

1. Agenda

Documents:

[CC AGENDA 04-11-18.PDF](#)

2. Meeting Materials

Documents:

[04-04-18 CAPE PERPETUA.PDF](#)

[04-04-18 NEWPORT HOUSING MTG.PDF](#)

[04-04-18 OIL DRILLING.PDF](#)

[04-04-18 VACATION RENTAL.PDF](#)

[ART GRANT DISCUSSION ACTION ITEM.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, April 11, 2018 at 6:00pm

AGENDA

- I. Announcements, Correspondence and Proclamations**
Public Comment *(topics not listed on the agenda: 5-minute limitation per person)*
 - a. A Code Enforcement Introduction – Julie Rosenfield
- II. Minutes**
 - a. Approve March 7, 2018 Draft Minutes
 - b. Approve March 14, 2018 Draft Minutes
- III. Reports**
 - a. Council Reports
 - b. City Manager Report
 - c. Visitor Center Report
- IV. Business**
 - b. Evans/Betz – Update & Resolution Authorizing Application for Grant
- V. Public Comment**
- VI. Other Business**
 - a. From Mayor
 - b. From Staff
 - c. From Council

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

POSTED

City Council Action Item Cover Sheet

April 4, 2018

Agenda Item:

Ongoing Discussion of Cape Perpetua Collaborative Guiding Principles and Draft Support Letter

Question Before Council:

The City of Yachats to acknowledge support of the Cape Perpetua Collaborative program.

Person/Group Initiating Request:

Paul Engelmeyer

Item Summary/Background:

Cape Perpetua Collaborative Guiding principles, Draft letter from the City of Yachats in support of the program, Summary brochure of Cape Perpetual Collaborative information

Cape Perpetua Collaborative Guiding Principles

These principles guide all management tasks and activities carried out by partners through the Cape Perpetua Collaborative.

- **Engaging in Partnerships:** Agencies and other partners understand the importance and value that exists from communicating and working together and will strive to support one another through active communication and partnership.
 - **Leveraging Resources:** Agencies and other partners will seek opportunities to streamline efforts and leverage human and financial resources to advance management, monitoring, public engagement and enjoyment of *Cape Perpetua special management areas**.
 - **Ensuring Community Engagement:** Agencies and other partners understand the importance of building community and public confidence and understanding in management and monitoring efforts within *Cape Perpetua special management areas**. As such, agencies and other partners will be forthcoming, honest and open in communications about actions related to *Cape Perpetua special management*
-

From: City of Yachats

To: Paul Engelmeyer

Subject: Letter in Support of Cape Perpetua Marine Reserve Collaborative -

To Whom It May Concern,

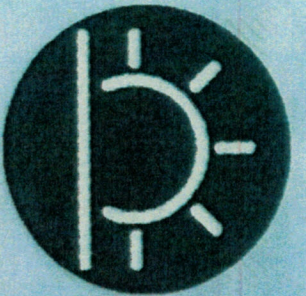
The City of Yachats would like to acknowledge our support of the Cape Perpetua Collaborative.

We have been supportive of the Cape Perpetua Communications Coordinator who has worked closely with the City and the USFS/Cape Perpetual Visitor Center, Oregon State Parks, Fish and Wildlife, and other managing agencies in the area to raise awareness and appreciation of the Cape Perpetual Marine Reserve/MPA area.

We believe it is essential that we work together to preserve the area's history and natural resources. We acknowledge that we have visitors from Oregon as well as all over world. This creates an opportunity to raise awareness of our local conservation efforts and issues. With many volunteers and docents from all these agencies as well as the State Park guests, working to ensure there is a clear educational message for them about what they are seeing as they walk these paths and why it is so important to preserve this area.

The Cape Perpetua Marine Reserve Collaborative will enhance and support all our efforts (government and private) to foster awareness, conservation, restoration, and stewardship along this beautiful Oregon coast line.

Sincerely,



ON THE HORIZON

- Intercept survey report
- Business/hospitality packet
- Newsletter & additional communications
- Annual events (Land-Sea Symposium, Volunteer Appreciation, etc..)
- Upcoming summer season with citizen science opportunities, out door field trips, and more



ADMINISTRATIVE

- Collaborative workshop: Declaration of Cooperative
- Additional funding: we were able to take initial 10K grand and triple that investment



CAPE PERPETUA COLLABORATIVE

Communications Coordinator Executive
Summary -- Created by Tara DuBois

Links:

facebook.com/capeperpetuamarinereserve
oregonmarinereserves.org
oregonmarinereserves.com

CAPE PERPETUA COLLABORATIVE

Communications Coordinator
Executive Summary

COMMUNICATIONS

Developed a Cape Perpetua
Collaborative Communications Plan

SOCIAL MEDIA

- Developed strategy for Cape Perpetua Marine Reserve Facebook page
- 11% organic growth

INTERCEPT SURVEYS

- Completed pilot surveys
- Standardized schedule for 2018 with goal being 1000 surveys completed
- Create draft report after 600 completed surveys

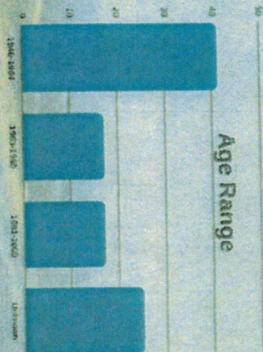
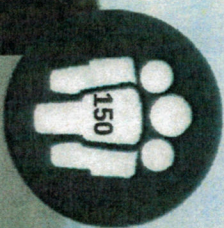
BUSINESS OUTREACH

- Begun business outreach
- Developing a resource hospitality packet of local information and activities to reinforce conservation tourism & business patronage
- Received 1K from Sea Lion Caves to support citizen science



EVENTS

Land-Sea Symposium



Volunteer App



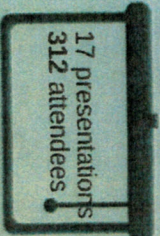
55 Attendees + state and local representatives

Field Trips



Assisted 6 field trips
Reaching 207 people

Speaker Series



17 presentations
312 attendees



City Council Action Item Cover Sheet

April 4, 2018

Agenda Item:

Announcement: Newport City Council Housing Meeting April 12, 2018

Question Before Council:

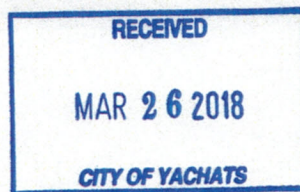
Council is invited to the Newport City Council Work Session in April 12, 2018 at 3pm regarding housing issues that impact our communities.

Person/Group Initiating Request:

Newport City Council

Item Summary/Background:

See attached memorandum



Spencer R. Nebel
City Manager
CITY OF NEWPORT
169 S.W. Coast Hwy.
Newport, OR 97365
s.nebel@newportoregon.gov

March 22, 2018

Gerald Stanley, Mayor
Shannon Beaucaire, City Manager
City of Yachats
P O Box 345
Yachats, OR 97498

RE: Housing Meeting on April 12 at 3 P.M.

Dear Mayor and City Manager:

The Newport City Council invites you and your Council/Commission and staff to participate in a work session on Thursday, April 12, 2018, at 3 P.M. at Newport's City Hall to discuss housing issues that impact all our communities. This meeting is a follow up on a previous meeting held 18 months ago to determine whether there are any regional strategies that could be implemented in order to help address all types of housing levels in Lincoln County. The Lincoln County Managers have discussed holding this second meeting with the appointed and elected local government leaders to update and re-engage leaders' discussions on county-wide strategies to address housing concerns throughout the county.

Following the last meeting, the Economic Development Alliance of Lincoln County held a number of discussions with city and county planners on housing issues. Furthermore, a number of regulatory changes have been made by various jurisdictions in the past 18 months, and a number of housing developments have moved forward within the county. This would be a good time to continue discussions on this important issue among County elected and appointed officials. The proposed discussion items for this meeting would be as follows:

- 1.) Updates from participants on housing issues within their jurisdictions.
- 2.) Discussion on potential use of housing funds held by CSC for Waldport, Newport, and Lincoln County.
- 3.) Discussion on desired levels of housing throughout Lincoln County to address needs.
- 4.) An update from the Lincoln County Economic Alliance on housing issues.
- 5.) Next steps to address the housing supply throughout Lincoln County.

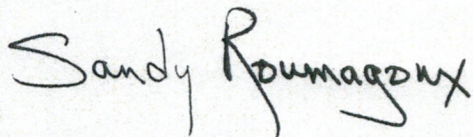
RECEIVED
MAR 15 9 31 AM

Lincoln County is experiencing a number of changes that will bring more employees to the county. One example of this was the groundbreaking for Oregon State University's *Marine Studies Initiative*, which occurred on Thursday, March 15. While OSU is building student housing to address that particular housing need, there will be significant growth in jobs at the Hatfield Marine Center that will also require housing in Lincoln County. As a growing economic region on the central coast, it is important that we take steps to address both existing and anticipated housing needs in all Lincoln County communities.

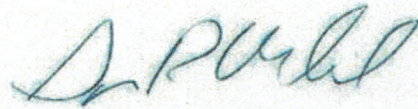
Please discuss possible participation in this meeting with your Council/Commission and contact Newport City Recorder, Peggy Hawker, at p.hawker@newportoregon.gov to let her know if your organization will be participating in this meeting on April 12. It would also be helpful to have an approximate count of individuals participating so we may set up Council Chambers to adequately accommodate the meeting. Also, let Peggy know if you have any suggestions relating to the agenda for the meeting. Please remember if a quorum of your elected body is likely to participate, then we would suggest that you also post this meeting as a joint work session, in order to address any open meeting issues. The location which should be indicated for the open meeting is the Newport City Council Chambers, City Hall, 169 SW Coast Highway, Newport, Oregon 97365.

If you have any other questions, please feel free to contact either of us, or City Recorder, Peggy Hawker, for further information.

Sincerely,



Sandra Roumagoux
Mayor, City of Newport



Spencer R. Nebel
City Manager, City of Newport

Cc: Newport City Council
Lincoln County Economic Alliance - Caroline Bauman
CSC - Pegge McGuire
Lincoln County Housing Authority-Kathy Kowtko
Oregon Cascades West Council of Governments- Fred Abousleman

City Council Action Item Cover Sheet

April 4, 2018

Agenda Item:

Oil Drilling Resolution

Question Before Council:

Review Draft Resolution

Person/Group Initiating Request:

Item Summary/Background:

CITY OF YACHATS

RESOLUTION 2018-04-11

**A RESOLUTION TO EXPRESS THE CITY OF YACHAT'S OPPOSITION TO
OFFSHORE OIL, GAS DRILLING AND EXPLORATION ACTIVITIES,
INCLUDING SEISMIC AIRGUN BLASTING**

WHEREAS, in Oregon hundreds of thousands of jobs and billions of dollars of the state's gross domestic product depend on clean, oil-free waters and beaches and abundant fish and wildlife; and,

WHEREAS, the vast majority of Oregon's ocean wealth stems from our fishing industry, tourism and recreation sector which benefits from a healthy ocean and coast; and,

WHEREAS, offshore oil and gas drilling and exploration places coastal communities at economic and ecological risk from oil spills and the pollution brought by routine drilling operations and onshore industrialization, threatening the livelihoods of commercial and recreational fisherman and small businesses that rely on a clean and healthy ocean and beaches; and,

WHEREAS, offshore drilling may require significant onshore infrastructure, such as pipelines or refineries, which would harm the character of Oregon's coastline and could exacerbate wetlands loss and storm surge and sea level rise impacts; and,

WHEREAS, the harmful impacts from offshore oil and gas drilling and exploration anywhere along the Pacific coastline could extend far beyond immediately surrounding areas severely impacting communities that rely on the robust economy of the marine industry; and,

WHEREAS, offshore drilling and exploration perpetuates our ties to dirty carbon pollution and contributes to climate change and the resulting sea level rise and extreme weather; and,

WHEREAS, the current administration has expressed interest in opening the Pacific Ocean to offshore oil and gas drilling and exploration, which includes the use of seismic airguns which fire intense blasts of compressed air that rank just behind military explosives as the loudest source of noise in the ocean, every 10-12 seconds, 24 hours a day, for months on end; and,

WHEREAS, seismic airgun blasting to explore for oil and gas deposits has been proven to

disrupt and displace marine life, such as whales which rely on sound to find food and mate, and can impair the health of many fish and shellfish species, including those of commercial importance like salmon, Dungeness crab, and pink shrimp; and,

WHEREAS, the Oregon Coast is vulnerable to both earthquakes and tsunamis, offshore drilling, exploration, and seismic airgun blasting coupled these natural events shall lead to disastrous consequences to our ocean, marine wildlife, and coastline: and

WHEREAS, the City of Yachats recognizes that our communities, businesses, and industries depend on a healthy coastal environment for the benefit of current and future residents, property owners, and visitors;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF YACHATS, OREGON THAT:

SECTION 1. The City of Yachats finds that offshore oil, gas drilling and exploration unnecessarily risk our economic and ecological health and therefore opposes any plan or legislation which encourages oil and gas development and exploration offshore that would impact the citizens of Oregon.

SECTION 2. This Resolution shall take effect immediately upon its adoption by Mayor Gerald Stanley, and Council Members, Greg Scott, Barbara Frye, Max Glenn, and Jim Tooke.

SECTION 3. The City Manager, Shannon Beaucaire shall forward a copy of this Resolution to Oregon Governor Kate Brown, U. S. Senators Ron Wyden and Jeff Merkley; U.S. Representative Kurt Schrader; State Senator Arnie Roblan; State Representatives David Gomborg and Caddy McKeown; and any other interested parties.

Signature

Passed by the City Council this 11th day of April, 2018.

ATTEST:

(Gerald Stanley, Mayor)

(Shannon Beaucaire, City Manager)

CHARTER

Sections:

99.01.010 Charter.

Section 99.01.010 Charter.

PREAMBLE

We, the voters of Yachats, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

Chapter I

NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2005 Yachats Charter.

Section 2. Name. The City of Yachats, Oregon, continues as a municipal corporation with the name "City of Yachats."

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified by a majority of the voters of the City of Yachats at an election, or as otherwise legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

Chapter II

POWERS

SECTION 4. POWERS. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasijudicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

Chapter III

COUNCIL

Section 7. Council. The council consists of a mayor and four councilors nominated and elected from the city at large.

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority. With the consent

of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.

Section 11. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules.

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

Chapter IV LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Yachats ordains as follows:".

Section 16. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.

(b) The council may adopt an ordinance at a single meeting by the unanimous approval of at

least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

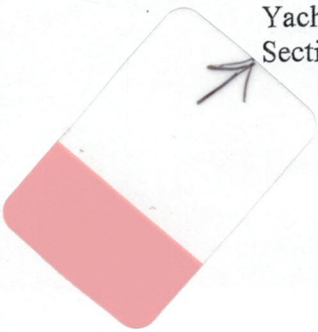
(e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

Chapter V ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Yachats resolves as follows:"

Section 19. Resolution Approval.



- (a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
- (c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.
- (d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

Chapter VI

QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Yachats" orders as follows:".

Section 22. Order Approval.

- (a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.
- (b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.
- (c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.
- (d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Chapter VII

ELECTIONS

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, two councilors will be elected for four- year terms.

Section 25. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd- numbered year after adoption. At each general election after the adoption, a mayor will be elected for a two-year term.

Section 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

Section 27. Qualifications.

- (a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the mayor nor a councilor may be employed by the city.
- (d) The council is the final judge of the election and qualifications of its members.

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

Section 29. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

Section 31. Vacancies: The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
- (2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period,
- (3) Ceasing to reside in the city,
- (4) Ceasing to be a qualified elector under state law,
- (5) Conviction of a public offense punishable by loss of liberty, or
- (6) Resignation from the office,

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.

Chapter VIII PERSONNEL

Section 33. Appointive Officers. Additional officers as the Council deems necessary shall be appointed and may be removed by a majority vote of the entire Council.

Section 34. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 35. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

Chapter IX PUBLIC IMPROVEMENTS

Section 36 Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 37. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Chapter X

MISCELLANEOUS PROVISIONS

Section 38. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 39. Purchase and Sale of City Real Property. No fee simple title to real property shall be purchased nor shall fee simple title to property owned by the City be sold or otherwise transferred in its entirety without prior voter approval at an election.

Section 40. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 41. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 42. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 43. Time of Effect. This charter takes effect February 1, 2005.

(Ord. memo, Amended, 12/10/2004; Manual, Amended, 07/25/2002, Correction to publication error. Section 42A was replaced with Section 46 just before the Code was printed. However, Section 42A was left in by publisher.)

City Council Action Item Cover Sheet

April 4, 2018

Agenda Item:

Ongoing Discussion on Vacation Rentals

Question Before Council:

Council question related to vacation rentals as a "Business"

Person/Group Initiating Request:

Council discussion

Item Summary/Background:

Memo from City Attorney Ross Williamson

**LOCAL
GOVERNMENT
LAW GROUP**

A member of Speer Hoyt LLC

Memo

To: Yachats City Council
Shannon Beaucaire

From: Ross M. Williamson

Date: March 2, 2018

Re: Council Question Related to Vacation Rentals as a "Business"

Question

At its February 14 meeting, the Council discussed the current status of vacation rental regulations. Although the full context of the question presented to me is a little difficult to grasp from the draft minutes of the meeting, I believe there was a discussion of zoning issues related to vacation rentals and a question about whether a vacation rental property could transform a property into a business use that would then not be allowed in the City's R-1 residential zone.

The specific question I was asked is: At what point does a vacation rental become a business in the R-1 zone?

Short Answer

Under the City's current zoning and land use regulations, a vacation rental is a residential use. Converting a single-family residential structure in the R-1 zone from an owner-occupied property to a vacation rental does not change the use of the property from single-family residential.

Occupancy of a single-family structure by a family unit on a short-term basis is no different than occupancy of a single-family structure by a family unit on a long-term basis. In addition, how the property is paid for (whether owned outright, mortgaged, long-term rental, or short-term rental) does not change the "use" of a single-family structure into some unspecified business use simply because the property's owner is not the resident and the property's owner may be realizing income from the property. A property's use is neither defined by whether the property is owner-occupied nor defined by whether the resident is paying rent or loan payments for the tenancy.

Discussion

Chapter 9 of the Yachats Municipal Code regulates "uses" within the City's various zones. The term "use" is defined in YMC 9.040.030 as: "the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is, or may be occupied."

Vacation rentals are regulated within the City's business regulations in Chapter 4.08, but are not a separately defined use category within Chapter 9. Thus, to classify a single-family home being used as a vacation rental, we look to the use tables to determine how it should be classified. The City's R-1 residential zone permits "residential home" as a use permitted outright. YMC 9.12.020(G). There is no other classification that would fit better for a single-family home being used as a vacation rental.

Chapter 9 defines the term "business" as "a commercial enterprise carried on for profit." YMC 9.04.030. But, the various use tables do not use the term "business" as an independent use classification. For example, the City's C-1 retail commercial zone permits "business or professional office" uses. YMC 9.28.010(F). As a result, the City's use classifications deal with uses in terms of either how a structure on the property is designed or how a structure is occupied. In the C-1 zone, it is an "office" that is used for business purposes that classifies an allowed use within the C-1 zone. Similarly, it is the residential use of a single-family home that classifies a single-family structure as an allowed use within the R-1 zone. Whether an owner of a single-family home is making income off of the residential use is not a factor considered by the City's use classifications. (Chapter 9 defines the term "owner-occupied dwelling" but a search revealed that the term is not used in reference to any use category.)

Under the City's current zoning and land use regulations, so long as a single-family residential structure is used as a residential structure, there is no point at which the single-family residential structure would transform into a "business" when the residential structure is rented on a short-term basis as a vacation rental. Occupancy of a single-family home in a residential capacity, whether short-term tenancy or long-term tenancy, meets the City's "residential home" use classification that is permitted outright in the R-1 zone.

City Council Action Item Cover Sheet

April 4, 2018

Agenda Item:

Art / Grant / 501(3)c policy

Question Before Council:

Discussion on City Support for the Arts

Person/Group Initiating Request:

Council

Item Summary/Background:

Councilor Frye noted at the last Council Meeting, that she was interested in City support for the arts programs.