

City Council Action Item Cover Sheet

DATE: February 6, 2019

Agenda Item:

Ordinance 358 - Yachats Comprehensive Land Use Plan

Question Before Council:

Requires a second vote from the Council

Person/Group Initiating Request:

Helen Anderson

Item Summary/Background:

Per the Charter, it requires a second vote of the Council

Date: December 18, 2018
To: Yachats City Council
From: Planning Commission
Re: Comprehensive Plan Update

The Planning Commission reviewed Councilor Berdie's October 16, 2018 list of questions and suggestions regarding the Commission's review of the Comprehensive Plan. The Commission very much appreciated the time Councilor Berdie invested in reading the document and detailing his suggestions and insights.

After closely examining the fourteen points, the Commission concluded that most concerned policy decisions. We understand our role to be that of implementing the policies while the Council establishes the policies. We also were not certain of when Councilor Berdie's suggestions were representing the direction of the entire Council.

As Councilor Berdie's suggestions are important and worth exploring, we decided the most effective way to move forward would be for the Council to approve or reject our original review of the Comprehensive Plan, then review the Plan and Berdie's document and direct the Planning Commission on what you want us to incorporate. We would welcome your direction. We thought it could be productive to use the goals you establish in 2019 to set priorities on what to revise or include in the Comprehensive Plan.

The Yachats Municipal Code requires that the Planning Commission review the Comprehensive Plan every two years [2.04.040(B)1]. We want to pursue Councilor Berdie's suggestion that we identify places in the Comprehensive Plan that do not have supporting Code when we do our next regular review, starting around January 2020.

We look forward to your input on priorities for us to focus on in the Comprehensive Plan and Yachats Municipal Code.

**CITY OF YACHATS
ORDINANCE NO. 358**

**AN ORDINANCE AMENDING ORDINANCE 279
THE YACHATS COMPREHENSIVE LAND USE PLAN**

WHEREAS, the Yachats Municipal Code Section 2.04.040(B)1 stipulates the Planning Commission shall review the comprehensive plan every two (2) years and make recommendations to the council concerning plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions.

WHEREAS, on August 21, 2018, the Planning Commission met, held a public hearing, and passed a motion to forward the following recommended amendments to the Comprehensive Plan.

WHEREAS, and in consideration of the conditions and issues above, the City updates the Comprehensive Plan.

NOW THEREFORE, the City of Yachats ordains as follows:

SECTION 1. Comprehensive Land Use Plan

**City Of Yachats
Comprehensive Land Use Plan**

Modified by Ordinance 354 – October 5, 2008

Adopted by City Council vote – May 8, 2008

And Memorialized by Ordinance 279 – June 12, 2018

~~Financial assistance for this updated Yachats Comprehensive Plan Inventory provided by:
Coastal Zone Management Act of 1972.
Administered by the Ocean and Coastal Management Program,
Oregon Department of Land Conservation and development.~~

I.	INTRODUCTION AND PURPOSE.....	4
II.	PLAN ORGANIZATION	6
III.	PLANNING GOALS AND POLICIES	7
GOAL A.	PROTECTION OF NATURAL RESOURCES	7
GOAL B.	PROTECTION OF ESTUARINE RESOURCES	9
GOAL C.	PROTECTION OF SHORELAND RESOURCES.....	119
GOAL D.	CONSERVATION OF ENERGY	1311
GOAL E.	PROTECTION FROM NATURAL HAZARDS AND DISASTERS.....	14
GOAL F.	PROVIDING RECREATION OPPORTUNITIES	1513
GOAL G.	CONTROL OF URBAN GROWTH AND FORM.....	1614
GOAL H.	PROVIDE FOR ECONOMIC GROWTH.....	1815
GOAL I.	PROVIDE ADEQUATE PUBLIC SERVICES.....	1816
GOAL J.	MEETING HOUSING NEEDS	2018
GOAL K.	PUBLIC INVOLVEMENT IN LAND USE PLANNING	2118
GOAL L.	BEACHES.....	2219
GOAL M.	TRANSPORTATION	2219
IV.	PLAN MAPS	2320
V.	DEFINITIONS	2320

Attached:

- * Plan Inventory
- * Existing Planned Unit Developments In Yachats Approved Exceptions To The Yachats Comprehensive Plan And Yachats Zoning & Land Use Ordinance
- * Summary from All Surveys – Graphs with Legend

I. Introduction and Purpose

In 1973, the State Legislature passed Senate Bill 100 (ORS 197) which established certain statewide requirements for land use planning. Each city and county in the state is required, under the statute, to prepare and adopt comprehensive plans consistent with the statewide planning goals approved by the Land Conservation and Development Commission. In response to this law, the City of Yachats has prepared this plan.

The Land Conservation and Development Commission initially acknowledged the Comprehensive Plan for compliance with the State Planning Goals in 1980. The Plan has been periodically reviewed by the City in coordination with the Department of Land Conservation and Development and updated to ensure that it continues to comply with these goals. The Comprehensive Plan has been drafted to reflect the needs of the residents of Yachats and has been reviewed to ensure consistency with other relevant plans from other jurisdictional agencies.

This 2008 update to the Comprehensive Plan has been developed by a public process that included staff, public, Planning Commission and City Council advisory committee reviews. A variety of public involvement opportunities were used, such as mail-back and a Web-based survey, open house and community discussions.

The City's comprehensive plan is intended to not only address statewide planning goals, but to take into account local land use planning needs and issues and responds to the desires, needs, and aspirations of the citizens of Yachats. The plan, once adopted, will serve as a guide to land use within and immediately adjacent to Yachats. It establishes policies and land use designations (maps) which will be implemented throughout the City's zoning and land use ordinance.

Land use policies procedures and applications shall complement the natural beauty of Yachats' location and its environment, which has led to Yachats' long-standing reputation as "The Gem of the Oregon Coast."

Land use policies, procedures and applications shall acknowledge certain economic characteristics of the City, namely, that retirement and tourism are major industries. Non-polluting commercial, professional and home businesses are also an important part of the economy.

The construction and maintenance of public, commercial, professional and residential buildings, their siting, design materials and landscaping, within reasonable variation,

shall enhance rather than detract from the quiet coastal ambiance of the City as noted above.

The Yachats Comprehensive Plan provides goals, guidelines and standards for decision makers, including City employees and officials, citizens, developers, community groups, and other local, state, regional, and federal agencies. The powers granted by the City through its charter shall be guided constructively by these principles. These principles shall guide the deliberations, interpretations, and judgments of the Council, the Commissions, City agents and employees.

Comprehensive city planning addresses a wide range of topics and issues related to the growth and development of a community. This plan includes background and analytic sections that support recommendations for the protection of natural resources, recreational opportunities, control of urban growth and form, and providing for economic growth, adequate public facilities, housing, transportation and other functions. The plan is comprehensive in scope and its goals and policies are intended to be supportive of one another.

The plan provides the basis for other plans, ordinances, and other implementing documents that set forth more detailed direction regarding specific activities and requirements. All City plans and implementing ordinances must be consistent with the Comprehensive Plan.

The Plan is organized around the Statewide Planning Goals and each chapter corresponds to a specific Statewide Goal. Some goals are not applicable to the City of Yachats and are not included in this plan. Specifically, the following goals are not included: Goal 3 (Agricultural Resources), since there are currently no commercial farming operations within City limits; Goal 4 (Forestry Resources), since there are currently no commercial forestry operations within City limits; and Goal 15 (Willamette Greenway).

II. Plan Organization

Adoption of the policy statements and plan maps included herein will help the City of Yachats to reach the above objectives. This will be possible by using the policies and maps to guide future decisions pertaining to land use in the City.

The Comprehensive Plan is organized around the Statewide Planning Goals and contains background information and findings that support City goals, policies, and recommended action measures.

The goals and policies contained within this plan have the force of law and the City is obligated to adhere to them in implementing the Plan. Additional background information about City goals, policies, and recommended action and implementation measures are articulated herein and within attached appendices.

Goal. A statement indicating a desired end or aspiration including the direction the City will follow to achieve that end. The City's goals must be consistent with the Statewide Planning Goals.

Policy. A statement indicating a definitive course of action to implement City goals. A policy may not be the only action the City can take to implement the goals. The City must follow relevant policies when developing other plans or ordinances that affect land use, such as transportation and public facility plans, zoning, and development standards.

Proposed Actions. A statement outlining a specific City activity, action, project or standard, which if executed, would implement goals and policies. Recommended action measures also refer to courses of action the City desires other jurisdictions to take regarding specific issues, and help define the relationship the City desires to have with other jurisdictions and agencies in implementing the Comprehensive Plan. These statements are guidelines and recommendations to City decision-makers as ways to implement the goals and policies. Completion of projects, adoption of standards, or the creation of certain relationships or agreements with other jurisdictions and agencies will depend on a number of factors such as City priorities, finances, and staff availability.

III. Planning Goals and Policies

In March and April of 2006, the Planning Commission and City Council advisory committee members conducted community discussions on the core values of City residents. In May, the City conducted a mail-back and web-based survey, open to all City and surrounding area residents. The results of that survey, a June open house, subsequent Planning Commission work session, community discussions and public hearings are reflected in this comprehensive plan update.

Goal A. Protection of Natural Resources

In conjunction with county, state and federal agencies as well as area residents and landowners, The City shall work to protect and enhance its rich natural, scenic and historic resources. Forests, beaches and water areas, wetlands, air quality, fish and wildlife habitats, historical and archaeological sites, and, in particular, open space and scenic views all contribute to the high quality of the City's environment. These resources are Yachats' main assets in that they make it a beautiful place for people to live in and visit.

Policies

1. The City shall ensure that the quality of air, water and land resources is maintained.
2. The City shall protect significant marine habitats, as identified on the City's adopted Natural Resources map and inventory data, from proposed land uses that will, or might, modify their indigenous characteristics.
3. The City shall preserve existing open space and identify new areas appropriate for designation as open space.
4. The City shall encourage orderly development of land through zoning, land use codes and the timing and placement of public improvements in order to conserve natural resources.
5. The City shall assist the State and County in protecting the County Road 804 right-of-way and the prescriptive easements accepted by the Oregon Supreme Court as established by the Lincoln County Surveyor (Survey 11,905 12/18/87) from alterations that would prevent the establishment and maintenance of this segment of the Oregon Coast Hiking Trail within the public right-of-way.
6. The City shall concur with all pertinent and legally authorized agencies, both federal and state, in a mutual effort to retain the character of those natural qualities identified in the adopted Natural Resources Map and Inventory Data.
7. The City shall consider the quality of the resources areas as shown on the adopted Natural Resources Map and inventory data in adopting land use designations or in undertaking land use actions or decisions.

8. The City shall direct its growth so as not to encroach upon public or commercial forestlands.
9. The City shall protect significant archaeological and historic resources through survey identification, recordation and adoption of preservation codes, consistent with the standards of the State Historic Preservation Office (SHPO), affected tribes and federal laws. Specific sites for protection include, but are not limited to, the Little Log Church, Yachats Middens, Native American villages and other identified recorded or unrecorded archaeological or historic sites.
10. The City shall not support offshore oil and gas development and associated facilities due to potential conflicts with existing ocean fisheries, impacts on aesthetic and recreational values, and degradation of the marine environment. This includes leasing, exploration, and oil and gas extraction within the state territorial sea and federal waters.
11. Established trees contribute to the aesthetic and environmental quality of the City. Significant trees and groves of trees shall be protected through a tree protection ordinance or other voluntary mechanisms to ensure their health and retention.
12. View sheds and corridors are unique characteristics of the City. They contribute to the community identity and aesthetic values of City residents and visitors.
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.~~ **The City shall protect streams and creeks.**
13. The City shall provide educational material regarding the responsible use of chemicals.

Proposed actions:

- a) The City shall incorporate soil capacity analysis into the land use code for protection of prime forest soils.
- b) The City shall develop a methodology to designate archaeological and historic properties to the City inventories.
- c) The City shall conduct archaeological and historic resource inventories consistent with Goal 5 and the SHPO and rank significant properties for protective measures. Priority sites shall be identified on the City's Natural Resources map or separate archaeological and historic resources map consistent with state law.
- d) The City shall explore actions to preserve trees and establish a tree protection ordinance.
- e) The City shall identify and rank significant view sheds and corridors.

- f) The City shall conduct a City wide urban growth boundary natural resources inventory and assessment.
- g) The City shall research view protection strategies. Those strategies may include, but not be limited to, overlay zones, tree trimming standards, and voluntary deed restrictions.
- h) The City shall explore actions that would improve air quality, such as City wide composting.
- i) The City shall develop an ordinance to protect inland stream and associated riparian areas.

Goal B. *Protection of Estuarine Resources*

In concert with adjacent property owners and relevant government agencies, the City shall protect its estuarine areas from development, dredging and fill. All estuarine areas within Yachats Urban Growth Boundary are classified as a natural management unit, and will be managed to conserve the natural habitats and wildlife therein.

Policies

- 1. The City shall cooperate with appropriate government agencies in the development of biological, aesthetic, recreational, and economic values and benefits of the Yachats River Estuary, subject to the availability of local funds and the individual commitment of local agencies and residents.
- 2. The City shall, in recognition of the unique and abundant qualities of the Yachats River estuary, work with Lincoln County and relevant special districts, the Department of State Lands, U.S. Army Corps of Engineers, and other state and federal agencies in the implementation of the comprehensive estuarine management plan for the Yachats River estuary within the Yachats urban growth boundary.
- 3. The City shall classify the Yachats River as a conservation estuary and be shown on the City's Natural Resource Map for purposes of resource management. All estuarine areas within the Yachats urban growth boundary shall be classified as a natural management unit, and shall be managed to preserve the natural habitats and wildlife therein.
- 4. The City shall protect the natural habitat areas and aesthetic values in all City decisions regarding land and/or water use actions in or affecting the estuary. The inventory information and the Natural Resources Map are sources of information regarding the aesthetic and natural values of the Yachats River estuary and the benefit derived therefrom to the City.
- 5. The City shall allow dredging and fill in estuarine areas only:

- a. If required for navigation or other water dependent uses that require an estuarine location or for a use specifically allowed in the applicable estuary zone;
- b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
- c. If no feasible alternative upland locations exist; and
- d. If adverse impacts are minimized.

Other uses and activities which could alter the estuary shall be allowed if the requirements in (b), (c), and (d) are met

- 6. Permitted uses in the natural estuary management unit are intended to be undeveloped low-intensity, water-dependent recreational uses; protection of wildlife and their habitat and nutrients, fish, wildlife and aesthetic resources; research and educational observation; navigation aids; vegetative shoreline stabilization; and passive restoration measures. Uses which are allowed where consistent with the resource capabilities of the area and the purposes of this management unit are active restoration of fish and wildlife habitat or water quality and estuarine enhancement; on-site maintenance and repair of existing structures or facilities; riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values, and public facilities; temporary alterations, and pipelines, cables and utility crossings, including incidental dredging necessary for their installation, and bridge crossing support structures.
- 7. Snag and debris removal for the purpose of maintenance shall be allowed in the estuary as permitted by Federal and State Agencies.
- 8. Unless specifically exempted by the Director of the Department of State Lands under ORS 541.626 dredging or fill (including dredged material disposal) in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of estuarine areas. The adequacy of a proposed mitigation project shall be determined by the Department of State Lands.
- 9. The City shall require a clear presentation of the impacts of the proposed alteration where a use could potentially alter the estuarine ecosystem.

Proposed Action

The City shall develop the City's Natural Resources Map. The map shall include access points along the shoreline and note the condition of accesses and if they are compliant with the Americans with Disabilities Act (ADA).

Goal C. *Protection of Shoreland Resources*

The City recognizes the environmental, social and economic values of the shorelands. The City shall coordinate with state agencies to protect its coastal shorelands from development through shoreline stabilization activities. Water-dependent/water-related uses are preferred in the shorelands. In order, then, to maintain the environmental, social and economical values of the shorelands, the City shall apply the following policies to its land use actions/ decisions:

Policies

1. The City shall cooperate with appropriate government officials in the protection of biological, aesthetic, recreational, and economic values and benefits of shorelands under public control.
2. The City shall reduce or mitigate adverse effects upon water quality and fish and wildlife habitat resulting from the use of shorelands.
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.~~ ***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.***
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.~~ ***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.***
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 area (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~~

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.

6. The City shall develop and implement programs for maintaining and improving public access to the estuary and ocean and pursuing adequate signage of existing access points. The City supports future public access sites to be accessible in conformance with the Americans with Disabilities Act (ADA).
7. The City shall permit structural shoreline stabilization only if:
 - a. There is a demonstrated need to protect property or existing structures that are threatened by erosion;
 - b. Impacts on adjacent property due to increased erosion and sedimentation are minimized;
 - c. Visual impacts are minimized;
 - d. Long-term or recurring costs to the public are avoided;
 - e. Riparian vegetation is preserved as much as possible; and
 - f. The proposed project will not restrict existing public access to publicly owned lands or interfere with the normal public use of fishery, recreation, or water resources.
8. The City shall coordinate with the Oregon Department of Parks and Recreation and the Department of State Lands in any review of beachfront protective structures.
9. ~~The City shall issue permits for beachfront protective structures only where development existed on January 1, 1977. For the purposes of this requirement "Development" means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where an exception to the State Beaches and Dunes Goal has been approved. Refer to the Inventory for description of areas where development existed on January 1, 1977.~~

- 40 Existing public ownerships, rights-of-way and similar public easements in estuary and ocean shorelands which provide access to or along the estuary or ocean shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed Shoreland areas, provided public access across the affected site is retained.

Proposed Action

- a) Where necessary, the City shall strengthen codes to protect shorelands.

Goal D. Conservation of Energy

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.~~
3. 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.
4. 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 educational materials about green building practices for the public~~ **make available educational materials about 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' remodeling and ~~initial construction for both residences and business owners~~ **using alternative/renewable energy sources and following environmentally sustainable and energy efficient remodeling and initial construction for both residences and business owners.**

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.~~
21. 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.
2. 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.
3. 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.
4. The density of development shall be no greater than the slope can safely accommodate.
5. ~~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.~~ **The City shall follow recommendations in the Lincoln County Natural Hazards Mitigation Plan.**
6. Developments adjacent to the Yachats River shall be planned to minimize any aggravation of the turbidity and seasonal low-flow situation.
7. The City shall address concerns regarding forest activities ~~that might adversely affect the City~~ to the Oregon Department of Forestry.
8. 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.

9. The City shall develop a citywide storm water management infrastructure.
10. The City is committed to supporting the fire district in its fire protection efforts, ~~both short and long term.~~
11. The City shall support the Lincoln County Community Wildfire Protection Plan (CWPP) ~~when it is completed and approved.~~
12. The City shall access and utilize federal and other grant dollars to implement measures to protect against natural hazards and disaster.
13. 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 (***vacation rentals***) 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, ***and building permits*** 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.~~

Goal F. Providing Recreation Opportunities

The City provides access to a range of recreational opportunities for its residents and visitors. The City shall enhance existing facilities and expand services as necessary.

Policies

1. The City shall encourage the development of diverse recreational and cultural opportunities to meet the needs of Yachats.

2. The City shall encourage the state to maintain its parks and beach access areas for the benefit of residents and visitors. Changes in park use or creation of new park facilities shall be reviewed by the City as specified in the Zoning and Land Use Ordinance.
3. The City shall encourage the Oregon Department of Transportation to ~~widen and improve Highway 101 for~~ ***pedestrian and bicycle*** use ~~as hiking and biking trails.~~
4. The City shall support the identification of existing parks and development of additional parks and open spaces.
5. The City shall support and encourage the development of recreation centers for youth and seniors.
6. The City shall encourage the State Fish and Wildlife Department to maintain sufficient stocks of fish in the Yachats River and its tributaries for recreational purposes.
7. The City shall support the continued use of the Yachats Commons and the Community Park to provide for recreational, educational, and open space needs.
8. The City shall maintain and encourage affordable public facilities for recreation.
9. The City shall develop and maintain hiking, walking, and biking trails throughout the community to provide recreation and exercise.

Proposed Actions

- a) The City shall maintain a consistent, identifiable logo and signage program for recreational facilities.
- b) The City shall require State Park sanitary facilities to be connected with the City sewer and water systems.

Goal G. *Control of Urban Growth and Form*

The City shall ensure that growth and development within the City's urban growth boundary will be orderly and efficient, and consistent with adopted land use plans.

Policies

1. The City shall contain future urban development within the adopted Urban Growth Boundary.
2. The City shall affirmatively establish, through City Council action, the capability and desire of the City to provide necessary public services to the area before additional lands are considered for annexation to the City or for inclusion in the Urban Growth Boundary.
3. Annexation will require concurrent Comprehensive Plan and Urban Growth Boundary Amendment and a zone change to reflect the action taken.

4. Annexations shall be governed by Oregon Revised Statutes, Chapter 222 and the Yachats City Charter. Council decisions shall consider such factors as the City's capacity to provide services and the compatibility with the character of the area.
5. The City recognizes the Lincoln County Board of Commissioners' responsibility under Oregon Revised Statutes, Chapter 215, for all planning and zoning decisions in the unincorporated areas of the County. The City reserves the right to request specific information in order to obtain facts on sites outside the City UGB but located within adjacent unincorporated areas.
6. The City shall, through development regulations, ensure that new development shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.
7. The City shall encourage improvement of the community's visual character.
8. The City shall support the preservation of open space on private land through such means as set back standards and limiting lot coverage and encourage the preservation of open space when new subdivisions and planned unit developments are considered for approval.
9. The City shall preserve public views of wetland areas, beaches and stream corridors.
10. The City shall protect the valuable views from Yachats of the ridgelines and forests.
11. The City shall actively pursue the acquisition of additional open space, to include property within the urban growth boundary and also property visible from Yachats.
12. The City shall seek external funding for acquisition of open space.

Proposed Actions

- a) The City shall review the sign ordinance.
- b) The City shall develop a procedure for accepting donations of private land for public use.
- c) The City shall provide regulations, which will limit the building of structures that protrude above primary and secondary ridgelines, or will mitigate the appearance of such structures if prevention is not possible.
- d) The City shall develop criteria for the design of unified open space system, rather than a collection of interesting yet unrelated parcels. The development process will include community input.
- e) The City shall seek community consensus to implement site and building design standards and the use of other tools such as incentives and grants.

Goal H. *Provide for Economic Growth*

The City supports and protects businesses that serve the needs of residents and tourists, especially businesses that are locally owned. The City seeks to accomplish this by ensuring the availability of areas to accommodate economic growth and employment at appropriate locations that stimulate a vibrant, distinct and attractive downtown core. To this end, the following policies shall be followed:

Policies

1. The City shall maintain and enhance the economic stability of the City without diminishing the livability of the area.
2. The City shall provide adequate and suitable opportunities for economic growth.
3. The City shall permit home-based businesses that are compatible with residential neighborhood character.
4. The City shall, through development regulations, ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.
5. Casino gambling shall not be allowed since it is incompatible with the character of the community.
6. The City shall increase public parking in the downtown area.
7. Activities to improve the visual character of downtown Yachats such as the undergrounding of utilities, face improvement, incentive programs, and encouraging off-street, behind building parking shall be encouraged.

Proposed Action

The City shall review standards for home occupations as a permitted use in residential areas.

Goal I. *Provide Adequate Public Services*

~~The City provides residents and business owners with efficient essential public facilities and services. The City also plans for urban services to accommodate future growth. It is the City's goal to provide water and sewer services; storm drains, public safety; and emergency services to the City shall provide urban services in an economically, orderly and environmentally sound manner.~~ **efficient essential public facilities and services to accommodate future growth including water and sewer services, storm drainage, public safety, and emergency services.**

Policies

1. The City shall provide sufficient quantities of high quality water at adequate pressures to meet the needs of the community. Water quality shall be maintained at a level that meets or exceeds all State and Federal water quality standards.
2. The City shall provide a reliable supply of water to the community through the development and maintenance of an alternate source(s) for use during emergencies or periods of extremely high demand.
3. The City shall promote water saving strategies and techniques. The City shall accomplish this through education, encouragement and, in some cases, requirements for the application of water saving technology.
4. The City shall develop a citywide storm water management infrastructure.
5. The City shall promote a logical, direct, and connected street system through the development of street plans.
6. The City shall identify opportunities to extend and connect streets, provide direct public right-of-way routes, and limit the use of cul-de-sac and other closed-end street designs.
7. The City shall assure that roads and footpaths can be used safely by providing, improving and maintaining effective and efficient street lighting and illuminated traffic signs that contribute to improved environmental standards and community safety.
8. The City shall encourage the formation of local improvement districts (LIDs) for the construction of transportation infrastructure, which may include streets, curbs, or other structures; pedestrian or bicycle facilities and drainage.
9. The City shall require that development projects acknowledge existing conditions and/or hazards which may pose a threat to residents—such as proximity to physical hazards—and the responsibility to mitigate such threats through appropriate site planning, buffering, and other physical design approaches.
10. The City shall encourage utility providers to strengthen, relocate, or take other appropriate measures to safeguard pipelines, underground utilities, transmission lines, and other utility infrastructure in areas subject to elevated natural hazard risk.
11. The City shall maintain an efficient maintenance program to control long-term costs and to establish the most efficient operation of public services.
12. The City shall plan, develop, implement and monitor a comprehensive emergency preparedness and disaster response plan in cooperation with appropriate emergency agencies.
13. The City ***shall*** places a high priority on the rapid and effective identification of properties by public safety personnel and emergency response agencies.

14. The City shall ~~consider the availability of adequate emergency services and~~ require emergency access routes in the approval of developments and subdivisions.
15. The City shall encourage its residents to accept some responsibility for personal safety through emergency medical training in first aid, cardiopulmonary resuscitation (CPR), and similar methods.
16. The City shall investigate the feasibility and desirability of increasing the number of public restrooms.
17. Any current, new or amended water, wastewater or storm water plans shall be incorporated into the Yachats Comprehensive Plan.

Proposed Actions

- a) The City shall continue to upgrade the water collection, filtration, storage, and distribution system, through the efforts of the Public Works Department and an engineer.
- b) The City shall explore methods of funding storm water management infrastructure, such as System Development Charges.
- c) The City shall coordinate with Lincoln County Emergency Services and their public safety policies and procedures.
- d) The City shall provide CERT training to City staff and volunteers.
- e) The City shall develop an emergency incident plan based on the National Incident Management System (NIMS).

Goal J. *Meeting Housing Needs*

The City encourages a variety of housing choices in appropriate locations to accommodate a range of needs and incomes ***including the housing needs of local workers***. The City finds that providing opportunities for affordable housing to meet the needs of people of all income levels as a necessary and desirable goal.

Policies

1. The City shall ensure that sufficient vacant and redevelopable buildable land shall be designated for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the community.
2. Housing development within the City and Urban Growth Boundary shall proceed at a rate commensurate with the City's ability to provide water and sewer service.
3. The City shall encourage participation in available government and private loan or other programs in order to provide for the housing needs of all income levels.

4. The City shall actively encourage opportunities to create affordable housing.
5. The City recognizes that the private sector, as well as the public sector, contributes to and shares in the responsibility of providing adequate housing opportunities for all segments of the population.
6. ***The City strongly encourages developers to make government assisted housing units available to income eligible persons who are employed in the local area workforce on a preferential basis to the extent allowed by law.***

Proposed Actions

- a) The City shall develop procedures for accepting property or funds dedicated to affordable housing.
- b.) The City shall develop an informational pamphlet for distribution to developers illustrating the needs/benefits of affordable housing in Yachats and encouraging them to participate.

Goal K. Public Involvement in Land Use Planning

The City encourages the public to participate in governmental decision-making processes by providing policies and procedures and access to public information.

Policies

1. The City shall institute a program that enables the community to identify and comprehend relevant issues, obtain public information and participate in public hearings and other forums on issues related to the growth and development of the City.
2. The City shall review its comprehensive plan, inventory data information and applicable ordinances, and determine what revisions and/or additions, if any, are appropriate at least every five years. Review through a public process shall be initiated by the City Planning Commission.
3. The comprehensive plan for the City shall be filed in the City Office and shall be made available to the public at the City Office, ***the online document library***, and the City ***Yachats Public*** Library.
4. The City shall follow the notice and procedural requirements of the Oregon Public Meetings law.
5. The City shall encourage opportunities for public involvement and networking.

Proposed Action

The City shall continue to use the adopted public involvement plan.

Goal L. *Beaches*

The City shall work to enhance existing access points to its beaches and protect its beaches from erosion and other degradation.

Policy

1. The City shall, in conjunction with applicable County, State and Federal agencies, prohibit residential, commercial and industrial buildings or development on beaches and along waters of the state.
2. The City shall improve public access to the beach and river shores by acquiring land and easements.
3. The City shall accept donations and dedications of land and easements for public access, open space, and habitat protection.
4. The City shall identify appropriate sites for emergency and public access to the beach.
5. The City shall investigate a diverse range of beach access types (pedestrian, official vehicular, view) and a range of amenities (parks, walkways/boardwalks, street ends) while maintaining a balance between resource protection and human use.

Goal M. *Transportation*

The City shall ensure that automobiles, bicyclists and pedestrians can move safely and efficiently to destinations within and beyond Yachats.

Policies

1. The City shall ensure that designated parking areas are maintained in the downtown core.
2. The City shall maintain all City streets to ensure safe passage and emergency access.
3. The City shall require future developments to provide safe, well-marked pedestrian ways that do not conflict with vehicular traffic.
4. The City shall require future developments to provide adequate off-street parking.
5. The City shall require streets created by land divisions to tie into existing and anticipated road systems to provide for cross-circulation.
6. The City shall cooperate with the Oregon Department of Transportation in the development and implementation of their Highway Improvement Program for projects within the Yachats urban growth boundary.
7. The City shall explore options to increase public parking.

8. The City shall explore options to improve traffic flow.
9. The City shall encourage and support alternative transportation where safe passage can be maintained.
10. The current Village Circulation plan and any new or amended plans are incorporated into the Yachats Comprehensive Plan.

IV. Plan Maps

The attached maps depict the preceding policies through identification of land use designations. The City shall use the maps along with the policies to guide decisions pertaining to land use and development within the Urban Growth Boundary. The maps establish long-range land use patterns for the City and represent the City Council's best attempt to accommodate residents' and landowners' input.

V. Definitions

Affordable Housing. As defined by the U.S Department of Housing and Urban Development (HUD).

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Development. The result of bringing about growth; of constructing or altering a structure, conducting a mining operation, making a physical change in the use or appearance of land, dividing land into parcels; or of creating or terminating rights of access, vegetation removal and/or any construction or placement of facilities on that site.

Estuary. A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by fresh water derived from the land. The estuary includes; (a) estuarine waters (b) tidelands (c) tidal marshes and (d) submerged lands. Estuaries extend upstream to the head of tidewater. In Yachats, all of the waters of the Yachats River within the City limits and urban growth boundary are defined as estuary.

- a. **Natural Estuary.** Estuaries lacking maintained jetties or channels without adjacent urban areas that have altered shorelines (shorelines with bulkheads, riprap or other physical structures). Shorelands around natural estuaries are generally used for agriculture, forest, recreation and other rural uses. They usually have little developed area for residential, commercial or industrial uses.
- b. **Conservation Estuary.** Estuaries lacking maintained jetties or channels but which are within, or adjacent to, urban areas which have altered shorelines adjacent to the estuary.

Low Density Residential. Residential units at a concentration of less than one unit per two acres.

Management Unit. A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected or enhanced and others are discouraged restricted or prohibited.

Natural Hazards. Natural events are known to result in death or endanger the natural or built environment. These may include river and ocean flooding, weak foundation soils, landslides, erosion, etc...

Open-space: Open-space Land is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as following:

- a. Open space for the preservation of the natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays, and estuaries; and coastal beaches, banks of rivers and streams, and watershed lands.
- b. Open space used for the managed production of resources.
- c. Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to beaches, and rivers and streams; and areas that serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- d. Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.

Overstory. The canopy is the uppermost level of a forest, formed by the tree crowns. Canopy trees refers to the trees in a forest which form the canopy. The uneven layers of the canopy is formed by both dominant and co-dominant trees.

Public Facilities & Services. Projects, activities and facilities that the City determines to be necessary for the public health, safety and welfare. These can include water and sewer service, streets, storm drains, police protection, parks and open space, library services, etc....

Understory: The area of a forest which grows in the shade of the emergent or canopy forest canopy. Plants in the understory consist of a mixture of seedlings and sapplings of canopy trees together with understory shrubs and herbs.

Seasonal low-flow. Minimum flow in a river during the dry periods of the year.

Turbidity. The cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye.

Urban Growth Area. That area between the City limits and the Urban Growth Boundary.

Urban Growth Boundary. The geographical limits within which urban growth will be contained.

View Shed. A view shed is an area of land, water and other environmental elements that is visible from a fixed vantage point. The term is used widely in such areas as urban planning, archaeology, and military science. In Urban Planning, for example, view sheds tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. The preservation of view sheds is a goal in the designation of open space areas, green belts and community separators.