

# CITY OF GEARHART

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March 14, 2019

**MEMBERS:** Carl Anderson, Virginia Dideum, Stephanie Dudley, Terry Graff, Austin Tomlinson and David Smith

**STAFF:** Carole Connell, Chad Sweet, Tom Horning (Coastal Resiliency Committee)

## Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, March 14, 2019 was called to order at 6:00 pm by president Virginia Dideum.

On **MOTION** by Graff, 2<sup>nd</sup> by Dudley, by unanimous motion Commissioner Taggard was grant an excused absence from the March 14, 2019 commission meeting.

Per February 14, 2019 minutes Tomlinson reported he *talked to Sweet about the grade school property.*

On **MOTION** by Smith, 2<sup>nd</sup> by Anderson the minutes of February 14, 2019 were unanimously approved with the correction.

The financial report as of March 1, 2019 was as follows:

Planning Commission expenses:

Year to date	2,096.63
Balance	10,903.37

Planning Commission Secretary Expenses:

Year to date	12,334.85
Balance	17,665.15

On **MOTION** by Smith, 2<sup>nd</sup> by Graff, the minutes of March 1, 2019 were unanimously approved.

## STAFF REPORT

Sweet reported there have been about 600 Fire Station surveys collected – highpoint 55%, 20-30% for the current location and 10-15% for the park. Sweet is hoping to get surveys from at least 30% of the voters.

Smith asked if the online surveys were entered correctly. Sweet noted they went directly into the data base. Smith asked if residences of apartments not serviced by individual water meters were not included in the survey. Sweet noted surveys were also being sent to voters that live in town. Sweet noted deadline for submitting surveys was mid-April.

Graff asked how the issue of the park being a donation with restricted use was being addressed. Sweet noted the deed restriction dates to 1946 prior to Leslie Millers work on park land perseveration. Sweet clarified Miller never owned the property, the site was the original hotel and due to back taxes the county foreclosed on the property and eventually sold the site to the city for \$1 and the deed restriction was entered at that time.

Sweet reported on a rumor that there may have been a cross connection from Gearhart Crossing into the city's storm drainage system. The pipe has been scoped and confirms there is no cross connection into the storm drainage system. He also clarifies there has been no cost associated with the scoping, the City of Seaside did not charge for the robot to scope the site.

Graff asked if there has been any interest in the building. Sweet noted there is someone interested in the site but with difficult zoning and septic system it will be a tough business venture.

Sweet reported Ethics Reports are due April 15<sup>th</sup>.

#### COMMISSIONER REPORTS

Commissioner Anderson asked for an excused absence from the April and possibly May commission meeting.

Commissioner Tomlinson asked for an excused absence from the April commission meeting. He also asked if he could submit additional questions for council at the April work session. He was directed to send additional questions to the secretary. Tomlinson reported attending a work conference for *working lands*. Participants included members from forestry, tribes, conservation, recreation and tourism groups as well as public officials. The focus was to discuss a strategic plan for communities in conjunction with working lands and conservation. Tomlinson offered to share results of the conference with commissioners.

#### GOALS LIST

No action taken.

#### CORRESPONDENCE

None

#### VISITORS COMMENTS

None

PUBLIC HEARING - #19-001CP.ZTA – coastal resiliency amendments, comp plan and zoning ordinance. Dideum opened the hearing and read the disclosure statement into the record. Dideum asked if there was any conflict of interest. None was declared. Dideum asked if any audience member had any challenges to the commission hearing the application. None was voiced.

Connell summarized the staff report. Noted new comp plan amendments are to incorporate hazard resiliency policies, a statement reflecting actions will be adding data into the background report, and the adoption of Tsunami Inundation Maps. Zoning Ordinance amendments create a new Tsunami Hazard Overlay zone to increase community resiliency. Reasoning for developing the amendments are because prior policies have not considered catastrophic impacts and there are no policies or regulations to deal with the impacts. Adoption of the plan policies and zoning restrictions will put the city in a position to request funding for improvements.

Testimony was open to the public.  
There were no proponents and no opponents.

Testimony was open to neutral comments.  
Jack Zimmerman, 408 W Kershul Circle, Gearhart, OR 97138 – Zimmerman expressed confusion asking if the amendment was to amend the flood inundation zone and take it from an XXL to something less. Sweet confirmed this is not the FEMA flood maps but the DOGAMI flood inundation zone, it is not to change or move the zone but to set a preparedness level of L and under. Zimmerman asked if this is taking advantage of the exceptions allowed in SB379. Sweet said under SB379 there are some areas available to the city like high point which is being considered for the fire station, he clarified high point is out of the XXL mapping. Zimmerman clarified the city would need to be making some decisions on the level of crisis.

Harold Gable, P O Box 2379, Gearhart, OR 97138 – Gable referenced a document stating all the cities in the county need to agree on a FEMA plan or none of the cities get FEMA. Once the plan is approved and the city qualifies for monies to help pay for modifications they must qualify through FEMA, the cities task is to come up with something that FEMA will except as an exception which is critical for any future FEMA funding.

Sweet clarified FEMA Hazard Mitigation Planning was designed for communities to plan ahead and improve their situation. The communities are not dependent on each other and should there be an event those cities with a Hazard Mitigation Plan would qualify for FEMA funds. He noted the city has a HMP and does the periodic updates. A HMP is separate from but works with Coastal Resiliency and once the work is done on coastal resiliency it will be incorporated into the Hazard Mitigation Plan.

Gable asked if Sweet would anticipate full acceptance by FEMA.

Sweet said each plan is reviewed individually by FEMA and he is confident FEMA will be pleased at the work the city is doing on coastal resiliency.

Gable stressed the plan must be approved by FEMA as the State of Oregon has no influence over FEMA.

Traci Williams, P O Box 2337, Gearhart, OR 97138 - has concerns about having a Hazard Acknowledgement and Disclosure Statement for property transfers and substantial improvement. She is concerned about signing *a statement that the property owner accepts and assumes all risks of damage from tsunami associated with the development of the subject property* asks how it applies and if this waives the right of your insurance company or FEMA to step in and help? Or if as a developer she builds a duplex and questions the ability of the property to be insured. Williams said she would not buy a property if she had to sign this statement and is concerned the language would be an exception against coverage.

Connell stated the statement would not be recorded by deed but kept on file at city hall, the statement being mainly for informational purposes. Smith added he concluded the statement would be more educational.

Sweet clarified the FEMA Firm maps are flood insurance rate maps and what controls the hurricane issue. Sweet noted talking to an insurance agent and was told tsunamis are not insurable because they are so infrequent.

Zimmerman asked how the statement would be publicly disclosed, how a new buyer to the community would get that information.

Connell said it is not associated to any sale but takes effect at the time of development.

Williams asked what entails substantial improvement, she is concerned there could be a valid property purchase but the disclosure statement not take effect until a major improvement at that point the homeowner by signing the statement would be required to assume all risks and potentially not be able to insure the property.

Connell said per definition substantial improvement is *cost which exceeds 50 percent of the real market value of the structure*. She also clarified there is no signature required, it is a statement acknowledging development in the Tsunami Hazard Overlay Zone.

Tom Horning, 808 26<sup>th</sup> Ave, Seaside, OR 97138 – he is of the understanding flood hazard insurance covers tsunamis, flood insurance will cover up to \$250,000 for structure and \$100,000 for content and rates are set at your level of risk.

The public testimony was closed at 7:15pm.

On **MOTION** by Smith, 2<sup>nd</sup> by Tomlinson, by unanimous motion based on the findings in this report, I move to approve and forward the proposed Tsunami Resiliency Comprehensive Plan and Zoning Ordinance amendments described in Exhibit A to City Council for adoption with the addition of the final paragraph noted on page 12 in the document noted as Exhibit A.

UNFINISHED BUSINESS

Proposed talking points for the city council/planning commission workshop. Any additional questions are to be sent to the secretary for discussion at the April 11<sup>th</sup> meeting.

NEW BUSINESS

None

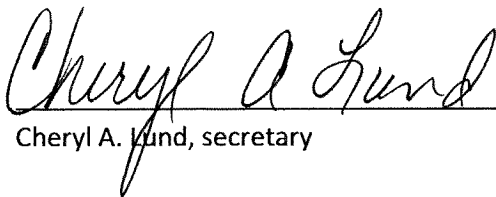
CONCERNS OF THE COMMISSION

None

QUESTIONS FOR THE LAND USE ATTORNEY

None

The meeting was adjourned at 7:23 pm.

  
Cheryl A. Lund, secretary

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approved