

Section 3.254. Liquefaction Overlay Zone

1. Purpose: The purpose of this section is to implement the liquefaction hazard policies set forth in Chapter 7 of the Curry County Comprehensive Plan and to manage development in a manner that reduces the risk to life and property from liquefaction hazards by:

- a) Identifying areas subject to liquefaction hazard;
- b) Assessing the risks to life and property posed by new development in areas of known liquefaction hazard; and
- c) Applying standards to the siting and design of new development on lands subject to liquefaction hazard that will reduce the risk to life and property from these hazards.

2. Applicability: This section shall apply to all development on lands identified as subject to liquefaction as mapped in DOGAMI Open File Report. Except for construction types identified in subsection 2. a) of this section, all new construction shall comply with the standards of Section 3.254 as part of a Conditional or Permitted Use Permit or Planning Clearance required for development based on the underlying zoning of the property on which development is proposed. Compliance with the requirements of this section is required prior to issuance of a building permit or grading permit.

- a) The following construction types are exempt from the requirement for a Liquefaction Hazard Area Permit:
 - i) Maintenance, repair, reconstruction or improvement of a structure that does not exceed 50% of the structure area, is located on the same footprint and does not exceed the existing height of the building; as long as the area of addition is outside a high risk liquefaction area.
 - ii) Structures classified in occupancy Group U under the Oregon Structural Specialty Code. (Note: Group U structures include but are not limited to garages, sheds, greenhouses and similar non-habitable accessory structures.)
 - iii) Structures and other work exempt from the permit requirements of the Oregon Specialty Codes.
- b) Application, review, decisions, and appeals for Conditional or Permitted Use Permits shall be in accordance with the requirements for administrative decisions pursuant to Section 2.060 (1).
- c) In addition to a completed application as set forth in Section 2.060, all applications for a Conditional or Permitted Use Permit or Planning Clearance in a Liquefaction Hazard Overlay zone shall include:
 - i) An engineering geologic report prepared by a certified engineering geologist; and,

ii) If geotechnical remediation is required to make the site suitable for the proposed development, an engineering report prepared by a geotechnical engineer or certified engineering geologist which provides design and construction specifications for the required remediation.

iii) Hazard Disclosure Statement: All Conditional or Permitted Use Permits or Planning Clearances for development applications and all building permit applications for restoration and replacement authorized by subsection 7. of this section shall acknowledge:

- a) The property is subject to potential liquefaction hazards and that development thereon may be subject to damage from such hazards;
- b) The property owner has commissioned an engineering geologic report for the subject property, a copy of which has been recorded against the property title, and that the property owner has reviewed the engineering geologic report and has thus been informed and is aware of the type and extent of liquefaction hazards present and the risks associated with development on the subject property;
- c) The property owner accepts and assumes all risks of damage from landslide hazards associated with development of the subject property.

d) In the event the reviewing authority determines that additional review of a Conditional or Permitted Use Permit or Planning Clearance in a Liquefaction Area by an appropriately licensed and/or certified engineering geologist is necessary to determine compliance with this section, Curry County may retain the services of such an engineering geologist for this purpose. All costs incurred by the county for this additional review shall be paid by the applicant.

e) In approving a Conditional or Permitted Use Permit or Planning Clearance the reviewing authority may impose any conditions which are necessary to ensure compliance with this section or with any other applicable provisions of the Curry County Zoning Ordinance. Requirements of compliance with recommendations of the engineering geologic report shall be included as project conditions for any Conditional or Permitted Use Permit or Planning Clearance.

3. A decision to approve a Conditional or Permitted Use Permit or Planning Clearance in a Liquefaction Hazard Area shall require findings of compliance with all of the following criteria:

- a) The engineering geologic report conforms to the requirements of subsection 5. of this section.
- b) The development plans conform, or can be made to conform, to all recommendations and specifications contained in the engineering geologic report.

c) The development plans comply with the applicable requirements of subsection 4. of this section.

4. Development Limitations: In addition to conditions, requirements and limitations imposed by a required engineering geologic report, all development subject to a Liquefaction Hazard Area Permit shall be subject to the following limitations:

a) Safest Site Requirement: All new construction shall be located on the portion of the subject property most suitable for development based on the least exposure to risk from liquefaction hazards, as determined by a certified engineering geologist as part of an engineering geologic report prepared in accordance with Section 3.X05. Notwithstanding the provisions of Article IV, as necessary to comply with this requirement any required set-back from a property line may be reduced by up to 50% without a variance.

b) New Lot or Parcel Development Prohibition: On lots and parcels created after *[insert effective date of this section]*, new construction must be located outside the area subject to this provision.

c) Land Division Requirements: Any new lot or parcel subject to this provision shall provide a building foot print that:

- i) Provides a minimum of 750 square feet and is identified on the preliminary map;
- ii) Complies with all required set-backs; and,
- iii) Is located outside the coastal hazard area.

d) Residential density limitation: Notwithstanding the residential density allowances of the subject zone, additional dwelling units beyond the initial unit, or existing development lawfully sited prior to *[insert effective date of this section]*, are prohibited.

5. Engineering Geologic Report Requirements

a) Engineering geologic reports required pursuant to this section shall be prepared consistent with standard geologic practices and employing generally accepted scientific and engineering principles. Such reports shall be generally consistent with the "Guideline for Preparing Engineering Geologic Reports", Second Edition, May, 2014, published by the Oregon Board of Geologist Examiners.

b) In addition to the general requirements set forth in subsection 5. a), engineering geologic reports required pursuant to this section shall include the following:

- i) An analysis and evaluation of the information, data and mapping contained in the applicable DOGAMI Open File Report for potential liquefaction affecting subject property.
- ii) An identification of the safest area, or areas, of the subject property for the siting of the proposed development considering liquefaction risk.

6. 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:

a) 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 project in the Liquefaction Hazard Area.

b) 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.

c) 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.

7. Restoration and Replacement of Existing Structures

a) Notwithstanding any other provisions of this ordinance, application of this section shall not have the effect of rendering any existing use or structure non-conforming as defined in Section 1.030.

b) Replacement, repair or restoration of a lawfully established building or structure subject to this section that is damaged or destroyed by fire, other casualty or natural disaster not associated with liquefaction hazard shall be permitted, subject to all other applicable provisions of this ordinance, and subject to the following limitations:

i) Replacement pursuant to this subsection is limited to a building or buildings not larger than the damaged building.

ii) Replacement or restoration authorized by this subsection shall commence within 18 months of the fire or other casualty which necessitates restoration or replacement.

iii) Application for a building permit for restoration or replacement authorized by this subsection shall be accompanied by an engineering geologic report meeting the requirements of subsection 3.254 (5) of this section and requirements related to a certificate of compliance specified in subsection 3.254(6).