

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.