

September 12, 2017

To: Yachats Planning Commission

From: Larry Lewis, City Planner

**Re: Yachats Comprehensive Plan
Planning Commission Review of Goals A-D**

The Planning Commission is currently reviewing and updating the Yachats Comprehensive Plan Goals and Policies. This memorandum provides a summary of the Planning Commission's review and recommendations for Goals A-D.

GOAL A. PROTECTION OF NATURAL RESOURCES

The Planning Commission reviewed Comprehensive Plan Goal A. Protection of Natural Resources at the May work session.

Stream Protection. The Commission discussed the purpose and intent of the Comprehensive Plan versus the Zoning & Land Use Code. It was noted that the Comprehensive Plan Goals and Policies are overriding policies and the Zoning & Land Use Code is the appropriate document to implement the policies and to provide specificity. The Commission agreed that Policy 13 should be changed to provide an overriding statement about stream and creek protection. Existing Policy 13 is stated below in ~~striketrough italics~~ and followed by the recommended revision.

[Existing] Policy 13.

~~Where streams and creeks intersect the Shoreland, a 25 ft. buffer shall be maintained; and where a stream and creek intersect the river edge, a 50 ft. buffer shall be maintained. The buffer is to be measured from the top of the bank; within this buffer zone, existing vegetation shall not be removed. Noxious weeds and invasive plants shall be exempt from this restriction.~~

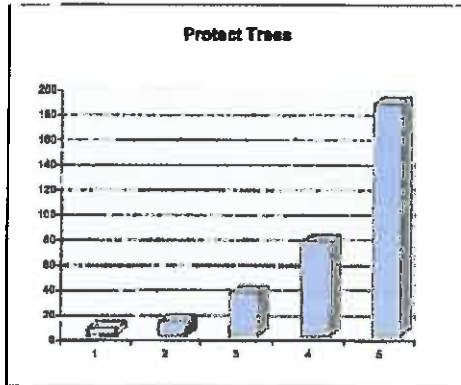
[Recommended] Policy 3.

The City shall protect streams and creeks.

Tree protection and view protection was discussed at the work session. The Commission determined that policies related to tree and view protection should be addressed separately once the current ongoing Comprehensive Plan review and update is completed. The Commission asked about the tree protection and view protection results of the survey conducted in 2008 when the Comprehensive Plan was last updated. The exhibit below shows the community expressed strong desires to protect both trees and views.

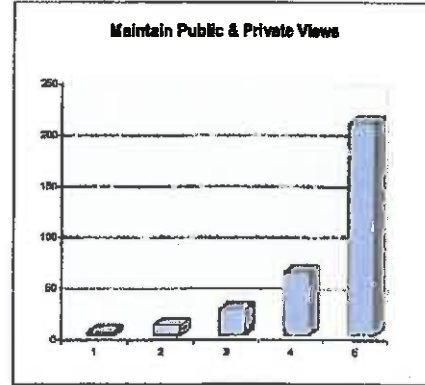
Summary from All Surveys

Q19. - trees	Median	Mean	Freq:	1	2	3	4	5	Total
	5	4.4		5	10	33	74	184	308



Summary from All Surveys

Q19. - views	Median	Mean	Freq:	1	2	3	4	5	Total
	5	4.5		2	9	25	61	207	304



Natural Resources Map. The Commission discussed the need to update the Natural Resources Map. A draft updated Natural Resources map is attached. There are a couple discussion items for the Commission to address:

- The draft map is a “Natural Resources Map” whereas the current map is a “Recreation & Natural Resources Map”. If the Commission determines the ‘recreation’ needs to be maintained, parks, trails and possibly other open spaces need to be added.
- The draft “Natural Resources Map” includes the special flood hazard zones, the distant tsunami boundary, and the local tsunami boundary. These really are not considered ‘natural resources’ so the Commission may either want to delete these items or possibly rename the map.
- The existing Comprehensive Plan Inventory identifies and describes the following Natural Resources: Fish & Wildlife; Water Areas; Historical and Archaeological; Mineral Resources; Scenic Views and Sites; Oregon Coast Trail; Oregon Coast Bicycle Route; Yachats Village Circulation Plan (North/South Trail Connection, Integrated Loop System, Yachats Community Park Trail System, and Highway 101 Sidewalks); Open Space.

GOAL B. PROTECTION OF ESTUARINE RESOURCES

At the May work session, the Commission asked for a clarification of the Estuary – Natural Management Unit. The description of the Natural Management Unit is provided below. This is the description of the Alsea Bay Natural Management Unit which is the same as described in the Lincoln County Estuary Plan.

(1) Natural

Natural units are designated to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Such areas shall include, at a minimum, all major tracts of salt marsh, tideflats, and seagrass and algae beds.

Permissible uses in natural management units shall include the following:

- (a) undeveloped low-intensity, water-dependent recreation;
- (b) research and educational observation;
- (c) navigation aides, such as beacons and buoys;
- (d) protection of habitat, nutrient, fish, wildlife and aesthetic resources;
- (e) passive restoration measures;
- (f) dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures;
- (g) rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities; and
- (h) bridge crossings.

Where consistent with the resource capabilities of the area and the purposes of this type of management unit, the following conditional uses may be allowed:

- (a) aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging or harvest of benthic species or removable in-water structures such as stakes or racks;
- (b) communication facilities;
- (c) active restoration of fish and wildlife habitat or water quality and estuarine enhancement;
- (d) boat ramps for public use where no dredging or fill for navigational access is needed;
- (e) pipelines, cables and utility crossings, including incidental dredging necessary for their installation;
- (f) installation of tidegates in existing functional dikes;
- (g) temporary alterations;
- (h) bridge crossing support structures and dredging necessary for their installation.

A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

GOAL C. PROTECTION OF SHORELAND RESOURCES

The Planning Commission reviewed Comprehensive Plan Goal C. Protection of Shoreland Resources at the June and July 2017 work sessions. The Commission discussed the purpose and intent of the Comprehensive Plan versus the Zoning & Land Use Code. It was noted that the Comprehensive Plan Goals and Policies are overriding policies and the Zoning & Land Use Code is the appropriate document to implement the policies and to provide specificity.

Currently, Goal C includes some policy language that is very specific and more appropriate for the Zoning & Land Use Code versus the Comprehensive Plan. The Commission agreed that Policies 3, 4, and 5 should be changed to provide overriding statements about protection of shoreland resources. The existing policies are stated below in ~~strikethrough italics~~ and followed by recommended policy statements.

[Existing] Policy 3.

~~In the Shorelands along the river, a 50-foot buffer strip, measured horizontally from the edge of the bank shall be maintained. In the first 30 feet, the existing riparian vegetation shall not be removed. In the latter 20 feet, slight vegetative alteration will be allowed as long as the overstory is retained. Minor access paths leading to (but not parallel to) the river shall be allowed as long as the overstory is not disturbed. Noxious weeds and invasive plants shall be exempt from this restriction.~~

[Recommended] Policy 3.

In order to recognize, protect, and maintain the value of the Yachats River, a buffer shall be provided from the edge of the bank. The buffer will contribute to maintenance and enhancement of water quality, fish and wildlife habitat, recreation and aesthetics, and provide open space. The buffer will also help protect property from flooding and help manage stormwater drainage.

[Existing] Policy 4.

~~On shorelands along the ocean, a 25-foot buffer strip from the top of the bank shall exist wherein existing stabilizing vegetation shall not be removed.~~

[Recommended] Policy 4.

In order to recognize, protect, and maintain the value of the ocean, a buffer shall be provided from the top of the bank. Existing stabilizing native vegetation shall not be removed within the buffer in order to help stabilize the bluff and mitigate erosion. The buffer will also help protect adjacent property from flooding and erosion.

The Planning Commission discussed Policy 5 regarding structural stabilization methods along shorelines. The existing policy state priorities for shoreline stabilization for erosion control. There was discussion whether the policy is too specific. It was noted that Policy 5 is

the same as the Zoning & Land Use Code Section 9.52.090. Existing Policy 5 is stated below.

[Existing] Policy 5.

~~Land use management practices (such as setbacks and maintenance of riparian vegetation) and non-structural alternatives shall be preferred methods of shoreline stabilization. Structural stabilization methods (such as riprap and bulkheads) shall be allowed when necessary for the protection of existing land uses and resources, and when designed to minimize adverse water quality, habitat and environmental impacts. Where riprap, bulkheads or seawalls are proposed as shoreline protective measures, evidence shall be provided that higher priority methods of erosion control will not work. The priorities for shoreline stabilization for erosion control are (from highest to lowest):~~

- ~~a. Proper maintenance of existing riparian vegetation~~
- ~~b. Planting of riparian vegetation~~
- ~~c. Vegetated riprap~~
- ~~d. Non-vegetated riprap~~
- ~~e. Bulkhead or seawall~~

[Recommended] Policy 5.

The City shall provide implementing ordinances in the Zoning & Land Use Code to protect, maintain, and stabilize the shoreline. Stabilization and erosion control methods shall be included in the Zoning & Land Use Code.

GOAL D. CONSERVATION OF ENERGY

At the August 15, 2017 work session, the Planning Commission recommended the following Goal D updates:

The City supports the energy conservation efforts of its residents and business owners and encourages the use of energy-efficient procedures and the use of alternative, renewable energy sources.

Policies

1. The City shall encourage future developments to use energy efficient design, siting and construction, e.g., “green” building practices.
2. The City shall encourage non-polluting alternative energy sources such as solar, wind and wave power.
- ~~3. The City shall make available educational materials regarding energy conservation, e.g., tools and techniques Yachats area residents and business owners could use to promote energy conservation.~~
43. The City shall seek and support programs that provide or subsidize alternate energy or energy efficient technology. These technologies may include insulation and weatherization of habitable building, installation or energy efficient water heating systems, or energy efficient heating systems.

54. The City shall encourage the use of modes of travel that contribute to clean air and energy efficiency.

Proposed Actions

- a) The City shall develop and/or ~~provide~~ **make available** educational materials about ~~green~~ **using alternative/renewable energy sources and following environmentally sustainable and energy efficient** building practices for the public.
 - b) The City shall demonstrate and use energy conservation principles and practices.
 - c) The City shall investigate opportunities and assist development of alternate energy sources, such as wind and water, subject to reasonable safety, noise, and visual controls.
 - d) The City shall develop guidelines and/or ordinances for ~~'green'~~ **using alternative/renewable energy sources and following environmentally sustainable and energy efficient** remodeling and initial construction for both residences and business owners.
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Goal E. *Protection from Natural Hazards and Disasters*

Through regulation of the location and type of development, the City shall work to protect life and property from natural disasters and hazards, such as landslides, fires, tsunamis and flooding. The City recognizes that with the reduction of wildland fuels, we move closer to achieving the goal of all structures surviving an on-coming fire. The City regulates activities in known areas of natural hazards and limits development that may affect the integrity of steep slopes or impact fire hazards.

Policies

1. Information and recommendations contained in current Environmental Hazard Inventory Coastal Lincoln County, Oregon by RNKR Associates shall serve as the basis for future land use determinations in hazard areas. The RNKR Associates Study is incorporated into the Yachats Comprehensive Plan.
2. Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural hazards without appropriate effective mitigation strategies. Such strategies shall be attested to by a State of Oregon certified engineering geologist.
3. New construction or substantial improvements in identified flood hazard areas shall have the lowest floor level elevated to or above the 100-year flood level.
4. Low density and open space uses that are least subject to loss of life or property damage shall be preferred uses in flood-prone and steep-sloped areas.
5. The density of development shall be no greater than the slope can safely accommodate.
6. Developers of property where a geotechnical report is required shall be required to post a 100% performance bond guaranteeing that specified conditions will be met and appropriate safeguards provided.
7. Developments adjacent to the Yachats River shall be planned to minimize any aggravation of the turbidity and seasonal low-flow situation.
8. The City shall address concerns regarding forest activities that might adversely affect the City to the Oregon Department of Forestry.
9. The City shall participate in Community Emergency Response Team (CERT) Programs and will help or take the lead to inform its residents and business owners about preparedness measures.
10. The City shall develop a citywide storm water management infrastructure.
11. The City is committed to supporting the fire district in its fire protection efforts, both short and long-term.
12. The City shall support the Lincoln County Community Wildfire Protection Plan (CWPP) when it is completed and approved.
13. The City shall access and utilize federal and other grant dollars to implement measures to protect against natural hazards and disaster.

14. The City shall set realistic expectations to reduce wildland fire risk, prepare for, respond to, and suppress wildland and structural fires.

Proposed Actions

- a) The City shall amend the City codes as necessary to reflect best practices related to natural hazard and disaster prevention and mitigation.
- b) The City shall prepare and distribute tsunami preparedness information to all residents, property owners and business owners in the City. The City shall make the information available at tourist accommodations and points of interest.
- c) The City shall participate in emergency preparedness training drills on a regular basis with other agencies and jurisdictions.
- d) Applications for subdivisions and Planned Unit Developments shall include plans for storm water management and a performance agreement, bond, contract or other assurance for completion of the plan.
- e) Requests for building permits shall include plans for storm water management.
- f) The City shall, in conjunction with the County, develop a Yachats Community Wildfire Protection Plan (CWPP) in accordance with the Healthy Forests Restoration Act of 2003 and the FEMA Disaster Mitigation Act of 2000. The CWPP will be developed through community effort, based on the twin goals of reduction of wildland fire risk to residents and the environment within the Yachats Urban Growth Boundary (UGB) and a safe work environment for fire suppression forces.
- g) The City shall seek formal government approval of the Yachats CWPP.

City of Yachats

2017 LAND USE / BUILDING PERMIT ACTIVITY

For the Period August 9, 2017 through September 12, 2017

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
8/14/17	Building Permit	Timothy Tillman	14-12-27DA/800 335 King St	R-1	Add access stairway and deck to garage	Approved 8/15/17
8/14/17	Building Permit	Dollar General	14-12-27AD/3700 935 N Hwy 101	C-1	New free-standing sign	Pending revision to conform to total sign area requirement
8/15/17	Building Permit	Ellis Lampman	14-12-27AA/803 129 Springhill	R-3	Rebuild deck	Approved 8/15/17
8/15/17	Building Permit	Linda Hetzler	14-12-27DA/3600, 4000, 4100 124, 119, 130 N Hwy 101	C-1	Walkway/deck	Approved 8/22/17
8/28/17	Manufactured Home Placement Permit	Tom & Sheree Kennedy	14-12-27AA/6700 772 Aqua Vista Lp	R-2	New manufactured home	Approved 8/29/17