



**CITY OF ROCKAWAY BEACH
PLANNING COMMISSION ACTION**

SUPPLEMENTAL #2 STAFF REPORT

Case File #SUB-23-01

Hearing Date: October 19, 2023

PLEASE NOTE THE SUPPLEMENTARY PORTIONS OF THE STAFF REPORT ARE IN RED FOR CLARITY.

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.

A. REPORT OF FACTS

1. Property Location: The property is located to the south of the existing Lake Lytle Estates Subdivision Phases I-III, east of Lake Lytle in Rockaway Beach, and is further identified on Tillamook County Assessor's Map # 2N10W Lot #5201. Access to the property is proposed via existing Tillamook, Frances, and Necarney Streets at their south terminus at the subject property.
2. Lot Size: approximately 18.9 acres.
3. Zoning Designation: R3 (Lower Density Residential Zoning).
4. 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.
5. Existing Structures: None.
6. Utilities: The following utilities are proposed to serve the subject property:
 - a. Sewer: City of Rockaway Beach
 - b. Water: City of Rockaway Beach
 - c. Electricity: Tillamook P.U.D.
7. 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.

B. EVALUATION OF THE REQUEST

1. 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. Various details of the applicant's request are contained in the submitted application materials and remain available for inspection at City Hall.

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.

2. 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.
3. Agency Comments:
 - a. 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.
 - b. City of Rockaway Beach Engineer: See attached letter from HBH Engineering which identifies issues that will need to be addressed through the more formal engineering review if this request is approved.



4. Ordinance Standards: The following substantive criteria apply to this request. To facilitate review, staff comments are in *italicized font*.

Rockaway Beach Zoning Ordinance Section 3.090. Lower Density Residential Zone (R-3). In the R-3 zone the following regulations shall apply:

3. Standards. In an R-3 zone, the following standards shall apply:

- a. Minimum lot size in an R-3 zone shall be 5,000 square feet where sanitary sewer service is available, or will be made available, except as provided in (h) below; otherwise, minimum lot size shall be 7,000 square feet.

Each proposed lot will be a minimum of 5,000 square feet in size, and provided with sanitary sewer service, therefore this standard is met.

- b. Density limits for this area shall be 9 dwellings per acre, except as provided in (h) below.

As proposed, the development's net density excluding streets and tracts will be 7.56 dwelling units per acre, therefore this standard is met.

- c. Minimum lot width is 50 feet, except that for lots between 3,500 and 4,999 square feet, the minimum lot width shall be 35 feet.

The application identifies the dimensions of each proposed lot. As proposed, each lot will meet or exceed this standard for lot width.

- d. Minimum lot depth is 70 feet, except for lots between 3,500 and 4,999 square feet, the minimum lot depth shall be 60 feet.

The application indicates that each lot will meet or exceed this standard for lot depth.

- e. Minimum front yard setback shall be 10 feet from the street right-of-way.

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.

- f. Minimum setback on all other sides shall be 5 feet from the lot line.

This standard is typically reviewed for conformance and applied at the time a building permit is requested.

- g. The maximum building height shall be 20 feet on the oceanfront and 24 feet elsewhere, except east of Highway 101 it shall be 29 feet.



This standard is typically reviewed for conformance and applied at the time a building permit is requested.

- h. Where a proposed use is to be a Planned Unit Development involving residential structures, the Planning Commission may authorize an additional two dwelling units per acre if the development is properly designed. Aesthetic, geologic and environmental factors shall be taken into account. The Planning Commission may require an engineering, geologic, or structural analysis where it appears that steep slopes or wetlands are to be used for construction purposes rather than open space. The Planning Commission may attach any reasonable conditions it sees fit in the course of the Planned Unit Development process.

The proposed subdivision is not a Planned Unit Development, therefore this standard is not applicable.

- i. The requirements of Section 4.041, Shorelands Development Criteria, shall be met where uses are to be located within 50 feet of a lake within the Rockaway Beach Urban Growth Boundary.

No development is proposed within 50 feet of Lake Lytle, therefore this standard is not applicable.

- j. A minimum of 30% of the lot will be maintained in natural vegetation or landscaping.

This standard is typically reviewed for conformance and applied at the time a building permit is requested.

Rockaway Beach Zoning Ordinance Section 3.080. Special Area Wetlands (SA). In the SA zone the following regulations shall apply:

1. Purpose. 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.
2. Uses Permitted Outright. In an SA zone, the following uses are permitted outright:
 - a. Low intensity recreation;
 - b. Passive restoration measures;
 - c. Vegetative shoreline stabilization;



- d. Individual dock limited to a maximum of 200 square feet for recreation or fishing use, plus necessary piling;
- e. Submerged cable, sewer line, water line or other pipeline.
- f. Storm water outfall.

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.

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.

Rockaway Beach Zoning Ordinance Section 3.092. Flood Hazard Overlay Zone (FHO).

Purpose and objectives: It is 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.

1. To combine with the present zoning requirements certain restrictions made necessary for the known flood hazard areas to promote the general health, welfare and safety of the City.
2. To prevent the establishment of certain structures and land uses in areas unsuitable for human habitation because of the danger of flooding, unsanitary conditions, or other hazards.
3. To minimize the need for rescue and relief efforts associated with flooding.
4. To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities located in flood hazard areas.



6. To ensure that potential home and business buyers are notified that property is in a flood area.
7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

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 3.094. General Provisions.

1. Lands To Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards (Flood Hazard Overlay Zone) in combination with present zoning requirements within the jurisdiction of the City of Rockaway Beach.
2. Basis For Establishing The Areas Of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administrator through a scientific and engineering report entitled 'The Flood Insurance Study for the Tillamook County, Oregon and incorporated areas dated September 28, 2018, with accompanying Flood Insurance Rate Maps and any revision thereto is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at Rockaway Beach City Hall.
3. Compliance. No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
4. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The ordinance shall not create liability on the part of the City of Rockaway Beach, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

The application materials indicate that all but the southwest corner of the subdivision site is located outside of the A-2 Flood Hazard Zone as depicted on the Flood Insurance Rate Map (FIRM) published by FEMA. The A-2 Flood Zone designation establishes a base flood elevation of 12 feet above mean sea level (msl), meaning that all land above 12 feet msl is not subject to the regulations of the Flood Hazard Overlay Zone. The application states that a detailed topographic survey of the property has been prepared that illustrates specific areas of the development that are at or below an elevation of 12 feet msl. Figures 6 and 7 in the application materials illustrate the location of the regulatory floodplain in relation to the proposed development.



Rockaway Beach Zoning Ordinance Section 3.095. Administration.

1. Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.094(2). The permit shall be for all structures including manufactured homes, as set forth in the "definitions" and for all developments including fill and other activities, also as set forth in the "definitions". 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.

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.

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

- 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).

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.

The Applicant is not proposing to alter or relocate any watercourse.

- 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.

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

2. 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.



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.

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.

- 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.

If the request is approved, then a detailed drainage plan will be required by the City to ensure that this standard is met.

5. Alterations 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.

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.

If the request is approved, this standard can be applied as a condition of approval.

Rockaway Beach Zoning Ordinance Section 3.096. Provisions for Flood Hazard Reduction.

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

1. Anchoring.

- a. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

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



- 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.

The Applicant is not proposing to construct any manufactured dwellings within the FHO Zone, therefore these standards do not apply.

3. Utilities.

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

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

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.

- 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.

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

4. Subdivision Proposals.

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

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. 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.

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

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

As mentioned above, an engineered stormwater drainage plan will be required as a condition of approval if the request is granted.

Rockaway Beach Subdivision Ordinance Article 13.

THE ROCKAWAY BEACH SUBDIVISION ORDINANCE, IN ITS ENTIRETY, IS ATTACHED TO THIS REPORT AS "EXHIBIT A", AND IS INCORPORATED INTO THIS STAFF REPORT BY REFERENCE. BECAUSE MUCH OF THE SUBDIVISION ORDINANCE LANGUAGE FOCUSES ON PROCEDURE (PUBLIC HEARING AND NOTICE), FORM OF PLAT (TYPICALLY APPLIED AS CONDITIONS OF APPROVAL), AND PARTITIONS THAT DIFFER FROM SUBDIVISIONS, STAFF HAVE IDENTIFIED THE SUBSTANTIVE CRITERIA FROM ARTICLE 13 IN THE SECTION BELOW, TO FACILITATE REVIEW BY THE PLANNING COMMISSION.

Section 2. 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.

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

Section 32. 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.

If approved, the requirements of the City and conditions of the tentative plat approval will be addressed during the development stage.



Section 33. Streets.

1. 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:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - b. 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.

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.

2. 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.

As indicated above, 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.

3. 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.

The proposed alignment include 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.

4. Future Street Extension. 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.

As noted above, 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.

5. 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.

All intersections are at near-right angles.

6. 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.



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

7. 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.

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

8. 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.

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

9. 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.

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.

10. 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.

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

11. 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%.

Francis Street is approximately 6.5% grade, which is the steepest in the proposed development. All other streets have a grade of less than 6%.

12. 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.

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

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.

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.

14. 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.

The Applicant's Burden of Proof addresses these standards. Staff concur with the Applicant in response to each of these criteria. A thorough review of design drawings by the City Engineer will ensure that the final design is in conformance with the above standards.

Section 34. 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.

The Applicant's Burden of Proof addresses this standard on page 36.



Section 35. Building Sites.

1. 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.

a. 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.

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

b. 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.

The subject property is located in the R-3 Zone. Standards for lot size, setbacks, and other dimensional standards are identified above in this report. The submitted plans indicate that each lot will be provided an adequate building site in accordance with this standard.

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

The submitted plan indicates that this standard will be met.

3. 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.

No through lots or parcels are proposed.



4. Lot and Parcel Side Lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

The Applicant's submitted plans indicate that this standard will be met to the extent possible.

Section 36. Blocks.

1. 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.

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

2. 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.

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.

3. 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.

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.

Section 37. 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.

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



Section 38. 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.

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.

Section 39. Land for Public Purposes.

1. 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.
2. 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.

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.

Section 40. 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.

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

Section 41. 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.



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.

Section 42. 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.

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.

Section 43. 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:

1. 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.
2. 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.
3. 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.
4. 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.

5. A map showing all public improvements as built shall be filed with the City Recorder upon completion of the improvements.

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.

Section 44. Improvement Requirements. Improvements to be installed at the expense of the subdivider or applicant and at the time of subdivision or partition:

1. 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.
2. Structures. Structures specified as necessary by the City, for drainage, access and public safety shall be installed.
3. 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.
4. 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.
5. Water. Water mains and fire hydrants of design, layout and locations approved by the City shall be installed.
6. 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.
7. Underground Utilities. This provision shall apply only to utility lines to be installed to provide service within the area to 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.

8. Street Lighting. Street lighting of an approved type shall be installed on all streets at locations approved by the City.
9. Street Trees. Street trees may be required by the City.
10. 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.
11. 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.
12. Off-Site Street Improvements. All off-site street improvements, where required shall conform to the standards of the City.

As indicated above, 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.

C. 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 included the criteria in this report, along with comments where appropriate. However, at the public hearing any party may provide testimony addressing these criteria or other criteria the party believes is applicable to the request.

D. 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.

E. 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 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.
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.
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. 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.



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 Nacarney 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.