



CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR MEETING

November 7, 2019

Draft Minutes

I. Meeting Call to Order

Mayor W. John Moore called the November 7, 2019 work session and regular meeting of the City Council to order at 9:30 am in the Multipurpose Room of the Yachats Commons. Council members present: W. John Moore, Max Glenn, James Kerti, Jim Tooke, and Leslie Vaaler. Absent: none. Staff present: City Manager Shannon Beaucaire, Water Treatment Plant Lead Rick McClung, and Clerk Kimmie Jackson. Audience: 23.

II. Discussion Topics

A. Potential Uses for Lot between Marine and Aqua Vista Drive

Mayor Moore reported he spent time with the manager from Habitat for Humanity who indicated they had done projects in every city in Lincoln County except Yachats. He indicated they would require participation from the citizens in the form of time and money. He stated they typically build houses between 1,800 to 2,000 square feet with two/three bedrooms and two baths. Mayor Moore indicated the City would need to find out if residents were interested in participating in such a project.

Mayor Moore suggested the discussion be postponed to next month when Lincoln County Counsel, Wayne Belmont, could participate.

B. Vacation Rental Discussion

1. Conditional Uses. Mayor Moore explained the City Attorney had stated this change would be a Title 9 change and should be done through a separate ordinance for Title 9.

2. Inspection Frequency. Mayor Moore stated Council had previously agreed by consensus to change inspections from every five years to every two years. Councilor Vaaler stated two years was not extreme and Tillamook does it every year. Councilors Glenn and Kerti concurred with two years. Mayor Moore and Councilor Tooke were open to three but would be ok with two.

Kerti noted that Vaaler had concern over staggering the inspections so that staff was not overloaded with the change. Vaaler suggested Manager Beaucaire could address the issue. Manager Beaucaire stated she has asked Matt Phillips and Clerk Kimmie Jackson to provide her with information on what has been done in the past and what would be reasonable to accomplish in a given period of time. Clerk Jackson indicated staff was typically completing four

1 inspections in a day. She suggested staff could complete four to six per day. Mayor Moore
2 indicated managing this task was an administrative matter which Manager Beaucaire could
3 handle.

4
5 3. License Fees. Mayor Moore noted the license fees were increased two years ago. He recalled
6 he had previously proposed increases to generate \$72,000 per year. He reviewed the matter and
7 noted there was \$80,000 budgeted for code enforcement. He speculated that a \$100 increase
8 would generate about half of code enforcement costs, but less than half of the code enforcer's
9 time was spent on vacation rentals. He suggested they could leave the fees as is.

10
11 Mayor Moore indicated that currently one-bedroom and two-bedroom homes are assessed a \$200
12 annual fee, three-bedroom homes are \$250, four-bedroom homes are \$300, and five-bedroom or
13 more homes are \$400. He added there were 19 one-bedroom, 64 two-bedroom, 47 three-
14 bedroom, 5 four-bedroom, and 5 five-bedroom or more rentals.

15
16 Vaaler noted code enforcement was only one area that was a cost for the City around vacation
17 rentals, such as emergency management. Vaaler was comfortable with raising fees. Kerti
18 wanted to keep the fees where they currently are. He noted they do not currently know what
19 their code enforcement needs were and wanted to reassess when this information was available.
20 Tooke agreed with Kerti but could be comfortable with some increase. Glenn favored leaving
21 the fees where they were until they get more information. Mayor Moore suggested Council
22 revisit all fees next year.

23
24 Vaaler suggested that when they consider raising fees, they consider raising the transient rental
25 tax. She argued that Council has been timid to raise fees but not to increase spending. Mayor
26 Moore recalled they got considerable input from hotel owners and others and learned they should
27 better specify how the monies would be used if they were to reexamine this.

28
29 Council consented to keep the fees at the current amounts.

30
31 4. Submitting Complaints. Mayor Moore recalled they had a stipulation that vacation rental
32 owners submit a list of complaints when licenses are renewed. He suggested they only stipulate
33 that the City has the right to request that list. He noted there was no need to subject everyone to
34 this requirement when only a few have complaints.

35
36 Council agreed to this change.

37
38 5. Trailer Size. Mayor Moore explained that people could have a trailer that counted for one of
39 the allotted parking spots. Kerti suggested that a trailer that takes up a parking space should be
40 treated as one occupied parking space. Tooke had an issue with allowing trailers of any size,
41 trailer. Mayor Moore noted the current code stipulated a trailer of "moderate size" was allowed
42 and the attorney suggested they quantify "moderate size." Council discussed what exactly they
43 were trying to control, such as the maximum size of the trailer or the number of parking spaces
44 occupied by a trailer. Kerti added that even a smaller trailer should take up a parking spot.

45
46 Vaaler noted there was a definition of a parking space in the code and it would make sense to
47 have trailers of up to 18 feet take up one spot and trailers of more than 18 feet would take up
48

1 more spaces. Mayor Moore clarified with Helen Anderson that a standard parking space was 9
2 by 18 feet in section 9.04.030. Jamie Michelle from Sweet Homes indicated that it would be
3 reasonable to stipulate that vehicles and trailers together take up only the required parking spots.
4 Vaaler suggested they stipulate that vehicles not stick out beyond the defined parking area.

5
6 Mayor Moore summarized they would ask the attorney to draft language to stipulate that no
7 trailer should extend beyond the boundaries of the allotted parking spaces and to add a definition
8 of a parking space to be 9 by 18 feet.

9
10 6. Fines. Mayor Moore reported the current code stipulated a fine of up to \$1,000 per day and
11 the attorney stated this amount could be seen as excessive. Vaaler stated she saw a jurisdiction
12 that had one fee for a first violation of illegal renting and a different fee for those who were
13 illegal renting after they had received a first notice of violation. Vaaler noted the current code
14 stipulation of a penalty of losing the license for a third-time violation would not be punitive to
15 someone who did not have a license in the first place.

16
17 Manager Beaucaire noted the classifications for penalties in Chapter 1.12 of the code and
18 indicated she would get recommendation from the attorney on what the penalty should be.

19
20 7. Zones. Mayor Moore stated that the vacation rental code applied to all zones. He suggested
21 that commercial zones should not be restricted. He also noted that the hotels are in zone R-4,
22 and it made sense to allow vacation rentals in those zones as well. Mayor Moore stated there
23 were currently seven rentals in C-1 and eighteen rentals in R-4. Vaaler strongly opposed
24 allowing unlimited rentals in any zone. She wanted to have properties in C-1 and R-4 to go to
25 the top of a vacation rental waiting list. She worried an unlimited amount would contradict what
26 they were trying to achieve with regulating vacation rentals. Mayor Moore suggested that if they
27 make C-1 and R-4 unlimited, they should lower the cap in the other zones, such as to 100, which
28 is the 125 cap minus the number of rentals in zones C-1 and R-4. Vaaler wanted to know how
29 many properties were in the C-1 and R-4 zones that could become vacation rentals and to get
30 input from people living in zones R-4 and C-1 on the possibility of having unlimited vacation
31 rentals.

32
33 Glenn indicated he could agree with the proposal if they did cap the other zones to 100. Kerti
34 was not certain whether the existing zoning had considered vacation rentals, but he could be
35 amenable to opening up C-1 and R-4 as long as the cap was reduced in the other zones. He had
36 questions regarding the implementation of such a policy. Tooke wanted to study this issue more
37 as it had significant implications for neighbors in those areas. He noted other jurisdictions had
38 studied this issue in more detail through various means such as questionnaires.

39
40 Mayor Moore suggested Council could have a public hearing on this topic and make this change
41 later, should the public support such a change. Vaaler noted this issue impacted the
42 administrative policy on how the waiting list was handled and felt some pressure to make a
43 decision sooner than later.

44
45 Mayor Moore suggested they schedule a public meeting very soon and keep the cap at 125 for
46 now.

1 8. Conditional Use. Mayor Moore suggested they postpone the discussion on conditional uses as
2 that would be impacted by the zone issue.

3
4 9. Waiting List. Kerti wanted to know what would be entailed in getting on a waiting list, such
5 as whether it was just submitting a name or completing an application and paying a fee. Clerk
6 Jackson stated in the past an applicant would pay an inspection fee whether or not they get a
7 license, and they pay the license fee after they are approved. Kerti suggested there be some
8 application fee. Jackson stated she gets daily emails on people who are pending approval.
9 Vaaler noted the current application system would change with the new ordinance.

10
11 Mayor Moore stated he would hold off on this issue until the number of licenses drops below the
12 cap. Vaaler suggested the attorney indicated they attorney thinks they already have a waiting
13 list. Mayor Moore and Manager Beaucaire believed the waiting list was triggered by the licenses
14 falling below the cap.

15 16 **C. Catch Basins**

17 Nathan Bernard stated he suggested looking at rainwater collecting and storage to help address
18 water resources during the dry season. He stated he was suggesting the City have some
19 incentives to encourage businesses and residents to pursue the process. McClung indicated that
20 for municipalities, he has seen these systems implemented when source water was polluted. He
21 indicated that homeowners would need to put in pumps and filtration systems for potable water
22 but could see rainwater harvesting for uses such as gardens. McClung indicated he would be
23 open to helping Bernard with ideas.

24
25 Bernard stated that the peak demand and minimum supply occur at the same time. He explained
26 how rain harvesting systems would work, such as diverting the first pass off the roof to flush
27 impurities and filtering subsequent rainfall to supply uses such as laundry. He noted the focusing
28 on the laundry area does not require requiring replumbing of the entire hotel.

29
30 McClung stated the City has been looking for ways to store raw water. He noted the City uses
31 250,000 gallons per day during the peak season. Bernard noted he can get 60,000 gallons from a
32 9,000 square foot building during one rain event. He suggested the City look at the highest water
33 users to assess the potential benefit derived.

34
35 Manager Beaucaire stated the State of Oregon Building Codes Division had information
36 harvesting, filtration systems, above ground and cistern storage. She suggested the County
37 Planning Department might have information to be included in the conversation. Mayor Moore
38 wanted to know what other cities have done to incentivize these programs.

39
40 Mayor Moore adjourned the work session at 10:50 am.

41 42 **REGULAR MEETING**

43 Mayor Moore opened the regular meeting of the City Council at 10:55 am.

44 45 **III. Announcements, Correspondence and Proclamations**

46 Mayor Moore announced Councilor Curt Schrader was in town and they toured the Farm Store,
47 visited businesses, met with hotel owners, toured the 804 Trail, and visited Earthworks Gallery.

1 They also visited the early seismic warning station on Horizon Hill, and Mayor Moore noted
2 there were only 20 stations currently in Oregon.

3 4 **IV. Public Comment (topics not on the agenda)**

5 Laura Thurber (260 Highway 101 S) stated the community and Council have changed greatly
6 over the last five years with a large increase in legislation. She did not favor the vacation rental
7 cap. She wanted to see more civility in the community.

8
9 Jacqueline Danos (Springhill Road) reported the City donated the bottles for the water station at
10 the Fire Department open house last week. She reported a board member stated they greatly
11 appreciated the effort and noted this was one of the first times the City had reached out to show
12 appreciation for the firefighters, volunteer firefighters, and employees at the Fire Department.
13 She also thanked the Council for considering Nathan Bernard's water capturing system ideas.

14
15 Tom Lauritzen (Shell Street) recalled a letter he sent to mayoral candidates one year ago about
16 issues he raised around billing errors in the water system. He reviewed how frequently he has
17 raised these issues with the City. He had concern that records would soon be gone.

18
19 Mayor Moore recalled the consensus of Council was to do one rate adjustment after the City
20 received the results of the water rate study. Manager Beaucaire indicated that Tim Tice indicated
21 he hoped to have results from the study by the end of the year. Lauritzen noted the study would
22 not address the errors in billing.

23
24 Kerti recalled Council had decided on the water rate study but not Lauritzen's issue. Manager
25 Beaucaire stated it was her recollection that the decision was to make all adjustments in water
26 rates at one time.

27 28 **V. Consent Agenda**

- 29 A. Resolution 2019-95 Adopting CIP Goal in Utility Rates
30 B. Resolution 2019-96 Adopting Changes to the Commons Fee Schedule
31 C. Resolution 2019-97 Adopting Recommendations from the Library Commission

32
33 **Vaaler moved to approve the Consent Agenda: Aye – 5; No – 0.**

34 35 **VI. New Business**

36 Glenn stated Council had an executive session to evaluate the City Manager. Mayor Moore
37 stated the Council was very happy with the City Manager's performance.

38
39 **Glenn moved to give the City Manager a \$5,000 bonus: discussion**

40
41 Vaaler stated that she could not support this motion as Council was again spending without
42 finding resources. Mayor Moore stated the City Manager had negotiated a reduction in costs on
43 the South Tank for over her annual salary and she had negotiated with the County for
44 improvements around Ocean View Drive for greater than twice her salary.

45
46 **Call for a vote: Aye – 4; No – 1 (Vaaler).**

1 **VII. Public Hearing**

2 **A. Ordinance 364 Amending YMC Chapter 4.08 Related to Vacation Rentals**

3 Mayor Moore opened the Public Hearing on Ordinance 364 at 11:10 am.

4
5 Mayor Moore opened the floor for public testimony.

6 1. Jacqueline Danos thanked Council for their discussion today. She asked that they keep
7 vacation rental licenses limited to one per person.

8
9 2. Joel Keller thanked Council for their hard work on the vacation rental topic and recognized the
10 difficult position of pleasing both sides.

11
12 Kerti noted there were people present today who were wanting to give input and asked what the
13 next steps were for proceeding with this ordinance. Mayor Moore indicated the next step would
14 be a public meeting on the R-4 and C-1 zones.

15
16 Mayor Moore closed the public hearing at 11:13 am.

17
18 **B. Ordinance 363 Amending YMC Sections 9.04030, 9.52.030, and 9.64.010 on**
19 **Design Standards for Street Construction and Design**

20 Mayor Moore opened the public hearing at 11:14 am.

21
22 No public testimony received.

23
24 Glenn asked Planning Commission Chair Helen Anderson about a person who had a hedge on
25 Highway 101 that served as a barrier to the highway traffic. Anderson stated that technically the
26 person would have to comply with the three-foot limit, but they could apply for a variance with
27 the Planning Commission if they have an unusual circumstance such as serving as a sound
28 buffer. Glenn asked if a statement exempting hedges on the highway from this regulation.

29
30 Kerti reported he has had three people living on Highway 101 who had a concern about this
31 issue. Mayor Moore clarified with Anderson that an additional hearing was not needed should
32 they make this change. Vaaler asked about making a blanket exception for a hedge that could be
33 in the clear sight area at an intersection with Highway 101 and a side street. Anderson stated that
34 the Planning Commission could look at the matter to determine the language to allow for an
35 exception and to maintain the clear sight area at the intersection.

36
37 Vaaler asked if the Planning Commission was prepared to process numerous variance requests
38 for this ordinance. Anderson explained that currently the code enforcement part would be
39 complaint driven, so unless an owner wanted to get a variance on their own, the only
40 enforcement would be through a complaint. Anderson stated if Council exempted hedges along
41 Highway 101, they would be exempt for their entire length. Planning Commissioner Lance
42 Bloch stated they could add a statement such as, except where the hedge would conflict with a
43 clear sight regulation.” Anderson noted the clear vision was in Section 9.64.010(A)3.

44
45 Glenn moved to approve Ordinance 363 with the addition of the statement to section 9.64.010(B)
46 as follows, “Hedges that front Highway 101 are exempt from this height requirement as long as

1 the height does not interfere with clear vision requirements in section 9.64010(A)3.”: Aye – 5;
2 No – 0.
3

4 Mayor Moore closed the public hearing at 11:26 am.
5

6 **VIII. Other Business**

7 **A. From the Mayor** - none

8 **B. From the Council** - none

9 **C. From Staff** - none
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11 Mayor Moore adjourned the meeting at 11:27 am.
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13

14 ATTEST:
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19 _____
20 W. JOHN MOORE, Mayor
21
22

Shannon Beaucaire, City Manager
23
24

Date