

City of Rockaway Beach Planning Commission Meeting Agenda



Date: April 20th, 2023
Time: 4:30 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

JOIN ZOOM MEETING

CITY OF ROCKAWAY BEACH PLANNING COMMISSION MEETING

Meeting ID: 864 6541 1390

Passcode: 387504

253 215 8782 US (Tacoma)

CALL TO ORDER – Bill Hassell, Chair

ROLL CALL

Chair: Bill Hassell

Commissioners: Bill Hassell, Pat Olson, Zandra Umholtz,
Sandra Johnson, Georgeanne Zedrick,
Kristina Woida, and Stephanie Winchester

APPROVAL OF MINUTES

1. March 16th, 2022

CITIZEN CONCERNS, COORESPONDENCE AND COMMENTS

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

1. Mountain biking presentation – Scott Grabke
2. SB 406 & Housing Needs Analysis (HNA)
3. HB4123 – Representative Needed
4. Lake Lytle – List of Potential Improvements

PLANNING COMMISSION COMMENTS & CONCERNS

STAFF COMMENTS AND CONCERNS

ADJOURNMENT

Lake Lytle Park & Boat Launch – List of Potential Improvements

- ADA kayak launch
- ADA compliant restrooms
- Benches
- Boat launch improvements
- Up to 3 docks
- Swimming area
- Gazebo
- Picnic tables
- Lighting
- ADA parking
- Garbage bins
- Bike racks
- Signage
- Paving or pavers
- Water fountain
- Shower/rinsing station
- Parking lot improvements
- Security cameras
- Kayak lockers
- Donation box
- Fish cleaning station
- Paths or trails
- Life jacket hangers/storage

Proposed Amendments to
Senate Bill 406
Requested by Senator WEBER
3/23/23 (RLM/)
LC 1156

On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert “197.286, 197.758, section 3, chapter 639, Oregon Laws 2019, and sections 1, 4, 5, and 9, chapter ___, Oregon Laws 2023 (Enrolled House Bill 2001).”

Delete lines 6 through 31.

On page 2, delete lines 1 through 15 and insert:

“**SECTION 1.** If House Bill 2001 becomes law, ORS 197.286, as amended by section 5, chapter 54, Oregon Laws 2022, and section 12, chapter ___, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

“197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

“(1) ‘Allocated housing need’ means:

“(a) For a city outside Metro, the housing need allocated to a city under section 2 (2) of this 2023 Act as segmented by income level under section 2 (4) of this 2023 Act; or

“(b) For a city within Metro, the housing need allocated to the city by Metro under ORS 197.303 (3).

“(2) ‘Buildable lands’ means lands in urban and urbanizable areas that are suitable, available and necessary for the development of needed housing over a 20-year planning period, including both vacant land and developed land likely to be redeveloped.

“(3) ‘City’ and ‘city with a population of 10,000 or greater’ includes, regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Beaver, Cloverdale, Hebo, Idaville, Neahkahnie, Neskowin, Netarts, Oceanside, Pacific City/Woods.

“[(3)] (4) ‘Government assisted housing’ means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

“[(4)] (5) ‘Housing capacity’ means the number of needed housing units that can be developed on buildable lands within the 20-year planning period based on the land’s comprehensive plan designation and capacity for housing development and redevelopment.

“[(5)] (6) ‘Housing production strategy’ means a strategy adopted by a local government to promote housing production under ORS 197.290.

“[(6)] (7) ‘Manufactured dwelling,’ ‘manufactured dwelling park,’ ‘manufactured home’ and ‘mobile home park’ have the meanings given those terms in ORS 446.003.

“[(7)] (8) ‘Periodic review’ means the process and procedures as set forth in ORS 197.628 to 197.651.

“[(8)] (9) ‘Prefabricated structure’ means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

“**SECTION 2.** ORS 197.758 is amended to read:

“197.758. (1) As used in this section:

“(a) ‘City’ or ‘city with a population of 25,000 or greater’ includes, regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Beaver, Cloverdale, Hebo, Idaville, Neahkahnie, Neskowin, Netarts, Oceanside, Pacific City/Woods.

Commented [MR1]: Because of some changes made to the language by HB 2001, it’s actually perhaps a bit easier to amend this as if HB 2001 were already law, particularly now that it can’t get amended again (at least not the bill itself). Of course, if for some reason HB 2001 doesn’t get signed, this will need some amendments.

Commented [MR2]: Making this change means that all of the requirements to cities > 10,000 in 197.296 to 197.314 apply to Tillamook cities as well.

Commented [MR3]: This is specifically for middle housing requirements only.

“[(a)] (b) ‘Cottage clusters’ means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

“[(b)] (c) ‘Middle housing’ means:

“(A) Duplexes;

“(B) Triplexes;

“(C) Quadplexes;

“(D) Cottage clusters; and

“(E) Townhouses.

“[(c)] (d) ‘Townhouses’ means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

“(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or [more] greater and each county or city within a metropolitan service district shall allow the development of:

“(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

“(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

“(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

“(4) This section does not apply to:

“(a) Cities with a population of 1,000 or fewer, **except inside of Tillamook County;**

“(b) Lands not within an urban growth boundary;

“(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

“(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

“(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

“(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

“(6) This section does not prohibit local governments from permitting:

“(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

“(b) Middle housing in areas not required under this section.”.

In line 16, delete “2” and insert “3”.

Delete line 22 and insert:

“(c) December 31, 2025, for each city in Tillamook County, as defined in ORS 197.758.”.

Delete lines 41 through 45 and pages 3 through 7 and insert:

“**SECTION 4.** If House Bill 2001 becomes law, section 1, chapter ___, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

Commented [MR4]: Moving deadline for Tillamook cities and counties to adopt updated codes to implement middle housing requirements.

“**Sec. 1.** (1) There is established within the Oregon Department of Administrative Services the Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further the:

“(a) Production of housing to meet the need of Oregonians at all levels of affordability; and

“(b) Production of housing in a way that creates more housing choice by affirmatively furthering fair housing, as defined in ORS 197.290.

“(2) The Oregon Housing Needs Analysis consists of three components as follows:

“(a) The annual statewide housing analysis under section 2 (1), **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]**;

“(b) The allocated housing need under section 2 (2), **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]**; and

“(c) The housing production targets under section 3, **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]**.

“(3) Actions taken by the department under sections 1 to 3, **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]** are not subject to ORS 197.180 and are not land use decisions.

“(4) The Department of Land Conservation and Development and the Housing and Community Services Department:

“(a) Shall assist the Oregon Department of Administrative Services with its duties under sections 1 to 3, **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]**.

“(b) May study and recommend methodological changes to the Oregon Department of Administrative Services to improve the Oregon Housing Needs Analysis' functions and suitability for its purposes under subsection (1) of this section. The departments may solicit written and oral public testimony to inform their recommendations.

“(5) **As used in sections 1 to 3, chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001), ‘city’ or ‘city with a population of 10,000 or greater’ has the meaning given the term in ORS 197.286.**

“**SECTION 5.** If House Bill 2001 becomes law, section 4, chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

“**Sec. 4.** (1) The Housing and Community Services Department may adopt rules to implement this section and section 5, **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]**.

“(2) On an annual basis the Housing and Community Services Department shall update a publicly available statewide housing production dashboard.

“(3) The dashboard shall include, for each city with a population of 10,000 or greater, **as defined in ORS 197.286:**

“(a) Progress toward housing production by affordability levels, as described in section 2 (4), **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]** and total housing targets; and

“(b) A comparative analysis of progress in comparison to the region and other local governments with similar market types.

“(4) Information in the dashboard must be based on:

“(a) Inventory of publicly supported housing, as defined in ORS 456.250, that is maintained by the department; and

“(b) Information submitted to the department under section 37 (3), **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001) [of this 2023 Act]**.

“**SECTION 6.** If House Bill 2001 becomes law, section 5, chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

“**Sec. 5.** (1) On an annual basis the Housing and Community Services Department shall update publicly

Commented [MR5]: Amending DAS requirements for OHNA to include Tillamook cities and communities.

Commented [MR6]: Amending OHCS requirements for OHNA to include Tillamook cities and counties.

available statewide housing equity indicators.

“(2) The indicators shall include, for each city **under section 4, chapter __, Oregon Laws 2023 (Enrolled House Bill 2001)**, quantifiable data, to the extent that the department can determine, define or estimate it, displaying:

Commented [MR7]: Ditto.

“(a) Housing outcomes, such as cost burden and availability of housing units to own or to rent, and housing condition for various demographics, including race or ethnicity, disability status, English proficiency and age;

“(b) Housing types produced and overall land efficiency of housing production;

“(c) New housing units built to standards, as defined by the Department of Consumer and Business Services by rule, relating to accessibility and visitability;

“(d) Risk of gentrification and displacement;

“(e) Housing segregation by race and income;

“(f) Environmentally just housing outcomes, informed by the environmental justice mapping tool, developed by the Environmental Justice Council under section 12, chapter 58, Oregon Laws 2022;

“(g) Residential tenants who spend more than 50 percent of their household income on gross rent for housing; and

“(h) Other measurable factors or indicators identified by the department.

“**SECTION 7.** If House Bill 2001 becomes law, section 9, chapter __, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

“**Sec. 9.** (1) The Land Conservation and Development Commission shall adopt rules and amendments to rules related to urbanization as follows:

“(a) **On or before June 30, 2024, adopt a schedule by which cities in Tillamook County shall demonstrate sufficient buildable lands.**

“[(a)] (b) On or before January 1, 2025, to implement ORS 197.290, 197.291, 197.293, 197.319 (4), 197.320 (13) and 197.335 (6); and

“[(b)] (c) On or before January 1, 2026, to implement ORS 197.286 to 197.314, except as provided in paragraph (a) of this subsection.

“(2) In adopting rules under this section, the commission shall prioritize:

“(a) Facilitating and encouraging housing production, affordability and housing choice on buildable lands within an urban growth boundary;

“(b) Providing greater clarity and certainty in the adoption and acknowledgement of housing capacity analyses, urban growth boundary amendments, urban growth boundary exchanges or urban reserves to accommodate an identified housing need;

“(c) Reducing analytical burden, minimizing procedural redundancy and increasing legal certainty for local governments pursuing urban growth boundary amendments, urban growth boundary exchanges or urban reserves where a housing need is identified, especially for smaller cities, consistent with the appropriate protection of resource lands; and

“(d) Supporting coordinated public facilities planning, annexation, and comprehensive plan amendments to facilitate the development of lands brought into an urban growth boundary.

“(3) In adopting rules under subsection (1)(a) of this section, the commission shall:

“(a) Consult with the Housing and Community Services Department, Department of Transportation, Department of Environmental Quality, Department of State Lands, Oregon Business Development Department and Department of Consumer and Business Services;

“(b) Provide clear parameters on the types and extent of actions needed or allowed under ORS 197.290

(3) that are consistent with the technical and resource capacities of varying sizes of local governments; and

“(c) Recognize actions already taken by local governments.

“(4) To avoid interference with current planning activities or to avoid unjust or surprising results, the Land Conservation and Development Commission may postpone, for cities specified by the commission, the applicability of sections 13, 21, 22 or 23, **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*] and the amendments to ORS 197.286, 197.290, 197.296, 197.297 and 197.303, by sections 12 and 25 to 28, **chapter _____, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*], until a date that is not later than January 1, 2026.

“(5) To provide for flexibility and coordination of county resources the commission may adopt any policies or rules necessary to allow cities in Tillamook County to cooperate with the county in fulfilling any of the cities' duties under ORS 197.286 to 197.314 or coordinating the distribution of any funds to the cities for such purposes.”.

Commented [MR8]: This was my attempt at a catchall to allow DLCD some flexibility to implement these policies with respect to Tillamook cities and to allow the county to coordinate those efforts. I don't quite know how this will work, but I presume that no one does yet.



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

What is this?

In 2009 Portland Audubon Society brought lawsuit against FEMA regarding the Endangered Species Act (ESA – est. 1969).

ESA requires federal agencies conduct does not jeopardize endangered or threatened species or destruction and/or adverse modification of their habitat.

A settlement was reached resulting in FEMA consulting with the National Marine Fishery Service who issued a biological opinion (BiOp) that the current implementation is likely to jeopardize the continued existence of 16 fish species listed as threatened or endangered.



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

What is this?

FEMA was then tasked to modify the NFIP so development actions in floodplains would result in 'no net loss' to key habitats.

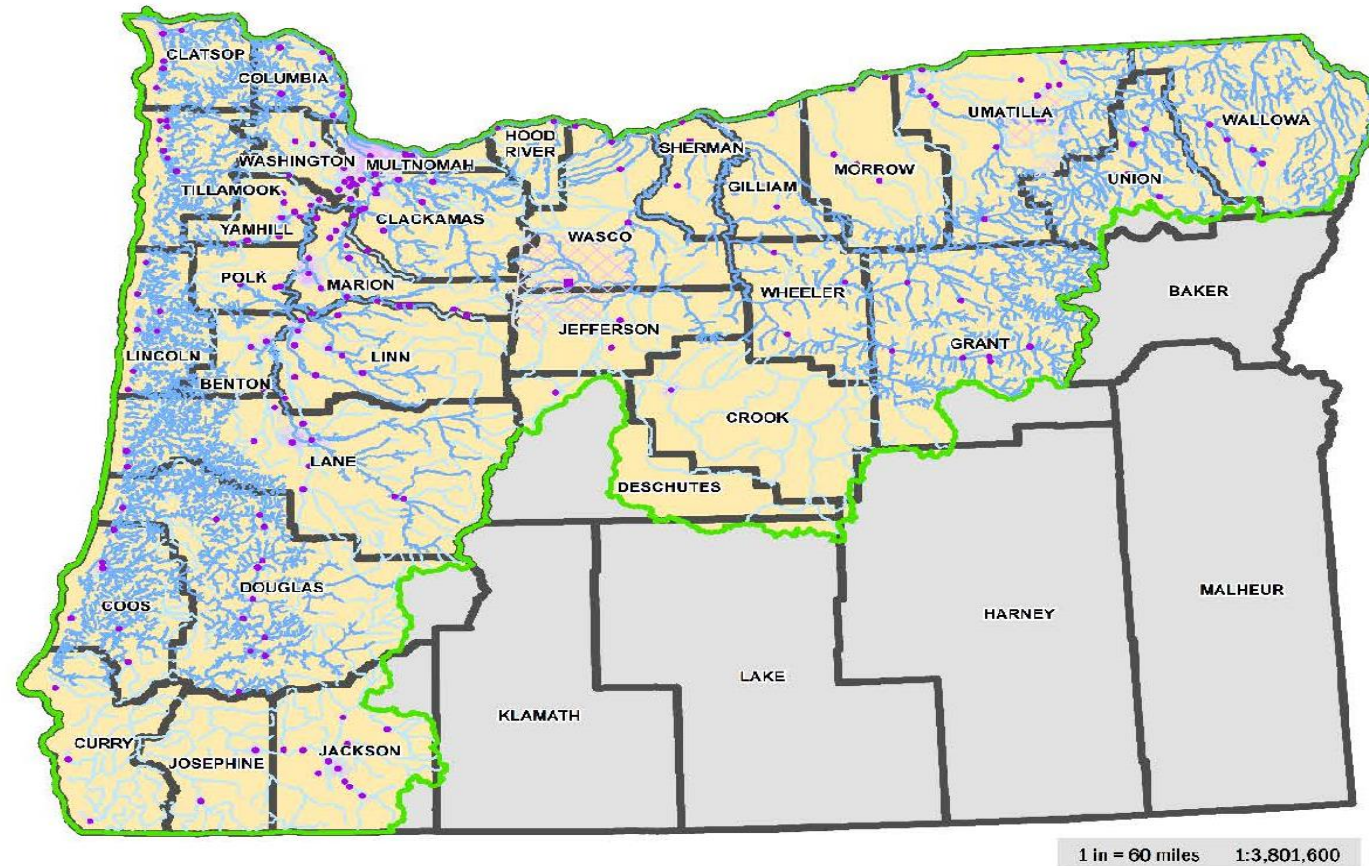
“No net loss” means that mitigation of all negative impacts is provided on site, within the same reach, or in the same watershed, with increasing mitigation ratios for each.

The proposed modifications will require additional regulations and restrictions for land use and development within SFHA properties.

The Implementation Plan requires communities to adopt regulations to continue to be involved within the NFIP program.



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)



OREGON NFIP BIOP ACTION AREA

2021.09.28

LEGEND

- OREGON NFIP ACTION AREA
- CRITICAL HABITATS (SALMON/STEELHEAD)*
- MAJOR STREAMS

- COUNTIES
- NFIP PARTICIPATING TRIBES
- NFIP PARTICIPATING COMMUNITIES

ABOUT

This map displays the Oregon NFIP BIOP Action Area where critical habitats for salmon and steelhead (and areas upstream of those habitats) are displayed in relation to NFIP participating tribes and jurisdictions. Most NFIP-participating communities within Oregon have all or a portion of land within the BIOP Action Area, with the exception of Baker, Harney, Klamath, Lake, and Malheur Counties.

*Critical Habitats are via NOAA Fisheries: <https://www.fisheries.ncaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast>



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

Why do we need to comply with the new NFIP regulations?

- Participation in the NFIP is voluntary but necessary for federal flood insurance.
- FEMA sets minimum standards; communities may adopt stricter standards.
- Communities are responsible for adoption & enforcement of standards.
- FEMA may place communities on probation or removed if they fail to adopt or enforce standards.
- Removal means property owners would not qualify for federally backed flood Insurance or Federal Assistance in a Flood disaster.
- No federal mortgage insurance or loan guarantees can be provided in identified flood hazard areas not in NFIP.



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

What is the intention of the SFHA new requirements?

To ensure communities do not allow new unmitigated impacts to three key natural functions of floodplains from new development. Setting a standard of “no net loss” of the three natural floodplain functions.

Floodplain Function	<i>Examples of Potentially Harmful Development Activities</i>
 Flood Storage	<i>Placement of fill</i>
 Water Quality	<i>Addition of impervious surface</i>
 Riparian Vegetation	<i>Removal of existing vegetation</i>



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

What is the intention of the SFHA new requirements?

- Avoid new development in areas of greatest flood risk and habitat value
- Avoid flood-related erosion & protect habitat values of native vegetation in areas immediately surrounding waterways
- Mitigate any remaining new development impacts to the 3 floodplain functions



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

What are examples of proposed new regulations?

- Prohibition of new land divisions that create lots or parcels without buildable area outside of the SFHA
- Limit density to 1 unit (with exceptions to address state and local allowances for ADU's etc.)
- Prohibit new development where there is a buildable area outside the floodplain.
- Use of structural elevation vs. fill in, where possible, mitigate all development impacts to flood storage.
- Restrictions on additions of impervious surfaces.
- Creation of a vegetated setback or corridor for all aquatic features.
- Implementation of binding stormwater policies.
- Effective compensatory mitigation of all remaining impacts.



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

New Land Division & Model Code



Buildable Area





Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

How do I find out more?

FEMA presentation and additional supplemental documents on City website

FEMA representatives' presentation in Tillamook on 4/5/23 available on City website.





Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

What can I do?

Provide commentary and input to FEMA, all comments are due by 5/5/23.

Written Comments email to: FEMA-R10-ESAccomments@fema.dhs.gov

**Written Comments: Ms. Science Kilner, Regional Environmental Officer
FEMA Region 10
130 228th St. SW
Bothell, WA 98201**

From: Thomas Fiorelli

Sent: Wednesday, November 9, 2022 4:53 PM

To: jay.marugg@garibaldi.gov; Leila Aman <layan@ci.manzanita.or.us>; Liane Welch <lwelch@ci.bay-city.or.us>; Luke Shepard <luke-shepard@corb.us>; Mary Johnson <maryjohnson@ci.wheeler.or.us>; Melissa Thompson-Kiefer <mthompson@nehalem.gov>; ngeorge@tillamookor.gov

Cc: Erin Skaar <eskaar@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>

Subject: HB 4123 - Coordinated Homeless Pilot - Update

Good afternoon City Managers,

I am delighted to share with you that today I received back the final Memorandum of Agreement signed and fully executed by the County. The MOA is attached here for your records. Congratulations—we are officially a coordinated System!!!

The most important thing we need from cities right now is to determine who will be the representative appointed to (1) attend monthly meetings and (2) take on a specific role as required under [HB 4123](#). If you haven't already, please send us your appointees so we can include them in the forthcoming final draft of our System Plan.

I am also attaching the County's Draft Plan for your internal review—please note that we expect some of the details to change following review by CARE and the cities, but we think the structure is expected to remain the same. Collaboration is key, and any thoughts or comments you can provide would be greatly appreciated. Please also look LOC's guidance on implementation.

Thank you so very much for your collaboration and thoughtful communication in preparation for this opportunity, and for shepherding it along you respective councils for consideration. Our Coordinated System will most certainly excel in our efforts to address homelessness in Tillamook County with your local leadership and contributions. I would also like to elevate special recognition for County Commissioner Erin Skaar— this would not have come to fruition if it hadn't been for her amazing leadership and hard work!

We are looking forward to moving ahead together. If you have any questions, please don't hesitate to reach out to either myself or Commissioner Skaar.

Thank you!

T.J.



Thomas J. Fiorelli | Housing Coordinator
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3419
tfiorell@co.tillamook.or.us

