



City of Rockaway Beach

Planning Commission Meeting Minutes

Date: Thursday, May 15, 2025

Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

1. CALL TO ORDER

Planning Commission President Hassell called the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Commissioners Present: Bill Hassell, Penny Cole, Lydia Hess (via Zoom), Sandra Johnson, Nancy Lanyon, Jason Maxfield, and Stephanie Winchester

Council Members Present: Charles McNeilly, Mayor; and Mary McGinnis, Planning Commission Liaison

Staff Present: Luke Shepard, City Manager; Mary Mertz, City Planner; and Elizabeth Avila, Administrative Assistant

4. APPROVAL OF MINUTES

Start time: 5:02 p.m.

a. April 17, 2025 Meeting Minutes

Johnson made a **motion**, seconded Lanyon, to approve the April 17, 2025 Meeting Minutes as presented.

The **motion** carried by the following vote:

Aye: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

Nay: 0

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS – None Scheduled

6. STAFF REPORTS

Start time: 5:02 p.m.

City Planner Mertz provided the following updates:

- Salmonberry Trail project is back under consideration for funding
- Public Hearing next month for amendments to Flood Hazard Overlay (FHO) Zone

7. PUBLIC HEARING

Start time: 5:03 p.m.

a. Consideration of an Approval for Conditional Use at 544 North Pacific Street for Expansion of Non-Conforming Use

Hassell opened the public hearing at 5:03 p.m.

Mayor McNeilly and Council Member McGinnis excused themselves from the hearing so they can remain neutral should the decision be appealed to the City Council.

Hassell provided an introduction and read opening statements, public hearing disclosure statements and procedures, and testifying instructions.

Hassell invited Commissioners to declare bias or conflict of interest. None were declared, and there were no challenges on the basis of bias.

Hassell invited Commissioners to declare ex-parte contacts. None were declared.

Mertz shared slides, presenting the Staff Report, concluding that staff found that the criteria required to grant a conditional use had been met and recommended approval of the applicant's request to expand the nonconforming use of 544 North Pacific.

Hassell invited Commissioners to ask questions of staff regarding the application. No Commissioners had questions.

The applicant had no comments regarding the application.

Hassell invited public testimony. No audience members wished to comment.

There being no further testimony, Hassell closed the public hearing for Conditional Use 25-01 at 5:16 p.m.

The applicant, David Meyer, waived the right to submit final written arguments.

Deliberation/Discussion

- Lanyon shared she supports the Conditional Use request because although this is in a commercial residential area, it is embedded in an only residential zone.
- Johnson commented she agreed that it was a permitted conditional use, since it's been in the same use since 1932 as a residence, and the proposed construction was not changing the footprint.

Winchester made a **motion**, seconded by Johnson, that based on the facts and evaluations presented by the City Staff report, and evidence presented, the Planning Commission approve Conditional Use Application 25-01 to allow for an addition to be constructed for residential use

in the C-1 zone, subject to the Standards outlined in the City's Zoning Ordinance, and direct staff to prepare findings and conclusions, and authorize the Chair to sign an order to that effect.

The **motion carried** by the following vote:

Aye: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

Nay: 0

b. Consideration to Approve Proposed Amendments to the Rockaway Beach Zoning Ordinance, and Comprehensive Plan Related to Flood Hazard Overlay (FHO) Zone, Sections 3.092-3.097, and Recommend their Adoption to the City Council

Start time: 5:15 p.m.

Hassell opened the public hearing at 5:20 p.m.

McNeilly and McGinnis rejoined the meeting at 5:20 p.m.

Hassell provided an introduction and read opening statements, public hearing disclosure statements and procedures, and testifying instructions.

Mertz shared slides presenting the Staff Report. Mertz concluded that the staff recommendation was approval of the drafted amendments, subject to the issuance of a denial in the requested injunction in Oregonians for Floodplain Protection versus the Federal Emergency Management Agency (FEMA).

Commission Questions:

- Mertz confirmed for Lanyon that the Commission needed to make a recommendation that evening in order to comply with FEMA deadlines.
- Mertz confirmed for Lanyon that a decision to approve the amendments would not preclude the City from making further updates to the Comprehensive Plan.
- Maxfield asked if the proposed amendments based on the new model code that was issued by FEMA in 2020 could still be adopted if the 2024 "PICM" model code updates were not included. Mertz explained they would not, since a new public notice would be appropriate.
- Maxfield asked how complicated it would be to reverse the amendments if FEMA changed policy in the next 6 months. Mertz explained that it could be accomplished by holding another public hearing.

Mertz reported that written testimony was received from Gary Corbin, and was included in the meeting packet.

Hassell invited public testimony.

Nancy Webster, resident, testified in opposition, expressing concerns regarding the flooding issues faced in Nedonna, health hazards related to septic tank sewage, and the desire for stronger regulations to protect the community. Webster shared challenges of having only one

exit from the neighborhood during floods, which complicates access for emergency services. Webster spoke about the importance of existing wetlands for protecting drinking water sources in the area.

Gary Corbin, property owner, testified that the proposed language was too permissive, and would provide no practical protection to our wetlands and flood zones. Corbin advocated that the standards apply to all developments regardless of size, proposed establishing clear liability for any impacts incurred in existing properties, and proposed to permit no expected increased surface water elevation from both peak and later elevation measurements.

Delta Holderness, resident, testified in opposition, stating the proposed amendments fell short, and that rigorous standards must apply to all sized developments. Holderness commented that single home developments can contribute to erosion and increased flooding. She advocated for including a clear and enforceable requirement that no development may result in a net increase in surface water elevation.

Commission Questions:

- Mertz clarified, at the request of Maxfield, that the clause regarding 50 lots or 5 acres specifically just requires that the developer provide base flood elevation data, and do their own survey work on the plot. The rest of the ordinance applies to all properties in the mapped special flood hazard area.
- Mertz clarified, at the request of Lanyon, that the proposed amendments were FEMA's model code, and it was one of the three PICM options that communities in Oregon can choose. Mertz explained that communities can either adopt the model code, prohibit all development in the flood hazard area, or do a permit-by-permit review.
- At the request of Winchester, Mertz explained what a permit-by-permit review would entail.
- Mertz confirmed for Winchester that culverts did not have an exception.
- Johnson commented that the "no net loss" provision was a main part of the ordinance, and seemed to be an environmental protection. Mertz confirmed that it was a new standard that FEMA created as a result of the litigation that they faced through the Biological Opinion, and its intent was environmental protection.
- Johnson questioned a potential typographical issue under "historical structure". Mertz noted that the City doesn't have any historic structures that qualify, but staff would look into it.
- Mertz explained for Lanyon, that the "community" was defined by the boundaries on the Flood Insurance Rating Map (FIRM) panels.
- Mertz explained for Lanyon that a "qualified professional" would be specified on the city's applications.
- Mertz explained for Lanyon that substantial improvement determinations utilized the County tax assessor's structure assessment value, unless an applicant provides an appraisal from a qualified professional.
- Lanyon inquired about the data required to be submitted to FEMA. Mertz explained that FEMA was still in the process of building reporting portals for newly required annual reporting.

- Mertz confirmed for Lanyon that the city would need to maintain an updated floodplain development permit form.
- Mertz confirmed for Lanyon that the provision regarding tanks could be updated to require anchoring.
- Mertz confirmed that “rock armor” means “riprap”.

Hassell closed the Public Hearing at 6:01 p.m.

Hassell invited the Commission to deliberate.

- Winchester commented that if the injunction was denied, she would appreciate the opportunity to review the 2020 recommendations in much more detail. Mertz explained that most of the content preceding Section 3.099 was the 2020 model code.
- Lanyon commented on instances of “multi-family.” Mertz explained that there was overlap with the Middle Housing (Senate Bill 406) work, and “multi-family” would be updated to “multi-unit”.
- Mertz clarified for Hess that the deliberation was whether or not to recommend the proposed amendments to the City Council.
- Maxfield expressed concerns that the complexity of the proposed amendments would be difficult for developers. Hassell noted that the language was imposed by FEMA.
- Lanyon inquired if FEMA was offering grants to provide education.
- Shepard noted that City planning staff was always willing to help applicants.

Lanyon made a **motion**, seconded by Winchester, that based on the facts and evaluations presented in the City Staff report and evidence presented planning Commission recommend to the City Council approval and adoption of the amendments to the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan, subject to the issuance of a denial of the requested injunction in *Oregonians for Floodplain Protection v. FEMA*.

The **motion carried** by the following vote:

Aye: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

Nay: 0

8. CITIZEN INPUT ON NON-AGENDA ITEMS

Hassell invited public comment. No audience members wished to comment.

9. OLD BUSINESS – None Scheduled

10. NEW BUSINESS – None Scheduled

11. PLANNING COMMISSION COMMENTS & CONCERNS

Start time: 6:08 p.m.

Lanyon questioned whether the public comment time limit should match the 4-minute limit just established by the City Council. Lanyon commented on the large number of proposals and documents that had come before the City Council and Planning Commission that week.

Maxfield welcomed Cole to the Planning Commission. He thanked Lanyon for sharing a podcast regarding vacancy taxes.

Maxfield shared observations of the pedestrian experience in the community and what might incentivize or encourage people to spend more time shopping than parking, such as public art, benches, and alcoves. Maxfield questioned whether the City Council would be interested in asking the Planning Commission to consider looking at developing community design standards within the commercial zone. McGinnis said the issue had come up before, and she would raise it at a City Council workshop. McNeilly added that the City would be doing an Economic Development Study in the fall, and it would be a great time to discuss those ideas.

Cole thanked all for the warm welcome and looked forward to working with everyone.

Hassell shared that two benches have been purchased for the boardwalk. He announced the kickoff for David's Chair was Saturday.

Hess welcomed Cole. Hess advocated for considering a dark skies ordinance.

McGinnis welcomed Cole. McGinnis expressed confidence in the Planning Commissioners' work and expressed her appreciation. McGinnis reported on participation in a panel discussion with the Oregon Coast Visitors Association, where Rockaway Beach's actions toward improving accessibility were shared.

McNeilly welcomed Cole and shared a reflection of when they met. McNeilly thanked staff for their work.

12. ADJOURNMENT

Winchester made a **motion**, seconded by Cole, to adjourn the meeting at 6:19 p.m.

The **motion** carried by the following vote:

Aye: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

Nay: 0

MINUTES APPROVED THE
26TH DAY OF JUNE 2025



William Hassell, President

ATTEST



Melissa Thompson, City Recorder