

### HAZARD OVERLAY ZONE

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#### **17.78.010**    **Definition**

As used in Title 16 and title 17, the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

**Licensed expert:** means an individual certified by the State of Oregon qualified to provide the required data and material to ensure that the site adequately addresses the intent of this title, or a Certified Engineering Geologist (CEG) as defined under ORS 672 and OAR 809

#### **17.78.020**    **Purpose**

The purpose of the Hazard Overlay Zone is to provide protection for both the City of Bandon and its residents through the application of development standards based on environmental conditions, including, but not limited to: slope of the land; natural drainage ways; soil characteristics; and lands subject to land movements or erosion.

#### **17.78.030**    **Intent**

The provisions of this ordinance seek to address geologic hazards identified on lands that may be subject to reasonably anticipated or predictable hazard events while allowing development where the property owner shows, through a licensed expert's [see definitions 16.42] evidence and mitigating measure, that the proposed development can be made reasonably safe from known hazards. The property owners, including current and subsequent property owners, take responsibility for the hazard and any potential damage that might result. Issuance of any permit under this ordinance is not considered an assurance or guarantee that the site will not fail or that damage will not be incurred.

#### **17.78.040 Administration**

All applications for any development or grade and fill permit on properties within the Hazard Overlay Zone (HOZ) shall be reviewed for compliance with the provisions of this Chapter.

Any portion of property located within a hazard overlay zone deems the whole property within the hazard overlay zone. The more restrictive provisions shall apply to properties within two or more zones.

Properties within overlay zones are subject to the provisions and standards of both the overlay zone and underlying zone. Where the standards of the underlying zone and overlay zone conflict; the more restrictive provisions shall apply.

Where the underlying zone allows, the Planning Department may administratively review and approve applications and reports submitted for compliance. If issues are raised during the administrative review and cannot be resolved to the satisfaction of the City, the Planning Department may elect to have the Planning Commission complete the review.

Requests reviewed by the Planning Commission shall be accompanied by a report delineating compliance with the Hazard Overlay Zone requirements. The Planning Commission may require additional investigation or a revised report from a licensed expert to ensure that the site adequately addresses the intent of this title. The Planning Commission may deny the issuance of a permit if subsequent investigation or reporting does not provide satisfactory evidence that safe development can occur on the site.

All decisions of the Planning Department may be appealed to the Planning Commission. Decisions made by the Planning Commission concerning Hazard Overlay compliance may be appealed in accordance with Section 17.124 of this code.

If the applicant can prove through testimony of a licensed expert that a parcel shown to be in the Hazards Overlay Zone (HOZ) does not have any geologic or soils hazards that will adversely affect development on the parcel in question or to adjacent properties, the provisions of this chapter do not apply.

Nothing in Section 17.78 shall abridge the City's right to inspect work in progress or in its completed state, to take appropriate measurements and tests to determine if the development was made according to plan, and to require alterations prior to final approval of the development. If development is found not in compliance at any stage of construction or after construction, corrections will be made at the applicant's expense.

### **17.78.050 Official Maps**

The City has adopted official maps denoting the identified areas of hazards. The maps are generalized in nature and provide basic reference to soils and slopes, in areas that may contain hazards. On-site investigation shall be required, as per Section 17.78.060 and 17.78.070 of this chapter, to make a final determination of whether hazards exist on lands to be developed. Compliance shall be required only after a report from a licensed expert certifies that the land in question complies with the description of a natural hazard in Section 17.78.060 or can meet the requirements of Section 17.78.070 and/or 17.78.080.

### **17.78.060 Hazard Zone Classification**

Due to the unique geography of the City of Bandon, certain areas of the City have been identified as Hazard Zones. Zones are identified as:

- Zone A: Slopes – 10% or more
- Zone B: Slopes and soils Identified as moderate to high landslide possibility as identified on the Statewide Landslide Inventory Data for Oregon. Soil types that include, but are not limited to, shrink/swell, slope stability failures, ponding or poor drainage, unstable landforms such as areas of evident slumps, slides, ground creep, debris flows, seeps and springs, or other groundwater manifestations that would have an impact on soil stability.
- Zone C: Floodplain – All properties located within the floodplain as identified on the adopted FIRM map and is located within the Shoreland Overlay Zone (SOZ).

These areas are identified on the hazard map and FIRM and located within the SOZ maintained by the City. Any development within these identified areas must have a hazard report submitted with any application. The hazard report must be performed by a licensed expert.

In addition to the lots identified on the Hazard Map or FIRM, properties that show signs (or evidence of) suspected hazards may be required to submit a hazard report. Such properties can be identified through the Development Review process which will determine if a hazard report will be required.

### **17.78.070 Development Requirements for Hazard Zones**

Development or redevelopment on lands identified as hazard zones, or that require a fill and grade permit, shall be subject to conditions, restrictions, and recommendations outlined in a site review report to be completed by a licensed expert.

This report shall include the following:

- A. Client or party that commissioned the report;

- B. Name, signature, type of license, and registration number of individual certified by the State of Oregon as qualified to provide the required data and material who completed the investigation on which the report is based, as well as the dates when the work was done;
- C. Written description and map of site in regard to location and general setting, major geographic and geologic features, topography, slope, and existing cut and fill materials;
- D. Discussion of any existing slope stability problems on the parcel under investigation, and on surrounding parcels;
- E. Discussion of soil types on the site. The reporting of soil types must be consistent with classifications used by the National Resource Conservation Service *Soils Survey of Coos County, Oregon*. The report must discuss whether there is erosion potential (riverine, coastal, or slopes) on the site and make specification of necessary mitigation measures.
- F. Project description and preliminary site map including location on the site, drainage, local vegetation, and proposed cut and/or fill;
- G. Map identifying the location, depth, and number of boring samples taken;
- H. Specific recommendations for cut slope and fill stability, seepage, erosion, and drainage control or other design criteria to mitigate recognized geologic hazards; and
- I. A written statement by the licensed expert that the site has been adequately investigated and can be developed in keeping with the report recommendations, if the recommendations are employed and are maintained, and that anticipated or predictable hazard events will not destroy or seriously damage the structure or require major repair to it.
- J. Any mitigations specified in the report must be incorporated into the project and executed.

In addition to any development recommendations in the site review report, the following standards will apply:

- A. Any cuts and/or fills greater than 20 cubic yards in any hazard Zone must be designed by an engineer registered in the State of Oregon to comply with the Uniform Building Code. Such cuts and/or fills shall be designed in such a manner that they will be stable for the use intended.
- B. Any development which increases the natural runoff by decreasing the infiltration of the soil shall conform to the following standards:

- 1) All roof drainage must be collected, controlled and directed either by underground pipe or concrete or asphalt gutter to a City street or storm drain;
- 2) All drainage from driveways, parking areas, and other impervious surfaces must be collected, controlled and directed to a City street or storm drain by underground pipe or concrete or asphalt gutter;
- 3) Other alternate methods of storm water disposal, such as dry-wells and/or bio-swales, may be approved by the City's Public Works Department and/or the City's Engineer.

**17.78.080 Exemptions**

Where the underlying zone allows, exemption to the following may be administratively approved:

1. Fill of less than 2 cubic yards;
2. Landscaping;
3. Structures under 200 s.f.;
4. Signs;
5. Fences.

**17.78.090 Compliance**

Prior to construction of any structure above ground, certification from the licensed expert who prepared the report will be required to ensure the development complies with all recommended mitigating measures and requirements identified in the hazard report so as to protect the safety of the land, proposed improvements, and surrounding properties.

An instrument assigning responsibility for maintenance of the mitigations in perpetuity to current and future property owners will be required to be filed with Coos County as a covenant and restriction on the property.

Add to:

Definitions 16.42.010

**Licensed expert:** means an individual certified by the State of Oregon qualified to provide the required data and material to ensure that the site adequately addresses the intent of this title, or a Certified Engineering Geologist (CEG) as defined under ORS 672 and OAR 809.