

## ARTICLE 33

### (BD) Beaches and Dunes Overlay

#### SECTION 3.33.000 Purpose

The Beaches and Dunes overlay classification is intended to preserve beach and dune areas containing significant natural resources and protect permitted developments in these areas from flooding, erosion and damage from moving sand. This classification provides for uses of beach and dune landforms which are consistent with these objectives.

The Beaches and Dunes designation has been applied to lands designated as Beaches and Dunes on the Comprehensive Plan, with features such as beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms. The major portion of the lands with these features lie inside the Dune National Recreation Area (NRA). The portions outside the NRA are the Wildwood Drive vicinity, Umpqua Lighthouse State Park, the area between the two south jetties (U.S. Army Corp of Engineers), Ziolkouski Beach (Douglas County Parks Department) and a small amount of private land contiguous to the Umpqua Beach Resort.

#### SECTION 3.33.050 Permitted Uses

In the BD Overlay the following uses, activities and their accessory structures are permitted subject to the general provisions and exceptions set forth in this Ordinance.

1. Low intensity recreation, as defined in the Comprehensive Plan, on all beach and dune landforms.
2. High intensity recreation not requiring structures on beach, active and interdune forms.
3. Activities in support of the construction, rehabilitation and maintenance of federally authorized jetties and navigation channels on beaches and foredunes.
4. Aids to navigation on all dune forms.

#### SECTION 3.33.100 Uses Permitted With Standards

Within the BD Overlay, uses, activities and their accessory structures which are permitted in the underlying zone(s) but not listed as permitted above may be permitted only on older and recently stabilized dunes subject to the standards and criteria set forth in §3.33.200. In addition, the following uses and activities are permitted subject to conformance with the below referenced standards and criteria:

1. Development activity which is of minimum value such as boardwalks, fences and temporary open-sided shelters on recently stabilized and interdune forms.

Proposals to establish uses allowed by this Section shall be processed pursuant to §2.060.1 and shall be subject to the provisions of §2.065.2.

### **SECTION 3.33.150 Uses Permitted Conditionally**

Uses, activities and their accessory structures which are permitted conditionally in the underlying zone(s) may be permitted on older stabilized dune forms and interdune forms free from flood hazard subject to the standards and criteria set forth in §3.33.200. Requests for approval shall be processed pursuant to §2.060.1 and subject to the provisions of §2.065.2.

### **SECTION 3.33.200 Standards and Criteria**

In the BD Overlay approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use:

1. Complies with the policies of Beaches and Dunes Element of the Comprehensive Plan specific to the type of landform upon which the proposed use is to be located; and
2. Complies with the general policies for land use contained in the Beaches and Dunes Element of the Comprehensive Plan.
3. Uses and activities shall demonstrate compatibility with the characteristics and resources of adjacent estuarine areas, lakes and ocean and any geologic hazards.
4. Riparian vegetation shall be maintained to the maximum extent possible. Vegetation destroyed or damages as a result of allowed uses or activities shall be restored and enhanced when appropriate and consistent with the use.
5. Effective implementation of Douglas County's Beach and Dunes Element requires the minimal components to be submitted for uses permitted conditionally:
  - a. Engineering geologic reports required pursuant to this Section shall be prepared by a certified engineering geologist licensed in the State of Oregon. Such reports shall be prepared consistent with standard geologic practices and employing generally accepted scientific and engineering principles. The content of such reports shall be generally consistent with the applicable provisions of "Guideline for Preparing Engineering Geologic Reports," 2nd Edition, 5/30/2014, published by the Oregon Board of Geologist Examiners. Such reports are valid for a period of two (2) years from the date the report was written. Should a building permit not be secured by the end of the two year period a letter shall be required from the project engineering geologist noting if and how the project still complies with the original report. If, at the end of a five year period a building permit has not been secured, the applicant shall be required to submit a new Geologic report for the project. The report shall only be valid for the development plan addressed in the report. Douglas County assumes no responsibility for the quality or accuracy of such reports.

- b. Geologic reports required by this Section shall include a statement of the engineering geologist's professional opinion as to whether the proposed development will be within the acceptable level of risk established by the community, considering site conditions and the recommended mitigation. As used in this section, "acceptable level of risk" means the maximum risk to people and property from identified natural hazards deemed acceptable to the community in fulfilling its duty to appropriately protect life and property from natural hazards.
- c. Certification of Compliance: Permitted development subject to this Section shall comply with all recommendations in any required engineering geologic report. Certification of compliance shall be provided as follows:
  - (1) Plan Review Compliance: Building, construction or other development plans shall be accompanied by a written statement from a certified engineering geologist that the plans comply with the recommendations contained in the engineering geologic report for the approved Coastal Hazard Area Permit (Planning Clearance Worksheet).
  - (2) Inspection Compliance: Upon completion of any development activity for which the engineering geologic report recommends inspection or observation by a certified engineering geologist, a written statement from a certified engineering geologist certifying that the development activity has been completed in conformance with the applicable recommendations shall be provided.
  - (3) Final compliance: Development subject to this Section shall not receive final approval (e.g. certificate of occupancy, final inspection, etc.) until the Director receives:
    - i. A written statement by a certified engineering geologist that all performance, mitigation, and monitoring measures specified in the engineering geologic report have been satisfied;
    - ii. If mitigation measures for the subject development incorporate engineering solutions designed by a licensed professional engineer, a written statement of compliance from the design engineer.