

(Staff comments, in *italics*, are provided for context and are not a part of the code.)

## CHAPTER 14.46 TSUNAMI HAZARDS OVERLAY ZONE

### 14.46.010 Purpose

The purpose of this section is to promote the public health, safety, and general welfare to minimize risks to essential facilities, and special occupancy structures serving high risk populations within a tsunami inundation area, consistent with Statewide Planning Goals 7 and 18, and the Natural Features Section of the Newport Comprehensive Plan.

*Staff: The purpose section is more abbreviated than what the Commission reviewed at its August 26<sup>th</sup> work session, with cross references to the appropriate Statewide Planning Goals and Natural Features Section of the Comprehensive Plan, which provide context and policy direction for development of the regulations.*

### 14.46.020 Definitions

As used in this chapter:

- A. 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. Such facilities are subject to a high hazard (Group H) occupancy classification by the Oregon Structural Specialty Code.
- B. Tsunami inundation area means those portions of the City of Newport within the “XXL” tsunami inundation area boundary, as depicted on the maps titled “Local Source (Cascadia Subduction Zone) Tsunami Inundation Map Newport North, Oregon” and “Local Source (Cascadia Subduction Zone) Tsunami Inundation Map Newport South, Oregon” produced by the Oregon Department of Geology and Mineral Industries (DOGAMI), dated February 8, 2013.
- C. Vertical evacuation structure means a stand-alone structure, portion of a building or constructed earthen mound designed for vertical evacuation from a tsunami that is accessible to evacuees, has sufficient height to place evacuees above the design level of tsunami

inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.

*Staff: This is a truncated version of the list of definitions the Commission previously reviewed. Definitions for Child Care Facility, Day Care Facility, and Substantial Improvement already exist in NMC 14.01.020, Definitions, so they need not be replicated in this chapter. Definitions for Essential Facility, School, and Special Occupancy Structures are not needed as the uses that fall within these definitions are addressed directly in the code.*

#### 14.46.030 Overlay Zone Established

A Tsunami Hazards Overlay Zone District shall be indicated on the Zoning Map of the City of Newport with the letters of THOZ, the boundaries of which encompass and conform to the tsunami inundation area.

*Staff: This is required language to establish an overlay zone and tie it to the City's official zoning map.*

#### 14.46.040 Relationship to Underlying Zone Districts

Except for the prohibited uses set forth in section [14.46.050](#), all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this chapter.

*Staff: This section is as presented at the August 26, 2019 work session.*

#### 14.46.050 Prohibited Uses

A. Unless authorized in accordance with section [14.46.060](#), the following uses are prohibited in the Tsunami Hazard Overlay Zone:

1. Hospitals and other medical facilities having surgery and emergency treatment areas;
2. Fire and police stations;
3. Emergency vehicle shelters and garages;

4. Structures and equipment in emergency preparedness centers;
  5. Standby power generating equipment for essential facilities;
  6. Structures and equipment in government communication centers and other facilities required for emergency response;
  7. Medical, assisted, and senior living facilities with resident incapacitated patients. This includes residential facilities, but not residential care homes, as defined in ORS 443.400;
  8. Jails and detention facilities;
  9. Day care facilities;
  10. Hazardous facilities; and
  11. Tanks or other structures containing, housing or supporting water or fire- suppression materials or equipment required for the protection of uses listed in this section.
- B. Unless authorized in accordance with section [14.46.060](#), the following uses are prohibited in the portions of the Tsunami Hazard Overlay Zone subject to inundation from a Small (S) or Medium (M) magnitude local source tsunami event:
1. Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level;
  2. Child care facilities;
  3. Buildings for colleges or adult education schools with a capacity greater than 500 persons; and
  4. Tanks or other structures containing, housing or supporting water or fire- suppression materials or equipment required for the protection of uses listed in this sub-section.

- C. The provisions of this section do not apply to water-dependent and water-related facilities, including but not limited to docks, wharves, piers and marinas.

*Staff: The list of uses is very similar to what the Commission reviewed at the August 26, 2019 work session. References to assisted and senior living were added and the number of incapacitated residents staying at such facilities, including medical facilities, has been removed. A carve out is included for residential care homes, which serve 5 or fewer individuals in a residential setting. Residential facilities are included. These can be licensed for up to 15 individuals. Both terms are defined in NMC 14.01.020, Definitions. Note that not all residential care homes or facilities house incapacitated individuals. The threshold between a child care facility and day care facility is 12 children.*

#### 14.46.060 Use Exceptions

A use listed in section [14.46.050](#) may be permitted upon authorization of a Use Exception issued in accordance with a Type III decision-making procedure as outlined in Chapter 14.52, Procedural Requirements, provided the following requirements are satisfied:

- 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. Uses otherwise prohibited, such as child or day care facilities, are allowed when accessory to a permitted use, provided a plan is submitted outlining the steps that will be taken to evacuate occupants to designated assembly areas.
- D. Other uses prohibited section [14.46.050](#) may be permitted upon the following findings:
  - 1. There are no reasonable, lower-risk alternative sites available for the proposed use; and

2. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and
3. The structures will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.

*Staff: This section is as presented at the August 26, 2019 work session.*

#### 14.46.070 Vertical Evacuation Structures

All vertical evacuation structures, irrespective of their height, shall adhere to the provisions set forth in NMC 14.10.020(D)(1-4).

*Staff: This section is as presented at the August 26, 2019 work session.*

#### 14.46.080 Evacuation Route Improvement Requirements

All new, or substantial improvements to, multifamily residential, commercial, industrial or institutional development on existing lots and parcels and land divisions in the Tsunami Hazard Overlay Zone shall:

- A. Provide all-weather pedestrian access from the building(s) to adjacent public rights-of-way or City designated evacuation routes; and
- B. Install wayfinding signage, in a format and location approved by the City, indicating the direction and location of the closest evacuation routes; and
- C. Post emergency evacuation information in public areas, meeting rooms, or common areas, alerting residents, visitors, and employees to the tsunami threat. Such information shall include a map indicating the direction and location of the closest evacuation route.

*Staff: This section has been revised to list the types of route improvements the City can reasonably expect to require at this time.*