

Gearhart Planning Commission Minutes for July 11, 2024

MEMBERS: Virginia Dideum, Russ Taggard, Don Frank, Eric Halperin, Paulina Cockrum, John Mesberg, and Jennifer Grey

STAFF: Chad Sweet, Peter Watts, Garrett Phillips, and Angoleana Torres

President Dideum welcomed Jennifer Gray, our new commissioner.

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, July 11, 2024, was called to order at 6:00 p.m. by President Virginia Dideum. *All Members and staff were present.*

CONSENT AGENDA

On **MOTION** by Cockrum, 2nd by Taggard, the consent agenda was approved with corrections to McAdam Ct. in the minutes. Said agenda approved Minutes for May 9, 2024, financial report for June 28, 2024.

No Correspondence

6 - in Favor – Mesberg, Dideum, Cockrum, Frank, Taggard, Halperin

0 – Opposed

STAFF REPORT

Sweet updated the commission on several key issues. Firstly, they highlighted efforts to improve communication, including a recent blog post and a notice sent out by Angoleana regarding tree management processes affecting all Gearhart property owners. They emphasized the need for clarity due to community feedback on the complexity of city legal language.

Regarding the public safety building, Sweet clarified that no final location decisions have been made. They discussed community engagement plans, including a forthcoming town hall meeting in August to gather input on potential sites, emphasizing that multiple options, including the current fire station and Leslie Miller Park, are under consideration. The city is actively seeking an architect to assess these locations, with a bond measure anticipated for November 2025, aimed at funding the project. Key points about the public safety building include:

- Current Location Challenges: The existing fire station site faces logistical and resiliency challenges. It is in a tsunami inundation zone, making it less ideal for long-term safety and operational efficiency.
- Alternative Sites: Besides the current location, Leslie Miller Park is being considered despite its unpopularity. The city is also searching for a third viable property to avoid using the park.

- Community Involvement: The city aims to involve the community in the decision-making process, ensuring that residents have a say in where the new public safety building should be located. This includes evaluating the tsunami resilience of potential sites.
- Engineering and Architectural Assistance: An RFP (Request for Proposal) has been issued for architectural and engineering firms to help gather information on potential sites, considering factors like available space, costs, and site-specific challenges.
- Town Hall Meeting: A town hall meeting is scheduled for August to introduce the Kloss group, discuss their role, and explain the process to the community. This meeting aims to increase transparency and community engagement.
- Online Social Media: There has been significant discussion online regarding the decisions being made, and Sweet clarified that no decisions have been finalized. The staff and council members are focused on gathering information and ensuring transparency.

Sweet assured the commission that all options are open for public consideration, despite social media concerns about the park location. They emphasized transparency and community involvement in the decision-making process moving forward. The city is committed to providing objective information to the community and expects a robust discussion during the August city council meeting.

Additionally, Sweet provided an update on the Kloss group. This group includes staff and two city council members who are involved in gathering information and providing input. They are not making decisions but are compiling data on the current and potential building sites.

Sweet emphasized that the city is striving to learn from past experiences and improve its approach to decision-making and community engagement. The process will take time, but the goal is to ensure that all options are thoroughly evaluated with input from the community.

Zoning Ordinance Update

Phillips reminded the commission that the Gearhart zoning ordinance has been updated. The revised PDF document is available on the city's webpage and has been distributed to all members. This update incorporates amendments adopted by the city council over the past two years, including:

- Parks and Recreation Master Plan adoption, which included amendments to the zoning ordinance.
- R-2 zone text amendments related to Drift Haven Inn recommended by the commission this spring.
- Amendments related to political signs originated and adopted by the city council this past winter.

These updates reflect changes in the zoning ordinance, ensuring all amendments are now included in the document.

Clatsop County Comprehensive Plan Update

Phillips discussed Clatsop County's ongoing update of its comprehensive plan, specifically focusing on Goals 16, 17, and 18, which pertain to:

- Goal 16: Estuaries, including the Columbia River estuary and Necanicum and Ecola Creek estuaries.
- Goal 17: Coastal shorelands, addressing areas around estuaries, beaches, and dunes.
- Goal 18: Beaches and dunes, including erosion control and potential cable landings.

Phillips, along with CREST and sub-consultant Herrera Environmental Consultants, is assisting the county with this update. The project aims to address consistency issues with state land use planning goals, climate change impacts, and natural hazards. The original project schedule aimed for completion by fall, but it now extends to early 2025. The county is engaging the public through meetings and a technical advisory committee, and Phillips encouraged the commission to get involved.

State Bill 1537 Phillips highlighted key points of State Bill 1537, aimed at addressing Oregon's housing shortage:

- Housing Land Use Adjustments: Starting in 2025, cities must offer adjustments for affordable housing developments that request minor reductions in zoning standards without needing a variance process.
- Limited Land Use Decisions: Certain land use decisions, such as property line adjustments and tentative subdivisions, will be reviewed by staff instead of the planning commission starting in 2025. Public input will still be required, and staff decisions can be appealed.
- Urban Growth Boundaries: The bill provides opportunities for site adjustments or additions to urban growth boundaries under specific criteria. Further guidance will be provided by the Department of Land Conservation and Development (DLCD).

Phillips assured the commission that no immediate action is needed and that more detailed guidance will be shared in the coming months.

Summary of Discussion

Limited Land Use Decision-Making

- Mesberg suggested that it would be helpful to review past decisions made by the commission to determine which could have been made by staff under the new limited land use decision changes in sections 44 through 47. He expressed concern about whether there is enough staff to handle these decisions.
- Phillips agreed to summarize past decisions and noted that, in his experience, few decisions would have fallen under staff jurisdiction. He mentioned that processing decisions might take less time for staff, aligning with the intent of the new statute to speed up the process. He confirmed that decisions can still be appealed.

Urban Growth Boundary (UGB) Expansion and Affordable Housing

- Mesberg highlighted the importance of the new option for urban growth boundary changes to build affordable and market-rate housing. He questioned how terms like "affordable" and "market-rate" housing are defined.

- Phillips acknowledged the need for more specific guidance, which the Department of Land Conservation and Development (DLCD) is working on. He noted that local market conditions and household incomes are considered when determining affordable housing eligibility.

Impact on Local Workforce

- Cockrum expressed concern about affordable housing for people working locally, noting the challenges of long commutes and high land values in the area.
- Phillips agreed that affordable housing is challenging in Gearhart due to land values but mentioned that federal and other grant programs could make it feasible. He emphasized the need for developers specializing in affordable housing to leverage these resources.

Conclusion

The discussion highlighted implementing the new land use decision processes, defining affordable housing, and workforce housing needs. Phillips provided insights and plans to address these issues, ensuring alignment with new state regulations and local needs.

COMMISSIONERS REPORT – None

GOALS LIST

System Development Fees

- Cockrum asked about the system development fees under staff on the goals list and whether they should prioritize this issue.
- Sweet noted that the city's attorney is preparing information on this topic, which is also a concern for the mayor. They suggested that the commission could start working on this in late fall when things calm down.

VISITORS COMMENTS – None

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

Phillips presented an overview of the proposed amendments to the Flood Hazard Overlay Zone. The key points of the discussion were as follows:

Introduction

- Purpose: Introduce amendments aimed at protecting life and property from flood hazards, specifically those with a 1% chance of occurring annually (100-year floodplain).
- Importance: Compliance with state land use planning goal seven (natural hazards) and maintaining eligibility for subsidized flood insurance and federal grants/loans through the National Flood Insurance Program (NFIP).

Current Ordinance and Deficiencies

- Existing Ordinance: Gearhart has a flood hazard overlay zone with regulations on permissible development within this area.

- Deficiencies Identified: FEMA and the State of Oregon reviewed Gearhart's floodplain ordinances and found deficiencies. A checklist was provided detailing these deficiencies.

Proposed Amendments

- Response to Checklist: Initial draft amendments have been proposed to address the deficiencies. These amendments have been shared with DLCD staff and their FEMA contacts for review.
- DLCD and FEMA Review: The proposed amendments are currently under review. Feedback will guide further revisions to ensure compliance without exceeding necessary requirements.

Process and Next Steps

- Commission Engagement: The presentation aimed to inform the commission, invite questions, and identify any issues. This ensures the commission is fully informed and can convey any concerns to DLCD and FEMA.
- Timeline and Meetings: Further discussions and potentially multiple hearings will be scheduled. The commission can decide whether to have a preliminary discussion or move directly to hearings once feedback from DLCD and FEMA is received.

Conclusion

- No Action Required Tonight: This was an introductory presentation, and no immediate action from the commission was required.
- Future Steps: The commission will review feedback and finalize the amendments to ensure compliance and maintain flood insurance eligibility for residents.

Discussion

The discussion began with Phillips noting the extensive additions to the ordinance and confirming that many new elements were necessary to meet compliance. Dideum inquired about the extent of the 1% flood zone in Gearhart, to which Phillips responded that most buildings are not within the flood hazard overlay zone and displayed a map showing floodplain areas in blue and ocean flood hazards in pink to illustrate the coverage.

The conversation moved to challenges related to base flood elevation and boundaries. Phillips confirmed that the flood hazard boundary is set on the map and clarified that it does not include tsunami hazards. A discussion ensued about insurance for tsunamis and earthquakes, where it was clarified that flood insurance does not cover tsunamis, but earthquake insurance is available.

Halperin pointed out a perceived contradiction in the ordinance regarding new construction in coastal high hazard areas. He noted that one section prohibited new construction in these areas, while the next line required new construction and substantial improvements in these zones to be elevated on pilings. This seemed contradictory to him.

Phillips responded by explaining that the language was included to align with the city's comprehensive plan, which currently states that development in the coastal flood hazard zone should be prohibited. He elaborated that the comprehensive plan's Goal 7 explicitly states that development in the coastal flood hazard zone shall be prohibited. However, Phillips acknowledged that the comprehensive plan language might conflict with state land use planning goals, which is why they sought input from the Department of Land Conservation and Development (DLCD).

Phillips further clarified that the state had previously considered making it a requirement to prohibit development in the V zone (coastal flood hazard zone), but eventually backed away from that mandate. Given this history, the city included both prohibitive and regulatory language in the ordinance to ensure they were prepared for any eventual state requirements.

Additionally, Phillips mentioned that in most areas of the city, other prohibitions related to dune stability (under Goal 18) would already restrict development, even beyond the V zone's boundaries. This means the actual impact of the comprehensive plan's prohibition might be less significant than it appears. He stated that the city had not yet conducted a detailed analysis to quantify the potential impact on properties or acreage.

Phillips emphasized that they were living in a state of ambiguity, balancing the comprehensive plan's language with state requirements until they received clear guidance from DLCDC. This approach was intended to avoid prematurely deleting any existing texts related to development in the V zone before understanding the full implications.

Taggard asked about the county's responsibility for the Necanicum Estuary, and Phillips clarified that flood hazard overlay zones are the city's responsibility, with estuary management requiring coordinated planning with counties.

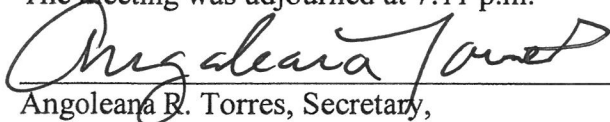
Mesberg inquired if there were any substantial changes in the amendments that might affect local properties. Phillips stated that the changes are mostly minor, aiming to meet minimum requirements and streamline development processes. It was further clarified that without these amendments, residents would lose eligibility for flood insurance, and compliance is essential for maintaining insurance availability and adhering to state and federal requirements.

The commission acknowledged Phillips' presentation and agreed to review updates in future meetings. The next steps include awaiting feedback from DLCDC and FEMA, highlighting notable areas in the amendments during the next review, and scheduling future meetings to discuss feedback and potentially hold multiple hearings.

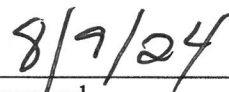
CONCERNS OF THE COMMISSION – None

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 7:11 p.m.



Angoleana R. Torres, Secretary,



Approved