

1. Agenda

Documents:

[PC_AGENDA_3-28-17.PDF](#)

2. Meeting Materials

Documents:

[ACCESSORY_STRUCTURES.PDF](#)
[BUILDING_PERMIT_ACTIVITY_JAN-FEB_2017.PDF](#)
[YACHATS_COMPREHENSIVE_PLAN_GOALS_A-C.PDF](#)
[REG_MINUTES_2-21-17.PDF](#)
[EXCEPTION_TO_BUILDING_HEIGHTS.PDF](#)

3. Work Session Minutes

Documents:

[2017-03-28 PLANNING WS MINUTES.PDF](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

Tuesday, March 28, 2017: 2 pm Work Session; 3 pm Regular Meeting

WORK SESSION AGENDA

- A. Exceptions to Building Heights
- B. Accessory Structures – Habitable and Non-Habitable Structures
- C. Yachats Comprehensive Plan – Goals A-C

REGULAR MEETING AGENDA

- I. Announcements and Correspondence
- II. Minutes
 - A. Regular Meeting and Work Session – December 6, 2016
 - B. Regular Meeting and Work Session - January 17, 2017
 - C. Regular Meeting and Work Session – February 21, 2017
- III. Citizen's Concerns
- II. Public Hearings
- V. New Business
- VI. Other Business
 - A. From the Commission
 - B. From Staff

Commission meets the third Tuesday of each month.

Next scheduled meeting: April 18, 2017 at 2:00pm and 3:00pm.

This meeting is open to the public and all interested persons are invited to attend. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. Minutes of all public meetings are available for review at City Hall, or on the City website at www.yachatsoregon.org.

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).

Posted: Mar. 15, 2017



March 14, 2017

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Accessory Structures

The Planning Commission identified the need to review regulations pertaining to accessory structures and habitable detached structures. Currently, habitable detached structures are permitted as long as the structure does not create an additional dwelling, conforms to zoning provisions, i.e. setbacks, height, lot coverage, etc. and, conforms to building code occupancy requirements.

Yachats Municipal Code Section 9.52.030 states, in part, that accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five (5) feet to a property line. The maximum height shall be one story or fifteen (15) feet, whichever is the lesser. Accessory buildings are not permitted in the front yard.

I discussed this issue with Al Eames, Lincoln County Building Official. Al said that every building is classified by an 'occupancy group'. Non-habitable accessory structures not exceeding 200 square feet or 10 feet high do not require a permit. A key word is "non-inhabitable". If a non-inhabitable building becomes occupied it is a violation. An occupied building has a different 'occupancy group' and additional building code requirements. Occupied buildings require insulation, smoke detectors, egress windows, and additional provisions.

City of Yachats 2017 LAND USE / BUILDING PERMIT ACTIVITY

For the Period January 1, 2017 through March 14, 2017

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
2/28/17	Building Permit	Rosetta Dimiceli	14-12-27DA/6600 333 N. Hwy 101 NW corner of Hwy 101 & 4 th St	C-1	Interior structural improvements for bar, office, storage, kitchen, ADA compliance, and outdoor deck and seating	Approved 2/28/17
3/3/17	Building Permit	Heidi Travaglio	14-12-27AD/2103 23 E. 7 th St	R-3	New carport and deck	Approved 3/7/17
3/7/17	Building Permit	Koho Oregon	14-12-27DD/5200 22 Catkin Lp Koho PUD	R-4	New single family dwelling	Approved 3/7/17

Drift Inn Conditional Use. City staff talked with the owner of the Drift Inn. The owner understands a new or updated conditional use is required for relocating four of the hotel units. The owner stated that the total number of approved hotel units has not increased however four units originally planned and approved for a different location are now located in the 'house' on E. 2nd Street. The owner also understands the condition to provide 12 additional parking at the northwest corner of E. 2nd Street and Prospect Avenue by September 2017. The owner indicated she may want to revisit the uses and parking spaces. She agreed to pursue a new or updated conditional use permit prior by September 2017.

South Water Storage Tank Conditional Use. Yachats Public Works and the engineer confirmed they have satisfied the Planning Commission's conditional use approval "to have the engineer investigate and ensure that drainage on Crestview Drive will accommodate a high intensity, short duration rain event." The engineer prepared a 23-page stormwater drainage analysis which fully calculated the storm flows assuming a high intensity, short duration event. The conclusion is that the original storm drain design will accommodate the high intensity, short duration event.

March 14, 2017

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Yachats Comprehensive Plan – Goals A-C

The Planning Commission will begin a review and update of the Comprehensive Plan at the March work session by reviewing Goals A-C. Goals A-C, with Policies, are attached.

Initial comments to address include:

- A. There are several references to the Natural Resources map and inventory data. The Natural Resources map and inventory data have not been updated for many years. The Planning Commission may want to review this information and decide if updates are needed. The Natural Resources map and inventory is attached.
- B. The Comprehensive Plan includes tree protection and view protection policies. The Planning Commission should discuss these policies and determine if any action is needed.
- C. There are three places where Comprehensive Plan policies are written as implementing ordinances. This includes Goal A, Policy 13; Goal C, Policy 3; and Goal C, Policy 4. Policies should be general. Implementing ordinances belong in the Yachats Zoning and Land Use Code.

Goal A. *Protection of Natural Resources*

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

Policies

1. The City shall ensure that the quality of air, water and land resources is maintained.
2. The City shall protect significant marine habitats, as identified on the City's adopted Natural Resources map and inventory data, from proposed land uses that will, or might, modify their indigenous characteristics.
3. The City shall preserve existing open space and identify new areas appropriate for designation as open space.
4. The City shall encourage orderly development of land through zoning, land use codes and the timing and placement of public improvements in order to conserve natural resources.
5. The City shall assist the State and County in protecting the County Road 804 right-of-way and the prescriptive easements accepted by the Oregon Supreme Court as established by the Lincoln County Surveyor (Survey 11,905 12/18/87) from alterations that would prevent the establishment and maintenance of this segment of the Oregon Coast Hiking Trail within the public right-of-way.
6. The City shall concur with all pertinent and legally authorized agencies, both federal and state, in a mutual effort to retain the character of those natural qualities identified in the adopted Natural Resources Map and Inventory Data.
7. The City shall consider the quality of the resources areas as shown on the adopted Natural Resources Map and inventory data in adopting land use designations or in undertaking land use actions or decisions.
8. The City shall direct its growth so as not to encroach upon public or commercial forestlands.
9. The City shall protect significant archaeological and historic resources through survey identification, recordation and adoption of preservation codes, consistent with the standards of the State Historic Preservation Office (SHPO), affected tribes and federal laws. Specific sites for protection include, but are not limited to, the Little Log Church, Yachats Middens, Native American villages and other identified recorded or unrecorded archaeological or historic sites.

10. The City shall not support offshore oil and gas development and associated facilities due to potential conflicts with existing ocean fisheries, impacts on aesthetic and recreational values, and degradation of the marine environment. This includes leasing, exploration, and oil and gas extraction within the state territorial sea and federal waters.
11. Established trees contribute to the aesthetic and environmental quality of the City. Significant trees and groves of trees shall be protected through a tree protection ordinance or other voluntary mechanisms to ensure their health and retention.
12. View sheds and corridors are unique characteristics of the City. They contribute to the community identity and aesthetic values of City residents and visitors.
13. Where streams and creeks intersect the Shoreland, a 25 ft. buffer shall be maintained; and where a stream and creek intersect the river edge, a 50 ft. buffer shall be maintained. The buffer is to be measured from the top of the bank; within this buffer zone, existing vegetation shall not be removed. Noxious weeds and invasive plants shall be exempt from this restriction.
14. The City shall provide educational material regarding the responsible use of chemicals.

Proposed actions:

- a) The City shall incorporate soil capacity analysis into the land use code for protection of prime forest soils.
- b) The City shall develop a methodology to designate archaeological and historic properties to the City inventories.
- c) The City shall conduct archaeological and historic resource inventories consistent with Goal 5 and the SHPO and rank significant properties for protective measures. Priority sites shall be identified on the City's Natural Resources map or separate archaeological and historic resources map consistent with state law.
- d) The City shall explore actions to preserve trees and establish a tree protection ordinance.
- e) The City shall identify and rank significant view sheds and corridors.
- f) The City shall conduct a City wide urban growth boundary natural resources inventory and assessment.
- g) The City shall research view protection strategies. Those strategies may include, but not be limited to, overlay zones, tree trimming standards, and voluntary deed restrictions.
- h) The City shall explore actions that would improve air quality, such as City wide composting.

- i) The City shall develop an ordinance to protect inland stream and associated riparian areas.

Goal B. *Protection of Estuarine Resources*

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

Policies

1. The City shall cooperate with appropriate government agencies in the development of biological, aesthetic, recreational, and economic values and benefits of the Yachats River Estuary, subject to the availability of local funds and the individual commitment of local agencies and residents.
2. The City shall, in recognition of the unique and abundant qualities of the Yachats River estuary, work with Lincoln County and relevant special districts, the Department of State Lands, U.S. Army Corps of Engineers, and other state and federal agencies in the implementation of the comprehensive estuarine management plan for the Yachats River estuary within the Yachats urban growth boundary.
3. The City shall classify the Yachats River as a conservation estuary and be shown on the City's Natural Resource Map for purposes of resource management. All estuarine areas within the Yachats urban growth boundary shall be classified as a natural management unit, and shall be managed to preserve the natural habitats and wildlife therein.
4. The City shall protect the natural habitat areas and aesthetic values in all City decisions regarding land and/or water use actions in or affecting the estuary. The inventory information and the Natural Resources Map are sources of information regarding the aesthetic and natural values of the Yachats River estuary and the benefit derived therefrom to the City.
5. The City shall allow dredging and fill in estuarine areas only:
 - a. If required for navigation or other water dependent uses that require an estuarine location or for a use specifically allowed in the applicable estuary zone;
 - b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
 - c. If no feasible alternative upland locations exist; and
 - d. If adverse impacts are minimized.

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

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

Proposed Action

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

Goal C. *Protection of Shoreland Resources*

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

Policies

1. The City shall cooperate with appropriate government officials in the protection of biological, aesthetic, recreational, and economic values and benefits of shorelands under public control.
2. The City shall reduce or mitigate adverse effects upon water quality and fish and wildlife habitat resulting from the use of shorelands.
3. In the Shorelands along the river, a 50-foot buffer strip, measured horizontally from the edge of the bank shall be maintained. In the first 30 feet, the existing riparian vegetation shall not be removed. In the latter 20 feet, slight vegetative alteration will be allowed as long as the overstory is retained. Minor access paths leading to (but not parallel to) the river shall be allowed as long as the overstory is not disturbed. Noxious weeds and invasive plants shall be exempt from this restriction.
4. On shorelands along the ocean, a 25-foot buffer strip from the top of the bank shall exist wherein existing stabilizing vegetation shall not be removed.
5. Land use management practices (such as setbacks and maintenance of riparian vegetation) and non-structural alternatives shall be preferred methods of shoreline stabilization. Structural stabilization methods (such as riprap and bulkheads) shall be allowed when necessary for the protection of existing land uses and resources, and when designed to minimize adverse water quality, habitat and environmental impacts. Where riprap, bulkheads or seawalls are proposed as shoreline protective measures, evidence shall be provided that higher priority methods of erosion control will not work. The priorities for shoreline stabilization for erosion control area (from highest to lowest):
 - a. Proper maintenance of existing riparian vegetation
 - b. Planting of riparian vegetation
 - c. Vegetated riprap
 - d. Non-vegetated riprap
 - e. Bulkhead or seawall
6. The City shall develop and implement programs for maintaining and improving public access to the estuary and ocean and pursuing adequate signage of existing access points. The City supports future public access sites to be accessible in conformance with the Americans with Disabilities Act (ADA).
7. The City shall permit structural shoreline stabilization only if:
 - a. There is a demonstrated need to protect property or existing structures that are threatened by erosion;
 - b. Impacts on adjacent property due to increased erosion and sedimentation are minimized;
 - c. Visual impacts are minimized;
 - d. Long-term or recurring costs to the public are avoided;

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2017 Planning Commission Review**

- e. Riparian vegetation is preserved as much as possible; and
 - f. The proposed project will not restrict existing public access to publicly owned lands or interfere with the normal public use of fishery, recreation, or water resources.
- 8. The City shall coordinate with the Oregon Department of Parks and Recreation and the Department of State Lands in any review of beachfront protective structures.
- 9. The City shall issue permits for beachfront protective structures only where development existed on January 1, 1977. For the purposes of this requirement "Development" means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where an exception to the State Beaches and Dunes Goal has been approved. Refer to the Inventory for description of areas where development existed on January 1, 1977.
- 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.

Proposed Action

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

NATURAL RESOURCES

The Yachats planning area is rich in natural resources. The forested hills, the Cape, the river, the rocky shoreline and the ocean provide the beautiful setting which causes people to refer to Yachats as the "Gem of the Oregon Coast." These areas not only provide scenic beauty and a sense of openness, but also serve as habitat for a number of fish and wildlife species. These and other natural resources are described below and on the map.

¹ County Parks and Outdoor Recreation Plan

Fish and Wildlife

The four major habitats in the area include the forested uplands, the ocean, the estuary and the shorelands. Perhaps the most significant habitats within these general habitat areas are the surf smelt spawning sands, the rocky intertidal areas and the estuarine migration routes of anadromous fish.

Surf smelt spawn in small patches of coarse sand located intermittently along the rocky coastline of Yachats. These sandy patches are necessary for the survival of the surf smelt species in the Yachats area. Surf smelt are an important fish resource for the community. Their excellent flavor make them a valued food source. People from all over the State come to Yachats and dip for fish during the spawning season. Local people provide part of their catch to the popular "Yachats Smelt Fry" which draws hundreds of tourists each year.

The rocky intertidal habitat in the Yachats area is very rich and productive.² Mussels, starfish, snails and green sea anemones are particularly abundant. Also, there are sponge colonies of varied colors, barnacle colonies, intertidal crabs, such as the purple shore crab and porcelain crab, leather chitons and colonies of "featherduster" tube worms.³ The tube worms are normally sub-tidal, but occur in intertidal areas around Yachats.

The rocky intertidal habitat provides biological, aesthetic and recreational values. Mussels from the area are being studied as part of a State toxicity investigation. A pilot project on the use of photography in measuring changes in habitat is being conducted in the area by the Fish and Wildlife Commission. The presence of these strange and beautiful rocky intertidal species helps to draw tourists to Yachats. Also, one or two commercial collectors obtain species from the Yachats area.

The Yachats Estuary serves as habitat for a number of fish and wildlife species. Of particular note are the anadromous fish which migrate up the river to spawn. These include Chinook Salmon, Coho Salmon, Steelhead and Cutthroat Trout.

Steelhead were planted in the Yachats River by the Oregon Game Commission in 1968 and 1969, when 5,000 and 3,100 were released respectively. Cutthroat trout were first released in the Yachats in 1970 and have been released each year since except in 1974. During this period, the number of Cutthroat released has varied between 1,000 and 2,035 fish per year.* The following tables show estimated catch based on tag return data.

² Conversation with Laimons Osis, biologist for Fish and Wildlife commission at Marine Science Center, Newport, Oregon, 4/13/77.

³ A Guide to Oregon's Rocky Intertidal Areas. Laimons Osis, Fish and wildlife Commission of Oregon, June, 1975.

YACHATS RIVER

Oregon Salmon and Steelhead Catch Data 1966-1986

	<u>1966</u>	<u>67</u>	<u>68</u>	<u>69</u>	<u>70</u>	<u>71</u>	<u>72</u>	<u>73</u>	<u>74</u>	<u>75</u>	
Steelhead	349	355	313	220	190	133	175	173	43	167	
Salmon	223	302	313	120	84	66	45	55	29	92	
	<u>1976</u>	<u>77</u>	<u>78</u>	<u>79</u>	<u>80</u>	<u>81</u>	<u>82</u>	<u>83</u>	<u>84</u>	<u>85</u>	<u>86</u>
Steelhead	43	120	30	138	107	70	88	221	225	49	137
Salmon	96	61	54	9	74	69	62	44	207	134	80

Source - Oregon Department of Fish and Wildlife - Fish Division, October, 1976 and April, 1989, estimated total catch from salmon/steelhead tags.

Other species that use the estuary for habitat include Great Blue Herons, Merganzers, Mallards, Kingfishers and other waterfowl and birds. A Bald Eagle has been sighted in the area. Mink and beaver use the river and crayfish can be found there, too.

The estuarine habitat is valuable to the community in that it is a primary recreation resource both for fishermen and the more passive observers of the diverse species of wildlife that live there. Evidence of this recreation value is the estimated 4400 angler days and \$81,400.00 expended in the sport harvest of Salmon, Steelhead and Cutthroat from the estuary in 1971⁴

The various species of fish and wildlife that are known to exist in the Yachats area include but are certainly not limited to the following:

<u>Ocean</u>	<u>Shore/Near shores</u>	<u>Estuary/ River</u>
Grey Whales	Barnacles	Coho Salmon
Sea Lions	Mussels	Chinook Salmon
Harbor Seals	Snails	Steelhead
	Tube Worms	Cutthroat Trout
<u>Uplands</u>	Sea Anemone	Crayfish
Deer	Razor Clams	Merganzers
Elk	Surf Smelt	Mallards
Black Bear	Black Rockfish	Great Blue Herons
Raccoon	Greenlings	
Mountain Beaver	Surf Perch	
Weasel	Sanderlings	
	Gulls	

⁴ Appendices- Potential Hatchery Sites on Oregon Coastal Streams, Bureau of Commercial Fisheries, U.S. Department of Interior, Fish and Wildlife Service, Delbert G. Skeesick, Thomas F. Gaumer, Fish Commission of Oregon, July, 1970.

Shore/Near shores

Oysters catchers
Scoters
Pigeon Gillamonts
Swallows
Cormorants

Water Areas

A study of potential hatchery sites conducted in 1970, indicates that the Yachats River has relatively good water quality. The study finds that based on water quality (turbidity), amount of flow and temperature that the River has a high potential for a hatchery site. In fact, the site area which lies approximately three miles up the River is considered the second best potential site on the Oregon coast. However, the River does have certain water quality limitations as discussed below and on page 24. (Note: original document - this page number is not correct with the changes made in font and format - 6-98)

The Yachats River has been designated as a wild fish management stream (ODFW Coho Plan, 1985; Statewide Steelhead Plan, 1986).

Flow and temperature measurements taken at River Mile 5 in 1971 are as follows:⁵

<u>Date</u>	<u>Water Temp.</u>	<u>Air temp</u>	<u>Flow (CFS)</u>	<u>Minimum/optium Fish Flow (CFS)</u>
Dec 70	45	----	350	63/132
April 71	48	53	280	63/132
May 71	48	49	171	42/63
June 71	56	65	77	18/42
July 71	53	54	59	18/42
Aug 71	61	--	38	18/42
Sept 71	--	--	19	18/42

With the exception of the September and August flows, these flows exceed the recommended minimum and optimum for fish life. However, it is estimated that if all existing water rights on the Yachats were exercised to their legal maximum, it would not be possible to maintain established minimum flows five out of ten years during the time of the year that flows are lowest (September). This situation places the Yachats River in the extreme water-availability risk category established by the State Water Resources Department. More specifically, during the period August through November, the average monthly flow (based on years of low runoff) is not sufficient to satisfy all legal claims for water and the established minimum flow for aquatic life.⁶

⁵ Environmental Investigations, Middle Coast Basin-Fish and Wildlife Resources and Their Water Requirements, Oregon State Game Commission, March 1972

⁶ Freshwater Resources of the Oregon Coastal Zone, Oregon Coastal Conservation and Development Commission by State Water Resources Board, 1974

It is apparent that the quality of the River for aquatic life can be maintained throughout the year only if all legal rights are not exercised or the flow is augmented. This is significant to the city because its present water source is Reedy Creek, which flows into the Yachats River.

In addition to the Yachats River, there are four creeks within the planning area. These are the Starr Creek, north of the city limits; Agency Creek, within the city limits; Salmon Creek, which empties into the Yachats River east of the city; and, North Cape Creek, which is on the southern edge of the planning area. It is thought that Starr Creek may experience some fish runs of Cutthroat Trout, Coho Salmon and Steelhead. All of these creeks except Agency Creek, are potential water sources for the city. Starr Creek presently serves as a water source for the Southwest Lincoln County Water District.

Most of the wetlands in the city are estuarine and are covered in the estuarine resources portion of the plan. However, the non-estuarine wetland area has been identified, which is described below:

Yachats Elementary School Wetland -This wetland is located on tax lots 4600 (Map 14-12-27DA) and 13100 (Map 14-12-27AD) west of the former Yachats Elementary School and playground.

There is not sufficient information available to determine if this wetland area is significant. This wetland qualifies as a "1b" resource under the Land Conservation and Development Commission's administrative rule for Goal 5 (OAR T6601600(5)(b)). When adequate information is available to determine the significance of this wetland, the city will complete the Goal 5 process by identifying conflicting uses, and developing a program to achieve Goal T5.

Historical and Archaeological

When the first Europeans arrived on the Oregon coast, they found the Alsea Indians located at several sites around the Alsea River. The southernmost village, Ya-qai-yak, was situated where the City of Yachats is today.⁷ Between 1780 and 1910, the Alsea population decreased from over 1,000 individuals to 29. By 1930, only 9 Alsea remained. Diseases, displacement by the Euro-Americans and increased pressure on limited natural resources were responsible for the rapid decline.

The Alsea were dependent on the fish and wildlife found in inter-tidal zones, the estuary, the river and the upland meadows. The river systems supplied these people with their primary food resource, salmon. Smelt, perch, and other near shore species were also caught. Other animals, such as deer, elk, beaver, seals, sea lions and various waterfowl were hunted.

⁷ Draft Environmental Impact Statement, Southwest Lincoln County Sanitary District U.S. Environmental Protection Agency 1976.

Evidence of the existence of these people in the Yachats area are the middens (refuse heaps, shell mounds) located at the site of the Adobe Motel and in the Yachats Road State Park (see inventory map). The Yachats Midden is one of two archaeological sites existing in Lincoln County and is considered to be of County interest.

The reservation system was established in 1856 and the Alsea were placed under the jurisdiction of the Alsea sub-agency. The people were concentrated in several villages and encouraged to become agriculturalists. The largest of these villages was located at Yachats near the present day cemetery. This site of Alsea Indian Sub-Agency is considered to be of historical importance to the State as well as to the County and local area.

In 1875, the remaining Alsea Indians were moved to the Siletz or Grande Ronde reservations and the sub-agency was opened for settlement.

In addition to the Yachats Midden and the Alsea Indian Sub-Agency, there are two sites within Yachats which have local historical significance. These are the Little Log Church at the corner of Third and Pontiac Streets, which was built in 1927 and the first hotel (now converted to residence) at the corner of River Road and Loma Avenue.

South of the city and the planning area lies Cape Perpetua, which has historical significance in that it was sighted and named by Captain Cook on March 7, 1778.⁸

Mineral Resources

Within the planning area north of Yachats River Road, there is a rock quarry that has material that can be used for crushed rock. However, there is only a small quantity of the rock remaining and it is of poor quality.⁹ The only other mineral resource known to exist in the area is agates along the ocean shore.

Scenic Views and sites

The scenic environment of Yachats is probably its most valuable natural resource. It is no doubt one of the major reasons that people come to Yachats to visit and live. To the west, one sees the infinite Pacific Ocean and on closer look, the driftwood, a rocky coastline, crashing surf and breaking waves. To the south, stands the rocky, forested headland. To the southeast and east, one sees more tree-covered mountainous terrain. Near the center of the city one finds the mouth of the Yachats River and the open, sandy tidelands. Only a short distance to the east the River quiet and secluded within tree-lined banks. The river is noted for its aesthetic quality. The County Road # 804 right-of-way and prescriptive easements, as identified on Lincoln County Survey 11,905 (12/18/87), provide excellent ocean viewing opportunity along the bluff. Lincoln County has transferred jurisdiction and responsibility for the County

⁸ A description of the history of Yachats from the mid 1800's to mid 1900's can be found in The land That Kept Its Promise - A History of South Lincoln County by Marjorie H. Hays, Lincoln County Historical Society, 1976.

⁹ Environmental Geology of Lincoln County, Department of Geology and Mineral Industries, State of Oregon, 1973

Road #804 right-of-way and prescriptive easements to the State Parks and Recreation Department. Conflicting uses with the right-of-way and prescriptive easements are limited by the jurisdiction of the State Parks and Recreation Department, and by policies adopted by the city.

Potential and Approved Oregon Recreation Trails

The Oregon State Parks and Recreation Department is in the process of developing a statewide system of recreation trails, including hiking, horse and bicycle paths. Recreation trails provide an avenue for a variety of recreational activities and interests. They also generally provide access to scenic resources and open spaces which might be damaged or inaccessible by other modes of transportation. Recreation trails provide alternative transportation routes for those interested in getting away from automobiles and the limitations they impose.

In 1971, the Recreation Trails Act (ORS 340.950 to 390.989 and 390.990 subsection (4)) established the basis for a state trails system for hiking, bicycling and horseback riding and created the Recreation Trails Advisory Council.

The Oregon Department of Transportation has proposed a specific route for one trail which passes through the city of Yachats, the Oregon Coast Hiking Trail.

This trail is proposed border-to-border hiking trail that would mainly follow Oregon beaches, with segments designated to skirt sections of the coast where foot travel along the shoreline is not possible or safe. The northern portions of the trail have been constructed in Clatsop and Tillamook Counties, and within three state parks further south, and have been officially adopted by the DOT. The remaining trail locations, including those in Lincoln County, are still tentative, but have been approved in principle by the State Recreation Trails Advisory Council. Official acceptance by the DOT will occur after construction. The acquisition of rights-of-way and construction and signing is proceeding from north to south along the coast, so work should begin soon in Lincoln County.

All portions of this trail route as proposed by the State Parks and Recreation Department within the Yachats urban growth boundary would be on public lands, public easements or public rights-of-way.

The proposed trail route through Yachats is shown on the Recreation Trails Inventory Map.

The proposed trail route north of Smelt Sands Beach State Park is to be located in the right-of-way of County Road #804. The existence of this public right-of-way has been established after extensive litigation and a final ruling by the Oregon Supreme Court. This right-of-way is currently unimproved, but informal trails have been established over most portions of it by many years of local pedestrian use.

The status of County Road #804 was under litigation since May of 1979, when a group of affected property owners filed suit in the Lincoln County Circuit Court to determine the legal status of County Road #804 (Rendler et al. v. Lincoln County, TC No. 41260).

The Lincoln County Circuit Court issued a final decree on Rendler et al. On May 16, 1984. The Circuit Court determined that County Road #804 was legally established in 1890, and had not been vacated in the area subject to the court case. The Circuit Court also identified perspective easements across the plaintiff's property in the vicinity of the County Road #804 right-of-way.

Rendler et al. appealed the Lincoln County Circuit Court decision to the Court Appeals, and subsequently to the Supreme Court. The issue on appeal was the standing of the Committee to Save Yachats 804 Trail as an Intervenor in the case. Both the Court of Appeals (A32003 November 14, 1985) and the Supreme Court (S32431, November 12, 1986) upheld the standing of the Committee to Save Yachats 804 Trail as and Intervenor.

After the above court rulings, the Lincoln County surveyor determined the location of the County Road # 804 right-of-way and the prescriptive easements described in the May 16, 1984 Circuit Court decree (filed Survey 11,905, 12/18/87). Lincoln County petitioned the Lincoln County Circuit Court to amend its May 16, 1984 decree to accept Survey 11,905 as the legal location of the County Road #804 right-of-way and prescriptive easements. The County's petition was approved by the Circuit Court on September 19, 1988. An amended Circuit Court decree was signed on October 18, 1988.

In 1990, Lincoln County transferred jurisdiction and responsibility for the County Road #804 right-of-way and prescriptive easements to the State Parks and Recreation Department.

The location of the County Road #804 right-of-way and prescriptive easements has been established by the Lincoln County Surveyor (filed Survey 11,905, 12/18/87). This survey, a copy of which is on file at Yachats City Hall, is considered by the city to be the best available information regarding the location of the proposed Oregon Coast Hiking Trail north of Smelt Sands Beach State Park, and is hereby incorporated into this inventory by reference.

The Oregon Coast Bicycle Route also passes through Yachats along Highway 101. The location of the bicycle route is identified on the Recreation Trails Inventory Map.

Open Space

The Yachats planning area is rich in open space. As stated above, the ocean, rocky coastline, headlands, forested hills and river provide an open, attractive environment, which is likely to remain open indefinitely. The forested hills southeast

and east of Yachats are owned by the U.S. Government and large timber companies who are expected to use the land for growing and harvesting trees. The landslide and erosion hazards associated with the steep terrain would probably prohibit other types of use. The 172 acres of tidelands at the mouth of the Yachats River and rocky coastline to the north and south of the River are owned by the State and will remain open as parks. Within the city there are 4.85 acres of school land and 3.86 additional acres of State park which serve as open space.

The city will limit development which could conflict with the open space resources at the school site by application of a Public Facilities zone. The County Road #804 right-of-way and prescriptive easements as identified in Lincoln County Survey 11,905 (12/18/87), are an important open space resource. Protection of the right-of-way and easements from conflicting uses is addressed in the Potential and Approved Oregon Recreational Trails section of the plan. (Adopted by Ordinance 125)

The ridge which rises to the east and partially within the City of Yachats is of Forest Site Class soil. However, its geographical location precludes effective forestry practices. The continual and harsh winds off the Pacific Ocean have a dwarfing and deforming effect on the trees which makes them unmarketable. The vegetation on this ridge has great value for slop stabilization, but is not valuable as marketable timber.¹⁰

Conflicting Uses

The fish and wildlife habitat areas (smelt spawning sands, rocky intertidal areas and anadromous fish migration routes) are protected by Comprehensive Plan policies which require setbacks from the ocean bluff and river banks, prohibit dredging or filling, and establish only natural or conservation management units within the estuary. Sections A, B, and C of the plan document set forth these specific protective policies. These policies have been reviewed by state and federal resource agencies and have been judged to provide adequate protection of these resources.

The locations of historical and archaeological resources within the planning area are mapped. The only archaeological resource within the planning area are three middens. All sites are mapped. Two middens are located in areas owned by the State Parks and Recreation Department. These middens have been heavily excavated and altered over the years. The areas are posted so as to provide the public with information explaining the origin of the midden areas. The city does not want to see further degradation of the middens and will apply an archaeological review to development proposed at the sites. The existence of informational signs, the requirement for setbacks from the ocean bluffs, the archaeological review, and the location of portions of the middens in the public domain will provide for the preservation of these areas for public viewing and enjoyment.

A third midden was discovered in 1989 on the east side of Highway 101 in T14S, R12W, Section 27. This midden appears to contain the remains of a semi-permanent village. The archaeological values of a portion of this site were probably destroyed by

¹⁰ Conversation with Gene Russell, State Forestry Department, Toledo, Oregon, November 7, 1979.

the establishment of two subsurface fuel storage tanks. The city will rely upon the archeological review process to protect the remaining values of this site.

The historical sites, too, are protected from conflicting uses. The Indian Sub-Agency no longer exists, but a sign erected and maintained by the Lincoln County Historical Society marks the site and explains its historical use. The site is bordered by a local cemetery and a low-density residential area.

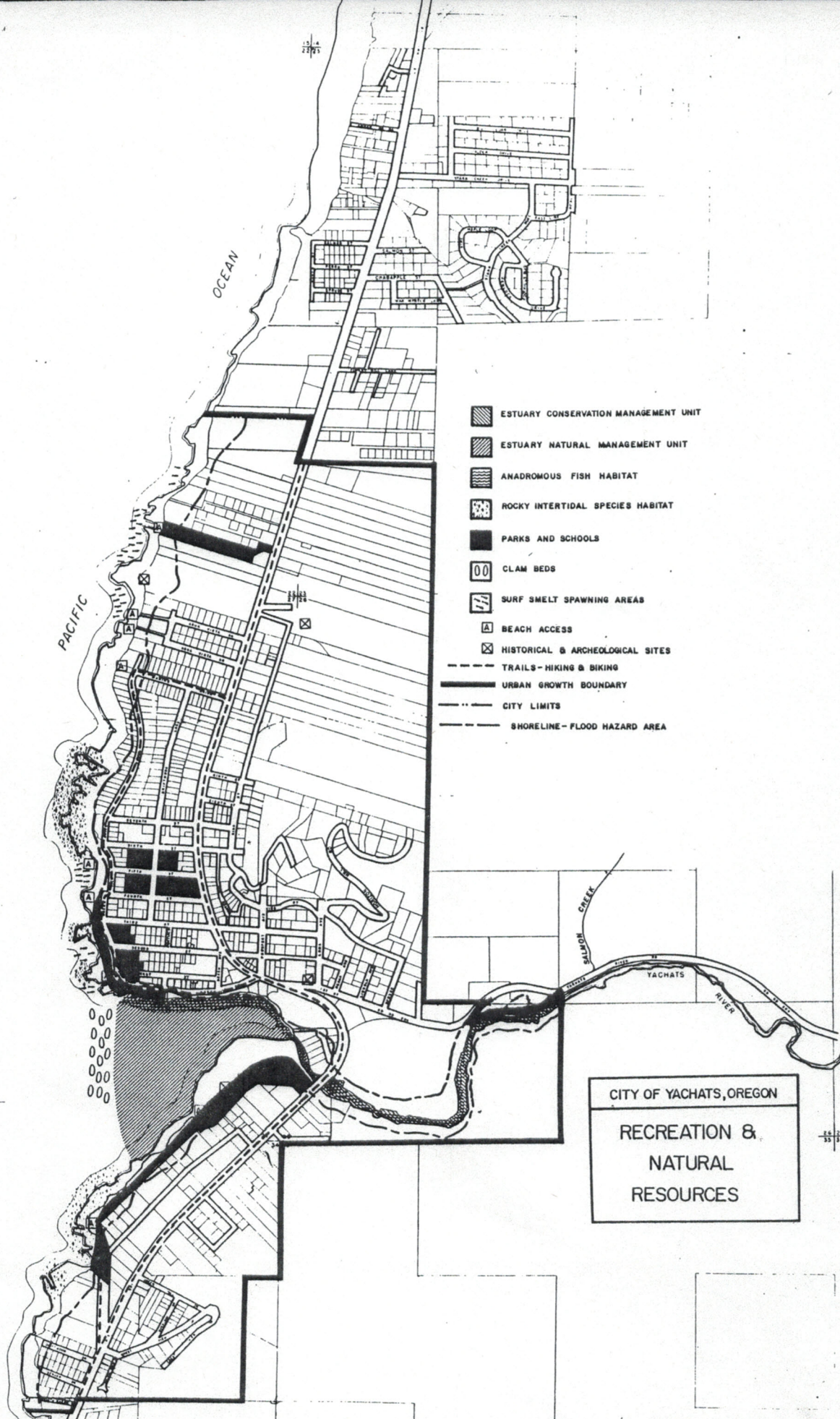
The city has determined that the Little Log Church is historically significant and should be protected. The structure houses some artifacts and books owned by the Lincoln County Historical Society, and is a historic asset to the community. The Historical Society has indicated that this use will be continued as long as the society is financially and organizationally capable. The property is also under deed restrictions which limit its use to "religious or educational" uses. Conflicting uses are demolition and exterior alternations to the building. The city will adopt a plan policies and implementing measures to limit these conflicting uses.

Yachats' first hotel has been converted to a private residence. There is not adequate information to determine if the city's first hotel is significant historically. This resource qualifies as a "1b" resource under the Land Conservation and Development Commission's administrative rule for Goal 5 (OAR66016 T000(5)(b)). When adequate information is available to determine the significance of this resource, the city will complete the Goal 5 process by identifying conflicting uses, and developing a program to achieve Goal 5. The city will adopt a policy to conduct a historic resource survey in cooperation with the State Historic Preservation Office during future periodic reviews as funding and resources become available.

The city finds that the County Road #804 right-of-way and prescriptive easements as identified in Lincoln County Survey 11,905 (12/18/87), are historically significant. The existence of Indian shell middens along the right-of-way indicate that the bluff has been used for access to the ocean for hundreds of years. The right-of-way and prescriptive easements are protected from conflicting uses by plan policies and implementing measures adopted by the city.

As previously noted, the proposed Oregon Coast Hiking Trail route is located entirely within public right-of-way within the City of Yachats. City zoning regulations presently provide for setbacks of structures from property lines. As such, under current zoning, no uses which are within the city's regulatory jurisdiction would pose a conflict with the proposed trail route. The Oregon Coast Hiking Trail route is, therefore, classified as a "2A" resource pursuant to OAR660-16 and must be protected accordingly. The city will adopt a plan policy and implementing measure to protect the County Road #804 right-of-way and prescriptive easements from alterations which would prevent the establishment and maintenance of a segment of the Oregon Coast Hiking Trail.

The city does not anticipate any conflicting uses with the designated Oregon Coast Bicycle Route in Yachats. The route is, therefore, also a "2A" resource site.



YACHATS PLANNING COMMISSION

February 21, 2017

Regular Meeting Minutes

Planning Commission Chair Helen Anderson called the February 21, 2017 regular meeting of the Yachats Planning Commission to order at 3:00 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, Christine Orchard, JD Deriberprey, Ginny Hafner. Members absent: Shelly Shrock, Ron Urban. Staff present: City Planner Larry Lewis. Also present: Planning Commission nominee James Kerti. Audience: none

I. Announcements and Correspondence

Anderson reported hearing there will be State of the City Address in April. The date was not known by anyone present. Anderson will get more information from Manager Davies.

II. Minutes

A. Regular Meeting and Work Session of December 6, 2017

Need Urban, Anderson, Shrock, and Orchard all present to have quorum to pass.

B. Regular Meeting and Work Session of January 17, 2017

Need quorum to pass

III. Citizen's Concerns - none

IV. Public Hearings

Orchard moved to start public hearing process on amendments to Yachats Municipal Code 9.52.050 Hazard Areas: Aye - 4, No - 0; Motion approved.

Hafner wanted clarification on whether any new building must comply with this amended code. Lewis indicated changes in this section were editorial.

V. New Business

A. Deriberprey welcomed new commissioners Hafner and Kerti (to be approved by Council)

B. Next meeting changed to March 28, 2017 to accommodate Lewis

VI. Other Business

A. From the Commission

1. Orchard asked that the issue regarding changing commission elections from January to November be followed up on.

2. Deriberprey asked for update on the status of the building permit for the Farm Store. Lewis summarized recent meetings with owner, Nathan Bernard and Lincoln County Building Director, Al Eames.

3. Deriberprey asked for update on the status of business licensing and parking needs for the additional building for hotels rooms for the Drift Inn. Clarification is needed on whether the newly purchased building needs conditional use and whether additional parking is required. Lewis will speak with owner, Linda Hetzler.

B. From Staff

Lewis reported no new land use or building activities

Hafner moved to adjourn the meeting at 3:24 pm: Aye – 4; No – 0.

Commission meets the third Tuesday of each month.

Next Meeting: Tuesday, March 28 at 3:00pm

Helen Anderson, Chair

Date

Minutes prepared by H H Anderson on March 7, 2017

March 14, 2017

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Exceptions to Building Heights

The Planning Commission identified the need to review regulations pertaining to “exceptions to building heights”. The exceptions to building heights are allowed for “projections” such as chimneys and domes. Currently, there are no provisions regulating the maximum size of projections.

Yachats Municipal Code Section 9.52.170 General exceptions to building height limitations currently states the following:

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this title.

I discussed building projections with Al Eames, Lincoln County Building Official. Al said the building code does not regulate maximum height and width of projections. The building code regulates how the projections are constructed. The Lincoln County Development Code has similar language to the Yachats Code with one additional regulation that states “Such projections shall have a lateral projection no greater than eight (8) feet.”

The City of Newport allows building height exceptions for similar types of projections with regulations. Projections are allowed “as long as the square footage of said structure or structural part is no greater than 5% of the main building foot print as shown on the site plan, or 200 square feet, whichever is less.” Maximum height of projections are not allowed to exceed the maximum allowable height by more than 25% unless approved by the Planning Commission.

Additional Newport regulations are identified for stand-alone structures such as antennas, cell towers, and transmission towers. Maximum allowed height ranges from 50 to 150 feet depending on the zoning district.

Two examples where questions about ‘projections’ have been raised include a chimney and a dome. One projection was a chimney that some people thought was excessively large. The chimney chase is triangular shaped with dimensions of 7’x7’x 9.9’ (24.5 sq. ft.). The chimney chase has a 6’ height. The chase is 1’ above the peak of the roof and the flume is 2’-10” above the peak of the roof.

Another example is the proposed south city water storage tank. The tank is proposed to have a 43’ height. It was determined that the storage tank meets the general exception for building height because it is a dome structure not used for human occupancy. An alternative to this interpretation is determine that the dome is not a “projection” and therefore a variance would be required to exceed the maximum 30’ height limit.

YACHATS PLANNING COMMISSION

March 28, 2017

Work Session Minutes

Planning Commission Vice-Chair Ron Urban called the March 28, 2017 work session of the Yachats Planning Commission to order at 2:00 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Christine Orchard, Shelly Shrock, JD Deriberprey, Ginny Hafner. Members absent: James Kerti. Staff present: City Planner Larry Lewis. Audience: 3.

I. Discussion Topics

A. Exceptions to Building Height

Planner Lewis read section 9.52.170 of the Yachats Municipal Code that covers exceptions to the city-wide 30 feet building height restriction. Lewis conferred with Lincoln County Building Official, Al Eames, on his experience and reviewed code from Lincoln City, Lincoln County, and Newport on building height exceptions. Lewis provided measurements on existing building projections in the city.

The commission discussed situations under which a large structure or device might be needed on a roof and potential hazards that might result from improperly installed and braced structures. Anderson suggested putting a limitation on maximum width, footprint, and height in line with what other jurisdictions have done. The commission noted they are not prohibiting any exceptions but are asking property owners to come to the commission to explain their plan. Lewis will draft language for projections to have a maximum 8 feet width, a maximum 9 square feet footprint, and a 7 ½ feet rise above the roof line be added to section 9.52.170. Lewis noted he will include language for stand-alone structures.

B. Habitable and Non-Habitable Structures

Lewis reviewed his findings on code for habitable detached structures and YMC 9.52.030. Urban asked Lewis to clarify what constitutes an habitable detached structure. Lewis explained different code applies to habitable such as smoke alarms and insulation. The commission discussed differences between workshops, studios, and detached living space. Lewis clarified the difference between a dwelling (includes a range/stove) and habitable structure.

An audience member provided information on small structure housing in Portland. Lewis explained the difference between that situation and what the commission is currently addressing. Hafner wanted clarification on the specific issue the commission is trying to address. Anderson reported the existence of structures on city properties that are used for living space but were not originally built as habitable structures, for example a room on top of a shed. Orchard and Hafner concurred that existing code addresses that issue so the matter is actually one of code enforcement.

The commission reviewed the YMC regarding decks and concurred the defining parameter was exposure to outside elements. Lewis had not encountered a request for building a detached structure under 200 square feet that would be used for living or work purposes. Lewis noted that additions to accessory structures would be regulated by the Lincoln Counting Building Department.

The commission decided no code amendments are needed at this time.

C. Comprehensive Plan Goals A-C Review

Postponed to later date.

The work session was adjourned at 2:58 pm.

Commission meets the third Tuesday of each month.

Next Work Session: Tuesday, April 18 at 2:00pm

Ron Urban, Vice-Chair

Date

Minutes prepared by H H Anderson on April 8, 2017