

BEACHES AND DUNES OVERLAY (BDO) ZONE

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17.77.010 Purpose.

The purpose of the Beaches and Dunes Overlay (BDO) Zone is to implement the provisions of the Beaches and Dunes Section of the Coastal Resources Chapter of the City of Bandon Comprehensive Plan and Statewide Planning Goal 18 (Beaches and Dunes). The BDO boundary is identified by the City of Bandon utilizing preliminary ocean flood analysis maps developed by the Oregon Department of Geology and Mineral Industries (DOGAMI) in 2010 on behalf of FEMA for the purposes of identifying the 1% flood zone and the most landward extent of potential ocean flooding associated with the 1% storm. The purpose of the Beaches and Dunes Overlay is to identify areas subject to ocean overtopping and wave undercutting that would be subject to Statewide Planning Goal 18 development restrictions.

17.77.015 Beaches and Dunes Overlay Zone Boundaries

The Beaches and Dunes Overlay Zone is shown on the City of Bandon zoning map and the more detailed supplemental maps that defines the Beaches and Dunes Overlay Zone boundary.

- A. The Jetty (Beaches and Dunes Overlay (BDO) Zone Map - South Jetty Area)
- B. Johnson Creek Study Area (Beaches and Dunes Overlay (BDO) Zone Map - Johnson Creek Area)

17.77.020 Permitted and Prohibited uses and activities.

The Beaches and Dunes Overlay Zone is a limited use overlay zone. All uses and activities authorized by the underlying zone are subject to review and approval as outlined in this Chapter. Residential developments and commercial and industrial buildings are prohibited within the Beaches and Dunes Overlay Zone.

17.77.030 Conditional uses and activities.

Other development, not restricted in 17.77.020 above, shall only be allowed if the proposed development:

- A. Is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
- B. Is designed to minimize erosion in beach and dune areas by limiting the destruction of desirable vegetation and the exposure of stable and conditionally stable areas to erosion; and

- C. Mitigates any significant adverse environmental effects on the site and adjacent areas; and
- D. Is proposed to include
 1. temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation; and
 2. for protecting the surrounding area from any adverse effects of the development; and 3) minimizes to insignificant levels, hazards to life, public and private property, and impacts to the natural environment which may be caused by the proposed use.

17.77.040 Relationship between the Beaches and Dunes Overlay Zone and the underlying zone.
 The Beaches and Dunes Overlay (Beaches and Dunes Overlay) Zone is a limited use overlay zone. It identifies the location of existing Statewide Planning Goal 18 development prohibition areas within beach and dune areas. Uses and activities allowed within the underlying zone are limited as indicated in 17.77.030 above.

17.77.050 Replacement of lawfully established Structures:
 Any lawfully established structure which is located in the Beaches and Dunes Overlay Zone, may be replaced subject to the following:

1. The structure must be sited either within the same building footprint, or farther away from the ocean, if deemed appropriate by the City and the applicant to decrease coastal hazard risk, and
2. Replacement or repair of lawfully established structures shall be subject to all city, state and federal siting and construction requirements in effect at the time of the application.
3. Real property that is claimed by marine erosion and becomes part of the ocean beach will no longer be buildable land. If a dwelling is damaged or destroyed by coastal storm and ocean erosion there may be little or no buildable land remaining on which to rebuild. In addition, there may be jurisdictional or ownership issues which may impact or preclude replacement of the dwelling.

17.77.070 Comprehensive Legislative Amendments to the Beaches and Dunes Overlay (BDO) Zone or BDO Zone Boundaries.

- A. The City may amend the boundary utilizing a legislative comprehensive plan amendment process, if a future comprehensive area wide analysis, consistent with Statewide Planning Goal 18, indicates that a boundary change is warranted.
- B. The analysis, and findings to develop a new boundary by the city must address Goal 18 development prohibition areas for residential and commercial/industrial structures (i.e. beaches, active foredunes, other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding) . In addition, other development in these areas should only be permitted if it:
 1. Is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
 2. Is designed to minimize adverse environmental effects.

- C. Notice to DOGAMI, OPRD, and DLCD, must be provided at least 45 days prior to the first evidentiary hearing.