

## Gearhart Planning Commission Minutes for August 8, 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

### Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, August 8, 2024, was called to order at 6:00 p.m. by President Virginia Dideum. *All Members, staff, and land use attorney were present except Mesberg who was excused.*

#### COMMISSIONER EXCUSED

On **MOTION** by Halperin, 2<sup>nd</sup> by Cockrum, to excuse John Mesberg from this meeting.

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

0 – Opposed

#### CONSENT AGENDA

On **MOTION** by Taggard, 2<sup>nd</sup> by Grey, the consent agenda was approved. Said agenda approved Minutes for July 11, 2024, financial report for July 31, 2024. No Correspondence

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

0 – Opposed

#### STAFF REPORT

Sweet provided an update on several ongoing initiatives. He reported that the city's efforts to secure additional water rights from the Oregon Water Resources Division are moving forward smoothly. Data from recent studies show that the city's aquifer is performing as expected, and its impact on the Neacoxie River is minimal. With this positive outlook, the city plans to submit its formal water rights application.

Sweet noted a slowdown in building permit applications, with both July and August experiencing less activity compared to previous years. However, there are signs that applications may pick up in the coming months, though nothing is certain at this stage.

Sweet also reminded the commission and attendees about an upcoming town hall meeting scheduled for Monday evening. The meeting is open to the public and available via Zoom. The city will introduce the Klosh Group, a construction management firm, recently brought on board to assist the city with ongoing projects. The Klosh Group will outline their role and provide insights into the work they'll be doing to support the city's development efforts.

Lastly, Sweet discussed two key committees involved in shaping the city's future public safety building project. The first is a steering committee tasked with data collection and procedural oversight, which includes city councilors, department heads, and city staff. The second is an Architect Selection Committee, composed of two community members and city officials, responsible for selecting an architect for upcoming projects. After reviewing eight proposals, the top three candidates will be presented to the city council for a final decision. The process is designed to ensure community involvement, with the public's input playing a vital role in determining the project's direction.

During the commissioner reports, a brief concern brought up key points regarding the city's Urban Growth Boundary (UGB) and potential land swaps. Commissioner Cockrum raised a concern about the fire station site, which still lists a UGB swap annexation and zone change on the city's goals list.

Sweet clarified that recent legislative changes from the Governor's housing bill have addressed ambiguity in the UGB swap process. Previously, the Department of Land Conservation and Development (DLCD) had been unclear about how land swaps should be handled, particularly when it came to zoning and development. Under the new law, UGB swaps must now occur acre by acre, and the land being swapped can be upzoned, as long as it remains residential. Additionally, if residents want to prevent a swap, they must show that the land in question can be developed within a 20-year period.

The UGB being considered for future swaps extends past the no-build line and includes state-owned land flagged in the city's housing needs analysis. While the swap is not necessary, Sweet mentioned that it could be a useful tool moving forward to address land use challenges, particularly as the land in question is zoned R1, but could be rezoned as R2.

The commission discussed whether this issue should remain on the city's goals list, with some expressing personal opinions that the fire station site remains a viable option for future development. Sweet confirmed that the Planning Commission would indeed be involved in any UGB swaps, clarifying that the recent legislative changes now make the process more viable than before.

COMMISSIONERS REPORT – None

GOALS LIST – No Changes

VISITORS COMMENTS – None

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS – None

INFORMATION / DISCUSSION

Planning Commission Prepares for New FEMA Floodplain Regulations

During the latest Planning Commission meeting, Phillips presented an update on upcoming FEMA regulations that will affect how local governments manage floodplains in Oregon. FEMA's new pre-

implementation compliance measures will integrate the Endangered Species Act (ESA) into floodplain ordinances, with a particular focus on protecting salmon habitat.

Phillips explained that, historically, FEMA's National Flood Insurance Program (NFIP) has provided subsidized flood insurance and disaster relief to property owners in flood zones, provided that local governments enforce floodplain development ordinances. The new regulations will now require cities like Gearhart to incorporate additional protections for endangered species into these ordinances.

FEMA has set a December 1st deadline for local governments to choose one of three compliance pathways.

- The first option is a strict prohibition of development in floodplains.
- The second option involves adopting a model floodplain ordinance with specific salmon habitat protections, such as wide development buffers along streams.
- The third option would require developers to conduct custom habitat assessments for each project to demonstrate how they would minimize and mitigate harm to salmon habitats.

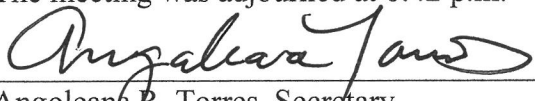
Phillips noted that while Gearhart has time to review the forthcoming model ordinance and guidance from FEMA, the timeline for implementation may be challenging. The city will need to modify its floodplain regulations and engage with the public on these changes, with more detailed discussions expected in the fall.

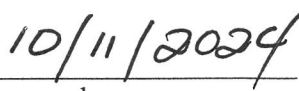
The Planning Commission will play a critical role in reviewing and implementing these new requirements, ensuring that floodplain development continues while meeting the new environmental standards. Phillips emphasized that more information would become available before the city's September meeting, at which point the commission will begin more in-depth discussions on the topic.

CONCERNS OF THE COMMISSION – None

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 6:42 p.m.

  
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Angoleana R. Torres, Secretary

  
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Approved