CITY OF YACHATS
CITY COUNCIL MEETING
Civic Meeting Room, Yachats Commons
July 14, 2016
Regular Meeting 2:00 P.M.
MINUTES

The regular meeting of the City Council was called to order by Mayor Ronald Brean at 2:00 p.m. in the Civic Meeting Room at the Yachats Commons. Council members present: Greg Scott, Sandy Dunn, Barbara E. Frye and Max Glenn. Audience: 12.

I. Announcements and Correspondence
Letter: Linda Hetzler re: Health Clinic Location; Letter: Newport Nonbelievers

Brean said that Linda Hetzler wrote to say that she believes the Commons and the 501 Building should remain spaces for community activities.

Brean explained that the Newport Nonbelievers have stated that the Totem Pole should be removed from the Commons property because of a reference to the Genesis 1 Creationism, all bibles and other religious symbols be removed from the Little Log Church and Museum and that it is not appropriate to mention spirituality in the City Council Vision Statement.

Brean said that the City does not see any of these things to be in conflict with the First Amendment and so no action will be taken.

II. Citizen's Concerns

Layne Morrill said that he has worked for the past 40 years as a tax attorney and has been coming to Yachats for the summers for 10 years. When he went to the Planning Commission for approval of the Fisterra PUD he indicated that he was interested in getting low income housing in the community. As a part of that commitment he worked with an affordable housing developer to build the Fisterra Gardens Apartments. The project received Oregon low income housing income tax credits in order to complete the project. Currently there is a two-year waiting list for the applicants wishing to move into that apartment complex.

Aqua Vista Village is also an affordable housing project that was built by Our Coastal Village. That project used no Federal or State tax credits – it was built entirely with private donations. Currently the units are rented, but the goal is to sell them as affordable housing and Our Coastal Village is working with the tenants to purchase the units. The majority of those tenants work in Yachats businesses.

Recently the State of Oregon passed Senate Bill 1533 regarding affordable housing. One of the things that SB does is allow cities to mandate that 20% of any multi-family development of 20 or more units be dedicated affordable housing. Yachats may not see another large multi-family project for the foreseeable future, but the Bill also allows cities to encourage *any* development to provide some affordable housing by providing incentives.

Morrill said that SB1533 also allows cities to collect a tax of up to 1% on the value of any development to be used to provide affordable housing. The City could keep 4% of the tax collected for an administrative fee, use 50% of the remaining tax revenue for incentives to developers to

build affordable housing, remit 15% of the balance to the Oregon Housing and Community Services Department to fund home ownership programs and use the balance to other fund other City programs and incentives related to housing.

Glenn said that he and the City Administrator attended a meeting in Newport concerning affordable housing. There were representatives from all the governments in the County with one exception. Options for providing affordable housing was discussed at this meeting.

Brean asked Morrill to attend the next Finance Committee Meeting to discuss this with the Committee.

Tom Lauritzen said that the Council has on the agenda an Ordinance that will change the R-1 Zone to allow vacation rentals as an outright use.

Lauritzen said that he attended the Planning Commission Public Hearing and there was some discussion about when a vacation rental moves from occasional use to a business.

Lauritzen said that the Planning Commission did not include a recommendation that vacation rentals only be allowed if they are not otherwise restricted, for example by CCRs.

Lauritzen requested that when the City Council adopts the Ordinance that the wording also refer to other restrictions that will be considered.

III. Consent Agenda

A. Minutes of June 1, 2016 Work Session and June 9, 2016 Regular Meeting
B. Bills for Approval
C. Resolution No 2016-06-08 – Amending 2015-2016 Fiscal Year Budget

Motion to adopt the Consent Agenda, Aye - 5, No – 0.

IV. Reports

A. Council

Glenn said that the group that he and Davies met with will be exploring many different options for affordable housing.

Glenn said that he thought that there was a great turnout at the Reception for Davies and the proposed uses for the 501 Building.

Scott said that he pulled the contract workers off the online database development in June, but they have begun working on the project again.

Dunn said that she talked with Cynda Bruce at Lincoln County Transit and the grant money has been received for the pilot project to connect Yachats and Florence.

When the schedule and routes are developed they will have a public meeting in Yachats to discuss them with the public.

Frye said that there has been a great response to the health care survey and the majority of those responding have been very positive about having a clinic in Yachats. Frye said that this clinic

would not be reliant on special grants that may run out – it would be funded by stable Federal money.

Gerald Stanley said that he wanted to say that Councilor Frye has done a great amount of work on the Lincoln Communities Health Center Council.

Brean said that he met with the other mayors in the County yesterday. One of the discussions concerned a better way to deal with bio-solids.

B. Written Reports:
City Administrator, Code Enforcement Officer, Public Works Department, Emergency Preparedness Committee and Financial Report from City Recorder

V. Public Hearing - Amendments to Yachats Municipal Code – Chapter 9 – Zoning and Land Use

Brean opened the public hearing, asked for testimony.

Gerald Stanley said that he believes there is a distinction between individuals renting their homes until they can retire here and when a business runs a vacation rental and he believes that the CCRs really need to be respected.

There was no further testimony and the public input portion of the public hearing was closed and the deliberation portion was opened.

A. Ordinance No. 346 - An Ordinance Amending The Yachats Municipal Code Chapter 9 – Zoning And Land Use, Sections 9.04.030 – Definitions, 9.12 - R-1 Residential Zone, 9.16 – R-2 Residential Zone, 9.20 – R-3 Residential Zone, 9.24 – R-4 Residential Zone, And 9.28 – C-1 – Commercial Zone

Scott said that he believes it is premature to adopt this Ordinance and suggested that a work group be put together to look into this further.

Glenn suggested that the Ordinance be modified to include the wording that they would be allowed only if not restricted.

Dunn said that she believes that it is not legal for the City to enforce private agreements.

Brean said that the City Attorney has advised that the City not get into the position of determining if the CCRs are restrictive. He would like to add something to the Code section related to vacation rentals that the applicants will be required to certify that the application for a vacation rental is not a violation of their CCRs.

Brean suggested that the wording be modified in the Municipal Code Section 4.08 – Vacation Rental Licenses at the same time, so the current Ordinance should be continued to a future meeting.

Davies said that she supports continuing the consideration of this Ordinance because there are quite a few other issues that could be explored.

VI. Business

A. Ordinance No. 344 - An Ordinance Repealing Ordinance No. 326 As Amended By Ordinance No 336 And Repealing Chapter 3.14 Of The Yachats Municipal Code

Brean said that the City Council adopted an Ordinance to tax recreational marijuana in advance of the election that made recreational marijuana legal. However, cities were not given the opportunity to tax sales at that time. So the Code Chapter needs to be repealed.

Motion to adopt Ordinance No. 344, at this meeting, Aye – 5, No – 0.

B. Resolution No. 2016-07-01 – Ballot Title for November Election on Marijuana Tax and Ordinance No. 345 - An Ordinance Amending The Yachats Municipal Code To Add Chapter 3.14 - Marijuana And Marijuana-Infused Products Tax

Brean explained that the State made a change that will now allow the City to impose a tax of up to 3% on retail marijuana sales if approved by the voters. This Resolution will place a measure on the November General Election.

Dunn said that she thinks the City Council should talk about what the tax money will be used for so the public knows before they vote.

Discussion followed about if the tax revenue should be dedicated to a particular use, and how best to inform the public. There was consensus to re-work the Explanatory Statement for the County Election Pamphlet, so it was decided to adopt the Resolution excluding the Explanatory Statement.

Motion to adopt the Resolution excluding the Explanatory Statement, Aye – 5, No – 0.

C. Legislative Priorities

Brean explained that the League of Oregon Cities (LOC) has policy committees that work to identify and propose specific actions as part of the LOC's effort to develop a pro-active legislative agenda. They have identified 29 legislative objectives and are asking for each city to select 4 that they see as priorities.

Motion to respond to the LOC that the Yachats City Council's four priorities are Needed Housing Assistance Programs, Property Tax Reform, Qualification Based Selection for contracting, and Water Supply Development Funds, Aye – 5, No – 0.

D. Request: No Fragrance Policy

Davies said that she had a meeting with the representative of the group making the request that a No Fragrance Policy be adopted.

Davies said that the current cleaning supplies used in the Commons are non-chemical. However, they are asking that the current Value Statement be adopted as a Policy Statement and more notices be posted in the building, the newsletter and the Commons Rental documents.

Dunn said that some smells may be offensive to some and not others, and it would be difficult to enforce.

Discussion followed and there was consensus that continuing educational efforts are warranted without adopting it as a strict policy.

E. City Logo

The City Council discussed the proposed new City Logo, based on the Trails Committee's Logo.

Dunn said that she is starting to come around on changing the City Logo, but she wants to know what the plan for implementation will be since it will involve costs and there is nothing in the budget for it.

Scott said that he would like to start by changing the Logo on the website and the forms that are online.

Davies said that the letterhead and forms are on the computer so it will be no problem to change.

Brean said that the Logos on the city vehicles can be changed as needed.

Motion to adopt the new Logo as presented, Aye – 5, No – 0.

VIII. Other Business

A. From the Council

Scott said that it has been six weeks since the City Administrator began and he wants to say that he has been very impressed.

Motion to thank Joan Davies for joining the City as Administrator, acknowledge a very successful six weeks and pledge Council support going forward, Aye - 5, No – 0.

Dunn asked if the water in the Commons has been tested for lead.

It was agreed that all the City facilities should be tested.

B. From the Staff – None.

There being no further business before the City Council, the meeting was adjourned at 3:49 PM.

_____

Ronald L. Brean, Mayor

Attest:

_____

Nancy Batchelder, City Recorder