



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/27/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Rockaway Beach Plan Amendment
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, November 10, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Terri Michel, City of Rockaway Beach
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD

<paa> YA

NOTICE OF ADOPTION

This form must be mailed to DLCD not later than 5 working days after adoption
ORS 197.615 and OAR Chapter 660, Division 18

DEPT OF

OCT 20 2009

See reverse side for submittal requirements

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction ROCKAWAY BEACH

Local File # ZTA 06-05

Date of Adoption OCTOBER 14, 2009

Date Mailed OCTOBER 20, 2009

Date the Proposed Notice was mailed to DLCD 6-14-06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

ADD TO AND AMEND DEFINITIONS, AMEND COMMERCIAL ZONE STANDARDS, AMEND FLOOD HAZARD OVERLAY STANDARDS, AMEND MULTI-FAMILY SITING CRITERIA, AMEND OFF-STREET PARKING STANDARDS, AMEND STREET & DRAINAGE STANDARDS, DELETE DESIGN REVIEW STANDARDS, AMEND RIPARIAN VEGETATION STANDARDS, AMEND MANUFACTURED HOME STANDARDS, AMEND ACCESSORY & NCU STANDARDS

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

"SAME"

Plan Map Change From N/A to _____

Zone Map Change From N/A to _____

Location: _____ Acres Involved: _____

Specify Density: Previous Density _____ New Density _____

Applicable Goals: _____ Was an Exception adopted? Yes No

DLCD File # 001-06-(15040)[15722] DLCD Appeal Deadline _____

Did DLCD receive a Notice of Proposed Amendment 45 days prior to the final hearing?

Yes No: The Statewide Planning Goals do not apply
 Emergency Circumstances Required Expedited Review

Affected State or Federal Agencies, Local Governments or Special Districts: TILLAMOOK
COUNTY

Local Contact: JAY C. SENNEWALD Phone (503) 355-2291
Address: P.O. BOX 5 ROCKAWAY BEACH, OR 97136

SUBMITTAL REQUIREMENTS

ORS 197.615 and OAR Chapter 660, Division 18

1. Send this Form and **One (1)** Copy of the Adopted Amendment to:
Department of Land Conservation and Development
1175 Court Street, N.E.
Salem, Oregon 97310-0590
2. Submit **three (3)** copies of bound documents and maps larger than 8½ by 11 inches.
3. Adopted materials must be sent to DLCD not later than **five (5)** working days following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption **must** include the text of the amendment plus adopted **findings** and supplementary information.
5. The deadline to appeal will be extended if you do not submit this Notice of Adoption within **five working days** of the final decision. Appeals to LUBA may be filed within 21 days of the date Notice of Adoption is sent to DLCD.
6. In addition to sending Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

If you need more copies of this form, please call the DLCD at 503-373-0050 or this form may be duplicated on green paper.

FORM 1

DLCD NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing
per ORS 197.610, OAR Chapter 660 - Division 18
and Senate Bill 543 and effective on June 30, 1999.
(See reverse side for submittal requirements)

Jurisdiction: City of Rockaway Beach Local File No.: CPA #06-06
(If no number, use none)

Date of First Evidentiary Hearing: 4/25/06 Date of Final Hearing: 6/14/06
(Must be filled in) (Must be filled in)

Date this proposal was sent or mailed: 2/24/06
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes: _____ No: x Date: _____

Comprehensive Plan Text Amendment _____ Comprehensive Plan Map Amendment
 Land Use Regulation Amendment _____ Zoning Map Amendment
 New Land Use Regulation _____ Other: _____
(Please Specify Type of Action)

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

Proposal is to address and correct housekeeping issues within the
current text of the Rockaway Beach Comprehensive Plan.

Plan Map Changed from: N/A to _____

Zone Map Changed from: N/A to _____

Location: City of Rockaway Beach Acres Involved: _____

Specified Change in Density: Current: N/A Proposed: _____

Applicable Statewide Planning Goals: 1, 2, 12, 17

Is an Exception Proposed? Yes: _____ No: x

Affected State or Federal Agencies, Local Governments or Special Districts: City of Rockaway
Beach

Local Contact: Terri Michel Area Code + Phone Number: (503) 355-2291

Address: P.O. Box 5

City: Rockaway Beach Zip Code + 4: 97136-0005

DLCD No.: _____

SUBMITTAL REQUIREMENTS

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing per ORS 197.610, OAR Chapter 660 - Division 18 and Senate Bill 543 and effective on June 30, 1999.

1. Send this Form and **TWO (2)** Copies of the Proposed Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Unless exempt by ORS 197.610(2), proposed amendments must be received at the DLCD's **SALEM OFFICE** at least **FORTY-FIVE (45) days before the first evidentiary hearing on the proposal**. The first evidentiary hearing is usually the **first public hearing** held by the jurisdiction's planning commission on the proposal.
3. Submittal of proposed amendments shall include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
4. Submittal of proposed "map" amendments must include a map of the affected area showing existing and proposed plan and zone designations. The map should be on 8-1/2 x 11-inch paper. A legal description, tax account number, address or general description is not adequate.
5. Submittal of proposed amendments which involve a goal exception must include the proposed language of the exception.
6. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only, or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 09-407

AN ORDINANCE AMENDING THE CITY OF ROCKAWAY BEACH'S ZONING ORDINANCE

The City of Rockaway Beach does ordain as follows:

ADD to Sec. 1.030 Definitions: Native Vegetation, Renumber Section

ADD to Sec. 1.030 Definitions: Guest House, Renumber Section

AMEND Sec. 1.030 Definitions: Open Space

Renumber Definitions Section

AMEND Sec. 3.050.3 C-1 Commercial Zone Standards

AMEND Sec. 3.092-3.097 Flood Hazard Overlay Zone

AMEND Sec. 4.043 Multifamily Siting Criteria

AMEND Sec. 4.060 Off-Street Parking Standards and Off-Street Loading Requirements

AMEND Sec. 4.065 Street and Drainage Standards

DELETE Sec. 4.080 Design Review Board

AMEND Sec. 4.150 Riparian Vegetation

AMEND Sec. 4.091 Standards for Manufactured Homes

AMEND Sec. 5.030 General Provision regarding Accessory Uses

AMEND Sec. 7.040 Destruction of a Nonconforming Use

The City of Rockaway Beach Zoning Ordinance (RBZO) No. 143, as amended, is further amended to provide as follows:

Section 1. Add to RBZO Definitions Section 1.030, "Native Vegetation" as follows:

Native Vegetation.

Native vegetation consists of plants native to the North Oregon Coast and its Urban Growth Boundary and the geographic conditions of the site.

Some examples of native vegetation are provided in the book available for review at City Hall: "*Plants of the Pacific Northwest Coast, Washington, Oregon, British Columbia & Alaska* Compiled and edited by Jim Pojar and Andy MacKinnon by the British Columbia Ministry of Forests and Lone Pine Publishing".

Section 2. Add to RBZO Definitions Section 1.030, "Guest House" as follows:

Guest House. An accessory structure or part thereof which is physically detached from a principal dwelling, not to be used as a rental unit, and intended for temporary occupancy only by guests of the family residing in or owning the principal dwelling.

Section 3. Amend RBZO Definitions Section. 1.030, "Open Space" to read as follows:

Open Space. Open space is that portion of the lot or parcel of property which is left uncovered by structures, parking, patios, and other impervious surfaces. It is area devoted primarily to landscaping with native or natural vegetation.

Section 4. Amend RBZO Definitions Section 1.030. (26) to (72), to reassign section reference numbers as follows:

- (26) **Guest House.**
- (27) **Height of Building.**
- (28) **Home Occupation.**
- (29) **Kennel.**
- (30) **Lot, Abutting the Oceanshore or Oceanfront lot.**
- (31) **Lot.**
- (32) **Lot Area.**
- (33) **Lot, Corner.**
- (34) **Lot Depth.**
- (35) **Lot Line.**
- (36) **Lot Line, Front.**
- (37) **Lot Line, Rear.**
- (38) **Lot Line, Side.**
- (39) **Lot Width.**
- (40) **Lot Area Coverage.**
- (41) **Low Intensity Recreation.**
- (42) **Manufactured Dwelling.**
- (43) **Manufactured Home.**
- (44) **Manufactured Home Park.**
- (45) **Manufactured Home Subdivisions.**
- (46) **Modular Housing.**
- (47) **Native Vegetation.**

- (48) **Nonconforming Structure or Use.**
- (49) **Owner.**
- (50) **Ocean Flooding.**
- (51) **Open Space.**
- (52) **Parking Space.**
- (53) **Passive Restoration.**
- (54) **Permit.**
- (55) **Public Utility.**
- (56) **Recreational Vehicle.**
- (57) **Recreational Vehicle Park.**
- (58) **Residential Facility.**
- (59) **Residential Home.**
- (60) **Sidewalk, Public.**
- (61) **Sign.**
- (62) **Street.**
- (63) **Structure.**
- (64) **Structural Alteration.**
- (65) **Timeshare Condominium.**
- (66) **Use.**
- (67) **Wetlands.**
- (68) **Yard.**
- (69) **Yard, Front.**
- (70) **Yard, Rear.**
- (71) **Yard, Side.**
- (72) **Yard, Street Side.**

Section 5. Amend RBZO Section 3.050 (3) C-1 Commercial Zone Standards, to read as follows:

(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.

Section 6. Amend RBZO Sections 3.092 – 3.096 Flood Hazard Overlay Zone - FHO Zone to read as follows:

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.

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 or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depth range is from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- (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) 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.
- (5) Coastal High Hazard Area.
The area subject to high velocity water, ocean undercutting, or wave overtopping including but not limited to, storm surge or tsunamis. The map is designated on a FIRM as Zone VI-30 or VE Zone.

- (6) 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, and the storage of equipment and material located within the area of special flood hazard.
- (7) Flood or Flooding.
A general and temporary condition of partial or complete inundation of normally dry land areas from:
(a) The overflow of inland or tidal waters, and/or
(b) The unusual and rapid accumulation of runoff of surface waters from any source.
- (8) Flood Insurance Rate Map (FIRM).
The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (9) Flood Insurance Study.
The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (10) Lowest Floor.
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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).
- (11) Manufactured Home.
A structure, transportable in one or more sections, which is built on permanent chasses and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.
- (12) Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(a) Existing manufactured Home Park or Subdivision:
is one in which the construction of facilities for servicing the lots on which the manufactured homes 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.
- (13) Mean Sea Level (MSL).
The average height of the sea for all stages of the tide.

- (14) New Construction.
Structures for which the start of construction commenced on or after the effective date of this amendment to the Zoning Ordinance.
- (15) Start of Construction.
Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for basement, footings, piers, or foundation 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.
- (16) Structure.
A walled and roofed building including a gas or liquid storage tank that is principally above ground.
- (17) Substantial Improvement.
Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- (a) Before the improvement or repair is started, or
 - (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The terms do not, however, include either:
 - (i) any project for improvement of a structure to comply with existing state or local health sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - (ii) any alteration of a structure, listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (18) 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.

- (19) Substantial Damage.
Pertains to flood related damage where the cost of restoring the structure would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (20) 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) primarily designed as temporary living quarters for camping, travel or seasonal use.
- (21) 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.
- (22) 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.

Section 3.095. Administration.

- (1) Establishment of Building/Development Permit.

A Building/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 Building/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.

(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 11.030(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 shall be issued or denied in accordance with Article 8 and any amendment thereto.
- (e) The administrative procedure for hearing a variance shall be as established in Section 8.120.
- (f) 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 increased premium rates for flood insurance as high as \$25 for every \$100 of insurance coverage; 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.

Section 3.096. Provisions for Flood Hazard Reduction.

A. 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 homes 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.

(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) 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.

(6) 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).

(c) Manufactured Homes.

- (i) All manufactured homes to be placed or substantially improved within areas of special flood hazard Zones A1-30, AH and AE shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to a minimum of one (1) foot above the base flood elevation and securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 3.096(1)(b).
- (ii) All manufactured homes placed or substantially improved in existing manufactured home parks or subdivisions shall be elevated on reinforced piers or other foundation elements that are no less than 36 inches in height above grade or have their lowest floor elevated to a minimum of one (1) foot above the base flood elevation, if this allows for the use of a lower foundation.

A manufactured home which incurs substantial damage as the result of a flood must be elevated to or above the base flood elevation.

(d) Recreational Vehicles.

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

(e) Equipment and Materials Storage

Notwithstanding the provisions of this section, the nonpermanent storage of materials and equipment shall be permitted between April 15 and October 15 in Special Flood Hazard Areas, when such storage is for construction of a building for which a permit has been issued.

(7) 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 V1-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 [to or] above the base flood level; 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 constructed with nonsupporting 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:

- (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
- (ii) 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) 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.
- (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.

(8) 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 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 that level 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.
- 9) 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.

Section 7. Amend RBZO Section 4.030. Multifamily Siting Criteria to read as follows:

Section 4.043 Multifamily Siting Criteria:

In any zone where a multifamily dwelling is proposed, the Planning Commission shall review the plans under the following criteria.

- (1) The placement of the structure takes advantage of natural features such as streams, shorelines, or hillsides. Existing trees are retained wherever feasible.
- (2) Ingress and egress points shall be located to minimize impact on any adjacent residential uses.
- (3) Parking areas are located to minimize impact on any adjacent residential uses. Parking areas which provide for eight or more vehicles shall be screened from adjacent residential uses by means of a fence or sight-obscuring hedge.
- (4) A minimum of 25% of the lot area or the percentage of open space required by the land use zone shall be devoted to open space, whichever is greater.
- (5) Where the proposed structure is located in a residential zone the following setbacks shall be met:
 - (a) Front Yard:..... one-story structure 10 feet
..... two-story structure 15 feet
..... three-story structure 20 feet
 - (b) Rear Yard:..... one-story structure 10 feet
..... two-story structure 15 feet

..... three-story structure 20 feet

(c) Side Yard:..... one-story structure 5 feet

..... two-story structure 10 feet

..... three-story structure 15 feet

(6) Multifamily dwelling siting approval shall be void one year after the date of approval unless a building permit has been obtained.

(7) Native vegetation is encouraged in required open space. Hardscape features such as benches, walkways, and outdoor seating areas shall be compliant with the American with Disabilities Act Accessibility Guidelines.

Section 8. Amend RBZO Section 4.060. (13) Off-Street Parking and Off-Street Loading Requirements to read as follows:

(13) Retail and service connected businesses excluding residences, hotels, motels, and other transient lodging located in the C-1 Zone within the area described as Nehalem Avenue, Anchor Street, South Second Street and the Pacific Ocean as depicted by Exhibit A, shall be exempt from off-street parking requirements. Residences, hotels, motels, and other transient lodging shall provide the required off-street parking.

Section 9. Add to RBZO Section 4.060. Off- Street parking and Off-Street Loading Requirements to read as follows:

(16) In any parking lot with four or more parking spaces not less than 10% of the gross site area of the lot(s) or parcel(s) devoted to the project site, shall be maintained in natural vegetation landscaping areas contained within concrete curbs installed and maintained at entrances, at the ends of bays, and adjacent to property lines. Native vegetation is encouraged.

(17) Vehicular access points shall be consolidated to the minimum number necessary to serve the use.

Section 10. Amend RBZO Section 4.065. Street and Drainage Standards to read as follows:

Section 4.065. Street and Drainage Standards

In addition to the following Standards, vehicular access from a public right-of-way shall comply with the City of Rockaway Beach Technical Specifications and Design Standards for Streets and Storm Water Drainage.

(1) Street and road construction shall provide for drainage and shall not be diverted so as to create a drainage problem for other property owners.

(2) All driveways or entrances must include a culvert or suitable alternative approved by the City at the expense of the owner of sufficient size to handle drainage and storm runoff.

(3) Streets shall be constructed to meet all applicable City standards

- (4) The Public Works Supervisor may waive or reduce paving requirements where he or she determines that proposed development and future use of a street right-of-way will be limited by topography, growth potential or other limiting factors.
- (5) Stormwater drainage shall be directed to a system approved by the City Public Works Supervisor.
- (6) Any stormwater drainage system shall be designed to prevent erosion of soils and to minimize the impact of stormwater on adjacent properties. Where any stormwater swale is vegetated, landscaping with native vegetation is encouraged.

Section 11. Delete RBZO Section 4.080. Design Review Board

Section 12. Amend RBZO Section 4.080. Riparian Vegetation to read as follows:

Section 4.150. Riparian Vegetation

Riparian vegetation adjacent to the lakes and streams in Rockaway Beach shall be protected in accordance with the following provisions:

- (1) The following areas of riparian vegetation are defined:
 - (a) Fifteen feet on all sides of McMillan, Steinhilber, Finney and Rock Creek or any other known stream bed;
 - (b) Fifteen feet adjacent to Seaview Lake, Marie Lake and the unnamed lake at Minnehaha Avenue;
 - (c) Twenty-five feet adjacent to Spring Lake and Lake Lytle where there are no adjacent wetlands;
 - (d) The extent of wetland vegetation adjacent to Crescent Lake, Lake Lytle, Clear Lake and that portion of Spring Lake that is bordered by wetlands.
- (2) All structures and uses shall be located outside of areas listed in (1) above with the following exceptions:
 - (a) Where direct water access is required in conjunction with a water-dependent use; or
 - (b) Access to a lot where the proposed access is the only reasonable alternative; or
 - (c) Structural shoreline stabilization; or
 - (d) Trails or other pedestrian walkways that provide access to the water.
 - (e) The installation of native plants or natural vegetation within the riparian area as depicted by a landscaping site plan approved by the City.
- (3) Riparian areas described in (1) (a), (b), and (c) above shall be maintained in natural vegetation, and all trees 6 inches in diameter at four and one-half feet above grade shall be retained within the areas listed with the following exceptions:
 - (a) Removal of dead, diseased, or dying trees, or trees that pose an erosion hazard.
 - (b) Removal of vegetation necessary to provide for uses listed in (2), above.
 - (c) Vegetation removal in conjunction with an approved in-water project.
 - (d) The removal of noxious weeds as defined by the City's nuisance ordinance.

- (4) For all areas described in (1)(d) above, all riparian vegetation shall be retained with the following exceptions:
 - (a) Removal of vegetation necessary to provide for uses listed in (2) above.
 - (b) Removal of dead, diseased, or dying trees.
 - (c) Vegetation removed in conjunction with an approved in-water project.
- (5) The City may approve the removal and replacement of riparian vegetation with native plants when a landscaping plan has been reviewed and approved by the City and concurred with by the Oregon Department of Fish and Wildlife.
- (6) In addition to the remedies provided by Article 12 Enforcement and Remedies, where this ordinance is violated the following remedies shall be considered:
 - (a) Replacement of riparian vegetation with suitable native vegetation in the area of the violation.
 - (b) Replacement plants that die shall be replaced within 90 days of their death.
 - (c) The City may submit a vegetation replacement plan to the Oregon Department of Fish and Wildlife or other qualified professional for review and recommendations prior to approval.

Section 13. Amend RBZO Section 4.091. Standards for Manufactured Homes to read as follows:

Section 4.091 Standards for Manufactured Homes:

- (a) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- (b) The manufactured home shall be placed on a foundation enclosed at the perimeter.
- (c) The manufactured home shall have a pitched roof with a nominal pitch of at least three feet in height for each twelve feet in width.
- (d) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family homes constructed under the state building code as defined in ORS 455.010.
- (e) All other requirements of the Zone shall apply.

Section 14. Amend RBZO Section 5.030. General Provisions Regarding Accessory Uses to read as follows:

Section 5.030 General Provisions Regarding Accessory Uses.

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

- (1) A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house. A guest house may not be occupied as a permanent residence.

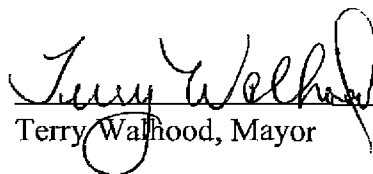
- (2) An accessory structure separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is no closer than five feet to a property line, no higher than 10 feet, and no larger than 200 square feet. Larger accessory structures shall meet the building height and setback requirements of the zone.
- (3) A City Zoning Permit shall be obtained prior to the construction of any structure for which a building permit is not required.

Section 15. Amend RBZO Section 7.040. Destruction of a Nonconforming Use or Structure to read as follows:

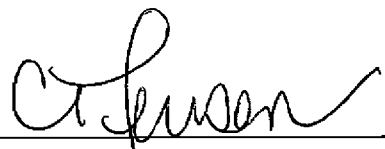
Section 7.040. Destruction of a Nonconforming Use or Structure

If a nonconforming use or structure or a structure containing a nonconforming use is damaged or is destroyed by any cause other than the deliberate action of the property owner and /or his agents and it is not reconstructed within two years, a future structure or use on the site shall conform to this ordinance.

**PASSED BY THE ROCKAWAY BEACH CITY COUNCIL AND
APPROVED BY THE COUNCIL PRESIDENT THIS 14th DAY OF OCTOBER, 2009.**

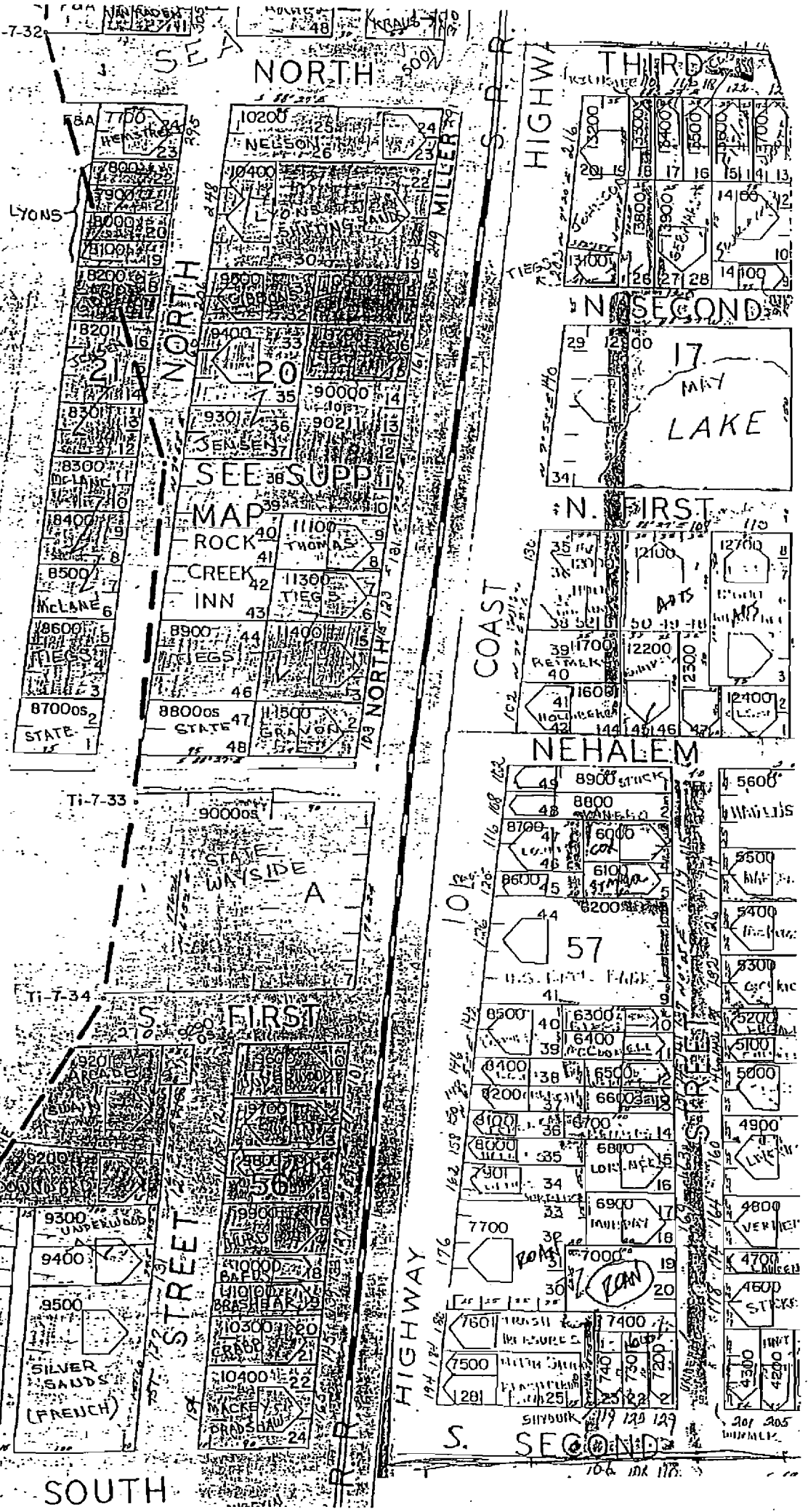

Terry Walhood, Mayor

ATTEST:


Clifford T. Jensen, City Manager

Ag 67 - (13)

PACIFIC OCEAN
PROPOSED PARKING EXEMPT AREA



PROPOSED PARKING EXEMPT AREA

ZONE

SOUTH

I. DESCRIPTION OF REQUEST: PAPA AMENDMENTS PROPOSED

MISSION STATEMENT:

The proposed ordinance amendments to the Rockaway Beach Zoning Ordinance (RBZO) accomplish two goals: goal one (1) update the Flood Hazard Overlay Zone Ordinance; and goal two (2) add simple, ecological, environmentally friendly design standards to existing ordinances to begin to affect a coordinated community appearance while not adding undue financial burden to the private property owner. Following the public hearing process, the City Planner will prepare an updated Zoning Ordinance for adoption.

PROCESS:

Before an amendment to the text of the zoning ordinance is approved, findings of fact will be made that the amendments are consistent with the criteria of *Rockaway Beach Zoning Ordinance Article 9 Amendments Section 9.015 (1) The proposed amendment fully accords with the applicable Comprehensive Plan goals and policies; and (2) the proposed amendment is required to meet a land use need.*

The Planning Commission has considered the proposed amendments after a public hearing that has been continued since November of 2008. The Planning Commission is satisfied that the findings of fact support a recommendation of approval to the City Council. The City Council must hold a public hearing to decide whether to adopt those amendments forwarded by the Planning Commission, or whether the amendments need further revision. There is no specific time limit within which the Planning Commission and City Council are required to complete their review of these legislative amendments.

Notice of the amendments process has been mailed to each property owner within the City limits. Notice of the Planning Commission public hearing was published in the Headlight Herald. Because the Planning Commission public hearing has been continued to a date certain since the November 2008 initial hearing date, no further mailed or published notice has been provided. Notice of these amendments has been mailed to the Department of Land Conservation and Development (DLCD) 45 days prior to the first public hearing. Written comments have been received from DLCD and are part of the record.

The first public hearing was held by the Planning Commission on Thursday, November 20, 2008. The following proposed ordinance amendments are the product of several continuances of the public hearing. Each continuance has been to a date certain in order to avoid the need for a new public hearing notice. The most recent continuance of this hearing was held by the Rockaway Beach City Council on May 27th, 2009.

II. APPLICABLE CRITERIA: Written copies of criteria are available for review

Oregon Revised Statutes (ORS), Chapter 197, 227 <http://www.leg.state.or.us>

ORS 197.307 (5)

Oregon Administrative Rules (OAR) 660 <http://arcweb.sos.state.or.us/banners/rules.htm>

Rockaway Beach Comprehensive Plan (RBCP)

Rockaway Beach Zoning Ordinance (RBZO)

Article 9 Amendments

Article 11 Administrative Provisions

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 the applicable Comprehensive Plan goals and policies; and*
- (2) The proposed amendment is required to meet a land use need.*

III. STAFF REPORT TABLE OF CONTENTS:

Page 1:	Mission Statement, Process
Page 2:	Applicable Criteria by Title, Staff Report Table of Contents with Amendments to the Rockaway Beach Zoning Ordinance (RBZO) by Title
Page 3:	City Planner Recommendations
Page 4:	SECTION 1: ADD to Sec. 1.030 Definitions: <u>Native Vegetation</u> , Renumber Section SECTION 1A: ADD to Sec. 1.030 Definitions: <u>Guest House</u> , Renumber Section
Page 5:	SECTION 2: AMEND Sec. 1.030 (49) <u>Open Space</u>
Page 6:	SECTION 3: AMEND Sec. 3.050.3 C-1 Commercial Zone Standards
Page 8:	SECTION 4: AMEND Sec. 3.092-3.097 Flood Hazard Overlay Zone
Page 23:	SECTION 5: AMEND Sec. 4.043 Multifamily Siting Criteria
Page 24:	SECTION 6: AMEND Sec. 4.060 Off-Street Parking Standards and Off-Street Loading Requirements
Page 26:	SECTION 7: AMEND Sec. 4.065 Street and Drainage Standards
Page 28:	SECTION 8: DELETE Sec. 4.080 Design Review Board
Page 29:	SECTION 9: AMEND Sec. 4.150 Riparian Vegetation
Page 31:	SECTION 10: AMEND Sec. 4.091 Standards for Manufactured Homes SECTION 11: DELETED [<i>AMEND Land Use Zones R-1, R-2, R-3, RR, and RMD</i>]
Page 33:	SECTION 12: AMEND Sec. 5.030 General Provision regarding Accessory Uses
Page 34:	SECTION 13: AMEND Sec. 7.040 Destruction of a Nonconforming Use

IV. CITY PLANNER / PLANNING COMMISSION RECOMMENDATIONS:

1. The Planning Commission has forwarded the proposed amendments to the City Council as a recommendation that they be adopted by ordinance. The public hearing is a continuance of the public hearing initiated by the Planning Commission.
2. The City Council should take any additional public testimony at the public hearing and then determine if any further changes to the proposed amendments are necessary.
3. The City Council should then direct the City Planner or staff to prepare an implementing ordinance for adoption at a subsequent meeting of the Council.
4. SECTION 1: Native plants are encouraged, not required in the City of Rockaway Beach. To assist property owners, the City should have at minimum two copies of the book referenced in the definition available for review.
5. SECTION 4: Flood Ordinance. The City Council should review the new draft ordinance prepared by the City Planner and the Planning Commission. As proposed, the amendments incorporate comments from the Oregon Department of Land Conservation and Development, and would bring the floodplain standards into conformance with FEMA regulations. Staff recommends adoption of the proposed amendments as presented in this report.
6. SECTION 8: The Planning Commission has recommended to the City Council that the Planning Commission serve as the Design Review Board.
7. SECTION 10: The Planning Commission has proposed to delete the standard requiring manufactured homes to be multi-sectional (at least double-wide). The City Council should consider the potential impacts from the placement of new single-wide manufactured homes in neighborhoods with predominantly stick-built and custom homes, should this standard is deleted. Under the existing ordinance standards, single-wide manufactured homes are allowed as an outright use in the RMD zone, and existing single-wides are allowed to remain in other zones as Nonconforming Uses. Staff recommends that the City Council consider this as an issue of compatibility between housing types as the City continues to develop.
8. As described, the amendments appear to be consistent with applicable criteria; however, additional public testimony may provide valuable insight and may necessitate a continuance for additional study, investigation, and revision.
9. A continuance of the public hearing should be to a date certain to avoid the cost of re-noticing the entire city.

SECTION 1: RBZO Sec. 1.030 Definitions ADD (46) Native Vegetation

(46) Native Vegetation

Native vegetation consists of plants native to the North Oregon Coast and its Urban Growth Boundary and the geographic conditions of the site.

Some examples of native vegetation are provided in the book available for review at City Hall: "*Plants of the Pacific Northwest Coast, Washington, Oregon, British Columbia & Alaska* Compiled and edited by Jim Pojar and Andy MacKinnon by the British Columbia Ministry of Forests and Lone Pine Publishing".

Section 1: FINDINGS OF FACT:

PURPOSE OF AMENDMENT / LAND USE NEED:

The purpose of the proposed amendment is to add a definition for "native vegetation". The definition will educate those who develop in Rockaway Beach to the purpose of native vegetation.

This definition does not require native vegetation to be provided.

CONSISTENT WITH COMPREHENSIVE PLAN:

The amendment is consistent with *Rockaway Beach Comprehensive Plan Natural Features Policy (1)* which states that "*The maintenance of natural terrain and vegetation shall be encouraged throughout the City.*"

SECTION 1A: RBZO Sec. 1.030 Definitions ADD (26) Guest House

An accessory structure or part thereof which is physically detached from a principal dwelling, not to be used as a rental unit, and intended for temporary occupancy only by guests of the family residing in the principal dwelling.

Section 1: FINDINGS OF FACT:

PURPOSE OF AMENDMENT / LAND USE NEED:

The purpose of the proposed amendment is to add a definition for "Guest House". Currently no definition exists for a guest house although they are regulated in Section 5.030 (1).

CONSISTENT WITH COMPREHENSIVE PLAN:

The amendment is consistent with *Rockaway Beach Comprehensive Plan Policy (1 Relating to the Economy* which states that "*The City shall support development activities which enhance its tourism oriented economic base.*" A guest house will provide additional opportunities for visitors to the City.

RENUMBER SECTION

Legislative Format: Existing text is in Regular Font **New text is in Bold Font;** [*Deleted Text is in Italic Font within brackets*].

SECTION 2: RBZO Sec. 1.030 Definitions AMEND (50) Open Space

(50) Open Space

Open space is that portion of the lot or parcel of property which is left uncovered by structures, parking, patios, and other impervious surfaces. It is area devoted primarily to landscaping **with native or** natural vegetation.

RENUMBER SECTION

Section 2: FINDINGS OF FACT:

PURPOSE OF AMENDMENT / LAND USE NEED:

This amendment does not require the use of native vegetation rather than natural vegetation. This amendment just adds the thought that landscaping in required open space could be native. Those reading this definition could find themselves looking up the definition of native vegetation, reviewing the literature available, and making the decision to use native vegetation.

The purpose of adding the term "native" to the definition of Open Space is to encourage those who develop land in Rockaway Beach to consider using native vegetation. The purpose of adding the word "with" to the second sentence of the definition is to clarify the first sentence which describes for what open space cannot be used.

For example: The current ordinance requires each residential lot is required to provide 30% of a lot to be left in open space. If a property owner had a 3,500 square foot lot, 1,050 square feet of that lot must remain uncovered by (1) structures (defined as anything built or constructed) (2) parking, (3) patios, and (4) other impervious surfaces.

Setbacks can be used as open space. For example: For a 70' x 50' interior lot, the minimum R3 Zone setbacks of two five foot side yards and a five foot rear yard provides 850 square feet of open space with a deficit of only 200 square feet, an area 10' x 20', to reserve as open space.

CONSISTENT WITH COMPREHENSIVE PLAN:

Native Vegetation is a simple, clear and objective design standard that supports *Rockaway Beach Comprehensive Plan Natural Features Policy (1) "The maintenance of natural terrain and vegetation shall be encouraged throughout the City. ..."*

SECTION 3: RBZO Sec. 3.050 (3) C-1 Commercial Zone Standards

RBZO 3.050 (3) Standards

...

- (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.**
- ...
- (i) **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.**
- (j) **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.**

Section 3: FINDINGS OF FACT:

PURPOSE OF AMENDMENT / LAND USE NEED:

The purpose of the amendments to the Commercial Zone ordinance is to provide "simple, automatic design standards to development in the City's commercial resource zone.

The requirement that a "first story is a minimum of 12 feet in height and designed to accommodate future potential commercial uses" will create structures that can be renovated to include a commercial use on the first story. This will reserve commercial zone structures for commercial use without imposing the requirement that the first story is commercial upon commercial zone property.

Requiring that the height of an overhang or awning above grade be a minimum of 10 feet above sidewalk grade or 12 feet above street grade where no sidewalk exists will provide 2 feet for signage that is currently required to be a minimum of 8 feet above sidewalk grade or 10 feet above street grade where no sidewalk exists. This will create a standard height appearance for awnings and overhangs as well as an adequate height for signage underneath the awning or overhang.

Legislative Format: Existing text is in Regular Font New text is in Bold Font; [<i>Deleted Text is in Italic Font within brackets</i>].
--

Encouraging that permanent landscaping be native vegetation in the commercial zone will create "a visual appearance natural to Rockaway Beach" in the commercial zone. Currently, there is not a specific area or percentage of site requirement for landscaping in the Commercial Zone. The amendment would not require that landscaping be native.

CONSISTENT WITH COMPREHENSIVE PLAN:

1. The proposed amendments are consistent with *Rockaway Beach Comprehensive Plan Policies Relating to the Economy*. Specifically, *Economic policies (3) (a), (b), and (c), (6), and (11)* which state:
 - "(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.*"
 - (6) *"...Care should be taken to ensure that future commercial development is well designed and relates well to the ...natural environment."*
 - (11) *"The City recognizes that its retirement community represents an important element of the economy. ..."*

Policy (3) supports design standards that create a unified theme. These standards include native vegetation, 12 foot heights of the first story, and a standard awning and overhang height. Policy (6) supports native vegetation, which is part of the natural environment. Policy (11) supports amendments to enhance retirement community access, such as the American with Disabilities Act Accessibility Guidelines (ADAAG).
2. The proposed amendments to encourage native vegetation supports *Rockaway Beach Comprehensive Plan Natural Features Policy (1) "The maintenance of natural terrain and vegetation shall be encouraged throughout the City. ..."*

SECTION 4: FLOOD HAZARD OVERLAY ZONE

Sec. 3.092. Flood Hazard Overlay Zone - FHO Zone.

A. 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.

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 or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depth range is from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

- (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) 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.
- (5) Coastal High Hazard Area.
The area subject to high velocity water, **ocean undercutting, or wave overtopping** including but not limited to, storm surge or tsunamis. The map is designated on a FIRM as Zone VI-30 or VE Zone.
- (6) 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, **and the storage of equipment and material** located within the area of special flood hazard.
- (7) Flood or Flooding.
A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters, and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- (8) Flood Insurance Rate Map (FIRM).
The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (9) Flood Insurance Study.
The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (10) Lowest Floor.

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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).

(11) Manufactured Home.

A structure, transportable in one or more sections, which is built on permanent chasses and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

(12) Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(a) Existing manufactured Home Park or Subdivision:

is one in which the construction of facilities for servicing the lots on which the manufactured homes 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.

(13) Mean Sea Level (MSL).

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

(14) New Construction.

Structures for which the start of construction commenced on or after the effective date of this amendment to the Zoning Ordinance.

(15) Start of Construction.

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for basement, footings, piers, or foundation 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.

(16) Structure.

A walled and roofed building including a gas or liquid storage tank that is principally above ground.

(17) Substantial Improvement.

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started, or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The terms do not, however, include either:

(i) any project for improvement of a structure to comply with existing state or local health sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

(ii) any alteration of a structure, listed on the National Register of Historic Places or a State Inventory of Historic Places.

(18) 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.

(19) Substantial Damage.

Pertains to flood related damage where the cost of restoring the structure would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(20) 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) primarily designed as temporary living quarters for camping, travel or seasonal use.

- (21) 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.
- (22) Special Flood Hazard Area (SFHA).
[Areas subject to inundation from the waters of a 100-year flood.] Areas subject to **having a one percent or greater chance of a flood exceeding the base flood in any given year.**

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 Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of Rockaway Reach", dated January 1977, with accompanying Flood Insurance Rate Maps and Flood Boundary 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.

Section 3.095. Administration.

(1) Establishment of Building/Development Permit.

A Building/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 Building/Development Permit shall be made to the City *[on forms furnished by him,]* 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 *[Recorder]* 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.

(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 [*Recorder*] 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** [*obtain*]:

- (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 [*Recorder*] shall:

- (a) Notify adjacent communities, **the Department of Land Conservation and Development, and other appropriate federal and state agencies** [*and the Oregon Water Resources Department*] 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 [*Recorder*] 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 11.030(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 shall be issued or denied in accordance with Article 8 and any amendment thereto.
- (e) The administrative procedure for hearing a variance shall be as established in Section 8.120.
- (f) When a variance is granted, the City [*Recorder*] 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 increased premium rates for flood insurance as high as \$25 for every \$100 of insurance coverage; 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.

Section 3.096. Provisions for Flood Hazard Reduction.

A. General Standards:

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

(1) Anchoring.

Legislative Format: Existing text is in Regular Font **New text is in Bold Font;** [*Deleted Text is in Italic Font within brackets*].

- (a) All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (b) All manufactured homes 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 [level]** 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.
- (4) Subdivision Proposals.
- (a) All subdivision proposals shall **provide engineered plans [be]** 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) 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.
- (6) 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 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** [*one 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).

- (c) Manufactured Homes.
 - (i) All manufactured homes to be placed or substantially improved within **areas of special flood hazard** Zones A1-30, AH and AE shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated **to a minimum of one (1) foot** above the base flood elevation and securely anchored to an

adequately anchored foundation system in accordance with the provisions of subsection 3.096(1)(b).

- (ii) All manufactured homes placed or substantially improved in existing manufactured home parks or subdivisions shall be elevated on reinforced piers or other foundation elements that are no less than 36 inches in height above grade or have their lowest floor **elevated to a minimum of one (1) foot** *[at or]* above the base flood elevation, if this allows for the use of a lower foundation.

A manufactured home which incurs substantial damage as the result of a flood must be elevated to or above the base flood elevation.

- (d) Recreational Vehicles.
Recreational vehicles may occupy a site in a Special Flood Hazard Area for periods of 180 consecutive days or greater providing they are fully licensed and highway ready. Recreational vehicles that do not meet these criteria become manufactured homes and must be anchored and elevated pursuant to Section 3.096(b)(c) of this ordinance.

- (e) Equipment and Materials Storage
Notwithstanding the provisions of this section, the nonpermanent storage of materials and equipment shall be permitted between April 15 and October 15 in Special Flood Hazard Areas, when such storage is for construction of a building for which permit has been issued.

- (7) 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 *[to or]* above the base flood level; 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** *[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 (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 *[Recorder]* 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 constructed with nonsupporting 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:
 - (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

- (ii) 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) 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.
 - (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.
- (8) Areas of Shallow Flooding (AO Zone).
Areas of shallow flooding [*areas*] 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 within AO Zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, [*to or above the depth number specified on the FIRM (at least two feet if no depth number is specified)*]. **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, [*to or above the depth number specified on the FIRM (at least two feet if no depth number is specified)*]; **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 that level 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 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.**
- 9) **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.**

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.

Section 4: FINDINGS OF FACT:

CONSISTENT WITH COMPREHENSIVE PLAN:

It is consistent with the *Rockaway Beach Comprehensive Plan Beaches and Dunes Policies* and *Coastal Shorelands Policies* for a Flood Ordinance to provide for flood hazard areas in the City of Rockaway Beach and its Urban Growth Boundary.

PURPOSE OF AMENDMENT / LAND USE NEED:

The purpose of amending the Flood Hazard Overlay Zone is to update the ordinance consistent with new regulations adopted since the last Flood Ordinance update, and to add new language

<p><u>Legislative Format:</u> Existing text is in Regular Font New text is in Bold Font; [<i>Deleted Text is in Italic Font within brackets</i>].</p>
--

that might also increase the City Community Rating and could reduce flood insurance rates for property owners.

The proposed amendments to the Flood Ordinance have been sent to the Federal Emergency Management Agency (FEMA) and the Department of Land Conservation and Development (DLCD) for review and comment. Comments and recommendations have been received from DLCD and been incorporated into the proposed amendments.

SECTION 5: MULTIFAMILY SITING CRITERIA

RBZO Sec. 4.043 Multifamily Siting Criteria:

In any zone where a multifamily dwelling is proposed, the Planning Commission shall review the plans under the following criteria.

...

(4) A minimum of 25% of the lot area **or the percentage of open space required by the land use zone** shall be devoted to open space, **whichever is greater.**

...

(6) **Multifamily dwelling siting approval shall be void one year after the date of approval unless a building permit has been obtained.**

(8) **Native vegetation is encouraged in required open space. Hardscape features such as benches, walkways, and outdoor seating areas shall be compliant with the American with Disabilities Act Accessibility Guidelines.**

Section 5: FINDINGS OF FACT:

CONSISTENT WITH COMPREHENSIVE PLAN:

Native landscaping encouraged in required open space areas supports *Rockaway Beach Comprehensive Plan Natural Features Policy (1) "The maintenance of natural terrain and vegetation shall be encouraged throughout the City. ..."*

The requirement for compliance with ADAAG enhances access for the retirement community and the disabled consistent with *Rockaway Beach Comprehensive Plan Policies Relating to the Economy (11) "The City recognizes that its retirement community represents an important element of the economy. ..."*

PURPOSE OF AMENDMENT / LAND USE NEED:

The existing ordinance does not limit the time within which a structure must be built with an approved building permit.

The purpose of the amendment is to provide a time limit of one year for a multifamily dwelling siting approval. Currently, the city has multiple multifamily dwelling application approvals in the

Legislative Format: Existing text is in Regular Font New text is in Bold Font ; [<i>Deleted Text is in Italic Font within brackets</i>].

Commercial Zone that have not been constructed. With no time limit for the approval, new ordinance amendments do not apply to these approvals. For example, if the City adopts the time limit for multifamily approval and the if the City adopts amendments to require the first story in a Commercial Zone to be designed with the potential for future commercial use, it would apply to those applications already approved that do not obtain a building permit within one year.

The amendment will encourage native vegetation in required open space. The amendment requires that hardscape features are compliant with the ADAAG. This will enhance use of multifamily dwellings by the retirement population and the disabled.

SECTION 6: OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

RBZO Sec. 4.060 Off-Street Parking and Off-Street Loading Requirements

At the time a new structure is erected, or the use of an existing structure is enlarged, off-street parking spaces, loading spaces, and access thereto shall be provided as set forth in this section, unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this ordinance except as exempted in Subsection (12).

...

- (13) Retail and service connected businesses excluding residences, hotels, motels, and other transient lodging located in the C-1 Zone **within the area described as Nehalem Avenue, Anchor Street, South Second Street and the Pacific Ocean as depicted by [(See] Exhibit A [)], shall be exempt from off-street parking requirements. Residences, hotels, motels, and other transient lodging shall provide the required off-street parking.**

...

- (16) **In any parking lot with four or more parking spaces not less than 10% of the gross site area of the lot(s) or parcel(s) devoted to the project site, shall be maintained in natural vegetation landscaping areas contained within concrete curbs installed and maintained at entrances, at the ends of bays, and adjacent to property lines. Native vegetation is encouraged.**

- (17) **Vehicular access points shall be consolidated to the minimum number necessary to serve the use.**

RENUMBER SECTION

Section 6: FINDINGS OF FACT:

PURPOSE OF AMENDMENT / LAND USE NEED:

In order to ADD NEW Sec. 4.060 (16) – (18), Sec. 4.060 (16) would be RENUMBERED as Sec 4.060 (20). The purpose of the amendments to Sec. 4.060 Off-Street Parking and Off-Street Loading Facilities are as follows:

The amendment to Sec. 4.060 (13) is intended to clarify the area within the City exempt from off-street parking requirements. Currently this same area is described by "Exhibit A" and with the amendment would be also described by a written description.

The amendment to ADD Sec. 4.060 (16) is intended to apply "simple" design standards to the design of parking lots.

The amendment to ADD Sec. 4.060 (17) is intended to add a guideline to the design of a site plan. This ordinance does not prevent multiple access points; however, it does require the "reason of necessity" to be applied to the request for multiple access points.

The amendment to ADD Sec. 4.060 (18) is to add a guideline for the design of access on a corner lot proposed to enhance safety. City Standards permit a driveway to be 12' to 25' wide and require a driveway to be located 5' from a property line. A Clear Vision Area (RBZO Sec. 4.020 Clear Vision Area) is required to be maintained 15' from the corner. For minimum width properties, City Standards and Sec. 4.020 limit the area where a driveway can be placed. However, for larger properties, the ordinance amendment will serve as a design standard.

CONSISTENT WITH COMPREHENSIVE PLAN:

The proposed amendments are consistent with the *Rockaway Beach Comprehensive Plan Circulation policies "(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."* and *Circulation policies "(7) Street categories in Rockaway Beach are depicted in Rockaway Beach Technical Standards and are hereby incorporated by reference."* Encouraging native landscaping space areas supports *Rockaway Beach Comprehensive Plan Natural Features Policy (1) "The maintenance of natural terrain and vegetation shall be encouraged throughout the City. ..."*.

SECTION 7: STREET AND DRAINAGE STANDARDS

RBZO Sec. 4.065. Street and Drainage Standards

In addition to the following Standards, vehicular access from a public right-of-way [at the time a new structure is erected, or when any owner or developer wishes to develop any platted street in the City, they shall comply with the City's Street Standards.] shall comply with the City of Rockaway Beach Technical Specifications and Design Standards for Streets and Storm Water Drainage.

- (1) Street and road construction shall provide for drainage and shall not be diverted so as to create a drainage problem for other property owners.
- (2) All driveways or entrances must include a culvert **or suitable alternative approved by the City** at the expense of the owner of sufficient size to handle drainage and storm runoff.
- (3) Streets shall be constructed to meet all applicable City standards. [(See Figures A, B, and C.)
 - A) *Typical cross section for lanes.*
 - B) *Typical cross section for residential streets.*
 - C) *Typical cross section for primary collectors*]
- (4) The Public Works **Supervisor** [*Superintendent*] may waive or reduce paving requirements where he or she determines that proposed development and future use of a street right-of-way will be limited by topography, growth potential or other limiting factors.
- (5) **Stormwater drainage shall be directed to a system approved by the City Public Works Supervisor.**
- (6) **Any stormwater drainage system shall be designed to prevent erosion of soils and to minimize the impact of stormwater on adjacent properties. Where any stormwater swale is vegetated, landscaping with native vegetation is encouraged.**

Section 7: FINDINGS OF FACT:

PURPOSE OF AMENDMENT / LAND USE NEED:

The purpose of the amendments to the Street and Drainage Standards is to enhance flexibility in the requirement to provide for stormwater drainage. These "simple" design standards are intended to assist property owners in designing systems that will meet city standards and thereby expedite the application process.

Native landscaping encouraged in required open space areas supports *Rockaway Beach Comprehensive Plan Natural Features Policy (1)* "*The maintenance of natural terrain and vegetation shall be encouraged throughout the City. ...*".

After public input at the November 20, 2008 Planning Commission public hearing and Planning Commission recommendation, the proposed amendments have been revised in (6) to delete references to wetlands and waterways as these are administrated under Rockaway Beach Zoning Ordinance Sec. 3.130-3.132 and 4.150 and in (7) to change "*prevent the flooding of adjacent properties*" to "*minimize the impact of stormwater on adjacent properties*" consistent with *Rockaway Beach Comprehensive Plan Natural Features Policy (6)*. In addition, the first paragraph has been clarified with the addition of the opening phrase "*In addition to the following standards...*"

CONSISTENT WITH COMPREHENSIVE PLAN:

The proposed amendments that enhance the ability for the city to control stormwater runoff, sedimentation, and erosion caused by development are consistent with the following policies of the *Rockaway Beach Comprehensive Plan*:

Wetlands and Riparian Corridors Policy (6) "*The City will control storm run-off, sedimentation and erosion from development...*" and

Natural Features Policy (6) "*New development shall protect drainage ways. Proposed developments drainage systems shall be designed to minimize the impact of storm water on adjacent properties.*" and

Circulation Policy (3) "*Street and road construction should include provisions for drainage unless it is an area to be served by the city drainage system...*" and

Circulation Policy (7) "*Street categories in Rockaway Beach are depicted in Rockaway Beach Technical Standards and are hereby incorporated by reference.*"

SECTION 8: DESIGN REVIEW BOARD (DELETE SECTION)

[RBZO Sec. 4.080 Design Review Board

- (1) *A Design Review Board is hereby established as a subcommittee of the Planning Commission.*
- (2) *The Board shall consist of the City Building Official, one member of the Council, and one member of the Planning Commission.*
- (3) *All members shall serve a two year term at which time they shall be reappointed or replaced.*
- (4) *The Board shall consider and evaluate all fences, decks, signs, and other structures as may be referred to them by the Council, Planning Commission, Building Official, or City Recorder.]*

Section 8: FINDINGS OF FACT:

CONSISTENT WITH COMPREHENSIVE PLAN:

The proposed amendment is consistent with *Rockaway Beach Comprehensive Plan Economic Development Policies*, by encouraging an environment where the city continues to develop an original and unique atmosphere which will enhance its tourism oriented economic base. In addition, the deletion of design review will help to reduce the cost of development and therefore provide for affordable housing. This is consistent with *Rockaway Beach Comprehensive Plan Housing Policy #1* which states: "The City shall support all efforts to provide low or moderate income housing in and around Rockaway Beach".

PURPOSE OF AMENDMENT / LAND USE NEED:

The City Council has chosen to eliminate design review from the land use process, in order to allow more creativity in fence, sign, and other development design. Rockaway Beach has always been a community where property owners can design and develop structural elements that reflect their individual tastes including whimsical and unusual elements. Design review stifles creativity in design and does not reflect the overall feel of the community as a unique beachside town. The result will be that Rockaway has an atmosphere that is distinctly different from other cities on the Oregon coast.

SECTION 9: RIPARIAN VEGETATION

RBZO Sec. 4.150. Riparian Vegetation

Riparian vegetation adjacent to the lakes and streams in Rockaway Beach shall be protected in accordance with the following provisions:

- (1) The following areas of riparian vegetation are defined:
 - (a) Fifteen feet on **all** [*either*] sides of McMillan, Steinhilber, Finney and Rock Creek or any other known stream bed;
 - (b) Fifteen feet adjacent to Seaview Lake, Marie Lake and the unnamed lake at Minnihaha Avenue;
 - (c) Twenty-five feet adjacent to Spring Lake and Lake Lytle where there are no adjacent wetlands;
 - (d) The extent of wetland vegetation adjacent to Crescent Lake, Lake Lytle, Clear Lake and that portion of Spring Lake that is bordered by wetlands.

- (2) All structures and uses shall be located outside of areas listed in (1) above with the following exceptions:
 - (a) Where direct water access is required in conjunction with a water-dependent use; or
 - (b) Access to a lot where the proposed access is the only reasonable alternative; or
 - (c) Structural shoreline stabilization; or
 - (d) Trails or other pedestrian walkways that provide access to the water.
 - (e) The installation of native plants or natural vegetation within the riparian area as depicted by a landscaping site plan approved by the City.**

- (3) [*For*] **Riparian** areas described in (1) (a), (b), and (c) above **shall be maintained in natural vegetation, and** all trees 6 inches in diameter at four and one-half feet above grade, [*and 50% of the understory vegetation*] shall be retained within the areas listed with the following exceptions:
 - (a) Removal of dead, diseased, or dying trees, or trees that pose an erosion hazard.
 - (b) Removal of vegetation necessary to provide for uses listed in (2), above.
 - (c) Vegetation removal in conjunction with an approved in-water project.
 - (d) The removal of noxious weeds as defined by the City's nuisance ordinance.

- (4) For all areas described in (1) (d) above, all riparian vegetation shall be retained with the following exceptions:
 - (a) Removal of vegetation necessary to provide for uses listed in (2) above.
 - (b) Removal of dead, diseased, or dying trees.
 - (c) Vegetation removed in conjunction with an approved in-water project.

- (5) The City may approve the removal **and replacement** of riparian vegetation **with native plants when a landscaping plan has been** reviewed and approved by the **City and concurred with by the** Oregon Department of Fish and Wildlife.
- (6) **In addition to the remedies provided by Article 12 Enforcement and Remedies, where this ordinance is violated the following remedies shall be considered:**
- (a) **Replacement of riparian vegetation with suitable native vegetation in the area of the violation.**
 - (b) **Replacement plants that die shall be replaced within 90 days of their death.**
 - (c) **The City may submit a vegetation replacement plan to the Oregon Department of Fish and Wildlife or other qualified professional for review and recommendations prior to approval.**

Section 9: FINDINGS OF FACT:

CONSISTENT WITH COMPREHENSIVE PLAN:

The proposed amendments are consistent with *Rockaway Beach Comprehensive Plan Coastal Shoreland Policies, Wetland and Riparian Corridor Policies, and Natural Vegetation Policies.*

PURPOSE OF AMENDMENT / LAND USE NEED:

An amendment is proposed to RBZO Sec. 4.150 (1) to clarify from where the riparian setback is measured, consistent with applicable criteria by adding the phrase to add "from the top of the bank" and by replacing the word "either" with the word "all" the more commonly understood word for all sides.

An amendment is proposed to RBZO Sec. 4.150 (2) to allow as a use the "*(e) the installation of native plants within the riparian area as depicted by a landscaping site plan approved by the City.*" This amendment is intended to enhance opportunities for property owners to replace non-native invasive species with native plants within the riparian area. This amendment does not require the installation of native plants within the riparian area it just allows it.

An amendment is proposed to RBZO Sec. 4.150 (3) that will require the maintenance of native plants or natural vegetation within a riparian area.

An amendment is proposed to RBZO Sec. 4.150 (5) allows the removal of existing riparian vegetation with native plants or natural vegetation approved by City and the Oregon Department of Fish and Wildlife.

An amendment is proposed to ADD RBZO Sec. 4.150 (6) to enhance enforcement opportunities with standards that specifically address a riparian vegetation violation.

SECTION 10: STANDARD FOR MANUFACTURED HOMES

RBZO 4.091 Standards for Manufactured Homes:

- [(a) *The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.*]
- (b) The manufactured home shall be placed on a [*an excavated and backfilled foundation and closed at the perimeter such that the manufactured home is not more than 12 inches above grade; except as provided in Section 3.096.6.c*] foundation **enclosed** at the perimeter.
- ...
- [(d) *The manufactured home shall have exterior siding and roofing material commonly used on residential homes within the community or which is comparable to the predominant materials commonly used on surrounding homes as determined by the City Recorder and / or City Planner*].
- ...
- [(f) *The manufactured home shall have a private garage or carport constructed of materials similar to the manufactured home. Where surrounding homes have predominately garages rather than carports, the City Recorder and / or City Planner may require that the manufactured home construct a garage rather than a carport.*]
- ...

Section 10: FINDINGS OF FACT:

CONSISTENT WITH COMPREHENSIVE PLAN:

The proposed amendments are consistent with *Rockaway Beach Comprehensive Plan Housing Policies, specifically, Policy (4) "Manufactured homes shall be permitted in areas zoned for single family dwellings, subject to clear and objective design standards."*

PURPOSE OF AMENDMENT / LAND USE NEED:

The purpose of the amendment to RBZO Sec. 4.091 (a) is to allow greater flexibility in the type and size of manufactured homes placed in the City. Currently, manufactured homes are required to be multi-sectional in all zones. Many lots in the City's residential zones are only 25-feet wide and cannot accommodate other than single-wide manufactured homes.

The purpose of the amendment to RBZO Sec. 4.091 (b) is to allow flexibility in the type of foundation upon which a manufactured home is placed. In many areas of the City, and even outside of "designated flood zones", high ground water is an issue that would contradict the excavation and backfill of a hole underneath a manufactured home. Such an excavation could cause stormwater water to collect beneath the home. Oregon Building Code will still require that a sufficient crawl space is provided beneath a manufactured home.

<p><u>Legislative Format:</u> Existing text is in Regular Font New text is in Bold Font; [<i>Deleted Text is in Italic Font within brackets</i>].</p>
--

The purpose of the amendment to RBZO Sec. 4.091 (d) is to allow more flexibility in the type of siding and roofing materials allowed on the exterior of manufactured homes.

The purpose of the amendment to RBZO Sec. 4.091 (f) is to delete the requirement that a manufactured home have a garage or a carport.

SECTION 12: GENERAL PROVISIONS REGARDING ACCESSORY USES:

RBZO Sec. 5.030 General Provisions Regarding Accessory Uses.

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

- (1) A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house. **A guest house may not be occupied as a permanent residence.**
- (2) An accessory structure separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is no closer than five feet to a property line, no higher than 10 feet, and no larger than **200** [120] square feet. **Larger accessory structures shall meet the building height and setback requirements of the zone.**
- (3) **A City Zoning Permit shall be obtained prior to the construction of any structure for which a building permit is not required.**

Section 12: FINDINGS OF FACT:

PURPOSE OF AMENDMENT / LAND USE NEED:

The purpose of the amendment is to update the zoning ordinance with the clear and objective standards to address (1) a guest house; (2) the size of an accessory structure that may be located in a required yard; and (3) the requirement for obtaining a zoning permit where a building permit is not required.

CONSISTENT WITH COMPREHENSIVE PLAN:

The proposed amendments are not intended to change any uses permitted or prohibited by the City and are consistent with Rockaway Beach Comprehensive Plan.

SECTION 13: NONCONFORMING USES:

...

AMEND RBZO Sec. 7.040 Destruction of a Nonconforming Use or Structure

If a nonconforming use or structure or a structure containing a nonconforming use is damaged or is destroyed by any cause other than the **deliberate** action of the property owner and /or his agents and it is not reconstructed within [*one*] **two** years, a future structure or use on the site shall conform to this ordinance.

...

Section 13: FINDINGS OF FACT:

PURPOSE OF AMENDMENT / LAND USE NEED:

The purpose of the proposed amendment is to provide two years rather than one to replace a nonconforming use or structure destroyed unintentionally. This amendment is intended to address the sometimes lengthy process of obtaining an insurance settlement or funding to replace the structure or use.

CONSISTENT WITH COMPREHENSIVE PLAN:

The proposed amendments are consistent with *Rockaway Beach Comprehensive Plan Housing Policies* and are consistent with *Policies Relating to the Economy*.

City of Rockaway Beach

276 S Hwy 101

PO BX 5

Rockaway Beach, OR 97136



PRIORITY®

MAIL

UNITED STATES POSTAL SERVICE

visit usps.com

January 2008



DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT
1175 COURT STREET, N.E.
SALEM, OR 97310-0590