



City of Rockaway Beach

Planning Commission Meeting Agenda

Date: Thursday, July 16, 2026

Time: 5:00 PM

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

Watch meeting here: rockawaybeachoregon.gov/meetings

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Meeting ID: 817 8436 3367

Passcode: 974173

Dial by your location

253 215 8782 US (Tacoma)

How to Provide Public Comment:

- Written Comments may be submitted electronically by sending an email no later than 48 hours prior to the meeting to CityHall@Corb.us
 - In Person – sign-up sheet and instructions will be located on the table outside of the meeting room.
 - Virtually on Zoom – use the “raise hand” feature when the Chair announces it is time to do so.
-

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

- a. June 18, 2026 Meeting Minutes

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

6. STAFF REPORTS

- a. Planning Department Staff Report

Rockaway Beach City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder Melissa Thompson at cityrecorder@corb.us or 503-374-1752.

- 7. PUBLIC HEARING**
- 8. PUBLIC INPUT ON NON-AGENDA ITEMS**
- 9. OLD BUSINESS**
- 10. NEW BUSINESS**
 - a. Development Code Update Project Presentation and Draft Code Audit Report Review
– Cascadia Partners
 - b. Consideration to Elect Planning Commission President and Vice-President
- 11. PLANNING COMMISSION COMMENTS & CONCERNS**
- 12. ADJOURNMENT**



City of Rockaway Beach

Planning Commission Meeting Minutes

Date: Thursday, June 18, 2026

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Planning Commissioners Present: Bill Hassell, Penny Cole, Sandra Johnson, Stephanie Winchester (remote), Nancy Lanyon, Jason Maxfield, Lydia Hess
Council Members Present: Charles McNeilly, Mary McGinnis
Staff Present: Melissa Thompson, City Recorder; Abram Tapia, City Planner

4. APPROVAL OF MINUTES

a. May 21, 2026 Meeting Minutes

Motion by Penny Cole, seconded by Nancy Lanyon, to approve the May 21, 2026 meeting minutes as presented.

Motion Passed by the following vote:

Yes: 7 (Bill Hassell, Penny Cole, Sandra Johnson, Stephanie Winchester, Nancy Lanyon, Jason Maxfield, Lydia Hess)

No: 0 (None)

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS - None Scheduled

6. STAFF REPORTS

a. Planning Department Staff Report

- Tapia summarized the staff report.
- Brief discussion regarding the Short-Term Rental (STR) accessibility program with Becoming rentABLE.
- Explanation of housing production strategies and clarification of scope of work for the Project to Update Residential Development Code and Policy.
- Tapia provided brief updates on active and potential property developments.

7. PUBLIC HEARING - None Scheduled

8. PUBLIC INPUT ON NON-AGENDA ITEMS - None

9. OLD BUSINESS - None Scheduled

10. NEW BUSINESS

a. Flood Overlay Zone Amendments Discussion

- Tapia gave a presentation on proposed amendments to the Flood Hazard Overlay Zone including an amendment timeline, definition of a floodplain, reasons for regulating floodplain development, and an explanation of key changes in the proposed amendments.
- Commissioners discussed the proposed amendments and Tapia answered clarifying questions.
- Comment in support of higher standards to improve insurance ratings.
- Concerns that higher standards prohibiting certain fill would discourage beautification of properties.
- Suggestions to further clarify standards in relation to higher standards prohibiting fill.
- Suggestion to use a 5-year timeframe for proposed cumulative substantial improvements rather than 10 years.
- Suggestion to clearly explain prior to hearings the distinction between Federal Emergency Management Agency (FEMA) flood maps and wetland maps.

11. PLANNING COMMISSION COMMENTS & CONCERNS

- Cole thanked City Planner Tapia for his work on the proposed Flood Hazard Overlay Zone amendments and for helping clarify floodplain-related issues for the community.
- Hess expressed appreciation for the City's Façade Grant program and its positive impact on local businesses and the appearance of the community.
- Johnson encouraged community members to volunteer through Rockaway Beach Volunteers and noted the need for additional volunteers during the busy summer season.
- Lanyon expressed concerns regarding a nuisance property near South 6th Street and Easy Street, encouraged the City to consider policies addressing non-motorized vehicles, and supported adopting a single name for the Big Cedar Boardwalk. Lanyon praised the City's accessibility efforts through the Becoming rentABLE program.
- Maxfield corrected a previous statement and credited the Fire Department with originating the Trunk or Treat event. Maxfield encouraged discussion of regulations related to burning yard debris and expressed concerns about trash burning within City limits. Maxfield also thanked staff and volunteers for their efforts during the busy season.
- Winchester expressed appreciation for the work and public education related to the proposed floodplain code amendments, echoed concerns regarding burning and air quality impacts, and thanked staff and volunteers for their efforts preparing the City for the summer season.
- McGinnis supported adopting a single name for the Big Cedar Boardwalk, thanked Tapia for his work on the floodplain amendments, noted the completion of Façade Grant improvements at Sea Treasures, and announced the upcoming update of the City's five-year Strategic Plan, encouraging public participation in the process. McGinnis shared information regarding ongoing discussions about parking and potential impacts from Oregon Coast Scenic Railroad plans.

- McNeilly thanked Maxfield for raising concerns about debris burning and expressed support for additional controls on burning within City limits. McNeilly discussed ongoing efforts to address parking challenges, encouraged attendance at the upcoming City Council Workshop on parking, and advocated for increased events during the shoulder season to support local businesses.
- Hassell encouraged community members to volunteer with David's Chair and announced plans for installation of an ADA-accessible portable restroom near the David's Chair location.

12. ADJOURNMENT

Motion by Sandra Johnson, seconded by Jason Maxfield, to adjourn the meeting at 7:03 p.m.

Motion Passed by the following vote:

Yes: 7 (Bill Hassell, Penny Cole, Sandra Johnson, Stephanie Winchester, Nancy Lanyon, Jason Maxfield, Lydia Hess)

No: 0 (None)

MINUTES APPROVED THE
16TH DAY OF JULY 2026

William Hassell, President

ATTEST

Melissa Thompson, City Recorder



City of Rockaway Beach, Oregon

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Rockaway Beach, OR 97136

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MEMORANDUM

TO: Planning Commission
FROM: Abram Tapia, City Planner
DATE: July 9, 2026

RE: Planning Department Monthly Report

Project to Modernize the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance:

The City of Rockaway Beach is working with Cascadia Partners, a regional planning consulting firm, to update local regulations affecting residential development. These updates will ensure compliance with State housing laws, address permitting and land use barriers, and support housing production, affordability, and choice. Staff will review potential amendments to the Comprehensive Plan, Comprehensive Plan Map, Zoning Ordinance, Subdivision Ordinance, and Zoning Map.

The Project Management Team met on Tuesday, July 7, to review the Draft Rockaway Beach Development Code Audit and Code Concepts Report. The draft report, which will be presented at the upcoming Planning Commission Meeting, includes findings for four audit components: Housing Barriers, Statutory Compliance, Clear and Objective Housing Standards and Procedures, and a Comprehensive Plan review. The consultant team continues to refine the report and identify areas for improvement.

Flood Code Updates:

Staff are preparing for the first evidentiary hearing to update the Flood Hazard Overlay Zone (FHO), anticipated to be held at the August Planning Commission meeting. The purpose of the FHO is to promote public health, safety and general welfare, and to minimize public and private losses due to flooding. The current methods and provisions related to flood hazard in the Zoning Ordinance were adopted in 1987, with few amendments since. Staff have been working to update flood hazard rules and regulations to achieve compliance with the minimum NFIP and state standards for floodplain management. Required notices to property owners in the Special Flood Hazard Zone and to DLCD will be given in the upcoming week.

In addition to the minimum requirements, FEMA and DLCD encourage local governments to adopt higher standards that make sense for each community and its unique flood risk. To this end, Staff is exploring potential higher standards to address many issues and concerns that have been raised regarding our local flood management program and are finalizing these higher standards based on Planning Commission discussion in the June meeting. It is important to note that the proposed amendments do not include provisions to address the 2016 Biological Opinion (BiOp) or the FEMA Pre-Implementation Compliance Measures (PICM).

Accessible STR:

The City has partnered with Becoming rentABLE to promote the accessibility of our local short-term rental market. Becoming rentABLE conducted a comprehensive accessibility audit of 430 active short-term rental listings in Rockaway Beach, reviewing properties across several booking platforms. They found that near 20 properties currently meet baseline accessibility criteria. Additionally, the report found that 66 properties (15.3% of all listings), could be just one modification away from accessibility and an additional 83 properties could not be fully assessed due to insufficient listing photos and descriptions, representing further untapped potential with minimal investment.

The next phase of the project revolved around direct outreach to identified property owners who have an STR License, incentivize listing identified accessible rentals on the Becoming rentABLE platform, and developing outreach materials to increase community awareness of project efforts and steps to increase accessibility across the whole City. Becoming rentABLE has begun a press release to highlight effort. The City is finalizing the contract with Becoming rentABLE to fully implement the second phase.

Permit Review in June:

The Planning Department approved a zoning permit allowing a single unit dwelling on Nedonna Avenue, a replat application on North Dolphin Street combining two existing lots, and a floodplain permit on South Dolphin Street for the maintenance of existing gravel on a lot.

Rockaway Beach Development Code Audit and Code Concepts Report

PLANNING COMMISSION WORK SESSION DRAFT

Prepared for the City of Rockaway Beach, Oregon

by Cascadia Partners

July 9, 2026

DRAFT

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Appendix A: Housing Barriers Audit Detailed Findings and Code Concepts
(forthcoming)

Appendix B: Statutory Code Audit Detailed Findings (forthcoming)

Appendix C: Clear and Objective Code Audit Detailed Findings (forthcoming)

Introduction

Project Overview

The City of Rockaway Beach is working with Cascadia Partners (CP) to review and update the Rockaway Beach Zoning Ordinance (ZO) and Subdivision and Land Partition Ordinance (SLPO). The project will result in updates to the ZO and SLPO to address barriers to housing development, comply with state statutes related to housing, and ensure there is a clear and objective pathway for housing development. This project began in late March 2026 and will end in the Spring of 2027.

Audit Overview

As part of this Rockaway Beach Development Code Update project, CP audited all relevant portions of the current ZO and SLPO to identify updates needed to:

1. Remove or amend standards, conditions, or procedures that have the effect, either in themselves or cumulatively, of discouraging housing development through unreasonable cost or delay or other criteria or procedures related to housing that may create permitting or land use barriers to housing production (Housing Barriers);
2. Address compliance with state housing regulations (Statutory Compliance);
3. Ensure standards and procedures provide a clear and objective path for housing development (Clear and Objective Audit); and
4. Ensure the Comprehensive Plan is consistent with any needed ZO and SLPO policy updates identified in the above audits (Comprehensive Plan).

A high-level summary of key findings from each of these three audit components is provided below. More detailed findings and recommended approaches to resolve the identified issues are presented for consideration in the following sections of the report and its appendices.

1. Housing Barriers Audit Overview:

The ZO and SLPO audit identified five barriers in the City's code that impact the affordability and availability of housing. The bullets below summarize the key findings from the barriers audit of the standards, conditions, and procedures related to housing development that could create permitting or land use barriers to housing production. A detailed summary of each barrier and draft concepts for code updates can be found in Section 1 of the Audit Findings (page 7).

- **Barrier 1: Multi-unit dwellings face discretionary approval and lack predictable review outcomes.** Multi-unit housing developments are subject to additional review processes that do not apply to single-unit homes or middle housing. They must undergo two layers of review and comply with site design requirements that are discretionary rather than objective, creating greater uncertainty, cost, and approval risk.
- **Barrier 2: Residential zone height limits preclude 3-story multi-unit development.** Maximum building heights in residential zones are limited to 25 feet and 29 feet east of

Highway 101, with limited exceptions east of Highway 101 and beyond 2,000 feet from the Oregon Coordinate Line. These height limits make it difficult to develop three-story buildings and achieve higher residential densities.

- **Barrier 3: Multi-unit density caps prevent moderate-density housing types.** The City regulates residential density through a minimum lot area requirement of 1,750 square feet per dwelling unit for multi-unit dwellings. This standard limits the number of units that can be developed on a site and constrains the development of moderate- and higher-density multi-unit housing.
- **Barrier 4: Parking standards constrain compact and multi-unit development.** Parking standards for multi-unit housing are not clearly defined and require discretionary Planning Commission approval. This process can result in parking requirements that exceed actual demand, making it more difficult to develop multi-unit housing, particularly on smaller infill sites.
- **Barrier 5: Ground-floor commercial requirement in C-1 suppresses standalone residential development.** In portions of the C-1 zone housing is only allowed as part of a mixed-use development that includes commercial uses on the ground floor. When commercial markets are low this can reduce the financial feasibility of developing mixed use projects and thereby limits the amount of residential development that occurs. This barrier is recommended to be addressed in a future project, as the City first needs to conduct an Economic Opportunities Analysis (EOA) to determine commercial land needed prior to amending these use standards.

2. Statutory Compliance Audit Overview:

The ZO and SLPO were reviewed for compliance with 22 state statutes related to housing development. This review is summarized in the table below. The ZO and SLPO were found to be fully in compliance with four of these statutes, partially compliant with two statutes, and not in compliance with 11 statutes. Three additional statutes are not required to be codified but are recommended for clarity to do so. Finally, there is one statute where codification is identified as not applicable. The ZO and SLPO were also reviewed for compliance with Oregon Administrative Rules (OAR) Chapter 660-46 and found to be in compliance with applicable rules.

Table 1. Statutory Compliance Status

Citation	Requirement	Status
Procedural Requirements		
ORS 197.195 / 197.015	Limited Land Use Decisions	Does Not Comply
ORS 197A.140-146	Expedited Land Divisions	Does Not Comply
ORS 197A.400	Clear and Objective Approval Criteria Required	Partially Complies

Citation	Requirement	Status
ORS 197A.402	Local Approval of Land Division or Construction of Housing	Does Not Comply
ORS 227.175	Application for Permit or Zone Change	Does Not Comply
ORS 227.178	Deadlines for Completeness Determination and Final Action on Application	Does Not Comply
ORS 197A.395 §38-41 (temporary)	Mandatory Adjustments (SB 1537)	Codification Not Applicable
General Housing Provisions		
Occupancy		
ORS 90.112	Occupancy Limit Based on Familial Relationship	Complies
Specific Housing Types		
ORS 197A.420	Middle Housing	Complies
ORS 197A.421	Additional Accessible or Affordable Middle Housing Units	Does Not Comply
ORS 92.031	Middle Housing Land Divisions	Complies
ORS 197A.430	Single Room Occupancies (SRO)	Does Not Comply
ORS 197A.432	Siting of Manufactured Home or Prefabricated Structure	Does Not Comply
ORS 197A.436	Manufactured Home Parks	Partially Complies
ORS 92.835–845	Manufactured Home Park Subdivisions	Codification Not Applicable
ORS 197.493	Occupancy of Recreational Vehicles (RV)	Partially Complies
ORS 197.660–667	Residential Homes and Facilities	Complies
ORS 197A.449	Hotel/Motel Conversion	Codification Recommended
ORS 197.783	Emergency Shelter Siting	Codification Recommended
Affordable Housing		
ORS 197A.445(1–8)	Affordable Housing Allowed Outright; Commercial Conversion	Does Not Comply
ORS 197A.445(9–10)	Affordable Housing Density and Height Bonus	Does Not Comply

Citation	Requirement	Status
ORS 197A.460	Residential Use of Commercial Lands for Affordable Housing	Does Not Comply

3. Clear and Objective Audit Overview:

The audit identified roughly 80 instances where provisions of the ZO or SLPO do not comply with State rules regarding clear and objective procedures and standards. These fall into five main patterns:

- **Many standards use vague or undefined terms.** Provisions throughout Articles 3 and 4 of the Zoning Ordinance, and in the Subdivision and Land Partition Ordinance, use words like "adequate," "feasible," "compatible," and "suitable" without defining what those words mean in practice. When a standard cannot be read the same way by two different people, it is not clear and objective.
- **Decision-making authority is given without guidance.** Standards across both ordinances give the Planning Commission or City staff broad authority, such as to require studies, approve materials, waive requirements, and impose conditions without saying when that authority applies or what factors should drive the decision.
- **Standards require balancing with no way to measure the outcome.** Provisions in Articles 3 and 4 use language like "minimize impact," "to the extent possible," and "where feasible" without defining how much impact is acceptable or what outcome satisfies the standard.
- **Housing requires discretionary approval with no objective alternative.** Multi-unit housing in the R-2 zone and residential uses in the C-1 zone can only be approved through the conditional use process. State law requires that there always be a path to housing approval based on clear and objective standards, and a conditional-use-only track does not satisfy that requirement.
- **Cross-references import standards that may not themselves be clear and objective.** Provisions in the Hazards Overlay, Tsunami Overlay, and Subdivision and Land Partition Ordinance defer to the Comprehensive Plan, adopted hazard plans, and unspecified City engineering standards without identifying the specific requirements that apply. To meet the State requirements, referenced documents must also meet the same clear and objective standard as the code itself.

4. Comprehensive Plan

Overall, the Comprehensive Plan is largely consistent with state housing-related statutes and administrative rules with one exception. Given the findings below and the draft recommendations to update the ZO and SLPO, however, the City may need to update its Comprehensive Plan to ensure it is both consistent with the City's code and compliant with state housing-related statutes and administrative rules. Key sections with needed updates or updates recommended with the ZO and SLPO include:

- **Residential density policies (Land Use Categories; Saltair Creek R/R, Policy 3; East Rockaway Beach R, Policy 1).** If the City adopts the draft concept reducing the minimum lot size for multi-unit dwellings, these policies' 24 du/acre references will need to be updated for consistency with the ZO.
- **Multi-unit dwellings in the R-2 zone (East Rockaway Beach R, Policy 1).** The policy references a conditional-use pathway for multi-unit dwellings in R-2 that conflicts with state requirements. This update is needed to maintain compliance, independent of the draft code concepts.
- **Downtown Commercial ground-floor use (Downtown Commercial Area, Policy 3).** If the City adopts the draft concept allowing ground-floor residential, the Plan will need updates demonstrating that the change does not conflict with its finding of a 4.4-acre commercial land deficit.

Audit Findings

Audit Organization

The following sections provide the City with a concise summary of the findings from the four components of the audit addressing:

1. Identification of barriers to housing development.
2. Compliance with state housing regulations (ORS Chapters 92, 197, 197A, and 227, and OAR 660-046); and
3. Ensuring standards and procedures provide a clear and objective path for housing development (ORS 197A.400).
4. Ensuring the Comprehensive Plan is consistent with any needed ZO and SLPO policy updates identified in the above audits.

More detailed findings for each audit component can be found in the appendices.

1. Housing Barriers

This section includes a summary of the five barriers identified in the City of Rockaway Beach's ZO and SLPO related to housing production, affordability, and choice. Within each barrier finding, draft concepts for code amendments are presented to address the identified barriers to housing production, choice, and affordability. These concepts are initial ideas that will be refined and prioritized for implementation based on feedback from City staff and the Planning Commission. The refined concepts will be included in the final report.

Barrier Findings and Code Concepts

Barrier 1: Multi-unit dwellings face discretionary approval and lack predictable review outcomes

Multi-unit dwellings (buildings with 5 or more units that are not middle housing) are subject to an approval process that can create delays, has the potential to increase costs, and lacks predictable outcomes for applicants. Multi-unit dwellings face two layers of review that do not apply to single-unit dwellings or to middle housing. In the R-2 zone they require a conditional use permit, which means a Planning Commission public hearing rather than staff-level approval. In every zone where they are allowed, they also have to satisfy the Multi-Unit Siting Criteria in Section 4.043, which use subjective standards like "minimize impact" and "take advantage of natural features." Cottage clusters, triplexes, quadplexes, and townhouses are subject to detailed objective design standards adopted in the 2025 amendments (Sections 4.044–4.046). However, those updates did not include objective design standards for multi-unit dwellings. Under the existing discretionary standards, similar multi-unit projects could receive different decisions, and developers cannot reliably predict the development review outcomes.

These two issues are connected. Without objective standards, by-right approval is not practical. Without by-right approval, discretionary review creates room for inconsistent outcomes. This creates a barrier to implementing the City's adopted strategy of allowing multi-unit dwellings throughout most of the City and encouraging higher densities for them to help meet identified needs for more multi-unit dwellings.

Proposed Code Concepts:

- Change multi-unit dwellings from a conditional use permit to by-right approval in the R-2 zone.
- The City could also consider permitting multi-unit dwellings in the R-1 zone to further expand the allowance of multi-unit dwellings, which aligns with the City's Comprehensive Plan, which forecasts a higher need for 'multifamily housing production'.
- While housing site design standards must be clear and objective (see findings under Article 4 in the Clear and Objective Standards and Procedures section) , the City has flexibility in how those standards are structured and applied. Site design standards that may be regulated through clear and objective standards include:
 - Entry orientation
 - Parking location
 - Hardscape materials
 - Location near natural features and tree retention
- If the City wishes to keep a discretionary design pathway, the City must ensure the discretionary path is an optional alternative that runs parallel to the clear and objective track, not as the sole path — so an applicant can always elect a predictable route.

Barrier 2: Residential zone height limits preclude 3-story multi-unit development

Maximum building height in the residential zones is 25 feet for middle housing, 24 feet for single-unit dwellings and 29 feet for single-unit dwellings east of Highway 101. Oceanfront limits are lower at 20 feet. Multi-unit dwellings have no separate height standard in any residential zone and would default to the lower single-unit limit.

A standard 3-story wood-frame multi-unit building is 35 to 40 feet tall and could not fit under a 25-foot limit or the 29 foot limit. There is a 45-foot height exception in the R-R zone, however it applies only to sites more than 2,000 feet from the Oregon Coordinate Line, which excludes most of the city. By increasing the height, there is additional flexibility for multi-unit developments, particularly on infill lots that may need more height to achieve the allowed density.

Proposed Code Concepts:

- Increase the maximum height in the R-2 zone to 3-stories for residential developments.
- Increase the maximum high to 3-stories for residential developments east of Highway 101 in the R-R zone. This maximum height increase is recommended within 2,000 feet from the Oregon Coordinate Line, but the increase to 45 feet beyond the 2,000 feet from the Oregon Coordinate Line would remain.

Additionally, if the City reduces minimum lot size requirements as described in Barrier 3 below, increasing allowable building height could help ensure that projects are able to provide additional density (and units), particularly on constrained infill sites.

Barrier 3: Multi-unit density caps prevent moderate-density housing types

The maximum density for multi-unit dwellings is 1,750 sq. ft. of lot area per unit (about 25 units per acre) in R-2, R-R, and S/R/R zones. In the R-3 zone, the maximum density for multi-unit dwellings is 5,000 sq. ft. of lot area per unit (about 9 units per acre). Multi-unit dwellings are not permitted in the R-1 zone. The 2025 amendments exempted triplexes, quadplexes, and cottage clusters from R-3's density cap (as state law requires) but did not extend that exemption to multi-unit dwellings.

A multi-unit project on a 15,000 sq. ft. lot can have at most 8 units in R-2, R-R, or S/R/R, and only 3 units in R-3. Typical multi-unit developments on a similar lot size are larger than this: a multiplex is usually 5 to 12 units and wood-frame walkup multi-unit development is 12 to 30 units. The current density cap places even a modest multiplex at the upper end of what a typical site can accommodate and rules out larger multi-unit buildings entirely.

Proposed Code Concepts:

- Decrease minimum lot area requirements for multi-unit dwellings to 1,000 sq. ft. per unit in the R-2 and R-R zones, this would support roughly 12-30 units on a 15,000 sq. ft. lot, depending on the building height.
- Replace maximum density with a maximum Floor Area Ratio (FAR) to regulate the intensity of development in residential zones that permit multi-unit dwellings. FAR regulates the total floor area on the site rather than the total number of units. This provides developers with

the flexibility to provide more units, while still ensuring that the total building size will be compatible with the character of Rockaway Beach.

Barrier 4: Parking standards constrain compact and multi-unit development

The parking table in 4.060 does not identify requirements specifically for multi-unit dwellings (5+ units, not middle housing). The table covers single-unit dwellings (2 spaces per unit), duplex / townhouse / cottage cluster (1 space per unit), and triplex and quadplex (tiered by lot size), but does not include multi-unit dwellings. Section 4.060(2) defers requirements for unlisted uses to Planning Commission determination based on "comparable uses listed." Applicants cannot read the code to predict the requirement; it is set case by case at project review. As with the site design standards in Barrier 1, this conflicts with the State requirement for clear and objective housing standards and will need to be corrected regardless of the policy the City adopts.

Additionally, parking can be a significant cost on multi-unit developments and can be up to \$5,000 per surface parking space. When the code requires more parking than residents will actually use, that excess cost is carried by the development and passed through to renters and buyers.

Proposed Code Concepts:

- Add multi-unit dwellings to the Section 4.060 parking table with a clear, objective standard, rather than leaving them to case-by-case Planning Commission determination.
- Set the requirement at one space per unit for all housing types, consistent with the middle-housing parking standard already in the code.

Barrier 5: Ground-floor commercial requirement in C-1 suppresses residential development

Section 3.050(1)(k) permits residential use in the C-1 zone only when paired with commercial use that occupies at least 50 percent of the ground floor. Standalone residential use in C-1 is a conditional use under Section 3.050(2), which means a public hearing rather than staff-level approval. So residential-only buildings cannot be approved by-right in C-1. Only buildings with substantial ground-floor commercial qualify for by-right approval.

Buildings with ground-floor commercial typically need concrete or other commercial-grade construction at the ground floor, with wood-frame residential above. This podium construction is significantly more expensive per square foot than wood-frame-only residential. At the same time, commercial space in small or mid-size markets often leases at lower rates than the residential units above and has higher vacancy rates. The required commercial component therefore drags down the financial viability of the residential project, and sites that could produce housing under a residential-only configuration sit undeveloped instead.

The City's 2007 Economic Opportunities Analysis (EOA) identified a deficit of commercial land, a finding that still stands. Because expanding standalone residential in the commercial zone could conflict with that deficit, this barrier is recommended to be addressed as part of a future project rather than in this project. In order to amend the allowed uses in the C-1, the City should first pursue

an update to the now nearly 20-year-old EOA to determine current commercial land need and provide a basis for revisiting the following recommendation.

Proposed Code Concepts:

- Two code concepts for the City to consider:
 - (1) For lots not fronting Highway 101 and/or other key streets, permit standalone residential in the C-1 zone and consider a maximum floor area of required commercial space (such as a 5,000 sq. ft. cap); or
 - (2) Only require ground-floor commercial on a designated segment of Highway 101 and/or other key streets.
- Allow residential uses in mixed-use projects in the C-1 Zone within the area between North Third Avenue and South Second Avenue to also be excluded from parking requirements.

2. Statutory Compliance

Background

CP conducted a comprehensive review of the ZO and SLPO against 22 state statutes and ORS 660-46 to identify the level of compliance in the code with applicable state housing regulations. These statutory compliance audit findings are summarized in Table 2 below, and more detailed background and findings for each statute can be found in Appendix B. Findings for individual statutes are grouped by housing policy topics, and each statute is classified by its level of compliance as follows:

- **Green (Complies):** The code is in compliance with state statute.
- **Yellow (Partially Complies):** The code partially complies with state statute. For instance, the code may allow a certain housing type, but the code does not include the required standards associated with that housing type.
- **Red (Does Not Comply):** The code is out of compliance with state statute.
- **Blue (Codification recommended):** The state statute is not required to be codified, but it is recommended for clarity.
- **Grey (Codification Not Applicable):** The statute is permissive or optional.

Table 2. Statutes, Requirements, and Findings

State Statute	Findings
Procedural Requirements	
ORS 197.195 and 197.015: Limited Land Use Decisions The City must follow specific noticing, comment, and written findings procedures when making limited land use decisions on tentative subdivision approvals, site design review, replats, property line adjustments, and expansions of nonconforming uses.	Does Not Comply The ZO lacks a clear application classification system (e.g., Type I/II/III/IV) that assigns appropriate review levels and procedures to specific application types such as subdivisions, site design review, and nonconforming use expansions. The Planning Commission currently hears and reviews applications that state law requires to be processed administratively.
ORS 197A.140-146: Expedited Land Divisions The City must offer an expedited administrative land division process with a 63-day decision timeline, without a hearing, when requested by an applicant for a qualifying residential land division within an urban growth boundary.	Does Not Comply The SPLO requires a 63-day review from when an application is determined complete to final decision on Middle Housing Land Divisions, however no standalone expedited land division procedure exists for other qualifying residential divisions in the ZO or SPLO.
ORS 197A.400: Clear and Objective Approval Criteria Required The City must apply only clear and objective standards, procedures, and conditions to housing development, and may not adopt standards that discourage needed housing through unreasonable cost or delay. An optional discretionary approval process may also be offered.	Partially Complies Numerous standards throughout the ZO and SLPO are out of compliance with clear and objective requirements. See section 3.
ORS 197A.402: Local Approval of Land Division or Construction of Housing The City must approve applications for housing development or land divisions that are consistent with their comprehensive plan and land use regulations. If inconsistent, applicants must be allowed to amend their application or propose conditions of approval before a final decision is made.	Does Not Comply The ZO has no provision allowing applicants to amend their proposals or offer conditions of approval when an application is found inconsistent with applicable requirements.
ORS 227.175: Application for Permit or Zone Change The City must allow consolidated permit applications, approve applications that comply with the comprehensive plan and land use regulations, and may not deny or reduce the density or height of qualifying housing developments.	Does Not Comply The ZO does not prohibit the city from reducing the density or height of a qualifying housing development as a condition of approval, which state law restricts except for health, safety, or

	habitability reasons. The ZO also lacks provisions allowing for consolidated permits reviews.
ORS 227.178: Deadlines for Completeness Determination and Final Action on Application The City must take final action on applications within 120 days of a complete submittal (100 days for affordable housing, 63 days for expedited land divisions), notify applicants of missing information within 30 days, and review applications under the standards in effect at the time of submittal unless the applicant opts in to newer standards.	Does Not Comply The ZO does not establish required timelines for taking final action on applications (120 days for standard applications, 100 days for affordable housing) or for notifying applicants of missing information, and it does not allow applicants to opt in to newly adopted standards after submission.
ORS 197A.395 §38-41 (temporary): Mandatory Adjustments for Housing Development Standards The City must grant up to 10 adjustments (deviations from development standards) per qualifying housing development application upon applicant request. Adjustments may be denied only if granting would violate a statewide planning goal, create a health/safety/habitability issue, or conflict with federal or state law. This provision sunsets on January 2, 2032.	Codification Not Applicable Codification of the temporary mandatory adjustments procedures is not required. If the City wants to make these mandatory adjustments clearer, a new adjustment procedure meeting the SB 1537/ORS 197A.395 §38-41 requirements may be adopted in the ZO with either a sunset clause matching that of the ORS or a reference to the ORS itself.
General Housing Provisions Requirements	
Occupancy	
ORS 90.112: Occupancy Limit Based on Familial Relationship The City may not enforce a residential occupancy limit based on the familial or non-familial relationships of occupants.	Complies The City's January 2026 amendment to the definition of "family" removed prior restrictions based on familial relationship, and the code no longer limits occupancy based on who lives together. No action is required.
Specific Housing Types	
ORS 197A.420: Middle Housing The City must allow all middle housing types (duplexes, triplexes, quadplexes, cottage clusters, and townhouses) on every residentially zoned lot. Definitions for plexes and cottage clusters were recently updated to include both attached or detached units, and compliance with these definitions is required by 1/1/2027. Siting and design standards for middle housing types must comply with OAR	Complies The City's March 2025 amendments of middle housing provisions, and all required housing types are permitted across residential zones. No action is required at this time. However, while the ZO is currently in

660-046. Note: Additional changes to the requirements for cottage clusters (from HB 2138) are currently in rulemaking and have a 1/1/2028 compliance deadline.	compliance with OAR 660-46, these rules will be revised to align with the updates to ORS 197A.420 so additional review of the ZO will be needed at that time on January 1, 2027, and January 1, 2028.
ORS 197A.421: Additional Accessible or Affordable Middle Housing Units (HB 2138) The City must permit one or two additional dwelling units beyond the base middle housing allowance if at least one unit is accessible or affordable. This requirement takes effect January 1, 2027.	Does Not Comply The ZO has no mechanism to grant additional units when a middle housing project includes affordable or accessible units.
ORS 92.031: Middle Housing Land Divisions The City must approve a middle housing land division, placing each middle housing unit on its own lot, if the application meets specific requirements for utilities, easements, building code compliance, and middle housing development standards.	Complies The City's March 2025 amendments of middle land division housing provisions are comprehensive and consistent with state requirements. No action is required.
ORS 197A.430: Single Room Occupancies (SRO) The City must allow up to six SRO units on residentially zoned lots and up to three times the maximum density on multiunit-zoned lots. For every three SRO units, parking may not exceed what the city requires for a single detached dwelling (for developments of six or fewer units) or one multiunit dwelling unit (for developments of more than six units).	Does Not Comply SRO housing (small, independently rented units with shared kitchens or bathrooms) is not defined or listed as a use and is not permitted.
197A.432: Siting of Manufactured Home or Prefabricated Structure Within its urban growth boundary, the City must allow manufactured homes and prefabricated structures on any lot zoned for single-unit dwellings and may not apply higher standards to them than a comparable site-built home, except in historic districts or to meet energy performance requirements.	Does Not Comply While manufactured homes are allowed in all residential zones, the ZO applies design and development standards to manufactured homes (such as multi-sectional requirements, minimum square footage, roof pitch, and storage requirements) that do not apply to site-built homes.
197A.436: Manufactured Home Parks The City must allow manufactured dwelling parks in areas zoned for residential densities of 6-12 units per acre within urban growth boundaries and may adopt clear and objective placement and design standards, provided those standards do not preclude park development.	Does Not Comply Manufactured home parks are permitted in the RMD zone, but the ZO requires a conditional use permit in the R-3 zone (where they should be permitted outright) and does not allow prefabricated structures within manufactured home parks as required.

ORS 92.835-845: Manufactured Home Park Subdivisions The City must approve the subdivision of a lawfully established manufactured dwelling park into individually owned lots if the application meets specific criteria, may not impose new conditions beyond the original park approval, and must continue to allow manufactured dwellings on converted lots.	Codification Not Applicable No provisions exist for converting a manufactured home park to individually owned lots, a process state law governs with specific tenant notification, right of first refusal, and SDC limitation requirements. While not strictly required to be codified, the absence creates a gap that staff and residents would need to navigate without local guidance if a park conversion is ever proposed.
ORS 197.493: Occupancy of Recreational Vehicles (RV) The City may not prohibit or limit occupancy of a recreational vehicle as a residence in a recreational vehicle, manufactured dwelling, or mobile home park if lawfully connected to utilities. RV occupancy is also allowed on lots with disaster-damaged dwellings until repairs are complete or five years have passed.	Does Not Comply The ZO allows RV occupancy in RV parks in the RMD zone, but does not allow RVs in manufactured home parks, does not address electrical connection requirements, and the current definition characterizes RVs as "temporary" which is inconsistent with the state's allowance of permanent occupancy in approved parks.
ORS 197.660-670: Residential Homes and Facilities Residential Homes (5 or fewer residents) are required to be permitted in all residential and commercial zones and may not be subject to more restrictive standards than a single-unit dwelling. Residential Facilities (6-15 residents) are required to be permitted where multiunit housing is permitted, and where multiunit housing is a conditional use are required to be at least a conditional use.	Complies Residential homes and residential facilities are permitted in the appropriate zones consistent with state law. The city should update its code citations to reference the current ORS, but no substantive changes are required.
ORS 197A.449: Hotel/Motel Conversion The City must allow the conversion of hotels or motels to emergency shelters or affordable housing within urban growth boundaries, subject only to building code compliance, occupancy limits, and siting and design standards that do not prohibit conversion through unreasonable cost or delay.	Codification Recommended State law makes hotel and motel conversions to shelters or affordable housing self-executing (no land use decision is required) but because the ZO doesn't acknowledge this, City staff may inadvertently apply standard land use review to a conversion that the applicant has a right to proceed with ministerially, creating unnecessary delay and legal risk.
ORS 197.783: Emergency Shelter Siting The City must approve emergency shelter applications on any property regardless of local zoning, land use regulations, or statewide planning goals if they do not pose an unreasonable risk to public health or safety.	Codification Recommended State law allows emergency shelters to be approved on any property regardless of zoning, but the ZO has no definition, no listed use category, and no codified pathway, meaning applicants and City staff

	have no local framework to follow.
Affordable Housing	
ORS 197A.445(1-8): Affordable Housing Allowed Outright; Commercial Conversion The City must allow qualifying affordable housing on property owned by a public body, religious corporation, affordable housing nonprofit, housing authority, or manufactured dwelling park cooperative, or on property zoned for commercial uses, religious assembly, or public lands.	Does Not Comply The ZO has no provisions implementing the state's requirement that affordable housing be allowed outright without a zone change or conditional use permit on publicly owned land, nonprofit-owned land, and commercially zoned land within the UGB.
ORS 197A.445(9-10): Affordable Housing Density and Height Bonus The City must approve affordable housing at a density and height bonus above base zoning standards, ranging from 1.25 to 2 times the base density and 12 to 36 additional feet, whichever is greater between the state minimum and any local bonus, with reductions allowed only for health, safety, habitability, or statewide planning goal compliance.	Does Not Comply The ZO has no density or height bonus for affordable housing of any kind.
ORS 197A.460: Residential Use of Commercial Lands for Affordable Housing The City must allow affordable residential or mixed-use development on commercially zoned land within urban growth boundaries, regardless of existing zoning or comprehensive plan provisions.	Does Not Comply The ZO has no provisions recognizing or implementing this allowance for the City's commercial zones.

3. Clear and Objective Standards and Procedures

Background

Oregon Revised Statute (ORS) 197A.400 requires that local governments adopt and apply only clear and objective standards, conditions, and procedures to the development of housing. This “clear and objective” requirement relates to development standards such as setbacks and building height that apply to housing at the time of building permit, as well as land use application criteria that apply to residential partitions, subdivisions, and development reviews. In addition to the required clear and objective approval process and standards, a local jurisdiction may also offer an optional path with discretionary standards and review for housing development. This “dual track” model allows cities to offer applicants a choice: a predictable approval path based on clear and objective standards, or a discretionary path that may allow greater design flexibility.

What is “Clear and Objective”?

A standard is “clear” if it is understandable and “objective” if it can be verified without needing interpretation or judgment. For example, if two staff members, or decision-makers such as review body members, reading the same standard could reach different conclusions about whether a given application satisfies the requirement or must exercise judgement to determine if a requirement has been met then that requirement is not clear and objective. External standards, plans, or other documents incorporated by reference into standards and procedures must also be clear and objective.

Common issues found in development code language that cause requirements to not be clear, and objective are outlined as follows:

- **Subjective.** Requiring individual judgment to determine compliance. In these instances, two reviewing authorities reading the standard independently could reach different conclusions about whether a given application satisfies the requirement.
 - *Example language:* “adequate,” “appropriate,” “compatible,” “in keeping with”
 - *Compliance Approach:* Provide clear or measurable parameters for the subject and/or remove the subjective phrase.
- **Balancing.** Standard that requires weighing or balancing competing interests, or minimizing impacts, without establishing a measurable threshold for compliance.
 - *Example language:* “minimize impact,” “to the extent possible”
 - *Compliance Approach:* Define specific thresholds or criteria to meet that effectively prevent the undesired impacts.
- **Delegation.** Substantive discretion delegated to an official or body without criteria specifying when or how the discretion is to be exercised.
 - *Example language:* “as determined by the Planning Commission,” “may require”
 - *Compliance Approach:* Provide specific criteria related to the subject and when it is required.
- **Reference.** Provision requires compliance with a referenced (external) document, standard, or plan, which is itself not clear and objective.
 - *Example language:* “consistent with the comprehensive plan”
 - *Compliance Approach:* Either provide clear and objective standards for specific materials and specifications or reference a specific document, in which the standards themselves are clear and objective (or updated to be so).
- **Pathway.** Housing is routed through a discretionary review process (typically conditional use) for approval, with no clear-and-objective approval pathway available.
 - *Example:* *Multi-unit dwellings permitted only as a conditional use*
 - *Compliance Approach:* Establish a clear and objective pathway while either eliminating the discretionary pathway or maintaining it as optional.

Findings

This audit evaluates if the ZO and SPLO provide the required clear and objective pathway for residential development and identifies roughly 80 provisions that may need updating to comply with the requirement. The following section summarizes the main issues identified in each ZO article and the SPLO, a more detailed list of all individual sections containing provisions that are not clear and objective can be found in Appendix C.

ZO Article 1: Introductory Provisions

The audit identified one definition in Article 1 that is not clear and objective.

ZO Article 2: Basic Provisions

The audit did not identify any standards in Article 2 that were out of compliance with clear and objective standards.

ZO Article 3: Use Zones

Article 3 contains most of the clear and objective issues in the ZO, spanning multiple zone districts and overlays. The Hazards Overlay and Tsunami Hazard Overlay Zones have been flagged for the City's reference but are out of scope for this project. It is recommended the City include updates to these overlay zone standards in a separate project and consult an environmental planner or other expert that can help to ensure the standards meet the intent of the overlay, while complying with clear and objective requirements.

The core structural problem in the residential and commercial zones is that multi-unit housing in R-2 and residential uses in C-1 go through conditional use review with no permitted alternative.

The Hazards Overlay Zone has the highest density of issues in the ordinance. Decisions about when investigations are required, what engineering solutions are acceptable, and whether bonds are needed are left to staff and Planning Commission discretion with no defined criteria. The overlay also leans heavily on undefined thresholds and balancing standards.

The Tsunami Hazard Overlay Zone has similar problems, mainly in standards for pedestrian evacuation access. Route width, clearance, signage, and the proportionality of required improvements are all described in qualitative terms without minimums. One provision cross-references an adopted evacuation plan; that plan will need to be confirmed as meeting the clear and objective standard in its own right.

ZO Article 4: Supplementary Provisions

Several sections in Article 4 apply directly to housing and are not fully clear and objective.

Shoreline stabilization, Foredune Grading, Dune Construction Standards and Riparian Vegetation have the most pervasive issues in Article 4, including preference hierarchies, open-ended factor balancing, and qualitative environmental goals. These provisions read as resource protection policy, which is what they originally were, but they do not function as housing approval criteria. These sections have been flagged for the City's reference but are out of scope for this project. It is

recommended the City include updates to these standards in a separate project and consult an environmental planner or other expert that can help to ensure the standards meet the intent of the environmental goals, while complying with clear and objective requirements.

Standards for multi-unit siting, shoreland development, and riparian vegetation frame approval criteria as aspirational outcomes, encouraging developments to take advantage of natural features, maintain scenic quality, and minimize impacts on neighbors. These are not specific enough directions to be clear or have predictable outcomes.

Parking and access standards leave requirements for unlisted uses, shared parking, and access consolidation to Planning Commission discretion. Applicants cannot reliably calculate their parking obligations before submitting.

Manufactured dwelling standards impose design and compatibility requirements on manufactured homes and park development that rely on undefined aesthetic judgments and defer infrastructure decisions to staff without any specified basis.

ZO Articles 5-11

The audit did not identify any standards in these articles that were out of compliance with clear and objective standards.

Subdivision and Land Partition Ordinance

The audit found about 30 provisions in the SLPO that are not clear and objective, concentrated in sections governing conventional subdivisions, major partitions, and improvements. The Middle Housing Land Division sections, drawn from the DLCD model code, have no issues.

The primary issue identified was unconstrained Planning Commission discretion. Street design, lot configuration, infrastructure, land reservations, and approval extension requests are all subject to Commission judgment, with nothing specifying when that authority applies or what it should weigh when making those determinations. Individual Street and lot standards also include language that is not clear and objective such as "as far as practical" and "except where essential", which is directional language that leaves outcomes unpredictable for applicants and staff.

4. Comprehensive Plan

Background

The following language is used to describe the functions of Rockaway Beach's Comprehensive Plan:

"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 Introduction and the 2007 Comprehensive Plan Review and Update explain the plan's purpose. The seven sections that follow establish topic-specific goals and policies, generally organized around the Oregon Statewide Planning Goals.

The Comprehensive Plan is largely consistent with state housing statutes and administrative rules, but one specific amendment is needed. Additionally, two minor issues would be inconsistent with the draft recommendations to update the ZO and SLPO. Both are summarized below.

Findings

Residential density policies (Land Use Categories; Saltair Creek R/R, Policy 3; East Rockaway Beach R, Policy 1). The Land Use Categories section sets residential density "generally up to 24 units per acre, with exceptions for middle housing." The same 24 du/acre figure appears in two area policies: the Saltair Creek Residential/Resort Area (R/R), Policy 3, which states the area "should remain primarily resort residential, with a density limitation of 24 dwelling units per acre"; and the East Rockaway Beach Residential Area (R), Policy 1. A draft code concept would increase the allowed density by reducing the minimum lot size for multi-unit dwellings. If the City adopts this concept, these policies will need to be updated for consistency with the ZO.

Multi-unit dwellings in the R-2 zone (East Rockaway Beach R, Policy 1). In the same Policy 1 for East Rockaway Beach Residential Area (R), the reference also states "multi-unit dwellings permitted as conditional uses in the R-2 area." Multi-unit dwellings cannot be permitted as a conditional use in the R-2 zone; this policy must be updated to comply with clear and objective approval standards for housing. This update is needed independent of whether the City adopts the density concept above.

Downtown Commercial ground-floor use (Downtown Commercial Area, Policy 3). The Downtown Commercial Area subsection, Policy 3, recommends that "ground floor retail uses should be required." A draft code concept would amend portions of the Downtown Commercial Area to allow ground-floor residential use. Because the Comprehensive Plan also finds that the City has a 4.4-acre deficit of commercial land, allowing ground-floor residential would require accompanying Comprehensive Plan updates demonstrating that the change does not conflict with that deficit finding.

Appendix A | Housing Barriers Audit Detailed Findings and Code Concepts

[Forthcoming]

Appendix B | Statutory Compliance Audit Detailed Findings

[Forthcoming]

Appendix C | Clear and Objective Code Audit Detailed Findings

[Forthcoming]