

Additional River Protection Standards (a part of 9.52.070 Shoreland setbacks)

3. Additional River Protection Standards. The “safe harbor” method requires a fifty (50) foot setback from all fish-bearing streams with average annual stream flow less than one thousand (1,000) cubic feet per second. The Yachats River has an average annual stream flow less than one thousand (1,000) cubic feet per second therefore a fifty (50) foot riparian corridor shall be maintained. Within the first thirty (30) feet, vegetation may be pruned or removed because of storm damage, plant health, disease, damage to existing structures, or demonstrated safety endangerment. If vegetation is removed, it must be replaced with similar riparian plants native to Oregon, as soon as practical. Individual property owners whose property is within the fifty (50) foot riparian buffer are allowed to trim existing plants within ten (10) feet of a building if it is all within their property line. New native riparian plants may be planted within the riparian buffer. Otherwise within the first thirty (30) feet, the existing native riparian vegetation shall remain undisturbed; in the last twenty (20) feet slight vegetative alteration is allowed provided the overstory is retained. Minor pedestrian access paths leading to (but not parallel to) the Yachats River shall be allowed as long as the overstory is not disturbed (see Yachats Municipal Code Section 5.08.110). No other development shall be allowed within the riparian corridor. Noxious weeds and invasive plants shall be exempt from this restriction. Where a permitted use of a lot existing prior to the establishment of this amended section would be precluded by strict adherence to these requirements, the applicant may ask the Planning Commission for an exception to these standards if the applicant meets the following conditions:

- a. Adherence to requirements would result in a building footprint less than the norm of the neighboring properties.
- b. Disruption of the riparian corridor would be minimized; e.g., seeking setback variances on the sides of the property away from the river shoreland.

4. Remaining Drainage Way Protection Standards. To prevent new development from significantly increasing the amount or flow rate of surface water runoff destined for the drainage way, any new development or redevelopment proposed on land containing or adjoining a drainage way shall adhere to the following:

- a. No drainage way shall be altered—i.e., filled, culverted, re-routed, or disturbed—without prior approval by the City of Yachats.
- b. A drainage easement ten (10) foot on-center shall be maintained.
- c. For subdivisions and planned unit developments, include an engineered stormwater plan that provides for on-site stormwater detention and primary treatment that screens and separates gross pollutants (sedimentation, floatables, oil and grease).