

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, May 8, 2018
3:30 PM**

1. Call to Order
2. Approval of Minutes: April 10, 2018 regular meeting
3. Comments from the Public
4. Hearing
None
5. Planning Matters
 - Right-of-Way usage License (1 Geer Circle)
 - Report by the Historical Preservation Commission Sub-Committee
 - Discussion of Accessory Dwelling Units
 - Coastal Resilience Grant Considerations for Comprehensive Plan and Zoning Overlay

Other Business

- A. Announcements and Communications:
 - Planning Commission Comments
 - Continue working on Sign Ordinance in June, 2018
- B. Old Business
 - Dark Skies Ordinance
6. Public Considerations
8. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING

Tuesday, April 10, 2018 3:30 PM
Regular Meeting and Public Hearing and Workshop
Port Orford City Hall, Gable Council Chambers
555 W. 20th Street
Port Orford, Oregon

Date Draft: May 2, 2018

Date Corrected:

Date Final:

1. Call to Order

Chair McHugh called to order the regular meeting of the City of Port Orford Planning Commission for April 10, 2018 at 3:30 pm.

Those members present were: Comm. Nye, Comm. LaRoche, Comm. McHugh, Comm. Dahl and Comm. Lane.

City staff present was City Attorney Shale Kulak, City Planner Crystal Shoji and Planning Assistant Patty Clark

2. Approval of Minutes:

Approval of February 13, 2018 meeting.

Comm. LA Roche made the motion to approve the minutes of the February 13, 2018 meeting and Comm. Dahl seconded the motion. All approved the motion.

3. Assistant planner Clark introduced new planning commission member Kim Nye.

City Planner Shoji made the statement that there is a rumor going around that she (Shoji) owns property here in Curry County and is making planning decisions for the City. She stated that she owns no property here.

4. Comments from the Public.

- Teresa Kolibaba: Stated that she had a complaint on the Port Orford Historical Society. She stated that they are doing a walking brochure of some of the historical landmarks in town and we do not want our property on that brochure. I was told by Beverly Bacak that I had no choose. I think that I do have a choose and feel that it is an invasion of our privacy. They got a grant to produce a walking brochure of historical buildings in town and I told them in advance that we do not want to be on it and Beverly Bacak told me we do not have any choose. Attorney Kudlac asked if this home was on the historic register. Teresa stated that it was on the list and that we have no control over the list. Chair McHugh stated that he had a couple of problems with this because the historic commission is a subcommittee of the planning commission and it cannot be a subcommittee if at least one member of the planning commission is not a member. It is just a citizens group. Attorney Kudlac stated that this is something that we will have to look into because I don't have the answer right now.

- Mayor Pogwizd: Stated that he would like to thank this commission for what you do and it is very important to the City of Port Orford. I would like to publicly thank Dorene Ames for her service on the board and thank you Crystal for clearing up that rumor.

- Dorene Ames: Dorene stated that she wanted to speak on Teresa's behalf. Teresa and I have been friends for some time. We became kind of yard buddies, plant exchange, that kind of thing. I have been at her house when people do walk on the property even when you tell them not to. She stated that under the ORS you have the right to have the right to a peaceful use of your property.

Dorene stated that she wanted to talk about the CUP extension. She stated that she was part of the Planning Commission when the original CUP for both 1 and 2 option. She stated that she didn't see any reason for giving them anymore extension. If they can't get everything in order with the large group of people they have working on it, I feel that they have not been able to comply with the county or the city at this point and the CUP should not be extended.

- Penny Suess: Stated that she wanted to speak on the request for extension of CUP's 16-02 and 16-03 which are the effluent pipeline alternatives within the City. Penny stated that the county portion of this pipeline was appealed to LUBA on March 14. So they don't have their county permits in line for that. She stated that underlying permit for the golf course is claimed to be expired. She stated that the legality for approving extensions for permits which covers pipelines to golf courses that has apparently expired is going to depend on what LUBA says. She stated that in her opinion Port Orford should not and cannot give their extension for the pipeline within the City until the legality's are clear. The county planning commission denied this. The board of commissioners took up an appeal by ERPD requiring them to make certain statements. She stated that the conditions in the CUP's have not been addressed. She wanted to know why there are still two alternate routes still being requested for extensions. She stated that at this point there is no need for two separate CUP's and why have the applicants not chosen their preferred route.

- Teresa Kolibaba: Teresa stated that she posted on line the audio from that discussion that Beverly Bacak and I had. It is on archive.org. The meeting was on March 30th, 2018.

5. Hearing

None

6. Planning Matters

- Right-of-Way usage License (1 Geer Circle)

Comm. McHugh asked there was anyone here representing the applicant. There was not. Comm. McHugh stated that he was not comfortable moving forward with this without the applicant being here.

Comm. McHugh made the motion to continue this application until next month when the applicant can be present. Comm. LaRoche seconded the motion.

Discussion was called for. Comm. LaRoche stated that there was already a fence up and also one on the slope. LaRoche asked why does he need to go into the right of way. LaRoche wanted to know where his property line was. Comm. Lane stated that she believes that they

need a fence but one that looks better. Comm. Dahl stated that it looked like he started the fence and then stopped. It was stated that the City told him to stop.

Comm. McHugh asked officer Brace about the incident at this property that he had to respond to. Officer Brace stated that the couple that has that house now are fostering a child and in the process of adopting him. The child has some issues and he likes to get out of the house and tries to wonder around. Brace stated that Arizona Street is kind of busy right there and there is a number of transients in that wooded area to the East of Arizona. Brace stated that this area seems to be a magnet to people that shouldn't be there. Brace stated that they have a gate on the one end and that keeps the child from getting out.

Comm. McHugh called for the vote on the motion to continue this until next month. All were yes.

- Extension of time for Conditional Use CUP 16-02 and 16-03

Troy Russall: Stated that he was there for a time extension CUP 16-02 and 16-03. He stated that this commission approved these CUP's unanimously. He stated that we just got approval in February from the County. He stated that there were some questions raised during public comment. He stated that the CUP for construction was valid. He stated that ORCA has filed an intent to appeal with the county.

City Planner Shoji read into record 17.32.060: Time on a permit for Conditional Use, Authorization of a conditional use shall be void after one year or year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, upon written application to the planning commission.

Comm. McHuch asked the applicant why they still need CUP on both of 16-02 and 16-03. Why are they still necessary? Troy Russall stated that they aren't. Comm. McHugh asked if Russall had any objection if we let alternate route CUP 16-03 expire. Troy Russell stated that they would like to keep both of them active in the event of not stating over. He stated that we are only going to build one. We would rather keep them both valid for the time being so there is some flexibility.

Shoji stated that if it is our intension to grant the extension then we should allow both, reasoning that when the permitting is done ODFW or some other agency may not allow certain things.

Comm. Lane made the motion to approve the time extension of CUP 16-02 and 16-03. Comm. Dahl seconded the motion.

Comm. McHugh asked Comm. Lane to consider an amendment to your motion that the extension of the permits CUP 16-02 and Cup 16-03 would be for one year. Comm. Lane said yes. Comm. Dayl withdrew his second.

Comm. McHugh made the motion to approve the time extension of CUP 16-02 and 16-03 not to exceed one year and the date of that year begins today, April 10, 2018. Comm. Dayl seconded the motion. Vote was yes by all.

- Continue working on Sign Code, Chapter 15.16

Comm. McHugh made the motion to continue this until our June 12, 2018 planning meeting. Comm. Dahl seconded the motion. All were in favor.

- Planning Commission Training

Planner Shoji gave training to the planning commission.

Other Business

A. Announcements and Communications:

- Planning Commission Comments

3. Adjourn at 5:16 pm

City of Port Orford
P.O. Box 310 Port Orford, OR 97465
(541) 332-3681

CITY RIGHT-OF-WAY USAGE LICENSE

City Ordinance Chapter 12.24

Licensee Information:

Date: 3/5/18

Name: Craig Rosehaur Phone #: (530) 906-7746

Address: 1 Geer Circle Signature: _____

Property location: Port Orford, OR 97465

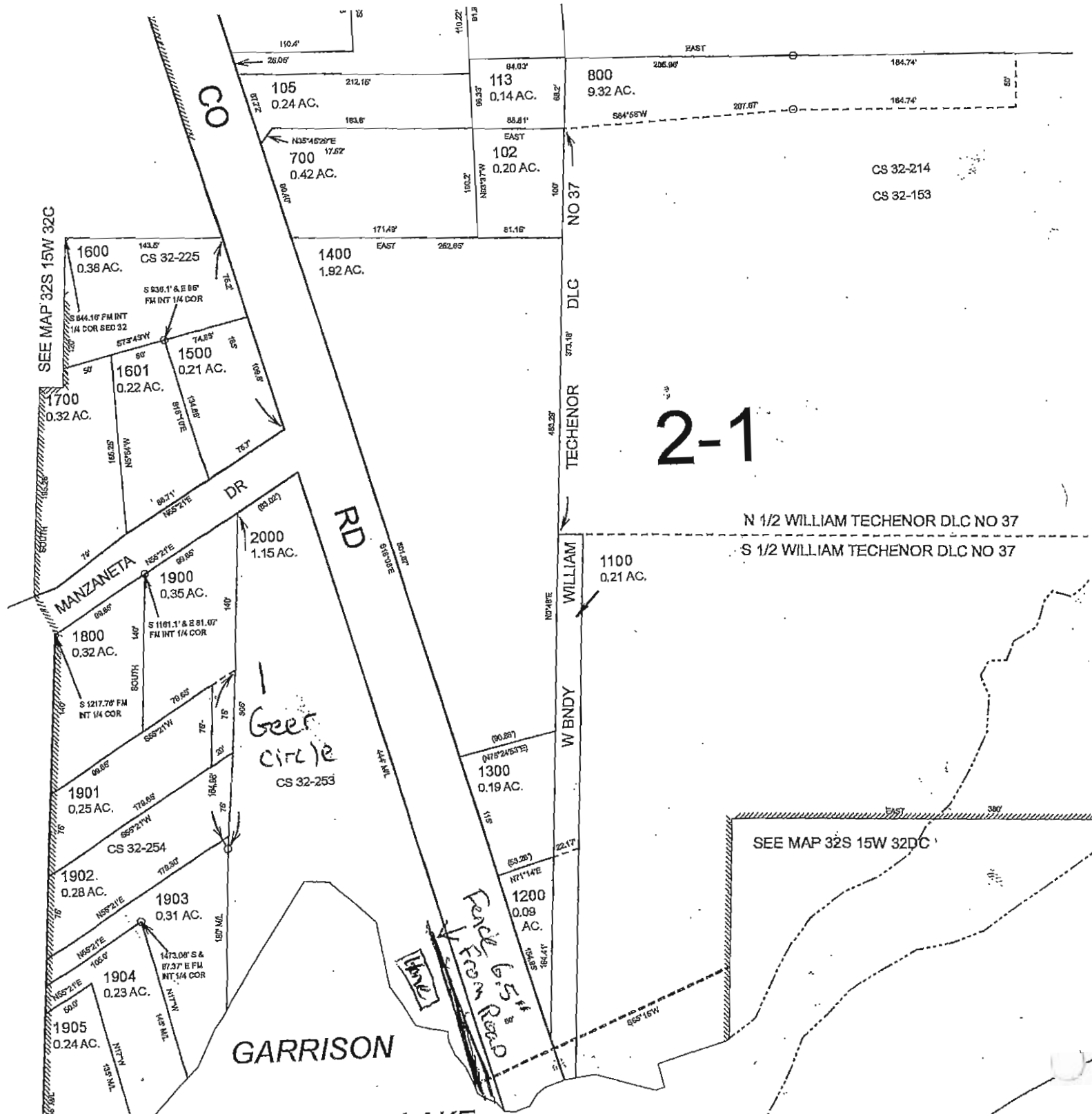
Street location: _____ Assessors Map: _____ Lot#: _____

Description of Improvements: Attach Drawings / Plans if available:

Wire fence to secure and protect property.
Pets And Children.

Agreements:

1. Licensee confirms they are the owner of the property adjacent to the City's right of way.
2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.
3. Licensee agrees that the use of the City's right of way is limited to the specific use authorized by this license.
4. Licensee shall notify in writing any purchaser of the property of this revocable license.
5. Licensee shall have all utilities and property lines located and marked at licensee's expense before submitting permit. (Utility locate service 1-800-332-2344)
6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.
7. **HOLD HARMLESS CLAUSE:** The licensee agrees that their performance under this license is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this license and from any loss arising from the licensee's use of the property, or from the licensee's failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the license holder would be liable hereunder.
8. If applicant disagrees with the action of City Staff, an appeal may be filed with the City Council within 14 days of the action, or the decision becomes final.
9. Criteria that will be used to evaluate proposed right of way use:
 - A. Potential impact on existing utilities (water, sewer, storm water, etc.) including potential future maintenance requirements for those utilities.
 - B. Will the proposed use negatively impact visibility for traffic on adjoining roadways?
 - C. Are there any other potential public safety concerns?
 - D. Will the proposed use be likely to create negative visual impact on adjoining properties?
 - E. Will the proposed use impact any other existing uses?
 - F. Is granting the ROW usage license in the public interest?



2-1

N 1/2 WILLIAM TECHENOR DLC NO 37
 S 1/2 WILLIAM TECHENOR DLC NO 37

SEE MAP 32S 15W 32DC

GARRISON

LAKE

*Pence to Secure Property 6.5 feet
 From edge of Road, same as 639 20th Street
 And same as 24th Arizona Street.*

Sample Comprehensive Plan Tsunami Related Policies

This section includes a set of sample comprehensive plan policies related to tsunami preparedness and recovery that can be included within the Goal 7 (Natural Hazards) section, and other applicable sections of the community's comprehensive plan. The sample comprehensive plan policies should be used and tailored to meet the needs of a specific community. They are designed to be used with and support the sample development code provisions and/or other strategies within the Tsunami Land Use Guide. The sample policies are as indicated below.

Goal 7: Areas Subject to Natural Hazards

General Policies

To protect life, minimize damage and facilitate rapid recovery from a local source Cascadia Subduction Zone earthquake and tsunami, the City will:

1. Support tsunami preparedness and related resilience efforts.
2. Take reasonable measures to protect life and property to the fullest extent feasible, from the impact of a local source Cascadia tsunami.
3. Use the Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Maps applicable to City to develop tsunami hazard resiliency measures.
4. Adopt a Tsunami Hazard Overlay Zone for identified tsunami hazard areas to implement land use measures addressing tsunami risk.
5. Enact design or performance implementing code components in identified tsunami hazard areas.
6. Implement land division provisions to further tsunami preparedness and related resilience efforts.
7. Consider potential land subsidence projections to plan for post Cascadia event earthquake and tsunami redevelopment.
8. Require a tsunami hazard acknowledgement and disclosure statement for new development in tsunami hazard areas.
9. Identify and secure the use of appropriate land above a tsunami inundation zone for temporary housing, business and community functions post event
10. As part of a comprehensive pre-disaster land use planning effort, consistent with applicable statewide planning goals, identify appropriate locations above the tsunami inundation for relocation of housing, business and community functions post event.

Port Orford – Draft Tsunami Hazard Overlay Zone for Review

Tsunami Hazard Overlay Zone Yellow was provided to PC (May 8, 2018)

The Tsunami Hazard Overlay zone is designed to serve as the principal implementation mechanism for land use measures addressing tsunami risk. As the name indicates, it is designed to be applied in the form of an overlay zone, i.e. in combination with underlying base zones. The boundaries of the overlay would correspond to the area of the jurisdiction subject to inundation from a local source tsunami as indicated in Section 4.1.2 below. In form and application, it is similar to the flood hazard overlay zones in place in most jurisdictions. ***In general, most of the individual sections of the overlay zone are "severable," that is they can be used on an individual basis, or in any combination, when being adapted for use in a community's land use code.***

The model overlay focuses on three main approaches to reducing risk and increasing resilience:

1. ***Placing restrictions and limitations on certain categories of uses.*** These limitations apply primarily to uses which present a high potential for life safety risk, or to uses which provide an essential function during and after a disaster event. ORS 455, which is implemented through the state building code, currently prohibits certain facilities and structures in the tsunami inundation zone as defined by the Oregon Department of Geology and Mineral Industries (DOGAMI) as indicated in Section 4.1.2 below. The model overlay incorporates these requirements, and also provides examples for local jurisdictions which may choose to limit other uses, or provide a higher margin of safety for some essential facilities.
2. ***Integrating the development and improvement of evacuation infrastructure into the land use and development review process.*** These provisions establish requirements to incorporate appropriate evacuation measures and improvements in most new development, consistent with an overall evacuation plan for the community. It is important to note that effectiveness of this component of the overlay is largely dependent upon the development and adoption of an Evacuation Route Plan. This plan identifies evacuation needs, designates routes, establishes system standards, and identifies needed improvements to the local evacuation system. Such a plan is essential to the implementation of evacuation route development/improvement in conjunction with the land use review and approval process. Evacuation route plans may be simple or more complex, depending on the circumstances and needs of the jurisdiction. Every jurisdiction is urged to develop such a plan as a tool to enhance the development of evacuation infrastructure. Please see Chapter 6 of the Tsunami Land Use guide for detailed guidance on the development of an Evacuation Route Plan.
3. ***Providing incentives for development designs which reduce risk and increase resiliency.*** The overlay incorporates an optional development process which would permit modifications to many code standards when an overall design incorporates higher degrees of risk reduction. Similar in concept to a planned development, this approach permits deviation from the standard, prescriptive dimensional requirement of the code in order to encourage designs and development measures that achieve higher levels of risk reduction.

Port Orford – Draft Tsunami Hazard Overlay Zone for Review

4.1.1 Tsunami Hazard (TH) Overlay Zone

1.100 Definitions for Section 1.110

As used in Section 1.110:

1. “Essential Facilities” means:
 - a. Hospitals and other medical facilities having surgery and emergency treatment areas;
 - b. Fire and police stations;
 - c. Tanks or other structures containing, housing or supporting water or fire- suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
 - d. Emergency vehicle shelters and garages;
 - e. Structures and equipment in emergency preparedness centers; and
 - f. Standby power generating equipment for essential facilities.

2. “Hazardous facility” means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

3. “Special occupancy structures” means
 - a. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
 - b. Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;
 - c. Buildings for colleges or adult education schools with a capacity of greater than 500 persons;
 - d. Medical facilities with 50 or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;
 - e. Jails and detention facilities; and
 - f. All structures and occupancies with a capacity of greater than 5,000 persons.

- (Note: The above definitions are taken from ORS 455.446)

4. “Substantial improvement” means any repair, reconstruction, or improvement of a structure which exceeds 50 percent of the real market value of the structure.

5. “Tsunami vertical evacuation structure” means a building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.

6. “Tsunami Inundation Maps (TIMs)” means the map, or maps in the DOGAMI Tsunami Inundation Map (TIM) Series, published by the Oregon Department of Geology and Mineral Industries, which cover(s) the area *within the City of Port Orford*.

Port Orford – Draft Tsunami Hazard Overlay Zone for Review

4.1.2 Tsunami Hazard Overlay Zone

1. Purpose. The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to tsunami hazards in a manner that will:
 - a. Reduce loss of life;
 - b. Reduce damage to private and public property;
 - c. Reduce social, emotional, and economic disruptions; and
 - d. Increase the ability of the community to respond and recover.

Significant public and private investment has been made in development in areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk will be reduced.

2. Applicability of Tsunami Hazard Overlay Zone. All lands identified as subject to inundation from the XXL magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map(s) (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of this section.

Note: The overlay zone should include all of the area subject to inundation by the highest local source tsunami event, XXL, depicted on the DOGAMI TIMs. By using the limits of the XXL event, all of the area subject to tsunami risk will be included. However, the regulatory and other standards may be applied differentially within the overlay, based on the different levels of risk for the five modeled events, the purpose of the standard, and overall community objectives.

3. Uses. In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in subsection (4), all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.
4. Prohibited Uses. Unless authorized in accordance with subsection (6), the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:

Note: Under ORS 455.446, the uses listed in subsection (a) are prohibited within the tsunami inundation zone as adopted by the DOGAMI governing board, currently the Tsunami Regulatory Maps or "SB 379 Maps." The governing board is reconsidering the limit of the prohibition area and may choose the "L" local source event as the regulatory area in the future. Based on individual circumstances and overall risk to the community, local governments may consider

Port Orford – Draft Tsunami Hazard Overlay Zone for Review

establishing further limits on uses based on the need to reduce exposure to tsunami risk. This could include extending the prohibition to include other important and/or high risk uses, expanding the area subject to the prohibition by specifying a larger (e.g. XXL) design event, or some combination of these methods. The provisions of subsection (b) provide one example of an approach to extending use limitations beyond the minimum prohibitions of ORS 455.446. In any case, use prohibitions and/or limitations beyond the minimum requirements of ORS 455.446 should be based on the risk tolerance, overall exposure to risk, and individual needs of the community.

- a. In areas identified as subject to inundation from the [specify design event; see ORS 455.446 for the minimum] magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
 - i. Hospitals and other medical facilities having surgery and emergency treatment areas.
 - ii. Fire and police stations.
 - iii. Structures and equipment in government communication centers and other facilities required for emergency response.
 - iv. Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers.
 - v. Buildings for colleges or adult education schools with a capacity of greater than 500 persons.
 - vi. Jails and detention facilities.

Note: The following Essential Facilities and Special Occupancy Structures are currently permitted in the tsunami inundation zone, subject to consultation with DOGAMI regarding mitigation for tsunami risks. See ORS 455.447(4). It is recommended that local governments evaluate these uses and relative levels of risk to determine whether it is appropriate to place additional limitations on these uses in higher risk areas, as provided in the example below.

- b. In areas identified as subject to inundation from the [choose design event; recommend "M"] magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
 - i. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.
 - ii. Emergency vehicle shelters and garages.
 - iii. Structures and equipment in emergency preparedness centers.
 - iv. Standby power generating equipment for essential facilities.
 - v. Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons.
 - vi. Medical facilities with 50 or more resident, incapacitated patients.

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Note: The following uses are not subject to regulation or review under ORS 455.446-447, but in adopting land use standards for tsunami risk reduction, it is suggested that local governments consider placing limitations on some or all of these uses, particularly in higher risk areas (e.g. M event), based on the overall needs of their community.

- vii. Residential uses, including manufactured home parks, of a density exceeding 10 units per acre.
 - viii. Hotels or motels with more than 50 units.
- c. Notwithstanding the provisions of [*cite non-conforming use section of code*], the requirements of this subsection shall not have the effect of rendering any lawfully established use or structure nonconforming.

Note: The Tsunami Hazard Overlay is, in general, not intended to apply to or regulate existing uses or development. A provision such as (c) is recommended to preclude the application of nonconforming use restrictions.

5. Use Exceptions. A use listed in subsection (4) of this section may be permitted upon authorization of a Use Exception in accordance with the following requirements:
- a. Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.
 - b. Fire or police stations may be permitted upon findings that there is a need for a strategic location.
 - c. Other uses prohibited by subsection (4) of this section may be permitted upon the following findings:
 - i. There are no reasonable, lower-risk alternative sites available for the proposed use;
 - ii. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and,
 - iii. The buildings will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.
 - d. Applications, review, decisions, and appeals for Use Exceptions authorized by this subsection shall be in accordance with the requirements for a Type III procedure as set forth in Section [*cite administrative/procedural section of code*].
6. Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Evacuation Route Plan. Such measures shall include:

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The rest of this paper needs to go to Steering Committee will

Note:

Such a plan is essential to the implementation of evacuation route development/ improvement in conjunction with the land use review and approval process. Evacuation route plans may be simple or more complex, depending on the circumstances and needs of the community. Every jurisdiction is urged to develop such a plan as a tool to enhance the development of evacuation infrastructure. Please see Chapter 6 of the Tsunami Land Use Guide for detailed guidance on the development of an Evacuation Route Plan.

- a. On-site improvements:
 - i. Improvements necessary to ensure adequate pedestrian access from the development site to evacuation routes designated in the Evacuation Route Plan in all weather and lighting conditions.
 - ii. Frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.
 - iii. Where identified in the Evacuation Route Plan as the only practicable means of evacuation, tsunami evacuation structure(s) of sufficient capacity to accommodate the evacuation needs of the proposed development.
- b. Off-site improvements: Improvements to portions of designated evacuation routes that are needed to serve, but are not contiguous to, the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.
- c. Evacuation route signage consistent with the standards set forth in the Evacuation Route Plan. Such signage shall be adequate to provide necessary evacuation information consistent with the proposed use of the site.
- d. Evacuation route improvements and measures required by this subsection shall include, at a minimum, the following:
 - i. Improved streets and/or all-weather surface paths of sufficient width and grade to ensure pedestrian access to designated evacuation routes in all lighting conditions;
 - ii. Improved streets and paths shall provide and maintain horizontal clearances sufficient to prevent the obstruction of such paths from downed trees and structure failures likely to occur during a Cascadia earthquake; and
 - iii. Such other improvements and measures identified in the Evacuation Route Plan.
- e. When it is determined that improvements required by this subsection cannot be practicably accomplished at the time of development approval, payment in lieu of identified improvements shall be provided in accordance with [cite applicable section of code establishing standards and requirements for payment-in-lieu].

Port Orford – Draft Tsunami Hazard Overlay Zone for Review

7. Tsunami Evacuation Structures

- a. All tsunami evacuation structures shall be of sufficient height to place evacuees above the level of inundation for the XXL local source tsunami event.

Note: Depending on individual circumstances, some communities may find that building evacuation structures to the elevation of the XXL event is impracticable. In such cases, communities may choose to consider a case-by-case process to allow for exceptions to this elevation requirement. It is recommended that tsunami evacuation structures not be permitted to a standard lower than the L local source tsunami event and anything below XXL may be at some risk.

- b. Tsunami evacuation structures are not subject to the building height limitations of this chapter.

8. Flexible Development Option

- a. The purpose of the Flexible Development Option is to provide incentives for, and to encourage and promote, site planning and development within the Tsunami Hazard Overlay Zone that results in lower risk exposure to tsunami hazard than would otherwise be achieved through the conventional application of the requirements of this chapter. The Flexible Development Option is intended to:
 - i. Allow for and encourage development designs that incorporate enhanced evacuation measures, appropriate building siting and design, and other features that reduce the risks to life and property from tsunami hazard; and
 - ii. Permit greater flexibility in the siting of buildings and other physical improvements and in the creation of new lots and parcels in order to allow the full realization of permitted development while reducing risks to life and property from tsunami hazard.
- b. The Flexible Development Option may be applied to the development of any lot, parcel, or tract of land that is wholly or partially within the Tsunami Hazard Overlay Zone.

Note: Subsection (c) is intended to provide maximum flexibility for development and for achieving risk reduction by permitting any type or mix of uses, notwithstanding the underlying zoning. Local governments should evaluate this allowance to determine if it is appropriate for application within their jurisdiction. The other provisions of this section may still be fully utilized without including this provision.

- c. The Flexible Development Option may include any uses permitted outright or conditionally in any zone, except for those uses prohibited pursuant to subsection (4) of this section.
- d. Overall residential density shall be as set forth in the underlying zone or zones. Density shall be computed based on total gross land area of the subject property, excluding

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street right-of-way.

- e. Yards, setbacks, lot area, lot width and depth, lot coverage, building height and similar dimensional requirements may be reduced, adjusted or otherwise modified as necessary to achieve the design objectives of the development and fulfill the purposes of this section.
- f. Applications, review, decisions, and appeals for the Flexible Development Option shall be in accordance with the requirements for a Type II [*or Type III*] procedure as set forth in Section [*cite administrative/procedural section of code*].
- g. Approval of an application for a Flexible Development Option shall be based on findings that the following criteria are satisfied:
 - i. The applicable requirements of sub-paragraphs (b) and (d) of this subsection are met; and
 - ii. The development will provide tsunami hazard mitigation and/or other risk reduction measures at a level greater than would otherwise be provided under conventional land development procedures. Such measures may include, but are not limited to:
 - 1. Providing evacuation measures, improvements, way finding techniques and signage at a level greater than required by subsection (6) of this section;
 - 2. Providing tsunami evacuation structure(s) which are accessible to and provide capacity for evacuees from off-site;
 - 3. Incorporating building designs or techniques which exceed minimum structural specialty code requirements in a manner that increases the capacity of structures to withstand the forces of a local source tsunami; and
 - 4. Concentrating or clustering development in lower risk portions or areas of the subject property, and limiting or avoiding development in higher risk areas.

Sample Comprehensive Plan **Tsunami Related** Policies

This section includes a set of sample comprehensive plan policies related to tsunami preparedness and recovery that can be included within the Goal 7 (Natural Hazards) section, and other applicable sections of the community's comprehensive plan. The sample comprehensive plan policies should be used and tailored to meet the needs of a specific community. They are designed to be used with and support the sample development code provisions and/or other strategies within the Tsunami Land Use Guide. The sample policies are as indicated below.

Goal 7: Areas Subject to Natural Hazards

General Policies

To protect life, minimize damage and facilitate rapid recovery from a local source Cascadia Subduction Zone earthquake and tsunami, the City will:

1. Support tsunami preparedness and related resilience efforts.
2. Take reasonable measures to protect life and property to the fullest extent feasible, from the impact of a local source Cascadia tsunami.
3. Use the Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Maps applicable to City to develop tsunami hazard resiliency measures.
4. Adopt a Tsunami Hazard Overlay Zone for identified tsunami hazard areas to implement land use measures addressing tsunami risk.
5. Enact design or performance implementing code components in identified tsunami hazard areas.
6. Implement land division provisions to further tsunami preparedness and related resilience efforts.
7. Consider potential land subsidence projections to plan for post Cascadia event earthquake and tsunami redevelopment.
8. Require a tsunami hazard acknowledgement and disclosure statement for new development in tsunami hazard areas.
9. Identify and secure the use of appropriate land above a tsunami inundation zone for temporary housing, business and community functions post event
10. As part of a comprehensive pre-disaster land use planning effort, consistent with applicable statewide planning goals, identify appropriate locations above the tsunami inundation for relocation of housing, business and community functions post event.