



Oregon  
Theodore R. Kulongoski, 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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

03/19/2013

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 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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, April 02, 2013

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jay Sennewald, City of Rockaway Beach  
Gordon Howard, DLCD Urban Planning Specialist  
Matt Spangler, DLCD Regional Representative

<paa> N



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF

MAR 14 2013

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **CITY OF ROCKAWAY BEACH**

Local file number: **TA-11-115**

Date of Adoption: **FEB. 27, 2013**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

**THIS ORDINANCE INCLUDED CLOSING SEVERAL LOOP HOLES AND ADDRESSED PROBLEMS IN THE PREVIOUS EDINING ORDINANCE.**

Does the Adoption differ from proposal? Please select one **NO.**

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 001-11 (18747) [17384]



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: JAY SENNEWALD, CITY PLANNER Phone: (503) 355-2291 Extension:  
Address: P.O. BOX 5 Fax Number: 503-355-8221  
City: ROCKAWAY BEACH Zip: 97136 E-mail Address: jay@oliviabeach.com  
211-11-AT 117498 YAWA Y007 30 YR10  
2105, P2, 1937

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

## **ORDINANCE NO. 13-416**

### **AN ORDINANCE AMENDING THE CITY OF ROCKAWAY BEACH ZONING AND SUBDIVISION ORDINANCES**

The City of Rockaway Beach does ordain as follows:

- AMEND Rockaway Beach Subdivision Ordinance Section 5, Procedure for Review
- AMEND Rockaway Beach Subdivision Ordinance Section 11, Procedure for Review
- AMEND Rockaway Beach Subdivision Ordinance Section 19; Procedure for review
- AMEND Rockaway Beach Subdivision Ordinance Title and Section 27, (2), (3), (4), (6), (9), and (11), re-number sections
- ADD Rockaway Beach Subdivision Ordinance Section 47; Standards and Procedures for Property Line Adjustments; re-number following Sections
- AMEND Rockaway Beach Zoning Ordinance Section 3.096 (7), Coastal High Hazard Area
- AMEND Rockaway Beach Zoning Ordinance Section 4.060 (13), Off-Street Parking and Loading Requirements
- AMEND Rockaway Beach Zoning Ordinance Section 4.065 Street and Drainage Standards
- AMEND Rockaway Beach Zoning Ordinance Section 4.070 Fence Requirements
- AMEND Rockaway Beach Zoning Ordinance Section 4.090 Home Occupations
- AMEND Rockaway Beach Zoning Ordinance Section 4.100 Recreational Vehicle Parks
- AMEND Rockaway Beach Zoning Ordinance Section 4.150 Riparian Vegetation
- AMEND Rockaway Beach Zoning Ordinance Section 5.050 General Exception to Lot Size Requirements
- AMEND Rockaway Beach Zoning Ordinance Section 5.060 General Exceptions to Yard Requirements
- AMEND Rockaway Beach Zoning Ordinance Section 6.030 Conditional Use Procedure

The City of Rockaway Beach Subdivision Ordinance as amended, is further amended to provide as follows:

#### **1. Amend Rockaway Beach Subdivision Ordinance Section 5, to read as follows:**

##### **Section 5. PROCEDURE FOR REVIEW.**

(1) Prior to the filing of a tentative plan, a subdivider shall submit to the City Recorder plans and other information concerning a proposed or contemplated development. The City Recorder shall then, within thirty-five (35) days, schedule a conference with the subdivider, City Engineer, and City Planner on such plans and other data, and make recommendations to the subdivider as shall seem proper regarding such plans or other data, and shall recommend consultation by the subdivider with other public or private agencies as may be disclosed by the plans to be interested. This subdivision conference is an optional procedure which may be elected by the subdivider and is not required by this ordinance.



(2) The applicant shall submit ten (10) copies of a tentative plan, a completed application form and a fee as required by Section 49. The tentative plan shall follow the format outlined in Sections 6 and 7.

(3) The City shall review the submitted tentative plan to determine whether the application is complete. If the application is complete, a public hearing before the Planning Commission shall be scheduled. If the application is incomplete, the applicant will be informed of the additional information that is required. Upon submission of that information, a public hearing will be scheduled.

(4) Public notice shall be mailed to property owners within 200 feet of the boundary of the proposed subdivision. The content of the public notice shall be in accordance with Section 11.040(1) of the Zoning Ordinance.

(5) The City Recorder shall transmit one (1) copy of the tentative subdivision plan to the City Engineer, all affected special districts and any county, state or federal agency that may have an interest in the proposed subdivision. Written comments will be incorporated into the record of the public hearing.

(6) The City Recorder shall notify the subdivider of the requirement to file a statement of water rights and if a water rights is appurtenant, a copy of the acknowledgment from the Water Resources Department must be attached before the county recording officer may accept the plat of the subdivision for recording pursuant to ORS 92.120.

(7) The Planning Commission shall hold a public hearing on the tentative subdivision plan in accordance with Section 11.060 of the Zoning Ordinance.

(8) The Planning Commission shall make a decision on the tentative subdivision plan in accordance with Section 11.060 of the Zoning Ordinance.

(9) A decision of the Planning Commission may be appealed to the City Council in accordance with Section 11.070 of the Zoning Ordinance.

(10) The tentative subdivision plan approval shall be binding on the City and the subdivider for the purpose of preparing a final plat, provided that there are no changes of the plat of the subdivision and that it complies with all conditions set forth by the city in its tentative subdivision plan approval.

(11) Time Limit on Tentative Approval:

Approval of a tentative plan of a subdivision is valid for a period of two years from the effective date of the approval, unless a phasing plan or other larger time frame has been authorized as a part of the tentative plan approval. If no request for final approval or time extension has been received within the tentative approved time limit, the tentative plan approval shall expire.

(12) Time Extension on Tentative Approval:

Approval of a tentative subdivision plan may be extended beyond the two year approved period

upon request. Requests for time extensions shall be made to the City in written form. Requests for time extensions shall be considered and acted upon in accordance with RBZO Article 11, Administrative Procedures. In considering a request for a time extension, the Planning Commission may consider the following:

(a) To what extent any required improvements have been constructed or completed.

(b) Whether there have been any changes in circumstances or in applicable code or statutory requirements which could have affected the original approval.

(c) Whether additional conditions or requirements could be imposed on the tentative approval which would satisfactorily address any deficiencies resulting from changed circumstances or code or statutory requirements. In granting a request for a time extension, the Planning Commission may impose such additional conditions or requirements as are considered appropriate. A time extension shall be for a period of one year. Not more than three time extensions of a subdivision tentative plan approval may be granted.

(13) Revision of Tentative Plan:

If an approved tentative plan is to be revised, such revision shall be filed as a new application for tentative plan approval.

(14) Any final subdivision not submitted prior to the expiration of the tentative subdivision plan approval shall be considered void.

**2. Amend Rockaway Beach Subdivision Ordinance Section 11(1), to read as follows:**

(1) Within two (2) years after approval of the preliminary plat, or such extension as may have been granted by the City, the subdivider shall cause the proposed subdivision, or any part thereof to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.

An original reproducible drawing and five (5) blue-line or blackline prints of the plat shall be submitted to the City. The tracing and prints are in addition to those required by Oregon Statutes.

The final plat shall conform to the requirements of Section 12 - 15.

No subdivider shall submit a plat of a subdivision for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision have been met.

**3. Amend Rockaway Beach Subdivision Ordinance Section 19, to read as follows:**

Section 19. PROCEDURE FOR REVIEW. The minimum standards for design and improvements in a major land partitioning shall conform to Sections 32 - 45. The Planning Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exists:

(1) The applicant shall submit ten copies of a tentative partition plan, a completed application form and the fee required by Section 49. The tentative partition plan shall follow the format outlined in Section 20 & 21.

(2) The City shall review the submitted tentative partition plan to determine whether the application is complete. If the application is complete, a public hearing before the Planning Commission shall be scheduled. If the application is incomplete, the applicant will be informed of the additional information that is required. Upon submission of the information, a public hearing shall be scheduled.

(3) Public notice shall be mailed to property owners within 200 feet of the boundary of the proposed partition. The content of the public notice shall be in accordance with Section 11.040(1) of the Zoning Ordinance.

(4) The City Recorder may transmit one copy of the tentative partition plan to the City Engineer, and affected special districts and any county, state or federal agency that may have an interest in the proposed partition. Written comments will be incorporated into the record of the public hearing.

(5) The City Recorder shall notify the partitioner of the requirement to file a statement of water right and if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department must be attached before the county recording officer may accept the plat of the subdivision for the recording pursuant to ORS 92.120.

(6) The Planning Commission shall hold a public hearing on the tentative partition in accordance with Section 11.060 of the Zoning Ordinance.

(7) The Planning Commission shall make a decision on the tentative partition in accordance with Section 11.060 of the Zoning Ordinance.

(8) A decision of the Planning Commission may be appealed to the City Council in accordance with Section 11.070 of the Zoning Ordinance.

(9) The tentative partition plan approval shall be binding on the City and the partitioner for the purpose of preparing a final partition plat, provided that there are no changes of the plan of the partition and that it complies with all conditions set forth by the City in its tentative partition plan approval.

(10) Time Limit on Tentative Approval:

Approval of a tentative plan of a major land partition is valid for a period of two years from the effective date of the approval. If no request for final approval or time extension has been received within the tentative approved time limit, the tentative plan approval shall expire.

(11) Time Extension on Tentative Approval:

Tentative approval of a major land partition plan may be extended beyond the two year approved period upon request. Requests for time extensions shall be submitted in written form to the City.



Requests for time extensions shall be considered and acted upon in accordance with RBZO Article 11, Administrative Procedures. In considering a request for a time extension, the Planning Commission may consider the following:

- (a) To what extent any required improvements have been constructed or completed.
- (b) Whether there have been any changes in circumstances or in applicable code or statutory requirements which could have affected the original approval.
- (c) Whether additional conditions or requirements could be imposed on the tentative approval which would satisfactorily address any deficiencies resulting from changed circumstances or code or statutory requirements. In granting a request for a time extension, the Planning Commission may impose such additional conditions or requirements as are considered appropriate. A time extension shall be for a period of one year. Not more than one time extension of a major land partition tentative approval may be granted.

(12) Revision of Tentative Plan: If an approved tentative plan is to be revised, such revision shall be filed as a new application for tentative plan approval.

(13) The applicant shall submit a final partition plat prior to the expiration of the tentative partition plan approval.

(14) The final partition plat shall conform to the information requirements of Section 25. The Planning Commission shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. The Planning Commission may request that the City Engineer review the final partition plat in conformance with Section 11(2).

If the Planning Commission determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

(15) Prior to the approval of the final partition plat, the applicant shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Section 21 and 22.

(16) If the final plat conforms to the tentative plan and applicable conditions, the Chair of the Planning Commission shall sign and date the final plat.

(17) The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS 92. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

(18) The major partition is considered complete after the final plat is recorded by the County Clerk.

(19) The County Surveyor shall furnish the City with a copy of the recorded plat.

**4. Amend Rockaway Beach Subdivision Ordinance Section 23(1), to read as follows:**



Section 23. MAJOR LAND PARTITION, FINAL PLAT - PROCEDURE FOR REVIEW.

(1) Within two (2) years after approval of the preliminary plat, or such extension as may have been granted by the City, the partitioner shall cause the proposed partition to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.

An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the City. The tracing and prints are in addition to those required by Oregon Statutes.

The final plat shall conform to the requirements of Sections 24, 25 and 26.

No partitioner shall submit a plat of a partition for record, until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

**5. Amend Rockaway Beach Subdivision Ordinance Section 27 including Title, to read as follows:**

MINOR LAND PARTITION

Does Not Include the Creation of a Street

Section 27. Procedure for Review.

(1) The applicant shall submit ten copies of a tentative partition plan, a completed application form and the fee required by Section 49. The tentative partitions plan shall follow the format outlined in Section 29.

(2) The City shall review the tentative partition plan to determine its conformity with the minimum standards of Section 28. The City Planner shall coordinate his review with county, state and federal agencies and special districts that may have an interest in the partition.

(3) The City Planner may approve, deny or attach conditions to the approval of a tentative partition plan. The City Planner may apply only those conditions necessary to bring the tentative partition plan in conformance with the minimum standards of Section 28. The City Planner's decision shall meet the requirements of 11.060(6) of the Zoning Ordinance.

(4) A decision of the City Planner may be appealed by the applicant to the Planning Commission in conformance with the provisions of Section 11.070(1) of the Zoning Ordinance.

(5) The tentative partition plan approval shall be binding on the City and the partitioner for the purpose of preparing a final partition plat, provided that there are no changes of the plan of the partition and it complies with all conditions set forth by the City in its tentative partition plan approval.

(6) Time Limit on Tentative Approval:

Approval of a tentative plan of a minor land partition is valid for a period of two years from the effective date of the approval. If no request for final approval or time extension has been received within the tentative approved time limit, the tentative plan approval shall expire.

(7) Time Extension on Tentative Approval:

Tentative approval of a minor land partition plan may be extended beyond the two year or other approved period upon request. Requests for time extensions shall be made to the City in written form. Requests for time extensions shall be considered and acted upon in accordance with RBZO Article 11, Administrative Procedures. In considering a request for a time extension, the City Planner may consider the following:

(a) To what extent any required improvements have been constructed or completed.

(b) Whether there have been any changes in circumstances or in applicable code or statutory requirements which could have affected the original approval.

(c) Whether additional conditions or requirements could be imposed on the tentative approval which would satisfactorily address any deficiencies resulting from changed circumstances or code or statutory requirements. In granting a request for a time extension, the City Planner may impose such additional conditions or requirements as are considered appropriate. A time extension shall be for a period of one year. Not more than one time extension of a tentative approval may be granted.

(8) Revision of Tentative Plan:

If an approved tentative plan is to be revised, such revision shall be filed as a new application for tentative plan approval.

(9) The applicant shall submit a final partition plat prior to the expiration of the tentative partition plan approval.

(10) No partitioner shall submit a plat of a partition for record until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

(11) The final partition plat shall conform to the information requirements of Section 42. The City Planner shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions.

(12) If the City Planner determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

(13) If the final plat conforms to the tentative plan and applicable conditions, the City Planner shall sign and date the final plat.

(14) The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS 92.

(15) The partition is considered complete after the final plat is recorded by the County Clerk.

(16) The County Surveyor shall furnish the City with a copy of the recorded plat.

**6. Add to the Rockaway Beach Subdivision Ordinance a new Section 47 as follows:**

Section 47. Standards and Procedures for Property Line Adjustments

(1) Tentative Approval

(a) A property line adjustment shall be tentatively approved provided that:

(A) No additional lots or parcels will be created; and

(B) The subject lots, parcels or tracts of land will not be reduced in size to below the minimum area required by the applicable use zone; and

(C) The proposed lots, parcels or tracts of land as adjusted will comply with any dimensional standard as set forth in the applicable use zone; and

(D) The proposed property line adjustment will not reduce any yard or other setback below that required under applicable zoning; and

(E) The proposed property line adjustment will not reduce the street or road frontage of the subject lots or parcels to below that required by this Ordinance; and

(F) The proposed property line adjustment will not reduce below the required minimum any setback for an existing on-site sewage disposal system or approved replacement area; and

(G) Where the original lots, parcels or tracts do not conform to lot size, street frontage, lot width, depth or yard requirements, any proposed property line adjustment shall not increase the degree of non-conformity.

(b) Tentative approval of a property line adjustment is valid for a period of one year. If no request for final approval or request for a time extension is received by the City within one year of the date of a tentative approval, the tentative approval shall expire.

(2) Final Approval:

(a) Final approval of a property line adjustment shall be granted upon submittal of the following:

(A) A copy of a filed survey of the property line adjustment complying with ORS 209.250 and in substantial conformance with the tentative approval.

(B) Copies of recorded conveyances conforming to the tentatively approved property line adjustment and containing the names of the parties, the description of the adjusted line,



references to original recorded documents and signatures of all parties with proper acknowledgment.

(C) Such other documentation as may be required by the City to verify conformance with any requirements or conditions of the tentative approval.

**7. Amend Rockaway Beach Subdivision Ordinance to re-number Sections 47-51 as follows:**

**Section 48. VARIANCE PROCEDURE.**

- (1) A property owner may initiate a request for a variance from the requirements of this ordinance by filing an application with the City pursuant to Section 12.070 of the Development Code. The Application shall be submitted at the same time as the application for a preliminary plat for a subdivision or major partition.
- (2) Public notice shall be mailed to property owners within 200 feet of the boundary of a proposed subdivision and 200 feet of the boundary of a proposed partition. The content of the public notice shall be in accordance with Section 11.040(1) of the Zoning Ordinance.
- (3) The Planning Commission shall hold a public hearing on the variance request in accordance with Section 11.060 of the Zoning Ordinance. For subdivisions and major partitions the hearing shall be held in conjunction with the hearing held on the subdivision or partition request.
- (4) Planning Commission shall make a decision on the variance request in accordance with Section 11.060(6) of the Zoning Ordinance.
- (5) A decision of the Planning Commission may be appealed to the City Council in accordance with Section 11.070 of the Zoning Ordinance.

**Section 49. VARIANCE CRITERIA.** Variances to the requirements of this ordinance may be granted where the following criteria are met:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.
- (3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- (4) The variance requested is the minimum variance which would alleviate hardship.

**Section 50. FILING FEES.**

It shall be the responsibility of the applicant to pay for the full cost of processing permit applications. Such fees shall not be refundable. The applicant shall be billed for costs incurred at the conclusion of the City action on the permit request. However, in no case shall the actual cost

exceed the cost to the City. Fees shall not include the cost of preparing transcripts for appeals. Fees for preparation of written transcripts shall not exceed the actual cost of preparing the transcript, up to \$500, plus one half of the actual cost over \$500.

Minimum Filing Fees:

Subdivision \$150

Major Partition \$100

Minor Partition \$50

Variance \$75

Appeal \$75

(No appeal Fee is Required for an appeal of the City Planner's decision, on a minor partition, to the Planning Commission)

Section 51. SEVERABILITY.

The provisions of this ordinance are severable. Should any section, clause, or provision of the ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 52. PENALTIES FOR VIOLATION.

In addition to penalties provided by State law, a person who violates or fails to comply with a provision of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500 or imprisonment for not more than 100 days, or both. A violation of the ordinance shall be considered a separate offense for each day the violation continues.

**8. Amend the Rockaway Beach Zoning Ordinance Section 3.096(7), to read as follows:**

(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 at least one foot above the base flood elevation; and
  - (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water

loading values shall each have a one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect licensed in the State of Oregon shall certify the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (i) and (ii) of Section 3.096(7)(a).

- (b) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-V30 and VE, and whether or not such structures contain a basement. The City shall maintain a record of all such information.
- (c) All new construction shall be located landward of the reach of mean high tide.
- (d) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or screened with nonsupporting open wood 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.
  - (i) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (e) Space below the elevated portion of the building 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.



**9. Amend Rockaway Beach Zoning Ordinance Section 4.060(13), 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 between North Third Avenue and South Second Avenue shall be exempt from off-street parking requirements. Residences, hotels, motels, and other transient lodging shall provide the required off-street parking.

**10. Amend Rockaway Beach Zoning Ordinance Section 4.065 Street and Drainage Standards, to read as follows:**

Section 4.065. Street and Drainage Standards. At the time an owner or developer wishes to develop any platted street in the City, they shall comply with the Rockaway Beach Public Works Technical Specifications and Design Standards. Street and road construction shall provide for drainage and shall not be diverted so as to create a drainage problem for other property owners.

(1) Stormwater drainage from new development shall be directed to a system approved by the City Public Works Supervisor.

(2) 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.

**11. Amend Rockaway Beach Zoning Ordinance Section 4.070 Fence Requirements to read as follows:**

Section 4.070. Fence Requirements.

(1) Fences may be constructed up to the property line, unless jointly owned by adjoining property owners in which case it may be on the property line.

(2) All fences or portions thereof shall be located in such a way as to not be detrimental to abutting property, and shall not obstruct views from adjacent property.

(3) Fences shall not be made of barbed wire or other sharp or dangerous material.

(4) Fences greater than six feet in height shall require a building permit.

**12. Amend Rockaway Beach Zoning Ordinance Home Occupations Section 4.090(1), to read as follows:**

(1) Standards: A home occupation shall mean any occupation or profession carried on by a person residing on the premises provided the following conditions are satisfied:

- (a) No sign is used other than a nameplate not over one square foot in area.
- (b) There is no display or outside storage that would indicate that the lot is being used in whole or primarily for purposes other than residential.
- (c) The lot, including the building, retains the characteristics of a residential zone.
- (d) No on-site retail sales shall be permitted in conjunction with a home occupation.
- (e) No persons other than residents of the dwelling located on the subject property shall be engaged in the home occupation, and in no event shall the number of persons engaged in the home occupation exceed five.

**13. Amend Rockaway Beach Zoning Ordinance Section 4.100(1) to read as follows:**

- (1) Recreation vehicle (RV) camping areas or parks shall be allowed as conditional uses in the RMH and R-3 zones.

**14. Amend Rockaway Beach Zoning Ordinance Section 4.150(5), to read as follows:**

- (5) The City may approve the removal of riparian vegetation when vegetation removal and a plan to re-vegetate the riparian area has been reviewed and approved by the Oregon Department of Fish and Wildlife.

**15. Amend Rockaway Beach Zoning Ordinance Section 5.050 to read as follows:**

Section 5.050. General Exception to Lot Size Requirements.

- 1) No parcel of land less than 1,750 square feet shall support a residential use.
- 2) If a lot does not meet the minimum lot size requirements of the zone in which the property is located, residential use shall be limited to a single family dwelling or to the number of dwelling units consistent with the density limitations of the zone.
- 3) If two or more contiguous lots held in a single ownership at the time of the passage of this ordinance (January 24, 1978) exceed the minimum lot size requirement of the zone in which the property is located, then a lot or groups of lots may be conveyed or sold separately only if the resulting lots or groups of contiguous lots meet the minimum lot size requirement.
- 4) When substandard lots have been aggregated after the passage of this ordinance (January 24, 1978) to meet minimum lot size requirements of the zone, any remaining lots shall meet the minimum lot size requirements of the zone.

**16. Amend Rockaway Beach Zoning Ordinance Section 5.060(1)(b), to read as follows:**

(b) The minimum ocean setback line shall be determined by averaging the minimum distances from the Statutory Vegetation Line (ORS 390.770) to structures located 200 feet in either direction along the shoreline from the subject property boundaries, and applying that average setback to establish a line on the subject property parallel with the Statutory Vegetation Line. The distances used for this methodology shall be determined by a licensed professional surveyor.

In measuring structures, the most oceanward point of a lawfully established structure which is higher than 36 inches above the existing grade shall be used.


**17. Add to Rockaway Beach Zoning Ordinance Section 5.060(3) as follows:**


(3) Uncovered access stairs and associated landings required to meet building code for safety may project up to  $\frac{1}{2}$  the distance into a required setback, but in no instance shall the setback be less than 3 feet from any property line.

**18. Amend Rockaway Beach Zoning Ordinance Section 6.030(2)(e), to read as follows:**

(e) A Conditional Use Permit shall be null and void after two years unless substantial construction has taken place.

**PASSED BY THE ROCKAWAY BEACH CITY COUNCIL AND  
APPROVED BY THE MAYOR THIS 27<sup>th</sup> DAY OF FEBRUARY, 2013.**

  
\_\_\_\_\_  
Danell Boggs, Mayor

ATTEST:  
  
\_\_\_\_\_  
Lars Gare, City Manager



# CITY OF ROCKAWAY BEACH

Post Office Box 5  
ROCKAWAY BEACH, OREGON 97136



DEPT OF  
MAR 14 2013  
LAND CONSERVATION  
AND DEVELOPMENT



UNITED STATES POSTAGE  
EAGLE  
FINEY BOWES  
02 1R \$ 00.66<sup>0</sup>  
0002096501 MAR 12 2013  
MAILED FROM ZIP CODE 97136

Attention: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

97301254099

