

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 500

4 _____
5
6 **Relating to Land Use Planning; Amending Ordinances #466, #473 and #477 and LCC 1.0108**
7 **and LCC 1.1385 (Bayshore Dune Management Plan and Foredune Management Overlay**
8 **Zone)(Case File # 02-TA-17); and declaring an emergency.**
9 _____

10 WHEREAS Lincoln County by Ordinances #466, #473, and #477 developed, implemented
11 and amended the Bayshore Dune (Foredune) Management Plan and Strategy (hereinafter known as
12 the “Bayshore Plan”) with the objective to reshape the foredune system seaward stabilized by
13 vegetation plantings within the management area. The County, through these Ordinances, also
14 adopted the “Bayshore Plan” (LCC 1.0108) and a “Foredune Management Overlay Zone” (LCC
15 1.1385) to implement the plan; and

16 WHEREAS since the initial adoption and implementation of the Bayshore Plan and
17 Management Zone (August 8, 2012, Ordinance #466) and amendments on March 5, 2014
18 (Ordinance # 473) and September 3, 2014 (Ordinance # 477) and after further consultation with
19 parties who developed the code, land owners, utilities and agencies who work with the code, and
20 Oregon State Parks, the Oregon Department of Land Conservation and Development and Oregon
21 Department of Geological and Mineral Industries, the County has determined that an additional
22 amendment of the plan to change the boundary lines of the Management Area subject to the
23 Bayshore Plan and Foredune Management Overlay Zone is warranted; and

24 WHEREAS by Resolution # 17-13-3B adopted by the Board of Commissioners on March
25 15, 2017 the Board initiated a potential code amendment to consider altered boundaries; and

1 WHEREAS on September 25, 2017 after notice in accordance with law, the Lincoln County
2 Planning Commission held a public hearing to consider the proposed amendment of the Lincoln
3 County Code, Chapter 1, Land Use Planning (Case File #02-TA-17). In summary, the amendment
4 would move the eastern boundary of three subject management units with the management area 80
5 (eighty) feet west from the east right-of-way border along NW Oceania Drive to the west side of
6 NW Oceania Drive, coterminous with the western edge of the right-of-way. As explained in the
7 Staff Report from Planning and Development Director Onno Husing to the Planning Commission
8 dated September 15, 2017¹, the boundary is a regulatory construct, and moving it to the new
9 location will allow for removal of sand from the road (a safety and public utility issue) without
10 compromising the overall objectives of the Bayshore Plan; and

11 WHEREAS after the hearing and deliberations, the Planning Commission unanimously
12 recommended approval of the proposed boundary change; and

13 WHEREAS after notice as required by law, the Board of Commissioners held a public
14 hearing on November 1, 2017 to consider the amendment as set forth in this Ordinance. At the
15 conclusion of the hearing the Board voted unanimously to adopt the Ordinance as presented;

16 NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

17 **SECTION 1.**

18 1. Notwithstanding any other provision of the Lincoln County Code (LCC) Chapter One,
19 Land Use Planning and the Bayshore Foreduces Management Plan adopted by Ordinance # 466 as
20 amended by Ordinance #s 473 and #477 (including but not limited to LCC 1. 0108 and LCC

¹ Which is incorporated herein as is fully set forth and is hereby adopted as the legislative findings supporting this Ordinance. The Board also adopts the finding that this Ordinance is needed immediately to allow for work before the next winter season inundates the Bayshore area with additional sand, furthering public safety/.first responder access concerns and other public facilities/utilities potential damages.

1 1.1385) the boundaries of the Management Plan planning area (Figure 2) and the Management
2 Units in the Planning Area (Figures 3A-B) and Figures 10, 14, 20, 23 and 27 and any other
3 references to boundaries of the planning area whether in text, figures, or appendices are hereby
4 amended as follows:

5 the easterly boundary of the management units is now the west right-of-way
6 line along NW Oceania Drive (moved from its former location on the east
7 right-of-way line of NW Oceania Drive)
8

9 2. Any elements of the plan portraying or containing a description of the boundaries of the
10 Dune Management Plan not specifically identified in Section 1 above shall be superseded by the
11 change in boundaries. The Lincoln County GIS Department is hereby authorized to prepare a new
12 official map of the boundaries of the Planning Area reflecting this change.

13 **SECTION 2.**

14 County Counsel is directed to add the language of Section 1, Paragraph 1 above as a note
15 under LCC 1.0108 to reflect the change in the next county code update.

16 **SECTION 3.**

17 This Ordinance being necessary for the immediate preservation of the public peace, health
18 and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.


DATED this 1st day of November, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

excused
Terry N. Thompson, Chair


Doug Hunt, Commissioner


Bill Hall, Commissioner

ATTESTED TO:

Kristi Whitaker, Recorder

APPROVED AS TO FORM:

Wayne Belmont, County Counsel