio Follow-up Meeting*
Met with OCVA representatives and remaining original committee members of Travel Oregon's South Lincoln County Rural Tourism Studio. We discussed potential new and follow up projects, ways that OCVA/Travel Oregon could support and build upon our original work, and agreed upon a general concept, which OCVA then proposed to Travel Oregon. It has been accepted and will mean much greater presence on Travel Oregon's website for our region and the many "trails" and ways that people can explore and enjoy this coast, reaching beyond hike-bike-paddle, to include art trails, culinary trails, agritourism, etc.

OCVA and Rural Tourism Committee members will be working with Travel Oregon through Travel Oregon's website rebuilding process.

- *Yachats Coordinated Marketing Team*

Held our team meetings in October and November and attended additional projects meetings as needed for the following:

1. Yachats Winter Celebration Month (Thanksgiving through New Years):
 - a. Contacted local nonprofits and businesses for winter celebration events updates.
 - b. Formatted the Winter Celebration schedule into print and digital formats.
 - c. Broadcast the events schedule and continually updated it as new information filtered in over the weeks.
2. Oregon Coast Honey Lovers Festival – the 2nd annual is scheduled for February 9, 2019.
 - a. Met with committee chairs in October and November and twice in December.
 - b. Drafted several festival communications letters, publicity updates, and vendor form.
 - c. The date of the fair was changed to precede Valentine's Day with the objective of drawing visitors to town on a weekend that is not typically busy.
 - d. Participated in team discussions about ways to expand and enhance this event.
 - e. The festival has a culinary and educational focus that features honey and mead tastings, honey-themed exhibits, vendors, a keynote and other speakers, demonstrations, and children's activities. In addition to opportunities for learning about honey, honey bees and beekeeping, the festival provides opportunities to learn about other pollinators, pollinator friendly gardening and other pollinator friendly practices. Local restaurants will offer special dishes and beverages featuring honey, and some shops will offer themed goods and crafts during the weekend. The festival program has been expanded this year, as has its hours. We will be adding a Saturday night "Honey Hoe Down" from 6-9pm. This brings a festive closure to the event and includes a bonfire, live music, light food, mead, and more.
3. Advertising - coordinated production of our advertising for 2019, including:
 - a. Print/Online Yachats Ads in *Willamette Living* / *Portland Metro* / *Capital Edition*
 - b. Yachats Print Ad in OCVA's *Official Oregon Coast Visitor Guide*
 - c. Yachats Web Ad on OCVA's Cities/Activities pp. + banner in coast newsletter
 - d. Yachats Ad in *Travel Oregon Magazine*. This 1/12 page also provides us with access to coast travel interest leads from Travel Oregon.
 - e. Yachats Ad in *Oregon Coast Magazine* / *OCM Mile-by-Mile Guide*

Media

- *Oregon Coast Magazine* – provided events calendar dates, and additional information about the Oregon Coast Honey Lovers Festival.
- *Willamette Living/Portland Metro/Capital Living* – provided events information for online postings.
- Broadcast events news releases; provided calendar updates to events/tourism websites.
- Made regular Facebook/Twitter posts (as a volunteer). Coordinated with Cape Perpetua in sharing and reposting their Saturday Speakers Series announcements and their posts about local conservation events, as well as adding these events to our website's events calendar.

YACHATS VISITORS CENTER
FY 2018/2019 QUARTERLY BUDGET REPORT
submitted 1/4/2019

BUDGET ITEM	2018/2019 BUDGET	FY 2018 Quarter 1 July-Sept 2018	FY 2018 Quarter 2 Oct-Dec 2018	FY 2019 Quarter 3 Jan-Mar 2019	FY 2019 Quarter 4 Apr-June 2019	YEAR TO DATE
FACILITY						
Rent	6,600.00	1,675.00	1,725.00			3,400.00
Repair & Maintenance	575.00	0.00				0.00
Restroom - cleaning and supplies	750.00	200.00	387.41			587.41
Supplies - Office/Misc	1,250.00	123.18	107.30			230.48
Accounting	500.00	0.00	200.00			200.00
PERSONNEL						
Contract Director	37,850.00	6,308.32	9,462.48			15,770.80
Administrative Assistant						
History Walking Tour Dev	7,590.00	160.00	80.00			240.00
Volunteer Training	500.00	0.00				0.00
PROMOTION						
Yachats Brochure/2-year surplus	1,750.00	0.00				0.00
Printing Costs - Lists, Postcards, Attractions Map	2,550.00	1,668.53				1,668.53
Postage: Information/Mail-outs	1,750.00	0.00				0.00
Telecommunications - Phone/800#	2,250.00	484.74	829.86			1,314.60
Memberships - OLA, OCVA	600.00	400.00				400.00
Travel OR Brochure Dist	250.00	0.00				0.00
Oregon Coast Magazine	0.00					
OCVA and Travel Oregon	0.00					
Willamette Living (& Portland Monthly & Salem editions)	0.00					
Radio	0.00					
Social Media and Video	0.00					
TOTAL	64,765.00	11,019.77	12,792.05	0.00	0.00	23,811.82
Advertising with City Manager approval. Outside of the City/Chamber Contract						

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

Charter Revisions

Question Before Council:

Present updates to the charter from Council members

Person/Group Initiating Request:

Council

Item Summary/Background:

Updates to the Charter

VAALER EDITS 1/15/19

Preamble

Chapter I Names and Boundaries (Sections 1-3)

Chapter II Powers (Sections 4 - 6)

SECTION 4 "POWERS" should be "Section 4 Powers."

Chapter III Council (Currently Sections 7 - 14)

Section 8 lines 4 and 5 Insert "of all" between "and" and "committees" and "by" between "ordinance" and "by." The sentence then reads

With the consent of council, the mayor appoints members of commissions and of all committees established by ordinance or by resolution.

Insert current section 27 Qualifications as Section 9 and delete it from its current location. This will require renumbering of all subsequent sections, but the section numbers below are the current numbers.

Change (c) of the Qualifications section to read "An elective officer shall not be an employee of the city. However, with council approval, an elective officer may serve in a contract or volunteer."

Section 13 This section would be better entitled "Vote requirement for a decision."

At our 1/9 work session, Council agreed to add

In the event of a major emergency such as a natural disaster that limits the ability of council members to meet, the council may act by a majority of those who are able to participate in a meeting in person or by electronic or other means. Any such emergency action shall be reviewed at the first opportunity to have a quorum consider the action.

At our 1/9 work session, Council discussed adding i) concerning coercion of the manager to this section. However, the charter has not yet mentioned a City Manager, so this is inadvisable.

Chapter IV Legislative Authority (Currently Sections 15 - 17)

Section 16

(c) line 2 - Insert "attending the meeting" between "public" and "before"

(d) Revise to read "After a vote on any ordinance, the vote of each member must be entered into the council minutes."

There should be a line space between items (d) and (e)

Section 17 Edit the second sentence to read

An ordinance may take effect as soon as adopted or at another date less than 30 days after adoption if the ordinance contains an emergency clause.

Chapter V Administrative Authority (Currently Sections 18 - 20)

Section 19

(b) line 2 Insert "attending the meeting" between "public" and "before"

(c) Revise to read "After a vote on any resolution, the vote of each member must be entered into the council minutes."

Chapter VI Quasi-Judicial Authority (Currently Sections 21 - 23)

Section 22

(b) lines 1 and 2 Insert "attending the meeting" between "public" and "before"

(c) Revise to read "After a vote on any order, the vote of each member must be entered into the council minutes."

Chapter VII Elections (Currently Sections 24 - 32) This chapter should perhaps be renamed or split into multiple sections. It includes the qualifications section.

Section 24 line 3 delete blue suggested edit ~~four~~two. This was agreed to at 1/9 work session.

Section 26 Revise the first sentence to read

City elections shall be conducted in accordance with state law, but the city may adopt election ordinances or charter provisions as allowed by state law.

Section 30 Revise to match our oath if it does not already do so. Perhaps this requires us to add "and the charter and ordinances of the city."

Bandon's charter includes

Section 23. Oath of Office: Before entering upon the duties of the office, each officer shall take an oath affirming (1) support of the Constitution and laws of the United States and the State of Oregon, and the Charter and Municipal Code of the City of Bandon and, (2) that he or she will faithfully perform the duties of the office

Add the following section just after section 26

Section __. Tie votes. If another method is not dictated by law, in the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Cannon Beach includes precisely this wording but not "If another method is not dictated by law,"

Section 32 Filling of Vacancies.

The following suggested revision is the result of studying the charters of Ashland, Canon Beach, Corvallis, especially National Civic League. The various number of days should be considered carefully.

If a councilor member is unable to attend council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.

A mayor or councilor vacancy shall be filled by appointment by a majority vote of the remaining members of the council. If simultaneous vacancies exist, the council may fill them concurrently or sequentially. (Notwithstanding the requirement in section 13, if at any time the membership of the council is reduced to less than 3, the remaining members may still by majority action appoint additional councilors to raise the council membership to 5. However, in this case the appointments should be made sequentially.)

Prior to any vote to fill a vacancy, the council must announce the vacancy and allow at least one week for volunteers to submit their names. All volunteers who meet the requirements for councilor and who submit a written application to fill the vacancy must be interviewed at a council meeting prior to a vote being taken to fill the vacancy. Should the vote result in a tie, a second vote will be taken with ranked voting of the candidates. As required by law, all votes will be public. If a tie still remains after preferential voting, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Each appointee's term of office begins immediately on appointment and shall continue until the earlier of the end of the term of the counselor being replaced or until the beginning of the year following the next general biennial election occurring more than 100 days after the appointment. In the latter case, at the upcoming general election, a successor shall be elected to fill the unexpired term of the predecessor in office of the appointee.

If the council fails to fill a vacancy within 60 days following the occurrence of one or more vacancy, a special election to fill the vacancy(ies) will be held as soon as is practicable.

Chapter VIII Personnel (Currently Sections 33 - 35)

Begin with new sections concerning city manager, attorney, and judge. There have been some modifications made to sections (b), and (d) and (e) as compared to the LOC model charter. The modification to (b) was discussed at the 1/9 work session. The modifications in (d) and (e) give the Council additional flexibility.

Section __. City Manager.

The office of city manager is established as the administrative head of the city government. The city manager is responsible to the council for the proper administration of all city business. The city manager will assist the council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the entire council must appoint and may remove the manager. The appointment must be made without regard to political considerations. It must be made solely on the basis of the council's judgement of ability to effectively perform the duties of the position.

(c) The manager need not live in the city.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the entire council. The council must fill the office by appointment as soon as practicable after a vacancy occurs unless the council declares by resolution their intention to do otherwise.

(e) The duties of the manager will be spelled out in the manager's contract. Duties will include the following items (1) - (11) unless the council passes a resolution modifying the duties.

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;
- (7) Administer city property and utilities;
- (8) Encourage and support regional and intergovernmental cooperation as appropriate
- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
- (10) Perform other duties as directed by the council;
- (11) Delegate duties, but remain responsible for actions of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge. The manager shall cooperate with the auditor appointed by the council and shall respect the independent status of the auditor.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager, may take part in all council discussions.

(h) When the manager is temporarily unable to act as manager or when the office of manager becomes vacant, the council may appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove management employees only with council approval.

No council member may directly or indirectly as an individual attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

Section __. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the entire council shall appoint and may remove the attorney. The attorney may appoint, supervise, and remove employees who work in and for the city attorney's office.

Section __. Municipal Court and Judge.

A majority of the entire council may appoint and may remove a municipal judge. A municipal judge will hold court at such place as the council directs. The court will be known as the Municipal Court.

All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by city ordinances. The court also has jurisdiction under state law unless limited by the city ordinance.

(e) The municipal judge may:

Render judgments and impose sanctions on persons and property;
Order the arrests of anyone accused of an offense against the city;
Commit to jail or admit to bail anyone accused of a city offense

- (4) Issue and compel obedience to subpoenas;
- (5) Compel witnesses to appear and testify before the court;
- (6) Penalize contempt of court;
- (7) Issue processes necessary to enforce judgments and orders of the court;

- (8) Issue search warrants;
- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem .

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

These sections should then be followed by what are currently sections 33 - 35. In section 35, commas should be inserted so that the sentence begins "The council, by resolution, will determine ."

Chapter IX Public Improvements (Currently Sections 36 - 37)

The following suggested revision is the result of studying the charters of Ashland, Canon Beach, Corvallis, Garibaldi, and Newport.

Section __. Procedure. The procedure for making, altering, vacating, or abandoning a public improvement to be financed by a local improvement district shall be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the council present to be needed at once because of an emergency shall be suspended for six months upon remonstrance by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the council. (In this section "owner" means the record holder of legal title or, as to land being purchased under a land sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.)

Section __. Special Assessments. The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

Section __ Condemnation Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by resolution of the Council describing the property and stating the uses to which it shall be devoted. The procedure for the condemnation shall be as ordained by the Council or provided by State law.

Chapter X Miscellaneous Provisions (Currently Sections 38 - 42)

Section 39 Revise this to read

Any ordinance or other enactment that is consistent with this charter and in force when the charter takes effect remains in effect until amended or repealed.

Section 42 A new date is needed.

City Council Action Item Cover Sheet

DATE: February 6, 2019

Agenda Item:

Ordinance 358 - Yachats Comprehensive Land Use Plan

Question Before Council:

Requires a second vote from the Council

Person/Group Initiating Request:

Helen Anderson

Item Summary/Background:

Per the Charter, it requires a second vote of the Council

Date: December 18, 2018
To: Yachats City Council
From: Planning Commission
Re: Comprehensive Plan Update

The Planning Commission reviewed Councilor Berdie's October 16, 2018 list of questions and suggestions regarding the Commission's review of the Comprehensive Plan. The Commission very much appreciated the time Councilor Berdie invested in reading the document and detailing his suggestions and insights.

After closely examining the fourteen points, the Commission concluded that most concerned policy decisions. We understand our role to be that of implementing the policies while the Council establishes the policies. We also were not certain of when Councilor Berdie's suggestions were representing the direction of the entire Council.

As Councilor Berdie's suggestions are important and worth exploring, we decided the most effective way to move forward would be for the Council to approve or reject our original review of the Comprehensive Plan, then review the Plan and Berdie's document and direct the Planning Commission on what you want us to incorporate. We would welcome your direction. We thought it could be productive to use the goals you establish in 2019 to set priorities on what to revise or include in the Comprehensive Plan.

The Yachats Municipal Code requires that the Planning Commission review the Comprehensive Plan every two years [2.04.040(B)1]. We want to pursue Councilor Berdie's suggestion that we identify places in the Comprehensive Plan that do not have supporting Code when we do our next regular review, starting around January 2020.

We look forward to your input on priorities for us to focus on in the Comprehensive Plan and Yachats Municipal Code.

**CITY OF YACHATS
ORDINANCE NO. 358**

**AN ORDINANCE AMENDING ORDINANCE 279
THE YACHATS COMPREHENSIVE LAND USE PLAN**

WHEREAS, the Yachats Municipal Code Section 2.04.040(B)1 stipulates the Planning Commission shall review the comprehensive plan every two (2) years and make recommendations to the council concerning plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions.

WHEREAS, on August 21, 2018, the Planning Commission met, held a public hearing, and passed a motion to forward the following recommended amendments to the Comprehensive Plan.

WHEREAS, and in consideration of the conditions and issues above, the City updates the Comprehensive Plan.

NOW THEREFORE, the City of Yachats ordains as follows:

SECTION 1. Comprehensive Land Use Plan

**City Of Yachats
Comprehensive Land Use Plan**

Modified by Ordinance 354 – October 5, 2008

Adopted by City Council vote – May 8, 2008

And Memorialized by Ordinance 279 – June 12, 2018

~~Financial assistance for this updated Yachats Comprehensive Plan Inventory provided by:
Coastal Zone Management Act of 1972.
Administered by the Ocean and Coastal Management Program,
Oregon Department of Land Conservation and development.~~

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- * Plan Inventory
- * Existing Planned Unit Developments In Yachats Approved Exceptions To The Yachats Comprehensive Plan And Yachats Zoning & Land Use Ordinance
- * Summary from All Surveys – Graphs with Legend

I. Introduction and Purpose

In 1973, the State Legislature passed Senate Bill 100 (ORS 197) which established certain statewide requirements for land use planning. Each city and county in the state is required, under the statute, to prepare and adopt comprehensive plans consistent with the statewide planning goals approved by the Land Conservation and Development Commission. In response to this law, the City of Yachats has prepared this plan.

The Land Conservation and Development Commission initially acknowledged the Comprehensive Plan for compliance with the State Planning Goals in 1980. The Plan has been periodically reviewed by the City in coordination with the Department of Land Conservation and Development and updated to ensure that it continues to comply with these goals. The Comprehensive Plan has been drafted to reflect the needs of the residents of Yachats and has been reviewed to ensure consistency with other relevant plans from other jurisdictional agencies.

This 2008 update to the Comprehensive Plan has been developed by a public process that included staff, public, Planning Commission and City Council advisory committee reviews. A variety of public involvement opportunities were used, such as mail-back and a Web-based survey, open house and community discussions.

The City's comprehensive plan is intended to not only address statewide planning goals, but to take into account local land use planning needs and issues and responds to the desires, needs, and aspirations of the citizens of Yachats. The plan, once adopted, will serve as a guide to land use within and immediately adjacent to Yachats. It establishes policies and land use designations (maps) which will be implemented throughout the City's zoning and land use ordinance.

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

Land use policies, procedures and applications shall acknowledge certain economic characteristics of the City, namely, that retirement and tourism are major industries. Non-polluting commercial, professional and home businesses are also an important part of the economy.

The construction and maintenance of public, commercial, professional and residential buildings, their siting, design materials and landscaping, within reasonable variation,

shall enhance rather than detract from the quiet coastal ambiance of the City as noted above.

The Yachats Comprehensive Plan provides goals, guidelines and standards for decision makers, including City employees and officials, citizens, developers, community groups, and other local, state, regional, and federal agencies. The powers granted by the City through its charter shall be guided constructively by these principles. These principles shall guide the deliberations, interpretations, and judgments of the Council, the Commissions, City agents and employees.

Comprehensive city planning addresses a wide range of topics and issues related to the growth and development of a community. This plan includes background and analytic sections that support recommendations for the protection of natural resources, recreational opportunities, control of urban growth and form, and providing for economic growth, adequate public facilities, housing, transportation and other functions. The plan is comprehensive in scope and its goals and policies are intended to be supportive of one another.

The plan provides the basis for other plans, ordinances, and other implementing documents that set forth more detailed direction regarding specific activities and requirements. All City plans and implementing ordinances must be consistent with the Comprehensive Plan.

The Plan is organized around the Statewide Planning Goals and each chapter corresponds to a specific Statewide Goal. Some goals are not applicable to the City of Yachats and are not included in this plan. Specifically, the following goals are not included: Goal 3 (Agricultural Resources), since there are currently no commercial farming operations within City limits; Goal 4 (Forestry Resources), since there are currently no commercial forestry operations within City limits; and Goal 15 (Willamette Greenway).

II. Plan Organization

Adoption of the policy statements and plan maps included herein will help the City of Yachats to reach the above objectives. This will be possible by using the policies and maps to guide future decisions pertaining to land use in the City.

The Comprehensive Plan is organized around the Statewide Planning Goals and contains background information and findings that support City goals, policies, and recommended action measures.

The goals and policies contained within this plan have the force of law and the City is obligated to adhere to them in implementing the Plan. Additional background information about City goals, policies, and recommended action and implementation measures are articulated herein and within attached appendices.

Goal. A statement indicating a desired end or aspiration including the direction the City will follow to achieve that end. The City's goals must be consistent with the Statewide Planning Goals.

Policy. A statement indicating a definitive course of action to implement City goals. A policy may not be the only action the City can take to implement the goals. The City must follow relevant policies when developing other plans or ordinances that affect land use, such as transportation and public facility plans, zoning, and development standards.

Proposed Actions. A statement outlining a specific City activity, action, project or standard, which if executed, would implement goals and policies. Recommended action measures also refer to courses of action the City desires other jurisdictions to take regarding specific issues, and help define the relationship the City desires to have with other jurisdictions and agencies in implementing the Comprehensive Plan. These statements are guidelines and recommendations to City decision-makers as ways to implement the goals and policies. Completion of projects, adoption of standards, or the creation of certain relationships or agreements with other jurisdictions and agencies will depend on a number of factors such as City priorities, finances, and staff availability.

III. Planning Goals and Policies

In March and April of 2006, the Planning Commission and City Council advisory committee members conducted community discussions on the core values of City residents. In May, the City conducted a mail-back and web-based survey, open to all City and surrounding area residents. The results of that survey, a June open house, subsequent Planning Commission work session, community discussions and public hearings are reflected in this comprehensive plan update.

Goal A. Protection of Natural Resources

In conjunction with county, state and federal agencies as well as area residents and landowners, The City shall work to protect and enhance its rich natural, scenic and historic resources. Forests, beaches and water areas, wetlands, air quality, fish and wildlife habitats, historical and archaeological sites, and, in particular, open space and scenic views all contribute to the high quality of the City's environment. These resources are Yachats' main assets in that they make it a beautiful place for people to live in and visit.

Policies

1. The City shall ensure that the quality of air, water and land resources is maintained.
2. The City shall protect significant marine habitats, as identified on the City's adopted Natural Resources map and inventory data, from proposed land uses that will, or might, modify their indigenous characteristics.
3. The City shall preserve existing open space and identify new areas appropriate for designation as open space.
4. The City shall encourage orderly development of land through zoning, land use codes and the timing and placement of public improvements in order to conserve natural resources.
5. The City shall assist the State and County in protecting the County Road 804 right-of-way and the prescriptive easements accepted by the Oregon Supreme Court as established by the Lincoln County Surveyor (Survey 11,905 12/18/87) from alterations that would prevent the establishment and maintenance of this segment of the Oregon Coast Hiking Trail within the public right-of-way.
6. The City shall concur with all pertinent and legally authorized agencies, both federal and state, in a mutual effort to retain the character of those natural qualities identified in the adopted Natural Resources Map and Inventory Data.
7. The City shall consider the quality of the resources areas as shown on the adopted Natural Resources Map and inventory data in adopting land use designations or in undertaking land use actions or decisions.

8. The City shall direct its growth so as not to encroach upon public or commercial forestlands.
9. The City shall protect significant archaeological and historic resources through survey identification, recordation and adoption of preservation codes, consistent with the standards of the State Historic Preservation Office (SHPO), affected tribes and federal laws. Specific sites for protection include, but are not limited to, the Little Log Church, Yachats Middens, Native American villages and other identified recorded or unrecorded archaeological or historic sites.
10. The City shall not support offshore oil and gas development and associated facilities due to potential conflicts with existing ocean fisheries, impacts on aesthetic and recreational values, and degradation of the marine environment. This includes leasing, exploration, and oil and gas extraction within the state territorial sea and federal waters.
11. Established trees contribute to the aesthetic and environmental quality of the City. Significant trees and groves of trees shall be protected through a tree protection ordinance or other voluntary mechanisms to ensure their health and retention.
12. View sheds and corridors are unique characteristics of the City. They contribute to the community identity and aesthetic values of City residents and visitors.
13. ~~Where streams and creeks intersect the Shoreland, a 25 ft. buffer shall be maintained; and where a stream and creek intersect the river edge, a 50 ft. buffer shall be maintained. The buffer is to be measured from the top of the bank; within this buffer zone, existing vegetation shall not be removed. Noxious weeds and invasive plants shall be exempt from this restriction.~~ **The City shall protect streams and creeks.**
13. The City shall provide educational material regarding the responsible use of chemicals.

Proposed actions:

- a) The City shall incorporate soil capacity analysis into the land use code for protection of prime forest soils.
- b) The City shall develop a methodology to designate archaeological and historic properties to the City inventories.
- c) The City shall conduct archaeological and historic resource inventories consistent with Goal 5 and the SHPO and rank significant properties for protective measures. Priority sites shall be identified on the City's Natural Resources map or separate archaeological and historic resources map consistent with state law.
- d) The City shall explore actions to preserve trees and establish a tree protection ordinance.
- e) The City shall identify and rank significant view sheds and corridors.

- f) The City shall conduct a City wide urban growth boundary natural resources inventory and assessment.
- g) The City shall research view protection strategies. Those strategies may include, but not be limited to, overlay zones, tree trimming standards, and voluntary deed restrictions.
- h) The City shall explore actions that would improve air quality, such as City wide composting.
- i) The City shall develop an ordinance to protect inland stream and associated riparian areas.

Goal B. *Protection of Estuarine Resources*

In concert with adjacent property owners and relevant government agencies, the City shall protect its estuarine areas from development, dredging and fill. All estuarine areas within Yachats Urban Growth Boundary are classified as a natural management unit, and will be managed to conserve the natural habitats and wildlife therein.

Policies

1. The City shall cooperate with appropriate government agencies in the development of biological, aesthetic, recreational, and economic values and benefits of the Yachats River Estuary, subject to the availability of local funds and the individual commitment of local agencies and residents.
2. The City shall, in recognition of the unique and abundant qualities of the Yachats River estuary, work with Lincoln County and relevant special districts, the Department of State Lands, U.S. Army Corps of Engineers, and other state and federal agencies in the implementation of the comprehensive estuarine management plan for the Yachats River estuary within the Yachats urban growth boundary.
3. The City shall classify the Yachats River as a conservation estuary and be shown on the City's Natural Resource Map for purposes of resource management. All estuarine areas within the Yachats urban growth boundary shall be classified as a natural management unit, and shall be managed to preserve the natural habitats and wildlife therein.
4. The City shall protect the natural habitat areas and aesthetic values in all City decisions regarding land and/or water use actions in or affecting the estuary. The inventory information and the Natural Resources Map are sources of information regarding the aesthetic and natural values of the Yachats River estuary and the benefit derived therefrom to the City.
5. The City shall allow dredging and fill in estuarine areas only:

- a. If required for navigation or other water dependent uses that require an estuarine location or for a use specifically allowed in the applicable estuary zone;
- b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
- c. If no feasible alternative upland locations exist; and
- d. If adverse impacts are minimized.

Other uses and activities which could alter the estuary shall be allowed if the requirements in (b), (c), and (d) are met

- 6. Permitted uses in the natural estuary management unit are intended to be undeveloped low-intensity, water-dependent recreational uses; protection of wildlife and their habitat and nutrients, fish, wildlife and aesthetic resources; research and educational observation; navigation aids; vegetative shoreline stabilization; and passive restoration measures. Uses which are allowed where consistent with the resource capabilities of the area and the purposes of this management unit are active restoration of fish and wildlife habitat or water quality and estuarine enhancement; on-site maintenance and repair of existing structures or facilities; riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values, and public facilities; temporary alterations, and pipelines, cables and utility crossings, including incidental dredging necessary for their installation, and bridge crossing support structures.
- 7. Snag and debris removal for the purpose of maintenance shall be allowed in the estuary as permitted by Federal and State Agencies.
- 8. Unless specifically exempted by the Director of the Department of State Lands under ORS 541.626 dredging or fill (including dredged material disposal) in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of estuarine areas. The adequacy of a proposed mitigation project shall be determined by the Department of State Lands.
- 9. The City shall require a clear presentation of the impacts of the proposed alteration where a use could potentially alter the estuarine ecosystem.

Proposed Action

The City shall develop the City's Natural Resources Map. The map shall include access points along the shoreline and note the condition of accesses and if they are compliant with the Americans with Disabilities Act (ADA).

Goal C. *Protection of Shoreland Resources*

The City recognizes the environmental, social and economic values of the shorelands. The City shall coordinate with state agencies to protect its coastal shorelands from development through shoreline stabilization activities. Water-dependent/water-related uses are preferred in the shorelands. In order, then, to maintain the environmental, social and economical values of the shorelands, the City shall apply the following policies to its land use actions/ decisions:

Policies

1. The City shall cooperate with appropriate government officials in the protection of biological, aesthetic, recreational, and economic values and benefits of shorelands under public control.
2. The City shall reduce or mitigate adverse effects upon water quality and fish and wildlife habitat resulting from the use of shorelands.
3. ~~In the Shorelands along the river, a 50-foot buffer strip, measured horizontally from the edge of the bank shall be maintained. In the first 30 feet, the existing riparian vegetation shall not be removed. In the latter 20 feet, slight vegetative alteration will be allowed as long as the overstory is retained. Minor access paths leading to (but not parallel to) the river shall be allowed as long as the overstory is not disturbed. Noxious weeds and invasive plants shall be exempt from this restriction.~~ ***In order to recognize, protect, and maintain the value of the Yachats River, a buffer shall be provided from the edge of the bank. The buffer will contribute to maintenance and enhancement of water quality, fish and wildlife habitat, recreation and aesthetics, and provide open space. The buffer will also help protect property from flooding and help manage stormwater drainage.***
4. ~~On shorelands along the ocean, a 25-foot buffer strip from the top of the bank shall exist wherein existing stabilizing vegetation shall not be removed.~~ ***In order to recognize, protect, and maintain the value of the ocean, a buffer shall be provided from the top of the bank. Existing stabilizing native vegetation shall not be removed within the buffer in order to help stabilize the bluff and mitigate erosion. The buffer will also help protect adjacent property from flooding and erosion.***
5. ~~Land use management practices (such as setbacks and maintenance of riparian vegetation) and non-structural alternatives shall be preferred methods of shoreline stabilization. Structural stabilization methods (such as riprap and bulkheads) shall be allowed when necessary for the protection of existing land~~

~~uses and resources, and when designed to minimize adverse water quality, habitat and environmental impacts. Where riprap, bulkheads or seawalls are proposed as shoreline protective measures, evidence shall be provided that higher priority methods of erosion control will not work. The priorities for shoreline stabilization for erosion control area (from highest to lowest):~~

- ~~a. Proper maintenance of existing riparian vegetation~~
- ~~b. Planting of riparian vegetation~~
- ~~c. Vegetated riprap~~
- ~~d. Non-vegetated riprap~~
- ~~e. Bulkhead or seawall~~

The City shall provide implementing ordinances in the Zoning & Land Use Code to protect, maintain, and stabilize the shoreline. Stabilization and erosion control methods shall be included in the Zoning & Land Use Code.

6. The City shall develop and implement programs for maintaining and improving public access to the estuary and ocean and pursuing adequate signage of existing access points. The City supports future public access sites to be accessible in conformance with the Americans with Disabilities Act (ADA).
7. The City shall permit structural shoreline stabilization only if:
 - a. There is a demonstrated need to protect property or existing structures that are threatened by erosion;
 - b. Impacts on adjacent property due to increased erosion and sedimentation are minimized;
 - c. Visual impacts are minimized;
 - d. Long-term or recurring costs to the public are avoided;
 - e. Riparian vegetation is preserved as much as possible; and
 - f. The proposed project will not restrict existing public access to publicly owned lands or interfere with the normal public use of fishery, recreation, or water resources.
8. The City shall coordinate with the Oregon Department of Parks and Recreation and the Department of State Lands in any review of beachfront protective structures.
9. ~~The City shall issue permits for beachfront protective structures only where development existed on January 1, 1977. For the purposes of this requirement "Development" means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where an exception to the State Beaches and Dunes Goal has been approved. Refer to the Inventory for description of areas where development existed on January 1, 1977.~~

- 40 Existing public ownerships, rights-of-way and similar public easements in estuary and ocean shorelands which provide access to or along the estuary or ocean shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed Shoreland areas, provided public access across the affected site is retained.

Proposed Action

- a) Where necessary, the City shall strengthen codes to protect shorelands.

Goal D. Conservation of Energy

The City supports the energy conservation efforts of its residents and business owners and encourages the use of energy-efficient procedures and the use of alternative, renewable energy sources.

Policies

1. The City shall encourage future developments to use energy efficient design, siting and construction, e.g., "green" building practices.
2. The City shall encourage non-polluting alternative energy sources such as solar, wind and wave power.
- ~~3. The City shall make available educational materials regarding energy conservation, e.g., tools and techniques Yachats area residents and business owners could use to promote energy conservation.~~
3. The City shall seek and support programs that provide or subsidize alternate energy or energy efficient technology. These technologies may include insulation and weatherization of habitable building, installation or energy efficient water heating systems, or energy efficient heating systems.
4. The City shall encourage the use of modes of travel that contribute to clean air and energy efficiency.

Proposed Actions

- a) The City shall develop and/or ~~provide educational materials about green building practices for the public~~ **make available educational materials about using alternative/renewable energy sources and following environmentally sustainable and energy efficient building practices for the public.**
- b) The City shall demonstrate and use energy conservation principles and practices.
- c) The City shall investigate opportunities and assist development of alternate energy sources, such as wind and water, subject to reasonable safety, noise, and visual controls.

- d) The City shall develop guidelines and/or ordinances for 'green' remodeling and ~~initial construction for both residences and business owners~~ **using alternative/renewable energy sources and following environmentally sustainable and energy efficient remodeling and initial construction for both residences and business owners.**

Goal E. Protection from Natural Hazards and Disasters

Through regulation of the location and type of development, the City shall work to protect life and property from natural disasters and hazards, such as landslides, fires, tsunamis and flooding. The City recognizes that with the reduction of wildland fuels, we move closer to achieving the goal of all structures surviving an on-coming fire. The City regulates activities in known areas of natural hazards and limits development that may affect the integrity of steep slopes or impact fire hazards.

Policies

- ~~1. Information and recommendations contained in current Environmental Hazard Inventory Coastal Lincoln County, Oregon by RNKR Associates shall serve as the basis for future land use determinations in hazard areas. The RNKR Associates Study is incorporated into the Yachats Comprehensive Plan.~~
21. Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural hazards without appropriate effective mitigation strategies. Such strategies shall be attested to by a State of Oregon certified engineering geologist.
2. New construction or substantial improvements in identified flood hazard areas shall have the lowest floor level elevated to or above the 100-year flood level.
3. Low density and open space uses that are least subject to loss of life or property damage shall be preferred uses in flood-prone and steep-sloped areas.
4. The density of development shall be no greater than the slope can safely accommodate.
5. ~~Developers of property where a geotechnical report is required shall be required to post a 100% performance bond guaranteeing that specified conditions will be met and appropriate safeguards provided.~~ **The City shall follow recommendations in the Lincoln County Natural Hazards Mitigation Plan.**
6. Developments adjacent to the Yachats River shall be planned to minimize any aggravation of the turbidity and seasonal low-flow situation.
7. The City shall address concerns regarding forest activities ~~that might adversely affect the City~~ to the Oregon Department of Forestry.
8. The City shall participate in Community Emergency Response Team (CERT) Programs and will help or take the lead to inform its residents and business owners about preparedness measures.

9. The City shall develop a citywide storm water management infrastructure.
10. The City is committed to supporting the fire district in its fire protection efforts, ~~both short and long term.~~
11. The City shall support the Lincoln County Community Wildfire Protection Plan (CWPP) ~~when it is completed and approved.~~
12. The City shall access and utilize federal and other grant dollars to implement measures to protect against natural hazards and disaster.
13. The City shall set realistic expectations to reduce wildland fire risk, prepare for, respond to, and suppress wildland and structural fires.

Proposed Actions

- a) The City shall amend the City codes as necessary to reflect best practices related to natural hazard and disaster prevention and mitigation.
- b) The City shall prepare and distribute tsunami preparedness information to all residents, property owners and business owners in the City. The City shall make the information available at tourist accommodations (***vacation rentals***) and points of interest.
- c) The City shall participate in emergency preparedness training drills on a regular basis with other agencies and jurisdictions.
- d) Applications for subdivisions, and Planned Unit Developments, ***and building permits*** shall include plans for storm water management ~~and a performance agreement, bond, contract or other assurance for completion of the plan.~~
- e) Requests for building permits shall include plans for storm water management.
- ~~f) The City shall, in conjunction with the County, develop a Yachats Community Wildfire Protection Plan (CWPP) in accordance with the Healthy Forests Restoration Act of 2003 and the FEMA Disaster Mitigation Act of 2000. The CWPP will be developed through community effort, based on the twin goals of reduction of wildland fire risk to residents and the environment within the Yachats Urban Growth Boundary (UGB) and a safe work environment for fire suppression forces.~~
- ~~g. The City shall seek formal government approval of the Yachats CWPP.~~

Goal F. Providing Recreation Opportunities

The City provides access to a range of recreational opportunities for its residents and visitors. The City shall enhance existing facilities and expand services as necessary.

Policies

1. The City shall encourage the development of diverse recreational and cultural opportunities to meet the needs of Yachats.

2. The City shall encourage the state to maintain its parks and beach access areas for the benefit of residents and visitors. Changes in park use or creation of new park facilities shall be reviewed by the City as specified in the Zoning and Land Use Ordinance.
3. The City shall encourage the Oregon Department of Transportation to ~~widen and improve Highway 101 for~~ **pedestrian and bicycle** use ~~as hiking and biking trails.~~
4. The City shall support the identification of existing parks and development of additional parks and open spaces.
5. The City shall support and encourage the development of recreation centers for youth and seniors.
6. The City shall encourage the State Fish and Wildlife Department to maintain sufficient stocks of fish in the Yachats River and its tributaries for recreational purposes.
7. The City shall support the continued use of the Yachats Commons and the Community Park to provide for recreational, educational, and open space needs.
8. The City shall maintain and encourage affordable public facilities for recreation.
9. The City shall develop and maintain hiking, walking, and biking trails throughout the community to provide recreation and exercise.

Proposed Actions

- a) The City shall maintain a consistent, identifiable logo and signage program for recreational facilities.
- b) The City shall require State Park sanitary facilities to be connected with the City sewer and water systems.

Goal G. Control of Urban Growth and Form

The City shall ensure that growth and development within the City's urban growth boundary will be orderly and efficient, and consistent with adopted land use plans.

Policies

1. The City shall contain future urban development within the adopted Urban Growth Boundary.
2. The City shall affirmatively establish, through City Council action, the capability and desire of the City to provide necessary public services to the area before additional lands are considered for annexation to the City or for inclusion in the Urban Growth Boundary.
3. Annexation will require concurrent Comprehensive Plan and Urban Growth Boundary Amendment and a zone change to reflect the action taken.

4. Annexations shall be governed by Oregon Revised Statutes, Chapter 222 and the Yachats City Charter. Council decisions shall consider such factors as the City's capacity to provide services and the compatibility with the character of the area.
5. The City recognizes the Lincoln County Board of Commissioners' responsibility under Oregon Revised Statutes, Chapter 215, for all planning and zoning decisions in the unincorporated areas of the County. The City reserves the right to request specific information in order to obtain facts on sites outside the City UGB but located within adjacent unincorporated areas.
6. The City shall, through development regulations, ensure that new development shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.
7. The City shall encourage improvement of the community's visual character.
8. The City shall support the preservation of open space on private land through such means as set back standards and limiting lot coverage and encourage the preservation of open space when new subdivisions and planned unit developments are considered for approval.
9. The City shall preserve public views of wetland areas, beaches and stream corridors.
10. The City shall protect the valuable views from Yachats of the ridgelines and forests.
11. The City shall actively pursue the acquisition of additional open space, to include property within the urban growth boundary and also property visible from Yachats.
12. The City shall seek external funding for acquisition of open space.

Proposed Actions

- a) The City shall review the sign ordinance.
- b) The City shall develop a procedure for accepting donations of private land for public use.
- c) The City shall provide regulations, which will limit the building of structures that protrude above primary and secondary ridgelines, or will mitigate the appearance of such structures if prevention is not possible.
- d) The City shall develop criteria for the design of unified open space system, rather than a collection of interesting yet unrelated parcels. The development process will include community input.
- e) The City shall seek community consensus to implement site and building design standards and the use of other tools such as incentives and grants.

Goal H. *Provide for Economic Growth*

The City supports and protects businesses that serve the needs of residents and tourists, especially businesses that are locally owned. The City seeks to accomplish this by ensuring the availability of areas to accommodate economic growth and employment at appropriate locations that stimulate a vibrant, distinct and attractive downtown core. To this end, the following policies shall be followed:

Policies

1. The City shall maintain and enhance the economic stability of the City without diminishing the livability of the area.
2. The City shall provide adequate and suitable opportunities for economic growth.
3. The City shall permit home-based businesses that are compatible with residential neighborhood character.
4. The City shall, through development regulations, ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.
5. Casino gambling shall not be allowed since it is incompatible with the character of the community.
6. The City shall increase public parking in the downtown area.
7. Activities to improve the visual character of downtown Yachats such as the undergrounding of utilities, face improvement, incentive programs, and encouraging off-street, behind building parking shall be encouraged.

Proposed Action

The City shall review standards for home occupations as a permitted use in residential areas.

Goal I. *Provide Adequate Public Services*

~~The City provides residents and business owners with efficient essential public facilities and services. The City also plans for urban services to accommodate future growth. It is the City's goal to provide water and sewer services; storm drains, public safety; and emergency services to the City shall provide urban services in an economically, orderly and environmentally sound manner.~~ **efficient essential public facilities and services to accommodate future growth including water and sewer services, storm drainage, public safety, and emergency services.**

Policies

1. The City shall provide sufficient quantities of high quality water at adequate pressures to meet the needs of the community. Water quality shall be maintained at a level that meets or exceeds all State and Federal water quality standards.
2. The City shall provide a reliable supply of water to the community through the development and maintenance of an alternate source(s) for use during emergencies or periods of extremely high demand.
3. The City shall promote water saving strategies and techniques. The City shall accomplish this through education, encouragement and, in some cases, requirements for the application of water saving technology.
4. The City shall develop a citywide storm water management infrastructure.
5. The City shall promote a logical, direct, and connected street system through the development of street plans.
6. The City shall identify opportunities to extend and connect streets, provide direct public right-of-way routes, and limit the use of cul-de-sac and other closed-end street designs.
7. The City shall assure that roads and footpaths can be used safely by providing, improving and maintaining effective and efficient street lighting and illuminated traffic signs that contribute to improved environmental standards and community safety.
8. The City shall encourage the formation of local improvement districts (LIDs) for the construction of transportation infrastructure, which may include streets, curbs, or other structures; pedestrian or bicycle facilities and drainage.
9. The City shall require that development projects acknowledge existing conditions and/or hazards which may pose a threat to residents—such as proximity to physical hazards—and the responsibility to mitigate such threats through appropriate site planning, buffering, and other physical design approaches.
10. The City shall encourage utility providers to strengthen, relocate, or take other appropriate measures to safeguard pipelines, underground utilities, transmission lines, and other utility infrastructure in areas subject to elevated natural hazard risk.
11. The City shall maintain an efficient maintenance program to control long-term costs and to establish the most efficient operation of public services.
12. The City shall plan, develop, implement and monitor a comprehensive emergency preparedness and disaster response plan in cooperation with appropriate emergency agencies.
13. The City ***shall*** places a high priority on the rapid and effective identification of properties by public safety personnel and emergency response agencies.

14. The City shall ~~consider the availability of adequate emergency services and~~ require emergency access routes in the approval of developments and subdivisions.
15. The City shall encourage its residents to accept some responsibility for personal safety through emergency medical training in first aid, cardiopulmonary resuscitation (CPR), and similar methods.
16. The City shall investigate the feasibility and desirability of increasing the number of public restrooms.
17. Any current, new or amended water, wastewater or storm water plans shall be incorporated into the Yachats Comprehensive Plan.

Proposed Actions

- a) The City shall continue to upgrade the water collection, filtration, storage, and distribution system, through the efforts of the Public Works Department and an engineer.
- b) The City shall explore methods of funding storm water management infrastructure, such as System Development Charges.
- c) The City shall coordinate with Lincoln County Emergency Services and their public safety policies and procedures.
- d) The City shall provide CERT training to City staff and volunteers.
- e) The City shall develop an emergency incident plan based on the National Incident Management System (NIMS).

Goal J. *Meeting Housing Needs*

The City encourages a variety of housing choices in appropriate locations to accommodate a range of needs and incomes ***including the housing needs of local workers***. The City finds that providing opportunities for affordable housing to meet the needs of people of all income levels as a necessary and desirable goal.

Policies

1. The City shall ensure that sufficient vacant and redevelopable buildable land shall be designated for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the community.
2. Housing development within the City and Urban Growth Boundary shall proceed at a rate commensurate with the City's ability to provide water and sewer service.
3. The City shall encourage participation in available government and private loan or other programs in order to provide for the housing needs of all income levels.

4. The City shall actively encourage opportunities to create affordable housing.
5. The City recognizes that the private sector, as well as the public sector, contributes to and shares in the responsibility of providing adequate housing opportunities for all segments of the population.
6. ***The City strongly encourages developers to make government assisted housing units available to income eligible persons who are employed in the local area workforce on a preferential basis to the extent allowed by law.***

Proposed Actions

- a) The City shall develop procedures for accepting property or funds dedicated to affordable housing.
- b.) The City shall develop an informational pamphlet for distribution to developers illustrating the needs/benefits of affordable housing in Yachats and encouraging them to participate.

Goal K. Public Involvement in Land Use Planning

The City encourages the public to participate in governmental decision-making processes by providing policies and procedures and access to public information.

Policies

1. The City shall institute a program that enables the community to identify and comprehend relevant issues, obtain public information and participate in public hearings and other forums on issues related to the growth and development of the City.
2. The City shall review its comprehensive plan, inventory data information and applicable ordinances, and determine what revisions and/or additions, if any, are appropriate at least every five years. Review through a public process shall be initiated by the City Planning Commission.
3. The comprehensive plan for the City shall be filed in the City Office and shall be made available to the public at the City Office, ***the online document library***, and the City ***Yachats Public*** Library.
4. The City shall follow the notice and procedural requirements of the Oregon Public Meetings law.
5. The City shall encourage opportunities for public involvement and networking.

Proposed Action

The City shall continue to use the adopted public involvement plan.

Goal L. *Beaches*

The City shall work to enhance existing access points to its beaches and protect its beaches from erosion and other degradation.

Policy

1. The City shall, in conjunction with applicable County, State and Federal agencies, prohibit residential, commercial and industrial buildings or development on beaches and along waters of the state.
2. The City shall improve public access to the beach and river shores by acquiring land and easements.
3. The City shall accept donations and dedications of land and easements for public access, open space, and habitat protection.
4. The City shall identify appropriate sites for emergency and public access to the beach.
5. The City shall investigate a diverse range of beach access types (pedestrian, official vehicular, view) and a range of amenities (parks, walkways/boardwalks, street ends) while maintaining a balance between resource protection and human use.

Goal M. *Transportation*

The City shall ensure that automobiles, bicyclists and pedestrians can move safely and efficiently to destinations within and beyond Yachats.

Policies

1. The City shall ensure that designated parking areas are maintained in the downtown core.
2. The City shall maintain all City streets to ensure safe passage and emergency access.
3. The City shall require future developments to provide safe, well-marked pedestrian ways that do not conflict with vehicular traffic.
4. The City shall require future developments to provide adequate off-street parking.
5. The City shall require streets created by land divisions to tie into existing and anticipated road systems to provide for cross-circulation.
6. The City shall cooperate with the Oregon Department of Transportation in the development and implementation of their Highway Improvement Program for projects within the Yachats urban growth boundary.
7. The City shall explore options to increase public parking.

8. The City shall explore options to improve traffic flow.
9. The City shall encourage and support alternative transportation where safe passage can be maintained.
10. The current Village Circulation plan and any new or amended plans are incorporated into the Yachats Comprehensive Plan.

IV. Plan Maps

The attached maps depict the preceding policies through identification of land use designations. The City shall use the maps along with the policies to guide decisions pertaining to land use and development within the Urban Growth Boundary. The maps establish long-range land use patterns for the City and represent the City Council's best attempt to accommodate residents' and landowners' input.

V. Definitions

Affordable Housing. As defined by the U.S Department of Housing and Urban Development (HUD).

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Development. The result of bringing about growth; of constructing or altering a structure, conducting a mining operation, making a physical change in the use or appearance of land, dividing land into parcels; or of creating or terminating rights of access, vegetation removal and/or any construction or placement of facilities on that site.

Estuary. A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by fresh water derived from the land. The estuary includes; (a) estuarine waters (b) tidelands (c) tidal marshes and (d) submerged lands. Estuaries extend upstream to the head of tidewater. In Yachats, all of the waters of the Yachats River within the City limits and urban growth boundary are defined as estuary.

- a. **Natural Estuary.** Estuaries lacking maintained jetties or channels without adjacent urban areas that have altered shorelines (shorelines with bulkheads, riprap or other physical structures). Shorelands around natural estuaries are generally used for agriculture, forest, recreation and other rural uses. They usually have little developed area for residential, commercial or industrial uses.
- b. **Conservation Estuary.** Estuaries lacking maintained jetties or channels but which are within, or adjacent to, urban areas which have altered shorelines adjacent to the estuary.

Low Density Residential. Residential units at a concentration of less than one unit per two acres.

Management Unit. A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected or enhanced and others are discouraged restricted or prohibited.

Natural Hazards. Natural events are known to result in death or endanger the natural or built environment. These may include river and ocean flooding, weak foundation soils, landslides, erosion, etc...

Open-space: Open-space Land is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as following:

- a. Open space for the preservation of the natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays, and estuaries; and coastal beaches, banks of rivers and streams, and watershed lands.
- b. Open space used for the managed production of resources.
- c. Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to beaches, and rivers and streams; and areas that serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- d. Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.

Overstory. The canopy is the uppermost level of a forest, formed by the tree crowns. Canopy trees refers to the trees in a forest which form the canopy. The uneven layers of the canopy is formed by both dominant and co-dominant trees.

Public Facilities & Services. Projects, activities and facilities that the City determines to be necessary for the public health, safety and welfare. These can include water and sewer service, streets, storm drains, police protection, parks and open space, library services, etc....

Understory: The area of a forest which grows in the shade of the emergent or canopy forest canopy. Plants in the understory consist of a mixture of seedlings and sapplings of canopy trees together with understory shrubs and herbs.

Seasonal low-flow. Minimum flow in a river during the dry periods of the year.

Turbidity. The cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye.

Urban Growth Area. That area between the City limits and the Urban Growth Boundary.

Urban Growth Boundary. The geographical limits within which urban growth will be contained.

View Shed. A view shed is an area of land, water and other environmental elements that is visible from a fixed vantage point. The term is used widely in such areas as urban planning, archaeology, and military science. In Urban Planning, for example, view sheds tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. The preservation of view sheds is a goal in the designation of open space areas, green belts and community separators.

City Council Action Item Cover Sheet

DATE: August 8, 2018

Agenda Item:

Commons Manual & Fee Update

Question Before Council:

Does the Council accept the recommendations to the Commons Manual & Fee Schedule

Person/Group Initiating Request:

Parks & Commons Commission

Item Summary/Background:

The Parks & Commons Commission has reviewed the Commons Manual & Fee Schedule, which is attached in the Council Packet.

The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to authorize the changes to the Commons Manual & fee schedule in Resolution 2019-54 a resolution adopting changes to the commons manual and fee schedule.

Alternative: None Recommended

CITY OF YACHATS
RESOLUTION 2019-54
A RESOLUTION ADOPTING THE COMMONS POLICY MANUAL AND FEE
SCHEDULE

WHEREAS, the Parks and Commons Commission discussed policy changes and recommended those changes to City Council for adoption;

WHEREAS, City Council discussed those recommendations at their December 20, 2018 meeting and adopted the manual and fee schedule changes;

NOW THEREFORE, the City of Yachats resolves to adopt the Commons Policy Manual and Fee Schedule as proposed and attached, marked "Exhibit A & B".

EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

Passed and adopted by the Yachats City Council this 16th day of January 2019.

W. John Moore, Mayor

Attest by:

Shannon Beaucaire, City Manager



YACHATS COMMONS

POLICY MANUAL

Adopted by City Council January 16, 2019

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FACILITIES AND MANAGEMENT

The Commons includes the Commons building and the City-owned grounds between 4th Street and 6th Street. This area includes the playground, open area, sports field, and wetlands/woods to the east property line of lots on Ocean View Drive.

The Commons, as City property, is under the general supervision of the Yachats City Council. As established by ordinance, the Parks and Commons Commission is responsible for advising the Council. The Parks and Commons Commission comprises seven members appointed by the Council who serve three-year terms. The Commission elects one member to act as Chair. The City Manager, and City Hall support staff are responsible for daily operations of the facility.

The City has the right to deny any or all privileges to a party violating Commons policy. Any person suspended from a Commons event or program for misconduct will not be allowed to use any portion of the Commons building or grounds during the term of suspension.

Questions regarding facilities and management may be discussed with the City Manager, and City Hall support staff.

PARKS AND COMMONS COMMISSION

The Parks and Commons Commission formulates rules, regulations, and standards for the operation of the City's parks, Commons building, and grounds in a manner that assures the security of City assets and encourages use by renters, residents, and visitors alike; establishes rental rates for Commons use; plans for the regulation, development, and improvement of the City's parks; cooperates with volunteer organizations and City groups in the advancement of the Commons; and recommends items for the annual budget to the Budget Officer and the City Budget Committee.

STANDARDS

Decisions made by the Parks and Commons Commission are based on considerations that include:

- time availability
- environmental impact
- noise level
- availability of parking
- impact on neighbors
- potential for litter
- degree of renter's need for help from staff
- applicant's rental history, if any, at the Commons

BULLETIN BOARDS AND ADVERTISING

City of Yachats Reader Board Policy Adopted June 13, 2018

The City has two Reader Boards within the Commons Building. This Policy applies to both Reader Boards.

The purpose of the City's Reader Boards is to provide space for local organizations, groups and individuals to display notices that promote awareness of services and events of interest to the community. The Reader Boards are not a public forum.

After City-related services and programs, notices will be posted on a first-come, first-served basis. Postings must be submitted to City staff and all postings must comply with this Policy. The City does not discriminate against postings based on viewpoint but reserves the right to determine which postings are unacceptable for the Reader Boards. Postings found to violate this Policy are subject to removal.

Posting Guidelines

1. Postings are subject to the availability of space. Preference will be given to items that are no larger than 11" x 17".
2. The City reserves the right to refuse or remove any posting that does not comply with these the following requirements:
 - A. Postings should relate to topics of community interest or community events.
 - B. Personal, commercial or profit-making postings may not be accepted.
 - C. Postings should not: advertise or solicit for businesses; advocate illegal activity or violence; promote products or political organizations; endorse a position or particular stance on current political campaigns, candidates or ballot measures; endorse a particular religious belief; infringe on copyrights, trademarks or intellectual property rights of others; contain abusive or vulgar language, sexually explicit subject matter, hate speech, derogatory terms or offensive content; contain threatening or defamatory remarks about a person's race, religion, color, sex, national origin, marital status, age, disability, sexual orientation, gender identity, source of income, domestic partnership or familial status; or contain information that may compromise the safety or security of the public, invade privacy, or pertain to an on-going investigation.
3. The City is not responsible for the preservation or protection of postings.
4. Postings are subject to removal and disposal after two weeks.
5. Submission of a posting constitutes acceptance of this Policy, which may be revised from time to time.

MAIN HALLWAY BULLETIN BOARD

This board is used solely for posting information about Commons events or community events held in the Commons and information pertaining to the City of Yachats.

NORTH HALLWAY BULLETIN BOARD

This board is used for posting information about Greater Yachats and regional events and local nonprofit programs and classes.

OUTSIDE READER BOARD

The reader board is managed and kept current by the Facilities Manager. Use of the reader board is prioritized as follows:

1. Emergencies
2. Commons events

To have an event considered for display ask the Facilities Manager when renting the space.

HEALTH AND SAFETY

SMOKING

The Commons building is a NON SMOKING OR VAPING area. Smoking or vaping is prohibited on Commons property.

DOGS

During normal business hours, and at any other time when any part of the Commons building is in use, dogs accompanying their owners into the Commons building must be leashed. Dogs providing security when the building is not in use by the public may be off leash. Dogs are not allowed in Room 5 (Kitchen) except service dogs.

FIRE SAFETY

Attendance in any space may not exceed the capacity of that space posted on the emergency exit plan or vary from the specified type of use. Tables, chairs, and other objects may not be placed or allowed to remain in corridors, hallways, or doorways per fire codes. The Yachats Fire District Chief may be asked to inspect the setups for any large event to ensure compliance with fire and safety codes.

Flammable materials, including but not limited to oils, candles, combustible fuels, kerosene, gasoline, or pyrotechnics (fireworks), may not be used or stored in the building, with the exception of Sterno-heated chafing dishes used by a licensed food establishment, with permission granted by the City Manager or City Hall support staff.

VIOLATIONS

Any renter found in violation of the health and safety regulations above will be given written notice that no future contracts for use of the Commons by that renter will be approved by the City.

ENVIRONMENTAL VALUES

FRAGRANCES

The City of Yachats supports sustaining healthy indoor air quality. In the interest of promoting the health and safety of the City's citizens, staff, and visitors, City facilities open to the public are encouraged to maintain a fragrance-free environment. Please refrain from using scents, including those related to personal care, laundry, and cleaning products. Thank you for your consideration of others in providing an environment in which every person can feel safe and comfortable. Your cooperation is greatly appreciated.

DISPOSABLE PLASTIC BOTTLES

Yachats is a village that values natural resources. Beverages packaged in disposable plastic bottles and transported from remote locations unnecessarily consumes fossil fuel resources and creates a lasting waste management problem not only for our community, but for the entire planet. Therefore, the City Council requests that users of the Yachats Commons and other City properties refrain from the use and sale of beverages packaged in disposable plastic bottles.

SECURITY

Security and proper supervision of events are major concerns. All events must have adult supervision.

Hired security personnel may be required for out-of-town sponsors of active recreational, dance, or concert events, or evening events lasting more than 2 hours and/or attended by more than 50 people in the multipurpose room or a major portion of the building. A volunteer may provide services, but to be security and be paid for services there must be a certificate from the State of Oregon.

When professional security services are required, the City may contract with the Lincoln County Sheriff's Office on an hourly basis. Security costs are not included in the room rental rates and will be charged in advance at the going rate. Upon payment of the invoice for the Sheriff's services, any remaining money will be returned to the renter.

Users wishing to contract for security privately must provide acceptable proof of such contract with a certified professional security provider.

Determinations regarding the need for security will be made case by case on the basis of information on the contract or by interview with the renter. Decisions regarding security are made at the discretion of the City Manager or City Hall support staff in consultation with the Facilities Manager.

ALCOHOL USE/SALE

The sale or consumption of alcohol at events in the Commons and on Commons grounds will be by written permission the City Manager. Requests for such permission must be presented in writing on an Application for Use of Alcohol on City Property form. These forms are available at City Hall. The completed form must be submitted to the City Manager for approval.

The sale and consumption of alcohol will be contained within well-defined boundaries. Hours of sale and security requirements will be determined by the Oregon Liquor Control Commission (OLCC) with input from the Lincoln County Sheriff's Office.

The sponsoring group will be responsible for maintaining adequate controls to ensure that:

- servers are at least 21 years of age
- no person under the age of 21 is served
- alcohol will be consumed within designated areas
- no cans/bottles of alcohol will be brought into the event area from outside the event area
- no person will be served who appears to be intoxicated

Security must be provided by the sponsoring group or the Lincoln County Sheriff's Office solely at the expense of the renter. Security staff must be situated at each point of distribution to enforce regulations and the end of event. Customers are limited to two drinks per visit, and all alcoholic beverages will be dispensed in cups only - cans or bottles are not to be sold.

The City, OLCC, or Sheriff's Office may close the sale of alcohol at any time during an event at their discretion.

The City Manager may require a written statement outlining how an applicant plans to comply with the OLCC regulations as well as OLCC service permits for any group that will be serving alcohol.

FIREARMS SALE/DISPLAY

The Commons building, including its grounds, is a public facility by state law, and is also used for Municipal Court. Sale or display of firearms, as defined by state law, is prohibited in the Commons or on the grounds by any renter holding a Yachats Commons Use Permit/Contract. Any violation of the firearms policy may be cause for and result in cancellation of an existing permit/contract and a ban on future rental of the Commons by the violator of this policy. No private security will be allowed to carry firearms on Yachats City property.

RESERVATIONS

All reservations for use of the facilities of the Commons including the picnic shelter and sports field must be made through the *GoYachats.com* reservations system. This process ensures a record of facility rentals that meets state record and retention policies. For information and assistance, the Facilities Manager may be called at 541-272-4213.

Renters shall be allowed to reserve rooms up to three years in advance.

Arts and Crafts Festivals, when the primary activity is vender booth selling to the public, are limited to eight (8) per year.

ROOM DESCRIPTIONS AND DETAILS

ALL RESERVATIONS

When room rentals are made, the type of activity and associated noise level will be considered. The working hours of City Hall (8:30 a.m. - 4:30 p.m. weekdays) will be taken into consideration. Noisier events will normally be held in the north end of the building.

Food shall not be prepared or served in any rooms that are carpeted. During building-wide events, food must be prepared and served out of Room 5 (Commons Kitchen) only. Any exceptions shall be made at the discretion of the City Manager or City Hall support staff in consultation with the Facilities Manager.

With the exception of lease agreements with the Yachats Youth and Family Program, no room will be allocated for exclusive permanent rental.

Room 1 (Civic Meeting Room) Not available for rent.

This room is used by City Hall from 8:30 a.m. to 4:30 p.m. for City Council meetings, Commission meetings, work sessions, and other open public meetings. At the discretion

of the City Manager or City Hall support staff, the audience half of the room may be rented for conferences and seminars, or for events that book the Multi-purpose room, the Kitchen, Rooms 8 and 3, and need additional space at times when not in use by the City.

Room 2 (City Hall Offices) Not available for rent.

Room 3

This room has a capacity of 49 seats without tables. It has a small pull-down screen for presentations. Room 3 is available by reservation for use by organizations or groups of individuals to hold small meetings, where no funds are solicited for any purpose. The room is available for up to 2 hours for such groups of up to 25 people at no charge.

Room 4 (Preschool)

This room is rented on a long-term basis to the Yachats Youth and Family Activities Program (YYFAP) for use as a preschool. Renters wishing to use this room shall contact YYFAP to inquire about use of this space.

Room 5 (Commons Kitchen)

Room 5 is the designated Commons Kitchen and has an exterior exit door. All food for an event shall be prepared and/or served from Room 5. If an event requires use of the kitchen facilities, the kitchen rental rate will be charged in addition to the rent for any room(s) being used for the event. Room 5 may also be rented without the use of the kitchen facilities. Renters of this room may be impacted by multipurpose room noise. Maximum occupancy: 49 people, with or without tables.

The kitchen facilities are commercially approved and include a 6-burner gas stove, double-wide reach-in cooler, filtered drinking water, coffee-maker, triple sink, and 150 place settings.

Room 6 (Facilities Manager's office) Not available for rent.

Room 7

Room 7 has a capacity of 27 seats without tables. A wall of north-facing windows provides soft light. Room 7 is not available to rent individually, but may be rented for large events that also book the Multi-Purpose Room, the Kitchen, Rooms 8 and 3, and that need additional space.

Room 8

Room 8 has a capacity of 49 people without tables. A wall of north-facing windows provides soft light. This room has an exterior exit door.

Multipurpose Room/Stage

This large room with a stage at one end and two basketball hoops is used for recreation, sports, dances, plays, concerts, and exercise classes. It is also appropriate for seminars, conferences, and festivals. Event lighting is available, as well as spotlights for the stage. Audio is also available.

Stage use shall be limited to pre-approved theater and performance events. Exceptions shall be considered on a case-by-case basis by the City Manager or their designee.

Maximum occupancy for theater seating is 225, with no more than 17 chairs in a row and a 4-foot aisle. Other configurations with fewer chairs in a row and more aisles may be approved if adequate safety precautions are provided. Maximum occupancy with tables: 162 people including serving staff; 14 round tables, 8 people per table. Serving table allowed. Aisle between double doorways must be left open. Aisle of 4 feet between all tables for craft show setup. Clearance on southwest door 4 feet.

Basement (Yachats Youth and Family Program and storage) Not available for rent.

ROOM USE CATEGORIES AND RENTAL RATES

ROOM USE CATEGORIES

Free Use

- Yachats government (City Council and Commissions)
- Community events to raise funds for the Commons
- Yachats Youth and Family Program
- Friends of the Yachats Library for their book sale
- Fee-waived groups and activities for public information/input at the City Recorder's discretion (e.g., candidates' forum; government agencies)
- Other federal, state, or county government agencies

Use by Donation

- Open community gym and exercise programs, and recurring open community events that do not generate income for the instructor, sponsors or individuals (e.g., yoga, zumba, tai chi, discussion groups, song circles). Sponsors should solicit donations with all donations submitted to the Facilities Manager for credit to Parks and Commons in lieu of rent.

Community Use

* Room 3 is available by reservation for individuals or groups to hold small meetings in which no funds are solicited for any purpose. The room is available for up to 2 hours for such groups of up to 25 people at no charge.

Non Profit Use

- Non-recurring nonprofit events that build a stronger sense of community while benefitting the individual: educational, sports, cultural and arts, recreation, social
- Nonexclusive service clubs/organizations
- Tax-supported agencies (e.g., community colleges)
- Commercial events open to the public that are sponsored by nonprofit groups or organizations (e.g., Chamber of Commerce Arts and Crafts Fair)
- Use sponsored by individuals for commemorative life events (e.g., birthdays, anniversaries, memorials) where the public is invited and donations are solicited for the benefit of local nonprofits or the Commons
- Hardship fundraising events not involving commercial activities, organized by a group of community members to benefit another community member in need

Private Use

- Private meetings or events with restricted access (e.g., family reunions, wedding receptions)
- Fundraising events involving commercial activities organized by a group of community members to benefit another community member in need (e.g., a fair or show where the funds for the community member in need are raised from the rental of space to commercial vendors who will be selling products for their own profit).
- Use sponsored by individuals for commemorative life events (e.g., birthdays, anniversaries, memorials) not involving donations to local nonprofits or the Commons, whether public or private.

Commercial Use

- Commercial or for-profit events open to the public, i.e., activity for which the purpose of the rental is to make profits for an individual or company.

Rental of Commons equipment for off-site use is based on availability and the needs of Commons users and renters, who have priority in all cases. Equipment shall not leave the building except as approved by City Hall staff. Rental forms must be completed and fees paid to the City before any equipment can be released.

Rehearsal Time

Rehearsal time for events under contract will be free and available within reason. Rehearsal times will be accommodated as much as possible provided the space is not needed for paying events. If paying events come up, rehearsals will need to be rescheduled or moved to another room. Rehearsal time can be guaranteed by paying Community rates.

Set-Up/Clean-Up

- No charge for setup time after 5:00 p.m. the day prior to the event.
- If 1-3 hours is needed prior to 5:00 p.m., the charge would be one half the hourly rate
- If 4 or more hours is needed prior to 5:00 p.m., the charge would be one half the daily rate

If One of Us Productions requires rehearsal time, there would not be a charge for rehearsal time so long as they are willing to use whatever room is available.

See Yachats Commons Rental Rates for current pricing

Cleaning/Damage Deposit

A \$100.00 refundable damage/cleaning deposit for any full-day or multiple-day event for reservations of 1 or 2 rooms. Reservations for more than 2 rooms requires a \$500.00 refundable damage/cleaning deposit for any full-day or multiple-day event. Fifty percent of the rental fees are required up front; applicable to the total rent due.

If the reservation is cancelled at least 30 days prior to the event, tenant would receive 100% of their deposit back. If cancelled between 15-30 days, they would receive 50% of their deposit back. If cancelled within the last 14 days, the deposit would be forfeited.

A deposit will not be charged for memorial services. All other uses require a deposit to be paid up front.

Renters will be financially responsible for the value of any lost equipment or damage beyond normal wear and tear in excess of the deposit amount.

If the facility is left clean, the deposit will be returned. City Hall staff in consultation with the Facilities Manager has the right to charge users for whatever cleaning or repair may be required, based on actual time and materials needed.

CONTRACTS AND APPEALS

City Hall staff in consultation with the Facilities Manager will determine rental categories. Special contracts may be negotiated with the Parks and Commons Commission.

Contracts for ongoing renters are generally issued on a multi-month basis and are reviewed at least annually and extended at any time by the City Manager. Contracts may be revoked at any time by the City Manager.

Decisions made by the City Manager or City Hall staff may be appealed to the Parks and Commons Commission. Decisions made by the Parks and Commons Commission may be appealed to City Council.

INSURANCE

Certain activities, performances, events, and instructional classes require insurance and the documentation of a Certificate of Liability Insurance if Commons facilities or grounds are to be used.

The following lists represent the types of uses that will require certificates of insurance. They should not be considered complete listings.

A. Organized dance or sports instruction and participation.

- Recreational dance
- Tumbling
- Baton
- Martial arts
- Cheerleading

B. Single-event activities.

- Festivals
- Concerts
- Dances

C. Multiple or long-term educational or recreational programs involving children.

- Preschool, day care
- Alternative education
- Baton, dance, or physical fitness instruction

D. Instructional programs involving overtly hazardous equipment, tools, or materials.

Liability insurance will have a \$500,000 single limit.

Documentation of coverage through existing business, residential, or organization insurance may be acceptable. The City of Yachats shall be listed as Certificate Holder.

Certificates of Insurance for single events are to be attached to rental contracts. For ongoing events, records must be kept of annual dates, certificates that expire, and notice given to renters prior to such expiration.

Determination regarding the need for certificate may be necessary on a case-by-case basis, depending on information on the rental contract or by interview. Certificate of Insurance must be received (with contract and rental fee) prior to the event.

OTHER RENTAL CATEGORIES

GRAND PIANO

Residents of Yachats and visitors are encouraged to use the grand piano. In order to maintain this fine instrument and ensure its prolonged use, the following guidelines have been established.

The piano will be kept in a secured garage on the stage of the multipurpose room when not in use.

The piano will be moved in and out of its garage only by experienced users or under the supervision of City Hall staff or the Facilities Manager.

The piano will be tuned as needed. The tunings will be scheduled by City Hall staff. The piano may receive additional tunings at the renter's discretion and expense. However, a technician approved by City Hall staff must be used.

Persons wishing to use the piano must fill out a request form and submit it to City Hall staff for approval.

There are to be absolutely no food or drinks on or near the piano.

Students under the age of 16 using the piano must be supervised by an adult at all times.

A small console piano is available for use by community members at no fee. Please see City Hall staff to use it.

Daily Rental Rates for Grand Piano

Commercial	Private	Community
\$100	\$50	\$25

A damage deposit of \$100 is required of all renters.

Fees may be waived at the discretion of the City Manager for groups that have supported and made substantial contributions to the Piano Fund and to the Commons, or for individuals who sponsor fundraising events to raise money for the Commons.

STAGE/SOUND/LIGHTING

Professional-grade sound and lighting equipment on the Commons stage is there to provide the opportunity for community and commercial activities such as theatrical events, music and dance performances and recitals, lectures, speeches, poetry readings, and screening of films and videos.

Rental of the stage will be at the discretion of the City Manager for uses other than events that are usual and customary activities associated with a stage.

Structures, stage sets, attachments, or equipment added to the stage will be approved by the City Manager.

No food is allowed on the stage. Liquids are acceptable on stage only in spill proof containers.

Only UL-approved electrical cords in safe working condition may be used and are to be connected to wall outlets in such a manner as not to interfere with the drapes.

Children under age 18 must be supervised by a responsible adult at all times.

The main drape on the stage shall be pulled closed when events in the multipurpose room might cause damage to the stage and/or its equipment (e.g., basketball, volleyball, softball, etc.)

RENTERS' RESPONSIBILITIES

Oregon law (ORS 105.682, et seq.) provides that the owner of land is not liable in contract or tort for injury, death or property damage that arises out of use of the land for recreational purposes (known as "recreational use immunity"). That immunity from liability does not apply if the owner makes a charge for permission to use the land. Fees charged for a particular use in building and/or park, such as use of a meeting room or the picnic shelter, do not apply to other uses of the building, the park or the public trails, or to your ability to enter other areas of the building, park or public trails. Therefore, the City of Yachats is not liable for injuries, death or property damage arising out of any use of building, park or public trails for recreational purposes when no specific charge has been made for that use or for the right to enter that part of the property.

1. All applicants for rental space must be 18 or older.
2. City Hall is responsible for working with renters to ensure compliance with policies and any contract agreement(s); however, the renter is liable for that compliance.
3. The Commons Facilities Manager will coordinate with each renter to determine equipment needs and will check rooms/equipment for damage and cleanliness at the beginning and end of an event. Each renter is responsible for special needs on the reservation form prior to the event and for leaving the rooms clean/usable or better

for the next renter. Renters are responsible for setting up and tearing down their own events and returning Commons property to its original location(s).

4. Renters must also determine the need to use their own personal equipment (e.g., extension cords).
5. City Hall does not clean rooms, wash dishes, or empty trash (with the exception of the rest rooms). The cleaning supply closet across the hall from Room 4 is stocked with brooms, mops, paper products, etc. It should be relocked after use. Trash containers should be emptied into the dumpster in back of the Commons and new liners put into the containers. Recycle bins are available outside near the southwest wall.
6. All renters are responsible for obtaining the proper permits and licenses needed for their particular events or food service. Copies of those permits and licenses must be submitted to City Hall and attached to the rental contract. The Yachats Prepared Food and Beverage Tax shall be collected and submitted when applicable.
7. The Commons building is a NO SMOKING area. Smoking or vaping is prohibited on Commons property.
8. Alcohol use will not be permitted without prior written approval of City Council. An Application for Use of Alcohol on City Property form must be submitted and approved prior to the event. This form is available inside City Hall.
9. Renters should be aware of the statement on fragrances under the Environmental Values heading and should make reasonable efforts to comply with its requests.
10. Only those rooms contracted for are to be used. Renters will contact City Hall if any changes in rooms are to be made, additional space is required, or equipment needed.
11. The driveway in front of the Commons is for dropoff and handicap access only. Renters must ensure that no vehicles are parked in that area during events.
12. No tables, chairs, or other objects may be placed or allowed to remain in the hallways except as approved by the Fire Marshall or Yachats Fire District Chief.
13. Equipment may not be removed from the building without prior approval of City Hall staff in consultation with the Facilities Manager.
14. Renters are responsible for locking the room(s) they have used at the end of the scheduled use. Renters shall also coordinate with other users to ensure that all rooms in the building and the building's main doors are locked at the end of the day. If the key checked out to them for their use will not lock any doors they find unlocked, they should call the Facilities Manager at 541.961.4258 for assistance. Should problems arise that renters do not feel comfortable dealing with, they should call 911.
15. Renters are responsible for replacement of lost or damaged equipment and repairs to rooms. Nails or tacks, etc., are prohibited as a means of securing items to walls, railings, ceilings, etc. Only painters' tape is permitted.
16. Renters will make reasonable efforts to assure that any person who conducts him/herself in a disorderly manner and/or minors who have consumed alcoholic beverages do not remain on any part of the premises during activities. Should problems arise that renters do not feel comfortable dealing with, they should call 911.

17. Renters will not permit violations of federal, state, or local laws to occur in connection with their activities.
18. Renters should contact City Hall Monday-Friday from 8:30 to 4:30 (except holidays) for assistance at 541.547.3565. Otherwise, the Facilities User Support Manager is available at 541.961.4258.
19. Linens, catering, and all decorations are the renter's responsibility.
20. The City of Yachats is not responsible for lost items.
21. Reservations are not firm until a completed contract has been signed by renter and City.
22. If there is a need for clarification or interpretation of the Rental Agreement, a request may be made to speak to the Chairperson of the Parks and Commons Commission.

USE OF KEYS

GENERAL RULES

Keys are only for the use of the person/organization checking them out and only for the scheduled rental(s). Renters/users are reminded that they must clear any extra or extended use with City Hall ahead of time. Keys may be picked up at the City Hall office M-F, 8:30-4:30.

If the key checked out to renters for their use will not lock any doors they find unlocked at the end of their event/activity, they should call the Facilities Manager (541-272-4213) for assistance.

Renters owing money (e.g., fines, etc.) related to Commons use are not allowed further room rental or key checkout until the money is paid

MASTER KEYS

These keys are for maintenance, security, and fire protection personnel only. They will not be checked out to renters/users.

LONG-TERM USE

Renters/users with a signed contract/agreement that use the Commons more than once a week may be given a key on a long-term basis. This privilege may be requested when the rental agreement is signed. Approval can be given by the City Manager and will be reviewed regularly.

CHECKOUT

Keys are checked out for scheduled events. City Hall staff may collect deposits and will keep appropriate records.

KEY RETURN

Keys are to be returned within 24 hours after the end of the scheduled use or by the next business day to City Hall or to the City's drop box at the southernmost doors in the front of the building.

LOST KEYS

All costs related to re-keying and duplicate keys will be charged to the renter/user at the going business rate.

STORAGE

As negotiated with the City Hall staff in consultation with the Facilities Manager, cabinets in the Commons may be used for storage. This convenience is primarily for long-term renters. Users are responsible for all materials and supplies stored and for locking them up. Users must supply City Hall with a set of keys for any lock installed.

If additional storage is needed that could require replacement of a portable cabinet, case, or large items in rooms, arrangements must be made with City Hall staff in consultation with the Facilities Manager.

The City is not liable for anything stored or lost in the Commons.

DUMPSTER

For some large events, organizations or groups will be required to provide an additional dumpster or pay for an extra pickup of the City dumpster.

CONCESSIONS

If food service is planned for an event, concessions are allowed. All concessionaires and caterers will comply with Business License and Prepared Food and Beverage Tax laws.

BUMPING

Occasionally, in the event of a time conflict, regular or intermittent users may be asked to yield to special uses. When this occurs, City Hall staff will give notice to the designated representative of the user to be bumped.

COMMONS OPEN SPACE

The Commons open space consists of 4.85 acres including a playground, enclosed picnic shelter, sports field, woods, wetland area, open space, and parking.

The exclusive use of the sports field and/or picnic shelter must be made through the *GoYachats.com* reservation system.

.Family use or pickup sports games are permissible as long as events are not scheduled in the area.

PLAYGROUND

The playground is available to individuals or families for their use on a first-come, first-served basis. Use is at one's own risk.

ENCLOSED PICNIC SHELTER

See Yachats Commons Rate Schedule for current pricing

PARKING

Maximum parking available in the area of the Commons building and grounds is 198 spaces, including 8 handicap. Some parking is on private property.

Parking for the Commons is available in the lot at the north end of the building on the south side of 5th Street and in front of and alongside the 501 Building. Parking is also available in the back of the Commons. Parking should take place on the south side of the fenced area. For larger events, parking may occur on the north side of the fenced area and on the edge of the grassy area. Parking is also available along 4th Street and west of the retaining wall behind the 501 Building. At all times be aware that children may be in the area. Care should be taken when driving in the vicinity. Vendor use of this area is by permission only.

The driveway in front of the Commons is for drop-off and handicap access only. Renters must ensure that no vehicles are parked in that area during events.

WETLANDS

A part of the open area to the west of the Commons is a delineated wetlands and shall be respected as such. Trails may not be cut in the woods or wetlands area. Pick up all litter and dispose in appropriate trash containers. Do not dispose of any chemicals or liquids in the area. Do not attempt to feed the fish or birds.

WALKING PATH

The walking path and boardwalks on the Commons property are available to the public. Please stay on the path.

SPORTS FIELD

The sports field is to be used primarily for athletic and play activities. Other uses must be approved by the City Staff. Any organized events/team play must be scheduled through the *GoYachats.com* reservation system. Unless reservations have been so scheduled, the field is available on a first-come, first-served basis.

SKATEBOARDING

Skateboarding is allowed in the skateboard park with ramps in back of the 501 Building. Skateboarders may not interfere with events that occur in the Commons or on Commons grounds. This includes YYFAP activities and events.

Appendix A – Making a Room Reservation in the Commons Using the GoYachats Calendar/Reservation System

Pricing to be effective January 16, 2019

YACHATS COMMONS RENTAL RATES

SPACE	Standard	Private	Non-Profit
Mtg rms 5, 8	\$ 36.00/hour \$180.00/day	\$ 18.00/hour \$ 90.00/day	\$ 9.00/hour \$ 45.00/day
Mtg room 3	\$ 24.00/hour \$120.00/day	\$ 12.00/hour \$ 60.00/day	\$ 6.00/hour \$ 30.00/day
Multipurpose Room	\$60.00/hour \$300.00/day	\$ 30.00/hour \$150.00/day	\$ 15.00/hour \$ 70.00/day
501 Building	Same as Multipurpose room – see Rental Pricing Policy		
Enclosed picnic Shelter	\$36.00/hour \$120.00/day	\$ 18.00/hour \$ 60.00/day	\$ 9.00/hour \$ 30.00/day
Kitchen	\$200.00/day \$100.00/ ½ day	\$100.00/day \$ 50.00/ ½ day	\$ 50.00/day \$ 25.00/ ½ day
Coffee Service Limited use of kitchen; room rent is extra	\$20.00	\$10.00	\$5.00
Grand piano	\$100.00/day	\$50.00/day	\$25.00/day

Equipment	Rate
Portable sound system (Includes small speaker & microphone)	\$ 15.00

Pipe and Drape system	\$ 100.00
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May only be used in the Commons Building – not to be taken off site

Community Use: Room 3 is available by reservation for use by organizations or groups of individuals to hold small meetings, where no funds are solicited for any purpose. The room is available for up to 2 hours for such groups of up to 25 people at no charge.

NOTE: Room 7 and Room 1 are not eligible to be rented individually. However, for large groups that rent out the rest of the building (Multi-purpose room, Room 8, Kitchen, and Room 3) that need additional space, Room 7 and half of room 1 (the audience side of the room) can also be rented at the same rate as room 3.

Equipment only rental (off-site)

Black chairs	\$ 2.50/chair
Folding chairs	\$ 1.50/chair
Folding tables	\$ 5.00/table
(5' Round or 6' & 8' Rectangular)	

Exceptions:

- 1) Yachats Big Band will contribute 50% of the gross proceeds to the Commons in lieu of rent for their performances.
- 2) If they do not have a sponsor at the Nonprofit rate, One of Us Productions will pay the Commons 25% of their net profits in lieu of a set rental fee for their performances.

Yachats Commons Rental Pricing Policy

Standard Use

- For-profit events

Private Use

- Events with restricted access (i.e., reunions, receptions, birthdays, anniversaries)
- All other uses not covered in the descriptions above

Non Profit Use

- Use by 501©3 non-profit organizations (i.e., STEM, Polly Plumb Productions)
- Fund-raising event to benefit a community member in need
- Use by service clubs and organizations involving a collection of money (i.e., Ladies Club, Lions Club)

Community Use

- Room 3 is available by reservation for use by organizations or groups of individuals to hold small meetings, where no funds are solicited for any purpose. The room is available for up to 2 hours for such groups up to 25 people at no charge.

Waiver of Rental Fees

- Any government or tax-supported governmental agency will not be charged for meeting time
- View The Future would not be charged for meeting time
- Friends of the Yachats Library will not be charged for their annual book sale
- YYFAP will not be charged for their events and activities
- Yachats Big Band will donate 50% of the gate receipts to the Commons on lieu of rent for their performances
- **If One of Us does not have a sponsor at the non profit rate, they will donate 25% of the net proceeds from their performances to the Commons in lieu of rent.**

By Donation

- Small community groups that collect a cash donation for use of the facility for exercise, tai chi, yoga, art, music will deposit the cash in the drop slot by the Facilities Manager's office for insurance purposes

Deposit Required

- \$100 refundable damage/cleaning deposit for any full-day or multiple-day event for reservations of 1 or 2 rooms. Reservations for more than 2 rooms requires a \$500 refundable damage/cleaning deposit for any full-day or multiple-day event. Fifty percent of the rental fees are required up front; applicable to the total rent due.

- If reservation is cancelled at least 30 days prior to the event, tenant would receive 100% of their deposit back. If cancelled between 15-30 days, they would receive 50% of their deposit back. If cancelled within the last 14 days, the deposit would be forfeited.
- A deposit will not be charged for memorial services. All other uses would require a deposit to be paid up front.

Set-Up or Practice Time

- No charge for setup time after 5:00 p.m. the day prior to the event
- If 1-3 hours is needed prior to 5:00 p.m., the charge would be one half the hourly rate
- If 4 or more hours is needed prior to 5:00 p.m., the charge would be one half the daily rate

If One of Us Productions requires rehearsal time, there would not be a charge for rehearsal time so long as they are willing to use whatever room is available.

Revised January 16, 2019

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

Ordinance 355

Question Before Council:

Consideration and discussion of Ordinance 355

Person/Group Initiating Request:

City Manager

Item Summary/Background:

The drafted red-line ordinance presented to Council includes updates from the January 2 Council discussion. If Council moves to approve Ord. 355

The City Manager recommends, after considering any comments, the Council consider the following motion:

I move to approve Ordinance 355.

Alternative: Continue discussion and not approve Ordinance 355.

**CITY OF YACHATS
ORDINANCE NO. 355**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 3.10 –
~~CAPITAL IMPROVEMENT PLANNING AND PLANNING SUB-COMMITTEE~~**

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

NOW THEREFORE, the City of Yachats ordains that Chapter 3.10 – Capital Improvement Planning ~~and Planning Sub-Committee~~ shall be amended to read as follows:

Chapter 3.10 – ~~Finance Committee and~~ Capital Improvement Planning ~~And Planning Sub-Committee~~

Sections:

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

Section 3.10.010 Membership

The City Council shall establish and appoint a Finance Committee which shall also serve as the Capital Improvement Planning Committee (CIP Committee). ~~The Chair of the Finance Committee shall also serve as the Chair of the CIP Sub-Committee.~~ The Finance Committee shall include, at least seven (7) members, one representative from the Public Works & Streets Commission, Planning Commission, Parks & Commons Commission, Library Commission, Budget Committee, City Council, and the City Manager's Office.

The City Manager's Office Finance Committee Representative shall serve as the Chair of the committee; however, will be an ex-officio (non-voting) member of the committee. Citizen membership is strongly encouraged. The representatives shall be appointed from their respective entities. The Finance Committee shall appoint citizen members. Members can be removed from the Committee by City Council for cause.

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

Section 3.10.020 Powers and Duties

The ~~Sub-committee~~ Finance Committee, at public meetings, shall:

- 1) Provide financial expertise in recommendations to the City Council and Commissions for utility rate studies, property tax decisions, changes in other taxes, and studies or recommendations for other sources of revenue and financial agreements;
- 2) Provide a long term horizon for fund balance projections (3-5 years);
- 3) Provide a "state of the City" financial report to the City Council – This would be a snapshot of how the financial long term picture looks given certain assumptions.
- 4) Assist the City Manager on special projects like:
 - a. Review and recommend changes to the City budget document
 - b. Review and comment on the CIP document and process
 - c. Advise if development paying their fair share of the infrastructure and operational costs

- d. Advise how can the City organize / present information to improve decision making
- 5) Study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:
- a. 1) are purchased or undertaken at intervals of not less than five years;
 - b. 2) have a useful life of at least five years; and 3) cost over \$5,000. and
- 6) Other projects assigned by the City Council

Each year, commission chairs, boards, and department heads, shall submit capital project requests to the ~~Sub-committee~~Finance Committee including information for all anticipated projects requiring Council action during the ensuing ~~six-five to ten~~ years. Submissions shall be on the proscribed forms provided by the City's budget officer. The ~~Sub-committee~~Finance Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the city. ~~No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Sub-committee's report or the Sub-committee shall first have submitted a report to the City council explaining the omission.~~
(Ord. 248, Add, 12/10/2004 Add 1/16/2019)

Section 3.10.030 Capital Improvement Program - Annual Report to City Council

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

Section 3.10.040 Capital Improvement Program - Adoption and Appropriations

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

Section 3.10.050 Capital Improvement Program - Public Report

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

PASSED AND ADOPTED by the City Council of the City of Yachats on this _____ day of _____.

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

APPROVED by the Mayor this ____ day of _____.

Attest:

W. John Moore, Mayor

Shannon Beaucaire, City ~~Recorder~~Manager

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

Resolution 2019-50

Question Before Council:

To approve Resolution 2019-50

Person/Group Initiating Request:

City Manager

Item Summary/Background:

Following the audit, the City is required to file a Plan of Action with the State of Oregon. Resolution 2019-50 outlines the Plan of Action.

The City Manager recommends, after considering any comments, the Council consider the following motion:

I move to approve Resolution 2019-50.



**CITY OF YACHATS
RESOLUTION NO. 2019-50**

**A RESOLUTION ADOPTING A PLAN OF ACTION AND RESPONSE TO THE AUDIT FINDINGS
OF THE AUDITORS REPORT FOR FISCAL 2017-2018 FINANCIAL STATEMENTS.**

The City of Yachats Resolves as follows:

WHEREAS, the City of Yachats has received and reviewed the 2017-2018 Financial Statement audit from the City Auditors (the Audit); and

WHEREAS, the Audit notes commented “The City of Yachats has elected not to have an internal control system designed to provide for the preparation of the financial statements and related footnotes being audited.

As is the case with many small to medium sized Oregon entities, the City of Yachats has relied on its independent external auditors to assist in the preparation of the financial statements and notes as a part of the external financial reporting process. The City’s ability to prepare financial statements in accordance with GAAP and GASB reporting standards is based, in part, on its external auditors, who cannot be considered a part of the City’s internal Control structure.

As auditors, we were requested to draft the financial statements and the accompanying notes as well as assist to making the appropriate adjustments to convert the City’s financial data into appropriate GAAP reporting.”

WHEREAS, the Audit notes also commented “The City’s water and sewer fund charges for services represent one of the City’s largest revenue sources. For fiscal year 2018, the City had \$1,284,848 in combined revenues from their water and sewer services, \$657,968 and \$626,880 from the water and sewer fund, respectively.

The City does not have updated formal policies or procedures over the water and sewer charges for services processes, nor does it have adequate segregation of duties or additional internal controls to ensure the system processes are adequately reviewed and result in accurate financial balances. The City currently has one position that is responsible for determining the water and sewer billing rates, calculating water and sewer billings, performing adjustments to customer accounts, maintaining discounts for low income customers and collecting customer payments.

While no material errors were identified, the control deficiency could result in a material misstatement to the financial statements due to the lack of review, lack of established process and lack of segregation of duties.”

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YACHATS, OREGON
AS FOLLOWS:**

- 1) The City has evaluated the cost v. benefit of establishing internal controls over the preparation of financial statements in accordance with GAAP and GASB and determined



**CITY OF YACHATS
RESOLUTION NO. 2019-50**

**A RESOLUTION ADOPTING A PLAN OF ACTION AND RESPONSE TO THE AUDIT FINDINGS
OF THE AUDITORS REPORT FOR FISCAL 2017-2018 FINANCIAL STATEMENTS.**

that it is in the best interests of the government to outsource this task to its qualified accountant and to carefully review the draft financial statements and notes prior to approving them and accepting responsibility for their content and presentation on a continuous timely basis.

- 2) Fund structure changes will be made at the earliest possible opportunity which is July 1, 2018. Therefore, financial data for fiscal 2018-2019 will conform with GAAP and GASB. In the meantime, funds will be restated to comply with fund reporting requirements.
- 3) City personnel responsible for accounting and reporting functions will update fund structures to be compliant with governmental fund accounting and will receive ongoing training of City personnel in GAAP and GASP principles.
- 4) The City is in the process of updating all its internal control procedures, including water and sewer services. Updated procedures will include periodic reviews, updates to the low-income review process, documentation for billing rates, billings, and adjustments. The City is also in the process of researching the best option to review SDC methodologies and water and sewer rates to determine whether rates are sufficient to pay for operations and major reinvestments that will be required in the utility system's future. The second issue was to determine whether our rates are equitable in how they are structured to share the cost of supporting the various utility systems among the various types of utility users.

This resolution was Adopted by the CITY OF YACHATS CITY COUNCIL this 16th day of January 2019 and takes effect upon signing by the Mayor.

W. JOHN MOORE, Mayor

Attest by:

SHANNON BEAUCAIRE, City Manager

City Council Action Item Cover Sheet

DATE: January 16, 2019

Agenda Item:

Resolution 2019-51

Question Before Council:

To approve Resolution 2019-51

Person/Group Initiating Request:

City Manager

Item Summary/Background:

Annually, by Resolution, the City Council extends workers' compensation coverage to the City's volunteers.

The City Manager recommends, after considering any comments, the Council consider the following motion:

I move to approve Resolution 2019-51.

CITY OF YACHATS
Resolution No. 2019-51

A Resolution extending workers' compensation coverage to volunteers of CITY OF YACHATS in which CITY OF YACHATS elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

1. Volunteer boards, commissions, and councils for the performance of administrative duties.

An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are as follows:

- a. City Council
- b. Planning Commission
- c. Public Works & Streets Commission
- d. Parks & Commons Commission
- e. Library Commission
- f. Budget Committee
- g. Finance Committee

2. Non-public safety volunteers

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed.

- ☐ Parks and Commons (including Trails)
- ☐ Little Log Church & Museum
- ☐ Public Works (including Clean Sweep)
- ☐ Library
- ☐ Other *[List specifically by title]*

3. Other Volunteers

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided that CITY OF YACHATS:

- a. Provides at least two weeks' advance written notice to CIS underwriting requesting the coverage
- b. CIS approves the coverage and date of coverage
- c. CIS provides written confirmation of coverage

CITY OF YACHATS agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.

Now, therefore, be it resolved by CITY OF YACHATS to provide workers' compensation coverage as indicated above.

Adopted by the CITY OF YACHATS CITY COUNCIL this 16th day of January, 2019.

W. John Moore, Mayor

Attest by:

SHANNON BEAUCAIRE, City Manager