

Complex: Site is on steep, landslide-prone terrain

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park space, isolated from the nearest city park in the Alderbrook neighborhood.

"Even if it's 100 units, that's still a substantial number of children and dogs that may need exercise," Planning Commissioner Daryl Moore said. "So 2,000 square feet really isn't enough room."

Commissioners asked the developers to come back with a plat that provides at least 5,000 square feet of park space, offering to lift a requirement for street side trees in exchange. They have also asked that the developer install playground equipment.

The city, which has struggled to maintain parks, has not shown interest in having the park made public. Commissioners discussed the idea of the developer creating a homeowners association to maintain a park, similar to the Mill Pond neighborhood.



Edward Stratton/The Daily Astorian

Local homebuilders Stan and Cary Johnson have applied to build a 22-lot subdivision on a hill above North Tongue Point.

But the development was not planned for a homeowners association, and a private park is a liability concern, Cary Johnson said.

"These are city streets and city utilities," he said. "The rest of what we're putting in is eventually going to be city infrastructure, and

there will be millions of dollars of tax base. If a park is going to be required, we feel the city is best-equipped to handle something like that."

The project site is on steep, landslide-prone terrain, with forested drop-offs on either side designated as no-build zones. Cary Johnson

said the developers have been looking to donate these areas to a group like the North Coast Land Conservancy, suggesting they could also provide recreation. But commissioners cooled on the prospect of providing an easement to private property with no guarantee

of public access.

Another main concern for commissioners was the project's primary access off of U.S. Highway 30 via Maritime Road and Old U.S. Highway 30. The Johnsons are planning to restrict access to the apartments to the east along Old U.S. Highway 30 and Maritime Road, which intersects with Highway 30 across the street from the entrance to the large Emerald Heights Apartments complex.

Traffic

A traffic study for the project estimated more than 320 round trips each weekday, including 32 heading out during peak morning traffic and entering the complex in the evening. No new traffic signals or other improvements were recommended by the state for the intersection, which includes turn lanes and a flashing yellow signal.

"I'm not comfortable

with that answer," Planning Commissioner Jan Mitchell said. "I'll say it that way."

Another issue that needs to be solved before any construction is clarifying ownership of Maritime Road off Highway 30, said City Manager Brett Estes. The chain of ownership was lost at some point, he said, and the city has received a state grant to clarify it.

"This issue not only affects the proposed subdivision, but also other property owners within this area that are wanting to develop and build out their properties," Estes said.

Cary Johnson was concerned about pushing the public hearing on the project into next year, when several new members will join the Planning Commission. Commissioners, staff and Johnson agreed to meet Dec. 27, when he will bring back a revised plat with at least 5,000 square feet set aside for park space.

Law: 'The (labor) bureau must accept complaints if they are filed'

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Employers who know of pay gaps have to give raises and adjust their pay scale by Jan. 1. Otherwise, they could be penalized by state regulators and be sued by employees who believe they're illegally underpaid.

"The bureau must accept complaints if they are filed," said Christine Lewis, Avakian's spokeswoman. "The commissioner believes we should not delay protecting people who have faced pay discrimination because of their gender, race or other protected class."

The labor bureau could order back pay from any employer it finds violating the new pay rules. The employer would have to pay the lesser of back pay for two years or for the period of the unlawful wage disparity, plus the time it took to resolve the complaint.

Banned discrimination

The Oregon Equal Pay Act of 2017 banned pay discrimination based on gender, race, color, religion, sexual orientation, national origin, marital status, veteran status, disability or age.

Differences in pay have to be based on seniority, education, job circumstances or cost-of-living reasons. The law prohibits asking applicants their salary history.

The law passed the Legislature unanimously after senators added a protection for employers. The law shields employers who complete a pay equity analysis and map a plan to remedy inequities from liability for damages in the subsequent three years if an employee sues.

The labor bureau started work on its rules in January, and in May engaged an advisory committee of

employers and others to review the proposed rules, Lewis wrote in an email. In one instance, the rules were delayed two weeks to give employers more time to comment, Lewis said.

The agency voluntarily developed the rules "with the intent of being helpful to employers and providing guidance regarding terms in the legislation as well as considerations BOLI would apply in investigating complaints filed with the agency," Lewis wrote.

Lewis maintained that employers have been aware of the law for the past year and a half and could have complied with the law without the rules.

Lawmakers did not mandate that BOLI adopt rules for the law, she said.

Lewis said employers could have gotten plenty of help from the labor bureau in the meantime, including

seminars, fact sheets and individual consultations.

More time

Employers want more time to understand the new rules, which run to 11 pages.

Representatives from employer groups last week met with lawmakers to share their concerns.

"Employers want to do the right thing as it relates to this law. We just need reasonable time to implement the law and the final rules," said Amanda Dalton, a lobbyist with Northwest Grocery Association, who attended the meeting.

She noted that it has taken the state Department of Administrative Services a full year to conduct a pay analysis of state workers — a timeline confirmed by the agency.

The reason "we were so concerned with the late release of rules is now

employers are forced to rush this and get it done before the holidays," Dalton said.

Gov. Kate Brown included \$15 million in her new budget to cover the state's costs of changing wages to comply with the law.

So far, about 3,600 employees — roughly 9 percent of state workers — have been flagged for possible pay equity adjustments, but more analysis is expected to reduce that number, according to Liz Craig, Department of Administrative Services spokeswoman.

The Senate Workforce Committee is scheduled to discuss the pay equity in Salem today at 2 p.m. Labor bureau officials are expected to testify about what they have communicated and how much time they have given businesses to prepare for the law change, said state Sen. Tim Knopp, the

committee's vice chairman.

"We'll hear what they have to say and then go from there," Knopp said.

Approached at the Capitol Tuesday, state Sen. Kathleen Taylor, the committee's chairwoman, declined comment.

Val Hoyle, who takes office as labor commissioner Jan. 7, said she plans to be lenient toward employers.

"Because the rules came out so late, we want to make sure both employers and workers understand what the rules are so we will really be focusing on education and outreach," Hoyle said.

Despite that, employers could still be vulnerable to civil lawsuits from employees.

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