

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF LINCOLN

RECEIVED
APR 1st 1983

ORDINANCE NO. 193

Lincoln County Legal Counsel

AN ORDINANCE AMENDING LINCOLN COUNTY ORDINANCE #183 AND #184, MAKING MINOR TECHNICAL AMENDMENTS TO THE LINCOLN COUNTY ESTUARY MANAGEMENT PLAN AND THE COMPREHENSIVE PLAN AND ZONING MAPS AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that portions of the Lincoln County Estuary Management Plan and Comprehensive Plan for the Yaquina Bay area contain errors or omissions; and

WHEREAS, it is necessary to correct these errors and omissions through minor technical amendments to the Estuary Management Plan and Comprehensive Plan maps in order to comply with the Statewide Planning Goals; and

WHEREAS, the Lincoln County Planning Commission has conducted a public hearing to consider these amendments and has recommended that the amendments be adopted; and

WHEREAS, the Board of County Commissioners has advertised and conducted a legislative hearing as provided by law.

NOW, THEREFORE, the Lincoln County Board of Commissioners ORDAINS as follows:

Section I: Estuary Management Plan: The Lincoln County Estuary Management Plan adopted on September 22, 1982, by Ordinance #184, is hereby amended as set forth in Exhibit "A".

Section II: Maps: The Lincoln County Comprehensive Plan and zoning maps adopted September 22, 1982, by Ordinance #183, are

hereby amended as set forth in Exhibit "B".

Section III: The Lincoln County Planning Division shall amend the official plan and zoning maps filed in the Lincoln County Clerk's Office in accordance with Exhibit "B" and with a citation to this Ordinance.

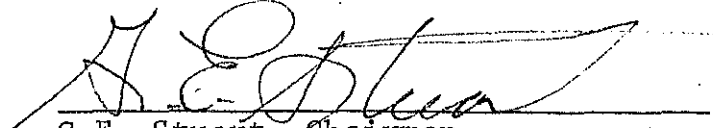
Section IV: Findings: The findings of fact set forth in the record of the Lincoln County Planning Commission and this Board are hereby adopted.

Section V: Severability Clause: If any portion of this Ordinance is declared invalid or void, all other portions of the amendments shall remain in effect.

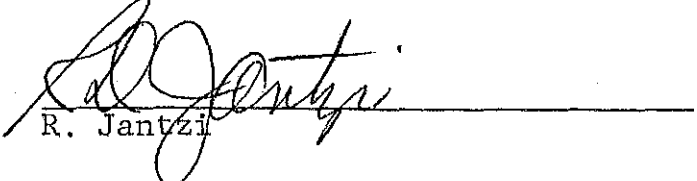
Section VI: Emergency Clause: This Ordinance being necessary for the immediate preservation of public peace, health, and safety, an emergency is hereby declared to exist and this Ordinance takes effect upon its adoption.


DATED this 13th day of April, 1983.

LINCOLN COUNTY BOARD OF COMMISSIONERS


G.E. Stuart, Chairman


Bob Deskins


R. Jantzi


Virginia Kampf, Secretary

LINCOLN COUNTY ESTUARY MANAGEMENT PLAN AMENDMENTS

Exhibit "A"

Ordinance # 193

AMENDED PERMITTED USE MATRICES

(Permitted Use Matrices 2-8, 12, 13 and 34 contained errors and/or omissions as they appeared in the Estuary Management Plan adopted September, 1982. The attached represent the corrected matrices.)

PERMITTED USE MATRIX

Management Unit No. Yaquina 2
 Classification Conservation

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

		Shoreline stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	(beacons, buoys, etc.)	Navigation Aids	Breakwaters	Pile Dikes	Groins	Wharves	Piers	Docks	Pilings	Dolphins	Special Policy
Commercial / Recreational																	
N	Water dependent																
N	Water related																
N	Non-water related																
N	Marina																
C	Boat launching	P	N	N	P	P	P	P	C	N	N	N	P	P	P	P	P
Industrial																	
N	Log dumping																
N	Log storage																
C	Mining	N	N	N	P	P	P	C	N	N	N	C	C	C	C	C	C
C	Oil or Gas Extraction	N	N	N	P	P	P	N	N	N	N	N	N	N	N	C	C
N	Industrial outfalls																
N	Marine ways																
N	Water dependent industrial																
N	Water related industrial																
N	Non-water related industrial																
Public																	
N	Overhead crossings																
C	Submerged crossings	C	N	N	P	P	P	N	C	C	N	N	N	C	C		
N	Bridge crossings																
C	Storm water outfall	C	N	N	P	P	P	N	C	C	N	N	N	C	C		
N	Sanitary outfall																
Port Facilities																	
N	Deep draft (over 23')																
N	Medium draft (10'-22')																
N	Shallow draft (0-9')																
P	Navigation improvement	C	N	N	P	P	P	C	C	C	N	N	N	C	C	C	I
C	Aquaculture Facilities	N	N	N	P	P	P	C	N	N	N	N	N	C	C		
Restoration																	
N	Active																
N	Passive																

PERMITTED USE MATRIX

Management Unit No. Yaquina 3
 Classification Conservation (1)

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

	Special Policy	Dolphins	Pilings	Docks	Piers	Wharves	Groins	Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)	Shoreline stabilization (structural)		
Commercial / Recreational																	
N	Water dependent																
N	Water related																
N	Non-water related																
N	Marina																
C	Boat launching	P	N	N	P	P	P	C	N	N	N	P	P	P	P	P	
Industrial																	
N	Log dumping																
N	Log storage																
C	Mining		N	N	N	P	P	P	C	N	N	N	C	C	C	C	
C	Oil or Gas Extraction		N	N	N	P	P	P	N	N	N	N	N	C	C	C	
N	Industrial outfalls																
N	Marine ways																
N	Water dependent industrial																
N	Water related industrial																
N	Non-water related industrial																
Public																	
P	Fishing Pier	P	N	N	N	N	N	P	N	N	N	N	N	P	N	P	P
P	Overhead crossings	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
C	Submerged crossings	C	N	N	P	P	P	N	C	C	N	N	N	N	C	C	C
C	Bridge crossings	P	N	C	P	P	P	C	C	C	N	N	N	N	P	P	P
C	Storm water outfall	C	N	N	P	P	P	N	C	C	N	N	N	N	C	C	C
N	Sanitary outfall																
Port Facilities																	
N	Deep draft (over 23')																
N	Medium draft (10'-22')																
N	Shallow draft (0-9')																
P	Navigation improvement	C	N	N	P	P	P	C	C	C	N	N	N	N	C	C	2
C	Aquaculture Facilities	N	N	N	P	P	P	C	N	N	N	N	N	N	P	P	
Restoration																	
N	Active																
N	Passive																

PERMITTED USE MATRIX

Management Unit No. Yaquina 4
 Classification Development

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

		Shoreline stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	(beacons, buoys, etc.)	Navigation Aids	Breakwaters	Pile Dikes	Groins	Wharves	Piers	Docks	Pillings	Dolphins	Special Policy
Commercial /Recreational																	
N	Water dependent																
N	Water related																
N	Non-water related																
N	Marina																
N	Boat launching																
Industrial																	
P	Log dumping	X	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
N	Log storage																
C	Mining	X	N	N	P	P	P	N	N	N	N	N	N	N	C	C	L
C	Oil or Gas Extraction	X	N	N	P	P	P	N	N	N	N	N	N	N	C	C	L
N	Industrial outfalls																
N	Marine ways																
N	Water dependent industrial																
N	Water related industrial																
N	Non-water related industrial																
Public																	
C	Overhead crossings	X	N	N	N	N	P	N	N	N	N	N	N	N	C	C	
C	Submerged crossings	X	N	N	P	N	P	N	N	N	N	N	N	N	N	N	
C	Bridge crossings	X	N	N	N	N	P	N	N	N	N	N	N	N	C	C	X
C	Storm water outfall	X	N	N	P	P	P	N	N	N	N	N	N	N	N	N	
N	Sanitary outfall																
Port Facilities																	
N	Deep draft (over 23')																
N	Medium draft (10'-22')																
N	Shallow draft (0-9')																
P	Navigation improvement	X	N	N	P	P	P	C	C	C	N	N	N	C	C		
C	Aquaculture Facilities	X	N	N	P	P	P	N	N	N	N	N	N	N	C	C	
Restoration																	
N	Active																
N	Passive																

PERMITTED USE MATRIX

Management Unit No. Yaquina 5
 Classification Development (1)

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

		Shoreline stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	(beacons, buoys, etc.)	Navigation Aids	Breakwaters	Pile Dikes	Groins	Wharves	Piers	Docks	Pilings	Dolphins	Special Policy	
Commercial /Recreational																		
P	Water dependent	P	C	P	C	P	P	C	C	C	P	P	P	P	P			
C	Water related	P	N	N	N	N	P	N	C	C	C	C	C	C	C			
N	Non-water related																	
N	Marina																	
P	Boat launching	P	N	P	C	P	P	C	N	N	P	P	P	P	P			
Industrial																		
N	Log dumping																	
N	Log storage																	
C	Mining																	
C	Oil or Gas Extraction	N	N	N	P	P	P	C	N	N	N	C	C	C	C			
P	Industrial outfalls	P	N	N	P	P	P	C	N	N	N	N	N	N	N			
P	Marine ways	P	N	P	P	P	P	N	N	N	P	P	P	P	P			
P	Water dependent industrial	P	C	P	P	P	P	C	C	C	P	P	P	P	P			
C	Water related industrial	P	N	N	N	N	P	N	C	C	C	C	C	C	C			
N	Non-water related industrial																	
Public																		
P	Overhead crossings	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	2	
P	Submerged crossings	P	N	N	P	P	P	N	C	C	N	N	N	C	C			
C	Bridge crossings	P	N	P	P	P	P	C	C	C	N	N	N	P	P	3		
P	Storm water outfall	P	N	N	P	P	P	N	C	C	N	N	N	P	P			
N	Sanitary outfall																	
Port Facilities																		
P	Deep draft (over 23')	P	C	P	P	P	P	P	P	P	P	P	P	P	P			
P	Medium draft (10'-22')	P	C	P	P	P	P	P	P	P	P	P	P	P	P			
P	Shallow draft (0-9')	P	C	P	P	P	P	P	P	P	P	P	P	P	P			
P	Navigation improvement	P	C	P	P	P	P	P	P	P	P	P	P	P	P			
C	Aquaculture Facilities	P	N	N	P	P	P	N	N	N	N	N	N	C	C			
Restoration																		
N	Active																	
N	Passive	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

PERMITTED USE MATRIX

Management Unit No. Yaquina 6
 Classification Conservation

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

		Shoreline stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	(bacons, buoys, etc.)	Navigation Aids	Breakwaters	Pile Dikes	Groins	Wharves	Piers	Docks	Pillings	Dolphins	Special Policy	
Commercial /Recreational																		
C	Water dependent	X	N	N	N	N	P	N	N	N	N	N	N	N	P	P		
N	Water related																	
N	Non-water related																	
N	Marina																	
N	Boat launching																	
Industrial																		
N	Log dumping																	
N	Log storage																	
C	Mining	X	N	N	P	P	P	C	N	N	N	C	C	C	C	C		
C	Oil or Gas Extraction	X	N	N	P	P	P	N	N	N	N	N	N	N	C	C		
N	Industrial outfalls																	
N	Marine ways																	
N	Water dependent industrial																	
N	Water related industrial																	
N	Non-water related industrial																	
Public																		
P	Overhead crossings	X	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	I
P	Submerged crossings	X	N	N	P	P	P	N	N	N	N	N	N	N	C	C		
C	Bridge crossings	X	N	C	P	P	P	C	N	N	N	N	N	P	P			
C	Storm water outfall	X	N	N	P	P	P	N	C	C	N	N	N	C	C			
N	Sanitary outfall																	
Port Facilities																		
N	Deep draft (over 23')																	
N	Medium draft (10'-22')																	
N	Shallow draft (0-9')																	
P	Navigation improvement	X	N	N	P	P	P	C	C	C	N	N	N	P	P			
C	Aquaculture Facilities	X	N	N	C	C	P	N	N	N	N	N	N	C	C			
Restoration																		
N	Active																	
P	Passive	X	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

PERMITTED USE MATRIX

Management Unit No. Yaquina 7
 Classification Development

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

		Shoreline stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	Navigation Aids (beacons, buoys, etc.)	Breakwaters	Pile Dikes	Groins	Wharves	Piers	Docks	Pillings	Dolphins	Special Policy
Commercial /Recreational																
P	Water dependent	P	C	P	P	P	P	C	C	C	P	P	P	P	P	P
C	Water related	P	C	N	N	N	P	N	C	C	C	C	C	C	C	C
N	Non-water related															
C	Marina	P	C	P	P	P	P	P	N	P	P	P	P	P	P	2
P	Boat launching	P	N	P	P	P	P	C	N	N	N	N	P	P	P	
Industrial																
N	Log dumping															
N	Log storage															
C	Mining	N	N	N	P	P	P	C	N	N	N	C	C	C	C	
C	Oil or Gas Extraction	N	N	N	P	P	P	N	N	N	N	N	N	N	C	C
C	Industrial outfalls	P	N	N	P	P	P	N	N	N	N	N	N	N	N	
P	Marine ways	P	N	N	P	P	P	C	N	N	P	P	P	P	P	
p	Water dependent industrial	P	C	P	P	P	P	C	C	C	P	P	P	P	P	
p	Water related industrial	P	N	N	N	N	P	C	N	N	C	C	C	C	C	
N	Non-water related industrial															
Public																
n	Overhead crossings															
p	Submerged crossings	P	N	N	P	P	P	N	C	C	N	N	N	C	C	1
n	Bridge crossings															
p	Storm water outfall	P	N	N	P	P	P	N	C	C	N	N	N	C	C	
n	Sanitary outfall															
Port Facilities																
p	Deep draft (over 23')	P	C	P	P	P	P	P	P	P	P	P	P	P	P	3
p	Medium draft (10'-22')	P	C	P	P	P	P	P	P	P	P	P	P	P	P	3
p	Shallow draft (0-9')	P	C	P	P	P	P	P	P	P	P	P	P	P	P	
p	Navigation improvement	P	C	P	P	P	P	P	P	P	P	P	P	P	P	
C	Aquaculture Facilities															
Restoration																
N	Active															
P	Passive	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

PERMITTED USE MATRIX

Management Unit No. Yaquina 12
 Classification Development

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

		Shoreline stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	Navigation Aids (beacons, buoys, etc.)	Breakwaters	Pile Dikes	Groins	Wharves	Piers	Docks	Pilings	Dolphins	Special Policy
Commercial /Recreational																
N	Water dependent															
N	Water related															
N	Non-water related															
N	Marina															
N	Boat launching															
Industrial																
P	Overhead Crossings	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
N	Log dumping															
N	Log storage															
C	Mining	X	N	N	C	C	P	N	N	N	N	N	N	N	C	C
C	Oil or Gas Extraction	X	N	N	C	C	P	N	N	N	N	N	N	N	C	C
C	Industrial outfalls	X	N	N	N	C	P	N	N	N	N	N	N	N	N	N
N	Marine ways															
N	Water dependent industrial															
N	Water related industrial															
N	Non-water related industrial															
Public																
C	Overhead crossings	X	N	N	N	N	P	N	N	N	N	N	N	N	C	C
C	Submerged crossings	X	N	N	P	P	P	N	N	N	N	N	N	N	N	N
C	Bridge crossings	X	N	N	N	N	P	N	N	N	N	N	N	N	C	C
C	Storm water outfall	X	N	N	N	C	P	N	N	N	N	N	N	N	N	N
N	Sanitary outfall															
Port Facilities																
N	Deep draft (over 23')															
N	Medium draft (10'-22')															
N	Shallow draft (0-9')															
P	Navigation improvement	X	N	N	P	P	P	N	N	N	N	N	N	N	N	N
C	Aquaculture Facilities	X	N	N	C	C	P	N	N	N	N	N	N	N	C	C
Restoration																
N	Active															
P	Passive	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

PERMITTED USE MATRIX

Management Unit No. Yaquina 13
 Classification Conservation

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

		Shoreline stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	(beacons, buoys, etc.)	Navigation Aids	Breakwaters	Pile Dikes	Groins	Wharves	Piers	Docks	Pilings	Dolphins	Special Policy
Commercial / Recreational																	
N	Water dependent																
N	Water related																
N	Non-water related																
N	Marina																
N	Boat launching																
Industrial																	
N	Log dumping																
N	Log storage																
C	Mining		N	N	N	P	P	P	N	N	N	N	N	N	C	C	
N	Oil or Gas Extraction																
N	Industrial outfalls																
N	Marine ways																
N	Water dependent industrial																
N	Water related industrial																
N	Non-water related industrial																
Public																	
C	Overhead crossings	C	N	N	N	N	P	P	N	N	N	N	N	N	C	C	
C	Submerged crossings	P	N	N	P	P	P	P	N	N	N	N	N	N	N	N	
N	Bridge crossings																
N	Storm water outfall																
N	Sanitary outfall																
Port Facilities																	
N	Deep draft (over 23')																
N	Medium draft (10'-22')																
N	Shallow draft (0-9')																
C	Navigation improvement	N	N	N	C	C	P	P	N	N	N	N	N	N	N	N	
P	Aquaculture Facilities	C	N	N	P	P	P	P	C	N	N	N		P	P	P	
Restoration																	
N	Active																
P	Passive	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

PERMITTED USE MATRIX

Management Unit No. Yaquina 34
 Classification Conservation

P = Permitted w/standards
 C = Conditional
 N = Not Allowed
 X = Not Applicable

	Special Policy	Dolphins	Pilings	Docks	Piers	Wharves	Groins	Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)	Shoreline stabilization (structural)	
Commercial /Recreational																
N	Water dependent															
N	Water related															
N	Non-water related														C	
N	Marina															
C	Boat launching	P	N	P	P	P	P	P	N	N	N	N	N	N	C	P
Industrial																
	Log dumping															
N	Log storage															
C	Mining	N	N	N	C	C	P	N	N	N	N	N	N	N	C	C
C	Oil or Gas Extraction	N	N	N	C	C	P	N	N	N	N	N	N	N	C	C
N	Industrial outfalls															
N	Marine ways															
N	Water dependent industrial															
N	Water related industrial															
N	Non-water related industrial															
Public																
C	Overhead crossings	C	N	N	N	N	P	N	N	N	N	N	N	N	C	C
C	Submerged crossings	C	N	N	P	P	P	N	C	C	N	N	N	N	C	C
C	Bridge crossings	P	C	C	C	P	P	N	N	N	N	N	N	N	P	P
N	Storm water outfall															
N	Sanitary outfall															
Port Facilities																
N	Deep draft (over 23')															
N	Medium draft (10'-22')															
N	Shallow draft (0-9')															
N	Navigation improvement															
C	Aquaculture Facilities	C	N	N	C	C	P	N	N	N	N	C	C	C	C	C
Restoration																
C	Active	C	N	N	C	C	N	N	N	N	N	N	N	N	N	N
P	Passive	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

96

USE OF SHORELAND HABITATS FOR ESTUARINE MITIGATION
(Amended Findings)

L.B. Huss Property

(Restoration Site #2; Shoreland Habitat Site #13)

This is a small freshwater marsh which has a substantial area of open standing water during the rainy months. A culvert with a tidegate connects this area to the estuary and provides some limited fluctuation in water levels.

The primary value of this site as a shoreland resource is as waterfowl habitat. Adjacent riparian areas are also valuable as wildlife habitat as they are relatively undisturbed.

Restoration actions would involve removal of the tidegate and/or additional breaches in the road dike to provide a direct tidal link with the estuary.

As a result of this action, more complete drainage and filling of the area would occur, though some area of standing water would remain (even at low tide) due to the site's low elevation. The composition of vegetation surrounding the fringe of the area would change as a result of the intrusion of saline waters. However, the value of the site as waterfowl habitat should not be diminished, and the more complete tidal flushing may enhance the area's value for species such as herons and egrets. Riparian areas will not be affected by the restoration action.

Reinoehl Trout Hatchery

(Restoration Site #4; Shoreland Habitat Site #13)

This small freshwater wetland is similar in character to the

Huss property site in that it contains an area of ponded water which fluctuates with the opening and closing of a tidegate. The ponded area serves as habitat for waterfowl, and the small fringe of marsh surrounding has some value for other wildlife species.

If restored to full tidal flushing, the vegetative associations in the area would change as a result of increased salinities and more extreme fluctuations of water levels. This will likely increase primary productivity and detrital export, but should not affect the waterfowl habitat value of the site.

Publisher's #2

(Restoration Site #13; Shoreland Habitat Site #17)

This is a sizeable area of freshwater wetland that has a variety of shoreland values, including high wildlife and waterfowl value and an undisturbed riparian fringe. This site has considerable tidal influence now due to several breaches in the dike which runs along the shoreline.

Restoration of this site would require additional breaching or removal of the remaining dike and re-establishment of some of the original tidal channels.

This work would result in some short term disturbances to portions of the marsh, but these impacts will be relatively minor.

The restoration of full tidal influence in this area will likely provide an increase in detrital export, thus enhancing the estuarine ecosystem. Because salinities are low in this upriver area, wetland vegetation in the marsh will probably not change

significantly. General wildlife value of the area will probably be enhanced through increased wetness and periods of standing water resulting from full tidal exchange. Adjacent riparian areas will not be affected.

Lower Boone's and Nute's Sloughs

(Restoration Sites #6 and 7; Shoreland Habitat Site #15)

These are extensive areas of former tidal marsh which are currently blocked from tidal influences by dikes and tidegates. The lower portions are relatively low and support freshwater wetland vegetation. Dominant species in these areas are spike rush (Eleocharis palustris), common rush (Juncus effusus) and slough sedge. According to the Lincoln County Comprehensive Plan Inventory of shoreland habitat sites (D.W. Thomas, 1982), these areas are considered significant primarily because of their large areal extent and value as waterfowl habitat.

Use of this site for estuarine mitigation would involve the restoration of tidal influence to some or all of the lower wetland areas of this site. This could be accomplished by relocating the dike and tidegate structures to points further upstream of the mouth of the sloughs. Some breaching or removal of secondary dikes and re-establishment of tidal channels would also be beneficial, but this would be accomplished in the higher elevation pasture areas and would not result in any disturbances to the shoreland habitat areas.

Restoration of these freshwater wetlands to tidal marsh would

likely result in substantial change in the vegetative associations at the site. This should generally increase the value of these wetlands for primary productivity and detrital export. Similar tracts of tidal marsh in the area (e.g. Poole and McCafferey Sloughs) have substantial value as waterfowl habitat, and it thus appears unlikely that the value of Boone's and Nute's Sloughs as waterfowl habitat would be reduced through restoration activities.