



LAKE LYTLE ESTATES PHASES IV-VII

WHY ARE WE HERE?

The City of Rockaway Beach received a land use application for property owner, Troy Johns, seeking tentative plan approval of the Lake Lytle Estates phases 4-7, which would be a continuation of the preexisting Lake Lytle Estate subdivision.

The City's role is to ensure that both public and private development are aligned with the standards set out in the City's guiding documents, such as the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance. The City provides a forum for public hearings and guidance to property owners to ensure compliance with City standards.



PLANNING COMMISSION'S ROLE

The City of Rockaway Beach Planning Commission plays the role of the state-required committee for citizen involvement. As a committee, they are tasked with monitoring and encouraging public participation in planning. This committee conducts quasi-judicial and legislative public hearings on certain land use applications, such as this one.

As the decision-making body, the Planning Commission, must base its review and decision on the criteria established within the City's Ordinances. They may not ignore applicable criteria or make decisions based on factors or arguments not related to the applicable criteria.

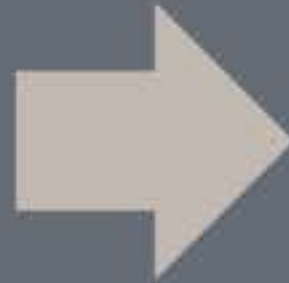
PROCESS TO DEVELOP A SUBDIVISION



Developer initiated project by submitting an application to the City



City staff review application for completeness and schedule public hearing



The Planning Commission holds a public hearing to consider the tentative plan. If approved (or approved with conditions), the Applicant has 1 year to submit a final plat to the City



PROCESS TO DEVELOP A SUBDIVISION



During this year, the Applicant will begin preparing the supporting work for the final plat. If the Applicant needs, they may request an extension for additional time.



Once the final plat has been submitted, the City Engineer will examine it to ensure the final plat is substantially the same as the initial plan.



The Planning Commission will hold a second public hearing to consider the final plat. Prior to approving, the Applicant shall have completed the proposed improvements or enter into an agreement to do so, with a bond.



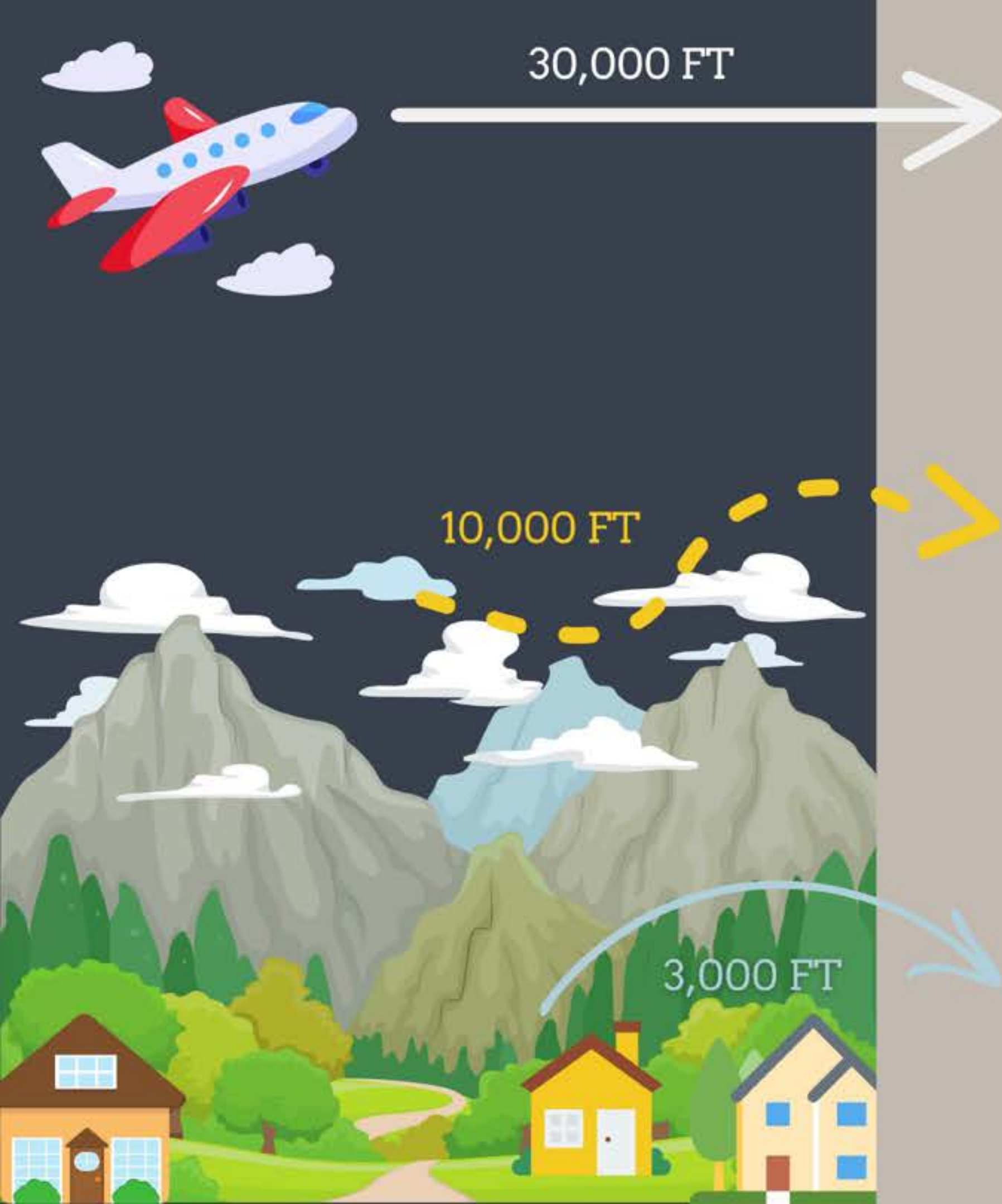
PROCESS TO DEVELOP A SUBDIVISION



If the final plat is approved by the Planning Commission, then the Applicant will deliver the approved plat to the County Surveyor for review. The Applicant has 90 days to have the final plat recorded.

The subdivision is considered complete after the final plat is recorded by the County Clerk.

The City would begin accepting applications to build homes in the new subdivision.



30,000 FT

TENTATIVE PLAN

How does the project integrate into City standards?

Comprehensive Plan and applicable Ordinances

10,000 FT

FINAL PLOT

How does the project impact the City?

Infrastructure capacity - impacts and mitigation

3,000 FT

CONSTRUCTION

How does the project meet the City requirements?

Site design

CASE FILE #SUB-23-01

APPLICANT: Troy Johns

AGENT FOR APPLICANT: OTAK Engineering

REQUEST: The Applicant is requesting approval of an 85-lot subdivision of vacant land to be name Lake Lytle Estates Phases IV-VII, on land zoned R-3 (Lower Density Residential).

PROPERTY LOCATION: The property is located on to the south of the existing Lake Lytle Estate Subdivision Phases I-III, east of Lake Lytle in Rockaway Beach. Tillamook County Assessor's Map #2N10W Lot #5201 Access to the property is proposed via existing Tillamook, Frances, and Necarney Street at their south terminus at the subject property.



LOT SIZE: approximately 18.9 acres

ZONING DESIGNATION: R3

SURROUNDING LAND USE: Adjacent to the north is the existing Lake Lytle Estates subdivision Phases I-III. To the east is industrial forest land outside of the Rockaway Beach city limits. To the south is undeveloped land zoned R-R (Residential Resort), and the existing Timberlake Subdivision further to the south. West of the subject property is undeveloped land zoned S-A (Special Area Wetlands) adjacent to Lake Lytle.

EXISTING STRUCTURES: none

UTILITIES: The following utilities are proposed to serve the subject property:

- Sewer: City of Rockaway Beach
- Water: City of Rockaway Beach
- Electricity: Tillamook P.U.D.

DEVELOPMENT CONSTRAINTS: The property contains wetlands that have been delineated by a professional wetlands consultant, and the Oregon Department of State Lands has given agency concurrence with the delineation. The Applicant's proposal includes impacts to portions of the wetlands for street and utility construction, and the Applicant understands that permits from DSL and the U.S. Army Corps of Engineers are required before any disturbance or impacts to the wetlands takes place. If the request is approved, the Applicant will be required to obtain and provide copies of necessary permits from these agencies prior to initiating construction.

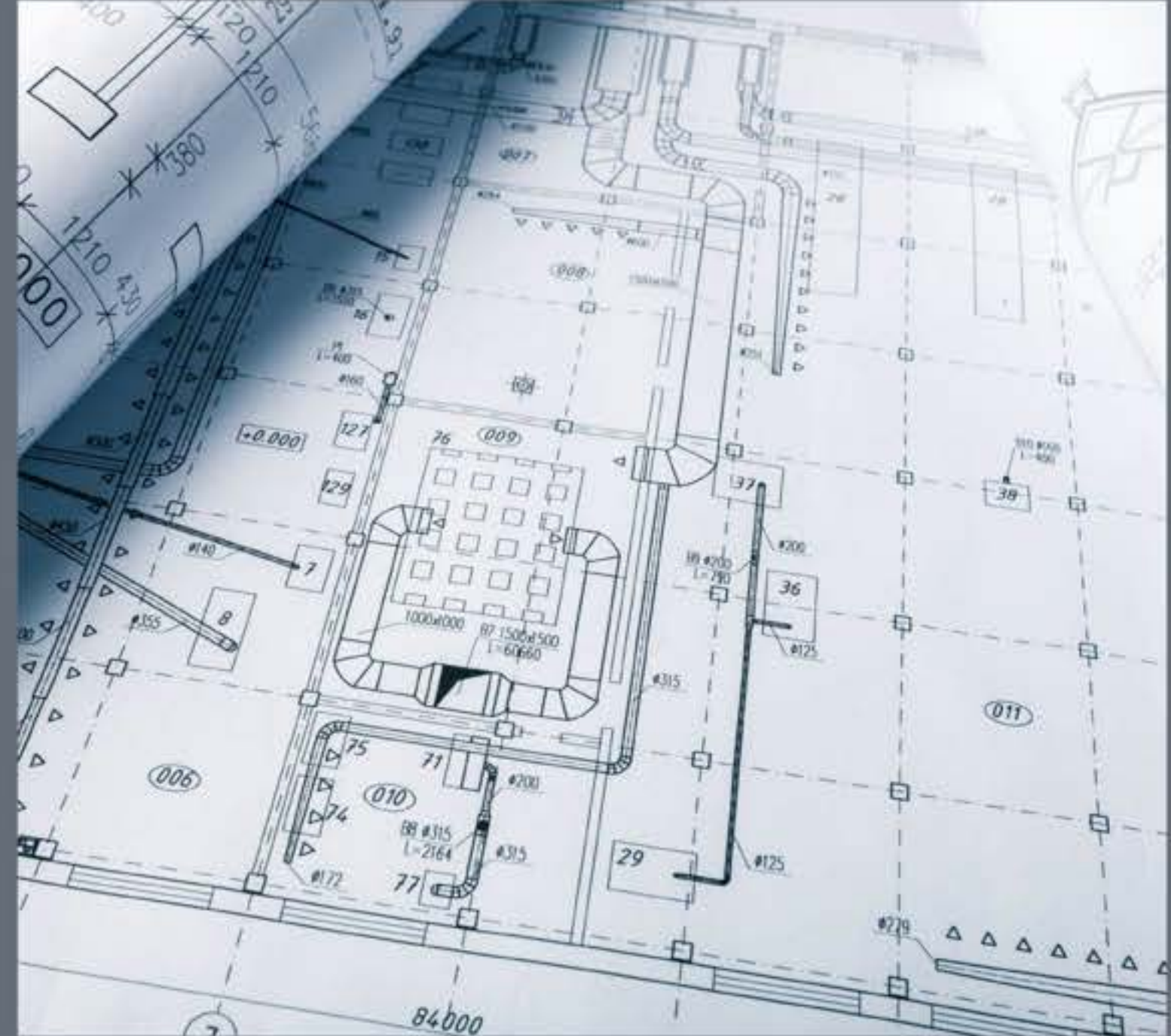
In addition, a portion of the subject property is located within the 100-year floodplain as identified on the Flood Insurance Rate Map Panel Number 410201-110C. The proposed lots will all be located outside of the 100-year floodplain.

GENERAL DESCRIPTION OF THE PROPOSAL: The Applicant proposed to develop a new subdivision containing 85 lots between 5,000 and 15,151 square feet in size, to be developed in four phases as illustrated on the submitted development plan and in the application Burden of Proof document.

Access to the subdivision would be from existing Tillamook, Necarney, and Frances Streets in the existing Lake Lytle Estates subdivision. As proposed, the new lots in the subdivision would be served by public streets with improvements that include paved streets, curbs, gutters, and sidewalks, with open space elements that contain and protect wetlands on the subject property.

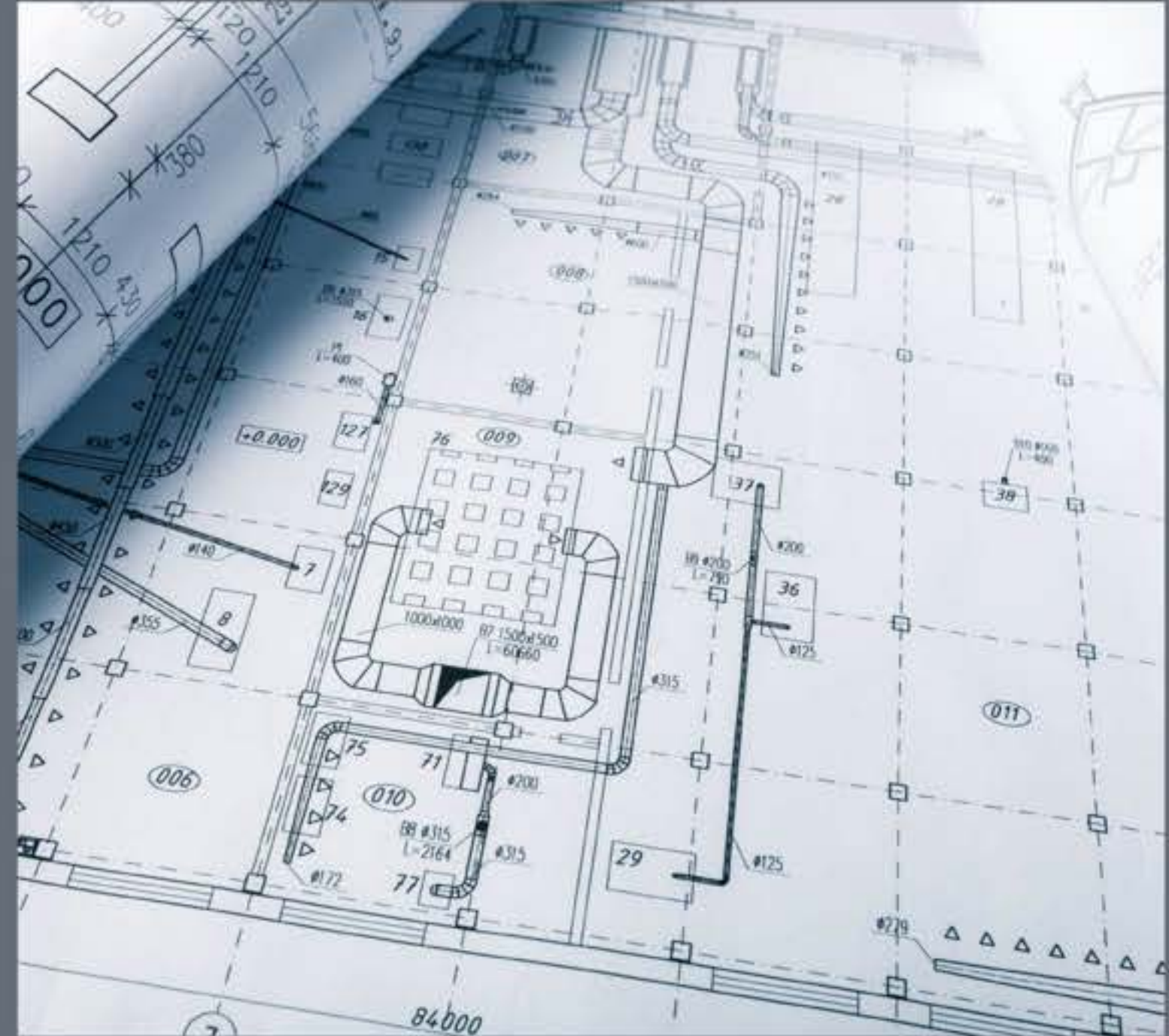
The application materials include a document entitled Burden of Proof, which identifies the substantive criteria from the Rockaway Beach Zoning and Subdivision Ordinances, with written responses in attempts to demonstrate the applicable criteria for tentative plan approval are met. In general, staff concurs with the Applicant and suggest that the Planning Commission carefully examine the Burden of Proof document to become familiar with the details of the proposal and to consider the Applicant's responses to the substantive criteria.

BACKGROUND: In 2010, the Applicant submitted Subdivision Application #SUB-10-08 for the creation of Lake Lytle Estates Phases IV-VII. The City of Rockaway Beach Planning Commission approved this tentative subdivision plat approval. The approval was extended yearly until the maximum 10-year extension period was met and the approval period expired.



AGENCY COMMENTS:

- City of Rockaway Beach Public Works Department: Concerned that both water and sewer are not being addressed, even at this tentative stage. There is a possibility that water flow may not meet fire flow requirements. Major infrastructure improvements will likely be necessary.
- City of Rockaway Beach Engineer: HBH Engineering provided a letter which identifies issues that will need to be addressed through the more formal engineering review if this request is approved. which identifies issues that will need to be addressed through the more formal engineering review if this request is approved.



PUBLIC TESTIMONY:

- Ted Hewitt
- Michael King
- Richard Dilbeck
- Linda Battsen



ORDINANCE STANDARDS

- Rockaway Beach Zoning Ordinance - Section 3.090 - Lower Density Residential Zone (R3)
- Rockaway Beach Zoning Ordinance - Section 3.080 - Special Area Wetlands (SA)
- Rockaway Beach Zoning Ordinance - Section 3.092 - Flood Hazard Overlay Zone (FHO)
- Rockaway Beach Zoning Ordinance - Section 3.094 - General Provisions
- Rockaway Beach Zoning Ordinance - Section 3.095 - Administration
- Rockaway Beach Zoning Ordinance - Section 3.096 - Provisions for Flood Hazard Reduction
- Rockaway Beach Subdivision Ordinance - Article 13



ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.090 - LOWER DENSITY RESIDENTIAL ZONE (R3)

Section 3.090 outlines the standards for the R3 Zone

- a. MINIMUM LOTS SIZE - each lot will be a minimum of 5,000 SF and provided with sanitary sewer service (standard is met)
- b. DENSITY - development's net density excluding streets and tracts will be 7.56 dwelling units per acre (standard is met)
- c. MINIMUM LOT WIDTH - each lot will meet or exceed this standard for lot width (standard is met)
- d. MINIMUM LOT DEPTH - each lot will meet or exceed this standard for lot depth (standard is met)
- e. MINIMUM FRONT YARD SETBACK - the Applicant has submitted a preliminary development plan that outlines the setbacks for each proposed lot. However, this standard is typically reviewed for conformance and applied at the time a building permit is requested. (not applicable at this time)
- f. MINIMUM SIDE YARD SETBACK - this standard is typically reviewed for conformance and applied at the time a building permit is requested (not applicable at this time)
- g. MAXIMUM BUILDING HEIGHT - this standard is typically reviewed for conformance and applied at the time a building permit is requested (not applicable at this time)

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.090 - LOWER DENSITY RESIDENTIAL ZONE (R3)

Section 3.090 outlines the standards for the R3 Zone

- h. PLANNED UNIT DEVELOPEMENT- the proposed subdivision is not a Planned Unit Development (not applicable)
- i. SHORELANDS DEVELOPMENT CRITERIA - no development is proposed within 50 feet of Lake Lytle (not applicable)
- j. MINIMUM LOT VEGETATION - this standard is typically reviewed for conformance and applied at the time a building permit is requested (not applicable at this time)

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.080 - SPECIAL AREA WETLANDS (SA)

Section 3.080 outlines the purpose and permitted uses in the SA zone

The purpose of the SA Zone is to conserve significant freshwater wetlands and the shoreland and aquatic environment of Rockaway Beach's lakes. Low intensity uses which do not result in major alterations are appropriate in the zone. High intensity recreation, related to boating is appropriate on the lakes. Permitted uses include: Low intensity recreation; Passive restoration measures; Vegetative shoreline stabilization; Individual dock limited to a maximum of 200 square feet for recreation or fishing use, plus necessary piling; Submerged cable, sewer line, water line or other pipeline; Storm water outfall.

STAFF ASSESSMENT: The subject property contains approximately 18.9 acres and includes Special Area Wetlands. However, the Special Area Wetlands is limited to the western most portion of the parent property adjacent to Lake Lytle. The area proposed to be developed with lots and street infrastructure avoids the SA wetlands entirely, except for a necessary sewer line that the Applicant states will be bored (submerged) in accordance with uses permitted outright in the SA zone.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.080 - SPECIAL AREA WETLANDS (SA)

Section 3.080 outlines the purpose and permitted uses in the SA zone

Proposed impact to other wetlands on the property that are not SA zoned are described in the application details (Burden of Proof, p. 11). With the exception of 7,553 square feet of wetlands mostly located in existing and proposed rights of way and driveway access, no wetland fill is proposed.

The Applicant has begun the process of application to the Oregon Department of State Lands and the Army Corps of Engineers for necessary permits for the proposed wetlands impacts.

FINDING: Pending approval from the Oregon Department of State Lands and the Army Corps of Engineers for necessary permits for the proposed wetlands impacts, the criterion outlined in this section have been met. (conditional approval)

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.092 - FLOOD HAZARD OVERLAY ZONE (FHO)

Section 3.092 outlines the purpose and objectives of the FHO zone

The purpose of this Flood Hazard Overlay Zone to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the Rockaway Beach Comprehensive Plan and Zoning Ordinance, all new construction and substantial improvements in the Flood Hazard Overlay Zone shall ensure that the specific objectives of this zone are met.

FINDING: As proposed, all of the proposed 85 lots will be located outside of the identified 100-year floodplain and therefore homes located on the lots will be at a minimal risk of flood damage.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.095 - ADMINISTRATION

Establishment of Development Permit

Application for a Development Permit shall be made to the City and shall specifically include the following information:

A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

FINDING: The Applicant is not proposing to construct any buildings within the FHO Zone, therefore these standards do not apply.

B. Elevation in relation to mean sea level to which any structure has been floodproofed.

FINDING: The Applicant is not proposing to construct any buildings within the FHO Zone, therefore these standards do not apply.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.095 - ADMINISTRATION

Establishment of Development Permit

C. Certification by an appropriately qualified registered professional engineer or architect that the floodproofing method for any non-residential structure meets the floodproofing criteria in Section 3.096(6) (b).

FINDING: The Applicant is not proposing to construct any buildings within the FHO Zone, therefore these standards do not apply.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

FINDING: The Applicant is not proposing to alter or relocate any watercourse, this standard does not apply

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.095 - ADMINISTRATION

Establishment of Development Permit

E: An engineered or City approved stormwater drainage site plan designed to prevent the increase of adverse impacts caused by development in the flood zone.

FINDING: If the request is approved, this standard can be applied as a condition of approval, as recommended in the Staff Report. The drainage plan will be reviewed with the overall development plans by the City Engineer.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.095 - ADMINISTRATION

Duties and Responsibilities

The duties of the City shall include, but not be limited to permit review:

A. Review of all development permits to determine that the permit requirements of this ordinance have been satisfied.

FINDING: If the request is approved, then the necessary development permits will be reviewed by the City to ensure that this standard is met.

B. Review all development permits to require that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

FINDING: If the request is approved, then the necessary permits from federal, state or local government agencies will be required by the City to ensure that this standard is met.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.095 - ADMINISTRATION

Duties and Responsibilities

C. Review all development permits in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.

FINDING: If the request is approved, this standard can be applied as a condition of approval, as recommended in the Staff Report. The drainage plan will be reviewed with the overall development plans by the City Engineer.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.095 - ADMINISTRATION

Alteration of Watercourses

The City shall:

A. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate federal and state agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

FINDING: The proposal does not include the alteration or relocation of any watercourse.

B. Require that an engineered stormwater drainage plan and maintenance plan is provided within the altered or relocated portion of said watercourse, so that the flood carrying capacity is not diminished.

FINDING: If the request is approved, this standard can be applied as a condition of approval, as recommended in the Staff Report.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.096 - PROVISIONS FOR FLOOD HAZARD REDUCTION

In the Flood Hazard Overlay Zone (FHO) the following provisions are requires:

ANCHORING.

- A. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. All manufactured dwellings must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). A certificate signed by a registered architect or engineer which certifies that the anchoring system is in conformance with FEMA regulations shall be submitted prior to final inspection approval.

FINDING: The Applicant is not proposing to construct any buildings within the FHO Zone, therefore these standards do not apply.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.096 - PROVISIONS FOR FLOOD HAZARD REDUCTION

In the Flood Hazard Overlay Zone (FHO) the following provisions are requires:

UTILITIES:

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

FINDING: If approved, the required Engineering Review by the City will ensure that this standard is met.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and

FINDING: No on-site waste disposal (septic) systems are proposed that could potentially result in discharge into floodwaters. Necessary engineering review by the City of proposed public sewer lines will ensure that this standard is met.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.096 - PROVISIONS FOR FLOOD HAZARD REDUCTION

In the Flood Hazard Overlay Zone (FHO) the following provisions are requires:

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

FINDING: No on-site waste disposal (septic) systems are proposed, therefore this standard is not applicable.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.096 - PROVISIONS FOR FLOOD HAZARD REDUCTION

In the Flood Hazard Overlay Zone (FHO) the following provisions are requires:

SUBDIVISION PROPOSALS:

A. All subdivision proposals shall provide engineered plans consistent with the need to minimize flood damage.

FINDING: As proposed, all of the proposed 85 lots will be located outside of the identified 100-year floodplain and therefore homes located on the lots will be at a minimal risk of flood damage. Staff recommend the submittal of engineered plans, including the provision of a stormwater drainage plan will be required as a condition of approval if the Applicant's request is granted.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

FINDING: If approved, the required engineering review by the City will ensure that this standard is met.

ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.096 - PROVISIONS FOR FLOOD HAZARD REDUCTION

In the Flood Hazard Overlay Zone (FHO) the following provisions are requires:

SUBDIVISION PROPOSALS:

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

FINDING: *As mentioned previously, Staff recommend an engineered stormwater drainage plan will be required as a condition of approval if the request is granted. is granted.*

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

PURPOSE: The purpose of this ordinance is to enact subdivision and land partitioning regulations for the City which will provide for better living conditions within new land divisions; assure necessary streets, open space, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, convenience and general welfare of the people of Rockaway Beach.

FINDING: The Planning Commission should carefully consider the request and determine if the proposed subdivision will be consistent with the purpose of the Subdivision Ordinance.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

PRINCIPLES OF ACCEPTABILITY. A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this ordinance, based on standard engineering practices, concerning streets, drainage facilities, sidewalks, sewer and water systems.

FINDING: If approved, the requirements of the City and conditions of approval recommended by Staff of the tentative plat approval will be addressed during the development stage.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Streets

The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:

- Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

FINDING: Staff and the City Engineer have reviewed the preliminary development plans for the streets within Lake Lytle Estates IV-VII and their connections with existing City streets, and found that the proposed street system is generally acceptable for adequate circulation, width, grades, intersection angles, etc., considering existing streets and presence of wetlands and their preservation to the extend possible.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Street Widths

Street widths shall conform with City standards, except where it can be shown by the land divider, to the satisfaction of the Planning Commission, that the topography or the small number of lots or parcels served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Approval or determination of street and area classification shall be made by the Planning Commission taking into consideration the zoning designations imposed by the Comprehensive Plan and the Development Code, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trends, and the public safety and welfare.

FINDING: The proposed street width is consistent with minimum City standards and provides adequate width for parking, sidewalks, and other necessary improvements.

The short section of street along Frances Street that narrows from the rest of the proposed streets has been proposed by the Applicant in order to avoid wetlands impacts. As noted in the Applicant's Burden of Proof, this section of Frances Street narrows from 32 feet to 20 feet to reduce wetland impacts. Due to probable traffic volumes, the number of lots served and reduction to wetland impacts, the reduction of street width is appropriate.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Alignment

As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in 'T' intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction, and in no case, shall be less than 150 feet.

FINDING: The proposed alignment includes direct extensions of existing streets, Tillamook Avenue and Necarney Street, the latter of which will continue through the site to serve future abutting development to the south. The proposed development meets the distance requirements for this section.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Future Street Extensions

Where necessary to give access to, or permit a satisfactory future division of adjoining land, streets shall extend to the boundary of the subdivision or partition, and the resulting dead-end streets may be approved without a turnaround. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

FINDING: Necarney Street is proposed to continue through the site to serve future abutting development to the south. The Applicant's Burden of Proof states that Tillamook Avenue will not serve as a future street extension due to opposition from DSL.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Intersection Angles

Streets shall intersect at angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

FINDING: All intersections are at near-right angles.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Existing Streets

Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

FINDING: No existing streets have inadequate width, therefore this standard is not applicable.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Reserved Strips

No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

FINDING: No reserved strips are proposed, therefore this standard is not applicable.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Half Streets

Half streets shall be prohibited except they may be approved where essential to the reasonable development of the subdivision or partitions when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half streets.

FINDING: No half streets are proposed, therefore this standard is not applicable.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Cul-de-Sac

A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround.

FINDING: The Applicant's Burden of Proof document states that no cul-de-sacs are proposed. However, staff identified the need for a response to this criterion since a cul-de-sac is proposed at the west end of Florence Street. This cul-de-sac is approximately 385 feet in length and serves 16 homes.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Alleys

When any lots or parcels are proposed for commercial or industrial usage, alleys of at least 20 feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.

FINDING: No alleys are proposed, therefore this standard is not applicable.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Grades and Curves

Grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on other streets. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impracticable to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least .5%.

FINDING: Francis Street (which is not an arterial street) is approximately 6.5% grade, which is the steepest in the proposed development. All other streets have a grade of less than 6%.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Marginal Access Streets

Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

FINDING: No arterial streets are proposed and the site does not abut any arterial street, therefore this standard is not applicable.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Street Names

All street names shall be approved by the Planning Commission for conformance with the established pattern and to avoid duplication and confusion.

FINDING: Tillamook Avenue and Necarney Street, which extend into the proposed development shall retain the same names in this development. There are no other streets in Rockaway Beach named Francis Court, Troy Street, and Florence Street.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Private Streets

The design and improvement of any private street shall be subject to all requirements prescribed by this ordinance for public streets. The land divider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision or a major partition.

FINDING: No private streets are proposed, therefore this standard is not applicable.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Utility Easements

Easements for sewer, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than five (5) feet on each side of the rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary, provided that easements of width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the City.

FINDING: The sewer main serving the subdivision will be located in a sewer easement under the wetlands at the Lake Lytle boundary, extending from the Florence Street cul-de-sac at the west side of the site to the sewer located in Lake Boulevard at the intersection with Smith Street, in the developed subdivision to the northwest. All other public utilities will be located in public rights-of-way. Private utilities will be placed in an eight-foot-wide easement located on lot and tract frontages as required by this standard. Staff recommend additional utility easements at the north end, west side of Tillamook Avenue as a condition of approval and request the Applicant modify the easement description on the 32-foot public street section for Florence Street and Troy Street to include utility/road construction.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Building Sites

SIZE AND SHAPE. The size, width, shape and orientation of building sites shall be consistent with the residential lot size provisions of the Development Code with the following exceptions.

In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

FINDING: Public sewer will serve this subdivision, therefore this standard is not applicable.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Building Sites

Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

FINDING: The property is zoned R3, which does not allow for business or industrial as an outright use, therefore this standard does not apply.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Access

Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet.

FINDING: The submitted plan indicates that this standard will be met.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Through Lots and Parcels

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

FINDING: No through lots or parcels are proposed, therefore this standard does not apply.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Blocks

GENERAL. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

FINDING: The submitted plans indicate that each lot will be provided an adequate building site in accordance with this standard.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Blocks

SIZE: No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

FINDING: Block size is limited by the location of existing streets, wetlands and the Rockaway Beach City limits, as detailed in the Applicant's Burden of Proof.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Blocks

WALKWAYS. The applicant may be required to dedicate and improve ten (10) foot walkways across blocks over 600 feet in length or to provide access to school, park, or other public areas.

FINDING: The Applicant's Burden of Proof states that the east-west blocks between Tillamook Avenue and Necarney Street are slightly more than 600 feet. A pedestrian path is proposed midblock to connect Florence and Troy Streets, extending north of Troy Street to the common open space tract.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Large Building Sites

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

FINDING: No developable tracts or large building sites are proposed, therefore this standard is not applicable.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Water Courses

The land divider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision or partitions, or, at the option of the land divider, provide, by dedication, further and sufficient easements or construction, or both to dispose of the surface and storm waters.

FINDING: The Applicant's Burden of Proof states that the majority of wetlands are located in common open space tracts and will remain unaltered. The remaining 3,100 square feet of wetlands are located on private lots and will be protected through CC&Rs.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Land for Public Purposes

The Planning Commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, or appropriate areas within the subdivision for a period not to exceed one year providing the City has an interest or has been advised of interest on the part of the State Highway Commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

The Planning Commission may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

FINDING: No parks or playgrounds are proposed. The Applicant's Burden of Proof states that 20 percent of the site is common open space for the benefit of the community, which are environmentally sensitive wetlands.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Unsuitable Land

The Planning Commission may refuse to approve a subdivision or partition when the only practical use which can be made of the property proposed to be subdivided or partitioned is a use prohibited by this code or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the County or State health authorities, or, if the property is deemed unhealthful or unfit for human habitation or occupancy by the county or state health authorities.

FINDING: No development is proposed in the SA Zone. The proposed use in the R3 Zone is detached single-family residences.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Land Subject to Inundation

If any portion of land proposed for development is subject to overflow, inundation or flood hazard by, or collection of, storm waters, an adequate system of storm drains, levees, dikes and pumping systems shall be provided.

FINDING: The portion of the site in the Flood Hazard Overlay Zone is proposed as open space tract which will remain undisturbed. The Applicant's Burden of Proof states that all streets and lots will be above the Base Flood Elevation (BFE), therefore all homes will be built above the BFE as required by City standards. A series of catch basins will collect stormwater runoff, which will be directed through a pipe system to swales for treatment, before being discharged into the adjacent wetlands. The onsite stormwater detention systems will be built to City standards. Staff recommend as a condition of approval, the Applicant provide a storm drainage study, including basin map and flow rates.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Proposed Name of Subdivision

No tentative subdivision plat or subdivision plan or subdivision shall be approved which bears a name approved by the County Surveyor or County Assessor, which is the same as similar to or pronounced the same as the name of any other subdivision in Tillamook County unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name, or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and if used, the block numbers of the subdivision plat of the same name last filed.

FINDING: If the subdivision is approved, staff recommends that a condition of approval that the final subdivision name as identified on the plat will be one that has gained approval by the Tillamook County Surveyor.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Improvement Standards and Approval

In addition to other requirements, all improvements shall conform to the requirements of this ordinance and any other improvement standards or specifications adopted by the City, and shall be installed in accordance with the following procedure:

- Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for the evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. All plans shall be prepared in accordance with requirements of the City.
- Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- All required improvements shall be constructed under the inspection, and to the satisfaction, of the City. The City may require changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the City.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Improvement Standards and Approval

- All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
- A map showing all public improvements as built shall be filed with the City Recorder upon completion of the improvements.

FINDING: If the subdivision is approved, improvements as identified above will be required as conditions of approval. Review of the design details by the City Engineer and necessary City inspections will ensure that all improvements conform to applicable standards and specifications of the City.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Improvement Requirements

Improvements to be installed at the expense of the subdivider or applicant and at the time of subdivision or partition:

- Streets. Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency on their center lines.
- Structures. Structures specified as necessary by the City, for drainage, access and public safety shall be installed.
- Sidewalks. Sidewalks shall be installed along both sides of each street and in pedestrian ways unless a variance has been granted by the Planning Commission.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Improvement Requirements

- Sewers. Sanitary sewer facilities connecting with the existing City sewer system and storm water sewers, of design, layout and location approved by the City, shall be installed.
- Water. Water mains and fire hydrants of design, layout and locations approved by the City shall be installed.
- Railroad Crossings. Provision shall be made for all railroad crossings necessary to provide access to or including the preparation of all documents necessary for application to the Oregon State Public Utilities Commissioner for the establishment and improvement of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals, and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider or applicant.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Improvement Requirements

- Underground Utilities. This provision shall apply only to utility lines to be installed to provide service within the area to be subdivided. Utility lines, including, but not limited to, electricity, communications, street lighting and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above the ground. The Planning Commission may waive the requirements of this section if topographical, soil, or other conditions make such underground installations unreasonable or impractical. The applicant shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.
- Street Lighting. Street lighting of an approved type shall be installed on all streets at locations approved by the City.
- Street Trees. Street trees may be required by the City.

ROCKAWAY BEACH SUBDIVISION ORDINANCE - ARTICLE 13

Improvement Requirements

- Street Name Signs. All streets shall be legibly marked with street name signs, not less than two (2) in number at each intersection, according to specifications furnished by the City.
- Improvement of Easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.
- Off-Site Street Improvements. All off-site street improvements, where required shall conform to the standards of the City.

FINDING: The City Engineer will provided a through review of an approved subdivision's design details for all required improvements, to ensure that these standards have been satisfied.

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, with details of street design also included in larger format prints that are available for inspection at City Hall.

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.

Staff have identified the substantive criteria for review of the request by the Planning Commission, and

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 this 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:

- 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.
- 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.
- The Applicant shall provide documentation that the proposed subdivision name has been approved and reserved by the Tillamook County Surveyor.
- 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.

STAFF RECOMMENDATION

- 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.
- The Applicant shall provide updated preliminary plat plans, and all additional plat plans, with existing waterline sizes for review by the City Engineer.
- The Applicant shall provide a topographic survey stamped by a professional license surveyor.
- 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.
- 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.
- The Applicant shall provide a traffic study for the subdivision and NE 12th Avenue.

STAFF RECOMMENDATION

- The Applicant shall provide a study of the impacts to the NE 12th Avenue bridge and analysis of the bridge structural capacity.
- 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.
- The Applicant shall extend the Tillamook Avenue full street improvements to the southern edge of the property.
- 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.
- The Applicant shall place street barricades at the end of the phases and southern end of Necarney Street.
- 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.

STAFF RECOMMENDATION

- 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.
- 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.
- 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.
- The Applicant shall provide easements for any sidewalks on public street sections that expand outside of the right-of-way.
- 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.
- The Applicant shall provide the City Engineer with preliminary profiles with slopes for all gravity sewers.

STAFF RECOMMENDATION

- The Applicant shall provide an all-weather access to all sewer manholes located in the easement or right-of-way.
- The Applicant shall extend the maintenance road and easement beyond the sewer manhole at least 5 feet.
- The Applicant shall construct a new Lake Lytle Pump Station and force main to 6th Street prior to the first phase. The Applicant shall submit a pre-design report to the City Engineer for review and approval.
- The Applicant will provide preliminary sewer inverts at manholes. The Applicant will provide sewer stubs on Florence Street as determined by the City Engineer.
- 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).
- The Applicant shall provide a geotechnical report covering roadway construction, including wet weather sections and fills on the lot.

STAFF RECOMMENDATION

- The Applicant shall ensure all lots are numbered sequentially throughout the subdivision and provided verification from the County Surveyor.
- The 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.
- 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.
- 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.
- 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.
- 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.

STAFF RECOMMENDATION

- The Applicant shall provide a storm drainage study, including basin map and flow rates.
- 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.
- 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.
- 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.
- 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.
- The Applicant shall submit evidence of approval from the State Fire Marshall for all fire hydrant locations, street widths, and applicable Fire Code requirements.

STAFF RECOMMENDATION

- 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.
- The Applicant shall provide the City Engineer with a street lighting plan to ensure lighting is provided on pedestrian paths.
- 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.
- 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.
- The Applicant shall be responsible for all costs necessary for off-site public infrastructure improvements that are triggered by the proposed new subdivision.

STAFF RECOMMENDATION

- 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.
- 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.