

ORDINANCE NO. 349

AN ORDINANCE AMENDING SECTIONS 9.52.050 HAZARD AREAS AND 9.52.170 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS OF THE CITY OF YACHATS ZONING AND LAND USE ORDINANCE

WHEREAS, on June 20, 2017, the Planning Commission met and passed a motion to forward the attached recommended code amendments to Section 9.52.050 Hazard Areas of the zoning and land use ordinance to City Council.

WHEREAS, on July 18, 2017, the Planning Commission met and passed a motion to forward the following recommended code amendments to Section 9.52.170 General Exceptions to Building Height Limitations of the zoning and land use ordinance to City Council.

WHEREAS, on November 1, 2017 and November 8, 2017, the City Council held public hearings on the ordinance amending Sections 9.52.050 and 9.52.170 of the zoning and land use ordinance.

NOW THEREFORE, THE CITY OF YACHATS ORDAINS AS FOLLOWS:

SECTION 1. Section 9.52.050 Hazard Areas is hereby amended to read:

Section 9.52.050 Hazard areas.

- A. Responsibility shall fall on the developer to ensure proper safeguards are taken when developing in any hazard zone whether earthquake, fault lines, landslide, erosion or flood hazard areas. The City accepts no liability. Prior to development, the following shall be required (in flood hazard zones, see Chapter 9.54 Flood Damage Prevention Regulations):
1. On slopes of less than twelve percent (12%): development is allowed without special review.
 2. On slopes of twelve percent (12%) and greater a site analysis report shall be completed in accordance with Section D for the following development activities:
 - a. Gross excavation or fill of greater than forty (40) cubic yards,
 - b. Removal of more than two thousand five hundred (2,500) square feet of vegetative cover (as measured along the slope),
 - c. Road construction, and/or
 - d. Building which entails any fill or excavation.

Development on a site shall be subject to conditions, restrictions, and recommendations outlined by the site analysis report. This report shall be completed within the past five (5) years by a State of Oregon certified engineering geologist.

In addition, the Planning Commission or its designee may also require that the development adhere to additional standards as provided in writing by the Yachats Department of Public Works. At the completion of the project, the developer shall provide certification from the geological consultant and the Yachats Department of Public Works, stating that the conditions and recommendations of the report and the Yachats Department of Public Works have been met.

3. Definition of Slope

- a. A property has a twelve percent (12%) slope or greater if:
 - i. The average slope from the highest to lowest point of the property has a slope of twelve percent (12%) or greater or;
 - ii. The average slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is twelve percent (12%) or greater.
- b. Development guidelines shall not apply to a building footprint or area to be disturbed that is located one hundred (100) feet or more from a twelve percent (12%) slope. The distance will be measured from the boundary lines of the building footprint or area to be disturbed to the point of the slope.

4. Slopes twelve percent (12%) and greater are identified on the natural hazards map. The City's designated representative may determine that the average slope on a property is less than twelve percent (12%), and therefore allow development without a certified engineering geologist report. If the applicant disagrees with the City's decision, the applicant shall provide an affidavit from a State of Oregon registered land surveyor showing the site specific slope conditions on the property prior to any excavation, grading or other changes in site topography. If the affidavit indicates that the slopes on the property are less than twelve percent (12%), as defined above, development may be allowed without special review.

B. Developers of property having a slope of twelve percent (12%) or greater, or within five hundred (500) feet of a landslide or fault area shall also be subject to the following requirements:

1. The site must be replanted and stabilized in accordance with the recommendations outlined in the geotechnical report. This vegetation must be maintained to ensure the continuous stability of the area.
2. All construction materials shall be stored in such a manner as recommended by the geotechnical report.
3. The geologist shall certify that all work has been completed as stated in the report.

C. Exceptions to the hazard area requirements shall be allowed under the following circumstances:

1. Improvements to existing roads or drainage ditches or utilities where excavation or fill does not exceed ten (10) cubic feet per one linear foot of roadway/ditch;
2. Gravesites dug in cemeteries;

3. Emergency excavation of landslide materials or emergency utility repairs.
- D. Content Standards for Geotechnical Reports. All geotechnical reports required by this section shall provide at a minimum, the following information, where applicable, prior to review by planning staff or the Planning Commission:
 1. General Information.
 - a. Name and C.E.G. stamp of the Oregon certified engineering geologist preparing the report;
 - b. Scope and purpose of the report;
 - c. General site description;
 - d. Drainage patterns;
 - e. Existing structures, if any;
 - f. Proposed development plan, including roads and driveways.
 2. Geologic Description.
 - a. Lithology;
 - b. Structural features (stratifications, orientation of bedding planes, faults, etc.);
 - c. Surficial or unconsolidated deposits;
 - d. Seismic considerations as they pertain to proximity of faults.
 3. Assessment of Geologic Factors.
 - a. General suitability of proposed land use to geologic conditions:
 - i. Areas to be avoided, if any,
 - ii. Topography and slope,
 - iii. Stability of geologic units,
 - iv. Problems caused by geologic features or conditions in adjacent properties,
 - v. Other general problems;
 - b. Recommendations for site grading/filling:
 - i. Prediction of stability based on geologic factors; recommended avoidance or engineering to cope with existing or potential landslide masses,
 - ii. Excavation considerations,
 - iii. General considerations of proposed fill masses in canyons or on hillsides,
 - iv. Load capabilities of soils;
 - c. Drainage considerations and recommendations;
 - d. Setback recommendations;
 - e. Footing, foundation, and backfilling recommendations;
 - f. Recommendations on vegetation preservation, removal and re-vegetation as it relates to slope stability, and erosion potential;

- g. Recommended methods for protecting the surrounding area from any adverse effects of the proposed development.
- 4. Checklist. Provide a checklist of geological requirements during construction, e.g. erosion protection prior to construction, geological certification prior to pouring foundation footings and slabs, revegetation requirements, etc.

SECTION 2. Section 9.52.170 General Exceptions to Building Height Limitations is hereby amended to read:

Section 9.52.170 General exceptions to building height limitations.

Projections, such as chimneys, spires, domes, towers, aerials, flagpoles and other similar objects not used for human occupancy are allowed as long as the projection: 1) does not exceed nine (9) square feet; 2) has a maximum width of eight (8) feet as viewed from any direction; and 3) has a maximum height of seven and one half (7½) feet above the peak of the roof. Elevator shaft housing may exceed the above dimensions but shall be no larger than the minimum required by building code.

Stand-alone projections such as antennas, cell towers, transmission towers, and similar structures shall have a maximum height of thirty (30) feet.

Any requests for exceptions to the above standards shall be in accordance with Chapter 9.80 Variances.

SECTION 3. SEVERABILITY. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by unanimous vote on November 1, 2017 and November 8, 2017.

DATED this 8th day of November, 2017.

Gerald F. Stanley, Mayor

ATTESTED TO:

Shannon Beaucaire, City Manager