



CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

October 2, 2019

Draft Minutes

I. Meeting Call to Order

Mayor W. John Moore called the October 2, 2019 work session and regular meeting of the City Council to order at 9:30 am in the Multipurpose Room of the Yachats Commons. Council members present: W. John Moore, Max Glenn, James Kerti, Jim Tooke, and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire, Water Treatment Plant Lead Rick McClung, and Facilities Manager Heather Hoen. Audience: 35.

II. Discussion Topics

A. Review 2019 Council Goals

1. New staff and organization/location: in process. Office space discussion later in meeting.

2. Transition for City website and accounting functions: complete

3. Infrastructure/Maintenance schedule for City buildings: Facilities Manager Hoen is working with Parks and Commons Commission. Councilor Glenn stated that Ameresco was a sponsor at the League of Oregon Cities meeting and noted they provide energy audits at no cost to cities. Manager Beaucaire noted that Central Lincoln PUD did an energy audit for City properties in February 2019, and she has given the Ameresco information to the Publics Works and Streets Commission.

4. Revise City Charter: complete

5: Revise Admin Policies and Municipal Code: began earlier in the year and postponed until higher priority issues were completed. Councilor Kerti noted the Council recently passed the new sign code.

6. Emergency Preparedness: in process.

7. Complete transfer of Ocean View Drive: paving is complete; guardrails are forthcoming; all complete by end of year.

8. Fiscal Responsibility: mostly complete

1
2 9. Review Vacation Rental Ordinance: discussion complete. Ready for ordinance.
3

4 10. Protect Natural Resources: State took action on plastics. Kerti stated that considering
5 an ordinance regarding the removal of trees was still a good idea but may be better for 2019.
6 Viewshed and watershed discussion later in meeting. Mayor Moore clarified with the Planning
7 Commission Chair that work on revising the lighting ordinance was in progress.
8

9 11. Smart Cities: Glenn reported he attended a seminar where smart cities were
10 discussed. He noted the concept centers around how the City uses its data.
11
12 Mayor Moore noted all sessions at the League's conference were videotaped and will be
13 available on their website.
14

15 12. Smooth tourism revenue: Mayor Moore indicated the Chamber revitalization should
16 help with this issue, especially with large hotel managers getting involved.
17

18 13. Options for community involvement: Councilor Vaaler explained her original idea
19 was to have the Council be vigilant to finding ways to get public input and to ensure Council was
20 listing to ideas. She noted a potential public meeting on code enforcement and a citizen who
21 wants wanting to have a Commons/Citizens Appreciation Day. Glenn added that the new
22 website has helped to increase citizen involvement and to be interactive with the City.
23

24 Vaaler stated she has had many citizens talk to her about adding benches and picnic tables along
25 Ocean View Drive as part of the transfer process. She suggested several ideas for soliciting
26 public input, including some type of group to look closely into it. Manager Beaucaire noted the
27 City often gets calls from people who want to donate benches. Manager Beaucaire encouraged
28 people to work with Public Works and Streets and Parks and Commons Commissions to develop
29 design standards and bring back a recommendation to Council. Mayor Moore recalled Parks and
30 Commons Policy Manual had language about donations and how the benches should be
31 maintained. Council concurred that Vaaler could get a group together to work with Parks and
32 Commons and Public Works and Streets. Mayor Moore suggested having the working group
33 start with generating ideas before Council provides input on a direction. Glenn asked for
34 clarification on whether the group should get a recommendation from both Commissions or
35 submit their ideas to Council. Council agreed to have the group work with the Commissions and
36 without any formal action from the Commissions, present the ideas to Council.
37

38 14. Community Health: Glenn reported Dr. Jai at the Yachats Health Center has
39 expanded to include a Nurse Practitioner at the office one day each week. Vaaler reported the
40 clinic was going to have an open house in October.
41

42 15. Water Security: discussion later in the meeting.
43

44 16. Work Force Housing: Mayor Moore indicated he had ideas that he would share at a
45 later time.
46

1 **B. Property Identification for Emergency Situations, Watershed Protection &**
2 **Water Security**

3 Manager Beaucaire explained there has been a review of several properties in the area about
4 emergency access and source water security. Councilor Tooke noted the Riggs property, the
5 Evans/Betz property, and the Hancock property has all been investigated for possible acquisition
6 or plans to preserve the watershed or protect the water sources. He noted several local groups and
7 larger nonprofits have been discussing ways to approach the matter. Tooke reported the
8 nonprofits were less interested in view protection and mostly interested in water security. He
9 added that the Hancock property has willing sellers, and the local group was working with the
10 McKenzie River Trust and possibly EcoTrust about acquiring the Hancock property. Tooke
11 noted that once land was acquired, it would need to be managed. He also noted there were
12 springs, a rock quarry, and water sources on this property.

13
14 Manager Beaucaire added they received a grant for a source water protection plan that would
15 analyze several properties and provide a recommendation for prioritizing potential properties.
16 Manager Beaucaire noted Green Infrastructure was discussed at a recent training on community
17 resiliency. She explained this topic was about what communities could do to increase resiliency
18 in the event of storms, fires, or other natural disasters. She noted as the City enters the next
19 budget period, they should consider building up reserves for this work.

20
21 **C. Potential Uses for Lots between Marine and Aqua Vista**

22 Mayor Moore explained there were two parcels between Marine Drive and Aqua Vista Loop that
23 have the 804 Trail access. He noted the Aqua Vista Loop property was zoned R-2 and the
24 Marine Drive property was zoned R-1. Mayor Moore suggested one idea was to sell these
25 properties to a nonprofit who could build workforce housing.

26
27 Mayor Moore recalled there were several signers on the 804 Settlement Agreement. The
28 remaining signers are the City, Lincoln County, and one other individual. He noted all the parties
29 must agree on how these two properties are handled. Tooke asked that adjacent properties be
30 part of the discussion as well. Vaaler clarified that deed restrictions had not been checked.
31 Vaaler noted there was a 10-foot easement for the trail. Glenn indicated he has been urging the
32 County to donate these properties to the City for many years to be used for workforce housing.
33 Mayor Moore noted Lincoln County Counsel Wayne Belmont had indicated the signers could be
34 amenable to this use of the land. Kerti wanted to know how interested nonprofits might be to get
35 involved in a such a project. Kerti added that this area could also be used as a community park
36 gathering area. Tooke clarified the County could not donate the property. Mayor Moore
37 identified Proud Ground and NedCo (Florence) as nonprofits working in this area.

38
39 Kerti asked what the organizations would need from the City to move forward. Mayor Moore
40 suggested they could begin with a simple conversation. Mayor Moore clarified that the County
41 would allow the City to be involved in the use of the property if the properties were sold at fair
42 market value and those proceeds be put back into the 804 Mitigation Fund. Manager Beaucaire
43 noted the County was interested in closing out their role in the 804 Settlement and they would be
44 putting a deadline on the project at some point in the future. Council concurred that Mayor
45 Moore should contact Proud Ground and NedCo to ascertain their interest.

46
47 Mayor Moore adjourned the work session at 10:18 am.

1
2 **EXECUTIVE SESSION**

3 Council held Executive Session from 10:18 to 10:38 am.
4

5 **REGULAR MEETING**

6 Mayor Moore opened the regular meeting of the City Council at 10:40 am.
7

8 **III. Announcements, Correspondence and Proclamations**

9 Mayor Moore reported he and Glenn attended a League of Oregon Cities meeting in Bend. He
10 noted there were seven cities in Lincoln County and two Lincoln County mayors were appointed
11 to important statewide boards: Dean Sawyer, Mayor of Newport, was appointed to the League of
12 Oregon Cities Board and Mayor Moore was appointed to the Oregon Mayors Association Board
13 Mayor Moore presented a certificate to the City Manager to recognize that Yachats received a
14 gold certification from CIS for zero workforce injuries during the past year.
15

16 Mayor Moore read a proclamation to support Domestic Violence Awareness Month to recognize
17 the work of My Sisters' Place and other domestic violence service providers.
18

19 TJ and Ashley from My Sisters' Place spoke about the work of their organization. They noted
20 programs including: 24-hour crisis line, court advocates, a bilingual advocate, a sexual assault
21 advocate, an emergency shelter with 6 rooms and 12 beds, a heated pet kennel, and a transitional
22 housing program. Ashley covered the programs for the people at the shelter. Ashley thanked the
23 Yachats Ladies Club for making welcome bags with toiletries for people arriving at the shelter.
24 Ashley announced a dine out night on Tuesday, October 22, 2019 at the Anchor in Newport.
25

26 **IV. Public Comment (topics not on the agenda)**

27 No comments.
28

29 **V. Consent Agenda**

30 No consent agenda.
31

32 **VI. New Business**

33 **A. Angell Job Corps**

34 Speaker Brian Wilson was not present.
35

36 **B. Housing Suggestions from Lincoln County Housing Plan**

37 Mayor Moore noted that suggestions were made by the City Planner at a previous meeting but
38 the motion was tabled. Glenn asked that these recommendations be provided to the Planning
39 Commission to use as a tool as conditional uses. Vaaler stated that she did not think this
40 information was helpful to the Planning Commission.
41

42 Recommendation 1: Allow duplexes in R-1 and triplexes in R-2 as a conditional use. Helen
43 Anderson, Planning Commission Chair, indicated the Planning Commission could implement the
44 recommendation but did not think it was appropriate at this time.
45

1 Kerti recalled Council had previously decided to ask the Planning Commission to take any action
2 on these recommendations. He did not think the Planning Commission should instruct the
3 Commission implement these recommendations.

4
5 Tooke suggested it would be helpful to get public input on these issues. Kerti suggested Council
6 could make this issue part of their 2020 Goals. Vaaler cautioned against fundamentally changing
7 the definition of an R-1 zone.

8
9 Anderson explained the Planning Commission did not agree with increasing densities largely due
10 to the impacts on traffic and water use. She noted the were accepting of the building height limit
11 increase but did not see that would make much difference in housing issues.

12
13 The Council agreed to not go forward with these recommendations.

14 15 **C. City Hall ITB Authorization**

16 Manager Beaucaire explained the City has received conceptual designs for an office in the 501
17 Building. She reported the engineer was currently developing plans. She noted the USDA grand
18 funds were to be utilized within one year and the USDA would be approving the design plans.
19 Mayor Moore clarified that the ITB was to solicit bids.

20
21 Vaaler thanked Facilities Manager Hoen and Manager Beaucaire for their work on getting a
22 grant and for going through the designs with her. Vaaler stated she was hesitant to move forward
23 with this ITB as there had not been a Council discussion about what a City Hall should look like
24 or to have public input on a City Hall. She also noted there was a drawing without any
25 specifications. Facilities Manager Hoen noted that the architect only created a conceptual
26 drawing, not including the specifications, and that the engineer would be developing the specs
27 for the design. Hoen explained that the ITB would include a set of drawings with the
28 specifications. Hoen reviewed the conceptual plan, noted which items would be considered
29 structural, and reviewed how the plans could change.

30
31 Vaaler suggested that Council would not be doing its duty as a policy-making body if they did
32 not first establish what they believe City Hall should provide to the community. Hoen explained
33 the budget of the project was set and the City would need to provide matching funds. Mayor
34 Moore stated the Council agree that the current City Hall space was woefully inadequate. He
35 noted that the 501 Building had been sitting vacant and appeared to be an appropriate use of the
36 space.

37
38 Glenn reported he and former Councilor Sandy Dunn chaired a committee that received much
39 community input and made recommendations to the Council. He believed this current step was
40 the finalization of this work and it had received much community input. He noted there was a
41 recommendation to have the Visitors Center in the 50, but the Visitors Center preferred their
42 central location by the C&K Market. Glenn did not believe there was a need to start the process
43 over. Glenn clarified what the options for the Library had been related to their using the 501
44 Building.

45
46 Kerti asserted that, as late as September 2018, there was not a consensus on the Council about
47 using the 501 Building for City Hall. Kerti asked for clarification for how community input was
48

1 received. Kerti shared Vaaler's concern that there has not been sufficient community
2 involvement on the decision to move City Hall.

3
4 Tooke recalled his experience with the 2+2 Committee on evaluating the 501 Building for the
5 Library. He recalled the suggestion to move City Hall to the 501 Building was also a way to get
6 YYFAP out of the basement. He favored moving forward with the project.

7
8 Manager Beaucaire read the May 2016 report on assessing uses of the 501 Building, including
9 the priorities established by the committee that conducted the research and evaluation and the
10 uses considered. Mayor Moore concluded there had been considerable public input when the use
11 of the 501 Building was examined in 2016.

12
13 Mayor Moore was in favor of moving forward with this ITB. Tooke added that the Council had
14 explored selling the building and only received very minimal offers on the property (\$150,000
15 and \$225,000). Tooke added that the work of the Library Commission and library volunteers
16 was extensive and he appreciated their work.

17
18 Vaaler stated she was not aware of the Council having input on using a phased approach to
19 establishing City Hall in the 501 Building. Vaaler indicated she did not think the City knew
20 enough to know what the project would cost. Hoen reported the bid they got for the Library
21 project was in line with what the engineer had estimated. Hoen believed the project could stay
22 within reason of the budgeted \$166,000. She also noted there were many aspects for remodeling
23 and upgrading that could be optional.

24
25 Vaaler stated she read the ITB and that it was highly favorable to the City in terms of what was
26 required by the bidder. Hoen noted this recommendation was made by the City Attorney. Hoen
27 added that some of this language was due to Oregon's procurement laws.

28
29 Glenn moved to authorize the City Manager to move forward with the City Hall ITB as required
30 documents are completed with the USDA and other necessary agencies: Aye – 3; No - 2 (Vaaler
31 and Kerti).

32 33 **D. Council Meeting Times/Days of Week**

34 Vaaler noted there was a recent decision to move to the 6:00 pm meeting to 2:00 pm. She has
35 heard from several constituents that they were not available during the day on Wednesdays.
36 Vaaler asked that Council consider moving one of the meetings to a day other than Wednesday.

37
38 Mayor Moore recalled a previous Council had meetings on the first Monday and the first
39 Wednesday of the month. The previous City Manager Joan Davies changed that to the first and
40 second Wednesdays. This Council moved to the meeting to the first and third Wednesdays.

41
42 Kerti favored keeping the meetings to the first and third weeks but to change one of the days. He
43 suggested a Monday or a Thursday. Mayor Moore noted a meeting on Monday or Friday would
44 preclude three-day weekends. Kerti added that Mondays are often holidays.

45
46 Vaaler moved to change the Council Rules to have the first meeting of the month occur on the
47 first Thursday of the month at 9:30 am: Aye – 5; No - 0.

1
2 **E. TSP Community Survey Discussion**

3 Manager Beaucaire connected Justin Peterson from COG to the meeting. Peterson summarized
4 that the first memo provided options for community visioning processes and the second memo
5 went into more detail of different funding options. Dana Nichols from COG joined the meeting.
6

7 Mayor Moore clarified this discussion was to decide which tools COG would provide. Manager
8 Beaucaire explained the purpose was to get community input and to improve the changes of the
9 City getting the grant for the Transportation Safety Plan (TSP). Glenn indicated he was
10 impressed with the City's 2020 Vision plan when he first moved to town. He favored creating a
11 new vision plan. He also wanted to include questions on telecom issues. Glenn favored
12 conducting a comprehensive survey of the community but had questions about conducting focus
13 groups.
14

15 Kerti wanted Council to look at the quick response option for a TSP type plan. He did not
16 believe a visioning process was needed at this time. He thought a visioning study should be
17 developed independently of this TSP.
18

19 Nichols indicated she spoke to an ODOT representative about doing a larger visioning idea. She
20 noted the representative indicated that if the City did not know the questions that needed
21 addressing, they would be unlikely to get the grant. Kerti noted there were very specific
22 questions the City wanted to address, including traffic flow on Ocean View Drive, the curb
23 issues, and a potential crosswalk/speed reduction on the north end of town. He did not think
24 there was additional work needed from COG. Nichols stated she did not believe these questions
25 were related to a TSP plan, as that plan would address broader issues around growth. She
26 suggested these questions could be conversations with ODOT separate of the TSP. She noted
27 neither the curbs nor the speed issue would require community visioning.
28

29 Glenn stated he favored a TSP because Yachats was one of the few cities in Oregon that did not
30 have a transportation plan.
31

32 Tooke expressed concern about an extensive transportation plan as there were not many roads in
33 Yachats and he did not see what would be gained.
34

35 Mayor Moore recalled other mayors were astounded that that Yachats did not have a TSP, but he
36 understood the limited traffic options in Yachats.
37

38 Manager Beaucaire noted that the City made a decision on temporary striping on Ocean View
39 Drive based upon moving forward with a transportation plan and that the engineer suggested
40 they look at options for different modalities in the future. She indicated a TSP would prioritize
41 projects and policies that could help with future grant funding and prioritizing limited resources.
42 She read from information on ODOT's website about the purpose of a TSP.
43

44 Mayor Moore clarified with Nichols that the City would be responsible for around 10% of the
45 costs, some of which could be covered through staff time cost.
46

1 Glenn noted Milwaukee had gone through an extensive process to create a vision plan. He
2 wanted more information on this process before making a decision.

3
4 Vaaler summarized she heard from other Councilors that there was not great support for making
5 a decision at this time.

6
7 Mayor Moore recalled there was a concern about the quick response option. Manager Beaucaire
8 recalled the engineer had recommended the TSP as a way to help make decisions about how to
9 navigate around Ocean View Drive or around the Post Office. Mayor Moore recalled public
10 input favored one-way northbound yet the market needed to have one-way south to enable large
11 truck passage. Manager Beaucaire reported the quick response program was to bridge the gap
12 between long range planning and projects that needed to start soon within a three-year time
13 frame.

14
15 Tooke suggested there was not much community input on the design of what was done for the
16 Highway 101 project. Mayor Moore explained the Highway 101 project was the first for ODOT
17 after it had been sued on ADA compliance issues, and ODOT chose to be very conservative in
18 their designs. Manager Beaucaire suggested the quick response program would not address the
19 sidewalks and narrow streets question.

20
21 Glenn suggested having the larger plan would put the City in a better position to negotiate with
22 ODOT.

23
24 Council agreed to table the discussion until the next meeting, and Kerti asked that they get more
25 information on the quick response option before the next meeting.

26 27 **VII. Public Hearing**

28 **A. Ordinance 362 on Eliminating Vacation Rental License Cap Sunset**

29 Mayor Moore opened the Public Hearing on Ordinance 362 at 12:17 pm.

30
31 Mayor Moore ready Ordinance 362 into the record. Mayor Moore noted there were currently
32 140 or 141 licenses, and all of these can be renewed by December 29, 2019. He clarified that
33 Council was only addressing the sunset provision in the ordinance.

34 35 Public Testimony

- 36 1. Douglas Cochran (Olympia; owns two properties in the City) spoke against Ordinance
37 362
- 38 2. Candy Neville (631 Shoreline Way, Eugene; 1430 King Street vacation rental) spoke
39 against Ordinance 362
- 40 3. Cathy Hovell (2905 SW Red Fern Place, Gresham; 181 Reeves Circle vacation rental)
41 spoke against Ordinance 362
- 42 4. Dale Yeaden (Lincoln Way) asked the City to do something to limit vacation rentals
- 43 5. Mary Ellen O'Shaughnessey (520 Marine Drive) spoke in favor of Ordinance 362
- 44 6. Paul Neville (631 Shoreline Way, Eugene; 1430 King Street vacation rental) spoke
45 against Ordinance 362

7. Tom Garcy (PO Box 370, Brownsville; 503/505 3rd Street vacation rental) asked for clarification on posting notices and asked whether commercial properties were treated equally with this ordinance.
8. David Chamberlin (991 Ocean View Drive) spoke against Ordinance 362
9. Jamie Michelle (Tidewater; Sweet Homes office manager at 665 Highway 101) spoke against Ordinance 362
10. Robert Goad (250 Cedar Avenue) spoke in favor of Ordinance 362

An audience member asked if rentals had increased or decreased since the cap was put in place. Mayor Moore explained there was a grace period for people to apply for a license and the number of licenses did increase. He noted the number of unused licenses and indicated the number of active rentals was less than 125.

Mayor Moore explained at the time the ordinance was implemented, vacation rentals were growing at a disproportionate rate to the population and the objective was to keep Yachats from becoming a predominantly vacation rental town that would lose its sense of community. He stated the 125 cap was set to achieve a balance of full-time residents to vacation rental properties. Tooke explained the process that was used when the initial ordinance was instituted, including a large public meeting.

Mayor Moore closed public testimony at 1:12 pm.

Council Discussion

Kerti stated he had heard from numerous full-time residents through letters, phone calls, and personal exchanges. He acknowledged the difficulty of the issue and indicated his major concern was over the neighbor density of rentals. He also noted issues around water and staffing support. He was open to adjusting the 125 cap in the future.

Tooke summarized his history of purchasing properties in Yachats and raised the issue of the vacation rental model that aims to generate as many vacation rentals as possible in a community. He stated his position was to keep a balance of vacation rentals and vote for the cap.

Glenn added that Council has been receiving input for many months, not just since one side of the issue sent a letter to all Yachats addresses. He noted there were 113 active rentals at this time, and at this time he will support the cap.

Vaaler reported she has read every letter she has received. She noted some have claimed that residents “hate vacation rentals,” and she stated she has used vacation rentals and did not hate them. She believed that the cap was striking a balance.

Mayor Moore spoke about his history with Yachats and his decision to retire in Yachats, noting he and his wife stayed at vacation rentals when visiting Yachats before they moved. He noted that no one was wanting to eliminate vacation rentals. He thought the cap of 125 was reasonable.

Corrections to ordinance document:

1. Sixth Whereas clause: Insert “of” after “preservation” in the clause, “necessary for the preservation of the City’s community...”
2. Page 2, Item C: Vaaler suggested adding after the first sentence, “However, that limit will not be applied to reject the properly executed license application of an existing license holder for a currently licensed vacation rental.” Mayor Moore and Manager Beaucaire stated that issue was address in the statement about giving existing license holders priority if renewal was submitted by the deadline. No change was made.
3. Last sentence under Item C: Vaaler asked if the Council was to be part of the process to determine how new licenses are issued, noting the ordinance stipulates this process would be “identified through administrative policy.” Mayor Moore recalled previous Council discussion a process that would look at new applications beginning in February 2020. Glenn noted Administrative Policies are something that Council determines. No change was made.

An audience member asked if a license could be transferred to heirs. Mayor Moore explained the policy to now allow the licenses to be transferrable long before the 2017 ordinance. Tooke added that the City Attorney had strongly advised to not have license transfers.

Glenn moved to adopt Ordinance 362 removing the license cap sunset in Yachats Municipal Code Section 4.08.040 and declaring an emergency: Aye – 5; No - 0.

Audience members made the following statements:

- The Council did not represent the majority of the vacation rental owners.
- It was not balance for an owner’s children to not be able to rent their property.
- Owners can always rent their homes as long-term rentals.

Mayor Moore adjourned the meeting at 1:35 pm.

W. JOHN MOORE, Mayor

ATTEST:

Shannon Beaucaire, City Manager

Date