

1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR LINCOLN COUNTY, OREGON

3 ORDINANCE NO. 274

4
5 AN ORDINANCE AMENDING ORDINANCE #209 AND LINCOLN COUNTY CODE,
6 CHAPTER ONE, ADDING LANGUAGE TO SECTION 1.0105, BEACHES AND
7 DUNES, POLICY 4, AND DECLARING AN EMERGENCY

8 WHEREAS the Lincoln County Planning Commission held a
9 public hearing on October 10, 1988, as directed by Commission
10 Resolution 88-27-7-A, to consider revision to the Beaches and
11 Dunes policy contained in the Lincoln County Code; and

12 WHEREAS the Planning Commission, upon conclusion of the
13 hearing, recommended that the Code be revised; and

14 WHEREAS in making its recommendation, the Planning
15 Commission made the following FINDINGS OF FACT:

16 1. Lincoln County Comprehensive Plan Goals for Beaches
17 and Dunes include the goal of "ensuring that development is
18 adequately protected from geological hazards, . . . undercutting
19 and storm waves."

20 2. Lincoln County Comprehensive Plan policies and
21 zoning regulations require the provision of oceanfront setbacks
22 based on historic rates of coastal recession for all new
23 development.

24 3. Coastal recession is usually localized in
25 occurrence and is highly unpredictable.

26 4. Notwithstanding the provision of reasonable
27 setbacks based on the best available information, there is
28 potential for new development to be threatened by unforeseen or
29 catastrophic episodes of shoreline erosion.

30 5. In such instances, there may be a need to provide
31 beachfront protective structures in order to safeguard life and
32 property.

33 6. The Lincoln County Comprehensive Plan currently
34 does not provide for the placement of beachfront structures in
35 areas where development did not exist on January 1, 1977.

36 7. The Statewide Planning Goals provide for the
37 placement of beachfront structures in areas where development did
38 not exist on January 1, 1977, through the Goal 2 Exception
39 process.

1 8. The proposed amendment would provide for the
2 application of the exception process to requests for the
3 placement of beach front structures in areas of Lincoln County
4 where development did not exist on January 1, 1977, consistent
5 with Goal 2.

6 9. Division of State Lands and State Parks and
7 Recreation Division regulations for beachfront protective
8 structures provide for the issuance of emergency permits in cases
9 where imminent threats to life or property exist.

10 WHEREAS the Commission reached the following
11 CONCLUSIONS:

12 1. The proposed amendment will be consistent with the
13 Lincoln County Comprehensive Plan Goals and Policies.

14 2. There is a public need for the proposed amendment
15 in order to provide for the protection of life and property in
16 instances of severe coastal erosion; the proposed amendment will
17 provide for a process to evaluate this need on a case-by-case
18 basis.

19 3. The proposed amendment will be consistent with the
20 applicable provisions of the Lincoln County Code, the Statewide
21 Planning Goals, and other applicable statutes and regulations,
22 specifically those administered by the Division of State Lands
23 and the State Parks and Recreation Division which addresses
24 beachfront protective structures; and

25 WHEREAS following legal notice, the Board conducted a
26 public hearing to consider the proposed amendment to the County
Code on November 30, 1988, and has determined that the proposed
amendment is in the public interest;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION I: That Section 1.0105 of the Lincoln County
Code is amended as follows (new language underlined):

(4) Beachfront protective structures may be
permitted only where development existed on
January 1, 1977, unless an exception to Statewide
Planning Goal 18, implementation requirement 5,
has been adopted as part of the comprehensive
plan.

SECTION II: That this Board adopts the findings
and conclusions as recommended by the Planning Commission
in their entirety, and said findings and conclusions are
hereby made a part of this ordinance.

1 SECTION III: That a copy of this ordinance be
2 provided to the Lincoln County Planning Department.

3 SECTION IV: That this ordinance being necessary for
4 the immediate preservation of the public peace, health, and
5 safety, an emergency is hereby declared to exist and this
6 ordinance takes effect upon its adoption.

7 DATED this 30th day of November, 1988.

8 LINCOLN COUNTY BOARD OF COMMISSIONERS

9 *Norma McMillin*
10 NORMA McMILLIN, Chairman

11 *Frank Armstrong*
12 FRANK ARMSTRONG, Commissioner

13 *Alberta Bryant*
14 ALBERTA BRYANT, Commissioner