

Section 3.140 A-3 COASTAL LAKE & FRESHWATER WETLANDS ZONE:

Section 3.141 Purpose. The purpose of the Coastal Lake and Freshwater Wetlands Zone is to assure conservation of important shoreland and wetland biological habitats and conserve examples of different natural ecosystem types in the Seaside area to assure a diversity of species and ecological relations.

Within the Urban Growth Boundary, occasional selective harvesting of timber is not considered to be a primary use and the use will be subjected to rigorous requirements should a permit be applied for and granted. Outside the Urban Growth Boundary, harvesting of timber shall be subject only to the requirements of the Forest Practices Act and Oregon Department of Forestry Administrative Rules.

Section 3.142 Zone Boundaries: The A-3 Zone shall be designated on the City of Seaside's Comprehensive Plan/Zone Map, and shall conform to the 1" to 400' map entitled "Major Freshwater Wetlands" on file at the City of Seaside and hereby adopted by reference.

Section 3.143 Uses and Activities Permitted with Standards: The following uses are permitted in the Coastal Lake and Freshwater Wetlands Zone subject to the provisions of Section 3.145 Development Standards:

1. Low intensity recreation
2. Passive restoration
3. Vegetative shoreline stabilization
4. Individual dock limited to 500 square feet for recreational or fishing use and necessary piling.
5. Submerged cable, sewer line, waterline or other pipeline.
6. Maintenance and repair of existing structures.
7. Developed hiking or bicycle trail which requires fill (gravel, paving) only in non-aquatic areas.
8. Pasturing and grazing.
9. The widening of US 101 and new alignments of US 101. (*Ordinance No. 2003-09*)
10. Fill in conjunction with bridges and bridge approaches along US 101, the widening of US 101, and new alignments of US 101. (*Ordinance No. 2003-09*)

Section 3.144 Conditional Uses and Activities Permitted: The following uses and activities are allowed as conditional uses when authorized in accordance with Article 6, Conditional Uses. The uses and activities are also subject to the provisions of Section 3.145, Development Standards:

1. Active restoration
2. Structural shoreline stabilization limited to rip rap
3. Boat launch
4. Bridges or other piling supported structures other than docks
5. Within the Urban Growth Boundary, selective harvesting of timber shall be according to a timber removal plan approved by the Oregon Department of Fish and Wildlife and submitted with the conditional use permit, subject to Conditional Use Standard 6.142.

Section 3.145 Development Standards

1. All uses shall satisfy applicable aquatic and shoreland standards in Article 4.
2. Uses that are not water dependent or water related shall be set back to the extent of riparian vegetation identified in the Comprehensive Plan. Riparian vegetation shall be protected in accordance with Section 3.139.

Section 3.146 Freshwater Wetlands Zone Identification

The location of the Freshwater Wetlands/Uplands Boundary line is approximate inasmuch as it is mapped at a scale of 1" to 400'. At such time that a development is proposed in the vicinity of the wetlands area, the City may require a site investigation to determine the exact location of the Boundary. The site investigation shall be performed by a qualified expert, such as a biologist from the U.S. Army Corps of Engineers, Oregon Division of State Lands, or the Oregon Department of Fish and Wildlife. Nothing in this provision shall allow for the redefinition or major alteration of the wetlands boundary.

Section 3.147 FLOOD HAZARD ZONE

See Ordinance No. 79-21 as amended by Ordinance No. 90-12

An Ordinance Providing for the Establishment of Flood Damage Prevention Regulations within the City of Seaside, Oregon.

Section 3.150 ADI-ACTIVE BEACH AND DUNE/INTERDUNE ZONE, CONDITIONALLY STABLE AND STABLE DUNE AREA

Section 3.151 Purpose. The intent of this zone is to regulate actions on beaches and in active dune and interdune, conditionally stable and stable dune areas in order to protect the fragile nature of the landscape.

Section 3.152 General Provisions.

1. **Uses Allowed:** Those uses allowed in the basic zoning district within which the property is located will be allowed in the ADI Zone if the use will not violate standards referred to in the applicable basic zoning ordinance provisions. However, no use involving the placement or construction of a building will be allowed unless the building is a public access facility, such as a restroom.

In addition, mining/mineral extraction will not be used.
2. **Planning Commission Review:** No building permit will be issued or review of conditional use approved for use in an ADI Zone which involves the construction of a new structure or expansion of an existing structure unless:
 - A. The development plans have been reviewed and approved by the Planning Commission in accordance with Article 6.
 - B. The construction would not violate conditions previously imposed by the Planning Commission and would include minor improvements such as utility lines and fences -- but no new buildings.
3. **Zone Boundaries:** The boundaries of the ADI Zone shall include all beaches and the dune area west of the Prom and north of 19th Avenue (see comprehensive plan dune map). The boundaries shall also include conditionally stable and stable dune areas as mapped on the Department of Transportation aerials on file at City Hall and hereby incorporated by reference.

4. **Warning and Disclaimer of Liability:** The degree of protection from erosion or accretion required by this ordinance is considered reasonable for regulatory purposes. This ordinance does not imply that property outside the ADI Zone will be free from erosion or accretion. This ordinance shall not create a liability on the part of the City of Seaside or by any officer, employee, or official thereof for any damages due to erosion or accretion that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 3.153 Site Specific Reports and Wind Erosion Prevention Plan.

1. Unless the Planning Commission determines that adequate site specific reports have already been undertaken for the entire portion of the site proposed for development, the owner or developer will have new site specific reports for the site prepared by a qualified person. These reports shall include: The history of erosion or other hazards in the vicinity of the site, a map of areas in the vicinity of the site with recent evidence of erosion, a presentation of potential adverse effects of the development, recommendations on where structures should be located, suggestions on the type of protection required for the proposed use and nearby property, and other material required by the Planning Commission.
2. If the development involves removal of vegetation in any location or combination of locations larger than 100 square feet which have sandy soils, a satisfactory wind erosion prevention plan will be submitted by the owner or developer which provides for temporary and permanent sand stabilization and maintenance of new and existing vegetation. This plan can be a simple report indicating what types of vegetation will be planted, approximately when planting will occur, how vegetation will be preserved and other relevant techniques being used to prevent wind erosion.
1. The proposed use will be permitted only if:
 - A. The Planning Commission has determined that a satisfactory wind and erosion prevention plan will be used.
 - B. The Planning Commission has determined that the use will comply with provisions in Section 3.152.
 - C. The Planning Commission has determined that facilities associated with the use:
 1. Are of minimal value or are adequately protected from any geologic hazards, ocean undercutting, storm waves, ocean flooding or wind erosion;
 2. Are designed to minimize any adverse impacts to the site or adjacent areas;
 3. Will not modify current or wave patterns in a manner that tends to beach erosion;
 4. Satisfies applicable requirements of the Oregon Beach Law; and
 - D. The use complies with any conditions imposed by the Planning Commission, such as:
 1. Prescribing the extent of vegetation removal;
 2. Prescribing the time, amounts and types of materials and methods to be used in restoration of dune vegetation;
 3. Prescribing setbacks greater than required in the underlying basic zone;

4. Prescribing the location and design of proposed uses;
5. Significant lowering of interdune lake water levels.

This requirement does not apply to single family dwellings if findings against this requirement are provided in the comprehensive plan or at the time of subdivision approval.

All conditions imposed by the Planning Commission will be consistent with the public interest and the intent of the zone.

4. Will not result in the draw-down of the groundwater supply in a manner that would lead to:
 - A. The loss of stabilizing vegetation;
 - B. The loss of water quality;
 - C. Salt water intrusion into the water supply; or
 - D. Significant lowering of interdune lake water levels.

This requirement does not apply to single family dwellings if findings against this requirement are provided in the comprehensive plan or at the time of subdivision approval.

Section 3.154 Additional ADI Zone Standards

1. If any action not approved in conjunction with a use allowed under the provision of Section 3.152 involves removal of vegetation on any location or combination of locations larger than 100 square feet which has sandy soils, a satisfactory wind erosion prevention plan will be submitted by the owner or developer which provides for temporary and permanent sand stabilization and maintenance of new and existing vegetation. Removal of the vegetation will be allowed only if the Planning Commission, after the City has consulted with the Clatsop County Soil and Water Conservation District, determines that the wind erosion prevention plan is satisfactory.
2. Removal of vegetation in areas with sandy soils shall be kept to a minimum required for building placement or other valid purposes. Removal of vegetation should not occur more than 30 days prior to grading, construction or landscaping. Permanent re-vegetation shall be started on the site as soon as practical and should return the site to its pre-construction level of stability or further increase the area's stability.
3. Sand removal shall be limited to that necessary for construction of permitted structures on the site or for eliminating hazards. Adequate consideration will be given to removing sand from the least sensitive locations. Disturbed areas shall be properly re-vegetated unless building is done thereon.
4. Vehicular and recurring pedestrian and equestrian traffic will be restricted to hard-surfaced streets or trails. Hiking, equestrian and nature trails shall be comprised of hard surface (plank, gravel, bound with clay, asphalt, or other material of like character) and must be approved by the Planning Commission.
5. However, sand removal and/or grading of the foredune necessary to alleviate hazards of sand build-up will be allowed in accordance with Section 3.156
6. Grazing of livestock is prohibited.

Section 3.155 Additional Provisions.

1. The Planning Commission may charge the owner or developer a reasonable fee for the cost of reviewing site specific reports, wind erosion prevention plans, and the methods actually used to avoid hazards associated with active dune and interdune areas.
2. The Planning Commission may require the owner or developer to post a performance bond to assure that adverse effects which may occur as a result of a use or action reviewed by the Planning Commission.
3. If a development involves removal of vegetation in any location or combination of locations larger than 2,000 feet in areas underlain by 45S soil, or locations larger than 10,000 square feet in areas underlain by 36B, 58A, or 49C soils, a satisfactory wind erosion prevention plan will be submitted by the owner or developer which provides for temporary and permanent sand stabilization and maintenance of new and existing vegetation. Removal of the vegetation will be allowed only if the Planning Commission or Building Official determines that the wind erosion plan is satisfactory.
4. Removal of vegetation in sandy soils shall be kept to the minimum required for building placement or other valid purposes. Removal of vegetation should not occur more than thirty (30) days prior to grading, construction or landscaping. Permanent re-vegetation shall be started on site as soon as practical. Re-vegetation should return the site to its preconstruction level of stability or further increase the area's stability.
5. No use shall result in the draw-down of the ground water supply in a manner that would lead to (1) the loss of stabilizing vegetation; (2) the loss of water quality; (3) salt water intrusion into the water supply, or (4) significant lowering of interdune lake water levels.

This requirement does not apply to single family dwellings if findings against this requirement are provided in the Comprehensive Plan or at the time of subdivision approval.
6. The Planning Commission or Building Official may charge the owner or developer a reasonable fee for the cost of reviewing wind erosion prevention plans and the methods actually used to avoid hazards associated with stable dune and interdune areas.

Section 3.156 Standards for Foredune Grading.

Grading or sand movement necessary to maintain views or to prevent sand inundation may be allowed for structures in foredune areas only if the area is committed to development and is within an acknowledged urban growth boundary, and only as part of an overall plan for maintaining foredune grading. A foredune grading plan shall include the following elements based on consideration of factors affecting the stability of the shoreline to be managed, including sources of sand, ocean flooding, and patterns of accretion and erosion (including wind erosion) and effects of beachfront protective structures and jetties. The plan shall:

1. Cover an entire beach foredune area subject to an accretion problem, including adjacent areas potentially affected by changes in flooding, erosion, or accretion as a result of dune grading;
2. Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height for flood protection is 4 feet above the 100 year flood elevation;
3. Identify and set priorities for low and narrow dune areas which need to be built up;

4. Prescribe standards for redistribution of sand and temporary and permanent stabilization measures, including the timing of these activities; and
5. Prohibit removal of sand from the beach-foredune system.

The foredune grading plan must be adopted as an amendment to the comprehensive plan before grading can begin.