

**PUBLIC TESTIMONY  
SUBMITTED FOR  
PROPOSED AMENDMENTS  
RELATED TO FLOOD HAZARD  
OVERLAY ZONE**

**From:** Gary Corbin <[REDACTED]>

**Sent:** Wednesday, May 14, 2025 6:19 AM

**To:** City Planner <[cityplanner@corb.us](mailto:cityplanner@corb.us)>

**Cc:** [REDACTED]  
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**Subject:** Testimony regarding City of Rockaway Beach Planning Commission hearing on Ordinances to amend the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan

To: City of Rockaway Beach, OR  
Mary Johnson, City Planner  
Members of the Rockaway Beach Planning Commission

Please accept the following written advance testimony regarding the matter before the City of Rockaway Beach Planning Commission on proposed amendments to the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan, specifically relative to the National Flood Insurance Program (NFIP).

First, the following statement in the staff findings for this matter requires correction:

“... implementation of the NFIP in Oregon reduces the quantity and quality of habitat that jeopardizes the continued existence of certain threatened or endangered species.” This awkward double-negative wording implies that the affected habitat itself jeopardizes the threatened/endangered species. The exact opposite is true - it is the existing NFIP that adversely impacts the habitat and therefore the viability of those species. In fact, the habitat needs to be preserved so as to protect those species. This needs to be corrected.

Second, that current, flawed NFIP is used as the basis for staff recommendations, and City Council decisions, on zoning and development in the City—and in particular, in the Nedonna Beach area, where significant additional development has been approved by the planning commission and City Council, both claiming that existing law “ties their hands.” **These new regulations give the City an opportunity to untie its hands and provide itself with real tools it can use to more intelligently guide development in a way that promotes public safety, preserves the wetlands, and minimizes flood risk to existing as well as new development.**

The measures proposed today do NOT provide the City with those tools. It takes a minimalist approach, doing the perceived bare minimum to comply with the new regulations, thereby giving developers a green light to proceed with projects that threaten wildlife habitat, put further stress on water quality, and exacerbate the risk of flood damage.

In particular, **the proposed ordinance does not fully equip the City to ameliorate flood risks.** The most significant provision merely extends the area in which property owners can purchase flood insurance. That (1) puts the entire onus of action on property owners—instead of developers whose actions increase flood risk; (2) does nothing to actually decrease or ameliorate against flood damage; and (3) does not place sufficient responsibility on the developer whose actions exacerbate flood damage. It also does nothing to preserve habitat and water quality.

While the ordinance contains some language which could result in tighter review of permit applications and zoning changes, the language is far too permissive to have any real impact. Most notably, the new regulations apply only to developments **exceeding 5 acres or 50 lots** in size (whichever is smaller). That is nearly double the size of the Nedonna Wave development, for example, which by any measure poses significant risks to sensitive wetlands.

This limit begs the question: how many developments have been proposed in Rockaway Beach, and in particular in wetland areas or flood zones, greater than 50 units or 5 acres? I submit to you that the answer to that is zero or near-zero, and I challenge staff to come up with examples, proposed or past, that meet this criterion.

Further, even if there were such proposals in the works, there is nothing in the language to prevent a developer from slicing up their proposals into 49-unit chunks and submitting each one separately, thus avoiding the new, stricter standards.

Thus, **the new standards should apply to all developments, regardless of size.** The Planning Commission should move to strike that provision (Section 3096.1.f.i) altogether and renumber other provisions accordingly.

If the Commission cannot be convinced to eliminate the threshold entirely, at the very least, the threshold should be **significantly less—at most, 10 units or 1 acre.** That still represents a sizable development – \$5 million or more, given current new housing values in Rockaway Beach.

The new regulations also permit development that “will not increase the water surface elevation of the base flood **more than one foot** at any point within the community.” Even a one-foot rise would result in significant flood risk to a large number of homes in Nedonna Beach. **The ordinance should permit NO expected net increase in surface water elevation.** Developers must be required to offset ANY expected increases with ameliorative efforts—in all areas, but at the bare minimum, in floodways and shallow flooding areas.

In addition, **the ordinance should include language holding the developer liable for any and all damages,** including amelioration and restoration, to any wetland area, dwelling, or commercial property adversely affected by development not in compliance with these new standards.

No guidance is provided in the ordinance as to when the flooding levels are to be surveyed to establish base flooding levels. **Surveys should be conducted at both the lowest and the highest point** reached by affected water tables, and expected impacts to and limits on water surface elevation should be applied to **both** the peak and nadir of measured elevations.

Finally, the ordinance as drafted applies only to new developments and excludes those already approved by the City but not yet underway. To the extent possible, **the new rules should apply development of ALL units which have not yet obtained approval of permits to begin design or construction.**

In summary, the City should NOT approve the ordinance as drafted and should instead direct staff to amend the proposed ordinance to reflect the changes suggested herein for future consideration of the Planning Commission, to wit:

- a. Elimination of the 50-unit/5-acre threshold;
- b. Establishing clear liability for any impacts incurred on existing properties, wetlands, and flood zones;
- c. Permit NO expected increased surface water elevation from both peak and nadir base elevation measurements;
- d. Extending the new standards to all projects, including those which have yet to obtain design or permit approvals

Thank you for your consideration of this information.

Sincerely,

Gary Corbin, Ph.D.

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Good evening, Chair and members of the Planning Commission

I'm here today to express my disappointment with the recent updates to the Rockaway Beach Zoning Ordinance and Comprehensive Plan related to the Flood Hazard Overlay Zone—specifically Sections 3.092 through 3.097. While I had hoped these changes would bring meaningful improvements, I find that they fall short.

Some of you may be new to this committee and may not be familiar with the long-standing issues surrounding the Nedonna Wave Planned Unit Development. However, many of you—and certainly the City Council—are well aware of the challenges it has posed to our neighborhood. In previous meetings, both the Planning Commission and the City Council expressed a desire to support the residents of Nedonna Beach, but stated that their ability to act was constrained by the ordinances as they were written.

Well, now is the time to fix this ordinance, remove those constraints, and help the residents that you all say you want to support.

We cannot afford to apply rigorous standards only to large developments—defined as 50 units or 5 acres. Smaller developments, as well as individual lots and single-home builds must be held to the same standards, as they too contribute to the escalating loss of habitat, degradation of water quality, and increased flood risk.

There are instances where the construction of a single home has caused erosion and increased flooding on adjacent properties. Yet homeowners had no recourse—no requirement for the builder to mitigate the impacts. That needs to change.

One way to do this is to ensure the ordinance includes a clear and enforceable requirement that no development may result in a net increase in surface water elevation. This simple yet powerful standard would help protect existing homes, preserve floodplain function, and fulfill our shared responsibility to safeguard both people and the environment.

We all know that climate change will get worse, so let's be smart and proactive.

Thank you for your time and consideration.

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Rockaway Beach