

Chapter 17.86

SENSITIVE LANDS--SLOPE HAZARD

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17.86.010 Purpose. The purpose of this chapter is to regulate development and alterations to steep slope areas in order to protect members of the public and public resources and facilities from injury, loss of life, property damage, or financial losses due to erosion, flooding, landslide, seismic events, soil subsidence or steep slope failures. (Ord. 634 §1 Exh. A (part), 1995)

17.86.020 Applicability of uses. A. Except as provided by this section, the following uses are permitted uses:

1. Accessory uses such as lawns, gardens or play areas, except in wetlands;
2. Agricultural uses conducted without locating a structure or altering landforms;
3. Public and private conservation areas for water, soil, open space, forest and wildlife resources;
4. Removal of poison oak, tansy ragwort, blackberry or other noxious vegetation;
5. Fences.

B. Separate permits shall be obtained from the appropriate state, county or city jurisdiction for the following:

1. Installation of underground utilities and construction of roadway improvements including sidewalks, curbs, streetlights and driveway aprons;
2. Minimal ground disturbance(s) but no landform alterations.

C. For the purpose of this chapter, "slope hazard areas" means those areas subject to a severe risk of landslide or erosion. They include any of the following areas:

1. Any area containing slopes greater than or equal to fifteen percent and two of the following subsections;
 - a. Impermeable soils (typically silt and clay) frequently interbedded with granular soils (predominately sand and gravel),
 - b. Any area located on areas containing soils which, according to the current version of the soil survey of Columbia County, Oregon may experience severe to very severe erosion hazard,
 - c. Any area located on areas containing soils which, according to the current version of the soil survey of Columbia County, Oregon are poorly drained or subject to rapid runoff,
 - d. Springs or ground water seepage;

2. Any area potentially unstable as a result of natural drainageways, rapid stream incision, or stream bank erosion;

3. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream transported sediments;

4. Any area containing slopes greater than or equal to twenty percent.

D. Landform alterations or developments within slope hazard areas that meet the jurisdictional requirements and permit criteria of the U. S. Army Corps of Engineers, Division of State Lands, and/or other federal, state or regional agencies do not require duplicate analysis or local permits. The city may require additional information not addressed above. When any provision of any other chapter of this title conflicts with this chapter, the regulations that provides more protection to the sensitive areas shall apply unless specifically provided otherwise in this chapter; provided, such exceptions shall not conflict with any federal, state or local regulation.

E. A development permit shall be obtained before construction or development begins within any area of slope hazard as identified in subsection C of this section. The permit shall apply to all structures including manufactured homes.

F. Except as explicitly authorized by other provisions of this chapter, all other uses are prohibited on steep slope areas.

G. A use established prior to the adoption of this title, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter, shall be considered a nonconforming use. Nonconforming uses shall be subject to the provisions of Chapter 17.132.

H. The planner shall determine if a slope hazard applies based upon one or any combination described in subsection C of this section. (Ord. 634 §1 Exh. A (part), 1995)

17.86.030 Administration and approval process. A. The applicant for a development permit shall be the recorded owner of the property or an agent authorized in writing by the owner.

B. If uncertainty exists in regards to the location or configuration of slope hazard areas, the planner shall make an on-site inspection prior to an application being initiated to determine the nature and extent of the resource. If necessary, assistance from state and federal agencies shall be sought to provide the applicant additional information.

C. The planner shall review all development applications to determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives and requirements of this chapter.

D. The applicant shall submit an affidavit which:

1. Declares that the applicant has no knowledge that sensitive areas on the development proposal site have been illegally altered, and that the applicant previously has not been found in violation of sensitive areas regulations for any property in Columbia County;

2. Demonstrates that any development proposal submitted conforms to the purposes, standards and protection mechanisms of this chapter;

3. If required, prepare a special sensitive areas study in accordance with Section 17.86.070;

E. Approval of a development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

F. The provisions of this chapter shall apply to all forest practices over which the city has jurisdiction, and to all property which has been cleared and/or graded without an approved state and local permit.

G. The application shall be processed in accordance with Chapter 17.162. (Ord. 634 §1 Exh. A (part), 1995)

17.86.040 Maintenance of records. A. The planner shall retain on file, the current version of the soil survey for Columbia County, Oregon as provided by the Soil Conservation Service, of the Department of Agriculture.

B. The planner shall retain on file all studies of soil hazards areas for new or existing development or construction. (Ord. 634 §1 Exh. A (part), 1995)

17.86.050 General provisions for slope areas. A. Slope hazard regulations apply to those areas meeting the federal, state or local definition of "slope hazard" as identified in Section 17.86.020(c) and areas of land adjacent to and within one hundred feet of areas identified as slope hazards.

B. Slope locations may include but are not limited to those areas identified as slope hazards in the Scappoose comprehensive plan.

C. Precise boundaries may vary from those shown on maps; specific delineation of slope hazards boundaries may be necessary. Slope hazard delineation will be done by qualified professionals at the applicant's expense. (Ord. 634 §1 Exh. A (part), 1995)

17.86.060 Expiration of approval. A. Approval of a development permit shall be void if:

1. Substantial construction of the approved plan has not completed within a one-year period; or

2. Construction on the site is a departure from the approved plan.

B. The planner may, upon written request by the applicant, grant an extension of the approval period not to exceed one year, provided that:

1. No changes are made on the original plan as approved by the approval authority;

2. The applicant can show intent of initiating construction of the site within the one year extension period;

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based;

4. There have been no naturally occurring or manmade changes to the landform.

C. Notice of the extension shall be provided to the applicant. (Ord. 634 §1 Exh. A (part), 1995)

17.86.070 Approval standards. A. The planner or the planning commission may approve or approve with conditions or deny an application request within the slope area based upon following findings:

1. Land form alterations shall preserve or enhance slope stability;

2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

3. Land form alterations or developments address stormwater runoff, maintenance of natural drainageways, and reduction of flow intensity by the use of retention areas;

4. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock;

5. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 17.100;

6. The water flow capacity of the drainageway is not decreased or the drainageway will be replaced by a public facility of adequate size to accommodate maximum flow;

7. The necessary U.S. Army Corps of Engineers and state of Oregon Land Board, Division of State Lands and Department of Environmental Quality approvals shall be obtained;

8. No development, building, construction or grading permit may be issued on lands in the slope hazard area until the public works director approves:

a. An engineering geotechnical study and supporting data demonstrating that the site is stable for the proposed use and development,

b. The study shall include at a minimum geologic conditions, soil types and nature, soil strength, water table, history of area, slopes, slope stability, erosion, affects of proposed construction, and recommendations. This study shall be completed by a registered geotechnical engineer in the state of Oregon. The plans and specifications shall be based on the study recommendations shall be prepared and signed by a professional civil engineer registered in the state of Oregon,

c. A stabilization program for an identified hazardous condition based on established and proven engineering techniques that ensure protection of public and private property,

d. A plan showing that the strategically important vegetative cover shall be maintained or established for stability and erosion control purposes,

e. A plan showing the proposed stormwater system. Said system will not divert stormwater into slope hazard areas.

B. Where landform alterations and/or development are allowed within and adjacent to the one hundred-year floodplain, the requirements of Chapter 17.84 shall be met.

C. Where landform alterations and/or development are allowed within and adjacent to wetlands, the requirements of Chapter 17.85 shall be met. (Ord. 634 §1 Exh. A (part), 1995)

17.86.080 Application submission requirements. A. All applications shall be made on forms provided by the planner and shall be accompanied by:

1. One reproducible copy of the development plan(s) and necessary data or narrative which explains how the development conforms to the standards. Sheet size for the development plan(s) and required drawings shall not exceed eighteen inches by twenty-four inches and the scale for all development plans shall be an engineering scale;

2. A list of the names and addresses of all who are property owners of record within two hundred feet of the site.

B. The development plan and narrative shall include the following information. Items may be combined on one map:

1. Existing site conditions including vicinity map showing the location of the property in relation to adjacent properties and including parcel boundaries, dimensions and gross area;

2. The location, dimensions and names of all existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site and proposed streets or other public ways, easements on the site;

3. The location, dimensions and setback distances of all existing structures, improvements, utility and drainage facilities on adjoining properties and existing structures, water, sewer, improvements, utility and drainage facilities to remain on the site; and proposed structures, water, sewer, improvements, utility and drainage facilities on the site;

4. Contour lines at two-foot intervals for slopes from zero to ten percent and five-foot intervals from slopes over ten percent;

5. The drainage patterns and drainage courses on the site and on adjacent lands;

6. Potential natural hazard areas including:

a. Floodplain areas,

b. Areas having a high seasonal water table within zero to twenty-four inches of the surface for three or more weeks of the year,

c. Unstable ground (areas subject to slumping, earth slides or movement). Where the site is subject to landslides or other potential hazard, a soils and engineering geologic study based on the proposed project may be required which shows the area can be made suitable for the proposed development,

d. Areas having a severe soil erosion potential, and

e. Areas having severe weak foundation soils;

7. The location of trees having a six-inch caliper at four feet. Only those trees that will be affected by the proposed development need to be sited accurately. Where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be required;

8. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow;

9. A grading and drainage plan that includes:

a. The identification and location of the benchmark and corresponding datum,

b. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals,

c. When requested by the planner, a statement from a registered engineer supported by factual data substantiating:

- i. The validity of the slope stabilization proposals,
- ii. That other off-site impacts will not be created,
- iii. Stream flow calculations,
- iv. Cut and fill calculations, and
- v. Channelization measures proposed.

d. A statement from a registered engineer supported by factual data that all drainage facilities are designed in conformance A.P.W.A standards and as reviewed and approved by the public works director;

10. The method for mitigating any adverse impacts upon wetland, riparian or wildlife habitat areas. (Ord. 634 §1 Exh. A (part), 1995)