

May 29, 2019

CITY OF GEARHART STAFF REPORT

To: Gearhart City Council

From: Carole Connell, City Planner

Re: June 5, 2019 Public Hearing

City File # 19-001 CP.ZTA Tsunami Resiliency Amendments

I. Proposal

Consideration of legislative amendments to the Gearhart Comprehensive Plan and Zoning Ordinance initiated by the City of Gearhart to increase community land use and human resiliency in the event of a Cascadia Subduction Zone earthquake and tsunami occurrence in Gearhart, a topic that is currently not included in the plan policies or supporting zoning provisions. The amendments are attached as Exhibit A.

II. Applicable Amendment Review Criteria and Procedures

1. GZO Article 11 Amendments
2. GZO Article 13 Administrative & Procedural Provisions
3. Gearhart Comprehensive Plan and Background Report
4. Gearhart Transportation System Plan (TSP)
5. Gearhart Hazard Mitigation Plan
6. ORS 455.447

III. Correspondence

1. DLCD letter, Meg Reed Coastal Shores Specialist, 4-30-19
2. Email from Stuart Emmons, 5-27-19

IV. Summary of Proposed Amendments in Exhibit A

- **Gearhart Comprehensive Plan**

Adopt amendments to the Gearhart Comprehensive Plan incorporating hazard resiliency policies into Goals 7 Natural Hazards, Goal 11 Public Facilities, Goal 12 Transportation, Goal 14 Urbanization policies, and Goals 16 Necanicum Estuary, 17 Shorelands & 18 Beaches & Dunes.

Plan Background Report: Add technical Cascadia Subduction Zone science, geology and resiliency information into the Gearhart Comprehensive Plan Background Report.

Maps: Adopt the DOGAMI Tsunami Inundation Map TIMs for Gearhart.

- Gearhart Zoning Ordinance

Amend the Gearhart Zoning Ordinance to create a new Tsunami Hazard Overlay THO Zone over the Gearhart city and urban growth boundary limits. The TH Overlay Zone includes definitions, purpose, applicability, permitted and prohibited uses, use exceptions, procedures and improvement standards, a flexible development option and a hazard acknowledgement and disclosure statement for new development. Cross-references to the new overlay zone will be added to all zone districts.

SUMMARY CONCLUSION

On April 11, 2019 the Gearhart Planning Commission recommended City Council approve the proposed amendments finding the amendments important to the safety of the Gearhart community, finding the amendments are in compliance with the relevant policies of the Gearhart Comprehensive Plan and that there is a need to include community resiliency in its planning policies and development regulations.

V. Purpose of the Amendments

The draft amendments provide for increased community resiliency for counties and communities on the Oregon coast based primarily on the document *Preparing for a Cascadia Subduction Zone Tsunami: A Land Use Guide for Oregon Coastal Communities*, April 2015 prepared by the Oregon Department of Land Conservation and Development. The DLCDD developed specific comprehensive plan background explanations, model comprehensive plan policies and model code standards to increase community resilience in preparation of earthquake and tsunami events. The DLCDD offers grants to Oregon coastal communities to adopt the model policies, maps and regulations, as they may be modified by each community. Several coastal communities are in the process of considering and adopting the model plan and code provisions.

The amendments are consistent with the Gearhart Transportation System Plan (TSP) which identifies an estimated 26 evacuation route locations to accommodate tsunami evacuation. The draft amendments assure consistency with state building code regarding *Regulation of certain structures vulnerable to earthquakes and tsunami* ORS 455.447(4). The amendments provide more defined evacuation needs and improvements in support of the Gearhart Hazard Mitigation Plan.

Why is the City considering the proposed land use amendments?

The absence of effective resiliency policy and land use regulations exposes Gearhart residents and visitors to hazardous conditions in the highly anticipated earthquake and tsunami event.

- Prior land use decisions have occurred without consideration of the catastrophic impacts and consequences of a large tsunami. There are no policies in the City's Comprehensive

Plan identifying the problem. There are no land use regulations to consider the tsunami impacts at the time of new development.

- The Gearhart Transportation System Plan (TSP) provides multiple locations to enhance evacuation routes. But the routes are not fully incorporated into the city review process for new development. The proposed zone code amendment establishes a Tsunami Hazard Overlay Zone over the entire Gearhart Urban Growth Boundary. The zone creates a prominent place in the land use process to clearly identify vulnerable land uses that should not be placed in the lowest lands, such as hospitals, emergency treatment facilities, fire and police stations, government communication centers, buildings with a capacity greater than 250 individuals, tanks needed for fire suppression, emergency vehicle garages, high density residential uses, hotels and more.
- The DOGAMI Tsunami Evacuation Map for Gearhart illustrates that all of Gearhart is in the Local Tsunami Evacuation Zone (XXL inundation area). There are few routes from Gearhart to areas outside of the hazard area. The City needs plan policies to identify the hazard and zoning regulations to address the hazard and limit the building of new critical facilities and large or dense structures in the most hazardous areas.
- Enhancement of the local trail system and additional signage is needed to provide effective evacuation connections from all neighborhoods in Gearhart. The zoning amendments include the ability for the city to require new development to make on-site improvements that ensure adequate evacuation in all weather and lighting conditions, and frontage improvements that connect a development to evacuation routes and assembly areas.
- Existing evacuation facilities are inadequate for the level of use generated by summer tourism. The plan policies and zone standards will provide an opportunity for the city to determine the need for a vertical evacuation structure, an earthen berm assembly facility or other hazard protection measures when reviewing new tourist accommodations.
- The City of Gearhart does not have adequate funding to make needed evacuation improvements. Adoption of the plan policies that identify the problem and adoption of zoning restrictions to review future development so as to mitigate creating more problems will establish a premise for the City to request state or federal funding for evacuation and recovery improvements.

For these reasons the Oregon Department of Land Conservation and Development (DLCD) awarded the City a grant to develop community resiliency policies and standards for Gearhart. The grant was awarded in June 2018 and for the past year City officials, staff, DLCD, DOGAMI and residents have devoted significant time and resources to develop the plan.

VI. GZO Article 11 Amendment Procedures and Approval Criteria

The amendments to the Comprehensive Plan and Zoning Ordinance are legislative and may be initiated by the Planning Commission, the City Council or a property owner. After public notice has been provided the amendments shall be reviewed in accordance with the procedures of GZO 13.050.

The first evidentiary public hearing by the Planning Commission is March 14, 2019. The Planning Commission may continue the hearing or decide to act on the amendments in the form of a recommendation to the City Council. The City Council will hold a public hearing on the Planning Commission's recommendation. The Council's final decision will be in the form of a legislative ordinance amending the Comprehensive Plan and Zoning Ordinance. A person defined as a "party" to the subject amendment process may appeal the City Council decision to the state Land Use Board of Appeals (Article 12). Anyone who sent a letter or testified at the hearing will be notified of the decisions.

VII. Comprehensive Plan and Zoning Ordinance Amendments

A. Comprehensive Plan Amendments

The proposed amendments will add new relevant policies currently not addressed in the Gearhart Comprehensive Plan to address the need to plan for tsunami impacts, to reduce the loss of life, to reduce damage to private and public property, to reduce social, emotional and economic disruptions and to increase the opportunity for the city to respond and recover.

Specifically, the following Comprehensive Plan elements will be amended:

Goal 7 Natural Hazards Plan Policies: Policies will be added to existing plan because there are no specific tsunami related policies.

The existing Goal 7 Geologic and Flood Hazards will be renamed Natural Hazards. The amendments will add a summary narrative to describe the tsunami hazard and the DOGAMI map reference. That will be followed by adding the new General Natural Hazard Policies, the Evacuation Policy concepts, the Policies Related to Reducing Development Risk in High Tsunami Risk Areas, Hazard Mitigation Planning, Tsunami Awareness Education and Outreach, Debris Management and Hazardous Materials policies.

Goal 11 Public Facilities and Services Policies: The proposal adds two new plan policies to this section of the plan.

Goal 12 Transportation: The proposal adds four new transportation policies to this section of the plan.

Goal 14 Urbanization: The proposal adds four new policies to this section of the plan.

Map Amendments: the proposal adds the DOGAMI TIMs map for Gearhart as an official map of the Comprehensive Plan.

B. Zoning Ordinance Amendments

The zoning ordinance amendments implement the comprehensive plan policies by creating a Tsunami Hazard Overlay (THO) Zone over Gearhart in the event of an XXL magnitude tsunami event. The purpose of the zone is to increase community resiliency of by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of new land use and development activities in areas subject to tsunami hazards.

Zone uses: The amendments retain permitted and conditional uses in all existing zone districts. The amendments do not render any existing structures nonconforming uses. The proposed Tsunami Hazard Overlay Zone is an overlay that affects new development in all zones by defining prohibited uses. Prohibited uses may be granted an exception based on proposed review criteria.

New Development requirements: New development may be subject to additional requirements to build evacuation routes or improvements. If impractical to do so the amendments allow for a payment-in-lieu of the improvement. A Flexible Development Option is proposed to provide a development incentive and to lower risk exposure that would otherwise not be achieved through conventional development. This could include developer enhancement of evacuation measures in exchange for greater flexibility in siting buildings. The amendments provide for a Hazard Acknowledgement and Disclosure Statement executed by the property owner and kept on file at City Hall.

VIII. GZO Section 11.040 Amendment Approval Criteria

Before amendments to the Comprehensive Plan or the text of the zoning or subdivision code are approved findings will be made assuring the amendments are consistent with the goals and policies of the Comprehensive Plan, the Statewide Planning Goals, and that there is a public need for the proposed amendments. The Gearhart Comprehensive Plan is in compliance with the statewide land use planning goals. Therefore to avoid repetition the statewide goals are not each specifically addressed.

A. Amendment Criterion 1: Comprehensive Plan Compliance

There are no existing policies in the Gearhart Comprehensive Plan that address the need to reduce impacts and increase safety and resilience in the event of a small, medium, large, extra-large or extra-extra-large tsunami. The purpose of these amendments is to add such policies to guide the city in future land use decisions.

Compliance with existing plan policies:

(1) General Development Goals

It is the general goal of the Comprehensive Plan to preserve the low density, semi-rural character of Gearhart and to ensure that development occurs in a manner that is in harmony with the sensitive coastal environment that defines Gearhart.

FINDINGS: The Planning Commission finds the proposed policies and development standards recognize the coastal environment is sensitive to catastrophic tsunami events and will improve the likelihood of survival by locating new structures to enhance safety and survival. The policies and overlay zone will not change the semi-rural character of Gearhart. They will reduce maximum densities of new development in the most tsunami-vulnerable areas.

(2) Residential and Commercial Development Policies

a. The City will preserve and maintain the predominately residential character of Gearhart through appropriate zoning and land use development regulations.

FINDINGS: The Planning Commission finds Gearhart is zoned predominantly low-density residential. The draft amendments add a Tsunamis Hazard Overlay Zone over the entire Gearhart UGB but do not change the current designated zone districts or permitted uses. The provisions add prohibited uses such as critical essential services, hazardous material storage, high capacity and high density uses in the lowest lying areas of the community.

b. The City will implement the City's land use development regulations through the continued development of Gearhart as a residential community.

FINDINGS: The Planning Commission finds the proposed policies and regulations will ensure Gearhart has specific guidelines and standards to address evacuation needs relevant to future development proposals and to assure that new development is located and built for maximum safety in the event of a tsunami. The plan and implementing standards seek to accommodate growth as well as improve chances for safe evacuation for residents and visitors. The amendments will retain Gearhart's residential character.

d. It is a goal of the City to ensure a stable and healthy economy in Gearhart through all available resources, both human and natural resources.

FINDINGS: The Planning Commission finds the amendments delineate objective standards to assure future growth and development projects consider tsunami evacuation in a comprehensive manner. Well-protected neighborhoods add a value that compliments city goals for a stable and healthy economy. Adoption of the tsunami hazard policies and development standards will enable the City of Gearhart to request outside funding for evacuation improvements, an option currently not available to the City.

(3) Citizen Involvement, Revision, Implementation and Process Goals LCDC Goal 1 & 2 Comprehensive Plan Goals 1 & 2 policies establish a process and implementation mechanism for land use planning and regulation to assure citizen involvement is provided in the amendment process when adopting new or revised standards. The City has ensured that technical information is available to citizens, the Planning Commission and City Council who represent the wide diversity of views and interests in the community. Citizen involvement and an open process are provided for in the Gearhart Zoning Ordinance Article 10 Amendments and Article 12 Procedures to ensure the citizens receive responses to their comments at meetings, in the meeting minutes or in writing, and that the city will maintain a record of meetings. The procedures require an advertised public hearing process with a recommendation by the Planning Commission and a decision by the City Council based on findings that there is a public need for the amendments and that the amendments are in compliance with the Gearhart Comprehensive Plan and Statewide Planning Goals.

When making comprehensive plan and zoning ordinance revisions the goals and policies of the Plan provide the underlying principles to measure the amendments against. The implementation policies assure when revisions are made that the broader community interest is served by the modification. Plan policies set forth guidance to assure that development standards remain effective over time.

FINDINGS: The Gearhart Planning Commission maintains an active list of prioritized goals to assure they are keeping up with changing laws, trends and broader community interests. The proposed amendments will bring the City into compliance with the state model resiliency plan policies and code standards. The amendments address the Commission's goal to develop guide future development decisions in order reduce the loss of life, to reduce damage to private and public property, to reduce social, emotional and economic disruptions and to increase the opportunity for the city to respond and recover.

The Planning Commission served as the project advisory committee. The Commission received guidance and education from Tom Horning, Seaside Geologist and Meg Reed,

Department of Land Conservation and Development Community Resiliency Coordinator for the Oregon coast, and DOGAMI. The Commission held several educational work sessions and policy review drafts between September 2018 and February 2019. The meetings were advertised and open to the public. There are city records of all meetings.

The City website has published each draft document as it was developed over the course of the project. The Commission and City Council will provide opportunity for comment and feedback during the public hearings. All meetings are recorded to maintain a record. In accordance with GZO Article 13 Administrative Provisions notice of a public notice was mailed to the DLCD more than 35 days before the initial hearing and notice was published more than 20 days before the initial Planning Commission hearing on March 14, 2019. The Planning Commission finds the process for developing the proposed Comprehensive Plan policies and implementing development standards for earthquake and tsunami resiliency has occurred in compliance with city and state citizen involvement and land use planning goals and procedures.

(4) Open Space, Scenic Areas, Historic and Natural Resources (LCDC Goal 5)

The Gearhart Open Space, Scenic Areas, Historic and Natural Resources (Goal 5) and Goal policies strive to conserve, preserve, and protect open space, scenic areas, historic and natural resources in and around the Gearhart community for future generations.

FINDINGS: The Planning Commission finds the amendments will encourage preservation of open space and natural resources as a means to retain a natural buffer from tsunamis.

(5) Air, Water, and Land Resource Quality (LCDC Goal 6)

The Air, Water and Land Resource Quality policies assure there will be standards that protect air, water, and land resource quality including laws that prevent noise pollution.

FINDINGS: The Planning Commission finds the amendments do not directly relate to this goal.

(6) Geology and Geologic Hazards; Flood Hazards (LCDC Goal 7)

The Gearhart Geology and Geologic Hazards and Flood Hazards Goal policies shall work in coordination with applicable local, state, and federal standards to identify geologic hazard areas and flood hazard zone identified by the FEMA Flood Rate Insurance Map.

FINDINGS: The Planning Commission finds the amendments add an absent topic to this section of the plan. The amendments rename the section Natural Hazards consistent with the statewide Goal 7 title. The amendments are based on model policies and zone

standard language supplied by DLCD to restrict certain uses and assure that new development will be reviewed to consider the tsunami hazard. The standards are based on ORS 455.447 adopted in 2017 to regulate certain structures vulnerable to earthquakes and tsunamis.

(7) Recreation (LCDC Goal 8)

The Gearhart Recreation Goal plan policies encourage further development of recreation facilities in the Gearhart area that are commensurate with air, land, water, environmental, and scenic resources.

FINDINGS: The Planning Commission finds the proposed plan and code amendments do not directly relate to this goal.

(8) Economy and Energy (LCDC Goal 9 and 13)

The Gearhart Economy and Energy Goal policies ensure there will be a stable and healthy economy in Gearhart through all available resources, both human and natural resources.

FINDINGS: The Planning Commission finds planning for earthquake and tsunami resiliency will facilitate growth patterns that account for improved citizen safety and protection of property values that will help to maintain a stable economy. Adoption of the proposed amendments will allow for funding assistance to make future resiliency improvements. This is an important budgeting option for the city and will help to meet the goal for a healthy economy.

(9) Housing (LCDC Goal 10)

The Gearhart Housing Goal policies ensure decent, affordable housing and housing availability for all residents of the Gearhart area.

FINDINGS: The Planning Commission finds that when new housing is built the development and subdivision standards will assure that roads, walkways, paths, evacuation routes and connections to city services will be reviewed in accordance with the proposed resiliency policies and standards. For the protection of large groups of citizens the amendments prohibit high density housing (over 10 dwelling units an acre) in the most vulnerable low-lying areas of the city.

(10) Public Facilities and Services (LCDC Goal 11)

The Gearhart Public Facilities and Services Goal policies assure compliance with applicable local, state, and federal environmental noise, air, water, and solid waste standards.

FINDINGS: The Planning Commission finds the resiliency amendments will assure that critical essential public and private emergency and medical facilities are built in locations to withstand the most hazardous tsunami events so that those services are available to recover from such events.

(11) Transportation (LCDC Goal 12)

The proposed policies and standards are established to provide and encourage safe, convenient, and economic systems for all modes of transportation in the Gearhart area.

The following existing transportation policies support to the proposed amendments:

1.6. Coordinate with Clatsop County and the City of Seaside to ensure that future development and transportation system improvements abutting the Gearhart UGB provide connectivity for emergency access and evacuation routes as well as parallel circulation routes to the highway that avoid overreliance on Highway 101.

3.1. Support measures to increase safety for all modes.

3.2. Establish, seek funding for, maintain, and promote safe and efficient tsunami evacuation routes.

3.3. Enhance safety and preparedness by completing continuous pedestrian and bicycle facilities on arterial and collector streets, and by developing and connecting an off-street system of paths, with special priority assigned to tsunami evacuation routes.

3.4. Enhance safety and preparedness by improving bridges and highway crossings for pedestrians and bicyclists, with special priority assigned to tsunami evacuation routes.

3.5. Develop a comprehensive Tsunami Evacuation Facilities Improvement Plan (TEFIP) to implement the recommendations of the Transportation System Plan and to further refine community evacuation needs, designated routes, system standards, needed improvements to the local evacuation system, and potential funding.

FINDINGS: The Planning Commission finds the proposed amendments are consistent with and support the recently adopted Gearhart TSP which identifies the need for 26 transportation related evacuation routes. The amendments add specificity and objective review criteria to assure tsunami safety features are considered when reviewing new

development proposals. The amendments establish a foundation to fund needed tsunami evacuation improvements and improve community recovery from a tsunami event.

(12) Urban Growth (LCDC Goal 14)

The Gearhart Urban Growth Goal policies are established to manage urban growth.

FINDINGS: The Planning Commission finds the amendments will be apply resiliency standards to new development proposals inside the UGB. The proposed policies and implementing standards guarantee specificity and objectivity during the plan review process for a new development currently not available in the City's planning documents.

(13) Necanicum Estuary (LCDC Goals 16 & 17)

The Gearhart Necanicum Estuary Goal policies are established to maintain all identified marsh areas in their natural, productive condition.

(14) Coastal Shorelands (LCDC Goal 16 & 17)

The Gearhart Coastal Shorelands Goal policies are set forth to conserve, protect, develop, and restore the resources and benefits of all coastal shorelands consistent with local goals, policies, and regulations, state law and federal regulations.

(15) Beaches and Dunes (LCDC Goal 18)

The Gearhart Beaches and Dunes Goal is to conserve, protect, develop, and restore the resources and benefits of coastal beach and dune area consistent with local goals, policies, and regulations, state law and federal regulations.

FINDINGS: The proposed plan policy amendments include the addition of a new policy consistent with Goals 16, 17 and 18 as follows:

Protect and enhance existing dune features and coastal vegetation to promote natural buffers and reduce erosion.

(16) Ocean Resources (LCDC Goal 19)

The Gearhart Ocean Resources Goal policies are established to assure cooperation with appropriate state and federal agencies in conserving the long term values, benefits and natural resources of the near-shore ocean and the continental shelf.

FINDINGS: The Planning Commission finds the amendments do not directly relate to the Ocean Resources Goal 19.

B. Amendment Criterion 2 Demonstration of Public Need

FINDINGS: For the reasons set forth in the above findings the Planning Commission has determined there is a public need for the amendments. The Commission finds based upon a preponderance of scientific evidence that there is a need to plan for a Cascadia Subduction Zone earthquake and tsunami event. There is a need to increase awareness and provide standards to improve tsunami evacuation for the safety of Gearhart residents and visitors. There is a need to guide future development decisions in order reduce the loss of life, to reduce damage to private and public property, to reduce social, emotional and economic disruptions and to increase the opportunity for the city to respond and recover from hazardous tsunami event.

IX. RECOMMENDATION

The Planning Commission recommends approval of the proposed amendments described in Exhibit A city file #19-001CP.ZTA CRG as may be modified by the City Council at the conclusion of public hearings.

Motion options:

1. Based on the findings in this report, I move to approve the proposed Tsunami Resiliency Comprehensive Plan and Zoning Ordinance amendments described in Exhibit A and have a first reading of Ordinance# _____.
2. I move to continue the subject hearing until _____
3. I move to deny the proposed amendments based on a new set of findings to support denial.