



# City of Rockaway Beach

## Planning Commission Meeting Minutes

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**Date:** Thursday, October 19, 2023

**Location:** Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

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### 1. CALL TO ORDER

Planning Commission President Hassell called the meeting to order at 4:31 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Start time: [04:31:30 PM \(00:00:53\)](#)

[Position #5 - Bill Hassell: Present](#)

[Position #4 - Sandra Johnson: Present](#)

[Position #3 - Pat Olson: Present](#)

[Position #7 - Georgeanne Zedrick: Present](#)

[Position #2 - Stephanie Winchester: Present](#)

[Position #6 - Nancy Lanyon: Present](#)

[Position #1 - Zandra Umholtz: Present](#)

**Excused:** Charles McNeilly, Mayor

**Staff Present:** Luke Shepard, City Manager; Mary Johnson, City Planner; Scott Fregonese, 3J Consulting; and Ross Williamson, Local Government Law Group, City Attorney (via Zoom)

### 4. APPROVAL OF MINUTES

Start time: [04:31:51 PM \(00:01:15\)](#)

Johnson made a **motion**, seconded by Umholtz to approve the September 21, 2023, minutes as presented.

The **motion carried** by the following vote:

[Position #4 - Sandra Johnson: Motion](#)

[Position #1 - Zandra Umholtz: 2nd](#)

[Position #5 - Bill Hassell: Approve](#)

[Position #4 - Sandra Johnson: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #7 - Georgeanne Zedrick: Abstain](#)

[Position #2 - Stephanie Winchester: Approve](#)

[Position #6 - Nancy Lanyon: Approve](#)

[Position #1 - Zandra Umholtz: Approve](#)

## **5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS – None Scheduled**

## **6. STAFF REPORTS - None**

Due to an internet outage, Hassell moved to recess the meeting until 4:55 p.m.

The **motion carried** by the following vote:

Position #5 - Bill Hassell: Approve

Position #4 - Sandra Johnson: Approve

Position #3 - Pat Olson: Approve

Position #7 - Georgeanne Zedrick: Approve

Position #2 - Stephanie Winchester: Approve

Position #6 - Nancy Lanyon: Approve

Position #1 - Zandra Umholtz: Approve

## **7. PUBLIC HEARING**

Start time: [04:56:09 PM \(00:07:32\)](#)

### **a. Subdivision #23-01: Consideration of an Application for Tentative Plan Approval of an 85 lot Subdivision of Vacant Land to be named Lake Lytle Estates Phases IV-VII**

Hassell opened the public hearing at 4:56 p.m.

Hassell read opening statements, public hearing disclosure statements and procedures, and testifying instructions. He explained that the Applicant is Troy Johns and the agent for the Applicant is OTAK Engineering. Hassell said the hearing will be on an application 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).

Hassell invited Commissioners to declare any bias or conflicts of interest. Commissioner Johnson declared a potential conflict of interest, stating that her daughter, Mary Johnson, was a registered property owner within 200 feet of the Applicant's property, and therefore the effect of decisions on the application could have financial or other impacts on her property. Johnson stated that because this was only a potential conflict, and because she believed that she could continue to participate in the meeting without actual bias, she would fully participate in the matter.

There were no challenges from the audience on the basis of bias.

Hassell invited Commissioners to declare any ex-parte contact. Hassell reported that he lives in the Lake Lytle area and often walks his puppy in the project area. He reported that he had a conversation with his neighbor, Craig Braun, telling him the date for the Planning Commission meeting. Hassell said the Braun brought up a concern about rain gutters similar to Francis Ave and 12th Ave, which he said work well. He asked if there would be similar street gutters in the new project. Hassell told him that he didn't know, and he would find out.

Hassell also reported a conversation with his neighbor Denny Callihan also telling him about the upcoming PC meeting. Hassell shared that Callihan expressed concerns about construction traffic on

12th and on Necarney Ave. He also talked about visibility at the 12th and Hwy 101 intersection for large trucks. Hassell reported that he told Callihan that he didn't know if these concerns would be discussed at the meeting.

Hassell reported that he also read Facebook posts, but didn't have any opinion of them.

Commissioner Johnson reported that she walked in the property several times while walking her daughter's dog, and that about a month ago and as leaving property she spoke to a property owner on Necarney near the Applicant's property line. Johnson reported that she didn't recall the owner's name, but mentioned to him that the City would be having public hearings and encouraged him to attend if he had opinions on the matter.

City Planner Johnson introduced the Staff Report with a PowerPoint presentation. (A copy of the presentation is included in the hearing record.)

City Planner Johnson clarified for Umholtz that condition number 41 on page 24 of the staff report required the Applicant to provide evidence of a 1200C permit, not 12,000C. Johnson also summarized and presented the staff findings for the general provisions included in Section 3.094 of the Zoning Ordinance on page 6 of the staff report.

City Planner Johnson reported that written testimony in opposition to the request was received from Michael King, Richard Dilbeck, and Theodore Hewitt and Margaret Blanke-Hewitt. Linda Battson submitted written testimony at the hearing and City Recorder Thompson read it into the record. (Copies of all correspondence are included in the hearing record.)

Applicant Troy Johns introduced himself and briefly summarized his business. He explained that they intended to build some 3-bedroom, 2-bath homes, and some one-level homes. Johns shared that they would build a model home and have several different homes that could be selected.

There was no testimony in support of or neutral to the application.

Terry Savino, a resident of the neighboring Lake Lytle Estates subdivision, shared her opposition to the proposed street to go through the Francis Street cul-de-sac, which would go through wetlands. She expressed concerns about the proposed neighborhood having only one access point from 12<sup>th</sup> Street and stated that she believed a connection to the south would be necessary. She expressed additional concerns regarding the application proposal that only open space areas would be wetlands and felt this would be insufficient for the proposed development.

Owe Berg, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns about the additional traffic the proposed neighborhood would have on the intersection of Highway 101 and 12<sup>th</sup> Street and potential congestion throughout the existing neighborhood. He shared additional concerns about the city's water supply and questioned if the city water supply was sufficient for the additional homes proposed.

James Young, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns the impact the additional traffic would have on the existing roads, particularly at the intersection of Highway 101 and 12<sup>th</sup> Street, which he stated is already eroding. He stated that the additional traffic

would cause the existing road to deteriorate rapidly. He expressed additional concerns regarding the 12<sup>th</sup> Street bridge and its capacity to handle the additional traffic and heavy machinery that would be necessary to develop. He stated that the 12<sup>th</sup> Street bridge is already rutted. He shared additional concerns regarding the number of homes in the proposed development that would become short term rentals.

Ted Hewitt, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns regarding the age of the reports and studies included in the application materials. He expressed additional concerns about the amount of traffic the proposed development would generate throughout the neighborhood, as well as at the intersection of Highway 101 and 12<sup>th</sup> Street. He shared additional concerns regarding the number of homes in the proposed development that would become short term rentals.

Maggie Hewitt, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns regarding the impacts the proposed development would have on livability in the current neighborhood. She shared a personal experience of having lived through quick and expansive development in Portland, which she stated negatively impacted the community and neighborhood feel. She stated that she would like to see the proposed development slowed and that 85 homes would be too much. She shared additional concerns regarding the number of homes in the proposed development that would become short term rentals. Additionally, she voiced concerns about the noise the development construction would create.

Todd Bostick, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns about the number of vehicles and traffic congestion the proposed development would generate. He stated that the intersection of 101 and 12<sup>th</sup> Street would be worsened with traffic congestion and would become less safe. He shared additional concerns that the existing roads would be damaged through the construction period. He stated that water pressure is already an issue in the Lake Lytle Estates neighborhood and expressed concern that the additional connections to the water system would worsen this problem.

Robert Tarter, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns about the Francis Street connecting through to serve additional homes and stated that the street is not wide enough as is when residents park on the street in front of their homes. He stated that he is opposed to the proposed street to go through the Francis Street cul-de-sac. He shared additional concerns regarding poor water pressure in the neighborhood.

Mary King, a resident of the neighboring Lake Lytle Estates subdivision, shared her opposition to the proposed street to go through the Francis Street cul-de-sac. She stated that she purchased her home because it was located on a cul-de-sac, which she felt kept her autistic child safer, since there is little traffic in the cul-de-sac. She shared that she works for the local school and stated that with their current staffing levels, they would not be able to provide for more children.

Kat Wright, a resident of the neighboring Lake Lytle Estates subdivision, expressed concerns regarding the proposed street to go through the Francis Street cul-de-sac. She stated that living on the cul-de-sac makes her feel safe and has less traffic. She expressed concern that her home no longer being located on a cul-de-sac may negatively impact her property value. She stated that there are



several children with special needs that live on the cul-de-sac who often play in the road in front of their homes. She shared additional concerns about the number of homes in the proposed development that would become short terms rentals and how this may lead to higher crime in the neighborhood. She stated that she would like to see more housing for the local workforce.

Umholtz asked staff about possible surveys regarding the impact of increased population on the school district. City Planner Johnson responded that traffic studies were a proposed condition of approval, but there were no conditions regarding schools. Fregonese added that while the city typically coordinates with the school districts, they are a separate entity and control their own enrollment forecasts based on population.

Commissioner Johnson referred to a letter from the Department of State Lands (DSL) dated May 21, 2010 that indicated that the City had required that the Frances Street cul-de-sac be redrawn, and asked why it was required. Applicant Troy Johns explained that the City had requested that it be redrawn through the cul-de-sac for Fire Department circulation and he would not go through the cul-de-sac if it was not required. Fregonese clarified for Umholtz that the issue could be addressed with the Fire Department during the final plat application review process to determine whether changes were necessary for circulation. City Planner Johnson added that a proposed condition included evidence of approval from the State Fire Marshall. Fregonese clarified for Lanyon that the City has the authority to require changes from cul-de-sacs to through streets if necessary. He noted that the ordinance encourages street connectivity.

Fregonese confirmed for Commissioner Johnson that the City could add a condition to examine the need for a tsunami evacuation route, if desired.

Winchester asked how the 12<sup>th</sup> Street Bridge would be evaluated. City Planner Johnson explained that a traffic study was a proposed condition of approval, including a separate analysis of the bridge. She explained that those studies would be presented to the Commission in the final plat approval application.

Winchester asked if there was any plan to have a connection to the south from Necarney Street. City Planner Johnson confirmed that it was outlined in the Transportation System Plan. Fregonese confirmed for Winchester that the traffic study would identify any necessary improvements at the 12<sup>th</sup> Street intersection.

Zedrick inquired about the road connection to the north of the development. City Planner Johnson explained that it was a County road, and it was anticipated that most traffic would access the development from 12<sup>th</sup> Street. Fregonese added that the traffic study would provide more information regarding access.

Lanyon commented that it was important the issues with 12<sup>th</sup> Street be addressed. City Planner Johnson confirmed for Lanyon that the City has the authority to require the establishment of a homeowner's association (HOA) as a condition. In response to a question from Commissioner Johnson, City Planner Johnson said that she would request a copy of Exhibit A that was referenced in the Applicant's draft Covenants, Conditions and Restrictions (CC&Rs) in the Burden of Proof document dated June 6, 2010.

Umholtz commented that the proposed condition to require an HOA would help relieve concerns about maintenance. There was brief discussion about enforcement of CC&Rs.

Commissioner Johnson asked what conditions would be imposed to address citizen concerns about water adequacy and pressure. City Planner Johnson said that conditions require that engineers evaluate water capacity and provide a report before final plat approval, and also require Fire Marshall approval for fire suppression. Shepard added that both the City Engineer and Public Works staff both noted that significant improvements will be needed. City Planner Johnson and Fregonese reiterated that the final plat review process would include approval of any necessary improvements.

Winchester inquired about playgrounds and common areas. She expressed concern about the lack of a park in the common area. Fregonese noted that the subdivision ordinance didn't specify requirements for parks.

Lanyon expressed concern that wetlands were included in the formula for public space. Fregonese noted that passive recreation such as trails were allowed in the wetland area. Staff confirmed for Lanyon that a stormwater drainage plan was proposed as a condition.

Lanyon inquired about the age of the Burden of Proof documents dated June 6, 2010. Winchester explained that the proposed conditions would require new studies. Commissioner Johnson also expressed concerns about the age of documents. Umholtz commented that her understanding was that this preliminary plat application was providing the original documentation with historical information, and that the proposed conditions would require new studies to address all of their concerns. She further explained that the new information would be reviewed as part of the final plat application process. City Planner Johnson confirmed that Umholtz's understanding was correct.

City Planner Johnson confirmed for Commissioner Johnson that a condition for a public park could be added. In response to a question from Winchester, the Applicant confirmed that a park had been considered near the end of Troy Street.

In rebuttal to the opposing testimony, David Rosenberger, on behalf of the Applicant, addressed the concerns raised by the public. Rosenberger agreed with the public comments that had been made regarding the age of the materials contained in the application. He stated that the application had been approved over 10 years ago, however due to numerous circumstances, the development was not constructed, and the Applicant was required to bring the application back to the city for consideration a second time. At the time the application approval lapsed, the Applicant was advised by the previous City Planner to bring the application back to be reconsidered. He stated that the reports and studies included in the application materials would be updated through the engineering and planning process.

Rosenberger explained that an HOA would be formed for the maintenance of storm facilities and open spaces, and the CC&Rs would be updated.

Rosenberger stated that the proposed street through the Francis Street cul-de-sac is not necessarily something the Applicant would like to do, as there are wetland impacts, but believed an alternative could be determined through the engineering process to reduce the need for the connection.

Rosenberger acknowledged the public's concerns regarding the intersection of Highway 101 and 12<sup>th</sup> Street and stated that this issue would be addressed through the traffic study. Rosenberger stated that they would be conditioned to look at the 12<sup>th</sup> Street bridge, which would be done.

Rosenberger acknowledged that there were multiple comments opposed to short-term rentals. He noted that the Applicant would not go against current city standards or regulations, but encouraged the public to address this issue with the City Council.

Rosenberger addressed the public concern regarding the speed at which the development would progress and stated that this would be a phased development, constructed as the market dictated.

Rosenberger stated that water supply concerns would be addressed with the City Engineer and Public Works Department. Rosenberger stated that the concerns raised regarding school impacts could possibly be addressed through development impact fees if those exist within the jurisdiction.

Zedrick inquired about planned connectivity to the south. Hassell and Rosenberger explained that there may be a connection from Necarney south to 6<sup>th</sup> Street with future developments.

The Applicant waived their right to submit additional written arguments.

Umholtz made a **motion**, seconded by Johnson, to close the Public Hearing and keep the record open until October 26, 2023 for additional written arguments.

The **motion carried** by the following vote:

[Position #1 - Zandra Umholtz: Motion](#)

[Position #4 - Sandra Johnson: 2nd](#)

[Position #5 - Bill Hassell: Approve](#)

[Position #4 - Sandra Johnson: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #7 - Georgeanne Zedrick: Approve](#)

[Position #2 - Stephanie Winchester: Approve](#)

[Position #6 - Nancy Lanyon: Approve](#)

[Position #1 - Zandra Umholtz: Approve](#)

Thompson confirmed for Winchester that any additional written arguments submitted would be considered at the next meeting.

**8. CITIZEN INPUT ON NON-AGENDA ITEMS - None**

**9. OLD BUSINESS - None**

**10. NEW BUSINESS- None**

**11. PLANNING COMMISSION COMMENTS & CONCERNS**

Start time: [06:59:01 PM \(02:10:25\)](#)

Zedrick thanked City Planner Johnson for all the information she provided.

Lanyon commented on the large amount of material that was presented.

Winchester thanked City Planner Johnson for the information she presented. Winchester added that she appreciated having the City Recorder in attendance.

Commissioner Johnson commented that it was clear that the City needed to address the issue of short-term rentals. Umholtz said that she agreed with Johnson's comments regarding short-term rentals.

Hassell thanked City Planner Johnson and the Commission for the work.

City Planner Johnson clarified for Umholtz that conditions can be imposed on an applicant when the final decision is made.

## 12. ADJOURNMENT

Start time: [06:59:01 PM \(02:10:25\)](#)

Olson made a **motion**, seconded by Winchester, to adjourn the meeting at 7:22 p.m.

The **motion carried** by the following vote:

[Position #3 - Pat Olson: Motion](#)

[Position #2 - Stephanie Winchester: 2nd](#)

[Position #5 - Bill Hassell: Approve](#)

[Position #4 - Sandra Johnson: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #7 - Georgeanne Zedrick: Approve](#)

[Position #2 - Stephanie Winchester: Approve](#)

[Position #6 - Nancy Lanyon: Approve](#)

[Position #1 - Zandra Umholtz: Approve](#)

MINUTES APPROVED THE  
16<sup>TH</sup> DAY OF NOVEMBER 2023



William Hassell, President

ATTEST



Melissa Thompson, City Recorder