

PART 1 Land Use Regulations and Definitions

Section 0000 Tsunami Hazard (TH) Overlay Zone

0000 Definitions for Section 0000

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 *(per ORS 455.446)*
 - 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.

4. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of 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 Gearhart.

Section 0000 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.
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 (5), the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:
 - a. In areas identified as subject to inundation from the state minimum "L" 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.

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 Quasi-Judicial procedure as set forth in GZO Article 13.