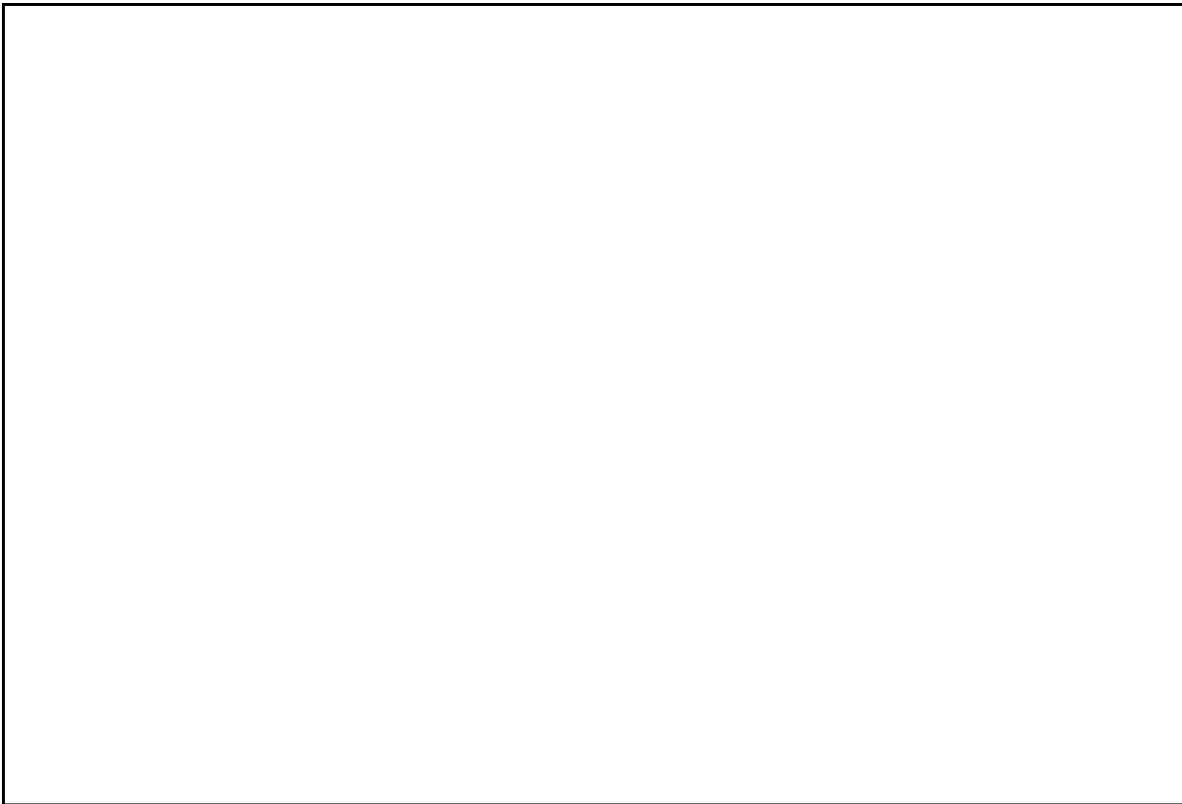


**Lincoln City Comprehensive Plan**  
**including**  
**Lincoln City Estuary Management Plan**



Printed October 1998

**Lincoln City Comprehensive Plan**  
**including**  
**Lincoln City Estuary Management Plan**



Department of Planning and Community Development  
P.O. Box 50  
801 SW Highway 101  
Lincoln City, Oregon 97367  
541/996-2153  
541/996-1284 Fax

Printed October 1998

Historical photographs courtesy of the North Lincoln County Historical Museum and Society

Cover - Nelscott  
Comprehensive Plan title page - Delake  
Estuary Management Plan title page - Taft

# COMPREHENSIVE PLAN

## TABLE OF CONTENTS

Introduction to Lincoln City.....	3
<b>GOALS</b>	
Land Use Planning .....	6
Citizens Involvement Program.....	18
Public Services & Utilities .....	19
Urbanization.....	25
Natural Hazard .....	27
Housing .....	28
Economy .....	30
Aesthetics .....	32
Transportation .....	34
Energy .....	38
Overall Environmental.....	40
Shoreland, Beaches, Dunes, Estuary, & Ocean Resources .....	44
Development Categories .....	50

**LINCOLN CITY ESTUARY MANAGEMENT PLAN**

Attached

## Comprehensive Plan

Action	Ordinance No.	Adoption Date
Adoption	Ordinance No. 84-01	January 23, 1984
Amendment	Ordinance No. 90-29	December 10, 1990
Amendment	Ordinance No. 92-02	January 13, 1992
Amendment	Ordinance No. 94-08	May 23, 1994
Amendment	Ordinance No. 94-11	May 23, 1994
Amendment	Ordinance No. 94-18	November 14, 1994
Amendment	Ordinance No. 95-01	January 9, 1995
Amendment	Ordinance No. 95-07	February 27, 1995
Amendment	Ordinance No. 95-11	March 27, 1995

**Notes:**

In accordance with Section 2 of Ordinance No. 84-01, the *Comprehensive Plan* land use designations (as amended) are the same as shown on the *Zoning Map* adopted by Ordinance No. 84-02 (as amended).

For clarification purposes, staff has added section headings in the *Comprehensive Plan*. These headings, which according to available records, were not part of the City Council's adoption of the *Comprehensive Plan* by Ordinance No. 84-01, are shown in *italics*.

### Adopted Documents Supporting Comprehensive Plan

Document	Adopted By	Adoption Date
Additional Inventory <sup>1</sup>	Resolution No. 83-03	January 25, 1983
Inventory Material <sup>1</sup>	Ordinance No. 84-01	January 23, 1984
Economic Inventory <sup>1</sup>	Resolution No. 95-01	January 9, 1995

### Adopted Documents Implementing Comprehensive Plan

Document	Adopted By	Adoption Date
Parks Master Plan <sup>2</sup>	Resolution No. 94-09	May 23, 1994
Citizen Involvement Program <sup>1</sup>	Resolution No. 94-33	November 14, 1994
Transportation Master Plan <sup>3</sup>	Resolution No. 95-09	February 27, 1995
Storm Water Master Plan <sup>3</sup>	Resolution No. 95-11	March 27, 1995
Wastewater Master Plan <sup>3</sup>	Resolution No. 95-11	March 27, 1995

<sup>1</sup> Available from the Planning and Community Development Department

<sup>2</sup> Available from the Parks and Recreation Department.

<sup>3</sup> Available from the Public Works Department.

## **PREAMBLE**

We, the citizens of Lincoln City, in order to promote fulfillment of our highest aspirations for the development of our community, and to incorporate into the conduct of our private and corporate lives the principles of human dignity, social responsibility, and stewardship over land and resources, do set forth herein the policies we will uphold and the goals we will pursue in the management of our civic affairs, our decisions concerning the use of the land and its resources, our acts for the public health and welfare, and our pursuit of our personal and social satisfaction and our economic and commercial affairs.



## INTRODUCTION TO LINCOLN CITY

Lincoln City is located along the shore of the Pacific Ocean in central Oregon. The City borders Siletz Bay, one of the few estuaries along the rugged Oregon Coast. Much of the city is built on the marine terrace, a narrow plateau of sediments that formed in ancient times when the ocean's depth was much greater than it is now. Other areas of the City rest on headlands of the Coast Range or reach upward along the foothills of the mountains that form the City's eastern backdrop.

The Pacific Ocean dominates the humid, temperate, maritime climate. Summers are cool, dry, and generally fair after morning fog. Winters are mild, cloudy, and rainy.

The temperate climate and attractive environment enhanced by the ocean, mountains, and nearby forests, rivers, lakes, and estuaries, draw people not only from all parts of Oregon and all states of the union, but also from distant parts of the earth. As a result, recreation has become the City's primary industry, and the City provides a substantial portion of the State's tourist income.

The ocean beach is major attraction for visitors to the City. Beachcombing, rock hunting, driftwood collecting, bird watching, and simply walking along the beach are popular activities that bring people to the oceanfront. The beach is public and the City has provided numerous access points. The beach is used during all seasons by both visitors and residents. Even the fierce winter storms that occasionally pummel the coast attract visitors to watch and photograph the drama of the sea and shore.

Angling is also available year-round in the Lincoln City area. Coho Chinook salmon, and numerous types of bottom fish and rockfish are sought in the ocean. Salmon and Steelhead enter the numerous coastal streams and rivers near Lincoln City in all seasons, depending on the species. Sea-run cutthroat trout and native coastal cutthroat trout can also be found in streams and rivers. Devils Lake, which is within the city's Urban Growth Boundary, harbors largemouth bass, perch and rainbow trout. Crabs can be taken from Siletz Bay.

The public and private forests of the Coast Range provide additional recreational activities, although the forests are primarily managed for the intensive harvest of timber. The rugged, sometimes heavily forested peaks provide vast green panoramas for viewing and photography. Hiking trails are maintained along Cascade Head by the National Forest Service, and the State is developing a coast trail for hiking and backpacking. Blacktail deer, Roosevelt elk, ruffed grouse, quail, and pigeons are hunted in the mountains not far from the City. Ducks and geese stop at Siletz Bay in the Salmon River Estuary on their migrations.

National forest campgrounds are located near the City and along the coast north and south of the area. State campgrounds are available at Devils Lake and several points along the coast. Scenic viewpoints and picnicking areas are provided by the State and the City.

Devils Lake is popular for sailing and water skiing, besides angling. It is also the site of annual hydroplane races.

There are five golf courses open to the public and within fifteen minutes of Lincoln City.

Lincoln City is a popular vacation and weekend destination of residents of Oregon's populous Willamette Valley. The City is about 89 miles southwest of Portland, about 55 miles west of Salem, and about 122 miles northwest of Eugene. State Highway 18 serves as a major route between the City and the Willamette Valley. It is the most heavily travelled route across the Coast Range between the interior valley and the coast.

Highway 18 intersects U.S. Highway 101, which is the only north-south route serving coastal Oregon communities, only a few miles north of Lincoln City.

U.S. Highway 101 serves as the main street for Lincoln City and most businesses in the City are located on this highway.

The City's economy predominately consists of numerous motels and small businesses such as restaurants and gift shops which serve tourists and recreational needs.

Since its incorporation in 1965, the City has grown in population from 4,198 to 5,820 permanent residents. The City has attracted many retired people and a large portion of its population is over 65 years of age. Many of the City's residences are used as vacation homes or were purchased in expectation of future retirement.

Lincoln City's incorporation in March, 1965, combined the three incorporated cities of Taft, Delake, and Oceanlake and the unincorporated communities of Cutler City and Nelscott. The new City has a Council-Manager form of government. Under the City's Home Rule Charter, the seven member City Council has power to legislate on matters of local concern and to hire a City Manager as the City's chief executive.

The City is divided into three wards with one Council member elected from each ward every two years. The Mayor, who serves as the presiding officer of the City Council, is elected at large for a four-year term. The council members serve without compensation.

The City provides water and sewer services, police protection, and a variety of cultural and recreational services. The City supports a public library and has an active community education program jointly sponsored with Linn-Benton Community College and the Lincoln County School District. The City recently completed a new community activity center that contains a large swimming pool, a senior center, recreation and education offices, and meeting rooms available to the public. In addition to beach access points, the City maintains several public parks.

The City provides financial support to the Lincoln City Chamber of Commerce and provides tax receipts for the Chamber's promotional programs. The City also co-sponsors with the Oregon Coast Council for the Arts, an annual Sea Coast Harvest Fair, held in the City's Regatta Grounds Park. The Fair emphasizes the work of local artists and artisans.

Private utilities serving the City are Pacific Power and Light Company, which provides electricity, Northwest Natural Gas, and United Telephone of the Northwest.

Public education is provided by the Lincoln County School District.

Health care is provided by numerous private physicians and a 48-bed hospital operated in the City by the North Lincoln Health District. The Health District is governed by a publicly elected board, which supervises hospital administrators and may propose the sale of tax-supported bonds for some hospital projects.

Other government services are available to Lincoln City residents through County and State programs. Lincoln County maintains offices at Newport, the County seat, about 25 miles south of Lincoln City. The Oregon State Police, Motor Vehicles Division, and Department of Forestry maintain offices in Lincoln City. State Employment Division representatives visit the City on a regular schedule.

## LAND USE PLANNING

The Comprehensive Plan of the City of Lincoln City is a document which guides land use decisions in the City of Lincoln City. The Plan identifies issues and problems in the City of Lincoln City and considers social, economic, energy and environmental needs. The Plan shall be the basis for specific implementation measures. The Plan establishes Goals and Policies which establish a general framework and general principles to guide implementing land use regulations such as the zoning ordinance, and other provisions which would be included in a Land Development Code. The implementing measures provide the specific approval criteria applicable to individual land use decisions.

### GOAL - Planning

To Establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

### GENERAL IMPLEMENTATION

#### Introduction

Since zoning was first established in New York City in 1915, land use regulation has evolved into a fairly sophisticated network of many techniques and strategies. Several techniques applicable to Lincoln City are herein presented. They are included because, in most instances, the comprehensive plan will not implement itself, although recent Oregon court cases emphasize that a comprehensive plan is, in fact, the controlling land use planning instrument for a city.

The techniques presented will not be effectuated immediately. Some may never be enacted and others may not be put to use for several years. They are presented to outline possible strategies and courses of action that may be desirable in the future.

### INVENTORY OF IMPLEMENTATION TECHNIQUES

#### Zoning

Zoning is the most common method of land use regulation and control. It is generally guided by the comprehensive plan. Through the application of various zoning districts, such as Single Family Residential, Commercial or Floodplain, only certain land uses and development densities and intensities are permitted so a community may develop in an orderly and efficient manner in accord with the comprehensive plan. For zoning ordinances to be valid, they must promote the general welfare and be reasonable.

Essentially, zoning is a means of ensuring that the land uses of an area are properly situated in relation to one another. It provides adequate amounts of space for each type of development. It allows for the control of development density so that the property can be adequately utilized without causing undue stress on the natural environment. This allows the directing of new

growth into appropriate areas where public facilities and services exist or can be reasonably provided. It is necessary that zoning be used in a coordinated manner with other devices, such as subdivision regulations, to promote orderly growth. Recently, zoning and subdivision ordinances, among other techniques, have been combined into a single overall land use code in some communities. Although this has not generally changed the purpose or intent of the various ordinances, it has provided for a more concise and more readily understood assembly of land use regulations.

Most present day zoning enabling legislation is based upon the U.S. Department of Commerce 1924 Standard Zoning Enabling Act which defines zoning as the division of a governmental unit into districts and the regulation within those districts of:

1. The height, bulk, and site orientation of buildings and accessory structures.
2. The area of a lot or parcel which may be occupied by structures and the size of required open spaces.
3. The density of development and the overall population.
4. The use of land for each or the basic land uses.

Zoning by parcel size restrictions and use is by far the most popular and accepted type of zoning used. Another commonly used zoning device is density zoning. It establishes a maximum density for an area, usually in acreage required per dwelling unit and then allows the clustering of units so long as the overall density standard is maintained. Refer to section on Planned Unit Development.

### Subdivision Regulations

The earliest communities in this county were laid out by royal directives. A principal ingredient of most such directives was a map of the street system, typically a grid-iron pattern. From these early beginnings grew the U.S. Department of Commerce 1928 Standard City Planning Enabling Act, which gave birth to the modern subdivision ordinance.

Subdivision regulations are locally adopted laws governing the process of converting raw land into buildable sites. This is normally accomplished by plat map review and approval procedures. As a practical matter, much subdivision regulation is treated as a bargaining process between a developer who desires cost effective standards of development, and the governing body which must protect the general public interest.

Subdivision regulations may serve a wide range of purposes. They enable the coordination of otherwise unrelated plans of numerous individual developments and in this process ensure that adequate provision is made for such major features of the comprehensive plan as rights-of-way for streets and utilities, parks, schools and public facilities such as sewer and water. Subdivision regulations also provide a measure of control over internal design to ensure that the pattern of streets, lots, and other public facilities will be safe, convenient, pleasant and economical to maintain.

A common requirement for approval of a subdivision plat is the dedication of a certain percentage of each subdivision for permanent open space or other needed public facilities, or a payment of fees in lieu thereof. The required dedication is justified on the grounds that each subdivider should provide community facilities in relation to the demand generated by the development.

Subdivision regulations can also incorporate performance standards to affect the appearance, quality, ecology, energy efficiency and solar orientation of an area by requiring that specific standards be met. When integrated with planned unit development, the subdivision ordinance should allow for optimal innovation and design flexibility.

To be most effective, subdivision regulations and their administration must be closely coordinated with other local policies, ordinances and activities. Among these, the more important ones are the comprehensive plan, the zoning ordinance, health and safety regulations and the uniform building code.

### Land Acquisition

Acquisition of a title (fee simple) or partial acquisition (less than fee simple) are methods that are available to all levels of government to acquire land for public purposes. Acquisition of title usually involves:

1. Outright purchase.
2. Negotiated purchase.
3. Advance acquisition or land banking.
4. Installment purchase.
5. Donation or gift.
6. Eminent domain or condemnation.
7. Trade or land exchange.

Partial acquisition or less than fee simple is often used when the cost of direct acquisition is too great or less extensive control is adequate. Less than fee interests are normally called development rights. Some advantages to less than fee acquisition include lower cost in some cases, retention of lands on the tax rolls and the efficiency of private management. Acquisition of less than fee simple usually involves:

1. Scenic easements
2. Conservation easements.

### 3.Purchase and resale with restrictions.

#### Transferable Development Rights (TDR)

This concept is based on the underlying principle that the development potential of privately owned land is, in part, a community asset that government may allocate and regulate to enhance the public's general welfare. In concept, TDR provides a means of allowing an equitable return on land investment to property owners whose return might be otherwise reduced by normal regulatory activity.

Basically, TDR works in the following manner: Conservation and transfer zones are established, usually through an overlay technique. Development is reduced or not allowed in conservation zones such as historic preservation districts, environmentally or ecologically sensitive, or other areas where development is not desirable, and the development potential or rights are severed from parcels in the conservation zone. Normally, the rights are bought and sold on the open market and the costs of rights is therefore determined by free market forces. There is an allowed maximum density in transfer zone area, but that density can be exceeded by the purchase of development rights from conservation zone property owners. For Lincoln City, TDR may have four basic uses:

- 1.Historic preservation.
- 2.Buffering.
- 3.Alternative zoning.
- 4.Preserving environmentally and/or ecologically sensitive, fragile areas.

#### Planned Unit Development/Cluster Housing

Cluster is the development pattern and technique wherein structures are arranged into closely related groups. Instead of distributing houses uniformly over an entire area, clustering enables a developer to build at higher densities in certain locations and to preserve natural features in others. Cluster development requires a greater degree of skill to implement than does conventional subdivision planning. However, cluster arrangements offer a greater overall land use efficiency and more land in common open space. Open space held in common is typically managed through a homeowner's association.

Planned Unit Development (PUD) is an extension of cluster planning. The concept basically involves a mixture of densities, housing types and land uses. It may also include land uses of a cultural or recreational character. Like cluster planning, residential density, averaged over the entire area being planned, offers overall development control rather than individual lot regulations based on size and setback. The concept also allows a level of creativity and innovation of design not possible in conventional subdivisions. Generally, the advantages of planned unit development include:

- 1.Building cost reduction.

- 2.Reduced costs for providing public facilities to the development since fewer streets are needed than for servicing scattered sites.
- 3.Preservation of larger amounts of open space, or ecologically/environmentally sensitive or fragile areas.
- 4.Provides for innovative design flexibility.
- 5.Provides for more compatible land use mixture.

### Special Review Committees

Special programs headed by committees or commissions are often used for purposes of site plan review, architectural review, historical review, or a combination of these and other matters of concern to a community. These committees are normally afforded broad guidelines for review and discretion is required to ensure that development pays close attention to community standards and detail. In some cases, more than one special review committee, in addition to the planning commission, is consulted for a recommendation. Often, this creates unnecessary delays and works to the overall disadvantage of all involved. Communities should seek to streamline special review procedures and consolidate the interests of various committees into a single, well-organized and clearly defined special review committee.

### Building Code

The building code is designed to protect the health and safety of people using property and structures designed for human occupation. A variety of standards are contained in the Uniform Building Code (UBC), and single- and two-family (CABO) which relate to structural strength, fire safety, sanitation facilities, light, ventilation and room sizes. The Code, in most cases, sets the minimum requirements for a structure and can often be supplemented to provide for other local needs. Such needs often relate to standards for the energy efficiency of structures.

### Code Enforcement

Code enforcement can be defined by four different levels of application: light penalty and intermittent enforcement, light penalty and continuous enforcement, heavy penalty and intermittent enforcement, and heavy penalty and continuous enforcement.

Generally, code enforcement protects the public health, safety and welfare by preventing the deterioration of structures and by ensuring that the community standards embodied by the comprehensive plan and implementing ordinances is adhered to.

### Physical Impact and Maintenance Codes

The variety of available devices does not necessarily provide for wise and appropriate land use as much as providing techniques to ensure the preservation of such areas in their desired state. Such devices include:

1. Litter control.
2. Weed and insect control.
3. Erosion control.
4. Floodplain control.
5. Grading controls.

### Capital Improvements Planning and Programming

In addition to being an effective tool for implementing a comprehensive plan, a capital improvements program (CIP) is an effective means to ensure that public dollars are wisely spent.

The investment of public funds in such facilities as streets, schools, utilities or buildings clearly has an impact on the pattern of community development. Planning for such public facilities and the announcement of public intentions to acquire properties or schedule construction of new facilities can do much to influence private sector decisions. Since government actions can influence the pattern, timing and standards of private development, a coordinated mechanism for planning and programming public capital investments is desirable to balance competing pressures for limited funds, systematically review project proposals and demonstrate to the taxpaying public that fairness and objectivity are being exercised in public expenditures to achieve identified community goals. With the growing complexities in both financing and development activities, even the smallest units of government need to carefully analyze the way funds are allocated to be sure they maximize the available dollars. No agency has enough money to accomplish its objectives, so it must have a method for determining priorities.

It is customary to prepare a capital improvements budget and program annually, revising the entire program as part of the annual budgetary process. Long-range projects and their estimated costs are normally planned over a period ranging from five to ten years by means of continuous updates of public facilities master plans. Various component methods are available to inventory and prioritize projects for capital programming and allocate specific amounts of annual public funding for each month.

### Plan Review and Amendment

Although the comprehensive plan is designed and intended to be the controlling land use planning instrument to the year 2010, it is important to recognize and effectively deal with major changes in the community. The comprehensive plan reflects the desires of the community at the time it is adopted and must be continually reviewed and revised to keep pace with changing circumstances and community desires and standards.

At the time of periodic review, decision makers should re-examine the plan and consider, at their discretion, possible amendments to the plan text and generalized land use map. During this process, the thinking that led to the principal concepts of the plan should be weighed against the merits of the proposed changes. This periodic review is the primary mechanism designed to ensure that the plan is kept up to date and not ignored as an obsolete, outmoded or unusable document.

At the time of periodic review, the plan may undergo major reconsideration. This process should entail an overhaul of the entire plan, including new data inventory, updated forecasts and major restudy of plan goals, policies and implementation strategies. The following are the basic processes that should be used in reviewing, updating and amending the various components of the comprehensive plan, including the urban growth boundary.

#### DATA BASE UPDATE

- (a)Primary Responsibility: Staff.
- (b)Initiation of Amendment: Staff.
- (c)Type of Amendment: Minor (Informal).
- (d)Review Responsibility: Planning Commission.
- (e)Final Action: Planning Commission.
- (f)Frequency: Whenever necessary. This update does not relate to the goals, policies, implementation strategies, forecasts or distribution formulas of the plan text.
- (g)Procedure: Data update is a continuing process and should be considered whenever a sufficient amount of data has been collected to merit a significant addition to the comprehensive plan. The material to be included is reviewed by the city administrative staff and is then presented to the planning commission for final review and amendment. Unless requested, a public hearing need not be held and public notice not occur.

#### PLAN GOALS, POLICIES, IMPLEMENTATION STRATEGIES, FORECASTS AND DISTRIBUTION AND ALLOCATION FORMULAS REVIEW AND AMENDMENT; ZONING ORDINANCE TEXT AMENDMENT

- (a)Primary Responsibility: City Council, Planning Commission
- (b)Initiation of Amendment: City Council, Planning Commission, or by a resident of Lincoln City.
- (c)Type of Amendment: Major (Legislative or Quasi-Judicial)

(d)Review Responsibility: Planning Commission, Special Committee(s), Affected Agencies.

(e)Final Action: City Council.

(f)Frequency: Amendments may be proposed at any time subject to initiation. Every periodic review sequence, major text revisions will occur through a broad legislative process. During this periodic review process, proposed amendments received during the interim will be considered by the planning commission. If compelling reasons for these amendments occur between review periods, a majority vote of the planning commission and city council can authorize immediate initiation of the proposed amendment.

(g)Procedure: Proposed amendments should be considered based upon a finding that one or more of the following standards are met:

- (1)Updated data manifests significantly different trends than indicated by previous data;
- (2)New data reflects a new or previously disclosed public need;
- (3)New community attitudes representing a significant departure from previous attitudes is found to exist by the planning commission or city council;
- (4)Changes in statutory or case law occur which affects the applicability or appropriateness of applicable portions of the plan text;
- (5)A demonstrable error or inconsistency is found to exist.

The proposed amendment will be presented for review to the planning commission. The planning commission may, at this point, elect to hold a public hearing. The proposal will then be sent to all city departments, review committees and affected agencies for review. Upon receiving input from the various review bodies, the planning commission may elect to hold a public hearing with proper public notice, as set forth in state law or forward a recommendation directly to the city council. The city council will hold at least one public hearing with proper public notice, as set forth in state law.

#### COMPREHENSIVE PLAN AND ZONING: MAJOR REVISIONS

Definition of Major Revision: Changes to the comprehensive plan and zoning map that have widespread and significant impact upon the immediate area of the change; such as quantitative changes, producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to commercial land use; or a spatial change that affects large areas or many different ownerships. A determination of whether a proposed change is major or minor is made by the planning director or city manager.

(a)Primary Responsibility: City Council, Planning Commission.

(b)Initiation of Amendment: City Council, Planning Commission, or by application of property owner(s).

(c)Type of Amendment: Major (Legislative).

(d)Review Responsibility: Affected Agencies, Planning Commission.

(e)Final Action: City Council.

(f)Frequency: Amendments may be proposed at any time, subject to initiation. During periodic review process, major map revisions will be considered through a broad legislative process. During this periodic review, proposed amendments received during the interim will be considered by the planning commission. If compelling reasons for these amendments occur between periodic review periods, a majority vote of the planning commission and city council can authorize immediate initiation of the proposed amendment

(g)Procedure: The proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan.

The proposed amendment will be presented for review to the planning commission. The planning commission may, at this point, elect to hold a public hearing, after the proposal is sent to all city departments, review committees and affected agencies for review. Upon receiving input from the various review bodies, the planning commission may elect to hold a public hearing with proper public notice as set forth in state law, or forward a recommendation directly to the city council. The city council will hold at least one public hearing with proper public notice as set forth in state law.

#### COMPREHENSIVE PLAN AND ZONING: MINOR REVISIONS

Definition of Minor Revision: Changes to the comprehensive plan and zoning map which focus on specific individual properties and which do not have a significant effect beyond the immediate area of the change. A determination of whether a proposed change is major or minor is made by the planning director or city manager.

(a)Primary Responsibility: City Council, Planning Commission

(b)Initiation of Amendment: City Council, Planning Commission, or by application of property owner(s).

(c)Type of Amendment: Minor (Quasi-Judicial)

(d)Review Responsibility: Affected agencies, planning commission.

(e)Final Action: City Council.

(f)Frequency: Amendments may be proposed at any time subject to initiation. Minor map revisions will be considered on a case by case basis.

(g)Procedure: The proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan.

Upon receiving input from the various review bodies, the matter will then be presented to the planning commission who may elect to hold a public hearing with proper public notice as set forth in state law, or forward a recommendation directly to the city council. The city council will hold at least one public hearing with proper public notice, as set forth in state law.

#### URBAN GROWTH BOUNDARY AND URBANIZATION POLICY REVISIONS

##### Major Revisions

Major revisions in boundary or policies will be considered amendments to both the city and county comprehensive plans, and, as such, are subject to a legislative review process.

A major revision shall include any boundary change that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in population or significant increases in resource impacts; qualitative changes in population or significant increases in resource impacts; qualitative changes in the land use itself, such as conversion of residential to industrial use; or spatial changes that affect large areas or many different ownerships. Any change in urbanization policies is considered a major revision.

Major revisions will be considered by the city and county at the time of first periodic review by the city or at five-year intervals. If the city and county governing bodies find that circumstances prevail which have a significant effect on the public health, safety or general welfare of the community, a major revision could be considered at intervals of less than five years or at periodic review period.

A request for a major revision can be initiated by an individual or group, citizens advisory committees, affected agencies and governing bodies. The party who seeks the revision shall be responsible for filing adequate written documentation with the city and county governing bodies. Final legislative action on major revision requests shall be based on the following factors:

- (a) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs or to assure adequate employment opportunities;
- (b) The orderly and economic provision of urban facilities and services;
- (c) Maximum efficiency of land uses within the current urbanizable area;
- (d) Environmental, energy, economic and social consequences;

(e)Compatibility of the proposed change with other elements of the city and county comprehensive plans;

(f)The other urbanization factors & statewide planning goals.

Major revision proposals shall be subject to a mutual city and county review and an agreement process involving affected agencies and the general public.

#### Minor Boundary Line Adjustments

Minor adjustments to an urban growth boundary line may be considered subject to similar procedures used by the city and county in hearing zoning requests. A minor amendment is defined as focusing on specific individual properties and not having significant impact beyond the immediate area of the change.

Application for a minor boundary line amendment can only be made by property owners, their authorized agents, or by a city or county governing body. Written applications for amendments may be filed in the office of the Lincoln City Department of Planning and Community Development on forms prescribed by the city. The standards for processing an application are as follows:

(a)Documentation must exist indicating the minor adjustment is based on:

(1)A demonstrated need for the change consistent with the urbanization policies of the city and county.

(2)Maximum efficiency of land use and key public facilities.

(3)The effect on the existing land use character in the immediate area of the request.

(b)The applications will be reviewed by the affected city and county planning commission meeting held on an as-needed basis for the express purpose of considering a minor boundary line adjustment.

(e)[sic] The planning commissions are required to forward a recommendation and findings on each application to the city and county governing bodies for final consideration.

(f)[sic] Amendments cannot be made to the urban growth boundary line unless mutually agreed to by a majority from each governing body. Both the city and county governing bodies shall be responsible for the preparation of the actual legal instrument which officially amends the boundary line.

[Land Use Planning amended by Ordinance No. 92-02, adopted January 13, 1992]

## **CITIZENS INVOLVEMENT PROGRAM**

The Lincoln City Citizens Involvement Program is an ongoing process. The effectiveness of government is only measured by the extent that the citizens participate. Only through citizens' participation can a government determine attitudes, needs, and desires of its public. Without adequate citizen participation, government decisions are made in a void.

### **CONCLUSION:**

Lincoln City recognizes that citizen involvement is necessary in making wise and legitimate land use decisions.

### **Goal - Citizens Involvement**

Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process.

### **Citizen Involvement Policies**

- 1.Lincoln City shall develop multi-media informational programs on the planning process and procedure, such as television and radio talk shows, newsletter, slide and discussion panels.
- 2.Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings.
- 3.Lincoln City shall work with the school district to establish a Lincoln City Government Educational Program in cooperation with the school curriculum.
- 4.Lincoln City shall strive to establish a better liaison with other community groups and senior citizens.
- 5.Lincoln City shall maintain a Committee for Citizen Involvement which is charged with the responsibility for assisting the City Council with the development of a Citizen Involvement Program (CIP) that promotes and enhances citizen involvement in land use planning, implementation of the CIP, and a yearly objective evaluation of the process being used and the effectiveness of the CIP.
- 6.The Committee for Citizen Involvement and its format, responsibilities and the basic element of the Citizen Involvement Program are established by Resolution of the Council.
- 7.Lincoln City shall encourage a variety of citizen programs such as neighborhood associations and other committees to serve in the interest of the community.

[Citizens Involvement Program amended by Ordinance No. 94-18, adopted November 14, 1994]

## ***PUBLIC SERVICES & UTILITIES***

Lincoln City and several special service districts provide a complete compliment [sic] of municipal services. The City has developed master plans for water and sewer utilities and storm drainage which master plans have been adopted and may be amended from time to time by resolution of the City Council. The City has passed supplemental bond levies to begin the construction of needed water and sewer facilities to implement the plans. Other municipal services, such as fire service, health service, telephone and gas service, are located in Lincoln City and provide utilities on a regional basis to the North Lincoln County areas. These utilities or services have also completed comprehensive planning to ensure that there are no constraints to future extension of the services. Future utility and service needs have been designed in a manner to accommodate high population projections. Service can be provided within all areas of the Urban Growth Boundary.

[Public Services & Utilities amended by Ordinance No. 95-11, adopted March 27, 1995]

### **CONCLUSION:**

Lincoln City and other providers of utility services have developed an orderly system for providing public facilities necessary for the future growth of the city.

#### Goal - Public Services and Utilities

To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment [sic] the area and serve as a framework for urban and rural development.

#### Overall Public Facility Policies

- 1.It shall be the overall policy of Lincoln City to centralize public facilities where appropriate.
- 2.The City shall utilize the extension of public utilities as a method of controlling growth.
- 3.Lincoln City shall work with utility companies to develop and directly implement programs for placing all utilities underground. This program may be accomplished in conjunction with scheduled street repairs.
- 4.The City shall require new developments to pay for service extensions.

#### Individual Public Facility Policies

##### **I.Sewer and Water:**

- 1.Connection to or extension of public facilities (i.e., water, and sewer) to areas outside existing city limits, but within the adopted Urban Growth Area boundary shall be conditional upon annexation to the City of Lincoln City, unless such service is provided for by written contract executed prior to December 1, 1990. The requirement for annexation may be satisfied by the execution and recording of an irrevocable consent to annexation and waiver of time limitation of such annexation consent by the owner(s) of record.

2. The City staff shall review proposals to extend public facilities and shall consider the following:

a. The amount of vacant land within the city that is presently sewered.

b. The cost of extending the proposed facilities to the area.

c. The central treatment facility capacity necessary to accommodate the extension.

d. IF, following the consideration, the STAFF determines that the extension will cause severe impacts, either physical or financial, the extension will NOT be allowed.

[Sewer and Water amended by Ordinance No. 90-29, adopted December 10, 1990]

[Sewer and Water amended by Ordinance No. 94-08, adopted May 23, 1994]

[Sewer and Water amended by Ordinance No. 95-11, adopted March 27, 1995]

## **II. Drainage Policies:**

1. Adequate storm drainage facilities, including culverts, catch basins, natural or surface channel systems (approved by the city engineer) shall be a part of all subdivision design, planned development, City- or locally-initiated street construction or improvement, or other development and shall conform to the City's Master Drainage Plan.

2. Subdivision of areas that have drainage problems shall have adequate provision for storm runoff. This may be accomplished by larger lot sizes, mechanical means, maximum lot coverage requirements or other methods approved by the city engineer.

3. The city engineer shall designate culvert sizes in conformance with the City's Master Drainage Plan.

4. Where possible, natural drainageways must be maintained and protected from filling or other alteration.

5. The City shall evaluate its storm drainage needs during its yearly budgeting process. Storm drainage should be a part of the overall capital improvements program.

6. Storm drainage or run off from new developments, particularly those which have large parking lots or service stations, shall have catch basins or other treatment facilities for oil, grease, or other contaminants to protect the water quality of Devils Lake.

[Drainage Policies amended by Ordinance No. 95-11, adopted March 27, 1995]

### III. Park and Recreation Policies

1. The City shall provide recreational facilities and activities for all citizens of the city.
  2. The City shall maintain a Parks and Recreation Committee of citizens and professional staff which shall periodically review Lincoln City's parks and recommend improvements and properties for park acquisition.
  3. The City shall provide areas for high intensity recreation such as ball parks, swimming pools, tennis courts, neighborhood and community play fields.
  4. It shall be a policy of the City of Lincoln City to preserve publicly owned beach front property, and undeveloped right-of-way, in order to provide public beach accesses and viewpoints. The City will not vacate undeveloped right-of-way or convey property if such right-of-way or property has the potential for being utilized as a beach access or viewpoint without first having received a favorable recommendation from the Parks Board and conducting a public hearing before the Planning Commission.
- [Park and Recreation Policy 4 amended by Ordinance No. 94-11, dated May 23, 1994]
5. When considering parks and parks improvements related to Siletz Bay and Devils Lake, the City shall determine the feasibility of boating facilities.
  6. The City shall continue to work with the Council on Aging in the management of the Community Center and rely on the center to provide activities and recreational opportunities for the elderly.
  7. The City's recreation committee shall encourage a bikeway plan within the city and shall cooperate with the Oregon Department of Transportation in establishment of the Oregon Coast Bikeway through Lincoln City.
  8. The City shall work with the State Parks Department to improve the use of existing State Parks within the city.
  9. The City shall continue to rely on the Lincoln County School District to make available indoor and outdoor high intensity recreation areas such as gyms, multi-purpose buildings, track, football, and soccer fields.
  10. The City shall work with private and public agencies to provide indoor recreation opportunities such as handball, racquetball, and indoor tennis courts.
  11. The City shall work with community groups and citizens to encourage the development of cultural enrichment programs and activities.

### IV. Police and Fire Service Policies

- 1.Future police and fire facilities shall be coordinated with the Lincoln City Comprehensive Plan policies. Improvement to facilities shall be reviewed by the Planning Commission.
- 2.The Planning Commission shall consider the impacts proposed developments will have on police and fire protection.

V.Library Policies

- 1.The City's Library shall work with the other libraries and services in the County to improve library resources and circulation in the area.
- 2.The Lincoln City Library shall utilize public and private sources of funding such as donations, grants, etc. available to public libraries to meet program needs and to supplement other public funding.
- 3.The Lincoln City Library shall continue its outreach programs for the young, aged, and infirm.

VI.Health Service Policies

- 1.The City shall rely on the North Lincoln Health District to identify, plan, and provide health programs and facility needs within the service area.
- 2.The City shall provide a designated professional campus area in which hospitals, physicians, and other health facilities may benefit from close association.
- 3.The City shall request comments from the North Lincoln Health District concerning land use plans, programs, or actions that might affect health facilities and services.
- 4.The City shall work with the North Lincoln Health District to evaluate ownership and operation of local ambulance services.
- 5.The City shall cooperate with the North Lincoln Health District in making available public facilities such as meeting rooms, halls, etc. for programs, clinics, and other services where appropriate.
- 6.The City shall rely on the North Lincoln Health District to seek public and private funding, including federal, state, local and private grants and donations, for the provision of health care facilities and services in the area.

VII.School Policies

LINCOLN CITY SCHOOL DISTRICT ENROLLMENT PROJECTIONS

-----  
1979 1982-83 1987-88 1992-93

1,321    1,575            2,150    2,825

- 
1. The existing enrollment in all of Lincoln City schools results in overcrowded conditions. Any future development will only exaggerate the overcrowded conditions.
  2. All existing and future school sites, except Delake Elementary shall be designated for school use consistent with the School District's Comprehensive Building Plan and with the Lincoln City Comprehensive Plan.
  3. The City shall assist the Lincoln County School District in planning by providing information concerning the Lincoln City area.
  4. School sites shall be developed with park and recreation areas whenever possible to allow joint acquisition and use of both school and recreation facilities.
  5. The City shall request comments from the District concerning land use plans, programs, or actions that might affect facilities and services.
  6. The City shall rely on the Lincoln County School District for the provision of public education.
  7. Lincoln City will cooperate with the Lincoln County School Board in designating future school sites. The City will additionally assist the District in acquiring property by requiring developments to set aside land for school sites. Lands will be set aside for a period of time mutually agreed upon by the School District, the City, and the developer.
  8. The Lincoln County School District is responsible with the City for planning for public schools in the City. Any change(s) in the District's Comprehensive Building Plan, May, 1979, which affect land use such as site acquisition, building construction, and school closure will be reviewed by the City to determine consistency with the City's Comprehensive Plan prior to accepting the proposed change(s).

## ***URBANIZATION***

The City's high quality of life insures that tremendous growth pressures will be experienced in the next several years.

Because Lincoln City's environments are fragile, growth could be a threat to the quality of life as it now exists. Even though Lincoln City is small, it is not exempt from the unrestricted sprawl which is associated with larger cities. Sprawl tends to injure older developed areas in and near the City. The more urban development is permitted to spill out into the areas outside the urban area, the weaker becomes economic pressures for renewal or revitalization. Leap frogging development results in increased costs for providing public services, as well as committing lands to development prior to its need. By establishing an Urban Growth Boundary, the city provides for an economic and an efficient transition of urban lands from rural to urban uses. The Urban Growth Boundary serves as a guide to development to fit the natural resources and to preserve as much as possible, the quality of life as experiences by the citizens of today.

### **CONCLUSION:**

Lincoln City has a need to accommodate growth. Because of its desirable environment, high growth projection figures should be assumed for the City. There is, however, a need to monitor this growth so that better information may verify the urban needs for the future.

### Urbanization Goal

To promote an orderly and efficient transition of land uses from rural to urban.

### Urbanization Policies

1. Lincoln City shall coordinate its planning efforts with Lincoln County.
2. Lincoln City and Lincoln County shall establish urbanization policies which are mutually agreeable.
3. Within the UGB, the City shall have planned utility capacity to service all growth.
4. Within the urban growth area, proposals for subdivisions and major and minor partitions shall be accompanied by a redivision plan. This redivision plan shall show the proposed location of future streets, lot lines and any proposed structures.
5. Proposals to change the Urban Growth Boundary shall be considered Plan amendments to the City and County Plan. The boundary alteration must be mutually agreed upon by the City and County. The compelling reasons for alteration of the UGB shall include at a minimum, an analysis which indicates:
  - a. Why existing land inventory is not sufficient to meet present needs.
  - b. That alternative location within the existing UGB cannot be employed for the proposed uses.

- c. That the short and long term negative, environmental, economic, social, and energy impacts from the proposed alternatives are inconsequential to the City, the County, and the State.
- d. That findings will be presented which indicate the land uses proposed for the new boundary will be compatible with existing City and adjacent land uses.
- e. That the boundary alteration will not interfere with the orderly extension of utilities.
- f. And that the boundary alteration is consistent with statewide planning goals.
- g. Annexation of sites within the UGB shall be reviewed by the Planning Commission and shall be in accordance with relevant Oregon statutes.
- h. Lincoln City shall exclude forest lands identified in the "inventory map of forest lands" from its Urban Growth Boundary.
- i. Lincoln City shall encourage Lincoln County to develop adequate protection for agricultural lands.
- j. Lincoln City will not provide utility services outside the UGB to properties beyond existing connection, (1979).

## ***NATURAL HAZARD***

The Oregon Coast can be a treacherous environment in which to reside. Active environmental and geological constraints as well as severe winter storms can create situations which are hazardous to residents and their property. Specific hazardous areas have been identified by RNKR, Associates, Corvallis, Oregon in their work Environment Hazards, Coastal Lincoln County, Oregon, 1979. The complete RNKR study and detail map are available at City Hall for inspection and review. In some instances, building in hazardous areas can be accomplished through the employment of certain safety precautions. A report to determine these precautions will be required prior to development. The level of information to be supplied will be determined by the extent of the hazard associated with the specific site.

### CONCLUSION:

There are areas in Lincoln City where development activities must be controlled to protect life and property. The City has defined these areas on the Plan Map. The City will allow development within these areas if adequate protective measures can be employed which prevent or minimize damage.

### Natural Hazard Goal

The City shall control development in hazardous areas to protect life and property from natural disasters and hazards.

### Natural Hazard Policies:

1. Developments of all types in identified hazard areas shall not occur until a review is completed by a qualified engineer or qualified engineering geologist.
2. The review shall be submitted to the City as a written report and shall consider as a minimum the following:
  - a. Definition of the degree the hazard affects the use in question.
  - b. Define the method(s) to be employed to minimize the potential losses associated with the hazard.
  - c. The environmental consequences the development will have on surrounding properties.
3. If structures to protect shorelands, beaches, and dunes or flood areas are proposed, Shoreland Policies 4, 22, and 23 shall apply.
4. The report shall be prepared at the developer's expense. All review costs incurred by the City will be borne by the developer.

## ***HOUSING***

The single greatest financial expenditure by a family is for housing.

Lincoln City has an existing inventory of 4009 dwelling units. The stock is primarily comprised of single family units. However, there has been a trend toward the development of multi-family units, which are used primarily as seasonal housing. There are four users which determine Lincoln City housing needs. These are:

- 1.The permanent resident seeking shelter at affordable prices.
- 2.The tourist industry seeking seasonal shelter for its employees.
- 3.The elderly population seeking retirement shelter.
- 4.The seasonal resident seeking shelter.

These users work in competition for the limited lands available for housing development. Tables indicate housing demands, needs, and available vacant property.

### **CONCLUSION:**

There is a competition for the limited housing available in Lincoln City. The competition creates artificially high prices and reduces housing choices.

### **Housing Goal**

To provide for the housing needs of all citizens.

### **Housing Policies**

- 1.The City shall encourage a wide range of housing types.
- 2.The City shall establish minimum construction and lot coverage standards for residential development.
- 3.The City shall encourage multi-family buildings subject to design and landscape control.
- 4.The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.
- 5.The City shall work with State, County, and local housing agencies to publicize the existence of housing programs available to Lincoln City residents in order to:
  - a.Make residential housing more energy efficient.

- b. Make home rehabilitation loan and grant funds available to homeowners and renters especially those of low to moderate income.
- c. Increase the amount of decent and affordable housing, especially rentals available to lower income households.
- d. Increase the amount of lower cost rental housing available to the elderly.
- e. Decrease the proportion of income which the elderly spend on housing.

## ***ECONOMY***

To assure a healthy economy as Lincoln City grows, there will be a need to provide more "quality" job opportunities.

Lincoln City's primary industry is tourism. One out of every three jobs is related to recreational-oriented employment. Future employment projections assume a continued emphasis in Lincoln City on the tourist industry.

The retirement community composes 28% of Lincoln City's population. This segment of the city's society, when considered as a whole, is an additional important economic asset. There are indications that there will be an increase in the number of service-related employment opportunities to citizens of Lincoln City. These new opportunities will occur in such fields as government, real estate, and insurance sales. If their predictions are accurate, then the city will realize some needed diversity in its economy.

### **CONCLUSION:**

Tourism will continue to function as the basic industry in Lincoln City. An anticipated increase in the retirement population will serve to contribute to the economic base of the community. New employment opportunities are projected to occur in service related industries. Tourism and service jobs are labor intensive and relatively "clean industries", however, some of the positions are seasonal, the wages are minimal and are subject to sudden changes in economic conditions.

To achieve a more stable economy, the city should strive to improve tourism, as well as attempt to diversify the economic base.

### Economy Goal

To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.

### Economic Development Policies

1. Lincoln City shall work with Lincoln County in implementing recommendations for regional economic development.
2. Lincoln City shall periodically analyze the commercially and industrially zoned lands. The analysis shall include a summary of economic activities within the City including residential development in commercially or industrially zoned properties. The report shall make projections of future commercial land needs based on economic activities, residential development, and the supply of available commercial and industrial lands. If current demands exceed supply, the Planning

Commission shall hold a public hearing as soon as possible to consider lands which may be suitable for conversion to commercial or industrial uses.

3.Lincoln City shall encourage local financial institutions to support low interest loans to rehabilitate deteriorating structures and to upgrade city center areas.

4.Lincoln City shall explore incentives for economic development in order to expand and increase the productivity of commerce and industry.

[Economy Policies amended by Ordinance No. 95-01, adopted January 9, 1995]

## ***AESTHETICS***

Lincoln City is located in an area of phenomenal natural beauty. The "quality of life" for most of Lincoln City citizens is quite high. The City's appearance should compliment [sic] natures [sic] environment, rather than detract from it. Harsh and conflicting vistas conflict with natures [sic] scenic quality which surrounds Lincoln City. The poor appearance of the city was noted in each of the City's Comprehensive Plan surveys. Development along Highway 101 is the most graphic example between the natural beauty of the surrounding area and harsh vistas of certain developments. However, away from Highway 101, the view qualities of most of the residential neighborhoods are in keeping with the natural surroundings. Areas of significant scenic qualities are inventoried on the scenic view map of Lincoln City. Maintaining these areas and improving the visual quality along Highway 101 would greatly enhance the aesthetic qualities of the City.

### **CONCLUSION:**

Lincoln City is an area of exceptional aesthetic quality. There is a need to protect this aesthetic quality from harsh and incompatible development. Certain areas along Highway 101 detract from the natural beauty of Lincoln City, and major improvements are now wanted.

### Aesthetic Goal

To develop a livable and pleasing city which enhances mans [sic] activities while protecting the exceptional aesthetic quality of the area.

### Aesthetic Policies

1. The City shall encourage property owners to landscape areas between buildings for beautification and access to off-street parking and facilities.
2. The City shall consider development of a city-wide landscape plan and explore various alternatives for implementation such as CETA, volunteer or student aide.
3. The Planning Commission shall recommend designated scenic viewpoints and areas within the City and shall review the impact of new proposals near these designated points for restriction of the viewing area. The following criteria shall be employed to evaluate proposed developments within 100' of a scenic viewpoint or area:
  - a. All proposed developments within 100' of a scenic viewpoint or area shall, prior to development, provide a detailed diagram and written statement as to the nature of the proposed activity will have on the visual and aesthetic quality of the scenic point or area.

**The work must consider:**

    - a. How the activity will maintain natural vegetation.

b.If vegetation is removed, how the activity will restore and protect the site from erosion and other negative results.

c.If necessary, how the activity should be screened to protect the scenic view.

d.The number, size, and design of signs associated with the activity.

e.The extent [of] natural materials and design to be employed in the activity.

f.The balance between the activity and other surrounding developed areas.

g.How wildlife habitats and environmental quality will be protected.

4.The City shall encourage the placement of utilities underground to improve the aesthetic qualities along Highway 101 and in other areas of the community.

5.The City shall establish a special study group to review the feasibility of placing utilities underground.

a.The group shall be comprised of representatives of utility companies, the Planning Commission, the City's merchants, and interested citizens.

b.The group shall report to the City Council no later than July 1, 1984, the results of their review.

c.The group shall report to the City Council no later than July 1, 1984 the results of their review and make recommendations as to the implementation of a plan.

6.Lincoln City shall maintain the historical integrity of the Dorchester House and the Taft Cemetery. Alteration of either site shall be in accordance with Environmental Quality Overlay Zone protection.

## ***TRANSPORTATION***

Lincoln City lies along and adjacent to U.S. Highway 101. Highway 101 is a principal State transportation facility which serves to connect Oregon's coastal communities. The highway also accommodates the City's population travel needs. Additionally, there are a high number of pedestrian users. These users have no defined pedestrian or bicycle path through the City. Also, being a tourist-oriented city, the City experiences a large influx of visitors who are not acquainted with the City's traffic system. This causes erratic traffic movements and safety problems. Traffic proceeding through Lincoln City also experiences a number of confusing lane changes (4 to 2 lanes) and speed zoning changes, this contributes to safety problems. On-street parking is also a problem.

The sum total of these problems creates poor and uneven traffic movement, conflicts between major and local access movement, conflicts between vehicles and pedestrians, parking conflicts and as a result, safety and hazard problems. With anticipated population growth, these problems will only be compounded exponentially.

Although many problems exist on U.S. Highway 101, a number of other safety problems exist on some of the minor arterial and collector streets of the City. These problems relate to deteriorated pavement and roadway conditions, offset intersection designs, and large developments recently completed which have impacted the overall ability of the system to perform adequately.

### **CONCLUSION:**

- 1.Highway 101 is the single greatest constraint to the orderly development of Lincoln City.
- 2.There exists a conflict between the movement of the City's citizens, visitors, and through traffic.
- 3.Highway 101 is the only through traffic route.
- 4.Access between residential areas and service centers is inadequate.
- 5.Even with increased energy shortages, the automobile will remain the primary tool for the movement of people.
- 6.There is a need to consider the development of alternative methods of transportation.

### **Transportation Goal**

To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.

## Transportation Policies

### Roadway Development

1. Identify an overall improvement strategy for Lincoln City's "Main Street" which will lead to better utilization of the roadway, reduced traffic congestion and conflicts, and enhanced local traffic circulation.
2. Identify, and develop bicycle routes through and around town that are safe, attractive, and user-friendly.
3. Identify suitable alternate north-south local "reliever" routes to Hwy 101.
4. Develop improved east-west street connections with neighborhood needs and the direction of commercial in mind.
5. Develop a functional classification plan for all streets in the City.
6. Identify short-term improvements at critical intersections and along street segments, to solve pressing current traffic safety and congestion problems. Consider temporary test trials.

### Pedestrian Facilities

1. Develop a plan for improved pedestrian crossings of 101, including signal treatments, with some crosswalk relocation and development.
2. Develop criteria for further sidewalk development along the streets in the City, incorporating federal guidelines for the handicapped.
3. Develop an off-street pedestrian trail system, perhaps integrated with a bike trail system, to supplement on-street provisions.

### Bicycle Facilities

1. Identify and develop a system of off-Hwy 101 bicycle routes through and around town that are safe, attractive and user-friendly. Sign the *Oregon Coast Bike Route*.
2. Modify and update the 1987 City Bicycle Master Plan to reflect the latest information on traffic volumes, travel patterns, and new development locations in the City.
3. Identify a strategy for the development of bicycle repair and storage facilities in convenient locations to encourage bicycle travel in the City.
4. Investigate the potential for hostel-type accommodations in conjunction with the *Oregon Coast Bike Route*.

## Street Lighting

1. Develop criteria for identifying those street segments which warrant new or improved lighting.
2. Identify a strategy for jurisdictional responsibility for street lighting operations and maintenance.

## Public Transit

1. Identify the feasibility of instituting public transit service in the City, addressing the needs of a varied market (general residents, elderly, handicapped, visitors, intercity travel, etc.)
2. Develop a basic framework for a transit system in the City (routes, service levels, ridership, and capital, operating, and maintenance costs).
3. Evaluate the appropriate role of the existing cab and senior citizens' bus service in handling future public transit needs.

## Travel Demand Reduction

1. Investigate strategies for reducing vehicle trip-making in the City other than public transit--for example: carpool/vanpool incentives and flex-time applications.

## Off-Street Parking Development

1. Refine the public off-street parking development plan along Hwy 101 through the City.
2. Develop improved beach access parking facilities in the City.
3. Identify a strategy for gradual and timely replacement of on-street parking along Hwy 101 associated with future roadway improvements.

## Transportation Financing

1. Identify financial strategies and resources that will allow long-term financing of transportation improvements in the City.
2. Identify the appropriate roles of System Development Charges (SDCs) and Local Improvement Districts (LIDs) in transportation improvement financing.
3. Develop a Capital Improvement Program for Transportation needs that can be implemented with available funding sources.

## Public Involvement

1. Develop a Transportation Master Plan that addresses general public issues and concerns related to transportation system development in the City.
2. Evaluate and adopt those strategies and policies which most closely reflect the community's views and needs, while accommodating the state's need to move traffic safely and efficiently through the community.
3. Appoint members to a Regional Task Force to study regional transportation issues: a) to identify problem areas, b) to evaluate mutually acceptable solutions, and c) to coordinate efforts to achieve them.
4. Monitor the impact and effectiveness of the Transportation Master Plan as it is implemented.

[Transportation Policies amended by Ordinance No. 95-07, adopted February 27, 1995]

## ***ENERGY***

Prior to the oil emergencies of the early 1970s, there was little awareness of possible energy shortages. Society had become accustomed to the unrestricted consumption of energy, however, there has recently been a realization that the world's energy sources are not finite and that there must be a conscious effort to conserve resources.

Through leadership, building practices, and the establishment of land development patterns, a city can influence the energy consumption of its citizens. The principal consumption of energy in the City is attributed to residential use. Without the implementation of conservation methods, the City's energy usage will double by the year 2000.

Through the lifetime of this Plan, the automobile will remain the primary tool for the movement of people. Gasoline supplies must be available to the local residents. In addition, sufficient supplies must be readily available to the tourist if we are to continue a tourist based economy.

### CONCLUSION:

1. There is a need to conserve energy.
2. Residential and commercial users are the largest consumers of energy. Conservation can best be achieved by directing programs and practices toward those users.
3. The City can encourage energy conservation by establishing land use patterns which consider and reflect efficient use of lands.
4. There is a need to conserve gasoline to assure supplies to the residents of Lincoln City as well as the tourists.

### Energy Goal

To conserve energy.

### Energy Policies

1. The City shall maintain energy standards for buildings which will meet or exceed the Uniform Building Code.
2. The City shall consider ways to conserve energy to all public buildings and facilities.
3. The City shall actively explore alternative energy funding for local facilities such as federal and state grants.
4. The City shall encourage residents to utilize federal, state, and private energy conservation programs such as weatherization and home rehabilitation.

5. The City shall encourage the use of cluster development in multi-family and planned development in order to lower energy expense in site and building development.
6. The City shall review its ordinances to insure that the users of alternative energys [sic] do not have their access to energy sources restricted.
7. The City shall work with professionals and a citizens committee such as the Parks & Recreation Committee or Chamber of Commerce to develop an access plan which encourages alternatives to the automobile.
8. The City shall locate high-density development within walking distance of services and shopping areas.
9. The City shall review proposals for onshore and offshore location of major energy producing or storage facilities for consistency with this Comprehensive Plan.

## ***OVERALL ENVIRONMENTAL***

Lincoln City is located in an area of exceptional environmental quality. The City is bounded on the north by the Cascade Head Scenic Research area; on the south by Drift Creek, Schooner Creek and Siletz Bay; on the east by vast expanses of forest lands; and on the west by the Pacific Ocean.

These environments provide more than panoramic vistas, they give form and substance to our personal, social, and political lives. To degrade, one contributes not only to the destruction of the resource but also to ourselves. It is, therefore, our responsibility to act as stewards to our fragile environment not just to protect, but more important, to enhance the community in which we work and live; to think not only with our minds, but also with our hearts. The purpose of the following goals and policies are to achieve a balance between the need to use our environment and the need to protect and enhance the quality of life for the residents of the City. This section is divided into areas of specific environmental concerns. These are, air quality, water quality, land quality, coastal shorelands, estuarine resources, beaches and dunes, and ocean resources.

### Overall Environmental Goal

To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environments of the City.

### Overall Environmental Policies

Where the environmental impact of a proposal is significant, the City shall require the preparation of an environmental assessment. The assessment will be prepared in all developments which occur within coastal shorelands, floodplains, waterway shorelands, scenic corridors, scenic viewpoints, areas of sufficient historical or archaeological value and any development which is greater than five acres in size. The assessment will be prepared in accordance with the City's Environmental Impact Ordinance.

### Air, Water, and Land Quality

Environmental problems associated with air, water, and land quality have been identified in the Lincoln City area.

The Department of Environmental Quality has not described any part of Lincoln County as being in an air shed of critical importance. Air quality problems which might arise are usually of short duration and of minor consequence. Air quality problems would be associated with construction, land preparation, forest slash burning, and vehicle emission. In any event, maritime winds quickly disperse most air pollutants which occur.

There are identified areas of water quality concern in the Lincoln City area. The areas identified are Devils Lake, Schooner Creek, and Drift Creek.

Devils Lake is an important asset to Lincoln City and the State of Oregon. The lake is presently experiencing an accelerated rate of eutrophication. The lake is surrounded by many residences which add to the continued nutrient enrichment will lead to the destruction of the lake for water uses. The need to protect the lake is one of the City's major goals.

In the 1978 assessment of D.E.Q., it was noted that along Schooner there is "moderate streambank erosion as far upstream as the most southerly junction of the two unnamed streams in Section 30 and in the unnamed stream paralleling the western edge of Section 26 (Map No. 1)."

Also an identified area of water quality problems was from the mouth of Drift Creek to Gordy Creek due to excessive debris, severe sedimentation and streambank erosion. Activities in these areas must be carefully monitored to assure continued water quality. There are sufficient areas of exceptional land value. These include wildlife areas, the Cascade Scenic Research Area, forest land and an eagle's nest in the Schooner Creek area.

Lincoln City recognizes that the collection and disposal of solid waste is a utility as important as the water or sewer utility. Improper disposal of solid waste has a major impact on land quality.

Lincoln City is presently serviced by a single franchised solid waste hauler who is responsible ofr collection and final disposal of all solid waste generated in the City.

In 1974, Lincoln County commissioned and then adopted a solid waste management plan prepared by UMA-NORTEC (plan referenced in Lincoln County's Plan Inventory).

In 1976, the County formed and funded by the passage of a \$600,000 bond issue, a Special Service District to implement the UMA-NORTEC Plan.

#### CONCLUSION:

- 1.Sources of air contamination in the Lincoln City area are minimal, vehicular travel, and slash burning do contribute some pollution, however, these are disposed by maritime wind currents.
- 2.There is a need for streambank protection.
- 3.There is a need to reduce the amount of nutrients permitted to enter Devils Lake.
- 4.There is a need to improve the sewage treatment facility to prevent further degradation of Siletz Bay and Schooner Creek.
- 5.There is a need to explore alternatives to the Schooner Creek sewage outfall.
- 6.Existing solid waste plans and programs are adequate to minimize land degradation.
- 7.Wildlife areas such as stream spawning beds and the eagle's nest need to be preserved.

#### Environmental Policies

1. Lincoln City recognizes the authority and responsibility of the Oregon Department of Environmental Quality to manage the waste and process discharges of all existing and future development. Lincoln City shall require conformance with all applicable state and federal regulations regarding waste and process discharge prior to approval of any development.
2. Lincoln City shall refer development which is greater than 5 acres in size to the State Historical Preservation Office for review and comment.
3. To minimize wildlife habitat disruption, the removal of larger trees shall be minimized. In the subdivision of land, site preparation will not be allowed until final approval of all improvement plans has been granted by the Planning Commission or by the City Engineer acting on behalf of the Planning Commission. Reconnaissance surveys of the land including clearing to allow for accurate topographic determination, coring to permit geotechnical evaluation, and similar efforts, are not prohibited by this restriction. The "improvement plans" are the plans prepared for the construction of improvements such as streets, sanitary sewers, storm sewers, and water systems, but do not include the final subdivision plat." After final approval and following site preparation, excavated and disturbed areas must be re-vegetated immediately upon completion of the work.
4. The City shall explore methods for preservation of the area surrounding the eagle's nest.
5. Lincoln City will continue to work with the countywide Solid Waste District to implement the UMA-NORTEC Plan for solid waste disposal.
6. Lincoln City will encourage the search for alternate methods of collection and disposal of solid waste.
7. Lincoln City will, in noise sensitive areas such as schools, hospitals, wildlife habitats, discourage uses which generate noise levels that can be disruptive to activities associated with the areas.
8. Within the defined Lincoln City watershed and along all tributaries of that watershed, the City encourages only those forest activities which will insure the maintenance of high water quality standards.
9. Lincoln City shall develop programs to resolve conflicts between the preservation of sensitive wildlife habitats and conflicting uses.
10. Lincoln City shall develop programs to resolve conflicts between the preservation of scientifically and ecologically significant areas and conflicting uses, such programs shall be based on an analysis of the social, environmental, energy, and economic consequences of courses of action.

11.Lincoln City shall develop programs to resolve conflicts between the protection of historical and cultural sites and land use activities which would diminish their value.

## ***SHORELAND, BEACHES, DUNES, ESTUARY & OCEAN RESOURCES***

Lincoln City's single greatest natural resource is the Pacific Ocean. The ocean's scenic vista is the element which draws the tourists and provides the inspiration for the community's vigor.

Devils Lake, Siletz Bay and Estuary, Schooner Creek, and Drift Creek provides other important coastal shoreland resources. These shorelands are indicated on the Environmental Quality Inventory Map.

These areas contain either significant wildlife habitat, are of exceptional aesthetic quality, or have historical or archeological value. The shoreland area of the Siletz Bayfront is most suitable for existing tourist-related uses. Development activities in other parts of Siletz Bay and the Estuary are limited because of the bay's conservation classification.

Lincoln City, Devils Lake, Schooner Creek, and Drift Creek have historically been used as important recreational sites for Lincoln City. Lincoln City has seven miles of sandy beaches. The beaches are adjacent in most cases, to steep cliff formation. These cliffs are the source of material which eventually give form to the beach. The cliff areas are predominantly stable because of the extensive vegetation growth.

### **CONCLUSION:**

1. There are special areas of Lincoln City which have exceptional visual, ecological, historical, and recreational value.
2. Devils Lake, Siletz Bay, and the ocean beaches offer important coastal resources.
3. Development in Siletz Bay is limited to the Taft Bayfront area.
4. Wind and wave action can endanger property, therefore, our activities along shorelands must be qualified by professional observations.
5. There is a need to study and understand the inter-relationship between ocean resources and land activities.

### **Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Goal**

To conserve to protect and to enhance the coastal resources of the City.

### **Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Policies**

1. All land within the 100-year floodplain; within 50' of streams, creeks, rivers, marshes; 200' of the shoreland of Devils Lake; 200' east and west of East Devils Lake Road; or between the ocean and the first street east of the ocean high water line, including Siletz Bay, shall be designated as coastal shorelands.

2. Riparian vegetation shall be protected and maintained, except in cases where removal of riparian vegetation is required for uses requiring direct water access. Temporary removal of riparian vegetation may be permitted subject to the approval of a permanent revegetation plan. To protect riparian vegetation and associated habitat, all structures and parking shall be set back 25 feet from the landward boundary of the riparian vegetation.

3. Dredged material disposal and mitigation sites identified in the Lincoln County Estuary Management Plan shall be used to meet dredged material disposal and mitigation needs for estuarine areas within the Lincoln City city limits. Use of alternative sites not identified in the Lincoln County Estuary Management Plan may also be allowed subject to approval by Lincoln City, the Division of State Lands and other state and federal resource agencies with permit authority for dredging and fill. Lincoln City shall evaluate any proposed alternative dredged material disposal and mitigation sites during its review of DSL/USACE permit applications for dredging and fill.

4. A classification of dune forms on which Lincoln City is built is contained in inventory material Sand Dune Map. The inventory material is from Beaches and Dunes of the Oregon Coast, O.L.C. & D.L., 1975 and Environmental Hazard Inventory, Coastal Lincoln County, RNKR Associates, 1977. The City is predominantly developed on older stabilized dune formations. Development has additionally occurred on older foredunes. Some beach and dune forms are identified as areas of critical environmental concern and as such are subject to provisions of Environmental and Shoreland goals and policies. In the Cutler City area, development has occurred on recently stabilized foredunes. The Cutler City area is protected by the Salishan Spit, and active foredune. Control of activities on the Spit is under the jurisdiction of Lincoln County. It is unlikely, given the extensive residential development and shoreline protection actively undertaken along the Spit, that breaching of the foredune would be allowed to occur.

In addition, extensive development occurring along the stabilized foredune in Cutler City will prevent the breaching of this area. In any case, it shall be the City's policy to restrict any attempt to breach any foredune area.

There are three isolated areas of open dune sand. These three areas are surrounded by residential or commercial development. Extensive sand mining has occurred in two of the areas. Protection of any of these dune areas for low intensive uses is prohibitive. However, the protecting of existing dune forms from further degradation, the City shall review construction and alteration activities in all identified beach and dune areas. Prior to any activity in a beach or dune area, a site specific geotechnical analysis must be prepared by a qualified engineer or qualified engineering geologist. The report shall consider the following in addition to all information necessary to meet the requirements of the Uniform Building Code.

a. The degree to which vegetation removal will occur. If vegetation is to be removed, a revegetation and enhancement plan must be submitted which outlines

revegetation activities to be as great or greater than than [sic] existing prior to disruption.

b. The type of proposed use and the adverse affect it might have on the site and the adjacent area.

Adverse affects include those which could create a hazard to life, public and private property, and the natural environment.

c. The method(s) to be employed to protect the site and the surrounding area from adverse consequences created by the use.

d. The report will be prepared by the developer and any expense required for review and notification by the City shall be the responsibility of the applicant.

5. Development in beach and dune areas shall be permitted only if the geotechnical analysis can demonstrate that the development can be designed to minimize adverse environmental impacts on the site and on adjacent properties by providing protection from geologic hazards, wind erosion, and water erosion caused by ocean flooding and storm waves, and is consistent with the requirements of Shoreland Policies 4, 22, and 23.

6. Residential development and commercial and industrial buildings shall be prohibited on active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave over-topping, and deflation planes that are subject to ocean flooding. Other development in these areas shall be permitted only if the requirement of Policy 4 above are met, and if it is demonstrated that the proposed development: a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flood and storm waves, or is of minimal value; and b) is designed to minimize adverse environmental effects.

7. Breaching of foredunes shall be prohibited.

8. Lincoln City shall cooperate with the Oregon State Department of Fish & Wildlife to protect significant wildlife habitat in beach and dune areas where identified.

9. For shorelands identified in the inventory as major marshes, significant wildlife habitat, headlands, areas having exceptional aesthetic resources or historic and archeological sites, Lincoln City shall adopt land use designations and standards which are consistent with the protection of natural values.

10. No development will be allowed to use existing groundwater sources as a primary water source. Developments may use existing groundwater resources for limited irrigation, after securing all necessary permits from the Department of Environmental Quality and the Department of Water Resources, and the submission of findings prepared by a qualified engineer or qualified engineering geologist, that the irrigation will not cause groundwater drawdown to levels which would lead to loss of stabilizing vegetation or intrusion of salt water into the groundwater supply.

11. Devils Lake, which has historically been used as a recreational area for boating and fishing, shall be designated a marine waterway to ensure that it remain protected for water dependent uses.
12. Lincoln City shall continue enforcement of the standards of the Housing and Urban Development Flood Insurance Program.
13. Lincoln City shall rely on Lincoln County for management within the Siletz estuaries, including Schooner Creek and Drift Creek.
14. Lincoln City shall manage the shoreline development of Siletz Bay, Schooner Creek, and Drift Creek consistent with the adjacent estuarine management unit designation.
15. Development of community docking and pier facilities within estuaries shall be limited to the Taft area of Siletz Bay. The planning commission shall consider the following for any proposals:
  - a. The size and shape of docks shall be limited to the intended use.
  - b. Proposals shall be accompanied by alternatives considering various dock and pier designs, mooring buoys, dryland storage and launch ramps.
  - c. A finding shall be required that the use is consistent with the resource capability of the area and with the purpose of the estuarine management unit.
16. Lincoln City shall rely on the Division of State Lands Fill and Removal Permit program to monitor fill and removal activities of greater than 50 cubic yards within identified wetlands. The City shall also require that a permit be obtained prior to any work.
17. Lincoln City shall rely on Lincoln County and the State of Oregon to ensure that the Siletz sandspit protects the Bay area including Taft and the Cutler City areas of Lincoln City.
18. Ocean erosion control structures such as jetties, bulkheads, seawalls, rip-rap, and similar protective structures shall be designed to minimize impacts on water currents, erosion and accretion patterns consistent with ORS 390.605-390.770. The City shall consider sharing in the cost of ocean erosion control structures only if City property is concerned.
19. In addition to all City Plan and Ordinance requirements, the City shall rely on the Department of Transportation as stated in ORS 390.605-390.770 to monitor ocean erosion control structures and assure that City beaches are not degraded by such structures.

20. Where existing structures are threaten by ocean erosion, the City will encourage area-wide local improvement districts or other methods to coordinate protective measures and minimize cost.

21. The Planning Commission shall work with State and Federal agencies to study ocean resources development proposals. The Commission shall recommend appropriate actions to preserve valuable resources and minimize impacts.

22. Development activities of all types of identified beach and dune areas shall not occur until [sic] a review is completed by a qualified engineer or qualified engineering geologist. The review shall be submitted to the City in a written report and shall consider as a minimum, the following:

a. The type of proposed use and the adverse effects it might have on the site and the adjacent area. Adverse effects include those which could create a hazard to life, public and private property, and the natural environment.

b. The method(s) to be employed to protect the site and the surrounding area from adverse consequences created by the use.

c. The written report must be prepared by the developer and any expenses incurred by the City for review, shall be paid by the developer.

23. Shoreland protection projects shall not begin before a permit is obtained from the City. No permit shall be issued until the developer has supplied to the City, a plan prepared by a registered engineer or registered engineering geologist indicating the nature and scope of the proposed protective activity.

Non-structural means of erosion control which can be demonstrated to be effective shall be the first order of consideration in protecting shorelands. Structural devices shall only be considered when it is determined that non-structural means cannot be expected to protect property and when the impacts created by the structure, both environmentally and aesthetically can be minimized.

The development of shoreline protective structures shall be required to meet all requirements of the Environmental Quality Overlay Zone. Repair and minor betterment of existing protective structures shall be exempt from the requirements of this policy.

## ***DEVELOPMENT CATEGORIES***

The Plan provides for several categories of development patterns. These categories are intended to accommodate the residential, commercial, industrial, and environmental needs provided for in the Comprehensive Plan document. The City designation and the policies with regard to the specific districts are as follows:

1. Professional Campus District (P-C), is provided for the development of professional offices and institutions in a concentrated area. The area including the hospital and such related uses as doctor's clinics, pharmacies, nursing homes, and related uses are concentrated. The design and specific location of these districts will be reviewed by the Planning Commission with respect to their impact on the development of adjacent properties for residential uses.
2. Commercial-Recreation District (R-C), is provided for those commercial uses having a strong tourist orientation, such as motels, restaurants, recreational outlets, gift and souvenir shops. The purpose of the district is to encourage the development of certain areas having a quality resort character. To enhance their attractiveness, special attention will be paid to design and landscaping.
3. General-Commercial District (G-C), is provided to accommodate [a] wide range [of] retail commercial uses which attract shoppers from the community or the larger market area. The District runs along Highway 101. To create better Highway 101 visual quality, excellence in design and landscaping will be encouraged by the Planning Commission.
4. Planned Industrial District (P-I), is provided to accommodate the normal range as well as the more intensive and large scale commercial enterprises and "light" industrial uses. Emphasis will be placed on creating an attractive setting for business activity by regulating landscaping, site and building design, signing, and access to the highway.
5. Planned Development District (PUD), is provided to permit greater freedom of design within the existing designation of this Comprehensive Plan but shall accomplish the same general objectives. The purpose of the district is to allow filling in of difficult to develop sites within the City and Urban Growth Boundary. Densities within this district shall be that of the underlying plan designation.
6. A Low-Density Residential (R-10), with lot sizes ranging upward from 10,000 square feet. These areas are generally in the location either well removed from resort centers or are those currently not provided with City services. These areas also include land utilization for agriculture and silvaculture. In some areas not served by the City sewer system, the local topography and soil types will require larger lots.
7. A Medium-Density Residential District (R-7.5), in which the minimum lot size per dwelling unit is 7,500 square feet and the housing density is in [the] range of 4 to 5 dwelling units per acre. In areas not served by the sewer system, larger lots will be required.

8. A Single-Family Residential District (R-5), located along the ocean and lake fronts is to be composed primarily of single-family dwellings. This district is designed to provide neighborhoods of a quiet residential nature in which all structures have approximately the same height and bulk. The majority of the land in these areas is platted in lots of 5,000 square feet or less.

9. A High-Density Residential District (R-M), designed for the widest range of housing types at a high density. Such areas are located in locations having good access to major thoroughfares and to shopping facilities. Special land use regulations will insure adequate open space and off-street parking accommodations in order to avoid congestion and to provide an attractive environment. Professional offices and personal services are permitted at a scale and intensity of use that is compatible with any and all adjacent residential uses. Such facilities should not be extensive in areas, nor should they generate substantial amounts of pedestrian or vehicular traffic at any time.

~~10. Environmental Quality Overlay District (E-Q), the purpose of the Environmental Quality Overlay Zone is to recognize the value of several areas of exceptional environmental quality so that these areas can be protected for the maintenance of water quality, riparian vegetation, major marshes, exceptional aesthetic resources, historical and archeological sites, fish and wildlife habitat, economic resources, and recreational opportunities. (deleted by Ordinance 2000-11).~~

10. Natural Resources Overlay Zone (NR), the purpose of the Natural Resource Overlay Zone (NR) is to protect, maintain, and, where possible, enhance those streams, lakes, major marshes, wetlands, bays, estuaries, riparian areas, fish and wildlife habitat-identified as significant natural resources in the Comprehensive Plan Natural Resources Inventory. These resources are of value to the ecological and economic well-being of the community as well as the community's natural beauty, and their protection contributes to a sustainable future for Lincoln City. Protection, maintenance, and enhancement of Lincoln City's natural resources will reduce adverse impacts from development on water quality and will reduce hazards to human life and property.

11. Open Space Zone (OS), is designed for the protection and preservation of open space for future generations. The Open Space Zone is intended to ensure that designated lands remain in their natural state, including reclaimed areas, by protecting such areas from development and preserving open space. Protecting sensitive natural areas is important for maintaining water quality in lakes and streams, preserving wildlife and sensitive plant communities and providing flood control. The secondary purpose includes uses such as passive recreational activities such as nature walks and educational activities.

12. Park Zone (P) is designed to provide areas suitable for the development and promotion of parks and recreational facilities.

13. Taft Village Core District (TVC), is designed to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single and multi-family residences and combinations of the above in mixed use developments within a core area of the

village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes.

14. Oceanlake Plan District is provided for the integration of residential, commercial and recreational uses in a well-planned, mixed-use environment in the Oceanlake area. The district is intended to provide maximum flexibility in land use that combines predictability and efficiency in the land use approval process while striving for excellence in design.

15. Nelscott Plan District is provided for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed-use environment in the Nelscott area. The district is intended to provide maximum flexibility in land use that combines predictability and efficiency in the land use approval process while protecting the unique character of Nelscott.

**Lincoln City  
Estuary Management Plan**



Adopted by City Council Ordinance No. 84-01

January 23, 1984

Printed October 1998

# ESTUARY MANAGEMENT PLAN

## TABLE OF CONTENTS

Introduction.....	1
Management Classifications and Permitted Use Definitions.....	6
Estuarine Use Standards .....	8
Management Units .....	19
Mitigation and Restoration .....	25
Plan Implementation .....	29
Siletz Bay Dredging Needs & Disposal Sites .....	42
Appendix A: Definitions.....	44

[Note: For clarification purposes, staff has added headings and notes to the text of the *Estuary Management Plan*. These additions, which according to available records, were not part of the City Council's adoption of the *Estuary Management Plan* by Ordinance No. 84-01, are shown in [brackets].]



## INTRODUCTION

The City recognizes that the Siletz Bay Estuary is primar[il]y located in Lincoln County. The control of activities within the estuary is vested predominantly with the County Planning Department. However, since adverse estuary activities can affect the City's planning efforts, the City does desire to share in the management responsibilities of the estuary. However, the City lacks technical personnel to monitor estuary activities. Therefore, in cooperation with Lincoln County, the City has adopted as a part of their Comprehensive Plan, "The Lincoln County Estuary Management Plan," 1982. The City has adopted those elements and section of the Plan which refer to or have control over activities in the Siletz Bay Estuary where the City exercises land use control.

### Conclusion:

1. The Siletz Bay Estuary is located primarily in Lincoln County.
2. The City does wish to monitor land use activities in the estuary.
3. The City can best protect the estuary resources by adopting the County's plan and in particular, sections pertaining to Siletz Bay Estuary.

### Goal:

To conserve to protect and to enhance the Siletz Bay Estuary.

Four major estuaries and two minor estuaries are within the jurisdiction of Lincoln County. Of the major estuaries, Salmon River, Siletz Bay and Alsea Bay are of primary importance as recreation areas, while Yaquina Bay is one of three major estuaries on the Oregon Coast with an authorized deep water navigation channel and major port. In many ways, the County's estuaries serve as a focal point for the local economy.

Each year an increasing number of demands are placed on the estuaries by and expanding economic base and growing population. The ability of the estuary to accommodate these demands remains constant or diminishes. The result is often conflict between the various groups that want to use the resources of the estuary and the agencies responsible for managing those resources.

The responsibility for making decisions about the use of the land and water resources of estuarine areas falls to a wide variety of local, state and federal agencies. Each agency that has some authority uses a plan or written guidelines to make management decisions. The cities and county have comprehensive plans; the Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency, Oregon Department of Fish and Wildlife, Oregon Division of State Lands and other state and federal agencies each have their own regulations. The result is that the process for making decisions and obtaining permits is confusing, uncertain and often frustrating for the individuals involved.

The development of the Estuary Management Plan has been brought about through the combined efforts of local government, concerned citizens, industry and state and federal agencies working within the framework of the Oregon Coastal Zone Management Program. The emphasis of this program is to resolve conflicts over use and development of coastal resources through the development of coordinated comprehensive plans. As an element of these coordinated comprehensive plans, the Estuary Management Plan represents an overall management scheme for the resources of the estuaries which reflects not only local interests, but also incorporates the concerns of affected state and federal agencies. The product of this coordinated process is that the plan has a certain "predictability". An individual, a local city or county legislative body, a state or federal agency will be able to use this plan with the assurance that the management scheme within the plan will have the concurrence of all agencies involved in finalizing a decision.

The final decisions contained in this plan often reflect considerable compromise made by all parties involved. While it was not possible to completely satisfy all participating interests, the concerns and viewpoints of all interests were thoroughly considered. A sincere effort was made to balance the sometimes conflicting needs to preserve dwindling natural resources and provide needed opportunities for economic growth and stability.

### Content and Use of the Document

The Estuary Management Plan provides an overall, integrated management scheme for estuarine aquatic areas in Lincoln County. Lincoln County retains overall responsibility for development and coordination of the Estuary Management Plan for estuaries in the county except for Depoe Bay, which is wholly within the jurisdiction of the City of Depoe Bay. City comprehensive plans incorporate relevant portions of the Estuary Plan. Amendments to any element of the plan will be coordinated by Lincoln County with the affected cities, ports, State and Federal agencies.

The plan contains comprehensive provisions for guiding estuarine development and conservation activities, from broad overall policies to site specific implementing measures.

The planning and decision making framework of the estuary management plan is contained within a concept of descending levels of policies. The concept recognizes that one set of policies applied to the entire estuary cannot provide the kind of guidance to individual property owners nor government in making decisions on permitting uses and activities on specific sites. Yet to develop policies only at the site specific level fails to recognize the implications of those policies to the total estuary. Policies, therefore, must begin with the total estuary and end with site specific guidelines. Each level of policy and the size of the area to which those provisions apply is more specific than the preceding level.

In the Estuary Management Plan, three levels of policy are established:

### Overall Management Policies

Overall estuary management policies are established for the entire county. These policies are very broad and general in nature and are designed to say, in essence, that "...this is how we expect to use the estuary..." and "...this is what we expect to achieve in using the estuary..."

### Management Units

The third level of policy in the estuary management plan is the management unit. This is the most specific policy level and is designed to provide specific implementing provisions for individual project proposals. Each unit is given a management classification (defined in Part IV) of Natural, Conservation or Development. These classifications are based on the resource characteristics of the units as determined through an analysis of resource inventory information. The classification carries with it a general description of intent and a Management Objective. Each management unit objective is implemented by a Permitted Use Matrix which specifies which uses and activities are either permitted, conditional or not allowed in the unit. Many management units also contain a set of Special Policies that relate specifically to that individual unit.

In addition to the three basic policy levels, the estuary management plan also contains a number of other sections, each with a specialized role in guiding overall estuary management.

### Estuarine Use Standards

This part of the plan has detailed development standards for 14 categories of uses and activities (structures, dredging, log handling, etc.). These standards will be applied to all new uses and activities within the estuaries as a part of the plan implementation process.

### Restoration and Mitigation

This section includes a general description of restoration, its relation to mitigation as required by Oregon Law, and an overall policy concerning restoration. It also contains locations and brief descriptions of potential restoration sites and projects in the estuaries. Also included in this section is a general assessment of estuarine mitigation needs and an identification of sites to be protected in fulfilling the mitigation planning requirements of Goal 16.

### Plan Implementation

This section of the plan provides the administrative procedures for implementing the plan's substantive requirements. It describes the procedures for review of individual development proposals and the application of plan standards to such proposals. Also included is a procedure describing how the local review procedures for estuarine development proposals will be integrated with existing state and federal permit processes.

## Dredge Material Disposal Plan

The Lincoln County Dredged Material Disposal Plan is a companion document to the Estuary Management Plan. It describes the location and procedures for use of dredged material disposal sites. Dredging needs over the next 20 years were estimated and sites were located to handle the disposal of the material.

## Resource Inventories

As part of Lincoln County's overall comprehensive plan, detailed resource inventories of the County's estuarine areas have been adopted. The information contained in the plan's management unit descriptions and resource capability assessments is based on factual base material drawn from these comprehensive resource inventories. The rationale for permitted use decisions and management classifications is contained in these brief factual base summaries; for detailed resource information and a bibliography of documents included in the inventory, the Lincoln County Comprehensive Plan Inventory should be consulted.

## Overall Management Policies

1. Siletz Bay Estuary represents an economic resource of regional importance. The overall management of each estuary shall ensure adequate provision for development, consistent with the Overall Oregon Estuary Classification and according to the following general priorities (from highest to lowest):

- a) Uses which maintain the integrity of the estuarine ecosystem.
- b) Water dependent uses requiring an estuarine location.
- c) Water related uses which do not degrade or reduce natural estuarine resources and values.
- d) Non-dependent, non-related uses which do not alter, degrade or reduce estuarine resources or values and are compatible with existing and committed uses.

2. Siletz Bay Estuary supports a variety of vitally important natural resource values. The overall management of each estuary shall include adequate provision for both conservation and preservation of natural resources.

3. Lincoln County's estuaries represent a recreational resource of both local and statewide importance. Management of each estuary shall protect recreational values and ensure adequate public access to the estuary.

4. Dredge, fill or other reduction or degradation of natural values by man shall be allowed only:

- a) If required for navigation or other water dependent uses that require an estuarine location; and

b) If a public need is demonstrated; and

c) If no alternative upland locations exist; and

d) If adverse impacts are minimized as much as possible.

5. Actions which would potentially alter the integrity of estuarine ecosystem shall be proceeded [sic] by a clear presentation of the impacts of the proposed alteration and a demonstration of the public's need and gain which warrant such modification or loss.

## **[MANAGEMENT CLASSIFICATIONS AND PERMITTED USE DEFINITIONS**

### **Part IV of Lincoln County Estuary Management Plan (Excerpt)]**

#### **CLASSIFICATION SYSTEM**

In order to maintain a diversity of values and resources, the estuary has been divided into management units. A management unit is a discrete geographic area defined by physical, biological and cultural characteristics within which certain management objectives and priorities are promoted or encouraged.

Each individual management unit is assigned a classification which defines a management objective and provides a general policy framework for the unit. The management unit classification system consists of three management classifications: Natural, Conservation, and Development. The classifications are defined below in terms of the general attributes and characteristics of geographic areas falling into each category. The management objective for each classification is also stated.

**1. Natural Management Units.** Natural management units are those areas which are needed to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological and evolutionary processes. Such areas shall include, at a minimum, all major tracts of salt marsh, tideflats, and seagrass and algae beds.

Permissible uses in natural areas shall be undeveloped low-intensity water-dependent recreation; research and educational observation, navigational aides, such as beacons and buoys; protection of habitat, nutrient, fish, wildlife and aesthetic resources, and passive restoration measures; and where consistent with the resource capabilities of the area and the purpose of this management unit, aquaculture; communication facilities; and active restoration measures.

**MANAGEMENT OBJECTIVE:** To preserve, protect and where appropriate enhance these areas for the resource and support values and functions they provide.

**2. Conservation Management Units.** Conservation management units shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary except of the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less biological importance than those in (1) above; and oyster and clam beds. Partially altered areas or estuarine areas adjacent to existing development of moderate intensity shall also be included in this classification unless otherwise needed for preservation or development consistent with the overall Oregon Estuary Classification.

While the general purpose and intent of the conservation classification is as described above, the application of this classification to specific areas may be adjusted by special policies applicable to individual management units in order to accommodate needs for natural preservation.

Permissible uses in conservation areas shall be those allowed in (1) above, active restoration measures; aquaculture; and communication facilities. Where consistent with resource capabilities of the area and the purposes of this management unit, high-intensity water-dependent recreation; maintenance dredging of existing facilities; minor navigational improvement; mining and mineral extraction; water-dependent uses requiring occupation of water surface area by means other than fill; and bridge crossings, shall be appropriate.

### Permitted Use Definitions

In addition to the management unit classification, each management unit is more explicitly defined in terms of permitted uses and activities by means of a permitted use matrix. The matrix for each unit lists uses and activities and categorizes them as follows:

Permitted with Standards (P): Permitted as consistent with the management objective of the classification. Permitted uses must conform to the Estuarine Use Standards set forth in the plan and also to any policies specific to the individual management unit. Some permitted uses (most notably dredge and fill activities) must still be subjected to the resource capability test through the state and federal permit processes. For specific requirements see Part X, Plan Implementation.

Conditional (C): Permitted only after a case review of the proposed use and issuance of a local conditional use permit (in addition to relevant state and federal permits). A conditional use shall be permitted provided that:

- a) It is compatible with the management objective and definition of the management classification.
- b) It complies with the applicable Estuarine Use Standards set forth in this plan.
- c) It complies with the management objectives and policies of the individual management unit.
- d) It is consistent with the resource capabilities of the area.
- e) The cumulative impacts of the proposed use have been considered.

Not Allowed (N): Not permitted. Activity or use can only be allowed upon adoption of a plan amendment by the governing body.

## **ESTUARINE USE STANDARDS**

### **[Part V of Lincoln County Estuary Management Plan]**

#### **Estuarine Use Standards**

The following standards will be applied to all new uses and activities in the Siletz Bay Estuary. All estuarine uses that involve dredging, fill, structures, shoreline stabilization (except vegetative) or other alteration waterward of Mean Higher Water or the line of non-aquatic vegetation are currently regulated either at the state level (State Removal/Fill Law, ORS 541.695), federal level (Section 10 or the Rivers and Harbors Act and Section 404 of the Clean Water Act) or both. Certain other uses such as energy facility siting, aquaculture, exploration for oil, gas, or geothermal energy are further regulated by additional state or federal permits. To minimize duplication of local, state, and federal permits, the estuarine use standards will be applied through local review of the appropriate state and/or federal permits. In addition to the standards set forth herein, all uses and activities must further comply with applicable state and federal regulations governing water quality, resource protection, and public health and safety.

#### **Structures**

**Definition:** Structures include all constructed, man-made facilities which extend into the estuary; fixed or floating.

Structures do not include log rafts or new land created from submerged or submersible lands (see fill). Structural types include:

**Docks:** A fixed or floating decked structure against which a boat may be berthed temporarily or indefinitely.

**Pier:** A structure extending into the water from solid land generally to afford passage for persons or goods to and from vessels, but sometimes to provide recreational access to the estuary.

**Wharf:** A structure built alongside a waterway for the purpose of receipt, discharge and storage of goods and merchandise from vessels.

**Piling:** A long, slender stake or structural element of steel, concrete or timber which is driven, jetted, or otherwise embedded into the bed of the estuary for the purpose of supporting a load.

**Dolphin:** A group of piles driven together and tied together so that the group is capable of withstanding lateral forces from vessels or other floating objects.

**Jetty:** An artificial barrier used to change littoral drift to protect inlet entrances from excessive sedimentation and to direct and confine the stream of tidal flow. Usually constructed at the mouth of a river or estuary to help deepen and stabilize a channel.

**Groin:** A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shoreline. Generally constructed of rock or other solid material.

**Pile Dike:** Flow control structures analogous to groins, but constructed from closely spaced piling connected by timbers.

**Breakwater:** An offshore barrier, sometimes connected to the shore at one or both ends to break the force of waves. Used to protect harbors and marinas, breakwaters may be constructed of rock, concrete, piling or may be floating structures.

1. The siting and design of all structures shall be chosen to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics and patterns of erosion and accretion.
2. Materials to be used for structures shall be clean and durable so as to allow long term stability and minimize maintenance. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.
3. The development of structures shall be evaluated to determine potential conflicts with established water uses (e.g., navigation, recreation, aquaculture, etc.). Such conflicts shall be minimized to the extent feasible.
4. Occupation of estuarine surface area by structures shall be limited to the minimum area practical to accomplish the proposed use.
5. Where feasible, breakwaters of the floating type shall be preferred over those of solid construction.
6. Floating structures shall not be permitted in area where they would regularly contact the bottom at low water (i.e. shall be located waterward of Mean Lower Low Water). Exceptions may be granted for structures of limited area which are necessary as part of an overall approved project where grounding would not have significant adverse impacts.
7. Individual single purpose docks and piers for recreational and residential uses shall be permitted only when it has been demonstrated that there are no practical alternatives (e.g., mooring, buoys, dry land storage etc.). Community facilities or other structures common to several uses are encouraged at appropriate locations.
8. Piers, docks and similar features for individual recreational or residential uses shall meet each of the following requirements:
  - a. No dock, pier or similar facility shall extend into any watercourse more than 25' beyond MLLW unless it can be demonstrated that additional extension is essential to accomplish the intended purpose of the structure.
  - b. No individual private recreational dock, pier or similar facility shall extend into any watercourse more than 5% of the width thereof (as measured perpendicular from MLLW on one side of the

watercourse to MLLW on the opposite side) unless it can be shown that additional extension is essential to accomplish the intended purpose of the structure.

9. Docks and similar facilities shall have the long dimension running parallel to the channel unless future development will result in pier construction or moorages being connected, necessitating facility design perpendicular to the channel.

#### Dredging

Definition: The removal of sediment or other material from the estuary usually for the purpose of deepening a channel, mooring basin or other navigation area.

1. All dredging in the estuary shall be conducted in such a manner so as to minimize:

- a. Adverse short-term effects, such as pollutant release, dissolved oxygen depletion and disturbance of important biological communities.
- b. Adverse long term effects such as loss of fish habitat and tidelands, loss of flushing capacity, destabilization of bottom sediments, and biologically harmful changes in circulation patterns.
- c. Removal of material in wetland and productive shallow submerged lands.

2. Dredging shall be permitted only:

- a. For navigation or navigational access; or
- b. In conjunction with a permitted or conditionally permitted water dependent use; or
- c. As part of an approved restoration project; or
- d. For mining or mineral extraction as provided for in the Mining and Mineral Extraction Standards; or
- e. For an approved public use, such as bridge crossings, submerged utility crossings, etc.

3. Local governments shall rely on the Division of State Lands to administer the provisions of ORS Ch. 541 requiring the mitigation of adverse impacts of dredging in intertidal and tidal marsh areas.

## Shoreline Stabilization

Definition: The stabilization or protection from erosion of the banks of the estuary by vegetative or structural (rip rap or bulkheads) means.

1. Shoreline stabilization procedures shall be confined to those area where:

- a. Active erosion is occurring which threatens existing uses or structures; or
- b. New development or re-development of water dependent or water related uses requires protection for maintaining the integrity of upland structures or facilities.

2. The following, in order, are the preferred methods of shoreline stabilization:

- a. Vegetative or other non structural
- b. Vegetated rip rap
- c. Unvegetated rip rap
- d. Bulkheads

Structural shoreline stabilization methods shall be permitted only where a higher priority method is not feasible.

3. Materials to be used must be clean and of a non-erodable quality that will allow long term stability and minimize maintenance. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.

4. Minor modification of the bankline profile may be permitted on a case-by-case basis. These alterations shall [be for] the purpose of gaining additional upland area.

5. Shoreline stabilization structures shall be designed and located so as to minimize adverse impacts on aquatic life and habitat, circulation and flushing characteristics, and patterns of erosion and accretion.

6. The use of bulkheads shall be limited to "development" and "conservation" management units.

## Fill

Definition: Placement of material in the estuary to create new shoreland area.

1. Fill shall be permitted only in conjunction with a water dependent use which requires an estuarine location and for which no feasible alternatives (e.g. construction on piling) or upland locations exist.

2. All fill projects shall be designed and placed so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.
3. Fill materials which could create water quality problems or which will rapidly deteriorate are not permitted.
4. When available from an authorized dredging project, dredged materials shall be preferred over upland materials for approved fill projects.
5. As an integral part of the fill process, new fills placed in the estuary shall be protected by approved methods of bank stabilization to prevent erosion.
6. Local governments shall rely on the Division of State Lands to administer the provisions of ORS Ch. 541 requiring the mitigation of adverse impacts of filling in intertidal or tidal marsh areas.
7. In the design of fill projects, provisions of public access to the estuary shall be encouraged to the extent compatible with the proposed use.

#### Marina and Port Facilities

##### Definitions:

**Marina:** A small harbor, boat basin or moorage dockage for recreational craft.

**Port Facilities:** Facilities which accommodate and support commercial fishery and navigation activities, including terminals and boat basins and moorage for commercial vessels, barges and oceangoing ships.

1. All structures, fills, dredging or shoreline stabilization measures undertaken in conjunction with marina or port facility development must comply with applicable standards set forth in this plan.
2. Provision must be made in the design of marina and port facilities to ensure adequate flushing for the maintenance of water quality.
3. Open moorage shall be preferred over covered or enclosed moorage except for repair or construction facilities.
4. Multi-purpose and cooperative use of moorage, parking, cargo handling and storage facilities shall be encouraged.
5. In the development of new port marina facilities, maximum feasible public access shall be encouraged, consistent with security and safety requirements.

### Aquaculture

Definition: The raising, feeding, planting and harvesting of fish, shellfish or marine plants, including facilities necessary to engage in the use.

1. All structures located in conjunction with aquaculture operations shall be subject to the standards set forth in this plan for structures.
2. Water diversion structures or man-made spawning channels shall be constructed so as to maintain minimum required stream flows for aquatic life in the adjacent streams.
3. The potential impacts of introducing a new fish or shellfish species (or race within a species) shall be carefully evaluated in light of existing aquatic life and potential fish and shellfish production in the stream, estuary and ocean.
4. Aquaculture facilities shall be located far enough from any sanitary sewer outfalls to prevent any potential health hazard.

### Mineral and Aggregate Extraction

Definition: The removal for economic use of minerals, petroleum resources, sand, gravel or other materials from the estuary.

1. All mineral and aggregate removal projects shall be conducted in such a manner so as to minimize:
  - a. Adverse short term effects such as pollutant release, dissolved oxygen depletion, excessive turbidity, and disturbance of important biological communities.
  - b. Adverse long term effects such as loss [of] habitat and tidelands, loss of flushing capacity, destabilization of bottom sediments and biologically harmful changes in circulation patterns.
2. Removal of aggregate materials from the estuary shall be allowed only after a clear demonstration that comparable materials are not available from local upland sources.
3. Unless part of an approved fill project, spoils and stockpiles shall be placed beyond the reach of high water and in such a manner that sediment will not enter or return to the waterway.
4. Riparian vegetation shall be retained to the optimum degree possible. Disturbed shoreline areas shall be revegetated.

## Dikes

Definition: An earthen embankment or ridge constructed to restrain high waters. New diking is placement of dikes on an area which (1) has never been previously diked; or (2) has previously been diked but all or a substantial part of the area is presently subject to tidal inundation and tidal marsh has been re-established.

1. Existing functional dikes and tide gates may be maintained and repaired as necessary to fulfill their original purpose.
2. New dikes or expanded dikes in estuarine areas shall be allowed only:
  - a. As part of an approved fill project; subject to the standards for fill; and
  - b. If appropriate mitigation is undertaken in accordance with relevant state standards.
3. Dikes constructed to retain fill materials shall be considered fill and are subject to standards for fill.
4. The outside face of new dikes shall be protected by approved shoreline stabilization procedures.

## Outfalls

Definition: An outlet through which materials are discharged into the estuary. Outfalls include sanitary (sewer) discharges, storm drainage facilities and industrial waste discharges.

1. As applicable, the standards for dredging, shoreline stabilization and placement of structures as set forth in this plan must be complied with in the installation of outfalls.
2. Outfalls shall not be allowed in poorly flushed areas of the estuary, unless all state and federal water quality standards can be met.

## Submerged Crossings

Definition: Power, telephone, water, sewer, gas or other transmission lines which are constructed across the estuary, usually by embedding into the bottom of the estuary.

1. Trenching or other bottom disturbance undertaken in conjunction with installation of a submerged crossing shall conform to the standards for dredging as set forth in this plan.
2. Submerged crossing shall be designed and located so as to eliminate interference with present or future navigational activities.
3. Submerged crossing shall be designed and located so as to ensure sufficient burial or water depth to avoid damage to the crossing.

## Restoration

Definition: Replacing or restoring original attributes or amenities such as natural biological productivity or cultural and aesthetic resources which have been diminished or lost by past alterations or activities. Active restoration involves the use of specific remedial action such as removing dikes, installing water treatment facilities, etc. Passive restoration is the use of natural processes, sequences or timing to bring about restoration after the removal or reduction of adverse stresses.

1. Restoration in areas designated for development shall be undertaken only if it is likely that the project will not conflict with or be destroyed by existing subsequent development.
2. All restoration projects shall be designed so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.

## Excavation

Definition: Excavation of shorelands to create new estuarine surface area directly connected to other estuarine waters.

1. Creation of new estuarine surface area shall be allowed only for navigation, other water dependent use, or restoration.
2. All excavation projects shall be designed and located so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.
3. Excavation of as much as is practical of the new water body shall be completed before it is connected to the estuary.
4. In the design of excavation projects, provision of public access to the estuary shall be encouraged to the extent compatible with the proposed use.

## Dredged Material Disposal

Definition: The deposition of dredged material in estuarine areas or shorelands.

1. Disposal of dredged materials should occur on the smallest possible land area in order to minimize the quantity of land that is disturbed. Clearing of land should occur in stages on an as needed basis.
2. Dikes surrounding disposal sites shall be well constructed and large enough to encourage proper "ponding" and to prevent the return of suspended sediments into the estuary.
3. The timing of disposal activities shall be coordinated with the Department of Environmental Quality and the Department of Fish and Wildlife to ensure adequate protection of biologically important

elements such as fish runs, spawning activity, etc. In general, disposal should occur during periods of adequate river flow to aid flushing of suspended sediments.

4. Disposal sites which will receive materials with toxic characteristics shall be designed to include secondary cells in order to achieve good quality effluent. Discharge from the sites should be monitored to ensure adequate cell structures have been constructed and are functioning properly.

5. Revegetation or other stabilization of disposal sites shall occur as soon as is practicable in order to stabilize the site and retard wind erosion.

6. Outfalls from dredged material disposal sites shall be located and designed so as to minimize adverse impacts on aquatic life habitats and water quality.

7. General priorities for dredged material disposal sites shall be (in order of preference):

a. Upland or approved fill project sites

b. Approved offshore disposal sites

c. Aquatic areas

The Lincoln County Dredge Material Disposal Plan should be consulted for information concerning specific disposal sites and further policy recommendations.

#### Water Handling of Logs

Definition: Water handling of logs is the combined process of log dumping, storage, transportation, millside handling and takeout as logs are placed into the water and moved to a final processing site.

1. Water handling of logs shall be conducted in such a manner to insure that violations of water quality standards do not result from such activities.

2. New free fall log dumps shall not be permitted. All new log dumps and shipside unloading shall employ easy letdown devices.

3. The inventory of logs in the estuary for any purpose shall be the lowest practical number for the shortest practical time considering log availability and market conditions.

4. The inventory of logs in areas where grounding will occur shall be the lowest practical number for the shortest practical time considering log availability, [and] market conditions.

5. Best practical bark and wood debris control, collection and disposal methods shall be employed at log dumps, shipside unloading areas, raft building areas and millside handling and takeout areas.



## **[MANAGEMENT UNITS**

### **Part VI of Lincoln County Estuary Management Plan (Excerpt)]**

#### **MANAGEMENT UNIT 1 - SILETZ**

##### **Description**

Management Unit 1 includes the intertidal area north of the mouth of Schooner Creek, and all of the subtidal main channel from the mouth up to the old Highway 101 bridge crossing at Kernville. This is a predominantly subtidal area (with the exception of the intertidal sand area adjacent to the shoreline at Taft). Major uses in this unit include shallow draft recreational boating and sport angling. Piers, docks and boat launching facilities are located at Taft and on the spit at Salishan. A small marina is located at Kernville.

**Classification: Conservation**

This is a partially altered area and is designated conservation in order to provide for water dependent uses requiring minor alterations.

##### **Resource Capability**

Management unit 1 is divided between the marine and bay subsystems as described in the ODFW report Natural Resources of Siletz Estuary. The Taft shoreline area is within the marine subsystem. Management recommendations for this area indicate that the area could sustain moderate development activities (i.e. those not involving major intertidal dredge and fill or excessive occupation of surface area). Likewise, the intertidal shore area near Kernville is described by the report as "highly altered" and capable of accommodating additional recreational development.

##### **Management Objective**

Management unit 1 shall be managed to provide for water dependent recreational opportunities and facilities, consistent with the conservation of natural resources.

##### **Special Policies**

1. Bridge crossing construction will be permitted only for expansion or replacement of the existing crossings at Schooner Creek and Kernville.

#### **MANAGEMENT UNIT 2 - SILETZ**

##### **Description**

Management unit 2 includes Schooner Creek from the Highway 101 crossing up to the head of tide. This is a small tidal creek with some small tracts of high marsh and intertidal sand area in the lower portion. Uses in this unit include sport angling and some minor recreational boating activity. The City of Lincoln

City sewage treatment plant and outfall are located within this unit. Some minor alterations are present in the form of a bridge crossing and shoreline rip-rap.

Classification: Conservation

This is an area of less biological importance than units 3 and 5, and is designated conservation to allow for minor alterations in conjunction with recreational or public uses.

#### Resource Capability

The unit is identified as the Schooner Creek riverine subsystem in the ODFW natural resource report. The lower portions of the unit exhibit characteristics of a marine influenced environment, with some minor algal beds near the mouth, and sand shore and low sedge marshes above. The upper portions of the unit above the sewage treatment plant are typically riverine in character. The low marshes and aquatic beds near the mouth are sensitive areas and should be protected from major disturbances. According to the ODFW's management recommendations "a boat ramp or a few public docks" would be consistent with resource capabilities in this area.

#### Management Objective

Management unit 2 shall be managed for low-intensity uses which require only minor alterations.

#### Special Policies

1. Bridge crossing construction will be permitted only for replacement or expansion of the existing crossings.

### MANAGEMENT UNIT 3 - SILETZ

#### Description

Management unit 3 consists of all of the intertidal and tidal marsh area along the east shore of the estuary from the mouth of Schooner Creek south to the upland area at Kernville. This management unit contains a number of resource characteristics of major significance, including major tracts of tide flats, salt marsh and seagrass and algal beds. The area between Cutler City and Kernville known as Snag Alley, is an important waterfowl habitat. Uses in this unit are limited to some shallow draft recreational boating and other recreational uses such as hunting and angling. Alterations in the unit area limited to one small fill at Cutler City and several areas of rip-rapped shorelines.

Classification: Natural

This unit includes major tracts to tideflats and tidal marsh and is classified natural to protect important resource values.

#### Resource Capability

This unit is a portion of the bay subsystem of the Siletz estuary. This area contains the greatest diversity of habitats, including a large portion of the estuary's marsh and intertidal flat habitats. Due to the importance of this area to productivity of the estuarine system, alterations should be minimized. Those alterations proposed should be reviewed for consistency with the resource capabilities of this area, particularly the area's values for primary productivity.

#### Management Objective

Management unit 3 shall be managed to preserve and protect natural resources and values.

#### Special Policies

1. Bridge crossing construction will be permitted only for maintenance or replacement of the existing crossing at Drift Creek.







## **MITIGATION AND RESTORATION**

### **[Part VII of Lincoln County Estuary Management Plan (Excerpt)]**

Lincoln County estuaries have been substantially altered over the past century to provide for navigation, shoreline development and agriculture. Upriver watershed activities have also contributed significantly to changes in the natural functioning of the estuaries. While it is not possible or desirable to return the estuaries to their pre-nineteenth century condition, restoration of certain habitat and cultural values is an important estuary management objective.

Necessary new development projects in estuarine areas will have some adverse environmental impacts, regardless of how carefully the projects are designed and planned. The adverse effects of such development can be compensated for (or mitigated) by the creation, restoration or enhancement of other estuarine areas.

### **RELATIONSHIP OF RESTORATION AND MITIGATION**

Restoration refers to restoring prior or original attributes of the estuary that were lost as a result of past alterations. Examples of restoration projects include removing fills; marsh creation; shoreland vegetation planting to control erosion and re-establish riparian zones, breaching dikes to restore or improve tidal flushing; and dredging and construction measures to re-establish former depths, shoreline configurations and flushing and circulation patterns.

Mitigation refers specifically to offsetting or compensating for adverse impacts of proposed dredging and filling through creation, restoration and enhancement of estuarine areas.

Restoration and mitigation are connected in that certain restoration activities can serve as mitigation for adverse impacts of development. For example, restoration of an abandoned diked marsh to full aquatic production by removing or breaching the dike would generally be acceptable mitigation for filling a tidal marsh in some other area for water dependent development.

Statewide Planning Goal 16 has explicit requirements concerning mitigation. Implementation requirement 4 states:

"Adverse impacts to estuarine resources from dredge or fill activities permitted in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of an estuarine area(s). The objective shall be to improve or maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, unique features and water quality."

The Oregon Removal-Fill Law (ORS 541.605-541.695) provides the Division of State Lands (DSL) with the authority to require mitigation for dredging or filling waters of the state. For estuarine areas, DSL must require mitigation for alteration of intertidal and tidal marsh areas as outlined in Goal 16. DSL may also require mitigation for alteration of productive sub-tidal areas. Certain activities which have negligible adverse impacts can be exempted from the mitigation requirement. DSL coordinates its permit issuance and mitigation requirements with affected local, state and federal agencies.

## Overall Restoration Policy

All restoration projects should serve to revitalize, return, replace or otherwise improve estuarine ecosystem characteristics.

Examples include restoration of natural biological productivity, fish or wildlife habitat or other natural characteristics or resources which have been diminished or lost by past alterations, activities or catastrophic events. In selecting projects, priority should be given to those projects which provide substantial public benefits and which restore habitat types, resources or values which are in shortest supply as compared to past abundance. Particular emphasis should be given to aquatic and riparian habitat restoration.

## [RESTORATION NEEDS]

### Siletz Bay

Siletz Bay has been substantially altered by landfills and diking primarily around the Kernville-Millport Slough area. Only a little more than two acres of tidelands have been filled, but substantial [sic] areas of tidal marsh have been both filled and diked. As is the case with most Lincoln County estuaries, both the major resource losses and the primary opportunities for restoration involve tidal marsh.

## MITIGATION

The mitigation provisions of Goal 16 require that appropriate sites be designated to meet anticipated needs for mitigation. These sites are to be protected from uses which would pre-empt their availability for restoration or enhancement activities. Mitigation sites have been selected from among the restoration sites identified in the preceding discussion. All of these sites have been evaluated as potential mitigation sites based on the following criteria:

1. Biological Potential. Sites have been evaluated in terms of their similarity of habitat or potential to areas likely to be altered or destroyed by future development activities; or, alternatively, sites were chosen which may provide resources which are in greatest scarcity compared to their past abundance or distribution. This evaluation has been based on an analysis of each site relative to a general assessment of probable foreseeable [sic] mitigation needs in each estuary, as well as past alterations or losses.

2. Engineering or Other Technical Constraints. Sites have been evaluated in terms of the type and magnitude of technical limitations which need to be overcome to accomplish restoration or enhancement. Sites with fewer constraints were considered more appropriate for use as mitigation sites.

**[MITIGATION NEEDS AND SITES]**

**Siletz Bay**

The overall management plan for Siletz Bay does not provide for major dredge or fill activities. Any intertidal dredge or fill activities would be minor in nature and would likely occur in the narrow intertidal shore areas at Taft, Kernville or at sites further upriver. Tidal marshes are in protective designations and no dredge or fill activities will take place in these area.

There are no known opportunities for restoration or enhancement of intertidal flat or shore habitats in Siletz Bay. Because of past alterations and relative scarcity of tidal marsh, mitigation actions to restore or enhance marsh areas are desirable. Given the limited extent of dredge and fill activities contemplated in Siletz Bay, it is felt that the following site provides more than adequate opportunity for mitigation of expected adverse impacts.

<b>Site</b>	<b>Location</b>	<b>Protective Mechanism</b>
<b>Millport Slough Zone (restoration #3) (wetland area)</b>	<b>8-11-10 t.l. 802, 601, 500, 701, 602, 700, 600</b>	<b>C-S Overlay</b>

**[LOG STORAGE AND TRANSPORTATION  
Part VIII of Lincoln County Estuary Management Plan**

NOT PART OF LINCOLN CITY ESTUARY MANAGEMENT PLAN]

**[FUTURE DEVELOPMENT SITES  
Part IX of Lincoln County Estuary Management Plan**

NOT PART OF LINCOLN CITY ESTUARY MANAGEMENT PLAN]

## PLAN IMPLEMENTATION

### Part X [of Lincoln County Estuary Management Plan]

The Lincoln County Estuary Management Plan will be implemented at the local level by the various units of local government with comprehensive planning and zoning responsibilities. The management plan will become an element of the applicable local comprehensive plans, and through these plans it will be incorporated into the Oregon Coastal Management Program.

For certain requirements of Statewide Planning Goal 16, no explicit implementing measures or standards are included in the management plan. Local governments will rely on certain state and federal regulatory authorities and programs to meet these requirements. (These programs and the goal requirements they fulfill are described in the following section on State and Federal Agency Coordination). However, it should be noted that the administration of this plan and all implementing measures contained herein (e.g. application of use standards, conditional use criteria, etc.) is the responsibility of the appropriate local jurisdiction.

### LOCAL REVIEW PROCEDURE

#### Permitted Uses

For uses and/or activities which are "Permitted with Standards" (i.e. those activities or uses which are designated "P" in the appropriate permitted use matrix) no local permit is required. These uses and activities will be reviewed by the local jurisdiction for consistency with applicable Estuarine Use Standards through the Division of State Lands public notice process. The procedure will be as follows:

1. Upon receipt of the Public Notice, the Planning Department shall review the proposed use or activity for consistency with applicable Estuarine Use Standards set forth in Part V of the Lincoln County Estuary Management Plan.
2. If the Planning Department finds that the proposed use or activity is consistent with all applicable Estuarine Use Standards, the department shall notify the Division of State Lands to that effect prior to the expiration of the Public Notice. As a part of this review process the Planning Department shall impose any conditions or restrictions necessary to ensure compliance with applicable Estuarine Use Standards.
3. If the Planning Department finds that the proposed use or activity is inconsistent with any applicable Estuarine Use Standard, the department shall notify both the Division of State Lands and the applicant prior to the expiration date of the Public Notice. This notification shall cite the standard(s) which has not been met and state with particularity the reasons for the inconsistency.
4. If the information contained in the Public Notice is not sufficient for the Planning Department to reach a decision on the consistency of the proposed use or activity, the department shall notify the applicant to that effect prior to the expiration date of the Public Notice. This notification shall cite the standards(s) needing to be addressed and state with particularity the information needed to arrive at a decision.

5. Any finding of consistency made through this review process may be subject to revocation by the Planning Department if it is ascertained that the application included any false information or if it develops that and conditions of approval have not been complied with or are not being maintained.
6. Any decision made by the Planning Department through this review process may be appealed in accordance with the provisions of article 10 of the Lincoln County Zoning Ordinance #34, as amended.

### Conditional Uses

Uses and/or activities which are "conditional" (i.e. those uses or activities which are designated "C" in the appropriate permitted use matrix) may be permitted upon authorization by the Planning Department or Planning Commission in accordance with the standards and procedures set forth in Section 3.120 and Article 6 of the Lincoln City Zoning Ordinance.

In addition to conformance with the procedures and standards of Section 3.120 and Article 6, conditional use authorization shall require the following findings:

1. That the use or activity is compatible with the management objection [sic] and policies of the management classification.
2. That the use or activity complies with all applicable Estuarine Use Standards as set forth in Part V of the Lincoln County Estuary Management Plan.
3. That the use or activity complies with all the management objective and special policies of the individual management unit.
4. That the use or activity is consistent with the resource capabilities of the management unit.
5. That the cumulative impacts of the proposed use or activity have been considered.

### Application of Standards

The Estuarine Use Standards set forth in Part V of the Estuary Management Plan and the conditional use requirements set forth in Part IV of the Estuary Management Plan are to be applied to estuarine developments on a case by case basis by the appropriate local governing body (i.e. city or county), through the review processes described above.

The specific nature and circumstances of a proposal will be measured against each applicable standard or criterion. Findings of fact will be developed relative to compliance with each applicable standard or criterion, based on an analysis of the proposal. The Planning Department may require an applicant to provide such information and technical analysis as may be needed to determine compliance with any and all applicable standards, including but not limited to the following:

1. Effects on physical characteristics such as: flushing and circulation; erosion and accretion patterns; salinity, temperature and dissolved oxygen characteristics.
2. Effects on biological characteristics such as: benthic habitats and communities; anadromous fish migration routes; fish and shellfish spawning and rearing areas, primary productivity; resting; feeding and nesting areas for migrating and resident shorebirds; wading birds and other wildfowl; riparian vegetation; wildlife habitat.
3. Effects on other established uses in the area.
4. Alternative project designs and/or locations which have been considered.
5. Steps which have been taken to minimize or avoid adverse impacts.

In the process of gathering necessary factual information for the application of standards, the planning department may consult with any agency or individual able to provide relevant technical expertise.

#### STATE AND FEDERAL AGENCY COORDINATION

As described above, the Lincoln County Estuary Management Plan is designed to provide for the review of proposed uses and the application of performance standards in conjunction with the Division of State Lands waterway project permit review procedure (which in turn is integrated into the Corps of Engineers Section 10 and Section 404 review procedures).

Through this process, all state and federal resource agencies which participate in the review of waterway permits will be apprised of actions taken and findings made under the provisions of the management plan.

Similarly, local governments will be able to take advantage of the resource agencies' participation in this process for acquiring technical information and assessments relative to the review of waterway projects.

Reliance on State and Federal Standards. In order to streamline the permit process and avoid unnecessary duplication in the review of estuarine development proposals, the management plan will rely on the requirements of certain state and federal agency programs and requirements to provide specific implementing measures for certain Goal 16 requirements. The goal requirements and the programs being relied on to fulfill them are as follows:

(Note: The major programs and agency responsibilities affecting estuarine development are listed, and described following this section.)

Goal Requirement

Agency Program(s) Relied On\*

A. Provide findings that dredge, fill or other degradation is only allowed upon demonstration of public need.

Corps of Engineers, Section 10 (33 CFR 320.4) Division of State Lands, Fill & Removal Law (ORS 541.625(2) a-e).

B. Provide findings that, where permitted, structural bank stabilization or dredging activities in conjunction with aquaculture, public facilities, and/or active restoration measures are consistent with the resource capabilities of a "Natural" management unit.\*

Corps of Engineers, Section 10 (22 CFR 322.5)

C. Provide findings that, where permitted, fill, structural bank stabilization or dredging activities in conjunction with marinas, minor navigational improvements, mining and mineral extraction, bridge crossings, and water dependent uses requiring occupation of surface area by means other than fill are consistent with the resource capabilities of a "Conservation" management unit.\*

Corps of Engineers, Section 10 (22 CFR 322.5)

D. Provide findings that, where allowed, fill, bank stabilization or dredging activities in conjunction with mining extraction, public facilities, bridge crossings, research and education observations or protection of habitat and other natural values are consistent with resource capabilities of "Development" management unit.

Corps of Engineers, Section 10 (22 CFR 322.5)

E. Clearly present the impacts of a proposed alteration to the estuary with a demonstration of the public's need and gain which warrant the modification or loss.

Corps of Engineers, Section 10 (33 CFR 320.4)

F. Provide findings that the proliferation of single purpose docks and piers is being restricted by encouraging community facilities and considering other alternatives.

Corps of Engineers, Section 10 (33 CFR 320.4)

G. Require mitigation for dredge or fill in tidal marsh or intertidal areas.

Division of State Lands Fill & Removal Law (ORS 541.626)

H. Maintain water quality and minimize man-induced sedimentation.

Department of Forestry, Oregon Forest Practices Act and Administrative Rules, (ORS 527.610-527.730)

Various programs of the Soil and Water Conservation Commission, the local Soil & Water Conservation District and the Soil Conservation Service

Department of Environmental Quality, Section 208 of the

Clean Water Act as amended in 1972 (PL 92-500)

Division of State Lands, Fill and Removal Law (ORS 541.605-541.665)

\*In the event that these State or Federal regulations change so as to no longer satisfy these goal requirements, equivalent implementary [sic] measures will be required. Plan policies moderate compliance with Goal 16 implementation provisions; appropriate implementing standards must be referenced and/or developed as part of the plan to maintain conformance with plan policies.

## Federal and State Agency Programs and Responsibilities

The following lists the major state and federal agency programs which relate to estuarine development activities. The specific program provisions which will be relied upon to meet Goal 16 requirements are cited and the relevant standards from each are briefly described. Also included in the listing are those agency programs which, while not specifically relied upon to meet goal requirements, may generate technical information useful to local government in evaluating estuarine development proposals.

### 1. CORPS (40 CFR 230.4-1) Disposal of Dredged or Fill Material

- a. Testing water column effects;
- b. Testing effects on benthos;
- c. Evaluation exemption;
  - 1) If naturally occurring sediment larger than silt;
  - 2) Beach nourishment;
  - 3) Discharge is substantially same as disposal site substrate.

### 2. CORPS (40 CFR 230.4-2) Disposal of Dredged or Fill Material

- a. Corps prohibits discharge when it would cause a violation of such appropriate standards at the perimeter of the disposal site after consideration of the mixing zone.

### 3. CORPS (40 CFR 230.5) Disposal of Dredged or Fill Material

- a. The permitting authority should use the following, in sequence, for evaluating whether a particular discharge should be allowed:
  - 1) Minimize adverse impacts through evaluation in 230.10 and 230.11 below;
  - 2) Use general permit if applicable and all conditions are met;
  - 3) Examine practicable alternatives;
  - 4) Delineate candidate disposal sites consistent with the criteria and evaluation in 230.11 below;
  - 5) Evaluate the various physical and chemical components;

- 6) Identify and evaluate any special or critical characteristics of a candidate disposal site and surrounding areas which might be affected by use of such site, related to their living communities or human uses;
- 7) Evaluate chemical contamination or physical incompatibility of discharged material;
- 8) Conduct appropriate chemical tests if appropriate;
- 9) Identify appropriate and practicable changes to the project plan to minimize environmental impact of discharge.

#### 4. CORPS (40 CFR 230.10) Disposal of Dredged or Fill Material

##### a. Restrictions of Discharge

- 1) No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.
- 2) No discharge of dredged or fill material shall be permitted if it:
  - a. Causes or contributes to violations of any applicable state water quality standard;
  - b. Violates any applicable toxic effluent standards;
  - c. Conflicts with the Endangered Species Act;
  - d. Violates requirements in the Marine Protection Research and Sanctuaries.
- 3) No discharge of dredged or fill material will be permitted that causes or contributes to significant degradation of waters of the U.S. Effects contributing to significant degradation include:
  - a. Adverse effects on human health or welfare;
  - b. Adverse effects on life stages of aquatic life and wildlife;
  - c. Adverse effects on aquatic ecosystem diversity, productivity and stability;
  - d. Adverse effects on recreational, aesthetic and economic values.
- 4) No discharge of dredged or fill material will be permitted unless appropriate steps have been taken to minimize adverse impacts of the discharge on the aquatic ecosystem.

#### 5. CORPS (40 CFR 230.11) Disposal of Dredged or Fill Material

Permitting authority must document the potential short term and long term effects of a proposed discharge on the environment. The determination must include findings on:

- a. Physical substrate;
- b. Water circulation, fluctuation and salinity;
- c. Suspended particulate/turbidity;
- d. Contaminants;
- e. Aquatic ecosystem and organisms;
- f. Proposed disposal site;
- g. Cumulative impacts; and
- h. Secondary impacts.

#### 6. EPA (40 CFR 231.(A) Disposal of Dredged or Fill Material

Prohibit or otherwise restrict a site whenever the discharge of dredged or fill material is having or will have an "unacceptable adverse effect" on municipal water supplies, shellfish beds and fishery areas, wildlife or recreational beds. And there is a showing that all the activity associated with the fill is necessary.

#### 7. CORPS (33 CFR 320.4) Permits for Activities Affecting Navigational Waters

Required consideration for all Corps reviews of dams and dikes; structures; working, alteration or modification of navigable waters; construction of fixed structures on Outer Continental Shelf; discharges into waters of the United States; and ocean dumping.

- 1) Public interest review;
  - a) Extent of public and private need.
  - b) Alternative location and methods.
  - c) Public and private beneficial and detrimental effects.
  - d) Cumulative effects.

- 2) Wetlands;
  - a) Cumulative impacts;
  - b) No permit issued unless District Engineer concludes the benefits outweigh damage to wetland;
- 3) Applicant is urged to modify the proposal to eliminate or mitigate damage to resources;
- 4) Water quality
- 5) Historic, scenic and recreational values;
- 6) Effects on limits of the territorial sea;
- 7) Interference with adjacent properties or water resource projects.
- 8) Activities in marine sanctuaries
  - No permit issued until applicant certifies that the activity is consistent with the purposes of Title III of the MPRSA.
- 9) Floodplains

#### 8. CORPS (22 CFR 322.5) Permits for Activities Affecting Navigational Waters

a. Permits for structures or work in or affecting navigable waters of the United States as required under Section 10 of the Rivers and Harbors Act include:

##### 1) Non-Federal Dredging for Navigation

Permittee must meet same conditions as federal dredging projects with respect to turbidity, water quality, containment of material, nature and location of approved spoil disposal areas, extent and period of dredging, and "other factors relating to protection of environmental and ecological values."

##### 2) Structures for Small Boats

In the absence of overriding public interest, favorable consideration will generally be given to applicants from riparian owners for permits for piers, boat docks, moorings, platforms, and similar structures for small boats. Particular attention is given to prevent possible obstructions to navigation.

Cooperative or group facilities are encouraged.

### 3) Aids to Navigation

Must conform to U.S. Coast Guard requirements for marking, lighting, etc.

### 4) Canals and other Artificial Waterways Connected to Navigable Waters of U.S.

Canals or similar artificial waterways are subject to same regulations as other natural waterways of the U.S.

### 5) Power Transmission Lines

Section 10 permits are required for power transmission lines crossing navigable waters. Regulations prescribe minimum clearance.

### 9) CORPS (33 CFR [sic] 323.4) Permits for Activities Affecting Navigational Waters

a. Management practices that should be followed to the "maximum extent practicable" in the discharge of permitted dredged or fill materials.

- 1) Discharges of dredged or fill material should be avoided or minimized through the use of practical alternatives;
- 2) Discharges in spawning areas during spawning season should be avoided;
- 3) Discharges should not restrict or impede the movement of aquatic species;
- 4) Should minimize impacts from impoundments;
- 5) Wetland discharges should be avoided;
- 6) Heavy equipment in wetlands should be placed on mats;
- 7) Discharges into breeding and nesting areas for migratory waterfowl should be avoided; and
- 8) All temporary fills should be removed in their entirety.

### 10) CORPS (22 CFR 323.4-2) Permits for Activities Affecting Navigational Waters

a. Provided conditions in "B" below are met, permitted discharges include:

- 1) Non-tidal rivers, streams and their impoundments including adjacent wetlands that are located above the headwater;

- 2) Natural lakes, including their adjacent wetlands, that are less than 10 acres in surface area and that are fed or drained by a river or stream above the headwaters. In the absence of adjacent wetlands, the surface areas of a lake shall be determined at the ordinary high water mark;
- 3) Natural lakes, including their adjacent wetlands, that are less than 10 acres in surface area and not a part of a surface river or stream. In the absence of adjacent wetland, the surface area of a lake shall be determined at the ordinary high water mark; and
- 4) Other than non-tidal waters of the United States other than isolated lakes larger than 10 acres (see 3) above) that are not part of a surface tributary system to interstate waters or navigable waters of the United States (see Sub-section 323.2(a)(5)).

b. For purposes of Section 404, the following conditions must be satisfied for any discharge of dredged or fill material in waters described above:

- 1) That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species;
- 2) That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;
- 3) That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and
- 4) That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System.

#### 11. CORPS (33 CFR 325.9) Permits for Activities Affecting Navigational Waters

District Engineers will assure that authorized activities are conducted and executed in conformance with approved plans and other conditions of the permits.

#### 12. CORPS OF ENGINEERS (33 CFR 320.4 (C)) Permits for Activities Affecting Navigable Waters

"The applicant will be urged to modify his proposal to eliminate or mitigate any damage to (wildlife) resources and, in appropriate cases, the permit may be conditioned to accomplish this purpose."

#### 13. U.S. FISH AND WILDLIFE SERVICE/NMFS (40FR 231 5.2.A. (4)) Fish and Wildlife Coordination Act

"Non-water dependent structures, facilities, or activities generally will be considered by the Service to be unacceptable uses of the public waters unless it has been demonstrated that the

proposed use is required in the public interest...and no alternative site mutually acceptable to the Service and the applicant is available. Although in many cases a restaurant, motel, trailer park, golf course, or other service facility may be more attractive to its customers if it has water frontage, this attraction does not necessarily require encroachment into navigable waters and wetlands. A set-back location that preserve public access to the water usually can provide as good or better water view, assure greater safety from storm hazards, and otherwise accord more fully with both the private and public interest."

14. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231.4.1.B(2))

"...wetlands and shallow water habitats have such high ecological and social values as to admit their destruction or degradation only when there is no question that the public interest demands it."

15. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 2.2.B(1)(b)) Fish and Wildlife Coordination Act

"The Service, through taking of every appropriate, useful action, has the following long-range objective...Ensuring that all authorized works, structures, and activities are (1) judged to be the least ecologically damaging alternative or combination of alternatives (e.g., all appropriate means have been adopted to minimize environmental losses and degradation..." (40 FR 231 2.1 C.). For water-dependent works "The service usually recommends that the site occupied involves the least loss of area on the least valuable of the alternative sites..."

16. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 3.1 (B(2)) Fish and Wildlife Coordination Act

"It is the Service position that it is proper to assess the total impact of the total development, including any part to be located on uplands and any secondary effects."

"The totality of existing and projected cumulative impact of all developments affecting a waterway or group of related waterways and the dependent resources thereof also must be considered."

17. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 5.2A(6)) Fish and Wildlife Coordination Act

"The Service will object to or request denial or Federal permit for any proposed project not properly designed or located to avoid preventable significant damages to fish, wildlife, and/or other environmental values."

18. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 5.31(1)) Fish and Wildlife Coordination Act

Regarding excavation and filling, "any permits issued ...will be recommended to be conditioned to prohibit activities in fish and wildlife nursery areas and during periods of migration, spawning, and nesting activity."

### 19. U.S. FISH AND WILDLIFE SERVICE (46 FR 15) Mitigation Rules

In January, 1981 the USFWS promulgated regulations for mitigating the adverse impacts of land and water developments on fish, wildlife, their habitats and uses thereof.

USFWS recommends mitigation programs consistent with fish and wildlife resource values, Resource Category 1, who's [sic] goal is "no loss of existing habitat value" is consistent with mitigation language in Goal 16.

### 20. DSL (ORS 541.625) Fill and Removal Law

- a. The Director shall issue a permit if he determines the removal will not be inconsistent with the protection, conservation and best use of the water resource.
- b. The Director shall issue a permit if it would not interfere with state policy to reserve waters for navigation, fishing and public recreation.

### 21. DSL (ORS 541.625(2)(a-e)) Fill and Removal Law

- a. Director shall consider
  - 1) Public need
  - 2) Conservation, public health and safety
  - 3) Conforms with existing public uses
  - 4) Consistency with land use
  - 5) Whether for stream bank protection

### 22. DSL (ORS 541.626) Fill and Removal Law

The Director shall require mitigation as a condition of any permit for filling or removal of intertidal marsh.

### 23. ODFW (ORS 496.012) Wildlife Policy

Manage wildlife to provide the optimum recreational and aesthetic benefits by:

- a. Maintaining all species of wildlife;
- b. Developing and managing lands and waters in a way that will enhance production and public enjoyment of wildlife;

- c. Permit orderly and equitable utilization of available wildlife;
- d. Develop and maintain public access;
- e. Regulate wildlife populations compatible with primary uses and public use.

24. ODFW (ORS 506.036) Jurisdiction of Fish and Wildlife Commission

The Commission has exclusive jurisdiction over all fish, shellfish and all other animals living intertidally on the bottom, within the waters of this state.

The Commission also has the duty of protection, preservation, propagation, cultivation, development and promotion of all fish under its jurisdiction in state waters.

25. ODFW (ORS 506.109) Food Fish Management Policy

Manage food fish for optimum economic, commercial, recreational and aesthetic benefits by:

- a. Maintaining them at optimum levels;
- b. Developing and managing lands and waters for optimum use;
- c. Permitting optimum and equitable use;
- d. Developing and maintaining access;
- e. Regulating populations;
- f. Preserving fishing industry with sound management policies.

26. ODFW (ORS 509.505) Placing Inwater Matter Injurious to Shellfish

It is illegal for any person, municipal corporation, political subdivision or governmental agency to deposit or allow to escape into, or cause or permit to be deposited or escape into any public waters of this state, any substance of any kind which will or shall in any manner injuriously affect the life, growth or flavor of shellfish in or under such waters.

## SILETZ BAY

### Dredging Needs

Dredging activities in Siletz Bay have occurred in several locations in the past, including the Taft area and the Siletz Keys-Kernville area. Dredge spoils have been disposed of in several locations, including wetland areas at Siletz Keys. No dredging activities have been accomplished in the bay during the last eight years. One permit for maintenance dredging has been authorized for the Siletz Keys channels which involves removal of shoal areas in the man-made channels. This project involved the one-time removal of approximately 4,000 cubic yards of silt material. To date, this work has not been accomplished.

Operators in the Kernville area indicate that natural scouring has maintained adequate water depths for the current recreational moorages, and no maintenance dredging activities are anticipated in the foreseeable future.

No new projects have been proposed or are anticipated in Siletz Bay which would require significant amounts of dredging. There are no federally authorized projects in the Siletz, and the possibility that any such projects will be considered during the planning period appears remote.

### Disposal Sites

#### Sites 1 and 2 - Siletz Keys

Location: These sites are located on previously filled wetland areas adjacent to the Siletz Keys subdivision. The sites are located on property identified as tax lot 101 (site 1) and tax lot 100 (site 2) on Assessor's Map 8-11-30.

Size: Site 1 is 300' x 200'; Site 2 is approximately 100' x 200'.

Capacity: Approximately 15,000 cubic yards at 5 feet, uncompacted.

Physical and Biological Characteristics: These sites are vacant portions of lands created by the Siletz Keys landfill in the late 1960's. The land is generally level at site 1; site 2 is a low area surrounded by earthen dikes. Vegetation consists of scotch broom, lupine and other grasses and shrubs. Small birds and small mammals likely use the areas, and some waterfowl may use areas of site 2 during the winter months.

Zoning: R-1 (single-family residential)

Plan Designation: Suburban residential.

Ownership: Louise Calkins and Herbert Palmberg

Method of Dredging and Filling: Clamshell dredge and truck hauling.

Design Criteria: Site 1 is a relatively flat site, and dikes would need to be constructed with on site material to contain the spoils. Site 2 is a low area with existing dikes which are adequate to contain dredged material.

Environmental Constraints: These sites are both located on previously filled wetland areas. Some habitat for small mammals and birds will be lost if these areas are filled with dredged material, though if the sites are re-vegetated, this habitat could be re-established. These sites are adjacent to estuarine tidal marsh areas, so care must be taken to adequately contain spoils and properly site outfalls to avoid any adverse impacts on these wetlands.

## **APPENDIX A: DEFINITIONS**

**ACTIVE RESTORATION:** The use of specific remedial action such as removing fills, breaching dikes, removing tidegates etc. to restore or replace original estuarine attributes. (see RESTORATION)

**AQUACULTURE:** The raising, feeding, planting and harvesting of fish, shellfish, or marine plants, including facilities necessary to engage in the use.

**BENTHIC:** Living on or within the bottom sediments in water bodies.

**BOAT LAUNCHING:** A facility designed for the launch, take out and/or tie up of recreational or smaller commercial craft. Such use may include commercial, public or individual private facilities. Boat launching does not include large scale marine railway facilities designed for marine industrial boat building and repair facilities.

**BREAKWATER:** A barrier, sometimes connected to the shore at one or both ends to break the force of waves. Used to protect harbors and marinas, breakwaters may be constructed of rock piling, concrete or may be floating structures.

**BRIDGE CROSSING:** A structure spanning a waterway designed to carry automobile, railroad and/or pedestrian traffic across the waterway. Maintenance or replacement of bridge crossings means repair, restoration, or in-kind replacement of a bridge such that the number of travel lanes is not increased.

**CONDITIONAL:** Refers to a use which may be permitted only after a case-by-case review and local conditional use approval has been granted. (See PART IV)

**CONSERVE:** To manage in a manner which avoids wasteful or destructive use and provides for future availability.

**DIKE:** An earthen embankment or ridge constructed to restrain high waters.

**DOCK:** A fixed or floating decked structure against which a boat may be berthed.

**DOLPHIN:** A group of piles driven together and tied together so that the group is capable of withstanding lateral forces from vessels or other objects.

**DREDGED MATERIAL DISPOSAL:** The deposition of dredged material in shorelands or estuarine areas.

**DREDGING:** The removal of sediment or other material from a water body, usually for the purpose of deepening a channel, mooring basin or other navigation area.

**ESTUARY:** A semi-enclosed body of water connected with the ocean and within which fresh and salt water mix. The estuary includes (a) estuarine water; (b) intertidal lands; (c) sub-tidal lands; and (d) tidal marshes. Estuaries extend upstream to the head of tide; their landward extent is Mean Higher High Water or the line of non-aquatic vegetation.

**EXCAVATION:** Excavation of shoreland to create new estuarine surface area directly connected to other estuarine waters.

**FILL:** The placement of material in estuarine areas to create new shoreland area or raise the elevation of land.

**GROIN:** A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shoreline. Generally constructed of rock or other solid material.

**INTERTIDAL:** The area between mean lower low water and mean higher high water.

**JETTY:** An artificial barrier used to change littoral drift to protect inlet entrances from sedimentation and to direct and confine the stream of tidal flow. Usually constructed at the mouth of a river or estuary to help deepen and stabilize a channel.

**MANAGEMENT UNIT:** A discrete geographic area, defined by biophysical characteristics and features, within which certain uses and activities are promoted, encouraged and protected and others are discouraged, restricted or prohibited.

**MARINA:** A small harbor, boat basin or moorage facility providing dockage for recreational craft.

**MEAN HIGHER HIGH WATER:** The average of the higher high waters over a 19 year period.

**MEAN LOWER LOW WATER:** The average of the lower low waters a 19 year period.

**MINERAL AND AGGREGATE EXTRACTION:** The removal for economic use of minerals, petroleum resources, sand, gravel or other materials from the estuary.

**MITIGATION:** The creation, enhancement, or restoration of an estuarine area to maintain the functional characteristics of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality. (See PART VIII)

**NOT ALLOWED:** Refers to a use or activity which is not permitted. Can only be permitted upon adoption of a plan amendment.

**OUTFALLS:** An outlet through which materials are discharged into the estuary. Outfalls include sanitary (sewer) discharges, storm drainage facilities, and other industrial waste discharges.

**PASSIVE RESTORATION:** The use of natural processes, sequences or timing to bring about restoration after removal or reduction of adverse stresses. (See Restoration)

**PERMITTED WITH STANDARDS:** Refers to a use which is permitted as consistent with the purpose and management objective of the management unit. Permitted uses must conform to the Estuarine Use Standards set forth in the plan.

**PIER:** A structure extending into the water from solid land generally to afford passage for persons or goods to or from vessels, but sometimes to provide recreational access to the estuary.

**PILING:** A long, slender stake or structural element of steel, concrete or timber which is drive, jetted or otherwise embedded into the bed of the estuary for the purpose of supporting a load.

**PORT FACILITIES:** Facilities which accommodate and support commercial fishery and navigation activities, including terminals and boat basins and moorage for commercial vessels, barges and oceangoing ships.

**PRESERVE:** To save from change or loss and reserve for a special purpose.

**PROTECT:** Save or shield from loss and reserve for a special purpose.

**RESOURCE CAPABILITY:** The ability of a natural resource site to be physically, chemically or biologically altered, or otherwise assimilate an external use, and still fulfill its estuarine resource role as stated in management objective of the individual management unit and the definition of the management classification in which it is located.

**RESTORATION:** Revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, which have been diminished or lost by past alterations, activities or catastrophic events.

**RIPARIAN:** Of, pertaining to or situated on the bank of a river or other body of water.

**SHORELANDS:** The area adjacent to the estuary and its wetlands. The lower boundary of the shorelands is Mean Higher High Water or the line of non-aquatic vegetation; the upper boundary is the shorelands boundary, which is established on the basis of a number of inventory characteristics. Shorelands extend upstream to the head of tide. (See PART VII)

**SHORELINE STABILIZATION:** The stabilization or protection from erosion of the banks of a waterway by vegetative or structural means.

**SUBMERGED CROSSINGS:** Power, telephone, water, sewer, gas or other transmission lines which are constructed beneath estuarine waters, usually by embedding into the bottom of the estuary.

**SUB-TIDAL:** Below the level of mean lower low water.

**TIDAL MARSH:** Estuarine wetlands from the line of non-aquatic vegetation down to the end of vegetated flats, which is approximately the lower high water level.

**WATER DEPENDENT:** A use or activity that can only be carried out on, or in adjacent to the water because the use physically or economically requires access to the water body for water borne transportation, recreation, energy production or source of water. Non-water dependent accessory uses may be permitted in conjunction with a primary water dependent use. In general, such non-water dependent uses should not exceed 10% of the total area of the use. Variations to this standard may be permitted if it is found that additional area is required for non-water dependent uses essential to the functioning of the primary water dependent use(s).

Examples of water dependent uses include, but are not necessarily limited to:

Marinas

Aquaculture

Marine ways

Seafood processing plants

Marine shopping terminals

Charter boat operations

Marine fuel sales

**WATER RELATED:** A water related use is:

a. a use which derives a cost savings advantage (not associated with land costs or rent) from a location on or near the water; or

b. a use whose location on or near the water is essential to the functioning of adjacent water dependent uses

Examples of water related uses include, but are not necessarily limited to:

Marine supply sales

Bait and tackle shop

Commercial fishing gear storage

Seafood markets

**WATER HANDLING OF LOGS:** The combined process of log dumping, storage transportation, millside handling and takeout as logs are placed into the water and moved to a final processing site.

**WHARF:** A structure built alongside a waterway for the purpose of receipt, discharge and storage of goods and merchandise from vessels.

**Lincoln City**  
**Comprehensive Plan Inventory Material**

Adopted by City Council Ordinance No. 84-01

January 23, 1984

Department of Planning and Community Development  
P.O. Box 50  
801 SW Highway 101  
Lincoln City, Oregon 97367

541/996-2153  
541/996-1284 Fax

## TABLE OF CONTENTS

Justification of Lincoln City Urban Growth Boundary .....	2
Mobile Home Inventory .....	36
Goal 5 .....	37
Goal 8 .....	37
Goal 10.....	39
Shorelands.....	41
Noise Inventory .....	42

["Index to the Appendix" for "Park and Open Space Plan" deleted by Ordinance No. 94-11, adopted May 23, 1994]

**LINCOLN CITY**  
**COMPREHENSIVE PLAN**

**BACKGROUND**

**DOCUMENTS**