



PLANNING COMMISSION SPECIAL MEETING LAKE LYTLE ESTATES PHASES IV-VII

RECAP OF EVENTS

- Last week, on October 18th, the Planning Commission held a public hearing for the Lake Lytle Estate Phases IV–VII tentative plat subdivision application.
- The application, submitted by Troy Johns, seeks tentative plat approval of an 85-lot subdivision of vacant land, on land zoned R-3 (Lower Density Residential).
- At the public hearing:
 - City staff presented their written report;
 - The Applicant presented additional information on the application;
 - Members of the public were provided an opportunity to provide public testimony regarding the application;
 - The Applicant was provided opportunity to rebut the public testimony in opposition to the application;
 - The Planning Commissioners asked questions of the Applicant and City staff regarding the application; and
 - The Planning Commissioners moved to close the public hearing and keep the record open until October 26th to allow for additional written arguments.

PROCESS TO DEVELOP A SUBDIVISION

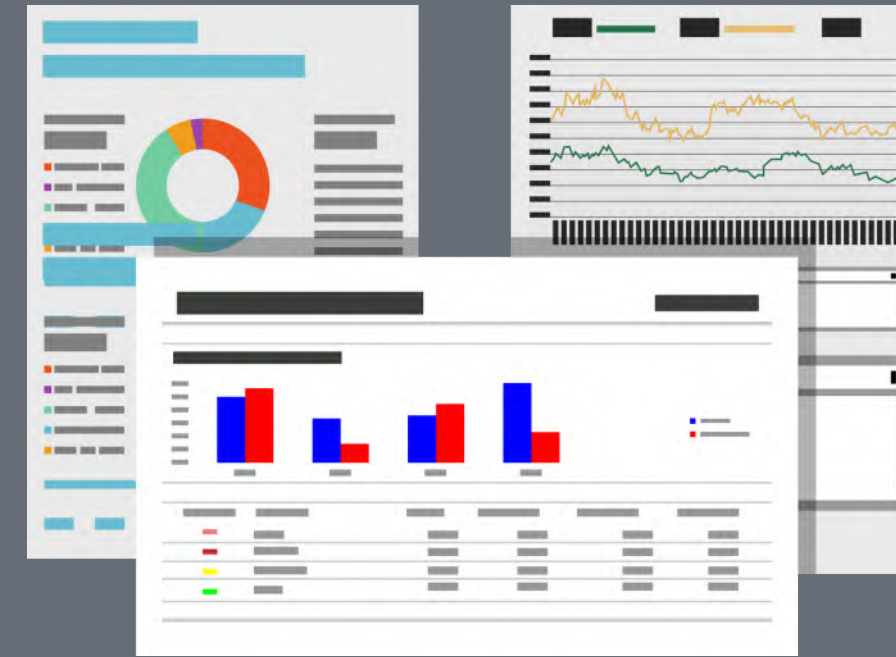


The Developer initiated the project by submitting a tentative plat subdivision application to the City

City staff reviewed application for completeness and scheduled a public hearing, which took place on October 19th

The Planning Commission held a public hearing to consider the tentative plan on October 19th. After hearing from City staff, the Applicant, and the public regarding the application, the Planning Commissioners moved to close the public hearing and to leave the record open for an addition 7 days to receive additional written arguments.

PROCESS TO DEVELOP A SUBDIVISION



The period for accepting additional written arguments is now closed and the Planning Commission is holding this Special Meeting to consider the additional written arguments, deliberate, and make a decision on the application.

If approved (or approved with conditions), the Applicant has 1 year to submit a final plat to the City

During this year, the Applicant will begin preparing the supporting work for the final plat, including addressing any conditions imposed by the Planning Commission. This work will include a multitude of studies and reports necessary address the infrastructure improvements needed to support the proposed development and other concerns raised during the public hearing.

PROCESS TO DEVELOP A SUBDIVISION



If the Applicant needs, they may request an extension for additional time to bring a final plat to the City for approval.



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 approved by the Planning Commission.

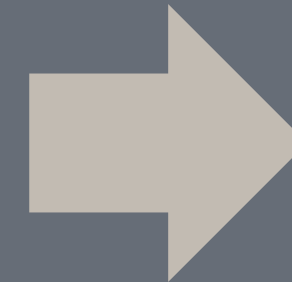


The Planning Commission will hold a second public hearing to consider the final plat.

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.

**I'M CONFUSED....
WHERE ARE WE?**





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

OK. I UNDERSTAND THE
PROCESS, BUT WHAT IS THIS
ALL GOING TO LOOK LIKE?



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.









HOW WILL THE PLANNING COMMISSION MAKE A DECISION?



The Planning Commission may only take into consideration the applicable criteria outlined in the City's Ordinances. City staff have identified the following sections of the City's Ordinances as applicable to this application:

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



The Planning Commissioners may not use any other criteria when making a decision on the application. The Planning Commissioners must apply the laws of Rockaway Beach and cannot vary from or change the law. Applications must be judged based on the law that existed when the application was filed. It is the Planning Commissioner's duty to be fair, impartial and preserve due process.

City staff have reviewed the application and prepared a Staff Report (Supplemental #2) which was provided to the Planning Commission for consideration and presented at the public hearing on October 19th.

The Staff Report provides each section of applicable criteria from the City's Ordinances, followed by an assessment for each criterion. In reviewing the application and applicable criteria, City staff have assessed that the Applicant has met the criteria outlined in the City Ordinances for the requested tentative plat approval.

Since the Applicant has met the required criteria for tentative plat approval, Staff recommend **APPROVAL, WITH CONDITIONS** as outlined in the Staff Report.

Staff recommend **47 conditions of approval**.

Should this application be approved, the conditions outlined in the Staff Report will ensure that concerns raised by the public, staff and other agencies are addressed by the Applicant before a final plat is brought to them for consideration.



WHAT DID THE PUBLIC HAVE TO SAY? HOW WILL THEIR CONCERNS BE ADDRESSED?



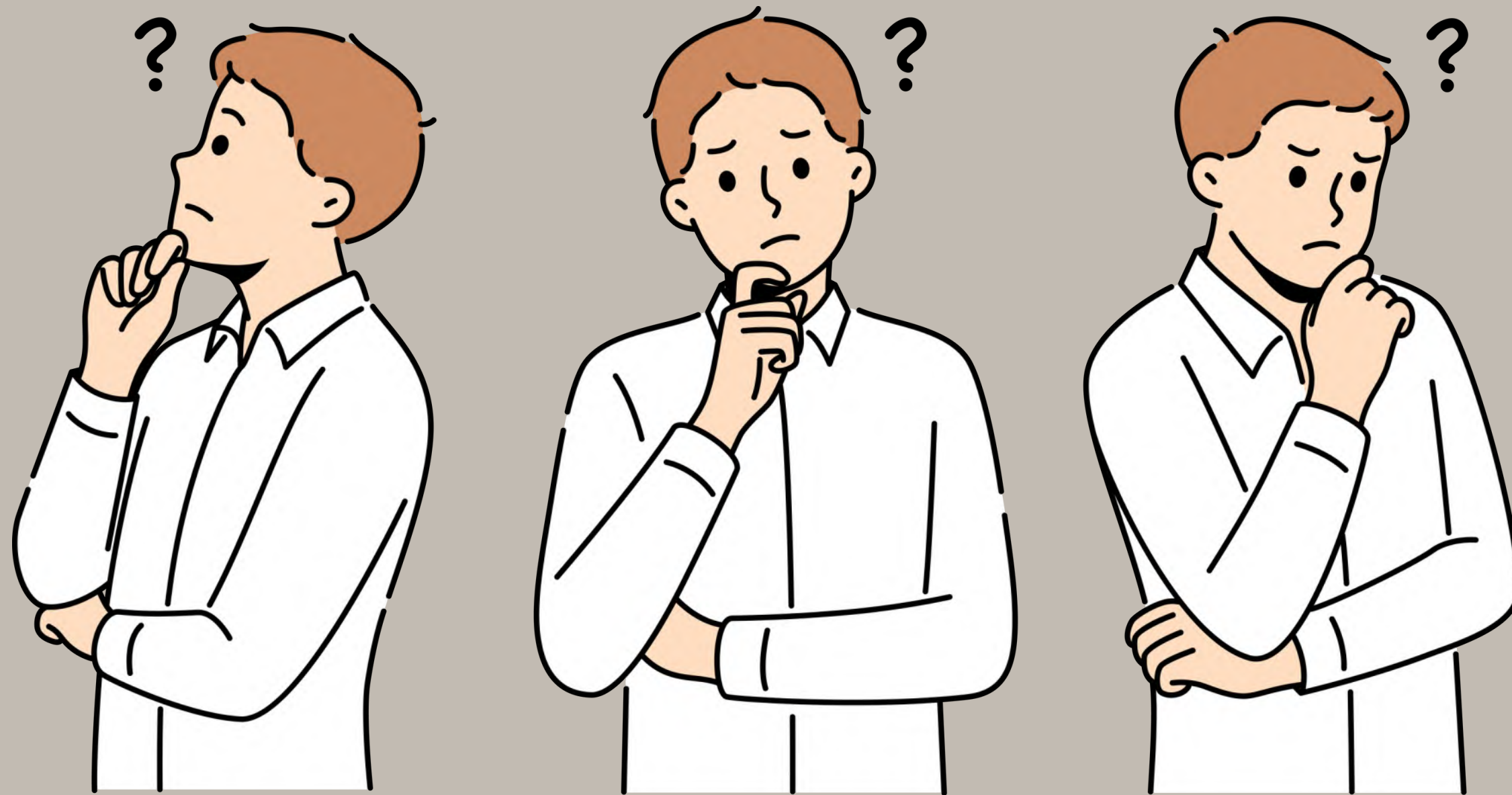
9 MEMBERS OF THE PUBLIC PROVIDED ORAL TESTIMONY AT THE PUBLIC HEARING. 8 MEMBERS OF THE PUBLIC PROVIDED WRITTEN ARGUMENTS IN RESPONSE TO THE APPLICATION

Many of the issues and concerns raised by the public were stated multiple times. The public shared concerns about:

- Water pressure and water supply
- Traffic impacts throughout the neighborhood, the 101 and 12th St. intersection, 12th St. bridge capacity, single access point, and road capacity
- Building near wetlands, possible pollutants, and potential flooding
- Sewer capacity
- Pollutants, oil contamination, and remediation
- Continuing a street through the Francis St. cul-de-sac
- Short-term rentals
- Wetlands as the only open space areas
- Aged reports and studies included in the application
- Construction noise and hours
- Inadequate school facilities and staffing
- High construction costs and mortgage rates



HOW CAN THE PLANNING COMMISSION ADDRESS THE PUBLIC CONCERNS?





PUBLIC CONCERN: WATER PRESSURE AND WATER SUPPLY

City staff recommend approving the application **with conditions**. The following 5 recommended conditions address these concerns:

- **6.** The Applicant shall provide updated preliminary plat plans, and all additional plat plans, with existing waterline sizes for review by the City Engineer.
- **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.
- **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.
- **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.

PUBLIC CONCERN: TRAFFIC IMPACTS THROUGHOUT THE NEIGHBORHOOD, THE 101 AND 12TH ST. INTERSECTION, 12TH ST. BRIDGE CAPACITY, SINGLE ACCESS POINT, AND ROAD CAPACITY

City staff recommend approving the application **with conditions**. The following 22 recommended conditions address these concerns:

- **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 12th Avenue.
- **11.** The Applicant shall provide a study of the impacts to the NE 12th 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.

- **28.** The Applicant shall provide a geotechnical report covering roadway construction, including wet weather sections and fills on the lot.
- **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.
- **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.
- **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.
- **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.

PUBLIC CONCERN:

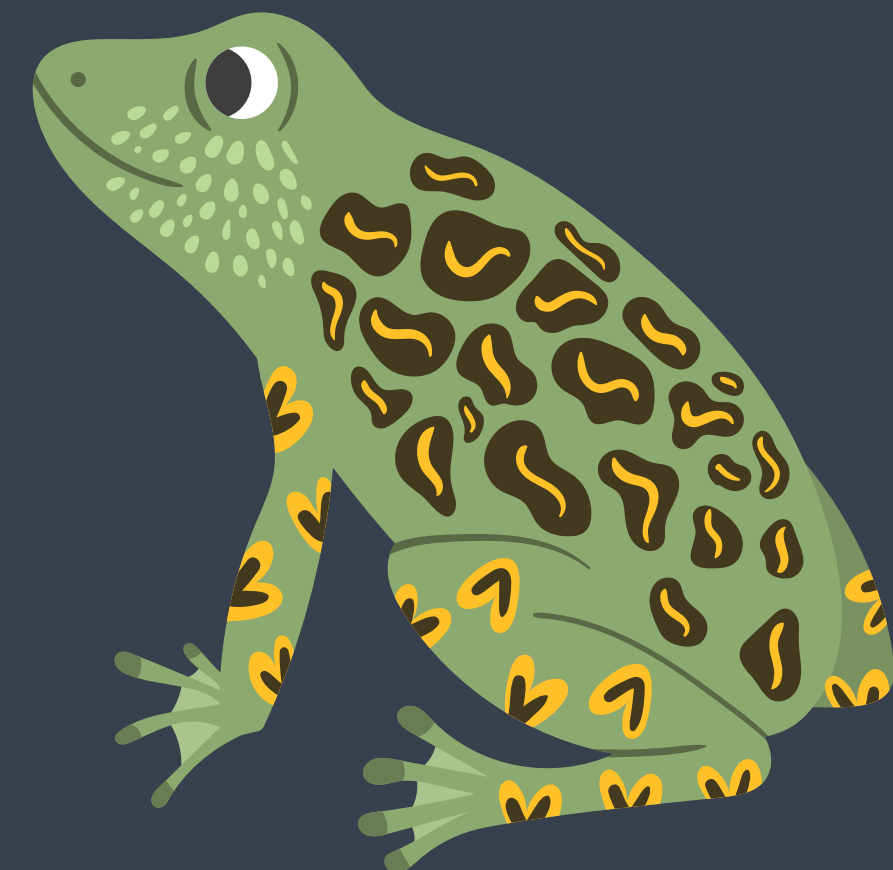
BUILDING NEAR WETLANDS, POSSIBLE POLLUTANTS, AND POTENTIAL FLOODING

City staff recommend approving the application **with conditions**. The following 14 recommended conditions address these concerns:

- **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.
- **22.** 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.
- **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.
- **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.
- **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 governed by the proposed new subdivision.
- **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.
- **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.



- **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.



PUBLIC CONCERN:

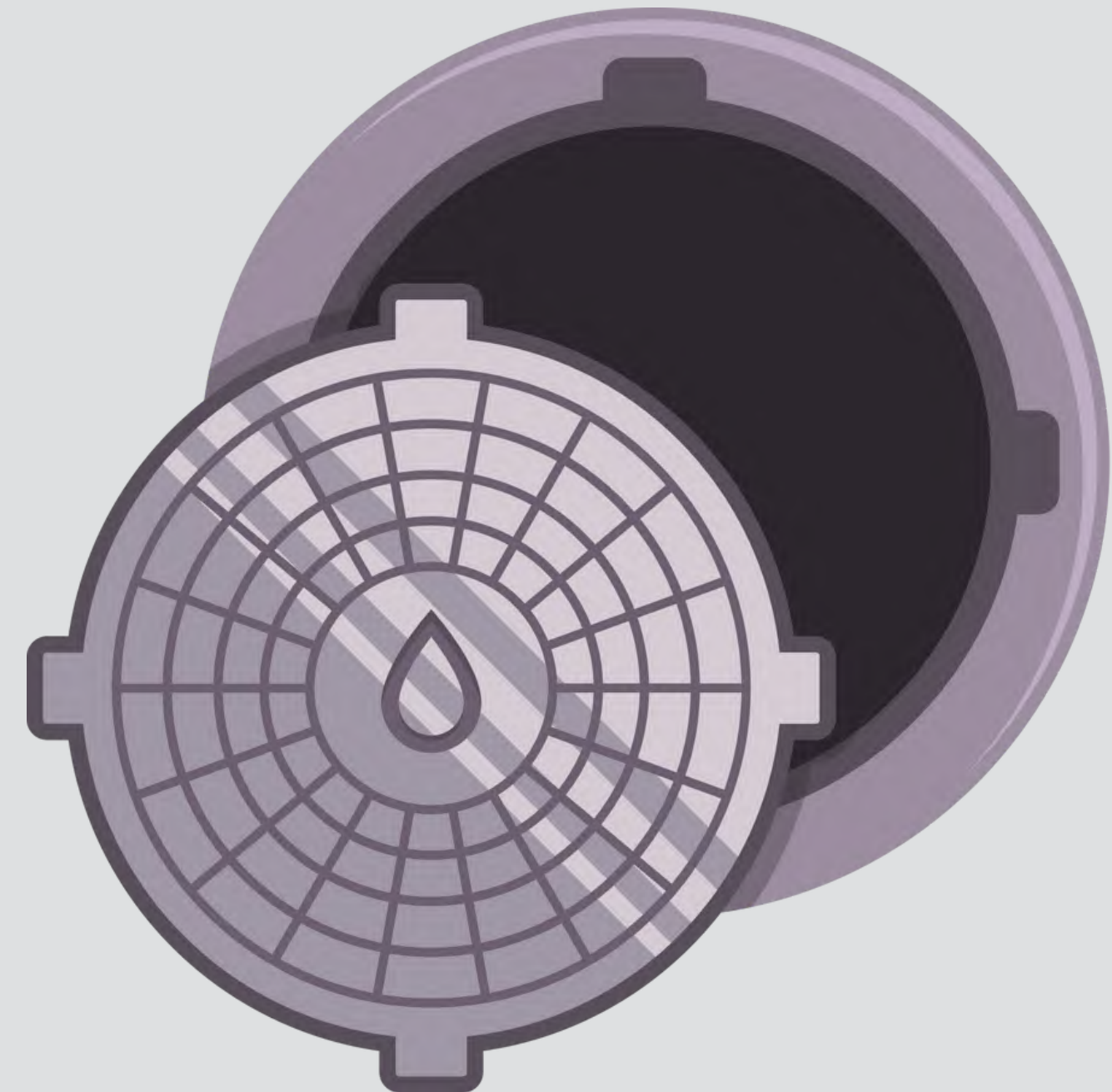
SEWER CAPACITY

City staff recommend approving the application **with conditions**. The following 10 recommended conditions address these concerns:

- **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.
- **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 6th 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.
- **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.
- **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.



PUBLIC CONCERN:

POLLUTANTS, OIL CONTAMINATION, AND REMEDIATION

City staff recommend approving the application **with conditions**. The following 3 recommended conditions address these concerns:



- **28.** The Applicant shall provide a geotechnical report covering roadway construction, including wet weather sections and fills on the lot.
- **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.
- **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.

PUBLIC CONCERN: CONTINUING A STREET THROUGH THE FRANCIS ST. CUL-DE-SAC

In reviewing the application, City staff did not assess this topic directly. However, based upon the public comments and written testimony received, as well as the Applicant's response to these comments, City staff have provided an additional condition for consideration:



- The Applicant shall investigate an alternative traffic route that does not require connection through the Francis St. cul-de-sac. If no alternative can be used, the Applicant shall show the need for the connection through Francis St. in the traffic study.

PUBLIC CONCERN: SHORT-TERM RENTALS

The Planning Commission can only approve or deny an application based upon the **applicable criteria in the City's Ordinances**. There is no criteria within the City's applicable Ordinances to address the concerns raised regarding short-term rentals.

Changes to the City's short-term rental Ordinance must be addressed by the Rockaway Beach City Council.



PUBLIC CONCERN:

WETLANDS AS THE ONLY OPEN SPACE AREAS

In reviewing the application, City staff agree with the Applicant's assessment that the open space requirement has been met through the preservation of wetland areas.

However, Section 38 (2) of the Rockaway Beach Subdivision Ordinance – Article 13 states:

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.



PUBLIC CONCERN:

AGED REPORTS AND STUDIES INCLUDED IN THE APPLICATION

City staff recommend approving the application **with conditions**. The following 12 recommended conditions address these concerns:

- **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 12th Avenue.
- **11.** The Applicant shall provide a study of the impacts to the NE 12th Avenue bridge and analysis of the bridge structural capacity.



- **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.
- **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.
- **35.** The Applicant shall provide a storm drainage study, including basin map and flow rates.
- **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.



PUBLIC CONCERN: CONSTRUCTION NOISE AND HOURS

The Planning Commission can only approve or deny an application based upon the **applicable criteria in the City's Ordinances**. There is no criteria within the City's applicable Ordinances to address the concerns raised regarding construction noise and hours.

Rockaway Beach Ordinance 19-436 addresses construction noise and hours, limiting construction to 7:00 a.m. and 7:00 p.m. on weekdays.



PUBLIC CONCERN: INADEQUATE SCHOOL FACILITIES AND STAFFING

The Planning Commission can only approve or deny an application based upon the **applicable criteria in the City's Ordinances**. There is no criteria within the City's applicable Ordinances to address the concerns raised regarding inadequate school facilities and staffing.



PUBLIC CONCERN: HIGH CONSTRUCTION COSTS AND MORTGAGE RATES

The Planning Commission can only approve or deny an application based upon the **applicable criteria in the City's Ordinances**. There is no criteria within the City's applicable Ordinances to address the concerns raised regarding high construction costs or high mortgage rates.



STAFF RECOMMENDATION

Applicant has met the required criteria for tentative plat approval, Staff recommend APPROVAL, with 47 conditions as outlined in the Staff Report.

In response to public testimony and written comments, the Planning Commission may find it appropriate to add additional conditions.

