

# CITY OF ROCKAWAY BEACH

## City Planning Commission Meeting



### Agenda

Date: May 19<sup>th</sup>, 2022  
Time: 6:00 PM  
Location: Rockaway Beach City Hall

---

#### JOIN ZOOM MEETING

<https://us06web.zoom.us/j/5137179369?pwd=S01QbzIIWTh6QnlHbmo2RXpYNTZ1dz09>

Meeting ID: 513 717 9369  
Passcode: 013664  
+1 253 215 8782 US (Tacoma)

#### **CALL TO ORDER AND APPROVAL OF AGENDA FOR CITY PLANNING COMMISSION MEETING**

**A) Roll Call Commission Members:** Pat Olson, Janet McIntire, Bill Hassell, Zandra Umholtz, Georgeanne Zedrick, Sandra Johnson and Kristina Woida,

**B) Approval of Minutes**  
Approval of Minutes – 4/21/22

**C) Old Business**  
a. Short Term Rental Nuisance  
b. Planning Commission Rules

**D) New Business**  
a. Variance 22-01 Hess & McClaran – front yard setback

**E) Visitor Presentation**

**F) Citizen Comments and Concerns**

**G) Commissioner Comments and Concerns**

**H) City Planner Comments**

**I) Adjourn**

# CITY OF ROCKAWAY BEACH

## City Planning Commission Meeting



### Agenda

Date: April 21<sup>st</sup>, 2022  
Time: 6:00 PM  
Location: Rockaway Beach City Hall

---

[HTTPS://US06WEB.ZOOM.US/J/84808518789?pwd=AMoyTCtyAFJJOWdSL05BdW1QqJFMUT09](https://us06web.zoom.us/j/84808518789?pwd=AMoyTCtyAFJJOWdSL05BdW1QqJFMUT09)

MEETING ID: 848 0851 8789  
PASSCODE: 964959  
DIAL BY YOUR LOCATION +1 253 215 8782 US (TACOMA)

### CALL TO ORDER AND APPROVAL OF AGENDA FOR CITY PLANNING COMMISSION MEETING

**A) Roll Call Commission Members:** Pat Olson, Janet McIntire, Bill Hassell, Zandra Umholtz, Georgeanne Zedrick, Sandra Johnson and Kristina Woida.

[Position #2 - Janet McIntire: Present](#)  
[Position #3 - Pat Olson: Present](#)  
[Position #7 - Georgeanne Zedrick: Present](#)  
[Position #5 - Bill Hassell: Present \(Via Zoom\)](#)  
[Position #1 - Zandra Umholtz: Present](#)  
[Position #4 - Sandra Johnson: Present](#)  
[Position #6 - Kristina Woida: Present](#)

### **B) Approval of Minutes**

Approval of Minutes – 3/17/22 – Janet entertained a motion – Zandra moved to adopt minutes as written and Georgeanne 2<sup>nd</sup> – all approved.

[Position #1 - Zandra Umholtz: Motion](#)  
[Position #7 - Georgeanne Zedrick: 2nd](#)  
[Position #2 - Janet McIntire: Approve](#)  
[Position #3 - Pat Olson: Approve](#)  
[Position #7 - Georgeanne Zedrick: Approve](#)  
[Position #5 - Bill Hassell: Approve](#)  
[Position #1 - Zandra Umholtz: Approve](#)  
[Position #4 - Sandra Johnson: Approve](#)  
[Position #6 - Kristina Woida: Approve](#)

### **C) New Business**

- a. Short Term Rental Nuisance proposal – Planning Commission held discussion regarding feedback proposed via outlined information in packet to present to City Council for STR Nuisance proposal. .
- b. Planning Commission Rules discussion – Scott discussed the proposal, about rules and referencing other ordinances. Sandra explained her reasoning behind the proposal. Scott proposed to come back with changes in a future meeting.

**D) Visitor Presentation - none**

**E) Citizen Comments and Concerns**

Public Attendee Debra Bowman - 378 Highway 101 – gave public comment about Short Term Rental, currently lives in Rockaway and has a STR here as well. Asking why City was looking into this process and asked if related to Affordable Housing. Janet explained the Planning Commission did so on request of City Council to submit a nuisance-based ordinance proposal.

**F) Commissioner Comments and Concerns**

Bill – Thanking Sandy for putting work into the packets.

Georgeanne – thanking all for comments and Sandy’s input.

Zandra – similar and thankful for the work being done.

Pat – Thankful for the work on the STR.

Janet – Thank all for coming and appreciate the work.

Sandra – Suggested events coming up and expressed concern about permit that was addressed at the City Council meeting.

Kristina – Question about speed bumps, directed to talk to Dan at Public Works.

**G) City Planner Comments**

- a. Sample motions – Scott proposed he will hand out the example outline to use in future.
- b. Variance for next months meeting for a front yard setback reduction.
- c. High grounds – working on agreement for purchase and next is annexation.
- d. City Hall Parking Lot – looking at preliminary design for it and will shared concept design in future.
- e. Possible addition in future to look at Affordable Housing suggestions.
- f. Roaster Permit discussion from previous City Council meeting – Scott discussed the process and the steps that were involved and what the issue with the permit was, and that it had been approved that day.

**H) Adjourn at 8:19 p.m.** Janet entertained a motion- Pat made a motion and Sandra 2<sup>nd</sup> - all approved.

Position #1 – Pat Olson: Motion

Position #7 – Sandra Johnson: 2nd

Position #2 - Janet McIntire: Approve

Position #3 - Pat Olson: Approve

Position #7 - Georgeanne Zedrick: Approve

Position #5 - Bill Hassell: Approve

Position #1 - Zandra Umholtz: Approve

Position #4 - Sandra Johnson: Approve

Position #6 - Kristina Woida: Approve

# Rockaway Beach STR Ordinance

## Section 1. Definitions.

**Dwelling Unit.** – One or more rooms in a building that are designed for occupancy by one family and which contain one or more of the following features: 1) refrigeration and cooking capabilities, 2) a sink intended for meal preparation, not including a 'wet bar', 3) a dishwashing machine, 4) a separate and distinct entrance door, and/or 5) a separate utility meter.

- **Dwelling, Single Family or One Family.** A detached building containing one dwelling unit and designed for occupancy by one family only.
- **Dwelling, Duplex or Two Family.** A detached building containing two dwelling units and designed for occupancy by two families.
- **Dwelling, Multifamily.** A building or portion thereof, designed for occupancy by three or more families living independently of each other.

**Local Agent.** Any Person who has been contracted by the Owner and has full authority to act on the Owner's behalf.

**Off Street Parking.** A parking space designated to the household/business/dwelling unit not located in the public right of way or street and located within the dwelling property lines.

**Owner.** Any Person who, alone or jointly, has title to or an ownership interest in any Dwelling Unit to be used as a Short-Term Rental.

**Overnight.** A stay at a Short-Term Rental that lasts for the duration of the evening/night.

**Person.** Every natural Person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**Renter.** A person or group of persons renting a dwelling unit for a period of less than thirty (30) consecutive days.

**Rental Unit.** A dwelling unit is a single unit that provides complete and independent living facilities.

**Short Term Rental.** - The use of a residential dwelling unit by any person or group of persons entitled to occupy the dwelling unit for rent for a period of less than thirty (30) consecutive days.

**Short-Term Rental License.** A permit to operate a Short-Term Rental in accordance with this and all City Ordinances. The licensing year is July 1<sup>st</sup> to June 30<sup>th</sup> of the following year and the fee of which is not subject to proration

**Sleeping Room.** A fully enclosed habitable space with a heat source and an emergency egress or rescue opening meeting the minimum standards of the current Oregon Residential Specialty Code.

## **Section 2. Short-Term Rental License Application and Requirements**

### **Eligibility to apply for license.**

A property Owner who holds title or a recorded land sale contract to a property with a Dwelling Unit(s) may apply for a Short-Term Rental license. A license application shall not be accepted nor processed until fines related to any violation of any City Ordinance related to the subject property are paid in full. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental unless issued a STR license by the City.

### **Application**

An application packet for a Short-Term Rental license shall be completed and submitted to the City by the Owner of the Dwelling Unit on forms provided by the City. If the Dwelling Unit is owned by a corporation or other entity, legal documentation, acceptable to the City, detailing the names of all Persons with any ownership interest in the entity shall be submitted with the application. At the time of application, an application fee as determined by resolution of the City Council shall be paid to the City. Incomplete application packets shall not be accepted nor processed. After one resubmittal, all additional resubmittals for the same property shall require payment of additional application fees. Failure to complete the Short-Term Rental application process within 30 days of the application submittal date shall result in the expiration of the application. Applicants can request in writing for a one time only 30-day extension after receiving communication of an incomplete application.

### **Limitations on application.**

A Short-Term Rental license may be issued only for a Single Dwelling Unit on a single property or for a Dwelling Unit within a duplex or multifamily unit on a single property. The Short-Term Rental license is issued to the Owner and does not transfer with the sale or conveyance of the property. All Short-Term Rental license holders must report to the city any change of Ownership of their Short-Term Rental, in whatever form, before the conveyance deed is recorded.

**License Renewals.** All Short-Term Rental Licenses shall be renewed annually for the period of one year from July 1<sup>st</sup> of the current year to June 30<sup>th</sup> of the following year provided all requirements in this Ordinance continue to be met. If the Owner is out of compliance with the provisions of this Ordinance or any other City Ordinance, regulation or requirement, the City will not renew the license, and the property shall no longer be used as a Short-Term Rental. A license shall not be renewed if fines related to a violation of any City Ordinance or Transient Lodging Taxes related to the subject property are outstanding.

## **Section 3. Violations and Penalties.**

Each day in which a property is used in violation of any part of this Ordinance shall be considered a separate violation.

**Revocation of license.** In addition to the penalties specified in this Ordinance, the city may determine that an appropriate penalty is the revocation of the Short-Term Rental License. Should a license be revoked, the Owner may re-apply for a new license one (1) year after the date of revocation. Revocation of a Short-Term Rental License shall not constitute a waiver of Short-Term Rental fees and taxes due at the time of revocation.

Violating any provision in this Ordinance, as well as non-compliance with any term or condition of a Short-Term Rental License, violating City of Rockaway ordinances, or violating any City or State law, may result in revocation of a license, denial of an application to renew a license, and

enforcement and penalties as outlined in this Ordinance and in Rockaway Beach Ordinance. Licenses that are terminated for non-renewal, non-payment, expiration or abandonment shall not be considered a revocation of a license.

Three (3) or more violations of this Ordinance related to the same Short Term Rental within one (1) year or if there have been three (3) or more violations of other City Ordinances related to the same Short-Term Rental within one (1) year, may result in revocation of the license or the denial of an application to renew a license. Violations include but are not limited to noncompliance with the requirements of this Ordinance.

*(Adding some kind of appeal process for revocation of license (?))*

*Setting of fee schedule or stating see fee schedule x*

#### **Section 4. Short-Term Rental Standards**

**House Number.** Rental unit must have either visible house number and/or address identifier from the street. (Photo provided via Application).

**Identification Sign.** The Owner or Local Agent shall provide and maintain a sign which lists the STR license number, and a contact telephone number for the Owner or Local Agent. Such signage shall be visible from the street and shall be no smaller than 72 square inches nor larger than 90 square inches. The contact information of all Owners and Local Agents shall be always kept current with the City of Rockaway Beach.

#### **Parking.**

All Short-Term Rental properties must provide off-street parking spaces for a minimum of 2 vehicle that measure 9' x 18' each for each dwelling unit. The maximum number of vehicles allowed off-street at each dwelling unit shall be the number of bedrooms, plus one. Such spaces shall not be blocked and shall be available to people using the Short-Term Rental at all times. Location and design of parking spaces shall comply with all pertinent City Ordinances, standards, and policies. Spaces in a garage may count but they must be available for the renter to park in at all times the unit is rented. Such spaces if required to adhere to off street parking requirements shall not be blocked and shall be available to people using the short-term rental. Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable parking for each Short-Term Rental property. A parking plan map and notice, identifying the number and location of parking spaces, shall be posted in a conspicuous place within each Short-Term Rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any emergency vehicle and that renters may be cited and fined if this requirement is not satisfied. The maximum number of parking spaces shall be conveyed to each renter before the visit.

*(Include on Application – Site plan and Photo of parking)*

*(Option or exception process for STR's that do not have required off street parking available)*

#### **Occupancy –**

The maximum allowable overnight occupancy for each Short-Term Rental Dwelling Unit shall be calculated on the basis of two (2) people per Sleeping Room plus an additional two (2) people for a one bedroom and + four (4) for every additional room. (Example - One bedroom would be

4 total (2+2) - Two bedrooms would be 8 total (4+4), Three bedrooms would be 10 total (6+4) and so on). The rental agent shall match the number of persons and allowed vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. For this purpose, a sleeping room is defined as fully enclosed habitable space with a heat source and an emergency egress or rescue opening. The maximum allowable overnight occupancy of a Short-Term Rental shall be determined at the time a Short-Term Rental License is issued or renewed and shall be posted in a conspicuous location within the Short-Term Rental. Exceeding the posted overnight occupancy at any time for sleeping purposes is prohibited. The Owner or the Owner's agent shall notify every Renter, in writing or electronically, to the maximum overnight occupancy.

#### **Garbage -**

During periods of Rental, the Owner shall provide adequate covered and properly secured garbage containers in conformance with all related guidelines established by the City. Cans must be secured to prevent animals from knocking them over or getting into them. All garbage must fit within the can and cannot overflow. Owner shall provide the City with evidence that the Dwelling Unit receives garbage service with application. Garbage shall be removed a minimum of one (1) time per week unless the Short-Term Rental is not being Rented. The Owner or Local Agent shall notify guests that all garbage must be kept in the secured containers provided for that purpose.

*(Include on Application – Proof of secured garbage service)*

#### **Noise –**

No person shall create, license, or continue unreasonable noise between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and 7:00 p.m. and 10:00 a.m. on weekends.

#### **RVs and Other Temporary Shelters.**

No recreational vehicle is permitted to be used as a Short-Term rental No recreational vehicle, travel trailer or other temporary shelter shall be inhabited or used in conjunction with a short-term rental.

#### **Owner and Local Agent Responsibilities.**

The Owner or Local Agent shall be able to respond via phone within 30-minutes and immediately respond to complaints and other issues and be able to access the Short-Term Rental. Once a complaint or issue is reported, the Owner or Local Agent shall immediately make direct contact with the renter or appropriate entity by phone to resolve the reported problem. If the problem cannot be resolved or an immediate resolution is not achieved by phone, the Owner or Local Agent shall make an in-person visit to the Short-Term Rental to rectify the situation within 30-minutes. The Owner or Local Agent shall maintain a consistent telephone number within the rental and at the City by which to be reached 24-hours a day, 7 days a week, year-round.

#### **Proof of Liability Insurance Coverage.**

Owner shall provide the City with proof of liability insurance coverage on the Short-Term Rental property. This liability insurance coverage shall remain active and in effect during the entire time that the property is licensed as a Short-Term Rental.



**Emergency Information.**

The Owner shall provide in the Dwelling Unit information and equipment to assist renters in dealing with natural disasters, power outages and other emergencies. The minimum information and equipment to be provided in the short-term rental shall be listed within the City application.



STAFF REPORT

CASE FILE: #VAR-22-01

DATE FILED: 4/21/22

HEARING DATE: 5/19/22

**CITY OF ROCKAWAY BEACH  
PLANNING COMMISSION ACTION**

**APPLICANT:** Robert A McClaran & Lydia J Hess

**REQUEST:** The applicants are requesting a variance for a reduction to the required front yard setback for the addition of an attached garage to their home located at 553 N Coral St. The lot is located in the R-2 Zone and is approx. 7,417 sq ft. The R-2 front yard setback for lots over 5,000 sq ft is 15 ft from the property lot line and the applicant is requesting to reduce the front yard setback to 6 feet.

**A. REPORT OF FACTS**

- 1.) **PROPERTY LOCATION:** The property is located at 553 N Coral St. in Rockaway Beach and is further identified on Tillamook County Assessor's Map #02N-10W-32BC as tax lot 8201.
- 2.) **LOT SIZE:** approximately 7,149 square feet
- 3.) **ZONING DESIGNATION:** R-2 (Residential Zone)
- 4.) **SURROUNDING LAND USE:** The subject property is adjacent to existing single-family dwellings on the north, and west sides. Directly to the south and east are vacant lots. All of which are located in Rockaway Beach's Local Wetland Inventory. (Source Department of State Lands Approved Local Wetlands Inventory 1993).
- 5.) **EXISTING STRUCTURES:** The existing home is a SFD two story home built in 1997. It does not have a garage.
- 6.) **UTILITIES:** The following utilities serve the subject property:
  - a. Sewer: City of Rockaway Beach
  - b. Water: City of Rockaway Beach
  - c. Electricity: Tillamook County P.U.D.
- 7.) **DEVELOPMENT CONSTRAINTS:** This lot is located in our State LWI. The applicants have worked with the Department of State Lands and identified the area to the south of their building is identified as having wetlands. The property is also located in a AE Flood Zone per FEMA map 2018.

**B. EVALUATION OF THE REQUEST**

- 1.) **GENERAL DESCRIPTION OF THE PROPOSAL:** The applicants are requesting to add an attached 2 car garage to the front of their home outside of the wetland area. The home was built to Flood Standard and has an elevation certificate on file.
- 2.) **BACKGROUND:** There isn't sufficient room to construct a garage to the south of the home because wetlands have been identified on the property in that location. There is no issue with line of site because it is not a corner lot. If approved the garage will be required to be constructed to FEMA standards because it is located in a flood zone.



3.) AGENCY COMMENTS:

a. None received to date.

4.) ORDINANCE STANDARDS: The following ordinance standards apply to this request.

Rockaway Beach Zoning Ordinance, Article 8. Variances.

Section 8.010. Purpose

- 1.) The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site, or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity or from population densities, street location, or traffic conditions in the immediate vicinity.

Although the purpose section of the variance provisions is not intended to be used as a criterion or standard to evaluate the request, it should be considered as a guide in the evaluation of the criteria as outlined below.

Section 8.020. Criteria

(1) Variances to a requirement of this chapter with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, that all four expressly written findings are made:

- (a) That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the Comprehensive Plan; and
- (b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone; and
- (c) That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and
- (d) That the granting of the variance would support policies contained within the Comprehensive Plan.

**C. STAFF SUMMARY**

The applicant has thoroughly addressed the criteria for a variance (see application and findings). Staff recommends approval of the variance.



#### D. CONCLUSION

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

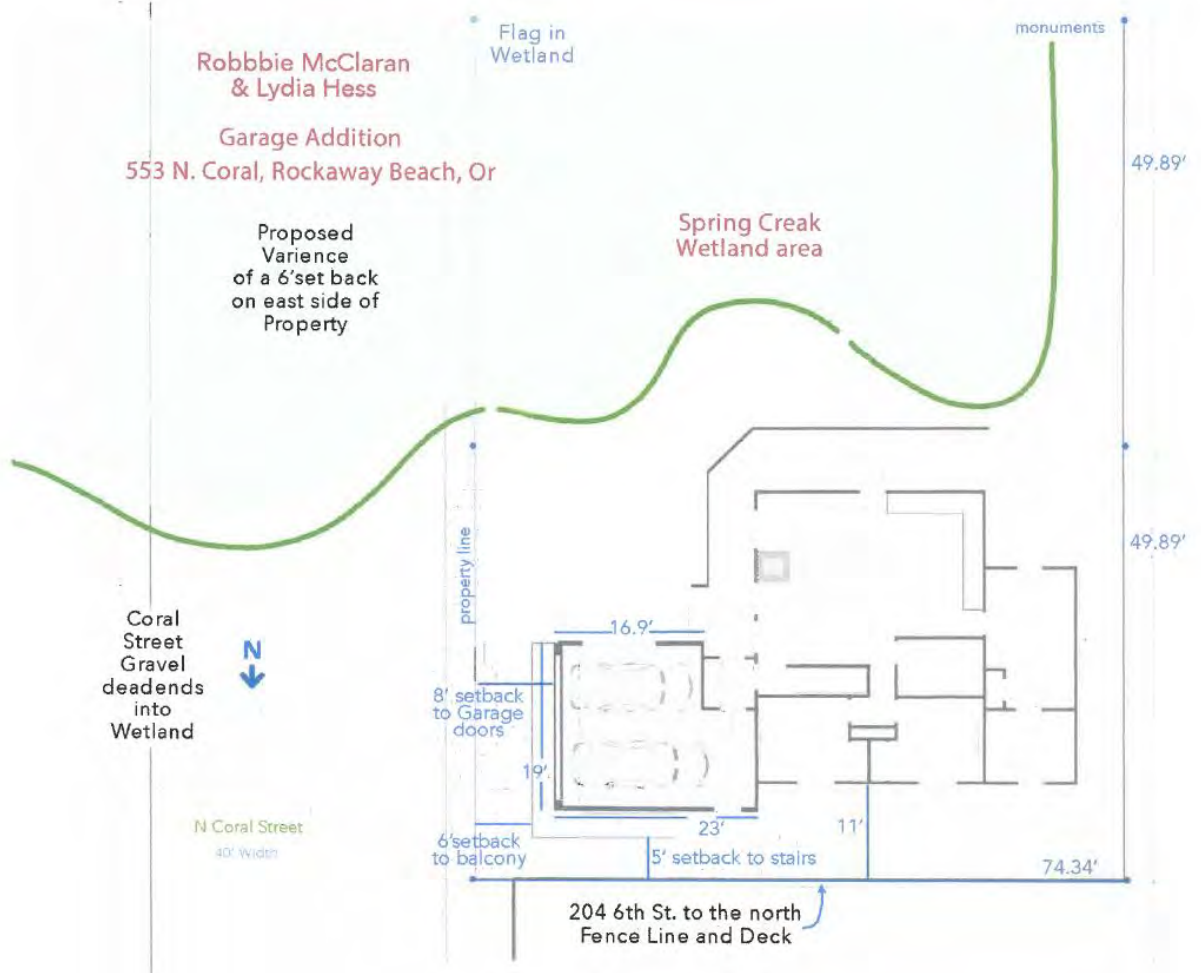




Image below identifies the Oregon Department of State Lands Local Wetland Inventory (LWI)



**ROCKAWAY BEACH**  
OREGON





**ROCKAWAY BEACH**  
OREGON

Proposed Garage  
Addition  
553 N. Coral St.  
Rockaway Beach,  
Oregon.



ROCKAWAY BEACH  
OREGON





V. 22-01

**City of Rockaway Beach, Oregon**

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



**VARIANCE REQUEST APPLICATION**

**Please fill out this form completely. Please type or print.**

Applicant Name: Robert A. McClaran & Lydia J Hess

Mailing Address: 1246 Se 49th Ave, Portland, OR Phone Number: 503-449-5952

Email Address: lydiahess2020@gmail.com

+++++

Owner (If different than applicant): same

Mailing Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Property Location**

Map: 2N10W Tax Lot: 32BC Block: 8201 Lots: 4,6

Street Address: 553 N. Coral St, Rockaway Beach, OR 97136

**Description of Proposal:**

We are petitioning to add a 2 car garage to our home on the end of this block. The Garage will need to extend at least 25 feet from the existing structure, this would include an entryway into the existing home and room for 2 vehicles to park in the garage. With additional live/work space above with a balcony overlook that will enhance the overall visual appeal to the property. We would like to ask for a 5 foot variance on the Street side setback. This is would impact the first 25' section of the North East corner of lot 4.

Justification of variance request. Explain how the request meets each of the following criteria for granting a variance per Rockaway Beach Zoning Ordinance # 143, as amended, Article 8, Variances, Section 8.020, Criteria.

1. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be consistent with the objectives of the Comprehensive Plan.

The Standard 15' setback will not allow enough space for a standard garage structure to be added to the property. In order to accommodate the wetland area we only have one option of locating the garage. That is the North East corner of lot 4.

- 
- 
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone.

This property is 2 tax lots, the 2nd lot is in a wetland zone, we intend to maintain the integrity of that area by placing the new garage structure the furthest away from the wetland area as we can. We intend to add additional live/work space above the garage. We have contacted the State lands division and they indicated that our intentions are not in violation of the wetland area. The setback Variance is needed to accommodate the standard vehicle length. Due to the Wetland proximity, we are unable to approach the garage from any other direction other than straight off the street. The wetland encroaches on the street and our property in lot 6.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

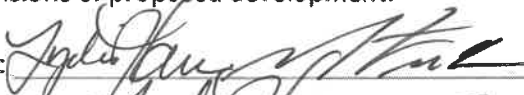
There is no other housing on this very short block to the east or south. There should be no ill effects to anyone from this variance. This would not impact any other property on N. Coral. There is an existing privacy fence on the North edge of lot 4, this addition will not extend beyond that existing fence line which is already at the 5 foot setback to N.Coral. The addition would retain the 5 foot setback to the property line and privacy fence to the home to the North. There is no other housing on this very short block to the east or south. There should be no ill effects to anyone from this variance.

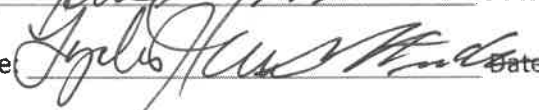
4. That the granting of the variance would support policies contained within the Comprehensive Plan.

The addition of this Garage is in direct support of creating more desirable living conditions for full time residency. We are planning on transitioning to Rockaway as our full time residence, this addition not only allows us vehicle and recreational equipment storage - but will also allow for home office space above the garage. We have established new practices for working remotely, and plan to transition our photography and graphic design businesses to this community. This addition will provide the needed live/work office space and protection from the weather for our vehicles, while maintaining the integrity of the sensitive wetlands, and the neighborhood.

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

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

Applicant Signature:  Date: 4/20/2022

Property Owner Signature:  Date: 4/20/2022

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

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

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

## **CONSIDERATIONS**

The Variance process requires five (5) to six (6) weeks

The process requires a public hearing before the Planning Commission and advance notice published in the local paper.

The Planning Commission must receive all information three (3) weeks prior to the hearing date.

The Applicant or his delegate should be at the public hearing.

A variance is granted for a specific item. The item is the only detail that will be considered for that specific variance request.

The burden of proof is on the applicant to show that the request meets the criteria.

The power to grant variances does not extend to use regulations, it relates specifically to standards.

A variance must be exercised within one (1) year.

Approvals are based on the plan(s) submitted.

CITY OF ROCKAWAY BEACH  
PO BOX 5  
ROCKAWAY BEACH, OR 97136  
(503) 374-1752

OFFSITE WETLAND DETERMINATION REPORT

OREGON DEPARTMENT OF STATE LANDS

WD#: 2022-0140

775 Summer Street NE, Suite 100, Salem OR 97301-1279 Phone: (503) 986-5200

At your request, an offsite wetland determination has been conducted on the property described below.

County: Tillamook

City: Rockaway Beach

Agent Name & Address: Lydia Hess/Robbie McClaran, 1246 SE 49th Ave, Portland, OR 97215

Township: 2N Range: 10W Section: 29 Q/Q: CC Tax Lot(s): 1400

Project Name: Garage Addition

Site Address/Location: 553 N. Coral St. Rockaway Beach, OR 97136

- Checkboxes for wetland determination criteria: The NWI/LWI/NHD shows a wetland/waterway on the property. The county soil survey shows hydric (wet) soils on the property. It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetlands maps, the county soil survey and other information. An onsite investigation by a qualified professional is the only way to be certain that there are no wetlands. There are wetlands or waterways on the property that are subject to the state Removal-Fill Law. A state permit is required for ≥ 50 cubic yards of fill, removal, or ground alteration in the wetlands or waterways. A state permit may be required for any amount of fill, removal, or other ground alteration in the Essential Salmonid Habitat and hydrologically associated wetlands. A state permit may be required for any amount of fill, removal, or other ground alteration in a compensatory wetland mitigation site. A state permit will not be required for project because the project area is outside of wetlands. The proposed parcel division may create a lot that is largely wetland and thus create future development problems. A wetland determination or delineation may be needed prior to site development; the wetland delineation report should be submitted to the Department of State Lands for review and approval. A permit may be required by the Army Corps of Engineers: (503) 808-4373

Note: This report is for the state Removal-Fill Law only. City or County permits may be required for the proposed activity.

Comments: The 460 sq ft garage is proposed in a location already developed and appears entirely outside of Rockaway Beach Local Wetland Inventory wetland WSM-2. Best Management Practices for erosion and sediment control are recommended due to site proximity to wetlands.

Determination by: Daniel Evans, PWS Daniel Evans Date: 3/16/2022

This jurisdictional determination is valid for five years from the above date, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months from the above date.

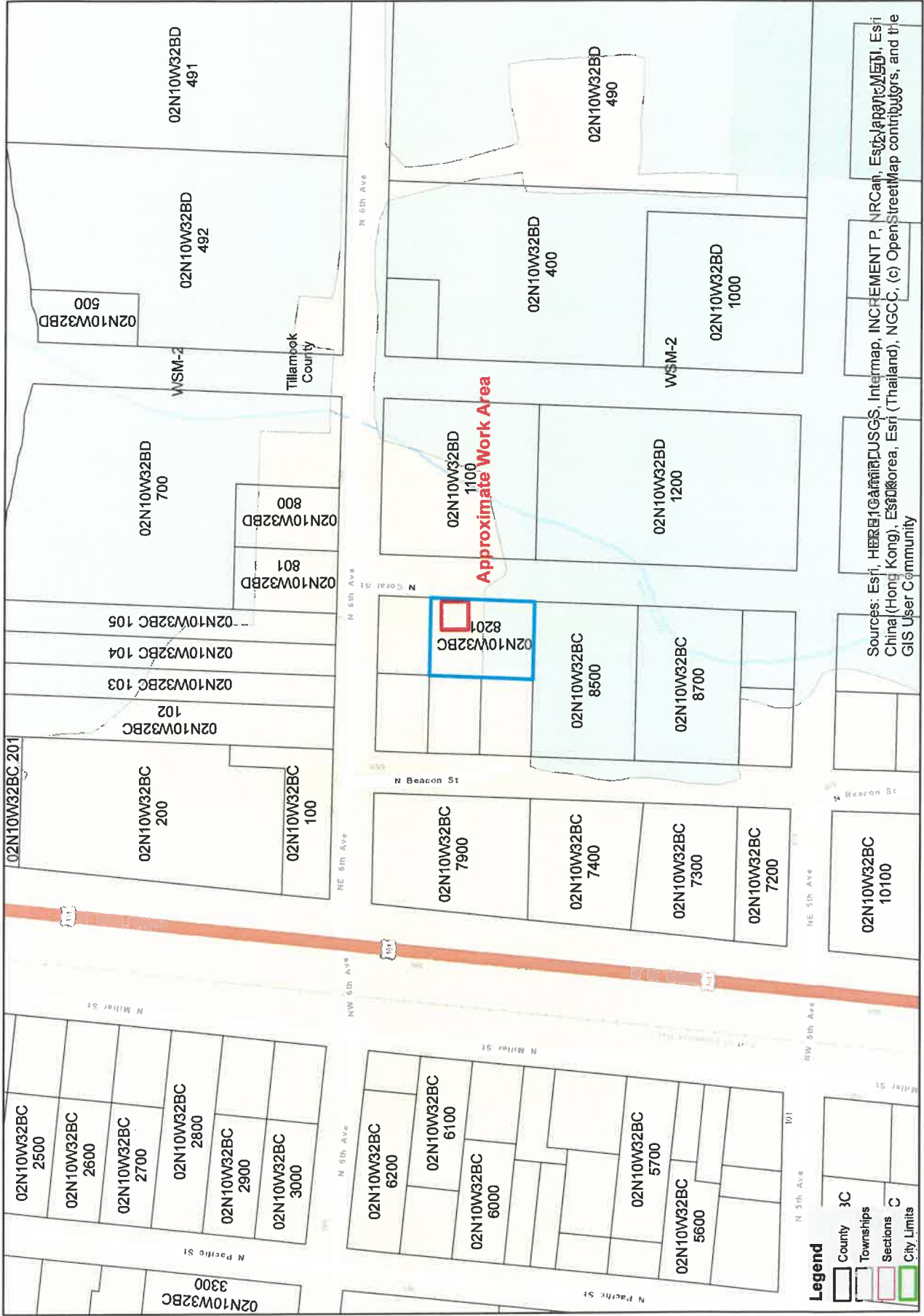
This is a preliminary jurisdictional determination and is advisory only.

- Copy To: Agent Email: robbiemccclaran@gmail.com Enclosures: Location Map
Rockaway Beach Planning Department
Dan Cary, SPWS, (DSL)
Daniel Evans, PWS (DSL)

OR OFFICE USE ONLY

Form with fields: Entire Lot(s) Checked? Waters Present Request Received: 3/10/2022
LWI Area: Rockaway Beach LWI Code: WSM2 Latitude: 45.618602 Longitude: -123.941965 Related DSL File #: WN2009-0101
Has Wetlands? ESH? Wild & Scenic? State Scenic? Coast Zone?
Adjacent Waterbody: Unnamed Creek

# WD20220140 LocationLwi



- Legend**
- County 3C
  - Townships
  - Sections C
  - City Limits

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri (Japan), Esri (Korea), Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community