

## ORDINANCE NO. 1636

### AN ORDINANCE AMENDING BANDON MUNICIPAL CODE TITLE 16 AND 17, REMOVING ZONE SPECIFIC GEOTECHNICAL REPORTING AND ADOPTING CHAPTER 17.78 HAZARD OVERLAY ZONE

WHEREAS the Planning Commission and the City Council having held work sessions and public hearings after all due notice to consider the implementation of the legislation providing for the hazard overlay zone and adoption of the official hazard overlay zone map, and deleting hazard requirements within specified zones;

NOW THEREFORE the City of Bandon ordains as follows:

Section 1. Amend the Bandon Municipal Code (BMC), Chapter 16.42 to include:

**Geoprofessional:** refers to a Registered Geologist (RG), Certified Engineering Geologist (CEG), Professional Engineer (PE), and Geotechnical Engineer (GE).

- Registered Geologists (RG) provide geologic maps and documents and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).
- Certified Engineering Geologists (CEG) provide engineering geologic reports and are licensed by the Oregon State Board of Geologist Examiners (OSBGE). They apply geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized. As defined under ORS 672 and OAR 809.
- A Geotechnical Engineer (GE) is a Professional Engineer (PE) with the specific training, expertise, and experience to qualify as a Geotechnical Engineer (GE). GEs provide geotechnical engineering reports and are licensed by the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS).

Section 2. Amend the Bandon Municipal Code (BMC), Chapters 17.20, 17.24, 17.28, 17.32, and 17.36 by deleting from those chapters the following requirements:

“C. Plans shall be reviewed to assess the possible presence of any geologic hazard. If any part of the subject lot is in an area designated as a moderate or severe hazard area on the Bandon Bluff Inventory Natural Hazards Map or if any geologic hazard is suspected, the planning commission shall require a report to be supplied by the developer which satisfactorily evaluates the degree of hazard present and recommends appropriate precautions to avoid endangering life and property and minimize erosion. The burden of proof is on the landowner to show that it is safe to build.

1. The following identifies the reports which may be required:

a. Soils Report. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading, design criteria for corrective measures, and options and recommendations covering the carrying capabilities of the sites to be developed in a manner imposing the minimum variance from the natural conditions. The investigation and report shall be prepared by a professional civil engineer currently registered in the state of Oregon.

b. Geology Report. This report shall include an adequate description, as defined by the city manager or designate, of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions in the proposed development, and opinions and recommendations as to the carrying capabilities of the sites to be developed. The investigation and report shall be prepared by a professional geologist currently registered in the state of Oregon.

c. Hydrology Report. This report shall include an adequate description, as defined by the city manager or designate, of the hydrology of the site, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and options and recommendations covering the carrying capabilities of the sites to be developed. The investigation and report shall be prepared by a professional civil engineer currently registered in the state of Oregon.

d. The planning commission may waive any of these reports if it decides that they are irrelevant to the site.”

Section 3. Adopting Chapter 17.78 – Hazard Overlay Zone (Attachment A).

DRAFT

PASSED to Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ADOPTED by the Common Council and APPROVED by the Mayor of the City of Bandon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mary Schamehorn, Mayor

Attest:

\_\_\_\_\_  
Dan Chandler, City Manager