

1. Agenda

Documents:

[05-16-17_PC_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[SIGN_LIGHT_REG_MAY_2017.PDF](#)

[2017_LAND_USE_BLDG_PERMIT_ACTIVITY_MAY_2017.PDF](#)

[YACHATS_COMP_PLAN_-_GOALS_A-C_MAY_2017.PDF](#)

[04-18-17_PLANNING_COMMISSION_WORK_SESSION.PDF](#)

[04-18-17_PLANNING_COMMISSION_REGULAR.PDF](#)

3. Work Session Minutes

Documents:

[2017-05-16_PLANNING_WS_MINUTES.PDF](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

Tuesday, May 16, 2017: 2 pm Work Session; 3 pm Regular Meeting

WORK SESSION AGENDA

- A. Yachats Comprehensive Plan – Goals A-C
- B. Signs and Lighting

REGULAR MEETING AGENDA

- I. Announcements and Correspondence
- II. Minutes
 - A. Regular Meeting and Work Session – April 18, 2017
- III. Citizen's Concerns
- IV. New Business
- V. Other Business
 - A. From the Commission
 - B. From Staff

Commission meets the third Tuesday of each month.

Next scheduled meeting: June 20, 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: May 10, 2017



May 9, 2017

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Amendments to Sign and Lighting Regulations

City staff has identified the need to update Chapter 9.44 Signs and Section 5.08.165 Exterior Lighting.

Chapter 9.44 Signs has not been updated since 1999. City staff plans to research existing sign ordinances and prepare draft sign regulations to be reviewed and discussed by the Planning Commission at a future work session(s).

Lighting regulations are not part of the Yachats Title 9 Zoning and Land Use Code. Lighting regulations are located in Yachats Municipal Code Section 5.08.165 and include the following regulations:

- 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.
- B. Non-directional porch lights of one hundred (100) watts or less are not affected by this provision. For the purposes of this code section, a directional light is one that by means of a lens, reflector or other means directs the light in a desired direction.
- C. Where a public safety concern can be demonstrated, the City may grant exceptions.
- D. Adjacent commercial property owners may have shared lighting so long as the property of others is not affected.

City staff plans to research existing lighting ordinances and prepare draft lighting regulations. Although not a part of the Zoning and Land Use Code, the Planning Commission may choose to review and discuss lighting regulations at a future work session(s).

City of Yachats **2017 LAND USE / BUILDING PERMIT ACTIVITY**

For the Period April 12, 2017 through May 9, 2017

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
5/8/17	Building Permit	David & TJ Russell	14-12-26CB/5300 479 Yachats Ocean Rd	R-1	Replace single family dwelling with new single family dwelling	Approved 5/9/17

May 9, 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 May work session by reviewing Goals A-C. Goals A-C, with Policies, are attached.

In 2008 the Comprehensive Plan goals and policies were updated and consistent with the Oregon Department of Land Conservation and Development's statewide goals. I verified that the State has not updated these statewide goals and policies since 2008.

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;

- 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.

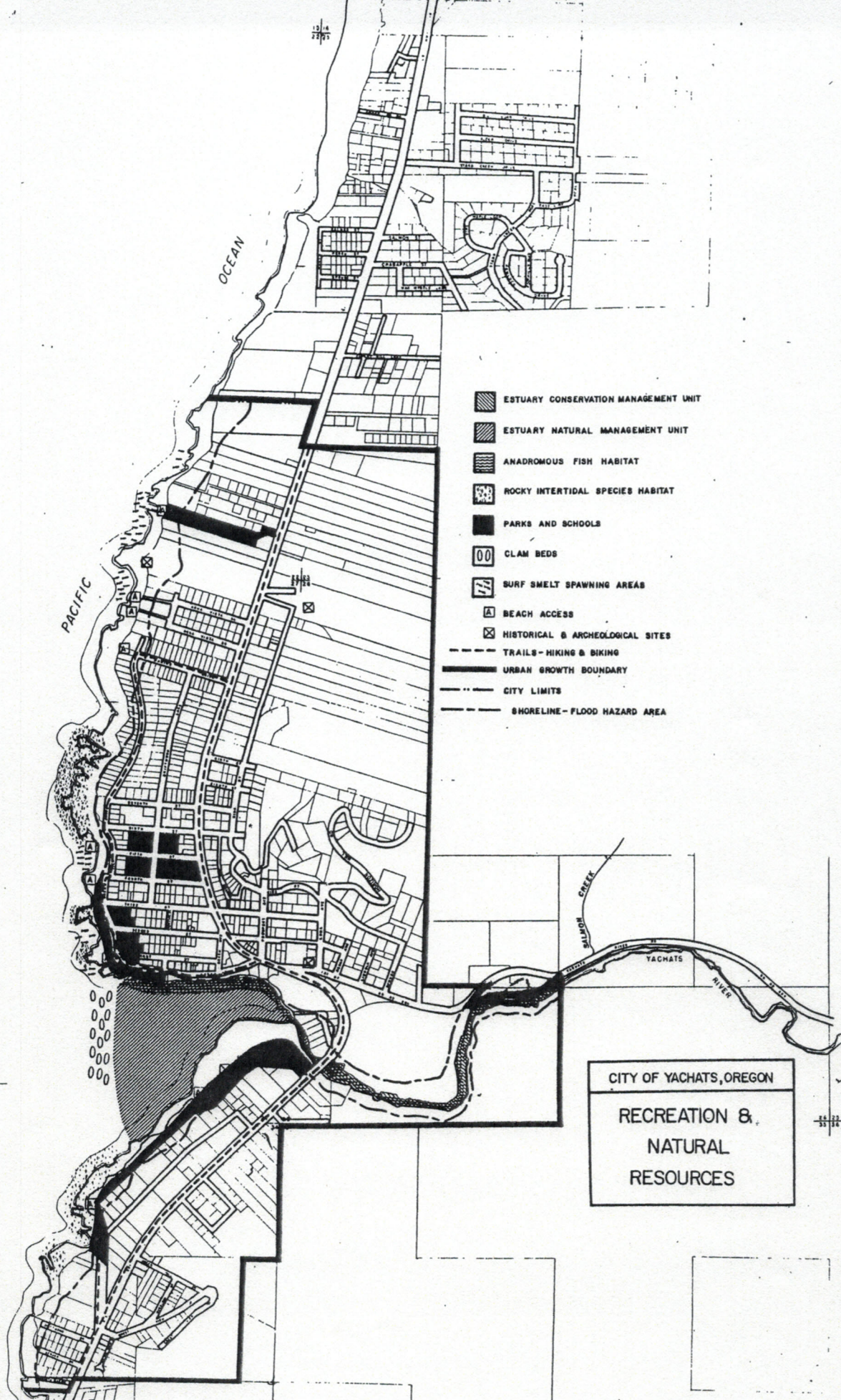
The city has determined that the Little Log Church is historically significant and should be protected. The structure houses some artifacts and books owned by the Lincoln County Historical Society, and is a historic asset to the community. The Historical Society has indicated that this use will be continued 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

April 18, 2017

Work Session Minutes

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, Shelly Shrock, JD Deriberprey, Ginny Hafner, James Kerti. Members absent: Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 1.

I. Discussion Topics

A. Exceptions to Building Heights

Vice-Chair Urban noted the revision to municipal code section 9.52.170 in the packet. Planner Lewis stated this revision contains all of the items the commission has discussed in past meetings. Commissioner Anderson noted minor edits. Commissioner Shrock asked where solar panels would fit into the code. Commissioners noted solar panels would only need a variance if they exceeded height restrictions. Commissioner Deriberprey asserted he does not want to limit residents but wants to know they are building safely. The commission discussed whether the \$250 application fee would inhibit building.

Anderson instructed Lewis to move forward with holding a public hearing on recent code amendments.

B. Housing Issues

Anderson reported Councilors Glenn and Scott asked the Planning Commission to examine what it would take to allow for tiny houses to be built in Yachats. Anderson noted that while the Commission discussed tiny houses at the last meeting, the Council is looking for more than ideas specifically focusing on increasing density. Anderson noted current code stipulates two contiguous acres are required for a PUD.

Urban reported his research uncovered numerous issues around size, density, and building type. Urban assessed that current Yachats code is very restrictive on increasing density. He noted Portland's code on tiny houses is 56 pages. Urban was concerned making exceptions would set precedent for additional exceptions and damage the current intent of the code. Anderson believed to meet code, a tiny house could not have wheels and not be a manufactured home. Looking at stick built on foundation hooked up to sewer and water.

Deriberprey noted a definition from a prominent tiny home builder indicated a tiny home is defined to be under 400 square feet, while a 400-1000 square foot home is considered a small home. He agreed it is important to distinguish between a fixed structure and one that is mobile and/or removable. Commissioner Hafner noted our code does not allow for the removable structures.

Anderson asked how multiple houses on one lot could be addressed. Deriberprey asked if there is an advantage of building multiple stand-alone tiny homes versus a duplex, triplex, or condo. Commissioner Kerti reported the idea of a separate structure is a desired attribute in Portland communities.

1 Lewis clarified there are four basic home types: manufactured homes, prefabricated structures,
2 RVs, and stick built homes. Lewis gave an example from Depoe Bay which concluded a mini-
3 hotel could only be comprised of prefabricated structures or stick built homes. Urban and Lewis
4 noted code is still being established on the national and state level concerning tiny homes.
5 Anderson noted Lincoln County code around building occupancy would be applied to any tiny
6 home structure. Lewis indicated the minimum house side to satisfy Lincoln County
7 requirements for living/sleeping space, kitchen, and sanitation would be just over 300 square
8 feet. Lewis noted Lincoln County has granted preliminary plans for a mini-home RV park in
9 Waldport.

10
11 Urban raised the question of whether higher density tiny homes would be turned into vacation
12 rentals and not address Yachats' workforce and housing needs. Anderson suggested the
13 commission could include in any new code a stipulation that they tiny homes could not be used
14 for short-term rentals. Urban asked that any such restriction be included in the property deed.

15
16 Anderson asked if lots would need to be subdivided so there is a lot for each home. Lewis
17 indicated this factor would depend on the zone. Lewis asserted apartments can have detached
18 structures on a given lot but townhomes would require lot division. Anderson noted the
19 difference between a condo (do not own land) and a townhome (own land), and Lewis indicated
20 condos could be built as tiny homes.

21
22 Deriberprey asked about minimum lot sizes. Lewis indicated smaller lot sizes are allowed in a
23 townhome PUD as long as density requirements are met.

24
25 Lewis noted Yachats' R-1 zone is the most restrictive and residents believe having multiple
26 dwellings in R-1 zones would change the character of the area, such as opposition against
27 "mother-in-law units." Shrock asserted increasing the density in R-1 is contrary to why R-1
28 zones were established. Lewis noted R-3 density calculations require 6500 sf for the first
29 structure then 2500 sf per unit thereafter (townhouse PUD could be in the form of detached tiny
30 homes). The Dwellings, Koho, and Wilder in Newport are examples of higher density PUDs.
31 Deriberprey argued any changes in R-1 density should be driven by the comprehensive plan.

32
33 Lewis discussed differences between constructing a tiny home community and apartment
34 complexes, noting the former takes substantial time to sell and build. Lewis suggested
35 apartments are better for addressing immediate housing needs.

36
37 Anderson surmised the Commission does not believe higher density tiny houses are appropriate
38 for R-1 and there are ways to get higher density housing in other zones. The Commission
39 agreed apartments and/or condos are a better approach for increasing more affordable and
40 higher density housing. Several commissioners noted that tiny homes are expensive and a
41 significant portion of potential long-term renters would be satisfied with apartments. Anderson
42 stated she would prepare a memo to the Council summarizing the Commissions discussion.

43 44 45 46 47 **C. Comprehensive Plan Goals A-C Review**

48 Postponed to later date.

49
50 Urban requested that the next work session be focused on the Comprehensive Plan.

1 The work session was adjourned at 3 pm.

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4 Commission meets the third Tuesday of each month.

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6 **Next Work Session: Tuesday, May 16 at 2:00pm**

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12 _____
13 Ron Urban, Vice-Chair

_____ Date

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16 _____
17 Minutes prepared by H H Anderson on May 2, 2017
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19

YACHATS PLANNING COMMISSION

April 18, 2017

Regular Meeting Minutes

Chair Helen Anderson called the April 18, 2017 regular meeting of the Yachats Planning Commission to order at 3:00 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, James Kerti, Shelly Shrock, John Deriberprey, Ginny Hafner. Members absent: Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 1.

I. Announcements and Correspondence – none

II. Minutes

A. Regular Meeting and Work Session of March 28, 2016

Councilor Urban indicated a change on work session minutes last paragraph, last sentence: Lincoln Counting should be Lincoln County.

Councilor Hafner moved to approve the December 6, 2016 minutes of the regular meeting and work session of the Planning Commission as amended above: Aye - 6; No – 0; Abstain: 0.

III. Citizen's Concerns – none

IV. Public Hearings - none

V. New Business

A. Ex Parte Contact

Councilor Deriberprey reported ex parte contact with Betty Reed who asked whether the setbacks adopted in 2016 would supersede the bluff setback exception granted in 2012 for the western-most lot on Windy Way. Planner Lewis indicated the 2012 exception is permanent. Lewis also noted the setback variances previously granted for that property have expired, and any new building would need adhere to the more recent Gender Creek setbacks.

VI. Other Business

A. From the Commission

The Commission asked that they get the meeting packet a few days in advance of meetings. Anderson agreed to email copies of documents to commissioners as soon as they are available.

B. From Staff

Lewis reported there had been 3 building permits applications since March 15-April 11. Lewis' report was inadvertently omitted from the meeting packet.

Urban moved to adjourn the meeting at 3:14 pm: Aye – 6; No – 0

Helen Anderson, Chair

Date

Minutes prepared by H H Anderson on May 2, 2017

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CITY OF YACHATS PLANNING COMMISSION

April 18, 2017

Work Session Minutes

Vice-Chair Ron Urban called the May 16, 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, Shelly Shrock, JD Deriberprey, Ginny Hafner, James Kerti. Members absent: Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 1.

I. Discussion Topics

A. Comprehensive Plan Goals A-C

Commissioner Hafner noted Planner Lewis had indicated in his report that some sections were written as implementing ordinances and should be placed in the Municipal Code. Vice-Chair Urban referred to Goal A, Policy 13 that addresses stream setbacks and noted this issue was updated in the Code two years ago. Commissioner Anderson asked Lewis about the relationship between the Comprehensive Plan and the Municipal Code. Lewis indicated the Comp Plan establishes goals that are then implemented in the Code. Commissioners discussed appropriate places for including specific details versus overriding goals. Commissioner Deriberprey suggested language of, "Where rivers, streams, and creeks exist, a buffer shall be maintained." Anderson asked if wetlands should be included. The Commission agreed upon, "The City shall protect streams and creeks."

Anderson asked if the Commission needed to address archeological issues as indicated Goal A, Action B, citing the finding of middens in the fill dirt of the sidewalks in the Highway 101 Project. Lewis summarized the Highway 101 situation. Urban referred to the archeological site map in the Comprehensive Plan Inventory as Exhibit B. Lewis indicated when the Highway Project was begun, the State Historic Preservation Office (SHPO) provided information on archeological sites. Anderson asked Lewis if the Exhibit B map in the Plan needs updating and who would do that work. Lewis indicated he could generate a paper version of an updated map. Deriberprey asked Lewis about the process of hiring the archeologist for creating the map. Lewis stated the city talked with ODOT, then met with SHPO and a member of the Siletz Tribe, and then hired an archeologist based on the Siletz Tribe person's recommendation. Lewis then summarized the process followed for the 101 Project. Anderson asked Lewis if a map was generated during those conversations. Lewis believed there was mention of archeological areas along the highway but not elsewhere. Urban noted Goal A, Action C indicates the City should work with SHPO to identify significant archeological and resource inventories. Lewis stated he would draft an updated map.

Urban noted Goal A, Action D on tree protections and stated he could not find a tree protection statement in the Code. Lewis summarizes the history on the conflicting goals of tree protection versus view protection proponents in Yachats, indicating the issue has never been resolved. Lewis provided some examples from other cities about view and tree protection ordinances. Anderson asked about the situation where a property owner can cut a branch that spans into their yard. Lewis indicated that issue is addressed at the state level. Urban reviewed the activities done to establish the Comp Plan in coming up with Actions D, E and G. Urban recommended the Commission continue its review of the Plan and put Actions D, E and G on a list of tasks to do after completing the current Plan review. Lewis indicated he would gather

1 data related to trees and views from the surveys and information that was gathered when the
2 Comp Plan was revised in 2008. Anderson suggested if opinion data leaned heavily in one
3 direction or the other, the Commission might move forward in that direction. Lewis suggested
4 the Commission solicit public input at a future meeting if the Commission were to move forward
5 with establishing new code.

6
7 Urban noted Goal A, Action I was part of the most recent stream ordinance update.

8
9 Anderson asked if Commissioners had any additional items to add to Goal A on Protection of
10 Natural Resources. Anderson asked for opinions on potential high usage of water at the Farm
11 Store if they begin brewing at higher quantities. Urban recalled issues around water usage at
12 the Farm Store was were about increasing flow rate rather than volume and the additional solids
13 excreted in the waste water delivered to the sewer plant. Shrock noted the brewery was willing
14 to stop brewing in times of water shortages. Lewis added Goal I addresses water provisions
15 and language around high users could be added in that section. Anderson stated actions
16 required during water shortages are established by the Council. Deriberprey suggested options
17 for high users to store their own water for use during drought.

18
19 Anderson asked Lewis to clarify the definition of Natural Management Unit. Lincoln County
20 made estuary plans for its cities, but did not do one for Yachats. Management Units were
21 geographical areas that would be considered under a given conservation standard. Lewis noted
22 the example of Waldport, which has 7 or 8 management units within the Alsea Bay estuary.
23 Lewis indicated Yachats is considered one management unit.

24 25 **B. Signs and Lighting**

26 Lewis reported he had discussed with Manager Davies the need for overhauling the sign and
27 light ordinances. He noted Waldport had recently made significant changes to their sign
28 ordinances. Lewis emphasized design standards are more useful than business type
29 regulations. The Commission agreed to continue with this topic at a future meeting.

30
31 Urban adjourned the work session at 3:02 pm.

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33
34 Commission meets the third Tuesday of each month.

35
36 **Next Work Session: Tuesday, June 20 at 2:00pm**

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42 _____
43 Ron Urban, Vice-Chair

Date

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47 _____
48 Minutes prepared by H H Anderson on June 14, 2017
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