

1. 2:00 P.M. Agenda

Documents:

[2020-11-18 Council Agenda.pdf](#)

2. Meeting Materials

[2020-11-City-Manager-Report](#)

[2020-10-Financial-Report-Council](#)

Documents:

[2020-10-01 - City Council Meeting Summary.pdf](#)

[2020-10-21 - City Council Meeting Summary.pdf](#)

[2020-150 RES Water Rate Adoption.pdf](#)

[2020-11-18 NHMP Update.pdf](#)

[2020-11-18 Lighting Update.pdf](#)

[2020-11-18 STR Compliance Software Memo.pdf](#)

3. Lighting Public Comment

Documents:

[2020-11-18 Planning Public Comment.pdf](#)



**CITY OF YACHATS
REGULAR CITY COUNCIL MEETING**

Yachats OR

Wednesday, November 18, 2020 at 2:00 pm

To Be Held Via Zoom

Join Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/89102871386?pwd=VjB4dHlEVG5lRW9uR0ZkK0Z3Rnhadz09>

Meeting ID: 891 0287 1386

Passcode: 935567

One tap mobile

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REGULAR COUNCIL MEETING

- I. Announcements, Correspondence, and Proclamations
- II. Public Comment:
Topics not listed on the agenda 5 Minute limitation per person
- III. Consent Agenda
- IV. New Business
 - a. Public Hearing
An ordinance amending the Yachats Municipal Code chapters 9.04 – definitions, 9.52.050 Geologic hazard overlay zone, 9.52.100 older stabilized dune construction, 9.52.130 development on beaches, and

The Yachats City Council meetings are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 (TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

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. The meeting room is physically accessible to persons with mobility devices; 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 11/13/2020



Yachats comprehensive plan goal A protection of natural resources, goal B protection of estuarine resources, goal C protection of shoreland resources, goal E protection of natural hazards and disasters, and goal L beaches.

b. Public Hearing

An ordinance amending the Yachats Municipal Code Chapters 9.04 – Definitions and 9.42 Lighting.

c. Vacation (Short-term) Rental Compliance Software Discussion

V. Old Business

- a. Oceanview Drive: Discussion of Striping and Directionality; Discussion of future opportunities for public input on other project elements

VI. Reports

- a. Financial
- b. Council
- c. City Manager

VII. Other Business

- a. Mayor
- b. Council
- c. Staff

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CITY OF YACHATS

CITY COUNCIL WORK SESSION AND REGULAR MEETING

Date: October 1, 2020

Draft Meeting Summary

Audio will be uploaded the following business day for review of entire meeting

Meeting Call to Order

Members

Mayor/Chair: W. John Moore called the City Council meeting on October 1, 2020 at 9:30 am to order

Council/Commission/Committee members present:

1. <u>Mayor Moore</u>	5. <u>Council President Glenn</u>
2. <u>Councilor Vaaler</u>	6. _____
3. <u>Councilor O'Shaughnessey</u>	7. _____
4. <u>Councilor Tooke</u>	8. _____

Absent:

1. _____	3. _____
2. _____	4. _____

Staff present:

1. <u>City Manager Beaucaire</u>	4. <u>Community Svc Coordinator Hoen</u>
2. <u>Deputy Recorder Jackson</u>	5. <u>Planner Hamilton</u>
3. <u>Admin Sites</u>	6. <u>Water Lead McClung</u>

Audience: 31

I. Announcements, Correspondence, and Proclamations

- a. Note from Oregon State Treasurer, thanking the city's response to the COVID19 and especially to the Presbyterian's participation in aiding the community.

1 **II. Motions:**

2 b. Motion to adopt Ordinance 364 amending the Yachats Municipal Code
3 Chapter 4.08 related to vacation rentals:

4 Voted Yes - Glenn, Moore, Vaaler, O'Shaughnessey and Tooke

5 Voted No- None
6

7 **III. Consent Agenda**

8 1. Minutes - None

9 a.

10 ***Items Covered in the Work Session & Regular Meeting:***

- 11 • Water Surveillance - Test Results – Dr. Ken Williamson – reported they ran
12 samples of wastewater from residents and non-residents for COVID; Yachats
13 was tested from June to August and the results were non-detectable with the
14 exception 2 days in the middle of July showed positive for low levels of COVID in
15 the wastewater and the next testing showed it went away after that; It seems the
16 city's policies that are in place prevented the spread; the measuring is over at
17 this point with the City of Yachats; they will continue to test in 40 other cities
18 across the state; Newport, and major facilities in the valley will continue to be a
19 part of this study.
- 20 • Public Hearing Updates to Yachats Municipal Code 7.20 Sidewalk maintenance;
21 The City's insurance company, CIS, is requiring the City to specify the obligation
22 to repair and maintain public sidewalks within the City. The City attorney
23 reviewed the model policies CIS provided from Florence and Oakridge, as well
24 Eugene's ordinance, and drafted the attached ordinance. Some of the language
25 in the ordinance is required by CIS; Beaucaire stated the insurance company will
26 not change language; this meeting is the 1st Public Hearing and the 2nd one will
27 be at the next City Council meeting; Public Comments were that, there needed to
28 be more public notice to the public on this issue; Beaucaire stated there is no
29 deadline and will see if the insurance representative will draft an article for the
30 November newsletter to notify the residents;
- 31 • Vacation Rental Program – The City Council agreed to make changes from their
32 September 3, 2020 meeting in Section 4.08.030; Ordinance regarding 4.08, on
33 the fifth "Whereas" need a change from "encourage" to "require"; and on page 3,
34 Item D to change local contact hours from "8am-11p" to "24 hours a day"; page 5
35 regarding complaints being filed online is a valid signed complaint and will stand.
- 36 • Mayor brought back Host Compliance company that would track unauthorized
37 vacation rentals and a host of other benefits. They have found that there may be
38 181 rentals inside the city limits, the city only has 125 licenses; Host compliance
39 takes a screen shot every 3 days and they will track, notify with a letter, and send
40 a screenshot of the ad as well. 24hour complaint line, 24/7 customer service, call
41 every 30 minutes until resolved, track complaints, listen to audio of complaints on
42 the website, cost is about \$22/23k for the first year, and the cost could potentially
43 be reduced, due to underreporting and issuing fines for non-licensed rentals;

1 three companies will need to bid on this type of service as the city needs to follow
2 procurement policies because of the cost.

- 3 • Update on paving project on proposed changes, we still qualify for the grant;
4 spoke with the engineer and for asphalt vs. permeable, will ask bidders to bid for
5 asphalt with the option for permeable paving. Permeable paving does require
6 annual maintenance, the coast might not have companies with the experience in
7 laying permeable paving other items as discussed: looking at larger sidewalk, not
8 striping the roadway, no moving of the charging station. Timeline out to bid for
9 Jan/Feb.
- 10 • The street naming deadline was 09/30/20 midnight and there are 18 submissions
11 to select
- 12 • Vacation Rental applications review will be on the next council agenda
- 13 • Discussion of the summary minutes – the audio is the recording of the written
14 minutes, the summary that is being voted on has to include the votes, motions
15 and how everyone voted; the “take away” verbiage is changed to “Items
16 Covered”, the audio and written summary are permanent records; the request is
17 that there will be an exact motion instead of the summary going forward; and
18 what we are voting on for the summary of matters discussed and is a true
19 reflection; discuss further in the November work session and to include overtime
20 of staff because of the meeting.
- 21 • The City pursued the Transportation and Growth Management Grant and we
22 were not successful; will need to wait on making some decision on striping and
23 will be putting this issue on future agenda to discuss and to get public input.
24
25

26 **Action Steps**

- 27 • Publish Public Hearing Notice in the November newsletter
- 28 • Mayor will forward the PowerPoint presentation from Host Compliance with the
29 Council; this item will be on the November Work Session Agenda and will post on
30 the City website for feedback from the community.
31
32

33 W. John Moore, Mayor adjourned the meeting at 12:20pm.

34 Prepared by:

35 _____

36 Kimmie Jackson, Deputy Recorder

37
38 Date: _____



CITY OF YACHATS
CITY COUNCIL REGULAR MEETING

Date: October 21, 2020

Draft Meeting Summary

Audio will be uploaded the following business day for review of entire meeting

Meeting Call to Order

Members

Mayor/Chair: W. John Moore called the City Council meeting on October 21, 2020 at 9:30 am to order

Council/Commission/Committee members present:

1. <u>Mayor Moore</u>	5. _____
2. <u>Councilor Vaaler</u>	6. _____
3. <u>Councilor O'Shaughnessey</u>	7. _____
4. <u>Council President Glenn</u>	8. _____

Absent:

1. <u>Councilor Tooke</u>	3. _____
2. _____	4. _____

Staff present:

1. <u>City Manager Beaucaire</u>	4. <u>Community Svc Coordinator Hoen</u>
2. <u>Deputy Recorder Jackson</u>	5. <u>Planner Hamilton</u>
3. <u>Admin Sites</u>	6. <u>Water Lead McClung</u>

Audience: 19

I. Announcements, Correspondence, and Proclamations

- a. None

II. Motions:

- a. Motion to approve Resolution 2020-143 2nd Street Curbs with modifications

- Voted Yes - Glenn, Moore, Vaaler and O'Shaughnessey
- Voted No- None
- Absent: Tooke

- b. Motion to approve Resolution 2020-149 Driftwood Paving Project with modifications

- Voted Yes - Glenn, Moore, Vaaler and O'Shaughnessey
- Voted No- None
- Absent: Tooke

- c. Motion to approve Street name to La De Da Lane

- Voted Yes - Glenn, Moore, Vaaler and O'Shaughnessey
- Voted No- None
- Absent: Tooke

III. Public Hearing

- a. Open Public Hearing at 2:29pm on Yachats Municipal Code 4.08 Vacation Rental Ordinance

- Voted Yes - Glenn, Moore, Vaaler and O'Shaughnessey
- Voted No- None
- Absent: Tooke

Close 2:31pm

- b. Open Public Hearing at 2:31pm on Yachats Municipal Code 2.10 Public Contracting

- Voted Yes - Glenn, Moore, Vaaler and O'Shaughnessey
- Voted No- None
- Absent: Tooke

**Second public hearing at the November 18, 2020 meeting

Close 2:43pm

Items Covered:

- Vaaler wanted the meeting summaries pulled for August & September meetings for further discussion
- Modify Resolution 143 with modification: removing the five bullet points
- Modify Resolution 149 with modification: remove item "f"

- Driftwood street naming has 20 submissions; the winner of the street naming is “La De Da Lane”, Mark Taylor is providing a gift card to the runner ups and a \$50 gift card to the winner
- Vacation Lottery drawing will be held in the Picnic Shelter, using numbered balls in a bingo drum; drawing will be held in a zoom meeting Due to COVID restrictions; names will be assigned to the balls and the applications, will maintain a key sheet; the first five recipients will be pulled to move forward in the licensing process and the rest of the entries will be pulled placed on a wait list order of upcoming vacation rentals; drawing to be held the first Friday of November at noon, will be a special City Council Meeting; the kids that won the street naming contest will pull the names out of the hopper. Glenn will contact the naming contest winners to participate.
- Since the grant was unsuccessful for the transportation system plan, Council will remind citizens of why the directionality has to be Southbound and then the consensus is to have public input on future project items.

Action Steps (if any)

- Resolution 2020-150, bring back with modification requested by Vaaler
- Follow-up meeting for actions/compensation regarding the city manager evaluation
- Ocean View Drive public input at the November meeting

W. John Moore, Mayor adjourned the meeting at 3:31pm.

Prepared by:

Kimmie Jackson, Deputy Recorder

Date: _____



**CITY OF YACHATS
RESOLUTION NO. 2020-150
A RESOLUTION SETTING THE RATES FOR WATER SERVICE, ESTABLISHING AN
INDEX FOR FUTURE ADJUSTMENTS TO THE WATER RATE**

WHEREAS, the Public Works and Streets Commission discussed current City of Yachats utility rates at their March 12, April 9, and May 14th 2019 meetings, and recommended to the City Council engagement of professional services to conduct a rate study for water and wastewater rates at their May 14, 2019 meeting, and

WHEREAS, the City Council discussed the recommendations at its July 3, 2019 meeting and elected to have the Oregon Association of Water Utilities (OAWU) conduct a water and wastewater rate study (Resolution 2019-88), and

WHEREAS, the City Council reviewed considerations relating to a \$100,000 capital improvement goal and to a \$200,000 capital improvement goal and approved a water rate analysis at its October 19, 2019 meeting (Resolution 2019-95), and

WHEREAS, the City Council reviewed the options provided by OAWU that compares “current” rates and proposed rates on budgets at either \$100,000 or \$200,000 annual capital improvement goals and resolved to reset base rates using the meter multiplier (column 3) providing an allowance of water in line with the meter multiplier and a \$6.00 per unit cost, and resolved that the City of Yachats will:

1. Implement a consumption rate increase from \$5.91 to \$6.00 for water and again for wastewater
2. There will be no changes to the wastewater base rate
3. Implementation will be January 1, 2021

WHEREAS, The City will use the Consumer Price Index (CPI) of the previous year end to determine rate increases, to be implemented on the base rate and consumption, each fiscal year, and if the percentage is lower, to pass that savings onto the consumer; rate changes will occur every July 1 of a new fiscal year. Initial rate adjustment to be implemented January 1, 2021, for CPI adjustment July 1, 2021, and

WHEREAS, the cost of operating and maintaining utilities is increasing and developing model that is fair and equitable to all consumers to enable the City to complete infrastructure repairs and improvements.

NOW, THEREFORE, the City of Yachats resolves:

1. Implement the water and wastewater consumption rate increase from \$5.91 to \$6.00



**CITY OF YACHATS
RESOLUTION NO. 2020-150
A RESOLUTION SETTING THE RATES FOR WATER SERVICE, ESTABLISHING AN
INDEX FOR FUTURE ADJUSTMENTS TO THE WATER RATE**

2. There will be no changes to the wastewater base rate
3. Implementation will be January 1, 2021
4. Rates will be adjusted on July 1 of each year, starting with July 2021, based upon the Consumer Price Index for the preceding calendar year as reported for December 31.

This resolution memorializes action taken on September 23, 2020 and is effective as of that date.

CITY OF YACHATS

By: _____
W. John Moore, Mayor

ATTESTED TO BY:

Shannon Beaucaire, City Manager

November 10, 2020

To: Shannon Beaucaire, City Manager

From: Justin Peterson, Contract City Planner

Re: Draft Amendments to Yachats Zoning & Land Use Code Sections

At the October 20, 2020 Planning Commission meeting, the Commission passed a motion to forward the attached recommended amendment to Yachats Municipal Code to City Council.

The Planning Commission received a few questions at the October 17, 2020 meeting. A request was made to update the landslide map legend. The updated map has an amended legend. A question was asked about the development permit. Staff reviewed geologic hazard permit process in the City of Newport and expects to follow a similar process.

Issue/Question: Is the Yachats Comprehensive Plan and Municipal Code aligned with the Goals of the State to incorporate highest / best strategies for Hazard Mitigation?

Explanation: The City of Yachats received a Coastal Resilience Grant from the Oregon Coastal Management Program for March through July 2020. The goal of the grant was to utilize best available data and resources to review and update portions of the Yachats City Comprehensive Plan and Municipal Code.

The resulting review effected new language / process for the protection of Yachats' natural resources.

Goal A: Protection of Natural Resources (General)

Goal B: Protection of Estuarine Resources

Goal C: Protection of Shoreland Resources

Goal E: Protection from Natural Hazards and Disasters,

Goal L: Beaches, and

Municipal Code Sections:

9.04.030 (Definitions)

9.52.050 (Hazard Areas)

9.52.100 (Older Stabilized dune construction)

9.52.130 (Development on Beaches).

The City of Yachats held several work sessions including a City Council and Planning Commission joint work session on June 4th, a Planning Commission work session on July 7th, and a Planning Commission work session on July 21st.

Council Action:

1. The City Council may approve,
2. Deny or
3. Remand back to the Planning Commission for reconsideration the proposed amendment

Example Motion:

To approve the proposed amendment to the Yachats Municipal Code based on the testimony received, the findings within the staff report, and the evidence and arguments before the City Council at the public hearing on November 17, 2020. The City Council determines that the request by the City of Yachats to amend Sections §9.04.030, §9.52.050, §9.52.100, §9.52.130, of the Yachats Municipal Code and Comprehensive Plan Goals A, B, C, E and L, of the Yachats Comprehensive Plan. The City Council hereby adopts the staff memo as findings and the other evidence in the record as findings supporting its decision and approves the Ordinance.

Attachments:

1. Draft Ordinance
2. Proposed Amendments in Strikethrough and underlined
3. Planning Commission Draft Minutes – October 20, 2020
4. Relevant Maps

**CITY OF YACHATS
ORDINANCE NO. 367**

AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTERS 9.04 – DEFINITIONS, 9.52.050 GEOLOGIC HAZARD OVERLAY ZONE, 9.52.100 OLDER STABILIZED DUNE CONSTRUCTION, 9.52.130 DEVELOPMENT ON BEACHES, AND YACHATS COMPREHENSIVE PLAN GOAL A PROTECTION OF NATURAL RESOURCES, GOAL B PROTECTION OF ESTUARINE RESOURCES, GOAL C PROTECTION OF SHORELAND RESOURCES, GOAL E PROTECTION OF NATURAL HAZARDS AND DISASTERS, AND GOAL L BEACHES.

WHEREAS, the City of Yachats received a Coastal Resilience Grant from The Oregon Coastal Management Program for March through July 2020;

WHEREAS, pursuant to ORS 197.610, the City provided DLCD with Form 1 notice of these proposed YMC Title 9, Chapter 9.54, text changes on September 13, 2020;

WHEREAS, notice of the proposed amendments were provided in accordance with procedures established in the Yachats Municipal code and Oregon Revised Statutes;

WHEREAS, the Planning Commission held a work session on July 7, 2020 and July 21, 2020, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission and City Council held a work session on June 4, 2020, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission held a public hearing on October 20, 2020 for the proposed amendments;

WHEREAS, the Planning Commission followed the text amendment procedures under YMC 9.84.020 and has provided a report to the City Council along with its recommendation to consider the proposed text changes;

WHEREAS, the City Council held a public hearing on these proposed text changes on November 18, 2020;

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 9.04, Definitions, 9.52.050 Geologic Hazard Overlay Zone, 9.52.100 Older Stabilized Dunes, and 9.52.130 Development on Beaches and Dunes.

CHAPTER 9.04.030 – Definitions

“Beach” means gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or land form, or to the line of vegetation.

“Estuary” means the body of water from the ocean to the head of tidewater that is partially enclosed by land and within which salt water is usually diluted by fresh water from the land, including all associated estuarine waters, tidelands, tidal marshes and submerged lands.

“Geologic Hazard” means a geologic condition that is a potential danger to life and property which includes but is not limited to earthquakes, landslides, erosion, liquefaction, fault displacement, and subsidence.

“Geoprofessional” refers to a Registered Geologist, Certified Engineering Geologist, Professional Engineer, and Geotechnical Engineer.

Registered Geologists (RG) provide geologic maps and documents and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).

Certified Engineering Geologists (CEG) provide engineering geologic reports and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).

A Geotechnical Engineer (GE) is a Professional Engineer (PE) with the specific training, expertise, and experience to qualify as a Geotechnical Engineer (GE). GEs provide geotechnical engineering reports and are licensed by the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS).

“Mean Higher High Water” is the average of the higher of the two high water heights of each tidal day observed over the National Tidal Datum Epoch.

“Older stabilized dune” means a dune that is stable from wind erosion, and that may include diverse forest cover. They include older foredunes.

“Shoreline” means the boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.

“Top of Bank” means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

CHAPTER 9.52.050 – Geologic Hazard Overlay Zone

- A. **PURPOSE:** The purpose of this overlay zone is to manage development in areas subject to geologic hazards in a manner that reduces long term risks to life, property, and the community, consistent with Statewide Planning Goal 7 and 18.
- B. **AREAS INCLUDED:** The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of this section:

1. All lands partially or completely within “very high” and “high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide Susceptibility Map of Oregon.”
 2. All lands partially or completely within any coastal erosion hazard zone (very high, high, moderate, or low) as mapped in DOGAMI Open File Report O-07-03, “Evaluation of Coastal Erosion Hazard Zones Along Dune and Bluff Backed Shorelines in Lincoln County, OR: Seal Rock to Cape Perpetua.”
 3. All lands partially or completely within a rapidly moving landslide as mapped in DOGAMI IMS-22, “GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon,” 2002.
 4. Lots or parcels where the average existing slopes are equal to or greater than twelve (12) percent or where the average existing slopes are equal to or greater than thirty (30) percent within 100 feet of the property.
 - a. Definition of Slope: A property has a twelve (12) percent slope or greater if:
 - i. The average slope from the highest to lowest point of the property has a slope of twelve (12) percent or greater; or
 - ii. The average slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is twelve (12) percent or greater.
- C. ALLOWED USES: Within the Geologic Hazards Overlay Zone, all uses allowed pursuant to the provisions of the underlying zone may be allowed, subject to the additional requirements and limitations of this section.
- D. GEOLOGIC HAZARD PERMIT REQUIRED:
1. Except for activities identified in subsection (D)(2) as exempt, any new development, new construction or substantial improvement, as defined in Section 9.54.020, in an area subject to the provisions of this section shall require a Geologic Hazard Permit. The Geologic Hazard Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit or land use approval required by the City of Yachats.
 2. The following activities are exempt from the requirement for a Geologic Hazard Permit:
 - a. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement;

- b. An excavation which is less than two feet in depth or which involves less than twenty-five cubic yards of volume;
 - c. Fill that is less than two feet in depth or that involves less than twenty-five cubic yards of volume;
 - d. Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;
 - e. Gravesites dug in cemeteries;
 - f. Construction of structures for which a building permit is not required;
 - g. Removal of trees smaller than 8 inches dbh (diameter breast height);
 - h. Removal of trees larger than 8 inches dbh (diameter breast height) provided the canopy area of the trees that are removed in any one year period is less than twenty-five percent of the lot or parcel area;
 - i. Yard area vegetation maintenance and other vegetation removal on slopes less than 25% slopes;
 - j. Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);
 - k. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the previously disturbed area;
 - l. Maintenance and repair of utility lines, and the installation of individual utility service connections;
 - m. Emergency response activities intended to reduce or eliminate an immediate danger to life or property, or flood or fire hazard;
3. Application, review, decisions, and appeals on Geologic Hazard Permits shall be in accordance with the requirements for a staff level decision. Unless otherwise provided by Yachats Municipal Code or other provision of law, any Geologic Hazard Permit so issued shall be valid for a time period as specified in the approval decision and shall in no case be valid for more than 5 years.
4. In addition to a completed application as prescribed in subsection (E), an application for a Geologic Hazard Permit shall include the following:
- a. A site plan to scale that accurately illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8 inches dbh (diameter breast height) proposed for removal;

- b. An estimate of depths and the extent of all proposed excavation and fill work;
 - c. Identification of the geologic hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a Certified Engineering Geologist (CEG) shall identify the hazard zone(s) within which development is proposed; and
 - d. A engineering Geologic Report prepared by a qualified geoprofessional (as defined in Section 9.04.030) that meets the content requirements of subsection (E); and
 - 5. A decision to approve a Geologic Hazard Permit shall be based upon findings of compliance with the following standards:
 - a. The proposed development is not subject to the prohibition of development on beaches and certain dune forms as set forth in Section 9.52.130;
 - b. The proposed development complies with the applicable requirements and standards of subsections (6) and (7) of this section;
 - c. The Geologic Report conforms to the standards for such reports set forth in subsection (E) of this section; and
 - d. The development plans for the application conform, or can be made to conform, with all recommendations and specifications contained in the geologic report.
 - 6. In the event the city determines that additional review of a Geologic Hazard Permit application by an appropriately licensed and/or certified professional is necessary to determine compliance with the provisions of this section, the City may retain the services of such a professional for this purpose. All costs incurred by the City for this additional review shall be paid by the applicant in addition to the application fee for a Geologic Hazard Permit established pursuant to Section 9.88.050.
 - 7. In approving a Geologic Hazard Permit, the City Planner may impose any conditions that are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the Yachats Municipal Ordinance.
- E. GEOLOGIC REPORT (Engineering Geologic Report and Geotechnical Engineering Report) STANDARDS:
- 1. Geologic Reports required by this section shall be prepared consistent with standard geologic practices employing generally accepted scientific and

engineering principles, and shall, at a minimum, contain the items outlined in the most recent edition of Oregon State Board of Geologist Examiners "Guidelines for Preparing Engineering Geologic Reports in Oregon". For oceanfront property, reports shall also address the "Geological Report Guidelines for New Development on Oceanfront Properties," prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development, in use as of the effective date of this section. Reports shall reference the published guidelines upon which they are based. All engineering geologic reports and geotechnical engineering reports are valid for purposes of meeting the requirements of this section for a period of five (5) years from the date of preparation. Such reports are valid only for the development plan addressed in the report. The City of Yachats assumes no responsibility for the quality or accuracy of such reports.

2. For the purposes of Section 9.52.050, a Geologic Report refers to both engineering geologic reports and geotechnical engineering reports.
3. Geologic reports required by this section shall include a statement certifying that all of the applicable content requirements of this subsection have been addressed.

F. ADDITIONAL LIMITATIONS IN GEOLOGIC HAZARD AREAS:

1. New construction shall be limited to the recommendations, if any, contained in the Geologic Report; and
2. Safest site requirement: All new construction or substantial improvements shall be located within the area most suitable for development based on the least exposure to risk from coastal hazards as determined by a qualified geoprofessional as part of a Geologic Report prepared in accordance with subsection (E). Notwithstanding the provisions of the underlying zone, as necessary to comply with this requirement.
3. Hazard Disclosure Statement: All applications for new development or substantial improvements subject to Geologic Hazard Permit shall provide a Hazard Disclosure Statement signed by the property owner that acknowledges:
 - i. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;
 - ii. The property owner has commissioned an engineering geologic report for the subject property, a copy of which is on file with City of Yachats Planning Department, and that the property owner has reviewed the engineering geologic report and has thus been

informed and is aware of the type and extent of hazards present and the risks associated with development on the subject property;

- iii. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.

G. **MINIMUM OCEANFRONT SETBACKS:** In areas subject to the provisions of this section, the building footprint of all new construction or substantial improvement subject to a Geologic Hazard Permit shall be set back from the ocean shore a minimum twenty-five (25) feet from the top of the bank or greater if recommended by an Oregon certified engineering geologist.

H. **EROSION CONTROL MEASURES:** A certified engineering geologist, geotechnical engineer, or qualified civil engineer shall address the following standards.

1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;
2. Development plans shall minimize cut or fill operations so as to prevent off-site impacts
3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
4. Permanent plantings and any required structural erosion control and drainage measures shall be installed within 3 months as soon as practical;
5. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
7. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified

as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure;

8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
 9. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:
 - i. Energy absorbing devices to reduce runoff water velocity;
 - ii. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 - iii. Dispersal of water runoff from developed areas over large undisturbed areas;
 10. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and
 11. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities
- I. CERTIFICATION OF COMPLIANCE: Permitted development shall comply with the recommendations in any required geologic or engineering report. No development requiring a Geologic Report shall receive final approval (e.g. certificate of occupancy, final inspection, etc.) until the city receives a written statement by a qualified geoprofessional indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the licensed professional engineer.
- J. RESTORATION AND REPLACEMENT OF EXISTING STRUCTURES:
1. A building or structure that is nonconforming under Chapter 9.76 of the Yachats Municipal Code that is destroyed by fire, other casualty or natural disaster shall be subject to the casualty loss provisions contained in Section 9.76.050. Application of the provisions of this section to a property shall not have the effect of rendering it nonconforming.

2. A building or structure that conforms to the Municipal Code that is destroyed by fire, other casualty or natural disaster may be replaced with a building or structure of up to the same size provided a Geologic Report is prepared by a qualified geoprofessional. A Geologic Report prepared pursuant to this subsection shall adhere to the Geologic Report Standards outlined in subsection 9.52.050 (E). All recommendations contained in the report shall be followed, however the report need not establish that the site is suitable for development as required in subsection 9.52.050 (F)(2). An application filed under this subsection shall be processed and authorized as a ministerial action by the City Planner.

Section 3. Yachats Municipal Code Chapter 9.52.100, Older Stabilized Dune Construction Standards

CHAPTER 9.52.100 – Older Stabilized Dune Construction Standards

It is the intent of the older stabilized dune construction standards to regulate actions in older stabilized dunes in order to minimize damage to the dune forms and to adjacent property.

This section applies to all areas identified as “Older stabilized dunes” in the 1975 USDA Soil Conservation Service and OCCDC report “Beaches and Dunes of the Oregon Coast,” specifically the Sand Dunes Map for Lincoln County, Oregon.

The following standards shall apply to development in older stabilized dunes:

- A. Before a building permit is issued for construction involving the removal of vegetation in areas of older stabilized dunes, the City shall require an erosion prevention plan. The plan shall provide for temporary and permanent sand stabilization and maintenance of new and existing vegetation. The plan shall return the area to its original level of stability or further increase the area’s stability.
- B. Removal of vegetation in older stabilized dunes shall be kept to the minimum required for building placement or other valid purposes. Removal of vegetation shall not occur more than thirty (30) days prior to grading, or construction. Permanent revegetation shall be started on the site as soon as practical.
- C. Sand removal shall be limited to that necessary for construction of permitted structures on the site or for eliminating hazards identified in the erosion prevention plan. Adequate consideration shall be given to removing sand from the least sensitive locations. Disturbed areas shall be properly revegetated unless building is done thereon.
- D. Developments shall result in the least topographic modification of the site that is practical.

CHAPTER 9.52.130 – Development on Beaches and Dunes

Construction of residential, commercial, or industrial buildings is prohibited on beaches, active foredunes, other foredunes that are conditionally stable and subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) that are subject to ocean flooding. Other development in these areas shall be permitted only if a certified engineering geologist determines that the development is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves and is designed to minimize adverse environmental effects. Such a determination shall consider:

- A. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
- B. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
- C. Methods for protecting the surrounding area from any adverse effects of the development; and
- D. Hazards to life, public and private property, and the natural environment that may be caused by the proposed use.

Section 2. Yachats Comprehensive Plan, Goal A Protection of Natural Resources (General), Goal B Protection of Estuarine Resources, Goal C Protection of Shoreland Resources, Goal E Protection of Natural Hazards and Disasters, and Goal L Beaches.

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

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. Protect and enhance the natural, scenic and historic resources of the City of Yachats.

Policies

1. 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 publically owned open space. 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) 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 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 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, 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) Conduct archaeological and historic resource inventories consistent with Goal 5 and the State Historic Preservation Office (SHPO); rank and prioritize 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.
- c) Explore and prioritize actions to preserve trees and establish a tree protection ordinance.
- d) Identify and rank significant view sheds and corridors.
- e) Update the City-wide natural resources inventory and assessment.
- f) 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.
- g) 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.
- h) Periodically update the 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.

Goals

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.
2. In recognition of the unique 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 the Yachats River estuary within the Yachats urban growth boundary.
3. The Yachats River is classified as a conservation estuary. 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.
6. Permitted uses in the natural estuary management unit are 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 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 resource management.

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).
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 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 Actions

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. Integrate natural hazards information from the Lincoln County Natural Hazards Mitigation Plan (NHMP) into the City of Yachats plans, policies, programs, and implementation provisions.
3. 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
Wildfire 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. Recognize that 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. 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. Prepare for, respond to, and suppress wildland and structural fires.

Drought Hazards:

30. 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.
31. 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 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) Explore the opportunity to obtain funds for a feasibility study for additional water storage in the City and develop Strategies for water infrastructure improvements.
- e) 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

1. To conserve, protect, where appropriate develop, and restore the resources and benefits of coastal beach and dune areas.
2. To reduce the hazard to human life and property from natural or human-induced actions associated with these areas.
3. Enhance existing access points to beaches and protect 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.

Section 3. Severability. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

Passed and adopted by the Yachats City Council this _____ day of _____, 20____

	YES	NO	NOT PRESENT
John Moore, Mayor	☐	☐	☐
Max Glenn	☐	☐	☐
Mary Ellen O'Shaughnessey	☐	☐	☐
Jim Tooke	☐	☐	☐

Leslie Vaaler



W. John Moore, Mayor

Attest by:

Shannon Beaucaire, City Manager

Proposed Amendments to YMC 9.04.030 Definitions

*Proposed additions to the text are underlined. Deletions are listed in strikethrough.

9.04.030 Definitions

"Beach" means gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or land form, or to the line of vegetation.

"Bridge crossing" means the portion of a bridge spanning a waterway or wetlands, not including supporting structures or fill.

"Bridge crossing support structure" means piers, piling and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

"Development" means work done on any site resulting in physical changes to that site, including, but not limited to, grading and/or excavation, vegetation removal and/or any construction or placement of facilities on that site.

"Dock for marina use" means a floating moorage facility constructed perpendicular or parallel to the shoreline.

"Estuarine enhancement" means an action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a restoration action or the creation of additional estuarine habitat. This activity may include snag removal.

"Estuary" means the body of water from the ocean to the head of tidewater that is partially enclosed by land and within which salt water is usually diluted by fresh water from the land, including all associated estuarine waters, tidelands, tidal marshes and submerged lands.

"Fill" means the placement by man of sand, sediment or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.

"Geologic Hazard" means a geologic condition that is a potential danger to life and property which includes but is not limited to earthquakes, landslides, erosion, liquefaction, fault displacement, and subsidence.

"Geoprofessional" refers to a Registered Geologist, Certified Engineering Geologist, Professional Engineer, and Geotechnical Engineer.

Registered Geologists (RG) provide geologic maps and documents and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).

Certified Engineering Geologists (CEG) provide engineering geologic reports and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).

A Geotechnical Engineer (GE) is a Professional Engineer (PE) with the specific training, expertise, and experience to qualify as a Geotechnical Engineer (GE). GEs provide geotechnical engineering reports and are licensed by the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS).

"Maintenance and repair (estuarine areas)" means the work of keeping an existing structure or facility in good working order or in conformance with current engineering or building codes, or of restoring a structure or facility to sound condition after damage or injury. Maintenance and repair is confined to the same geographic area as the existing structure or facility, and does not result in an increase in floor area or surface area. Replacement of bridge crossing support structures and bridge approach ramps may be

considered a form of maintenance if the resulting bridge support structure or ramp is the minimum size necessary to accommodate the same number of traffic lanes as exist on that portion of the highway.

“Marina” means a commercial boat launch, moorage or similar facility which may include dry or wet boat storage and boathouses.

“Mean Higher High Water” is the average of the higher of the two high water heights of each tidal day observed over the National Tidal Datum Epoch.

“Mitigation” means the creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats and species diversity, unique features and water quality.

“Natural grade” means the grade prior to grading or fill, and is defined as where the roots and stems meet to form the natural elevation of the lot or the grade that existed at the date of the adoption of this ordinance (February 13, 2008). Natural grade is the grade prior to cutting or filling.

“Older stabilized dune” means a dune that is stable from wind erosion, and that may include diverse forest cover. They include older foredunes.

“Pier” means a fixed moorage facility constructed outward from the shoreline.

“Piling” means the driving of wood, concrete or steel piling into the bottom in aquatic areas to support piers or docks, structures, moored floating structures, or other purposes.

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

“Restoration” means to revitalize or re-establish functional characteristics and processes of the estuary diminished or lost by past alterations, activities or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work begins.

Restoration, Active. “Active restoration” means the use of specific positive remedial actions to revitalize or re-establish functional characteristics and processes of the estuary.

Restoration, Passive. “Passive restoration” means the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action

“Riparian” means of or pertaining to or living on the bank of a river or lake or, of a tidewater.

“Riprap” means a layer, facing or protective mound of stones placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.

“Shoreline” means the boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.

“Shoreline stabilization” means the protection of the banks of tidal or intertidal streams, rivers, estuarine waters, and oceanfront by vegetative or structural means.

“Top of Bank” means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

Proposed Amendments to YMC 9.52.050 Geologic Hazard Overlay Areas Zone

*Proposed additions to the text are underlined. Deletions are listed in ~~strikethrough~~.

9.52.050 Geologic Hazard Overlay Zone- Repeal and Replace section

A. ~~Responsibility shall fall on the developer to ensure proper safeguards are taken when developing in any hazard zone whether earthquake, fault lines, landslide, erosion or flood hazard areas. The City accepts no liability. Prior to development, the following shall be required (in flood hazard zones, see Chapter 9.54 Flood Damage Prevention Regulations):~~

1. ~~On slopes of less than twelve (12) percent: development is allowed without special review.~~
2. ~~On slopes of twelve (12) percent and greater a site analysis report shall be completed in accordance with subsection D for the following development activities:~~
 - a. ~~Gross excavation or fill of greater than forty (40) cubic yards;~~
 - b. ~~Removal of more than two thousand five hundred (2,500) square feet of vegetative cover (as measured along the slope);~~
 - c. ~~Road construction; and/or~~
 - d. ~~Building which entails any fill or excavation.~~

~~Development on a site shall be subject to conditions, restrictions, and recommendations outlined by the site analysis report. This report shall be completed within the past five (5) years by a State of Oregon certified engineering geologist.~~

~~In addition, the Planning Commission or its designee may also require that the development adhere to additional standards as provided in writing by the Yachats Department of Public Works. At the completion of the project, the developer shall provide certification from the geological consultant and the Yachats Department of Public Works, stating that the conditions and recommendations of the report and the Yachats Department of Public Works have been met.~~

3. ~~Definition of Slope.~~

- a. ~~A property has a twelve (12) percent slope or greater if:~~
 - i. ~~The average slope from the highest to lowest point of the property has a slope of twelve (12) percent or greater; or~~
 - ii. ~~The average slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is twelve (12) percent or greater.~~
- b. ~~Development guidelines shall not apply to a building footprint or area to be disturbed that is located one hundred (100) feet or more from a twelve (12) percent slope. The distance will be measured from the boundary lines of the building footprint or area to be disturbed to the point of the slope.~~

4. ~~Slopes twelve (12) percent and greater are identified on the natural hazards map. The City's designated representative may determine that the average slope on a property is less than twelve (12) percent, and therefore allow development without a certified engineering geologist report. If the applicant disagrees with the City's decision, the applicant shall provide an affidavit from a State of Oregon registered land surveyor showing the site specific slope conditions on the property prior to any excavation,~~

grading or other changes in site topography. If the affidavit indicates that the slopes on the property are less than twelve (12) percent, as defined above, development may be allowed without special review.

B. Developers of property having a slope of twelve (12) percent or greater, or within five hundred (500) feet of a landslide or fault area shall also be subject to the following requirements:

1. The site must be replanted and stabilized in accordance with the recommendations outlined in the geotechnical report. This vegetation must be maintained to ensure the continuous stability of the area.
2. All construction materials shall be stored in such a manner as recommended by the geotechnical report.
3. The geologist shall certify that all work has been completed as stated in the report.

C. Exceptions to the hazard area requirements shall be allowed under the following circumstances:

1. Improvements to existing roads or drainage ditches or utilities where excavation or fill does not exceed ten (10) cubic feet per one linear foot of roadway/ditch;
2. Gravesites dug in cemeteries;
3. Emergency excavation of landslide materials or emergency utility repairs.

D. Content Standards for Geotechnical Reports. All geotechnical reports required by this section shall provide at a minimum, the following information, where applicable, prior to review by planning staff or the Planning Commission:

1. General Information.

- a. Name and C.E.G. stamp of the Oregon certified engineering geologist preparing the report;
- b. Scope and purpose of the report;
- c. General site description;
- d. Drainage patterns;
- e. Existing structures, if any;
- f. Proposed development plan, including roads and driveways.

2. Geologic Description.

- a. Lithology;
- b. Structural features (stratifications, orientation of bedding planes, faults, etc.);
- c. Surficial or unconsolidated deposits;
- d. Seismic considerations as they pertain to proximity of faults.

3. Assessment of Geologic Factors.

a. General suitability of proposed land use to geologic conditions:

- i. Areas to be avoided, if any,
- ii. Topography and slope,
- iii. Stability of geologic units,
- iv. Problems caused by geologic features or conditions in adjacent properties,
- v. Other general problems;

b. Recommendations for site grading/filling:

- i. Prediction of stability based on geologic factors; recommended avoidance or engineering to cope with existing or potential landslide masses,
- ii. Excavation considerations,

- iii. ~~General considerations of proposed fill masses in canyons or on hillsides;~~
- iv. ~~Load capabilities of soils;~~
- e. ~~Drainage considerations and recommendations;~~
- d. ~~Setback recommendations;~~
- e. ~~Footing, foundation, and backfilling recommendations;~~
- f. ~~Recommendations on vegetation preservation, removal and re-vegetation as it relates to slope stability, and erosion potential;~~
- g. ~~Recommended methods for protecting the surrounding area from any adverse effects of the proposed development.~~
- 4. ~~Checklist. Provide a checklist of geological requirements during construction; e.g., erosion protection prior to construction, geological certification prior to pouring foundation footings and slabs, re-vegetation requirements, etc. (Ord. 349 § 1, 2017; Ord. 322, 2013; Ord. 269, 2007; Ord. 73G, 1993; Ord. 73E § 3.070, 1992)~~

9.52.050 Geologic Hazard Overlay Zone – New Code Standards

- A. **PURPOSE:** The purpose of this overlay zone is to manage development in areas subject to geologic hazards in a manner that reduces long term risks to life, property, and the community, consistent with Statewide Planning Goal 7 and 18.
- B. **AREAS INCLUDED:** The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of this section:
 - 1. All lands partially or completely within “very high” and “high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide Susceptibility Map of Oregon.”
 - 2. All lands partially or completely within any coastal erosion hazard zone (very high, high, moderate, or low) as mapped in DOGAMI Open File Report O-07-03, “Evaluation of Coastal Erosion Hazard Zones Along Dune and Bluff Backed Shorelines in Lincoln County, OR: Seal Rock to Cape Perpetua.”
 - 3. All lands partially or completely within a rapidly moving landslide as mapped in DOGAMI IMS-22, “GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon,” 2002.
 - 4. Lots or parcels where the average existing slopes are equal to or greater than twelve (12) percent or where the average existing slopes are equal to or greater than thirty (30) percent within 100 feet of the property.
 - a. **Definition of Slope:** A property has a twelve (12) percent slope or greater if:
 - i. The average slope from the highest to lowest point of the property has a slope of twelve (12) percent or greater; or
 - ii. The average slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is twelve (12) percent or greater.

C. ALLOWED USES: Within the Geologic Hazards Overlay Zone, all uses allowed pursuant to the provisions of the underlying zone may be allowed, subject to the additional requirements and limitations of this section.

D. GEOLOGIC HAZARD PERMIT REQUIRED:

1. Except for activities identified in subsection (D)(2) as exempt, any new development, new construction or substantial improvement, as defined in Section 9.54.020, in an area subject to the provisions of this section shall require a Geologic Hazard Permit. The Geologic Hazard Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit or land use approval required by the City of Yachats.
2. The following activities are exempt from the requirement for a Geologic Hazard Permit:
 - a. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement;
 - b. An excavation which is less than two feet in depth or which involves less than twenty-five cubic yards of volume;
 - c. Fill that is less than two feet in depth or that involves less than twenty-five cubic yards of volume;
 - d. Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;
 - e. Gravesites dug in cemeteries;
 - f. Construction of structures for which a building permit is not required;
 - g. Removal of trees smaller than 8 inches dbh (diameter breast height);
 - h. Removal of trees larger than 8 inches dbh (diameter breast height) provided the canopy area of the trees that are removed in any one year period is less than twenty-five percent of the lot or parcel area;
 - i. Yard area vegetation maintenance and other vegetation removal on slopes less than 25% slopes;
 - j. Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);
 - k. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the previously disturbed area;
 - l. Maintenance and repair of utility lines, and the installation of individual utility service connections;
 - m. Emergency response activities intended to reduce or eliminate an immediate danger to life or property, or flood or fire hazard;

3. Application, review, decisions, and appeals on Geologic Hazard Permits shall be in accordance with the requirements for a staff level decision. Unless otherwise provided by Yachats Municipal Code or other provision of law, any Geologic Hazard Permit so issued shall be valid for a time period as specified in the approval decision and shall in no case be valid for more than 5 years.
4. In addition to a completed application as prescribed in subsection (E), an application for a Geologic Hazard Permit shall include the following:
 - a. A site plan to scale that accurately illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8 inches dbh (diameter breast height) proposed for removal;
 - b. An estimate of depths and the extent of all proposed excavation and fill work;
 - c. Identification of the geologic hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a Certified Engineering Geologist (CEG) shall identify the hazard zone(s) within which development is proposed; and
 - d. A engineering Geologic Report prepared by a qualified geoprofessional (as defined in Section 9.04.030) that meets the content requirements of subsection (E); and
5. A decision to approve a Geologic Hazard Permit shall be based upon findings of compliance with the following standards:
 - a. The proposed development is not subject to the prohibition of development on beaches and certain dune forms as set forth in Section 9.52.130;
 - b. The proposed development complies with the applicable requirements and standards of subsections (6) and (7) of this section;
 - c. The Geologic Report conforms to the standards for such reports set forth in subsection (E) of this section; and
 - d. The development plans for the application conform, or can be made to conform, with all recommendations and specifications contained in the geologic report.
6. In the event the city determines that additional review of a Geologic Hazard Permit application by an appropriately licensed and/or certified professional is necessary to determine compliance with the provisions of this section, the City may retain the services of such a professional for this purpose. All costs incurred by the City for this additional review shall be paid by the applicant in addition to the application fee for a Geologic Hazard Permit established pursuant to Section 9.88.050.
7. In approving a Geologic Hazard Permit, the City Planner may impose any conditions that are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the Yachats Municipal Ordinance.

E. GEOLOGIC REPORT (Engineering Geologic Report and Geotechnical Engineering Report)
STANDARDS:

1. Geologic Reports required by this section shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles, and shall, at a minimum, contain the items outlined in the most recent edition of Oregon State Board of Geologist Examiners "Guidelines for Preparing Engineering Geologic Reports in Oregon". For oceanfront property, reports shall also address the "Geological Report Guidelines for New Development on Oceanfront Properties," prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development, in use as of the effective date of this section. Reports shall reference the published guidelines upon which they are based. All engineering geologic reports and geotechnical engineering reports are valid for purposes of meeting the requirements of this section for a period of five (5) years from the date of preparation. Such reports are valid only for the development plan addressed in the report. The City of Yachats assumes no responsibility for the quality or accuracy of such reports.
2. For the purposes of Section 9.52.050, a Geologic Report refers to both engineering geologic reports and geotechnical engineering reports.
3. Geologic reports required by this section shall include a statement certifying that all of the applicable content requirements of this subsection have been addressed.

F. ADDITIONAL LIMITATIONS IN GEOLOGIC HAZARD AREAS:

1. New construction shall be limited to the recommendations, if any, contained in the Geologic Report; and
2. Safest site requirement: All new construction or substantial improvements shall be located within the area most suitable for development based on the least exposure to risk from coastal hazards as determined by a qualified geoprofessional as part of a Geologic Report prepared in accordance with subsection (E). Notwithstanding the provisions of the underlying zone, as necessary to comply with this requirement.
3. Hazard Disclosure Statement: All applications for new development or substantial improvements subject to Geologic Hazard Permit shall provide a Hazard Disclosure Statement signed by the property owner that acknowledges:
 - i. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;
 - ii. The property owner has commissioned an engineering geologic report for the subject property, a copy of which is on file with City of Yachats Planning Department, and that the property owner has reviewed the engineering geologic report and has thus been informed and is aware of the type and extent of hazards present and the risks associated with development on the subject property;

- iii. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.

G. MINIMUM OCEANFRONT SETBACKS: In areas subject to the provisions of this section, the building footprint of all new construction or substantial improvement subject to a Geologic Hazard Permit shall be set back from the ocean shore a minimum twenty-five (25) feet from the top of the bank or greater if recommended by an Oregon certified engineering geologist.

H. EROSION CONTROL MEASURES: A certified engineering geologist, geotechnical engineer, or qualified civil engineer shall address the following standards.

1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;
2. Development plans shall minimize cut or fill operations so as to prevent off-site impacts
3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
4. Permanent plantings and any required structural erosion control and drainage measures shall be installed within 3 months as soon as practical;
5. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
7. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure;
8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
9. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:
 - i. Energy absorbing devices to reduce runoff water velocity;

- ii. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 - iii. Dispersal of water runoff from developed areas over large undisturbed areas;
- 10. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and
- 11. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities
- I. CERTIFICATION OF COMPLIANCE: Permitted development shall comply with the recommendations in any required geologic or engineering report. No development requiring a Geologic Report shall receive final approval (e.g. certificate of occupancy, final inspection, etc.) until the city receives a written statement by a qualified geoprofessional indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the licensed professional engineer.
- J. RESTORATION AND REPLACEMENT OF EXISTING STRUCTURES:
 - 1. A building or structure that is nonconforming under Chapter 9.76 of the Yachats Municipal Code that is destroyed by fire, other casualty or natural disaster shall be subject to the casualty loss provisions contained in Section 9.76.050. Application of the provisions of this section to a property shall not have the effect of rendering it nonconforming.
 - 2. A building or structure that conforms to the Municipal Code that is destroyed by fire, other casualty or natural disaster may be replaced with a building or structure of up to the same size provided a Geologic Report is prepared by a qualified geoprofessional. A Geologic Report prepared pursuant to this subsection shall adhere to the Geologic Report Standards outlined in subsection 9.52.050 (E). All recommendations contained in the report shall be followed, however the report need not establish that the site is suitable for development as required in subsection 9.52.050 (F)(2). An application filed under this subsection shall be processed and authorized as a ministerial action by the City Planner.

Proposed Amendments to YMC 9.52.100 Older stabilized dune construction standards

*Proposed additions to the text are underlined. Deletions are listed in ~~striketrough~~.

9.52.100 Older stabilized dune construction standards.

It is the intent of the older stabilized dune construction standards to regulate actions in older stabilized dunes in order to minimize damage to the dune forms and to adjacent property.

This section applies to all areas identified as "Older stabilized dunes" in the 1975 USDA Soil Conservation Service and OCCDC report "Beaches and Dunes of the Oregon Coast," specifically the Sand Dunes Map for Lincoln County, Oregon.

[Staff Comment: Map attached]

The following standards shall apply to development in older stabilized dunes:

- A. Before a building permit is issued for construction involving the removal of vegetation in areas of older stabilized dunes, the ~~Planning Commission~~ City may shall require an erosion prevention plan. The plan shall provide for temporary and permanent sand stabilization and maintenance of new and existing vegetation. The plan shall return the area to its original level of stability or further increase the area's stability.
- B. Removal of vegetation in older stabilized dunes shall be kept to the minimum required for building placement or other valid purposes. Removal of vegetation shall not occur more than thirty (30) days prior to grading, or construction. Permanent revegetation shall be started on the site as soon as practical.
- C. Sand removal shall be limited to that necessary for construction of permitted structures on the site or for eliminating hazards identified in the erosion prevention plan. Adequate consideration shall be given to removing sand from the least sensitive locations. Disturbed areas shall be properly revegetated unless building is done thereon.
- D. Developments shall result in the least topographic modification of the site that is practical.

9.52.100 Older stabilized dune construction standards.

It is the intent of the older stabilized dune construction standards to regulate actions in older stabilized dunes in order to minimize damage to the dune forms and to adjacent property.

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The following standards shall apply to development in older stabilized dunes:

- A. Before a building permit is issued for construction involving the removal of vegetation in areas of older stabilized dunes, the City shall require an erosion prevention plan. The plan shall provide for temporary and permanent sand stabilization and maintenance of new and existing

vegetation. The plan shall return the area to its original level of stability or further increase the area's stability.

- B. Removal of vegetation in older stabilized dunes shall be kept to the minimum required for building placement or other valid purposes. Removal of vegetation shall not occur more than thirty (30) days prior to grading, or construction. Permanent revegetation shall be started on the site as soon as practical.
- C. Sand removal shall be limited to that necessary for construction of permitted structures on the site or for eliminating hazards identified in the erosion prevention plan. Adequate consideration shall be given to removing sand from the least sensitive locations. Disturbed areas shall be properly revegetated unless building is done thereon.
- D. Developments shall result in the least topographic modification of the site that is practical.

Proposed Amendments to YMC 9.52.130 Development on Beaches

*Proposed additions to the text are underlined. Deletions are listed in ~~striketrough~~.

9.52.130 Development on Beaches and Dunes

~~Development shall be prohibited on beaches, except where permitted under Section 9.52.090.~~

Construction of residential, commercial, or industrial buildings is prohibited on beaches, active foredunes, other foredunes that are conditionally stable and subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) that are subject to ocean flooding. Other development in these areas shall be permitted only if a certified engineering geologist determines that the development is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves and is designed to minimize adverse environmental effects. Such a determination shall consider:

- A. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
- B. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
- C. Methods for protecting the surrounding area from any adverse effects of the development; and
- D. Hazards to life, public and private property, and the natural environment that may be caused by the proposed use.

9.52.130 Development on Beaches and Dunes

Construction of residential, commercial, or industrial buildings is prohibited on beaches, active foredunes, other foredunes that are conditionally stable and subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) that are subject to ocean flooding. Other development in these areas shall be permitted only if a certified engineering geologist determines that the development is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves and is designed to minimize adverse environmental effects. Such a determination shall consider:

- A. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
- B. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
- C. Methods for protecting the surrounding area from any adverse effects of the development; and
- D. Hazards to life, public and private property, and the natural environment that may be caused by the proposed use.

*Proposed additions to the text are underlined. Deletions are listed in ~~strikethrough~~. 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. ~~Ensure 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 d~~Data, from proposed land uses that will, or might, modify their indigenous characteristics.
3. Preserve existing publically 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 Fistera Planned Development. The Fistera 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 Fistera 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

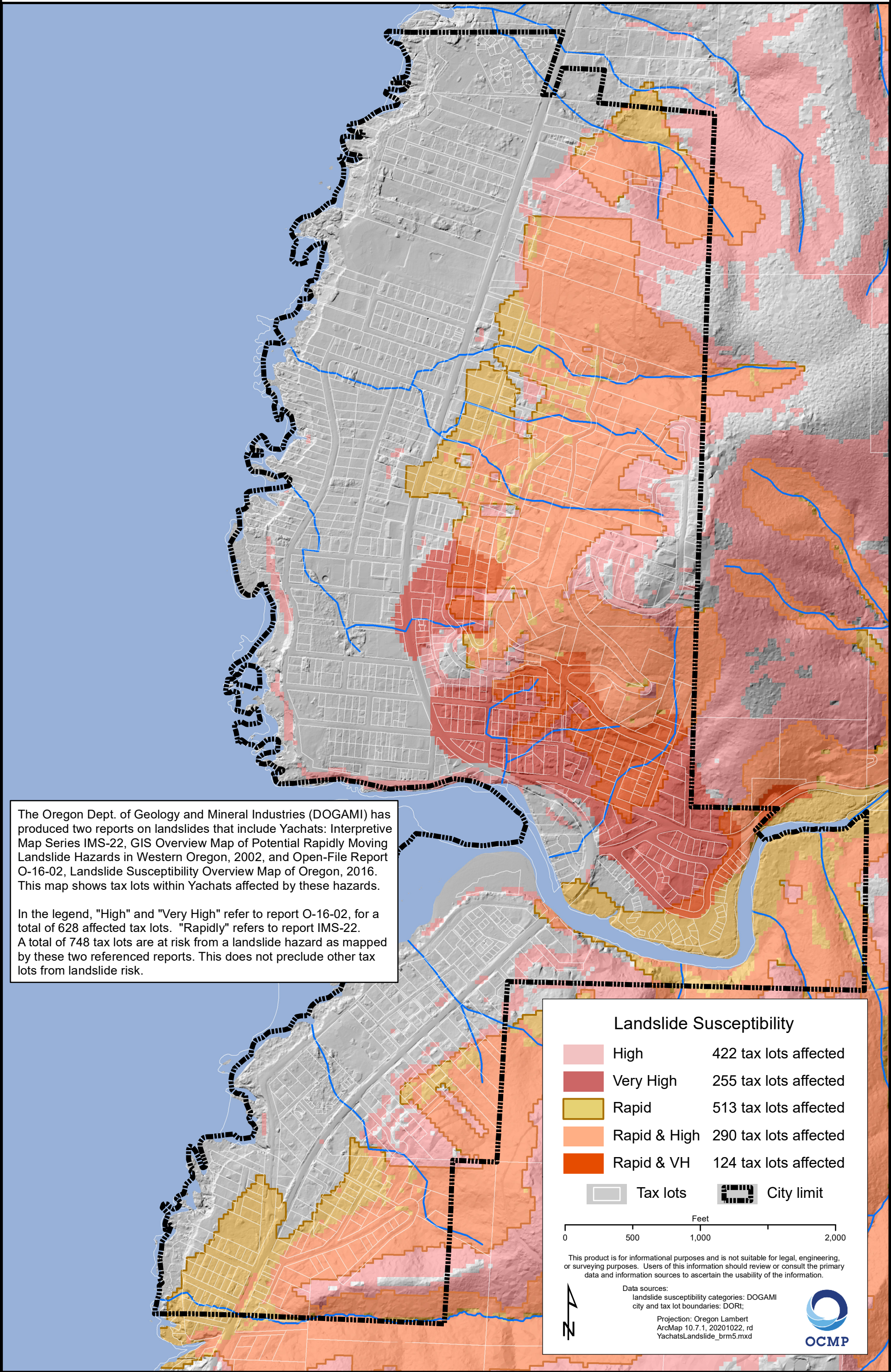
1. Prohibit residential development or commercial and industrial buildings on beaches, active foredunes, on other foredunes which are conditionally stable and that are subject to ocean

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

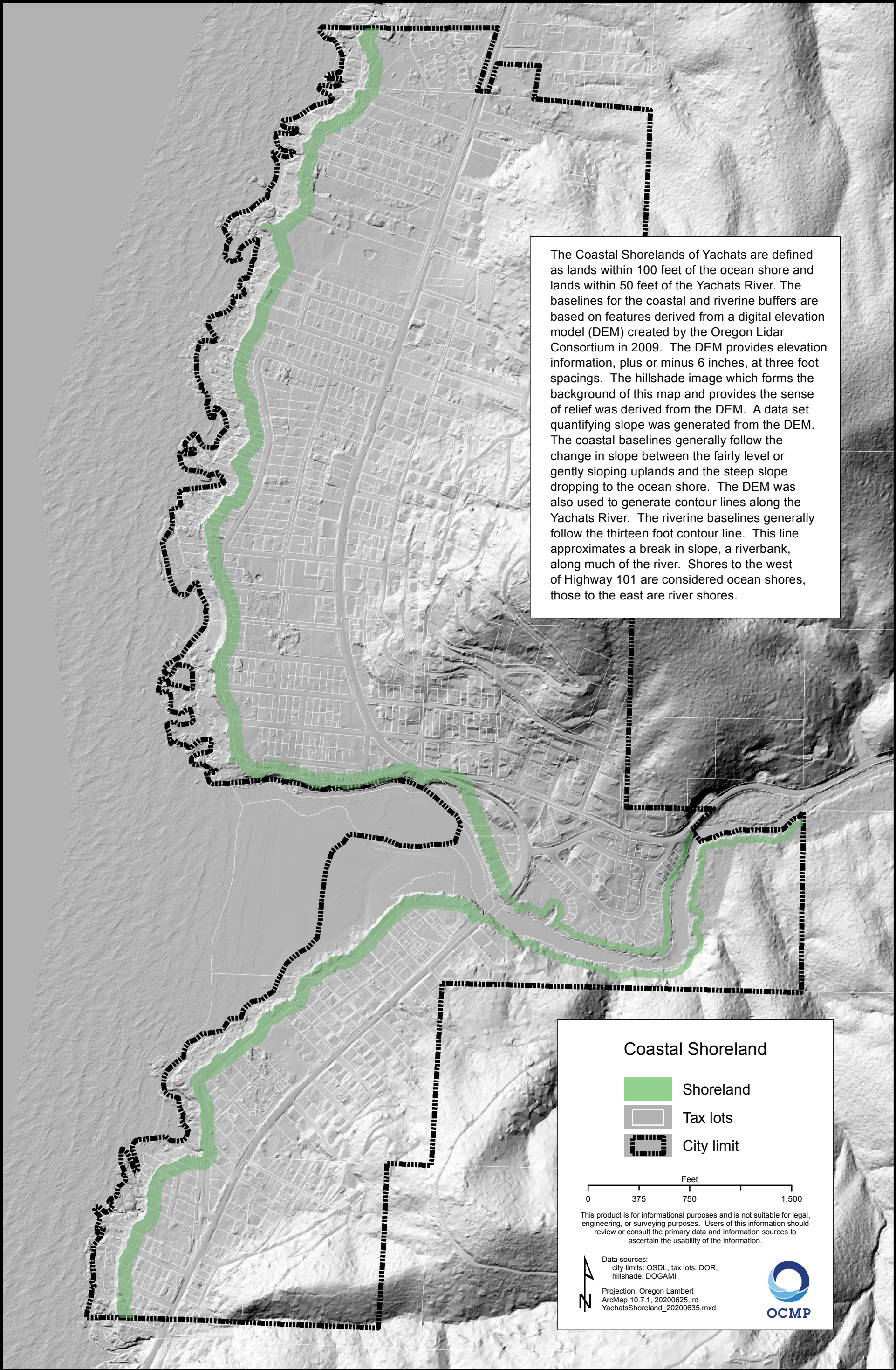
2. Adopt land use regulations that provide safeguards to reduce risk to people and property from coastal hazards.
3. Improve public access to the beach and river shores by acquiring land and easements.
4. Accept donations and dedications of land and easements for public access, open space, and habitat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

Yachats Landslide Susceptibility

Tax lots exposed to rapidly moving landslides and susceptible to “high” and “very high” categories of landslide



City of Yachats Goal 17 Shoreland Area



The Coastal Shorelands of Yachats are defined as lands within 100 feet of the ocean shore and lands within 50 feet of the Yachats River. The baselines for the coastal and riverine buffers are based on features derived from a digital elevation model (DEM) created by the Oregon Lidar Consortium in 2009. The DEM provides elevation information, plus or minus 6 inches, at three foot spacings. The hillshade image which forms the background of this map and provides the sense of relief was derived from the DEM. A data set quantifying slope was generated from the DEM. The coastal baselines generally follow the change in slope between the fairly level or gently sloping uplands and the steep slope dropping to the ocean shore. The DEM was also used to generate contour lines along the Yachats River. The riverine baselines generally follow the thirteen foot contour line. This line approximates a break in slope, a riverbank, along much of the river. Shores to the west of Highway 101 are considered ocean shores, those to the east are river shores.

Coastal Shoreland

Shoreland

Tax lots

City limit

03757501,500

Feet

This product is for informational purposes and is not suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

N

Data sources:
city limits: OSDL, tax lots: DOR,
hillshade: DOGAMI

Projection: Oregon Lambert
ArcMap 10.7.1, 20200625, rd
YachatsShoreland_20200635.mxd



OCMP

November 10, 2020

To: Shannon Beaucaire, City Manager

From: Justin Peterson, Contract City Planner

Re: Draft Amendments Lighting

At the October 20, 2020 Planning Commission meeting the decision was made to continue the hearing to October 28, 2020. At the October 28, 2020 continued Planning Commission meeting, the Commission passed a motion to forward the attached recommended amendment to Yachats Municipal Code to City Council. The Planning Commission identified several changes that are noted in this memo to the lighting ordinance.

Issue/Question: Does the Municipal Code address lighting within the City of Yachats in a manner which supports the goals of the Comprehensive Plan?

Explanation: The Municipal Code currently addresses lighting minimally and without specificity; restricting exterior lighting directed to adjacent property (broadly defined by use).

See Section 5.08.165 Exterior lighting.

A. Exterior lighting shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties.

The City of Yachats Comprehensive Plan GOAL D Conservation of Energy and **GOAL G** Control of Urban Growth and Form to sustain the small - town, ocean - side character of the Yachats Community supportst the addition of a comprehensive lighting strategy which requires energy efficient lighting standards and addresses the adverse effects of bright, outdoor lighting, light trespass and glare.

The Planning Commission initiated textual changes to YMC Title 9, Lighting Standards and Requirements, 9.42 as follows:

At the October 20, 2020 Planning Commission meeting several comments were provided by members of the public. The October 20, 2020 public hearing was continued to October 28, 2020.

The Planning Commission member amendments are listed below:

1. 9.04.030 Definitions

Foot-candle: A measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a ~~typical~~ 60-watt incandescent

light (800 lumens) produces an illuminance of one-tenth (0.1) foot candle at a distance of about twenty-five (25) feet.

2. 9.04.030

Individual Lot Limit: The maximum for the sum of all exterior individual light sources on a given property as enumerated in 9.42.050.A and 9.42.050.C.

3. 9.04.030 Definitions

Exterior Lighting: Lighting relating to the outside of a building or structure.

4. 9.42.040.E

Mercury vapor lamps, metal halide lamps, and low-pressure sodium lamps are prohibited.

5. 9.42.050.B.4 and 9.42.050.C.6 – change to read

Poles for luminaires shall be limited to:

- a. Sixteen (16) feet in height for parking lots.
- b. Ten (10) feet in height for walkways and pedestrian facilities.

6. 9.42.050.C.1 Distinguish residences in Commercial Zone

Commercial lots, when developed for commercial uses, shall not exceed limits on trespass lighting as specified in 9.42.040.B.

7. 9.42.050.C.5

High intensity lights shall be limited to two thousand four hundred (2,400) lumens per luminaire. Due to their high energy efficiency, long life, and spectral characteristics, narrow spectrum amber LED's are the preferred illumination source.

8. 9.42.070.A

A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance.

1. When violations of 9.42.040 are cited by the enforcement officer and if the violation can be corrected by replacing an existing bulb with a lower intensity bulb, this corrective action is required to be implemented within forty-eight (48) hours after the citation. Other corrective actions are required to be implemented within thirty (30) days after the citation.

2. Marine lighting existing previous to the enactment of this ordinance must be:

a. Turned off no later than 10:00 pm each night and

b. Removed within one year of the enactment of this ordinance.

9. 9.42.050.B.1

Individual lamps on multi-family properties are limited an output of one thousand two hundred (1,200) lumens each, except for parking areas which may be two thousand (2,000) lumens each.

Council Action:

1. The City Council may approve,
2. Deny or
3. Remand back to the Planning Commission for reconsideration the proposed amendment

Example Motion:

To approve the proposed amendment to the Yachats Municipal Code based on the testimony received, the findings within the staff report, and the evidence and arguments before the City Council at the public hearing on November 17, 2020. The City Council determines that the request by the City of Yachats to add Section §9.42.050 and amend Section §9.04.030, of the Yachats Municipal Code. The City Council hereby adopts the staff memo as findings and the other evidence in the record as findings supporting its decision and approves the Ordinance.

Attachments:

1. Proposed changes from the October 28, 2020 PC Public Hearing
2. Proposed Ordinance prior to the Public Hearing
3. Draft Ordinance
4. Public Comments

**CITY OF YACHATS
ORDINANCE NO. 368**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE
CHAPTERS 9.04 – DEFINITIONS AND 9.42 LIGHTING.**

WHEREAS, pursuant to ORS 197.610, the City provided DLCD with Form 1 notice of these proposed YMC Title 9, Chapter 9.54, text changes on September 13, 2020;

WHEREAS, notice of the proposed amendments were provided in accordance with procedures established in the Yachats Municipal code and Oregon Revised Statutes;

WHEREAS, the Planning Commission held a work session multiple work sessions in 2020, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission and City Council held a work session, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission held a public hearing on October 20, 2020 for the proposed amendments;

WHEREAS, the Planning Commission public hearing was continued to October 28, 2020 for the proposed amendments;

WHEREAS, the Planning Commission followed the text amendment procedures under YMC 9.84.020 and has provided a report to the City Council along with its recommendation to consider the proposed text changes;

WHEREAS, the City Council held a public hearing on these proposed text changes on November 18, 2020;

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 9.04 and Definitions

CHAPTER 9.04.030 – Definitions

- A. Cutoff Angle (of a luminaire): The angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- B. Exterior Lighting: Lighting relating to the outside of a building or structure.
- C. Fixture (also called a luminaire or light fixture): A complete lighting unit including the light source (bulb), mounting, and shielding.
- D. Floodlight: A light that produces up to one thousand eight hundred (1,800) lumens and is designed to “flood” a well-defined area with light.

- E. Foot-candle: A measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a 60-watt incandescent light (800 lumens) produces an illuminance of one-tenth (0.1) foot candle at a distance of about twenty-five (25) feet.
- F. Glare: Light that causes a visual impairment sensation due to excessive brightness from the light source and can interfere with one's ability to see. See Figures 2 and 3 in 9.42.020.
- G. Hardscape: Permanent hard landscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is ten (10) feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
- H. High Intensity Lighting: Lamps which produce visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to, metal halide, high-pressure sodium, low-pressure sodium and mercury vapor.
- I. Individual Lamp Limit: Limit on output of any individual light source as enumerated in Section 9.42.040.C
- J. Individual Lot Limit: The maximum for the sum of all exterior individual light sources on a given property as enumerated in 9.42.050.A and 9.42.050.C.
- K. Light Trespass/Trespass Lighting: Any light emitted from an outdoor luminaire that either shines directly beyond the property on which the luminaire is installed or indirectly shines beyond the property on which the luminaire is installed at a brightness that exceeds one-tenth (0.1) foot candle at twenty five (25) feet from the light source or at the property line, whichever is more restrictive. See Figure 4 in 9.42.020.
- L. Lighting Source Height: The distance from finished grade to the top most portion of any light emitting source (e.g., lamp, surface or lens).
- M. Luminaire: See definition for “fixture”.
- N. Marine Lighting: Bright light fixtures pointed at the ocean and coastal tide pools.
- O. Outdoor Lighting Fixture: A luminaire outside of an enclosed building or structure, or any luminaire directed such that it primarily illuminates outdoor areas.
- P. Security Lighting: Minimal lighting for personal and building security and safety after hours.
- Q. Shielding: An opaque covering for an Outdoor Lighting Fixture such that no light rays are emitted above the horizontal plane running through the lowest point of the fixture. Shielding can be extended downward to prevent “Light Trespass” as defined above. See examples in Section 9.42.080.D.
- R. Uplighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Section 2. Yachats Municipal Code Chapter 9.42 Lighting

9.42.010 Purpose

The purpose of this Ordinance is to provide regulations for outdoor lighting that will accomplish the following goals:

- A. Permit the use of outdoor lighting that promotes health, safety, security, and productivity.
- B. Protect shoreline natural resources and wildlife.
- C. Enhance the view of the dark sky.
- D. Minimize the adverse effects of bright, outdoor lighting including “light trespass” and “glare”.

9.42.020 Definitions

Types of light are defined in part by their intended use and impact. Full definitions are in 9.04.030.

9.42.030 General Lighting Requirements

- A. Conformance with all applicable codes. All outdoor lighting shall be installed in conformance with the provisions of this ordinance, applicable Electrical and Energy codes, and applicable sections of the City, County and State building codes.
- B. Applicability. Except as described below, all outdoor lighting installed after the date of this ordinance shall comply with the requirements specified in section 9.42. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
- C. Exemptions. The following are not regulated by this Ordinance:
 - 1. Lighting within the public right-of-way or easement for the principle purpose of illuminating streets or roads.
 - 2. Lighting for public monuments and statuary.
 - 3. Lighting solely for signs (Covered in Chapter 9.44).
 - 4. Repairs to existing luminaires not exceeding twenty-five percent (25%) of the total replacement value of the luminaire.
 - 5. Temporary lighting for theatrical, musical, and other performance areas and construction sites.
 - 6. Underwater lighting in swimming pools.
 - 7. Temporary, seasonal lighting provided that individual lights are less than ten (10) lumens.
 - 8. Lighting that is only used under emergency conditions.
 - 9. Lighting identified and approved in a specific use permit.
 - 10. Lighting required by County, State, or Federal government.

9.42.40 General Standards

- A. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and it must be installed at the minimum height necessary so that the cutoff angle does not allow direct lighting of an adjacent property at a level exceeding one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source. See examples in Section 9.42.080.

- B. All trespass lighting/light trespass that exceeds one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source or at the property line is prohibited.
- C. Motion activated security lights must not be triggered by motion on adjacent properties or streets. These lights must be shielded so that they do not shine onto adjacent properties in excess of one-tenth (0.1) foot-candles at the property line.
- D. Marine lighting is prohibited.
- E. Mercury vapor lamps, metal halide lamps, and low-pressure sodium lamps are prohibited.
- F. Uplighting of building and landscaping is prohibited.
- G. Lighting on buildings shall not be placed above the eaves.

9.42.050 Standards Based on Use

A. Residential Uses

- 1. Individual light sources on residential properties are limited to an output of eight hundred (800) lumens each. An eight hundred (800) lumen output is approximately equivalent to:
 - a. One (1) standard incandescent sixty (60) watt bulb
 - b. One (1) compact fluorescent fifteen (15) watt bulb
 - c. One (1) LED eight (8) watt bulb
- 2. Individual Lot Limit. The sum of the output of all outdoor lighting sources shall not exceed:
 - a. Five thousand six hundred (5,600) lumens on lots greater than zero-point-three (0.3) acres
 - b. Three thousand two hundred (3,200) lumens on lots less than zero-point-three (0.3) acres
- 3. Residential light sources shall be less than a color temperature of three thousand (3,000) Kelvin.
- 4. Lights on free standing poles higher than four (4) feet are prohibited.

B. Multi-Family Uses

- 1. Individual lamps on multi-family properties are limited an output of one thousand two hundred (1,200) lumens each, except for parking areas which may be two thousand (2,000) lumens each.
- 2. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
- 3. A Requirement of a to-scale Area of Illumination Plan. A to-scale Area of Illumination Plan shall include:
 - a. To-scale plans that accurately indicate the location, type, intensity, and height of luminaires including both building-mounted and ground-mounted fixtures;
 - b. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - c. Photometric data, such as that furnished by the manufacturer superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and

- d. Additional information as may be required by the city in order to determine compliance with this chapter.
- 4. Poles for luminaires shall be limited to:
 - a. Sixteen (16) feet in height for parking areas.
 - b. Ten (10) feet in height for walkways and pedestrian facilities.
- C. Commercial Uses
 - 1. Commercial lots, when developed for commercial uses, shall not exceed limits on trespass lighting as specified in 9.42.040.B.
 - 2. Except for security lighting for pathways and building doors, outdoor lighting fixtures for commercial properties must be turned off when the business is not open. When businesses are closed, residential lighting requirements apply.
 - 3. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
 - 4. Requirements of a to-scale Area of Illumination Plan
 - a. New developments for commercial uses shall provide an Area of Illumination Plan drawn to scale as part of the Site Plan.
 - b. An Area of Illumination Plan drawn to scale shall be required with a change of commercial use or transfer of property for existing commercial uses.
 - c. An Area of Illumination Plan drawn to scale shall include:
 - i. The location, type, intensity, and height of luminaires including both building- and ground-mounted fixtures;
 - ii. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - iii. Photometric data, such as that furnished by the manufacturer, superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and
 - iv. Additional information as may be required by the city in order to determine compliance with this chapter.
 - 5. High intensity lights shall be limited to two thousand four hundred (2,400) lumens per luminaire. Due to their high energy efficiency, long life, and spectral characteristics, narrow-spectrum amber LED's are the preferred illumination source.
 - 6. Poles for luminaires shall be limited to:
 - a. Sixteen (16) feet in height for parking lots.
 - b. Ten (10) feet in height for walkways and pedestrian facilities.
- D. Pedestrian Ways and Parks
 - 1. Illumination: Light shall be directed in such a manner that any changes in elevation of the walkway (e.g., steps or curbs) shall be illuminated such that said features are clearly discernible (without shadow).
 - 2. Fixture Type: Pedestrian walkway light fixtures can be a combination of freestanding pole, bollard, in-place step or building-mounted fixtures. For building mounted fixtures, the Planning Director shall ensure that the proposed fixture type will be in scale with the building elevation on which it is to be

installed. The Planning Director may refer this latter determination to the Planning Commission.

3. Fixture Heights: Light fixtures shall not exceed the following height provisions:
 - a. Freestanding pole - Not greater than fourteen (14) feet as measured from finished grade to the bottom of the light fixture.
 - b. Building-mounted - Shall be located below the roof's eave or up to a height of fourteen (14) feet, whichever is less.
 - c. Bollard - Said fixture type shall not exceed a height of forty-two (42) inches as measured from finished grade to the top of the fixture.
- E. Public Right-of-Ways 1. Shielding for street lights other than those on Highway 101 may be requested from the public utility provider.

9.42.060 Variances

To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter will produce a hardship, a property owner may apply for a variance pursuant to Chapter 9.80 of this Code

9.42.070 Time to Become Compliant

- A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance.
 1. When violations of 9.42.040 are cited by the enforcement officer and if the violation can be corrected by replacing an existing bulb with a lower intensity bulb, this corrective action is required to be implemented within forty-eight (48) hours after the citation. Other corrective actions are required to be implemented within thirty (30) days after the citation.
 2. Marine lighting existing previous to the enactment of this ordinance must be:
 - a. Turned off no later than 10:00 PM each night, and
 - b. Removed within one year of the enactment of this ordinance.
- B. Compliance based on extent of modification:
 1. New uses and buildings. For all proposed new land uses, developments, buildings, and structures that require a permit, all outdoor lighting installations shall meet the requirements of this Code.
 2. Additions and modifications. All building additions or modifications exceeding twenty-five (25) percent in terms of additional dwelling units, gross floor area, or parking spaces, and that require a permit, either with a single addition or cumulative additions, shall invoke the requirements of this Code. This requirement shall hold for the entire property, including both previously installed and any new outdoor lighting.
 3. If replacement or repair is required to an outdoor lighting fixture due to weather damage, accident, vandalism, or other unforeseen event, the outdoor lighting fixture may be replaced as it was previously built. Compliance to section 9.42 requirements is not required. However, if the design is changed in any way then compliance is required.
- C. Resumption of use following abandonment. If a property or use with non-conforming lighting is abandoned, all outdoor lighting shall be reviewed and

brought into compliance with this Code before the use is resumed.

Section 3. Severability. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

Passed and adopted by the Yachats City Council this _____ day of _____, 20____

	YES	NO	NOT PRESENT
John Moore, Mayor	☐	☐	☐
Max Glenn	☐	☐	☐
Mary Ellen O'Shaughnessey	☐	☐	☐
Jim Tooke	☐	☐	☐
Leslie Vaaler	☐	☐	☐

W. John Moore, Mayor

Attest by:

Shannon Beaucaire, City Manager

Yachats Lighting Ordinance Modifications 10/28/2020

Text in red reflects change.

1. 9.04.030 Definitions

Foot-candle: A measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical 60-watt **incandescent** light (800 lumens) produces an illuminance of one-tenth (0.1) foot candle at a distance of about twenty-five (25) feet.

2. 9.04.030

Individual Lot Limit: The maximum for the sum of all **exterior** individual light sources on a given property as enumerated in 9.42.050.A and 9.42.050.C.

3. 9.04.030 Definitions ADD

Exterior Lighting: Lighting relating to the outside of any building or structure.

4. 9.42.040.E

Mercury vapor lamps, metal halide lamps, **and low-pressure sodium lamps** are prohibited.

5. 9.42.050.B.4 and 9.42.050.C.6 – change to read

Poles for luminaires shall be limited to:

- a. Sixteen (16) feet in height for parking lots.
- b. Ten (10) feet in height for walkways and pedestrian facilities.

6. 9.42.050.C.1 Distinguish residences in Commercial Zone

Commercial lots, **when developed for commercial uses**, shall not exceed limits on trespass lighting as specified in 9.42.040.B.

7. 9.42.050.C.5

High intensity lights shall be limited to two thousand four hundred (2,400) lumens per luminaire. Due to their high energy efficiency, long life, and spectral characteristics, **narrow spectrum amber LED's** are the preferred illumination source

8. 9.42.070.A

A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance.

1. **When violations of 9.42.040 are cited by the enforcement officer and if the violation can be corrected by replacing an existing bulb with a lower intensity bulb, this corrective action is required to be implemented within forty-eight (48) hours after the citation. Other corrective actions are required to be implemented within thirty (30) days after the citation.**

2. Marine lighting existing previous to the enactment of this ordinance must be:
 - a. Turned off no later than 10:00 pm each night and
 - b. Removed within one year of the enactment of this ordinance.

9. 9.42.050.B.1

Individual lamps on multi-family properties are limited an output of **one** thousand **two** hundred **(1,200)** lumens each, **except for parking areas which may be two thousand (2,000) lumens each.**

PART I

9.04.030 Definitions

Add to existing Definitions in 9.04.030:

- A. Cutoff Angle (of a luminaire): The angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- B. Fixture (also called a luminaire or light fixture): A complete lighting unit including the light source (bulb), mounting, and shielding.
- C. Floodlight: A light that produces up to one thousand eight hundred (1,800) lumens and is designed to “flood” a well-defined area with light.
- D. Foot-candle: A measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical 60-watt light (800 lumens) produces an illuminance of one-tenth (0.1) foot candle at a distance of about twenty-five (25) feet.
- E. Glare: Light that causes a visual impairment sensation due to excessive brightness from the light source and can interfere with one's ability to see. See Figures 2 and 3 in 9.42.020.
- F. Hardscape: Permanent hard landscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is ten (10) feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
- G. High Intensity Lighting: Lamps which produce visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to, metal halide, high-pressure sodium, low-pressure sodium and mercury vapor.
- H. Individual Lamp Limit: Limit on output of any individual light source as enumerated in Section 9.42.040.C
- I. Individual Lot Limit: The maximum for the sum of all individual light sources on a given property as enumerated in 9.42.050.A and 9.42.050.C.
- J. Light Trespass/Trespass Lighting: Any light emitted from an outdoor luminaire that either shines directly beyond the property on which the luminaire is installed or indirectly shines beyond the property on which the luminaire is installed at a brightness that exceeds one-tenth (0.1) foot candle at twenty five (25) feet from the light source or at the property line, whichever is more restrictive. See Figure 4 in 9.42.020.
- K. Lighting Source Height: The distance from finished grade to the top most portion of any light emitting source (e.g., lamp, surface or lens).
- L. Luminaire: See definition for “fixture”.
- M. Marine Lighting: Bright light fixtures pointed at the ocean and coastal tide pools.
- N. Outdoor Lighting Fixture: A luminaire outside of an enclosed building or structure, or any luminaire directed such that it primarily illuminates outdoor areas.

- O. Security Lighting: Minimal lighting for personal and building security and safety after hours.
- P. Shielding: An opaque covering for an Outdoor Lighting Fixture such that no light rays are emitted above the horizontal plane running through the lowest point of the fixture. Shielding can be extended downward to prevent “Light Trespass” as defined above. See examples in Section 9.42.080.D.
- Q. Uplighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

PART II

9.42 City of Yachats Lighting Ordinance

9.42.010 Purpose

The purpose of this Ordinance is to provide regulations for outdoor lighting that will accomplish the following goals:

- A. Permit the use of outdoor lighting that promotes health, safety, security, and productivity.
- B. Protect shoreline natural resources and wildlife.
- C. Enhance the view of the dark sky.
- D. Minimize the adverse effects of bright, outdoor lighting including “light trespass” and “glare”.

9.42.020 Definitions

Types of light are defined in part by their intended use and impact. Figures 1 to 4 provide basic distinctions between types of light and examples of glare and light trespass. Full definitions are in 9.04.030.

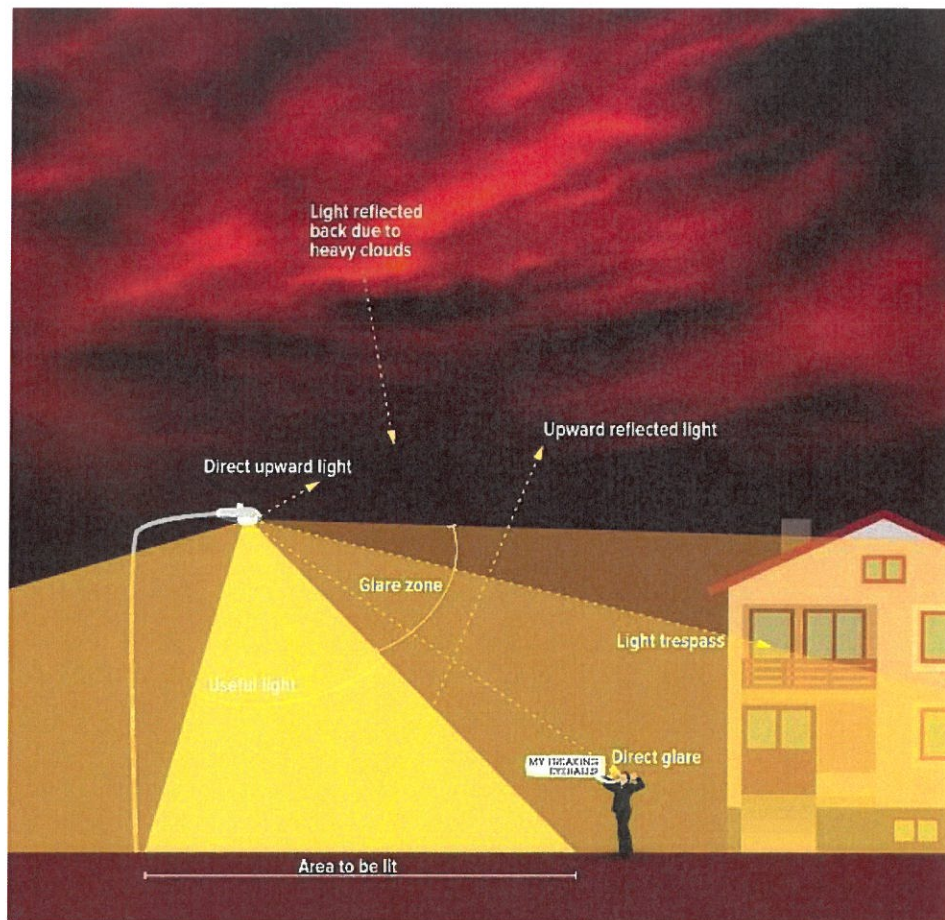


Figure 1. Types of Light

Image by Anezka Gocova, in "The Night Issue", Alternatives Journal 39:5 (2013)



Figure 2. Example of glare from a light pole.

Photo: James Lowenthal, Smith College



Figure 3. Example of glare from car headlights.

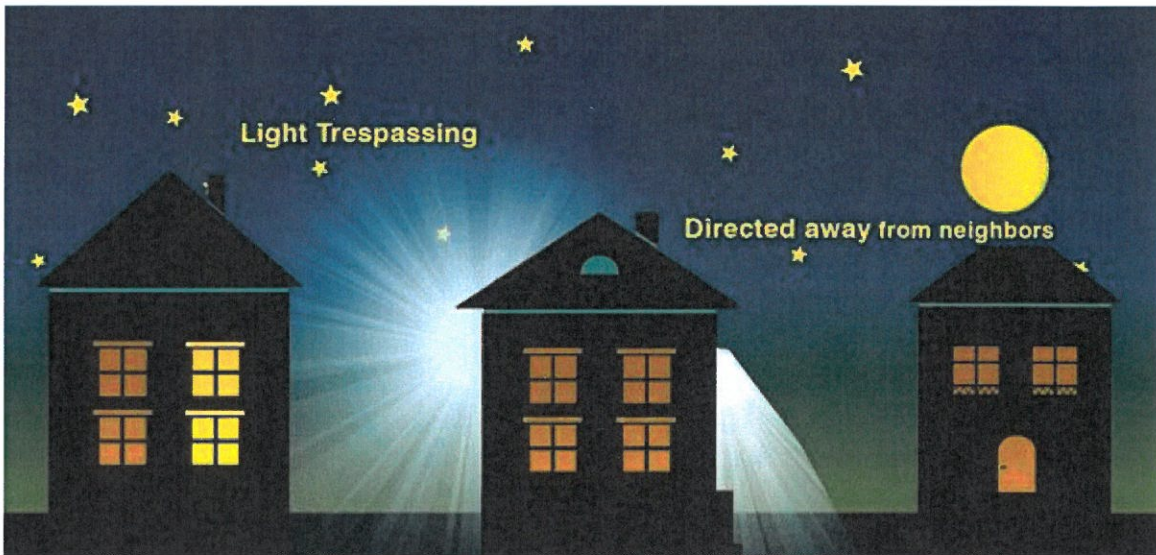


Figure 4. Light Trespass

9.42.030 General Lighting Requirements

- A. Conformance with all applicable codes. All outdoor lighting shall be installed in conformance with the provisions of this ordinance, applicable Electrical and Energy codes, and applicable sections of the City, County and State building codes.

- B. Applicability. Except as described below, all outdoor lighting installed after the date of this ordinance shall comply with the requirements specified in section 9.42. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
- C. Exemptions. The following are not regulated by this Ordinance:
1. Lighting within the public right-of-way or easement for the principle purpose of illuminating streets or roads.
 2. Lighting for public monuments and statuary.
 3. Lighting solely for signs (Covered in Chapter 9.44).
 4. Repairs to existing luminaires not exceeding twenty-five percent (25%) of the total replacement value of the luminaire.
 5. Temporary lighting for theatrical, musical, and other performance areas and construction sites.
 6. Underwater lighting in swimming pools.
 7. Temporary, seasonal lighting provided that individual lights are less than ten (10) lumens.
 8. Lighting that is only used under emergency conditions.
 9. Lighting identified and approved in a specific use permit.
 10. Lighting required by County, State, or Federal government.

9.42.040 General Standards

- A. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and it must be installed at the minimum height necessary so that the cutoff angle does not allow direct lighting of an adjacent property at a level exceeding one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source. See examples in Section 9.42.080.
- B. All trespass lighting/light trespass that exceeds one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source or at the property line is prohibited.
- C. Motion activated security lights must not be triggered by motion on adjacent properties or streets. These lights must be shielded so that they do not shine onto adjacent properties in excess of one-tenth (0.1) foot-candles at the property line.
- D. Marine lighting is prohibited.
- E. Mercury vapor lamps and metal halide lamps are prohibited.
- F. Uplighting of building and landscaping is prohibited.
- G. Lighting on buildings shall not be placed above the eaves.

9.42.050 Standards Based on Use

A. Residential Uses

1. Individual light sources on residential properties are limited to an output of eight hundred (800) lumens each. An eight hundred (800) lumen output is approximately equivalent to:
 - a. One (1) standard incandescent sixty (60) watt bulb
 - b. One (1) compact fluorescent fifteen (15) watt bulb
 - c. One (1) LED eight (8) watt bulb
2. Individual Lot Limit. The sum of the output of all outdoor lighting sources shall not exceed:
 - a. Five thousand six hundred (5,600) lumens on lots greater than zero-point-three (0.3) acres
 - b. Three thousand two hundred (3,200) lumens on lots less than zero-point-three (0.3) acres
3. Residential light sources shall be less than a color temperature of three thousand (3,000) Kelvin.
4. Lights on free standing poles higher than four (4) feet are prohibited.

B. Multi-Family Uses

1. Individual lamps on multi-family properties are limited an output of two thousand four hundred (2400) lumens each.
2. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
3. A Requirement of a to-scale Area of Illumination Plan. A to-scale Area of Illumination Plan shall include:
 - a. To-scale plans that accurately indicate the location, type, intensity, and height of luminaires including both building-mounted and ground-mounted fixtures;
 - b. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - c. Photometric data, such as that furnished by the manufacturer superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and
 - d. Additional information as may be required by the city in order to determine compliance with this chapter.
4. Poles for luminaires shall be limited to:
 - a. Twenty (16) feet in height for parking areas.
 - b. Fourteen (10) feet in height for walkways and pedestrian facilities.

C. Commercial Uses

1. Commercial lots shall not exceed limits on trespass lighting as specified in 9.42.040.B.
2. Except for security lighting for pathways and building doors, outdoor lighting fixtures for commercial properties must be turned off when the business is not open. When businesses are closed, residential lighting requirements apply.
3. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
4. Requirements of a to-scale Area of Illumination Plan
 - a. New developments for commercial uses shall provide an Area of Illumination Plan drawn to scale as part of the Site Plan.
 - b. An Area of Illumination Plan drawn to scale shall be required with a change of commercial use or transfer of property for existing commercial uses.
 - c. An Area of Illumination Plan drawn to scale shall include:
 - i. The location, type, intensity, and height of luminaires including both building- and ground-mounted fixtures;
 - ii. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - iii. Photometric data, such as that furnished by the manufacturer, superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and
 - iv. Additional information as may be required by the city in order to determine compliance with this chapter.
5. High intensity lights shall be limited to two thousand four hundred (2,400) lumens per luminaire. Due to their high energy efficiency, long life, and spectral characteristics, low-pressure sodium (LPS) lamps are the preferred illumination source. Their use is encouraged, while not required, for outdoor illumination whenever their use would not be detrimental to the use of the property. In all applications where LPS lighting is required or preferred, an acceptable alternative is narrow-spectrum amber LEDs.
6. Poles for luminaires shall be limited to:
 - a. Twenty (16) feet in height for parking lots.
 - b. Fourteen (10) feet in height for walkways and pedestrian facilities.

D. Pedestrian Ways and Parks

1. Illumination: Light shall be directed in such a manner that any changes in elevation of the walkway (e.g., steps or curbs) shall be illuminated such that said features are clearly discernible (without shadow).
2. Fixture Type: Pedestrian walkway light fixtures can be a combination of freestanding pole, bollard, in-place step or building-mounted fixtures. For building mounted fixtures, the Planning Director shall ensure that the proposed fixture type will be in scale with the building elevation on which it is to be installed. The Planning Director

may refer this latter determination to the Planning Commission.

3. Fixture Heights: Light fixtures shall not exceed the following height provisions:
 - a. Freestanding pole - Not greater than fourteen (14) feet as measured from finished grade to the bottom of the light fixture.
 - b. Building-mounted - Shall be located below the roof's eave or up to a height of fourteen (14) feet, whichever is less.
 - c. Bollard - Said fixture type shall not exceed a height of forty-two (42) inches as measured from finished grade to the top of the fixture.

E. Public Right-of-Ways

1. Shielding for street lights other than those on Highway 101 may be requested from the public utility provider.

9.42.060 Variances

To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter will produce a hardship, a property owner may apply for a variance pursuant to Chapter 9.80 of this Code.

9.42.070 Time to Become Compliant

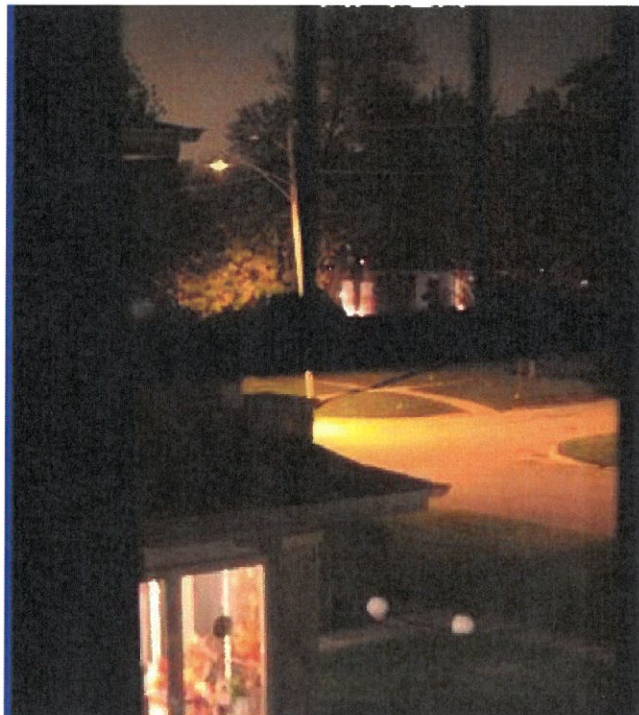
- A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance.
- B. Compliance based on extent of modification:
 1. New uses and buildings. For all proposed new land uses, developments, buildings, and structures that require a permit, all outdoor lighting installations shall meet the requirements of this Code.
 2. Additions and modifications. All building additions or modifications exceeding twenty-five (25) percent in terms of additional dwelling units, gross floor area, or parking spaces, and that require a permit, either with a single addition or cumulative additions, shall invoke the requirements of this Code. This requirement shall hold for the entire property, including both previously installed and any new outdoor lighting.
 3. If replacement or repair is required to an outdoor lighting fixture due to weather damage, accident, vandalism, or other unforeseen event, the outdoor lighting fixture may be replaced as it was previously built. Compliance to section 9.42 requirements is not required. However, if the design is changed in any way then compliance is required.
- C. Resumption of use following abandonment. If a property or use with non-conforming lighting is abandoned, all outdoor lighting shall be reviewed and brought into compliance with this Code before the use is resumed.

9.42.080 Examples

A. Example showing that bright lights are not always better for security. Glare from bright wall light masks person standing at gate.

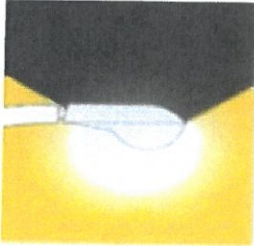


B. Example of before and after with addition of shielding on a street light. Shielded light better illuminates roadway and sidewalks. (Images from International Dark-Sky Association Intro to Lighting public materials)

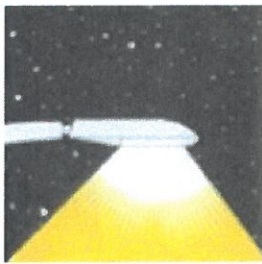


C. Example of shielding reducing glare on property and providing for better illumination of area.

UNSHIELDED



SHIELDED



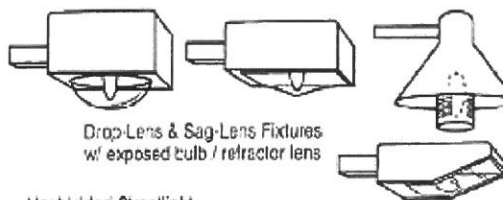
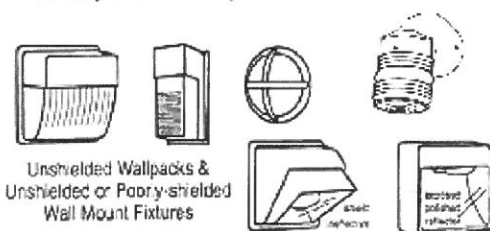
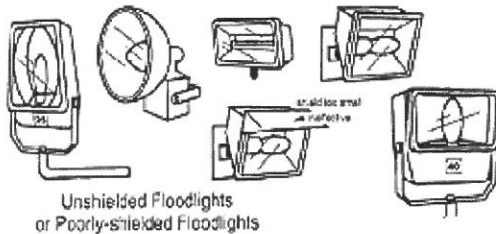
D. Examples of properly shielded light fixtures. (Images from International Dark-Sky Association Intro to Lighting public materials)

Examples of Light Fixtures

**Creates Lots of Light Pollution,
Glare and Light Trespass**

Unacceptable / Discouraged

Fixtures that produce glare and light trespass



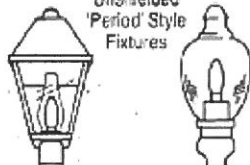
Unshielded Streetlight



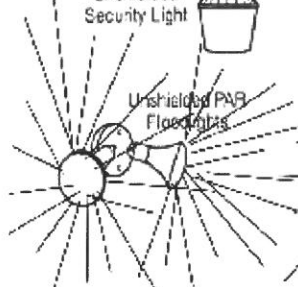
Unshielded
Security Light



Unshielded
'Period' Style
Fixtures



Drop-Lens Canopy
Fixtures

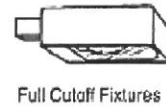
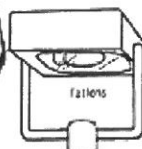


UnControlled Light
About 60% Wasted Light

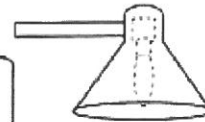
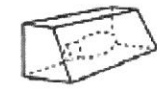
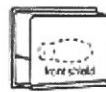
**Only Reflected Light Causes
Light Pollution**

Acceptable

Fixtures that shield the light source to minimize glare and light trespass
and to facilitate better vision at night



Fully Shielded
Wallpack & Wall
Mount Fixtures



Fully Shielded Fixtures

Full Cutoff Streetlight



Fully Shielded
Security Light



Fully Shielded
'Period' Style
Fixtures
bulb shielded
in opaque top



Shielded / Properly-aimed
PAR Floodlights



Flush Mounted Canopy
Fixtures



Controlled Light

Note:
Each Lamp has 16 rays of Light
Which one puts more Light on the ground?

From International Dark-Sky Association Model Lighting Ordinance for use by municipalities)

Lighting Ordinance - comments - questions

Larry Ellington <ellington.larry@gmail.com>

Sun 10/18/2020 8:56 PM

To: Yachats City Planner <Planner@YachatsMail.org>

Cc: 'Caroline van Wagtendonk' <caroline.vanwagtendonk@gmail.com>

Holly G Hamilton, Contract Planner:

We strongly support the proposed lighting ordinance and appreciate the extensive effort of the Planning Commission. We offer the following suggestion and questions.

1. We suggest the lighting ordinance include a reference in section **9.42.040 General Standards** to the existing prohibition on exterior lighting directed onto the marine zone (public property) at **Section 5.08.165** of the Yachats Municipal code.

Section 5.08.165 Exterior lighting.

A. Exterior lighting shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties.

2. Please clarify: **9.42.070 Time to Become Compliant**

- **A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance.**

- My neighbor's porch light is very bright. Can they defer compliance until the cost to replace/repair their fixture exceeds 25% of total replacement value? Or is bulb replacement considered "replacement lighting"?
- When must an existing metal halide lamp be removed? Within one year, or when the cost to replace/repair the fixture exceeds 25% of total replacement value?

Thank you,

Larry Ellington
Caroline van Wagtendonk
841 Ocean View Dr.
Ellington.larry@gmail.com

Outdoor lighting

Jean Erdahl <jean.erdahl@gmail.com>

Fri 10/9/2020 10:34 AM

To: Yachats City Planner <Planner@YachatsMail.org>

Hello. I am writing in support of the outdoor lighting ordinance to protect the environment and the beauty and our appreciation of the natural night sky. My husband and I moved to Yachats a year ago from a major downtown city after vacationing here often for 20 years. The only time we were able to see the stars at night due to the invasive lighting of the downtown was on our trips to Yachats or the occasional drive out to the countryside. We would be in awe of the features of the night sky that some people seem to take for granted such as the big dipper, the milky way and shooting stars. We are in favor of a lighting ordinance that would help eliminate invasive lighting and protect our natural environment. Ever hopeful, JeanE Erdahl

RE: For Holly G. Hamilton

lynb953@gmail.com <lynb953@gmail.com>

Tue 10/6/2020 5:49 PM

To: Yachats City Planner <Planner@YachatsMail.org>

But I don't know what those amendments contain. How can I find more info before the Zoom meeting?

M. Brown

Sent from Mail for Windows 10

From: Yachats City Planner

Sent: Tuesday, October 6, 2020 6:45 PM

To: lynb953@gmail.com

Subject: Re: For Holly G. Hamilton

Good afternoon, you are correct, the hearing is about both amendments.

We thought it a best use of city funds to combine the two amendments for notice and public hearings.

Please let me know if I can provide you with additional information on the amendments - you can also find information on the city's Web Site:

<https://yachatsoregon.org/>

Regards, Holly

Keep Lincoln County Open

Holly G Hamilton, *MJRP*

Assoc. AICP

Contract Planner *for*

Oregon Cascades West Council of Governments

EMAIL:

Planner@Waldport.org

Planner@Yachatsmail.org

hhamilton@OCWCOG.org

OFFICE PHONE:

Voicemail Msg: 541-812-2002

Waldport: 541-563-3561 x 15

Yachats: 541-547-3565

HOURS FOR WALK-IN:

9:00 AM to 4:00 PM (Currently by appt.)

Mon/Thurs – Waldport

Tues/Weds – Yachats

Fri - Remote

PUBLIC RECORDS LAW DISCLOSURE: This email communication is subject to the State of Oregon Records Retention Schedule and may be made available to the Public. OCWCOG is an equal opportunity employer and provider.

Yachats, OR | Official Website

Find events & meetings UPCOMING EVENTS Choose a tab to see Community Events, Classes in the Commons, City meeting schedules, or Public Works Department scheduled activities

yachatsoregon.org

From: lynb953@gmail.com <lynb953@gmail.com>
Sent: Tuesday, October 6, 2020 12:46 PM
To: Yachats City Planner <Planner@YachatsMail.org>
Subject: For Holly G. Hamilton

Ms. Hamilton

I own property within the city limits of Yachats, and am confused about a mailing I received recently from your department titled: **NOTICE OF THE CITY OF YACHATS PROPOSED PUBLIC LAND USE HEARING**. Is the hearing about Hazard Mitigation and Lighting Ordinance, the two titles in bold type? Or is it another matter? Can you please clear up my confusion on this?

Thank you.

Marilyn M. Brown



Virus-free. www.avg.com

Lighting by Dublin motel

Susan Macdonell <susanmacdonell1@gmail.com>

Wed 10/14/2020 3:47 AM

To: Yachats City Planner <Planner@YachatsMail.org>

My house is 820 Driftwood Lane. I have to have blackout curtains just to block the all night lighting from the Dublin motel. The Dublin Motel has 4 very bright lights on the west side of the building on each night. They light up the whole neighborhood. At least 10 houses are impacted by this light pollution. Yachats has some beautiful starry skies and we should reduce outdoor lighting so as to enjoy it. I would ask the Dublin to shade their lights .

Dark sky Yachats

kent naffziger <knbuddah@gmail.com>

Sat 10/10/2020 12:55 PM

To: Yachats City Planner <Planner@YachatsMail.org>

We want to pass along our whole hearted endorsement of the lightning ordinance being considered for Yachats. As near full timers we are so thankful for the ability to observe the Milky Way in the middle of town, but only when our neighbors exterior lights are not in play. We agree that this wonderful sky can be a potential draw for visitors much as the northern lights are in other parts of the world. Our hope is that the ordinance also takes the newly minted led streetlights into account as well. The led are not healthy and are overly bright. We are so thankful that motion "security " lights and other overly bright outside lights will be directed to shine straight down as no resident nor visitors should need to sleep inside a tent atop their bed, inside their home. Thank you for taking these steps and may dark skies reign! Kent Naffziger

Sent from my iPhone

Lighting ordinance proposal

northnolan1@gmail.com <northnolan1@gmail.com>

Fri 10/9/2020 6:11 AM

To: Yachats City Planner <Planner@YachatsMail.org>

Dear Yachats City Planners,

I would like to express my wholehearted support for the new focus on lighting at residential and commercial properties in the city. My house is at the corner of Marine Drive and Ocean View, and we have been impacted negatively by neighbors lighting to the west on Marine Drive that is unshielded and overwhelmingly in trespass on our home and views. The overhead street light, which was recently changed to a new type of high intensity bulb and fixture, is far in excess of what is needed at that corner, and should be shielded to downlight at lower intensity for the benefit of all. Lastly, the south facing spotlights at the Adobe have been a constant plague on our views of the shore and the night sky. These two lamps may well be directly affecting marine life in the near shore, including the now extinct but once robust smelt spawn, as well as whale and fish activity in the area. Please, please address this serious quality of life issue and move toward the Dark Sky goal that enables all of us to live and sleep in peace with the natural surroundings we love here in Yachats.

Respectfully,
Michael and Kay Nolan
1219 Ocean View Drive
Yachats

Sent from my iPad

John Purcell
116 Spring Hill Road
P.O.Box 161
Yachats, OR. 97498

October 20, 2020

To: Planning Commission, City of Yachats

Re: Public Comments, Proposed City of Yachats Lighting Ordinance

Dear Planning Commission,

First and foremost, thank you for addressing the lighting ordinance. Your time has been well spent and the draft, well crafted.

As a brief introduction, I was involved in electrical engineering, lighting design, and commercial electrical construction for twenty one years of my career. During that time I was able to gain an understanding of the often complicated and complex world of lighting. With that in mind, I would like to offer my limited experience to try and answer any questions that the Commission might have regarding exterior lighting.

With specific regard to the Draft, I'd like to offer the following comments:

9.04.030 Definitions

Item D: Even though we're all somewhat used to the term, the use of "watts" or "wattage" can be misleading especially with the advent of LED. To help I suggest that the last sentence of this section be reworded as follows:

"As an example, an 800 lumen lamp (equivalent to an old style 60 watt incandescent lamp) produces an illuminance of one-tenth (0.1) foot candle ('lumen') at a distance of about twenty-five (25) feet."

Item I: I suggest that you add the word "exterior" to better define the section.

9.42.50 Standards Based on Use

A. Residential Uses

Item 1: I recommend that you strike "b" & "c" - improvements to both fluorescent and LED lights continue to be able to provide more lumens per watt. The way its written, a homeowner could install more efficient 8 watt LED lamps claiming

conformance while in fact, the new LED lighting may be shedding more than 800 lumens.

B. Multi-family Uses

1. The Draft allows lamps up to two thousand four hundred lumens each. That's three times the allowable limit for a single family residence. That's a lot of light and I don't see a benefit.

3. Add or clarify that the owner/developer "shall provide" a to-scale Area of Illumination Plan.

4. Subsections "a" and "b" are both in conflict ("Twenty (16), and Fourteen (10)"

C. Commercial Uses

General Comment). As I understand it, Yachats allows residential home(s) to be built on commercially zoned properties and when that happens, at least one "commercial benefit" gets extended to the "residential" restrictions: the residence is allowed to exceed the percentage of property coverage (currently 40%) imposed on residential lots and instead use the coverages allowed for a commercial development. The way the Draft is written (Section 4.b and others), a single family dwelling built on a commercial lot could be allowed to use higher lumen fixtures and incorporate more lumens per property.

5. The Draft "encourages" the use of LPS (Low Pressure Sodium) lamps due to their reputation for benefiting dark sky's. While this was true years ago, the advent of LED lamps has made LPS lamps somewhat obsolete. More to the point, Emergency Service Providers disliked LPS because of the lamp's extremely limited color rendition - at an accident scene under LPS lamps, EMS, Police and Fire Crews could not differentiate between blood, water or gasoline. I recommend that the Draft cut the second and third sentences while retaining the first and the fourth.

6. Subsections "a" and "b" are both in conflict ("Twenty (16), and Fourteen (10)

Thank you for taking the time to review my comments. Again: good job.

John Purcell

Date: October 13, 2020

To: Yachats Planning Commission

From: Kerry Kemp 
420 W. 1st St. (the "Property")
Yachats, OR 97498

RE: Proposed Lighting Ordinance – Comments submitted for Public Hearing 10/20/2020

Thank you for providing the opportunity to submit comments on the draft lighting ordinance ("Ordinance"). I appreciate the City's due diligence, and improper or excessive use of lighting is sometimes an issue. However, it may be government overreaching its police powers on use of property, and although I am not a lawyer it could open the city up to lawsuits if injuries or crimes occur as a result of a lack of adequate lighting. This Ordinance also creates an undue burden on the city, adding costs for administration and enforcement, as well as fostering neighborhood squabbles over compliance.

Even so, if the City decides to go forward with the Ordinance, please consider my input below.

Multi-Family and Residential Uses (definitions):

These definitions should be defined or reference specific definitions elsewhere in the Zoning Code.

Flagpoles

There is an existing 17-foot flagpole installed at the Property, which is currently unlit. There appears to be no provision for allowing lighting of the US flag in this Ordinance. Rather, it seems to disallow it.

Number/Type and Brightness of Lights

The approximately 5,000 square foot Property is Residential Use, which, according to the draft ordinance (Section 9.42.050), may have no more than 800 lumens per fixture, and 3,200 max lumens. This equates to four fixtures. There are currently six lights, which means to comply each one could provide up to 533 lumens, on average, or two fixtures would need to be removed. The question is which two? There are four doors to the house, each of which has a light for security, and they also illuminate patios and walkways for safety. The detached garage also has two lights, one illuminating the deck and the other the door. In addition, the fixtures themselves may not fit the new standards for fixture type. I am concerned that, even though none of the lights shine directly on any neighboring occupied properties—mostly it's right-of-way or state park—the Property will be forced into compliance. This, even though there is a much greater "light trespass" from the frequent vehicles that enter or exit the park. Vehicle lights are a much greater problem than lighting on the Property, which is not often used.

We have spent years improving the Property, including the lighting. All this Ordinance does is create a means to complain, to force spending more effort and money, without much public need or benefit.

Variances

The Ordinance seems to be "one size fits all" with the only flexibility via applying for a variance based on "hardship" (whatever that means), which will cost fees and may or may not even be approved. The Property has been developed since the 1950's, with the garage dating from the 1980's. There should be some mechanism for grandfathering or for allowing non-conforming uses.

Thank you for your consideration.



DATE: November 18, 2020

TO: W. John Moore, Mayor
Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Vacation Rental Monitoring Software

At the November 5, 2020 meeting, the Council requested further discussion on vacation rental monitoring software at its November 18, 2020 meeting. This has been a continuing conversation over the last few years.

Attached is the PowerPoint that the Mayor received from Granicus, that was shared with Council. Granicus purchased Host Compliance, the company that I brought to the Council during our continuing conversations.

Notes from the Granicus meeting:

In looking at the 5 cost options, Granicus stated that we probably don't need the Mobile-enabled registration/tax collection model, and did not include that \$5,000 cost in what the Mayor reported at the council meeting. This module would primarily be used to move non-licensed VR owners to apply for a vacation rental license and pay their taxes through the module. Since we have a cap and would not be moving them towards obtaining a license, there doesn't seem to be a current need for that module.

Granicus costs are based on the number of active (licensed and unlicensed) vacation rentals and are reset annually. Therefore, 2nd year costs may be lower than the first-year costs.

Following are websites of short-term rental compliance software:

Granicus <https://granicus.com/solution/govservice/host-compliance/>

Selected cities served, including Oregon cities, are in the Power Point.

Lodging Revs <https://lodgingrevs.com/>

Utilized by the City of Newport, OR

https://www.newportoregon.gov/dept/adm/agreements/2693/agreement_2693.pdf

Accela <https://www.accela.com/solutions/short-term-rental/>

Property Guard <https://propertyguard.io/solutions/>

Harmari <https://www.harmari.com/harmaristr/>

Articles regarding short-term rental compliance software (note: some of the products noted in the article have been merged into single companies. For example, STR helper merged with Host Compliance, which as noted above, has now been purchased by Granicus). These articles came from a search of “Short-term rental compliance software”. A search of “disadvantages of short-term rental compliance software” did not yield articles related to drawbacks of short-term rental compliance software.

<https://www.avalara.com/mylodgetax/en/blog/2018/07/cities-turning-to-technology-to-enforce-airbnb-rules.html>

<https://www.bizjournals.com/denver/news/2019/10/22/denver-short-term-rental-rules-software-accela.html>

<https://www.npr.org/2019/08/28/751844133/this-digital-sheriff-helps-cities-wrangle-airbnb-rules>

Based upon Council research and discussion:

1. Should the City move forward with issuing a procurement solicitation to determine vendors to provide this service to the City?
2. If yes to question 1, what functions/areas, does the Council want to ensure are in the procurement solicitation (for example: tax collection/auditing, rental activity monitoring, etc.)



Host Compliance

Yachats

Bruce McCaskill
September 2020



YACHATS
OREGON

Cost-effective solutions to Yachats's short-term rental registration, compliance monitoring, fraud, audit and enforcement challenges

Agenda Today

1

Introductions

2

Yachats and the Market Context

3

The Granicus Host Compliance Solution

4

Discussion and Next Steps



Company Introduction

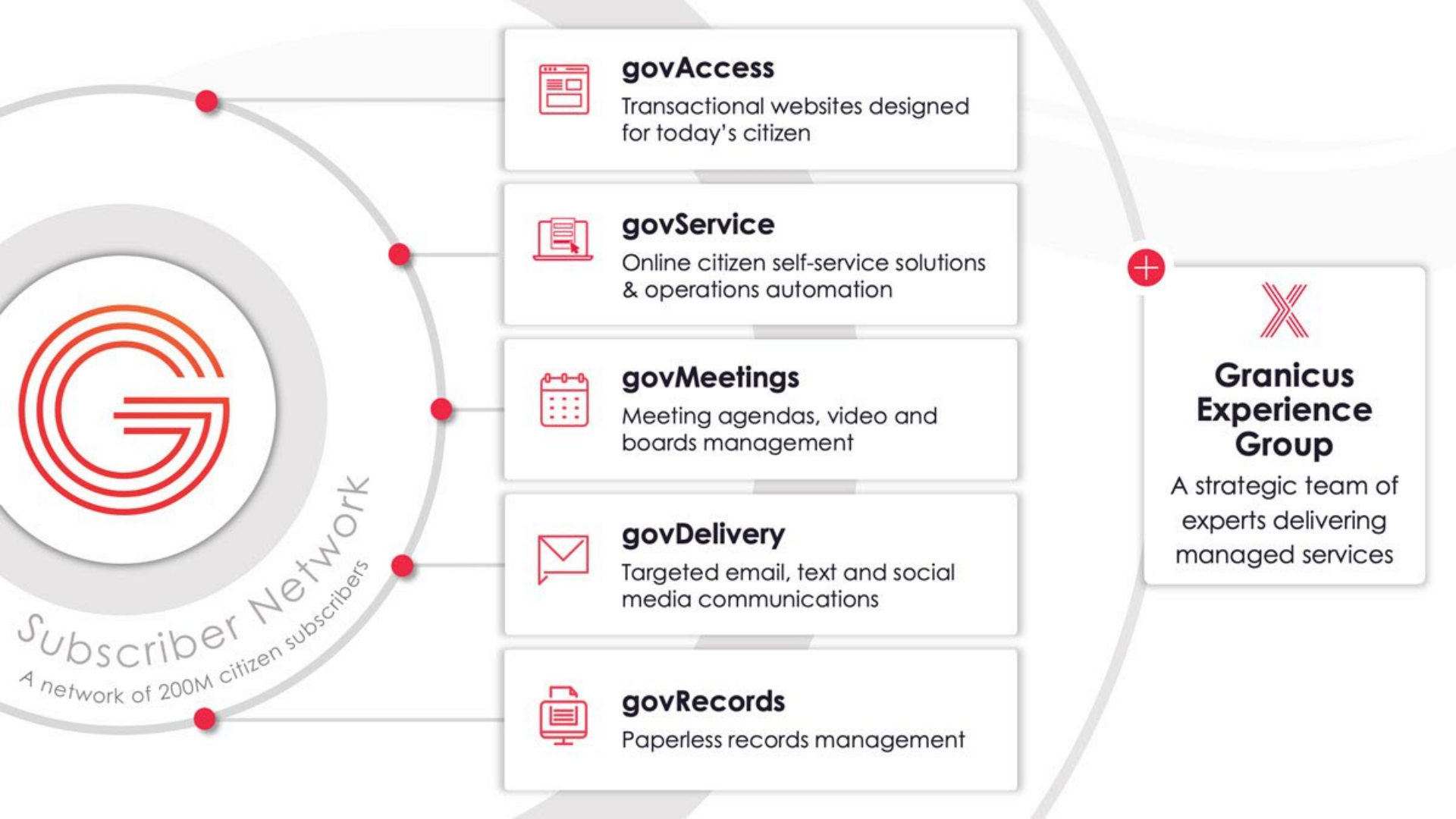
Company Overview

- More than 4,500 government agencies have chosen Granicus to modernize their online services, web presence, and communications strategies.
- Granicus offers seamless digital solutions that help government:
 - Improve the customer experience
 - Simplify and automate workflows
 - Enable strategic community development
- Granicus acquired Host Compliance, a leading technology and service provider helping governments address short-term rental challenges.

Short-Term Rental Services

- Compliance and Monitoring Software
- Proprietary and Updated Data
- Consulting and Advising Services





Select Major City/County Councils

More than 349 of North America's leading cities and counties are looking to Granicus Host Compliance for guidance, data and solutions to their short-term rental challenges



In Oregon we are currently partnering with 11 local agencies to address their STR related challenges

- Hood River County OR
- Hood River, OR
- Tillamook County OR
- Lake Oswego, OR
- Cannon Beach, OR
- Newberg, OR
- Waldport, OR
- Eugene, OR
- Rockaway Beach, OR
- Carlton, OR
- Gearhart, OR

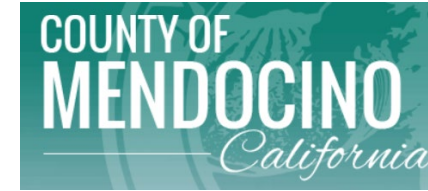
In the broader North West we are already serving 129 forward-thinking local government agencies

- Glenbrook Home Owner's Association NV
- Nevada County CA
- Hood River County OR
- Chula Vista, CA
- Indian Wells, CA
- Penticton, BC
- Nelson, BC
- Revelstoke, BC
- Vancouver, BC
- Albany, CA
- Big Bear Lake, CA
- Lake Forest CA
- Redwood City, CA
- Coronado CA
- El Paso de Robles CA
- Marina CA
- Marin County CA
- Roseville CA
- Benicia CA
- Santa Cruz CA
- Sacramento, CA
- San Mateo County CA
- El Dorado County CA
- Berkeley CA
- Placer County CA
- Las Vegas NV
- Mariposa County CA
- Santa Cruz County CA
- Washoe County NV
- Douglas County NV
- Lake County CA
- Ucluelet, BC
- Alpine County CA
- Calaveras County CA
- Del Norte County CA
- Inyo County CA
- Irvine, CA
- Seattle, WA
- Powell River, BC
- Hood River, OR

On average our 349 clients rate Granicus Host Compliance 9.5 out of 10* and highly recommend us to other local governments



"The Host Compliance system is the essential link to the City's short-term rental regulation program. The system has been central to the success of the City's STR program!"



"Host Compliance is an amazing platform to assist with locating non-compliant short-term rentals. After one complete year of using this software, Mendocino County generated revenue ten times the cost expended."

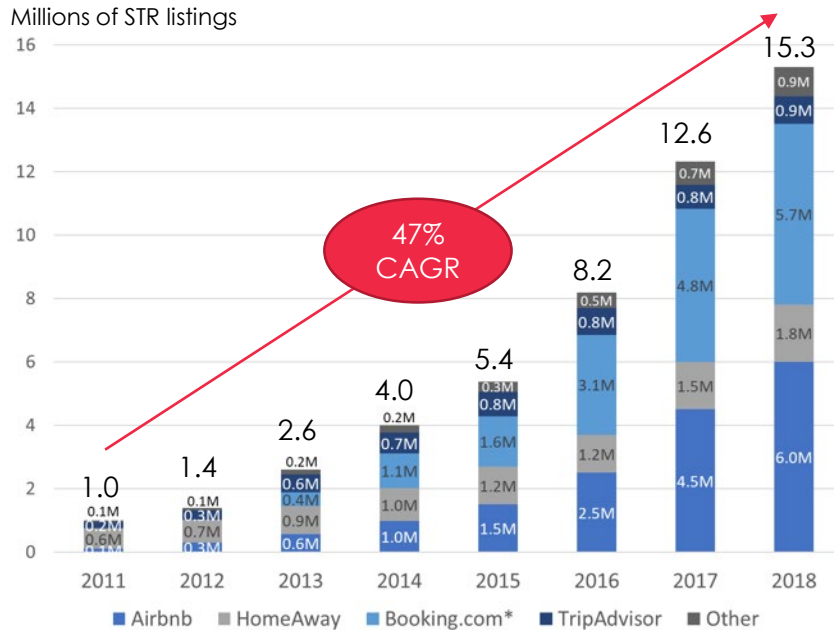


What are Yachats's most important goals as it relates to short-term rentals?

1. Reduce noise, parking, traffic and trash-problems
2. Eliminate party houses
3. Reduce STR's impact on neighborhood character
4. Ensure building safety
5. Improve 's responsiveness to neighbor complaints
6. Stem STR's negative impact on affordable housing availability
7. Improve permit and tax compliance to increase tax revenue
8. Ensure a level playing field between law abiding traditional lodging providers and illegal short-term rentals
9. Reduce tension between short-term rental property owners and their neighbors
10. Send a clear message to citizens that the takes the STR problems seriously
11. Other?

The global short-term rental market has grown 1,530% since 2011 and continues to grow at a breakneck pace

The # of short-term rental listings has grown 15x since 2011



Sources: AirBnB, Expedia, TripAdvisor, Booking.com and Tripping.com

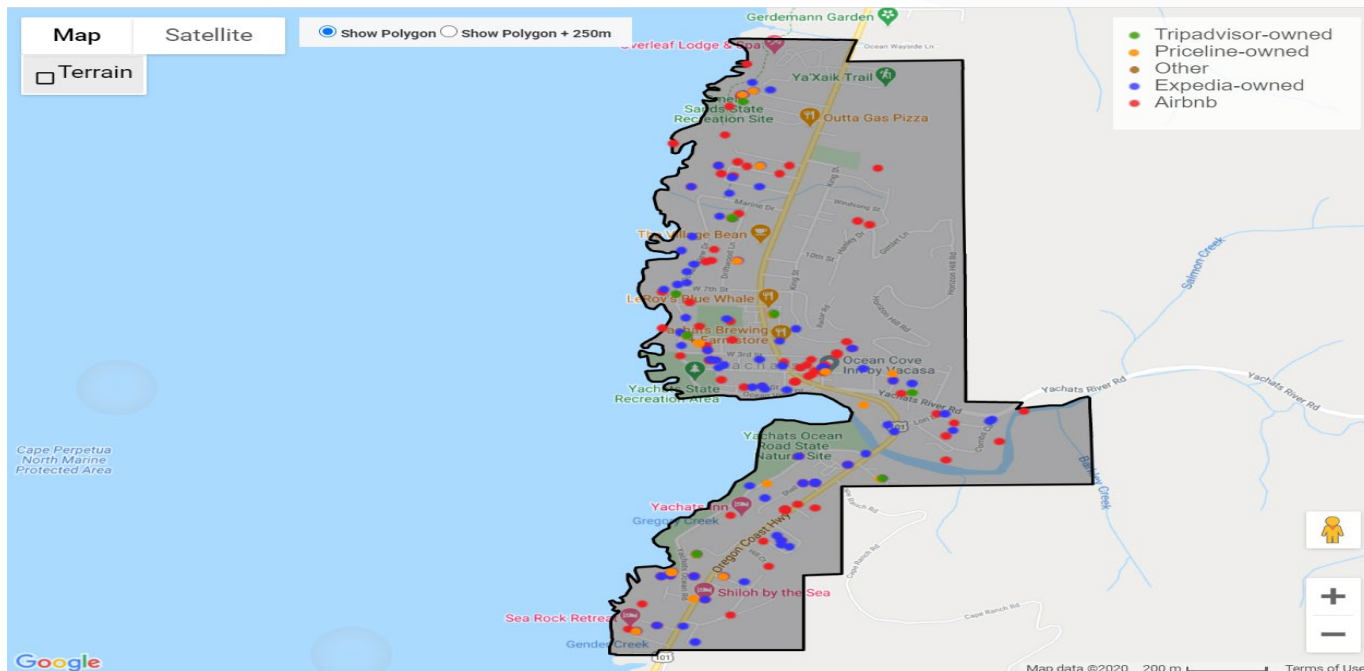
Market is fragmenting



125+ other web platforms

...and in Yachats we have identified 236 listings, representing 181 unique rental units*

Short-term rentals in Yachats as of September 2020

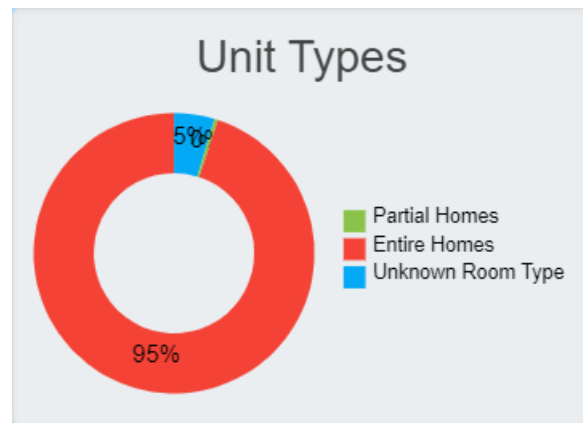
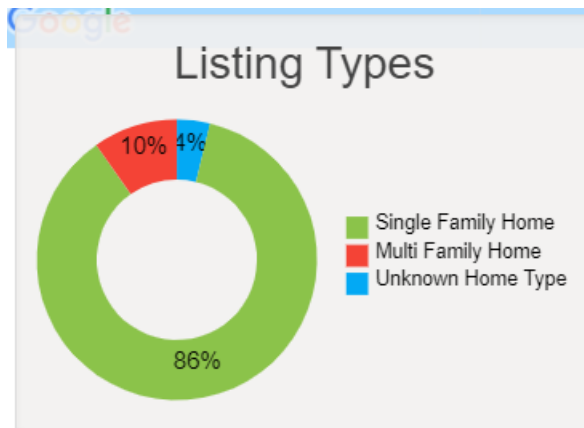


* Granicus Host Compliance's pricing is based on the count of listings and rental units that would need be to analyzed and monitored for compliance. In terms of listings, this number is 236 as we will expand our search area by several hundred yards beyond the borders of Yachats to capture all relevant listings. Source: Granicus Host Compliance Proprietary Data

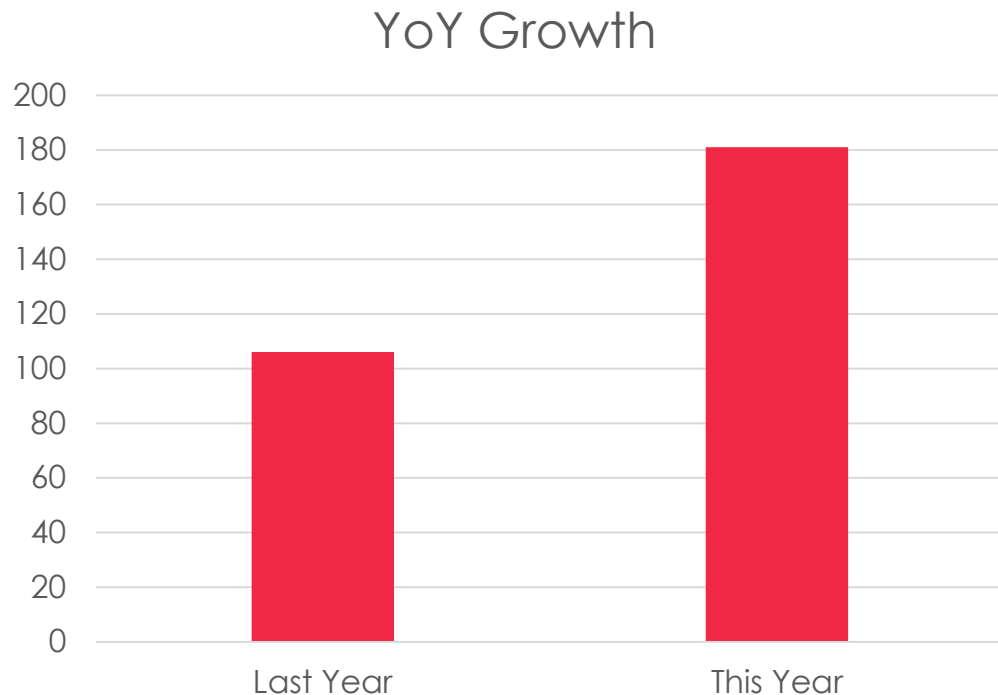
Yachats Data Details

Median Nightly Rate
(USD)

\$150



Counting only unique rental units, Yachats has seen 71% growth since last year



71% YoY Rental
Unit Growth



Without proper enforcement, only a fraction of short-term rentals will get registered and pay their fair share of taxes

In General Less Than 10% Of STR Owners Voluntarily
Get Registered And Pay All Of Their Taxes



Large potential for increasing
permit/license/registration fee income and tax
revenues

Manual compliance monitoring and enforcement is ineffective and expensive

- ✓ Rental property listings are spread across 100s of different websites
- ✓ Manually monitoring 100s of properties is practically impossible as listings are constantly added, changed or removed
- ✓ Address data is hidden from listings making it time-consuming or impossible to locate the exact properties and identify owners
- ✓ It is practically impossible to collect taxes as there is no easy way to find out how often the properties are rented and for how much
- ✓ The vacation rental platforms refuse to provide the detailed data necessary for enforcing local Ordinances
- ✓ Manual compliance monitoring and complaint-based enforcement often leads to claims of selective enforcement

Accelerate progress irrespective of where Yachats is in the process of adopting and implementing effective short-term rental regulations

Pre-Ordinance

- Detailed local market data
- Online Ordinance Assistant tool
- Free webinars
- Guide To Effectively Regulating Short-term Rentals On The Local Government Level
- APA Short Term Rental Online Course
- Peer Introductions
- Free draft review
- Consulting and facilitation

Post-Ordinance

- Mobile-Enabled Online Permitting / Registration
- Address Identification
- Compliance Monitoring
- Rental Activity Monitoring
- Tax Collection
- Tax Audit Automation
- 24/7 Hotline

The Granicus Host Compliance solution can address all Yachats's short-term rental related challenges



Mobile-Enabled Registration and Tax Collection:

Mobile/web forms and back-end systems for streamlining registration and tax collection processes and capturing required documentation, signatures and payments electronically



Address Identification:

Automated monitoring of 50+ STR websites and online dashboard with complete address information and screenshots of all identifiable STRs in Yachats's jurisdiction



Compliance Monitoring:

Ongoing monitoring of STRs for zoning and permit compliance coupled with systematic outreach to illegal short-term rental operators (using Yachats's form letters)



Rental Activity Monitoring and Tax Calculation Support:

Ongoing monitoring of Yachats's STR listings for signs of rental activity. Enables data-informed tax compliance monitoring and other enforcement practices that require knowledge of STR activity level



Dedicated Hotline:

24/7 staffed telephone hotline and online platform for neighbors to report non-emergency STR problems, submit evidence and initiate automatic follow-up activities

To accommodate any budget and ensure a high ROI for our clients, our services are priced based on the number of STRs that needs to be monitored

Cost per STR Listing/Rental Unit	
 Mobile-Enabled Registration/Tax Collection	TBD Per Year
 Address Identification	\$45.00 Per Year
 Compliance Monitoring	\$22.50 Per Year
 Rental Activity Monitoring	\$30.00 Per Year
 24/7 Dedicated Hotline	\$12.00 Per Year



Affordable modular pricing tailored to Yachats's needs

	Mobile-Enabled Registration/Tax Collection	\$5,000 Per Year
	Address Identification	\$10,620 Per Year
	Compliance Monitoring	\$4,073 Per Year
	Rental Activity Monitoring	\$5,430 Per Year
	24/7 Dedicated Hotline	\$2,172 Per Year

Address Identification

Technology and processes make it possible to easily monitor Yachats's STR market and find the addresses and owners of all identifiable STRs

1

Scan

We scan the world's 50+ largest STR websites for all listings in Yachats

2

Extract

We geocode each listing and extract as much information as possible to allow our AI models to narrow down the list of possible address/owner matches

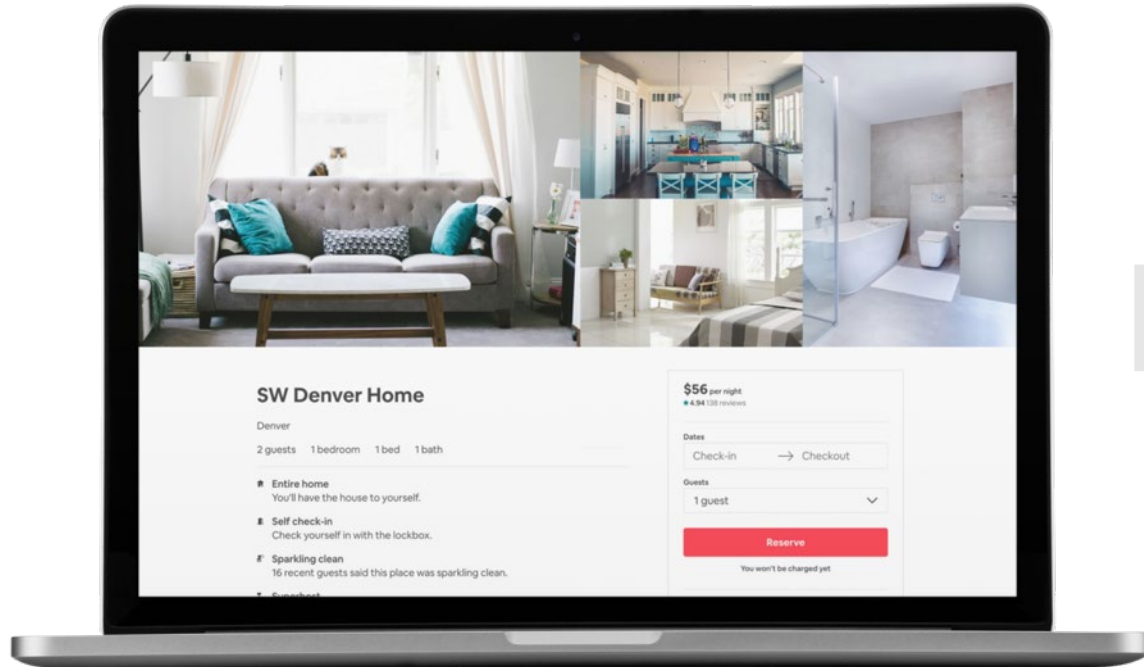
3

Combine

We combine AI and human analysts to identify the exact addresses and owner information for each identifiable STR

Address Identification

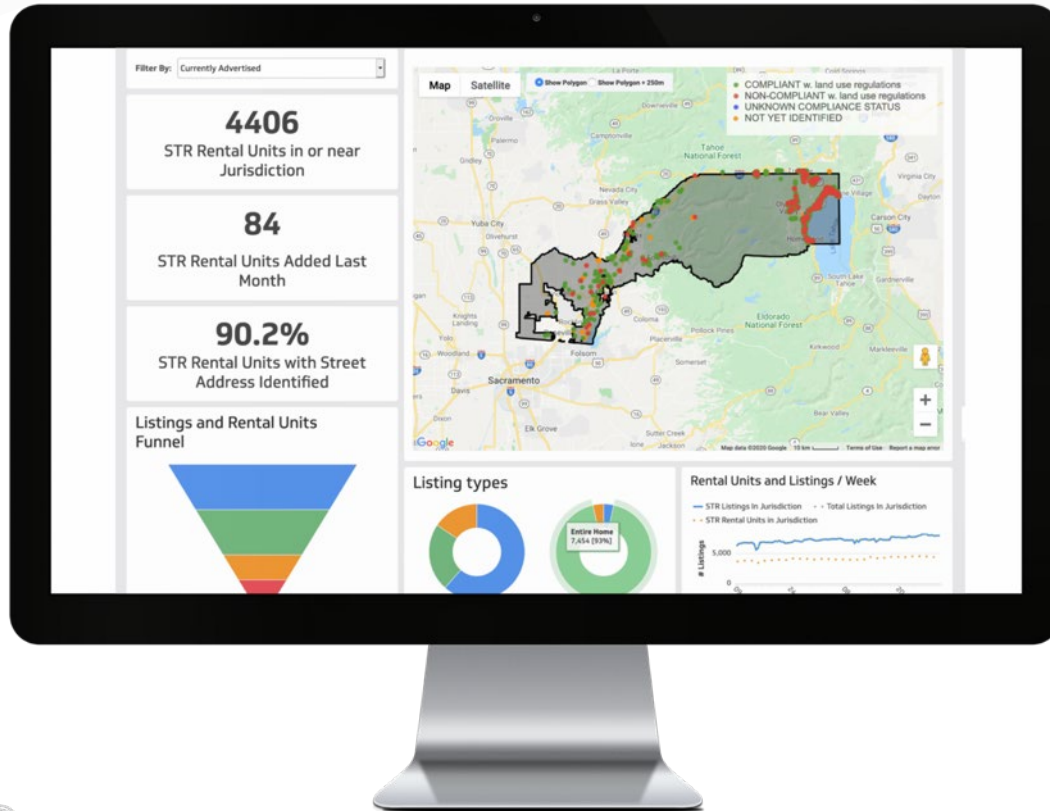
While scanning each STR platform every 3 days, Granicus Host Compliance captures listing status, metadata and full-screen screenshots which are time-stamped and made available to our clients in real time



Full
screen

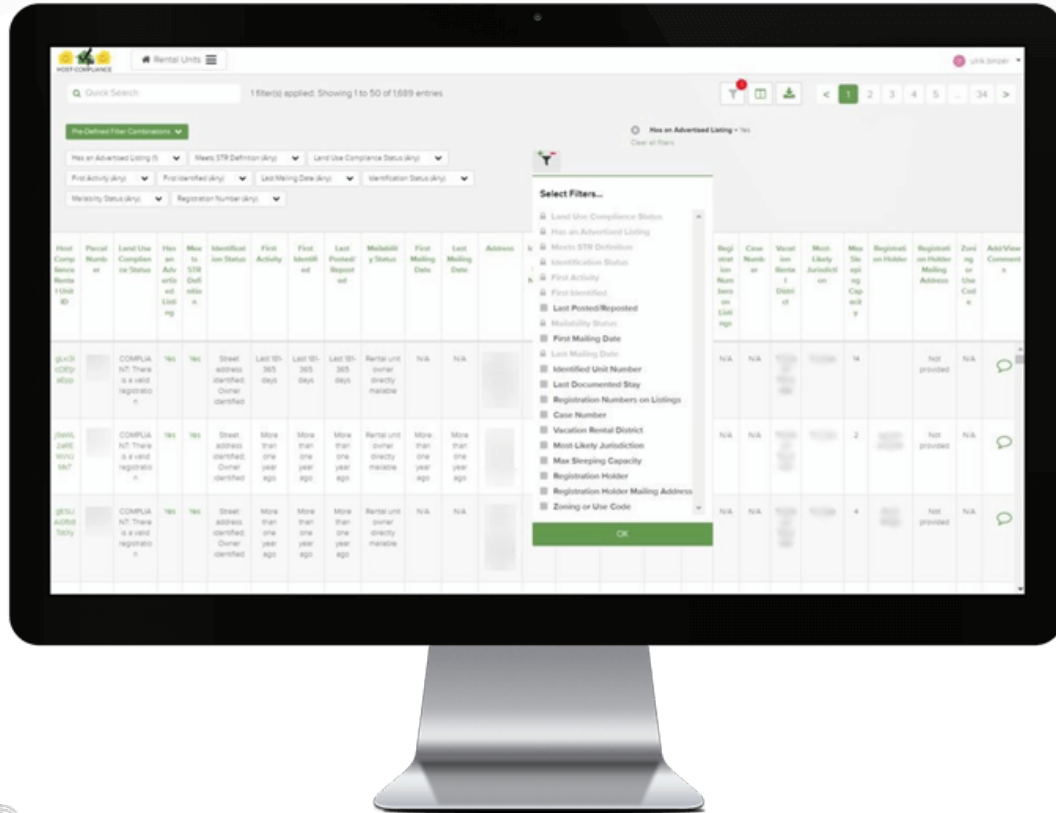


Address Identification



Granicus Host Compliance provides real-time dashboards that makes it easy for staff and elected officials to understand the current state of Yachats's short-term rental market

Address Identification



All our data can be easily filtered, sorted and grouped in real-time

Address Identification

Host Compliance Rental Unit ID	Parcel Number	Land Use Compliance Status	Has an Address Listed	Identification Status	First Activity	First Identified	Last Posted/Reported	Mobility Status	First Mailing Date	Last Mailing Date	Address	Identified Unit Number	Owner Name	Listings	Last Documented Story	Registration Number	Most Likely Jurisdiction	Max Sleeping Capacity	Number of Complaints	Add/View Comments
21M7aP h2jUAA 58gU		NON-COMPLIANT: Assessor record identified and we don't find a registration	Yes	Street address identified. Owner identified	More than one year ago	Last 31-60 days	More than one year ago	Rental unit owner directly reachable	N/A	N/A	Hayward, WI 54843, USA	N/A			N/A	N/A	Round Lake town	6	0	
0RuyM P8G8P c2RW		COMPLIANT: There is a valid registration	Yes	Street address identified. Owner identified	Last 31-365 days	Last 31-60 days	Last 31-365 days	Rental unit owner directly reachable	N/A	N/A	Hayward, WI 54843, USA	N/A			N/A		Round Lake town	7	0	
vtQ2g M8fmg pMD		COMPLIANT: There is a valid registration	Yes	Street address identified. Owner identified	Last 61-120 days	Last 31-60 days	Last 61-120 days	Rental unit owner directly reachable	N/A	N/A	Hayward, WI 54843, USA	N/A			N/A		Round Lake town	10	0	

All data is made available in detailed data reports that can be customized to Yachats's exact needs and easily downloaded into Excel/CSV format

Address Identification

Our system supports all Yachats's enforcement efforts with evidence of every address match and signed declarations, affidavits and expert testimony whenever needed

Example of Searchable Evidence

Matched Details

Analyst IXMJ

Explanation
The exterior shown in the listing photo has all of the identical features to the one shown on the assessor website. The property is hosted by [REDACTED] and [REDACTED], which matches the two owners listed by the assessor.

Listing Photos **Matching 3rd Party Sources**

Same exterior.

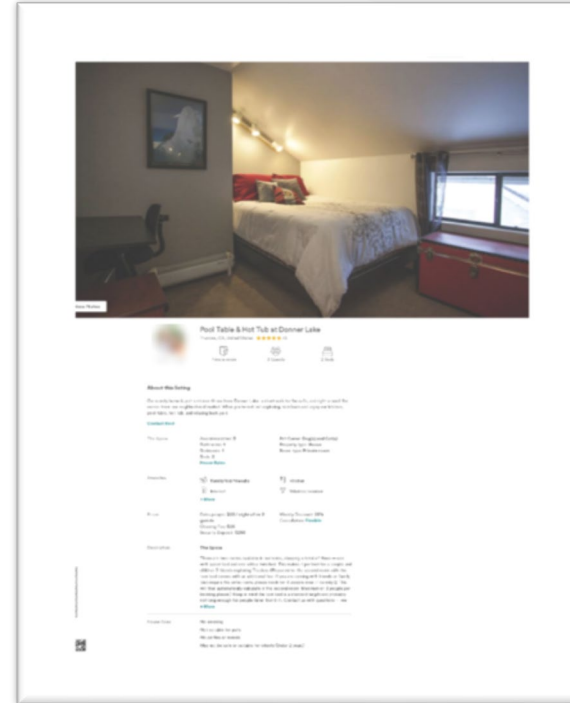
[REDACTED] and [REDACTED] mentioned as hosts, they are owners of property.

Example of Legal Declaration

4	
5	
6	
7	
8	CITY OF IMPERIAL BEACH-ADMINISTRATIVE CITATION APPEAL
9	
10	In the Appeal Of Citation Number [REDACTED] Code Enforcement Case [REDACTED]
11	[REDACTED] DECLARATION OF ULRİK BINZER
12	[IMAGED FILE]
13	Appellant,
14	vs.
15	CITY OF IMPERIAL BEACH,
16	Respondent.
17	
18	
19	I, Ulrik Binzer, declare as follows:
20	1. I am the Chief Executive Officer of Host Compliance, LLC. I have personal
21	knowledge of all the matters stated herein and, if called as a witness, I could competently testify
22	thereto.
23	2. Host Compliance, LLC ("Host Compliance") is a California Limited Liability
24	Company that was formed on October 15, 2015 with its principal place of business located at 735
25	Market Street, Floor 4, San Francisco, CA 94920. I have worked for Host Compliance since its
26	inception.
27	3. As the, CEO, my duties at Host Compliance include managing all aspect of the
28	Company's operations. I am also the Founder and CEO of Host Compliance. I previously served
	1 DECLARATION OF ULRİK BINZER

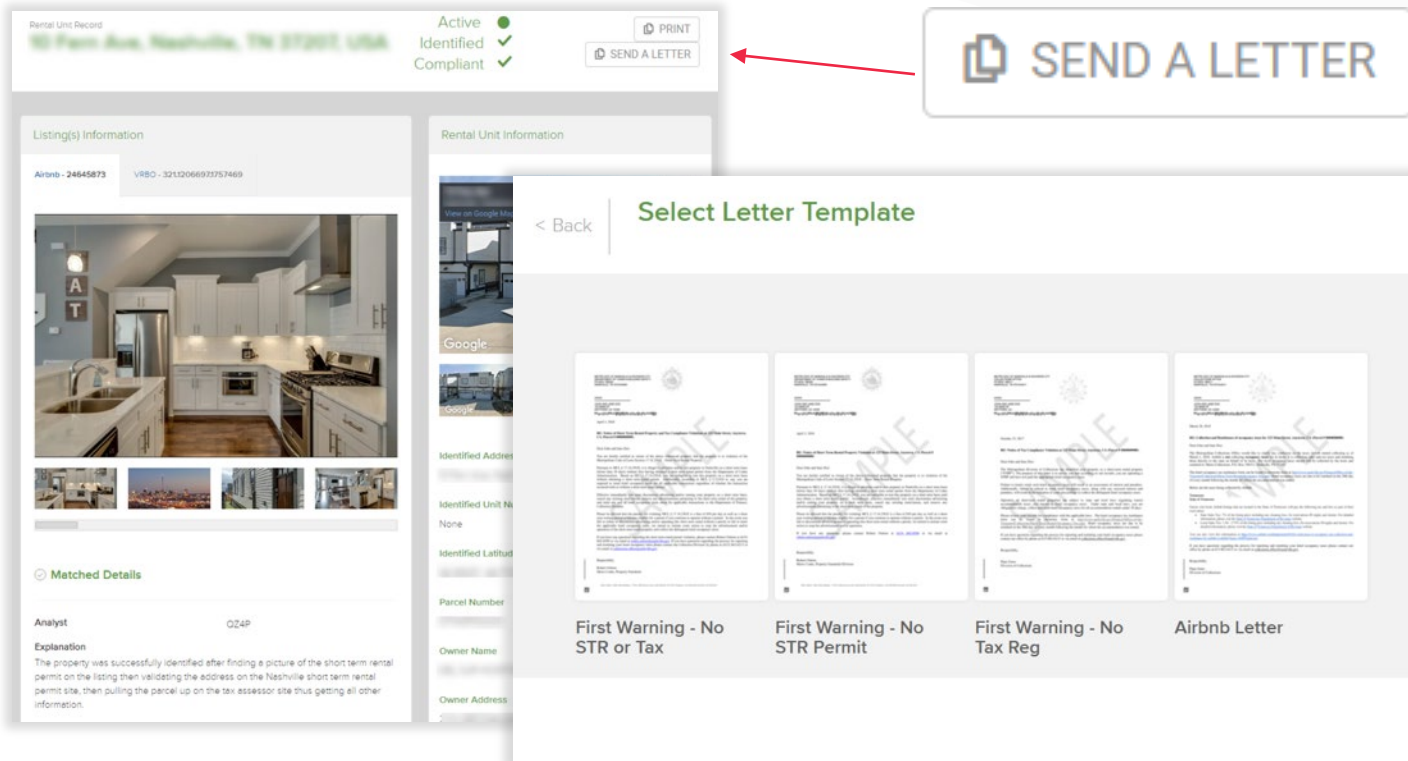
Compliance Monitoring

Put Yachats's compliance monitoring and outreach efforts on auto-pilot by automating the mailing of notices to non-compliant short-term rental operators



Compliance Monitoring

Stay in control but save time by having us send your enforcement letters with the click of a button



The screenshot displays the Granicus Compliance Monitoring interface. At the top, a 'Rental Unit Record' for '15 Pearl Ave, Nashville, TN 37203, USA' is shown with status 'Active', 'Identified', and 'Compliant'. A red arrow points from a 'SEND A LETTER' button in the top right to a larger, highlighted 'SEND A LETTER' button on the right. Below the record, the 'Listing(s) Information' section shows 'Airbnb - 24645873' and a photo of a kitchen. The 'Rental Unit Information' section is partially visible. A 'Select Letter Template' modal is open, showing four templates: 'First Warning - No STR or Tax', 'First Warning - No STR Permit', 'First Warning - No Tax Reg', and 'Airbnb Letter'. The 'Airbnb Letter' template is selected.

Rental Unit Record
15 Pearl Ave, Nashville, TN 37203, USA
Active
Identified
Compliant
PRINT
SEND A LETTER

Listing(s) Information
Airbnb - 24645873
VRBO - 3212066933757469

Rental Unit Information

View on Google Maps
Google

Identified Address
Identified Unit Number
Identified Latitude
Parcel Number
Owner Name
Owner Address

Matched Details
Analyst: OZAP
Explanation
The property was successfully identified after finding a picture of the short-term rental permit on the listing then validating the address on the Nashville short-term rental permit site, then pulling the parcel up on the tax assessor's site thus getting all other information.

< Back | Select Letter Template

First Warning - No STR or Tax
First Warning - No STR Permit
First Warning - No Tax Reg
Airbnb Letter



Compliance Monitoring

Automate the entire mailing and follow-up process and track the status and outcome of each letter in real-time

Permit Compliance Mailing Sequence



HOST COMPLIANCE

Letters

customer.success@nashville-tn

Quick Search

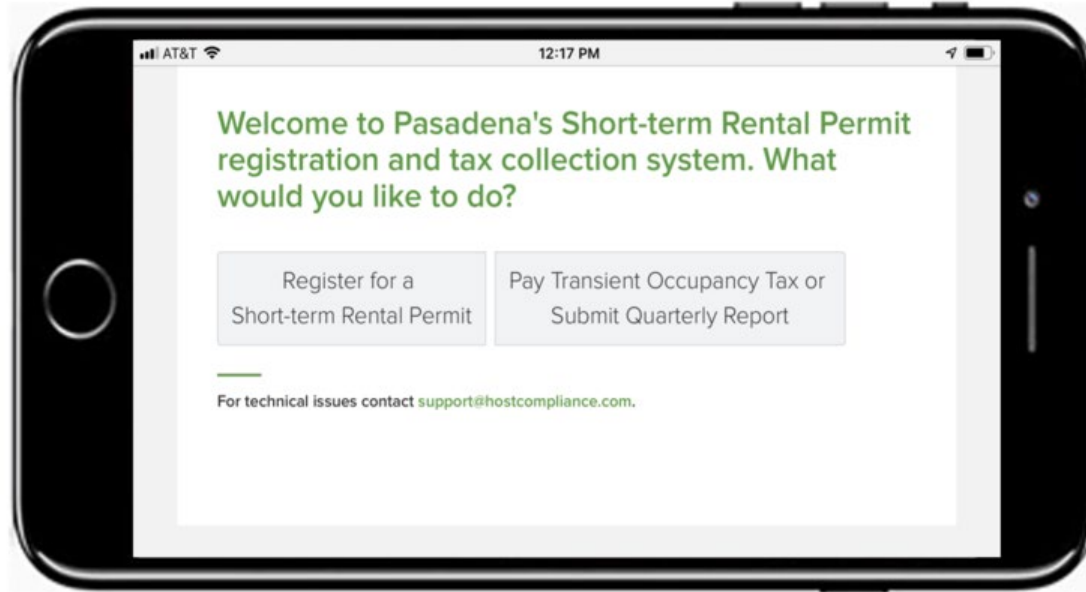
Showing 1 to 50 of 7,674 entries

No filters have been applied.

Letter ID	Letter	Mailing Date	Recipient Status	USPS Delivery Status	Parcel Number	Unit Number	Recipient Name	Recipient Address	Property Address	Has an Advertised Listing	Meets STR Definition	Land Use Compliance Status	Estimated Tax Basis	Returned	Letter was sent to correct recipient	Property is now in compliance	Rental Unit Record(s)	Registration Type	Report Issue	Add View Comments
56691	First Warning - No STR or Tax	2019-08-04	Delivered	Delivered	15007001100	N/A				No	Yes	COMPLIANT No longer advertised	estimated_revenue_upper_bound	No	Yes	Yes	Rental Unit Record	N/A	Report issue	Tim, Below is basically the process you'll need to follow...
56690	First Warning - No STR or Tax	2019-08-04	Delivered	Delivered	14908018800	N/A				No	Yes	COMPLIANT No longer advertised	estimated_revenue_upper_bound	No	Yes	Yes	Rental Unit Record	N/A	Report issue	
56689	First Warning - No STR or Tax	2019-08-04	Delivered	Delivered	14815013500	N/A				No	Yes	COMPLIANT No longer advertised	estimated_revenue_upper_bound	No	Yes	Yes	Rental Unit Record	N/A	Report issue	

Mobile-Enabled Registration/Tax Collection

Simplify Yachats's registration/permitting/tax collection process and significantly reduce the administrative costs on the back-end



Mobile-Enabled Registration/Tax Collection

Make it as easy to register, submit documentation and pay for your STR license/permit/taxes as it is to make a purchase from Amazon.com



We customize the online workflow to meet Yachats's specific Ordinance requirements



The user-experience is designed to delight citizens, reduce errors and guide applicants through the process



We let hosts pay their registration fees and taxes whichever way they prefer



We collect supporting documentation and electronic signatures to ensure compliance with all laws

Rental Activity Monitoring

Host Compliance Rental Unit ID	Unit Permit/Registration Numbers	Address	Parcel Number	Unit Number	Estimated Gross Revenue (USD)	Estimated Net Activity (USD)	Reported Revenue (USD)	Owner Name
8qM8pGQgTmJ5	901			N/A	\$74,294	\$0	\$691,061	
glx0x0E9wEg	7			N/A	\$17,118	\$0	\$408,777	
NWCF368A8AMFm	1219			N/A	\$88,211	\$36,722	\$291,640	
LBP5G3E3MhCv0g	849			N/A	\$1,761	\$0	\$254,385	
903a0kRCg0n	849			N/A	\$4,765	\$0	\$254,385	
w0MwCf0p0GZ	849			N/A	\$21,201	\$0	\$254,385	
x060m000g20ng	335			N/A	\$66,119	\$20,056	\$165,504	
co03H2Tg0m0g	19			N/A	\$0	\$0	\$165,349	
q0y0T0G000g0Q0g	472			N/A	\$108,349	\$75,349	\$161,019	
m000p00000M0M	881			N/A	\$71,809	\$71,809	\$140,360	
Y000A0A000000p	773-3			N/A	\$60,226	\$43,740	\$126,523	
V000R02000p10	37-20			N/A	\$33,643	\$0	\$118,237	
q0L0m0g0w0000	STR0000-00-20-61			N/A	\$15,600	\$15,600	\$113,632	
w00V0P4P0E120M	002			N/A	\$56,049	\$10,824	\$105,499	
A00Q0N000H0G2	1293, 37-26			N/A	\$41,334	\$19,270	\$100,636	
00000000000000	565			N/A	\$39,370	\$19,567	\$102,797	
00000000000000	1053			N/A	\$40,146	\$0,336	\$96,404	
A0000000000000	42-37			N/A	\$36,161	\$26,763	\$96,064	
w000Q000000000	1229			N/A	\$60,063	\$14,983	\$96,385	
T0000000000000	201			N/A	\$40,275	\$40,275	\$95,575	
p0000000000000	827			N/A	\$68,749	\$26,169	\$94,900	
H0000000000000	255-17, 400-2			N/A	\$37,369	\$26,573	\$96,140	
0A000000000000	1234			N/A	\$37,761	\$0	\$87,965	
g0000000000000	400-110			N/A	\$36,813	\$22,314	\$87,600	
0A000000000000	STR0000-00-20-62			N/A	\$37,607	\$26,584	\$87,822	
g0000000000000	436			N/A	\$34,878	\$20,600	\$86,584	

Easily identify tax fraud and occupancy/rental frequency violations by monitoring Yachats's STR listings for signs of rental activity

Rental Activity Audit Automation

Automate the selection of audit candidates and the issuance of audit notifications to maximize the impact of Yachats's audit efforts

Tax under-reporting mailing sequence



Rental Activity Audit Automation

Streamline the audit process by requesting all backup info through simple, interactive online forms

The image displays two overlapping screenshots of a web application for rental activity audit automation. The background screenshot shows the 'Short-term Rental Revenue Validation Form' with a title in green. It instructs users to 'Please report each listing advertising your short-term rental.' and contains two input sections. Each section has a 'Listing Website:' dropdown menu (showing 'Homeaway / VRBO / VacationRentals.com' and 'TripAdvisor / Flipkey' respectively) and a 'Listing Webpage:' text field (both containing 'https://www.airbnb.com/rooms/12345'). A green '+ Add another' button is at the bottom of the second section, and a 'Back' button is at the bottom left. The foreground screenshot shows a form titled 'Please enter the taxable receipts for the listing on Airbnb at https://www.airbnb.com/rooms/1838274 (Listing 1 / 2).' in green. It includes a link to 'Access your Airbnb history at https://www.airbnb.com/my_reservations?all=1&print=1&target=_blank' and a paragraph explaining that taxable receipts include nightly rents, weekly rents, standard cleaning fees, pet fees, internet charges, late check-out fees, extra person fees, and resort fees, while excluding refundable deposits and additional items. Below this, there are four sections for the year 2015, each with a calendar title (e.g., 'Calendar Quarter 1 2015'), a date range (e.g., '(January 01 - March 31)'), and a text input field for taxable receipts (e.g., '\$xx,xxx'). The year '2015' is listed vertically on the left side of these sections.

Short-term Rental Revenue Validation Form

Please report each listing advertising your short-term rental.

Listing Website: Homeaway / VRBO / VacationRentals.com

Listing Webpage: https://www.airbnb.com/rooms/12345

Listing Website: TripAdvisor / Flipkey

Listing Webpage: https://www.airbnb.com/rooms/12345

+ Add another

Back

Please enter the taxable receipts for the listing on Airbnb at https://www.airbnb.com/rooms/1838274 (Listing 1 / 2).

Access your Airbnb history at https://www.airbnb.com/my_reservations?all=1&print=1&target=_blank

Taxable receipts INCLUDE, but are not limited to, nightly rents, weekly rents, standard cleaning fees, pet fees, internet charges, late check-out fees, extra person fees, and resort fees. Taxable receipts EXCLUDE refundable deposits and any additional items included in a special package rate, such as ski passes, or other recreational activity or additional service subject to CA sales tax.

2015

Calendar Quarter 1 2015
(January 01 - March 31)

Calendar Quarter 2 2015
(April 01 - June 30)

Calendar Quarter 3 2015
(July 01 - September 30)

Calendar Quarter 4 2015

Please enter the taxable receipts for Quarter 1 / 2015

\$xx,xxx

Please enter the taxable receipts for Quarter 2 / 2015

\$xx,xxx

Please enter the taxable receipts for Quarter 3 / 2015

\$xx,xxx

Please enter the taxable receipts for Quarter 4 / 2015

24/7 STR Hotline

Make it easy for neighbors to report, substantiate and resolve non-emergency STR related incidents in real-time

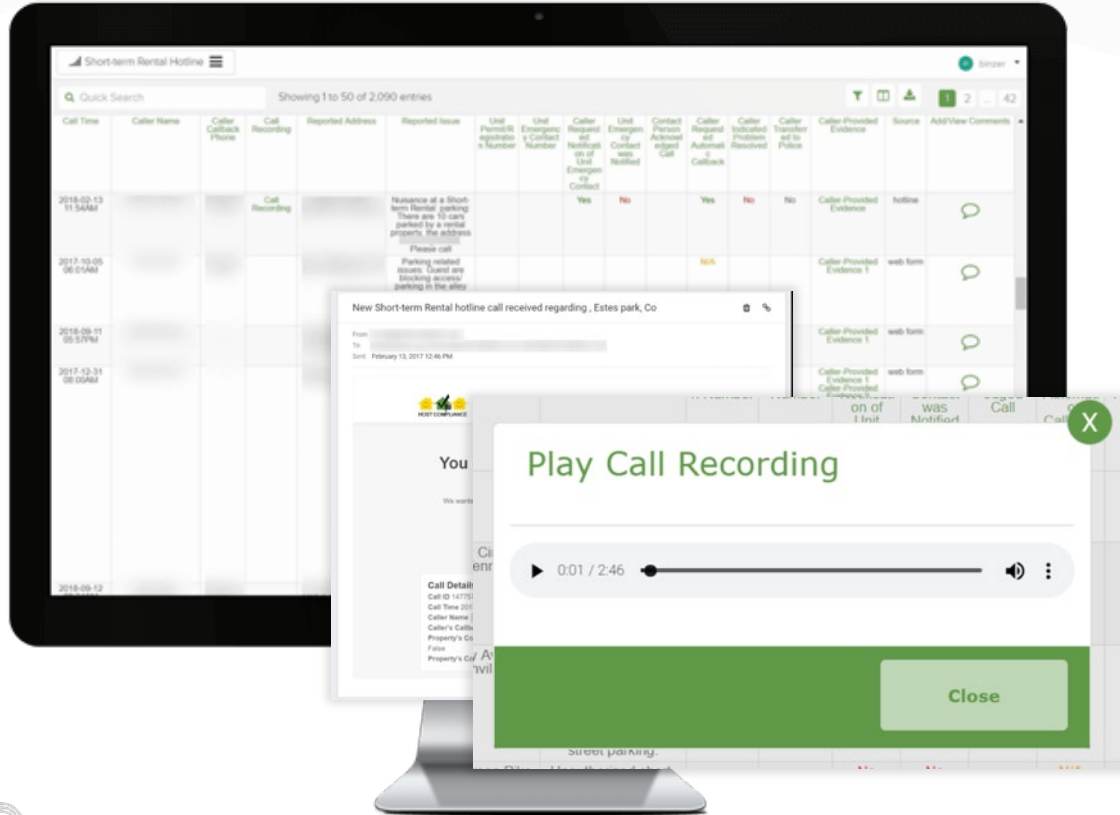


24/7 STR Hotline



Get detailed reports and dashboards to track all short-term rental related complaints in real-time and over time

24/7 STR Hotline



Get detailed reports and dashboards to track all short-term rental related complaints in real-time and over time

Implementation Steps and Timeline

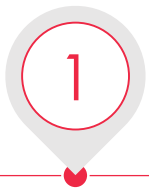
Our Customer Success Team has already completed hundreds of implementations and can get Yachats up and running in less than a month

Typical Address Identification Implementation Timeline



START

Contract is signed



WEEK 1

Assessor file and list of current permits / registrations is received by Granicus Host Compliance



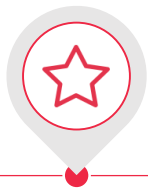
WEEK 2

Yachats' s private cloud is setup and background processes begin



WEEK 3

Address identification processes run in the background



WEEK 4

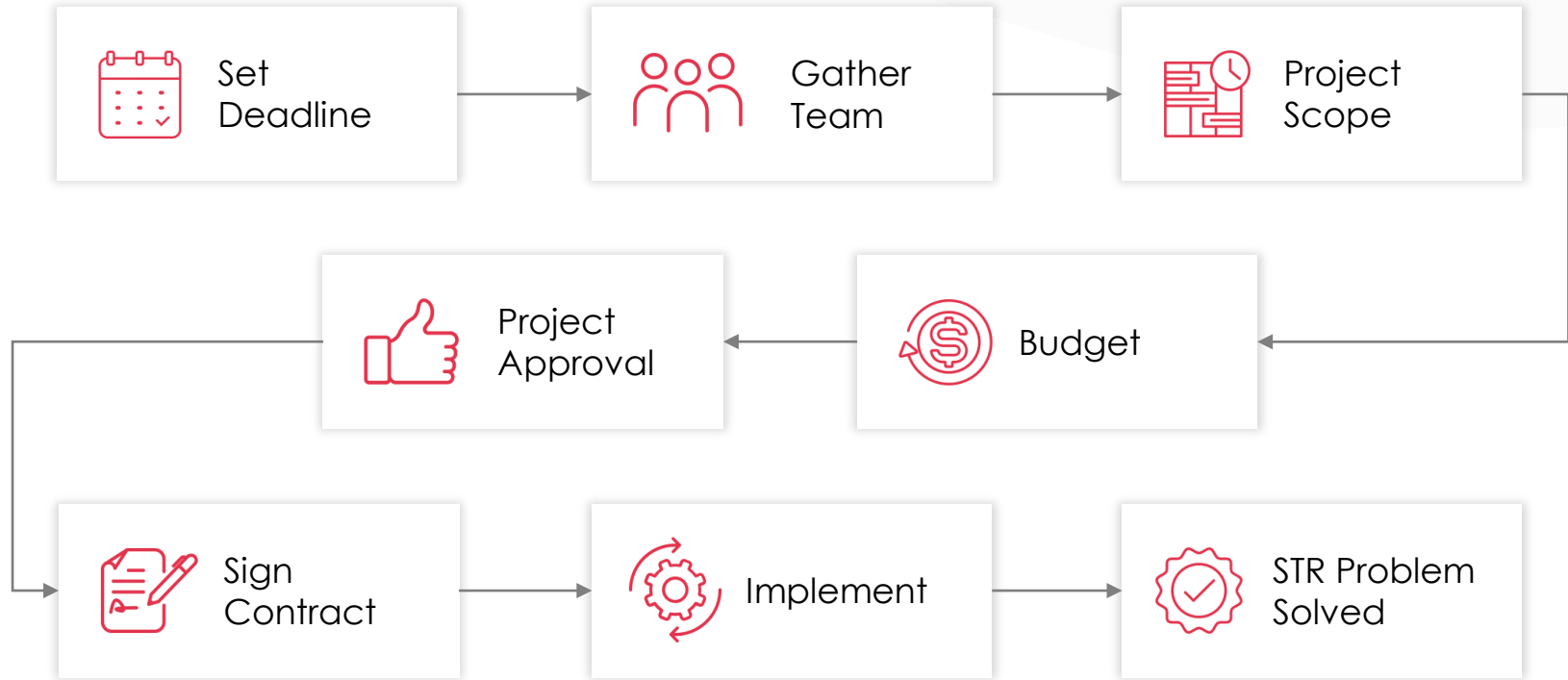
Online dashboard is live and populated with the initial set of Yachats's data



FEEDBACK

Feedback

Working backwards to a solution to address Yachats's STR challenges



Next Steps

- ☒ Send you this presentation and meeting summary
- ☒ Schedule all team meeting?
- ☒ Set timeline to decide on best solution for Yachats's needs
- ☒ Confirm timing of possible rollout (needed to secure Yachats's place in the queue)

Contact Info

Please feel free to contact us anytime if you have any questions about short-term rental regulation and how to best address the associated monitoring and enforcement challenges.

Bruce McCaskill

bruce.mccaskill@granicus.com

(415) 707-0568



Unlike our competitors, Granicus Host Compliance systematically captures data from 54 major short-term rental platforms every 3 days

Abritel

Agoda.com

Airbnb.com

AlugueTemporada

BedandBreakfast.com

Belvilla

Bookabach

Booking.com

Bungalo

CanadaStays

Cofman

CyberRentals

Dobovo

e-domizil

Evolve

Expedia.com

Flat4Day

Flipkey.com

Great Rentals

HolidayLettings.com

HomeAway.co.uk

HomeAway.com

HomeAway.com.au

HomeAway.de

HomeAway.es

Homelidays.com

HomeLike

HomeStay

HouseTrip.com

HRS Holidays

Kozaza

LoveHomeSwap

LuxuryRetreats.com

MountainSkiTrips

Niumba.com

Novasol

Orbitz

OwnersDirect

PerfectPlaces

Stayz.com.au

Toprural.es

travelmob.com

TravelStaytion

Tripadvisor.com

TripBeat

Tripz

Vacasa

VacationCandy

VacationRentals.com

Villas.com

VRBO.com

WeNeedAVacation

Wimdu

9flats.com



From: Craig Berdie <cberdie@gmail.com>

Sent: Tuesday, November 17, 2020 4:53 PM

To: Shannon Beaucaire <citymanager@YachatsMail.org>; Mayor <Mayor@YachatsMail.org>

Subject: Concern with Revision to Chapter 9.52.050

I am writing to express a concern with a limitation of proposed CHAPTER 9.52.050 – Geologic Hazard Overlay Zone. It is possible that I misunderstand the scope of the change, but feel that I must raise this issue.

Section H, Erosion Control Measures does not address "downhill" concerns.

I believe that a section should be added that addresses mitigation costs to downstream neighbors and the city carrying capacity as part of erosion control.

While the Chapter comprehensively addresses control of on-side effects, it does not clarify limits or controls with water that must run off the site. There are no water detention requirements nor mitigation requirements for increased flow downstream from the property.

As an example, the home developed uphill from our house required the removal of a large tree that was absorbing the water from a natural spring, has a large roof footprint, a large concrete parking area and driveway. I estimate 70% of the lot is now impervious. While it complies with the suggested requirements in the Chapter, all that water goes somewhere at high rate. This causes downstream erosion (not on-site erosion) with costs for downhill residents and the city.

Apologies for this last minute comment after all the hard work done by the Planning Commission.

Craig Berdie

319 E. Third Street

Yachats, Or 97498

The ADOBE RESORT

P.O. Box 219
Yachats, Oregon 97498
Telephone (541) 547-3141 • 1-800-522-3623

COPY

November 16, 2020



John Moore, Mayor
Yachats City Council Members
City of Yachats
P.O. Box 345
Yachats, Oregon 97498

RE: Proposed Amendments to the City Lighting Code – Title 9.42

Dear Mayor Moore and Yachats City Council Members,

I am writing in an effort to inform the city of our concerns with safety at our property, specifically regarding the proposed removal of marine lighting. The Adobe Resort currently has lights that illuminate the rocky coastline directly in front of The Adobe. The Adobe has been allowed to illuminate this area for the last forty plus years and is an added attraction for our guests to be able to watch the waves from our Restaurant/Lounge, their room and our webcam. Removal of this lighting would hurt our business.

I listened to the commission's discussion during its work session of October 27, 2020. In that discussion, a member of the commission asserted that "most people" in Yachats do not want "marine lighting", but did not cite any surveys, petition or other indicators of public sentiment. I would appreciate more information about the **sources and scope** of those opinions.

I also was struck by the lack of any distinction during the commission's discussion between "marine lighting" (also referred to by one member as "lighting up the ocean") and "surf lighting". "Surf lighting," like that provided at the Adobe Resort, is much less intrusive on marine life and does not affect breeding areas or the life cycles of local species. I respectfully request that the council and commission give this distinction more study and discussion before adopting a blanket ban of our lighting practices under the heading of "marine lighting" **using a code template that was developed for other, different circumstances.**

Our lights provide more than just a view at night. The Adobe Resort welcomes around fifty thousand hotel guests a year. The first priority is to keep our guests safe and to avoid circumstances, which could turn into life and death situations for people on our property. These dangers can range from slips and falls to predators confronting guests. Other hotels have dealt with such dangers and applying steps to prevent these things from happening is our main priority. At the Adobe Resort we care about our guests and staff and take these issues seriously.

COPIES

The Adobe Resort logo features the word "The" in a small, stylized font, followed by "ADOBE" in a large, ornate, serif font. Below "ADOBE" is the word "RESORT" in a smaller, simpler, sans-serif font.

2 of 3

P.O. Box 219
Yachats, Oregon 97498
Telephone (541) 547-3141 • 1-800-522-3623

Without adequate lighting outside our business, more problems will arise. For example, the ocean's cliff is jagged and dangerous to those walking. If people are not able to see the cliff, it is possible they could be seriously hurt by slipping and falling. The rocks on the ocean's edge are uneven and unsafe, especially when you cannot see them clearly. Taking away our lights would be taking away a precaution we have set in place to protect our guests. Contrary to the statements of one planning commission member, "ambient lighting" would be insufficient to provide this protection.

The check-in time for the Adobe is at 4pm and with the sun setting so early in the winter time, our natural light is gone quicker than usual. Nature is something we cannot change, but we can help compensate for the loss of natural light. The Adobe does not have a defined trail in front of our property, but we have allowed guests and people from town to walk across our bluff. People enjoy watching the waves, the gorgeous sunsets, and make use of our benches. Lights help show the coastline and guide people back to where they need to go. An increased worry for our guests and others making use of our property occurs if we do not have lights in place to help guide them. As you know, coastal winds are very strong. The lights we currently have in place are stable and perform the job required, unlike other types of lighting.

The safety of our guests in their rooms presents another problem. The resort has 26 ground floor guest rooms that open toward the ocean. These rooms would lose all security lighting if this proposal is implemented. Along with our lights we have a webcam, cameras and security that roam the area throughout the night. The truth is, lights and added security are never a 100% guarantee of safety and being crime free. Yet, we do those precautions to try and protect ourselves. Our goal as a business is to protect our guests the best we can.

I also noted the planning commission's discussion of the increased safety concerns for multi-family housing parking areas. That illustrates the need for the commission to also consider the safety concerns for our parking lot. In addition, our parking lot is not in a residential neighborhood.

While working in my six years so far as general manager at The Adobe, I can confirm that we have had crime occur. Such as stolen goods and belongings out of cars or ground floor rooms. These are realities as a business that we are faced with and have to prevent on a daily basis the best way possible. With less lighting in these areas, those problems would only increase.

If this amendment is passed and our lighting is removed, the bluff area will have to become an area reserved only for hotel guests. Guests would be required to sign a waiver when checking-in, stating that they recognize climbing on the rocks and being out in the dark is not recommended for their safety. I will also be recommending a fence and gate with guest key access only. In order to protect our guests, non-guests would no longer have access to our property. Many currently walk across our property to access the 804 Trail. Sadly, this new amendment would force us to take these actions. Access to the 804 Trail from Smelt Sands via Highway 101 will remain.



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P.O. Box 219
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For the past forty+ years The Adobe Resort has been able to illuminate its coastline and parking lot to provide the extra safety and security to our guests and staff. I highly recommend that the city think about the points I have made and ask for support in our goal to keep our lighting status quo. Thank you for reading and listening to our concerns about this new city lighting code.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Muirhead". The signature is fluid and cursive, with a large, sweeping "A" at the beginning.

Anthony Muirhead
Adobe Resort
General Manager