



**CITY OF ROCKAWAY BEACH  
PLANNING COMMISSION ACTION**

**STAFF REPORT**

Case File #SUB-23-01

Special Meeting Date: October 26, 2023

**APPLICANT:** Troy Johns

**AGENT FOR APPLICANT:** OTAK Engineering

**REQUEST:** The Applicant is requesting approval of an 85-lot subdivision of vacant land to be named Lake Lytle Estates Phases IV-VII, on land zoned R-3 (Lower Density Residential). Details of the request are included on the submitted application materials and are available for inspection at Rockaway Beach City Hall.

**STAFF SUMMARY**

The Applicant has requested approval of a substantial subdivision containing 85 lots. As proposed, the subdivision would contain full street improvements including curbs, gutters, and sidewalks on both sides of the street, and with paved street surfacing in accordance with City specifications. The application contains responses to the applicable criteria of the Rockaway Beach Zoning and Subdivision Ordinances in the submitted Burden of Proof document.

Staff have solicited comments from other affected agencies and stakeholders, and those comments have been included in the record. Most notably, the City Engineer has identified several necessary improvements to existing City facilities including water and sewer services, stressing the importance of providing adequate water supply to meet fire flow requirements.

In general, necessary public infrastructure improvements that are triggered by a proposed development must be provided by the developer of the project. If approved, conditions of approval related to infrastructure improvements can be attached, which must be met prior to final plat approval.

**CONCLUSION**

The Planning Commission should carefully consider the request, including all oral and written testimony on record and presented at the public hearing, including comments from the City Engineer, government agencies, and other interested parties. After considering testimony as it relates to the applicable criteria, the Planning Commission will need to make a decision on the request.

If the Commission determines that the proposal for the new 85 lot subdivision meets the standards of the Rockaway Beach Zoning and Subdivision Ordinances, it can make a motion to approve the request, including a statement that generally reflects the facts and rationale relied upon to reach the decision. The motion should also direct staff to prepare findings, conclusions, and a final order to implement the decision.

A motion to deny the request should set forth the general facts and rationale for the decision and direct staff to prepare the final order.



A decision to approve or deny the request will be subject to a 15-day appeal period that will begin after written findings to support the decision have been signed by the Planning Commission Chair.

### **STAFF RECOMMENDATION**

Approval, with conditions as identified below.

In the event of an approval, staff offer the following conditions for the Commissioner's consideration:

1. Approval is based upon the submitted plan. Any substantial change in the approved plan shall be submitted to the City of Rockaway Beach as a new application for a subdivision.
2. Tentative approval of the subdivision shall be for a period of one year. The Planning Commission, upon written request by the Applicant, may grant an extension of the tentative plan approval for a period of one year. Failure to obtain a time extension or final plat approval prior to expiration of the tentative plan shall render the tentative plan approval void. Such yearly time extensions will be necessary until all four phases of the development have been granted final plat approval.
3. The Applicant shall provide documentation that the proposed subdivision name has been approved and reserved by the Tillamook County Surveyor.
4. The Applicant shall provide an Engineer's Estimate to the City of Rockaway Beach for the public improvements required for each phase for bonding and for factoring the plan review fee by the City Engineer.
5. The Applicant shall provide updated preliminary plat plans, and all additional plat plans, with scales and north arrow to each sheet for review by the City Engineer.
6. The Applicant shall provide updated preliminary plat plans, and all additional plat plans, with existing waterline sizes for review by the City Engineer.
7. The Applicant shall provide a topographic survey stamped by a professional license surveyor.
8. The Applicant shall provide a phasing plan for review by the City Engineer for each phase, depicting how pedestrian circulation, traffic circulation and utility extensions will be provided.
9. The Applicant shall submit detailed engineered plans for review by the City Engineer, that demonstrate that City standards for access, street improvements, sewer and water services, fire flow, storm water drainage, and other improvements deemed necessary as determined by the City Engineer have been satisfied. The cost for plan review by the City Engineer shall be the responsibility of the Applicant/Developer.
10. The Applicant shall provide a traffic study for the subdivision and NE 12<sup>th</sup> Avenue.
11. The Applicant shall provide a study of the impacts to the NE 12<sup>th</sup> Avenue bridge and analysis of the bridge structural capacity.



12. The Applicant shall provide the City Engineer with a preliminary profile of the streets, including the extensions for 200 feet past the project on all streets. The Applicant shall include vertical curves and large culverts in the profile for review.
13. The Applicant shall extend the Tillamook Avenue full street improvements to the southern edge of the property.
14. The Applicant shall extend the Necarney Street improvements to the north end of the existing cul-de-sac and show the culvert size on the north end. The Applicant shall provide easements for utility extensions east of Necarney Street into the UGB.
15. The Applicant shall place street barricades at the end of the phases and southern end of Necarney Street.
16. The Applicant shall use curbs and gutters on street sections per City standards. The Applicant shall follow ODOT design for pavement callouts per City standards.
17. The Applicant shall provide the City Engineer with pipe inverts for the storm crossing at the north end of Tillamook Avenue and for Necarney Street crossing.
18. The Applicant shall extend the pavement north to Charlotte Street and show the culvert size on the north end. The City Engineer will review existing pavement from Charlotte Street south to the site to determine its ability to handle traffic.
19. The Applicant shall add stationing to all roads and identify between what stations the road sections will be used at and supply this information to the City Engineer for review.
20. The Applicant shall provide easements for any sidewalks on public street sections that expand outside of the right-of-way.
21. The Applicant shall provide the City Engineer with sewer inverts, rim elevations, and existing ground shots across the wetlands for review. The sewer line shall be in a casing. The sewer bore option will require a public sewer easement. The Applicant shall provide Department of State Lands and U.S. Army Corps of Engineers approval for this sewer bore.
22. The Applicant shall provide the City Engineer with preliminary profiles with slopes for all gravity sewers.
23. The Applicant shall provide an all-weather access to all sewer manholes located in the easement or right-of-way.
24. The Applicant shall extend the maintenance road and easement beyond the sewer manhole at least 5 feet.
25. The Applicant shall construct a new Lake Lytle Pump Station and force main to 6<sup>th</sup> Street prior to the first phase. The Applicant shall submit a pre-design report to the City Engineer for review and approval.



26. The Applicant will provide preliminary sewer inverts at manholes. The Applicant will provide sewer stubs on Florence Street as determined by the City Engineer.
27. The Applicant shall provide concurrence from Department of State Lands and U.S. Army Corps of Engineers for the wetland in the common space and obtain permits prior to approval of the construction drawings. The approval from Department of States Lands must be current (no more than 2 years old).
28. The Applicant shall provide a geotechnical report covering roadway construction, including wet weather sections and fills on the lot.
29. The Applicant shall ensure all lots are numbered sequentially throughout the subdivision and provided verification from the County Surveyor.
30. Applicant shall hold a pre-design conference with the City Engineer prior to beginning the final design to ensure utility line locations conform to City standards and confirm mainline locations.
31. The Applicant shall provide a public utility easement at the north end, west side of Tillamook Avenue. The Applicant shall provide evidence to the City Engineer that all public utility easements will not impact stormwater quality swale.
32. On the 32-foot public street section of Francis Court, the Applicant shall reduce the swale width to 4 feet so that it is entirely in the right-of-way, ensure the maximum depth of the swale is 6 inches, and construct the swale to City standards.
33. The Applicant shall modify the easement description on the 32-foot public street section for Florence Street and Troy Street to include utility/road construction.
34. The Applicant will provide the City Engineer with a survey of the roadway, extensions and drainage areas. This survey must extend into the wetlands and into the existing roadways.
35. The Applicant shall provide a storm drainage study, including basin map and flow rates.
36. The Applicant shall provide details for roof drainage piping for lots 19 through 21, block 12, and all lots on the west side of Necarney Street to the City Engineer for review.
37. The Applicant shall provide a cross section and plan view of the proposed swales, including tract 3 and 4. The Applicant shall provide the City Engineer with the outlet elevation to the wetlands.
38. The Applicant shall provide the City Engineer with detailed information for how the creek/ditch at the south end of Nacarney Street, which crosses under the sidewalk and through Block 20, Lot 5, will impact to the roadway, utilities and lots.
39. The Applicant shall submit evidence that all necessary permits and approval from the U.S. Army Corps of Engineers and Oregon Department of State Lands have been obtained for impacts to wetlands in accordance with the approval plan.



40. The Applicant shall submit evidence of approval from the State Fire Marshall for all fire hydrant locations, street widths, and applicable Fire Code requirements.
41. The Applicant shall provide evidence that a 1200C Permit has been obtained from the Oregon Department of Environmental Quality for erosion control prior to grading and construction of the development.
42. The Applicant shall provide the City Engineer with a street lighting plan to ensure lighting is provided on pedestrian paths.
43. The Applicant shall construct sidewalks and directional ADA ramps on all public frontage areas. The Applicant shall provide the City Engineer with information on the construction materials of the pavement section of the pedestrian path to ensure compliance with City standards, increase the rock section of the path to 6 inches and ensure positive drainage away from the trail.
44. Prior to final plat approval, the Applicant shall be responsible for providing and installing all improvements including sewer, water, street and sidewalks, stormwater management facilities, street lights, street name signs, and street trees in accordance with Subdivision Ordinance Section 44 entitled Improvements Required, and in accordance with the City Engineer approved plans.
45. The Applicant shall be responsible for all costs necessary for off-site public infrastructure improvements that are triggered by the proposed new subdivision.
46. The applicant shall establish a homeowner's association for the development, and all open space within the development shall be owned and maintained by the homeowner's association. The required homeowner's association shall be responsible for any and all necessary stormwater maintenance facilities that serve the development. The required homeowner's association shall be responsible for maintaining the pedestrian paths within the development. The required homeowner's association shall be responsible for maintaining the storm water quality tracts.
47. The Applicant shall record a deed restriction or other covenant applicable to each lot in the subdivision, in a form acceptable to the State of Oregon Fish and Wildlife Department, that indemnifies ODFW for any damage or inconvenience to persons, real property, or personal property caused by big game and furbearing animals.