

1 BEFORE THE BOARD OF COMMISSIONERS  
2 FOR THE COUNTY OF LINCOLN  
3 ORDINANCE # 201

RECEIVED  
OCT 20 1983

Lincoln County Legal Counsel

4 AN ORDINANCE AMENDING THE NATURAL HAZARDS AND BEACHES AND DUNES  
5 SECTIONS OF THE LINCOLN COUNTY COMPREHENSIVE PLAN ORDINANCE #175,  
6 AS AMENDED; AMENDING THE LINCOLN COUNTY ZONING ORDINANCE #34, AS  
AMENDED; AND DECLARING AN EMERGENCY.

7 WHEREAS, the Lincoln County Board of Commissioners through  
8 Resolution 83-1-6 directed the Planning Commission to conduct a  
9 public hearing to consider revisions to the Lincoln County Compre-  
10 hensive Plan and Zoning Ordinance to delete the geotechnical re-  
11 quirements with respect to beach front protective structures; and

12 WHEREAS, the Planning Commission has conducted said  
13 public hearing in accordance with law; and

14 WHEREAS, the Planning Commission has recommended to this  
15 Board that the Comprehensive Plan and Zoning Ordinance be revised  
16 to delete the geotechnical requirements for the installation of  
17 beach front protective structures; and

18 WHEREAS, notice of the proposed revisions has been pro-  
19 vided to the Department of Land Conservation and Development as  
20 required by law;

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

23 SECTION I: COMPREHENSIVE PLAN:

24 The Lincoln County Comprehensive Plan ordinance #175,  
25 as amended, is hereby amended as set forth in exhibit "A".

26 SECTION II: ZONING ORDINANCE:

1           The Lincoln County Zoning Ordinance #34, as amended,  
2 is hereby amended as set forth in exhibit "B".

3 SECTION III:           SEVERABILITY:


4           If any portion of these amendments is declared invalid  
5 or void, all other portions of the amendments shall remain in  
6 effect.

7 SECTION IV:           EMERGENCY CLAUSE:

8           This ordinance being necessary for the immediate pre-  
9 servation of the public peace, health and safety, and emergency  
10 is hereby declared to exist and this ordinance takes effect on  
11 its adoption.

12           DATED this 19th day of October, 1983.

13           LINCOLN COUNTY BOARD OF COMMISSIONERS

14             
15           G.E. Stuart, Chairman

16           Excused  
17           R.D. Jantzi, Commissioner

18             
19           Bob Deskins, Commissioner

Comprehensive Plan Amendments

Ordinance # 201

Exhibit "A"

Natural Hazards policy 2. is amended to read as follows:

2. Except for beach front protective structures regulated by state permitting agencies, Lincoln County shall require site investigation reports from a registered professional geologist or certified engineering geologist prior to consideration of development requests in areas of known or suspected geologic hazards. Forest operations shall be subject only to the requirements of the Forest Practices Act.

Beaches and Dunes policy 1. is amended to read as follows:

1. Lincoln County shall base land use decisions in beach and dune areas, other than older stabilized dunes, on specific findings which shall include the following:
  - a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
  - b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
  - c. Methods for protecting the surrounding area from any adverse effects of the development; and
  - d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

Beaches and Dunes policy 2. is amended to read as follows:

2. Lincoln County shall recognize the authority of the Division of State Lands and the Oregon Department of Transportation to regulate the placement of beach front protective structures, such as bulkheads, seawalls, rip-rap and similar protective structures. The above agencies findings for such permits shall address and comply with Lincoln County Beach and Dune Policies 3 and 4 below, and shall address the following:
  - 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. Methods and techniques designed to minimize adverse impacts on the site and surrounding area; and
- d. The necessity for beachfront protective structures.

Beaches and Dunes policy 3. is amended to read as follows:

- 3. Beachfront protective structures will be designed to minimize impacts on the beach on either side of the beach zone line and on beach erosion and accretion patterns.

Beaches and Dunes policy 4. is amended to read as follows:

- 4. Beachfront protective structures may be permitted only where development existed on January 1, 1977.

Beaches and Dunes policy 14. is amended to read as follows:

- 14. Except for beachfront protective structures regulated by state permitting agencies, Lincoln County shall establish development standards consistent with the recommendations of the RNKR Environmental Hazard Inventory and Department of Geology and Mineral Industries Bulletin 81.

Beaches and Dunes policy 20 b. is amended to read as follows:

- 20. b Sand Areas: Except for beachfront protective structures which are regulated by state permitting agencies, a detailed geotechnical analysis shall be required for active or conditionally stable dune forms and for areas of high groundwater.

Zoning Ordinance Amendments

Ordinance # 201

Exhibit "B"

Article 3 - Use Zones

Sections 3.010(1), 3.045(1), 3.055(1), and 3.210(1) are amended to add "Beachfront Protective Structures" as a use permitted outright.

Sections 3.010(2), 3.020(2), 3.030(2), 3.040(2), 3.045(2), 3.055(2), 3.110(2), 3.120(2) and 3.210(2) are amended to delete "Beachfront Protective Structures" as a conditional use.

Article 13 - Development Guidelines

Section 13.060(3) (c) is amended to read as follows:

- c. 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, drainage farm lands, or alleviating flood hazards), and only if the breaching and restoration after breaching is accomplished under the supervision of a qualified sand expert.