



Courtney Johnson
Staff Attorney
courtney@crag.org

March 13, 2015

Via Electronic Mail to larry@ci.yachats.or.us

917 SW Oak St.
Suite 417
Portland, OR
97205

Tel:
503.525.2724

Fax:
503 296.5454

Web:
www.crag.org

City of Yachats
Planning Commission
c/o Larry Lewis, City Planner
441 Hwy 101 N.
Yachats, OR 97498

**Re: Comments on Proposed Zoning and Land Use Amendment –
Chapter 9.52.070 Shoreland Setbacks.**

Dear Chair and Planning Commission Members,

This office represents Oregon Shores Conservation Coalition and its members in Lincoln County (collectively “Oregon Shores”). On behalf of Oregon Shores, I submit this testimony in response to the draft amendments to shoreland setbacks contained in Chapter 9.52.070 of the Yachats Zoning and Land Use Code.

The City Should Not Reduce the Size of Shoreline Setbacks.

The purpose of the shoreland setbacks ordinance is to recognize “the value of the ocean, river, streams, wetlands, and riparian vegetation for fish and wildlife habitat, maintenance of water quality and quantity, alleviation of flooding hazards, storm water control, recreation and aesthetics, and to provide for open space.” YZLUO Section 9.52.070 A. The ordinance recognizes that protection of natural drainage ways is “important in order to manage stormwater drainage, minimize maintenance costs, and protect properties adjacent to drainage ways.” *Id.* In other words, protecting waterways by limiting development in the riparian area serves to both protect the waterways and the ecological services they provide and to protect the private property and people situated along those waterways.

The proposed amendments would overall reduce setbacks and riparian protections along streams by altering the definition of the Riparian Corridor. Whereas the current ordinance defines the riparian corridor as extending 50 feet from the top of the bank of a stream or 50 feet upslope from the outer edge of non-aquatic vegetation, or 25 feet from the upland edge of a non-contiguous wetland. The proposed amendment would measure the riparian corridor from the top of the bank only for rivers and fish-bearing streams, and from the centerline of non-fish-bearing streams and significant wetlands.

This change results in a dramatic reduction of the riparian corridor for significant wetlands and non-fish-bearing streams. YZLUO Section 9.52.070 B. Not only does the definition reduce the effective area of the riparian corridor by measuring from the centerline of a stream or wetland, but the proposed amendments also reduce the protection standards from 50 feet to only 25 feet for significant wetlands and non-fish-bearing streams. YZLUO Section 9.52.070 D.2. These reductions are not supported by sound reasoning or science in light of coastal hazards and projected changes in coastal communities.

There is abundant evidence that Oregon is already experiencing the effects of climate change. The Oregon Climate Assessment Report documents these effects and describes the more pronounced changes that are expected to occur in the coming decades. Climate change will affect our community, our natural resources, and our businesses. The Oregon Climate Change Adaptation Framework identifies changes in hydrology and water supply and changes in water quality and timing of water availability as climate risks that are *very likely* to occur in Oregon. The Framework identifies loss of wetland ecosystems and services as a risk that is *likely* to occur.

The loss of wetland ecosystems and services will have direct and indirect consequences on economic activities in our community. Loss of coastal wetlands that provide habitats can reduce the value of commercial and recreation fishing industries. Loss of coastal wetlands, including seasonal wetlands, will impact waterfowl and shorebird populations and may reduce revenue generated from hunting, birding, and other recreational activities. Loss of wetlands that provide flood protection may result in higher damage costs to residences, businesses, roads and infrastructure. Loss of wetlands that purify water may result in the need for expanded or new drinking water treatment facilities. Loss of wetlands that provide water storage may result in the need for additional water storage facilities for flood control and to meet seasonal water demand. (From the Oregon Climate Change Adaptation Framework).

The Proposed Amendments are Inconsistent with the Comprehensive Plan.

The City of Yachats Comprehensive Plan establishes goals and policies for the protection of natural resources, noting that these resources “are Yachats’ main assets in that they make it a beautiful place for people to live in and visit.” Comp Plan p. 6 (Goal A: Protection of Natural Resources). The Comprehensive Plan establishes a policy regarding riparian corridor protection:

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.

Goal A, Policy 13 (Yachats Comprehensive Plan p.7). As explained in the Goal, buffers are to be measured from the top of the bank, not from the centerline of a stream. In any case, uses within the buffer must be strictly limited to retain riparian vegetation.

Oregon Shores Comments
Yachats Shoreland Setbacks Amendment
3/13/2015

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Courtney Johnson
On Behalf of Oregon Shores Conservation Coalition