

1. 2:00 P.M. Agenda

Documents:

[2021-07-20 Planning Commission Agenda.pdf](#)

2. Meeting Materials

Documents:

[Future Tasks.pdf](#)

[JGD 20212022 Planning Priorities.pdf](#)

[Fence.pdf](#)

[Draft JGD Code Changes Fences.pdf](#)

[DRAFT Comprehensive Plan Policies\\_Underlined And Strikethrough 7\\_9.Pdf](#)

2.I. Building Activity

Documents:

[Bldg Activity.pdf](#)



CITY OF YACHATS  
PLANNING COMMISSION MEETING  
Yachats OR  
Tuesday July 20, 2021, at 2:00 pm  
Public Meeting via ZOOM Meeting

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**Work Session**

I. Future Tasks

**Regular Meeting**

- I. Call to Order
- II. Announcements and Correspondence:
- III. Citizen Concerns
- IV. New Business
  1. None
- V. Old Business
  1. Fence, Hedges and Walls
- VI. Planner Report
- VII. Other Business
  1. From the Commission
  2. From Staff

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. The minutes of this meeting is the Audio Tape which will added to the packet after the meeting within 24 hours. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541- 547-3565 or Oregon Relay 1- 800-735-2900 (TDD) two days in advance. Posted 06/04/2021

## **Future Tasks for the Planning Commission**

1. Parking Recommendations – Requested by the City Council, started with the inventory.
2. Fences, Hedges, and Walls – in progress
3. Comprehensive Plan Audit – Priority 2, due every two years
4. Wetlands Survey – Almost Complete, paused in 2011
5. Building Heights Review – later
6. Buildable Lots Inventory – later
7. Water Conservation Recommendations/ Incentives
8. Accessory Dwelling Units (ADU)
9. Architectural Standards
10. City Street Lights Plan – generated as followup to the Lighting Ordinance

## JGD – 2021-2022 Planning Commission Priorities

Hopefully a review of the Yachats Municipal Code regarding Fences, Hedges, and Walls can be completed at the June 2021 meeting.

As I understand it The Wetlands Inventory was completed in 2011 with only paperwork needing to be done. This is something that staff should be able to finalize without much, if any, input from the Planning Commission.

Again, as I understand it, a Street Light Plan seems to be more in-line with what the Public Works and Streets Commission would be doing. As far as the lighting ordinance is concerned almost all the streetlights are governed by ODOT and/or Lincoln PUD so the connection with the ordinance is slight.

Parking has been an issue for some time so working with Laura Buhl on the workshops and parking inventory review as soon as possible would be appropriate. The summer months are the busiest time of the year, and we will get the best data by doing this work now. Once we have the data, we can move into integrating it into our larger planning processes.

Moving forward, priorities of the Planning Commission need to incorporate current and future planning needs. Every element that currently is on our list of items is contained within the Comprehensive Plan making a review of the Comprehensive Plan of the utmost importance. Whether it is water conservation, building heights, architectural standards, or housing and ADUs. Before any of these items can be fully discussed and revised basic data is needed. The current Yachats Zoning Map is decades old. Lots have been divided and built on and that information is needed to move forward. A Buildable Lands Survey is another piece of missing data. Without a current survey trying to plan becomes a guessing game. For instance, water. Without knowing how much land is available for development, and for what uses it is zoned for, we can only guess how much water will be needed, how to conserve it and how to move forward with growth.

Housing. Housing is probably the biggest issue Yachats is dealing with now. The lack of housing choices in varying types and affordability is affecting the quality of life for many people who call Yachats home and many more who would like to call Yachats home. This isn't an issue of "affordable" housing it is an issue of equitable long-term planning needs and the economy of Yachats into the foreseeable future. Addressing the potential of ADUs is only a small, although significant, portion of the discussions needed. A Housing Needs Assessment was done by Lincoln County and Yachats can, and should, build a local needs assessment using that existing report as a base.

Significant long-term planning has not been done in Yachats. The recent increase in growth has exposed the deficiencies in our Comprehensive Plan and Municipal Code. Our priority should be to address this void in long-term comprehensive planning. This is a large and time-consuming project but without strong comprehensive planning growth will happen "to" Yachats rather than with input by and for the Yachats Community.

Several factors are all in place: A twenty-year water plan was recently completed, a drinking water protection plan has been developed, along with an effort at creating a water protection partnership, the 2020 census numbers will be coming in soon, Yachats is financially well situated and has received federal COVID relief funding, an effort is being made to develop a partnership with South Lincoln Water PUD that would share resources, a proposal that could have large implications to Yachats' land use planning and the availability of assistance from DLCD. All these developments are happening at a time when Yachats and the central coast are experiencing dramatic growth in construction and real estate sales.

Right now, we have a chance to really make a positive difference for this community. By creating a Citizen Involvement Subcommittee that could work with us and the other Commissions on the different critical planning areas such as water, infrastructure, housing and economic development, and transportation/circulation planning we could develop a cohesive planning process that brings all the City Commissions together to move Yachats forward.

CHANGES RECOMMENDED FOR FENCE, HEDGE, AND WALL HEIGHT  
July 20th, 2021

Definitions from 9.04.030 (changes or additions required)

**Required Yard:** The area of a lot within the building setbacks. The size of the Required Yard varies with the zoning of the property.

**Hedge:** An evergreen planting which is grown as a Sight-Obscuring barrier between two properties.

**Sight-Obscuring Fence (or: Sight-Obscuring Screen):** Consists of either a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

**Clear-Vision Area:** The triangles at the junction of streets, alleys, and driveways as defined in YMC section 9.64.010

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Definitions from 9.04.030 (do not need changes)

**Fence:** An unroofed barrier or an unroofed enclosing structure such as masonry, ornamental iron, woven wire, wood pickets of solid wood or any any other material used as an unroofed barrier to light, sight, air or passage.

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Changes required:

9.48.010G add "...or more than 8 feet"

9.68.030 C15 add "...or up to 8 feet maximum"

9.72.050 G3 add "...between 5 and 8 feet tall as needed for screening"

9.12.040 add B7

9.16.040 add B7

9.20.040 add B7

9.24.040 add B7

9.28.030 H does not require changes

**B7 :** Where a residential use abuts another residential zone a fence, wall, or sight-obscuring fence may be constructed/grown and maintained immediately adjacent to the abutting property line so long as it is not greater than 6 feet in height(except where clear vision would be impaired as defined in YMC section 9.64.010), or up to 8 feet in height with approval by the Planning Commission through a public hearing in accordance with Chapter 9.80. When such a fence is placed above a retaining wall at or near a property line, the top of the retaining wall is considered grade, and the measurement of the fence begins at that point.

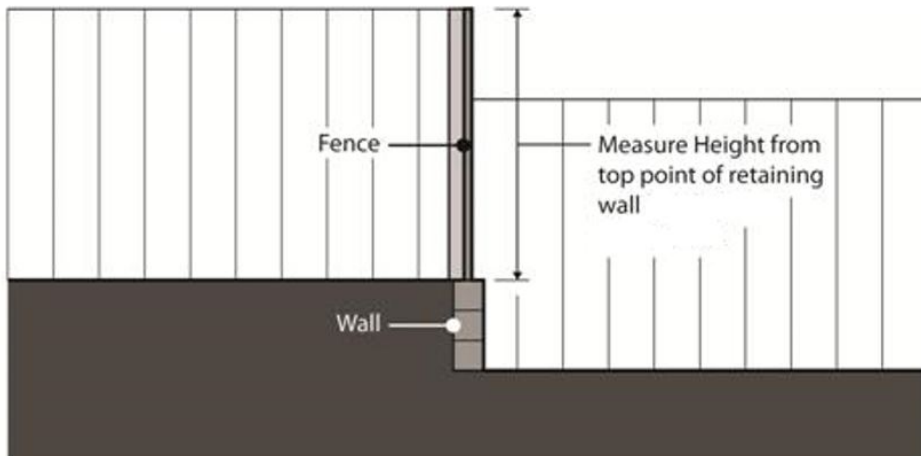
**Section 5.08.090 Fences, walls and sight obscuring landscaping**

A.— ~~Barbed Wire. No owner or person in charge of property shall construct or maintain a barbed wire fence, or permit barbed wire to remain as part of a fence, along a sidewalk or other public way; except such wire may be placed above the top of other fencing not less than six (6) feet, six (6) inches high.~~

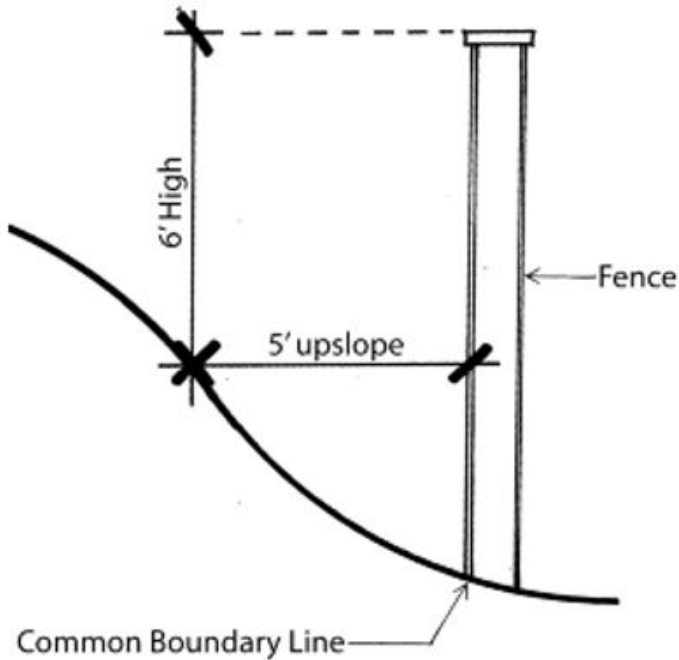
~~B.— Electric Fence. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or other public way or along the adjoining property line of another person. (Ord. 174 § 18, 1995)~~

**A. Fences must be constructed of material specifically designed and manufactured for fencing purposes. They cannot contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous materials. (Add definition of Selvage - Chain link fence fabric has two types of selvages: knuckle and twist (barb). Knuckle is more round and much safer because it has no sharp points to catch on clothing or people. However, twisted or barbed have sharp ends for high security. Commonly speaking, knuckle selvage is a must for most residential chain link fence system, while barbed selvage is recommended for commercial or high security fencing system.)**

**B. Height must be measured from the lowest grade at the base of the fence or retaining wall unless stated otherwise. Posts, trellises, lattice and any other material placed on top of the fence is considered to be part of the fence when measuring the overall height. As illustrated in the Figure 2 below, when a fence is placed atop a retaining wall, the height of the fence is determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.**



If there is a grade difference between two sites which would make a six-foot-high fence inadequate to provide for privacy, such fence must be no higher than six feet above the highest grade within five feet of the common boundary line, as illustrated in Figure below.



C. Every fence shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation.

D. Clear Vision standards: Fences, walls and other sight obscuring features must comply with Clear Vision standards to ensure that the line of sights for motorists, pedestrians, and bicyclists are not obstructed. Clear vision applies to street, driveway and alley intersections.

**Residential Zones:**

Section 9.12.040 Standards.

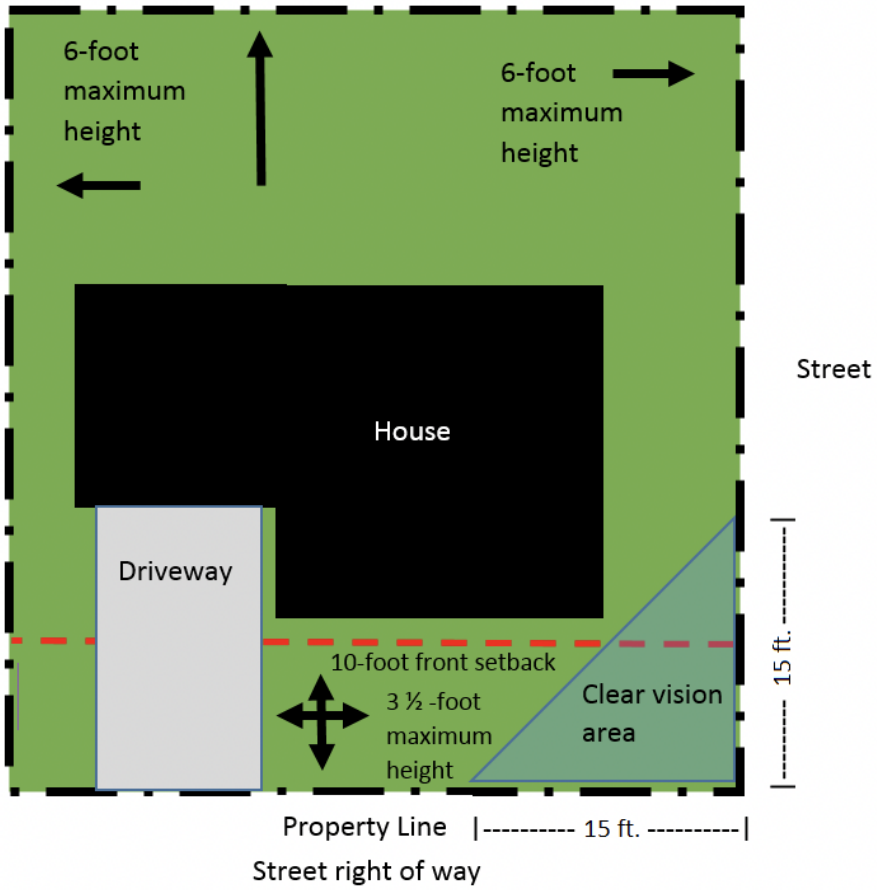
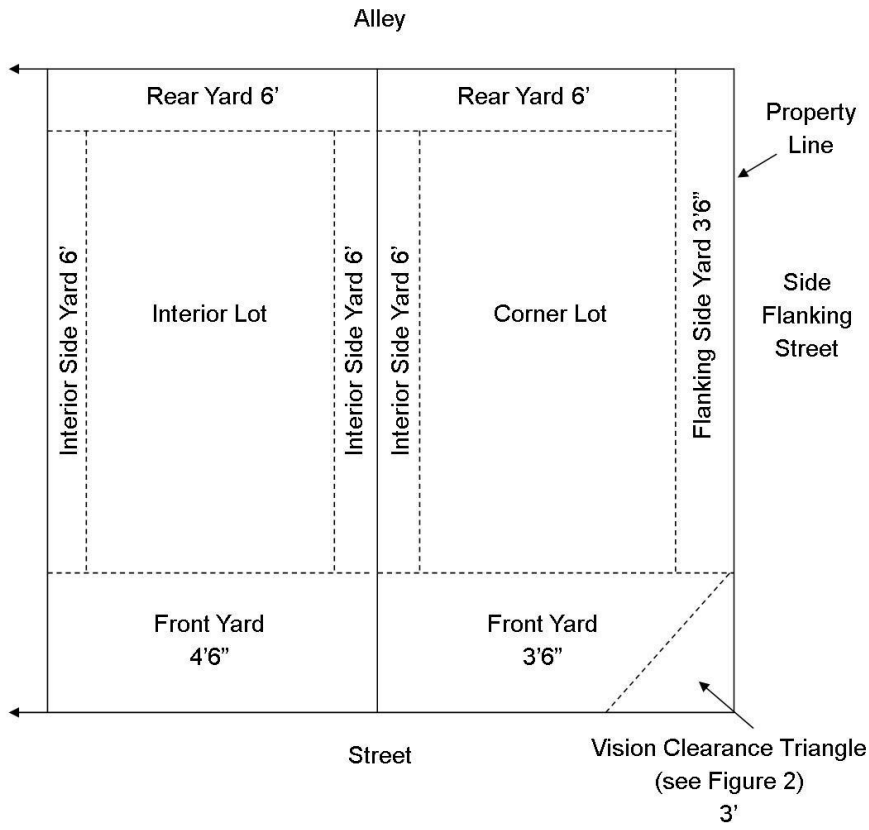
Section 9.16.040 Standards.

Section 9.20.040 Standards.

Section 9.24.040 Standards.

**Add the following:**

B-7 Where a residential use abuts another residential use a fence, wall, or sight-obscuring fence landscaping may be constructed/grown and maintained adjacent to the abutting property line so long as it is not greater than six (6) feet in height, or up to eight (8) feet in height, except where clear vision would be interrupted, with approval by the Planning Commission through a public hearing in accordance with Chapter 9.80 (see diagram below – two drawing types are entered here for Planning Commission to choose from)





### Section 9.28.030 Standards.

E. Outdoor storage shall be screened with a sight-obscuring screen. **Such a buffer shall screen at least seventy (70) percent of the view**

H. Fences, Hedges, Walls and Landscaping. Where a commercial use abuts a residential zone, a fence, evergreen hedge, wall or landscaping shall be constructed and maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five (5) or more than eight (8) feet in height, except where vision clearance would be interrupted. Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter [9.80](#) Variances.

### Section 9.48.010 General requirements.

G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height and not to exceed eight (8) feet. **If parking or loading area(s) are situated within the Clear-Vision Area as noted in the Clear-Visions Standards the sight obscuring buffer cannot exceed three (3) feet in height. Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter [9.80](#) Variances.**

### Section 9.64.010 Design standards.

2. No temporary or permanent obstruction (e.g., structure, fence, or shrub vegetation) ~~between~~ **greater than three (3) feet and eight (8) feet in height shall be placed in clear-vision areas on streets, driveways, or alleys,** as shown in the Clear-Vision Area Diagram figure below. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above grade.

B. Fences, Hedges and Walls. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height ~~in any required yard which abuts and runs parallel to a street other than an alley.~~ **within the Clear-Vision Area Diagram below.** Hedges that front Highway 101 are exempt from this height requirement as long as the height does not interfere with clear vision requirements in Section [9.64.010](#)(A)(3).

### Section 9.68.030 Manufactured dwelling parks.

C-15. Buffering or screening, if required by the Planning Commission, shall be a sight obscuring fence, wall, evergreen or other suitable planting ~~at least six feet high, or higher;~~ **Such a buffer shall screen at least 70% of the view between uses. The buffer shall be not less than five (5) or more than eight (8) feet, except where vision clearance would be interrupted.**

### Section 9.72.050 Standards and procedures governing conditional uses.

3. Outdoor storage shall be on the side or rear of the building and shall be screened with a sight-obscuring fence, hedge or wall. **Such a buffer shall screen at least 70% of the view between uses. The buffer shall be not less than five (5) or more than eight (8) feet, except where vision clearance would be interrupted.**

\*Proposed additions to the text are underlined. Deletions are listed in ~~striketrough~~. Comments are in [brackets].

[Staff Comments: Because each coastal jurisdiction is within Oregon’s Federally Approved Coastal Zone Management Program, we integrate all policies and codes into our approved plan. The City can make these policies into enforceable policies if they follow certain criteria. An important one is if policies include “The City shall” they only apply to actions of the city and not actions of applicants. By removing this phrase, the City can make these policies into enforceable policies.]

### **Yachats Community Characteristics**

The City of Yachats is located on the Central Oregon Coast, in Lincoln County, Oregon, approximately 26 miles south of the City of Newport and 155 miles from the metropolitan area of the City of Portland. Yachats is located at the mouth of the Yachats River overlooking the Pacific Ocean. The climate is moderate. The City consists of varying topography, ranging from ridgetops, steep hillsides, basalt cliffs, uplifted marine terrace deposits, river frontage and relatively level areas along US Highway 101. Development in Yachats spreads mostly north to south along US-Highway 101 and slightly east along Yachats River Road. Dense commercial areas in Yachats exist along US-Highway 101 and are centrally located downtown. Residential development surrounds the downtown commercial core.

The City of Yachats is rich with natural beauty and abundant natural resources. The coastal community offers recreational amenities, activities and attractions in and around the community, such as the Yachats Commons Park and wetlands, Smelt Sands State Recreation Site, Yachats State Recreation Area, the Yachats Ocean Road State Natural Site, and the US Forest Service Cape Perpetua Scenic Area.

### **Comprehensive Plan Policies**

#### **Goal A. Protection of Natural Resources**

The City of Yachats is nestled among the rocky ocean shores and the forested hillsides on both sides of the Yachats River. Protecting the natural beauty of Yachats is very important. Protection of the historic elements, preserving open space, improving parks and trails, and conservation of natural habitats is valued in the community. In conjunction with county, state and federal agencies as well as area residents and landowners, there is a desire to protect and enhance the City’s rich natural, scenic and historic resources. Forests, beaches, water, wetlands, air quality, fish and wildlife habitats, historical and archaeological sites, and 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.

#### Goal

- ~~1. In conjunction with county, state and federal agencies as well as area residents and landowners, The City shall work to protect and enhance its the rich natural, scenic and Historic resources of the City of Yachats. 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.~~ [Staff Comment: text moved to Goal A description above]

Policies

1. ~~nsure that the quality of air, water and land resources is maintained.~~ The quality of air, water, and land resources shall be maintained or enhanced where possible.
2. 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. Preserve existing publicly owned open space. ~~and~~ Identify new areas appropriate for designation as public open space.
4. 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. 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 (County Survey 11,905 dated 12/18/1987~~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. 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. 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. This Map shall include wetlands, riparian areas, estuaries, and coastal shorelands.
8. Direct growth so as not to encroach upon public or commercial forestlands. The inclusion of additional commercial forest lands within the UGB shall occur only upon finding that the land is needed for urban development.
9. Protect significant archaeological and historic resources through survey identification, map development, 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. Do 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. Protect established trees, which contribute to the aesthetic and environmental quality of the City.
12. Protect significant trees and groves of trees through a tree protection ordinance or ~~other~~ voluntary mechanisms to ensure their health and retention.
13. Protect view sheds and corridors unique to the City. They contribute to the community identity and aesthetic values of City residents and visitors.
14. Protect streams, ~~and~~ creeks, and wetlands.
15. Provide educational material regarding the responsible use of chemicals including but not limited to household chemicals, automotive chemicals, herbicides, and pesticides.

Proposed actions:

The City shall:

- a) Incorporate soil capacity analysis into the land use code for protection of prime forest soils.
- b) ~~a methodology to designate archaeological and historic properties to the City inventories.~~
- c) Conduct archaeological and historic resource inventories consistent with Goal 5 and the State Historic Preservation Office (SHPO); rank and prioritize ~~and rank~~ significant properties for protective measures. Priority sites shall be identified on the City's Natural Resources Map or a separate archaeological and historic resources map consistent with state law.
- d) Explore actions and prioritize actions to preserve trees and establish a tree protection ordinance.
- e) Identify and rank significant view sheds and corridors.
- f) ~~Update the a~~ City-wide ~~urban growth boundary~~ natural resources inventory and assessment. [Staff comment: Goal 5 inventory was completed and safe harbor setbacks for streams and rivers were adopted.]
- g) Research view protection strategies. Those strategies may include, but not be limited to, overlay zones, tree trimming standards, and voluntary deed restrictions. Ensure that view shed protections do not conflict with other natural resource protections.
- h) Explore actions that would improve air quality, such as City-wide composting, replacing wood burning stoves with electric ones, and reducing vehicle emissions by providing alternative transportation options.
- i) ~~Periodically update the an~~ ordinance to protect inland stream and associated riparian areas-

## **Goal B. Protection of Estuarine Resources**

In Yachats, the estuarine areas include all estuarine waters, intertidal areas, tidal wetlands and submerged and submersible lands up to the line of non-aquatic vegetation or the mean higher high-water line. These resource areas are important for fish and wildlife habitats, for preservation and protection, for estuarine productivity, and for research or educational needs.

In harmony with adjacent property owners and relevant government agencies, the City desires to protect its estuarine areas from development, dredging and fill. Therefore, these estuarine areas within the City need to be classified as a natural management unit, managed to conserve the natural habitats and wildlife therein.

### Goal

- ~~1. 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. [Staff Comment: text moved to Goal B description above]~~
- 1. To recognize, protect, maintain and restore the unique environmental, economic and social values of the designated estuarine areas.

### Policies

- 1. 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. 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 to comprehensively manage in the ~~implementation of the comprehensive estuarine management plan for the Yachats River estuary~~ within the Yachats urban growth boundary.
3. ~~Classify~~ The Yachats River is classified as a conservation estuary and ~~designate the River 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. 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. Protect estuarine areas through zoning and land use codes ~~by evaluating dredging a fill activities.~~
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.
7. Unless specifically exempted by the Director of the Department of State Lands under ORS ~~196.830~~ 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.
8. Require a clear presentation of the impacts of the proposed alteration where a use could potentially alter the estuarine ecosystem.
9. The estuarine and coastal shoreland habitat resources designated as significant on the Natural Resources Map shall be protected with implementing ordinances in the City's Municipal Code.

#### Proposed Actions

The City shall:

- a) Develop the City's Natural Resources Map. Designate the Yachats River on the City's Natural Resource Map for purposes of estuarine resource management.
- ~~b) The map shall include access points along the shoreline and note the condition of accesses and if whether they are compliant with the Americans with Disabilities Act (ADA).~~ [Staff comment: moved to Goal C]

#### Goal C. Protection of Shoreland Resources

Coastal Shorelands are a unique and sensitive component of the coastal environment. These shorelands are an invaluable resource for the protection and maintenance of water quality for fish and wildlife habitats, recreation and a variety of water-dependent uses.

Statewide Goal 17 calls for the conservation and protection of coastal shoreland resources and benefits. The Coastal Shorelands Planning Area is defined as all lands west of the Oregon Coast Highway (Highway 101) as described in ORS 366.235, including the western section of Gender Creek. Any other streams and creeks that intersect the shoreland, shall be in accordance with Yachats Comprehensive Plan Goal A, Protection of Natural Resources, Policy 13. The purpose of the Coastal Shorelands designation is to establish areas for inventory, study and planning for development and use to meet Statewide Planning Goal 17.

Lands contiguous with the ocean and estuaries shall be identified as coastal shorelands and shall include:

1. Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary;
2. Adjacent areas of geologic instability where the geologic instability is related to or will impact a coastal water body;
3. Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;
4. Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;
5. Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
6. Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas; and
7. Coastal headlands.

Statewide Planning Goal 17 outlines planning and management requirements for the lands bordering estuaries (as well as lands bordering the ocean shore). In general, the requirements of Goal 17 apply in combination with other planning goals to direct the appropriate use of shoreland areas. Provisions in Goal 17 specifically focus on the protection and management of resources unique to shoreland areas; examples of such resources include areas of significant shoreland habitat, lands especially suited for water dependent uses, lands providing public access to coastal waters, and potential restoration or mitigation sites. Implementing ordinances shall be consistent with Goal 17.

All inventories, policies and planning efforts outlined in this section of the Comprehensive Plan should be coordinated with the City's goals for Open Spaces, Scenic and Historic Areas and Natural Resource (Statewide Planning Goal 5, Comprehensive Plan Goal A), Air, Water and Land Resources Quality (Statewide Planning Goal 6, Comprehensive Plan Goal A), Areas Subject to Natural Disasters and Hazards (Statewide Planning Goal 7, Comprehensive Plan Goal E), Recreational Needs (Statewide Planning Goal 8, Comprehensive Plan Goal F), Economy of the State (Statewide Planning Goal 9, Comprehensive Plan Goal H) Estuaries (Statewide Planning Goal 16, Comprehensive Plan Goal B), and Beaches and Dunes (Statewide Planning Goal 18, Comprehensive Plan Goal L).

Inventory of Streams and Waterways:

**Yachats River and Tributaries shall have a 50 foot setback buffer.**

The “safe harbor” method shall be applied to establish setbacks from the Yachats River and its tributaries. The river and tributaries are fish-bearing streams with an average annual stream flow that is less than one thousand (1,000) cubic feet per second. Per the “safe harbor” methodology, a fifty (50) foot setback shall be established from the top of a bank for fish-bearing streams with an average annual stream flow that is less than one thousand (1,000) cubic feet.

**Gender Creek shall have a 25 foot setback buffer.**

Gender Creek is an open channel that extends from the hillside located east of the Oregon Coast Highway to the ocean. The only exception to this open channel is the culvert which crosses under the highway. Although not considered a fish-bearing stream, Gender Creek does provide many important ecosystem services. Protection will help to maintain the beneficial effects of the stream as a natural habitat and corridor for wildlife, as well as for the protection and maintenance of water quality. Additionally, Gender Creek is valued by nearby residents and property owners for its open space and aesthetic aspects. Properties adjacent to Gender Creek have a history of flooding. The creek is essential to surface water management in the southernmost section of Yachats because the stream conveys stormwater and helps control flooding. Maintaining a buffer area adjacent to the stream will help maintain this carrying capacity. Development restrictions adjacent to the stream, including building setbacks and application of development standards, will also help preserve and restore the natural features of this coastal waterway.

**Unnamed Stream at North End of City does not need a 25 foot setback.**

Unnamed Stream at the north end of Yachats runs through the Overleaf Village Planned Development (PD) west of Highway 101. Development of the Overleaf Village PD included restoration of the stream and maintenance standards that continue to protect and enhance the stream corridor. East of Highway 101, the stream runs through the northern portion of the Fisterra Planned Development. The Fisterra Planned Development designated the stream and its associated corridor as open space to be maintained in its natural condition. The unnamed stream shall be preserved and maintained as approved in the Overleaf Village and Fisterra Planned Developments.

**Agency Creek shall maintain a 10 foot on-center drainage easement.**

Agency Creek consists of a combination of open channels, culverted sections, and underground sections. Development has occurred along the edges of the creek as well as over Agency Creek. Imposing greater setbacks on the limited number of undeveloped properties along the creek could cause significant hardship to development and be out of character with existing development. Agency Creek does not have a history of flooding as seen in other parts of Yachats. Agency Creek is a drainage way subject to the Drainage Way Protection Standards. A ten (10) foot on-center drainage easement shall be maintained along with other standards identified in the Yachats Municipal Code, Shoreland Setbacks section.

Goals

1. Recognize, protect, maintain and restore Coastal Shorelands. Coastal Shorelands are a unique and sensitive component of the coastal environment. These Shorelands are invaluable for the protection and maintenance of water quality for fish and wildlife habitats, recreation and a variety of water-dependent uses.
2. The City recognizes the environmental, social, and economic values of Coastal Shorelands.
3. Water-dependent and water-related uses are preferred uses in ~~the~~ Coastal Shorelands.

#### Policies

1. Cooperate with appropriate government officials in the protection of biological, aesthetic, recreational, and economic values and benefits of shorelands under public control.
2. Reduce or mitigate adverse effects upon water quality and fish and wildlife habitat resulting from the use of shorelands.
3. To recognize, protect, and maintain the value of the Yachats River and its tributaries, Gender Creek, and Agency Creek, a vegetative 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 vegetative buffer will also help protect property from flooding and help manage stormwater drainage.
4. 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. 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. Develop and implement programs for maintaining and improving public access to the estuary and ocean and pursuing adequate signage of existing access points.
7. Support future public access sites to be accessible in conformance with the Americans with Disabilities Act (ADA).

~~Support structural shoreline stabilization to protect property or existing structures threatened by erosion. 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. Land-use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures;



and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

9. Coordinate with the Oregon Department of Parks and Recreation and the Department of State Lands in any review of ~~beachfront protective~~ shoreline stabilization structures.
10. 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.
11. All development shall be consistent with the priorities and policies of the Comprehensive Plan and implementing ordinances.

#### Proposed Action

#### The City shall:

- a) Develop a comprehensive map of water bodies, streams, and creeks within the City.
- b) Maintain and update Goal 17 inventories with best available science.
- c) Strengthen codes to protect Coastal Shorelands.
- d) Periodically update the Coastal Shoreland Boundary map based on bluff changes.
- e) Include public access points along the shoreline in the City's Natural Resources Map.
- f) Note the condition of access points and if they are compliant with the Americans with Disabilities Act (ADA). Identify the ADA non-compliant access points as future improvement projects, where feasible.

#### **Goal E. Natural Hazards**

Yachats lies in a challenged area for natural geological hazards due to much of the city's topography and climate. The City is vulnerable to natural hazards and the impacts of climate change, such as rising sea levels and increased extreme weather events. These hazards are related to various environmental processes and the natural characteristics of the region, which under certain situations can cause significant impacts to property and potentially life. Yachats considers natural hazards to include river and ocean flooding, landslides, liquefaction potential due to earthquakes, tsunamis, river bank erosion, coastal erosion, drought, windstorms, winter storms, and wildfires. An approach to land use planning that incorporates sound scientific information, including geotechnical planning, engineering, and design is important. Additionally, to better manage potential results of these hazards, the City has worked closely with Lincoln County in the development of the Lincoln County Natural Hazards Mitigation Plan.

#### Goals

1. Reduce risk to people and property from natural hazards.
- ~~2. Yachats is vulnerable to natural hazards and the impacts of climate change, such as rising sea levels and increased extreme weather events. These hazards are related to various environmental processes and the natural characteristics of the region, which under certain situations can cause significant impacts to property and potentially life. An approach to land use planning that incorporates sound scientific information, including geotechnical planning, engineering, and design is important. [Staff Comment: Text moved above to the Goal E description].~~
- 3.

4. Integrate natural hazards information from the Lincoln County Natural Hazards Mitigation Plan (NHMP) into the City of Yachats plans, policies, programs, and implementation provisions.

Promote risk reduction to people and property from natural hazards through education and outreach, thus increasing community preparedness and resilience.

#### General Policies

1. Minimize development in natural hazard areas: While natural hazard areas may be developed consistent with the Comprehensive Plan and city land use regulation, whenever possible natural hazard areas shall be retained as open space, recreation use, and other low density uses.
2. Mitigation actions in the Lincoln County Natural Hazards Mitigation Plan shall be followed.
3. Recommendations in the Emergency Operations Plan shall be followed.
4. Encourage participation in Community Emergency Response Team (CERT) Programs.
5. Inform residents and business owners about preparedness measures.
6. Develop citywide stormwater management infrastructure.
7. Development adjacent to the Yachats River shall be planned to minimize any aggravation of the turbidity and seasonal low-flow situation.
8. Access and utilize federal and other grant dollars to implement measures to reduce risk to people and property, and protect against natural hazards.
9. Adopt and update maps, plans, inventories, policies, and implementing measures that reduce risk to people and property from natural hazards.
10. Identify and address emergency access and evacuation routes and areas when making development decisions. Recognize that evacuation routes can be different depending on the natural hazard.
11. Apply for hazard mitigation funding as able to advance mitigation projects.

#### **Specific Hazards** addressed include:

Flood Hazards

Tsunami Hazards

Geologic Hazards

Wildlife Hazards

Drought Hazards

Landslide Hazards

#### Policies related to Specific Hazards:

##### Flood Hazard:

12. Lands in Yachats subject to risk from flooding are identified as Special Flood Hazard Areas on the Flood Insurance Rate Maps (FIRMs) issued by FEMA, which have been adopted by the City. Yachats participates in the National Flood Insurance Program (NFIP) to reduce the risk of damage from flooding and to ensure the availability of flood insurance to property owners and residents.
13. Adopt new or revised FIRM maps as necessary for continued participation in the National Flood Insurance Program.

14. Adopt, revise and maintain regulations for development in identified Special Flood Hazard Areas as necessary for continued participation in the NFIP.
15. Identify historically vulnerable and impacted areas for buyout programs.

Tsunami Hazard:

16. Support tsunami preparedness and related resilience efforts, including outreach to residents.
17. Protect life and property to the fullest extent feasible from the impact of a local source Cascadia Subduction Zone tsunami.
18. Use the Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Maps (TIM) applicable to the City of Yachats to develop tsunami hazard resilience measures.
19. Adopt a Tsunami Hazard Overlay Zone for identified tsunami hazard areas to implement land use measures addressing tsunami risk.
20. Identify and address emergency access and evacuation routes and areas when making development decisions.

Geologic Hazards (liquefaction, earthquake, landslide, erosion):

21. Reduce risk to people, property and the natural environment by adopting land use regulations that address geologic hazards.
22. For the purpose of identifying and mitigating geologic hazards, geologic site reports shall be prepared by appropriately qualified professionals that evaluate the risk to the site as well as the risk the proposed development may pose to other properties. Such reports shall be prepared by a State of Oregon certified geoprofessional such as a Registered Geologist (RG), Certified Engineering Geologist (CEG), or Geotechnical Engineer (GE).
23. Steep slopes are not the only factor that should be used to identify landslide hazard areas. Other factors that must be considered along with slope steepness include: the type of development, the size and scale of the development, the weight and extent of the construction, the location of the vulnerable population, the location of the critical facilities, erosion (natural and human caused), vegetation and grading. The physical footprint of development shall be no greater than the slope can safely accommodate.
24. Require applications for subdivisions, Planned Unit Developments, and building permits to include plans for stormwater management.

Wildfire Hazard:

25. Adopt land use regulations that provide safeguards to reduce risk to people and property from wildfire hazards.
26. A Communicate concerns regarding forest activities to the Oregon Department of Forestry.
27. Support the Yachats Rural Fire Protection District in its fire protection efforts.
28. Support the Lincoln County Community Wildfire Protection Plan (CWPP). Implement recommendations and mitigation actions supported by the citizens of Yachats.
29. .
30. ~~Reduce wildland fire risk.~~
31. Prepare for, respond to, and suppress wildland and structural fires.

## Drought Hazards:

32. Support drought preparedness and related resilience efforts, including outreach to residents. Engage state, regional and local organizations in a collaborative effort to prepare and distribute water conservation information.
33. Support the City of Yachats Water Conservation Plan. Implement recommendations and mitigation actions.

## Proposed Actions

### The City shall:

- a) Amend the City codes as necessary to reflect best practices related to mitigation of natural hazards.
- b) Prepare and distribute tsunami hazard preparedness information to all residents, property owners and business owners in the City, and make the information available at tourist accommodations (vacation rentals) and points of interest.
- c) Participate in emergency preparedness training drills on a regular basis with other agencies and jurisdictions.
- d) ~~Applications for subdivisions, Planned Unit Developments, and building permits shall include plans for stormwater management. [Staff comment: moved to policies above.]~~
- e)
- f) Explore the opportunity to obtain funds for a feasibility study for additional water storage in the City and develop strategies for water infrastructure and improvements.
- g) Prepare and distribute water conservation information through annual public outreach campaigns to raise awareness about drought hazards and mitigation actions residents can take to reduce the impacts of drought in the city.

## **Goal L. Beaches**

Beaches and dunes are the physical environments at the very edge of the sea. These beaches are highly dynamic places; shaped by wind, waves, and currents. They serve as buffers between the energy of the ocean and the land. Beaches and dunes also provide the public with recreational opportunities and draw scores of visitors to Oregon each year.

### Goals

To conserve, protect, where appropriate develop, and restore the resources and benefits of coastal beach and dune areas.

To reduce the hazard to human life and property from natural or human-induced actions associated with these areas.

Enhance existing access points to its beaches and protect its beaches from erosion and other degradation.

### Policies

1. Prohibit residential development or commercial and industrial buildings on beaches, active foredunes, on other foredunes which are conditionally stable and that are subject to ocean

undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding.

2. Adopt land use regulations that provide safeguards to reduce risk to people and property from coastal hazards.
3. Improve public access to the beach and river shores by acquiring land and easements.
4. Accept donations and dedications of land and easements for public access, open space, and habitat protection.
5. Identify appropriate sites for emergency and public access to the beach.
6. 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.

**City of Yachats**  
**Land Use/Building Permit Activity**  
**June 15, 2021 through July 19, 2021**

<b>Project Name</b>	<b>Description</b>	<b>Parcel #</b>	<b>Address</b>	<b>Zone</b>	<b>Opened</b>	<b>Status</b>
SHADLE	New SFR	14-12-27-AD-13903	235 Radar Road	R1	4/22/21	Permit Issued
REILLY	New accessory building	14-12-27-AD-02102	48 E. 8th Street	R3	4/22/21	Withdrawn
GRAND PACIFIC	Conditional Use Permit	14-12-22-DD-3101	1881 Highway 101 N	R4	5/13/21	Approved 6/15/21
KELLEY	New SFR	14-12-26-BC-2100	867 Horizon Hill Road	R1	5/26/21	Permit Issued
STERLING	New SFR	14-12-26-CC-11700	35 Joni's Way	R1	5/27/21	Permit Issued
DANIEL	New SFR	14-12-26-BB-3000	221 Windsong Street	R1	5/27/21	Permit Issued
KELLIM	New SFR	14-12-27-DD-1604	136 Ocean View Drive	R1	6/2/21	Permit Issued
CAVALLO	New Manufactured Home	14-12-27-AD-2800	45 E. 8th Street	R3	6/7/21	Permit Issued
CHASE	New SFR	14-12-17-AD-14900	965 Hanley Drive	R1	6/15/21	In Review (CoY)
HETZLER	Install wheelchair ramp	14-12-27-DA-3500	142 Highway 101 N	C1	6/30/21	In Review (CoY)
ZIEGLER	Remove/rebuild deck	14-12-34-AC-5200	11 Surfside Drive	R1	7/11/21	In Review (CoY)