



# City of Rockaway Beach

## City Council Workshop Agenda

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**Date:** Wednesday, August 20, 2025  
**Time:** 4:30 P.M. – 5:40 P.M.  
**Location:** Rockaway Beach City Hall, 276 HWY 101 – 2<sup>nd</sup> Floor Conference Room

**Watch live stream here:** [corb.us/live-stream](https://corb.us/live-stream)  
**View meeting later here:** [corb.us/city-council](https://corb.us/city-council)

### Join here to attend remotely:

<https://us06web.zoom.us/j/88679117415?pwd=sm1b9FLr7CIDAfEx39IQhI202qbf.1>

Meeting ID: 886 7911 7415

Passcode: 532667

Dial by your location

253 215 8782 US (Tacoma)

**What is a City Council Workshop?** Workshops are intended to allow for preliminary discussions by the City Council and staff. Workshops are held to present information to the Council so that the Council is prepared for upcoming regular meetings. Workshops are subject to Oregon's public meeting law and must be noticed accordingly. No final City Council decisions are made during workshops. The public is encouraged to attend workshops but may not participate unless expressly asked.

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*Note: Agenda item times are estimates and are subject to change.*

### 1. CALL TO ORDER (4:30 p.m.)

### 2. ROLL CALL

### 3. COUNCIL BRIEFING/DISCUSSION

- a. **Review of Resolution 2025-46 and 2025-47 Supporting Grant Applications for Housing Planning Assistance** – Abram Tapia, City Planner (4:31 p.m.)
- b. **Pacific Street Improvement Project Overview** – Mary Mertz, Public Works Director (4:41 p.m.)
- c. **Discussion of Flood Hazard Overlay Zone Amendments** (4:45 p.m.)
- d. **Review of Resolution 2025-45 Establishing Recreational Immunity Related to Senate Bill 179 (2025)** (5:00 p.m.)
- e. **Emergency Preparedness Program Presentation** – Todd Hesse, Fire Chief (5:03 p.m.)
- f. **Other Regular Session Agenda Items Review** (5:30 p.m.)

### 4. ADJOURNMENT (5:35 p.m.)

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

**RESOLUTION NO. 2025-46**

**A RESOLUTION SUPPORTING A DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT HOUSING PLANNING ASSISTANCE GRANT APPLICATION FOR DEVELOPMENT CODE AMENDMENTS**

**WHEREAS**, the Department of Land Conservation and Development's (DLCD) Housing Planning Assistance Grant Program offers a competitive funding opportunity to support planning efforts that increase housing production, affordability, and choice; and

**WHEREAS**, the City Council recognizes the importance of updating the comprehensive plan and zoning ordinance to comply with Statewide Land Use Planning Goal 10: Housing; and

**WHEREAS**, the Planning Department has submitted a Housing Planning Assistance Grant request to the Department of Land Conservation and Development (DLCD) to support the preparation of hearings-ready development code amendments that address permitting and land use barriers to housing production; and

**WHEREAS**, the City Council of Rockaway Beach believes that the award of grant funding will help ensure that our housing policies reflect thoughtful planning, equitable access and long-term sustainability for our residents.

**NOW, THEREFORE, THE CITY OF ROCKAWAY BEACH RESOLVES AS FOLLOWS:**

**Section 1.** The City Council formally supports the Planning Department's Housing Planning Assistance Grant request, and authorizes the Mayor to sign the letter of support, attached as Exhibit A.

**Section 2.** This Resolution shall be effective immediately upon adoption.

**APPROVED AND ADOPTED BY THE CITY COUNCIL THE 20TH DAY OF AUGUST 2025.**

APPROVED

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Charles McNeilly, Mayor

ATTEST

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Melissa Thompson, City Recorder



**City of Rockaway Beach,  
Oregon**

276 S. Highway 101, PO Box 5  
Rockaway Beach, OR 97136  
(503) 374-1752  
[www.corb.us](http://www.corb.us)

August 20, 2025

Department of Land Conservation and Development (DLCD)  
635 Capitol Street NE #150  
Salem, Oregon 97301

RE: City of Rockaway Beach Housing Planning Assistance Grant Request - Development Code Amendment

To Whom It May Concern:

The City Council of Rockaway Beach is pleased to offer its strong support for the Planning Department Housing Planning Assistance Grant request to prepare a hearings-ready development code or recommendations for comprehensive plan and development code amendments to comply with housing laws, address permitting and land use barriers to housing production, and facilitate housing production, affordability, and choice. This funding is critical to updating our comprehensive plan and zoning ordinance to meet Statewide Land Use Planning Goal 10: Housing.

Rockaway Beach, like many small cities in Oregon, is experiencing increasing housing pressures. This project seeks to prioritize changes to our comprehensive plan and zoning ordinance that facilitate housing production, affordability, and choice via a code audit and subsequent amendments. The successful adopting of updated Middle Housing zoning regulations on June 11, 2025, was a vital first step in addressing our community's changing housing needs. Further targeted and comprehensive changes are needed to simultaneously decrease the unnecessary complexity of our code and further clear and objective standard requirements (per ORS 197A.400).

The City of Rockaway Beach looks forward to building on work that we have already begun in collaboration with Tillamook County. We are eager to continue this momentum, leveraging state support to ensure that our housing policies reflect thoughtful planning, equitable access and long-term sustainability for our residents.

Sincerely,

Charles McNeilly  
Mayor of Rockaway Beach

**RESOLUTION NO. 2025-47**

**A RESOLUTION SUPPORTING TILLAMOOK COUNTY'S DEPARTMENT OF LAND  
CONSERVATION AND DEVELOPMENT HOUSING PLANNING ASSISTANCE  
GRANT APPLICATION FOR THE SECOND PHASE OF SENATE BILL 406  
IMPLEMENTATION**

**WHEREAS**, the State of Oregon Department of Land Conservation and Development's (DLCD) Housing Planning Assistance Grant Program offers a competitive funding opportunity to support planning efforts that increase housing production, affordability, and choice; and

**WHEREAS**, the City supports the Tillamook County Department of Community Development Housing Planning Assistance Grant request for the second phase of Senate Bill 406 (SB406) implementation to build on work that the City has already begun in collaboration with Tillamook County; and

**WHEREAS**, the City Council of Rockaway Beach believes that the award of grant funding will help ensure that our housing policies reflect thoughtful planning, equitable access and long-term sustainability for our residents.

**NOW, THEREFORE, THE CITY OF ROCKAWAY BEACH RESOLVES AS  
FOLLOWS:**

**Section 1.** The City Council supports Tillamook County Department of Community Development's submittal of an application for the DLCD Housing Planning Assistance Grant for the Second Phase of SB406 Implementation, and authorizes the Mayor to sign the letter of support, attached as Exhibit A.

**Section 2.** This Resolution shall be effective immediately upon adoption.

**APPROVED AND ADOPTED BY THE CITY COUNCIL THE 20TH DAY OF AUGUST  
2025.**

APPROVED

---

Charles McNeilly, Mayor

ATTEST

---

Melissa Thompson, City Recorder



**City of Rockaway Beach,  
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August 20, 2025

Department of Land Conservation and Development (DLCD)  
635 Capitol Street NE #150  
Salem, Oregon 97301

RE: Tillamook County Department of Community Development Housing Planning Assistance Grant  
Request - Second Phase of SB406 Implementation

To Whom It May Concern:

The City of Rockaway Beach is pleased to offer its strong support for the Tillamook County Department of Community Development Housing Planning Assistance Grant request for the second phase of SB406 implementation. This funding is critical to supporting this continued regional approach in developing our Housing Productions Strategies and Housing Capacity Analysis under Statewide Land Use Planning Goal 10: Housing.

Rockaway Beach, like many small cities in Oregon, is experiencing increasing housing pressures. The successful completion of Phase I, which culminated in the City of Rockaway Beach adopting updated zoning regulations on June 11, 2025, was a vital first step in addressing our community's changing housing needs. This progress reflects our commitment to smart growth and equitable development, and positions our city to thoughtfully accommodate a broader range of housing types.

As you know, SB406 was advanced at the request of Tillamook County and its cities, including Rockaway Beach. Through this legislation, we voluntarily chose to join the mandatory implementation of HB2001 alongside larger cities in other counties. Tillamook County made this decision as the benefits of this work would provide in creating affordable and accessible housing to the residents of Rockaway Beach and Tillamook County as a whole.

As we move into the next phase of this work, including the creation of our Housing Productions Strategies and Housing Capacity Analysis, the City of Rockaway Beach looks forward to building on work that we have already begun in collaboration with Tillamook County. We are eager to continue this momentum, leveraging state support to ensure that our housing policies reflect thoughtful planning, equitable access and long term sustainability for our residents.

Sincerely,

Charles McNeilly  
Mayor of Rockaway Beach

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**From:** Public Works Director  
**Sent:** Wednesday, August 13, 2025 2:13 PM  
**To:** City Manager; Melissa Thompson  
**Cc:** Public Works  
**Subject:** N Pacific Bids

**\*\*Advanced Excavation - \$1,000,773\*\***

Lyda Excavating, Inc. - \$1,150,578

SLE, Inc. - \$1,199,393

Grade Werks Excavating - \$1,312,094.50

Western United, LLC - \$1,324,716

Conway Construction Co. - \$1,332,285.10

Kerr Contractors - \$1,578,384



**Mary Mertz**

*Public Works Director*

**City of Rockaway Beach**

(503) 374-1752 | Direct: (541) 709-5608

276 S Hwy 101 | PO Box 5 | Rockaway Beach, OR 97136

[www.corb.us](http://www.corb.us) | [publicworksdirector@corb.us](mailto:publicworksdirector@corb.us)

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## **RESOLUTION NO. 2025-45**

### **A RESOLUTION ESTABLISHING IMMUNITY FROM CERTAIN PERSONAL INJURY OR PROPERTY DAMAGE CLAIMS DESCRIBED IN ORS 105.668, AS AMENDED BY SENATE BILL 179 (2025)**

**WHEREAS**, the City Council (Council) of the City of Rockaway Beach (City) finds that the Oregon Legislature enacted Senate Bill (SB) 1576 in its 2024 Regular Session; and

**WHEREAS**, the Oregon Legislature enacted Senate Bill 179 during its 2025 Regular Session, amending ORS 105.668 and making permanent the temporary changes made to the recreational immunity law by SB 1576 in 2024; and

**WHEREAS**, ORS 105.668, as amended by SB 179 (2025) and SB 1576 (2024), limits private claims or rights of action based on negligence for personal injury or property damage resulting from “use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on an equine or on a bicycle or other nonmotorized vehicle or conveyance” (ORS 105.668); and

**WHEREAS**, the Council finds that ORS 105.668 applies automatically to cities with a population of 500,000 or more and allows cities with a lesser population to opt to limit liability in the manner established by the law; and

**WHEREAS**, the Council finds that the City of Rockaway Beach will limit its liability from certain claims by opting in to the immunity provided for in ORS 105.668.

### **NOW, THEREFORE, THE CITY OF ROCKAWAY BEACH RESOLVES AS FOLLOWS:**

**Section 1. Immunity.** Pursuant to ORS 105.668(3)(a) and (b), the City of Rockaway Beach, on behalf of itself and its officers, employees and agents, hereby opts to limit liability in the manner established by ORS 105.668(2) with respect to personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, with respect to claimants who may be a user on foot, on an equine or on a bicycle or other nonmotorized vehicle or conveyance.

**Section 2. Extended Immunity.** Pursuant to ORS 105.668(3)(c) and (d), the City of Rockaway Beach further opts to extend the immunity adopted in Section 1 of this Resolution to:

- a. The owners of land abutting public easements and unimproved right of ways located within the City; and

- b. Any nonprofit corporation and its volunteers for the construction or maintenance of trails or structures in a public easement or unimproved right of way located within the City.

**Section 3. Effective Date.** This resolution shall take effect immediately upon its adoption.

**APPROVED AND ADOPTED BY THE CITY COUNCIL THE 20TH DAY OF AUGUST 2025.**

APPROVED

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Charles McNeilly, Mayor

ATTEST

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Melissa Thompson, City Recorder



## Enrolled Senate Bill 179

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

CHAPTER .....

### AN ACT

Relating to landowner immunity; creating new provisions; amending ORS 105.668, 105.672 and 105.688; and repealing section 11, chapter 64, Oregon Laws 2024.

#### Be It Enacted by the People of the State of Oregon:

**SECTION 1.** ORS 105.668, as amended by sections 5 and 8, chapter 64, Oregon Laws 2024, is amended to read:

105.668. (1) As used in this section:

(a) “Local government” [*means a city or county*] **has the meaning given that term in ORS 174.116.**

(b) “Structures” means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, on [*a horse*] **an equine** or on a bicycle or other nonmotorized vehicle or conveyance.

(c) “Unimproved right of way” means a platted or dedicated public right of way over which a street, road or highway has not been constructed to the standards and specifications of the local government with jurisdiction over the public right of way and for which the local government has not expressly accepted responsibility for maintenance.

(2) In a city with a population of 500,000 or greater, a personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on [*a horse*] **an equine** or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:

(a) The city;

(b) The officers, employees or agents of the city to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285;

(c) The owner of land abutting the public easement or unimproved right of way in the city; or

(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the city.

(3) A local government to which subsection (2) of this section does not apply may opt to limit liability in the manner established by subsection (2) of this section by ordinance, resolution, rule, order or other regulation for:

(a) The local government;

(b) The officers, employees or agents of the local government to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285;

(c) The owner of land abutting the public easement or unimproved right of way in the local government; or

(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the local government.

(4) This section does not grant immunity from liability:

(a) Except as provided in subsection (2)(b) or (3)(b) of this section, to a person that receives compensation for providing assistance, services or advice in relation to conduct that leads to a personal injury or property damage.

(b) For gross negligence or reckless, wanton or intentional misconduct.

(c) For an activity for which a person is strictly liable without regard to fault.

**SECTION 2.** ORS 105.672, as amended by sections 6 and 9, chapter 64, Oregon Laws 2024, is amended to read:

105.672. As used in ORS 105.672 to 105.696:

(1) “Charge”:

(a) Means the admission price or fee requested or expected by an owner in return for granting permission for a person to enter or go upon the owner’s land.

(b) Does not mean any amount received from a public body in return for granting permission for the public to enter or go upon the owner’s land.

(c) Does not include the fee for a winter recreation parking permit or any other parking fee of \$15 or less per day.

(2) “Harvest” has that meaning given in ORS 164.813.

(3) “Land” includes all real property, whether publicly or privately owned.

(4) “Owner” means:

(a) The possessor of any interest in any land, including but not limited to the holder of any legal or equitable title, a tenant, a lessee, an occupant, the holder of an easement, the holder of a right of way or a person in possession of the land;

(b) An officer, employee, volunteer or agent of a person described in paragraph (a) of this subsection, while acting within the scope of assigned duties; and

(c) A director, partner, general partner, shareholder, limited liability company member, limited liability partner or limited partner of a person described in paragraph (a) of this subsection.

(5) “Recreational purposes” includes, but is not limited to, outdoor activities such as hunting, fishing, swimming, boating, camping, picnicking, hiking, **walking, running, bicycling**, nature study, outdoor educational activities, waterskiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites or volunteering for any public purpose project.

(6) “Special forest products” has that meaning given in ORS 164.813.

(7) “Woodcutting” means the cutting or removal of wood from land by an individual who has obtained permission from the owner of the land to cut or remove wood.

**SECTION 3.** ORS 105.688, as amended by sections 7 and 10, chapter 64, Oregon Laws 2024, is amended to read:

105.688. (1) Except as specifically provided in ORS 105.672 to 105.696, the immunities provided by ORS 105.682 apply to:

(a) All land, including but not limited to land adjacent or contiguous to any bodies of water, watercourses or the ocean shore as defined by ORS 390.605;

(b) All roads, bodies of water, watercourses, rights of way, buildings, fixtures and structures on the land described in paragraph (a) of this subsection;

(c) All paths, trails, roads, watercourses and other rights of way, while being used by a person to reach land for recreational purposes, gardening, woodcutting or the harvest of special forest products, that are on land adjacent to the land that the person intends to use for recreational purposes, gardening, woodcutting or the harvest of special forest products, provided that:

(A) The right of way has not been improved, designed or maintained for the specific purpose of providing access for recreational purposes, gardening, woodcutting or the harvest of special forest products; *[and]* **or**

**(B)(i) The right of way has been improved, designed or maintained to provide access for recreational purposes, gardening, woodcutting or the harvest of special forest products;**

**(ii) The right of way is not a highway under the jurisdiction of a road authority under ORS 810.010; and**

**(iii) The improvement, design or maintenance was completed in a manner that does not constitute:**

**(I) Gross negligence or reckless, wanton or intentional misconduct; or**

**(II) An activity for which the actor is strictly liable without regard to fault; and**

(d) All machinery or equipment on the land described in paragraph (a) of this subsection.

(2) The immunities provided by ORS 105.682 apply to land if the owner transfers an easement to a public body to use the land.

(3) Except as provided in subsections (4) to (7) of this section, the immunities provided by ORS 105.682 do not apply if the owner makes any charge for permission to use the land for recreational purposes, gardening, woodcutting or the harvest of special forest products.

(4) If the owner charges for permission to use the owner's land for one or more specific recreational purposes and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to any use of the land other than the activities for which the charge is imposed. If the owner charges for permission to use a specified part of the owner's land for recreational purposes and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.

(5) The immunities provided by ORS 105.682 for gardening do not apply if the owner charges more than \$25 per year for the use of the land for gardening. If the owner charges more than \$25 per year for the use of the land for gardening, the immunities provided by ORS 105.682 apply to any use of the land other than gardening. If the owner charges more than \$25 per year for permission to use a specific part of the owner's land for gardening and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.

(6) The immunities provided by ORS 105.682 for woodcutting do not apply if the owner charges more than \$75 per cord for permission to use the land for woodcutting. If the owner charges more than \$75 per cord for the use of the land for woodcutting, the immunities provided by ORS 105.682 apply to any use of the land other than woodcutting. If the owner charges more than \$75 per cord for permission to use a specific part of the owner's land for woodcutting and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.

(7) The immunities provided by ORS 105.682 for the harvest of special forest products do not apply if the owner makes any charge for permission to use the land for the harvest of special forest products. If the owner charges for permission to use the owner's land for the harvest of special forest products, the immunities provided by ORS 105.682 apply to any use of the land other than the harvest of special forest products. If the owner charges for permission to use a specific part of the owner's land for harvesting special forest products and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.

(8) Notices under subsections (4) to (7) of this section may be given by posting, as part of a receipt, or by such other means as may be reasonably calculated to apprise a person of:

(a) The limited uses of the land for which the charge is made, and the immunities provided under ORS 105.682 for other uses of the land; or

(b) The portion of the land the use of which is subject to the charge, and the immunities provided under ORS 105.682 for the remainder of the land.

**SECTION 4. Section 11, chapter 64, Oregon Laws 2024, is repealed.**

**SECTION 5.** The amendments to ORS 105.668, 105.672 and 105.688 by sections 1 to 3 of this 2025 Act apply to actions for personal injury, death or property damage filed on or after the effective date of this 2025 Act.

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**Passed by Senate March 13, 2025**

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

**Passed by House May 19, 2025**

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Julie Fahey, Speaker of House

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

.....  
Tobias Read, Secretary of State