



City of Rockaway Beach

Planning Commission Meeting Agenda

Date: Thursday, May 15, 2025
Time: 5:00 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

Watch live stream here: <https://corb.us/live-stream>
View meeting later here: <https://corb.us/planning-commission/>

Join here to attend remotely on Zoom:
<https://us06web.zoom.us/j/87487774072?pwd=SFrWKcZpdDaVa1AAEUimGvObRRpH3E.1>

Meeting ID: 874 8777 4072
Passcode: 952582
Dial by your location
253 215 8782 US (Tacoma)

1. **CALL TO ORDER** – Bill Hassell, Planning Commission President
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
 - a. April 17, 2025 Meeting Minutes
5. **PRESENTATIONS, GUESTS & ANNOUNCEMENTS** – None Scheduled
6. **STAFF REPORTS**
7. **PUBLIC HEARING**
 - a. Consideration of an Approval for Conditional Use at 544 North Pacific Street for Expansion of Non-Conforming Use
 - 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
8. **CITIZEN INPUT ON NON-AGENDA ITEMS**
9. **OLD BUSINESS** – None Scheduled
10. **NEW BUSINESS** – None Scheduled
11. **PLANNING COMMISSION COMMENTS & CONCERNS**
12. **ADJOURNMENT**

City of Rockaway Beach

Planning Commission Meeting Minutes



Date: Thursday, April 17, 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, Sandra Johnson, Nancy Lanyon, Lydia Hess, and Jason Maxfield

Commissioners Excused: Stephanie Winchester

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

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

Consultants Present: Rachel Cotton and Jamin Kimmell, Cascadia Partners

4. APPROVAL OF MINUTES

Start time: 5:01 p.m.

a. March 20, 2025 Meeting Minutes

Johnson made a **motion**, seconded by Maxfield, to approve the March 20, 2025 Meeting Minutes as presented.

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

Aye: 5 (Johnson, Lanyon, Hess, Maxfield, 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 to Approve Proposed Amendments to the Rockaway Beach Zoning Ordinance, Subdivision Ordinance and Comprehensive Plan Related to Middle Housing, and Recommend their Adoption to the City Council

Hassell opened the public hearing at 5:04 p.m.

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

Mertz presented the Staff Report.

Hassell invited Commissioners to ask questions of staff regarding the amendments.

Questions included:

- Question whether sink should be specified as part of provisions for sanitation, and related question regarding what constitutes a dwelling unit. Consultant's interpretation was that "provisions for sanitation" included a sink. Consultant advised that proposed amendments were intentionally more general, since the residential building code has more specific parameters.
- Commissioner general comment that the City may need to evaluate definitions of "steep" and "wetlands".
- Commissioner questioned the no density maximum. Staff confirmed it was a required change and Consultant noted that other design standards such as minimum lot size and setbacks would still apply.
- Staff confirmed that townhouse façade requirements would still have to meet setbacks.
- Commissioners questioned outdoor on-site parking and maneuvering area maximum of 12 feet. Consultant explained it was based on the Department of Land Conservation and Development (DLCD) model code, and referred to previous meeting discussions regarding pros and cons considered.
- Staff clarified cottage clusters setback requirements.
- Consultant clarified cottage cluster footprint vs. average unit size.
- Commissioner questioned cottage cluster process regarding the number of units developed within a specific timeframe and Consultant clarified that requirements would be subject to the building permit process.
- Staff confirmed that once a middle housing land division has taken place the land cannot be further divided to do another dwelling unit on it; it can only be used for that middle housing division.
- Commissioner noted correction on page 28 to change "family" to "unit".

Hassell invited public testimony.

Kristin Koptiuch, resident and member of County Housing Commission, testified in favor of the proposed amendments, expressing that multi-family housing is desperately needed as a modest way to increase local density.

Mertz reported that no written testimony was received.

Johnson made a **motion**, seconded by Hess, to close the Public Hearing at 5:41 p.m.

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

Aye: 5 (Johnson, Lanyon, Hess, Maxfield, Hassell)

Nay: 0

Hassell invited the Commission to deliberate.

There was brief discussion regarding adding the word “sink” to the definition of dwelling unit, and comments that “sink” was considered to be included in “sanitation”.

Hess made a **motion**, seconded by Lanyon, that based on the facts and evaluations presented in the City Staff Report, and evidence presented, the Planning Commission recommend to the City Council approval and adoption of the amendments to the City of Rockaway Beach Zoning Ordinance, Subdivision Ordinance, and Comprehensive Plan, with the following changes: wherever the word “family” appears, change it to “unit”.

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

Aye: 5 (Johnson, Lanyon, Hess, Maxfield, Hassell)

Nay: 0

8. CITIZEN INPUT ON NON-AGENDA ITEMS

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

9. OLD BUSINESS

a. Review of Draft Code Amendments Providing Exception to STR Cap for Accessible Short-Term Rentals

Start time: 5:45 p.m.

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

Mertz explained that the proposed license cap exception for accessible short-term rentals would not count towards the license total, and thus would not affect those on the license waiting list.

Discussion ensued regarding specific physical and cognitive accessibility requirements, cap recommendations, usage and availability requirements, and concern regarding the application process once the exception is in place.

Johnson made a **motion**, seconded by Hess, that the Planning Commission approve the short-term rental minimum accessibility standards, adding in an accessible microwave, and adding in the cognitive accessibility requirements that are set forth, with the bathtub being optional and all other requirements being mandatory instead of a certain number out of each. Johnson further moved that on the short-term rental minimum accessibility standards sink requirement, that the sink lip must be no higher than 34 inches. Johnson further moved to recommend that a total of one license availability exception may be issued to accessible dwelling units.

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

Aye: 5 (Johnson, Lanyon, Hess, Maxfield, Hassell)

Nay: 0

10. NEW BUSINESS

a. Review of Large Community Grant Applications

Start time: 6:29 p.m.

Mertz shared slides summarizing Commissioner's scoring of the Large Community Grant applications showing three funding options for each grant based on the rankings.

Discussion ensued and Mertz answered clarifying questions. Concerns were expressed about the lack of detail or estimates in the Lions Club application.

Johnson stated that she is on the Board of Meals for Seniors, has volunteered with the Business Association and Neah-Kah-Nie Coast Art, Music and Cultural Foundation (NCAM), and participates in the Lions Club cleanups. Johnson stated that since they are non-profits, she is not required to declare a potential conflict of interest.

There was further discussion and consensus to approve option 1, whereby funds are disbursed by ranking, until funds run out.

Maxfield made a **motion**, seconded by Johnson, that the Planning Commission recommend that the City Council award Large Community Grants in the dollar amounts indicated:

Fulcrum Community Resources and Rockaway Beach Business Association: \$19,000

Meals for Seniors: \$20,000

Neah-Kah-Nie Coast Art, Music and Cultural Foundation: \$18,206.42

Rockaway Beach Lion's Club: no award

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

Aye: 5 (Johnson, Lanyon, Hess, Maxfield, Hassell)

Nay: 0

11. PLANNING COMMISSION COMMENTS & CONCERNS

Start time: 6:50 p.m.

Johnson shared a reminder about the Easter Egg Hunt at Phyllis Baker Park.

Lanyon commented on a news report about 3D printing houses as a means to create affordable housing.

Maxfield acknowledged Easter weekend and the beginning of summer events, and thanked all involved for organizing them. Maxfield suggested the City consider a commercial vacancy tax.

McGinnis praised Mertz and thanked the Planning Commissioners for their work. McGinnis thanked City staff for their gift bag presentation of grant awards. McGinnis shared information about NCAM.

Hassell expressed desire to revisit getting benches on the boardwalk.

McNeilly commended the Commission for their work that night. McNeilly shared information about weekend events. McNeilly stated that the proposed budget included funds to do an Economic Development Strategic Plan.

12. ADJOURNMENT

Hess made a **motion**, seconded by Maxfield, to adjourn the meeting at 6:58 p.m.

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

Aye: 5 (Johnson, Lanyon, Hess, Maxfield, Hassell)

Nay: 0

MINUTES APPROVED THE
15TH DAY OF MAY 2025

William Hassell, President

ATTEST

Melissa Thompson, City Recorder

DRAFT



**CITY OF ROCKAWAY BEACH
PLANNING COMMISSION ACTION**

STAFF REPORT

Case File #CU-25-01
Hearing Date: May 15, 2025

APPLICANT: David Meyer

REQUEST: The Applicant is seeking approval for to expand the non-conforming use of 544 North Pacific Street. The Applicant own the property on North Pacific Street which is zoned C1 – Commercial. The Applicant seeks to construct an addition to the current residential structure, for continued residential use. The Rockaway Beach Zoning Ordinance requires the expansion of a non-conforming use to be permitted conditionally.

A. REPORT OF FACTS

1. Property Location: The property is 544 North Pacific Street, Rockaway Beach and is further identified on Tillamook County Assessor's Map # 2N1032CB Lot #6000.
2. Lot Size: approximately 5,739 square feet.
3. Zoning Designation: C1 (Commercial Zoning).
4. Surrounding Land Use: The subject property is surrounded by residential uses to the North, East, and South, and commercial tourism lodging facilities to the West.
5. Existing Structures: There is a 928 square-foot, 1½ story (finished attic), residential building on this property, which was constructed in 1932.
6. Utilities: The following utilities serve the subject property:
 - a. Sewer: City of Rockaway Beach
 - b. Water: City of Rockaway Beach
 - c. Electricity: Tillamook P.U.D.
7. Development Constraints: This home is located atop the berm on North Pacific Street, identified as fine, sandy soil.

B. EVALUATION OF THE REQUEST

1. General Description of the Proposal: The Applicant is requesting approval to expand the non-conforming use of 544 North Pacific Street, which is zoned C1 – Commercial. The Applicant seeks to add an addition to the current residence.
2. Background: This property is currently developed with a single family dwellings, which the Applicant is seeking to add an addition onto. To expand the non-conforming use (residential use in the commercial zone), the Applicant must seek conditional use approval.
3. Agency Comments: None.
4. Ordinance Standards: The following ordinance standards apply to this request:



Rockaway Beach Zoning Ordinance

Article 3. Use Zones.

Section 3.050. Commercial Zone (C-1).

1. **Uses Permitted Outright:** In a C-1 zone, the following uses and their accessory uses are permitted outright:
 - a. Retail activities.
 - b. Services such as banks, barber and beauty shops, small repair shops, printing shops, laundries.
 - c. Eating and drinking establishments.
 - d. Amusement activities.
 - e. Business and professional offices.
 - f. Motels, hotels, and bed and breakfast.
 - g. Churches or community meeting halls.
 - h. Hospital, sanitarium, nursing home or rest home.
 - i. Arts or craft studios.
 - j. Public utility structure such as a substation.
 - k. Parks and publicly owned recreation areas.
 - l. Government or municipal structure.
 - m. Home occupation (See Section 4.090).
 - n. Private recreation uses such as tennis courts, and swimming pools or racquetball facility, when not in conjunction with another permitted use.
 - o. Family day care center and day care center.
 - p. Residential home.
 - q. Residential facility.
 - r. Signs in accordance with Section 4.050.
 - s. Mobile Food Unit.
 - t. A manufactured dwelling or recreational vehicle used during the construction of a permitted use for which a building permit has been issued, but not to exceed 6 months duration.
 - u. Structural shoreline stabilization.
 - v. Residential Use, limited to the second story or above, and no more than 50% of the ground floor, on the condition that a commercial use be located on at least 50% of the area of the ground floor
2. **Conditional Uses Permitted.** In a C-1 zone, the following conditional uses and accessory uses are permitted:
 - a. Service stations, car lots, lumber yards, mobile home dealerships, public or private parking facilities, boat dealers, farm equipment dealers, or similar uses which require large land areas. These uses are intended to be outside of the immediate downtown area (between N. 4th to S. 3rd, the oceanfront and Beacon Street) and located on U.S. Highway 101. The Planning Commission or City Council shall consider this when issuing conditional use permits.
 - b. Cabinet or wood working shops, plumbing, heating, electrical, paint or other contractor storage, retail or sale shops.
 - c. Secondhand sales with all merchandise enclosed within a structure.



- d. Wholesale warehouse or storage establishments.
 - e. Tire retreading, welding or machine shops.
 - f. Single family dwellings including modular housing and manufactured homes, duplexes and multiple family dwellings. Manufactured homes shall be subject to the standards of Section 4.091.
3. **Standards.** In a C-1 zone, the following standards shall apply:
- a. Building setbacks shall be governed by fire protection standards administered by the Building Official.
 - b. Maximum building height shall be 45 feet, except that on the oceanfront from North Third Avenue to North Sixth Avenue the maximum building height shall be 20 feet.
 - c. Where a 45 foot building height is permitted, the first story shall be a minimum of 12 feet in height as measured from grade and shall be designed to accommodate future potential commercial use.
 - d. Multiple story buildings shall use architectural design features to differentiate the first story and the first story shall be designed to accommodate future potential commercial use.
 - e. The height above grade of an overhang or awning shall be a minimum of 10 feet above the sidewalk grade and 12 feet above the street grade where no sidewalk exists.
 - f. For commercial uses, permanent landscaping consisting of native vegetation is encouraged. Hardscape features such as benches, walkways, and outdoor seating areas shall be compliant with the American with Disabilities Act Accessibility Guidelines.
 - g. Where a commercial use abuts a residential zone, the commercial use shall provide a sight-obscuring fence or hedge of at least 5 feet in height. Floodlights shall be shielded so as not to cast glare on an adjacent residential use.
 - h. Storage of merchandise, waste disposal equipment, or similar material shall be screened from view.
 - i. Automobile service stations shall have a minimum lot size of 10,000 square feet, with a minimum width of 100 feet.
 - j. Commercial uses shall have permanent facilities, such as an office, which are connected to City services including water and sewer.

Article 6. Conditional Uses.

Section 6.010. Authorization to Grant or Deny Conditional Uses

Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in Section 6.010 through Section 6.030. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements dealing with conditional uses.

Section 6.020. Conditional Use Review Criteria

Before a conditional use is approved, findings will be made that the use will comply with the following:

1. The proposed use is consistent with the policies of the Comprehensive Plan;



2. The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties. This standard is not applicable to multi-family dwellings, manufactured dwelling subdivisions and manufactured dwelling parks;
3. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated;
4. Public facilities and services are adequate to accommodate the proposed use;
5. The site's physical characteristics in terms of topography and soils is appropriate for the intended use; and
6. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities, or other facilities which are required by City ordinances or desired by the applicant.

C. STAFF SUMMARY

As outlined below, the Applicant has met the criteria for granting the variance request to construct a duplex in the commercial zone.

1. The proposed use is consistent with the policies of the Comprehensive Plan;

FINDING: This criteria has been met. The Comprehensive Plan outlines a need for additional residential housing and supports the location of housing in this commercial area, if already developed residentially.

2. The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties. This standard is not applicable to multi-family dwellings, manufactured dwelling subdivisions and manufactured dwelling parks;

FINDING: This criteria is not applicable.

3. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated;

FINDING: This criteria has been met. The proposed addition will not generate additional traffic.

4. Public facilities and services are adequate to accommodate the proposed use;

FINDING: This criteria has been met. This property is already serviced with City sewer and water services. Additional SDC and hookup fees will need to be paid by the Applicant for the second dwelling unit, prior to connecting to the City's sewer and water services. The City's sewer and water services are adequate to meet the demand of the Applicant's proposed duplex.

5. The site's physical characteristics in terms of topography and soils is appropriate for the intended use; and

FINDING: This criteria has been met. The property's topography and soils are adequate for the proposed addition.

6. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities, or other facilities which are required by City ordinances or desired by the applicant.



FINDING: This criteria has been met. The site has adequate area to accommodate the proposed addition.

D. CONCLUSION

If, after hearing the evidence at the hearing, the Planning Commission agrees that sufficient facts exist to grant the conditional use, they should direct staff to write findings based on the evidence to permit the conditional use. If they do not find that sufficient evidence exists to allow the conditional use, they should direct staff to write findings for denial of the conditional use.

E. STAFF RECOMMENDATION

Approval of the Applicant's request to expand the non-conforming use of 544 North Pacific Street.

In the event of an approval, Staff offer the following suggested motion for the Planning Commissioner's consideration:

I move that based on the facts and evaluations presented in 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.



APPLICATION LOCATION:



**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>

Cc: [REDACTED]
[REDACTED]

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.

[REDACTED]
Rockaway Beach, OR

Mailing address:

[REDACTED]
Camas, WA 98607

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.

Delta Holderness


Rockaway Beach

City of Rockaway Beach, Oregon

276 S. Highway 101, PO Box 5
Rockaway Beach, OR 97136
(503) 374-1752 FAX (503) 355-8221
www.corb.us * cityhall@corb.us



CONDITIONAL USE APPLICATION

Applicant Name: FUNKTIONAL PROPERTIES LLC

Mailing Address: PO BOX [REDACTED] ROCKAWAY BEACH OR 97136

Email Address: [REDACTED]

Phone Number: [REDACTED]

Owner (If different than applicant): DAVID MEYER

Mailing Address: PO BOX [REDACTED] ROCKAWAY BEACH OR

Email: [REDACTED]

Phone Number: [REDACTED]

Property Location:

Map: 2N1032BC0600 Tax Lot: _____ Block: _____ Lots: 6000

Street Address: 544 N. PACIFIC ST. ROCKAWAY BEACH OR 97136

Description of Proposal:

13'X25' ADDITION ON EXISTING FOUNDATION

Justification of the conditional use request. Explain how the request meets each of the following criteria for granting a conditional use per Rockaway Beach Zoning Ordinance #143, as amended, Article 6, Conditional Uses, Section 6.020, Conditional Use Review Criteria.

- The proposed use is consistent with the policies of the Comprehensive Plan.
YES, Residential structure, staying residential

2. The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties. This standard is not applicable to multi-family dwellings, Manufactured dwelling subdivisions and manufactured dwelling parks.

YES Built on existing foundation footprint maintaining existing setbacks

3. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated.

PROJECT WILL NOT GENERATE ANY EXCESSIVE TRAFFIC Same as current.

4. Public facilities and services are adequate to accommodate the proposed use.

YES existing, adding a bathroom.

5. The sites physical characteristics in terms of topography and soils is appropriate for the intended use.

YES

6. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities or other facilities that are required by City ordinances or desired by the applicant.

Note: Use extra sheets, if necessary, for answering the above questions.

Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structure(s) and dimensions of proposed development. SEE ATTACHED

Applicant Signature:

[Redacted Signature]

Date:

4/2/25

Property Owner Signature:

[Redacted Signature]

Date:

4/2/25

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Please attach the name, address, email, phone number and signature if any additional property owners.

Non-refundable fee (Any additional expenses will be billed accordingly.)

The City of Rockaway Beach is an Equal Opportunity Employer and TTY accessible at <http://www.oregonrelay.com>

CLIENT: David Meyer
 544 N. PACIFIC ST.
 ROCKAWAY BEACH, OR 97136
 LOT 2N1032BC06000
 ZONING: RK_C1

STRUCTURAL ENGINEER: PROSTRUCT ENGINEERING
 SURVEYOR: DALLAS ESPLIN: BAYSIDE SURVEYING LLC
 503:842-5551
 DESIGNER: KATY WHITE 541-806-4200 FUNKTIONAL
 PROPERTIES
 BUILDER: FUNKTIONAL PROPERTIES LLC. CCB#228407

EXISTING SQ. FT. 928
 1.5 STORY: PEAK 19'
 CURRENTLY 2BD/1BA : PROPOSED 3BD/2BA
 NEW PROPOSED SQ. FT. 1266
 FIRST FLOOR 945 SECOND FLOOR 321
 NEW DECK SQ. FT. 850

SETBACKS
 EAST SETBACK BACK OF PROPERTY TO EXISTING
 STRUCTURE 7'
 SOUTH SIDE SETBACK TO CURRENT DECK/FOUNDATION
 WALL 10'
 NORTH SIDE SETBACK TO CURRENT EXISTING 7'
 WEST SIDE FRONT SETBACK OVER 80'+

ENGINEERED DRAWING SET OVERRIDES ALL OTHER
 DETAILS FOR FOUNDATION AND FRAMING DETAILS.
 STRUCTURAL DRAWING SET DIRECTLY PROCEEDING
 ARCHITECTURAL SET.

GENERAL NOTES:

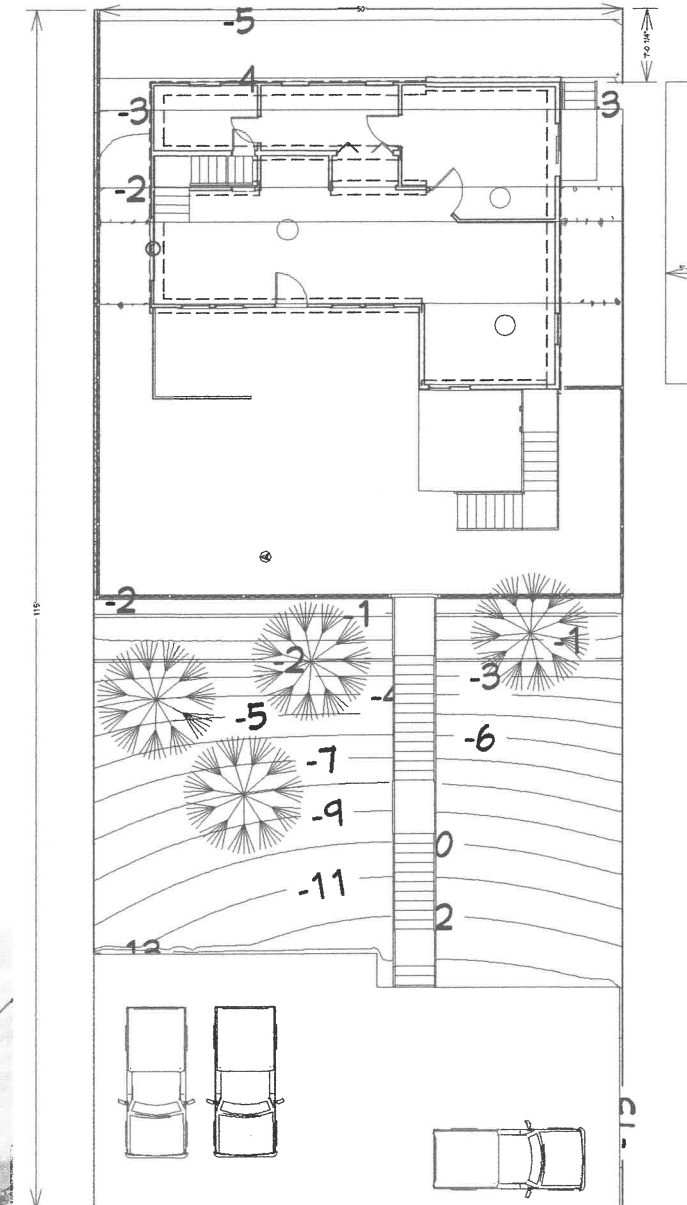
THE BUILDER SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN, IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES. CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

PLEASE SEE ADDITIONAL NOTES CALLED OUT ON OTHER SHEETS.

BUILDING PERFORMANCE:

HEAT LOSS CALCULATIONS SHALL COMPLY WITH THE REQUIREMENTS OF REGIONAL AND LOCAL CODES. SEE CALCULATIONS. PORCHES, DECKS, FOUNDATION, FIREPLACE ENCLOSURES, AND GARAGE AREAS NOT INCLUDED IN LIVING AREA. ALL EXHAUST FANS TO BE VENTED DIRECTLY TO THE EXTERIOR. ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.



EXISTING

NEW TERRAIN PLAN-PLOT PLAN

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

DRAWINGS PROVIDED BY:
 KATY WHITE
 FUNKTIONAL PROPERTIES LLC
 CCB#228407
 CONTACT: FUNKTIONALPROPERTIES@GMAIL.COM

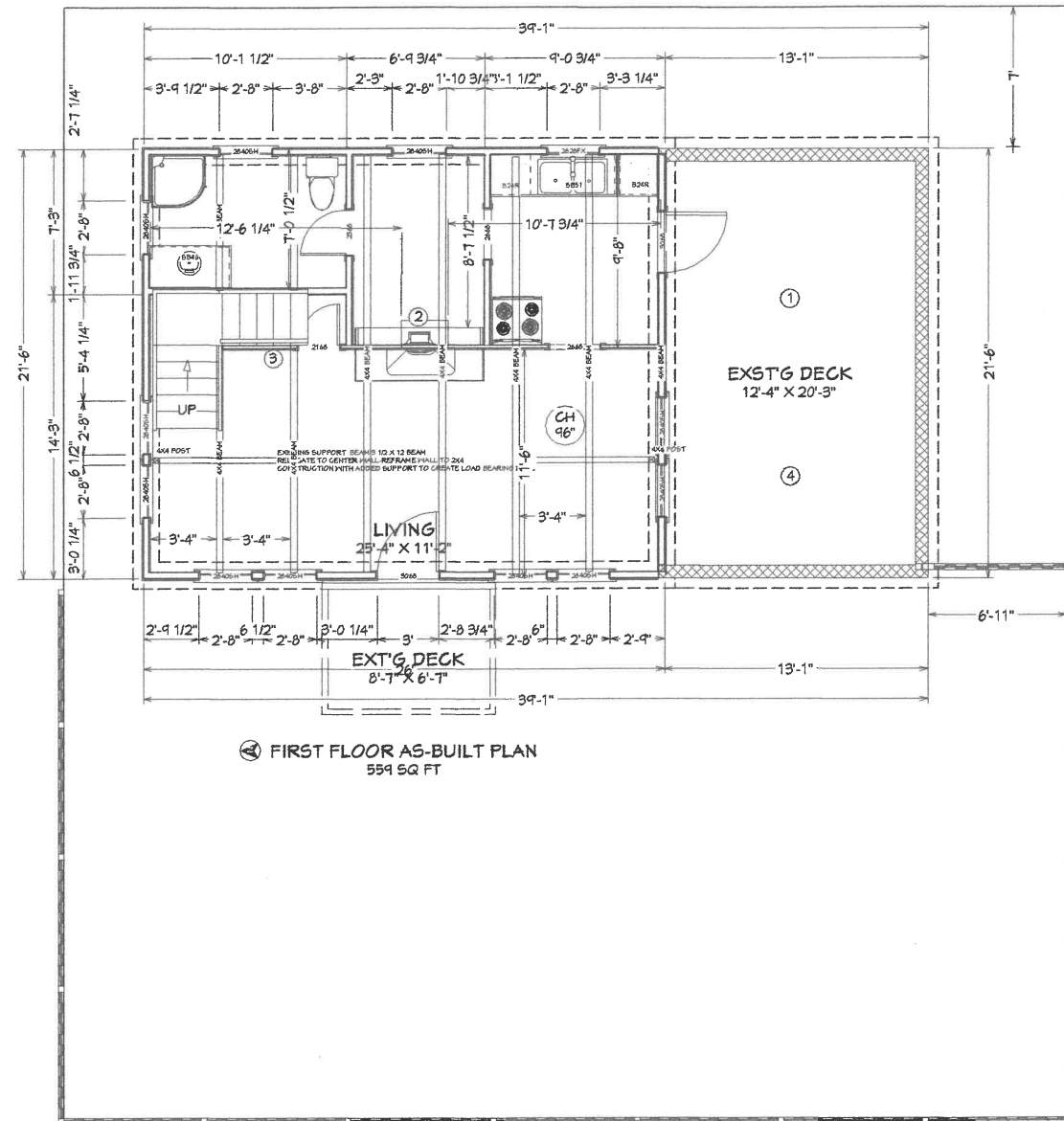
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4/1/2025

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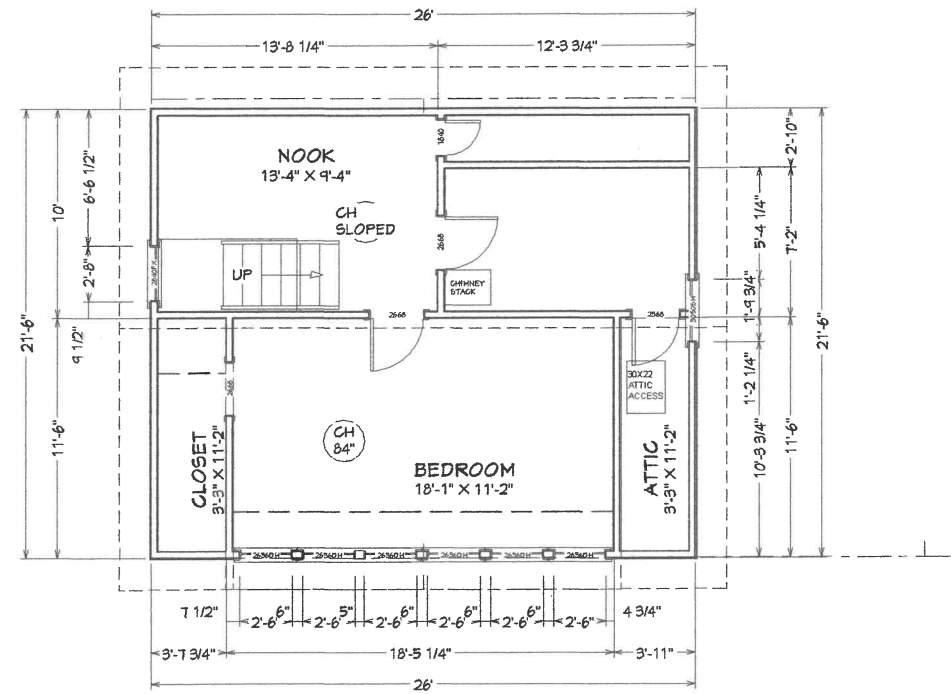
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A1

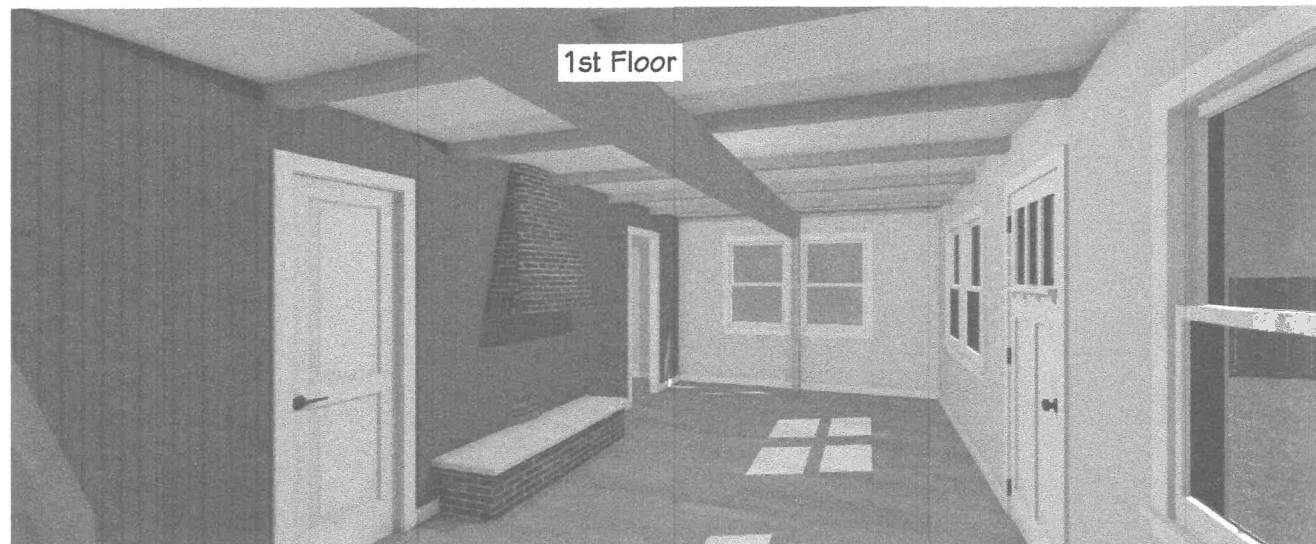


FIRST FLOOR AS-BUILT PLAN
554 SQ FT

AS BUILTS



SECOND FLOOR AS BUILT PLAN
511 SQ FT



PERSPECTIVE OF APPROXIMATE CURRENT EXISTING CONDITIONS

NOTE SCHEDULE	
①	EXISTING DECK IS SUPPORTED BY 4X4 PRESSURE TREATED POST AND PIER ON 3 6X10 BEAMS RUNNING N/S. FOUNDATION IS CMU STEM WALL WITH 2X6 SILL PLATE, CMU BLOCK STEM WALL MAX HEIGHT 48\"-LOWEST POINT AT GRADE NEW WALLS TO BE SET ON REPAIRED CMU STEM WALL FOUNDATION
②	EXISTING FIREPLACE STRUCTURE IN CENTER OF BUILDING. DISTANCE FROM NORTH WALL TO FIREPLACE STACK (BEAM LENGTH) 12'6\". DISTANCE FROM SOUTH WALL TO FIREPLACE STACK 10'6\"(BEAM LENGTH) FIREPLACE STACK GOES FROM GROUND THROUGH EXISTING ROOF. STAIRCASE CAN BE REFRAMED TO WORK WITH NEW BEAMS AND WALL FRAME SUPPORT.
③	EXISTING 4X4 BEAMS ARE 44\" OC AND SPAN EAST TO WEST. THE BEAMS HAVE BEEN CUT AT THE BATHROOM AND STAIR LOCATION AND ARE SUPPORTED BY 2X6 VERTICAL FRAMING. SUGGESTION TO RE-FRAME CENTER WALL AND STAIRCASE WITH NEW BEAM AND FRAMED WALL SECTIONS. (SEE ATTACHED SKETCH)
④	ENGINEER: DETAIL FOR ROOFTOP DECK: FLAT ROOF WITH TPO MEMBRANE, CENTER DRAIN, MINIMAL SLOPE TO DRAIN DECKING MATERIAL RAISED 3/4\" ABOVE MEMBRANE

NOTES

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

DRAWINGS PROVIDED BY:
KATY WHITE
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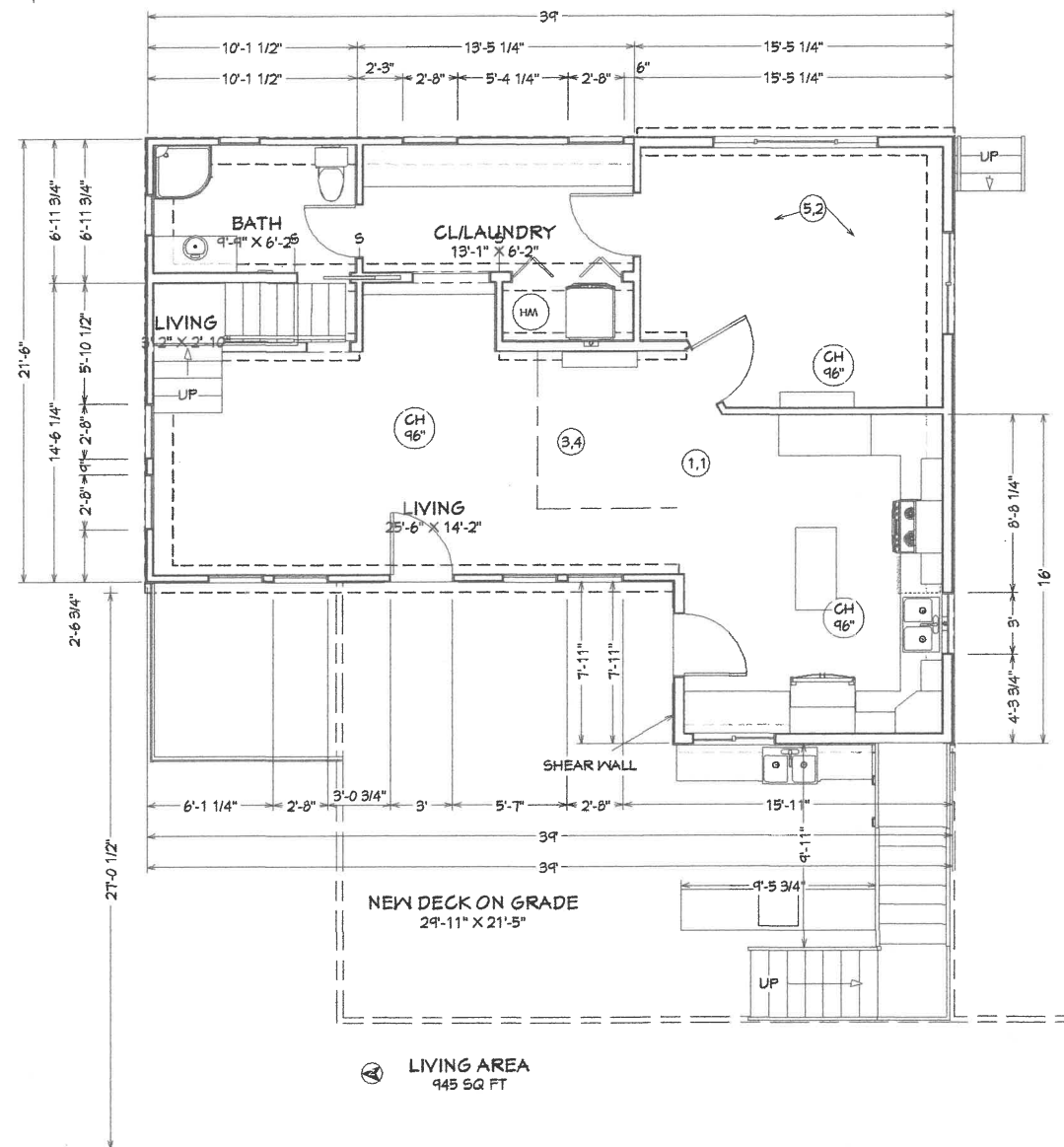
DATE:
4/1/2025

SCALE:

SHEET:

A2

PROPOSED NEW PLAN



Floor Plan View Dimensioned

2D SYMBOL	WALL SCHEDULE	WALL TYPE
[Symbol]	DECK RAILING/FENCE	
[Symbol]	INTERIOR-6	
[Symbol]	INTERIOR-4	
[Symbol]	SIDING-4	
[Symbol]	SIDING-6	
[Symbol]	INTERIOR RAILING	

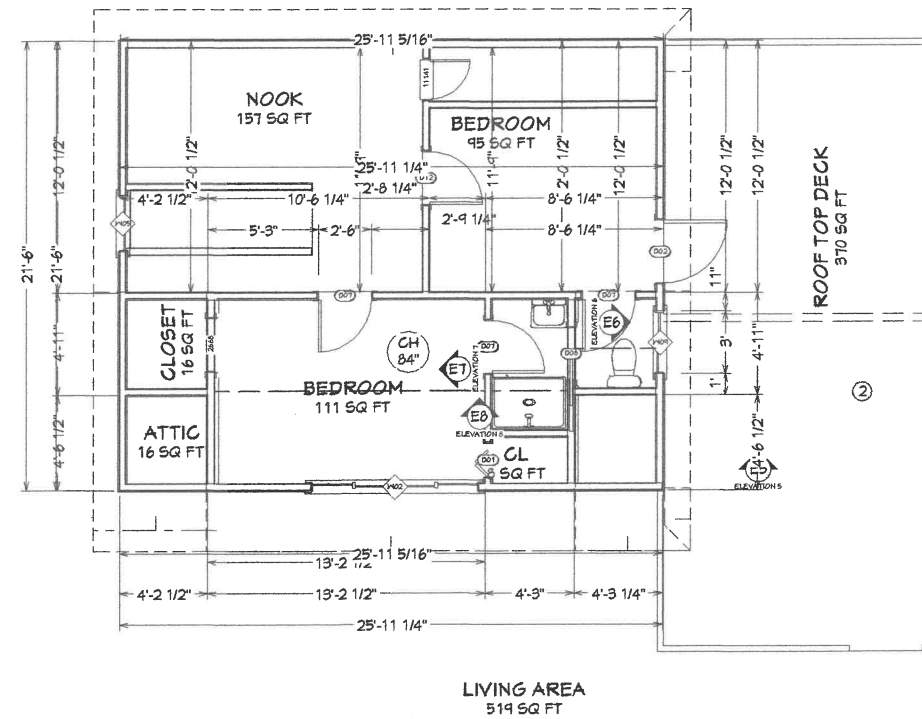
WALLSCHEDULE

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.

BUILDING CONTRACTOR/HOME OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, SPECS, AND CONNECTIONS BEFORE CONSTRUCTION BEGINS.

ELECTRICAL SYSTEM CODE: SEC.2701
MECHANICAL SYSTEM CODE: SEC.2801
PLUMBING SYSTEM CODE: SEC.2901

THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF [YOUR COMPANY NAME HERE], DEVELOPED FOR THE EXCLUSIVE USE OF [YOUR COMPANY NAME HERE]. USE OF THESE DRAWINGS AND CONCEPTS CONTAINED THEREIN WITHOUT THE WRITTEN PERMISSION OF [YOUR COMPANY NAME HERE] IS PROHIBITED AND MAY SUBJECT YOU TO A CLAIM FOR DAMAGES FROM _____.



2ND FLOOR NEW PLAN
SCALE: 1/4"=1'-0"

GENERAL SOW:
NEW CONDITIONED SPACE 390 SQ. FT.
NEW LOWER LEVEL DECK AND (PARAPET) ROOFTOP DECK ABOVE ADDITION

ALL EXISTING SETBACKS TO REMAIN.

FRAME FOR NEW ADDITION, DECKING AND ROOFTOP DECK. USE TPO MEMBRANE AND SEALED DRAIN SYSTEM FOR WATER DRAINAGE ON BELOW UPPER DECK
FRAME OPENINGS IN EXISTING SOUTH WALL TO SUPPORT NEW OPENINGS TO ADDITION.
ADD ENGINEERED BEAMS AND POSTS TO SUPPORT EXISTING ROOF LOAD AND 1/2 STORY ABOVE AT SPECIFIED LOCATIONS.
FOUNDATION FOR NEW ADDITION: STEM WALL OR CMU BLOCK TYP. (MATCH EXISTING OR BETTER)
NEW WINDOWS AND DOORS THROUGHOUT (SEE WINDOW SCHEDULE)
ALL INTERIOR FINISHES AND FIXTURES IN NEW ADDITION
ADD BATHROOM TO 2ND FLOOR MAIN BEDROOM TO ACCOMMODATE UPSTAIRS BEDROOMS.
ADD DOOR FROM 2ND FLOOR TO ROOFTOP DECK FOR EGRESS

TERRAIN NOTES:
GRADE LOWER TERRAIN WITH MAINTAIN MINIMUM SLOPE FOR DRAINAGE:
GRAVEL PAD TO SUPPORT 4 CARS

ELECTRICAL NOTES
*NEW ELECTRICAL PANEL
*RELOCATE CURRENT POWER POLE TO FRONT OF STRUCTURE, ADD SUBPANEL IF NEEDED
*REMOVE AND REPLACE PLUMBING AS NEEDED.

PLUMBING NOTES
*SOFFIT ON MAIN LEVEL BELOW NEW BATHROOM ON SECOND FLOOR. MINIMIZE AS NECESSARY TO MAINTAIN MAXIMUM HEAD HEIGHT.
TIE INTO EXISTING SYSTEM WHERE POSSIBLE.
VERIFY EXISTING DRAIN LINE IS SUFFICIENT TO SUPPORT NEW BATHROOM AND KITCHEN. UPGRADE AS NECESSARY

ROOF NOTES:
MINIMAL ROOF SLOPE REQUIRED FOR WATER DRAINAGE
SEE ENGINEER SET

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

DRAWINGS PROVIDED BY:
KATY WHITE
FUNKTIONAL PROPERTIES LLC
CCB#028407
CONTACT: FUNKTIONALPROPERTIES@GMAIL.COM

DATE:

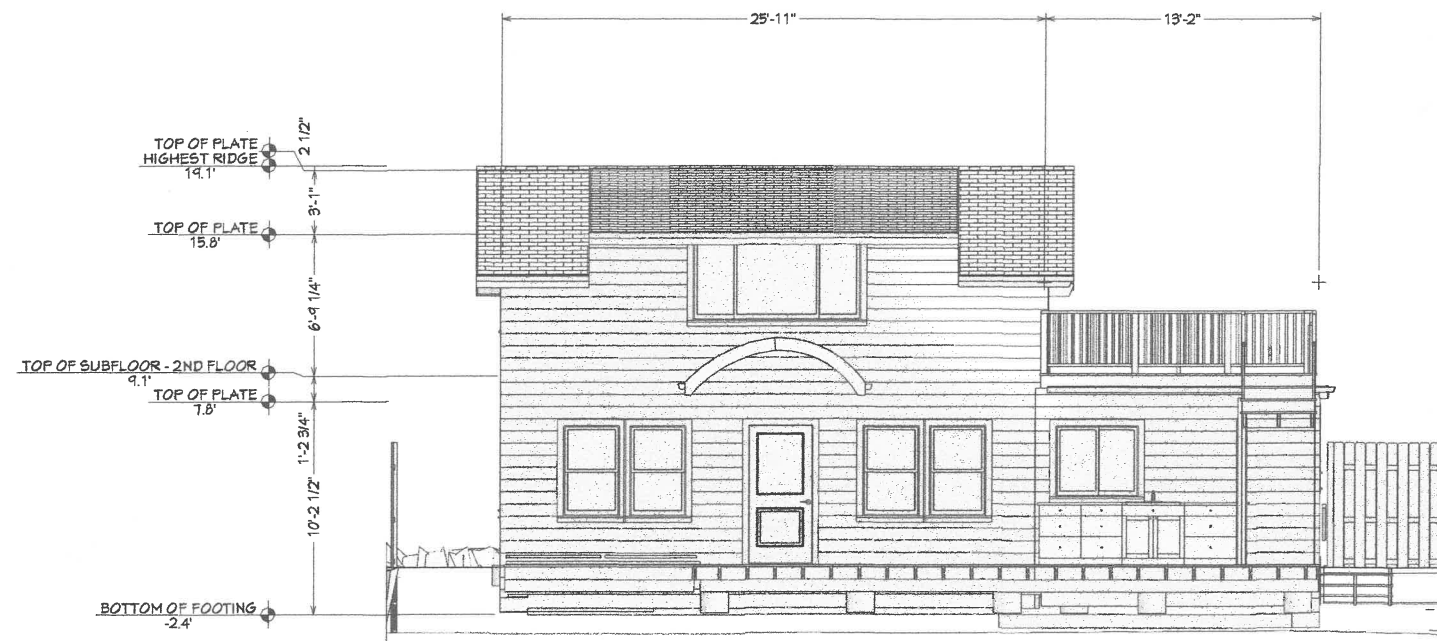
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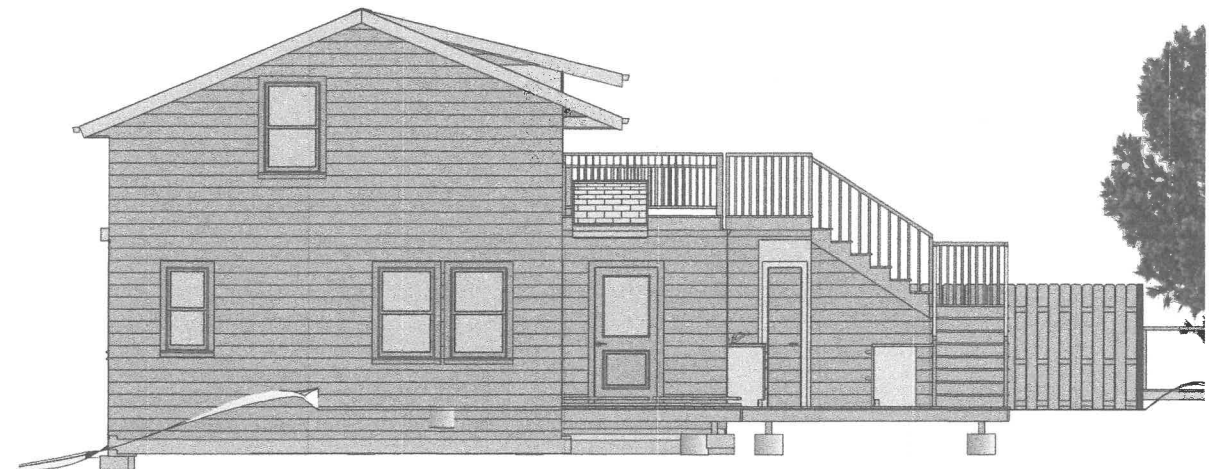
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A3

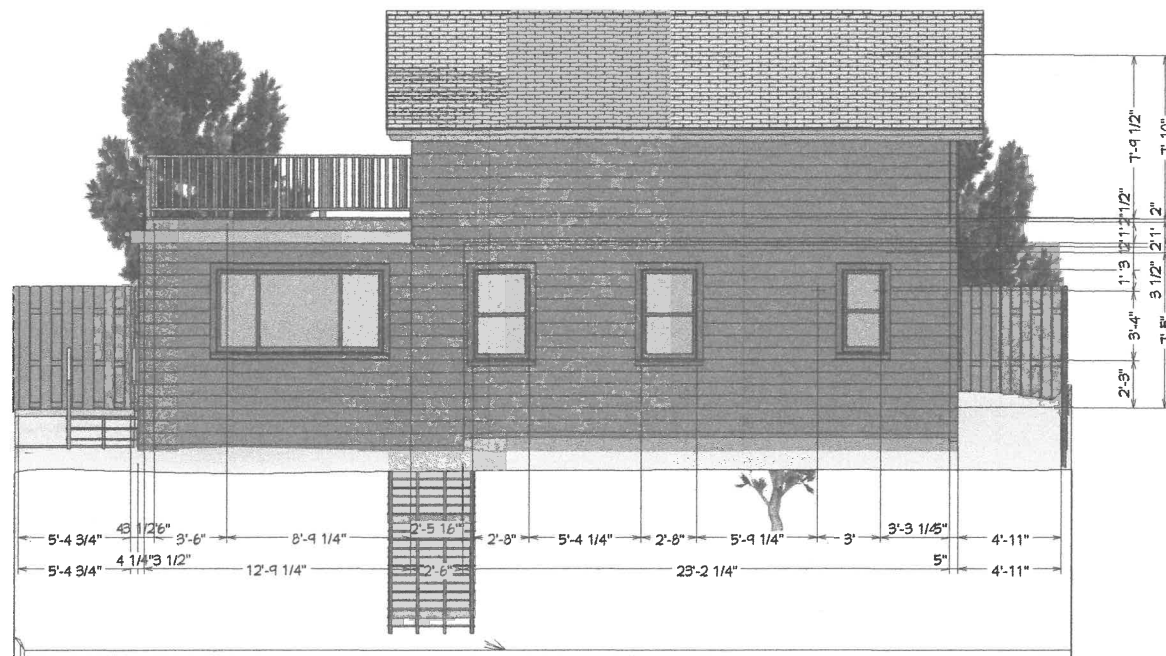
ELEVATIONS



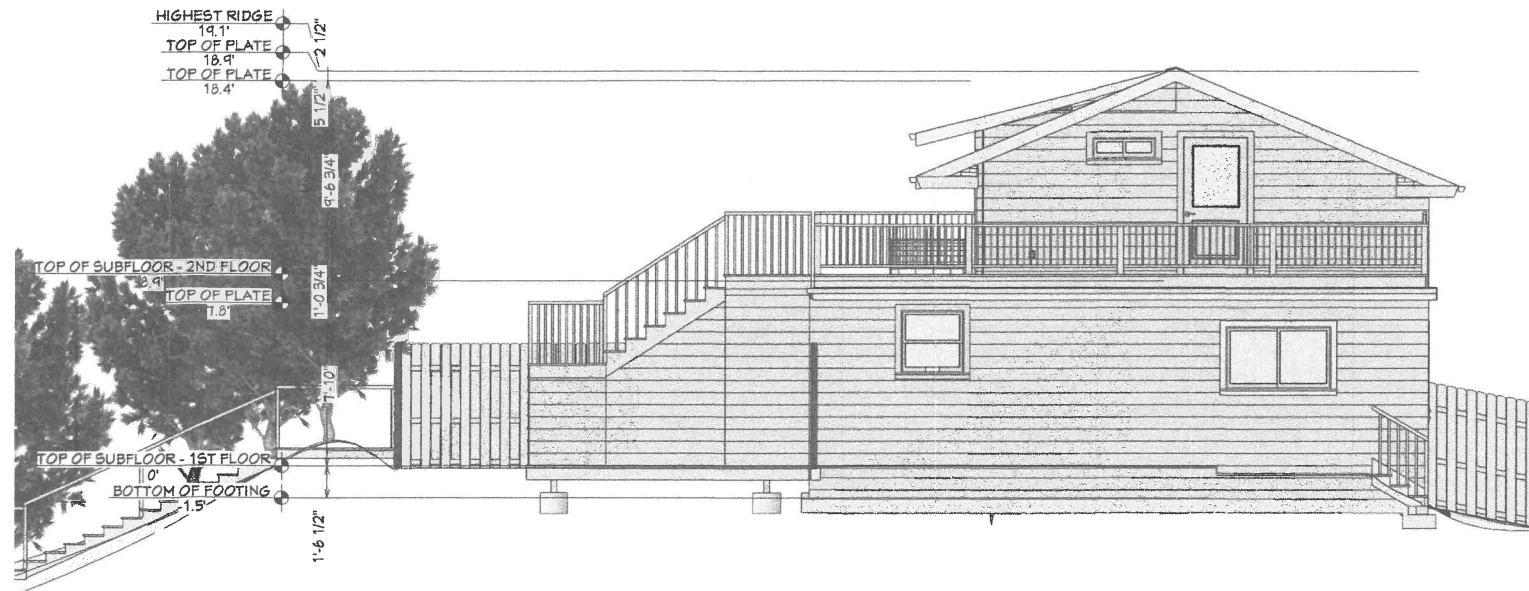
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

DRAWINGS PROVIDED BY:
 KATY WHITE
 FUNKTIONAL PROPERTIES LLC
 CCB#228407
 CONTACT:
 FUNKTIONALPROPERTIES@GMAIL.COM

DATE:

4/1/2025

SCALE:

SHEET:

A4



**CITY OF ROCKAWAY BEACH
PLANNING COMMISSION ACTION**

STAFF REPORT

**Flood Hazard (PICM) Zoning Ordinance and
Comprehensive Plan Changes**

Case File: Ordinance 2025-05 and 2025-06

DLCD PAPA File: Amendment 002-25

Hearing Date: May 15, 2025

APPLICANT: City of Rockaway Beach

NATURE OF THE APPLICATION AND BACKGROUND ON THE REQUEST: The City of Rockaway Beach is proposing to amend the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan. The amendments to the Ordinance and Comprehensive Plan are required by FEMA as Pre-Implementation Compliance Measures (PICM) to allow for continued participation in the National Flood Insurance Program (NFIP). The City must take action to amend its development code and Comprehensive Plan policies, as directed by FEMA's July 15, 2024 letter to the City of Rockaway Beach. FEMA had directed NFIP participating communities in Oregon to adopt a PICM to ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act (ESA).

Zoning Ordinance Amendments:

- Section 3.092. Flood Hazard Overlay Zone – FHO Zone
- Section 3.093. Definitions
- Section 3.094. General Provisions
- Section 3.095. Administration
- Section 3.096. Provisions for Flood Hazard Reduction
- Section 3.097. Restrictions and Prohibited Uses
- Section 3.098. Critical Facilities
- Section 3.099. Standards for Protection of SFHA Floodplain Functions

Comprehensive Plan Amendments:

- Water Quality
- Policies
- Beaches and Dunes
- Beaches and Dunes Policy
- Coastal Shorelands



RELEVANT CRITERIA: The following standards apply to this request:

- **Rockaway Beach Zoning Ordinance. Article 9. Amendments.**

Section 9.010. Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zoning map may be initiated by the City Council, Planning Commission, or by application of the property owner(s), contract purchaser(s), or his/her/their authorized agent.

Section 9.015. Burden of Proof. The burden of proof is placed upon the initiator of the amendment. That burden shall be to prove:

1. The proposed amendment fully accords with applicable Comprehensive Plan goals and policies; and
2. The proposed amendment is required to meet a land use need.

- **Rockaway Beach Comprehensive Plan. The Planning Process.**

Amendments to the text of the comprehensive plan shall be made only where findings have been adopted that the following criteria are met:

- A. The amendment is consistent with the comprehensive plan's goals and policies; and
- B. The amendment is necessary to meet a land use need.

NOTIFICATION: The Department of Land Conservation and Development (DLCD) was provided notice of the proposed legislative amendments on April 1, 2025. Measure 56 Notices were mailed to all property owners in the Special Flood Hazard Area. Notice of this public hearing was posted online on the City website and was published in the Headlight Herald.

COMMENTS: None received.

DISCUSSION OF REQUEST: This draft set of amendments to the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan, implement the model code for Pre-Implementation Compliance Measures, as directed by FEMA. Alternative Pre-Implementation Compliance Measures consist of prohibition of development within the Special Flood Hazard Area or permit-by-permit review for conformance with no net loss standards.

FINDINGS: This is a legislative action whereby the City Council, after considering a recommendation by the Planning Commission, must determine that the amendments are in accordance with applicable Comprehensive Plan goals and policies and necessary for continued participation in the National Flood Insurance Program. Before any amendments are adopted by the City Council, staff will prepare an ordinance with findings demonstrating that the changes comply with applicable statewide planning goals.

CONCLUSION AND RECOMMENDATION: The Planning Commission should review the proposed amendments and make a recommendation to the City Council. The recommendation may include suggested changes to the amendments. Staff recommend to the Rockaway Beach Planning Commission approval of the above



listed amendments. The findings of the planning staff support the proposed amendments to the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan. The amendments are consistent with the applicable criteria.

In making a decision, the Rockaway Beach Planning Commission may:

1. Recommend approval of the amendments to the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan, as recommended by planning staff.

***Suggested Motion:** I move that based on the facts and evaluations presented in the City Staff Report, and evidence presented, the Planning Commission recommend to the City Council approval and adoption of the amendments to the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan.*

2. Recommend approval of the amendments to the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan, with additional changes. In the event of an approval, Staff offer the following suggested motion for the Planning Commissioner's consideration:

***Suggested Motion:** I move that based on the facts and evaluations presented in the City Staff Report, and evidence presented, the Planning Commission recommend to the City Council approval and adoption of the amendments to the City of Rockaway Beach Zoning Ordinance and Comprehensive Plan, with the following changes...*

BEFORE AMENDMENT

Section 3.092. Flood Hazard Overlay Zone - FHO Zone

Purpose and objectives: It is the purpose of this Flood Hazard Overlay Zone to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the Rockaway Beach Comprehensive Plan and Zoning Ordinance, all new construction and substantial improvements in the Flood Hazard Overlay Zone shall ensure that the specific objectives of this zone are met.

1. To combine with the present zoning requirements certain restrictions made necessary for the known flood hazard areas to promote the general health, welfare and safety of the City.
2. To prevent the establishment of certain structures and land uses in areas unsuitable for human habitation because of the danger of flooding, unsanitary conditions, or other hazards.
3. To minimize the need for rescue and relief efforts associated with flooding.
4. To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities located in flood hazard areas.
6. To ensure that potential home and business buyers are notified that property is in a flood area.
7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

AFTER AMENDMENT

Section 3.092. Flood Hazard Overlay Zone – FHO Zone

1. Statutory Authorization.

The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Rockaway Beach does ordain as follows:

2. Finding of Fact.

- a. The flood hazard areas of the City of Rockaway Beach preserve the natural and beneficial 10 values served by floodplains but are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- b. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

3. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Preserve natural and beneficial floodplain functions;
- d. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- e. Minimize prolonged business interruptions;
- f. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- g. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- h. Notify potential buyers that the property is in a special flood hazard area;
- i. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
- j. Participate in and maintain eligibility for flood insurance and disaster relief.

4. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage;
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
- f. Employing a standard of “no net loss” of natural and beneficial floodplain functions.

BEFORE AMENDMENT

Section 3.093. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Area of Shallow Flooding.
Means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
2. Area of Special Flood Hazard.
The land in the flood plain subject to a one percent or greater chance of flooding in any given year. Designation on maps always include the letter A or V.
3. Base Flood.
A flood having a one percent chance of being equaled or exceeded in any given year.
4. Basement.
Any area of the building having its floor subgrade (below ground level) on all sides.
5. Below Grade Crawlspace.
Means an enclosed area below the Base Flood Elevation in which the interior grade does not exceed 2 feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the bottom of the lowest horizontal structural member of the lowest floor does not exceed 4 feet at any point.
6. Breakaway Walls.
Means a wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
7. Coastal High Hazard Area.
An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The map is designated on a FIRM as Zone VI-30 or VE Zone.
8. Critical Facility.
A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
9. Development.
Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
10. Elevated Building.

For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

11. Flood or Flooding.

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - i. The overflow of inland or tidal waters.
 - ii. The unusual and rapid accumulation or runoff of surface waters from any source.
 - iii. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

12. Flood Insurance Rate Map (FIRM).

The official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

13. Flood Insurance Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

14. Floodway.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

15. Lowest Floor.

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 3.096(6) (a).

16. Manufactured Dwelling.

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle".

17. Manufactured Dwelling Park or Subdivision.

A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

a. Existing manufactured Dwelling Park or Subdivision:

Is one in which the construction of facilities for servicing the lots on which the manufactured dwellings are to be affixed is completed before the effective date of Rockaway Beach's floodplain management regulations. (July 25, 1978) The construction of facilities includes, at a minimum, the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

18. Mean Sea Level (MSL).

The average height of the sea for all stages of the tide.

19. New Construction.

Means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

20. Start of Construction.

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

21. Structure.

A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured dwelling and a modular or temporary building. Structure, for insurance purposes, means:

- a. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- b. A manufactured dwelling (“a manufactured dwelling,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

- c. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

22. Substantial Improvement.

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

23. Reinforced Pier.

At a minimum, a reinforced pier must have a footing adequate to support the weight of the manufactured home under saturated soil conditions. Concrete blocks may be used if vertical steel reinforcing rods are placed in the hollows of the blocks and the hollows are filled with concrete or high strength mortar. Dry stacked concrete blocks do not constitute reinforced piers.

24. Substantial Damage.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

25. Recreational Vehicle.

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

26. Recreational Vehicle, Highway Ready.

A recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

27. Special Flood Hazard Area (SFHA).

Areas subject to having a one percent or greater chance of a flood exceeding the base flood in any given year.

AFTER AMENDMENT

Section 3.093. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

Appeal: [A request for a review of the interpretation of any provision of this ordinance or a request for a variance.](#)

Area of Shallow Flooding: A designated [zone](#) AO, AH, AR/AO, [or](#) AR/AH on a community's Flood Insurance Rate Map (FIRM) with a [one](#) percent or greater annual chance of flooding to an average depth of [one](#) to [three](#) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain [within a community](#) subject to a one percent or greater chance of flooding in any given year. [It is shown on the Flood Insurance Rate Map \(FIRM\) as Zone A, AO, AH, A1-30, AE, A99, AR, V, V1-30, VE. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".](#)

Base Flood: [The](#) flood having a one percent chance of being equaled or exceeded in any given year.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Below Grade Crawlspace: [An](#) enclosed area below the Base Flood Elevation in which the interior grade does not exceed [two](#) feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the bottom of the [top of the crawlspace foundation](#), does not exceed [four](#) feet at any point.

Breakaway Walls: [A](#) wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development: Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated Building: For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Fill: Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered “development.”

Fish Accessible Space: The volumetric space available to fish to access.

Fish Egress-able Space: The volumetric space available to fish to exit or leave from.

Flood or Flooding:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Elevation Study: See “Flood Insurance Study”.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazards areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Green Infrastructure: Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

Habitat Restoration Activities: Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

Hazard Trees: Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; The overflow of inland or tidal waters.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Hydraulically Equivalent Elevation: A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

Hydrologically Connected: The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

Impervious Surface: A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed” into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

Low Impact Development: An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. Low impact development is a subset of green infrastructure.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle” and is synonymous with “manufactured home”.

Manufactured Dwelling Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Mean Higher-High Water: The average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

Mean Sea Level (MSL): For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction: For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by [the City of Rockaway Beach](#) and includes any subsequent improvements to such structures.

No Net Loss: A standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

Offsite: Mitigation occurring outside of the project area.

Onsite: Mitigation occurring within the project area.

Ordinary High Water Mark: The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

Qualified Professional: Appropriate subject matter expert that is defined by the community.

Reach: A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

Recreational vehicle: A vehicle which is:

1. Built on a single chassis;
2. 2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riparian: Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

Riparian Buffer Zone (RBZ): The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial

stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

Riparian Buffer Zone Fringe: The area outside of the RBZ and floodway but still within the SFHA.

Silviculture: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

Special Flood Hazard Area (SFHA): See “Area of Special Flood Hazard” for this definition.

Start of Construction: Includes substantial improvement; and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- b. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Undeveloped Space: The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

Variance: A grant of relief by the City of Rockaway Beach from the terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

BEFORE AMENDMENT

Section 3.094. General Provisions.

1. Lands To Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards (Flood Hazard Overlay Zone) in combination with present zoning requirements within the jurisdiction of the City of Rockaway Beach.
2. Basis For Establishing The Areas Of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administrator through a scientific and engineering report entitled 'The Flood Insurance Study for the Tillamook County, Oregon and incorporated areas dated September 28, 2018, with accompanying Flood Insurance Rate Maps and any revision thereto is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at Rockaway Beach City Hall.
3. Compliance. No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
4. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The ordinance shall not create liability on the part of the City of Rockaway Beach, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

AFTER AMENDMENT

Section 3.094. General Provisions.

1. **Lands To Which This Ordinance Applies.** This ordinance shall apply to all special flood hazards areas within the jurisdiction of the City of Rockaway Beach.
2. **Basis For Establishing The Areas Of Special Flood Hazard.** The special flood hazard areas identified by the Federal Insurance Administrator through a scientific and engineering report entitled “The Flood Insurance Study for Tillamook County, Oregon and incorporated areas”, dated September 28, 2018, with accompanying Flood Insurance Rate Maps (FIRMs) 4105C0377E, 41057C0381F, 14057C0214E, and 41057C0218F are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at Rockaway Beach City Hall.
3. **Coordination with State of Oregon Specialty Codes.** Pursuant to the requirement established in ORS 455 that the City of Rockaway Beach administers and enforces the State of Oregon Specialty Codes, the City of Rockaway Beach does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.
4. **Compliance and Penalties for Noncompliance.**
 - a. **Compliance.** All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.
 - b. **Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) and penalties for noncompliance are established under Section 11.500. Nothing contained herein shall prevent the City of Rockaway Beach from taking such other lawful action as is necessary to prevent or remedy any violation.
5. **Abrogation and Severability.**
 - a. **Abrogation.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

b. **Severability.**

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

6. **Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberal construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. **Warning and Disclaimer of Liability.**

a. **Warning.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

b. **Disclaimer of Liability.**

This ordinance shall not create liability on the part of the City of Rockaway Beach, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

BEFORE AMENDMENT

Section 3.095. Administration.

1. Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.094(2). The permit shall be for all structures including manufactured homes, as set forth in the "definitions" and for all developments including fill and other activities, also as set forth in the "definitions". Application for a Development Permit shall be made to the City and shall specifically include the following information:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- b. Elevation in relation to mean sea level to which any structure has been floodproofed.

- c. Certification by an appropriately qualified registered professional engineer or architect that the floodproofing method for any non-residential structure meets the floodproofing criteria in Section 3.096(6) (b).
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - e. An engineered or City approved stormwater drainage site plan designed to prevent the increase of adverse impacts caused by development in the flood zone.
2. Duties and Responsibilities.

The duties of the City shall include, but not be limited to permit review:

- a. Review of all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - b. Review all development permits to require that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - c. Review all development permits in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.
 - d. Review all development permit applications to determine if the proposed development qualifies as a “critical facility”, as set forth in the “DEFINITIONS”. If the development qualifies as a “critical facility”, assure that the provisions of section 3.098 are complied with.
 - e. Provide Base Flood Elevation and Freeboard
 - i. When base flood elevation has been provided, the local floodplain administrator shall provide it to the Building Official along with freeboard requirements established in Section 3.096.
 - f. Requirement to Submit New Technical Data.
 - i. Notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
 - ii. The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.
3. Uses of Other Base Flood Data.
When base flood elevation data has not been provided in accordance with Section 3.094 (2), Basis for Establishing the Areas of Special Flood Hazard, the City shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 3.096(6) (a), Specific Standards, Residential Construction, and Section 3.096(6)(b), Specific Standards, Non-residential Construction.
4. Information to be Obtained and Maintained.
Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 3.095(3) the city shall:

- a. Verify and record actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
 - b. For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to Mean Sea Level), and
 - ii. maintain the floodproofing certifications required in Section 3.096(i)(c).
 - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.
 - d. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters.
5. Alterations of Watercourses.
The City shall:
- a. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate federal and state agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that an engineered stormwater drainage plan and maintenance plan is provided within the altered or relocated portion of said watercourse, so that the flood carrying capacity is not diminished.
6. Interpretation of FIRM Boundaries.
The City shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in Section 3.095(7).
7. Appeals and Variance Procedures.
- a. An appeal of a ruling or interpretation regarding a requirement of this ordinance shall be as established in Section 11.070(1).
 - b. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any interpretation, requirement, decision, or determination in the enforcement or administration of this ordinance.
 - c. An action or ruling of the Planning Commission may be appealed pursuant to Section 11.030(2).
 - d. Variances may be issued for the rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section, provided that the alteration will not preclude the structure's continued designation as a "historic structure."
 - e. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - f. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - g. Variances shall only be issued upon:

- i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in this section, or conflict with existing local laws or ordinances.
 - h. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
 - i. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (1), and otherwise complies with Sections 3.065(1) – 3.065(3).
 - j. The administrative procedure for hearing a variance shall be as established in Section 8.050.
 - k. When a variance is granted, the City shall give written notice that the structure or manufactured home will be allowed to be built or placed with the lowest floor elevation at or below the base flood elevation, and that:
 - i. The issuance of the variance to construct a structure below the base flood level will result in a cost of flood insurance that will be commensurate with the increased risk resulting from the lower floor elevation and
 - ii. Such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions.
 - l. The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- 8. Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study or from another administrative source (Section 3.095(3)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

AFTER AMENDMENT

Section 3.095. Administration.

1. Designation of the Floodplain Administrator.

The City Manager, or their designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

2. **Duties and Responsibilities of the Floodplain Administrator.**

The duties of the floodplain administrator, or their designee, shall include, but not be limited to:

a. **Permit Review.**

Review of all development permits to determine:

- i. That the permit requirements of this ordinance have been satisfied;
- ii. That all other required local, state, and federal permits have been obtained and approved;
- iii. If the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 3.096.2.d are met; and
- iv. If the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 3.096.1.g; and
- v. If the proposed development qualifies as a substantial improvement as defined in section 3.093.
- vi. If the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 3.096.1.a.
- vii. If the proposed development activity includes the placement of fill or excavation.
- viii. Whether the proposed development activity complies with the no net loss standards in section 3.099.

b. **Information to be Obtained and Maintained.**

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- i. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation

- (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 3.096.1.g.
- ii. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 3.096.2.d, 3.096.3.a.vi, 3.095.2.a.ii are adhered to.
 - iii. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
 - iv. Where Base Flood Elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
 - v. Maintain all Elevation Certificates (EC) submitted to the community;
 - vi. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 3.096.1.g.
 - vii. Maintain all floodproofing certificates required under this ordinance;
 - viii. Record and maintain all variance actions, including justification for their issuance;
 - ix. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 3.096.2.d.
 - x. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 3.095.2.d.
 - xi. Documentation of how no net loss standards have been met.
 - xii. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- c. **Requirement to Notify Other Entities and Submit New Technical Data.**
- i. **Community Boundary Alterations.**
The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

ii. **Watercourse Alterations.**

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

1. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
2. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 3.095.2.c.iii. Ensure compliance with all applicable requirements in sections 3.095.2.c.iii and 3.096.1.a.

iii. **Requirement to Submit New Technical Data.**

A community's Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the Base Flood Elevation; and
2. Proposed development which increases the Base Flood Elevation by more than one foot in areas where FEMA has provided Base Flood Elevations but no floodway.

An applicant shall notify FEMA within six months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

d. **Substantial Improvement and Substantial Damage Assessment and Determinations.**

Conduct Substantial Improvement (SI) (as defined in section 3.093) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 3.095.2.b. Conduct Substantial Damage (SD) (as defined in section 3.093) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations

whenever structures within the special flood hazard area (as established in section 3.094.2) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

3. **Establishment of Development Permit.**

a. **Floodplain Development Permit Required.**

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 3.094(2). The development permit shall be required for all structures, including manufactured dwellings, and for all development, as defined in section 3.093, including fill and other development activities.

b. **Application for Development Permit.**

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- i. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 3.095.2.b.
- ii. In coastal flood zones (V zones and coastal A zones), the proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement;
- iii. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- iv. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing method proposed for any non-residential structure meets the floodproofing criteria for non-residential structures in section 3.096.2.c.iii.
- v. Description of the extent to which any watercourse will be altered or relocated.
- vi. Base Flood Elevation data for subdivision proposals or other development when required per sections 3.095.2.a and 3.096.1.f.
- vii. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- viii. The amount and location of any fill or excavation activities proposed.

4. **Variance Procedure.**

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

a. **Conditions for Variances.**

- i. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 3.095.3.a.iii, 3.095.3.a.v, and 3.095.3.b. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- ii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- iii. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- iv. Variances shall only be issued upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- v. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 3.095.3.a.ii – 3.095.3.a.iv are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- vi. Variances shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater (see Section 3.099 and associated options in Table 1).
- vii. The administrative procedure for hearing a variance shall be as established in section 8.050.

b. **Variance Notification.**

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will

result in [increased premium rates for](#) flood insurance [and](#) that [such](#) construction below the [Base Flood Elevation](#) increases risk to life and property. Such notification [and](#) record of all variance actions, [including justification for their issuance shall be maintained in accordance with section 3.095.1.b.](#)

BEFORE AMENDMENT

Section 3.096. Provisions for Flood Hazard Reduction.

General Standards:

In the Flood Hazard Overlay Zone (FHO Zone) the following provisions are required:

1. Anchoring.
 - a. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured dwellings must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). A certificate signed by a registered architect or engineer which certifies that the anchoring system is in conformance with FEMA regulations shall be submitted prior to final inspection approval.
2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment, and other service facilities shall be elevated a minimum of one (1) foot above base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
4. Subdivision Proposals.
 - a. All subdivision proposals shall provide engineered plans consistent with the need to minimize flood damage.

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
5. Specific Standards.

In all areas of special flood hazards (FHO Zone) where base flood elevation data has been provided as set forth in Section 3.094(2), Basis For Establishing The Areas of Special Flood Hazard, or Section 3.095(3), Use of Other Base Flood Data, the following provisions are required:

a. Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

b. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

- i. Be floodproofed so that the portion of the structure that lies below the base flood level is watertight with walls substantially impermeable to the passage of water.
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

Such certifications shall be provided to the City as set forth in Section 3.095 (4)(b)(ii).

- iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 3.096(6)(a).
- v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- vi. Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
- vii. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

c. Manufactured Dwellings.

Manufactured dwellings to be placed or substantially improved within areas of special flood hazard Zones A1-30, AH and AE shall meet the following requirements:

- i. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with the provisions of subsection 3.096(A)(6)(a);
- ii. Be elevated so that the bottom of the longitudinal chassis frame beam shall be at or above BFE;
- iii. Be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
- iv. Electrical crossover connections shall be a minimum of 12 inches above BFE.

d. Recreational Vehicles.

Recreational vehicles may occupy a site in a Special Flood Hazard Area for periods of 180 consecutive days or less providing they are fully licensed and highway ready. Recreational vehicles that do not meet these criteria become manufactured dwellings and must comply with the standards for manufactured dwellings pursuant to Section 3.096(b)(c) of this ordinance.

6. Coastal High Hazard Area.

Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in Section 3.094. These areas have special flood hazards associated with high

velocity waters from tidal surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:

- a. All new construction and substantial improvements in Zones V-1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
 - i. the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least one foot above the base flood elevation; and
 - ii. the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval). A registered professional engineer or architect licensed in the State of Oregon shall certify the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (i) and (ii) of Section 3.096(7)(a).
- b. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-V30 and VE, and whether or not such structures contain a basement. The City shall maintain a record of all such information.
- c. All new construction shall be located landward of the reach of mean high tide.
- d. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or screened with nonsupporting open wood latticework or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
 - i. the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- e. Space below the lowest horizontal structural member of the elevated structure shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- f. Prohibit the use of fill for structural support of buildings.
- g. Prohibit man-made alteration of sand dunes which would increase potential flood damage.
- h. If breakaway walls are utilized, enclosed space shall be useable solely for parking of vehicles, building access, or storage. Space shall not be used for habitation. For the

purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.

- i. Manufactured dwellings to be placed or substantially improved on sites within Zones V1-30, V, VE, and Coastal A Zones shall meet the following requirements:
 - i. Comply with the provisions for new construction and substantial improvements in subsection 3.096(A)(7)(a) through (g), and (i).
 - ii. The bottom of the longitudinal chassis frame beam shall be elevated at minimum to one foot above the BFE.
 - iii. Electrical crossover connections shall be a minimum of 12 inches above BFE.
- j. Recreational vehicles may occupy a site within Zones V1-V30, V, and VE on the community's FIRM for periods of 180 days or less providing they are fully licensed and highway ready, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles that do not meet these criteria become manufactured dwellings and must meet the standards of this section.

7. Areas of Shallow Flooding (AO Zone).

Areas of shallow flooding appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable usually characterized as sheet flow. In these areas, the following provisions apply:

- a. New construction and substantial improvements of residential structures, and manufactured dwellings within AO Zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, a minimum of one (1) foot above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified).
- b. New construction and substantial improvement of nonresidential structures shall, either:
 - i. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, a minimum of one (1) foot above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified) or
 - ii. together with attendant utility and sanitary facilities, be completely floodproofed to or above highest adjacent grade of the building so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
- c. Require the installation of an engineered or City approved stormwater drainage plan to ensure adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures to prevent adverse impacts to surrounding properties.
- d. Recreational vehicles may occupy a site within AO Zones for periods of 180 days or less providing they are fully licensed and highway ready, on its wheels or jacking

system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles that do not meet these criteria become manufactured dwellings and must meet the standards of 3.096(A)(8)(a).

8. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1 – A30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

AFTER AMENDMENT

Section 3.096. Provisions for Flood Hazard Reduction.

1. General Standards.

In all special flood hazard areas, the no net loss standards and the following standards shall be adhered to:

a. Alteration of Watercourses.

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 3.095.2.c.ii and 3.095.2.c.iii.

b. Anchoring.

- i. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- ii. All manufactured dwellings shall be anchored per section 3.095.2.c.iv.

c. Construction Materials and Methods.

- i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

d. Utilities and Equipment.

i. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
- ii. **Electrical, Mechanical, Plumbing, and Other Equipment.**
Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated one-foot or more above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:
 1. If replaced as part of a substantial improvement shall meet all the requirements of this section.
 2. Not be mounted on or penetrate through breakaway walls.
- e. **Tanks.**
 - i. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
 - ii. Above-ground tanks shall be installed one-foot or more above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.
 - iii. In coastal flood zones (V Zones or coastal A Zones) when elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.
- f. **Subdivision Proposals and Other Proposed Developments.**
 - i. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
 - ii. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 1. Be consistent with the need to minimize flood damage.
 2. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 3. Have adequate drainage provided to reduce exposure to flood hazards.
 4. Comply with no net loss standards in section 3.099.
- g. **Use of Other Base Flood Elevation Data.**
When Base Flood Elevation data has not been provided in accordance with section 3.094.2 the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order

to administer section 3.096. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 3.096.1.f.

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc... where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

h. Structures Located n Multiple or Partial Flood Zones.

In coordination with the State of Oregon Specialty Codes:

- i. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
- ii. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

2. Specific Standards for Riverine (Including All Non-Coastal) Flood Zones.

These specific standards shall apply to all new construction and substantial improvements in addition to the general standards contained in section 3.096.1 of this ordinance and the no net loss standards in section 3.099.

a. Flood Openings.

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- i. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- ii. Be used solely for parking, storage, or building access;
- iii. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 1. A minimum of two openings,
 2. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 3. The bottom of all openings shall be no higher than one foot above grade.
 4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow

of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

5. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

b. Garages.

- i. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:

1. If located within a floodway the proposed garage must comply with the requirements of section 3.096.2.d.
2. The floors are at or above grade on not less than one side;
3. The garage is used solely for parking, building access, and/or storage;
4. The garage is constructed with flood openings in compliance with section 3.096.2.a to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
5. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
6. The garage is constructed in compliance with the standards in section 3.096.1; and
7. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

- ii. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 3.096.2.c.vi or non-residential structures in section 3.096.2.c.iii depending on the square footage of the garage.

c. For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations.

In addition to the general standards listed in section 3.096.1 the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

i. Before Regulatory Floodway.

1. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community and will not result in the net loss of flood storage volume. When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to

undeveloped space must adhere to the no net loss standards in section 3.099.1.c.

ii. **Residential Construction.**

1. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one-foot or more above the Base Flood Elevation (BFE).
2. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 3.096.2.a.

iii. **Non-Residential Construction.**

1. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - a. Have the lowest floor, including basement elevated one-foot or more above the Base Flood Elevation (BFE);
Or, together with attendant utility and sanitary facilities:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in section 3.095.2.b.
2. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 3.096.2.a.
3. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below.

iv. **Manufactured Dwellings.**

1. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 3.096.2.a;
2. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;

3. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;
 4. Electrical crossover connections shall be a minimum of 12 inches above Base Flood Elevation (BFE).
- v. **Recreational Vehicles.**
Recreational vehicles placed on sites are required to:
1. Be on the site for fewer than 180 consecutive days, and
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 3. Meet the requirements of section 3.096.2.c.iv, including the anchoring and elevation requirements for manufactured dwellings.
- vi. **Appurtenant (Accessory) Structures.**
Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:
1. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 3.096.2.d.
 2. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
 3. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
 4. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
 5. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
 6. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 3.096.2.a;
 7. Appurtenant structures shall be located and constructed to have low damage potential;

8. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 3.096.1.e.
9. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

d. **Floodways.**

Located within the special flood hazard areas established in section 3.094.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- i. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; Or,
 2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that conditional approval has been obtained by the Federal Insurance Administrator through the Conditional Letter of Map Revision (CLOMR) application process, all requirements established under 44 CFR 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in section 3.099.
- ii. If the requirements of section 3.096.2.d.i are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 3.096.

e. **Standards for Shallow Flooding Areas.**

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

i. **Standards for AH Zones.**

Development within AH Zones must comply with the standards in sections 3.096.1, 3.096.2, and 3.096.2.e.

ii. **Standards for AO Zones.**

In AO zones, the following provisions apply in addition to the requirements in sections 3.096.1 and 3.096.2.e:

1. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum of one foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
2. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum one foot above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two (2) feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely floodproofed to one foot above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 3.096.2.c.iii.
3. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - a. Be on the site for fewer than 180 consecutive days, and
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the elevation requirements of section 3.096.2.e.ii.1, and the anchoring and other requirements for manufactured dwellings of section 3.096.2.c.iv.
4. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 3.096.2.c.vi.
5. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 3.096.2.a.

3. Specific Standards for Coastal High Hazard Flood Zones.

Located within special flood hazard areas established in section 3.094.2 are Coastal High Hazard Areas, designated as Zones V1-V30, VE, V, or coastal A zones as identified on the FIRMs as the area between the Limit of Moderate Wave Action (LimWA) and the Zone V boundary. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this ordinance and the State of Oregon Specialty Codes, the following provisions shall apply in addition to the general standards provisions in section 3.096.1.

a. Development Standards.

- i. All new construction and substantial improvements in Zones V1-V30 and VE, V, and coastal A zones (where base flood elevation data is available) shall be elevated on pilings and columns such that:
- ii. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and
- iii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those specified by the State of Oregon Specialty Codes.
- iv. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.
- v. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information in accordance with section 3.095.2.b.
- vi. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional

engineer or architect certifies that the designs proposed meet the following conditions:

- vii. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- viii. If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- ix. Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in section 3.096.2.a.
- x. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum water loading values to be used in this determination shall be those associated with the base flood. Maximum wind loading values used shall be those specified by the State of Oregon Specialty Codes.
- xi. Prohibit the use of fill for structural support of buildings.
- xii. All new construction shall be located landward of the reach of mean high tide.
- xiii. Prohibit man-made alteration of sand dunes which would increase potential flood damage.
- xiv. All structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall comply with all the requirements of section 3.096.3.a Floodproofing of non-residential structures is prohibited.

b. Manufactured Dwelling Standards.

All manufactured dwellings to be placed (new or replacement) or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:

- i. Comply with all of the standards within section 3.096.3;
- ii. The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one foot above the Base Flood Elevation (BFE); and
- iii. Electrical crossover connections shall be a minimum of 12 inches above the BFE.

c. Recreational Vehicle Standards.

Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall either:

- i. Be on the site for fewer than 180 consecutive days, and
- ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- iii. Meet the permit requirements of section 3.095 and the requirements for manufactured dwellings in section 3.096.3.b.

d. Tank Standards.

Tanks shall meet the requirements of section 3.096.1.e and 3.099.

BEFORE AMENDMENT

Section 3.097. Restrictions and Prohibited Uses.

1. **Restrictions.** Restrictions regarding height, rear yards, side yards, front yard setbacks, minimum lot area, signs, vision clearance and parking space shall be the same as set forth in each specific zone located within the Flood Hazard Overlay Zone area.
2. **Prohibited Uses.** It shall be unlawful to erect, alter, maintain or establish in a flood hazard overlay zone any building, use or occupancy not permitted or allowed in the foregoing provisions, except existing nonconforming uses, which may continue as provided in Article 7.

AFTER AMENDMENT

(No Change)

Section 3.097. Restrictions and Prohibited Uses.

1. **Restrictions.** Restrictions regarding height, rear yards, side yards, front yard setbacks, minimum lot area, signs, vision clearance and parking space shall be the same as set forth in each specific zone located within the Flood Hazard Overlay Zone area.
2. **Prohibited Uses.** It shall be unlawful to erect, alter, maintain or establish in a flood hazard overlay zone any building, use or occupancy not permitted or allowed in the foregoing provisions, except existing nonconforming uses, which may continue as provided in Article 7.

BEFORE AMENDMENT

Section 3.098. Critical Facilities.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

AFTER AMENDMENT

(No Change)

Section 3.098. Critical Facilities.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

BEFORE AMENDMENT

(Non-Existent)

Section 3.099. Standards for Protection of SFHA Floodplain Functions.

AFTER AMENDMENT

Section 3.099. Standards for Protection of SFHA Floodplain Functions.

The standards described below apply to all special flood hazard areas.

1. No Net Loss Standards.

- a. No net loss of the three proxies for the floodplain functions is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions. Prior to the issuance of any development authorization, the applicant shall:
 - i. Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement);
 - ii. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;
 - iii. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;
- b. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur

concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.

- c. No net loss must be provided within, in order of preference:
 - i. The lot or parcel that floodplain functions were removed from;
 - ii. The same reach of the waterbody where the development is proposed; or
 - iii. The special flood hazard area within the same hydrologically connected area as the proposed development. Table 1 presents the no net loss ratios, which increase based on the preferences listed above.
- d. **Undeveloped Space.**
 - i. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.
 - ii. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.
 - iii. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1 and at the same flood level at which the development causes an impact (i.e., plus or minus 1 foot of the hydraulically equivalent elevation).
 - 1. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:
 - a. Ordinary High Water Mark to 10-year,
 - b. 10-year to 25-year,
 - c. 25-year to 50-year,
 - d. And 50-year to 100-year
 - 2. Hydrologically connected to the waterbody that is the flooding source;
 - 3. Designed so that there is no increase in velocity; and
 - 4. Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.
- b. **Impervious Surfaces.**

Impervious surface mitigation shall be mitigated through any of the following options:

 - i. Development proposals shall not result in a net increase in impervious surface area within the SFHA, or
 - ii. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or
 - iii. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See section 3.099.1.d.iii for stormwater retention specifications.

c. **Trees.**

- i. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area. This requirement does not apply to silviculture where there is no development.
 1. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.
 2. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

d. **Stormwater Management.**

Any development proposal that cannot mitigate as specified in section 3.099.1.b.i-ii must include the following:

- i. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and
- ii. Water quantity treatment (retention facilities) unless the outfall discharges into the ocean.
- iii. Retention facilities must:
 1. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).
 2. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.
 3. Be designed to not entrap fish and drain to the source of flooding.
 4. Be certified by a qualified professional.
- iv. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:
 1. Access to stormwater treatment facilities at the site by the City of Rockaway Beach for the purpose of inspection and repair.
 2. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.
 3. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.
 4. The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and

repairs shall be retained and made available for inspection by the City of Rockaway Beach for five years.

e. **Activities Exempt from No Net Loss Standards.**

The following activities are not subject to the no net loss standards in section 3.099.1; however, they may not be exempt from floodplain development permit requirements.

- i. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;
- ii. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts. Activities exempt do not include expansion of paved areas;
- iii. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
- iv. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
- v. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use, or alter culverts;
- vi. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;
- vii. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
- viii. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor; and
- ix. Habitat restoration activities.

2. **Riparian Buffer Zone (RBZ).**

- a. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.

- b. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.
- c. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.
- d. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.
- e. Under FEMA’s beneficial gain standard, an area within the same reach of the project and equivalent to five percent of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.

Table 1: No Net Loss Standards

	Undeveloped Space (ft ³)	Impervious Surface (ft ²)	Trees (6”<dbh<20”)	Trees (20”<dbh<39”)	Trees (39”<dbh)
Basic Mitigate Ratios					
RBZ and Floodway	2:1*	1:1	3:1*	5:1	6:1
RBZ-Fringe	1:5:1*	1:1	2:1*	4:1	5:1
Mitigation Multipliers					
Mitigation Onsite to Mitigation Offsite, Same Reach	100%	100%	100%	100%	100%
Mitigation Onsite to Mitigation Offsite, Different Reach, Same Watershed	200%*	200%*	200%	200%	200%

Notes:

1. Ratios with asterisks are indicated in the BiOp
2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
 - a. For example, if only 500 ft² of the total 1000 ft² of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 ft² of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.
3. RBZ impacts must be offset in the RBZ, on-site or off-site.
4. Additional standards may apply in the RBZ (See section 3.099.2 Riparian Buffer Zone)

CITY OF ROCKAWAY

BEACH

COMPREHENSIVE PLAN

ORDINANCE 194 AMENDED BY ORDINANCE 08-01

Introduction

The City of Rockaway enjoys a beautiful beachside setting on the north Oregon coast. Throughout the years the town's choice location has been the main reason for its growth and development. As Oregon's population and rate of tourism increases, the pressures of growth will increase for Rockaway and other coastal resorts.

If this growth assumes haphazard patterns, unnecessary burdens on public facilities and incompatible uses of land will be inevitable. Comprehensive planning gives the community control over these types of problems before they occur. According to Oregon law, a comprehensive plan includes maps and policy statements, linking those factors that affect land use.

This plan establishes such policies, in keeping with the Statewide Planning Goals originally adopted in 1974-5 by the Oregon Land Conservation and Development Commission. The Statewide Planning Goals have been amended substantially over the years, and most have corresponding administrative rules.

The comprehensive plan is designed to perform several functions:

- Govern the city staff, planning commission, and city council on development proposals
- Provide a capital improvement program on water, sewer, drainage and street proposals for the budget committee and city council;
- Suggest some useful ideas for the enhancement of the city, and
- Establish a land use planning process or procedure for making decisions, involving citizens and agencies in that process.

The plan is set up to comply with the Statewide Planning Goals and guidelines of Senate Bill 100 (ORS 197). The goals stated at the start of each element are mandatory requirements under state law.

2007 Comprehensive Plan Review and Update

In 2007, the City contracted with ECO Northwest to prepare the *Rockaway Beach Urbanization Study (Urbanization Study)*. The *Urbanization Study* is a background document to the comprehensive plan. Key findings from this study include the following:

- Rockaway Beach is expected to grow from 1,394 year-round residents in 2007 to 1,709 residents in 2027, an increase of 315 residents at an average

annual rate of 1.02% The numbers are based on forecasts done by the state Office of Economic Analysis for Counties. They are, at best, estimates and may not have any basis in terms of actual trends. The City of Rockaway Beach should review these numbers every five years, and if there is a considerable discrepancy, initiate a process with the county to potentially reallocate. Since the number of vacation homes is disproportionate to the number of homes occupied by permanent residents and since tourism is the only industry of Rockaway Beach, it is vital that higher numbers be factored into public facility planning, utilizing the best available information. Employment is expected to grow from 342 jobs to 419 jobs, an increase of 77 jobs at an average annual rate of 1.02%.

- Rockaway Beach has about 162 buildable acres within the UGB. More than 96% of the land available in the Rockaway Beach UGB is zoned for residential uses.
- Rockaway Beach will need about 160 new dwelling units to accommodate planned population growth between 2007 and 2027. The forecast shows that an average of eight new dwelling units will be needed annually. Rockaway Beach will need about 24 gross buildable residential acres to accommodate new housing for residents between 2007 and 2027. This forecast does review both a low and a high scenario for the demand for second homes for recreational and investment purposes. The Buildable Lands Inventory indicates that the City has a surplus of approximately 57 residential acres.
- Rockaway Beach will need about 12 gross buildable acres of commercial land to meet planned employment needs. The Buildable Lands Inventory indicates that the City has a shortfall of approximately five commercial acres. Therefore, some land that is currently designated for residential use will need to be re-designated for commercial land.

Rockaway Beach considered the data and analysis found in the *Urbanization Report* to support amendments to the 2007 comprehensive plan amendment package.

Specific policies that pertain to the land use planning process are as follows:

Citizen Involvement

1. Citizens shall be given the opportunity to be involved in all phases of the comprehensive planning process, the citizen Involvement Program emphasizes the following points:

- A. All planning decisions shall be made in open, well publicized meetings;

- B. Minutes shall be kept of all planning commission meetings, and shall be made available to citizens.
- C. During the development or amendment of the plan or supporting ordinances, the planning commission (the City's committee for citizen involvement or CCI) shall take a lead roll in the preparation of documents;
- D. Planning commission members shall be chosen in an open, well-publicized manner;
- E. Through public meetings, the press and other means of communication, townspeople shall be informed of the workings of the city government and the planning process;
- F. All planning information and policies shall be written in a manner that is understandable to the general public;
- G. Citizen involvement in Rockaway Beach shall receive adequate technical assistance and financial support from the city government through the budget process;
- H. The city shall take into account public input during the planning process and respond to those who participate, and
- I. The planning commission shall serve as the permanent citizen's involvement committee.

Coordination

- 2. Local governments and special purpose districts, state and federal agencies and jurisdictions shall be given the opportunity to participate in the City's planning process, and to coordinate their plans with the City.

The Planning Process

- 3. The Oregon Supreme Court case Baker v. the City of Milwaukie, 1975, established the comprehensive plan as a city's controlling land use document. When the plan and zoning ordinance disagree on an area or subject, it is, according to the decision, the plan that takes precedence over the ordinance. All conflicts between the two must be resolved early in the planning process for either document to be of value.
- 4. The planning process is a continuous one, consisting of the following phases:
 - A. Identification of problems and issues;
 - B. Development of information and data;
 - C. Development of alternative policies and recommendations;
 - D. Adoption of the plan by the city council;
 - E. Development, adoption and application of implementing ordinances and other measures. Review of proposed land use actions; and

- F. Periodic review and evaluation of all planning documents, including the citizen involvement program.
5. At a minimum, a major review of the comprehensive plan will be undertaken at an interval as required by the Land Conservation and Development Commission's periodic review requirement pursuant to ORS 197.640 – 197.649. The city may undertake other amendments to the comprehensive plan, as necessary, to address issues of community concern. [Planning Process Policy 5, amended by Ord. 277, Aug. 29, 1990.]
 6. Amendments to the text of the comprehensive plan shall be made only where findings have been adopted that the following criteria are met:
 - A. The amendment is consistent with the comprehensive plan's goals and policies; and
 - B. The amendment is necessary to meet a land use need.
 7. Amendments to the comprehensive plan map shall be made only where findings have been adopted that the following criteria are met:
 - A. The amendment is consistent with the comprehensive plan's goals and policies;
 - B. The amendment is necessary to meet a land use need;
 - C. The land is physically suitable for the uses to be permitted in terms of slope, geologic stability, flood hazard and other relevant considerations;
 - D. The area can be served by the appropriate level of public facilities and adjacent streets can accommodate the traffic generated by uses permitted;
 - E. The amendment is compatible with the land use development pattern in the vicinity of the request. [Planning Process Policy 7, amended by Ord. 277, Aug. 29, 1990.]
 8. An exception to the requirements of the applicable state-wide planning goal shall be adopted as an amendment to the comprehensive plan where the City is proposing a plan amendment, which does not conform to the requirements of the goal. The exception shall be supported by the following:
 - A. Reasons justify why the state policy embodied in the applicable goals should not apply;
 - B. Areas which do not require a new exception cannot reasonably accommodate the use;
 - C. The long-term environmental, economic, social, and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse

- than would typically result from the same proposal being located in areas requiring a goal exception other than the proposal site; and
- D. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impact.

Notice of public hearing on proposed amendments shall state the nature of the goal exception being taken and a summary of the issues that are involved. [Planning Process Policy 8, amended by Ord. 277, Aug. 29, 1990.]

9. The planning commission and the city council shall hold public hearings on proposed amendments to the comprehensive plan text or map. Notice of public will be published in a newspaper of general circulation that serves the city at least ten days prior to the public hearing. [Planning Process Policy 9, amended by Ord. 277, Aug. 29, 1990.]

Implementation

The relationship or the difference between the plan and the zoning ordinance is often misunderstood. The plan can be viewed as a “constitution” for all land use within the city. It is intended to be general and directive in scope, as opposed to the zoning ordinance which is intended to be more specific.

Other types of implementation measures are the subdivision ordinance, which prescribes standards for the subdivision of land, and any specific ordinances or actions which carry out the intent of the comprehensive plan.

Zoning and subdivision ordinances may be revised as need arises so long as the change is consistent with the plan. Changes to implementing measures must follow the amendment procedure set out in each document. [Implementation section, amended by Ord. 277, Aug. 29, 1990.]

General Considerations

The main thrust of a community comprehensive plan pertains to land use and to public facilities and services. However, there are other more general planning considerations which must be included in a comprehensive plan; considerations such as energy conservation, economy, air, land and water resources.

This section of the comprehensive plan takes into account these general considerations, and provides policies relating these considerations to other parts of the plan.

Economic Considerations

The state-wide economic planning goal encourages “improvement” and “diversity” of the economy of the state. The economic base of Rockaway Beach is tourism, and has been so historically. Whereas neighboring communities rely on agriculture, forestry, fishing or port activities for their livelihood, Rockaway Beach’s lakes and Pacific beaches have provided the City with a specific economy. Without a harbor, farmland or industry other than recreation, Rockaway Beach shares with the cities of Lincoln City, Seaside and Cannon Beach the tourist trade of the north Oregon coast. People come to Rockaway Beach to fish, to walk on the beach, to “get away from it all”. Rockaway Beach is primarily a family resort, with inexpensive room rates and unsophisticated recreation. [Economic considerations, amended by Ord. 277, Aug. 29, 1990.]

Chapter 5 of the *Rockaway Beach Urbanization Study* (ECO Northwest 2007) is the community’s “Economic Opportunities Analysis.” This analysis was prepared in accordance with the Economic Development Rule (OAR Chapter 660, Division 009) and identifies the types of employment opportunities that are appropriate for Rockaway Beach, given its locational characteristics and local policy preferences. The EOA (pp. 5- 17 to 5-18) summarizes key conclusions regarding Rockaway Beach’s economic future:

The mix of productive factors present in Rockaway Beach, relative to other communities and regions in Oregon, are the foundation of the region’s comparative advantage. Primary comparative advantages in Rockaway Beach are its location on Highway 101, location along the northern Oregon Coast, and proximity to Portland and the Willamette Valley. These factors make Rockaway Beach attractive to residents and visitors to the Oregon Coast. The characteristics of Rockaway Beach will affect the types of businesses most likely to locate in Rockaway Beach:

- Retail and Services: Tourism and seasonal housing will drive the growth of retail and services to serve visitors and residents of Rockaway Beach. Examples include: specialty retailers, firms engaged in recreational or entertainment services, restaurants, gas stations, financial services, and other small retailers.
- Health Services: Growth in population and changing demographics may drive the growth of Health services in Rockaway Beach. Health services for the aging population, especially residential facilities for people over 70 years, may locate in Rockaway Beach because of its location and amenities.

The report by the Oregon Downtown Development Association “Resources Team Report for Rockaway Beach, Oregon” identified the following types of businesses as having the greatest chances for success in Rockaway Beach’s downtown:

- **Retail:** Bookstore/gift shop; specialty apparel and accessories; gifts, cards, unique arts; specialized sporting goods for beach activities; local arts and crafts; beach toys and apparel; quality antiques and gifts; and toys like kites and games.
- **Service:** Entertainment lines, gym and fitness center; bowling alley; movie theater/dance hall; and a microbrewery.
- **Restaurants:** Coffee shop; bakery; specialty foods; and family-style restaurants.

The report recommended that these businesses have the best chance of success if they are flexible and responsive to customer needs. For instance, they should serve residents and visitors and they could offer multiple complementary product lines. These services will also need to have good visibility from Highway 101 to attract tourists passing through the City.

The *Urbanization Study* (pp. 5-21 to 5-22) describes kinds of commercial and retail sites that will be needed to accommodate planned retail and service growth needs over the 20-year planning period. Rockaway Beach needs to designate approximately 12 gross buildable acres of land to meet the needs of from 8-18 future businesses. Table 5-9 is taken from the Urbanization Study and summarizes commercial site needs.

Table 5-9. Needed commercial sites by site size, Rockaway Beach, 2007-2027

Size of Firm	Est. Acres Needed	Average Site Size	Total Sites Needed
>20	3	2-4 ac	1
10-19	3	1-2 ac	1-2
1-9	6	<1 ac	6-16
Total	12		8-18

Source: Estimates by ECONorthwest

In 2007, Rockaway Beach had less than four acres of buildable commercial land remaining within the urban growth boundary. Therefore, the City needs to designate approximately four additional acres for commercial use. To address this unmet need, Rockaway Beach needs to re-designate land for commercial use east of Highway 101, encourage appropriate redevelopment of existing commercial areas, and require condominium developments in commercial areas to construct ground floor commercial space. (Urbanization Study, p.6-5).

Policies Relating to the Economy

1. The City shall support economic development activities which enhance its tourism oriented economic base.
2. The City shall encourage the expansion of tourist accommodations, with particular emphasis on those accommodations that incorporate meeting room or conference facilities.
3. The City will work with the local business community to strengthen the downtown commercial area as an important tourist and commercial center. To achieve this objective, consideration should be given to the following:
 - A. Upgrading the physical appearance of the area and its buildings including consideration of a unifying theme that reflects the historic development of the City;
 - B. Provision of additional conveniently located off-street parking; and
 - C. Development of a pedestrian oriented environment, through the provision of pedestrian amenities.
4. The City supports the efforts of the Chamber of Commerce and local business persons to expand visitor attractions and events that are available to tourists.
5. The City will cooperate with the Chamber of Commerce in developing a marketing program that effectively promotes the City's attractions and facilities. Such a program should be fully coordinated with other communities in the area.
6. The City will provide sufficient commercial land to allow for the reasonable expansion of the community's businesses. Care should be taken to ensure that future commercial development is well designed and relates well to the surrounding neighborhoods and the natural environment.
7. The City will encourage local residents to develop small scale home occupations.
8. The City will use its designation as part of the Tillamook Enterprise Zone to attract new businesses to Rockaway Beach.
9. The City will cooperate with the Tillamook Economic Development Committee in its efforts to strengthen and diversify the economy of Tillamook County.
10. The City will work with the Tillamook Economic Development Committee to see that projects supportive of Rockaway Beach's economy are incorporated into the Oregon Tourism Alliance's overall strategy.

11. The City recognizes that its retirement community represents an important element of the economy. The City will cooperate with community groups on making community improvements that will enhance the City's attractiveness as a retirement community. Particular attention should be given to enhancing the medical facilities available in the region.

[Policies Relating to the Economy, amended by Ord. 277, August 29, 1990.]

12. To meet commercial retail and service land needs the City should:

- A. Amend the Comprehensive Plan and Zoning maps to increase the supply of commercial land by approximately four acres;
- B. Encourage commercial redevelopment of existing commercial areas; and
- C. Require condominiums in commercially zoned areas to have ground floor commercial space.

Air, Water and Land Resource Considerations

The state-wide goals applicable to this discussion are:

- "To maintain and improve the quality of the air, water and land resources of the state.
- To preserve and maintain agricultural lands.
- To conserve forest lands for forest uses."

The high quality of air, land and water resources in Rockaway Beach can be protected by the joint efforts of local and state government. Oregon's Department of Environmental Quality regulates the abatement of air and water pollution, establishes clean air standards and sewer and water regulations.

Water Quality

City ordinances regarding land use can maintain land resource quality and guard against degradation of water quality [and floodplain functions](#).

Sanitary sewer service and drinking water facilities are regulated by the federal government and state agencies. All development within the City must utilize these services. Information on each of these is contained in the public facilities element.

Air Quality

Air quality has never been a problem in the Rockaway Beach area due to population and its location on the ocean. Its population is small. The major source of air pollution is the automobile. Reduced use of the automobile and continued enforcement of federal

automobile engine emission regulations can help eliminate this as a source of pollution. Should an industry propose to locate in Rockaway, its potential for pollution – thermal, acoustic, water or air would come under city and DEQ scrutiny. The importance of Rockaway’s air quality to residents and visitors must be considered in any development proposal.

Forest Resources

Forest resources are obviously important to the Rockaway area. The forest industry has a long tradition in the area. Rockaway is bordered on the east by forest lands. Considering the fragile terrain of much of Rockaway – the dunes on the west and the steep hillsides on the east – owners should be encouraged to leave undeveloped land in its natural state in order to prevent erosion, provide habitat for wildlife, enhance the natural beauty of the area, and provide recreation space.

Agricultural Land

There is no agricultural land in Rockaway (soil conservation Class I-IV). Some minor grazing takes place near the south side of Lake Lytle, but the area is not considered to be a functioning farm unit.

Wetlands and Riparian Corridors

Rockaway Beach completed its Local Wetlands Inventory (LWI) in June, 1993. Riparian vegetation shall be protected by city riparian corridor regulations. For future city consideration, Statewide Planning Goal 5 and the Goal 5 administrative rule set forth options for protecting riparian corridors and locally significant wetlands identified on the LWI.

Policies

1. The City will cooperate with the Department of Environmental Quality to ensure that applicable state and federal air and water quality standards and requirements are met [Policy 1, as amended by Ord. 223, Aug. 24, 1982; and Ord. 277, Aug. 29, 1990.]
2. The City shall continue to improve its sanitary sewer system, in conformance with applicable state and federal requirements. [Policy 2, amended by Ord. 277, Aug. 29, 1990.]
3. The City recognizes that Rockaway Beach lies in a critical groundwater area and shall refuse to permit uses which the Department of Environmental Quality determines could pollute or adversely affect the aquifer. The city shall rely on the Department of Environmental Quality and other qualified experts to determine the impacts of proposed uses and to develop a program to protect the aquifer from such uses. [Policy 3, amended by Ord. 277, Aug. 29, 1990.]

4. Cluster developments shall be encouraged, especially in area with steep slopes, or wetlands, as a means of minimizing the potential adverse impacts of development in such areas. [Policy 4, amended by Ord. 277, Aug. 29, 1990.]

5. Cluster developments around Lake Lytle, Crescent Lake and Spring Lake shall be encouraged in order to prevent filling of wetlands, protect riparian vegetation and minimize the impact of development on the visual quality of the lakes. [Policy 5, amended by Ord. 277, Aug. 29, 1990.]

6. The City will control storm run-off, sedimentation and erosion resulting from development through its subdivision ordinance. [Policy 6, amended by Ord. 277, Aug. 29, 1990]

7. The City will continue to cooperate with Tillamook County in finding long-term solutions to the disposal of solid waste, including efforts to increase recycling. [Policy 6, amended by Ord. 277, Aug. 29, 1990.]

8. The City will cooperate with the Department of Environmental Quality in preventing and abating noise pollution problems in the city. [Policy 8, as amended by Ord. 223, Aug. 24, 1982; and Ord. 277, Aug. 29, 1990.]

9. The City's actions shall be consistent with state and federal hazardous waste regulations. [Policy 9, added by Ordinance No. 277, passed August 29, 1990.]

10. Rockaway Beach will consider options in the future to adopt local standards to protect riparian corridors and wetlands inventoried on the Rockaway Beach Local Wetlands Inventory) consistent with Statewide Planning Goal 5 which balance protection of these resources with community development objectives.

11. It shall be a goal of the City to require appropriate buffers (Riparian Buffer Zones) from bodies of water within the Special Flood Hazard area to support the survival of threatened and endangered species. The objective of this goal is to require reasonable buffers bordering streams, and to meet the requirements of the Oregon Implementation Plan, requiring no net loss for development.

Energy Considerations

The state-wide goal applicable to this discussion is: - "To conserve energy."

The economic base of Rockaway Beach – recreation and tourism does not place a burden on energy resources locally, the way a manufacturing economy might, but the lifeline of a coastal resort economy is transportation. Tourist and summer residents have to get to Rockaway Beach and the most common type of transportation for this is the automobile, a

voracious-consumer of non-renewable petroleum-resources. The City of Rockaway Beach is in no position to alter the transportation habits of its visitors beyond the immediate area, but improved facilities for pedestrians and cyclists and expanded bus service might relieve dependence on the auto within the City itself.

There are other means of energy conservation amenable to city policies and actions. Several are dealt with in other elements of the plan.

1. Cluster development is to be encouraged, thus saving energy in construction, maintenance and heating.
2. Land use planning designed to maintain an identifiable downtown commercial core saves energy by concentrating activity and by encouraging foot traffic rather than driving.
3. Development of vacant land within the urbanized area of Rockaway Beach before the development of un-urbanizable tracts is also encouraged for its energy savings.
4. Enforcement of the building code also serves to conserve energy. The insulation requirements for new construction reduce energy consumption for heating and cooling.
5. The City shall cooperate in area efforts to recycle materials such as metals, glass and paper. [Policy 5, amended by Ord. 277, Aug. 29, 1990.]
6. Providing sidewalks and centralized parking facilities in the downtown and other areas can contribute to energy conservation by encouraging people to walk to several destinations.

Land Use Element

The state-wide goals applicable to this plan element are:

- *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*
- *To conserve open space and protect natural and scenic resources.*
- *To protect life and property from natural disasters and hazards.*
- *To provide for an orderly and efficient transition from rural to urban land use.”*

The land use element of this comprehensive plan is based on the patterns of existing land use. Effective land use planning encourages the positive aspects of existing land use. It also establishes guidelines for future growth, which are intended to prevent the recurrence of past land use conflicts and abuses.

Before the land use element of a comprehensive plan can be developed, existing land uses must be identified. Undeveloped land must be analyzed for building suitability, and a system of land use designation (for present and future application) must be developed in accordance with existing land uses and expressed community needs.

Development Suitability

Physical Limitations

The natural attractions of the Rockaway Beach area have traditionally drawn people to the area; the beaches, bays, rivers, lakes and mountains appeal to residents and visitors alike, and that appeal translates into a demand for land. Quite naturally, the most desirable land was developed first – primarily that on the ocean front. Development then spread to other areas physically suited to building, until now. Rockaway Beach is faced with a very straightforward problem: most undeveloped land in the area suffers substantial physical limitations to building suitability. Compressible soils, poor drainage and landslide hazards are some of the special construction problems often facing today’s builder in Rockaway Beach. The physical limitations map (fig. #1) shows four areas that present problems to development: 1) beaches, 2) dunes, 3) wetlands and flood areas and 4) steep slopes.

The Local Wetlands Inventory (LWI) shows the location, quantity and quality of streams and wetlands within the Rockaway Beach UGB.

These problems and opportunities are discussed in some detail in Part II of the comprehensive plan.

Beaches and Dunes

Implementation Requirement 2, of the Beaches and Dunes goal states

“Local government and state and federal agencies shall prohibit residential developments and commercial and industrial building on beaches, active foredunes, or other foredunes, which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. Other development in these areas shall be permitted only if the findings required in (1) above are presented and it is demonstrated that the proposed development:

- a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and*
- b) is designed to minimize adverse environmental effects.”*

There are a number of active foredunes and other foredunes which are conditionally stable and that are subject to ocean undercutting and wave overtopping, and on interdune areas (deflation Plains) that are subject to ocean flooding. These dune areas are described by FIRM rate maps as being located V zones (velocity zones) and AO zones (areas of shallow flooding). These areas of the City's foredunes are shown on the map (fig. #2). This line was developed by examination of aerial photography, flood maps, and field work.

The City is taking an exception to a portion of the requirement to permit residential, commercial development and industrial on active foredunes and other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping and on interdune areas (deflation plains) that are subject to ocean flooding. This exception is being taken for the following areas, [subject to the City's Flood Hazard Overlay Zone requirements](#):

NEDONNA BEACH

- 1) The subdivisions of Nedonna Beach subdivision , Nedonna First, Second, Third, Fourth, Fifth, Sixth and Seventh Additions, and other lawful parcels, lie within active foredunes and other foredunes, which are conditionally stable and that are subject to ocean undercutting and wave overtopping and on interdune areas (deflation plains) that are subject to ocean flooding. The lots are located within either a velocity zone (V zone) or areas of shallow marine flooding (AO zone) as described by FIRM maps. See Appendix I for boundary description of this exception area.

2) ROCKAWAY BEACH

The subdivision of Manhattan Subdivision , Highland Park Subdivision, Lake Lytle Subdivision, Sea View Park Subdivision, Elmore Park Subdivision, Midway Beach Subdivision, Tillamook Beach Subdivision, and other lawful parcels lie within active foredunes and other foredunes, which are conditionally stable and that are subject to ocean undercutting and wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. The lots are located within either a velocity zone (V zone) or areas of shallow marine flooding (AO zone) as described by FIRM maps. See Appendix 1 for boundary description of this exception area.

3) TWIN ROCKS

The subdivisions of Rose City Beach Subdivision, Twin Rocks Subdivision, Oceanlake Park Subdivision, and other lawful parcels, lie within foredunes, which are conditionally stable and are subject to wave overtopping, and on interdune areas

(deflation plains) that are subject to ocean flooding. The lots are located within areas of shallow marine flooding (AO zone) as described by FIRM maps. In addition, one lot, Tax Lot 6100, Map IN10-5CB, which is located within active foredunes and other foredunes that are conditionally stable and that are subject to ocean undercutting. The lot is located within a velocity zone (V zone) as described by FIRM maps. [Beaches Policy, amended by Ord. 223, Aug. 24, 1982; and Ord. 243, May 13, 1986, II Dunes Policy, amended by Ord. 243, May 13, 1986, Beaches Policy; Dunes Policy, titles amended by Ord. 243, May 13, 1986.] See Appendix 1 for boundary description of this exception area.

Documentation for these Statewide Planning Goal exceptions and findings related to Implementation Requirement 1 are included as part of the comprehensive plan in Appendix 1.

Beaches and Dunes Policies

The following policies shall apply to the City's beaches:

1. Beach uses other than recreation shall be prohibited.
2. Vehicle access to the beach shall be restricted to emergency purposes. [Policy 1, amended by Ord. 243, May 13, 1986.]
3. Beachfront protective structures (rip-rap, seawalls) shall be permitted only if:
 - A. Visual impacts are minimized;
 - B. Necessary access to the beach is maintained;
 - C. Negative impacts on adjacent property are minimized;
 - D. **Requirements of no net loss are met;** and
 - E. Long-term or recurring costs to the public are avoided. [Policy 3, amended by Ord. 243, May 13, 1986.]
 - F. Development existed on January 1, 1977, consistent with Goal 18, Implementation Requirement 2.
4. Residential developments and commercial and industrial buildings on active foredunes or other foredunes, which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas that are subject to ocean flooding shall be permitted only where consistent with the exceptions the City has taken to Goal 18 requirements.

Development other than residential and commercial buildings in these areas shall be permitted only if it is demonstrated that the proposed development:

- A. Is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm wave; or is of minimal value;
- B. **Meet the requirements of no net loss;** and
- C. Is designed to minimize adverse environmental effects. [Policy 3, added by Ord. 243, May 13, 1986.]

The state Beaches and Dunes Goal, Implementation Requirement 1, states that “*The following findings shall be made for all development in beach and dune areas, other than older stabilized dunes:*

- a. *The type and use proposed and the adverse effects it might have on the site and adjacent areas;*
- b. *Temporary and permanent stabilization programs and planned maintenance of new existing vegetation;*
- c. *Methods for protecting the surrounding area from adverse effects of the development; and*
- d. *Hazards to life, public and private property, and the natural environment, which may be caused by the proposed use.”*

These findings will be made either by site-specific investigation for areas listed in Beaches and Dunes Policy 5 or by findings adopted as part of the comprehensive plan. [Policy 4, added by Ord. 243, May 13, 1986.]

- 5. Site-specific investigations shall be required for future construction in:
 - A. All beach front properties.
 - B. All areas lying within velocity flood zones (V10, V14, V19) as delineated on the HUD Flood Insurance Rate Map.
 - C. Any site on which proposed excavation will produce cut slopes greater than five feet in height or steeper than two horizontal to one vertical (2:1). [Policy 5, amended by Ord. 243, May 13, 1986.]
- 6. Vegetation removal shall be kept to the minimum required for the placement of structures. Structures shall be designed as much as possible to minimize the removal of existing vegetation. [Policy 6, amended by Ord. 243, May 13, 1986.]
- 7. A detailed description of a dune stabilization program shall be a part of the application for a building permit for any proposed development, which potentially will reduce the level of stability of a dune area and threaten adjacent property. The re-vegetation program shall be designed to return areas at least to their predevelopment levels of stability within a specified period of time. The programs shall be initiated as soon as possible during or following construction. The City may submit site investigations or re-vegetation programs to the Soil Conservation Service or other agency for

verification prior to issuance of a building permit. [Policy 7, amended by Ord. 243, 1986.]

8. During construction, adequate measures shall be required and included in the permit application to minimize wind erosion, such as temporary ground cover. [Policy 8, amended by Ord. 243, May 13, 1986.]
9. In addition to the recommendations of site-specific investigation reports, future residential and commercial construction shall be sited in accordance with the Ocean Setback Line (OSL). The OSL shall constitute the minimum setback from the ocean, unless a greater setback is required by a site specific investigation report or development is further limited by lot or parcel boundaries. The OSL shall be determined by averaging the minimum distances from the Statutory Vegetation Line (ORS 390.770) to structures located 200 feet in either direction along the shoreline from the subject property boundaries, and applying that average setback to establish a line on the subject property parallel with the Statutory Vegetation Line [Policy 9, amended by Ord. 243, May 13, 1986; and Ord. 277, Aug. 29, 1990
10. All construction shall be in conformance with the recommendations of the site investigation report and applicable HUD Flood Management requirements. The developer shall establish a time period for re-vegetation of open dune sand. [Policy 10, amended by Ord. 243; May 13, 1986.]
11. Breaching of foredunes shall be permitted only for extreme measures, such as fighting fires, or cleaning up oil spills. The dunes shall be restored to their original contour and re-vegetated after breaching occurs. [Policy 8 added by Ord, 223, Aug. 24, 1982; and renumbered by Ord. 243, May 13, 1986.]
12. Grading or sand removal necessary to maintain views or to prevent sand inundation may be allowed for structures in foredune areas, only if the area is committed to development or is within an acknowledged urban growth boundary and only as part of an overall plan for managing foredune grading. A foredune grading plan shall include the following elements based on consideration of factors affecting the stability of the shoreline to be managed including sources of sand, ocean flooding, and patterns of accretion and erosion (including wind erosion) and effects of beachfront protective structures and jetties. The plan shall:
 - A. Cover an entire beach and foredune area subject to an accretion problem, including adjacent areas potentially affected by changes in flooding, erosion, or accretion as a result of dune grading;
 - B. Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height and width requirements to be maintained for protection from flooding and

erosion. The minimum height for flood protection is 4 feet above the 100 year flood elevation.

- C. Identify and set priorities for low and narrow dune areas, which need to be built up;
 - D. Prescribe standards for redistribution of sand and temporary and permanent stabilization measures including the timing of these activities; and
 - E. Prohibit removal of sand from beach foredune system. Before construction can begin, the foredune grading plan must be adopted as an amendment to the comprehensive plan. [Policy 12, added by Ord. 243, May 13, 1986; and amended by Ord. 277, Aug. 29, 1990.]
13. The Nedonna Foredune Grading Plan is adopted by reference and incorporated into the comprehensive plan. (This includes the Technical Report, Management Plan, and Grading Plan.) [Policy 13, added by Ord. 243, May 13, 1986.]
14. Rockaway Beach shall protect the groundwater in dune areas from drawdown, which could lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies, by reviewing all proposed wells to ensure that findings are made to address the above factors. Building permits for single family dwellings are exempt from this requirement if appropriate findings are provided at the time of subdivision approval. [Policy 14, added by Ord. 243, May 13, 1986.]

Coastal Shorelands

1. Major marshes and significant wildlife habitat shall be protected. Uses in these areas shall be consistent with the protection of natural values.
2. Riparian vegetation shall be maintained and where appropriate, restored and enhanced consistent with the provision of water-dependent uses.
3. Proposed major developments adjacent to Crescent Lake and Lake Lytle shall provide public access to the lake consistent with the protection of riparian vegetation and the minimization of impacts on wetland.
4. Existing public ownerships, right-of-way and similar public easements, which provide access to coastal beach areas or lakes shall be retained or replaced if sold, exchanged or transferred.
5. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

6. Clustering of residential development in shoreland areas is encouraged where such clustering will protect identified wetlands, wildlife habitat or other identified coastal shoreland resources.
7. The City will rely on the requirements of its flood hazard overlay zone to regulate development in flood hazard areas to ensure that provisions of the National Flood Insurance program [and the Oregon Implementation Plan](#) are met.
8. Where shoreline stabilization measures are required, priority shall be given to non-structural, rather than structural, solutions. [Coastal shorelands, amended by Ord. 277, Aug. 29, 1990.]

Hazards

1. Where development is proposed for areas with a slope of 25% or greater, a site investigation report prepared by a registered geologist shall be required prior to the approval of a building permit, land division or other proposed development.
2. Where development is proposed for areas containing Brenner, Coquille, Braillier or Peat soils, the City may require an on-site soil survey to determine whether significant amounts of these soils exist in locations where development is desired. If the detailed soil survey indicates that significant amounts of compressible soils exist, the developer or owner shall have a report prepared by a licensed civil engineer which indicates suitable techniques to minimize potential soil hazards to the proposed construction.
3. The City will rely on the requirements of its flood hazard overlay zone to regulate development in flood hazard areas. [Hazards, amended by Ord. 277, Aug. 29, 1990.]

Natural Features

1. The maintenance of natural terrain and vegetation shall be encouraged throughout the City. In areas with a slope exceeding 25% the City shall require a geological study, grading plan and erosion control plan prior to grading activities or tree removal to ensure that adverse impacts are minimized.
2. Cluster development is encouraged as a method of minimizing development impacts in areas with sensitive natural features.
3. New development shall protect existing streams, riparian corridors, wetlands, and drainage ways. Proposed developments' drainage systems shall be

designed to minimize the impact of storm water on adjacent properties. [Natural Features, added by Ord. 277, Aug 29, 1990.]

Land Use Categories

Land use categories are intended to establish certain uses for certain areas based on neighborhood characteristics, physical limitations, the availability of public services such as streets, sewer and water, the desires to build a strong economy and maintain a clean environment, and other factors.

The plan establishes rather high density limits (generally up to 24 units per acre) in the developed areas. The basic philosophy is that there is little land available in the City that does not pose limitations to development, and those areas where development can occur should be more intensively used than sensitive lands such as the wetlands around the lakes, and steep slopes.

An important standard in land use designation is density, or the number of dwelling units that are to be permitted on a given unit of land. Density, in terms of net density per acre, is based on the total square footage of the site, less areas of public or private streets.

Density of development determines present and future demand for public facilities and services such as schools, sewer and water service, police and fire protection.

Density calculations shall not prevent owners of individual lots of record (prior to the adoption of the plan) from building on their property if their lots are substandard in size. The City currently allows construction on lots of less than 3,500 square feet unless the owner has contiguous property. The plan recognizes the ability of owners to build on small lots (therefore at higher densities) where this situation exists.

The most important application of density standards is in areas that are largely undeveloped at the present time. It is not intended to prevent the use of scattered lots that exist in already developed areas. Density is generally expressed in number of dwelling units per acre, with dwelling units defined as permanent housing units, not motel units. The zoning ordinance of the City is the document that establishes lot size requirements, setbacks, and height restrictions, but the zoning ordinance must agree with the comprehensive plan.

The Manhattan Residential/Resort Area

This area extends from the northern City limits of Rockaway Beach south to NW 18th Ave. on the west side of US Highway 101, and south to NW 10th Ave. on the east side of the highway. [Manhattan Residential/Resort Area, amended by Ord. 277, Aug. 29, 1990.]

This is a mixed use area combining commercial activity on the east side of the highway, with motels, weekend cabins and permanent residences throughout the area. Essentially,

it is a thin strip of land bounded by the Pacific Ocean on the west and Crescent Lake and Lake Lytle on the east, separated by the federal highway and the railroad tracks.

The area is also characterized by poor traffic circulation in the northern part west of the railroad tracks. There are no north-south streets throughout most of this area, and the streets that exist are not capable of handling large amounts of traffic.

1. Expansion of existing motels or other tourist facilities should be planned to provide sufficient parking and circulation space.
2. Density in the area is designated to be high, with a maximum of 24 dwelling units per acre. (Specific lot size requirements to be established by the zoning ordinance.)
3. Development adjacent to the wetlands associated with Crescent Lake shall be undertaken in a manner that protects those wetlands. [Policy 3, amended by Ord. 277, Aug. 29, 1990.]
4. Permitted uses in this area are residences (single-family, duplex and multi-family structures), hotels and motels, and limited commercial uses along US Highway 101, which are resort oriented.
5. Previous policies concerning dunes and wetlands are applicable in this area.
6. An area between NE 17th and NE 21st on the east side of US Highway 101 shall be designated for commercial uses. [Policy 6, added by Ordinance No. 277, passed August 29, 1990.]

The Special Residential/Resort Area

This area extends from NW 18th Ave. to NW 11th Ave. on the west side of US Highway 101. This area is similar in character to the area north of it, but through the citizen involvement process it has been determined that it should have a specific policy [Special Residential/Resort Area, amended by Ord. 277, Aug. 29, 1990.]:

1. No new motels shall be allowed to establish in this area, but existing motels shall be allowed to reasonably expand with planning commission review to insure that proper parking and street access is permitted.
2. Restaurants and other retail commercial uses shall be allowed with conditions to insure that they are compatible with the area. Additional motel units may be added to an existing motel if the owner can satisfy the planning commission with regard to parking and traffic requirements. The additions do not require a conditional use permit.

3. Density in this area is designated to be the same as the Manhattan Residential/Resort Area, 24 dwellings per acre.
4. Uses permitted in this area are residential (single-family, duplex and multi-family structures), and the expansion of existing motel uses. [Policy 4, amended by Ord. 277, Aug. 29, 1990.]

The Single Family or Duplex Residential Area

This area extends from NW 11th Ave. to N 6th Ave., west of US Highway 101. This area is in the vicinity of the “Ridge”, or high stabilized sand dune in the northern part of the City. It is a stable neighborhood composed primarily of single-family homes. There are large motels on either end of this area, and a limited amount of vacant land dispersed among existing structures. The last community questionnaire indicated a strong desire of the townspeople to keep the area a single-family neighborhood. [Single-Family or Duplex Residential Area, amended by Ord. 277, Aug. 29, 1990.]

1. The area should remain one of primarily single-family homes, although duplexes may be allowed on a conditional use basis.
2. The density of this area should not exceed 24 dwelling units per acre. [Policy 2, amended by Ord. 277, Aug. 29, 1990.]
3. [Policy 3, deleted by Ord. 277, Aug. 29, 1990.]
4. [Policy 4, deleted by Ord. 277, Aug. 29, 1990.]

The Downtown Commercial Area [C]

N.6th Avenue to S. 7th Avenue, west of Beacon Street on the east side of US Highway 101 and N. 6th Avenue to S. 3rd Avenue on the west side of US Highway 101.

This area encompasses the downtown business core with its commercial uses such as the grocery stores, hardware store, drugstore, bank, bowling alley, taverns, restaurants and other primary retail uses. Public buildings, such as the post office and the City Hall are here, as is the state wayside and public restrooms. Most of this activity is centered around US Highway 101, but the side streets such as Nehalem, Miller and Pacific are important to the overall circulation in this area.

1. The state wayside and the city parking lot can provide parking for businesses in the immediate downtown area. However, the City and downtown property owners should work together to increase the supply of off-street parking. The possibility of purchasing property for additional off-street parking should be explored. Purchases could be financed by a combination of City funds and a local improvements district. [Policy 1, amended by Ord. 277, Aug. 29, 1990.]

2. Uses allowed in the downtown core area should be those that predominate there now: primary retail and service commercial activities. Large land uses, such as car lots, service stations and drive-in restaurants should be allowed within the commercial area on a conditional use basis. [Policy 2, amended by Ord. 277, Aug. 29, 1990.]
3. The plan supports the location of housing in this commercial area, particularly in conjunction with businesses. Where new residential uses are allowed in the Downtown Commercial Area, ground floor retail uses should be required. This is common with many of the businesses that are presently there, and should continue.
4. It is the intention of the plan to support the economy of Rockaway by maintaining scarce ocean front commercial property for commercial purposes, and to maintain an identifiable downtown commercial core.

[Amended by Ord. 204, Apr. 28, 1981; and deleted by Ordinance No. 277, passed August 29, 1990.]

The Saltair Creek Residential/Resort Area (R/R)

This area extends from S. 3rd Avenue to Alder Street, and is entirely west of US Highway 101. [Saltair Creek Residential/Resort Area, amended by Ord. 277, Aug. 29, 1990.]

This is primarily an area of small beach cottages and homes, on small lots. The streets are very narrow (S. Pacific is 20 feet wide, S. Miller is 30 feet wide), and as such cannot accommodate large traffic volume. There are presently few commercial land uses in this area, and little vacant property.

1. Active and conditionally stable foredunes are identified in Figure 2 (after page 19). Much of the land in this area falls into this category, and therefore the beaches and dunes policy applies.
2. The Clear Lake ocean outlet in this area poses some flooding hazards that must be considered for any construction in the vicinity.
3. This area should remain primarily resort residential, with a density limitation of 24 dwelling units per acre. Motels should be allowed conditionally with attention paid to vehicle access on the narrow streets. Off-street parking is especially important.

Nature Conservancy Area

This is a 43 acre undeveloped, natural area between S. 7th Avenue and Alder Street, and US Highway 101 on the west and Reed Street on the east. It was annexed to the City in

June, 1980 and is designated as special area wetlands. [Nature Conservancy Area, amended by Ord. 277, Aug. 29, 1990.]

1. To reduce the possibility of conflicts with the natural area, the city will retain the rights-of-way to S. 7th Avenue and Alder Street as undeveloped buffer areas, using them only for the placement of utilities.
2. The City will use its rights to the water of Heitmiller Creek in such a way as to insure an adequate flow in the city's water supply but that in no way diminishes the value of the Nature Conservancy Natural Area.

Special Area Wetlands Zone (SA)

1. The perimeter of Lake Lytle and Crescent Lake contains extensive wetlands and lowlands that are subject to flooding, provide wildlife habitat, and are a significant scenic resource for Rockaway Beach. Uses in this area should respect these qualities by being low intensity, by either having a low intensity impact or being water dependent, such as boat docks or launching ramps. Public access should be provided consistent with the protection of wetland values. The perimeter of Spring Lake and Clear Lake also contains wetlands that must be protected. [Policy 1, amended by Ord. 277, Aug. 29, 1990]
2. All proposed development in this area must be reviewed to insure that there is appropriate use made of the wetlands areas, such that:
 - A. Riparian vegetation shall be protected by city riparian corridor regulations.
 - B. The use of piling and floating devices is the preferred method for locating water-dependent uses. Where fill is necessary, fill will be kept to the minimum necessary to locate the water-dependent use.
 - C. Residences are located in upland areas in order to preserve the natural condition of the lakefront.
 - D. State and federal agencies that have authority in these areas are informed of any proposed filling, dredging, or other significant alteration of the shorelands. (Agencies such as the US Corps of Engineers, Department of State Lands, Oregon Department of Fish and Wildlife). [Policy 2, amended by Ord. 277, Aug. 29, 1990.]
3. [Policy 3, deleted by Ord. 277, Aug. 29, 1990.]
4. [Policy 4, deleted by Ord. 277, Aug. 29, 1990.]
5. [Policy 5, deleted by Ord. 277, Aug. 29, 1990.]

6. In order to provide better fishing access to Lake Lytle, the City shall work with the Oregon Department of Fish and Wildlife (which stocks the lake) to determine if vegetarian management or other means is feasible. The possibility of providing improved parking and public access along US Highway 101 should be explored. [SA Zone as amended by Ord. 223, Aug. 24, 1982.]

Lake Lytle Wetlands Area (W)

[Zone included in SA Zone by Ord. 223, Aug. 24, 1982.]

The East Rockaway Beach Residential Area [R]

This area comprises a large portion of the City's residential area east of US Highway 101; it extends from S. 7th Avenue to N. 6th Avenue and from NE 12th Avenue to NE 24th Avenue. The area includes fairly large tracts of undeveloped land east of Crescent Lake. Development in these areas may be limited by the existence of steep slopes and wetlands. [East Rockaway Beach Residential Area, amended by Ord. 277, Aug. 29, 1990.]

1. Densities in these areas are designated from 9 dwelling units per acre in the area zoned R-3 to 24 dwelling units per acre for multi-family dwellings permitted as conditional uses in the R-2 area. [Policy 1, amended by Ord. 277, Aug. 29, 1990.]
2. Riparian vegetation shall be protected by city riparian corridor regulations. Rockaway Beach will consider options in the future to adopt local standards to protect riparian corridors and wetlands, inventoried on the Rockaway Beach Local Wetland Inventory (LWI), consistent with Statewide Planning Goal 5 which balance protection of these resources with community development objectives. [Policy 2, deleted by Ord. 277, Aug. 29, 1990.]
3. [Policy 3, deleted by Ord. 277, Aug. 29, 1990.]
4. [Policy 4, deleted by Ord. 277, Aug. 29, 1990.]
5. Special consideration must also be given to development on steep slope areas to insure that landslide hazard and erosion is minimized. As part of the approval of a subdivision or planned unit development the planning commission may require that a grading and erosion control plan be prepared and implemented. [Policy 5, amended by Ord. 277, Aug. 29, 1990.]
6. [Policy 6, deleted by Ord. 277, Aug. 29, 1990.]
7. The City encourages the use of planned developments for the development of larger parcels in order to provide for the clustering of development as a means

of minimizing the impact on sensitive areas such as steep slopes and wetland areas. [Policy 7, amended by Ord. 277, Aug. 29, 1990.]

8. [Policy 8, deleted by Ord. 277, Aug. 29, 1990.]
9. Multi-family structures built closer to the downtown area should include dwellings for the elderly, who can benefit from proximity to the shopping areas.
10. [Policy 10, deleted by Ord. 277, Aug. 29, 1990.]

Conditional Use Area (CU)

[Conditional Use Area, deleted by Ord. 277, Aug. 29, 1990.]

Twin Rocks Area

[Twin Rocks Area, deleted by Ord. 277, Aug. 29, 1990.]

Open Space, Scenic and Historic Areas and Natural Resources

1. The City will protect the Nature Conservancy's forested swamp site from incompatible uses through a special area wetlands designation.
2. The City shall protect significant riparian corridors and wetlands as follow:
 - A. The City has identified significant Goal 17 wetland areas adjacent to Crescent Lake, Lake Lytle, Clear Lake and Spring Lake. These wetlands will be protected by the City's special area wetlands area designation.
 - B. Other riparian corridors and locally significant wetlands shall be protected by city riparian corridor regulations. Rockaway Beach will consider options in the future to adopt local standards to protect riparian corridors and wetlands, inventoried on the Rockaway Beach Local Wetland Inventory (LWI), consistent with Statewide Planning Goal 5 which balance protection of these resources with community development objectives
 - C. However, wetlands that do not qualify as "significant" under Department of State Lands (DSL) administrative rules still require a permit from the US Army Corp of Engineers or the Department of State Lands before construction can begin. The City will establish a mechanism to ensure that appropriate state and federal permits are obtained prior to any site development activities in these wetlands.
2. Indian cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for

their excavation or re-internment has been developed by the State Historic Preservation office. Upon discovery of any new archaeological sites, the City will address the Goal 5 requirements through a comprehensive plan amendment. [Open Space, et al, amended by Ord. 277, Aug. 29, 1990.]

Rockaway Urban Growth Boundary Management Policies

Description

1. [Description 1, deleted by Ord. 277, Aug. 29, 1990.]
2. The urban growth boundary is the area in which the City may provide full or partial services (sewer, water, police and fire protection), and the area in which annexations may occur in the next 20 years. Extension of services within the area is the decision of the city council, and is contingent upon the ability of the services to support additional development.
3. The city council and planning commission shall review the urban growth boundary as part of the periodic review of the comprehensive plan in order to make necessary changes and to account for changing conditions. [Description 3, amended by Ord. 277, Aug. 29, 1990.]

YEAR 2026 LAND NEED AND SUPPLY

In accordance with Policy 3, and as documented in the *Urbanization Report* (pp. 6-4 to 6-5), Rockaway Beach has enough land within its urban growth boundary (UGB) to accommodate growth needs through the Year 2026:

Table 6-5 shows total land demand for the 2007 to 2027 period. The results lead to the following findings:

- Total land demand for all uses is estimated to be 108 gross buildable acres for the 2007-2027 period.
- The City will need about 98 gross acres for residential uses between 2007 and 2027. Of this, 24 acres will be needed for primary homes of residents of Rockaway Beach and 74 acres will be needed for vacation homes under the high demand scenario.
- The City will need about 8 gross acres for employment between 2007 and 2027.
- The City will need about 2 gross acres for public and semi-public uses between 2007-2027.

Table 6-5 Estimated total land need, Rockaway Beach UGB, 2007-2027

Land Use	Land Need (Gross Acres)
Residential	
Primary homes	
Single-family detached	16.3
Manufactured	5.2
Condo/Townhomes	1.3
Multifamily	1.2
Sub-total – Primary homes	23.9
Vacation homes (high demand)	
Single-family	50.0
Multifamily	23.5
Sub-total – Vacation homes	73.5
Subtotal – Residential	97.5
Non-Residential (Employment)	
Retail Services	5.0
Industrial	0.9
Government	2.3
Subtotal – Non-Residential	8.2
Other (Public/Semi-Public)	
Churches	1.9
Fraternal	0.1
Subtotal – Public/Semi-Public	2.0
Total Land Need	107.6

Source: ECO Northwest

Table 6-6 shows a comparison of estimated land need and land demand for the Rockaway Beach UGB between 2007 and 2027. The results lead to the following findings:

- The City has a surplus of about 57 acres of residential land [including seasonal home need projected at the high demand scenario, which is unlikely.]
- The City has a deficit of 4.4 acres of land for commercial uses.

**Table 6-6 Comparison of land need and land supply
 Rockaway Beach UGB, 2007-2027**

Land use type	Land demand	Supply 2007	Surplus (deficit)
Residential	99.4	156.4	57.0
Commercial	8.2	3.7	(4.4)
Total	107.6	160.1	(4.4)

In summary, Rockaway Beach has enough residential land to accommodate both year-round residential growth as well as seasonal units. The City appears to have a small deficit of commercial land. As noted in the economic development section of the plan, the City will meet the need for commercial land by expanding the commercial district east of Highway 101. Part of this need will also be met through redevelopment of existing commercial uses, and by requiring condominium developments to include ground floor commercial space.

Procedure

4. The land within the urban growth boundary but outside the City limits (including Nedonna and a portion of Twin Rocks) is considered to be a joint management area between the City and County. Tillamook County shall have responsibility for land use decisions in this area, including zoning, street improvements and standards, and subdivisions. However, the City and County will cooperate in regulating development through the urban growth boundary policies.
5. Either jurisdiction initiating actions such as rezoning, subdivision, planned development, major sewer or water extensions or other major activities shall notify the other within 15 working days after receipt of the proposed activity. If additional time is required for a response, the jurisdiction in receipt of such a notice shall notify the other. This procedure shall apply to all actions within the urban growth boundary outside the city limits.

Urbanization Criteria

6. To preserve large parcels of land for future urban development, and to prevent premature and inefficient parcelization and development of the urbanizable land supply, new land brought into the UGA based on a demonstrated need consistent with state law, will remain in its County rural zoning classification until:

- a) the City determines that urban services are available and adequate to serve the subject property and support planned urban services, and
- b) the land is annexed to the City, and
- c) the land is zoned for urban development.

6a. Pursuant to provisions in Goal 2, Land Use Planning, the City and County are required to have coordinated and consistent comprehensive plans, which establish an Urban Growth Boundary (UGB) and a plan for the Urban Growth Area (UGA) within the boundary. In addition, the City and County share a common concern regarding the accommodation of population growth and utilization of lands within the UGB and consider it mutually advantageous to establish an Urban Growth Area Management Agreement (UGAMA) for the

purpose of facilitating the orderly transition from rural to urban land uses within the City's UGA. Therefore, the City and County currently have an UGMA and the City will work with the County to develop a revised UGMA which reflects more clearly the policies and strategies within the Rockaway Urban Growth Management Policies section of the comprehensive plan.

7. Changes in the urban growth boundary must be done by amendment of the City and County comprehensive plans consistent with the Goal 14 administrative rule (OAR 660, Division 024) and ORS 197.298 Priorities for urban growth boundary expansion.

Coordination

8. The Twin Rocks Sanitary District and the Nedonna Fire Protection District may be involved in major land use decisions, which affect their areas of influence.

A. Coordination with the Twin Rocks Water District. The Twin Rocks Water District provides fire protection services (under contract with the City of Rockaway Beach) and street lighting services (under contract with the Tillamook County PUD) to an unincorporated area known as Twin Rocks. The City shall consult with the district prior to annexations within the district boundaries to coordinate public facilities and service planning; however, upon annexation, the annexed area shall be withdrawn from the district and the City will provide, or contract for, the services presently provided by the district.

B. Coordination with the Twin Rocks Sanitary District. The Twin Rocks Sanitary District provides sanitary sewage services to the unincorporated areas known as Twin Rocks. The City shall consult with the district prior to any annexation proposal. In order to coordinate public facilities and services planning. In the plan formulation process, it was evident that the sanitary district was concerned, lest the premature withdrawal of territory from the district upon annexation to the City be untimely and otherwise result in adverse financial consequences for the district. In order to accommodate the district as far as possible, the City shall:

(1) Consult with the district before acting upon any proposed annexation of territory served by the district to determine whether annexation should be accompanied by a withdrawal of territory from the district.

(2) If there be no proposal for withdrawal accompanying annexation, the district shall continue to provide sanitary sewage services to its service area, including that area annexed.

(3) If there be a proposal for withdrawal accompanying annexation or shortly after annexation, the City and the district

shall consider the respective ability of each other to provide sanitary sewage services, the economic, social, environmental and energy consequences of withdrawal to the City, the district, and the area proposed to be annexed, and the plant and line capacities of the city and district systems.

(4) The City and the district recognize the need for coordinating Planning for Public facilities and services and the need for attendant fiscal security. This will occur at the time of periodic review. [Policy 9(B) (4), amended by Ord. 277, Aug. 29, 1990.]

C. The city shall coordinate major land use actions with the Twin Rocks Sanitary District, Twin Rocks water district, or Nedonna Fire Protection District if such actions would affect their provision of services to their service areas. [9.C added by Ord. 204, Apr. 28, 1981.]

Extension of Services – Conversion Factors

9. City services are an integral part of the City/County urban growth management strategies with extension of these services guided by the following:

A) The City and County shall not authorize urban levels of development without the provision of necessary urban services (public water and sewer services, storm drainage and urban streets) to support planned levels of development. Rural levels of development, sited without services on urbanizable land, shall be sited in such a way as to not interfere with urban levels of development and services when conversion from urbanizable land to urban lands occurs. Shadow platting and other conversion tools can be used to help satisfy this provision.

B) Proposed annexation areas must demonstrate that sufficient urban services are available or will be installed in conjunction with any land development.

C) The City and County shall require property owners and/or developers to pay their fair share of the cost of extending community services to their property and to pay for or build necessary on site public facilities and site improvements.

9a. It is anticipated that the City of Rockaway Beach and Tillamook County will cooperate in managing the urban growth area to maintain the potential for planned urban development on urbanizable lands until the land is converted to urban land. The following guiding principles will apply:

A) The City/County will require provisions of urban services to residential, commercial, and industrial lands as these lands are urbanized. Lands adjacent to the City limits are generally preferred for service over areas on the fringe (near the UGB) so that services are extended in a logical and orderly fashion.

B) Conversion of this urbanizable land to urban development generally should occur once public facilities and services are available and adequate to serve urban levels of development and the land is annexed into the City and zoned for urban development. The City and County, in managing land within the urbanizable and unincorporated portion of the Urban Growth Area may adopt language, if necessary, within its land use ordinance consistent with this provision.

C) The following definitions are associated with the urban growth management policies and strategies above:

Urban Level of Service/Development: Urban Level of Development is development which generally requires supporting full urban services, as indicated above, to be capable of reaching development levels planned for within the City of Rockaway Beach Comprehensive Plan. Any proposed subdivision partition shall be required to be developed with full urban services (i.e., public water and sewer, urban streets and adequate storm drainage facilities.)

Urban Lands: Lands inside the City of Rockaway Beach Urban Growth Boundary for which sewer and water services are available and capable of supporting planned levels of development, including associated open space and unbuildable land.

Urbanizable Lands: Land inside the City of Rockaway Beach Urban Growth Boundary that is designated for urban development for which sewer and water services capable of supporting planned development are not available.

Justification for the Rockaway Beach Urban Growth Boundary

1. The justification for the Rockaway Beach Urban Growth Boundary (UGB), previously found in the Comprehensive Plan Background Report is found in Appendix 2.

Housing Element

The state-wide goal applicable to this plan element is: *“To provide for the housing needs of citizens of the state.”*

The housing needs of Rockaway Beach differ from communities elsewhere primarily because of its coastal location, its lack of industry other than tourism, and its size.

Rockaway Beach is a resort area, with approximately 65 percent of its housing used on a weekend or vacation basis. A large percentage of its permanent residents, about 30 percent, are senior citizens, which is typical of communities in the coastal area. The major housing needs of the City are basically two-fold:

1. Housing for low-income workers employed by tourist-oriented businesses, and
2. Housing for low-income senior citizens.

The City's housing strategy is to:

- Permit development on smaller lots, 5,000 square feet;
- To permit development of duplex and multi-family dwellings throughout most of the City on an outright or conditional use basis;
- To encourage higher densities, generally 24 dwellings per acre, for multi-family development;
- To permit manufactured dwellings on individual lots in some zones; and
- To designate zones that provide manufactured dwelling subdivisions and manufactured dwelling parks.

The City has also encouraged the development of low cost federally subsidized land in conjunction with the school district. Up to the present time, housing development in the City has mostly been in the form of single-family dwellings.

Revised Housing Needs Analysis (2007)

In 2007, the City revised its housing needs analysis based on work completed by ECONorthwest. *The Urbanization Report* (p. 4-23) summarizes the results of the 2007 Housing Needs Analysis as follows:

Table 4-15 shows the forecast of new dwelling units and land need by type. The historical residential mix was 73% single-family, 18% manufactured (mobile home), and 9% multiple family. The needs analysis forecasts a higher level of multifamily housing production and shifts the housing split to 80% single-family types [including manufactured homes] and 20% multifamily types for residents. Rockaway Beach already allows for relatively high density housing; development on small lots, typically 5,000 square feet for single-family dwellings, 3,500 square feet for duplexes, and 1,750 square feet per unit for multifamily dwellings. The needs analysis also forecasts increasing densities for all types of housing. These increases are based on national, state, and regional trends of building on smaller lots and increased need for multifamily housing.

The forecast indicates that Rockaway Beach will need about 19 net residential acres, or about 24 gross residential acres to accommodate new housing for residents between 2007 and 2027.

Table 4-15. Forecast of needed new dwelling units and land need by type, Rockaway Beach, 2007-2027

Housing Type	New DU	Percent	Density (DU/net res ac)	Net Res. Acres	Net to Gross Factor	Gross Res. Acres	Density (DU/gross res. Ac)
Single-family							
Single-family detached	98	60%	8.0	12.3	25%	16.3	6.0
Manufactured	33	20%	8.0	4.1	20%	5.2	6.4
Subtotal	131	80%	8.0	16.4		21.5	6.1
Multifamily							
Condo/Townhomes	16	10%	15.0	1.1	15%	1.3	12.8
Multifamily	16	10%	15.0	1.1	10%	1.2	13.5
Subtotal	32	20%	15.0	2.1		2.4	13.1
Total	163	100%	8.8	18.5		23.9	6.8

Coastal Vacation (Second or Seasonal) Homes

A major issue faced by northern coastal communities is accommodation of second homes used primarily for recreational and income purposes. The Urbanization Report (pp. 4-10 to 4-12) looked carefully at this issue and reported the following:

“Rockaway Beach has a large number of homes that are used seasonally or recreationally. About half of Rockaway Beach’s 1,600 homes were vacant for recreational or seasonal reasons during the 2000 Census....The Tillamook County Assessor’s data suggests that the majority of recent building activity in the City has been for seasonal housing....The challenges that Rockaway Beach faces as a result of the vacation and second homes include:

- Housing is less affordable to people living within Rockaway Beach. The City’s average wage is lower than the state average. People who can afford to purchase a second home can afford to pay more for housing than many people working in Rockaway Beach.
- Dense multifamily residential developments are being built in the commercial zone. Rockaway Beach allows residential development in land zoned for commercial use. The high value of housing for seasonal and recreational purposes has resulted in redevelopment of properties in the commercial zone from commercial to residential uses.
- Owners of vacation and second homes may be less likely to be directly engaged in the community than full-time residents. People living in Rockaway Beach may be more involved with community activities and concerns than owners of second homes, resulting in less engagement on the part of a significant share of property owners.

The benefits of the large share of seasonal and recreational housing are predominantly economic in nature. Second homeowners and tourists are likely to patronize retail and commercial businesses in Rockaway Beach, such as stores and restaurants. In addition, property owners pay property taxes, which fund City services that they probably use less frequently than full-time residents.”

The *Urbanization Report* (p. 4-22) projects that second and vacation homes will account for half of future new home construction in Rockaway Beach:

“Table 4-14 presents a forecast for seasonal housing units for Rockaway Beach for 2007 to 2027. This forecast is based on the assumption that seasonal housing will continue to account for 50% of the housing stock in Rockaway Beach, as it did in 2000. This forecast also assumes that seasonal housing units will be developed at a greater density than housing for year-around residents, with a mix of 50% multifamily dwellings.

Table 4-14. Forecast of seasonal units, Rockaway Beach, 2007-2027

		Low	High
Vacation homes	Mix	demand	demand
Single-family	50%	175	600
Multifamily	50%	175	600
Total	100%	350	1200

Source: ECONorthwest

The high level of uncertainty in the demand for seasonal housing means that it is possible that this forecast for seasonal housing may be inaccurate. If development trends from 2005 and 2006 continue over the planning period, with more than 100 permits issued annually, the 20-year demand for seasonal housing could be as much as 1,200 dwellings. This scenario represents a possible, if somewhat unlikely, future for Rockaway Beach. The City can set policies that limit or encourage seasonal housing development.”

The *Urbanization Report* (p. 4-24) also projects how much buildable land is likely to be consumed by vacation or “seasonal” homes over the 20-year planning period:

“Table 4-16 shows a forecast of land needed as a result of demand for seasonal housing from 2007 to 2027... .. The estimated buildable land need is between 21 and 74 gross residential acres.

Table 4-16. Forecast of demand for seasonal housing and land need by type, Rockaway Beach, 2007-2027

Vacation homes	Mix	Density (DU/gross res ac)	Low Demand		High Demand	
			Dwellings	Gross Res Acres	Dwellings	Gross Res Acres
Single-family	50%	6.0	175	29.2	600	100.0
Multi-family	50%	12.8	175	13.7	600	47.1
Total	100%	8.16	350	42.9	1200	147.1

Redevelopment

Assumptions

Percent of units	50%	50%
Vacant acres needed	21.4	73.5

Source: ECONorthwest

The *Urbanization Report* (p.6-5) determines that Rockaway Beach has 157 gross buildable residential acres. Even under the “high demand” scenario, the existing UGB has more than sufficient land to accommodate project needs for year-around and seasonal dwellings.

The following policies are meant to anticipate the needs for housing in Rockaway Beach, using public and private resources. Emphasis is placed on housing for the low and moderate income, primarily because it is the most difficult to provide in today’s housing market. It is a basic goal of the plan to allow flexibility in the location and density of this type of housing. [Housing Element, amended by Ord. 277, Aug. 29, 1990.]

Policies

1. The City shall support all efforts to provide low or moderate income housing in and around Rockaway Beach, and shall cooperate with the Tillamook County Housing Authority, and Northwest Oregon Housing Association.
2. The Land use Element of the comprehensive plan and the zoning ordinance shall designate areas within the City where multifamily dwellings may be located, and where mobile home parks may be developed. It is assumed that low cost multi-family housing developed with public or private financing can be located anywhere other multi-family housing is allowed.
3. [Policy 3, deleted by Ord. 277, Aug. 29, 1990.] The City shall designate sufficient buildable land within the UGB to meet housing needs identified in the *Urbanization Report* (ECONorthwest, June 2007). Approval standards for needed housing shall be clear and objective, as required by state statute and the Goal 10 (Housing) administrative rule.
4. Manufactured dwellings shall be permitted in areas zoned for single-family dwellings, subject to clear and objective design standards. [Policy 4, amended by Ord. 277, Aug. 29, 1990.]
5. Federal and state housing programs should be used to upgrade the existing housing in Rockaway Beach and to provide new dwellings.
6. The City shall review the impacts of vacation rentals on the demand for public facilities and services, neighborhood identity and community, and the City’s tax structure. [Policy 6, deleted by Ord. 277, Aug. 29, 1990.]

7. The City shall review potential impacts on buildable residential lands resulting from implementation of riparian corridor and wetland protection measures.[Policy 7, deleted by Ord. 277, Aug. 29, 1990.]
8. Housing development shall be located within the urban growth boundary established in this plan to insure that efficient, logical extensions of urban services such as sewerage, water, roads and fire and police protection will adequately serve new development.
9. Street, sidewalk and other development and subdivision improvement standards should be realistically sized so as to not add undue costs to housing development. Street widths and paving techniques should reflect the density of development, the projected traffic loads, whether the development will be permanent or vacation use, and the character of the surrounding streets.
10. Housing information, projections and needs and the buildable lands inventory must be continually reviewed and, where necessary, updated. The 2007 Housing Needs Analysis prepared by ECONorthwest is adopted as part of the comprehensive plan and supersedes previous housing needs analyses.
11. Efforts must be made through zoning, enforcement of the building code and other ordinances to repair, and where necessary, remove dilapidated structures in the City.

Transportation Element

The statewide goal applicable to this plan element is: *“To provide and encourage a safe, convenient and economic transportation system.”*

The size, geography and location of Rockaway Beach obviously limit the variety of transportation types available to residents and visitors. The automobile is the predominant form of transportation, but pedestrian and bicycle traffic, especially in the summer tourist season, must be considered as an important part of the overall transportation system. Limited public transportation is available in Rockaway Beach. Twice daily commercial bus service connects Rockaway Beach with other cities, and a bus system for the elderly has been established in Tillamook County to improve transportation access for that segment of the population.

Although a Port of Tillamook Bay rail line extends through the City, there are no rail freight or passenger facilities in Rockaway Beach. In the early part of the century, rail service was the most important means of access to the City, for both the summer recreation trade and for goods.

This plan element is intended to provide policies concerning all forms of transportation in the City, including street construction and improvement, motor vehicle, bicycle and pedestrian circulation, parking and the special needs of the elderly and the handicapped, in order to promote an efficient, safe and balanced transportation system. Only by addressing the need for different forms of transportation can reliance on the automobile be decreased and some measure of energy conservation take place. Conservation of energy resources can also be aided by limiting the width of pavement in street construction, and by encouraging cluster or higher density.

Circulation

1. Pedestrian and bicycle needs should be considered in all proposed street construction and in the improvement of existing rights-of-way, in order to increase safety and encourage the use of non-automobile transportation.
2. Construction of streets and roads in steep hillside areas should follow contour lines and natural topography wherever possible to minimize the danger of slides. [Policy 2, amended by Ord. 277, Aug. 29, 1990.]
3. Street and road construction should include provisions for drainage unless it is an area to be served by the City drainage system. Drainage in steep areas should not introduce storm runoff into the ground (except in culverts) and thereby increase the danger of landslides. Culverts shall be included in road projects where heavy runoff could cause erosion or slumping of the road bed.
4. Streets constructed by private developers must meet all applicable City standards before acceptance into the city street system. [Policy 4, amended by Ord. 277, Aug. 29, 1990.]
5. [Policy 5, deleted by Ord. 277, Aug. 29, 1990.]
6. [Policy 6 deleted by Ord. 277, Aug. 29, 1990.]
7. Street categories in Rockaway are depicted in Rockaway Beach Technical Standards and are hereby incorporated by reference.
8. In areas of steep topography or other unusual circumstances, the planning commission may waive the street standards in order to minimize slide or other hazards, especially the street width requirements. (On-street parking should be banned where necessary, with additional off-street parking required to compensate for it.)
9. [Policy 9, deleted by Ord. 277, Aug. 29, 1990.]

10. The City will cooperate with the State Department of Transportation in developing any major improvements to US Highway 101. Any major improvements shall give consideration to the following:
 - A. The enhancement of vehicular and pedestrian access across US Highway 101;
 - B. The maintenance or “improvement of parking facilities along US Highway 101;
 - C. The provision of appropriate landscaping; and
 - D. The minimization of short-term disruptions of downtown business and an enhancement of the long range viability of the downtown area.
[Policy 10, added by Ord. 277, Aug. 29, 1990.]

Parking

Parking needs in Rockaway are obviously most severe during the summer tourist season. The state Highway Division provides a wayside parking lot to provide access to the beach and the downtown area, but parking problems persist in the downtown area. The City has established a long narrow parking lot between US Highway 101 and the Southern Pacific railroad tracks between Nehalem Avenue and S. 3rd Avenue separated from the highway by a curb.

Special Transportation Needs

1. Sidewalks should be constructed along all heavily traveled streets, including US Highway 101. The state Highway Division should be encouraged to provide a sidewalk on the east side of the highway from S. 3rd Avenue to S. Stark Street.
2. Pedestrian crosswalks across US Highway 101 should be clearly marked and defined with devices such as pedestrian refuges and curbside islands.
3. Beach access should be made as easy as possible for all residents and visitors. The City should construct or maintain accesses where necessary to insure that persons of limited mobility, such as elderly and handicapped persons, can get to the beach.

4. The City should consider placing wheelchair ramps at key points in the downtown area. These ramped curbs would also be of value to people using walkers and those with poor walking ability.
5. The Tillamook County special bus service for the elderly program should be well-publicized. At present it serves Rockaway Beach with regular stops. The possibility of constructing stop shelters should be investigated. These could also be used by school children and passengers on the commercial inter-city buses.

Parks and Recreation

[Title, amended by Ord. 277, Aug. 29, 1990.]

The state-wide goals applicable to this plan element are: *“To encourage open space and protect natural and scenic resources. To satisfy the recreational needs of the citizens of the state and visitors.”*

This element of the Comprehensive Plan is intended to describe the parks, recreational facilities, and open space in the Rockaway Beach area, evaluate the availability of such areas, and maintain and expand such areas, in keeping with the appropriate state-wide goals.

The City of Rockaway Beach is naturally endowed with various types of undeveloped land suitable for recreation. The beach and forest lands, the ocean, bays and rivers in the area afford residents and visitors a wide variety of opportunities for both active and passive outdoor recreation. Strolling on the beach, stalking elk in nearby forests, fishing or boating on Lake Lytle, or swimming in other City lakes are some of the recreation possibilities. These natural recreation opportunities constitute the base of the Rockaway Beach economy.

Recognizing the scenic and recreational value of the coast, the state of Oregon long ago took steps to insure that the beach itself would remain a recreational resource available to the public. In 1915, Governor Oswald West declared the ocean beach to be a state highway, thus assuring free access to the waterfront. In 1967, the beach was declared a state recreation area. It has been state policy since that time to provide access to the beach and other state-owned recreational areas, and it is anticipated that the policy will be continued. The state Highway Division uses state revenues and federal funds to acquire and develop these access points.

It is a basic philosophy of the land use plan that, where dwellings are close to the beach, such as the land west of US Highway 101, less lot area is required. This is in recognition that the beach and ocean provide great amounts of open space and recreation opportunities to the residents in these areas.

Recreation opportunities are needed for residents of the City's neighborhoods. The City Park is undeveloped, the ball field at the school has fallen into disrepair, and the downtown has no outdoor areas at present for people to sit and relax. A small park has been developed around the City Hall building with funds from the US Bureau of Outdoor Recreation.

Policies

1. The planning commission shall work closely with the state or county parks departments early in the design stage to assist in planning park developments in the urban growth boundary. The City will cooperate with the state Parks Division in any planning for the upgrading of the Manhattan Beach Wayside and restroom improvements at the Rockaway Beach state Wayside. [Policy 1, amended by Ord. 277, Aug. 29, 1990.]
2. Existing public ownership, rights-of-way and similar public easements, which provide access to the ocean beaches or coastal lakes in Rockaway Beach shall be retained or replaced, if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment provided public access across the affected site is retained. [Policy 2 as amended by Ord. 223, Aug. 24, 1982 and Ord. 277, Aug. 29, 1990.]
3. Beach accesses of both the state and City should afford access to elderly and handicapped people.
4. Review of county and state park development should encourage maintenance of natural vegetation, prevention of water or wind erosion, good traffic circulation, design of restrooms or other structures to be as unobtrusive as possible, and should be in harmonious design with the surrounding environment.
5. The plan recognizes the state waysides and the state controlled beach as significant open space resources to the area.
6. Local groups such as the volunteer fire department, fraternal organizations and the local National Guard unit should be encouraged by the City to participate in development of existing parks. Playground equipment, sanitary facilities, picnic areas and landscaping are needed.
7. Preservation of open space shall be encouraged through the use of the cluster development concept in land development. Small play areas, parks and other recreational facilities should be incorporated in cluster developments and subdivisions for the benefit of their residents.
8. [Policy 8, deleted by Ord. 277, Aug. 29, 1990.]

9. [Policy 9, deleted by Ord. 277, Aug. 29, 1990.]
10. The City shall identify and provide adequate parks and recreation opportunities for its citizens.
11. Land that becomes available for public ownership through tax foreclosure or other means shall be considered for potential park, open space or recreation use, especially in the areas around Lake Lytle and Crescent.
12. [Policy 12, deleted by Ord. 204, Apr. 28, 1981; and Ord. 277, Aug. 29, 1990.]
13. [Policy 13, deleted by Ord. 277, Aug. 29, 1990.]
14. [Policy 14, deleted by Ord. 277, Aug. 29, 1990.]
15. The City recognizes the Oregon Coast Hiking Trail along the beach and the Oregon Coast Bicycle Trail along US Highway 101 as important recreation opportunities for visitors and residents of the area. These resources shall be protected.
16. [Policy 16 as amended by Ord. 204, Apr. 28, 1981; and deleted by Ord. 277, Aug. 29, 1990.]

Public Facilities and Services

The Public Facilities Plan contains an assessment of the sewer, water and storm drainage systems, with improvements projected, including a capital improvements program. Policy statements concerning sewer and water systems are found in Ordinance Nos. 93-297 and 06-399 respectively.

General policies and recommendations on each public system are as follows:

Sewerage System

(See map 11, following pages)

1. Costs of extension of the sewer system should generally be borne by those requesting service. This can be accomplished by the property owner or developer paying for the extension, or by the formation of a local improvement district (LID) for the purpose.
2. Extension of sewer lines should consider the capacity of the treatment facility, and the costs to the City versus anticipated benefits. Sewer services should be provided only if there is adequate treatment capacity available, or if there would be capacity provided within one year from the installation of the sewer

services as certified by the city Engineer or the Department of Environmental Quality.

3. Sewer service shall not be provided to those areas outside the City.

Water System

(See map 1.0, next page)

1. Water system extensions will be considered only for those areas inside the Rockaway Beach. Urban Growth Boundary [Policy 1, amended by Ord. 277, Aug. 29, 1990.]
2. The City may attach any conditions to the extension of sewer or water lines concerning the development (or non-development) of properties along the length of extensions, based on physical features of the land, density requirements, development limitations, and other considerations.

Schools

1. The City and School District should jointly develop sports and recreation facilities that could benefit each other, such as tennis courts at the high school, or a ball field next to the administration building. [Policy 1, amended by Ord. 277, Aug. 29, 1990.]
2. [Policy 2, deleted by Ord. 277, Aug. 29, 1990.]
3. [Policy 3, deleted by Ord. 277, Aug. 29, 1990.]
4. The school district should consult the city planning commission prior to the development or disposition of any land or buildings in the City or on its fringe. [Policy 4, amended by Ord. 277, Aug. 29, 1990.]

Solid Waste Disposal

The City's solid waste is trucked to the Nehalem Bay transfer station. The City is cooperating with Tillamook County's efforts to improve the recycling of solid waste. [Solid Waste Disposal, amended by Ord. 277. Aug. 29, 1990.]

Police Service

The City presently maintains a police force of three full-time officers. The City also has a mutual aide agreement with Tillamook County's Sheriff Department who also furnish police services outside the City and in the urban growth boundary. [Police Service, amended by Ord. 277, Aug. 29, 1990.]

Fire Protection and Ambulance Service

The City maintains a volunteer fire department, and contracts with surrounding areas such as Twin Rocks and Nedonna Beach. Full ambulance service is provided by the Tillamook County General Hospital which has state approved equipment and personnel. [Fire Protection and Ambulance Service, amended by Ord. 277, Aug. 29, 1990.]

Public Buildings

1. [Policy 1, deleted by Ord. 277, Aug. 29, 1990.]
2. [Policy 2, deleted by Ord. 277, Aug. 29, 1990.]

Senior Citizen Services

The City supports a Rockaway Senior Citizens Center and a nutrition program. The City has and should continue to demonstrate its commitment to this large segment of the town's population. [Senior Citizens Services, amended by Ord. 277, Aug.. 29, 1990.]

Health Services

1. [Policy 1, deleted by Ord. 277, Aug. 29, 1990.]
2. [Policy 2, deleted by Ord. 277, Aug. 29, 1990.] [Health Services provisions as amended by Ord. 204, Apr. 28, 1981; and Ord. 277, Aug. 29, 1990.]
3. The city provides facilities for a public health clinic sponsored by the Tillamook County Health Department.