

1.1630 (14) Standards for uses involving construction, addition, or reconstruction of piers, docks, boathouses, or similar facilities:

(a) In a Marine Waterway (M-W) Zone, all uses and activities shall be subject to the standards set forth in the Lincoln County Estuary Management Plan, Ordinance #184.

(b) Evidence shall be provided that the applicant has complied with or fully intends to comply with all standards of the Department of Environmental Quality, the Division of State Lands and all other agencies having interests or ordinances applicable to the property in question.

(c) The facility or any use related to it shall not allow any water pollution to occur to any nearby tidelands, marshlands, rivers, streams, or other waterways used for the raising, production, or preservation of aquatic life or other natural resources.

(d) The facility shall not substantially alter the course of any channel or the natural movement of any waters or result in increased flood hazards, or the formation of appreciable bottom or sludge deposits deleterious to aquatic life nor shall any facility cause or create erosion to the shoreline and shall meet all of the following requirements:

(A) No dock, pier, boathouse, or similar facility shall extend into any watercourse more than 25 feet from ordinary low water line nor 50 feet from ordinary high water line, unless it can be shown that such extension is necessary and will not increase flood hazards or create other problems such as the deterioration or destruction of aquatic life or wildlife habitat as a result of the extension.

(B) No dock, pier, boathouse or similar facility shall extend into the navigable channel any distance greater than required for safe moorage and shall be designed so as to minimize potential flood hazard, erosion, and/or loss of navigable waterway area.

(C) No pier, dock, boathouse, or similar facility shall extend into any watercourse, more than five percent of the width thereof as measured perpendicular from the mean low water line on one side of the watercourse to the mean low water line on the opposite side.

(D) Any pier, dock, boathouse, or similar facility shall be built to minimize the impact to navigation, neighboring lands, shorelines, and water bodies. Criteria to be reviewed in lessening the impact include design, location, size and materials that are used.

(E) Any pier, dock, boathouse, or similar facility shall be limited to being built on property immediately in front of a property owner's land following the generally accepted practice of having perpendicular lines extended to the thread of the stream from the property owner's shoreline. The "Thread of the Stream" shall be interpreted as a transect centered and running parallel to opposing shorelines following the natural contour of the waterbody. Branched waterbodies may have multiple "Threads" or centerlines. The potentially built on submerged land area shall be delineated by the two parallel lines running at a distance apart equal to that of the length of owned shoreline and running perpendicular to the section of the "Thread of the Stream" or centerline of the waterbody that the property is most generally associated with. The "Thread of the Stream" or centerline of waterbody shall be determined using the best technology available to the county and/or the state. Spherical waterbodies shall use a center point to determine pie shaped delineations. Nothing in this section shall be interpreted to supersede other regulations.

(e) No plumbing facilities for the handling of domestic or industrial waste shall be a part of the facility unless approved by the Health Department.

(f) Application for a permit for a pier, dock, boathouse, or similar facility shall include:

(A) The source of the applicant's right to construct the facility.

(B) The purpose of the facility.

(C) The legal description of the area where the facility will be located.

(D) A map and drawings, showing the plan for construction of the facility. Such plan shall include a vicinity map drawn to scale showing location and design of similar facilities and other development within 250 feet of the parcel upon which the improvement is proposed.

(E) The time when the project is scheduled to begin and to be completed.

(F) The Best Management Practices (BMPs) to be used throughout construction, remodeling, and/or demolition to prevent the contamination and to protect the waterbody from debris, chemicals, and/or other pollutants.

(g) Plans for moorage facilities shall meet the following requirements:

(A) In new subdivisions tentatively approved after February 12, 1974, docks having less than 10 moorage spaces will be approved only in the instance that no other public or private means of launching or moorage is available or can be developed within 1000 feet of the site in question.

(B) Facilities being proposed in areas where it is likely that additional similar structures will be desired shall be designed to be combined into joint facilities wherever possible.

(C) The design of moorages must provide sheer logs or similar devices for fending debris. Such improvements need not be maintained during periods where there is no danger of flood water.

(D) On waters where tidal or river currents are present docks 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.

(E) The width of those portions of such facilities dimension required to provide safe access and moorage.

(F) One dock shall not be closer to another than the length of the shorter structure or 25 feet whichever distance is greater.

(G) The number of ramps, fenders and other land connections, and the number of piling and other projection below the surface of the water shall be minimized.

(H) Walkways shall be provided on only one side of individual moorages unless it can be satisfactorily shown that walkways are necessary on both sides. Walkways and breakwaters shall have a width not greater than required to provide safe moorage and access thereto.

(h) Each dock, boathouse, or similar facility shall have the U.S. Army Corps of Engineers permit number permanently affixed to the outboard side of the facility in a clearly visible location prior to requesting final Planning Division inspection for conditional use permit issuance.

(i) No owner of a dock or similar facility shall exercise any proprietary rights on the water surrounding such structure. Violations of such will be considered a failure to maintain the Conditional Use approval requirements.

(j) Recognition of potential flood hazards as well as the need to protect the visual attractiveness of the waterway shall be shown in design and exterior materials used in construction of docks, piers, boathouses and similar facilities.

(k) In taking action on a Conditional Use request, the Planning Division or the Planning Commission may consult any State, Federal or local agency it feels appropriate for consultation and advice.

(l) Per Oregon Revised Statutes, piers, docks, boathouses and similar structures are limited to the storage of watercraft and the required equipment. Storing chemicals, including but not limited to garden fertilizers, pesticides, herbicides, or fungicides in boathouses or similar structures is strictly prohibited. Storage of garden and lawn equipment, such as lawn mowers, weed eaters, rakes, and shovels is also strictly prohibited.

(m) No fuel, oil or other combustible material or liquid shall be stored in or on any pier, dock, boathouse or similar facility without the provisions for emergency clean up, the provision of a fire proof locker securely affixed at least 3 feet up off the floor of the structure, and the provision of an approved fire extinguisher on the structure.

(n) Construction, repair or demolition of structures shall follow the Best Management Practices (BMPs) available which would include but not be limited to a containment system preventing any material from entering the water and the removal of all pilings and associated materials from the water body,

(o) Devils Lake and waters feeding into or out of Devils Lake shall have additional conditions of use as outlined below:

- A. Any pier, dock, boathouse, or similar facility shall be limited to being built with setbacks on either side of the structure of 5 feet or 25% of the property owners projected shoreline as dictated by the "Thread of the Stream" outlined in section (14 d E) above whichever is less.
- B. The total combined shoreline coverage of all piers, docks, boathouses, or similar facilities shall not exceed 25% of the property owners projected shoreline as dictated by the "Thread of the Stream" outlined above in Section (14 d E)
- C. There shall be a limit of one (1) boathouse or similar structure per legal lot of record fronting the lake.
- D. The total combined area of all piers, docks, boathouses or similar facilities shall not be more than 400 square feet; this shall include space open to the water inside boathouses.
- E. Reconstruction of existing structures shall attempt to conform to the standards and shall not increase beyond the size of the existing structure if the existing structure is indeed greater than 400 square feet maximum.
- F. Boat houses shall not extend more than 30 feet towards the centerline of the lake from the normal high water mark.
- G. Boat houses or similar structures shall be built with not more than 25% dedicated to floor space allowing at least 75% open to the water.
- H. Any floor space or decking within a boathouse shall be at least 12" but not more than 18" above the normal high water mark which for Devils Lake is 10.4 feet above mean sea level.
- I. Fixed height level flooring or decking shall not be capable of being flooded except in the case of exceptionally high lake level events.

- J. The height of the boathouse shall not measure more than 12' above the floor or decking, therefore no boathouse shall be constructed with a combined height above the normal high water mark of more than 13' 6".
- K. No boathouse or similar structure built on Devils Lake, over Devils Lake, or on land up to the normal high water mark of Devils Lake shall be used for habitation.
- L. No pier, dock, boathouse or similar structure built on Devils Lake, over Devils Lake, or on land up to the normal high water mark of Devils Lake shall be used for commercial operations such as or similar to restaurants, hotels, or Vacation Rental Dwellings.
- M. House boats or floating homes shall be prohibited on Devils Lake.
- N. Any pier, dock, boathouse, or similar facility built as part of a leased marina operation shall be used for boat launching and moorage only. Food service or other related activity shall occur only on private property, and not on or over lands leased from the state.
- O. Marina operations for repairing and/or maintaining watercraft shall be conducted on private property.
- P. Variances to these rules may be granted to public boat launches where size restrictions may encumber the greater need to provide good, safe public access to the lake.
- Q. Variances to these rules may be granted for multi-family use properties, provided a compulsory need for the variance can be shown. Additionally any variance application shall require input from interested parties and stakeholders, including adjoining property owners, the Devils Lake Water Improvement District, Oregon Department of Fish and Wildlife, the City of Lincoln City as may be the case and Lincoln County
- R. Variances for commercial properties not specifically prohibited in this ordinance shall be addressed individually, but shall provide for adequate setbacks from adjacent properties, reasonable size restrictions, and height limitations. Additionally any variance application shall require input from interested parties and stakeholders, including adjoining property owners, the Devils Lake Water Improvement District, Oregon Department of Fish and Wildlife, the City of Lincoln City as may be the case and Lincoln County.