

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room A**  
**August 22, 2016**  
**6:00 p.m.**

**Planning Commissioners Present:** Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, and Jim Hanselman.

**Planning Commissioners Absent:** Rod Croteau and Bill Branigan (*excused*).

**PC Citizens Advisory Committee Members Present:** Karmen Vanderbeck and Dustin Capri.

**PC Citizens Advisory Committee Members Absent:** Bob Heida.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.

2. **Unfinished Business.**

A. **Preliminary discussion about the release of the 2016 flood insurance rate maps.** Tokos noted that included in the meeting packet was the preliminary release of the new FEMA Flood Study and Insurance Rate Maps. The letter distributed at this meeting was the actual hard copy with instructions. There's an official 30-day review period followed by a 90-day appeal period, after which they will look to finalize the maps in seven to ten months. We will take the study and maps through local ordinance adoption, which should be in the fall of 2017. Hardy asked if we're obliged to adopt them. Tokos said if we want to maintain flood insurance for our constituents we have to adopt them. Hardy said then people wouldn't build in hazardous areas and we wouldn't lose lives; what's wrong with that?

Tokos noted that when FEMA did the early release back in 2014 to get feedback on how the maps were coming together, we had a few targeted areas. One was the Nye Beach turnaround. Franklin asked if the new gray area was revised. Tokos said yes, they pulled it back considerably. They found that VE zones didn't play well with the vertical seawall. They had to adjust their modeling a bit to get it to handle the seawall dynamic better. That's why they said the original information was overly conservative. Patrick said that area could still flood, but this is more realistic with respect to wave surge. Tokos said in that VE zone, the surge shouldn't be much beyond halfway through the parking lot at the turnaround. Patrick thought that made more sense.

Tokos said that over by Neolha Point they were basically pulling most of the townhouses out. We gave them photos showing flooding in 2007. While it may not be related to wave action, the thought was that if it's subject to a 100-year event, it should be in the 100-year flood plain so people know that when they purchase the property they possibly can get federally subsidized flood insurance and they're not saying that nobody informed them. Berman asked how they know. If he's from out of the area and buys a piece of property that looks perfectly reasonable, how does he know? Tokos said if there's a lender involved, it's mandatory. It will come up in the disclosure documents. Berman asked who's disclosing it. Tokos said he thinks a lender will require that it's mandatory for insurance before purchasing property. Hardy said it's not clear in the disclosure documents used in this state. Certain sellers, like banks, governments, housing authorities, and developers, don't have to disclose. In addition, on these forms the third answer choice is, "don't know." She said we don't have disclosures properly structured to provide that information accurately. Patrick asked if it's shown on title reports. Franklin said that banks find it. Tokos said that our office gets contacted regularly. Hardy said hopefully it stops them because their banks won't lend the money; but there are a lot of people who spend cash. Patrick said it would get tagged when they go to get insurance. Tokos noted that there's the required disclosure on the deed documents that you are responsible for going to your local planning office to review zoning laws. This is an overlay, which is a zoning law. Hardy said that doesn't mean that it gets read and they will do that. Tokos said it's a "buyer beware" system. Hardy said it's not the be all to all concerns. Tokos said, it's the system we work with. Hardy mentioned a NOAA employee who was using a realtor that should have encouraged him to ask the right questions; but she didn't. Now this person is facing \$30-\$50 thousand to rebuilt HOA common area. That had been known for years, but he was never advised. It was bank-owned property. Special assessments aren't in the CC&Rs. The disclosure form wasn't required because it was bank-owned property. If he had asked to review minutes and budgets, he would have seen it; but nobody advised him of it. She said a lot of people get burned relying on the disclosures. Berman said a seller is required to check those boxes if they're selling their house. Hardy said, but the third answer is "I don't know." Tokos said it's correct that they have that option in there. The disclosure form is something held tight by the real estate lobby in the state. Capri said if you had just "yes" or "no" that's scary because you are liable. Hardy said it's easy if you don't know something to hire somebody to find the answer. Capri said geologic reports are the same; there's so many caveats.

Looking at the Neolha Point aerial, Franklin asked if that structure next to the townhouses is required to get flood insurance. You can see how tight that is. Tokos said we have to go through the 30-day review. We can pull out circumstances like that where it comes up to the eaves of the structure and ask, what are you looking for on something like this? He said as a matter of interpretation, it makes things difficult. They are giving us highly-defined, good-quality maps. They should be able to tell us, if it's close, you are going through the process. Now it's very tight. Berman said it looks like a corner is in. Carpi asked if a structure touches, is it in? Tokos said, what do we do with that? He said it probably should have been already elevated. Franklin asked if it's the structure or the property lines. Once it's on the property, is that subject to FIRM? Tokos said, no, you could have a large property. Patrick said what you are looking at is the flood level numbers and floor level. Tokos said he needs to see what FEMA's expectations are with these new highly accurate maps as opposed to the old ones that were less accurate and we had more discretion. Patrick noted that that structure Franklin asked about was built when it flooded down there. Tokos said he didn't recall if that assisted living facility was flooded; but at least half of the townhouses were.

On a side note, Berman had a question about a property on the lower left of the map that had a white roof. He said that's a derelict property that needs to be cleaned up. Tokos said that's a question for Jim Folmar, our Community Services Officer. That's who would handle that; it would be a nuisance abatement. Patrick thought it would be good if we could have Folmar come and do an update to the Planning Commission about zoning things he handles.

Tokos said the third map we had talked about was the Big Creek area. They didn't make any changes that we talked about. They are pulling out a number of homes where we have had flooding. Hardy said she knew for a fact that a couple of the homes have pumps under the houses, but are outside the zone. Patrick said that could be a spring thing, and not flooding. Hardy said the first time it happened they didn't call it a flood because it didn't cover two square miles. She said it's probably a combination of ground water and runoff. Tokos said he will follow up with FEMA. As he pointed out in his memo, the study was all coastal. There was no hydrologic analysis of rivers or streams. The dynamics of those have changed considerably; where they're located and where the sand bars are. Hardy said you would think because it's the same water system, that they would look at it all at once. Tokos said it's a big piece, and they didn't tackle it. It makes you think that they would be more cautious there. Patrick asked if they're ever going to tackle that. Tokos said he can ask them. They are looking to set up a consultation coordination officer (CCO) meeting in mid-September. He will ask when or if it's even on their radar. Patrick said it would be nice to know. Capri thought Big Creek has big impact. He said anywhere rivers flow into the ocean it could flood in really different ways than what this is projecting. Hanselman noted that it's increasing at Agate Beach. DOGAMI and OSU are studying changes of wave actions on the beach. He said this is a 20-year cycle. Sand being deposited on Agate Beach may be coming from Cape Blanco. They are saying that the Newport beaches extend as far as Cape Perpetua. The sand comes from the sloughing off of the bluffs. That's what gets deposited north. There seems to be a reversal after twenty years. The depth changes dramatically in thirty years, which will change these flood maps too. He said that in the pictures that DOGAMI has of Agate Beach and the high water marks, it's remarkable where the high water is over fifty to sixty years. Some of this will change because nature changes. Patrick said that brings up the reason to ask them.

Tokos noted that in the packet, he included the north side and south side maps and a link to the website where we have the panels and the study. Patrick said he looked at those maps, but couldn't read them. Tokos said on those, the blue area would be the area. Tokos said the gist of this for Newport is that we don't have a lot of expansion. Much is elevated and bluffs. The storm surge can cause issues. One area, Big Creek, has a large floodplain. Tokos shared with the Port of Newport their area. Kevin Greenwood is working with the Port Commission. We will share their comments on behalf of the Port. They have McLean Point. That will impact them a little bit. It's currently being used as a dredge disposal site. They actually benefit by and large. Port Dock 7 is pulled out. FEMA originally set the bay height at 11.5 feet, but adjusted that to 12 feet. Tokos noted that there's a fair amount coming out in South Beach in the State Park. A lot has to do with accretion as the beach area moves further out toward the end of the Jetty. Berman said that's not buildable anyway. Tokos noted that some lots in Southshore are getting drawn in on the south end; three or four are impacted. Capri wondered what that was on the north map up by 89<sup>th</sup>. Tokos said it looks like something from the original maps. Maybe it was tracked further in. Berman said Moolack Creek goes back up in there.

Tokos said, as part of our comments, there were a number of letters of map changes (LOMCs), letters of map amendments (LOMAs), and letters of map revisions (LOMRs) that were all different flavors of changes made to FEMA maps outside the regular update cycle that will be superseded. They sent a two-page printout listing the out-of-cycle map amendments that are impacted because of these changes. We will be contacting those folks personally. Any property owner impacted will be contacted. He noted that we have a property owner who is looking to develop on property that is going in. They are looking at what to do. Do they want to develop in a more noncompliant manner? What's it going to cost to build in compliance with the new maps? What's the cost of insurance? He said, on the other hand, Capri had mentioned someone wanting to develop on property coming out. Capri said if it's outside tidal action, anybody can do site specific. They submit a letter to FEMA. Tokos added, if you can show that the development site is elevated and you don't need to artificially elevate, you can do that. Berman asked if these maps are based on Lidar. Tokos said yes, and also there's the study of the coast where they did modeling in terms of wave surge and terrain features on the coastline. They have been observing wave action over a number of years. That's why along the coastline it's broken down into finite sections and you will have different elevations for these different sections. They

took a hard look at the coastline. Capri said before it didn't follow the topography at all. Tokos said the '09 maps were digitized versions of the hand-drawn maps. They were very cartoonish, but it was the best they had at the time. Hanselman asked if the red lines on the maps were the UGB or city boundaries. Tokos said that's the city boundary. Capri thought it was good that we would be sending notices out to the affected people. Hardy asked if the City will be keeping a registry of those people and properties. Tokos said we will start a legislative file that we will keep under permanent retention.

On a side note, Patrick asked where we're at on the city limits. You can't tell what's in and what's out. Tokos said the City Council put their Urban Renewal hats on and talked about that. The general consensus was that we need to do concept planning for the highway corridor at least down to 50<sup>th</sup> (32<sup>nd</sup> to 50<sup>th</sup>) with the same detail as we did for Coho/Brant. Then pick up a conversation about annexation when they could have a more-informed discussion. Those property taxes will go up. We can quantify what they will look like. Without that, we can't answer what it will do if they come in looking at the long-term. Many of those properties are industrial. Do they want to stay where they are, or will the City turn it over to commercial? When given enough time, they can make those decisions. Hardy recalled that the developer of Wolf Tree did outreach between there and Newport to try to gain contiguous properties. The resort would develop sanitation and water system and sell it back. Then he lost the property and Will Emery bought it. The original developer was offering free golf for life if the property owners would agree to be annexed. Tokos noted that if a property is surrounded, we can take it; that's called island annexation. They have a say. They can show up at public hearings. But they couldn't stop it at the end of the day. Tokos said there are properties to the south in the UGB he doesn't show, but we don't technically surround anything there. Hardy said that south of 98<sup>th</sup> on the west side was targeted for that in the past. Patrick asked about 50<sup>th</sup>. Tokos said that is all surrounded. Patrick said for Surfland we don't have any way to get services down there. Capri said that 50<sup>th</sup> should be looked at. He said they are doing a development there, and by the time the City annexes it, you will be stuck with development at County standards. Patrick asked if the Council wants to do a design study down to there. Tokos said possibly to convert to commercial down to 40<sup>th</sup>, and industrial will go away. It's light industrial, which is a flex zone. They are not wanting to see a towing company for instance that won't mix well with a Trader Joe's. He's guessing that 32<sup>nd</sup> to 40<sup>th</sup> will possibly shift to commercial; and 40<sup>th</sup> to 50<sup>th</sup> will be industrial. We would want to have serious conversations with Hwy. 101 major landowners, like Tryon. Some of theirs is heavy industrial. They have entertained other uses like Lowes, but it just didn't happen. They are open, though. Wilder doesn't want to see heavy industrial there after the experience they had with that temporary asphalt plant that set up there. The issue is the smell if you're a residential owner and an asphalt plant comes in.

Patrick mentioned Tillamook; and Tokos said that Tillamook is going to get hammered. There's one little bit in the middle that's high enough. He said the big concern is the assay stuff; the concept of having to do habitat protection and not knowing what that is going to cost.

### **3. New Business.**

**A. Code changes to height limits for vertical evacuation.** Hardy asked if we can limit that to existing buildings only. Tokos said he didn't think that would be saleable. Existing buildings may not be designed to take on the extra load. He said this is just an initial stab at the code language. He attached the guidelines FEMA has, which is a pretty good resource out there. It gives you an idea of what some structures look like. He attached a couple of chapters; the link has the whole document. It was felt that the most straightforward way to make changes would be to do a general exception. We have a variety of zones that fall within the tsunami inundation area. We have other exceptions that are akin to this. Hardy asked if that would apply to new construction. Tokos said it would apply to new or redevelopment. In the Height Limitations chapter of the NMC he added under general exceptions, "Portions of a structure designed for vertical evacuation from a tsunami where the property upon which the structure is located is within a tsunami inundation area as depicted on the maps entitled. . ." and then spelled those out. We can amend it in the future if newer maps are put out. He avoided putting a maximum height in here. We don't know what that needs to be in certain areas. In commercial and industrial the height limit is 50 feet, but that might not be sufficient in certain areas. It depends on site-specific conditions.

Hardy asked if the City has an inventory of buildable sites in the inundation zones. Tokos said we have a buildable lands inventory from 2013 and 2015. If we bring this to adoption, he could map that. Hardy said you know where they are, and someone wanted to build for vertical evacuation, it requires new construction to possibly be engineered to sustain impact. This just addresses one thing. Hardy thought that if it's just isolated to one thing, it leaves you hanging out there. Tokos said he can talk to our Building Official, Joseph Lease, about whether the building code is sufficient. He suspects that the building code is going to be flexible enough to allow you to design robustly to withstand wave force; it's not going to compel you. Hardy said it seems that if we start allowing this exception for that kind of construction then it's encouraging high-risk behavior. Tokos said there could be additional standards in the zoning code or as local building codes. Hardy asked if they aren't supposed to be stricter than State codes. Tokos said only if they're addressed in the State code; if not, we can address it. Capri thought you would be identifying properties you can't develop. Hardy wondered why have laws and rules if you can't develop safely. Berman said that's the direction of almost any property. If an earthquake hits, the weak will fall over. Hanselman thought it was of greater importance to not want buildings in there in the first place. We wouldn't want to give a height variance to residential just to encourage people to stay. He doesn't see that as appropriate. He said we should be using standards to prevent that. Hardy

said, or discourage anyway. Hanselman said to build a house that needs an evacuation level above 35 feet is counterproductive. Capri said on all these lots are people that have spent fortunes; then you tell them that they can't?

Tokos said the Commission could limit it to water-related or water-dependent; you have that flexibility if you want. Capri said the purpose is to protect life safety. Tokos said it's not intended for people to try to use that to circumvent the height limits in areas where there are views of the ocean and the bay. Patrick said that level's not supposed to be for human habitation. Franklin wondered who's going to review those. Vanderbeck wondered why not keep it as is and use a conditional use permit to assess exceptions. Why open it up? Tokos said the concern from the Council about handling it as a variance is that the variance standards talk about practical difficulties and hardship. You could make a pretty good argument that there's no problem with anybody building to the current code, and they have no entitlement to vertical evacuation. They felt it's better as a legislative matter. You are talking about height limits established before there were tsunami inundation zones. Hardy said we don't have actual data about inundation. It's all computer-generated. Patrick said there were places in Thailand that withstood the tsunami, and people vertically evacuated. There are studies saying this can be done. Hardy said, but it hasn't been established here in terms of impact on the topography. It's based on computer models. You don't know what is going to move where. If they evacuate vertically, can they survive? Tokos again noted that one way to go is to limit it to water-dependent and water-related because under the revised statutes that apply to building codes, there's a prohibition to essential facilities being in inundation zones. You could say vertical evacuation makes sense in W-1 and W-2 zoned areas where you could have higher occupancy. That would make more sense. Not in residential zones; outside of maybe hotels. You could say R-4 would make sense to pick up hotels then. The challenge is building further up there. Capri asked if it could go the Planning Commission. Tokos said we would have to have standards for evacuation.

Berman said we're talking about height; and if he's reading the maps right, there's 80 feet plus 30 plus 10; and that doesn't take into account 10-30 feet of subsidence. A 200-foot building is impractical. If it's engineered and they're doing it right, it still would be totally impractical. Tokos said it's not unrealistic to put in the standards that there be an engineer's certification that the design meets or likely would withstand the forces of waves attributed to whatever level of tsunami. He said he could work on language. Berman said the height is the thing. If it's 80 feet, that's what we should be planning for. Capri wondered what elevation that's taken from. Hardy said that waves are typically measured from the ocean floor. Vanderbeck wondered if it could be set up so that it's just for that particular area. She said because when you're talking about anything having to do with height, people will want to build something on top to get higher and will try to do whatever they can. Capri noted that there's no view protection in Newport. Hardy agreed that you don't own air space. Patrick asked what the purple and yellow on the maps indicate. Tokos said they refer to "t-shirt-size characteristics; S, M, L, XL, and XXL. Berman asked, as the color gets lighter is there more extreme flooding? Franklin asked if it would be at sea level. Patrick said mean sea level at that time. Looking at Oceanview, Franklin asked if it's at 70 feet, there would be a 10-foot wave then? Tokos said this is the elevation where they check Oceanview. At about 75 feet, Oceanview gets overtopped with XL or XXL. Vertical escape would be 20 feet. Tokos said if you have developable property and build a house there, it would not be ridiculous to build to withstand 35 feet. Berman said we're talking about Hatfield; that's what initiated this. They're right in the middle of purple. Franklin wondered what's going to happen after the wave when the water's rushing back out and there's no sand left underneath it.

Tokos said we could put some language about having to have an engineer's certification. Hardy asked how long that's good for in terms of the interest of the consumer. Are they protected if it gets passed when it's getting built and then fails ten years down the road? Tokos said probably not. We evaluate at the time of construction; not how long those materials last. Hardy said if the engineer doesn't provide a warranty, then what use is it. Capri said they could hire a structural engineer to do it and then have to hire a geo tech engineer to review it. Tokos said it's not unreasonable for a local jurisdiction to say if you're going to do this, you are going to do it right. Provide engineered plans that set out how it withstands whatever tsunami you are designing to. That knocks out single-family residences. Maybe they're just designing to large; they choose. Berman said we wouldn't dictate, they pick. Then we say, prove it. Franklin said what if somebody builds a cupola on top for escape; who enforces it? He doesn't know how you'd enforce it.

Tokos asked if the Commission wants language that limits this to water-dependent or water-related, or even commercial. Patrick thought so. He doesn't see it working for single-family. Vanderbeck said that hotels could build up in someone's view. Tokos said, or maybe it could be not in an area where you can reasonably get out of there. There's a big chunk in South Beach that can't get out. Hardy asked why build that low anyway. Patrick thought that if we break the 50-foot limit, we don't want to give an open height thing. We might have to write standards for it. He's not enthusiastic about saying you can bust through 50 feet to 70 feet. Tokos said he'd rather not do a variance because the standards aren't a great fit; hardship or practical difficulty in meeting the code. You can meet the code; just don't build vertical evacuation. Berman said he thought it was a conditional use because he noted that in the code above that it says antennas upon the issuance of a conditional use permit. Tokos said he was looking on the back of the code all the way at the bottom where it says adjustment or variance. Berman said they could take out a conditional use permit if they want to exceed 50 feet. Tokos asked Berman what's magical about 50 feet. Berman said that's what's in the code. Tokos said not in water-related; that's 35 feet. He said that one of the standards for a conditional use permit is consistency with the character of the area. If it gets into a contested case, he's not positive that the discretionary criteria the Planning Commission would have to rationalize would withstand an appeal.

Patrick asked how tall is this building going to end up. How much is it breaking the 35-foot limit. Tokos said he believes the full set of materials released indicate they are targeting a large event; not XXL. He doesn't think they could design something to withstand XXL. The question with a discretionary review is what do you want to evaluate against. Patrick said what if we give an exception to go over 35 feet in South Beach. He said we had the same discussion with NOAA. So we better have something to stand on. If all of a sudden they do a 60-foot structure there, we won't hear the end of it. Tokos said if that is a habitable area. It's only for vertical evacuation, and that's a big expense for what it is. If they can only add a safe haven for employees, there's a point where they will stop adding to it. We're making sure they don't have ways of getting additional floors of offices. Berman asked what goes between the 60 feet and the 35 feet. Tokos said raised ceilings, attic area, or just mechanical. Berman said 40 feet would be the floor and then it said add 30% and another 10 feet. Hanselman said that's only proposing vertical evacuation for 40 feet of flood level; it would have to be above that, so about 49 feet. Capri said you're talking 70 feet, and we'd never hear the end of it. Tokos asked what standards do you apply? Concerning the discretionary criteria, we can't use it and put the Planning Commission in a pickle where you can't issue the decision that you want to make. Capri said we can tell them they can't have it unless it's under a certain height. Tokos said you can have a cap. Hanselman asked, if we tell people they can have an evacuation level, do we also have to set standards for what that has to be built to.

Tokos said what if we set it up for water-dependent and water-related because we can justify that essential facilities that are available in other zoning districts can't be put in tsunami zones; and W-1 and W-2 areas would be inundated in a tsunami. Further, you have to provide engineering and geo tech methodology that what you are proposing will withstand the wave velocity you are designing to; and you can't have habitable space above 30 feet. How many projects are you likely to see? Capri said in theory, the Bay Front could have 70-foot buildings. Pacific Shrimp could do it. Patrick said it would be easier for them to evacuate up the hill. Tokos said even with reinforced piling, they would have to swap it out. It would be a huge expense. Capri asked if it could be just for South Beach. Tokos said that McLean Point is another area. The Commissioners said that at McLean Point, they could run across the road. Tokos said that while the Bay Front has an area to evacuate to, there are a lot of tourists and employees. There are constrained avenues and unstable slopes on the Bay Front. They would have twenty to thirty minutes to evacuate. There would be disabled people. By the time they figure out they need to go somewhere, there may not be time to go up hill. Tokos said you could limit it to South Beach; but his suggestion is not to. He thinks the rationale would be better to state it as just in water-related and water-dependent zones. Hardy asked, and those are defined as? Tokos said whatever they're defined as in the code. Hardy said maybe we should look at amending that. Hardy said the only way Hatfield is related to water is to be able to go out on the ocean. That doesn't mean the building siting has to be on the water. Berman said they do run seawater through their facility. Hardy said you can pipe seawater anywhere. She said they have already acknowledged that the existing buildings won't stand up. Even if there's a new building there, they will have to pay payroll to their people even though they can't go to work. She said, why not just go up hill. Tokos said from the City Council there is a lot of momentum particularly in the Hatfield area that they want to see the actual classrooms in the same location as the rest of the agency. Hardy said, in their own words, if they locate the facility up the hill, they are still spending most of the days at Hatfield. Why do they need that facility? Tokos said what getting the students up in Wilder accomplishes is that now they're not down there 24/7. Housing is gone from the campus, so they wouldn't be down there 24/7. Capri said you can't change OSU's opinion. Berman said they have laboratories there. Hardy said, they're classrooms. Tokos said they are going to need access to seawater facilities and some of the other State and Federal agencies. Berman said we're not going to decide where they're going; they are. Hardy said only if they're in compliance with the zoning ordinance. She said they can apply for a variance or a conditional use permit; and those evaluations will start to quell some of those voices saying don't build there.

Tokos said what the City Council asked the Planning Commission to do is explore legislative options as opposed to a variance. Those discretionary standards can be inconsistently applied and appealed over and over again. Practical difficulties are looked at tightly in the courts. Can you do anything on your property? Someone can't get front-yard setback; that's the typical kind of variance that can withstand an appeal. They would say you don't have to do vertical evacuation; what's your hardship? Capri thought that if everyone on the City Council heard that the building would have to be 70-75 feet tall, there would be less interest. It changes the morphology of the buildings in Newport. Tokos said if you want to make sure it's discretionary; what kind of standards do you put at it? With something like a conditional use, you'll never get there. Vanderbeck asked why the City Council wants to accommodate them before they're asked. Tokos said we don't. From the City Council's perspective, they anticipate that something's going to happen. There may be more than one down the road. There are new maps and new understanding of the tsunami risk. The height restrictions were put in before that was known. They feel we should look at it legislatively. They asked the Planning Commission to explore this and tell them what a good tool is. Hardy agreed it would be easier to enforce with legislation rather than a variance. If it's designed properly, you can say this is what you could do. If it's discretionary, you end up all over the place.

Capri said basically the building will be 75 feet tall. Tokos said if they have to engineer it to withstand that kind of wave force, you're talking substantial costs. This is a huge project without additional habitable space and only for life safety purposes at that point. Hardy said they have already indicated that they are willing to reduce the square footage if they reach the \$50 million cap they are looking at. They will end up with a much smaller building.

Tokos said we can get away with requiring engineering certification for a safe place to go, much like with our geologic permits. We are not second guessing them; we are just saying you have to do it and we will accept the engineer's stamp. Capri said that

takes out the Bay Front because they won't be able to do that on piles. Berman said if we get language in there for a 75-foot building, that's not in character with the vision of South Beach. He doesn't want the views and the feeling of the marine area disrupted with a tall building. Tokos said you have the LNG tank. Patrick said you have the jail at 60 feet to the elevator tower. Hanselman said they are not required to build vertical evacuation. If they want it, it has to meet these engineering standards. We're already dealing with an unknown class of tsunami. He said we will have to change everything.

Tokos asked if the Commissioners were comfortable with the reference to the TIM (tsunami inundation maps); and they confirmed that they were. Tokos said his thought for what he can do for an upcoming work session is to bring back two options. One would be beefed-up nondiscretionary engineering standards and geo tech. Then a discretionary option where he will try to make something up where there would be a hearing. Capri asked if you could base it on occupancy. Patrick said they will open up that building to everybody down there. Capri said he understands that's choosing life. Patrick said we could always limit it to 35 feet, and they could do it; or we could say you have to run to Safe Haven Hill, and that's your only choice.

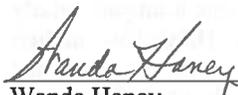
Tokos said one thing advantageous for having vertical evacuation down there is the same as for the Bay Front. You have the aquarium, Hatfield, and RV parks. It will take time for them to figure out what's going on, and some can't get out. Somebody will know to go to that vertical evacuation site. It's a safety measure. Patrick said all of these things assume earthquakes. At that level we don't know how much that is going to shift everything up and down. It's a shear guess. Hardy agreed that we don't have direct experience here. Capri asked what about the handicapped and was told that it's assumed people will help others.

Tokos said he will put together discretionary and nondiscretionary standards for further discussion at a work session. He thinks we'll get nowhere with discretionary. There was discussion about the occupancy limit of Safe Haven Hill. Tokos said the thought is that some people won't be able to get there because it's too far or they can't, so it's better to have vertical evacuation where they can go. We want to create different opportunities because we don't know where they'll go. Berman said for evacuations, most of the people at Hatfield are healthy. Tokos said it's more the tourists.

Tokos said the Commission could go through with legislative with options "A" and "B" and say you prefer "A," but here is option "B" the Council can also consider.

4. **Adjournment.** Having no further discussion, the meeting adjourned at 7:33 p.m.

Respectfully submitted,



Wanda Haney,  
Executive Assistant