



City of Manzanita

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STAFF REPORT

TO: Manzanita Planning Commission
FROM: Walt Wendolowski, Contract Planner
SUBJECT: Planning File – Merton Lane Subdivision
DATE: April 12, 2021

I. BACKGROUND

- A. **APPLICANT:** Jerry Cereghino.
- B. **PROPERTY LOCATION:** The property is located at the east end of Merton Lane, with South Third Street bordering the site on the east. There is no site address and the County Assessor places the property within Township 3 North; Range 10 West; Section 29CA; Tax Lot #100.
- C. **PARCEL SIZE:** The subject property contains approximately 0.92 acres.
- D. **EXISTING DEVELOPMENT:** The subject property is vacant, fronts two public streets and is served by public sewer and water.
- E. **ZONING:** The parcel is zoned High Density Residential/Limited Commercial Zone (R-4)
- F. **ADJACENT ZONING AND LAND USE:** Property to the west and east is also zoned R-4 while land to the south is zoned High Density Residential (R-3). To the north is Commercial (C-1) zoned property. Restaurants, rental office and a hotel are located to the north and west. Residential uses are located to the east while the parcel to the south is vacant.
- G. **REQUEST:** The applicant is requesting approval to create a 6-lot subdivision.
- H. **DECISION CRITERIA:** This application will be evaluated against the following: Manzanita Ordinance 95-5, Section 13, and Section 39 to 47; and, Ordinance 95-4 Section 3.025.

II. APPLICATION SUMMARY

- A. The applicant wishes to subdivide the subject property into six lots. Merton Lane will be extended and terminate into a "T" hammerhead, serving three of the Lots (Lots 1 to 3). The remaining three lots will front on, and access, South Third Street. The lots range in size from 5,350 to 7,503 square feet. Facilities located within Merton Lane and South Third Street provide public and private services.
- B. Pursuant to Section 7 of Ordinance 95-4, subdivisions applications require a public hearing and review by the Planning Commission. This application and public hearing are consistent with those requirements.

III. CRITERIA AND FINDINGS –SUBDIVISION

- A. Sections 7 to 9 of Ordinance 95-5 establish the preliminary review process, tentative plan drawing requirements and information required on the tentative plan submittal.

FINDINGS: This application and review conform to the requirements in Section 7. City staff determined the tentative plat and informational requirements comply with the requirements in Sections 8 and 9.

- B. Section 10 includes requirements for partial development of phasing.

FINDINGS: This Section does not apply as the subdivision will be platted in a single phase.

- C. Section 11 requires general explanation of the improvements and public utilities; and, an information statement as to any particular additions or modifications to standards.

FINDINGS: Information regarding facility improvements was included on the plat submittal. The applicant did not identify any additions or modifications.

- D. Section 12 allows the City Manager to require supplemental information regarding grade finishes, geological hazards and wetlands.

FINDINGS: Additional supplemental information was not required.

- E. Section 13 outlines the determination requirements of the Planning Commission.

FINDINGS: If approved, the Commission is required to comply with provisions in this Section.

- F. Section 38 requires the subdivision to conform to the requirements of the Ordinance. Determining compliance is the purpose of the hearing.

G. Section 39 establishes the street requirements. Each item is reviewed, below:

1. General. 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.

FINDINGS: This is somewhat unusual, in that only Merton Lane will be extended to serve Lots 1 to 3. Otherwise, the subdivision does not establish new streets.

2. Street Widths. Unless otherwise indicated on any master plan, or by proceedings initiated by the City Council, or approved by the City Council upon initiation by other legally constituted governmental bodies, widths shall conform to city or county standards as appropriate, except where it can be shown by the land divider, that the 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 such width. Approval or determination of street classification shall be made by the Planning Commission taking into consideration the zoning designations imposed by the zoning ordinance, 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.

FINDINGS: The Merton Lane improvement will conform with the street width requirement. This will be verified when engineering plans are submitted.

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 100 feet.

FINDINGS: The Merton Lane extension aligns with the existing street.

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 turn-around. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

FINDINGS: Only Merton Lane is extended, creating a hammerhead serving three lots. No other street extensions are planned or required.

5. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design or the corner radius is increased to allow for safe turning. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography or other unusual circumstances requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography or other unusual circumstances 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 (2) streets at any one point will not be approved.

FINDINGS: The "T" hammerhead at the end of Merton Lane conforms to this requirement. Otherwise, this provision does not apply as no new streets are planned.

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.

FINDINGS: Additional right-of-way will be dedicated for Merton Lane; additional dedication is not required for South Third Street.

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 Commission.

FINDINGS: Reserve strips are not required as there are no stub streets that extend to adjacent vacant or developable properties.

8. Half Streets. Half streets only 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.

FINDINGS: Half streets are not included in the layout nor required.

9. Cul-de-sac. A cul-de-sac shall terminate in a circular turnaround with a minimum radius of 40 feet, or a hammerhead with a length of at least 40 feet. Wherever possible, cul-de-sacs or dead end hammerhead streets shall be connected with walking or bicycle paths to other streets or developments, or with public or private open space.

FINDINGS: The Merton Lane hammerhead design complies with provisions in this Section. Given the size and number of the lots, extension of a walkway to South Third Street is not feasible.

10. Alleys. When any lots or parcels are proposed for commercial or industrial usage, alleys 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.

FINDINGS: The subdivision does not include alleys.

11. Grades and Curves. Grades shall not exceed six per cent on arterials, ten per cent on collector streets, or twelve percent on other streets. Grades in excess of these requirements require approval of the Planning Commission. 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 ten feet. Where existing conditions, particularly the topography, make it otherwise impractical 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 0.5 per cent.

FINDINGS: Grades and curve radii do not factor into the Merton Lane hammerhead.

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.

FINDINGS: A marginal street access is not required.

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.

FINDINGS: The subdivision will use the existing street names.

14. Private Streets. The Planning Commission shall approve or deny the dedication of private streets. The design and improvement of any private street shall be subject to all requirements prescribed by the City 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 partition.

FINDINGS: The layout does not contain private streets.

- H. Section 40 includes provisions for utility easements.

FINDINGS: The submitted subdivision plans include utility easements. Additional easements may be required when final engineering plans are approved. These will be placed on the final plat.

- I. Section 41 contains provisions for building sites. Each is reviewed below:

1. Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division considering all environmental features and for the type of development and use contemplated, and conform to the standards of the zone in which they are located. Each lot shall have an identifiable building site.

FINDINGS: The subdivision layout appears logical as each lot will have direct access to a public street. Given the relative size and right-angles of each lot, suitable building sites are available.

Regarding requirements of the R-4 zone [Ordinance 95-4 Section 3.025(3)] the minimum lot size is 5,000 square feet; the minimum lot width is 40-feet; and, the minimum lot depth is 85-feet. Based on the submitted subdivision plan, all six lots exceed the minimum lot size and depth requirements. All lots comply with the minimum width requirement, except Lot 4 (39.89-feet). However, there is sufficient width on the adjacent Lot 5 to increase the width to conform with the minimum requirement.

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

FINDINGS: All Lots comply with this requirement.

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.

FINDINGS: The plan does not include through lots.

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.

FINDINGS: The lot lines are right-angles to the adjacent street.

5. Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or partitioning due to geologic hazard, flooding, improper drainage, steep slopes, adverse soil conditions or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or partition and/or its surrounding areas, shall not be subdivided or partitioned unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the city staff, to solve the problems created by the unsuitable land conditions.

FINDINGS: Based on the submitted material, there does not appear to be any features or factors that make the subject parcel unsuitable for a subdivision.

- J. Section 42 establishes requirements for subdivision blocks.

FINDINGS: This Section does not apply as the proposal does not include cross streets creating subdivision blocks.

- K. Section 43 includes provisions for large building sites.

FINDINGS: Based on the submitted layout, entire parcel will be subdivided and will not contain large tracts capable of further divisions.

- L. Section 44 addresses requirements for water courses, requiring dedication (if necessary) of right-of-way for storm drainage purposes.

FINDINGS: The developer is required to address storm drainage generated by the project. Compliance with this provision is determined when engineering plans are submitted.

- M. Section 45 allows the Commission to require the reservation of land for eventual public acquisition.

FINDINGS: With the exception of any right-of-way dedication, there is no apparent need to reserve land for future public use.

- N. Section 46 allows the Commission to deny a subdivision application if the land is unsuitable for that purpose.

FINDINGS: Based on the submitted information, the land appears to be entirely suitable for its proposed use.

- O. Section 47 addresses issues related to flood hazards and wetlands.

FINDINGS: There is no indication of wetlands on the subject site, nor is the parcel located within a flood hazard area.

- P. Sections 48 to 51 include regulations regarding improvement standards and requirements, monumentation and survey requirements.

FINDINGS: If approved, development of the site must comply with provisions in these Sections. Consistent with these Sections, all public facility improvements must conform to adopted design and construction standards with engineering plans reviewed and approved prior to construction.

IV. RECOMMENDATION AND CONDITIONS OF APPROVAL

City staff finds the proposal complies with the applicable Subdivision criteria and recommends the Planning Commission approve the application subject to the following Conditions:

- A. The applicant shall participate in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the participants include the Manzanita Department of Public Works, the Nehalem Bay Wastewater Agency, Nehalem Bay Fire and Rescue and private utility providers.
- B. The applicant shall submit an engineering plan for the entire development to the Manzanita Department of Public Works for review and approval. The engineering plan shall include information concerning storm water, street

improvements, easements, water and other information as necessary to indicate conformance with City standards. Concurrent with this submittal, the applicant shall submit a sewer plan to the Nehalem Bay Wastewater Agency.

- C. Subsequent to receiving approved engineering plans and prior to recording of the final plat, the applicant shall install public and private services within the subdivision as well as required off-site improvements. All improvements shall comply with the standards and requirements of the City of Manzanita and the Nehalem Bay Wastewater Agency.
- D. Upon completion of public facility improvements, a final plat, complying with provisions in ORS Chapter 92, shall be completed by a registered land surveyor and recorded within one year of the final decision. The final plat shall substantially conform to the proposed layout, with the proposed Lot 4 increased to a width of 40-feet.
- E. City review and recording the final plat shall be subject to applicable provisions in the Manzanita Ordinance 95-5.
- F. Development of each lot shall comply with the applicable development provisions of the High Density Residential/Limited Commercial Zone (R-4) contained in Ordinance 95-4.
- G. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

V. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
 - 1. Approve the application, adopting findings and conditions contained in the staff report;
 - 2. Approve the application, adopting modified findings and/or conditions;
 - 3. Deny the application, establishing findings as to why the application fails to comply with the decision criteria.
- B. Staff will prepare and Order for the Chair's signature.