

**PUBLIC TESTIMONY
SUBMITTED FOR
OCTOBER 19, 2023
PLANNING COMMISSION
HEARING**

Subdivision #23-01 Lake Lytle Estates Phases IV-VII
Application for Tentative Plan Approval

Received as of 2:30 p.m.
10/19/2023

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Rockaway Beach Planning Committee

Attention: #SUB-23-01



I am sharing a few comments and questions concerning the plan development south of my residence.

***Household Water**

The water psi on my Necarney Street home has a average range between 28 to 36 psi, recorded at the my home's outside faucet. Average water flow is 4.16 gpm.

As stated within your 2023 Fall Newsletter,

"The booster station.....enhances water pressure to 50 psi ensuring consistent and reliable water supply to residents....". How are the water needs going to be addressed at this location?

***How will the increase traffic on 12th and adjoining streets be addressed by the city? It seems to me a "no brainer" that 85 more lots will definitely impact the existing road system.**

***Just the number of planned lots doesn't make sense. Knowing the property, it would be a safe guess to say at least 1/3 to 1/2 of the north side of the 18.9 acres is wetland/swamp. How is this area going to be treated to make it habitable?**

***Also, will this development put a strain on our existing sewer system? Can our existing pump handle an increase of expected users?**

***My last concerning comment is how will the oil product contamination located at the west end be cleaned? Oil clumps and dead vegetation is still very apparent.**

Thank you for this input opportunity.

Richard Dilbeck

P.O. Box

Rockaway Beach, OR. 97136

503-

From: Mike King <[REDACTED]>
Sent: Tuesday, October 17, 2023 12:27 AM
To: City Planner
Subject: 85-div lot letter

Hello Mary, sorry if this is too late to submit.

I live on the cul-de-sac on Francis St. I have no problem building more homes in the area. I do however strongly oppose this becoming a through street for the 85-lot subdivision.

I have multiple reasons why I oppose this street being used.

1) It's a cul-de-sac. I bought my home to live on it and paid a higher price to be on a dead-end street. This will devalue my house. Some studies have indicated that consumers are willing to pay up to a 29% *price premium* for homes located on cul-de-sacs.

2) I chose this street because I have an autistic seven-year-old son and it is safer for him at the end of this cul-de-sac. More traffic would be a safety issue for him and other kids. Analysis of automobile accident data supports the notion that cul-de-sac and loop patterns are safer than other kinds of streets. <http://web.mit.edu/ebj/www/access24.pdf>

3) According to a study from Cal Berkely, and Johnson and Bowers in 2010, discontinuous street systems have lower burglary rates than easily traveled streetlayouts; criminals will avoid street patterns where they might get trapped. This could spike the crime rates.

4) Cul-de-sac's residents are more social and can easily look out for each others homes.

References:



UVM ScholarWorks

<https://scholarworks.uvm.edu/cgi/viewcontent>

An Analysis of Cul-de-sacs and Dead-end Streets in

by MB Distel · 2015 · Cited by 2 — Some studies have indicated that consumers are willing to pay up to a 29% **price premium** for homes located on cul-de-sacs (Asabere, 1990).



ResearchGate

<https://www.researchgate.net/publication/227266109...>

Permeability and Burglary Risk: Are Cul-de-Sacs Safer?

Studies have demonstrated that isolated streets tend to have lower crime rates (Beavis and Nutter 1977), as do cul de sacs (Johnson and Bowers 2010), and ...

Studies have also shown that cul-de-sac residents experience higher levels of sociability and are less likely to encounter incidents of crime due to a decreased permeability (Hochschild, 2014; Southworth & Ben-Joseph., 1995; Johnson, & Bowers 2010).

-King Family on Francis Street.

Mike King
Mike (503) [REDACTED]

Theodore Hewitt & Margaret Blanke-Hewitt
[REDACTED] Necarney St
Rockaway Beach, OR 97136

October 19, 2023

Mary Johnson – City Planner
City of Rockaway Beach Planning Commission
City Hall
276 S. Highway 101
Rockaway Beach, OR 97136

Re: Case File#: SUB-23-01
Lake Lytle Estates Subdivision 4,5,6, and 7

Greetings to all parties concerned:

After a careful review of the Re-Application for Subdivision (Tentative Plan Approval) submitted by Mr. Troy Johns on July 10, 2023, along with the 248 additional pages of supportive documents that were attached, it appears almost immediately that none of these supportive documents, reviews, studies, findings, proposals, layouts, plans, photographs, legal covenants (CC&Rs), architectural and engineering analyses were conducted recently. Most of these documents and supportive compilations range in date from 1985 to 2009. A lot of changes have happened during the past 15 to 38 years since the original Application was filed.

Please take a few minutes to review the list of performance dates referenced above:

1. Applicant's Statement; June 2023
2. Burden of Proof; 6/6/2010
3. Rorick Boundary Delineation; July 2006
4. Flood Insurance Study; January 1977
5. No permits from Oregon Department of State Lands; 5/26/2010
6. No permits from US Army Corps of Engineers; 5/26/2010
7. Renewed Legal Description; 12/31/2009
8. Declaration of Covenants, Conditions, and Restrictions (CC&Rs); January 2007
9. Wetland Delineation & Determination; July 2006
10. Soil & Riparian Vegetation Mapping; July 2006
11. Daily Rainfall Chart (Astoria) via Oregon Climate Service; 6/28/2005
12. Wetland Inventory; 1988 & 2006
13. Soils Mapping; 2000
14. Hydrology Study; Brophy & Wilson; 2000
15. USFWS Classification: Palustrine Forested Seasonally Flooded; 2006
16. Federal Register Guidelines for Fill Materials & Navigation; 1985
17. US Geological Survey; 1985
18. Rockaway Beach Riparian Wetland Inventory; November 1999
19. Wetland Determination Data Sheets (Nancy Rorick); 6/28/2005 through 7/3/2005
20. Statement of Project to USAC of Engineers; 6/26/2010. No responses indicated.
21. Tsunami Hazard Map; 1995
22. Landslide Hazard Map; 2002
23. Rockaway Beach Comprehensive Plan; 2002
24. Oregon Dept. of State Lands Wetland Delineation Verification; 6/10/2008
25. City of Rockaway Beach Planning Dept. Affidavit; 6/24/2009
26. Joint Application Signatures; 6/23/2009
27. Removal Fill Application; 6/6/2008

28. Grading & Erosion Plans; 6/6/2008
29. Project Layout Plan; 3/31/2008
30. Wetlands Mitigation Area Plan & Schematics; 2/25/2009
31. Erosion Control Plan; 6/6/2008
32. Oregon Coast Real Estate Sales Reports; October 2009
33. Compensatory Wetland Mitigation Plan, Construction Plan, Monitoring Plan, Protection & Security Plan, Functions & Values Assessments; May 2010
34. Wetlands Functional Capacity Scores; May 2010
35. Oregon Dept. of State Lands Jurisdictional Determination (Valid for only 5 years); 6/10/2008
36. Re-Submittal of the Lake Lytle Estates Removal Fill Application; 5/21/2010
37. Revised Draft Purpose & Need Statement (Email); 11/16/2009

It is my opinion that no decisions or actions concerning this Application for Subdivision be initiated or concluded until all the above thirty-seven (37) inspections, reports, plans, government agency approvals, maps, photographs, inventories, and legal documents be completely updated as required and resubmitted to the City of Rockaway Beach for further review and consideration.

Additionally, it is my opinion that these documents should not be a regurgitation of existing findings and reports that are to be "rubber stamped" by newly hired architects, engineers, biologists, and researchers. These supporting documents should accurately represent factors that are current today rather than from many years ago.

Troy Johns has stated that his previous application had expired due to economic conditions and timeline misunderstandings. I cannot speak to his timeline misunderstandings; however, it would be rational to think that experts in the areas of land development would be capable of holding to deadlines and appreciating their importance. With the increased costs directly associated to building materials, labor, legal assistance, mortgage financing (7.5 to 8% interest) and closing costs, it would be logical to assume that new home builds would be much harder to market to potential home buyers. Interest rates hovered between 6 and 6.5% during the original subdivision application and lumber prices have skyrocketed since then. With many new homebuyers on the coast being retirees and younger families with children, the market for this subdivision's eight-five (85) single family dwellings might take an extended time to be realized because of potential buyers financial hardships, fixed incomes, and lack of higher paying wages from local job opportunities. Currently, many local businesses cannot find and hire enough qualified workers that can afford to live close by or are willing to travel longer distances to employers. It is my opinion that these eighty-five new homes will not solve these employability problems by offering "affordable" homes.

Rockaway Beach currently lacks major employers and industries outside of recreational tourist and seasonal vacation income opportunities. A heavy percentage of our existing homes, condominiums, and lodging facilities are dedicated to the "Short Term Rental" (STR) industry. Many of these STR's are either owned/operated or professionally managed by large companies, especially one (Inc. 5000 List) that has a portfolio of over 4,100 rental homes. For the first time in the four years that the Lake Lytle Estates 1, 2, and 3 subdivision was completed, STR's have begun to replace households on Necarney Street with short term rental units. These STR's do not build strong neighborhoods that flourish and protect its residents and neighbors. They do however offer STR owners an income stream and the City of Rockaway Beach additional tax and building permit revenues. If the eighty-five new homes in Lake Lytle Estates subdivision 4,5,6, and 7 do not find buyers that wish to live and work locally, then several new short term rental buyers will fill this marketing void. Our neighborhood structure will suffer because temporary visitors and guests have no vested interest in stabilizing the communities within Rockaway Beach, and the additional infusion of another 175 or more vehicles, trailers, boats, and recreational vehicles that find parking on the subdivision streets will promote congestion and motorized safety hazards.

The timing for another Lake Lytle Estates subdivision is not now, nor should it ever be acceptable on a designated Special Wetlands Area (SA Zone).

CONCERNS, ISSUES, AND QUESTIONS

1. How will the catch basins and swales proposed by the developer contain and remove pollutants that emanate from the construction process and generated by the future eighty-five households such as fuels, lubricants, pesticides, insecticides, cleaning solvents, hazmat, illegally disposed chemicals, solvents, paints, and building

- materials? How will these catch basins protect the Special Area Wetlands flora and fauna, especially those currently identified in and around Lake Lytle, Mulronee Canal, Crescent Lake, Steinhilber Creek, and seasonal unidentified creeks in the development area?
2. How will Necarney Street and 12th Avenue as the only designated ingress and egress surface streets to and from Lake Lytle Estates 4,5,6, and 7 eighty-five home subdivision accommodate an influx of another 175 to 200 additional vehicles?
 3. How can Necarney Street (as the sole egress opportunity) provide an adequate escape route out for eighty-five households in the event of a tsunami, catastrophic flooding, or wildfires?
 4. How will Necarney Street and 12th Avenue promote uncongested access and adequate traffic circulation to Highway 101 while accommodating an additional 175 or more vehicles leaving for work and returning home, emergency vehicles, sanitation trucks, parcel delivery vehicles, trips to local schools, shopping errands, landscapers, building material deliveries, recreational outings and boating activities, neighborhood guests and visitors, short term rental visitors and related activities (cleaning, maintenance, landscaping staff), school buses, and city workers and employees?
 5. Will established Lake Lytle Estates subdivision 1, 2, and 3 residents be required to participate and fund a newly formed Homeowners Association legally established to address the multitude of covenants, conditions, and restrictions in the new subdivision of eighty-five homes?
 6. Currently, the City of Rockaway Beach Public Works Department has openly admitted and concurred that the water pressure serving Lake Lytle Estates subdivision 1, 2, and 3 is basically 50% lower than "normally recognized" residential water pressure levels. How will these current inadequate water pressure levels be affected by another newly built eighty-five households? Will the City of Rockaway Beach be able or willing to make engineering improvements to increase the existing water pressure and provide a better water delivery system for the entirety of the Lake Lytle Estates community?
 7. Our established Lake Lytle Estates neighborhood is composed of many older retirees, work-from-home businesses, young parents with school age children, and folks with medical challenges. How will an additional influx of construction vehicles, building material delivery vehicles, building construction laborers, landscapers, contractors, and eventually the owner residents, guests, renters, and STR guests of eighty-five new homes be able to come and go everyday without causing excessive noise disruptions, parking problems, and vehicle staging congestion?
 8. Who will monitor and enforce the beginning and ending work hour rules for the development laborers and contractors that adversely affect current residents with excessive noise, parking issues, and safety issues?
 9. Does the developer accept responsibility and post bonds to reimburse the City of Rockaway Beach for damages and escalated road deterioration to city streets (12th Avenue, Necarney Street, etc.), highways, and the Mulronee Canal bridge? If not, who will pay for these damages and premature wear and tear?
 10. How will Lake Lytle be impacted by pollutants, increased recreational and boater activities (including boat engine clean-outs), invasive species, and security for day campers?
 11. Will the City of Rockaway Beach be able to provide adequate police, fire, medical emergency, and public works staff to accommodate another eighty-five-unit housing development?
 12. Have site preparation permits been approved and delivered to the sub-division developer from both the Oregon Department of State Lands and the US Army Corps of Engineers?

IN SUMMATION

Maggie and I moved to Lake Lytle Estates almost three and a half years ago in search of a neighborhood that provided a peaceful, safe haven for children to play in, young families to prosper and flourish in, and retirees could enjoy their lives with neighbors that knew, cared, and looked out for each other. Our expectations and ideals have so far surpassed what we had originally envisioned. We are grateful to be part of this community as permanent full-time residents, and feel exceptionally fortunate to have been accepted by our amazingly generous neighbors.

With that being said, we have also noticed rapid changes that have taken place within our Lake Lytle neighborhood just within the past sixty days. Five of our Necarney Street neighbors have chosen to leave Rockaway Beach to take higher paid employment positions, more lucrative job opportunities, and better lives in larger cities out of state. Unfortunately, the vacuum created with these available homes has for the first time in four years enabled the introduction of short-term rentals as part of the neighborhood structure. In my opinion, STRs have a place within our coastal community, and contribute to both the tax base and provide income opportunities to those local businesses that cater to seasonal vacationers, visiting guests, and the tourist industry. STRs however do little to create and provide an atmosphere in which neighborhoods encourage caring neighbors. The sudden addition of eighty-five new homes

along with another 175 vehicles, and hundreds of driving sorties every day using only two city streets (Necarney St and 12th Ave) is destabilizing. The prospect of adding several new STRs east of Lake Lytle within the proposed subdivision along with neighborhood strangers, overnights, and short-term renters with guests is additionally destabilizing to the full-time residents. If young families, first time home buyers, and retirees on fixed incomes cannot afford to purchase these higher priced subdivision homes at high interest rates, who can and will? Evidence shows that STR investors and property management companies are interested buyers. The limited financial gains made by a handful of investors at the expense of our full-time residents **IS A BAD IDEA.**

It has been my experience that often times since I have lived at Lake Lytle Estates and driven down 12th Avenue to Highway 101, I've had to wait several minutes in order to merge with the flow of highway traffic. In my opinion, the addition of another 175+ vehicles from the proposed subdivision, garbage trucks, school buses, delivery trucks, contractors, and landscapers to the mix on Necarney Street to Charlotte (12th Avenue) and down to Highway 101 will propagate a considerable amount of congestion at that intersection. **THIS IS A BAD IDEA.**

The development of the proposed subdivision through an already designated and recognized Special Area Wetland that slopes and drains downhill toward Lake Lytle, into the Mulrone Canal, and culminating at Crescent Lake downstream will probably result in considerable pollution opportunities with the addition of eighty-five new homes. The anticipated pollutants that are generated from the construction, maintenance, landscaping, and overall care for these new housing additions, their accompanying trucks and automobiles, recreational vehicles, boats, trailers, and engine driven power tools will find the path of least resistance through the proposed culverts, catch basins, and swales directly into our inland waterways. These pollutants will not be beneficial to our lakes and may likely damage the health and integrity of these waterways for flora, fauna, and recreational users. **THIS IS A BAD IDEA.**

Making permitting and application decisions based on out-of-date reports, information, and data is not rational, especially when these decisions affect the City of Rockaway Beach and it's 1,400 full-time residents. We don't make everyday decisions in our personal lives based on poor and outdated information, nor should we do so in this applicant's case as well. **THIS IS A BAD IDEA.**

In short, I ask that the City Planners, Council Members, Mayor, and appropriate City Staff, take a few minutes to read my comments and make judgments in the best interests of our resident's utilizing the best most current information available.

My recommendation would be to withhold any motions to approve the Applicant's Tentative Plan approval for SB-23-01; Lake Lytle Estates Subdivision 4,5,6, and 7. **IT WAS A BAD IDEA IN 2005, AND IT'S STILL A BAD IDEA TODAY.**

Thank you for your time and consideration.

Sincerely,

Ted and Maggie Hewitt
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c:

City of Rockaway Beach
Planning Commission
City Council Members
City Manager
City Mayor
City Staff Members