

FINAL

CITY COUNCIL MEETING

Wednesday, November 18, 2020 6:30 P.M.

Please join the meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CityCouncil1>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

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Mexico: [+52 55 4624 4518](tel:+525546244518)

Access Code: 718-957-813

6:30pm	I	Call to Order/Roll Call – Mayor Burns
	II	Agenda corrections or additions
6:35pm	III	Business from the Audience
6:45pm	IV	Approval of: 11/04/2020 Council Meeting Minutes
	V	BUSINESS
6:50 pm	1.	Waste Connections – Jim Winterbottom
7:00 pm	2.	Mosier Gateway Hwy 30 and 2 nd Ave. Improvements – Pat Cimmyotti, ODOT Eminent Domain Resolution
7:30 pm	3.	Short Term Rental Inquiry and Discussion – Katie Skakel, City Planner See Katie’s PPT, County data and Westmeyer memo
8:15 pm	4.	Rock Creek Park Closure for the Winter - All/Public OHA Covid-19 Demographics https://govstatus.egov.com/OR-OHA-COVID-19
8:30 pm	VI.	ANNOUNCEMENTS
8:35pm	VII.	ADJOURN

CITY COUNCIL MEETING

November 4, 2020 at 6:30 P.M.

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United States (Toll Free): 1 866 899 4679

United States: +1 (646) 749-3117

Access Code: 718-957-813

MINUTES

6:30 Mayor Burns: call to order

Attendance:

Council: Arlene Burns, Peny Wallace, Lacy Gries, Ron Wright, Witt Anderson (technical issues),
Acasia Berry, Charlie Cannon

Staff: Colleen Coleman City Manager, Laura Westmeyer City Attorney, John Grim City Engineer,
Jayme Bennett City Recorder

Community: Norma Simpson 101 Kingdom Street, Mosier, OR 97040 nsimpson1125@yahoo.com

Agenda corrections or additions:

Mayor Burns spoke with Alan Root – addition to agenda item (V)

Announcements to include the election results

Business from the audience: N/A

Mayor Burns: In speaking with Witt Anderson earlier today, it was a good reminder to read the material in the agenda prior to the council meeting, to be more efficient and to honor everyone's time. Being prepared. Added tip from Acasia– allowing an organized system for participation. Having clear takeaway points is a good idea too.

Lacy Gries: In school, we use a chat box for teeing up.

Jayme Bennett: other cities use council positions 1 to 6 and go around for one brief comment.

Corrections to 10/21/2020 Council Mins:

Lacy Gries: Comment referencing re-opening the park: Council consensus is referenced. And I thought we would vote for the record. If I had known this was a decision, I would not have voted for it.

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Acasia Berry: More clarification on the re-opening of the park. Mayor Burns: I thought it was a soft opening and adjust, as necessary.

So, where are we with the gate open, and the parks being open now? Currently just leaving it as is. Colleen Coleman: I checked with 4 Council members and 1 citizen who attended the last meeting. They all said decision was soft opening (no announcement) and 4 of them said parks would open at the same time.

Motion to approve minutes: (reference above comments from council)

1st Lacy Gries
2nd Peny Wallace
all in, no opposition
6:34 motion passes

Item I:
IGA City of Hood River

Ron Wright: Are we prepared to switch to Caselle for compatibility and transition?
Grim: yes, there is a data transfer that ensures compatibility and record keeping long term.

Wright: Regarding policy on water shut offs and collections, sounds rigid, I have concerns with that (regarding our vulnerable community).

Jayne Bennett: With covid-19 and an existing 90 day post state of emergency policy in place, I feel confident it will not be a problem for most of our residents, particularly with the grant money available, and proactive communications.

Colleen Coleman: We've spoken with the City of Hood River about our special cases, they've agreed to make concessions for Mosier's vulnerable citizens, once identified.

Colleen Coleman: We will have other mechanisms to pay in addition to what we have for utility billing.

Mayor Burns: This sounds like a win-win for everyone— save us money and time in the long run

Colleen Coleman: Transition and training now.

Grim: When council approves this, we will move forward. Date is set for January/end Dec.

Acasia Berry: Is staff prepared for this?

Grim: IGA outlines specifics and Jayme, Colleen and I are working on the logistics of implementing Mosier's responsibility and executing the framework. Website updates, data transfer, Casselle training remotely, many logistical items, though highly organized.

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Acasia Berry: Page 13: the rates document: 200k credit card fees over 5 years needs corrections.

Witt Anderson: It's a multiplier for 50% of water bills paying 2.06% with credit card.

Any other questions, issues, or thoughts?

Credit card fees: Jayme: justify the model

Mayor Burns: rate study and water rate increase: is it best to do this in January?

Colleen Coleman: yes, GRIM: that's a Laura question, we need a resolution –

Fee schedule and rate increase are two separate resolutions.

II. Water System Update

John Grim: Kyle will be at 90% design drawings by NOV 20th – no hiccups in environmental, land acquisition, etc. Questions:

Lacy Gries: Yes, page 14 and 15 – location of the well 5 vs. 4- are they on the same property?

Grim: I am about to get that section.

Council approved moving the well to the watershed if it was feasible – difficulties on the site across from Acasia's and changing priorities in terms of water quality – council directed staff to pursue a site in the watershed. No parameter has resulting in a significant roadblock. We have a well 200 feet away. Regulatory, land use approval then money exchanges.

Anderson: What is the macro schedule? (punching the well)

What do you expect for the east side and telemetry? Where do we stand over all with the loan and grant % etc?

Grim: Purchase (lease) agreement could take months. If things go well, we could be under construction a year from now.

Mayor Burns: Why so long?

Grim: Covid-19, busy people, teachers etc. it can take time. I can help them and make suggestions. Our budget increase by 150K is a good number 1.52m plus 150k to address changes in the project, inflation, unknowns.

Witt Anderson: Did we pick up the extra 150k in the rate study? Yes, the rate study picks up the 150k and we will go to USDA to request additional funding after.

Ron Wright: At one time we spoke of selling the other lot to offset this expense, is that still on the table?

Colleen Coleman: Several council members and citizens would like a park there; council needs to make that decision.

Lacy Gries: questions – regarding risks (OHA):
Financial, regulatory approval, etc.

John Grim: Water supply standpoint looks pretty good, regulatory inspection on site the entire time. It is very closely monitored.

Back to your first question (to Lacy): OHA and potential denial of the well itself – when you drill a public water supply well and you need a 100 foot diameter circle around the well, you can't do anything around the circle to potentially contaminate the groundwater. This location crosses over into several other people's land- so we can't get the 100-foot setback. Because we know there is no chance of pollutants on that land – we feel confident they will grant the 50-foot setback variance (vulnerability to surface contamination, etc.) – this is an acceptable risk in this case.

Witt to Colleen: Your response to Ron Wright regarding the city lot, many people making this request, plus the council also having interest – I don't recall any of this- the way you presented this, I thought there was a bigger discussion out there? Or action?

Witt Anderson: Let's do this discussion another time. (Perhaps the next agenda).

III. Wastewater Treatment Plant:

Grim: There was some direction to staff to request a waiver or elimination of our NPD permit (requirement of a mixing zone study for the outfall). We included the request in the cover letter, if you have any questions or comments about the letter (included in agenda packet and as an exhibit to these minutes), now is the time.

Mayor Burns has confidence in the relationships with the DEQ and so on and feels they will be responsive and supportive.

Ron Wright: This was helpful, I appreciate seeing this letter, thank you.

IV. Council Absence Resolution/Ongoing Virtual Meetings

Laura Westmeyer:

Included in the packet is the HB 4212 and ORS relevant to the agenda item. (2 questions came to Laura's attention from prior council discussions, and there is a reoccurring theme with travel, and availability).

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1. Can we continue to have virtual meetings? Yes, if you have an emergency resolution - with the above referenced house bill – local governments can continue to hold virtual meetings.
2. Absences: death or incapacity – vacancy – second manner – council votes to declare a vacancy, and the vote is by council or if you leave without council consent for 30 days or more.

There does not appear to be a problem with meeting attendance generally.

The resolution we are being asked to adopt is consent to absence from jurisdiction for any period of time through next July.

Mayor Burns: should we first extend our state of emergency?

Laura Westmeyer: The resolution can be adopted regardless of the state of emergency. You can entertain a motion and direct me to draft one.

Arlene and Witt want to talk about changes in the charter and bullet pointing non applicable points and take it to the ballot for administrative or efficiency purpose. (Future agenda item).

Peny Wallace: If we get heavy snowfall and it is unsafe to travel, could we hold virtual meetings as necessary to allow for more participation?

Ron Wright: We would need to address the technology and consider logistics of virtual and physical meetings to be combined some how in the long term, and what that looks like.

Peny Wallace: Do we have adequate numbers for dial in when out of town? (from out of country).

Discussion around various options to address the chain of command regarding absence of mayor or president – Colleen has the authority and needs to be comfortable making those decisions as needed. We are equipped professionally, and she can seek feedback as she deems appropriate – we have a staff, an attorney, an engineer.

Laura, could there be a succession if both are gone, and in no state of emergency? What are those actions? If a quorum is not available remotely, when does this come into play?

Peny reads resolution:

Resolution Consenting to Extended Absences of Members of the City Council.

Reference full text:

WHEREAS, the Mosier City Charter (2010) requires the consent of the City Council for any individual member of the City Council to leave the limits of City of Mosier jurisdiction for a period of thirty days or more;

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WHEREAS, the Mosier City Charter allows a vacancy to be declared on the City Council in the event of the absence of any individual member of the Council from all meetings of the City Council within a sixty-day period;

WHEREAS, the City of Mosier is currently under a state of emergency due to the public health and financial threats posed by the novel and infectious coronavirus contagion COVID-19, as declared by Resolution No. 2020-03 adopted on March 18, 2020, and subsequent addenda which have extended the state of emergency;

WHEREAS, under such state of emergency, the Mosier City Council is not holding inperson public meetings but is rather holding virtual meetings by video and audio means whereby the public, city staff, and members of the City Council may remotely attend meetings of the City Council;

WHEREAS, several members of the Mosier City Council are anticipated to be absent from the city limits of the City of Mosier for a period of thirty days or more in the upcoming months;

WHEREAS, the members of the Mosier City Council anticipated to have extended absences from the city limits are anticipated to attend meetings remotely from their location and

to attend all or some of the City Council meetings within any given sixty-day period regardless of whether they are in an extended absence or are located within the city limits;

NOW, THEREFORE, BE IT RESOLVED BY THE MOSIER CITY COUNCIL:

Section 1. Authorization for Extended Absences from the City Limits. *The Mosier City Council hereby consents to the extended absence of any individual member(s) of the City Council from the city limits, from the period of the Effective Date of this Resolution through June 30, 2021. An “extended absence” for purposes of this Resolution means a period of thirty consecutive calendar days or more.*

Section 2. Declaration of Vacancies During Extended Absences. *The Mosier City Council shall not declare a position on the City Council to be vacant due solely to the extended absence of any individual member(s) of the City Council whose extended absence was authorized under this Resolution.*

Section 3. Reservation of Right to Declare Vacancies for Extended Meeting Absences. *If any individual member of the City Council is absent from all meetings of the City Council within any given sixty-day period, regardless of whether the individual is located within the city limits or is in an authorized extended absence, the Mosier City Council shall have the right to declare the seat vacant and appoint a new member of the City Council to assume the position as authorized by the City Charter.*

Section 4: Effective Dates. *This Resolution is effective as of the date of adoption and will remain in effect until June 30, 2021.*

INTRODUCED AND ADOPTED BY THE MOSIER CITY COUNCIL

from the City Limits of the City of Mosier – (Laura instructs Jayme will number it)

1st Peny Wallace

2nd Acasia Berry

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Succession in line of seniority – do we need to do this tonight?

Laura Westmeyer: We need to know the authority of the person, not the actual person (by name). We need to know the authority and when it is appropriate.

All in favor, no opposition, motion passes 7:54

Peny Wallace: Train derailment, the mayor was gone, we had a major emergency, and our President of Council (acting mayor) had a very difficult time proving authority.

Peny Wallace: Laura can you restate please?

Laura recommends declaration of unavailability – that’s why we are moving down the line – whoever is in the manager role plus 2 councilors for reference.

Mayor Burns adds Emily Reed had an issue in a relatively recent council meeting and also in the train derailment with her authority as acting mayor on both occasions. We want to prevent this going forward.

Adopting covid-19 state of emergency until June 2021?

State of Emergency: No action taken or required at this time. To be revisited prior to December date.

Mayor to Laura Westmeyer (attorney): Anything else from Laura? Not at this time.

Arlene Burns: Alan Root who made the sculptures in town and donated them to the city is upset because he is not allowed to do maintenance to the art, and it requires special paint. He would like to work with the arts committee and take care of his artwork.

Colleen Coleman explains that council is the arts committee so to speak, and needs to oversee and there was a missing sculpture at some point and the city was having a hard time locating them etc.

Peny Wallace has a great relationship with Alan Root and would love to have a discussion with him on maintenance and communication with him and council.

Colleen would like to mention an art committee could be anyone, it does not have to be council. Colleen mentioned that if the City engages in 1% for the Arts selection for its new Mosier Center building, the Oregon Arts Commission would send one or two members to help jury the proposed art. A local art committee could consist of citizens from outside Mosier City limits, or anyone in the community in addition to Council members.

Lacy Gries on the write ins for the election: (regarding results): it takes 2 weeks for results, to allow for contesting, then they will be released.

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Witt Anderson: the policy document could use input. The policy committee could use help on this in general. (Jayme: who is the policy committee)? Next agenda could include this.

Future meeting minutes will be inclusive of action/takeaway points as a static final agenda item, directed and guided by the Council, for clarity and direction.

Adjourn 8:21



WASTE CONNECTIONS
Connect with the Future®

City of Mosier
PO Box 446
Mosier, Or. 97040

October 26, 2020

Attn:
Mayor Arlene Burns
Council Members

Dear Mayor Burns and Council Members:

The Dalles Disposal would like to respectfully request a rate adjustment averaging approximately 1.45% to help offset rising operational costs and tip fees. We request this adjustment to be effective January 1, 2021. Some examples of these increases include, but are not limited to, health care, and truck and equipment repair, fuel and containers.

We use The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C) to benchmark our changes in operational costs. The most recent July to July comparison increased 1.71% and we believe this is a good indicator of our overall experience. The Wasco County Landfill will be increasing both its gate rate and the pass-through Household Hazardous Waste tax by 1.45% effective January 1, 2021. We have incorporated these increases into the attached proposed rate schedule.

Individual rates change by different percentages based upon the disposal weight component of each rate.

We would like to be scheduled on the council agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide the City of Mosier with high quality solid waste service.

Sincerely,

Jim Winterbottom
District Manager

Enclosure: Proposed Rate Sheets



**Waste Connections of Oregon, Inc.
dba The Dalles Disposal
Proposed City of Mosier Rates
Effective January 1, 2021**

SERVICE	CURRENT RATE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
RESIDENTIAL					
CANS/ROLLCARTS					
Weekly					
- (1) 20 gal can	\$14.01	\$0.03	\$0.17	\$0.20	\$14.21
- (1) 32 gal can	\$23.85	\$0.05	\$0.30	\$0.35	\$24.20
- 90 gal rollcart	\$36.27	\$0.12	\$0.40	\$0.52	\$36.79
- 105 gal cart (Phase Out)	\$38.43	\$0.14	\$0.41	\$0.55	\$38.98
- each add'l can/cart added at p					
EOW					
- (1) 32 gal can	\$18.81	\$0.03	\$0.24	\$0.27	\$19.08
- 90 gal rollcart	\$32.68	\$0.07	\$0.40	\$0.47	\$33.15
Call In					
- (1) 32 gal can	\$16.10	\$0.01	\$0.22	\$0.23	\$16.33
- 90 gal rollcart	\$21.71	\$0.04	\$0.28	\$0.32	\$22.03
SPECIAL CHARGES					
* The following additional charges whose cans, rollcarts or containe to our employees due to the diffi their service containers.					
Additional Charge:					
- Sunken Can	\$28.17	\$0.00	\$0.41	\$0.41	\$28.58
- Excess distance	\$28.17	\$0.00	\$0.41	\$0.41	\$28.58
- Steps/stairs	\$28.17	\$0.00	\$0.41	\$0.41	\$28.58
- Through gate	\$28.17	\$0.00	\$0.41	\$0.41	\$28.58
-extra can/bag/box	\$8.04	\$0.01	\$0.11	\$0.12	\$8.16
- loose yardage per yd	\$33.71	\$0.09	\$0.39	\$0.48	\$34.19
(over-the-top extra around cont: or on the ground)					
- bulk items (*Bring to transfer					
- Special off route trip fee	\$8.57	\$0.00	\$0.12	\$0.12	\$8.69
- return trip can	\$8.73	\$0.01	\$0.12	\$0.13	\$8.86
- return trip rollcart	\$8.76	\$0.00	\$0.12	\$0.12	\$8.88
- rollcart redelivery	\$12.18	\$0.00	\$0.18	\$0.18	\$12.36
- Off day PU	\$8.77	\$0.00	\$0.13	\$0.13	\$8.90
- Delinquent fee	\$15.38	\$0.00	\$0.22	\$0.22	\$15.60
(Acct delinquent after 30 days					
- NSF/unhonored check fee	\$36.26	\$0.00	\$0.53	\$0.53	\$36.79
- New Acct set up fee	\$7.89	\$0.00	\$0.11	\$0.11	\$8.00
- Change in service	\$7.89	\$0.00	\$0.11	\$0.11	\$8.00
(name/address/service)					

Waste Connections of Oregon, Inc.
dba The Dalles Disposal
Proposed City of Mosier Rates
Effective January 1, 2021

SERVICE	CURRENT RATE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
COMMERCIAL					
CANS/ROLLCARTS					
Weekly					
- (1) 32 gal can	\$31.02	\$0.05	\$0.40	\$0.45	\$31.47
- 90 gal rollcart	\$46.06	\$0.12	\$0.55	\$0.67	\$46.73
- each add'l can/cart added at p					
EOW					
- (1) 32 gal can	\$24.87	\$0.03	\$0.33	\$0.36	\$25.23
Call In					
- (1) 32 gal can	\$19.48	\$0.01	\$0.27	\$0.28	\$19.76
- 90 gal rollcart	\$26.22	\$0.04	\$0.34	\$0.38	\$26.60
SPECIAL CHARGES					
* The following additional charges whose cans, rollcarts or containe to our employees due to the diffi their service containers.					
Additional Charge:					
- Sunken Can	\$28.17	\$0.00	\$0.41	\$0.41	\$28.58
- Excess distance	\$28.17	\$0.00	\$0.41	\$0.41	\$28.58
- Steps/stairs	\$28.17	\$0.00	\$0.41	\$0.41	\$28.58
- Through gate	\$28.17	\$0.00	\$0.41	\$0.41	\$28.58
-extra can/bag/box	\$8.04	\$0.01	\$0.11	\$0.12	\$8.16
- loose yardage per yd	\$33.71	\$0.09	\$0.39	\$0.48	\$34.19
(*extra garbage ontop or aro which must be manually hai					
- bulk items (*Bring to transfer					
- Special off route trip fee	\$8.57	\$0.00	\$0.12	\$0.12	\$8.69
- return trip can	\$8.73	\$0.01	\$0.12	\$0.13	\$8.86
- return trip rollcart	\$8.77	\$0.01	\$0.11	\$0.12	\$8.89
- rollcart redelivery	\$12.18	\$0.00	\$0.18	\$0.18	\$12.36
- Off day PU	\$8.77	\$0.00	\$0.13	\$0.13	\$8.90
- Delinquent fee	\$15.38	\$0.00	\$0.22	\$0.22	\$15.60
(Acct delinquent after 30 days					
- NSF/unhonored check fee	\$36.26	\$0.00	\$0.53	\$0.53	\$36.79
- New Acct set up fee	\$7.89	\$0.00	\$0.11	\$0.11	\$8.00
- Change in service	\$7.89	\$0.00	\$0.11	\$0.11	\$8.00
(name/address/service)					

Waste Connections of Oregon, Inc.
dba The Dalles Disposal
Proposed City of Mosier Rates
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SERVICE	CURRENT RATE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
CONTAINERS					
1 1/2 Yd Containers					
- Call In	\$44.83	\$0.08	\$0.57	\$0.65	\$45.48
- EOW	\$64.30	\$0.17	\$0.77	\$0.94	\$65.24
- 1XPW	\$128.72	\$0.33	\$1.53	\$1.86	\$130.58
- Additional day rate = # days x 1 x wk rate					
2 Yd Containers					
- Call In	\$59.07	\$0.10	\$0.75	\$0.85	\$59.92
- EOW	\$85.42	\$0.22	\$1.02	\$1.24	\$86.66
- 1XPW	\$170.55	\$0.44	\$2.03	\$2.47	\$173.02
- Additional day rate = # days x 1 x wk rate					
3 Yd Containers					
- Call In	\$89.57	\$0.15	\$1.15	\$1.30	\$90.87
- 1XPW	\$257.39	\$0.66	\$3.07	\$3.73	\$261.12
- Additional day rate = # days x 1 x wk rate					
SPECIAL CHARGES					
- Delivery	\$42.93	\$0.00	\$0.62	\$0.62	\$43.55
- Rent	\$41.91	\$0.00	\$0.61	\$0.61	\$42.52
- Rent-a-bin	\$95.21	\$0.00	\$1.38	\$1.38	\$96.59
- Loose yardage	\$33.71	\$0.09	\$0.39	\$0.48	\$34.19
Containers with difficult access (pe					
- Not on solid surface	\$31.37	\$0.00	\$0.46	\$0.46	\$31.83
- Stuck in the mud	\$31.37	\$0.00	\$0.46	\$0.46	\$31.83
- Lodged in loose gravel	\$31.37	\$0.00	\$0.46	\$0.46	\$31.83
- Overweight	\$31.37	\$0.00	\$0.46	\$0.46	\$31.83
- Excess distance	\$31.37	\$0.00	\$0.46	\$0.46	\$31.83
- Rolloff curb	\$31.37	\$0.00	\$0.46	\$0.46	\$31.83
COMPACTORS					
* 50,000 max gross weight					
- Per compacted yard	\$37.15	\$0.26	\$0.28	\$0.54	\$37.69
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$373.33	\$0.00	\$5.42	\$5.42	\$378.75
- Extra miles over 15	\$3.69	\$0.00	\$0.05	\$0.05	\$3.74

**Waste Connections of Oregon, Inc.
dba The Dalles Disposal
Proposed City of Mosier Rates
Effective January 1, 2021**

SERVICE	CURRENT RATE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
DROP BOXES					
- 10 yd min fee empty	\$265.94	\$0.94	\$2.92	\$3.86	\$269.80
- 15 yd min fee empty	\$398.95	\$1.41	\$4.37	\$5.78	\$404.73
- 20 yd min fee empty	\$531.92	\$1.88	\$5.83	\$7.71	\$539.63
- 30 yd min fee empty	\$797.60	\$2.82	\$8.74	\$11.56	\$809.16
- 40 yd min fee empty	\$1,063.88	\$3.76	\$11.66	\$15.42	\$1,079.30
- Delivery	\$90.06	\$0.00	\$1.31	\$1.31	\$91.37
- 20 yd Comp/Corr haul fee	\$180.13	\$0.00	\$2.61	\$2.61	\$182.74
- Pickup	\$90.06	\$0.00	\$1.31	\$1.31	\$91.37
- Swap	\$90.06	\$0.00	\$1.31	\$1.31	\$91.37
- Ex miles over 15	\$3.69	\$0.00	\$0.05	\$0.05	\$3.74
- Overweight charge	\$49.89	\$0.00	\$0.72	\$0.72	\$50.61
- Demurrage per day after 5 days	\$17.48	\$0.00	\$0.25	\$0.25	\$17.73
- LS ydg	\$33.71	\$0.09	\$0.39	\$0.48	\$34.19
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					

K20272 | US 30: Mosier Conn over UPRR – Mosier Creek Bridge

PE002932/000

October 12, 2020

2pm – 3:30pm

Facilitator: Abbey Driscoll

Attendees:

ODOT

Roadway: Brian Paslay

Hydro: Wade Coatney/Chad Howard

ROW: Caleb Stephens

Environmental: Teresa Brasfield

Traffic Control: Brian Hughes

Traffic: Austin Kleinburg/Dan Serpico/Mark Barrett

District: Pat Cimmyotti

City of Mosier

John Grim

Colleen Coleman

Schedule		
	DAP distribution	10-08-2019
	DAP complete	11-21-2019
	Advance Plans distribution	05-29-2020
	Final Plans distribution	08-26-2020
	Internal PS&E	12-07-2020
	Bid Let through ORPIN	Winter 2021
	Construction	Spring 2021

Budget	PE	\$175,000
	ROW	\$66,000
	CN	\$330,500
	Total	\$571,500

Final Plans Review – Comment log to be updated following meeting

Notes

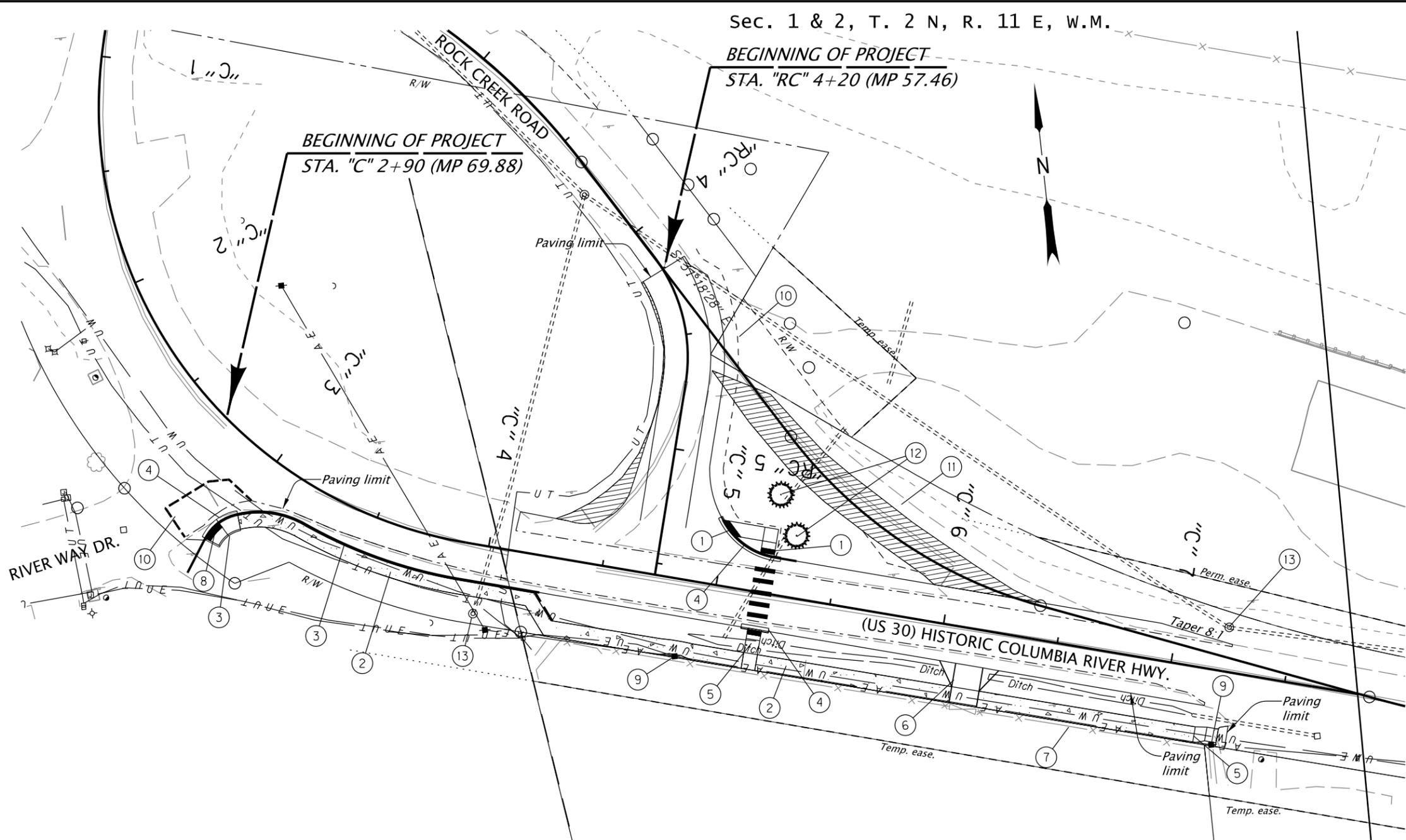
- Team
 - Team to review schedule and work towards internal PS&E deadline
- Roadway
 - Additional details needed for ADA ramps
 - Brian to model 1:1 slope at back of sidewalk to school fence. Relook at RW after modeling
- ROW
 - Waiting on RW EA to open to begin RW acquisition process
 - Will need city's consent condemnation following OTC approval of abandonment

-
- District
 - District to remove old sign structure at old gas station ahead of project after TCE in place
 - Pat to present project at November council (4th or 18th). Pat to present project, provide context regarding plantings and community involvement. Colleen and Pat to meet with Arlene in advance
 - District to work with city on placement of cherry trees
 - City
 - City to consider working on formal Bike and Pedestrian Plan for Rock Creek Road and US30 through Mosier
 - Will need city's consent condemnation following OTC approval of abandonment
-

Sec. 1 & 2, T. 2 N, R. 11 E, W.M.

BEGINNING OF PROJECT
STA. "RC" 4+20 (MP 57.46)

BEGINNING OF PROJECT
STA. "C" 2+90 (MP 69.88)



- ① Const. perpendicular curb ramp - 2
Inst. safety yellow truncated domes
New surface - 24 sq. ft.
(For details, see sht. BB03)
(See dwg. nos. RD900, RD910, & RD912) ??V-???
- ② Const. P.C. sidewalk
(For details, see sht. BC01)
(See dwg. no. RD720 & RD721)
- ③ Const. std. curb
(See dwg. No. RD700)
- ④ Const. curb and gutter - 24" width
(See dwg. no. RD700)
- ⑤ Const. blended transition
Inst. safety yellow truncated domes
New surface - 12 sq. ft.
(For details, see sht. BB03 & BB04)
- ⑥ Const. P.C. conc. dwy., option A
(See dwg. no. RD725)
- ⑦ Re-install existing fence
- ⑧ Const. end of walk curb ramp
Inst. safety yellow truncated domes
New surface - 14.6 sq. ft.
(For details, see sht. BB01)
(See dwg. no. RD754)
- ⑨ Protect & preserve pole
- ⑩ Construct asphalt approach
(See dwg. no. RD715)
- ⑪ 8' width of existing roadway to remain
- ⑫ preserve and protect tree
- ⑬ Preserve and protect manhole

RIVER WAY DR.

ROCK CREEK ROAD

(US 30) HISTORIC COLUMBIA RIVER HWY.

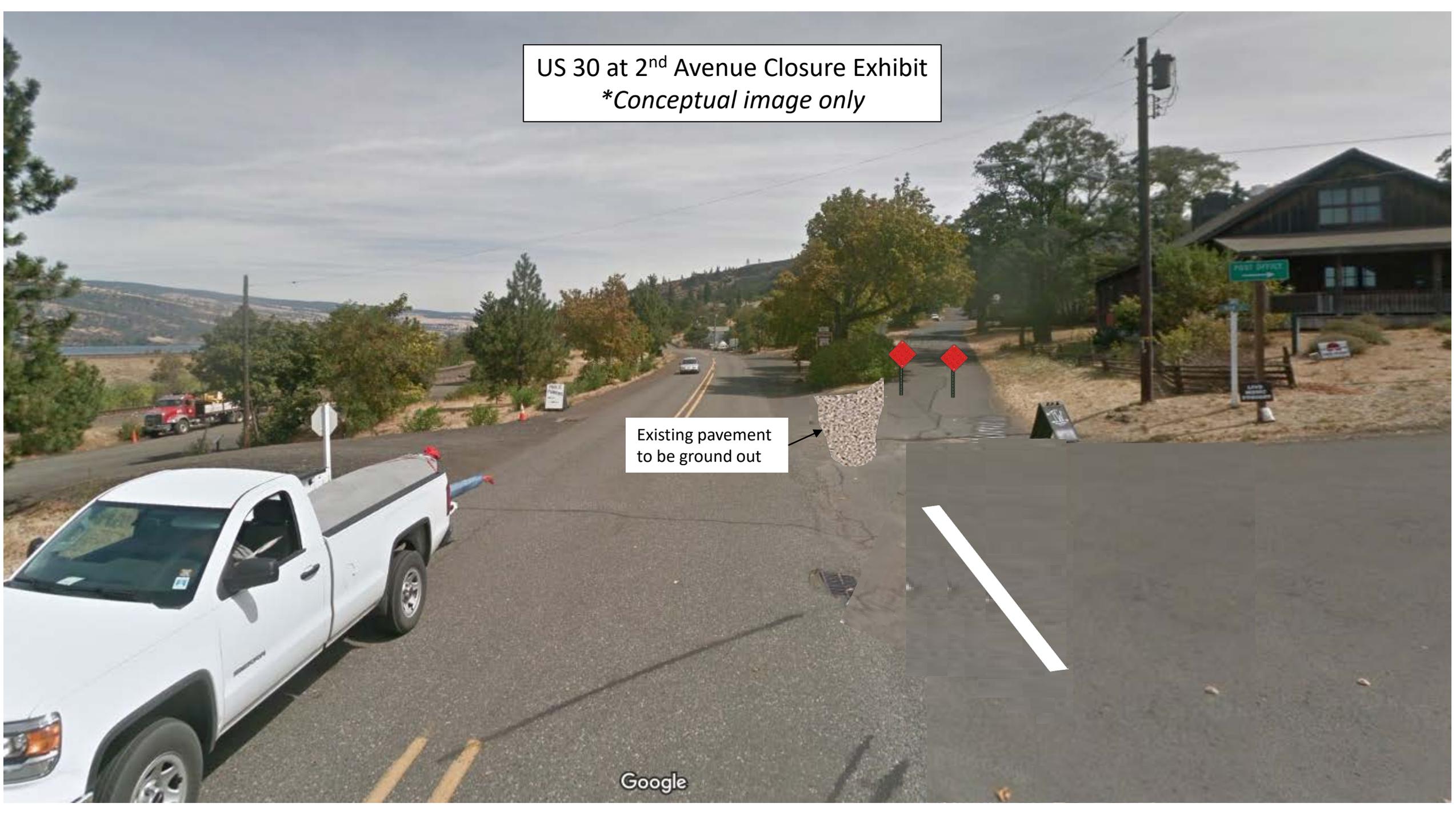
Remove old pavement shown thus:



RENEWS: 12-31-2020

OREGON DEPARTMENT OF TRANSPORTATION 	
US30: MOSIER CONN OVER UPRR - MOSIER CREEK BRIDGE PROJECT HISTORIC COLUMBIA RIVER HIGHWAY WASCO COUNTY	
Designer: Brian D. Paslay Drafter: Rhonda L. Freeman	Reviewer: Brian M. Wood Checker: Martin R. Matejsek
GENERAL CONSTRUCTION	SHEET NO. C01

US 30 at 2nd Avenue Closure Exhibit
**Conceptual image only*



Existing pavement
to be ground out

Parcel 1 - Fee

A parcel of land lying in the SE1/4 of Section 2, Township 2 North, Range 11 East, W.M., Wasco County, Oregon and being a portion of that property described in that Quitclaim Deed to Mosier Fruit Growers Association, an Oregon corporation, recorded March 31, 2003 as Microfilm No. 20031835, Records of Wasco County; the said parcel being that portion of said property lying Southwesterly of the following described line:

Beginning at a point opposite and 20.00 feet Northeasterly of Engineer's Station 8+31.00 on the center line of the relocated Historic Columbia River Highway; thence Southeasterly in a straight line to a point opposite and 20.00 feet Northeasterly of Engineer's Station 9+60.00 on said center line.

The center line of the relocated Historic Columbia River Highway is described as follows:

Beginning at Engineer's center line Station 8+00.00, said station being 1,883.85 feet North and 273.60 feet West of the Southeast quarter of Section 2, Township 2 North, Range 11 East, W.M.; thence South 31° 18' 29" East 126.16 feet; thence along a 204.63 foot radius curve left (the long chord of which bears South 49°52'59" East 130.37 feet) 132.68 feet; thence South 68°27'29" East 147.87 feet; thence on a 572.96 foot radius curve left (the long chord of which bears South 87°56'56" East 382.34 feet) 389.82 feet; thence North 72°33'37" East 203.47 feet to Engineer's Station 18+00.00 on said center line.

Bearings are based upon the Oregon Coordinate Reference System (O.C.R.S.), Columbia River East Zone, NAD 83(2011) Epoch 2010.00.

This parcel of land contains 1,081 square feet, more or less.

Parcel 2 – Permanent Easement For Slopes

A parcel of land lying in the SW1/4 of Section 1 and the SE1/4 of Section 2, Township 2 North, Range 11 East, W.M., Wasco County, Oregon and being a portion of that property described in that Quitclaim Deed to Mosier Fruit Growers Association, recorded December 10, 2001 as Microfilm No. 20015204 and being a portion of that property described in that Quitclaim Deed to Mosier Fruit Growers Association, an Oregon corporation, recorded March 31, 2003 as Microfilm No. 20031835, both being Records of Wasco County; the

said parcel being that portion of said property lying Southerly of the following described line:

Beginning at a point opposite and 22.00 feet Northeasterly of Engineer's Station 10+10.00 on the center line of the relocated Historic Columbia River Highway; thence Southeasterly in a straight line to a point opposite and 8.00 feet Northerly of Engineer's Station 13+99.00 on said center line.

The center line of the relocated Historic Columbia River Highway is described in Parcel 1.

This parcel of land contains 2,548 square feet, more or less.

Parcel 3 – Permanent Easement For Sign

A parcel of land lying in the SW1/4 of Section 1 and the SE1/4 of Section 2, Township 2 North, Range 11 East, W.M., Wasco County, Oregon and being a portion of that property described in that Quitclaim Deed to Mosier Fruit Growers Association, recorded December 10, 2001 as Microfilm No. 20015204 and being a portion of that property described in that Quitclaim Deed to Mosier Fruit Growers Association, an Oregon corporation, recorded March 31, 2003 as Microfilm No. 20031835, both being Records of Wasco County; the said parcel being that portion of said property lying Southerly of the following described line:

Beginning at a point opposite and 22.00 feet Northeasterly of Engineer's Station 10+10.00 on the center line of the relocated Historic Columbia River Highway; thence Southeasterly in a straight line to a point opposite and 8.00 feet Northerly of Engineer's Station 13+99.00 on said center line.

The center line of the relocated Historic Columbia River Highway is described in Parcel 1.

This parcel of land contains 2,548 square feet, more or less.

Parcel 4 – Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the SE1/4 of Section 2, Township 2 North, Range 11 East, W.M., Wasco County, Oregon and being a portion of that property described in that Quitclaim Deed to Mosier Fruit Growers Association, an Oregon corporation, recorded March 31, 2003 as Microfilm No. 20031835, Records of Wasco County; the said parcel being that

portion of said property included in a strip of land variable in width, lying on the Northeasterly side of the center line of the relocated Historic Columbia River Highway, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

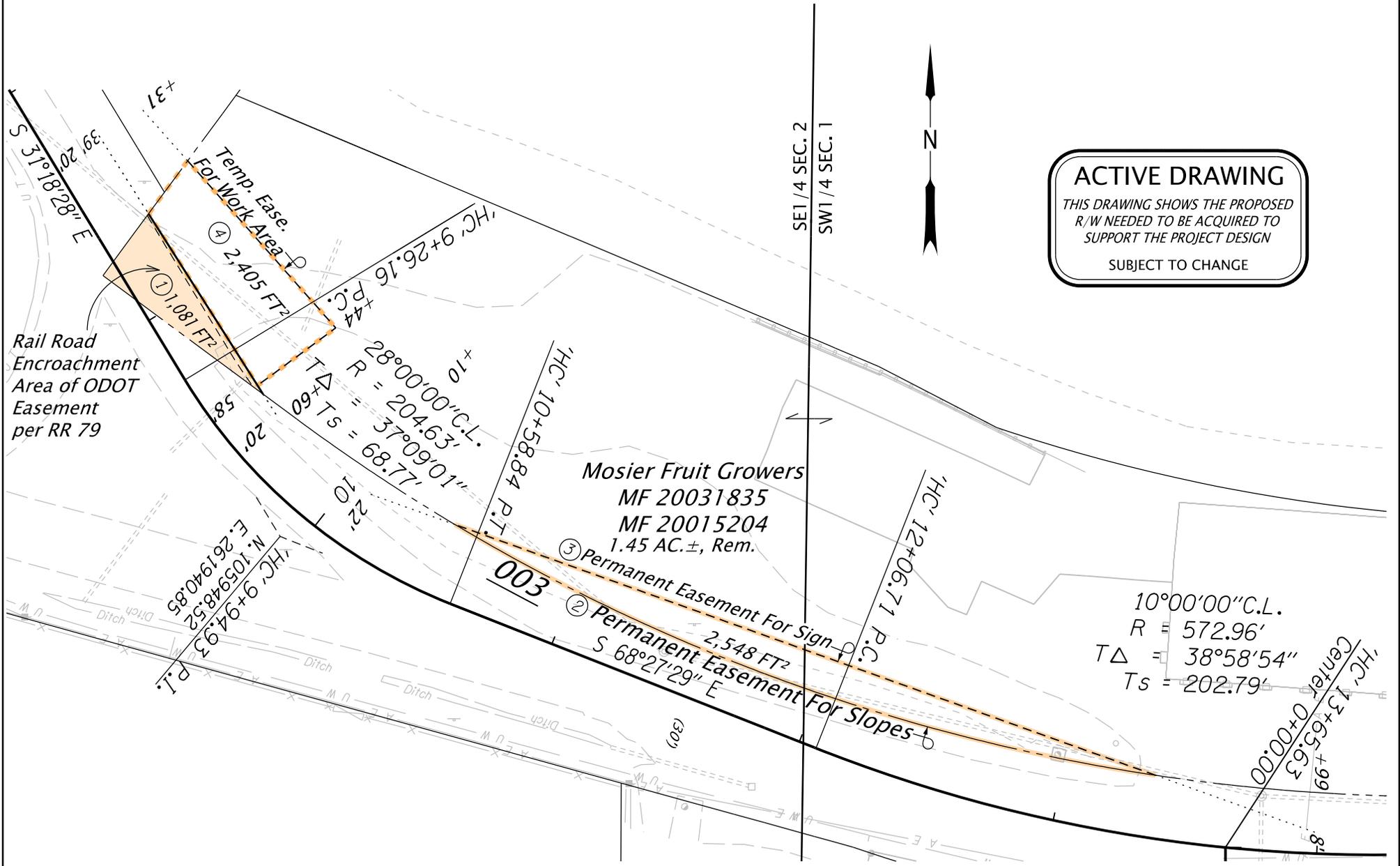
Station	to	Station	Width on Northeasterly Side of Center Line
8+31.00		9+44.00	39.00 in a straight line to 58.00

EXCEPT therefrom Parcel 1.

This parcel of land contains 2,405 square feet, more or less.

DRAFT

SE1/4 SEC. 2, T. 2N, R. 11E, W.M.



ACTIVE DRAWING
 THIS DRAWING SHOWS THE PROPOSED
 R/W NEEDED TO BE ACQUIRED TO
 SUPPORT THE PROJECT DESIGN
 SUBJECT TO CHANGE

 <p>RIGHT OF WAY ENGINEERING SKETCH MAP</p>	SECTION	US30: Mosier Conn Over UPRR-Mosier Creek Bridge Project	SCALE	1" = 50'
	HIGHWAY	HISTORIC COLUMBIA RIVER HIGHWAY	DATE	NOVEMBER, 2020
	COUNTY	WASCO COUNTY	FILE	9564003
	PURPOSE	SKETCH MAP	SEE DRAWING RW9564M	

EXHIBIT B
RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN
Right of Way Services

WHEREAS City of Mosier may exercise the power of eminent domain pursuant to Mosier Charter and (ORS 456.145 - Eminent domain) the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the City of Mosier's governing body to accomplish public purposes for which the City of Mosier has responsibility;

WHEREAS the City of Mosier has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public;

WHEREAS the project or projects known as ODOT/Mosier West Gateway at Hwy 30, have been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, travel safeguarded; and

WHEREAS to accomplish the project or projects set forth above it is necessary to acquire the interests in the property described in "Exhibit A" attached to this Resolution and, by this reference incorporated herein; now, therefore,

BE IT HEREBY RESOLVED by Mosier City Council

1. The foregoing statements of authority and need are, in fact, the case. The project or projects for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury;
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A to this Resolution. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law;
3. The Oregon Department of Transportation and the Attorney General are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the Mosier City Council
4. Mosier City Council expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

DATED this 18th day of November 2020

CITY OF MOSIER

BY: _____ TITLE: _____

Attest: BY: _____ TITLE: _____

Attachments: Exhibit A to Agency Resolution Exercising the Power of Eminent Domain –
Property Description

Short Term Rentals Discussion (STRs)

Mosier City Council

November 18, 2020

Presentation Overview

- Brief overview of “Housing Crisis” in Oregon
 - Oregon is currently experiencing a housing crisis, with a statewide shortage of 155,000 units despite our growing population.
 - **Goal 10 of Oregon Land Use Planning addresses Housing!**
 - **Every Oregonian deserves abundant and affordable housing options**
-
- Short Term Rentals – What are they?
 - Why communities choose to regulate STRs
 - How does Mosier want to address STRs
 - **After a few intro slides we will start with a series of questions.**

Definition of Short-Term Rental (STRs)

- **Short Term Rental (STR):** A housing unit, rented or leased for less than 30 days; not officially defined by state or federal authorities
- The City of Mosier has approximately 20-25 STRs (with many more in the County).

Housing: Overview Oregon, Regional, and Mosier

- Ultimate goal in housing is to work with community members, planners, decision-makers and partner organizations. To pursue policies that will allow us to close the gap without creating sprawl development.
- What is happening Regionally? As a starting point let's look at data.

Affordable Housing on a Regional level

Local Housing Needs

- **Comparison of Occupations, Wages and Housing Costs by County, Updated 2020. * See handouts.**
- **In today's economy, a great deal of the population (service workers, seniors, disabled, etc.) doesn't make enough to afford a place to call home. One bedroom apartments in the Gorge are \$950 - \$1200/mo. Two bedroom apartments are \$1200 - \$1600/mo.**

To regulate or not to regulate

- **Questions:**
- What's the problem? Let's identify
- Why does the City want to or not want to regulate STRs?
- Does it serve Public Interest?
- How do Mosier citizens feel about STRs?
- What are the possible negative impacts of STRs?
 - Do they affect affordable housing stock?
 - Is there a concern about noise, nuisance, or "conglomerate" of STRS and "party atmosphere."
 - Concern over people coming and going verses a well established cohesive neighborhood?

Potential Benefits

- **Economics**
- **How many is a good balance**
- **ADUs – think critically about this! Supposed to be used for housing – it allows homeowner to pay their mortgage if using as an STRs.**
- **Potentially good for tourism.**
- **Supplemental income. Perhaps, adding jobs to Mosier.**

Potential Challenges

- **Livability issues**
- **Occupancy**
- **TLT collection**
- **Housing inventory**
- **Enforcement**

Solution

- Minimum regulation necessary to address?
- Is this a zoning issue or something else?
- Should the City consider just implementing it's TLT – to gain tax revenue?
- Staff recommends forming a City Council committee. Committee will draft a questionnaire to elicit input from public.
 - Committee will bring suggestions and next steps back to City Council.

A Place to Call Home: Wasco County

Homes give people an opportunity to build better lives and communities. But how do Wasco County residents fare?

We have a serious shortage of affordable housing

For every 100 families with extremely low incomes, there are 23 affordable units available.



516

units are needed to meet the need

1 out of 4



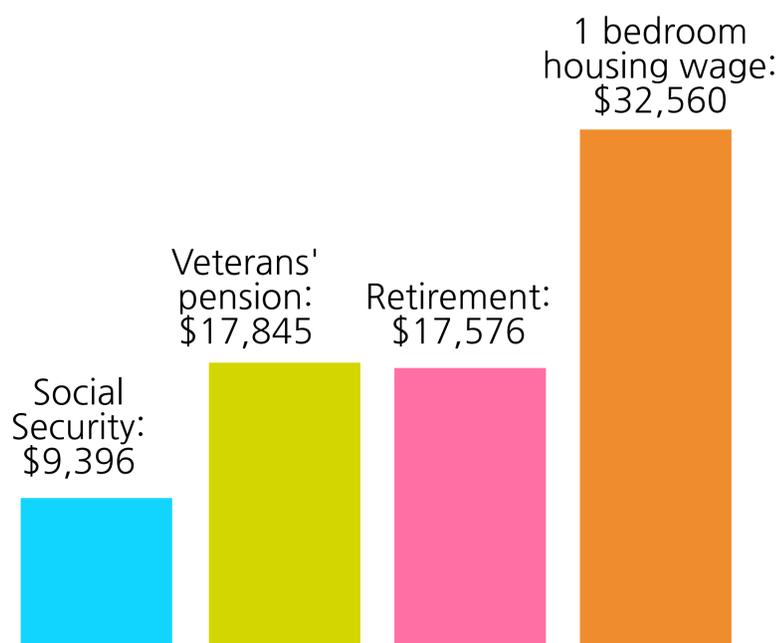
renters are paying more than 50% of their income in rent

3 out of 4



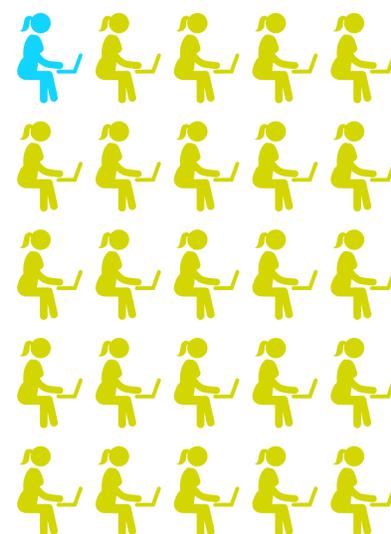
renters with extremely low incomes are paying more than 50% of their income in rent

Our neighbors are facing homelessness



Oregonians on fixed incomes struggle to pay rent even for a one bedroom apartment.

1 in 25 students experienced homelessness in 2018-2019



That's 131 students in Wasco County during the 2018-19 school year.

Workers can't afford rent

\$12.50

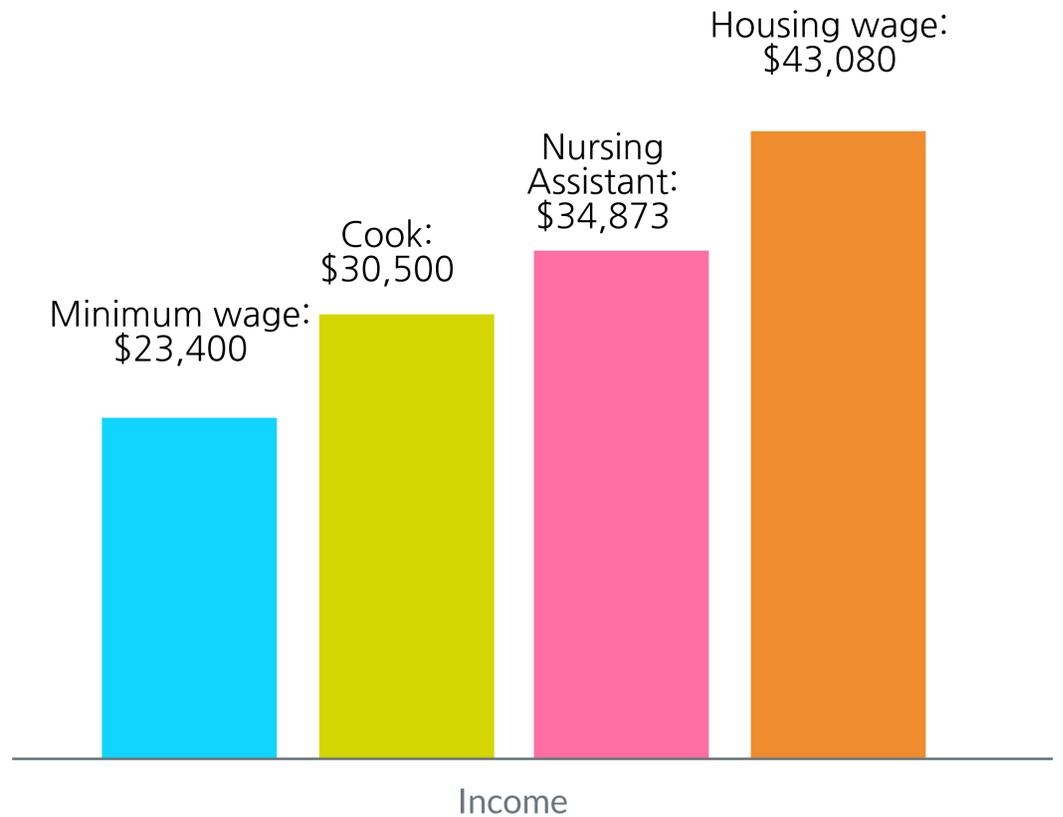


Mean renter wage



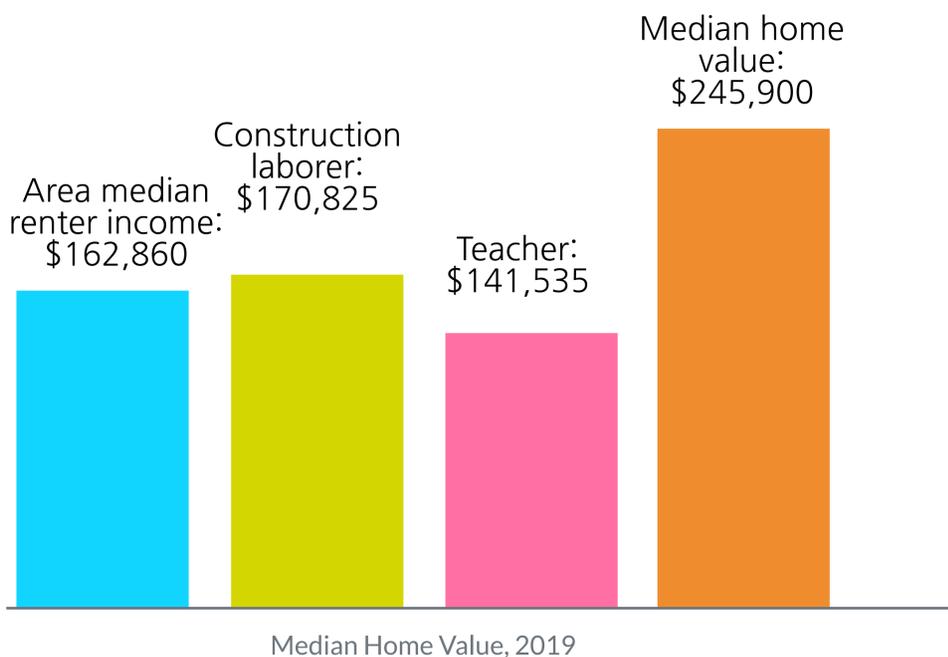
Number of hours per week at minimum wage needed to afford a 2 bedroom apartment

A household must earn at least \$43,080 to afford a 2 bedroom apartment at fair market rent.



Homeownership is out of reach for many

Average home price someone can afford



\$245,900

median home value in 2019



...a 5.1% increase since 2018

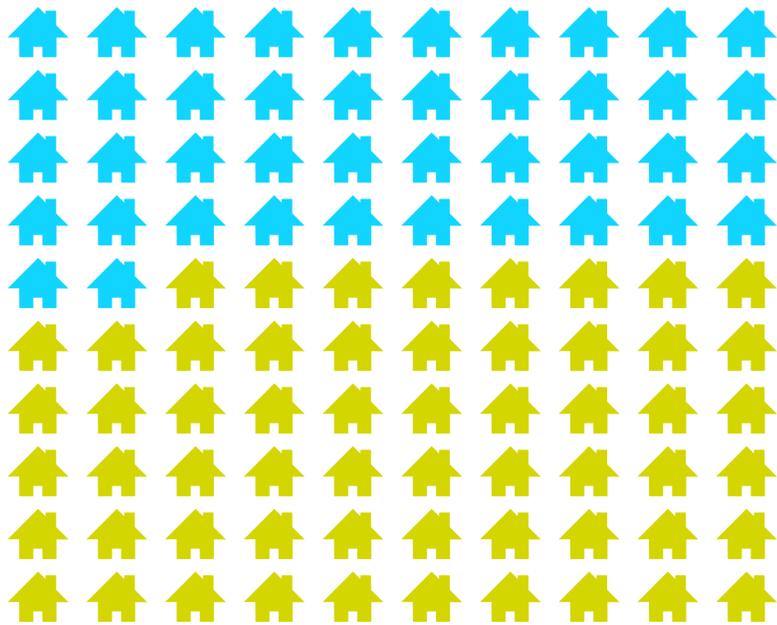


A Place to Call Home: Hood River County

Homes give people an opportunity to build better lives and communities. But how do Hood River County residents fare?

We have a serious shortage of affordable housing

For every 100 families with extremely low incomes, there are only 42 affordable units available.



240

units are needed to meet the need

1 in 5



renters are paying more than 50% of their income in rent

Half

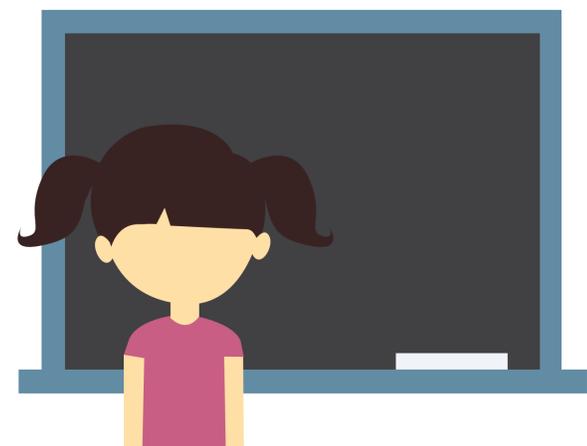


of renters with extremely low incomes are paying more than 50% of their income in rent

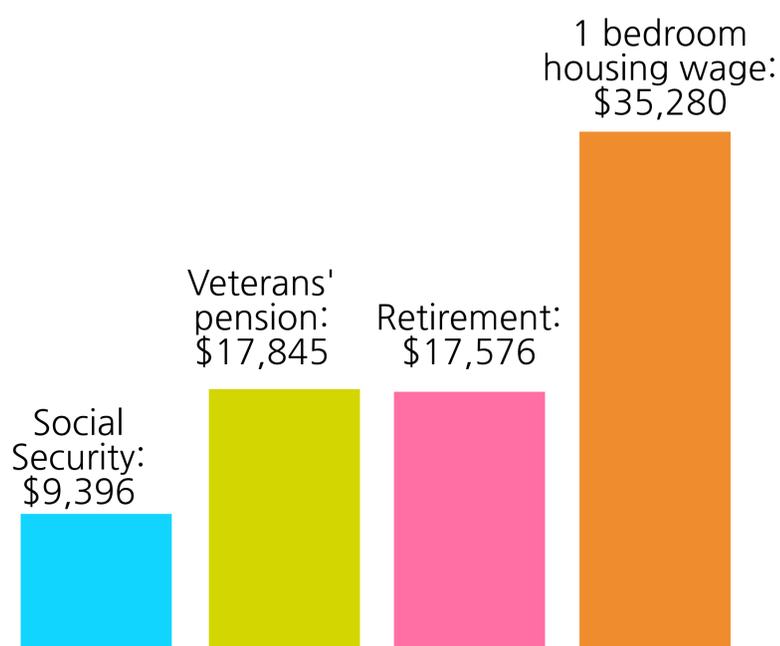
Our neighbors are facing homelessness

1 in 100 students

were homeless in 2018-2019



That's 45 children during the 2018-19 school year in Hood River County.



Oregonians on fixed incomes struggle to pay rent even for a one bedroom apartment.

Workers can't afford rent

\$12.84

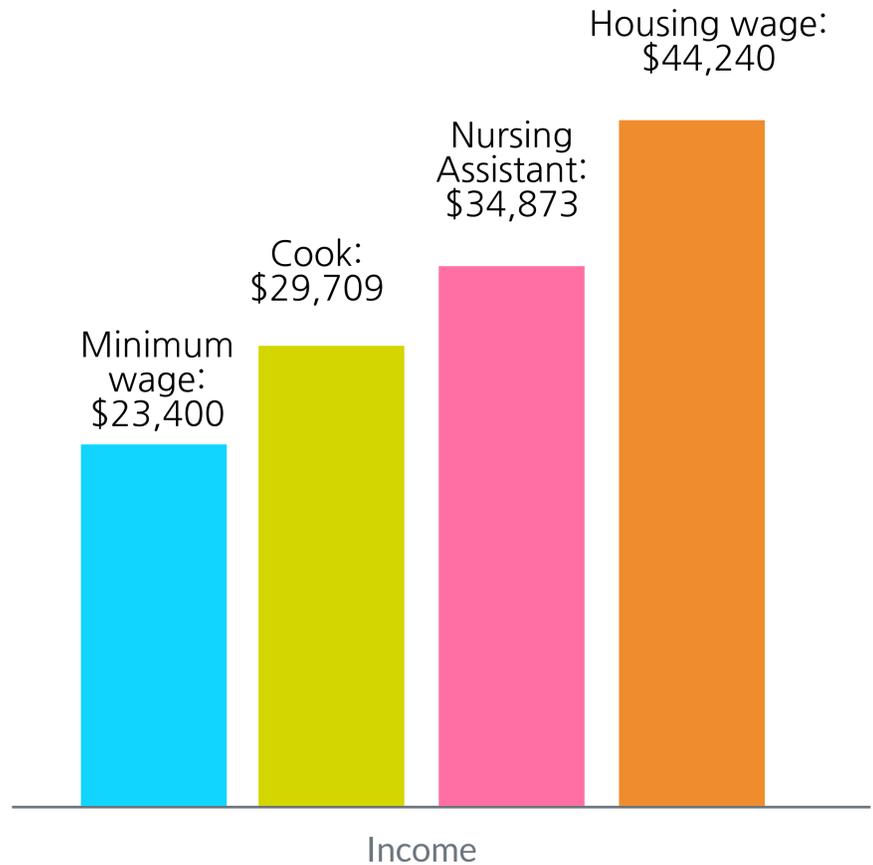


Mean renter wage



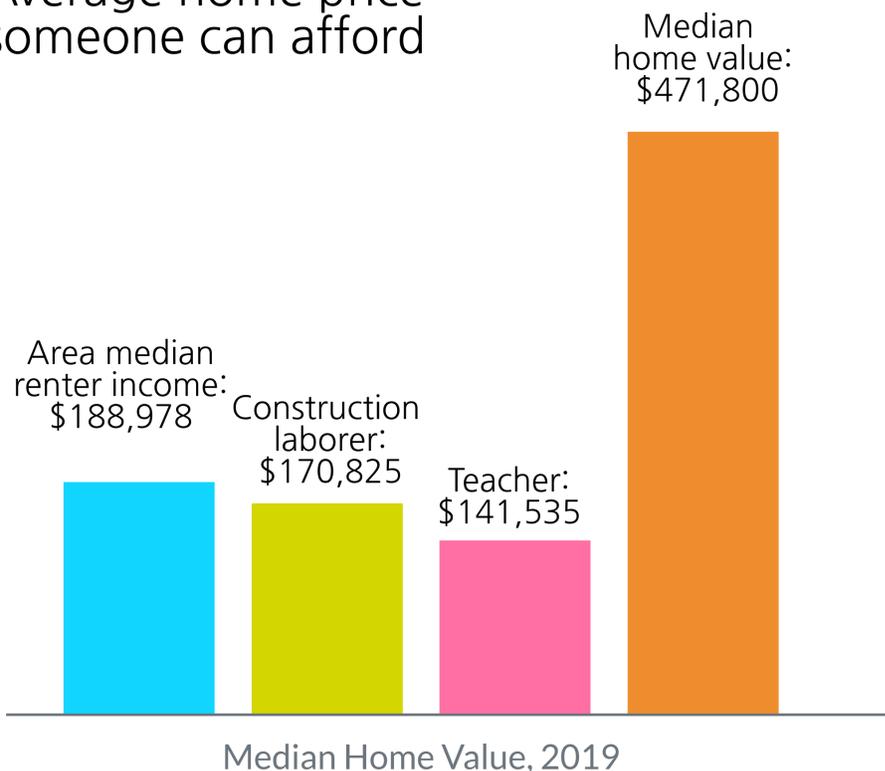
Number of hours per week at minimum wage needed to afford a 2 bedroom apartment

A household must earn at least \$44,240 to afford a 2 bedroom apartment at fair market rent.



Homeownership is out of reach for many

Average home price someone can afford



\$471,800

median home value in 2019



...a 5.2% increase since 2018





MEMORANDUM

To: City of Mosier Mayor and City Councilors
From: Laura Westmeyer, City Attorney
Date: October 15, 2018
Re: Legal Overview of Short-Term Rental Regulations

I. INTRODUCTION

The City Council requested that I provide an overview of the various ways that cities have developed short-term rental (STR) regulations for their communities, and to discuss some of the legal considerations that accompany the different regulatory programs. This memorandum does not attempt to examine the full compendium of options available to a city in addressing STR operations, but rather, provides a legal framework and recommended process for the City Council's consideration of whether and how to address STR operations within the City of Mosier.

II. BACKGROUND

Due to a variety of factors, many areas around the world have been experiencing an increase in the use of residential dwellings for short-term rentals. In response to the effects that new and increased use of dwelling units for STRs have on the communities they operate within, some jurisdictions have chosen to adopt strategies to manage the effects by regulating the activity, generally for the purpose of mitigating the negative impacts and encouraging the positive impacts of increased STR operations in accordance with the priorities for their particular community.

It may be helpful to begin with an explanation of terms used when discussing short-term rental operations. Broadly defined, a “**short-term rental**” (or “STR”) is any dwelling that is rented out, in whole or in part, to a guest for a stay of 30 days or less. Under this umbrella definition, an entire house or detached accessory dwelling unit that is rented out for temporary stays would be considered an STR, as would a house where only one room is rented out for temporary stays. The “**host**” of the short-term rental is typically the owner of the property; however, the host may instead be a party that is designated by the owner to rent the dwelling (e.g. a property management company), or a party that is permitted by the owner to rent the dwelling (e.g. a long-term renter whose lease permits the activity). The person who rents an STR for a short-term stay of 30 days or less is considered the “**guest**” or the “**occupant**.” There may be a “**hosting platform**” that facilitates the short-term rental transaction, such as providing the host with the means to advertise the rental unit, or providing booking services. VRBO, HomeAway, Airbnb, and vacationhomerentals.com would all be considered hosting platforms.

A broad definition of “short-term rental” is sufficient for discussing STRs colloquially and in other regulatory contexts, but when considering the effects that short-term rentals have on a community, narrower categorizations are also important to recognize. While there are countless permutations for how to structure a short-term rental on a given property, for purposes of this overview I will describe three basic models (noting that the terms used below are for purposes of this discussion and not necessarily official descriptions):

1. **Home Share.** A home share is a host-occupied dwelling that is partially rented out as an STR. One example would be if property owners live at their home and rent out one room of their house, to be occupied by a guest while they are still living in the home and sharing the common spaces. In this model the host resides in the dwelling and is on-site during the guest’s stay.
2. **Seasonal Rental.** A seasonal rental is when the dwelling is the primary residence of a host, who rents it out when temporarily away from home. For example, a home that the property owners live in for most of the year but rent out when they are away for the weekend, for one month, or for the full winter. In this model the host is not on-site during the guest’s stay but does intend to return to their residence.
3. **Income Property.** An income property would be when a property owner has a separate primary residence and uses the STR as a secondary dwelling primarily for generating revenue via short- or long-term rentals. In this model the host is not typically on-site during the guest’s stay and may never intend to live at the dwelling themselves.

In reality, a short-term rental may take the form of any of these models, or a combination of them. The importance of describing the differences between these models is in understanding that the impacts and manner of addressing the impacts of STR operations in a community may be different depending on which model is used. For example, a home share where a community member is living in the home during the guest’s stay may be considered to be more accountable to their neighbors and community and able to address concerns better than in an income property situation where the owner may have never even visited the property. But an income property operated by a professional management company may be just as responsive and able to address concerns, perhaps moreso than a seasonal renter who is not in the business of renting properties.

III. LEGAL CONSIDERATIONS

a. Authority to regulate short-term rental operations

Cities in Oregon have legal authority to regulate short-term rental operations under their existing home rule authority, zoning authority, taxing authority, and general police power to preserve and promote the health, safety, and general welfare of the public. Local laws relative to short-term rentals may affect land use, building structures, business operations, and personal conduct. The authority of a city to regulate these areas are subject to constitutional limitations and applicable legal doctrines. The most commonly implicated legal considerations concerning restrictions on short-term rental operations are addressed in this section.

a. Due Process

The government may not deprive any person of life, liberty, or property without due process of law. Due process has both procedural and substantive implications. The procedural

requirements include the obligation of the government to provide fair notice and an opportunity to be heard. In general, Oregon laws applicable to municipal governments, particularly in the land use realm, are sufficiently prescriptive to meet procedural due process requirements. To satisfy the substantive aspect, the government must show that a compelling reason exists to justify the deprivation. Stated differently, the regulation must advance a substantial government interest. To pass due process muster, any regulation of short-term rental operations should be developed for the purpose of advancing clear and legitimate government objectives. The procedural requirements will be met so long as the regulations are developed and implemented in accordance with Oregon laws.

b. Equal Protection

Under Equal Protection guarantees, the government may not deny to any person within its jurisdiction equal protection of the laws. Practically speaking, this means that the government should be treating similarly situated persons similarly, unless there is a legitimate reason to treat them differently. In the short-term rental context, when properties are similarly situated, yet treated differently due to the use of the property as a short-term rental (as opposed to another use, such as for a long-term rental) a rational basis must exist for the disparate treatment. One possible difference might be if the effects of a regularly rotating tenancy are distinct from the effects of a long-term tenancy, and those effects are significant to the community.

c. Takings

The government may not take private property for public use without just compensation. A taking may be a physical taking of property or a regulatory taking of property, and a land use regulation that heavily burdens property rights may constitute an unconstitutional regulatory taking for which compensation must be paid. The basic analysis for whether a local government regulation is a taking is a balancing test weighing the following three factors: (1) the economic impact of the regulation on the property owner; (2) the extent to which the regulation interferes with the property owner's distinct, investment-backed expectations; and (3) the character of the governmental action. Any regulation that would restrict a property owner's ability to conduct short-term rental operations should be narrowly tailored to meet a specific, legitimate government objective, and should provide for an amortization period sufficient to recognize any investment-backed expectations of property owners, generally and individually, who have relied on their ability to conduct STR operations on their property to the extent that they could have done so prior to any regulations restricting their future ability to do so. This "phasing out" period is further addressed below as a nonconforming use.

d. Nonconforming Use

A nonconforming use is a land use that was lawfully established when it came into existence but would no longer be permitted under current law because the applicable zoning regulations have since changed. Mosier's Zoning Ordinance allows for a continuation of nonconforming uses with the expectation that the use will eventually end and will thereafter conform to current law. The person claiming to have a nonconforming use has the burden of establishing its existence. In the short-term rental context, nonconforming uses would need to be addressed if property owners use their properties for short-term rental operations and the City later adopts regulations restricting the use of those properties for short-term rental operations. In that situation, an amortization period to "phase out" the nonconforming uses within a definite time frame should be provided. This period of allowance would provide for a certain number of

years for the nonconforming uses to continue until the amortization period ends and the properties would thereafter operate short-term rentals only to the extent that current law would allow. Oregon courts have upheld a five-year amortization period and rejected any takings claim in a challenge to the city's short-term rental ordinance in *Cope v. City of Cannon Beach*, 115 Or.App. 11, 836 P2d 775 (1992), aff'd 317 Or 339, 855 P2d 1083 (1993). Under this court precedent, five years would generally be a sufficient amortization period to allow for nonconforming uses to come into compliance.

IV. REGULATORY OPTIONS

There is a wide range of strategies for addressing short-term rental operations. At the opposite ends of the spectrum are communities that allow unfettered STR operations throughout their jurisdiction, and those that prohibit or heavily restrict STR operations, such as entirely banning them in certain zones, or only allowing for the home share model where the host must live on-site.

Other strategies attempt to balance priorities by setting moderate restrictions on STR operations. Some of these restrictions are quantitative in nature, such as establishing a fixed cap number of STR units that may operate in each neighborhood, a maximum percentage of STRs units that may operate citywide, a minimum distance between STRs, or a maximum number of days that the dwelling may be rented each year. Other restrictions are operational in nature, such as requiring a local point of contact to be made available at all times, renters to agree to abide by a "good neighbor" policy, safety inspections of the units, or particular parking requirements for cars that are associated with the STR. How a city regulates short-term rentals necessarily depends on the priorities of the community and the reasons for developing the regulations. The next section discusses some of the reasons communities have decided to regulate short-term rentals.

V. REASONS TO REGULATE

As explained in the above "Legal Considerations" section, a city's regulations should be tied to identified and specific policy objectives. In this sense, *reasons* to regulate may be thought of as *justifications* for adopting the particular regulations that are chosen. Ideally, the justifications should be based on documented evidence of a city interest that needs to be addressed.

Common justifications that cities have made for adopting restrictive STR regulations include: preservation of quality of life and neighborhood character, decrease in nuisance complaints, reduction in parking congestion, and an interest in maintaining availability of rental units for long-term tenancies. Common justifications that cities have made for not regulating STRs, or for adopting more lenient STR regulations, include: allowing for revenue generation for the city and for property owners, lack of desire to interfere with market forces or negatively affect local tourism, and avoiding the addition of further administrative burdens on city staff that would necessarily occur in the processing of applications for permits or licenses, renewals, enforcement, and dealing with appeals.

In sum, the justifications for whether to regulate and how to regulate will be distinct to each community and the effects that the community is experiencing from the activity to be regulated.

VI. GUIDING PRINCIPLES AND RECOMMENDED PROCESS

Goal 4 of the Mosier City Council's 2018 Strategic Plan is to *Ensure Housing Security for Mosier Residents*, and one of the projects of that goal is to explore short-term housing policies. The City is currently in the exploration stage of this project. The foundational questions that should be explored are (1) whether there is a need to address short-term rental operations within the City, and (2) if the need exists, what regulatory approach and specific implementation measures would address those specific needs, and (3) how to effectively develop, implement, and enforce the strategies proposed.

1. Identify reasons for whether to regulate short-term rentals.

Research may be through public meetings, surveys, data gathering, and other means. Information that may be helpful might be the number of short-term rentals operating within the City of Mosier, the frequency at which the dwellings are rented, the number of long-term rentals compared to the number of short-term rentals, the quality and nature of any complaints related to the use of properties for short-term rentals, the effect on property values, if any, and an inventory of housing stock within the City that have the likelihood or possibility of being used as short-term rentals in the future. If the City adopts a transient lodging tax, the registration of transient lodging operators will provide additional information on short-term rental operations. This type of data will help to inform the City Council in its decision for whether to regulate this area.

2. Come up with clear policy objectives that are tied to the identified reasons to regulate.

The City has already made the exploration of short-term housing policies a goal to undergo within the next five years. If reasons are identified to regulate short-term rental operations, policy objectives should be identified or developed that correspond to the identified needs, such as through the City's Comprehensive Plan and zoning regulations.

3. Develop a regulatory framework and practical implementation measures.

The framework should take into account the legal considerations addressed in this memo, along with the administration and enforcement requirements of any adopted regulations. Regulations should be narrowly tailored to align with the City's policy objectives and to meet the specific needs that the Council has identified through this process.

VII. CONCLUSION

The best practices of a city in developing strategies for addressing STR operations begin with identifying specific impacts of the activity that it intends to regulate, aligning those impacts with clear policy objectives, and developing strategies to best address those needs.

Staff Report

Meeting Date: 11/13/20

Staff: John Grim, City Engineer, Katie Skakel, City Planner, Colleen Coleman, City Manager

Agenda Title: Rock Ck Park Gate Closure for Winter Months

Agenda Action: Council Discussion and Decision

Fiscal Impact: None

The access road into Rock Ck. Park collects a large puddle of water under the railroad bridge during winter months. In past years, the City closed the gate to motor vehicles due to the road's proximity to the adjacent streambed as citizens had concerns for vehicle passage affecting water quality and fish habitat. Last year Rod French, District Biologist with ODFW said that fish would not be adversely affected by vehicle passage through the roadway.

Staff Recommendation:

While ODFW did not have a concern, given the turbidity of the puddle from movement in and out of the park, City of Mosier Zoning code for a 75-ft. stream offset from ordinary high water and wear and tear on the roadway, staff city planner, city engineer and city manager recommend closure during high flows in winter months. We've listed two ordinances that have to do with stream buffer and stormwater provisions, as well as a low risk of occurrence, but impactful reason to close. Also included is the 2015-2020 Watershed Action Plan with a chart of ESA listed species in the Rock Ck basin for your reference.

- 1. Riparian Management Areas are defined by City Code (Mosier Zoning Ordinance (MZO) Section 15.03.200 - Bluff Impact and Riparian Protection Areas) as a 75-foot offset from the ordinary high-water mark of each side of the creek. Currently the access road is not 75 ft. from ordinary high water.**
- 2. Preventing the transport or flow of sediment into water courses, wetlands, riparian areas MZO Section 13.01- Grading, Excavation and Fill Regulations.** While the gabions on the west side of the access road were placed to prevent erosion and stream impacts to the road, they do not prevent runoff from the road to the stream. If this road were built today, it wouldn't meet City code.
- 3. Low risk of occurrence, but high risk of damage -- oil leaks or heavier diesel emissions may leave hydrocarbons in the water table. If stream is impacted by oil spill, DEQ would impose fines.**

Fish Populations and Key Factors and Threats Limiting Watershed Health

Mosier Watershed

ESA-Listed, Sensitive, and other Key Fish Populations

Mid-Columbia River Steelhead – ESA listed	● Lower portions Rock Creek
Pacific Lamprey – OR State Sensitive species	● Lower portions Rock Creek
Coastal Cutthroat Trout – OR and Federal Sensitive species	● Resident population above Mosier falls and Rock Creek
Redband Trout – noted declines	● Lower portions Rock Creek
Coho Salmon	● Lower portions Rock Creek

Water Quality Concerns

Habitat Modification	●
Flow Modification	●
Temperature (temperature TMDL* for “Miles” watershed)	●
E. coli bacteria	● Data collection

Ground Water Concerns

Declining groundwater levels	● HIGH PRIORITY
Aquifer commingling	● HIGH PRIORITY
Drinking water – High nitrates	●
Community sustainability related to groundwater levels	● HIGH PRIORITY

General Habitat Factors that Limit the Viability of Steelhead and Other Fish Populations

Degraded floodplain connectivity	●
Degraded channel structure and complexity	●
Degraded riparian areas and large wood recruitment	●
Altered stream low and high flows, including ground water levels	●
Degraded water quality, particularly temperature	●
Altered sediment routing	●
Impaired fish passage	●

Other Issues and Emerging Threats

Forest health that includes past fire management regimes	●
Land use conversion from resource uses to developed land	●
Forest health, including wildfire threat	●
Invasive weeds	●
Rangeland health, including wildfire threat	●
Economic sustainability	●
Rare habitats – East Cascades Oak Woodlands	●
Soil quality and quantity	●
Landowner education and outreach	●
Climate change impacts on water supply, quality, and fish	●

*TMDL = Total Maximum Daily Load

Governor Kate Brown's Press Office



STATE OF OREGON
Office of the Governor
KATE BROWN

NEWS RELEASE**November 13, 2020****Media Contact:**[Charles Boyle](#), 503-931-7773[Liz Merah](#), 503-877-8287

Governor Kate Brown Announces Statewide Two-Week Freeze to Stop Rapid Spread of COVID-19

New measures take effect Wednesday, Nov. 18, in all Oregon counties

(Portland, OR) — Governor Kate Brown today announced a statewide Two-Week Freeze, implementing new measures to limit gatherings and stop the rapid spread of COVID-19 across Oregon. The Two-Week Freeze measures will be in effect from Nov. 18 through Dec. 2, statewide. These risk reduction measures are critical in limiting the spread of COVID-19, reducing risk in communities more vulnerable to serious illness and death, and helping conserve hospital capacity so that all Oregonians can continue to have access to quality care.

“Since I announced a Two-Week Pause one week ago, we are seeing an alarming spike in both cases and hospitalizations,” said Governor Brown. “The virus is spreading in the community and, every day, it is infecting more and more Oregonians. This situation is dangerous and our hospitals have been sounding the alarms. If we want to give Oregon a fighting chance, we must take further measures to flatten the curve and save lives. I know this is hard, and we are weary. But, we are trying to stop this ferocious virus from quickly spreading far and wide. And in Oregon, we actually can do this.

“Given the data and modeling we are seeing, my public health experts tell me that some counties will need longer to flatten the curve. So I want to be very clear that there are some COVID-19 hotspot counties that will likely need to stay in the Freeze for much longer than two weeks. Multnomah County, for example, will be in this Freeze for at least four weeks. Our actions right now, no matter where in the state you live, are critical.”

The Two-Week Freeze measures include:

- Limiting social get-togethers (indoors and outdoors) to no more than six people, total, from no more than two households.
- Limiting faith-based organizations to a maximum of 25 people indoors or 50 people outdoors.
- Limiting eating and drinking establishments to take-out and delivery only.
- Closing gyms and fitness organizations.

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pools.

- Limiting grocery stores and pharmacies to a maximum of 75% capacity and encouraging curbside pickup.
- Limiting retail stores and retail malls (indoor and outdoor) to a maximum of 75% capacity and encouraging curbside pickup.
- Closing venues (that host or facilitate indoor or outdoor events).
- Requiring all businesses to mandate work-from-home to the greatest extent possible and closing offices to the public.
- Prohibiting indoor visiting in long-term care facilities (outdoor visitation permitted for supporting quality of life).

The Two-Week Freeze does not apply to or change current health and safety protocols for personal services (such as barber shops, hair salons, and non-medical massage therapy), congregate homeless sheltering, outdoor recreation and sports, youth programs, childcare, K-12 schools, K-12 sports currently allowed, current Division 1 and professional athletics exemptions, and higher education — all of which can continue operating under previous guidance issued by the Oregon Health Authority.

For all other permitted activities listed above, the Oregon Health Authority will be issuing sector-specific guidance within the next week. Sectors without specific prohibitions or guidance must operate under this general employer guidance.

Governor Brown's full remarks are available [here](#).

A link to Governor Brown's press conference is available [here](#).

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