

1. City Council Agenda

Documents:

[2019-10-16 Cc_Agenda.pdf](#)

2. City Council Meeting Materials

Documents:

[2019-09-04 City Council Minutes.pdf](#)
[2019-09-18 City Council Minutes.pdf](#)
[2019-91 RES City Hall ITB.pdf](#)
[OAWU_City Council Action Item Cover Sheet.pdf](#)
[2019-10-16 IGA.pdf](#)
[ODOT_Council Action Item Cover Sheet.pdf](#)
[P_C_Council Action Item Cover Sheet.pdf](#)
[Library_Council Action Item Cover Sheet.pdf](#)
[ORD 364 Title 4.08 DRAFT 2019-10-16.Pdf](#)
[2019-10-16 CM Report.pdf](#)
[Copy Of VC City 2019-2020 Budget Report 9.30.19.Pdf](#)
[ORD 363 Title 9 DRAFT 2019-10-16.Pdf](#)
[2019-93 RES Termination Water Shortage.docx](#)
[2019-92 RES Vacation Rental Fees.docx](#)
[2019-09 - Financial Report.pdf](#)
[2019-91 RES City Hall ITB.docx](#)



CITY OF YACHATS

CITY COUNCIL REGULAR COUNCIL MEETING 441 Hwy 101 N., Yachats Commons, Room 1, Yachats OR

Wednesday, October 16, 2019 at 2:00 PM

REGULAR COUNCIL MEETING

- I. Announcements, Correspondence and Proclamations
- II. Public Comment (topics not listed on the agenda: _____ 5-minute limitation per person)
- III. Consent Agenda
 - A. September Minutes
 - B. Resolutions Memorializing Council Action
- IV. New Business:
 - A. Utility Rate Study Discussion & Update: Guest Tim Tice, OAWU
 - B. DLCD and City IGA Hazard Mitigation: Guest: Jenny Demaris, Lincoln Co. Emergency Manager
 - C. TSP and Quick Response Program: Guest: David Helton, ODOT
 - D. Parks & Commons Commission: Commons Rental Deposit Rate Increase Recommendation
 - E. Library Commission: Library Update
 - F. Resolution 2019-92 Setting Fees for Vacation Rental Licenses and Inspection Fees
- V. Public Hearing: Amendments to YMC Title 4.08 related to vacation rentals
- VI. Public Hearing: Amendments to YMC Title 9 on Design Standards for Street Construction and Design
- VII. Reports
 - A. Financial Report
 - B. Council Reports
 - C. City Manager Report
- VIII. Other Business
 - A. From Mayor
 - B. From Council
 - C. From Staff

The work session and regular council meeting are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

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 October 9, 2019

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 WORK SESSION & REGULAR MEETING

September 4, 2019

Draft Minutes

I. Meeting Call to Order

Mayor W. John Moore called the September 4, 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, Clerk Kimmie Jackson. Water Treatment Plant Lead Rick McClung, and Facilities Manager Heather Home. Audience: 22.

II. Work Session Discussion Topics

A. Vacation Rental Discussion

Mayor Moore summarized what was discussed at the previous work sessions:

- a. Continue ordinance in basic form with modifications.
- b. Use software from Civic Plus for tracking.
- c. Using Sheriff's Department in conjunction with Newport and Waldport with City Manager exploring seasonal temp during summer months.
- d. Keep 4-bedroom limit for new licensees.
- e. Keep licensing non-transferrable upon death or sale of property.
- f. Purchasers not entitled to renew licenses unless next on waiting list.
- g. Continue allowing licenses with no rental activity.
- h. Continue to allow current rentals with more than four bedrooms while under current ownership.
- i. Require new licenses in residential zones to get conditional use permit.
- j. Inspect rentals every two years.
- k. Set fees at \$150 for first inspection, \$100 for follow-up inspections, and \$100 for subsequent inspections.

1. Home Shares: Mayor Moore explained this issue addressed whether the City allow the rental of one room within a home. Councilor Kerti noted this issue was not addressed in the Code and asked what the current practice was. Mayor Moore stated a home share is defined as renting one room in an owner-occupied home for short term purposes. Councilor Vaaler reminded Council of the definition of an R-1 zone that is supposed to be for single family dwellings. She did not want to allow a continued short-term use in the R-1 zone, but would consider allowing long-term rental in that zone to a person who was working in the City. Councilor Glenn asked if the people

1 currently engaging in this practice were paying taxes or had been approved. Mayor Moore
2 indicated they were not being regulated, approved or paying taxes. Glenn leaned toward
3 Vaaler's stance on the R-1 zone but allowing for long-term workers. Glenn asked if there was a
4 way to assess who was renting out rooms.

5
6 Councilor Tooke noted Airbnb began with renting a room in one's home where they lived.
7 Tooke asked for clarification between a vacation rental and a Bed and Breakfast. Vaaler clarified
8 that Bed and Breakfasts require conditional use permits. Kerti noted that Bed and Breakfasts
9 homes must serve breakfast. Kerti did not support exemptions for home shares.

10
11 Mayor Moore summarized there was consensus to not allow for exceptions for home shares.

12
13 2. Events: Kerti did not support exemptions for events, especially in terms of parking. He noted
14 the issue of trying to monitor parking during an event or monitoring head counts. Tooke
15 clarified that events in this context meant any occurrence at the home that would require more
16 parking than allowed for the vacation rental. Mayor Moore noted this topic only applied to
17 vacation rental homes. Tooke noted that a family reunion would not be able to have extra people
18 at their home. Vaaler noted the City's vacation rentals have different occupancy limits. Vaaler
19 did not have concern over having a home with an occupancy limit of four having four additional
20 people over for dinner. However, she objected to larger vacation rentals have even more guests
21 to their home. She suggested something along the lines of allowing four extra people. Glenn
22 was aware of families renting several units at the same time with the expectation that they could
23 gather at one of the homes for meals and activities. Glenn was hesitant to start making
24 allowances or exceptions.

25
26 Mayor Moore agreed it was difficult to track people at an event. He noted they already have a
27 limit on maximum cars and asked if they should have a limit on daytime parking. Kerti noted in
28 Section 4.08.030.F limits daytime parking to surface parking on the property. Vaaler suggested
29 there be something further as renters could ferry people to the property. Mayor Moore noted the
30 code does not currently restrict the number of daytime guests.

31
32 Council agreed to leave the language for parking as it currently exists in the code.

33
34 The majority of Council did not want to add language that restricted the number of guests that
35 could come to a rental home. Kerti noted the code already has regulations around noise and that
36 noise would be a matter for code enforcement.

37
38 3. Liability Insurance: Manager Beaucaire stated she spoke to the City Attorney about requiring
39 liability insurance. The attorney noted some cities do require this insurance but cautioned about
40 priority placed on staff time for monitoring insurance. He noted that if they required insurance,
41 they absolutely have to enforce it or the City could be liable for not enforcing it. Tooke asked
42 what the City's liability was for a vacation rental for just issuing the license. Manager Beaucaire
43 indicated the liability would be on the part of the homeowner. Manager Beaucaire noted that it
44 would require special certification for a code enforcer to enforce building codes.

45
46 Mayor Moore suggested the safest course of action would be to leave liability insurance
47 decisions to the property owner. Vaaler cautioned against assuming the City would not be liable
48

1 just because they did not require liability insurance. The majority of Council agreed to not
2 require liability insurance.

3
4 Vaaler noted she learned from the League of Oregon Cities conference that the League will offer
5 up to 10 hours of free legal advice to small cities. Manager Beaucaire noted that the League's
6 advice should not override the advice of the City Attorney. Vaaler referred to the League of
7 Oregon Cities draft of code for vacation rentals in section 5.14. She stated they require license
8 renewals every year that do require liability insurance. Vaaler asked if there would be a way to
9 declare the license null and void if the owner does not maintain liability insurance.

10
11 Three Councilors asked for a second opinion from an attorney on this liability insurance
12 requirement.

13
14 4. Cap Number: Kerti recalled at the August meeting they discussed how to handle inactive
15 licenses and possibly lowering the cap if inactive rentals were allowed.

16
17 The majority of Council agreed to keep the cap at 125 rental licenses.

18
19 5. Waiting List:

20 Mayor Moore noted that if they were to increase the license fee, some of the inactive users might
21 not renew. Mayor Moore suggested they consider starting a waiting list on February 1st, when
22 licenses renewals are due. Moore indicated that having a license application process open for a
23 limited time would preclude people overwhelming the office staff. Vaaler suggested compiling a
24 list over a lengthy period of time and then set some procedure for ordering the list. After this
25 ordering procedure, a new applicant would go to the bottom of the list. Vaaler suggested having
26 a fee for applying for the waiting list to encourage only people seriously considering this option.

27
28 Kerti and Vaaler wanted to start the waiting list now. Glenn and Tooke wanted to wait until
29 February. Moore favored waiting until February. Glenn clarified he was not in favor of starting
30 the waiting list on February 1 but on making a decision on that date.

31
32 6. License Fee Structure:

33 Mayor Moore handed out a potential license fee structure with information on number of licenses
34 for each bedroom level. He suggested the total of these fees should cover code enforcement,
35 overhead, and staff time to manage the licenses. Manager Beaucaire indicated there could be a
36 cost of software if the City were to use a third party for monitor rentals. Mayor Moore's
37 proposal would generate \$77,000. He noted these fees were less than what the homes pay for
38 internet and cable.

39
40 Glenn concurred that the license fee should pay for itself and that tax dollars should not be used
41 to underwrite certain industries. Vaaler noted Gearhart, OR requires \$750 regardless of number
42 of rooms and offers a \$100 refund if the rental furnished emergency "go bags."

43
44 Councilors favored Mayor Moore's proposed fees.

45
46 Vaaler raised the issue of what was required for inspections and who should conduct the
47 inspections. Vaaler favored having very thorough inspections, especially since the City was
48

1 concerned about the health and safety of the homes. Mayor Moore suggested that the State does
2 not currently allow third-party building inspections.

3
4 Tooke asked that inspections include instructions on what can and cannot go into the recycling
5 bins. Tooke also noted that the requirement for bear proof trash receptacles was something Dahl
6 Disposal wanted to eliminate. He also noted that a fire extinguisher was not required but only
7 recommended.

8
9 Mayor Moore summarized that the only remaining matter for additional information was to get a
10 second opinion on the liability insurance.

11
12 Vaaler reported she looked at code for other cities and wanted to share a few ideas:

- 13 1. Upon renewal of licenses, a property manager include a log of all complaints and how
14 they were handled. Councilors agreed this requirement was a good idea.
- 15 2. Require a list of all rentals on the property with booking agents and the number of
16 occupants. Vaaler read a letter that Gearhart sent to their licensees asking for this log
17 of usage. Manager Beaucaire could not find any provision that the City has a right to
18 audit the books. Kerti thought such a list was a really good idea and would help to
19 remedy some of the issues around transparency. He believed this information would
20 be very helpful going forward. Glenn asked if such a request could lead to asking
21 restaurants to provide information on their food service. Tooke clarified that
22 businesses only need to report their cash register income.
- 23 3. Other cities differ in how occupancy is counted. Yachats counts occupancy at 4 years
24 and up while other jurisdictions use 2 years and up. The Council did not see a reason
25 to change this criterion.

26 27 **B. Transportation System Study**

28 Manager Beaucaire explained the memorandum from the Council of Governments (COG) and
29 the preapplication packet. She noted Council did not make any decisions on the
30 recommendations from COG. Glenn believed this study was an excellent opportunity to do a
31 community survey and to include a vision study. He did not see a need for the Town Hall.

32
33 Vaaler did not support any of the Council of Governments recommendations for the
34 transportation study due to their expense and the idea that they could be done better by
35 volunteers in the City. Vaaler recalled the binders the City Manager gave the Councilors at the
36 beginning of their terms. She noted in that binder reference to a Village Circulation Plan, which
37 she speculated was a transportation plan.

38
39 Vaaler noted in the documentation there was an option for a Quick Response Plan. She noted the
40 City appeared to satisfy the requirements for this program, especially around supporting state
41 assets such as the State Highway and the State Park.

42
43 Mayor Moore wanted the proposed plan to address Ocean View Drive, the intersections along
44 101 to be returned to their widths prior to the sidewalk construction, and a proposed crosswalk at
45 Fisterra Drive. Manager Beaucaire was not familiar the Quick Response Plan and noted the City
46 Engineer and City Planner did recommend the full transportation plan. Kerti favored the Quick

1 Response Plan and to not engage in the survey/studies COG was proposing, noting there has
2 already been considerable amount of input from the public.

3
4 Manager Beaucaire asked Council what their overall goal for the transportation plan was. She
5 recalled such a plan could help with getting future grant funding. Glenn recalled Council went
6 through a detailed process to get to the point Council was at today. Glenn wanted to stay with
7 the original decision. Manager Beaucaire noted the Village Circulation Plan did not meet the
8 current requirements for meeting state requirements.

9
10 Tooke asked for clarification on the current paving projects. Rick McClung reported estimated
11 costs for street work for Driftwood (behind the 501 Building) was \$100,000, and for E 2nd it was
12 \$250,000. He noted simple overlays were no longer performed because the city now had to
13 factor in storm drainage. McClung indicated the City can get a grant every two years from
14 ODOT. He also noted ODOT was changing its grant applications to coincide with information
15 within the transportation plans.

16
17 Kerti did not support using COG services for this project. Tooke wanted to pursue the larger plan
18 but was not prepared to commit to the COG studies. Glenn wanted to pursue the plan but wanted
19 the City manager to see if COG could estimate the likelihood of their getting funding for their
20 work.

21 22 **REGULAR MEETING**

23 24 **III. Announcements, Correspondence and Proclamations**

25 Mayor Moore read a proclamation proclaiming September 2019 as “National Preparedness
26 Month” in Yachats, Oregon.

27
28 Kerti announced that two members of the Parks and Commons Commission went to Newport to
29 get a bench for the bus stop by the Little Log Church.

30 31 **IV. Public Comment (topics not on the agenda)**

32 1. Lawrence Musial (226 Shell Street) indicated he was the President of the Blackstone
33 Homeowners Association. He clarified that at the time of the Blackstone PUD approval process,
34 the City approved the subdivision but did not approve the streets. He indicated the City provided
35 the homeowners with a list of work that needed to be completed for the City to accept the streets.
36 Musial indicated the County never got the information on transferring the streets to the City to
37 update their records. Vaaler asked Musial if he had a copy of the check he wrote for payment of
38 services. Musial indicated McClung should have a record of Blackstone ceasing to pay for
39 mowing along the streets when they believed ownership was transferred to the City.

40
41 Manager Beaucaire recalled the issue arose when citizens wanted emergency egress at the gate
42 on Gimlet. Manager Beaucaire reported she talked to the City Attorney who noted there was a
43 document that seemed to intend that the intent was to transfer the streets but it was not signed by
44 the owners of the impacted properties.

45
46 Vaaler asked if Manager Beaucaire if she had found any financial records of payments received
47 from Musial or Blackstone. Vaaler asked who had the authority to respond to citizen requests for
48

1 emergency egress. Musial noted the Homeowners Association did not put up the gates, was not
2 asked for permission to put up the gates, and was not given a key to the gates. It was his
3 understanding that the road was a City street. He indicated he has requested many times to get a
4 gate key.

5
6 2. Nathan Barnard (Farm Store) stated he wanted the City to step back to look at what they were
7 trying to accomplish, noting the map drawings on the wall of the Council Room expressing the
8 goals of the Council at that time. He sees an escalation of regulation and enforcement needs and
9 more costs and fees. He asked how any of these regulations impacted the real needs of the
10 community. He suggested Council responses were more extreme than the problems that exist.
11 He did not think the Council were helping citizens in a meaningful way. He suggested Council
12 action around vacation rentals would bring about retaliation from vacation rental owners. He
13 argued against inspecting people's private homes was way beyond the jurisdiction of the City.
14 He also was offended by statements that Council can change regulations at any time as it
15 significantly impacts people's life planning. He noted the code enforcement issues remain
16 unresolved.

17
18 3. Candy Neville (1430 King Street) recalled that at a previous meeting, citizens had compassion
19 for vacation rental owners being able to transfer licenses to their heirs. She also presented
20 arguments against water and noise issues. She did not think vacation rental owners were
21 responsible for low income housing. She believed vacation rental owners get treated very
22 disrespectfully.

23
24 4. Doug Conner (490 Lemwick Lane) reported he had a land use complaint that has been floating
25 around the front office for four years and he cannot find out the status of the complaint. He
26 wanted to know how he could secure what was promised in the Comprehensive Plan about
27 protecting scenic views. Planner Mattison stated the City has a huge problem with high bushes.
28 Conner stated there was code about having hedges limited to three feet in the front yards.

29
30 Manager Beaucaire stated the attorney had asserted the code could not be enforced as Lemwick
31 Lane was a private street.

32
33 5. Tom Lauritzen (204 Shell Street) stated he came to Council in May 2019 asking about refunds
34 for overages for water charges. He wanted to know what the City was doing to resolve the
35 overcharges. He also noted that he sent the City Manager about an illegal deck being built on a
36 neighbor's property and it has been 15 weeks and he has not heard any response.

37
38 Manager Beaucaire indicated the Council had not yet made any determination about refunds.

39
40 6. Jacqueline Danos (116 Springhill) thanked Council for working on the vacation rentals and
41 setting a cap. Danos noted the shared economy helps people afford homes, and being able to
42 rent a room can help a family get and keep a home.

43 44 **V. Consent Agenda**

45 No items on the Consent Agenda.

46 47 **VI. New Business**

1 **A. Review of Planner Recommendations on Housing Code Changes**

2 Planner Mattison summarized his memo on housing code changes. Kerti asked for clarification
3 on the Planning Commission's input on this memo. Planning Commission Chair Helen
4 Anderson indicated the Planning Commission briefly discussed the pros and cons but had not
5 seen the resolutions presented in the document.
6

7 Glenn reviewed each of the resolutions and asked that Mattison take the questions back to the
8 Planning Commission. Vaaler was skeptical that any of the suggested changes would make a
9 difference in affordable housing and had concern that such changes could lead to negative
10 consequences. She noted the water issue impact when allowing smaller lot sizes. She favored
11 tabling these resolutions. Kerti agreed with Vaaler. He recalled from previous Planning
12 Commission activity that the Commission did not feel the regulations would help affordable
13 housing and had negative possible consequences.
14

15 The majority of the Council favored tabling the recommendations.
16

17 **B. Discussion of Council Evening Meetings**

18 Mayor Moore asked to review the need for having evening Council meetings. He noted hotels,
19 restaurants, and some merchants do not work 8-5 jobs. He noted at a recent conference, cities
20 reported the major reason for having evening meetings was that Councilors had day jobs. He
21 posited that the time of day has not impacted turnout or who comes to Council meetings. Glenn
22 favored going back to a daytime meeting. Tooke did not have an opinion. Kerti and Vaaler
23 wanted to keep the evening meeting time. Mayor Moore indicated he wanted to go back to a 2:00
24 pm meeting. Tooke changed his position to favor an afternoon meeting.
25

26 Mayor Moore indicated the Council would meet at 2:00 pm starting the third Wednesday of
27 October.
28

29 **C. Water Restrictions**

30 McClung reported flow for Reedy and Salmon Creeks was down to 278 gallons per minutes and
31 code requires a Level 1 restriction when combined flow reaches 275 gallons per minute. He
32 indicated the City Manager agreed with his recommendation to start Level 1 restrictions now.
33

34 Vaaler moved to begin Level 1 water restrictions: Aye -5; No – 0.
35

36 **VII. Public Hearing**

37 **A. Ordinance 360 on Sign Code update.**

38 Mayor Moore opened the hearing at 12:35 pm.
39

40 There was no public testimony.
41

42 Vaaler moved to adopt Ordinance 360 amending the Yachats Municipal Code Sections 9.44.010
43 through 9.44.130 on sign regulations as redlined: Aye -5; No – 0.
44

45 Mayor Moore closed the public hearing at 12:37 pm.
46

47 **VI. Other Business**

1 **A. From the Mayor**

2 Mayor Moore noted Council will need to have an executive session in October to conduct a
3 performance review of the City manager. He passed out previous forms for evaluations and a
4 new evaluation from Grants Pass. He asked Councilors for their input on the review process.
5

6 **B. From Council**

7 Kerti asked if Council could get an update on Code Enforcement. Manager Beaucaire reported
8 she already had a process engaged and she has scheduled an interview with a potential applicant
9 for Friday, September 6, 2019. Manager Beaucaire indicated the position was to supplement
10 Mattison's work and was limited to up to six months at up to 20 hours per week at a pay level in
11 accord with the City's collective bargaining agreement.
12

13 Glenn asked if more than one interview would occur before making a decision. Manager
14 Beaucaire indicated she hoped there would be more than one candidate and the temp agency was
15 only forwarding vetted candidates. She explained she had asked for two to four applicants for
16 each of two positions advertised.
17

18 Kerti asked if the position was advertised locally or whether a citizen of Yachats could apply.
19 Manager Beaucaire stated the position was advertised locally.
20

21 Vaaler noted the City Manager has come forward with a time-limited position for Code
22 Enforcement and she has heard from numerous citizens about wanting more from Code
23 Enforcement. She asked to have an agenda item at the next meeting to discuss potential policy
24 changes around Code Enforcement. Mayor Moore indicated the topic would be on the agenda.
25

26 Mayor Moore adjourned the meeting at 12:44 pm.
27
28
29
30

31 _____
32 W. JOHN MOORE, Mayor
33

34 ATTEST:
35
36
37

38 _____
Shannon Beaucaire, City Manager

Date



CITY OF YACHATS

CITY COUNCIL MEETING

September 18, 2019

Draft Minutes

Meeting Call to Order

Mayor W. John Moore called the September 18, 2019 regular meeting of the City Council to order at 6:00 pm in Room 1 of the Yachats Commons. Council members present: W. John Moore, Max Glenn, and Leslie Vaaler. Present by Phone: James Kerti. Absent: Jim Tooke. Staff present: City Manager Shannon Beaucaire, Office Support Anita Stiles, and City Planner Dave Mattison. Audience: 29.

I. Announcements, Correspondence, and Proclamations

None.

II. Public Comment

1. Candy Neville (631 Shoreline Way, Eugene) commented on a recent article in the Yachatsnews.com. She read a letter she wrote to yachatsnews.com.

III. Consent Agenda

A. August 7 and 21, 2019 Minutes

B. Resolutions Memorializing Council Action

1. 2019-88 Electing to conduct a Utility Rate Study

Council Vaaler asked for clarification on what the vote means. Mayor Moore indicated the vote was to memorialize there was a vote in the past.

Councilor Glenn moved to approve the consent agenda: Aye – 4; No – 0.

IV. New Business

A. Jacqueline Danos (116 Spring Hill) wanted to start a program to sell stainless steel water bottles and install water bottle refilling stations in the Commons and at the fire station. She wanted to use the City logo and to modify the coloring to simplify it for printing. She needed approval to use the City logo. She noted this program would not cost the City money and proceeds from the bottle sales would help pay for the bottle filling stations.

Councilors appreciated Danos' initiative. Kerti asked the City Manager about sharing proprietary information. Manager Beaucaire indicated she could draft a letter indicating that use of the City logo was for this specific purpose.

1 The Council agreed to let Danos use the City logo and to proceed with her program.

2
3 **B. Resolution 2019-90 Lincoln County Housing Strategy Plan**

4 Wayne Belmont, Lincoln County Counsel, provided background on their housing study. He
5 noted the focus on the work was to gather demographic data and to find gaps where additional
6 information was needed. He noted three areas of particular interest: 1) Generating a regional
7 buildable land inventory, 2) Need for staff dedicated to housing, and 3) Maintenance of existing
8 housing supply. He anticipated working with the Council of Governments and finding additional
9 funding sources to continue this work.

10
11 Mayor Moore noted Yachats citizens have expressed great interest in creating workforce
12 housing, and noted the value of having data as provided in the report. Mayor Moore highlighted
13 that the report indicated 63% of rental homes were rent burdened households (30% of income
14 devoted to rent) and 41% were severely burdened (over 50% of income to rent). The 63% was
15 highest and the 41% was tied for highest in the county. Yachats had highest percentage of
16 single-family homes. He reported median rent in Yachats was \$929 (the highest) and median
17 income was \$1,813 (the lowest).

18
19 Mayor Moore noted that Senate Bill 595 was in committee and that this bill would allow for
20 using 30% of revenues from transient lodging taxes to be spent on affordable housing.

21
22 Glenn asked about specific suggestions for the Yachats code. Belmont gave an example of how
23 Newport was planning to rework their code.

24
25 Vaaler noted Council previously indicated they did not see many opportunities with the
26 recommendations from the study. She suggested that sometimes it seems more money goes to
27 studies than into housing.

28
29 Mayor Moore asked Belmont if the county would be willing to work with the City to possibly
30 sell the lots between Marine and Aqua Vista to a nonprofit who would develop workforce
31 housing and add the proceeds to the 804 Trail mitigation fund. Belmont indicated the county
32 would work with the City.

33
34 Kerti also appreciated the amount of useful data in the report and noted how that provides
35 numbers to support the impressions of the housing market in Yachats.

36
37 **Glenn moved to approve Resolution 2019-90 accepting and adopting supporting a housing**
38 **strategy plan for Lincoln County and its cities: Aye – 4; No - 0.**

39
40 Vaaler clarified that this resolution does not commit the City to any course of action.

41
42 **B. Vacation Rental Liability Insurance Requirement**

43 Mayor Moore recalled the city attorney had recommended not requiring liability insurance.
44 Glenn asked if there was a way to have owners indicate on a form that they have liability
45 insurance. Manager Beaucaire indicated there could be a statement that encouraged owners to
46 have liability insurance but the City could not require it.

1 Vaaler asked if the City could require that a license number be included in any advertising.
2 Manager Beaucaire indicated she has asked the City Attorney to address this question.

3
4 Mayor Moore indicated Council would send their decisions to the attorney to draft an ordinance,
5 then Council would hold a public hearing on the ordinance.

6
7 Rick Brown (2243 Olive St, Eugene) asked if there was a specific dollar amount the City was
8 looking for in liability insurance. Mayor Moore stated this was a decision for the property
9 owner.

10
11 Sherrie Brubaker (Newport News Times) clarified that there was no current requirement for
12 vacation rental owners to have liability insurance.

13
14 Jamie Michelle (248 E Vane Drive, Tidewater) asked what the reason was for the City to be
15 concerned about liability insurance. Mayor Moore noted it was an issued raised by a Councilor
16 and it would not be in the ordinance.

17 18 **C. Code Enforcement Discussion**

19 Vaaler stated Councilors hear a lot about code enforcement and noted Council had not given the
20 City Manager much direction about what code enforcement actually means. She proposed that
21 ideal code enforcement was about education, either about the ordinances or about actions that
22 need to be taken. She suggested the City be aware of a need to create reader-friendly ordinances
23 and to listen to citizens about adjustments to code. She also encouraged proactive code
24 enforcement, noting the city now only does complaint driven code enforcement. She believed a
25 person who lived in the community and was in touch with the community would serve best as a
26 code enforcer. Vaaler noted that ideally code enforcement would be full-time, with that position
27 including other work in addition to code enforcement. She provided examples of how an
28 enforcer how the City could benefit from a code enforcer who lived in the City.

29
30 Mayor Moore noted that currently none of the City's employees could afford to live in Yachats.
31 Vaaler noted that Facilities Manager Hoen lived in the City. Mayor Moore stated Clerk Jackson
32 used to live in the City and that Hoen was not a City employee but was a contractor.

33
34 Glenn stated Don Niskanen developed the City code enforcement process and worked very
35 closely with the vacation rental population. He stated Niskanen was very involved in the
36 creating the Oregon Code Enforcement Association, and the Association has a certification
37 process. Glenn noted the time and effort that went into developing the code enforcement job
38 description.

39
40 Planner Mattison referred to the list of complaints submitted and noted there had been five
41 complaints during the past week. He highlighted the handling of a recent noise complaint.

42
43 Manager Beaucaire stated her position has always been about education. She noted partnering
44 with the community on education can take a longer amount of time. She explained the process
45 Matt will use to do the fats, oils and grease inspections in which he will personally go to each
46 business to make an introduction and provide an informational packet. She stated that most code
47 enforcement programs are complaint driven. She suggested these programs are complaint driven

1 because if they were proactive, the community could feel like they were being selectively
2 enforced. She noted Niskanen started with 8 hours per week. She added that a citation or hard
3 letter was always the last resort.

4
5 Mayor Moore suggested that code enforcement complaints have historically spiked in June and
6 tapered down by the end of summer. Mattison suggested weed abatement was a reason for the
7 spike in June and July.

8
9 Anderson stated the Planning Commission constantly discussed how regulations would be
10 enforced as they develop code. She noted Commissioners sometimes question why they were
11 working on regulations as they might not be enforced. She provided an example of the recent
12 passage of the sign code and referred to the large number of existing nonconforming signs. She
13 suggested that ideally the code enforcer would go around to take photos of the existing
14 nonconforming signs and to talk to businesses about how the new regulations will impact them.
15 Anderson added that the Commission was beginning work on lighting code updates, and this
16 work will require a lot of education for residents. She stated that from the Planning Commission
17 perspective, they can use as much code enforcement as the City could afford to pay y. She added
18 that not many local residents do not use the website, so more is needed than what is put on the
19 website or on Facebook.

20
21 Manager Beaucaire noted that the education effort could be a community effort, such as the
22 Planning Commission, City Planner, and Code Enforcement Officer putting articles in the
23 Newsletter.

24
25 Vaaler noted she hears many complaints during her walks and residents state they do not want to
26 use the online system or do not want to put their name on a document that could cause problems
27 with a neighbor. She suggested increasing options for how a resident could register a complaint.
28 Mayor Moore asked Vaaler about how she handles the complaints she hears. Vaaler indicated
29 her actions were based on what the complaint was. Manager Beaucaire suggested a Councilor
30 could use the request tracker system to document complaints they hear.

31
32 Kerti noted how requests were being tracked in terms of closure rates and asked for information
33 on how they were evaluating the satisfaction level of complainants. Manager Beaucaire
34 indicated they typically do not hear from people when an issue was resolved and they do hear
35 from people with unresolved issues or issues that are not being resolved quickly enough.
36 Manager Beaucaire stated that if it were an anonymous complaint, they cannot follow up to
37 ascertain satisfaction levels.

38
39 Kerti noted that a complaint being resolved can mean many different things and provided an
40 example of a party at night. He suggested the problem would be resolved within a few
41 regardless how it was handled, so the complaint would be reflected as closed but might not have
42 been handled to a complainant's satisfaction.

43
44 Anderson asked Mattison whether he input his phone calls into the tracker system. He noted he
45 did not know how to use that process yet. Manager Beaucaire asked Anderson if the Request
46 Tracker could automatically ask for satisfaction measures. Anderson indicated she would find

1 out that information. Mattison stated he believed the Request Tracker system was helping. He
2 summarized his recent work with Code Enforcement and the weed abatement program.

3
4 Manager Beaucaire introduced two gentlemen from TCB Security Services and indicated they
5 wanted to expand their code enforcement services. She asked them to talk about their on-call
6 services. Matt Frank, COO of TCB Security Services, explained the work they do to monitor
7 vacation rentals with Meredith Lodging. He noted they also have an answering service that
8 could be utilized as a complaint line. They also have a code enforcement division where there
9 are contracted with Toledo for code enforcement for 16 hours per week. They are in discussions
10 with Siletz to do one day per week code enforcement.

11
12 Steve Davies (91 Highway 101) asserted that being responsible for a neighbor was difficult and
13 suggested that the City move toward measurable levels in ordinances such as those for noise
14 levels.

15
16 Kerti asked if there were any resources in process or in development for a new code enforcement
17 officer to get up to speed. Manager Beaucaire indicated she has taken Matt Phillips around to
18 meet business owners and to familiarize him with the areas of town. She also noted Dave
19 Buckwald has done the same and gone with Phillips to start checking the grease traps at
20 businesses and teaching him about fats, oils and grease (FOG). She also reported Mattison is
21 showing Phillips the issues has been working on. She reported Phillips will be going to the Code
22 Enforcement Association conference in October and noted topics that will be covered. Mattison
23 indicated he has been showing Phillips old files and teaching him about “hand holding” people to
24 get through the process.

25
26 Mattison suggested creating a Weed Abatement Mitigation Plan. He noted new properties have
27 developed weeds since he started his work in this area.

28
29 Manager Beaucaire added she has had Phillips reviewing old files and updating letterhead. She
30 wanted him to support Mattison but also to focus on FOG.

31
32 Mayor Moore stated that one frustration with code enforcement in the past was that the City has
33 had gaps where there was no code enforcer. He speculated that having Phillips on board will
34 enable the City to get caught up on matters that have been on hold.

35
36 Vaaler stated she hoped by the end of the calendar year they can have a good description of what
37 they want from code enforcement and what resources the City was willing to devote. Mayor
38 Moore stated the Council was a policy body and the City Manager handled the operations.
39 Vaaler noted something like stipulating a code enforcer must live within 10 miles of the City
40 could be a policy.

41
42 Kerti stated he had two suggestions:

43 1. Council has had several different options for code enforcement. He wanted to know if
44 Council could reach a tentative agreement to have at least a half-time person going forward.
45 Mayor Moore indicated that now was not the time to make that decision. Glenn suggested they
46 first see how Phillips works out. Manager Beaucaire encouraged Council to not make a policy
47 decision without data and to avoid having to reduce staffing at a later time.

1 2. There was concurrence on education for code enforcement. He suggested holding a
2 public meeting on how to use the website and the tracking system. Council agreed to help Kerti
3 set up such a meeting.
4

5 Doug Connor (490 Lemwick Lane) asked how a person would address an issue that was about
6 policy that was not a code violation. He wanted to see a process to evaluate such a situation. He
7 also noted he has had a land-use complaint where the Planning Commission and the City
8 Attorney have disagreed.
9

10 **D. Ordinance: FEMA changes**

11 Manager Beaucaire introduced Celinda Adair from DLCD connected by internet speaker.
12 Mattison explained this ordinance was to maintain its membership in the National Flood
13 Insurance Program. Adair reported whenever a community adopts new flood plain maps, they
14 have to update their code. She noted these changes are often to change the language rather than
15 what the requirements are. She explained the intent was to match the language with the Code of
16 Federal Regulations verbatim to help communities not have to face individual actions against
17 them.
18

19 Manager Beaucaire explained this ordinance can be passed by having an unanimous vote and
20 having the document posted 10 days in advance.
21

22 Adair noted this ordinance is required for any federally backed mortgage and any FEMA disaster
23 assistance. Vaaler clarified with Adair that the document had to be sent to Adair by October 18,
24 2019. Manager Beaucaire clarified with Adair that the ordinance should ideally be in effect and
25 not just adopted. Adair indicated there have been situations where the adopted status was
26 accepted.
27

28 Mayor Moore noted there were 39 letters sent to impacted property owners.
29

30 The following corrections were noted:

31 Page 11 with first line "Letter of Map Revision (LOMR), Section C: refers to a section 3.2
32 but there is no section 3.2 in the document. Anderson indicated that reference should
33 be to section 9.54.030.B.

34 Page 20 with first line "(ii) Be fully licensed", Line 4: makes reference to "insert
35 citation." Adair stated this reference typically referred to something specific to
36 Yachats. She suggested the reference should be to sections 5.1 and 5.2, which
37 correspond to sections 9.54.050.A and 9.54.050.B in the Yachats code.

38 Page 14, 9.54.010.A.7, Use of other base flood data: Sentence should read, "When no
39 base flood elevation data is available, development proposal located within a riverine
40 unnumbered A zone shall be elevated a minimum of two (2) feet above the highest
41 adjacent grade to be reasonably safe from flooding."
42

43 Mayor Moore wanted to ensure that Vaaler understood the ramifications to the 39 property
44 owners should this ordinance not pass, specifically that these owners would get notice of
45 cancellation of their flood insurance.
46

1 Glenn asked if Vaaler could agree to pass the motion if her typos were accepted and recorded
2 after this meeting. Mayor Moore agreed with this process as long as the changes did not impact
3 the meaning of the language. Vaaler concurred.

4
5 Steve Davies (91 Highway 101N) indicated his house was in the AV zone and his property was
6 in the AO zone. He asked if this ordinance passed, would his insurance be rescinded. Adair
7 explained he could not renew the policy and he could not sell the property to someone who
8 wanted to finance the property. Adair indicated she would talk to Davies about his specific
9 issue.

10
11 Vaaler asked if the sections on Variances and Penalties that were in the original Yachats code
12 had been eliminated. Mattison indicated they were incorporated into other sections.

13
14 Vaaler stated she did not like “having a gun put to her head” to pass something at the last minute.
15 She understood the Committee got the document six months ago. She noted she spent six hours
16 trying to understand the document and was appalled by the quality of the document. Adair
17 explained the history of the process for the document to this point, noting there were typos in the
18 Federal Regulations that have been passed down. Anderson noted qcode, the City’s online code
19 administrator, would format the document to be consistent with the standards they use for the
20 Yachats code.

21
22 Mayor Moore closed the public hearing on Ordinance 361 at 8:08 pm.

23
24 Vaaler moved to adopt Ordinance 361 amending the Yachats Municipal Code Chapter 9.54 –
25 flood damage prevention regulations with corrections suggested by Councilor Vaaler: Aye – 4;
26 No – 0.

27 28 **E. IGA: State of Oregon and City of Yachats for a Natural Hazards Mitigation Plan**

29 Mattison explained the history of the Lincoln County Natural Hazards Mitigation Plan and noted
30 it was to help the county plan for natural disasters. He reported the City needed to have a
31 \$12,000 “in kind” match which could be accounted for by hours spent at meetings and required
32 no outlay of cash

33
34 Glenn asked about the statement in Mattison’s memo to encourage the county to evaluate and
35 implement erosion control mitigation projects for NE Ocean View Drive/804 Trail. Manager
36 Beaucaire recalled they did put rip rap down at one point in time but that was seen by the state as
37 a nonviable solution. Mattison explained there might be grant dollars available if the City had a
38 plan.

39
40 Vaaler noted there was a previous committee for the 2015 study and asked if there were
41 examples of how participation in this project has helped Yachats. Mattison suggested the
42 relocation of the Fire Department was part of the Plan. Vaaler clarified the Fire Department did
43 not get grant funding for their move. Glenn noted FEMA required the Plan to be updated every
44 five years, and Mayor Moore added that there might be some five-year periods that did not
45 specifically address.

1 Glenn moved to approve the IGA between the City of Yachats and the State of Oregon
2 Department of Land Conservation and Development: Aye – 2; No – 1 (Vaaler) but need to reach
3 Kerti for his vote. Kerti asked for clarification on the positions of other Councilors. Mayor
4 Moore suggested they could hold the vote when Kerti and Tooke could be physically present.
5 Glenn agreed to withhold this motion until the next meeting.
6

7 **F. City Manager Evaluation Form**

8 Mayor Moore explained the two forms in the packet. Mayor Moore explained why he included
9 the Grants Pass form. Kerti favored the Grants Pass form due to the scaling and condensing of
10 information. Glenn favored the form used last year and had concern that the simplified form was
11 too simple. Vaaler noted her experience in grading and added the meaningful part was the
12 longer written comments. She was inclined to go with the form used last year. Mayor Moore
13 stated he liked both but favored the form from last year.
14

15 Glenn suggested changing the scale anchor wording used on the shorter form so that:

16 Above Average is changed to Very Good

17 Average is changed to Good

18 Below average is changed to Fair
19

20 Council concurred with Glenn's suggested wording changes.
21

22 Mayor Moore explained the review period runs through October 1, 2019. He indicated he would
23 send the review the forms out around October 1, 2019 and asked Councilors to complete the
24 forms within two weeks. Mayor Moore will then compile the results and set up a special
25 executive session to complete the review.
26

27 **V. Reports**

28 **A. Financial Report**

29 Manager Beaucaire explained the financial items in the packet and noted it was "clunky." She
30 stated the finance people were working to clean it up and make it more readable. She reported
31 the auditors have completed their onsite work. Mayor Moore noted the auditor indicated this
32 year's audit was going "way, way better" than the previous year. Manager Beaucaire added that
33 work with the auditors had pulled people away from getting the financial reports to a place she
34 was happy with. Manager Beaucaire stated the auditor was pleased with the City's efforts to
35 increase financial control.
36

37 Vaaler noted several line items that were high and clarified that the new temp hires would fall
38 under contract expenses. Vaaler asked for more detail on contractor expenses, such as those for
39 COG, planning, code enforcement, and the like. She also wanted a breakdown of the COG
40 services.
41

42 Vaaler asked about the insurance items, especially one at over 180%. Manager Beaucaire
43 explained that there should be one line for insurance, but the current "clunky" state of the report
44 is breaking insurance amounts into multiple lines. She noted they made some changes to the
45 historical way of breaking down the insurance by category. Vaaler indicated she was more
46 concerned about the overage than the breakdown. Mayor Moore noted the insurance premium
47 was paid in one lump sum on an annual basis. Manager Beaucaire stated she looked at all the

1 insurance budget lines and the amounts were well within what was budgeted for the total amount
2 of insurance.

3
4 **B. Council Reports**

5 Mayor Moore reported he and Glenn were going to the League of Oregon Cities upcoming
6 meeting.

7
8 Vaaler reported:

- 9 1. She, Mayor Moore, Manager Beaucaire, and Facilities Manager Hoen visited the new
10 City Hall building in Florence. She asked that Council discuss the finances for a
11 potential move to the 501 Building.
12 2. She has been attending the Public Works and Streets Commission meetings and noted
13 Larry Nixon's resignation and a discussion of how to recognize his service. She
14 noted the Commission appointed Don Groth as their vice-chair and Tom Fisher has
15 agreed to attend the Solid Waste District Advisory Committee meetings.
16

17 **C. City Manager Report**

18 Manager Beaucaire welcomed Anita Stiles who was helping in the office. Manager Beaucaire
19 noted Matt Phillips has also been helping people at the front desk.
20

21 Manager Beaucaire reported that the archeological study for Ocean View Drive should be
22 completed within the next few months.
23

24 Manager Beaucaire noted Council had asked for information on funding the COG work in
25 preparation for the transportation plan. COG noted the Ford Family Foundation was the best
26 short-term funding option. She noted the Ford Family Foundation wanted to see that the City
27 had made a commitment to the project, and COG has recommended that the City pay for the
28 community survey and then apply for the grant to fund the other work. She noted that work
29 could provide enough information to prioritize projects and focus the work.
30

31 **VI. Other Business**

32 **A. From Mayor** - none

33 **B. From Council** - none

34 **C. From Staff** - none
35

36 Mayor Moore adjourned the meeting at 8:45 pm.
37
38
39
40

41 _____
42 W. JOHN MOORE, Mayor

43 ATTEST:
44
45

46 _____
47 Shannon Beaucaire, City Manager

Date



**CITY OF YACHATS
RESOLUTION NO. 2019-91
A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED
WITH THE CITY HALL INTENTION TO BID**

WHEREAS, the City Council assigned a committee to look at options for the use of the bank building and recommendation number 3 was to relocate City Hall and Council Chambers from the Commons; and

WHEREAS, the Library Commission, City Council, and 2+2 Work Groups reviewed options to move the Library to the 501 building and the City Council accepted the recommendation of the Library Commission to remodel and expand the existing Library on November 7, 2018 in Resolution 2018-45; and

WHEREAS, the City Council authorized the City Manager to obtain conceptual drawings from an architect November 14, 2018 in Resolution 2018-46; and

WHEREAS, the City Council resolved to increase the City Hall Project Budget to \$166,000 to reflect the increase in funds of \$91,000 from the USDA Community Facility Grant on July 17, 2019 in Resolution 2019-83; and

NOW, THEREFORE, BE IT RESOLVED that the Yachats City Council authorizes the City Manager to move forward with the City Hall Intention to Bid as required documents are completed with the USDA and other necessary agencies.

This Resolution was adopted by the City Council on October 2, 2019 and is effective as of that date.

CITY OF YACHATS

By: _____
W. John Moore, Mayor

ATTESTED TO BY:

Shannon Beaucaire, City Manager

City Council Action Item Cover Sheet

DATE: _____

Agenda Item:

Question Before Council:

Person/Group Initiating Request:

Item Summary/Background:



DATE: October 16, 2019

TO: W. John Moore, Mayor
Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: DLCD IGA

The value of participating in the County NHMP Update process:

- The City is required to have a current (every 5 years) NHMP on file in order to apply for or receive related federal funding for hazard mitigation and/or recovery funding after a presidential declaration
- The NHMP sets the objectives for the City to improve its ability to sustain a natural hazards event, to reduce or lessen the hazard impact before the event occurs and to assist its community members with awareness of the risk to the identified hazards and to be ready themselves.
- Yachats is an addendum to the Lincoln County Plan – like all other cities are so we don't have to create our own plan
- The university of Oregon is facilitating this process and if it isn't signed, we have to do this on our own, without the University or County support, and we will not be eligible for FEMA reimbursement

INTERGOVERNMENTAL AGREEMENT

This Agreement is between the State of Oregon acting by and through its Department of Land Conservation and Development (“DLCD”) and the City of Yachats (“City”), each a “Party.”

1. Authority

This Agreement is authorized by ORS 190.110.

2. Effective Date and Duration

This Agreement is effective June 1, 2019 regardless of the signature dates and terminates on October 31, 2020, unless terminated earlier in accordance with Section 8.

3. Background

Natural disasters occur when natural hazard events impact people, structures, and the environment. The dramatic increase in the costs associated with natural disasters over the past decades has fostered interest in identifying and implementing effective means of reducing these impacts. Natural hazards mitigation planning is a process for identifying and understanding the hazards facing a jurisdiction and prioritizing actions the jurisdiction can take to reduce injuries and deaths; damage to buildings, critical facilities, and infrastructure; interruption in essential services; economic hardship; and environmental harm. Reducing impacts also speeds up recovery and lowers its cost.

The Federal Emergency Management Agency (FEMA) approves Natural Hazards Mitigation Plans (NHMPs) meeting federal requirements at 44 CFR 201. Approval lasts five years. Having a current, FEMA-approved NHMP is a key factor in establishing eligibility for certain FEMA grants that fund natural hazards mitigation planning and projects.

Lincoln County’s Multi-Jurisdictional NHMP will expire on September 14, 2020. DLCD has received a FEMA Pre-Disaster Mitigation grant to assist Lincoln County, the Cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport, and Yachats, as well as Central Lincoln Public Utility District, and Seal Rock Water District (“Jurisdictions”) with updating the Lincoln County Multi-Jurisdictional NHMP and has contracted with the University of Oregon’s Oregon Partnership for Disaster Resilience (OPDR) to execute that assistance.

4. Purpose

The purposes of this Intergovernmental Agreement are to:

- (a) Formalize a working relationship between DLCD and the City that is to result in an updated Lincoln County Multi-Jurisdictional NHMP adopted by each Jurisdiction and approved by FEMA;
- (b) Ensure the City is aware that the grant supporting this project requires the final deliverable to be a FEMA-approved NHMP, and that to achieve FEMA approval the City must not only consider, but also adopt an NHMP that FEMA has agreed to approve; and
- (c) Ensure the City is aware of its responsibility to contribute financially to the Project using non-

federal funds, and to track, document, and report its cost share as required.

5. Responsibilities of Parties

(a) Responsibilities of DLCD.

DLCD will provide financial, administrative, and technical oversight to the Natural Hazards Mitigation Plan ("NHMP" or "Plan") Update project described in Exhibit A, Scope of Work, which is incorporated into and made part of this Agreement. Specific DLCD responsibilities include:

- i. Coordinating and communicating with OPDR throughout the update process.
- ii. Administering the grant, including collecting and processing cost share documentation with assistance from the City as necessary.

(b) Responsibilities of County.

County Convener will lead the project in partnership with OPDR.

Specific Project responsibilities of the Convener include:

- i. Assisting OPDR with organizing, leading, and managing the planning process;
- ii. Providing County Assessor's data;
- iii. Providing GIS services;
- i. Carrying out other responsibilities enumerated in Section 5(c);
- ii. Performing any other Project work assigned to the County by Exhibit A.

(c) Responsibilities of the Jurisdictions:

The Jurisdictions will each appoint a Steering Committee member and alternate who already have or have been delegated decision-making authority for this Project.

Specific Project responsibilities of the Jurisdictions include:

- i. Attending and actively participating in Steering Committee meetings;
- ii. Providing data and information;
- iii. Engaging with internal and external stakeholders;
- iv. Executing the Project's public engagement program;
- v. Shepherding the plan through the public adoption process;
- vi. Tracking, accurately documenting, and reporting cost share as required;
- vii. Adopting a Plan that FEMA has agreed to approve; and
- viii. Performing any other Project work assigned to County, Cities, and Districts by Exhibit A.

6. Compensation and Costs

The City shall assume its own costs of carrying out the tasks and responsibilities assigned to it under this Agreement.

FEMA does not permit DLCD to sub-grant funds to local governments. Therefore, DLCD will use the grant funds to provide financial, administrative, and technical oversight and assistance to the Jurisdictions to complete the update.

The federal grant supporting the Project requires a 25% cost share from non-federal funds. The City shall commit to providing and documenting cash, in-kind, or a combination of both as its portion of the required 25% cost share. The JURISDICTIONS together commit to providing an estimated minimum of \$12,000 in cost share.

7. Project Contacts

The designees named below shall be the contacts for all the work and services to be performed under this Agreement. A Party may designate a new contact by written notice to the other Party.

DLCD's Project Contact is: Pam Reber Natural Hazards Planner DLCD 635 Capitol ST NE, Suite 150 Salem, OR 97301 (503) 934-0066 pamela.reber@state.or.us	Yachats' Project Contact is: Shannon Beaucaire City Manager City of Yachats PO Box 345 Yachats, OR 97498 (541)547-3565 shannon@yachatsmail.org
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8. Termination

- (a) This Agreement may be terminated at any time by mutual written agreement of the Parties.
- (b) This Agreement may be terminated by either Party with 30 days advance written notice.

9. Non-Discrimination

In carrying out activities under this Agreement, no Party shall discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, disability, marital status, veteran status, disability or age. Each Party shall take affirmative actions to ensure that applicants for employment are employed and that employees are treated during employment, without regard to their race, color religion, sex, sexual orientation, national origin, disability, marital status, veteran status, disability or age. Such action shall include but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff of termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

10. Non-Appropriation

DLCD's obligation to perform its duties under this Agreement is conditioned upon DLCD receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any law limiting the activities, liabilities or monetary obligations of DLCD.

11. Representations and Warranties

The City represents and warrants that the making and performance by the City of this Agreement:

- (a) Have been duly authorized by the City;
- (b) Do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of the City's charters or other organizational documents; and
- (c) Do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which the City is a party or by which the City may be bound or affected.

No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by the City of this Agreement, other than those that have already been obtained.

12. Records

Parties and their duly authorized representatives shall have access to the books, documents, and records which are directly pertinent to Agreement for the purpose of making audit, examination, excerpts, and transcript. This does not require either Party to provide documents that are legally privileged or otherwise exempt from disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478.

13. Contribution

If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (a "Third Party Claim") against a Party (the "Notified Party") with respect to which the other Party (the "Other Party") may have liability, the Notified Party shall promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party, along with the written notice, a copy of the claim, process and all legal pleadings with respect to the Third Party Claim that have been received by the Notified Party. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this Section and a meaningful opportunity for the Other Party to participate in the investigation, defense and

settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Parties' contribution obligation under this Agreement with respect to the Third Party Claim.

With respect to a Third Party Claim for which DLCD is jointly liable with the Notified Party (or would be if joined in the Third Party Claim), DLCD shall contribute to the amount of expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Notified Party in such proportion as is appropriate to reflect the relative fault of DLCD on the one hand and of the Notified Party on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of DLCD on the one hand and of the Notified Party on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information, and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. DLCD's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.

With respect to a Third Party Claim for which a Party is jointly liable with DLCD (or would be if joined in the Third Party Claim), the Other Party or Parties shall contribute to the amount of expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by DLCD in such proportion as is appropriate to reflect the relative fault of the Other Party or Parties on the one hand and of DLCD on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Other Party or Parties on the one hand and of DLCD on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Other Party's or Parties' contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

14. Subcontracting and Assignment

The City acknowledges that DLCD intends to hire contractors to perform tasks and responsibilities related to the deliverables listed in the Scope of Work, Exhibit A to this Agreement. The City shall not enter into any subcontract for any other work listed under this Agreement without written consent of DLCD.

15. Governing Law, Consent to Jurisdiction

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between DLCD or any other agency or department of the State of Oregon, or both, and the City that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must, as mandated by federal law, be brought in a federal forum, then unless otherwise prohibited by law it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this

Section be construed as a waiver by any Party of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the jurisdiction of any court.

16. Indemnification

Except as provided in Section 13 of this Agreement, each Party shall defend, save, hold harmless, and indemnify the other Party and the other Party's agencies, subdivisions, officers, directors, employees and agents from and against all claims, suits, actions, losses damages, liabilities, costs and expenses of any nature whatsoever (Claims), including attorney fees, resulting from, arising out of, or relating to the acts or omissions of the indemnifying Party's officers, employees, or agents under this Agreement. Any indemnity by DLCD under this Section shall be subject to the limitations of Article XI, Section 7 of the Oregon Constitution and the Oregon Tort Claims Act, 30.260 to 30.300.

17. Insurance

Each Party shall be responsible for providing workers' compensation insurance as required by law for its covered workers. Neither Party shall be required to provide or show proof of self-insurance, workers' compensation or any other insurance coverage.

18. Severability

If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid. In such event, the Parties intend that the conflict not invalidate the other provisions of this Agreement and the Parties shall negotiate in good faith to agree on replacement language for the offending term or provision that will be consistent with the purposes of this Agreement.

19. Compliance With Law

In connection with their activities under this Agreement, the Parties shall comply with all applicable federal, state and local law.

20. Force Majeure

Neither Party shall be held responsible for delay or default caused by fire, riot, acts of God, and war which are beyond its reasonable control. The affected Party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Agreement.

21. No Third Party Beneficiary

DLCD and the City are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing contained in Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise, to third parties. The contractors retained by DLCD are expressly excluded as parties or beneficiaries to this Agreement and are barred from enforcing the terms of this Agreement.

22. Merger, Waiver and Modification

This Agreement and all exhibits and attachments, if any, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver or consent under this Agreement binds either Party unless in writing and signed by both Parties. Such waiver or consent, if made, is effective only in the specific instance and for the specific purpose given. EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

23. Amendments

The terms of this Agreement may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties. Any amendment to this Agreement shall require the signatures of the approving authorities of both Parties.

24. Acknowledgment of Funds and Copyright

(a) Acknowledgment of Funds.

Both Parties shall acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

(b) Copyright.

Both Parties must affix the applicable copyright notices of 17 USC Section 401 or 402 and an acknowledgment of Government sponsorship (including sub-grant number) to any work first produced under a federal award unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this Agreement, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, Parties grant the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works.

25. Survival

All provisions concerning the limitation of liability, indemnity, and conflicts of interest shall survive the termination of this Agreement for any cause.

26. Interpretation

The Parties agree that the provisions of this Agreement shall not be construed in favor of or against any Party based on the source of its drafting or any other circumstances.

27. Counterparts

This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement, notwithstanding that both Parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

CITY OF YACHATS

APPROVED AS TO FORM:

Shannon Beaucaire, City Manager

Name & Title

Date

Date

DEPARTMENT OF LAND CONSERVATION
AND DEVELOPMENT (DLCD)

Jim Rue, Director

Date

EXHIBIT A

Lincoln County

Multi-Jurisdictional Natural Hazards Mitigation Plan

Update

Scope of Work

Background and Purpose

The Federal Emergency Management Agency (FEMA) requires that counties and cities update their Multi-Jurisdictional Natural Hazard Mitigation Plans (MNHMP, NHMP) every five (5) years to be eligible for Hazard Mitigation Assistance funds (44 CFR 201). Lincoln County last updated its FEMA compliant Natural Hazard Mitigation Plan on September 14, 2015, and thus must have a FEMA compliant NHMP approved by FEMA and adopted locally by September 13, 2020 to remain eligible for Hazard Mitigation Assistance funding. Having an updated NHMP will allow Lincoln County to continue its efforts to reduce risks to hazards through proactive mitigation planning, projects and policy.

The purpose of this project is to review and update Lincoln County's MNHMP such that it is adopted by Lincoln County (COUNTY) and the participating incorporated cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport, and Yachats (CITIES) and unincorporated entities of Central Lincoln Public Utility District (PUD) and Seal Rock Water District (DISTRICTS) of the county named above and approved by the FEMA. The term JURISDICTIONS will be used hereafter to refer collectively to CITIES, COUNTY and DISTRICTS.

The Oregon Partnership for Disaster Resilience (OPDR), Department of Land Conservation and Development (DLCD), and COUNTY will lead the 2020 MNHMP update process in partnership. The OPDR, DLCD, and JURISDICTIONS will participate and execute responsibilities and tasks as set forth in this SOW. The seven CITIES, COUNTY, two DISTRICTS (Central Lincoln PUD, Seal Rock Water District) will be updating their existing (2015) plans. Additional DISTRICTS may develop new plans to be incorporated into the MNHMP depending upon need, time, and resources.

This project is funded by a FEMA Pre-Disaster Mitigation (PDM) planning grant. A PDM planning grant must culminate, in this case, in an MNHMP that is adopted by JURISDICTIONS and approved by the FEMA prior to the end of the Period of Performance. Therefore, JURISDICTIONS agree not only to consider but also to adopt the MNHMP that the FEMA has agreed to approve.

The planning process will be open and transparent. All meetings will be duly advertised and open to the public.

The grant will be administered by the Oregon Military Department's Office of Emergency Management (OEM) and DLCD. JURISDICTIONS will provide matching funds in cash, in kind, or in a combination of both to support the grant.

The remainder of this Scope of Work (SOW) describes in detail how JURISDICTIONS will partner and collaborate with the OPDR to update the MNHMP. This statement includes a description of the general roles and responsibilities of each JURISDICTION listed above. This SOW is intended to produce an

MNHMP meeting the requirements of the Code of Federal Regulations, Title 44, Part 201.6 (44 CFR 201.6) and therefore approvable by FEMA.

Proposed Work Program

Michael Howard, IPRE Faculty and OPDR Assistant Program Director will oversee the project deliverables and day-to-day research and project management. The team may include other IPRE faculty as well as student research interns at UO.

OPDR's plan update will operate on a six-phase mitigation planning process that has successfully resulted in FEMA-approved mitigation plans in numerous communities throughout Oregon. The OPDR planning process generally includes the following six phases:

- Phase I. Getting Started
- Phase II. Review and Update the Risk Assessment
- Phase III. Review and Update the Mitigation Strategies
- Phase IV. Review and Update the Implementation and Maintenance
- Phase V. Finalize the Plan Update
- Phase VI. Convene the Coordinating Body

OPDR will assist Lincoln County with administering the six phases in the planning process described above with specific focus on Phases II through IV. The scope of work below includes a list of parties involved and their specific roles, descriptions of each task, a list of associated work products, a timeline, and documents explaining how the task relates to the six-phase planning process described above.

Roles and Responsibilities

Lincoln County staff:

- Convene, coordinate and staff the Lincoln County MNHMP steering committee. This committee will serve as an advisory board to the Emergency Manager or County Planner (local convener).
- Coordinate and support development of participating city and special district NHMPs.
- Coordinate and implement public outreach process including project website.
- Assist JURISDICTIONS with Cost Share by serving as point of contact for: (a) fiscal representatives who document hourly rates; (b) CITIES' and DISTRICTS' individual "Cost Share Contacts" who collect and report intra-jurisdiction cost share; and (c) providing comprehensive reports of JURISDICTIONS' cost-share information to the DLCD on a quarterly basis.
- Work with UO-OPDR to submit the draft MNHMP to OEM and FEMA for review and pre-approval.
- Present the FEMA pre-approved plan to the Lincoln County Board of Commissioners for local adoption.
- Provide plan development support.

University of Oregon OPDR team:

- Serve as the primary contact for information about the natural hazard mitigation plan update process.
- Serve as a technical advisor to Lincoln County staff.
- Provide plan development support to the County through training sessions, conference calls, e-mails, and face-to-face meetings.

- Communicate with the Lincoln County project lead a minimum of once per month.
- Participate in local NHMP update meetings as needed on invitation from the Lincoln County Project Lead.
- Review Lincoln County's current MNHMP and note areas of strength and opportunities for improvement.
- Track and fulfill agreement deliverables and complete and submit quarterly progress reports.
- Grant administration, including quarterly reporting, grant documentation, etc.
- Construct original materials for updated MNHMP.
- Interact with Lincoln County team and stakeholders to gauge perception of top priorities and important additions to the current MNHMP.
- Write, edit, format the updated MNHMP until a presentable draft is created.
- Incorporate constructive feedback from county and stakeholders to create final draft.
- Provide the following planning resources:
 - FEMA plan update resources and OPDR's 2009-10 Natural Hazards Mitigation Plan Update Manual
 - OPDR's Natural Hazard Mitigation Plan Templates
 - Sample Action Item Report
 - OPDR's Action Item Form
 - Plan Appendix – Cost-Benefit Analysis of Mitigation Actions
- Facilitate and document the local planning process as defined in the tasks of this Scope of Work.
- Guide the draft plan through the FEMA review process and local adoption process.

Lincoln County MNHMP Stakeholders:

- Attend public workshops administered by Lincoln County and OPDR students and staff.
- Offer data, input, recommendations, and critiques about the current MNHMP and potential problems to be considered in the updated plan.

Participating Lincoln County cities and special districts:

One of the most important aspects of creating a countywide Natural Hazards Mitigation Update is receiving and interpreting data from the local jurisdictions to accurately represent the unique needs and intricacies of each jurisdiction. Lincoln County will be responsible for engaging city and special district partners and will work closely with each jurisdiction to address vulnerable populations, critical communities, public health, geologic risks, climate-specific challenges, critical facilities, and other highly vulnerable entities. This will be an ongoing effort throughout the MNHMP update process that will involve multiple community workshops, outreach efforts, and jurisdiction-specific data analysis. Each jurisdiction will:

- Convene a jurisdiction specific NHMP steering committee (e.g. planning commission, city council or ad hoc committee).
- Provide at least one representative and actively participate in the county steering committee meetings and Plan Update Work Sessions.
- Participate in the County's public outreach and engagement process.
- Steering Committee members will track internal cost share and provide cost share forms to the COUNTY.
- Provide a project web page or a link to the COUNTY's project webpage on the JURISDICTION'S homepage.
- Develop locally relevant mitigation strategies.

- Coordinate meeting/event logistics in respective JURISDICTIONS (space reservations, supplies, copies, audio/visual equipment, etc.)
- Assist the OPDR by gathering and providing hazard and vulnerability data, existing plans, studies, reports, and technical information. Review and provide edits and comments on plan sections.
- Present the FEMA pre-approved plan to the governing body (City Council, Board of Directors, etc.) for adoption.

Department of Land Conservation and Development (DLCD) and Oregon Emergency Management (OEM):

- Provide plan development support.
- Provide administrative oversight on grant.

Scope of Work

The goal of the 2020 MNHMP update is to go above and beyond previous updates or minimum updating standards.

Objective 1: Project Organization and Work Plan Preparation

Task 1.1: DLCD will prepare an Intergovernmental Agreement to formalize a working relationship between DLCD, OPDR, and JURISDICTIONS to execute an update of the Lincoln County MNHMP; ensure that each jurisdiction is aware that adopting the updated MNHMP is required to obtain FEMA approval; and ensure that each jurisdiction provides cost share and documents its cost share contribution as required.

Task 1.1 Timeline: June 2019

Task 1.1 Product(s): IGA for review by OPDR and JURISDICTIONS.

Task 1.2: OPDR will meet with the Lincoln County staff and other stakeholders to clarify the goals and objectives of the project. We will review the sequence of activities, the timeline, and budget, required for the completion of the work. OPDR will gather key documents and discuss details of data collection, community involvement, and other issues related to the project. *This meeting may occur via phone or video conference.*

Task 1.2 Timeline: June 17, 2019

Task 1.2 Product(s): Lincoln County MNHMP Update Work Plan Draft

Task 1.3: OPDR team will craft and distribute the final work plan, based on feedback from Lincoln County and stakeholders.

Task 1.3 Timeline: June 2019

Task 1.3 Product(s): Lincoln County MNHMP Update Work Plan Final

Task 1.4: Lincoln County will host a planning initiative webpage on the emergency management (or other county page) website (<https://www.co.lincoln.or.us/emergencymanagement>) for this project. Lincoln County will post the final updated plan on its website at: <https://www.co.lincoln.or.us/emergencymanagement/page/hazards-natural-technological-andor-adversarial-or-human-caused>. Each JURISDICTION will provide a project web page or a link to the COUNTY's project webpage on the JURISDICTION'S homepage. The OPDR will post a final version of the plan to the University of Oregon's Scholars' Bank and provide a

digital copy to the Office of Emergency Management and the Department of Land Conservation and Development.

Task 1.4 Timeline: June/July 2019 (then ongoing)

Task 1.4 Product(s): Project website

Objective 2: Plan Review

Task 2: OPDR will review the 2015 Lincoln County MNHMP to assess the changes that have occurred in the previous five years. This task will include review of the county comprehensive plan and will identify opportunities to integrate information from the mitigation plan therein. The planning team will pay attention to comprehensive plan sections that address the Statewide Natural Hazard Planning Goal (Goal 7). OPDR will prepare a Comprehensive Plan Crosswalk summary as well as a Conclusions and Recommendations Memo that identifies specific areas within the Comprehensive Plan to be updated.

Task 2.1 Timeline: June – August 2019

Task 2.1 Product(s): Comprehensive Plan Crosswalk Summary
Conclusions and Recommendations Memo

Objective 3: Risk Assessment

Task 3.1: The first step of the project will be to incorporate updated hazards risk assessment information generated by, among others, DOGAMI, FEMA Risk MAP, US Geological Survey, US Army Corps of Engineers, and Lincoln County since 2015. The focus of this effort will be on utilizing existing risk assessment information, rather than generating new information.¹ The assessment will include an update of the hazard history and previous occurrences for Lincoln County as well as clarifying the location, extent and probability information where relevant. OPDR will work with the staff leads in the county and each participating city and special district to obtain lists of all known local hazard data sets. MNHMP city and special district leads will provide current hazard data to compliment county-wide information.

Task 3.1 Timeline: July – September 2019

Task 3.1 Product(s): MNHMP Steering Committee Meeting
Updated hazard history and hazard descriptions

Task 3.2: OPDR will utilize the prior Risk Assessment and the most recent Lincoln County Hazard Analysis to update the hazard probability and vulnerability scores. OPDR will utilize best available data to inform the Risk Assessment update, paying attention to information developed by DOGAMI through the FEMA Risk MAP process. OPDR will meet with the Lincoln MNHMP steering committee to review the hazard history and draft risk assessment. We will work with Lincoln County, city, and special districts and other available partners to update any hazard maps utilized in the plan.

Task 3.2 Timeline: July – October 2019

Task 3.2 Product(s): Updated Risk Assessment Section

¹ NOTE: Lincoln County does not intend to use Hazus to generate any new risk assessment information. The SOW describes the proposed risk assessment approach in tasks 3.1-3.3. To the extent that new Hazus derived information is *available* at the time the risk assessment is being updated, the county will incorporate it.

Objective 4: Draft Mitigation Plan Goals and Action Plan

Task 4.1: Building from the Objective 3: Risk Assessment, the OPDR team will work with the Lincoln County steering committee to draft and refine goals and objectives related to the 2020 Lincoln County MNHMP. This will include an evaluation of the existing MNHMP Goals against the State of Oregon MNHMP Goals. These goals will be updated and refined from the 2015 MNHMP if applicable. OPDR will also lead a discussion of what updates and changes need to be made for the updated plan.

Task 4.1 Timeline: July – October 2019

Task 4.1 Product(s): NMHP Steering Committee Meeting
Updated Plan Mission and Goals

Task 4.2: The updated goals and risk assessment will inform an updated and prioritized set of specific mitigation actions. The OPDR team will work with the MNHMP steering committee to review and update the status of existing mitigation actions. In addition, the team and steering committee will identify new actions to be added to the plan. Finally, the team and steering committee will select a short list of priority actions for the five-year planning period.

Task 4.2 Timeline: September – November 2019

Task 4.2 Product(s): Updated Mitigation Strategy

Objective 5: Community Outreach

Task 5: OPDR will assist Lincoln County staff with developing and implementing a public outreach strategy. Participating jurisdictions will be responsible for public outreach related to this plan update. The county intends to leverage existing engagement strategies to tailor specific outreach strategies. Options the county is considering include:

- Community Events
- Social media
- Area-specific meetings
- Forums

Because the county cannot speak on behalf of each city or special district, specific strategies, number, or characteristics are not available at this time.

Task 5 Timeline: June 2019 – May 2020

Task 5 Product(s): Public feedback to be used in MNHMP draft

Objective 6: City and Special District MNHMP Update Support and Technical Assistance

Task 6.1: OPDR faculty and students will assist cities and special districts that actively participate in the County Steering Committee Meetings in updating their respective MNHMP Addenda. OPDR will provide technical assistance and process facilitation support to the participating jurisdictions.

Task 6.1 Timeline: June –December 2019

Task 6.1 Product(s): Updated City and Special District Addenda

Task 6.2: At a minimum addenda will be updated for the Central Lincoln PUD and Seal Rock Water District. Time, capacity, and resources permitting, OPDR will also provide support to other Special Districts interested in developing an addendum to the County MNHMP. OPDR will assist special districts that actively participate in the County Steering Committee Meetings in completing the OEM special district mitigation planning template. OPDR will provide technical assistance and process facilitation support to the participating special districts.

Task 6.2 Timeline: June 2019 – February 2020

Task 6.2 Product(s): Special District Addenda

Objective 7: Draft and final deliverables

Task 7.1: OPDR will prepare a draft 2020 MJNHP. We will meet with Lincoln County steering committee to review and discuss the updated plan. After revisions are discussed, the OPDR team will construct and submit a final version of the plan.

Task 6.1 Timeline: July 2019 – February 2020

Task 6.1 Product(s): Draft MNHMP for County review

Task 7.2: OPDR will submit the final FEMA “review draft” to the Oregon Military Department’s Office of Emergency Management for initial review. If revisions are necessary OPDR will make edits and provide a revised copy to the JURISDICTIONS and OEM. OEM will forward the plan to FEMA for review and pre-approval. FEMA will have 45 days from the date of submittal to review the plan.

Task 7.2 Timeline: December 2019– April 2020

Task 7.2 Product(s): MNHMP for OEM/FEMA review

Task 7.3: Once the plan is pre-approved by FEMA, Lincoln County and the participating cities and special districts will formally adopt the plan. Adopting resolutions will be forwarded to FEMA for final plan approval.

Task 7.3 Timeline: February 2020 – May 2020

Task 7.3 Product(s): FEMA approved Lincoln County MNHMP

Deliverables

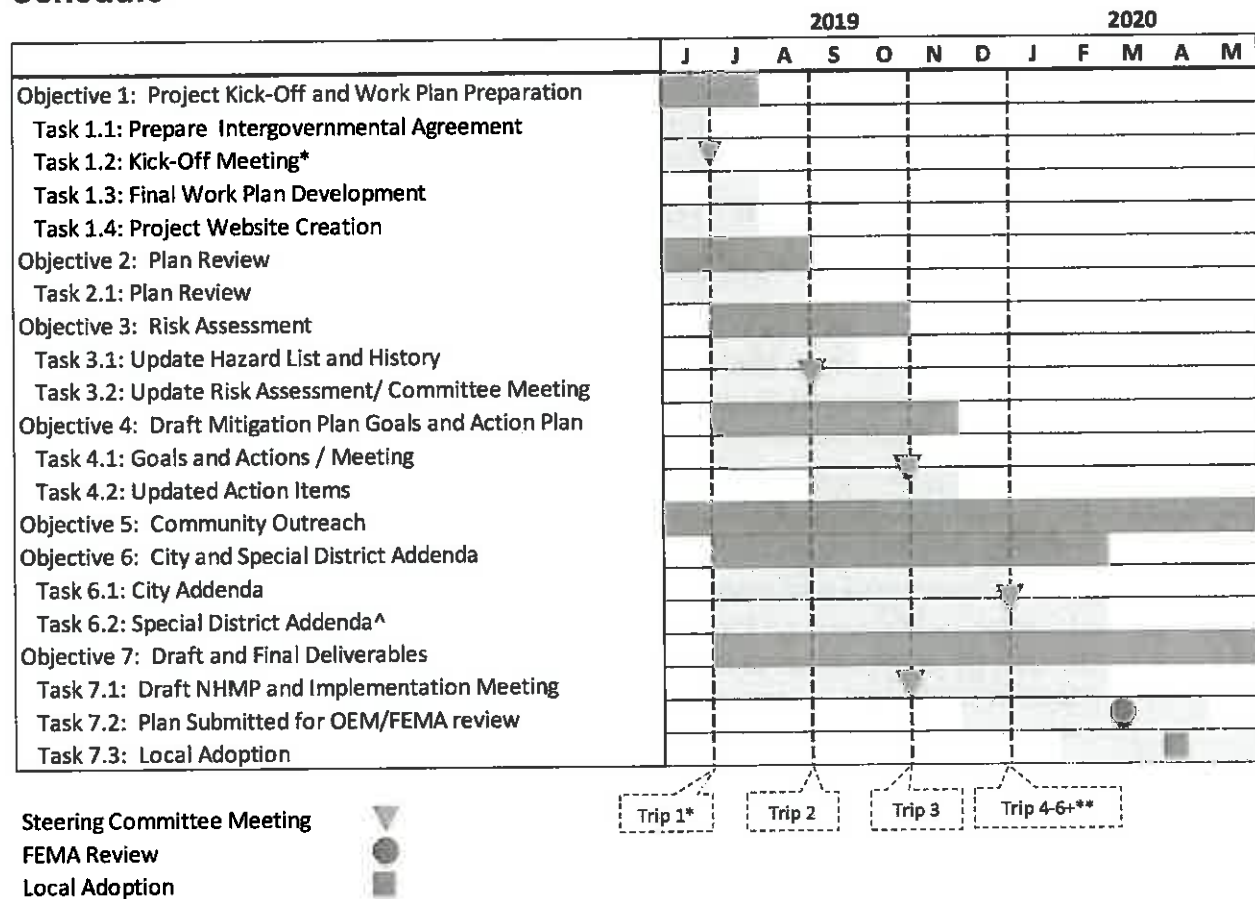
Our work program will result in one major product:

1. A FEMA-compliant Multi-Jurisdictional Natural Hazards Mitigation Plan updated for the year 2020.

Cost Share

The PDM grants require a 25% cost share, and the JURISDICTIONS together commit to providing an estimated minimum of \$12,000 in cash, in kind, or in a combination of both. The JURISDICTIONS will report cost share to the COUNTY, who will in turn provide documentation to the DLCD on a quarterly basis. Federal funds are not allowable as cost share.

Schedule



Notes: * - This meeting may occur via phone or web conference, ** - city/special district meetings will occur over a period to conclude by December 2019, ^ - Task 6.2 includes addenda for Central Lincoln PUD and Seal Rock Water District; time, capacity, and resources permitting, OPDR will also provide support to other Special Districts interested in developing an addendum.

City Council Action Item Cover Sheet

DATE: _____

Agenda Item:

Question Before Council:

Person/Group Initiating Request:

Item Summary/Background:

City Council Action Item Cover Sheet

DATE: _____

Agenda Item:

Question Before Council:

Person/Group Initiating Request:

Item Summary/Background:

City Council Action Item Cover Sheet

DATE: _____

Agenda Item:

Question Before Council:

Person/Group Initiating Request:

Item Summary/Background:

City Council Action Item Cover Sheet

DATE: October 16, 2019

Agenda Item:

Public Hearing Amendments to YMC 4.08

Question Before Council:

Review of Attorney comments and notations

Person/Group Initiating Request:

Council

Item Summary/Background:

Amendments to YMC 4.08

Please review the notations and provide the City Manager with any further modifications you would like to see.

October 9, 2019

Vacation Rental issues (*annotations* by Ross Williamson).

1: Continue the current VR ordinance in its basic form, subject to modifications we will continue to discuss.

No Code change suggested.

2: For outside technology, we agreed to use the software from Civic Plus for awhile to see if that accomplishes what we want in terms of tracking.

No Code change suggested.

3: Compliance – seemed to agree that using the Sheriff's Office in conjunction with Newport and Waldport made sense. Shannon is exploring a seasonal temp during the summer months as a short term solution.

No Code change suggested.

4: Agreed to keep a 4 BR limit for all new applications.

No Code change suggested.

5: Licenses are non-transferable upon death or sale of the property.

No Code change suggested. See YMC 4.08.030(L).

6: Purchasers of existing vacation rentals are not entitled to a new license unless they are next on the waiting list.

No Code change suggested. See YMC 4.08.040(C).

7: Licenses are allowed with no rental activity.

No Code change suggested.

8: We will continue to allow current exceptions to the 4 BR max rule while remaining under their current ownership.

No Code change suggested. See YMC 4.08.030(B).

9: New licenses in residential zones will require a conditional use permit.

This requirement would necessitate a change to the City's zoning regulations in YMC Title 9. Such a change would be a land use regulation and would need to be instituted pursuant to the City's legislative land use amendment processes. See YMC Chapter 9.84. A separate ordinance should be used for this change. If the Council wants to proceed with this requirement, it should probably send the matter to the Planning Commission for consideration and drafting of proposed Code changes.

10: Vacation rentals need to be inspected every 2 years.

To implement this provision, a change is suggested in YMC 4.08.040(A).

11: Inspection fee structure:

Initial inspection:	\$150.00
Follow up inspections:	\$100.00 each
Subsequent review inspections:	\$100.00 each

Implementation of revised fees is accomplished by a Council resolution. See YMC 4.08.040(A).

12: We do not allow home shares (renting one room in an owner occupied home) without a VR license?

I do not know if this suggesting is calling for suggested Code changes. The City's current vacation rental regulations in YMC Chapter 4.08 regulate "dwelling units." So, if a home share is a separate dwelling unit within a residential structure, then YMC Chapter 4.08 would regulate such a use if the home share dwelling unit is rented out to an occupant as defined in the Code. If the home share is more like a "couch surfer" arrangement where there is no separate dwelling unit being rented, then it appears that such a "rental" would not be governed by YMC Chapter 4.08.

13: Any “events” at vacation rentals have the same maximum vehicle restrictions and events are limited to the maximum number of people allowable as overnight guests.

The current code uses the term “overnight” to regulate parking and guests in a vacation rental. For this regulatory change, changes to YMC 4.08.030(F) and 4.08.030(H) are suggested to remove the term “overnight” and simply regulate the number of guests and the number of parked cars.

14: We will retain the current 125 cap on the number of vacation rentals.

This change was accomplished with Ordinance No. 362 at the October 2 meeting.

15: We will begin a waiting list for VR licenses on February 1, 2020, and allow a time limit to be specified later to submit the applications. The order of ranking for those initial applications will be determined by lottery. All subsequent vacation rental applications will be in the order taken.

This is not what the current Code provides. The City should already have a waiting list from implementation of the license cap in 2017. See Ordinance No. 362 and YMC 4.08.040(C) (“...new applications will be accepted on a first-come first-served basis, with process identified through administrative policy.”). Does the City want to change the Code to create a lottery system rather than the current waiting list system?

16: Vacation rental license fees effect 1/01/20

1 and 2 bedrooms: \$ 500.00/year

3 bedrooms: \$ 600.00/year

4 bedrooms: \$ 700.00/year

More than 4 bedrooms: \$ 900.00/year

Implementation of revised fees is accomplished by a Council resolution. See YMC 4.08.040(A).

17: At license renewal time, all VR property owners are required to submit a list of complaints made through their property managers for the previous year.

To implement this provision, a change is suggested in YMC 4.08.030(D).

18: At license renewal time, all VR property owners are required to provide a list of rental nights and taxes paid for the previous year.

No suggested Code change at this time. Quarterly tax reports are already required under the City's lodging tax. See YMC 3.08.070. The license regulations require license holders to comply with the City's lodging tax regulations. See YMC 4.08.030(M).

Additional annotations regarding highlighted text in draft YMC Chapter 4.08 changes.

1: YMC 4.08.020. Defined term "rental occupant" changed to "occupant." The term "rental occupant" was not used in YMC Chapter 4.08, but the word "occupant" is used in a couple places to describe the renter of the dwelling unit.

2: YMC 4.08.030(A). Highlighted phrase "as defined above in Section 4.08.020" should probably be deleted as the terms "duplex" and "triplex" are not defined above, but simply referenced above.

3: YMC 4.08.030(H). Reference to parking regulations for trailers "of moderate size" is not exacting enough for regulation. The Council should decide on a trailer size measurement so that this provision is capable of being enforced.

4: YMC 4.08.060. The current penalty is a fine of up to \$1,000. While the "of up to" wording is helpful here, the amount of \$1,000 is likely bordering on excessive. A lower penalty would be preferable.

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations. ~~The purpose of an inspection is to ensure the health and welfare of the occupants.~~

Section 4.08.020 Definitions.

“Dwelling unit” means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

“Incident” means an offensive activity or breach of the standards [in Section 4.08.030](#).

“Local contact person” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

~~“Occupant” means a person over the age of four (4) years who occupies a rented dwelling unit.~~

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

~~“Rental occupant” means a person over the age of four (4) years who occupies a rented dwelling unit.~~

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual units located on the same property, such as a duplex or triplex as defined above in Section 4.08.020, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within thirty (30) days.

B. Vacation rentals in residential zones shall have no more than four (4) bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within ten (10) miles of the City of Yachats and be available for response to alleged violations within two (2) hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 a.m. to 11:00 p.m.) and respond within two (2) hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four (4) inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current. The local contact person must maintain an accurate listing of complaints received about the vacation rental. The listing must document the date of each complaint received, the nature of the complaint and how the complaint was resolved. The listing must be provided to the City as part of the annual license renewal for the vacation rental.

E. One on-property parking space, as defined in Section 9.04.030 for off-street parking, shall be provided for each bedroomsleeping area in the dwelling, but in no event shall fewer than two (2) spaces be provided for the vacation rental. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance, all parking must be contained on the rental property. Owners are required to provide

parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of ~~overnight~~ vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six (6) vehicles, whichever is less. ~~Daytime parking~~ **Parking** is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of ~~overnight~~ occupants shall be two (2) persons per sleeping area plus two (2) additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. **Parking a boat trailer of moderate size, with or without a boat, is permitted as a substitute for one vehicle.**

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided and must have bear-proof mechanisms. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the GoYachats website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email

addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contact information current shall constitute a violation of this chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

Section 4.08.040 Inspection, license and annual fee.

A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. ~~If a license is renewed annually until at least five (5) consecutive years have elapsed, the City will re-inspect before issuing a license for the sixth (6th) year. The vacation rental will be subject to inspection every two years.~~ The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each ~~five (5)~~ two (2) year inspection completed by the City. A vacation rental licensee shall not be required to pay a business occupation license fee in addition to the annual license fee. The annual license and inspection fees shall be set by resolution of the City Council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. A total of one hundred twenty-five (125) licenses will be available at any one time. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below one hundred twenty-five (125) in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come first-served basis, with process identified through administrative policy.

Section 4.08.050 Complaints.

All complaints shall be in writing on a form provided by the City and signed by the complainant. The complainant must show or attest that they have made a timely attempt to resolve the issue with the local contact person ~~representatively~~ responsible for management of

the property. The complainant is expected to initiate the process while the out of compliance incident is occurring or when they first become aware that a property is not in compliance with the regulations. All complaints filed with the City shall be verified by the City for validity.

A. When a complaint is filed that is verified by the City to be valid, the owner and local contact person will be notified in writing by mail or email, and provided with a copy of the complaint. Either the owner or the local contact person will be required to meet with a City representative to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, City staff will prepare a report for City Council action.

B. Upon a second complaint that is verified by the City to be valid, the owner and local contact person will again be notified in writing by mail or email and provided with a copy of the complaint. Either the owner or local contact person will again be required to meet with a City representative to further discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, the City Recorder will prepare a report for City Council action.

C. Upon a third complaint within a ninety (90) day period that is verified by the City to be valid, the owner and agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint.

1. City staff may schedule a hearing and prepare a report for City Council action.

2. The City Council may schedule a hearing.

3. Either the City Manager or City Council may, without a hearing, revoke the license immediately.

4. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the Council shall be filed with the City within fifteen (15) days of the notice of revocation.

D. Standards of judging complaints shall include, but are not limited to, the following:

1. Noncompliance with vacation rental license standards as stated in Section 4.08.030;

2. Monopoly of on-street parking;

3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose.

E. The City Council, upon hearing the evidence, may: (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license.

Section 4.08.060 Violations—Penalties.

It is unlawful for any person so required to fail or refuse to apply for a license, or operate without a license as required herein. Any person who violates any provisions of this chapter is subject to a fine of up to one thousand dollars (\$1,000) per violation, with each day of a continuing violation constituting a separate violation. The third violation within any consecutive twelve (12) month period shall result in revocation of the vacation rental license for twelve (12) months, after which time the owner may reapply for a new license, in accordance with Section 4.08.040(C). Violations shall be subject to the procedures and penalties of Chapter 1.12, as now constituted or hereafter amended or revised.

**CITY OF YACHATS
ORDINANCE NO. 364**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER
4.08 RELATED TO VACATION RENTALS**

Whereas, the City has regulated vacation rentals for over twenty years so it has been able to observe the impact of the regulations on the community and observe which areas of the regulations could be improved to better obtain the desired results; and

Whereas, the City desires to maintain a strong sense of community and not overwhelm neighborhoods with short-term rentals that impact livability for owner-occupied and long-term rental homes; and

Whereas, the City has a record of responding to complaints related to vacation rentals and the impacts that these rentals have on neighborhoods, including noise, excessive trash, and parking problems; and

Whereas, the City understands the needs of owners that choose to rent out their homes on a short-term basis, so the City seeks to balance the wants of such owners with the wants of their neighbors that deal with the nuisance impacts that can result from vacation rentals; and

Whereas, the City wants to encourage all those property owners that engage in short-term renting of their property to license their activities so that all property owners are operating under the same rules; and

Whereas, the City wishes to make select changes to its vacation rental regulations based upon its review of recent complaints, examples from other jurisdictions, and reflection on its current practices,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 4.08.

Yachats Municipal Code Chapter 4.08 shall be amended to read as follows:

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.

Section 4.08.020 Definitions.

“Dwelling unit” means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

“Incident” means an offensive activity or breach of the standards in Section 4.08.030.

“Local contact person” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Occupant” means a person over the age of four (4) years who occupies a rented dwelling unit.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual units located on the same property, such as a duplex or triplex as defined above in Section 4.08.020, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to

apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within thirty (30) days.

B. Vacation rentals in residential zones shall have no more than four (4) bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within ten (10) miles of the City of Yachats and be available for response to alleged violations within two (2) hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 a.m. to 11:00 p.m.) and respond within two (2) hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four (4) inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current. The local contact person must maintain an accurate listing of complaints received about the vacation rental. The listing must document the date of each complaint received, the nature of the complaint and how the complaint was resolved. The listing must be provided to the City as part of the annual license renewal for the vacation rental.

E. One on-property parking space, as defined in Section 9.04.030 for off-street parking, shall be provided for each sleeping area in the dwelling, but in no event shall fewer than two (2) spaces be provided for the vacation rental. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance, all parking must be contained on the rental property. Owners are required to provide parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six (6) vehicles, whichever is less. Parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of occupants shall be two (2) persons per sleeping area plus two (2) additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer of moderate size, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided and must have bear-proof mechanisms. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the GoYachats website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contact information current shall constitute a violation of this chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

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A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. The vacation rental will be subject to inspection every two years. The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each two (2) year inspection completed by the City. A vacation rental licensee shall not be required to pay a business occupation license fee in addition to the annual license fee. The annual license and inspection fees shall be set by resolution of the City Council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. A total of one hundred twenty-five (125) licenses will be available at any one time. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below one hundred twenty-five (125) in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come first-served basis, with process identified through administrative policy.

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compliance with the regulations. All complaints filed with the City shall be verified by the City for validity.

A. When a complaint is filed that is verified by the City to be valid, the owner and local contact person will be notified in writing by mail or email, and provided with a copy of the complaint. Either the owner or the local contact person will be required to meet with a City representative to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, City staff will prepare a report for City Council action.

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1. City staff may schedule a hearing and prepare a report for City Council action.

2. The City Council may schedule a hearing.

3. Either the City Manager or City Council may, without a hearing, revoke the license immediately.

4. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the Council shall be filed with the City within fifteen (15) days of the notice of revocation.

D. Standards of judging complaints shall include, but are not limited to, the following:

1. Noncompliance with vacation rental license standards as stated in Section 4.08.030;

2. Monopoly of on-street parking;

3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose.

E. The City Council, upon hearing the evidence, may: (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license.

Section 4.08.060 Violations—Penalties.

It is unlawful for any person so required to fail or refuse to apply for a license, or operate without a license as required herein. Any person who violates any provisions of this chapter is subject to a fine of up to one thousand dollars (\$1,000) per violation, with each day of a continuing violation constituting a separate violation. The third violation within any consecutive twelve (12) month period shall result in revocation of the vacation rental license for twelve (12) months, after which time the owner may reapply for a new license, in accordance with Section 4.08.040(C). Violations shall be subject to the procedures and penalties of Chapter 1.12, as now constituted or hereafter amended or revised.

Section 2. Effective date.

Pursuant to the Yachats Charter, this ordinance shall take effect 30 days after adoption.

Passed and adopted by the City Council of the City of Yachats on this ____ day of _____, 2019.

	YES	NO	NOT PRESENT
John Moore, Mayor	☐	☐	☐
Max Glenn	☐	☐	☐
James Kerti	☐	☐	☐
Jim Tooke	☐	☐	☐
Leslie Vaaler	☐	☐	☐

W. John Moore, Mayor

Attest by:

Shannon Beaucaire, City Manager



City Manager's Report September 18, 2019

Dear Mayor Moore and Councilors,

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

- **Website:**

- Remember to sign up for **Notify Me** on the website. The maximum number of sign-ups we have for any one section is 41. It is the best way to get automatic notices of updates on projects, community information, etc.
- Please help us help you better by using **Report a Concern** so it can immediately be routed to the appropriate team member, be tracked, and receive updates on case status.

- **Finance:**

- Audit is scheduled to be presented to Council November 20, 2019

- **1st and 2nd Street Paving:**

- Primarily complete with some striping to be completed

- **Library Expansion/Remodel:**

- Commission to update Council Oct 16

- **CIS Facility Reviews & Updates:**

- Reports are being reviewed by team members and items will be assessed for prioritization and for Risk Management with CIS.

- **Lincoln County Housing Plans:**

- Councilor Glenn and I will be attending the October 17 meeting in Newport.

- **Ocean View Drive:**

- **Street Condition/Paving:**

- Paving is complete! Depending on weather the County will be graveling the edges of new pavement and will be adding striping. Council decided at their August 7 meeting to utilize temporary tape striping until the transportation system plan (TSP) is completed. Council authorized pursuing grant funding for the TSP. The grant application is due in Spring of 2020.

Council also made decisions on sections of Ocean View Drive as follows:

- Pontiac to the State Park: leave as 2-way traffic but increase signage for one-lane road and stripe to delineate a pedestrian path,
- 2nd – 7th Street: stripe for one-way southbound with signage for a one-way road, and stripe to delineate a pedestrian path.



City Manager's Report September 18, 2019

- **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.

- **Property Easements:** The County is making some adjustments to accommodate some resident requests. Finalization is in the works. The County has offered to cover the costs of recording the easements.
- **Archeologist:** On September 3, individuals from the County, trails committee, parks and commons commission, Council and myself met with the archeologist for an update. It is anticipated that the area impacting guardrails, boardwalk, etc. in the Oceanview drive will be completed in the next couple of months.
- **Guardrails:** Subsequent to the Archeological Study findings, new guardrails will be installed before the overlay is completed. The original Mid-March timeline is delayed until the archeological study can be completed.
- **Culverts:** Yachats PWD identified 9 culverts running under Oceanview Drive. One of the culverts runs underneath Highway 101. The City and County have identified culverts that have the most wear and will work on placing inserts in those culverts to extend the life of the culverts. These inserts are currently being installed.
- **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 are occurring to discuss these items and develop a signage plan.
 - 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 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



City Manager's Report September 18, 2019

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). Council reviewed options at its Oct 2 meeting and will continue affordable housing discussion in November
- **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. We have received a \$91,300 grant from the USDA. A bid document will be drafted, along with designs for Council approval.
 - City Manager and Facilities Manager met with Engineer on October 10, 2019 to review transitioning conceptual drawings to engineered drawings.
 - **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.
 - Working with Parks & Commons and the Little Log Church & Museum Board to develop funding plans and a strategy for the preservation of our historical property.
- **FY19 Accomplishments:**
 - Grants:
 - \$20,000 - The City was awarded a grant for our Water Master Plan update by the Oregon Infrastructure Finance Authority.
 - \$30,000 – the City was awarded a grant for our Source Water Protection Plan
 - \$91,300 – the City was awarded a Grant from the USDA for City Hall relocation to the 501 building.



City Manager's Report September 18, 2019

- \$100,000 - The City was awarded an 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.
- Multi-purpose room flooring completed (April 2019).
- City Entrance Signs completed (June 2019)
- Website and Reservation System Upgrade (July 2019)
- Integrated Financial & Utility Billing System Upgrade (July 2019)
- Lincoln County Housing Strategy Implementation Plan Stud (September 2019)



**City Manager's Report
September 18, 2019**

Public Works Report:

Date: October 4, 2019
To: Shannon Beaucaire, City Manager
From: Public Works Department
Re: September 2019 Public Works Report

Rain fall at Yachats Public Works:

	<u>Inches</u>			
Year	2019	2018	2017	2016
September	3.50	0.73	1.70	1.30
Rain year to date:	38.37	37.47	54.57	32.35

Total water production:

The WTP produced 5,149,400.

At the time of this report, the amount of water sold is unavailable. So, using statistics of past years of water sold in the month of September which is **3,500,000 gallons** puts us at **67.9% efficient**.

1,649,400 gallons leaked from our water distribution system or in other words we have 38 gallons a minute in leaks. A leak detection company is scheduled for mid-November to come help us find these leaks.

Total wastewater treated: **3,874,000** gallons

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

Streets:

- Replaced broken sign on 4th St.
- Limb removal on Shell St.
- Various potholes filled.
- Back bladed Shellmidden Way.

Drainage:

- No work this month.

Water:

- Plant maintc.



City Manager's Report September 18, 2019

- Reedy Creek headworks clean-up.

Distribution Sys:

- Meter maintc.
- Fire hydrant maintc.
- Water valve box replacements on E.2nd St. and at the Dublin Motel.
- Water line break repaired on E. 2nd St.
- Water service repair on E.2nd St.
- Sensus water meter training.
- Water meter repair on Combs Circle.
- Horizon Hill water system repair.
- Removing fire hydrant on River Rd. in process.
- Read meters 2x.
- Developing new "Standard Operating Procedure" for Horizon Hill waster system.
- Water meter repair on Shellmidden Way.

Sewer:

- Plant maintc.
- City staff took a required Bloodborne Pathogen Training class.
- OSHA require life rings installed.

Collection Sys:

- Degreased Parkside, Riverside, Pontiac and Main pump stations. (16 man hours)
- Hydro-excavated the side of Riverside pump station. No problem found.
- Power outage on Sept. 15th. No issues.
- Main pump station maintc.
- Sewer manhole locating.
- Continued pump maintc.

Public Works:

- Shop maintc.
- Fleet maintc.
- Equipment maintc.
- First Aid training for City staff.
- Work orders from City Hall and the City website.
- Repaired broken window on the backhoe.



City Manager's Report September 18, 2019

Parks & Trails:

- Piles picked up for trails.
- Sod removal at the playground.
- Worked on water system at Whale Tail.

City Hall

- Moved furniture in City Hall.
- Assisted new Code Enforcement Officer.

City Beautification:

- Installed and removed U.S. flags.
- Removed Banners.

Sewer & Water CIP:

- Installing cement pad for slide gate at Public Works.
- Working on Pole Bldg., Sliding doors for U.V. system and Slide Gate for Public Works.

September - 2019

9-3 Hydrant repair meter maint. Reedy Ck. clean-up Water box repairs E 2nd + E 3rd Bldg.	9-16 Spent motor fixing Main P.S. maint. Trails pile pickup	Misc. work Dennis Farm Solutions Reedy Ck. clean-up 7th + 11th, Mike Stock Gorse Smith Spence Ave. 2" under line needs trouble hydrant on E 2nd road Spent sign on King St N. Dead end sign on top of Blockhouse
9-4 Water line break repair on E 2nd WTP backworks repair Playground work	9-17 Shop maint. WTP maint. Rest Aid Class	
9-5 82nd water service repair Playground Finish WTP maint.	9-19 Spent time search sign request on 4th work orders	
9-6 E 2nd road (find service repair) BBP class 2 like rings installed @ 2nd	9-19 Water meter repair @ Concho Circle limb removal @ DVD + Anyon Whale Tail house	
9-9 Repair encountered Riverside P.S.	9-20 Backhoe windows repair Picked up piles on 80th lot	CIP Projects - Cont. work for Bone Road - Blockhouse to Rusty Pipe - Horizon Hill 2" water line - 2nd 4" water line to open area - INCREASE DRAINAGE ON H-H PREVIOUS SIDE - N. Anna Vista, ABANDON Old 8" on N. Anna Vista - ABANDON 2" on 80th St from back on to west side WTP area - PONTINE COMPLETE TIE-INS ON BOTH ZANDRO RD TO 2nd St - In 400 7th St. area
9-10 Ground Pickets, Riverside and Rusty P.S.	9-23 Bridge patching @ Rusty Pipe Rd @ 80th lot	
9-11 Ground Main P.S. WTP maint. City Hall Furniture move	9-24 H.H. water system repair V.R. Hydrant motors W.O. and other maintenance	
9-12 WTP maint. City Beautification (Flag)	9-25 V.R. Hydrant H.H. exchange repair WTP maint. repair motors	
9-13 WTP maint. P.S. maint. WTP maint.	9-26 Motors for for Rusty Pipe H.H. P.S. water mains 4th St	
9-15 Power cutting	9-27 10000 meter repair on 4th St	



**City Manager's Report
September 18, 2019**

Planning Report:

To: Yachats City Mayor and Council Members

From: Dave Mattison, City Planner DRM

Date: October 7, 2019

Re: September Planning Activities

Building Permits Issued

As fall has begun, there have been 4 building permits approved during the month of September in Yachats:

- ✓ A permit has been approved for a building addition at 969 Hwy 101 North;
- ✓ A permit for a single-family dwelling (SFD) at 21 Basalt has been approved;
- ✓ A permit for a building remodel at 348 Hwy 101 North has been approved;
- ✓ A permit for a building addition at 460 Shellmidden Way.

Land Use Issues/Applications

The amended Sign codes and Flood Development codes have been approved with required notice to State. The amended Sign Codes have taken affect. The Flood Development code changes are required by FEMA for our NFIP standing, and will become effective mid-October. OCWCOG assisted us with the Flood Development Code process, provide us with the required Code changes.

The Planning Commission is currently working on the Lighting codes. We will be setting prioritization of code amendments in January.

One additional issue that has been brought up before, is the development of design codes for the town. As I have spent time traveling from town to town and working with a number of communities, I have noticed that strong design development codes help set the framework for establishing and maintaining a town's character.

Three land use applications are headed towards review by the Planning Commission:

- A land use application has been submitted for a Bed and Breakfast on Horizon Hill Road;
- A land use application for the rezoning of the Fire Station is being submitted to me in pieces; and
- A land use application for a variance to the City parking requirements will be submitted to me in mid-October for Drift Inn's previously approved land use application.



City Manager's Report September 18, 2019

Land Use Training

I will be attending a Coastal Planners Forum in Florence next week and absorbing planning information and requirements from the state and sharing current land use issues with other coastal communities.

I am working with John Morgan, a planning consultant, to set up a training session for Planning Commission, Council, Committee Members and Staff in late fall.

Code Enforcement Report

Summary of Code Enforcement - September 15th- October 10th2019

This is a summary of all the work that has been done on code enforcement:

I have personally gone around the City and introduced myself to the various businesses and have hand delivered notices of inspection and proper FOG practices to all 22 businesses in the City of Yachats. I have currently inspected 6 Grease Traps throughout the city for the FOG project, with 3 more occurring today. I have also served 12 weed abatement letters to property owners that have invasive or noxious weeds. Of those 12 letters a total of 6 have come into compliance and 6 pending. I have also been working with Dave Matisson and Dave Buckwald on 2 cases about Culvert's being installed and drainage issues. Dave Matisson and I have been working together on other issues from his stint at code enforcement. I have been combing over all his cases and getting caught up on all the complaints and weed abatement issues he was dealing with this summer. There have also been numerous phone calls taken ranging from injured wildlife, noise complaint at vacation rental, overnight camping, driveway setback requirements, transient person and person washing their deck and house while in water restrictions. All of these complaints have been resolved, except one that is still pending. I have also been helping people who come into City Hall and need help or need questions answered. I attended a 2 day OCEA conference in Florence, Or, which was very helpful in understanding what code enforcement is like for other cities and counties in Oregon. I am still in the process of making more appointments for inspections on the FOG project. I am still waiting to hear back from some property owners that have not fulfilled their weed abatement issues. All this has been completed over a 3 week period.

Summary of 2019 OCEA Code Enforcement Conference

This is a brief summary of the OCEA conference I attended on Oct. 3rd and 4th 2019. This was a great time to ask questions and hear feedback from other code enforcement officers. I listened to other officer's stories of what they deal with in their cities or counties daily. Many cities and counties were represented here, and although we might do some things different, we all are working towards the same goal. We all strive to communicate and resolve conflicts or complaints in a professional manner. We are here to help and provide support to our community to make sure everyone abides by the standards put forth in our municipal code.



City Manager's Report September 18, 2019

It was a great experience and am glad to have attended. Here is a list of the main topics and discussions that were presented at the conference.

DCBS-Dept. of Consumer and Business Services:

How the DCBS assists in code enforcement issues

1.Licensing, chartering and examining: Financial and insurance companies, professionals, and inspectors

2.Educating and advocating workplace safety workshop's, insurance hotline, medi-care, counseling, workers' comp helplines.

3.Setting and Enforcing standards: Workplace safety and health, financial and insurance laws, building codes, workers' compensation benefits.

Drug Labs

Oregon Health Authority Clandestine Drug Lab Program: Brett Sherry spoke on how to identify properties with clandestine drug labs. His office is responsible for cleaning up drug labs and what procedures they follow. They do not deal with Marijuana grows. Their department works with the Sheriffs' office after a bust has been done on a property. They will then determine if the property is unfit for use. The property owners are notified and a testing, cleanup process begins. The most interesting thing for code enforcement is now that the property is going through the process being cleaned up, is the code enforcement issues are still relevant at the property. Code enforcement officers will still deal with weed abatement issues among other problems that might arise.

Hands-On Defensive Tactics

This was a course on how Code Enforcement officers can defend themselves in the field. We worked the Clackamas County Sheriffs' office to teach us some technics. We as Code Enforcement officers don't have firearms or other tools Law Enforcement officers carry. We are way more vulnerable to hostile people out in the field. These technics we learned will help give us a little understanding of what to do in a hostile situation. In some cities or counties Code Enforcement uses pepper spray as a deterrent, we also trained for that.

Oregon Construction Contractors Board

Collaboration and investigations regarding construction contractors

This was an excellent course on learning what the State of Oregon deals with regarding licensed and unlicensed contractors. The CCB has 12 Field investigators for the entire State, and over 9000 jobsite



City Manager's Report September 18, 2019

checks a year. We have 1 investigator in Newport and can contact them when needed. The CCB is a great organization for the public to ensure activity of unlicensed contractors is resolved.

Code Software

Megan Hurley, City of Keizer and Kelly Marshall, Oregon Dept. of Consumer & Business Services
Presentation on new State of Oregon Code Software.

This was a presentation of new Code Enforcement software that is available: Epermitting offers a planning module add-on to agencies currently using the Oregon Standard Model (OSM) Building Module. This software can track cases more efficiently, schedule inspections, keep better and more complete data. This software can also produce a variety of reports that can be used in court cases, update supervisors, council and citizens on-call volume. More features are organizing workloads and save money.

My thoughts on the new software are: It is a lot like what we are currently using (Windows 10) but is very specific to Code Enforcement. Everything is in one place, no more searching through files that don't pertain to code enforcement. Another tool is that you can access it with a mobile device while out in the field, which would be very helpful.

Ethics

This was the final presentation from Tammy Hedrick of the Oregon Government Ethics Commission. This was a very interesting lecture about holding public officials to higher standard. They are here to effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. Tammy was helping educate us on all rules and regulations we are held too. We must remember these laws prohibit us from using our office for financial gain and require public disclosure of economic conflict of interest.



**City Manager's Report
September 18, 2019**

REQUEST TRACKER REPORT

Summary							
Category Name	9/1/2019 - 10/10/2019					As of 10/10/2019	
	Total Requests		Average Requests Per Day		Avg. Time to Close a Request (hours)	Summary	
	Submitted	Closed	Submitted	Closed		Open	Closed
<u>iPhone</u>	0	0	0	0	0	0	0
<u>Miscellaneous</u>	6	5	0.15	0.125	251.6	2	11
<u>Noise</u>	2	1	0.05	0.025	106	1	1
<u>Public Records Request</u>	3	3	0.075	0.075	118.667	0	5
<u>Sewer</u>	0	0	0	0	0	0	0
<u>Storm Drains</u>	0	0	0	0	0	0	1
<u>Streets</u>	13	5	0.325	0.125	536.8	11	7
<u>Trash or Litter</u>	0	0	0	0	0	0	0
<u>Vacation Rentals</u>	2	2	0.05	0.05	624	1	4
<u>Vegetation Issues</u>	2	3	0.05	0.075	947.667	1	4
<u>Vehicles and Parking</u>	0	0	0	0	0	0	0
<u>Water</u>	0	0	0	0	0	0	1
Total:	28	19	0.7	0.475	447.105	16	34

City of Yachats Complaint Log - Retain 10 years after investigation is closed

Violation 1 Violation 2 Violation 3

Complaint Number	Date Received	Complaint Made by	Complaint	Location	Written Form Received	Violation 1	Violation 2	Violation 3	Assigned to	Justified/Upheld	Action Taken	Update	Updated Complaint	Outcome	Closed (Y/N)	Date & Initials
2019-01	9/18/2019	Tony Duck	Letter received about Noxious weeds	220 Cedar Ave	yes				Dave/Matt	Y	Complaint originated 8/27 w/ D. Mattison. 9/18 Took Photos of weeds/emailed property owner.	Matt was contacted on 9/30/19 by David Wilson of Vacasa and will meet at property on Wed. 10/2/19 at 1pm to address concerns.	Met with david wilson - vacasa and explained what needs to be removed he said he will notify me when completed 10/2/19		n	
2019-02	9/18/2019	No Name	Injured wildlife(baby pelican)	NW Salmon St.	No				Matt	n	Called ODFW to notify about Injured bird/Called complaintee ,No answer			Not an issue for code enforcement,out of city limits	Y	9/19/2019 MP
2019-03	9/19/2019	Jessica-Sweet Homes	Noise complaint(Hot Tub)	1209 Marine Dr.	yes				Dave/Matt	y	Noise complaint notice	Received call from Jessica stating Her maintenance company installed new brackets on hot tub. Matt met Jessica at address and listened to spa for any nuisance noise. Everything sounds like a normal running spa. Sweet homes is going to provide a maintenance record of work done on spa to remedy noise within 30 days		Dave is going to notify complaintee that all seems fixed. Sweet Homes has had their maintenance team repair anything the deemed noisy and spa only runs for 15 min twice a day. Dave has closed the case as of 9/22/2019 . Matt has responded to Jeanette with a follow up email to repond with any other concerns she has on 9/24/2019	y	9/24/2019 MP
2019-04	9/19/2019	Nancy Haverstock	Noxious weeds at neighboring parcel	East of 501 Bayview Terrace					Dave?Matt		Went to said property and took photos on 9/18/19 Dave also called her on 9/19/19 to ask what lot specifically because there was 2 lots in question	Matt sent out a noxious weed letter to property owner on 10/7/19			n	
2019-05	9/20/2019	Mary Deriberpry	Called about neighbors Alder trees that might be dangerous if they fall	788 king St	No				Dave /Matt		Informed her the trees don't look dangerous to me but I am not an arborist and if she wants to have any limbs removed on her property to do so and to contact a certified arborist or tree removal company to check out if they are dangerous. Also she can notify property owner if she wants to pay to have trees removed		Yes		y	9/21/2019 MP
2019-06	9/24/2019	Nancy and Bruce Rawles	Overgrown Noxious weeds	471 Overlook Dr.	yes				Dave /Matt	y	Sent a letter to property owner on 9/24/2019,waiting to hear back	Lot has been cleared as of 10/9/19	Yes		y	10/9/19 MP

City of Yachats Complaint Log - Retain 10 years after investigation is closed

Violation 1 Violation 2 Violation 3

Complaint Number	Date Received	Complaint Made by	Complaint	Location	Written Form Received	Violation 1	Violation 2	Violation 3	Assigned to	Justified/ Upheld	Action Taken	Update	Updated Complainant	Outcome	Closed (Y/N)	Date & Initials
2019-07	9/24/2019	Maeona Urban	Overgrown Noxious weeds	lot next to 30 8th st	yes				Dave /Matt	y	Sent a letter to property owner on 9/24/2019, waiting to hear back					
2019-08	9/24/2019	Myron Eckhardt	Overgrown Noxious weeds	Lot next to 872 King st	yes				Dave/Matt	y	Sent a letter to property owner on 9/24/2019, waiting to hear back	As of 10/7/19 property owner has Searosa Yard and Home clearing property.		Property has been cleaned up on 10/7/19	y	9/10/19 MP
2019-09	9/24/2019		Placement of drainage ditch	550 yachats Ocean rd	yes				Dave/Matt		Dave sent original letter about placement of drainage ditch on May 28th 2019	Matt sent a new letter describing a solution to his drainage issue as discussed with Dave Buckwald. As of 10/1/19 Dave is going to send it to planning to determine a bigger culvert is needed. John & Bonnie Marinoe called and talked with Matt on 10/5/19 to ask if anything is being done about drainage issues and gave Matt property owners #425-478-6040. Also want to know about propane tank setback? Matt spoke with Lincoln county and they referred me to Oregon State fire marshall about setback or licensed gas company that will be installing tank			n	
2019-10	9/24/2019	Unknown /Male	car parked in no parking zone on Beach st	Beach st	no				Matt		Matt identified vehicle and found owner and asked if she not park there anymore.	Matt notified Dave Buckwald about situation and asked about putting no parking signs up. He will get back to me on that.	unknown male came in on 9/30/19 and complained again about people parking in that spot again. Matt told him Dave Buckwald was notified about signs.	Dave Buckwald has painted No Parking signs on street to try and notify people not to park in that area. Public works has painted no parking signs on roadway to help deter people from parking.	y	10/7/19 MP

City of Yachats Complaint Log - Retain 10 years after investigation is closed

Violation 1 Violation 2 Violation 3

Complaint Number	Date Received	Complaint Made by	Complaint	Location	Written Form Received	Violation 1	Violation 2	Violation 3	Assigned to	Justified/Upheld	Action Taken	Update	Updated Complainant	Outcome	Closed (Y/N)	Date of Initials
2019-11	9/25/2019	code enforcement	Overnight camping	6th st,Ocean view rd,Yachats city park	yes				Matt		Letter put on vehicle/photos taken	New letter explaining no overnight camping	As of 9/26/19 vehicle was not found in city limits	Rv owner Craig has come to city hall and talked with Matt about his situation, hopefully will not continue to camp overnight. RV is still around and the registration has expired, so Sheriff's office has been notified on 9/27/19. As of 10/2/2019 he was not in city limits. Matt notified Sheriff his registration tags are not current on 9/27/19 and again on 10/8/19. RV has been parked for 48 hours by public works/church parking lot.	n	
2019-12	9/25/2019	Anne Bernett	Invasive weeds	West of 447 W 7th st	No				Matt		Driveby residence and confirm invasive species, then send letter to property owner	Ann Tracey property owner at 469 W 7th st contacted Matt on 9/30/19 and said she told her gardener to remove Blackberries, Matt will go and check this week and let her know if work has been completed.	Matt left message with complainant on 10/1/19	The property has been cleaned up of invasive weeds as of 10/1/2019	Y	10/1/2019 MP
2019-13	9/25/2019	Frankie from Yachats Fire dept.	Shirley on Lily Ct. concerned about brush/slash pile on neighbors	Lily Ct.	No				Matt		Frankie said that she was going to investigate the fire hazard (slash/brush pile)	Frankie came by to talk about the overlook dr property in question and we are looking at Yachats MC to see about debris left on property and she has said it's not a fire hazard at this time. 9/30/19. Matt spoke with property owner and he was going to clear brush in a couple months.			y	10/9/2019 MP
2019-14	9/27/2019	weed abatement	Invasive weeds	10th and King st	yes	y			Matt		Sent a Letter for weed abatement on 9/27/2019				n	
2019-15	9/27/2019	weed abatement	Invasive weeds	336 2nd st	yes	y			Matt		Sent a Letter for weed abatement on 9/27/2019				n	

City of Yachats Complaint Log - Retain 10 years after investigation is closed

Violation 1 Violation 2 Violation 3

Complaint Number	Date Received	Complaint Made by	Complaint	Location	Written Form Received	Violation 1	Violation 2	Violation 3	Assigned to	Justified/ Upheld	Action Taken	Update	Updated Complainant	Outcome	Closed (Y/N)	Date & Initials
2019-16	9/25/2019	Larry Ellington-541-547-5311	wanted to talk to planner about FEMA changes	city hall	no	n			Dave		Passed on info to Dave Mattison	Dave emailed Matt and said to look at Ordinance 361 and matt called Larry back, His wife Caroline answered and asked about where the redlined document was?				
2019-17	9/30/2109	Leslie Vaaler	Invasive weeds on Radar rd	Radar Rd	No	y			Dave /Matt		Matt took photos of property and sent letter to owners				n	
2019-18	9/30/2019	code enforcement	Invasive weeds on Driftwood Ln.	Driftwood Ln.	no	y			Matt		Matt sent letter to property owner	Property owner contacted Matt about letter and has stated Searose will be doing the work by end of week 10/8-10/10	Yes	Owner has cleaned up property on 10/9/19	y	10/9/19 MP
2019-19	10/1/2019	Lions club	code enforcemnet	Lions Club	yes	N			Matt		Checked Grease trap	Matt checked GT for Lions Club and it needs cleaning, called K&K to ask Rick to come clean it			n	
2019-20	10/2/2019	Jeanne Barr	invasive weeds	455 Marine dr	No	y			Dave /Matt	y	dave sent letters in July with no response, property seems to be slowly taken care of, but backyard in the real problem	Jeanne Barr just called to complain that nothing has been done from original complaint	Matt will contact her on Sat 10/5/19 to look at issue. Matt met with complainant on 10/5/19 and documented the issue with photos and went to 455 Marine dr on 10/7/19. Matt spoke with tenants Ryan/Brady. They are in process of cleaning it up.		n	
2019-21	10/2/2019	code enforcement	Invasive weeds	Cedar Ave	no	y			Matt	y	Matt sent weed abatement letter				n	
2019-22	10/2/2019	Tom Lauritzen	Neighbor washing deck and house	195 Shell st	no	y			matt	y	Matt talked with property owner	Property owner had no idea about water restrictions, his letter was returned to post office. He apologized and situation has been remedied	Matt has informed complainant about situation and asked if he had any other issues to please contact . Case closed	All issues resolved	y	10/7/19 MP

Violation 1	Violation 2	Violation 3
1. The defendant failed to provide a written contract to the plaintiff.	2. The defendant failed to provide a written contract to the plaintiff.	3. The defendant failed to provide a written contract to the plaintiff.

[illegible]

YACHATS VISITORS CENTER
FY 2019/2020 QUARTERLY BUDGET REPORT
submitted October 4, 2019

BUDGET ITEM	2019/2020 BUDGET	FY 2019 Quarter 1 July-Sept 2019	FY 2019 Quarter 2 Oct-Dec 2019	FY 2020 Quarter 3 Jan-Mar 2020	FY 2020 Quarter 4 Apr-June 2020	YEAR TO DATE
FACILITY						
Rent	6,900.00	1,725.00				1,725.00
Repair & Maintenance	250.00					0.00
Restroom - cleaning and supplies	1,450.00	346.31				346.31
Supplies - Office/Misc	1,250.00	524.58				524.58
Accounting	600.00					0.00
PERSONNEL						
Contract Director	37,850.00	6,308.32				6,308.32
Training/People's Coast Summit	400.00					
Administrative Assistant						
History Walking Tour Dev	5,170.00	1,440.00				1,440.00
Volunteer Training	500.00					0.00
PROMOTION						
Yachats Brochure/2-year surplus	1,825.00	1,814.32				1,814.32
Design/Printing - Digital & Print Lists, Postcards, Maps	4,095.00	2,163.00				2,163.00
Postage: Information/Mail-outs	875.00	387.50				387.50
Telecommunications - Phone/800#	2,600.00	669.28				669.28
Memberships - OCVA	400.00	400.00				400.00
Travel OR Brochure Distribution	600.00					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	15,778.31	0.00	0.00	0.00	15,778.31
approved through the budget process. Outside of the City/Chamber Contract						

YACHATS VISITORS CENTER
FY 2019/2020 QUARTERLY BUDGET REPORT
submitted October 4, 2019

City Council Action Item Cover Sheet

DATE: October 16, 2019

Agenda Item:

Public Hearing: Amendments to YMC Title 9

Question Before Council:

Whether to approve amendments to YMC Title 9

Person/Group Initiating Request:

Planning Commission

Item Summary/Background:

The Planning Commission is submitting this ordinance to clarify the regulation on fences, hedges and walls to all front yard setbacks.

**CITY OF YACHATS
ORDINANCE NO. 363**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE SECTIONS
9.04.030, 9.52.030 AND 9.64.010 ON DESIGN STANDARDS FOR STREET
CONSTRUCTION AND DESIGN**

WHEREAS, pursuant to YMC 9.84.010, the City initiated these text changes to YMC Title 9 to clarify where clear sight standards should be applied;

WHEREAS, pursuant to ORS 197.610, the City provided DLCD with Form 1 notice of these proposed YMC Title 9 text changes on September 18, 2018;

WHEREAS, the Planning Commission held Public Hearings on October 16, 2018, November 27, 2018, and January 15, 2019;

WHEREAS, the Planning Commission followed the text amendment procedures under YMC 9.84.020 and has provided a report to the City Council along with its recommendation to consider the proposed text changes;

WHEREAS, the City Council held a public hearing on these proposed text changes on October 16, 2019;

WHEREAS, the City of Yachats wishes to clarify that the regulation on fences, hedges and walls are applicable to all front yard setbacks;

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Section 9.04.030

Yachats Municipal Code Section 9.04.030 shall be amended to change the definition of “street” to read as follows:

“Street” means a right-of-way that is intended for motor vehicle travel or for motor vehicle access to abutting property. A street may be dedicated, conveyed, deeded or granted to the public for public use and under the control of a public agency, or it may be privately owned. A street includes the land within the ingress/egress easement area serving multiple residential lots, but does not include the “flagpole” portion of flag lots.

Section 2. Yachats Municipal Code Section 9.52.030

Yachats Municipal Code Section 9.52.030 shall be amended to read as follows:

Section 9.52.030 General provisions regarding accessory uses.

An accessory use shall comply with all requirements for a principal use, except as this title specifically allows to the contrary.

An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five (5) feet to a property line.

1. The maximum height shall be one story or fifteen (15) feet, whichever is the lesser.

2. Accessory buildings are not permitted in the front yard.

Section 3. Yachats Municipal Code Section 9.64.010

Yachats Municipal Code Section 9.64.010 shall be amended to read as follows:

Any street constructed within and dedicated to the City as a city street, or dedicated to the public for use as a street and constructed after the date of the ordinance codified in this title shall comply with Chapter 7.04. In addition, the following standards shall apply to all streets, i.e., public streets and private streets:

A. Clear-Vision Areas. A clear-vision area shall be maintained at each intersection between streets, alleys, or driveways.

1. The clear-vision area is a triangle defined on two sides by the distance specified in 9.64.010.A.3 from the intersection of the curb line or, where no curb exists, the edge of the street, alley, or driveway surface edge, and on the third side by the line across the corner of the non-intersecting ends of the two other sides.

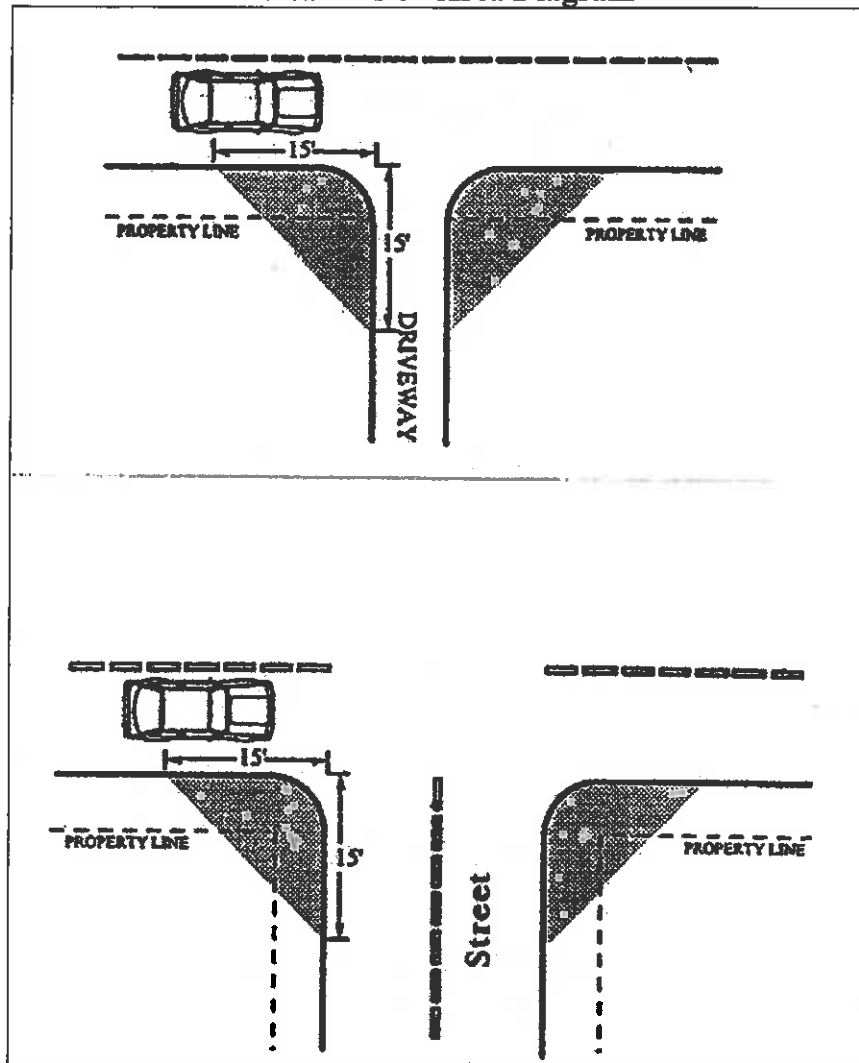
2. No temporary or permanent obstruction (e.g., structure, fence, or shrub vegetation) between three (3) feet and eight (8) feet in height shall be placed in clear-vision areas on streets, driveways, or alleys, as shown in the Clear-Vision Area Diagram figure below. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height eight (8) feet above grade.

3. For clear-vision areas, the minimum distance along the vehicle pathways shall be:

- a. Fifteen (15) feet for intersections not involving an alley or an intersection angle of less than thirty (30) degrees;
- b. Ten (10) feet for intersections including an alley;
- c. Twenty-five (25) feet for intersections where the angle between two streets or a street and a driveway is less than thirty (30) degrees.

B. Fences, Hedges and Walls. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height in any required yard which abuts a street other than an alley.

Clear-Vision Area Diagram



C. **Street Intersections.** Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout. Intersections shall be designed so that no danger to the travelling public is created as a result of staggered intersections; and in no case shall intersections be offset less than one hundred (100) feet.

D. **Cul-De-Sacs and Turn-Arounds.** In general, dead end (cul-de-sac) streets in urban subdivisions (average lot size under one acre) shall not exceed four hundred (400) feet in length and shall terminate in a turn-around with a minimum property line radius of forty-five (45) feet or other type of turn-around approved by the Planning Commission. Turn-arounds approved by the Planning Commission shall be provided on all dead-end streets.

E. **Easements.**

1. Where alleys are not provided, easements of not less than five (5) feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.

2. A private easement established without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

F. Blocks. No block shall be longer than one thousand two hundred (1,200) feet between street lines.

G. Public Access Ways. When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways ten (10) to twenty (20) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

H. Public Streets. If topography or other physical conditions make a street of the minimum required width impractical, the Planning Commission may modify this street regulation requirement provided the public and future owner's interests are adequately protected.

I. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this title.

J. Variance. The standards for street construction may be varied by the Planning Commission where topography, soil characteristics, or other factors indicate such variance would be in the best interest of the City. Any request for variance in the above standards must be made in writing and filed with the City Recorder when the application for construction is submitted.

K. Amortization Period: Clear vision areas, fences, hedges, and walls lawfully established prior to the passage of this ordinance shall come into compliance within ninety (90) days. Where application of the amortization period would cause an undue or unnecessary hardship, an application may be made for a variance under Chapter 9.80.

Section 4. Severability. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall take effect on the 30th day after its

adoption.

Passed and adopted by the Yachats City Council this ____th day of _____, 2019.

	YES	NO	NOT PRESENT
John Moore, Mayor	☐	☐	☐
Max Glenn	☐	☐	☐
James Kerti	☐	☐	☐
Jim Tooke	☐	☐	☐
Leslie Vaaler	☐	☐	☐

W. John Moore, Mayor

Attest by:

Shannon Beaucaire, City Manager



**CITY OF YACHATS
RESOLUTION NO. 2019-93
A RESOLUTION DECLARING THE TERMINATION
OF A WATER SHORTAGE EMERGENCY**

WHEREAS, As the result of the recent precipitation received the City of Yachats is no longer in drought condition; and

WHEREAS, The City Council, declares the termination of a water shortage emergency as per the Yachats Municipal Code, Section 8.22; and

NOW THEREFORE, As per section 8.22.090, the City Council Declares termination of a Water Shortage Emergency, Phase 1.

This Resolution was adopted by the City Council on October 16, 2019 and is effective as of that date.

CITY OF YACHATS

By: _____
W. John Moore, Mayor

ATTESTED TO BY:

Shannon Beaucaire, City Manager



**CITY OF YACHATS
RESOLUTION NO. 2019-92
A RESOLUTION AMENDING RESOLUTION 2014-10-01 BY
SETTING FEES FOR VACATION RENTAL LICENSE, INSPECTION AND RE-
INSPECTION FEES**

WHEREAS, the City has invested time and money to establish a means by which to license, administer and monitor properties offered as vacation rentals; and

WHEREAS, in an effort to streamline the application and renewal processes by transitioning to an electronic system, contracting for code enforcement and reviewing software and technology options for improving the data base to improve the monitoring Code violations, license renewals and tax payments; and

WHEREAS, the fees charged have not been adjusted since 2017, under Resolution 2017-10-01;

NOW THEREFORE, the City of Yachats resolves to set the annual vacation rental license fee, inspection fee, re-inspection fee and violation penalty as follows:

Section 1. License Fees.

- A. All vacation rental fees shall be determined by resolution of the City Council.
- B. Annual licensure rates, due by December 29 of any given year shall be as follows:
 - 1. \$500 per year for two bedrooms or less
 - 2. \$600 per year for three bedrooms
 - 3. \$700 per year for four bedrooms
 - 4. \$900 per year for more than four bedrooms (grandfathered only)
- C. Inspection fees and re-inspection fees shall be as follows:
 - 1. \$150 for first inspection
 - 2. \$100 for any additional trip required to conclude inspection
 - 3. \$100 for subsequent years (every five years, according to Code)

This Resolution was adopted by the City Council on October 16, 2019 and is effective as of that date.

CITY OF YACHATS

By: _____
W. John Moore, Mayor

ATTESTED TO BY:

Shannon Beaucaire, City Manager

Consolidated Revenue and Expense Statement

Governmental Funds 100, 150, 155, 160

For Period Ended September 30, 2019

Printed: 10/14/2019 8:46:59 AM

Period 01 - 03

Fiscal Year 2020

Acct No	Description	Budget	YTD Bal	YTD %
300101	Beginning Fund Balance	\$ 4,341,628.00	\$ -	0.00%
300105	Half Bequest	\$ 150,000.00	\$ -	0.00%
301500	Interest Earned	\$ -	\$ 28,834.29	0.00%
301540	Tax - Transient Lodging	\$ -	\$ -	0.00%
304110	Tax - Property Current	\$ 45,000.00	\$ 887.95	1.97%
304120	Tax - Property Past due	\$ 1,000.00	\$ 750.30	75.03%
304210	License Business	\$ 11,000.00	\$ 360.00	3.27%
304211	License Vacation Rental	\$ 30,000.00	\$ -	0.00%
304221	Franchise Cable	\$ 20,000.00	\$ 5,566.46	27.83%
304222	Franchise Telephone	\$ 4,000.00	\$ -	0.00%
304223	Franchise Disposal Services	\$ 13,000.00	\$ 3,569.29	27.46%
304224	Franchise Electricity	\$ 44,000.00	\$ 9,570.70	21.75%
304230	Permits/Filing Fee	\$ 200.00	\$ 600.00	300.00%
304240	Tax - Transient Lodging	\$ 1,320,500.00	\$ 236,747.15	17.93%
304245	Tax - Food and Beverage Tax	\$ 370,000.00	\$ 101,970.59	27.56%
304335	Rents or Fees	\$ 27,500.00	\$ 225.00	0.82%
304341	SDC Water Improvements	\$ 15,000.00	\$ 5,296.26	35.31%
304342	SDC Water Reimbursements	\$ 20,000.00	\$ 3,282.30	16.41%
304343	SDC Wastewater Reimbursement	\$ 60,000.00	\$ 13,283.50	22.14%
304344	SDC Storm Drain Improvement	\$ -	\$ -	0.00%
304344	SDC Storm Drain Improvement	\$ 19,000.00	\$ 2,585.30	13.61%
304345	Wastewater Improvements	\$ -	\$ -	0.00%
304346	Water Improvements	\$ -	\$ -	0.00%
304347	Storm Drain Improvements	\$ -	\$ -	0.00%
304435	Local Improvement District Assessment	\$ 10,000.00	\$ 1,270.23	12.70%
304460	Inventory Sale	\$ -	\$ 52.00	0.00%

304461	Rental Income	\$	17,800.00	\$	10,191.83	57.26%
304480	Gifts/Donations	\$	3,400.00	\$	3,419.00	100.56%
304481	Grant	\$	100,000.00	\$	-	0.00%
304484	Misc Revenue	\$	3,000.00	\$	519.39	17.31%
304491	Other Local Resources	\$	-	\$	1,335.92	0.00%
304610	Tax - State Tobacco	\$	700.00	\$	297.84	42.55%
304620	Tax - State OLCC	\$	10,000.00	\$	3,246.72	32.47%
304622	Tax - Marijuana	\$	3,000.00	\$	-	0.00%
304630	State Revenue Share	\$	9,000.00	\$	4,258.98	47.32%
304650	Tax - State Highway	\$	44,000.00	\$	13,560.22	30.82%
304690	Other State Sources	\$	1,000.00	\$	-	0.00%
304810	Transfer in URD Admin Reimb	\$	13,000.00	\$	-	0.00%
304864	Street Reserve Generated	\$	3,000.00	\$	-	0.00%
304865	50 Cent Per Wastewater Meter	\$	5,000.00	\$	-	0.00%
304866	50 Cent Per Wastewater Meter	\$	5,000.00	\$	-	0.00%
314861	Transfer from Capital Reserve	\$	689,070.00	\$	-	0.00%
314862	Transfer From Storm Drains	\$	4,663.00	\$	-	0.00%
314863	Transfer Visitor Amenities Support	\$	277,032.00	\$	-	0.00%
314864	Transfer from Little Log Museum and Church Reserve	\$	4,600.00	\$	-	0.00%
314865	Transfer from Commons	\$	27,000.00	\$	-	0.00%
314867	Transfer from Library	\$	3,600.00	\$	-	0.00%
314869	Transfer Parks and Commons Reserves	\$	27,000.00	\$	-	0.00%
314875	LID Repmts Transf from Reserve	\$	25,294.00	\$	-	0.00%
314882	Transfer from Capital Reserve	\$	143,400.00	\$	-	0.00%
314882	Transfer from General Reserve	\$	341,000.00	\$	-	0.00%
314885	Bank Purchase Loan Repay	\$	20,323.00	\$	-	0.00%
314890	Water System Transfer	\$	43,000.00	\$	-	0.00%
	TOTAL REVENUE	\$	8,325,710.00	\$	451,681.22	5.43%
105101	City Manager	\$	-	\$	24,228.00	0.00%
105104	City Clerk 2	\$	-	\$	15,315.11	0.00%
105140	Fringe Benefits	\$	-	\$	4,402.88	0.00%
105141	Insurance Benefits	\$	-	\$	6,494.74	0.00%
105142	Regular PERS System	\$	-	\$	3,926.62	0.00%
105150	Capitalized Labor	\$	73,000.00	\$	-	0.00%
105160	Allocated Labor	\$	80,000.00	\$	-	0.00%

105165	Payroll Expense Capitalized	\$	128,200.00	\$	-	0.00%
	PERSONNEL	\$	281,200.00	\$	54,367.35	19.33%
205202	Visitor Center Operations	\$	65,000.00	\$	16,191.25	24.91%
205209	Emergency Prep & Public Safety	\$	7,000.00	\$	264.48	3.78%
205210	Dues & Memberships	\$	12,000.00	\$	1,798.11	14.98%
205213	Board/Comm/Meeting Education, Travel, & Expense	\$	2,000.00	\$	1,799.98	90.00%
205214	Marketing	\$	25,250.00	\$	2,490.42	9.86%
205220	Marketing/Road Sign	\$	200.00	\$	-	0.00%
205222	Insurance	\$	27,600.00	\$	15,689.88	56.85%
205224	Trails Maintenance/Supplies/Services	\$	2,000.00	\$	1,159.15	57.96%
205240	Office Materials & Supplies	\$	12,000.00	\$	1,581.41	13.18%
205241	Computer Equipment and Maintenance	\$	-	\$	2,607.43	0.00%
205251	Telephones/Cell Phones/DSL	\$	6,100.00	\$	1,811.97	29.70%
205252	Utilities	\$	14,550.00	\$	2,509.81	17.25%
205253	Postage	\$	200.00	\$	-	0.00%
205255	Education and Training	\$	7,000.00	\$	2,630.82	37.58%
205260	Contract Expense (all Professional, IGA & Personal Sv	\$	210,800.00	\$	46,102.92	21.87%
205261	Auditor	\$	4,000.00	\$	1,500.00	37.50%
205262	Legal	\$	-	\$	4,571.34	0.00%
205270	Travel	\$	11,500.00	\$	274.94	2.39%
205282	Software	\$	3,500.00	\$	1,433.60	40.96%
205311	Equipment Lease and Rental	\$	3,500.00	\$	419.39	11.98%
205312	Equipment Fuel/Tires/Parts	\$	6,500.00	\$	639.95	9.85%
205313	Equipment Repair	\$	8,500.00	\$	500.00	5.88%
205317	Tools and Small Equipment	\$	5,000.00	\$	47.84	0.96%
205320	Fireworks	\$	2,000.00	\$	2,000.00	100.00%
205325	Yard Debris Dumpster	\$	7,000.00	\$	1,578.07	22.54%
205330	Building and Land Maintenance	\$	92,503.00	\$	10,358.66	11.20%
205335	Custodial Support/Supplies	\$	28,000.00	\$	5,365.11	19.16%
205340	Operating Materials & Supplies	\$	1,500.00	\$	519.71	34.65%
205345	Books and Periodicals\Children's Books/Programs	\$	13,000.00	\$	1,698.20	13.06%
205361	Parts	\$	3,500.00	\$	868.00	24.80%

205362	Consumables	\$	500.00	\$	71.96	14.39%
205363	Outside Services	\$	5,000.00	\$	-	0.00%
205367	Storm Drain Parts	\$	6,000.00	\$	-	0.00%
205368	Storm Drain Consumables	\$	500.00	\$	-	0.00%
205369	Storm Drain Outside Services	\$	2,500.00	\$	-	0.00%
205411	Street Lighting	\$	18,500.00	\$	4,319.60	23.35%
205421	Parks/Grounds Maintenance	\$	3,000.00	\$	-	0.00%
205422	Advertising\Legal Notice	\$	1,000.00	\$	1,453.35	145.34%
205439	Community Support (Cape Perpetua, City Beautificatio	\$	17,850.00	\$	8,858.00	49.62%
205440	Equipment & Furniture	\$	600.00	\$	-	0.00%
205445	Rent	\$	17,800.00	\$	-	0.00%
205470	Equipment Repair Maint	\$	500.00	\$	-	0.00%
205474	Mowing/Trimming/Removal	\$	25,000.00	\$	13,725.00	54.90%
205490	Material and Services	\$	15,200.00	\$	1,641.08	10.80%
208000	Operating Contingency	\$	26,000.00	\$	-	0.00%
	MATERIALS AND SUPPLIES	\$	721,653.00	\$	158,481.43	21.96%
217120	Transfer to City Hall	\$	(94,000.00)	\$	-	0.00%
217121	Transfer to Streets	\$	(245,000.00)	\$	-	0.00%
217122	Transfer to Library	\$	103,541.00	\$	-	0.00%
217123	OP Transfer - Museum	\$	148,687.00	\$	-	0.00%
217124	OP Transfer - Commons	\$	187,507.00	\$	-	0.00%
217126	Interfund Transfer - Capital Reserve	\$	91,463.00	\$	-	0.00%
217127	Transfer to City Hall	\$	20,000.00	\$	-	0.00%
217128	Transfer to Marketing/Amenitie	\$	(110,712.00)	\$	-	0.00%
217129	Transfer to Debt Services	\$	40,500.00	\$	-	0.00%
217130	Transfer to Wastewater	\$	(263,000.00)	\$	-	0.00%
217133	Transfer to Storm Drains	\$	49,326.00	\$	-	0.00%
217134	Transfer to Water	\$	(245,000.00)	\$	-	0.00%
217142	OP Transfer - Capital Project	\$	25,000.00	\$	-	0.00%
217177	LID Repayment Transfer	\$	(25,294.00)	\$	-	0.00%
	TRANSFERS	\$	(316,982.00)	\$	-	0.00%
407941	Capital Outlay - Equipment	\$	114,000.00	\$	598.00	0.52%
407942	Capital Outlay - City Amenitie	\$	195,585.00	\$	4,800.00	2.45%

407945	Capital Outlay - Gateway Sign	\$	-	\$	4,312.50	0.00%
407946	Capital Outlay - Parking; Paving	\$	25,000.00	\$	-	0.00%
407947	Capital Outlay - Street Projects	\$	300,000.00	\$	124,526.98	41.51%
	CAPITAL OUTLAY	\$	634,585.00	\$	134,237.48	21.15%
205720	Interest Expense	\$	13,792.00	\$	7,006.87	50.80%
207630	Principal Payments	\$	29,058.00	\$	14,418.32	49.62%
	DEBT SERVICES	\$	42,850.00	\$	21,425.19	50.00%
	TOTAL EXPENSE	\$	1,363,306.00	\$	368,511.45	27.03%
	 NET GAIN/(LOSS)	 \$	 6,962,404.00	 \$	 83,169.77	 1.19%

Consolidated Revenue and Expense Statement

Enterprise Funds 660, 670

For Period Ended September 30, 2019

Printed: 10/14/2019 8:47:38 AM

Period 01 - 03

Fiscal Year 2020

Acct No	Description	Budget	YTD Bal	YTD %
300101	Beginning Balance	\$ 1,099,665.00	\$ -	0.00%
304310	Water/Wastewater Services	\$ 1,196,000.00	\$ 484,990.81	40.55%
304312	Capital Reserve Fee	\$ 80,000.00	\$ 25,419.21	31.77%
304320	Installation Charges	\$ 5,500.00	\$ 2,450.00	44.55%
304335	Rents or Fees	\$ (8,000.00)	\$ 1,504.19	-18.80%
314861	Transfer from General Fund	\$ 508,000.00	\$ -	0.00%
314874	Wastewater Reserve	\$ 80,000.00	\$ -	0.00%
314875	Transfer Water Reserves	\$ 100,000.00	\$ -	0.00%
314879	Transfer from SDC	\$ 45,000.00	\$ -	0.00%
314883	Transfers from Urban Renewal	\$ 25,000.00	\$ -	0.00%
	TOTAL REVENUE	\$ 3,131,165.00	\$ 514,364.21	16.43%
105110	Water Lead	\$ -	\$ 19,975.19	0.00%
105111	Wastewater Lead	\$ -	\$ 19,876.55	0.00%
105112	Field Utility 2	\$ -	\$ 18,050.47	0.00%
105113	Field Utility 1	\$ -	\$ 27,920.14	0.00%
105140	Fringe Benefits	\$ -	\$ 9,517.56	0.00%
105141	Insurance Benefits	\$ -	\$ 33,048.93	0.00%
105142	Regular PERS System	\$ -	\$ 13,104.31	0.00%
105150	Capitalized Labor	\$ 3,000.00	\$ -	0.00%
105160	Allocated Labor	\$ 643,000.00	\$ -	0.00%
	PERSONNEL	\$ 646,000.00	\$ 141,493.15	21.90%
205210	Dues & Memberships	\$ 3,000.00	\$ 1,024.00	34.13%
205211	DEQ Fees	\$ 4,500.00	\$ 2,415.00	53.67%
205212	Fee Expense	\$ -	\$ 56.77	0.00%

205222	Insurance	\$	39,000.00	\$	28,342.43	72.67%
205240	Office Materials & Supplies	\$	15,200.00	\$	4,723.21	31.07%
205251	Telephones/Cell Phones/DSL	\$	16,000.00	\$	4,486.21	28.04%
205253	Postage	\$	6,600.00	\$	2,741.82	41.54%
205255	Education and Training	\$	8,500.00	\$	2,594.77	30.53%
205260	Contract Expense (all Professional, IGA & Personal Sv	\$	59,000.00	\$	5,617.52	9.52%
205261	Auditor	\$	14,000.00	\$	3,000.00	21.43%
205262	Legal	\$	3,000.00	\$	588.66	19.62%
205270	Travel	\$	3,000.00	\$	-	0.00%
205282	Software	\$	-	\$	2,867.20	0.00%
205283	Tools and Small Equipment	\$	-	\$	-	0.00%
205311	Equipment Lease and Rental	\$	5,000.00	\$	1,479.71	29.59%
205312	Equipment Fuel/Tires/Parts	\$	11,500.00	\$	2,304.40	20.04%
205313	Equipment Repair	\$	14,000.00	\$	238.95	1.71%
205317	Tools and Small Equipment	\$	4,500.00	\$	221.48	4.92%
205330	Building and Land Maintenance	\$	6,500.00	\$	100.00	1.54%
205335	Custodial Support/Supplies	\$	1,100.00	\$	232.61	21.15%
205342	Plant Utilities	\$	53,000.00	\$	11,240.27	21.21%
205351	Main Plant Parts	\$	30,000.00	\$	13,961.22	46.54%
205352	Main Plant Consumables	\$	22,000.00	\$	8,520.33	38.73%
205353	Main Plant Outside Services	\$	52,000.00	\$	9,060.28	17.42%
205361	Parts	\$	19,000.00	\$	9,456.09	49.77%
205362	Consumables	\$	4,500.00	\$	699.53	15.55%
205363	Outside Services	\$	26,500.00	\$	846.88	3.20%
205364	Collection I & I	\$	5,000.00	\$	-	0.00%
205470	Equipment Repair/Maintenance	\$	3,000.00	\$	-	0.00%
205474	Mowing/Trimming/Removal	\$	11,000.00	\$	4,657.00	42.34%
208000	Operating Contingency	\$	120,000.00	\$	-	0.00%
	MATERIALS AND SUPPLIES	\$	560,400.00	\$	121,476.34	21.68%
217121	Transfer to Streets	\$	5,000.00	\$	-	0.00%
217126	Interfund Transfer - Capital Reserve	\$	180,000.00	\$	-	0.00%
217129	Transfer to Debt Services	\$	60,000.00	\$	-	0.00%
217131	Interfund Transfer - Street Capital Reserve	\$	5,000.00	\$	-	0.00%
217136	Interfund Transfer Restricted	\$	43,000.00	\$	-	0.00%
	TRANSFERS	\$	293,000.00	\$	-	0.00%
407921	Capital Outlay - Infrastructure Systems	\$	276,000.00	\$	6,311.41	2.29%

407941	Capital Outlay - Equipment	\$ 203,000.00	\$ 2,903.00	1.43%
407948	Capital Outlay - Water systems	\$ 273,000.00	\$ -	0.00%
	CAPITAL OUTLAY	\$ 752,000.00	\$ 9,214.41	1.23%
	TOTAL EXPENSE	\$ 2,251,400.00	\$ 272,183.90	12.09%
	 NET GAIN/(LOSS)	 \$ 879,765.00	 \$ 242,180.31	 27.53%

SUMMARY**July 2019 through September 2019**

Contractor	Purpose	Amount
OCWCOG	Finance	\$ 16,959.41
OCWCOG	Planning	\$ 815.43
OCWCOG	IT	\$ 2,610.69
H. Anderson	Office Services	\$ 4,193.75
D. Mattison	Planning & Code Enforcement	\$ 16,937.86
CIS Trust	GASB75	\$ 520.00
Quality Code Publishing	Code Updates	\$ 468.90
Cardinal Services	Office Support & Code Enforcement	\$ 214.40
Speer Hoyt	Legal	\$ 5,160.00
Hanford & Associates	Audit	\$ 8,400.00
H. Hoen	Facilities Management & Custodial Services	\$ 9,000.00
H. Hoen	Custodial Services	\$ 4,050.00
S. Stephens	Landscaping/Tree Services	\$ 6,200.00
J. McClean	Landscaping/Gardening	\$ 2,000.00
W. Williams	Landscaping/Mowing	\$ 13,445.00

TOTAL \$ 90,975.44



**CITY OF YACHATS
RESOLUTION NO. 2019-91
A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED
WITH THE CITY HALL INTENTION TO BID**

WHEREAS, the City Council assigned a committee to look at options for the use of the bank building and recommendation number 3 was to relocate City Hall and Council Chambers from the Commons; and

WHEREAS, the Library Commission, City Council, and 2+2 Work Groups reviewed options to move the Library to the 501 building and the City Council accepted the recommendation of the Library Commission to remodel and expand the existing Library on November 7, 2018 in Resolution 2018-45; and

WHEREAS, the City Council authorized the City Manager to obtain conceptual drawings from an architect November 14, 2018 in Resolution 2018-46; and

WHEREAS, the City Council resolved to increase the City Hall Project Budget to \$166,000 to reflect the increase in funds of \$91,000 from the USDA Community Facility Grant on July 17, 2019 in Resolution 2019-83; and

NOW, THEREFORE, BE IT RESOLVED that the Yachats City Council authorizes the City Manager to move forward with the City Hall Intention to Bid as required documents are completed with the USDA and other necessary agencies.

This Resolution was adopted by the City Council on October 2, 2019 and is effective as of that date.

CITY OF YACHATS

By: _____
W. John Moore, Mayor

ATTESTED TO BY:

Shannon Beaucaire, City Manager