

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF LINCOLN

ORDINANCE # 181

AN ORDINANCE AMENDING LINCOLN COUNTY ORDINANCE #34, 1974, AS AMENDED, PROVIDING FOR THE REGULATION OF DREDGE MATERIAL DISPOSAL SITES, AND SPECIFICALLY AMENDING SECTIONS 3.425(3)(C)(1)(a), 3.415(2), 3.130(2), 3.210(2)(m), 3.220(1)(i), AND DECLARING AN EMERGENCY

The Lincoln County Board of Commissioners ORDAINS
as follows:

That Lincoln County Ordinance #34, 1974, as amended,
be further amended to read as follows:

SECTION I: "That section 4.300 be amended to read as follows:

"Section 4.300, Dredged Material Disposal Site (DMDS)
Overlay Zone.

"1. Purpose: The purpose of the DMDS Overlay Zone
is to protect dredged material disposal sites
from incompatible development prior to their
being needed for disposal of dredged spoils.

"2. Permitted Uses: In a DMDS Overlay Zone, any
of the outright or conditional uses authorized
in the underlying zone may be allowed, subject
to the applicable provisions and standards of
this ordinance and the additional provisions
of this section.

"3. Standards: Any outright or conditional use in
a DMDS Overlay Zone shall conform to the fol-
lowing standards:

"(A) The proposed use will not prevent future use of the site for dredged material disposal; or

"(B) Alternative disposal sites and/or methods of disposal are available to accommodate projected dredging needs as set forth in the Lincoln County Dredged Material Disposal Plan.

"4. Procedure: In a DMDS Overlay Zone, the Lincoln County Planning Commission, Planning Director, and Building Official shall not approve a land development or building permit which would prevent future use of a site for dredged material disposal until:

"(A) All affected Port Districts established pursuant to ORS chapter 777, have been notified of the proposed development permit by return receipt mail;

"(B) A period of 90 days has elapsed from the delivery date of the notice set forth above; and

"(C) The County has determined that adequate alternative disposal sites and/or methods of disposal are available to accommodate projected dredging needs as set forth in the Lincoln County Dredged Material Disposal Plan.

"5. Zoning Maps: The dredged material disposal sites, as provided for in the Lincoln County Dredged Material Disposal Plan, September 1982, shall be recorded on the official zoning maps of Lincoln County as provided in Section II of this ordinance."

SECTION II: CLASSIFICATION OF ZONES:

That the following be added to section 2.020:

Special Zones

Dredge Material Disposal Site		
Overlay Zone	DMDS	DMDS

SECTION III: TIMBER CONSERVATION T-C:

That section 3.425 subsection 3 C. 1) a) is amended as follows:

"or is assessed at forest land value under the Ad Valorem tax" is hereby deleted.

SECTION IV: AGRICULTURAL CONSERVATION ZONE A-C:

That the following is added to section 3.415(2):

"p. Commercial activities that are in conjunction with farm use as per ORS 215.213(2)(a)."

SECTION V: GENERAL COMMERCIAL ZONE C-2:

That section 3.130(2) be amended as follows:

"b. Kennel" is hereby deleted.

SECTION VI: PLANNED INDUSTRIAL ZONE I-P:

That section 3.210(2) be amended as follows:

"m. Kennel" is hereby deleted.

SECTION VII: GENERAL INDUSTRIAL ZONE I-1:

That section 3.220(1) be amended as follows:

"i. Kennel" is hereby deleted.

SECTION VIII: SEVERABILITY CLAUSE: If any portion of the text or maps adopted by the ordinance is declared invalid or void, all other provisions of the text and maps shall remain in effect.

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

DATED this 22nd day of September, 1982.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Albert R. Strand
Albert R. Strand, Chairman

(Excused)
G.E. Stuart, Commissioner
W.S. Ouderkerk, Commissioner

Jean Bradshaw
Jean Bradshaw, Secretary