

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR THE COUNTY OF LINCOLN

3 Ordinance # 168

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4 Lincoln County Legal Counsel

5 AN ORDINANCE REPEALING EXISTING LAND USE PLANS AND ENACTING
6 A COMPREHENSIVE PLAN AS REQUIRED IN ORDER TO COMPLY WITH
7 STATEWIDE PLANNING GOALS AND IMPLEMENTING MAPS APPLYING
8 LAND USE PLAN AND AMENDING ZONING DESIGNATIONS TO PARCELS
9 OF LAND IN LINCOLN COUNTY

10 WHEREAS, the Land Conservation and Development Commission
11 on May 29, 1981, indicated that the Lincoln County Comprehensive
12 Plan required the correction of errors in order to comply with
13 the Statewide Planning Goals, and

14 WHEREAS, all citizen advisory committees were given notice
15 of the proposed revisions and given information reviewed by the
16 Planning Commission, and given the opportunity to submit committee
17 reports, containing findings, recommendations, and possible
18 alternatives and were invited to attend eight public hearings
19 held throughout the County, and

20 WHEREAS, this Board held public hearings to consider the
21 Planning Commission recommendations,

22 NOW THEREFORE, the Lincoln County Board of Commissioners
23 ordains as follows:

24 SECTION I: LAND USE PLAN: The Land Use Plan for Lincoln

25 County as set forth on Exhibit "A" entitled "Lincoln

1 County Comprehensive Plan, February, 1982" is hereby
2 enacted.

3 SECTION II: LAND USE PLAN AND ZONING MAPS: The land use
4 plan and zoning maps attached to this Ordinance labelled
5 Exhibits "A" through "Z" are hereby enacted.

6 SECTION III: ZONING: That the Lincoln County Zoning Ord-
7 inance #34, as amended, is further amended to include
8 the changes shown in Exhibit "B".

9 SECTIONS IV: EXCEPTIONS: That exception to the Statewide
10 Planning Goals is taken as required and that the
11 Lincoln County Exception Paper is amended to include the
12 changes shown in Exhibit "C" and adopted.

13 SECTION V: FINDINGS: That the findings of fact as shown by
14 the record of the Planning Commission and this Board est-
15 ablish that the zoning amendments are consistent with the
16 Statewide Planning Goals and the Lincoln County Compre-
17 hensive Plan.

18 SECTION IV: REPEALER: All prior land use plans of Lincoln
19 County and their corresponding comprehensive plan and
20 zoning maps are hereby repealed.

21 SECTION VII: RIGHTS AND LIABILITIES: Any use of land established
22 as provided by the law of the State of Oregon prior to the
23 adoption of this Ordinance may continue subject to the
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restrictions of the Lincoln County Zoning Ordinance.

SECTION VIII: SEVERABILITY: If any portion of the land use plan or zoning text or land use plan and zoning maps adopted by this Ordinance is declared invalid or void, all other provisions of the text and maps shall remain in effect.

SECTION IX: EMERGENCY: That this Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and the Ordinance takes effect upon its adoption.

DATED this 24th day of February, 1982.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Albert R. Strand Chairman
Albert R. Strand

W.S. Ouder Kirk Commissioner
W.S. Ouder Kirk

G.E. Stuart Commissioner
G.E. Stuart

LINCOLN COUNTY COMPREHENSIVE PLAN

February 25, 1982

Ordinance # 168

Exhibit "A"

INDEX

POLICIES
LINCOLN COUNTY COMPREHENSIVE PLAN
(Revised)
November 1981

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LAND USE PLANNING GOALS

1. To identify activities, issues and problems of land use.
2. To ensure that all growth is orderly and efficient.
3. To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

LAND USE PLANNING POLICIES

1. The Comprehensive Plan for Lincoln County shall be filed in the office of the county clerk and available in the county planning department and may be available at city halls and libraries throughout the county.
2. The inventory information shall be referenced in the plan and shall be available for use and inspection in the planning department. Additional copies of inventory information may be distributed to city halls and libraries throughout the county.
3. Lincoln County shall maintain a planning process to coordinate federal agency, state agency, county, city and special district plans which are to be consistent with this comprehensive plan.

4. All departments of county government shall work together to encourage orderly and efficient patterns of growth.

5. To amend either the comprehensive plan or plan map, the Planning Commission shall establish that the amendment is consistent with the statewide goals, and,
 - a) that there has been a substantial change in the character of the area since the plan was adopted which warrants a change; or
 - b) that documentation exists that the original plan designation for the area was adopted in error.

6. The County shall review the entire plan at least every five years to determine the need for revision and updating.

7. Individuals may request or propose comprehensive plan amendments; if legislative, the change must be initiated by the Board of County Commissioners or Planning Commission.

8. The adopted comprehensive plan text or map shall be revised by ordinance using the following procedure:
 - a) All plan revisions shall be reviewed by the appropriate citizen committees. The committees shall be notified of the proposed plan revisions by the County and shall be given the opportunity to submit committee reports containing findings, recommendations and possible alternatives,

and invited to attend public hearings.

- b) Proposed plan revisions shall then be presented to the Planning Commission for a public hearing, after which a recommendation shall be made to the Board of County Commissioners.
 - c) The Board of County Commissioners may affirm, deny or table matters or refer matters back to the Planning Commission for further action.
9. Planning Commission decisions on appeal to the Board of County Commissioners shall be considered only on record.
 10. Lincoln County plan designations shall allow for less intensive uses which do not preclude future planned land uses.
 11. Lincoln County shall develop and adopt standards to buffer incompatible land uses.

INTERGOVERNMENTAL COORDINATION POLICIES

The county shall work with all local, state and federal agencies districts owning and managing property within Lincoln County to assure coordinated comprehensive planning.

1. Pursuant to the federal consistency requirements of the Coastal Zone Management Act (Sec. 307), all state and federal permits for activities affecting land use within Lincoln County shall be reviewed by the county for compliance with the comprehensive plan before the permit is granted.
2. The county shall maintain communication with local, state and federal agencies which may include the exchange of maps, data and other appropriate information.
3. During all comprehensive plan updates and revisions, the county shall encourage the participation of affected local, state and federal agencies and districts.

CITIZEN INVOLVEMENT POLICIES

1. There shall be a continued effort to involve citizens and citizen advisory committees (CAC's) in all phases of the planning process. The committee for citizen involvement (CCI) shall continue to assist in developing and implementing the Lincoln County Citizen Involvement Program (CIP).

2. A systematic written procedure shall be established by the county to derive comments from the Citizens Advisory Committees to the planning commission and governing body. The procedure shall show which party is to be addressed at each level of planning.
3. The facts and rationale upon which planning decisions are made shall be provided to the effected citizens advisory committees, and to others upon request.
4. Citizens Advisory Committee recommendations and the response to those recommendations shall be part of the planning commission files.

1. Lincoln County shall work with citizens and the cities of Lincoln County in the establishment, maintenance and amendment of urban growth boundaries. Establishment and change of the boundaries shall be based upon consideration of the following factors:
 - a. Demonstrated need to accomodate long-range urban population growth requirements consistent with L.C.D.C. goals;
 - b. Need for housing, employment opportunities, and livability;
 - c. Orderly and economic provision for public facilities and services;
 - d. Maximum efficiency of land uses within and on the fringe of the existing urban area;
 - e. Environmental, energy, economic and social consequences;
 - f. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
 - g. Compatibility of the proposed urban uses with nearby agricultural activities.
2. Public facilities and services extended to lands outside urban growth boundaries shall be appropriate for, and limited to, rural types and levels.
3. Outside of urban growth boundaries, Lincoln County shall provide only rural levels and types of public facilities and services.
4. Developments proposed for urban density within urban growth boundaries, but outside of city limits shall be allowed only when the respective city, special districts, and other private sector providers have agreed to provide the full range and level of

public facilities at levels equal to those found within the respective city. Services shall be provided at an interim level necessary to meet demand subject to consent to annexation by the respective city.

5. Land use decisions affecting urban growth areas outside city limits shall be made after the affected city is given the opportunity to make a recommendation. The city plan shall be considered and accomodated as much as possible.
6. Partitions and subdivisions within urban growth areas shall be planned to meet or exceed the development design standards of the affected city and the County. Public facility design shall be approved by the affected city prior to final approval.
7. Within city urban growth boundaries, subdivisions and partitions shall be to the affected city's planned urban densities.
8. Within urban growth boundaries and outside of city limits, the Lincoln County land use designations shall apply prior to annexations. After annexations, the city land use designations shall apply.
9. Lincoln County shall comment on proposed annexations when cities have provided a description of the proposed area annexation to the County ten (10) days prior to applicable public hearings.
10. Lincoln County shall coordinate special district plans, public facility extensions and urban services delivery with cities and special districts through inter-governmental agreement.

AIR, LAND, AND WATER QUALITY GOALS

1. To improve the quality of air, land, and water resources.
2. To secure sufficient water resources to support future growth.
3. To not exceed the carrying capacity of the County's water resources.
4. To ensure the safe and sanitary disposal of solid waste.
5. To ensure that land use will not degrade the quality of air, land and water resources.
6. To coordinate planning within river basins.

AIR, LAND, AND WATER QUALITY POLICIES

1. Lincoln County shall work to solve identified air, land, and water quality problems, with other counties and with:
 - a. The Lincoln County Soil and Water Conservation District in coordinating land and water management.
 - b. The Oregon Water Resources Department to determine water availability and its allocation.
 - c. The Department of Environmental Quality and the Environmental Protection Agency to determine standards to monitor air, noise, land, and water quality.
 - d. The Department of Forestry to enforce the Forest Practices Act.

- e. Local citizens and jurisdictions.

2. Lincoln County shall work with state and federal agencies to assure that pesticides and herbicides are not dispersed in quantities and in a manner so as to adversely affect human health and property of its citizens.

3. Lincoln County shall strongly discourage the siting of nuclear power generations plants within the county due to the presence of high water tables, low water flows, and many geologic faults within the county.

4. Lincoln County shall strongly discourage the disposal of nuclear waste within the County due to the presence of high water tables, low water flows, and many geologic faults within the county.

5. Lincoln County shall require that disposal of chemical waste conform to all applicable state and federal standards. The County shall locate and inventory all chemical waste dumps in the county so as to assure that no future uses of such sites results in danger to human health, life and property.

6. The Lincoln County Solid Waste Advisory Committee shall develop and maintain a solid waste disposal management plan.

7. Lincoln County shall recognize the authority and responsibility of the Oregon Department of Environmental Quality to manage the waste and process discharges of all existing and future

development. Lincoln County shall require conformance with all applicable state and federal regulations regarding waste and process discharges prior to approval of any development.

8. Lincoln County shall cooperate in the identification and monitoring of known aquifers. The quality of aquifers capable of augmenting domestic water supplies shall be protected.

NATURAL HAZARDS GOALS

1. To identify and evaluate areas where natural hazards are known or suspected to exist.
2. To protect life and property from natural disasters and hazards.
3. To provide appropriate safeguards for land uses in areas of natural hazards.

NATURAL HAZARD POLICIES

1. Lincoln County shall require the provision of adequate safeguards before permitting development in identified areas of known or suspected natural hazards. In regard to forest operations on forest lands, the Oregon Forest Practices Act is to provide such safeguards.
2. Lincoln County shall require site investigation reports from a qualified professional geologist or engineer or other acceptable authority prior to consideration of development request in areas of known or suspected hazards. In regard to forest practices on forest lands, the Oregon Forest Practices Act is to provide standards.
3. Lincoln County shall require developments in areas subject to flooding to comply with the requirements of the U.S. Department of Housing and Urban Development (HUD) Flood Insurance Program.

4. Lincoln County shall maintain maps of identified geologic hazards which shall be available to the public. Presently available are:

- a. Environmental Geology of Lincoln County, Oregon, Department of Geology and Mineral Industries, 1973, (with quadriangle maps), and
- b. Environmental Hazard Inventory, Coastal Lincoln County, RNKR Associates, 1977, (with 1"-400" photo mapping of coast).

Definition:

Areas of Natural Disaster and Hazards are areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

FOREST LAND - GOALS

1. To conserve forest land for forest uses.

FOREST LAND - POLICIES

1. Forest Land shall be retained for the production of wood fiber and other forest uses.
2. Lincoln County shall provide for compatible uses on forest lands.
3. Lincoln County shall recognize the Oregon State Department of Forestry as the regulatory agency for forest management practices.
4. Lincoln County shall cooperate with the Oregon State Department of Forestry to ensure that application of forest management practices are consistent with the Oregon Forest Practices Act.
5. Lincoln County shall protect existing forest uses from encroachment of incompatible non-forest uses.
6. Forest lands within designated urban growth boundaries shall be considered urbanizable upon a showing of need for such use.
7. Lincoln County will recognize the need for ownership consolidation in maximizing the forest objectives of individual forest land owners and will encourage and cooperate in the process of land exchanges between the various owners.
8. Lincoln County shall allow residences in association with forest uses within forest zones.
9. Lincoln County may permit non-forest residences on single units of ownership within forest zones. The location of such residences shall be compatible with forest management activities on adjacent properties.

9. Lands identified in the inventory as forest lands shall be designated on the comprehensive plan maps as forest lands unless such lands are determined to be committed to or needed for non-forest uses.

AGRICULTURAL LANDS GOALS

1. To preserve and maintain agricultural lands.
2. To conserve and improve the existing commercial agricultural enterprise within the area.

AGRICULTURAL LANDS POLICIES

1. Lincoln County shall designate, preserve and maintain agricultural land for farm use consistent with existing and future needs for agricultural products, forest and open space.
2. Lincoln County shall convert agricultural land to urbanizable land only after considering all of the following factors:
 - a. Environmental, social, economic and energy consequences.
 - b. Demonstrated need consistent with L.C.D.C. Goals.
 - c. Unavailability of an alternative suitable location for the requested use.
 - d. Compatibility of the proposed use with related agricultural land.
 - e. The retention of Class I-IV soil in farm use.
 - f. The requirement for an exception to the Statewide Goals.
3. Lincoln County shall ensure that designated agricultural lands are protected from encroachment of incompatible land use.

4. Where rural residences can be accomodated on land within agricultural areas not suited for agriculture or commercial timber production, such residences shall be allowed if they pose no threat of conflict with prevailing farm and forest practices.
5. Lincoln County shall allow a residence (1) for farm purposes outright on lands designated for agricultural use.
6. Lincoln County shall review the location of additional residences for farm helpers or family members assisting in farm operations on lands designated for agricultural use.
7. Lincoln County Shall adopt an agricultural conservation zone that shall conform to ORS 215.203.
8. Lincoln County shall establish lot sizes appropriate for the continuation of the existing commercial agriculture.
9. Lincoln County shall define farm use as set out in ORS 215.

ESTUARINE RESOURCE GOALS

1. To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands.
2. To protect, maintain, and where appropriate develop and where appropriate, restore the long term environmental, economic and social values, diversity and benefits of Lincoln County's estuaries.

ESTUARINE RESOURCE POLICIES

1. Lincoln County shall work with appropriate local, state and federal agencies and other interested parties in developing overall management programs for the county's estuaries.
2. Lincoln County's overall management plan for each estuary shall include the following policy elements:
 - a. Because Lincoln County's estuaries represent an economic resource of regional importance, overall management of each estuary shall ensure adequate provision for development at a level of intensity consistent with the overall Oregon Estuary Classification and according to the following general priorities (from highest to lowest):
 - 1) Water dependent uses requiring an estuarine location.
 - 2) Water related uses which do not degrade or reduce natural estuarine resources and value.
 - 3) Non-dependent, non-related uses which do not alter, degrade or reduce estuarine resources or values and are compatible with existing committed uses.

- b. Because Lincoln County's estuaries support a variety of vitally important natural resource values, the overall management of each estuary shall include adequate provision for both conservation and preservation of natural resources.
 - c. Because Lincoln County's estuaries represent a recreational resource of both local and statewide importance, management of each estuary shall protect recreational values and ensure public access to the estuary.
3. Lincoln County shall establish the following kinds of estuarine management units:
- a. Natural Management Units. Natural management units are those areas which are needed to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological and evolutionary processes. Unless exceptions are provided for, such areas shall include, at a minimum, all major tracts of salt marsh, tideflats, and seagrass and algae beds. Natural management units shall be designated in all estuaries.

Permissible uses in natural areas shall be undeveloped low-intensity water-dependent recreation; research and educational observation, navigational aides, such as beacons and buoys; protection of habitat, nutrient fish, wildlife and aesthetic resources, and passive restoration measures, and where consistent with the resource capabilities of the area and the purposes of this management unit, aquaculture,

communication facilities, and active restoration measures.

Management Objective: To preserve, protect and where appropriate enhance these areas for the resource and support values and functions they provide.

- b. Conservation Management Units. In all estuaries except those in the overall Oregon Estuary Classification which are classed for preservation, areas shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less biological importance than those in "a" above, and oyster and clam beds. Partially altered areas or estuarine areas adjacent to existing development of moderate intensity shall also be included in this classification unless otherwise needed for preservation or development consistent with the overall Oregon Estuary Classification.

Permissible uses in conservation areas shall be those allowed in "a" above; active restoration measures; aquaculture; and communication facilities. Where consistent with resource capabilities of the area and the purposes of this management unit, high-intensity water-dependent recreation; maintenance dredging of existing facilities; minor navigational improvements; mining and mineral extraction; water-dependent uses requiring occupation of water surface area by means other

than fill; and bridge crossing, shall be appropriate.

Management Objective: To conserve, protect and where appropriate enhance renewable estuarine resources for long term uses and to manage for uses which do not substantially degrade the natural or recreational resources or require major alterations of the estuary.

- c. Development Management Unit. In estuaries classified in the overall Oregon Estuary Classification for development, development management units shall be designated for navigation and other identified needs for public, commercial, and industrial, water dependent uses, consistent with the level of development or alteration allowed by the overall Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alteration of the estuary.

Permissible uses in areas managed for water-dependent activities shall be navigation and water-dependent commercial and industrial uses. Where consistent with the resource capabilities and the purposes of this management unit, water-related and non-dependent, non-related uses not requiring fill; mining and mineral extraction; and activities identified in "a" and "b" above, shall be appropriate.

Management Objective: To provide for water dependent and water related development.

COASTAL SHORELAND GOALS

1. To identify coastal shorelands.
2. To identify appropriate uses in coastal shorelands.
3. To recognize the value of coastal shorelands for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, and recreation and aesthetics.

COASTAL SHORELAND POLICIES

1. Lincoln County shall establish a Coastal Shorelands Boundary and determine appropriate uses within.
2. The shoreland boundary shall be defined to include areas as follows:
 - a. Lands which are directly affected by hydraulic action of the coastal water body, including the 100 year floodplain, and lands which limit and control hydraulic action;
 - b. Areas of geologic instability which may affect or may be affected by adjacent coastal waters;
 - c. Identified headlands;
 - d. Identified areas of exceptional scenic or aesthetic qualities including lands within the state park system

- e. Identified areas of significant shoreland and wetland biological habitats.
3. Lincoln County shall allow coastal shoreland uses according to the following general priorities (from highest to lowest):
 - a. Uses which maintain the integrity of estuaries and coastal waters;
 - b. Water-dependent uses;
 - c. Water-related uses;
 - d. Non-dependent, non-related uses which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses.
 4. For shorelands identified in the inventory as major marshes, significant wildlife habitat, headlands, areas having exceptional aesthetic resources or historic and archaeological sites, Lincoln County shall adopt land use designations and standards which are consistent with the protection of natural values.
 5. Shorelands in rural areas other than those identified in Policy 4, above, shall be designated as appropriate for:
 - a. Farm uses
 - b. Forest uses
 - c. Private and public water-dependent recreation developments
 - d. Aquaculture, where consistent with the adjacent estuarine management unit

- e. Water-dependent and water-related commercial and industrial uses upon a finding that such uses satisfy a need which cannot be accomodated on shorelands in urban and urbanizable areas.
 - f. Subdivisions and major and minor partitions upon a finding that such uses satisfy a need that cannot be accomodated at other upland locations or in urban or urbanizable areas and are compatible with the objectives or protecting wildlife habitat and riparian vegetation.
 - g. Single-family residences on existing lots when compatible with objectives of protecting wildlife habitat and riparian vegetation.
6. Lincoln County recognizes that shoreland policies and estuarine policies need to be closely coordinated. Shoreland uses shall be compatible with the management unit designation on contiguous estuarine areas.
7. Lincoln County shall require the maintenance and, where appropriate, restoration of riparian vegetation in coastal shoreland areas, consistent with water-dependent uses. For forest operations within the shorelands boundary, the maintenance and restoration of riparian vegetation shall be governed by the Forest Practices Act.
8. Lincoln County shall protect shorelands identified as dredged material disposal sites from land uses which would prevent their use for dredged material disposal.

9. Lincoln County shall protect identified mitigation sites from land uses which would prevent their ultimate use for restoration or enhancement of the estuarine ecosystem.

10. Lincoln County shall protect shorelands in urban or urbanizable areas which are especially suited for water-dependent development from uses which would commit those shorelands to non-water dependent uses.

11. Policies concerning natural hazards relating to the shoreland boundary shall apply equally to land areas adjacent ot coastal lakes. Riparian vegetation policies relating to estuarine shorelands shall apply to such vegetation surrounding coastal lakes. For coastal lakes in rural areas, land use densities will be determined on the basis of carrying capacity, with particular care being taken to ensure that subsurface sewage disposal systems do not degrade water quality of the adjacent water bodies.

BEACHES AND DUNES -GOALS

1. To protect, conserve, and where appropriate, restore, the beaches and dunes of Lincoln County.
2. To ensure that development will be designed to minimize adverse environmental effects.
3. To ensure that development will be adequately protected from any geological hazards, wind erosion, undercutting, ocean flooding and storm waves.

BEACHES AND DUNES - POLICIES

1. Lincoln County shall review all proposed actions which may result in the alteration of any beach or any active or conditionally stable dune form. Where detailed site investigation reporting is required pursuant to the review, Lincoln County shall require a stamped report from a qualified geologist or engineer or acceptable authority, to be provided by the developer. The report shall consider the following in addition to the uniform building code requirements:
 - a. Hazards, as well as benefits, to life, public and private property, and the natural environment which may be caused by the proposed use; and
 - b. Temporary and permanent sand stabilization programs and the planned maintenance of new and existing vegetation; and
 - c. Other methods and techniques designed to minimize adverse impacts on the site and surrounding area; and
 - d. The necessity for beach front protective structures.

2. Lincoln County shall ensure that all beachfront protective structures, such as bulkheads, seawalls, riprap and similar protective structures, be designed to minimize impacts on the beach, on water currents, and on erosions and accretion patterns.
3. Lincoln County shall cooperate with the State Parks and Recreation Division to ensure that beachfront protective structures will have only a minimal adverse effect on the beach on either side of the beach zone line.
4. Lincoln County may permit beachfront protective structures only where development existed on January 1, 1977.
5. Lincoln County shall rely on the State Parks and Recreation Division to regulate beach sand removal.
6. Lincoln County may allow sand removal from the dune system upon a finding that the resulting natural processes of the dune form will not adversely affect property on or off the site.
7. Lincoln County shall cooperate with the State Parks and Recreation Division to ensure that construction of access to beach areas observes sound conservation practices and to protect existing public easements through beach and dune areas.
8. Lincoln County shall cooperate with the State Parks and Recreation to provide adequate parking, disposal and sanitary facilities at heavily used beach access points.

9. Lincoln County shall seek local, state and federal funds to study the availability of groundwater resources in dune areas. Lincoln County shall review study recommendations and establish management standards that recognize the groundwater resource potential.

10. Lincoln County shall allow construction on or alteration of dune forms only as follows:
 - a. On built and committed sand dune areas identified in the Inventory, including the Siletz and Alsea sand spits. Such development shall be designed to minimize adverse environmental effects with adequate protection from geologic hazards, wind erosion, undercutting or ocean flooding and storm waves.
 - b. On older stabilized and conditionally stabilized dunes not subject to undercutting or ocean wave overtopping.
 - c. On active dune forms, deflation plains and interdune areas not subject to ocean flooding.
 - d. On other interdune areas not identified above if alteration of the dune forms will not adversely affect property on or off the site.

11. Lincoln County shall encourage the stabilization of those active dunes that pose a threat to public and private property.

12. Lincoln County shall cooperate with the Oregon State Department of Fish and Wildlife to protect significant wildlife habitat

in beach and dune areas as identified in the Lincoln County Plan Inventory and designated on Plan and Zone maps.

13. Prior to development, Lincoln County shall require an approved revegetation and sand stabilization plan that is to be followed during and after development.
14. Lincoln County shall establish development standards consistent with the recommendations of the RNKR Geologic Hazards Inventory and Bulletin 81.
15. Lincoln County shall work with the State Parks and Recreation Division to prohibit vehicles from Lincoln County's identified sensitive dune areas.
16. Lincoln County shall work with the State Parks and Recreation Division to regulate removal of driftwood.
17. Lincoln County shall maintain maps of known geological hazards which shall be available to the public.
18. Lincoln County shall work with the Oregon State Parks and Recreation Division to allow foredunes to be breached only to replenish sand supply in interdune areas, or on a temporary basis in an emergency action such as fire control, cleaning up oil spills, draining farm lands, or alleviating flood hazards, and only if the breaching and restoration is consistent with sound principles of conservation.

19. Lincoln County shall work with the Department of Environmental Quality and Water Resource Department to regulate groundwater quality and to ensure groundwater drawdown does not lead to loss of stabilizing vegetation on dune forms or intrusion of salt water into water supplies.

20. Lincoln County shall review all proposed actions which may result in the alteration of any beach or any active or conditionally stable dune form in the following manner:
 - a. Ocean Front Lots:
Site specific geotechnical analysis by qualified registered professional geologist or engineering geologist except when the only known or suspected hazard is coastal recession and minor slope sloughing which can be compensated for with adequate setbacks as set out in Environmental Hazard Inventory, RNKR, 1977.

 - b. Sand Areas:
A detailed geotechnical analysis required for areas of conditionally stable dune forms, areas of high groundwater and where rip-rap or other beachfront protective structures are proposed.

21. Construction and alteration in beach and dune areas shall be designed and located so as to minimize vegetation removal and exposure of stable and conditionally stable areas to erosion.

OPEN SPACES, SCENIC AND HISTORIC AREA GOALS

1. To conserve open space in rural and urban environments.
2. To protect identified mineral and aggregate deposits.
3. To protect fish and wildlife habitats.
4. To evaluate the importance of preserving ecologically and scientifically significant natural areas, as identified in the inventory.
5. To consider the effects of proposed development on scenic areas.
6. To preserve and protect areas of historic, archaeological and cultural significance.

OPEN SPACES, SCENIC, AND HISTORIC AREA POLICIES

1. Lincoln County shall inventory the location, quality and quantity of the following types of significant sites:
 - a. Land needed or desirable for open space;
 - b. Mineral and aggregate resources;
 - c. Energy sources;
 - d. Fish and wildlife areas and habitats;
 - e. Ecologically and scientifically significant natural areas;
 - f. Outstanding scenic views and sites;
 - g. Water areas, wetlands, watersheds and groundwater resources;

- h. Wilderness areas;
 - i. Historic areas, sites, structures and objects;
 - j. Cultural areas;
 - k. Potential and approved Oregon recreation trails;
 - l. Potential and approved federal wild and scenic waterways and state scenic waterways.
2. Lincoln County shall identify conflicting uses for inventoried natural resources.
 3. Where no conflicting uses have been identified, Lincoln County shall manage inventoried natural resources so as to retain their original character.
 4. Where conflicting uses are identified for inventoried natural resources, Lincoln County shall determine the economic, social, environmental and energy consequences of either allowing or not allowing the conflicting use(s).
 5. Lincoln County shall develop programs to resolve identified conflicts with inventoried natural resources. These programs shall be based upon an evaluation of the economic, social, environmental and energy consequences of alternative courses of action. Such programs shall include:
 - a. Preserve the inventoried resource; or

- b. Allow the conflicting use(s) in full; or
- c. Specifically limit the conflicting use(s) through the application of clear and objective standards.

OCEAN RESOURCE GOALS

1. To understand the impacts and relationships of ocean activities to ocean resources.
2. To ensure proper management and protection of ocean resources.

OCEAN RESOURCE POLICIES

1. Lincoln County shall work with all local, state and federal agencies which have planning permit or review authority over coastal land and water.
2. Lincoln County may review proposals to determine impacts of outer continental shelf; oil, gas, mineral or other fisheries development.
3. Lincoln County shall work with state and federal agencies for development of ocean resources.
4. Lincoln County shall work to minimize on-shore impacts of offshore development where possible.

ECONOMIC GOALS

1. To establish an economic planning process in the county.
2. To support and encourage the expansion of existing industrial and commercial activities in appropriate locations.
3. To support and encourage the creation of new industrial and commercial activities in appropriate locations.
4. To recognize the environmental and developmental constraints in expansion of industrial, commercial, and residential activities.
5. To improve the average wage in the county.
6. To improve the quality of employment opportunities in Lincoln County.

ECONOMIC POLICIES

1. Lincoln County shall designate suitable lands for the creation and expansion of industrial and commercial activities.
2. Lincoln County shall monitor employment on a systematic and periodic basis as a prime tool in estimating population change and land use demand.
3. Lincoln County shall encourage, through the possible use of incentives, the location of preferred industrial activities in areas suited to and capable of supporting those activities and land uses.

4. Lincoln County shall encourage the development of facilities supportive of the vocational and higher educational needs of the community.
- 5: Lincoln County shall work with the state of Oregon to recognize host recreation county's need for greater support than other counties for public facility improvements to continue to meet the regional recreation needs.
6. Lincoln County shall encourage the use of local contractors.
7. Lincoln County shall encourage labor intensive commercial and industry.
8. Lincoln County shall work with cities, port districts and the Administrative District 4 Council of Governments in the maintenance and support of the overall economic development plan to establish clear and concise long range economic goals.
9. Lincoln County shall work with the cities port and special districts to promote commerce and industry.
10. When conflicting land uses are proposed, the alternatives shall be evaluated based upon economic, social, energy, and environmental costs and benefits.

TRANSPORTATION GOALS

1. To plan for a safe, convenient and economic transportation system.
2. To provide an efficient and asthetically pleasing system of public roads.
3. To develop a transportation system which enhances the county's economy.
4. To encourage energy conserving transportation modes.
5. To conserve energy in transportation.

TRANSPORTATION POLICIES

1. Lincoln County shall coordinate its transportation plans with state transportation plans, and the city comprehensive plans.
2. Lincoln County Road Committee shall recommend capital improvements plan for road construcion, major road improvements and maintenance. Priorities shall be established on the basis of road condition, road capacity, traffic volume and effectiveness toward reducing accidents.
3. Lincoln County shall review improvements to the state highway system within the county for consistency with this plan.
4. Lincoln County shall classify roads as major and minor arterials, collectors and residential streets and designate county and public roads.

5. Major arterials shall provide regional access between communities and areas of the county and state.
6. Access to major arterials shall be via fully improved streets except where no alternative exists. Developments adjacent to arterials shall provide through access via collector or residential streets to adjacent developable lands.
7. In response to applications for highway access permits for abutting properties from the State of Oregon, Lincoln County shall respond with the following condition:
"This highway access permit shall be valid only as long as alternative access from a collector or local street is not available. Upon development or improvement of a collector or local street, this permit shall be terminated and the driveway shall be abandoned".
8. Adequate setbacks from arterial and collector roads shall be required in order to provide for future purchase of additional right-of-way.
9. Existing rights of way shall be used where appropriate and future needed rights of way shall be designated to improve the safety of vehicular circulation within the county.
10. Lincoln County shall work to preserve existing rights-of-way that have been identified as having future potential as transportation corridors.
11. Lincoln County shall adopt minimum standards for road construction, improvements and maintenance for county and public roads.

12. Lincoln County shall work with road districts through inter-governmental agreements to provide programs for improvement and continual maintenance.
13. Lincoln County shall work with existing road districts to ensure improvement of public roads to minimum county standards.
14. Lincoln County may share in public road maintenance and improvement with abutting property owners. The County share shall be based upon benefit, road use, classification and priority of the County road capital improvement plan.
15. A condition of final development approval shall be that public roads providing access to proposed development be improved to minimum County standards.
16. Lincoln County shall initiate vacation or closure of county or public roads which are no longer necessary for access or which cannot be maintained as determined by the County Engineer except where such roads abut the ocean.
17. Lincoln County may reduce county roads to public road status.
18. Set-backs for development shall provide for the planned right-of-way width.
19. The establishment of private road rights-of-way to accomodate

land partitioning shall be to minimum county road standards except when no further partitioning or subdividing is possible.

20. Lincoln County shall encourage the improvement of existing airports.
21. Lincoln County shall work with citizens, the Department of Transportation Aeronautics Division, and cities to develop zones which designate surrounding land uses compatible with airports.
22. Development of heliports, except for emergency use, shall be restricted to commercial, industrial, forest, and agricultural areas and residential areas where the approach and departure occur over areas where there is no potential for residential use.
23. The Lincoln County Airport Advisory Committee shall advise the county on all land use matters pertinent to airport and aircraft safety.
24. Lincoln County shall encourage:
 - a. Improved transportation choices including opportunities for those who are aged or incapable due to physical or mental disorder;
 - b. Establishment of a commuter airline service;

- c. Improvement and maintenance of marine facilities, where appropriate, such as docks, jetties and channels; and
 - d. Designation and improvement of pedestrian and bicycle routes.
25. Lincoln County shall promote the expansion of the railway system capability.
26. Lincoln County shall review proposals to locate high voltage electrical transmission lines and high volume natural gas or oil pipelines. The review shall take into consideration land uses along and adjacent to these transmission corridors, weighing public benefit, environmental safety and the economics of alternative proposals.
27. Transmission lines and pipelines serving and linking residential, commercial, and industrial users shall be located along common corridors where feasible.
28. Lincoln County shall encourage the licensing of bicycles by State of Oregon to increase revenues for bikeway facilities.
29. Lincoln County shall encourage the Oregon Department of Transportation to widen and improve valley access highways.
30. Lincoln County shall require designation of car pool parking areas as part of access management plan for intersections near major collectors.

ENERGY GOALS

1. To conserve energy.
2. To manage and control land and uses developed on that land to maximize the conservation of all forms of energy, based on sound economic principles.

ENERGY POLICIES

1. Lincoln County shall consider and employ methods of conserving energy in all public buildings and facilities.
2. Lincoln County shall actively seek various funding sources for development of alternative energy facilities.
3. Lincoln County shall encourage residents to utilize federal, state and private energy conservation programs such as weatherization and home rehabilitation.
4. Lincoln County shall encourage the use of planned developments where appropriate to decrease the amount of energy expended for development.
5. Lincoln County shall develop standards for solar and wind easements which ensure access to these resources for structures which could rely on these energy sources.
6. Lincoln County shall review proposals for onshore and offshore location of major energy production or storage facilities for consistency with the Comprehensive Plan.
7. Lincoln County shall encourage the establishment and public awareness of an energy conservation and alternative energy resource library.

8. Lincoln County shall encourage alternative sources of energy and alternative means of construction to conserve energy.
9. Lincoln County shall encourage subdivision and planned unit development plat design which optimize the potential for solar and wind power.

HOUSING GOALS

1. To assist in providing housing.
2. To provide opportunities for a variety of housing choices, including low and moderate income housing to meet the needs, desires, and financial capabilities of all Lincoln County residents.
3. To make housing more efficient.

HOUSING POLICIES

1. Lincoln County shall cooperate with interested cities in creating a countywide housing task force made up of citizens and policy makers, with a professional staff capability which if funds are available shall:
 - a. make known the scope and content of existing energy conservation and housing rehabilitation programs and encourage the use of these programs by assisting public and private groups and individuals in obtaining loan and grant monies; and
 - b. develop a plan for housing assistance which shall:
 1. increase the amount of decent and affordable housing, including rentals;
 2. increase the amount of lower-cost rental housing available to the elderly;
 3. decrease the proportion of their income which the elderly spend for housing

2. Lincoln County shall make the provisions of the Tenant-Landlord Act (ORS 91.7) available to the public.
3. Lincoln County shall designate suitable land area to meet rural residential needs.

RECREATION GOALS

1. To provide for recreation facilities for both residents and visitors in Lincoln County.
2. To maintain the region as a tourist recreation area.

RECREATION POLICIES

1. Public park areas with direct access to highways shall be designated for regional use. Lincoln County shall work with the State Parks Division and the Highway Division to improve access to regional park area.
2. Lincoln County shall encourage the State of Oregon to develop state owned land located near or along the oceanfront with good public access for recreational use.
3. Lincoln County shall ensure that all public beach accesses are clearly marked. Access areas shall be evaluated for improvements for proper parking and beach trails as part of the County's yearly budget process.
4. Lincoln County shall work with private land owners, local agencies and the state to provide improved river access for fishing and recreation.
5. Lincoln County shall concentrate its park personnel, funding and development in the non-coastal areas with a high priority for facilities for county residents.

6. Proposed oceanfront developments shall dedicate areas for public beach accesses in low bank areas consistent with county standards.
7. Lincoln County shall work with local citizens as well as the State Parks Division to designate and improve park areas for community park use.
8. Lincoln County shall consider the relationship of transportation to recreation in planning.
9. Lincoln County shall diversify recreation opportunities within the County and shall include opportunities and facilities for the physically handicapped where appropriate.
10. Lincoln County shall work with citizens, and local and state agencies to develop a system of trails using public lands and rights of way.
11. Lincoln County shall coordinate its recreational planning and programming efforts with the Statewide Comprehensive Outdoor Recreation Plan and the private sector and others engaged in planning and providing recreational facilities and opportunities and utilize existing facilities prior to construction of new facilities.
12. Lincoln County shall petition the State of Oregon to assist in obtaining public recreational facilities and other improvement funds for host recreation counties such as Lincoln County.
13. Lincoln County shall review and coordinate the development of all parks.

14. Subject to County and State standards recreation parks shall be compatible uses in all areas.
15. Lincoln County shall encourage outdoor recreation activities which are compatible with the primary land uses.

PUBLIC FACILITIES GOALS

1. To maintain a respect for human needs and individual freedom while exercising those controls which are in the best interests of the total county population.
2. To promote, on an equitable basis, the highest level of services the citizens are willing to support.
3. To achieve intergovernmental harmony and improved public service through closer cooperation with other units of government operating in the county.
4. To encourage the public, quasi-public and private county services and related facilities which maintain and insure the safety, health and welfare.

PUBLIC FACILITIES POLICIES

1. Lincoln County, with the cooperation of other units of government, shall prepare a program of coordination, and where possible, facility sharing to maximize the use of available public resources of both the County and other units of government.
2. Lincoln County shall encourage a quality system of public, semi-public and private facilities services that includes:
 - a. Adequate fire and policies protection service and facilities.
 - b. Convenient locations for facilities used frequently by citizens.
 - c. Solid waste disposal facilities which meet existing and future needs.

- d. Recycling facilities in accordance with identified needs.
 - e. Properly located sanitary landfills.
3. Lincoln County shall work with and encourage the Lincoln County School District in the provision of educational services for the citizens of the County. Lincoln County shall:
- a. Encourage the development of physical facilities which offer an atmosphere conducive to learning and development. This includes the replacement, improvement and expansion of facilities to accomodate present and future student needs. Such facilities should be conveniently located, and well designed, or facilities related to the activities and needs of the county.
 - b. Encourage the provision of adequate site facilities which are useful both to students and the general county. Coordinate educational facility site development with city and county recreation and community programs to enhance the potential advantages of shared use.
 - c. Encourage the development of programs relating to basic education, adult continuing education, special education, and vocational training.
4. Lincoln County shall encourage the development of a system of health facilities which is located with regard to population distribution.
5. Lincoln County shall encourage the provision of general hospital facilities to meet present and future health needs, developed in coordination with local hospital districts.

6. Lincoln County shall encourage the development of specialized medical and health care programs to meet the needs of the County's population.
7. Lincoln County shall coordinate and promote a standardized street address numbering system.
8. The overall land use classification system shall include the following categories:
 - a. Rural Community Center and Service Centers.
 - (1) Rural Community Centers and Service Centers shall be defined on the basis of population, a history of settlement, the existence of commercial/industrial facilities, adequate public services and facilities and permanent committment to residential land use.
 - (2) Rural Community Centers shall be delimited by Rural Service Boundaries.
 - (3) Those public and private services and facilities considered appropriate for Rural Community Centers and Service Center designation shall include but not be limited to community water systems, sanitary sewerage (or approved subsurface or alternative waste disposal systems), rural fire protection, rural police protection, energy, communications and emergency services.
 - (4) Developments proposed for urban density within Rural Community Centers shall be allowed only when the respective special district and other private sector

providers have agreed to provide an adequate level of urban type facilities at levels equal to that found in incorporated areas of the County.

- (5) Subdivisions shall be encouraged within Rural Community Centers.

b. Dispersed Residential.

- (1) Dispersed Residential areas are committed to residential use and shall be defined on the basis of population and as areas having a historic land use pattern of low density settlement with few if any public services and facilities either existing or planned.
- (2) Those public services and facilities considered appropriate for Dispersed Residential areas shall be limited to existing services and facilities and those services and facility improvements that are needed for the maintenance of the existing low density residential uses.
- (3) Water systems shall be individual or approved community water systems. Sewerage shall be by means of on-site subsurface disposal, or alternative waste disposal systems. Dispersed Residential areas shall be served by rural fire protection districts where available. Where rural fire protection districts are not established, special performance standards shall be applied to ensure adequate protection of the surrounding natural resources.

9. Lincoln County shall review the siting of all major proposed public utility facilities, such as power substations and transmission lines.

10. Lincoln County shall encourage the State of Oregon to assist the County in obtaining public facility and other improvement funds for host recreation counties such as Lincoln County.

11. Forest and agricultural lands may be designated for the siting of public facility use with the following findings:
 - a. There is a need for a new public facility in the area;
 - b. Alternative sites for the proposed facility were examined and found to be less suitable;
 - c. Social, environmental, economic and energy consequences of locating a new facility on the agricultural or forest lands were identified and considered before the site was chosen; and
 - d. The facility use is found to be compatible with other adjacent forest or agricultural uses.

12. Future school sites shall be reviewed by the County to ensure compatibility with surrounding land uses.

13. All existing school sites shall be designated for school use.

14. Lincoln County shall rely on the Lincoln County School District for the provision of public education.

- 15.. Lincoln County shall work with the Lincoln County School District in planning and implementation of needed facilities and improvements. Facilities and improvements needed for public education are as set out in the Comprehensive Building Plan of the Lincoln County School District as approved May 1979 and amended December 16, 1980.

16. Lincoln County supports the Big Rock Creek Dam project as a source of water for Lincoln County.

PLAN DESIGNATIONS

The purpose of plan designations is to define and set down on maps what the citizens and property owners of Lincoln County consider to be appropriate uses of the land. These designations are the conclusions wrought from the consideration of facts and information presented and evaluated through the process of developing this comprehensive plan. The following plan designations are set out of the Lincoln County Comprehensive Plan Maps.

1. Forest Lands.

Forest lands represent nearly 90% of Lincoln County and are its major resource. These are mainly held in large ownership patterns and covered by commercial stands of Douglas fir, true fir, hemlock, cedar, and spruce. Uses such as raising and harvesting of the forest crop and existing recreation facilities are primary. Secondary uses such as new recreation facilities, public and private utilities, and dwellings may be included by county review.

2. Agricultural Lands.

Agricultural lands represent nearly 2% of the lands in Lincoln County. These ownerships lie along the river and creek valleys and are mainly used for grazing and small gardens with some commercial agriculture. The primary use of these properties is intended to be agricultural to maintain their current resource value. Uses such as agriculture, forestry, dwellings necessary for farm use and existing public recreation facilities are

primary. Secondary uses such as farm help residences, quarrying, new recreation facilities, and similar uses may be included by county review.

3. Dispersed Residential.

Dispersed residential areas are located on marine terraces and valley floors. Residential use densities shall be as necessary for on-site sewer disposal and water supply. Uses such as forestry, farming and rural residential subdivisions, and existing public recreation facilities are primary. Secondary uses such as new recreation facilities, quarrying, sanitary land fills, government uses, and similar uses may be included by county review.

4. Rural Community Centers.

Rural community centers are existing service communities where small lots have been platted, commercial services have developed and community facilities are located. These are areas where utility systems may be present or would be appropriate in the future to solve identified problems. These factors indicate a need for a certain level of residential growth to accomplish and pay for needed improvements. Uses such as residential, existing public recreation facilities, commercial and industrial activities limited to those which are existing or compatible to the surrounding activities are primary. Secondary uses such as new public recreation facilities, public utilities, government uses, and similar uses may be included by county review.

5. Rural Service Center.

Rural service centers are areas where small lots have been platted and commercial service has developed. Commercial and commercial industrial activities should be limited to those which are existing or necessary for and compatible to the surrounding rural area. Uses such as farm implement stores, grocers, laundry, auto/truck service station, existing public recreation facilities, and community halls are primary.

Secondary uses such as new recreational facilities, government use, restaurant, bar or tavern, new public utilities, or similar uses may be included by county review.

6. Suburban Residential.

Building and facilities must be in place at the time of adoption of this plan or be inside of an established Urban Growth Boundary to acquire this designation. If a small residential lot lies along an improved road between two lots with buildings it is also considered committed. Water must be available either by individual or community system. These represent the minimum; if more facilities are present then the area is further justified as built and committed. Primary uses are single-family residential, multi-family residential where urban facilities and services are available, and existing public recreation facilities. Secondary uses such as community facilities, new public recreation facilities, government uses and similar uses may be included by county review.

7. General Commercial.

This area is provided to accomodate the normal range of business activities and meet the day-to-day needs of the community. Uses such as retail store, repair shop, barber shop, beauty shop, motel, community hall are primary. Secondary use such as service stations or drive-ins and outdoor amusement center may be included by county review.

8. Industrial.

This area is provided to accomodate the more intensive and large scale commercial enterprises and industrial uses. Uses such as implement sales, storage or repairs, lumber or building materials sales and storage, and tire sales and repair are primary. Uses which require special standards such as quarrying pulp mill, gas or petroleum manufacturing, airport, and auto wrecking may be included by county review.

9. Water Dependent.

The water dependent designation shall apply to coastal shorelands in urbanizable areas which are especially suited for water-dependent uses. In order to protect these valuable shoreland areas, uses shall be limited to commercial, industrial or public uses which can be carried out only on, in, or adjacent to water areas because they require access to the water body for water-borne transportation, recreation, energy production, or source of water.

10. Water Dependent/Water Related.

The water dependent/water related designation is intended to recognize the unique values of certain coastal shoreland areas consistent with the priority of uses set forth in the coastal shorelands policy element. This designation shall apply to shoreland areas which may be suitable for a mixture of water-dependent and water-related uses. Uses which are consistent with the designation of the adjacent coastal water body and are water-dependent or water-related, as defined in the Lincoln County Estuary Management Plan, are primary.

11. Coastal Shorelands.

Coastal shorelands is an overlay designation which applies to areas within the Coastal Shorelands Boundary, as defined in Coastal Shorelands policy element. Within this designation the special policies and standards for Coastal Shorelands shall apply. Uses are as set forth in the underlying designation when such uses are found to be consistent with the additional policies of this designation.

12. Estuarine Management Units.

The estuarine management unit designation applies to estuarine areas below the head of tide and includes estuarine waters, tidelands and submerged lands up to Mean Higher High Water (MHHW) and tidal marshes inland to the line of non-aquatic vegetation. This designation is assigned in order to recognize and protect the unique environmental, economic and social values of each of

the County's estuaries and associated wetlands. The estuarine management unit designation is further defined into "natural," "conservation," and "development" areas as specified in the Estuarine Resources policy element. Uses are as set forth in the Lincoln County Estuary Management Plan.

LINCOLN COUNTY ZONING ORDINANCE
AMENDMENTS

February 25, 1982

Ordinance # 168

Exhibit "B"

I N D E X

1981 PROPOSED ZONING
AMENDMENTS

Ordinance #34

Additional amendments-----	1
Section 3.415, Agricultural Conservation Zone, A-C-----	2
Section 3.425, Timber Conservation Zone, T-C-----	7
Section 3.605, Coastal Shorelands (CS) Overlay Zone-----	15
Section 4.040, Off-Street Parking and Off-Street Loading Requirements-----	20
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Additional amendments to Ordinance #34, As Amended

1. Add, "Boarding of horses for profit" as a Conditional Use in RR 1-2 and RR-5 zones.

2. Add, "Pilings, piers, docks, and similar in-water structures" as a Conditional Use in R-1, R-2, R-3, R-4, RR 1-2, RR-5, C-T, C-1, C-2 and I-P zones.

3. Add, "Mini-Storage" as a Conditional Use in C-1, C-2, C-T, and I-P zones.

4. Amend Section 3.045 Rural Residential Zone RR1-2
Subsection 3b to read:
b. YARDS: Yards shall be the same as in an R-1 zone.

5. Amend Section 3.055 Rural Residential Zone RR-5
Subsection 3b to read:
b. YARDS: Yards shall be the same as in an R-1 zone.

Section 3.415 Agricultural Conservation Zone, A-C. In an A-C zone, the following regulations shall apply:

1. Uses Permitted Outright: In an A-C zone the following uses and their accessory uses are permitted, subject to the applicable provisions of Articles 4, 5 and 13 of this Ordinance.
 - a. Farm use as defined in ORS 215.203.
 - b. The propagation or harvesting of a forest product.
 - c. One single-family dwelling customarily used in conjunction with farm use.

2. Conditional Uses Permitted: In an A-C zone, the following uses and their accessory uses may be permitted subject to the provisions of Articles 4, 5, 6 and 13 of this Ordinance:
 - a. Public or private schools.
 - b. Churches, community centers as per ORS 215.213(1)(b) and (2)(d).
 - c. Public or private utility facility as per ORS 215.213(1)(d).
 - d. Structures for on-site sale of agricultural products grown on the parcel as per ORS 215.213(2)(a).
 - e. Operation for the exploration, mining, and processing of geothermal resources as per ORS 215.213(2)(b).
 - f. Private parks, wildlife preserves or outdoor recreation activities, as per ORS 215.213(2)(c).
 - g. Golf courses.
 - h. Personal-use airport or helicopter pad, as per ORS 215.213(2)(g).
 - i. Home occupation, as per ORS 215.213(2)(h).

- j. Primary processing of forest products, as per ORS 215.213(2)(i).
- k. Boarding of horses for profit.
- l. One single-family dwelling not in conjunction with farm use provided as follows:
 - 1) The dwelling shall be compatible with farm uses described in subsection (2) of ORS 215.203 and is consistent with the intent and purpose set forth in ORS 215.243.
 - 2) The dwelling shall not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use..
 - 3) The dwelling shall not materially alter the stability of the overall land use pattern of the area.
 - 4) The dwelling shall be located on generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.
 - 5) A dwelling meeting the above requirements (1-4) that is on land taxed at farm value under ORS 380.20 shall receive tentative approval. Final approval shall be granted upon receipt of evidence by the Planning Department that the land has been removed from farm valuation as per ORS 215.
- m. The exploration, mining, processing and sale of aggregate and other mineral resources or other subsurface resources as per ORS 215.213(2)(b).
- n. Solid waste disposal site for which a permit has been granted under ORS 459.245, as per ORS 215.213(1)(h).

o. One additional dwelling for a relative, as defined in ORS 215.213(1)(e)(B), located on the same parcel as the first, shown to be necessary for the management of the farm.

3. Standards: Except as provided for in Articles 4, 5, 6 and 13 of this Ordinance, in the A-C zone the following standards shall apply:

a. Farm Plan Requirements: Applicants for land divisions in the A-C zone shall provide the following information:

- 1) Name of land owner;
- 2) A map at a scale of 1" = 1000' or less of the entire ownership including any leased land. The map should include:
 - (a) Legal description, including Township, Range, Section and tax lot number.
 - (b) Any proposed divisions.
 - (c) Detail soils mapping including type and class as defined by the U.S. Soil Conservation Service.
 - (d) Location of any existing or proposed structures.
 - (e) Areas proposed for or suitable for agricultural crops.
 - (f) Area proposed for or suitable for livestock or pastureland.
 - (g) Area proposed for or suitable for propagation of forest uses.
- 3) Certification of land owners intent to manage property for farm or forestry use.

- b. Lot Size: Lot size shall be the existing lot size upon adoption of this Ordinance, unless a Special Exception is granted.
- c. Special Exception: Lot size guidelines shall be designated on Lincoln County Comprehensive Plan Zoning Maps. Information provided in "a." above shall be reviewed to insure that lots are appropriate for the continuation of the existing commercial agricultural enterprise. Procedures for application, notification, fees and appeals for a Special Exception shall be the same as for a Variance as set forth in Article 8. A Special Exception shall be approved only when either the farm use or non-farm use findings are made:
- (1) Farm Use. Finding of consistency with ORS 215.243 as required by ORS 215.263 is made, which shall be made only when the Agricultural Lands Priority Rating is not reduced more than 10% AND the lot is appropriate for the continuation of existing commercial agriculture as determined by an Agricultural Commercial Viability Rating of not less than thirty-six (36) points. (ALPRS, Ordinance #140, As Amended.)
 - (2) Non-Farm Use. The lot and proposed use are compatible with farm use and a finding of consistency is made with ORS 215.243 considering each of the following:
 - (a) Such use will not interfere seriously with accepted farming practices or adjacent lands.
 - (b) Such use will not materially alter the stability of the overall land use pattern.

- (c) Such uses will be located on generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.
- d. Dwellings: Dwellings shall be located so as not to seriously interfere with the usual and normal agricultural practices.
- e. Yards: Yards shall be the same as in an R-1 zone.
- f. Lot Width to Depth Ratio: Lots shall have an average width to depth ratio not in excess of 1 to 3½.

Section 3.425. Timber Conservation Zone, T-C. In a T-C zone the following regulations shall apply:

1. Uses Permitted Outright: In a T-C zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5 and 13 of this Ordinance.
 - a. One single-family dwelling used in conjunction with forestry or agriculture use.
 - b. Management, harvesting, storage (not involving structures), and primary processing of forest products.
 - c. Farm use.
 - d. On-site sale of agricultural products grown on the parcel not involving structures.
 - e. Extraction and removal of rocks, sand, gravel or earth products for use on forest roads on forest lands subject to the requirements of the Mined Land Reclamation Act of the State of Oregon.

2. Conditional Uses Permitted: In a T-C zone the following uses and their accessory uses may be permitted subject to the provisions of Articles 4, 5, 6 and 13 of this Ordinance:
 - a. Temporary dwelling units necessary for the management of forest or agricultural uses.
 - b. Dwellings not in conjunction with forest or agricultural uses.
 - c. Mining for use other than on forest lands.
 - d. Private parks or outdoor recreation activities.
 - e. Public or private utility facility.

- f. Solid waste disposal facilities related to the processing of forest products.
- g. Aquaculture facilities.
- h. Excavating, filling, dredging or wetland drainage not in conjunction with farm or forest use.
- i. Structures for the sale of agricultural products grown on the parcel.
- j. Home occupation.
- k. Boarding of horses for profit.
- l. Pilings, piers, docks, and similar in-water structures.
- m. Heliports not in conjunction with forest use.

3. Standards:

- a. Lot Size: The minimum lot size in a T-C zone shall be forty (40) acres unless a Special Exception is granted.
- b. Special Exception: Any lot creation proposed below forty (40) acres shall be reviewed by Lincoln County. Procedures for application, notification, fees and appeals for a Special Exception shall be the same as for a variance as set forth in Article 8. A Special Exception shall be granted if one or more of the following conditions is found to exist:
 - 1) A division is for the purpose of exchange or transfer to consolidate contiguous ownership; or,
 - 2) A division is to allow conveyance of not more than five (5) acres of land with a second dwelling unit constructed prior to the adoption of this Ordinance; or,
 - 3) A division is to allow the creation of a retirement homestead which meets the following conditions:

- a) The current ownership of the parcel was established prior to adoption of the T-C zone; and
 - b) A previous division for the purpose of creating a retirement homestead has not been accomplished on the parcel; and
 - c) The retirement homestead shall be no greater than five (5) acres and no less than one (1) acre; and
 - d) The primary residence of the applicant is located on the parcel to be divided; and
 - e) The parcel remaining after separation of the homestead is not less than 40 acres.
- 4) The division clearly follows a physical feature which would hinder normal and necessary forest management practices.
 - 5) The division is for the purpose of establishing a mining or aggregate extraction operation authorized in accordance with Article 6 of this Ordinance.

c. Dwellings:

- 1) Dwellings shall be authorized in conjunction with forest use or agricultural use provided that the applicant can provide evidence that farm or forest uses will be undertaken. Such evidence shall include:
 - a) For parcels of 40 acres or larger, certification that the property is enrolled in Special Farm Use Assessment, Forest Land Designated tax status, Western Oregon Small Tract-Optional tax or is

assessed at forest land value under the Ad Valorem tax.

b) For existing parcels of less than 40 acres, at least one of the following shall be provided:

(1) A forest management plan which includes at least the following:

(a) Name of landowner;

(b) Legal description and map of the property showing Township, Range, Section and tax lot number. A soils map is optional but desirable.

(c) A summary of the landowner's objectives and constraints:

This section should include a discussion of the landowner's intentions with respect to the actual management of the parcel. Objectives should deal with improving growth of young timber stands, insuring harvests will continue in mature stands, replanting unutilized ground, etc.

A discussion of constraints to good timber management should appear in this section. Included here are existing and planned limitations on intensive forest management.

(d) An inventory and description of the ownership in its current conditions: Should include a description of the vegetative cover types on the property. Areas of commercial timber species (Douglas-Fir, hemlock, spruce, red alder) should be identified by species and by average trunk diameter or diameter ranges. Brush and scrubby hardwood need not be identified by species.

Should include an estimate of the tree stocking level of commercial species. This is an estimate of density and may be presented by ranking of low, moderate, or high.

Should include forest site classes. This is an estimate of growth potential of the land.

Two site classification systems are acceptable:

Five class system: Site I (highest potential) to site V (lowest); or

Seven class system based on annual cubic foot production:

Site I (highest) to Site 7 (lowest).

These classifications are not the same as the Soil Conservation Service Agricultural Soil Classification System which rates soils on capability for producing crops or pasture.

(e) A cover type map:

A map indicating the boundaries of different vegetative types, streams, roads, and existing or planned structures should be included. A map scale of 1"=1000' or less is desirable.

(f) The Management Program:

This section should describe the intended uses and treatments on each vegetative type located on the map.

(Planning horizon at least five to ten years.)

Each treatment should be assigned a target completion date.

Each treatment should be identified with a specific acreage on the cover type map.

(g) Name of person who prepared the plan.

(h) Certification of landowner's intent to implement the management plan.

(2) A fish, wildlife or other conservation management program approved by the appropriate state agency.

- (3) A farm plan developed in conjunction with U.S.D.A. Soil Conservation Service.
 - (4) Evidence in the form of receipts, or other income or expenditure records that a forest or agricultural use is currently established on the property.
- 2) Dwellings not in conjunction with farm or forest uses may be authorized under the following conditions:
- a) The dwelling shall be compatible with adjacent farm and/or forest uses.
 - b) The dwelling shall not materially alter the stability of the overall land use pattern of the area.
 - c) The dwelling shall be on portions of the property least suitable for the production of farm and forest products, taking into consideration terrain, adverse soil and land conditions, drainage and flooding, vegetation, and location and size of parcel.
- 3) All dwellings shall have a minimum firebreak of thirty (30) feet on all sides measured on a plane level with the ground floor. As used in this paragraph, firebreak means an area cleared of combustible materials, except for shrubbery, ground covering, and other landscaping materials that do not rapidly transmit fire.
- d. Setbacks:
- On parcels of five (5) acres or less, no structure shall be located closer than thirty (30) feet from any lot line. On

parcels greater than five (5) acres, no structure shall be located closer than thirty (30) feet from a front lot line, except in such circumstances where the pattern of parcelization, the natural features of a parcel, the location of access roads and the location of existing dwellings would permit the clustering of dwellings so as to conserve larger contiguous forested areas and provide buffering from forest or agricultural operations. In such circumstances, the side and/or rear setback shall be not less than thirty (30) feet.

e. Lot Width to Depth Ratio:

Lots shall have an average width to depth ratio not in excess of 1 to 3½.

Section 3.605 Coastal Shorelands (CS) Overlay Zone

1. Purpose: The purpose of the Coastal Shorelands Overlay Zone is to recognize the value of coastal shorelands for the protection and maintenance of water quality, fish and wildlife habitat, water dependent uses, economic resources, recreation and aesthetics. The C-S zone, in conjunction with various underlying zones, implements the Coastal Shorelands policies contained in the Lincoln County Comprehensive Plan.
2. Application: The provisions of the C-S zone shall apply to all areas identified as within the Coastal Shorelands boundary on the Lincoln County Comprehensive Plan and zoning maps. The provisions of the C-S zone are to be applied in conjunction with the provisions of the underlying zone. Where the provisions of the C-S zone and the underlying zones conflict, the more restrictive provisions shall apply.
3. Permitted Uses: In a C-S overlay zone any of the outright or conditional uses authorized in the underlying zone may be permitted, subject to the applicable provisions of Articles 4, 5, 6 and 13 of this Ordinance and the additional provisions of this Section.
4. Procedure: Applicants requesting approval for land use actions within the areas subject to the provisions of the C-S zone shall submit, along with any application, a detailed site plan and/or written statement de -

monstrating how the proposed activities will conform to each of the applicable standards contained in the C-S zone. Planning Department and/or Planning Commission review of such applications shall proceed in accordance with the applicable provisions of Articles 6, 7, 8, 9, 10, and 13 of this Ordinance.

5. Standards: The following standards will be applied in reviewing an application for a land use action in the C-S zone:

a. Riparian Vegetation

- 1) Permanent removal of riparian vegetation shall be permitted only in conjunction with a use which requires direct access to water.
- 2) Except as provided for in "1)" above, no development which would result in a permanent destruction of riparian vegetation boundary as defined in the Comprehensive Plan Inventory.
- 3) Temporary removal of riparian vegetation may be permitted subject to a revegetation plan approved by the County which specifies,
 - (a) Temporary stabilization methods, and
 - (b) The method and timing of permanent revegetation with native species.

b. Significant Wildlife Habitat and Major Marshes

- 1) No residential, commercial, or industrial development shall be permitted in major marshes or significant wildlife habitat as identified in the Comprehensive Plan Inventory.

- 2) Fill or removal activities shall not be permitted in major marshes as identified in the Comprehensive Plan Inventory.
- 3) Development proposed adjacent to a major marsh or significant wildlife habitat shall be located no closer than fifty (50) feet from the marsh or habitat area.
- 4) Low intensity structural developments such as hiking trails, platforms for wildlife viewing or similar types of educational, scientific or recreational uses may be permitted under the following conditions:
 - (a) Such development shall not act as a barrier to fish or wildlife species.
 - (b) Such development shall not result in major disturbances or displacement of fish or wildlife species.
 - (c) Such development shall not alter a water course.
 - (d) Such development shall not result in a permanent destruction of wetland vegetation.

c. Coastal Headlands and Exceptional Aesthetic Resources

- 1) Development on coastal headlands or in areas of exceptional aesthetic quality shall not substantially alter the scenic character of the area.
- 2) Development on Coastal headlands shall not substantially alter the natural vegetative cover.

d. Historic and Archaeological Sites

- 1) Development on identified archaeological sites shall be conducted in a manner so as to minimize site

disturbances and prevent irreversible loss of archaeological resources.

- 2) Development on historic sites, as identified in the Comprehensive Plan Inventory, shall not diminish the value of such sites as historic resources:
- 3) Alterations to identified historic structures shall be conducted in a manner so as to maintain the historic value of such structures.

e. Land Divisions

Subdivisions and major or minor partitions may be permitted on lands outside of urban growth boundaries only upon findings that:

- 1) Such uses satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; and,
- 2) Such uses will be consistent with the provisions of this section to protect significant habitats and riparian vegetation.

6. Exceptions: In the event that it is not possible to apply the standards of this section to proposed uses otherwise permitted by the underlying zone, such uses may be permitted upon the granting of an Exception. Procedures for application, notification, fees, appeals, and review for an Exception shall be the same as for a Conditional Use as set forth in Article 6 of this Ordinance. An Exception may be granted only upon demonstration by the applicant of compelling reasons and facts in support of the Exception. Such reasons and facts shall include:

- a. Why the proposed uses should be provided for;
- b. What alternative locations or designs could be used to accomodate the proposed uses;
- c. What are the long term environmental, social and energy consequences to the locality, the region or the state from not applying the provisions of the C-S zone; and,
- d. A finding that proposed uses will be compatible with other adjacent uses.

PROPOSED SUPPLEMENTARY REGULATION AMENDMENTS

Amend Section 4.040. : Off-Street Parking and Off-Street Loading Requirements.

14. q. Stables: One space for three horse stalls.

Section 6.050. Standards and Procedures Governing Conditional Uses.

(Amend) 15. Standards for Livestock.

- d. 1) Horses and/or cows: one animal for the first 40,000 sq. ft. One animal per 15,000 sq. ft. thereafter, except for supervised stables boarding horses for profit within enclosed structures which shall provide land area requirement only for horses to be kept in pastures.

(Add) 16. All Conditional Uses within an A-C zone shall be reviewed as required in ORS 215.

(Add) 17. Standards for use in South Beach I-P Zone:

- a. Access to Highway 101 shall be conditioned on use of alternative road as access when available and closure of Highway 101 access.
- b. Building shall be located such that alternative access is not precluded.
- c. Areas visible from Highway 101 shall have visual screening. Visual screening shall include revegetation and may include sight-obscuring fence or berm.
- d. The applicant shall develop a drainage plan which is approved by the County Engineer as part of a coordinated drainage plan.

(Add) 18. Standards for heliports.

- a. There shall be provisional approval from the Oregon Department of Transportation - Aeronautics Division.
- b. Applicable noise standards of the Oregon Department of Environmental Quality shall be met.

19. Standards for Mini-Storage Warehouses.

- a. The mini-storage operation design including signs, structure elevations, painting, plot plan, and materials shall be submitted for review. Colors shall be those of natural materials or tones of brown, green or grey.
- b. Each individual space for rent or sale shall be less than 500 square feet.
- c. Mini-storage shall be limited to dead storage. Outside storage shall be limited to boats, recreational vehicles, and similar vehicles placed within a designated dust-free surfaced area surrounded by a sight-obscuring six (6) foot fence.
- d. Yards shall be permanently landscaped and yards adjacent to residential zones shall be the same as within the residential zone.
- e. One parking space for each twenty-five (25) cubicles located at the project office shall be required for use of prospective clients.

- f. All structures shall be fenced and be visually screened. Visual screening shall include permanent re-vegetation which will grow to a height of five (5) feet within four years.
- g. The traffic lane shall be twelve (12) feet wide, and have a ten (10) foot parking lane except where the traffic lane does not serve storage cubicles. All areas providing for vehicle access, parking and movement shall be paved. Pavement plans shall be designed to handle the expected specified loads and be stamped by a registered engineer. Stamped as-built drawings shall be required.
- h. Drainage shall be designated by a registered engineer to provide for expected run-off. Stamped as-built drawing shall be required.
- i. One restroom per mini-storage operation plus (1) for each additional 12,000 sq. ft. of floor area.
- j. Fire hydrants meeting the N.F.P.A. standards shall be provided on the site or within 500 feet along a road from the furthest point of the property.
- k. Change of use to another use such as retail sales or repair services shall require re-application and conformity to applicable state laws and ordinances.
- l. An on-site caretaker or 24-hour on-site manager may be permitted.

- m. There shall be only one access and egress from each adjacent street.
- n. Outside lighting shall be required for all structures.

Amend Section 13.030 as follows:

Section 13.030. Geologic Hazards. The following development guidelines are applicable to hazards identified in Bulletin 81, State Department of Geology and Mineral Industries Study of Lincoln County, 1973, or Environmental Hazard Inventory, RNKR Associates, 1978, or by other means.

1. Purpose. Various geological formations have different characteristics with respect to suitability for development because of faults, flood or landslide potential, high groundwater, streambank, beach or headland erosion, etc. The following development guidelines have been prepared in order that geologic hazards will be recognized and the losses resulting therefrom will be lessened.
2. Areas of Concern: The primary areas of concern are active landslides, high groundwater, beach erosion and others. Such hazards are identified in the RNKR Environmental Hazard Inventory, RNKR Associates, 1978, Environmental Geology of Lincoln County, D.O.G.A.M.I., 1973, or may be determined by other means. Maps included in these studies are hereby adopted by reference and are available at the Planning Department.
3. Standards. The following shall be required in areas of geologic hazards as identified:
 - A. Ocean Front Lots: Site specific geotechnical analysis by qualified registered professional geologist or engineering geologist except when the only known or

suspected hazard is coastal recession and minor slope sloughing which can be compensated for with adequate setbacks in accordance with RNKR.

- B. Geologic Fault and Landslide Areas: Site specific geotechnical analysis by qualified registered professional geologist or engineering geologist including all property within area as well as property outside of known or suspected hazard that is within 100 feet.
- C. High Groundwater Areas: For development of three or more parcels of less than two acres a detailed geotechnical or engineering analysis shall be required except where sewer is already available, to identify the extent of the problem and establish the feasibility of developing with individual on-site subsurface sewage disposal systems. Cumulative adverse off-site environmental impacts shall be measured to determine acceptable levels of development in order to avoid groundwater contamination and avoid problems for adjoining or downslope properties. Any proposed subdivision or partitioning in areas identified as potentially having potable ground water in quantities capable of augmenting local domestic water supplies shall be required to establish that the proposed development will not degrade the water quality.
- D. Weak Foundation Soils: In areas known to have weak foundation soils for construction of buildings and roads, a detailed

soils analysis shall be made by a qualified soils expert. The analysis shall include a recommendation to overcome identified limitations prior to development approval.

Section 13.040. Scenic Areas, Historic and Archaeological Sites and Fish and Wildlife Habitats. The following

development guidelines shall apply to scenic areas, historic and archaeological sites and fish and wildlife habitats as identified in the Lincoln County Comprehensive Plan Inventory.

1. Purpose. The scenic, historic and fish and wildlife resources of Lincoln County make it a desirable location to visit and in which to reside. These resources are of importance to the citizens of the County for environmental, social, and economic reasons. The following development guidelines are established to insure that the viability of such resources is not destroyed.
2. Areas of Concern. Areas designated in the Lincoln County Comprehensive Plan Inventory as having value as scenic, historic or fish and wildlife resources shall be subject to the provisions of this section.
3. Considerations. The following list indicates the considerations which shall be recognized in the review of land use actions in areas subject to the provisions of this section:
 - a. Scenic Areas:
 - 1) Maintaining natural vegetation whenever possible.
 - 2) Landscaping areas where vegetation is removed and erosion might result.
 - 3) Screening unsightly land uses, preferably with natural vegetation or landscaping.
 - 4) Limiting rights-of-way widths and numbers of

roads intersecting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.

- 5) Limiting signs in size and design so as not to distract from the attractiveness of the area.
- 6) Siting developments to be compatible with surrounding area development, and recognizing the natural characteristics of the location.
- 7) Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary, and revegetating such areas as soon as possible.
- 8) Protecting vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.
- 9) Concentrating commercial developments in areas where adequate parking and public services are available, and discouraging strip commercial development.

b. Fish and Wildlife Habitats:

- 1) Protecting water quality and minimizing structural encroachment into natural waterways and drainage ways.
- 2) Maintaining natural riparian vegetation.
- 3) Re-establishment of vegetation in riparian areas when disturbance is unavoidable.

- 4) Minimizing filling, drainage and channelization in wetland areas.
- 5) Providing for the maximum practicable amount of open space in development.
- 6) Maintaining existing native upland vegetation.
- 7) Retaining large dead trees (snags) when safety considerations permit.
- 8) Protecting perching trees and maintaining low intensity uses within 150 M. of pigeon mineral springs.
- 9) Protection of trees within the primary nest zone (i.e., the area encompassed by the boundary drawn to enclose all nests) of heron rookeries.
- 10) Maintaining natural vegetation within 100 M. of the primary nest zones of heron rookeries.
- 11) Preservation of trees and maintenance of low intensity uses within 100 M. radius of eagle and osprey nests.
- 12) Protection of old growth trees within 400 M. of existing eagle and osprey nests.

c. Historic Sites:

- 1) Maintaining the architectural integrity of historic buildings.
- 2) Minimizing site disturbance at identified historic sites.
- 3) Preventing irreversible loss of archaeological resources.
- 4) Maintaining the symbolic value of identified historical and cultural sites.

4. Procedure. The following procedure shall be followed in determining the suitability and desirability of development being proposed in areas identified as being of scenic or historic significance or areas identified as significant fish and wildlife habitat:
 - a. Application: Applicants requesting approval of land use actions in areas subject to the provisions of this section shall be required to submit, along with any application for a building permit or other development, a detailed site plan and/or written statement demonstrating how the proposed activity takes into account each of the applicable considerations specified in part "3." above.
 - b. Review. Statements and diagrams of recognition of considerations submitted along with requests for development will be reviewed in the following manner:
 - 1) Building Permits Approval. For development proposed which has impact only to the immediate area, as determined by the Planning Department, the above mentioned statements and diagrams will be reviewed by the Planning Department as part of the Building Permit approval procedures. If the proposed development appears to adequately recognize the applicable considerations outlined above, the Building Permit will be approved. If questions are raised regarding recognition of such considerations, a meeting date shall be set by the Planning Depart-

ment with the requestor to discuss the areas of question. If such questions can be resolved satisfactorily, the Building Permit will be approved.

For development proposed which has an impact greater than the surrounding vicinity, as determined by the Planning Department, or for development proposed which the Planning Department cannot satisfactorily resolve questions regarding recognition of considerations, the requests will be referred to the County Planning Commission for resolution.

- 2) Other Approvals. Statements and diagrams of considerations for subdivisions, land partitioning, rezones, and other development activities which do not require building permit approval shall be reviewed by the Planning Department for those activities which have an impact only to an immediate area. If the Planning Department determines such considerations are satisfactorily recognized, requests will be approved for those decisions which this ordinance authorizes.

If such a proposal is determined by the Planning Department to have an impact greater than the surrounding vicinity; if the Planning Department is not authorized to make a decision on the matter;

or if agreement is not reached between the requestor and the Planning Department that the considerations have been satisfactorily recognized, the item will be referred to the Planning Commission for resolution.

Amend Section 13.050, Airport Areas. The following development guidelines are applicable to those areas in close proximity to airports within the County, and particularly in approach pattern areas.

1. Purpose. Since airports are an important community asset and investment, they must be protected from encroaching incompatible uses which may subsequently have a deleterious effect on the expansion or future operation of the facility. These development guidelines have been prepared in order to achieve the potential of all airports. The operation of airports should not be placed in jeopardy or be limited by future standards that would be enacted to provide for the safety and health of structures and inhabitants when they should initially have been limited or prevented from locating in close proximity to the airport facility.
2. Areas of Concern. At the present time there are four public airport or landing facilities in the County which warrant the provision of some means of protection. They are located at Siletz Bay, Toledo, Newport, and Waconda Beach. Areas of concern around each of these facilities are delineated on County Zoning maps. Private landing strips and heliports are not delineated but may still be subject to applicable restrictions.
3. Special Restrictions. The following special restrictions shall apply in airport areas:
 - A. Airport Area Height Limitations
 Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall

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be allowed to grow to a height in excess of the applicable height herein established. Such height limitations shall be established in accordance with Federal Aviation Regulations (F.A.R.), Part 77, "Objects Affecting Navigable Airspace."

B. Use Restriction

Regardless of any other provisions of this Ordinance, no use may be made of land or water within any area covered by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

C. Marking and Lighting

The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Lincoln County to indicate to the operators or aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner.

D. Future Uses

No material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any airport area unless approved by the Lincoln County Planning Commission or Planning Department through a conditional use permit, except as follows:

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than fifty feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than fifty feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no approval shall be required for any tree or structure less than fifty feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction,

or alteration or any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

Each application shall indicate the purpose for which the approval is desired, with sufficient detail to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the approval may be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted.

E. Existing Uses

No approval shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, that it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.

F. Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this Ordinance, may apply to the Planning Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration and the Department of Transportation, Aeronautics Division, as to the effect of the proposal on

operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is found that the literal application or enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Planning Commission or Planning Department unless a copy of the application has been furnished to the airport owner for comment as to the aeronautical effects of the variance. Failure of the airport owner to respond to the request for comments shall not prevent Lincoln County from acting on its own to grant or deny the application.

G. Land Uses Within Airport Areas

All structures and uses within the Airport areas shall conform to the requirements of Federal Aviation Regulations (F.A.R.) Part 77, or successor, and to other federal and state laws regulating structural height, smoke, steam or dust and other hazards to flight, air navigation, or public health, safety and welfare.

Within the various airport areas, certain uses are compatible and certain uses are not because of possible negative effects on either the airport or the use. Such effects on the airport may include danger to property or life from accident, noise,

and vibration. Because of these factors, the special airport zones have been further limited or restricted as follows:

1) Approach Zones:

a) The following uses are prohibited except as required for airport use:

- (1) Places of public assembly.
- (2) Residential density greater than one (1) unit per five (5) acres.
- (3) Retirement homes and other residential institutions.
- (4) Hospitals.
- (5) Schools.
- (6) Aggregate extraction where ponding and birds pose a strike hazard.
- (7) Above ground power lines within clear zones.
- (8) Storage of hazardous material as defined by the National Fire Protection Association (N.F.P.A.).
- (9) Communications towers.
- (10) Solid waste disposal sites.
- (11) Commercial or industrial use with potential operations hazards such as electrical interference, high intensity lighting, smoke, glare, noise, etc.

b. All other uses as listed in the underlying zone with a hold-harmless agreement and navigational easement.

2) Clear Zones

- a) The clear zone shall be free of any construction or obstacle and shall be minimally used by people.
- b) Agriculture which does not attract birds is compatible but no structures are allowed.
- c) Above ground power lines are prohibited.
- d) Airport clear zones are subject to the conditions as shown in the airport's master plan.

3) Moderate Noise Impact Zone (LDN 55+)

- a) Schools, hospitals, nursing homes, theatres, auditoriums, residential development and all other places of public assembly shall have noise insulation in accordance with Oregon D.E.Q. standards and recommendations.
- b) Housing shall be oriented such that screening with fences, berms or other treatment reduce awareness of the airport.

4) Substantial Noise Impact Zone (LDN 65+)

- a) Airport terminal with appropriate insulation.
- b) Hangers.
- c) Other airport-related uses only.

Section 13.060. Beaches and Dunes. The following development guidelines are applicable in beach and dune areas identified in the Beaches and Dunes of the Oregon Coast, O.C.C. & D.C., 1975, and

Further identified in Environmental Hazard Inventory, Coastal Lincoln County, RNKR Associates, 1977, or by other means.

1. Purpose: Sand areas may be subject to wind erosion, wave undercutting, ocean flooding and storm waves. The following development guidelines have been prepared in order that sand area characteristics will be recognized and the development appropriate.
2. Areas of Concern: Areas designated in the Lincoln County Comprehensive Plan Inventory as sand areas.
3. Considerations: The following standards shall be applied in the review of land use actions in all identified sand areas except older stabilized dunes:
 - A. Except for the Alsea and Siletz sand spits, uses on active foredunes, conditionally stable dunes subject to ocean undercutting or wave overtopping and interdune areas (deflation plains) subject to ocean flooding shall be limited to hiking trails, platforms for wildlife viewing and similar low intensity educational, recreational or open space uses.
 - B. A revegetation plan is required prior to development. Building construction shall be designed and located to minimize vegetation removal, duneform alteration and exposure to erosion. The plan shall consider the following:

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

C. Beach Front Protective Structures.

- 1) A stamped report from a registered geologist or engineer shall be provided by the applicant which demonstrates that the proposed activities will be conducted in such a manner so as to minimize adverse impacts on sand supply and erosion and accretion patterns. The report shall consider the following in addition to the Uniform Building Code requirements.
 - a. Hazards, as well as benefits to life, public and private property, and the natural environment which may be caused by the proposed use;
 - b. Temporary and permanent sand stabilization programs and the planned maintenance of new and existing vegetation;
 - c. Other methods and techniques designed to minimize adverse impacts on the site and surrounding area;
 - d. The necessity for sand removal or beach front protective structures;

- e. Visual impacts; and
 - f. Impact on necessary beach access.
- 2) Beach front protective structures shall be permitted only where development existed on January 1, 1977.
 - 3) Foredunes shall be breached only to replenish sand supply in interdune areas, or on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards), and only if the breaching and restoration after breaching is accomplished under the supervision of a qualified sand expert.

D. Groundwater Areas.

- 1) Prior to approval of uses proposed in areas identified in the Comprehensive Plan Inventory as potentially having potable groundwater in quantities capable of augmenting local domestic water supplies, the applicant shall provide a report by the D.E.Q. or other acceptable authority that the use shall not degrade water quality below D.E.Q.'s standards.
- 2) Prior to approval of development using groundwater sources, a technical report shall be provided by the applicant which demonstrates that the use will not draw down groundwater to levels which would lead to loss of stabilizing vegetation or intrusion of saltwater into water supplies.

EXCEPTIONS AMENDMENTS

The following Goal Exception sheets are summaries describing the considerations of the Lincoln County Planning Commission and Board of County Commissioners. These sheets are in the format of the Land Conservation and Development Commission's criteria for a built and committed exception for the sake of clarity of presentation. The findings supplement the record of the Planning Commission and Board of County Commissioners whose Minutes document further the pertinent discussions and by this reference become a part of this Exceptions Paper.

LINCOLN COUNTY GOAL EXCEPTION SHEET

Property Description Property owned by Dorothea Williams; Tax Lot
305, Assessor's Map 6-9-30.

Location This is a 57 acre parcel in the Salmon River area about 2.5 miles
east of Rose Lodge; lies north of Highway 18 approximately 600 ft.

Specific Goal
Exception Forest lands

An exception is justified when resource lands are no longer available for resource use because they are physically built upon or irrevocably committed to or needed for non-resource uses.

Land Characteristics Considered:

- a. Present Use: Property is presently vacant land. The land
owner had a survey done in 1973 to divide the property but did not
apply for divisions.
- b. Adjacent Use: Land south of this parcel has been divided into
4 and 5 acre parcels. Forestry occurs north of the property on a
74 acre parcel. Residential uses occur on the south, east and west.

c. Public Services (water, sewer, etc.): No services are presently available.

d. Parcel Size Ownership: South of the parcel are seven 4-5 acre parcels; one is 8 acres. Parcels to the east are 6 acres and 3 acres. North is one parcel of 79 acres, owned by Miami Corporation.

e. Neighborhood and Regional Characteristics: This is an area of small lot development along the Salmon River with larger lots along the Highway. Forest activities occur normally on the upland slopes.

f. Natural Boundaries: This is a marine terrace of the Salmon River. The natural topography slopes gently along the river and Highway becoming steeper at the north edge of this property.

g. Why This Land Can no Longer be Managed for Resource Land: Surrounding development of residential uses to the southeast and west preclude the use of this property for forestry uses.

LINCOLN COUNTY GOAL EXCEPTION SHEET

Property Description Property owned by Sandy Green. Shown on
Assessor Map #7-10-6, tax lot 309, 311, 300, 312, 310, and 314.

Location This property is created at the end of County Road number 102,
Park Road, east of Devils Lake.

Specific Goal
Exception Forestlands.

An exception is justified when resource lands are no longer available for resource use because they are physically built upon or irrevocably committed to or needed for non-resource uses.

Land Characteristics Considered:

a. Present Use: This property has several illegal partitions
with two mobile homes and on stick built houses. The remaining
20 acres of trees is in the middle.

b. Adjacent Use: Forestry use occurs to the north and east,
residential use occurs on the west and south.

c. Public Services (water, sewer, etc.): On site water and sewer services.

d. Parcel Size Ownership: Tax lots 309 and 314 are owned by Mr. Green totaling 26 acres. Tax lots 311, 312, and 300 are in one ownership of 5 acres and tax lot 310 is 3 acres.

e. Neighborhood and Regional Characteristics: The smaller one and two acre ownership pattern continues to the west along Park Road to East Devils Lake Road. Timber land takes place to the east.

f. Natural Boundaries: Park Road follows a natural drainage way. This parcel is near the top of the ridge east of Devils Lake Road.

g. Why This Land Can no Longer be Managed for Resource Land: This parcel forms a logical transition for the forest lands to the east and the committment to five acre lots has taken place.

LINCOLN COUNTY GOAL EXCEPTION SHEET

Property Description Property owned by Willamette Pacific Land
Company described by the attached, and one parcel owned by
Publishers Company.

Location This property lies east of Highway 101; approximately 7
miles south of Newport.

Specific Goal
Exception Forest Lands.

An exception is justified when resource lands are no longer available for resource use because they are physically built upon or irrevocably committed to or needed for non-resource uses.

Land Characteristics Considered:

a. Present Use: This property is presently vacant. Portions of
the property contain small scrub-shore pines.

b. Adjacent Use: South is the Den Bar Subdivision; north is the
Lost Creek Subdivision. Both are developed with mobile houses
in place. Highway 101 borders the property to the west. Forest
lands lies to the east.

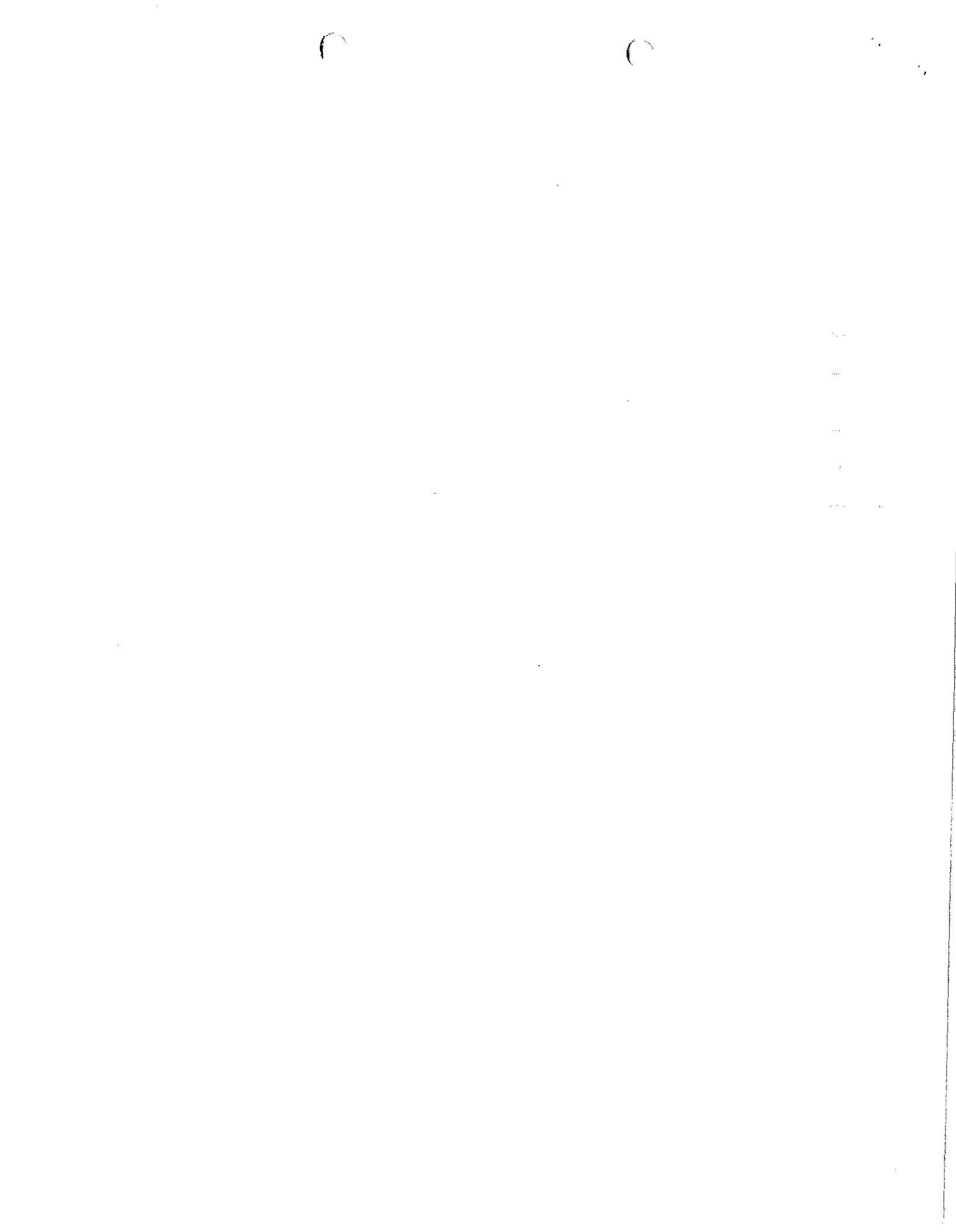
- c. Public Services (water, sewer, etc.): A Seal Rock Water District main divides the property.
- d. Parcel Size Ownership: The subdivided lots to the north and south vary from 6000 to 20,000 square feet. The Publisher Paper parcel is 53 acres. The Willamette Pacific Land parcel is a portion of the Old Town Plat of Yaquina City and is approximately 108 acres.
- e. Neighborhood and Regional Characteristics: This is an area of strong coastal association with recreation second houses among primary residences along the highway. Forest activities begin about a mile inland.
- f. Natural Boundaries: The easterly edge follows approximately a natural ravine on the property.
- g. Why This Land Can no Longer be Managed for Resource Land: The residential uses to the north and south have proven that forestry is a conflicting activity. Blow-down has damaged many pre-existing homes. The residential uses to the north and south have committed this land to development.

WILLAMETTE PACIFIC LAND COMPANY and PUBLISHERS PAPER COMPANY
request the following changes:

1. To change from plan designation of Forest Land to Dispersed Residential and zone change from Timber-Conservation (T-C) to RR 1-2. Property shown as Map 12-11-7B, tax lot 700, excepting that portion of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, north of vacated Jackson Street.
2. To change the plan designation from Dispersed Residential to Suburban Residential and change the zone from RR 1-2 to R-1. Properties shown as Map 12-11-7C, tax lots 1300, 1900, 4600 and 4700.
3. To change the plan designation from Forest Land to Suburban Residential and change the zone from Timber-Conservation (T-C) to R-1. Properties shown on Map 12-11-7C, tax lot 100, excepting that portion east of the vacated Market Street.

12/14/81

jem



LINCOLN COUNTY GOAL EXCEPTION SHEET

Property Description Property owned by Willamette Pacific Land
Company, shown on Assessor's Map 12-11-6, as tax lot 2900.

Location This land is located at the end of Passmore Road about 6
miles south of Newport.

Specific Goal
Exception Forest Lands.

An exception is justified when resource lands are no longer avail-
able for resource use because they are physically built upon or
irrevocably committed to or needed for non-resource uses.

Land Characteristics Considered:

a. Present Use: A road has been constructed through the
presently vacant parcel.

b. Adjacent Use: North is the vacant For Far Plat, west is sub-
divided property, south is the Lost Creek Subdivision.

c. Public Services (water, sewer, etc.): A Seal Rock water main divides the property.

d. Parcel Size Ownership: This is a 28 acre parcel. Parcels to the east are owned by Publishers Paper. A 2 acre and 13.12 acre parcel lie to the west as well as lots of 6,000 - 20,000 square feet in individual ownerships.

e. Neighborhood and Regional Characteristics: This parcel is on the edge of existing residential lots. Forest activities take place to the east but small private residential activities occur on three other sides, typical of a rural committed area.

f. Natural Boundaries: Two small creeks flow through the area as do numerous small ravines.

g. Why This Land Can no Longer be Managed for Resource Land: The surrounding residential uses conflict with the use of this land for forestry, such that it is committed to residential use.

LINCOLN COUNTY GOAL EXCEPTION SHEET

Property Description Property owned by Truman G. Skriver, et al.

Shown on Assessor's Map 9-10-33, tax lot 205 and 203; which is
the adjacent lot.

Location Their properties are about 13 acres total, lying about a

mile north of the City of Siletz between the Kernville-Siletz
Highway and the Siletz River.

Specific Goal
Exception Forest lands.

An exception is justified when resource lands are no longer available for resource use because they are physically built upon or irrevocably committed to or needed for non-resource uses.

Land Characteristics Considered:

a. Present Use: The properties both have existing mobile homes;
some small-wood lots exist on both properties.

b. Adjacent Use: Parcel to the north and south have mobile houses
and across the road to the west is forestry (Rex Timber). The
Siletz River lies along the east side.

c. Public Services (water, sewer, etc.): All services are on site.

d. Parcel Size Ownership: Parcels to the north and south are 5 acres in size; privately owned. Across the Siletz-Kerville Highway is a 262 acre parcel owned by Rex Timber.

e. Neighborhood and Regional Characteristics: _____
The area is an area of 5 acre historic development.

f. Natural Boundaries: The river bounds the area to the east. The highway is the other boundary.

g. Why This Land Can no Longer be Managed for Resource Land: _____
The residential uses to the north and south precludes this land from active timber use.

LINCOLN COUNTY GOAL EXCEPTION SHEET

Property Description Property owned by Larry Tryon, shown on
Assessor's Map 13-11-26, tax lots 304, 307, and 500.

Location Five miles east of Waldport; south and adjacent to Highway
34 along Darkey Creek.

Specific Goal
Exception Forest Lands.

An exception is justified when resource lands are no longer available for resource use because they are physically built upon or irrevocably committed to or needed for non-resource uses.

Land Characteristics Considered:

a. Present Use: The land is divided by Darkey Ridge Road, a U.S.
Forest Service Road and has two mobile homes on the property.

b. Adjacent Use: Parcels to the south are used for forestry.
North across highway 34 are small recreation and primary housing
as well as RV parks along the Alsea River. Most of the adjacent
property to the east and west is in forestry, but some residential
small lot use occurs along the south side of the highway adjacent
to the property.

c. Public Services (water, sewer, etc.): On site water and sewer services.

d. Parcel Size Ownership: The whole ownership is 68 acres. The parcels along Highway 34 are 5 acre and 13 acres. A 10 acre portion of tax lot 500 lies along Highway 34 with a 80 acre parcel lies to the east and U.S. Forest Service owns land to the south.

e. Neighborhood and Regional Characteristics: Small lot recreational use and second houses along the river and highway with forestry in the up-land.

f. Natural Boundaries: There are no natural boundaries; these are all section lines or 1/4 section lines.

g. Why This Land Can no Longer be Managed for Resource Land: The property forms a natural transition between the recreational uses along Highway 34 and the forest activities which surround it.

LINCOLN COUNTY GOAL EXCEPTION SHEET

Property Description Property owned by Mr. & Mrs. Michael VanScoyk,
shown on Assessor's Map 11-10-5 as tax lot 100.

Location This 11 acre parcel is located on Highway 20 approximately
1 mile east of Toledo.

Specific Goal
Exception Forest lands.

An exception is justified when resource lands are no longer available for resource use because they are physically built upon or irrevocably committed to or needed for non-resource uses.

Land Characteristics Considered:

a. Present Use: This property has one dwelling near Highway 20.
The remainder is vacant with alder, spruce, and hemlock in an
understory of salmon-berry brush.

b. Adjacent Use: Property to the north and south have dwellings
similarly located on the property. East of the property is
Highway 20. Smaller vacant-acreage lots lie to the west.

c. Public Services (water, sewer, etc.): On site services only.

d. Parcel Size Ownership: This is an 11 acre parcel. Adjacent
parcels are 11 acres and 12 acres to the south; 5 acres, 2 acres,
1.8 acres, to the west. A 40 acre and 20 acre parcel lies to
the north. All of those are individually owned.

e. Neighborhood and Regional Characteristics: This area is
characterized by small-acreage home sites with one or two large
parcels still retained in farm or forest use.

f. Natural Boundaries: The highway forms a barrier to the east.
To the west a ridge line conforms roughly to the west line of
the property.

g. Why This Land Can no Longer be Managed for Resource Land: _____
The residential uses to the north and south and the existing
lots of record to the west commit this property to non-resource
use.
